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No. 140.]

BILL.

[1906.

An Act to Consolidate the Floating Debt of the
Town of Fort Frances.

WHEREAS the Municipal Corporation of the Town of Preamble.
Fort Frances has by petition represented that the said
Corporation has accumulated a floating debt over and above
the uncollected taxes applicable to the payment thereof, of
5 \$14,000, of which the sum of \$6,400 has been incurred for
completing and furnishing its Town Hall, the sum of \$1,640
in respect of an award against the Town by reason of the
widening of Church street in the said town, the sum of \$960
for law costs and expenses by reason of efforts of the cor-
10 poration to prevent and amend certain legislation in respect
of the Fort Frances Water Power, and the sum of \$5,000 for
permanent improvements in grading streets and building
sidewalks and a dock in the Rainy River; and the said
indebtedness is due and owing to various and sundry credi-
15 tors who are pressing for payment; and that the said muni-
cipality is unable to pay the said amount out of the current
rates or unless it can raise the same by the issue of deben-
tures for the said sum of \$14,000 payable principal and
interest in equal annual instalments as nearly as may be
20 spread over a period of twenty years; and the Municipal
Council of the said town has petitioned, praying that an Act
be passed to consolidate such indebtedness, and to authorize
the corporation to issue debentures in the sum of \$14,000
for the purpose of paying off such indebtedness, and whereas
25 it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1, The said floating debt of the Corporation of the Town floating debt
30 of Fort Frances is hereby consolidated at the said sum of consolidated.
\$14,000, and it shall and may be lawful for the said corpora-
tion to raise by way of loan, on the credit of the debentures

to be issued under the authority of this Act, from any person or persons or body corporate, the sum of \$14,000.

Issue of debentures for \$14,000 authorized.

2. It shall be lawful for the said corporation to pass a by-law providing for the issue of debentures under the Corporate Seal, signed by the Mayor and Treasurer for the time being, in sums of not less than \$100 each, and not exceeding the aggregate \$14,000, payable at such places as the corporation may deem expedient.

Term of debentures.

3. A portion of such debentures shall be made payable in each year, for a period not exceeding twenty years from the 10 date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to the aggregate amount payable for principal and interest during each of the other years of the period within which this debt is to be discharged; such 15 interest may be made payable by coupons to be attached to the said debentures, if the by-law so directs; and the said interest shall be payable at such rate not exceeding five per centum per annum as the said corporation may direct, and shall be payable yearly. 20

Hypothecation of debentures.

4. The said corporation may for the purposes herein mentioned raise money by way of loan on the said debentures, or sell and dispose of the same as may be deemed expedient.

Application of proceeds of debentures.

5. The said debentures and all moneys arising therefrom, shall be applied by the said corporation to the redemption of 25 the said floating debt of \$14,000, and in no other manner and for no other purpose whatsoever.

Assent of electors not required.

6. It shall not be necessary to obtain the assent of the electors of the Town of Fort Frances to the passing of any by-law or by-laws which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the 35 by-law or by-laws to be passed by the said corporation under the provisions of this Act.

3 Edw. VII., c. 19.

Irregularity in form not to invalidate.

7. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a 40 defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing debentures, or as to the application of the 45 proceeds thereof.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such By-law and interest thereon is fully paid and satisfied. By-law not to be repealed until debt satisfied.

9. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect to the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate"; and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them. Special rate.

10. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Fort Frances from any indebtedness or liability which may not be included in the indebtedness hereby consolidated. Indebtedness of town not discharged.

11. It shall be the duty of the Treasurer for the time being, of the said town, to keep, and it shall be the duty of each of the members from time to time of the said Municipal Council to procure such Treasurer to keep, and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures, and the applications which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said Town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures. Treasurer to keep proper books of account.

12. The by-law or by-laws authorizing the said debentures from time to time, may be in the form scheduled "A" to this Act with such variations as may be required. Form of by-law.

13. This Act may be cited as *The Town of Fort Frances Debenture Act 1906.* Short title of Act.

SCHEDULE A.

BY-LAW No. .

To authorize the issue of debentures under the authority of *The Town of Fort Frances Debenture Act, 1906*, being Chapter of the Statutes of Ontario, 1906.

Whereas the Municipality of the Town of Fort Frances has an outstanding floating indebtedness amounting over and above the uncollected taxes applicable to the payment of the same, to the sum of fourteen thousand dollars (\$14,000), accrued during the year 1905, and owing to sundry creditors who are pressing for payment.

And whereas the said municipality is altogether unable at the present time to pay the said debt or any part thereof, and to pay the same out of the annual rates would be unduly oppressive to the ratepayers of the said municipality.

And whereas it is desirable to raise the said sum of fourteen thousand dollars (\$14,000) by the issue of debentures of the said municipality, and to spread repayment thereof over a period of twenty years.

And whereas in order to raise the said sum of fourteen thousand dollars (\$14,000) to pay the said indebtedness, it will be necessary to issue debentures of the said municipality for the sum of fourteen thousand dollars (\$14,000), payable in annual instalments extending over twenty years, with interest thereon at the rate of five per centum per annum, payable yearly according to the coupons attached to the said debentures.

And whereas the said Act authorizes the issue of debentures in conformity herewith.

And whereas the amount of the whole rateable property of the Town of Fort Frances, according to the last revised assessment roll for the said town, being for the year 190 , was \$

Therefore the Municipal Corporation of the Town of Fort Frances enacts as follows :—

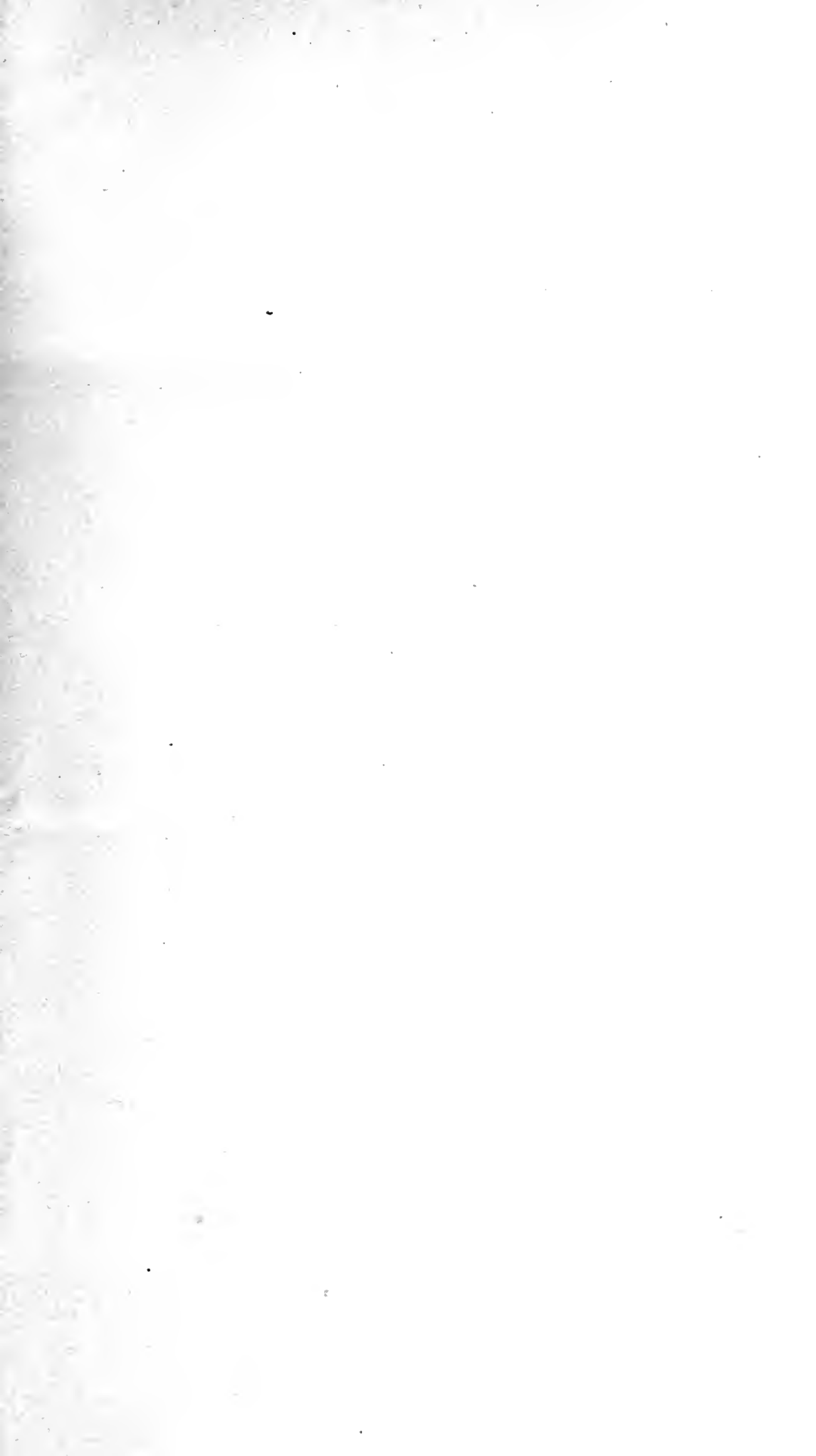
1. Debentures under the said Act for the purposes therein mentioned, to the extent of fourteen thousand dollars (\$14,000), repayable in twenty annual instalments of sufficient amount each year to make with the interest charged as nearly as possible an equal annual repayment of principal and interest combined, are hereby authorized and directed to be issued.

2. Such debentures shall bear interest at the rate of five per centum per annum, payable yearly on the day of in each year. (If interest is to be paid by coupons, add upon presentation as the same shall severally become due of the proper coupons to be annexed to said debentures.)

Read a first time in open council this 5th day of March, 1906.

Read a second time in open council the 5th March 1906.

Read a third time and passed in open council this day of 1906.



No. 140.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.
An Act to Consolidate the Floating Debt of
the Town of Fort Frances.

First Reading, , 1906.

(Private Bill.)

Mr. KENNEDY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

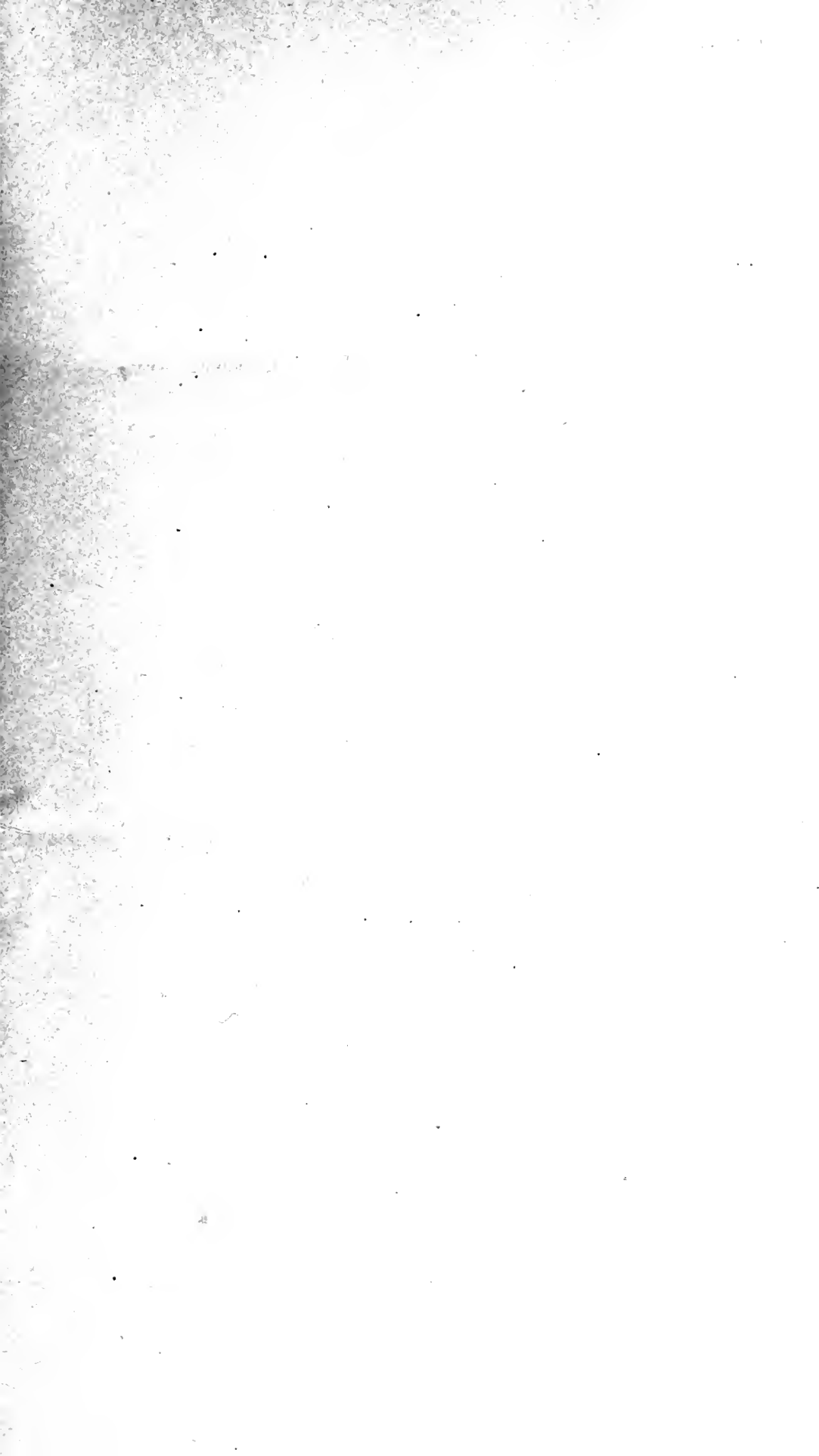
An Act respecting the Town of Fort William, 1906.

WHEREAS the Corporation of the Town of Fort William Preamble.
has by petition represented that the council of the
said town did on the first day of January, 1906, submit by-
law No. 396 of the said town to the duly qualified ratepayers
5 thereof, after duly publishing the said by-law in the issues of
the Fort William "Times-Journal," a newspaper published
daily in the said town; and whereas out of 830 votes entitled
to be cast in respect thereof, 584 were cast in favor thereof
and 73 against the same; and whereas the said corporation
10 has by petition further represented that the council of the
said town did, on the said first day of January, 1906, submit
by-laws numbered 397 and 398 of the said town, to the duly
qualified ratepayers in that behalf, together with estimates of
the proposed expenditure to be made under such by-laws,
15 after publishing the said by-laws and estimates in the said
Fort William "Times-Journal"; and whereas out of 830 votes
intituled to be cast in respect of each of such by-laws, the fol-
lowing was the result, namely: By-law No. 397—595 votes
in favor of and 90 against; by-law No. 398—590 votes in
20 favor of and 86 against; and whereas doubts have arisen as
to the validity of the three said by-laws; and whereas the
three said by-laws were finally passed by the council of the
said town on the tenth day of January, 1906, and duly regis-
tered in the Registry Office for the District of Thunder Bay;
25 and whereas the value of the rateable property of the said town,
according to the last revised assessment roll, is \$3,107,927,
and the debenture debt of the said town, exclusive of local
improvement debts, is \$509,858.09; and whereas no objection
has been made thereto on the part of any ratepayer; and
30 whereas no application has been made to quash or set aside
any of the said by-laws numbered 396, 397 and 398, nor is
any action pending wherein the validity of any of such by-
laws has been, or can be, called in question; and whereas the
said corporation has by petition prayed for special legislation
35 in respect of the above and other matters herein set forth;
and whereas it is expedient to grant the prayer of the said
petition;

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

By-laws Nos.
396, 397 and 398
of Town of
Fort William
confirmed.

1. The following by-laws of the said town, namely :—By-law No. 396, intituled “ A by law to further improve and extend the Water Works system of the said town and to provide for the raising of \$20,000, by way of debentures, necessary therefor ”; By-law No. 397, intituled “ A by-law to further improve and extend the Electric Light System of the said town and to provide for the raising of \$14,000, by way of debentures, necessary therefor ”; By-law No. 598, intituled “ A by-law to further improve and extend the Telephone System of the said town, and to provide for the raising of \$12,000, by way of debentures, necessary therefor,” are declared to be and to have always been, since the final passing thereof, valid, legal and existing by-laws of the said town, and the debentures now issued, or which may or shall hereafter be issued thereunder (when so issued) shall be legal and binding upon the said corporation and the ratepayers thereof.



No. 141.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting the Town of Fort
William, 1906.

First Reading, March, 1906

(Private Bill)

Mr. SMELLIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Fort William, 1906.

WHEREAS the Corporation of the Town of Fort William Preamble. has by petition represented that the council of the said town did on the first day of January, 1906, submit by-law No. 396 of the said town to the duly qualified ratepayers thereof, after duly publishing the said by-law in the issues of the Fort William "Times-Journal," a newspaper published daily in the said town; and whereas out of 830 votes entitled to be cast in respect thereof, 584 were cast in favor thereof and 73 against the same; and whereas the said corporation has by petition further represented that the council of the said town did, on the said first day of January, 1906, submit by-laws numbered 397 and 398 of the said town, to the duly qualified ratepayers in that behalf, together with estimates of the proposed expenditure to be made under such by-laws, after publishing the said by-laws and estimates in the said Fort William "Times-Journal"; and whereas out of 830 votes intitled to be cast in respect of each of such by-laws, the following was the result, namely: By-law No. 397—595 votes in favor of and 90 against; by-law No. 398—590 votes in favor of and 86 against; and whereas doubts have arisen as to the validity of the three said by-laws; and whereas the three said by-laws were finally passed by the council of the said town on the tenth day of January, 1906, and duly registered in the Registry Office for the District of Thunder Bay; and whereas the value of the rateable property of the said town, according to the last revised assessment roll, is \$3,107,927, and the debenture debt of the said town, exclusive of local improvement debts, is \$509,858.09; and whereas no objection has been made thereto on the part of any ratepayer; and whereas no application has been made to quash or set aside any of the said by-laws numbered 396, 397 and 398, nor is any action pending wherein the validity of any of such by-laws has been, or can be, called in question; and whereas the said corporation has by petition prayed for special legislation in respect of the above and other matters herein set forth; and whereas it is expedient to grant the prayer of the said petition;

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

By-laws Nos. 396, 397 and 398 of Town of Fort William confirmed.

1. The following by-laws of the said town, namely:—By-law No. 396, intituled "A by law to further improve and extend the Water Works system of the said town and to provide for the raising of \$20,000, by way of debentures, necessary therefor"; By-law No. 397, intituled "A by-law to further improve and extend the Electric Light System of the said town and to provide for the raising of \$14,000, by way of debentures, necessary therefor"; By-law No. 398, intituled "A by-law to further improve and extend the Telephone System of the said town, and to provide for the raising of \$12,000, by way of debentures, necessary therefor," as set out in Schedules "A," "B" and "C" hereto, are declared to be and to have always been, since the final passing thereof, valid, legal and existing by-laws of the said town, and the debentures now issued, or which may or shall hereafter be issued thereunder (when so issued) shall be legal and binding upon the said corporation and the ratepayers thereof.

Certain additional levies to be made in each year for sinking fund.

2. The corporation are hereby required in each year during the currency of the debentures authorized by the said respective by-laws to raise and levy on all the rateable property in the said municipality in addition to the amounts required by the said by-laws the respective sums following:—

In the case of By-law No. 396 the sum of \$34.11.

In the case of By-law No. 397 the sum of \$23.88.

In the case of By-law No. 398 the sum of \$20.46.

and place the said amounts to the credit of the sinking fund required in respect of the said by-laws.

"SCHEDULE "A."

Public notice is hereby given that hereunder are the estimates of the proposed expenditure of \$20,000 for the improving and extending the waterworks system of the Town of Fort William, sought to be provided by the said town, under the by-law published herewith, namely:

Balance unprovided from 1905	\$2,304 00
Proposed extension 1906 as follows:	
Vickers street, 2500 8 inch, 3 Hy.	\$2,560 00
Isabella street, 400 4 inch, 2 Hy.	290 00
Catharine street, 600 feet, 4 in., 2 Hy.	525 00
Walsh street, 300 feet, 6 in., 1 Hy.	325 00
Ridgeway street, 400 feet, 4 in., 1 Hy.	2,756 00
Arthur street, 250 feet, 4 in., 1 Hy.	125 00
Harold street, 600 feet, 4 in., 1 Hy.	500 00
Norah street, 1800 feet, 6 in., 4 Hy.	1,150 00
Dease street, 350 feet, 6 in., 1 Hy.	335 00
Wiley street, 650 feet, 6 in., 1 Hy.	500 00
Robertson street, 1700 feet, 4 in., 3 Hy. ...	660 00

Francis and Syndicate, 1,000 ft., 4 in., 2 Hy.	675 00
Gore street, 600 feet, 6 in., 2 Hy.	582 00
Victor street, 500 feet, 6 in., 1 Hy.	461 00
Arthur street, 650 feet, 6 in., 1 Hy.	500 00
McIntosh and McLaughlin, 600 feet, 4 in. ...	525 00
	<hr/>
	\$12,469 00
300 service connections	3,300 00
Labor, engineering and contingencies	1,926 10
	<hr/>
Total	\$20,000 00

TOWN OF FORT WILLIAM. BY-LAW No. 396.

A By-law to further improve and extend the Waterworks System of the said Town, and to provide for the raising of \$20,000 by way of debentures necessary therefor.

Whereas the commissioners and council of the said Town deem it expedient to further improve and extend the waterworks system of the said town as set out in the above statement;

And whereas the council of the said town deem it expedient that the further sum of \$20,000 should be provided therefor;

And whereas the said sum of \$20,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said Town of Fort William, according to the last revised assessment roll, is \$3,107,927;

And whereas the existing debenture debt of the said town, exclusive of local improvement debentures, amounts to \$509,858.09, made up as follows:

Waterworks debenture debt	\$ 93,500 00
Electric light debenture debt	100,000 00
Telephone debenture debt	35,000 00
General debenture debt	281,358 09

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$91,104.78 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of said corporation to the amount of \$20,000, bearing interest at four and one-half per cent. per annum;

And whereas it will require the sum of \$900.00 to be raised annually for a period of twenty years, the currency of the debenture to be issued under and by virtue of this by-law to pay the interest of the said debt and the sum of \$637.52 to be raised annually during the said period for the payment of the said principal debt intended to be created by this by-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes payable, making in all the sum of \$1,537.52 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$1,537.52 to be raised annually for the period of twenty years by a special rate on the whole rateable property in the said town for the payment of the said debt and interest as aforesaid;

Therefore the corporation of the Town of Fort William enacts as follows:

1. It shall and may be lawful for the mayor of the said corporation and he is hereby empowered to borrow the said sum of \$20,000 on the credit of the said corporation for the purposes aforesaid and to issue debentures of the said corporation to the amount of \$20,000 in sums of not less than \$100 each, payable within twenty years from the day when this by-law shall come into force and to bear interest at four and one-half per centum per annum, payable half-yearly on the first day of the months of September and March in each year respectively during the currency of the said debentures.

2. The said debentures shall bear date as of the 1st day of March, 1906, shall be signed by the mayor and treasurer thereof and sealed with the corporate seal.

3. Within the period of twenty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said Town of Fort William, in addition to all other rates, levies and assessments, the said sum of \$900 to pay the interest on the said debentures, and also the further sum of \$637.52 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the said sum of \$1,537.52 to be raised annually as aforesaid.

4. The said debenture shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal and interest shall be payable at the office of the town treasurer, Fort William, Ont.

5. Every debenture to be issued hereunder shall 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 the municipality, be transferable, except by the treasurer or his deputy in the debenture registry of the said corporation in the said Town of Fort William," or to like effect.

6. That this by-law shall come into force on the first day of March, 1906.

7. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the first day of January, 1906, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day as follows:

In Ward One—At J. W. Robertson's house; deputy returning officer, J. W. Robertson.

In Ward Two (Subdivision No. 1)—In sample room at the Avenue hotel, McVicar street; deputy returning officer, J. R. Lumby.

In Ward Two (Subdivision No. 2)—At Town Hall; deputy returning officer, John McNaughton.

In Ward Three—In George Coates' office; deputy returning officer, Wm. Palling.

In Ward Four—At Fire Hall; deputy returning officer, G. B. Smith.

8. That on Saturday, the 30th day of December, 1905, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the town clerk for the purpose of appointing in writing signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

9. That on Tuesday, the 2nd day of January, 1906, at the hour of ten o'clock in the forenoon, at the offices of the Town of Fort William, the clerk of the said town will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the Town of Fort William, as witnessed by the hand of its mayor and clerk, this 10th day of January, 1906.

Signed, E. S. RUTLEDGE,
Mayor.

Signed, A. McNAUGHTON,
Clerk.

(Seal.)

SCHEDULE "B."

Public notice is hereby given that hereunder are the estimates of the proposed expenditure of \$14,000 for the improvement and extension of the electric light system of the Town of Fort William, sought to be provided by the said town, under the by-law published herewith, namely:

Poles and fittings	\$1,150 00
Wire	3,825 00
Transformers	600 00
Arc regulator and switchboard	2,000 00
One thousand h. p. watt meter	500 00
Substation and grounds	3,500 00
Horse and light wagon	300 00
Labor and incidentals	2,125 00
Total	\$14,000 00

TOWN OF FORT WILLIAM BY-LAW No. 397.

A By-law to further improve and extend the Electric Light System of the said Town, and to provide for the raising of \$14,000 by way of debentures necessary therefor.

Whereas the commissioners and council of the said town deem it expedient to further improve and extend the electric light system of the said town as set out in the above statement;

And whereas the council of the said town deem it expedient that the further sum of \$14,000 should be provided therefor;

And whereas the said sum of \$14,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said Town of Fort William, according to the last revised assessment roll, is \$3,107,927;

And whereas the existing debenture debt of the said town, exclusive of local improvement debentures, amounts to \$509,858.09, made up as follows:

Waterworks debenture debt	\$ 93,500 00
Electric light debenture debt	100,000 00
Telephone debenture debt	35,000 00
General debenture debt	281,358 09

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$91,104.78 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of the said corporation to the amount of \$14,000 bearing interest at four and one-half per cent. per annum.

And whereas it will require the sum of \$630 to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this by-law to pay the interest of the said debt and the sum of \$446.26 to be raised annually during the said period for the payment of the said debt intended to be created by this by-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes payable, making in all the sum of \$1,076.26 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$1,076 26 to be raised annually for the period of twenty years by a special rate on the whole rateable property in the said town for the payment of the said debt and interest as aforesaid;

Therefore the corporation of the Town of Fort William enacts as follows:

1. It shall and may be lawful for the mayor of the said corporation and he is hereby empowered to borrow the said sum of \$14,000 on the credit of the said corporation for the purposes aforesaid and to issue debentures of the said corporation to the amount of \$14,000 in sums of not less than \$100 each payable

within twenty years from the day of the coming into force of this by-law and to bear interest at four and one-half per centum per annum, payable half-yearly on the first day of the months of September and March in each year respectively during the currency of the said debentures.

2. The said debentures shall bear date as of the first day of March, 1906, shall be signed by the mayor and treasurer thereof and sealed with the corporate seal.

3. Within the said period of twenty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said Town of Fort William, in addition to all other rates, levies and assessments, the said sum of \$630 to pay the interest on the said debentures and also the said further sum of \$446.26 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the said sum of \$1,076.26 to be raised annually as aforesaid.

4. The said debenture shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal and interest shall be payable at the office of the town treasurer, Fort William, Ont.

5. Every debenture to be issued hereunder shall 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 the municipality, be transferable, except by the treasurer or his deputy in the debenture registry of the said corporation in the said Town of Fort William," or to like effect.

6. That this by-law shall come into force on the first day of March, 1906.

7. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the first day of January, 1906, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day as follows:

In Ward One—At J. W. Robertson's house; deputy returning officer, J. W. Robertson.

In Ward Two (Subdivision No. 1)—In sample room at the Avenue hotel, McVicar street; deputy returning officer, J. R. Lumby.

In Ward Two (Subdivision No. 2)—At Town Hall; deputy returning officer, John McNaughton.

In Ward Three—In George Coates' office; deputy returning officer, Wm. Palling.

In Ward Four—At Fire Hall; deputy returning officer, G. B. Smith.

8. That on Saturday, the 30th day of December, 1905, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the town clerk for the purpose of appointing in writing signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

9. That on Tuesday, the 2nd day of January, 1906, at the hour of ten o'clock in the forenoon, at the offices of the Town of Fort William, the clerk of the said town will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the Town of Fort William, as witnessed by the hand of its mayor and clerk, this 10th day of January 1906.

Signed, E. S. RUTLEDGE, Mayor.

Signed, A. McNAUGHTON, Clerk.

(Seal.)

SCHEDULE "C."

Public notice is hereby given that hereunder are the estimates of the proposed expenditure of \$12,000 for the improvement and extension of the telephone system of the Town of Fort William, sought to be provided by the said town, under the by-law published herewith, namely:

Poles and fittings	\$1,185 00
Wire and cable	3,500 00
Switchboard extension	1,500 00
Branch exchange for Westfort	1,500 00
Telephones and repair parts	2,500 00
Labor and incidentals	1,815 00
Total	\$12,000 00

TOWN OF FORT WILLIAM BY-LAW NO. 398.

A By-law to further improve and extend the Telephone System of the said Town, and to provide for the raising of \$12,000 by way of debentures necessary therefor.

Whereas the commissioners and council of the said town deem it expedient to further improve and extend the telephone system of of the said town as set out in the above statement;

And whereas the council of the said town deem it expedient that the further sum of \$12,000 should be provided therefor;

And whereas the said sum of \$12,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said Town of Fort William, according to the last revised assessment roll, is \$3,107,927;

And whereas the existing debenture debt of the said town, exclusive of local improvement debentures, amounts to \$509,858.09, made up as follows:

Waterworks debenture debt	\$ 93,500 00
Electric light debenture debt	100,000 00
Telephone debenture debt	35,000 00
General debenture debt	281,358 09

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$91,104.78 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of the said corporation to the amount of \$12,000 bearing interest at four and one-half per cent. per annum;

And whereas it will require the sum of \$540 to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this by-law to pay the interest of the said debt and the sum of \$382.51 to be raised annually during the said period for the payment of the said debt intended to be created by this by-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes payable, making in all the sum of \$922.51 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$922.51 to be raised annually for the period of twenty years by a special rate on the whole rateable property in the said town for the payment of the said debt and interest as aforesaid;

Therefore the corporation of the Town of Fort William enacts as follows:

1. It shall and may be lawful for the mayor of the said corporation and he is hereby empowered to borrow the said sum of \$12,000 on the credit of the said corporation for the purposes aforesaid and to issue debentures of the said corporation to the amount of \$12,000 in sums of not less than \$100 each payable

within twenty years from the day of the coming into force of this by-law and to bear interest at four and one-half per centum per annum, payable half-yearly on the first day of the months of September and March in each year respectively during the currency of the said debentures.

2. The said debentures shall bear date as of the first day of March, 1906, shall be signed by the mayor and treasurer thereof and sealed with the corporate seal.

3. Within the said period of twenty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said Town of Fort William, in addition to all other rates, levies and assessments, the said sum of \$540 to pay the interest on the said debentures and also the said further sum of \$382.50 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the said sum of \$922.51 to be raised annually as aforesaid.

4. The said debenture shall have attached thereto coupons for the payment of interest thereon and the said debenture as to principal and interest shall be payable at the office of the town treasurer, Fort William, Ont.

5. Every debenture to be issued hereunder shall 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 the municipality, be transferable, except by the treasurer or his deputy in the debenture registry of the said corporation in the said Town of Fort William," or to like effect.

6. That this by-law shall come into force on the first day of March, 1906.

7. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the first day of January, 1906, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day as follows:

In Ward One—At J. W. Robertson's house; deputy returning officer, J. W. Robertson.

In Ward Two (Subdivision No. 1)—In sample room at the Avenue hotel, McVicar street; deputy returning officer, J. R. Lumby.

In Ward Two (Subdivision No. 2)—At Town Hall; deputy returning officer, John McNaughton.

In Ward Three—In George Coates' office; deputy returning officer, Wm. Palling.

In Ward Four—At Fire Hall; deputy returning officer, G. B. Smith.

8. That on Saturday, the 30th day of December, 1905, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the town clerk for the purpose of appointing in writing signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

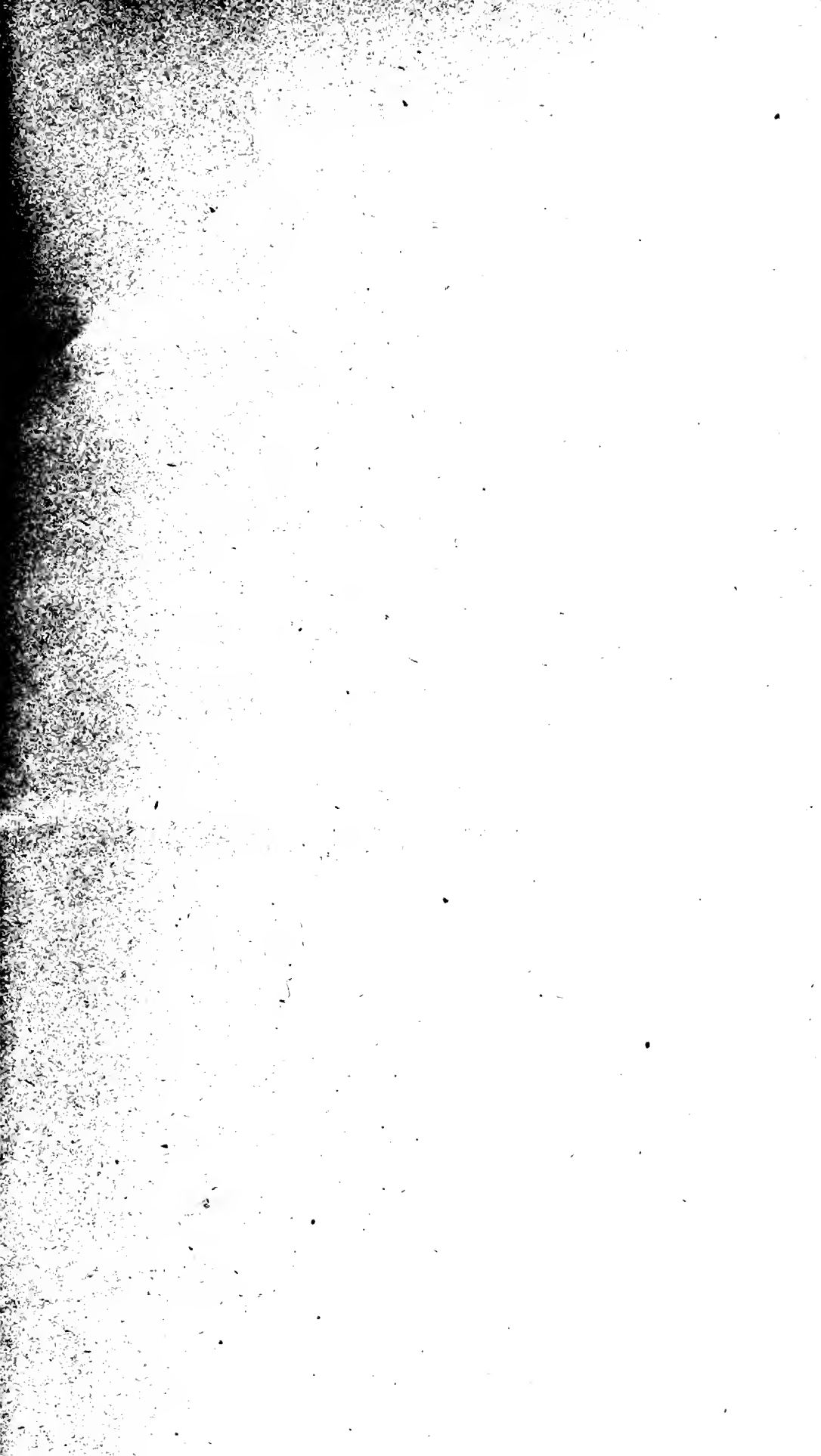
9. That on Tuesday, the 2nd day of January, 1906, at the hour of ten o'clock in the forenoon, at the offices of the Town of Fort William, the clerk of the said town will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the Town of Fort William, as witnessed by the hand of its mayor and clerk, this 10th day of January 1906.

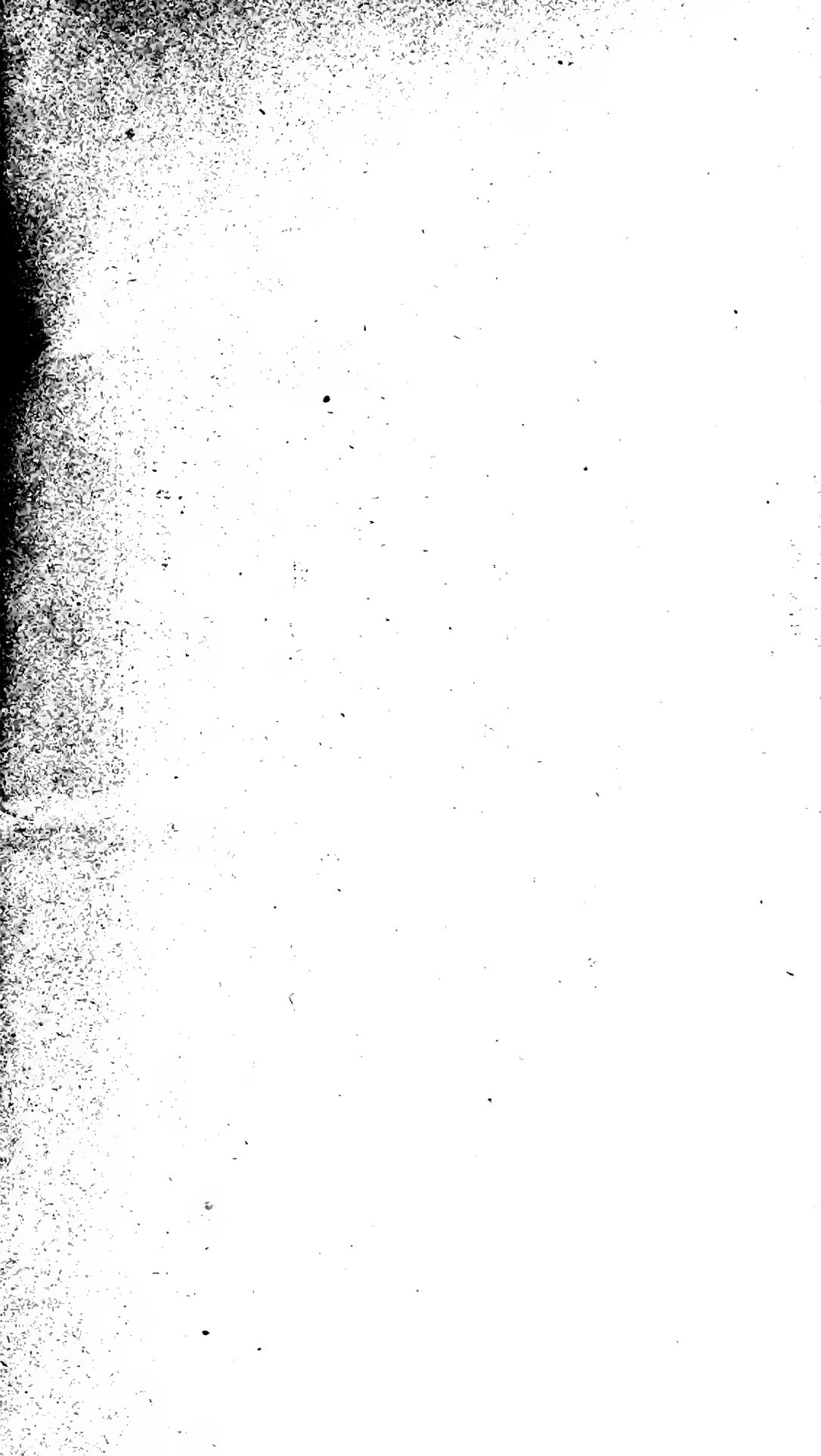
Signed, E. S. RUTLEDGE,
Mayor.

Signed, A. McNAUGHTON,
Clerk.

(Seal.)







No. 141.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting the Town of Fort
William, 1906.

First Reading, 22nd March, 1906

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

Mr. SMELLIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Act respecting The Incorporation and Regulation of Mining Companies.

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

1. Section 5 of *The Ontario Mining Companies' Corporation Act* is amended by adding thereto the following subsections:

Rev. Stat.,
c. 197, s. 5
amended.

(6) Any company, which has issued fully paid-up shares not subject to call, if it sees fit, at any time may by a by-law provide for making one or more calls or assessments on such stock so issued, or to be issued, as may be considered sufficient for the due carrying out of the undertaking of the company and advisable.

By-laws for making calls on stock issued as fully paid-up.

(7) No such by-law shall have any force or effect whatever until after it has been sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy, at a general meeting of the company duly called for considering the subject of such by-law, and has afterwards been confirmed by supplementary letters patent; provided, however, that the Lieutenant-Governor may in his discretion refuse to approve of the company's petition for such supplementary letters patent, and from the date of such approval the by-law shall be valid and may be acted upon.

By-law to be approved by a vote of two-thirds in value of shareholders present.

(8) In the event of any call or calls of shares in such company to which supplementary letters patent have been granted shall remain unpaid by the holder thereof for a period of sixty days after notice and demand of payment, such shares may be declared to be in default, and the secretary of the company may advertise such shares for sale, and the provision of sub-section 4 hereof shall be applicable in all respects to such companies and the shareholders thereof.

Declaring shares in default for non-payment of calls.

(9) Any shareholder in any such company shall not be personally liable for non-payment of any calls made upon his shares.

Shareholders not personally liable for non-payment of calls.

No. 142.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act respecting the
Incorporation and Regulation of Mining
Companies.

First Reading, 12th March, 1906.

Mr. GAMEY.

TORONTO:
PRINTED BY I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 143.]

BILL.

[1906.

An Act to amend The Act respecting Companies for supplying Steam, Heat, Electricity, or Natural Gas for Heat, Light or Power.

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

1. Section 4 of *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, is amended by inserting after the word "water" of the third line, the words "and any amendments thereto, heretofore, or hereafter made." Rev. Stat., c. 200, s. 4, amended.

No. 143.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas, for Light, Heat or Power.

First Reading, 12th March, 1906.

Mr. CAMERON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 144.]

BILL.

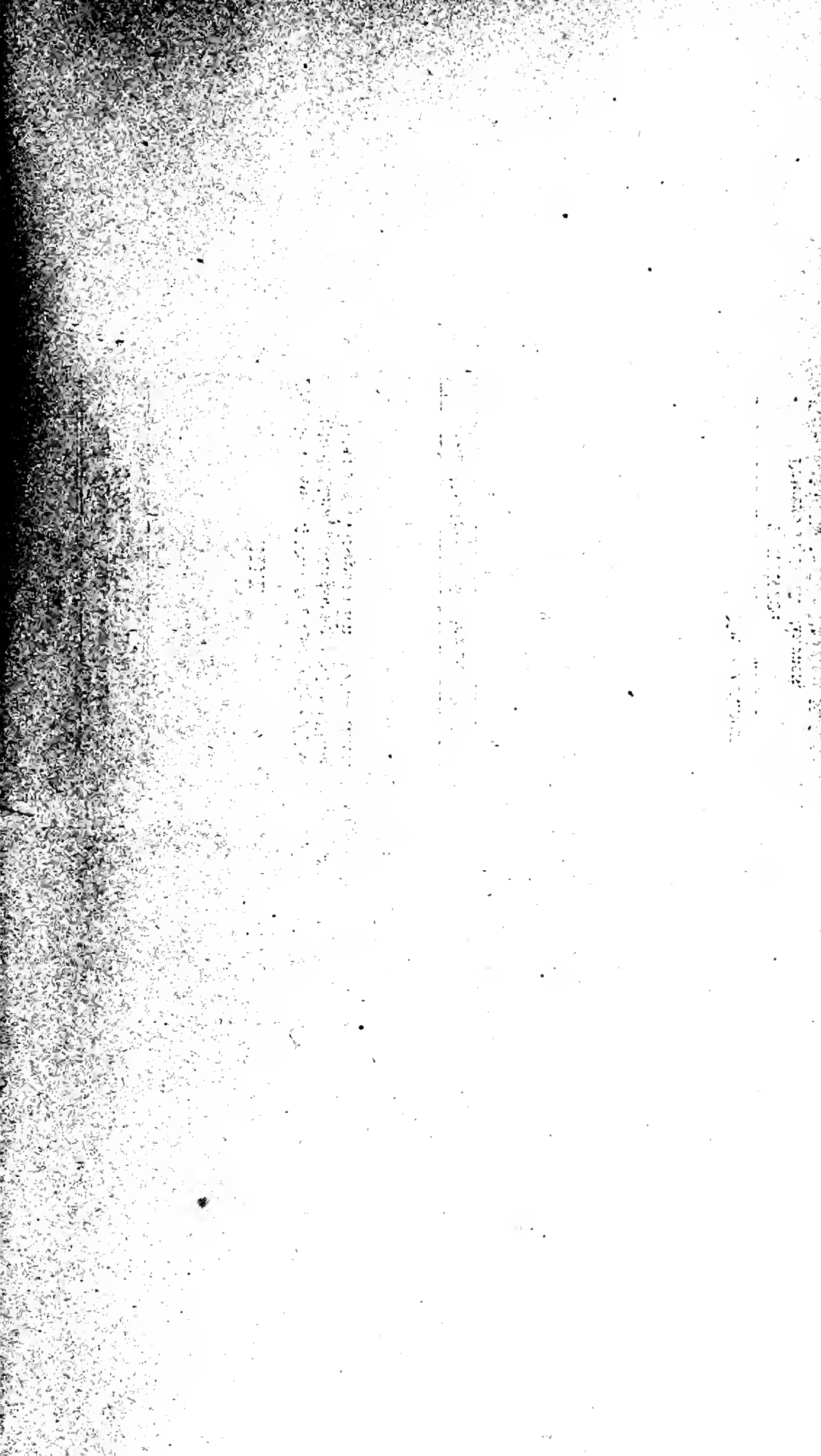
[1906.

An Act to amend The Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

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

1. Section 12, *The Act respecting Joint Stock Companies* Rev. Stat. c. 199, s. 12, amended.
5 *for Supplying Cities, Towns and Villages with Gas and Water*, as amended by Section 1 of Chapter 17 of the Acts passed in the fifth year of His Majesty's reign, is further amended by adding after the word "placed" in the second line of the said section, the following words: "or any
10 municipality lying adjacent to or adjoining a municipality in which such works are erected or placed, may, subject to the provisions of Clause a of Section 700, of *The Consolidated Municipal Act*, 1903, as to obtaining the assent of the ratepayers, guarantee the payment of the bonds or debentures of such Company or"
15
- Municipalities taking stock in companies.





No. 144.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act respecting Joint
Stock Companies for supplying Cities,
Towns and Villages with gas and water.

First Reading, 12th March, 1906.

Mr. CAMERON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Unorganized Territory Act.

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

1. Section 24 of *The Unorganized Territory Act* is amended 5 by adding thereto the following subsection: Rev. Stat. c. 109, s. 24, amended.

(3.) The Clerk of the Peace for the District shall attend the meetings of the selectors of jurors and in a book to be kept for that purpose, shall enter their proceedings and resolutions, but he shall have no voice in the selection of jurors 10 and shall in no case advise or express an opinion whether any name ought to be placed upon or omitted from the list of jurors. Attendance of Clerk of the Peace at selection of jurors.

2. Inasmuch as doubts have arisen as to the validity of the last selection of jurors for the District of Parry Sound, 15 it shall be lawful for the selectors of jurors for the said District, and it shall be their duty to meet forthwith and make a new selection of jurors for the present year, and the selection, which shall be so made by them shall be the true and only selection of jurors for the present year for the said 20 District. Selection of jurors in Parry Sound for 1905.

No. 145.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Unorganized Territory Act.

First Reading, 12th March, 1906.

Mr. Roy

TORONTO:

PRINTED BY L. K. CAMERON,

No. 146.

BILL.

1906.

An Act respecting Steam, Electric and Street Railways.

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

SHORT TITLE.

Short title.

1. This Act may be cited as "*The Ontario Railway Act, 1906.*" Ont. Ry. Act, R.S.O. 1897, c. 207, s. 1.

INTERPRETATION.

Interpretation of words.

2. Where the words following occur in this Act, and in the special Act incorporating any Railway or Street Railway Company, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"The Special Act."

(1) "The Special Act," shall be construed to mean any Ont. Ry. Act, Act authorizing the construction of a railway or street railway, whether operated by steam, electricity or other motive power, and with which this Act is incorporated; and in all cases where this Act is made applicable to street railways or street railway companies the words "the special Act" shall include a charter of incorporation of a street railway company under the Great Seal of the Province of Ontario: R.S.O. 1897, c. 207, s. 2 (2), amended.

"Prescribed."

(2) "Prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same is prescribed or provided for in the special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 2(2-4)

"The Lands."

(3) "The Lands" shall mean the lands which by the special Act are authorized to be taken or used for the purposes thereof; Dom. Ry. Act, sec. 2 (a), amended.

- "The Undertaking." (4) "The Undertaking" shall mean the railway and works of whatever description, by the special Act authorized to be executed. Dom. Ry. Act, 1903, s. 2 (*b.d.*)
- "Board." (5) "Board" shall mean "The Ontario Railway and Municipal Board."
- "By-law." (6) "By-law," when referring to the Act of the company shall include a resolution; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (1-7).
- "Costs." (7) "Costs" shall include fees, counsel fees, and expenses; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (8), amended.
- "Lands." (8) "Land" or "lands" shall include all real estate, mesuages, lands, tenements and hereditaments of any tenure;
- "Lease." (9) "Lease" shall include any agreement for a lease;
- "Toll." (10) "Toll" shall include any rate or charge or other payment payable under this Act or the special Act for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the railway;
- "County." (11) "County" shall include any union of counties, and any district; Dom. Ry. Act, 1903, s. 2 (*h*).
- "County Court Judge." (12) "County Court Judge" shall include a Judge of a District Court; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (9).
- "Highway." (13) "Highways" shall mean any public road, street, lane, and other public way or communication;
- "Street." (14) "Street" shall include any highway.
- "Sheriff." (15) "Sheriff" shall include the Deputy Sheriff; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace" shall, in such case, be construed to mean the Sheriff or Clerk of the peace of the district, county, city, or place where such lands are situate; and if the lands in question, being the property of one and the same person, are situate not wholly in one district, county, city, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such district, county, city, or place where any part of such lands is situate; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (10).
- "Clerk of the Peace." (16) "Goods" shall include personal property of every description that may be conveyed upon the railway, or upon steam vessels, or other vessels connected with the railway;
- "Goods." (17) "Justice" shall mean Justice of the Peace or Stipendiary or Police Magistrate acting for the district, coun-

ty, city, or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of the same person, situate not wholly in any one district, county, city or place, the word "Justice" shall mean a Justice or Stipendiary or Police Magistrate acting for the district, county, city or place where any part of such lands is situate, and who is not interested in such matter;

"Owner."

(18) "Owner" (where, under the provisions of this Act or the special Act, any notice is required to be given to the owner of any lands, or where any Act is authorized or required to be done with the consent of any such owner) shall be understood to mean any corporation or person who, under the provisions of this Act or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company;

"The Company."

(19) "The company" shall mean the company or person authorized by the special Act to construct the railway or street railway (if the section of the Act in which the words occur is applicable by its terms to street railways), and shall include all persons or corporations leasing or operating any railway. New—See Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (11), amended

"The Railway."

(20) "The railway" shall mean the railway and works by the special Act authorized to be constructed; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (12).

"Street Railway."

(21) "Street railway" shall mean a railway or tramway operating wholly or partially on a highway, and the tracks of which are within the boundaries of a city or town, and are not continued for a distance of more than one and a half miles therefrom. New.

"Shareholder."

(22) "Shareholder" shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (14)

"Inspecting engineer."

(23) "Inspecting engineer" shall mean an engineer who is directed by the Board to examine any railway or works, and shall include two or more engineers when two or more are so directed. Dom. Ry. Act, 1903, s. 2 (j), amended.

"Working expenses."

(24) "Working expenses" shall mean and include all expenses of maintenance of the railway, and all such tolls, rents or annual sums as are paid in respect of property leased to or held by the company, apart from the rent of any leased line, or in respect of the hire of rolling stock, let to the company; also all rent charges or interest on the purchase money of lands belonging to the company purchased but not paid for or not fully paid for; and also expenses of or incidental to working the railway, and Dom. Ry. Act, 1903, sec 2 (cc)

the traffic thereon, including all necessary repairs and supplies to rolling stock while on the lines of another company; also rates, taxes, insurance and compensation for accidents or losses; also, all salaries and wages of persons employed in and about the working of the railway and traffic; and all office and management expenses, including directors' fees, agency, legal and other like expenses; also all costs and expenses of and incidental to the compliance by the company with any order of the Board under this Act; and generally all such charges, if any, not above otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenue as distinguished from capital account;

Traffic. (25) "Traffic" shall include passengers, goods and rolling stock.

"Rolling stock." (26) "Train" shall include any engine, motor car or other rolling stock; Dom. Ry. Act, 1903, s. 2 (3) (t) (u).

(27) "Rolling stock" shall mean and include any locomotive, engine, motor, car, tender, snow plough, flanger, and every description of car or of railway equipment designed for movement, on its wheels, over or upon the rails or tracks of the company;

"Secretary." (28) "Secretary" shall mean the Secretary of the Board.

APPLICATION OF ACT.

Application of Act. 3.—(1) This Act shall, unless otherwise expressed, apply New—See Dom. to all persons, companies, railways and street railways when Ry. Act, 1903, so expressed (other than Government railways) within the s. 3. legislative authority of the Legislature of Ontario, and whether such railways are operated by steam, electricity or other motive power, and whether constructed and operated on highways or on lands owned by the company or partly on highways and partly on such lands, and shall be incorporated and construed, as one Act, with the special Act, subject as herein provided.

(2) No section of this Act shall apply to street railways New. unless it is so expressed and provided.

Any section may be excepted by Special Act. (3) Any section of this Act may, by any special Act Dom. Ry. Act, passed by the Legislature, be excepted from incorporation 1903, s. 4, therewith, or may thereby be extended, limited or qualified. amended. It shall be sufficient, for the purposes of this section, to refer to any section of this Act by its number merely.

Or may be extended, limited or qualified. 4. If in any special Act heretofore passed by the Leg-Dom. Ry. Act, islatre it is enacted that any provision of *The Rail-1903, s. 5,* way Act, or of *The Electric Railway Act*, or of *The* amended.

Street Railway Act in force at the time of the passing of such special Act, is excepted from incorporation therewith, or if the application of any such provision is, by such special Act, extended, limited or qualified, the corresponding provision of this Act shall be taken to be excepted, extended, limited or qualified, in like manner; and, unless otherwise expressly provided in this Act, where the provisions of this Act and of any special Act passed by the Legislature relate to the same subject-matter, the provisions of the special Act shall be taken to override the provisions of this Act in so far as is necessary to give effect to such special Act.

As to exceptions, etc., previous to this Act.

Conflict between this Act and Special Act.

INCORPORATION.

5.—(1) Every company incorporated under a special Act shall be a body corporate under the name declared in the special Act, and shall be invested with all such powers, privileges and immunities as are necessary to carry into effect the intentions and objects of this Act and of the special Act, and are incident to such corporation, or are expressed or included in *The Interpretation Act*.

Companies established under special Acts declared to be bodies corporate, etc.

(2) This section shall apply to street railway companies.

ORGANIZATION OF THE COMPANY.

Offices.

6. The head office of the company shall be in the place designated in the Special Act, but the company may, by by-law, from time to time, change the location of its head office to any place in Ontario, notice thereof to be given to the Secretary of the Board who shall keep a register for the purpose.

Head office.

Change of location.

Provisional Directors.

7.—(1) The persons mentioned by name as such in the Special Act are hereby constituted provisional directors of the company, and of such provisional directors a majority shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed and make calls upon subscribers in respect of their stock, and sue for and recover the same, and receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking and enter into any agreement authorized by this Act or by the Special Act with the person or

Provisional directors.

Majority quorum.

Powers.

Deposit of moneys.

Dom. Ry. Act, 1903, s. 52.

Dom. Ry. Act, 1903, s. 53. (See also Penitentiary & Orillia Ry. Co., 5 Edw.) VII, c. 105, s. 5.

corporation making such grant, loan, bonus or gift respecting the condition or disposition thereof and cause plans and surveys to be made, and deposit in any chartered bank of Canada having an office in Ontario moneys received by them on account of stock subscribed, which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the company for any cause whatsoever.

(2) The said provisional directors shall have power to add to their number, or to substitute for any member of the said Board of provisional directors. (whether named in the Special Act, or by the said provisional directors) who may desire to resign or withdraw from his position as a provisional director of the said company, any other person as a provisional director thereof; and all such persons as shall, from time to time, be provisional directors of the said company, pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

Allotment of stock.

(3) If more than the whole stock has been subscribed, the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if in their judgment such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the head office of the company or at such other place in the Province of Ontario as may best suit the interests of the company.

Capital.

Capital stock and shares.

8.—(1) The capital stock of the company, the amount of which shall be stated in the Special Act; shall be divided into shares of one hundred dollars each; 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 the Special Act, and for making the surveys, plans and estimates of the works authorized by the Special Act; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the railway, and other purposes of the undertaking.

Application of proceeds.

(2) So soon as twenty-five per centum of the capital stock is subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the lawful purposes of the company, the said provisional direct-

ors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in the *Ontario Gazette*, and in at least one newspaper published in the place where the head office is situate, of the time, place and purpose of the said meeting.

When subscribers may call first general meeting.

(3) If the provisional directors neglect to call such meeting for three months after twenty-five per centum of the capital stock shall have been subscribed and ten per centum thereof paid up the same may be called by any five of the subscribers who have so paid up ten per centum and who collectively have subscribed for not less than twenty-five shares of the capital stock in the company and who have paid up all calls thereon. (See *Belleville Ry.*, 3 Edw. VII, c. 90, s. 9.)

Number of directors and term of office, etc.

(4) At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act; and the said board may employ and pay one of their number as managing director. (See *Peneanguishene and Orillia Ry.*, 5 Edw. VII, c. 105, s. 11.)

Increase of capital stock.

9. The original capital stock of the company may, with the approval of the Board, be increased, from time to time, to any amount, if such increase is sanctioned by a vote, in person or by proxy, of the shareholders who hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressly called by the directors for that purpose by a notice in writing to each shareholder, delivered to him personally, or properly directed to him and deposited in the post office at least twenty days previously to such meeting, stating the time, place and object of such meeting, and the amount of the proposed increase; and the proceedings of such meeting shall be entered in the minutes of the proceedings of the company, and thereupon the capital stock may, with such approval, be increased to the amount sanctioned by such vote. (Dom. Ry. Act, 1903, s. 57.)

Notice of meetings and object.

Entry in minutes.

General Meetings.

Annual meetings.

10.—(1) A general meeting of the shareholders for the election of directors and for the transaction of other business connected with or incident to the undertaking, to be called "the annual meeting," shall be held annually on the day mentioned in the special Act; and other general meetings, to be called "special meetings," may be (Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 53 (1).)

Special meetings.

called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene such special meeting, for twenty-one days thereafter fail to call such meeting.

(2) The annual meetings shall be held at the head office New. of the company.

Special general meetings.

(3) Special general meetings of the shareholders of the (See Manitoulin company may be held at such places in the Province of and Iron Range Ontario and at such times and in such manner and for such Ry., 5 Edw. purposes as may be provided by the by-laws of the company, VII, c. 105, upon such notice as is provided in section 11 of this Act. s. 18.)

Notice of meetings,

11. At least two weeks' public notice of any meeting of the shareholders shall be given by advertisement published in the *Ontario Gazette*, and in at least one newspaper published in the place where the head office is situate—in which notice shall be specified the place and the day and the hour of meeting; all such notices shall be published weekly, and a copy of the *Gazette* containing such notice shall, on production thereof, be evidence of the sufficiency of such notice.

Evidence.

What business may be transacted.

12.—(1) Any business connected with or incident to the undertaking may be transacted at an annual meeting, excepting such business as by this Act is required to be transacted at a special meeting; but no special meeting shall enter upon any business not set forth in the notice upon which it is convened.

Votes on shares.

(2) The number of votes to which each shareholder shall be entitled on every occasion when the votes of the shareholders are to be given, shall be in proportion to the number of shares held by him, and on which all calls due have been paid.

Shareholders may vote by proxy.

(3) Every shareholder, whether resident in Canada or Ont. Electric elsewhere, may vote by proxy, if he sees fit, and if such Ry. Act, R.S.O. proxy produces from his constituent an appointment in 1897, c. 209, writing, in the words or to the effect following, that is to s. 54, (1-4.) say :

Form of proxy. Votes by proxy valid.

I, _____ of _____, one of the shareholders of the _____ do hereby appoint _____ to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the undertaking of the said _____ that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he the said _____ thinks proper.
In witness whereof, I have hereunto set my hand and seal, the _____ day of _____ in the year _____

Majority to govern.

(4) The votes by proxy shall be as valid as if the constituents had voted in person but no person shall be qualified to be appointed a proxy who is not himself a shareholder in the company and every matter or thing proposed or considered at any meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company.

Certified copies of minutes, etc.

13.—(1) Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any annual or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute book, kept by the secretary of the company, and by him certified to be true copies extracted from such minute books, and when sealed with the company's seal shall, without proof of the signature of such secretary, be evidence of such proceedings and resolutions in any court.

Evidence.

Notices by secretary valid.

(2) All notices given by the secretary of the company in order of the directors shall be deemed notices by the directors of the company.

President and Directors.

Election of board of directors.

14.—(1) A board of directors of the company to manage its affairs, the number of whom shall be stated in the special Act, and a majority of whom shall form a quorum, shall be chosen at the annual meeting; and if such election is not held on the day appointed therefor, the directors shall cause such election to be held at a special meeting duly called for that purpose within as short a time as possible after the day so appointed.

Who entitled to vote.

(2) On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held.

Vacancies, how to be filled up.

(3) Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws.

Who qualified to be a director.

(4) No person shall be a director unless he is a shareholder, owning at least *ten* shares of stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen.

Term of office of directors.

(5) The directors appointed at the last election or those appointed in their stead, in case of vacancy, shall remain in office until the next ensuing election of directors.

Vacancies.
how supplied.

(6) In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the remaining directors; but if such appointment is not made such death, absence or resignation shall not invalidate the acts of the remaining directors.

President.

(7) The directors shall, at their first or at some other meeting after the election elect one of their number to be the president of the company, who shall, always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president.

Vice-President.

Quorum.

(8) The directors at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the owners vested in the directors.

Acts of majority to bind the whole.

(9) The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors.

Casting vote.

(10) No director shall have more than one vote at any meeting, except the chairman, who shall, in case of a division, of equal numbers, have the casting vote.

Directors to be subject to shareholders and by-laws.

15. The directors shall be subject to the control of the Ont. Electric Ry. Act, R.S.O. s. 55 (1-11).
shareholders at their annual meetings, and to all by-laws of the company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the special Act.

Contractors with company not to be directors.

16. No person concerned or interested in any contracts under or with the company, or being a surety for any contractor shall be capable of being chosen a director, or of holding or continuing in the office of director or provisional director, nor shall any person being a director or provisional director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company; and in the event of any such contract being made by or on behalf of any director or provisional director or promoter an action shall lie in any court of competent jurisdiction against such director or provisional director or promoter at the suit of any shareholder of the company or of any municipality through which any part of the railway passes, for the benefit of the funds of the company, for the whole amount of profit

accruing to such director, provisional promoter or director from the contract so made or fulfilled.

By-laws for management of stock, etc.

17. The directors may make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of this Province, and for the appointment of all officers, servants and artificers, and for prescribing their respective duties and salaries.

May appoint officers.

18. The directors may from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their offices, as the directors think proper.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 55 (13) (14).

Retirement of officers, etc.

19. The directors may by by-law or resolution provide for the retirement of such of the company's officers and servants, on such terms as to an annual allowance or otherwise, as in each case the directors, in the interest of the company's service and under the circumstances, consider just and reasonable.

Dom. Ry. Act, 1903, s. 80 (c).

Remuneration of directors.

20. The directors may be paid such reasonable remuneration for their services as may be sanctioned by the shareholders by resolution passed at the annual general meeting to be held for the purpose of electing the successors of such directors.

Vice-president to act in the absence of the president.

21. In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all debentures, and other instruments, and perform all acts which by the regulations and by-laws of the company or by this Act are required to be signed, performed and done by the president.

Absence of president may be entered in the minutes, and certified, etc.

22. The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of \$1, and such certificate shall be taken and considered as *prima facie* evidence of such absence, or illness at and during the period in the said certificate mentioned in all proceedings in courts of justice or otherwise.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 55 (15-17).

Directors to cause annual accounts to be kept.

23. The directors shall cause to be kept, and annually on the 31st day of December, shall cause to be made up and balanced, a true, exact and particular account of all

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s.

moneys collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company. 55, (18) part.

Calls.

- Calls.** 24.—(1) The directors may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year than the amount prescribed in the special Act, but nothing herein contained shall prevent the directors from making more than one call by one resolution of the board: Provided, that the intervals between such calls, the notices of each call, and the other provisions of this Act and of the special Act, in respect of calls, are duly observed and given. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 35. See also Dom. Ry. Act, 1903, s. 85.
- Notice of meetings, how published. (2) All notices of calls upon the shareholders of the company shall be published weekly in the *Ontario Gazette*, and the said *Gazette* shall on production thereof, be sufficient evidence of such notice having been given. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 35 (2). See also Dom. Ry. Act, 1903, s. 86.
- Payment of calls, how to be made. (3) Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the company or the directors.
- Interest to be chargeable on unpaid calls. (4) If, before or on the day appointed for payment any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the legal rate for the time being, from the day appointed for the payment thereof to the time of the actual payment.
- Amount of call may be recovered by suit. (5) If at the time appointed for the payment of a call, a shareholder fails to pay the amount of the call, he may be sued for the same in any court of competent jurisdiction, and the same may be recovered, with lawful interest from the day on which the call became payable.
- What formalities necessary in actions for calls. (6) In an action to recover money due upon a call, it shall not be necessary to set forth the special matter, but it shall be sufficient to state 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 arrear amount, in respect of one call or more, upon Ont. Ry. Act, R.S.O. 1897, c. 207, s. 35 (3-6).

one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act.

Shares and their Transfer.

Shares may be transferred.

25.—(1) Shares in the company may, by the holders thereof, be sold and transferred by instrument in writing, made in duplicate—one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry whereof shall be made in a book to be kept for that purpose, and no interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered. Dom. Ry. Ac 1903, s. 95.

Form of transfer.

(2) Transfers shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:—

I, *A. B.*, in consideration of the sum of _____ paid to me by *C. D.*, hereby do sell and transfer to him _____ share (or shares) of stock of the _____, to hold to him the said *C. D.*, his executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I the said *C. D.* do hereby agree to accept the said _____ share (or shares) subject to the same rules, orders and conditions.

Witness our hands this _____ day of _____ in the year 19 .

Shares to be personal estate—transfer of.

26. The stock of the company shall be personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid.

Transmission of shares, other than by transfer, provided for.

27. If any share in the company is transmitted by the death, bankruptcy, or last will, donation or testament, or by the intestacy, of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is so transmitted shall deposit in the office of the company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary; without which such person shall not be entitled to receive any share of the profits of the company, or to vote in respect of any such share as the holder thereof.

Company not bound to see to execution of trusts.

28. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the person in whose name any share stands in the books of the company, or if it stands in the name

of more persons than one, the receipt of one of the persons named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of the trusts; and the company shall not be bound to see to the application of the money paid upon such receipts.

Ont. Electric
Ry. Act, R.S.O.
1397, c. 209, s.
58 (2-5).

Certificate of
proprietorship
prima facie
evidence.

29.—(1) The certificate of proprietorship of a share shall be admitted in all Courts as *prima facie* evidence of the title of any person, his executors, administrators, successors or assigns, to the share therein specified.

Want of
certificate not
to prevent
disposing of
shares.

(2) The want of such certificate shall not prevent the holder of any share from disposing thereof.

Penalty for
refusal to pay
calls.

(3) Shareholders neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking and all the profit and benefit thereof; all which forfeitures shall go to the company for the benefit thereof.

Forfeiture of
share to be
taken advan-
tage of only at
a general
meeting.

(4) No advantage shall be taken of the forfeiture unless the same is declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture occurred.

Effect of
forfeiture as
to liabilities.

(5) Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking.

Ont. Electric
Ry. Act, R.S.O.
1897, c. 209, s.
56 (7-11).

Sale of forfeited
shares.

30. The directors may sell, either by public auction or private sale, any shares so declared to be forfeited, upon authority therefor having been first given by the shareholders either at the general meeting at which such shares were declared to be forfeited or at any subsequent general meeting; and any shareholder may purchase any forfeited share so sold.

Limitation.

31. The company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited shares is more than sufficient to pay all arrears of calls and in-

Dom. Ry. Act,
1903, s. 106.

terest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter.

Payment of arrears before sale.

32. If payment of such arrears of calls and interest and expenses is made before any share so forfeited and vested in the company is sold, such share shall revert to the person to whom it belonged before such forfeiture, in such manner as if such calls had been duly paid. Dom. Ry. Act 1903, s. 105.

Certificate of treasurer to be evidence of forfeiture and of title in purchaser.

33. A certificate of the treasurer of the company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and if the certificate so states, of their purchase by the purchaser; and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares; and the certificate shall be, by the said treasurer, registered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books to be kept by the company; and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money,—and his title to such shares shall not be affected by any irregularity in the proceedings in reference to such sale; and any shareholder may purchase any share so sold.

Interest on advance made by shareholder to company.

34. Any shareholder who is willing to advance the amount of his shares, or any part of the money due upon his shares, beyond the sums actually called for, may pay the same to the company,—and upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay such interest, at the lawful rate of interest for the time being, as the shareholders, who pay such sum in advance, and the company agree upon; but such interest shall not be paid out of the capital subscribed. Dom. Ry. Act 1903, s. 107.

No interest to be paid out of capital.

Shareholders.

Shareholders individually liable till shares paid up.

35. Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up in cash; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder. Ont Electric Ry. Act, R.S. 1897, c. 209, 59 (1).

Account of names and residence of shareholders to be kept.

36. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other proceedings and transactions of the company and of the directors for the time being and such account shall be open to the inspection of the shareholders.

Rights of aliens.

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

Preference Stock.

Preference stock by-law for issuing.

38.—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Special rights of preference shareholders.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to elect a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Unanimous sanction required.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy, at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company the company may petition the Board for an order approving the said by-law, and the Board may approve thereof and from the date of such approval the by-law shall be valid and may be acted upon.

Special proviso.

Rights and liabilities of preference shareholders.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law. (See Hamilton, Guelph and North Shore Ry., 5 Edw. VII., c. 93, s. 58.)

Rights of creditors preserved.

(5) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the company.

Dividends and Interest.

Declaration of dividends.

39.—(1) The directors may, at a general meeting, declare a dividend to be paid out of the net profits of the undertaking.

Division of profits.

(2) Such dividends shall be divisible among the shareholders in proportion to the amounts paid up in cash upon the shares held by them respectively.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 57 (2).

Reserve fund.

40. The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve fund, to meet contingencies, or for equalizing dividends, or for repairing, maintaining, renewing or extending the railway or any portion thereof, and shall submit their action in regard to such reserve fund to the shareholders at a general meeting for their approval; and the directors may invest the sum so set apart as a reserve fund in such securities as they select, not however inconsistent with this or the special Act.

Dom. Ry. Act, 1903, s. 92.

Dividend not to impair capital, etc.

41. No dividend shall be declared whereby the capital of the company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be paid, in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call has been paid; but the directors may, in their discretion, until the railway is completed and opened to the public, pay interest at any rate not exceeding five per centum per annum, on all sums actually paid in cash in respect of the shares, from the respective days on which the same have been paid; and such interest shall accrue and be paid at such times and places as the directors appoint for that purpose.

Dom. Ry. Act, 1903, s. 93.

Interest may be paid on calls pending opening of road.

Application of annual revenue.

42. No part of the annual revenue of the company shall be applied to expenditure on capital account or otherwise than as by this Act prescribed, and all moneys received in payment for shares or as proceeds of mortgages, bonds, debentures or other securities sold by the company shall be applied and expended for the purposes of the undertaking as in this Act prescribed and not otherwise.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 57 (5).

No interest on shares in arrear.

43. No interest shall accrue to the proprietors of any share upon which any call is in arrear in respect of such share or any other share to be holden by the same holder while such call remains unpaid, nor shall any interest be paid or taken from the capital subscribed.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 36 (5).

Arrears may be deducted from dividends.

44. The directors may deduct, from any dividend payable to any shareholder, all or any such sum or sums of

Dom. Ry. Act, 1903, s. 94 (2).

money as are due from him to the company on account of any call or otherwise.

Bonds, Mortgages, and Borrowing Powers.

Issue of bonds authorized.

45.—(1) The directors of the company, under the authority of the shareholders, to them given at any special meeting, called for the purpose in the manner provided by this Act, or at any annual meeting for which like notice of intention to apply for such authority has been given as is required in the case of a special meeting, and at which meeting, whether annual or special, shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the Special Act contained, issue bonds, debentures, perpetual or terminating debenture stock, or other securities, signed by the president or other presiding officer and countersigned by the secretary, which countersignature and the signature to the coupons attached to the same may be engraved; and such securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding five per cent. per annum, as the directors think proper.

Procedure.

When and where payable. Interest.

(2) The directors may issue and sell or pledge all or any of the said bonds, debentures, or other securities, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(3) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(4) The power of issuing bonds conferred upon the company hereby or under the special Act shall not be construed as being exhausted by such issue; but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled; but the limit to the amount of bonds, debentures or other securities fixed in the special Act shall not be exceeded.

Mortgages securing bonds, etc.

46.—(1) The company may secure such bonds, debentures, or other securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall until default is made in the payment of such bonds or debentures or other securities or in the payment of any interest therein be subject in the first instance to the payment of any penalty imposed for

Dom. Ry. Act. 1903, s. 111 (1).

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9, (19 a.c).

non-compliance with the requirements of this Act respecting returns to be made under this Act and next to the payment of the working expenditure of the railway.

(2) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures, or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

Mortgages may be limited.

(3) The company may except from the operation of any such mortgage deed any assets, property, rents or revenue of the company, and may declare and provide therein that such mortgage shall only apply to and affect certain sections or portions of the railway or property of the company, but where any such exception is made, the company shall in such mortgage deed expressly specify and describe, with sufficient particularity to identify the same, the assets, property, rents or revenue of the company, or the section or portions of the railway, not intended to be included therein or conveyed thereby.

Mortgage to be deposited with Provincial Secretary and notice given.

(4) Every such mortgage deed and every assignment thereof or other instrument in any way affecting such mortgage or security shall be deposited in the office of the Board, of which deposit notice shall forthwith be given in the *Ontario Gazette*. Such mortgage deed or other instrument need not be registered under the provisions of any law respecting registration of instruments affecting real or personal property.

Evidence.

(5) A copy of any such deed or instrument so deposited, certified to be a true copy by the Secretary, shall be received as *prima facie* evidence of the original in all courts without proof of the signature of such official.

Bonds, etc., how ranked.

47. The bonds, debentures or other securities, hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as hereinbefore provided.

48. Each holder of the said bonds, debentures or other securities, shall be deemed to be a mortgagee or incumb-

rancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed.

Rights of holders of bonds, etc., upon default in payment.

49.—(1) If the company makes default in paying the principal or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(2) The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security, in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares.

(3) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

Bonds, etc., mode of transfer of.

50. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares. Ont. Ry. Act, R.S.O. 1897. c. 207, s. 9 (21-23).

Power to borrow money by overdraft, etc.

51. The company may, for the purposes of the undertaking, borrow money by overdraft or upon promissory note, warehouse receipt, bill of exchange or otherwise upon the credit of the company and become party to promissory notes and bills of exchange; and every such note or bill made, drawn, accepted or endorsed, by the president or vice-president of the company, or other officer author- Dom. Ry. Act, 1903, s. 116.

ized by the by-laws of the company, and countersigned by the secretary of the company, shall be binding on the company; and every such note or bill of exchange so made, drawn, accepted or endorsed shall be presumed to have been made, drawn, accepted or endorsed with proper authority; until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary or other officer of the company, so authorized be individually responsible for the same, unless such promissory note or bill of exchange has been issued without proper authority; but nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

No seal
necessary.

Notes not to
be payable
to bearer.

52. The sections relating to "Organization of the company" being sections numbers 23 to 72 inclusive shall apply to street railway companies.

POWERS.

Powers:

53. The company shall have power and authority—

(1) To survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity, with double or single steel tracks; and the said railway, or any part thereof so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, and in *The Municipal Act*, and any Act or Acts amending the same. Ont. Electric O. Ry. Act, R.S. 1897, c. 209, s. 9 (c), amended.

To receive
grants of
land, etc.;

Purchase
land;

(2) To receive, take and hold all voluntary grants and donations of land or other property or any bonus of money or debenture or other benefit of any sort made to it, to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (1).

(3) To purchase, hold and take of any person any land or other property necessary for the construction, maintenance, Ont. Ry. Act, R.S.O. 1897, c.

accommodation and use of the railway, and also to alienate, sell or dispose of the same so soon as, for any reason, it has become not necessary for the purposes of the company. 207, s. 9 (2).
See Dom. Ry. Act, 1903, s. 118 (c).

Carry railway across lands of corporations, and others;

(4) To make, carry or place the railway across or upon the lands of any person on the line of the railway or within the distance from such line stated in the special Act, although through error or other cause the name of such person has not been entered in the book of reference hereinafter mentioned, or although some other person has been erroneously mentioned as the owner of, or entitled to convey, or is interested in such lands;

And across or along streams, etc.

(5) To construct, maintain and work the railway across, along or upon any stream of water, water course, canal or highway which it intersects or touches; but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the Company to its former state, or to such state as not to impair its usefulness; but this shall not authorize the obstruction of the navigation of any navigable water;

Warehouses, docks, etc.

(6) To purchase land for, and erect power-houses, warehouses, elevators, docks, stations, workshops, and offices and to sell and convey such land as may be found superfluous for any such purpose, and to purchase and acquire stationary or locomotive engines, motors, carriages, waggons and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway; and to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Branch railways;

(7) To make branch railways, if required and provided for by the special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the railway;

Convey persons and goods on railway;

(8) To take, transport, carry and convey persons and goods on the railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensations to be paid therefor, and to receive such tolls and compensation; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (8-10).

Enter upon lands, etc.;

(9) To enter into and upon the lands of any corporation or person whatsoever lying in the intended route or line of the railway; and, with the consent of the Lieutenant-Governor in Council in that behalf, into and upon any lands of His Majesty the property of this Province.

- Make survey of lands;** (10) To make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the railway, and to set out and ascertain such parts of the lands as are necessary and proper for the railway; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (11-12).
- Remove trees,** (11) To fell or remove any trees standing in any woods, lands or forests, where the railway passes, to the distance of six rods from either side thereof. The company shall make full compensation to the owner of any tree so cut down and the amount of such compensation shall on the application of the owner be determined by the Board. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (13).
- Construct embankments, bridges, drains, fences, etc.** (12) To make or construct in, upon, across, under or over any railway, tramway, river, stream, watercourse, canal, or highway, which it intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences;
- Divert high-ways and waterways.** (13) To divert, or alter, as well temporarily as permanently, the course of any such river, stream, watercourse, or highway, or raise or sink the level thereof, in order the more conveniently to carry the same over, under or by the side of the railway;
- Construct drains.** (14) To make drains or conduits into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;
- Divert drains, pipes, and wires.** (15) To divert or alter the position of any water-pipe, gas-pipe, sewer or drain, or any telegraph, telephone, or electric lines, wires or poles;
- Alter and substitute other works.** (16) From time to time to alter, repair or discontinue the before-mentioned works, or any of them, and substitute others in their stead;
- Unite with other railways;** (17) To cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection; and the owners of both railways may unite in forming such intersection, and grant the facilities therefor; and the amount of compensation to be made therefor, the point and manner of such crossing and connection, shall be determined by the Board as provided by section — of this Act. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (14) amended.
- (18) To do all other acts necessary for the construction, maintenance and operation of the railway in pursuance of and according to the meaning and intent of this Act, and of the special Act;

But not without application to the Commissioner of Public Works; 54. The company shall not avail itself of any of the powers contained in subsection 20 of section 53 of this Act without application to the Board, of which application notice in writing shall be given to any other railway affected, by

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (15) amended.

sending the same by mail, or otherwise, to the address of the president, superintendent, managing director or secretary of any such company, for approval of the mode of crossing, union or intersection proposed; and when such approval has been obtained, it shall be lawful for either railway, in case of disagreement as to the amount to be paid for compensation, to proceed for such compensation as provided in the said sub-section.

Application of last preceding two sub-sections.

55. The provisions of the last preceding section and the provisions for the ascertainment of compensation contained in subsection 20 of section 53 of this Act shall not extend or apply to any railway incorporated under an Act of the Legislature of Ontario, in any case in which it is proposed that such railway shall cross, intersect, join, or unite with, or be crossed, intersected, joined or united with a railway under the legislative control of Canada. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (16).

Compensation for damage.

56. The company shall, in the exercise of the powers by this or the Special Act granted, do as little damage as possible, and shall make full compensation, in the manner herein or in the Special Act provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers. Dom. Ry. Act, 1903, s. 120.

Occupy public lands, beaches, etc.

57.—(1) The railway company shall not take possession of, use or occupy any lands belonging to the Province, without the consent of the Lieutenant-Governor-in-Council; but with such consent such company may take and appropriate for the use of their railway and works, but not alienate, so much of the wild lands of the Province lying on the route of the railway as have not been granted or sold, and as may be necessary for the railway, as also so much of the public beach or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said railway and works; Ont. Ry. Act, R.S.O., 1897, c. 207, s. 9 (3).

(2) The extent of the public beach or of the land covered with water of any river or lake in the Province of Ontario taken for the railway shall not exceed the quantity limited in section — of this Act.

Changes may be made in the line of a railway at any time for certain purposes.

58. A company which desires at any time to change the location of its line of railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage, may, with the leave of the Board, make such change; and all the clauses of this Act shall refer as fully to the part of any such line of railway so at any time changed or proposed to be changed as to the original line; but no railway company shall have any right to extend its line of railway beyond the termini mentioned in the Act incorporating the company. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (18).

Telegraph and Telephone Lines.

Telephone and telegraph lines.

59.—(1) Except as provided in subsection 3 and 4 of this Hamilton, section the company may construct and operate an electric Guelph and telegraph line and a telephone line throughout and along North Shore Ry. the whole line of railway, and the branches thereof, or any (See 5 Edw. part of the said railway or branches, and for the purpose of VII., c. 93, constructing, working and protecting the said telegraph and s. 25). telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; provided, also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

Proviso.

Municipal telephone systems, connections with.

(2) Whenever any municipal corporation or person has Dom. Ry. Act, authority to construct, operate and maintain a telephonic 1903, s. 193. system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of the company, in such district, and cannot agree with the company with respect thereto, such municipal corporation or person may apply to the Board for leave therefor, and the Board may order the company to provide for such connection or communication upon such terms as to compensation as the Board deems just and expedient, and may order and direct how, when, where, by whom and upon what terms and conditions such telephonic connection or communication shall be constructed, operated and maintained.

Wires, etc., across railway.

(3) No lines or wires for telegraphs, telephones, or the conveyance of light, heat, power or electricity, shall be erected, placed or maintained across the railway without leave of the Board.

Plans to be submitted to Board.

(4) Upon any application for such leave, the applicant Dom. Ry. Act, shall submit to the Board a plan and profile of the part 1903, s. 194. of the railway proposed to be affected showing the proposed location of such lines and wires and the works contemplated in connection therewith; and the Board may grant such application and may order by whom, how, when, and on what terms and conditions, and under what supervision, such work shall be executed; and upon such order being made such lines and wires may be erected, placed and maintained across the railway subject to and in accordance with such order.

Order by Board.

Hiring or Leasing Rolling Stock.

Agreements with other companies for leasing or hiring rolling stock.

60. It shall be lawful for the directors of the company (See Hamilton, Guelph and North Shore Act, 5 Edw. VII., c 93, s. 24). to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons for leasing, hiring or use of any engines, locomotives, motors, cars, carriages, rolling stock and other moveable property, from such companies or persons for such time or times and on such terms as may be agreed upon, and also to enter into agreements with any other railway company or companies if so lawfully authorized, for the use by one or more of such contracting companies, of the engines, locomotives, motors, cars, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Interchange of Traffic.

One Company may agree with another respecting traffic.

61.—(1) The directors of any railway company may at any time, and from time to time, make and enter into any agreement or arrangement with any other company, either in this Province or elsewhere, for the regulation and interchange of traffic passing to and from the railways of the said companies, and for the working of the traffic over the said railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management, and working of the railways, or any of them, or any part thereof, and of any railway in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two-thirds of the shareholders, voting in person or by proxy.

Ont. Ry. Act, R.S.O., 1897, c. 207, s. 77.

(2) Every railway company shall, according to their respective powers, afford all reasonable facilities to any other railway company for the receiving and forwarding and delivering of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks, and other vehicles; and no such company shall give or continue any preference or advantage to or in favour of any particular company, or any particular description of traffic, in any respect whatsoever, nor shall such company subject any particular company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever; and every railway company having or working a

Ont. Ry. Act, R.S.O., 1897, c. 207, s. 7(81).

Railway Companies must afford each other every facility for the forwarding of traffic, with out preference or favour.

railway which forms part of a continuous line of railway, or which intersects any other railway or which has a terminus, station or wharf of the one near a terminus, station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding by the one of such railways, all the traffic arriving by the other, without any unreasonable delay and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered in the using of such railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said several railway companies.

Penalty on Companies or their officers refusing or neglecting to forward traffic, as above required.

(3) If any officer, servant or agent of a railway company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such company, for conveyance over or along the railway from that of any other company, intersecting or coming near to such first-mentioned railway, or in any way wilfully contravenes the provisions of the next preceding section—such first-mentioned railway company, or such officer, servant or agent, personally, shall, for every such neglect or refusal, incur a penalty not exceeding \$50 over and above the actual damages sustained.

Ont. Ry. Act,
R.S.O., 1897,
c. 207, s. 79.

How recoverable, and how to be applied.

(4) Any complaint alleging a contravention of this section or of any part thereof shall be heard and determined by the Board.

Amalgamation and Running Arrangements with other Companies.

Agreements with other companies.

62.—(1) The company shall have the power to agree for connection and making running arrangements with any other railway company, the lines of which are approached or crossed by the line or lines of the company, if lawfully empowered to enter into any such agreement, upon terms to be authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the company to enter into any agreement or agreements with any such company if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway or the use thereof or for the sale or leasing or hiring any engines, locomotives, motors, carriages, or cars or any of them or of any part thereof or touching any service to be rendered by one company to the other and the compensation therefor if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and

(See Hamilton, Guelph and North Shore Ry., 5 Edw. VII., c.3, s. 53 (1).)

every such agreement shall be valid and binding according to the terms and tenor thereof subject to sub-section 3 of this section, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line.

(2) The company may contract and agree with any other railway company the lines of which are approached or crossed by the line or lines of the company if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by vote of the shareholders in person or by proxy representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid at a general meeting specially called for that purpose. (See Hamilton, Guelph and North Shore Ry., 5 Edw. VII., c. 93, s. 53, (2)).

(3) No such agreement for amalgamation, connections, running arrangements, sale, leasing or hiring of the railway or any portion thereof shall be of any force or effect until approved by resolution of the Board, and every such agreement shall be subject to such terms, conditions and regulations, general or special, as the Board may from time to time order. New.

RIGHTS OF DISSENTING SHAREHOLDERS ON AMALGAMATION, ETC.

Purchase of stock of dissenting shareholder.

63.—(1) If any shareholder in any railway or street railway company which has by by-law or resolution determined to build an extension or branch, or to purchase or lease any other line of railway or street railway or to unite or amalgamated with any other railway company or street railway company or to sell all or a portion of its railway to any other such company or to purchase all or a portion of the railway of any other such company, shall dissent from such by-law or resolution at the meeting at which such by-law or resolution is passed, which dissent shall be entered in the minutes, such shareholder shall, if such by-law or resolution is valid, or so soon as it shall by ratification by statute or otherwise if ratification is required, become valid, be entitled to demand and receive from the shareholders who voted for such resolution the amount of the value of the stock held in such company by such dissenting shareholder.

(2) In case of dispute as to the proper value of such shares, the dissenting shareholder may petition the Board to decide the same, and the Board, after due notice to all parties, shall proceed to fix and determine the same, and the judgment of the Board as to such value shall be final.

(3) The sum so fixed shall so soon as the shares are transferred to such person or persons as the Board shall direct and the transfer deposited with the Board, become a joint and several debt from the shareholders who voted for such by-law or resolution, to such dissenting shareholder and the said sum may be recovered in any Court of competent jurisdiction.

(4) This section shall apply to street railway companies.

PLANS AND SURVEYS.

64. Plans and surveys and books of reference shall be made and corrected as follows:

(1) Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a book of reference for the railway, in which shall be set forth—

- (a) A general description of the said lands;
- (b) The names of the owners and occupiers thereof, so far as they can be ascertained; and
- (c) Everything necessary for the right understanding of such map or plan.

(2) The map or plan and book of reference shall be examined and if in all respects satisfying the provisions of this Act and the special Act shall be certified by the Board who shall keep one copy thereof on file in the office of the Board.

(3) The company shall also deposit copies thereof, of such parts thereof as relate to each district or county through which the railway is to pass, duly certified as copies by the Secretary, in the offices of the Clerks of the Peace of such districts or counties respectively.

(4) Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Secretary, or to the Clerks of the Peace, at the rate of ten cents for every hundred words so extracted or copied. Any person feeling aggrieved by the proposed location of the line of railway may within ten days after the deposit of the map or plan and book of reference aforesaid in the office of the Clerk of the Peace of the district or county where the lands are situated, the location through which is complained of, apply to the Board, setting forth his objections to the location of the proposed line, and the Board shall if it considers sufficient cause therefor exists, appoint a disinterested engineer, who shall examine the said proposed line, and after hearing the parties he shall confirm or alter the same as may be consistent with the just rights

Plans and
Books of
reference.

By whom
certified.

Copies.

Appeal against
proposed loca-
tion of line.

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 10 (1).

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 10 (2),
amended; see
also Dom. Ry.
Act, 1903, s. 124.

of all parties and of the public. The determination of the engineer approved by the Board shall, within ten days after his appointment, be made and certified, and such certificate shall be filed in the office of the Clerk of the Peace for the district or county where the lands are situated.

(5) The said engineer shall be entitled to reasonable fees for each day employed in connection with the said examination and work, together with his actual expenses incurred therein, and the amount shall in the first instance be paid by the person applying for his appointment, but if the proposed route is altered or changed by the engineer, the railway company shall refund to the applicant the amount so paid. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 10 (3), amended.

Omissions how remedied.

(6) Any omission, misstatement or erroneous description of such lands or of the owners or occupiers thereof, in a map or plan or book of reference, may on application by any party interested and after giving ten days' notice to the owners of the lands, be corrected by the Board on application made to them for that purpose, and if it appears to them that the omission, misstatement or erroneous description arose from mistake the Board shall certify the same accordingly.

Contents of certificate.

(7) The certificate shall state the particulars of such omission, and the manner thereof, and shall be deposited with the Clerks of the Peace of the districts or counties respectively in which such lands are situate and be kept by them along with the other documents to which they relate; and thereupon the map or plan or book of reference shall be deemed to be corrected according to such certificate; and the company may construct and lay out the railway in accordance with the certificate. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 10 (5, 6)

Alterations from original survey.

(8) If any alterations from the original plan or survey are intended to be made in the line or course of the railway, a plan and section in triplicate of such alterations have been approved of by the Legislature, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan, and copies or extracts of the plan and section, so far as they relate to the several districts or counties in or through which the alterations have been authorized to be made, shall be deposited with the Clerks of the Peace of such districts or counties. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 10 (7).

General provisions respecting plans, etc.

(9) All plans, profiles and books of reference required by law to be deposited by the company with the Board shall be drawn to such scale, with such detail, upon such materials, and of such character, as the Board may, either by general regulation, or, in any case, require or sanction, and shall be certified and signed by the president or vice-president or general manager and also by the engineer of

Must be signed.

Board may
refuse unsatis-
factory plans.

the company; and any book of reference, required to be so deposited, shall be prepared to the satisfaction of the Board. Unless and until such plan, profile and book of reference is so made satisfactory to the Board, the Board may refuse to sanction the same, or to allow the same to be deposited with the Board within the meaning of this Act.

Further plans
as Board
requires.

(10) In addition to such plans, profiles and books of Dom. Ry. Act, reference, the company shall, with all reasonable expedi- 1903, s. 129.
tion, prepare and deposit with the Board, any other, or further plans, profiles, or books of reference of any portion of the railway, or of any siding, station or works thereof, which the Board may from time to time order or require:

Clerks of the
Peace to
receive copies
of original
plan, etc.

(11) The Clerks of the Peace shall receive and retain the Ont. Ry. Act., copies of the original plans and surveys and books of re- R.S.O., 1897, ference and copies of the plans and sections of alterations, c. 207, s. 10 (9), and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under penalty for default of \$4.

Certified copy
of maps, etc.,
to be taken as
evidence.

(12) A copy of the said maps, plans, profiles and books of Dom. Ry. Act, reference or portions thereof certified by the Clerk of the 1903, s. 127 (2), Peace or the Secretary shall in all courts be evidence that amended.
such original document was so deposited at the time stated and certified, and shall be *prima facie* proof of the original so deposited, and that the same was signed, certified, attested, or otherwise executed, by the persons, by whom, and in the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing by such certified copy, and in the case of a plan, that such plan is prepared according to a scale, and in manner and form, sanctioned by the Board.

Line not to
deviate more
than a mile.

(13) No deviation of more than one mile from the line of the railway or from the places assigned thereto in the said map or plan and book of reference or plans or sections, shall be made into, through, across, under or over any part of the lands not shewn in such map or plan and book of reference, or plans or sections, or within one mile of the said line and place, save in such instance as are provided for in the special Act.

Error in the
name of a per-
son entered in
a book of
reference.

(14) The railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the book of reference through error or any other cause, or although some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands.

Map, etc., of railway to be filed in the office of the Commissioner of Public Works.

(15) A map and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking, be made and filed in the office of the Board and like maps of the parts thereof located in different counties shall be filed in the registry offices for the registry divisions in which such parts are respectively situate.

TAKING OF LANDS WITHOUT THE CONSENT OF THE OWNERS.

Extent of land which may be taken.
For right-of-way.

65. The lands which may be taken without the consent of the owner:—

Dom. Ry. Act, 1903, s. 138.

For the right of way shall not exceed one hundred feet in breadth except in places where the rail level is or is proposed to be, more than five feet above or below the surface of the adjacent lands, when such additional width may be taken as shall suffice to accommodate the slope and side ditches;

For stations, etc.

For stations, depots and yards, with the freight sheds, warehouses, wharves, elevators and other structures for the accommodation of traffic incidental thereto, shall not exceed in length by feet in breadth, including the width of the right of way.

Corporation, etc., may convey lands.

66.—(1) All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seised, possessed of or interested in any lands, may contract for, sell and convey unto the company all or any part thereof.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 12.

Limitation of powers in certain cases.

(2) The powers by the preceding sub-section conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, executors appointed by wills in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their death seised of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the company.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 13.

Effect of sale under preceding section.

67. Any contract, agreement, sale, conveyance and assurance made under the preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 14.

Disposition of purchase money.

68. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into Court.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 15.

Effect of contracts made before deposit of map.

69. Any contract or agreement for the sale of any lands made by any person authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the railway, shall if duly registered in the proper Registry Office be binding upon subsequent purchasers of such lands at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime have become the property of a third party; and possession of the land may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 16 amended; Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 32.

Corporations or persons, who cannot sell, may agree upon a fixed rent.

70. All corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the registry office of the proper registry office.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 17.

After one month's notice of deposit of map, etc., application to the owner of lands.

71.—(1) After ten days from the deposit of the map or plan and book of reference, and from notice thereof in at least one newspaper, if there is any, published in each of the counties through which the railway is intended to pass, application may be made to the owners of lands or to persons empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway, and thereupon, agreements and contracts may be made with such persons touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them shall be settled as in the next section mentioned.

Deposit, etc.,
to be general
notice.

72. The deposit of a map or plan and book of reference, and the notice of the deposit, shall be deemed a general notice to all such persons as aforesaid of the lands which will be required for the railway and works. Ont. Ry. Act,
R.S.O. 1897,
c. 207, s. 19.

Notice to op-
posite party.

73.—(1) A notice shall be served upon the person which shall contain:—

- (a) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them):
- (b) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and
- (c) The name of a person to be appointed as the arbitrator of the company, if their offer be not accepted.

(2) The notice shall be accompanied by the certificate of an Ontario Lands Surveyor, disinterested in the matter and not being the arbitrator named in the notice to the following effect:—

- (a) That the land (if the notice relates to the taking of land,) shewn on the map or plan, is required for the railway, (or is within the limits of deviation by this Act allowed;)
- (b) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and
- (c) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

If the party is
absent or un-
known.

(3) If the person to be served is absent from the district or county in which the lands lie, or is unknown, then upon application to a Judge of the County Court of the County in which the lands lie, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that such person is so absent, or that, after diligent inquiry, the person on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without such certificate, to be inserted three times in the course of one month in some newspaper published in the said county.

Provision
when the
County Judge
is interested
in lands re-
quired for any
railway.

(4) Where a Judge of a County Court is interested in lands taken or required within the county in which he is a Judge, by any company, for railway purposes, a Judge of the High Court shall, on application of the company, exercise in such case all the powers given to a Judge of a County Court by the provisions of this section in cases in which such Judge of a County Court is not interested.

Party not accepting the company's offer, and not appointing an arbitrator.

(5) If within ten days after the service of the notice, or within one month after the first publication thereof as aforesaid, the person served does not notify the company of his acceptance of the sum offered by it, or notify it of the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the company, appoint an Ontario Land surveyor, to be sole arbitrator for determining the compensation to be paid as aforesaid.

Appointment of arbitrator by opposite party. Third arbitrator.

(6) If the opposite party within the time aforesaid, notifies the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator.

Ont. Ry. Act R.S.O. 1897, c. 207, s. 20 (1-6).

Party other than company commencing proceedings to determine compensation.

(7) If lands have been entered on and taken by the company with or without the license of the person in possession thereof and without any agreement as to the compensation to be paid therefor or if the lands, though not taken, are injuriously affected by or through the construction of the railway, then any owner or person interested in such lands shall have the right to commence proceedings to ascertain the compensation to which he is entitled in respect of the lands so taken or injuriously affected, by giving to the company notice in writing of the name of a person to be appointed as his arbitrator, the description of the lands taken or injuriously affected, and the amount of compensation or damages claimed by him, and thereupon like proceedings shall be taken to ascertain such compensation as are prescribed in cases where the company commences proceedings.

Ont. Electric Ry. Act, R.S.O. 1897 c. 209, s. 35 (6)

Stating amount found payable in award

(8) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall state what they find to be the total amount to be paid to compensate the owner or for damages.

Ont. Electric Ry. Act, R.S.O. 1897 c. 209, s. 35 (8)

Duties of arbitrators.

(9) The arbitrators, or any two of them, or the sole arbitrator, being sworn before a Justice of the Peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation in such a way as they or he, or a majority of them, deem best; but no award shall be made or any official act be done by the majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required.

Ont. Ry. Act R.S.O. 1897, c. 207, s. 20 (7).

Costs, in discretion of arbitrators.

(10) In any arbitration under this Act the costs of the New. arbitration shall be in the discretion of the arbitrator or arbitrators and if they are to be borne by the opposite party to the company may be deducted from the compensation awarded, and in any case they may if not agreed upon be fixed by the arbitrator or arbitrators or taxed by one of the taxing officers of the Supreme Court of Judicature.

Arbitrators may examine on oath.

(11) The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as appear before him or them, and may administer such oath or affirmation.

Parties to arbitrations may obtain subpœnas.

(12) Any party to an arbitration under this Act may, without leave or order, obtain and issue out of the High Court, upon *proccipe*, setting forth the names of the witnesses to be subpœnaed, the names of the arbitrators, and the place and time of meeting, a subpœna commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpœna; and the disobedience of such subpœna shall be deemed a contempt of court, and shall be punishable in the same manner and to the like extent as in the case of subpœnas issued in a civil case.

Disobedience thereto to be contempt of Court.

Fees and conduct money.

(13) The like fees shall be payable for such subpœnas Ont. Ry. Act, as in the case of subpœnas issued in civil cases, and the R.S.O. 1897, c. witnesses shall be entitled to the like conduct money. 207, s. 20 (9-12).

Stenographers.

(14) The arbitrators shall take down in writing the Dom. Ry. Act, evidence brought before them; and after making their 1903, s. 163 (3) award the arbitrators shall forthwith deliver or transmit amended. by registered letter, at the request of either party in writing the depositions, together with the exhibits referred to therein, and all papers connected with the reference, except the award, to the central office of the High Court of Justice with the proper stamps (which shall be furnished by the party making the request) to be filed with the Records of the Court.

Depositions transmitted to central office.

Time within which award must be made.

(15) The Judge by whom a third arbitrator or sole arbi-Ont. Ry. Act, trator is appointed, shall, at the same time, fix a day on R.S.O. 1897, c. or before which the award shall be made, and if the same 207, s. 20 (14). is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by the order of the Judge (as it may be for reasonable cause shown, on the application of such sole arbitrator, or of one of the arbitrators, after one clear day's notice to the others), then the sum offered by the company as aforesaid shall be the compensation to be paid by them.

Arbitrator
dying, etc.

(16) If the arbitrator appointed by the Judge, or if any Ont. Ry. Act, arbitrator appointed by the parties, dies before the award R.S.O. 1897, c. 207, s. 20 (15). has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the arbitrator appointed by the Judge, upon the application of either party, such Judge being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case.

When proceed-
ings may be
abandoned.

(17) Any notice given or proceedings commenced may Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 35 (17), prior to the making of the award be abandoned and new notice given, with regard to the same or other lands, the same or any other party, but in such case, the liability to the party first notified for all damages or costs by him incurred in consequence of the giving of the first notice shall continue; provided, however, that the right to abandon proceedings shall not be exercised more than once.

Awards not
voided for
want of form.

(18) No award made as aforesaid shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the person or persons, to whom the sum is to be paid, be named in the award.

Parties to ar-
bitration may
appeal to a
Judge of the
High Court.

(19) Any party to the arbitration may, within one month, after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a Judge of the High Court and upon the hearing of the appeal the Judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction.

Practice and
proceedings
upon appeal.

Rev. Stat. c. 62.

Rev. Stat. c. 51.

(20) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from an Official Referee under *The Arbitrations Act*, subject to any General Rules or Orders to be from time to time made by the Judges of the High Court, under *The Judicature Act*.

Existing prac-
tice as to set-
ting aside
awards con-
tinued.

(21) The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards.

Possession
may be taken
on payment or
tender, etc., of
sum awarded.

(22) Upon payment or legal tender of the compensation Ont. Ry. Act, or annual rent so awarded or agreed upon as aforesaid to R.S.O. 1897, c. 207, s. 20 (19-23). the person entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in

the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to their so doing, the Judge of the county in which the lands lie, or any Judge of the High Court of Justice may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, as he may deem most suitable, to put the company in possession, and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do.

(23) The warrant may also be granted by such Judge Ont. Ry. Act, without the award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of 207, s. 20 (24), the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company is ready forthwith to proceed.

When warrant of possession may issue before award.

(24) The Judge shall not grant any warrant under the Dom. Ry. Act, next preceding section, unless ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the land or the person empowered to convey the land, or interested in the land sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the company; and unless the company gives security to his satisfaction by payment into court of a sum in his estimation sufficient to cover the probable compensation and costs of the arbitration, and not less than double the amount mentioned in the notice served under such section (1) of this section.

Procedure upon application for such warrant.

Deposit of compensation.

(25) The costs of any such application to, and of any such hearing before, the judge, shall be in the discretion of the Judge, and no part of such deposit or of any interest thereon shall be repaid, or paid to such company, or paid to such owner or party, without an order from the judge, which he may make in accordance with the terms of the award.

Costs of application.

Payment.

(26) The compensation for any lands which may be taken without the consent of the owner shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid the compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party.

When compensation to stand in the place of the land.

As to incumbrances, etc., upon lands, etc., purchased or taken.

(27) If the company has reason to fear any claim or incumbrance, or if any person to whom compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the person entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may, by leave of a Judge of the High Court of Justice, pay the compensation into the office of the Accountant of the Supreme Court of Judicature, together with interest thereon for six months, and with such further sum if such Judge so directs as may, in the opinion of such Judge, be sufficient to cover the expenses of advertising and the costs that may be incurred in consequence of such payment into Court, and may deliver to the said Accountant an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned.

What notice to be published.

(28) A notice, in such form and for such time as a Judge of the High Court may order shall be inserted in some newspaper if there is any published in the county in which the lands are situate, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing any persons so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudicated upon by the Court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages and incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested as may be proper.

By whom costs to be paid.

(29) The costs of such proceedings shall be paid by such party as the Court may order.

When interest to be returned to, or paid by the company.

(30) If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the company; and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the Court shall order the company to pay to the proper claimants the interest for such further period as may be right.

Ont. Ry. Act
R.S.O. 1897, c
207, s. 20 (25
29), amended.

Gravel Pits, etc.

Acquiring materials for construction.

74.—(1) When stone, gravel, earth, sand or water is or (See Hamilton, Guelph & North Shore Ry., 5

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

Rev. Stat.
c. 207.

Siding to
gravel pit.

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

Rev. Stat.
c. 207.

Switches and Sidings to Industries.

75.—(1) In case the council of a municipality by by-law declares that it is desirable and expedient that an elevator or manufactory or other industry or business should have a siding or switch from any railway to the premises of such elevator, manufactory, industry or business, and that the company should have powers of expropriation for the purpose of securing, within the limits of the municipality, the necessary right of way for that purpose as set forth in the by-law, and if the Board certifies that the building of the proposed siding or switch across the lands as set forth in the by-law will be for the advantage or convenience of the public, the company, upon the registration by the council of the by-law and certificate in the proper Registry Office, shall in

Expropriation
with consent
of municipi-
pality in
certain cases.

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 20 (30),
amended.

respect of the said lands, possess the powers of expropriation conferred by this Act. Provided, however, that no such by-law shall be passed by the council of any municipality until all owners of lands, across which the proposed siding or switch is to run, have had at least one week's previous notice in writing of the time when such by-law is to be considered by the said council.

Proviso.

Tracks, etc., not to be used for other purposes.

(2) The tracks of the sidings or switches constructed or laid by the company under this section shall not be used for any purpose other than for the purposes mentioned, except by leave of the Board and subject to such terms and conditions as the Board sees fit to impose.

Dom. Ry. Act 1903, s. 141 (3)

Purchase of More Land than Necessary.

When company may purchase whole of any lot of land traversed.

76. Whenever the company can purchase a larger quantity of land from any particular owner at a more reasonable price, on the average, or on more advantageous terms, than it could obtain the portion thereof which it may take from him without his consent, it may purchase such larger quantity, and upon such purchase may sell and dispose of any part thereof which may be unnecessary for the undertaking.

Dom. Ry. Act 1903, s. 142, amended.

Snow Fences, Etc.

Erection of snow fences.

77. Every company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty, or of any person, lying along the route or line of the railway, and may erect and maintain snow fences thereon, subject to the payment of such land damages, if any, as are thereafter established, in the manner provided by law with respect to such railway, to have been actually suffered; but every snow fence so erected shall be removed on or before the first day of April then next following.

Dom. Ry. Act 1903, s. 143.

Compensation.

Removal.

Use of Adjacent Lands During Construction.

Use of lands adjoining right of way during construction or repair of railway.

78. The company, either for the purpose of constructing or repairing its railway or for the purpose of carrying out the requirements of the Board, or in the exercise of the powers conferred upon it by the Board, may enter upon any land which is not more than six hundred feet distant from the centre of the located line of the railway, and may occupy the said land as long as is necessary for the purposes aforesaid; and all the provisions of law at any time applicable to the taking of land by the company, and its valuation, and the compensation therefor, shall apply to the case of any land so required; but before entering upon any land for the purposes aforesaid, the

Dom. Ry. Act 1903, s. 140.

Deposit where consent of owner not obtained.

company shall, in case the consent of the owner is not obtained, pay into Court, such sum, with interest thereon for six months, as is, after two clear days' notice to the owner of the land, or to the person empowered to convey the same, or interested therein, fixed by a judge of the High Court. Such deposit shall be retained to answer any compensation which may be awarded the person entitled thereto, and may upon order of a judge of such court, be paid out to such person in satisfaction *pro tanto* of such award; the surplus, if any, thereafter remaining shall by order of the judge, be repaid to the company, and any deficiency therein to satisfy such award shall be forthwith paid by the company to the person entitled to compensation under such award.

Compensation.

Proceedings where more Ample Space is required.

Where more ample space required.

79.—(1) Should the company require, at any point on Dom. Ry. Act, the railway, more ample space than it then possesses or 1903, s. 139. may take under this Act, for the convenient accommodation of the public, or the traffic on its railway, or for protection against snowdrifts, it may apply to the Board for authority to take the same, for such purposes, without the consent of the owner.

Procedure thereon.

(2) The company shall give ten day's notice of such application to the owner or possessor of such lands, and shall furnish copies of such notices, with affidavits of the service thereof, to the Board upon such application.

Notice.

What application must include.

(3) The company, upon such application, shall also furnish to the Board, in duplicate,—

(a) A plan, profile and book of reference of the portion of the railway affected, showing the additional lands required, and certified as provided in section of this Act.

(b) An application, in writing, for authority to take such lands, signed and sworn to by any of the officers mentioned in section — of this Act, referring to the plan, profile and book of reference, specifying definitely and in detail the purposes for which each portion of the lands are required, and the necessity for the same, and showing that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights.

Authority from Board.

(4) After the time stated in the aforementioned notices, and the hearing of such parties interested as may appear, the Board may, in its discretion, and upon such terms and conditions as the Board deems expedient, authorize in writing the taking, for the said purposes, of the whole or any portion of the lands applied for. Such authority shall be executed in duplicate, one to be filed with the plan, profile, book of reference, application and notices

Deposit with Board.

with the Board, and the other, with the duplicate plan, profile, book of reference and application, to be delivered to the company.

Deposit with registrar of deeds.

(5) Such duplicate authority, plan, profile, book of reference and application, or copies thereof certified as such by the Secretary shall be deposited with the registrars of deeds of the districts or counties, respectively, in which such lands are situate.

Sections of Act to apply.

Exceptions.

(6) All the provisions of this Act applicable to the taking of lands for the right of way, or main line, of the railway without the consent of the owner of such lands, shall apply to the lands authorized to be taken under this section.

CONSTRUCTION OF THE RAILWAY.

Gauge.

Gauge.

80. The tracks of every railway and street railway, the construction of which railway or street railway shall be commenced after the coming into force of this Act, shall be of the standard gauge of four feet eight and one-half inches. New.

Trains, Cars and Appliances.

Communication with engine driver.

81.—(1) In all trains there shall be an apparatus or appliance to provide immediate communication between the conductor while in any car of any passenger train, and the engine driver or motor man.

Brakes.

(2) All brakes shall be of such design and construction as to check at will the speed of the train, and bring the same safely to a standstill, as expeditiously as possible, and on all the trains carrying passengers the system of brakes shall comply with the following requirements:—

On trains carrying passengers the brakes must—

Be continuous and instantaneous.

(a) The brakes shall be continuous and must be instantaneous in action, and capable of being applied at will by the motor man, engine driver, conductor or brakeman;

Be self-applying in case of accident.

(b) The brake must be self-applying in the event of any failure in the continuity of its action;

Couplers.

(3) All couplers shall be such as to securely couple and connect the cars composing the train, and to attach the engine or locomotive to such train, automatically by impact, and which can be uncoupled without the necessity of men going in between the ends of the cars; Dom. Ry. Act, 1903, s. 211, part(1)amended

Box freight cars to be provided with ladders, etc.

(4) All box freight cars of the company built after the passing of this Act, shall be equipped with the following attachments for the security of railway employees:—

(a) Outside ladders, on two of the diagonally opposite ends and sides of each car, projecting below the frame of the car, with one step or rung of the ladder below the frame, the ladders being placed close to the ends and sides to which they are attached;

(b) Hand grips placed anglewise over the ladders of each box car and so arranged as to assist persons in climbing on the roof by means of the ladder.

(5) All cars built prior to the passing of this Act shall be fitted with such attachments before the first day of January, 1907, provided that, if there is at any time any other improved side attachment which, in the opinion of the Board, is better calculated to promote the safety of the train hands, then the Board may require any of such cars not already fitted with the side attachments first mentioned, to be fitted with the said improved attachment.

(6) Every company shall adopt and use upon all its rolling stock such height of draw-bars as the Board determines in accordance with any standard from time to time adopted by competent railway authorities.

(7) Every passenger, baggage, mail and express car, which is owned or regularly used on any railway in this Province, in which heating apparatus may be placed, shall be provided with such safeguards against fire as the board in writing shall from time to time approve.

(8) Every company shall provide and cause to be used on all trains such modern and efficient locomotives, motors, cars and carriages, apparatus, appliances and means as may be required or ordered by the Board, and the company shall alter such locomotives, motors, cars and carriages, apparatus, appliances and means or renew the same from time to time as the Board may order.

(9) Every company which fails to comply with any of the provisions of this section, shall forfeit to His Majesty, a sum not exceeding two hundred dollars, for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of the non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person: Provided however that no proceedings shall be instituted to enforce or recover any forfeiture to His Majesty hereunder without the consent of the Board first obtained.

81. The Board may, upon application, order that any apparatus or appliance specified in such order shall, when used upon the train in the manner and under circumstances in such order specified, be deemed sufficient com-

Height of
draw-bars.

Train
equipment to
be provided

Penalty for
non-com-
pliance.

Damages.

Agreements to
contrary
invalid.

Consent to
prosecution.

Power of
Board respect-
ing train
equipment.

Mass. Ry. law,
p. 67; s. 211.

New.

Dom. Ry. Act,
1903, s. 211 (24)

Dom. Ry. Act,
1903, s. 212.

Limitation upon power.

pliance with the provisions of the last preceding section, but the Board shall not, by such order, allow any exception to, or modification of, the requirements of such section; but the Board may by general regulation, or in any particular case, on good cause shown from time to time extend the period within which such appliances shall be used.

Discretion as to enforcing use of brakes, couplers, etc.

Locomotives to have bells or whistles.

82. Every locomotive engine and electric locomotive shall be furnished with a bell of at least thirty pounds weight or with a steam or air whistle.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 41 (8) amended.

Whistles.

83. Every car which contains a motor or which runs at the head of a train shall be furnished with a gong of at least ten inches in diameter or with an air whistle.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 82 (8) amended.

Protection of conductors and motormen.

84.—(1) All cars in use for the transportation of passengers in November, December, January, February, March and April in each year, which, while in motion, require the constant care or service of a motorman upon the platforms of the car or upon one of them, shall have their platforms enclosed in such manner as to protect the motormen from exposure to wind and weather in such manner as the Board shall approve.

Mass. Ry. law, p. 115, s. 56, amended.

(2) All companies operating their cars without rear end vestibules shall allow the conductors employed on such cars to stand inside the cars so far as is consistent with the proper performance of their duties during the said period.

2 Edw. VII., c. 27, s. 19, amended.

(3) Every motor car built after the passing of this Act designed for carrying passengers upon a railway operated by electricity shall be so constructed that the motorman having the control of the motive power shall be stationed in a compartment cut off from the entry and exit of passengers or in a vestibule with doors which shall remain closed to all persons save the officers or employees of the company on duty, and no person other than such officers or employees shall be permitted to occupy any portion of such compartment or vestibule.

New.

(4) Any company offending against the provisions of this section shall be liable to a penalty of \$100.00 for each offence and any person offending against the provisions of this section is liable on summary conviction to a fine of not less than \$2.00 nor more than \$50.00 or imprisonment for not more than one month with or without hard labour or both

New.

(5) This section shall only apply to railways operated by electricity, and street railways.

Stopping places.

85. Railways operated by electricity shall stop at such places in addition to those fixed by the by-laws or regu-

New.

lations of the company as the Board may from time to time by resolution direct and order.

Open cars.

86.—(1) On and after the first day of January, 1907, New. open or summer cars in use upon a railway operated by electricity or upon a street railway shall be so arranged or constructed that the seats for passengers will face the front of the car when in motion, and an aisle sufficiently wide to allow the passage of the conductor and of passengers passing to and from the seats shall be provided in every such car.

Side steps

(2) No side steps shall be constructed along the sides of such cars but passengers entering and leaving such cars shall do so from steps provided at the front and rear thereof only.

(3) This section shall apply only to railways and street railways not yet constructed and to railways and street railways already constructed where the space between the tracks commonly called the devil's strip is sufficiently wide to allow the cars to be constructed as provided in subsections 1 and 2 of this section.

(4) When an electric railway or street railway is already constructed and the said space between the tracks on the line of railway and at the turnouts, switches and sidings thereof, is not sufficiently wide to allow the cars to be constructed as aforesaid without widening the same, the width thereof shall be sufficiently extended to render such change on the construction of such cars practicable.

(5) In all cases of dispute between a railway or street railway companies and a municipal corporation or any person making complaint to the Board as to sufficiency of width, practicability of construction of cars or as to any other matter or thing referred to in this section, the Board shall be the final judge, and any order made by the Board as to any just matter shall be carried out and fulfilled by the company and the municipal corporation or either or both of them according to the terms of such order.

The Road Bed and Adjacent Lands.

Frogs, Packing, etc.

Interpretation.

"Packing."

87.—(1) In this section the expression "packing" means a packing of wood or metal, or some equally substantial and solid material, of not less than two inches in thickness, and which, where by this section any space is required to be filled in, shall extend to within one and a half inches of the crown of the rails in use on any such railway, shall be neatly fitted so as to come against the web of such rails,

and shall be well and solidly fastened to the ties on which such rails are laid.

Packing of frogs, etc.

(2) The spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch where such spaces are less than four inches in width, shall be filled with packing up to the under side of the head of the rail.

Packing of wing-rails, etc.

(3) The spaces between any wing rail and any railway frog, and between any guard rail and the track rail alongside of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than four inches; such packing not to reach higher than to the under side of the head of the rail; provided however, that the Board may allow the filling and packing mentioned in this section to be left out, from the month of December to the month of April in each year, both months included, or between any such dates as the Board by regulation, or in any particular case, determines.

Exception in latter cases.

Oil cups.

(4) The oil cups or other appliances, used for oiling the valves of every locomotive in use upon any steam railway shall be such that no employee shall be required to go outside the cab of the locomotive, while the same is in motion, for the purpose of oiling such valves. Dom. Ry. Act, 1903, s. 230.

Drainage.

Drainage by company.

88.—(1) The company shall in constructing the railway make and maintain suitable ditches and drains along each side of, and across and under the railway, to connect with ditches, drains, drainage works and watercourses upon the lands through which the railway runs, so as to afford sufficient outlet to drain and carry off the water, and so that the then natural, artificial, or existing drainage of the said lands shall not be obstructed or impeded by the railway.

Necessary drainage may be ordered by Board.

(2) Whenever any lands are injuriously affected by reason of the drainage upon, along, across, or under the railway being insufficient to drain and carry off the water from such lands, or whenever any municipality or land-owner desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under the railway or any works or land of the company, the Board may, upon the application or complaint of the municipality or land-owner, order the company to construct such drainage or lay such pipes, and may require the applicant to submit to the Board a plan and profile of the portion of the railway to be affected, or may direct an inspecting engineer, or such other person as it deems advisable to appoint, to Dom. Ry. Act, 1903, s. 196.

inspect the locality in question and, if expedient, there hold an inquiry as to the necessity or requirements for such drainage or pipes, and to make a full report thereon to the Board; the Board may upon such report, or in its discretion, order how, where, when, by whom, and upon what terms and conditions, such drainage may be effected, or pipes laid, constructed and maintained, having due regard to all proper interests.

Drainage proceedings under Provincial Acts.

89.—(1) Whenever by virtue of any Act of the Province of Ontario proceedings may be had or taken by any municipality or landowner for any drainage, or drainage works, or for the construction, enlargement, improvement or extension of any ditch or watercourse upon or across the property of any landowner in the Province, proceedings may be had or taken under such act by such municipality or landowner for the construction, enlargement, improvement or extension of the ditch or watercourse upon and across the railway and lands of the company, at the option of such municipality or landowner, in the place of the proceedings before the Board as in the next preceding section provided, and thereupon such Act shall apply to the lands of the company upon or across which such drainage or other work is required, to the same extent as to the lands of any landowner, subject, however, to any previous order or direction of the Board made or given with respect to drainage of the same lands, and provided that the company shall have the option of constructing the portion of any drain or drainage work, or ditch or watercourse, required to be constructed upon, along, under or across its railway or lands, and in the event of the company not exercising such option, and completing such work within a reasonable time, without any unnecessary delay, such work may be constructed or completed in the same manner as any other portions of such work are to be constructed under the provisions of such Act; provided always that no drainage works or ditch or watercourse shall be constructed or reconstructed upon, along, under or across the railway or lands of the company until the character of such works or the specifications or plans thereof have been first submitted to and approved of by the Board.

Approval of Board.

Costs.

(2) The proportion of the cost of the drain or drainage works, or of such ditch or watercourse, across or upon the railway to be borne by the company shall in all such cases be based upon the increase of cost of such work caused by the construction and operation of the railway. Dom. Ry. Act, 1903, s. 197 amended.

Farm Crossings.

Farm crossings.

90.—(1) Every company shall make crossings for persons across whose lands the railway is carried, convenient and

proper for the crossing of the railway for farm purposes. In crossing with live stock, such live stock shall be in charge of some competent person, who shall use all reasonable care and precaution to avoid accidents.

Necessary crossings may be ordered by Board.

(2) The Board may, upon the application of any land-owner, order the company to provide and construct a suitable farm crossing across the railway, wherever in any case the Board deems it necessary for the proper enjoyment of his land, on either side of the railway, and safe in the public interest; and may order and direct how, when, where, by whom, and upon what terms and conditions, such farm crossing shall be constructed and maintained.

Dom. Ry. Act, 1903, s. 198 amended.

Fences, Gates and Cattle-guards.

Fences, etc., to be kept up.

91.—(1) The company shall erect and maintain upon the railway fences, gates and cattleguards, as follows:—

Fences to be erected on each side of railway.

(a) On each side of all that portion of the railway which is not passing along or across a public highway fences shall be erected and maintained of the height and strength of an ordinary division fence.

Gates.

(b) Swing gates in such fences, of the height of the fence, with proper hinges and fastenings, at farm crossings; provided that sliding or hurdle gates, constructed prior to the passing of this Act, may be maintained.

Cattle-guards.

(c) Cattle-guards, on each side of the highway, at every highway crossing at rail-level by the railway. The railway fences at every such crossing shall be turned into the respective cattle-guards on each side of the highway. This provision shall not apply where a railway is being operated along a public highway.

To be suitable.

(2) Such fences, gates and cattle-guards shall be suitable and sufficient to prevent cattle and other animals from getting on the railway.

Liability of company until cattle-guards erected.

(3) Until such fences and cattle guards are duly made, the company shall be liable for all damages which may be done by their motors, cars, carriages or trains to cattle, horses or other animals on that part of the railway hereby required to be fenced.

If lands are not settled and inclosed.

(4) Whenever the railway passes through any locality in which the lands on either side of the railway are not improved or settled, and inclosed, the company shall not be required to erect and maintain such fences, gates and cattle-guards unless the Board otherwise orders or directs.

Dom. Ry. Act, 1903, s. 199; Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 42 part (1) (3).

Land owners must close gates at farm crossings.

(5) The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed when not in use; and no person, any of whose cattle

are killed or injured by any train, owing to the non-observance of this section, shall have any right of action against any company in respect to the same being so killed or injured.

Leaving gates open.

Taking down fences.

Putting cattle on railways.

Permitting animals to get on railways.

Penalties for so doing.

No recourse against company.

Additional damages.

(6) Every person who wilfully leaves any such gate open without some person being at or near it to prevent animals from passing through it on the railway, or who takes down any part of a railway fence, or turns any horse, cattle or other animal, upon or within the inclosure of such railway, except for the purpose of, and while, taking the same across the railway in the manner provided by this Act, or who, except as authorized by this Act, rides, leads or drives any horse or other animal, or suffers any such horse or animal to enter, upon such railway and within the fences and guards, is liable, on summary conviction, to a penalty of twenty dollars for each offence, and is also liable to the railway company for any damage to the property of the company or for which the company may be responsible by reason of such gate being so left open, or by reason of such fence being so taken down, or by the turning, riding, leading, driving or suffering to enter, upon or within the inclosure of such railway in violation of this section of any horse, cattle or other animal; and no person, any of whose cattle are killed or injured by any train owing to the non-observance of this section shall have any right of action against any company in respect to the same being so killed or injured. Every person violating the provisions of this section shall in addition to the penalty herein provided be liable to pay any person injured by reason of such violation all damages sustained thereby.

Dom. Ry. Act,
1903, s. 201,
amended.

Bridges, Tunnels and other Structures.

Headway respecting bridges and tunnels.

92.—(1) Every bridge, tunnel or other erection or structure, over, through or under which any railway, now or hereafter, passes, shall be so constructed, and, if need be, be re-constructed or altered within such time as the Board may order, and shall thereafter be so maintained, as to afford, at all times, an open and clear headway of at least seven feet between the top of the highest freight car used on the railway and the lowest beams, members or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder; but in no case shall the space between the rail-level and such beams, members or portions of any such structure, hereafter constructed, be less than twenty-two feet six inches, unless by leave of the Board;

Powers of Board where owners refuse

(2) If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned

to permit
compliance.

by the company, the Board, upon application of the company and upon notice to all parties interested, or without any application, may make such order, allowing or requiring such raising, reconstruction or alteration, upon such terms and conditions as to the Board shall appear just and proper and in the public interest.

Board may
exempt certain
bridges, etc.

(3) The Board may exempt from the operation of this section any bridge, tunnel, erection or structure, over, through or under which no trains are run, except such as are equipped with air brakes.

Penalty.

(4) Every company or owner shall incur a penalty and Dom. Ry. Act, exceeding fifty dollars for each day of wilful neglect, 1903, s. 202. omission or refusal to obey the provisions of this section.

Bridges, etc.,
over 18 feet
long.

93.—(1) With respect to all bridges, tunnels, viaducts, trestles, or other structures, through, over, or under which the company's trains are to pass, the span, or proposed span or spans, or length of which exceeds eighteen feet, the company shall not commence the construction, or reconstruction, of, or any material alteration in, any such bridge, tunnel, viaduct, trestle, or other structure, until leave therefor has been obtained from the Board, unless such construction, reconstruction, or alteration is made in accordance with standard specifications and plans approved by the Board.

Proceedings
before con-
struction.

(2) Upon any application to the Board for such leave, Dom. Ry. Act, the company shall submit to the Board the detail plans, 1903, s. 203, profiles, drawings and specifications of any such work proposed to be constructed, and such other plans, profiles, drawings and specifications as the Board may in any case, part. or by regulation, require.

Highway Crossings.

Railway on
highway.
Consent of
municipality.

94.—(1) Subject to the provisions of this Act respecting the operation of Railways on Highways, the railway may be carried along or across an existing highway upon leave therefor having been first obtained from the Board as hereinafter provided.

No obstruction
permitted.

Restoration of
highway.

(2) No obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, restoring the highway to as good condition, as nearly as possible, as it was originally.

Penalty.

(3) Every company which violates the provisions of this Dom. Ry. Act, section shall incur a penalty of not less than forty dollars 1903, s. 184, for each such violation. amended.

Variation of
inch between
rail and levels

95. Whenever the railway crosses any highway at rail-Dom. Ry. Act, level, whether the level of the highway remains undisturb- 1903, s. 185.

of highway permitted.

ed or is raised or lowered to conform to the grade of the railway, the top of the rail may, when the works are completed, rise above or sink below the level of the highway to the extent of one inch without being deemed an obstruction, unless otherwise directed by the Board.

Plan of crossing of highway to be submitted.

96.—(1) Upon any application for leave to construct the railway across an existing highway, or to construct a highway across an existing railway, the applicant shall submit a plan and profile of such crossing, showing the portion of railway or highway affected, to the Board. The Board may by order grant such application upon such terms and conditions as to protection, safety and convenience of the public, as it may deem expedient, or may order that the highway be carried over or under the railway, or be temporarily or permanently diverted, and that such works be executed, watchmen or other persons employed, gates erected or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction arising or likely to arise therefrom.

Dom. Ry. Act, 1903, s. 186, amended.

Powers of Board in such case.

New.

(2) The highway at any overhead railway crossing shall not at any time be narrowed by means of an abutment or structure to an extent less than twenty feet, nor shall the clear headway from the surface of the highway to the centre of any overhead structure constructed after the passing of this Act be less than fourteen feet, unless otherwise directed or permitted by the Board.

As to existing crossings.

97. Where any railway is already constructed across any highway, the Board may order the company within a specified time to submit to the Board a plan and profile of such portion of the railway, and may, upon such submission, make any order in respect thereto that may to the Board seem proper.

Dom. Ry. Act, 1903, s. 187, amended.

All structures must be safely constructed and maintained.

98. Every structure, by which any highway is carried over or under any railway, shall be so constructed, and, at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over, under or through such structure.

Dom. Ry. Act, 1903, s. 189.

Inclination of highway.

99. The inclination of the ascent or descent, as the case may be, of any approach by which any highway is carried over or under any railway, or across it at rail level, shall not be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach, unless the Board directs otherwise; and a good and sufficient fence shall be made on each side of such approach, and of the structure connected with it, which fence shall be at least four feet six inches in height from the surface of the approach or structure.

Dom. Ry. Act, 1903, s. 190.

Fencing approaches.

Signboards
at level
crossings.

100. Signboards at least _____ feet in height at every highway crossed at rail level by any railway, shall be erected and maintained at each crossing, and shall have the words "railway crossing look out for the engine (or cars)" as the case may be painted on each side of the sign board, in letters at least six inches in length, and every company which neglects to comply with the requirements of this section shall incur a penalty not exceeding _____ dollars.

Dom. Ry. Act,
1903, s. 191,
amended.

Penalty.

Railway may
be required to
repair any level
crossing out of
repair.

101.—(1) Where a level crossing on any railway is out of repair, the warden, mayor, or reeve of the municipality within whose jurisdiction the crossing is situate, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, such head of the municipality may transmit a copy of the notice so served to the Board; and thereupon the Board may order an inspection to be made and may appoint an inspector for that purpose who shall with all possible despatch, appoint a day when he will examine into the matter; and he shall, by mail, give notice to the warden, mayor, or reeve, and to the company, of the day he so fixes; and upon the day so named he shall examine the crossing; and a certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Inspector determines that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirements of the certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the company in any court of competent jurisdiction, as money paid to the company's use.

Ont. Electric Ry.
Act, R.S.O. 1897,
c. 209, s. 102,
amended,

Inspector's
certificate to
be conclusive.

(2) The Inspector shall be entitled to be paid the sum of \$10.00 and actual travelling expenses while engaged on such inspection and in case he finds that any repairs are required he shall be paid by the company, but if he finds that no repairs are required he shall be paid by the municipality where chief officer received the said notice.

New.

Proviso.

(3) Neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises.

Crossings and Junctions.

Railway
crossings and
junctions.

102.—(1) The railway lines or tracks of any company shall not be crossed or joined by or with the railway lines

Power of the Board.

or tracks of any other company until leave therefor has been obtained from the Board as hereinafter provided.

Proceedings on application to Board.

(2) Upon any application for such leave the applicant company shall submit to the Board a plan and profile of such crossing or junction and such other plans, drawings and specifications as the Board may in any case, or by regulation, require.

Order of Board.

(3) The Board may by order grant such application on such terms as to protection and safety as it may deem expedient, may change the plan and profile, drawings and specifications, so submitted and fix the place and mode of crossing or junction, and may direct that the lines and tracks of one company be carried over or under the lines and tracks of the other, and that such works, structures, equipment, appliances and materials be constructed, provided, installed, maintained, used or operated watchmen or other persons employed, and measures taken, as under the circumstances appear to the Board best adapted to remove and prevent all danger of accident, injury or damage, and may determine the amount of damage and compensation, if any, to be paid for any property or land taken or injuriously affected by reason of the construction of such works.

Supervision of works.

(4) The Board may give directions as to supervision of the construction of the works, and order that detailed plans, drawings and specifications of any works, structures, equipment or appliances required, shall, before construction or installation, be submitted to and approved by the Board

Order authorizing operation.

(5) No trains shall be operated on the lines or tracks of Dom. Ry. Act, 1903, s. 177. the applicant company over, upon or through such crossing or junction until the Board grants an order authorizing such operation, but the Board shall not grant such order until satisfied that its orders and directions have been carried out, and that the provisions of this section have been complied with.

Safety appliances on rail-level crossings.

(6) The Board may order any company to adopt and put in use at any such crossing or junction, at rail level, such interlocking switch, derailing device, signal system, equipments, appliances and materials, as in the opinion of the Board renders it safe for engines and trains to pass over such crossing or junction without being brought to a stop. Dom. Ry. Act, 1903, s. 178.

(7) This section shall apply to street railway companies and street railways.

Mines and Minerals.

Mines to be protected.

103. No company shall, without the authority of the Board, locate the line of its proposed railway, nor con-

struct the same or any portion thereof, so as to obstruct or interfere with, or injuriously affect the working of, or the access or adit to any mine then open, or for opening which preparations are, at the time of such location, being lawfully and openly made.

Company not entitled to minerals, etc., in lands.

Exceptions.

104. The company shall not be entitled to any mines, ores, metals, coal, slate, mineral oils or other minerals in or under any lands purchased by it, or taken by it under any compulsory powers given it by this Act, unless the same have been expressly purchased; and all such mines and minerals, except as aforesaid, shall be deemed to be excepted from the conveyance of such lands, unless they have been expressly named therein and conveyed thereby.

Dom. Ry. Act, 1903, s. 132 amended.

Mining under or within 40 yards of any railway.

105.—(1) No owner, lessee or occupier of any such mines or minerals lying under the railway or any of the works connected therewith, or within forty yards therefrom, shall work the same until leave therefor has been first obtained from the Board.

Application for leave of Board.

(2) Upon any application to the Board for leave to work any such mine or minerals, the application shall submit a plan and profile of the portion of the railway to be affected thereby, and of the mining works or plant proposed to be constructed or operated, affecting the railway, giving all reasonable and necessary information and details as to the extent and character of the same.

Protection and safety of the public.

(3) The Board may grant such application upon such terms and conditions, as to protection and safety of the public, as to the Board may seem expedient, and may order that such other works be executed, or measures taken, as under the circumstances appear to the Board best adapted to remove or diminish the danger arising, or likely to arise, from such mining operations.

Dom. Ry. Act, 1903, s. 133.

Compensation by company for loss by severance of mine.

106. The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines such compensation as the Board shall order to be paid to such owner, lessee, or occupier for and on account of any severance of the lands lying over such mines by the railway, or of the working of such mines being prevented, stopped or interrupted, or of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and also for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 25 amended.

Power to company to enter mines for purpose of ascertaining whether work-

107. If necessary in order to ascertain whether any such mines are being worked, or have been worked, so as to damage the railway or works or in such manner as to be detrimental to the safety of the public using the railway

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 26 amended.

ing endangers
railway.

or of the tracks and trains of the company it shall be lawful for the company with the written permission and authorization of the Board after giving twenty-four hours' notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus or interrupted, or of the same being worked in such manner of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked.

Penalty for
refusing com-
pany access
to mines.

108. If the owner, lessee, or occupier of any such mine Ont. Ry. Act, refuses to allow any person appointed by the company for R.S.O. 1897, that purpose to enter into and inspect any such mines or 207, s. 27. works in manner aforesaid, every person so offending shall, for every such refusal, forfeit to the company a sum not exceeding \$100.

Weeds on Company's Land.

Company to
remove weeds.

109.—(1) Every company shall cause all cleared land or ground adjoining the railway and belonging to the company to be covered with grass or turf if not already so covered and shall cause all thistles and noxious weeds growing on the right of way and over land of the company adjoining the railway to be cut down or to be rooted out and destroyed each year before the plants have sufficiently matured to seed.

Penalty.

(2) Every company which fails to comply with this section shall incur a penalty of two dollars for every day during which such company neglects to do anything which it is so required to do.

On default
municipal
officers may
perform.

(3) The mayor, reeve or other head of the municipality Dom. Ry. Act in which the land or ground lies may cause all things to 1903, s. 238. be done which the said company is so required to do, and See also Ont. for that purpose may enter, by himself and his assistant Ry. Act, R.S. or workmen, upon such lands, and the municipality may 1897, c. 207, recover the expenses and charges incurred in so doing, and s. 107.

Costs.

the said penalty, with costs, in any court of competent jurisdiction, and such penalty shall be paid to the proper officer of the municipality.

Prevention of, and liability for, Fires.

Prevention.

110.—(1) The company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter.

Liability for fire caused by locomotive.

(2) Whenever damage is caused to crops, lands, fences, Dom. Ry. Act, plantations, standing or growing timber or trees or build- 1903, s. 239. ings and their contents, by a fire, started by a railway locomotive, the company making use of such locomotive whether guilty of negligence or not, shall be liable for such damage and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction; Provided that if it be shown that the company has used modern and efficient appliances and has not otherwise been guilty of any negligence, the total amount of compensation recoverable under this section, in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion, shall not exceed five thousand dollars, and it shall be apportioned amongst the parties who suffered the loss as the court may determine.

Proviso.

Company has insurable interest.

(3) The company shall have an insurable interest in all such property upon or along its route, for which it may be so held liable, and may procure insurances thereon in its own behalf.

Construction of Road by Sections.

Construction of road by sections.

111. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan and book or reference thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and to deposit the same as required by the clauses of this Act with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length, and upon such deposit as aforesaid of the map or plan and Book of Reference of any and each of such sections or portions of the said railway, all and every of the clauses of this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan and book of reference of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of the said railway had been taken, made, examined certified and deposited according to the said clauses of this Act. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times

Rev. Stat., c. 209.

one continuous line of railway; provided, however, that the Board may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

Five mile sections may be opened.

112. Whenever any section of the said railway of not less than five miles has been completed, the company may take the steps authorized by section — of this Act to be taken before a railway or a portion thereof is opened for the carriage of traffic and, with the permission of the Board as set forth in the said section, the company may open and operate such section as if it were a completed road, and all the sections of this Act applicable thereto shall thereupon apply to the said section as if it were a completed road, and to its operation. (See London Chatham & Western Ry. Co., 5 Edw. VII, c. 97, ss. 10, 11.)

Works not to be commenced until certain provisions complied with

113. The company shall not commence the construction of the railway, or any section or portion thereof, until the provisions of this Act as to plans and surveys are fully complied with; and shall not make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of section — as to deviations are fully complied with. Dom. Ry. Act 1903, s. 131, amended.

Compensation for damages to owners of lands adjacent to highway.

114.—(1) Where a railway constructs its tracks upon one side of a highway or which operates over a highway or railway or street railway crossing by means of a bridge or underneath a highway or railway or street railway crossing by means of a sub-way or tunnel, and which, in the construction of the approaches to such bridge or tunnel, raises or depresses part of a highway the owner of any land adjoining the portion of the highway upon the side thereof upon which the tracks are so constructed or upon or along which the said bridge or sub-way or tunnel or approaches thereto are constructed shall, if by reason of such construction, he sustains any damage or if his land or the business carried on upon such land is thereby injured or in any way depreciated in value be entitled to receive compensation therefor from the company. New.

(2) The proceedings to obtain such compensation and to determine the amount thereof shall so far as applicable be the same as that provided in this Act in the sections respecting the taking of land without the consent of the Crown. New.

(3) Compensation for injury to or depreciation of the value of any such business or land may be awarded by the arbitrators if in their judgment any such injury or depreciation is caused by the existence of the railway notwithstanding that the grade of the highway may not have been changed or altered. New.

(4) This section shall apply to street railways. New

LIMITATION OF TIME FOR CONSTRUCTION.

Time for
construction
limited.

115.—(1) If the construction of the railway or street rail-Dom. Ry. Act, way is not commenced and fifteen per cent. of the amount 1903, s. 117. of the capital stock is not expended thereon within two years after the passing of the special Act, or if the railway is not finished and put in operation within five years from the passing of such Act, then the powers granted by such Act or by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

(2) This section shall apply to street railways.

USE OF STEAM DURING CONSTRUCTION.

116. A company while constructing a line of railway to New. be operated by electricity on a right of way owned by the company shall have power to use steam as a motive power during such construction and at other times for construction purposes.

CONTRACTS FOR CONSTRUCTION.

Contracts for
construction of
line, etc.

117.—(1) The directors may enter into a contract or con-(See Hamilton, tracts with any individual, corporation or association of Guelph and individuals for the construction or equipment of the rail-North Shore way or any part thereof, including or excluding the pur-Ry., 5 Edw. chase of right of way, and may pay therefor either in part VII., c. 93, or in whole, either in cash or bonds, or in paid-up stock, s.16.)

Payment in
stock or bonds.

and may pay or agree to pay in paid-up stock or in bonds of the said company such sums as they may deem expedient to engineers, or for the right of way, or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid in cash.

(2) This section shall apply to street railway companies New. and street railways.

OPERATIONS OF THE RAILWAY.

Regulations governing the running of Trains.

Trains to start at regular hours

118. The trains or cars shall start and run at regular hours or at regular intervals to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places, established for receiving and discharging way-passengers and goods from the train or car.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 41 (2).

Passenger stations and train employees to wear badges.

119. Every employee of the company employed in a passenger train or car or at a passenger station, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property.

Dom. Ry. Act, 1903, s. 216.

Expulsion on refusal to pay fare.

120. The fare or toll shall be due and payable by every passenger on entering the car, or other conveyance, and every passenger who refuses to pay his fare may, by the conductor of the train and the train servants of the company, be expelled from and put out of the car, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 43, part (8); Dom. Ry. Act, 1903, s. 217.

No claim for injuries in certain cases.

121. No person injured while on the platform of a car, or on any baggage, or freight car, in violation of the printed regulations posted up at the time, shall have any claim in respect of the injury, if room inside of the passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.

Dom. Ry. Act, 1903, s. 218.

Position of passenger cars.

122.—(1) No passenger train shall have any freight, merchandise or lumber car in the rear of any passenger car in which any passenger is carried.

Penalty for violation.

(2) Every officer or employee of any company, who directs, or knowingly permits, any freight, merchandise or lumber car, to be so placed, shall be liable on summary conviction to a penalty not exceeding \$—— or to imprisonment in the common gaol for a period of not less than 6 months or to both.

Dom. Ry. Act, 1903, s. 219.

Baggage checks.

123.—(1) A check shall be affixed by the company to every parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a pas-

senger to the company for transport, and a duplicate of such check shall be given to the passenger delivering the same.

Excess
baggage.

(2) In the case of excess baggage the company shall be Dom. Ry. Act, entitled to collect from the passenger, before affixing any 1903, s. 220. such check, the toll authorized under this Act.

Liability for
refusing to
check baggage.

(3) If such check is improperly refused on demand, the company shall be liable to such passenger for the sum of eight dollars, which shall be recoverable in a civil action;

Provided that this section shall not apply to a train or car operated by electricity unless a special compartment or car is connected therewith for the purpose of trans- New. - porting baggage.

Transportation
of dangerous
goods.

124. No passenger shall carry, nor shall the company Dom. Ry. Act, be required to carry upon its railway, gunpowder, dynamite, 1903, s. 221.

Nature must
be marked on
outside.

Notice.

ing their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station agent or employee of the company whose duty it is to receive such goods and to whom the same are delivered, or who carries or takes upon any train any such goods, for the purpose of carriage shall forfeit to the company the sum of five hundred dollars for every such offence.

Penalty.

Company may
refuse to carry.

125. The company may refuse to take any package or parcel which it suspects to contain goods of a dangerous 1903, s. 222.

Carriage of
such goods.

nature, or may require the same to be opened to ascertain the fact; and the company shall not carry any such goods of a dangerous nature, except in cars specially designated for that purpose, on each side of each of which shall plainly appear in large letters the words "dangerous explosives"; and for each neglect to comply with the provisions of this section, the company shall incur a penalty of five hundred dollars.

Penalty.

Trains to stop
at swing
bridges.

126.—(1) When any railway passes over any navigable water, or canal, by means of a draw or swing bridge which is subject to be opened for navigation, every train shall, before coming on or crossing over such bridge, be brought to a full stop and shall not proceed until a proper signal has been given for that purpose, and in default the company shall be liable to a penalty not exceeding four hundred dollars. Any employee failing to comply with the rules of the company as to compliance with the provisions of this subsection shall be liable to the like penalty, or to six months' imprisonment, or to both.

Where safety devices installed Board may otherwise order.

(2) Wherever there is adopted or in use on any railway system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains to pass over such bridge without being brought to a stop, the Board may, by order, permit engines and trains to pass over such bridge without stopping, under such regulations, as to speed and other matters, as the Board deems proper.

Dom. Ry. Act, 1903, s. 223.

Use of bell and whistle.

127. When any train is approaching a highway crossing at rail-level (except within the limits of cities or towns where the municipal authority may pass by-laws prohibiting the same), the engine whistle shall be sounded at least eighty rods before reaching such crossing, and then the bell shall be rung continuously until the engine has crossed such highway, or in the case of a car or locomotive operating by electricity an air whistle shall be blown or the gong be sounded continuously for eighty yards before reaching such crossing, and the company shall, for each neglect to comply with the provisions of this section, incur a penalty of eight dollars, and shall also be liable for all damage sustained by any person by reason of such neglect; and every employee of the company who neglects to comply with this section shall for each offence be subject to a like penalty.

Dom. Ry. Act, 1903, s. 224 amended.

Penalty for non-compliance.

Damages. Penalty on employee.

Signal at rail-level crossings.

128.—(1) No train, engine or motor car shall pass over any crossing where two main lines of railway cross each other at rail-level, until a proper signal has been received by the conductor, engineer or motorman in charge of such train, engine or motor car from a competent person or watchman in charge of such crossing that the way is clear; provided always, that in the case of an electric street railway car crossing any railway track not properly protected, it shall be the duty of the conductor, before crossing, to go forward and see that the track to be crossed is clear, before giving the signal to the motorman, that the way is clear and to proceed.

Electric street railway crossings.

Application of section.

(2) Every main track of a branch line is a main line within the meaning of this section, which shall apply whether the said lines be owned by different companies or by the same company.

Dom. Ry. Act, 1903, s. 225 amended.

Stoppage of trains at rail-level crossings.

(3) Every train shall, before it passes over any such crossing as in this section mentioned, be brought to a full stop; but whenever there is in use, at any such crossing, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains or electric cars to pass over such crossing without being brought to a stop, the Board may, by order, permit such engines and trains and cars to pass over such crossing without stopping, under such regula-

Dom. Ry. Act, 1903, s. 226.

Where safety devices are installed Board may otherwise order.

tions as to speed and other matters as the Board deems proper.

Rate of speed in unfenced portions of cities, etc.

129. No train shall pass in or through any thickly populated portion of any city, town or village, at a speed greater than — miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by a regulation or order of the Board. The Board may limit such speed in any case to any rate which it deems expedient. Dom. Ry. Act, 1903, s. 227.

Trains, or cars moving reversely in cities, etc.

130. Whenever in any city, town or village, any train is passing over or along a highway at rail-level, and is not headed by an engine or motor car moving forward in the ordinary manner, the company shall station on the then foremost part of the train, a person who shall warn persons standing on, or crossing, or about to cross, the track of such railway; and for every violation of any of the provisions of this section, or of any of the two sections next preceding, the company shall incur a penalty of one hundred dollars. Dom. Ry. Act, 1903, amended s. 228.

Trains must not stand on rail-level crossings more than five minutes.

131.—(1) Whenever any railway crosses any highway at rail-level, the company shall not, nor shall its officers, agents, or employees, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway, for a longer period than five minutes at one time, or in shunting to obstruct public traffic for a longer period than five minutes at any one time.

Penalty.

(2) In every case of a violation of this section, every such officer, agent, or employee who has directly under or subject to his control, management or direction, any engine, tender or car which, or any portion of which, is allowed to stand on such highway, longer than the time specified in this section, is liable on summary conviction to a penalty not exceeding fifty dollars, and the company is also liable for each such violation, to a like penalty; provided always that if such alleged violation is in the opinion of the court excusable, the action for the penalty may be dismissed; and costs shall be in the discretion of the court. Dom. Ry. Act, 1903, s. 229.

Where violation excusable.

Sleeping and Parlour Cars.

Sleeping and parlor cars.

132. The company may contract with any person, association or corporation for the hauling by the special or regular trains of the company, of the parlor, drawing-room or sleeping car or cars of such person, association or corporation, in which extra accommodations shall be furnished, for which said person, association or corporation furnishing such parlor, drawing-room or sleeping car or cars, may charge for the carriage and transportation of persons and property therein, a rea- N. Y. Ry. law, p. 135, amended.

sonable compensation for such extra accommodation, in addition to the fare and charges for the carriage and transportation of passengers and property in the ordinary cars of the company. But the company so contracting shall be liable in the same way and to the same extent as if the said car or cars were owned by it, and shall furnish sufficient ordinary cars for the reasonable accommodation of the travelling public.

Stations.

Accommodation for passengers and freight at stations.

Train accommodation.

Duties respecting transportation.

Payment of tolls.

Right of action on default.

Condition against negligence invalid.

Accommodation may be ordered by Board.

Stations not to be discontinued.

Complaint of ten citizens as to station accommodation.

133.—(1) The company shall, according to its powers, furnish, at the place of starting and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway,—and shall furnish adequate and suitable accommodation for the carrying, unloading and delivering of all such traffic,—and shall, without delay, and with due care and diligence, receive, carry and deliver all such traffic, and shall furnish and use all proper appliances, accommodation and means necessary therefor.

(2) Such traffic shall be taken, carried to and from, and delivered at such places, on the due payment of the toll lawfully payable therefor.

(3) Every person aggrieved by any neglect or refusal in the premises shall, subject to this Act, have an action therefor against the company, from which action the company shall not be relieved by any notice, condition or declaration or any agreement to the contrary if the damage arises from any negligence or omission of the company or of its servants.

(4) If in any case such accommodation is not, in the opinion of the Board, furnished by the company, the Board may order the company to furnish the same within such time or during such period as the Board deems expedient, having regard to all proper interests.

(5) No station established by any railway company for the reception or delivery of passengers or property, or on which both, shall be discontinued without the consent of the Board first had and obtained.

(6) Upon the written complaint of ten or more persons interested setting forth that any of the provisions of this Act as to station accommodation or stopping places are being violated by the company the Board shall forthwith investigate the complaint. If upon such investigation it is found that such violation exists the Board shall issue an order to the company setting forth the nature of the

improvements required and shall direct that the same shall be completed within such time as the Board may think proper.

Blackboards showing whether Trains on Time.

Overdue trains. **134.**—(1) Every company, upon whose railway there is a telegraph or telephone line in operation, shall have a blackboard put upon the outside of the station house, over the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph or telephone office; and when any passenger train or car is overdue at any such station, according to the time table of such company, the station agent or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice stating, to the best of his knowledge and belief, the time when such overdue train or car may be expected to reach such station; and if there is any further change in the expected time of arrival the station agent or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train or car may then be expected to reach such station.

Notice at stations.

Time when expected to be stated.

Penalty for omission.

(2) Every such company, station agent or person in charge at any such station, is, on summary conviction, liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to obey the provisions of this section.

MUNICIPAL BONUSES AND LOANS.

Aid from municipalities.

135. Any municipality, or any portion of a township (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 26). municipality, which may be interested in securing the construction of the railway, or through any part of which or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Submitting bonus by-law.

136. Such by-law shall be submitted by the municipal council to a vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council

shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1903*, and the amendments thereto.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1903*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality (See Penetang- the petition is to be presented to the council defining the uishene & Orillia section by metes and bounds, or lots and concessions, and Ry., 5 Edw. VII., shall be that of a majority of the council of such town- c. 105, s. 27.) ship municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

137. Such by-law shall in each instance provide:

(a) For raising the amount petitioned for in the municipality or portion of the township municipality, (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(b) For assessing and levying upon all rateable pro- (See Penetang- perty lying within the municipality or portion of the uishene & Orillia township municipality defined in the said by-law (as the Ry., 5 Edw. VII. case may be). an annual special rate, sufficient to include c. 105, s. 28). a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly. which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

138. In case of aid from a county municipality, fifty (See Penetang- resident freeholders of the county may petition the county uishene & Orillia council against submitting the said by-law, upon the Ry., 5 Edw. VII., ground that certain minor municipalities or portions c. 105, s. 29). thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the peti-

Bonus by-law
what to
contain.

Petition
against aid
from county.

tioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to the Board who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the Board the expenses of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the Board may order.

Minor Municipality meaning of.

139. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality. (See Penetanguishene & Orill Ry., 5 Edw. VII c. 105, s. 30).

Deposit to be made before by-law submitted.

140. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses incurred in submitting the said by-law. (See Penetanguishene & Orill Ry., 5 Edw. VII c. 105, s. 31).

Council to pass by-law if assented to by ratepayers.

141. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. (See Penetanguishene & Orill Ry., 5 Edw. VII c. 105, s. 32).

Issue of debentures.

142. Unless otherwise provided in the by-law the said council and the mayor, warden, reeve or other officers thereof, within one month after the passing of such by-law, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act. (See Penetanguishene & Orill Ry., 5 Edw. VII c. 105, s. 33).

Levying rate on portion of municipality.

143. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. (See Penetanguishene & Orill Ry., 5 Edw. VII c. 105, s. 34).

Application of provisions of 3 Edw. VII. c. 19.

145. The provisions of *The Consolidated Municipal Act, 1903*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. (See Penetanguishene & Orill Ry., 5 Edw. VII c. 105, s. 35).

Councils may extend time

146. The councils for all corporations that may grant aid by way of bonus to the company may, by resolution (See Penetanguishene & Orill

for commencement. or by-law extend the time for the commencement of the Ry., 5 Edw. VII., work beyond that stipulated for in the by-law or by-laws c. 105, s. 36). granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend time for completion. 147. The council of any municipality that may grant (See Penetang- aid by way of bonus, to the company, may by resolu- uishene & Orillia- tion or by-law, extend the time for the completion of Ry., 5 Edw. VII., the works (on the completion of which the company would c. 105, s. 37). be entitled to such bonus), from time to time, provided. that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities. 148. Any municipality, or portion of a township muni- (See Penetang- cipality interested in the construction of the railway of uishene & Orillia- the company may grant aid by way of bonus to the com- Ry., 5 Edw. VII., pany towards the construction of such railway, notwith- c. 105, s. 38). standing that such aid may increase the municipal taxa- tion of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Proviso. Gifts of land. 149. Any municipality through which the railway may (See Penetang- pass or on which the railway or part of it is situate uishene & Orillia- is empowered to grant, by way of gift to the com- Ry., 5 Edw. VII., pany, any lands belonging to such municipality, or c. 105, s. 38). over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the railway, and the railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power, when the same are no longer required or necessary for the purposes of the company, to sell or otherwise dispose of the same for the benefit of the company.

Trustees of municipal debentures. 150. Whenever any municipality or portion of a town- (See Penetang- ship municipality shall grant aid by way of bonus or gift uishene & Orillia- to the company, the debentures therefor shall within six Ry., 5 Edw. VII., months after the passing of the by-law authorizing the c. 105, s. 41). same, be delivered to three trustees to be named, one by the Board, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Board shall omit to name such trustee within one month after

notice in writing to the Board of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Board, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Board.

Trusts of proceeds of debentures.

151. The said trustees shall receive the said debentures (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 24.) or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The _____ Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule — hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

152. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 43).

Mayor, etc., to be *ex officio* a director in certain cases.

153. The mayor, warden, reeve, or other chief officer of such municipal corporation granting a bonus or gift to the company to the amount of \$20,000, or upwards, 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 any of the directors of the company. (Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 61 (4) amended.)

154. The sections respecting municipal bonuses and loans, being sections 135 to 153, inclusive, shall apply to street railway companies.

EXEMPTIONS FROM TAXATION.

By-law granting exemption from taxation.

155.—(1) The council of any municipality through any part of which the railway passes, or in which it is situate (See Perth and Huron Radial

may by by-law especially passed for that purpose, exempt the company and its property within such municipality, either in whole or in part from municipal taxation, but not including taxation for school purposes, or to fix a certain sum per annum, or otherwise, by way of commutation, or in lieu of all or any municipal rates or taxes, and for such term of years not exceeding twenty-one years as such municipal council may deem expedient, and no such by-law shall be repealed unless in conformity with a condition contained therein.

(2) This section shall apply to street railway companies.

BY-LAWS, RULES AND REGULATIONS.

Company's
by-laws
respecting—

156. The company may, subject to the provisions and restrictions in this and in the Special Act, contained, make by-laws, rules or regulations respecting—

Speed.

(a) The mode by which, and the speed at which, any rolling stock used on the railway is to be moved;

Timetables.

(b) The hours of the arrival and departure of trains;

Loads.

(c) The loading or unloading of cars, and the weights which they are respectively to carry;

Freight
regulations.

(d) The receipts and delivery of traffic;

Nuisances.

(e) The smoking tobacco, expectorating, and the commission of any nuisance in or upon trains, stations or other premises occupied by the company;

Traffic and
operation.

(f) The travelling upon, or the using or working of, the railway;

Conduct.

(g) The employment and conduct of the officers and employees of the company; and—

Management.

(h) The due management of the affairs of the company. Dom. Ry. Act, 1903, s. 243.

Penalty for
violation of
by-laws

157. The company may, for the better enforcing the observance of any such by-law, rule or regulation effecting the officers or employees of the company prescribe in such by-law a penalty not exceeding forty dollars for any violation thereof. Dom. Ry. Act, 1903, s. 244 amended.

Essentials to
validity of
by-law.

158. All by-laws, rules and regulations whether made by the directors or the company shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted have affixed thereto the common seal of the company, and be kept in the office of the company. Dom. Ry. Act, 1903, s. 245.

Must be
approved by
Governor in
Council.

159. All such by-laws, rules and regulations, except such as are of a private or domestic nature and do not affect the public generally, shall be submitted to the Board Dom. Ry. Act, 1903, s. 246 amended.

for approval. The Board may sanction them or any of them, or any part thereof, and may from time to time, rescind the sanction of any such by-law, rule or regulation or of any part thereof. Except when so sanctioned no such by-law, rule or regulation shall have any force or effect.

Board to report.

Publication of by-laws, etc.

160. A printed copy of so much of any by-law, rule or regulation, as affects any person, other than the shareholders, or the officers or employees of the company, shall be openly affixed, and kept affixed, to a conspicuous part of every station belonging to the company, so as to give public notice thereof to the persons interested therein or affected thereby;

Publication of by-laws, etc., affecting employees.

161. A printed copy of so much of any by-law, rule or regulation as relates to the conduct of or affects the officers or employees of the company, shall be given to every officer and employee of the company thereby affected;

By-laws, etc., binding when approved.

162. Such by-laws, rules and regulations when so approved shall be binding upon, and observed by, all persons, and shall be sufficient to justify all persons acting thereunder.

Summary interference in certain cases.

163. If the violation or non-observance of any by-law, rule or regulation, is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere, using reasonable force, if necessary, to prevent such violation, or to enforce observance, without prejudice to any penalty incurred in respect thereof.

Evidence.

164. A copy of any by-law, rule or regulation, certified as correct by the president, secretary or other executive officer of the company and bearing the seal of the company, shall be evidence thereof in any court.

165. All by-laws, rules and regulations of a company operating its railway by electricity partially or wholly on a highway or of a street railway company shall be subject to any agreement that may have been made by such company and the municipal corporation owning or maintaining such highway.

NOTICES OF BY-LAWS, ETC.

How notice of by-laws or orders may be proved.

166. Notice of any by-law or of any order or notice of the company affecting any officer or employee thereof may be proved by proving the delivery of a copy thereof to such officer or employee, or that such officer or employee signed a copy thereof, or that a copy thereof was posted in some one place where his work or his duties, or some of them, were to be performed.

167. The sections relating to "By-laws, Rules and Regulations, being sections 156 to 166 inclusive, shall apply to street railways and street railway companies.

INSPECTION OF RAILWAYS.

Inspecting Engineers.

Appointment
of inspecting
engineers.

168.—(1) Inspecting engineers may be appointed by the Board, subject to the approval of the Lieutenant-Governor in Council. Dom. Ry. Act
1903, s. 206,
amended.

Duties.

(2) It shall be the duty of every such inspecting engineer, upon being directed by the Board, to inspect any railway, or any branch line, siding or portion thereof whether constructed, or in the course of construction, to examine the stations, rolling stock, rails, road bed, right of way, tracks, bridges, tunnels, trestles, viaducts, drainage, culverts, railway crossings and junctions, highway and farm crossings, fences, gates and cattle-guards, telegraph, telephone, or other lines of electricity, and all other buildings, works, structures, equipment, apparatus, and appliances thereon, or to be constructed or used thereon, or such part thereof as the Board, may direct, and forthwith to report fully thereon in writing to the Board.

Powers of
inspection.

(3) Every such inspecting engineer shall be vested with all the powers in regard to any such inspection as are provided in section —.

Duties of
company
respecting
inspecting
engineers.

(4) Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information as is within their knowledge and power, in all matters inquired into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair, or state of repair, of the railway, or any portion thereof.

Inspecting
Engineers
may travel
free.

(5) Every such inspecting engineer shall have the right, while engaged in the business of such inspection, to travel without charge on any of the ordinary passenger trains running on the railway, and to use without charge the telegraph wires and machinery in the offices of, or under the control of, any such company.

Use telegraph
wires, etc.

Transmission
of telegrams.

(6) The operators, or officers, employed in the telegraph offices of, or under the control of, the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages; and every such operator or officer, who neglects or refuses so to do, shall, for every such offence, be liable, on summary conviction, to a penalty of forty dollars.

Penalty upon
failure.

Proof of
engineer's
authority.

(7) The production of his appointment in writing, signed by the Chairman of the Board, or the Secretary, shall be

sufficient evidence of the authority of such inspecting engineer.

Penalty for obstructing inspecting engineers.

(8) Every person who wilfully obstructs any inspecting engineer in the execution of his duty, is liable, on summary conviction, to a penalty not exceeding forty dollars; and in default of payment thereof forthwith, or within such time as the convicting justices or justices of the peace appoint, to imprisonment with or without hard labour for any term not exceeding three months.

Inspection of Line.

Leave of Board before opening.

169.—(1) No railway, or any portion thereof, shall be opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, until leave therefor has been obtained from the Board, as hereinafter provided. Dom. Ry. Act 1903, s. 207, amended.

Proceedings.

Affidavit.

(2) When the company is desirous of so opening its railway, or any portion thereof, it shall make an application to the Board, supported by affidavit of its president, secretary, engineer or one of its directors, to the satisfaction of the Board, alleging that the railway, or portion thereof, desired to be so opened is in his opinion sufficiently completed for the safe carriage of traffic, and ready for inspection, and request the Board to authorize the same to be opened for such purpose.

Inspection.

When opening reported to be safe.

Order of Board.

(3) Before granting such application the Board shall direct an inspecting engineer to examine the railway, or portion thereof, proposed to be opened, and if the inspecting engineer reports to the Board, after making such examination, that in his opinion the opening of the same for the carriage of traffic will be reasonably free from danger to the public using the same, the Board may make an order granting such application, in whole or in part, and may name the time therein for the opening thereof, and thereupon the railway, or such portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

When opening reported dangerous.

Notice to be served on company.

(4) But if such inspecting engineer, after the inspection of the railway, or the portion thereof, shall report to the Board that in his opinion the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the construction or equipment of such railway, or portion thereof, he shall state in his report the grounds for such opinion, and the company shall be entitled to notice thereof, and shall be served with a copy of such report and grounds, and the Board may refuse such application, in whole or in part, or may direct a further or other inspection and report to be made.

Provision for further inspection.

(5) If thereafter upon such further or other inspection or upon a new application under this section, the inspecting engineer reports that such railway, or portion thereof, may be opened without danger to the public, the Board may make the like order as provided in subsection 4 of this section and thereupon the railway, or such portion thereof, as is authorized by the Board, may be opened for traffic in accordance therewith.

Order for opening.

Leave to carry freight traffic.

(6) The Board, upon being satisfied that public convenience will be served thereby, may, after obtaining a report of an inspecting engineer, allow the company to carry freight traffic over any portion of the railway not opened for the carriage of traffic in accordance with the preceding provisions of this section.

Opening without leave of Board.

(7) If any railway, or portion thereof, is opened contrary to the provisions of this section, the company, or person to whom such railway belongs shall forfeit to His Majesty the sum of two hundred dollars for each day on which the same is, or continues, open until such order is obtained.

Penalty.

Where railway out of repair.

170.—(1) Whenever the Board receives information that any railway, or any portion thereof, is dangerous to the public using the same, from want of renewal or repair, or insufficient or faulty construction, or from any other cause, or whenever circumstances arise which, in its opinion, render it expedient, the Board may direct an inspecting engineer to examine the railway, or any portion thereof; and upon the report of the inspecting engineer may order any repairs, renewal, reconstruction, alteration or new works, materials or equipment to be made, done, or furnished by the company upon, in addition to, or substitution for, any portion of the railway, which may, from such report, appear to the Board necessary or proper, and may order that until such repairs, renewals, reconstruction, alteration, and work, materials or equipment are made, done and furnished to its satisfaction, no such portion of the railway in respect of which such order is made, shall be used, or used otherwise than subject to such restrictions, conditions and terms as the Board may in such order impose. And the Board may by such order, condemn, and thereby forbid further use of, any rolling stock which, from such report, it may consider unfit to repair or use further.

Dom. Ry. Act, 1903, s. 208.

Inspection.

Board may order repairs, etc.

May enjoin use of portions of railways pending repairs.

Or of equipment.

Penalty for non-compliance.

(2) If, after notice of any such order made by the Board, the company shall use any rolling stock, after the same has been so condemned by the Board, or shall disobey or fail to comply with any order of the Board made under this section, the company shall, for each act of disobedience, forfeit to His Majesty the sum of _____; and any person wilfully and knowingly aiding or abetting any such

Aiding and abetting.

violation, shall be guilty of an offence, and on summary conviction thereof shall be liable to a penalty of not less than nor more than

(3) This section shall apply to street railways.

Inspecting engineer may in case of danger issue prohibitions.

171.—(1) If in the opinion of any inspecting engineer, it is dangerous for trains to pass over any railway, or any portion thereof, until alterations, substitutions or repairs are made thereon, or that any of the rolling stock should be run or used, the said engineer may, by notice, forthwith, either forbid the running of any train over such railway or portion of railway, or require that the same be run only at such times, under such conditions, and with such precautions, as he, by notice specifies, and he may forbid the running or using of any such rolling stock by serving upon the company owning, running or using such railway, or any officer having the management or control of the running of trains on such railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended; and for every act of non-compliance therewith such company shall forfeit to His Majesty the sum of two thousand dollars.

Procedure.

Reasons and defects must be stated.

Penalty.

Report of inspecting engineer.

Action thereon.

Notice.

(2) The inspecting engineer shall forthwith report the same to the Board which may either confirm, modify or disallow the act or order of such engineer; and notice of such confirmation, modification or disallowance, shall be duly given to the company. Dom. Ry. Act, 1903, s. 209.

Prosecution for penalties must be authorized.

172. No prosecution for any penalty under the last two preceding sections shall be instituted without the authority of the Board first had and obtained. Dom. Ry. Act, 1903, s. 210.

Company to notify orders of Commissioner to its officers, etc.

173. The company shall, as soon as possible after the receipt of any order or notice of the Board affecting any of the officers or employees of the railway or any of the duties of such officers or employees, give cognizance thereof to each of its officers and employees, in one or more of the ways mentioned in section of this Act. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 104, amended

What to be deemed sufficient notice thereof.

174. All orders of the Board shall be considered as made known to the company by a notice thereof signed by him, and delivered to the president, vice-president, managing director, secretary or superintendent of the said company, or at the office of the company. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 105, amended

Inspection not to Relieve from Liability.

Inspection not to relieve company from liability.

175. No inspection had under this Act, and nothing in this Act contained, and nothing done or ordered or omitted to be done or ordered, under or by virtue of the provisions part. Dom. Ry. Act, 1903, s. 242,

of this Act, shall relieve, or be construed to relieve, any company of or from any liability or responsibility resting upon it by law, either towards His Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative, of any person, for anything done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such company, or in any manner or way to lessen such liability or responsibility or in any way to weaken or diminish the liability or responsibility of any such company, under the laws in force in the Province in which such liability or responsibility arises.

RAILWAY INSPECTION FUND.

Railway Inspection Fund.

176. The company shall, so soon as any portion of its Ont. Electric Ry. railway thereof is in use, pay to the Treasurer of the Pro-Act, R.S.O. vince an annual rate to be fixed by the Lieutenant-Gover-1897, c. 209, nor in Council, not exceeding \$10 per mile of railway con-s. 112. structed and in use; such rate to be paid half-yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Railway Inspection Fund."

TOLLS.

By-Laws as to.

By-laws to be passed authorizing issue of tariffs of tolls to be charged by the company.

177.—(1) The company or the directors of the company, by by-law or any such officer or officers of the company as are thereunto authorized by by-law of the company or directors may from time to time prepare and issue tariffs of the tolls to be charged, as hereinafter provided, for all traffic carried by the company upon the railway, or in its vessels, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid.

To be approved by Board.

(2) All such by-laws shall be submitted to and approved by the Board.

Board may approve in whole or in part or may change.

(3) The Board may approve such by-laws in whole or in part, or may change, alter or vary any of the provisions therein.

No tolls to be charged until by-law approved by Board.

(4) No tolls shall be charged by the company until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Board, nor shall the company charge, levy or collect any money for any services as a common carrier, except under the provisions of this Act. Dom. Ry. Act, 1903, s. 251, amended.

Collection of Tolls.

Collecting
back charges
on goods.

178.—(1) The company shall have the power to collect (See Penetanguishene and Orillia and receive all charges subject to which goods or commodities may come into their possession, and on payment of Ry., 5 Edw.VII. such charges by the company without any formal transfer, c. 105, s. 48). the company shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payments to all the rights and remedies of such persons for such charges.

(2) In case of refusal or neglect of payment on demand Ont. Electric Ry. of any such tolls, or any part thereof, to such persons, Act, R.S.O. the same may be sued for and recovered in any court of 1897, c. 209, competent jurisdiction, or the agents or servants of the 43 (2). company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof.

Sale of goods
to recover
tolls.

(3) If the tolls are not paid within six weeks, and where Dom. Ry. Act, the goods are perishable goods, if the tolls are not paid 1903, s. 280 (2). upon demand or such goods are liable to be destroyed while in the possession of the company by reason of delay in payment or taking delivery by the the consignee, the company may advertise and sell the whole or any part of such goods and out of the money arising from such sale retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale, and shall deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto.

(4) If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto.

(5) In default of such balance being claimed before the Ont. Electric Ry. expiration of the period last aforesaid, the same shall be Act, R.S.O. 1897, paid over to the Provincial Treasurer to be applied to the c. 209, s. 43 (4), general purposes of the Province, unless claimed by the 5). person entitled thereto, within six years of the date of such payment.

Passenger Fares on Electric Roads.

179.—(1) Notwithstanding anything contained in any Ont. Electric agreement with any municipal or other corporation or per- Ry. Act, R.S.O. son in any provision contained in any special Act to the con- 1897, c. 209, s. trary, the fares to be taken by the company on a railway 43 (7) amended operated by electricity for each passenger shall not exceed five cents for any distance not exceeding three miles, and where the distance exceeds three miles then not exceeding two cents per mile or fraction thereof for the distance actually travelled. Children under ten years of age shall be carried for three miles or less for three cents and for any additional distance for half fare, but children in arms shall in all cases be carried free.

(2) Pupils under seventeen years of age actually attending school shall be entitled to purchase eight tickets for twenty-five cents, such tickets to be used only between the hours of eight o'clock and half past nine in the forenoon, and between half-past three and five o'clock in the afternoon, and then only for the purpose of attending and returning from school, provided that no such tickets shall entitle any pupil to ride a greater distance than five miles.

(3) This section shall apply to street railways.

BOARD AND MEMBERS OF LEGISLATURE TO BE CARRIED FREE.

Members of
Legislature
and Board
to have free
transportation.

180. The company shall furnish free transportation upon Dom. Ry. Act, any of its trains, for members of the Legislature with their 1903, s. 275 (5) baggage, and also for the members of the Board, and for amended. such officers and staff of the Board as the Board may determine, with their baggage and equipment, and shall also, when required, haul free of charge any car provided for the use of the Board.

DISCRIMINATION.

Discrimination
prohibited.

181.—(1) Such tolls may be either for the whole or for any particular portions of the railway; but all such tolls shall always, under substantially similar circumstances and conditions be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise, in respect of all traffic of the same description and carried in or upon a like kind of cars, passing over the same portion of the line of railway; and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular person or company travelling upon or using the railway.

Proportionate
decrease in
tolls in certain
cases

(2) The tolls for larger quantities, greater numbers, or longer distances may be proportionately less than the 1903, s. 252 (1, 2). tolls for smaller quantities or numbers, or shorter distances, if such tolls are, under substantially similar circumstances charged equally to all persons.

(3) The company may make uniform special rates for (See Hamilton, Guelph & North Shore Ry. 5 Edw. VII., c. 93, s. 52).
the carriage of fruit, milk and other perishable products and commodities.

Unjust discrimination between localities prohibited.

(4) No toll shall be charged which unjustly discriminates between different localities. The Board shall not approve or allow any toll, which for the like description of goods or for passengers, carried under substantially similar circumstances and conditions in the same direction over the same line, is greater for a shorter than for a longer distance, the shorter being included in the longer distance, unless the Board is satisfied that owing to competition, it is expedient to allow such toll. The Board may declare that any places are competitive points within the meaning of this Act.

Long and short haul clause.

Competitive points.

(5) No company shall, except in accordance with the provisions of this Act, directly or indirectly, pool its freights or tolls with the freights or tolls of any other railway company or common carrier, nor divide its earnings or any portion thereof with any other railway company or common carrier, nor enter into any contract, arrangement, agreement, or combination to effect, or which may effect, any such result, without leave therefor having been obtained from the Board. Dom. Ry. Act, 1903, s. 252 (3,4).

Pooling prohibited.

Duty of company to afford reasonable facilities for receiving, forwarding, and delivering traffic without partiality and without unreasonable delay.

182. All companies shall, according to their respective powers, afford to all persons and companies all reasonable, and proper facilities for the receiving, forwarding, and delivering of traffic upon and from their several railways, for the interchange of traffic between their respective railways, and for the return of rolling stock; and no company shall make or give any undue or unreasonable preference or advantage to, or in favour of, any particular person, or company or any particular description of traffic, in any respect whatsoever, nor shall any company by any unreasonable delay or otherwise however, make any difference in treatment in the receiving, loading, forwarding, unloading, or delivery of the goods of a similar character in favour of or against any particular person, or company, nor subject any particular person, or company, or any particular description of traffic, to any undue, or unreasonable, prejudice or disadvantage, in any respect whatsoever; nor shall any company so distribute or allot its freight cars as to discriminate unjustly against any locality or industry, or against any traffic which may originate on its railway destined to a point on another railway in Ontario with which it connects; and every company which has or works a railway forming part of a continuous line of railway with, or which intersects, any other railway, or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other rail-

Undue preference or advantage.

Undue
prejudice or
disadvantage.

way, or for receiving from and forwarding by its railway all the traffic arriving by such other railway without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage, as aforesaid, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf; and any agreement made between any two or more companies contrary to this section shall be unlawful and null and void.

Agreements in
violation void.

Power of
Board to
determine
what are
substantially
similar circum-
stances undue
preferences
etc.

183. The Board may determine, as questions of fact, Dom. Ry. Act, whether or not traffic is or has been carried under sub-1903, s. 253. stantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Act, or whether in any case the company has, or has not, complied with the provisions of this and the last preceding section; and may by regulation declare what shall constitute substantially similar circumstances and conditions, or unjust or unreasonable preferences, advantages, prejudices, or disadvantages within the meaning of this Act, or what shall constitute compliance or non-compliance with the provisions of this and the last preceding section.

Burden of
proof respect-
ing unjust
discrimina-
tion, etc.

184.—(1) Whenever it is shown that any company charges one person, company, or class of persons, or the persons in any district, lower tolls for the same or similar goods, or lower tolls for the same or similar services, than they charge to other persons, companies, or class of persons, or to the persons in another district, or makes any difference in treatment in respect of such companies or persons, the burden of proving that such lower toll, or difference in treatment, does not amount to an undue preference or an unjust discrimination shall lie on the company.

What Board
may consider
in determining
unjust dis-
crimination,
etc.

(2) In deciding whether a lower toll, or difference in treatment, does or does not amount to any undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls.

Apportionment
of toll for
carriage by
land and
water.

(3) In any case in which the toll charged by the company for carriage, partly by rail and partly by water, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged is discriminatory or contrary in any way to the provisions of this Act, may require Dom. Ry. Act, 1903, s. 254.

the company to declare forthwith to the Board, or may determine what portion of such single sum is charged in respect of the carriage by rail.

Equal facilities to be granted to express companies.

185. Every company which grants any facilities for the carriage of goods by express to any express company or person, shall grant equal facilities, on equal terms and conditions, to any other express company which demands the same. Dom. Ry. 1903, s. 278

Reduced rates to be granted for public or charitable purposes.

186. Nothing in this Act shall be construed to prevent the carriage, storage or handling of traffic free or at reduced rates for the Dominion, or any provincial or municipal government, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the carriage, free or at reduced rates, of destitute or homeless persons, transported by charitable societies, and the necessary agencies employed in such transportation, nor to prevent the issuance of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants or settlers, and their goods and effects, or any member of any organized association of commercial travellers with his baggage, nor to prevent railways from giving free carriage or reduced rates to their own officers and employees, or their families, or for their goods and effects, or to members of the press, or to such other persons as the Board may approve or permit, nor to prevent the principal officers of any railway, or any railway or transportation company, from exchanging passes or free tickets with other railways, or railway or transportation companies, for their officers and employees and their families, or their goods and effects; provided that the carriage of traffic by the company under this section may, in any particular case or by general regulation, be extended, restricted, limited or qualified by the Board. Dom. Ry. Act 1903.

APPOINTMENT OF RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any railway.

187.—(1) The Justice of the Peace for any county assembled at any General Sessions of the Peace on the application of the board of directors of the company whose way or any part thereof passes within the local jurisdiction of such Justices of the Peace, or on the application of any clerk or agent of the company thereto authorized by such board, may, in their discretion appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say: Ont. Electric Ry. Act, R.S. 1897, c.209, 113, (1).

Oath of office.

"I, A. B., having been appointed a Constable to act upon and along (here name the Railway), under the provisions of *The Railway*

"Act of Ontario, do swear that I will well and truly serve our Sovereign Lord the King, in the said office of Constable, 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 prevent all offences against the peace, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law: So help me God."

By whom to be administered.

(2) Such oath or declaration shall be administered by any one such Justice or by the Clerk of the Peace for such county.

Ont. Electric Ry. Act, R.S.O. 1897, c.209, s.113 (2), amended Dom. Ry. Act, 1903, s. 241 part (1), amended.

(3) Such appointment shall be made in writing signed by the Clerk of the Peace and the fact that the person appointed thereby has taken such oath or declaration shall be endorsed thereon by the person administering such oath or declaration.

Powers of such constables, and to what localities they shall extend.

188. Every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to the company, whether the same be in the county, city, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such railway company, and in all places not more than one quarter of a mile distant from the railway; and shall have all the powers, protections and privileges for the apprehending of offenders, as well by night as by day and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, possessed by any constable duly appointed.

Ont. Electric Ry. Act, R.S.O. 1897, c 209, s. 114

Duties of such constables.

189. It shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such railway, before any Justice or Justices appointed for any county, city, district or other local jurisdiction within which such railway passes; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction.

Ont. Electric Ry. Act, R.S.O. 1897, c.209, s. 115.

Dismissal of any such constable.

190. The Judge of the County Court of the county in which the constable resides, may dismiss any such constable, and the board of directors of the company or any manager or superintendent thereof may dismiss any such

Ont. Electric Ry. Act, R.S.O. 1897, c.209, s. 116, amended.

constable who may be acting on the railway; and upon such dismissal, all powers, protection and privileges belonging to any such person, by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such railway without the consent of the authority by which he was dismissed.

Record of
appointment
of constables,

And of
dismissals.

191. The company shall cause to be recorded in the office of the clerk of the peace, for every county wherein such railway passes the name and designation of every constable so appointed at its instance, the date of his appointment, and the authority making it, with such appointment or a certified copy thereof, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as the case may be; and such clerk of the peace shall keep a record of all such facts in a book which shall be open to public inspection, and shall be entitled to a fee of fifty cents for each entry of appointment or dismissal, and twenty-five cents for each search or inspection, including the taking of extracts. Such record shall, in all courts, be *prima facie* evidence of the due appointment of such constable and of his jurisdiction to act as such, without further proof than the mere production of such record.

Neglect of
duty by
constable.

Penalty.

192. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city or district wherein such railway passes, to a penalty not exceeding eighty dollars, or to imprisonment, with or without hard labour, for a term not exceeding two months. Such penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the company. Dom. Ry. Act 1903, s. 241 (5, 6.)

PASSENGER CONDUCTORS TO HAVE THE POWER AND AUTHORITY OF CONSTABLES.

Conductors to
have powers of
constables.

193.—(1) The conductor of every train carrying passengers within this Province and the conductor of the car or cars of every railway carrying passengers within this Province, is hereby invested with all the powers, duties and responsibilities of a constable, while on duty on his train or on said car and cars, and said conductor may wear a badge or other distinguishing mark of a special constable. New,—Bas on Ohio Ry law.

(2) When a passenger is guilty of disorderly conduct, or uses any blasphemous or obscene language, or plays any game of cards or chance for money or any other thing of value, upon any passenger train or upon the car or cars of any railway carrying passengers within this Province, the New,—Bas on Ohio Ry law.

conductor of such train or car or cars of such railway may stop his train or said car or cars at the place where such offence is committed or at the next stopping place of such train or of such car or cars and eject such passenger from the train or from said car or cars, using only such force as may be necessary to accomplish such removal; and the conductor may command the assistance of the employees of the company, and of the passengers on such train or on such car or cars to assist in such removal; but before doing so he shall render to such passenger such proportion of the fare he paid as the distance he then is from the place to which he has paid fare bears to the whole distance for which his fare is paid.

194. When a passenger is guilty of any offence upon a passenger train or upon the car or cars of any railway carrying passengers within this Province, the conductor of such train or of such car or cars may arrest him and take him before any Justice having cognizance of such offence in any county or district in this Province in which such train or car or cars runs, and lay an information before such Justice, charging him with such offence; but in no case shall the liability of the company for damages caused by the conduct of its conductor be affected by the provisions of this and the next preceding section. New,—Based on Ohio Ry. law.

195. A conductor having charge of a passenger train or of the car or cars of any railway carrying passengers within this Province, who wilfully neglects his duty as required by the two preceding sections, or fails to use all the means in his power to carry out the requirements of said sections, shall be liable on summary conviction to a fine of not more than twenty-five dollars. New,—Based on Ohio Ry. law.

196. The company shall cause a notice to be placed in all passenger cars stating that the conductors have the authority and powers of constables. New

STREET RAILWAYS AND RAILWAYS OPERATING ON HIGHWAYS.

General Provisions.

197. Sections 198 to ... inclusive shall apply to street railways and companies incorporated for the purpose of constructing, maintaining and operating street railways as defined in the interpretation clauses of this Act, and shall apply to other railways operating on highways by electricity unless otherwise expressed. New.

198.—(1) Every such company shall, subject to any provisions contained in the special Act or in any agreement made between the company and a municipality, have Street Ry. Act, R.S.O. 1897, c. 208, s. 11 (1).

authority to construct, maintain, complete, and operate and from time to time to remove and change as required, a double or single track railway, with the necessary switches, side tracks and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the highways in any municipality to which the Special Act extends, as the council of the municipality may by by-law authorize, and over and upon lands purchased or leased by the company for that purpose, and to take, transport and carry passengers upon the same, by the force or power of electricity, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

(2) Any such by-law shall be subject to the conditions and provisions of section 632 of *The Consolidated Municipal Act, 1903*. Street Ry. Act, R.S.O. 1897, c. 208, s. 11 (3).

Freight traffic. 199. The company may take, transport and convey goods upon its railway, but no freight or express cars shall be carried along any highway in any city, town or village over the railway unless and until the size and number of the cars and motors to be used therewith, and the hours of running the same, have been approved by the Board, nor shall any freight service be operated on any such highway until authorized by, or except as directed by the Board. (See Western Central Ry. 5 Edw. VII., c. 109, s. 20, amended.)

Agreements between municipality and company as to construction, street repairs, etc. 200. Subject to the provisions of section 225 of this Act, the company and the council of any municipality in which a railway or part of a railway is laid may, amongst other things, enter into any agreements they think advisable, relating to the construction of the railway; the time within which the railway shall be commenced, the manner of proceeding therewith, and the time of its completion; the paving, macadamizing, repairing, grading, and cleaning of the streets upon which the railway is laid; the construction, opening and repairing of drains and sewers; the laying, repairing or taking up of gas and water pipes in the streets; the location of the railway, and the particular streets along which the same may be laid; the pattern of rails; the time and speed of running the cars, sleighs and other conveyances; the fares to be charged within the maximum hereinafter mentioned, and the amount of compensation (if any) to be paid by the company annually or otherwise. Street Ry. Act, R.S.O. 1897, c. 208, s. 13.

Sunday Cars.

Street railways etc., not to be operated on Sunday. 201.—(1) No company or municipal corporation operating a street railway, tramway or electric railway, shall operate the same or employ any person thereon on the first day of the week commonly called Sunday, except for the purpose

of keeping the track clear of snow or ice, or for the purpose of doing other work of necessity.

Exceptions.

(2) The foregoing subsection shall not apply to companies which have, before the 1st April, 1897, regularly run cars on Sunday; nor shall it confer any rights so to run cars on Sunday not now possessed by them; nor shall it affect or apply to any company which has by its charter or by any special Act the right or authority to run cars on Sunday; nor shall it affect the right (if any) of the Toronto Railway Company to run cars on Sunday; nor shall this section apply to or affect any of the provisions of this Act .

Rev. Stat.
c. 209.

Penalty.

(3) For every train or car run or operated in violation of this section, the company shall forfeit and pay the sum of \$400, to be recovered in any court having jurisdiction in civil cases, for the amount, by any person suing for the same under this section and for the purpose thereof. The action for the recovery of the said sum shall be brought before a court having jurisdiction as aforesaid in the place from which such train or cars started, or through which it passed or at which it stopped in the course of such operation.

Application
of penalties.

(4) All moneys recovered under the provisions of this section shall be appropriated as follows: One moiety thereof to the plaintiff and the other moiety to the local municipality from which the train or cars started.

Liabilities
of conductor.

(5) The conductor or other person in charge of any train or car run or operated in violation of the provisions of this section shall be liable for every such offence to a penalty not exceeding \$40 nor less than \$1, besides costs, and the same shall be recoverable on summary jurisdiction.

Guard wires.

202.—(1) The company, when operating any portion of its line across or along a highway by means of electricity conveyed by wires above ground, shall cause to be strung and maintained guard wires sufficient to prevent telegraph, telephone or other wires now or hereafter strung across or along the highway from coming into contact with or falling upon the said wires conveying such electricity.

Street Ry. A.
R.S.O. 1897,
s. 18 (1-

Protecting
Water pipes,
etc., from in-
jury by
electricity.

(2) The company, when operating any portion of its line by means of electricity, shall use such means and appliances as may, as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things now or hereafter placed underground from being damaged in consequence of the escape or discharge of electricity into the ground. Proper bonding of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires shall be taken to be a compliance with the conditions of this section.

(3) The Board shall have power to make such order or orders as to it may seem proper to compel the proper observance of this section.

204. Any person suffering damage by reason of the non-compliance by the company with the provisions of the preceding section shall have a right of action against the company therefor.

Street Ry. Act,
R.S.O. 1897,
c. 208, s. 19.

Forfeiture by Non-user.

205. In case the company at any time cease to regularly use the whole or any part of their railway for a period of eighteen months, they shall forfeit the right to use the railway or the part unused, as the case may be, together with the rails, poles and wires thereof, which shall become the property of the municipal corporation within whose territory the railway or such part is situated, and the company shall, in addition, indemnify the municipality in respect of all costs incurred in taking up the rails and putting the streets in proper repair.

Street Ry. Act,
R.S.O. 1897,
s. 37.

Additional Powers of Electric and Street Railways.

206. Railway companies operating by electricity and street railway companies shall also have power:

Ontario Electric
Act, R.S.O.,
1897, c. 209,
s. 9 (5).

(1) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company.

(2) To acquire by lease or purchase and to hold, utilize and develop water powers and the necessary land there-with, and to construct the necessary plant for the purpose of generating electricity for lighting, heating and power in operating the said railway.

(See Western
Central Ry.,
5 Edw. VII.,
c. 109, s. 14.)

(5) To purchase, lease or acquire by voluntary donation and to hold for any estate in the same and to sell, lease, alienate or mortgage any lands or premises intended and necessary or suitable for park or pleasure grounds not exceeding 100 acres in any one municipality and to improve and lay out such lands as parks or places of public resort and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate or any of them, in respect thereto, subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; but none of the provisions of this clause shall be in force or have effect unless and until the municipal council or councils of the muni-

(See Perth and
Huron Ry. Co.,
5 Edw. VII.,
c. 106, s. 48 (i))

Right of
action.

Forfeiture by
non-user.

Powers as to
production
and use of
electricity.

Purchase of
water powers
and stock in
water or power
company.

Power to
acquire lands
for parks, etc.

cipality or municipalities wherein the lands proposed to be acquired by the company are situate has or have by by-law declared its or their assent to the company's acquiring lands under and for the purpose mentioned in this clause. No such park or pleasure grounds shall be used for games, pic-nics, concerts, excursions or other public entertainments on the Lord's Day.

Acquiring rights for conveying electricity.

(6) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway by the special Act authorized to be built, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, or as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger or injuriously affect the same or injuriously to interrupt the navigation of such waters. The rights conferred upon the company shall not be exercised within the limits of any Park vested in the Crown for the use of the public of the Province of Ontario or any land vested in any commissioners for any such park without the consent of the commissioners and the approval of the Lieutenant-Governor in Council.

Ont. Electric Ry. Act; R.S. 1897, c. 209, s (h), amended.

Construction of railway on highways.

(7) Subject to the provisions of section 226 of this Act, no railway or street railway shall be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality and under and subject to the terms of such agreement and of section 226 of this Act and of any by-law- or bylaws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with the motive power, and the application and using thereof in so constructing, operating and working such

railway, or the cars, carriages, engines, motors or machines thereof shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property.

Notice to be given before passing by-law authorizing construction on highways.

207. No municipal council, notwithstanding anything² Edw. VII., c. 27, s. 16 (1-2), contained in this or any other Act to the contrary, shall pass a by-law authorizing any electric railway company or street railway company to lay out or construct its railway on, upon or along any public highway, until written or printed notices of the intended by-law, specifying the route to be taken by the railway, shall have been previously posted up for one month in six of the most public places in the municipality, and published weekly for at least four successive weeks in some newspaper published in the municipality, or, if there be no such newspaper, in a newspaper published in a neighboring municipality, or, if there be no such newspaper, then in a newspaper published in the county town. amended.

Objectors to be heard by council.

(2) The council shall hear in person or by counsel any one whose property may be prejudicially affected by such proposed railway who desires to be heard.

Power to deviate.

208. The company may, at any point or points where its railway may run along the highway, deviate from such highway to a right of way owned by the company provided that no obstruction of such highway shall be made by such deviation; but if the rails on such deviation do not rise above or sink below the surface of the road more than one inch they shall not be deemed an obstruction; provided that the right by this section conferred shall not be exercised by the company without the consent of the council of the municipal corporation having jurisdiction over the highway, or the authority of the Board; and the Board may, upon such terms as seem just, on application of the company, order that the said company may make such deviation. (See Brantford and Erie Ry., 4. Edw. VII, c. 75, s. 22.)

Proviso.

Expropriation by Street Railway Companies.

Expropriation of land, when and to what extent allowed.

209.—(1) In case the council of a municipality, by resolution, declares that the council is of opinion that a company incorporated with power to construct a street railway in the municipality should have powers of expropriation for the purposes of building a part of its railway between

two or more points, set forth in the resolution, and situated within the municipality, the company, upon registering the resolution in the proper registry office, shall, in respect of lands lying between the points named, possess the powers conferred upon railway companies under the sections of this Act relating to the taking of lands without the consent of the owner.

(2) Such powers shall be exercised within two years from the passing of the resolution, and not afterwards, and the lands to be taken hereunder shall not exceed one chain in width.

(3) The provisions of this section shall not apply to the Street Ry. Act, tract of country extending three miles above and three R.S.O. 1897, miles below the Falls of Niagara, and for a width inland c. 208, s. 39 of one mile from the said River Niagara. amended.

Duration of Street Railway Franchises.

Time for which municipality may grant privileges. 210.—(1) No municipal council shall grant to a street railway company any privilege under this Act for a longer period than twenty-five years, but at the expiration of twenty-five years from the time of passing the first by-law which is acted upon, conferring the right of laying rails upon any highway, or at such other earlier date as may be fixed by agreement, the municipal corporation may, after giving to the company six months' notice prior to the expiration of the period limited, assume the ownership of the railway, and all real and personal property in connection with the working thereof, on payment of the actual value thereof, to be determined by the Board. In ascertaining the actual value of such railway and real and personal property, the franchise or control of tracks upon the highways shall not be estimated as of any value whatever.

Municipality may assume the ownership. (2) In case the corporation fails to exercise the right of Street Ry. Act, assuming the ownership of the railway, at the expiration R.S.O. 1897, of the said period, the corporation may exercise such right c. 208, s. 41 at the expiration of any fifth year thereafter, upon giving amended. one year's notice to the company, and the privileges of the company shall continue until the ownership is assumed by the municipal council.

Mode in which right to purchase to be exercised as between different municipalities interested. 211. If a street railway is situated in two or more municipalities, the city or town municipality shall have the Street Ry. Act, right to exercise the power of purchase herein conferred, R.S.O. 1897, c. 208, s. 42 unless the municipal councils agree otherwise between amended. themselves; and the corporation purchasing shall thereafter possess all the powers and authority and be subject to all the conditions and restrictions theretofore enjoyed and suffered by the company, and shall, as to other municipalities into which the railway runs, be subject to the like liabilities; and shall be subject to all orders and direc-

tions of the Board in the same manner and to the same extent as a company operating a street railway.

Municipality dissatisfied with terms as to railway in certain cases, may require an arbitration.

212.—(1) The council of a municipality into which a street railway runs may, at any time, after the right of assuming the ownership of the street railway accrues to such municipality, or to any other municipality, require that the terms upon which the street railway shall be operated in such municipality be determined, and the terms, unless the parties in the meantime agree, shall be determined by the Board, and such arrangement shall remain in force for ten years.

(2) At the end of that period either party may require that the terms be settled anew in like manner for another period of ten years; but such settlement or agreement shall be without prejudice to the right hereinbefore conferred upon a city or town to assume the ownership of the street railway at the expiration of any fifth year.

Street Ry. Act, R.S.O. 1897, c. 208, s. 43, amended.

Municipality acquiring railway may transfer same to a company.

213. The municipal corporation purchasing may, at any time, transfer its rights to its street railway lines or any of them, and the whole or any part of the plant of the railway to any street railway company authorized to operate a street railway; subject to such terms and conditions as may be agreed upon by such street railway company and the municipal corporation.

Street Ry. Act, R.S.O., c. 208, s. 45, amended.

Application of preceding section.

214. A company to which any lines of railway have been transferred by a municipal corporation shall, as respects the provisions of the next preceding section, stand in the same position as the municipal corporation from which it received such transfer.

Street Ry. Act, R.S.O. 1897, c. 208, s. 44.

215. Any municipal corporation assuming the ownership of a street railway under this section and operating the same shall be subject to the provisions of this Act.

Duration of Privileges to Operate Electric Railways on Highways.

216.—(1) No municipal council shall grant to any railway company operating by electricity any privilege to operate upon a highway for a longer period than twenty-five years.

(2) At the expiration of the period for which any such privilege is granted, the council of any municipality, upon the highways of which such railway or any portion thereof is operated, may agree to extend such privilege for a further term of years not exceeding twenty-five years, upon such terms and conditions as may be agreed by the municipality and the company, or with the consent of the Board

such municipality may assume the ownership of that portion of the railway operating upon the highways of such municipality within its limits, upon payment of the actual value thereof, to be determined by the Board. In determining such actual value the franchise or control of the tracks upon such highways shall not be estimated as of any value whatever.

(3) The ownership of such portion of such railway shall not in any case be assumed by such municipality unless notice of the intention of such municipality to assume such ownership has been given to the company six months prior to the expiration of the privilege or franchise, and in no case shall a municipality assume such ownership without the written consent of the Board.

(4) In the event of the parties being unable to agree as to the period for and the terms and conditions upon which such company may continue to operate its railway upon any highway, the Board shall determine the same, and the decision of the Board shall be final.

(5) This section shall only apply to electric railways that are not street railways.

Fenders, Brakes, etc.

Fenders.

217.—(1) The company, when operating any portion of its line by means of electricity on a highway shall from time to time adopt and use in the front of each motor car a fender or guard and shall from time to time adopt and use a brake and such other life saving appliances as shall be of a design approved from time to time by the Board as suitable for use by the company, having regard to the efficiency of such fender, guard, brake and other life saving appliances for life saving purposes, and to the location of the company's line, and the speed at which the company's cars may be run.

218. The fender, guard, brake or other life saving appliance so approved of by the Board shall be adopted and used upon the cars of the company within the time fixed by the Order approving of the same, or by any Order extending the said time; provided that where the cars of a company are equipped with fenders of a class so approved by the Board the company shall not be liable for non-compliance with any by-law or agreement relating to the class of fenders to be used in any city, or town, or any requirement of the engineer or other officer of the municipality under any such by-law or agreement.

Penalties for not providing fenders, etc.

219. The company shall pay to the corporation of the city or town in which such road is operated the sum of ten dollars for each day in which any motor car is operated

1 Edw. VII., c.

25, s. 2 amended

and the Downey

Bill, 1905.

within such city or town without having such a fender, guard, brake or other life saving appliances thereon, except in cases of accident or unavoidable necessity; such sum or sums to be recovered from such company in a civil action.

220.—(b) If the Board shall so order the company shall allow tests to be made on any of its motors or cars, of any fender, guard, brake or other life saving appliance that the Board may consider it advisable to have tested with a view to ascertaining its efficiency for the purpose for which it is designed.

Lavatories, etc.

Conveniences.

221.—(1) All street railway companies shall, within six months after being so ordered by the Board, provide, furnish and thereafter maintain suitable and sanitary urinals and other conveniences for the use of the employees of the company operating their cars; such urinals and other conveniences to be located upon land owned or provided by the said company and reasonably accessible to each of the various lines of railway operated by the said company, and at such points as the Board may direct, within the limits of the city or town, and the employees of the said company shall be allowed reasonable opportunity of access thereto.

Penalty for not supplying.

(2) The company shall be liable to a penalty of ten dollars per day for each day they shall neglect to provide each or any of the said urinals or other conveniences.

(3) The cost of such urinals and conveniences shall be borne by the company or by the city or town within the limits of which the company's lines are operated, or by both in such proportions, in case the parties are unable to agree, as may be determined by the Board.

(4) In case the company complains that it cannot procure suitable sites for such conveniences, the Board may, in its discretion, order the city or town to provide the same for the company upon such terms as to cost and otherwise as the Board may determine.

(5) When so ordered by the Board, such urinals and conveniences shall be open to the public as well as the employees of the company.

Unclaimed Property.

222. It shall be the duty of every street railway company which shall have unclaimed property left in its cars, to ascertain if possible, the owner or owners of such property, and to notify such owner or owners of the fact by mail as soon as possible, after such property comes into its possession. Every such company which shall have

New. Founded on Toronto Bill, 1905.

New.

New. Founded on N. Y. Ry. Law.

such property not perishable in its possession for the period of three months, may sell the same at public auction, after giving notice to that effect, by one publication, at least ten days prior to the sale, in a daily newspaper published in the city or town in which such sale is to take place, of the time and place at which such sale will be held, and such sale may be adjourned from time to time until all the articles offered for sale are sold. All perishable property so left, may be sold by any such street railway company without notice, as soon as it can be, upon the best terms that can be obtained.

223. All moneys arising from the sale of any such unclaimed property, after deducting charges for storage and expenses of sale, shall be paid by any such company to the treasurer of any association, composed of the employees of such street railway company, having for its object the pecuniary assistance of its members in case of disability caused by sickness or accident, for the use and benefit of such association and its members; and where no such association of the employees of any such street railway company is in existence at the time of any such sale, such moneys shall be paid over to the treasurer of the city or town in which such sale took place for the benefit of such city or town.

Limitation of transmission of electrical energy.

223. Notwithstanding anything contained in this Act, (See Hamilton, or in any statute of the Province, no municipality shall Guelph and have the power to grant to any railway or street railway North Shore Ry. any exclusive rights, privileges, or franchise, as to the 5 Edw. VII., transmission of electrical energy for power, light and heat c. 93, s. 61.) over or across any public highway or street in the said municipality.

Transfer in Ownership of Highways.

Agreements with companies as to certain matters to enure for benefit of municipality owning road.

224. In case any railway operated by electricity upon a 63 V., c. 31, s. highway or a portion of which is so operated has been 2 amended heretofore, or shall hereafter be, constructed in any municipality under any agreement with the council thereof, or with the council having the control of the highway therein, and the territory, or any part of the territory in which said railway has been, or shall be constructed, is subsequently to the making of such agreement, removed from one municipality to another, or the highway along which such railway has been or shall be constructed, has ceased to be owned or controlled by one municipality, or the council thereof, or by any council having the control of such highway and has become vested in or has been placed under the control of another municipality or the council thereof, then so far as such agreement relates to the maintenance and repair of the track and roadbed of the railway or the

remaining portions of the highway or highways over which the railway is operated, and to the removal of snow and ice from the company's track and the disposal of such snow and ice upon the highway or elsewhere the corporation of such last mentioned municipality and any officer or person designated by by-law thereof shall be substituted for and shall have all the rights and may exercise all the powers and be subject to the same duties as the municipal corporation party to such agreement and any officer or person named therein and charged with the performance of any duty in respect to the matters aforesaid thereunder.

AGREEMENTS WITH MUNICIPALITIES FOR OPERATING ON HIGHWAYS.

225. Any agreement made after the passing of this Act New. between a municipal corporation and a company under which agreement the company obtains a right or franchise to operate upon a highway shall (unless such provisions or any of them are expressly excluded from such agreement), be deemed to contain the clauses set forth in the following subsections hereof, viz. :

Grade.

(a) The rails of the company shall conform to the grade of the street.

Rails to be flush with street, etc.

(b) In all cases where the rails are laid upon the paved or travelled portion of the street, or on any part thereof, the rails shall be laid (as nearly as practicable) flush with the street, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the street, and shall be so kept and maintained by the railway company. Edw. VII., c. 2 a7, s. 17 (a) part (b).

(c) The company so long as it shall continue to use any of its tracks on the travelled portion of the highway shall keep in permanent repair the whole space used on its track allowances, crossings, switches and turnouts and eighteen inches of the highway outside of its tracks. New.

Company to keep track allowances in repair.

(d) If the company neglect to keep in repair its track allowances and crossings, switches and turnouts or to have the necessary repairs according to the agreement made thereon, the council of the municipality may give notice to the company requiring such repairs to be forthwith made, and the certificate of the engineer appointed by the council for the time being as to the necessity for such repairs shall be binding and conclusive upon the company, and if after the giving of such notice the company do not within one week begin, and thereafter, with all reasonable diligence, carry such work of repairing to completion, the municipal council shall have the right to cause such repairs to be made, and the company shall pay to the treasurer of the municipality the expenditure incurred in making or completing such repairs. York & Metropolitan Ry. Co. agreement amended.

- Penalty. (e) The payment of such amount shall not relieve the company from any penalty provided for the omission to repair by the agreement between the municipal corporation and the company. New.
- Speed. (f) No car or train of cars shall be operated on the travelled portion of any highway at a greater speed than fifteen miles an hour unless authorized by the Board, and shall operate at a lesser rate of speed if ordered and directed by the Board. 2 Edw. VII., c. 27, s. 17 (d), amended.
- Intersecting roads. (g) At the intersection of the company's railway and cross streets or highways crossing or intersecting the highway upon which the railway is operated the company shall construct and keep in repair crossings of a similar character to those adopted by the municipality and shall construct underneath its track allowance such culverts and waterways as are in the opinion of the council of the municipality or its engineer or other officer appointed for that purpose necessary for drainage purposes, and shall at the entrance to private properties abutting upon the company's railway construct such approaches as may be directed by the council or such officer or by the Board. York & Metropolitan Ry. Co. agreement amended.
- Culverts. (h) When the company's tracks are built over any existing culvert the company shall when so directed by the council or such officer or the Board extend such culverts so that the portion of the highway to be travelled upon by the public shall have a width of at least eighteen feet between the company's nearest tracks and the end of the culverts upon the side of the road opposite to such track. York & Metropolitan Ry. Co. agreement amended.
- Snow. (i) The company shall remove the snow from, and within its tracks and switches, but any snow put upon the graded part of the road by the company shall be evenly spread thereon in a manner to be approved by the council or its engineer or officer. York & Metropolitan Ry. Co. agreement amended.
- Taking up streets by company. (j) The municipal council may at any time, after giving to the company 20 days' notice of its intention so to do, take up any part of the highway along which the company's railway is constructed, for the purpose of altering the street or road grade, constructing sewers, drains, culverts or side crossings, laying down gas and water pipes or underground wires, and for all other purposes within the province and privileges of a municipal corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or the works connected therewith. When and so often as it may be necessary for the municipal corporation to open the road or street for the purpose of repairing such street or road, sewer, drains, culverts, gas or water pipes, or underground wires, or for putting in gas, water or other services, a reasonable notice shall be given to the company of the council's York & Metropolitan Ry. Co. agreement amended.

intention so to do, and the work thereon shall not be unnecessarily delayed but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof.

(k) All work done under the authority of the agreement shall be done in the most substantial manner and according to the best modern practice under the superintendence and to the satisfaction of the engineer or officer appointed by the council for such purpose with a right of appeal to the Board.

(l) The alignment of the company's tracks, the location of switches and the grades of the roadbed of its railway shall be prescribed by such officer or engineer.

(m) The company shall repay to the municipality all sums paid by it to such officer or engineer for services performed by him in connection with the company's work.

(n) All persons using the said highway shall be at liberty to travel upon any portion of the travelled roadway occupied by the company's railway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portions of the highway, it being provided, however, that the company's cars shall have the first right of way over the said railway, and all vehicles or persons travelling on that portion of the highway occupied by the railway shall turn out to let the trains or cars pass—and any person refusing or neglecting so to do shall be liable on summary conviction to a fine of not more than \$10.00 and costs.

(o) The words "travelled portion" where used in this Act as applicable to roads, streets or highways shall be deemed to mean that central portion of roads, streets or highways between the ditches or drains on either side thereof and ordinarily used for vehicular traffic.

(p) This section shall apply to street railways.

Radial Lines.

Operating in cities.

226.—(1) Notwithstanding anything in this Act contained the railway shall not be constructed along any highway within the limits of any city or town except upon and subject to such terms and conditions as may be agreed upon between the company and any street railway or electric railway, if any, already operating in such city or town and the council of the corporation of such city or town. Provided always that if there is an existing agreement between such city or town and the street railway or electric railway already operating in such city or town then the railway shall not be constructed along any such highway, except, upon and subject to the terms of such existing

New.

Proviso.

agreement; provided, also, that where the agreement between any street railway or electric railway company and the city or town does not contain any provision for the admission of other electric or street railways then if the council of such city or town shall by by-law or resolution request the street railway company or electric railway company already operating in such city or town, to allow its tracks or any of the streets to be used for the entrance of such other railway, or if such street railway company or electric railway company or such other company shall by by-law or resolution request the city or town to permit the entrance of the railway into such city or town the company so operating in the city shall permit its tracks or any streets to be so used to some central point in the said city or town to be named by the council of such city or town, and the said city or town shall permit such other railway to enter within the limits of such city or town upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company incorporated under this Act the council and such street railway or electric railway company, or as shall be settled and determined by the Board in case the council and the said two companies are unable to agree upon the same.

(2) Railway companies operating in cities or towns under New. the provisions of this section shall in addition to such conditions, regulations and restrictions as shall be contained in any such agreement or by-law, be subject to all the provisions of this Act respecting the construction and operation of street railways.

(3) The Board shall not in any order or direction made New. under this section permit or impose any terms or conditions that shall, without the consent of the municipality interested, alter or vary any existing agreement between such municipality and any railway or street railway company operating on the highways within the limits of such municipality.

(4) The Board shall not (without the consent of the city New. or town) grant to any company desiring to operate within any such city or town any right or privilege to so operate for a longer period than the unexpired term of the franchise or privilege held or enjoyed by any company which at the date of the application to the Board under this section is operating a railway or street railway within the limits of such city or town.

(5) At the expiration of such term the parties may enter New. into an agreement as to a renewal of the same for a further period not exceeding twenty-five years, and in the event of the parties being unable to agree, the Board may in its dis-

cretion order a renewal thereof upon such terms and conditions as shall be determined by the Board.

(6) This section shall not be construed to confer upon the Board the power to vary or annul any provision, contained in the agreement between the parties or in the order of the Board, allowing the entrance of such other railway, which grants to the corporation of the city or town interested the right to take over and assume the ownership of such other railway within the limits of such city or town on the expiration of any such term. New.

(7) This section shall apply to street railways. New

227. This Act shall not, except where the same is so expressed, be construed to vary or rescind, or to confer upon the Board power to vary or rescind any agreement lawfully entered into between a municipal corporation and a railway or street railway company, or between two or more railway or street railway companies prior to the passing of this Act.

Examination of Motormen.

Examination
of applicants
for position
as motorman.

228. No applicant for a position as a motorman on any railway or street railway operated by electricity shall be appointed to such position until he has been subjected to a thorough examination by the officers of the company as to his habits, physical ability and intelligence. If this examination is satisfactory, the applicant shall be placed in the shop or power house where he can be made familiar with the power and machinery he is about to control. He shall then be placed on a car with an instructor, and when the latter is satisfied as to the applicant's capability for the position of motorman, he shall so certify to the officers of the company. and, if appointed, the applicant shall first serve on the lines of least travel. New, founded on N. Y. Ry. law, amended.

Examination for Colour Blindness.

229.—(1) No company shall hereafter employ any person in a position which requires him to distinguish form or colour signals unless such person, within two years next preceding his appointment, has been examined for colour blindness on the distinct colours in actual use on the company's line of railway by some competent person to be employed for the purpose and paid by the company and has received a certificate that he is not disqualified for such position for colour blindness in the colours used on such railway or on railways crossing or connecting with it. New, founded on Ohio Ry. law.

(2) The company shall cause such employees to be re-examined for colour blindness at least once in every two years.

Limitation of
action for
damages.

(3) Nothing in this section contained shall prevent the New, founded on company from continuing in its employment any employee Ohio Ry. law. having defective sight in cases where the same can be fully remedied by the use of glasses or by other means satisfactory to the person making the examination.

Pleadings.

Certain
actions
excepted.

(4) For violation of the provisions of this section the New. company shall for each offence be liable to a penalty of one hundred dollars.

(5) This section shall apply to street railways. New.

ACTIONS FOR DAMAGES.

230.—(1) All actions or suits for any damages or injury sustained by reason of the construction or operation of the railway shall be commenced within one year next after the time when such supposed damage is sustained, or if there is continuation of damage within *one year* next after the doing or committing of such damage ceases, and not afterwards. Dom. Ry. Act, 1903, s. 242, part amended.

(2) Nothing in this section shall apply to any action brought against the company upon any breach of contract, express or implied, as to or upon any breach of duty in the carriage of any traffic nor to any action against the company for damages under any section of this Act, respecting tolls.

(3) This section shall apply to street railway companies.

AGREEMENTS WAIVING RIGHT TO DAMAGES FOR DEFECTIVE MACHINERY VOID.

231.—(1) No company owning or operating a railway or street railway in whole or in part in this Province shall adopt or promulgate any rule or regulation for the government of its servants or employees, or make or enter into any contract or agreement with any person engaged in or about to engage in its service, in which such employee directly or indirectly promises or agrees to hold such company harmless, on account of any injury he may receive by reason of any accident to, breakage, defect or insufficiency in the cars, motors, locomotives or machinery or attachments thereto belonging, and any such rule, regulation, contract or agreement shall be void and of no effect. And no such company shall demand, accept, require, or enter into any contract or agreement with any person about to enter, or in the employ of the company whereby such person agrees to surrender or waive any right to damages for personal injury or death against any such company thereafter arising; and all such contracts and agreements shall be void.

(2) Every company violating or aiding in the violation of this section shall for each offence be liable to a penalty of \$. . . to be recovered in any court of competent jurisdiction by any person suing therefor.

(3) No such company shall knowingly or negligently use or operate any car, motor or locomotive that is defective, or any car, motor or locomotive upon which the machinery or attachments thereto belonging are in any manner defective. If the employee of any such company shall receive any injury by reason of any defect in any car or locomotive, or the machinery or attachments thereto belonging, owned or operated by such company, such defect shall be *prima facie* evidence of neglect on the part of such company.

(4) This section shall apply to street railways and street railway companies.

WAGES OF LABOURERS.

232. In every case in which the Legislature has granted or shall grant financial aid by way of subsidy or guarantee towards the cost of railway construction, all mechanics, labourers or other persons who perform labour in such construction shall be paid such wages as are generally accepted as current for competent workmen in the district in which the work is being performed; and if there is no current rate in such district, then a fair and reasonable rate; and in the event of a dispute arising as to what is the current rate in such district, then a fair and what is the current or a fair and reasonable rate, it shall be determined by the Board, whose decision shall be final.

Dom. Ry. Act,
1903, s. 205
amended.

Rate of wages of labourers on construction of lines subsidized by Legislature.

LIEN FOR WAGES.

233.—(1) Every mechanic, labourer or other person who performs labour for wages upon the construction or maintenance of the railway or the works connected therewith, shall have upon the said railway and other property of the company a lien for such wages not exceeding the wages of thirty days, or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by *The Mechanics' and Wage Earners' Lien Act*.

Street Ry. Act,
R.S.O. 1897, c.
208, s. 35.

Lien for wages.

Rev. Stat.
c. 153.

(2) This section shall apply to street railways.

HOURS OF LABOR.

234. No company operating a line of railway of twenty miles in length or over, shall permit or require a conductor, engineer, motorman, fireman, trainman, dispatcher or

New.
Founded on
Mass. and N.Y.
Ry. law.

signal man who has worked in any capacity for twenty-four consecutive hours, to go again on duty to perform any kind of work, until he has had at least twelve hours' rest.

RETURNS.

Annual returns to be prepared.

235.—(1) Every company shall annually prepare in accordance with forms which shall from time to time be provided and supplied to the companies by the Board, returns of its capital, traffic and working expenses, and of all information required, as indicated in such forms to be filed with the Board; and such returns shall be dated and signed by, and attested upon the oath of the secretary, of the company, and of the president, or in his absence, of the vice-president or manager of the company.

What period to be included.

(2) Such returns shall be made for the period included from the date to which the then last yearly returns made by the company extended, or from the commencement of the operation of the railway, if no such returns have been previously made, and, in either case, down to the last day of December in the preceding year.

Date of returns.

(3) Such returns, dated signed and attested in manner aforesaid shall be forwarded by such company to the Board within three months after the last day of December in each year.

Further returns when required.

(4) The company shall also, in addition to the information required to be furnished to the Board, as indicated in subsection (1) hereof furnish such other information and returns as are, from time to time, required by the Board or as shall hereafter be ordered by the Legislature.

Returns to be submitted to Legislative Assembly.

(5) The Board shall transmit the returns so made to the Lieutenant-Governor in Council who shall lay the same before the Legislature, within twenty-one days from the commencement of each session thereof.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 107, amended.

Return of accidents to be made semi-annually.

236. The company shall, within ten days after the first days of January and July, in each and every year, make to the Board, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties (whether to persons or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth—

1. The causes and natures of such accidents and casualties;

2. The points at which they occurred, and whether by night or by day;

3. The full extent thereof, and all particulars of the same; and shall also at the same time return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of the railway.

Forms to be appointed by the Commissioner.

237. The Board may order and direct, from time to time, form in which such returns shall be made.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 108, amended.

Such returns to be privileged communications.

238. All such returns relating to accidents made in pursuance of the provisions of this Act shall be privileged communications, and shall not be evidence in any court whatsoever except to enforce the penalties for failure or neglect to furnish such returns as required by this Act.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 111.

Weekly returns of traffic.

239. Every company shall, weekly, prepare returns of its traffic, that is to say, from the first to the seventh of the month inclusive, from the eighth to the fourteenth inclusive, from the fifteenth to the twenty-first inclusive, and from the twenty-second to the close of the month, inclusive, and such returns shall be in accordance with forms to be provided and supplied to the companies by the Board, and a copy of such returns, signed by the officer of the company responsible for the correctness of such returns, shall be forwarded by the company to the Board, within seven days from the day to which the said returns have been prepared. The Board may in any case extend the time within which such returns shall be forwarded.

Dom. Ry. Act, 1903, s. 304, amended.

Returns to Board, of assets and liabilities.

240. The Board may, from time to time, by notice served upon the company, or any officer, servant or agent of the company, require it, or such officer, servant or agent to furnish the Board, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Board requires, the assets and liabilities of the company—the amount of its stock issued and outstanding—the date at which any such stock was so issued—the amount and nature of the consideration received by the company for such issue, and, in case the whole of such consideration was not paid to the company in cash, the nature of the service rendered to or property received by the company for which any stock was issued—the gross earnings or receipts or expenditure by the company during any periods specified by the Board, and the purposes for which such expenditure was made—the amount and nature of any bonus, gift, or subsidy, received by the company from any source whatsoever, and the source from which and the time when, and the circumstances under which, the same was so received or given—the bonds issued at any time by the company, and what portion of the same are outstanding and what portion, if

Of stock issued and outstanding.

Of earnings and expenditure.

Of bonuses.

any, have been redeemed,—the amount and nature of the consideration received by the company for the issue of such bonds—the character and extent of any liabilities outstanding, chargeable upon the property or undertaking of the company, or any part thereof, and the consideration received by the company for any such liabilities, and the circumstances under which the same were created—the cost of construction of the company's railway or of any part thereof,—the amount and nature of the consideration paid or given by the company for any property acquired by it,—the particulars of any lease, contract or arrangement entered into between the company and any other company or person,—and generally, the extent, nature, value and particulars of the property, earnings, and business of the company.

Of bonds.

Of secured liabilities.

Of cost of property.

Of cost of acquisitions.

Of leases and contracts.

Generally.

Powers of Board respecting returns.

Or inquiries respecting same.

Production documents.

Refusal to make returns.

Penalties.

Making false returns to Board.

241. The Board may summon, require the attendance of, Dom. Ry. Act, and examine under oath, any officer, servant or agent of 1903, s. 309, the company, or any other person, as to any matters included in such return, or which were required by notice aforesaid to be returned to the Board, and as to any matter or thing which, in the opinion of the Board, is relevant to such return, or to any inquiry which the Board deems it expedient to make in connection with any of the matters in this section aforesaid; and for such purposes may require the production to the Board of any books or documents in control of the company, or such officer, servant, agent or person.

242. If any company, or officer, servant, or agent thereof wilfully or negligently refuses to make the returns required by this Act or by the Board under the authority thereof when, and as thereunto required by the Board, or fails to make any such return to the utmost of its, or his knowledge or means of knowledge, the company, and every such officer, servant or agent, so in default, shall severally be liable to a penalty not exceeding dollars.

243. If the company, or any officer, servant, or agent thereof, wilfully or negligently makes any false return, or any false statement in any such return, the company, and any such officer, servant or agent, shall be severally liable to a penalty not exceeding dollars, and such officer, servant or agent shall also on summary conviction, be liable to imprisonment for any period not exceeding months, in the common jail of the county where such conviction is had.

244. The sections relating to "Returns" being sections Dom. Ry. Act, 235 to 243 inclusive of this Act shall apply to street rail- 1903, s. 309, way companies. part, amended.

INVESTIGATION OF ACCIDENTS.

Notice of accident.

245.—(1) Every company shall, as soon as possible, and Dom. Ry. Act, 1903, s. 235. immediately after the head officers of the company have received information of the occurrence upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the railway, or whereby any bridge, culvert, viaduct, or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof, with full particulars, to the Board; and every company which wilfully and negligently omits to give such notice shall forfeit to His Majesty the sum of two hundred dollars for every day during which the omission to give the same continues.

Penalty for omission.

Form of notice and investigation into accidents.

(2) The Board may by regulation declare the manner and form in which such information and notice shall be given and the class of accidents to which the next preceding section shall apply, and may declare any such information so given to be privileged, and the Board may inquire into all matters and things which it deems likely to cause or prevent accidents, and the causes of, and the circumstances connected with, any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto.

Report.

(3) The Board may order the company to suspend or dismiss any employee of the company whom it may deem to have been wilfully negligent in respect of any such accident. Dom. Ry. Act, 1903, s. 236.

(4) The Board shall include in their annual report to the Lieutenant-Governor in Council, the result of any such enquiry with such recommendations as to it may seem proper. New.

(5) This section shall apply to street railway companies. New.

ANIMALS AT LARGE.

Cattle not allowed at large near railway.

246.—(1) No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail-level, unless such cattle are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection, or straying upon the railway. Dom. Ry. Act, 1903, s. 237.

May be impounded.

(2) All cattle found at large contrary to the provisions of this section may, by any person who finds the same at large be impounded in the pound nearest to the place where the same are so found, and the pound-keeper with whom the same are impounded shall detain the same in the like man-

ner, and subject to like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

Right of
action
negatived.

(3) If the cattle of any person, which are at large contrary to the provisions of this section, are killed or injured by any train, at such point of intersection, he shall not have any right of action against any company in respect of the same being so killed or injured.

(4) This section shall apply only to railways operating either by steam or electricity upon a right of way owned by the company.

Negligence of
owner not
presumed.

247. When any cattle or other animals at large upon the highway or otherwise, get upon the property of the company and are killed or injured by a train, the owner of any such animal so killed or injured shall be entitled to recover the amount of such loss or injury against the company in any action in any court of competent jurisdiction, unless the company, in the opinion of the court or jury trying the case, establishes that such animal got at large through the negligence or wilful act or omission of the owner or his agent, or of the custodian of such animal or his agent; but the fact that such animal was not in charge of some competent person or persons shall not for the purposes of this subsection, deprive the owner of his right to recover.

OFFENCES AND PENALTIES.

Purchasing
stock in other
companies.

248.—(1) No company shall, either directly or indirectly, Dom. Ry. Act, employ any of its funds in the purchase of its own stock or 1903, s. 290. in the acquisition of any shares, bonds or other securities issued by any other railway company in Canada; but this shall not affect the powers or rights, if any, which any company in Ontario now has or possesses by virtue of any special Act to acquire, have or hold shares, bonds or other securities of any railway company in Canada or the United States.

(2) Every director of a railway company, who knowingly permits the funds of any such company to be applied in violation of this section, shall incur a penalty of one thousand dollars for each such violation, which penalty shall be recoverable on information filed in the name of the Attorney-General of Ontario; and a moiety thereof shall belong to His Majesty, and the other moiety thereof shall belong to the informer, and the acquisition of each share, bond or other security, or interest, as aforesaid, shall be deemed a separate violation of the provisions aforesaid.

Walking on
track
prohibited.

249.—(1) Every person not connected with the railway, or employed by the company, who walks along the track thereof, except where the same is laid across or along a

highway, is liable on summary conviction to a penalty not exceeding ten dollars.

Destruction of fences, bridges, etc.

(2) Every person who wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company, or removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of, or extract from this Act or any other Act of the Legislature, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway, shall be liable on summary conviction to a penalty not exceeding fifty dollars, or, in default of payment, to imprisonment for a term not exceeding two months.

Defacing notices, etc.

Penalty,

Fraudulently attempting to travel without paying fare.

(3) Every person who enters upon any railway train with intent fraudulently to be carried upon the said railway train without paying fare thereon, or who wilfully obstructs or impedes any officer or agent of the company in the execution of his duty upon any train, railway, or upon any of the premises of the company, or who wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes, shall be liable to the like penalty or imprisonment, and shall be liable to be proceeded against and dealt with in like manner, as mentioned in subsection two of this section in regard to the offences therein mentioned.

Obstructing railway authorities.

Trespassing.

Penalties.

Board may order foot-bridges erected at level crossings.

250.—(1) If the Board orders any company to erect, at or near, or in lieu of, any highway crossing at rail level, a foot bridge, or foot bridges, over its railway, for the purpose of enabling persons, passing on foot along such highway, to cross the railway by means of such bridge or bridges, from and after the completion of such foot bridge or foot bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such crossing shall not be used by foot passengers on the said highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

Subsequent use of highway crossing.

Penalty for non-compliance.

(2) Every person who offends against the provisions of Dom. Ry. Act, this section is liable, on summary conviction to a penalty 1903, s. 292. not exceeding ten dollars.

Penalty for erection, etc., of structures in violation of this Act.

251. Every company which shall erect, operate or maintain any bridge, approach, tunnel, viaduct, trestle, or any building, erection or structure, in violation of this Act, or of any order or regulation of the Board, shall for each offence incur a penalty of fifty dollars.

Liability of company, directors, etc., in certain cases.

252. The company, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by the company, doing, causing or permitting to be done, any matter, act or thing contrary to the provisions of this or the special Act, or to the orders or directions of the Board made hereunder, or omitting to do any matter, act or thing required to be done on the part of any such company, or person, is liable to any person injured thereby for the full amount of damages sustained by such Act or omission; and if no other penalty is, in this or the special Act, provided for any such act or omission, is liable, for each offence, to a penalty of not less than twenty dollars, and not more than five thousand dollars, in the discretion of the court before which the same is recoverable.

Damages.

Penalty.

Dom. Ry. Act, 1903, s. 294.

Selling liquor to railway employees on duty.

253.—(1) Every person who sells, gives or barter any spirituous or intoxicating liquor to or with any servant or employee of any company, while actually employed in the course of his duty on a train or car or in connection with the operation of a train or car, is liable on summary conviction to a penalty not exceeding fifty dollars, or to imprisonment with or without hard labour for a period not exceeding one month, or to both.

Dom. Ry. Act, 1903, s. 295 (2).

254. Every person who is intoxicated while he is in charge of a locomotive engine, or acting as the conductor of a train or train of cars, shall be liable on summary conviction to a penalty of \$200 or imprisonment for one year or both.

51 V. c. 29, s. 292.

Violation by employees, of by-laws, etc., punishable in certain cases.

255. Every officer or servant of, and every person employed by the company, who wilfully or negligently violates any by-law, rule or regulation of the company or its directors lawfully made and in force, or any order or notice of the Board, or of an inspecting engineer, of which a copy has been delivered to him, or which has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, if such violation causes injury to any person or to any property, or exposes any person or any property to the risk of such injury, or renders such risk greater than it would have been without such violation, although no actual injury occurs is liable on summary conviction to a penalty of not less than \$5.00 and not more than \$50.00 or to imprisonment with or without hard labour for not more than three months or to both.

Dom. Ry. Act, s. 296, amended

Penalty.

Violation of by-laws, etc., by other persons.

256. Every person who wilfully or negligently violates any lawful by-law, rule or regulation of the company is liable, on summary conviction, for each offence, to a penalty not exceeding the amount therein prescribed, or if no amount is so prescribed, to a penalty not exceeding

Dom. Ry. Act, 1903, s. 297, amended.

Penalty.

Proviso as to posting by-law, etc.

twenty dollars; but no such person shall be convicted of any offence, unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was posted in some conspicuous place at or near the station at which the offender entered the train or in the passenger cars of the train..

Damaging freight with intent to steal contents.

257. Every person who unlawfully and maliciously,

(a) bores, pierces, cuts, opens or otherwise injures any cask, box or package, which contains wine, spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on about any car, wagon, boat, warehouse, station house, wharf, quay or premises of, or which belong to any company.

Drinking or wasting liquor.

(b) drinks or wilfully spills or allows to run to waste any such liquors, or any part thereof,—

Dom. Ry. Act, 1903, s. 298, amended.

Penalties.

is liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for a term not exceeding one month, or to both.

Each day's violation of this Act, or order hereunder, a distinct offence.

258. When the violation of, or failure to comply with, any provisions of this Act, or any regulation or order or direction of the Board, or of any inspecting engineer, is made an offence subject to penalty, by this Act, or by any regulation made under this Act, each day's continuance of such violation, or failure, to comply, shall constitute a new and distinct offence.

Dom. Ry. Act, 1903, s. 299.

Act or omission of officer, etc., deemed to be act or omission of Company.

259. For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any regulation, order, or direction of the Board, or of any inspecting engineer, made under this Act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by the company acting within the scope of his employment shall in every case be also deemed to be the act, omission or failure of such company as well as that of the person; and anything done or omitted to be done by the company, which, if done or omitted to be done by any director, or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by the company, would constitute an offence under this Act, shall also be held to be an offence committed by such company, and upon conviction thereof the company shall be subject to the like penalties as are prescribed by this Act with reference to such persons.

Certain penalties may be imposed on summary convictions.

Recovery of penalties.

Punishment for contravention of this Act, etc., not to exempt company from forfeiture.

260. No punishment for a contravention of this Act or of the special Act, by the company, shall exempt the company from the forfeiture of the privileges or franchise conferred on it by the said Acts or by any agreement

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 110.

made between the company and any municipal corporation if by the provisions thereof, or by law, the same be forfeited by such contravention.

RECOVERY AND PAYMENT OF PENALTIES.

The Company may pay penalty and deduct from wages.

261. The company may in all cases under this Act pay the amount of any penalty and costs imposed upon an officer, servant, or person in the employ of the company, and recover the same from the offender or deduct it from his salary or pay. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 11 amended.

How penalties recovered and applied.

262. All penalties incurred under any of the sections of this Act, unless otherwise provided, may be recovered in the name of His Majesty, by His Majesty's Attorney General for Ontario, in any court of competent jurisdiction; and all penalties recovered under this Act shall, unless otherwise herein expressly provided, be paid to the Treasurer of the Province to the credit of "The Railway Inspection Fund." Street Ry. Act, R.S.O. 1897, c. 208, s. 40.

263. The last preceding two sections shall apply to street railway companies.

TRANSMISSION OF POWER ON RIGHT OF WAY:

Crown may use right of way for the transmission of power to municipalities.

264. The Board, upon receiving instructions in that behalf from the Lieutenant-Governor-in-Council, and the officers, agents and servants of the Board, may at all times enter upon the right of way of the company and dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Lieutenant-Governor-in-Council and the company. (See Hamilton, Guelph and North Shore Ry., 5 Edw. VII, c. 93, s. 63.)

USE OF RAILWAY BY DOMINION GOVERNMENT.

Provision as to the carriage of Her Majesty's mail, etc.

265.—(1) His Majesty's Mail, His Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on His Majesty's service, shall at all times, when thereunto required by His Majesty's Postmaster-General, the Commander of the Forces,

or any person having the superintendence or command of any Police Force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions, and under such regulations as may be made by the Governor-General in Council or Lieutenant-Governor in Council as the case requires.

Government
to have exclu-
sive use of
telegraph.

(2) The Governor-General or Lieutenant-Governor as the case may be, or any person thereunto authorized by them, may require the company to place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service.

(3) This section shall apply to street railway companies.

CONVEYANCES OF LAND.

Conveyances
of land to
Company.

266.—(1) Conveyances of land to the company, for the purposes of and powers given by this Act, made in the form set forth in Schedule "A" of this Act or to the like effect, shall be sufficient conveyance to such company, its successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates indorsed on the duplicates thereof.

(2) This section shall apply to street railway companies.

This Act shall come into force on the 00 day of 1906.

REPEAL OF ACTS.

Repeal of Acts.

267. The following Acts of the Legislative Assembly are hereby repealed:—

Chapter 207 of the Revised Statutes of Ontario, "*The Railway Act of Ontario*"—the whole.

Chapter 208 of the Revised Statutes of Ontario, "*The Street Railway Act*"—the whole.

Chapter 209 of the Revised Statutes of Ontario, "*The Electric Railway Act*"—the whole.

Chapter 23 of 62 Victoria—section 23.

Chapter 25 of 62 Victoria—the whole.

Chapter 31 of 63 Victoria—the whole.

Chapter 25 of 1 Edward VII.—the whole.

Chapter 26 of 2 Edward VII.—the whole.

Chapter 27 of 2 Edward VII.—the whole.

Chapter 17 of 3 Edward VII.—the whole.

SCHEDULE A.

(Section 266.)

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

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

Signed, sealed and delivered
in the presence of

[L.s.]

No. 146.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Steam, Electric and
Street Railways.

First Reading, 1906.

Mr. HENDRIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty

No. 146.]

BILL.

[1906.]

An Act respecting Steam, Electric and Street Railways.

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

SHORT TITLE.

Short title.

1. This Act may be cited as "*The Ontario Railway Act, 1906.*" Ont. Ry. Act,
R.S.O. 1897,
c. 207, s. 1.

INTERPRETATION.

Interpretation of words.

2. Where the words following occur in this Act, and in the special Act incorporating any Railway or Street Railway Company, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"The Special Act."

(1) "The Special Act," shall be construed to mean any Act authorizing the construction of a railway or street railway, whether operated by steam, electricity or other motive power, and with which this Act is incorporated; and in cases where this Act is made applicable to street railways or street railway companies the words "the special Act" shall include a charter of incorporation of a street railway company under the Great Seal of the Province of Ontario: Ont. Ry. Act,
R.S.O. 1897,
c. 207, s. 2 (2),
amended.

"Prescribed."

(2) "Prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same is prescribed or provided for in the special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used; Ont. Ry. Act,
R.S.O. 1897,
c. 207, s. 2(2-4).

"The Lands."

(3) "The Lands" shall mean the lands which by the special Act are authorized to be taken or used for the purposes thereof; Dom. Ry. Act,
sec. 2 (a),
amended.

- "The Undertaking." (4) "The Undertaking" shall mean the railway and works of whatever description, by the special Act authorized to be executed. Dom. Ry. Act, 1903, s. 2 (b.d.)
- "Board." (5) "Board" shall mean "The Ontario Railway and Municipal Board."
- "By-law." (6) "By-law," when referring to the act of the company shall include a resolution; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (1-7)
- "Costs." (7) "Costs" shall include fees, counsel fees, and expenses; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (8), amended.
- "Lands." (8) "Land" or "lands" shall include all real estate, mesuages, lands, tenements and hereditaments of any tenure;
- "Lease." (9) "Lease" shall include any agreement for a lease;
- "Toll." (10) "Toll" shall include any rate or charge or other payment payable under this Act or the special Act for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the railway;
- "County." (11) "County" shall include any union of counties, and any district; Dom. Ry. Act, 1903, s. 2 (h).
- "County Court Judge." (12) "County Court Judge" shall include a Judge of a District Court; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (9).
- "Highway." (13) "Highways" shall mean any public road, street, lane, and other public way or communication;
- "Street." (14) "Street" shall include any highway.
- "Sheriff" (15) "Sheriff" shall include the Deputy Sheriff; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace" shall, in such case, be construed to mean the Sheriff or Clerk of the peace of the district, county, city, or place where such lands are situate; and if the lands in question, being the property of one and the same person, are situate not wholly in one district, county, city, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such district, county, city, or place where any part of such lands is situate; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (10)
- "Clerk of the Peace." (16) "Goods" shall include personal property of every description that may be conveyed upon the railway, or upon steam vessels, or other vessels connected with the railway;
- "Goods." (17) "Justice" shall mean Justice of the Peace or Stipendiary or Police Magistrate acting for the district, coun-

ty, city, or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of the same person, situate not wholly in any one district, county, city or place, the word "Justice" shall mean a Justice or Stipendiary or Police Magistrate acting for the district, county, city or place where any part of such lands is situate, and who is not interested in such matter;

"Owner."

(18) "Owner" (where, under the provisions of this Act or the special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner) shall be understood to mean any corporation or person who, under the provisions of this Act or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company;

"The Company."

(19) "The company" shall mean the company or person authorized by the special Act to construct the railway or street railway (if the section of the Act in which the words occur is applicable by its terms to street railways), and shall include all persons or corporations leasing or operating any railway. New—See Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (11), amended.

"The Railway."

(20) "The railway" shall mean the railway and works by the special Act authorized to be constructed; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (12).

"Street Railway."

(21) "Street railway" shall mean a railway or tramway operating wholly or partially on a highway, and the tracks of which are within the boundaries of a city or town, and are not continued for a distance of more than one and a half miles therefrom. New.

"Shareholder."

(22) "Shareholder" shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (14).

"Inspecting engineer."

(23) "Inspecting engineer" shall mean an engineer who is directed by the Board to examine any railway or works, and shall include two or more engineers when two or more are so directed; Dom. Ry. Act, 1903, s. 2 (j), amended.

"Working expenses."

(24) "Working expenses" shall mean and include all expenses of maintenance of the railway, and all such tolls, rents or annual sums as are paid in respect of property leased to or held by the company, apart from the rent of any leased line, or in respect of the hire of rolling stock, let to the company; also all rent charges or interest on the purchase money of lands belonging to the company purchased but not paid for or not fully paid for; and also expenses of or incidental to working the railway, and Dom. Ry. Act, 1903, sec 2 (cc).

the traffic thereon, including all necessary repairs and supplies to rolling stock while on the lines of another company; also rates, taxes, insurance and compensation for accidents or losses; also, all salaries and wages of persons employed in and about the working of the railway and traffic; and all office and management expenses, including directors' fees, agency, legal and other like expenses; also all costs and expenses of and incidental to the compliance by the company with any order of the Board under this Act; and generally all such charges, if any, not above otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenue as distinguished from capital account;

Traffic.

(25) "Traffic" shall include passengers, goods and rolling stock.

"Train."

(26) "Train" shall include any engine, motor car or other rolling stock; Dom. Ry. Act, 1903, s. 2 (3) (t) (u).

"Rolling stock."

(27) "Rolling stock" shall mean and include any locomotive, engine, motor, car, tender, snow plough, flanger, and every description of car or of railway equipment designed for movement, on its wheels, over or upon the rails or tracks of the company;

"Secretary."

(28) "Secretary" shall mean the Secretary of the Board.

APPLICATION OF ACT.

Application of Act.

3.—(1) This Act shall, unless otherwise expressed, apply New—See Dom. to all persons, companies, railways (other than Government Ry. Act, 1903, railways) and (when so expressed) to street railways s. 3. within the legislative authority of the Legislature of Ontario, and whether such railways are operated by steam, electricity or other motive power, and whether constructed and operated on highways or on lands owned by the company or partly on highways and partly on such lands, and shall be incorporated and construed, as one Act, with the special Act, subject as herein provided.

(2) No section of this Act shall apply to street railways New. unless it is so expressed and provided.

Any section may be excepted by Special Act.

(3) Any section of this Act may, by any special Act Dom. Ry. Act, passed by the Legislature, be excepted from incorporation 1903, s. 4, therewith, or may thereby be extended, limited or qualified. amended. It shall be sufficient, for the purposes of this section, to refer to any section of this Act by its number merely.

Or may be extended, limited or qualified.

4. If in any special Act heretofore passed by the Leg-Dom. Ry. Act, islature it is enacted that any provision of *The Rail-1903, s. 5,* *way Act*, or of *The Electric Railway Act*, or of *The* amended.

Street Railway Act in force at the time of the passing of such special Act, is excepted from incorporation therewith, or if the application of any such provision is, by such special Act, extended, limited or qualified, the corresponding provision of this Act shall be taken to be excepted, extended, limited or qualified, in like manner; but in all other respects this Act shall apply to all railway companies and (where so expressed) to street railway companies whether the same were or were not incorporated or the railway or street railway in operation prior to the passing of this Act.

As to exceptions, etc., previous to this Act.

Conflict between this Act and Special Act.

INCORPORATION.

Companies established under special Acts declared to be bodies corporate, etc.

5.—(1) Every company incorporated under a special Act shall be a body corporate under the name declared in the special Act, and shall be invested with all such powers, privileges and immunities as are necessary to carry into effect the intentions and objects of this Act and of the special Act, and are incident to such corporation, or are expressed or included in *The Interpretation Act*.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 7, amended.

(2) This section shall apply to street railway companies.

ORGANIZATION OF THE COMPANY.

Offices.

Head office.

6. The head office of the company shall be in the place designated in the Special Act, but the company may, by by-law, from time to time, change the location of its head office to any place in Ontario, notice thereof to be given to the Secretary of the Board who shall keep a register for the purpose.

Change of location.

Dom. Ry. Act, 1903, s. 52.

Provisional Directors.

Provisional directors.

7.—(1) The persons mentioned by name as such in the Special Act are hereby constituted provisional directors of the company, and of such provisional directors a majority shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed and make calls upon subscribers in respect of their stock, and sue for and recover the same, and receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking and enter into any agreement authorized by this Act or by the Special Act with the person or

Majority quorum.

Powers.

Deposit of moneys.

Dom. Ry. Act, 1903, s. 53. (See also Pene-tang & Orillia Ry Co., 5 Edw. VII, c. 105, s. 5.

corporation making such grant, loan, bonus or gift respecting the condition or disposition thereof and cause plans and surveys to be made, and deposit in any chartered bank of Canada having an office in Ontario moneys received by them on account of stock subscribed, which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the company for any cause whatsoever.

(2) The said provisional directors shall have power to add to their number, or to substitute for any member of the said Board of provisional directors (whether named in the Special Act, or by the said provisional directors) who may desire to resign or withdraw from his position as a provisional director of the said company, any other person as a provisional director thereof; and all such persons as shall, from time to time, be provisional directors of the said company, pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

Canada Western
Ry. Co., 2 Ed.
VII, c. 70.

(3) If more than the whole stock has been subscribed, the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if in their judgment such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the head office of the company or at such other place in the Province of Ontario as may best suit the interests of the company.

Dom. Ry. Act,
1903, s. 54.
(See also Pene-
tanguishene &
Orillia Ry. Co.,
5 Edw. VII, c.
105, s. 5.)

(4) No subscription for stock in the capital stock of the company shall be binding on the said company unless it shall be approved by resolution of the provisional directors or of the directors, nor unless ten per centum of the amount subscribed has been actually paid within one month after subscription.

When subscrip-
tion for stock
to be binding.

Capital.

8.—(1) The capital stock of the company, the amount of which shall be stated in the Special Act, shall be divided into shares of one hundred dollars each; 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 the Special Act, and for making the surveys, plans and estimates of the works authorized by the Special Act; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the railway, and other purposes of the undertaking.

Dom. Ry. Act,
1903, s. 55.
(See Hamilton,
Guelph & North
Shore Ry., 5
Edw. VII., c. 93,
s. 10.)

Capital stock
and shares.

Application of
proceeds.

(2) So soon as twenty-five per centum of the capital stock is subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the lawful purposes of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in the *Ontario Gazette*, and in at least one newspaper published in the place where the head office is situate, of the time, place and purpose of the said meeting.

When subscribers may call first general meeting.

(3) If the provisional directors neglect to call such meeting for three months after twenty-five per centum of the capital stock shall have been subscribed and ten per centum thereof paid up the same may be called by any five of the subscribers who have so paid up ten per centum and who collectively have subscribed for not less than twenty-five shares of the capital stock in the company and who have paid up all calls thereon. (See *Belleville and Point Ann Ry.*, 3 Edw. VII c. 90, s. 9.)

Number of directors and term of office, etc.

(4) At such general meeting the shareholders present (See *Penitanguishene and Orillia Ry.*, 5 Edw. VII, c. 105, s. 11.) either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act; and the said board may employ and pay one of their number as managing director.

Increase of capital stock.

9. The original capital stock of the company may, with the approval of the Board, be increased, from time to time, to any amount, if such increase is sanctioned by a vote, in person or by proxy, of the shareholders who hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressly called by the directors for that purpose by a notice in writing to each shareholder, delivered to him personally, or properly directed to him and deposited in the post office at least twenty days previously to such meeting, stating the time, place and object of such meeting, and the amount of the proposed increase; and the proceedings of such meeting shall be entered in the minutes of the proceedings of the company, and thereupon the capital stock may, with such approval, be increased to the amount sanctioned by such vote. (Dom. Ry. Act, 1903, s. 57.)

Notice of meetings and object.

Entry in minutes.

General Meetings.

Annual meetings.

10.—(1) A general meeting of the shareholders for the election of directors and for the transaction of other business connected with or incident to the undertaking, to be called "the annual meeting," shall be held annually on the day mentioned in the special Act, or on such day as may be fixed for that purpose by the by-laws of the company and other general meetings, to be called "special meetings," may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene such special meeting, for twenty-one days thereafter fail to call such meeting.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 53 (1).

Special meetings.

(2) The annual meetings shall be held at the head office of the company.

Special general meetings.

(3) Special general meetings of the shareholders of the company may be held at such places in the Province of Ontario and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in section 11 of this Act.

(See Manitoulin and Iron Range Ry. 5 Edw. VII, c. 105, s. 18)

Notice of meetings.

11. At least two weeks' public notice of any meeting of the shareholders shall be given by advertisement published in the *Ontario Gazette*, and in at least one newspaper published in the place where the head office is situate—in which notice shall be specified the place and the day and the hour of meeting; all such notices shall be published weekly, and a copy of the *Gazette* containing such notice shall, on production thereof, be evidence of the sufficiency of such notice.

Evidence

What business may be transacted.

12.—(1) Any business connected with or incident to the undertaking may be transacted at an annual meeting, excepting such business as by this Act is required to be transacted at a special meeting; but no special meeting shall enter upon any business not set forth in the notice upon which it is convened.

Votes on shares.

(2) The number of votes to which each shareholder shall be entitled on every occasion when the votes of the shareholders are to be given, shall be in proportion to the number of shares held by him, and on which all calls due have been paid.

Shareholders may vote by proxy.

(3) Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say:

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 54, (1-4.)

Form of proxy.

I, _____, of _____, one of the shareholders of the _____, do hereby appoint _____ of _____, to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the undertaking of the said _____ that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he the said _____ thinks proper.

In witness whereof, I have hereunto set my hand and seal, the day of _____ in the year _____

Majority to govern.

(4) The votes by proxy shall be as valid as if the constituents had voted in person but no person shall be qualified to be appointed a proxy who is not himself a shareholder in the company and every matter or thing proposed or considered at any meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 54 (5) amended.

Certified copies of minutes, etc.

Evidence.

13.—(1) Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any annual or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute book, kept by the secretary of the company, and by him certified to be true copies extracted from such minute books, and when sealed with the company's seal shall, without proof of the signature of such secretary, be evidence of such proceedings and resolutions in any court.

Dom. Ry. Act, 1903, s. 66.

Notices by secretary valid.

(2) All notices given by the secretary of the company by order of the directors shall be deemed notices by the directors of the company.

Dom Ry. Act, 1903, s. 67, amended.

President and Directors.

Election of board of directors.

14.—(1) A board of directors of the company to manage its affairs, the number of whom shall be stated in the special Act, and a majority of whom shall form a quorum, shall be chosen at the annual meeting; and if such election is not held on the day appointed therefor, the directors shall cause such election to be held at a special meeting duly called for that purpose within as short a time as possible after the day so appointed.

Who entitled to vote.

(2) On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held.

Vacancies, how to be filled up.

(3) Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws.

Who qualified to be a director.

(4) No person shall be a director unless he is a shareholder, owning at least *ten* shares of stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen.

Term of office of directors.

(5) The directors appointed at the last election or those appointed in their stead, in case of vacancy, shall remain in office until the next ensuing election of directors.

Vacancies, how supplied.

(6) In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the remaining directors; but if such appointment is not made such death, absence or resignation shall not invalidate the acts of the remaining directors.

President.

(7) The directors shall, at their first or at some other meeting after the election elect one of their number to be the president of the company, who shall, always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president.

Vice-President.

Quorum.

(8) The directors at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the owners vested in the directors.

Acts of majority to bind the whole.

(9) The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors.

Casting vote.

(10) No director shall have more than one vote at any meeting, except the chairman, who shall, in case of a division, of equal numbers, have the casting vote.

Directors to be subject to shareholders and by-laws.

15. The directors shall be subject to the control of the shareholders at their annual meetings, and to all by-laws of the company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the special Act. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 55 (1-11).

Contractors with company not to be directors.

16. No person concerned or interested in any contracts under or with the company, or being a surety for any contractor shall be capable of being chosen a director, or of holding or continuing in the office of director or provisional director, nor shall any person being a director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contrac- Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 55 (12). See also Dom. Ry. Act, 1903, s. 79.

tor with the company; and in the event of any such contract being made by or on behalf of any director or provisional director or promoter an action shall lie in any court of competent jurisdiction against such director or provisional director or promoter at the suit of any shareholder of the company or of any municipality through which any part of the railway passes, for the benefit of the funds of the company, for the whole amount of profit accruing to such director, provisional promoter or director from the contract so made or fulfilled.

By-laws for management of Company.

17. The directors may make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of this Province, and for the appointment of all officers, servants and artificers, and for prescribing their respective duties and salaries.

May appoint officers.

18. The directors may from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their offices, as the directors think proper.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 55 (13) (14).

Retirement of officers, etc.

19. The directors may by by-law or resolution provide for the retirement of such of the company's officers and servants, on such terms as to an annual allowance or otherwise, as in each case the directors, in the interest of the company's service and under the circumstances, consider just and reasonable.

Dom. Ry. Act, 1903, s. 80 (c).

Remuneration of directors.

20. The directors may be paid such reasonable remuneration for their services as may be sanctioned by the shareholders by resolution passed at the annual general meeting to be held for the purpose of electing the successors of such directors.

Vice-president to act in the absence of the president.

21. In case of the absence or illness of the president, the vice-president, and in case of the absence or illness of the president and vice-president a director appointed for that purpose shall have all the rights and powers of the president, and may sign all debentures, and other instruments, and perform all acts which by the regulations and by-laws of the company or by this Act are required to be signed, performed and done by the president.

Absence of president may be entered in the minutes, and certified, etc.

22. The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons

Ont. Electric Ry. Act, R.S.O. 1897, c. 209 s. 55 (15-17).

requiring the same on payment to the treasurer of \$1, and such certificate shall be taken and considered as *prima facie* evidence of such absence, or illness at and during the period in the said certificate mentioned in all proceedings in courts of justice or otherwise.

Directors to cause annual accounts to be kept.

23. The directors shall cause to be kept, and annually on the 31st day of December, shall cause to be made up and balanced, a true, exact and particular account of all moneys collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 55, (18) part.

Calls.

Calls.

24.—(1) The directors may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, no call shall exceed the prescribed amount determined in the special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year than the amount prescribed in the special Act, but nothing herein contained shall prevent the directors from making more than one call by one resolution of the board: Provided, that the intervals between such calls, the notices of each call, and the other provisions of this Act and of the special Act, in respect of calls, are duly observed and given.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 35. See also Dom. Ry. Act, 1903, s. 85.

Notice of meetings, how published.

(2) All notices of calls upon the shareholders of the company shall be published weekly in the *Ontario Gazette*

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 35 (2).

Payment of calls, how to be made.

(3) Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the company or the directors.

See also Dom. Ry. Act, 1903, s. 86.

Interest to be chargeable on unpaid calls.

(4) If, before or on the day appointed for payment any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the legal rate for the time being, from the day appointed for the payment thereof to the time of the actual payment.

Amount of call may be recovered by suit.

(5) If at the time appointed for the payment of a call, a shareholder fails to pay the amount of the call, he may be sued for the same in any court of competent jurisdiction, and the same may be recovered, with lawful interest from the day on which the call became payable.

What formalities necessary in actions for calls.

(6) In an action to recover money due upon a call, it shall not be necessary to set forth the special matter, but it shall be sufficient to state 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 arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act.

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 35 (3-6).

Shares and their Transfer.

Shares may be transferred.

25.—(1) Shares in the company may, by the holders thereof, be sold and transferred by instrument in writing, made in duplicate—one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry whereof shall be made in a book to be kept for that purpose, and no interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered.

Dom. Ry. Act,
1903, s. 95.

Form of transfer.

(2) Transfers *may* be in the form following, varying the *same*, as the case may require:—

I, *A. B.*, in consideration of the sum of _____ paid to me by *C. D.*, hereby do sell and transfer to him _____ share (or shares) of stock of the _____, to hold to him the said *C. D.*, his executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I the said *C. D.* do hereby agree to accept the said _____ share (or shares) subject to the same rules, orders and conditions.

Witness our hands this _____ day of _____ in the year 19 _____.

Shares to be personal estate—transfer of.

26. The stock of the company shall be personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid.

Transmission of shares, other than by transfer, provided for.

27. If any share in the company is transmitted by the death, bankruptcy, or last will, donation or testament, or by the intestacy, of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is so transmitted shall deposit in the office of the company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary: without which such person shall not be entitled to receive any share of the profits of the company, or to vote in respect of any such share as the holder thereof.

Company not bound to see to execution of trusts.

28. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the person in whose name any share stands in the books of the company, or if it stands in the name of more persons than one, the receipt of one of the persons named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of the trusts; and the company shall not be bound to see to the application of the money paid upon such receipts.

Ont. Electric Ry. Act, R.S.O. 1397, c. 209, s. 58 (2-5).

Certificate of proprietorship *prima facie* evidence.

29.—(1) The certificate of proprietorship of a share shall be admitted in all Courts as *prima facie* evidence of the title of any person, his executors, administrators, successors or assigns, to the share therein specified.

Want of certificate not to prevent disposing of shares.

(2) The want of such certificate shall not prevent the holder of any share from disposing thereof.

Penalty for refusal to pay calls.

(3) Shareholders neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking and all the profit and benefit thereof; all which forfeitures shall go to the company for the benefit thereof.

Forfeiture of share to be taken advantage of only at a general meeting.

(4) No advantage shall be taken of the forfeiture unless the same is declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture occurred.

Effect of forfeiture as to liabilities.

(5) Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 56 (7-11).

Sale of forfeited shares.

30. The directors may sell, either by public auction or private sale, any shares so declared to be forfeited, upon authority therefor having been first given by the shareholders either at the general meeting at which such shares were declared to be forfeited or at any subsequent general meeting.

Limitation.

31. The company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account

Dom. Ry. Act, 1903, s. 106.

of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited shares is more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter.

Payment of arrears before sale.

32. If payment of such arrears of calls and interest and expenses is made before any share so forfeited and vested in the company is sold, such share shall revert to the person to whom it belonged before such forfeiture, in such manner as if such calls had been duly paid. Dom. Ry. Act, 1903, s. 105.

Certificate of treasurer to be evidence of forfeiture and of title in purchaser.

33. A certificate of the treasurer of the company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and if the certificate so states, of their purchase by the purchaser; and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares; and the certificate shall be, by the said treasurer, registered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books to be kept by the company; and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money,—and his title to such shares shall not be affected by any irregularity in the proceedings in reference to such sale; and any shareholder may purchase any share so sold.

Interest on advance made by shareholder to company.

34. Any shareholder who is willing to advance the amount of his shares, or any part of the money due upon his shares, beyond the sums actually called for, may pay the same to the company,—and upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay such interest, at the lawful rate of interest for the time being, as the shareholders, who pay such sum in advance, and the company agree upon; but such interest shall not be paid out of the capital subscribed. Dom. Ry. Act, 1903, s. 107.

No interest to be paid out of capital.

Shareholders.

Shareholders individually liable till shares paid up.

35. Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up in cash; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or Ont Electric Ry. Act, R.S.O. 1897, c. 209, s. 59 (1).

in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder.

Account of names and residence of shareholders to be kept.

36. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other proceedings and transactions of the company and of the directors for the time being and such account shall be open to the inspection of the shareholders.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 59 (2). See also Dom. Ry. Act, 1903, s. 110.

Rights of aliens.

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

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 60.

Preference Stock.

Preference stock by-law for issuing.

38.—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Special rights of preference shareholders.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to elect a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Unanimous sanction required.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy, at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company the company may petition the Board for an order approving the said by-law, and the Board may approve thereof and from the date of such approval the by-law shall be valid and may be acted upon.

Special proviso.

Rights and liabilities of preference shareholders.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

(See Hamilton, Guelph and North Shore Ry., 5 Edw. VII., c. 93, s. 58.)

Rights of
creditors
preserved.

(5) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the company.

Dividends and Interest.

Declaration
of dividends.

39.—(1) The directors may, at a general meeting, declare a dividend to be paid out of the net profits of the under-
taking. Dom. Ry. Act, 1903, s. 91 (1).

Division of
profits.

(2) Such dividends shall be divisible among the shareholders in proportion to the amounts paid up in cash upon the shares held by them respectively. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 57 (2).

Reserve fund.

40. The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve fund, to meet contingencies, or for equalizing dividends, or for repairing, maintaining, renewing or extending the railway or any portion thereof, and shall submit their action in regard to such reserve fund to the shareholders at a general meeting for their approval; and the directors may invest the sum so set apart as a reserve fund in such securities as they select, not however inconsistent with this or the special Act. Dom. Ry. Act, 1903, s. 92.

Dividend not
to impair
capital, etc.

41. No dividend shall be declared whereby the capital of the company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be paid, in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call has been paid; but the directors may, in their discretion, until the railway is completed and opened to the public, pay interest at any rate not exceeding five per centum per annum, on all sums actually paid in cash in respect of the shares, from the respective days on which the same have been paid; and such interest shall accrue and be paid at such times and places as the directors appoint for that purpose. Dom. Ry. Act, 1903, s. 93.

Interest may
be paid on
calls pending
opening
of road.

Arrears may
be deducted
from
dividends.

42. The directors may deduct, from any dividend payable to any shareholder, all or any such sum or sums of money as are due from him to the company on account of any call or otherwise. Dom. Ry. Act, 1903, s. 94 (2).

Bonds, Mortgages, and Borrowing Powers.

Issue of bonds
authorized.

43.—(1) The directors of the company, under the authority of the shareholders, to them given at any special meeting, called for the purpose in the manner provided by this Act, or at any annual meeting for which like notice of intention to apply for such authority has been given as is required in the case of a special meeting, and at which Dom. Ry. Act, 1903, s. 111 (1).

Procedure.

meeting, whether annual or special, shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the Special Act contained, issue bonds, debentures, perpetual or terminating debenture stock, or other securities, signed by the president or other presiding officer and countersigned by the secretary, which countersignature and the signature to the coupons attached to the same may be engraved; and such securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding five per cent. per annum, as the directors think proper.

When and where payable. Interest.

(2) The directors may issue and sell or pledge all or any of the said bonds, debentures, or other securities, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(3) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(4) The power of issuing bonds conferred upon the com-Ont. Ry. Act, pany hereby or under the special Act shall not be construed R.S.O. 1897, c. as being exhausted by such issue; but such power may 207, s.9, (19 a.c.) be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled; but the limit to the amount of bonds, debentures or other securities fixed in the special Act shall not be exceeded.

Mortgages securing bonds, etc.

44.—(1) The company may secure such bonds, debentures, or other securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed: but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act and next to the payment of the working expenditure of the railway.

(2) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures, or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the Ont Ry. Act, R.S.O., 1897, c. 207, s. 9. (20), (20a) amended.

case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

Mortgages may be limited.

(3) The company may except from the operation of any such mortgage deed any assets, property, rents or revenue of the company, and may declare and provide therein that such mortgage shall only apply to and affect certain sections or portions of the railway or property of the company, but where any such exception is made, the company shall in such mortgage deed expressly specify and describe, with sufficient particularity to identify the same, the assets, property, rents or revenue of the company, or the section or portions of the railway, not intended to be included therein or conveyed thereby.

Dom. Ry Act 1903, s. 112, s.s. (3).

Mortgage to be deposited with Provincial Secretary and notice given.

(4) Every such mortgage deed and every assignment thereof or other instrument in any way affecting such mortgage or security shall be deposited in the office of the Board, of which deposit notice shall forthwith be given in the *Ontario Gazette*. Such mortgage deed or other instrument need not be registered under the provisions of any law respecting registration of instruments affecting real or personal property.

Evidence.

(5) A copy of any such deed or instrument so deposited, certified to be a true copy by the Secretary, shall be received as *prima facie* evidence of the original in all courts without proof of the signature of such official.

Dom. Ry. Act, 1903, s. 112 (4) amended.

Bonds, etc., how ranked.

45. The bonds, debentures, or other securities, hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as hereinbefore provided.

46. Each holder of the said bonds, debentures or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed.

Rights of holders of bonds, etc., upon default in payment.

47.—(1) If the company makes default in paying the principal or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general

meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(2) The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security, in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares.

(3) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

Bonds, etc.,
mode of
transfer of.

48. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Ont. Ry. Act,
R.S.O. 1897. c.
207, s. 9 (21-23).

Power to
borrow money
by overdraft,
etc.

49. The company may, for the purposes of the undertaking, borrow money by overdraft or upon promissory note, warehouse receipt, bill of exchange or otherwise upon the credit of the company and become party to promissory notes and bills of exchange; and every such note or bill made, drawn, accepted or endorsed, by the president or vice-president of the company, or other officer authorized by the by-laws of the company, and countersigned by the secretary of the company, shall be binding on the company; and every such note or bill of exchange so made, drawn, accepted or endorsed shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary or other officer of the company, so authorized be individually responsible for the same, unless such promissory note or bill of ex-

Dom. Ry. Act,
1903, s. 116.

No seal
necessary.

change has been issued without proper authority; but nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Notes not to be payable to bearer.

50. The sections relating to "Organization of the company," being sections numbers 6 to 47 inclusive, shall apply to street railway companies.

POWERS.

Powers:

51. Subject to the provisions of this Act and the special Act the company shall have power and authority—

(1) To survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity, with double or single tracks;

Ont. Electric O.
Ry. Act, R.S.
1897, c. 209, s.
9 (c), amended.

To receive grants of land, etc.:

(2) To receive, take and hold all voluntary grants and donations of land or other property or any bonus of money or debenture or other benefit of any sort made to it, to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only;

Ont. Ry. Act,
R.S.O 1897, c.
207, s. 9 (1).

Purchase land:

(3) To purchase, take and hold of any person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same so soon as, for any reason, it has become not necessary for the purposes of the company.

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 9 (2).
See Dom. Ry.
Act, 1903, s.
118 (c).

And across or along streams, etc.

(5) To construct, maintain and work the railway across, along or upon any stream of water, water course, canal or highway which it intersects or touches; but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the Company to its former state, or to such state as not to impair its usefulness; but this shall not authorize the obstruction of the navigation of any navigable water;

Warehouses, docks, etc.

(6) To purchase land for, and erect power-houses, warehouses, elevators, docks, stations, workshops, and offices and to sell and convey such land as may be found superfluous for any such purpose, and to purchase and acquire stationary or locomotive engines, motors, carriages, waggons and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway; and to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage

of passengers, freight and other traffic in connection with the railway;

Branch rail-
ways;

(7) To make branch railways, if required and provided for by the special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the railway;

Convey per-
sons and goods
on railway;

(8) To take, transport, carry and convey persons and goods on the railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (8-10).

Enter upon
lands, etc.;

(9) To enter into and upon the lands of any corporation or person whatsoever lying in the intended route or line of the railway; and, with the consent of the Lieutenant-Governor in Council in that behalf, into and upon any lands of His Majesty the property of this Province.

Make survey
of lands;

(10) To make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the railway, and to set out and ascertain such parts of the lands as are necessary and proper for the railway; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (11-12).

Remove trees,

(11) To fell or remove any trees standing in any woods, lands or forests, where the railway passes, to the distance of six rods from either side thereof. The company shall make full compensation to the owner of any tree so cut down and the amount of such compensation shall on the application of the owner be determined by the Board. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (13).

Construct
embankments,
bridges, drains,
fences, etc.

(12) To make or construct upon, across, under or over any railway, tramway, river, stream, watercourse, canal, or highway, which it intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences;

Divert high-
ways and
waterways.

(13) To divert, or alter, as well temporarily as permanently, the course of any such river, stream, watercourse, or highway, or raise or sink the level thereof, in order the more conveniently to carry the same over, under or by the side of the railway;

Construct
drains.

(14) To make drains or conduits into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

Divert drains,
pipes, and
wires.

(15) To divert or alter the position of any water-pipe, gas-pipe, sewer or drain, or any telegraph, telephone, or electric lines, wires or poles;

Alter and sub-
stitute other
works.

(16) From time to time to alter, repair or discontinue the before-mentioned works, or any of them, and substitute others in their stead;

Unite with other railways;

(17) To cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection; and the owners of both railways may unite in forming such intersection, and grant the facilities therefor; and the amount of compensation to be made therefor, the point and manner of such crossing and connection, shall be determined by the Board as provided by this Act. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (14) amended.

(18) To do all other acts necessary for the construction, maintenance and operation of the railway in pursuance of and according to the meaning and intent of this Act, and of the special Act; Dom. Ry. Act, 1903, s. 118 (k-g).

Application of last preceding two subsections.

52. The provisions for the ascertainment of compensation contained in subsection 17 of section 51 of this Act shall not extend or apply to any railway incorporated under an Act of the Legislature of Ontario, in any case in which it is proposed that such railway shall cross, intersect, join, or unite with, or be crossed, intersected, joined or united with a railway under the legislative control of Canada. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (16).

Compensation for damage.

53. The company shall, in the exercise of the powers by this or the Special Act granted, do as little damage as possible, and shall make full compensation, in the manner herein or in the Special Act provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers. Dom. Ry. Act, 1903, s. 120.

Occupy public lands, beaches, etc.

54.—(1) The railway company shall not take possession of, use or occupy any lands belonging to the Province, without the consent of the Lieutenant-Governor-in-Council; but with such consent such company may take and appropriate for the use of their railway and works, but not alienate, so much of the wild lands of the Province lying on the route of the railway as have not been granted or sold, and as may be necessary for the railway, as also so much of the public beach or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said railway and works; Ont. Ry. Act, R.S.O., 1897, c. 207, s. 9 (3).

(2) The extent of the public beach or of the land covered with water of any river or lake in the Province of Ontario taken for the railway shall not exceed the quantity limited in section 61 of this Act.

Changes may be made in the line of a railway at any time for certain purposes.

55. A company which desires at any time to change the location of its line of railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage, may, with the leave of the Board, make such change; and all the clauses of this Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (18).

Act shall refer as fully to the part of any such line of railway so at any time changed or proposed to be changed as to the original line; but no railway company shall have any right to extend its line of railway beyond the termini mentioned in the Act incorporating the company.

Telegraph and Telephone Lines.

Telephone and telegraph lines

56.—(1) Except as provided in subsection 3 and 4 of this section the company may construct and operate an electric telegraph line and a telephone line throughout and along the whole line of railway, and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; provided, also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

Hamilton, Guelph and North Shore Ry. (See 5 Edw. VII., c. 93, s. 25).

Proviso.

hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; provided, also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

Municipal telephone systems, connections with.

(2) Whenever any municipal corporation or person has authority to construct, operate and maintain a telephonic system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of the company, in such district, and cannot agree with the company with respect thereto, such municipal corporation or person may apply to the Board for leave therefor, and the Board may order the company to provide for such connection or communication upon such terms as to compensation as the Board deems just and expedient, and may order and direct how, when, where, by whom and upon what terms and conditions such telephonic connection or communication shall be constructed, operated and maintained.

Dom. Ry. Act, 1903, s. 193.

Wires, etc., across railway.

(3) No lines or wires for the conveyance of light, heat, power or electricity, shall be erected, placed or maintained across the railway without leave of the Board.

Plans to be submitted to Board.

(4) Upon any application for such leave, the applicant shall submit to the Board a plan and profile of the part of the railway proposed to be affected showing the proposed location of such lines and wires and the works contemplated in connection therewith; and the Board may grant such application and may order by whom, how, when, and on what terms and conditions, and under what

Dom. Ry. Act, 1903, s. 194.

Order by Board.

supervision, such work shall be executed; and upon such order being made such lines and wires may be erected, placed and maintained across the railway subject to and in accordance with such order.

(5) As soon as practicable after its organization the Board shall promulgate rules and regulations and standard plans and specifications to be adhered to in carrying lines of wires to be used for telephone and telegraph purposes across the railway, and no lines of such wires shall thereafter be carried across the railway in any other way or on any other terms without the leave of the Board first obtained, provided the Board may, from time to time, amend or change as to it may seem fit such rules, regulations and standard plans and specifications, but such rules, regulations, plans and specifications and amendments or changes thereto and thereof shall not affect crossings made before their adoption by the Board; provided, further, that in special cases on the application of any person or corporation to be affected by such crossing the Board may order that such crossing shall be made in some other manner than that prescribed by the standard plans and specifications, and by whom and how and when and on what terms and conditions and under what supervision such work shall be executed, and upon such order being made such lines and wires may be erected, placed and maintained across the railway, subject to and in accordance with such order.

Interchange of Traffic.

One Company may agree with another respecting traffic.

57.—(1) The directors of any railway company may at any time, and from time to time, make and enter into any agreement or arrangement with any other company, either in this Province or elsewhere, for the regulation and interchange of traffic passing to and from the railways of the said companies, and for the working of the traffic over the said railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management, and working of the railways, or any of them, or any part thereof, and of any railway in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two-thirds of the shareholders, voting in person or by proxy.

Ont. Ry. Act,
R.S.O., 1897,
c. 207, s. 77.

Railway Companies must afford each other every facility for the

(2) Every railway company shall, according to their respective powers, afford all reasonable facilities to any other railway company for the receiving and forwarding

Ont. Ry. Act,
R.S.O., 1897,
c. 207, s. 7(81).

forwarding of traffic, with out preference or favour.

and delivering of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks, and other vehicles; and no such company shall give or continue any preference or advantage to or in favour of any particular company, or any particular description of traffic, in any respect whatsoever, nor shall such company subject any particular company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever; and every railway company having or working a railway which forms part of a continuous line of railway, or which intersects any other railway or which has a terminus, station or wharf of the one near a terminus, station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding by the one of such railways, all the traffic arriving by the other, without any unreasonable delay and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered in the using of such railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said several railway companies.

Penalty on Companies or their officers refusing or neglecting to forward traffic, as above required.

(3) If any officer, servant or agent of a railway company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such company, for conveyance over or along the railway from that of any other company, intersecting or coming near to such first-mentioned railway, or in any way wilfully contravenes the provisions of the next preceding subsection—such first-mentioned railway company, or such officer, servant or agent, personally, shall, for every such neglect or refusal, incur a penalty not exceeding \$50 over and above the actual damages sustained.

Ont. Ry. Act, R.S.O., 1897, c. 207, s. 79.

How recoverable, and how to be applied.

(4) Any complaint alleging a contravention of this section or of any part thereof shall be heard and determined by the Board.

(5) This section shall apply to street railways.

Amalgamation and Running Arrangements with other Companies.

Agreements with other companies.

58.—(1) The company shall have the power to agree for connection and making running arrangements with any other railway company, the lines of which are approached or crossed by the line or lines of the company, if lawfully empowered to enter into any such agreement, upon terms to be authorized by two-thirds in value of the shareholders

(See Hamilton, Guelph and North Shore Ry., 5 Edw. VII., c.3, s. 53 (1).)

at a special general meeting to be held for that purpose, and it shall also be lawful for the company to enter into any agreement or agreements with any such company if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway or the use thereof or for the sale or leasing or hiring any engines, locomotives, motors, carriages, or cars or any of them or of any part thereof or touching any service to be rendered by one company to the other and the compensation therefor if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof subject to sub-section 3 of this section, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line.

(2) The company may contract and agree with any other railway company the lines of which are approached or crossed by the line or lines of the company if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by vote of the shareholders in person or by proxy representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid at a general meeting specially called for that purpose. (See Hamilton, Guelph and North Shore Ry., 5 Edw. VII., c. 93, s. 53, (2)).

(3) No such agreement for amalgamation, connections, running arrangements, sale, leasing or hiring of the railway or any portion thereof shall be of any force or effect until approved by resolution of the Board, and every such agreement shall be subject to such terms, conditions and regulations, general or special, as the Board may from time to time order. New.

(4) This section shall apply to street railways.

RIGHTS OF DISSENTING SHAREHOLDERS ON AMALGAMATION, ETC.

59.—(1) If any shareholder in any railway or street railway company which has by by-law or resolution determined to build an extension or branch, or to purchase or lease any other line of railway or street railway or to unite or amalgamate with any other railway company or street railway company or to sell all or a portion of its railway to any other such company or to purchase all or a portion of the railway of any other such company, shall dissent

Purchase of stock of dissenting shareholder.

from such by-law or resolution at the meeting at which such by-law or resolution is passed, which dissent shall be entered in the minutes, such shareholder shall, if such by-law or resolution is valid, or so soon as it shall by ratification by statute or otherwise if ratification is required, become valid, be entitled to demand and receive from the shareholders who voted for such resolution the amount of the value of the stock held in such company by such dissenting shareholder.

(2) In case of dispute as to the proper value of such shares, the dissenting shareholder may petition the Board to decide the same, and the Board, after due notice to all parties, shall proceed to fix and determine the same, and the judgment of the Board as to such value shall be final.

(3) The sum so fixed shall so soon as the shares are transferred to such person or persons as the Board shall direct and the transfer deposited with the Board, become a joint and several debt from the shareholders who voted for such by-law or resolution, to such dissenting shareholder and the said sum may be recovered in any Court of competent jurisdiction.

PLANS AND SURVEYS.

60. Plans and surveys and books of reference shall be made and corrected as follows:

(1) Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a book of reference for the railway, in which shall be set forth—

- (a) A general description of the said lands;
- (b) The names of the owners and occupiers thereof, so far as they can be ascertained; and
- (c) Everything necessary for the right understanding of such map or plan.

(2) The map or plan and book of reference shall be examined and if in all respects satisfying the provisions of this Act and the special Act shall be certified by the Board who shall keep one copy thereof on file in the office of the Board.

(3) The company shall also deposit copies thereof, or of such parts thereof as relate to each district or county through which the railway is to pass, duly certified as copies by the Secretary, in the *registry* offices of such districts or counties respectively.

(4) Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to

Plans and
Books of
reference.

By whom
certified.

Copies.

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 10 (1).

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 10 (2),
amended; see
also Dom. Ry.
Act, 1903, s. 124.

Appeal against proposed location of line.

the Secretary, or to the *Registrar*, at the rate of ten cents for every hundred words so extracted or copied. Any person feeling aggrieved by the proposed location of the line of railway may within ten days after the deposit of the map or plan and book of reference aforesaid in the *registry* office of the district or county where the lands are situated, the location through which is complained of, apply to the Board, setting forth his objections to the location of the proposed line, and the Board shall if it considers sufficient cause therefor exists, appoint a disinterested engineer, who shall examine the said proposed line, and after hearing the parties he shall confirm or alter the same as may be consistent with the just rights of all parties and of the public. The determination of the engineer approved by the Board shall, within ten days after his appointment, be made and certified, and such certificates shall be filed in the office of the *Registrar* for the district or county where the lands are situated.

(5) The said engineer shall be entitled to reasonable fees for each day employed in connection with the said examination and work, together with his actual expenses incurred therein, and the amount shall in the first instance be paid by the person applying for his appointment, but if the proposed route is altered or changed by the engineer, the railway company shall refund to the applicant the amount so paid. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 10 (3), amended.

Omissions how remedied.

(6) Any omission, misstatement or erroneous description of such lands or of the owners or occupiers thereof, in a map or plan or book of reference, may on application by any party interested and after giving ten days' notice to the owners of the lands, be corrected by the Board on application made to them for that purpose, and if it appears to them that the omission, misstatement or erroneous description arose from mistake the Board shall certify the same accordingly.

Contents of certificate.

(7) The certificate shall state the particulars of such omission, and the manner thereof, and shall be deposited in the *registry* office of the districts or counties respectively in which such lands are situate and be kept by them along with the other documents to which they relate; and thereupon the map or plan or book of reference shall be deemed to be corrected according to such certificate; and the company may construct and lay out the railway in accordance with the certificate. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 10 (5, 6)

Alterations from original survey.

(8) If any alterations from the original plan or survey are intended to be made in the line or course of the railway, a plan and section in triplicate of such alterations as have been approved of by the *Board*, on the same scale and containing the same particulars as the original Ont. Ry. Act, R.S.O. 1897, c. 207, s. 10 (7).

plan and survey, shall be deposited in the same manner as the original plan, and copies or extracts of the plan and section, so far as they relate to the several districts or counties in or through which the alterations have been authorized to be made, shall be deposited *in the registry office* of such districts or counties.

General provisions respecting plans, etc.

Must be signed.

Board may refuse unsatisfactory plans.

Further plans as Board requires.

Registrar of Deeds to receive copies of original plan, etc.

Certified copy of maps, etc., to be taken as evidence.

Line not to deviate more than a mile.

(9) All plans, profiles and books of reference required by law to be deposited by the company with the Board, shall be drawn to such scale, with such detail, upon such materials, and of such character, as the Board may, either by general regulation, or, in any case, require or sanction, and shall be certified and signed by the president or vice-president or general manager and also by the engineer of the company; and any book of reference, required to be so deposited, shall be prepared to the satisfaction of the Board. Unless and until such plan, profile and book of reference is so made satisfactory to the Board, the Board may refuse to sanction the same, or to allow the same to be deposited with the Board within the meaning of this Act.

(10) In addition to such plans, profiles and books of reference, the company shall, with all reasonable expedition, prepare and deposit with the Board, any other, or further plans, profiles, or books of reference of any portion of the railway, or of any siding, station or works thereof, which the Board may from time to time order or require.

(11) The *Registrar of Deeds* shall receive and retain the copies of the original plans and surveys and books of reference and copies of the plans and sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under penalty for default of \$4.

(12) A copy of the said maps, plans, profiles and books of reference or portions thereof certified by the *Registrar of Deeds* or the Secretary shall in all courts be evidence that such original document was so deposited at the time stated and certified, and shall be *prima facie* proof of the original so deposited, and that the same was signed, certified, attested, or otherwise executed, by the persons, by whom, and in the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing by such certified copy, and in the case of a plan, that such plan is prepared according to a scale, and in manner and form, sanctioned by the Board.

(13) No deviation of more than one mile from the line of the railway or from the places assigned thereto in the said map or plan and book of reference or plans or sections,

shall be made into, through, across, under or over any part of the lands not shewn in such map or plan and book of reference, or plans or sections, or within one mile of the said line and place, save in such instance as are provided for in the special Act.

Error in the name of a person entered in a book of reference.

(14) The railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the book of reference through error or any other cause, or although some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands.

Map, etc., of railway to be filed in the office of the Commissioner of Public Works.

(15) A map and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking, be made and filed in the office of the Board and like maps of the parts thereof located in different counties shall be filed in the registry offices for the registry divisions in which such parts are respectively situate. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 10 (11-13).

TAKING OF LANDS WITHOUT THE CONSENT OF THE OWNERS.

Extent of land which may be taken. For right-of-way.

61. The lands which may be taken without the consent of the owner:— Dom. Ry. Act, 1903, s. 138.

For the right of way shall not exceed one hundred feet in breadth except in places where the rail level is or is proposed to be, more than five feet above or below the surface of the adjacent lands, when such additional width may be taken as shall suffice to accommodate the slope and side ditches;

For stations, etc.

For stations, depots and yards, with the freight sheds, warehouses, wharves, elevators and other structures for the accommodation of traffic incidental thereto, shall not exceed _____ in length by _____ feet in breadth, including the width of the right of way.

Corporation, etc., may convey lands.

62.—(1) All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seised, possessed of or interested in any lands, may contract for, sell and convey unto the company all or any part thereof. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 13.

Limitation of powers in certain cases.

(2) The powers by the preceding sub-section conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, shall only extend and be exer- Ont. Ry. Act, R.S.O. 1897, c. 207, s. 14.

cised with respect to any of such lands actually required for the use and occupation of the company.

Effect of sale under preceding section.

63. Any contract, agreement, sale, conveyance and assurance made under the preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 15.

Disposition of purchase money.

64. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into Court.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 12.

Effect of contracts made before deposit of map.

65. Any contract or agreement for the sale to the company of any lands made by any person authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the railway, shall if duly registered in the proper Registry Office binding upon subsequent purchasers of such lands at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime have become the property of a third party; and possession of the land may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 16 amended; Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 32.

Corporations or persons, who cannot sell, may agree upon a fixed rent.

66. All corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the registry office of the proper *registration district*.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 17.

After one month's notice of deposit of

67.—(1) After ten days from the deposit of the map or plan and book of reference, and from notice thereof in

map, etc., application to the owner of lands.

at least one newspaper, if there is any, published in each of the counties through which the railway is intended to pass, application may be made to the owners of lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway, and thereupon, agreements and contracts may be made with such *owners* touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them shall be settled as in section 69 mentioned.

Deposit, etc., to be general notice.

68. The deposit of a map or plan and book of reference, Ont. Ry. Act, and the notice of the deposit, shall be deemed a general R.S.O. 1897, notice to all such persons as aforesaid of the lands which c. 207, s. 19. will be required for the railway and works.

Notice to opposite party.

69.—(1) A notice shall be served upon the *owner* which shall contain:—

- (a) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them):
- (b) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and
- (c) The name of a person to be appointed as the arbitrator of the company, if *the* offer be not accepted.

(2) The notice shall be accompanied by the certificate of an Ontario Lands Surveyor, disinterested in the matter and not being the arbitrator named in the notice to the following effect:—

- (a) That the land (if the notice relates to the taking of land,) shewn on the map or plan, is required for the railway, (or is within the limits of deviation by this Act allowed;)
- (b) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and
- (c) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

If the party is absent or unknown.

(3) If the *owner* is absent from the district or county in which the lands lie, or is unknown, then upon application to a Judge of the County Court of the County in which the lands lie, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that such *owner* is so absent, or that, after diligent inquiry, the *owner*

on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without such certificate, to be inserted three times in the course of one month in some newspaper published in the said county.

Provision when the County Judge is interested in lands required for any railway.

(4) Where a Judge of a County Court is interested in lands taken or required within the county in which he is a Judge, by any company, for railway purposes, a Judge of the High Court shall, on application of the company, exercise in such case all the powers given to a Judge of a County Court by the provisions of this section in cases in which such Judge of a County Court is not interested.

Party not accepting the company's offer, and not appointing an arbitrator.

(5) If within ten days after the service of the notice, or within one month after the first publication thereof as aforesaid, the person served does not notify the company of his acceptance of the sum offered by it, or notify it of the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the company, appoint an Ontario Land surveyor, to be sole arbitrator for determining the compensation to be paid as aforesaid.

Appointment of arbitrator by opposite party. Third arbitrator.

(6) If the opposite party within the time aforesaid, Ont. Ry. Act, R.S.O. 1897, c. 207, s. 20 (1-6). notifies the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator.

Party other than company commencing proceedings to determine compensation.

(7) If lands have been entered on and taken by the company with or without the license of the person in possession thereof and without any agreement as to the compensation to be paid therefor or if the lands, though not taken, are injuriously affected by or through the construction of the railway, then any owner or person interested in such lands shall have the right to commence proceedings to ascertain the compensation to which he is entitled in respect of the lands so taken or injuriously affected, by giving to the company notice in writing of the name of a person to be appointed as his arbitrator, the description of the lands taken or injuriously affected, and the amount of compensation or damages claimed by him, and thereupon like proceedings shall be taken to ascertain such compensation as are prescribed in cases where the company commences proceedings. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 35 (6).

Stating amount found payable in award

(8) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall state what they find to be the total amount to be paid to compensate the owner or for damages. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 35 (8).

Duties of arbitrators.

(9) The arbitrators, or any two of them, or the sole arbitrator, being sworn before a Justice of the Peace or commissioner empowered to take affidavits, shall Ont. Ry. Act, R.S.O. 1897, c. 207, s. 20 (7).

fully and impartially to perform the duties of their office, shall proceed to ascertain the compensation in such a way as they or he, or a majority of them, deem best; but no award shall be made or any official act be done by the majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required.

Costs, in discretion of arbitrators.

(10) In any arbitration under this Act the costs of the arbitration shall be in the discretion of the arbitrator or arbitrators and if they are to be borne by the opposite party to the company may be deducted from the compensation awarded, and in any case they may if not agreed upon be fixed by the arbitrator or arbitrators or taxed by one of the taxing officers of the Supreme Court of Judicature. New.

Arbitrators may examine on oath.

(11) The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as appear before him or them, and may administer such oath or affirmation.

Parties to arbitrations may obtain subpoenas.

(12) Any party to an arbitration under this Act may, without leave or order, obtain and issue out of the High Court, upon *proccipe*, setting forth the names of the witnesses to be subpoenaed, the names of the arbitrators, and the place and time of meeting, a subpoena commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpoena; and the disobedience of such subpoena shall be deemed a contempt of court, and shall be punishable in the same manner and to the like extent as in the case of subpoenas issued in a civil case.

Disobedience thereto to be contempt of Court.

Fees and conduct money.

(13) The like fees shall be payable for such subpoenas as in the case of subpoenas issued in civil cases, and the witnesses shall be entitled to the like conduct money. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 20 (9-12).

Stenographers.

(14) The evidence shall be taken down in writing, and after making their award the arbitrators shall forthwith deliver or transmit by registered letter, at the request of either party in writing the depositions, together with the exhibits referred to therein, and all papers connected with the reference, except the award, to the central office of the High Court of Justice with the proper stamps (which shall be furnished by the party making the request) to be filed with the Records of the Court. Dom. Ry. Act, 1903, s. 163 (3) amended.

Depositions transmitted to central office.

(15) The Judge by whom a third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 20 (14).

Time within which award must be made.

Arbitrator
dying, etc.

(16) If the arbitrator appointed by the Judge, or if any Ont. Ry. Act. arbitrator appointed by the parties, dies before the award R.S.O. 1897, c. 207, s. 20 (15), has been made, or is disqualified, or refuses or fails to act within a reasonable time, or refuses or neglects to make his award within the time fixed then, in the case of the arbitrator appointed by the Judge, upon the application of either party, such Judge being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case.

When proceed-
ings may be
abandoned.

(17) Any notice given or proceedings commenced prior to the making of the award be abandoned and new notice given, with regard to the same or other lands, the same or any other party, but in such case, the liability to the party first notified for all damages or costs by him incurred in consequence of the giving of the first notice shall continue; provided, however, that the right to abandon proceedings shall not be exercised more than once.

Awards not
voided for
want of form.

(18) No award made as aforesaid shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the person or persons, to whom the sum is to be paid, be named in the award.

Parties to ar-
bitration may
appeal to a
Judge of the
High Court.

(19) Any party to the arbitration may, within one month, after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a Judge of the High Court and upon the hearing of the appeal the Judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction.

Practice and
proceedings
upon appeal.

(20) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from an Official Referee under *The Arbitrations Act*, subject to any General Rules or Orders to be from time to time made by the Judges of the High Court, under *The Judicature Act*.

Existing prac-
tice as to set-
ting aside
awards con-
tinued.

Possession
may be taken
on payment or
tender, etc., of
sum awarded.

(21) The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards.

(22) Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon as aforesaid to the person entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in

the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to their so doing, the Judge of the county in which the lands lie, or any Judge of the High Court of Justice may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, as he may deem most suitable, to put the company in possession, and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do.

(23) The warrant may also be granted by such Judge Ont. Ry. Act, without the award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company is ready forthwith to proceed. R.S.O. 1897, c. 207, s. 20 (24), ne-part.

When warrant of possession may issue before award.

(24) The Judge shall not grant any warrant under the next preceding subsection, unless ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the land or the person empowered to convey the land, or interested in the land sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the company; and unless the company gives security to his satisfaction by payment into court of a sum in his estimation sufficient to cover the probable compensation and costs of the arbitration, and not less than double the amount mentioned in the notice served under subsection (1) of this section. Dom. Ry. Act, 1903, s. 171.

Procedure upon application for such warrant.

Deposit of compensation.

(25) The costs of any such application to, and of any such hearing before, the judge, shall be in the discretion of the Judge, and no part of such deposit or of any interest thereon shall be repaid, or paid to such company, or paid to such owner or party, without an order from the judge, which he may make in accordance with the terms of the award. Dom. Ry. Act, 1903, s. 172.

Costs of application.

Payment.

(26) The compensation for any lands which may be taken without the consent of the owner shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid the compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party.

When compensation to stand in the place of the land.

As to incumbrances, etc., upon lands, etc., purchased or taken.

(27) If the company has reason to fear any claim or incumbrance, or if any person to whom compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the person entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may, by leave of a Judge of the High Court of Justice, pay the compensation into the office of the Accountant of the Supreme Court of Judicature, together with interest thereon for six months, and with such further sum if such Judge so directs as may, in the opinion of such Judge, be sufficient to cover the expenses of advertising and the costs that may be incurred in consequence of such payment into Court, and may deliver to the said Accountant an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned.

What notice to be published.

(28) A notice, in such form and for such time as a Judge of the High Court may order shall be inserted in some newspaper if there is any published in the county in which the lands are situate, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing any persons so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudicated upon by the Court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages and incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested as may be proper.

By whom costs to be paid.

(29) The costs of such proceedings shall be paid by such party as the Court may order.

When interest to be returned to, or paid by the company.

(30) If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the company; and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the Court shall order the company to pay to the proper claimants the interest for such further period as may be right.

Gravel Pits, etc.

Acquiring materials for construction.

70.—(1) When stone, gravel, earth, sand or water is or (See Hamilton, are required for the construction or maintenance of *the Guelph & North railway or any part thereof, the company may in case it Shore Ry., 5*

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

Siding to gravel pit.

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

Switches and Sidings to Industries.

Expropriation with consent of municipality in certain cases.

71.—(1) In case the council of a municipality by by-law declares that it is desirable and expedient that an elevator or manufactory or other industry or business should have a siding or switch from any railway to the premises of such elevator, manufactory, industry or business, and that the company should have powers of expropriation for the purpose of securing, within the limits of the municipality, the necessary right of way for that purpose as set forth in the by-law, and if the Board certifies that the building of the proposed siding or switch across the lands as set forth in the by-law will be for the advantage or convenience of the public, the company, upon the registration by the council of the by-law and certificate in the proper Registry Office, shall in

Proviso. respect of the said lands, possess the powers of expropriation conferred by this Act. Provided, however, that no such by-law shall be passed by the council of any municipality until all owners of lands, across which the proposed siding or switch is to run, have had at least one week's previous notice in writing of the time when such by-law is to be considered by the said council.

Tracks, etc., not to be used for other purposes.

(2) The tracks of the sidings or switches constructed or laid by the company under this section shall not be used for any purpose other than for the purposes mentioned, except by leave of the Board and subject to such terms and conditions as the Board sees fit to impose. Dom. Ry. Act, 1903, s. 141 (3), amended.

Purchase of More Land than Necessary.

When company may purchase whole of any lot of land traversed.

72. Whenever the company can purchase a larger quantity of land from any particular owner at a more reasonable price, on the average, or on more advantageous terms, than it could obtain the portion thereof which it may take from him without his consent, it may purchase such larger quantity, and upon such purchase may sell and dispose of any part thereof which may be unnecessary for the undertaking. Dom. Ry. Act, 1903, s. 142, amended.

Snow Fences, Etc.

Erection of snow fences.

73. Every company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty, or of any person, lying along the route or line of the railway, and may erect and maintain snow fences thereon, subject to the payment of such damages, if any, as are thereafter established, in the manner provided by *this Act*, to have been actually suffered; but every snow fence so erected shall be removed on or before the first day of April then next following. Dom. Ry. Act, 1903, s. 143.

Compensation.

Removal.

Use of Adjacent Lands During Construction.

Use of lands adjoining right of way during construction or repair of railway.

74. The company, either for the purpose of constructing or repairing its railway or for the purpose of carrying out the requirements of the Board, or in the exercise of the powers conferred upon it by the Board, may enter upon any land which is not more than six hundred feet distant from the centre of the located line of the railway, and may occupy the said land as long as is necessary for the purposes aforesaid; and all the provisions of law at any time applicable to the taking of land by the company, and its valuation, and the compensation therefor, shall apply to the case of any land so required; but before entering upon any land for the purposes aforesaid, the company shall, in case the consent of the owner is not ob- Dom. Ry. Act, 1903, s. 140.

Deposit where
consent of
owner not
obtained.

tained, pay into Court, such sum, with interest thereon for six months, as is, after two clear days' notice to the owner of the land, or to the person empowered to convey the same, or interested therein, fixed by a judge of the High Court. Such deposit shall be retained to answer any compensation which may be awarded the person entitled thereto, and may upon order of a judge of such court, be paid out to such person in satisfaction *pro tanto* of such award; the surplus, if any, thereafter remaining shall by order of the judge, be repaid to the company, and any deficiency therein to satisfy such award shall be forthwith paid by the company to the person entitled to compensation under such award.

Compensation.

Proceedings where more Ample Space is required.

Where more
ample space
required.

75.—(1) Should the company require, at any point on the railway, more ample space than it then possesses or may take under this Act, for the convenient accommodation of the public, or the traffic on its railway, or for protection against snowdrifts, it may apply to the Board for authority to take the same, for such purposes, without the consent of the owner.

Dom. Ry. Act,
1903, s. 139.

Procedure
thereon.

(2) The company shall give ten day's notice of such application to the owner or possessor of such lands, and shall furnish copies of such notices, with affidavits of the service thereof, to the Board upon such application.

Notice.

What appli-
cation must
include.

(3) The company, upon such application, shall also furnish to the Board, in duplicate,—

(a) A plan, profile and book of reference of the portion of the railway affected, showing the additional lands required, and certified as provided in section 60 of this Act.

(b) An application, in writing, for authority to take such lands, *certified and* signed by any of the officers mentioned in *subsection 9 of section 60* of this Act, referring to the plan, profile and book of reference, specifying definitely and in detail the purposes for which each portion of the lands are required, and the necessity for the same, and showing that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights.

Authority
from Board.

(4) After the time stated in the aforementioned notices, and the hearing of such parties interested as may appear, the Board may, in its discretion, and upon such terms and conditions as the Board deems expedient, authorize in writing the taking, for the said purposes, of the whole or any portion of the lands applied for. Such authority shall be executed in duplicate, one to be filed with the plan, profile, book of reference, application and notices

Deposit with
Board.

with the Board, and the other, with the duplicate plan, profile, book of reference and application. to be delivered to the company.

• Deposit with registrar of deeds.

(5) Such duplicate authority, plan, profile, book of reference and application, or copies thereof certified as such by the Secretary shall be deposited with the registrars of deeds of the districts or counties, respectively, in which such lands are situate.

Sections of Act to apply. Exceptions.

(6) All the provisions of this Act applicable to the taking of lands for the right of way, or main line, of the railway without the consent of the owner of such lands, shall apply to the lands authorized to be taken under this section.

CONSTRUCTION OF THE RAILWAY.

Gauge.

Gauge.

76. The tracks of every railway and street railway, the ^{New.} construction of which railway or street railway shall be commenced after the coming into force of this Act, shall be of the standard gauge of four feet eight and one-half inches.

Trains, Cars and Appliances.

Communication with engine driver.

77.—(1) In all trains there shall be an apparatus or appliance to provide immediate communication between the conductor while in any car of any passenger train, and the engine driver or motor man.

Brakes.

(2) All brakes shall be of such design and construction as to check at will the speed of the train, and bring the same safely to a standstill, as expeditiously as possible, and on all the trains carrying passengers the system of brakes shall comply with the following requirements:—

On trains carrying passengers the brakes must—

Be continuous and instantaneous.

(a) The brakes shall be continuous and must be instantaneous in action, and capable of being applied at will by the motor man, engine driver, conductor or brakeman;

Be self-applying in case of accident.

(b) The brake must be self-applying in the event of any failure in the continuity of its action;

Couplers.

(3) All couplers shall be such as to securely couple and connect the cars composing the train, and to attach the engine or locomotive to such train, automatically by im- part (1) amended pact, and which can be uncoupled without the necessity of men going in between the ends of the cars;

Box freight cars to be provided with ladders, etc.

(4) All box freight cars of the company built after the passing of this Act, shall be equipped with the following attachments for the security of railway employees:—

(a) Outside ladders, on two of the diagonally opposite ends and sides of each car, projecting below the frame of the car, with one step or rung of the ladder below the frame, the ladders being placed close to the ends and sides to which they are attached;

(b) Hand grips placed anglewise over the ladders of each box car and so arranged as to assist persons in climbing on the roof by means of the ladder.

(5) All cars built prior to the passing of this Act shall be fitted with such attachments before the first day of January, 1907, provided that, if there is at any time any other improved side attachment which, in the opinion of the Board, is better calculated to promote the safety of the train hands, then the Board may require any of such cars not already fitted with the side attachments first mentioned, to be fitted with the said improved attachment.

Height of
draw-bars.

(6) Every company shall adopt and use upon all its rolling stock such height of draw-bars as the Board determines in accordance with any standard from time to time adopted by competent railway authorities.

(7) Every passenger, baggage, mail and express car, Mass. Ry. law, which is owned or regularly used on any railway in this p. 67, s. 211. Province, in which heating apparatus may be placed, shall be provided with such safeguards against fire as the board in writing shall from time to time approve.

Train
equipment to
be provided

(8) Every company shall provide and cause to be used New. on all trains such modern and efficient locomotives, motors, cars and carriages, apparatus, appliances and means as may be required or ordered by the Board, and the company shall alter such locomotives, motors, cars and carriages, apparatus, appliances and means or renew the same from time to time as the Board may order.

Penalty for
non-com-
pliance.

(9) Every company which fails to comply with any of the Dom. Ry. Act, provisions of this section, shall forfeit to His Majesty, a 1903, s. 211 (24) sum not exceeding two hundred dollars, for every day amended. during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of the non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person: Provided however that no proceedings shall be instituted to enforce or recover any forfeiture to His Majesty hereunder without the consent of the Board first obtained.

Damages.

Agreements to
contrary
invalid.

Consent to
prosecution.

Power of
Board respect-
ing train
equipment.

78. The Board may, upon application, order that any Dom. Ry. Act, apparatus or appliance specified in such order shall, when 1903, s. 212. used upon the train in the manner and under circumstances in such order specified, be deemed sufficient com-

Limitation upon power.

pliance with the provisions of the last preceding section, but the Board shall not, by such order, allow any exception to, or modification of, the requirements of such section; but the Board may by general regulation, or in any particular case, on good cause shown from time to time extend the period within which such appliances shall be used.

Discretion as to enforcing use of brakes, couplers, etc.

Locomotives to have bells or whistles.

79. Every locomotive, engine and electric locomotive shall be furnished with a bell of at least thirty pounds weight or with a steam or air whistle. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 41 (8) amended.

Whistles.

80. Every car which contains a motor or which runs at the head of a train shall be furnished with a gong, *to be approved by regulation of the Board*, or with an air whistle. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 82 (8) amended.

81. The Board may by order applicable either generally or in one or more particular cases, alter, modify, cancel or remit any of the requirements of sections 78 to 81 hereof.

Protection of conductors and motormen.

82.—(1) All cars in use for the transportation of passengers in November, December, January, February, March and April in each year, which, while in motion, require the constant care or service of a motorman upon the platforms of the car or upon one of them, shall have their platforms enclosed in such manner as to protect the motormen from exposure to wind and weather in such manner as the Board shall approve. Mass. Ry. law, p. 115, s. 56, amended.

(2) All companies operating their cars without rear end vestibules shall allow the conductors employed on such cars to stand inside the cars so far as is consistent with the proper performance of their duties during the said period. 2 Edw. VII., c. 27, s. 19, amended.

(3) Every motor car built after the passing of this Act designed for carrying passengers upon a railway operated by electricity shall be so constructed that the motorman having the control of the motive power shall be stationed in a compartment *into which no person shall be admitted* save the officers or employees of the company on duty, and no person other than such officers or employees shall be permitted to occupy any portion of such compartment or vestibule. New.

(4) Any company offending against the provisions of this section shall be liable to a penalty of one hundred dollars for each offence and any person offending against the provisions of this section is liable on summary conviction to a fine of not less than two dollars nor more than fifty dollars or imprisonment for not more than one month with or without hard labour or both. New.

(5) This section shall only apply to railways operated by electricity, and street railways.

Stopping
places.

83. Railways operated by electricity shall stop at such ^{New} places in addition to those fixed by the by-laws or regulations of the company as the Board may from time to time by resolution direct and order.

Open cars.

84.—(1) On and after the first day of January; 1907, open or summer cars in use upon a railway operated by electricity or upon a street railway shall be so arranged or constructed that the seats for passengers will face the front of the car when in motion, and an aisle sufficiently wide to allow the passage of the conductor and of passengers passing to and from the seats shall be provided in every such car.

Side steps

(2) No side steps shall be constructed along the sides of such cars but passengers entering and leaving such cars shall do so from steps provided at the front and rear thereof only.

(3) This section shall apply only to railways and street railways not yet constructed and to railways and street railways already constructed where the space between the tracks commonly called the devil's strip is sufficiently wide to allow the cars to be constructed as provided in subsections 1 and 2 of this section.

(5) In all cases of dispute between a railway or street railway companies and a municipal corporation or any person making complaint to the Board as to sufficiency of width, practicability of construction of cars or as to any other matter or thing referred to in this section, the Board shall be the final judge, and any order made by the Board as to any *such* matter shall be carried out and fulfilled by the company and the municipal corporation or either or both of them according to the terms of such order.

The Road Bed and Adjacent Lands.

Frogs, Packing, etc.

Interpretation.

"Packing."

85.—(1) In this section the expression "packing" means a packing of wood or metal, or some equally substantial and solid material, of not less than two inches in thickness, and which, where by this section any space is required to be filled in, shall extend to within one and a half inches of the crown of the rails in use on any such railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

Packing of
frogs, etc.

(2) The spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch where such spaces are less than four inches in width, shall be filled with packing up to the under side of the head of the rail.

Packing of
wing-rails, etc.

(3) The spaces between any wing rail and any railway frog, and between any guard rail and the track rail alongside of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than four inches; such packing not to reach higher than to the under side of the head of the rail; provided however, that the Board may allow the filling and packing mentioned in this section to be left out, from the month of December to the month of April in each year, both months included, or between any such dates as the Board by regulation, or in any particular case, determines.

Exception in
latter cases.

Oil cups.

(4) The oil cups or other appliances, used for oiling the valves of every locomotive in use upon any steam railway shall be such that no employee shall be required to go outside the cab of the locomotive, while the same is in motion, for the purpose of oiling such valves. Dom. Ry. Act, 1903, s. 230.

Drainage.

Drainage by
company.

86.—(1) The company shall in constructing the railway make and maintain suitable ditches and drains along each side of, and across and under the railway, to connect with ditches, drains, drainage works and watercourses upon the lands through which the railway runs; so as to afford sufficient outlet to drain and carry off the water, and so that the then natural, artificial, or existing drainage of the said lands shall not be obstructed or impeded by the railway.

Necessary
drainage may
be ordered by
Board.

(2) Whenever any lands are injuriously affected by reason of the drainage upon, along, across, or under the railway being insufficient to drain and carry off the water from such lands, or whenever any municipality or landowner desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under the railway or any works or land of the company, the Board may, upon the application or complaint of the municipality or landowner, order the company to construct such drainage or lay such pipes, and may require the applicant to submit to the Board a plan and profile of the portion of the railway to be affected, or may direct an inspecting engineer, or such other person as it deems advisable to appoint, to Dom. Ry. Act, 1903, s. 196.

inspect the locality in question and, if expedient, there hold an inquiry as to the necessity or requirements for such drainage or pipes, and to make a full report thereon to the Board; the Board may upon such report, or in its discretion, order how, where, when, by whom, and upon what terms and conditions, such drainage may be effected, or pipes laid, constructed and maintained, having due regard to all proper interests.

Drainage proceedings under Provincial Acts.

87.—(1) Whenever by virtue of any Act of the Province of Ontario proceedings may be had or taken by any municipality or landowner for any drainage, or drainage works, or for the construction, enlargement, improvement or extension of any ditch or watercourse upon or across the property of any landowner in the Province, proceedings may be had or taken under such act by such municipality or landowner for the construction, enlargement, improvement or extension of the ditch or watercourse upon and across the railway and lands of the company, at the option of such municipality or landowner, in the place of the proceedings before the Board as in the next preceding section provided, and thereupon such Act shall apply to the lands of the company upon or across which such drainage or other work is required, to the same extent as to the lands of any landowner, subject, however, to any previous order or direction of the Board made or given with respect to drainage of the same lands, and provided that the company shall have the option of constructing the portion of any drain or drainage work, or ditch or watercourse, required to be constructed upon, along, under or across its railway or lands, and in the event of the company not exercising such option, and completing such work within a reasonable time, without any unnecessary delay, such work may be constructed or completed in the same manner as any other portions of such work are to be constructed under the provisions of such Act; provided always that no drainage works or ditch or watercourse shall be constructed or reconstructed upon, along, under or across the railway or lands of the company until the character of such works or the specifications or plans thereof have been first submitted to and approved of by the Board.

Approval of Board.

Costs.

(2) The proportion of the cost of the drain or drainage works, or of such ditch or watercourse, across or upon the railway to be borne by the company shall in all such cases be based upon the increase of cost of such work caused by the construction and operation of the railway.

Farm Crossings.

Farm crossings.

88.—(1) Every company shall make crossings for persons across whose lands the railway is carried, convenient and

proper for the crossing of the railway for farm purposes. In crossing with live stock, such live stock shall be in charge of some competent person, who shall use all reasonable care and precaution to avoid accidents.

Necessary crossings may be ordered by Board.

(2) The Board may, upon the application of any land-owner, order the company to provide and construct a suitable farm crossing across the railway, wherever in any case the Board deems it necessary for the proper enjoyment of his land, on either side of the railway, and safe in the public interest; and may order and direct how, when, where, by whom, and upon what terms and conditions, such farm crossing shall be constructed and maintained.

Dom. Ry. Act, 1903, s. 198 amended.

Fences, Gates and Cattle-guards.

Fences, etc., to be kept up.

89.—(1) The company shall erect and maintain upon the railway fences, gates and cattleguards, as follows:—

Fences to be erected on each side of railway.

(a) On each side of all that portion of the railway which is not passing along or across a public highway fences shall be erected and maintained of the height and strength of an ordinary division fence.

Gates.

(b) Swing gates in such fences, of the height of the fence, with proper hinges and fastenings, at farm crossings: provided that sliding or hurdle gates, constructed prior to the passing of this Act, may be maintained.

Cattle-guards.

(c) Cattle-guards, on each side of the highway, at every highway crossing at rail-level by the railway. The railway fences at every such crossing shall be turned into the respective cattle-guards on each side of the highway. This provision shall not apply where a railway is being operated along a public highway.

To be suitable.

(2) Such fences, gates and cattle-guards shall be suitable and sufficient to prevent cattle, *horses* and other animals from getting on the highway.

Liability of company until cattle-guards erected.

(3) Until such fences, *gates* and cattle guards are duly made, the company shall be liable for all damages which may be done by their motors, cars, carriages or trains to cattle, horses or other animals on that part of the railway hereby required to be fenced.

If lands are not settled and inclosed.

(4) Whenever the railway passes through any locality in which the lands on either side of the railway are not improved or settled, and enclosed, the company shall be required to erect and maintain such fences, gates and cattle-guards unless the Board otherwise orders or directs.

Dom. Ry. Act, 1903, s. 199; Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 42 part (1) (3).

Land owners must close gates at farm crossings.

(5) The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed when not in use; and no person, any of whose cattle

Dom. Ry. Act, 1903, s. 200.

horses or other animals are killed or injured by any train, owing to the non-observance of this section, shall have any right of action against any company in respect to the same being so killed or injured.

Leaving gates open.

Taking down fences.

Putting cattle on railways.

Permitting animals to get on railways.

Penalties for so doing.

No recourse against company.

Additional damages.

(6) Every person who wilfully leaves any such gate open without some person being at or near it to prevent animals from passing through it on the railway, or who takes down any part of a railway fence, or turns any horses, cattle or other animals, upon or within the inclosure of such railway, except for the purpose of, and while, taking the same across the railway in the manner provided by this Act, or who, except as authorized by this Act, rides, leads or drives any horses, *cattle* or other animal, or suffers any such horses, *cattle* or animals to enter upon such railway and within the fences and guards, is liable, on summary conviction, to a penalty of twenty dollars for each offence, and is also liable to the railway company for any damage to the property of the company or for which the company may be responsible by reason of such gate being so left open, or by reason of such fence being so taken down, or by the turning, riding, leading, driving or suffering to enter, upon or within the inclosure of such railway in violation of this section of any horse, cattle or other animals, and no person, any of whose *horses, cattle or other animals* are killed or injured by any train owing to the non-observance of this section shall have any right of action against any company in respect to the same being so killed or injured. Every person violating the provisions of this section shall in addition to the penalty herein provided be liable to pay any person injured by reason of such violation all damages sustained thereby.

Dom. Ry. Act,
1903, s. 201,
amended.

Bridges, Tunnels and other Structures.

Headway respecting bridges and tunnels.

90.—(1) Every bridge, tunnel or other erection or structure, over, through or under which any railway, now or hereafter, passes, shall be so constructed, and, if need be, re-constructed or altered within such time as the Board may order, and shall thereafter be so maintained, as to afford, at all times, an open and clear headway of at least seven feet between the top of the highest freight car used on the railway and the lowest beams, members or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder; but in no case shall the space between the rail-level and such beams, members or portions of any such structure, hereafter constructed, be less than twenty-two feet six inches, unless by leave of the Board;

Powers of Board where owners refuse

(2) If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned

to permit compliance.

by the company, the Board, upon application of the company and upon notice to all parties interested, or without any application, may make such order, allowing or requiring such raising, reconstruction or alteration, upon such terms and conditions as to the Board shall appear just and proper and in the public interest.

Board may exempt certain bridges, etc.

(3) The Board may exempt from the operation of this section any bridge, tunnel, erection or structure, over, through or under which no trains are run, except such as are equipped with air brakes.

Penalty.

(4) Every company or owner shall incur a penalty *not* Dom. Ry. Act, exceeding fifty dollars for each day of wilful neglect, 1903, s. 202. omission or refusal to obey the provisions of this section.

Bridges, etc., over 18 feet long.

91.—(1) With respect to all bridges, tunnels, viaducts, trestles, or other structures, through, over, or under which the company's trains are to pass, the span, or proposed span or spans, or length of which exceeds eighteen feet, the company shall not commence the construction, or reconstruction, of, or any material alteration in, any such bridge, tunnel, viaduct, trestle, or other structure, until leave therefor has been obtained from the Board, unless such construction, reconstruction, or alteration is made in accordance with standard specifications and plans approved by the Board.

Proceedings before construction.

(2) Upon any application to the Board for such leave, Dom. Ry. Act, the company shall submit to the Board the detail plans, 1903, s. 203, profiles, drawings and specifications of any such work proposed to be constructed, and such other plans, profiles, drawings and specifications as the Board may in any case, or by regulation, require.

Highway Crossings.

Railway on highway. Consent of municipality.

92.—(1) Subject to the provisions of this Act respecting the operation of Railways *on and along* Highways, the railway may be carried along or across an existing highway upon leave therefor having been first obtained from the Board as hereinafter provided.

No obstruction permitted.

Restoration of highway.

(2) No obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, restoring the highway to as good condition, as nearly as possible, as it was originally.

Penalty.

(3) Every company which violates the provisions of this Dom. Ry. Act, section shall incur a penalty of not less than forty dollars 1903, s. 184, for each such violation. amended.

Variation of inch between rail and levels

93. Whenever the railway crosses any highway at rail-Dom. Ry. Act, level, whether the level of the highway remains undisturb-1903, s. 18

of highway permitted.

ed or is raised or lowered to conform to the grade of the railway, the top of the rail may, when the works are completed, rise above or sink below the level of the highway to the extent of one inch without being deemed an obstruction, unless otherwise directed by the Board.

Plan of crossing of highway to be submitted.

94.—(1) Upon any application for leave to construct the Dom. Ry. Act, railway across an existing highway, or to construct a high- 1903, s. 186, way across an existing railway, the applicant shall submit amended. a plan and profile of such crossing, showing the portion of railway or highway affected, to the Board. The Board may by order grant such application upon such terms and conditions as to protection, safety and convenience of the public, as it may deem expedient, or may order that the highway be carried over or under the railway, or be temporarily or permanently diverted, and that such works be executed, watchmen or other persons employed, gates erected or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction arising or likely to arise therefrom. New.

Powers of Board in such case.

(2) The highway at any overhead railway crossing shall not at any time be narrowed by means of an abutment or structure to an extent less than twenty feet, nor shall the clear headway from the surface of the highway to the centre of any overhead structure constructed after the passing of this Act be less than fourteen feet, unless otherwise directed or permitted by the Board.

As to existing crossings.

95. Where any railways is already constructed across any Dom. Ry. Act, highway, the Board may order the company within a speci- 1903, s. 187, fied time to submit to the Board a plan and profile of such amended. portion of the railway, and may, upon such submission, make any order in respect thereto that may to the Board seem proper.

All structures must be safely constructed and maintained.

96. Every structure, by which any highway is carried Dom. Ry. Act, over or under any railway, shall be so constructed, and, 1903, s. 189. at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over, under or through such structure.

Inclination of highway.

97. The inclination of the ascent or descent, as the case Dom. Ry. Act, may be, of any approach by which any highway is carried 1908, s. 190. over or under any railway, or across it at rail level, shall not be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach, unless the Board directs otherwise; and a good and sufficient fence shall be made on each side of such approach, and of the structure connected with it, which fence shall be at least four feet six inches in height from the surface of the approach or structure.

Fencing approaches.

Signboards
at level
crossings.

98. Signboards at least _____ feet in height at every highway crossed at rail level by any railway, shall be erected and maintained at each crossing, and shall have the words "railway crossing look out for the engine (or cars)" as the case may be painted on each side of the sign board, in letters at least six inches in length, and every company which neglects to comply with the requirements of this section shall incur a penalty not exceeding _____ dollars.

Dom. Ry. Act,
1903, s. 191,
amended.

Penalty.

Railway may
be required to
repair any level
crossing out of
repair.

99.—(1) Where a level crossing on any railway is out of repair, the warden, mayor, or reeve of the municipality within whose jurisdiction the crossing is situate, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, such head of the municipality may transmit a copy of the notice so served to the Board; and thereupon the Board may order an inspection to be made and may appoint an inspector for that purpose who shall with all possible despatch, appoint a day when he will examine into the matter; and he shall, by mail, give notice to the warden, mayor, or reeve, and to the company, of the day he so fixes; and upon the day so named he shall examine the crossing; and a certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Inspector determines that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirements of the certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the company in any court of competent jurisdiction, as money paid to the company's use.

Ont. Electric Ry.
Act, R.S.O. 1897,
c. 209, s. 102,
amended.

Inspector's
certificate to
be conclusive.

(2) The Inspector shall be entitled to be paid the sum of \$10.00 and actual travelling expenses while engaged on such inspection and in case he finds that any repairs are required he shall be paid by the company, but if he finds that no repairs are required he shall be paid by the municipality *whose* chief officer *served* the said notice.

New.

Proviso.

(3) Neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises.

Crossings and Junctions.

Railway
crossings and
junctions.

100.—(1) The railway lines or tracks of any company shall not be crossed or joined by or with the railway lines

Power of the Board.

or tracks of any other company until leave therefor has been obtained from the Board as hereinafter provided.

Proceedings on application to Board.

(2) Upon any application for such leave the applicant company shall submit to the Board a plan and profile of such crossing or junction and such other plans, drawings and specifications as the Board may in any case, or by regulation, require.

Order of Board.

(3) The Board may by order grant such application on such terms as to protection and safety as it may deem expedient, may change the plan and profile, drawings and specifications, so submitted and fix the place and mode of crossing or junction, and may direct that the lines and tracks of one company be carried over or under the lines and tracks of the other, and that such works, structures, equipment, appliances and materials be constructed, provided, installed, maintained, used or operated watchmen or other persons employed, and measures taken, as under the circumstances appear to the Board best adapted to remove and prevent all danger of accident, injury or damage, and may determine the amount of damage and compensation, if any, to be paid for any property or land taken or injuriously affected by reason of the construction of such works.

Supervision of works.

(4) The Board may give directions as to supervision of the construction of the works, and order that detailed plans, drawings and specifications of any works, structures, equipment or appliances required, shall, before construction or installation, be submitted to and approved by the Board

Order authorizing operation.

(5) No trains shall be operated on the lines or tracks of Dom. Ry. Act, the applicant company over, upon or through such crossing or junction until the Board grants an order authorizing such operation, but the Board shall not grant such order until satisfied that its orders and directions have been carried out, and that the provisions of this section have been complied with. 1903, s. 177.

Safety appliances on rail-level crossings.

(6) The Board may order any company to adopt and put in use at any such crossing or junction, at rail level, such interlocking switch, derailing device, signal system, equipments, appliances and materials, as in the opinion of the Board renders it safe for engines and trains to pass over such crossing or junction without being brought to a stop. Dom. Ry. Act, 1903, s. 178.

(7) This section shall apply to street railway companies and street railways.

Mines and Minerals.

Mines to be protected.

101. No company shall, without the authority of the Board, locate the line of its proposed railway, or con-

struct the same or any portion thereof, so as to obstruct or interfere with, or injuriously affect the working of, or the access or adit to any mine then open, or for opening which preparations are, at the time of such location, being lawfully and openly made.

Company not entitled to minerals, etc., in lands.

Exceptions.

102. The company shall not be entitled to any mines, ores, metals, coal, slate, mineral oils or other minerals in or under any lands purchased by it, or taken by it under any compulsory powers given it by this Act, unless the same have been expressly purchased; and all such mines and minerals, except as aforesaid, shall be deemed to be accepted from the conveyance of such lands, unless they have been expressly named therein and conveyed thereby.

Dom. Ry. Act, 1903, s. 132 amended.

Mining under or within 40 yards of any railway.

103.—(1) No owner, lessee or occupier of any such mines or minerals lying under the railway or any of the works connected therewith, or within forty yards therefrom, shall work the same until leave therefor has been first obtained from the Board.

Application for leave of Board.

(2) Upon any application to the Board for leave to work any such mine or minerals, the application shall submit a plan and profile of the portion of the railway to be affected thereby, and of the mining works or plant proposed to be constructed or operated, affecting the railway, giving all reasonable and necessary information and details as to the extent and character of the same.

Protection and safety of the public.

(3) The Board may grant such application upon such terms and conditions, as to protection and safety of the public, as to the Board may seem expedient, and may order that such other works be executed, or measures taken, as under the circumstances appear to the Board best adapted to remove or diminish the danger arising, or likely to arise, from such mining operations.

Dom. Ry. Act, 1903, s. 133.

Compensation by company for loss by severance of mine.

104. The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines such compensation as the Board shall order to be paid to such owner, lessee, or occupier for and on account of any severance of the lands lying over such mines by the railway, or of the working of such mines being prevented, stopped or interrupted, or of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and also for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 25 amended.

Power to company to enter mines for purpose of ascertaining whether work-

105. If necessary in order to ascertain whether any such mines are being worked, or have been worked, so as to damage the railway or works or in such manner as to

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 26 amended.

ing endangers
railway.

detrimental to the safety of the public using the railway or of the tracks and trains of the company it shall be lawful for the company with the written permission and authorization of the Board after giving twenty-four hours' notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked.

Penalty for
refusing com-
pany access
to mines.

106. If the owner, lessee, or occupier of any such mine Ont. Ry. Act, refuses to allow any person appointed by the company for R.S.O. 1897, c that purpose to enter into and inspect any such mines or 207, s. 27. works in manner aforesaid, every person so offending shall, for every such refusal, forfeit to the company a sum not exceeding \$100.

Weeds on Company's Land.

Company to
remove weeds.

107.—(1) Every company shall cause all cleared land or ground adjoining the railway and belonging to the company to be covered with grass or turf if not already so covered and shall cause all thistles and noxious weeds growing on the right of way and over land of the company adjoining the railway to be cut down or to be rooted out and destroyed each year before the plants have sufficiently matured to seed.

Penalty.

(2) Every company which fails to comply with this section shall incur a penalty of two dollars for every day during which such company neglects to do anything which it is so required to do.

On default
municipal
officers may
perform.

(3) The mayor, reeve or other head of the municipality Dom. Ry. Act, in which the land or ground lies may cause all things to 1903, s. 238. be done which the said company is so required to do, and See also Ont. for that purpose may enter, by himself and his assistant Ry. Act, R.S.O. or workmen, upon such lands, and the municipality may 1897, c. 207, recover the expenses and charges incurred in so doing, and s. 107. the said penalty, with costs, in any court of competent jurisdiction, and such *expenses, penalty and costs* shall be paid to the proper officer of the municipality.

Costs.

Prevention of, and liability for, Fires.

Prevention.

108.—(1) The company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter.

Liability for
fire caused by
locomotive.

(2) Whenever damage is caused to crops, lands, fences, Dom Ry. Act, plantations, standing or growing timber or trees or build- 1903, s. 239. ings and their contents, by a fire, started by a railway locomotive, the company making use of such locomotive whether guilty of negligence or not, shall be liable for such damage and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction; Provided that if it be shown that the company has used modern and efficient appliances and has not otherwise been guilty of any negligence, the total amount of compensation recoverable under this section, in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion, shall not exceed five thousand dollars, and it shall be apportioned amongst the parties who suffered the loss as the court may determine.

Proviso.

(3) The company shall have an insurable interest in all such property upon or along its route, for which it may be so held liable, and may procure insurances thereon in its own behalf.

Company has
insurable
interest.

Construction of Road by Sections.

Construction
of road by
sections.

109. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan and book or reference thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and to deposit the same as required by the clauses of this Act with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length, and upon such deposit as aforesaid of the map or plan and Book of Reference of any and each of such sections or portions of the said railway, all and every of the clauses of this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan and book of reference of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of the said railway had been taken, made, examined certified and deposited, according to the said clauses of this Act. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times

one continuous line of railway; provided, however, that the Board may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

Five mile sections may be opened.

110. Whenever any section of the said railway of not (See London, less than five miles has been completed, the company may Chatham & take the steps authorized by section 165 of this Act to be Western Ry. taken before a railway or a portion thereof is opened for Co., 5 Edw. the carriage of traffic and, with the permission of the VII, c. 97, Board as set forth in the said section, the company may ss. 10, 11.) open and operate such section as if it were a completed road, and all the sections of this Act applicable thereto shall thereupon apply to the said section as if it were a completed road, and to its operation.

Works not to be commenced until certain provisions complied with

111. The company shall not commence the construction Dom. Ry. Act, of the railway, or any section or portion thereof, until the 1903, s. 131, provisions of this Act as to plans and surveys are fully amended. complied with; and shall not make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of *subsection 13 of section 60* as to deviations are fully complied with.

Compensation for damages to owners of lands adjacent to highway.

112.—(1) Where a railway constructs its tracks upon New. one side of a highway or operates over a highway or railway or street railway crossing by means of a bridge or underneath a highway or railway or street railway crossing by means of a sub-way or tunnel, and in the construction of the approaches to such bridge or tunnel, raises or depresses part of a highway the owner of any land adjoining the portion of the highway upon the side thereof upon which the tracks are so constructed or upon or along which the said bridge or sub-way or tunnel or approaches thereto are constructed shall, if by reason of such construction, he sustains any damage or if his land or the business carried on upon such land is thereby injured or in any way depreciated in value be entitled to receive compensation therefor from the company.

(2) The proceedings to obtain such compensation and to New. determine the amount thereof shall so far as applicable be the same as that provided in this Act in the sections respecting the taking of land without the consent of the *owner*.

(3) Compensation for injury to or depreciation of the New. value of any such business or land may be awarded by the arbitrators if in their judgment any such injury or depreciation is caused by the existence of the railway notwithstanding that the grade of the highway may not have been changed or altered.

(4) This section shall apply to street railways. New

LIMITATION OF TIME FOR CONSTRUCTION.

Time for
construction
limited.

113.—(1) If the construction of the railway or street rail-Dom. Ry. Act,
way is not commenced and fifteen per cent. of the amount 1903, s. 117.
of the capital stock is not expended thereon within two
years after the passing of the special Act, or if the railway
is not finished and put in operation within five years from
the passing of such Act, the powers granted by such
Act or by this Act shall cease and be null and void as
respects so much of the railway as then remains uncom-
pleted.

(2) This section shall apply to street railways.

USE OF STEAM DURING CONSTRUCTION.

114. A company while constructing a line of railway to New.
be operated by electricity on a right of way owned by the
company shall have power to use steam as a motive power
during such construction and at other times for construc-
tion purposes.

CONTRACTS FOR CONSTRUCTION.

Contracts for
construction of
line, etc.

115.—(1) The directors may enter into a contract or con- (See Hamilton,
tracts with any individual, corporation or association of Guelph and
individuals for the construction or equipment of the rail-North Shore
way or any part thereof, including or excluding the pur-Ry., 5 Edw.
chase of right of way, and may pay therefor either in part VII., c. 93,
or in whole, either in cash or bonds, or in paid-up stock, s. 16.)
and may pay or agree to pay in paid-up stock or in bonds
of the said company such sums as they may deem exped-
ient to engineers, or for the right of way, or material,
plant or rolling stock, and also for the services of the
promoters or other persons who may be employed by the
directors for the purpose of assisting the directors and
furthering the undertaking, or for the purchase of right
of way, material, plant or rolling stock, provided that no
such contract shall be of any force or validity unless first
authorized by resolution passed by the votes of the share-
holders in person or by proxy representing two-thirds in
value of the whole amount paid up of the total capital
stock of the company then issued and outstanding at a
general meeting of the shareholders specially called for
the purpose of considering such matters, and the stock so
acquired by any person shall for all purposes be deemed
to be paid in cash.

Payment in
stock or bonds.

(2) This section shall apply to street railway companies New.
and street railways.

OPERATION OF THE RAILWAY.

Regulations governing the running of Trains.

Trains to start at regular hours

116. The trains or cars shall start and run at regular hours or at regular intervals to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places, established for receiving and discharging way-passengers and goods from the train or car.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 41 (2).

Passenger stations and train employees to wear badges.

117. Every employee of the company employed in a passenger train or car or at a passenger station, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property.

Dom. Ry. Act, 1903, s. 216.

Expulsion on refusal to pay fare.

118. The fare or toll shall be due and payable by every passenger on entering the car, or other conveyance, and every passenger who refuses to pay his fare may, by the conductor of the train and the train servants of the company, be expelled from and put out of the car, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 43, part (8); Dom. Ry. Act, 1903, s. 217.

No claim for injuries in certain cases.

119. No person injured while on the platform of a car, or on any baggage, or freight car, in violation of the printed regulations posted up at the time, shall have any claim in respect of the injury, if room inside of the passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.

Dom. Ry. Act, 1903, s. 218.

Position of passenger cars.

120.—(1) *Except by permission of the Board*, no passenger train shall have any freight, merchandise or lumber car in the rear of any passenger car in which any passenger is carried.

Penalty for violation.

(2) Every officer or employee of any company, who directs, or knowingly permits, any freight, merchandise or lumber car, to be so placed, shall be liable on summary conviction to a penalty not exceeding \$—— or to imprisonment in the common gaol for a period of not less than six months or to both.

Dom. Ry. Act, 1903, s. 219.

Baggage checks.

121.—(1) A check shall be affixed by the company to every parcel of baggage, having a handle, loop or suitable

means for attaching a check thereupon, delivered by a passenger to the company for transport, and a duplicate of such check shall be given to the passenger delivering the same.

Excess baggage.

(2) In the case of excess baggage the company shall be entitled to collect from the passenger, before affixing any such check, the toll authorized under this Act. Dom. Ry. Act, 1903, s. 220.

Liability for refusing to check baggage.

(3) If such check is improperly refused on demand, the company shall be liable to such passenger for the sum of eight dollars, which shall be recoverable in a civil action;

Provided that this section shall not apply to a train or car operated by electricity unless *the Board so orders*. New.

Transportation of dangerous goods.

122. No passenger shall carry, nor shall the company be required to carry upon its railway, gunpowder, dynamite, nitro-glycerine, or any other goods which are of a dangerous or explosive nature; and every person who sends by the railway any such goods without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station agent or employee of the company whose duty it is to receive such goods and to whom the same are delivered, or who carries or takes upon any train any such goods, for the purpose of carriage shall forfeit to the company the sum of five hundred dollars for every such offence. Dom. Ry. Act, 1903, s. 221.

Nature must be marked on outside.

Notice.

Penalty.

Company may refuse to carry.

123. The company may refuse to take any package or parcel which it suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact; and the company shall not carry any such goods of a dangerous nature, except in cars specially designated for that purpose, on each side of each of which shall plainly appear in large letters the words "dangerous explosives"; and for each neglect to comply with the provisions of this section, the company shall incur a penalty of five hundred dollars. Dom. Ry. Act, 1903, s. 222.

Carriage of such goods.

Penalty.

Trains to stop at swing bridges.

124.—(1) When any railway passes over any navigable water, or canal, by means of a draw or swing bridge which is subject to be opened for navigation, every train shall, before coming on or crossing over such bridge, be brought to a full stop and shall not proceed until a proper signal has been given for that purpose, and in default the company shall be liable to a penalty not exceeding four hundred dollars. Any employee failing to comply with the rules of the company as to compliance with the provisions of this subsection shall be liable to the like penalty, or to six months' imprisonment, or to both.

Where safety devices installed Board may otherwise order.

(2) Wherever there is adopted or in use on any railway at any such bridge, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains to pass over such bridge without being brought to a stop, the Board may, by order, permit engines and trains to pass over such bridge without stopping, under such regulations, as to speed and other matters, as the Board deems proper.

Dom. Ry. Act, 1903, s. 223.

Use of bell and whistle.

125. When any train is approaching a highway crossing at rail-level (except within the limits of cities or towns where the municipal authority may pass by-laws prohibiting the same), the engine whistle shall be sounded at least eighty rods before reaching such crossing, and then the bell shall be rung continuously until the engine has crossed such highway, or in the case of a car or locomotive operating by electricity an air whistle shall be blown or the gong be sounded continuously for eighty yards before reaching such crossing, and the company shall, for each neglect to comply with the provisions of this section, incur a penalty of eight dollars and shall also be liable for all damage sustained by any person by reason of such neglect; and every employee of the company who neglects to comply with this section shall for each offence be subject to a like penalty.

Dom. Ry. Act, 1903, s. 224 amended.

Penalty for non-compliance.

Damages.

Penalty on employee.

Signal at rail-level crossings.

126.—(1) No train, engine or motor car shall pass over any crossing where two main lines of railway cross each other at rail-level, until a proper signal has been received by the conductor, engineer or motorman in charge of such train, engine or motor car from a competent person or watchman in charge of such crossing that the way is clear; provided always, that in the case of an electric street railway car crossing any railway track not properly protected, it shall be the duty of the conductor, before crossing, to go forward and see that the track to be crossed is clear, before giving the signal to the motorman, that the way is clear and to proceed.

Electric street railway crossings.

Application of section.

(2) Every main track of a branch line is a main line within the meaning of this section, which shall apply, whether the said lines be owned by different companies or by the same company.

Dom. Ry. Act, 1903, s. 225 amended.

Stoppage of trains at rail-level crossings.

(3) Every train shall, before it passes over any such crossing as in this section mentioned, be brought to a full stop; but whenever there is in use, at any such crossing, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains or electric cars to pass over such crossing without being brought to a stop, the Board may, by order, permit such engines and trains and cars to pass over such crossing without stopping, under such regula-

Dom. Ry. Act, 1903, s. 226.

Where safety devices are installed Board may otherwise order.

tions as to speed and other matters as the Board deems proper.

Trains, or cars moving reversely in cities, etc.

127. Whenever in any city, town or village, any train is passing over or along a highway at rail-level, and is headed by an engine or motor car moving forward in the ordinary manner, the company shall station on the foremost part of the train, a person who shall warn persons standing on, or crossing, or about to cross, the track of such railway; and for every violation of any of the provisions of this section, or of any of the two sections next preceding, the company shall incur a penalty of one hundred dollars.

Dom. Ry. Act, 1903, amended, s. 228.

Trains must not stand on rail-level crossings more than five minutes.

128.—(1) Whenever any railway crosses any highway at rail-level, the company shall not, nor shall its officers, agents, or employees, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway, for a longer period than five minutes at one time, or in shunting to obstruct public traffic for a longer period than five minutes at any one time.

Penalty.

(2) In every case of a violation of this section, every such officer, agent, or employee who has directly under or subject to his control, management or direction, any engine, tender or car which, or any portion of which, is allowed to stand on such highway, longer than the time specified in this section, is liable on summary conviction to a penalty not exceeding fifty dollars, and the company is also liable for each such violation, to a like penalty; provided always that if such alleged violation is in the opinion of the court excusable, the action for the penalty may be dismissed; and costs shall be in the discretion of the court.

Dom. Ry. Act, 1903, s. 229.

Where violation excusable.

Sleeping and Parlour Cars.

Sleeping and parlor cars.

129. The company may contract with any person for the hauling by the special or regular trains of the company, of the parlor, drawing-room or sleeping car or cars of such person, in which extra accommodations shall be furnished, for which *such* person furnishing such parlor, drawing-room or sleeping car or cars, may charge for the carriage and transportation of persons and property therein *such* reasonable compensation as may be fixed by the Board, for such extra accommodation, in addition to the fare and charges for the carriage and transportation of passengers and property in the ordinary cars of the company. But the company so contracting shall be liable in the same way and to the same extent as if the said car or cars were owned by it, and shall furnish sufficient ordinary cars for the reasonable accommodation of the travelling public.

N. Y. Ry. law, p. 135, amended

Stations.

Accommodation for passengers and freight at stations.

130.—(1) The company shall, according to its powers, furnish, at the place of starting and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway,—and shall furnish adequate and suitable accommodation for the carrying, unloading and delivering of all such traffic,—and shall, without delay, and with due care and diligence, receive, carry and deliver all such traffic, and shall furnish and use all proper appliances, accommodation and means necessary therefor.

Train accommodation.

Duties respecting transportation.

Payment of tolls.

(2) Such traffic shall be taken, carried to and from, and delivered at such places, on the due payment of the toll lawfully payable therefor.

Right of action on default.

(3) Every person aggrieved by any neglect or refusal in the premises shall, subject to this Act, have an action therefor against the company, from which action the company shall not be relieved by any notice, condition or declaration or any agreement to the contrary if the damage arises from any negligence or omission of the company or of its servants.

Condition against negligence invalid.

Accommodation may be ordered by Board.

(4) If in any case such accommodation is not, in the Dom. Ry. Act, opinion of the Board, furnished by the company, the 1903, s, 214. Board may order the company to furnish the same within such time or during such period as the Board deems expedient, having regard to all proper interests.

Stations not to be discontinued.

(5) No station established by any railway company for New. Founded the reception or delivery of passengers or property, or on N.Y. Ry. both, shall be discontinued without the consent of the law. Board first had and obtained.

Complaint of ten citizens as to station accommodation.

(6) Upon the written complaint of ten or more persons New. Founded interested setting forth that any of the provisions of this on Ohio Ry. Act as to station accommodation or stopping places are law. being violated by the company the Board shall forthwith investigate the complaint. If upon such investigation it is found that such violation exists the Board shall issue an order to the company setting forth the nature of the improvements required and shall direct that the same shall be completed within such time as the Board may think proper.

Blackboards showing whether Trains on Time.

Overdue trains.

131.—(1) Every company, upon whose railway there is a telegraph or telephone line in operation, shall have a blackboard put upon the outside of the station house, over

Notice at stations.

the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph or telephone office; and when any passenger train or car is overdue at any such station, according to the time table of such company, the station agent or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice stating, to the best of his knowledge and belief, the time when such overdue train or car may be expected to reach such station; and if there is any further change in the expected time of arrival the station agent or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train or car may then be expected to reach such station.

Time when expected to be stated.

Penalty for omission.

(2) Every such company, station agent or person in charge at any such station, is, on summary conviction, liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to obey the provisions of this section.

MUNICIPAL BONUSES AND LOANS.

Aid from municipalities.

132. Any municipality, or any portion of a township, which may be interested in securing the construction of the railway, or through any part of which or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Submitting bonus by-law.

133. Such by-law shall be submitted by the municipal council to a vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the

minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1903*, and the amendments thereto.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1903*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality (See Penetang-
the petition is to be presented to the council defining the uishene & Orillia
section by metes and bounds, or lots and concessions, and Ry., 5Edw VII.,
shall be that of a majority of the council of such town-c. 105, s. 27.)
ship municipality, or of fifty resident freeholders in such
section of the municipality, being duly qualified voters
as aforesaid.

134. Such by-law shall in each instance provide :

Bonus by-law
what to
contain.

(a) For raising the amount petitioned for in the municipality or portion of the township municipality, (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(b) For assessing and levying upon all rateable pro- (See Penetang-
perty lying within the municipality or portion of the uishene & Orillia
township municipality defined in the said by-law (as the Ry., 5Edw.VII.
case may be). an annual special rate, sufficient to include c. 105, s. 28).
a sinking fund for the repayment of the said debentures
within twenty years with interest thereon, payable yearly
or half-yearly. which debentures the respective municipal
councils, wardens, mayors, reeves and other officers there-
of, are hereby authorized to execute and issue in such cases
respectively.

Petition
against aid
from county.

135. In case of aid from a county municipality, fifty (See Penetang-
resident freeholders of the county may petition the county uishene & Orillia
council against submitting the said by-law, upon the Ry., 5Edw.VII.,
ground that certain minor municipalities or portions c. 105, s. 29).
thereof, comprised in the said by-law, would be injuri-
ously affected thereby, or upon any other ground ought
not to be included therein, and upon deposit by the peti-
tioners, with the treasurer of the county, of a sum suffi-
cient to defray the expenses of such reference, the said
council shall forthwith refer the said petition to the Board
who shall have power to confirm or amend the said by-
law by excluding any minor municipality, or any section
thereof, therefrom and the by-law so confirmed or amended
shall thereupon, at the option of the railway company,
be submitted by the council to the duly qualified voters.

and in case the by-law is confirmed by the Board the expenses of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county or in such proportions between the company and the county as the Board may order.

Minor Municipality meaning of.

136. The term "minor municipality" shall be construed (See Penetanguishene & Orillia Ry., 5Edw.VII., c. 105, s. 30).

Deposit to be made before by-law submitted.

137. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting the said by-law. (See Penetanguishene & Orillia Ry., 5Edw.VII., c. 105, s. 31).

Council to pass by-law if assented to by ratepayers.

138. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. (See Penetanguishene & Orillia Ry., 5Edw.VII., c. 105, s. 32).

Issue of debentures.

139. Unless otherwise provided in the by-law, the said council and the mayor, warden, reeve or other officers thereof, within one month after the passing of such by-law, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act. (See Penetanguishene & Orillia Ry., 5Edw.VII., c. 105, s. 33).

Levying rate on portion of municipality.

140. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. (See Penetanguishene & Orillia Ry., 5Edw.VII., c. 105, s. 34).

Application of provisions of 3 Edw. VII. c. 19.

141. The provisions of *The Consolidated Municipal Act, 1903*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. (See Penetanguishene & Orillia Ry., 5Edw.VII., c. 105, s. 35).

Councils may extend time for commencement.

142. The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: provided that no such extension shall be for a longer period than one year. (See Penetanguishene & Orillia Ry., 5Edw.VII., c. 105, s. 36).

Councils may extend time for completion.

143. The council of any municipality that may grant aid by way of bonus, to the company, may by resolution (See Penetanguishene & Orillia

tion or by-law, extend the time for the completion of the works (on the completion of which the company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

144. Any municipality, or portion of a township municipality interested in the construction of the railway of the company may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Proviso.

Gifts of land.

145. Any municipality through which the railway may pass or in which the railway or part of it is situated is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the railway, and the railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power, when the same are no longer required or necessary for the purposes of the company, to sell or otherwise dispose of the same for the benefit of the company.

Trustees of municipal debentures.

146. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Board, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Board shall omit to name such trustee within one month after notice in writing to the Board of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees: any of the said trustees may be removed and a new trustee appointed in his place at any time by the Board, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incap-

able of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Board.

Trusts of proceeds of debentures.

147. The said trustees shall receive the said debentures (See Penetang- or bonds in trust, firstly, under the directions of the com- uishene & Orillia Ry.; 5 Edw. VII., c. 105, s. 24.) pany but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The _____ Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule "A" hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

148. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. (See Penetang-uishene & Orillia Ry., 5 Edw. VII. c. 105, s. 43).

Mayor, etc., to be *ex officio* a director in certain cases.

149. The mayor, warden, reeve, or other chief officer of such municipal corporation granting a bonus or gift to the company to the amount of \$20,000, or upwards, 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 any of the directors of the company. (Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 61 (4) amended)

150. The sections respecting municipal bonuses and loans, being sections 132 to 149, inclusive, shall apply to street railway companies.

EXEMPTIONS FROM TAXATION.

By-law granting exemption from taxation.

151.—(1) The council of any municipality through any part of which the railway passes, or in which it is situated may by by-law especially passed for that purpose, exempt the company and its property within such municipality, either in whole or in part from municipal taxation, but not including taxation for school purposes, or to fix a certain sum per annum, or otherwise, by way of commutation, or in lieu of all or any municipal rates or taxes, and for such term of years not exceeding twenty-one years as (See Perth and Huron Radial Ry., 5 Edw. VII, c. 106, s. 39).

such municipal council may deem expedient, and no such by-law shall be repealed unless in conformity with a condition contained therein.

(2) This section shall apply to street railway companies.

BY-LAWS, RULES AND REGULATIONS.

Company's
by-laws
respecting—

152. The company may, subject to the provisions and restrictions in this and in the Special Act, contained, make by-laws, rules or regulations respecting—

Speed.

(a) The mode by which, and the speed at which, any rolling stock used on the railway is to be moved;

Timetables.

(b) The hours of the arrival and departure of trains;

Loads.

(c) The loading or unloading of cars, and the weights which they are respectively to carry;

Freight
regulations.

(d) The receipt and delivery of traffic;

Nuisances.

(e) The smoking tobacco, expectorating, and the commission of any nuisance in or upon trains, stations or other premises occupied by the company;

Traffic and
operation.

(f) The travelling upon, or the using or working of, the railway;

Conduct.

(g) The employment and conduct of the officers and employees of the company; and—

Management.

(h) The due management of the affairs of the company; Dom. Ry. Act, 1903, s. 243.
(i) The number of passengers to be allowed in cars, their mode of entrance or exit, and the portion of the car or the class of car to be occupied by them.

Penalty for
violation of
by-laws

153. The company may, for the better enforcing the observance of any such by-law, rule or regulation effecting the officers or employees of the company prescribe in such by-law a penalty not exceeding forty dollars for any violation thereof. Dom. Ry. Act, 1903, s. 244 amended.

Essentials to
validity of
by-law.

154. All by-laws, rules and regulations whether made by the directors or the company shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted have affixed thereto the common seal of the company, and be kept in the office of the company. Dom. Ry. Act, 1903, s. 245.

Must be
approved by
Governor in
Council.

155. All such by-laws, rules and regulations, except such as are of a private or domestic nature and do not affect the public generally, shall be submitted to the Board for approval. The Board may sanction them or any of them, or any part thereof, and may from time to time, rescind the sanction of any such by-law, rule or regulation or Dom. Ry. Act, 1903, s. 246 amended.

- Board to report. of any part thereof. Except when so sanctioned no such by-law, rule or regulation shall have any force or effect.
- Publication of by-laws, etc. 156. A printed copy of so much of any by-law, rule or regulation, as affects any person, other than the shareholders, or the officers or employees of the company, shall be openly affixed, and kept affixed, to a conspicuous part of every station belonging to the company, so as to give public notice thereof to the persons interested therein or affected thereby;
- Publication of by-laws, etc., affecting employees. 157. A printed copy of so much of any by-law, rule or regulation as relates to the conduct of or affects the officers or employees of the company, shall be given to every officer and employee of the company thereby affected; Dom. Ry. Act, 1903, s. 247.
- By-laws, etc., binding when approved. 158. Such by-laws, rules and regulations when so approved shall be binding upon, and observed by, all persons, and shall be sufficient to justify all persons acting thereunder; Dom. Ry. Act, 1903, s. 248.
- Summary interference in certain cases. 159. If the violation or non-observance of any by-law, rule or regulation, is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere, using reasonable force, if necessary, to prevent such violation, or to enforce observance, without prejudice to any penalty incurred in respect thereof. Dom. Ry. Act, 1903, s. 249.
- Evidence. 160. A copy of any by-law, rule or regulation, certified as correct by the president, secretary or other executive officer of the company and bearing the seal of the company, shall be evidence thereof in any court. Dom. Ry. Act, 1903, s. 250.
161. All by-laws, rules and regulations of a company operating its railway by electricity partially or wholly on a highway or of a street railway company shall be subject to any agreement that may have been made by such company and the municipal corporation owning or maintaining such highway. New.
- NOTICES OF BY-LAWS, ETC.
- How notice of by-laws or orders may be proved. 162. Notice of any by-law or of any order or notice of the company affecting any officer or employee thereof may be proved by proving the delivery of a copy thereof to such officer or employee, or that such officer or employee signed a copy thereof, or that a copy thereof was posted in some one place where his work or his duties, or some of them, were to be performed. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 89.
163. The sections relating to "By-laws, Rules and Regulations, being sections 152 to 162 inclusive, shall apply to street railways and street railway companies.

INSPECTION OF RAILWAYS.

Inspecting Engineers.

Appointment
of inspecting
engineers.

164.—(1) Inspecting engineers may be appointed by the Board, subject to the approval of the Lieutenant-Governor in Council.

Duties.

(2) It shall be the duty of every such inspecting engineer, upon being directed by the Board, to inspect any railway, or any branch line, siding or portion thereof whether constructed, or in the course of construction, to examine the stations, rolling stock, rails, road bed, right of way, tracks, bridges, tunnels, trestles, viaducts, drainage, culverts, railway crossings and junctions, highway and farm crossings, fences, gates and cattle-guards, telegraph, telephone, or other lines of electricity, and all other buildings, works, structures, equipment, apparatus, and appliances thereon, or to be constructed or used thereon, or such part thereof as the Board, may direct, and forthwith to report fully thereon in writing to the Board.

Dom. Ry. Act
1903, s. 206,
amended.

Powers of
inspection.

(3) Every such inspecting engineer shall be vested with all the powers in regard to any such inspection as are provided in section 49 of "*The Ontario Railway and Municipal Board Act, 1906.*"

Duties of
company
respecting
inspecting
engineers.

(4) Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information as is within their knowledge and power, in all matters inquired into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair, or state of repair, of the railway, or any portion thereof.

Inspecting
Engineers
may travel
free.

(5) Every such inspecting engineer shall have the right, while engaged in the business of such inspection, to travel without charge on any of the ordinary passenger trains running on the railway, and to use without charge the telegraph wires and machinery in the offices of, or under the control of, any such company.

Use telegraph
wires, etc.

Transmission
of telegrams.

(6) The operators, or officers, employed in the telegraph offices of, or under the control of, the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages; and every such operator or officer, who neglects or refuses so to do, shall, for every such offence, be liable, on summary conviction, to a penalty of forty dollars.

Penalty upon
failure.

Proof of
engineer's
authority.

(7) The production of his appointment in writing, signed by the Chairman of the Board, or the Secretary, shall be

sufficient evidence of the authority of such inspecting engineer.

Penalty for obstructing inspecting engineers.

(8) Every person who wilfully obstructs any inspecting engineer in the execution of his duty, is liable, on summary conviction, to a penalty not exceeding forty dollars; and in default of payment thereof forthwith, or within such time as the convicting justices or justices of the peace appoint, to imprisonment with or without hard labour for any term not exceeding three months.

Inspection of Line.

Leave of Board before opening.

165.—(1) No railway, or any portion thereof, shall be opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, until leave therefor has been obtained from the Board, as hereinafter provided.

Dom. Ry. Act 1903, s. 207, amended.

Proceedings.

Affidavit.

(2) When the company is desirous of so opening its railway, or any portion thereof, it shall make an application to the Board, supported by affidavit of its president, secretary, engineer or one of its directors, to the satisfaction of the Board, alleging that the railway, or portion thereof, desired to be so opened is in his opinion sufficiently completed for the safe carriage of traffic, and ready for inspection, and request the Board to authorize the same to be opened for such purpose.

Inspection.

When opening reported to be safe.

Order of Board.

(3) Before granting such application the Board shall direct an inspecting engineer to examine the railway, or portion thereof, proposed to be opened, and if the inspecting engineer reports to the Board, after making such examination, that in his opinion the opening of the same for the carriage of traffic will be reasonably free from danger to the public using the same, the Board may make an order granting such application, in whole or in part, and may name the time therein for the opening thereof, and thereupon the railway, or such portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

When opening reported dangerous.

Notice to be served on company.

(4) But if such inspecting engineer, after the inspection of the railway, or the portion thereof, shall report to the Board that in his opinion the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the construction or equipment of such railway, or portion thereof, he shall state in his report the *reasons* for such opinion, and the company shall be entitled to notice thereof, and shall be served with a copy of such report and *reasons*, and the Board may refuse such application, in whole or in part, or may direct a further or other inspection and report to be made.

Provision for further inspection.

(5) If thereafter upon such further or other inspection or upon a new application under this section, the inspecting engineer reports that such railway, or portion thereof, may be opened without danger to the public, the Board may make the like order as provided in subsection 3 of this section and thereupon the railway, or such portion thereof, as is authorized by the Board, may be opened for traffic in accordance therewith.

Order for opening.

Leave to carry freight traffic.

(6) The Board, upon being satisfied that public convenience will be served thereby, may, after obtaining a report of an inspecting engineer, allow the company to carry freight traffic over any portion of the railway not opened for the carriage of traffic in accordance with the preceding provisions of this section.

Opening without leave of Board.

(7) If any railway, or portion thereof, is opened contrary to the provisions of this section, the company, or person to whom such railway belongs shall forfeit to His Majesty the sum of two hundred dollars for each day on which the same is, or continues, open until such order is obtained.

Penalty.

Where railway out of repair.

166.—(1) Whenever the Board receives information that any railway, or any portion thereof, is dangerous to the public using the same, from want of renewal or repair, or insufficient or faulty construction, *equipment*, or from any other cause, the Board may direct an inspecting engineer to examine the railway, or any portion thereof; and upon the report of the inspecting engineer may order any repairs, renewal, reconstruction, alteration or new works, materials or equipment to be made, done, or furnished by the company upon, in addition to, or substitution for, any portion of the railway, which may, from such report, appear to the Board necessary or proper to avoid such danger, and may order that until such repairs, renewals, reconstruction, alteration, and work, materials or equipment are made, done and furnished to its satisfaction, no such portion of the railway in respect of which such order is made, shall be used, or used otherwise than subject to such restrictions, conditions and terms as the Board may in such order impose. And the Board may by such order, condemn, and thereby forbid further use of, any rolling stock which, from such report, it may consider unfit to repair or use further.

Dom. Ry Act,
1903, s. 208.

Inspection

Board may order repairs, etc.

May enjoin use of portions of railways pending repairs.

Or of equipment.

Penalty for non-compliance.

(2) If, after notice of any such order made by the Board, the company shall use any rolling stock, after the same has been so condemned by the Board, or shall disobey or fail to comply with any order of the Board made under this section, the company shall, for each *day on which such order is disobeyed*, forfeit to His Majesty the sum of _____; and any person wilfully and knowingly aiding or abetting any such violation shall be guilty of an offence, and on sum-

Aiding and abetting.

any conviction thereof shall be liable to a penalty of not less than _____ nor more than _____

(3) This section shall apply to street railways.

Inspecting engineer may in case of danger issue prohibitions.

—167.—(1) If in the opinion of any inspecting engineer, it is dangerous for trains to pass over any railway, or any portion thereof, until alterations, substitutions or repairs are made thereon, or that any of the rolling stock should be run or used, the said engineer may, by notice, forthwith, either forbid the running of any train over such railway or portion of railway, or require that the same be run only at such times, under such conditions, and with such precautions, as he, by notice specifies, and he may forbid the running or using of any such rolling stock by serving upon the company owning, running or using such railway, or any officer having the management or control of the running of trains on such railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended; and for every act of non-compliance therewith such company shall forfeit to His Majesty the sum of two thousand dollars.

Procedure.

Reasons and defects must be stated.

Penalty.

Report of inspecting engineer.

Action thereon.

Notice.

(2) The inspecting engineer shall forthwith report the same to the Board which may either confirm, modify or disallow the act or order of such engineer; and notice of such confirmation, modification or disallowance, shall be duly given to the company. Dom. Ry. Act, 1903, s. 209.

Prosecution for penalties must be authorized.

168. No prosecution for any penalty under the last two preceding sections shall be instituted without the authority of the Board first had and obtained. Dom. Ry. Act, 1903, s. 210.

Company to notify orders of Commissioner to its officers, etc.

169. The company shall, as soon as possible after the receipt of any order or notice of the Board affecting any of the officers or employees of the railway or any of the duties of such officers or employees, give cognizance thereof to each of its officers and employees, in one or more of the ways mentioned in section 166 of this Act. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 104, amended.

What to be deemed sufficient notice thereof.

170. All orders of the Board shall be considered as made known to the company by a notice thereof signed by the chairman or secretary thereof, and delivered to the president, vice-president, managing director, secretary or superintendent of the said company, or at the office of the company. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 105, amended.

Inspection not to Relieve from Liability.

Inspection not to relieve company from liability.

171. No inspection had under this Act, and nothing in this Act contained, and nothing done or ordered or to be done or ordered, under or by virtue of the provisions part. Dom. Ry. Act, 1903, s. 242.

of this Act, shall relieve, or be construed to relieve, any company of or from any liability or responsibility resting upon it by law, either towards His Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative, of any person, for anything done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such company, or in any manner or way to lessen such liability or responsibility or in any way to weaken or diminish the liability or responsibility of any such company, under the laws in force in *this* Province.

RAILWAY INSPECTION FUND.

Railway Inspection Fund.

172. The company shall, so soon as any portion of its Ont. Electric Ry railway thereof is in use, pay to the Treasurer of the Pro-Act, R.S.O. vince an annual rate to be fixed by the Lieutenant-Gover-1897, c. 209, nor in Council, not exceeding \$10 per mile of railway con-s. 112. structed and in use; such rate to be paid half-yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Railway Inspection Fund."

TOLLS.

By-Laws as to.

By-laws to be passed authorizing issue of tariffs of tolls to be charged by the company.

173.—(1) The company or the directors of the company, by by-law or any such officer or officers of the company as are thereunto authorized by by-law of the company or directors may from time to time prepare and issue tariffs of the tolls to be charged, as hereinafter provided, for all traffic carried by the company upon the railway, or in its vessels, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid.

To be approved by Board.

(2) All such by-laws shall be submitted to and approved by the Board.

Board may approve in whole or in part or may change.

(3) The Board may approve such by-laws in whole or in part, or may change, alter or vary any of the provisions therein.

No tolls to be charged until by-law approved by Board.

(4) No tolls shall be charged by the company until a by-Dom. Ry. Act, law authorizing the preparation and issue of tariffs of 1903, s. 251, such tolls has been approved by the Board, nor shall the amended. company charge, levy or collect any money for any services as a common carrier, except under the provisions of this Act.

Collection of Tolls.

Collecting
back charges
on goods.

174.—(1) The company shall have the power to collect (See Penetanguishene and Orillia and receive all charges subject to which goods or commodities may come into their possession, and on payment of Ry., 5 Edw.VII. such charges by the company without any formal transfer, c. 105, s. 48). the company shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payments to all the rights and remedies of such persons for such charges.

(2) In case of refusal or neglect of payment on demand Ont. Electric Ry. of any such tolls, or any part thereof, to such persons, Act, R.S.O. the same may be sued for and recovered in any court of 1897, c. 209, competent jurisdiction, or the agents or servants of the 43 (2). company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof.

Sale of goods
to recover
tolls.

(3) If the tolls are not paid within six weeks, and where Dom. Ry. Act, the goods are perishable goods, if the tolls are not paid 1903, s. 280 (2). upon demand or if such goods are liable to be destroyed while in the possession of the company by reason of delay in payment or taking delivery by the consignee, the company may advertise and sell the whole or any part of such goods and out of the money arising from such sale retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale, and shall deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto.

(4) If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto.

(5) In default of such balance being claimed before the Ont. Electric Ry. expiration of the period last aforesaid, the same shall be Act, R.S.O. 1897, paid over to the Provincial Treasurer to be applied to the c. 209, s. 43 (4, general purposes of the Province, unless claimed by the 5). person entitled thereto, within six years of the date of such payment.

Passenger Fares on Electric Roads.

175.—(1) Notwithstanding anything contained in any agreement with any municipal or other corporation or person or any provision contained in any special Act to the contrary, the fares to be taken by the company on a railway operated by electricity for each passenger shall not exceed five cents for any distance not exceeding three miles, and where the distance exceeds three miles then not exceeding two cents per mile or fraction thereof for the distance actually travelled. Children under ten years of age shall be carried for three miles or less for three cents and for any additional distance for half fare, but children in arms shall in all cases be carried free.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 43 (7) amended.

(2) Pupils under seventeen years of age actually attending school shall be entitled to purchase at any office of the company where tickets are sold on a certificate from their principal teacher that they are *bona fide* pupils attending school eight tickets for twenty-five cents, such tickets to be used only between the hours of eight o'clock and half past nine in the forenoon, and between half-past three and five o'clock in the afternoon, and then only for the purpose of attending and returning from school, provided that no such tickets shall entitle any pupil to ride a greater distance than five miles.

(3) This section shall not be construed to alter or vary any agreement by which the company is bound to charge a lesser rate of fares for passengers than those mentioned in this section.

(4) This section shall apply to street railways.

(5) This section shall not apply to a company whose tariff for passenger fares is subject to the approval of any commissioners in whom are vested any park or lands owned by the Crown for the use of the public of the Province of Ontario.

BOARD AND MEMBERS OF LEGISLATURE TO BE CARRIED FREE.

176. The company shall furnish free transportation upon any of its trains, for members of the Legislature with their baggage, and also for the members of the Board, and for such officers and staff of the Board as the Board may determine, with their baggage and equipment, and shall also, when required, haul free of charge any car provided for the use of the Board.

Dom. Ry. Act, 1903, s. 275 (5) amended.

DISCRIMINATION.

177.—(1) Such tolls may be either for the whole or for any particular portions of the railway; but all such tolls shall always, under substantially similar circumstances and conditions be charged equally to all persons and at the same

Members of Legislature and Board to have free transportation

Discrimination prohibited.

rate, whether by weight, mileage or otherwise, in respect of all traffic of the same description and carried in or upon a like kind of cars, passing over the same portion of the line of railway; and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular person or company travelling upon or using the railway.

Proportionate decrease in tolls in certain cases

(2) The tolls for larger quantities, greater numbers, or longer distances may be proportionately less than the tolls for smaller quantities or numbers, or shorter distances, if such tolls are, under substantially similar circumstances charged equally to all persons. Dom. Ry. Act, 1903, s. 252 (1, 2).

(3) The company may make uniform special rates for the carriage of fruit, milk and other perishable products and commodities. (See Hamilton, Guelph & North Shore Ry. 5 Edw. VII., c. 93, s. 52).

Unjust discrimination between localities prohibited.

(4) No toll shall be charged which unjustly discriminates between different localities. The Board shall not approve or allow any toll, which for the like description of goods or for passengers, carried under substantially similar circumstances and conditions in the same direction over the same line, is greater for a shorter than for a longer distance, the shorter being included in the longer distance, unless the Board is satisfied that owing to competition, it is expedient to allow such toll. The Board may declare that any places are competitive points within the meaning of this Act.

Long and short haul clause.

Competitive points.

Pooling prohibited.

(5) No company shall, except in accordance with the provisions of this Act, directly or indirectly, pool its freights or tolls with the freights or tolls of any other railway company or common carrier, nor divide its earnings or any portion thereof with any other railway company or common carrier, nor enter into any contract, arrangement, agreement, or combination to effect, or which may effect, any such result, without leave therefor having been obtained from the Board. Dom. Ry. Act, 1903, s. 252 (3, 4).

Duty of company to afford reasonable facilities for receiving, forwarding, and delivering traffic without partiality and without unreasonable delay.

178. All companies shall, according to their respective powers, afford to all persons and companies all reasonable, and proper facilities for the receiving, forwarding and delivering of traffic upon and from their several railways, for the interchange of traffic between their respective railways, and for the return of rolling stock; and no company shall make or give any undue or unreasonable preference or advantage to, or in favour of, any particular person, or company or any particular description of traffic, in any respect whatsoever, nor shall any company by any unreasonable delay or otherwise however, make any difference in treatment in the receiving, loading, forwarding, unloading, or delivery of the goods of a similar character in favour of or against any particular person, or company, nor subject any particular person, or company, or any particular descrip-

tion of traffic, to any undue, or unreasonable, prejudice or disadvantage, in any respect whatsoever; nor shall any company so distribute or allot its freight cars as to discriminate unjustly against any locality or industry, or against any traffic which may originate on its railway destined to a point on another railway in Ontario with which it connects; and every company which has or works a railway forming part of a continuous line of railway with, or which intersects, any other railway, or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other railway, or for receiving from and forwarding by its railway all the traffic arriving by such other railway without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage, as aforesaid, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf; and any agreement made between any two or more companies contrary to this section shall be unlawful and null and void.

Undue preference or advantage.

Undue prejudice or disadvantage.

Agreements in violation void.

Power of Board to determine what are substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Act, or whether in any case the company has, or has not, complied with the provisions of this and the last preceding section; and may by regulation declare what shall constitute substantially similar circumstances and conditions, or unjust or unreasonable preferences, advantages, prejudices, or disadvantages within the meaning of this Act, or what shall constitute compliance or non-compliance with the provisions of this and the last preceding section.

179. The Board may determine, as questions of fact, Dom. Ry. Act, 1903, s. 253. whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Act, or whether in any case the company has, or has not, complied with the provisions of this and the last preceding section; and may by regulation declare what shall constitute substantially similar circumstances and conditions, or unjust or unreasonable preferences, advantages, prejudices, or disadvantages within the meaning of this Act, or what shall constitute compliance or non-compliance with the provisions of this and the last preceding section.

Burden of proof respecting unjust discrimination, etc.

180.—(1) Whenever it is shown that any company charges one person, company, or class of persons, or the persons in any district, lower tolls for the same or similar goods, or lower tolls for the same or similar services, than they charge to other persons, companies, or class of persons, or to the persons in another district, or makes any difference in treatment in respect of such companies or persons, the burden of proving that such lower toll, or difference in treatment, does not amount to an undue preference or an unjust discrimination shall lie on the company.

What Board may consider in determining unjust discrimination, etc.

(2) In deciding whether a lower toll, or difference in treatment, does or does not amount to any undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is

necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls.

Apportionment of toll for carriage by land and water.

(3) In any case in which the toll charged by the company for carriage, partly by rail and partly by water, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged is discriminatory or contrary in any way to the provisions of this Act, may require the company to declare forthwith to the Board, or may determine what portion of such single sum is charged in respect of the carriage by rail. Dom. Ry. Act, 1903, s. 254.

Equal facilities to be granted to express companies.

181. Every company which grants any facilities for the carriage of goods by express to any express company or person, shall grant equal facilities, on equal terms and conditions, to any other express company which demands the same. Dom. Ry. Act, 1903, s. 278.

Reduced rates for public or charitable purposes.

182. Nothing in this Act shall be construed to prevent the carriage, storage or handling of traffic free or at reduced rates for the Dominion, or any provincial or municipal government, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the carriage, free or at reduced rates, of destitute or homeless persons, transported by charitable societies, and the necessary agencies employed in such transportation, nor to prevent the issuance of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants or settlers, and their goods and effects, or any member of any organized association of commercial travellers with his baggage, nor to prevent railways from giving free carriage or reduced rates to their own officers and employees, or their families, or for their goods and effects, or to members of the press, or to such other persons as the Board may approve or permit, nor to prevent the principal officers of any railway, or any railway or transportation company, from exchanging passes or free tickets with other railways, or railway or transportation companies, for their officers and employees and their families, or their goods and effects; provided that the carriage of traffic by the company under this section may, in any particular case or by general regulation, be extended, restricted, limited or qualified by the Board. Dom. Ry. Act, 1903.

APPOINTMENT OF RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any railway.

183.—(1) The Justice of the Peace for any county assembled at any General Sessions of the Peace on the application of the board of directors of the company whose way or any part thereof passes within the local jurisdiction of such Justices of the Peace, or on the application of any Ont. Electric Ry. Act, R.S.O. 1897, c 209, s. 113, (1).

clerk or agent of the company thereto authorized by such board, may, in their discretion appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

Oath of office. "I, A. B., having been appointed a Constable to act upon and along (*here name the Railway*), under the provisions of *The Ontario Railway Act of 1906*, do swear that I will well and truly serve our Sovereign Lord the King, in the said office of Constable, 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 prevent all offences against the peace, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law: So help me God."

By whom to be administered. (2) Such oath or declaration shall be administered by any one such Justice or by the Clerk of the Peace for such county. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 113 (2), amended

(3) Such appointment shall be made in writing signed by the Clerk of the Peace and the fact that the person appointed thereby has taken such oath or declaration shall be endorsed thereon by the person administering such oath or declaration. Dom. Ry. Act, 1903, s. 241 part (1), amended.

Powers of such constables, and to what localities they shall extend.

184. Every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to the company, whether the same be in the county, city, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such railway company, and in all places not more than one quarter of a mile distant from the railway; and shall have all the powers, protections and privileges for the apprehending of offenders, as well by night as by day and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, possessed by any constable duly appointed. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 114

Duties of such constables.

185. It shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such railway, before any Justice or Justices appointed for any county, city, Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 115.

district or other local jurisdiction within which such railway passes; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction.

Dismissal of any such constable.

186. The Judge of the County Court of the County in which the constable resides, may dismiss any such constable, and the board of directors of the company or any manager or superintendent thereof may dismiss any such constable who may be acting on the railway; and upon such dismissal, all powers, protection and privileges belonging to any such person, by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such railway without the consent of the authority by which he was dismissed.

Ont. Electric Ry. Act, R.S. 1897, c. 209, s. 116, amended.

Record of appointment of constables.

187. The company shall cause to be recorded in the office of the clerk of the peace, for every county wherein such railway passes the name and designation of every constable so appointed at its instance, the date of his appointment, and the authority making it, with such appointment or a certified copy thereof, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as the case may be; and such clerk of the peace shall keep a record of all such facts in a book which shall be open to public inspection, and shall be entitled to a fee of fifty cents for each entry of appointment or dismissal, and twenty-five cents for each search or inspection, including the taking of extracts. Such record shall, in all courts, be *prima facie* evidence of the due appointment of such constable and of his jurisdiction to act as such, without further proof than the mere production of such record.

And of dismissals.

Neglect of duty by constable

188. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city or district wherein such railway passes, to a penalty not exceeding eighty dollars, or to imprisonment, with or without hard labour, for a term not exceeding two months. Such penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the company.

Dom. Ry. Act 1903, s. 241 (5, 6.)

Penalty.

PASSENGER CONDUCTORS TO HAVE THE POWER AND AUTHORITY OF CONSTABLES.

Conductors to have powers of constables.

189.—(1) The conductor of every train carrying passengers within this Province and the conductor of the car or cars of every railway carrying passengers within this Province, is hereby invested with all the powers of a constable,

New, — Ba on Ohio Ry law.

while on duty on his train or on said car and cars, and said conductor may wear a badge or other distinguishing mark of a special constable.

(2) When a passenger is guilty of disorderly conduct, or uses any blasphemous or obscene language, or plays any game of cards or chance for money or any other thing of value, upon any passenger train or upon the car or cars of any railway carrying passengers within this Province, the conductor of such train or car or cars of such railway may stop his train or said car or cars at the place where such offence is committed or at the next stopping place of such train or of such car or cars and eject such passenger from the train or from said car or cars, using only such force as may be necessary to accomplish such removal; and the conductor may command the assistance of the employees of the company, and of the passengers on such train or on such car or cars to assist in such removal; but before doing so he shall render to such passenger such proportion of the fare he paid as the distance he then is from the place to which he has paid fare bears to the whole distance for which his fare is paid.

190. When a passenger is guilty of any offence upon a passenger train or upon the car or cars of any railway carrying passengers within this Province, the conductor of such train or of such car or cars may arrest him and take him before any Justice having cognizance of such offence in any county or district in this Province in which such train or car or cars runs, and lay an information before such Justice, charging him with such offence; but in no case shall the liability of the company for damages caused by the conduct of its conductor be affected by the provisions of this and the next preceding section.

191. The company shall cause a notice to be placed in all passenger cars stating that the conductors have the authority and powers of constables.

STREET RAILWAYS AND RAILWAYS OPERATING ON HIGHWAYS.

General Provisions.

192. *Unless otherwise provided*, sections 198 to 226, inclusive, shall apply to street railways and companies incorporated for the purpose of constructing, maintaining and operating street railways as defined in the interpretation clauses of this Act, and shall apply to other railways *incorporated for the purpose of operating partially or wholly* on highways by electricity.

193. Every such company shall, subject to any provisions contained in the special Act or in any agreement made between the company and a municipality, have

authority to construct, maintain, complete, and operate and from time to time to remove and change as required, a double or single track railway, with the necessary switches, side tracks and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the highways in any municipality to which the Special Act extends, as the council of the municipality may by by-law authorize, and over and upon lands purchased or leased by the company for that purpose, and to take, transport and carry passengers upon the same, by the force or power of electricity, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

Freight traffic.

194. The company may take, transport and convey goods upon its railway, but no freight or express cars shall be carried along any highway in any city, town or village over the railway unless and until the size and number of the cars and motors to be used therewith, and the hours of running the same, have been approved by the Board, nor shall any freight service be operated *nor any class of freight carried* on any such highway until authorized by, or except as directed by the Board. (See Western Central Ry. 5 Edw. VII., c. 109, s. 20, amended.)

Agreements between municipality and company as to construction, street repairs, etc.

195. Subject to the provisions of section 219 of this Act, the company and the council of any municipality in which a railway or part of a railway is laid may, amongst other things, enter into any agreements they think advisable, relating to the construction of the railway; the time within which the railway shall be commenced, the manner of proceeding therewith, and the time of its completion; the paving, macadamizing, repairing, grading, and cleaning of the streets upon which the railway is laid; the construction, opening and repairing of drains and sewers; the laying, repairing or taking up of gas and water pipes in the streets; the location of the railway, and the particular streets along which the same may be laid; the pattern of rails; the time and speed of running the cars, sleighs and other conveyances; the fares to be charged within the maximum hereinafter mentioned, and the amount of compensation (if any) to be paid by the company annually or otherwise. Street Ry. Act, R.S.O. 1897, c. 208, s. 13.

Sunday Cars.

Street railways etc., not to be operated on Sunday.

196. —(1) No company or municipal corporation operating a street railway, tramway or electric railway, shall operate the same or employ any person thereon on the first day of the week commonly called Sunday, except for the purpose of keeping the track clear of snow or ice, or for the purpose of doing other work of necessity.

Exceptions.

(2) The foregoing subsection shall not apply to companies which have, before the 1st April, 1897, regularly run cars on Sunday; nor shall it confer any rights so to run cars on Sunday not now possessed by them; nor shall it affect or apply to any company which has by its charter or by any special Act the right or authority to run cars on Sunday; nor shall it affect the right (if any) of the Toronto Railway Company to run cars on Sunday; nor shall this section apply to or affect any of the provisions of this Act.

Penalty.

(3) For every train or car run or operated in violation of this section, the company shall forfeit and pay the sum of \$400, to be recovered in any court having jurisdiction in civil cases, for the amount, by any person suing for the same under this section and for the purpose thereof. The action for the recovery of the said sum shall be brought before a court having jurisdiction as aforesaid in the place from which such train or cars started, or through which it passed or at which it stopped in the course of such operation.

Application of penalties.

(4) All moneys recovered under the provisions of this section shall be appropriated as follows: One moiety thereof to the plaintiff and the other moiety to the local municipality from which the train or cars started.

Liabilities of conductor.

(5) The conductor or other person in charge of any train or car run or operated in violation of the provisions of this section shall be liable for every such offence to a penalty not exceeding \$40 nor less than \$1, besides costs, and the same shall be recoverable on summary jurisdiction.

Guard wires.

197.—(1) The company, when operating any portion of its line across or along a highway by means of electricity conveyed by wires above ground, shall cause to be strung and maintained guard wires, *as far as may be reasonably possible*, sufficient to prevent telegraph, telephone or other wires now or hereafter strung across or along the highway from coming into contact with or falling upon the said wires conveying such electricity.

Street Ry. Act,
R.S.O. 1897, c.
208, s. 18 (1-2).

Protecting Water pipes, etc., from injury by electricity.

(2) The company, when operating any portion of its line by means of electricity, shall use such means and appliances as may, as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things now or hereafter placed underground from being damaged in consequence of the escape or discharge of electricity into the ground. Proper bonding of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires shall be taken to be a compliance with the conditions of this section.

(3) The Board shall have power to make such order or orders as to it may seem proper to compel the proper observance of this section.

Right of action.

198. Any person suffering damage by reason of the non-compliance by the company with the provisions of the preceding section shall have a right of action against the company therefor. Street Ry. Act, R.S.O. 1897, c. 208, s. 19.

Forfeiture for Non-user.

Forfeiture by non-user.

199. In case the company at any time cease to regularly use the whole or any part of their railway for a period of eighteen months, they shall, *upon its being so ordered by the Board*, forfeit the right to use the railway or the part unused, as the case may be, together with the rails, poles and wires thereof, which shall become the property of the municipal corporation within whose territory the railway or such part is situated, and the company shall, in addition, indemnify the municipality in respect of all costs incurred in taking up the rails and putting the streets in proper repair. Street Ry. Act, R.S.O. 1897, s. 37.

Additional Powers of Electric and Street Railways.

Powers as to production and use of electricity.

200. Railway companies operating by electricity and street railway companies shall also have power: Ontario Electric Act, R.S.O., 1897, c. 209, s. 9 (5).

(1) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company.

Purchase of water powers and stock in water or power company.

(2) To acquire by lease or purchase and to hold, utilize and develop water powers and the necessary land therewith, and to construct the necessary plant for the purpose of generating electricity for lighting, heating and power in operating the said railway. (See Western Central Ry., 5 Edw. VII., c. 109, s. 14.)

Arrangements for supply of power.

(3) The company shall have power to enter into any agreement with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company organized for the purpose of supplying or furnishing electric power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the company to construct, carry on or operate the railway.

Power to acquire lands for parks, etc.

(4) To purchase, lease or acquire by voluntary donation and to hold for any estate in the same and to sell, lease, Huron Ry. Co., alienate or mortgage any lands or premises intended and necessary or suitable for park or pleasure grounds and to 5 Edw. VII., c. 106, s. 48 (2).

improve and lay out such lands as parks or places of public resort and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate or any of them, in respect thereto, subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; but none of the provisions of this clause shall be in force or have effect unless and until the municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the company are situate has or have by by-law declared its or their assent to the company's acquiring lands under and for the purpose mentioned in this clause. No such park or pleasure grounds shall be used for games, pic-nics, concerts, excursions or other public entertainments on the Lord's Day.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway by the special Act authorized to be built, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, or as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger or injuriously affect the same or injuriously to interrupt the navigation of such waters. The rights conferred upon the company shall not be exercised within the limits of any Park vested in the Crown for the use of the public of the Province of Ontario or any land vested in any commissioners for any such park without the consent of the commissioners and the approval of the Lieutenant-Governor in Council.

(6) Subject to the provisions of section 220 of this Act, no railway or street railway shall be constructed or operated on, upon or along any street, highway or public

Acquiring rights for conveying electricity.

Construction of railway on highways.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 9 (h), amended.

place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality and under and subject to the terms of such agreement and of section 220 of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with the motive power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines thereof shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property.

Notice to be given before passing by-law authorizing construction on highways.

201. No municipal council, notwithstanding anything ^{2 Edw. VII., c. 27, s. 16 (1-2), amended.} contained in this or any other Act to the contrary, shall pass a by-law authorizing any electric railway company or street railway company to lay out or construct its railway on, upon or along any public highway, until written or printed notices of the intended by-law, specifying the route to be taken by the railway, shall have been previously posted up for one month in six of the most public places in the municipality, and published weekly for at least four successive weeks in some newspaper published in the municipality, or, if there be no such newspaper, in a newspaper published in a neighboring municipality, or, if there be no such newspaper, then in a newspaper published in the county town.

Objectors to be heard by council.

(2) The council shall hear in person or by counsel any one whose property may be prejudicially affected by such proposed railway who desires to be heard.

(3) If after hearing such objections as may be made, the council shall pass a by-law authorizing the construction of a railway or street railway on, upon or along any highway, any twenty-five freeholders in the municipality may petition the Board to amend or quash such by-law, and upon such petition after hearing all parties interested the Board shall have power to amend such by-law in such manner as to the Board may seem proper or to quash the same.

Power to deviate.

202. The company may, at any point or points where its railway may run along the highway, deviate from such highway to a right of way owned by the company provided that no obstruction of such highway shall be made by such deviation; but if the rails on such deviation do not rise above or sink below the surface of the road more than one ^(See Brantford and Erie Ry., 4 Edw. VII., c. 75, s. 22.)

inch they shall not be deemed an obstruction; provided that the right by this section conferred shall not be exercised by the company without the consent of the Board; and the Board may, upon such terms as seem just, on application of the company, order that the said company may make such deviation.

203. Notwithstanding anything contained in this Act, (See Hamilton, or in any statute of the Province, no municipality shall Guelph and have the power to grant to any railway or street railway North Shore Ry any exclusive rights, privileges, or franchise, as to the 5 Edw. VII., transmission of electrical energy for power, light and heat c. 93, s. 61.) over or across any public highway or street in the said municipality.

Expropriation by Street Railway Companies.

204.—(1) In case the council of a municipality, by resolution, declares that the council is of opinion that a company incorporated with power to construct a street railway in the municipality should have powers of expropriation for the purposes of building a part of its railway between two or more points, set forth in the resolution, and situated within the municipality, the company, upon registering the resolution in the proper registry office, shall, in respect of lands lying between the points named, possess the powers conferred upon railway companies under the sections of this Act relating to the taking of lands without the consent of the owner.

(2) Such powers shall be exercised within two years from the passing of the resolution, and not afterwards, and the lands to be taken hereunder shall not exceed one chain in width.

(3) The provisions of this section shall not apply to the Street Ry. Act, tract of country extending three miles above and three R.S.O. 1897, miles below the Falls of Niagara, and for a width inland c. 208, s. 39 of one mile from the said River Niagara. amended.

Duration of Street Railway Franchises.

205.—(1) No municipal council shall grant to a street railway company any privilege under this Act for a longer period than twenty-five years, but at the expiration of twenty-five years from the time of passing the first by-law which is acted upon, conferring the right of laying rails upon any highway, or at such other earlier date as may be fixed by agreement, the municipal corporation may, after giving to the company six months' notice prior to the expiration of the period limited, assume the ownership of the railway, and all real and personal property in connection with the working thereof, on payment of the actual value thereof, to be determined by the Board. In ascertaining the actual value of such railway and real and personal pro-

Proviso.

Limitation of transmission of electrical energy.

Expropriation of land, when and to what extent allowed.

Time for which municipality may grant privileges.

perty, the franchise or control of tracks upon the highways shall not be estimated as of any value whatever.

Municipality may assume the ownership.

(2) In case the corporation fails to exercise the right of assuming the ownership of the railway, at the expiration of the said period, the corporation may exercise such right at the expiration of any fifth year thereafter, upon giving one year's notice to the company, and the privileges of the company shall continue until the ownership is assumed by the municipal council.

Street Ry. Act
R.S.O. 1897,
c. 208, s. 41
amended.

Mode in which right to purchase to be exercised as between different municipalities interested.

206. If a street railway is situated in two or more municipalities, the city or town municipality shall have the right to exercise the power of purchase herein conferred, unless the municipal councils agree otherwise between themselves; and the corporation purchasing shall thereafter possess all the powers and authority and be subject to all the conditions and restrictions theretofore enjoyed and suffered by the company, and shall, as to other municipalities into which the railway runs, be subject to the like liabilities; and shall be subject to all orders and directions of the Board in the same manner and to the same extent as a company operating a street railway.

Street Ry. Act
R.S.O. 1897,
c. 208, s. 42
amended.

Municipality dissatisfied with terms as to railway in certain cases, may require an arbitration.

207.—(1) The council of a municipality into which a street railway runs may, at any time, after the right of assuming the ownership of the street railway accrues to such municipality, or to any other municipality, require that the terms upon which the street railway shall be operated in such municipality be determined, and the terms, unless the parties in the meantime agree, shall be determined by the Board, and such arrangement shall remain in force for ten years.

(2) At the end of that period either party may require that the terms be settled anew in like manner for another period of ten years; but such settlement or agreement shall be without prejudice to the right hereinbefore conferred upon a city or town to assume the ownership of the street railway at the expiration of any fifth year.

Street Ry. Act,
R.S.O. 1897,
c. 208, s. 43,
amended.

Municipality acquiring railway may transfer same to a company.

208. The municipal corporation purchasing may, at any time, transfer its rights to its street railway lines or any of them, and the whole or any part of the plant of the railway to any person or company authorized to operate a street railway; subject to such terms and conditions as may be agreed upon by such street railway company and the municipal corporation.

Street Ry. Act,
R.S.O., c. 208
s. 45, amended

Application of preceding section.

209. A company to which any lines of railway have been transferred by a municipal corporation shall, as respects the provisions of the next preceding section, stand in the same position as the municipal corporation from which it received such transfer.

Street Ry. Act,
R.S.O. 1897,
c. 208, s. 44.

210. Any municipal corporation assuming the ownership of a street railway under this section and operating the same shall be subject to the provisions of this Act.

Duration of Privileges to Operate Electric Railways on Highways.

211.—(1) No municipal council shall grant to any railway company operating by electricity any privilege to operate upon a highway for a longer period than twenty-five years.

(2) At the expiration of the period for which any such privilege is granted, the council of any municipality, upon the highways of which such railway or any portion thereof is operated, may agree to extend such privilege for a further term of years not exceeding twenty-five years, upon such terms and conditions as may be agreed by the municipality and the company, or with the consent of the Board such municipality may assume the ownership of that portion of the railway operating upon the highways of such municipality within its limits, upon payment of the actual value thereof, to be determined by the Board. In determining such actual value the franchise or control of the tracks upon such highways shall not be estimated as of any value whatever.

(3) The ownership of such portion of such railway shall not in any case be assumed by such municipality unless notice of the intention of such municipality to assume such ownership has been given to the company six months prior to the expiration of the privilege or franchise, and in no case shall a municipality assume such ownership without the written consent of the Board.

(4) In the event of the parties being unable to agree as to the period for and the terms and conditions upon which such company may continue to operate its railway upon any highway, the Board shall determine the same, and the decision of the Board shall be final.

(5) This section shall only apply to electric railways that are not street railways.

Fenders, Brakes, etc.

Fenders,

212.—(1) The company, when operating any portion of its line by means of electricity on a highway shall from time to time adopt and use in the front of each motor car a fender or guard and shall from time to time adopt and use a brake and such other life saving appliances as shall be of a design approved from time to time by the Board as suitable for use by the company, having regard to the efficiency of such fender, guard, brake and other life saving

appliances for life saving purposes, and to the location of the company's line, and the speed at which the company's cars may be run.

213. The fender, guard, brake or other life saving appliance so approved of by the Board shall be adopted and used upon the cars of the company within the time fixed by the Order approving of the same, or by any Order extending the said time; provided that where the cars of a company are equipped with fenders of a class so approved by the Board the company shall not be liable for non-compliance with any by-law or agreement relating to the class of fenders to be used in any city, or town, or any requirement of the engineer or other officer of the municipality under any such by-law or agreement.

1 Edw. VII., c. 25; s. 1.
3 Edw. 7., c. 17 s. 1, amended.

Penalties for not providing fenders, etc.

214. The company shall pay to the corporation of the *municipality* in which such road is operated the sum of ten dollars for each day in which any motor car is operated within such *municipality* without having such a fender, guard, brake or other life saving appliances thereon, except in cases of accident or unavoidable necessity; such sum or sums to be recovered from such company in a civil action.

1 Edw. VII., c. 25, s. 2, amended, and the Downey Bill, 1905.

215. If the Board shall so order the company shall allow tests to be made on any of its motors or cars, of any fender, guard, brake or other life saving appliance that the Board may consider it advisable to have tested with a view to ascertaining its efficiency for the purpose for which it is designed.

Lavatories, etc.

Conveniences.

216.—(1) All street railway companies shall, within six months after being so ordered by the Board, provide, furnish and thereafter maintain suitable and sanitary urinals and other conveniences for the use of the employees of the company operating their cars; such urinals and other conveniences to be located upon land owned or provided by the said company and reasonably accessible to each of the various lines of railway operated by the said company; and at such points as the Board may direct, within the limits of the city or town, and the employees of the said company shall be allowed reasonable opportunity of access thereto.

New. Founded on Toronto Bill, 1905.

Penalty for not supplying.

(2) The company shall be liable to a penalty of ten dollars per day for each day they shall neglect to provide each or any of the said urinals or other conveniences.

(3) The cost of such urinals and conveniences shall be borne by the company or by the city or town within the limits of which the company's lines are operated, or by

both in such proportions, in case the parties are unable to agree, as may be determined by the Board.

(4) In case the company complains that it cannot procure suitable sites for such conveniences, the Board may, in its discretion, order the city or town to provide the same for the company upon such terms as to cost and otherwise as the Board may determine.

(5) When so ordered by the Board, such urinals and conveniences shall be open to the public as well as the employees of the company. New.

Unclaimed Property.

217. It shall be the duty of every street railway company which shall have unclaimed property left in its cars, to ascertain if possible, the owner or owners of such property, and to notify such owner or owners of the fact by mail as soon as possible, after such property comes into its possession. Every such company which shall have such property not perishable in its possession for the period of three months, may sell the same at public auction, after giving notice to that effect, by one publication, at least ten days prior to the sale, in a daily newspaper published in the city or town in which such sale is to take place, of the time and place at which such sale will be held, and such sale may be adjourned from time to time until all the articles offered for sale are sold. All perishable property so left, may be sold by any such street railway company without notice, as soon as it can be, upon the best terms that can be obtained. New. Founded on N. Y. Ry. Law.

Transfer in Ownership of Highways.

Agreements with companies as to certain matters to enure for benefit of municipality owning road.

218. In case any railway operated by electricity upon a highway or a portion of which is so operated has been heretofore, or shall hereafter be, constructed in any municipality under any agreement with the council thereof, or with the council having the control of the highway therein, and the territory, or any part of the territory in which said railway has been, or shall be constructed, is subsequently to the making of such agreement, removed from one municipality to another, or the highway along which such railway has been or shall be constructed, has ceased to be owned or controlled by one municipality, or the council thereof, or by any council having the control of such highway and has become vested in or has been placed under the control of another municipality or the council thereof, then so far as such agreement relates to the maintenance and repair of the track and roadbed of the railway or the 63 V., c. 31, s. 2 amended.

remaining portions of the highway or highways over which the railway is operated, and to the removal of snow and ice from the company's track and the disposal of such snow and ice upon the highway or elsewhere the corporation of such last mentioned municipality and any officer or person designated by by-law thereof shall be substituted for and shall have all the rights and may exercise all the powers and be subject to the same duties as the municipal corporation party to such agreement and any officer or person named therein and charged with the performance of any duty in respect to the matters aforesaid thereunder.

AGREEMENTS WITH MUNICIPALITIES FOR OPERATING ON HIGHWAYS.

219. Any agreement made after the passing of this Act New. between a municipal corporation and a company under which agreement the company obtains a right or franchise to operate upon a highway shall (unless such provisions or any of them are expressly excluded from such agreement), be deemed to contain the clauses set forth in the following subsections hereof, viz. :

Grade.

(a) The rails of the company shall conform to the grade of the street.

Rails to be flush with street, etc.

(b) In all cases where the rails are laid upon the paved or travelled portion of the street, or on any part thereof, the rails shall be laid (as nearly as practicable) flush with the street, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the street, and shall be so kept and maintained by the railway company. Edw. VII., c. 2
a7, s. 17 (a)
part (b).

(c) The company so long as it shall continue to use any of its tracks on the travelled portion of the highway shall keep in permanent repair the whole space used on its track allowances, crossings, switches and turnouts and eighteen inches of the highway outside of its tracks. New.

(d) If the company neglect to keep in repair its track allowances and crossings, switches and turnouts or to have the necessary repairs according to the agreement made thereon, the council of the municipality may give notice to the company requiring such repairs to be forthwith made, and the certificate of the engineer appointed by the council for the time being as to the necessity for such repairs shall be binding and conclusive upon the company, and if after the giving of such notice the company do not within one week begin, and thereafter, with all reasonable diligence, carry such work of repairing to completion, the municipal council shall have the right to cause such repairs to be made, and the company shall pay to the treasurer of the municipality the expenditure incurred in making or completing such repairs. York & Metropolitan Ry. Co.
agreement amended.

Penalty.

(e) The payment of such amount shall not relieve the company from any penalty provided for the omission to repair by the agreement between the municipal corporation and the company. New.

Speed.

(f) No car or train of cars shall be operated on the travelled portion of any highway at a greater speed than fifteen miles an hour unless authorized by the Board, and shall operate at a lesser rate of speed if ordered and directed by the Board. 2 Edw. VII., c. 27, s. 17 (d), amended.

Intersecting roads.

(g) At the intersection of the company's railway and cross streets or highways crossing or intersecting the highway upon which the railway is operated the company shall construct and keep in repair crossings of a similar character to those adopted by the municipality and shall construct underneath its track allowance such culverts and waterways as are in the opinion of the council of the municipality or its engineer or other officer appointed for that purpose necessary for drainage purposes, and shall at the entrance to private properties abutting upon the company's railway construct such approaches as may be directed by the council or such officer or by the Board. York & Metropolitan Ry. Co. agreement amended.

Culverts.

(h) When the company's tracks are built over any existing culvert the council or such officer or the Board extend such culverts so that the portion of the highway to be travelled upon by the public shall have a width of at least eighteen feet between the company's nearest tracks and the end of the culverts upon the side of the road opposite to such track. York & Metropolitan Ry. Co. agreement amended.

Snow.

(i) The company shall remove the snow from, and within its tracks and switches, but any snow put upon the graded part of the road by the company shall be evenly spread thereon in a manner to be approved by the council or its engineer or officer. York & Metropolitan Ry. Co. agreement amended.

Taking up streets by company.

(j) The municipal council may at any time, after giving to the company 20 days' notice of its intention so to do, take up any part of the highway along which the company's railway is constructed, for the purpose of altering the street or road grade, constructing sewers, drains, culverts or side crossings, laying down gas and water pipes or underground wires, and for all other purposes within the province and privileges of a municipal corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or the works connected therewith. When and so often as it may be necessary for the municipal corporation to open the road or street for the purpose of repairing such street or road, sewer, drains, culverts, gas or water pipes, or underground wires, or for putting in gas, water or other services, a reasonable notice shall be given to the company of the council's York & Metropolitan Ry. Co. agreement amended.

intention so to do, and the work thereon shall not be unnecessarily delayed but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof.

(k) All work done under the authority of the agreement shall be done in the most substantial manner and according to the best modern practice under the superintendence and to the satisfaction of the engineer or officer appointed by the council for such purpose with a right of appeal to the Board.

(l) The alignment of the company's tracks, the location of switches and the grades of the roadbed of its railway shall be prescribed by such officer or engineer.

(m) The company shall repay to the municipality all sums paid by it to such officer or engineer for services performed by him in connection with the company's work.

(n) All persons using the said highway shall be at liberty to travel upon any portion of the travelled roadway occupied by the company's railway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portions of the highway, it being provided, however, that the company's cars shall have the first right of way over the said railway, and all vehicles or persons travelling on that portion of the highway occupied by the railway shall turn out to let the trains or cars pass—and any person refusing or neglecting so to do shall be liable on summary conviction to a fine of not more than ten dollars and costs.

(o) The words "travelled portion" where used in this section as applicable to roads, streets or highways shall be deemed to mean that central portion of roads, streets or highways between the ditches or drains on either side thereof and ordinarily used for vehicular traffic.

Radial Lines.

Operating in
cities.

220. Notwithstanding anything in this Act contained, the railway shall not be constructed along any highway within the limits of any city or town except upon and subject to such terms and conditions as may be agreed upon between the company and the street railway or electric railway, if any, already operating in such city or town and the council of the corporation of such city or town. Provided always that if there is an existing agreement between such city or town and the street railway or electric railway already operating in such city or town then the railway shall not be constructed along any such highway, except, upon and subject to the terms of such existing

Proviso.

New.

agreement; provided, also, that where the agreement between any street railway or electric railway company and the city or town does not contain any provision for the admission of other electric or street railways then if the council of such city or town shall by by-law or resolution request the street railway company or electric railway company already operating in such city or town, to allow its tracks or any of the streets to be used for the entrance of such other railway, or if such street railway company or electric railway company or such other company shall by by-law or resolution request the city or town to permit the entrance of the railway into such city or town the company so operating in the city shall permit its tracks or any streets to be so used to some central point in the said city or town to be named by the council of such city or town, and the said city or town shall permit such other railway to enter within the limits of such city or town upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company incorporated under this Act the council and such street railway or electric railway company, or as shall be settled and determined by the Board in case the council and the said two companies are unable to agree upon the same.

221.—(1) The Board shall not in any order or direction New. made under this section permit or impose any terms or conditions that shall, without the consent of the municipality interested, alter or vary any existing agreement between such municipality and any railway or street railway company operating on the highways within the limits of such municipality.

(2) The Board shall not (without the consent of the city New or town) grant to any company desiring to operate within any such city or town any right or privilege to so operate for a longer period than the unexpired term of the franchise or privilege held or enjoyed by any company which at the date of the application to the Board under this section is operating a railway or street railway within the limits of such city or town.

(3) At the expiration of such term the parties may enter New. into an agreement as to a renewal of the same for a further period not exceeding twenty-five years, and in the event of the parties being unable to agree, the Board may in its discretion order a renewal thereof upon such terms and conditions as shall be determined by the Board.

(4) This section shall not be construed to confer upon the Board the power to vary or annul any provision, contained New. in the agreement between the parties or in the order of the Board, allowing the entrance of such other railway, which grants to the corporation of the city or town interested the

right to take over and assume the ownership of such other railway within the limits of such city or town on the expiration of any such term.

222. Any railway company operating in cities or towns shall, in addition to such terms, conditions, regulations and restrictions as may be contained in any agreement with or by law of the city or town, be subject as to that portion of the railway within the limits of such city or town to the provisions of this Act respecting the construction and operation of street railways.

223. This Act shall not, except where the same is so expressed, be construed to vary or rescind, or to confer upon the Board power to vary or rescind any agreement lawfully entered into between a municipal corporation and a railway or street railway company, or between two or more railway or street railway companies prior to the passing of this Act.

Examination of Motormen.

224.—(1) No applicant for a position as a motorman on New, founded any railway or street railway operated by electricity shall on N. Y. Ry. be appointed to such position until he has been subjected law, amended. to a thorough examination by an examiner or examiners to be approved by the Board as to his habits, physical ability and intelligence. If this examination is satisfactory the applicant shall be placed in the shop or power house where he can be made familiar with the power and machinery he is about to control. He shall then be placed on a car with an instructor, and when the *said examiner* is satisfied as to the applicant's capability for the position of motorman, he shall so certify to the *Board*, and, if appointed, the applicant shall first serve on the lines of least travel.

(2) The company shall pay for the services of such examiners.

(3) All motormen so certified as to capability shall be registered in a book to be kept for the purpose in the office of the Board.

Examination for Colour Blindness.

225.—(1) No company shall hereafter employ any person New, founded in a position which requires him to distinguish form or on Ohio Ry. law. colour signals unless such person, within two years next preceding his appointment, has been examined for colour blindness on the distinct colours in actual use on the company's line of railway by some competent person to be employed for the purpose and paid by the company and has received a certificate that he is not disqualified for such position for colour blindness in the colours used on such railway or on railways crossing or connecting with it.

Examination
of applicants
for position
as motorman.

(2) The company shall cause such employees to be re-examined for colour blindness at least once in every two years.

Limitation of action for damages.

(3) Nothing in this section contained shall prevent the company from continuing in its employment any employee having defective sight in cases where the same can be fully remedied by the use of glasses or by other means satisfactory to the person making the examination. New, founded on Ohio Ry. law.

Pleadings.

(4) For violation of the provisions of this section the company shall for each offence be liable to a penalty of one hundred dollars. New.

Certain actions excepted.

(5) This section shall apply to street railways. New.

ACTIONS FOR DAMAGES.

226.—(1) All actions or suits for any damages or injury sustained by reason of the construction or operation of the railway shall be commenced within one year next after the time when such supposed damage is sustained, or if there is continuation of damage within *one year* next after the doing or committing of such damage ceases, and not afterwards. Dom. Ry. Act, 1903, s. 242, part amended.

(2) Nothing in this section shall apply to any action brought against the company upon any breach of contract, express or implied, as to or upon any breach of duty in the carriage of any traffic nor to any action against the company for damages under any section of this Act, respecting tolls.

(3) This section shall apply to street railway companies.

AGREEMENTS WAIVING RIGHT TO DAMAGES FOR DEFECTIVE MACHINERY VOID.

227.—(1) No company owning or operating a railway or street railway in whole or in part in this Province shall adopt or promulgate any rule or regulation for the government of its servants or employees, or make or enter into any contract or agreement with any person engaged in or about to engage in its service, in which such employee directly or indirectly, promises or agrees to hold such company harmless, on account of any injury he may receive by reason of any accident to, breakage, defect or insufficiency in the cars, motors, locomotives or machinery or attachments thereto belonging, and any such rule, regulation, contract or agreement shall be void and of no effect. And no such company shall demand, accept, require, or enter into any contract or agreement with any person about to enter, or in the employ of the company whereby such person agrees to surrender or waive any right to damages for personal injury or death against any such company thereafter arising; and all such contracts and agreements shall be void.

(2) Every company violating or aiding in the violation of this section shall for each offence be liable to a penalty of \$ _____ to be recovered in any court of competent jurisdiction by any person suing therefor.

(3) No such company shall knowingly or negligently use or operate any car, motor or locomotive that is defective, or any car, motor or locomotive upon which the machinery or attachments thereto belonging are in any manner defective. If the employee of any such company shall receive any injury by reason of any defect in any car or locomotive, or the machinery or attachments thereto belonging, owned or operated by such company, such defect shall be *prima facie* evidence of neglect on the part of such company.

(4) This section shall apply to street railways and street railway companies.

WAGES OF LABOURERS.

Rate of wages of labourers on construction of lines subsidized by Legislature. **228.** In every case in which the Legislature has granted Dom. Ry. Act, 1903, s. 205 amended. or shall grant financial aid by way of subsidy or guarantee towards the cost of railway construction, all mechanics, labourers or other persons who perform labour in such construction shall be paid such wages as are generally accepted as current for competent workmen in the district in which the work is being performed; and if there is no current rate in such district, then a fair and reasonable rate; and in the event of a dispute arising as to what is the current rate in such district, or a fair and reasonable rate, it shall be determined by the Board, whose decision shall be final.

LIEN FOR WAGES.

Lien for wages. **229.**—(1) Every mechanic, labourer or other person who performs labour for wages upon the construction or maintenance of the railway or the works connected therewith, shall have upon the said railway and other property of the company in lien for such wages not exceeding the wages for thirty days, or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by *The Mechanics' and Wage Earners' Lien Act*. Street Ry. Act, R.S.O. 1897, c. 208, s.35.

Rev. Stat. c. 153.

(2) This section shall apply to street railways.

HOURS OF LABOR.

230. No company operating a line of railway of twenty miles in length or over, shall permit or require a conductor, engineer, motorman, fireman, trainman, dispatcher or New. Founded on Mass. and N.Y. Ry. law.

signal man who has worked in any capacity for twenty-four consecutive hours, to go again on duty to perform any kind of work, until he has had at least twelve hours' rest.

RETURNS.

231.—(1) Every company shall annually prepare in accordance with forms which shall from time to time be provided and supplied to the companies by the Board, returns of its capital, traffic and working expenses, and of all information required, as indicated in such forms to be filed with the Board; and such returns shall be dated and signed by, and attested upon the oath of the secretary, of the company, and of the president, or in his absence, of the vice-president or manager of the company.

(2) Such returns shall be made for the period included from the date to which the then last yearly returns made by the company extended, or from the commencement of the operation of the railway, if no such returns have been previously made, and, in either case, down to the last day of December in the preceding year.

(3) Such returns, dated signed and attested in manner aforesaid shall be forwarded by such company to the Board within three months after the last day of December in each year.

(4) The company shall also, in addition to the information required to be furnished to the Board, as indicated in subsection (1) hereof furnish such other information and returns as are, from time to time, required by the Board or as shall hereafter be ordered by the Legislature.

(5) The Board shall transmit the returns so made to Ont. Electric Ry the Lieutenant-Governor in Council who shall lay the Act, R.S.O. same before the Legislature, within twenty-one days from 1897, c. 209, the commencement of each session thereof. s. 107, amended.

232. The company shall, within ten days after the first days of January and July, in each and every year, make to the Board, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties (whether to persons or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth—

1. The causes and natures of such accidents and casualties;

2. The points at which they occurred, and whether by night or by day;

Annual returns to be prepared.

What period to be included.

Date of returns.

Further returns when required.

Returns to be submitted to Legislative Assembly.

Return of accidents to be made semi-annually.

3. The full extent thereof, and all particulars of the Ont. Electric same; and shall also at the same time return a true copy Act, R.S.O. of the existing by-laws of the company, and of their rules 1897, c. 20 and regulations for the management of the company and s. 108, and of the railway.

Forms to be appointed by the Commissioner.

233. The Board may order and direct, from time to time, the form in which such returns shall be made.

Ont. Electric Act, R.S.O. 1897, c. 20 s. 109, amended.

Such returns to be privileged communications.

234. All such returns relating to accidents made in pursuance of the provisions of this Act shall be privileged communications, and shall not be evidence in any court whatsoever except to enforce the penalties for failure or neglect to furnish such returns as required by this Act.

Ont. Electric Act, R.S.O. 1897, c. 20 s. 111.

Weekly returns of traffic.

235. Every company shall, weekly, prepare returns of its traffic, that is to say, from the first to the seventh of the month inclusive, from the eighth to the fourteenth inclusive, from the fifteenth to the twenty-first inclusive, and from the twenty-second to the close of the month, inclusive, and such returns shall be in accordance with forms to be provided and supplied to the companies by the Board, and a copy of such returns, signed by the officer of the company responsible for the correctness of such returns, shall be forwarded by the company to the Board, within seven days from the day to which the said returns have been prepared. The Board may in any case extend the time within which such returns shall be forwarded.

Dom. Ry. Act, R.S.O. 1903, s. 103, amended.

Returns to Board, of assets and liabilities.

236. The Board may, from time to time, by notice served upon the company, or any officer, servant or agent of the company, require it, or such officer, servant or agent to furnish the Board, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Board requires, the assets and liabilities of the company—the amount of its stock issued and outstanding—the date at which any such stock was so issued—the amount and nature of the consideration received by the company for such issue, and, in case the whole of such consideration was not paid to the company in cash, the nature of the service rendered to or property received by the company for which any stock was issued—the gross earnings or receipts or expenditure by the company during any periods specified by the Board, and the purposes for which such expenditure was made—the amount and nature of any bonus, gift, or subsidy, received by the company from any source whatsoever, and the source from which and the time when, and the circumstances under which, the same was so received or given—the bonds issued at any time by the company, and what portion of the same are outstanding and what portion, if

Of stock issued and outstanding.

Of earnings and expenditure.

Of bonuses.

any, have been redeemed,—the amount and nature of the consideration received by the company for the issue of such bonds—the character and extent of any liabilities outstanding, chargeable upon the property or undertaking of the company, or any part thereof, and the consideration received by the company for any such liabilities, and the circumstances under which the same were created—the cost of construction of the company's railway or of any part thereof,—the amount and nature of the consideration paid or given by the company for any property acquired by it,—the particulars of any lease, contract or arrangement entered into between the company and any other company or person,—and generally, the extent, nature, value and particulars of the property, earnings, and business of the company.

237. The Board may summon, require the attendance of, and examine under oath, any officer, servant or agent of the company, or any other person, as to any matters included in such return, or which were required by the notice aforesaid to be returned to the Board, and as to any matter or thing which, in the opinion of the Board, is relevant to such return, or to any inquiry which the Board deems it expedient to make in connection with any of the matters in this section aforesaid; and for such purposes may require the production to the Board of any books or documents in control of the company, or of such officer, servant, agent or person. Dom. Ry. Act, 1903, s. 309, part.

238. If any company, or officer, servant, or agent thereof wilfully or negligently refuses to make the returns required by this Act or by the Board under the authority thereof when, and as thereunto required by the Board, or fails to make any such return to the utmost of its, or his knowledge or means of knowledge, the company, and every such officer, servant or agent, so in default, shall severally be liable to a penalty not exceeding dollars.

239. If the company, or any officer, servant, or agent thereof, wilfully or negligently makes any false return, or any false statement in any such return, the company, and any such officer, servant or agent, shall be severally liable to a penalty not exceeding dollars, and such officer, servant or agent shall also on summary conviction, be liable to imprisonment for any period not exceeding months, in the common jail of the county where such conviction is had.

240. The sections relating to "Returns," being sections 231 to 239, inclusive, of this Act shall apply to street railway companies. Dom. Ry. Act, 1903, s. 309, part, amended.

INVESTIGATION OF ACCIDENTS.

Notice of
accident.

241.—(1) Every company shall, as soon as possible, and immediately after the head officers of the company have received information of the occurrence upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the railway, or whereby any bridge, culvert, viaduct, or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof, with full particulars, to the Board; and every company which wilfully and negligently omits to give such notice shall forfeit to His Majesty the sum of two hundred dollars for every day during which the omission to give the same continues.

Dom. Ry. Act,
1903, s. 235.

Penalty for
omission.

Form of
notice and in-
vestigation
into accidents.

(2) The Board may by regulation declare the manner and form in which such information and notice shall be given and the class of accidents to which the next preceding section shall apply, and may declare any such information so given to be privileged, and the Board may inquire into all matters and things which it deems likely to cause or prevent accidents, and the causes of, and the circumstances connected with, any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto.

Report.

(3) The Board may order the company to suspend or dismiss any employee of the company whom it may deem to have been wilfully negligent in respect of any such accident.

Dom. Ry. Act,
1903, s. 236.

(4) The Board shall include in their annual report to the New Lieutenant-Governor in Council, the result of any such enquiry with such recommendations as to it may seem proper.

(5) This section shall apply to street railway companies.

New.

ANIMALS AT LARGE.

Cattle not
allowed at
large near
railway.

242.—(1) No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail-level, unless such cattle are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection, or straying upon the railway.

Dom. Ry. Act,
1903, s. 237.

May be
impounded.

(2) All cattle found at large contrary to the provisions of this section may, by any person who finds the same at large be impounded in the pound nearest to the place where the same are so found, and the pound-keeper with whom the same are impounded shall detain the same in the like man-

ner, and subject to like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

Right of
action
negatived.

(3) If the cattle of any person, which are at large contrary to the provisions of this section, are killed or injured by any train, at such point of intersection, he shall not have any right of action against any company in respect of the same being so killed or injured.

(4) This section shall apply only to railways operating either by steam or electricity upon a right of way owned by the company.

Negligence of
owner not
presumed.

243. When any cattle or other animals at large upon the highway or otherwise, get upon the property of the company and are killed or injured by a train, the owner of any such animal so killed or injured shall be entitled to recover the amount of such loss or injury against the company in any action in any court of competent jurisdiction, unless the company, in the opinion of the court or jury trying the case, establishes that such animal got at large through the negligence or wilful act or omission of the owner or his agent, or of the custodian of such animal or his agent; but the fact that such animal was not in charge of some competent person or persons shall not for the purposes of this subsection, deprive the owner of his right to recover.

OFFENCES AND PENALTIES.

Purchasing
stock in other
companies.

244.—(1) No company shall, either directly or indirectly, Dom. Ry. Act, employ any of its funds in the purchase of its own stock or 1903, s. 290. in the acquisition of any shares, bonds or other securities issued by any other railway company in Canada; but this shall not affect the powers or rights, if any, which any company in Ontario now has or possesses by virtue of any special Act to acquire, have or hold shares, bonds or other securities of any railway company in Canada or the United States.

(2) Every director of a railway company, who knowingly permits the funds of any such company to be applied in violation of this section, shall incur a penalty of one thousand dollars for each such violation, which penalty shall be recoverable on information filed in the name of the Attorney-General of Ontario; and a moiety thereof shall belong to His Majesty, and the other moiety thereof shall belong to the informer, and the acquisition of each share, bond or other security, or interest, as aforesaid, shall be deemed a separate violation of the provisions aforesaid.

Walking on
track
prohibited.

245.—(1) Every person not connected with the railway, or employed by the company, who walks along the track thereof, except where the same is laid across or along a

highway, is liable on summary conviction to a penalty not exceeding ten dollars.

Destruction of fences, bridges, etc.

Defacing notices, etc.

Penalty.

(2) Every person who wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company, or removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of, or extract from this Act or any other Act of the Legislature, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway, shall be liable on summary conviction to a penalty not exceeding fifty dollars, or, in default of payment, to imprisonment for a term not exceeding two months.

Fraudulently attempting to travel without paying fare.

Obstructing railway authorities.

Trespassing.

Penalties.

(3) Every person who enters upon any railway train with intent fraudulently to be carried upon the said railway train without paying fare thereon, or who wilfully obstructs or impedes any officer or agent of the company in the execution of his duty upon any train, railway, or upon any of the premises of the company, or who wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes, shall be liable to the like penalty or imprisonment, and shall be liable to be proceeded against and dealt with in like manner, as mentioned in subsection two of this section in regard to the offences therein mentioned.

Board may order foot-bridges erected at level crossings.

Subsequent use of highway crossing.

246.—(1) If the Board orders any company to erect, at or near, or in lieu of, any highway crossing at rail level, a foot bridge, or foot bridges, over its railway, for the purpose of enabling persons, passing on foot along such highway, to cross the railway by means of such bridge or bridges, from and after the completion of such foot bridge or foot bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such crossing shall not be used by foot passengers on the said highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

Penalty for non-compliance.

(2) Every person who offends against the provisions of Dom. Ry. Act, this section is liable, on summary conviction to a penalty 1903, s. 292. not exceeding ten dollars.

Penalty for erection, etc., of structures in violation of this Act.

247. Every company which shall erect, operate or maintain any bridge, approach, tunnel, viaduct, trestle, or any building, erection or structure, in violation of this Act, or of any order or regulation of the Board, shall for each offence incur a penalty of fifty dollars. Dom. Ry. Act, 1903, s. 293.

Liability of company, directors, etc., in certain cases.

248. The company, or any director or officer thereof, or Dom. Ry. Act, any receiver, trustee, lessee, agent, or person, acting for or 1903, s. 294. employed by the company, doing, causing or permitting to be done, any matter, act or thing contrary to the provisions of this or the special Act, or to the orders or directions of the Board made hereunder, or omitting to do any matter, act or thing required to be done on the part of any such company, or person, is liable to any person injured thereby for the full amount of damages sustained by such Act or omission; and if no other penalty is, in this or the special Act, provided for any such act or omission, is liable, for each offence, to a penalty of not less than twenty dollars, and not more than five thousand dollars, in the discretion of the court before which the same is recoverable.

Damages

Penalty.

Selling liquor to railway employees on duty.

249.—(1) Every person who sells, gives or barter any Dom. Ry. Act, spirituous or intoxicating liquor to or with any servant or 1903, s. 295 (2). employee of any company, while actually employed in the course of his duty on a train or car or in connection with the operation of a train or car, is liable on summary conviction to a penalty not exceeding fifty dollars, or to imprisonment with or without hard labour for a period not exceeding one month, or to both.

250. Every person who is intoxicated while he is in charge 51 V. c. 29, s. of a locomotive engine, or acting as the conductor of a car 292. or train of cars, shall be liable on summary conviction to a penalty of \$200 or imprisonment for one year or both.

Violation by employees, of by-laws, etc., punishable in certain cases.

251. Every officer or servant of, and every person em-Dom. Ry. Act, ployed by the company, who wilfully or negligently s. 296, amended violates any by-law, rule or regulation of the company or its directors lawfully made and in force, or any order or notice of the Board, or of an inspecting engineer, of which a copy has been delivered to him, or which has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, if such violation causes injury to any person or to any property, or exposes any person or any property to the risk of such injury, or renders such risk greater than it would have been without such violation, although no actual injury occurs is liable on summary conviction to a penalty of not less than \$5.00 and not more than \$50.00 or to imprisonment with or without hard labour for not more than three months or to both.

Penalty.

Violation of by-laws, etc., by other persons.

252. Every person who wilfully or negligently violates Dom. Ry. Act. any lawful by-law, rule or regulation of the company is 1903, s. 297, liable, on summary conviction, for each offence, to a pen-amended. alty not exceeding the amount therein prescribed, or if no amount is so prescribed, to a penalty not exceeding

Penalty.

Proviso as to posting by-law, etc.

twenty dollars; but no such person shall be convicted of any offence, unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was posted in some conspicuous place at or near the station at which the offender entered the train or in the passenger cars of the train.

Damaging freight with intent to steal contents.

253. Every person who unlawfully and maliciously,

(a) bores, pierces, cuts, opens or otherwise injures any cask, box or package, which contains wine, spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on about any car, wagon, boat, warehouse, station house, wharf, quay or premises of, or which belong to any company.

Drinking or wasting liquor.

(b) drinks or wilfully spills or allows to run to waste any such liquors, or any part thereof,—

Dom. Ry. Act, 1903, s. 298, amended.

Penalties.

is liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for a term not exceeding one month, or to both.

Each day's violation of this Act, or order hereunder, a distinct offence.

254. When the violation of, or failure to comply with, any provisions of this Act, or any regulation or order or direction of the Board, or of any inspecting engineer, is made an offence subject to penalty, by this Act, or by any regulation made under this Act, each day's continuance of such violation, or failure, to comply, shall constitute a new and distinct offence.

Dom. Ry. Act, 1903, s. 299.

Act or omission of officer, etc., deemed to be act or omission of Company.

255. For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any regulation, order, or direction of the Board, or of any inspecting engineer, made under this Act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by the company acting within the scope of his employment shall in every case be also deemed to be the act, omission or failure of such company as well as that of the person; and anything done or omitted to be done by the company, which, if done or omitted to be done by any director, or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by the company, would constitute an offence under this Act, shall also be held to be an offence committed by such company, and upon conviction thereof the company shall be subject to the like penalties as are prescribed by this Act with reference to such persons.

Certain penalties may be imposed on summary convictions.

Recovery of penalties.

Punishment for contravention of this Act, etc., not to exempt company from forfeiture.

256. No punishment for a contravention of this Act or of the special Act, by the company, shall exempt the company from the forfeiture of the privileges or franchise conferred on it by the said Acts or by any agreement

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 110.

made between the company and any municipal corporation if by the provisions thereof, or by law, the same be forfeited by such contravention.

257. The sections of this Act relating to offences and penalties, being sections 244 to 256, inclusive, shall apply to street railways and street railway companies.

RECOVERY AND PAYMENT OF PENALTIES.

258. The company may in all cases under this Act pay Ont. Ry. Act, the amount of any penalty and costs imposed upon an R.S.O. 1897, officer, servant, or person in the employ of the company, c. 207, s. 11 and recover the same from the offender or deduct it from amended. his salary or pay.

259. All penalties incurred under any of the sections of Street Ry. Act, this Act, unless otherwise provided, may be recovered in R.S.O. 1897, the name of His Majesty, by His Majesty's Attorney Gen- c. 208, s. 40. eral for Ontario, in any court of competent jurisdiction; and all penalties recovered under this Act shall, unless otherwise herein expressly provided, be paid to the Treasurer of the Province to the credit of "The Railway Inspection Fund."

260. The last preceding two sections shall apply to street railway companies.

TRANSMISSION OF POWER ON RIGHT OF WAY.

261. The Board, upon receiving instructions in that (See Hamilton, behalf from the Lieutenant-Governor-in-Council, and the Guelph and officers, agents and servants of the Board, may at all North Shore Ry., 5 Edw. times enter upon the right of way of the company and may VII, c. 93, s. 63.) dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Lieutenant-Governor-in-Council and the company.

USE OF RAILWAY BY DOMINION GOVERNMENT.

262.—(1) His Majesty's Mail, His Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on His Majesty's service, shall at all times, when thereunto required by His Majesty's Postmaster-General, the Commander of the Forces,

The Company may pay penalty and deduct from wages.

How penalties recovered and applied.

Crown may use right of way for the transmission of power to municipalities.

Provision as to the carriage of Her Majesty's mail, etc.

or any person having the superintendence or command of any Police Force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions, and under such regulations as may be made by the Governor-General in Council or Lieutenant-Governor in Council as the case requires.

Government to have exclusive use of telegraph.

(2) The Governor-General or Lieutenant-Governor as the Ont. Electric case may be, or any person thereunto authorized by them, Ry. Act, R.S.O. may require the company to place any electric telegraph, 1897, c. 209, and the apparatus and operators they may have, at the s. 129. exclusive use of the Government, receiving thereafter reasonable compensation for such service.

(3) This section shall apply to street railway companies.

CONVEYANCES OF LAND.

Conveyances of land to Company.

263.—(1) Conveyances of land to the company, for the Ont. Electric purposes of and powers given by this Act, made in the form Ry. Act, R.S.O. set forth in Schedule "A" of this Act or to the like effect, 1897, c. 209, shall be sufficient conveyance to such company, its suc- s. 124. cessors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates indorsed on the duplicates thereof.

(2) This section shall apply to street railway companies.

This Act shall come into force on the 00 day of 1906.

REPEAL OF ACTS.

Repeal of Acts.

264. The following Acts of the Legislative Assembly are New. hereby repealed:—

Chapter 207 of the Revised Statutes of Ontario, "*The Railway Act of Ontario*"—the whole.

Chapter 208 of the Revised Statutes of Ontario, "*The Street Railway Act*"—the whole.

Chapter 209 of the Revised Statutes of Ontario, "*The Electric Railway Act*"—the whole.

Chapter 11 of 62 Victoria—section 23.

Chapter 25 of 62 Victoria—the whole.

Chapter 31 of 63 Victoria—the whole.

Chapter 25 of 1 Edward VII.—the whole.

Chapter 26 of 2 Edward VII.—the whole.

Chapter 27 of 2 Edward VII.—the whole.

Chapter 17 of 3 Edward VII.—the whole.

Chapter 10 of 4 Edward VII—section 79.

SCHEDULE "A."

(Section 151.)

CHIEF ENGINEER'S CERTIFICATE.

The _____ Railway Company's Office, No.
A.D. 190 _____

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The
_____ Railway Company Municipal Trust Account given
under section 151, chapter _____ of *The Ontario Railway Act, 1906.*
I, _____ chief engineer of The

_____ Railway Company do hereby certify that the said
company has fulfilled the terms and conditions necessary to be ful-
filled under the said By-law No. _____ of the _____ of
(or under the agreement dated the _____ day of _____ 19 _____,
between the corporation of _____ and the company)
to entitle the said company to receive from the said trust company
the sum of _____ (*here set out the terms and conditions,*
or any of which have been fulfilled.)

SCHEDULE "B."

(Section 266.)

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

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

Signed, sealed and delivered
in the presence of _____

[L.s.]

No. 146.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Steam, Electric and
Street Railways.

First Reading, 12th March, 1906.
Second Reading, 23rd March, 1906.

*(Re-printed as amended in Committee of
the Whole House.)*

Mr. HENDRIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 146.]

BILL.

[1906.

An Act respecting Steam, Electric and Street Railways.

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

SHORT TITLE.

1. This Act may be cited as "*The Ontario Railway Act*, 1906." Ont. Ry. Act, R.S.O. 1897, c. 207, s. 1.

INTERPRETATION.

2. Where the words following occur in this Act, and in the special Act incorporating any Railway or Street Railway Company, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

(1) "The Special Act," shall be construed to mean any Act authorizing the construction of or otherwise specially relating to a railway or street railway, whether operated by steam, electricity or other motive power, and with which this Act is incorporated; and in all cases where this Act is made applicable to street railways or street railway companies the words "the special Act" shall include a charter of incorporation of a street railway company under the Great Seal of the Province of Ontario; or supplementary letters patent relating to such a company.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 2 (2), amended.

(2) "Prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same is prescribed or provided for in the special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used;

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 2(2-4).

(3) "The Lands" shall mean the lands which by the special Act are authorized to be taken or used for the purposes thereof;

Dom. Ry. Act, sec. 2 (a), amended.

Short title.

Interpretation of words.

"The Special Act."

"Prescribed."

"The Lands."

- "The Undertaking." (4) "The Undertaking" shall mean the railway and works of whatever description, by the special Act authorized to be executed. Dom. Ry. Act, 1903, s. 2 (*b.d.*)
- "Board." (5) "Board" shall mean "The Ontario Railway and Municipal Board."
- "By-law." (6) "By-law," when referring to the act of the company shall include a resolution; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (1-7).
- "Costs." (7) "Costs" shall include fees, counsel fees, and expenses; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (8), amended.
- "Lands." (8) "Land" or "lands" shall include all real estate, mesuages, lands, tenements and hereditaments of any tenure;
- "Lease." (9) "Lease" shall include any agreement for a lease;
- "Toll." (10) "Toll" shall include any rate or charge or other payment payable under this Act or the special Act for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the railway;
- "County." (11) "County" shall include any union of counties, and any district; Dom. Ry. Act, 1903, s. 2 (*h*).
- "County Court Judge." (12) "County Court Judge" shall include a Judge of a District Court; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (9).
- "Highway." (13) "Highways" shall mean any public road, street, lane, and other public way or communication;
- "Street." (14) "Street" shall include any highway.
- "Sheriff" (15) "Sheriff" shall include the Deputy Sheriff; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace" shall, in such case, be construed to mean the Sheriff or Clerk of the peace of the district, county, city, or place where such lands are situate; and if the lands in question, being the property of one and the same person, are situate not wholly in one district, county, city, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such district, county, city, or place where any part of such lands is situate; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (10).
- "Clerk of the Peace." (16) "Goods" shall include personal property of every description that may be conveyed upon the railway, or upon steam vessels, or other vessels connected with the railway;
- "Goods." (17) "Justice" shall mean Justice of the Peace or Stipendiary or Police Magistrate acting for the district, coun-

ty, city, or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of the same person, situate not wholly in any one district, county, city or place, the word "Justice" shall mean a Justice or Stipendiary or Police Magistrate acting for the district, county, city or place where any part of such lands is situate, and who is not interested in such matter;

"Owner."

(18) "Owner" (where, under the provisions of this Act or the special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner) shall be understood to mean any corporation or person who, under the provisions of this Act or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company;

"The Company."

(19) "The company" shall mean the company or person authorized by the special Act to construct the railway or street railway (if the section of the Act in which the words occur is applicable by its terms to street railways), and shall include all persons or corporations leasing or operating any railway.

New—See Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (11), amended.

"The Railway."

(20) "The railway" shall mean the railway and works by the special Act authorized to be constructed;

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (12).

"Street Railway."

(21) "Street railway" shall mean a railway or tramway constructed or operated on a highway under or by virtue of an agreement with or by law of a city or town, and shall include all portions of such railway within such city or town and for one and a half miles beyond the limits thereof.

New.

"Shareholder."

(22) "Shareholder" shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (14).

"Inspecting engineer."

(23) "Inspecting engineer" shall mean an engineer who is directed by the Board to examine any railway or works, and shall include two or more engineers when two or more are so directed;

Dom. Ry. Act, 1903, s. 2 (j), amended.

"Working expenses."

(24) "Working expenses" shall mean and include all expenses of maintenance of the railway, and all such tolls, rents or annual sums as are paid in respect of property leased to or held by the company, apart from the rent of any leased line, or in respect of the hire of rolling stock, let to the company; also all rent charges or interest on the purchase money of lands belonging to the company purchased but not paid for or not fully paid for; and also expenses of or incidental to working the railway, and

Dom. Ry. Act, 1903, sec 2 (cc).

the traffic thereon, including all necessary repairs and supplies to rolling stock while on the lines of another company; also rates, taxes, *and* insurance; also, all salaries and wages of persons employed in and about the working of the railway and traffic; and all office and management expenses, including directors' fees, agency, legal and other like expenses; also all costs and expenses of and incidental to the compliance by the company with any order of the Board under this Act; and generally all such charges, if any, not above otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenue as distinguished from capital account;

Traffic. (25) "Traffic" shall include passengers, goods and rolling stock.

"Train." (26) "Train" shall include any engine, motor car or other rolling stock; Dom. Ry. Act,
1903, s. 2 (3)
(1) (u).

"Rolling stock." (27) "Rolling stock" shall mean and include any locomotive, engine, motor, car, tender, snow plough, flanger, and every description of car or of railway equipment designed for movement, on its wheels, over or upon the rails or tracks of the company;

"Secretary." (28) "Secretary" shall mean the Secretary of the Board.

APPLICATION OF ACT.

Application of Act.

3.—(1) This Act shall, unless otherwise expressed, apply to all persons, companies, railways (other than Government railways) and (when so expressed) to street railways within the legislative authority of the Legislature of Ontario, and whether such railways are operated by steam, electricity or other motive power, and whether constructed and operated on highways or on lands owned by the company or partly on highways and partly on such lands, and shall be incorporated and construed, as one Act, with the special Act, subject as herein provided.

(2) No section of this Act shall apply to street railways unless it is so expressed and provided.

Any section may be excepted by Special Act.

(3) Any section of this Act may, by any special Act passed by the Legislature, be excepted from incorporation, therewith, or may thereby be extended, limited or qualified. It shall be sufficient, for the purposes of this section, to refer to any section of this Act by its number merely.

Or may be extended, limited or qualified.

4. If in any special Act heretofore passed by the Legislature it is enacted that any provision of *The Railway Act*, or of *The Electric Railway Act*, or of *The*

Street Railway Act in force at the time of the passing of such special Act, is excepted from incorporation therewith, or if the application of any such provision is, by such special Act, extended, limited or qualified, the corresponding provision of this Act shall be taken to be excepted, extended, limited or qualified, in like manner; and, unless otherwise expressly provided in this Act, where the provisions of this Act and of any special Act passed by the Legislature relate to the same subject-matter, the provisions of the special Act shall be taken to override the provisions of this Act in so far as is necessary to give effect to such special Act.

As to exceptions, etc., previous to this Act.
Conflict between this Act and Special Act.

INCORPORATION.

5.—(1) Every company incorporated under a special Act shall be a body corporate under the name declared in the special Act, and shall be invested with all such powers, privileges and immunities as are necessary to carry into effect the intentions and objects of this Act and of the special Act, and are incident to such corporation, or are expressed or included in *The Interpretation Act*.

Companies established under special Acts declared to be bodies corporate, etc.

(2) This section shall apply to street railway companies.

ORGANIZATION OF THE COMPANY.

Offices.

6. The head office of the company shall be in the place designated in the Special Act, but the company may, by by-law, from time to time, change the location of its head office to any place in Ontario, notice thereof to be given to the Secretary of the Board who shall keep a register for the purpose.

Head office.
Change of location.

Provisional Directors.

7.—(1) The persons mentioned by name as such in the Special Act are hereby constituted provisional directors of the company, and of such provisional directors a majority shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed and make calls upon subscribers in respect of their stock, and sue for and recover the same, and receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking and enter into any agreement authorized by this Act or by the Special Act with the person or

Provisional directors.
Majority quorum.
Powers.
Deposit of moneys.

corporation making such grant, loan, bonus or gift respecting the condition or disposition thereof and cause plans and surveys to be made, and deposit in any chartered bank of Canada having an office in Ontario moneys received by them on account of stock subscribed, which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the company for any cause whatsoever.

(2) The said provisional directors shall have power to add to their number, or to substitute for any member of the said Board of provisional directors (whether named in the Special Act, or by the said provisional directors) who may desire to resign or withdraw from his position as a provisional director of the said company, any other person as a provisional director thereof; and all such persons as shall, from time to time, be provisional directors of the said company, pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

Canada Western Ry. Co., 2 Ed. VII, c. 70.

Allotment of stock.

(3) If more than the whole stock has been subscribed, the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if in their judgment such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the head office of the company or at such other place in the Province of Ontario as may best suit the interests of the company.

Dom. Ry. Act, 1903, s. 54. (See also Pene-tanguishene & Orillia Ry. Co., 5 Edw. VII, c. 105, s. 5.)

When subscrip-tion for stock to be binding.

(4) No subscription for stock in the capital stock of the company shall be binding on the said company unless it shall be approved by resolution of the provisional directors or of the directors, nor unless ten per centum of the amount subscribed has been actually paid within one month after subscription.

Capital.

Capital stock and shares.

8.—(1) The capital stock of the company, the amount of which shall be stated in the Special Act, shall be divided into shares of one hundred dollars each; 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 the Special Act, and for making the surveys, plans and estimates of the works authorized by the Special Act; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the railway, and other purposes of the undertaking.

Dom. Ry. Act, 1903, s. 55. (See Hamilton, Guelph & North Shore Ry., 5 Edw. VII., c. 93, s. 10.)

Application of proceeds.

(2) So soon as twenty-five per centum of the capital stock is subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the lawful purposes of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in the *Ontario Gazette*, and in at least one newspaper published in the place where the head office is situate, of the time, place and purpose of the said meeting.

When subscribers may call first general meeting.

(3) If the provisional directors neglect to call such meeting for three months after twenty-five per centum of the capital stock shall have been subscribed and ten per centum thereof paid up the same may be called by any five of the subscribers who have so paid up ten per centum and who collectively have subscribed for not less than twenty-five shares of the capital stock in the company and who have paid up all calls thereon. (See *Belleville and Point Ann Ry.*, 3 Edw. VII, c. 90, s. 9.)

Number of directors and term of office, etc.

(4) At such general meeting the shareholders present (See *Pene-tanguishene and Orillia Ry.*, 5 Edw. VII, c. 105, s. 11.) either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act; and the said board may employ and pay one of their number as managing director.

Increase of capital stock.

9. The original capital stock of the company may, with the approval of the Board, be increased, from time to time, to any amount, if such increase is sanctioned by a vote, in person or by proxy, of the shareholders who hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressly called by the directors for that purpose by a notice in writing to each shareholder, delivered to him personally, or properly directed to him and deposited in the post office at least twenty days previously to such meeting, stating the time, place and object of such meeting, and the amount of the proposed increase; and the proceedings of such meeting shall be entered in the minutes of the proceedings of the company, and thereupon the capital stock may, with such approval, be increased to the amount sanctioned by such vote. (Dom. Ry. Act, 1903, s. 57.)

Notice of meetings and object.

Entry in minutes.

General Meetings.

Annual meetings.

10.—(1) A general meeting of the shareholders for the election of directors and for the transaction of other business connected with or incident to the undertaking, to be called "the annual meeting," shall be held annually on the day mentioned in the special Act, or on such day as may be fixed for that purpose by the by-laws of the company and other general meetings, to be called "special meetings," may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene such special meeting, for twenty-one days thereafter fail to call such meeting.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 53 (1).

Special meetings.

(2) The annual meetings shall be held at the head office of the company.

Special general meetings.

(3) Special general meetings of the shareholders of the company may be held at such places in the Province of Ontario and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in section 11 of this Act.

(See Manitoulin and Iron Range Ry. 5 Edw. VII, c. 105, s. 18)

Notice of meetings.

11. At least two weeks' public notice of any meeting of the shareholders shall be given by advertisement, in at least one newspaper published in the place where the head office is situate—in which notice shall be specified the place and the day and the hour of meeting; all such notices shall be published weekly, and a copy of the *Gazette* containing such notice shall, on production thereof, be evidence of the sufficiency of such notice.

Evidence.

What business may be transacted.

12.—(1) Any business connected with or incident to the undertaking may be transacted at an annual meeting, excepting such business as by this Act is required to be transacted at a special meeting; but no special meeting shall enter upon any business not set forth in the notice upon which it is convened.

Votes on shares.

(2) The number of votes to which each shareholder shall be entitled on every occasion when the votes of the shareholders are to be given, shall be in proportion to the number of shares held by him, and on which all calls due have been paid.

Shareholders may vote by proxy.

(3) Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say:

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 54, (1-4)

Form of proxy. I, _____, of _____, one of the shareholders of the _____, do hereby appoint _____ of _____, to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the undertaking of the said _____ that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he the said _____ thinks proper.

In witness whereof, I have hereunto set my hand and seal, the day of _____ in the year _____

Majority to govern. (4) The votes by proxy shall be as valid as if the constituents had voted in person but no person shall be qualified to be appointed a proxy who is not himself a shareholder in the company and every matter or thing proposed or considered at any meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 54 (5) amended.

Certified copies of minutes, etc. Evidence. 13.—(1) Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any annual or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute book, kept by the secretary of the company, and by him certified to be true copies extracted from such minute books, and when sealed with the company's seal shall, without proof of the signature of such secretary, be evidence of such proceedings and resolutions in any court. Dom. Ry. Act, 1903, s. 66.

Notices by secretary valid. (2) All notices given by the secretary of the company in order of the directors shall be deemed notices by the directors of the company. Dom. Ry. Act, 1903, s. 67, amended.

President and Directors.

Election of board of directors. 14.—(1) A board of directors of the company to manage its affairs, the number of whom shall be stated in the special Act, and a majority of whom shall form a quorum, shall be chosen at the annual meeting; and if such election is not held on the day appointed therefor, the directors shall cause such election to be held at a special meeting duly called for that purpose within as short a time as possible after the day so appointed.

Who entitled to vote. (2) On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held.

Vacancies, how to be filled up. (3) Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws.

Who qualified to be a director.

(4) No person shall be a director unless he is a shareholder, owning at least *ten* shares of stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen.

Term of office of directors.

(5) The directors appointed at the last election or those appointed in their stead, in case of vacancy, shall remain in office until the next ensuing election of directors.

Vacancies, how supplied.

(6) In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the remaining directors; but if such appointment is not made such death, absence or resignation shall not invalidate the acts of the remaining directors.

President.

(7) The directors shall, at their first or at some other meeting after the election elect one of their number to be the president of the company, who shall, always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president.

Vice-President.

Quorum.

(8) The directors at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the owners vested in the directors.

Acts of majority to bind the whole.

(9) The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors.

Casting vote.

(10) No director shall have more than one vote at any meeting, except the chairman, who shall, in case of a division, of equal numbers, have the casting vote.

Directors to be subject to shareholders and by-laws.

15. The directors shall be subject to the control of the Ont. Electric shareholders at their annual meetings, and to all by-laws Ry. Act, R.S.O. of the company, and to the orders and directions from time 1897, c. 209, s. 55 (1-11). orders and directions not being contrary to any express directions or provisions of this Act or the special Act.

Contractors with company not to be directors.

16. No person concerned or interested in any contracts under or with the company, or being a surety for any contractor shall be capable of being chosen a director, or of holding or continuing in the office of director or provisional director, nor shall any person being a director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contrac-

tor with the company; and in the event of any such contract being made by or on behalf of any director or provisional director or promoter an action shall lie in any court of competent jurisdiction against such director or provisional director or promoter at the suit of any shareholder of the company or of any municipality through which any part of the railway passes, for the benefit of the funds of the company, for the whole amount of profit accruing to such director, provisional promoter or director from the contract so made or fulfilled.

By-laws for management of Company.

17. The directors may make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of this Province, and for the appointment of all officers, servants and artificers, and for prescribing their respective duties and salaries.

May appoint officers.

18. The directors may from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their offices, as the directors think proper.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 55 (13) (14).

Retirement of officers, etc.

19. The directors may by by-law or resolution provide for the retirement of such of the company's officers and servants, on such terms as to an annual allowance or otherwise, as in each case the directors, in the interest of the company's service and under the circumstances, consider just and reasonable.

Dom. Ry. Act, 1903, s. 80 (c).

Remuneration of directors.

20. The directors may be paid such reasonable remuneration for their services as may be sanctioned by the shareholders by resolution passed at the annual general meeting to be held for the purpose of electing the successors of such directors.

Vice-president to act in the absence of the president.

21. In case of the absence or illness of the president, the vice-president, and in case of the absence or illness of the president and vice-president a director appointed for that purpose shall have all the rights and powers of the president, and may sign all debentures, and other instruments, and perform all acts which by the regulations and by-laws of the company or by this Act are required to be signed, performed and done by the president.

Absence of president may be entered in the minutes, and certified, etc.

22. The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons

Ont. Electric Ry. Act, R.S.O. 1897, c. 209 s. 55 (15-17).

requiring the same on payment to the treasurer of \$1, and such certificate shall be taken and considered as *prima facie* evidence of such absence, or illness at and during the period in the said certificate mentioned in all proceedings in courts of justice or otherwise.

Directors to cause annual accounts to be kept.

23. The directors shall cause to be kept, and annually on the 31st day of December, shall cause to be made up and balanced, a true, exact and particular account of all moneys collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 55, (18) part.

Calls.

Calls.

24.—(1) The directors may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, no call shall exceed the prescribed amount determined in the special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year than the amount prescribed in the special Act, but nothing herein contained shall prevent the directors from making more than one call by one resolution of the board: Provided, that the intervals between such calls, the notices of each call, and the other provisions of this Act and of the special Act, in respect of calls, are duly observed and given.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 35. See also Dom. Ry. Act, 1903, s. 85.

Notice of meetings, how published.

(2) All notices of calls upon the shareholders of the company shall be published weekly in the *Ontario Gazette*

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 35 (2).

Payment of calls, how to be made.

(3) Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the company or the directors.

See also Dom. Ry. Act, 1903, s. 86.

Interest to be chargeable on unpaid calls.

(4) If, before or on the day appointed for payment any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the legal rate for the time being, from the day appointed for the payment thereof to the time of the actual payment.

Amount of call may be recovered by suit.

(5) If at the time appointed for the payment of a call, a shareholder fails to pay the amount of the call, he may be sued for the same in any court of competent jurisdiction, and the same may be recovered, with lawful interest from the day on which the call became payable.

What formalities necessary in actions for calls.

(6) In an action to recover money due upon a call, it shall not be necessary to set forth the special matter, but it shall be sufficient to state 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 arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act.

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 35 (3-6).

Shares and their Transfer.

Shares may be transferred.

25.—(1) Shares in the company may, by the holders thereof, be sold and transferred by instrument in writing, made in duplicate—one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry whereof shall be made in a book to be kept for that purpose, and no interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered.

Dom. Ry. Act,
1903, s. 95.

Form of transfer.

(2) Transfers *may* be in the form following, varying the *same*, as the case may require:—

I, *A. B.*, in consideration of the sum of _____ paid to me by *C. D.*, hereby do sell and transfer to him _____ share (or shares) of stock of the _____, to hold to him the said *C. D.*, his executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I the said *C. D.* do hereby agree to accept the said _____ share (or shares) subject to the same rules, orders and conditions.

Witness our hands this _____ day of _____ in the year 19 _____.

Shares to be personal estate—transfer of.

26. The stock of the company shall be personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid.

Transmission of shares, other than by transfer, provided for.

27. If any share in the company is transmitted by the death, bankruptcy, or last will, donation or testament, or by the intestacy, of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is so transmitted shall deposit in the office of the company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary; without which such person shall not be entitled to receive any share of the profits of the company, or to vote in respect of any such share as the holder thereof.

Company not bound to see to execution of trusts.

28. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the person in whose name any share stands in the books of the company, or if it stands in the name of more persons than one, the receipt of one of the persons named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of the trusts; and the company shall not be bound to see to the application of the money paid upon such receipts.

Ont. Electric Ry. Act, R.S.O. 1397, c. 209, s. 58 (2-5).

Certificate of proprietorship *prima facie* evidence.

29.—(1) The certificate of proprietorship of a share shall be admitted in all Courts as *prima facie* evidence of the title of any person, his executors, administrators, successors or assigns, to the share therein specified.

Want of certificate not to prevent disposing of shares.

(2) The want of such certificate shall not prevent the holder of any share from disposing thereof.

Penalty for refusal to pay calls.

(3) Shareholders neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking and all the profit and benefit thereof; all which forfeitures shall go to the company for the benefit thereof.

Forfeiture of share to be taken advantage of only at a general meeting.

(4) No advantage shall be taken of the forfeiture unless the same is declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture occurred.

Effect of forfeiture as to liabilities.

(5) Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 56 (7-11).

Sale of forfeited shares.

30. The directors may sell, either by public auction or private sale, any shares so declared to be forfeited, upon authority therefor having been first given by the shareholders either at the general meeting at which such shares were declared to be forfeited or at any subsequent general meeting.

Limitation.

31. The company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account

Dom. Ry. Act. 1903, s. 106.

of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited shares is more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter.

Payment of arrears before sale.

32. If payment of such arrears of calls and interest and expenses is made before any share so forfeited and vested in the company is sold, such share shall revert to the person to whom it belonged before such forfeiture, in such manner as if such calls had been duly paid. Dom. Ry. Act, 1903, s. 105.

Certificate of treasurer to be evidence of forfeiture and of title in purchaser.

33. A certificate of the treasurer of the company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and if the certificate so states, of their purchase by the purchaser; and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares; and the certificate shall be, by the said treasurer, registered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books to be kept by the company; and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money,—and his title to such shares shall not be affected by any irregularity in the proceedings in reference to such sale; and any shareholder may purchase any share so sold.

Interest on advance made by shareholder to company.

34. Any shareholder who is willing to advance the amount of his shares, or any part of the money due upon his shares, beyond the sums actually called for, may pay the same to the company,—and upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay such interest, at the lawful rate of interest for the time being, as the shareholders, who pay such sum in advance, and the company agree upon; but such interest shall not be paid out of the capital subscribed. Dom. Ry. Act, 1903, s. 107.

No interest to be paid out of capital.

Shareholders.

Shareholders individually liable till shares paid up.

35. Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up in cash; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or Ry. Act, R.S.O. 1897, c. 209, s. 59 (1).

in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder.

Account of names and residence of shareholders to be kept.

36. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the company and of the directors for the time being and such account shall be open to the inspection of the shareholders.

Rights of aliens.

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

Preference Stock.

Preference stock by-law for issuing.

38.—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Special rights of preference shareholders.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to elect a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Unanimous sanction required.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy, at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company the company may petition the Board for an order approving the said by-law, and the Board may approve thereof and from the date of such approval the by-law shall be valid and may be acted upon.

Special proviso.

Rights and liabilities of preference shareholders.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law. (See Hamilton, Guelph and North Shore Ry., 5 Edw. VII., c. 93, s. 58.)

(5) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the company.

Dividends and Interest.

Rights of creditors preserved.

Declaration of dividends.

Division of profits.

Reserve fund.

Dividend not to impair capital, etc.

Interest may be paid on calls pending opening of road.

Arrears may be deducted from dividends.

Issue of bonds authorized.

39.—(1) The directors may, at a general meeting, declare a dividend to be paid out of the net profits of the undertaking. Dom. Ry. Act, 1903, s. 91 (1).

(2) Such dividends shall be divisible among the shareholders in proportion to the amounts paid up in cash upon the shares held by them respectively. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 57 (2).

40. The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve fund, to meet contingencies, or for equalizing dividends, or for repairing, maintaining, renewing or extending the railway or any portion thereof, and shall submit their action in regard to such reserve fund to the shareholders at a general meeting for their approval; and the directors may invest the sum so set apart as a reserve fund in such securities as they select, not however inconsistent with this or the special Act. Dom. Ry. Act, 1903, s. 92.

41. No dividend shall be declared whereby the capital of the company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be paid, in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call has been paid; but the directors may, in their discretion, until the railway is completed and opened to the public, pay interest at any rate not exceeding five per centum per annum, on all sums actually paid in cash in respect of the shares, from the respective days on which the same have been paid; and such interest shall accrue and be paid at such times and places as the directors appoint for that purpose. Dom. Ry. Act, 1903, s. 93.

42. The directors may deduct, from any dividend payable to any shareholder, all or any such sum or sums of money as are due from him to the company on account of any call or otherwise. Dom. Ry. Act, 1903, s. 94 (2).

Bonds, Mortgages, and Borrowing Powers.

43.—(1) The directors of the company, under the authority of the shareholders, to them given at any special meeting, called for the purpose in the manner provided by this Act, or at any annual meeting for which like notice of intention to apply for such authority has been given as is required in the case of a special meeting, and at which Dom. Ry. Act, 1903, s. 111 (1).

Procedure.

meeting, whether annual or special, shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the Special Act contained, issue bonds, debentures, perpetual or terminating debenture stock, or other securities, signed by the president or other presiding officer and countersigned by the secretary, which countersignature and the signature to the coupons attached to the same may be engraved; and such securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding five per cent. per annum, as the directors think proper.

(2) Such bonds, debentures or other securities shall not exceed the amount authorized by the special Act and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

When and where payable. Interest.

(3) The directors may issue and sell or pledge all or any of the said bonds, debentures, or other securities, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(4) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(5) The power of issuing bonds conferred upon the com-Ont. Ry. Act, pany hereby or under the special Act shall not be construed R.S.O. 1897, c. as being exhausted by such issue; but such power may 207, s. 9, (19 a.c. be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled; but the limit to the amount of bonds, debentures or other securities fixed in the special Act shall not be exceeded.

Mortgages securing bonds, etc.

44.—(1) The company may secure such bonds, debentures, or other securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act and next to the payment of the working expenditure of the railway.

(2) By the said deed the company may grant to the Ont Ry. Act, holders of such bonds, debentures or other securities, or R.S.O., 1897, the trustees named in such deed, all and every the powers, 207, s. 9. (20), rights and remedies granted by this Act in respect of the (20a) amended. said bonds, debentures, or other securities, and all other powers, rights and remedies not inconsistent with this

Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(3) The company may except from the operation of any Dom. Ry Act such mortgage deed any assets, property, rents or revenue of the company, and may declare and provide therein that such mortgage shall only apply to and affect certain sections or portions of the railway or property of the company, but where any such exception is made, the company shall in such mortgage deed expressly specify and describe, with sufficient particularity to identify the same, the assets, property, rents or revenue of the company, or the section or portions of the railway, not intended to be included therein or conveyed thereby.

(4) Every such mortgage deed and every assignment thereof or other instrument in any way affecting such mortgage or security shall be deposited in the office of the Board, of which deposit notice shall forthwith be given in the *Ontario Gazette*. Such mortgage deed or other instrument need not be registered under the provisions of any law respecting registration of instruments affecting real or personal property.

(5) A copy of any such deed or instrument so deposited, certified to be a true copy by the Secretary, shall be received as *prima facie* evidence of the original in all courts without proof of the signature of such official.

45. The bonds, debentures, or other securities, hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as hereinbefore provided.

46. Each holder of the said bonds, debentures or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed.

47.—(1) If the company makes default in paying the principal or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the

Mortgages may be limited.

Mortgage to be deposited with Provincial Secretary and notice given.

Evidence.

Bonds, etc., how ranked.

Rights of holders of bonds, etc., upon default in payment.

same, by the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(2) And each such holder of bonds, debentures or other securities shall, for the purpose of voting at any such meeting, be deemed to be a shareholder and shall be entitled to as many votes as if he held shares in the company on which all calls had been paid, equal at a par valuation, to the amount of such bonds, debentures or other securities so held by him, and may vote by proxy in like manner and to the same extent as a shareholder, but no person who is not himself a bondholder or shareholder in the company shall be qualified to be appointed a proxy.

(3) The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security, in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares.

(4) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

Bonds, etc.,
mode of
transfer of.

48. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (21-23)

Power to
borrow money
by overdraft,
etc.

49. The company may, for the purposes of the under-taking, borrow money by overdraft or upon promissory note, warehouse receipt, bill of exchange or otherwise upon the credit of the company and become party to promissory notes and bills of exchange; and every such note or bill made, drawn, accepted or endorsed, by the president Dom. Ry. Act, 1903, s. 116.

or vice-president of the company, or other officer authorized by the by-laws of the company, and countersigned by the secretary of the company, shall be binding on the company; and every such note or bill of exchange so made, drawn, accepted or endorsed shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary or other officer of the company, so authorized be individually responsible for the same, unless such promissory note or bill of exchange has been issued without proper authority; but nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

No seal
necessary.

Notes not to
be payable
to bearer.

50. The sections relating to "Organization of the company." being sections numbers 6 to 49 inclusive, shall apply to street railway companies.

POWERS.

Powers:

51. Subject to the provisions of this Act and the special Act the company shall have power and authority—

(1) To survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity, with double or single tracks; Ont. Electric O. Ry. Act, R.S. 1897, c. 209, s. 9 (c), amended.

To receive
grants of
land, etc.;

(2) To receive, take and hold all voluntary grants and donations of land or other property or any bonus of money or debenture or other benefit of any sort made to it, to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (1).

Purchase
land;

(3) To purchase, take and hold of any person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same so soon as, for any reason, it has become not necessary for the purposes of the company. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (2). See Dom. Ry. Act, 1903, s. 118 (c).

And across or
along streams,
etc.

(4) To construct, maintain and work the railway across along or upon any stream of water, water course, canal or highway which it intersects or touches; but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the Company to its former state, or to such state as not to impair its usefulness; but this shall not authorize the obstruction of the navigation of any navigable water;

Warehouses,
docks, etc.

(5) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops, and offices and to sell and convey such land as may be found superfluous for any such purpose, and to purchase and acquire stationary or locomotive engines, motors, carriages, waggons and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway; and to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Branch rail-
ways;

(6) To make branch railways, if required and provided for by the special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the railway;

Convey per-
sons and goods
on railway;

(7) To take, transport, carry and convey persons and goods on the railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation;

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 9 (8-10).

Enter upon
lands, etc.;

(8) To enter into and upon the lands of any corporation or person whatsoever lying in the intended route or line of the railway; and, with the consent of the Lieutenant-Governor in Council in that behalf, into and upon any lands of His Majesty the property of this Province.

Make survey
of lands;

(9) To make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the railway, and to set out and ascertain such parts of the lands as are necessary and proper for the railway;

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 9 (11-12).

Remove trees,

(10) To fell or remove any trees standing in any woods, lands or forests, where the railway passes, to the distance of six rods from either side thereof. The company shall make full compensation to the owner of any tree so cut down and the amount of such compensation shall on the application of the owner be determined by the Board.

Ont. Ry. Act.
R.S.O. 1897, c.
207, s. 9 (13).

Construct
embankments,
bridges, drains,
fences, etc.

(11) To make or construct upon, across, under or over any railway, tramway, river, stream, watercourse, canal, or highway, which it intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences;

Divert high-
ways and
waterways.

(12) To divert, or alter, as well temporarily as permanently, the course of any such river, stream, watercourse, or highway, or raise or sink the level thereof, in order the more conveniently to carry the same over, under or by the side of the railway;

Construct drains.

(13) To make drains or conduits into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

Divert drains, pipes, and wires.

(14) ~~16~~ With consent of the Board after notice to any person interested, ~~to~~ to divert or alter the position of any water-pipe, gas-pipe, sewer or drain, or any telegraph, telephone, or electric lines, wires or poles;

Alter and substitute other works.

(15) ~~16~~ With consent of the Board after notice to any person interested, ~~to~~ from time to time to alter, repair or discontinue the before-mentioned works, or any of them, and substitute others in their stead;

Unite with other railways:

(16) To cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection; and the owners of both railways may unite in forming such intersection, and grant the facilities therefor; and the amount of compensation to be made therefor, the point and manner of such crossing and connection, shall be determined by the Board as provided by this Act. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (14) amended.

(17) To do all other acts necessary for the construction, maintenance and operation of the railway in pursuance of 1903, s. 118 and according to the meaning and intent of this Act, and (*k-g*). of the special Act;

Application of last preceding two subsections.

52. The provisions for the ascertainment of compensation contained in subsection 116 of section 51 of this Act shall not extend or apply to any railway incorporated under an Act of the Legislature of Ontario, in any case in which it is proposed that such railway shall cross, intersect, join, or unite with, or be crossed, intersected, joined or united with a railway under the legislative control of Canada. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (16).

Compensation for damage.

53. The company shall, in the exercise of the powers by this or the Special Act granted, do as little damage as possible, and shall make full compensation, in the manner herein or in the Special Act provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers. Dom. Ry. Act, 1903, s. 120.

Occupy public lands, beaches, etc.

54.—(1) The railway company shall not take possession of, use or occupy any lands belonging to the Province, without the consent of the Lieutenant-Governor-in-Council; but with such consent such company may take and appropriate for the use of their railway and works, but not alienate, so much of the wild lands of the Province lying on the route of the railway as have not been granted or sold, and as may be necessary for the railway, as also so much of the public beach or of the land covered with the waters of Ont. Ry. Act, R.S.O., 1897, c. 207, s. 9 (3).

any lake, river, stream or canal, or of their respective beds. as is necessary for making and completing and using their said railway and works;

(2) The extent of the public beach or of the land covered with water of any river or lake in the Province of Ontario taken for the railway shall not exceed the quantity limited in section 61 of this Act.

Changes may be made in the line of a railway at any time for certain purposes.

55. A company which desires at any time to change the location of its line of railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage, may, with the leave of the Board, make such change; and all the clauses of this Act shall refer as fully to the part of any such line of railway so at any time changed or proposed to be changed as to the original line; but no railway company shall have any right to extend its line of railway beyond the termini mentioned in the Act incorporating the company.

Telegraph and Telephone Lines.

Telephone and telegraph lines

56.—(1) Except as provided in subsection 3 and 4 of this section the company may construct and operate an electric telegraph line and a telephone line throughout and along the whole line of railway, and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without an agreement with the council of such city, town or village being first obtained by the company; provided, also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company. Provided also that in case the parties are unable to agree, the terms and conditions upon which such poles may be erected shall be determined by the Board.

Hamilton, Guelph and North Shore Ry. (See 5 Edw. VII., c. 93, s. 25).

Proviso.

Municipal telephone systems, connections with.

(2) Whenever any municipal corporation or person has authority to construct, operate and maintain a telephonic system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of the company, in such district, and cannot agree with the company with respect thereto, such municipal corporation or person may apply to the Board for leave therefor, and the Board may order the company to provide for such connection or communication upon such terms as to compensation as the Board deems just and expedient, and

Dom. Ry. Act, 1903, s. 193.

may order and direct how, when, where, by whom and upon what terms and conditions such telephonic connection or communication shall be constructed, operated and maintained.

Wires, etc.,
across railway.

(3) No lines or wires for the conveyance of light, heat, power or electricity, shall be erected, placed or maintained across the railway without leave of the Board.

Plans to be
submitted to
Board.

(4) Upon any application for such leave, the applicant shall submit to the Board a plan and profile of the part of the railway proposed to be affected showing the proposed location of such lines and wires and the works contemplated in connection therewith; and the Board may grant such application and may order by whom, how, when, and on what terms and conditions, and under what supervision, such work shall be executed; and upon such order being made such lines and wires may be erected, placed and maintained across the railway subject to and in accordance with such order. Dom. Ry. Act, 1903, s. 194.

Order by
Board.

(4) Upon any application for such leave, the applicant shall submit to the Board a plan and profile of the part of the railway proposed to be affected showing the proposed location of such lines and wires and the works contemplated in connection therewith; and the Board may grant such application and may order by whom, how, when, and on what terms and conditions, and under what supervision, such work shall be executed; and upon such order being made such lines and wires may be erected, placed and maintained across the railway subject to and in accordance with such order.

(5) As soon as practicable after its organization the Board shall promulgate rules and regulations and standard plans and specifications to be adhered to in carrying lines of wires to be used for telephone and telegraph purposes across the railway, and no lines of such wires shall thereafter be carried across the railway in any other way or on any other terms without the leave of the Board first obtained, provided the Board may, from time to time, amend or change as to it may seem fit such rules, regulations and standard plans and specifications, but such rules, regulations, plans and specifications and amendments or changes thereto and thereof shall not affect crossings made before their adoption by the Board; provided, further, that in special cases on the application of any person or corporation to be affected by such crossing the Board may order that such crossing shall be made in some other manner than that prescribed by the standard plans and specifications, and by whom and how and when and on what terms and conditions and under what supervision such work shall be executed, and upon such order being made such lines and wires may be erected, placed and maintained across the railway, subject to and in accordance with such order.

Interchange of Traffic.

One Company
may agree
with another
respecting
traffic.

57.—(1) The directors of any railway company may at any time, and from time to time, make and enter into any agreement or arrangement with any other company, either in this Province or elsewhere, for the regulation and interchange of traffic passing to and from the railways of the said companies, and for the working of the traffic over the said railways respectively, or for either of those Ont. Ry. Act, R.S.O., 1897, c. 207, s. 77.

objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management, and working of the railways, or any of them, or any part thereof, and of any railway in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two-thirds of the shareholders, voting in person or by proxy.

Railway Companies must afford each other every facility for the forwarding of traffic, without preference or favour.

(2) Every railway company shall, according to their respective powers, afford all reasonable facilities to any other railway company for the receiving and forwarding and delivering of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks, and other vehicles; and no such company shall give or continue any preference or advantage to or in favour of any particular company, or any particular description of traffic, in any respect whatsoever, nor shall such company subject any particular company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever; and every railway company having or working a railway which forms part of a continuous line of railway, or which intersects any other railway or which has a terminus, station or wharf of the one near a terminus, station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding by the one of such railways, all the traffic arriving by the other, without any unreasonable delay and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered in the using of such railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said several railway companies.

Ont. Ry. Act,
R.S.O., 1897,
c. 207, s. 7(81)

Penalty on Companies or their officers refusing or neglecting to forward traffic, as above required.

(3) If any officer, servant or agent of a railway company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such company, for conveyance over or along the railway from that of any other company, intersecting or coming near to such first-mentioned railway, or in any way willfully contravenes the provisions of the next preceding subsection—such first-mentioned railway company, or such officer, servant or agent, personally, shall, for every such

Ont. Ry. Act,
R.S.O., 1897,
c. 207, s. 79.

How recoverable, and how to be applied.

neglect or refusal, incur a penalty not exceeding \$50 over and above the actual damages sustained.

(4) In case any company or municipality interested is unable to agree as to the regulation and interchange of traffic or in respect of any other matter in this section provided for, the same shall be determined by the Board.

(5) This section shall apply to street railways whenever so determined by the Board.

Amalgamation and Running Arrangements with other Companies.

58.—(1) The company shall have the power to agree (See Hamilton, for connection and making running arrangements with any Guelph and other railway company, the lines of which are approached North Shore or crossed by the line or lines of the company, if lawfully Ry., 5 Edw. empowered to enter into any such agreement, upon terms VII., c.3, s. 53 to be authorized by two-thirds in value of the shareholders (1).) at a special general meeting to be held for that purpose, and it shall also be lawful for the company to enter into any agreement or agreements with any such company if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway or the use thereof or for the sale or leasing or hiring any engines, locomotives, motors, carriages, or cars or any of them or of any part thereof or touching any service to be rendered by one company to the other and the compensation therefor if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof subject to sub-section 3 of this section, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line.

(2) The company may contract and agree with any other railway company the lines of which are approached Guelph and or crossed by the line or lines of the company if lawfully North Shore authorized to enter into such arrangements, for amalga- Ry., 5 Edw. mation with any or either of them, provided that no such VII., c. 93, s. contract shall be of any force or validity unless first 53, (2)). authorized by resolution passed by vote of the shareholders in person or by proxy representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid at a general meeting specially called for that purpose.

Purchase of stock of dissenting shareholder.

(3) No such agreement for amalgamation, connections, running arrangements, sale, leasing or hiring of the railway or any portion thereof shall be of any force or effect until approved by resolution of the Board, and every such agreement shall be subject to such terms, conditions and regulations, general or special, as the Board may from time to time order.

(4) This section shall apply to street railways whenever so determined by the Board.

PLANS AND SURVEYS.

59. Plans and surveys and books of reference shall be made and corrected as follows:

Plans and Books of reference.

(1) Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a book of reference for the railway, in which shall be set forth—

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 10 (1).

- (a) A general description of the said lands;
- (b) The names of the owners and occupiers thereof, so far as they can be ascertained; and
- (c) Everything necessary for the right understanding of such map or plan.

By whom rectified.

(2) The map or plan and book of reference shall be examined and if in all respects satisfying the provisions of this Act and the special Act shall be certified by the Board who shall keep one copy thereof on file in the office of the Board.

(3) The company shall also deposit copies thereof, or of such parts thereof as relate to each district or county through which the railway is to pass, duly certified as copies by the Secretary, in the *registry* offices of such districts or counties respectively.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 10 (2), amended; see also Dom. Ry. Act, 1903, s. 124.

Copies.

(4) Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Secretary, or to the *Registrar*, at the rate of ten cents for every hundred words so extracted or copied. Any person feeling aggrieved by the proposed location of the line of railway may within ten days after the deposit of the map or plan and book of reference aforesaid in the *registry* office of the district or county where the lands are situated, the loca-

Appeal against proposed location of line.

tion through which is complained of, apply to the Board, setting forth his objections to the location of the proposed line, and the Board shall if it considers sufficient cause therefor exists, appoint a disinterested engineer, who shall examine the said proposed line, and after hearing the parties he shall confirm or alter the same as may be consistent with the just rights of all parties and of the public. The determination of the engineer approved by the Board shall, within ten days after his appointment, be made and certified, and such certificates shall be filed in the office of the *Registrar* for the district or county where the lands are situated.

(5) The said engineer shall be entitled to reasonable fees Ont. Ry. Act, for each day employed in connection with the said ex-R.S.O. 1897, c. 207, s. 10 (3), amination and work, together with his actual expenses incurred therein, and the amount shall in the first instance amended. be paid by the person applying for his appointment, but if the proposed route is altered or changed by the engineer, the railway company shall refund to the applicant the amount so paid.

Omissions how remedied.

(6) Any omission, misstatement or erroneous description of such lands or of the owners or occupiers thereof, in a map or plan or book of reference, may on application by any party interested and after giving ten days' notice to the owners of the lands, be corrected by the Board on application made to them for that purpose, and if it appears to them that the omission, misstatement or erroneous description arose from mistake the Board shall certify the same accordingly.

Contents of certificate.

(7) The certificate shall state the particulars of such Ont. Ry. Act, omission, and the manner thereof, and shall be deposited R.S.O. 1897, c. 207, s. 10 (5, 6) in the registry office of the districts or counties respectively in which such lands are situate and be kept by them along with the other documents to which they relate; and thereupon the map or plan or book of reference shall be deemed to be corrected according to such certificate; and the company may construct and lay out the railway in accordance with the certificate.

Alterations from original survey.

(8) If any alterations from the original plan or survey Ont. Ry. Act, are intended to be made in the line or course of the rail-R.S.O. 1897, c. way, a plan and section in triplicate of such alterations as 207, s. 10 (7). have been approved of by the *Board*, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan, and copies or extracts of the plan and section, so far as they relate to the several districts or

counties in or through which the alterations have been authorized to be made, shall be deposited *in the registry office* of such districts or counties.

General provisions respecting plans, etc.

Must be signed.

Board may refuse unsatisfactory plans.

(9) All plans, profiles and books of reference required by law to be deposited by the company with the Board, shall be drawn to such scale, with such detail, upon such materials, and of such character, as the Board may, either by general regulation, or, in any case, require or sanction, and shall be certified and signed by the president or vice-president or general manager and also by the engineer of the company; and any book of reference, required to be so deposited, shall be prepared to the satisfaction of the Board. Unless and until such plan, profile and book of reference is so made satisfactory to the Board, the Board may refuse to sanction the same, or to allow the same to be deposited with the Board within the meaning of this Act.

Further plans as Board requires.

(10) In addition to such plans, profiles and books of reference, the company shall, with all reasonable expedition, prepare and deposit with the Board, any other, or further plans, profiles, or books of reference of any portion of the railway, or of any siding, station or works thereof, which the Board may from time to time order or require. Dom. Ry. Act, 1903, s. 129.

Registrar of Deeds to receive copies of original plan, etc.

(11) The *Registrar of Deeds* shall receive and retain the copies of the original plans and surveys and books of reference and copies of the plans and sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under penalty for default of \$4. Ont. Ry. Act, R.S.O., 1897, c. 207, s. 10 (9).

Certified copy of maps, etc., to be taken as evidence.

(12) A copy of the said maps, plans, profiles and books of reference or portions thereof certified by the *Registrar of Deeds* or the Secretary shall in all courts be evidence that such original document was so deposited at the time stated and certified, and shall be *prima facie* proof of the original so deposited, and that the same was signed, certified, attested, or otherwise executed, by the persons, by whom, and in the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing by such certified copy, and in the case of a plan, that such plan is prepared according to a scale, and in manner and form, sanctioned by the Board. Dom. Ry. Act, 1903, s. 127 (2), amended.

Line not to deviate more than a mile.

(13) No deviation of more than one mile from the line of the railway or from the places assigned thereto in the said map or plan and book of reference or plans or sections, shall be made into, through, across, under or over any

part of the lands not shewn in such map or plan and book of reference, or plans or sections, or within one mile of the said line and place, save in such instance as are provided for in the special Act.

Error in the name of a person entered in a book of reference.

(14) The railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the book of reference through error or any other cause, or although some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands.

Map, etc., of railway to be filed in the office of the Commissioner of Public Works.

(15) A map and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking, be made and filed in the office of the Board and like maps of the parts thereof located in different counties shall be filed in the registry offices for the registry divisions in which such parts are respectively situate.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 10 (11-13).

TAKING OF LANDS WITHOUT THE CONSENT OF THE OWNERS.

Extent of land which may be taken.

60. The lands which may be taken without the consent of the owner:—

Dom. Ry. Act, 1903, s. 138.

For right-of-way.

For the right of way shall not exceed one hundred feet in breadth except in places where the rail level is or is proposed to be, more than five feet above or below the surface of the adjacent lands, when such additional width may be taken as shall suffice to accommodate the slope and side ditches;

For stations, etc.

For stations, depots and yards, with the freight sheds, warehouses, wharves, elevators and other structures for the accommodation of traffic incidental thereto, shall not exceed in length by feet in breadth, including the width of the right of way.

Corporation etc., may convey lands.

61.—(1) All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seised, possessed of or interested in any lands, may contract for, sell and convey unto the company all or any part thereof.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 13.

Limitation of powers in certain cases.

(2) The powers by the preceding sub-section conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, shall only extend and be exer-

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 14.

cised with respect to any of such lands actually required for the use and occupation of the company.

Effect of sale under preceding section.

62. Any contract, agreement, sale, conveyance and assurance made under the preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act.

Ont. Ry. Act,
R.S.O. 1897,
c. 207, s. 15.

Disposition of purchase money.

63. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into Court.

Ont. Ry. Act,
R.S.O. 1897,
c. 207, s. 12.

Effect of contracts made before deposit of map.

64. Any contract or agreement for the sale to the company of any lands made by any person authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the railway, shall if duly registered in the proper Registry Office be binding upon subsequent purchasers of such lands at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime have become the property of a third party; and possession of the land may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award.

Ont. Ry. Act,
R.S.O. 1897,
c. 207, s. 16
Electric Ry. Act,
R.S.O. 1897,
c. 209,
s. 32.

Corporations or persons, who cannot sell, may agree upon a fixed rent.

65. All corporations or persons* who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the registry office of the proper *registration district*.

Ont. Ry. Act,
R.S.O. 1897,
c. 207, s. 17.

After one month's notice of deposit of

66. After ten days from the deposit of the map or plan and book of reference, and from notice thereof in

at least one newspaper, if there is any, published in each of the counties through which the railway is intended to pass, application may be made to the owners of lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway, and thereupon, agreements and contracts may be made with such *owners* touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them shall be settled as in section 69 mentioned.

67. The deposit of a map or plan and book of reference, Ont. Ry. Act, and the notice of the deposit, shall be deemed a general R.S.O. 1897, notice to all such persons as aforesaid of the lands which c. 207, s. 19. will be required for the railway and works.

68.—(1) A notice shall be served upon the *owner* which shall contain:—

- (a) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them):
- (b) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and
- (c) The name of a person to be appointed as the arbitrator of the company, if *the* offer be not accepted.

(2) The notice shall be accompanied by the certificate of an Ontario Lands Surveyor, disinterested in the matter and not being the arbitrator named in the notice to the following effect:—

- (a) That the land (if the notice relates to the taking of land,) shewn on the map or plan, is required for the railway, (or is within the limits of deviation by this Act allowed;)
- (b) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and
- (c) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

(3) If the *owner* is absent from the district or county in which the lands lie, or is unknown, then upon application to a Judge of the County Court of the County in which the lands lie, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that such *owner* is so absent, or that, after diligent inquiry, the *owner*

map, etc., application to the owner of lands.

Deposit, etc., to be general notice.

Notice to opposite party.

If the party is absent or unknown.

on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without such certificate, to be inserted three times in the course of one month in some newspaper published in the said county.

Provision when the County Judge is interested in lands required for any railway.

(4) Where a Judge of a County Court is interested in lands taken or required within the county in which he is a Judge, by any company, for railway purposes, a Judge of the High Court shall, on application of the company, exercise in such case all the powers given to a Judge of a County Court by the provisions of this section in cases in which such Judge of a County Court is not interested.

Party not accepting the company's offer, and not appointing an arbitrator.

(5) If within ten days after the service of the notice, or within one month after the first publication thereof as aforesaid, the person served does not notify the company of his acceptance of the sum offered by it, or notify it of the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the company, appoint an Ontario Land surveyor, to be sole arbitrator for determining the compensation to be paid as aforesaid.

Appointment of arbitrator by opposite party. Third. arbitrator.

(6) If the opposite party within the time aforesaid, *Ont. Ry. Ac* notifies the company the name of his arbitrator, then *R.S.O. 1897,* the two arbitrators shall jointly appoint a third, or if they *207, s. 20 (1-6)* cannot agree upon a third, then the Judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator.

Party other than company commencing proceedings to determine compensation.

(7) If lands have been entered on and taken by the com- *Ont. Electric R* pany with or without the license of the person in posses- *Act, R.S.O. 189* sion thereof and without any agreement as to the com- *c. 209, s. 35 (6)* pensation to be paid therefor or if the lands, though not taken, are injuriously affected by or through the construction of the railway, then any owner or person interested in such lands shall have the right to commence proceedings to ascertain the compensation to which he is entitled in respect of the lands so taken or injuriously affected, by giving to the company notice in writing of the name of a person to be appointed as his arbitrator, the description of the lands taken or injuriously affected, and the amount of compensation or damages claimed by him, and thereupon like proceedings shall be taken to ascertain such compensation as are prescribed in cases where the company commences proceedings.

Stating amount found payable in award

(8) The arbitrators, besides awarding to the owner the *Ont. Electric R* amount which they find to be the value of the land, shall *Act, R.S.O. 189* state what they find to be the total amount to be paid to *c. 209, s. 35 (6)* compensate the owner or for damages.

Duties of arbitrators.

(9) The arbitrators, or any two of them, or the sole *Ont. Ry. Ac* arbitrator, being sworn before a Justice of the Peace *R.S.O. 1897,* or commissioner empowered to take affidavits, *207, s. 20 (7).*

fully and impartially to perform the duties of their office, shall proceed to ascertain the compensation in such a way as they or he, or a majority of them, deem best; but no award shall be made or any official act be done by the majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required.

Costs, in discretion of arbitrators.

(10) In any arbitration under this Act the costs of the arbitration shall be in the discretion of the arbitrator or arbitrators and if they are to be borne by the opposite party to the company may be deducted from the compensation awarded, and in any case they may if not agreed upon be fixed by the arbitrator or arbitrators or taxed by one of the taxing officers of the Supreme Court of Judicature. New.

Arbitrators may examine on oath.

(11) The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as appear before him or them, and may administer such oath or affirmation.

Parties to arbitrations may obtain subpoenas.

(12) Any party to an arbitration under this Act may, without leave or order, obtain and issue out of the High Court, upon *procipe*, setting forth the names of the witnesses to be subpoenaed, the names of the arbitrators, and the place and time of meeting, a subpoena commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpoena; and the disobedience of such subpoena shall be deemed a contempt of court, and shall be punishable in the same manner and to the like extent as in the case of subpoenas issued in a civil case.

Disobedience thereto to be contempt of Court.

Fees and conduct money.

(13) The like fees shall be payable for such subpoenas as in the case of subpoenas issued in civil cases, and the witnesses shall be entitled to the like conduct money. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 20 (9-12).

Stenographers.

(14) The *evidence shall be taken down in writing*, and after making their award the arbitrators shall forthwith deliver or transmit by registered letter, at the request of either party in writing the depositions, together with the exhibits referred to therein, and all papers connected with the reference, except the award, to the central office of the High Court of Justice with the proper stamps (which shall be furnished by the party making the request) to be filed with the Records of the Court. Dom. Ry. Act, 1903, s. 163 (3) amended.

Depositions transmitted to central office.

Time within which award must be made.

(15) The Judge by whom a third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 20 (14).

Arbitrator dying, etc.

(16) If the arbitrator appointed by the Judge, or if any Ont. Ry. Act. arbitrator appointed by the parties, dies before the award R.S.O. 1897, c. has been made, or is disqualified, or refuses or fails to act 207, s. 20 (15). within a reasonable time, or refuses or neglects to make his award within the time fixed then, in the case of the arbitrator appointed by the Judge, upon the application of either party, such Judge being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case, but the proceedings may be commenced *de novo* if the majority of the arbitrators so order.

When proceedings may be abandoned.

(17) Any notice given or proceedings commenced may Ont. Electric Ry. Act, R.S.O. 1897 prior to the making of the award be abandoned and new Act, R.S.O. 1897 notice given, with regard to the same or other lands, 10 c. 209, s. 35 (17) the same or any other party, but in such case, the lia- amended. bility to the party first notified for all damages or costs by him incurred in consequence of the giving of the first notice shall continue; provided, however, that the right to abandon proceedings shall not be exercised more than once.

Awards not voided for want of form.

(18) No award made as aforesaid shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the person or persons, to whom the sum is to be paid, be named in the award.

Parties to arbitration may appeal to a Judge of the High Court.

(19) Any party to the arbitration may, within one month, after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a Judge of the High Court and upon the hearing of the appeal the Judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction.

Practice and proceedings upon appeal.

(20) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from an Official Referee under *The Arbitrations Act*, subject to any General Rules or Orders to be from time to time made by the Judges of the High Court, under *The Judicature Act*.

Existing practice as to setting aside awards continued.

(21) The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards.

Possession may be taken on payment or tender, etc., of sum awarded.

(22) Upon payment or legal tender of the compensation Ont. Ry. Act. or annual rent so awarded or agreed upon as aforesaid to R.S.O. 1897, c. the person entitled to receive the same, or upon the deposit 207, s. 20 (19-23). of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in

the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to their so doing, the Judge of the county in which the lands lie, or any Judge of the High Court of Justice may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, as he may deem most suitable, to put the company in possession, and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do.

(23) The warrant may also be granted by such Judge Ont. Ry. Act, without the award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company is ready forthwith to proceed. R.S.O. 1897, c. 207, s. 20 (24), part.

When warrant of possession may issue before award.

(24) The Judge shall not grant any warrant under the next preceding *subsection*, unless ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the land or the person empowered to convey the land, or interested in the land sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the company; and unless the company gives security to his satisfaction by payment into court of a sum in his estimation sufficient to cover the probable compensation and costs of the arbitration, and not less than double the amount mentioned in the notice served under *subsection* (1) of this section. Dom. Ry. Act, 1903, s. 171.

Procedure upon application for such warrant.

Deposit of compensation.

(25) The costs of any such application to, and of any such hearing before, the judge, shall be in the discretion of the Judge, and no part of such deposit or of any interest thereon shall be repaid, or paid to such company, or paid to such owner or party, without an order from the judge, which he may make in accordance with the terms of the award. Dom. Ry. Act, 1903, s. 172.

Costs of application.

Payment.

(26) The compensation for any lands which may be taken without the consent of the owner shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid the compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party.

When compensation to stand in the place of the land.

As to incumbrances, etc., upon lands, etc., purchased or taken.

(27) If the company has reason to fear any claim or incumbrance, or if any person to whom compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the person entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may, by leave of a Judge of the High Court of Justice, pay the compensation into the office of the Accountant of the Supreme Court of Judicature, together with interest thereon for six months, and with such further sum if such Judge so directs as may, in the opinion of such Judge, be sufficient to cover the expenses of advertising and the costs that may be incurred in consequence of such payment into Court, and may deliver to the said Accountant an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned.

What notice to be published.

(28) A notice, in such form and for such time as a Judge of the High Court may order shall be inserted in some newspaper if there is any published in the county in which the lands are situate, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing any persons so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudicated upon by the Court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages and incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested as may be proper.

By whom costs to be paid.

(29) The costs of such proceedings shall be paid by such party as the Court may order.

When interest to be returned to, or paid by the company.

(30) If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the company; and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the Court shall order the company to pay to the proper claimants the interest for such further period as may be right.

Gravel Pits, etc.

Acquiring materials for construction.

69. (1) When stone, gravel, earth, sand or water is or are required for the construction or maintenance of the railway or any part thereof, the company may in case (See Hamilton, Guelph & North Shore Ry., 5

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

Siding to
gravel pit.

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

Switches and Sidings to Industries.

Expropriation
with consent
of municip-
ality in
certain cases

70.—(1) In case the council of a municipality by by-law declares that it is desirable and expedient that an elevator or manufactory or other industry or business should have a siding or switch from any railway to the premises of such elevator, manufactory, industry or business, and that the company should have powers of expropriation for the purpose of securing, within the limits of the municipality, the necessary right of way for that purpose as set forth in the by-law, and if the Board certifies that the building of the proposed siding or switch across the lands as set forth in the by-law will be for the advantage or convenience of the public, the company, upon the registration by the council of the by-law and certificate in the proper Registry Office, shall in

Proviso.

respect of the said lands, possess the powers of expropriation conferred by this Act. Provided, however, that no such by-law shall be passed by the council of any municipality until all owners of lands, across which the proposed siding or switch is to run, have had at least one week's previous notice in writing of the time when such by-law is to be considered by the said council.

Tracks, etc., not to be used for other purposes.

(2) The tracks of the sidings or switches constructed or laid by the company under this section shall not be used for any purpose other than for the purposes mentioned, except by leave of the Board and subject to such terms and conditions as the Board sees fit to impose.

Purchase of More Land than Necessary.

When company may purchase whole of any lot of land traversed.

71. Whenever the company can purchase a larger quantity of land from any particular owner at a more reasonable price, on the average, or on more advantageous terms, than it could obtain the portion thereof which it may take from him without his consent, it may purchase such larger quantity, and upon such purchase may sell and dispose of any part thereof which may be unnecessary for the undertaking.

Snow Fences, Etc.

Erection of snow fences.

72. Every company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty, or of any person, lying along the route or line of the railway, and may erect and maintain snow fences thereon, subject to the payment of such damages, if any, as are thereafter established, in the manner provided by *this Act*, to have been actually suffered; but every snow fence so erected shall be removed on or before the first day of April then next following.

Compensation.

Removal.

Every company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty, or of any person, lying along the route or line of the railway, and may erect and maintain snow fences thereon, subject to the payment of such damages, if any, as are thereafter established, in the manner provided by *this Act*, to have been actually suffered; but every snow fence so erected shall be removed on or before the first day of April then next following.

Use of Adjacent Lands During Construction.

Use of lands adjoining right of way during construction or repair of railway.

73. The company, either for the purpose of constructing or repairing its railway or for the purpose of carrying out the requirements of the Board, or in the exercise of the powers conferred upon it by the Board, may enter upon any land which is not more than six hundred feet distant from the centre of the located line of the railway, and may occupy the said land as long as is necessary for the purposes aforesaid; and all the provisions of law at any time applicable to the taking of land by the company, and its valuation, and the compensation therefor, shall apply to the case of any land so required; but before entering upon any land for the purposes aforesaid, the company shall, in case the consent of the owner is not ob-

Deposit where consent of owner not obtained.

tained, pay into Court, such sum, with interest thereon for six months, as is, after two clear days' notice to the owner of the land, or to the person empowered to convey the same, or interested therein, fixed by a judge of the High Court. Such deposit shall be retained to answer any compensation which may be awarded the person entitled thereto, and may upon order of a judge of such court, be paid out to such person in satisfaction *pro tanto* of such award; the surplus, if any, thereafter remaining shall by order of the judge, be repaid to the company, and any deficiency therein to satisfy such award shall be forthwith paid by the company to the person entitled to compensation under such award.

Compensation.

Proceedings where more Ample Space is required.

Where more ample space required.

74.—(1) Should the company require, at any point on the railway, more ample space than it then possesses or may take under this Act, for the convenient accommodation of the public, or the traffic on its railway, or for protection against snowdrifts, it may apply to the Board for authority to take the same, for such purposes, without the consent of the owner.

Dom. Ry. Act,
1903, s. 139.

Procedure thereon.

Notice.

(2) The company shall give ten day's notice of such application to the owner or possessor of such lands, and shall furnish copies of such notices, with affidavits of the service thereof, to the Board upon such application.

What application must include.

(3) The company, upon such application, shall also furnish to the Board, in duplicate,—

(a) A plan, profile and book of reference of the portion of the railway affected, showing the additional lands required, and certified as provided in section 59 of this Act.

(b) An application, in writing, for authority to take such lands, *certified and* signed by any of the officers mentioned in *subsection 9 of* section 59 of this Act, referring to the plan, profile and book of reference, specifying definitely and in detail the purposes for which each portion of the lands are required, and the necessity for the same, and showing that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights.

Authority from Board.

(4) After the time stated in the aforementioned notices, and the hearing of such parties interested as may appear, the Board may, in its discretion, and upon such terms and conditions as the Board deems expedient, authorize in writing the taking, for the said purposes, of the whole or any portion of the lands applied for. Such authority shall be executed in duplicate, one to be filed with the plan, profile, book of reference, application and notices

Deposit with Board.

with the Board, and the other, with the duplicate plan, profile, book of reference and application, to be delivered to the company.

Deposit with registrar of deeds.

(5) Such duplicate authority, plan, profile, book of reference and application, or copies thereof certified as such by the Secretary shall be deposited with the registrars of deeds of the districts or counties, respectively, in which such lands are situate.

Sections of Act to apply. Exceptions.

(6) All the provisions of this Act applicable to the taking of lands for the right of way, or main line, of the railway without the consent of the owner of such lands, shall apply to the lands authorized to be taken under this section.

CONSTRUCTION OF THE RAILWAY.

Gauge.

Gauge.

75. The tracks of every railway and street railway, the New. construction of which railway or street railway shall be commenced after the coming into force of this Act, shall be of the standard gauge of four feet eight and one-half inches, unless the Board upon the application of the railway or street railway company about to commence construction as aforesaid shall otherwise order.

Trains, Cars and Appliances.

Communication with engine driver.

76. (1) In all trains there shall be an apparatus or appliance to provide immediate communication between the conductor while in any car of any passenger train, and the engine driver or motor man.

Brakes.

(2) All brakes shall be of such design and construction as to check at will the speed of the train, and bring the same safely to a standstill, as expeditiously as possible, and on all the trains carrying passengers the system of brakes shall comply with the following requirements:—

On trains carrying passengers the brakes must—

Be continuous and instantaneous.

(a) The brakes shall be continuous and must be instantaneous in action, and capable of being applied at will by the motor man, engine driver, conductor or brakeman;

Be self-applying in case of accident.

(b) The brake must be self-applying in the event of any failure in the continuity of its action;

Couplers.

(3) All couplers shall be such as to securely couple and Dom Ry. Act, connect the cars composing the train, and to attach the 1903, s. 211, engine or locomotive to such train, automatically by impart(1)amended pact, and which can be uncoupled without the necessity of men going in between the ends of the cars;

Box freight cars to be provided with ladders, etc.

(4) All box freight cars of the company built after the passing of this Act, shall be equipped with the following attachments for the security of railway employees:—

(a) Outside ladders, on two of the diagonally opposite ends and sides of each car, projecting below the frame of the car, with one step or rung of the ladder below the frame, the ladders being placed close to the ends and sides to which they are attached;

(b) Hand grips placed anglewise over the ladders of each box car and so arranged as to assist persons in climbing on the roof by means of the ladder.

(5) All cars built prior to the passing of this Act shall be fitted with such attachments before the first day of January, 1907, provided that, if there is at any time any other improved side attachment which, in the opinion of the Board, is better calculated to promote the safety of the train hands, then the Board may require any of such cars not already fitted with the side attachments first mentioned, to be fitted with the said improved attachment.

Height of draw-bars.

(6) Every company shall adopt and use upon all its rolling stock such height of draw-bars as the Board determines in accordance with any standard from time to time adopted by competent railway authorities.

(7) Every passenger, baggage, mail and express car, which is owned or regularly used on any railway in this Province, in which heating apparatus may be placed, shall be provided with such safeguards against fire as the board in writing shall from time to time approve. Mass. Ry. law, p. 67, s. 211.

Train equipment to be provided

(8) Every company shall provide and cause to be used on all trains such modern and efficient locomotives, motors, cars and carriages, apparatus, appliances and means as may be required or ordered by the Board, and the company shall alter such locomotives, motors, cars and carriages, apparatus, appliances and means or renew the same from time to time as the Board may order. New.

Penalty for non-compliance.

(9) Every company which fails to comply with any of the provisions of this section, shall forfeit to His Majesty, a 1903, s. 211 (24) sum not exceeding two hundred dollars, for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of the non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person: Provided however that no proceedings shall be instituted to enforce or recover any forfeiture to His Majesty hereunder without the consent of the Board first obtained. Dom. Ry. Act, amended.

Damages.

Agreements to contrary invalid.

Consent to prosecution.

Locomotives
to have bells
or whistles.

77. Every locomotive, engine and electric locomotive shall be furnished with a bell of at least thirty pounds weight or with a steam or air whistle.

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 41 (8)
amended.

Whistles.

78. Every car which contains a motor or which runs at the head of a train shall be furnished with a gong, *to be approved by regulation of the Board*, or with an air whistle.

Ont. Electric
Ry. Act, R.S.O.
1897, c. 209,
s. 82 (8)
amended.

Protection of
conductors and
motormen.

79.—(1) All cars in use for the transportation of passengers in November, December, January, February, March and April in each year, which, while in motion, require the constant care or service of a motorman upon the platforms of the car or upon one of them, shall have their platforms enclosed in such manner as to protect the motormen from exposure to wind and weather in such manner as the Board shall approve.

Mass. Ry. law,
p. 115, s. 56,
amended.

(2) All companies operating their cars without rear end vestibules shall allow the conductors employed on such cars to stand inside the cars so far as is consistent with the proper performance of their duties during the said period.

(3) Every motor car built after the passing of this Act designed for carrying passengers upon a railway operated by electricity shall be so constructed that the motorman having the control of the motive power shall be stationed in a compartment *into which no person shall be admitted* save the officers or employees of the company on duty, and no person other than such officers or employees shall be permitted to occupy any portion of such compartment or vestibule.

2 Edw. VII.,
c. 27, s. 19,
amended.

New.

(4) Any company offending against the provisions of this section shall be liable to a penalty of one hundred dollars for each offence and any person offending against the provisions of this section is liable on summary conviction to a fine of not less than two dollars nor more than fifty dollars or imprisonment for not more than one month with or without hard labour or both.

New.

(5) This section shall only apply to railways operated by electricity, and street railways.

80. The Board may by order applicable either generally or in one or more particular cases, alter, modify, cancel or remit any of the requirements of sections 76 to 79 hereof.

Stopping places. 81. Railways operated by electricity shall stop at such New places in addition to those fixed by the by-laws or regulations of the company as the Board may from time to time by resolution direct and order.

Open cars. 82.—(1) Open or summer cars, constructed after the first day of January, 1907, for use upon a railway operated by electricity or upon a street railway shall be so arranged or constructed that the seats for passengers will face the front of the car when in motion, and an aisle sufficiently wide to allow the passage of the conductor shall be provided in every such car.

Side steps (2) The side steps on such cars shall be so constructed, if practicable, that passengers will be prevented from standing upon the same while the car is in motion.

Application of section. (3) This section shall apply only to railways and street railways not yet constructed and to railways and street railways already constructed where the space between the tracks commonly called the devil's strip is, *in the opinion of the Board*, sufficiently wide to allow the cars to be constructed as provided in subsections 1 and 2 of this section.

Disputes to be settled by Board. (4) In all cases of dispute between a railway or street railway companies and a municipal corporation or any person making complaint to the Board as to sufficiency of width, practicability of construction of cars or as to any other matter or thing referred to in this section, the Board shall be the final judge, and any order made by the Board as to any *such* matter shall be carried out and fulfilled by the company and the municipal corporation or either or both of them according to the terms of such order.

The Road Bed and Adjacent Lands.

Frogs, Packing, etc.

Interpretation. 83.—(1) In this section the expression "packing" means a packing of wood or metal, or some equally substantial and solid material, of not less than two inches in thickness, and which, where by this section any space is required to be filled in, shall extend to within one and a half inches of the crown of the rails in use on any such railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

"Packing."

Packing of frogs, etc.

(2) The spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch where such spaces are less than four inches in width, shall be filled with packing up to the under side of the head of the rail.

Packing of wing-rails, etc.

(3) The spaces between any wing rail and any railway frog, and between any guard rail and the track rail alongside of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than four inches; such packing not to reach higher than to the under side of the head of the rail; provided however, that the Board may allow the filling and packing mentioned in this section to be left out, from the month of December to the month of April in each year, both months included, or between any such dates as the Board by regulation, or in any particular case, determines.

Exception in latter cases.

Oil cups.

(4) The oil cups or other appliances, used for oiling the valves of every locomotive in use upon any steam railway shall be such that no employee shall be required to go outside the cab of the locomotive, while the same is in motion, for the purpose of oiling such valves. Dom. Ry. Act, 1903, s. 230.

Drainage.

Drainage by company.

84.—(1) The company shall in constructing the railway make and maintain suitable ditches and drains along each side of, and across and under the railway, to connect with ditches, drains, drainage works and watercourses upon the lands through which the railway runs, so as to afford sufficient outlet to drain and carry off the water, and so that the then natural, artificial, or existing drainage of the said lands shall not be obstructed or impeded by the railway.

Necessary drainage may be ordered by Board.

(2) Whenever any lands are injuriously affected by reason of the drainage upon, along, across, or under the railway being insufficient to drain and carry off the water from such lands, or whenever any municipality or land-owner desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under the railway or any works or land of the company, the Board may, upon the application or complaint of the municipality or land-owner, order the company to construct such drainage or lay such pipes, and may require the applicant to submit to the Board a plan and profile of the portion of the railway to be affected, or may direct an inspecting engineer, or such other person as it deems advisable to appoint, to Dom. Ry. Act, 1903, s. 196.

inspect the locality in question and, if expedient, there hold an inquiry as to the necessity or requirements for such drainage or pipes, and to make a full report thereon to the Board; the Board may upon such report, or in its discretion, order how, where, when, by whom, and upon what terms and conditions, such drainage may be effected, or pipes laid, constructed and maintained, having due regard to all proper interests.

Drainage proceedings under Provincial Acts.

85.—(1) Whenever by virtue of any Act of the Province of Ontario proceedings may be had or taken by any municipality or landowner for any drainage, or drainage works, or for the construction, enlargement, improvement or extension of any ditch or watercourse upon or across the property of any landowner in the Province, proceedings may be had or taken under such act by such municipality or landowner for the construction, enlargement, improvement or extension of the ditch or watercourse upon and across the railway and lands of the company, at the option of such municipality or landowner, in the place of the proceedings before the Board as in the next preceding section provided, and thereupon such Act shall apply to the lands of the company upon or across which such drainage or other work is required, to the same extent as to the lands of any landowner, subject, however, to any previous order or direction of the Board made or given with respect to drainage of the same lands, and provided that the company shall have the option of constructing the portion of any drain or drainage work, or ditch or watercourse, required to be constructed upon, along, under or across its railway or lands, and in the event of the company not exercising such option, and completing such work within a reasonable time, without any unnecessary delay, such work may be constructed or completed in the same manner as any other portions of such work are to be constructed under the provisions of such Act; provided always that no drainage works or ditch or watercourse shall be constructed or reconstructed upon, along, under or across the railway or lands of the company until the character of such works or the specifications or plans thereof have been first submitted to and approved of by the Board.

Approval of Board.

Costs.

(2) The proportion of the cost of the drain or drainage works, or of such ditch or watercourse, across or upon the railway to be borne by the company shall in all such cases be based upon the increase of cost of such work caused by the construction and operation of the railway.

Farm Crossings.

Farm crossings.

86.—(1) Every company shall make crossings for persons across whose lands the railway is carried, convenient and

proper for the crossing of the railway for farm purposes. In crossing with live stock, such live stock shall be in charge of some competent person, who shall use all reasonable care and precaution to avoid accidents.

Necessary crossings may be ordered by Board.

(2) The Board may, upon the application of any land-owner, order the company to provide and construct a suitable farm crossing across the railway, wherever in any case the Board deems it necessary for the proper enjoyment of his land, on either side of the railway, and safe in the public interest; and may order and direct how, when, where, by whom, and upon what terms and conditions, such farm crossing shall be constructed and maintained.

Fences, Gates and Cattle-guards.

Fences, etc., to be kept up.

87.—(1) The company shall erect and maintain upon the railway fences, gates and cattleguards, as follows:—

Fences to be erected on each side of railway.

(a) On each side of all that portion of the railway which is not passing along or across a public highway fences shall be erected and maintained of the height and strength of an ordinary division fence.

Gates.

(b) Swing gates in such fences, of the height of the fence, with proper hinges and fastenings, at farm crossings: provided that sliding or hurdle gates, constructed prior to the passing of this Act, may be maintained.

Cattle-guards.

(c) Cattle-guards, on each side of the highway, at every highway crossing at rail-level by the railway. The railway fences at every such crossing shall be turned into the respective cattle-guards on each side of the highway. This provision shall not apply where a railway is being operated along a public highway.

To be suitable.

(2) Such fences, gates and cattle-guards shall be suitable and sufficient to prevent cattle, *horses* and other animals from getting on the highway.

Liability of company until cattle-guards erected.

(3) Until such fences, *gates* and cattle guards are duly made, the company shall be liable for all damages which may be done by their motors, cars, carriages or trains to cattle, *horses* or other animals on that part of the railway hereby required to be fenced.

If lands are not settled and inclosed.

(4) Whenever the railway passes through any locality in which the lands on either side of the railway are not improved or settled, and enclosed, the company shall not be required to erect and maintain such fences, *gates* and cattle-guards unless the Board otherwise orders or directs.

Dom. Ry. Act, 1903, s. 199; Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 42 part (1) (3).

Land owners must close gates at farm crossings.

(5) The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed when not in use; and no person, any of whose cattle

Dom. Ry. Act, 1903, s. 200.

horses or other animals are killed or injured by any train, owing to the non-observance of this section, shall have any right of action against any company in respect to the same being so killed or injured.

Leaving gates open.

Taking down fences.

Putting cattle on railways.

Permitting animals to get on railways.

Penalties for so doing.

No recourse against company.

Additional damages.

(6) Every person who wilfully leaves any such gate open without some person being at or near it to prevent animals from passing through it on the railway, or who takes down any part of a railway fence, or turns any horses, cattle or other animals, upon or within the inclosure of such railway, except for the purpose of, and while, taking the same across the railway in the manner provided by this Act, or who, except as authorized by this Act, rides, leads or drives any horses, *cattle* or other animal, or suffers any such horses, *cattle* or animals to enter upon such railway and within the fences and guards, is liable, on summary conviction, to a penalty of twenty dollars for each offence, and is also liable to the railway company for any damage to the property of the company or for which the company may be responsible by reason of such gate being so left open, or by reason of such fence being so taken down, or by the turning, riding, leading, driving or suffering to enter, upon or within the inclosure of such railway in violation of this section of any horse, cattle or other animals, any of whose *horses, cattle or other animals* are killed or injured by any train owing to the non-observance of this section shall have any right of action against any company in respect to the same being so killed or injured. Every person violating the provisions of this section shall in addition to the penalty herein provided be liable to pay any person injured by reason of such violation all damages sustained thereby.

Dom. Ry. Act,
1903, s. 201,
amended.

Bridges, Tunnels and other Structures.

Headway respecting bridges and tunnels.

88.—(1) Every bridge, tunnel or other erection or structure, over, through or under which any railway, now or hereafter, passes, shall be so constructed, and, if need be, re-constructed or altered within such time as the Board may order, and shall thereafter be so maintained, as to afford, at all times, an open and clear headway of at least seven feet between the top of the highest freight car used on the railway and the lowest beams, members or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder; but in no case shall the space between the rail-level and such beams, members or portions of any such structure, hereafter constructed, be less than twenty-two feet six inches, unless by leave of the Board;

Powers of Board where owners refuse

(2) If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned

to permit compliance.

by the company, the Board, upon application of the company and upon notice to all parties interested, or without any application, may make such order, allowing or requiring such raising, reconstruction or alteration, upon such terms and conditions as to the Board shall appear just and proper and in the public interest.

Board may exempt certain bridges, etc.

(3) The Board may exempt from the operation of this section any bridge, tunnel, erection or structure, over, through or under which no trains are run, except *trains operated by electricity and except* such as are equipped with air brakes.

Penalty.

(4) Every company or owner shall incur a penalty *not* Dom. Ry. Act, exceeding fifty dollars for each day of wilful neglect, 1903, s. 202. omission or refusal to obey the provisions of this section.

Bridges, etc., over 18 feet long.

89.—(1) With respect to all bridges, tunnels, viaducts trestles, or other structures, through, over, or under which the company's trains are to pass, the span, or proposed span or spans, or length of which exceeds eighteen feet, the company shall not commence the construction, or reconstruction, of, or any material alteration in, any such bridge, tunnel, viaduct, trestle, or other structure, until leave therefor has been obtained from the Board, unless such construction, reconstruction, or alteration is made in accordance with standard specifications and plans approved by the Board.

Proceedings before construction.

(2) Upon any application to the Board for such leave. Dom. Ry. Act, the company shall submit to the Board the detail plans, 1903, s. 203, profiles, drawings and specifications of any such work proposed to be constructed, and such other plans, profiles, drawings and specifications as the Board may in any case, or by regulation, require.

Highway Crossings.

Railway on highway. Consent of municipality.

90.—(1) Subject to the provisions of this Act respecting the operation of Railways *along* Highways, the railway may be carried along or across an existing highway upon leave therefor having been first obtained from the Board as hereinafter provided.

No obstruction permitted.

Restoration of highway.

(2) No obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, restoring the highway to as good condition, as nearly as possible, as it was originally.

Penalty.

(3) Every company which violates the provisions of this Dom. Ry. Act, section shall incur a penalty of not less than forty dollars 1903, s. 184, for each such violation. amended.

Variation of inch between all and levels

91. Whenever the railway crosses any highway at rail-Dom. Ry. Act, level, whether the level of the highway remains undisturb- 1903, s. 18.

of highway permitted.

ed or is raised or lowered to conform to the grade of the railway, the top of the rail may, when the works are completed, rise above or sink below the level of the highway to the extent of one inch without being deemed an obstruction, unless otherwise directed by the Board.

Plan of crossing of highway to be submitted.

92.—(1) Upon any application for leave to construct the railway across an existing highway, or to construct a highway across an existing railway, the applicant shall submit a plan and profile of such crossing, showing the portion of railway or highway affected, to the Board. The Board may by order grant such application upon such terms and conditions as to protection, safety and convenience of the public, as it may deem expedient, or may order that the highway be carried over or under the railway, or be temporarily or permanently diverted, and that such works be executed, watchmen or other persons employed, gates erected or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction arising or likely to arise therefrom.

Dom. Ry. Act, 1903, s. 186, amended.

Powers of Board in such case.

(2) The highway at any overhead railway crossing shall not at any time be narrowed by means of an abutment or structure to an extent less than twenty feet, nor shall the clear headway from the surface of the highway to the centre of any overhead structure constructed after the passing of this Act be less than fourteen feet, unless otherwise directed or permitted by the Board.

New.

As to existing crossings.

93. Where any railway is already constructed across any highway, the Board may order the company within a specified time to submit to the Board a plan and profile of such portion of the railway, and may, upon such submission, make any order in respect thereto that may to the Board seem proper.

Dom. Ry. Act, 1903, s. 187, amended.

All structures must be safely constructed and maintained.

94. Every structure, by which any highway is carried over or under any railway, shall be so constructed, and at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over, under or through such structure.

Dom. Ry. Act, 1903, s. 189.

Inclination of highway.

95. The inclination of the ascent or descent, as the case may be, of any approach by which any highway is carried over or under any railway, or across it at rail level, shall not be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach, unless the Board directs otherwise; and a good and sufficient fence shall be made on each side of such approach, and of the structure connected with it, which fence shall be at least four feet six inches in height from the surface of the approach or structure.

Dom. Ry. Act, 1908, s. 190.

Fencing approaches.

Signboards
at level
crossings.

96. Signboards at least _____ feet in height at every highway crossed at rail level by any railway, shall be erected and maintained at each crossing, and shall have the words "railway crossing look out for the engine (or cars)" as the case may be painted on each side of the sign board, in letters at least six inches in length, and every company which neglects to comply with the requirements of this section shall incur a penalty not exceeding _____ dollars.

Dom. Ry. Act,
1903, s. 191,
amended.

Penalty.

Railway may
be required to
repair any level
crossing out of
repair.

97.—(1) Where a level crossing on any railway is out of repair, the warden, mayor, or reeve of the municipality within whose jurisdiction the crossing is situate, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, such head of the municipality may transmit a copy of the notice so served to the Board; and thereupon the Board may order an inspection to be made and may appoint an inspector for that purpose who shall with all possible despatch, appoint a day when he will examine into the matter; and he shall, by mail, give notice to the warden, mayor, or reeve, and to the company, of the day he so fixes; and upon the day so named he shall examine the crossing; and a certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Inspector determines that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirements of the certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the company in any court of competent jurisdiction, as money paid to the company's use.

Ont. Electric Ry.
Act, R.S.O. 1897,
c. 209, s. 102,
amended.

Inspector's
certificate to
be conclusive.

(2) The Inspector shall be entitled to be paid the sum of \$10.00 and actual travelling expenses while engaged on such inspection and in case he finds that any repairs are required he shall be paid by the company, but if he finds that no repairs are required he shall be paid by the municipality *whose chief officer served* the said notice.

New.

Proviso.

(3) Neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises.

Crossings and Junctions.

Railway
crossings and
junctions.

98.—(1) The railway lines or tracks of any company shall not be crossed or joined by or with the railway lines

Power of the Board.

or tracks of any other company until leave therefor has been obtained from the Board as hereinafter provided.

Proceedings on application to Board.

(2) Upon any application for such leave the applicant company shall submit to the Board a plan and profile of such crossing or junction and such other plans, drawings and specifications as the Board may in any case, or by regulation, require.

Order of Board.

(3) The Board may by order grant such application on such terms as to protection and safety as it may deem expedient, may change the plan and profile, drawings and specifications, so submitted and fix the place and mode of crossing or junction, and may direct that the lines and tracks of one company be carried over or under the lines and tracks of the other, and that such works, structures, equipment, appliances and materials be constructed, provided, installed, maintained, used or operated watchmen or other persons employed, and measures taken, as under the circumstances appear to the Board best adapted to remove and prevent all danger of accident, injury or damage, and may determine the amount of damage and compensation, if any, to be paid for any property or land taken or injuriously affected by reason of the construction of such works.

Supervision of works.

(4) The Board may give directions as to supervision of the construction of the works, and order that detailed plans, drawings and specifications of any works, structures, equipment or appliances required, shall, before construction or installation, be submitted to and approved by the Board

Order authorizing operation.

(5) No trains shall be operated on the lines or tracks of the applicant company over, upon or through such crossing or junction until the Board grants an order authorizing such operation, but the Board shall not grant such order until satisfied that its orders and directions have been carried out, and that the provisions of this section have been complied with. Dom. Ry. Act, 1903, s. 177.

Safety appliances on rail-level crossings.

(6) The Board may order any company to adopt and put in use at any such crossing or junction, at rail level, such interlocking switch, derailing device, signal system, equipments, appliances and materials, as in the opinion of the Board renders it safe for engines and trains to pass over such crossing or junction without being brought to a stop. Dom. Ry. Act, 1903, s. 178.

(7) This section shall apply to street railway companies and street railways.

Mines and Minerals.

Mines to be protected.

99. No company shall, without the authority of the Board, locate the line of its proposed railway, or con-

struct the same or any portion thereof, so as to obstruct or interfere with, or injuriously affect the working of, or the access or adit to any mine then open, or for opening which preparations are, at the time of such location, being lawfully and openly made.

Company not entitled to minerals, etc., in lands.

Exceptions.

100. The company shall not be entitled to any mines, ores, metals, coal, slate, mineral oils or other minerals in or under any lands purchased by it, or taken by it under any compulsory powers given it by this Act, unless the same have been expressly purchased; and all such mines and minerals, except as aforesaid, shall be deemed to be accepted from the conveyance of such lands, unless they have been expressly named therein and conveyed thereby.

Dom. Ry. Act, 1903, s. 132 amended.

Mining under or within 40 yards of any railway.

101.—(1) No owner, lessee or occupier of any such mines or minerals lying under the railway or any of the works connected therewith, or within forty yards therefrom, shall work the same until leave therefor has been first obtained from the Board.

Application for leave of Board.

(2) Upon any application to the Board for leave to work any such mine or minerals, the application shall submit a plan and profile of the portion of the railway to be affected thereby, and of the mining works or plant proposed to be constructed or operated, affecting the railway, giving all reasonable and necessary information and details as to the extent and character of the same.

Protection and safety of the public.

(3) The Board may grant such application upon such terms and conditions, as to protection and safety of the public, as to the Board may seem expedient, and may order that such other works be executed, or measures taken, as under the circumstances appear to the Board best adapted to remove or diminish the danger arising, or likely to arise, from such mining operations.

Dom. Ry. Act, 1903, s. 133.

Compensation by company for loss by severance of mine.

102. The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines such compensation as the Board shall order to be paid to such owner, lessee, or occupier for and on account of any severance of the lands lying over such mines by the railway, or of the working of such mines being prevented, stopped or interrupted, or of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and also for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 25 amended.

Power to company to enter mines for purpose of ascertaining whether work-

103. If necessary in order to ascertain whether any such mines are being worked, or have been worked, so as to damage the railway or works or in such manner as to

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 26 amended.

ing endangers
railway.

detrimental to the safety of the public using the railway or of the tracks and trains of the company it shall be lawful for the company with the written permission and authorization of the Board after giving twenty-four hours' notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked.

Penalty for
refusing com-
pany access
to mines.

104. If the owner, lessee, or occupier of any such mine Ont. Ry. Act, R.S.O. 1897, c. 207, s. 27. refuses to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall, for every such refusal, forfeit to the company a sum not exceeding \$100.

Weeds on Company's Land.

Company to
remove weeds.

105.—(1) Every company shall cause all cleared land or ground adjoining the railway and belonging to the company to be covered with grass or turf if not already so covered and shall cause all thistles and noxious weeds growing on the right of way and over land of the company adjoining the railway to be cut down or to be rooted out and destroyed each year before the plants have sufficiently matured to seed.

Penalty.

(2) Every company which fails to comply with this section shall incur a penalty of two dollars for every day during which such company neglects to do anything which it is so required to do.

On default
municipal
officers may
perform.

(3) The mayor, reeve or other head of the municipality in which the land or ground lies may cause all things to be done which the said company is so required to do, and for that purpose may enter, by himself and his assistant or workmen, upon such lands, and the municipality may recover the expenses and charges incurred in so doing, and the said penalty, with costs, in any court of competent jurisdiction, and such *expenses, penalty and costs* shall be paid to the proper officer of the municipality. Dom. Ry. Act, 1903, s. 238. See also Ont. Ry. Act, R.S.O. 1897, c. 207, s. 107.

Costs.

Prevention of, and liability for, Fires.

Prevention.

106.—(1) The company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter.

Liability for
fire caused by
locomotive.

(2) Whenever damage is caused to crops, lands, fences, plantations, standing or growing timber or trees or buildings and their contents, by a fire, started by a railway locomotive, the company making use of such locomotive whether guilty of negligence or not, shall be liable for such damage and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction; Provided that if it be shown that the company has used modern and efficient appliances and has not otherwise been guilty of any negligence, the total amount of compensation recoverable under this section, in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion, shall not exceed five thousand dollars, and it shall be apportioned amongst the parties who suffered the loss as the court may determine.

Proviso.

Company has
insurable
interest.

(3) The company shall have an insurable interest in all such property upon or along its route, for which it may be so held liable, and may procure insurances thereon in its own behalf.

Construction of Road by Sections.

Construction
of road by
sections.

107. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan and book or reference thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and to deposit the same as required by the clauses of this Act with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length, and upon such deposit as aforesaid of the map or plan and Book of Reference of any and each of such sections or portions of the said railway, all and every of the clauses of this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan and book of reference of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of the said railway had been taken, made, examined certified and deposited according to the said clauses of this Act. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided, however, that

the Board may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

Five mile sections may be opened.

108. Whenever any section of the said railway of not less than five miles has been completed, the company may take the steps authorized by section 163 of this Act to be taken before a railway or a portion thereof is opened for the carriage of traffic and, with the permission of the Board as set forth in the said section, the company may open and operate such section as if it were a completed road, and all the sections of this Act applicable thereto shall thereupon apply to the said section as if it were a completed road, and to its operation. (See London, Chatham & Western Ry. Co., 5 Edw. VII, c. 97, ss. 10, 11.)

Works not to be commenced until certain provisions complied with.

109. The company shall not commence the construction of the railway, or any section or portion thereof, until the provisions of this Act as to plans and surveys are fully complied with; and shall not make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of *subsection 13 of section 59* as to deviations are fully complied with. Dom. Ry. Act, 1903, s. 131, amended.

Compensation for damages to owners of lands adjacent to highway.

110.—(1) Where a railway constructs its tracks upon one side of a highway or operates over a highway or railway or street railway crossing by means of a bridge or underneath a highway or railway or street railway crossing by means of a sub-way or tunnel, and in the construction of the approaches to such bridge or tunnel, raises or depresses part of a highway the owner of any land adjoining the portion of the highway upon the side thereof upon which the tracks are so constructed or upon or along which the said bridge or sub-way or tunnel or approaches thereto are constructed shall, if by reason of such construction, his land or the business carried on upon such land is thereby injured or in any way depreciated in value be entitled to receive compensation therefor from the company. New.

(2) The proceedings to obtain such compensation and to determine the amount thereof shall so far as applicable be the same as that provided in this Act in the sections respecting the taking of land without the consent of the owner. New.

(3) Compensation for injury to or depreciation of the value of any such business or land may be awarded by the arbitrators if in their judgment any such injury or depreciation is caused by the existence of the railway notwithstanding that the grade of the highway may not have been changed or altered. New.

(4) Not more than one award of damages shall be made under this section in respect of the same land or business.

(5) This section shall apply to street railways. New

LIMITATION OF TIME FOR CONSTRUCTION.

Time for construction limited.

111.—(1) If the construction of the railway or street rail-Dom. Ry. Act, way is not commenced and fifteen per cent. of the amount 1903, s. 117. of the capital stock is not expended thereon within two years after the passing of the special Act, or in case of a railway other than a street railway, if the railway is not finished and put in operation within five years from the passing of such Act, the powers granted by such Act or by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

(2) This section shall apply to street railways.

USE OF STEAM DURING CONSTRUCTION.

112. A company while constructing a line of railway to New. be operated by electricity on a right of way owned by the company shall have power to use steam as a motive power during such construction and at other times for construction purposes.

CONTRACTS FOR CONSTRUCTION.

Contracts for construction of line, etc.

Payment in stock or bonds.

113.—(1) The directors may enter into a contract or con-(See Hamilton, tracts with any individual, corporation or association of Guelph and individuals for the construction or equipment of the rail-North Shore way or any part thereof, including or excluding the pur-Ry., 5 Edw. chase of right of way, and may pay therefor either in part VII., c. 93, or in whole, either in cash or bonds, or in paid-up stock, s.16.) and may pay or agree to pay in paid-up stock or in bonds of the said company such sums as they may deem expedient to engineers, or for the right of way, or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid in cash.

(2) This section shall apply to street railway companies New. and street railways.

OPERATION OF THE RAILWAY.

Regulations governing the running of Trains.

Trains to start
at regular
hours

114. The trains or cars shall start and run at regular hours or at regular intervals to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places, established for receiving and discharging way-passengers and goods from the train or car.

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 41 (2).

Passenger
stations and
train
employees to
wear badges.

115. Every employee of the company employed in a passenger train or car or at a passenger station, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property.

Dom. Ry. Act,
1903, s. 216.

Expulsion on
refusal to pay
fare.

116.—(1) The fare or toll shall be due and payable by every passenger on entering the car, or other conveyance, and every passenger who refuses to pay his fare may, by the conductor of the train and the train servants of the company, be expelled from and put out of the car, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

Ont. Electric
Ry. Act, R.S.O.
1897, c. 209, s.
43, part (8);
Dom. Ry. Act,
1903, s. 217.

(2) This section shall apply to street railways.

No claim for
injuries in
certain cases.

117. No person injured while on the platform of a car, or on any baggage, or freight car, in violation of the printed regulations posted up at the time, shall have any claim in respect of the injury, if room inside of the passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.

Dom. Ry. Act,
1903, s. 218.

Position of
passenger cars.

118.—(1) *Except by permission of the Board,* No passenger train upon a steam railway shall have any freight, merchandise or lumber car in the rear of any passenger car in which any passenger is carried.

Dom. Ry. Act,
1903, s. 219.

Penalty for
violation.

(2) Every officer or employee of any company, who directs, or knowingly permits, any freight, merchandise or lumber car, to be so placed, shall be liable on summary conviction to a penalty not exceeding *ten dollars*.

Baggage
checks.

119.—(1) A check shall be affixed by the company to every parcel of baggage, having a handle, loop or suitable

means for attaching a check thereupon, delivered by a passenger to the company for transport, and a duplicate of such check shall be given to the passenger delivering the same.

Excess baggage.

(2) In the case of excess baggage the company shall be Dom. Ry. Act, entitled to collect from the passenger, before affixing any 1903, s. 220. such check, the toll authorized under this Act.

Liability for refusing to check baggage.

(3) If such check is improperly refused on demand, the company shall be liable to such passenger for the sum of eight dollars, which shall be recoverable in a civil action;

Provided that this section shall not apply to *any* train or car operated by electricity unless *the Board so orders.* New.

Transportation of dangerous goods.

120. No passenger shall carry, nor shall the company be required to carry upon its railway, gunpowder, dynamite, nitro-glycerine, or any other goods which are of a dangerous or explosive nature; and every person who sends by the railway any such goods without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station agent or employee of the company whose duty it is to receive such goods and to whom the same are delivered, or who carries or takes upon any train any such goods, for the purpose of carriage shall forfeit to the company the sum of five hundred dollars for every such offence. Dom. Ry. Act, 1903, s. 221.

Nature must be marked on outside.

Notice.

Penalty.

Company may refuse to carry.

121. The company may refuse to take any package or parcel which it suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact; and the company shall not carry any such goods of a dangerous nature, except in cars specially designated for that purpose, on each side of each of which shall plainly appear in large letters the words "dangerous explosives"; and for each neglect to comply with the provisions of this section, the company shall incur a penalty of five hundred dollars. Dom. Ry. Act, 1903, s. 222.

Carriage of such goods.

Penalty.

Trains to stop at swing bridges.

122.--(1) When any railway passes over any navigable water, or canal, by means of a draw or swing bridge which is subject to be opened for navigation, every train shall, before coming on or crossing over such bridge, be brought to a full stop and shall not proceed until a proper signal has been given for that purpose, and in default the company shall be liable to a penalty not exceeding four hundred dollars. Any employee failing to comply with the rules of the company as to compliance with the provisions of this subsection shall be liable to the like penalty, or to six months' imprisonment, or to both.

Where safety devices installed Board may otherwise order.

(2) Wherever there is adopted or in use on any railway Dom. Ry. Act, 1903, s. 223. at any such bridge, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains to pass over such bridge without being brought to a stop, the Board may, by order, permit engines and trains to pass over such bridge without stopping, under such regulations, as to speed and other matters, as the Board deems proper.

Use of bell and whistle.

123. When any train is approaching a highway crossing at rail-level (except within the limits of cities or towns where the municipal authority may pass by-laws prohibiting the same), the engine whistle shall be sounded at least eighty rods before reaching such crossing, and then the bell shall be rung continuously until the engine has crossed such highway, or in the case of a car or locomotive operating by electricity an air whistle shall be blown or the gong be sounded continuously for eighty yards before reaching such crossing, and the company shall, for each neglect to comply with the provisions of this section, incur a penalty of eight dollars. and shall also be liable for all damage sustained by any person by reason of such neglect; and every employee of the company who neglects to comply with this section shall for each offence be subject to a like penalty.

Penalty for non-compliance.

Damages. Penalty on employee.

Signal at rail-level crossings.

124. — (1) No train, engine or motor car shall pass over any crossing where two main lines of railway cross each other at rail-level, until a proper signal has been received by the conductor, engineer or motorman in charge of such train, engine or motor car from a competent person or watchman in charge of such crossing that the way is clear; provided always, that in the case of an electric street railway car crossing any railway track not properly protected, it shall be the duty of the conductor, before crossing, to go forward and see that the track to be crossed is clear, before giving the signal to the motorman, that the way is clear and to proceed.

Electric street railway crossings.

Application of section.

(2) Every main track of a branch line is a main line within the meaning of this section, which shall apply, whether the said lines be owned by different companies or by the same company. Dom. Ry. Act, 1903, s. 225 amended.

Stoppage of trains at rail-level crossings.

(3) Every train shall, before it passes over any such crossing as in this section mentioned, be brought to a full stop; but whenever there is in use, at any such crossing, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains or electric cars to pass over such crossing without being brought to a stop, the Board may, by order, permit such engines and trains and cars to pass over such crossing without stopping, under such regula- Dom. Ry. Act, 1903, s. 226.

Where safety devices are installed Board may otherwise order.

tions as to speed and other matters as the Board deems proper.

(4) Nothing in this section shall apply to a case in which the Dominion Railway Commission has jurisdiction to make an order and have made an order for the protection of such crossing.

Trains, or cars moving reversely in cities, etc.

125. Whenever in any city, town or village, any train is passing over or along a highway at rail-level, and is not headed by an engine or motor car moving forward in ordinary manner, the company shall station on the foremost part of the train, a person who shall warn persons standing on, or crossing, or about to cross, the track of such railway; and for every violation of any of the provisions of this section, or of any of the two sections next preceding, the company shall incur a penalty of one hundred dollars.

Trains must not stand on rail-level crossings more than five minutes.

126.—(1) Whenever any railway crosses any highway at rail-level, the company shall not, nor shall its officers, agents, or employees, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway, for a longer period than five minutes at one time, or in shunting to obstruct public traffic for a longer period than five minutes at any one time.

Penalty.

(2) In every case of a violation of this section, every such officer, agent, or employee who has directly under or subject to his control, management or direction, any engine, tender or car which, or any portion of which, is allowed to stand on such highway longer than the time specified in this section, is liable on summary conviction to a penalty not exceeding fifty dollars, and the company is also liable for each such violation, to a like penalty; provided always that if such alleged violation is in the opinion of the court excusable, the action for the penalty may be dismissed; and costs shall be in the discretion of the court.

Where violation excusable.

Sleeping and Parlour Cars.

Sleeping and parlor cars.

127. The company may contract with any person for the hauling by the special or regular trains of the company, of the parlor, drawing-room or sleeping car or cars of such person, in which extra accommodations shall be furnished, for which such person furnishing such parlor, drawing-room or sleeping car or cars, may charge for the carriage and transportation of persons and property therein such reasonable compensation as may be fixed by the Board, for such extra accommodation, in addition to the fare and charges for the carriage and transportation of passengers and property in the ordinary cars of the company. But the company so contracting shall be liable in the same way and to the same extent as if the said car or cars were owned by it, and shall furnish sufficient ordinary cars for the reasonable accommodation of the travelling public.

Stations.

Accommodation for passengers and freight at stations.

128.—(1) The company shall, according to its powers, furnish, at the place of starting and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway,—and shall furnish adequate and suitable accommodation for the carrying, unloading and delivering of all such traffic,—and shall, without delay, and with due care and diligence, receive, carry and deliver all such traffic, and shall furnish and use all proper appliances, accommodation and means necessary therefor.

Train accommodation.

Duties respecting transportation.

(2) Such traffic shall be taken, carried to and from, and delivered at such places, on the due payment of the toll lawfully payable therefor.

Payment of tolls.

Right of action on default.

(3) Every person aggrieved by any neglect or refusal in the premises shall, subject to this Act, have an action therefor against the company, from which action the company shall not be relieved by any notice, condition or declaration or any agreement to the contrary if the damage arises from any negligence or omission of the company or of its servants.

Condition against negligence invalid.

Accommodation may be ordered by Board.

(4) If in any case such accommodation is not, in the Dom. Ry. Act, opinion of the Board, furnished by the company, the 1903, s, 214. Board may order the company to furnish the same within such time or during such period as the Board deems expedient, having regard to all proper interests.

Stations not to be discontinued.

(5) No station established by any railway company for New. Founded the reception or delivery of passengers or property, or on N.Y. Ry. both, shall be discontinued without the consent of the law. Board first had and obtained.

Complaint of ten citizens as to station accommodation.

(6) Upon the written complaint of ten or more persons New. Founded interested setting forth that any of the provisions of this on Ohio Ry. Act as to station accommodation or stopping places are law. being violated by the company the Board shall forthwith investigate the complaint. If upon such investigation it is found that such violation exists the Board shall issue an order to the company setting forth the nature of the improvements required and shall direct that the same shall be completed within such time as the Board may think proper.

Blackboards showing whether Trains on Time.

Overdue trains.

129.—(1) Every company, upon whose railway there is a telegraph or telephone line in operation, shall have a blackboard put upon the outside of the station house, over

Notice at stations

the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph or telephone office; and when any passenger train or car is overdue at any such station, according to the time table of such company, the station agent or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice stating, to the best of his knowledge and belief, the time when such overdue train or car may be expected to reach such station; and if there is any further change in the expected time of arrival the station agent or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train or car may then be expected to reach such station.

Time when expected to be stated.

Penalty for omission.

(2) Every such company, station agent or person in charge at any such station, is, on summary conviction, liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to obey the provisions of this section.

MUNICIPAL BONUSES AND LOANS.

Aid from municipalities.

130. Any municipality, or any portion of a township, which may be interested in securing the construction of the railway, or through any part of which near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Submitting bonus by-law.

131. Such by-law shall be submitted by the municipal council to a vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the

minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1903*, and the amendments thereto.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1903*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality (See *Penetanguishene & Orillia Ry.*, 5 Edw VII., c. 105, s. 27.) the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

132. Such by-law shall in each instance provide:

Bonus by-law
what to
contain.

(a) For raising the amount petitioned for in the municipality or portion of the township municipality, (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(b) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in the said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, Reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively. (See *Penetanguishene & Orillia Ry.*, 5 Edw.VII., c. 105, s. 28.)

Petition
against aid
from county.

133. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to the Board who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, (See *Penetanguishene & Orillia Ry.*, 5 Edw.VII., c. 105, s. 29.)

and in case the by-law is confirmed by the Board the expenses of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county or in such proportions between the company and the county as the Board may order.

Minor Municipality meaning of.

134. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 30).

Deposit to be made before by-law submitted.

135. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting the said by-law. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 31).

Council to pass by-law if assented to by ratepayers.

136. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 32).

Issue of debentures.

137. Unless otherwise provided in the by-law, the said council and the mayor, warden, reeve or other officers thereof, within one month after the passing of such by-law, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 33).

Levying rate on portion of municipality.

138. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 34).

Application of provisions of 3 Edw. VII. c. 19.

139. The provisions of *The Consolidated Municipal Act, 1903*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 35).

Councils may extend time for commencement.

140. The councils for all corporations that may grant aid by way of bonus to the company may; by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 36).

Councils may extend time for completion.

141. The council of any municipality that may grant aid by way of bonus, to the company, may by resolution (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 37).

tion or by-law, extend the time for the completion of the works (on the completion of which the company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time. Ry., 5 Edw.VII., c. 105, s. 37).

Extent of aid from municipalities.

142. Any municipality, or portion of a township municipality interested in the construction of the railway of the company may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein. (See Penetanguishene & Orillia Ry., 5 Edw.VII., c. 105, s. 38).

Proviso.

Gifts of land.

143. Any municipality through which the railway may pass or in which the railway or part of it is situated is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the railway, and the railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power, when the same are no longer required or necessary for the purposes of the company, to sell or otherwise dispose of the same for the benefit of the company. (See Penetanguishene & Orillia Ry., 5 Edw.VII., c. 105, s. 38).

Trustees of municipal debentures.

144. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Board, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Board shall omit to name such trustee within one month after notice in writing to the Board of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Board, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incap-

able of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Board.

Trusts of proceeds of debentures.

145. The said trustees shall receive the said debentures (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 24.) or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The _____ Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule "A" hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

146. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 43).

Mayor, etc., to be *ex officio* a director in certain cases.

147. The mayor, warden, reeve, or other chief officer of such municipal corporation granting a bonus or gift to the company to the amount of \$20,000, or upwards, 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 any of the directors of the company. (See Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 61 (4) amended.)

148. The sections respecting municipal bonuses and loans, being sections 130 to 147 inclusive, shall apply to street railway companies.

EXEMPTIONS FROM TAXATION.

By-law granting exemption from taxation.

149.—(1) The council of any municipality through any part of which the railway passes, or in which it is situate may by by-law especially passed for that purpose, exempt the company and its property within such municipality, either in whole or in part from municipal taxation, but not including taxation for school purposes, or to fix a certain sum per annum, or otherwise, by way of commutation, or in lieu of all or any municipal rates or taxes, and for such term of years not exceeding twenty-one years as (See Perth and Huron Radial Ry., 5 Edw. VII., c. 106, s. 39).

such municipal council may deem expedient, and no such by-law shall be repealed unless in conformity with a condition contained therein.

(2) This section shall apply to street railway companies.

BY-LAWS, RULES AND REGULATIONS.

Company's
by-laws
respecting—

150. The company may, subject to the provisions and restrictions in this and in the Special Act, contained, make by-laws, rules or regulations respecting—

Speed.

(a) The mode by which, and the speed at which, any rolling stock used on the railway is to be moved;

Timetables.

(b) The hours of the arrival and departure of trains;

Loads.

(c) The loading or unloading of cars, and the weights which they are respectively to carry;

Freight
regulations.

(d) The receipt and delivery of traffic;

Nuisances.

(e) The smoking tobacco, expectorating, and the commission of any nuisance in or upon trains, stations or other premises occupied by the company;

Traffic and
operation.

(f) The travelling upon, or the using or working of, the railway;

Conduct.

(g) The employment and conduct of the officers and employees of the company; and—

Management.

(h) The due management of the affairs of the company; Dom. Ry. Act, 1903, s. 243.

(i) The number of passengers to be allowed in cars, their mode of entrance or exit, and the portion of the car or the class of car to be occupied by them.

Penalty for
violation of
by-laws

151. The company may, for the better enforcing the observance of any such by-law, rule or regulation effecting the officers or employees of the company prescribe in such by-law a penalty not exceeding forty dollars for any violation thereof. Dom. Ry. Act, 1903, s. 244 amended.

Essentials to
validity of
by-law.

152. All by-laws, rules and regulations whether made by the directors or the company shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted have affixed thereto the common seal of the company, and be kept in the office of the company. Dom. Ry. Act, 1903, s. 245.

Must be
approved by
Governor in
Council.

153. All such by-laws, rules and regulations, except such as are of a private or domestic nature and do not affect the public generally, shall be submitted to the Board for approval. The Board may sanction them or any of them, or any part thereof, and may from time to time, rescind the sanction of any such by-law, rule or regulation or Dom. Ry. Act, 1903, s. 246 amended.

Board to report.

of any part thereof. Except when so sanctioned no such by-law, rule or regulation shall have any force or effect.

Publication of by-laws, etc.

154. A printed copy of so much of any by-law, rule or regulation, as affects any person, other than the shareholders, or the officers or employees of the company, shall be openly affixed, and kept affixed, to a conspicuous part of every station belonging to the company, so as to give public notice thereof to the persons interested therein or affected thereby;

Publication of by-laws, etc., affecting employees.

155. A printed copy of so much of any by-law, rule or regulation as relates to the conduct of or affects the officers or employees of the company, shall be given to every officer and employee of the company thereby affected;

Dom. Ry. Act, 1903, s. 247.

By-laws, etc., binding when approved.

156. Such by-laws, rules and regulations when so approved shall be binding upon, and observed by, all persons, and shall be sufficient to justify all persons acting thereunder.

Dom. Ry. Act, 1903, s. 248.

Summary interference in certain cases.

157. If the violation or non-observance of any by-law, rule or regulation, is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere, using reasonable force, if necessary, to prevent such violation, or to enforce observance, without prejudice to any penalty incurred in respect thereof.

Dom. Ry. Act, 1903, s. 249.

Evidence.

158. A copy of any by-law, rule or regulation, certified as correct by the president, secretary or other executive officer of the company and bearing the seal of the company, shall be evidence thereof in any court.

Dom. Ry. Act, 1903, s. 250.

159. All by-laws, rules and regulations of a company operating its railway by electricity partially or wholly on a highway or of a street railway company shall be subject to any agreement that may have been made by such company and the municipal corporation owning or maintaining such highway.

New.

NOTICES OF BY-LAWS, ETC.

How notice of by-laws or orders may be proved.

160. Notice of any by-law or of any order or notice of the company affecting any officer or employee thereof may be proved by proving the delivery of a copy thereof to such officer or employee, or that such officer or employee signed a copy thereof, or that a copy thereof was posted in some one place where his work or his duties, or some of them, were to be performed.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 89.

161. The sections relating to "By-laws, Rules and Regulations, being sections 150 to 160 inclusive, shall apply to street railways and street railway companies.

INSPECTION OF RAILWAYS.

Inspecting Engineers.

162.—(1) Inspecting engineers may be appointed by the Board, subject to the approval of the Lieutenant-Governor in Council.

(2) It shall be the duty of every such inspecting engineer, upon being directed by the Board, to inspect any railway, or any branch line, siding or portion thereof whether constructed, or in the course of construction, to examine the stations, rolling stock, rails, road bed, right of way, tracks, bridges, tunnels, trestles, viaducts, drainage, culverts, railway crossings and junctions, highway and farm crossings, fences, gates and cattle-guards, telegraph, telephone, or other lines of electricity, and all other buildings, works, structures, equipment, apparatus, and appliances thereon, or to be constructed or used thereon, or such part thereof as the Board, may direct, and forthwith to report fully thereon in writing to the Board.

Dom. Ry. Act
1903, s. 206,
amended.

(3) Every such inspecting engineer shall be vested with all the powers in regard to any such inspection as are provided in section 48 of "*The Ontario Railway and Municipal Board Act, 1906.*"

(4) Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information as is within their knowledge and power, in all matters inquired into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair, or state of repair, of the railway, or any portion thereof.

(5) Every such inspecting engineer shall have the right, while engaged in the business of such inspection, to travel without charge on any of the ordinary passenger trains running on the railway, and to use without charge the telegraph wires and machinery in the offices of, or under the control of, any such company.

(6) The operators, or officers, employed in the telegraph offices of, or under the control of, the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages; and every such operator or officer, who neglects or refuses so to do, shall, for every such offence, be liable, on summary conviction, to a penalty of forty dollars.

(7) The production of his appointment in writing, signed by the Chairman of the Board, or the Secretary, shall be

Appointment
of inspecting
engineers.

Duties.

Powers of
inspection.

Duties of
company
respecting
inspectng
engineers.

Inspecting
Engineers
may travel
free.

Use telegraph
wires, etc.

Transmission
of telegrams

Penalty upon
failure.

Proof of
engineer's
authority.

sufficient evidence of the authority of such inspecting engineer.

Penalty for obstructing inspecting engineers.

(8) Every person who wilfully obstructs any inspecting engineer in the execution of his duty, is liable, on summary conviction, to a penalty not exceeding forty dollars; and in default of payment thereof forthwith, or within such time as the convicting justices or justices of the peace appoint, to imprisonment with or without hard labour for any term not exceeding three months.

Inspection of Line.

Leave of Board before opening.

163.—(1) No railway, or any portion thereof, shall be opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, until leave therefor has been obtained from the Board, as hereinafter provided. Dom. Ry. Act 1903, s. 207, amended.

Proceedings.

Affidavit.

(2) When the company is desirous of so opening its railway, or any portion thereof, it shall make an application to the Board, supported by affidavit of its president, secretary, engineer or one of its directors, to the satisfaction of the Board, alleging that the railway, or portion thereof, desired to be so opened is in his opinion sufficiently completed for the safe carriage of traffic, and ready for inspection, and request the Board to authorize the same to be opened for such purpose.

Inspection.

When opening reported to be safe.

Order of Board.

(3) Before granting such application the Board shall direct an inspecting engineer to examine the railway, or portion thereof, proposed to be opened, and if the inspecting engineer reports to the Board, after making such examination, that in his opinion the opening of the same for the carriage of traffic will be reasonably free from danger to the public using the same, the Board may make an order granting such application, in whole or in part, and may name the time therein for the opening thereof, and thereupon the railway, or such portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

When opening reported dangerous

Notice to be served on company.

(4) But if such inspecting engineer, after the inspection of the railway, or the portion thereof, shall report to the Board that in his opinion the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the construction or equipment of such railway, or portion thereof, he shall state in his report the *reasons* for such opinion, and the company shall be entitled to notice thereof, and shall be served with a copy of such report and *reasons*, and the Board may refuse such application, in whole or in part, or may direct a further or other inspection and report to be made.

(5) If thereafter upon such further or other inspection or upon a new application under this section, the inspecting engineer reports that such railway, or portion thereof, may be opened without danger to the public, the Board may make the like order as provided in subsection 3 of this section and thereupon the railway, or such portion thereof, as is authorized by the Board, may be opened for traffic in accordance therewith.

(6) The Board, upon being satisfied that public convenience will be served thereby, may, after obtaining a report of an inspecting engineer, allow the company to carry freight traffic over any portion of the railway not opened for the carriage of traffic in accordance with the preceding provisions of this section.

(7) If any railway, or portion thereof, is opened contrary to the provisions of this section, the company, or person to whom such railway belongs shall forfeit to His Majesty the sum of two hundred dollars for each day on which the same is, or continues, open until such order is obtained.

164.—(1) Whenever the Board receives information that Dom. Ry Act, any railway, or any portion thereof, is dangerous to the public using the same, from want of renewal or repair, or insufficient or faulty construction, *equipment*, or from any other cause, the Board may direct an inspecting engineer to examine the railway, or any portion thereof; and upon the report of the inspecting engineer may order any repairs, renewal, reconstruction, alteration or new works, materials or equipment to be made, done, or furnished by the company upon, in addition to, or substitution for, any portion of the railway, which may, from such report, appear to the Board necessary or proper to *avoid such danger*, and may order that until such repairs, renewals, reconstruction, alteration, and work, materials or equipment are made, done and furnished to its satisfaction, no such portion of the railway in respect of which such order is made, shall be used, or used otherwise than subject to such restrictions, conditions and terms as the Board may in such order impose. And the Board may by such order, condemn, and thereby forbid further use of, any rolling stock which, from such report, it may consider unfit to repair or use further.

(2) If, after notice of any such order made by the Board, the company shall use any rolling stock, after the same has been so condemned by the Board, or shall disobey or fail to comply with any order of the Board made under this section, the company shall, for each *day on which such order is disobeyed*, forfeit to His Majesty the sum of ; and any person wilfully and knowingly aiding or abetting

Aiding and abetting.

any such violation shall be guilty of an offence, and on summary conviction thereof shall be liable to a penalty of not less than _____ nor more than _____

(3) This section shall apply to street railways.

Inspecting engineer may in case of danger issue prohibitions.

165.—(1) If in the opinion of any inspecting engineer, it is dangerous for trains to pass over any railway, or any portion thereof, until alterations, substitutions or repairs are made thereon, or that any of the rolling stock should be run or used, the said engineer may, by notice, forthwith, either forbid the running of any train over such railway or portion of railway, or require that the same be run only at such times, under such conditions, and with such precautions, as he, by notice specifies, and he may forbid the running or using of any such rolling stock by serving upon the company owning, running or using such railway, or any officer having the management or control of the running of trains on such railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended; and for every act of non-compliance therewith such company shall forfeit to His Majesty the sum of two thousand dollars.

Procedure.

Reasons and defects must be stated.

Penalty.

Report of inspecting engineer. Action thereon.

(2) The inspecting engineer shall forthwith report the same to the Board which may either confirm, modify or disallow the act or order of such engineer; and notice of such confirmation, modification or disallowance, shall be duly given to the company.

Notice.

Company to notify orders of Commissioner to its officers, etc.

166. The company shall, as soon as possible after the receipt of any order or notice of the Board affecting any of the officers or employees of the railway or any of the duties of such officers or employees, give cognizance thereof to each of its officers and employees, in one or more of the ways mentioned in section 160 of this Act.

What to be deemed sufficient notice thereof.

167. All orders of the Board shall be considered as made known to the company by a notice thereof signed by the chairman or secretary thereof, and delivered to the president, vice-president, managing director, secretary or superintendent of the said company, or at the office of the company.

Inspection not to Relieve from Liability.

Inspection not to relieve company from liability.

168. No inspection had under this Act, and nothing in this Act contained, and nothing done or ordered or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve, or be construed to relieve, any

company of or from any liability or responsibility resting upon it by law, either towards His Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative, of any person, for anything done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such company, or in any manner or way to lessen such liability or responsibility or in any way to weaken or diminish the liability or responsibility of any such company, under the laws in force in *this* Province.

TOLLS.

By-Laws as to.

By-laws to be passed authorizing issue of tariffs of tolls to be charged by the company.

169.—(1) The company or the directors of the company, by by-law or any such officer or officers of the company as are thereunto authorized by by-law of the company or directors may from time to time prepare and issue tariffs of the tolls to be charged, as hereinafter provided, for all traffic carried by the company upon the railway, or in its vessels, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid.

To be approved by Board.

(2) All such by-laws shall be submitted to and approved by the Board.

Board may approve in whole or in part or may change.

(3) The Board may approve such by-laws in whole or in part, or may change, alter or vary any of the provisions therein.

No tolls to be charged until by-law approved by Board.

(4) No tolls shall be charged by the company until a by-Dom. Ry. Act, law authorizing the preparation and issue of tariffs of 1903, s. 251, such tolls has been approved by the Board, nor shall the amended. company charge, levy or collect any money for any services as a common carrier, except under the provisions of this Act.

Collection of Tolls.

Collecting back charges on goods.

170.—(1) The company shall have the power to collect (See Penetanguishene and Orillia Ry., 5 Edw.VII. c. 105, s. 48). and receive all charges subject to which goods or commodities may come into their possession, and on payment of such charges by the company without any formal transfer, the company shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payments to all the rights and remedies of such persons for such charges.

(2) In case of refusal or neglect of payment on demand Ont. Electric Ry. of any such tolls, or any part thereof, to such persons, Act, R.S.O. the same may be sued for and recovered in any court of 1897, c. 209, competent jurisdiction, or the agents or servants of the 43 (2). company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof.

Sale of goods
to recover
tolls.

(3) If the tolls are not paid within six weeks, and where Dom. Ry. Act, the goods are perishable goods, if the tolls are not paid 1903, s. 280 (2). upon demand or if such goods are liable to be destroyed while in the possession of the company by reason of delay in payment or taking delivery by the consignee, the company may advertise and sell the whole or any part of such goods and out of the money arising from such sale retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale, and shall deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto.

(4) If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto.

(5) In default of such balance being claimed before the Ont. Electric Ry. expiration of the period last aforesaid, the same shall be Act, R.S.O. 1897, paid over to the Provincial Treasurer to be applied to the c. 209, s. 43 (4, general purposes of the Province, unless claimed by the 5). person entitled thereto, within six years of the date of such payment.

Passenger Fares on Electric Roads.

171. (1) Notwithstanding anything contained in any Ont. Electric agreement with any municipal or other corporation or per- Ry. Act, R.S.O. son or any provision contained in any special Act to the con- 1897, c. 209, s. trary, the fares to be taken by the company on a railway 43 (7) amended. operated by electricity for each passenger shall not exceed five cents for any distance not exceeding three miles, and where the distance exceeds three miles then not exceeding two cents per mile or fraction thereof for the dis-

tance actually travelled. Children under ten years of age shall be carried for three miles or less for three cents and for any additional distance for half fare, but children in arms shall in all cases be carried free.

(2) Pupils under seventeen years of age actually attending school shall be entitled to purchase ~~at~~ at any office of the company where tickets are sold on a certificate from their principal teacher that they are *bona fide* pupils attending school ~~at~~ eight tickets for twenty-five cents, such tickets to be used only between the hours of eight o'clock and half past nine in the forenoon, and between half-past three and five o'clock in the afternoon, and then only for the purpose of attending and returning from school, provided that no such tickets shall entitle any pupil to ride a greater distance than five miles.

~~16~~ (3) This section shall not be construed to alter or vary any agreement by which the company is bound to charge a lesser rate of fares for passengers than those mentioned in this section, or to supply a greater number of tickets to pupils attending school or to pupils of a lesser age or at different hours or for a greater distance than mentioned in this section. ~~16~~

(4) This section shall apply to street railways.

~~16~~ (5) This section shall not apply to a company whose tariff for passenger fares is subject to the approval of any commissioners in whom are vested any park or lands owned by the Crown for the use of the public of the Province of Ontario. ~~16~~

BOARD AND MEMBERS OF LEGISLATURE TO BE CARRIED FREE.

172. The company shall furnish free transportation upon Dom. Ry. Act, any of its trains, for members of the Legislature with their 1903, s. 275 (5) baggage, and also for the members of the Board, and for amended. such officers and staff of the Board as the Board may determine, with their baggage and equipment, and shall also, when required, haul free of charge any car provided for the use of the Board.

DISCRIMINATION.

173.—(1) Such tolls may be either for the whole or for any particular portions of the railway; but all such tolls shall always, under substantially similar circumstances and conditions be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise, in respect of all traffic of the same description and carried in or upon a like kind of cars, passing over the same portion of the

Members of
Legislature
and Board
to have free
transportation

Discrimination
prohibited.

line of railway; and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular person or company travelling upon or using the railway.

Proportionate decrease in tolls in certain cases

(2) The tolls for larger quantities, greater numbers, or longer distances may be proportionately less than the tolls for smaller quantities or numbers, or shorter distances, if such tolls are, under substantially similar circumstances charged equally to all persons. Dom. Ry. Act, 1903, s. 252 (1, 2).

(3) The company may make uniform special rates for the carriage of fruit, milk and other perishable products and commodities. (See Hamilton, Guelph & North Shore Ry. 5 Edw. VII., c. 93, s. 52).

Unjust discrimination between localities prohibited.

(4) No toll shall be charged which unjustly discriminates between different localities. The Board shall not approve or allow any toll, which for the like description of goods or for passengers, carried under substantially similar circumstances and conditions in the same direction over the same line, is greater for a shorter than for a longer distance, the shorter being included in the longer distance, unless the Board is satisfied that owing to competition, it is expedient to allow such toll. The Board may declare that any places are competitive points within the meaning of this Act.

Long and short haul clause.

Competitive points.

Pooling prohibited.

(5) No company shall, except in accordance with the provisions of this Act, directly or indirectly, pool its freights or tolls with the freights or tolls of any other railway company or common carrier, nor divide its earnings or any portion thereof with any other railway company or common carrier, nor enter into any contract, arrangement, agreement, or combination to effect, or which may effect, any such result, without leave therefor having been obtained from the Board. Dom. Ry. Act, 1903, s. 252 (3, 4).

Duty of company to afford reasonable facilities for receiving, forwarding, and delivering traffic without partiality and without unreasonable delay.

174. All companies shall, according to their respective powers, afford to all persons and companies all reasonable, and proper facilities for the receiving, forwarding and delivering of traffic upon and from their several railways, for the interchange of traffic between their respective railways, and for the return of rolling stock; and no company shall make or give any undue or unreasonable preference or advantage to, or in favour of, any particular person, or company or any particular description of traffic, in any respect whatsoever, nor shall any company by any unreasonable delay or otherwise however, make any difference in treatment in the receiving, loading, forwarding, unloading, or delivery of the goods of a similar character in favour of or against any particular person, or company, nor subject any particular person, or company, or any particular descrip-

tion of traffic, to any undue, or unreasonable, prejudice or disadvantage, in any respect whatsoever; nor shall any company so distribute or allot its freight cars as to discriminate unjustly against any locality or industry, or against any traffic which may originate on its railway destined to a point on another railway in Ontario with which it connects; and every company which has or works a railway forming part of a continuous line of railway with, or which intersects, any other railway, or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other railway, or for receiving from and forwarding by its railway all the traffic arriving by such other railway without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage, as aforesaid, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf; and any agreement made between any two or more companies contrary to this section shall be unlawful and null and void.

175. The Board may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Act, or whether in any case the company has, or has not, complied with the provisions of this and the last preceding section; and may by regulation declare what shall constitute substantially similar circumstances and conditions, or unjust or unreasonable preferences, advantages, prejudices, or disadvantages within the meaning of this Act, or what shall constitute compliance or non-compliance with the provisions of this and the last preceding section.

176.—(1) Whenever it is shown that any company charges one person, company, or class of persons, or the persons in any district, lower tolls for the same or similar goods, or lower tolls for the same or similar services, than they charge to other persons, companies, or class of persons, or to the persons in another district, or makes any difference in treatment in respect of such companies or persons, the burden of proving that such lower toll, or difference in treatment, does not amount to an undue preference or an unjust discrimination shall lie on the company.

(2) In deciding whether a lower toll, or difference in treatment, does or does not amount to any undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is

Undue preference or advantage.

Undue prejudice or disadvantage.

Agreements in violation void.

Power of Board to determine what are substantially similar circumstances undue preferences etc.

Burden of proof respecting unjust discrimination, etc.

What Board may consider in determining unjust discrimination, etc.

Dom. Ry. Act, 1903, s. 253.

necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls.

Apportionment of toll for carriage by land and water.

(3) In any case in which the toll charged by the company for carriage, partly by rail and partly by water, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged is discriminatory or contrary in any way to the provisions of this Act, may require the company to declare forthwith to the Board, or may determine what portion of such single sum is charged in respect of the carriage by rail. Dom. Ry. Act, 1903, s. 254.

Equal facilities to be granted to express companies.

177. Every company which grants any facilities for the carriage of goods by express to any express company or person, shall grant equal facilities, on equal terms and conditions, to any other express company which demands the same. Dom. Ry. Act, 1903, s. 278.

Reduced rates for public or charitable purposes.

178. Nothing in this Act shall be construed to prevent the carriage, storage or handling of traffic free or at reduced rates for the Dominion, or any provincial or municipal government, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the carriage, free or at reduced rates, of destitute or homeless persons, transported by charitable societies, and the necessary agencies employed in such transportation, nor to prevent the issuance of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants or settlers, and their goods and effects, or any member of any organized association of commercial travellers with his baggage, nor to prevent railways from giving free carriage or reduced rates to their own officers and employees, or their families, or for their goods and effects, or to members of the press, or to such other persons as the Board may approve or permit, nor to prevent the principal officers of any railway, or any railway or transportation company, from exchanging passes or free tickets with other railways, or railway or transportation companies, for their officers and employees and their families, or their goods and effects; provided that the carriage of traffic by the company under this section may, in any particular case or by general regulation, be extended, restricted, limited or qualified by the Board. Dom. Ry. Act, 1903.

APPOINTMENT OF RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any railway.

179. (1) The Justice of the Peace for any county assembled at any General Sessions of the Peace on the application of the board of directors of the company whose way or any part thereof passes within the local jurisdiction of such Justices of the Peace, or on the application of any Ont. Electric Ry. Act, R.S.O. 1897, c. 209 s. 113, (1).

clerk or agent of the company thereto authorized by such board, may, in their discretion appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

Oath of office.

"I, A. B., having been appointed a Constable to act upon and along (here name the Railway), under the provisions of *The Ontario Railway Act, 1906*, do swear that I will well and truly serve our Sovereign Lord the King, in the said office of Constable, 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 prevent all offences against the peace, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law: So help me God."

By whom to be administered.

(2) Such oath or declaration shall be administered by any one such Justice or by the Clerk of the Peace for such county. Ont. Electric Ry. Act, R.S.O. 1897, c.209,

(3) Such appointment shall be made in writing signed by the Clerk of the Peace and the fact that the person appointed thereby has taken such oath or declaration shall be endorsed thereon by the person administering such oath or declaration. s.113 (2), amended Dom.Ry.Act, 1903, s. 241 part (1), amended.

Powers of such constables, and to what localities they shall extend.

180. Every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to the company, whether the same be in the county, city, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such railway company, and in all places not more than one quarter of a mile distant from the railway: and shall have all the powers, protections and privileges for the apprehending of offenders, as well by night as by day and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, possessed by any constable duly appointed. Ont. Electric Ry. Act, R.S.O. 1897, c 209, s. 114

Duties of such constables.

181. It shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such railway, before any Justice or Justices appointed for any county, city, Ont. Electric Ry. Act, R.S.O. 1897, c.209, s. 115.

district or other local jurisdiction within which such railway passes; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction.

Dismissal of any such constable.

182. The Judge of the County Court of the County in which the constable resides, may dismiss any such constable, and the board of directors of the company or any manager or superintendent thereof may dismiss any such constable who may be acting on the railway; and upon such dismissal, all powers, protection and privileges belonging to any such person, by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such railway without the consent of the authority by which he was dismissed.

Ont. Electric Ry. Act, R. S. O. 1897, c. 209, s. 116, amended.

Record of appointment of constables.

183. The company shall cause to be recorded in the office of the clerk of the peace, for every county wherein such railway passes the name and designation of every constable so appointed at its instance, the date of his appointment, and the authority making it, with such appointment or a certified copy thereof, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as the case may be; and such clerk of the peace shall keep a record of all such facts in a book which shall be open to public inspection, and shall be entitled to a fee of fifty cents for each entry of appointment or dismissal, and twenty-five cents for each search or inspection, including the taking of extracts. Such record shall, in all courts, be *prima facie* evidence of the due appointment of such constable and of his jurisdiction to act as such, without further proof than the mere production of such record.

And of dismissals.

Neglect of duty by constable.

184. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city or district wherein such railway passes, to a penalty not exceeding eighty dollars, or to imprisonment, with or without hard labour, for a term not exceeding two months. Such penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the company.

Dom. Ry. Act, 1903, s. 241 (5, 6.)

Penalty.

PASSENGER CONDUCTORS TO HAVE THE POWER AND AUTHORITY OF CONSTABLES.

Conductors to have powers of constables.

185.—(1) The conductor of every train carrying passengers within this Province and the conductor of the car or cars of every railway carrying passengers within this Province, is hereby invested with all the powers of a constable,

New.—Based on Ohio Ry. law.

while on duty on his train or on said car and cars, and said conductor may wear a badge or other distinguishing mark of a special constable.

(2) When a passenger is guilty of disorderly conduct, or New,—Based uses any blasphemous or obscene language, or plays any on Ohio Ry. game of cards or chance for money or any other thing of law. value, upon any passenger train or upon the car or cars of any railway carrying passengers within this Province, the conductor of such train or car or cars of such railway may stop his train or said car or cars at the place where such offence is committed or at the next stopping place of such train or of such car or cars and eject such passenger from the train or from said car or cars, using only such force as may be necessary to accomplish such removal; and the conductor may command the assistance of the employees of the company, and of the passengers on such train or on such car or cars to assist in such removal; but before doing so he shall render to such passenger such proportion of the fare he paid as the distance he then is from the place to which he has paid fare bears to the whole distance for which his fare is paid.

186. When a passenger is guilty of any offence upon a New,—Based passenger train or upon the car or cars of any railway on Ohio Ry. carrying passengers within this Province, the conductor of law. such train or of such car or cars may arrest him and take him before any Justice having cognizance of such offence in any county or district in this Province in which such train or car or cars runs, and lay an information before such Justice, charging him with such offence; but in no case shall the liability of the company for damages caused by the conduct of its conductor be affected by the provisions of this and the next preceding section.

187. The company shall cause a notice to be placed in all New passenger cars stating that the conductors have the authority and powers of constables.

188. A conductor exercising the powers of a constable under this Act shall be entitled to the protection accorded by law to constables engaged in the performance of their duties as such.

STREET RAILWAYS AND RAILWAYS OPERATING ALONG HIGHWAYS.

General Provisions.

189. *Unless otherwise provided, sections 190 to 223 inclu-* New. *sive, shall apply only to street railways and companies incorporated for the purpose of constructing, maintaining and operating street railways as defined in the interpretation clauses of this Act, and shall apply to other railways incorporated for the purpose of operating partially or wholly along highways by electricity.*

Powers of
Company.

190. Every such company shall, subject to any provisions contained in the special Act or in any agreement made between the company and a municipality, have authority to construct, maintain, complete, and operate and from time to time to remove and change as required, a double or single track railway, with the necessary switches, side tracks and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the highways in any municipality to which the Special Act extends, as the council of the municipality may by by-law authorize, and over and upon lands purchased or leased by the company for that purpose, and to take, transport and carry passengers upon the same, by the force or power of electricity, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

Street Ry. Act,
R.S.O. 1897, c.
208, s 11, (1)

(See Western
Central Ry.
5 Edw. VII.,
c. 109, s. 20,
amended.

Freight traffic

191. The company may take, transport and convey goods upon its railway, but no freight or express cars shall be carried along any highway in any city, town or village over the railway unless and until the size and number of the cars and motors to be used therewith, and the hours of running the same, have been approved by the Board, nor shall any freight service be operated *nor any class of freight carried* on any such highway until authorized by, or except as directed by the Board.

Street Ry. Act,
R.S.O. 1897,
c. 208, s. 13.

Agreements
between muni-
cipality and
company as to
construction,
street repairs,
etc.

192. Subject to the provisions of section 219 of this Act, the company and the council of any municipality in which a railway or part of a railway is laid may, amongst other things, enter into any agreements they think advisable, relating to the construction of the railway; the time within which the railway shall be commenced, the manner of proceeding therewith, and the time of its completion; the paving, macadamizing, repairing, grading, and cleaning of the streets upon which the railway is laid; the construction, opening and repairing of drains and sewers; the laying, repairing or taking up of gas and water pipes in the streets; the location of the railway, and the particular streets along which the same may be laid; the pattern of rails; the time and speed of running the cars, sleighs and other conveyances; the fares to be charged within the maximum *hereinbefore* mentioned, and the amount of compensation (if any) to be paid by the company annually or otherwise.

Sunday Cars.

Street railways
etc., not to be
operated on
Sunday.

193.—(1) No company or municipal corporation operating a street railway, tramway or electric railway, shall operate the same or employ any person thereon on the first day of the week commonly called Sunday, except for the purpose of keeping the track clear of snow or ice, or for the purpose of doing other work of necessity.

Exceptions.

(2) Notwithstanding anything in this Act or in the special Act or in any agreement contained, companies which have before the first day of April, 1897, regularly run cars on Sunday may hereafter do so but the foregoing subsection shall not confer any rights so to run cars on Sunday not now possessed by such companies nor shall it affect or apply to any company which has by its charter or by any special Act the right or authority to run cars on Sunday nor shall it affect the right (if any) of the Toronto Railway Company to run cars on Sunday; nor shall it affect the right of any railway company to run cars or trains as provided in subsection 2 of section 136 of Chapter 209 of the Revised Statutes of Ontario, 1897, which right shall be continued as though such statute stood unrepealed.

Penalty.

(3) For every train or car run or operated in violation of this section, the company shall forfeit and pay the sum of \$400, to be recovered in any court having jurisdiction in civil cases, for the amount, by any person suing for the same under this section and for the purpose thereof. The action for the recovery of the said sum shall be brought before a court having jurisdiction as aforesaid in the place from which such train or car started, or through which it passed or at which it stopped in the course of such operation.

Application of penalties.

(4) All moneys recovered under the provisions of this section shall be appropriated as follows: One moiety thereof to the plaintiff and the other moiety to the local municipality from which the train or car started; but if the train or car is operated by the municipality from within whose limits the same started, the plaintiff shall receive the whole amount so recovered.

Liabilities of conductor.

(5) The conductor or other person in charge of any train or car run or operated in violation of the provisions of this section shall be liable for every such offence to a penalty not exceeding \$40 nor less than \$1, besides costs, and the same shall be recoverable on summary conviction.

Guard wires.

194.—(1) The company, when operating any portion of its line across or along a highway by means of electricity conveyed by wires above ground, shall cause to be strung and maintained guard wires, *as far as may be reasonably possible*, sufficient to prevent telegraph, telephone or other wires now or hereafter strung across or along the highway from coming into contact with or falling upon the said wires conveying such electricity.

Street Ry. Act,
R.S.O. 1897, c.
208, s. 18 (1-2).

Protecting Water pipes, etc., from injury by electricity.

(2) The company, when operating any portion of its line by means of electricity, shall use such means and appliances as may, as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things now or hereafter placed underground from being damaged in

consequence of the escape or discharge of electricity into the ground. *Unless otherwise ordered by the Board*, proper bonding of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires shall be taken to be a compliance with the conditions of this section.

(3) The Board shall have power to make such order or orders as to it may seem proper to compel the proper observance of this section.

Right of action.

195. Any person suffering damage by reason of the non-Street Ry. Act, compliance by the company with the provisions of the R.S.O. 1897, preceding section shall have a right of action against the c. 208, s. 19. company therefor.

Forfeiture for Non-user.

Forfeiture by non-user.

196.—(1) In case the company at any time cease to regu-Street Ry. Acts, larly use the whole or any part of their railway for a period R.S.O. 1897, of eighteen months, they shall, *upon its being so ordered by* s.37. *the Board*, forfeit the right to use the railway or the part unused, as the case may be, together with the rails, poles and wires thereof, and the company shall, in addition, indemnify the municipality in respect of all costs incurred in taking up the rails and putting the *highways* in proper repair.

(2) The municipality shall have a lien upon the rails, poles, wires, rolling stock, and other property of the company until the expense of taking up the rails and putting the highways in proper repair is paid.

Additional Powers of Electric and Street Railways.

Powers as to production and use of electricity.

197. Railway companies operating by electricity and street railway companies shall also have power: Ontario Electric Act, R.S.O., 1897, c. 209, s. 9 (5).

(1) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company.

Purchase of water powers and stock in water or power company.

(2) To acquire by lease or purchase and to hold, utilize and develop water powers and the necessary land there-with, and to construct the necessary plant for the purpose of generating electricity for lighting, heating and power in operating the said railway. (See Western Central Ry., 5 Edw. VII., c. 109, s. 14.)

Arrangements for supply of power.

(3) To enter into any agreement with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company organized for the purpose of supplying or furnishing electric

power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the company to construct, carry on or operate the railway. ■

(4) To purchase, lease or acquire by voluntary donation and to hold for any estate in the same and to sell, lease, alienate or mortgage any lands or premises intended and necessary or suitable for park or pleasure grounds and to improve and lay out such lands as parks or places of public resort and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate or any of them, in respect thereto, subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; but none of the provisions of this clause shall be in force or have effect unless and until the municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the company are situate has or have by by-law declared its or their assent to the company's acquiring lands under and for the purpose mentioned in this clause. No such park or pleasure grounds shall be used for games, pic-nics, concerts, excursions or other public entertainments on the Lord's Day.

(See Perth and Huron Ry. Co., 5 Edw. VII., c. 106, s. 48 (i.))

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway by the special Act authorized to be built, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, or as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger or injuriously affect the same or injuriously to interrupt the navigation of such waters. The rights conferred upon the company shall not be exercised within the limits of any

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 9 (h), amended.

Power to acquire lands for parks, etc.

Acquiring rights for conveying electricity.

Park vested in the Crown for the use of the public of the Province of Ontario or any land vested in any commissioners for any such park without the consent of the commissioners and the approval of the Lieutenant-Governor in Council.

Construction of railway on highways.

(6) Subject to the provisions of sections 202 to 208, inclusive, and of section 218 of this Act, no railway or street railway shall be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality and under and subject to the terms of such agreement and of section 217 of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with the motive power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines thereof shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property.

Notice to be given before passing by-law authorizing construction on highways.

198.—(1) No municipal council, notwithstanding anything contained in this or any other Act to the contrary, shall pass a by-law authorizing any electric railway company or street railway company to lay out or construct its railway on, upon or along any public highway, until written or printed notices of the intended by-law, specifying the route to be taken by the railway, shall have been previously posted up for one month in six of the most public places in the municipality, and published weekly for at least four successive weeks in some newspaper published in the municipality, or, if there be no such newspaper, in a newspaper published in a neighboring municipality, or, if there be no such newspaper, then in a newspaper published in the county town.

Objectors to be heard by council.

(2) The council shall hear in person or by counsel any one whose property may be prejudicially affected by such proposed railway who desires to be heard.

(3) If after hearing such objections as may be made, the council shall pass a by-law authorizing the construction of a railway or street railway on, upon or along any highway, any ten freeholders in the municipality may petition the Board to amend or quash such by-law, and upon

such petition after hearing all parties interested the Board shall have power to amend such by-law in such manner as to the Board may seem proper or to quash the same. **101**

107 (4) The cost of such proceeding shall be in the discretion of the Board and may be fixed by the Board or taxed by one of the taxing officers of the Supreme Court of Judicature. **101**

Power to deviate.

199. The company may, at any point or points where its railway may run along the highway, deviate from such highway to a right of way owned by the company provided that no obstruction of such highway shall be made by such deviation; but if the rails on such deviation do not rise above or sink below the surface of the road more than one inch they shall not be deemed an obstruction; provided that the right by this section conferred shall not be exercised by the company without the consent of the Board; and the Board may, upon such terms as seem just, on application of the company, order that the said company may make such deviation.

Proviso.

Limitation of transmission of electrical energy.

200. Notwithstanding anything contained in this Act, (See Hamilton, or in any statute of the Province, no municipality shall Guelph and have the power to grant to any railway or street railway North Shore Ry any exclusive rights, privileges, or franchise, as to the ⁵ Edw. VII., transmission of electrical energy for power, light and heat c. 93, s. 61.) over or across any public highway or street in the said municipality.

Expropriation by Street Railway Companies.

Expropriation of land, when and to what extent allowed.

201.—(1) In case the council of a municipality, by resolution, declares that the council is of opinion that a company incorporated with power to construct a street railway in the municipality should have powers of expropriation for the purposes of building a part of its railway between two or more points, set forth in the resolution, and situated within the municipality, the company, upon registering the resolution in the proper registry office, shall, in respect of lands lying between the points named, possess the powers conferred upon railway companies under the sections of this Act relating to the taking of lands without the consent of the owner.

(2) Such powers shall be exercised within two years from the passing of the resolution, and not afterwards, and the lands to be taken hereunder shall not exceed one chain in width.

(3) The provisions of this section shall not apply to the Street Ry. Act, tract of country extending three miles above and three R.S.O. 1897, miles below the Falls of Niagara, and for a width inland c. 208, s. 39 of one mile from the said River Niagara. amended.

Duration of Street Railway Franchises.

Time for which municipality may grant privileges.

202.—(1) No municipal council shall grant to a street railway company any privilege under this Act for a longer period than twenty-five years, but at the expiration of twenty-five years from the time of passing the first by-law which is acted upon, conferring the right of laying rails upon any highway, or at such other earlier date as may be fixed by agreement, the municipal corporation may, after giving to the company *one year's* notice prior to the expiration of the period limited, assume the ownership of the street railway, and all real and personal property in connection with the working thereof, on payment of the actual value thereof, to be determined by the Board. In ascertaining the actual value of such street railway and real and personal property, the franchise or control of tracks upon the highways shall not be estimated as of any value whatever.

Municipality may assume the ownership.

(2) In case the corporation fails to exercise the right of assuming the ownership of the street railway, at the expiration of the said period, the corporation may exercise such right at the expiration of any fifth year thereafter, upon giving one year's notice to the company, and the privileges of the company shall continue until the ownership is assumed by the municipal council.

Street Ry. Act, R.S.O. 1897, c. 208, s. 41 amended.

Mode in which right to purchase to be exercised as between different municipalities interested.

203. If a street railway is situated in two or more municipalities, the city or town municipality shall have the right to exercise the power of purchase herein conferred, unless the municipal councils agree otherwise between themselves; and the corporation purchasing shall thereafter possess all the powers and authority and be subject to all the conditions and restrictions theretofore enjoyed and suffered by the company, and shall, as to other municipalities into which the railway runs, be subject to the like liabilities; and shall be subject to all orders and directions of the Board in the same manner and to the same extent as a company operating a street railway.

Street Ry. Act R.S.O. 1897, c. 208, s. 42 amended.

Municipality dissatisfied with terms as to railway in certain cases, may require an arbitration.

204.—(1) The council of a municipality into which a street railway runs may, at any time, after the right of assuming the ownership of the street railway accrues to such municipality, or to any other municipality, require that the terms upon which the street railway shall be operated in such municipality be determined, and the terms, unless the parties in the meantime agree, shall be determined by the Board, and such arrangement shall remain in force for ten years.

(2) At the end of that period either party may require that the terms be settled anew in like manner for another period of ten years; but such settlement or agreement shall be without prejudice to the right hereinbefore conferred upon a city or town to assume the ownership of the street railway at the expiration of any fifth year.

Street Ry. Act, R.S.O. 1897, c. 208, s. 43, amended.

Municipality acquiring railway may transfer same to a company.

205. The municipal corporation purchasing may, at any time, transfer its rights to its street railway lines or any of them, and the whole or any part of the plant of the railway to any *person or company* authorized to operate a street railway; subject to such terms and conditions as may be agreed upon by such street railway company and the municipal corporation.

Street Ry. Act, R.S.O., c. 208 s. 45, amended.

Application of preceding section.

206. A company to which any lines of *street* railway have been transferred by a municipal corporation shall, as respects the provisions of the next preceding section, stand in the same position as the municipal corporation from which it received such transfer.

Street Ry. Act, R.S.O. 1897, c. 208. s. 44.

207. Any municipal corporation assuming the ownership of a street railway and operating the same shall be deemed to be a street railway company for all the purposes of this Act.

Duration of Privileges to Operate Electric Railways along Highways.

208.—(1) No municipal council shall grant to any railway company operating by electricity any privilege to operate upon a highway for a longer period than twenty-five years.

(2) At the expiration of the period for which any such privilege is granted, the council of any municipality, along the highways of which such railway or any portion thereof is operated, may agree to extend such privilege for a further term of years not exceeding twenty-five years, upon such terms and conditions as may be agreed by the municipality and the company, or with the consent of the Board such municipality may assume the ownership of that portion of the railway operating *along* the highways of such municipality within its limits, upon payment of the actual value thereof, to be determined by the Board. In determining such actual value the franchise or control of the tracks upon such highways shall not be estimated as of any value whatever.

(3) The ownership of such portion of such railway shall not in any case be assumed by such municipality unless notice of the intention of such municipality to assume such ownership has been given to the company *one year* prior to the expiration of the privilege or franchise, and in no case shall a municipality assume such ownership without the written consent of the Board.

(4) In the event of the parties being unable to agree as to the period for and the terms and conditions upon which such company may continue to operate its railway upon any

highway, the Board shall determine the same, and the decision of the Board shall be final.

(5) This section shall only apply to electric railways that are not street railways.

Fenders, Brakes, etc.

Fenders.

209.—(1) The company, when operating any portion of its line by means of electricity *along* a highway shall from time to time adopt and use in the front of each motor car a fender or guard and shall from time to time adopt and use a brake and such other life saving appliances as shall be of a design approved from time to time by the Board as suitable for use by the company, having regard to the efficiency of such fender, guard, brake and other life saving appliances for life saving purposes, and to the location of the company's line, and the speed at which the company's cars may be run.

210. The fender, guard, brake or other life saving appliance so approved of by the Board shall be adopted and used upon the cars of the company within the time fixed by the Order approving of the same, or by any Order extending the said time; provided that where the cars of a company are equipped with fenders of a class so approved by the Board the company shall not be liable for non-compliance with any by-law or agreement relating to the class of fenders to be used in any city, or town, or any requirement of the engineer or other officer of the municipality under any such by-law or agreement.

1 Edw. VII., c. 25, s. 1.
3 Edw. 7., c. 17, s. 1, amended.

Penalties for not providing fenders, etc.

211. The company shall pay to the corporation of the *municipality* in which such road is operated the sum of ten dollars for each day in which any motor car is operated within such *municipality* without having such a fender, guard, brake or other life saving appliances thereon, except in cases of accident or unavoidable necessity; such sum or sums to be recovered from such company in a civil action.

1 Edw. VII., c. 25, s. 2 amended, and the Downey Bill, 1905.

212. If the Board shall so order the company shall allow tests to be made on any of its motors or cars, of any fender, guard, brake or other life saving appliance that the Board may consider it advisable to have tested with a view to ascertaining its efficiency for the purpose for which it is designed.

Lavatories, etc.

Conveniences.

213.—(1) All street railway companies shall, within six months after being so ordered by the Board, provide, furnish and thereafter maintain suitable and sanitary urinals and other conveniences for the use of the employees of the

New. Founded on Toronto Bill, 1905.

company operating their cars. Such urinals and other conveniences may be located upon land owned or provided by the said company and reasonably accessible to each of the various lines of railway operated by the said company, and at such points as the Board may direct, within the limits of the city or town, and the employees of the said company shall be allowed reasonable opportunity of access thereto.

Penalty for not supplying.

(2) The company shall be liable to a penalty of ten dollars per day for each day they shall neglect to provide each or any of the said urinals or other conveniences.

(3) The cost of such urinals and conveniences shall be borne by the company or by the city or town within the limits of which the company's lines are operated, or by both in such proportions, in case the parties are unable to agree, as may be determined by the Board.

(4) The Board may, in its discretion, order the city or town to provide the *site* for the company upon such terms as to cost and otherwise as the Board may determine.

(5) When so ordered by the Board, such urinals and conveniences shall be open to the public as well as the employees of the company, and when so open to the public the Board may order the cost of the maintenance of the same to be borne by the city or town and the company in such proportions as to it may seem proper. New.

214.—(1) The Board may order the company to provide sanitary conveniences for the use of passengers on all passenger cars.

(2) This section shall only apply to electric railways that are not street railways.

Unclaimed Property.

215. It shall be the duty of every street railway company which shall have unclaimed property left in its cars, to ascertain if possible, the owner or owners of such property, and to notify such owner or owners of the fact by mail as soon as possible, after such property comes into its possession. Every such company which shall have such property not perishable in its possession for the period of three months, may sell the same at public auction, after giving notice to that effect, by one publication, at least ten days prior to the sale, in a daily newspaper published in the city or town in which such sale is to take place, of the time and place at which such sale will be held, and such sale may be adjourned from time to time until all the articles offered for sale are sold. All perishable property so left, may be sold by any such street railway company without notice, as soon as it can be, upon the best terms that can be obtained.

New. Founded
on N. Y. Ry.
Law.

Transfer in Ownership of Highways.

Agreements with companies as to certain matters to ensure for benefit of municipality owning road.

216. In case any railway operated by electricity upon a highway or a portion of which is so operated has been heretofore, or shall hereafter be, constructed in any municipality under any agreement with the council thereof, or with the council having the control of the highway therein, and the territory, or any part of the territory in which said railway has been, or shall be constructed, is subsequently to the making of such agreement, removed from one municipality to another, or the highway along which such railway has been or shall be constructed, has ceased to be owned or controlled by one municipality, or the council thereof, or by any council having the control of such highway and has become vested in or has been placed under the control of another municipality or the council thereof, then so far as such agreement relates to the maintenance and repair of the track and roadbed of the railway or the remaining portions of the highway or highways over which the railway is operated, and to the removal of snow and ice from the company's track and the disposal of such snow and ice upon the highway or elsewhere the corporation of such last mentioned municipality and any officer or person appointed for such purpose shall be substituted for and shall have all the rights and may exercise all the powers and be subject to the same duties as the municipal corporation party to such agreement and any officer or person named therein and charged with the performance of any duty in respect to the matters aforesaid thereunder.

AGREEMENTS WITH MUNICIPALITIES FOR OPERATING ALONG HIGHWAYS.

217. Any agreement made after the passing of this Act between a municipal corporation and a company under which agreement the company obtains a right or franchise to operate along a highway shall (unless such provisions or any of them are expressly excluded from such agreement), be deemed to contain the clauses set forth in the following subsections hereof, viz. :

Grade.

(a) The rails of the company shall conform to the grade of the street.

Rails to be flush with street, etc.

(b) In all cases where the rails are laid upon the paved or travelled portion of the street, or on any part thereof, the rails shall be laid (as nearly as practicable) flush with the street, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the street, and shall be so kept and maintained by the railway company.

(c) The company so long as it shall continue to use any New. of its tracks on the travelled portion of the highway shall keep in repair the whole space used on its track allowances, crossings, switches and turnouts and eighteen inches of the highway outside of its tracks.

(d) If the company neglect to keep in repair its track York & Metro-allowances and crossings, switches and turnouts or to have politan Ry. Co. the necessary repairs according to the agreement made agreement thereon, the council of the municipality may give notice amended. to the company requiring such repairs to be forthwith made, and the certificate of the engineer appointed by the council for the time being as to the necessity for such repairs shall be binding and conclusive upon the company, and if after the giving of such notice the company do not within one week begin, and thereafter, with all reasonable diligence, carry such work of repairing to completion, the municipal council shall have the right to cause such repairs to be made, and the company shall pay to the treasurer of the municipality the expenditure incurred in making or completing such repairs.

(e) The payment of such amount shall not relieve the New. company from any penalty provided for the omission to repair by the agreement between the municipal corporation and the company.

(f) No car or train of cars shall be operated on the trav-2 Edw. VII., c. elled portion of any highway at a greater speed than fifteen 27, s. 17 (d), miles an hour unless authorized by the Board, and shall amended. operate at a lesser rate of speed if ordered and directed by the Board.

(g) At the intersection of the company's railway and York & Metro-cross streets or highways crossing or intersecting the high-politan Ry. Co. way upon which the railway is operated the company shall agreement construct and keep in repair crossings of a similar char-amended. acter to those adopted by the municipality and shall construct underneath its track allowance such culverts and waterways as are in the opinion of the council of the municipality or its engineer or other officer appointed for that purpose necessary for drainage purposes, and shall at the entrance to private properties abutting upon the company's railway construct such approaches as may be directed by the council or such officer or by the Board.

(h) When the company's tracks are built over any ex-York & Metro-isting culvert the company shall when so directed by the politan Ry. Co. council or such officer or the Board extend such culverts agreement so that the portion of the highway to be travelled upon amended. by the public shall have a width of at least eighteen feet between the company's nearest tracks and the end of the culverts upon the side of the road opposite to such track.

(i) The company shall remove the snow from, and with-York & Metro-in its tracks and switches, but any snow put upon the politan Ry. Co.

graded part of the road by the company shall be evenly spread thereon in a manner to be approved by the council or its engineer or officer.

Taking up
streets by
company.

(j) The municipal council may at any time, after giving to the company 20 days' notice of its intention so to do, take up any part of the highway along which the company's railway is constructed, for the purpose of altering the street or road grade, constructing sewers, drains, culverts or side crossings, laying down gas and water pipes or underground wires, and for all other purposes within the province and privileges of a municipal corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or the works connected therewith. When and so often as it may be necessary for the municipal corporation to open the road or street for the purpose of repairing such street or road, sewer, drains, culverts, gas or water pipes, or underground wires, or for putting in gas, water or other services, a reasonable notice shall be given to the company of the council's intention so to do, and the work thereon shall not be unnecessarily delayed but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof.

(k) All work done under the authority of the agreement shall be done in the most substantial manner and according to the best modern practice under the superintendence and to the satisfaction of the engineer or officer appointed by the council for such purpose with a right of appeal to the Board.

(l) The alignment of the company's tracks, the location of switches and the grades of the roadbed of its railway shall be prescribed by such officer or engineer.

(m) The company shall repay to the municipality all sums paid by it to such officer or engineer for services performed by him in connection with the company's work.

(n) All persons using the said highway shall be at liberty to travel upon any portion of the travelled roadway occupied by the company's railway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portions of the highway, it being provided, however, that the company's cars shall have the first right of way over the said railway, and all vehicles or persons travelling on that portion of the highway occupied by the railway shall turn out to let the trains or cars pass—and any person refusing or neglecting so to do shall be liable on summary conviction to a fine of not more than ten dollars and costs.

(o) The words "travelled portion" where used in this section as applicable to roads, streets or highways shall be

York and Metropolitan Ry. C
agreement
amended.
2 Edw. VII.,
27, s. 17, part

2 Edw. VII.,
27, s. 17, part

deemed to mean that central portion of roads, streets or highways between the ditches or drains on either side thereof and ordinarily used for vehicular traffic.

Radial Lines.

218.—(1) Notwithstanding anything in this Act contained, ^{New.} the railway shall not be constructed along any highway within the limits of any city or town except upon and subject to such terms and conditions as may be agreed upon between the company and the street railway or electric railway, if any, already operating in such city or town and the council of the corporation of such city or town. Provided always that if there is an existing agreement between such city or town and the street railway or electric railway already operating in such city or town then the railway shall not be constructed along any such highway, ^{Proviso.} except, upon and subject to the terms of such existing agreement; provided also, that where *no provision is contained in any* agreement between any street railway or electric railway company and the city or town for the admission of other electric or street railways, then if the council of such city or town shall by by-law or resolution request the street railway company or electric railway company already operating in such city or town, to allow its tracks or any of the streets to be used for the entrance of such other railway, or if such street railway company or electric railway company or such other railway shall by by-law or resolution request the city or town to permit the entrance of the railway into such city or town the company so operating in the city shall permit its tracks or any streets to be so used to some central point in the said city or town, and the said city or town shall permit such other railway to enter within the limits of such city or town, upon such terms and conditions as to compensation, *location of central point*, and otherwise as may be mutually agreed upon between *such other railway*, the council and such street railway or electric railway company, or as shall be settled and determined by the Board in case the council and the said two companies are unable to agree upon the same.

(2) The Board shall not (without the consent of the city ^{New.} or town) grant to any company desiring to operate within any such city or town any right or privilege to so operate for a longer period than the unexpired term of the franchise or privilege held or enjoyed by any company which at the date of the application to the Board under this section is operating a railway or street railway within the limits of such city or town.

(3) At the expiration of such term *a new agreement* ^{New.} may be made as to a renewal of the same for a further

period not exceeding twenty-five years, and in the event of the parties being unable to agree, the Board may in its discretion order a renewal thereof upon such terms and conditions as shall be determined by the Board.

(4) This section shall not be construed to confer upon the New Board the power to vary or annul any provision, contained in the agreement between the parties or in the order of the Board, allowing the entrance of such other railway, which grants to the corporation of the city or town interested the right to take over and assume the ownership of such other railway within the limits of such city or town on the expiration of any such term.

219. Any railway company operating in cities or towns shall, in addition to such terms, conditions, regulations and restrictions as may be contained in any agreement with or by law of the city or town, be subject as to that portion of the railway within the limits of such city or town to the provisions of this Act respecting the construction and operation of street railways.

Examination
of applicants
for position
as motorman

220. This Act shall not, except where the same is so expressed, be construed to vary or rescind, or to confer upon the Board power to vary or rescind any agreement lawfully entered into between a municipal corporation and a railway or street railway company, or between two or more railway or street railway companies prior to the passing of this Act.

Examination of Motormen.

221.—(1) No applicant for a position as a motorman on any railway or street railway operated by electricity shall be appointed to such position until he has been subjected to a thorough examination by an examiner or examiners to be approved by the Board as to his habits, physical ability and intelligence. He shall then be placed on a car with an instructor, and when the *said examiner* is satisfied as to the applicant's capability for the position of motorman, he shall so certify to the *Board*, and, if appointed, the applicant shall, *so far as reasonably possible*, first serve on the lines of least travel.

New, founded
on N. Y. Ry.
law, amended.

(2) The company shall pay for the services of such examiners.

Examination for Colour Blindness.

222.—(1) No company shall hereafter employ any person in a position which requires him to distinguish form or colour signals unless such person, within two years next preceding his appointment, has been examined for colour blindness on the distinct colours in actual use *as signals* on

New, founded
on Ohio Ry. law

the company's line of railway by some competent person to be employed for the purpose by the company and has received a certificate that he is not disqualified for such position for colour blindness in the colours used on such railway or on railways crossing or connecting with it.

(2) The company shall cause such employees to be re-examined for colour blindness at least once in every two years.

(3) Nothing in this section contained shall prevent the company from continuing in its employment any employee having defective sight in cases where the same can be fully remedied by the use of glasses or by other means satisfactory to the person making the examination. New, founded on Ohio Ry. law.

(4) For violation of the provisions of this section the company shall for each offence be liable to a penalty of one hundred dollars. New.

(5) This section shall apply to street railways. New.

ACTIONS FOR DAMAGES.

223.—(1) All actions or suits for any damages or injury sustained by reason of the construction or operation of the railway shall be commenced within one year next after the time when such supposed damage is sustained, or if there is continuation of damage within *one year* next after the doing or committing of such damage ceases, and not afterwards. Dom. Ry. Act, 1903, s. 242, part amended.

(2) Nothing in this section shall apply to any action brought against the company upon any breach of contract, express or implied, as to or upon any breach of duty in the carriage of any traffic nor to any action against the company for damages under any section of this Act, respecting tolls.

(3) This section shall apply to street railway companies.

AGREEMENTS WAIVING RIGHT TO DAMAGES FOR DEFECTIVE MACHINERY VOID.

224.—(1) No company owning or operating a railway or street railway in whole or in part in this Province shall adopt or promulgate any rule or regulation for the government of its servants or employees, or make or enter into any contract or agreement with any person engaged in or about to engage in its service, in which such employee directly or indirectly, promises or agrees to hold such company harmless, on account of any injury he may receive by reason of any accident to, breakage, defect or insufficiency in the cars, motors, locomotives or machinery or attachments thereto belonging, and any such rule, regulation, contract or agreement shall be void and of no effect. And no such company shall demand, accept, require, or enter into any contract or agreement with any

Limitation of action for damages.

Pleadings.

Certain actions excepted.

person about to enter, or in the employ of the company whereby such person agrees to surrender or waive any right to damages for personal injury or death against any such company thereafter arising; and all such contracts and agreements shall be void.

(2) Every company violating or aiding in the violation of this section shall for each offence be liable to a penalty of \$ _____ to be recovered in any court of competent jurisdiction by any person suing therefor.

(3) No such company shall knowingly or negligently use or operate any car, motor or locomotive that is defective, or any car, motor or locomotive upon which the machinery or attachments thereto belonging are in any manner defective.

(4) This section shall apply to street railways and street railway companies.

WAGES OF LABOURERS.

Rate of wages of labourers on construction of lines subsidized by Legislature.

225. In every case in which the Legislature has granted or shall grant financial aid by way of subsidy or guarantee towards the cost of railway construction, all mechanics, labourers or other persons who perform labour in such construction shall be paid such wages as are generally accepted as current for competent workmen in the district in which the work is being performed; and if there is no current rate in such district, then a fair and reasonable rate; and in the event of a dispute arising as to what is the current rate in such district, or a fair and reasonable rate, it shall be determined by the Board, whose decision shall be final.

Dom. Ry. Act, 1903, s. 205 amended.

LIEN FOR WAGES.

Lien for wages.

226.—(1) Every mechanic, labourer or other person who performs labour for wages upon the construction or maintenance of the railway or the works connected therewith, shall have upon the said railway and other property of the company in lien for such wages not exceeding the wages for thirty days, or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by *The Mechanics' and Wage Earners' Lien Act*.

Street Ry. Act, R.S.O. 1897, c. 208, s.35.

Rev. Stat. c. 153.

(2) This section shall apply to street railways.

HOURS OF LABOR.

227. No company operating a line of railway of twenty miles in length or over, shall permit or require a conductor, engineer, motorman, fireman, trainman, despatcher or

New. Founded on Mass. and N.Y. Ry. law.

signal man who has worked in any capacity for *sixteen* consecutive hours, to go again on duty to perform any kind of work, until he has had at least *six* hours' rest.

RETURNS.

Annual returns to be prepared.

228.—(1) Every company shall annually prepare in accordance with forms which shall from time to time be provided and supplied to the companies by the Board, returns of its capital, traffic and working expenses, and of all information required, as indicated in such forms to be filed with the Board; and such returns shall be dated and signed by, and attested upon the oath of the secretary, of the company, and of the president, or in his absence, of the vice-president or manager of the company.

What period to be included.

(2) Such returns shall be made for the period included from the date to which the then last yearly returns made by the company extended, or from the commencement of the operation of the railway, if no such returns have been previously made, and, in either case, down to the last day of December in the preceding year.

Date of returns.

(3) Such returns, dated signed and attested in manner aforesaid shall be forwarded by such company to the Board within three months after the *thirtieth* day of *June* in each year.

Further returns when required.

(4) The company shall also, in addition to the information required to be furnished to the Board, as indicated in subsection (1) hereof furnish such other information and returns as are, from time to time, required by the Board or as shall hereafter be ordered by the Legislature.

Returns to be submitted to Legislative Assembly.

(5) The Board shall transmit the returns so made to the Lieutenant-Governor in Council who shall lay the same before the Legislature, within twenty-one days from the commencement of each session thereof.

Ont. Electric Ry Act, R.S.O. 1897, c. 209, s. 107, amended.

Return of accidents to be made semi-annually.

229. The company shall, within ten days after the first days of January and July, in each and every year, make to the Board, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties (whether to persons or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth—

1. The causes and natures of such accidents and casualties;

2. The points at which they occurred, and whether by night or by day;

3. The full extent thereof, and all particulars of the same; and shall also at the same time return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of the railway.

Forms to be appointed by the Commissioner.

230. The Board may order and direct, from time to time, the form in which such returns shall be made.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 108, amended. s. 109, amended.

Such returns to be privileged communications.

231. All such returns relating to accidents made in pursuance of the provisions of this Act shall be privileged communications, and shall not be evidence in any court whatsoever except to enforce the penalties for failure or neglect to furnish such returns as required by this Act.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 111.

Returns to Board, of assets and liabilities.

232. The Board may, from time to time, by notice served upon the company, or any officer, servant or agent of the company, require it, or such officer, servant or agent to furnish the Board, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Board requires, the assets and liabilities of the company—the amount of its stock issued and outstanding—the date at which any such stock was so issued—the amount and nature of the consideration received by the company for such issue, and, in case the whole of such consideration was not paid to the company in cash, the nature of the service rendered to or property received by the company for which any stock was issued—the gross earnings or receipts or expenditure by the company during any periods specified by the Board, and the purposes for which such expenditure was made—the amount and nature of any bonus, gift, or subsidy, received by the company from any source whatsoever, and the source from which and the time when, and the circumstances under which, the same was so received or given—the bonds issued at any time by the company, and what portion of the same are outstanding and what portion, if any, have been redeemed,—the amount and nature of the consideration received by the company for the issue of such bonds—the character and extent of any liabilities outstanding, chargeable upon the property or undertaking of the company, or any part thereof, and the consideration received by the company for any such liabilities, and the circumstances under which the same were created—the cost of construction of the company's railway or of any part thereof,—the amount and nature of the consideration paid or given by the company for any property acquired by it,—the particulars of any lease, contract or arrangement entered into between the company and any other company or person,—and generally, the extent,

Of stock issued and outstanding.

Of earnings and expenditure.

Of bonuses.

Of bonds.

Of secured liabilities.

Of cost of property.

Of cost of acquirements.

Of leases and contracts.

Generally.

nature, value and particulars of the property, earnings, and business of the company.

Powers of Board respecting returns.

233. The Board may summon, require the attendance of, Dom. Ry. Act, and examine under oath, any officer, servant or agent of 1903, s. 309, the company, or any other person, as to any matters included in such return, or which were required by *the* notice aforesaid to be returned to the Board, and as to any matter or thing which, in the opinion of the Board, is relevant to such return, or to any inquiry which the Board deems it expedient to make in connection with any of the matters in this section aforesaid; and for such purposes may require the production to the Board of any books or documents in control of the company, or *of* such officer, servant, agent or person.

Or inquiries respecting same.

Production of documents.

Refusal to make returns.

234. If any company or officer, servant, or agent thereof wilfully or negligently refuses to make the returns required by this Act or by the Board under the authority thereof when, and as thereunto required by the Board, or fails to make any such return to the utmost of its, or his knowledge or means of knowledge, the company, and every such officer, servant or agent, so in default, shall severally be liable to a penalty not exceeding _____ dollars.

Penalties.

Making false returns to Board.

235. If the company, or any officer, servant, or agent thereof, wilfully or negligently makes any false return, 1903, s. 309, or any false statement in any such return, the company, part, amended, and any such officer, servant or agent, shall be severally liable to a penalty not exceeding _____ dollars, and such officer, servant or agent shall also on summary conviction, be liable to imprisonment for any period not exceeding _____ months, in the common jail of the county where such conviction is had.

236. The sections relating to "Returns," being sections 228 to 235, inclusive, of this Act, shall apply to street railway companies.

INVESTIGATION OF ACCIDENTS.

Notice of accident.

237.—(1) Every company shall, as soon as possible, and immediately after the head officers of the company have received information of the occurrence upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the railway, or whereby any bridge, culvert, viaduct, or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof, with full particulars, to the Board; and every company which wilfully and negligently omits to give such notice shall forfeit to His Majesty the sum of two hundred dollars Dom. Ry. Act, 1903, s. 235.

Penalty for omission.

for every day during which the omission to give the same continues.

Form of notice and investigation into accidents.

(2) The Board may by regulation declare the manner and form in which such information and notice shall be given and the class of accidents to which the next preceding section shall apply, and may declare any such information so given to be privileged, and the Board may inquire into all matters and things which it deems likely to cause or prevent accidents, and the causes of, and the circumstances connected with, any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto.

Report.

(3) The Board may order the company to suspend or dismiss any employee of the company whom it may deem to have been wilfully negligent in respect of any such accident. Dom. Ry. Act, 1903, s. 236.

(4) The Board shall include in their annual report to the Lieutenant-Governor in Council, the result of any such enquiry with such recommendations as to it may seem proper.

(5) This section shall apply to street railway companies. New.

ANIMALS AT LARGE.

Cattle not allowed at large near railway.

238.—(1) No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail-level, unless such cattle are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection, or straying upon the railway. Dom. Ry. Act, 1903, s. 237.

May be impounded.

(2) All cattle found at large contrary to the provisions of this section may, by any person who finds the same at large be impounded in the pound nearest to the place where the same are so found, and the pound-keeper with whom the same are impounded shall detain the same in the like manner, and subject to like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

Right of action negatived.

(3) If the cattle of any person, which are at large contrary to the provisions of this section, are killed or injured by any train, at such point of intersection, he shall not have any right of action against any company in respect of the same being so killed or injured.

(4) This section shall apply only to railways *where* operating either by steam or electricity upon a right of way owned by the company.

OFFENCES AND PENALTIES.

239.—(1) No company shall, either directly or indirectly, Dom. Ry. Act, employ any of its funds in the purchase of its own stock or 1903, s. 290. in the acquisition of any shares, bonds or other securities issued by any other railway company in Canada; but this shall not affect the powers or rights, if any, which any company in Ontario now has or possesses by virtue of any special Act to acquire, have or hold shares, bonds or other securities of any railway company in Canada or the United States.

(2) Every director of a railway company, who knowingly permits the funds of any such company to be applied in violation of this section, shall incur a penalty of one thousand dollars for each such violation, which penalty shall be recoverable on information filed in the name of the Attorney-General of Ontario; and a moiety thereof shall belong to His Majesty, and the other moiety thereof shall belong to the informer, and the acquisition of each share, bond or other security, or interest, as aforesaid, shall be deemed a separate violation of the provisions aforesaid.

240.—(1) Every person not connected with the railway, or employed by the company, who walks along the track thereof, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding ten dollars.

(2) Every person who wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company, or removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of, or extract from this Act or any other Act of the Legislature, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway, shall be liable on summary conviction to a penalty not exceeding fifty dollars, or, in default of payment, to imprisonment for a term not exceeding two months.

(3) Every person who enters upon any railway train with intent fraudulently to be carried upon the said railway train without paying fare thereon, or who wilfully obstructs or impedes any officer or agent of the company in the execution of his duty upon any train, railway, or upon any of the premises of the company, or who wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes, shall be liable to the like penalty or imprisonment, and shall be liable to be proceeded against and dealt with

Purchasing
stock in other
companies.

Walking on
track
prohibited.

Destruction
of fences,
bridges, etc.

Defacing
notices, etc.

Penalty.

Fraudulently
attempting to
travel without
paying fare.

Obstructing
railway
authorities.

Trespassing.

Penalties.

in like manner, as mentioned in subsection two of this section in regard to the offences therein mentioned.

Board may order foot-bridges erected at level crossings.

241.—(1) If the Board orders any company to erect, at or near, or in lieu of, any highway crossing at rail level, a foot bridge, or foot bridges, over its railway, for the purpose of enabling persons, passing on foot along such highway, to cross the railway by means of such bridge or bridges, from and after the completion of such foot bridge or foot bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such crossing shall not be used by foot passengers on the said highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

Subsequent use of highway crossing.

Penalty for non-compliance.

(2) Every person who offends against the provisions of this section is liable, on summary conviction to a penalty not exceeding ten dollars. Dom. Ry. Act, 1903, s. 292.

Penalty for erection, etc., of structures in violation of this Act.

242. Every company which shall erect, operate or maintain any bridge, approach, tunnel, viaduct, trestle, or any building, erection or structure, in violation of this Act, or of any order or regulation of the Board, shall for each offence incur a penalty of fifty dollars. Dom. Ry. Act, 1903, s. 293.

Liability of company, directors, etc., in certain cases.

243. The company, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by the company, doing, causing or permitting to be done, any matter, act or thing contrary to the provisions of this or the special Act, or to the orders or directions of the Board made hereunder, or omitting to do any matter, act or thing required to be done on the part of any such company, or person, is liable to any person injured thereby for the full amount of damages sustained by such Act or omission; and if no other penalty is, in this or the special Act, provided for any such act or omission, is liable, for each offence, to a penalty of not less than twenty dollars, and not more than five thousand dollars, in the discretion of the court before which the same is recoverable. Dom. Ry. Act, 1903, s. 294.

Damages.

Penalty.

of the court before which the same is recoverable.

Selling liquor to railway employees on duty.

244. Every person who sells, gives or barter any spirituous or intoxicating liquor to or with any servant or employee of any company, while actually employed in the course of his duty on a train or car or while in uniform or in connection with the operation of a train or car, is liable on summary conviction to a penalty not exceeding twenty-five dollars, or to imprisonment with or without hard labour for a period not exceeding one month, or to both. Dom. Ry. Act, 1903, s. 295 (2).

245. Every person who is intoxicated while he is in charge of a locomotive engine, or electric motor, or acting as the 51 V. c. 29, s. 292.

conductor of a car or train of cars, shall be liable on summary conviction to a penalty of \$200 or imprisonment for one year or both.

Violation by employees, of by-laws, etc., punishable in certain cases.

246. Every officer or servant of, and every person employed by the company, who wilfully or negligently violates any by-law, rule or regulation of the company or its directors lawfully made and in force, or any order or notice of the Board, or of an inspecting engineer, of which a copy has been delivered to him, or which has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, if such violation causes injury to any person or to any property, or exposes any person or any property to the risk of such injury, or renders such risk greater than it would have been without such violation, although no actual injury occurs is liable on summary conviction to a penalty of not less than \$5.00 and not more than \$50.00 or to imprisonment with or without hard labour for not more than three months or to both.

Penalty.

Violation of by-laws, etc., by other persons.

247. Every person who wilfully or negligently violates any lawful by-law, rule or regulation of the company is liable, on summary conviction, for each offence, to a penalty not exceeding the amount therein prescribed, or if no amount is so prescribed, to a penalty not exceeding twenty dollars; but no such person shall be convicted of any offence, unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was posted in some conspicuous place at or near the station at which the offender entered the train or in the passenger cars of the train.

Proviso as to posting by-law, etc.

Damaging freight with intent to steal contents.

248. Every person who unlawfully and maliciously,

(a) bores, pierces, cuts, opens or otherwise injures any cask, box or package, which contains wine, spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on about any car, wagon, boat, warehouse, station house, wharf, quay or premises of, or which belong to any company.

Drinking or wasting liquor. Penalties.

(b) drinks or wilfully spills or allows to run to waste any such liquors, or any part thereof,—
is liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for a term not exceeding one month, or to both.

Dom. Ry. Act, 1903, s. 298, amended.

(c) Any person who wilfully breaks down, injures, weakens, destroys or interferes with any pole, wire, insulator, structure or erection for carrying wires of an electric rail-

way company or any company carrying on the business of transmission of electric power, or who shoots at any insulator on a line of such company with fire-arms of any kind, or throws stones or other missiles at, or breaks, or attempts to break same in any way, or flings or causes to be placed any wire, rope, string or stick at, upon, or across the said wires, or without authority climbs any of such poles or structures or erections of such company used for transmitting electric current, or removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section or extract from this Act or any other Act of the Legislature which the company or any of its officers or agents have caused to be pasted, attached or affixed to or upon any pole, tower, fence, post, gate, building or erection of the company, shall be liable on summary conviction to a penalty not exceeding \$100 and not less than \$15, or in default of payment to imprisonment for a term not exceeding six months. **70**

Each day's violation of this Act, or order hereunder, a distinct offence.

249. When the violation of, or failure to comply with, Dom. Ry. Act, any provisions of this Act, or any regulation or order or direction of the Board, or of any inspecting engineer, is made an offence subject to penalty, by this Act, or by any regulation made under this Act, each day's continuance of such violation, or failure, to comply, shall constitute a new and distinct offence.

Act or omission of officer, etc., deemed to be act or omission of Company.

250. For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any regulation, order, or direction of the Board, or of any inspecting engineer, made under this Act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by the company acting within the scope of his employment shall in every case be also deemed to be the act, omission or failure of such company as well as that of the person; and anything done or omitted to be done by the company, which, if done or omitted to be done by any director, or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by the company, would constitute an offence under this Act, shall also be held to be an offence committed by such company, and upon conviction thereof the company shall be subject to the like penalties as are prescribed by this Act with reference to such persons.

Certain penalties may be imposed on summary convictions.

Recovery of penalties.

Punishment for contravention of this Act, etc., not to exempt company from forfeiture.

251. No punishment for a contravention of this Act or Ont. Ry. Act, of the special Act, by the company, shall exempt the com- R.S.O. 1897, pany from the forfeiture of the privileges or franchise c. 207, s. 110. conferred on it by the said Acts or by any agreement made between the company and any municipal corporation if by the provisions thereof, or by law, the same be forfeited by such contravention.

252. The sections of this Act relating to offences and penalties, being sections 239 to 252 inclusive, shall so far as applicable apply to street railways and street railway companies.

RECOVERY AND PAYMENT OF PENALTIES.

253. The company may in all cases under this Act pay Ont. Ry. Act, the amount of any penalty and costs imposed upon an R.S.O. 1897, officer, servant, or person in the employ of the company, c. 207, s. 11 and recover the same from the offender or deduct it from amended. his salary or pay.

254. All penalties incurred under any of the sections of Street Ry. Act, this Act, unless otherwise provided, may be recovered in R.S.O. 1897, the name of His Majesty, by His Majesty's Attorney Gen- c. 208, s. 40. eral for Ontario, in any court of competent jurisdiction; and all penalties recovered under this Act shall, unless otherwise herein expressly provided, be paid to the Treasurer of the Province to the credit of "The Railway Inspection Fund."

255. The last preceding two sections shall apply to street railway companies.

TRANSMISSION OF POWER ON RIGHT OF WAY.

256. The Board, upon receiving instructions in that (See Hamilton, behalf from the Lieutenant-Governor-in-Council, and the Guelph and officers, agents and servants of the Board, may at all North Shore times enter upon the right of way of the company and may Ry., 5 Edw. dig up the same, erect thereon all necessary poles, or lay VII, c. 93, s. 63.) all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Lieutenant-Governor-in-Council and the company.

USE OF RAILWAY BY DOMINION GOVERNMENT.

257.—(1) His Majesty's Mail, His Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on His Majesty's service, shall at all times, when thereunto required by His Majesty's Postmaster-General, the Commander of the Forces,

The Company may pay penalty and deduct from wages.

How penalties recovered and applied.

Crown may use right of way for the transmission of power to municipalities.

Provision as to the carriage of His Majesty's mail, etc.

or any person having the superintendence or command of any Police Force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions, and under such regulations as may be made by the Governor-General in Council or Lieutenant-Governor in Council as the case requires.

Government to have exclusive use of telegraph.

(2) The Governor-General or Lieutenant-Governor as the case may be, or any person thereunto authorized by them, may require the company to place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service.

(3) This section shall apply to street railway companies.

CONVEYANCES OF LAND.

Conveyances of land to Company.

258.—(1) Conveyances of land to the company, for the purposes of and powers given by this Act, made in the form set forth in Schedule "B" of this Act or to the like effect, shall be sufficient conveyance to such company, its successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates indorsed on the duplicates thereof.

(2) This section shall apply to street railway companies.

REPEAL OF ACTS.

Repeal of Acts.

259. The following Acts of the Legislative Assembly are hereby repealed:—

Chapter 207 of the Revised Statutes of Ontario, "*The Railway Act of Ontario*"—the whole.

Chapter 208 of the Revised Statutes of Ontario, "*The Street Railway Act*"—the whole.

Chapter 209 of the Revised Statutes of Ontario, "*The Electric Railway Act*"—the whole.

Chapter 11 of 62 Victoria, 2nd session—section 23.

Chapter 25 to 62 Victoria, 2nd session—the whole.

Chapter 31 of 63 Victoria—the whole.

Chapter 25 of 1 Edward VII.—the whole.

Chapter 26 of 2 Edward VII.—the whole.

Chapter 27 of 2 Edward VII.—the whole.

Chapter 17 of 3 Edward VII.—the whole.

Chapter 10 of 4 Edward VII—section 79.

260. This Act shall come into force on the 00 day of , 1906.

SCHEDULE "A."

(Section 145.)

CHIEF ENGINEER'S CERTIFICATE.

The _____ Railway Company's Office, No.
A.D. 190 _____

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The
Railway Company Municipal Trust Account given
under section 145 of *The Ontario Railway Act, 1896.*

I, _____ chief engineer of The
_____ Railway Company do hereby certify that the said
company has fulfilled the terms and conditions necessary to be ful-
filled under the said By-law No. _____ of the _____ of
(or under the agreement dated the _____ day of _____ 19 _____,
between the corporation of _____ and the company)
to entitle the said company to receive from the said trust company
the sum of _____ (*here set out the terms and conditions,*
or any of which have been fulfilled.)

SCHEDULE "B."

(Section 258.)

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

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

Signed, sealed and delivered
in the presence of

[L.S.]

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Steam, Electric and
Street Railways.

First Reading, 12th March, 1906.
Second Reading, 23rd March, 1906.

*(Re-printed as again amended in Com-
mittee of the Whole House.)*

Mr. HENDRIE.

TORONTO:

PRINTED BY I. K. CAMERON,

Printer to the King's Most Excellent Majesty.

BILL.

An Act respecting Steam, Electric and Street Railways.

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

SHORT TITLE.

Short title.

1. This Act may be cited as "*The Ontario Railway Act*," 1906." Ont. Ry. Act, R.S.O. 1897, c. 207, s. 1.

INTERPRETATION.

Interpretation of words.

2. Where the words following occur in this Act, and in the special Act incorporating any Railway or Street Railway Company, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"The Special Act."

(1) "The Special Act," shall be construed to mean any Act authorizing the construction of or otherwise specially relating to a railway or street railway, whether operated by steam, electricity or other motive power, and with which this Act is incorporated; and in all cases where this Act is made applicable to street railways or street railway companies the words "the special Act" shall include a charter of incorporation of a street railway company under the Great Seal of the Province of Ontario; or supplementary letters patent relating to such a company. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 2 (2), amended.

'Prescribed.'

(2) "Prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same is prescribed or provided for in the special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 2(2-4)

'The Lands.'

(3) "The Lands" shall mean the lands which by the special Act are authorized to be taken or used for the purposes thereof; Dom. Ry. Act, sec. 2 (a), amended.

- "The Undertaking." (4) "The Undertaking" shall mean the railway and works of whatever description, by the special Act authorized to be executed. Dom. Ry. Act, 1903, s. 2 (b.d.)
- "Board." (5) "Board" shall mean "The Ontario Railway and Municipal Board."
- "By-law." (6) "By-law," when referring to the act of the company shall include a resolution; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (1-7)
- "Costs." (7) "Costs" shall include fees, counsel fees, and expenses; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (8)
- "Lands." (8) "Land" or "lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure; amended.
- "Lease." (9) "Lease" shall include any agreement for a lease;
- "Toll." (10) "Toll" shall include any rate or charge or other payment payable under this Act or the special Act for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the railway;
- "County." (11) "County" shall include any union of counties, and any provisional judicial district; Dom. Ry. Act, 1903, s. 2 (h)
- "County Court Judge." (12) "County Court Judge" shall include a Judge of a District Court; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (9)
- "Highway." (13) "Highways" shall mean any public road, street, lane, and other public way or communication;
- "Street." (14) "Street" shall include any highway.
- "Sheriff" (15) "Sheriff" shall include the Deputy Sheriff; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace" shall, in such case, be construed to mean the Sheriff or Clerk of the peace of the district, county, city, or place where such lands are situate; and if the lands in question, being the property of one and the same person, are situate not wholly in one district, county, city, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such district, county, city, or place where any part of such lands is situate; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (10)
- "Clerk of the Peace." (16) "Goods" shall include personal property of every description that may be conveyed upon the railway, or upon steam vessels, or other vessels connected with the railway;
- "Goods." (17) "Justice" shall mean Justice of the Peace or Stipendiary or Police Magistrate acting for the district, coun-

ty, city, or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of the same person, situate not wholly in any one district, county, city or place, the word "Justice" shall mean a Justice or Stipendiary or Police Magistrate acting for the district, county, city or place where any part of such lands is situate, and who is not interested in such matter;

"Owner." (18) "Owner" (where, under the provisions of this Act or the special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner) shall be understood to mean any corporation or person who, under the provisions of this Act or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company;

"The Company." (19) "The company" shall mean the company or person authorized by the special Act to construct the railway or street railway (if the section of the Act in which the words occur is applicable by its terms to street railways), and shall include all persons or corporations leasing or operating any railway. New—See Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (11), amended.

"The Railway." (20) "The railway" shall mean the railway and works by the special Act authorized to be constructed; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (12).

"Street Railway." (21) "Street railway" shall mean a railway constructed or operated along a highway under or by virtue of an agreement with or by law of a city or town, and shall include all portions of such railway within such city or town and for one and a half miles beyond the limits thereof. Although such one and a half miles may be constructed under a by-law of, or agreement with a municipality, other than such city or town. New.

"Shareholder." (22) "Shareholder" shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 3 (14).

"Inspecting engineer." (23) "Inspecting engineer" shall mean an engineer who is directed by the Board to examine any railway or works, and shall include two or more engineers when two or more are so directed; Dom. Ry. Act, 1903, s. 2 (j), amended.

"Working expenses." (24) "Working expenses" shall mean and include all expenses of maintenance of the railway, and all such tolls, rents or annual sums as are paid in respect of property leased to or held by the company, apart from the rent of any leased line, or in respect of the hire of rolling stock, let to the company; also all rent charges or interest on the purchase money of lands belonging to the company purchased but not paid for or not fully paid for; and also expenses of or incidental to working the railway, and Dom. Ry. Act, 1903, sec 2 (cc).

the traffic thereon, including all necessary repairs and supplies to rolling stock while on the lines of another company; also rates, taxes, and insurance; also, all salaries and wages of persons employed in and about the working of the railway and traffic; and all office and management expenses, including directors' fees, agency, legal and other like expenses; also all costs and expenses of and incidental to the compliance by the company with any order of the Board under this Act; and generally all such charges, if any, not above otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenue as distinguished from capital account;

- Traffic. (25) "Traffic" shall include passengers, goods and rolling stock.
- "Train." (26) "Train" shall include any engine, motor car or other rolling stock; Dom. Ry. Act, 1903, s. 2 (3) (l) (u).
- "Rolling stock." (27) "Rolling stock" shall mean and include any locomotive, engine, motor, car, tender, snow plough, flanger, and every description of car or of railway equipment designed for movement, on its wheels, over or upon the rails or tracks of the company;
- "Secretary." (28) "Secretary" shall mean the Secretary of the Board.

APPLICATION OF ACT.

Application of Act.

3.—(1) This Act shall, unless otherwise expressed, apply New—See Dom. to all persons, companies, railways (other than Government Ry. Act, 1903, railways) and (when so expressed) to street railways s. 3. within the legislative authority of the Legislature of Ontario, and whether such railways are operated by steam, electricity or other motive power, and whether constructed and operated on highways or on lands owned by the company or partly on highways and partly on such lands, and shall be incorporated and construed, as one Act, with the special Act, subject as herein provided.

Application to street railways.

(2) No section of this Act shall apply to street railways New. unless it is so expressed and provided

Any section may be excepted by Special Act.

(3) Any section of this Act may, by any special Act Dom. Ry. Act, passed by the Legislature, be excepted from incorporation 1903, s. 4, therewith, or may thereby be extended, limited or qualified. It shall be sufficient, for the purposes of this section, to refer to any section of this Act by its number merely.

Or may be extended, limited or qualified.

4. If in any special Act heretofore passed by the Legisla- Dom. Ry. Act, ture it is enacted that any provision of *The Railway Act* of 1903, s. 5, Ontario or of *The Electric Railway Act*, or of *The* amended.

Street Railway Act in force at the time of the passing of such special Act, is excepted from incorporation therewith, or if the application of any such provision is, by such special Act, extended, limited or qualified, the corresponding provision of this Act shall be taken to be excepted, extended, limited or qualified, in like manner; and, unless otherwise expressly provided in this Act, this Act shall apply to all railway companies, and, where so expressed, to street railway companies incorporated under a Special Act, or any general Public Act, or this Act, but where the provisions of the Special Act, or of this Act are inconsistent, the Special Act shall be taken to override the provisions of this Act so far as is necessary to give effect to such Special Act.

As to exceptions, etc., previous to this Act.

Conflict between this Act and Special Act.

INCORPORATION.

5.—(1) Every company incorporated under a special Act shall be a body corporate under the name declared in the special Act, and shall be invested with all such powers, privileges and immunities as are necessary to carry into effect the intentions and objects of this Act and of the special Act, and are incident to such corporation, or are expressed or included in *The Interpretation Act*.

(2) This section shall apply to street railway companies.

ORGANIZATION OF THE COMPANY.

Offices.

6. The head office of the company shall be in the place designated in the Special Act, but the company may, by by-law, from time to time, change the location of its head office to any place in Ontario, notice thereof to be given to the Secretary of the Board who shall keep a register for the purpose.

Provisional Directors.

7.—(1) The persons mentioned by name as such in the Special Act are hereby constituted provisional directors of the company, and of such provisional directors a majority shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed and make calls upon subscribers in respect of their stock, and sue for and recover the same, and receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking and enter into any agreement authorized by this Act or by the Special Act with the person or

Provisional directors.

Majority quorum.

Powers.

Deposit of moneys.

Head office.

Change of location.

Companies established under special Acts declared to be bodies corporate, etc.

Dom. Ry. Act, 1903, s. 52.

(See also Penetang & Orillia Ry Co., 5 Edw. VII, c. 105, s. 5.)

corporation making such grant, loan, bonus or gift respecting the condition or disposition thereof and cause plans and surveys to be made, and deposit in any chartered bank of Canada having an office in Ontario moneys received by them on account of stock subscribed, which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the company for any cause whatsoever.

(2) The said provisional directors shall have power to add to their number, or to substitute for any member of the said Board of provisional directors (whether named in the Special Act, or by the said provisional directors) who may desire to resign or withdraw from his position as a provisional director of the said company, any other person as shall, from time to time, be provisional directors of the said company, pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

Allotment of stock.

(3) If more than the whole stock has been subscribed, the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if in their judgment such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the head office of the company or at such other place in the Province of Ontario as may in the opinion of the provisional directors best suit the interests of the company.

When subscription for stock to be binding.

(4) No subscription for stock in the capital stock of the company shall be binding on the company unless it shall be approved by resolution of the provisional directors or of the directors, nor unless ten per centum of the amount subscribed has been actually paid within one month after subscription.

Capital.

Capital stock and shares.

8.—(1) The capital stock of the company, the amount of which shall be stated in the Special Act, shall be divided into shares of one hundred dollars each; 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 the Special Act, and for making the surveys, plans and estimates of the works authorized by the Special Act; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the railway, and other purposes of the undertaking.

Application of proceeds.

Dom. Ry. Act, 1903, s. 55. (See Hamilton, Guelph & North Shore Ry., 5 Edw. VII., c. 93, s. 10.)

Calling first meeting for election of directors.

(2) So soon as twenty-five per centum of the capital stock is subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the lawful purposes of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in the *Ontario Gazette*, and in at least one newspaper published in the place where the head office is situate, of the time, place and purpose of the said meeting.

When subscribers may call first general meeting.

(3) If the provisional directors neglect to call such meeting for three months after twenty-five per centum of the capital stock shall have been subscribed and ten per centum thereof paid up the same may be called by any five of the subscribers who have so paid up ten per centum and who collectively have subscribed for not less than twenty-five shares of the capital stock in the company and who have paid up all calls thereon. (See Belleville and Point Ann Ry., 3 Edw. VII, c. 90, s. 9.)

Number of directors and term of office, etc.

(4) At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act; and the said board may employ and pay one of their number as managing director. (See Penetanguishene and Orillia Ry., 5 Edw. VII, c. 105, s. 11.)

Increase of capital stock.

9. The original capital stock of the company may, with the approval of the Board, be increased, from time to time, to any amount, if such increase is sanctioned by a vote, in person or by proxy, of the shareholders who hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressly called by the directors for that purpose by a notice in writing to each shareholder, delivered to him personally, or properly directed to him and deposited in the post office at least twenty days previously to such meeting, stating the time, place and object of such meeting, and the amount of the proposed increase; and the proceedings of such meeting shall be entered in the minutes of the proceedings of the company, and thereupon the capital stock may, with such approval, be increased to the amount sanctioned by such vote. (Dom. Ry. Act, 1903, s. 57.)

Notice of meetings and object.

Entry in minutes.

General Meetings.

Annual meetings.

10.—(1) A general meeting of the shareholders for the election of directors and for the transaction of other business connected with or incident to the undertaking, to be called "the annual meeting," shall be held annually on the day mentioned in the special Act, or on such day as may be fixed for that purpose by the by-laws of the company and other general meetings, to be called "special meetings," may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene such special meeting, for twenty-one days thereafter fail to call such meeting.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 53 (1).

Special meetings.

(2) The annual meetings shall be held at the head office of the company.

Special general meetings.

(3) Special general meetings of the shareholders of the company may be held at such places in the Province of Ontario and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in section 11 of this Act.

(See Manitoulin and Iron Range Ry. 5 Edw. VII, c. 105, s. 18)

Notice of meetings.

11. Two weeks' public notice of any meeting of the shareholders shall be given by advertisement, in at least one newspaper published in the place where the head office is situate—in which notice shall be specified the place and the day and the hour of meeting; all such notices shall be published weekly, and a copy of the newspaper containing such notice shall, on production thereof, be evidence of the sufficiency of such notice.

Evidence.

What business may be transacted.

12.—(1) Any business connected with or incident to the undertaking may be transacted at an annual meeting, excepting such business as by this Act is required to be transacted at a special meeting; but no special meeting shall enter upon any business not set forth in the notice upon which it is convened.

Votes on shares.

(2) The number of votes to which each shareholder shall be entitled on every occasion when the votes of the shareholders are to be given, shall be in proportion to the number of shares held by him, and on which all calls due have been paid.

Shareholders may vote by proxy.

(3) Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say:

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 54, (1-4.)

Form of proxy. I, _____, of _____, one of the shareholders of the _____, do hereby appoint _____ of _____, to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the undertaking of the said _____ that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he the said _____ thinks proper.
 In witness whereof, I have hereunto set my hand and seal, the day of _____ in the year _____

Majority to govern.

(4) Any vote by proxy shall be as valid as if the constituent had voted in person, but no person shall be qualified to be appointed a proxy who is not himself a shareholder in the company and every matter or thing proposed or considered at any meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 54 (5) amended.

Certified copies of minutes, etc.

13.—(1) Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any annual or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute book, kept by the secretary of the company, and by him certified to be true copies extracted from such minute books, and when sealed with the company's seal shall, without proof of the signature of such secretary, be evidence of such proceedings and resolutions in any court. Dom. Ry. Act, 1903, s. 66.

Evidence.

Notices by secretary valid.

(2) All notices given by the secretary of the company by order of the directors shall be deemed notices by the directors of the company. Dom. Ry. Act, 1903, s. 67, amended.

President and Directors.

Election of board of directors.

14.—(1) A board of directors of the company to manage its affairs, the number of whom shall be stated in the special Act, and a majority of whom shall form a quorum, shall be chosen at the annual meeting; and if such election is not held on the day appointed therefor, the directors shall cause such election to be held at a special meeting duly called for that purpose within as short a time as possible after the day so appointed.

Who entitled to vote.

(2) On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held.

Vacancies, how to be filled up.

(3) Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws.

Who qualified to be a director.

(4) No person shall be a director unless he is a shareholder, owning at least *ten* shares of stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen.

Term of office of directors.

(5) The directors appointed at the last election or those appointed in their stead, in case of vacancy, shall remain in office until the next ensuing election of directors.

Vacancies, how supplied.

(6) In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the remaining directors; but if such appointment is not made such death, absence or resignation shall not invalidate the acts of the remaining directors.

President.

(7) The directors shall, at their first or at some other meeting after the election elect one of their number to be the president of the company, who shall, always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president.

Vice-President.

Quorum.

(8) The directors at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the directors.

Acts of majority to bind the whole.

(9) The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors.

Casting vote.

(10) No director shall have more than one vote at any meeting, except the chairman, who shall, in case of a division, of equal numbers, have the casting vote.

Directors to be subject to shareholders and by-laws.

15. The directors shall be subject to the control of the shareholders at their annual meetings, and to all by-laws of the company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the special Act. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 55 (1-11).

Contractors with company not to be directors.

16. No person concerned or interested in any contract under or with the company, or being a surety for any contractor shall be capable of being chosen a director, or of holding or continuing in the office of director or provisional director, nor shall any person being a director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contrac- Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 55 (12). See also Dom. Ry. Act, 1903, s. 79.

tor with the company; and in the event of any such contract being made by or on behalf of any director or provisional director or promoter an action shall lie in any court of competent jurisdiction against such director or provisional director or promoter at the suit of any shareholder of the company or of any municipality through which any part of the railway passes, for the benefit of the funds of the company, for the whole amount of profit accruing to such director, provisional director or promoter from the contract so made or fulfilled.

By-laws for management of Company.

17. The directors may make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of this Province, and for the appointment of all officers, servants and artificers, and for prescribing their respective duties and salaries.

May appoint officers.

18. The directors may from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their offices, as the directors think proper.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 55 (13) (14).

Retirement of officers, etc.

19. The directors may by by-law or resolution provide for the retirement of such of the company's officers and servants, on such terms as to an annual allowance or otherwise, as in each case the directors, in the interest of the company's service and under the circumstances, consider just and reasonable.

Dom. Ry. Act, 1903, s. 80 (c).

Remuneration of directors.

20. The directors may be paid such reasonable remuneration for their services as may be sanctioned by the shareholders by resolution passed at the annual general meeting to be held for the purpose of electing the successors of such directors.

Acting president.

21. In case of the absence or illness of the president, the vice-president, and in case of the absence or illness of the president and vice-president a director appointed for that purpose shall have all the rights and powers of the president, and may sign all debentures, and other instruments, and perform all acts which by the regulations and by-laws of the company or by this Act are required to be signed, performed and done by the president.

Absence of president may be entered in the minutes, and certified, etc.

22. The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 55 (15-17).

requiring the same on payment to the treasurer of \$1, and such certificate shall be taken and considered as *prima facie* evidence of such absence, or illness at and during the period in the said certificate mentioned in all proceedings in courts of justice or otherwise.

Directors to cause annual accounts to be kept.

23. The directors shall cause to be kept, and annually on the 31st day of December, shall cause to be made up and balanced, a true, exact and particular account of all moneys collected and received by the company, or by the directors or *manager* thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 55, (18) part.

Calls.

Calls.

24.—(1) The directors may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year than the amount prescribed in the special Act, but nothing herein contained shall prevent the directors from making more than one call by one resolution of the board: Provided, that the intervals between such calls, the notices of each call, and the other provisions of this Act and of the special Act, in respect of calls, are duly observed and given.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 35. See also Dom. Ry. Act, 1903, s. 85.

Notice of meetings, how published.

(2) All notices of calls upon the shareholders of the company shall be published weekly in the *Ontario Gazette*

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 35 (2).

Payment of calls, how to be made.

(3) Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the company or the directors.

See also Dom. Ry. Act, 1903, s. 86.

Interest to be chargeable on unpaid calls.

(4) If, before or on the day appointed for payment any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the legal rate for the time being, from the day appointed for the payment thereof to the time of the actual payment.

Amount of call may be recovered by suit.

(5) If at the time appointed for the payment of a call, a shareholder fails to pay the amount of the call, he may be sued for the same in any court of competent jurisdiction, and the same may be recovered, with lawful interest from the day on which the call became payable.

What formalities necessary in actions for calls.

(6) In an action to recover money due upon a call, it shall not be necessary to set forth the special matter, but it shall be sufficient to state 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 arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act.

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 35 (3-6).

Shares and their Transfer.

Shares may be transferred.

25.—(1) Shares in the company may, by the holders thereof, be sold and transferred by instrument in writing, made in duplicate—one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry whereof shall be made in a book to be kept for that purpose, and no interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered.

Dom. Ry. Act,
1903, s. 95.

Form of transfer.

(2) Transfers *may* be in the form following, varying the *same*, as the case may require:—

I, *A. B.*, in consideration of the sum of _____ paid to me by *C. D.*, hereby do sell and transfer to him _____ share (or shares) of stock of the _____, to hold to him the said *C. D.*, his executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I the said *C. D.* do hereby agree to accept the said _____ share (or shares) subject to the same rules, orders and conditions.

Witness our hands this _____ day of _____ in the year 19 _____.

Shares to be personal estate—transfer of.

26. The stock of the company shall be personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid.

Transmission of shares, other than by transfer, provided for.

27. If any share in the company is transmitted by the death, bankruptcy, or last will, donation or testament, or by the intestacy, of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is so transmitted shall deposit in the office of the company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary; without which such person shall not be entitled to receive any share of the profits of the company, or to vote in respect of any such share as the holder thereof.

Company not bound to see to execution of trusts.

28. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the person in whose name any share stands in the books of the company, or if it stands in the name of more persons than one, the receipt of one of the persons named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of the *trust*; and the company shall not be bound to see to the application of the money paid upon such *receipt*.

Ont. Electric Ry. Act, R.S.O. 1397, c. 209, s. 58 (2-5).

Certificate of proprietorship *prima facie* evidence.

29.—(1) The certificate of proprietorship of a share shall be admitted in all Courts as *prima facie* evidence of the title of any person, his executors, administrators, successors or assigns, to the share therein specified.

Want of certificate not to prevent disposing of shares.

(2) The want of such certificate shall not prevent the holder of any share from disposing thereof.

Penalty for refusal to pay calls.

(3) Shareholders neglecting or refusing to pay a ratable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking and all the profit and benefit thereof; all which forfeitures shall go to the company for the benefit thereof.

Forfeiture of share to be taken advantage of only at a general meeting.

(4) No advantage shall be taken of the forfeiture unless the same is declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture occurred.

Effect of forfeiture as to liabilities.

(5) Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 56 (7-11).

Sale of forfeited shares.

30. The directors may sell, either by public auction or private sale, any shares so declared to be forfeited, upon authority therefor having been first given by the shareholders either at the general meeting at which such shares were declared to be forfeited or at any subsequent general meeting.

Limitation.

31. The company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account

Dom. Ry. Act, 1903, s. 106.

of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited shares is more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter.

Payment of arrears before sale.

32. If payment of such arrears of calls and interest and Dom. Ry. Act, expenses is made before any share so forfeited and vested 1903, s. 105. in the company is sold, such share shall revert to the person to whom it belonged before such forfeiture, in such manner as if such calls had been duly paid.

Certificate of treasurer to be evidence of forfeiture and of title in purchaser.

33. A certificate of the treasurer of the company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and if the certificate so states, of their purchase by the purchaser; and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares; and the certificate shall be, by the said treasurer, registered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books to be kept by the company; and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money,—and his title to such shares shall not be affected by any irregularity in the proceedings in reference to such sale; and any shareholder may purchase any share so sold.

Interest on advance made by shareholder to company.

34. Any shareholder who is willing to advance the Dom. Ry. Act, amount of his shares, or any part of the money due upon 1903, s. 107. his shares, beyond the sums actually called for, may pay the same to the company,—and upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay such interest, at the lawful rate of interest for the time being, as the shareholders, who pay such sum in advance, and the company agree upon; but such interest shall not be paid out of the capital subscribed.

No interest to be paid out of capital.

Shareholders.

Shareholders individually liable till shares paid up.

35. Each shareholder shall be individually liable to Ont Electric the creditors of the company to an amount equal to the Ry. Act, R.S.O. amount unpaid on the stock held by him, for the debts 1897, c. 209, s. and liabilities of the company, and until the whole amount 59 (1). of his stock has been paid up in cash; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or

in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder.

Account of names and residence of shareholders to be kept.

36. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the company and of the directors for the time being and such account shall be open to the inspection of the shareholders.

Rights of aliens.

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

Preference Stock.

Preference stock by-law for issuing.

38.—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Special rights of preference shareholders.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to elect a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Unanimous sanction required.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy, at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company; provided; however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company the company may petition the Board for an order approving the said by-law, and the Board may approve thereof and from the date of such approval the by-law shall be valid and may be acted upon.

Special proviso.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law. (See Hamilton, Guelph and North Shore Ry., 5 Edw. VII., c. 93; s. 58.)

Rights and liabilities of preference shareholders.

Rights of
creditors
preserved.

(5) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the company.

Dividends and Interest.

Declaration
of dividends.

39.—(1) The directors may, at a general meeting, declare a dividend to be paid out of the net profits of the under-taking. Dom. Ry. Act, 1903, s. 91 (1).

Division of
profits.

(2) Such dividends shall be divisible among the shareholders in proportion to the amounts paid up in cash upon the shares held by them respectively. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 57 (2).

Reserve fund.

40. The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve fund, to meet contingencies, or for equalizing dividends, or for repairing, maintaining, renewing or extending the railway or any portion thereof, and shall submit their action in regard to such reserve fund to the shareholders at a general meeting for their approval; and the directors may invest the sum so set apart as a reserve fund in such securities as they select, not however inconsistent with this or the special Act. Dom. Ry. Act, 1903, s. 92.

Dividend not
to impair
capital, etc.

41. No dividend shall be declared whereby the capital of the company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be paid, in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call has been paid; but the directors may, in their discretion, until the railway is completed and opened to the public, pay interest at any rate not exceeding five per centum per annum, on all sums actually paid in cash in respect of the shares, from the respective days on which the same have been paid; and such interest shall accrue and be paid at such times and places as the directors appoint for that purpose. Dom. Ry. Act, 1903, s. 93.

Interest may
be paid on
calls pending
opening
of road.

Arrears may
be deducted
from
dividends.

42. The directors may deduct, from any dividend payable to any shareholder, all or any such sum or sums of money as are due from him to the company on account of any call or otherwise. Dom. Ry. Act, 1903, s. 94 (2).

Bonds, Mortgages, and Borrowing Powers.

Issue of bonds
authorized.

43.—(1) The directors of the company, under the authority of the shareholders, to them given at any special meeting, called for the purpose in the manner provided by this Act, or at any annual meeting for which like notice of intention to apply for such authority has been given as is required in the case of a special meeting, and at which Dom. Ry. Act, 1903, s. 111 (1)

- meeting, whether annual or special, shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the Special Act contained, issue bonds, debentures, perpetual or terminating debenture stock, or other securities, signed by the president or other presiding officer and countersigned by the secretary, which countersignature and the signature to the coupons attached to the same may be engraved; and such securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding five per cent. per annum, as the directors think proper.
- When and where payable. Interest.
- Limit of bonding powers. (2) Such bonds, debentures or other securities shall not exceed the amount authorized by the special Act and may be issued only in proportion to the length of railway constructed or under contract to be constructed.
- Raising money on bonds. (3) The directors may issue and sell or pledge all or any of the said bonds, debentures, or other securities, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.
- Bonds not to be for less than \$100. (4) No such bond, debenture or other security shall be for a less sum than one hundred dollars.
- Right to issue bonds to be a continuous right. (5) The power of issuing bonds conferred upon the company hereby or under the special Act shall not be construed as being exhausted by such issue; but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled; but the limit to the amount of bonds, debentures or other securities fixed in the special Act shall not be exceeded.
- Mortgages securing bonds, etc. 44.—(1) The company may secure such bonds, debentures, or other securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act and next to the payment of the working expenditure of the railway.
- (2) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or R.S.O., 1897, c. 207, s. 9. (20), rights and remedies granted by this Act in respect of the said bonds, debentures, or other securities, and all other powers, rights and remedies not inconsistent with this

Ont. Ry. Act,
R.S.O. 1897, c
207, s. 9, (19 a. c)

(20a) amended.

Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

Mortgages may be limited.

(3) The company may except from the operation of any Dom. Ry. Act such mortgage deed any assets, property, rents or revenue of the company, and may declare and provide therein that such mortgage shall only apply to and affect certain sections or portions of the railway or property of the company, but where any such exception is made, the company shall in such mortgage deed expressly specify and describe, with sufficient particularity to identify the same, the assets, property, rents or revenue of the company, or the section or portions of the railway, not intended to be included therein or conveyed thereby.

1903, s. 112, s.s. (3).

Mortgage to be deposited with Provincial Secretary and notice given.

(4) Every such mortgage deed and every assignment thereof or other instrument in any way affecting such mortgage or security shall be deposited in the office of the Board, of which deposit notice shall forthwith be given in the *Ontario Gazette*. Such mortgage deed or other instrument need not be registered under the provisions of any law respecting registration of instruments affecting real or personal property.

Evidence.

(5) A copy of any such deed or instrument so deposited, certified to be a true copy by the Secretary, shall be received as *prima facie* evidence of the original in all courts without proof of the signature of such official.

1903, s. 112 (4) amended.

Bonds, etc., how ranked.

45. The bonds, debentures, or other securities, hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as hereinbefore provided.

Bondholders, etc., to be Mortgagees.

46. Each holder of the said bonds, debentures or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed.

Rights of holders of bonds, etc., upon default in payment.

47.—(1) If the company makes default in paying the principal or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the

same, by the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

Right of
bondholder,
etc., to vote
at meetings.

(2) Each such holder of bonds, debentures or other securities shall, for the purpose of voting at any such meeting, be deemed to be a shareholder and shall be entitled to as many votes as if he held shares in the company on which all calls had been paid, equal at a par valuation, to the amount of such bonds, debentures or other securities so held by him, and may vote by proxy in like manner and to the same extent as a shareholder, but no person who is not himself a bondholder or shareholder in the company shall be qualified to be appointed a proxy.

When right
of voting
may be
exercised.

(3) The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security, in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares.

Other rights
under
mortgage deed
preserved.

(4) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

Bonds, etc.,
mode of
transfer of.

48. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Power to
borrow money
by overdraft,
etc.

49. The company may, for the purposes of the undertaking, borrow money by overdraft or upon promissory note, warehouse receipt, bill of exchange or otherwise upon the credit of the company and become party to promissory notes and bills of exchange; and every such note or bill made, drawn, accepted or endorsed, by the president

or vice-president of the company, or other officer authorized by the by-laws of the company, and countersigned by the secretary of the company, shall be binding on the company; and every such note or bill of exchange so made, drawn, accepted or endorsed shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary or other officer of the company, so authorized be individually responsible for the same, unless such promissory note or bill of exchange has been issued without proper authority; but nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

50. The sections relating to "Organization of the company." being sections numbers 6 to 49 inclusive, shall apply to street railway companies.

POWERS.

51. Subject to the provisions of this Act and the special Act the company shall have power and authority—

(1) To survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or a railway or street railway to be operated by electricity, with double or single tracks;

Ont. Electric O. Ry. Act, R.S. 1897, c. 209, s. 9 (c), amended.

(2) To receive, take and hold all voluntary grants and donations of land or other property or any bonus of money or debenture or other benefit of any sort made to it, to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only;

Ont. Ry. Act, R.S.O 1897, c. 207, s. 9 (1).

(3) To purchase, take and hold of any person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same so soon as, for any reason, it has become not necessary for the purposes of the company.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (2). See Dom. Ry. Act, 1903, s. 118 (c).

(4) To construct, maintain and work the railway across along or upon any stream of water, water course, canal or highway which it intersects or touches; but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the Company to its former state, or to such state as not to impair its usefulness; but this shall not authorize the obstruction of the navigation of any navigable water;

No seal necessary.

Notes not to be payable to bearer.

Application of ss. 6-49 to street railway companies.

Powers:

To receive grants of land, etc.;

Purchase land;

And across or along streams, etc.

Warehouses,
docks, etc.

(5) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops, and offices and to sell and convey such land as may be found superfluous for any such purpose, and to purchase and acquire stationary or locomotive engines, motors, carriages, waggons and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway; and to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Branch rail-
ways;

(6) To make branch railways, if required and provided for by the special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the railway;

Convey per-
sons and goods
on railway;

(7) To take, transport, carry and convey persons and goods on the railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (8-10).

Enter upon
lands, etc.;

(8) To enter into and upon the lands of any corporation or person whatsoever lying in the intended route or line of the railway; and, with the consent of the Lieutenant-Governor in Council in that behalf, into and upon any lands of His Majesty the property of this Province.

Make survey
of lands;

(9) To make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the railway, and to set out and ascertain such parts of the lands as are necessary and proper for the railway; Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (11-12).

Remove trees.

(10) To fell or remove any trees standing in any woods, lands or forests, where the railway passes, to the distance of six rods from either side thereof. The company shall make full compensation to the owner of any tree so cut down and the amount of such compensation shall on the application of the owner be determined by the Board. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 9 (13).

Construct
embankments,
bridges, drains,
fences, etc.

(11) To make or construct upon, across, under or over any railway, tramway, river, stream, watercourse, canal, or highway, which it intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences;

Divert high-
ways and
waterways.

(12) To divert, or alter, as well temporarily as permanently, the course of any such river, stream, watercourse, or highway, or raise or sink the level thereof, in order the more conveniently to carry the same over, under or by the side of the railway;

Construct drains.

(13) To make drains or conduits into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

Divert drains, pipes, and wires.

(14) With consent of the Board after notice to any person interested, to divert or alter the position of any water-pipe, gas-pipe, sewer or drain, or any telegraph, telephone, or electric lines, wires or poles;

Alter and substitute other works.

(15) With consent of the Board after notice to any person interested, from time to time to alter, repair or discontinue the before-mentioned works, or any of them, and substitute others in their stead;

Unite with other railways;

(16) To cross, intersect, join and unite the railway with Ont. Ry. Act, any other railway at any point on its route, and upon the R.S.O. 1897, c. 207, s. 9 (14) lands of such other railway, with the necessary conveniences for the purposes of such connection; and the owners of both railways may unite in forming such intersection, and grant the facilities therefor; and the amount of compensation to be made therefor, the point and manner of such crossing and connection, shall be determined by the Board as provided by this Act; amended.

(17) To do all other acts necessary for the construction, maintenance and operation of the railway in pursuance of Dom. Ry. Act, 1903, s. 118 and according to the meaning and intent of this Act, and of the special Act; (*k-q*).

Application of last preceding two sub-sections.

52. The provisions for the ascertainment of compensation contained in subsection 16 of section 51 of this Act shall not extend or apply to any railway incorporated under an Act of the Legislature of Ontario, in any case in which it is proposed that such railway shall cross, intersect, join, or unite with, or be crossed, intersected, joined or united with a railway under the legislative control of Canada. R.S.O. 1897, c. 207, s. 9 (16).

Compensation for damage.

53. The company shall, in the exercise of the powers by this or the Special Act granted, do as little damage as possible, and shall make full compensation, in the manner herein or in the Special Act provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers. Dom. Ry. Act, 1903, s. 120.

Occupy public lands, beaches, etc.

54.—(1) The railway company shall not take possession of, use or occupy any lands belonging to the Province, without the consent of the Lieutenant-Governor in Council; but with such consent such company may take and appropriate for the use of their railway and works, but not alienate, so much of the wild lands of the Province lying on the route of the railway as have not been granted or sold, and as may be necessary for the railway, as also so much of the public beach or of the land covered with the waters of Ont. Ry. Act, R.S.O., 1897, c. 207, s. 9 (3).

any lake, river, stream or canal, or of their respective beds. as is necessary for making and completing; and using their said railway and works;

(2) The extent of the public beach or of the land covered with water of any river or lake in the Province of Ontario taken for the railway shall not exceed the quantity limited in section 60 of this Act.

Changes may be made in the line of a railway at any time for certain purposes.

55. A company which desires at any time to change Ont. Ry. Act, the location of its line of railway in any particular part R.S.O. 1897, for the purpose of lessening a curve, reducing a gradient, c. 207, s. 9 (1) or otherwise benefiting such line of railway, or for any other purpose of public advantage, may, with the leave of the Board, make such change; and all the clauses of this Act shall refer as fully to the part of any such line of railway so at any time changed or proposed to be changed as to the original line; but no railway company shall have any right to extend its line of railway beyond the termini mentioned in the *special Act*.

Telegraph and Telephone Lines.

Telephone and telegraph lines

56.—(1) Except as provided in subsections 3 and 4 of this Hamilton, section the company may construct and operate an electric Guelph and telegraph line and a telephone line throughout and along North Shore the whole line of railway, and the branches thereof, or any (See 5 Edw. part of the said railway or branches, and for the purpose of VII., c. 93, constructing, working and protecting the said telegraph and s. 25). telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without *an agreement with* the council of such city, town or village being first obtained by the company; provided, also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company. ■ Provided also that in case the parties are unable to agree, the terms and conditions upon which such poles may be erected shall be determined by the Board. ■

Proviso.

Proviso.

Municipal telephone systems, connections with.

(2) Whenever any municipal corporation or person has Dom. Ry. Act, authority to construct, operate and maintain a telephonic 1903, s. 19: system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of the company, in such district, and cannot agree with the company with respect thereto, such municipal corporation or person may apply to the Board for leave therefor, and the Board may order the company to provide for such connection or communication upon such terms as to compensation as the Board deems just and expedient, and

may order and direct how, when, where, by whom and upon what terms and conditions such telephonic connection or communication shall be constructed, operated and maintained.

Wires, etc.,
across railway.

(3) No lines or wires for the conveyance of light, heat, power or electricity, shall be erected, placed or maintained across the railway without leave of the Board.

Plans to be
submitted to
Board.

(4) Upon any application for such leave, the applicant shall submit to the Board a plan and profile of the part of the railway proposed to be affected showing the proposed location of such lines and wires and the works contemplated in connection therewith; and the Board may grant such application and may order by whom, how, when, and on what terms and conditions, and under what supervision, such work shall be executed; and upon such order being made such lines and wires may be erected, placed and maintained across the railway subject to and in accordance with such order. Dom. Ry. Act,
1903, s. 194.

Order by
Board.

(4) Upon any application for such leave, the applicant shall submit to the Board a plan and profile of the part of the railway proposed to be affected showing the proposed location of such lines and wires and the works contemplated in connection therewith; and the Board may grant such application and may order by whom, how, when, and on what terms and conditions, and under what supervision, such work shall be executed; and upon such order being made such lines and wires may be erected, placed and maintained across the railway subject to and in accordance with such order.

(5) As soon as practicable after its organization the Board shall promulgate rules and regulations and standard plans and specifications to be adhered to in carrying lines of wires to be used for telephone and telegraph purposes across the railway, and no lines of such wires shall thereafter be carried across the railway in any other way or on any other terms without the leave of the Board first obtained, provided the Board may, from time to time, amend or change as to it may seem fit such rules, regulations and standard plans and specifications, but such rules, regulations, plans and specifications and amendments or changes thereto and thereof shall not affect crossings made before their adoption by the Board; provided, further, that in special cases on the application of any person or corporation to be affected by such crossing the Board may order that such crossing shall be made in some other manner than that prescribed by the standard plans and specifications, and by whom and how and when and on what terms and conditions and under what supervision such work shall be executed, and upon such order being made such lines and wires may be erected, placed and maintained across the railway, subject to and in accordance with such order.

Interchange of Traffic.

One Company
may agree
with another
respecting
traffic.

57.—(1) The directors of any railway company may at any time, and from time to time, make and enter into any agreement or arrangement with any other company, either in this Province or elsewhere, for the regulation and interchange of traffic passing to and from the railways of the said companies, and for the working of the traffic over the said railways respectively, or for either of those Ont. Ry. Act,
R.S.O., 1897,
c. 207, s. 77.

objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway in connection therewith, for any term not exceeding twenty-one years; and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two-thirds of the shareholders, voting in person or by proxy.

Railway Companies must afford each other every facility for the forwarding of traffic, without preference or favour.

(2) Every railway company shall, according to their respective powers, afford all reasonable facilities to any other railway company for the receiving and forwarding and delivering of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks, and other vehicles; and no such company shall give or continue any preference or advantage to or in favour of any particular company, or any particular description of traffic, in any respect whatsoever, nor shall such company subject any particular company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever; and every railway company having or working a railway which forms part of a continuous line of railway, or which intersects any other railway or which has a terminus, station or wharf of the one near a terminus, station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding by the one of such railways, all the traffic arriving by the other, without any unreasonable delay and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered in the using of such railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said several railway companies.

Ont. Ry. Act,
R.S.O., 1897,
c. 207, s. 7(81)

Penalty on Companies or their officers refusing or neglecting to forward traffic, as above required.

(3) If any officer, servant or agent of a railway company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such company, for conveyance over or along the railway from that of any other company, intersecting or coming near to such first-mentioned railway, or in any way wilfully contravenes the provisions of the next preceding subsection—such first-mentioned railway company, or such officer, servant or agent, personally, shall, for every such

Ont. Ry. Act,
R.S.O., 1897,
c. 207, s. 79.

How recoverable, and how to be applied.

neglect or refusal, incur a penalty not exceeding \$50 over and above the actual damages sustained.

15 (4) In case any company or municipality interested is unable to agree as to the regulation and interchange of traffic or in respect of any other matter in this section provided for, the same shall be determined by the Board. 15

15 (5) All complaints made under this section shall be heard and determined by the Board. 15

15 (6) This section shall apply to street railways whenever so determined by the Board. 15

Amalgamation and Running Arrangements with other Companies.

Agreements
with other
companies.

58.—(1) The company shall have the power to agree (See Hamilton, Guelph and North Shore Ry., 5 Edw. VII., c.3, s. 53 (1).) for connection and making running arrangements with any other railway company, the lines of which are approached or crossed by the line or lines of the company, if lawfully empowered to enter into any such agreement, upon terms to be authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the company to enter into any agreement or agreements with any such company if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway or the use thereof or for the sale or leasing or hiring any engines, locomotives, motors, carriages, or cars or any of them or of any part thereof or touching any service to be rendered by one company to the other and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof subject to sub-section 3 of this section, and the company purchasing, leasing or entering into such agreement for using the said railway may and *is* hereby authorized to work the said railway in the same manner as if incorporated with *its* own line.

(2) The company may contract and agree with any other railway company the lines of which are approached or crossed by the line or lines of the company if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by vote of the shareholders in person or by proxy representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid at a general meeting specially called for that purpose. (See Hamilton, Guelph and North Shore Ry., 5 Edw. VII., c. 93, s. 53, (2).)

Purchase of stock of dissenting shareholder.

(3) No such agreement for amalgamation, connections, running arrangements, sale, leasing or hiring of the railway or any portion thereof shall be of any force or effect until approved by resolution of the Board, and every such agreement shall be subject to such terms, conditions and regulations, general or special, as the Board may from time to time order.

(4) This section shall apply to street railways whenever so determined by the Board.

PLANS AND SURVEYS.

Plans and Books of reference.

59. Plans and surveys and books of reference shall be made and corrected as follows:

(1) Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a book of reference for the railway, in which shall be set forth—

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 10 (1).

- (a) A general description of the said lands;
- (b) The names of the owners and occupiers thereof, so far as they can be ascertained; and
- (c) Everything necessary for the right understanding of such map or plan.

Certifying map or plan and book of reference.

(2) The map or plan and book of reference shall be examined and if in all respects satisfying the provisions of this Act and the special Act shall be certified by the Board who shall keep one copy thereof on file in the office of the Board.

Registration of map or plan and book of reference.

(3) The company shall also deposit copies thereof, of such parts thereof as relate to each district or county through which the railway is to pass, duly certified as copies by the Secretary, in the *registry* offices of such districts or counties respectively.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 10 (2), amended; see also Dom. Ry. Act, 1903, s. 124.

Copies.

(4) Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Secretary, or to the *Registrar*, at the rate of ten cents for every hundred words so extracted or copied. Any person feeling aggrieved by the proposed location of the line of railway may within ten days after the deposit of the map or plan and book of reference aforesaid in the *registry* office of the district or county where the lands are situated, the loca-

Appeal against proposed location of line.

tion through which is complained of, apply to the Board, setting forth his objections to the location of the proposed line, and the Board shall if it considers sufficient cause therefor exists, appoint a disinterested engineer, who shall examine the said proposed line, and after hearing the parties he shall confirm or alter the same as may be consistent with the just rights of all parties and of the public. The determination of the engineer approved by the Board shall, within ten days after his appointment, be made and certified, and such certificates shall be filed in the office of the *Registrar* for the district or county where the lands are situated.

(5) The said engineer shall be entitled to reasonable fees Ont. Ry. Act, for each day employed in connection with the said ex-R.S.O. 1897, c. 207, s. 10 (3), examination and work, together with his actual expenses incurred therein, and the amount shall in the first instance be paid by the person applying for his appointment, but if the proposed route is altered or changed by the engineer, the railway company shall refund to the applicant the amount so paid.

Omissions how remedied.

(6) Any omission, misstatement or erroneous description of such lands or of the owners or occupiers thereof, in a map or plan or book of reference, may on application by any party interested and after giving ten days' notice to the *owner* of the lands, be corrected by the Board on application made to them for that purpose, and if it appears to them that the omission, misstatement or erroneous description arose from mistake the Board shall certify the same accordingly.

Contents of certificate.

(7) The certificate shall state the particulars of such omission, and the manner thereof, and shall be deposited in the registry office of the *district* or *county* respectively in which such lands are situate and kept in such registry office along with the other documents to which they relate; and thereupon the map or plan or book of reference shall be deemed to be corrected according to such certificate; and the company may construct and lay out the railway in accordance with the certificate.

Alterations from original survey.

(8) If any alterations from the original plan or survey are intended to be made in the line or course of the railway, a plan and section in triplicate of such alterations have been approved of by the *Board*, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan, and copies or extracts of the plan and section, so far as they relate to the several districts or

counties in or through which the alterations have been authorized to be made, shall be deposited *in the registry offices* of such districts or counties.

(9) All plans, profiles and books of reference required by law to be deposited by the company with the Board, shall be drawn to such scale, with such detail, upon such materials, and of such character, as the Board may, either by general regulation, or, in any case, require or sanction, and shall be certified and signed by the president or vice-president or general manager and also by the engineer of the company; and any book of reference, required to be so deposited, shall be prepared to the satisfaction of the Board. Unless and until such plan, profile and book of reference is so made satisfactory to the Board, the Board may refuse to sanction the same, or to allow the same to be deposited with the Board within the meaning of this Act.

(10) In addition to such plans, profiles and books of reference, the company shall, with all reasonable expedition, prepare and deposit with the Board, any other, or further plans, profiles, or books of reference of any portion of the railway, or of any siding, station or works thereof, which the Board may from time to time order or require.

(11) The Registrar of Deeds shall receive and retain the copies of the original plans and surveys and books of reference and copies of the plans and sections of alterations and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under penalty for default of \$4.

(12) A copy of the said maps, plans, profiles and books of reference or portions thereof certified by the Registrar of Deeds or the Secretary shall in all courts be evidence that such original document was so deposited at the time stated and certified, and shall be *prima facie* proof of the original so deposited, and that the same was signed, certified, attested, or otherwise executed, by the persons, by whom, and in the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing by such certified copy, and in the case of a plan, that such plan is prepared according to a scale, and in manner and form, sanctioned by the Board.

(13) No deviation of more than one mile from the line of the railway or from the places assigned thereto in the said map or plan and book of reference or plans or sections, shall be made into, through, across, under or over any

General provisions respecting plans, etc.

Must be signed.

Board may refuse unsatisfactory plans.

Further plans as Board requires.

Registrar of Deeds to receive copies of original plan, etc.

Certified copy of maps, etc., to be taken as evidence.

Line not to deviate more than a mile.

Ont. Ry. Act, R.S.O., 1897, c. 207, s. 10 (9), Dom. Ry. Act, 1903, s. 127 (2), amended.

part of the lands not shewn in such map or plan and book of reference, or plans or sections, or within one mile of the said line and place, save in such *instances* as are provided for in the special Act.

Error in the name of a person entered in a book of reference.

(14) The railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the book of reference through error or any other cause, or although some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands.

Map, etc., of railway to be filed in the office of the Board.

(15) A map and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking, be made and filed in the office of the Board and like maps of the parts thereof located in different counties shall be filed in the registry offices for the registry divisions in which such parts are respectively situate. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 10 (11-13).

TAKING OF LANDS WITHOUT THE CONSENT OF THE OWNERS.

Extent of land which may be taken.

60. The lands which may be taken without the consent of the owner:— Dom. Ry. Act, 1903, s. 138.

For right-of-way.

For the right of way shall not exceed one hundred feet in breadth except in places where the rail level is or is proposed to be, more than five feet above or below the surface of the adjacent lands, when such additional width may be taken as shall suffice to accommodate the slope and side ditches;

For stations, etc.

For stations, depots and yards, with the freight sheds, warehouses, wharves, elevators and other structures for the accommodation of traffic incidental thereto, shall not exceed *one mile* in length by *five hundred* feet in breadth, including the width of the right of way.

Corporation etc., may convey lands.

61.—(1) All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seised, possessed of or interested in any lands, may contract for, sell and convey unto the company all or any part thereof. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 13.

Limitation of powers in certain cases.

(2) The powers by the preceding sub-section conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, shall only extend and be exer- Ont. Ry. Act, R.S.O. 1897, c. 207, s. 14.

cised with respect to any of such lands actually required for the use and occupation of the company.

Effect of sale under preceding section.

62. Any contract, agreement, sale, conveyance and assurance made under the preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act.

Ont. Ry. Act,
R.S.O. 1897,
c. 207, s. 15.

Disposition of purchase money.

63. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into Court.

Ont. Ry. Act,
R.S.O. 1897,
c. 207, s. 12.

Effect of contracts made before deposit of map.

64. Any contract or agreement for the sale to the company of any lands made by any person authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the railway, shall if duly registered in the proper Registry Office be binding upon subsequent purchasers of such lands at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime have become the property of a third party; and possession of the land may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award.

Ont. Ry. Act,
R.S.O. 1897,
c. 207, s. 16
amended; Ont.
Electric Ry.
Act, R.S.O.
1897, c. 209,
s. 32.

Corporations or persons, who cannot sell, may agree upon a fixed rent.

65. All corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the registry office of the proper *registration district*.

Ont. Ry. Act,
R.S.O. 1897,
c. 207, s. 17.

After one month's notice of deposit of

66. After ten days from the deposit of the map or plan and book of reference, and from notice thereof in

at least one newspaper, if there is any, published in each of the counties through which the railway is intended to pass, application may be made to the owners of lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway, and thereupon, agreements and contracts may be made with such *owners* touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them shall be settled as in section 68 mentioned.

67. The deposit of a map or plan and book of reference, Ont. Ry. Act, and the notice of the deposit, shall be deemed a general R.S.O. 1897, notice to all such persons as aforesaid of the lands which c. 207, s. 19. will be required for the railway and works.

68.—(1) A notice shall be served upon the *owner* which shall contain:—

- (a) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them):
- (b) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and
- (c) The name of a person to be appointed as the arbitrator of the company, if *the* offer be not accepted.

(2) The notice shall be accompanied by the certificate of an Ontario Land Surveyor, disinterested in the matter and not being the arbitrator named in the notice to the following effect:—

- (a) That the land (if the notice relates to the taking of land,) shewn on the map or plan, is required for the railway, (or is within the limits of deviation by this Act allowed;)
- (b) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and
- (c) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

(3) If the *owner* is absent from the district or county in which the lands lie, or is unknown, then upon application to a Judge of the County Court of the County in which the lands lie, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that such *owner* is so absent, or that, after diligent inquiry, the *owner*

map, etc., application to the owner of lands.

Deposit, etc., to be general notice.

Notice to opposite party.

If the party is absent or unknown.

on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without such certificate, to be inserted three times in the course of one month in some newspaper published in the said county.

Provision when the County Judge is interested in lands required for any railway.

(4) Where a Judge of a County Court is interested in lands taken or required within the county in which he is a Judge, by any company, for railway purposes, a Judge of the High Court shall, on application of the company, exercise in such case all the powers given to a Judge of a County Court by the provisions of this section in cases in which such Judge of a County Court is not interested.

Party not accepting the company's offer, and not appointing an arbitrator.

(5) If within ten days after the service of the notice, or within one month after the first publication thereof as aforesaid, the person served does not notify the company of his acceptance of the sum offered by it, or notify it of the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the company, appoint an Ontario Land Surveyor, to be sole arbitrator for determining the compensation to be paid as aforesaid.

Appointment of arbitrator by opposite party. Third arbitrator.

(6) If the opposite party within the time aforesaid, *Ont. Ry. Act, R.S.O. 1897, c. 207, s. 20 (1-6).* notifies the company of the name of his arbitrator, the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, the Judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator.

Party other than company commencing proceedings to determine compensation.

(7) If lands have been entered on and taken by the company with or without the license of the person in possession thereof and without any agreement as to the compensation to be paid therefor or if the lands, though not taken, are injuriously affected by or through the construction of the railway, any owner or person interested in such lands shall have the right to commence proceedings to ascertain the compensation to which he is entitled in respect of the lands so taken or injuriously affected, by giving to the company notice in writing of the name of a person to be appointed as his arbitrator, the description of the lands taken or injuriously affected, and the amount of compensation or damages claimed by him, and thereupon like proceedings shall be taken to ascertain such compensation as are prescribed in cases where the company commences proceedings. *Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 35 (6).*

Stating amount found payable in award

(8) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall state what they find to be the total amount to be paid to compensate the owner or for damages. *Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 35 (8).*

Duties of arbitrators.

(9) The arbitrators, or any two of them, or the sole arbitrator, being sworn before a Justice of the Peace or commissioner empowered to take affidavits, shall *Ont. Ry. Act, R.S.O. 1897, c. 207, s. 20 (7).*

fully and impartially to perform the duties of their office, shall proceed to ascertain the compensation in such a way as they or he, or a majority of them, deem best; but no award shall be made or any official act be done by the majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required.

Costs, in discretion of arbitrators.

(10) In any arbitration under this Act the costs of the New. arbitration shall be in the discretion of the arbitrator or arbitrators and if they are to be borne by the opposite party to the company may be deducted from the compensation awarded, and in any case they may if not agreed upon be fixed by the arbitrator or arbitrators or taxed by one of the taxing officers of the Supreme Court of Judicature.

Arbitrators may examine on oath.

(11) The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as appear before him or them, and may administer such oath or affirmation.

Parties to arbitrations may obtain subpoenas.

(12) Any party to an arbitration under this Act may, without leave or order, obtain and issue out of the High Court, upon *præcipe*, setting forth the names of the witnesses to be subpoenaed, the names of the arbitrators, and the place and time of meeting, a subpoena commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpoena; and the disobedience of such subpoena shall be deemed a contempt of court, and shall be punishable in the same manner and to the like extent as in the case of subpoenas issued in a civil case.

Disobedience thereto to be contempt of Court.

Fees and conduct money.

(13) The like fees shall be payable for such subpoenas as in the case of subpoenas issued in civil cases, and the witnesses shall be entitled to the like conduct money. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 20 (9-12).

Evidence to be taken in writing.

(14) The *evidence shall be taken* down in writing, and after making their award the arbitrators shall forthwith deliver or transmit by registered letter, at the request of either party in writing the depositions, together with the exhibits referred to therein, and all papers connected with the reference, except the award, to the central office of the High Court of Justice with the proper stamps (which shall be furnished by the party making the request) to be filed with the Records of the Court. Dom. Ry. Act, 1903, s. 163 (3) amended.

Depositions transmitted to central office.

Time within which award must be made.

(15) The Judge by whom a third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 20 (14).

Arbitrator
dying, etc.

(16) If the arbitrator appointed by the Judge, or if any Ont. Ry. Act, arbitrator appointed by the parties, dies before the award R.S.O. 1897, c. 207, s. 20 (15) has been made, or is disqualified, or refuses or fails to act within a reasonable time, or refuses or neglects to make his award within the time fixed then, in the case of the arbitrator appointed by the Judge, upon the application of either party, such Judge being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case, provided that the proceedings may be commenced *de novo* if the majority of the arbitrators so order.

When proceed-
ings may be
abandoned.

(17) Any notice given or proceedings commenced may Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 35 (17), prior to the making of the award be abandoned and new notice given, with regard to the same or other lands, the same or any other party, but in such case, the lia-ability to the party first notified for all damages or costs by him incurred in consequence of the giving of the first notice shall continue; provided, however, that the right to abandon proceedings shall not be exercised more than once.

Awards not
voided for
want of form.

(18) No award made as aforesaid shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the person or persons, to whom the sum is to be paid, be named in the award.

Parties to ar-
bitration may
appeal to a
Judge of the
High Court.

(19) Any party to the arbitration may, within one month, after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a Judge of the High Court and upon the hearing of the appeal the Judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction.

Practice and
proceedings
upon appeal.

(20) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from an Official Referee under *The Arbitration Act*, subject to any General Rules or Orders to be from time to time made under *The Judicature Act*.

Existing prac-
tice as to set-
ting aside
awards con-
tinued.

(21) The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards.

Possession
may be taken
on payment or
tender, etc., of
sum awarded.

(22) Upon payment or legal tender of the compensation Ont. Ry. Act, or annual rent so awarded or agreed upon as aforesaid to R.S.O. 1897, c. 207, s. 20 (19-23) the person entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in

the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to their so doing, the Judge of the county in which the lands lie, or any Judge of the High Court of Justice may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, as he may deem most suitable, to put the company in possession, and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do.

(23) The warrant may also be granted by such Judge Ont. Ry. Act, without the award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of 207, s. 20 (24), the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company is ready forthwith to proceed.

(24) The Judge shall not grant any warrant under the Dom. Ry. Act, next preceding *subsection*, unless ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the land or the person empowered to convey the land, or interested in the land sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the company; and unless the company gives security to his satisfaction by payment into court of a sum in his estimation sufficient to cover the probable compensation and costs of the arbitration, and not less than double the amount mentioned in the notice served under *subsection* (1) of this section.

(25) The costs of any such application to, and of any such hearing before, the judge, shall be in the discretion of the Judge, and no part of such deposit or of any interest thereon shall be repaid, or paid to such company, or paid to such owner or party, without an order from the judge, which he may make in accordance with the terms of the award.

(26) The compensation for any lands which may be taken without the consent of the owner shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof, and it shall be responsible accordingly whenever it has paid the compensation, or any part thereof, to a party not entitled to receive the same, saving always its recourse against such party.

When warrant of possession may issue before award.

Procedure upon application for such warrant.

Deposit of compensation.

Costs of application.

When compensation to stand in the place of the land.

As to incumbrances, etc., upon lands, etc., purchased or taken.

(27) If the company has reason to fear any claim or incumbrance, or if any person to whom compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the person entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may, by leave of a Judge of the High Court of Justice, pay the compensation into the office of the Accountant of the Supreme Court of Judicature, together with interest thereon for six months, and with such further sum if such Judge so directs as may, in the opinion of such Judge, be sufficient to cover the expenses of advertising and the costs that may be incurred in consequence of such payment into Court, and may deliver to the said Accountant an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned.

What notice to be published.

(28) A notice, in such form and for such time as a Judge of the High Court may order shall be inserted in some newspaper if there is any published in the county in which the lands are situate, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing any persons so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudicated upon by the Court, and the said proceedings shall forever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages and encumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested as may be proper.

By whom costs to be paid.

(29) The costs of such proceedings shall be paid by such party as the Court may order.

When interest to be returned to, or paid by the company.

(30) If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the company; and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the Court shall order the company to pay to the proper claimants the interest for such further period as may be right.

Gravel Pits, etc.

Acquiring materials for construction.

69.—(1) When stone, gravel, earth, sand or water is or (See Hamilton, Guelph & North Shore Ry., 5

Ont. Ry. Act

R.S.O. 1897, c.

207, s. 20 (25)

29), amended.

cannot agree with the owner of the lands on which the Edw. VII., c. 93, same are situate for the purchase thereof, cause an Ontario s. 45). land surveyor to make a map and description of the property so required, and *it* shall serve a copy thereof, with *its* notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation shall have the same effect as in case of arbitration for the roadway, and all the provisions of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time *it* shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

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

Switches and Sidings to Industries.

70.—(1) In case the council of a municipality by by-law Ont. Ry. Act, declares that it is desirable and expedient that an elevator R.S.O. 1897, c. or manufactory or other industry or business should have 207, s. 20 (30), a siding or switch from any railway to the premises of such amended. elevator, manufactory, industry or business, and that the company should have powers of expropriation for the purpose of securing, within the limits of the municipality, the necessary right of way for that purpose as set forth in the by-law, and if the Board certifies that the building of the proposed siding or switch across the lands as set forth in the by-law will be for the advantage or convenience of the public, the company, upon the registration by the council of the by-law and certificate in the proper Registry Office, shall in

Siding to
gravel pit.

Expropriation
with consent
of municipi-
pality in
certain cases.

respect of the said lands, possess the powers of expropriation conferred by this Act. Provided, however, that no such by-law shall be passed by the council of any municipality until all owners of lands, across which the proposed siding or switch is to run, have had at least one week's previous notice in writing of the time when such by-law is to be considered by the said council.

Proviso.

Tracks, etc., not to be used for other purposes.

(2) The tracks of the sidings or switches constructed or laid by the company under this section shall not be used for any purpose other than for the purposes mentioned, except by leave of the Board and subject to such terms and conditions as the Board sees fit to impose. Dom. Ry. Act, 1903, s. 141 (3), amended.

Purchase of More Land than Necessary.

When company may purchase whole of any lot of land traversed.

71. Whenever the company can purchase a larger quantity of land from any particular owner at a more reasonable price, on the average, or on more advantageous terms, than it could obtain the portion thereof which it may take from him without his consent, it may purchase such larger quantity, and upon such purchase may sell and dispose of any part thereof which may be unnecessary for the undertaking. Dom. Ry. Act, 1903, s. 142, amended.

Snow Fences, Etc.

Erection of snow fences.

72. Every company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty, or of any person, lying along the route of the railway, and may erect and maintain snow fences thereon, subject to the payment of such damages, if any, as are thereafter established, in the manner provided by *this Act*, to have been actually suffered; but every snow fence so erected shall be removed on or before the first day of April then next following. Dom. Ry. Act, 1903, s. 143.

Compensation.

Removal.

of any, as are thereafter established, in the manner provided by *this Act*, to have been actually suffered; but every snow fence so erected shall be removed on or before the first day of April then next following.

Use of Adjacent Lands During Construction.

Use of lands adjoining right of way during construction or repair of railway.

73. The company, either for the purpose of constructing or repairing its railway or for the purpose of carrying out the requirements of the Board, or in the exercise of the powers conferred upon it by the Board, may enter upon any land which is not more than six hundred feet distant from the centre of the located line of the railway, and may occupy the said land as long as is necessary for the purposes aforesaid; and all the provisions of law at any time applicable to the taking of land by the company, and its valuation, and the compensation therefor, shall apply to the case of any land so required; but before entering upon any land for the purposes aforesaid, the company shall, in case the consent of the owner is not ob- Dom. Ry. Act, 1903, s. 140.

Deposit where consent of owner not obtained.

tained, pay into Court, such sum, with interest thereon for six months, as is, after two clear days' notice to the owner of the land, or to the person empowered to convey the same, or interested therein, fixed by a judge of the High Court. Such deposit shall be retained to answer any compensation which may be awarded the person entitled thereto, and may upon order of a judge of such court, be paid out to such person in satisfaction *pro tanto* of such award; the surplus, if any, thereafter remaining shall by order of the judge, be repaid to the company, and any deficiency therein to satisfy such award shall be forthwith paid by the company to the person entitled to compensation under such award.

Compensation.

Proceedings where more Ample Space is required.

Where more ample space required.

74.—(1) Should the company require, at any point on the railway, more ample space than it then possesses or may take under this Act, for the convenient accommodation of the public, or the traffic on its railway, or for protection against snowdrifts, it may apply to the Board for authority to take the same, for such purposes, without the consent of the owner.

Dom. Ry. Act,
1903, s. 139.

Procedure thereon.

(2) The company shall give ten day's notice of such application to the owner or possessor of such lands, and shall furnish copies of such notices, with affidavits of the service thereof, to the Board upon such application.

Notice.

(3) The company, upon such application, shall also furnish to the Board, in duplicate,—

What application must include.

(a) A plan, profile and book of reference of the portion of the railway affected, showing the additional lands required, and certified as provided in section 59 of this Act.

(b) An application, in writing, for authority to take such lands, *certified and* signed by any of the officers mentioned in *subsection 9 of* section 59 of this Act, referring to the plan, profile and book of reference, specifying definitely and in detail the purposes for which each portion of the lands are required, and the necessity for the same, and showing that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights.

Authority from Board.

(4) After the time stated in the aforementioned notices, and the hearing of such parties interested as may appear, the Board may, in its discretion, and upon such terms and conditions as the Board deems expedient, authorize in writing the taking, for the said purposes, of the whole or any portion of the lands applied for. Such authority shall be executed in duplicate, one to be filed with the plan, profile, book of reference, application and notices

Deposit with Board.

with the Board, and the other, with the duplicate plan, profile, book of reference and application, to be delivered to the company.

Deposit with registrar of deeds.

(5) Such duplicate authority, plan, profile, book of reference and application, or copies thereof certified as such by the Secretary shall be deposited with the registrars of deeds of the districts or counties, respectively, in which such lands are situate.

Sections of Act to apply. Exceptions.

(6) All the provisions of this Act applicable to the taking of lands for the right of way, or main line, of the railway without the consent of the owner of such lands, shall apply to the lands authorized to be taken under this section.

CONSTRUCTION OF THE RAILWAY.

Gauge.

Gauge.

75. The tracks of every railway and street railway, the New. construction of which railway or street railway shall be commenced after the coming into force of this Act, shall be of the standard gauge of four feet eight and one-half inches, unless the Board upon the application of the railway or street railway company about to commence construction as aforesaid shall otherwise order.

Trains, Cars and Appliances.

Communication with engine driver.

76.—(1) In all trains there shall be an apparatus or appliance to provide immediate communication between the conductor while in any car of any passenger train, and the engine driver or motor man.

Brakes.

(2) All brakes shall be of such design and construction as to check at will the speed of the train, and bring the same safely to a standstill, as expeditiously as possible, and on all the trains carrying passengers the system of brakes shall comply with the following requirements:—

On trains carrying passengers the brakes must—

Be continuous and instantaneous.

(a) The brakes shall be continuous and must be instantaneous in action, and capable of being applied at will by the motor man, engine driver, conductor or brakeman;

Be self-applying in case of accident.

(b) The brake must be self-applying in the event of any failure in the continuity of its action;

Couplers.

(3) All couplers shall be such as to securely couple and Dom Ry. Act, connect the cars composing the train, and to attach the 1903, s. 211, engine or locomotive to such train, automatically by impart(1)amended pact, and which can be uncoupled without the necessity of men going in between the ends of the cars;

(4) All box freight cars of the company built after the passing of this Act, shall be equipped with the following attachments for the security of railway employees:—

(a) Outside ladders, on two of the diagonally opposite ends and sides of each car, projecting below the frame of the car, with one step or rung of the ladder below the frame, the ladders being placed close to the ends and sides to which they are attached;

(b) Hand grips placed anglewise over the ladders of each box car and so arranged as to assist persons in climbing on the roof by means of the ladder.

(5) All cars built prior to the passing of this Act shall be fitted with such attachments before the first day of January, 1907, provided that, if there is at any time any other improved side attachment which, in the opinion of the Board, is better calculated to promote the safety of the train hands, then the Board may require any of such cars not already fitted with the side attachments first mentioned, to be fitted with the said improved attachment.

(6) Every company shall adopt and use upon all its rolling stock such height of draw-bars as the Board determines in accordance with any standard from time to time adopted by competent railway authorities.

(7) Every passenger, baggage, mail and express car, Mass. Ry. law, which is owned or regularly used on any railway in this Province, in which heating apparatus may be placed, shall be provided with such safeguards against fire as the board in writing shall from time to time approve.

(8) Every company shall provide and cause to be used on all trains such modern and efficient locomotives, motors, cars and carriages, apparatus, appliances and means as may be required or ordered by the Board, and the company shall alter such locomotives, motors, cars and carriages, apparatus, appliances and means or renew the same from time to time as the Board may order.

(9) Every company which fails to comply with any of the provisions of this section, shall forfeit to His Majesty, a sum not exceeding two hundred dollars, for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of the non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person: Provided however that no proceedings shall be instituted to enforce or recover any forfeiture to His Majesty hereunder without the consent of the Board first obtained.

Box freight cars to be provided with ladders, etc.

Cars to be equipped with side attachments before 1907.

Height of draw-bars.

Safeguards against fire in cars.

Train equipment to be provided

Penalty for non-compliance.

Damages.

Agreements to contrary invalid.

Consent to prosecution.

Mass. Ry. law, p. 67, s. 211.

New.

Dom. Ry. Act, 1903, s. 211 (24) amended.

Locomotives to have bells or whistles.

77. Every locomotive, engine and electric locomotive shall be furnished with a bell of at least thirty pounds weight or with a steam or air whistle.

Ont. Ry. Act, R.S.O. 1897, c. 207, s. 41 (8) amended.

Gongs and whistles.

78. Every car which contains a motor or which runs at the head of a train shall be furnished with a gong, *to be approved by regulation of the Board*, or with an air whistle.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 82 (8) amended.

Protection of conductors and motormen.

79.—(1) All cars in use for the transportation of passengers in November, December, January, February, March and April in each year, which, while in motion, require the constant care or service of a motorman upon the platforms of the car or upon one of them, shall have their platforms so enclosed as to protect the motormen from exposure to wind and weather in such manner as the Board shall approve.

Mass. Ry. law, p. 115, s. 56, amended.

(2) All companies operating their cars without rear end vestibules shall allow the conductors employed on such cars to stand inside the cars so far as is consistent with the proper performance of their duties during the said period.

(3) Every motor car built after the passing of this Act designed for carrying passengers upon a railway operated by electricity shall be so constructed that the motorman having the control of the motive power shall be stationed in a compartment *into which no person shall be admitted* save the officers or employees of the company on duty, and no person other than such officers or employees shall be permitted to occupy any portion of such compartment or vestibule.

2 Edw. VII., c. 27, s. 19, amended.

(4) Any company offending against the provisions of this section shall be liable to a penalty of one hundred dollars for each offence and any person offending against the provisions of this section is liable on summary conviction to a fine of not less than two dollars nor more than fifty dollars or imprisonment for not more than one month with or without hard labour or both.

(5) This section shall only apply to railways operated by electricity, and street railways.

Power to modify requirements of sections 76-79.

80. The Board may by order applicable either generally or in one or more particular cases, alter or modify, any of the requirements of sections 76 to 79 hereof.

Stopping places.

81. Railways operated by electricity shall stop at such places in addition to those fixed by the by-laws or regulations of the company as the Board may from time to time by resolution direct and order.

New.

Open cars.

82.—(1) Open or summer cars, constructed after the New first day of January, 1907, for use upon a railway operated by electricity or upon a street railway shall be so arranged or constructed that the seats for passengers will face the front of the car when in motion, and an aisle sufficiently wide to allow the passage of the conductor shall be provided in every such car.

Side steps

(2) The side steps on such cars shall be so constructed, if practicable, that passengers will be prevented from standing upon the same while the car is in motion.

Application of section.

(3) This section shall apply only to railways and street railways not yet constructed and to railways and street railways already constructed where the space between the tracks commonly called the devil strip is, *in the opinion of the Board*, sufficiently wide to allow the cars to be constructed as provided in subsection 1 of this section.

Disputes to be settled by Board.

(4) In all cases of dispute between a railway or street railway company and a municipal corporation or any person making complaint to the Board as to sufficiency of width, practicability of construction of cars or as to any other matter or thing referred to in this section, the Board shall be the final judge, and any order made by the Board as to any *such* matter shall be carried out and fulfilled by the company and the municipal corporation or either or both of them according to the terms of such order.

Passengers not to stand on side steps.

(5) No passenger shall stand upon the side steps of any car for a greater length of time than is necessary to enable him to enter or leave the same, and any person offending against the provisions of this subsection shall incur a penalty of not less than \$2 or more than \$10 besides costs to be recovered on summary conviction.

The Road Bed and Adjacent Lands.

Frogs, Packing, etc.

Interpretation.

"Packing."

83.—(1) In this section the expression "packing" means a packing of wood or metal, or some equally substantial and solid material, of not less than two inches in thickness, and which, where by this section any space is required to be filled in, shall extend to within one and a half inches of the crown of the rails in use on any such railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

Packing of
frogs, etc.

(2) The spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch where such spaces are less than four inches in width, shall be filled with packing up to the under side of the head of the rail.

Packing of
wing-rails, etc.

(3) The spaces between any wing rail and any railway frog, and between any guard rail and the track rail alongside of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than four inches; such packing not to reach higher than to the under side of the head of the rail; provided however, that the Board may allow the filling and packing mentioned in this section to be left out, from the month of December to the month of April in each year, both months included, or between any such dates as the Board by regulation, or in any particular case, determines.

Exception in
latter cases.

Oil cups.

(4) The oil cups or other appliances, used for oiling the valves of every locomotive in use upon any steam railway shall be such that no employee shall be required to go outside the cab of the locomotive, while the same is in motion, for the purpose of oiling such valves.

Drainage.

Drainage by
company.

84.—(1) The company shall in constructing the railway make and maintain suitable ditches and drains along each side of, and across and under the railway, to connect with ditches, drains, drainage works and watercourses upon the lands through which the railway runs, so as to afford sufficient outlet to drain and carry off the water, and so that the then natural, artificial, or existing drainage of the said lands shall not be obstructed or impeded by the railway.

Necessary
drainage may
be ordered by
Board.

(2) Whenever any lands are injuriously affected by reason of the drainage upon, along, across, or under the railway being insufficient to drain and carry off the water from such lands, or whenever any municipality or land-owner desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under the railway or any works or lands of the company, the Board may, upon the application or complaint of the municipality or land-owner, order the company to construct such drainage or lay such pipes, and may require the applicant to submit to the Board a plan and profile of the portion of the railway to be affected, or may direct an inspecting engineer, or such other person as it deems advisable to appoint, to

Dom. Ry. Act,
1903, s. 196.

inspect the locality in question and, if expedient, there hold an inquiry as to the necessity or requirements for such drainage or pipes, and to make a full report thereon to the Board; the Board may upon such report, or in its discretion, order how, where, when, by whom, and upon what terms and conditions, such drainage may be effected, or pipes laid, constructed and maintained, having due regard to all proper interests.

Drainage proceedings under Provincial Acts.

85.—(1) Whenever by virtue of any Act of the Province of Ontario proceedings may be had or taken by any municipality or landowner for any drainage, or drainage works, or for the construction, enlargement, improvement or extension of any ditch or watercourse upon or across the property of any landowner in the Province, proceedings may be had or taken under such Act by such municipality or landowner for the construction, enlargement, improvement or extension of the ditch or watercourse upon and across the railway and lands of the company, at the option of such municipality or landowner, in the place of the proceedings before the Board as in the next preceding section provided, and thereupon such Act shall apply to the lands of the company upon or across which such drainage or other work is required, to the same extent as to the lands of any landowner, subject, however, to any previous order or direction of the Board made or given with respect to drainage of the same lands, and provided that the company shall have the option of constructing the portion of any drain or drainage work, or ditch or watercourse, required to be constructed upon, along, under or across its railway or lands, and in the event of the company not exercising such option, and completing such work within a reasonable time, without any unnecessary delay, such work may be constructed or completed in the same manner as any other portions of such work are to be constructed under the provisions of such Act; provided always that no drainage works or ditch or watercourse shall be constructed or reconstructed upon, along, under or across the railway or lands of the company until the character of such works or the specifications or plans thereof have been first submitted to and approved of by the Board.

Approval of Board.

Cost of work.

(2) The proportion of the cost of the drain or drainage works, or of such ditch or watercourse, across or upon the railway to be borne by the company shall in all such cases be based upon the increase of cost of such work caused by the construction and operation of the railway. Dom. Ry. Act, 1903, s. 197 amended.

Farm Crossings.

Farm crossings.

86.—(1) Every company shall make crossings for persons across whose lands the railway is carried, convenient and

proper for the crossing of the railway for farm purposes. In crossing with live stock, such live stock shall be in charge of some competent person, who shall use all reasonable care and precaution to avoid accidents.

Necessary crossings may be ordered by Board.

(2) The Board may, upon the application of any land-Dom. Ry. Act, owner, order the company to provide and construct a suitable farm crossing across the railway, wherever in any case the Board deems it necessary for the proper enjoyment of his land, on either side of the railway, and safe in the public interest; and may order and direct how, when, where, by whom, and upon what terms and conditions, such farm crossing shall be constructed and maintained.

Fences, Gates and Cattle-guards.

Fences, etc., to be kept up.

87.—(1) The company shall erect and maintain upon the railway, fences, gates and cattleguards, as follows:—

Fences to be erected on each side of railway.

(a) On each side of all that portion of the railway which is not passing along or across a public highway fences shall be erected and maintained of the height and strength of an ordinary division fence.

Gates.

(b) Swing gates in such fences, of the height of the fence, with proper hinges and fastenings, at farm crossings: provided that sliding or hurdle gates, constructed prior to the passing of this Act, may be maintained.

Cattle-guards.

(c) Cattle-guards, on each side of the highway, at every highway crossing at rail-level by the railway. The railway fences at every such crossing shall be turned into the respective cattle-guards on each side of the highway. This provision shall not apply where a railway is being operated along a public highway.

To be suitable.

(2) Such fences, gates and cattle-guards shall be suitable and sufficient to prevent cattle, *horses* and other animals from getting on the *railway*.

Liability of company until cattle-guards erected.

(3) Until such fences, *gates* and cattle guards are duly made, the company shall be liable for all damages which may be done by their motors, cars, carriages or trains to cattle, horses or other animals on that part of the railway hereby required to be fenced.

If lands are not settled and inclosed.

(4) Whenever the railway passes through any locality in which the lands on either side of the railway are not improved or settled, and enclosed, the company shall be required to erect and maintain such fences, gates and cattle-guards unless the Board otherwise orders or directs.

Dom. Ry. Act, 1903, s. 199 ;
Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 42 part (1) (3).

Land owners must close gates at farm crossings.

(5) The persons for whose use farm crossings are finished shall keep the gates at each side of the railway closed when not in use; and no person, any of whose cattle

Dom. Ry. Act, 1903, s. 200.

horses or other animals are killed or injured by any train, owing to the non-observance of this section, shall have any right of action against any company in respect to the same being so killed or injured.

Leaving gates open.

Taking down fences.

Putting cattle on railways.

Permitting animals to get on railways.

Penalties for so doing.

No recourse against company.

Additional damages.

(6) Every person who wilfully leaves any such gate open without some person being at or near it to prevent animals from passing through it on the railway, or who takes down any part of a railway fence, or turns any horses, cattle or other animals, upon or within the inclosure of such railway, except for the purpose of, and while, taking the same across the railway in the manner provided by this Act, or who, except as authorized by this Act, rides, leads or drives any horses, *cattle* or other animal, or suffers any such horses, *cattle* or animals to enter upon such railway and within the fences and guards, is liable, on summary conviction, to a penalty of twenty dollars for each offence, and is also liable to the railway company for any damage to the property of the company or for which the company may be responsible by reason of such gate being so left open, or by reason of such fence being so taken down, or by the turning, riding, leading, driving or suffering to enter, upon or within the inclosure of such railway in violation of this section of any horse, cattle or other animals, and no person, any of whose *horses, cattle or other animals* are killed or injured by any train owing to the non-observance of this section shall have any right of action against any company in respect to the same being so killed or injured. Every person violating the provisions of this section shall in addition to the penalty herein provided be liable to pay any person injured by reason of such violation all damages sustained thereby.

Dom. Ry. Act,
1903, s. 201,
amended.

Bridges, Tunnels and other Structures.

Headway respecting bridges and tunnels.

88.—(1) Every bridge, tunnel or other erection or structure, over, through or under which any railway, now or hereafter, passes, shall be so constructed, and, if need be, re-constructed or altered within such time as the Board may order, and shall thereafter be so maintained, as to afford, at all times, an open and clear headway of at least seven feet between the top of the highest freight car used on the railway and the lowest beams, members or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder; but in no case shall the space between the rail-level and such beams, members or portions of any such structure, hereafter constructed, be less than twenty-two feet six inches, unless by leave of the Board;

Powers of Board where owners refuse

(2) If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned

to permit compliance.

by the company, the Board, upon application of the company and upon notice to all parties interested, or without any application, may make such order, allowing or requiring such raising, reconstruction or alteration, upon such terms and conditions as to the Board shall appear just and proper and in the public interest.

Board may exempt certain bridges, etc.

(3) The Board may exempt from the operation of this section any bridge, tunnel, erection or structure, over, through or under which no trains are run, except *trains operated by electricity and except* such as are equipped with air brakes.

Penalty.

(4) Every company or owner shall incur a penalty *not* exceeding fifty dollars for each day of wilful neglect, omission or refusal to obey the provisions of this section. Dom. Ry. Act, 1903, s. 202.

Bridges, etc., over 18 feet long.

89.—(1) With respect to all bridges, tunnels, viaducts, trestles, or other structures, through, over, or under which the company's trains are to pass, the span, or proposed span or spans, or length of which exceeds eighteen feet, the company shall not commence the construction, or reconstruction, of, or any material alteration in, any such bridge, tunnel, viaduct, trestle, or other structure, until leave therefor has been obtained from the Board, unless such construction, reconstruction, or alteration is made in accordance with standard specifications and plans approved by the Board.

Proceedings before construction.

(2) Upon any application to the Board for such leave, the company shall submit to the Board the detail plans, profiles, drawings and specifications of any such work proposed to be constructed, and such other plans, profiles, drawings and specifications as the Board may in any case, or by regulation, require. Dom. Ry. Act, 1903, s. 203, part.

Highway Crossings.

Railway on highway. Consent of municipality.

90.—(1) Subject to the provisions of this Act respecting the operation of railways *along* highways, the railway may be carried along or across an existing highway upon leave therefor having been first obtained from the Board as hereinafter provided.

No obstruction permitted.

Restoration of highway.

(2) No obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, restoring the highway to as good condition, as nearly as possible, as it was originally.

Penalty.

(3) Every company which violates the provisions of this section shall incur a penalty of not less than forty dollars for each such violation. Dom. Ry. Act, 1903, s. 184, amended.

Variation of inch between rail and levels.

91. Whenever the railway crosses any highway at rail-level, whether the level of the highway remains undisturbed, Dom. Ry. Act, 1903, s. 18.

of highway permitted.

ed or is raised or lowered to conform to the grade of the railway, the top of the rail may, when the works are completed, rise above or sink below the level of the highway to the extent of one inch without being deemed an obstruction; unless otherwise directed by the Board.

Plan of crossing of highway to be submitted.

92.—(1) Upon any application for leave to construct the Dom. Ry. Act, 1903, s. 186, amended. a railway across an existing highway, or to construct a highway across an existing railway, the applicant shall submit a plan and profile of such crossing, showing the portion of railway or highway affected, to the Board. The Board may by order grant such application upon such terms and conditions as to protection, safety and convenience of the public, as it may deem expedient, or may order that the highway be carried over or under the railway, or be temporarily or permanently diverted, and that such works be executed, watchmen or other persons employed, gates erected or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction arising or likely to arise therefrom. New.

Powers of Board in such case.

(2) The highway at any overhead railway crossing shall not at any time be narrowed by means of an abutment or structure to an extent less than twenty feet, nor shall the clear headway from the surface of the highway to the centre of any overhead structure constructed after the passing of this Act be less than fourteen feet, unless otherwise directed or permitted by the Board.

Overhead crossings.

As to existing crossings.

93. Where any railway is already constructed across any highway, the Board may order the company within a specified time to submit to the Board a plan and profile of such portion of the railway, and may, upon such submission, make any order in respect thereto that may to the Board seem proper. Dom. Ry. Act, 1903, s. 187, amended.

All structures must be safely constructed and maintained.

94. Every structure, by which any highway is carried over or under any railway, shall be so constructed, and, at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over, under or through such structure. Dom. Ry. Act, 1903, s. 189.

Inclination of highway.

95. The inclination of the ascent or descent, as the case may be, of any approach by which any highway is carried over or under any railway, or across it at rail level, shall not be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach, unless the Board directs otherwise; and a good and sufficient fence shall be made on each side of such approach, and of the structure connected with it, which fence shall be at least four feet six inches in height from the surface of the approach or structure. Dom. Ry. Act, 1908, s. 190.

Fencing approaches.

Signboards
at level
crossings.

96. Signboards at least *twelve* feet in height at every highway crossed at rail level by any railway, shall be erected and maintained at each crossing, and shall have the words "Railway Crossing" painted on each side of the sign board, in letters at least six inches in length, and every company which neglects to comply with the requirements of this section shall incur a penalty not exceeding *ten* dollars.

Dom. Ry. Act,
1903, s. 191,
amended.

Penalty.

Railway may
be required to
repair any level
crossing out of
repair.

97.—(1) Where a level crossing on any railway is out of repair, the warden, mayor, or reeve of the municipality within whose jurisdiction the crossing is situate, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, such head of the municipality may transmit a copy of the notice so served to the Board; and thereupon the Board may order an inspection to be made and may appoint an inspector for that purpose who shall with all possible despatch, appoint a day when he will examine into the matter; and he shall, by mail, give notice to the warden, mayor, or reeve, and to the company, of the day he so fixes; and upon the day so named he shall examine the crossing; and a certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Inspector determines that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirements of the certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the company in any court of competent jurisdiction, as money paid to the company's use.

Ont. Electric Ry.
Act, R.S.O. 1897,
c. 209, s. 102,
amended,

Inspector's
certificate to
be conclusive.

Payments of
inspector.

(2) The Inspector shall be entitled to be paid the sum of \$10 and actual travelling expenses while engaged on such inspection and in case he finds that any repairs are required he shall be paid by the company, but if he finds that no repairs are required he shall be paid by the municipality *whose* chief officer served the said notice.

New.

Proviso.

(3) Neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises.

Crossings and Junctions.

Railway
crossings and
junctions.

98.—(1) The railway lines or tracks of any company shall not be crossed or joined by or with the railway lines

Power of the Board.

or tracks of any other company until leave therefor has been obtained from the Board as hereinafter provided.

Proceedings on application to Board.

(2) Upon any application for such leave the applicant company shall submit to the Board a plan and profile of such crossing or junction and such other plans, drawings and specifications as the Board may in any case, or by regulation, require.

Order of Board.

(3) The Board may by order grant such application on such terms as to protection and safety as it may deem expedient, may change the plan and profile, drawings and specifications, so submitted and fix the place and mode of crossing or junction, and may direct that the lines and tracks of one company be carried over or under the lines and tracks of the other, and that such works, structures, equipment, appliances and materials be constructed, provided, installed, maintained, used or operated watchmen or other persons employed, and measures taken, as under the circumstances appear to the Board best adapted to remove and prevent all danger of accident, injury or damage, and may determine the amount of damage and compensation, if any, to be paid for any property or land taken or injuriously affected by reason of the construction of such works.

Supervision of works.

(4) The Board may give directions as to supervision of the construction of the works, and order that detailed plans, drawings and specifications of any works, structures, equipment or appliances required, shall, before construction or installation, be submitted to and approved by the Board

Order authorizing operation.

(5) No trains shall be operated on the lines or tracks of Dom. Ry. Act, 1903, s. 177. the applicant company over, upon or through such crossing or junction until the Board grants an order authorizing such operation, but the Board shall not grant such order until satisfied that its orders and directions have been carried out, and that the provisions of this section have been complied with.

Safety appliances on rail-level crossings.

(6) The Board may order any company to adopt and put in use at any such crossing or junction, at rail level, such interlocking switch, derailing device, signal system, equipments, appliances and materials, as in the opinion of the Board renders it safe for engines and trains to pass over such crossing or junction without being brought to a stop. Dom. Ry. Act, 1903, s. 178.

Application to street railways.

(7) This section shall apply to street railway companies and street railways.

Mines and Minerals.

Mines to be protected.

99. No company shall, without the authority of the Board, locate the line of its proposed railway, or con-

struct the same or any portion thereof, so as to obstruct or interfere with, or injuriously affect the working of, or the access or adit to any mine then open, or for opening which preparations are, at the time of such location, being lawfully and openly made.

Company not entitled to minerals, etc., in lands.

Exceptions.

100. The company shall not be entitled to any mines, ores, metals, coal, slate, mineral oils or other minerals in or under any lands purchased by it, or taken by it under any compulsory powers given it by this Act, unless the same have been expressly purchased; and all such mines and minerals, except as aforesaid, shall be deemed to be excepted from the conveyance of such lands, unless they have been expressly named therein and conveyed thereby.

Dom. Ry. Act
1903, s. 132
amended.

Mining under or within 40 yards of any railway.

101.—(1) No owner, lessee or occupier of any such mines or minerals lying under the railway or any of the works connected therewith, or within forty yards therefrom, shall work the same until leave therefor has been first obtained from the Board.

Application for leave of Board.

(2) Upon any application to the Board for leave to work any such mine or minerals, the applicant shall submit a plan and profile of the portion of the railway to be affected thereby, and of the mining works or plant proposed to be constructed or operated, affecting the railway, giving all reasonable and necessary information and details as to the extent and character of the same.

Protection and safety of the public.

(3) The Board may grant such application upon such terms and conditions, as to protection and safety of the public, as to the Board may seem expedient, and may order that such other works be executed, or measures taken, as under the circumstances appear to the Board best adapted to remove or diminish the danger arising, or likely to arise, from such mining operations.

Dom. Ry. Act,
1903, s. 133.

Compensation by company for loss by severance of mine.

102. The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines such compensation as the Board shall order to be paid to such owner, lessee, or occupier for and on account of any severance of the lands lying over such mines by the railway, or of the working of such mines being prevented, stopped or interrupted, or of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and also for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway.

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 25
amended.

Power to company to enter mines for purpose of ascertaining whether work-

103. If necessary in order to ascertain whether any such mines are being worked, or have been worked, so as to damage the railway or works or in such manner as to

Ont. Ry. Act,
R.S.O. 1897, c.
207, s. 26
amended.

ing endangers
railway.

detrimental to the safety of the public using the railway or of the tracks and trains of the company it shall be lawful for the company with the written permission and authorization of the Board after giving twenty-four hours' notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked.

Penalty for
refusing com-
pany access
to mines.

104. If the owner, lessee, or occupier of any such mine refuses to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall, for every such refusal, forfeit to the company a sum not exceeding \$100. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 27.

Weeds on Company's Land.

Company to
remove weeds.

105.—(1) Every company shall cause all cleared land or ground adjoining the railway and belonging to the company to be covered with grass or turf if not already so covered and shall cause all thistles and noxious weeds growing on the right of way and over land of the company adjoining the railway to be cut down or to be rooted out and destroyed each year before the plants have sufficiently matured to seed.

Penalty.

(2) Every company which fails to comply with this section shall incur a penalty of *ten* dollars for every day during which such company neglects to do anything which it is so required to do.

On default
municipal
officers may
perform.

(3) The mayor, reeve or other head of the municipality in which the land or ground lies may cause all things to be done which the said company is so required to do, and for that purpose may enter, by himself and his assistant or workmen, upon such lands, and the municipality may recover the expenses and charges incurred in so doing, and the said penalty, with costs, in any court of competent jurisdiction, and such *expenses, penalty and costs* shall be paid to the proper officer of the municipality. Dom. Ry. Act, 1903, s. 238. See also Ont. Ry. Act, R.S.O. 1897, c. 207, s. 107.

Cost of work.

Prevention of, and liability for, Fires.

Prevention

106.—(1) The company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter.

Liability for
fire caused by
locomotive.

(2) Whenever damage is caused to crops, lands, fences, Dom Ry. Act, plantations, standing or growing timber or trees or build- 1903, s. 239. ings and their contents, by a fire, started by a railway locomotive, the company making use of such locomotive

whether guilty of negligence or not, shall be liable for such damage and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction; Provided that if it be shown that the company has used modern and efficient appliances and has not otherwise been guilty of any negligence, the total amount of compensation recoverable under this section, in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion, shall not exceed five thousand dollars, and it shall be apportioned amongst the parties who suffered the loss as the court may determine.

Proviso.

Company has
insurable
interest.

(3) The company shall have an insurable interest in all such property upon or along its route, for which it may be so held liable, and may procure insurances thereon in its own behalf.

Construction of Road by Sections.

Construction
of road by
sections.

107. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan and book of reference thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and to deposit the same as required by the clauses of this Act with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan and book of reference of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of the said railway had been taken, made, examined certified and deposited according to the said clauses of this Act. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided, however, that

the Board may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

Five mile sections may be opened.

108. Whenever any section of the said railway of not less than five miles has been completed, the company may take the steps authorized by section 163 of this Act to be taken before a railway or a portion thereof is opened for the carriage of traffic and, with the permission of the Board as set forth in the said section, the company may open and operate such section as if it were a completed road, and all the sections of this Act applicable thereto shall thereupon apply to the said section as if it were a completed road, and to its operation. (See London, Chatham & Western Ry. Co., 5 Edw. VII, c. 97, ss. 10, 11.)

Works not to be commenced until certain provisions complied with

109. The company shall not commence the construction of the railway, or any section or portion thereof, until the provisions of this Act as to plans and surveys are fully complied with; and shall not make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of *subsection 13 of section 59* as to deviations are fully complied with. Dom. Ry. Act, 1903, s. 131, amended.

Compensation for damages to owners of lands adjacent to highway.

110.—(1) Where a railway constructs its tracks *along* one side of a highway or operates over a highway or railway or street railway crossing by means of a bridge or underneath a highway or railway or street railway crossing by means of a sub-way or tunnel, and in the construction of the approaches to such bridge or tunnel, raises or depresses part of a highway the owner of any land adjoining the portion of the highway upon the side thereof upon which the tracks are so constructed or upon or along which the said bridge or sub-way or tunnel or approaches thereto are constructed shall, if by reason of such construction, his land or the business carried on upon such land is thereby injured or in any way depreciated in value be entitled to receive compensation therefor from the company. New.

(2) The proceedings to obtain such compensation and to determine the amount thereof shall so far as applicable be the same as that provided in this Act in the sections respecting the taking of land without the consent of the *owner*. New.

(3) Compensation for injury to or depreciation of the value of any such business or land may be awarded by the arbitrators if in their judgment any such injury or depreciation is caused by the existence of the railway notwithstanding that the grade of the highway may not have been changed or altered. New.

(4) Not more than one award of damages shall be made under this section in respect of the same land or business.

(5) This section shall not apply to such portions of any railway as are constructed at the time of the coming into

force of this Act, or which may be constructed under agreements existing at the time of the coming into force of this Act. ~~70~~

Limitation of Time for Construction.

Time for construction limited.

111. If the construction of the railway or street rail-Dom. Ry. Act, way is not commenced and fifteen per cent. of the amount 1903, s. 117. of the capital stock is not expended thereon within two years after the passing of the special Act, or ~~is~~ in case of a railway other than a street railway, ~~70~~ if the railway is not finished and put in operation within five years from the passing of such Act, the powers granted by such Act or by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Use of Steam During Construction.

Electric companies may use steam for construction.

112. A company while constructing a line of railway to New. be operated by electricity on a right of way owned by the company shall have power to use steam as a motive power during such construction and at other times for construction purposes.

Contracts for Construction.

Contracts for construction of line, etc.

Payment in stock or bonds.

113.—(1) The directors may enter into a contract or con-(See Hamilton, tracts with any individual, corporation or association of Guelph and individuals for the construction or equipment of the rail-North Shore way or any part thereof, including or excluding the pur-Ry., 5 Edw. chase of right of way, and may pay therefor either in part VII., c. 93, or in whole, either in cash or bonds, or in paid-up stock, s. 16.) and may pay or agree to pay in paid-up stock or in bonds of the said company such sums as they may deem expedient to engineers, or for the right of way, or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid in cash.

Application to street rail-ways.

(2) This section shall apply to street railway companies New. and street railways.

OPERATION OF THE RAILWAY.

Regulations governing the running of Trains.

Trains to start at regular hours

114. The trains or cars shall start and run at regular hours or at regular intervals to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places, established for receiving and discharging way-passengers and goods from the train or car.

Passenger stations and train employees to wear badges.

115. Every employee of the company employed in a passenger train or car or at a passenger station, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property.

Expulsion on refusal to pay fare.

116.—(1) The fare or toll shall be due and payable by every passenger on entering the car, or other conveyance, and every passenger who refuses to pay his fare may, by the conductor of the train and the train servants of the company, be expelled from and put out of the car, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

Application to street railways.

(2) This section shall apply to street railways.

No claim for injuries in certain cases.

117. No person injured while on the platform of a car, or on any baggage, or freight car, in violation of the printed regulations posted up at the time, shall have any claim in respect of the injury, if room inside of the passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.

Position of passenger cars.

118.—(1) *Except by permission of the Board,* No passenger train upon a steam railway shall have any freight, merchandise or lumber car in the rear of any passenger car in which any passenger is carried.

Penalty for violation.

(2) Every officer or employee of any company, who directs, or knowingly permits, any freight, merchandise or lumber car, to be so placed, shall be liable on summary conviction to a penalty not exceeding *ten dollars*.

Baggage checks.

119.—(1) A check shall be affixed by the company to every parcel of baggage, having a handle, loop or suitable

means for attaching a check thereupon, delivered by a passenger to the company for transport, and a duplicate of such check shall be given to the passenger delivering the same.

Excess baggage. (2) In the case of excess baggage the company shall be 1903, s. 220. entitled to collect from the passenger, before affixing any such check, the toll authorized under this Act.

Liability for refusing to check baggage. (3) If such check is improperly refused on demand, the company shall be liable to such passenger for the sum of eight dollars, which shall be recoverable in a civil action; Provided that this section shall not apply to *any* train or car operated by electricity unless *the Board so orders.* New.

Transportation of dangerous goods. 120. No passenger shall carry, nor shall the company be required to carry upon its railway, gunpowder, dynamite, nitro-glycerine, or any other goods which are of a dangerous or explosive nature; and every person who sends by the railway any such goods without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station agent or employee of the company whose duty it is to receive such goods and to whom the same are delivered, or who carries or takes upon any train any such goods, for the purpose of carriage shall forfeit to the company the sum of five hundred dollars for every such offence. Dom. Ry. Act, 1903, s. 221.

Nature must be marked on outside.

Notice.

Penalty.

Company may refuse to carry. 121. The company may refuse to take any package or parcel which it suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact; and the company shall not carry any such goods of a dangerous nature, except in cars specially designated for that purpose, on each side of each of which shall plainly appear in large letters the words "dangerous explosives"; and for each neglect to comply with the provisions of this section, the company shall incur a penalty of five hundred dollars. Dom. Ry. Act, 1903, s. 222.

Carriage of such goods.

Penalty.

Trains to stop at swing bridges. 122.—(1) When any railway passes over any navigable water, or canal, by means of a draw or swing bridge which is subject to be opened for navigation, every train shall, before coming on or crossing over such bridge, be brought to a full stop and shall not proceed until a proper signal has been given for that purpose, and in default the company shall be liable to a penalty not exceeding four hundred dollars. Any employee failing to comply with the rules of the company as to compliance with the provisions of this subsection shall be liable to the like penalty, or to six months' imprisonment, or to both.

Where safety devices installed Board may otherwise order.

(2) Wherever there is adopted or in use on any railway Dom. Ry. Act, at any such bridge, an interlocking switch and signal 1903, s. 223. system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains to pass over such bridge without being brought to a stop, the Board may, by order, permit engines and trains to pass over such bridge without stopping, under such regulations, as to speed and other matters, as the Board deems proper.

Use of bell and whistle.

123. When any train is approaching a highway crossing at rail-level (except within the limits of cities or towns where the municipal authority may pass by-laws prohibiting the same), the engine whistle shall be sounded at least eighty rods before reaching such crossing, and then the bell shall be rung continuously until the engine has crossed such highway, or in the case of a car or locomotive operating by electricity an air whistle shall be blown or the gong be sounded continuously for eighty yards before reaching such crossing, and the company shall, for each neglect to comply with the provisions of this section, incur a penalty of eight dollars and shall also be liable for all damage sustained by any person by reason of such neglect; and every employee of the company who neglects to comply with this section shall for each offence be subject to a like penalty.

Penalty for non-compliance.

Damages.

Penalty on employee.

Signal at rail-level crossings.

124.—(1) No train, engine or motor car shall pass over any crossing where two main lines of railway cross each other at rail-level, until a proper signal has been received by the conductor, engineer or motorman in charge of such train, engine or motor car from a competent person or watchman in charge of such crossing that the way is clear; provided always, that in the case of an electric street railway car crossing any railway track not properly protected, it shall be the duty of the conductor, before crossing, to go forward and see that the track to be crossed is clear, before giving the signal to the motorman, that the way is clear and to proceed.

Electric street railway crossings.

Application of section.

(2) Every main track of a branch line is a main line within the meaning of this section, which shall apply, whether the said lines be owned by different companies or by the same company. Dom. Ry. Act, 1903, s. 225 amended.

Stoppage of trains at rail-level crossings.

(3) Every train shall, before it passes over any such crossing as in this section mentioned, be brought to a full stop; but whenever there is in use, at any such crossing, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains or electric cars to pass over such crossing without being brought to a stop, the Board may, by order, permit such engines and trains and cars to pass over such crossing without stopping, under such regula- Dom, Ry. Act, 1903, s. 226.

Where safety devices are installed Board may otherwise order.

tions as to speed and other matters as the Board deems proper.

(4) Nothing in this section shall apply to a case in which the Dominion Railway Commission has jurisdiction to make an order and has made an order for the protection of such crossing.

Trains, or cars moving reversely in cities, etc.

125. Whenever in any city, town or village, any train is passing over or along a highway at rail-level, and is headed by an engine or motor car moving forward in ordinary manner, the company shall station on the then foremost part of the train, a person who shall warn persons standing on, or crossing, or about to cross, the track of such railway; and for every violation of any of the provisions of this section, or of *either* of the two sections next preceding, the company shall incur a penalty of one hundred dollars.

Trains must not stand on rail-level crossings more than five minutes.

126.—(1) Whenever any railway crosses any highway at rail-level, the company shall not, nor shall its officers, agents, or employees, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway, for a longer period than five minutes at one time, or in shunting to obstruct public traffic for a longer period than five minutes at any one time.

Penalty.

(2) In every case of a violation of this section, every such officer, agent, or employee who has directly under or subject to his control, management or direction, any engine, tender or car which, or any portion of which, is allowed to stand on such highway, longer than the time specified in this section, is liable on summary conviction to a penalty not exceeding fifty dollars, and the company is also liable for each such violation, to a like penalty; provided always that if such alleged violation is in the opinion of the court excusable, the action for the penalty may be dismissed; and costs shall be in the discretion of the court.

Where violation excusable.

Sleeping and Parlor Cars.

Sleeping and parlor cars.

127. The company may contract with any person for the hauling by the special or regular trains of the company, of the parlor, drawing-room or sleeping car or cars of such person, in which extra accommodations shall be furnished, for which *such* person furnishing such parlor, drawing-room or sleeping car or cars, may charge for the carriage and transportation of persons and property therein *such* reasonable compensation as may be fixed by the Board, for such extra accommodation, in addition to the fare and charges for the carriage and transportation of passengers and property in the ordinary cars of the company. But the company so contracting shall be liable in the same way and to the same extent as if the said car or cars were owned by it, and shall furnish sufficient ordinary cars for the reasonable accommodation of the travelling public.

N. Y. Ry. law, p. 135, amended.

Stations.

Accommodation for passengers and freight at stations.

128.—(1) The company shall, according to its powers, furnish, at the place of starting and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway,—and shall furnish adequate and suitable accommodation for the carrying, unloading and delivering of all such traffic,—and shall, without delay, and with due care and diligence, receive, carry and deliver all such traffic, and shall furnish and use all proper appliances, accommodation and means necessary therefor.

Train accommodation.

Duties respecting transportation.

Payment of tolls.

(2) Such traffic shall be taken, carried to and from, and delivered at such places, on the due payment of the toll lawfully payable therefor.

Right of action on default.

(3) Every person aggrieved by any neglect or refusal in the premises shall, subject to this Act, have an action therefor against the company, from which action the company shall not be relieved by any notice, condition or declaration or any agreement to the contrary if the damage arises from any negligence or omission of the company or of its servants.

Condition against negligence invalid.

Accommodation may be ordered by Board.

(4) If in any case such accommodation is not, in the Dom. Ry. Act, opinion of the Board, furnished by the company, the 1903, s, 214. Board may order the company to furnish the same within such time or during such period as the Board deems expedient, having regard to all proper interests.

Stations not to be discontinued.

(5) No station established by any railway company for New. Founded the reception or delivery of passengers or property, or on N.Y. Ry. both, shall be discontinued without the consent of the law. Board first had and obtained.

Complaint of ten citizens as to station accommodation.

(6) Upon the written complaint of ten or more persons New. Founded interested setting forth that any of the provisions of this on Ohio Ry. Act as to station accommodation or stopping places are law. being violated by the company the Board shall forthwith investigate the complaint. If upon such investigation it is found that such violation exists the Board shall issue an order to the company setting forth the nature of the improvements required and shall direct that the same shall be completed within such time as the Board may think proper.

Blackboards showing whether Trains on Time.

Overdue trains.

129.—(1) Every company, upon whose railway there is a telegraph or telephone line in operation, shall have a blackboard put upon the outside of the station house, over

Notice at
stations

the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph or telephone office; and when any passenger train or car is overdue at any such station, according to the time table of such company, the station agent or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice stating, to the best of his knowledge and belief, the time when such overdue train or car may be expected to reach such station; and if there is any further change in the expected time of arrival the station agent or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train or car may then be expected to reach such station.

Time when
expected to be
stated.

Penalty for
omission.

(2) Every such company, station agent or person in charge at any such station, is, on summary conviction, liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to obey the provisions of this section. Dom. Ry. Act, 1903, s. 231.

MUNICIPAL BONUSES AND LOANS.

Aid from
municipalities.

130. Any municipality, or any portion of a township (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 26). near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Submitting
bonus by-law.

131. Such by-law shall be submitted by the municipal council to a vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the

minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1903*, and the amendments thereto.

3 Edw. VII.
c. 19.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1903*, and amendments thereto as aforesaid.

3 Edw. VII.
c. 19.

(4) In the case of a section of a township municipality (See Penetanguishene & Orillia Ry., 5 Edw VII., c. 105, s. 27.) the petition is to be presented to the council defining the metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Bonus by law
what to
contain.

132. Such by-law shall in each instance provide:

(a) For raising the amount petitioned for in the municipality or portion of the township municipality, (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(b) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in the said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 28).

Petition
against aid
from county.

133. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to the Board who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 29).

and in case the by-law is confirmed by the Board the expenses of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county or in such proportions between the company and the county as the Board may order.

Minor Municipality meaning of.

134. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 30).

Deposit to be made before by-law submitted.

135. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting the said by-law. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 31).

Council to pass by-law if assented to by ratepayers.

136. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 32).

Issue of debentures.

137. Unless otherwise provided in the by-law, the said council and the mayor, warden, reeve or other officers thereof, within one month after the passing of such by-law, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 33).

Levying rate on portion of municipality.

138. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 34).

Application of provisions of 3 Edw. VII. c. 19.

139. The provisions of *The Consolidated Municipal Act, 1903*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 35).

Councils may extend time for commencement.

140. The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 36).

Councils may extend time for completion.

141. The council of any municipality that may grant aid by way of bonus, to the company, may by resolution (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 37).

tion or by-law, extend the time for the completion of Ry., 5 Edw. VII., the works (on the completion of which the company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time. c. 105, s. 37).

142. Any municipality, or portion of a township municipality interested in the construction of the railway of the company may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 38).

143. Any municipality through which the railway may pass or in which the railway or part of it is situated is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the railway, and the railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power, when the same are no longer required or necessary for the purposes of the company, to sell or otherwise dispose of the same for the benefit of the company. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 38).

144. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Board, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Board shall omit to name such trustee within one month after notice in writing to the Board of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Board, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incap-

Extent of aid from municipalities.

Proviso.

Gifts of land.

Trustees of municipal debentures.

able of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Board.

Trusts of proceeds of debentures.

145. The said trustees shall receive the said debentures (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 24.) or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The _____ Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule "A" hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

146. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. (See Penetanguishene & Orillia Ry., 5 Edw. VII., c. 105, s. 43).

Mayor, etc., to be *ex officio* a director in certain cases.

147. The mayor, warden, reeve, or other chief officer of such municipal corporation granting a bonus or gift to the company to the amount of \$20,000, or upwards, 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 any of the directors of the company. (See Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 61 (4) amended.)

Application to street railways

148. The sections respecting municipal bonuses and loans, being sections 130 to 147 inclusive, shall apply to street railway companies.

EXEMPTIONS FROM TAXATION.

By-law granting exemption from taxation.

149.—(1) The council of any municipality through any part of which the railway passes, or in which it is situated may by by-law especially passed for that purpose, exempt the company and its property within such municipality, either in whole or in part from municipal taxation, but not including taxation for school purposes, or fix a certain sum per annum, or otherwise, by way of commutation, or in lieu of all or any municipal rates or taxes, and for such term of years not exceeding twenty-one years as (See Perth and Huron Radial Ry., 5 Edw. VII., c. 106, s. 39).

such municipal council may deem expedient, and no such by-law shall be repealed unless in conformity with a condition contained therein.

(2) This section shall apply to street railway companies.

BY-LAWS, RULES AND REGULATIONS.

Application to street railways.

Company's by-laws respecting—

150. The company may, subject to the provisions and restrictions in this and in the Special Act, contained, make by-laws, rules or regulations respecting—

Speed.

(a) The mode by which, and the speed at which, any rolling stock used on the railway is to be moved;

Timetables.

(b) The hours of the arrival and departure of trains;

Loads.

(c) The loading or unloading of cars, and the weights which they are respectively to carry;

Freight regulations.

(d) The receipt and delivery of traffic;

Nuisances.

(e) The smoking tobacco, expectorating, and the commission of any nuisance in or upon trains, stations or other premises occupied by the company;

Traffic and operation.

(f) The travelling upon, or the using or working of, the railway;

Conduct.

(g) The employment and conduct of the officers and employees of the company;

Management.

(h) The due management of the affairs of the company; and

Dom. Ry. Act, 1903, s. 243.

Passengers.

(i) The number of passengers to be allowed in cars, their mode of entrance or exit, and the portion of the car or the class of car to be occupied by them.

Penalty for violation of by-laws

151. The company may, for the better enforcing the observance of any such by-law, rule or regulation affecting the officers or employees of the company prescribe in such by-law a penalty not exceeding forty dollars for any violation thereof.

Dom. Ry. Act, 1903, s. 244 amended.

Essentials to validity of by-law.

152. All by-laws, rules and regulations whether made by the directors or the company shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted, have affixed thereto the common seal of the company, and be kept in the office of the company.

Dom. Ry. Act, 1903, s. 245.

Must be approved by Board.

153. All such by-laws, rules and regulations, except such as are of a private or domestic nature and do not affect the public generally, shall be submitted to the Board for approval. The Board may sanction them or any of them, or any part thereof, and may from time to time, rescind the sanction of any such by-law, rule or regulation or

Dom. Ry. Act, 1903, s. 246 amended.

Board to report.

of any part thereof. Except when so sanctioned no such by-law, rule or regulation shall have any force or effect.

Publication of by-laws, etc.

154. A printed copy of so much of any by-law, rule or regulation, as affects any person, other than the shareholders, or the officers or employees of the company, shall be openly affixed, and kept affixed, to a conspicuous part of every station belonging to the company, so as to give public notice thereof to the persons interested therein or affected thereby.

Publication of by-laws, etc., affecting employees.

155. A printed copy of so much of any by-law, rule or regulation as relates to the conduct of or affects the officers or employees of the company, shall be given to every officer and employee of the company thereby affected. Dom. Ry. Act, 1903, s. 247.

By-laws, etc., binding when approved.

156. Such by-laws, rules and regulations when so approved shall be binding upon, and observed by, all persons, and shall be sufficient to justify all persons acting thereunder. Dom. Ry. Act, 1903, s. 248.

Summary interference in certain cases.

157. If the violation or non-observance of any by-law, rule or regulation, is attended with danger or annoyance to the public; or hindrance to the company in the lawful use of the railway, the company may summarily interfere, using reasonable force, if necessary, to prevent such violation, or to enforce observance, without prejudice to any penalty incurred in respect thereof. Dom. Ry. Act, 1903, s. 249.

Evidence.

158. A copy of any by-law, rule or regulation, certified as correct by the president, secretary or other executive officer of the company and bearing the seal of the company, shall be evidence thereof in any court. Dom. Ry. Act, 1903, s. 250.

By-laws, etc., to be subject to agreements with municipalities.

159. All by-laws, rules and regulations of a company operating its railway by electricity partially or wholly on a highway or of a street railway company shall be subject to any agreement that may have been made by such company and the municipal corporation owning or maintaining such highway. New.

NOTICES OF BY-LAWS, ETC.

How notice of by-laws or orders may be proved.

160. Notice of any by-law or of any order or notice of the company affecting any officer or employee thereof may be proved by proving the delivery of a copy thereof to such officer or employee, or that such officer or employee signed a copy thereof, or that a copy thereof was posted in some one place where his work or his duties, or some of them, were to be performed. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 89.

Application of secs. 150-160 to street railways.

161. The sections relating to "By-laws, Rules and Regulations," being sections 150 to 160 inclusive, shall apply to street railways and street railway companies.

INSPECTION OF RAILWAYS.

Inspecting Engineers.

Appointment
of inspecting
engineers.

162.—(1) Inspecting engineers may be appointed by the Board, subject to the approval of the Lieutenant-Governor in Council.

Duties.

(2) It shall be the duty of every such inspecting engineer, upon being directed by the Board, to inspect any railway, or any branch line, siding or portion thereof whether constructed, or in the course of construction, to examine the stations, rolling stock, rails, road bed, right of way, tracks, bridges, tunnels, trestles, viaducts, drainage, culverts, railway crossings and junctions, highway and farm crossings, fences, gates and cattle-guards, telegraph, telephone, or other lines of electricity, and all other buildings, works, structures, equipment, apparatus, and appliances thereon, or to be constructed or used thereon, or such part thereof as the Board, may direct, and forthwith to report fully thereon in writing to the Board.

Dom. Ry. Act
1903, s. 206,
amended.

Powers of
inspection.

(3) Every such inspecting engineer shall be vested with all the powers in regard to any such inspection as are provided in section 49 of "*The Ontario Railway and Municipal Board Act, 1906.*"

Duties of
company
respecting
inspectng
engineers.

(4) Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information as is within their knowledge and power, in all matters inquired into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair, or state of repair, of the railway, or any portion thereof.

Inspecting
Engineers
may travel
free.

(5) Every such inspecting engineer shall have the right, while engaged in the business of such inspection, to travel without charge on any of the ordinary passenger trains running on the railway, and to use without charge the telegraph wires and machinery in the offices of, or under the control of, any such company.

Use telegraph
wires, etc.

Transmission
of telegrams.

(6) The operators, or officers, employed in the telegraph offices of, or under the control of, the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages; and every such operator or officer, who neglects or refuses so to do, shall, for every such offence, be liable, on summary conviction, to a penalty of forty dollars.

Penalty upon
failure.

Proof of
engineer's
authority.

(7) The production of his appointment in writing, signed by the Chairman of the Board, or the Secretary, shall be

sufficient evidence of the authority of such inspecting engineer.

(8) Every person who wilfully obstructs any inspecting engineer in the execution of his duty, is liable, on summary conviction, to a penalty not exceeding forty dollars; and in default of payment thereof forthwith, or within such time as the convicting justices or justices of the peace appoint, to imprisonment with or without hard labour for any term not exceeding three months.

Inspection of Line.

163.—(1) No railway, or any portion thereof, shall be opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, until leave therefor has been obtained from the Board, as hereinafter provided. Dom. Ry. Act 1903, s. 207, amended.

(2) When the company is desirous of so opening its railway, or any portion thereof, it shall make an application to the Board, supported by affidavit of its president, secretary, engineer or one of its directors, to the satisfaction of the Board, alleging that the railway, or portion thereof, desired to be so opened is in his opinion sufficiently completed for the safe carriage of traffic, and ready for inspection, and *requesting* the Board to authorize the same to be opened for such purpose.

(3) Before granting such application the Board shall direct an inspecting engineer to examine the railway, or portion thereof, proposed to be opened, and if the inspecting engineer reports to the Board, after making such examination, that in his opinion the opening of the same for the carriage of traffic will be reasonably free from danger to the public using the same, the Board may make an order granting such application, in whole or in part, and may name the time therein for the opening thereof, and thereupon the railway, or such portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

(4) But if such inspecting engineer, after the inspection of the railway, or the portion thereof, shall report to the Board that in his opinion the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the construction or equipment of such railway or portion thereof, he shall state in his report the *reasons* for such opinion, and the company shall be entitled to notice thereof, and shall be served with a copy of such report and *reasons*, and the Board may refuse such application, in whole or in part, or may direct a further or other inspection and report to be made.

Penalty for obstructing inspecting engineers.

Leave of Board before opening.

Proceedings.

Affidavit.

Inspection.

When opening reported to be safe.

Order of Board.

When opening reported dangerous*

Notice to be served on company.

Provision for further inspection.

(5) If thereafter upon such further or other inspection or upon a new application under this section, the inspecting engineer reports that such railway, or portion thereof, may be opened without danger to the public, the Board may make the like order as provided in subsection 3 of this section and thereupon the railway, or such portion thereof, as is authorized by the Board, may be opened for traffic in accordance therewith.

Order for opening.

Leave to carry freight traffic.

(6) The Board, upon being satisfied that public convenience will be served thereby, may, after obtaining a report of an inspecting engineer, allow the company to carry freight traffic over any portion of the railway not opened for the carriage of traffic in accordance with the preceding provisions of this section.

Opening without leave of Board.

(7) If any railway, or portion thereof, is opened contrary to the provisions of this section, the company, or person to whom such railway belongs shall forfeit to His Majesty the sum of two hundred dollars for each day on which the same is, or continues open until such order is obtained.

Penalty.

Where railway out of repair.

164.—(1) Whenever the Board receives information that Dom. Ry Act, 1903, s. 208. any railway, or any portion thereof, is dangerous to the public using the same, from want of renewal or repair, or insufficient or faulty construction, *equipment*, or from any other cause, the Board may direct an inspecting engineer to examine the railway, or any portion thereof; and upon the report of the inspecting engineer may order any repairs, renewal, reconstruction, alteration or new works, materials or equipment to be made, done, or furnished by the company or *municipality* upon, in addition to, or substitution for, any portion of the railway, which may, from such report, appear to the Board necessary or proper to *avoid such danger*, and may order that until such repairs, renewals, reconstruction, alteration, and work, materials or equipment are made, done and furnished to its satisfaction, no such portion of the railway in respect of which such order is made, shall be used, or used otherwise than subject to such restrictions, conditions and terms as the Board may in such order impose. And the Board may by such order, condemn, and thereby forbid further use of, any rolling-stock which, from such report, it may consider unfit to repair or use further.

Inspection

Board may order repairs, etc.

May enjoin use of portions of railways pending repairs.

Or of equipment.

Penalty for non-compliance

(2) If, after notice of any such order made by the Board, the company shall use any rolling stock, after the same has been so condemned by the Board, or shall disobey or fail to comply with any order of the Board made under this section, the company shall, for each *day on which such order is disobeyed*, forfeit to His Majesty the sum of *five hundred dollars*; and any person wilfully and knowingly

Aiding and abetting.

aiding or abetting any such violation shall be guilty of an offence, and on summary conviction thereof shall be liable to a penalty of not less than *twenty dollars* nor more than *two hundred dollars*.

Application of section to street railway.

(3) This section shall apply to street railways.

Inspecting engineer may in case of danger issue prohibitions.

165.—(1) If in the opinion of any inspecting engineer, it is dangerous for trains to pass over any railway, or any portion thereof, until alterations, substitutions or repairs are made thereon, or that any of the rolling stock should be run or used, the said engineer may, by notice, forthwith, either forbid the running of any train over such railway or portion of railway, or require that the same be run only at such times, under such conditions, and with such precautions, as he, by notice specifies, and he may forbid the running or using of any such rolling stock by serving upon the company owning, running or using such railway, or any officer having the management or control of the running of trains on such railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended; and for every act of non-compliance therewith such company shall forfeit to His Majesty the sum of two thousand dollars.

Procedure.

Reasons and defects must be stated.

Penalty.

Report of inspecting engineer.

Action thereon.

Notice.

(2) The inspecting engineer shall forthwith report the same to the Board which may either confirm, modify or disallow the act or order of such engineer; and notice of such confirmation, modification or disallowance, shall be duly given to the company.

Dom. Ry. Act,
1903, s. 209.

Company to notify orders of Commissioner to its officers, etc.

166. The company shall, as soon as possible after the receipt of any order or notice of the Board affecting any of the officers or employees of the railway or any of the duties of such officers or employees, give cognizance thereof to each of its officers and employees, in one or more of the ways mentioned in section 160 of this Act.

Ont. Electric Ry.
Act, R.S.O.
1897, c. 209,
s. 104, amended.

What to be deemed sufficient notice thereof.

167. All orders of the Board shall be considered as made known to the company by a notice thereof signed by *the chairman or secretary thereof*, and delivered to the president, vice-president, managing director, secretary or superintendent of the said company, or at the office of the company.

Ont. Electric Ry.
Act, R.S.O.
1897, c. 209,
s. 105, amended.

Inspection not to Relieve from Liability.

Inspection not to relieve company from liability.

168. No inspection had under this Act, and nothing in this Act contained, and nothing done or ordered or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve, or be construed to relieve, any

Dom. Ry. Act,
1903, s. 242,
part.

company of or from any liability or responsibility resting upon it by law, either towards His Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative, of any person, for anything done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such company, or in any manner or way to lessen such liability or responsibility or in any way to weaken or diminish the liability or responsibility of any such company, under the laws in force in *this* Province.

TOLLS.

By-Laws as to.

By-laws to be passed authorizing issue of tariffs of tolls to be charged by the company.

169.—(1) The company or the directors of the company, by by-law or any such officer or officers of the company as are thereunto authorized by by-law of the company or directors may from time to time prepare and issue tariffs of the tolls to be charged, as hereinafter provided, for all traffic carried by the company upon the railway, or in its vessels, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid.

To be approved by Board.

(2) All such by-laws shall be submitted to and approved by the Board.

Board may approve in whole or in part or may change.

(3) The Board may approve such by-laws in whole or in part, or may change, alter or vary any of the provisions therein.

No tolls to be charged until by-law approved by Board.

(4) No tolls shall be charged by the company until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Board, nor shall the company charge, levy or collect any money for any services as a common carrier, except under the provisions of this Act. Ry. Act, 1903, s. 251, amended.

Collection of Tolls.

Collecting back charges on goods.

170.—(1) The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such charges by the company without any formal transfer, the company shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payments to all the rights and remedies of such persons for such charges. (See Penetanguishene and Orillia Ry., 5 Edw.VII. c. 105, s. 48).

(2) In case of refusal or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any court of competent jurisdiction, or the agents or servants of the company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof.

Sale of goods
to recover
tolls.

(3) If the tolls are not paid within six weeks, and where the goods are perishable goods, if the tolls are not paid upon demand or if such goods are liable to be destroyed while in the possession of the company by reason of delay in payment or taking delivery by the consignee, the company may advertise and sell the whole or any part of such goods and out of the money arising from such sale retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale, and shall deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto.

(4) If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto.

(5) In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Provincial Treasurer to be applied to the general purposes of the Province, unless claimed by the person entitled thereto, within six years of the date of such payment.

Passenger Fares on Electric Roads.

Limit of
fares on
electric
railways.

171.—(1) Notwithstanding anything contained in any agreement with any municipal or other corporation or person or any provision contained in any special Act to the contrary, the fares to be taken by the company on a railway operated by electricity for each passenger shall not exceed five cents for any distance not exceeding three miles, and where the distance exceeds three miles then not exceeding two cents per mile or fraction thereof for the dis-

tance actually travelled. Children under ten years of age shall be carried for three miles or less for three cents and for any additional distance for half fare, but children in arms shall in all cases be carried free.

Pupils' tickets.

(2) Pupils under seventeen years of age actually attending school shall be entitled to purchase ~~at~~ at any office of the company where tickets are sold on a certificate from their principal teacher that they are *bona fide* pupils attending school ~~at~~ eight tickets for twenty-five cents, such tickets to be used only between the hours of eight o'clock and half past nine in the forenoon, and between half-past three and five o'clock in the afternoon, and then only for the purpose of attending and returning from school, provided that no such tickets shall entitle any pupil to ride a greater distance than five miles.

Certain agreements not affected.

~~at~~ (3) This section shall not be construed to alter or vary any agreement by which the company is bound to charge a lesser rate of fares for passengers than those mentioned in this section, or to supply a greater number of tickets to pupils attending school or to pupils of a lesser age or at different hours or for a greater distance than mentioned in this section. ~~at~~

Application to street railways.

(4) This section shall apply to street railways.

Section not to apply to companies operating in certain parks.

~~at~~ (5) This section shall not apply to a company whose tariff for passenger fares is subject to the approval of any commissioners in whom are vested any park or lands owned by the Crown for the use of the public of the Province of Ontario. ~~at~~

BOARD AND MEMBERS OF LEGISLATURE TO BE CARRIED FREE.

Members of Legislature and Board to have free transportation

172. The company shall furnish free transportation upon Dom. Ry. Act, any of its trains, for members of the Legislature with their 1903, s. 275 (5) baggage, and also for the members of the Board, and for amended. such officers and staff of the Board as the Board may determine, with their baggage and equipment, and shall also, when required, haul free of charge any car provided for the use of the Board.

DISCRIMINATION.

Discrimination prohibited.

173.—(1) Such tolls may be either for the whole or for any particular portions of the railway; but all such tolls shall always, under substantially similar circumstances and conditions be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise, in respect of all traffic of the same description and carried in or upon a like kind of cars, passing over the same portion of the

line of railway; and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular person or company travelling upon or using the railway.

Proportionate decrease in tolls in certain cases

(2) The tolls for larger quantities, greater numbers, or longer distances may be proportionately less than the tolls for smaller quantities or numbers, or shorter distances, if such tolls are, under substantially similar circumstances charged equally to all persons. Dom. Ry. Act, 1903, s. 252 (1, 2).

Special rates for perishable goods.

(3) The company may make uniform special rates for the carriage of fruit, milk and other perishable products and commodities. (See Hamilton, Guelph & North Shore Ry. 5 Edw. VII., c. 93, s. 52).

Unjust discrimination between localities prohibited.

(4) No toll shall be charged which unjustly discriminates between different localities. The Board shall not approve or allow any toll, which for the like description of goods or for passengers, carried under substantially similar circumstances and conditions in the same direction over the same line, is greater for a shorter than for a longer distance, the shorter being included in the longer distance, unless the Board is satisfied that owing to competition, it is expedient to allow such toll. The Board may declare that any places are competitive points within the meaning of this Act.

Long and short haul clause.

Competitive points.

(5) No company shall, except in accordance with the provisions of this Act, directly or indirectly, pool its freights or tolls with the freights or tolls of any other railway company or common carrier, nor divide its earnings or any portion thereof with any other railway company or common carrier, nor enter into any contract, arrangement, agreement, or combination to effect, or which may effect, any such result, without leave therefor having been obtained from the Board. Dom. Ry. Act, 1903, s. 252 (3, 4).

Pooling prohibited.

Duty of company to afford reasonable facilities for receiving, forwarding, and delivering traffic without partiality and without unreasonable delay.

174. All companies shall, according to their respective powers, afford to all persons and companies all reasonable, and proper facilities for the receiving, forwarding and delivering of traffic upon and from their several railways, for the interchange of traffic between their respective railways, and for the return of rolling stock; and no company shall make or give any undue or unreasonable preference or advantage to, or in favour of, any particular person, or company or any particular description of traffic, in any respect whatsoever, nor shall any company by any unreasonable delay or otherwise howsoever, make any difference in treatment in the receiving, loading, forwarding, unloading, or delivery of the goods of a similar character in favour of or against any particular person, or company, nor subject any particular person, or company, or any particular descrip-

tion of traffic, to any undue, or unreasonable, prejudice or disadvantage, in any respect whatsoever; nor shall any company so distribute or allot its freight cars as to discriminate unjustly against any locality or industry, or against any traffic which may originate on its railway destined to a point on another railway in Ontario with which it connects; and every company which has or works a railway forming part of a continuous line of railway with, or which intersects, any other railway, or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other railway, or for receiving from and forwarding by its railway all the traffic arriving by such other railway without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage, as aforesaid, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf; and any agreement made between any two or more companies contrary to this section shall be unlawful and null and void.

Undue preference or advantage.

Undue prejudice or disadvantage.

Agreements in violation void.

Power of Board to determine what are substantially similar circumstances undue preferences, etc.

175. The Board may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Act, or whether in any case the company has, or has not, complied with the provisions of this and the last preceding section; and may by regulation declare what shall constitute substantially similar circumstances and conditions, or unjust or unreasonable preferences, advantages, prejudices, or disadvantages within the meaning of this Act, or what shall constitute compliance or non-compliance with the provisions of this and the last preceding section.

Dom. Ry. Act, 1903, s. 253.

Burden of proof respecting unjust discrimination, etc.

176.—(1) Whenever it is shown that any company charges one person, company, or class of persons, or the persons in any district, lower tolls for the same or similar goods, or lower tolls for the same or similar services, than they charge to other persons, companies, or class of persons, or to the persons in another district, or makes any difference in treatment in respect of such companies or persons, the burden of proving that such lower toll, or difference in treatment, does not amount to an undue preference or an unjust discrimination shall lie on the company.

What Board may consider in determining unjust discrimination, etc.

(2) In deciding whether a lower toll, or difference in treatment, does or does not amount to any undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is

necessary for the purpose of securing, in the interest of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls.

Apportionment of toll for carriage by land and water.

(3) In any case in which the toll charged by the company for carriage, partly by rail and partly by water, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged is discriminatory or contrary in any way to the provisions of this Act, may require the company to declare forthwith to the Board, or may determine what portion of such single sum is charged in respect of the carriage by rail. Dom. Ry. Act, 1903, s. 254.

Equal facilities to be granted to express companies.

177. Every company which grants any facilities for the carriage of goods by express to any express company or person, shall grant equal facilities, on equal terms and conditions, to any other express company which demands the same. Dom. Ry. Act, 1903, s. 278.

Reduced rates for public or charitable purposes.

178. Nothing in this Act shall be construed to prevent the carriage, storage or handling of traffic free or at reduced rates for the Dominion, or any provincial or municipal government, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the carriage, free or at reduced rates, of destitute or homeless persons, transported by charitable societies, and the necessary agencies employed in such transportation, nor to prevent the issuance of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants or settlers, and their goods and effects, or any member of any organized association of commercial travellers with his baggage, nor to prevent railways from giving free carriage or reduced rates to their own officers and employees, or their families, or for their goods and effects, or to members of the press, or to such other persons as the Board may approve or permit, nor to prevent the principal officers of any railway, or any railway or transportation company, from exchanging passes or free tickets with other railways, or railway or transportation companies, for their officers and employees and their families, or their goods and effects; provided that the carriage of traffic by the company under this section may, in any particular case or by general regulation, be extended, restricted, limited or qualified by the Board. Dom. Ry. Act, 1903.

Proviso.

APPOINTMENT OF RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any railway.

179.—(1) The *Justices* of the Peace for any county assembled at any General Sessions of the Peace on the application of the board of directors of the company whose railway or any part thereof passes within the local jurisdiction of such *Justices* of the Peace, or on the application of any Ont. Electric Ry. Act, R.S.C. 1897, c 209 s. 113, (1).

clerk or agent of the company thereto authorized by such board, may, in their discretion appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say :

Oath of office.

"I, A. B., having been appointed a Constable to act upon and along (here name the Railway), under the provisions of *The Ontario Railway Act, 1906*, do swear that I will well and truly serve our Sovereign Lord the King, in the said office of Constable, 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 prevent all offences against the peace, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law: So help me God."

By whom to be administered.

(2) Such oath or declaration shall be administered by any one such Justice or by the Clerk of the Peace for such county. Ont. Electric Ry. Act, R.S.O. 1897, c.209,

Appointment to be in writing.

(3) Such appointment shall be made in writing signed by the Clerk of the Peace and the fact that the person appointed thereby has taken such oath or declaration shall be endorsed thereon by the person administering such oath or declaration. s.113 (2), amended Dom.Ry.Act, 1903, s. 241 part (1), amended.

Powers of such constables, and to what localities they shall extend.

180. Every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to the company, whether the same be in the county, city, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such railway company, and in all places not more than one quarter of a mile distant from the railway: and shall have all the powers, protections and privileges for the apprehending of offenders, as well by night as by day and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, possessed by any constable duly appointed. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 114

Duties of such constables.

181. It shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such railway, before any Justice or Justices appointed for any county, city, Ont. Electric Ry. Act, R.S.O. 1897, c.209, s. 115.

district or other local jurisdiction within which such railway passes; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction.

Dismissal of any such constable.

182. The Judge of the County Court of the County in which the constable resides, may dismiss any such constable, and the board of directors of the company or any manager or superintendent thereof may dismiss any such constable who may be acting on the railway; and upon such dismissal, all powers, protection and privileges belonging to any such person, by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such railway without the consent of the authority by which he was dismissed.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 116, amended.

Record of appointment of constables.

183. The company shall cause to be recorded in the office of the clerk of the peace, for every county wherein such railway passes the name and designation of every constable so appointed at its instance, the date of his appointment, and the authority making it, with such appointment or a certified copy thereof, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as the case may be; and such clerk of the peace shall keep a record of all such facts in a book which shall be open to public inspection, and shall be entitled to a fee of fifty cents for each entry of appointment or dismissal, and twenty-five cents for each search or inspection, including the taking of extracts. Such record shall, in all courts, be *prima facie* evidence of the due appointment of such constable and of his jurisdiction to act as such, without further proof than the mere production of such record.

And of dismissals.

Neglect of duty by constable

184. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city or district wherein such railway passes, to a penalty not exceeding eighty dollars, or to imprisonment, with or without hard labour, for a term not exceeding two months. Such penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the company.

Dom. Ry. Act, 1903, s. 241 (5, 6.)

Penalty.

PASSENGER CONDUCTORS TO HAVE THE POWER AND AUTHORITY OF CONSTABLES.

Conductors to have powers of constables.

185.—(1) The conductor of every train carrying passengers within this Province and the conductor of the car or cars of every railway carrying passengers within this Province, is hereby invested with all the powers of a constable,

New,—Based on Ohio Ry. law.

while on duty on his train or on said car and cars, and said conductor may wear a badge or other distinguishing mark of a special constable.

Removal of
passenger guilty
of misconduct.

(2) When a passenger is guilty of disorderly conduct, or New,—Based on Ohio Ry. uses any blasphemous or obscene language, or plays any game of cards or chance for money or any other thing of value, upon any passenger train or upon the car or cars of any railway carrying passengers within this Province, the conductor of such train or car or cars of such railway may stop his train or said car or cars at the place where such offence is committed or at the next stopping place of such train or of such car or cars and eject such passenger from the train or from said car or cars, using only such force as may be necessary to accomplish such removal; and the conductor may command the assistance of the employees of the company, and of the passengers on such train or on such car or cars to assist in such removal; but before doing so he shall render to such passenger such proportion of the fare he *has* paid as the distance he then is from the place to which he has paid fare bears to the whole distance for which his fare is paid.

Conductor
may arrest
passenger for
offences.

186. When a passenger is guilty of any offence upon a New,—Based on Ohio Ry. — passenger train or upon the car or cars of any railway carrying passengers within this Province, the conductor of such train or of such car or cars may arrest him and take him before any Justice having cognizance of such offence in any county or district in this Province in which such train or car or cars runs, and lay an information before such Justice, charging him with such offence; but in no case shall the liability of the company for damages caused by the conduct of its conductor be affected by the provisions of this and the next preceding section.

Notice of
authority of
conductor.

187. The company shall cause a notice to be placed in all New passenger cars stating that the conductors have the authority and powers of constables.

Protection of
conductor
acting as con-
stable.

188. A conductor exercising the powers of a constable under this Act shall be entitled to the protection accorded by law to constables engaged in the performance of their duties as such.

STREET RAILWAYS AND RAILWAYS OPERATING ALONG HIGHWAYS.

General Provisions.

Application of
ss. 190-221 to
street railways
and electric
railways on
highways.

189. *Unless otherwise provided*, sections 190 to 221 inclusive, shall apply *only* to street railways and companies incorporated for the purpose of constructing, maintaining and operating street railways as defined in the interpretation clauses of this Act, and to other railways *incorporated for the purpose of operating partially or wholly* along highways by electricity. New.

Powers of
Company.

190. Every such company shall, subject to any provisions contained in the special Act or in any agreement made between the company and a municipality, have authority to construct, maintain, complete, and operate and from time to time to remove and change as required, a double or single track railway, with the necessary switches, side tracks and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the highways in any municipality to which the Special Act extends, as the council of the municipality may by by-law authorize, and over and upon lands purchased or leased by the company for that purpose, and to take, transport and carry passengers upon the same, by the force or power of electricity, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

Street Ry. Act,
R.S.O. 1897, c.
208, s. 11, (1)

(See Western
Central Ry.
5 Edw. VII.,
c. 109, s. 20,
amended.

Freight traffic

191. The company may take, transport and convey goods upon its railway, but no freight or express cars shall be carried along any highway in any city, town or village over the railway unless and until the size and number of the cars and motors to be used therewith, and the hours of running the same, have been approved by the Board, nor shall any freight service be operated *nor any class of freight carried* on any such highway until authorized by, or except as directed by the Board.

Street Ry. Act,
R.S.O. 1897,
c. 208, s. 13.

Agreements
between muni-
cipality and
company as to
construction,
street repairs,
etc.

192. Subject to the provisions of section 217 of this Act, the company and the council of any municipality in which a railway or part of a railway is laid may, amongst other things, enter into any agreements they think advisable, relating to the construction of the railway; the time within which the railway shall be commenced, the manner of proceeding therewith, and the time of its completion; the paving, macadamizing, repairing, grading, and cleaning of the streets upon which the railway is laid; the construction, opening and repairing of drains and sewers; the laying, repairing or taking up of gas and water pipes in the streets; the location of the railway, and the particular streets along which the same may be laid; the pattern of rails; the time and speed of running the cars, sleighs and other conveyances; the fares to be charged within the maximum *hereinbefore* mentioned, and the amount of compensation (if any) to be paid by the company annually or otherwise.

Sunday Cars.

Street railways
etc., not to be
operated on
Sunday.

193.—(1) No company or municipal corporation operating a street railway, tramway or electric railway, shall operate the same or employ any person thereon on the first day of the week commonly called Sunday, except for the purpose of keeping the track clear of snow or ice, or for the purpose of doing other work of necessity.

Exceptions.

(2) Notwithstanding anything in this Act or in the special Act or in any agreement contained, companies which have before the first day of April, 1897, regularly run cars on Sunday may hereafter do so, but the foregoing subsection shall not confer any rights so to run cars on Sunday not now possessed by such companies nor shall it affect or apply to any company which has by its charter or by any special Act the right or authority to run cars on Sunday nor shall it affect the right (if any) of the Toronto Railway Company to run cars on Sunday; nor shall it affect the right of any railway company to run cars or trains as provided in subsection 2 of section 136 of Chapter 209 of the Revised Statutes of Ontario, 1897, which right shall be continued as though such statute stood unrepealed.

Penalty.

(3) For every train or car run or operated in violation of this section, the company shall forfeit and pay the sum of \$400, to be recovered in any court having jurisdiction in civil cases, for the amount, by any person suing for the same under this section and for the purpose thereof. The action for the recovery of the said sum shall be brought before a court having jurisdiction as aforesaid in the place from which such train or car started, or through which it passed or at which it stopped in the course of such operation.

Application of penalties.

(4) All moneys recovered under the provisions of this section shall be appropriated as follows: One moiety thereof to the plaintiff and the other moiety to the local municipality from which the train or car started; but if the train or car is operated by the municipality from within whose limits the same started, the plaintiff shall receive the whole amount so recovered.

Liabilities of conductor.

(5) The conductor or other person in charge of any train or car run or operated in violation of the provisions of this section shall be liable for every such offence to a penalty not exceeding \$40 nor less than \$1, besides costs, and the same shall be recoverable on summary conviction.

Application of section.

(6) This section shall apply to all railways operated by electricity and street railways whether they are operated on a highway or on a right of way owned by the company.

Guard wires.

194.—(1) The company, when operating any portion of its line across or along a highway by means of electricity conveyed by wires above ground, shall cause to be strung and maintained guard wires, as far as may be reasonably possible sufficient to prevent telegraph, telephone or other wires now or hereafter strung across or along the highway from coming into contact with or falling upon the said wires conveying such electricity.

Street Ry. Act, R.S.O. 1897, c. 208, s. 18 (1-2).

Protecting water pipes, etc., from injury by electricity

(2) The company, when operating any portion of its line by means of electricity, shall use such means and appliances as may, as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things now or hereafter placed underground from being damaged in

consequence of the escape or discharge of electricity into the ground. *Unless otherwise ordered by the Board*, proper bonding of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires shall be taken to be a compliance with the conditions of this section.

Powers of board.

(3) The Board shall have power to make such order or orders as to it may seem proper to compel the proper observance of this section.

Right of action.

195. Any person suffering damage by reason of the non-Street Ry. Act, compliance by the company with the provisions of the R.S.O. 1897, preceding section shall have a right of action against the c. 208, s. 19. company therefor.

Forfeiture for Non-user.

Forfeiture by non-user.

196.—(1) In case the company at any time ceases to regu-Street Ry. Acts larly use the whole or any part of its railway for a period R.S.O. 1897, of eighteen months, it shall, upon its being so ordered by s.37. the Board, forfeit the right to use the railway or the part unused, as the case may be, together with the rails, poles and wires thereof, and the company shall, in addition, indemnify the municipality in respect of all costs incurred in taking up the rails and putting the highways in proper repair.

Lien of municipality.

(2) The municipality shall have a lien upon the rails, poles, wires, rolling stock, and other property of the company until the expense of taking up the rails and putting the highways in proper repair is paid.

Additional Powers of Electric and Street Railways.

Powers as to production and use of electricity.

197. Railway companies operating by electricity and street railway companies shall also have power: Ontario Electric Act, R.S.O., 1897; c. 209, s. 9 (5).

(1) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company.

Purchase of water powers and stock in water or power company.

(2) To acquire by lease or purchase and to hold, utilize (See Western Central Ry., 5 Edw. VII., c. 109, s. 14.) with, and to construct the necessary plant for the purpose of generating electricity for lighting, heating and power in operating the said railway.

Arrangements for supply of power.

(3) To enter into any agreement with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company organized for the purpose of supplying or furnishing electric

power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the company to construct, carry on or operate the railway. ■

Power to acquire lands for parks, etc.

(4) To purchase, lease or acquire by voluntary donation and to hold for any estate in the same and to sell, lease, alienate or mortgage any lands or premises intended and necessary or suitable for park or pleasure grounds and to improve and lay out such lands as parks or places of public resort and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate or any of them, in respect thereto, subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; but none of the provisions of this clause shall be in force or have effect unless and until the municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the company are situate has or have by by-law declared its or their assent to the company's acquiring lands under and for the purpose mentioned in this clause. No such park or pleasure grounds shall be used for games, pic-nics, excursions or other public entertainments on Sunday; provided, however, that concerts for which no admission fee is charged may be given in any such park on Sunday. ■

(See Perth and Huron Ry. Co., 5 Edw. VII., c. 106, s. 48 (i.))

Proviso.

Acquiring rights for conveying electricity.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway by the special Act authorized to be built, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the lands affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, or as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger or injuriously affect the same or injuriously to interrupt the navigation of such waters. The rights conferred upon the

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 9 (h), amended.

company shall not be exercised within the limits of any Park vested in the Crown for the use of the public of the Province of Ontario or any land vested in any commissioners for any such park without the consent of the commissioners and the approval of the Lieutenant-Governor in Council.

Construction of railway on highways.

(6) Subject to the provisions of sections 202 to 208, inclusive, and of section 218 of this Act, no railway or street railway shall be constructed or operated along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality and under and subject to the terms of such agreement and of section 217 of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with the motive power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines thereof shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property.

Notice to be given before passing by-law authorizing construction on highways.

198.—(1) No municipal council, notwithstanding anything contained in this or any other Act to the contrary, shall pass a by-law authorizing any electric railway company or street railway company to lay out or construct its railway along any public highway, until written or printed notices of the intended by-law, specifying the route to be taken by the railway, shall have been previously posted up for one month in six of the most public places in the municipality, and published weekly for at least four successive weeks in some newspaper published in the municipality, or, if there be no such newspaper, in a newspaper published in a neighboring municipality, or, if there be no such newspaper, then in a newspaper published in the county town.

2 Edw. VII., c. 27, s. 16 (1-2), amended.

Objectors to be heard by council.

(2) The council shall hear in person or by counsel any one whose property may be prejudicially affected by such proposed railway who desires to be heard.

Appeal to Board to quash or amend.

(3) If after hearing such objections as may be made, the council shall pass a by-law authorizing the construction of a railway or street railway on, upon or along any highway, any fifteen freeholders in the municipality may petition the Board to amend or quash such by-law, and upon

such petition after hearing all parties interested the Board shall have power to amend such by-law in such manner as to the Board may seem proper or to quash the same. ❧

Costs. 197 (4) The costs of such proceeding shall be in the discretion of the Board and may be fixed by the Board or taxed by one of the taxing officers of the Supreme Court of Judicature. ❧

Section not to apply to certain extensions. 197 (5) This section shall not apply to extensions within the limits of a city or town of a street railway already constructed. ❧

Power to deviate. 199. The company may, at any point or points where its railway may run along the highway, deviate from such highway to a right of way owned by the company provided that no obstruction of such highway shall be made by such deviation; but if the rails on such deviation do not rise above or sink below the surface of the road more than one inch they shall not be deemed an obstruction; provided that the right by this section conferred shall not be exercised by the company without the consent of the Board; and the Board may, upon such terms as seem just, on application of the company, order that the said company may make such deviation.

Proviso.

Limitation of transmission of electrical energy. 200. Notwithstanding anything contained in this Act, (See Hamilton, or in any statute of the Province, no municipality shall Guelph and have the power to grant to any railway or street railway North Shore Ry. any exclusive rights, privileges, or franchise, as to the 5 Edw. VII., transmission of electrical energy for power, light and heat c. 93, s. 61.) over or across any public highway or street in the said municipality.

Expropriation by Street Railway Companies.

Expropriation of land, when and to what extent allowed. 201.—(1) In case the council of a municipality, by resolution, declares that the council is of opinion that a company incorporated with power to construct a street railway in the municipality should have powers of expropriation for the purposes of building a part of its railway between two or more points, set forth in the resolution, and situated within the municipality, the company, upon registering the resolution in the proper registry office, shall, in respect of lands lying between the points named, possess the powers conferred upon railway companies under the sections of this Act relating to the taking of lands without the consent of the owner.

(2) Such powers shall be exercised within two years from the passing of the resolution, and not afterwards, and the lands to be taken hereunder shall not exceed one chain in width.

(3) The provisions of this section shall not apply to the Street Ry. Act, tract of country extending three miles above and three R.S.O. 1897, miles below the Falls of Niagara, and for a width inland c. 208, s. 39 of one mile from the said River Niagara. amended.

Duration of Street Railway Franchises.

Time for which municipality may grant privileges.

202.—(1) No municipal council shall grant to a street railway company any privilege under this Act for a longer period than twenty-five years, but at the expiration of twenty-five years from the time of passing the first by-law which is acted upon, conferring the right of laying rails upon any highway, or at such other earlier date as may be fixed by agreement, the municipal corporation may, after giving to the company *one year's* notice prior to the expiration of the period limited, assume the ownership of the street railway, and all real and personal property in connection with the working thereof, on payment of the actual value thereof, to be determined by the Board. In ascertaining the actual value of such street railway and real and personal property, the franchise or control of tracks upon the highways shall not be estimated as of any value whatever.

Municipality may assume the ownership.

(2) In case the corporation fails to exercise the right of assuming the ownership of the street railway, at the expiration of the said period, the corporation may exercise such right at the expiration of any fifth year thereafter, upon giving one year's notice to the company, and the privileges of the company shall continue until the ownership is assumed by the municipal council.

Street Ry. Act, R.S.O. 1897, c. 208, s. 41 amended.

Mode in which right to purchase to be exercised as between different municipalities interested.

203. If a street railway is situated in two or more municipalities, the city or town municipality shall have the right to exercise the power of purchase herein conferred, unless the municipal councils agree otherwise between themselves; and the corporation purchasing shall thereafter possess all the powers and authority and be subject to all the conditions and restrictions theretofore enjoyed and suffered by the company, and shall, as to other municipalities into which the railway runs, be subject to the like liabilities; and shall be subject to all orders and directions of the Board in the same manner and to the same extent as a company operating a street railway.

Street Ry. Act R.S.O. 1897, c. 208, s. 42 amended.

Municipality dissatisfied with terms as to railway in certain cases, may require an arbitration.

204.—(1) The council of a municipality into which a street railway runs may at any time after the right of assuming the ownership of the street railway accrues to such municipality, or to any other municipality, require that the terms upon which the street railway shall be operated in such municipality be determined, and the terms, unless the parties in the meantime agree, shall be determined by the Board, and such arrangement shall remain in force for ten years.

Re-adjustment of terms.

(2) At the end of that period either party may require that the terms be settled anew in like manner for another period of ten years; but such settlement or agreement shall be without prejudice to the right hereinbefore conferred upon a city or town to assume the ownership of the street railway at the expiration of any fifth year.

Street Ry. Act, R.S.O. 1897, c. 208, s. 43, amended.

Municipality acquiring railway may transfer same to a company.

205. The municipal corporation purchasing may, at any time, transfer its rights to its street railway lines or any of them, and the whole or any part of the plant of the railway to any *person or company* authorized to operate a street railway; subject to such terms and conditions as may be agreed upon by such street railway company and the municipal corporation.

Street Ry. Act, R.S.O., c. 208 s. 45, amended.

Application of preceding section.

206. A company to which any lines of *street* railway have been transferred by a municipal corporation shall, as respects the provisions of the next preceding section, stand in the same position as the municipal corporation from which it received such transfer.

Street Ry. Act, R.S.O. 1897, c. 208. s. 44.

Municipality owning street railway to be deemed company.

207. Any municipal corporation assuming the ownership of a street railway and operating the same shall be deemed to be a street railway company for all the purposes of this Act.

Duration of Privileges to Operate Electric Railways along Highways.

Franchise in highways limited to twenty-five years.

208.—(1) No municipal council shall grant to any railway company operating by electricity any privilege to operate *along* a highway for a longer period than twenty-five years.

Powers of municipality.

(2) At the expiration of the *said* period of *twenty-five years* the council of any municipality, *along* the highways of which such railway or any portion thereof is operated, may agree to extend such privilege for a further term of years not exceeding twenty-five years, upon such terms and conditions as may be agreed by the municipality and the company, or with the consent of the Board such municipality may assume the ownership of that portion of the railway operating *along* the highways of such municipality within its limits, upon payment of the actual value thereof, to be determined by the Board. In determining such actual value the franchise or control of the tracks upon such highways shall not be estimated as of any value whatever.

Notice of intention to take over railway.

(3) The ownership of such portion of such railway shall not in any case be assumed by such municipality unless notice of the intention of such municipality to assume such ownership has been given to the company *one year* prior to the expiration of the privilege or franchise, and in no case shall a municipality assume such ownership without the written consent of the Board.

Application of section. (4) This section shall only apply to electric railways that are not street railways.

Fenders, Brakes, etc.

Fenders and other appliances.

209. The company, when operating any portion of its line by means of electricity *along* a highway shall from time to time adopt and use in the front of each motor car a fender or guard and shall from time to time adopt and use a brake and such other life saving appliances as shall be of a design approved from time to time by the Board as suitable for use by the company, having regard to the efficiency of such fender, guard, brake and other life saving appliances for life saving purposes, and to the location of the company's line, and the speed at which the company's cars may be run.

Fenders, etc., to be adopted when ordered.

210. The fender, guard, brake or other life saving appliance so approved of by the Board shall be adopted and used upon the cars of the company within the time fixed by the order approving of the same, or by any order extending the said time; provided that where the cars of a company are equipped with fenders of a class so approved by the Board the company shall not be liable for non-compliance with any by-law or agreement relating to the class of fenders to be used in any city, or town, or any requirement of the engineer or other officer of the municipality under any such by-law or agreement.

Proviso.

Penalties for not providing fenders, etc.

211. The company shall pay to the corporation of the *municipality* in which such road is operated the sum of ten dollars for each day in which any motor car is operated within such *municipality* without having such a fender, guard, brake or other life saving appliances thereon, except in cases of accident or unavoidable necessity; such sum or sums to be recovered from such company in a civil action.

Tests of fenders, brakes, etc.

212. If the Board shall so order the company shall allow tests to be made on any of its motors or cars, of any fender, guard, brake or other life saving appliance that the Board may consider it advisable to have tested with a view to ascertaining its efficiency for the purpose for which it is designed.

Lavatories, etc.

Conveniences for street railway employees.

213.--(1) All street railway companies shall, within six months after being so ordered by the Board, provide, furnish and thereafter maintain suitable and sanitary urinals and other conveniences for the use of the employees of the

company operating *its* cars. Such urinals and other conveniences may be located upon land owned or provided by the said company and reasonably accessible to each of the various lines of railway operated by the said company, and at such points as the Board may direct, within the limits of the city or town, and the employees of the said company shall be allowed reasonable opportunity of access thereto.

Penalty for not supplying.

(2) The company shall be liable to a penalty of ten dollars per day for each day *it* shall neglect to provide each or any of the said urinals or other conveniences.

Cost of providing conveniences.

(3) The cost of such urinals and conveniences shall be borne by the company or by the city or town within the limits of which the company's lines are operated, or by both in such proportions, in case the parties are unable to agree, as may be determined by the Board.

City or town may be ordered to provide site.

(4) The Board may, in its discretion, order the city or town to provide the *site* for the company upon such terms as to cost and otherwise as the Board may determine.

Board may order conveniences to be open to the public.

(5) When so ordered by the Board, such urinals and conveniences shall be open to the public as well as the employees of the company, and when so open to the public the Board may order the cost of the maintenance of the same to be borne by the city or town and the company in such proportions as to it may seem proper. **■**

Sanitary conveniences on cars.

■ 214.—(1) The Board may order the company to provide sanitary conveniences for the use of passengers on all passenger cars. **■**

■ (2) This section shall only apply to electric railways that are not street railways, and to steam railways. **■**

Unclaimed Property.

215. It shall be the duty of every street railway company which shall have unclaimed property left in its cars, to ascertain if possible, the owner or owners of such property, and to notify such owner or owners of the fact by mail as soon as possible, after such property comes into its possession. Every such company which shall have such property not perishable in its possession for the period of three months, may sell the same at public auction, after giving notice to that effect, by one publication, at least ten days prior to the sale, in a daily newspaper published in the city or town in which such sale is to take place, of the time and place at which such sale will be held, and such sale may be adjourned from time to time until all the articles offered for sale are sold. All perishable property so left, may be sold by any such street railway company without notice, as soon as it can be, upon the best terms that can be obtained.

New. Founded
on N. Y. Ry.
Law.

Disposal of unclaimed property on street railways.

Transfer in Ownership of Highways.

Agreements with companies as to certain matters to enure for benefit of municipality owning road.

216. In case any railway operated by electricity upon a highway or a portion of which is so operated has been heretofore, or shall hereafter be, constructed in any municipality under any agreement with the council thereof, or with the council having the control of the highway therein, and the territory, or any part of the territory in which such railway has been, or shall be constructed, is subsequently to the making of such agreement, removed from one municipality to another, or the highway along which such railway has been or shall be constructed, has ceased to be owned or controlled by one municipality, or the council thereof, or by any council having the control of such highway, and has become vested in or has been placed under the control of another municipality or the council thereof, then so far as such agreement relates to the maintenance and repair of the track and roadbed of the railway or the remaining portions of the highway or highways over which the railway is operated, and to the removal of snow and ice from the company's track and the disposal of such snow and ice upon the highway or elsewhere the corporation of such last mentioned municipality and any officer or person appointed for such purpose shall be substituted for and shall have all the rights and may exercise all the powers and be subject to the same duties as the municipal corporation party to such agreement and any officer or person named therein and charged with the performance of any duty in respect to the matters aforesaid thereunder.

AGREEMENTS WITH MUNICIPALITIES FOR OPERATING ALONG HIGHWAYS.

Clauses to be included in agreements.

217. Any agreement made after the passing of this Act between a municipal corporation and a company under which agreement the company obtains a right or franchise to operate along a highway shall (unless such provisions or any of them are expressly excluded from such agreement), be deemed to contain the clauses set forth in the following subsections hereof, viz.:

Grade.

(a) The rails of the company shall conform to the grade of the street.

Rails to be flush with street, etc.

(b) In all cases where the rails are laid upon the paved or travelled portion of the street, or on any part thereof, the rails shall be laid (as nearly as practicable) flush with the street, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the street, and shall be so kept and maintained by the railway company.

Company to
keep roadway
in repair.

(c) The company so long as it shall continue to use any New. of its tracks on the travelled portion of the highway shall keep in repair the whole space used on its track allowances, crossings, switches and turnouts and eighteen inches of the highway outside of its tracks.

Company
neglecting to
repair.

(d) If the company neglect to keep in repair its track allowances and crossings, switches and turnouts or to have the necessary repairs according to the agreement made thereon, the council of the municipality may give notice to the company requiring such repairs to be forthwith made, and the certificate of the engineer appointed by the council for the time being as to the necessity for such repairs shall be binding and conclusive upon the company, and if after the giving of such notice the company do not within one week begin, and thereafter, with all reasonable diligence, carry such work of repairing to completion, the municipal council shall have the right to cause such repairs to be made, and the company shall pay to the treasurer of the municipality the expenditure incurred in making or completing such repairs. York & Metropolitan Ry. Co. agreement amended.

Penalty.

(e) The payment of such amount shall not relieve the New. company from any penalty provided for the omission to repair by the agreement between the municipal corporation and the company.

Speed.

(f) No car or train of cars shall be operated on the travelled portion of any highway at a greater speed than fifteen 2 Edw. VII., c. 27, s. 17 (d), miles an hour unless authorized by the Board, and shall operate at a lesser rate of speed if ordered and directed by the Board. amended.

Intersecting
roads.

(g) At the intersection of the company's railway and York & Metro-cross streets or highways crossing or intersecting the high-politan Ry. Co. way upon which the railway is operated the company shall agreement construct and keep in repair crossings of a similar character to those adopted by the municipality and shall construct underneath its track allowance such culverts and waterways as are in the opinion of the council of the municipality or its engineer or other officer appointed for that purpose necessary for drainage purposes, and shall at the entrance to private properties abutting upon the company's railway construct such approaches as may be directed by the council or such officer or by the Board. amended.

Culverts.

(h) When the company's tracks are built over any ex-York & Metro-isting culvert the company shall when so directed by the politan Ry. Co. council or such *engineer or other* officer or the Board ex-agreement tend such culvert so that the portion of the highway to be amended, travelled upon by the public shall have a width of at least eighteen feet between the company's nearest tracks and the end of the culvert upon the side of the road opposite to such track.

Snow.

(i) The company shall remove the snow from, and with-York & Metro-in its tracks and switches, but any snow put upon the politan Ry. Co.

graded part of the road by the company shall be evenly agreement spread thereon in a manner to be approved by the council amended. or its engineer or other officer.

Taking up streets by municipality.

(j) The municipal council may at any time, after giving York & Metropolitan Ry. Co. to the company 20 days' notice of its intention so to do, agreement amended. take up any part of the highway along which the company's railway is constructed, for the purpose of altering the street or road grade, constructing sewers, drains, culverts or side crossings, laying down gas and water pipes or underground wires, and for all other purposes within the province and privileges of a municipal corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or the works connected therewith. When and so often as it may be necessary for the municipal corporation to open the road or street for the purpose of repairing such street or road, sewer, drains, culverts, gas or water pipes, or underground wires, or for putting in gas, water or other services, a reasonable notice shall be given to the company of the council's intention so to do, and the work thereon shall not be unnecessarily delayed but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof.

Work to be done to satisfaction of municipality's engineer.

(k) All work done under the authority of the agreement shall be done in the most substantial manner and according to the best modern practice under the superintendence and to the satisfaction of the engineer or officer appointed by the council for such purpose with a right of appeal to the Board.

Alignment, switches and grades.

(l) The alignment of the company's tracks, the location of switches and the grades of the roadbed of its railway shall be prescribed by such engineer or other officer.

Company to pay for engineer.

(m) The company shall repay to the municipality all sums paid by it to such officer or engineer for services performed by him in connection with the company's work.

Right of public to use track allowances.

(n) All persons using the said highway shall be at liberty to travel upon any portion of the travelled roadway occupied by the company's railway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portions of the highway, it being provided, however, that the company's cars shall have the first right of way over the said railway, and all vehicles or persons travelling on that portion of the highway occupied by the railway shall turn out to let the trains or cars pass—and any person refusing or neglecting so to do shall be liable on summary conviction to a fine of not more than ten dollars and costs.

York and Metropolitan Ry. Co. agreement amended. 2 Edw. VII., c. 27, s. 17, part (c)

"Travelled portion," meaning of.

(o) The words "travelled portion" where used in this section as applicable to roads, streets or highways shall be s. 17 (f.)

deemed to mean that central portion of roads, streets or highways between the ditches or drains on either side thereof and ordinarily used for vehicular traffic.

Radial Lines.

Operating in cities.

218.—(1) Notwithstanding anything in this Act contained, ^{New.} the railway shall not be constructed along any highway within the limits of any city or town except upon and subject to such terms and conditions as may be agreed upon between the company and the street railway or electric railway, if any, already operating in such city or town and the council of the corporation of such city or town. Provided always that if there is an existing agreement between such city or town and the street railway or electric railway already operating in such city or town then the railway shall not be constructed along any such highway, except, upon and subject to the terms of such existing agreement; provided also, that where *no provision is contained in any* agreement between any street railway or electric railway company and the city or town for the admission of other electric or street railways, then if the council of such city or town shall by by-law or resolution request the street railway company or electric railway company already operating in such city or town, to allow its tracks or any of the streets to be used for the entrance of such other railway, or if such street railway company or electric railway company or such other railway shall by by-law or resolution request the city or town to permit the entrance of the railway into such city or town, the company so operating in the city shall permit its tracks or any streets to be so used to some central point in the said city or town, and the said city or town shall permit such other railway to enter within the limits of such city or town, upon such terms and conditions as to compensation, *location of central point*, and otherwise as may be mutually agreed upon between *such other railway*, the council and such street railway or electric railway company, or as shall be settled and determined by the Board in case the council and the said two companies are unable to agree upon the same.

Proviso.

Proviso.

Grant of franchise to radial railway not to extend beyond street railway company's franchise.

(2) The Board shall not (without the consent of the city ^{New} or town) grant to any company desiring to operate within any such city or town any right or privilege to so operate for a longer period than the unexpired term of the franchise or privilege held or enjoyed by any company which at the date of the application to the Board under this section is operating a railway or street railway within the limits of such city or town.

Renewal of agreements.

(3) At the expiration of such term *a new agreement* ^{New.} may be made as to a renewal of the same for a further

period not exceeding twenty-five years, and in the event of the parties being unable to agree, the Board may in its discretion order a renewal thereof upon such terms and conditions as shall be determined by the Board.

Rights of municipality as to taking over railway not affected.

(4) This section shall not be construed to confer upon the New Board the power to vary or annul any provision, contained in the agreement between the parties or in the order of the Board, allowing the entrance of such other railway, which grants to the corporation of the city or town interested the right to take over and assume the ownership of such other railway within the limits of such city or town on the expiration of any such term.

Application of street railway sections to radial lines.

219. Any railway company operating in cities or towns shall, in addition to such terms, conditions, regulations and restrictions as may be contained in any agreement with or by law of the city or town, be subject as to that portion of the railway within the limits of such city or town to the provisions of this Act respecting the construction and operation of street railways.

Existing agreements.

220. This Act shall not, except where the same is so expressed, be construed to vary or rescind, or to confer upon the Board power to vary or rescind any agreement lawfully entered into between a municipal corporation and a railway or street railway company, or between two or more railway or street railway companies prior to the passing of this Act.

Examination of Motormen.

Examination of applicants for position as motorman

221.—(1) No applicant for a position as a motorman on any railway or street railway operated by electricity shall be appointed to such position until he has been subjected to a thorough examination by an examiner or examiners to be approved by the Board as to his habits, physical ability and intelligence. He shall then be placed on a car with an instructor, and when the *said examiner* is satisfied as to the applicant's capability for the position of motorman, he shall so certify to the *Board*, and, if appointed, the applicant shall, *so far as reasonably possible*, first serve on the lines of least travel.

New, founded on N. Y. Ry. law, amended.

Company to pay examiner.

(2) The company shall pay for the services of such examiner.

Examination for Colour Blindness.

Examination as to eyesight.

222.—(1) No company shall hereafter employ any person in a position which requires him to distinguish form or colour signals unless such person, within two years next preceding his appointment, has been examined for colour blindness on the distinct colours in actual use *as signals* on

New, founded on Ohio Ry. law.

the company's line of railway, *and also as to his eyesight generally*, by some competent person to be employed for the purpose by the company and has received a certificate that he is not disqualified for such position *by colour blindness, or otherwise in respect of his eyesight*, in the colours and forms used on such railway or on railways crossing or connecting with it.

Re-examination.

(2) The company shall cause such employees to be re-examined for colour blindness, *and otherwise in respect of their eyesight*, at least once in every two years.

When defect can be remedied by glasses

(3) Nothing in this section contained shall prevent the New, founded on company from continuing in its employment any employee Ohio Ry. law. having defective sight in cases where the same can be fully remedied by the use of glasses or by other means satisfactory to the person making the examination.

Penalty.

(4) For violation of the provisions of this section the New. company shall for each offence be liable to a penalty of one hundred dollars.

Application to street railways.

(5) This section shall apply to street railways. New.

ACTIONS FOR DAMAGES.

Limitation of action for damages.

223.—(1) All actions or suits for any damages or injury sustained by reason of the construction or operation of the railway shall be commenced within one year next after the time when such supposed damage is sustained, or if there is continuation of damage within *one year* next after the doing or committing of such damage ceases, and not afterwards. Dom. Ry. Act, 1903, s. 242, part amended.

Pleadings.

(2) Nothing in this section shall apply to any action brought against the company upon any breach of contract, express or implied, as to or upon any breach of duty in the carriage of any traffic nor to any action against the company for damages under any section of this Act respecting tolls.

Certain actions excepted.

(2) Nothing in this section shall apply to any action brought against the company upon any breach of contract, express or implied, as to or upon any breach of duty in the carriage of any traffic nor to any action against the company for damages under any section of this Act respecting tolls.

Application to street railways.

(3) This section shall apply to street railway companies.

AGREEMENTS WAIVING RIGHT TO DAMAGES FOR DEFECTIVE MACHINERY VOID.

Contracts waiving right to damages to employees void

224.—(1) No company owning or operating a railway or street railway in whole or in part in this Province shall adopt or promulgate any rule or regulation for the government of its servants or employees, or make or enter into any contract or agreement with any person engaged in or about to engage in its service, in which such employee directly or indirectly promises or agrees to hold such company harmless, on account of any injury he may receive by reason of any accident to, breakage, defect or insufficiency in the cars, motors, locomotives or machinery or attachments thereto belonging, and any such rule, regulation, contract or agreement shall be void and of no

effect. And no such company shall demand, accept, require, or enter into any contract or agreement with any person about to enter, or in the employ of the company whereby such person agrees to surrender or waive any right to damages for personal injury or death against any such company thereafter arising; and all such contracts and agreements shall be void.

Person.

(2) Every company violating or aiding in the violation of this section shall for each offence be liable to a penalty of *five hundred dollars* to be recovered in any court of competent jurisdiction by any person suing therefor.

Company not to operate defective machinery.

(3) No such company shall knowingly or negligently use or operate any car, motor or locomotive that is defective, or any car, motor or locomotive upon which the machinery or attachments thereto belonging are in any manner defective.

Application to street railways.

(4) This section shall apply to street railways and street railway companies.

WAGES OF LABOURERS.

Rate of wages of labourers on construction of lines subsidized by Legislature.

225. In every case in which the Legislature has granted Dom. Ry. Act, or shall grant financial aid by way of subsidy or guaran- 1903, s. 205 tee towards the cost of railway construction, all mechanics, amended. labourers or other persons who perform labour in such construction shall be paid such wages as are generally accepted as current for competent workmen in the district in which the work is being performed; and if there is no current rate in such district, then a fair and reasonable rate; and in the event of a dispute arising as to what is the current rate in such district, or a fair and reasonable rate, it shall be determined by the Board, whose decision shall be final.

LIEN FOR WAGES.

Lien for wages.

226.—(1) Every mechanic, labourer or other person who Street Ry. Act, performs labour for wages upon the construction or main- R.S.O. 1897, c. tenance of the railway or the works connected therewith, 208, s.35. shall have upon the said railway and other property of the company a lien for such wages not exceeding the wages for thirty days, or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by *The Mechanics' and Wage Earners' Lien Act*.

Rev. Stat. c. 153.

Application to street railways.

(2) This section shall apply to street railways.

HOURS OF LABOR.

Limit of duration of continuous employment.

227. No company operating a line of railway of twenty New. miles in length or over, shall permit or require a conduc- Founded on Mass. and N.Y. tor, engineer, motorman, fireman, trainman, despatcher or Ry. law.

signal man who has worked in any capacity for *sixteen* consecutive hours, to go again on duty to perform any kind of work, until he has had at least *six* hours' rest.

RETURNS.

228.—(1) Every company shall annually prepare in accordance with forms which shall from time to time be provided and supplied to the companies by the Board, returns of its capital, traffic and working expenses, and of all information required, as indicated in such forms to be filed with the Board; and such returns shall be dated and signed by, and attested upon the oath of the secretary, of the company, and of the president, or in his absence, of the vice-president or manager of the company.

(2) Such returns shall be made for the period included from the date to which the then last yearly returns made by the company extended, or from the commencement of the operation of the railway, if no such returns have been previously made, and, in either case, down to the last day of December in the preceding year.

(3) Such returns, dated, signed and attested in manner aforesaid shall be forwarded by such company to the Board within three months after the *thirtieth* day of *June* in each year.

(4) The company shall also, in addition to the information required to be furnished to the Board, as indicated in subsection 1 hereof furnish such other information and returns as are, from time to time, required by the Board or as shall hereafter be ordered by the Legislature.

(5) The Board shall transmit the returns so made to Ont. Electric Ry the Lieutenant-Governor in Council who shall lay the Act, R.S.O. same before the Legislature, within twenty-one days from 1897, c. 209, the commencement of each session thereof. s. 107, amended.

229. The company shall, within ten days after the first days of January and July, in each and every year, make to the Board, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties (whether to persons or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth—

1. The causes and nature of such accidents and casualties;

2. The points at which they occurred, and whether by night or by day;

Annual returns to be prepared.

What period to be included.

Date of returns.

Further returns when required.

Returns to be submitted to Legislative Assembly.

Return of accidents to be made semi-annually.

3. The full extent thereof, and all particulars of the Ont. Electric Ry. same; and shall also at the same time return a true copy Act, R.S.O. of the existing by-laws of the company, and of their rules 1897, c. 209. and regulations for the management of the company and s. 108, amended of the railway.

Forms to be appointed by the Commissioner.

230. The Board may order and direct, from time to time, *the* form in which such returns shall be made. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 109, amended.

Such returns to be privileged communications.

231. All such returns relating to accidents made in pursuance of the provisions of this Act shall be privileged communications, and shall not be evidence in any court whatsoever except to enforce the penalties for failure or neglect to furnish such returns as required by this Act. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 111.

Returns to Board, of assets and liabilities.

232. The Board may, from time to time, by notice served upon the company, or any officer, servant or agent of the company, require it, or such officer, servant or agent to furnish the Board, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Board requires, the assets and liabilities of the company—the amount of its stock issued and outstanding—the date at which any such stock was so issued—the amount and nature of the consideration received by the company for such issue, and, in case the whole of such consideration was not paid to the company in cash, the nature of the service rendered to or property received by the company for which any stock was issued—the gross earnings or receipts or expenditure by the company during any periods specified by the Board, and the purposes for which such expenditure was made—the amount and nature of any bonus, gift, or subsidy, received by the company from any source whatsoever, and the source from which and the time when, and the circumstances under which, the same was so received or given—the bonds issued at any time by the company, and what portion of the same are outstanding and what portion, if any, have been redeemed,—the amount and nature of the consideration received by the company for the issue of such bonds—the character and extent of any liabilities outstanding, chargeable upon the property or undertaking of the company, or any part thereof, and the consideration received by the company for any such liabilities, and the circumstances under which the same were created—the cost of construction of the company's railway or of any part thereof,—the amount and nature of the consideration paid or given by the company for any property acquired by it,—the particulars of any lease, contract or arrangement entered into between the company and any other company or person,—and generally, the extent,

Of stock issued and outstanding.

Of earnings and expenditure.

Of bonuses.

Of bonds.

Of secured liabilities.

Of cost of property.

Of cost of acquisitions.

Of leases and contracts.

Generally.

nature, value and particulars of the property, earnings, and business of the company.

233. The Board may summon, require the attendance of, Dom. Ry. Act, and examine under oath, any officer, servant or agent of 1903, s. 309, the company, or any other person, as to any matters included in such return, or which were required by the notice aforesaid to be returned to the Board, and as to any matter or thing which, in the opinion of the Board, is relevant to such return, or to any inquiry which the Board deems it expedient to make in connection with any of the matters in *the last preceding section mentioned*, and for such purposes may require the production to the Board of any books or documents in control of the company, or of such officer, servant, agent or person.

234. If any company or officer, servant, or agent thereof wilfully or negligently refuses to make the returns required by this Act or by the Board under the authority thereof when, and as thereunto required by the Board, or fails to make any such return to the utmost of its, or his knowledge or means of knowledge, the company, and every such officer, servant or agent, so in default, shall severally be liable to a penalty not exceeding *twenty* dollars.

235. If the company, or any officer, servant, or agent thereof, wilfully or negligently makes any false return, or any false statement in any such return, and any such officer, servant or agent, shall be severally liable to a penalty not exceeding *five hundred* dollars, and such officer, servant or agent shall also on summary conviction, be liable to imprisonment for any period not exceeding *six* months in the common jail of the county where such conviction is had. Dom. Ry. Act, 1903, s. 309, part, amended.

236. The sections relating to "Returns," being sections 228 to 235, inclusive, of this Act, shall apply to street railway companies.

INVESTIGATION OF ACCIDENTS.

237.—(1) Every company shall, as soon as possible, and immediately after the head officers of the company have received information of the occurrence upon the railway belonging to such company of any accident, give notice thereof, with full particulars, to the Board; and every company which wilfully and negligently omits to give such notice shall forfeit to His Majesty the sum of two hundred dollars for every day during which the omission to give the same continues. Dom. Ry. Act, 1903, s. 235.

Form of notice and investigation into accidents.

(2) The Board may by regulation declare the manner and form in which such information and notice shall be given and the class of accidents to which the next preceding *subsection* shall apply, and may declare any such information so given to be privileged, and the Board may inquire into all matters and things which it deems likely to cause or prevent accidents, and the causes of, and the circumstances connected with, any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto.

Report.

(3) The Board may order the company to suspend or dismiss any employee of the company whom it may deem to have been wilfully negligent in respect of any such accident. Dom. Ry. Act, 1903, s. 236.

Result of enquiry to be reported to Government.

(4) The Board shall include in their annual report to the Lieutenant-Governor in Council, the result of any such enquiry with such recommendations as to it may seem proper. New.

Application to street railways.

(5) This section shall apply to street railway companies. New.

ANIMALS AT LARGE.

Cattle not allowed at large near railway.

238.—(1) No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail-level, unless such cattle are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection, or straying upon the railway. Dom. Ry. Act, 1903, s. 237.

May be impounded.

(2) All cattle found at large contrary to the provisions of this section may, by any person who finds the same at large be impounded in the pound nearest to the place where the same are so found, and the pound-keeper with whom the same are impounded shall detain the same in the like manner, and subject to like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

Right of action negatived.

(3) If the cattle of any person, which are at large contrary to the provisions of this section, are killed or injured by any train, at such point of intersection, he shall not have any right of action against any company in respect of the same being so killed or injured.

Application of section.

(4) This section shall apply only to railways *where* operating either by steam or electricity upon a right of way owned by the company.

OFFENCES AND PENALTIES.

Purchasing
stock in other
companies.

239.—(1) No company shall, either directly or indirectly, Dom. Ry. Act, employ any of its funds in the purchase of its own stock or 1903, s. 290. in the acquisition of any shares, bonds or other securities issued by any other railway company in Canada; but this shall not affect the powers or rights, if any, which any company in Ontario now has or possesses by virtue of any special Act to acquire, have or hold shares, bonds or other securities of any railway company in Canada or the United States.

Liability of
directors.

(2) Every director of a railway company, who knowingly permits the funds of any such company to be applied in violation of this section, shall incur a penalty of one thousand dollars for each such violation, which penalty shall be recoverable on information filed in the name of the Attorney-General of Ontario; and a moiety thereof shall belong to His Majesty, and the other moiety thereof shall belong to the informer, and the acquisition of each share, bond or other security, or interest, as aforesaid, shall be deemed a separate violation of the provisions aforesaid.

Walking on
track
prohibited.

240.—(1) Every person not connected with the railway, or employed by the company, who walks along the track thereof, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding ten dollars.

Destruction
of fences,
bridges, etc.

(2) Every person who wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company, or removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of, or extract from this Act or any other Act of the Legislature, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway, shall be liable on summary conviction to a penalty not exceeding fifty dollars, or, in default of payment, to imprisonment for a term not exceeding two months.

Defacing
notices, etc.

Penalty.

Fraudulently
attempting to
travel without
paying fare.

(3) Every person who enters upon any railway train with intent fraudulently to be carried upon the said railway train without paying fare thereon, or who wilfully obstructs or impedes any officer or agent of the company in the execution of his duty upon any train, railway, or upon any of the premises of the company, or who wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes, shall be liable to the like penalty or imprisonment, and shall be liable to be proceeded against and dealt with

Obstructing
railway
authorities.

Trespassing.

Penalties. in like manner, as mentioned in subsection 2 of this section in regard to the offences therein mentioned.

Board may order foot-bridges erected at level crossings. Subsequent use of highway crossing.

241.—(1) If the Board orders any company to erect, at or near, or in lieu of, any highway crossing at rail level, a foot bridge, or foot bridges, over its railway, for the purpose of enabling persons, passing on foot along such highway, to cross the railway by means of such bridge or bridges, from and after the completion of such foot bridge or foot bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such crossing shall not be used by foot passengers on the said highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

Penalty for non-compliance.

(2) Every person who offends against the provisions of this section is liable, on summary conviction to a penalty not exceeding ten dollars. Dom. Ry. Act, 1903, s. 292.

Penalty for erection, etc., of structures in violation of this Act.

242. Every company which shall erect, operate or maintain any bridge, approach, tunnel, viaduct, trestle, or any building, erection or structure, in violation of this Act, or of any order or regulation of the Board, shall for each offence incur a penalty of fifty dollars. Dom. Ry. Act, 1903, s. 293.

Liability of company, directors, etc., in certain cases.

243. The company, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by the company, doing, causing or permitting to be done, any matter, act or thing contrary to the provisions of this or the special Act, or to the orders or directions of the Board made hereunder, or omitting to do any matter, act or thing required to be done on the part of any such company, or person, is liable to any person injured thereby for the full amount of damages sustained by such act or omission; and if no other penalty is, in this or the special Act, provided for any such act or omission, is liable, for each offence, to a penalty of not less than twenty dollars, and not more than five thousand dollars, in the discretion of the court before which the same is recoverable. Dom. Ry. Act, 1903, s. 294.

Damages

Penalty.

Selling liquor to railway employees on duty.

244. Every person who sells, gives or barter any spirituous or intoxicating liquor to or with any servant or employee of any company, while actually employed in the course of his duty on a train or car or while in uniform or in connection with the operation of a train or car, is liable on summary conviction to a penalty not exceeding twenty-five dollars, or to imprisonment with or without hard labour for a period not exceeding one month, or to both. Dom. Ry. Act, 1903, s. 295 (2).

Employees intoxicated while on duty.

245. Every person who is intoxicated while he is in charge of a locomotive engine, or electric motor, or acting as the 51 V. c. 29, s. 292.

conductor of a car or train of cars, shall be liable on summary conviction to a penalty of \$200 or imprisonment for one year or both.

Violation by employees, of by-laws, etc., punishable in certain cases.

246. Every officer or servant of, and every person employed by the company, who wilfully or negligently violates any by-law, rule or regulation of the company or its directors lawfully made and in force, or any order or notice of the Board, or of an inspecting engineer, of which a copy has been delivered to him, or which has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, if such violation causes injury to any person or to any property, or exposes any person or any property to the risk of such injury, or renders such risk greater than it would have been without such violation, although no actual injury occurs is liable on summary conviction to a penalty of not less than \$5 and not more than \$50 or to imprisonment with or without hard labour for not more than three months or to both.

Penalty.

Violation of by-laws, etc., by other persons.

247. Every person who wilfully or negligently violates any lawful by-law, rule or regulation of the company is liable, on summary conviction, for each offence, to a penalty not exceeding the amount therein prescribed, or if no amount is so prescribed, to a penalty not exceeding twenty dollars; but no such person shall be convicted of any offence, unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was posted in some conspicuous place at or near the station at which the offender entered the train or in the passenger cars of the train.

Proviso as to posting by-law, etc.

Damaging freight with intent to steal contents.

248. Every person who unlawfully and maliciously,

(a) bores, pierces, cuts, opens or otherwise injures any cask, box or package, which contains wine, spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on about any car, wagon, boat, warehouse, station house, wharf, quay or premises of, or which belong to any company, or—

Drinking or wasting liquor.

Penalties.

(b) drinks or wilfully spills or allows to run to waste any such liquors, or any part thereof,—

is liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for a term not exceeding one month, or to both.

Dom. Ry. Act, 1903, s. 298, amended.

Interfering with electric wires, poles, etc., or notices.

(c) Any person who wilfully breaks down, injures, weakens, destroys or interferes with any pole, wire, insulator, structure or erection for carrying wires of an electric rail-

way company or for the transmission of electric power, or who shoots at any insulator on *any such poles, erections or structures*, with fire-arms of any kind, or throws stones or other missiles at, or breaks, or attempts to break the same in any way, or flings or causes to be placed any wire, rope, string or stick at, upon or across the said wires, or without authority climbs any of such poles or structures or erections used for transmitting electric current, or removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of the Lieutenant-Governor in Council or of any commission appointed by him or of a company or of a municipal corporation or any section or extract from this Act or any other Act of the Legislature pasted, attached or affixed to or upon any pole, tower, fence, post, gate, building or erection of the company, shall be liable on summary conviction to a penalty not exceeding \$100 and not less than \$15, or in default of payment to imprisonment for a term not exceeding six months.

Each day's violation of this Act, or order hereunder, a distinct offence.

249. When the violation of, or failure to comply with, Dom. Ry. Act, any provisions of this Act, or any regulation or order or 1903, s. 299. direction of the Board, or of any inspecting engineer, is made an offence subject to penalty, by this Act, or by any regulation made under this Act, each day's continuance of such violation, or failure, to comply, shall constitute a new and distinct offence.

Act or omission of officer, etc., deemed to be act or omission of Company.

250. For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any regulation, order, or direction of the Board, or of any inspecting engineer, made under this Act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by the company acting within the scope of his employment shall in every case be also deemed to be the act, omission or failure of such company as well as that of the person; and anything done or omitted to be done by the company, which, if done or omitted to be done by any director, or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by the company, would constitute an offence under this Act, shall also be held to be an offence committed by such company, and upon conviction thereof the company shall be subject to the like penalties as are prescribed by this Act with reference to such persons.

Certain penalties may be imposed on summary convictions.

Recovery of penalties.

Punishment for contravention of this Act, etc., not to exempt company from forfeiture.

251. No punishment for a contravention of this Act or Ont. Ry. Act, of the special Act, by the company, shall exempt the com- R.S.O. 1897, pany from the forfeiture of the privileges or franchise c. 207, s. 110. conferred on it by the said Acts or by any agreement made between the company and any municipal corporation if by the provisions thereof, or by law, the same be forfeited by such contravention.

Sections 239-251 to apply to street railways. **252.** The sections of this Act relating to offences and penalties, being sections 239 to 251 inclusive, shall so far as applicable apply to street railways and street railway companies.

RECOVERY AND PAYMENT OF PENALTIES.

The Company may pay penalty and deduct from wages. **253.** The company may in all cases under this Act pay the amount of any penalty and costs imposed upon an officer, servant, or person in the employ of the company, and recover the same from the offender or deduct it from his salary or pay. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 11 amended.

How penalties recovered and applied. **254.** All penalties incurred under any of the sections of this Act, unless otherwise provided, may be recovered in the name of His Majesty, by His Majesty's Attorney General for Ontario, in any court of competent jurisdiction; and all penalties recovered under this Act shall, unless otherwise herein expressly provided, be paid to the Treasurer of the Province to the credit of "The Railway Inspection Fund." Street Ry. Act, R.S.O. 1897, c. 208, s. 40.

Application to street railways. **255.** The last preceding two sections shall apply to street railway companies.

TRANSMISSION OF POWER ON RIGHT OF WAY.

Crown may use right of way for the transmission of power to municipalities. **256.** The Board, upon receiving instructions in that behalf from the Lieutenant-Governor in Council, and the Guelph and officers, agents and servants of the Board, may at all times enter upon the right of way of the company and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Lieutenant-Governor in Council and the company. (See Hamilton, North Shore Ry., 5 Edw. VII, c. 93, s. 63.)

USE OF RAILWAY BY DOMINION GOVERNMENT.

Provision as to the carriage of His Majesty's mail, etc. **257.**—(1) His Majesty's Mail, His Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on His Majesty's service, shall at all times, when thereunto required by His Majesty's Postmaster-General, the Commander of the Forces,

or any person having the superintendence or command of any Police Force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions, and under such regulations as may be made by the Governor-General in Council or Lieutenant-Governor in Council as the case requires.

Government to have exclusive use of telegraph.

(2) The Governor-General or Lieutenant-Governor as the Ont. Electric case may be, or any person thereunto authorized by them, Ry. Act, R.S.O. may require the company to place any electric telegraph, 1897, c. 209, and the apparatus and operators they may have, at the s. 129. exclusive use of the Government, receiving thereafter reasonable compensation for such service.

Application to street railways.

(3) This section shall apply to street railway companies.

CONVEYANCES OF LAND.

Conveyances of land to Company.

258.—(1) Conveyances of land to the company, for the purposes of and powers given by this Act, made in the form set forth in Schedule "B" to this Act or to the like effect, shall be sufficient conveyance to such company, its successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates indorsed on the duplicates thereof.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 124.

Application to street railways.

(2) This section shall apply to street railway companies.

REPEAL OF ACTS.

Repeal of Acts.

259. The following Acts of the Legislative Assembly are hereby repealed:—

Chapter 207 of the Revised Statutes of Ontario, "*The Railway Act of Ontario*"—the whole.

Chapter 208 of the Revised Statutes of Ontario, "*The Street Railway Act*"—the whole.

Chapter 209 of the Revised Statutes of Ontario, "*The Electric Railway Act*"—the whole.

Chapter 11 of 62 Victoria, 2nd session—section 23.

Chapter 25 of 62 Victoria, 2nd session—the whole.

Chapter 31 of 63 Victoria—the whole.

Chapter 25 of 1 Edward VII.—the whole.

Chapter 26 of 2 Edward VII.—the whole.

Chapter 27 of 2 Edward VII.—the whole.

Chapter 17 of 3 Edward VII.—the whole.

Chapter 10 of 4 Edward VII—section 79.

Commencement of Act.

260. This Act shall come into force on the first day of June, 1906.

SCHEDULE "A."

(Section 145.)

CHIEF ENGINEER'S CERTIFICATE.

The _____ Railway Company's Office, No.
A.D. 190 _____

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The
Railway Company Municipal Trust Account given
under section 145 of *The Ontario Railway Act, 1906.*

I, _____ chief engineer of The
_____ Railway Company do hereby certify that the said
company has fulfilled the terms and conditions necessary to be ful-
filled under the said By-law No. _____ of the _____ of
(or under the agreement dated the _____ day of _____ 19 _____,
between the corporation of _____ and the company)
to entitle the said company to receive from the said trust company
the sum of _____ (*here set out the terms and conditions,
if any which have been fulfilled.*)

SCHEDULE "B."

(Section 258.)

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

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

Signed, sealed and delivered
in the presence of

[L.S.]

2nd Session, 11th Legislature,
6. Edward VII., 1906.

BILL.

An Act respecting Steam, Electric and
Street Railways.

First Reading, 12th March, 1906.
Second Reading, 23rd March, 1906.

*(Re-printed as again and further amended
in Committee of Whole House.)*

Mr. HENDRIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting County Councils.

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

1. In and for the year 1907 and thereafter the council of every county or union of counties in this Province shall be constituted as follows:—

1. Every town not separated from the county for municipal purposes and every township and village shall be represented in such council by the reeve of such town, township or village municipality, and, in addition to the reeve, by a deputy reeve or deputy reeves, as follows:

- (a) If the municipality had the names of more than 1,000 and not more than 2,000 persons on the last revised voters' list of the municipality as qualified to vote at municipal elections; then by a first deputy reeve,
- 15
- (b) If the municipality had more than 2,000 and not more than 3,000 such names upon such list, then by a first deputy reeve and a second deputy reeve, and
- 20
- (c) If the municipality had more than 3,000 such names upon such list then by a first deputy reeve, a second deputy reeve, and a third deputy reeve.

2. The number of councillors to be elected in any township, in accordance with the provisions of *The Consolidated Municipal Act, 1903*, shall be decreased by the number of deputy reeves to be elected therein, but this provision shall not apply to towns or villages.

3. Such reeves and deputy reeves shall be elected by general vote in the manner provided by *The Consolidated Municipal Act, 1903*, for the election of mayors of towns, and

reeves and councillors in villages and townships, and they shall be members of the council of the municipality in which they are elected.

2. No member shall take his seat in the county council until he has filed with the clerk of the county council a certificate of the clerk of the town, township or village under his hand and the seal of the municipal corporation that such member was duly elected and has made and subscribed the declarations of office and qualification as reeve or deputy reeve as the case may be. 5 10

Form of certificate.

3. The certificate mentioned in section 2 may be in the form following:—

I, A.B., of Clerk of the Corporation of the town (township 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 (or as the case may be), was duly elected reeve (or first deputy reeve or second deputy reeve, or third deputy reeve, as the case may be) of the said town (township or village as the case may be) and has made and subscribed the declaration of office and qualification as such reeve (or first deputy reeve, or second deputy reeve, or third deputy reeve as the case may be.)

Warden.— election of.

4.—(1) At the first meeting of every county council in each year at which a majority of the full council is present the members shall organize themselves as a council and elect one of their number to be warden. 15

Clerk to preside or chairman.

(2) At every such election the clerk of the county shall preside and if there is no clerk the members present shall select one of themselves to preside and the person so elected may vote as a member. 20

Procedure at election of warden.

(3) Subject to the provisions of section 274a of *The Consolidated Municipal Act, 1903*, the warden shall be elected in such manner as may be provided for by resolution of the council passed prior to such election, provided that the person elected shall receive a majority of the votes cast. 25

Casting vote at election of warden.

(4) In case of an equality of votes on the election of a warden, then of those present, the reeve, or in his absence the deputy reeve of the municipality which for the preceding year had the greatest equalized assessment shall have a second and casting vote, and in the event of no one municipality having the greatest equalized assessment, in consequence of two or more municipalities having the same equalized assessment, then the reeve, or, in his absence, the deputy reeve, of the municipality having the greatest number of municipal voters entered on its last revised voters' list shall have such second or casting vote. 30 35

Counting names of voters.

(5) In counting the names of voters referred to in the preceding subsection the name of the same person shall

not be counted more than once, whether the name of such person appears upon the voters' list only once or more than once.

5 5. Subsection 1 of section 76 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the 4th line the words "deputy reeve". 3 Edw. VII, c. 19, s. 71, subs. 1, amended.

6. Sections 112, 113, 114 and 115 of *The Consolidated Municipal Act, 1903*, are amended by adding in the forms of oath set forth in the said sections after the word "reeve"
 10 wherever it occurs therein the words "or deputy reeve."

7. Subsection 1 of section 118 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "towns" in the 4th line the words "and of reeve or reeve and deputy reeve in towns". 3 Edw. VII, c. 19, s. 118, subs. 1, amended.

15 8. Section 119 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "townships" in the 5th line the words "and deputy reeves in townships". 3 Edw. VII, c. 19, s. 119, amended.

9. Section 120 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in
 20 the 7th line the words "or mayor and reeve or mayor, reeve and deputy reeve". 3 Edw. VII, c. 19, s. 120, amended.

10. Section 122 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in
 25 the 2nd line the words "or reeve and deputy reeve or deputy reeves". 3 Edw. VII, c. 19, s. 122, amended.

11. Section 123 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in
 the 5th line the words "or reeve and deputy reeve or deputy reeves". 3 Edw. VII, c. 19, s. 123, amended.

30 12. Section 124 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the 3rd line the words "and deputy reeves". 3 Edw. VII, c. 19, s. 124, amended.

13. Subsection 1 of section 125 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the
 35 word "reeve" in the 3rd line the words "deputy reeves". 3 Edw. VII, c. 19, s. 125, subs. 1, amended.

14. Subsection 3a of section 129 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the
 word "reeve" in the said sub-section as amended by section
 4 of *The Municipal Amendment Act, 1904*, the words
 40 "deputy reeve". 3 Edw. VII, c. 19, s. 129, subs. 3a, amended.

15. Subsection 1 of section 140 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the
 word "mayor" in the 3rd line the words "and reeve or
 3 Edw. VII, c. 19, s. 140, subs. 1, amended.

Ballot papers
for reeve and
deputy reeve.

reeve and deputy reeve (if any)" and by inserting after the word "mayor" in the 7th line the words "and another kind or set shall be prepared for each ward or polling subdivision containing the names of the candidates for reeve or reeve and deputy reeve if a reeve or reeve and deputy reeve are to be elected". 5

3 Edw. VII,
c. 19, s. 140,
subs. 2,
amended.

16. Subsection 2 of the said section 140 is amended by inserting after the word "mayor" in the 5th line the words "or mayor and reeve or mayor, reeve and deputy reeve if a reeve or reeve and deputy reeve are to be elected". 10

3 Edw. VII,
c. 19, s. 140,
subs. 3,
amended.

17. Subsection 3 of the said section 140 is amended by inserting after the word "reeve" in the 3rd line the words "or reeve and deputy reeve or first deputy reeve, second deputy reeve and third deputy reeve as the case may be".

3 Edw. VII,
c. 19, s. 141,
subs. 2,
amended.

18. Subsection 2 of section 141 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the 8th and 10th lines respectively the words "deputy reeve, first deputy reeve, second deputy reeve or third deputy reeve" and by striking out all the words in the said subsection after the words "as the case may be" 20 in the 10th line of the said subsection.

3 Edw. VII,
c. 19, s. 158,
subs. 1,
amended.
Where electors
may vote in
towns.

19. Subsection 1 of section 158 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the 4th line the words "or reeve and each deputy reeve". 25

3 Edw. VII,
c. 158, subs. 3,
amended.
Voting in
towns for reeve
and deputy
reeve.

20. Subsection 3 of the said section 158 is amended by inserting at the end of the said subsection the following words "and once for reeve or for reeve and deputy reeve if a reeve or a reeve and deputy reeve are to be elected."

3 Edw. VII,
c. 19, s. 167,
amended.

21. Section 167 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the words "mayor and reeve" in the 3rd line the words "or Mayor, Reeve and Deputy Reeve or Deputy Reeves" and by striking out the words "county councillor" in the 3rd and 7th lines and by inserting after the word "reeve" in the 7th line 35 the words "deputy reeve".

3 Edw. VII,
c. 19, s. 189,
subs. 3,
amended.

22. Subsection 3 of section 189 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" at the end of the 6th line the words "deputy reeve". 40

3 Edw. VII,
c. 19, s. 203,
amended.

23. Section 203 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "of county councillors" in the 9th line and by inserting after the word "reeve" in the 9th line the words "deputy reeve".

24. Section 206 of *The Consolidated Municipal Act, 1903*, is amended by striking out all the words in the first line, the words "the county clerk" in the 2nd line, the words "the county clerk or" in the 8th line and the words
5 "county or" in the 9th line of the said section. 3 Edw. VII, c. 19, s. 206, amended.

25. Subsection 1 of section 216 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "mayor" in the first line the words "or reeve or deputy reeve" and by inserting after the word "village"
10 in the second line the words "or the office of deputy reeve or one of the deputy reeves of a township". 3 Edw. VII, c. 19, s. 216, subs. 1, amended.

26. Subsection 1 of section 219 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the third line the words "deputy reeve",
15 and by striking out the words "county councillor" in the 3rd line. 3 Edw. VII, c. 19, s. 219, subs. 1, amended.

27. Subsection 1 of section 220 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the 7th line the words "deputy reeve",
20 and by striking out the words "county councillor" in the 8th line. 3 Edw. VII, c. 19, s. 220, subs. 1, amended.

28. Subsection 2 of section 311 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the first line the words "or deputy reeve". 3 Edw. VII, c. 19, s. 311, subs. 2, amended.

29. Section 312 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "mayor" in
the 1st line the words "every reeve and deputy reeve". 3 Edw. VII, c. 19, s. 312, amended.

30. Section 319 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "county coun-
30 cillor" in the second line and inserting in lieu thereof the words "deputy reeve" and by striking out all the words after the word "not" in the fourth line down to and including the word "aforesaid" in the sixth line. 3 Edw. VII, c. 19, s. 319, amended.

31. Section 388 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "a county council elected under this Act may during any one term for which it is elected" and inserting in lieu thereof the words
35 "a county council may in any one year". 3 Edw. VII, c. 19, s. 388, amended.

32. Section 473 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "all members
40 of a county council" in the first and second lines and by inserting after the word "village" at the end of the second line the words "and all deputy reeves". 3 Edw. VII, c. 19, s. 473, amended.

33. Section 475 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in
45 3 Edw. VII, c. 19, s. 475, amended.

FORM No. 2.

Ballot Paper for Reeve, Deputy-Reeves and Councillors in Townships.

Election of Members of the Municipal Council of the Township of _____ in the County of _____	FOR REEVE.	ALLSOPP Albert Allsopp, of the Township of York, Brewer.
	BURTON Henry Burton, of the Township of York, Farmer.	
	FOR FIRST DEPUTY-REEVE.	BANKS John Banks, of the Township of York, Blacksmith.
	CALDWELL Henry Caldwell, of the Township of York, Market Gardener.	
	FOR SECOND DEPUTY-REEVE.	CONNOR Patrick Connor, of the Township of York, Cattle Dealer.
	DAVIDSON Thomas Davidson, of the Township of York, Milkman.	
	FOR THIRD DEPUTY-REEVE.	EDWARDS Daniel Edwards, of the Township of York, Miller.
	FERGUSON George Ferguson, of the Township of York, Nurseryman.	
	FOR COUNCILLORS.	BRITTON James Britton of the Township of York, Farmer.
	LLOYD David Lloyd, of the Township of York, Farmer.	
	MACDONALD Philip Macdonald, of the Township of York, Agent.	
	O'LEARY Dennis O'Leary, of the Township of York, Dairyman.	

FORM 3.

(Amendment to Directions to Voters.)

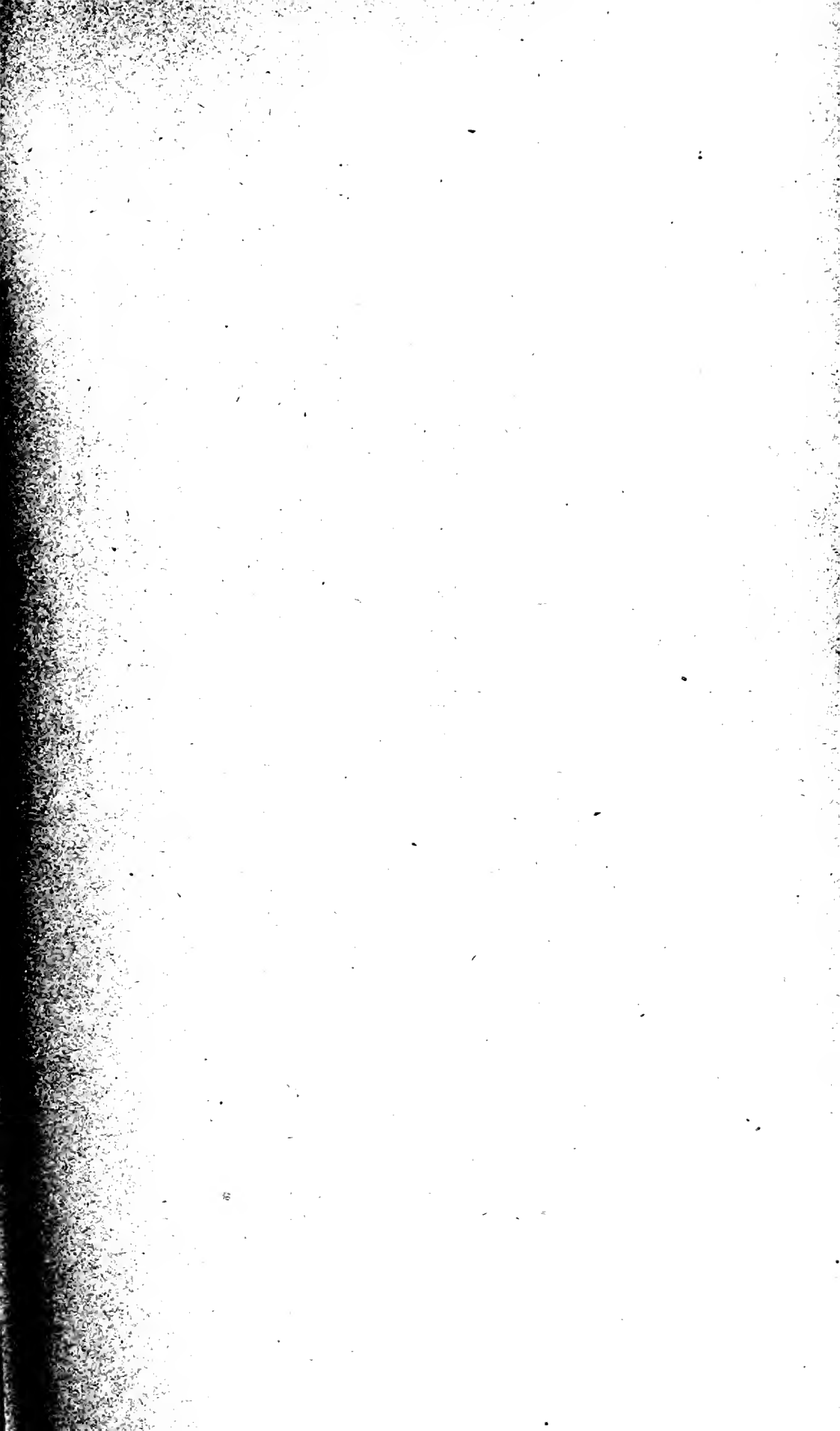
In the following forms of ballot paper, given for illustration the candidates are, for Mayor, Jacob Thompson and Robert Walker, for Reeve, George Jones and John Smith, for Deputy Reeve, Thomas Brown and William Davis, for Councillors, John Bull, Morgan Jones, Allister McAllister and Patrick O'Connell; and the elector has marked the first ballot paper in favour of Jacob Thompson for Mayor, the second ballot paper in favour of George Jones for Reeve, the third ballot paper in favour of William Davis for Deputy Reeve, and the fourth ballot paper in favour of John Bull and Patrick O'Connell for Councillors.

***** *****	Election for the Members of the Municipal Council of the of , ward No. day of January, 19 .	<i>FOR MAYOR.</i>	THOMSON Jacob Thompson, of the Town of Barrie, Merchant. X
			WALKER Robert Walker, of the Town of Barrie, Physician.

***** *****	Election for the Members of the Municipal Council of the of , ward No. day of January, 19 .	<i>FOR REEVE.</i>	JONES George Jones, of the Town of Barrie, Barrister. X
			SMITH John Smith, of the Town of Barrie, Banker.

***** *****	Election for the Members of the Municipal Council of the of , ward No. day of January, 19 .	<i>FOR DEPUTY REEVE.</i>	BROWN Thomas Brown, of the Town of Barrie, Grocer.
			DAVIS William Davis, of the Town of Barrie, Jeweller. X

<p>Election for the Members of the Municipal Council of the _____, Ward No. _____ Polling Sub-division No. _____ day of January, 19 _____</p>	<p><i>FOR COUNCILLORS.</i></p>
<p>BULL John Bull, of the Town of Barrie, Butcher. X</p>	
<p>JONES Morgan Jones, of the Town of Barrie, Grocer.</p>	
<p>McALLISTER Allister McAllister, of the Town of Barrie, Tailor.</p>	
<p>O'CONNELL Patrick O'Connell, of the Town of Barrie, Milkman. X</p>	



No. 147.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL

An Act respecting County Councils.

First Reading, 12th March, 1906.

Mr. MONTETH.

TORONTO :

PRINTER L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act for the appointment of a Railway and Municipal Board.

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

Short title.

1. This Act may be cited as "*The Ontario Railway and Municipal Board Act, 1906.*"

Interpretation.

2. The interpretation sections of "*The Ontario Railway New. Act, 1906,*" shall apply to this Act.

To apply to street railways.

3.—(1) All the provisions of this Act relating to rail-ways shall apply to all railways, whether operated by steam, electricity or other motive power, including Street Railways; and the expression "Railway" shall include "a Street Railway."

"Public utility."

(2) "Public Utility" shall mean and include any water works, gas works, Electric Heat, Light and Power works and Telegraph or Telephone lines or any similar works supplying the general public with necessaries or conveniences.

NAME, CONSTITUTION, DUTIES, ETC.

4.—(1) The Railway Committee of the Executive Council of Ontario is abolished.

Constitution of Board.

(2) The Lieutenant-Governor may from time to time appoint a Commission to be called "*The Ontario Railway and Municipal Board.*"

(3) Such Board shall be composed of three members, one of whom shall be the chairman thereof who shall be appointed chairman by the Lieutenant-Governor in Council and shall continue to be chairman so long as he is a member of the Board.

(4) Vacancies caused by death, resignation or otherwise may from time to time be filled by the Lieutenant-Governor in Council.

(5) The Board shall be a Court of Record and shall have an official seal which shall be judicially noticed.

(6) Each member of the Board shall hold office during good behaviour and shall not be removed from office except by order of the Lieutenant-Governor in Council. New.

(7) Each member shall cease to hold office upon reaching the age of seventy-five years.

(8) Whenever any power or authority is given or duty imposed upon the Railway Committee of the Executive Council of Ontario by any Act or document, such power, authority or duty may or shall, as the case may be, be exercised by the Board. New.

Power of
Deputy Chief
Commissioner

5. In case of the absence of the Chairman, or of his inability to act, the Vice-Chairman shall exercise the powers of the Chairman in his stead; and in such case all regulations, orders and other documents signed by the Vice-Chairman shall have the like force and effect as if signed by the Chairman. Whenever the Vice-Chairman appears to have acted for and instead of the Chairman, it shall be conclusively presumed that he so acted in the absence or disability of the Chairman within the meaning of this section. Dom. Ry. Act, 1903, s. 9, amended.

Exception.

6. Not less than two members shall attend at the hearing of every case and the Chairman, when present, shall preside, and his opinion upon any question, in the opinion of the members is a question of law, shall prevail. In any case where there is no opposing party, and no notice to be given to any interested party, any one member may act alone for the Board. Dom. Ry. Act, 1903, s. 10, amended.

Interest,
kindred or
affinity not a
disqualifica-
tion.

7.—(1) Whenever any member is interested or of kin or affinity to any person interested in any matter before the Board, the Lieutenant-Governor in Council may, either upon the application of such member or otherwise, appoint some disinterested person to act as member *pro hac vice*. The Lieutenant-Governor in Council may also appoint a member *pro hac vice* in the case of sickness, absence or inability to act, of any member. Dom. Ry. Act, 1903, s. 11, amended.

Appointments
pro hac vice.

Commissioners
not to hold
railway stock,
etc.

8. No member shall, directly or indirectly, hold, purchase, take or become interested in, for his own behalf, any stock, share, bond, debenture or other security, of any railway company or street railway company subject to this Act or the said Act nor shall, directly or indirectly,

have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as a part of the equipment of railways or of street railways, or of any rolling stock to be used thereon; and, if any such stock, share, bond or other security, device appliance, machine, patented process or article, or any part thereof, or any interest therein, shall come to, or vest in any such member by will or succession, for his own benefit, he shall, within three calendar months after the same shall so come to, or vest in him, absolutely dispose of the same, or his interest therein.

Residence.

9. Each member shall during his term of office Dom. Ry. Act, reside at Toronto, or within five miles thereof, or within 1903, s. 12, such distance thereof as the Lieutenant-Governor in amended. Council at any time determines.

Duty of Board.

10. The members shall devote the whole of their Dom. Ry. Act, time to the performance of their duties under this Act, 1903, s. 13. and shall not accept or hold any office or employment inconsistent with this section.

Offices at Toronto.

11. The Lieutenant-Governor in Council shall provide, Dom. Ry. Act, within the city of Toronto, a suitable place in which the 1903, s. 14, sessions of the Board may be held, and also suitable amended. offices for the members, Secretary, staff and other employees, and all necessary furnishings, stationery and equipment for the establishment, conduct and maintenance of the same, and for the performance of the duties of the Board.

Sessions of Board outside of Toronto.

12. Whenever circumstances render it expedient to hold Dom. Ry. Act, sessions without the city of Toronto, the Board may hold 1903, s. 15, the same at any place in Ontario. amended.

Sittings how conducted.

13. The members shall sit at such times and con-Dom. Ry. Act, duct their proceedings in such manner as may seem to 1903, s. 16, them most convenient for the speedy despatch of busi-amended. ness; they may, subject as in this Act or in the said Act mentioned, sit either together or separately, and either in private or in open court, but any complaint made to them shall, on the application of any party to the complaint, be heard and determined in open court.

THE SECRETARY.

Secretary

14.—(1) There shall be a Secretary of the Board, who Dom. Ry. Act shall be appointed by the Lieutenant-Governor in Coun-1903, s. 17, cil, shall hold office during pleasure, and shall reside in amended. the city of Toronto.

(2) It shall be the duty of the Secretary—

Duties of
Secretary.

(a) To attend all sessions of the Board, to keep a record of all proceedings conducted before the Board or any member under this Act, to have the custody and care of all records and documents belonging or appertaining thereto, or filed in his office, and to obey all rules and directions which may be made or given by the Board touching his duties or the governance of his office.

Regulations
and orders of
the Board.

(b) To have every regulation and order made by the Board, drawn pursuant to the direction of the Board, signed by the Chairman, sealed with the official seal of the Board, and filed in the office of the Secretary.

Record books.

(c) To keep in his office suitable books of record, in which he shall enter a true copy of every such regulation and order and every other document which the Board may require to be entered therein, and such entry shall constitute and be, and in all courts be deemed and taken to be, the original record of any such regulation or order.

Evidence.

Certified copies
of regulations
or orders.

(d) Upon application of any person, and on payment of such fees as are authorized by this Act or 1903, s. 18. as the Board may prescribe, the Secretary shall deliver to such applicant a certified copy of any such regulation or order.

Acting
Secretary.

(e) In the absence of the Secretary from sickness or any other cause, the Board may appoint an Acting Secretary, who shall thereupon act in the place of the Secretary, and exercise his powers.

(f) A member of the Board may act as secretary.

Salaries.

15. The Chairman shall be paid an annual salary of _____, and the other two members shall be paid each the annual salary of _____. The Secretary shall receive a salary to be fixed by the Lieutenant-Governor in Council, not more than _____ annually. The amended. 1903, s. 20,

Experts.

16.—(1) The Lieutenant-Governor in Council may from time to time, upon the request of the Board, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist in an advisory capacity in respect of any matter before the Board.

Staff of Board.

(2) There shall be attached to the Board such officers, clerks, stenographers and messengers, as the Board, with the approval of the Lieutenant-Governor in Council, from time to time appoints, at such salaries or remuneration as are recommended by the Board and approved by the

Salaries.

Lieutenant-Governor in Council. The Board may, at will, dismiss any such employee.

Payment of appointee to make inquiry.

(3) Whenever the Board, by virtue of any power vested in it by this Act, or the said Act, appoints or directs any person, other than a member of the staff of the Board, to perform any service required by this Act, or the said Act, such person shall be paid therefor such sum for services and expenses as the Lieutenant-Governor in Council upon the recommendation of the Board, may, in such cases, determine.

Salaries and expenses of staff, &c., how to be paid.

(4) The salaries or remuneration of all such officers, Dom. Ry. Act, 1903, s. 21, amended. clerks, stenographers, messengers, and appointees and all the expenses of the Board incidental to the carrying out of this Act and the said Act, including all actual and reasonable travelling expenses of the members, Secretary, and of such appointees or persons on the staff of the Board as may be required by the Board, to travel, necessarily incurred in attending to the duties of their office, shall be paid monthly out of such moneys as may be voted by the Legislature for that purpose.

JURISDICTION AND GENERAL POWERS.

Jurisdiction of Board upon application.

17.—(1) The Board shall have all the powers and authority vested in it by "The Ontario Railway Act, 1906," and shall also have full jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested;

Neglect of duties under any act, regulation or order.

(a) complaining that the company, or any person, has failed to do any act, matter or thing required to be done by this Act or the said Act or the Special Act, or by any regulation, order or direction made thereunder, by the Lieutenant-Governor in Council, the Board, or by any inspecting engineer, or has done or is doing any act, matter or thing contrary to, or in violation of, this Act, or the said Act, or the Special Act, or any such regulation, order or direction;

Violations.

Giving orders, directions or approval.

(b) requesting the Board to make any order, or give any direction, sanction or approval, which by law it is authorized to make or give:

Mandatory order.

18.—(1) The Board may order and require any company or person to do forthwith, or within, or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act or the said Act, any act, matter or thing which such company or person is or may be required to do under this Act or the said Act, or the Special Act, and may forbid the doing or continuing of any act, matter or thing which is contrary to this Act or the said Act, or the Special Act; and shall have full jurisdiction to hear and determine all matters whether of law or of fact,

Injunction order.

Questions of law and fact.

and shall, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry on and inspection of property, and other matters necessary or proper for the due exercise of its jurisdiction under this Act, or the said Act, or otherwise for carrying this Act or the said Act into effect, have all such powers, rights and privileges as are vested in the High Court of Justice.

All powers of a High Court.

Decision upon questions of fact or whether party is interested conclusive.

(2) The decision of the Board upon any question of fact, and as to whether any company, municipality or person is, or is not, a party interested within the meaning of this section, shall be binding and conclusive upon all companies and persons, and in all courts. Dom. Ry. Act, 1903, s. 23, amended.

Board may act upon its own motion.

19.—(1) The Board may, of its own motion, or shall, upon the request of the Lieutenant-Governor in Council, inquire into, hear and determine any matter or thing which, under this Act or the said Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto shall have and may exercise the same powers as, upon any application or complaint, are vested in it by this Act or the said Act.

Power to act from time to time.

(2) Any power, or authority vested in the Board under this Act or the said Act may, though not so expressed in this Act or the said Act, be exercised from time to time, or at any time, as the occasion may require. Dom. Ry. Act, 1903, s. 24, amended.

Board may make regulations respecting—

20.—(1) Without thereby limiting the powers and authority of the Board under this Act or the said Act, the Board may make orders and regulations:

Passing from car to car.

(a) with respect to the method and means of passing from one car to another, either inside or overhead, and for the safety of employees while passing from one car to another, and for the coupling of cars;

Coupling of cars.

Shelter for employees.

(b) requiring proper shelter to be provided for all employees when on duty;

Devices to avoid fires.

(c) with respect to the use on any steam engine, of nettings, screens, grates and other devices, and the use on any steam engine or car, of any appliances and precautions, and, generally, in connection with the railway respecting the construction, use and maintenance of any fire-guard or works which may be deemed by the Board necessary and most suitable to prevent, as far as possible, fires from being started, or occurring, upon, along, or near the right of way of the railway;

For protection generally.

(d) with respect to the rolling stock, apparatus, cattle-guards, fenders, appliances, signals, methods, devices, structures and works, to be used upon the railway, so as to

provide means for the due protection of property, the employees of the company, and the public;

Other matters. (e) with respect to any matter, act or thing which by this Act or the said Act or the Special Act is sanctioned, required to be done, or prohibited.

Application of orders. (2) Any such orders or regulations may be made to apply to any particular district, or any railway or section, or portion thereof, and the Board may exempt any railway or portion thereof, from the operation of any such order or regulation, for such time, or during such period, as the Board deems expedient.

Penalties. (3) The Board may provide penalties, when not already provided in this Act or the said Act, to which every company or person who offends against any regulation made under this section shall be liable, which shall not exceed one hundred dollars for each offence, and shall be recoverable on summary conviction. The imposition of any such penalty shall not lessen or affect any other liability which any company or person may have incurred.

Power to review, etc. (4) The Board may review, rescind, change, alter or vary any rule, regulation, order or decision made by it, whether previously published or not. Dom. Ry. Act, 1903, s. 25, amended.

21.—(1) In case default shall be made in the doing of any act, matter or thing, which the Board may direct to be done by the company or person who is required to do the same, the Board may authorize such person as they may see fit to do the act, matter or thing, and in every such case the person so authorized may do such act, matter or thing, and the expense incurred in the doing of the same may be recovered from the company or person in default as money paid for and at the request of such company or person, and the certificate of the Board of the amount so expended shall be conclusive evidence thereof.

22. All orders or regulations may be made to apply to any railways whether operated by steam, electricity or other motive power and to street railways; provided always that no such order or regulation shall lessen or impair any obligations or duty resting upon the company under the Special Act or under any agreement.

23. The Board shall also have power to enforce its orders and directions in the manner and by the means provided in section — of this Act.

Method of giving notices. 24.—(1) Any notice required to be given to the company, or to any company, municipality, corporation, co-partnership, firm or individual may be, and shall be deemed to be sufficiently given or served by delivering the same, or a copy thereof;

To railway companies.

(a) in the case of the company, to the president, vice-president, managing director, secretary or superintendent of the company, or to some adult person in the employ of the company at the head or any principal office of the company;

To municipalities, etc.

(b) in the case of any municipality, to the mayor, warden, reeve, treasurer, or clerk;

To other companies.

(c) in the case of any other company, or body corporate, to the president, vice-president, manager or secretary, or to some adult person in the employ of the company at the head office of such company;

To firms.

(d) in the case of any firm or co-partnership, to any member of such firm or co-partnership, or left at the last place of abode of any such member with any adult member of his household, or at the office or place of business of the firm with a clerk employed therein;

To individuals.

(e) and, in the case of any individual, to him or left at his last place of abode with any adult member of his household, or at his office or place of business with a clerk in his employ;

Proviso.

Provided that such notice is sufficient in substance, is given in sufficient time, and, in the case of the Board, is signed by the Secretary or Chairman; in the case of the inspecting engineer or other officer or person appointed by the Board, and required or authorized to give such notice, is signed by such inspecting engineer, officer or other person as the case may be; and in the case of any company or corporation is signed by its president or secretary, or by its duly authorized agent or solicitor: and in the case of any person, is signed by such person, or his duly authorized agent or solicitor.

Service by publication in certain cases.

(2) When in any of the cases mentioned in this section, Dom. Ry. Act, it shall be made to appear to the satisfaction of the Board 1903, s. 28, (1), in any matter within the jurisdiction of the Board under amended. this Act or the said Act that service of such notice cannot be made in the manner provided in this section, or that the person to be served cannot be served, or that the company or Dom. Ry. Act, person to be served is seeking to evade service and therefore 1904, s. 28, (2) cannot be served, the Board may order and allow such serv- amended. ice to be made by the publication of such notice for any period not less than three weeks in the *Ontario Gazette*, and also, if required, in any other newspaper or newspapers, and service by such publication shall be deemed to be as sufficient as if the same had been served in the manner provided in subsection 1 of this section.

Service of orders, reports or other documents.

(3) Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this section.

Duty of company on receipt of notice or order.

25. The company shall, as soon as possible after the receipt by it, or service upon it, of any regulation, order, direction, decision, notice, report or other document of the Board, or of the inspecting engineer, give cognizance thereof to each of its officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy thereof in some place where his work or his duties, or some of them, are to be performed.

V.—PRACTICE AND PROCEDURE.

Evidence of documents.

26. Every document purporting to be signed by the Chairman and Secretary, or by either of them, or inspecting engineer, shall, without proof of any such signature, be *prima facie* evidence in all courts, and shall be sufficient notice to the company and all parties interested, (if served therewith in the manner herein provided for service of notice), that such document was duly signed and issued by the Board, or inspecting engineer as the case may be; and if such document purports to be a copy of any regulation, order, direction, decision or report, made or given by the Board, or inspecting engineer, it shall be *prima facie* evidence in all courts of such regulation, order, direction, decision or report, and when served on the company, or any person, in the manner in section 24 provided for service of notice, shall be sufficient notice to the company or such person, of such regulation, order, direction, decision or report from the time of such service.

Service of copies.

27.—(1) Any document purporting to be certified by the Secretary as being a copy of any plan, profile, book of reference or any other document deposited with the Board, or of any portion thereof, shall, without proof of signature of the Secretary, be in all courts *prima facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing from such certified copy, and also, if such certificate states the time such original was so deposited, that the same was deposited at the time so stated.

Certified plan, etc., *prima facie* evidence.

(2) A copy of any regulation, order or other document in the custody of the Secretary, or of record with the Board, certified by the Secretary to be a true copy, and sealed with the seal of the Board, shall, in all courts and for all purposes, be *prima facie* evidence of such regulation or document, without proof of signature of the Secretary.

Certified copies of documents of Board.

28. Publication by the Board, or by leave of the Board, for three weeks in the *Ontario Gazette* of any rule, regulation, order or decision of the Board, shall be sufficient

Publication of regulations and orders.

2—148

Judicial notice.

cient notice thereof to the company, to all persons, and to the public generally; and when such rule, regulation, order or decision, is so published, the same, while in force, shall have the like effect as if enacted herein, and all courts, shall take judicial notice thereof.

Notice of application.

29. Except in any case where it is otherwise provided, Dom. Ry. Act, ten days' notice of any application to the Board, or of any 1903, s. 31. hearing by the Board, shall be sufficient, unless in any case the Board directs longer notice. The Board may in any case, allow notice for any period less than ten days which shall be sufficient notice as if given for ten days or longer.

Board may vary length of time.

Procedure in urgent cases when no notice given.

30. When the Board is authorized to hear an applica- Dom. Ry. Act, tion, complaint or dispute, or make any order, upon notice 1903, s. 32. to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of, or insufficiency in, such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice; but any person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend or rescind such order or decision, and the Board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just and right.

Rehearing on application made within ten days after notice served.

Regulations and orders of Railway Committee continue in force until repealed.

31. All regulations and orders made by the Railway Dom. Ry. Act, Committee of the Executive Council of Ontario in force 1903, s. 33, at the time of the passage of this Act, shall continue in amended. force until repealed, rescinded, changed or varied under the provisions of this Act or the said Act and the Board shall have the like powers to repeal, rescind, change or vary the same, as in the case of regulations or of orders which the Board may make under this Act or the said Act.

Existing orders of Railway Committee may be made rules of court.

32. Notwithstanding the repeal by this Act or by the Dom. Ry. Act, said Act of any Act relating thereto, all orders of the 1903, s. 34, Railway Committee of the Executive Council of Ontario amended. in force at the time of the passing hereof, may be made orders of the High Court of Justice, and may be enforced in all respects, as nearly as may be, in the same manner, as provided by this Act and the said Act in the case of similar orders by the Board; and all penalties, forfeitures and liabilities attaching, under this Act or the said Act to the violation of any regulation, or disobedience to any order of the Board, shall apply and attach to any violation of,

or disobedience to, any regulation or order of the Railway Committee of the Executive Council occurring after the passage of this Act, in all respects as nearly as may be, as if the same were a regulation or order of the Board.

RAILWAY COMMITTEE TO HAVE POWERS OF BOARD TILL ACT PASSED.

Penalties under this Act apply to violations hereafter.

33. The Railway Committee of the Executive Council of Ontario shall have the powers and jurisdiction of the Board and it shall be the duty of the said Railway Committee to exercise the same until such time as the Board is constituted under this Act.

ORDERS OF BOARD MAY BE MADE ORDERS OF COURT.

Decisions or orders of Board may be made rules of court

34.—(1) Any decision or order made by the Board under this Act or the said Act may be made an order of the High Court of Justice, and shall be enforced in like manner as any order of such court.

Practice.

(2) To make such decision or order an order of such court, the usual practice and procedure of the court in such matters may be followed; or, in lieu thereof, the Secretary may make a certified copy of such decision or order, upon which shall be made the following endorsement signed by the Chairman and sealed with the official seal of the Board:—

“To move to make the within an order of the High Court of Justice.

“Dated this day of A.D. 19 .

“A. B.,

(Seal.) “Chairman of the Ontario Railway and Municipal Board.”

And the Secretary may forward such certified copy, so endorsed, to the registrar, or other proper officer of such court, who shall on receipt thereof, enter the same as of record, and the same shall thereupon become and be such order of such court.

When order rescinded or changed.

(3) Where an order or decision of the Board under this Act or the said Act or of the Railway Committee of the Executive Council of Ontario has been made an order of the High Court of Justice any order or decision of the Board rescinding or changing the same shall be deemed to cancel the said order, or decree of such court, and may, in like manner, be made an order of court. Dom. Ry. Act, 1903, s. 35, amended.

(4) It shall be optional with the Board to adopt the method provided by this section for enforcing its orders or decisions, or to enforce them by its own action.

Contingent orders.

35. The Board may provide in any order that the same, or any specified portion or terms, thereof, shall come into force, at a future fixed time, or upon the happening of any specified contingency, event or condition precedent, or upon the performance to the satisfaction of the Board, or Dom. Ry. Act, 1903, s. 36.

Subject to terms.

Limited as to time.

Interim orders.

person named by it, of any terms which the Board may impose upon any party interested, and it may provide that the whole, or any portion of such order, shall have force for a limited time, or until the happening of any specified event. The Board may, instead of making an order final in the first instance, make an *interim* order, and reserve further order and direction to be made, either at an adjourned hearing of the matter, or upon further application.

May grant partial or other relief than that applied for.

36. Upon any application made to the Board under this Act or the said Act, the Board may make an order granting the whole, or part only, of such application, or may grant such further, or other relief, in addition to, or substitution for, that applied for, as to the Board may seem just and proper, as fully in all respects as if such application had been for such partial, other, or further relief. Dom. Ry. Act, 1903, s. 37.

Interim *ex parte* orders. Proviso.

37. Whenever the special circumstances of any case seem to so require, the Board may make an *interim ex parte* order authorizing, requiring or forbidding anything to be done which the Board would be empowered on application, notice and hearing to authorize, require or forbid. No such *interim* order shall, however, be made for any longer time than the Board may deem necessary to enable the matter to be heard and determined. Dom. Ry. Act, 1903, s. 38.

Extension of time specified in order.

38. When any work, act, matter or thing is by any regulation, order or decision of the Board required to be done, performed or completed within a specified time, the Board may, if the circumstances of the case seem to so require, upon notice and hearing, or in its discretion upon *ex parte* application, extend the time so specified. Dom. Ry. Act, 1903, s. 39.

May make rules governing its procedure and practice.

39. The Board may make general rules governing, so far as shall not be inconsistent with the express provisions of this Act or the said Act, its practice and procedure under this Act and the said Act and generally for carrying this Act and the said Act into effect. Such rules may be published in the *Ontario Gazette*, and shall thereupon be judicially noticed, and shall have effect as if they were enacted in this Act. The Board may, upon terms or otherwise, make or allow any amendments in any proceedings before it. Dom. Ry. Act, 1903, s. 40, amended.

When to be judicially noticed.

Amendments.

Presumption of jurisdiction to make order

40. No order of the Board need show upon its face that any proceeding or notice was had or given, or any circumstance existed, necessary to give it jurisdiction to make such order. Dom. Ry. Act, 1903, s. 41.

Judgments of other courts on questions of fact not binding upon Board.

41.—(1) In determining any question of fact, the Board shall not be concluded by the finding or judgment of any other court, in any suit, prosecution or proceeding, in-

volving the determination of such fact, but such finding or judgment shall, in proceedings before the Board, be *prima facie* evidence only.

Jurisdiction Board not affected by collateral suits.

(2) The pendency of any suit, prosecution or proceeding, in any other court, involving questions of fact, shall not deprive the Board of jurisdiction to hear and determine the same questions of fact.

Finding of Board on questions of fact conclusive.

(3) The finding or determination of the Board upon any question of fact within its jurisdiction shall be binding and conclusive on all courts. 1903, s. 42.

May state case for opinion of Court of Appeal for Ontario.

42.—(1) The Board may, of its own motion or upon the application of any party, and upon such security being given as it directs, state a case, in writing, for the opinion of the Court of Appeal for Ontario upon any question which in the opinion of the Board is a question of law. A like reference may also be made at the request of the Lieutenant-Governor in Council.

Action thereon.

(2) The Court of Appeal shall hear and determine the question or questions of law arising thereon, and remit the matter to the Board with the opinion of the court amended thereon. 1904, s. 43.

APPEALS.

Order of Board final.

43.—(1) Subject to the provisions of this section, every decision or order of the Board shall be final.

Appeal to Court of Appeal on questions of jurisdiction.

(2) An appeal shall lie from the Board to the Court of Appeal upon a question of jurisdiction or upon any question of law, but such appeal shall not lie unless leave to appeal is given by a judge of the said court upon application and hearing the parties and the Board; the costs of such application shall be in the discretion of the judge.

Security for costs.

(3) Upon such leave being obtained the party so appealing shall pay into court the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar of the Court of Appeal shall set the appeal down for hearing on the first day of the next session; and the party appealing shall within ten days after the deposit, give to the parties affected by the appeal, or their respective solicitors by whom such parties were represented before the Board, and to the Secretary, notice in writing that the case has been so set down to be heard in appeal as aforesaid; and the said appeal shall be heard by such court as speedily as practicable.

Notice of appeal.

Opinion of court.

(4) On the hearing of any such appeal the Court of Appeal may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are neces-

sary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Board may be heard by counsel.

(5) The Board shall be entitled to be heard, by counsel or otherwise, upon the argument of any such appeal.

Rules of court as to costs, etc.

(6) The Court of Appeal shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section, and until such rules are made the rules and practice applicable to appeals from the High Court of Justice to the Court of Appeal shall be applicable to an appeal under this Act.

Members of Board not liable for costs.

(7) Neither the Board nor any member of the Board shall in any case be liable to any costs by reason or in respect of any appeal or application under this section.

Proceedings of Board final, except as above.

(8) Save as provided in this section, an order, decision or proceeding of the Board shall not be questioned or reviewed, restrained or removed by prohibition, injunction, certiorari, or any other process or proceeding in any court. Dom. Ry. Act, 1903, s. 44, amended.

Lieutenant-Governor in Council may refer to Board for report.

44. The Lieutenant-Governor in Council may at any time refer to the Board for a report, or other action, question, matter or thing arising, or required to be done, under this Act or the said Act, or the Special Act, and the Board shall without unnecessary delay comply therewith. Dom. Ry. Act, 1903, s. 45, amended.

Costs.

45.—(1) The costs of and incidental to any proceeding before the Board shall be in the discretion of the Board, and may be fixed in any case at a sum certain, or may be taxed. The Board may order by whom and to whom the same are to be paid, and by whom the same are to be taxed and allowed.

Scale of costs.

(2) The Board may prescribe a scale under which such costs shall be taxed. Dom. Ry. Act, 1903, s. 46.

Expenses of works ordered by Board.

46. When the Board, in the exercise of any power vested in it by this Act or the said Act or the Special Act, in and by any order directs any structure, appliances, equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may order by what company, municipality or person, interested or affected by such order, as the case may be, and when or within what time, and upon what terms and conditions as to the payment or compensation or otherwise, and under what supervision, the same shall be provided, constructed, reconstructed, altered, installed, operated, used or maintained; and the Board Dom. Ry. Act, 1903, s. 47.

may order by whom, in what proportion, and when, the cost and expenses of providing, constructing, reconstructing, altering, installing and executing such structures, equipment, works, renewals, or repairs, or the supervision (if any), or the continued operation, use or maintenance of the same, or of otherwise complying with such order, shall be paid.

47.—(1) Whenever the Board shall have reasonable ground for belief that the company, or any person or corporation is violating or has violated any of the provisions of this Act or the said Act, in respect of which violation a penalty may be imposed under this Act or the said Act, the Board may request the Attorney-General of Ontario to institute and prosecute proceedings on behalf of His Majesty the King against such company or person for the recovery of the penalty provided under this Act or the said Act, for such violation.

(2) All the provisions of the said Act as to penalties and the imposition and recovery thereof shall apply to penalties imposed under the authority of this Act.

(3) No prosecution shall be had against the company Dom. Ry. Act, 1903, s. 300, for any penalty under this Act in which the company might be held liable for a penalty exceeding one hundred dollars, without the leave of the Board being first obtained. (2-3).

(4) Where any penalty has been imposed upon the company under this Act or the said Act such penalty shall be the first lien or charge upon the railway, property, assets, rents and revenues of the company. Dom. Ry. Act, 1903, s. 301.

48. The Board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute pending before such Board, or any matter or thing over which the Board has jurisdiction under this Act or the said Act or the Special Act, and may order and direct by whom and in what proportion the costs and expenses incurred in making such inquiry and report shall be paid, and may fix the amount of such costs and expenses. Dom. Ry. Act, 1903, s. 48 (1), amended.

49.—(1) The Board, inspecting engineer, or person appointed under this Act or the said Act to make any inquiry or report may:—

(a) enter upon and inspect any place, building, or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite;

(b) inspect any works, structure, rolling stock or property of the company;

Board may order by whom to be constructed and paid.

Proceedings instituted by Attorney-General.

Prosecution for penalty over \$100.

Penalties a first charge on railway.

Board may order inquiries.

Powers respecting inquiries.

Entry.

Inspection.

Attendance of witnesses and replies.

(c) require the attendance of all such persons as it or he thinks fit to call before it or him, and examine, and require answers or returns to such inquiries as it or he thinks fit to make;

Production of documents, etc.

(d) require the production of all books, papers, plans, specifications, drawings and documents, relating to the matter before it or him;

Oaths.

(e) administer oaths, affirmations or declarations;

(2) And shall have the like power in summoning witnesses and enforcing their attendance, and compelling them to give evidence and produce books, papers or things which they are required to produce, as is vested in any court in civil cases. Dom. Ry. Act, 1903, s. 49.

Witness fees.

50.—(1) Every person summoned to attend before the Board or before any inspecting engineer, or person appointed under this Act or the said Act to make inquiry and report, shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the High Court of Justice.

No person to be excused from testifying.

(2) No person shall be excused from attending and testifying or from producing books, papers, tariffs, contracts, agreements and documents before the Board, or in obedience to the subpoena or order of the Board, or of any person authorized to hold any investigation or inquiry under this Act or the said Act or in any cause or proceeding based upon or growing out of any alleged violation of this Act or the said Act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to any proceeding or penalty; but no evidence so given, nor any document so produced, shall be used or receivable against such person in any criminal proceeding thereafter instituted against him other than a prosecution for perjury in giving such evidence.

Proof of documents.

(3) In any proceeding before the Board and in any action or proceeding under this Act or the said Act, every written or printed document purporting to have been issued or authorized by the company, or any officer, agent, or employee of the company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of such document by the company, and of the contents thereof, without any further proof than the mere production of such document. Dom. Ry. Act, 1903, s. 50, amended.

ADDITIONAL POWERS OF THE BOARD.

51.—(1) The appeal provided for by section 76 of *The Assessment Act* shall be to the Board instead of to the Board of County Judges as therein provided.

Appeals over
\$20,000.

(2) The Board shall have power to state a case for the opinion of the Court of Appeal and the proceedings thereon and in reference thereto, shall be the same as those prescribed by section 77 of the said last mentioned Act with regard to the statement of a case, except that the case shall be stated for the opinion of and be heard and determined by the Court of Appeal. New.

(3) The decision of the Board upon such appeal shall be final and conclusive not only as to the amount at which the property in question should be assessed, but also as to its liability to assessment.

Appeals in
unorganized
districts.

52.—(1) Instead of the appeal provided for by sub-section 1 of section 48 (a) of *The Act respecting the establishment of Municipal Institutions in Territorial Districts* being to a judge of the High Court in Chambers in Toronto, it shall be to the Board. New.

(2) One member may act as and for the Board in the hearing and determining of the appeal mentioned in this section.

Municipal
powers.

53. The Board shall have all the powers conferred by *The Consolidated Municipal Act, 1903*, upon the Lieutenant-Governor in Council regarding,— New.

(a) The addition to or taking from any municipality any territory;

(b) The annexation of any territory to any city or town;

(c) The alteration in any manner of the boundaries or limits of any municipality;

(d) The approval or confirmation of by-laws relating to finance, debentures, sinking funds or the creation of debts, in cases where the approval or confirmation of the Lieutenant-Governor in Council is required by *The Consolidated Municipal Act, 1903*, or any other Statute of this Province. New.

(e) The approval or confirmation of by-laws relating to public highways, roads, streets, or bridges, to street or electric railways or to gas or waterworks or to any other industry or concern commonly known as a public utility, in cases where the approval or confirmation of the Lieutenant-Governor in Council is required by *The Consolidated Municipal Act, 1903*, or any other Statute of this Province. New.

Telegraph and
telephone
wires, &c.

(2) The Board may also require any telegraph, telephone, electric light, power or heat company or any person operating any telegraph, telephone, electric light, power or heat system to adopt such means and appliances, and to take and use such precautions, as the Board may deem necessary or expedient for the safety of life and property. New.

(3) The Board shall, in respect of the matters provided for by this section, have the like jurisdiction, powers and

authorities as are vested in it with respect to railways and railway companies under "*The Ontario Railway Act, 1906*," and under this Act, and the powers conferred by this section may be exercised as to a part of a highway, and as to some only of the lines of any such company or person, or as to a part or parts thereof.

ENQUIRIES INTO FACTS FOR GOVERNMENT, ETC.

54. The Board shall in all cases when required so New. to do by the Lieutenant-Governor in Council, the Legislature or by any Committee thereof, make, or cause to be made under its supervision, an enquiry into any facts which the Lieutenant-Governor in Council, Legislature or any such Committee may desire to ascertain before passing upon the propriety of any proposed change in the general railway law, or upon any proposed private or special Bill or Act relating in any way to a municipal corporation or to a railway or street railway company or to any corporation or person operating or proposing to operate what is commonly called a public utility, and upon the conclusion of such enquiry the Board shall report to the Legislature or to such Committee its opinion upon such proposed change in the law, Bill or Act.

ANNUAL REPORT OF BOARD.

Report.

55. The Board shall make an annual report on or before the —— day of —— in each year to the Lieutenant-Governor in Council, which shall contain:—

1. A record of their meetings and an abstract of their proceedings during the preceding year.

2. The result of any examination or investigation conducted by them.

3. Such statements, facts and explanations as will dis- New. close the actual workings of the system of railway trans- Founded on portation in its bearing upon the business and prosperity N.Y. Ry. law. of the Province, and such suggestions as to the general railway policy of the Province, of the amendment of its laws, or the condition, affairs or conduct of any railway or street railway, as may seem to them advisable.

4. Such tables and abstracts of all the reports of all the railway and street railway companies as they may deem expedient.

5. A statement in detail of the travelling expenses and disbursements of the Board, its Secretary and officers.

ARBITRATION BY THE BOARD IN CASES OF LABOUR DISPUTES.

56.—(1) A grievance or dispute between a railway or New. street railway company and its employees may be submitted

to the Board for its determination and settlement. The submission shall be in writing, and may contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide by the determination of the Board, and to continue in business or at work, without a lockout or strike during the investigation.

(2) Upon such submission the Board shall investigate and determine the matters in controversy, and shall render its decision within ten days after the completion of the investigation.

(3) The proceedings shall, as nearly as may be, be the same as in the case of any other enquiry which the Board is authorized to make, but the Board may regulate the proceedings, and the manner of conducting them, as to the Board may seem meet.

MEDIATION IN CASE OF STRIKE OR LOCKOUT.

57. Whenever a strike or lockout of the employees of New. any railway or street railway company occurs, or is seriously threatened, the Board shall proceed as soon as practicable to the locality thereof, and endeavour by mediation to effect an amicable settlement of the controversy. Founded on N.Y. Ry. law.

FEES TO BE CHARGED AND COLLECTED BY THE BOARD.

58. The Board may charge and collect such fees, as to it may seem proper, for all copies of documents, maps or plans, and all certificates as to the same. All fees charged and collected by the Board shall be paid quarterly, accompanied with a detailed statement thereof, to the Treasurer of the Province. New. Founded on N.Y. Ry. law.

Fees on orders of Board to be paid in stamps.

59. There shall be paid in law stamps upon every order made by the Board such sum as may be directed by the Board, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province in the matter, and such law stamps shall be provided in the first instance by the applicant for such order, and such sum shall be a debt due by the applicant to His Majesty, and a summary order may be made for payment thereof by the Board, which order may be made an order of the High Court of Justice. 2 Edw. VII., c. 27, amended.

60. The annual expense of the Board including the salaries of the members thereof, and of its officers and employees, and the incidental expenses of the Board shall be paid out of the Consolidated Revenue of the Province of Ontario to be granted from time to time by the Legislature. New.

ENFORCEMENT OF MUNICIPAL AGREEMENTS.

To try all cases
of breach of
agreement.

61.—(1) Where it is alleged by a municipal corporation having jurisdiction over or owning or maintaining a highway, upon which a railway is operated in whole or in part under an agreement between such municipality and the company operating the railway, that the company has violated or committed a breach of such agreement, the Board shall hear and determine all matters relating to such alleged violation or breach of agreement, and shall make such order as to the same as to it may seem proper, and in such order may direct the company to do such things as are necessary for the proper fulfillment of such agreement, or to refrain from doing such acts as constitute a violation or breach thereof.

May enter
Company's
property.

(2) The Board may take such steps and employ such persons as may be necessary for the proper enforcement of such order, and in pursuance thereof may forcibly or otherwise enter upon, seize and take possession of the whole or part of the railway, and the real and personal property of such company together with its books and offices and may, until such order has been enforced, assume and take over all or any of the powers, duties, rights and functions of the directors and officers of such company and supervise and direct the management of such company and its railway in all respects, including the employment and dismissal of officers and servants of the company for such time as the Board shall continue to direct such management. New.

Company's
servants to
obey Board.

(3) Upon the Board so taking possession of such railway and property, it shall be the duty of every officer and employee of the company to obey the orders of the Board or of such person or persons as it may place in authority in the management of any or all departments of such railway. New.

May pay out
and receive
money.

(4) The Board shall, upon so taking possession of such railway and property, have power to demand, receive and pay out all moneys due to or owing by such company, and may give checks, acquittances and receipts for moneys to the same extent and in as full and ample a manner as the proper officers of such company could do if no such order had been made. New.

May give
receipts etc.

(5) Checks, acquittances or receipts so given by the Board shall be a defence to any action that may afterwards be brought by such company against the person or corporation paying over the money for which such checks, acquittances or receipts were given. New.

Board not
liable for
damages.

(6) The Board and the members thereof, and its officers and employees shall not be liable to any action for acts done New.

by them or any of them under the authority of this section.

Costs.

(6) The costs and expenses of and incidental to proceedings to be taken by the board under reference, or under such order shall be in the discretion of the Board, and the Board shall have power to direct by whom and to what extent the same shall be paid.

(8) The certificate of the Board as to the amount of New. such costs and expenses shall be final.

To construe agreements.

62.—(1) Notwithstanding anything in this Act, or the said Act, or in any agreement contained, in any proceeding under this Act, the Board shall have power to construe and determine the proper meaning of, but not to alter or vary any agreement between a municipal corporation and a company, or between two or more companies, and the decision of the Board on any question of fact shall be final.

Pending suits.

(2) This section shall not affect any suit or action pending at the time of the passing of this Act.



No. 148.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act for the appointment of a Railway
and Municipal Board.

First Reading. 1906.

Mr. HENDRIE

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 148.]

BILL.

[1906.

An Act for the appointment of a Railway and
Municipal Board.

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

Short title

1. This Act may be cited as "*The Ontario Railway and
Municipal Board Act, 1906.*"

Interpretation.

2. The interpretation sections of "*The Ontario Railway New.
Act, 1906,*" shall apply to this Act.

To apply to
street railways.

3.—(1) All the provisions of this Act relating to rail- New.
ways shall apply to all railways, whether operated by
steam, electricity or other motive power, including Street
Railways; and the expression "Railway" shall include
"a Street Railway."

"Public util-
ity."

(2) "Public Utility" shall mean and include any water New.
works, gas works, Electric Heat, Light and Power works
and Telegraph or Telephone lines or any similar works
supplying the general public with necessities or conven-
iences.

NAME, CONSTITUTION, DUTIES, ETC.

4.—(1) The Railway Committee of the Executive Council
of Ontario is abolished.

Constitution of
Board.

(2) The Lieutenant-Governor may from time to time Dom. Ry. Act,
appoint a Commission to be called "*The Ontario Railway 1903.
and Municipal Board.*"

(3) Such Board shall be composed of three members, one
of whom shall be the chairman thereof who shall be
appointed chairman by the Lieutenant-Governor in Coun-
cil and shall continue to be chairman so long as he is a
member of the Board.

(4) Vacancies caused by death, resignation or otherwise may from time to time be filled by the Lieutenant-Governor in Council.

(5) The Board shall *have all the powers of a Court of Record and shall* have an official seal which shall be judicially noticed.

(6) Each member of the Board shall hold office during New-pleasure.

(7) Whenever any power or authority is given or duty New-imposed upon the Railway Committee of the Executive Council of Ontario by any Act or document, such power, authority or duty may or shall, as the case may be, be exercised by the Board.

Power of
Deputy Chief
Commissioner

5. In case of the absence of the Chairman, or of his inability to act, the Vice-Chairman shall exercise the powers of the Chairman in his stead; and in such case all regulations, orders and other documents signed by the Vice-Chairman shall have the like force and effect as if signed by the Chairman. Whenever the Vice-Chairman appears to have acted for and instead of the Chairman, it shall be conclusively presumed that he so acted in the absence or disability of the Chairman within the meaning of this section.

Exception.

6. Not less than two members shall attend at the hearing of every case and the Chairman, when present, shall preside, and his opinion upon any question, in *his* opinion is a question of law, shall prevail. In any case where there is no opposing party, and no notice to be given to any interested party, any one member may act alone for the Board.

Interest,
kindred or
affinity not a
disqualifica-
tion.

7.—(1) Whenever any member is interested in any matter before the Board, the Lieutenant-Governor in Council may, either upon the application of such member or otherwise, appoint some disinterested person to act as member *pro hac vice*. The Lieutenant-Governor in Council may also appoint a member *pro hac vice* in the case of sickness, absence or inability to act, of any member.

Appointments
pro hac vice.

Commissioners
not to hold
railway stock,
etc.

8.—(1) No member shall, directly or indirectly, hold, purchase, take or become interested in, for his own behalf, any stock, share, bond, debenture or other security, of any railway company, street railway company or *public utility* subject to this Act or the said Act nor shall, directly or indirectly, have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as a part of the

equipment of railways or of street railways, or of any rolling stock to be used thereon; and, if any such stock, share, bond or other security, device, appliance, machine, patented process or article, or any part thereof, or any interest therein, shall come to, or vest in any such member by will or succession, for his own benefit, he shall, within three calendar months after the same shall so come to, or vest in him, absolutely dispose of the same, or his interest therein.

(2) No member shall act as an officer or director of any public utility or of any company that has power to invest any portion of its funds in the securities of a railway company or street railway company.

Duty of Board.

10. The members shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this section.

Offices at Toronto.

11. The Lieutenant-Governor in Council shall provide, within the city of Toronto, a suitable place in which the sessions of the Board may be held, and also suitable offices for the members, Secretary, staff and other employees, and all necessary furnishings, stationery and equipment for the establishment, conduct and maintenance of the same, and for the performance of the duties of the Board.

Sittings how conducted.

13. The members shall sit at such times and places and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business; they may, subject as in this Act or in the said *Ontario Railway Act, 1906*, mentioned, sit either together or separately, and either in private or in open court, but any complaint made to them shall, on the application of any party to the complaint, be heard and determined in open court.

13a. In case sittings of the Board or of any member thereof are appointed to be held in any city, town or place in which a Court House is situated, the member presiding at any such sittings, shall have, in all respects the same authority as a Judge of the High Court in regard to the use of the Court House and other buildings or apartments set apart in the county for the administration of justice. R.S.O. 1887, c. 42, s. 3.

THE SECRETARY.

Secretary

14.—(1) There shall be a Secretary of the Board, who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure.

Duties of Secretary.

(2) It shall be the duty of the Secretary—

(a) To attend all sessions of the Board, to keep a record of all proceedings conducted before the Board or any member under this Act, to have the custody and care of all records and documents belonging or appertaining thereto, or filed in his office, and to obey all rules and directions which may be made or given by the Board touching his duties or the governance of his office.

Regulations and orders of the Board.

(b) To have every regulation and order made by the Board, drawn pursuant to the direction of the Board, signed by the Chairman, sealed with the official seal of the Board, and filed in the office of the Secretary.

Record books.

(c) To keep in his office suitable books of record, in which he shall enter a true copy of every such regulation and order and every other document which the Board may require to be entered therein, and such entry shall constitute and be, and in all courts be deemed and taken to be, the original record of any such regulation or order.

Evidence.

Certified copies of regulations or orders.

(d) Upon application of any person, and on payment of such fees as are authorized by this Act or as the Board may prescribe, the Secretary shall deliver to such applicant a certified copy of any such regulation or order. Dom. Ry. Act, 1903, s. 18. amended.

Acting Secretary.

(e) In the absence of the Secretary from sickness or any other cause, the Board may appoint an Acting Secretary, who shall thereupon act in the place of the Secretary, and exercise his powers. Dom. Ry. Act, 1903, s. 19.

(f) A member of the Board may act as secretary.

Salaries.

15. The Chairman shall be paid an annual salary of _____, and the other two members shall be paid each the annual salary of _____. The Secretary shall receive a salary to be fixed by the Lieutenant-Governor in Council, not more than _____ annually. Dom. Ry. Act, 1903, s. 20, amended.

Experts.

16.—(1) The Lieutenant-Governor in Council may from time to time, upon the request of the Board, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist in an advisory capacity in respect of any matter before the Board.

Staff of Board.

(2) There shall be attached to the Board such officers, clerks, stenographers and messengers, as the Board, with the approval of the Lieutenant-Governor in Council, from time to time appoints, at such salaries or remuneration

Salaries.

as are recommended by the Board and approved by the Lieutenant-Governor in Council. The Board may, at will, dismiss any such employee.

Payment of
appointee to
make inquiry.

(3) Whenever the Board, by virtue of any power vested in it by this Act, or the said Act, appoints or directs any person, other than a member of the staff of the Board, to perform any service required by this Act, or the said Act, such person shall be paid therefor such sum for services and expenses as the Lieutenant-Governor in Council upon the recommendation of the Board, may, in such cases, determine.

Salaries and
expenses of
staff, &c., how
to be paid.

(4) The salaries or remuneration of all such officers, clerks, stenographers, messengers, and appointees and all the expenses of the Board incidental to the carrying out of this Act and the said Act, including all actual and reasonable travelling expenses of the members, Secretary, and of such appointees or persons on the staff of the Board as may be required by the Board, to travel, necessarily incurred in attending to the duties of their office, shall be paid monthly out of such moneys as may be voted by the Legislature for that purpose.

Dom. Ry. Act,
1903, s. 21,
amended.

JURISDICTION AND GENERAL POWERS.

Jurisdiction of
Board upon
application.

17.—(1) The Board shall have all the powers and authority vested in it by "*The Ontario Railway Act, 1906*," and shall also have full jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested;

Neglect of
duties under
any act,
regulation or
order.

(a) complaining that the company, or any person or *Municipal Corporation*, has failed to do any act, matter or thing required to be done by this Act or the said Act or the Special Act, or by any regulation, order or direction made thereunder, by the Lieutenant-Governor in Council, the Board, or by any inspecting engineer, or by any agreement entered into by the company with any *Municipal Corporation*, or has done or is doing any act, matter or thing contrary to, or in violation of, this Act, or the said Act, or the Special Act, or any such regulation, order or direction, or any such agreement.

Violations.

Giving orders,
directions or
approval.

(b) requesting the Board to make any order, or give any direction, sanction or approval, which by law it is authorized to make or give:

Mandatory
order.

18.—(1) The Board may order and require any company or person or *Municipal Corporation* to do forthwith, or within, or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act or the said Act, any act, matter or thing which such company or person or *Municipal Corporation* is or may be required to do under this Act or the said Act, or

Injunction
order.

Questions of law and fact.

the Special Act, *regulation, order, direction or agreement*, and may forbid the doing or continuing of any act, matter or thing which is contrary to this Act or the said Act, or the Special Act, *or any such regulation, order, direction or agreement*, and shall have full jurisdiction to hear and determine all matters whether of law or of fact, and shall, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry on and inspection of property, and other matters necessary or proper for the due exercise of its jurisdiction under this Act, or the said Act, *do* or otherwise for carrying this Act or the said Act *or the Special Act, or any such regulation, order, direction or agreement* into effect, have all such powers, rights and privileges as are vested in the High Court of Justice.

All powers of a High Court.

Decision upon questions of fact or whether party is interested conclusive.

(2) The decision of the Board upon any question of fact, and as to whether any company, municipality or person is, or is not, a party interested within the meaning of this section, shall be binding and conclusive upon all companies and persons, and in all courts. Dom. Ry. Act, 1903, s. 23, amended.

Board may act upon its own motion.

19.—(1) The Board may, of its own motion, or shall, upon the request of the Lieutenant-Governor in Council, inquire into, hear and determine any matter or thing which, under this Act or the said Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto shall have and may exercise the same powers as, upon any application or complaint, are vested in it by this Act or the said Act.

Power to act from time to time.

(2) Any power, or authority vested in the Board under this Act or the said Act may, though not so expressed in this Act or the said Act, be exercised from time to time, or at any time, as the occasion may require. Dom. Ry. Act, 1903, s. 24, amended.

Board may make regulations respecting—

20.—(1) Without thereby limiting the powers and authority of the Board under this Act or the said Act, the Board may make orders and regulations:

Passing from car to car.

(a) with respect to the method and means of passing from one car to another, either inside or overhead, and for the safety of employees while passing from one car to another, and for the coupling of cars;

Coupling of cars.

(b) requiring proper shelter to be provided for all employees when on duty;

Shelter for employees

Devices to avoid fires.

(c) with respect to the use on any steam engine, of nettings, screens, grates and other devices, and the use on any steam engine or car, of any appliances and precautions, and, generally, in connection with the railway respecting the construction, use and maintenance of any fire-guard or works which may be deemed by the Board necessary and most suitable to prevent, as far as possible, fires from being started, or occurring, upon, along, or near the right of way of the railway;

For protection generally.

(d) with respect to the rolling stock, apparatus, cattle-guards, fenders, appliances, signals, methods, devices, structures and works, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public;

Other matters.

(e) with respect to any matter, act or thing which by this Act or the said Act or the Special Act is sanctioned, required to be done, or prohibited.

Application of orders.

(2) Any such orders or regulations may be made to apply to any particular district, or any railway or section, or portion thereof, and the Board may exempt any railway or portion thereof, from the operation of any such order or regulation, for such time, or during such period, as the Board deems expedient.

Penalties.

(3) The Board may provide penalties, when not already provided in this Act or the said Act, to which every company or person or *Municipal Corporation* who offends against any regulation made under this section shall be liable, which shall not exceed one hundred dollars for each offence, and shall be recoverable on summary conviction. The imposition of any such penalty shall not lessen or affect any other liability which any company or person or *Municipal Corporation* may have incurred.

Power to review, etc.

(4) The Board may review, rescind, change, alter or vary any rule, regulation, order or decision made by it, whether previously published or not.

Dom. Ry. Act,
1903, s. 25,
amended.

21.—(1) In case default shall be made in the doing of any act, matter or thing, which the Board may direct to be done by the company or person or *Municipal Corporation* who is required to do the same, the Board may authorize such person as they may see fit to do the act, matter or thing, and in every such case the person so authorized may do such act, matter or thing, and the expense incurred in the doing of the same may be recovered from the company or person or *Municipal Corporation* in default as money paid for and at the request of such company or person, and the certificate of the Board of the amount so expended shall be conclusive evidence thereof.

22. All orders or regulations *under section 20 hereof* may be made to apply to any railways whether operated by steam, electricity or other motive power and to street railways; provided always that no such order or regulation shall *increase, or extend*, lessen or impair any obligations or duty resting upon, or *any privileges in franchises enjoyed by* the company under the Special Act or under any agreement.

23. The Board shall also have power to enforce its orders and directions in *like case and* in the manner and by the means provided in section — of this Act.

Method of giving notices.

24.—(1) Any notice required to be given to the company, or to any company, municipality, corporation, co-partnership, firm or individual may be, and shall be deemed to be sufficiently given or served by delivering the same, or a copy thereof;

To railway companies.

(a) in the case of the company, to the president, vice-president, managing director, secretary or superintendent of the company, or to some adult person in the employ of the company at the head or any principal office of the company;

To municipalities, etc.

(b) in the case of any municipality, to the mayor, warden, reeve, treasurer, or clerk;

To other companies.

(c) in the case of any other company, or body corporate, to the president, vice-president, manager or secretary, or to some adult person in the employ of the company at the head office of such company;

To firms.

(d) in the case of any firm or co-partnership, to any member of such firm or co-partnership, or left at the last place of abode of any such member with any adult member of his household, or at the office or place of business of the firm with a clerk employed therein;

To individuals.

(e) and, in the case of any individual, to him or left at his last place of abode with any adult member of his household, or at his office or place of business with a clerk in his employ;

Proviso.

Provided that such notice is sufficient in substance, is given in sufficient time, and, in the case of the Board, is signed by the Secretary or Chairman; in the case of the inspecting engineer or other officer or person appointed by the Board, and required or authorized to give such notice, is signed by such inspecting engineer, officer or other person as the case may be; and in the case of any company or corporation is signed by its president or secretary, or by its duly authorized agent or solicitor: and in the case of any person, is signed by such person, or his duly authorized agent or solicitor.

Service by publication in certain cases.

(2) When in any of the cases mentioned in this section, Dom. Ry. Act, 1903, s. 28, (1) in any matter within the jurisdiction of the Board under amended. this Act or the said Act that service of such notice cannot be made in the manner provided in this section, or that the person to be served cannot be served, or that the company or person to be served is seeking to evade service and therefore cannot be served, the Board may order and allow such service to be made by the publication of such notice for any period not less than three weeks in the *Ontario Gazette*, and also, if required, in any other newspaper or newspapers, and service by such publication shall be deemed to be as suffi- Dom. Ry. Act, 1904, s. 28, (2) amended.

cient as if the same had been served in the manner provided in subsection 1 of this section.

Service of orders, reports or other documents.

(3) Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this section.

Duty of company on receipt of notice or order.

25. The company shall, as soon as possible after the receipt by it, or service upon it, of any regulation, order, direction, decision, notice, report or other document of the Board, or of the inspecting engineer, give cognizance thereof to each of its officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy thereof in some place where his work or his duties, or some of them, are to be performed. Dom. Ry. Act, 1903, s. 29, amended.

25a. Sheriffs, Deputy-Sheriffs, Constables and other peace officers shall aid, assist and obey the Board in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificate of the Secretary be paid by the county or counties interested, like fees as for similar services at the sittings of the High Court for the trial of causes. 57 V., c. 56, s. 103.

V.—PRACTICE AND PROCEDURE.

Evidence of documents.

26. Every document purporting to be signed by the Chairman and Secretary, or by either of them, or by inspecting engineer, shall, without proof of any such signature, be *prima facie* evidence in all courts, and shall be sufficient notice to the company and all parties interested, (if served therewith in the manner herein provided for service of notice), that such document was duly signed and issued by the Board, or inspecting engineer as the case may be; and if such document purports to be a copy of any regulation, order, direction, decision or report, made or given by the Board, or inspecting engineer, it shall be *prima facie* evidence in all courts of such regulation, order, direction, decision or report, and when served on the company, or any person, in the manner in section 24 provided for service of notice, shall be sufficient notice to the company or such person, of such regulation, order, direction, decision or report from the time of such service. Dom. Ry. Act, 1903, s. 26, amended.

Service of copies.

Certified plan, etc., *prima facie* evidence.

27.—(1) Any document purporting to be certified by the Secretary as being a copy of any plan, profile, book of reference or any other document deposited with the Board, or of any portion thereof, shall, without proof of signature of the Secretary, be in all courts *prima facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which, the same

purports to be signed, certified, attested or executed, as shown or appearing from such certified copy, and also, if such certificate states the time such original was so deposited, that the same was deposited at the time so stated.

Certified copies of documents of Board.

(2) A copy of any regulation, order or other document in the custody of the Secretary, or of record with the Board, certified by the Secretary to be a true copy, and sealed with the seal of the Board, shall, in all courts and for all purposes, be *prima facie* evidence of such regulation or document, without proof of signature of the Secretary. Dom. Ry. Act, 1903, s. 27.

Publication of regulations and orders.

28. Publication by the Board, or by leave of the Board, for three weeks in the *Ontario Gazette* of any rule, regulation, order or decision of the Board, shall be sufficient notice thereof to the company, to all persons, and to the public generally; and when such rule, regulation, order or decision, is so published, the same, while in force, shall have the like effect as if enacted herein, and all courts, shall take judicial notice thereof. Dom. Ry. Act, 1903, s. 30, amended.

Judicial notice.

Notice of application.

29. Except in any case where it is otherwise provided, ten days' notice of any application to the Board, or of any hearing by the Board, shall be sufficient, unless in any case the Board directs longer notice. The Board may in any case, allow notice for any period less than ten days which shall be sufficient notice as if given for ten days or longer. Dom. Ry. Act, 1903, s. 31.

Board may vary length of time.

Procedure in urgent cases when no notice given.

30. When the Board is authorized to hear an application, complaint or dispute, or make any order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of, or insufficiency in, such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice; but any person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend or rescind such order or decision, and the Board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just and right. Dom. Ry. Act, 1903, s. 32.

Rehearing on application made within ten days after notice served.

Regulations and orders of Railway Committee continue in force until repealed.

31. All regulations and orders made by the Railway Committee of the Executive Council of Ontario in force at the time of the passage of this Act, shall continue in force until repealed, rescinded, changed or varied under Dom. Ry. Act, 1903, s. 33, amended.

the provisions of this Act or the said Act and the Board shall have the like powers to repeal, rescind, change or vary the same, as in the case of regulations or of orders which the Board may make under this Act or the said Act.

Existing orders of Railway Committee may be made rules of court.

32. Notwithstanding the repeal by this Act or by the said Act of any Act relating thereto, all orders of the Railway Committee of the Executive Council of Ontario in force at the time of the passing hereof, may be made orders of the High Court of Justice, and may be enforced in all respects, as nearly as may be, in the same manner, as provided by this Act and the said Act in the case of similar orders by the Board; and all penalties, forfeitures and liabilities attaching, under this Act or the said Act to the violation of any regulation, or disobedience to any order of the Board, shall apply and attach to any violation of, or disobedience to, any regulation or order of the Railway Committee of the Executive Council occurring after the passage of this Act, in all respects as nearly as may be, as if the same were a regulation or order of the Board.

Dom. Ry. Act,
1903, s. 34,
amended.

RAILWAY COMMITTEE TO HAVE POWERS OF BOARD TILL ACT PASSED.

Penalties under this Act apply to violations hereafter.

33. The Railway Committee of the Executive Council of Ontario shall have the powers and jurisdiction of the Board and it shall be the duty of the said Railway Committee to exercise the same until such time as the Board is constituted under this Act.

ORDERS OF BOARD MAY BE MADE ORDERS OF COURT.

Decisions or orders of Board may be made rules of court.

34.—(1) Any decision or order made by the Board under this Act or the said Act may be made an order of the High Court of Justice, and shall be enforced in like manner as any order of such court.

Practice.

(2) To make such decision or order an order of such court, the usual practice and procedure of the court in such matters may be followed; or, in lieu thereof, the Secretary may make a certified copy of such decision or order, upon which shall be made the following endorsement signed by the Chairman and sealed with the official seal of the Board:—

“To move to make the within an order of the High Court of Justice.

“Dated this day of A.D. 19 .

“A. B.,

(Seal.)

“Chairman of the Ontario Railway and
Municipal Board.”

And the Secretary may forward such certified copy, so endorsed, to the registrar, or other proper officer of such court, who shall on receipt thereof, enter the same as of record, and the same shall thereupon become and be such order of such court.

When order rescinded or changed.

(3) Where an order or decision of the Board under this Act or the said Act or of the Railway Committee of the Executive Council of Ontario has been made an order of the High Court of Justice any order or decision of the Board rescinding or changing the same shall be deemed to cancel the said order, or decree of such court, and may, in like manner, be made an order of court. Dom. Ry. Act, 1903, s. 35, amended.

(4) It shall be optional with the Board to adopt the method provided by this section for enforcing its orders or decisions, or to enforce them by its own action.

Contingent orders.

35. The Board may provide in any order that the same, or any specified portion or terms, thereof, shall come into force, at a future fixed time, or upon the happening of any specified contingency, event or condition precedent, or upon the performance to the satisfaction of the Board, or person named by it, of any terms which the Board may impose upon any party interested, and it may provide that the whole, or any portion of such order, shall have force for a limited time, or until the happening of any specified event. The Board may, instead of making an order final in the first instance, make an *interim* order, and reserve further order and direction to be made, either at an adjourned hearing of the matter, or upon further application. Dom. Ry. Act, 1903, s. 36.

Subject to terms.

Limited as to time.

Interim orders.

May grant partial or other relief than that applied for.

36. Upon any application made to the Board under this Act or the said Act, the Board may make an order granting the whole, or part only, of such application, or may grant such further, or other relief, in addition to, or substitution for, that applied for, as to the Board may seem just and proper, as fully in all respects as if such application had been for such partial, other, or further relief. Dom. Ry. Act, 1903, s. 37.

Interim *ex parte* orders. Proviso.

37. Whenever the special circumstances of any case seem to so require, the Board may make an *interim ex parte* order authorizing, requiring or forbidding anything to be done which the Board would be empowered on application, notice and hearing to authorize, require or forbid. No such *interim* order shall, however, be made for any longer time than the Board may deem necessary to enable the matter to be heard and determined. Dom. Ry. Act, 1903, s. 38.

Extension of time specified in order.

38. When any work, act, matter or thing is by any regulation, order or decision of the Board required to be done, performed or completed within a specified time, the Board may, if the circumstances of the case seem to so require, upon notice and hearing, or in its discretion upon *ex parte* application, extend the time so specified. Dom. Ry. Act, 1903, s. 39.

May make rules governing its procedure and practice.

39. The Board may make general rules governing, so far as shall not be inconsistent with the express provisions of this Act or the said Act, its practice and procedure. Dom. Ry. Act, 1903, s. 40, amended.

ure under this Act and the said Act and generally for carrying this Act and the said Act into effect. Such rules may be published in the *Ontario Gazette*, and shall thereupon be judicially noticed, and shall have effect as if they were enacted in this Act. The Board may, upon terms or otherwise, make or allow any amendments in any proceedings before it.

40. No order of the Board need show upon its face that any proceeding or notice was had or given, or any circumstance existed, necessary to give it jurisdiction to make such order.

41.—(1) In determining any question of fact, the Board shall not be concluded by the finding or judgment of any other court, in any suit, prosecution or proceeding, involving the determination of such fact, but such finding or judgment shall, in proceedings before the Board, be *prima facie* evidence only.

(2) The pendency of any suit, prosecution or proceeding, in any other court, involving questions of fact, shall not deprive the Board of jurisdiction to hear and determine the same questions of fact.

(3) The finding or determination of the Board upon any question of fact within its jurisdiction shall be binding and conclusive on all courts.

42.—(1) The Board may, of its own motion or upon the application of any party, and upon such security being given as it directs, state a case, in writing, for the opinion of the Court of Appeal for Ontario upon any question which in the opinion of the Board is a question of law. A like reference may also be made at the request of the Lieutenant-Governor in Council.

(2) The Court of Appeal shall hear and determine the question or questions of law arising thereon, and remit the matter to the Board with the opinion of the court thereon.

APPEALS.

43.—(1) Subject to the provisions of this section, every decision or order of the Board shall be final.

(2) An appeal shall lie from the Board to the Court of Appeal for Ontario upon a question of jurisdiction or upon any question of law, but such appeal shall not lie unless leave to appeal is given by a judge of the said court upon application and hearing the parties and the Board; the costs of such application shall be in the discretion of the judge.

When to be judicially noticed.

Amendments.

Presumption of jurisdiction to make order

Judgments of other courts on questions of fact not binding upon board.

Jurisdiction Board not affected by collateral suits.

Finding of Board on questions of fact conclusive.

May state case for opinion of Court of Appeal for Ontario.

Action thereon.

Order of Board final.

Appeal to Court of Appeal on questions of jurisdiction.

Dom. Ry. Act, 1903, s. 41.

Dom. Ry. Act, 1903, s. 42.

Dom. Ry. Act, 1904, s. 43, amended.

Security for costs.

(3) Upon such leave being obtained the party so appealing shall pay into court the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar of the Court of Appeal shall set the appeal down for hearing on the first day of the next session; and the party appealing shall within ten days after the deposit, give to the parties affected by the appeal, or their respective solicitors by whom such parties were represented before the Board, and to the Secretary, notice in writing that the case has been so set down to be heard in appeal as aforesaid; and the said appeal shall be heard by such court as speedily as practicable.

Notice of appeal.

Opinion of court.

(4) On the hearing of any such appeal the Court of Appeal may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Board may be heard by counsel.

(5) The Board shall be entitled to be heard, by counsel or otherwise, upon the argument of any such appeal.

Rules of court as to costs, etc.

(6) The Court of Appeal shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section, and until such rules are made the rules and practice applicable to appeals from the High Court of Justice to the Court of Appeal shall be applicable to an appeal under this Act.

Members of Board not liable for costs.

(7) Neither the Board nor any member of the Board shall in any case be liable to any costs by reason or in respect of any appeal or application under this section.

Proceedings of Board final, except as above.

(8) Save as provided in this section, an order, decision Dom. Ry. Act, or proceeding of the Board shall not be questioned or re-1903, s. 44, viewed, restrained or removed by prohibition, injunction, amended. certiorari, or any other process or proceeding in any court.

Lieutenant-Governor in Council may refer to Board for report.

44. The Lieutenant-Governor in Council may at any Dom. Ry. Act, time refer to the Board for a report, or other action, any 1903, s. 45, question, matter or thing arising, or required to be done, amended. under this Act or the said Act, or the Special Act, and the Board shall without unnecessary delay comply therewith.

Costs.

45.—(1) The costs of and incidental to any proceeding before the Board shall be in the discretion of the Board, and may be fixed in any case at a sum certain, or may be taxed. The Board may order by whom and to whom the same are to be paid, and by whom the same are to be taxed and allowed.

Scale of costs.

(2) The Board may prescribe a scale under which such costs shall be taxed. Dom. Ry. Act, 1903, s. 46.

Expenses of works ordered by Board.

46. When the Board, in the exercise of any power vested in it by this Act or the said Act or the Special Act, in and by any order directs any structure, appliances, equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may order by what company, municipality or person, interested or affected by such order, as the case may be, and when or within what time, and upon what terms and conditions as to the payment or compensation or otherwise, and under what supervision, the same shall be provided, constructed, reconstructed, altered, installed, operated, used or maintained; and the Board may order by whom, in what proportion, and when, the cost and expenses of providing, constructing, reconstructing and executing such structures, equipment, works, renewals, or repairs, or the supervision (if any), or the continued operation, use or maintenance of the same, or of otherwise complying with such order, shall be paid. Dom. Ry. Act, 1903, s. 47.

Board may order by whom to be constructed and paid.

Proceedings instituted by Attorney-General.

47.—(1) Whenever the Board shall have reasonable ground for belief that the company, or any person or corporation is violating or has violated any of the provisions of this Act or the said Act, in respect of which violation a penalty may be imposed under this Act or the said Act, the Board may request the Attorney-General of Ontario to institute and prosecute proceedings on behalf of His Majesty the King against such company or person for the recovery of the penalty provided under this Act or the said Act, for such violation.

(2) All the provisions of the said Act as to penalties and the imposition and recovery thereof shall apply to penalties imposed under the authority of this Act.

Prosecution for penalty over \$100.

(3) No prosecution shall be had against the company for any penalty under this Act or the said Act or the Special Act, without the leave of the Board being first obtained. Dom. Ry. Act, 1903, s. 300, (2-3).

Penalties a first charge on railway.

(4) Where any penalty has been imposed upon the company under this Act or the said Act such penalty shall be the first lien or charge upon the railway, property, assets, rents and revenues of the company. Dom. Ry. Act, 1903, s. 301.

Board may order inquiries.

48. The Board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute pending before such Board, or any matter or thing over which the Board has jurisdiction under this Act or the said Act or the Special Act, and may order and direct by whom and in what proportion the costs and expenses Dom. Ry. Act, 1903, s. 48 (1), amended.

incurred in making such inquiry and report shall be paid, and may fix the amount of such costs and expenses.

Powers respecting inquiries.

49.—(1) The Board, inspecting engineer, or person appointed under this Act or the said Act to make any inquiry or report may:—

Entry.

(a) enter upon and inspect any place, building, or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite;

Inspection.

(b) inspect any works, structure, rolling stock or property of the company;

Attendance of witnesses and replies.

(c) require the attendance of all such persons as it or he thinks fit to call before it or him, and examine, and require answers or returns to such inquiries as it or he thinks fit to make;

Production of documents, etc.

(d) require the production of all books, papers, plans, specifications, drawings and documents, relating to the matter before it or him;

(e) administer oaths, affirmations or declarations;

Oaths.

(2) And shall have the like power in summoning witnesses and enforcing their attendance, and compelling them to give evidence and produce books, papers or things which they are required to produce, as is vested in any court in civil cases. Dom. Ry. Act, 1903, s. 49.

Witness fees.

50.—(1) Every person summoned to attend before the Board or before any inspecting engineer, or person appointed under this Act or the said Act to make inquiry and report, shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the High Court of Justice.

No person to be excused from testifying.

(2) No person shall be excused from attending and testifying or from producing books, papers, tariffs, contracts, agreements and documents before the Board, or in obedience to the subpoena or order of the Board, or of any person authorized to hold any investigation or inquiry under this Act or the said Act or in any cause or proceeding based upon or growing out of any alleged violation of this Act or the said Act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to any proceeding or penalty; but no evidence so given, nor any document so produced, shall be used or receivable against such person in any criminal proceeding thereafter instituted against him other than a prosecution for perjury in giving such evidence.

Proof of documents.

(3) In any proceeding before the Board and in any action Dom. Ry. Act, or proceeding under this Act or the said Act, every written 1903, s. 50, or printed document purporting to have been issued or auth-amended. orized by the company, or any officer, agent, or employee of the company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of such document by the company, and of the contents thereof, without any further proof than the mere production of such document.

ADDITIONAL POWERS OF THE BOARD.

51.—(1) The appeal provided for by section 76 of *The Assessment Act* shall be to the Board instead of to the Board of County Judges as therein provided.

Appeals over \$20,000.

(2) The Board shall have power to state a case for the New. opinion of the Court of Appeal and the proceedings thereon and in reference thereto, shall be the same as those prescribed by section 77 of the said last mentioned Act with regard to the statement of a case, except that the case shall be stated for the opinion of and be heard and determined by the Court of Appeal.

(3) The decision of the Board upon such appeal shall be final and conclusive not only as to the amount at which the property in question should be assessed, but also as to its liability to assessment.

Appeals in unorganized districts.

52.—(1) Instead of the appeal provided for by sub-sec-New. tion 1 of section 48 (a) of *The Act respecting the establishment of Municipal Institutions in Territorial Districts* being to a judge of the High Court in Chambers in Toronto, it shall be to the Board.

(2) One member may act as and for the Board in the hearing and determining of the appeal mentioned in this section.

Municipal powers.

53. The Board shall have all the powers conferred New. by *The Consolidated Municipal Act, 1903, and amending Acts*, upon the Lieutenant-Governor in Council regarding,—

(a) The addition to or taking from any municipality any territory;

(b) The annexation of any territory to any city or town;

(c) The alteration in any manner of the boundaries or limits of any municipality;

(d) The approval or confirmation of by-laws relating to New. finance, debentures, sinking funds or the creation of debts, in cases where the approval or confirmation of the Lieutenant-Governor in Council is required by *The Consolidated Municipal Act, 1903*, or any other Statute of this Province.

(e) The approval or confirmation of by-laws relating to New. public highways, roads, streets, or bridges, to street or electric railways or to gas or waterworks or to any other industry or concern commonly known as a public utility, in cases where the approval or confirmation of the Lieutenant-Governor in Council is required by *The Consolidated Municipal Act, 1903*, or any other Statute of this Province.

Telegraph and
telephone
wires, &c.

(2) The Board may also require any telegraph, telephone, New. electric light, power or heat company or any person operating any telegraph, telephone, electric light, power or heat system to adopt such means and appliances, and to take and use such precautions, as the Board may deem necessary or expedient for the safety of life and property.

(3) The Board shall, in respect of the matters provided New. for by *the last preceding subsection*, have the like jurisdiction, powers and authorities as are vested in it with respect to railways and railway companies under "*The Ontario Railway Act, 1906*," and under this Act, and the powers conferred by *the said section* may be exercised as to a part of a highway, and as to some only of the lines of any such company or person, or as to a part or parts thereof.

ENQUIRIES INTO FACTS FOR GOVERNMENT, ETC.

54. The Board shall in all cases when required so New. to do by the Lieutenant-Governor in Council, the Legislature or by any Committee thereof, make, or cause to be made under its supervision, an enquiry into any facts which the Lieutenant-Governor in Council, Legislature or any such Committee may desire to ascertain before passing upon the propriety of any proposed change in the general railway law, or upon any proposed private or special Bill or Act relating in any way to a municipal corporation or to a railway or street railway company or to any corporation or person operating or proposing to operate what is commonly called a public utility, and upon the conclusion of such enquiry the Board shall report to the Legislature or to such Committee its opinion upon such proposed change in the law, Bill or Act.

ANNUAL REPORT OF BOARD.

Report.

55. The Board shall make an annual report on or before the *31st* day of *January* in each year to the Lieutenant-Governor in Council which shall contain—

1. A record of their meetings and an abstract of their proceedings during the preceding *calendar* year.
2. The result of any examination or investigation conducted by them.

3. Such statements, facts and explanations as will disclose the actual workings of the system of railway transportation in its bearing upon the business and prosperity of the Province, and such suggestions as to the general railway policy of the Province, of the amendment of its laws, or the condition, affairs or conduct of any railway or street railway, as may seem to them advisable.

4. Such tables and abstracts of all the reports of all the railway and street railway companies as they may deem expedient.

5. A statement in detail of the travelling expenses and disbursements of the Board, its Secretary and officers.

ARBITRATION BY THE BOARD IN CASES OF LABOUR DISPUTES.

56.—(1) A grievance or dispute between a railway or street railway company and its employees may be submitted to the Board for its determination and settlement. The submission shall be in writing, and may contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide by the determination of the Board, and to continue in business or at work, without a lockout or strike during the investigation.

(2) Upon such submission the Board shall investigate and determine the matters in controversy, and shall render its decision within ten days after the completion of the investigation.

(3) The proceedings shall, as nearly as may be, be the same as in the case of any other enquiry which the Board is authorized to make, but the Board may regulate the proceedings, and the manner of conducting them, as to the Board may seem meet.

MEDIATION IN CASE OF STRIKE OR LOCKOUT.

57. Whenever a strike or lockout of the employees of any railway or street railway company occurs, or is seriously threatened, the Board shall proceed as soon as practicable to the locality thereof, and endeavour by mediation to effect an amicable settlement of the controversy.

FEEES TO BE CHARGED AND COLLECTED BY THE BOARD.

58. The Board may charge and collect such fees, as to it may seem proper, for all copies of documents, maps or plans and all certificates as to the same. All fees charged and collected by the Board shall be paid quarterly, accompanied with a detailed statement thereof, to the Treasurer of the Province.

Fees on orders
of Board
to be paid in
stamps.

59. There shall be paid in law stamps upon every order made by the Board such sum as may be directed by the Board, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province in the matter, and such law stamps shall be provided in the first instance by the applicant for such order, and such sum shall be a debt due by the applicant to His Majesty, and a summary order may be made for payment thereof by the Board, which order may be made an order of the High Court of Justice. 2 Edw. VII., c. 27, amended.

60. The annual expense of the Board including the salaries of the members thereof, and of its officers and employees, and the incidental expenses of the Board shall be paid out of the Consolidated Revenue of the Province of Ontario to be granted from time to time by the Legislature. New.

ENFORCEMENT OF MUNICIPAL AGREEMENTS.

To try all cases
of breach of
agreement.

61.—(1) Where it is alleged by a Municipal Corporation having jurisdiction over or owning or maintaining a highway, along which a railway is operated, in whole or in part, under an agreement between such municipality and the company operating the railway, that the company has violated or committed a breach of such agreement, or where it is alleged by such company that such municipality has violated or committed a breach of such agreement, the Board shall hear all matters relating to such alleged violation or breach of agreement, and shall in its discretion make such order as to the same as to it may seem, having regard to all the circumstances of the case, reasonable and expedient, and in such order may in its discretion direct the company or the municipality to do such things as are necessary for the proper fulfilment of such agreement, or to refrain from doing such acts as constitute a violation or a breach thereof.

May enter
Company's
property.

(2) The Board may take such steps and employ such persons as may be necessary for the proper enforcement of such order, and in pursuance thereof may forcibly or otherwise enter upon, seize and take possession of the whole or part of the railway, and the real and personal property of such company together with its books and offices and may, until such order has been enforced, assume and take over all or any of the powers, duties, rights and functions of the directors and officers of such company and supervise and direct the management of such company and its railway in all respects, including the employment and dismissal of officers and servants of the company for such time as the Board shall continue to direct such management. New.

Company's
servants to
obey Board.

(3) Upon the Board so taking possession of such railway New. and property, it shall be the duty of every officer and employee of the company to obey the orders of the Board or of such person or persons as it may place in authority in the management of any or all departments of such railway.

May pay out
and receive
money.

(4) The Board shall, upon so taking possession of such New. railway and property, have power to demand, receive and pay out all moneys due to or owing by such company, and may give checks, acquittances and receipts for moneys to the same extent and in as full and ample a manner as the proper officers of such company could do if no such order had been made.

May give
receipts etc.

(5) Checks, acquittances or receipts so given by the New. Board shall be a defence to any action that may afterwards be brought by such company against the person or corporation paying over the money for which such checks, acquittances or receipts were given.

Board not
liable for
damages.

(6) The Board and the members thereof, and its officers New. and employees shall not be liable to any action for acts done by them or any of them under the authority of this section.

Costs.

(6) The costs and expenses of and incidental to proceedings to be taken by the board under reference, or under such order shall be in the discretion of the Board, and the Board shall have power to direct by whom and to what extent the same shall be paid.

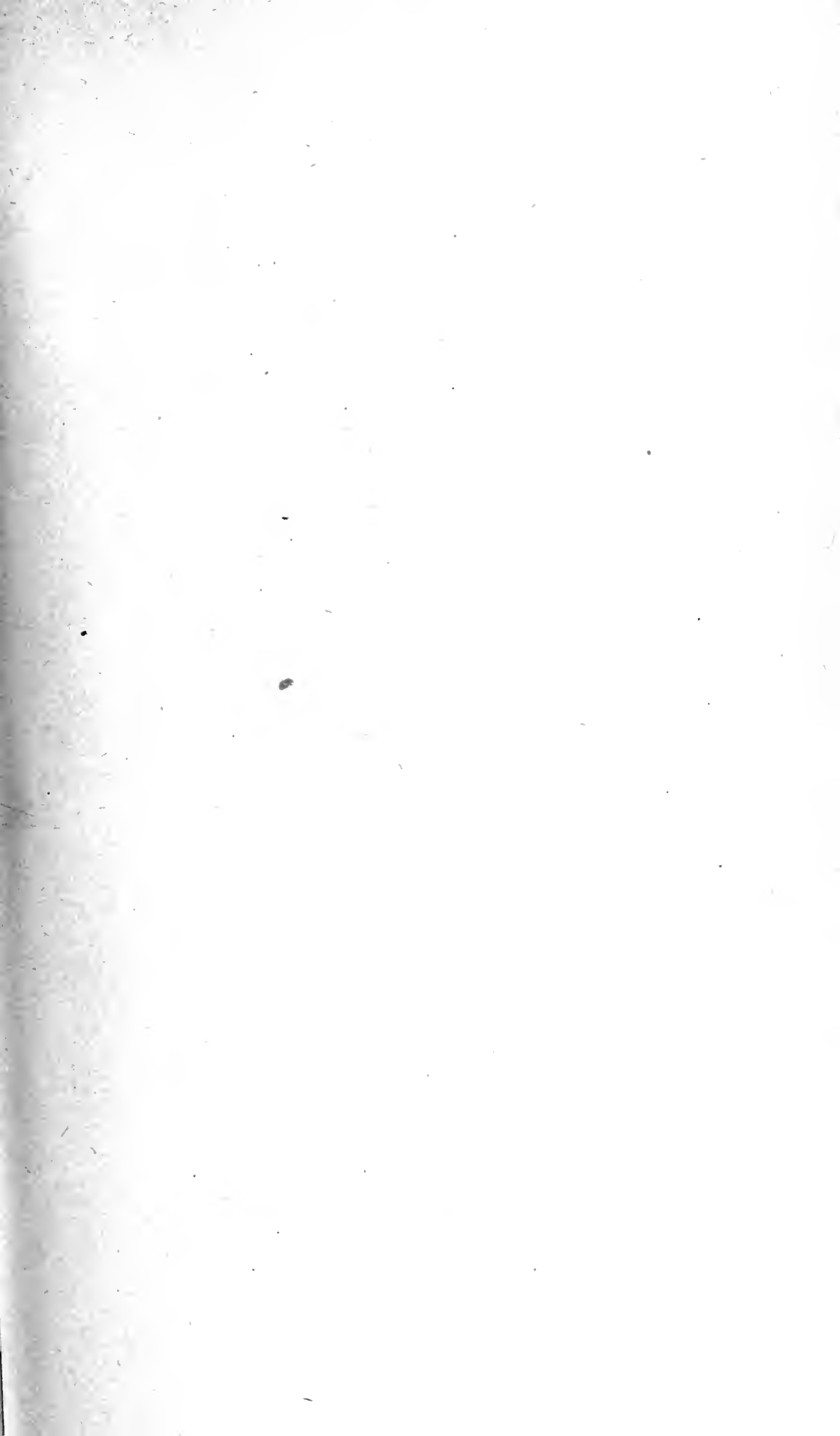
(8) The certificate of the Board as to the amount of New. such costs and expenses shall be final.

To construe
agreements.

62.—(1) *Except when the same is so expressed*, notwithstanding anything in this Act, or the said Act, or in any agreement contained, in any proceeding under this Act, the Board shall have power to construe and determine the proper meaning of, but not to alter or vary any agreement between a municipal corporation and a company, or between two or more companies, and the decision of the Board on any question of fact shall be final.

Pending suits.

63. This Act shall not affect any suit or action pending at the time of the *coming into force* of this Act.



2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act for the appointment of a Railway
and Municipal Board

First Reading, 12th March, 1906.
Second Reading, 22nd March, 1906.

*(Reprinted as amended in Committee of
the Whole House.)*

Mr. HENDRIE.

TORONTO:

PRINTED BY I. K. CAMERON,

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No. 148.]

BILL.

[1906.

An Act for the appointment of a Railway and Municipal Board.

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

Short title

1. This Act may be cited as "*The Ontario Railway and Municipal Board Act, 1906.*"

Interpretation.

2. The interpretation sections of "*The Ontario Railway New Act, 1906,*" shall apply to this Act.

To apply to street railways.

3.—(1) All the provisions of this Act relating to rail-ways shall apply to all railways, whether operated by steam, electricity or other motive power, including Street Railways; and the expression "Railway" shall include "a Street Railway."

"Public utility."

(2) "Public Utility" shall mean and include any water works, gas works, Electric Heat, Light and Power works and Telegraph or Telephone lines or any similar works supplying the general public with necessaries or conveniences.

NAME, CONSTITUTION, DUTIES, ETC.

4.—(1) The Railway Committee of the Executive Council of Ontario is abolished.

Constitution of Board.

(2) The Lieutenant-Governor may from time to time appoint a Commission to be called "*The Ontario Railway and Municipal Board.*" Dom. Ry. Act, 1903.

(3) Such Board shall be composed of three members, one of whom shall be the chairman thereof who shall be appointed chairman by the Lieutenant-Governor in Council and shall continue to be chairman so long as he is a member of the Board.

(4) Vacancies caused by death, resignation or otherwise may from time to time be filled by the Lieutenant-Governor in Council.

(5) The Board shall *have all the powers of a Court of Record and shall* have an official seal which shall be judicially noticed.

(6) Each member of the Board shall hold office during New-pleasure.

(7) Whenever any power or authority is given or duty New-imposed upon the Railway Committee of the Executive Council of Ontario by any Act or document, such power, authority or duty may or shall, as the case may be, be exercised by the Board.

Power of
Deputy Chief
Commissioner

5. In case of the absence of the Chairman, or of his Dom. Ry. Act, 1903, s. 9, amended. inability to act, the Vice-Chairman shall exercise the powers of the Chairman in his stead; and in such case all regulations, orders and other documents signed by the Vice-Chairman shall have the like force and effect as if signed by the Chairman. Whenever the Vice-Chairman appears to have acted for and instead of the Chairman, it shall be conclusively presumed that he so acted in the absence or disability of the Chairman within the meaning of this section.

Exception.

6. Not less than two members shall attend at the Dom. Ry. Act, 1903, s. 10, amended. hearing of every case and the Chairman, when present, shall preside, and his opinion upon any question, which in *his* opinion is a question of law, shall prevail. In any case where there is no opposing party, and no notice to be given to any interested party, any one member may act alone for the Board.

Interest,
kindred or
affinity not a
disqualification.

7. Whenever any member is interested in any mat-Dom. Ry. Act, 1903, s. 11, amended.ter before the Board, the Lieutenant-Governor in Council may, either upon the application of such member or otherwise, appoint some disinterested person to act as member *pro hac vice*. The Lieutenant-Governor in Council may also appoint a member *pro hac vice* in the case of sickness, absence or inability to act, of any member.

Appointments
pro hac vice.

Commissioners
not to hold
railway stock,
etc.

8.—(1) No member shall, directly or indirectly, hold, purchase, take or become interested in, for his own behalf, any stock, share, bond, debenture or other security, of any railway company, street railway company or *public utility* subject to this Act or the said Act nor shall, directly or indirectly, have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as a part of the equipment of railways or of street railways, or of any rolling stock to be used thereon; and, if any such stock, share, bond or other security, device, appliance, machine, patented process or article, or any part thereof, or any

interest therein, shall come to, or vest in any such member by will or succession, for his own benefit, he shall, within three calendar months after the same shall so come to, or vest in him, absolutely dispose of the same, or his interest therein.

10 (2) No member shall act as an officer or director of any public utility or of any company that has power to invest any portion of its funds in the securities of a railway company, street railway company, or public utility company.

Duty of Board. 9. The members shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this section. Dom. Ry. Act, 1903, s. 13.

Offices at Toronto. 10. The Lieutenant-Governor in Council shall provide within the city of Toronto, a suitable place in which the sessions of the Board may be held, and also suitable offices for the members, Secretary, staff and other employees, and all necessary furnishings, stationery and equipment for the establishment, conduct and maintenance of the same, and for the performance of the duties of the Board. Dom. Ry. Act, 1903, s. 14, amended.

Sittings how conducted. 11. The members shall sit at such times and places and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business; they may, subject as in this Act or in the said *Ontario Railway Act, 1906*, mentioned, sit either together or separately, and either in private or in open court, but any complaint made to them shall, on the application of any party to the complaint, be heard and determined in open court. Dom. Ry. Act, 1903, s. 16, amended.

12.—(1) In case sittings of the Board or of any member thereof are appointed to be held in any city, town or place in which a Court House is situated, the member presiding at any such sittings, shall have, in all respects the same authority as a Judge of the High Court in regard to the use of the Court House and other buildings or apartments set apart in the county for the administration of justice. R.S.O. 1887, c. 42, s. 3.

12 (2) In case sittings of the Board or of any member thereof are appointed to be held in any municipality in which there is a Hall belonging to the municipality but no Court House, the municipality shall allow such sittings to be held in such Hall.

THE SECRETARY.

Secretary. 13.—(1) There shall be a Secretary of the Board, who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. Dom. Ry. Act, 1903, s. 17, amended.

Duties of
Secretary.

(2) It shall be the duty of the Secretary—

(a) To attend all sessions of the Board, to keep a record of all proceedings conducted before the Board or any member under this Act, to have the custody and care of all records and documents belonging or appertaining thereto, or filed in his office, and to obey all rules and directions which may be made or given by the Board touching his duties or the governance of his office.

Regulations
and orders of
the Board.

(b) To have every regulation and order made by the Board, drawn pursuant to the direction of the Board, signed by the Chairman, sealed with the official seal of the Board, and filed in the office of the Secretary.

Record books.

(c) To keep in his office suitable books of record, in which he shall enter a true copy of every such regulation and order and every other document which the Board may require to be entered therein, and such entry shall constitute and be, and in all courts be deemed and taken to be, the original record of any such regulation or order.

Evidence.

Certified copies
of regulations
or orders.

(d) Upon application of any person, and on payment of such fees as are authorized by this Act or as the Board may prescribe, the Secretary shall deliver to such applicant a certified copy of any such regulation or order. Dom. Ry. Act,
1903, s. 18.
amended.

Acting
Secretary.

(e) In the absence of the Secretary from sickness or any other cause, the Board may appoint an Acting Secretary, who shall thereupon act in the place of the Secretary, and exercise his powers. Dom. Ry. Act,
1903, s. 19.

(f) A member of the Board may act as secretary.

Salaries.

14. The Chairman shall be paid an annual salary of _____, and the other two members shall be paid each the annual salary of _____. The Secretary shall receive a salary to be fixed by the Lieutenant-Governor in Council, not more than _____ annually. Dom. Ry. Act,
1903, s. 20,
amended.

Experts.

15.—(1) The Lieutenant-Governor in Council may from time to time, upon the request of the Board, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist in an advisory capacity in respect of any matter before the Board.

Staff of Board.

(2) There shall be attached to the Board such officers, clerks, stenographers and messengers, as the Board, with the approval of the Lieutenant-Governor in Council, from time to time appoints, at such salaries or remuneration

Salaries.

as are recommended by the Board and approved by the Lieutenant-Governor in Council. The Board may, at will, dismiss any such employee.

Payment of
appointee to
make inquiry.

(3) Whenever the Board, by virtue of any power vested in it by this Act, or the said Act, appoints or directs any person, other than a member of the staff of the Board, to perform any service required by this Act, or the said Act, such person shall be paid therefor such sum for services and expenses as the Lieutenant-Governor in Council upon the recommendation of the Board, may, in such cases, determine.

Salaries and
expenses of
staff, &c., how
to be paid.

(4) The salaries or remuneration of all such officers, clerks, stenographers, messengers, and appointees and all the expenses of the Board incidental to the carrying out of this Act and the said Act, including all actual and reasonable travelling expenses of the members, Secretary, and of such appointees or persons on the staff of the Board as may be required by the Board, to travel, necessarily incurred in attending to the duties of their office, shall be paid monthly out of such moneys as may be voted by the Legislature for that purpose.

Dom. Ry. Act,
1903, s. 21,
amended.

JURISDICTION AND GENERAL POWERS.

Jurisdiction of
Board upon
application.

16. The Board shall have all the powers and authority vested in it by "*The Ontario Railway Act, 1906*," and shall also have full jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested;

Neglect of
duties under
any act,
regulation or
order.

(a) complaining that the company, or any person or *Municipal Corporation*, has failed to do any act, matter or thing required to be done by this Act or the said Act or the Special Act, or by any regulation, order or direction made thereunder, by the Lieutenant-Governor in Council, the Board, or by any inspecting engineer, or by any agreement entered into by the company with any *Municipal Corporation*, or has done or is doing any act, matter or thing contrary to, or in violation of, this Act, or the said Act, or the Special Act, or any such regulation, order or direction, or any such agreement.

Violations.

Giving orders,
directions or
approval.

(b) requesting the Board to make any order, or give any direction, sanction or approval, which by law it is authorized to make or give:

Mandatory
order.

17.—(1) The Board may order and require any company or person or *Municipal Corporation* to do forthwith, or within, or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act or the said Act, any act, matter or thing which such company or person or *Municipal Corporation* is or may be required to do under this Act or the said Act, or

Injunction
order.

Questions of law and fact.

the Special Act, or any such regulation, order, direction or agreement, and may forbid the doing or continuing of any act, matter or thing which is contrary to this Act or the said Act, or the Special Act, or any such regulation, order, direction or agreement, and shall have full jurisdiction to hear and determine all matters whether of law or of fact, and shall, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry on and inspection of property, and other matters necessary or proper for the due exercise of its jurisdiction under this Act, or the said Act, or otherwise for carrying this Act or the said Act or the Special Act, or any such regulation, order, direction or agreement into effect, have all such powers, rights and privileges as are vested in the High Court of Justice.

All powers of a High Court.

Decision upon questions of fact or whether party is interested conclusive.

(2) The decision of the Board upon any question of Dom. Ry. Act, fact, and as to whether any company, municipality or person is, or is not, a party interested within the meaning of this section, shall be binding and conclusive upon all companies and persons, and *Municipal Corporations*, and in all courts. 1903, s. 23, amended.

Board may act upon its own motion.

18.—(1) The Board may, of its own motion, or shall, upon the request of the Lieutenant-Governor in Council, inquire into, hear and determine any matter or thing which, under this Act or the said Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto shall have and may exercise the same powers as, upon any application or complaint, are vested in it by this Act or the said Act.

Power to act from time to time.

(2) Any power, or authority vested in the Board under Dom. Ry. Act, this Act or the said Act may, though not so expressed in this Act or the said Act, be exercised from time to time, or at any time, as the occasion may require. 1903, s. 24, amended.

Board may make regulations respecting—

19.—(1) Without thereby limiting the powers and authority of the Board under this Act or the said Act, the Board may make orders and regulations:

Passing from car to car.

(a) with respect to the method and means of passing from one car to another, either inside or overhead, and for the safety of employees while passing from one car to another, and for the coupling of cars;

Coupling of cars

Shelter for employees.

(b) requiring proper shelter to be provided for all employees when on duty;

Devices to avoid fires.

(c) with respect to the use on any steam engine, of nettings, screens, grates and other devices, and the use on any steam engine or car, of any appliances and precautions, and, generally, in connection with the railway respecting the construction, use and maintenance of any fire-guard or works which may be deemed by the Board necessary and most suitable to prevent, as far as possible, fires from being started, or occurring, upon, along, or near the right of way of the railway;

For protection generally.

(d) with respect to the rolling stock, apparatus, cattle-guards, fenders, appliances, signals, methods, devices, structures and works, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public;

Other matters.

(e) with respect to any matter, act or thing which by this Act or the said Act or the Special Act is sanctioned, required to be done, or prohibited.

Application of orders.

(2) Any such orders or regulations may be made to apply to any particular district, or any railway or section, or portion thereof, and the Board may exempt any railway or portion thereof, from the operation of any such order or regulation, for such time, or during such period, as the Board deems expedient.

Penalties.

(3) The Board may provide penalties, when not already provided in this Act or the said Act, to which every company or person or *Municipal Corporation* who offends against any regulation made under this section shall be liable, which shall not exceed one hundred dollars for each offence. The imposition of any such penalty shall not lessen or affect any other liability which any company or person or *Municipal Corporation* may have incurred.

Power to review, etc.

(4) The Board may review, rescind, change, alter or Dom. Ry. Act, vary any rule, regulation, order or decision made by it, 1903, s. 25, whether previously published or not. amended.

20. In case default shall be made in the doing of any act, matter or thing, which the Board may direct to be done by the company or person or *Municipal Corporation* who is required to do the same, the Board may authorize such person as they may see fit to do the act, matter or thing, and in every such case the person so authorized may do such act, matter or thing, and the expense incurred in the doing of the same may be recovered from the company or person or *Municipal Corporation* in default as money paid for and at the request of such company or person, and the certificate of the Board of the amount so expended shall be conclusive evidence thereof.

21. All orders or regulations *under section 19 hereof* may be made to apply to any railways whether operated by steam, electricity or other motive power and to street railways; provided always that no such order or regulation shall *increase, or extend*, lessen or impair any obligations or duty resting upon, or any *privilege or franchise enjoyed by* the company under the Special Act or under any agreement.

22. The Board shall also have power to enforce its orders and directions in *like case and* in the manner and by the means provided in section 62 of this Act.

Method of giving notices.

23.—(1) Any notice required to be given to the company, or to any company, municipality, corporation, co-partnership, firm or individual may be, and shall be deemed to be sufficiently given or served by delivering the same, or a copy thereof;

To railway companies.

(a) in the case of the company, to the president, vice-president, managing director, secretary or superintendent of the company, or to some adult person in the employ of the company at the head or any principal office of the company;

To municipalities, etc.

(b) in the case of any municipality, to the mayor, warden, reeve, treasurer, or clerk;

To other companies.

(c) in the case of any other company, or body corporate, to the president, vice-president, manager or secretary, or to some adult person in the employ of the company at the head office of such company;

To firms.

(d) in the case of any firm or co-partnership, to any member of such firm or co-partnership, or left at the last place of abode of any such member with any adult member of his household, or at the office or place of business of the firm with a clerk employed therein;

To individuals.

(e) and, in the case of any individual, to him or left at his last place of abode with any adult member of his household, or at his office or place of business with a clerk in his employ;

Proviso.

Provided that such notice is sufficient in substance, is given in sufficient time, and, in the case of the Board, is signed by the Secretary or Chairman; in the case of the inspecting engineer or other officer or person appointed by the Board, and required or authorized to give such notice, is signed by such inspecting engineer, officer or other person as the case may be; and in the case of any company or corporation is signed by its president or secretary, or by its duly authorized agent or solicitor: and in the case of any person, is signed by such person, or his duly authorized agent or solicitor.

Service by publication in certain cases.

(2) When in any of the cases mentioned in this section, Dom. Ry. Act, 1903, s. 28, (1) it shall be made to appear to the satisfaction of the Board under amended. this Act or the said Act that service of such notice cannot be made in the manner provided in this section, or that the person to be served cannot be served, or that the company or person to be served is seeking to evade service and therefore cannot be served, the Board may order and allow such service to be made by the publication of such notice for any period not less than three weeks in the *Ontario Gazette*, and also, if required, in any other newspaper or newspapers, and service by such publication shall be deemed to be as suffi- Dom. Ry. Act, 1904, s. 28, (2) amended.

cient as if the same had been served in the manner provided in subsection 1 of this section.

Service of orders, reports or other documents.

(3) Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this section.

Duty of company on receipt of notice or order.

24. The company shall, as soon as possible after the receipt by it, or service upon it, of any regulation, order, direction, decision, notice, report or other document of the Board, or of the inspecting engineer, give cognizance thereof to each of its officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy thereof in some place where his work or his duties, or some of them, are to be performed.

Dom. Ry. Act, 1903, s. 29, amended.

25. Sheriffs, Deputy Sheriffs, Constables and other peace officers shall aid, assist and obey the Board in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificate of the Secretary be paid by the county or counties interested, like fees as for similar services at the sittings of the High Court for the trial of causes. 57 V., c. 56, s. 103.

V.—PRACTICE AND PROCEDURE.

Evidence of documents.

26. Every document purporting to be signed by the Chairman and Secretary, or by either of them, or *by* inspecting engineer, shall, without proof of any such signature, be *prima facie* evidence in all courts, and shall be sufficient notice to the company and all parties interested, (if served therewith in the manner herein provided for service of notice), that such document was duly signed and issued by the Board, or inspecting engineer as the case may be; and if such document purports to be a copy of any regulation, order, direction, decision or report, made or given by the Board, or inspecting engineer, it shall be *prima facie* evidence in all courts of such regulation, order, direction, decision or report, and when served on the company, or any person, in the manner in section 24 provided for service of notice, shall be sufficient notice to the company or such person, of such regulation, order, direction, decision or report from the time of such service.

Dom. Ry. Act, 1903, s. 26, amended.

Service of copies.

Certified plan, etc., *prima facie* evidence.

27.—(1) Any document purporting to be certified by the Secretary as being a copy of any plan, profile, book of reference or any other document deposited with the Board, or of any portion thereof, shall, without proof of signature of the Secretary, be in all courts *prima facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which, the same

purports to be signed, certified, attested or executed, as shown or appearing from such certified copy, and also, if such certificate states the time such original was so deposited, that the same was deposited at the time so stated.

Certified copies
of documents
of Board.

(2) A copy of any regulation, order or other document in the custody of the Secretary, or of record with the Board, certified by the Secretary to be a true copy, and sealed with the seal of the Board, shall, in all courts and for all purposes, be *prima facie* evidence of such regulation or document, without proof of signature of the Secretary. Dom. Ry. Act, 1903, s. 27.

Publication of
regulations
and orders.

28. Publication by the Board, or by leave of the Board, for three weeks in the *Ontario Gazette* of any rule, regulation, order or decision of the Board, shall be sufficient notice thereof to the company, to all persons, and to the public generally; and when such rule, regulation, order or decision, is so published, the same, while in force, shall have the like effect as if enacted herein, and all courts, shall take judicial notice thereof. Dom. Ry. Act, 1903, s. 30, amended.

Judicial
notice.

Notice of
application

29. Except in any case where it is otherwise provided, ten days' notice of any application to the Board, or of any hearing by the Board, shall be sufficient, unless in any case the Board directs longer notice. The Board may in any case, allow notice for any period less than ten days which shall be sufficient notice as if given for ten days or longer. Dom. Ry. Act, 1903, s. 31.

Board may
vary length of
time.

Procedure in
urgent cases
when no
notice given

30. When the Board is authorized to hear an application, complaint or dispute, or make any order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of, or insufficiency in, such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice; but any person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend or rescind such order or decision, and the Board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just and right. Dom. Ry. Act, 1903, s. 32.

Rehearing on
application
may be within
ten days after
notice served

Regulations
and orders
of Railway
Committee
continue in
force until
repealed.

31. All regulations and orders made by the Railway Committee of the Executive Council of Ontario in force at the time of the passage of this Act, shall continue in force until repealed, rescinded, changed or varied under Dom. Ry. Act, 1903, s. 33, amended.

the provisions of this Act or the said Act and the Board shall have the like powers to repeal, rescind, change or vary the same, as in the case of regulations or of orders which the Board may make under this Act or the said Act.

Existing orders of Railway Committee may be made rules of court.

32. Notwithstanding the repeal by this Act or by the Dom. Ry. Act, said Act of any Act relating thereto, all orders of the Railway Committee of the Executive Council of Ontario in force at the time of the passing hereof, may be made orders of the High Court of Justice, and may be enforced in all respects, as nearly as may be, in the same manner, as provided by this Act and the said Act in the case of similar orders by the Board; and all penalties, forfeitures and liabilities attaching, under this Act or the said Act to the violation of any regulation, or disobedience to any order of the Board, shall apply and attach to any violation of, or disobedience to, any regulation or order of the Railway Committee of the Executive Council occurring after the passage of this Act, in all respects as nearly as may be, as if the same were a regulation or order of the Board.

1903, s. 34, amended.

RAILWAY COMMITTEE TO HAVE POWERS OF BOARD TILL ACT PASSED.

Railway Committee to have powers of Board, till Board constituted.

33. The Railway Committee of the Executive Council of Ontario shall have the powers and jurisdiction of the Board and it shall be the duty of the said Railway Committee to exercise the same until such time as the Board is constituted under this Act.

ORDERS OF BOARD MAY BE MADE ORDERS OF COURT.

Decisions or orders of Board may be made rules of court.

34.—(1) Any decision or order made by the Board under this Act or the said Act may be made an order of the High Court of Justice, and shall be enforced in like manner as any order of such court.

Practice.

(2) To make such decision or order an order of such court, the usual practice and procedure of the court in such matters may be followed: or, in lieu thereof, the Secretary may make a certified copy of such decision or order, upon which shall be made the following endorsement signed by the Chairman and sealed with the official seal of the Board:—

“To move to make the within an order of the High Court of Justice.

“Dated this day of A.D. 19 .

“A. B.,

(Seal.) “Chairman of the Ontario Railway and Municipal Board.”

And the Secretary may forward such certified copy, so endorsed, to the registrar, or other proper officer of such court, who shall on receipt thereof, enter the same as of record, and the same shall thereupon become and be such order of such court.

When order rescinded or changed.

(3) Where an order or decision of the Board under this Act or the said Act or of the Railway Committee of the Executive Council of Ontario has been made an order of the High Court of Justice any order or decision of the Board rescinding or changing the same shall be deemed to cancel the said order, or decree of such court, and may, in like manner, be made an order of court.

(4) It shall be optional with the Board to adopt the method provided by this section for enforcing its orders or decisions, or to enforce them by its own action.

Contingent orders.

35. The Board may provide in any order that the same, or any specified portion or terms, thereof, shall come into force, at a future fixed time, or upon the happening of any specified contingency, event or condition precedent, or upon the performance to the satisfaction of the Board, or person named by it, of any terms which the Board may impose upon any party interested, and it may provide that the whole, or any portion of such order, shall have force for a limited time, or until the happening of any specified event. The Board may, instead of making an order final in the first instance, make an *interim* order, and reserve further order and direction to be made, either at an adjourned hearing of the matter, or upon further application.

Subject to terms.

Limited as to time.

Interim orders.

May grant partial or other relief than that applied for.

36. Upon any application made to the Board under this Act or the said Act, the Board may make an order granting the whole, or part only, of such application, or may grant such further, or other relief, in addition to, or substitution for, that applied for, as to the Board may seem just and proper, as fully in all respects as if such application had been for such partial, other, or further relief.

Interim *ex parte* orders. Proviso.

37. Whenever the special circumstances of any case seem to so require, the Board may make an *interim ex parte* order authorizing, requiring or forbidding anything to be done which the Board would be empowered on application, notice and hearing to authorize, require or forbid. No such *interim* order shall, however, be made for any longer time than the Board may deem necessary to enable the matter to be heard and determined.

Extension of time specified in order.

38. When any work, act, matter or thing is by any regulation, order or decision of the Board required to be done, performed or completed within a specified time, the Board may, if the circumstances of the case seem to so require, upon notice and hearing, or in its discretion upon *ex parte* application, extend the time so specified.

May make rules governing its procedure and practice.

39. The Board may make general rules governing, so far as shall not be inconsistent with the express provisions of this Act or the said Act, its practice and

Dom. Ry. Act, 1903, s. 35, amended.

Dom. Ry. Act, 1903, s. 36.

Dom. Ry. Act, 1903, s. 37.

Dom. Ry. Act, 1903, s. 38.

Dom. Ry. Act, 1903, s. 39.

Dom. Ry. Act, 1903, s. 40, amended.

When to be judicially noticed.

Amendments.

ure under this Act and the said Act and generally for carrying this Act and the said Act into effect. Such rules may be published in the *Ontario Gazette*, and shall thereupon be judicially noticed, and shall have effect as if they were enacted in this Act. The Board may, upon terms or otherwise, make or allow any amendments in any proceedings before it.

Presumption of jurisdiction to make order

40. No order of the Board need show upon its face that any proceeding or notice was had or given, or any circumstance existed, necessary to give it jurisdiction to make such order. Dom. Ry. Act, 1903, s. 41.

Judgments of other courts on questions of fact not binding upon board.

41.—(1) In determining any question of fact, the Board shall not be concluded by the finding or judgment of any other court, in any suit, prosecution or proceeding, involving the determination of such fact, but such finding or judgment shall, in proceedings before the Board, be *prima facie* evidence only.

Jurisdiction Board not affected by collateral suits.

(2) The pendency of any suit, prosecution or proceeding, in any other court, involving questions of fact, shall not deprive the Board of jurisdiction to hear and determine the same questions of fact.

Finding of Board on questions of fact conclusive.

(3) The finding or determination of the Board upon any question of fact within its jurisdiction shall be binding and conclusive on all courts. Dom. Ry. Act, 1903, s. 42.

May state case for opinion of Court of Appeal for Ontario.

42.—(1) The Board may, of its own motion or upon the application of any party, and upon such security being given as it directs, state a case, in writing, for the opinion of the Court of Appeal for Ontario upon any question which in the opinion of the Board is a question of law. A like reference may also be made at the request of the Lieutenant-Governor in Council.

Action thereon.

(2) The Court of Appeal shall hear and determine the question or questions of law arising thereon, and remit the matter to the Board with the opinion of the court thereon. Dom. Ry. Act, 1904, s. 43, amended.

APPEALS.

Order of Board final.

43.—(1) Subject to the provisions of this section, every decision or order of the Board shall be final.

Appeal to Court of Appeal on questions of jurisdiction.

(2) An appeal shall lie from the Board to the Court of Appeal for Ontario upon a question of jurisdiction or upon any question of law, but such appeal shall not lie unless leave to appeal is given by a judge of the said court upon application and hearing the parties and the Board; the costs of such application shall be in the discretion of the judge.

Security for costs.

(3) Upon such leave being obtained the party so appealing shall pay into court the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar of the Court of Appeal shall set the appeal down for hearing on the first day of the next session; and the party appealing shall within ten days after the deposit, give to the parties affected by the appeal, or their respective solicitors by whom such parties were represented before the Board, and to the Secretary, notice in writing that the case has been so set down to be heard in appeal as aforesaid; and the said appeal shall be heard by such court as speedily as practicable.

Notice of appeal.

Opinion of court.

(4) On the hearing of any such appeal the Court of Appeal may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Board may be heard by counsel.

(5) The Board shall be entitled to be heard, by counsel or otherwise, upon the argument of any such appeal.

Rules of court as to costs, etc.

(6) The Court of Appeal shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section, and until such rules are made the rules and practice applicable to appeals from the High Court of Justice to the Court of Appeal shall be applicable to an appeal under this Act.

Appeals to Privy Council in certain cases.

(7) When the matter in controversy before the Board exceeds the sum or value of \$4,000 as well as where the matter in question relates to the duration of a privilege to operate a railway along a highway, or to the construction of an agreement between a railway company and a municipal corporation, or to any demand affecting the rights of the public or to any like demand of a general or public nature affecting future rights, an appeal shall lie to His Majesty in his Privy Council, and except as aforesaid no appeal shall lie to His Majesty in his Privy Council.

Members of Board not liable for costs.

(8) Neither the Board nor any member of the Board shall in any case be liable to any costs by reason or in respect of any appeal or application under this section.

Proceedings of Board final, except as above.

(9) Save as provided in this section, an order, decision Dom. Ry. Act, or proceeding of the Board shall not be questioned or re-1903, s. 44, viewed, restrained or removed by prohibition, injunction, amended. certiorari, or any other process or proceeding in any court.

Lieutenant-Governor in Council may

44. The Lieutenant-Governor in Council may at any Dom. Ry. Act, time refer to the Board for a report, or other action, any

refer to Board for report.

question, matter or thing arising, or required to be done, 1903, s. 45, under this Act or the said Act, or the Special Act, and amended. the Board shall without unnecessary delay comply therewith.

Costs.

45.—(1) The costs of and incidental to any proceeding before the Board shall be in the discretion of the Board, and may be fixed in any case at a sum certain, or may be taxed. The Board may order by whom and to whom the same are to be paid, and by whom the same are to be taxed and allowed.

Scale of costs.

(2) The Board may prescribe a scale under which such costs shall be taxed. Dom. Ry. Act, 1903, s. 46.

Expenses of works ordered by Board.

46. When the Board, in the exercise of any power vested in it by this Act or the said Act or the Special Act, in and by any order directs any structure, appliances, equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may order by what company, municipality or person, interested or affected by such order, as the case may be, and when or within what time, and upon what terms and conditions as to the payment or compensation or otherwise, and under what supervision, the same shall be provided, constructed, reconstructed, altered, installed, operated, used or maintained; and the Board may order by whom, in what proportion, and when, the cost and expenses of providing, constructing, reconstructing altering, installing and executing such structures, equipment, works, renewals, or repairs, or the supervision (if any), or the continued operation, use or maintenance of the same, or of otherwise complying with such order, shall be paid. Dom. Ry. Act, 1903, s. 47.

Board may order by whom to be constructed and paid.

47.—(1) Whenever the Board shall have reasonable ground for belief that the company, or any person or corporation is violating or has violated any of the provisions of this Act or the said Act, in respect of which violation a penalty may be imposed under this Act or the said Act, the Board may request the Attorney-General of Ontario to institute and prosecute proceedings on behalf of His Majesty the King against such company or person for the recovery of the penalty provided under this Act or the said Act, for such violation.

(2) All the provisions of the said Act as to penalties and the imposition and recovery thereof shall apply to penalties imposed under the authority of this Act.

(3) No prosecution shall hereafter be had or penalty enforced against the company or any municipal corporation for any penalty under this Act or the said Act or the Special Act, without the leave of the Board being first obtained. Dom. Ry. Act, 1903, s. 300, (2-3).

Prosecution for penalty over \$100.

Penalties a first charge on railway.

(4) Where any penalty has been imposed upon the com-Dom. Ry. Act, pany under this Act or the said Act such penalty shall be 1903, s. 301. the first lien or charge upon the railway, property, assets, rents and revenues of the company.

Board may order inquiries.

48. The Board may appoint or direct any person to make Dom. Ry. Act, an inquiry and report upon any application, complaint or 1903, s. 48 (1), dispute pending before such Board, or any matter or thing amended. over which the Board has jurisdiction under this Act or the said Act or the Special Act, and may order and direct by whom and in what proportion the costs and expenses incurred in making such inquiry and report shall be paid, and may fix the amount of such costs and expenses.

Powers respecting inquiries.

49.—(1) The Board, inspecting engineer, or person appointed under this Act or the said Act to make any inquiry or report may:—

Entry.

(a) enter upon and inspect any place, building, or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite;

Inspection.

(b) inspect any works, structure, rolling stock or property of the company;

Attendance of witnesses and replies.

(c) require the attendance of all such persons as it or he thinks fit to call before it or him, and examine, and require answers or returns to such inquiries as it or he thinks fit to make;

Production of documents, etc.

(d) require the production of all books, papers, plans, specifications, drawings and documents, relating to the matter before it or him;

Oaths.

(e) administer oaths, affirmations or declarations;

(2) And shall have the like power in summoning witnesses and enforcing their attendance, and compelling them to give evidence and produce books, papers or things which they are required to produce, as is vested in any court in civil cases. Dom. Ry. Act, 1903, s. 49.

Witness fees.

50.—(1) Every person summoned to attend before the Board or before any inspecting engineer, or person appointed under this Act or the said Act to make inquiry and report, shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the High Court of Justice.

No person to be excused from testifying.

(2) No person shall be excused from attending and testifying or from producing books, papers, tariffs, contracts, agreements and documents before the Board, or in obedience to the subpoena or order of the Board, or of any person authorized to hold any investigation or inquiry under

this Act or the said Act or in any cause or proceeding based upon or growing out of any alleged violation of this Act or the said Act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to any proceeding or penalty; but no evidence so given, nor any document so produced, shall be used or receivable against such person in any criminal proceeding thereafter instituted against him other than a prosecution for perjury in giving such evidence.

Proof of documents.

(3) In any proceeding before the Board and in any action or proceeding under this Act or the said Act, every written or printed document purporting to have been issued or authorized by the company, or any officer, agent, or employee of the company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of such document by the company, and of the contents thereof, without any further proof than the mere production of such document. Dom. Ry. Act, 1903, s. 50, amended.

ADDITIONAL POWERS OF THE BOARD.

51.—(1) The appeal provided for by section 76 of *The Assessment Act* shall be to the Board instead of to the Board of County Judges as therein provided.

Appeals over \$20,000.

(2) The Board shall have power to state a case for the opinion of the Court of Appeal and the proceedings thereon and in reference thereto, shall be the same as those prescribed by section 77 of the said last mentioned Act with regard to the statement of a case, except that the case shall be stated for the opinion of and be heard and determined by the Court of Appeal. New.

(3) The decision of the Board upon such appeal shall be final and conclusive not only as to the amount at which the property in question should be assessed, but also as to its liability to assessment.

Appeals in unorganized districts.

52.—(1) Instead of the appeal provided for by sub-section 1 of section 48 (a) of *The Act respecting the establishment of Municipal Institutions in Territorial Districts* being to a judge of the High Court in Chambers in Toronto, it shall be to the Board. New.

(2) One member may act as and for the Board in the hearing and determining of the appeal mentioned in this section.

Municipal powers.

53. The Board shall have all the powers conferred by *The Consolidated Municipal Act, 1903, and amending Acts*, upon the Lieutenant-Governor in Council regarding, New.

(a) The addition to or taking from any municipality any territory;

(b) The annexation of any territory to any city or town;

(c) The alteration in any manner of the boundaries or limits of any municipality;

(d) The approval or confirmation of by-laws relating to New. finance, debentures, sinking funds or the creation of debts, in cases where the approval or confirmation of the Lieutenant-Governor in Council is required by *The Consolidated Municipal Act, 1903*, or any other Statute of this Province.

(e) The approval or confirmation of by-laws relating to New. public highways, roads, streets, or bridges, to street or electric railways or to gas or waterworks or to any other industry or concern commonly known as a public utility, in cases where the approval or confirmation of the Lieutenant-Governor in Council is required by *The Consolidated Municipal Act, 1903*, or any other Statute of this Province.

Telegraph and
telephone
wires, &c.

54.—(1) The Board may also require any telegraph, tele- New. phone, electric light, power or heat company or any person operating any telegraph, telephone, electric light, power or heat system to adopt such means and appliances, and to take and use such precautions, as the Board may deem necessary or expedient for the safety of life and property.

(2) The Board shall, in respect of the matters provided New. for by *the last preceding subsection*, have the like jurisdiction, powers and authorities as are vested in it with respect to railways and railway companies under "*The Ontario Railway Act, 1906*," and under this Act, and the powers conferred by *the said section* may be exercised as to a part of a highway, and as to some only of the lines of any such company or person, or as to a part or parts thereof.

ENQUIRIES INTO FACTS FOR GOVERNMENT, ETC.

55. The Board shall in all cases when required so New. to do by the Lieutenant-Governor in Council, the Legislature or by any Committee thereof, make, or cause to be made under its supervision, an enquiry into any facts which the Lieutenant-Governor in Council, Legislature or any such Committee may desire to ascertain before passing upon the propriety of any proposed change in the general railway law, or upon any proposed private or special Bill or Act relating in any way to a municipal corporation or to a railway or street railway company or to any corporation or person operating or proposing to operate what is commonly called a public utility, and upon the conclusion of such enquiry the Board shall report to the Legislature or to such Committee its opinion upon such proposed change in the law, Bill or Act.

ANNUAL REPORT OF BOARD.

Report.

56. The Board shall make an annual report on or before the 31st day of *January* in each year to the Lieutenant-Governor in Council which shall contain—

1. A record of their meetings and an abstract of their proceedings during the preceding *calendar* year.

2. The result of any examination or investigation conducted by them.

3. Such statements, facts and explanations as will disclose the actual workings of the system of railway transportation in its bearing upon the business and prosperity of the Province, and such suggestions as to the general railway policy of the Province, of the amendment of its laws, or the condition, affairs or conduct of any railway or street railway, as may seem to them advisable.

4. Such tables and abstracts of all the reports of all the railway and street railway companies as they may deem expedient.

5. A statement in detail of the travelling expenses and disbursements of the Board, its Secretary and officers.

May require statements, etc., from public utilities operated by municipalities.

57. The Board may superintend, so far as to the Board may seem necessary or expedient, the system of bookkeeping and keeping accounts of the assets, liabilities, revenue and expenditure of all public utilities that are operated under the control of a municipal corporation or of a commission appointed by a municipal corporation, and to require from any such municipal corporation or commission such returns and statements as to the Board may seem proper and to extract from such books, returns and statements such information as in the opinion of the Board may be useful for publication, and to embody such portions of such returns and statements in the annual report of the Board as to it may seem proper.

ARBITRATION BY THE BOARD IN CASES OF LABOUR DISPUTES.

May arbitrate labor difficulties.

58.—(1) A grievance or dispute between a railway or street railway company and its employees may be submitted to the Board for its determination and settlement. The submission shall be in writing, and may contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide by the determination of the Board, and to continue in business or at work, without a lockout or strike during the investigation.

Procedure in such cases.

(2) Upon such submission the Board shall investigate and determine the matters in controversy, and shall render its decision within ten days after the completion of the investigation.

(3) The proceedings shall, as nearly as may be, be the same as in the case of any other enquiry which the Board is authorized to make, but the Board may regulate the proceedings, and the manner of conducting them, as to the Board may seem meet.

MEDIATION IN CASE OF STRIKE OR LOCKOUT.

To endeavour to mediate in case of strikes.

59.—(1) Whenever a strike or lockout of the employees of New. Founded on N.Y. Ry. law. any railway or street railway company or public utility occurs, or is seriously threatened, the Board shall proceed as soon as practicable to the locality thereof, and endeavour by mediation to effect an amicable settlement of the controversy.

May enquire into cause of strikes and suggest terms of settlement.

(2) Wherever there shall exist in any railway or street railway or public utility a strike or lock-out or any strike or lock-out by reason of which in the opinion of the Board the general public shall appear likely to suffer injury or inconvenience with respect to food, fuel or light or power or the means of communication or transportation, or in any other respect, and the parties to such strike or lock-out will not consent to submit the matter or matters in controversy to the Board, the Board, after first having made due effort to effect a settlement thereof by conciliatory means and such effort having failed, may proceed on its own motion to make an investigation of all facts bearing upon such strike or lock-out, and shall make public its findings, with such recommendations to the parties involved, as, in its judgment, will contribute to a fair and equitable settlement of the differences which constitute the cause of the strike or lock-out and in the prosecution of such enquiry the Board shall have all the powers conferred upon it by any other section or sections of this Act.

FEEES TO BE CHARGED AND COLLECTED BY THE BOARD.

Law stamps.

60. The Board may charge and collect such fees, as to it may seem proper, for all copies of documents, maps or plans, and all certificates as to the same. All fees charged and collected by the Board shall be paid quarterly, accompanied with a detailed statement thereof, to the Treasurer of the Province. New. Founded on N.Y. Ry. law.

Fees on orders of Board to be paid in stamps.

61. There shall be paid in law stamps upon every order made by the Board such sum as may be directed by the Board, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province in the matter, and such law stamps shall be provided in the first instance by the applicant for such order, and such sum shall be a debt due by the applicant to His Majesty, and a summary order may be made for payment 2 Edw. VII., c. 27, amended.

thereof by the Board, which order may be made an order of the High Court of Justice.

Expenses of Board to be paid by Province.

62. The annual expense of the Board, including the New. salaries of the members thereof, and of its officers and employees, and the incidental expenses of the Board shall be paid out of the Consolidated Revenue of the Province of Ontario to be granted from time to time by the Legislature.

ENFORCEMENT OF MUNICIPAL AGREEMENTS.

To try all cases of breach of agreement.

63.—(1) Where it is alleged by a municipal corporation having jurisdiction over or owning or maintaining a highway, along which a railway is operated, in whole or in part, under an agreement between such municipality and the company operating the railway, that the company has violated or committed a breach of such agreement, or where it is alleged by such company that such municipality has violated or committed a breach of such agreement, the Board shall hear *and determine* all matters relating to such alleged violation or breach of agreement, and shall make such order as to the same as to it may seem *proper*, and in such order may direct the company or the municipality to do such things as are necessary for the proper fulfillment of such agreement, or to refrain from doing such acts as constitute a violation or breach thereof.

May enter Company's property.

(2) The Board may take such steps and employ New. such persons as may be necessary for the proper enforcement of such order, and in pursuance thereof may forcibly or otherwise enter upon, seize and take possession of the whole or part of the railway, and the real and personal property of such company together with its books and offices and may, until such order has been enforced, assume and take over all or any of the powers, duties, rights and functions of the directors and officers of such company and supervise and direct the management of such company and its railway in all respects, including the employment and dismissal of officers and servants of the company for such time as the Board shall continue to direct such management.

Company's servants to obey Board.

(3) Upon the Board so taking possession of such railway New. and property, it shall be the duty of every officer and employee of the company to obey the orders of the Board or of such person or persons as it may place in authority in the management of any or all departments of such railway.

May pay out and receive money.

(4) The Board shall, upon so taking possession of such New. railway and property, have power to demand, receive and pay out all moneys due to or owing by such company, and

may give checks, acquittances and receipts for moneys to the same extent and in as full and ample a manner as the proper officers of such company could do if no such order had been made.

May give receipts etc.

(5) Checks, acquittances or receipts so given by the Board shall be a defence to any action that may afterwards be brought by such company against the person or corporation paying over the money for which such checks, acquittances or receipts were given. New.

Board not liable for damages.

(6) The Board and the members thereof, and its officers and employees shall not be liable to any action for acts done by them or any of them under the authority of this section. New.

Costs.

(7) The costs and expenses of and incidental to proceedings to be taken by the board under reference, or under such order shall be in the discretion of the Board, and the Board shall have power to direct by whom and to what extent the same shall be paid.

(8) The certificate of the Board as to the amount of such costs and expenses shall be final. New.

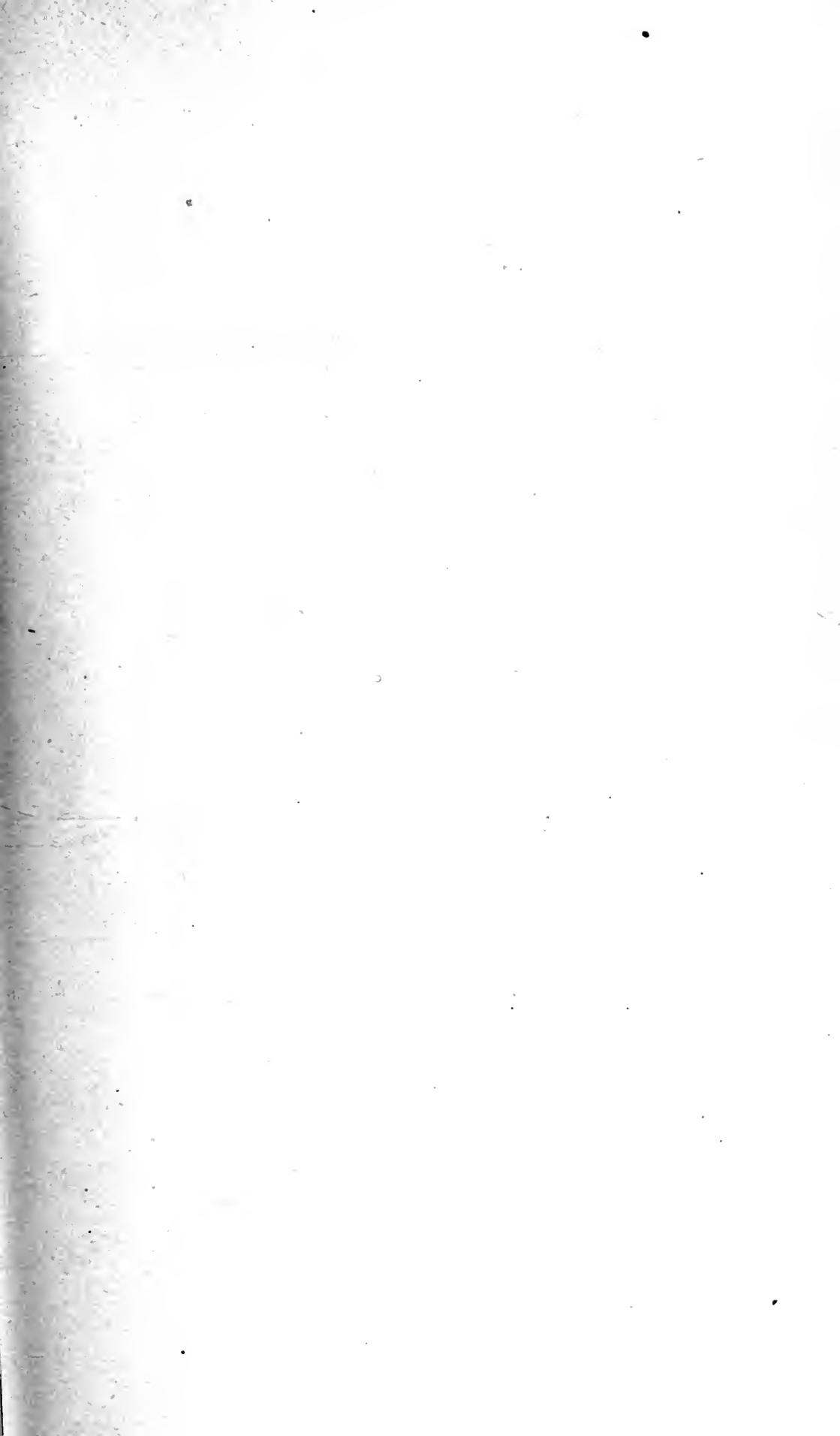
To construe agreements.

64.—(1) *Except when the same is so expressed*, notwithstanding anything in this Act, or the said Act, or in any agreement contained, in any proceeding under this Act, the Board shall have power to construe and determine the proper meaning of, but not to alter or vary any agreement between a municipal corporation and a company, or between two or more companies, and the decision of the Board on any question of fact shall be final.

Pending suits.

65. This Act shall not affect any suit or action pending at the time of the *coming into force* of this Act.

66. This Act shall come into force on the _____ day of 1906.



No. 148.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act for the appointment of a Railway
and Municipal Boar

First Reading, 12th March, 1906.
Second Reading, 22nd March, 1906.

*(Reprinted as further amended in Com-
mittee of the Whole House.)*

Mr. HENDRIE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act for the appointment of a Railway and
Municipal Board.

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

- Short title 1. This Act may be cited as "*The Ontario Railway and
Municipal Board Act, 1906.*"
- Interpretation. 2. The interpretation sections of "*The Ontario Railway New.
Act, 1906,*" shall apply to this Act.
- To apply to
street railways. 3.—(1) All the provisions of this Act relating to rail-New.
ways shall apply to all railways, whether operated by
steam, electricity or other motive power, including Street
Railways; and the expression "Railway" shall include
"a Street Railway."
- "Public uti-
lity." (2) "Public Utility" shall mean and include any water New.
works, gas works, Electric Heat, Light and Power works
and Telegraph or Telephone lines or any similar works
supplying the general public with necessaries or conven-
iences.

NAME, CONSTITUTION, DUTIES, ETC.

- Railway
Committee
abolished, 4.—(1) *From and after the appointment of the Board*
the Railway Committee of the Executive Council of On-
tario shall be abolished.
- Appointment
of Commission. (2) The Lieutenant-Governor may from time to time Dom. Ry. Act,
appoint a Commission to be called "*The Ontario Railway 1903.*
and Municipal Board."
- Constitution of
Board. (3) Such Board shall be composed of three members, one
of whom shall be the chairman thereof who shall be
appointed chairman by the Lieutenant-Governor in Coun-
cil and shall continue to be chairman so long as he is a
member of the Board.

Vacancies.

(4) Vacancies caused by death, resignation or otherwise may from time to time be filled by the Lieutenant-Governor in Council.

Board to have powers of Court of Record.

(5) The Board shall *have all the powers of a Court of Record and shall* have an official seal which shall be judicially noticed.

Tenure of office.

(6) Each member of the Board shall hold office during New-pleasure.

Powers, etc., of Railway Committee transferred to Board.

(7) Whenever any power or authority is given or duty New-imposed upon the Railway Committee of the Executive Council of Ontario by any Act or document, such power, authority or duty may or shall, as the case may be, be exercised by the Board.

Power of Vice-Chairman.

5. In case of the absence of the Chairman, or of his Dom. Ry. Act, inability to act, the Vice-Chairman shall exercise the 1903, s. 9, powers of the Chairman in his stead; and in such case amended. all regulations, orders and other documents signed by the Vice-Chairman shall have the like force and effect as if signed by the Chairman. Whenever the Vice-Chairman appears to have acted for and instead of the Chairman, it shall be conclusively presumed that he so acted in the absence or disability of the Chairman within the meaning of this section.

Quorum.

6. Not less than two members shall attend at the Dom. Ry. Act, hearing of every case and the Chairman, when present, 1903, s. 10, shall preside, and his opinion upon any question, which amended. in *his* opinion is a question of law, shall prevail. In any case where there is no opposing party, and no notice to be given to any interested party, any one member may act alone for the Board.

Appointments pro hac vice.

7. Whenever any member is interested in any mat-Dom. Ry. Act, ter before the Board, the Lieutenant-Governor in Council 1903, s. 11, may, either upon the application of such member or other-amended. wise, appoint some disinterested person to act as member *pro hac vice*. The Lieutenant-Governor in Council may also appoint a member *pro hac vice* in the case of sickness, absence or inability to act, of any member.

Members of Board not to hold railway stock, etc.,

8.—(1) No member shall, directly or indirectly, hold, purchase, take or become interested in, for his own behalf, any stock, share, bond, debenture or other security, of any railway company, street railway company or *public utility* subject to this Act or the said Act nor shall, directly or indirectly, have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as a part of the equipment of railways or of street railways, or of any rolling stock to be used thereon; and, if any such stock, share, bond or other security, device, appliance, machine, patented process or article, or any part thereof, or any

interest therein, shall come to, or vest in any such member by will or succession, for his own benefit, he shall, within three calendar months after the same shall so come to, or vest in him, absolutely dispose of the same, or his interest therein.

Members of Board not to be officers or directors of certain companies.

10 (2) No member shall act as an officer or director of any public utility or of any company that has power to invest any portion of its funds in the securities of a railway company, street railway company, or public utility company.

Members to give whole time to work of Board.

9. The members shall devote the whole of their time to the performance of their duties under this Act, 1903, s. 13. and shall not accept or hold any office or employment inconsistent with this section.

Offices at Toronto.

10. The Lieutenant-Governor in Council shall provide within the city of Toronto, a suitable place in which the sessions of the Board may be held, and also suitable offices for the members, Secretary, staff and other employees, and all necessary furnishings, stationery and equipment for the establishment, conduct and maintenance of the same, and for the performance of the duties of the Board. Dom. Ry Act, 1903, s. 14, amended.

Sittings of Board.

11. The members shall sit at such times and places and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business; they may, subject as in this Act or in the said *Ontario Railway Act, 1906*, mentioned, sit either together or separately, and either in private or in open court, but any complaint made to them shall, on the application of any party to the complaint, be heard and determined in open court. Dom. Ry. Act, 1903, s. 16, amended.

Use of Court house.

12.—(1) In case sittings of the Board or of any member thereof are appointed to be held in any city, town or place in which a Court House is situated, the member presiding at any such sittings, shall have, in all respects the same authority as a Judge of the High Court in regard to the use of the Court House and other buildings or apartments set apart in the county for the administration of justice. R.S.O. 1887, c. 42, s. 3.

Use of town hall.

12 (2) In case sittings of the Board or of any member thereof are appointed to be held in any municipality in which there is a Hall belonging to the municipality but no Court House, the municipality shall allow such sittings to be held in such Hall.

THE SECRETARY.

Secretary.

13.—(1) There shall be a Secretary of the Board, who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. Dom. Ry. Act, 1903, s. 17, amended.

(2) It shall be the duty of the Secretary—

(a) To attend all sessions of the Board, to keep a record of all proceedings conducted before the Board or any member under this Act, to have the custody and care of all records and documents belonging or appertaining thereto, or filed in his office, and to obey all rules and directions which may be made or given by the Board touching his duties or the governance of his office.

(b) To have every regulation and order made by the Board, drawn pursuant to the direction of the Board, signed by the Chairman, sealed with the official seal of the Board, and filed in the office of the Secretary.

(c) To keep in his office suitable books of record, in which he shall enter a true copy of every such regulation and order and every other document which the Board may require to be entered therein, and such entry shall constitute and be, and in all courts be deemed and taken to be, the original record of any such regulation or order.

(d) Upon application of any person, and on payment of such fees as are authorized by this Act or 1903, s. 18, as the Board may prescribe, the Secretary shall deliver to such applicant a certified copy of any such regulation or order.

(e) In the absence of the Secretary from sickness or any other cause, the Board may appoint an Acting Secretary, who shall thereupon act in the place of the Secretary, and exercise his powers.

(f) A member of the Board may act as secretary.

14. The Chairman shall be paid an annual salary of *not more than \$6,000*, and the other two members shall be paid each an annual salary of *not more than \$4,000*. The Secretary shall receive a salary to be fixed by the Lieutenant-Governor in Council of *not more than \$2,000* annually.

15.—(1) The Lieutenant-Governor in Council may from time to time, upon the request of the Board, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist in an advisory capacity in respect of any matter before the Board.

(2) There shall be attached to the Board such officers, clerks, stenographers and messengers, as the Board, with the approval of the Lieutenant-Governor in Council, from time to time may appoint, at such salaries or remuneration

Duties of Secretary.

Regulations and orders of the Board.

Record books.

Evidence.

Certified copies of regulations or orders.

Acting Secretary.

Salaries.

Experts.

Staff of Board.

Salaries.

Dom. Ry. Act, 1903, s. 18.

Dom. Ry. Act, 1903, s. 19.

Dom. Ry. Act, 1903, s. 20, amended.

as are recommended by the Board and approved by the Lieutenant-Governor in Council. The Board may, at will, dismiss any such employee.

(3) Whenever the Board, by virtue of any power vested in it by this Act, or the said Act, appoints or directs any person, other than a member of the staff of the Board, to perform any service required by this Act, or the said Act, such person shall be paid therefor such sum for services and expenses as the Lieutenant-Governor in Council upon the recommendation of the Board, may, in such cases, determine.

(4) The salaries or remuneration of all such officers, clerks, stenographers, messengers, and appointees and all the expenses of the Board incidental to the carrying out of this Act and the said Act, including all actual and reasonable travelling expenses of the members, Secretary, and of such appointees or persons on the staff of the Board as may be required by the Board, to travel, necessarily incurred in attending to the duties of their office, shall be paid monthly out of such moneys as may be voted by the Legislature for that purpose.

Dom. Ry. Act,
1903, s. 21,
amended.

JURISDICTION AND GENERAL POWERS.

16. The Board shall have all the powers and authority vested in it by "*The Ontario Railway Act, 1906*," and shall also have full jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested;

(a) complaining that the company, or any person or *Municipal Corporation*, has failed to do any act, matter or thing required to be done by this Act or the said Act or the Special Act, or by any regulation, order or direction made thereunder, by the Lieutenant-Governor in Council, the Board, or by any inspecting engineer, or by any agreement entered into by the company with any *Municipal Corporation*, or has done or is doing any act, matter or thing contrary to, or in violation of, this Act, or the said Act, or the Special Act, or any such regulation, order or direction, or any such agreement.

(b) requesting the Board to make any order, or give any direction, sanction or approval, which by law it is authorized to make or give:

17.—(1) The Board may order and require any company or person or *Municipal Corporation* to do forthwith, or within, or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act or the said Act, any act, matter or thing which such company or person or *Municipal Corporation* is or may be required to do under this Act or the said Act, or the Special Act, or any such regulation, order, direction or agreement, and may forbid the doing or continuing of any act, matter or thing which is contrary to this Act or the said

Payment of
appointee to
make inquiry.

Salaries and
expenses of
staff, &c., how
to be paid.

Jurisdiction of
Board upon
application.

Neglect of
duties under
any act,
regulation,
order or
agreement.

Giving orders,
directions or
approval.

Mandatory
order.

Injunction
order.

Questions of law and fact.

Act, or the Special Act, or any such regulation, order, direction or agreement, and shall have full jurisdiction to hear and determine all matters whether of law or of fact, and shall, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry on and inspection of property, and other matters necessary or proper for the due exercise of its jurisdiction under this Act, or the said Act, or otherwise for carrying this Act or the said Act or the Special Act, or any such regulation, order, direction or agreement into effect, have all such powers, rights and privileges as are vested in the High Court of Justice.

All powers of a High Court.

Decision upon questions of fact or whether party is interested conclusive.

(2) The decision of the Board upon any question of fact, and as to whether any company, municipality or person is, or is not, a party interested within the meaning of this section, shall be binding and conclusive upon all companies and persons, and Municipal Corporations, and in all courts. Dom. Ry. Act, 1903, s. 23, amended.

Exclusive jurisdiction.

(3) The Board shall have exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this Act or by the special Act or by the said Act, and save as herein otherwise provided no order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, certiorari or any other process or proceeding in any court.

Board may act upon its own motion.

18.—(1) The Board may, of its own motion, or shall, upon the request of the Lieutenant-Governor in Council, inquire into, hear and determine any matter or thing which, under this Act or the said Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto shall have and may exercise the same powers as, upon any application or complaint, are vested in it by this Act or the said Act. Dom. Ry. Act, 1903, s. 24, amended.

Power to act from time to time.

(2) Any power, or authority vested in the Board under this Act or the said Act may, though not so expressed in this Act or the said Act, be exercised from time to time, or at any time, as the occasion may require.

Board may make regulations respecting—

19.—(1) Without thereby limiting the powers and authority of the Board under this Act or the said Act, the Board may make orders and regulations:

Passing from car to car.

(a) with respect to the method and means of passing from one car to another, either inside or overhead, and for the safety of employees while passing from one car to another, and for the coupling of cars;

Coupling of cars.

(b) requiring proper shelter to be provided for all employees when on duty;

Shelter for employees.

Devices to avoid fires.

(c) with respect to the use on any steam engine, of nettings, screens, grates and other devices, and the use on any steam engine or car, of any appliances and precautions, and, generally, in connection with the railway

respecting the construction, use and maintenance of any fire-guard or works which may be deemed by the Board necessary and most suitable to prevent, as far as possible, fires from being started, or occurring, upon, along, or near the right of way of the railway;

For protection generally.

(d) with respect to the rolling stock, apparatus, cattle-guards, fenders, appliances, signals, methods, devices, structures and works, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public;

Other matters.

(e) with respect to any matter, act or thing which by this Act or the said Act or the Special Act is sanctioned, required to be done, or prohibited.

Application of orders.

(2) Any such orders or regulations may be made to apply to any particular district, or any railway or section, or portion thereof, and the Board may exempt any railway or portion thereof, from the operation of any such order or regulation, for such time, or during such period, as the Board deems expedient.

Penalties.

(3) The Board may provide penalties, when not already provided in this Act or the said Act, to which every company or person or *Municipal Corporation* who offends against any regulation made under this section shall be liable, which shall not exceed one hundred dollars for each offence. The imposition of any such penalty shall not lessen or affect any other liability which any company or person or *Municipal Corporation* may have incurred.

Power to review, etc.

(4) The Board may review, rescind, change, alter or vary any rule, regulation, order or decision made by it, whether previously published or not. Dom. Ry. Act, 1903, s. 25, amended.

Default in obeying order, Board may direct work to be done by others and expense to be paid by defaulter.

20. In case default shall be made in the doing of any act, matter or thing, which the Board may direct to be done by the company or person or *Municipal Corporation* who is required to do the same, the Board may authorize such person as they may see fit to do the act, matter or thing, and in every such case the person so authorized may do such act, matter or thing, and the expense incurred in the doing of the same may be recovered from the company or person or *Municipal Corporation* in default as money paid for and at the request of such company or person, and the certificate of the Board of the amount so expended shall be conclusive evidence thereof.

Application of regulations to railway companies.

21. All orders or regulations *under section 19 hereof* may be made to apply to any railways whether operated by steam, electricity or other motive power and to street railways; provided always that no such order or regulation shall *increase, or extend*, lessen or impair any obligations or duty resting upon, or *any privilege or franchise enjoyed by* the company under the Special Act or under any agreement.

Enforcing orders of Board.

22. The Board shall also have power to enforce its orders and directions in *like case and* in the manner and by the means provided in section 63 of this Act.

Method of giving notices.

23.—(1) Any notice required to be given to the company, or to any company, municipality, corporation, co-partnership, firm or individual may be, and shall be deemed to be sufficiently given or served by delivering the same, or a copy thereof;

To railway companies.

(a) in the case of the company, to the president, vice-president, managing director, secretary or superintendent of the company, or to some adult person in the employ of the company at the head or any principal office of the company;

To municipalities, etc.

(b) in the case of any municipality, to the mayor, warden, reeve, treasurer, or clerk;

To other companies.

(c) in the case of any other company, or body corporate, to the president, vice-president, manager or secretary, or to some adult person in the employ of the company at the head office of such company;

To firms.

(d) in the case of any firm or co-partnership, to any member of such firm or co-partnership, or left at the last place of abode of any such member with any adult member of his household, or at the office or place of business of the firm with a clerk employed therein:

To individuals.

(e) and, in the case of any individual, to him, or left at his last place of abode with any adult member of his household, or at his office or place of business with a clerk in his employ;

Proviso.

Provided that such notice is sufficient in substance, is given in sufficient time, and, in the case of the Board, is signed by the Secretary or Chairman; in the case of the inspecting engineer or other officer or person appointed by the Board, and required or authorized to give such notice, is signed by such inspecting engineer, officer or other person as the case may be; and in the case of any company or corporation is signed by its president or secretary, or by its duly authorized agent or solicitor: and in the case of any person, is signed by such person, or his duly authorized agent or solicitor.

Service by publication in certain cases.

(2) When in any of the cases mentioned in this section, Dom. Ry. Act it shall be made to appear to the satisfaction of the Board 1903, s. 28, (1) in any matter within the jurisdiction of the Board under amended. this Act or the said Act that service of such notice cannot be made in the manner provided in this section, or that the person to be served cannot be served, or that the company or person to be served is seeking to evade service and therefore cannot be served, the Board may order and allow such service to be made by the publication of such notice for any period not less than three weeks in the *Ontario Gazette*, and also, if required, in any other newspaper or newspapers, and Dom. Ry. Act 1904, s. 28, (2) amended.

service by such publication shall be deemed to be as sufficient as if the same had been served in the manner provided in subsection 1 of this section.

Service of orders, reports or other documents.

(3) Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this section.

Duty of company on receipt of notice or order.

24. The company shall, as soon as possible after the receipt by it, or service upon it, of any regulation, order, direction, decision, notice, report or other document of the Board, or of the inspecting engineer, give cognizance thereof to each of its officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy thereof in some place where his work or his duties, or some of them, are to be performed.

Dom. Ry. Act, 1903, s. 29, amended.

Sheriffs, etc., to obey orders of Board.

25. Sheriffs, Deputy Sheriffs, Constables and other peace officers shall aid, assist and obey the Board in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificate of the Secretary be paid by the county or counties interested, like fees as for similar services at the sittings of the High Court for the trial of causes. 57 V., c. 56, s. 103.

V.—PRACTICE AND PROCEDURE.

Evidence of documents.

26. Every document purporting to be signed by the Chairman and Secretary, or by either of them, or by the inspecting engineer, shall, without proof of any such signature, be *prima facie* evidence in all courts, and shall be sufficient notice to the company and all parties interested, (if served therewith in the manner herein provided for service of notice), that such document was duly signed and issued by the Board, or inspecting engineer as the case may be; and if such document purports to be a copy of any regulation, order, direction, decision or report, made or given by the Board, or inspecting engineer, it shall be *prima facie* evidence in all courts of such regulation, order, direction, decision or report, and when served on the company, or any person, in the manner in section 23 provided for service of notice, shall be sufficient notice to the company or such person, of such regulation, order, direction, decision or report from the time of such service.

Dom. Ry. Act, 1903, s. 26, amended.

Service of copies.

Certified plan, etc., *prima facie* evidence.

27.—(1) Any document purporting to be certified by the Secretary as being a copy of any plan, profile, book of reference or any other document deposited with the Board, or of any portion thereof, shall, without proof of signature of the Secretary, be in all courts *prima facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which, the same

purports to be signed, certified, attested or executed, as shown or appearing from such certified copy, and also, if such certificate states the time such original was so deposited, that the same was deposited at the time so stated.

Certified copies of documents of Board.

(2) A copy of any regulation, order or other document in the custody of the Secretary, or of record with the Board, certified by the Secretary to be a true copy, and sealed with the seal of the Board, shall, in all courts and for all purposes, be *prima facie* evidence of such regulation order or document, without proof of signature of the Secretary. Dom. Ry. Act, 1903, s. 27.

Publication of regulations and orders.

28. Publication by the Board, or by leave of the Board, for three weeks in the *Ontario Gazette* of any rule, regulation, order or decision of the Board, shall be sufficient notice thereof to the company, to all persons, and to the public generally; and when such rule, regulation, order or decision, is so published, the same, while in force, shall have the like effect as if enacted herein, and all courts, shall take judicial notice thereof. Dom. Ry. Act, 1903, s. 30, amended.

Judicial notice.

29. Except in any case where it is otherwise provided, ten days' notice of any application to the Board, or of any hearing by the Board, shall be sufficient, unless in any case the Board directs longer notice. The Board may in any case, allow notice for any period less than ten days which shall be sufficient notice as if given for ten days or longer. Dom. Ry. Act, 1903, s. 31.

Notice of application.

30. When the Board is authorized to hear an application, complaint or dispute, or make any order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of, or insufficiency in, such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice; but any person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend or rescind such order or decision, and the Board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just and right. Dom. Ry. Act, 1903, s. 32.

Board may vary length of time.

Procedure in urgent cases when no notice given.

31. All regulations and orders made by the Railway Committee of the Executive Council of Ontario in force at the time of the passing of this Act, shall continue in force until repealed, rescinded, changed or varied under Dom. Ry. Act, 1903, s. 33, amended.

Rehearing on application made within ten days after notice served.

Regulations and orders of Railway Committee continue in force until repealed.

31. All regulations and orders made by the Railway Committee of the Executive Council of Ontario in force at the time of the passing of this Act, shall continue in force until repealed, rescinded, changed or varied under Dom. Ry. Act, 1903, s. 33, amended.

the provisions of this Act or the said Act and the Board shall have the like powers to repeal, rescind, change or vary the same, as in the case of regulations or of orders which the Board may make under this Act or the said Act.

Existing orders of Railway Committee may be made rules of court.

32. Notwithstanding the repeal by this Act or by the Dom. Ry. Act, said Act of any Act relating thereto, all orders of the 1903, s. 34, Railway Committee of the Executive Council of Ontario amended. in force at the time of the passing hereof, may be made orders of the High Court of Justice, and may be enforced in all respects, as nearly as may be, in the same manner, as provided by this Act and the said Act in the case of similar orders by the Board; and all penalties, forfeitures and liabilities attaching, under this Act or the said Act to the violation of any regulation, or disobedience to any order of the Board, shall apply and attach to any violation of, or disobedience to, any regulation or order of the Railway Committee of the Executive Council occurring after the passing of this Act, in all respects as nearly as may be, as if the same were a regulation or order of the Board.

RAILWAY COMMITTEE TO HAVE POWERS OF BOARD TILL ACT PASSED.

Railway Committee to have powers of Board, till Board constituted.

33. The Railway Committee of the Executive Council of Ontario shall have the powers and jurisdiction of the Board and it shall be the duty of the said Railway Committee to exercise the same until such time as the Board is constituted under this Act.

ORDERS OF BOARD MAY BE MADE ORDERS OF COURT.

Decisions or orders of Board may be made rules of court.

34.—(1) Any decision or order made by the Board under this Act or the said Act may be made an order of the High Court of Justice, and shall be enforced in like manner as any order of such court.

Practice.

(2) To make such decision or order an order of such court, the usual practice and procedure of the court in such matters may be followed; or, in lieu thereof, the Secretary may make a certified copy of such decision or order, upon which shall be made the following endorsement signed by the Chairman and sealed with the official seal of the Board:—

“To move to make the within an order of the High Court of Justice.

“Dated this day of A.D. 19 .

“A. B.,

(Seal.) “Chairman of the Ontario Railway and Municipal Board.”

And the Secretary may forward such certified copy, so endorsed, to the registrar, or other proper officer of such court, who shall on receipt thereof, enter the same as of record, and the same shall thereupon become and be an order of such court.

When order rescinded or changed.

(3) Where an order or decision of the Board under this Act or the said Act or of the Railway Committee of the Executive Council of Ontario has been made an order of the High Court of Justice any order or decision of the Board rescinding or changing the same shall be deemed to cancel the said order, or decree of such court, and may, in like manner, be made an order of court. **Dom. Ry. Act, 1903, s. 35, amended.**

Board may select method of enforcing order.

(4) It shall be optional with the Board to adopt the method provided by this section for enforcing its orders or decisions, or to enforce them by its own action.

Contingent orders.

35. The Board may provide in any order that the same, or any specified portion or terms, thereof, shall come into force, at a future fixed time, or upon the happening of any specified contingency, event or condition precedent, or upon the performance to the satisfaction of the Board, or person named by it, of any terms which the Board may impose upon any party interested, and it may provide that the whole, or any portion of such order, shall have force for a limited time, or until the happening of any specified event. The Board may, instead of making an order final in the first instance, make an *interim* order, and reserve further order and direction to be made, either at an adjourned hearing of the matter, or upon further application. **Dom. Ry. Act, 1903, s. 36.**

Subject to terms.

Limited as to time.

Interim orders.

May grant partial or other relief than that applied for.

36. Upon any application made to the Board under this Act or the said Act, the Board may make an order granting the whole, or part only, of such application, or may grant such further, or other relief, in addition to, or substitution for, that applied for, as to the Board may seem just and proper, as fully in all respects as if such application had been for such partial, other, or further relief. **Dom. Ry. Act, 1903, s. 37.**

Interim *ex parte* orders. Proviso.

37. Whenever the special circumstances of any case seem to so require, the Board may make an *interim ex parte* order authorizing, requiring or forbidding anything to be done which the Board would be empowered on application, notice and hearing to authorize, require or forbid. No such *interim* order shall, however, be made for any longer time than the Board may deem necessary to enable the matter to be heard and determined. **Dom. Ry. Act, 1903, s. 38.**

Extension of time specified in order.

38. When any work, act, matter or thing is by any regulation, order or decision of the Board required to be done, performed or completed within a specified time, the Board may, if the circumstances of the case seem to so require, upon notice and hearing, or in its discretion upon *ex parte* application, extend the time so specified. **Dom. Ry. Act, 1903, s. 39.**

May make rules governing its procedure and practice.

39. The Board may make general rules governing, so far as shall not be inconsistent with the express provisions of this Act or the said Act, its practice and procedure. **Dom. Ry. Act, 1903, s. 40, amended.**

When to be judicially noticed.

Amendments.

ure under this Act and the said Act and generally for carrying this Act and the said Act into effect. Such rules may be published in the *Ontario Gazette*, and shall thereupon be judicially noticed, and shall have effect as if they were enacted in this Act. The Board may, upon terms or otherwise, make or allow any amendments in any proceedings before it.

Presumption of jurisdiction to make order

40. No order of the Board need show upon its face that any proceeding or notice was had or given, or any circumstance existed, necessary to give it jurisdiction to make such order. Dom. Ry. Act, 1903, s. 41.

Judgments of other courts on questions of fact not Binding upon board.

41.—(1) In determining any question of fact, the Board shall not be concluded by the finding or judgment of any other court, in any suit, prosecution or proceeding, involving the determination of such fact, but such finding or judgment shall, in proceedings before the Board, be *prima facie* evidence only.

Jurisdiction Board not affected by collateral suits.

(2) The pendency of any suit, prosecution or proceeding, in any other court, involving questions of fact, shall not deprive the Board of jurisdiction to hear and determine the same questions of fact.

Finding of Board on questions of fact conclusive.

(3) The finding or determination of the Board upon any question of fact within its jurisdiction shall be binding and conclusive on all courts. Dom. Ry. Act, 1903, s. 42.

May state case for opinion of Court of Appeal for Ontario.

42.—(1) The Board may, of its own motion or upon the application of any party, and upon such security being given as it directs, state a case, in writing, for the opinion of the Court of Appeal for Ontario upon any question which in the opinion of the Board is a question of law. A like reference may also be made at the request of the Lieutenant-Governor in Council.

Action thereon.

(2) The Court of Appeal shall hear and determine the question or questions of law arising thereon, and remit the matter to the Board with the opinion of the court thereon. Dom. Ry. Act, 1904, s. 43, amended.

APPEALS.

Order of Board final.

43.—(1) Subject to the provisions of this section, every decision or order of the Board shall be final.

Appeal to Court of Appeal on questions of jurisdiction.

(2) An appeal shall lie from the Board to the Court of Appeal for Ontario upon a question of jurisdiction or upon any question of law, but such appeal shall not lie unless leave to appeal is given by the said court upon application and hearing the parties and the Board; the costs of such application shall be in the discretion of the judge.

Security for costs.

(3) Upon such leave being obtained the party so appealing shall pay into court the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar of the Court of Appeal shall set the appeal down for hearing on the first day of the next session; and the party appealing shall within ten days after the deposit, give to the parties affected by the appeal, or their respective solicitors by whom such parties were represented before the Board, and to the Secretary, notice in writing that the case has been so set down to be heard in appeal as aforesaid; and the said appeal shall be heard by such court as speedily as practicable.

Notice of appeal.

Opinion of court.

(4) On the hearing of any such appeal the Court of Appeal may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Board may be heard by counsel.

(5) The Board shall be entitled to be heard, by counsel or otherwise, upon the argument of any such appeal.

Rules of court as to costs, etc.

(6) The Court of Appeal shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section, and until such rules are made the rules and practice applicable to appeals from the High Court of Justice to the Court of Appeal shall be applicable to an appeal under this Act.

Appeals to Privy Council in certain cases.

(7) When the matter in controversy before the Board exceeds the sum or value of \$4,000 as well as where the matter in question relates to the duration of a privilege to operate a railway along a highway, or to the construction of an agreement between a railway company and a municipal corporation, or to any demand affecting the rights of the public or to any like demand of a general or public nature affecting future rights, an appeal shall lie to His Majesty in his Privy Council, and except as aforesaid no appeal shall lie to His Majesty in his Privy Council.

Members of Board not liable for costs.

(8) Neither the Board nor any member of the Board shall in any case be liable to any costs by reason or in respect of any appeal or application under this section.

Proceedings of Board final, except as above.

(9) Save as provided in this section, an order, decision Dom. Ry. Act, or proceeding of the Board shall not be questioned or re-1903, s. 44, viewed, restrained or removed by prohibition, injunction, amended. certiorari, or any other process or proceeding in any court.

Lieutenant-Governor in Council may

44. The Lieutenant-Governor in Council may at any time refer to the Board for a report, or other action, any Dom. Ry. Act,

refer to Board
for report.

question, matter or thing arising, or required to be done, 1903, s. 45, under this Act or the said Act, or the Special Act, and amended. the Board shall without unnecessary delay comply therewith.

Costs.

45.—(1) The costs of and incidental to any proceeding before the Board shall be in the discretion of the Board, and may be fixed in any case at a sum certain, or may be taxed. The Board may order by whom and to whom the same are to be paid, and by whom the same are to be taxed and allowed.

Scale of costs.

(2) The Board may prescribe a scale under which such costs shall be taxed. Dom. Ry. Act, 1903, s. 46.

Expenses of
works ordered
by Board.

46. When the Board, in the exercise of any power vested in it by this Act or the said Act or the Special Act, in and by any order directs any structure, appliances, equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may order by what company, municipality or person, interested or affected by such order, as the case may be, and when or within what time, and upon what terms and conditions as to the payment or compensation or otherwise, and under what supervision, the same shall be provided, constructed, reconstructed, altered, installed, operated, used or maintained; and the Board may order by whom, in what proportion, and when, the cost and expenses of providing, constructing, reconstructing altering, installing and executing such structures, equipment, works, renewals, or repairs, or the supervision (if any), or the continued operation, use or maintenance of the same, or of otherwise complying with such order, shall be paid. Dom. Ry. Act, 1903, s. 47.

Board may
order by
whom to be
constructed
and paid.

Proceedings
instituted by
Attorney-
General.

47.—(1) Whenever the Board shall have reasonable ground for belief that the company, or any person or corporation is violating or has violated any of the provisions of this Act or the said Act, in respect of which violation a penalty may be imposed under this Act or the said Act, the Board may request the Attorney-General of Ontario to institute and prosecute proceedings on behalf of His Majesty the King against such company or person for the recovery of the penalty provided under this Act or the said Act, for such violation.

(2) All the provisions of the said Act as to penalties and the imposition and recovery thereof shall apply to penalties imposed under the authority of this Act.

Prosecution
for penalty
over \$100.

(3) No prosecution shall *hereafter* be had or penalty enforced against the company or any municipal corporation for any penalty under this Act or the said Act or the Special Act, without the leave of the Board being first obtained. Dom. Ry. Act, 1903, s. 300, (2-3).

Penalties a first charge on railway.

(4) Where any penalty has been imposed upon the company under this Act or the said Act such penalty shall be the first lien or charge upon the railway, property, assets, rents and revenues of the company.

Board may order inquiries.

48. The Board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute pending before such Board, or any matter or thing over which the Board has jurisdiction under this Act or the said Act or the Special Act, and may order and direct by whom and in what proportion the costs and expenses incurred in making such inquiry and report shall be paid, and may fix the amount of such costs and expenses.

Powers respecting inquiries.

49.—(1) The Board, inspecting engineer, or person appointed under this Act or the said Act to make any inquiry or report may:—

Entry.

(a) enter upon and inspect any place, building, or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite;

Inspection.

(b) inspect any works, structure, rolling stock or property of the company;

Attendance of witnesses and replies.

(c) require the attendance of all such persons as it or he thinks fit to call before it or him, and examine, and require answers or returns to such inquiries as it or he thinks fit to make;

Production of documents, etc.

(d) require the production of all books, papers, plans, specifications, drawings and documents, relating to the matter before it or him;

Oaths.

(e) administer oaths, affirmations or declarations;

Summoning witnesses and enforcing attendance.

(2) And shall have the like power in summoning witnesses and enforcing their attendance, and compelling them to give evidence and produce books, papers or things which they are required to produce, as is vested in any court in civil cases.

Witness fees.

50.—(1) Every person summoned to attend before the Board or before any inspecting engineer, or person appointed under this Act or the said Act to make inquiry and report, shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the High Court of Justice.

No person to be excused from testifying.

(2) No person shall be excused from attending and testifying or from producing books, papers, tariffs, contracts, agreements and documents before the Board, or in obedience to the subpoena or order of the Board, or of any person authorized to hold any investigation or inquiry under

this Act or the said Act or in any cause or proceeding based upon or growing out of any alleged violation of this Act or the said Act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to any proceeding or penalty; but no evidence so given, nor any document so produced, shall be used or receivable against such person in any criminal proceeding thereafter instituted against him other than a prosecution for perjury in giving such evidence.

(3) In any proceeding before the Board and in any action Dom. Ry. Act, or proceeding under this Act or the said Act, every written 1903, s. 50, or printed document purporting to have been issued or authorized by the company, or any officer, agent, or employee of the company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of such document by the company, and of the contents thereof, without any further proof than the mere production of such document.

ADDITIONAL POWERS OF THE BOARD.

51.—(1) The appeal provided for by section 76 of *The Assessment Act* shall be to the Board instead of to the Board of County Judges as therein provided.

(2) The Board shall have power upon such appeal to decide not only as to the amount at which the property in question shall be assessed, but also all questions as to whether any persons or things are *liable to assessment* or exempt from assessment under the provisions of *The Assessment Act*.

(3) An appeal shall lie from the decision of the Board under this section *to the Court of Appeal* upon all questions of law, but such appeal shall not lie unless leave to appeal is given by the said court upon application of *any party* and upon hearing the parties and the Board.

(4) The practice and procedure on any such appeal shall be the same *mutatis mutandis* subject to any rule of court or regulation of the Board as upon an appeal from a County Court to the High Court.

52.—(1) Instead of the appeal provided for by sub-section 1 of section 48 (a) of *The Act respecting the establishment of Municipal Institutions in Territorial Districts* being to a judge of the High Court in Chambers in Toronto, it shall be to the Board.

(2) One member may act as and for the Board in the hearing and determining of the appeal mentioned in this section.

53. The Board shall have all the powers conferred New. by *The Consolidated Municipal Act, 1903, and amending Acts*, upon the Lieutenant-Governor in Council regarding,—

(a) The addition to or taking from any municipality any territory;

Proof of documents.

Assessment appeals.

Questions which may be decided on appeal.

Appeal from Board.

Procedure on appeals.

Appeals in unorganized districts.

One member may hear appeal.

Municipal powers.

(b) The annexation of any territory to any city or town;

(c) The alteration in any manner of the boundaries or limits of any municipality;

(d) The approval or confirmation of by-laws relating to New. finance, debentures, sinking funds or the creation of debts, in cases where the approval or confirmation of the Lieutenant-Governor in Council is required by *The Consolidated Municipal Act, 1903*, or any other Statute of this Province.

(e) The approval or confirmation of by-laws relating to New. public highways, roads, streets, or bridges, to street or electric railways or to gas or waterworks or to any other industry or concern commonly known as a public utility, in cases where the approval or confirmation of the Lieutenant-Governor in Council is required by *The Consolidated Municipal Act, 1903*, or any other Statute of this Province.

Telegraph and
telephone
wires, &c.

54.—(1) The Board may also require any telegraph, tele- New. phone, electric light, power or heat company or any person operating any telegraph, telephone, electric light, power or heat system to adopt such means and appliances, and to take and use such precautions, as the Board may deem necessary or expedient for the safety of life and property.

Jurisdiction
of Board.

(2) The Board shall, in respect of the matters provided New. for by *the last preceding subsection*, have the like jurisdiction, powers and authorities as are vested in it with respect to railways and railway companies under "*The Ontario Railway Act, 1906*," and under this Act, and the powers conferred by *this section* may be exercised as to a part of a highway, and as to some only of the lines of any such company or person, or as to a part or parts thereof.

ENQUIRIES INTO FACTS FOR GOVERNMENT, ETC.

Board to
enquire and
report on cer-
tain matters at
request of
Government or
Legislature.

55. The Board shall in all cases when required so New. to do by the Lieutenant-Governor in Council, the Legislature or by any Committee thereof, make, or cause to be made under its supervision, an enquiry into any facts which the Lieutenant-Governor in Council, Legislature or any such Committee may desire to ascertain before passing upon the propriety of any proposed change in the general railway law, or upon any proposed private or special Bill or Act relating in any way to a municipal corporation or to a railway or street railway company or to any corporation or person operating or proposing to operate what is commonly called a public utility, and upon the conclusion of such enquiry the Board shall report to the Legislature or to such Committee its opinion upon such proposed change in the law, or upon such Bill or Act.

ANNUAL REPORT OF BOARD.

Annual report.

56. The Board shall make an annual report on or before the 31st day of *January* in each year to the Lieutenant-Governor in Council which shall contain—

1. A record of *its* meetings and an abstract of *its* proceedings during the preceding *calendar* year.

2. The result of any examination or investigation conducted by *it*.

3. Such statements, facts and explanations as will disclose the actual workings of the system of railway transportation in its bearing upon the business and prosperity of the Province, and such suggestions as to the general railway policy of the Province, of the amendment of its laws, or the condition, affairs or conduct of any railway or street railway, as may seem to *it* advisable.

New.
Founded on
N.Y. Ry. law

4. Such tables and abstracts of all the reports of all the railway and street railway companies as *it* may deem expedient.

5. A statement in detail of the travelling expenses and disbursements of the Board, its Secretary and officers.

May require statements, etc., from public utilities operated by municipalities.

57. The Board shall superintend the system of bookkeeping and keeping accounts of the assets, liabilities, revenue and expenditure of all public utilities that are operated under the control of a municipal corporation or of a commission appointed by a municipal corporation, and may require from any such municipal corporation or commission such returns and statements as to the Board may seem proper and may extract from such books, returns and statements such information as in the opinion of the Board may be useful for publication, and may embody such portions of such returns and statements in the annual report of the Board as to it may seem proper.

ARBITRATION BY THE BOARD IN CASES OF LABOUR DISPUTES.

May arbitrate labor difficulties.

58.—(1) A grievance or dispute between a railway or street railway company and its employees may be submitted to the Board for its determination and settlement. The submission shall be in writing, and may contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide by the determination of the Board, and to continue in business or at work, without a lockout or strike during the investigation.

New.

Procedure in such cases.

(2) Upon such submission the Board shall investigate and determine the matters in controversy, and shall render its decision within ten days after the completion of the investigation.

(3) The proceedings shall, as nearly as may be, be the same as in the case of any other enquiry which the Board is authorized to make, but the Board may regulate the proceedings, and the manner of conducting them, as to the Board may seem meet.

MEDIATION IN CASE OF STRIKE OR LOCKOUT.

To endeavour to mediate in case of strikes.

59.—(1) Whenever a strike or lockout of the employees of New. any railway or street railway company or public utility Founded on occurs, or is seriously threatened, the Board shall proceed N.Y. Ry. law. as soon as practicable to the locality thereof, and endeavour by mediation to effect an amicable settlement of the controversy.

May enquire into cause of strikes and suggest terms of settlement.

(2) Wherever there shall exist in any railway or street railway or public utility a strike or lock-out or any strike or lock-out by reason of which in the opinion of the Board the general public shall appear likely to suffer injury or inconvenience with respect to food, fuel or light or power or the means of communication or transportation, or in any other respect, and the parties to such strike or lock-out will not consent to submit the matter or matters in controversy to the Board, the Board, after first having made due effort to effect a settlement thereof by conciliatory means and such effort having failed, may proceed on its own motion to make an investigation of all facts bearing upon such strike or lock-out, and shall make public its findings, with such recommendations to the parties involved, as, in its judgment, will contribute to a fair and equitable settlement of the differences which constitute the cause of the strike or lock-out and in the prosecution of such enquiry the Board shall have all the powers conferred upon it by any other section or sections of this Act.

FEES TO BE CHARGED AND COLLECTED BY THE BOARD.

Law stamps.

60. The Board may charge and collect such fees, as to it New. may seem proper, for all copies of documents, maps or plans, Founded on and all certificates as to the same. All fees charged and N.Y. Ry. law. collected by the Board shall be paid quarterly, accompanied with a detailed statement thereof, to the Treasurer of the Province.

Fees on orders of Board to be paid in stamps.

61. There shall be paid in law stamps upon every 2 Edw. VII., order made by the Board such sum as may be directed by 27, amended. the Board, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province in the matter, and such law stamps shall be provided in the first instance by the applicant for such order, and such sum shall be a debt due by the applicant to His Majesty, and a summary order may be made for payment

thereof by the Board, which order may be made an order of the High Court of Justice.

Expenses of Board to be paid by Province.

62. The annual expense of the Board, including the salaries of the members thereof, and of its officers and employees, and the incidental expenses of the Board shall be paid out of the Consolidated Revenue *Fund* of the Province of Ontario *from such sums as may* be granted from time to time by the Legislature. New.

ENFORCEMENT OF MUNICIPAL AGREEMENTS.

To try all cases of breach of agreement.

63.—(1) Where it is alleged by a municipal corporation having jurisdiction over, or owning, or maintaining a highway, along which a railway is operated, in whole or in part, under an agreement between such municipality and the company operating the railway, that the company has violated or committed a breach of such agreement, or where it is alleged by such company, that such municipality has violated or committed a breach of such agreement, the Board shall hear all matters relating to such alleged violation or breach of agreement, and shall make such order as to the same as to it may seem, having regard to all the circumstances of the case, reasonable and expedient, and in such order may in its discretion direct the company or the municipality to do such things as are necessary for the proper fulfilment of such agreement, or to refrain from doing such acts as constitute a violation *or* a breach thereof. New.

May enter Company's property.

(2) The Board may take such steps and employ such persons as may be necessary for the proper enforcement of such order, and in pursuance thereof may forcibly or otherwise enter upon, seize and take possession of the whole or part of the railway, and the real and personal property of such company together with its books and offices and may, until such order has been enforced, assume and take over all or any of the powers, duties, rights and functions of the directors and officers of such company and supervise and direct the management of such company and its railway in all respects, including the employment and dismissal of officers and servants of the company for such time as the Board shall continue to direct such management. New.

Company's servants to obey Board.

(3) Upon the Board so taking possession of such railway and property, it shall be the duty of every officer and employee of the company to obey the orders of the Board or of such person or persons as it may place in authority in the management of any or all departments of such railway. New.

May pay out and receive money.

(4) The Board shall, upon so taking possession of such railway and property, have power to demand, receive and pay out all moneys due to or owing by such company, and New.

may give checks, acquittances and receipts for moneys to the same extent and in as full and ample a manner as the proper officers of such company could do if no such order had been made.

May give receipts etc.

(5) Checks, acquittances or receipts so given by the Board shall be a defence to any action that may afterwards be brought by such company against the person or corporation paying over the money for which such checks, acquittances or receipts were given. New.

Board not liable for damages.

(6) The Board and the members thereof, and its officers and employees shall not be liable to any action for acts done by them or any of them under the authority of this section. New.

Costs.

(7) The costs and expenses of and incidental to proceedings to be taken by the board under *this section* shall be in the discretion of the Board, and the Board shall have power to direct by whom and to what extent the same shall be paid.

(8) The certificate of the Board as to the amount of such costs and expenses shall be final. New.

To construe agreements.

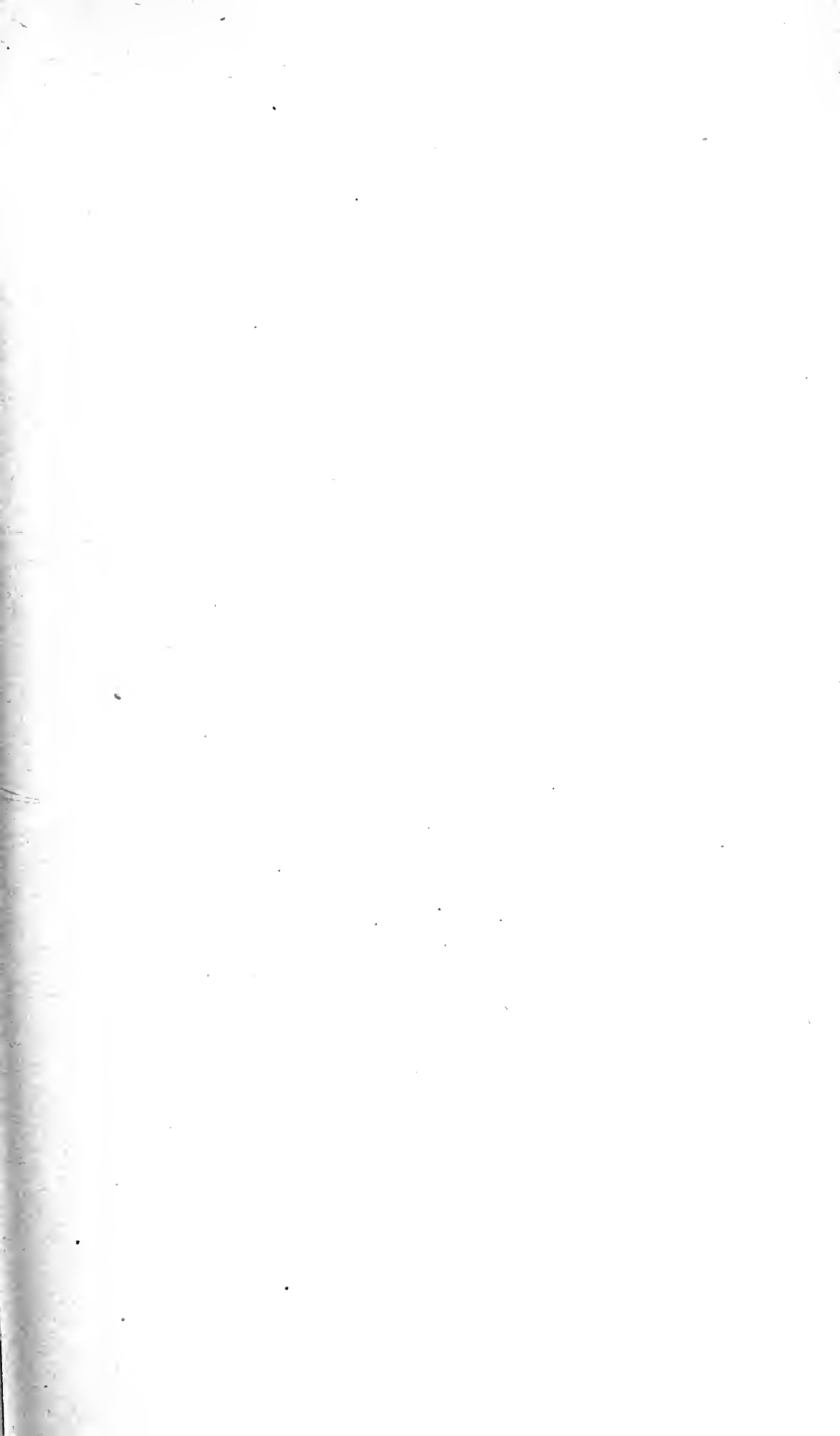
64. *Except when otherwise expressly provided, notwithstanding anything in this Act, or the said Act, or in any agreement contained, in any proceeding under this Act, the Board shall have power to construe and determine the proper meaning of, but not to alter or vary any agreement between a municipal corporation and a company, or between two or more companies, and the decision of the Board on any question of fact shall be final.*

Pending suits.

65. This Act shall not affect any action or other proceeding pending at the time of the coming into force of this Act.

Commence-
of Act.

66. This Act shall come into force on the first day of June, 1906.



2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act for the appointment of a Railway
and Municipal Board.

First Reading, 12th March, 1906.
Second Reading, 22nd March, 1906.

*(Reprinted as again further amended in
Committee of the Whole House.)*

Mr. HENDRIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 149]

BILL.

[1906.

An Act to amend the Act respecting Conditional Sales of Chattels.

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

5 1. Section 1a of *The Act respecting Conditional Sales of Chattels*, enacted by section 2 of the Act passed in the third year of His Majesty's reign, Chaptered 13, is repealed and the following substituted therefor:—

10 1a. No proviso, condition, stipulation, agreement or statement contained in any lien note, hire receipt, contract for the conditional sale of chattels, or in any other contract which provides that any action, matter or other proceedings shall be tried in any particular place, shall be of any force or effect.

Provisos, etc.,
as to place of
trial to be void.

No. 149.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act respecting Con-
ditional Sales of Chattels.

First Reading, 13th March, 1906.

Mr. LUCAS.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

An Act to amend the Assessment Act.

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

1. Subsection 3 of Section 5 of *The Assessment Act* is 4 Edw. VII.,
5 amended by striking out the words "every college" in the c. 23, s. 5, ss. 3
third line of said subsection, and the words "or any incor- amended.
porated seminary of learning" in the fourth line thereof. Public
educational
institutions.

2. Subsection 19 of said section 5 is amended by striking 4 Edw. VII.,
out the figures "400" in the last line thereof and inserting in c. 23, s. 5, ss. 19
10 lieu thereof the figures "600," and by adding at the end of amended.
the said subsection the words "and any sum less than \$100 Income from
over and above such exempt amounts." personal
earnings, &c.

3. Section 40 of the said Act is hereby repealed. 4 Edw. VII.,
c. 23, s. 40
repealed.

4. Section 78 of the said Act is amended by adding thereto 4 Edw. VII.,
15 the following subsection:— c. 23, s. 78
amended.

20 "78a. The Court of Revision and the County Judge, Powers of
Board of County Judges, or a judge, or the judges Court of
of the Court of Appeal shall have, under the Revision,
preceding sections of this Act, jurisdiction to County Judge
and Court of
determine not only the amount of any assessment, Appeal.
but also all questions as to whether any persons or
things are assessable or exempt from assessment
under the provisions of this Act."

No. 150.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

To amend The Assessment Act.

First Reading, 13th March, 1906.

Mr. McNAUGHT.

TORONTO:

PRINTED BY I. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 151.]

BILL.

[1906

An Act to amend The Consolidated Municipal Act 1903.

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

1. Section 24 of *The Consolidated Municipal Act 1903*,<sup>3 Edw. VII.,
c. 19, s. 24,
amended.</sup>
5 as enacted by section 1 of *The Municipal Amendment Act*
1905, is hereby repealed and the following substituted in
lieu thereof:

24. In case two-thirds of the members of the Council of
a city or town do in council, before the 15th day of July in
10 any year, pass a resolution affirming the expediency of any
addition being made to the limits of the city or town, the
Lieutenant-Governor may, by proclamation, to take effect on
some day to be named therein and on such terms and condi-
tions as to taxation, assessment, improvements or otherwise
15 as the Lieutenant-Governor in Council sees fit and the
Council of the city or town may consent to, add to the city
or town any part of the adjacent township or townships
which the Lieutenant-Governor in Council, on the grounds
aforesaid, considers it desirable to attach thereto. The said
20 proclamation before it takes effect may be amended in any
respect by a further proclamation. Provided that any pro-
clamation issued hereunder may at any time where the
Council of such city or town and any other parties interested
agree that the said proclamation does not correctly set forth
25 the terms and conditions as to taxation, assessment, improve-
ments or otherwise, agreed upon, be amended to carry out
such agreement.

2. Section 95 of the said Act is amended by inserting at
the beginning thereof the words "Save as hereinafter pro-
30 vided."

<sup>3 Edw. VII.,
c. 19, s. 95,
amended.</sup>

3 Edw. VII.,
c. 19, amended.

3. The said Act is amended by adding thereto the following section :—

Two-year term
for members of
council.

95*b*. The electors of cities having a population of over 100,000 inhabitants shall, at the elections in January, 1907, and at the elections to be held every alternate year thereafter, on the first Monday in January, or on the first day of January in each such year if a By-law is passed pursuant to the preceding section, elect the members of the Council of the Municipality (except such members as have been elected at the nomination), and the persons so elected shall hold office for two years and until their successors are elected or appointed or sworn into office and the new Council is organized. The provisions of this Act relating to the nomination and election of members of the Council in cities shall apply *mutatis mutandis* to nominations and elections under this section.

3 Edw. VII.,
c. 19, amended.

4. The said Act is amended by adding thereto the following section :—

Use or delivery
of election
cards, &c.

173*a*. No person shall on the day of the polling use or deliver to any other person any card, ticket, leaflet, book, circular or other device soliciting votes for or against any candidate or candidates, or for or against any question or by-law, or having upon it the name of any such candidate, question or by-law; and any person violating the provisions of this section shall be liable to a penalty not exceeding \$20, or in default of payment imprisonment for a term not exceeding ten days on conviction before any Justice of the Peace.

3 Edw. VII.
c. 19, s. 216,
amended.

5. Section 216 of the said Act is amended by adding thereto the following subsection :—

Vacancies of
mayor and
aldermen after
1st July and
1st November.

(4) In the case of cities of over 100,000 inhabitants the provisions of the two preceding subsections shall apply only in case of vacancies in the office of Mayor or Aldermen occurring after the first day of July and the first day of November respectively in the second year of their term of office.

3 Edw. VII.,
c. 19, s. 276*b*,
ss. 5, repealed.

6. Subsection 5 of section 276*b* of the said Act as amended by section 13 of *The Municipal Amendment Act, 1905*, is hereby repealed.

3 Edw. VII.,
c. 19, s. 538,
ss. 2, amended.

7. Subsection 2 of section 538 of the said Act is amended by striking out the figures "\$300" in the third line of the said sub-section and inserting in lieu thereof the figures "\$600." The provisions of this section shall not come into force until the first day of January 1907.

Remuneration
of aldermen.

3 Edw. VII.,
c. 19, s. 542,
ss. 1 *b*.

8. Subsection 1 *b* of section 542 of the said Act is amended by adding at the end thereof the words "and for preventing or regulating the erection of signs or other advertising devices on buildings or vacant lots."

Erection of
signs.

9. Paragraphs (a), (a2), (a3), (a4), (a5), (a6), (a7), (a8), (a9), (b), (c), (g) and (h) of sub-section 4 of section 566 of the said Act are repealed. 3 Edw. VII., c. 19, s. 566, ss. 4, repealed.

10. Sub-section 5 of section 574 of the said Act is amended by striking out the words "after giving forty-eight hours notice of the intention to do so" in the tenth and eleven lines thereof; and by striking out all the words after the word "performed" in the fourteenth line thereof. 3 Edw. VII., c. 19, s. 574, ss. 5, amended.

11. The said Act is amended by adding thereto the following section:— 3 Edw. VII., c. 19, amended.

"574a. By-laws may be passed by the Councils of cities to compel persons to destroy all tussock moths and the cocoons thereof on trees or elsewhere upon the premises owned or occupied by them, and to provide that in case any owner or occupant neglects to destroy all such moths and cocoons within ten days after notice to do so has been given by the Council by advertisement in some daily newspaper published in the municipality, the officer or officers appointed by the Council for that purpose may enter upon the premises of persons so in default and may destroy the said moths and cocoons, and to collect the expense thereof from the owner or occupant so in default, 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." Destruction of tussock moths and cocoons thereof.

12. Section 579 of the said Act is amended by adding thereto the following sub-section:— 3 Edw. VII., c. 19, s. 579, amended.

"(20). Any municipality may sell hay or other feed at any Cattle Market established by it, and the Council of such municipality may by By-Law prevent other persons from selling hay or other feed therein." Sale of hay or other feed at Cattle Market.

13. Sub-section 14 of section 583 of the said Act is amended by inserting after the word "For" in the first line thereof the words "preventing the sale of fruits from waggons, carts or baskets upon such street or streets or portions thereof as appears desirable, and for". 3 Edw. VII., c. 19, s. 583, ss. 14, amended. Sale of fruit from waggons, etc., upon streets.

14. Section 677 of the said Act is amended by adding after the word "municipality" in the second line thereof the words "or in any statute"; and by striking out the words between the word "sidewalk" in the third line and the word "upon" in the sixth line and inserting in lieu thereof the words "or a pavement"; and by inserting after the word "sidewalk" in the tenth line thereof the words "or pavement". 3 Edw. VII., c. 19, s. 677, amended.

No. 151

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Consolidated Municipal Act, 1903.

First Reading, 13th March, 1906.

Mr. McNAUGHT.

TORONTO:

PRINTED BY I. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 152]

BILL.

[1906

An Act to amend the Liquor License Act.

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

Notwithstanding anything in *The Liquor License Act* contained no shop license for the sale of intoxicating liquor by retail shall be issued in any village or in any town having a population of less than 3,000 according to the last annual enumeration of the assessors. Shop licenses not to be issued in villages or in towns under 3,000.

No. 152

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.
An Act to amend The Liquor License Act.

First Reading, 13th March, 1906.

MR. FERGUSON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 153.]

BILL.

[1906.

An Act to amend the Assessment Act.

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

(1) Subsection 2 of Section 68 of *The Assessment Act* is ^{4 Edw. VII.,} amended by striking out the words “herein limited for ^{c. 23, s. 68,} the closing of the Court of Revision,” in the 8th line thereof, ^{subsec. 2,} and substituting therefor the words “of the decision of the ^{amended.} Court of Revision complained of” —

(2) Subsection 3 of Section 68 of *The Assessment Act* is ^{4 Edw. VII.,} amended by striking out the words “immediately after the ^{c. 23, sec. 68,} time limited for filing said appeals,” in the first and second ^{subsec. 3,} lines, and substituting therefor the words “forthwith after ^{amended.} the expiration of the time for the last of said appeals.”

No. 153.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Assessment Act.

First Reading, 13th March, 1906.

Mr. CLAPP.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

BILL.

An Act to amend the Act respecting Boards of Education in certain Cities.

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

1. Sub sections 4 and 5 of section 2 of *An Act respecting* 3 Edw. VII.,
5 *Boards of Education in certain Cities*, are hereby repealed. c. 31, s. 2, ss.
4 and 5
repeated.

2. Section 3 of the said Act is hereby repealed and the following substituted therefor:— 3 Edw. VII.,
c. 31, s. 3,
amended.

3. All the members of the said Board shall retire at the end of the present year, and at the municipal elections in 10 January, 1907, and in every alternate year thereafter twelve members of the said Board shall be elected who shall continue in office for two years and until their successors have been elected under this Act and the new Board organized. Retirement and election of members.

No. 154

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act respecting Boards
of Education in certain Cities.

First Reading, 13th March, 1906.

Mr. McNAUGHT.

TORONTO:

PRINTED BY I. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 155.]

BILL.

[1906.

An Act to amend The Municipal Act.

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

1. Section 266 of *The Consolidated Municipal Act, 1903*, 3 Edw. VII., c. 19, s. 266 repealed.
5 is repealed and the following substituted therefor:—

266. The council of any county or township may hold its sittings, keep its public offices and transact all the business of the council and of its officers and servants within any city, town or village lying in such county or township or Location of county and township offices.
10 contiguous or adjacent thereto and may purchase and hold such real property in such city, town or village, as may be convenient for such purposes.

No. 155.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Act.

First Reading, 14th March, 1906.

Mr. BRADBURN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to regulate the Width of Sleigh Runners.

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

1. Subsection 1 of section 29 of *The Statute Law Amendment Act, 1905*, is repealed and the following substituted therefor. 5 Edw. VII., c. 13, s. 29, subs. 1 amended.

(1) On and after the 1st day of December, 1907, no person shall use on any public highway, except within the limits of any city, any sleigh or other vehicle upon runners (except a cutter) drawn by horses or other animals unless the same is so constructed that the distance from centre to centre of the runners of such sleigh or vehicle is three feet, ten inches. Distance between sleigh runners.

2. Subsection 2 of the said section 29 is amended by striking out all the words thereof after the figures "1903" in the fourth line thereof. 5 Edw. VII., c. 13, s. 29, subs. 2 amended.

3. Any By-law passed by any County Council under subsection 2 of said section 29 of *The Statute Law Amendment Act, 1905*, shall on and after the coming into force of this Act become inoperative. By-laws passed by counties under 5 Edw. VII., c. 13, s. 29, subs. 3, to be inoperative.

No. 156.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to regulate the Width of Sleigh
Runners.

First Reading, 14th March, 1906.

Mr. TUCKER.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

An Act to regulate the Width of Sleigh Runners.

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

1. Subsection 1 of section 29 of *The Statute Law Amendment Act, 1905*, is repealed and the following substituted therefor. 5 Edw. VII., c. 13, s. 29, subs. 1 amended.

(1) No person shall use on any public highway in any municipality other than a city any sleigh or other vehicle upon runners manufactured after the 1st day of January, 1907, unless the same is so constructed that the distance from centre to centre of the runners of such sleigh or vehicle is 3 feet and 4 inches. Provided that this section shall not apply to pleasure sleighs or cutters, or to sleighs used for drawing heavy timber, or to other heavy draught sleighs. This section shall come into force on the first day of January, 1907. Distance between sleigh runners.

2. Subsection 2 of the said section 29 is amended by striking out all of the words thereof after the figures "1903" in the fourth line thereof. 5 Edw. VII., c. 13, s. 29, subs. 2 amended.

3. No by-law heretofore passed by a county council under the said sub-section 2 shall hereafter be of any force or effect.

No. 156.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to regulate the Width of Sleigh
Runners.

First Reading, 14th March, 1906.
Second Reading, 28th March, 1906.

*(Reprinted as amended by the Municipal
Committee.)*

Mr. TUCKER.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 157.]

BILL.

[1906.

An Act to amend The Local Courts Act.

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

Subsection 5 of Section 5 of *The Local Courts Act* is Rev. Stat.,
C. 54, s. 5, subs.
5 amended by striking out the words “nor to Victoria includ- 5 amended.
ing Haliburton” in the fifth and sixth lines of the said
section.

No. 157.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Local Courts Act.

First Reading, 14th March, 1906.

Mr FOX.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 158.]

BILL.

[1906.

An Act to amend the Act to Prevent the Wasting of Natural Gas and to provide for the Plugging of all Abandoned Wells.

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

1. Section 2 of *The Act to Prevent the Wasting of Natural Gas and to provide for the Plugging of all Abandoned Wells*, is amended by striking out the words “round seasoned wooden plug, at least three feet in length, equal in diameter to the diameter of the well below the casing” in the seventh, eighth and ninth lines thereof, and substituting therefor the 10 words :

Rev. Stat.,
c. 277, s. 2
amended.

“Round plug in the form of a hollow tube of rubber not less than three feet in length and equal in diameter to the diameter of the well below the casing, and containing a tapering hard wood centre of mandrel of equal or nearly 15 “equal length and suitable diameter capable of being driven into the said plug or tube so as to wedge the same tightly against the wall of the well.”

No. 158.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act to Prevent the
Wasting of Natural Gas and to provide
for the Plugging of all Abandoned Wells.

First Reading, 14th March, 1906.

Mr. FRASER.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 159.]

BILL.

[1906.]

An Act to amend The Local Courts Act.

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

1. Subsections 4 and 5 of section 5 of *The Local Courts Act*, and the amendments thereto, are repealed, and the following substituted therefor: Rev. Stat., c. 54, s. 5, subsec. 4, 5, repealed.

(4) This section shall not apply to any county in which is situate a city containing more than 50,000 inhabitants according to the last census of the Dominion of Canada, nor to the District of Nipissing. Prohibition of appointment of junior judges when not to apply.

No. 159.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Local Courts Act.

First Reading, 15th March, 1906.

Mr. CLARK.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act regulating the Manufacture and Sale of
Proprietary and Patent Medicines.

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

1. Each and every box, bottle, pot, phial, package, parcel or other enclosure containing what is commonly known as a proprietary or patent medicine, or article of any kind, or in any form intended for internal consumption or external use by human beings (other than a medicine or article specially compounded upon the written order or prescription of a properly qualified medical practitioner and actually issued by him in good faith in his treatment of an individual patient) which shall be hereafter manufactured within this Province or which shall be manufactured without this Province and exposed or offered for sale, or sold, or given away, or otherwise disposed of within this Province shall have and contain both on the outside wrapper of such box, bottle, pot, phial, package, parcel, or other enclosure and also on a label which shall be affixed to such box, bottle, pot, phial, package, parcel, or other enclosure, in plain English printed in black letters on white paper in type of a size not smaller than "brevier" type a complete schedule shewing all the ingredients contained in such proprietary or patent medicine or article and the exact proportion of each ingredient thereof.
2. Whenever any such proprietary or patent medicine or article shall contain more than six per cent. of alcohol or more than one-twentieth of one per cent. of morphine, heroin, cocaine, or of the salts or equivalents or derivatives of the same or any of them, or any quantity of any article named or described in Schedule "A" to this Act there shall be printed in plain English in type not smaller than "brevier" type in red ink on white paper, both on the outside wrapper of such box, bottle, pot, phial, pack-
- Formula of patent medicine to appear on bottle.
- When bottle to be marked "Poison."

age, parcel, or other enclosure and also on the label affixed to such box, bottle, pot, phial, package, parcel, or other enclosure, in addition to the schedule of ingredients hereinbefore required, the following notice: —

“This box, (or bottle, or pot, or phial, or package, or other parcel or enclosure, as the case may be) contains (here give the name and proportion, or percentage of the ingredients above referred to, as the case may be) and is therefore under the *Act Regulating the Manufacture and Sale of Proprietary and Patent Medicines*, being 6 Edw. VII, Chapter —

“POISON”

and also the single separate word “POISON” which shall be printed separately on a line by itself in bold face type in red ink and in letters not less than one-quarter of an inch in height.

Samples and formula, etc., to be deposited with Provincial Board of Health.

3.—(1) On or before the first day of November, 1906, every person, firm or corporation who shall compound, manufacture, or assemble any such proprietary or patent medicine or article as described in sections 1 and 2 of this Act shall prepare two accurate sample boxes, bottles, pots, phials, packages, parcels, or other enclosures of the same in the form in which the same is intended to be exposed, or offered for sale, or sold, or given away, or otherwise disposed of, and shall make out a summary in duplicate verified as hereinafter required containing the following particulars correctly stated:—

- (a) The name of the person, persons, firm or corporation manufacturing, assembling or compounding the same; 30
- (b) The laboratory, place or places where, or from which the manufacturing or compounding of the same is carried on;
- (c) All the ingredients contained in the same;
- (d) The exact proportion of each ingredient thereof; 35
- (e) The fact that the two samples to be deposited concurrently with such summary are substantially accurate samples of the medicine or article described in the summary.

Summary to be printed on one side of paper only.

(2) The summary and every duplicate thereof required by this Act shall be written or printed on only one side of the sheet or sheets of paper containing the same. 40

Summary to be verified by affidavit.

(3) The summary shall be verified by an affidavit to be made by the person, or one of the persons, or a member of the firm, or in the case of a corporation, the president, secretary, or one of the directors, as the case may be. 45

(4) One of such duplicate summaries together with the original affidavit verifying the same and the two such samples shall be deposited and filed in the office of the Secretary of the Provincial Board of Health at the Parliament Buildings, Toronto, and upon such deposit the secretary of said Board of Health shall issue a receipt therefor.

Filing summaries, etc.

4. Every person, persons, firm or corporation, who shall compound, manufacture, or assemble any such proprietary or patent medicine or article as described in sections 1 and 2 of this Act, shall, on or before the first day of February, 1907, and in every year thereafter, make out and prepare a summary and two samples verified by affidavit as provided in section 3 of this Act and shall deposit and file the same in the said office on or before such last named date.

Annual statement and samples to be filed.

5. The Provincial Board of Health is hereby empowered on the first day of November, 1906, and from time to time thereafter, to make or cause to be made a chemical analysis of proprietary or patent medicines or articles referred to in sections 1 and 2 of this Act, and any person, persons, firm or corporation who keeps the same for sale by wholesale or retail, or otherwise, upon request made in writing signed by an officer or member of such board, shall permit such person as shall be named therein to take away a sample sufficient for the purposes of analysis of such proprietary or patent medicine or article as aforesaid.

Analysis of Provincial Board of Health.

6. From and after the said first day of November, 1906, any changes either in the ingredients or in the proportions or percentages of the ingredients in any such proprietary or patent medicine or article referred to in sections 1 and 2 of this Act shall be forthwith reported by the manufacturer or compounder thereof in a summary containing particulars similar to the particulars required under subsection 1 of section 3 of this Act and there shall be deposited and filed two accurate samples of such proprietary or patent medicine or article containing such changes and such samples and summary shall be verified by affidavit and the practice with regard thereto in all respects as required by sections 3 and 4 of this Act shall be followed by such manufacturer or compounder with respect to such changes.

Filing particulars as to changes in ingredients.

7. No person selling any proprietary or patent medicines or articles referred to in this Act with respect to which medicines or articles the provisions of this Act have not been complied with shall recover any charges in respect thereof in any Court of Justice.

Persons selling in violation of Act not to recover price.

Penalty.

8.—(1) Any person, firm or corporation violating any of the provisions of this Act shall, for the first offence, incur a penalty of \$50 and costs of prosecution and for each offence for which such person, firm or corporation is subsequently convicted a penalty of \$100 and costs of prosecution. 5

Additional penalties.

(2) Any person, firm or corporation violating any of the provisions of the 3rd, 4th or 6th sections of this Act shall incur an additional penalty not exceeding \$1,000.00.

Recovery of penalties.

(3) Any penalty imposed by this Act shall be recover- 10
able on summary conviction before one or more Justices of the Peace—one moiety of such penalty to belong to the prosecutor, and the other to be paid to the Provincial Treasurer of the Province for the use of the Province.

Evidence in prosecutions.

9. In any prosecution under this Act the production of 15
a certificate purporting to be under the hand of the secretary of, or a member of the Provincial Board of Health shewing the last registered summary of the ingredients and the proportions of such ingredients in any proprietary or patent medicine or article referred to in this Act, bear- 20
ing a name or title similar to the proprietary or patent medicine or article referred to in such prosecution, shall be *prima facie* evidence that the proprietary or patent medicine or article referred to in such prosecution contains all the ingredients and in the proportions set out in 25
such certificate.

Rev. Stat.,
c. 179, s. 34, is
repealed.

10. Section 34 of *The Pharmacy Act* is repealed.

SCHEDULE A.

(Section 2.)

PART I.

Acid. Hydrocyanic (Prussic.)
Aconite and compounds thereof.
Antimony, Tartrate of.
Arsenic and all the compounds thereof.
Atropine.
Carbolic Acid.
Chlōral Hydrate.
Cocaine and its preparations.
Conia and the compounds thereof.
Corrosive sublimate.
Digitaline.
Ergot
Hemp. Indian.
Morphia and its salts and solutions.
Oil. Cedar.
Strychnine and Nux Vomica.
Savin and preparations of.
Veratria.

PART II.

Acid, Oxalic.
Antipyrine.
Antifebrine or Acetanilid.
Antikamnia
Belladonna and the compounds thereof.
Beans, Calabar.
Cantharides.
Chloroform and Ether.
Conium and the preparations thereof.
Croton Oil seeds.
Cyanide of Potassium.
Euphorbium.
Elaterium.
Goulard Extract.
Hyosciamus and preparations.
Hellebore.
Iodine.
Opium with its preparations, including laudanum, etc., but not
paregoric.
Phenacetine.
Pink Root.
Podophyllin.
Potassium, Iodide of.
Potassium, Bromide of.
St. Ignatius Beans.
Santonine.
Scammony.
Stramonium and preparations.
Sulfonal.
Valerian.
Verdigris.
Zinc, Sulphate of.



No. 160.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act regulating the Manufacture and
Sale of Proprietary and Patent Medicines.

First Reading, 15th March, 1906.

Mr. PRATT.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Division Courts Act.

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

1.—(1) Clause (a) of subsection 1 of section 72 of *The Division Courts Act* is amended by striking out the number “60” in the last line thereof and substituting therefor the number “100.”

Rev. Stat.
c. 60, s. 72,
sub-s. 1
amended.
Jurisdiction.

(2) Clause (b) of the said subsection is repealed.

(3) Clause (c) of the said subsection is amended by striking out the number “100” in the last line thereof and substituting therefor the number “200.”

(4) Clause (d) of the said subsection is amended by striking out the number “200” in the third and last line thereof and substituting therefor the number “400.”

2.—(1) Subsection 2 of the said section 72 is amended by striking out the number “200” in the last line thereof and substituting therefor the number “400.”

Rev. Stat.
c. 60, s. 72,
sub-s. 2
amended.
Jurisdiction.

3.—(1) Subsection 3 of the said section is amended by striking out the number “60” in the third line of clause (a) of the said section and substituting therefor the number “100.”

Rev. Stat.
c. 60, s. 72,
sub-s. 3
amended.
Jurisdiction.

(2) The said subsection is further amended by striking out the number “100” in the third line of clause (b) of the said section and substituting therefor the number “200.”

(3) The said subsection is further amended by striking out the number “200” in the third line of clause (c) of the said section and substituting therefor the number “400.”

(4) Subsection 3 of the said section is further amended by striking out the number “60” in the fourth line of the said

section following clause (b) thereof and substituting therefor the number "100," by striking out the number "100" in the 7th line thereof following the said clause (b) and substituting therefor the number "200," by striking out the number "200" in the 9th line thereof following the said clause (b) and substituting therefor the number "400," and by striking out the number "100" in the last line of said section and substituting therefor the number "200."

Rev. Stat.
c. 60, s. 72,
sub-s. 5
amended.
Jurisdiction.

4. Subsection 5 of said section 72 is amended by striking out the number "60" in the 4th line thereof and substituting therefor the number "100."

Rev. Stat.
c. 60, s. 79,
sub-s. 1
amended.
Jurisdiction.

5. Subsection I of section 79 of the said Act is amended by striking out the number "100" in the third line thereof and substituting therefor the number "200," and by striking out the number "400" in the last line thereof and substituting therefor the number "800."

Rev. Stat.
c. 60, s. 214
amended.
Counsel fee.

6. Section 214 of the said Act is amended by striking out all the words after the word "direct" in the 4th line thereof down to and including the sign and number "\$10" in the 6th line thereof and substituting therefor the words "a council fee not exceeding \$25."

7. The said Act is further amended by adding thereto the following section :

Rev. Stat. c. 60
amended.

Plaintiff may
be allowed to
serve process.

54a. Notwithstanding anything in this Act contained or any rules made in pursuance thereof any plaintiff in any action in the Division Court, or any grown up literate person acting on his behalf may, at the time of entering his claim for suit, require the clerk of the Court out of which the summons in such case issues to allow him to serve and execute such summons, and the clerk of such court shall grant such request, and such plaintiff or grown up person may serve and execute such summons and make the return thereto in the same manner as the bailiff of such court might do, but the plaintiff in the case shall not in any event of the action be entitled to tax the costs of such service against the opposite party.

Rev. Stat. c. 60
amended.

8. The said Act is amended by adding thereto the following section :

Notice of
dispute.

117a. In all actions brought in the Division Court when the amount sought to be recovered is \$60. or over the defendant where he intends to dispute the plaintiff's claim or any part thereof shall within eight days after the service of the summons upon him (when the service is required to be 10 days before the return) or within 12 days (when the service is required to be within 15 days before the return) leave with the clerk a notice in writing disputing the plaintiff's

claim and giving with reasonable certainty the particulars of the grounds upon which he disputes the same, or any part thereof, and the clerk shall forthwith mail to or serve upon the plaintiff or his solicitor a copy of such notice. The
5 defendant at the trial of the action shall not be allowed to set up any grounds as a defence to the action, other than those set out on such notice, but the Judge may, at the trial, or upon application made to him before trial, and upon such terms as to costs and otherwise as to him may
10 seem fit, extend the time for leaving such notice with the clerk or postpone the trial of the action and allow the defendant to leave such notice with the clerk, or may allow the defendant to vary, add to or amend such particulars in any manner he may see fit.

No. 161.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Division Courts Act.

First Reading, 15th March, 1906.

Mr. LENNOX.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

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

1. Subsection 2 of section 402 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words “prior to the 27th day of June, 1903,” which were inserted by section 12 of *The Municipal Amendment Act, 1904*.

3 Edw. VII.
c. 19, s. 402,
subs. 2
amended.

2. Subsection 5 of section 569 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:

3 Edw. VII.
c. 19, s. 569,
subs. 5
repealed.

(5) In the case of a by-law under paragraph number 4 of section 566, or under subsection 1 of this section, in addition to the publication required in the case of a by-law authorizing the issue of debentures which requires the assent of the electors of a municipality before the final passing thereof, there shall be published, along with a copy of such by-law, and for the same period, the estimates of the intended expenditure.

Publication
of estimates
with by-law
for raising
money for
street railways,
gas, electric
light, or
waterworks.

Provided always that where any city, town or village has constructed gas, electric light or water works under the authority of this Act, or under the authority of *The Municipal Waterworks Act*, or under the authority of any special Act or Acts, or hereafter constructs such works under the authority of the said Acts or any future amendments of the same, and has raised the money for the purchase or construction of such works, or hereafter so raises the same by a general rate on the whole of the assessable property of the said corporation under a by-law or by-laws lawfully passed or to be passed, it shall be lawful for the council of the city, town or village from time to time to pass by-laws, after the assent of the electors entitled to vote thereon has been obtained, and without the publication of any estimates, to raise on the credit of the said corporation such further sums

Proviso.

By-laws for
extension
of works.

as may be necessary to extend or improve the said works, or to pay the expense of any extensions or improvements thereof already made or completed, wholly or in part, and for levying on the whole rateable property of the said corporation an annual special rate sufficient to defray the yearly interest upon the sums so expended, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years nor less than five years, or sufficient to pay any debt so incurred within such period in equal annual instalments, including principal and interest.

Proviso.

19-1

When assent of electors not required to by-law for constructing extensions.

Provided further that in such cases it shall not be necessary to obtain the assent of the electors to such by-law or by-laws, if the same be approved of by the Lieutenant-Governor in Council, it being first shown to the satisfaction of the Lieutenant-Governor in Council that the said extensions are or were necessary, and that a sufficient additional revenue will be derived therefrom to meet the annual special rate required to pay the new debt and interest; and provided also that on the final passing of such by-law or by-laws three-fourths of all the members of the council vote in favour of the same.

3 Edw. VII. c. 19, s. 669, subs. 1 amended.

Publication of local improvement by-laws.

3. Subsection 1 of section 669 of *The Municipal Act* is amended by striking out the words "at least two newspapers published in the township, city, town or village, if there are two newspapers," and substituting therefor the words "a newspaper published in the township, city, town or village, if there be a newspaper."

No. 162.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Act.

First Reading, 15th March, 1906.

Mr. CARSCALLEN,
(Hamilton).

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

BILL.

An Act to amend The Municipal Act.

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

1. Subsection 1 of section 678 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words “or village” where they occur in the second and ninth lines of the said subsection and inserting in lieu thereof the words “village or township.”
3 Edw. VII.,
c. 19, s. 678,
subs. 1,
amended.
2. Subsection 2a of the said section is amended by striking out the words “or village” where they occur in the sixth and twelfth lines of the said subsection and inserting in lieu thereof the words “or township.”
3 Edw. VII.,
c. 19, s. 678,
subs. 2a,
amended.

No. 163.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Act.

First Reading, 16th March, 1906.

Mr. NIXON.

TORONTO:

PRINTED by L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Assessment Act.

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

1. Clause (d) subsection 1 of section 10 of *The Assessment Act*, is amended by striking out in the second line of said Clause (d) the words "60 per cent.," and inserting in lieu thereof "50 per cent." 4 Edw. VII., c. 23, s. 10, subs. 1, clause (d), amended.
2. Subsection 7 of section 10 of the said Act is amended by striking out the following words in said subsection "Nor shall any person be subject to assessment in respect of dividends derived by him from shares in the stock of a corporation carrying on a mercantile or manufacturing business and which corporation is subject to assessment under subsection 1," and inserting in lieu thereof the following words "Nor shall any shareholder of a corporation carrying on a mercantile or manufacturing business and which corporation is subject to assessment under subsection 1 be subject to assessment in respect of income derived from the business of such corporation." 4 Edw. VII., c. 23, s. 10, subs. 7 amended.

No. 164.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Assessment Act.

First Reading, 16th March, 1906

Mr. McNAUGHT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 165.]

BILL.

[1906

An Act to amend The Municipal Act.

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

- (1) Section 526 of *The Consolidated Municipal Act, 1903*,
5 is amended by adding thereto the following sub-section:—
- (6) Indigent consumptives.

3 Edw. VII.,
c. 19, s. 526
amended.

No. 165.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Act.

First Reading, 16th March, 1906.

Mr. PATTINSON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to The King's Most Excellent Majesty.

BILL.

An Act respecting the City of St. Catharines.

WHEREAS the Municipal Corporation of the City of ^{Preamble} St. Catharines has, by its petition, represented that a considerable portion of the indebtedness of the said city corporation, to wit, the sum of \$130,000, has been incurred for and in respect of the laying down and construction of sewers and the providing of a general sewer system for the said city, and that the said city corporation has imposed a yearly sewer rental in respect of the use of the said sewers, and that the amount of such sewer rental is sufficient to provide for the interest and create a sinking fund for the payment of the principal of the debentures which have been issued by the said city corporation for and in respect of the laying down and construction of the said sewers, and that it is the intention of the said city corporation to apply all monies derived from the said sewer rental for the purpose of paying the interest on and creating a sinking fund for the payment of the said debentures at maturity, and that by reason thereof that portion of the debt of the said city corporation should not be reckoned as part of the indebtedness of the said city corporation in calculating the amount of its indebtedness for the purpose of ascertaining if the limit of its borrowing power as fixed by section 16 of Chapter 79 of 56 Victoria has been reached, but should be excluded in computing the same; and whereas the said city corporation has also by its said petition represented that under and by virtue of a by-law of the said city corporation numbered 512, passed on the 16th day of June, 1886, entitled "A by-law to authorize the corporation of the City of St. Catharines to aid the St. Catharines and Niagara Central Railway Company by guaranteeing certain bonds or debentures to be issued by the said company," the said city corporation guaranteed, under its corporate seal, payment of the bonds or debentures of the said company to the amount of \$80,000. and interest thereon until maturity, the said bonds or debentures being payable in twenty years from the date of the passing of said by-law, and that by

reason of the sale of the assets and properties of the said The St. Catharines and Niagara Central Railway Company, at the suit of the bondholders thereof, the guarantee of the said municipal corporation has become a liability of the said municipal corporation to the extent of \$61,319.96, and will 5 mature and become payable by the said city corporation on or about the 1st day of June, 1906, and no provision has been made for the payment of the said liability, and that the said municipal corporation should be authorized to issue the debentures of the corporation for the purpose of pay- 10 ing the said liability when it matures; and whereas the said municipal corporation has, also, by its said petition, represented that authority should be given to the municipal corporation of the County of Lincoln to aid or assist the said municipal corporation of the City of St. Catharines in the 15 construction of the high level bridge mentioned and referred to in section 3 of Chapter 66 of 4 Edward VII., and for that purpose to issue the debentures of the said-county corporation therefor; and whereas the said municipal corporation has, by its said petition, further represented that 20 sections 3 and 4 of the said Act, Chapter 66 of 4 Edward VII., should be amended for the purpose of more clearly defining the purposes of said sections, and that section 9 of the said Act should be amended so as to make the operation of the said section 9 more just and equitable; and the said 25 municipal corporation has, by its said petition, prayed for the passing of an Act for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— 30

Indebtedness for sewers not to be reckoned in ascertaining limits of borrowing power.

1. That portion of the indebtedness of the corporation of the City of St. Catharines which has been heretofore incurred by the said city corporation for and in respect of the laying down and construction of sewers, and a general 35 sewer system in the City of St. Catharines, amounting to the sum of \$130,000, shall not be reckoned as part of the indebtedness of the said city corporation in calculating the amount of the indebtedness of the said corporation for the purpose of ascertaining if the limit of its borrowing power 40 as fixed by section 16 of Chapter 79 of the Acts passed in the 56th year of the reign of Her late Majesty, Queen Victoria (known as *The City of St. Catharines Debt Consolidation Act, 1893*), has been reached, but shall be excluded in computing the same. 45

Sewers rents to be applied to payment of interest on sewer debentures and to form a sinking fund.

2. From and after the passing of this Act all revenues or rental arising or derived from the use of the said sewers or any of them under and by virtue of any by-law of the said city corporation imposing any rent or tax for connection with or for the use of the said sewers shall, after deducting 50

therefrom the cost of the maintenance and repairs of the said sewers or sewer system be applied in payment of the interest on the debentures for the said sum of \$130,000 so issued as aforesaid by the said corporation in respect of the laying down and construction of the said sewers, and the said sewer system; and for the creation of a sinking fund for the payment of the principal of the said debentures as and when the same mature, and for no other purpose whatever.

10 **3.** It shall be lawful for the said corporation of the City of St. Catharines to pass a by-law or by-laws providing for the issue of debentures under its corporate seal for the purpose of paying a certain liability of the said city corporation incurred under and by virtue of a by-law of the said city
 15 corporation numbered 512, passed on the 16th day of June, 1886, entitled "A by-law to authorize the corporation of the City of St. Catharines to aid the St. Catharines and Niagara Central Railway Company by guaranteeing certain bonds or debentures to be issued by the said company," which
 20 said bonds or debentures amount to the sum of \$61,319.96, and will mature on or about the 1st day of June, 1906. The said debentures shall be payable in twenty years from the date of the by-law authorizing the issue thereof, and shall bear interest at the rate of four per cent. per annum, and
 25 may be payable at such place or places as the council of the said corporation may by by-law determine. It shall not be necessary to submit the by-law authorizing the issue of the said debentures to the electors of the said city for their approval.

Issue of debentures for \$61,319.96 to pay off liability incurred under By-law 512.

30 **4.** It shall and may be lawful for the corporation of the County of Lincoln to aid or assist the corporation of the City of St. Catharines in the construction of the high level bridge mentioned and referred to in section 3 of Chapter 66 of 4 Edward VII., by the gift of money or by the guarantee
 35 of the debentures of the said corporation of the City of St. Catharines to be issued in respect of the construction of the said high level bridge or in any other manner which the council of the said county corporation may deem expedient, and for any of the said purposes to issue the debentures of
 40 the said county corporation, and to pass by-laws of the said county corporation for any of said purposes, and it shall not be necessary for the said county corporation to submit any such by-law for the votes of the electors, but any such by-law as aforesaid shall receive the affirmative vote of two-
 45 thirds of the members of the council of said county corporation.

County of Lincoln authorized to assist city in construction of high level bridge by guarantee of debentures, etc.

5. Section 3 of Chapter 66 of 4 Edward VII. is hereby amended by striking out the words "by any such railway company" in the nineteenth and twentieth lines of said
 50 section.

4 Edw. VII. c. 66, s. 3 amended.

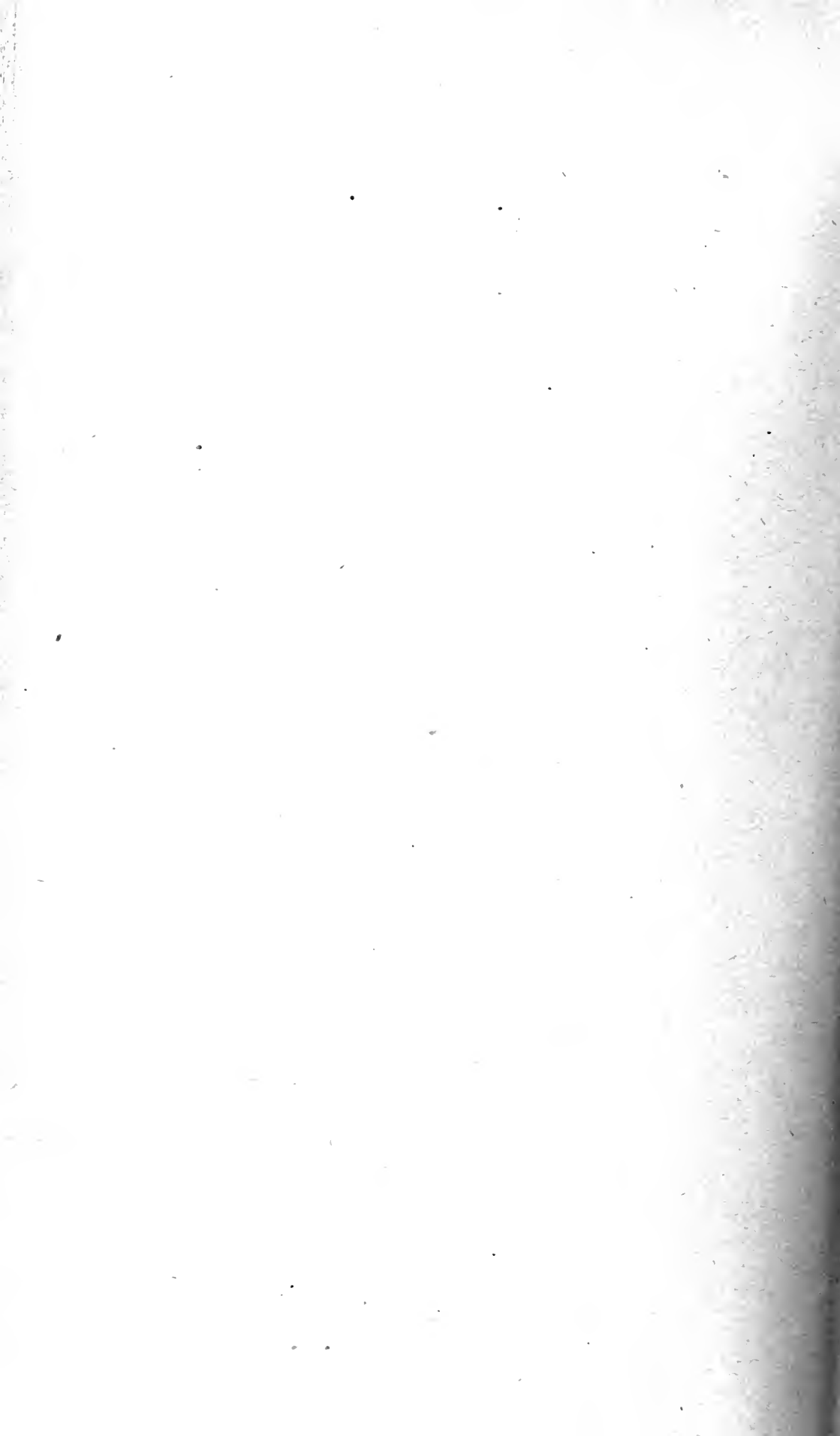
4 Edw. VII.,
c. 66, s. 4
amended.

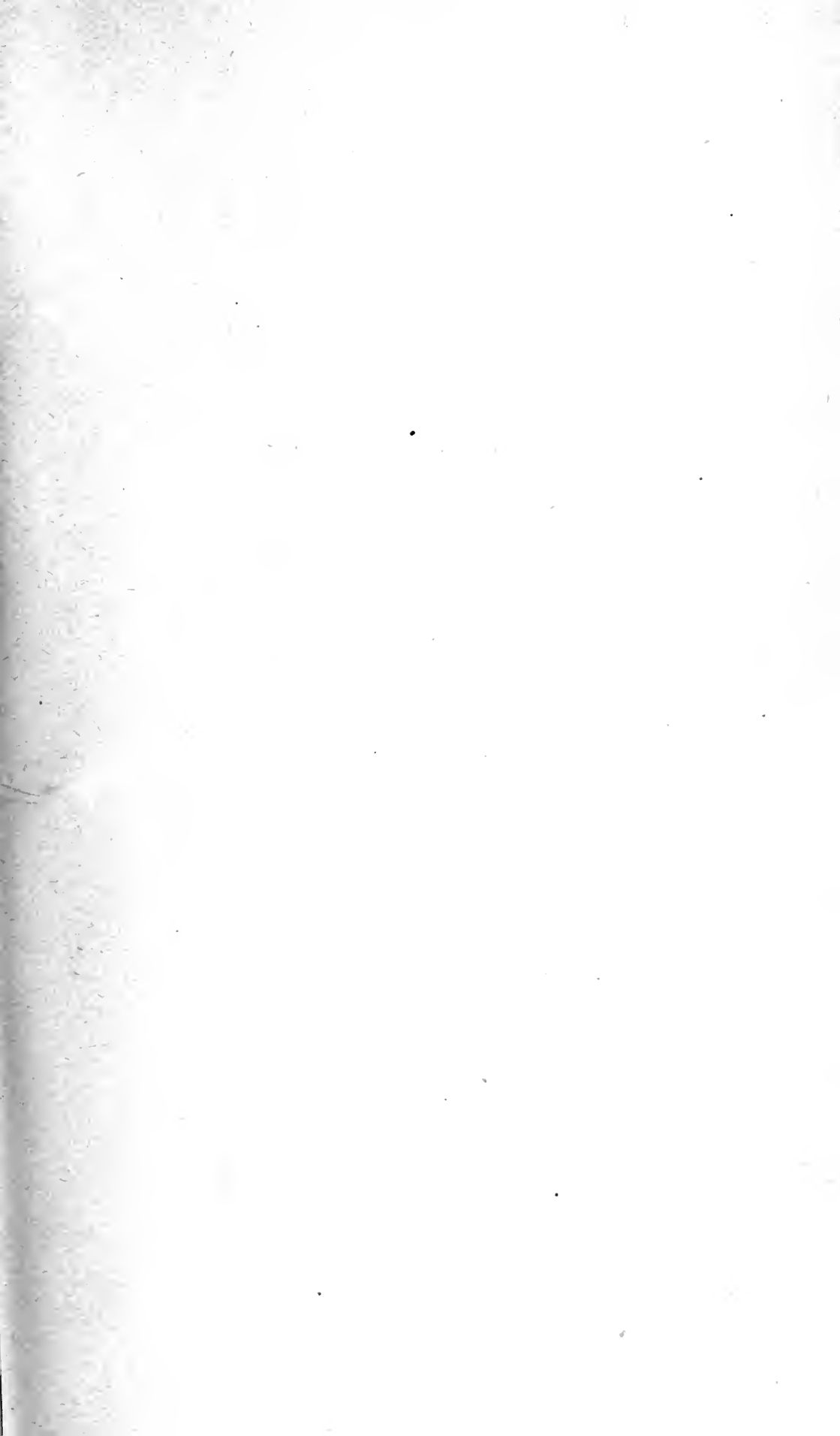
6. Section 4 of Chapter 66 of 4 Edward VII. is hereby amended by striking out the words "constructing the said bridge as aforesaid" in the third line of the said section, and by striking out the words "and partly to such company constructing the said bridge as aforesaid" in the twelfth and thirteenth lines of the said section, and substituting therefor the words "and partly to any railway company which may construct the said bridge under agreement with the said city corporation."

4 Edw. VII.,
c. 66, s. 9
amended.

7. Section 9 of Chapter 66 of 4 Edward VII. is hereby amended by adding after the word "rental" in the sixteenth line of the said section the following words: "but no allowance in reduction or payment of the said annual sewer rental in respect of any sum heretofore paid for the privilege of connecting with the said common sewer shall be made or allowed in the case of any premises which have been connected with any common sewer for a period of five years prior to the 1st day of January, 1906," and by adding to the said section 9 as subsection 2 thereof the following:

(2) In any case where lands or premises are drained into any sewer or drain which runs through or across the property of any private person or persons and joins or is connected with the general sewer system of the city, the person or persons whose land or premises is so drained as aforesaid shall be liable for and shall pay sewer rental according to the street frontage of the said lands or premises notwithstanding that any such person or persons or his or their predecessors in title may have contributed to the construction or laying down of such sewer or drain so running through or across private property as aforesaid.





No. 166.

2nd Session, 11th Legislature,
6 EDWARD VII., 1906.

BILL.
An Act respecting the City of St.
Catharines.

First Reading, 1906.

(Private Bill).

Mr. JESSOP.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

BILL.

An Act respecting the City of St. Catharines.

WHEREAS the Municipal Corporation of the City of Preamble St. Catharines has, by its petition, represented that under and by virtue of a by-law of the said city corporation numbered 512, passed on the 16th day of June, 1886, entitled "A by-law to authorize the corporation of the City of St. Catharines to aid the St. Catharines and Niagara Central Railway Company by guaranteeing certain bonds or debentures to be issued by the said company," the said city corporation guaranteed, under its corporate seal, payment of the bonds or debentures of the said company to the amount of \$80,000, and interest thereon until maturity, the said bonds or debentures being payable in twenty years from the date of the passing of said by-law, and that by reason of the sale of the assets and properties of the said The St. Catharines and Niagara Central Railway Company at the suit of the bondholders thereof, the guarantee of the said municipal corporation has become a liability of the said municipal corporation to the extent of \$61,319.96, and will mature and become payable by the said city corporation on or about the 1st day of June, 1906, and no provision has been made for the payment of the said liability, and that the said municipal corporation should be authorized to issue the debentures of the corporation for the purpose of paying the said liability when it matures; and whereas the said municipal corporation has, also, by its said petition, represented that authority should be given to the municipal corporation of the County of Lincoln to aid or assist the said municipal corporation of the City of St. Catharines in the construction of the high level bridge mentioned and referred to in section 3 of Chapter 66 of 4 Edward VII., and for that purpose to issue the debentures of the said county corporation therefor; and whereas the said municipal corporation has, by its said petition, further represented that sections 3 and 4 of the said Act, Chapter 66 of 4 Edward VII., should be amended for the purpose of more clearly defining the purposes of said sections, and that section 9 of

the said Act should be amended so as to make the operation of the said section 9 more just and equitable; and the said municipal corporation has, by its said petition, prayed for the passing of an Act for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

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

Issue of debentures for \$61,319.96 to pay off liability incurred under By-law 512.

1. It shall be lawful for the said corporation of the City of St. Catharines to pass a by-law or by-laws providing for the issue of debentures under its corporate seal for the purpose of paying a certain liability of the said city corporation incurred under and by virtue of a by-law of the said city corporation numbered 512, passed on the 16th day of June, 1886, entitled "A by-law to authorize the corporation of the City of St. Catharines to aid the St. Catharines and Niagara Central Railway Company by guaranteeing certain bonds or debentures to be issued by the said company," which said bonds or debentures amount to the sum of \$61,319.96, and will mature on or about the 1st day of June, 1906. The said debentures shall be payable in twenty years from the date of the by-law authorizing the issue thereof, and shall bear interest at the rate of four per cent. per annum, and may be payable at such place or places as the council of the said corporation may by by-law determine. It shall not be necessary to submit the by-law authorizing the issue of the said debentures to the electors of the said city for their approval.

County of Lincoln authorized to assist city in construction of high level bridge by guarantee of debentures, &c.

2. It shall and may be lawful for the corporation of the County of Lincoln to aid or assist the corporation of the City of St. Catharines in the construction of the high level bridge mentioned and referred to in section 3 of Chapter 66 of 4 Edward VII., by the gift of money or by the guarantee of the debentures of the said corporation of the City of St. Catharines to be issued in respect of the construction of the said high level bridge or in any other manner which the council of the said county corporation may deem expedient, and for any of the said purposes to issue the debentures of the said county corporation, and to pass by-laws of the said county corporation for any of said purposes, and it shall not be necessary for the said county corporation to submit any such by-law for the votes of the electors, but any such by-law as aforesaid shall receive the affirmative vote of two-thirds of the members of the council of said county corporation.

4 Edw. VII., c. 66, s. 3 amended.

3. Section 3 of Chapter 66 of 4 Edward VII. is hereby amended by striking out the words "by any such railway company" in the nineteenth and twentieth lines of said section.

4 Edw. VII.,
c. 66, s. 4
amended.

4. Section 4 of Chapter 66 of 4 Edward VII. is hereby amended by striking out the words "constructing the said bridge as aforesaid" in the third line of the said section, and by striking out the words "and partly to such company constructing the said bridge as aforesaid" in the twelfth and thirteenth lines of the said section, and substituting therefor the words "and partly to any railway company which may construct the said bridge under agreement with the said city corporation."

4 Edw. VII.,
c. 66, s. 9
amended.

5.—(1) Section 9 of Chapter 66 of 4 Edward VII. is hereby amended by adding after the word "rental" in the sixteenth line of the said section the following words: "but no allowance in reduction or payment of the said annual sewer rental in respect of any sum heretofore paid for the privilege of connecting with the said common sewer shall be made or allowed in the case of any premises which have been connected with any common sewer for a period of five years prior to the 1st day of January, 1906," and by adding to the said section 9 as subsection 2 thereof the following:

(2) In any case where lands or premises are drained into any sewer or drain which runs through or across the property of any private person or persons and joins or is connected with the general sewer system of the city, the person or persons whose land or premises is so drained as aforesaid shall be liable for and shall pay sewer rental according to the street frontage of the said lands or premises notwithstanding that any such person or persons or his or their predecessors in title may have contributed to the construction or laying down of such sewer or drain so running through or across private property as aforesaid.

No. 166.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting the City of St.
Catharines.

First Reading, 27th March, 1906.

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

Mr. JESSOP.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The High Schools Act.

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

1. Subsection 6 of section 34 of *The High Schools Act*,¹ Edw. VII., c. 40, s. 34, as amended by section 1 of the Act passed in the 3rd year of His Majesty's reign, Chaptered 33; subsections 7 and 8 of the said section, as enacted by section 2 of the said Act, Chaptered 33; and subsection 9 of the said section 34, as enacted by section 2 of the Act passed in the 4th year of His Majesty's reign, Chaptered 31, are repealed, and the following substituted therefor:—

(6) Where, owing to distance or to convenience for transportation, the inspector of public schools of any county deems it desirable that certain county pupils resident in such county should attend a high school in a city or town separated from the county which is nearer to or more accessible than any high school of the county, he may direct, by notice in writing to the trustees of the high school in such city or town, and to the county council, that the high school of such city or town shall be open to such particular county pupils as he may designate, upon the same terms as high schools in municipalities not separated from the county and thereupon and until the said inspector shall otherwise direct the county council shall in all cases pay for each such county pupil a sum equal to eighty per cent. of the average cost per capita of the maintenance of pupils at the high school of such city or town, and such sum may be settled by mutual agreement, or, in case of dispute, by the county judge, as hereinbefore provided, but in estimating the cost per capita of the maintenance of pupils the county judge shall deduct the amount of the legislative grant to the high school of such city or town, and, in fixing the amount so payable, he shall credit the county with the fees payable by such county pupils at such high school.

¹ Maintenance of county pupils at high school in city or town.

Maintenance of
county pupils
at school in ad-
jacent county.

(7) Where owing to distance or to convenience for transportation the inspector of public schools of any county deems it desirable that certain county pupils resident in such county should attend a high school in an adjacent county he may direct by notice in writing to the trustees or county council controlling such high school, and to the council of the county in which such county pupils reside, that such high school shall be open to such particular county pupils as he may designate upon the same terms as to county pupils from such adjacent county, and thereafter and until the inspector shall otherwise direct the council of the county in which such pupils reside shall pay to the trustees or the county council having control of the high school in such adjacent county for every such pupil a sum equal to sixty-five per cent. of the average annual cost per capita of the maintenance of pupils at such high school, and such sums may be settled by agreement, or, in case of dispute, by the county judge, as hereinbefore provided, but in estimating the cost per capita of the maintenance of pupils at such high school the county judge shall deduct the amount of the legislative grant to such high school and the fees payable by such county pupil shall be credited to the county in which they reside on account of the said sixty-five per cent.

No. 167.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The High Schools Act.

First Reading, 19th March, 1906.

Mr. NEELY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting Cemeteries.

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

1. Section 23 of *The Act respecting Cemetery Companies* is amended by striking out the words "one hundred superficial feet" in the second line and inserting in lieu thereof the words "sixty superficial feet."
2. The said section is further amended by adding thereto the following subsections:
- (2) It shall be the duty of the secretary of the company to furnish to every shareholder of the company annually on the 31st day of December a statement in writing showing in detail the receipts and disbursements, including all sums paid to directors, officers and servants of the company for the twelve months ending on the first day of December next preceding.
- (3) In case the secretary neglects to furnish this statement without reasonable excuse therefor he shall be liable on summary conviction to a penalty of not less than \$10 and not more than \$20, besides costs.
3. No cemetery or burying ground, whether held by a cemetery company or by trustees, or otherwise, within one mile of the limits of any city containing a population of 100,000 or over, according to the last census of the Dominion of Canada, shall be enlarged, nor shall any lands occupied for cemetery purposes within one mile of such city since the first of January, 1900, be laid out into burial lots nor sold nor used for burial purposes until a plan showing the location of such addition or of the lands so acquired and the lots therein shall have been approved of by by-law of the municipality in which such lands are situate, and in case any interments shall have taken place since the first

Rev. Stat. c. 213, s. 23, amended.

Lot holders when to be shareholders.

Rev. Stat. c. 213, s. 23, amended.

Statement to be furnished annually to shareholders.

Penalty for neglect to furnish statement.

Prohibition against enlargement of certain cemeteries.

day of January, 1905, in any such addition or in any lands so acquired the council of such municipality may by by-law direct the removal of any remains so interred by the company or by the trustees or other persons having control of such cemetery or burying ground or of the lands so acquired as aforesaid.



No. 168.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Cemeteries.

First Reading, 19th March, 1906.

Mr. McCOWAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

BILL.

An Act to amend The Municipal Act.

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

1. Subsection 4 of section 541 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word “brick” in the first line thereof the words “stone, cement and concrete.” 3 Edw. VII., c. 19, s. 541, par. 4. amended.

2. Clause (b) of paragraph 1 of section 542 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word “wooden” in the first line thereof the words “or veneered;” by adding after the word “or” in the first line thereof the words “wooden or veneered;” and by inserting after the word “fences” in the second line thereof the words “or removal of any wooden or veneered building or wooden fences from one place to another;” and by striking out the word “thereto” in the second line thereof. 3 Edw. VII., c. 19, s. 542, par. 1, cl. b, amended.

3. Paragraph (c) of subsection 1 of section 542 of *The Municipal Amendment Act, 1903*, is amended by adding after the word “buildings” in the first line thereof the words “or additions,” and by adding after the word “brick” in the second line thereof the words “cement, concrete.” 3 Edw. VII., c. 19, s. 542, subs. 1, par. c, amended.

No. 169

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Act.

First Reading, 19th March, 1906.

Mr. JAMIESON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 170.]

BILL.

[1906.]

An Act to amend the Act respecting the Provisional
County of Haliburton.

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

1. *The Act respecting the Provisional County of Halibur-* Rev. Stat., c. 4,
5 *ton* is amended by adding at the end thereof the following amended.
section:

31. No damages shall be recovered in respect of injuries
committed in the said provisional county upon any land by
horses, cattle, sheep or swine straying upon such land, un-
10 less the animal so straying was running at large, contrary
to a municipal by-law in that behalf; and where no by-law
prohibiting or regulating the running at large of the class
of animals to which the animal trespassing belongs, is in
force in the municipality, township or place, then no such
15 damages shall be recovered unless such animal has broken
through or jumped over a fence then being in reasonably
good order, and of the height of four and one-half feet; but
this section shall not apply to breachy or unruly animals.

Trespasses by
animals.

No. 170.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act respecting the
Provisional County of Haliburton.

First Reading, 19th March, 1906.

Mr. CARNEGIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to incorporate The Bell Telephone
Memorial Association.

WHEREAS His Royal Highness, the Prince of Wales, Preamble.
His Excellency The Earl Grey, Governor-General
of Canada; His Excellency The Earl of Minto, Governor-
General of India; The Rt. Hon. The Earl of Stamford,
5 Governor of the New England Company; The Hon. W.
Mortimer Clark, Lieutenant-Governor of Ontario; The
Hon. J. P. Whitney, Premier of Ontario; The Hon. George
W. Ross, M.P.P.; Sir Thomas G. Shaughnessy, Presi-
dent of the Canadian Pacific Railway; and The Right Hon-
10 ourable The Earl of Strathcona, have consented to become
patrons of the association formed for the purpose of erect-
ing a suitable memorial perpetuating the memory of Alex-
ander Graham Bell, inventor of the telephone; and whereas
it is expedient to incorporate the said association;

15 Therefore His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

1. W. F. Cockshutt, M.P.; Lloyd Harris, W. Norman Incorporation.
Andrews, Edward L. Goold, M. K. Halloran, George Kip-
20 pax, George H. Muirhead, T. H. Preston, M.P.P.; F.
Douglas Reville, Alfred J. Wilkes, K.C.; Charles H. Wat-
terous, John Muir, George Hately and such others as may
hereafter become subscribers to the fund to be formed for
the purposes aforesaid, shall be and are hereby incorporated
25 and made a body corporate and politic, as an association,
under the name of The Bell Telephone Memorial Associa-
tion, for the purpose of making such contracts and entering
into such agreements and arrangements as may be neces-
sary for the purpose of constructing, erecting, building and
30 keeping in repair a monument and such other memorial per-
petuating the memory of Alexander Graham Bell, inventor
of the telephone, at the City of Brantford, in the County of
Brant, and elsewhere in the County of Brant, with the right

to the said association to sue, subject to the liability being sued, in respect of any such contracts, agreements, arrangements, monument and memorial works and premises.

Board of directors.

2. The affairs of the association shall be managed by a board of not less than five, and not more than fifteen directors, unless the by-laws of the association otherwise provide. 5

Directors—
First Board.

3. The following named persons shall be the directors of the association until replaced by others, duly appointed, in their stead, namely: W. F. Cockshutt, M.P.; Lloyd Harris, W. Norman Andrews, Edward L. Goid, M. K. Haloran, George Kippax, George H. Muirhead, T. H. Preston, M.P.P.; F. Douglas Reville, A. J. Wilkes, K.C.; Charles H. Waterous, John Muir and George Hatley. 10

Directors to be subscribers.

4. No person shall be elected or appointed as a director hereafter unless he is a subscriber. 15

Directors after first Board.

5. After directors of the association shall be elected by the subscribers in general meeting of the association, assembled at the City of Brantford, at such time and in such manner, for such terms, not exceeding two years, as the by-laws of the association prescribe. 20

Election of directors.

6. In default of, and until other express provisions in such behalf by by-laws of the association are made:

(1) Such election shall take place, all members of the board retiring, and, if otherwise qualified, shall be eligible for re-election. 25

Notice of meetings.

(2) Notice of the time and place for holding the general meetings shall be mailed to each subscriber, at least five days previously thereto.

Voting.

(3) At all general meetings of the association every subscriber to the extent of five dollars shall be entitled to one vote, and to one vote additional for every additional ten dollars' subscription, but in no case shall one person be entitled to more than ten votes, and any subscriber may vote by proxy, and any corporation or municipality being a subscriber shall be entitled to be represented and to vote by and through its chief executive officer. 30

Vacancies in Board.

(4) Vacancies occurring in the board of directors may, unless the by-laws otherwise direct, be filled for the unexpired remainder of the term by the board from among the qualified subscribers of the association. 40

President.

(5) The directors shall, from time to time, elect from among themselves a president of the association, and shall also name and may remove at pleasure all other officers thereof. 45

(6) The treasurer of the association shall give such security as the board of directors may, from time to time, direct. Treasurer to give security.

(7) If at any time an election of directors is not made or does not take effect at the proper time, the association shall not be held to be thereby dissolved, but such election may take place at any general meeting of the association duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. When election not held at proper time.

10 (8) The directors shall have full power in all things to administer the affairs of the association, and may make or cause to be made any description of contract which the association may by law enter into. Powers of directors.

(9) The directors may, from time to time, make such by-laws, not contrary to law, as they may deem necessary for the proper regulation of the association. By-laws.

(10) Five of the subscribers to the association shall at all times have the right to require the president or chairman 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. Special meetings.

(11) The association may enforce payment of all subscriptions by action in any court of competent jurisdiction, and in such cases it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a subscriber, stating the number of shares, and is indebted in the sum of money in respect of such subscription whereby an action has accrued to the association under this Act, and a certificate under the seal and purporting to be signed by any officer of the association to the effect that the defendant is a subscriber, and that so much is due and unpaid by him thereon, and that the same has been demanded, shall be received in all courts as *prima facie* evidence of that effect. Enforcing payment of subscriptions.

35 (12) No subscriber, his executors or administrators, shall be liable either to the said association or any creditor or creditors thereof for or on account of liabilities thereof, beyond the amount unpaid on his subscription. Subscribers not liable beyond unpaid amount of subscription.

(13) The word "subscriber" shall mean in this Act any person or persons, or corporations, who shall have given, donated or subscribed to the funds of the association the sum of \$5.00 or upwards. Who to be deemed subscribers.

(14) It shall and may be lawful for the council of any municipality by by-law, and without submitting such by-law to the vote or for the assent of the ratepayers, to grant such sums, not exceeding \$5,000 in cities, \$2,000 in towns and counties, and \$500 in townships to said association for the purpose of contributing to the fund to be raised for the Municipal grants.

purposes aforesaid, either in money or by the issue of debentures, at such dates and for such amounts and at such rates of interest as may be deemed advisable by such municipal councils.

Agreement
with Park Com-
missioners of
Brantford.

7. The said association may enter into such agreements 5
with the park commissioners of the City of Brantford, in
connection with the site for and erection of a monument
within the said city, and may acquire the Bell homestead,
in the Township of Brantford, and enter into such contracts
or agreements as may be necessary to maintain and keep in 10
repair the said monument and homestead property, or may
enter into such agreements with the municipalities of the
City of Brantford and the Township of Brantford in respect
to both the said monument and property, or either of them,
as may be deemed advisable, and such municipalities are 15
hereby authorized to enter into any agreements aforesaid.



No. 171.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to incorporate The Bell Telephone
Memorial Association.

First Reading, 19th March, 1906.

(Private Bill.)

Mr. PRESTON.
(Brant.)

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Liquor License Laws.

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

INTERPRETATION.

- 5 1.—(1) Where the words following occur in this Act or Interpretation.
in *The Liquor License Act* or in the schedules thereto they
shall be construed in the manner hereinafter mentioned
unless a contrary intention appears;
- (a) "Tavern" shall mean an hotel, inn or other public "Tavern."
10 house of entertainment kept for the purpose of providing
refreshment and accommodation for the public.
- (b) "Keeper" when used with respect to licensed prem- "Keeper."
ises shall mean and include the person to whom the license
was issued or who is the holder of the license and where
15 the license is held by an incorporated company, shall mean
and include the company, and the manager, superinten-
dent, or other person in charge of the premises or respon-
sible for the conduct of the business carried on therein.
- (c) "Board" shall mean the Board of License Commis- "Board."
20 sioners appointed for any License District under the pro-
visions of *The Liquor License Act*.
- (d) "Justice" shall mean and include any one or more "Justice."
justices of the peace, and any Police Magistrate or Stipen-
diary Magistrate.
- 25 (e) "Justices" shall mean two or more justices of the "Justices"
peace sitting and acting together and shall also include a
Police Magistrate or Stipendiary Magistrate and wherever
by this Act or *The Liquor License Act* jurisdiction is con-
ferred upon two justices of the peace sitting and acting
30 together the same may be exercised by a Police Magistrate

or Stipendiary Magistrate having jurisdiction as such in any part of the county or district for which such justices of the peace might act.

“County.” (f) “County” shall include a union of counties and a provisional judicial district. 5

Rev. Stat., c. 245, s. 2, par. 1, amended.

(2)—The paragraph numbered 1 in section 2 of *The Liquor License Act* is amended by adding thereto the following,—

When liquor to be deemed intoxicating.

“(a) Any liquor which contains more than two and one-half per cent. of proof spirits shall be conclusively deemed to be intoxicating.” 10

REGULATIONS.

Regulations by Order in Council.

2. The Lieutenant-Governor in Council may from time to time make regulations:—

Appointment of officers, etc.

1. For the appointment of permanent officers, clerks, and servants of the License Branch at Toronto for the purpose of carrying out the provisions of *The Liquor License Act* or of any other Act of the Province of Ontario respecting licenses for the manufacture or sale of liquor or for the regulation of the sale of liquor by wholesale or retail in this Province; 15

Duties, powers and salaries of officers, etc.

2. For defining the duties and powers of such officers, clerks and servants, and for fixing the security to be furnished by them or any of them for the due performance of their respective duties and for fixing the salaries of such officers, clerks and servants; 25

Special or temporary officers and clerks.

3. For providing for the employment of such special or temporary officers and clerks as may from time to time be necessary in the opinion of the Minister for the better enforcement of the provisions of this Act and any regulations or by-laws passed thereunder; 30

Regulation of business.

4. For regulating the transaction of business in the License Branch and for the direction of License Inspectors and License Commissioners in the performance of their duty under this Act or *The Liquor License Act*, or any regulation or by-law made or passed thereunder; 35

Inspection of License Districts.

5. For providing for the inspection of License Districts and of the books and accounts of Inspectors and ascertaining that the duties of the office of Inspector are faithfully and efficiently performed; 40

Investigations

6. For providing for the holding of investigations into the conduct of Inspectors and License Commissioners and for empowering any officer holding such investigation to take evidence on oath and to summon witnesses and to enforce their attendance and to compel the production of books and documents, and for conferring upon such officer all the powers possessed by a commissioner appointed under

Rev. Stat., c. 19. *The Act respecting Enquiries Concerning Public Matters.*

MEMBERS OF MUNICIPAL COUNCILS, ETC.

3.—(1) No tavern or shop license shall be issued to or held by any person who is a member of a municipal council, nor shall any such license be issued to or held by any person who is the wife, or partner in business or the son or daughter (if such son or daughter is resident with his or her father) of a member of the municipal council of a municipality within the License District in which the licensed premises or the premises for which a license is sought are situate.

Licenses not be issued to members of councils or their wives, etc.

(2) No person who is the manager of any company to which a license is issued or transferred under this Act or who is employed in any capacity in the business of any person holding a license under this Act, and no person whose wife, or partner in business, or whose son or daughter (if such son or daughter is resident with his or her father) is the holder of a tavern or shop license shall be qualified to be elected a member of the council or to sit or vote in the council in any municipality comprising or forming part of the license district in which the licensed premises are situate, but no person shall be disqualified or rendered ineligible to sit and vote in a municipal council by reason only of such person being a shareholder in a company to which a license is issued or transferred under this Act.

Licenses, husbands, etc., disqualified for election to councils.

SECURITY BY APPLICANT FOR LICENSE.

4.—(1) In lieu of the security to be given as provided by section 17 of *The Liquor License Act* the Lieutenant-Governor in Council may by Order in Council direct that an agreement may be entered into between His Majesty and any guarantee company or other company authorized to enter into contracts of suretyship or to issue policies for guaranteeing the good behaviour of persons required to furnish such security,—by which the said company may undertake, in consideration of a fixed annual payment or otherwise, to indemnify His Majesty or any municipal corporation against the non-payment of any fines or penalties or costs which the person applying for any license or to whom any license is transferred may be ordered to pay during the term for which the license is granted or during which such person is the holder of a tavern or shop license, to the amount set out in the said agreement or in any schedule attached thereto.

Security—by licensees,—general agreements with guarantee companies.

(2) It shall not be necessary that a separate agreement shall be entered into for each applicant for a license or transferee of a license, but the agreement with such company may provide that upon notice being given in writing by an officer of the Government of Ontario at Toronto to the company that the company is required to furnish security for any such applicant or transferee, and upon the acknowledgment in writing of receipt of such notice by the company,—the company shall become liable to the amount set out in such notice.

When liability of company to attach.

Payment of
premium by
Licensee.

(3) The amount chargeable to each applicant for such guarantee shall be stated in the agreement and shall be paid by the applicant, to the Inspector before the issue of the License, and shall be by him forthwith deposited to the credit of the License Fund of the License District. 5

SALES ON VESSELS, ETC.

Who to be
deemed
"occupant"
of steamboat,
etc.

5. The owner, master, captain or other person in command or in charge of any ferry boat or any vessel navigating any of the great lakes or the Rivers St. Lawrence or Ottawa or any of the inland waters of the Province of 10 Ontario shall be deemed to be "the occupant" of such ferry boat or vessel within the meaning of section 112 of *The Liquor License Act* and for every contravention of the provisions of the said Act on board such ferry boat or vessel shall be personally liable to the penalty and punishment prescribed in the said Act in the same manner and to the same extent as the occupant of a house, shop, room or other place. 15

BAR TENDERS' LICENSES.

"Bar-tender,"
meaning of.

6.—(1) The expression "bar tender" as used in this 20 section shall mean and include any person who sells or supplies liquor to any person whomsoever in or upon any premises in respect of which a tavern license has been issued under *The Liquor License Act*.

Employment
of unlicensed
bartenders
prohibited.

(2) No keeper of a licensed tavern in any city or town or 25 in any locality in those parts of the Province without county organization (called in this section a licensee) shall employ any bar tender, or permit any person to act as such in or upon his licensed premises, who is not, during the whole time he is employed, or permitted so to act, the holder of 30 a bar tender's license, as provided by this section.

Penalty.

(3) Any licensee who violates the preceding subsection shall, for every day or portion of a day, during which such violation continues, incur a penalty of not less than \$10 and not more than \$20 or imprisonment for a 35 period not exceeding one month.

Acting as
bartenders
without
license.

(4) Any person acting as a bar tender in any city or town or in any such locality without first having obtained a license, as in this section provided, shall be liable to the same penalties as those prescribed in the case of a licensee, in the 40 next preceding subsection, and in any prosecution brought under this subsection the onus of proving that he holds a bar tender's license shall rest upon the defendant.

Penalty for
violation of
law by licensed
bar-tender.

(5) Any person having obtained a bar tender's license who shall sell or deliver, or cause to be sold or delivered 45 any liquor in contravention of any of the provisions of this Act, or *The Liquor License Act*, or of any by-law or regulations made under this Act, or *The Liquor License Act*,

to any person whomsoever shall be liable to a penalty not exceeding \$20 or to imprisonment for one month.

(6) In addition to any other penalty which may be imposed upon a bar tender for any offence under this Act the Board may forthwith cancel the license of such bar tender, who shall not thereafter be eligible to receive another license under this Act for any purpose whatever during the current license year and upon a conviction for a second offence of any nature within two years the license of such bar tender shall *ipso facto* become void and he shall not thereafter be eligible to hold any license under this Act for two years.

Cancellation of licenses for offences.

(7) No bar tender's license shall be issued to any person who is not of the full age of twenty-one years, and of good character.

License not to be issued to minors or persons not of good character.

(8) No bar tender's license shall be issued to any woman.

Nor to a woman.

(9) The said bar tender's license may be in the form set out in Schedule A to this Act and may, subject to the conditions in this section mentioned, be obtained at any time on application to the Inspector, on payment thereof of the sum of \$2. Provided, however, that the Inspector may for any cause which he may consider sufficient refuse to issue such license, but the issue or refusal of a license to a bar tender shall in all cases be subject to the approval of the Board.

Form of license, fee thereon.

(a) Such license shall only be valid during the currency of the license year in which it is issued and shall expire on the last day of the month of April then next ensuing.

Term of license.

(b) All fees received for bar tenders' licenses shall be paid into the License Fund of the District in which the same are issued.

Application of fees.

(c) No bar tender's license shall be valid in any license district other than that in which the same was issued, unless and until it has been endorsed by the Inspector of some other license district, and such endorsement (for which no charge shall be made) shall give validity to such license in the district in which the Inspector, who has endorsed the same, has jurisdiction, provided such license has not been cancelled prior to the endorsement, but such Inspector may for any cause which he may consider sufficient withhold such endorsement, subject to the approval of the Board.

Endorsement of license by inspector of another district.

Record of
licenses issued.

(d) Every Inspector who issues or endorses a bar tender's license shall enter a memorandum of the same in a book to be provided for the purpose, and such entry, as well as the entry of a memorandum that any such license has been 5 cancelled, shall be received in any court as *prima facie* evidence, of the facts therein stated. Instead of the production of the book containing such entry, the presiding Justice may receive a certificate of any such 10 entry as aforesaid, purporting to be signed by the proper Inspector, without requiring proof of the signature of such Inspector.

Production of
license upon
request of
Inspector.

(e) Every licensed bar tender shall produce his license forthwith on request, to any Inspector or 15 other official appointed by the Crown or any constable or police officer; and should such bar tender refuse or neglect to make such production when required he shall be liable to a penalty not exceeding \$10 and costs and in 20 default of payment to imprisonment in the common gaol of the county in which the offence was committed for any period not exceeding ten days with or without hard labour.

Persons not
required to
have license.

(10) Nothing in this section contained shall apply to 25 or affect the sale or delivery of liquor by the licensee, or by any member of his family of the full age of twenty-one years, other than a domestic servant or other person in the employment of the licensee.

LICENSES TO FIRMS.

30

Granting
tavern or shop
licenses to
partnerships

7.—(1) A tavern or shop license may be granted or transferred to a firm registered under *The Act respecting the Registration of Co-partnerships and Business Firms* but subject to the conditions and regulations in this section and in any Order in Council respecting the granting of 35 such licenses set forth.

Application for
firm license.

(2) The application for such license shall be signed by the firm in the registered name of such firm and by every person registered as a member of such firm in his own name, and the bond or other security to be furnished as 40 provided by section 17 of *The Liquor License Act* shall be executed and entered into or furnished by each registered member of the firm severally.

Liability of
members of
firm.

(3) Every registered member of the firm shall be severally liable to the fines and penalties imposed by *The Li- 45 quor License Act* in the same manner and to the same extent as if he were the holder of the license and any prosecution for a violation of the said Act in or upon

premises the license for which is held by a firm may be carried on against the individual members of the firm or any one or more of them jointly or severally, but not more than one of the members of the firm shall be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other or others of them.

(4) If during the term of the license any change takes place in the firm by death, dissolution of partnership, or the retirement of any member of the firm, the remaining members of the firm and the legal representatives of any such deceased member shall within one month thereafter obtain the written consent of the Board to the continuance of the business, and in case such consent is not obtained or the license is not transferred as provided by section 37 of *The Liquor License Act*, such license shall be void.

(5) The license granted or transferred to any firm may be revoked or cancelled under the circumstances and in the manner provided by section 91 of *The Liquor License Act*, or by any provision of this Act, and the said section and other provisions shall apply to firms in the same manner and to the same extent as to individuals, and the conviction of any member of the firm shall for the purposes of the said section and other provisions be deemed to have been the conviction of the firm.

LICENSES TO COMPANIES.

8.—(1) A tavern or shop license may be granted or transferred to an incorporated company, but under and subject to the conditions and regulations in this section and in any Order in Council respecting the granting of such licenses set forth.

(2) The application for such license shall be signed by the president and secretary of the company and the corporate seal of the company shall be affixed thereto, and in lieu of the security required by section 17 of *The Liquor License Act* such security shall be furnished by the company as shall be determined by Order in Council.

(3) Before any license shall be issued to a company the company shall appoint some person to be the manager of the licensed premises and shall file with the Board a certificate of the appointment of such manager under the hands of the president and secretary and the corporate seal of the company.

(4) Every manager of an incorporated company holding a tavern or shop license shall be responsible for the proper and lawful conduct of the business carried on on the licensed premises and shall perform the same duties and be liable to the same fines and penalties for any violation of *The Liquor License Act* or any regulation or by-law made or passed thereunder, and shall give the same security as if the license for such premises had been issued to him in his own name.

Liability of company.

(5) Every incorporated company holding a license under *The Liquor License Act* shall be liable to the same fines for any violation of the said Act or of any regulation or by-law made or passed thereunder and such penalties with full costs of suit may be recovered by the Inspector by an action brought in the name of the Inspector in any court of competent jurisdiction, and every such action shall be tried by a judge without a jury.

Action against company not to interfere with prosecution of manager.

(6) No such action shall be a bar to or be barred by any prosecution which may be brought against the manager of the company or any other person under the said Act.

Revocation and cancellation of company's license.

(7) The license granted to any company may be revoked or cancelled under the circumstances and in the manner provided by section 91 of *The Liquor License Act*, or any provision of this Act, and the said section and other provisions shall apply to companies in the same manner and to the same extent as to individuals, and the conviction of the manager of the company shall for the purposes of the said section and other provisions be deemed to have been the conviction of the company.

DETERMINING POPULATION FOR PURPOSES OF ACT.

Population to be ascertained by last enumeration of assessors.

9.—(1) Whenever in this Act or in *The Liquor License Act* reference is made to the number of the population of any municipality the number of such population shall be determined by the enumeration taken by the assessors at the last preceding municipal assessment.

(2) In case of the alteration or formation of a municipality subsequent to the taking of such enumeration, the population of such municipality for the purposes of this Act may be ascertained by reference to the enumeration on which such municipality was so altered or formed.

Rev. Stat., c. 245, s. 19, repealed.

(3) Section 19 of *The Liquor License Act* is repealed.

LICENSE DUTIES.

Tavern and shop licenses. Duties payable.

10.—(1) Save as hereinafter provided with regard to licenses issued in the Provisional Judicial Districts, the following license duties shall hereafter be payable and save as in section 11 of this Act provided shall be in lieu of all others, Provincial or municipal, that is to say:

In a city having a population of more than 100,000: 40
 For a tavern license\$1,200
 For a shop license 1,000

In a city having a population of more than 30,000 and not more than 100,000: 45
 For a tavern license\$700
 For a shop license 700

In a city or town having a population of more than 10,000 and not more than 30,000: 50
 For a tavern license\$500
 For a shop license 500

In a city having a population of 10,000 or less and in a town having a population of more than 5,000 and not more than 10,000:

- 5 For a tavern license\$450
For a shop license 450

In a town having a population of 5,000 or less:

- For a tavern license\$350
For a shop license 350

In an incorporated village:

- 10 For a tavern license\$250
For a shop license 270

In a township:

- For a tavern license\$120
For a shop license 200

15 In any locality in a Provisional Judicial District other than an incorporated city, town or village:

- For a tavern license\$120

In any city, town, village or other municipality, or a locality without municipal organization in a Provisional
20 Judicial District:

- For a shop license\$500

For a beer and wine license a fee of three-fourths of that imposed for a tavern license in the municipality or unorganized district in which the beer and wine license is
25 issued.

For every transfer of a license a fee amounting to *one-third of the fee payable for the license transferred.*

30 Provided that the Lieutenant-Governor in Council may increase the duties payable for tavern or shop licenses in any Provisional Judicial District or in any municipality or locality situated therein to such an amount as may be deemed proper, and such increase shall take effect as may be directed by Order-in-Council.

35 (3) Sections 41, 42, 43 and 44 of *The Liquor License Act* are repealed.

Rev. Stat.,
c. 245, ss. 41-44
repealed.

11.—(1) The council of any municipality may by by-law increase the duties to be paid for tavern or shop licenses therein beyond the amounts hereinbefore provided, but every such by-law shall, before the final passing thereof, be
40 submitted to and approved by the electors in the manner provided by *The Consolidated Municipal Act, 1903*, with respect to by-laws which before their final passing require the assent of the electors of the municipality.

By-law for in-
creasing duties.

(2) Such by-law shall take effect from the passing thereof
45 unless passed later than the 1st day of March in any year, in which case it shall come into force on the first day of May of the next succeeding year.

When by-law
to take effect.

(3) Any by-law so approved shall not be varied or re-
pealed unless the varying or repealing by-law has been in
50 like manner submitted to and approved of by the electors of the municipality.

By-law not to
be repealed,
etc., without
assent of
electors.

By-laws here-
tofore passed
increasing
duties beyond
section 10.

(4) Where the council of any municipality by by-law duly passed prior to the passing of this Act has provided that license duties in excess of the amount fixed by *The Liquor License Act* shall be payable, and the total amount payable for a tavern or shop license in such municipality is by reason of such by-law increased to an amount in excess of that fixed by section 10 of this Act, the duties payable in such municipality shall not be affected by the provisions of section 10 of this Act, but the whole of such duties shall be payable into the License Fund of the License District, and shall be dealt with and apportioned as provided by section 12 of this Act.

Proviso.

(5) Provided that in any city where an increase is by this Act made in the fee or duty payable for a tavern or shop license no further increase shall be made under this section by the council of such city.

LICENSE FUND.

Moneys pay-
able into
License Fund.

12.—(1) All sums received for duties on tavern and shop licenses imposed under this Act or under any municipal by-law passed under this Act, and for transfers thereof, and for bar tenders' licenses in any License District, and all sums received by the Inspector for fines and penalties for offences committed in such district shall form the License Fund of the License District, but such fines and penalties, and all sums received for transfers, shall belong to and be appropriated for the uses of the Province.

Application
and distribu-
tion of fund.

(2) So much of the License Fund as is not specially appropriated otherwise, shall be set apart, under regulations of the Lieutenant-Governor in Council, for the payment of the salary and expenses of the Inspector, and for the expenses of the office of the Board and of officers, and otherwise in giving effect to the provisions of this Act, and the residue, at such times as may be prescribed by the regulations of the Lieutenant-Governor in Council shall be paid over, one-half to the Treasurer of the Province and for the use of the Province, and one-half to the treasurer of the city, town, village or township municipality in which the licensed premises are situate.

Issuing
cheques on
fund.

(3) Cheques upon the license fund account shall be drawn by the Inspector, and countersigned by the chairman of the Board, or any two of the License Commissioners subject to the regulations of the Lieutenant-Governor in Council, but no cheque shall be issued upon the License Fund until authority therefor has been given by the License Branch.

Audit of
license fund
accounts.

(4) All accounts against the License Fund shall be audited by the proper officer of the License Branch at Toronto.

Rev. Stat.,
c. 245, s. 45
repealed.

(5) Section 45 of *The Liquor License Act* is repealed.

PROHIBITED SALES.

Rev. Stat.,
c. 245, ss. 54-56
repealed.

13. Sections 54, 55 and 56 of *The Liquor License Act* are repealed and the following substituted therefor:—

54. Subject to the provisions hereafter contained in every place where intoxicating liquors are authorized to be sold by wholesale or retail, no sale or other disposal of such liquors shall take place therein, or
 5 on the premises thereof, or out of or from the same, to any person or persons whomsoever from or after the hour of seven of the clock on Saturday night until six of the clock on Monday morning thereafter, save and except in cases where a requisition for medical purposes,
 10 signed by a duly qualified medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent; nor shall any such liquor, whether sold or not, be permitted or allowed to be drunk in any such place during the time prohibited for the sale of the same, except
 15 by the occupant or some member of his family, or lodger in his house.

Sales between
 7 p.m. on
 Saturday and
 6 a.m. on
 Monday.

55. No sale or other disposal of liquors shall take place in any place where liquor is authorized to be sold by wholesale or retail, or on the premises thereof, or out of
 20 or from the same to any person whomsoever, save and except in cases where a requisition for medical purposes, signed by a duly qualified medical practitioner, or by a justice of the peace is produced by the vendee or his agent, nor shall any such liquors whether sold or not, be
 25 permitted or allowed to be drunk in any such place, except by the occupant or some member of his family or lodger in his house, during the hours and upon the days following, that is to say:—

Other prohibited sales.

(a) Between the hour in townships, villages and un-
 30 organized territory of ten o'clock, and in cities and towns of eleven o'clock in the afternoon of any day of the week other than Saturday and Sunday and the hour of six o'clock in the forenoon of the next day upon which liquor
 35 may be lawfully sold in such place;

Closing hours on ordinary days.

(b) During any day on which a poll is being held
 40 throughout the municipality or in the electoral district or ward in which such place is situate for or at any Parliamentary election or election of a member of the Legislative Assembly, or any municipal or school election, or under any Act of the Parliament of Canada, or of the Legislature of Ontario or any
 45 municipal by-law respecting the prohibiting, restricting, regulating or affecting in any manner the sale of liquor;

Polling days.

(c) In case such licensed premises are situate upon or
 50 within the distance of three hundred yards from the grounds of the Toronto Industrial Exhibition Association or of any district, township, or other agricultural or horticultural society, then during any day or days upon which the annual exhibition or fair of such association or society is in progress.

Days upon which fairs held when premises within three hundred yards.

Provision—
sales to guests
with their
meals.

Provided, always, that notwithstanding anything contained in this section or in section 54 of this Act in any licensed tavern liquor may be sold during meals on Sundays between the hours of one and three o'clock in the afternoon, and between the hours of five and seven o'clock in the afternoon, respectively, to the guests *bona fide* residing or boarding in such licensed tavern, to be drunk at their meals at the table, but this provision shall not permit the furnishing of liquor at the bar or place where liquor is usually sold in such licensed tavern. 5 10

Bar-rooms to
be kept closed
during prohibited
hours.

56.—(1) During the hours and on the days in which the sale of liquor is prohibited by sections 54 and 55 of this Act, every keeper of a licensed tavern shall keep the bar-room or room in which liquor is trafficked in, closed as against all persons, other than members of the family or household (not being lodgers, boarders or guests) or servants or employees of such keeper actually engaged in necessary domestic occupation or service within such bar-room, and any persons lawfully engaged in receiving or supplying liquor which may lawfully be sold. 15 20

“Keeper,”
meaning of.

(2) The word “keeper” when used in this section shall include the person actually contravening the provisions of this section, whether acting on behalf of himself or of another or others, and the actual offender as well as the “keeper” of the licensed tavern shall be personally liable to the penalties and punishments which may be imposed for the infraction or violation of this section, and at the prosecutor’s option the actual offender may be prosecuted jointly with or separately from the keeper, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other of them therefor. 25 30

PENALTIES AND PROSECUTIONS.

Being in bar-
room during
prohibited
hours.

14.—(1) Section 57 of *The Liquor License Act* is amended by striking out the words “\$10 and not less than \$2” and inserting in lieu thereof the words “\$20 and not less than \$10.” 35

Obtaining
liquor at un-
lawful hours.

(2) Subsection 1 of section 59 of *The Liquor License Act* is amended by striking out the words “\$10 and not less than \$2” and inserting in lieu thereof the words “\$20 and not less than \$10.” 40

Taking goods
in pawn for
liquor.

(3) Section 67 of *The Liquor License Act* is amended by striking out the words “not exceeding \$20” in the last line and inserting in lieu thereof the words “of not less than \$20 and not more than \$50.” 45

License com-
missioner or
inspector tak-
ing money for
licenses, etc.

(4) Section 68 of *The Liquor License Act*, is amended by striking out all the words therein after the word “section” in the twelfth line, and inserting in lieu thereof the words “shall be imprisoned for a period of six months.” 50

(5) Section 73 of *The Liquor License Act* is repealed and the following substituted therefor:—

Selling during prohibited hours.

73.—(1) Offences against section 54 of this Act shall be punishable as follows:—

Between 7 p.m. on Saturday and 6 a.m. on Monday.

5 (a) For the first offence by a fine of not less than \$50 and not more than \$100 or imprisonment for one month,

10 (b) For the second offence by a fine of not less than \$100 nor more than \$200 or imprisonment for three months,

(c) For the third offence by a fine of not less than \$200 nor more than \$400 or imprisonment for five months,

15 (2) Offences against section 55 of this Act shall be punishable as follows:—

At other unlawful times.

(c) For the first offence by a fine of not less than \$40 nor more than \$60 or imprisonment for twenty days,

20 (b) For the second offence by a fine of not less than \$60 nor more than \$100 or imprisonment for forty days,

(c) For the third offence by a fine of not less than \$100 nor more than \$200 or imprisonment for three months.

25 (6) Section 74 of *The Liquor License Act* is amended by striking out all the words therein after the word "penalty" in the sixth line and inserting in lieu thereof the words, "of not less than \$20 and not more than \$50 and for a second or any subsequent offence of not less than \$50 nor 30 more than \$100 and any Justice of the Peace convicted of a second offence shall be removed from office."

Fraudulent requisition for medical purposes.

(7) Section 75 of *The Liquor License Act* is amended by striking out the words "not exceeding \$20" at the end of the said section and inserting in lieu thereof the words 35 "of not less than \$20 and not more than \$50."

Refusing accommodation for travellers.

(8) Section 76 of *The Liquor License Act* is amended by striking out the words "not less than \$10 and not exceeding \$50" in the last line and inserting in lieu thereof of the words "not less than \$20 and not more than \$50."

Drunkenness or disorder permitted on licensed premises.

40 (9) Subsection 1 of section 77 of *The Liquor License Act* is amended by striking out the words "not less than \$10 and not more than \$50" in the sixth line and inserting in lieu thereof the words "not less than \$20 and not more than \$50."

Internal communication between licensed premises and public resorts.

45 (10) Subsection 1 of section 78 of *The Liquor License Act* is amended by striking out the words "not less than \$10 and not more than \$50" in the seventh and eighth lines and inserting in lieu thereof the words "not less than \$20 and not more than \$50."

Supplying liquor to minors on licensed premises.

- Supplying minors in clubs. (11) Subsection 2 of the said section is amended by striking out the words "not less than \$10 and not exceeding \$50" in the tenth and eleventh lines and inserting in lieu thereof the words "not less than \$20 and not more than \$50." 5
- Allowing minors to loiter on licensed premises. (15) Subsection 3 of the said section is amended by striking out the words "not less than \$2 and not more than \$10" in the last line and inserting in lieu thereof the words "not less than \$20 and not more than \$50."
- Drinking in shops—seller's liability. (16) Subsection 1 of section 80 of *The Liquor License Act* is amended by striking out all the words therein after the seventh line and inserting in lieu thereof the words, "For a first offence he shall be liable to a fine of "not less than \$10 nor more than \$20.
"For a second and any subsequent offence he shall be 15
"liable to a fine of not less than \$20 and not more than "\$50."
- Harbouring constables on duty. (17) Section 82 of *The Liquor License Act* is amended by striking out the words "be deprived of his license" at the end of the said section and inserting in lieu thereof 20
the words "be liable to a fine of not less than \$20 nor more than \$50."
- Tampering with witnesses. (18) Section 85 of *The Liquor License Act* is amended by striking out the words "to a penalty of \$50 for each offence" at the end of the said section and inserting in 25
lieu thereof the words "to imprisonment for a period of three months."
- Selling liquor to inebriate after notice from magistrate. (19) Subsection 2 of section 124 of *The Liquor License Act* is amended by striking out all the words after the word "penalty" in the third line and inserting in lieu 30
thereof the words "of not less than \$20 nor more than \$50 and for a second or any subsequent offence to a penalty of not less than \$50 nor more than \$100."
- Selling liquor to drunkard after notice from wife, etc. (20) Subsection 1 of section 125 of *The Liquor License Act* is amended by striking out the words "a penalty not 35
exceeding \$50" in the nineteenth line and inserting in lieu thereof the words "for a first offence a penalty of not less than \$20 nor more than \$50 and for a second or any subsequent offence a penalty of not less than \$50 nor more than \$100." 40
- Neglect of duty by officer. (21) Subsection 1 of section 134 of *The Liquor License Act* is amended by striking out the words "a penalty of \$10" in the eighth line and inserting in lieu thereof the words "a fine of not less than \$20 nor more than \$50."
- Having bar appliances, when to be conclusive evidence of sale. 15. Where upon a prosecution of any person under this 45
Act or *The Liquor License Act* for the sale or keeping for sale of liquor without the license therefor by law required the Justice or Justices before whom such prosecution is brought shall find that liquor exceeding two gallons in quantity was kept upon the premises occupied by such 50

person,—the keeping or having upon such premises of any beer pump or other appliance commonly used in a bar-room shall be conclusive evidence that such liquor was kept upon the premises for sale.

5 16. In any prosecution under this Act or *The Liquor License Act*, the production by the Inspector or any officer of the Crown of a certificate signed or purporting to be signed by the Government analyst as to the analysis of any liquor and of an affidavit attesting the signature of such
10 analyst, shall be conclusive evidence of the facts stated in such certificate.

Certificate of analyst as evidence.

17.—(1) Whenever a prosecution is brought against any person under this Act or *The Liquor License Act* for an offence of which he has been previously convicted and for
15 which a different or greater penalty is imposed in the case of a second or any subsequent offence, it shall be the duty of the Inspector to prosecute as for a second or subsequent offence according to the fact.

Duty of Inspector as to second offences.

(2) Any Inspector who knowingly or wilfully violates
20 the provisions of this section shall incur a penalty of not less than \$20 nor more than \$50.

Penalty.

18. If upon any prosecution under this Act or *The Liquor License Act* or any regulation or by-law made or passed under this Act or *The Liquor License Act* it appears from
25 the evidence of any witness that such witness was unlawfully present at the time or place at which the offence was committed or did unlawfully procure or attempt to procure liquor at such time or place the Justice or Justices before whom the prosecution is brought may having regard
30 to the demeanour of the witness and his mode of giving evidence, by certificate in that behalf exempt such witness from prosecution for such unlawful act, but no such exemption shall be granted to any person charged with the unlawful keeping for sale or other disposal of liquor
35 nor to the keeper or occupant of premises upon which the offence in respect of which the prosecution is brought is alleged to have been committed.

Protection of witness who admits unlawful act.

19. Every holder of a license to sell liquor by retail, who by himself, his servant or agent canvasses for, or
40 receives, or solicits orders for liquor at any place other than upon the licensed premises shall be guilty of an offence against this Act and shall incur the penalties provided for the sale of liquor without the license therefor by law required.

Canvassing, etc., by shop licensees prohibited.

45

LAW ENFORCEMENT.

20.—(1) In case the Legislature shall from time to time appropriate a sum of money to be used for the purpose of preventing the violation of the provisions of this Act or of *The Liquor License Act* or of regulations or by-laws

Fund to be used by Minister in enforcing law.

made or passed thereunder, the sum so appropriated shall be set apart and be known as the Liquor Law Enforcement Fund, and the moneys to the credit of the said fund from time to time shall be paid out under the direction of the Minister to such officers and persons as he may think proper, to be expended in the enforcement of this Act and *The Liquor License Act* and of such regulations and by-laws or the detection of offences against this Act or *The Liquor License Act* or any such regulation or by-law. 5

(2) The certificate or order of the Minister that any sum 10 of money is required to be paid out of the said fund shall be sufficient authority for the issuing of a cheque by the Provincial Treasurer for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account to the Minister for 15 the proper disbursement of the amount received by such officer or other person.

Rev. Stat.,
c. 245,
amended.

21. *The Liquor License Act* is amended by inserting therein the following section as section 127 a.

Appointment
of officers by
councils to
enforce local
option by-laws.

127a. The council of any municipality in which any by-20 law passed under section 141 of this Act or under any of the provisions mentioned in section 142 of this Act, for prohibiting the sale of liquors by retail, is in force, may by by-law appoint an officer whose duty it shall be to enforce the provisions of this Act and of any such prohibitory by-25 law within the municipality, and such council may by by-law provide for the payment of such officer or officers and for payment of any expenses incurred in such enforcement out of the general funds of the municipality and every officer so appointed shall have within the municipality for 30 which he is appointed all the powers possessed by a provincial officer appointed under section 127 of this Act and all the provisions of this Act applicable to any such provincial officer shall apply as to any officer appointed under this section and acting within the municipality for which he is 35 appointed in the same manner and to the same extent as if such municipal officer were expressly mentioned in such provisions.

CANCELLATION OF LICENSES.

Board to
cancel licenses
after three
convictions
within two
years.

22. After three several convictions within a period of 40 three years for offences against this Act or *The Liquor License Act* or against any regulation or by-law made or passed under this Act or *The Liquor License Act* whether such convictions were for the same offence or for different offences so long as the second of such convictions was for 45 an offence committed after the first of such convictions, and the third of such convictions was for an offence committed after such second conviction the Board shall within one month from the date of the last of such convictions or in the event of an appeal from such conviction and the confirm- 50

ation thereof upon such appeal then within one month from the date of the judgment in such appeal, by resolution declare that the license held by any license holder so convicted is cancelled and revoked, and thereupon such license shall become inoperative and void and such license holder shall thereafter for the full period of three years be disqualified from obtaining or holding any further or other license under this Act; provided that nothing in this section contained shall affect the liability to forfeiture of a license in any other case provided for by this Act, nor relieve the offender from an other penalty imposed by this Act.

(a) Any conviction had or made for any such offence committed since the 1st day of May, 1905, shall be counted as one of the convictions for which cancellation of a license shall take place under this section.

(2) In case the Board refuse or neglect to declare such license cancelled after having been notified in writing so to do by the Minister or by any municipal elector of the municipality in which the licensed premises are situate the members of the Board shall severally be liable to a penalty of \$100 which may be recovered with full costs of suit in an action to be tried by a Judge without a jury in any court of competent jurisdiction by any person who may sue therefor, and one-half of every penalty so recovered shall be paid to His Majesty for the uses of the Province and one-half shall be paid to the person bringing such action. Provided that no member of the Board shall be found liable for such penalty and costs, who shows to the court at the trial of such action that he voted for the cancellation of such license or did all that could be done by him to procure such cancellation.

(3) The Inspector shall report to the Board every conviction of a holder of a tavern or shop license for a violation of *The Liquor License Act* or of this Act, or of any such by-law or regulation and in such report shall state the section of the Act or the by-law or regulation under which such license holder was convicted and the penalty imposed, and the Board shall cause a book to be kept in which shall be recorded against the name of each license holder the report of every such conviction.

(4) If the Inspector knowingly or wilfully violates the provisions of the preceding subsection he shall incur a penalty of not less than \$50 and not more than \$100 besides costs.

(5) In case the Minister receives information that the holder of any license for premises situated in a provincial judicial district is habitually disregarding the law by

keeping such premises in an uncleanly, unsanitary or unsuitable condition or by allowing drunken, disreputable or disorderly persons to resort thither, or by any other violation of the provisions of *The Liquor License Act* or of this Act or by supplying or allowing liquor to be supplied to 5 Indians contrary to any Act of the Parliament of Canada, the Minister may detail a special officer or some officer of the Department to enquire into the matter and upon the report of such officer that such licensed premises are so kept, or that it appears that habitual violations of *The* 10 *Liquor License Act* or of this Act or of any such Act of the Parliament of Canada are being committed by the license holder, the Minister may cancel the license, and such license holder shall thereafter be disqualified for a period of two years from receiving or holding any license 15 under this Act.

Rev. Stat.,
c. 245, s. 93,
repealed.

(6) Section 93 of *The Liquor License Act* is repealed.

LICENSES IN UNORGANIZED TERRITORY.

Minister may prohibit the granting of a license in unorganized territory.

23.—(1) Notwithstanding anything in *The Liquor License Act* contained the Minister may at any time prohibit 20 the granting of a tavern or shop license to any person for premises situate in a territorial district, and it shall be the duty of every member of the Board and of the Inspector to see that any order given by the Minister under this section is carried out. 25

Penalty for issuing license after prohibition.

(2) Every License Commissioner or Inspector who issues or sanctions or permits the issue of a license in contravention of any such order shall be guilty of an offence against this Act and shall incur the penalties provided by section 69 of *The Liquor License Act*. 30

LOCAL OPTION.

Rev. Stat.,
c. 245 s. 141,
subs. 2,
repealed.

24. Subsection 2 of section 141 of *The Liquor License Act* is repealed and the following substituted therefor:

Local option by-law to be submitted at municipal election.

(2) The day fixed by the by-law for taking the votes of the electors thereon shall be the day upon which under 35 *The Consolidated Municipal Act, 1903*, or any by-law passed under the said Act, a poll would be held at the annual election of members of the council of the municipality.

Council to submit by-law on petition of 25 per cent. of electors.

(3) In case a petition in writing signed by at least twenty- 40 five per cent. of the total number of persons appearing by the last revised voters' list of the municipality to be qualified to vote at municipal elections, is presented to the council on or before the 1st day of November next preceding the day upon which such poll would be held, praying for 45 the submission of such by-law, it shall be the duty of the council to submit the same to a vote of the municipal electors as aforesaid.

(4) In case three-fifths of the electors voting upon such by-law approve of the same the council shall within six weeks thereafter finally pass such by-law, and this sub-section shall be construed as compulsory and the duty so imposed upon the council may be enforced at the instance of any municipal elector by *mandamus* or otherwise.

By-law to be passed if approved by three-fifths of persons voting.

(5) In case such by-law does not receive the approval of at least three-fifths of the electors voting thereon the council shall not pass the same and no by-law for the same purpose shall be submitted to the municipal electors before the date of polling for the second annual election of members of the council to be held after that at which the voting on the first mentioned by-law took place.

When by-law not so approved no action to be taken for two years.

(6) No by-law passed under the provisions of subsection 1 of this section shall be repealed by the council passing the same until after a by-law for that purpose has been submitted to the electors and approved by three-fifths of the electors voting thereon, in the same manner as the original by-law, on the polling day at the second or some subsequent annual municipal election held after the passing of such original by-law; and in case such repealing by-law is not so approved, no other repealing by-law shall be submitted to the electors until the polling at the second annual municipal election thereafter.

Repealing local option by-law.

(7) Every by-law passed under this section shall come into force and take effect as from the 1st day of May next after the passing thereof.

When by-laws take effect.

REQUISITION BY MEDICAL PRACTITIONER OR JUSTICE OF THE PEACE.

25.—(1) No holder of a tavern or shop license and no druggist shall sell or give, or supply liquor to any person upon the requisition of a medical practitioner or justice of the peace unless such requisition is addressed to him by name and states the kind and quantity of liquor to be supplied and the name of the person to whom it is to be delivered, and if such person is not the person for whose use the liquor is to be procured, then the name and address of such last mentioned person.

Requisition for obtaining liquor for medical purposes—particulars to be stated.

(2) Every medical practitioner or justice of the peace who shall give any such requisition without stating therein the particulars required by the preceding section shall be guilty of an offence against this Act and shall incur the penalties provided by section 74 of *The Liquor License Act*.

Liability for giving improper requisition.

(3) Every holder of a tavern or shop license and every druggist who sells or supplies liquor to any person upon any such requisition in violation of sub-section 1 of this

Liability for acting on improper requisition.

section shall be guilty of an offence against this Act and shall incur the same penalties as if such liquor had been sold or supplied without the requisition of a duly qualified medical practitioner or justice of the peace.

Requisition to be filed and be open to inspection.

(4) Every requisition given under *The Liquor License Act* by a medical practitioner or justice of the peace shall be filed by the holder of a tavern or shop license or druggist to whom the same is delivered and shall at all times be open to inspection by the Inspector or by any Officer appointed by the Minister who produces the written authority of the Minister appointing him or directing such inspection. 5 10

FRAUD IN SALE OF LIQUOR.

Bottled liquors, not to be mixed in the bottle, and bottles not to be refilled by licensee.

26.—(1) Bottled liquors procured by the keeper of a licensed tavern for the purpose of supplying the same to customers or guests shall be kept while on the licensed premises in the bottles in which such liquors are delivered to such keeper and in no case shall any other liquor or any substance or liquid be put into any such bottle and no bottle after being emptied of such bottled liquor shall be refilled either partially or wholly by the keeper of such licensed premises or any other person on his behalf for the purpose of supplying liquor or any substance or liquid to any customer or guest. 15 20

Use of false labels, etc., prohibited.

(2) No holder of a tavern or shop license shall use or permit to be used any sign or label upon any bottle, cask or other vessel in which liquor is kept for sale upon the licensed premises, which does not correctly and truly state the nature of the contents of such bottle, cask or other vessel, or which is in any manner calculated to mislead a customer or guest as to the nature, description or quality of such contents. 25 30

Mixture of drugs, etc., with liquor prohibited.

(3) No holder of a tavern or shop license or any other person shall for any purpose whatsoever mix or permit to cause to be mixed with any liquor sold or supplied by him on the licensed premises as a beverage any drug or any form of methylic alcohol or any crude unrectified or impure form of ethylic alcohol or other deleterious substance or liquid. 35

Penalties.

(4) Any person violating any of the foregoing provisions of this section shall be liable upon conviction for a first offence to a fine of not less than \$20 and not more than \$50 besides costs or to imprisonment for a period of three months, and upon conviction for a second offence to a fine of not less than \$50 nor more than \$100 or to imprisonment for a period of six months, and upon conviction for a third offence to imprisonment for a period of twelve months. 40 45

(5) The Inspector or any special officer appointed by the Minister may at any time take from the liquors kept by the holder of a tavern or shop license upon the licensed premises sufficient thereof for the purpose of analysis to ascertain whether or not any of the provisions of this section have been violated, and such special officer shall, if required before taking such liquor, produce the authority under which he acts in writing signed or purporting to be signed by the Minister.

Taking samples to see that law observed.

10 (6) Section 130 of *The Liquor License Act* shall apply as to every Inspector or special officer acting under the provisions of this section.

Powers of inspectors.

SUSPENSION OF LICENSE IN CASE OF FIRE.

15 27. In case the premises for which any tavern license has been granted are destroyed or so damaged by fire or otherwise, that it is impossible for the holder of such license to provide the accommodation required by *The Liquor License Act* or by any by-law or regulation in force in the municipality in which such premises are situate, the license for such premises shall *ipso facto* be suspended and be of no force or effect as to the premises so destroyed or damaged until the Inspector has reported to the Board that the said premises have been rebuilt or repaired to the extent necessary to provide such accommodation. Provided that in any such case a portion of the share received by the Province of the license fee paid by the holders of such license may be refunded to him out of the Consolidated Revenue Fund of the Province, but nothing herein contained shall prevent the transfer or removal of such license in the manner provided by *The Liquor License Act*.

Suspension of license when premises destroyed by fire, etc.

Proviso.

LICENSES FOR VESSELS AND DINING CARS.

28. Notwithstanding anything in this Act or in *The Liquor License Act* contained it shall be lawful for the Minister, upon the authorization of the Lieutenant-Governor in Council, and subject to such regulations in that behalf, whether as regards the amount of license duty payable or otherwise, as the Lieutenant-Governor in Council may make, to issue licenses in the nature of tavern licenses for vessels, not being ferry boats, or to railway companies in respect of dining or buffet cars operated by them.

Issuing licenses for vessels and dining cars.

LICENSES TO CLUBS.

29.—(1) No liquor shall be sold or supplied by any incorporated society, association or club heretofore or hereafter formed, or by any member, officer or servant thereof, to any member of such society, association or club, or to any other person unless and until a license for the sale of liquor by such society, association or club has been duly issued as hereinafter provided.

Clubs not to sell without a license.

Fee for club license.

(2) A license to be known as a "Club License" may be issued at any time by the Board upon payment of a fee of \$50 to any such society, association or club which is not by its charter of incorporation or otherwise prohibited from selling liquor to the members thereof.

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Liquor not to be sold to non-members or minors.

(3) Nothing in this Act contained shall authorize the sale of liquor upon the premises of any such society, association or club to any person who is not a member thereof, nor to any person who is not of the full age of twenty-one years.

Licenses not to be granted unless sale authorized by charter.

(4) No license shall be granted under this section to any society, association or club which is prohibited by *The Liquor License Act*, or by its charter of incorporation, or otherwise, from selling or supplying liquor to the members thereof.

CONTRACTS.

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Licenses not to enter into contracts restricting purchase of liquor.

30.—(1) No holder of a license for the sale of liquor by retail in a tavern or shop shall hereafter make or enter into, directly or indirectly, or be or become a party to, any contract, covenant, agreement, undertaking, stipulation or bargain written or verbal which has the effect of imposing or is intended or purports to impose any restriction whatsoever upon such license holder as to the person from whom or the locality in which liquor shall be purchased or supplied for sale in such tavern or shop.

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Contracts restricting purchase to be void.

(2) Every covenant, contract, agreement, undertaking, stipulation or bargain, written or verbal, hereafter entered into by the holder of a tavern or shop license or by any other person acting for or on his behalf with any brewer, distiller, manufacturer or wholesale merchant which has the effect of imposing or is intended or purports to impose upon any such license holder any restriction whatsoever as to the person from whom or the locality in which liquor shall be purchased or supplied for sale in any tavern or shop shall be absolutely void and of no effect to all intents and purposes whatsoever.

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Penalty.

(3) Every holder of a tavern or shop license, and every brewer, distiller, manufacturer or wholesale merchant who either by himself or by any person acting on his behalf hereafter gives or enters into or demands or requires or requests any other person to give or enter into any such covenant, contract, agreement, undertaking, stipulation or bargain, shall be guilty of an offence against this Act, and shall incur a penalty of \$500, besides costs.

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31. *The Liquor License Act* is amended by inserting therein the following section: Rev. Stat.
c. 245,
amended.

105.—(1) No conviction or warrant enforcing the same or other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information or conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Act, within the jurisdiction of the Justice or Justices who made or signed the same, and provided there is evidence to prove such offence, and no greater penalty or punishment is imposed than is authorized by this Act. Conviction not
void for cer-
tain defects;

(2) Upon any application to quash such conviction, or warrant enforcing the same, or other process or proceeding whether in appeal or upon *habeas corpus*, or by way of *certiorari* or otherwise, the Court or Judge to which such appeal is made or to which such application has been made upon *habeas corpus* or by way of *certiorari* or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid, and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed (as the case may be), and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process or proceeding so affirmed or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded. May be
amended.

SCHEDULE A.

CANADA.

PROVINCE OF ONTARIO.

This is to certify that _____ of the
_____ having paid into the License Fund
of _____ the statutory duty of five dollars.
is hereby authorized to act as a bar tender within the License Dis-
trict of _____ for the current license
year of 1904-1905. subject to the provisions of the law in that behalf
This license shall expire on the last day of April next ensuing.

Dated this _____ day of _____ A.D., 1904

*License Inspector
for the License District of*

No. 172

2nd Session, 11th Legislature,
6 Edward VII. 1906.

BILL.

An Act to amend The Liquor License
Laws.

First Reading, 20th March, 1906.

Mr. HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Liquor License Laws.

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

INTERPRETATION.

1.—(1) Where the words following occur in this Act or Interpretation. in *The Liquor License Act* or in the schedules thereto they shall be construed in the manner hereinafter mentioned unless a contrary intention appears;

(a) "Tavern" shall mean an hotel, inn or other public "Tavern." house of entertainment kept for the purpose of providing refreshment and accommodation, *which shall include board and lodging*, for the public.

(b) "Keeper" when used with respect to licensed prem- "Keeper." ises shall mean and include the person to whom the license was issued or who is the holder of the license, *and where a license is held by a firm shall mean and include the firm and every individual member thereof*, and where the license is held by an incorporated company, shall mean and include the company, and the manager, superintendent, or other person in charge of the premises or responsible for the conduct of the business carried on therein.

(c) "Board" shall mean the Board of License Commis- Board." sioners appointed for any License District under the provisions of *The Liquor License Act*.

(d) "Justice" shall mean and include any one or more "Justice." justices of the peace, and any Police Magistrate or Stipendiary Magistrate.

"Justices" shall mean two or more justices of the "Justices." peace sitting and acting together and shall also include a Police Magistrate or Stipendiary Magistrate and wherever by this Act or *The Liquor License Act* jurisdiction is con-

ferred upon two justices of the peace sitting and acting together the same may be exercised by a Police Magistrate or Stipendiary Magistrate having jurisdiction as such in any part of the county or district for which such justices of the peace might act.

"County."

(f) "County" shall include a union of counties and a provisional judicial district.

"Licensed Premises."

(g) "Licensed premises" shall mean a warehouse, tavern or shop, in respect to which a license under *The Liquor License Act* has been granted and is in force and shall include every room, closet, cellar, yard, stable, outhouse, shed, and any other place whatsoever, of, belonging, or in any manner appertaining to such warehouse, tavern or shop.

Rev. Stat., c. 245, s. 2, par. 1, amended.

(2)—The paragraph numbered 1 in section 2 of *The Liquor License Act* is amended by adding thereto the following,—

When liquor to be deemed intoxicating.

"(a) Any liquor which contains more than two and one-half per cent. of proof spirits shall be conclusively deemed to be intoxicating."

REGULATIONS.

Regulations by Order in Council.

2.—(1) The Lieutenant-Governor in Council may from time to time make regulations:—

Appointment of officers, etc.

1. For the appointment of permanent officers, clerks, and servants of the License Branch at Toronto for the purpose of carrying out the provisions of *The Liquor License Act* or of any other Act of the Province of Ontario respecting licenses for the manufacture or sale of liquor or for the regulation of the sale of liquor by wholesale or retail in this Province;

Duties, powers and salaries of officers, etc.

2. For defining the duties and powers of such officers, clerks and servants, and for fixing the security to be furnished by them or any of them for the due performance of their respective duties and for fixing the salaries of such officers, clerks and servants;

Special or temporary officers and clerks.

3. For providing for the employment of such special or temporary officers and clerks as may from time to time be necessary in the opinion of the Minister for the better enforcement of the provisions of this Act and any regulations or by-laws passed thereunder;

Regulation of business.

4. For regulating the transaction of business in the License Branch and for the direction of License Inspectors and License Commissioners in the performance of their duty under this Act or *The Liquor License Act*, or any regulation or by-law made or passed thereunder;

Inspection of License Districts.

5. For providing for the inspection of License Districts and of the books and accounts of Inspectors and ascertaining that the duties of the office of Inspector are faithfully and efficiently performed;

6. For providing for the holding of investigations into the conduct of Inspectors and License Commissioners and for empowering any officer or other person holding such investigation to take evidence on oath and to summon witnesses and to enforce their attendance and to compel the production of books and documents, and for conferring upon such officer or other person all the powers possessed by a commissioner appointed under *The Act respecting Enquiries Concerning Public Matters*. Investigations
Rev. Stat., c. 19.

(2) Every regulation made by the Lieutenant-Governor in Council under this Act shall be published in the *Ontario Gazette* and shall take effect from the date of such publication. ■

MEMBERS OF MUNICIPAL COUNCILS, ETC.

3.—(1) No tavern or shop license shall be issued to or held by any person who is a member of a municipal council, nor shall any such license be issued to or transferred to or held by any person who is the wife, or partner in business, or agent, or the son or daughter (if such son or daughter is resident with his or her father), of a member of the municipal council of a municipality within the License District in which the licensed premises or the premises for which a license is sought, or the premises to which the license is sought to be transferred, as the case may be, are situate. Licenses not
be issued to
members of
councils or
their wives,
etc.

(2) No person who is the manager of any company to which a license is issued or transferred under this Act or who is employed in any capacity in the business of any person, firm or company holding a license under this Act, and no person whose wife, or partner in business, or agent, or whose son or daughter (if such son or daughter is resident with his or her father) is the holder of a tavern or shop license shall be qualified to be elected a member of the council or to sit or vote in the council in any municipality comprising or forming part of the license district in which the licensed premises are situate, but no person shall be disqualified or rendered ineligible to sit and vote in a municipal council by reason only of such person being a shareholder in a company to which a license is issued or transferred under this Act. Licenses,
husbands, etc.,
disqualified
for election to
councils.

SECURITY BY APPLICANT FOR LICENSE.

4.—(1) In lieu of the security to be given as provided by section 17 of *The Liquor License Act* the Lieutenant-Governor in Council may by Order in Council direct that an agreement may be entered into between His Majesty and any guarantee company or other company authorized to enter into contracts of suretyship or to issue policies for guaranteeing the good behaviour of persons required to furnish such security,—by which the said company may Security—by
licensees, —
general
agreements
with guarantee
companies.

undertake, in consideration of a fixed annual payment or otherwise, to indemnify His Majesty or any municipal corporation against the non-payment of any fines or penalties or costs which the person applying for any license or to whom any license is transferred may be ordered to pay during the term for which the license is granted or during which such person is the holder of a tavern or shop license, to the amount set out in the said agreement or in any schedule attached thereto.

When liability of company to attach.

(2) It shall not be necessary that a separate agreement shall be entered into for each applicant for a license or transferee of a license, but the agreement with such company may provide that upon notice being given in writing by an officer of the Government of Ontario at Toronto to the company that the company is required to furnish security for any such applicant or transferee, and upon the acknowledgment in writing of receipt of such notice by the company,—the company shall become liable to the amount set out in such notice.

Payment of premium by licensee.

(3) The amount chargeable to each applicant for such guarantee shall be stated in the agreement and shall be paid by the applicant, to the Inspector before the issue of the License, and shall be by him forthwith deposited to the credit of the License Fund of the License District.

SALES ON VESSELS, ETC.

Who to be deemed "occupant" of steamboat, etc.

5. The owner, master, captain or other person in command or in charge of any ferry boat or any vessel navigating any of the great lakes or the Rivers St. Lawrence or Ottawa or any of the inland waters of the Province of Ontario shall be deemed to be "the occupant" of such ferry boat or vessel within the meaning of section 112 of *The Liquor License Act* and for every contravention of the provisions of the said Act on board such ferry boat or vessel shall be personally liable to the penalty and punishment prescribed in the said Act in the same manner and to the same extent as the occupant of a house, shop, room or other place.

BAR TENDERS' LICENSES.

"Bar-tender," meaning of.

6.—(1) The expression "bar tender" as used in this section shall mean and include any person who sells or supplies liquor *in the bar-room or other place from which liquor is dispensed* to any person whomsoever in or upon any premises in respect of which a tavern license has been issued under *The Liquor License Act*.

Employment of unlicensed bartenders prohibited.

(2) No keeper of a licensed tavern in any city or town or in any locality in those parts of the Province without county organization (called in this section a licensee) shall employ

any-bar tender, or permit any person to act as such in or upon his licensed premises, who is not, during the whole time he is employed, or permitted so to act, the holder of a bar tender's license, as provided by this section.

(3) Any licensee who violates the preceding subsection shall, for every day or portion of a day, during which such violation continues, incur a penalty of not less than \$10 and not more than \$20 or imprisonment for a period not exceeding one month. Penalty.

(4) Any person acting as a bar tender in any city or town or in any such locality without first having obtained a license, as in this section provided, shall be liable to the same penalties as those prescribed in the case of a licensee, in the next preceding subsection, and in any prosecution brought under this subsection the onus of proving that he holds a bar tender's license shall rest upon the defendant. Acting as bartenders without license.

(5) Any person having obtained a bar tender's license who shall sell or deliver, or cause to be sold or delivered any liquor in contravention of any of the provisions of this Act, or *The Liquor License Act*, or of any by-law or regulations made under this Act, or *The Liquor License Act*, to any person whomsoever shall be liable to a penalty not exceeding \$20 or to imprisonment for one month. Penalty for violation of law by licensed bar-tender.

(6) In addition to any other penalty which may be imposed upon a bar tender for any offence under this Act the Board may forthwith cancel the license of such bar tender, who shall not thereafter be eligible to receive another license under this Act for any purpose whatever during the current license year and upon a conviction for a second offence of any nature within two years the license of such bar tender shall *ipso facto* become void and he shall not thereafter be eligible to hold any license under this Act for two years. Cancellation of licenses for offences.

(7) No bar tender's license shall be issued to any person who is not of the full age of twenty-one years, and of good character. License not to be issued to minors or persons not of good character

(8) No bar tender's license shall be issued to any woman. Nor to a woman.

(9) The said bar tender's license may be in the form set out in Schedule A to this Act and may, subject to the conditions in this section mentioned, be obtained at any time on application to the Inspector, on payment thereof of the sum of \$2. Provided, however, that the Inspector may for any cause which he may consider sufficient refuse to issue such license, but the issue or refusal of a license to a bar tender shall in all cases be subject to the approval of the Board. Form of license, fee thereon.

(a) Such license shall only be valid during the currency of the license year in which it is issued. Term of license.

and shall expire on the last day of the month of April then next ensuing.

Application of fees.

(b) All fees received for bar tenders' licenses shall be paid into the License Fund of the District in which the same are issued.

Endorsement of license by inspector of another district.

(c) No bar tender's license shall be valid in any license district other than that in which the same was issued, unless and until it has been endorsed by the Inspector of some other license district, and such endorsement (for which no charge shall be made) shall give validity to such license in the district in which the Inspector, who has endorsed the same, has jurisdiction, provided such license has not been cancelled prior to the endorsement, but such Inspector may for any cause which he may consider sufficient withhold such endorsement, subject to the approval of the Board.

Record of licenses issued.

(d) Every Inspector who issues or endorses a bar tender's license shall enter a memorandum of the same in a book to be provided for the purpose, and such entry, as well as the entry of a memorandum that any such license has been cancelled, shall be received in any court as *prima facie* evidence, of the facts therein stated. Instead of the production of the book containing such entry, the presiding Justice may receive a certificate of any such entry as aforesaid, purporting to be signed by the proper Inspector, without requiring proof of the signature of such Inspector.

Production of license upon request of Inspector.

(e) Every licensed bar tender shall produce his license forthwith on request, to any Inspector or other official appointed by the Crown or to any constable or police officer; and should such bar tender refuse or neglect to make such production when required he shall be liable to a penalty not exceeding \$10 and costs and in default of payment to imprisonment in the common gaol of the county in which the offence was committed for any period not exceeding ten days with or without hard labour.

Persons not required to have license.

(10) Nothing in this section contained shall apply to or affect the sale or delivery of liquor by the *keeper of a licensed tavern*, or by any *male* member of his family of the full age of twenty-one years, other than a domestic servant or other person in the employment of the licensee, nor shall anything in this section contained apply to or affect the delivery of liquor by any person in any place in a licensed tavern other than the bar-room or place from which liquor is dispensed.

(11) Notwithstanding anything in this section contained, a licensee may, in a case of temporary emergency, employ as bar-tender any male person of the full age of twenty-one years, provided that such employment shall not be upon more than two days, not necessarily consecutive, in any one calendar month.

LICENSES TO FIRMS.

7.—(1) A tavern or shop license may be granted or transferred to a firm registered under *The Act respecting the Registration of Co-partnerships and Business Firms* but subject to the conditions and regulations in this section and in any Order in Council respecting the granting of such licenses set forth.

Granting
tavern or shop
licenses to
partnerships

(2) The application for such license shall be signed by the firm in the registered name of such firm and by every person registered as a member of such firm in his own name, and the bond or other security to be furnished as provided by section 17 of *The Liquor License Act* shall be executed and entered into or furnished by each registered member of the firm severally.

Application for
firm license.

(3) Every registered member of the firm shall be severally liable to the fines and penalties imposed by *The Liquor License Act* in the same manner and to the same extent as if he were the holder of the license and any prosecution for a violation of the said Act in or upon premises the license for which is held by a firm may be carried on against the individual members of the firm or any one or more of them jointly or severally, but not more than one of the members of the firm shall be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other or others of them.

Liability of
members of
firm.

(4) If during the term of the license any change takes place in the firm by death, dissolution of partnership, or the retirement of any member of the firm, the remaining members of the firm and the legal representatives of any such deceased member shall within one month thereafter obtain the written consent of the Board to the continuance of the business, and in case such consent is not obtained or the license is not transferred as provided by section 37 of *The Liquor License Act*, such license shall be void.

Effect of
changes in
firm.

(5) The license granted or transferred to any firm may be revoked or cancelled under the circumstances and in the manner provided by section 91 of *The Liquor License Act*, or by any provision of this Act, and the said section and other provisions shall apply to firms in the same manner and to the same extent as to individuals, and the conviction of any member of the firm shall for the purposes of the said section and other provisions be deemed to have been the conviction of the firm.

Cancellation of
firm license

LICENSES TO COMPANIES.

Tavern or shop licenses to companies.

8.—(1) A tavern or shop license may be granted or transferred to an incorporated company, but under and subject to the conditions and regulations in this section and in any Order in Council respecting the granting of such licenses set forth.

Application for company's license.

(2) The application for such license shall be signed by the president and secretary of the company and the corporate seal of the company shall be affixed thereto, and in lieu of the security required by section 17 of *The Liquor License Act* such security shall be furnished by the company as shall be determined by Order in Council.

Manager to be appointed.

(3) The company shall, *before such license is issued and from time to time thereafter as a vacancy may occur*, appoint some person to be manager of the licensed premises and shall file with the Board a certificate of the appointment of *every* such manager under the hands of the president and secretary and the corporate seal of the company.

Duties and liabilities of manager.

(4) Every manager of an incorporated company holding a tavern or shop license shall be responsible for the proper and lawful conduct of the business carried on on the licensed premises and shall perform the same duties and be liable to the same fines and penalties for any violation of *The Liquor License Act* or any regulation or by-law made or passed thereunder, and shall give the same security as if the license for such premises had been issued to him in his own name.

Liability of company.

(5) Every incorporated company holding a license under *The Liquor License Act* shall be liable to the same fines for any violation of the said Act or of any regulation or by-law made or passed thereunder *as any other holder of a license* and such penalties with full costs of suit may be recovered by the Inspector by an action brought in the name of the Inspector in any court of competent jurisdiction, and every such action shall be tried by a judge without a jury.

Action against company not to interfere with prosecution of manager.

(6) No such action shall be a bar to or be barred by any prosecution which may be brought against the manager of the company or any other person under the said Act.

Revocation and cancellation of company's license.

(7) The license granted to any company may be revoked or cancelled under the circumstances and in the manner provided by section 91 of *The Liquor License Act*, or any provision of this Act, and the said section and other provisions shall apply to companies in the same manner and to the same extent as to individuals, and the conviction of the manager of the company *for the time being* shall for the purposes of the said section and other provisions be deemed to have been the conviction of the company.

DETERMINING POPULATION FOR PURPOSES OF ACT.

9.—(1) Whenever in this Act or in *The Liquor License Act* reference is made to the number of the population of any municipality the number of such population shall be determined by the enumeration taken by the assessors at the last preceding municipal assessment. Population to be ascertained by last enumeration of assessors.

(2) In case of the alteration or formation of a municipality subsequent to the taking of such enumeration, the population of such municipality for the purposes of this Act may be ascertained by reference to the enumeration on which such municipality was so altered or formed.

(3) Section 19 of *The Liquor License Act* is repealed. Rev. Stat., c. 245, s. 19, repealed.

(4) This section shall not come into force or take effect until the 1st day of January, 1907.

LICENSE DUTIES.

10.—(1) The following license duties shall hereafter be payable and save as in section 11 of this Act provided shall be in lieu of all others, Provincial or municipal, that is to say:— Tavern and shop licenses. Duties payable.

In a city having a population of more than 100,000:

For a tavern license\$1,200
For a shop license 1,000

In a city having a population of more than 30,000 and not more than 100,000:

For a tavern license\$700
For a shop license 700

In a city or town having a population of more than 10,000 and not more than 30,000:

For a tavern license\$500
For a shop license 500

In a city having a population of 10,000 or less and in a town having a population of more than 5,000 and not more than 10,000:

For a tavern license\$450
For a shop license 450

In a town or incorporated village having a population of more than 2,000 and not more than 5,000:

For a tavern license\$350
For a shop license 350

In a town or incorporated village having a population of 2,000 or less:

For a tavern license\$250
For a shop license 270

In a township:

For a tavern license\$120
For a shop license 200

Provided that in any locality in a Provisional Judicial District other than an incorporated city, town or village there shall be payable :

For a tavern license\$120

And provided that in a city, town, village or other municipality, or a locality without municipal organization in a Provisional Judicial District there shall be payable :

For a shop license\$500

For a beer and wine license a fee of three-fourths of that imposed for a tavern license in the municipality or unorganized district in which the beer and wine license is issued.

For every transfer of a *tavern or shop* license a fee amounting to *one-third of the fee payable for the license transferred.*

- *For each wholesale license elsewhere than in cities\$250*
- *In cities having a population of 150,000 and upwards\$450*
- *In cities having a population of less than 150,000 and not less than 40,000. \$400*
- *In cities having a population of less than 40,000\$350*

Provided that the Lieutenant-Governor in Council may increase the duties payable for tavern or shop licenses in any Provisional Judicial District or in any municipality or locality situated therein to such an amount as may be deemed proper, and such increase shall take effect as may be directed by Order-in-Council or from the date of the publication thereof in the *Ontario Gazette.*

Rev. Stat.,
c. 245, ss. 41-44
repealed.

(2) Sections 41, 42, 43 and 44 of *The Liquor License Act* are repealed.

By-law for in-
creasing duties.

11.—(1) The council of any municipality may by by-law increase the duties to be paid for tavern or shop licenses therein beyond the amounts hereinbefore provided, but every such by-law shall, before the final passing thereof, be submitted to and approved by the electors in the manner provided by *The Consolidated Municipal Act, 1903*, with respect to by-laws which before their final passing require the assent of the electors of the municipality.

When by-law
to take effect.

(2) Such by-law shall take effect from the passing thereof unless passed later than the 1st day of March in any year, in which case it shall come into force on the first day of May of the next succeeding year.

By-law not to
be repealed,
etc., without
assent of
electors.

(3) Any by-law so approved shall not be varied or repealed unless the varying or repealing by-law has been in like manner submitted to and approved of by the electors of the municipality.

By-laws here-
before passed
increasing
duties beyond
section 10.

(4) Where the council of any municipality by by-law duly passed prior to the passing of this Act has provided that license duties in excess of the amount fixed by *The*

Liquor License Act shall be payable, and the total amount payable for a tavern or shop license in such municipality is by reason of such by-law increased to an amount in excess of that fixed by section 10 of this Act, the duties payable in such municipality shall be those fixed by section 10 of this Act, ~~with~~ with such an amount added thereto as will together with the amount fixed by the said section 10 equal the amount payable at the time of the passing of this Act in such municipality, ~~but~~ but the whole of such duties shall be payable into the License Fund of the License District, and shall be dealt with and apportioned as provided by section 12 of this Act, ~~Provided~~ ^{Proviso.} Provided that any by-law heretofore passed for increasing such license duties beyond the amount payable under *The Liquor License Act* may be repealed or amended as hereinbefore provided, but in no case shall such license duties be reduced below the amount fixed by section 10 of this Act. ~~but~~

(5) Provided that in any city where an increase is by this Act made in the fee or duty payable for a tavern or shop license no further increase shall be made under this section by the council of such city.

LICENSE FUND.

12.—(1) All sums received for duties on tavern and shop licenses imposed under this Act or under any municipal by-law passed under this Act, and for transfers thereof, and for bar tenders' licenses in any License District, and all sums received by the Inspector for fines and penalties for offences committed in such district shall form the License Fund of the License District, but such fines and penalties, and all sums received for transfers, shall belong to and be appropriated for the uses of the Province. Moneys payable into License Fund.

(2) So much of the License Fund as is not specially appropriated otherwise, shall be set apart, under regulations of the Lieutenant-Governor in Council, for the payment of the salary and expenses of the Inspector, and for the expenses of the office of the Board and of officers, and otherwise in giving effect to the provisions of this Act, and the residue, at such times as may be prescribed by the regulations of the Lieutenant-Governor in Council shall be paid over, one-half to the Treasurer of the Province to and for the use of the Province, and one-half to the treasurer of the city, town, village or township municipality in which the licensed premises are situate. Application and distribution of fund.

(3) Cheques upon the license fund account shall be drawn by the Inspector, and countersigned by the chairman of the Board, or any two of the License Commissioners subject to the regulations of the Lieutenant-Governor in Council, but no cheque shall be issued upon the License Fund until authority therefor has been given by the License Branch. Issuing cheques on fund.

Audit of
license fund
accounts.

(4) All accounts against the License Fund shall be audited by the proper officer of the License Branch at Toronto.

Rev. Stat.,
c. 245, s. 45
repealed.

(5) Section 45 of *The Liquor License Act* is repealed.

PROHIBITED SALES.

Rev. Stat.,
c. 245, ss. 54-56
repealed.

13. Sections 54, 55 and 56 of *The Liquor License Act* are repealed and the following substituted therefor:—

Sales between
7 p.m. on
Saturday and
6 a.m. on
Monday.

54. Subject to the provisions *hereinafter* contained, in every place where intoxicating liquors are authorized to be sold by wholesale or retail, no sale or other disposal of such liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person or persons whomsoever from or after the hour of seven of the clock on Saturday night until six of the clock on Monday morning thereafter, save and except in cases where a requisition for medical purposes, signed by a duly qualified medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent; nor shall any such liquor, whether sold or not, be permitted or allowed to be drunk in any such place during the time prohibited for the sale of the same, except by the occupant or some member of his family, or lodger in his house.

Other pro-
hibited sales.

55. No sale or other disposal of liquors shall take place in any place where liquor is authorized to be sold by wholesale or retail, or on the premises thereof, or out of or from the same to any person whomsoever, save and except in cases where a requisition for medical purposes, signed by a duly qualified medical practitioner, or by a justice of the peace is produced by the vendee or his agent, nor shall any such liquors whether sold or not, be permitted or allowed to be drunk in any such place, except by the occupant or some member of his family or lodger in his house, during the hours and upon the days following, that is to say:—

Closing hours
on ordinary
days.

(a) Between the hour in townships, villages and unorganized territory of ten o'clock, and in cities and towns of eleven o'clock in the afternoon of any day of the week other than Saturday and Sunday and the hour of six o'clock in the forenoon of the next day upon which liquor may be lawfully sold in such place;

Polling days.

(b) During any day on which a poll is being held throughout the municipality or in the electoral district or ward in which such place is situate for or at any Parliamentary election or election of a member of the Legislative Assembly, or any municipal or school election, or under any Act of the Parliament of Can-

ada, or of the Legislature of Ontario or any municipal by-law respecting the prohibiting, restricting, regulating or affecting in any manner the sale of liquor.

56. (1) The keeper of any licensed tavern in a city or town shall keep the bar-room or room in which liquor is trafficked in, closed as against all persons, other than those permitted to enter the same, under clauses (a) and (b) of this section, during the hours and on the days in which the sale of liquor is prohibited by sections 54 and 55 of this Act; and any keeper of such licensed tavern who allows or suffers any person or persons to frequent or to be present in such bar-room or room in which liquor is trafficked in during the time aforesaid, shall be guilty of an offence under this Act, unless it is established to the satisfaction of the Police Magistrate or other Justice or Justices before whom the prosecution is heard, Bar-rooms to be kept closed during prohibited hours.

(a) That the person so found frequenting, or present in the bar-room where liquor is trafficked in, as aforesaid, was at the time he or she so frequented or was present in such bar-room, a member of the family or household (other than a lodger, boarder, or guest) or a servant, or employee of such keeper actually engaged in necessary domestic occupation or service within the said bar-room,

(b) Or that such person was present therein lawfully engaged in receiving or supplying liquor which might lawfully be sold during said prohibited hours.

(2) The word "keeper" when used in this section shall include the person actually contravening the provisions of this section, whether acting on behalf of himself or of another or others, and the actual offender as well as the "keeper" of the licensed tavern shall be personally liable to the penalties and punishments which may be imposed for the infraction or violation of this section, and at the prosecutor's option the actual offender may be prosecuted jointly with or separately from the keeper, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other of them therefor.

"Keeper,"
meaning of.

PENALTIES AND PROSECUTIONS.

14. Section 73 of *The Liquor License Act* is repealed and the following substituted therefor:— Selling during prohibited hours.

73.—(1) Offences against section 54 of this Act shall be punishable as follows:— Between 7 p.m. on Saturday and 6 a.m. on Monday.

(a) For the first offence by a fine of not less than \$50 and not more than \$100 or imprisonment for one month,

(b) For the second offence by a fine of not less than \$100 nor more than \$200 or imprisonment for three months,

(c) For the third offence by a fine of not less than \$200 nor more than \$400 or imprisonment for five months.

At other unlawful times.

(2) Offences against section 55 of this Act shall be punishable as follows:—

(c) For the first offence by a fine of not less than \$40 nor more than \$60 or imprisonment for twenty days,

(b) For the second offence by a fine of not less than \$60 nor more than \$100 or imprisonment for forty days,

(c) For the third offence by a fine of not less than \$100 nor more than \$200 or imprisonment for three months.

Having bar appliances, when to be conclusive evidence of sale.

15. Where upon a prosecution of any person under this Act or *The Liquor License Act* for the sale or keeping for sale of liquor without the license therefor by law required the Justice or Justices before whom such prosecution is brought shall find that liquor exceeding two gallons in quantity was kept upon the premises occupied by such person,—the keeping or having upon such premises of any beer pump or other appliance commonly used in a bar-room shall be conclusive evidence that such liquor was kept upon the premises for sale.

Certificate of analyst as evidence.

16. In any prosecution under this Act or *The Liquor License Act*, the production by the Inspector or any officer of the Crown of a certificate signed or purporting to be signed by the Government analyst as to the analysis of any liquor and of an affidavit attesting the signature of such analyst, shall be conclusive evidence of the facts stated in such certificate.

Duty of inspector as to second offences.

17.—(1) Whenever a prosecution is brought against any person under this Act or *The Liquor License Act* for an offence of which he has been previously convicted and for which a different or greater penalty is imposed in the case of a second or any subsequent offence, it shall be the duty of the Inspector to prosecute as for a second or subsequent offence according to the fact.

Penalty.

(2) Any Inspector who knowingly or wilfully violates the provisions of this section shall incur a penalty of not less than \$20 nor more than \$50.

(3) The paragraph numbered 3 in section 101 of *The Liquor License Act* is repealed.

18. If upon any prosecution under this Act or *The Liquor License Act* or any regulation or by-law made or passed under this Act or *The Liquor License Act* it appears from the evidence of any witness that such witness was unlawfully present at the time or place at which the offence was committed or did unlawfully procure or attempt to procure liquor at such time or place the Justice or Justices before whom the prosecution is brought may having regard to the demeanour of the witness and his mode of giving evidence, by certificate in that behalf exempt such witness from prosecution for such unlawful act, but no such exemption shall be granted to any person charged with the unlawful keeping for sale or other disposal of liquor nor to the keeper or occupant of premises upon which the offence in respect of which the prosecution is brought is alleged to have been committed.

Protection of witness who admits unlawful act.

19. Every holder of a license to sell liquor by retail, who by himself, his servant or agent canvasses for, or receives, or solicits orders for liquor within any municipality in which a by-law passed under section 141 of *The Liquor License Act* is in force shall be guilty of an offence against this Act and shall incur the penalties provided for the sale of liquor without the license therefor by law required.

Canvassing, etc., by shop licensees prohibited.

LAW ENFORCEMENT.

20.—(1) In case the Legislature shall from time to time appropriate a sum of money to be used for the purpose of preventing the violation of the provisions of this Act or of *The Liquor License Act* or of regulations or by-laws made or passed thereunder, the sum so appropriated shall be set apart and be known as the Liquor Law Enforcement Fund, and the moneys to the credit of the said fund from time to time shall be paid out under the direction of the Minister to such officers and persons as he may think proper, to be expended in the enforcement of this Act and *The Liquor License Act* and of such regulations and by-laws or the detection of offences against this Act or *The Liquor License Act* or any such regulation or by-law.

Fund to be used by Minister in enforcing law.

(2) The certificate or order of the Minister that any sum of money is required to be paid out of the said fund shall be sufficient authority for the issuing of a cheque by the Provincial Treasurer for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account to the Minister for the proper disbursement of the amount received by such officer or other person.

21. *The Liquor License Act* is amended by inserting therein the following section as section 127 a.

Rev. Stat., c. 245, amended.

Appointment of officers by councils to enforce local option by-laws.

127a. The council of any municipality in which any by-law passed under section 141 of this Act or under any of the provisions mentioned in section 142 of this Act, for prohibiting the sale of liquors by retail, is in force, may by by-law appoint an officer whose duty it shall be to enforce the provisions of this Act and of any such prohibitory by-law within the municipality, and such council may by by-law provide for the payment of such officer or officers and for payment of any expenses incurred in such enforcement out of the general funds of the municipality and every officer so appointed shall have within the municipality for which he is appointed all the powers possessed by a provincial officer appointed under section 127 of this Act and all the provisions of this Act applicable to any such provincial officer shall apply as to any officer appointed under this section and acting within the municipality for which he is appointed in the same manner and to the same extent as if such municipal officer were expressly mentioned in such provisions.

CANCELLATION OF LICENSES.

Board to cancel licenses after three convictions within two years.

22.—(1) After three several convictions within a period of two years for offences against sections 54, 55 or 56 of *The Liquor License Act*, or section 26 of this Act or against any section of *The Liquor License Act* for the contravention of which the penalty or punishment is provided by section 72 or section 86 of the said Act whether such convictions were for the same offence or for different offences so long as the second of such convictions was for an offence committed after the first of such convictions, and the third of such convictions was for an offence committed after such second conviction the Board shall within one month from the date of the last of such convictions or in the event of an appeal from such conviction and the confirmation thereof upon such appeal then within one month from the date of the judgment in such appeal, by resolution declare that the license held by any license holder so convicted is cancelled and revoked, and thereupon such license shall become inoperative and void and such license holder shall thereafter for the full period of three years be disqualified from obtaining or holding any further or other license under this Act; provided that nothing in this section contained shall affect the liability to forfeiture of a license in any other case provided for by this Act, nor relieve the offender from any other penalty imposed by this Act.

Liability of Board refusing or neglecting to act.

(2) In case the Board refuse or neglect to declare such license cancelled after having been notified in writing so to do by the Minister or by any municipal elector of the municipality in which the licensed premises are situated the members of the Board shall severally be liable to a

penalty of \$100 which may be recovered with full costs of suit in an action to be tried by a Judge without a jury in any court of competent jurisdiction by any person who may sue therefor, and one-half of every penalty so recovered shall be paid to His Majesty for the uses of the Province and one-half shall be paid to the person bringing such action. Provided that no member of the Board shall be found liable for such penalty and costs, who shows to the court at the trial of such action that he voted for the cancellation of such license or did all that could be done by him to procure such cancellation.

(3) The Inspector shall report to the Board every conviction of a holder of a tavern or shop license for a violation of *The Liquor License Act* or of this Act, and in such report shall state the section of the Act under which such license holder was convicted and the penalty imposed, and the Board shall cause a book to be kept in which shall be recorded against the name of each license holder the report of every such conviction.

Inspector to report convictions to Board.

(4) If the Inspector knowingly or wilfully violates the provisions of the preceding subsection he shall incur a penalty of not less than \$50 and not more than \$100 besides costs.

Penalty for neglect to report.

(5) In case the Minister receives information that the holder of any license for premises situated in a provisional judicial district is habitually disregarding the law by keeping such premises in an uncleanly, unsanitary or unsuitable condition or by allowing drunken, disreputable or disorderly persons to resort thither, or by any other violation of the provisions of *The Liquor License Act* or of this Act or by supplying or allowing liquor to be supplied to Indians contrary to any Act of the Parliament of Canada, the Minister may detail a special officer or some officer of the Department to enquire into the matter and upon the report of such officer that such licensed premises are so kept, or that it appears that habitual violations of *The Liquor License Act* or of this Act or of any such Act of the Parliament of Canada are being committed by the license holder, the Minister may cancel the license, and such license holder shall thereafter be disqualified for a period of two years from receiving or holding any license under this Act.

Minister may cancel license in unorganized territory.

(6) Section 93 of *The Liquor License Act* is repealed.

Rev. Stat., c. 245, s. 93, repealed.

LICENSES IN PROVISIONAL JUDICIAL DISTRICTS.

23.—(1) Notwithstanding anything in *The Liquor License Act* contained the Minister may at any time prohibit the granting of a tavern, shop or wholesale license to any person for premises situate in a *Provisional Judicial Dis-*

Minister may prohibit the granting of a license in unorganized territory.

Penalty for issuing license after prohibition.

strict, and it shall be the duty of every member of the Board and of the Inspector to see that any order given by the Minister under this section is carried out.

(2) Every License Commissioner or Inspector who issues or sanctions or permits the issue of a license in contravention of any such order shall be guilty of an offence against this Act and shall incur the penalties provided by section 69 of *The Liquor License Act*.

LOCAL OPTION.

Rev. Stat., c. 245 s. 141, subs. 2, repealed.

24. Subsection 2 of section 141 of *The Liquor License Act* is repealed and the following substituted therefor:

Local option by-law to be submitted at municipal election.

(2) The day fixed by the by-law for taking the votes of the electors thereon shall be the day upon which under *The Consolidated Municipal Act, 1903*, or any by-law passed under the said Act, a poll would be held at the annual election of members of the council of the municipality.

Council to submit by-law on petition of 25 per cent. of electors.

(3) In case a petition in writing signed by at least twenty-five per cent. of the total number of persons appearing by the last revised voters' list of the municipality to be qualified to vote at municipal elections, is presented to the council on or before the 1st day of November next preceding the day upon which such poll would be held, praying for the submission of such by-law, it shall be the duty of the council to submit the same to a vote of the municipal electors as aforesaid.

By-law to be passed if approved by three-fifths of persons voting.

(4) In case three-fifths of the electors voting upon such by-law approve of the same the council shall within six weeks thereafter finally pass such by-law, and this subsection shall be construed as compulsory and the duty so imposed upon the council may be enforced at the instance of any municipal elector by *mandamus* or otherwise.

When by-law not so approved no action to be taken for two years.

(5) In case such by-law does not receive the approval of at least three-fifths of the electors voting thereon the council shall not pass the same and no by-law for the same purpose shall be submitted to the municipal electors before the date of polling for the *third* annual election of members of the council to be held after that at which the voting on the first mentioned by-law took place.

Repealing local option by-law.

(6) No by-law passed under the provisions of subsection 1 of this section shall be repealed by the council passing the same until after a by-law for that purpose has been submitted to the electors and approved by three-fifths of the electors voting thereon, in the same manner as the original by-law, on the polling day at the *third* or some subsequent annual municipal election held after the pass-

ing. of such original by-law; and in case such repealing by-law is not so approved, no other repealing by-law shall be submitted to the electors until the polling at the *third* annual municipal election thereafter. ~~15~~ Provided that any by-law heretofore passed under subsection 1 of this section may be so repealed with the approval of a majority of the electors voting upon such repeal. ~~16~~

(7) Every by-law passed under this section shall come into force and take effect as from the 1st day of May next after the passing thereof. When by-laws to take effect.

REQUISITION BY MEDICAL PRACTITIONER OR JUSTICE OF THE PEACE.

25.—(1) No holder of a tavern or shop license and no druggist shall sell or give, or supply liquor to any person upon the requisition of a medical practitioner or justice of the peace unless such requisition is *dated and* addressed to him by name and states the kind and quantity of liquor *and the purpose for which it is* to be supplied and the name *and address* of the person to whom it is to be delivered, and if such person is not the person for whose use the liquor is to be procured, then the name and address of such last mentioned person. Requisition for obtaining liquor for medical purposes—particulars to be stated.

(2) Every medical practitioner or justice of the peace who shall give any such requisition without stating therein the particulars required by the preceding section shall be guilty of an offence against this Act and shall incur the penalties provided by section 74 of *The Liquor License Act*. Liability for giving improper requisition.

(3) Every holder of a tavern or shop license and every druggist who sells or supplies liquor to any person upon any such requisition in violation of sub-section 1 of this section shall be guilty of an offence against this Act and shall incur the same penalties as if such liquor had been sold or supplied without the requisition of a duly qualified medical practitioner or justice of the peace. Liability for acting on improper requisition.

(4) Every requisition given under *The Liquor License Act* by a medical practitioner or justice of the peace shall be filed by the holder of a tavern or shop license or druggist to whom the same is delivered and shall at all times be open to inspection by the Inspector or by any Officer appointed by the Minister who produces the written authority of the Minister appointing him or directing such inspection. Requisition to be filed and be open to inspection.

~~17~~ (5) Section 74 of *The Liquor License Act* is amended by striking out the words "from a chemist or druggist" in the fourth line of the said section. ~~18~~

FRAUD IN SALE OF LIQUOR.

Bottled liquors,
not to be mixed
in the bottle,
and bottles not
to be refilled
by licensee.

26.—(1) Bottled liquors procured by the keeper of a licensed tavern for the purpose of supplying the same to customers or guests shall be kept while on the licensed premises in the bottles in which such liquors are delivered to such keeper and in no case shall any other liquor or any substance or liquid be put into any such bottle and no bottle after being emptied of such bottled liquor shall be refilled either partially or wholly by the keeper of such licensed premises or any other person on his behalf for the purpose of supplying liquor or any substance or liquid to any customer or guest.

Use of false
labels, etc.,
prohibited.

(2) No holder of a tavern or shop license shall use or permit to be used any sign or label upon any bottle, cask or other vessel in which liquor is kept for sale upon the licensed premises, which does not correctly and truly state the nature of the contents of such bottle, cask or other vessel, or which is in any manner calculated to mislead a customer or guest as to the nature, description or quality of such contents.

Mixture of
drugs, etc.,
with liquor
prohibited.

(3) No holder of a tavern or shop license or any other person shall for any purpose whatsoever mix or permit to cause to be mixed with any liquor sold or supplied by him on the licensed premises as a beverage any drug or any form of methylic alcohol or any crude unrectified or impure form of ethylic alcohol or other deleterious substance or liquid.

Penalties.

(4) Any person violating any of the foregoing provisions of this section shall be liable upon conviction for a first offence to a fine of not less than \$20 and not more than \$50 besides costs or to imprisonment for a period of three months, and upon conviction for a second offence to a fine of not less than \$50 nor more than \$100 or to imprisonment for a period of six months, and upon conviction for a third offence to imprisonment for a period of twelve months.

Taking
samples to see
that law
observed.

(5) The Inspector or any special officer appointed by the Minister may at any time take from the liquors kept by the holder of a tavern or shop license upon the licensed premises sufficient thereof for the purpose of analysis to ascertain whether or not any of the provisions of this section have been violated, and such special officer shall, if required before taking such liquor, produce the authority under which he acts in writing signed or purporting to be signed by the Minister.

Powers of
inspectors.

(6) Section 130 of *The Liquor License Act* shall apply as to every Inspector or special officer acting under the provisions of this section.

SUSPENSION OF LICENSE IN CASE OF FIRE.

27. In case the premises for which any tavern license has been granted are destroyed or so damaged by fire or otherwise, that it is impossible for the holder of such license to provide the accommodation required by *The Liquor License Act* or by any by-law or regulation in force in the municipality in which such premises are situate, the license for such premises shall *ipso facto* be suspended and be of no force or effect as to the premises so destroyed or damaged until the Inspector has reported to the Board that the said premises have been rebuilt or repaired to the extent necessary to provide such accommodation. Provided that in any such case a portion of the share received by the Province of the license paid by the holder of such license may be refunded to him out of the Consolidated Revenue Fund of the Province, but nothing herein contained shall prevent the transfer or removal of such license in the manner provided by *The Liquor License Act*.

Suspension of license when premises destroyed by fire, etc.

Proviso.

LICENSES TO CLUBS.

28.—(1) No liquor shall be sold or supplied by any incorporated society, association or club heretofore or hereafter formed, or by any member, officer or servant thereof, to any member of such society, association or club, or to any other person unless and until a license for the sale of liquor by such society, association or club has been duly issued as hereinafter provided.

Clubs not to sell without a license.

(2) A license to be known as a "Club License" shall upon application therefor be issued at any time by the Board to any such society, association or club which is not by its charter of incorporation or otherwise prohibited from selling liquor to the members thereof, upon payment of a fee of \$50, and such license shall remain in force until the 30th day of April then next ensuing, but the provisions of this Act and *The Liquor License Act*, not expressly applicable to such societies, associations or clubs, shall not apply thereto.

Fee for club license.

(3) Nothing in this Act contained shall authorize the sale of liquor upon the premises of any such society, association or club to any person who is not a member thereof, nor to any person who is not of the full age of twenty-one years.

Liquor not to be sold to non-members or minors.

(4) No license shall be granted under this section to any society, association or club which is prohibited by *The Liquor License Act*, or by its charter of incorporation, or otherwise, from selling or supplying liquor to the members thereof.

Licenses not to be granted unless sale authorized by charter.

CONTRACTS.

29.—(1) No holder of a license for the sale of liquor by retail in a tavern or shop shall hereafter, in consideration of an advance of money or other financial assistance to such license holder, make or enter into, directly

Licenses not to enter into contracts restricting purchase of liquor.

or indirectly, or be or become a party to, any contract, covenant, agreement, undertaking, stipulation or bargain written or verbal which has the effect of imposing or is intended or purports to impose any restriction whatsoever upon such license holder as to the person from whom or the locality in which liquor shall be purchased or supplied for sale in such tavern or shop.

Contracts restricting purchase to be void.

(2) Every covenant, contract, agreement, undertaking, stipulation or bargain, written or verbal, hereafter entered into by the holder of a tavern or shop license or by any other person acting for or on his behalf with any brewer, distiller, manufacturer or wholesale merchant which has the effect of imposing or is intended or purports to impose upon any such license holder any restriction whatsoever as to the person from whom or the locality in which liquor shall be purchased or supplied for sale in any tavern or shop shall be absolutely void and of no effect to all intents and purposes whatsoever.

Penalty.

(3) Every holder of a tavern or shop license, and every brewer, distiller, manufacturer or wholesale merchant who either by himself or by any person acting on his behalf hereafter gives or enters into or demands or requires or requests any other person to give or enter into any such covenant, contract, agreement, undertaking, stipulation or bargain, shall be guilty of an offence against this Act, and shall incur a penalty of \$500, besides costs.

Certain contracts not affected.

(4) Nothing in this section contained shall in any way affect any covenant, contract, agreement, undertaking, stipulation, or bargain heretofore entered into by a license holder or hereafter entered into by a transferee of any license, where at the time of the passing of this Act the then holder of the license in question was indebted to any brewer, distiller, manufacturer, or wholesale merchant for money advanced, and the amount of such indebtedness or any part thereof is assumed by such transferee at the time of the transfer of the license.

Rev. Stat. c. 245, amended.

30. *The Liquor License Act* is amended by inserting therein the following section :

Conviction not void for certain defects;

105.—(1) No conviction or warrant enforcing the same or other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information or conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Act, within the jurisdiction of the Justice or Justices who made or signed the same, and provided there is evidence to prove such offence, and no greater penalty or punishment is imposed than is authorized by this Act.

(2) Upon any application to quash such conviction, or ^{May be} warrant enforcing the same, or other process or proceeding ^{amended.} whether in appeal or upon *habeas corpus*, or by way of *certiorari* or otherwise, the Court or Judge to which such appeal is made or to which such application has been made upon *habeas corpus* or by way of *certiorari* or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid, and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed (as the case may be), and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process or proceeding so affirmed or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded.

31. Subsection 3 of section 64 of *The Liquor License Act* is repealed.

WHOLESALE LICENSES.

32. Subsection 1 of section 34 of *The Liquor License Act* is repealed, and the following substituted therefor:

34.—(1) Wholesale licenses may be issued in any municipality at any time during the year, by the Minister, upon a written requisition therefor signed by the applicant, and after payment to the Provincial Treasurer for the uses of the Province of the proper duty thereon. Every such license shall be issued in such form as the Lieutenant-Governor in Council may direct, and may be transferred or otherwise dealt with as may be provided by regulations of the Lieutenant-Governor in Council.

33. Section 125 of *The Liquor License Act* is repealed and the following section substituted therefor:

Rev. Stat.
c. 245, s. 125,
repealed.

125.—(1) The husband, wife, parent, child of twenty-one years or upwards, brother, sister, master, guardian or employer, of any person who has the habit of drinking liquor to excess—or the parent, brother or sister, of the husband or wife of such person—or the guardian of any child or children of such person—may give notice in writing, signed by him, or may require the Inspector to give notice to a person licensed to sell, or who sells or is reputed to sell, liquor of any kind, not to deliver liquor to the person having such habit.

Husband, wife, etc., may notify sellers of liquor not to furnish to any person addicted to drinking.

(2) The notice given under subsection 1 of this section may be in the form or to the effect following:

Form of notice.

16 NOTICE.

Given under section 125 of *The Liquor License Act*.

To A. B., (*Insert name of license dealer*).

I, (*Name of the person giving notice*), License Inspector, (or wife, or as the case may be of the person hereinafter named) of the _____ of _____, in the county of _____, hereby notify you not to deliver liquor to _____ of the _____ of _____, in the County of _____, being a person who has the habit of drinking liquor to excess.

Take notice that in the contravention of this prohibition, or in case you suffer or permit the said _____ to linger or loiter in the bar room or other place upon your premises in which liquor is dispensed, you will incur the penalties provided by section 125 of *The Liquor License Act*.

C. D.,

(*Signature of the person giving notice.*)

Dated at
this _____

day of _____

A. D. 190 _____

Notice to be given to person having the habit of drinking to excess.

16 (3) The Inspector or other person giving notice under subsection 1 of this section shall forthwith give notice to the person having such habit in the form or to the effect following: 16

16 NOTICE.

Given under section 125 of *The Liquor License Act*.

To E. F., (*Insert name of the person having habit of drinking to excess*).

I, (*Name of person giving notice*), License Inspector, (or other occupation), of the _____ of _____, in the County of _____, hereby notify you, that I have this day given notice to the license holders of the license district of _____, in the County of _____ (or to any particular license holder or other person, naming him) not to deliver liquor to you, you having the habit of drinking liquor to excess.

Take notice that should you directly or indirectly purchase or procure or attempt to purchase or procure liquor upon the premises of any of the said licenseholders (or upon the premises of the said _____, naming the particular licenseholder or other person notified) or be found lingering or loitering in or about the bar room or other place in which liquor is dispensed, upon such premises you will incur the penalties provided by section 125 of *The Liquor License Act*.

C. D.,

(*Signature of the person giving notice.*) 16

Proof of service 16 (4) Proof of the mailing of a registered letter containing any notice given under this section and addressed to the person notified at his proper post office address shall be conclusive evidence of the service of such notice. 16

Penalty for delivering liquor after notice.

16 (5) If any person so notified not to deliver liquor as aforesaid within twelve months after such notice, either himself, or by his clerk, servant or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a duly qualified medical practitioner, delivers,

or in or from any building, booth or place occupied by him, and wherein and wherefrom any such liquor is sold, suffers to be delivered, any such liquor to the person having such habit, he shall incur upon conviction a penalty not exceeding \$50, and the person giving or requiring the notice to be given may, in an action as for personal wrong (if brought within six months thereafter, but not otherwise) recover from the person notified such sum, not less than \$20 nor more than \$500, as may be assessed by the Court or jury as damages; and any married woman may bring such action in her own name without authorization by her husband; and all damages recovered by her shall in that case go to her separate use; and in case of the death of either party, the action and right of action given by this section shall survive to or against his legal representatives, but the defendant shall not be liable for both penalties for the same offence. ❧

❧ (6) If any keeper of a licensed tavern shall after service upon him of a notice under this section suffer or permit the person named in such notice as having the habit of drinking liquor to excess, to loiter or linger in or about the bar-room or other place in which liquor is dispensed, upon the licensed premises, such keeper shall incur a penalty of not less than \$10 nor more than \$20. ❧

Penalty for permitting person named to loiter in bar-room, etc.

❧ (7) If the person having such habit by himself or by any other person shall within twelve months after service of such notice, purchase or procure or attempt to purchase or procure liquor, or shall be found lingering or loitering in or about the bar-room or other place in which liquor is dispensed, upon the premises of any person named or mentioned in such notice, he shall incur a penalty of not less than \$10 nor more than \$20, or imprisonment for a period not exceeding one month. ❧

Penalty for person named attempting to procure or loitering in bar-room.

❧ (8) After service of the said notice if any other person with a knowledge of such notice gives, sells, purchases for or on behalf of the person with regard to whom the said notice has been served, or for his or her use any liquor, such other person shall upon conviction incur for every such offence a penalty of not less than \$25 and not exceeding \$50. R.S.O. 1897, c. 245, s. 125. ❧

Penalty for person with knowledge of notice delivering liquor to person named.

❧ 34. The clause lettered "d" in subsection 1 of section 21 of *The Liquor License Act* is amended by adding thereto the following proviso: ❧

Rev. Stat. c. 245, s. 21, subs. 1, cf. d, amended.

❧ Provided that in any such county town the number of licenses which may be issued shall not be reduced by reason of any increase of the population of such town above the number of 2,500. ❧

Number of licenses in county towns of 2,500 or less.

❧ 35. This Act shall be incorporated with and shall be read as part of *The Liquor License Act*. ❧

Act to be read with Rev. Stat. c. 245.

SCHEDULE A.

CANADA.

PROVINCE OF ONTARIO.

This is to certify that _____ of the
 _____ having paid into the License Fund
 of _____ the statutory duty of two dollars,
 is hereby authorized to act as a bar tender within the License Dis-
 trict of _____ for the current license
 year of _____, subject to the provisions of the law in that behalf,
 This license shall expire on the last day of April next ensuing.

Dated this _____ day of _____ A.D.,

License Inspector
for the License District of



2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Liquor License
Laws.

First Reading, 20th March, 1906.
Second Reading, 29th March, 1906.

*(Reprinted as amended in Committee of
the Whole House.)*

Mr. HANNA.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 173.]

BILL.

[1906.

An Act respecting the Appointment and Powers of Trustees of certain Burying Grounds.

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

1. Where lands have been heretofore set apart or sold for 5 burial purposes and no provision has been made in the deed or other instrument setting apart such lands or in the conveyance thereof, or otherwise, for the appointment of trustees of such lands, the owners of plots in such burying ground may elect trustees in the manner hereinafter provided. 10

Election of trustees when no other provision made.

2. Three or more of such owners may call a meeting for the purpose of electing such trustees, by notice to be published once a week for two weeks in a newspaper published in the local municipality in which the lands are situate, 15 if any newspaper is so published. If no newspaper is published in the local municipality, then notice shall be published in the newspaper nearest the local municipality. The date of such meeting shall be not less than two weeks from the date of the last publication of such notice. The notice 20 calling such meeting may be in the form or to the effect following:

Owners of plots may call meeting.

Take notice that a meeting will be held at the town hall (or some other place in the local municipality in which the lands are situate) in the Village of _____ in the County of _____ of _____ on the _____ day of _____ at the hour of _____ o'clock of the _____ noon, for the purpose of electing trustees for the burial ground known as (here insert local name or designation of burial ground). You are a plot owner in the said burying ground and are requested to attend the said meeting.

Dated at _____ the _____ day of _____ A.D. 190 _____

A. B., C. D., E. F.,
Plot Owners.

Chairman and
Secretary of
meeting.

3. At the time and place named in the notice the plot owners present shall elect from among themselves some person to act as chairman, and shall also elect some person to act as secretary for the said meeting.

Three
trustees to
be elected.

4. After the election of the chairman and secretary, as aforesaid, the members present shall elect from among the plot owners of the said burial ground three persons to be trustees of such burial ground. 5

Certificate
of election.

5. After the election of such trustees the chairman and secretary shall certify in writing as to such election in the 10 form or to the effect following :

We hereby certify that at a meeting of the plot owners in the
burial ground, in
the of , held at
on the day of , the
following persons were elected trustees of the said burial ground:
A. B., of
C. D., of
E. F., of
(insert places of residence and occupation of each trustee).

Witness : (Signed)

Chairman of the meeting.

(Signed)

Secretary of the meeting.

Registration
and filing
of certificate.

6. The certificate of the election of the trustees shall be in triplicate, and one of such certificates, with an affidavit of execution thereof in the form prescribed by *The Registry Act* shall be registered in the Registry Office of the Registry 15 division in which such burying ground is situate, and one of such certificates shall be filed with the clerk of the local municipality in which the burying ground is situate, and one of such certificates shall be delivered to the trustees. 20

Effect of
registration,
burying
ground to
vest in
trustees.

7. Upon the registration of such certificate the said burying ground shall be vested in the trustees so appointed, subject to the provisions of the deed or other instrument setting apart such burying ground or conveying the same or any plot therein for burial purposes, and subject to the rights 25 of any persons who may have theretofore purchased plots in such burying ground, and subject to the provisions of any general law of the Province applicable thereto, and the trustees elected under this Act shall have all the powers and perform all the duties with respect to such burying 30 ground provided for by *The Act respecting Conveyances to Trustees of Burying Grounds*, and all the provisions of the said Act shall apply to trustees elected under this Act in the same manner and to the same extent as to trustees 35 appointed under conveyances of lands for burying ground purposes therein.

8. In case of the death, resignation or removal from the Province of any such trustee his successor shall be elected and his election shall be certified and registered in the manner hereinbefore provided in the case of a first election of 5 trustees under this Act. ^{Vacancies among trustees.}

No. 173.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting the Appointment and
Powers of Trustees of certain Burying
Grounds.

First Reading, 20th March, 1906.

MR. CLARK
(Brice.)

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 174.]

BILL.

[1906.

An Act to Incorporate The Hamilton and Guelph
Junction Railway Company.

WHEREAS a petition has been presented praying that Preamble.
it be enacted as hereinafter set forth, and it is ex-
pedient to grant the prayer of the said petition;

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

1. Samuel Barker, William Vallance, Frank C. Bruce, Incorporation.
Cyrus A. Birge, Alexander Turner, Robert C. Fearman,
William A. Holton, James W. Lamoreaux, William J.
10 Grant and Sanford Dennis Biggar, of the City of Hamil-
ton, together with such persons as become shareholders
in the company, are incorporated under the name of The
Hamilton and Guelph Junction Railway Company, here-
inafter called the company.
- 15 2. The persons named in section 1 of this Act are consti- Provision
tuted provisional directors of the company. directors.
3. The capital stock of the company shall be \$100,000 Capital stock.
and may be called up by the directors from time to time as
they deem necessary, but no one call shall exceed ten per
20 cent. on the shares subscribed.
4. The head office of the company shall be in the City Head office.
of Hamilton in the Province of Ontario.
5. The annual meeting of the shareholders shall be held Annual
on the first Monday in September in each year. meeting.
- 25 6. At such meeting the subscribers for the capital stock Election of
assembled, who have paid all calls due on their shares, directors.
shall choose seven persons to be directors of the company,
one or more of whom may be paid directors.

Location of line.

7.—(1) The company may lay out and construct and operate a railway of the gauge of four feet, eight and one-half inches from a point in or near the City of Hamilton in the County of Wentworth to some point in or near Guelph Junction on the Ontario and Quebec Railway in the County of Halton, passing through the Counties of Wentworth and Halton. 5

(2) The said company may be operated by steam or electricity or both.

Agreements with other companies.

8. The company may enter into agreements with the Canadian Pacific Railway Company for the sale, leasing or giving running rights over the company's tracks with the said Canadian Pacific Railway Company on such terms and conditions as are agreed upon by the directors, approved of by two-thirds vote at a special general meeting of the shareholders duly called for the purpose of considering it, and provided further that such agreement has also received the sanction of the Lieutenant-Governor in Council. 15

Telegraph and telephone lines.

9.—(1) The company may construct and operate telegraph and telephone lines upon its railway, and for the purpose of operating such lines or exchanging and transmitting messages, may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of such companies, or may lease its own lines. 25

(2) The company may transmit messages for the public and collect rates or charges therefor, but no rate or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the company, until it has been approved of by the Lieutenant-Governor in Council, who may also revise such rates and charges from time to time. 30

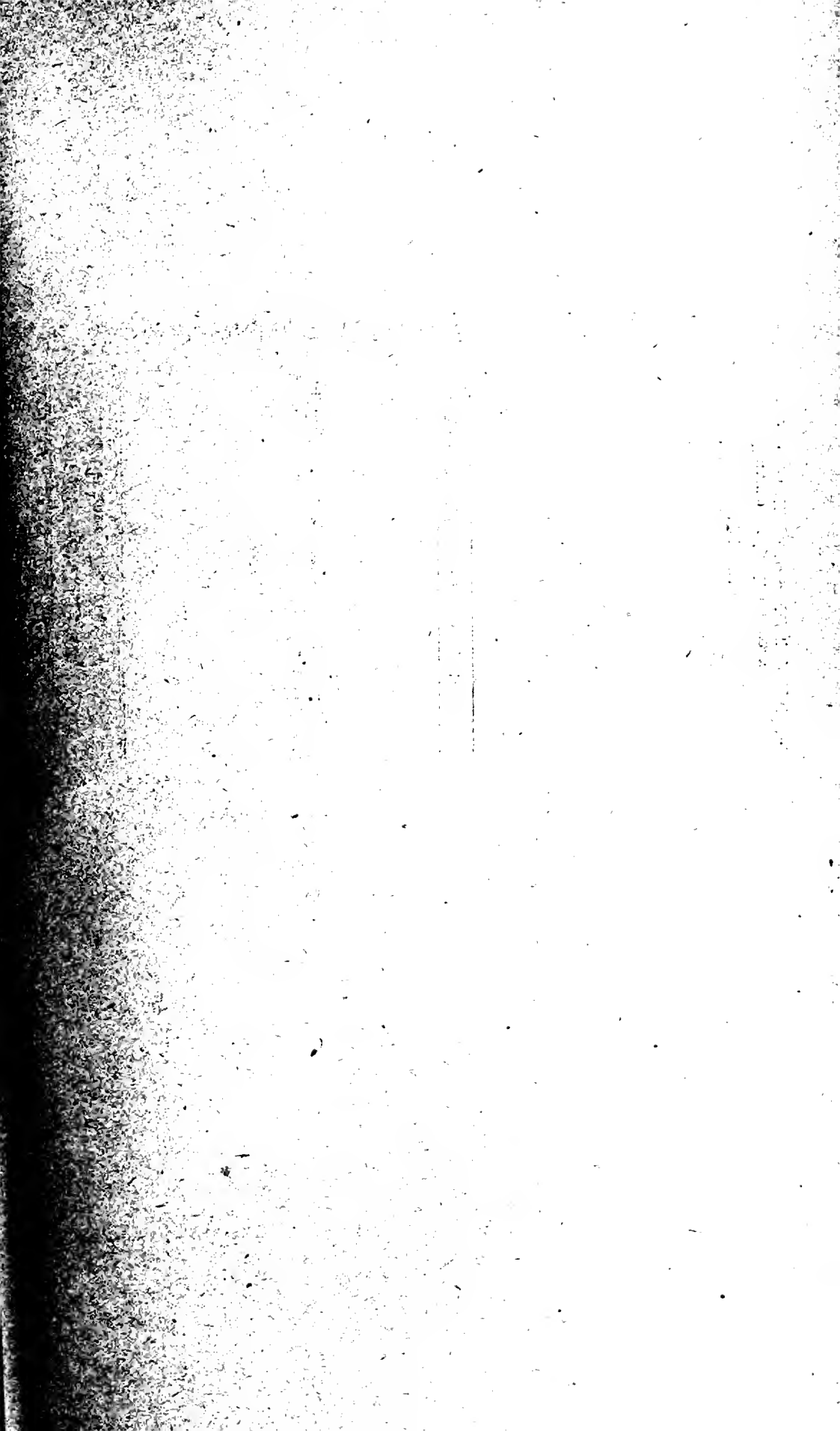
(3) *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the company. 35

Bonds and debentures.

10. The company may issue bonds, debentures or other securities to the extent of thirty-five thousand dollars per mile of the railway and branches and of the lines of railway by this Act authorized to be acquired, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. 40

Time for commencement and completion.

11. If the construction of the railway is not commenced, and fifteen per cent. on the amount of the capital stock is not expended thereon, within two years after the passing of this Act, or if the railway is not finished and put in operation within five years after the passing of this Act, the powers granted by this Act or by *The Railway Act* shall cease and be null and void as respects so much of the railway as then remains uncompleted. 45



6 Edward VII., 1906.
2nd Session, 11th Legislature,

BILL.

An Act to Incorporate The Hamilton and
Guelph Junction Railway Company.

First Reading, 29th March, 1906.

(Private Bill).

Mr. DOWNEY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 174.]

BILL.

[1906.]

An Act to Incorporate The Hamilton and Guelph Junction Railway Company.

WHEREAS Samuel Barker, William Vallance, Frank C. Bruce, Cyrus A. Birge, Alexander Turner, Robert C. Fearman, William A. Holton, James W. Lamoreaux, William J. Grant and Sanford Dennis Biggar, all of the City of Hamilton, in the County of Wentworth, have by their petition prayed for an Act of incorporation under the name of "The Hamilton and Guelph Junction Railway Company" for the purpose of constructing and operating a railway from a point in or near the City of Hamilton, in the County of Wentworth, and from thence through the Townships of Flamboro' West and Flamboro' East, in the said County of Wentworth, and the Township of Nassagaweya, in the County of Halton, to some point in or near Guelph Junction on the line of the Ontario and Quebec Railway, in the said Township of Nassagaweya; and whereas it is expedient to grant the prayer of the said petition; Preamble.

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

1. *The said* Samuel Barker, William Vallance, Frank C. Bruce, Cyrus A. Birge, Alexander Turner, Robert C. Fearman, William A. Holton, James W. Lamoreaux, William J. Grant and Sanford Dennis Biggar, together with such persons as become shareholders in the company, are *hereby constituted a body corporate and politic* under the name of "The Hamilton and Guelph Junction Railway Company," hereinafter called "the company." Incorporation.

2. The persons named in section 1 of this Act are constituted provisional directors of the company. Provisional directors.

Capital stock.
Calls thereon.

3. The capital stock of the company shall be \$100,000.
No one call thereon shall exceed ten per cent. on the shares subscribed.

Head office.

4. The head office of the company shall be in the City of Hamilton, in the Province of Ontario.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the first Monday in September in each year.

Number of directors.

6. The board of directors of the company shall consist of seven persons.

Location of line.

7. The company may lay out, and construct, and operate a railway from a point in or near the City of Hamilton, in the County of Wentworth, and from thence through the Townships of Flamboro' West and Flamboro' East, in the said County of Wentworth, and the Township of Nassagaweya, in the County of Halton, to some point in or near Guelph Junction, on the line of the Ontario and Quebec Railway, in the said Township of Nassagaweya.

Agreements with other companies.

8. The company may enter into agreements with the Canadian Pacific Railway Company for the sale, leasing or giving running rights over the company's tracks with the said Canadian Pacific Railway Company on such terms and conditions as are agreed upon by the directors, approved of by two-thirds vote at a special general meeting of the shareholders duly called for the purpose of considering it, and provided further that such agreement has also received the sanction of the Lieutenant-Governor in Council.

Bonds and debentures.

9. The company may issue bonds, debentures or other securities to the extent of thirty-five thousand dollars per mile of the railway.

Provisions of Ont. Ry. Act, 1906, to apply.

10. Save as herein otherwise provided, all the provisions of *The Ontario Railway Act, 1906*, shall apply to the said company and the railway to be constructed under this Act.



2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to Incorporate The Hamilton and
Guelph Junction Railway Company.

First Reading, 29th March, 1906.
Second Reading, May, 1906.

*(Reprinted as amended by the Railway
Committee.)*

Mr. DOWNEY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

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

1. Subsection 1 of section 71 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word “wards” in the 4th line thereof the words “to be known” as first, second and third councillor for ward No. ” (as the case may be), by adding after the word “wards” in the fifth line thereof the words “to be known as first and second councillor for ward No. ” (as the case may be), and by adding after the word “two” in the fourth line of the proviso thereof the words “to be known as first and second councillor of ward No. ” (as the case may be). 3 Edw. VII., c. 19, s. 71, subs. 1, amended. Councillors to be separately nominated and balloted for.
- 15 2. Subsection 1 of section 71a of the said Act is amended by adding after the word “councillors” on the third line thereof the words “to be known as first, second, third, fourth, fifth and sixth councillors.” 3 Edw. VII., c. 19, s. 71a, subs. 1, amended.
- 20 3. Subsection 2 of section 71a of the said Act is amended by adding after the word “six” in the last line thereof the words “to be known as first, second or other numbered councillor according to the number to be elected.” 3 Edw. VII., c. 19, s. 71a, subs. 2, amended.
4. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section: 3 Edw. VII., c. 19, amended.
- 25 128a. All councillors in townships, towns and villages whether elected by general vote or by wards thereafter be designated as first, second, third or other numbered councillor as the case may be according to the number to be elected for any municipality or ward thereof. And all nominations for such councillors shall be for such designated classes and not for a councillor generally, and in the event of their being only one nominee in any such class he shall be declared elected by acclamation should he be otherwise qualified, but should there be more than one candidate for any one class then a poll shall be held for such class and the election shall proceed for such class and the ballots to be used at the election shall be framed accordingly. Councillors to be separately nominated and balloted for.
- 30
35

No. 175.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Act.

First Reading, 21st March, 1906.

MR. KIDD.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 176.]

BILL.

[1906.

An Act to amend The Municipal Act.

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

1. The paragraph numbered 8 in section 583 of *The Consolidated Municipal Act, 1903*, is amended by inserting the words “and merry-go-rounds, switch back railways, carrouseis and other like contrivances” after the word “amusement” in the fifth line thereof.

3 Edw. VII.,
c. 19, s. 583,
par. 8 amended.
Licensing
certain con-
trivances for
amusement.

No. 176.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Act.

First Reading, 21st March, 1906.

Mr. MAHAFFEY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 177.]

BILL.

[1906.

An Act to amend The Municipal Light and Heat Act.

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

1. Section 9 of *The Municipal Light and Heat Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 234, s. 9
amended.

(2) In fixing the rents, rates or prices to be paid for the supply or use of gas or electricity or other means of lighting or heating, the corporation shall have the right to use its discretion as to the rents, rates or prices to be charged to the various persons or corporations to be supplied with gas, electricity or other means of lighting or heating, and also as to the rents, rates or prices at which gas, electricity or other means of lighting or heating shall be supplied for the different purposes for which it may be supplied or required and to make such discriminations as it may deem advisable.

Charging
different
rates.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Light
and Heat Act.

First Reading, 21st March, 1906.

Mr CARSCALLEN,
(Hamilton.)

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

BILL

An Act to amend the Municipal Waterworks Act.

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

1. Section 20 of *The Municipal Waterworks Act* is amended by adding thereto the following subsection :

Rev. Stat.,
c. 235, s. 20
amended.

(3) In fixing the rents, rates or prices to be paid for the supply or use of water from the waterworks for other than domestic purposes the corporation shall have the right to use its discretion as to the rents, rates or prices to be charged to the various persons or corporations to be supplied with water, and also as to the rents, rates or prices at which water shall be supplied for the different purposes for which it may be supplied or required and to make such discriminations as it may deem advisable.

Council may
fix different
rates for supply
of water.

No. 178.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Water-
works Act.

First Reading, 21st March, 1906.

Mr. CARSCALLEN,
(Hamilton.)

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Assessment Act.

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

1. Section 2 of the said Act is amended by inserting after ^{4 Edw. VII.,} the word “stocks” in the eleventh line of paragraph 8 ^{c. 23, s. 2,} the words “or shares in banks, trust or loan companies, ^{par. 8 amended,} insurance, railway, telegraph or telephone companies or any companies having rights or powers upon the high-ways.” ^{“Income,” meaning of.}
2. Section 5 of the said Act is amended by striking out ^{4 Edw. VII.,} of paragraph 19 the words, “and is assessed as a house- ^{c. 23, s. 5,} holder therein” in the 9th line thereof, and by striking ^{par. 19} out the words “and assessed as such” in the twelfth and ^{amended.} thirteenth lines of said subsection and by adding the fol- ^{Exemption in} lowing words at the end of the said subsection, “provided ^{income from} that no person shall be assessed for income when the ^{personal} amount of income liable to assessment is less than \$100.” ^{earnings.}
3. Section 10 of the said Act is amended by striking out ^{4 Edw. VII.,} in the sixth, seventh and eighth lines of paragraph (f) ^{c. 23, s. 10} thereof the words “and subject to subsection 5 of this ^{amended.} section every person carrying on a financial or commercial business as agent only,” and substituting therefor the words “and every financial, insurance or other agent,” ^{Business} and by striking out of paragraph (h) the words “trade or ^{assessment.} commercial” in the eighth line thereof and by striking ²⁵ out of subsection (3) thereof the figures “250” wherever they occur therein and substituting therefor the figures “100,” and by striking out of subsection (5) all the words after the word “railway” in the fifth line thereof.
4. Section 22 of the said Act is amended by striking out ^{4 Edw. VII.,} of subsection (5) the words “twenty-one” and substituting ^{c. 23, s. 22,} the word “ten” therefor. ^{subs. 5} ^{amended.}

4 Edw. VII.,
c. 23, s. 36
amended.

5. Section 36 of the said Act is amended by striking out of subsection 2 all the words after the word "values" in the fifth line thereof.

4 Edw. VII.,
c. 23, s. 40
repealed.

6. Section 40 of the said Act is hereby repealed.

4 Edw. VII.,
c. 23, s. 42
amended.

7. Section 42 of the said Act is amended by adding the following as subsection (1a) thereof: "Where the property of any such companies extends through two or more municipalities, the portion thereof in each municipality shall be separately assessed therein at its value as an integral part of the whole property," and by striking out of the first line of subsection 2 thereof the words "such property," and substituting therefor the words "the property of such companies."

4 Edw. VII.,
c. 23, s. 42
amended.

8. Section 42 of the said Act is amended by adding the following as subsection (1b) thereof: "Where such property or the property of any telegraph or telephone company is erected or placed upon, in, over, under or affixed to any highway or road that is owned, controlled and maintained by a county out of county funds, the county shall have the power to assess the same and collect the taxes payable under said assessment instead of the local municipalities in which the same are situated, such assessment to be made by the county clerk, subject to appeal to the county council as a Court of Revision, and the taxes to be placed upon a roll made up by the county clerk and handed by him to the county treasurer, who shall collect the same in like manner as nearly as may be as taxes are collected by township collectors. The tax rate to be the same as it would be if the property were assessed by the local municipality or municipalities in which said highway or road is situate."

4 Edw. VII.,
c. 23, s. 44
amended.

9. Section 44 of the said Act is amended by striking out of paragraph (a) of subsection 2 thereof all the words after the word "locality" in the third line of said paragraph, and by striking out the words "in, over, under or forming part of any highway" in the fourth and fifth lines of paragraph (c) of said subsection, and by striking out the words "not being a highway, street or road merely crossed by the line of railway" in the seventh and eighth lines of said paragraph (c), and substituting therefor the words "or the roadway or right of way or other property of the company."

4 Edw. VII.,
c. 23, s. 45
repealed.

10. Section 45 of the said Act is repealed.

4 Edw. VII.,
c. 23, s. 46,
subs. 2
repealed.

11. Subsection 2 of section 46 of the said Act is repealed.

12. Section 127 of the said Act is amended by inserting ^{4 Edw. VII.,} after the word "taxes" in the second line of subsection 1 ^{c. 23, s. 127} the words "or rates," and by striking out the words "in ^{amended.} arrear" in the eighth line thereof.

5 13. Section 128 of the said Act is amended by inserting ^{4 Edw. VII.,} after the word "taxes" in the second line the words "or ^{c. 23, s. 128} rates" and by inserting after the word "treasurer" in the ^{amended.} eighth line thereof the words "or collector."

No. 179.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Assessment Act.

First Reading, 21st March, 1906.

Mr. CARSCALLEN
(Hamilton).

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

An Act to amend The Municipal Act.

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

5 **1.** *The Consolidated Municipal Act, 1903*, is amended ^{3 Edw. VII., c. 19 amended.} by inserting the following as section 95*b* thereof:

10 *95b.* The council of any local municipality may by by-law assented to by a vote of a majority of the electors taken in accordance with the provisions of section 338 and following sections of said Act extend the term of office of all members of the council to be thereafter elected to the term of two years, such persons to hold office until their successors are elected or appointed or sworn into office and the new council is organized, and may with like
15 assent repeal any such by-law. ^{Two years term for councils may be adopted.}

20 **2.** Section 106 of the said Act is amended by striking out the words "having a population of 100,000 inhabitants" in paragraph (e) thereof added by section 3 of *The Municipal Amendment Act, 1905*, and by striking out the words "having a population of 100,000 inhabitants" in subsection (3) thereof, added by section 4 of *The Municipal Amendment Act, 1905*. ^{3 Edw. VII., c. 19, s. 106. Appointment of election officers.}

25 **3.** Section Number 524 of the said Act is amended by ^{3 Edw. VII., c. 19, s. 524, amended.} striking out subsection 9 thereof and substituting the following therefor:

30 (9) Where a person sent to the House of Refuge has not resided continuously in the local municipality by or from which he is sent for a period of one year immediately preceding his committal, the cost of maintaining such indigent person shall be provided entirely by the county in which he is committed, unless immediately before his removal to such county he had resided for the space of one
35 year or more in some other county, in which case the cost ^{Cost of maintenance in houses of refuge.}

of maintaining such indigent person shall be borne by such other county, and may be recovered by action by the county in which such indigent person is so maintained.

3 Edw. VII.,
c. 19, s. 559
amended.

4. Section 559 of said Act is amended by adding thereto the following subsection: 5

By-laws for
constructing
underground
conduits, etc.,
for wires.

4a. For constructing underground conduits or erecting poles and entering into agreements with electric light, or power, telegraph or telephone companies for the use of such conduits or poles upon payment of a rental therefor to be mutually agreed upon or to be settled by arbitration under this Act. 10

3 Edw. VII.,
c. 19, s. 566,
par. 4. cl. a
amended.

5. Section 566 of said Act is amended by striking out from clauses "A" following paragraph 4 thereof the words "shall not levy any such special rate or construct works for lighting the public streets until such council has by by-law fixed" in the second, third and fourth lines, and substituting therefor the words "may by by-law fix;" and by striking out the words "nor until" in the sixth line of said paragraph and substituting therefor the word "and;" and by striking out the words "nor until the price accepted or awarded has been paid or has been secured to the satisfaction of the company or companies" in the tenth, eleventh and twelfth lines, and by striking out all the words in said paragraph after the word "Act" in the sixteenth line thereof and by adding the words "and the municipality shall be entitled to enter upon, possess and hold the works and property of the company or companies upon payment of the price determined by such arbitration." 15
20
25
30

Establishing
electric light,
gas and water-
works.

3 Edw. VII.,
c. 19, s. 567b,
repealed.

6. Section 567b of the said Act is repealed and the following subsection substituted therefor:

Disposing of
surplus power,
gas, etc.

567b. Any municipal corporation may acquire by purchase or contract from any person or company supplies of electric or other power or gas and may sell or lease for any use for which electric or other power or gas can be used in the municipality all of such electric or other power or gas so acquired or contracted for which is in excess of that immediately required for the purposes of the municipality. 35
40

3 Edw. VII.,
c. 19, s. 569
amended.

7. Section 569 of the said Act is amended by striking out the last paragraph of the first subsection thereof and substituting the following paragraph therefor:

Proviso—
construction of
street railways.

" Provided that the powers conferred by this subsection shall only be exercised when the exercise of such powers would not be a violation of the provisions of any agreement or contract between the municipality and any existing street railway company." 45

8. Section 606 of the said Act is repealed.

3 Edw. VII.,
c. 19, s. 606
repealed.

9. Section 669 of the said Act is amended by striking
out the words "registered letter" in the seventh line of
subsection (1a) thereof and substituting therefor the word
5 "mail."

3 Edw. VII.,
c. 19, s. 669
amended.

Notices of
assessment for
local improve-
ments.

10. Section 677 of the said Act is amended by inserting
after the word "contained" in the first line thereof the
words "in this Act or" and by also inserting after the
word "brick" in the sixth line thereof the words "or may
10 paye or macadamize or gravel any roadway or construct
any sewer," and by also adding at the end of the said sec-
tion the following words "the council to have power by
such two-third vote to determine the class or kind of side-
walk or roadway and the class, kind and size of sewer to
15 be so constructed or laid down."

3 Edw. VII.,
c. 19, s. 677.

Local improve-
ments without
petition or
notice.

No. 180.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Act.

First Reading, 21st March, 1906.

Mr. CARSCALLEN,
(Hamilton).

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting Conveyancing.

HIS 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 Conveyancer's Act.*" Short title.

5 2. Except as hereinafter provided, no person shall have, use or exercise, the power of drawing, passing or issuing for another for fee, hire or reward, any bill of sale, or transfer, or assignment of mortgage relating to personal property, or any conveyance, transfer, deed, lease, mortgage, indenture, discharge of mortgage, cessation of charge
10 or agreement relating in any way to real property, or of otherwise acting as or performing the duties of a conveyancer.

Unqualified persons not to practice conveyancing.

15 3. Persons entitled to practice as barristers or solicitors in the Province of Ontario shall be exempt from the provisions of this Act, and persons who though not so entitled, have at and before the time of the passing of this Act, been accustomed to transact business of the nature in the preceding section specified, and who, within three months
20 of the date of the passing of this Act, deposit and file with the Registrar of Deeds for the county or Registry Division in which they then respectively reside, and likewise with the Registrar of the Province of Ontario, an affidavit according to the form in the Schedule "A" hereto (and
25 who pay to the Provincial Treasurer the sum of one dollar for the uses of the Province), shall, as to such business of said nature as they may transact in the municipality in said affidavit mentioned, be exempt from the provisions of this Act.

Barristers and solicitors and persons now practising conveyancing.

30 4. A person appointed as a Notary Public for the Province of Ontario shall, notwithstanding the provisions of this Act, continue to be entitled to perform such of the

Notaries Public.

said business as is specified in *An Act respecting Notaries Public*.

Filing affidavits.

5. It shall be the duty of the Provincial Treasurer and likewise of each Registrar of Deeds, respectively, on payment of a fee of twenty-five cents, to receive, file and deposit affidavits as herein mentioned, and to make entries thereof in a proper book in his office.

Searching— fees for

6. Any person shall be entitled, on request and payment of a fee of twenty-five cents, to search in the book or books in the preceding paragraph mentioned for all entries made therein and to search any affidavit entered therein, and in case any action has been brought against any person for violation of this Act the plaintiff therein on filing an affidavit showing that fact and alleging that the same has been brought *bona fide* shall on filing same with the registrar of deeds or Provincial Registrar, as the case may be, and payment of a fee of twenty-five cents, be entitled to a certificate in writing, under seal of office, dated when given, as to whether any named person has, or has not, filed and deposited an affidavit in compliance with this Act, and if one has been filed and deposited the certificate shall state the date of filing same, but except as herein provided no certificate shall be made or given by any registrar of deeds or by the Provincial Registrar.

Certificate as evidence.

7. A certificate as aforesaid, under seal of office, shall, without further proof, be evidence in any Court in this Province, of the facts stated therein, and may be in the form in the Schedule "B" hereto.

Penalty.

8. Any person violating the provisions of the second section of this Act shall forfeit the sum of \$20 for each such violation, to be recovered before any Court of competent jurisdiction, by any person suing as well on his own behalf as on behalf of his Majesty; and half of such penalty shall belong to the Crown for the uses of the Province and the other half to the party suing for the same.

SCHEDULE A.

Province of Ontario, } I, _____ of the _____
 County of _____ } of _____ in the County
 To Wit: _____ } of _____ make oath and
 say as follows:—

1. That I have been accustomed to transact in the _____, for other persons, for fee, hire or reward, business of the nature specified in the Act of the Legislature of the Province of Ontario, entitled *An Act, etc.*, being Statute Edward the Seventh, chaptered _____

2. That I verily believe that I possess the requisite knowledge and skill to transact the special business of the nature referred to in said Act, and am entitled to be exempt from the provisions of the said Act.

Sworn before me, at the
of _____, in the
of _____, this
day of _____,
A.D. 190 .

A Commissioner for taking affidavits, etc., or a Notary Public in and for the Province of Ontario.

SCHEDULE B.

Province of Ontario, }
County of _____ }
To Wit: _____ }

I, _____ in pursuance of an Act of the Legislature of the Province of Ontario, entitled *An Act, etc.*, being Statute _____, Edward the Seventh, chaptered _____, hereby certify as follows:—

1. That _____ of the _____ of _____ in the County of _____ has (or has not, as the case may be) deposited and filed in my office, as (state whether Provincial Treasurer or Registrar of Deeds for the _____ of _____, as the case may be) an affidavit complying with the said Act and in the form in Schedule A thereof

2. In case the affidavit has been filed add the following: The said affidavit was filed and deposited in my said office on the _____ day of _____ A.D. 190 .

Given under my hand and seal of office at _____ this _____ day of _____ A.D. 190 .

(Seal.)

Official signature.

No. 181.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Conveyancing.

First Reading, 21st March, 1906.

Mr. CARSCALLEN,
(Hamilton)

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty

BILL.

[1906.]

An Act to amend The Act to Regulate the Speed and Operation of Motor Vehicles on Highways.

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

1. Sections 2, 3 and 4 of the said Act as enacted by ^{3 Edw. VII,} section 70 of *The Statute Law Amendment Act, 1904*, and ^{c. 27, ss. 2, 3, 4,} amended by 5 Edward VII, Chapter 28, Section 1, are hereby repealed, and the following sections substituted therefor:

2. Every resident of this Province who is the owner of a ^{Registration} motor vehicle and every non-resident owner whose motor ^{of motor} vehicle shall be driven in this Province, shall pay to the Provincial Secretary a registration fee for each motor vehicle. The fee shall be the sum of \$ when the ^{Fees.} motor vehicle is of 20 horse power or less and the sum of 15 \$ when the same is in excess of 20 horse power.

The Provincial Secretary shall issue for each motor ^{Issue of permit on payment of fees.} vehicle so registered a permit properly numbered, stating that such motor vehicle is registered in accordance with this section and shall cause the name of such owner with ^{Proviso.} his address and the number of his permit to be entered in a book to be kept for such purpose. Provided that the Lieutenant-Governor in Council may make regulations regarding the registration and operation of motor vehicles owned by manufacturers or dealers and not kept by such ^{Proviso.} 25 manufacturers or dealers for private use or for hire.

3. Such permit shall be issued from the office of the Provincial Secretary, and shall with every renewal there- ^{Issue of permit renewal.} of expire on the 1st day of July of the year in which the same is issued, and may be renewed from time to time and ^{Proviso.} 30 subject to the approval of the Provincial Secretary may be transferred from one owner of any such motor vehicle to another.

Permit and number to be exposed on vehicles.

4. Every motor vehicle while being driven upon the public streets, public roads, parks or other public highways, of this Province shall carry so as to have exposed on the sides and rear of such motor vehicle the permit issued as aforesaid by the Provincial Secretary and shall also have solidly attached so as to be exposed upon the sides and the back of such motor vehicle, and securely nailed, screwed or bolted thereto, in conspicuous places the number of such permit so that the same may be plainly discernible, and so that the lower end thereof shall not be lower than the body of said motor vehicle. The said number shall be in figures, not less than five inches in height and such figures shall be kept polished and free from dirt and obstructions of any kind so that the same may be at all times plainly visible.

3 Edw. VII. s. 6, repealed.

2. Section 6 of the said Act is repealed, and the following substituted therefor:

Speed of motor vehicles.

6.—(1) No motor vehicles shall run upon any public highway within any city, town or incorporated village in the Province of Ontario at a greater rate of speed than ten miles an hour or upon any public highway outside of any city, town or incorporated village at a greater speed than fifteen miles per hour and where any by-law is passed by the council of any county or union of counties as hereinafter provided.

By-laws designating roads to be used.

(2) No motor vehicle shall be run on any public highway in such county or union of counties so passing such by-law, save and except upon such highways or highway as shall be designated and defined in such by-law and save and except in the case of any motor vehicle owned by any person living within such county or union of counties who shall have the right to run such motor vehicle over any highway to and from his residence to any highway designated and defined under any such by-law, and then subject only to all the provisions and restrictions in this Act contained.

County council designate roads.

(3) The council of any county or union of counties within the Province may by by-law declare and define upon what road or roads within the limits of the county or union of counties motor vehicles may be run, and upon the passing of such by-law it shall be lawful for motor vehicles to run upon the roads so designated and defined within such county or union of counties, but no other roads within the limits thereof. Provided that where adjacent counties each pass such by-laws as in this section referred to they shall designate and define such roads within their limits that there shall be at all times a continuous road through such counties so defined and designated as being open to motor vehicles.

Proviso.

(4) The clerk of any county or union of counties so passing such by-law shall forthwith after the passing thereof forward a copy of the same certified under his hand and the seal of the county to the Provincial Secretary.

By-laws to be filed with Provincial Secretary.

5 (5) Upon the passing of any such by-law the council shall, without delay, cause a sign to be placed at the commencement and termination of any such road or roads so designated and defined by the by-law as being open to travel by motor vehicles containing the words "open for
10 motor vehicles," and in case any such road so declared and defined to be open for motor vehicles shall cross or enter any other road likewise declared to be so open in such by-law, the council shall likewise cause a similar sign to be placed at such crossing or convergence indicating
15 that such other road is so open to motor vehicles.

Signs to be put up on open roads.

(6) The council of any county or union of counties may by by-law grant a reward not exceeding the sum of \$50 to any person who shall furnish evidence convicting any person of a violation of any provision of *The Act to Regulate the Speed and Operation of Motor Vehicles on Highways* or any amendments thereto.

Rewards for convictions.

(7) In case of any accident or injury occurring to any person upon any public street or highway by reason of coming in contact with any motor vehicle, or of any horse
25 or other animal becoming frightened at any such motor vehicle while on any public street or highway, and whether such accident or injury shall be caused by the neglect or improper conduct of the person in charge of such motor vehicle or not, the person in charge of such motor vehicle
30 shall forthwith stop and give to the person injured, or whose property is injured, or to any one else demanding the same, his name, residence and address and that of the owner of such motor vehicle and the number of the permit attached to his motor vehicle, and upon his failure
35 so to do or upon giving a wrong name or address shall forever forfeit his license to drive any motor vehicle within this Province, and the owner of such motor vehicle shall forfeit the permit granted to him under this Act, and no permit under this Act shall thereafter be granted to him
40 or any member of his family residing with or any servant employed by him. But this section shall not interfere with any other liabilities or obligations the driver or owner of such vehicles may be subject to under this Act.

Liability in case of accidents.

3. Section 8 of *The Act to Regulate the Speed and Operation of Motor Vehicles on Highways* as amended by
45 Edward VII, Chapter 28, Section 3, is amended by striking out all the words therein, after the word "horses" in the 7th line thereof and substituting therefor the following words:
"And to insure the safety and protection of any person
50 riding the same shall not approach such vehicle or horse within one hundred yards or pass the same going in the

3 Edw. VII. c. 27, s. 8, amended.

Precautions
to be taken
to prevent
accidents.

same or in the opposite direction at a greater rate of speed than seven miles an hour, and shall when signalled by any such rider or driver, bring the said motor vehicle to a stop and shall not proceed further towards such animal unless such movement be necessary to avoid accident or injury, or until such animal is under control of its rider or driver, and such rider or driver by signal or otherwise directs the driver of such motor vehicle to proceed, and every person so having control of a motor vehicle shall when coming to any highway crossing the highway upon which he is travelling or when crossing any bridge or coming to any sudden curve in the highway reduce his speed so as not to cross such intersecting highway or such bridge or round such sudden curve at a greater rate of speed than seven miles an hour.

Liability for
accidents
resulting in
death or
injury.

4. Section 9 of Chapter 28 of 5 Edward VII amending the said Act is repealed and the following substituted therefor: "When any person is killed or injured, or when any property of any person is injured or damaged in any collision or accident arising out of or resulting from any motor vehicle running upon any public street, public park or highway within this Province, the person or persons in whom any right of action rests by reason of such killing, injury or damage shall be entitled to recover any damages therefrom against the owners or driver of the motor vehicle in any court of competent jurisdiction, unless such owner or driver in the opinion of the court or jury trying the case establishes that such killing or injury occurred through the default or neglect of the person killed or injured or in charge of the property injured or damaged.

3 Edw. VII.
c. 27, s. 10,
repealed.

5. Section 10 of the said Act is repealed and the following substituted therefor:

Penalties.

10. Any person violating any of the provisions of this Act or any amendments thereto shall in addition to any civil liability he may be liable to thereunder for a first offence incur a penalty not less than \$25 and costs, for a second offence a penalty of not less than \$50 and costs, and for a third offence a penalty of not less than \$100 and costs, or may be imprisoned for a term not exceeding 30 days, and upon a conviction for a third offence the person convicted shall forfeit his license forever under this Act, and the owner of the motor vehicle driven at the time such third offence was committed shall forfeit the permit granted to him under this Act. The penalties under this section shall be recoverable upon proceedings under *The Ontario Summary Convictions Act*, and such proceedings may be brought in any county in which the complainant resides. And one-half of any fines imposed and incurred shall go to the person laying the information and one-half to the municipality in which the offence was committed.

6. Any municipality receiving any money for its share of fines imposed under this Act may expend the same upon the improvement of any roads declared by by-law under this Act to be opened to travel for motor vehicles. Application of penalties.

5 7. Section 8 of 5 Edward VII, Chapter 28, shall apply to all amendments made under this Act. 5 Edw. VII. c. 28, s. 8, to apply.

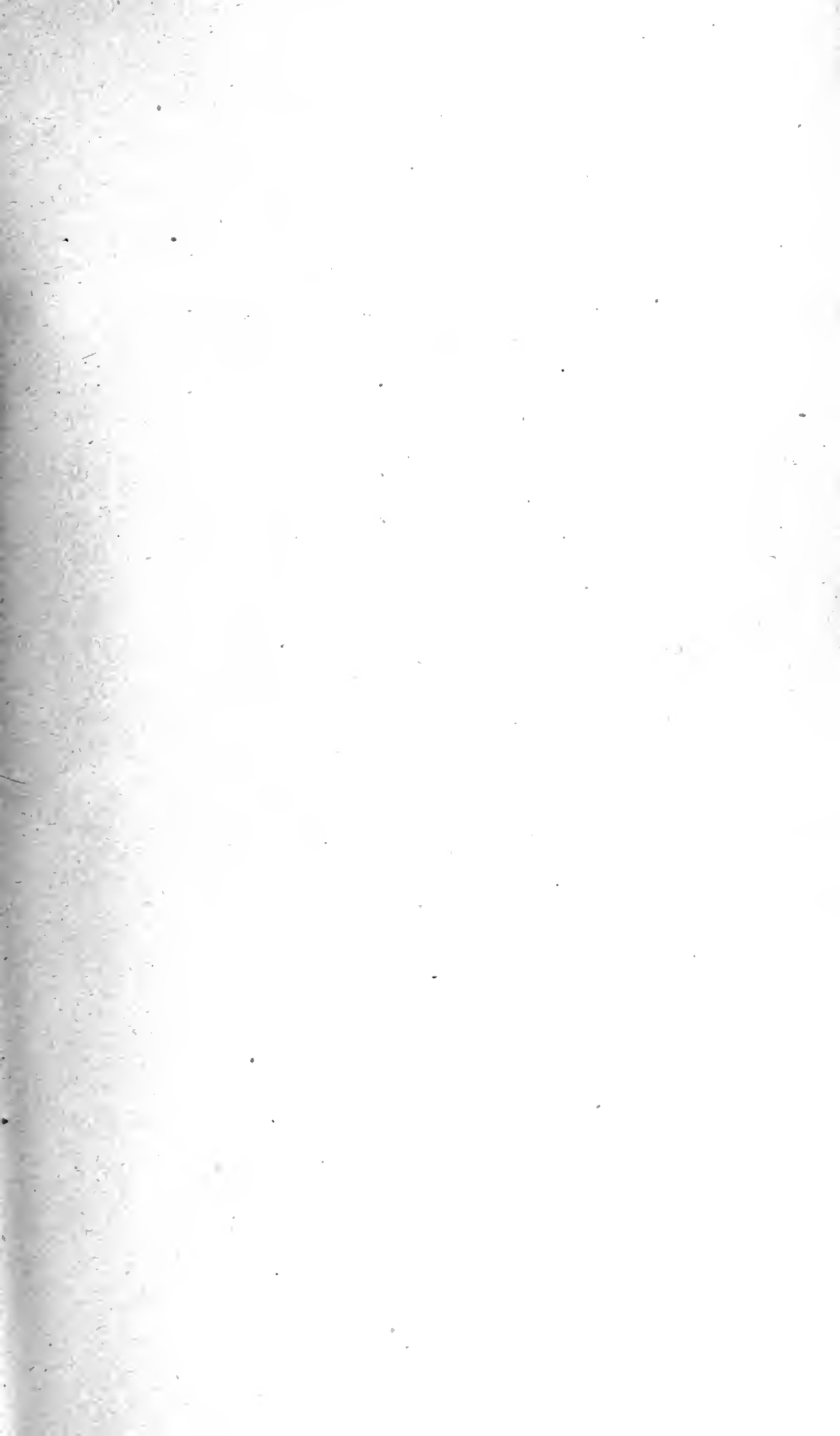
8. No person shall operate a motor vehicle as a chauffeur upon any public street or public highway within this Province, unless he shall have first obtained a license so to do as hereinafter provided. Chauffeurs to be licensed.

9. Every person desiring to obtain a chauffeur's license to operate any motor vehicle upon any public street or public highway within this Province, shall file with the License to chauffeurs.
 15 Department of the Provincial Secretary upon a blank to be furnished to him by such Department, a statement which shall include his name and address and the motive power of the motor vehicle which he claims to be able to operate, and such statement shall be filed in the Department of the Pro-
 20 vincial Secretary, and upon satisfactory proof being furnished to such Department, that the applicant is a competent and proper person to receive a license, the Provincial Secretary shall issue to the applicant a Chauffeur's license and shall deliver to him a metal badge of such size and
 25 dimensions as he may select with the words "Registered Chauffeur No. —, Ontario" stamped or printed thereon, which badge shall at all times be worn by such chauffeur when operating a motor vehicle on the public highways under the penalties provided for a violation of this Act.

30 10. Every such license so issued shall expire on the first day of July next after the same is issued, but may be renewed from year to year, and the fee payable for such license or any renewal thereof shall be the sum of two dollars. Term of license fee.

35 11. Any such license may be revoked at any time by the Provincial Secretary for any violation of this Act, or for any other cause which the Provincial Secretary may deem sufficient. Revocation of license.





No. 182.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act to Regulate the
Speed and Operation of Motor Vehicles
on Highways.

First Reading, 21st March, 1906.

Mr. LENNOX.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

BILL.

An Act to amend The Toll Roads Expropriation Act, 1901.

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

1. Section 4 of *The Toll Roads Expropriation Act, 1901*,¹ as enacted by section 1 of the Acts passed in the second² year of His Majesty's reign, Chaptered 35, is amended by adding thereto the following as subsection (2a):

(2a) Where the initiating county and such city or separated town have heretofore agreed upon or settled or hereafter shall agree upon or settle the amount (if any) to be contributed by such city or separated town to the initiating county, the member or other officer appointed by the county to name an arbitrator on its behalf under the authority of this Act, shall have power to appoint such arbitrator and any appointment of an arbitrator heretofore made or which shall hereafter be made by such member or officer is declared to be a good and valid appointment, and the arbitrator so appointed shall have the same powers as if he had been appointed by the nominees of the two municipalities as aforesaid, in determining the amount to be paid to the owner of the said road.

¹ Edw. VII., c. 35, s. 2;
² Edw. VII., c. 35, s. 1, amended.

Arbitration between county and city or separate town.

No. 183.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Toll Roads Expropri-
ation Act, 1901.

First Reading, 22nd March, 1906.

Mr. BROWER.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

An Act to amend The Assessment Act.

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

1. Section 36 of *The Assessment Act* is amended by adding thereto the following subsection: 4 Edw. VII., c. 23, s. 36, amended.

(4) Where the mineral rights in any lands have been sold or leased to some person other than the owner of the surface rights but such mineral rights have not been exercised, then whether or not the existence of minerals in such lands is known, such mineral rights shall be separately assessed and for the purposes of such assessment shall be valued at the actual amount paid therefor in case such mineral rights have been sold, and in case the same are held under lease then at such an amount as will represent the capitalization of the annual rental value of such rights and such annual rental value shall be taken to be five per cent. of the actual value of such mineral rights. Assessment of mineral rights when severed from surface rights.

No. 184.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Assessment Act.

First Reading, 22nd March, 1906.

Mr. AULD.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting Natural Gas Wells.

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

1. It shall be the duty of every person boring for
5 natural gas to prevent as far as possible the draining of
water from wells or reservoirs in neighboring lands owing
to such boring and whenever the effect of boring for natural
gas is to drain or partially drain any such well or reservoir
so as to materially reduce the value or efficiency of such
10 well or reservoir, it shall be the duty of such person so bor-
ing to use such means as may be effective to stop such
drainage, and if said drainage cannot be stopped, the per-
son so drilling and causing said drainage shall pay a sum
of money sufficient to reimburse the owner of the said well
15 or reservoir for the damage done.

Persons boring
for natural gas
to prevent
drainage of
water from
wells.

2. Every person who fails to comply with the provisions
of the preceding section in boring for natural gas shall be
liable for any damages caused thereby to wells upon neigh-
boring lands, and the owner of such land may enforce such
20 liability by action in any court of competent jurisdiction.

Penalty.

No. 185.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Natural Gas Wells.

First Reading, 22nd March, 1906.

Mr. KOHLER.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

An Act to amend The Municipal Act.

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

1. Subsection 14 of section 583 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "peace officer" in the last line of the first proviso thereto the words "and provided that in any prosecution under this Act for a violation of this subsection against any hawker, pedlar, petty chapman or other person mentioned in this subsection on the ground that any such person has not obtained a license in pursuance of any by-law passed thereunder and the defence is set up that such person does not require any such license by reason of the fact that he is peddling or selling goods, wares or merchandise to a retail dealer, or is hawking or peddling 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, and is the manufacturer or producer thereof or the *bona fide* servant or employee of such manufacturer or producer thereof having written authority in that behalf, then and in such case it shall not be necessary for the complainant to show affirmatively that the person so prosecuted does not come within the defence so set up, but the onus of proving that he does come within such defence shall rest upon the person so prosecuted and in the event of his failing to establish at his trial that he does so come within such defence he may be convicted of a violation of this subsection.

3 Edw. VII.,
c. 19, s. 583,
subs. 14,
amended.

Hawkers' and
pedlars'
licenses.

No. 186.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Act.

First Reading, 22nd March, 1906.

Mr. FOX.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

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

1. *The Consolidated Municipal Act, 1903*, is amended by ^{3 Edw. VII.,} c. 19 amended.
5 inserting therein the following sections:

39a.—(1) In case the municipal council of at least one-half in number of the several municipalities constituting the junior county of a union of counties shall severally pass and transmit to the Lieutenant-Governor in Council before
10 the first day of August in any year a resolution affirming the expediency of such junior county being separated from the union, together with a petition or petitions signed by the reeve and clerk of each of the municipalities in which such resolution has been passed, praying for such separa-
15 tion, the Lieutenant-Governor in Council may appoint some person resident in such junior county to act as returning officer, and may fix a day not later than one calendar month from the date of the order making such appointment for taking the vote of the municipal electors of such junior
20 county upon the question, "Are you in favour of the separation of the County of _____ from the United Counties of _____"

Resolutions and petitions for separation of junior county from union.

Appointment of returning officer to take vote.

(2) The persons qualified to vote upon such question in each municipality in such junior county shall be the persons
25 who according to the last revised voters' list of the municipality are entitled to vote at municipal elections, but no person shall vote more than once upon the said question.

Who may vote on question.

(3) The Lieutenant-Governor in Council may prescribe the procedure to be adopted in taking such vote, the forms to
40 be used, and the manner in which the returns shall be made by the said returning officer.

Pr. to be directed by Order-in-Council.

Oaths of voters.

(4) The oaths to be taken by voters upon the said question shall with such variations as may be prescribed by the Lieutenant-Governor in Council be in the form prescribed for use at municipal elections.

Application of general provisions.

(5) All the provisions of this Act respecting corrupt practices at municipal elections and voting on by-laws and all regulations and penalties provided by this Act with respect to the taking of the votes of electors on a by-law shall *mutatis mutandis* and except as otherwise directed by the Lieutenant-Governor in Council and except as otherwise provided in this section, apply to the taking of the vote under this section. 5 10

Form of ballot.

(6) The ballot papers to be used in the taking of the said vote shall be in the form following :

.....19.....	County of Township (town or village) of Polling Subdivision No.	Are you in favour of the separation of the County of _____ from the United Counties of _____	Yes. X
			No.

Return of returning officer.

(7) Within one week after the taking of the vote upon the said question the said returning officer shall make his return to the Lieutenant-Governor in Council, showing the total number of votes cast in the affirmative and negative respectively upon the said question, together with such other particulars as the Lieutenant-Governor in Council may direct. 15 20

Expenses of vote, how borne.

(8) The expenses incurred in taking such vote shall be paid in the first instance by the treasurer of the union to the persons entitled thereto upon the certificate of the returning officer, but the amount so paid shall be repayable to the union and shall be raised by special rate upon the 25 property liable to taxation within the junior county.

Proclamation constituting provisional council.

39b.—(1) In case it appears from the returns so made that at least sixty per cent. of the total number of persons voting on the said question voted in the affirmative the Lieutenant-Governor in Council may by proclamation setting forth the facts constitute the members of the county council representing therein the several municipalities comprising such junior county a provisional council and may appoint a time and place for the first meeting thereof. The recital in such proclamation that it appears that at 35 least sixty per cent. of the total number of persons voting on the said question voted in the affirmative shall be conclusive as to the result of the said vote.

(2) At the time and place so appointed the members of such provisional council shall meet and elect from among themselves one of their number to preside at the meeting.

Election of chairman at first meeting.

(3) The provisional council shall at the same meeting or at any adjournment thereof by resolution designate the place and name of the county town, and shall cause a copy of such resolution certified by the chairman of the meeting to be forthwith transmitted to the Lieutenant-Governor in Council who may thereupon by proclamation designate the place so named or some other place in the said junior county as the county town.

Designating county town.

39c. The member appointed by said provisional council as in the preceding section provided shall preside in the provisional council until a provisional warden has been elected by the council from among the members thereof.

Who to preside.

39d. Every provisional council shall from time to time by by-law appoint a provisional warden, a provisional treasurer, and such other provisional officers for the county as the council deem 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.

Appointment of Provincial warden and other officers.

39e. 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.

Term of office. Provisional Council may acquire land and erect thereon gaol and Court House.

39f. 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 by the council of the union.

Respective powers of provisional Council and Council of Union.

39g. After a provisional council has procured the necessary property and has erected thereon the proper buildings for a court house and gaol, 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 dispositions of their joint assets (other than real estate) and for determining the balance or amount due by the one county or to the other and the times of payment thereof, and in determining the balance the senior or remaining counties shall assume the debts of the union and the junior county shall 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

Agreement upon dissolution as to joint liabilities and joint assets.

respectively and any improvement effected by the union of which either county gets the exclusive benefit, shall also be taken into account.

When provisional councillors shall not vote.

39h. No member of the provisional council shall vote or take part in the council of the union on any question affecting such agreement, or the negotiation therefor. 5

In case of disagreement disputes to be settled by arbitration.

39i. In case the councils within one month after the time mentioned in section 39g 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 the other county the balance or amount agreed or settled to be due by such county and such amount shall bear interest at five per cent. per annum from the day on which the union was dissolved, 15 and shall be provided for like other debts, by the council of the county liable therefor after separation.

Payment of amount found due.

Appointment of sheriff and other officials.

39j. After the sum, if any, to be paid by the junior county to the senior or remaining counties has been paid or ascertained by agreement or arbitration a judge may be appointed as provided by *The British North America Act, 1867*, and the Lieutenant-Governor or Lieutenant-Governor in Council as the case may be, may 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 may provide in the commission or commissions that the appointments are to take effect on the day the counties become separate. 25

Final separation by proclamation.

39k. After such appointments are made the Lieutenant-Governor in Council may, by proclamation separate the junior county from the senior or remaining counties and shall declare such separation to take effect on a day to be declared such separation to take effect on a day to be named in the said 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 if not otherwise disposed of by agreement or arbitration they shall belong to and be the property of the senior county or union of counties. 40 45

Property, how divided.

397.—(1) 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, contracts, property, assets and liabilities of the new corporation.

Officers and property, etc., continued.

(2) The treasurer of the senior county shall upon being requested so to do, deliver to the treasurer of the new county the books relating to the municipalities within the new county required to be kept under section 133 of *The Assessment Act*.

39m.—(1) The dissolution of a union of counties shall not prevent the sheriff of any senior county from proceeding upon and completing the execution or service within the junior county of any writ or 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.

Execution and service of process in hands of sheriff at time of separation.

(2) This section shall not be held to authorize the sheriff of the senior county to execute within the new county any writ which is not in his hands at the time when the dissolution takes effect, unless such writ depends for its priority upon a former writ executed by such sheriff or in his hands at the said time.

Execution of writs.

(3) All actions and proceedings in any court which are pending at the date the establishment of the new county takes effect, may be prosecuted, continued and completed and all writs of execution and other process, and all acts and proceedings subsequent thereto, may (subject to any order to the contrary being made) be taken, issued and had in the county in which such actions and proceedings were originally commenced, as fully and effectually as if the junior county had not been separated from the senior county; and (subject to the provisions of the next sub-section) no writ or other process or proceeding shall lose its priority by reason of no entry thereof appearing or being in the proper office in that behalf in the new county; and all officers who would have had power or authority to execute such writ, process or proceedings if the new county had not been formed, shall for the purpose of all pending suits, actions and proceedings have the same power and authority in respect of the same as if the dissolution had not taken place.

Pending actions.

Continuation
of writs in
hands of sheriff
at time of
dissolution.

(4) No unsatisfied writ against lands or goods in the hands of the sheriff of the union on the day when the dissolution takes effect shall bind lands or goods situate within the limits of the new county or have any effect upon such lands or goods, after one year from the said day, unless the person entitled to the benefit of such unsatisfied writ before the expiration of the said year, and before the expiry of the writ in the hands of the sheriff of the union as aforesaid, has placed a writ against lands or goods (as the case may require) in the hands of the sheriff of the new county indorsed with a notice that priority is claimed by virtue of this Act, in which case so long as such last mentioned writ is in force he shall retain any priority which he then had by virtue of the writ in the hands of the sheriff of the union on the day of the dissolution thereof; and he shall, if so required by the sheriff of the new county, deliver to him a certificate under the hand of the sheriff of the union, showing the date of the delivery to him of such writ; which certificate the said sheriff of the union shall give upon request and on payment of his proper fees therefor.

Division
Courts.

(5) The Lieutenant-Governor may, in the proclamation establishing the new county, or in a subsequent proclamation to take effect from a day to be named, fix and determine the number, limits and extent of the Division Courts for the new county, subject to be thereafter altered under the provisions of *The Division Courts Act*, and amending Acts, and may by such proclamation direct that suits and proceedings which at the said day are pending or being in any Division Court therein specified, shall become suits, or proceedings of any other Division Court therein specified and thereupon such suits or proceedings may be continued in such last mentioned court as if they had been commenced therein.

Change of place
of trial in
action, etc.,
after separation.

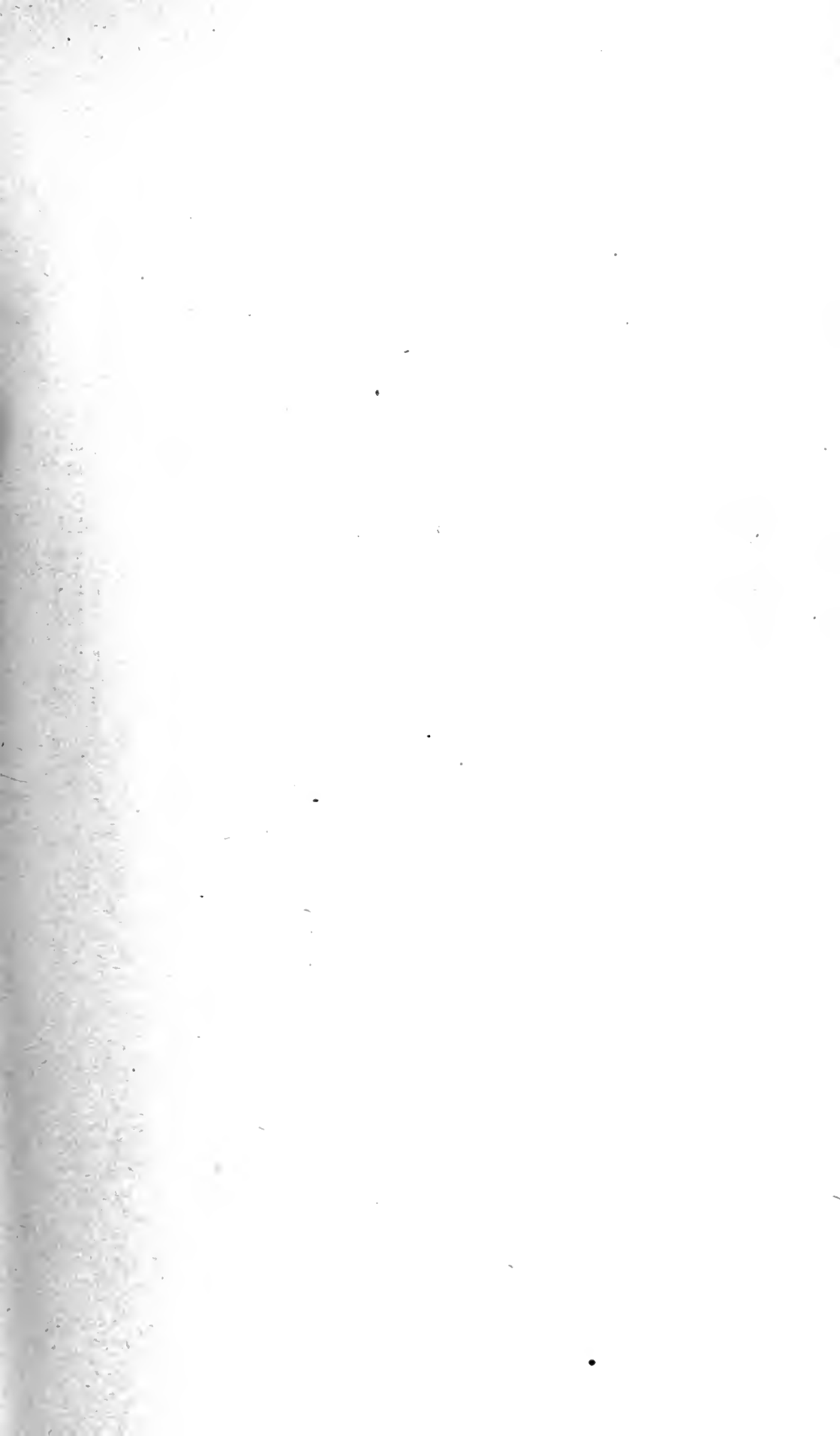
39n.—(1) If, upon a dissolution of a union of counties there is pending an action, or other civil proceedings in which the county town of the union has been named as the place of trial, the court in which the action or proceeding is pending, or any judge who has authority to make such orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the place of trial to be changed, and all records and papers in the action or proceeding to be transmitted to the proper officers of the new county.

If no order
made, where
proceedings to
be carried on.

(2) In case no such change is directed all such actions and proceedings shall be carried on and tried in the senior county.

Place for hold-
ing courts in
junior county.

39o. 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.



No. 187.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Act.

First Reading, 22nd March, 1906.

Mr. RACINE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

An Act respecting the Township of Eastnor.

WHEREAS the Corporation of the Township of Eastnor, in the County of Bruce, has, by its petition, represented that on the 2nd day of May, 1903, the municipal council of said township duly passed a By-law No. 591, providing for the construction of certain drainage work therein specified and known as the "Swan Lake Drainage Scheme," and for the issue of debentures to defray the cost thereof, but that through delay or other causes debentures were not issued, and the time allowed by law for such purpose has expired; that said council, on the 21st day of March, 1906, duly passed a By-law No. 754 to authorize the issue of debentures for the sum of \$1,400 now required to pay the cost of such work; and whereas it is further represented by said petition that the said council on the 11th day of October, 1902, duly passed a By-law No. 588, providing for the construction of certain drainage works known as the "Fern Creek Drainage Scheme," but from the preliminary estimate of the cost of said work it was intended by said council at the time of passing said by-law that the said work should be paid for during the then present year, and no provision was made therein for the issue of debentures in respect of said work, and certain annual levies or assessments have been paid in by the ratepayers concerned and applied on account of the cost thereof, that the balance or amount due in respect of said work is the sum of \$1,200, and on the 21st day of March, 1906, the said council passed By-law No. 755 authorizing the issue of debentures for said sum; and whereas it is further represented by said petition that on the 16th day of March, 1901, the said council passed a By-law No. 551 providing for the construction of certain drainage work therein specified known as the "Judge's Creek Drainage Scheme," and certain debentures have been issued and sold thereunder to defray the cost thereof as originally estimated, that on the 21st day of March, 1906, the said council passed a By-law No. 756 authorizing the issue of debentures to the amount of \$2,800, which sum is

now required to redeem loans and advances made in respect of said work over and above the original estimate, and also to complete a branch drain included in the scheme which has not yet been constructed; and whereas it is further represented by said petition that the said council on the 5th day of June, 1905, duly passed a By-law No. 699 providing for the issue of debentures to defray the cost of constructing certain granolithic sidewalks in the unincorporated Village of Lion's Head in said township and the assessments and levies thereunder for the year 1905 have been paid in and applied in reduction of the cost of said work, but the said debentures have not yet been issued that in order to correct certain clerical errors in said By-law No. 699 and the local assessments so as to provide for the final cost of said sidewalks as then ascertained the said council on the 21st day of March, 1906, duly passed a By-law No. 753 authorizing the issue of debentures to the amount of \$1,500 to defray the cost of said work after deducting and allowing the sums so collected and applied on account thereof; and whereas it is further represented by said petition that all the said works which have been completed under the authority of the said recited by-laws have been paid for by moneys advanced to the said corporation by the Union Bank of Canada, and out of the general funds of the said corporation, from time to time, and it is desirable that such advances which are still outstanding should now be repaid, that the said corporation has been negotiating for the sale of debentures to be issued under said by-laws in order to repay the said advances and complete the said works, that doubts have arisen as to the validity of the said by-laws, and as to the power of the said corporation in respect thereof; and whereas the said corporation has prayed that the said by-laws should be confirmed and the said corporation empowered to issue debentures thereunder; and whereas no opposition has been made to the said petition; and whereas it is expedient to grant the prayer of the said petition;

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

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By-laws
Nos. 753, 754,
755 and 756
of township
of Eastnor
confirmed.

1. By-laws Nos. 753, 754, 755 and 756 of the Corporation of the Township of Eastnor as set forth in Schedules "A," "B," "C" and "D" to this Act are confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof affected by the said by-laws respectively, notwithstanding any defect in substance or form of the said by-laws, or any of them, or in the authority of the municipal council of said township to pass the same, or in the manner of passing the same, or otherwise, and the said corporation is authorized and empowered to

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issue debentures as provided by the said by-laws respectively, and the debentures so to be issued under the said by-laws are declared to be valid and binding upon the said corporation notwithstanding any irregularity in the
 5 issue or form thereof, and the said corporation is authorized and empowered to do all acts and things necessary for the full and proper carrying out of the said by-laws and the issue and sale of debentures thereunder.

2. All assessments and levies which have been made
 10 under By-laws 551, 588, 591 and 699 of the said corporation hereinbefore referred to or which may be made under said By-laws 753, 754, 755 and 756 are ratified and confirmed, and the said council is empowered to enforce payment of any arrears thereof in the same manner as arrears
 15 of taxes.

3. It shall not be necessary to register any of said by-laws or to give public notice of the passing thereof, or to comply with any formality other than is required by this Act. Registration of by-laws not requisite.

4. Debentures to be issued under said By-laws Nos. 753,
 20 754, 755 and 756 shall be issued within one year from the passing of this Act. Time for issue of debentures.

SCHEDULE "A."

BY-LAW No. 753.

A By-law of the Municipal Corporation of the Township of Eastnor, in the County of Bruce, to provide money by the issue of debentures for the construction of permanent sidewalks on certain portions of the streets in the Village of Lion's Head in the said township.

Whereas petitions were received by the council of the said township praying for the construction of granolithic sidewalks on Main Street in the said Village of Lion's Head, from Everatt Street south on the west side of Main Street to lot 19, T.S.D., of lot 26, concession 5E, a distance of 1412 feet in all, including street crossings, and from Scott Street south on the east side of Main Street to Moore Street, a distance in all, including street crossings, of 1366 feet, also certain street crossings as follows:

First: A crossing from the east side of Main Street to the west side, to be in a line with the sidewalk on the south side of Webster Street.

Second: Also a crossing from the east side of said Main Street to the west side of said street, and to be in a line opposite lot 17 on the east side of Main Street, a width of three feet.

Third: Also a crossing from the north side of Webster Street East to the south side of said street.

Fourth: Also a crossing from the north side of Webster Street West to the south side of said street.

Fifth: Also a crossing from lot 7 south to lot 6, M.S.D., lot 27, concession 5E.

Sixth: Also a crossing from the north side of Mill Street to the south side of said Mill Street, all crossings east and west to be three feet wide, and to be so constructed as to pipes for the escape of

water, and to be built on each side of said Main street in a line with the main sidewalk, and to be so built or constructed as to offer the least resistance to wheeled traffic, such respective petitions being signed by at least two-thirds in number of the owners of the real property to be benefited thereby, respectively, according to the last revised assessment roll of the municipality, such owners representing in each case at least one-half in value of such real property as appeared by the last revised assessment roll of the municipality, having been first ascertained and finally determined in the manner and by the means provided by a by-law in that behalf), and thereupon the municipal council of the said township did, in the case of each proposed work, decide in favor of the construction thereof;

And whereas such several sidewalks and crossings were duly constructed under the supervision of a committee appointed by the council for that purpose, and temporary advances were obtained to meet the costs thereof, and such committee has made a report thereon showing that the said respective works have been fully completed, and showing the cost of the said works, and making an assessment thereof upon the properties benefited by the respective works;

And whereas on the 5th day of June, 1905, the municipal council of said township duly passed a By-law No. 699 to authorize the issue of debentures to defray the cost of the said sidewalks and crossings, and to repay the advances made in respect thereof, but the said debentures have not yet been issued, and it has been discovered according to the final estimate of cost now ascertained by said council errors were made in said By-law No. 699 in respect of the proportion of said cost to be payable by the municipality and the property owners benefited, respectively, and the term and manner of payment of the said debentures, and it is desirable to amend the said by-law in the manner hereinafter provided;

And whereas under the authority of said by-law the assessment and levy therein provided, payable for the year 1905 to the amount of \$176.27, has been collected and applied in reduction of the cost of said sidewalks, and of the special loan or advance made for such purpose, the same having been raised *pro tanto* upon all rateable property in said township, and by special frontage rate upon the properties benefited;

And whereas the value of the whole real property on the west side of Main Street, rateable in respect of the sidewalk on that side of the said street, and of the proportion of the cost of crossings, is \$11,600, and the cost of such sidewalk and crossings as so reduced is \$762.42, and the township's share thereof is \$347.73, and the property owners' share thereof is \$414.69, and the value of the whole real property on the east side of Main Street, rateable in respect of the sidewalk on that side of the said street, and of the proportion of the cost of crossings, is \$7,500, and the cost of such sidewalk and crossings as so reduced is \$737.58, and the township's share thereof is \$352.70, and the property owners' share thereof is \$384.88;

And whereas the frontage of the real property benefited on the west side of Main Street, including the said street crossings, is 1280 feet, and the frontage chargeable thereon to the said corporation is 132 feet, and the cost per foot frontage chargeable against the real property benefited is 34½ cents, and the rate per foot frontage to be levied in each year for the period of ten years on such real property is 4.325 cents, all as ascertained and determined by the report of the said committee and by the Court of Revision, and set out in the first schedule hereto;

And whereas the frontage of the real property benefited on the east side of Main Street, including street crossings, is 1366 feet, and the cost per foot frontage chargeable against the real property benefited is 34½ cents, and the rate per foot frontage to be levied in each year for the period of ten years on such real property is 4.325 cents, all as ascertained and determined by the report of the said committee and by the Court of Revision, and set out in the second schedule hereto;

And whereas the sum of \$1,500, being the total cost of the said works less the amount levied and applied thereon for the year 1905 under By-law No. 699 of the said corporation, is the amount of the debt to be created by this by-law, and for the purpose of repaying such temporary advances it is expedient to raise the said sum of \$1,500 by debentures of the said township, the principal to be payable in ten annual instalments with interest at the rate of four and a half per cent. per annum;

And whereas the probable life of the said sidewalks and crossings as certified to said council when constructed is twelve years, for which term ten years now remain.

And whereas it will require the sum of \$189.57 to be raised annually for a period of ten years to pay the said debentures and interest, of which the sum of \$88.52 is in respect of the share of the said township, and the sum of \$101.05 in respect of the share to be borne by the property benefited;

And whereas the sum of \$799.57, part of the said debt, is created on the security of the special rates settled by this by-law, and is further guaranteed by the municipality at large;

And whereas the whole rateable property of the said municipality according to the last revised assessment roll is the sum of \$400,000.00, and the amount of the existing debenture debt of the said municipality, exclusive of local improvement debts secured by special Acts, rates or assessments, is the sum of \$1,000 only, of which no part of the principal or interest thereon is in arrear;

Therefore the corporation of the Township of Eastnor enacts as follows:

1. It shall and may be lawful for the reeve and treasurer of the said Township of Eastnor to borrow on the credit of the corporation of the said township the said sum of \$1,500, being the amount now necessary to pay for constructing the said sidewalks and crossings, and to issue debentures of the said corporation for that amount.

2. That such debentures shall be paid in ten equal annual instalments of \$189.57, each to cover a portion of the debt and interest at the rate of four and a half per cent. per annum so that the aggregate amount for principal and interest in any year shall be equal to what is payable for principal and interest in any of the other years during the said period, and such debentures shall be payable at the Union Bank in the Town of Warton, on the 31st day of December in each year for ten years, commencing with the 31st day of December, 1906, the last of such debentures maturing on the 31st day of December, 1915.

3. For the purpose of paying the sum of \$700.43 charged and assessed against the Township of Eastnor, and to cover interest thereon for ten years at the rate of four and a half per cent. per annum, there shall be assessed, levied and collected in the same manner, at the same time, and along with the other township rates and taxes in each year for ten years, commencing with the year 1906, over and above all other rates, the sum of \$88.52 by a special rate on the dollar upon and from the whole rateable property in the said township.

4. For the purpose of paying the said sum of \$799.57, being the amount charged and assessed against the real property benefited, and to cover interest thereon for ten years at the rate of four and a half per cent. per annum, before mentioned, there shall be assessed, levied and collected in the same way, and at the same time, and along with the other township rates and taxes each year for ten years, commencing with the year 1906, over and above all other rates levied and collected yearly upon the real property fronting or abutting on the said portions of the east and west sides of Main Street, hereinbefore mentioned, a special rate per foot frontage of 4.325 cents, a schedule of which special rate is attached to this by-law, and shall be read as forming part thereof. The said debt of \$799.57, and the portion of said debentures issued in respect thereof, are further guaranteed by the corporation of the Township of Eastnor at large.

5. That the proceeds of the debentures for the said sum of \$1,500 shall be expended in paying and discharging the temporary loan or debt incurred in and for the construction of the said sidewalks and crossings, and in no other way, and for no other purpose whatever.

6. That the owners of the real property so benefited as aforesaid shall be allowed to commute the statute labor charged to the lot or lots owned by them, at the usual rate in this township, i.e., at \$1 per day of 8 hours, which shall be applied to the payment of the frontage rate for said sidewalks in each and every year, until said sidewalks and all expenses in connection therewith have been fully paid. Any excess of statute labor that may be charged against any lot or lots, over the amount of the said frontage rate, shall be performed in the road division in which said lot or lots are situated under the instructions of the pathmasters of said division.

7. If at any time the owners of the said real property benefited, or of any part thereof, shall desire to commute the assessment imposed by the said by-law by the payment of his, her or their proportionate share or shares of the cost of the said improvements as a principal sum in lieu thereof, he, she or they may so commute for the payment of a sum which, invested at three per cent. compound interest, shall equal the amount of his, her or their proportionate share of said debt and be sufficient to discharge the proportionate amount of said debentures and interest as the same become payable.

8. All moneys received in commutation under this by-law shall be invested in the manner provided for by the municipal Acts which may, from time to time, be in force with relation to the investment of sinking funds for the payment of debentures.

9. That all by-laws inconsistent herewith be and the same are hereby repealed.

Passed this twenty-first day of March, A.D. 1906.

(Sgd.) W. B. MOSHIER,
Reeve.

(Seal.)

(Sgd.) W. H. MIERS,
Township Clerk.

SCHEDULE REFERRED TO IN FORMING PART OF BY-LAW No. 753 OF THE
TOWNSHIP OF EASTNOR, PASSED 21st MARCH, 1906.

Name.	Lot.	Sub-Div.	Feet Frontage	Share cost at 34½c.	An. rate 4.325 cts.
D. R. McIver	4	S.S.D.	35	\$11 96	\$1 51
D. R. McIver	5	"	35	11 96	1 51
C. W. Erb	2 & 3	"	70	23 92	3 02
J. Tackaberry	1	"	75	25 64	3 24
Chas. Williams, Sr.....	Pt. 27	5 E	191	66 32	8 26
A. Lymburner	12	M.S.D.	66	22 56	2 85
T. A. Bruin	11	"	66	22 56	2 85
Wm. Butchart	10	"	66	22 56	2 85
Alex. Chisholm	8 & 9	"	132	45 14	5 70
W. B. Moshier	6 & 7	...	132	45 14	5 70
J. G. M. Sloane	4 & 5	"	132	45 14	5 70
Chas. Pedwell	3	"	66	22 56	2 85
Alex. Chisholm	2	"	66	22 56	2 85
Trustees Meth. par. ...	1	"	82	28 03	3 54
Trustees Meth. Church	Pt. 26	"	66	22 56	2 85
J. H. Tyndall	1	W.S.D.	66	22 56	2 85
H. Duke	2	"	66	22 56	2 85
Mrs. J. Martin	Pt. 3	"	33	11 28	1 42
Chas. Williams, jr. ...	Pt. 3 & 4	"	66	22 56	2 85
A. T. Bruin	Pt. 4	"	33	11 28	1 43
G. S. Armstrong	5	"	66	22 56	2 85

Name.	Lot-	Sub-Div.	Feet Fr'ntage	Share cost at 34½c.	An. rate 4.325 cts.
Agar Bros.	6	"	66	22 56	2 85
Geo. Williams	7	"	69½	23 75	3 00
C. Watson	Pt. 8	"	34½	11 79	1 50
S. C. Cooper	Pt. 8 & 12	"	94	32 14	4 06
Chas. Knapp	Pt. 9	"	33	11 28	1 43
John McKague	Pt. 9	"	33	11 28	1 42
M. J. Norris	10	"	66	22 56	2 85
J. A. Ganton	11	"	66	22 56	2 85
T. J. Bridge	14	"	66	22 56	2 85
Trustees Chr. Ch.	15	"	66	22 56	2 85
S. J. McLeod	16	"	66	22 56	2 85
Wm. Butchart	17	"	66	22 56	2 85
Tp Eastnor.....	13 & crossings	"	442	700 43	88 52
				2,778	\$1,500 00

SCHEDULE "B."

BY-LAW No. 754.

A By-law to authorize the Corporation of the Township of Eastnor to issue debentures for the sum of \$1,400 to defray the cost now outstanding of the work known as the "Swan Lake Drainage Scheme."

Whereas on the 2nd day of May, A.D. 1903, the municipal council of the Township of Eastnor duly passed their By-law No. 591 to provide for certain drainage work therein described and known as the "Swan Lake Drainage Scheme," and also to borrow on the credit of the said municipality the sum as therein estimated which was required to complete the said work;

And whereas the said by-law was passed under the provisions of *The Ontario Drainage Act*, the requirements of which Act, with respect to said work, were duly complied with;

And whereas owing to delay in proceeding with said work, and other causes, debentures have never been issued as authorized by said by-law, and the time limited by law for the issue of the same by said council has now expired;

And whereas during the progress of said work advances have, from time to time, been made to pay for the same by the bank, and out of the general funds of the municipality, and the work so far as completed has thus been paid for;

And whereas the annual levy or assessment upon the lands benefited by said scheme as authorized by said By-law No. 591 have been collected and applied towards the reduction of said cost;

And whereas a portion of said scheme remains yet to be completed, and, in order to complete the same and to repay the said loans and advances, it will be necessary for the said municipality to raise the sum of \$1,400 upon the credit of the debentures thereof to be issued as hereinafter provided;

And whereas in order to provide for the annual levy required to pay the said sum it is desirable and expedient to charge the lands and roads in said scheme on the plan and in the same proportion as set out in said By-law No. 591;

And whereas the said By-law No. 591 does not provide sufficient funds to complete the said drainage scheme work, nor does it provide sufficient funds for the redemption of the debentures authorized to be issued thereunder as they become payable, and it is, therefore, necessary and desirable that the said by-law should, under the provisions of *The Ontario Drainage Act*, be amended in order to fully carry out the intention of the said by-law;

Therefore the municipal council of the corporation of the Township of Eastnor enacts as follows:

1. The reeve of the said township is hereby authorized to borrow on the credit of the corporation of the Township of Eastnor the sum of fourteen hundred dollars, being the funds necessary for the completion of the said work as originally set out, and to repay the loans and advances already made in respect of the same and now outstanding, and may issue debentures of the said corporation to that amount in sums of not less than \$50 each, and payable within ten years from the date thereof with interest at the rate of four and a half per cent. per annum payable annually during the currency of said debentures, and such instalments of the debt and the interest thereon shall be payable at the Union Bank of Canada at the Town of Wiarton, on the 31st day of December in each year, commencing with the 31st day of December, 1906, and such debentures shall have attached to them coupons for the payment of such interest.

2. The said debentures and the interest coupons attached thereto shall be signed by the reeve and treasurer of said corporation, and the corporate seal thereof shall be attached to each of said debentures.

3. The said sum of \$1,400, when so borrowed, shall be used in paying off the loans and advances made on account of said drainage work and now outstanding, and in completing the said work as set out in said By-law No. 591, and the necessary expenses connected with the preparation of this by-law, and the confirmation thereof, and the debentures to be so issued, and for no other purpose.

4. The lands and roads set out in said By-law No. 591 shall be charged with the liability hereby incurred upon the same plan and in the same proportion as was provided in said by-law.

5. For paying the sum of \$1,184.27, part of the said sum of \$1,400 being the amount charged against the said lands for benefit and outlet liability apart from the roads, and the sum of \$215.73, part of the said sum of \$1,400 being charged against said lands and roads belonging to the said municipality, and for covering the interest thereon for ten years at the rate of four and a half per cent. per annum the following total special rates over and above all other rates shall be assessed, levied and collected in the same manner and at the same time as other taxes are levied and collected, upon and from the after mentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot or part of lot, respectively, shall be divided into ten equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for ten years after the final passing of this by-law, during which the said debentures have to run, and commencing with the year 1906.

Lot.	Cpn.	Acres.	Value of benefit.	Value of outlet liability.	To cover int. 10 yrs at 4½%.	Tot. spec'l. rate.	An Ass't for 10 yrs.
33	3 E	62	\$86 80	.....	\$21 48	\$108 28	\$10 83
34	3 E	63	88 20	.....	21 83	110 03	11 00
32	4 E	20	28 00	.....	6 93	34 93	3 49
36	4 E	1	1 40	.....	1 35	1 75	17
36	5 E	3	4 20	.....	1 04	5 24	52
Swan Lake	.....	401	561 40	.....	138 94	700 34	70 03
Tp. Eastnor rds.	70		98 00	.....	24 26	122 26	12 26
31	1 W	30	.....	13 09	3 24	16 33	1 63
34	1 W	10	.....	4 36	1 08	5 44	54
32	1 W	5	.....	2 18	54	2 72	27
30	1 E	20	.....	8 73	2 16	10 89	1 09
31	1 E	25	.....	10 90	2 70	13 60	1 36
32	1 E	80	.....	34 88	8 63	43 51	4 35
33	1 E	93	.....	40 56	10 04	50 60	5 06
34	1 E	39	.....	17 01	4 21	21 22	2 12
30	2 E	100	.....	43 60	10 79	54 39	5 44
31	2 E	100	.....	43 60	10 79	54 39	5 44
32	2 E	100	.....	43 60	10 79	54 39	5 44
33	2 E	100	.....	43 60	10 79	54 39	5 44

Lot.	Con.	Acres.	Value of benefit.	Value of outlet liability.	To cover int. 10 yrs. at 4½ %.	Total special rate.	An Ass't for 10 yrs.	
34	2 E	100	.....	43 60	10 79	54 39	5 44
35	2 E	25	.....	10 90	2 69	13 59	1 36
35	3 E	3	.....	1 32	33	1 65	16
30	3 E	60	.....	26 17	6 48	32 65	3 26
29	3 E	25	.....	10 90	2 70	13 60	1 36
28	3 E	25	.....	10 90	2 70	13 60	1 36
27	3 E	10	.....	4 37	1 08	5 45	54
Tp. Eastnor rds.	270	.....	.....	117 73	29 14	146 87	14 69
			1,840	\$868 00	\$532 00	\$346 50	\$1,746 50	\$174 65

6. For paying the said sum of \$215.73, the amount assessed against the roads of the said municipality, and for covering the interest thereon for ten years at the rate of four and a half per cent. per annum a special rate on the dollar sufficient to produce the required yearly amount thereof shall be raised over and above all other rates to be levied and collected upon and from the whole rateable property in the said Township of Eastnor in each year for ten years after the final passing of this by-law during which the said debentures have to run, and commencing with the year 1906.

7. The assessments and levies in this by-law directed to be made shall be taken in substitution of the provisions of By-law No. 591 of the corporation of the said Township of Eastnor in respect thereof and said by-law is hereby amended in accordance with the provisions hereinbefore set out.

Dated and passed in open council at Lion's Head this 21st day of March, 1906.

(Sgd.) W. B. MOSHIER,
Reeve.

(Seal.)

(Sgd.) J. H. MIERS,
Clerk.

SCHEDULE "C."

BY-LAW No. 755.

A By-law to authorize the Corporation of the Township of Eastnor to issue debentures for the sum of \$1,200 to defray the cost now outstanding, and to repay loans and advances in respect of certain work known as the "Fern Creek Drainage Scheme."

Whereas on the eleventh day of October, A.D. 1902, the municipal council of the Township of Eastnor duly passed their By-law No. 588, to provide for certain drainage work therein described and known as the "Fern Creek Drainage Scheme;"

And whereas the said by-law was passed under the provisions of *The Ontario Drainage Act*, the requirements of said Act with respect to said work being duly complied with;

And whereas at the time of passing the said by-law the said council were of opinion, from the estimates furnished to them and the character of the work, that the same should be paid for by the parties concerned during the then current year, and the said by-law contained a provision to that effect;

And whereas as the said work proceeded as amended and extended by said council on the report of their engineer, it was found impracticable to carry out the said original intention, but, instead thereof, assessments have been collected yearly and applied in reduction of the cost of said work;

And whereas the said work has proceeded from time to time since the passing of said by-law, and during such progress the same has been paid for from advances made for such purpose by the bank,

and out of the general funds of the municipality, and it has been finally ascertained by the said council that the balance or amount of said cost now outstanding, after deducting all assessments and payments which have been collected and made on account of said work, amounts to the sum of \$1,200;

And whereas it is necessary that the said sum should be paid, and, in order thereto, that the said sum of \$1,200 should be borrowed on the credit of the said municipality, and that debentures should be issued therefor as hereinafter provided;

And whereas in order to provide the annual sum required to pay said debentures as they mature and the interest on the sum so borrowed a special rate will be required as hereinafter mentioned;

Therefore the municipal council of the corporation of the Township of Eastnor enacts as follows:

1. The reeve of the said Township of Eastnor is hereby authorized to borrow on the credit of the corporation of said township the sum of twelve hundred dollars, being the funds necessary to pay for the said work known as the "Fern Creek Drainage Scheme," and to repay the loans and advances already made in respect of the same, and now outstanding, and may issue debentures of the said corporation to that amount in sums of not less than \$50 each, and payable within five years from the date thereof, with interest at the rate of four and a half per cent. per annum, payable annually during the currency of said debentures, and such instalment of the debt and the interest thereon shall be payable at the Union Bank of Canada at the Town of Warton, on the 31st day of December in each year, commencing with the 31st day of December, 1906, and such debentures shall have attached to them coupons for the payment of such interest.

2. The said debentures and the interest coupons attached thereto shall be signed by the reeve and treasurer of said corporation, and the corporate seal thereof shall be attached to each of said debentures.

3. The said sum of \$1,200, when so borrowed, shall be used in paying off the loans and advances made on account of said drainage work, and now outstanding, and in completing the same as authorized by any by-law of said corporation previously passed, and the necessary expenses connected with the preparation of this by-law, and the confirmation thereof, and the debentures to be so issued, and for no other purpose.

4. For paying the sum of \$992.08, part of the said sum of \$1,200, being the amount charged against the lands charged in said scheme for benefit and outlet liability apart from roads, and the sum of \$207.92, part of the said sum of \$1,200, being the amount charged against said lands and roads belonging to the said municipality, and for covering the interest thereon for five years at the rate of four and a half per centum per annum the following total special rates over and above all other rates shall be assessed, levied and collected in the same manner and at the same time as other taxes are levied and collected upon and from the after mentioned lots and parts of lots and roads, and the amount of the total special rates and interest against each lot, or part of lot, respectively, shall be divided into five equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for five years after the final passing of this by-law, during which the said debentures have to run, and commencing with the year 1906.

Lot.	Con.	Acres.	Asse't share prin.	To cover int. 5 yrs at 4½%	Total spec. rate.	An. ass't 5 yrs.
30	1 E	50	\$20 25	\$2 73	\$22 98	\$4 59
29	1 E	100	40 45	5 46	45 91	9 18
28	1 E	100	40 45	5 46	45 91	9 18
25	1 E	100	40 45	5 46	45 91	9 18
24	1 E	100	40 45	5 46	45 91	9 18
23	1 E	70	28 35	3 84	32 19	6 44

Lot	Con.	Acres.	Asse't share prin.	To cover int. 5 years at 4½%.	Total special rate.	An. assessm't 5 years.
29	2 E	100	40 45	5 46	45 91	9 18
28	2 E	100	40 45	5 46	45 91	9 18
27	2 E	100	40 45	5 46	45 91	9 18
26	2 E	95	38 45	5 19	43 64	8 73
25	2 E	90	36 21	4 89	41 10	8 22
24	2 E	100	40 45	5 46	45 91	9 18
23	2 E	70	28 35	3 84	32 19	6 44
22	2 E	50	20 25	2 73	22 98	4 59
21	2 E	55	22 19	3 00	25 19	5 04
20	2 E	20	8 10	1 09	9 19	1 84
19	2 E	20	4 00	54	4 54	91
27	3 E	20	8 10	1 09	9 19	1 84
26	3 E	80	32 40	4 37	36 77	7 35
25	3 E	99	40 05	5 41	45 46	9 09
24	3 E	100	40 45	5 46	45 91	9 18
23	3 E	100	40 45	5 46	45 91	9 18
22	3 E	100	40 45	5 46	45 91	9 18
21	3 E	97	39 23	5 30	44 53	8 90
20	3 E	45	18 22	2 46	20 68	4 13
19	3 E	20	4 00	54	4 54	91
SWC28	4 E	5	2 03	27	2 30	46
27	4cE	30	12 07	1 63	13 70	2 74
E½ 26...	4 E	48	19 24	2 60	21 84	4 37
W½ 26...	4 E	48	19 24	2 60	21 84	4 37
25	4 E	90	36 21	4 89	41 10	8 22
24	4 E	75	30 36	4 10	34 46	6 93
23	4 E	85	34 42	4 65	39 07	7 81
22	4 E	25	10 12	1 37	11 49	2 30
21	4 E	10	4 02	54	4 56	91
Pt. 27 ...	5 E	20	4 00	54	4 54	91
26	5 E	10	4 02	54	4 56	91
25	5 E	20	8 10	1 09	9 19	1 84
Pt. 24 ...	5 E	45	12 15	1 63	13 78	2 75
W. pt. 23	5 E	15	3 00	40	3 40	68
Tp. Eastnor rds.		514	207 92	28 07	235 99	47 20
		3,021	\$1,200 00	\$162 00	\$1,362 00	\$272 40

5. For paying the said sum of \$207.92, the amount assessed against the roads of the said municipality, and for covering the interest thereon for five years at the rate of four and a half per cent. per annum a special rate on the dollar sufficient to produce the required yearly amount thereof shall be raised over and above all other rates to be levied and collected upon and from the whole rateable property in the said Township of Eastnor in each year for five years after the final passing of this by-law, during which the said debentures have to run, and commencing with the year 1906.

6. The assessments and levies in this by-law directed to be made shall be taken in substitution of the provisions of said By-law No. 588 of the corporation of the said Township of Eastnor in respect thereof, and said by-law is hereby amended in accordance with the provisions hereinbefore set out, and in pursuance of *The Ontario Drainage Act*.

Dated and passed in open council at Lion's Head this 21st day of March, A.D. 1906.

(Sgd.) W. B. MOSHIER,
Reeve.

(Seal.)

(Sgd.) J. H. MIERS,
Clerk.

SCHEDULE "D."

BY-LAW No. 756.

A By-law to authorize the Corporation of the Township of Eastnor to issue debentures for the sum of \$2,800 to defray the cost now outstanding, to repay loans and advances in respect of certain work known as the "Judge's Creek Drainage Scheme," and to complete the same.

Whereas on the 16th day of March, A.D. 1901, the municipal council of the Township of Eastnor duly passed their By-law No. 551, to provide for certain drainage work therein described and known as the 'Judge's Creek Drainage Scheme,' and to issue debentures therefor;

And whereas the said by-law was passed under the provisions of *The Ontario Drainage Act*, the requirements of which Act, with regard to said work, were duly complied with;

And whereas the said work was proceeded with and certain debentures have been issued and sold to pay for the work so constructed;

And whereas on the report of their engineer the said council deferred the construction of a branch drain included in said scheme from lot 10 to lot 5 in the 3rd concession of the said township, and the same has not yet been constructed;

And whereas the said By-law No. 551 did not provide sufficient funds to complete the said drainage work as contemplated by said scheme, and the proceeds of said debentures so sold and issued were not sufficient to pay for the same, and the said work has proceeded and, over and above the proceeds of said debentures (which were applied in payment of said work, and not otherwise), the additional work has been paid for out of the moneys advanced for the purpose by the bank, and out of the general funds of the municipality, from time to time;

And whereas it has been finally ascertained by said council that in order to complete the said branch drain so deferred, and which it is the intention of said council to now construct and complete, and to repay such loans and advances and interest thereon, and the expenses connected with the preparation of this by-law, and the confirmation thereof, and the debentures to be issued hereunder, it will require the sum of \$2,800 to be raised and borrowed;

And whereas in order to obtain the said sum it will be necessary to borrow the same upon the credit of the said municipality, and to issue the debentures of the said corporation therefor as hereinafter provided;

And whereas in order to provide the annual sum required to pay said debentures as they mature, and the interest on the sum so borrowed a special rate will be required as hereinafter mentioned;

Therefore the municipal council of the corporation of the Township of Eastnor enacts as follows:

1. The reeve of the said Township of Eastnor is hereby authorized to borrow on the credit of the corporation of said township the sum of two thousand eight hundred dollars, being the funds necessary to construct and complete the said branch drain through lots 10 to 5 in the 3rd concession of said township as laid down in the original plan and specifications for said scheme in said By-law No. 551, referred to and approved by said council, and to repay all outstanding loans and advances made in respect of said work, and the costs and expenses incidental hereto, and may issue debentures of the said corporation to that amount in sums of not less than \$50 each, and payable within fifteen years from the date thereof, at the rate of four and a half per cent. per annum, payable annually during the currency of said debentures, and such instalments of the debt and the interest thereon shall be payable at the Union Bank of Canada at the Town of Warton on the 31st day of December in each year, commencing with the 31st day of December, 1906, and

such debentures shall have attached to them coupons for the payment of such interest.

2. The said debentures and the interest coupons attached thereto shall be signed by the reeve and treasurer of the said corporation, and the corporate seal thereof shall be attached to each of said debentures.

3. The said sum of \$2,800, when so borrowed, shall be used in paying off the loans and advances made on account of said drainage work and now outstanding, and in constructing and completing the said branch drain so deferred, and the necessary expenses connected with the preparation of this by-law, and the confirmation thereof, and the debentures to be so issued, and for no other purpose.

4. For paying the sum of \$2,240, part of the said sum of \$2,800, being the amount charged against the lands comprised in and affected by said scheme for benefit and outlet liability apart from roads, and the sum of \$560, part of the said sum of \$2,800, being the amount charged against the lands and roads belonging to the said municipality, and for covering the interest thereon for fifteen years at the rate of four and a half per cent. per annum, the following total special rates over and above all other rates shall be assessed, levied and collected upon and from the after mentioned lots, and parts of lots and roads, and the amount of the said total special rates and interest against each lot, or part of lot, respectively, shall be divided into fifteen equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for fifteen years after the final passing of this by-law, during which the said debentures have to run, and commencing with the year 1906.

Lot	Con.	Acres.	Value of benefit.	To cover int. 15 yrs at 4½%.	Total spec. rate.	An. rate for 15 years.
2	1 W.B.R.	10	\$2 73	\$ 98	\$3 71	\$ 25
3	"	15	4 09	1 47	5 56	37
4	"	10	2 73	98	3 71	25
8	"	25	6 82	2 45	9 27	62
9	"	45	12 28	4 42	16 70	1 11
10	"	25	6 82	2 46	9 28	62
11	"	40	10 91	3 93	14 84	99
12	"	50	13 64	4 91	18 55	1 24
14	"	20	5 46	1 96	7 42	50
15	"	10	2 73	98	3 71	25
16	"	10	2 73	98	3 71	25
17	"	50	13 64	4 91	18 55	1 24
18	"	100	27 28	9 82	37 10	2 48
19	"	100	27 28	9 82	37 10	2 48
20	"	40	10 91	3 93	14 84	99
1	1 E.B.R.	10	2 73	98	3 71	25
2	"	100	27 28	9 82	37 10	2 48
3	"	100	27 28	9 82	37 10	2 48
4	"	85	23 20	8 35	31 55	2 10
5	"	40	10 91	3 93	14 84	99
6	"	75	20 46	7 36	27 82	1 85
7	"	95	25 92	9 33	35 25	2 35
8	"	100	27 28	9 82	37 10	2 48
9	"	90	24 55	8 83	33 38	2 22
10	"	90	24 55	8 83	33 38	2 22
11	"	100	27 28	9 82	37 10	2 48
12	"	80	21 84	7 86	29 70	1 98
13	"	35	9 55	3 43	12 98	86
14	"	50	13 64	4 91	18 55	1 24
15	"	50	13 64	4 91	18 55	1 24
16	"	50	13 64	4 91	18 55	1 24
17	"	100	27 28	9 82	37 10	2 48
18	"	85	23 20	8 35	31 55	2 10
19	"	100	27 28	9 82	37 10	2 48

Lot	Con.	Acres.	Value of benefit.	To cover int. 15 yrs. at 4 1/2%.	Total special rate.	An. rate for 15 yrs.
20	"	50	13 64	4 91	18 55	1 24
1	2 E.B.R.	20	5 46	1 96	7 42	50
2	"	100	27 28	9 83	37 11	2 48
3	"	100	27 28	9 83	37 11	2 48
4	"	100	27 28	9 83	37 11	2 48
5	"	100	27 28	9 83	37 11	2 47
6	"	100	27 28	9 83	37 11	2 47
7	"	100	27 28	9 83	37 11	2 47
8	"	100	27 28	9 83	37 11	2 47
9	"	100	27 28	9 83	37 11	2 47
10	"	100	27 28	9 83	37 11	2 47
11	"	100	27 28	9 83	37 11	2 47
12	"	100	27 28	9 83	37 11	2 47
13	"	100	27 28	9 83	37 11	2 47
14	"	100	27 28	9 83	37 11	2 47
15	"	100	27 28	9 83	37 11	2 47
16	"	100	27 28	9 83	37 11	2 47
17	"	100	27 28	9 83	37 11	2 47
18	"	90	24 55	8 83	33 38	2 22
19	"	60	16 37	5 89	22 26	1 48
20	"	25	6 82	2 45	9 27	62
1	3 E.B.R.	60	16 37	5 89	22 26	1 48
2	"	90	24 55	8 83	33 38	2 22
3	"	100	27 28	9 83	37 11	2 47
4	"	100	27 28	9 83	37 11	2 47
5	"	100	27 28	9 83	37 11	2 47
6	"	100	27 28	9 83	37 11	2 47
7	"	100	27 28	9 83	37 11	2 47
8	"	80	21 84	7 86	29 70	1 98
9	"	80	21 84	7 86	29 70	1 98
10	"	100	27 28	9 83	37 11	2 47
11	"	100	27 28	9 83	37 11	2 47
12	"	100	27 28	9 83	37 11	2 47
13	"	100	27 28	9 83	37 11	2 47
14	"	100	27 28	9 83	37 11	2 47
15	"	100	27 28	9 83	37 11	2 47
16	"	100	27 28	9 83	37 11	2 47
17	"	80	21 84	7 86	29 70	1 98
18	"	20	5 46	1 96	7 42	50
1	4 E.B.R.	75	20 46	7 36	27 82	1 85
2	"	70	19 10	6 87	25 97	1 73
3	"	90	24 55	8 83	33 38	2 22
4	"	90	24 55	8 83	33 38	2 23
5	"	50	13 64	4 91	18 55	1 24
6	"	70	19 10	6 87	25 97	1 73
7	"	95	25 92	9 33	35 25	2 36
8	"	85	23 20	8 35	31 55	2 10
9	"	85	23 20	8 35	31 55	2 10
10	"	100	27 28	9 83	37 11	2 47
11	"	85	23 20	8 35	31 55	2 10
12	"	85	23 20	8 35	31 55	2 10
13	"	85	23 20	8 35	31 55	2 11
14	"	85	23 20	8 35	31 55	2 10
15	"	85	23 20	8 35	31 55	2 10
16	"	85	23 20	8 35	31 55	2 11
17	"	80	21 84	7 86	29 70	1 98
18	"	75	20 46	7 36	27 82	1 85
19	"	50	13 64	4 91	18 55	1 24
20	"	40	10 91	3 93	14 84	99
21	"	15	4 09	1 47	5 56	37
1	5 E.B.R.	20	5 46	1 96	7 42	50
2	"	25	6 83	2 46	9 29	62
7	"	35	9 55	3 43	12 98	87

Lot	Con.	Acres.	Value of benefit.	To cover int. 15 yrs. at 4½%.	Total special rate.	An. rate for 15 yrs.
8	5 E.B.R.	35	9 55	3 43	12 98	87
9	"	60	16 37	5 89	22 26	1 48
10	"	5	1 36	49	1 85	12
11	"	30	8 18	2 94	11 12	74
12	"	50	13 64	4 91	18 55	1 24
13	"	100	27 28	9 83	37 11	2 48
14	"	100	27 28	9 83	37 11	2 48
15	"	85	23 20	8 35	31 55	2 10
16	"	60	16 37	5 89	22 26	1 48
17	"	100	27 28	9 82	37 10	2 48
18	"	60	16 37	5 89	22 26	1 48
19	"	60	16 37	5 89	22 26	1 49
20	"	40	10 91	3 93	14 84	1 00
21	"	20	5 46	1 96	7 42	50
13	6 E.B.R.	30	8 18	2 94	11 12	74
14	"	35	9 55	3 43	12 98	87
15	"	25	6 83	2 46	9 29	62
16	"	35	9 55	3 43	12 98	86
17	"	50	13 64	4 91	18 55	1 24
18	"	90	24 55	8 83	33 38	2 22
19	"	40	10 91	3 93	14 84	1 00
Ep. Eastnor roads			560 00	201 60	761 60	50 78
			\$2,800 00	\$1,008 00	\$3,808 00	\$253 87

5. For paying the said sum of \$560, the amount assessed against the roads of the said municipality, and for covering the interest thereon for fifteen years at the rate of four and a half per cent. per annum, a special rate on the dollar sufficient to produce the required yearly amount thereof shall be raised over and above all other rates to be levied and collected upon and from the whole rateable property in the said Township of Eastnor in each year for fifteen years after the final passing of this by-law, during which the said debentures have to run, and commencing with the year 1906.

6. The assessments and levies in this by-law directed to be made shall be taken in substitution of the provisions of a By-law No. 551 of the corporation of the said Township of Eastnor in respect of the excess required over and above the amount of debentures already issued thereunder, and said by-law is hereby amended in accordance with the provisions hereinbefore set out, and in pursuance of *The Ontario Drainage Act*.

Dated and passed in open council at Lion's Head this 21st day of March, A.D. 1906.

(Sgd.) W. B. MOSHIER,
Reeve.

(Seal.)

(Sgd.) J. H. MIERS,
Clerk.

No. 188.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting the Township of Eastnor

First Reading, 29th March, 1906.

(*Private Bill*).

Mr. BOWMAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 188.]

BILL.

[1906.

An Act respecting the Township of Eastnor.

WHEREAS the Corporation of the Township of Eastnor, in the County of Bruce, has, by its petition, represented that on the 2nd day of May, 1903, the municipal council of said township duly passed a By-law No. 591, providing for the construction of certain drainage work therein specified and known as the "Swan Lake Drainage Scheme," and for the issue of debentures to defray the cost thereof, but that through delay or other causes debentures were not issued, and the time allowed by law for such purpose has expired; that said council, on the 21st day of March, 1906, duly passed a By-law No. 754 to authorize the issue of debentures for the sum of \$1,400 now required to pay the cost of such work; and whereas it is further represented by said petition that the said council on the 11th day of October, 1902, duly passed a By-law No. 588, providing for the construction of certain drainage works known as the "Fern Creek Drainage Scheme," but from the preliminary estimate of the cost of said work it was intended by said council at the time of passing said by-law that the said work should be paid for during the then present year, and no provision was made therein for the issue of debentures in respect of said work, and certain annual levies or assessments have been paid in by the ratepayers concerned and applied on account of the cost thereof, that the balance or amount due in respect of said work is the sum of \$1,200, and on the 21st day of March, 1906, the said council passed By-law No. 755 authorizing the issue of debentures for said sum; and whereas it is further represented by said petition that on the 16th day of March, 1901, the said council passed a By-law No. 551 providing for the construction of certain drainage work therein specified known as the "Judge's Creek Drainage Scheme," and certain debentures have been issued and sold thereunder to defray the cost thereof as originally estimated, that on the 21st day of March, 1906, the said council passed a By-law No. 756 authorizing the issue of debentures to the amount of \$2,800, which sum is

now required to redeem loans and advances made in respect of said work over and above the original estimate, and also to complete a branch drain included in the scheme which has not yet been constructed; and whereas it is further represented by said petition that the said council on the 5th day of June, 1905, duly passed a By-law No. 699 providing for the issue of debentures to defray the cost of constructing certain granolithic sidewalks in the unincorporated Village of Lion's Head in said township and the assessments and levies thereunder for the year 1905 have been paid in and applied in reduction of the cost of said work, but the said debentures have not yet been issued that in order to correct certain clerical errors in said By-law No. 699 and the local assessments so as to provide for the final cost of said sidewalks as then ascertained the said council on the 21st day of March, 1906, duly passed a By-law No. 753 authorizing the issue of debentures to the amount of \$1,500 to defray the cost of said work after deducting and allowing the sums so collected and applied on account thereof; and whereas it is further represented by said petition that all the said works which have been completed under the authority of the said recited by-laws have been paid for by moneys advanced to the said corporation by the Union Bank of Canada, and out of the general funds of the said corporation, from time to time, and it is desirable that such advances which are still outstanding should now be repaid, that the said corporation has been negotiating for the sale of debentures to be issued under said by-laws in order to repay the said advances and complete the said works, that doubts have arisen as to the validity of the said by-laws, and as to the power of the said corporation in respect thereof; and whereas the said corporation has prayed that the said by-laws should be confirmed and the said corporation empowered to issue debentures thereunder; and whereas no opposition has been made to the said petition; and whereas it is expedient to grant the prayer of the said petition;

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

By-laws
Nos. 753, 754,
755 and 756
of township
of Eastnor
confirmed.

1. By-laws Nos. 753, 754, 755 and 756 of the Corporation of the Township of Eastnor as set forth in Schedules "A," "B," "C" and "D" to this Act are confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof affected by the said by-laws respectively, notwithstanding any defect in substance or form of the said by-laws, or any of them, or in the authority of the municipal council of said township to pass the same, or in the manner of passing the same, or otherwise, and the said corporation is authorized and empowered to

issue debentures as provided by the said by-laws respectively, and the debentures so to be issued under the said by-laws are declared to be valid and binding upon the said corporation notwithstanding any irregularity in the issue or form thereof, and the said corporation is authorized and empowered to do all acts and things necessary for the full and proper carrying out of the said by-laws and the issue and sale of debentures thereunder.

2. All assessments and levies which have been made under By-laws 551, 588, 591 and 699 of the said corporation hereinbefore referred to or which may be made under said By-laws 753, 754, 755 and 756 are ratified and confirmed, and the said council is empowered to enforce payment of any arrears thereof in the same manner as arrears of taxes. Assessments under by-laws confirmed.

3. It shall not be necessary to register any of said by-laws or to give public notice of the passing thereof, or to comply with any formality other than is required by this Act. Registration of by-laws not requisite.

4. Debentures to be issued under said By-laws Nos. 753, 754, 755 and 756 shall be issued within one year from the passing of this Act. Time for issue of debentures.

5. Nothing in this Act contained shall prejudice or affect any right of action for damages which one William Graham may have against the said corporation by reason of the neglect or failure of the said corporation to construct any of the works provided for by the said By-law No. 551. Act not to affect right of action of William Graham.

SCHEDULE "A."

BY-LAW No. 753.

A By-law of the Municipal Corporation of the Township of Eastnor, in the County of Bruce, to provide money by the issue of debentures for the construction of permanent sidewalks on certain portions of the streets in the Village of Lion's Head in the said township.

Whereas petitions were received by the council of the said township praying for the construction of granolithic sidewalks on Main Street in the said Village of Lion's Head, from Everatt Street south on the west side of Main Street to lot 19, T.S.D., of lot 26, concession 5E, a distance of 1412 feet in all, including street crossings, and from Scott Street south on the east side of Main Street to Moore Street, a distance in all, including street crossings, of 1366 feet, also certain street crossings as follows:

First: A crossing from the east side of Main Street to the west side, to be in a line with the sidewalk on the south side of Webster Street.

Second: Also a crossing from the east side of said Main Street to the west side of said street, and to be in a line opposite lot 17 on the east side of Main Street, a width of three feet.

Third: Also a crossing from the north side of Webster Street East to the south side of said street.

Fourth. Also a crossing from the north side of Webster Street West to the south side of said street.

Fifth: Also a crossing from lot 7 south to lot 6, M.S.D., lot 27, concession 5E.

Sixth: Also a crossing from the north side of Mill Street to the south side of said Mill Street, all crossings east and west to be three feet wide, and to be so constructed as to pipes for the escape of water, and to be built on each side of said Main street in a line with the main sidewalk, and to be so built or constructed as to offer the least resistance to wheeled traffic, such respective petitions being signed by at least two-thirds in number of the owners of the real property to be benefited thereby, respectively, according to the last revised assessment roll of the municipality, such owners representing in each case at least one-half in value of such real property the number of such owners and the value of such real property as appeared by the last revised assessment roll of the municipality, having been first ascertained and finally determined in the manner and by the means provided by a by-law in that behalf), and thereupon the municipal council of the said township did, in the case of each proposed work, decide in favor of the construction thereof;

And whereas such several sidewalks and crossings were duly constructed under the supervision of a committee appointed by the council for that purpose, and temporary advances were obtained to meet the costs thereof, and such committee has made a report thereon showing that the said respective works have been fully completed, and showing the cost of the said works, and making an assessment thereof upon the properties benefited by the respective works;

And whereas on the 5th day of June, 1905, the municipal council of said township duly passed a By-law No. 699 to authorize the issue of debentures to defray the cost of the said sidewalks and crossings, and to repay the advances made in respect thereof, but the said debentures have not yet been issued, and it has been discovered according to the final estimate of cost now ascertained by said council errors were made in said By-law No. 699 in respect of the proportion of said cost to be payable by the municipality and the property owners benefited, respectively, and the term and manner of payment of the said debentures, and it is desirable to amend the said by-law in the manner hereinafter provided;

And whereas under the authority of said by-law the assessment and levy therein provided, payable for the year 1905 to the amount of \$176.27, has been collected and applied in reduction of the cost of said sidewalks, and of the special loan or advance made for such purpose, the same having been raised *pro tanto* upon all rateable property in said township, and by special frontage rate upon the properties benefited;

And whereas the value of the whole real property on the west side of Main Street, rateable in respect of the sidewalk on that side of the said street, and of the proportion of the cost of crossings, is \$11,600, and the cost of such sidewalk and crossings as so reduced is \$762.42, and the township's share thereof is \$347.73, and the property owners' share thereof is \$414.69, and the value of the whole real property on the east side of Main Street, rateable in respect of the sidewalk on that side of the said street, and of the proportion of the cost of crossings, is \$7,500, and the cost of such sidewalk and crossings as so reduced is \$737.58, and the township's share thereof is \$352.70, and the property owners' share thereof is \$384.88;

And whereas the frontage of the real property benefited on the west side of Main Street, including the said street crossings, is 1280 feet, and the frontage chargeable thereon to the said corporation is 132 feet, and the cost per foot frontage chargeable against the real property benefited is 34½ cents, and the rate per foot frontage to be levied in each year for the period of ten years on such real property is 4.325 cents, all as ascertained and determined by the re-

port of the said committee and by the Court of Revision, and set out in the first schedule hereto;

And whereas the frontage of the real property benefited on the east side of Main Street, including street crossings, is 1366 feet, and the cost per foot frontage chargeable against the real property benefited is 34½ cents, and the rate per foot frontage to be levied in each year for the period of ten years on such real property is 4.325 cents, all as ascertained and determined by the report of the said committee and by the Court of Revision, and set out in the second schedule hereto;

And whereas the sum of \$1,500, being the total cost of the said works less the amount levied and applied thereon for the year 1905 under By-law No. 699 of the said corporation, is the amount of the debt to be created by this by-law, and for the purpose of repaying such temporary advances it is expedient to raise the said sum of \$1,500 by debentures of the said township, the principal to be payable in ten annual instalments with interest at the rate of four and a half per cent. per annum;

And whereas the probable life of the said sidewalks and crossings as certified to said council when constructed is twelve years, for which term ten years now remain.

And whereas it will require the sum of \$189.57 to be raised annually for a period of ten years to pay the said debentures and interest, of which the sum of \$88.52 is in respect of the share of the said township, and the sum of \$101.05 in respect of the share to be borne by the property benefited;

And whereas the sum of \$799.57, part of the said debt, is created on the security of the special rates settled by this by-law, and is further guaranteed by the municipality at large;

And whereas the whole rateable property of the said municipality according to the last revised assessment roll is the sum of \$400,000.00, and the amount of the existing debenture debt of the said municipality, exclusive of local improvement debts secured by special Acts, rates or assessments, is the sum of \$1,000 only, of which no part of the principal or interest thereon is in arrear;

Therefore the corporation of the Township of Eastnor enacts as follows:

1. It shall and may be lawful for the reeve and treasurer of the said Township of Eastnor to borrow on the credit of the corporation of the said township the said sum of \$1,500, being the amount now necessary to pay for constructing the said sidewalks and crossings, and to issue debentures of the said corporation for that amount.

2. That such debentures shall be paid in ten equal annual instalments of \$189.57, each to cover a portion of the debt and interest at the rate of four and a half per cent. per annum so that the aggregate amount for principal and interest in any year shall be equal to what is payable for principal and interest in any of the other years during the said period, and such debentures shall be payable at the Union Bank in the Town of Warton, on the 31st day of December in each year for ten years, commencing with the 31st day of December, 1906, the last of such debentures maturing on the 31st day of December, 1915.

3. For the purpose of paying the sum of \$700.43 charged and assessed against the Township of Eastnor, and to cover interest thereon for ten years at the rate of four and a half per cent. per annum, there shall be assessed, levied and collected in the same manner, at the same time, and along with the other township rates and taxes in each year for ten years, commencing with the year 1906, over and above all other rates the sum of \$88.52 by a special rate on the dollar upon and from the whole rateable property in the said township.

4. For the purpose of paying the said sum of \$799.57, being the amount charged and assessed against the real property benefited, and to cover interest thereon for ten years at the rate of four and a half per cent. per annum, before mentioned, there shall be as-

sessed, levied and collected in the same way, and at the same time, and along with the other township rates and taxes each year for ten years, commencing with the year 1906, over and above all other rates levied and collected yearly upon the real property fronting or abutting on the said portions of the east and west sides of Main Street, hereinbefore mentioned, a special rate per foot frontage of 4.325 cents, a schedule of which special rate is attached to this by-law, and shall be read as forming part thereof. The said debt of \$799.57, and the portion of said debentures issued in respect thereof, are further guaranteed by the corporation of the Township of Eastnor at large.

5. That the proceeds of the debentures for the said sum of \$1,500 shall be expended in paying and discharging the temporary loan or debt incurred in and for the construction of the said sidewalks and crossings, and in no other way, and for no other purpose whatever.

6. That the owners of the real property so benefited as aforesaid shall be allowed to commute the statute labor charged to the lot or lots owned by them, at the usual rate in this township, i.e., at \$1 per day of 8 hours, which shall be applied to the payment of the frontage rate for said sidewalks in each and every year, until said sidewalks and all expenses in connection therewith have been fully paid. Any excess of statute labor that may be charged against any lot or lots, over the amount of the said frontage rate, shall be performed in the road division in which said lot or lots are situated under the instructions of the pathmasters of said division.

7. If at any time the owners of the said real property benefited, or of any part thereof, shall desire to commute the assessment imposed by the said by-law by the payment of his, her or their proportionate share or shares of the cost of the said improvements as a principal sum in lieu thereof, he, she or they may so commute for the payment of a sum which, invested at three per cent. compound interest, shall equal the amount of his, her or their proportionate share of said debt and be sufficient to discharge the proportionate amount of said debentures and interest as the same become payable.

8. All moneys received in commutation under this by-law shall be invested in the manner provided for by the municipal Acts which may, from time to time, be in force with relation to the investment of sinking funds for the payment of debentures.

9. That all by-laws inconsistent herewith be and the same are hereby repealed.

Passed this twenty-first day of March, A.D. 1906.

(Sgd.) W. B. MOSHIER,
Reeve.

(Seal.)

(Sgd.) W. H. MIERS,
Township Clerk.

SCHEDULE REFERRED TO IN FORMING PART OF BY-LAW No. 753 OF THE
TOWNSHIP OF EASTNOR, PASSED 21ST MARCH, 1906.

Name.	Lot.	Sub-Div.	Feet Frontage	Share cost at 34½c.	An. rate cts.
D. R. McIver	4	S.S.D.	35	\$11 96	\$1 51
D. R. McIver	5	"	35	11 96	1 51
C. W. Erb	2 & 3	"	70	23 92	3 02
J. Tackaberry	1	"	75	25 64	3 24
Chas. Williams, Sr.....	Pt. 27	5 E	191	66 32	8 26
A. Lyburner	12	M.S.D.	66	22 56	2 85
T. A. Bruin	11	"	66	22 56	2 85
Wm. Butchart	10	"	66	22 56	2 85
Alex. Chisholm	8 & 9	"	132	45 14	5 70
W. B. Moshier	6 & 7	...	132	45 14	5 70
J. G. M. Sloane	4 & 5	"	132	45 14	5 70

Name.	Lot-	Sub-Div.	Feet Frntage	Share cost at 34½c.	An. rate 4.325 cts.
Chas. Pedwell	3	"	66	22 56	2 85
Alex. Chisholm	2	"	66	22 56	2 85
Trustees Meth. par. ...	1	"	82	28 03	3 54
Trustees Meth. Church	Pt. 26	"	66	22 56	2 85
J. H. Tyndall	1	W.S.D.	66	22 56	2 85
H. Duke	2	"	66	22 56	2 85
Mrs. J. Martin	Pt. 3	"	33	11 28	1 42
Chas. Williams, jr. ...	Pt. 3 & 4	"	66	22 56	2 85
A. T. Bruin	Pt. 4	"	33	11 28	1 43
G. S. Armstrong	5	"	66	22 56	2 85
Agar Bros.	6	"	66	22 56	2 85
Geo. Williams	7	"	69½	23 75	3 00
C. Watson	Pt. 8	"	34½	11 79	1 50
S. C. Cooper	Pt. 8 & 12	"	94	32 14	4 06
Chas. Knapp	Pt. 9	"	33	11 28	1 43
John McKague	Pt. 9	"	33	11 28	1 42
M. J. Norris	10	"	66	22 56	2 85
J. A. Ganton	11	"	66	22 56	2 85
T. J. Bridge	14	"	66	22 56	2 85
Trustees Chr. Ch.	15	"	66	22 56	2 85
S. J. McLeod	16	"	66	22 56	2 85
Wm. Butchart	17	"	66	22 56	2 85
Tp Eastnor.....	13 & crossings	"	442	700 43	88 52
				2,778	\$1,500 00

SCHEDULE "B."

BY-LAW No. 754.

A By-law to authorize the Corporation of the Township of Eastnor to issue debentures for the sum of \$1,400 to defray the cost now outstanding of the work known as the "Swan Lake Drainage Scheme."

Whereas on the 2nd day of May, A.D. 1903, the municipal council of the Township of Eastnor duly passed their By-law No. 591 to provide for certain drainage work therein described and known as the "Swan Lake Drainage Scheme," and also to borrow on the credit of the said municipality the sum as therein estimated which was required to complete the said work;

And whereas the said by-law was passed under the provisions of *The Ontario Drainage Act*, the requirements of which Act, with respect to said work, were duly complied with;

And whereas owing to delay in proceeding with said work, and other causes, debentures have never been issued as authorized by said by-law, and the time limited by law for the issue of the same by said council has now expired;

And whereas during the progress of said work advances have, from time to time, been made to pay for the same by the bank, and out of the general funds of the municipality, and the work so far as completed has thus been paid for;

And whereas the annual levy or assessment upon the lands benefited by said scheme as authorized by said By-law No. 591 have been collected and applied towards the reduction of said cost;

And whereas a portion of said scheme remains yet to be completed, and, in order to complete the same and to repay the said loans and advances, it will be necessary for the said municipality to raise the sum of \$1,400 upon the credit of the debentures thereof to be issued as hereinafter provided;

And whereas in order to provide for the annual levy required to pay the said sum it is desirable and expedient to charge the lands and roads in said scheme on the plan and in the same proportion as set out in said By-law No. 591;

And whereas the said By-law No. 591 does not provide sufficient funds to complete the said drainage scheme work, nor does it provide sufficient funds for the redemption of the debentures authorized to be issued thereunder as they become payable, and it is, therefore, necessary and desirable that the said by-law should, under the provisions of *The Ontario Drainage Act*, be amended in order to fully carry out the intention of the said by-law;

Therefore the municipal council of the corporation of the Township of Eastnor enacts as follows:

1. The reeve of the said township is hereby authorized to borrow on the credit of the corporation of the Township of Eastnor the sum of fourteen hundred dollars, being the funds necessary for the completion of the said work as originally set out, and to repay the loans and advances already made in respect of the same and now outstanding, and may issue debentures of the said corporation to that amount in sums of not less than \$50 each, and payable within ten years from the date thereof with interest at the rate of four and a half per cent. per annum payable annually during the currency of said debentures, and such instalments of the debt and the interest thereon shall be payable at the Union Bank of Canada at the Town of Wiarton, on the 31st day of December in each year, commencing with the 31st day of December, 1906, and such debentures shall have attached to them coupons for the payment of such interest.

2. The said debentures and the interest coupons attached thereto shall be signed by the reeve and treasurer of said corporation, and the corporate seal thereof shall be attached to each of said debentures.

3. The said sum of \$1,400, when so borrowed, shall be used in paying off the loans and advances made on account of said drainage work and now outstanding, and in completing the said work as set out in said By-law No. 591, and the necessary expenses connected with the preparation of this by-law, and the confirmation thereof, and the debentures to be so issued, and for no other purpose.

4. The lands and roads set out in said By-law No. 591 shall be charged with the liability hereby incurred upon the same plan and in the same proportion as was provided in said by-law.

5. For paying the sum of \$1,184.27, part of the said sum of \$1,400 being the amount charged against the said lands for benefit and outlet liability apart from the roads, and the sum of \$215.73, part of the said sum of \$1,400 being charged against said lands and roads belonging to the said municipality, and for covering the interest thereon for ten years at the rate of four and a half per cent. per annum the following total special rates over and above all other rates shall be assessed, levied and collected in the same manner and at the same time as other taxes are levied and collected, upon and from the after mentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot or part of lot, respectively, shall be divided into ten equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for ten years after the final passing of this by-law, during which the said debentures have to run, and commencing with the year 1906.

Lot.	Con.	Acres.	Value of benefit.	Value of outlet liability.	To cover int. 10 yrs at 4½%.	Tot. spec'l rate.	An Ass't for 10 yrs.	
33	3 E	62	\$86 80	.....	\$21 48	\$108 28	\$10 83
34	3 E	63	88 20	.....	21 83	110 03	11 00
32	4 E	20	28 00	.....	6 93	34 93	3 49
36	4 E	1	1 40	.....	35	1 75	17
36	5 E	3	4 20	.....	1 04	5 24	52
Swan Lake		401	561 40	.....	138 94	700 34	70 03
Tp. Eastnor rds.		70	98 00	.....	24 26	122 26	12 26
31	1 W	30	.....	13 09	3 24	16 33	1 63
34	1 W	10	.....	4 36	1 08	5 44	54
32	1 W	5	.....	2 18	54	2 72	27

Lot.	Con.	Acres.	Value of benefit.	Value of outlet liability.	To cover int. 10 yrs. at 4½ %.	Total special rate.	An Ass't for 10 yrs.	
30	1 E	20	8 73	8 73	2 16	10 89	1 09	
31	1 E	25	10 90	10 90	2 70	13 60	1 36	
32	1 E	80	34 88	34 88	8 63	43 51	4 35	
33	1 E	93	40 56	40 56	10 04	50 60	5 06	
34	1 E	39	17 01	17 01	4 21	21 22	2 12	
30	2 E	100	43 60	43 60	10 79	54 39	5 44	
31	2 E	100	43 60	43 60	10 79	54 39	5 44	
32	2 E	100	43 60	43 60	10 79	54 39	5 44	
33	2 E	100	43 60	43 60	10 79	54 39	5 44	
34	2 E	100	43 60	43 60	10 79	54 39	5 44	
35	2 E	25	10 90	10 90	2 69	13 59	1 36	
35	3 E	3	1 32	1 32	33	1 65	16	
30	3 E	60	26 17	26 17	6 48	32 65	3 26	
29	3 E	25	10 90	10 90	2 70	13 60	1 36	
28	3 E	25	10 90	10 90	2 70	13 60	1 36	
27	3 E	10	4 37	4 37	1 08	5 45	54	
Tp. Eastnor rds.		270	117 73	117 73	29 14	146 87	14 69	
			1,840	\$868 00	\$532 00	\$346 50	\$1,746 50	\$174 65

6. For paying the said sum of \$215.73, the amount assessed against the roads of the said municipality, and for covering the interest thereon for ten years at the rate of four and a half per cent. per annum a special rate on the dollar sufficient to produce the required yearly amount thereof shall be raised over and above all other rates to be levied and collected upon and from the whole rateable property in the said Township of Eastnor in each year for ten years after the final passing of this by-law during which the said debentures have to run, and commencing with the year 1906.

7. The assessments and levies in this by-law directed to be made shall be taken in substitution of the provisions of By-law No. 591 of the corporation of the said Township of Eastnor in respect thereof and said by-law is hereby amended in accordance with the provisions hereinbefore set out.

Dated and passed in open council at Lion's Head this 21st day of March, 1906.

(Sgd.) W. B. MOSHIER,
Reeve.

(Seal.)

(Sgd.) J. H. MIERS,
Clerk.

SCHEDULE "C."

BY-LAW No. 755.

A By-law to authorize the Corporation of the Township of Eastnor to issue debentures for the sum of \$1,200 to defray the cost now outstanding, and to repay loans and advances in respect of certain work known as the "Fern Creek Drainage Scheme."

Whereas on the eleventh day of October, A.D. 1902, the municipal council of the Township of Eastnor duly passed their By-law No. 588, to provide for certain drainage work therein described and known as the "Fern Creek Drainage Scheme;"

And whereas the said by-law was passed under the provisions of *The Ontario Drainage Act*, the requirements of said Act with respect to said work being duly complied with;

And whereas at the time of passing the said by-law the said council were of opinion, from the estimates furnished to them and the character of the work, that the same should be paid for by the parties concerned during the then current year, and the said by-law contained a provision to that effect;

And whereas as the said work proceeded as amended and extended by said council on the report of their engineer, it was found impracticable to carry out the said original intention, but, instead thereof, assessments have been collected yearly and applied in reduction of the cost of said work;

And whereas the said work has proceeded from time to time since the passing of said by-law, and during such progress the same has been paid for from advances made for such purpose by the bank, and out of the general funds of the municipality, and it has been finally ascertained by the said council that the balance or amount of said cost now outstanding, after deducting all assessments and payments which have been collected and made on account of said work, amounts to the sum of \$1,200;

And whereas it is necessary that the said sum should be paid, and, in order thereto, that the said sum of \$1,200 should be borrowed on the credit of the said municipality, and that debentures should be issued therefor as hereinafter provided;

And whereas in order to provide the annual sum required to pay said debentures as they mature and the interest on the sum so borrowed a special rate will be required as hereinafter mentioned;

Therefore the municipal council of the corporation of the Township of Eastnor enacts as follows:

1. The reeve of the said Township of Eastnor is hereby authorized to borrow on the credit of the corporation of said township the sum of twelve hundred dollars, being the funds necessary to pay for the said work known as the "Fern Creek Drainage Scheme," and to repay the loans and advances already made in respect of the same, and now outstanding, and may issue debentures of the said corporation to that amount in sums of not less than \$50 each, and payable within five years from the date thereof, with interest at the rate of four and a half per cent. per annum, payable annually during the currency of said debentures, and such instalment of the debt and the interest thereon shall be payable at the Union Bank of Canada at the Town of Warton, on the 31st day of December in each year, commencing with the 31st day of December, 1906, and such debentures shall have attached to them coupons for the payment of such interest.

2. The said debentures and the interest coupons attached thereto shall be signed by the reeve and treasurer of said corporation, and the corporate seal thereof shall be attached to each of said debentures.

3. The said sum of \$1,200, when so borrowed, shall be used in paying off the loans and advances made on account of said drainage work, and now outstanding, and in completing the same as authorized by any by-law of said corporation previously passed, and the necessary expenses connected with the preparation of this by-law, and the confirmation thereof, and the debentures to be so issued, and for no other purpose.

4. For paying the sum of \$992.08, part of the said sum of \$1,200, being the amount charged against the lands charged in said scheme for benefit and outlet liability apart from roads, and the sum of \$207.92, part of the said sum of \$1,200, being the amount charged against said lands and roads belonging to the said municipality, and for covering the interest thereon for five years at the rate of four and a half per centum per annum the following total special rates over and above all other rates shall be assessed, levied and collected in the same manner and at the same time as other taxes are levied and collected upon and from the after mentioned lots and parts of lots and roads, and the amount of the total special rates and interest against each lot, or part of lot, respectively, shall be divided into five equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for five years after the final passing of this by-law, during which the said debentures have to run, and commencing with the year 1906.

Lot	Con.	Acres.	Asse't share prin.	To cover int. 5 years at 4½%	Total special rate.	An. assessm't 5 years.
30	1 E	50	\$20 25	\$2 73	\$22 98	\$4 59
29	1 E	100	40 45	5 46	45 91	9 18
28	1 E	100	40 45	5 46	45 91	9 18
25	1 E	100	40 45	5 46	45 91	9 18
24	1 E	100	40 45	5 46	45 91	9 18
23	1 E	70	28 35	3 84	32 19	6 44
29	2 E	100	40 45	5 46	45 91	9 18
28	2 E	100	40 45	5 46	45 91	9 18
27	2 E	100	40 45	5 46	45 91	9 18
26	2 E	95	38 45	5 19	43 64	8 73
25	2 E	90	36 21	4 89	41 10	8 22
24	2 E	100	40 45	5 46	45 91	9 18
23	2 E	70	28 35	3 84	32 19	6 44
22	2 E	50	20 25	2 73	22 98	4 59
21	2 E	55	22 19	3 00	25 19	5 04
20	2 E	20	8 10	1 09	9 19	1 84
19	2 E	20	4 00	54	4 54	91
27	3 E	20	8 10	1 09	9 19	1 84
26	3 E	80	32 40	4 37	36 77	7 35
25	3 E	99	40 05	5 41	45 46	9 09
24	3 E	100	40 45	5 46	45 91	9 18
23	3 E	100	40 45	5 46	45 91	9 18
22	3 E	100	40 45	5 46	45 91	9 18
21	3 E	97	39 23	5 30	44 53	8 90
20	3 E	45	18 22	2 46	20 68	4 13
19	3 E	20	4 00	54	4 54	91
SWC28	4 E	5	2 03	27	2 30	46
27	4cE	30	12 07	1 63	13 70	2 74
E½ 26...	4 E	48	19 24	2 60	21 84	4 37
W½ 26...	4 E	48	19 24	2 60	21 84	4 37
25	4 E	90	36 21	4 89	41 10	8 22
24	4 E	75	30 36	4 10	34 46	6 93
23	4 E	85	34 42	4 65	39 07	7 81
22	4 E	25	10 12	1 37	11 49	2 30
21	4 E	10	4 02	54	4 56	91
Pt. 27 ...	5 E	20	4 00	54	4 54	91
26	5 E	10	4 02	54	4 56	91
25	5 E	20	8 10	1 09	9 19	1 84
Pt. 24 ...	5 E	45	12 15	1 63	13 78	2 75
W. pt. 23	5 E	15	3 00	40	3 40	68
Tp. Eastnor rds.		514	207 92	28 07	235 99	47 20

3,021 \$1,200 00 \$162 00 \$1,362 00 \$272 40

5. For paying the said sum of \$207.92, the amount assessed against the roads of the said municipality, and for covering the interest thereon for five years at the rate of four and a half per cent. per annum a special rate on the dollar sufficient to produce the required yearly amount thereof shall be raised over and above all other rates to be levied and collected upon and from the whole rateable property in the said Township of Eastnor in each year for five years after the final passing of this by-law, during which the said debentures have to run, and commencing with the year 1906.

6. The assessments and levies in this by-law directed to be made shall be taken in substitution of the provisions of said By-law No. 588 of the corporation of the said Township of Eastnor in respect thereof, and said by-law is hereby amended in accordance with the provisions hereinbefore set out, and in pursuance of *The Ontario Drainage Act*.

Dated and passed in open council at Lion's Head this 21st day of March, A.D. 1906.

(Seal.)

(Sgd.) W. B. MOSHER,
Reeve.

(Sgd.) J. H. MIERS,
Clerk.

SCHEDULE "D."

BY-LAW No. 756.

A By-law to authorize the Corporation of the Township of Eastnor to issue debentures for the sum of \$2,800 to defray the cost now outstanding, to repay loans and advances in respect of certain work known as the "Judge's Creek Drainage Scheme," and to complete the same.

Whereas on the 16th day of March, A.D. 1901, the municipal council of the Township of Eastnor duly passed their By-law No. 551, to provide for certain drainage work therein described and known as the 'Judge's Creek Drainage Scheme,' and to issue debentures therefor;

And whereas the said by-law was passed under the provisions of *The Ontario Drainage Act*, the requirements of which Act, with regard to said work, were duly complied with;

And whereas the said work was proceeded with and certain debentures have been issued and sold to pay for the work so constructed;

And whereas on the report of their engineer the said council deferred the construction of a branch drain included in said scheme from lot 10 to lot 5 in the 3rd concession of the said township, and the same has not yet been constructed;

And whereas the said By-law No. 551 did not provide sufficient funds to complete the said drainage work as contemplated by said scheme, and the proceeds of said debentures so sold and issued were not sufficient to pay for the same, and the said work has proceeded and, over and above the proceeds of said debentures (which were applied in payment of said work, and not otherwise), the additional work has been paid for out of the moneys advanced for the purpose by the bank, and out of the general funds of the municipality, from time to time;

And whereas it has been finally ascertained by said council that in order to complete the said branch drain so deferred, and which it is the intention of said council to now construct and complete, and to repay such loans and advances and interest thereon, and the expenses connected with the preparation of this by-law, and the confirmation thereof, and the debentures to be issued hereunder, it will require the sum of \$2,800 to be raised and borrowed;

And whereas in order to obtain the said sum it will be necessary to borrow the same upon the credit of the said municipality, and to issue the debentures of the said corporation therefor as hereinafter provided;

And whereas in order to provide the annual sum required to pay said debentures as they mature, and the interest on the sum so borrowed a special rate will be required as hereinafter mentioned;

Therefore the municipal council of the corporation of the Township of Eastnor enacts as follows:

1. The reeve of the said Township of Eastnor is hereby authorized to borrow on the credit of the corporation of said township the sum of two thousand eight hundred dollars, being the funds necessary to construct and complete the said branch drain through lots 10 to 5 in the 3rd concession of said township as laid down in the original plan and specifications for said scheme in said By-law No. 551, referred to and approved by said council, and to repay all outstanding loans and advances made in respect of said work, and the costs and expenses incidental hereto, and may issue debentures of the said corporation to that amount in sums of not less than \$50 each, and payable within fifteen years from the date thereof, at the rate of four and a half per cent. per annum, payable annually during the currency of said debentures, and such instalments of the debt and the interest thereon shall be payable at the Union Bank of Canada at the Town of Warton on the 31st day of December in each year, commencing with the 31st day of December, 1906, and

such debentures shall have attached to them coupons for the payment of such interest.

2. The said debentures and the interest coupons attached thereto shall be signed by the reeve and treasurer of the said corporation, and the corporate seal thereof shall be attached to each of said debentures.

3. The said sum of \$2,800, when so borrowed, shall be used in paying off the loans and advances made on account of said drainage work and now outstanding, and in constructing and completing the said branch drain so deferred, and the necessary expenses connected with the preparation of this by-law, and the confirmation thereof, and the debentures to be so issued, and for no other purpose.

4. For paying the sum of \$2,240, part of the said sum of \$2,800, being the amount charged against the lands comprised in and affected by said scheme for benefit and outlet liability apart from roads, and the sum of \$560, part of the said sum of \$2,800, being the amount charged against the lands and roads belonging to the said municipality, and for covering the interest thereon for fifteen years at the rate of four and a half per cent. per annum, the following total special rates over and above all other rates shall be assessed, levied and collected upon and from the after mentioned lots, and parts of lots and roads, and the amount of the said total special rates and interest against each lot, or part of lot, respectively, shall be divided into fifteen equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for fifteen years after the final passing of this by-law, during which the said debentures have to run, and commencing with the year 1906.

Lot	Con.	Acres.	Value of benefit.	To cover int. 15 yrs at 4½%.	Total spec. rate.	An. for 15 years.
2	1 W.B.R.	10	\$2 73	\$ 98	\$3 71	\$ 25
3	"	15	4 09	1 47	5 56	37
4	"	10	2 73	98	3 71	25
8	"	25	6 82	2 45	9 27	62
9	"	45	12 28	4 42	16 70	1 11
10	"	25	6 82	2 46	9 28	62
11	"	40	10 91	3 93	14 84	99
12	"	50	13 64	4 91	18 55	1 24
14	"	20	5 46	1 96	7 42	50
15	"	10	2 73	98	3 71	25
16	"	10	2 73	98	3 71	25
17	"	50	13 64	4 91	18 55	1 24
18	"	100	27 28	9 82	37 10	2 48
19	"	100	27 28	9 82	37 10	2 48
20	"	40	10 91	3 93	14 84	99
1	1 E.B.R.	10	2 73	98	3 71	25
2	"	100	27 28	9 82	37 10	2 48
3	"	100	27 28	9 82	37 10	2 48
4	"	85	23 20	8 35	31 55	2 10
5	"	40	10 91	3 93	14 84	99
6	"	75	20 46	7 36	27 82	1 85
7	"	95	25 92	9 33	35 25	2 35
8	"	100	27 28	9 82	37 10	2 48
9	"	90	24 55	8 83	33 38	2 22
10	"	90	24 55	8 83	33 38	2 22
11	"	100	27 28	9 82	37 10	2 48
12	"	80	21 84	7 86	29 70	1 98
13	"	35	9 55	3 43	12 98	86
14	"	50	13 64	4 91	18 55	1 24
15	"	50	13 64	4 91	18 55	1 24
16	"	50	13 64	4 91	18 55	1 24
17	"	100	27 28	9 82	37 10	2 48
18	"	85	23 20	8 35	31 55	2 10
19	"	100	27 28	9 82	37 10	2 48

Lot	Con.	Acres.	Value of benefit.	To cover int. 15 yrs. at 4½%.	Total special rate.	An. rate for 15 yrs.
20	"	50	13 64	4 91	18 55	1 24
1	2 E.B.R.	20	5 46	1 96	7 42	50
2	"	100	27 28	9 83	37 11	2 48
3	"	100	27 28	9 83	37 11	2 48
4	"	100	27 28	9 83	37 11	2 48
5	"	100	27 28	9 83	37 11	2 47
6	"	100	27 28	9 83	37 11	2 47
7	"	100	27 28	9 83	37 11	2 47
8	"	100	27 28	9 83	37 11	2 47
9	"	100	27 28	9 83	37 11	2 47
10	"	100	27 28	9 83	37 11	2 47
11	"	100	27 28	9 83	37 11	2 47
12	"	100	27 28	9 83	37 11	2 47
13	"	100	27 28	9 83	37 11	2 47
14	"	100	27 28	9 83	37 11	2 47
15	"	100	27 28	9 83	37 11	2 47
16	"	100	27 28	9 83	37 11	2 47
17	"	100	27 28	9 83	37 11	2 47
18	"	90	24 55	8 83	33 38	2 22
19	"	60	16 37	5 89	22 26	1 48
20	"	25	6 82	2 45	9 27	62
1	3 E.B.R.	60	16 37	5 89	22 26	1 48
2	"	90	24 55	8 83	33 38	2 22
3	"	100	27 28	9 83	37 11	2 47
4	"	100	27 28	9 83	37 11	2 47
5	"	100	27 28	9 83	37 11	2 47
6	"	100	27 28	9 83	37 11	2 47
7	"	100	27 28	9 83	37 11	2 47
8	"	80	21 84	7 86	29 70	1 98
9	"	80	21 84	7 86	29 70	1 98
10	"	100	27 28	9 83	37 11	2 47
11	"	100	27 28	9 83	37 11	2 47
12	"	100	27 28	9 83	37 11	2 47
13	"	100	27 28	9 83	37 11	2 47
14	"	100	27 28	9 83	37 11	2 47
15	"	100	27 28	9 83	37 11	2 47
16	"	100	27 28	9 83	37 11	2 47
17	"	80	21 84	7 86	29 70	1 98
18	"	20	5 46	1 96	7 42	50
1	4 E.B.R.	75	20 46	7 36	27 82	1 85
2	"	70	19 10	6 87	25 97	1 73
3	"	90	24 55	8 83	33 38	2 22
4	"	90	24 55	8 83	33 38	2 23
5	"	50	13 64	4 91	18 55	1 24
6	"	70	19 10	6 87	25 97	1 73
7	"	95	25 92	9 33	35 25	2 36
8	"	85	23 20	8 35	31 55	2 10
9	"	85	23 20	8 35	31 55	2 10
10	"	100	27 28	9 83	37 11	2 47
11	"	85	23 20	8 35	31 55	2 10
12	"	85	23 20	8 35	31 55	2 10
13	"	85	23 20	8 35	31 55	2 11
14	"	85	23 20	8 35	31 55	2 10
15	"	85	23 20	8 35	31 55	2 10
16	"	85	23 20	8 35	31 55	2 11
17	"	80	21 84	7 86	29 70	1 98
18	"	75	20 46	7 36	27 82	1 85
19	"	50	13 64	4 91	18 55	1 24
20	"	40	10 91	3 93	14 84	99
21	"	15	4 09	1 47	5 56	37
1	5 E.B.R.	20	5 46	1 96	7 42	50
2	"	25	6 83	2 46	9 29	62
7	"	35	9 55	3 43	12 98	87

Lot	Con.	Acres.	Value of benefit.	To cover int. 15 yrs. at 4½%.	Total special rate.	An. rate for 15 yrs.
8	5 E.B.R.	35	9 55	3 43	12 98	87
9	"	60	16 37	5 89	22 26	1 48
10	"	5	1 36	49	1 85	12
11	"	30	8 18	2 94	11 12	74
12	"	50	13 64	4 91	18 55	1 24
13	"	100	27 28	9 83	37 11	2 48
14	"	100	27 28	9 83	37 11	2 48
15	"	85	23 20	8 35	31 55	2 10
16	"	60	16 37	5 89	22 26	1 48
17	"	100	27 28	9 82	37 10	2 48
18	"	60	16 37	5 89	22 26	1 48
19	"	60	16 37	5 89	22 26	1 49
20	"	40	10 91	3 93	14 84	1 00
21	"	20	5 46	1 96	7 42	50
13	6 E.B.R.	30	8 18	2 94	11 12	74
14	"	35	9 55	3 43	12 98	87
15	"	25	6 83	2 46	9 29	62
16	"	35	9 55	3 43	12 98	86
17	"	50	13 64	4 91	18 55	1 24
18	"	90	24 55	8 83	33 38	2 22
19	"	40	10 91	3 93	14 84	1 00
Ip. Eastnor roads			560 00	201 60	761 60	50 78
			\$2,800 00	\$1,008 00	\$3,808 00	\$253 87

5. For paying the said sum of \$560, the amount assessed against the roads of the said municipality, and for covering the interest thereon for fifteen years at the rate of four and a half per cent. per annum, a special rate on the dollar sufficient to produce the required yearly amount thereof shall be raised over and above all other rates to be levied and collected upon and from the whole rateable property in the said Township of Eastnor in each year for fifteen years after the final passing of this by-law, during which the said debentures have to run, and commencing with the year 1906.

6. The assessments and levies in this by-law directed to be made shall be taken in substitution of the provisions of a By-law No. 551 of the corporation of the said Township of Eastnor in respect of the excess required over and above the amount of debentures already issued thereunder, and said by-law is hereby amended in accordance with the provisions hereinbefore set out, and in pursuance of *The Ontario Drainage Act*.

Dated and passed in open council at Lion's Head this 21st day of March, A.D. 1906.

(Sgd.) W. B. MOSHIER,
Reeve.

(Seal.)

(Sgd.) J. H. MIERS,
Clerk.

No. 188.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting the Township of Eastnor

First Reading, 29th March, 1906.

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

Mr. BOWMAN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 189.]

BILL.

[1906

An Act to amend The Municipal Act.

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

1. Subsection 1 of section 80 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words “and no member of a school board for which rates are levied” in the eighth and ninth lines. 3 Edw. VII., c. 19, s. 80, subs. 1 amended.

2. The said section 80 is amended by adding after subsection 1 of the said section the following: 3 Edw. VII., c. 19, s. 80, subs. 1 amended.

10 (a) No member of a public or separate school board or board of education of any city, town or village shall be qualified to be a member of the council of such city, town or village. Members of school boards disqualified from sitting in councils.

No. 189.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Act,

First Reading, 23rd March, 1906.

Mr. REED.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 190.]

BILL.

[1906

An Act to amend the Rules of Practice.

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

1. Clause (a) of subsection (1) of rule No. 104 of the Consolidated Rules of practice of the Supreme Court of Judicature for Ontario is here repealed and the following substituted therefor: Con. Rule No. 104 amended.

(a) *At Ottawa*, where the solicitors for all parties reside in that portion of the Province of Ontario composed of the following counties: Renfrew, Leeds, Lanark, Grenville, Carleton, Dundas, Russell, Stormont, Prescott, Glengarry. Weekly Court.
At London, where the solicitors for all parties reside in that portion of the Province of Ontario composed of the following counties: Norfolk, Oxford, Perth, Huron, Bruce, Middlesex, Kent, Elgin, Lambton, Essex, Brant, Waterloo.

No. 190.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend the Rules of Practice

First Reading, 23rd March, 1906.

Mr. McDougall

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Act for the Improvement of
Public Highways.

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

1. Subsection 1 of section 2 of the Act passed in the
5 first year of His Majesty's reign, Chapter 32, as amended
by section 5 of the Act passed in the 5th year of His
Majesty's reign, Chapter 7, is further amended by striking
out the words "the first day of January 1907," and insert-
ing in lieu thereof the words "the first day of January,
10 1909."

1 Edw. VII.,
c. 32, s. 2, subs. 1,
amended.

2. Subsection 6a of the said Act passed in the first year
of His Majesty's reign as enacted by section 1 of the said
Act passed in the 5th year of His Majesty's reign, and
section 8 of the said first mentioned Act are repealed and
15 the following substituted therefor:—

1 Edw. VII.,
c. 32, ss. 6a,
8 repealed.

8.—(1) Upon the completion of any work of road
improvement in pursuance of a by-law approved by the
Lieutenant-Governor in Council under this Act or at any
time during the progress of such work, the council of the
20 municipal corporation of the county undertaking such
work may submit to the Department of Public Works a
statement setting forth the cost of such work to date
together with the declaration of the treasurer of such
county that such statement is correct and also the report
25 of the county engineer or road superintendent that such
work is in accordance with the regulations of the Public
Works Department, and on the receipt of such statement
and certificate by the Provincial Treasurer, certified and
approved by the proper officer of the Public Works Depart-
30 ment, the Lieutenant-Governor in Council may direct the
payment to such municipal corporation out of the fund set
apart under this Act of a sum equal to one-third of the
amount of such cost.

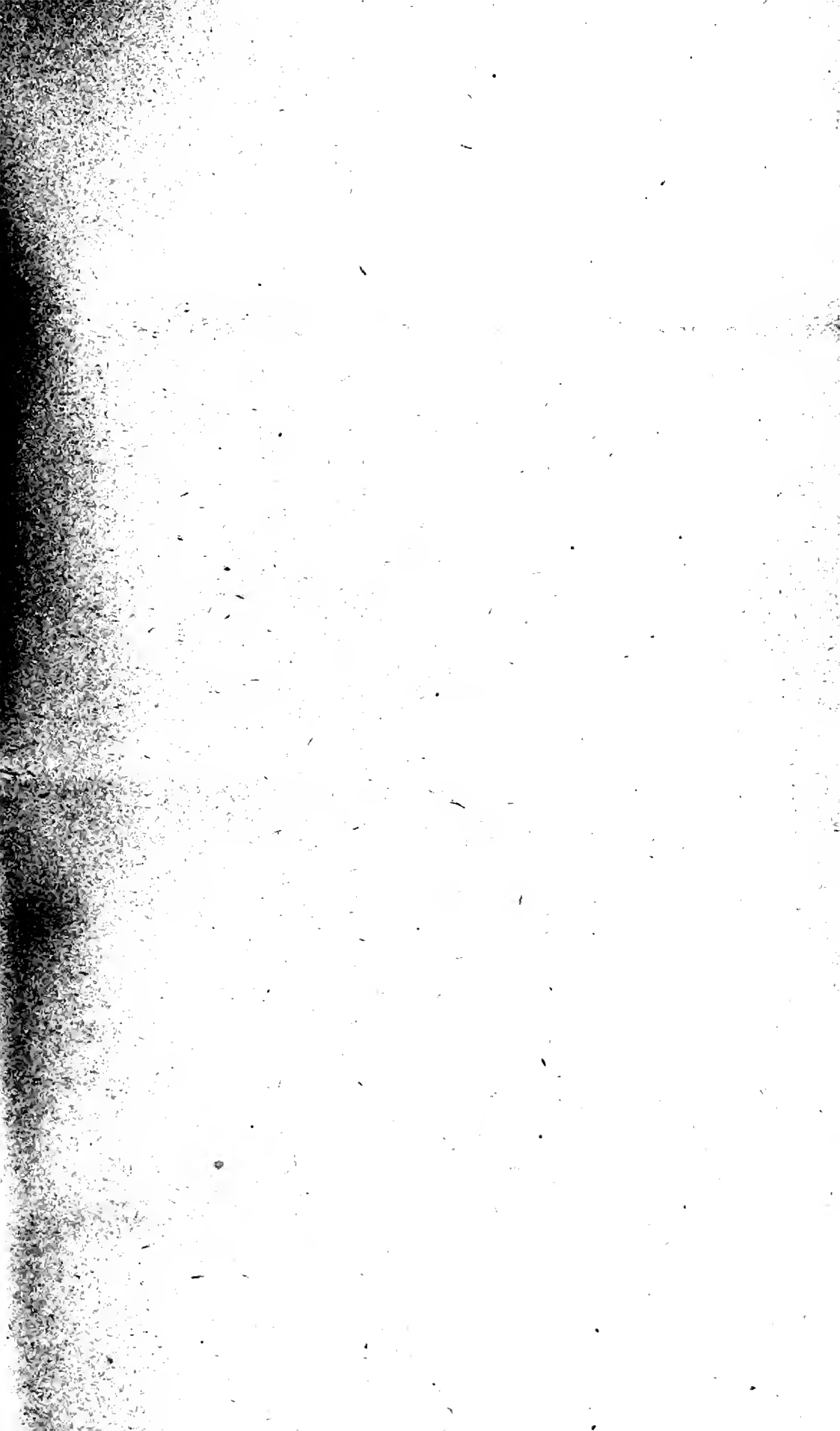
Payments out
of appropria-
tion—when to
be made.

Commence-
ment of section (2) This section shall be read and construed as having been in force on and from the 1st day of January, 1905.

¹ Edw. VII,
c. 32 amended. 3. The said Act passed in the 1st year of His Majesty's reign is further amended by adding thereto the following section :

5

Work in united
counties. 8a. The council of any union of counties which has passed a by-law under this Act designating the roads to be improved within the united counties after such by-law has been approved by the Lieutenant-Governor in Council may with the consent of two-thirds of the representatives 10 of any county in the union by by-law apportion the amount to be expended in any year in such county and may provide that the amount so to be expended shall be raised by special rate upon the property liable to taxation in such county, or with the like consent the council of 15 the united counties may by by-law provide for the issue of debentures for the amount to be expended and may declare that such debentures shall be a charge upon the property liable to taxation in such county, and that the amount required to be raised annually for principal and interest 20 of any debt so created shall be levied and collected in each year during the currency of the said debentures by an annual special rate upon the property liable to taxation in such county.



No. 191.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act for the Improve-
ment of Public Highways.

First Reading, 23rd March, 1906.

Mr. REAUME.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act in aid of The Volunteer Firemen's Association of Ontario.

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

1. Every person carrying on a business as a fire insurance agent shall on or before the first day of February in each year transmit by registered letter to the treasurer of every city, town or village in which there is a volunteer fire department, and in which is situate any property in respect of which premiums have been paid to such agent, or directly to the company or companies represented by him during the twelve months ending on the 31st day of December next preceding a statement in writing verified by the statutory declaration of such agent showing:

Fire insurance agents to make returns to treasurer of municipality.

(a) The amount of such premiums collected in such city, town or village by such agent during such period, and

(b) The amount of premiums paid during the said period directly to the companies represented by him with respect to insurance effected by or through such agent.

2. Every such agent shall on or before the first day of February in each year pay to the treasurer of every such city, town or village the sum of \$2 upon each \$100 of the total amount of premiums received by such agent during the year ending on the 31st day of December next preceding.

Agent to pay \$2 on every \$100 of premium.

3. Every fire insurance company to which premiums have been paid directly as hereinbefore mentioned shall transmit to the treasurer of every such city, town or village on or before the first day of February in each year the sum of \$2 for every \$100 of the total amount of premiums so received

Companies to make returns.

during the twelve months ending the 31st day of December next preceding.

Moneys payable may be recovered as a debt.

4. The moneys payable as hereinbefore mentioned shall be a debt due by such agent or company, as the case may be, to the corporation of the city, town or village, and shall be recoverable by action at the suit of such corporation in any court of competent jurisdiction. 5

Treasurer to pay over moneys to Volunteer Fire Department.

5. The treasurer of every city, town or village to whom money shall be paid under the preceding provisions of this Act shall on or before the 15th day of February in each year pay over all moneys so received to the treasurer of the volunteer fire department of such city, town or village, and, if there shall be more than one such volunteer department under the control of or duly recognized by the council of such city, town or village, he shall apportion such moneys among them in such manner as may be determined by by-law of the municipality. 15

Application of money paid under Act.

6. All moneys received by any volunteer fire department under this Act shall be forthwith transmitted to the treasurer of the Volunteer Firemen's Association of Ontario, and shall be applied in such manner as may be directed by the regulations of such association towards increasing the general proficiency of volunteer fire departments throughout the Province, and towards the establishment of a Provincial Home for the care and maintenance of infirm and disabled firemen. 25

What to be deemed a Volunteer Fire Department.

7. The words "volunteer fire department" shall mean a fire company, or fire department, or fire brigade, the members of which are not in receipt of any regular wages or salary from the municipal corporation. 30

Application of Act.

8. This Act shall not apply to any city, town or village in which there is a fire department or fire brigade maintained wholly out of the municipal rates.

No. 192.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act in aid of The Volunteer Firemen's
Association of Ontario.

First Reading, 23rd March, 1906.

Mr. FRAZER.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Devolution of Estates Act.

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

1. Section 8 of *The Devolution of Estates Act* is repealed and the following section substituted therefor:—

Rev. Stat., c. 127, s. 8, repealed.

8.—(1) Where infants are concerned in real estate which but for the preceding sections of this Act would not devolve on executors or administrators, no sale or conveyance shall be valid under this Act without the written consent or approval of the Local Guardian of the infants, or in the absence of such consent or approval, without an order of the High Court.

Sales where infants interested.

(2) For the purposes of this Act the Official Guardian of infants appointed under *The Judicature Act* shall be the Local Guardian of infants where the lands are situated in the County of York, and in other counties the Local Master of the county where the lands are situated shall be such Local Guardian.

Local guardian.

(3) The Local Guardians shall be subject to such general orders as the High Court may from time to time make in regard to their authority and duties under this Act.

Orders regulating duties of local guardians.

(4) The monies realized from the sales of infants' estates under this Act shall be paid into court upon the report of the Local Guardian, and shall not be paid out until the said report has become final. The provisions of *The Judicature Act* and the Consolidated Rules of Practice relating to Masters' Reports shall apply to all reports of a Local Guardian. Where the report is made by the Local Guardian for the County of York it shall be filed in the central office, and in other counties in the office of the Local Registrar of the county where the lands are situated.

Payments of proceeds of sales into court.

Fees of local guardians.

(5) The judges of the High Court may from time to time frame a tariff of fees to be taken by the Local Guardians and solicitors for their services under this Act, and unless and until otherwise provided by said judges the fees of the Local Guardians and solicitors shall be the same as the fees for the same or analogous work in the office of a Local Master. 5

Rev. Stat., c. 127, s. 16, subs. 1, amended.

2. Subsection 1 of section 16 of the said Act is amended by striking out the words "Official Guardian appointed under *The Judicature Act*" in the thirteenth line thereof and substituting therefor the words "Local Guardian"; and by striking out the word "Official" in the fourteenth line thereof and substituting therefor the word "Local"; and section 8 of Chapter 17 of the Act passed in the second year of the reign of His Majesty King Edward VII. is hereby amended by substituting the word "Local" for the word "Official." 10 15

Rev. Stat., c. 127, s. 14, subs. 5, amended.

3. Subsection 5 of section 14 of the said Act is hereby amended by substituting the word "Local" for the word "Official" where it occurs in the third and fifth lines thereof. 20

Rev. Stat., c. 127, s. 21, repealed.

4. Section 21 of the said Act is hereby repealed.

Style of proceedings.

5. Proceedings taken in pursuance of this Act shall be intituled "In the High Court of Justice. In the matter of the estate of A. B., deceased. And in the matter of (insert a short description of the property)," and all affidavits used therein may be sworn before a notary public, or before a commissioner for taking affidavits. 25

1890

1891

No. 193.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Devolution of
Estates Act.

First Reading, 27th March, 1906.

Mr. LUCAS.

TORONTO:

PRINTED by L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

BILL.

An Act to amend the Act to regulate the Speed and Operation of Motor Vehicles on Highways.

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

1. *The Act to regulate the Speed and Operation of Motor Vehicles on Highways* is amended by adding thereto the following section 6a:—

3 Edw. VII.,
c. 27,
amended.

6a. Notwithstanding anything in this Act contained, the council of any county or union of counties may by by-law prohibit, restrict or regulate the running or operation of motor vehicles on any highway or any part thereof specified in such by-law where in the opinion of the council it would be dangerous to permit such motor vehicle to run upon such specified highway or part thereof.

Regulating
use of specified
highways by
motor vehicles.

Whenever any such by-law is passed by any county or union of counties, the county passing such by-law shall give public notice of the same by posting up the regulations, prohibitions, or restrictions contained in the by-law in conspicuous places on or near the highway or part of highway specified in the by-law.

2. Section 8 of the said Act as amended by section 3 of Chapter 28 of the Acts of 1905, is amended by striking out all the words therein after the word "same" in the eighth line thereof, and substituting therefor the following words: "And shall not approach such horse or horses within 100 yards, or pass the same going in the same or opposite direction at a greater speed than 7 miles per hour, and if any such horse or horses appear frightened the person in control of the motor vehicle shall reduce its speed, and shall not proceed further toward such animal or animals unless such movement be necessary to avoid accident or injury, or until such animal or animals are under the control of the

3 Edw. VII.,
c. 27, s. 8
amended.

Meeting or
overtaking
horses and
vehicles.

rider or driver, and if any person so operating any motor vehicle approach any such person riding or driving any animal or horse upon any public highway outside of the limits of any city, town or village, he shall, in addition to the other requirements contained in this section, stop any such motor vehicle when signalled by such rider or driver so to do, or otherwise requested, and shall remain stationary so long as may be necessary to allow such rider or driver to pass, or until directed by such rider or driver to proceed; and in case any animal ridden or driven by such rider or driver appears to be badly frightened the operator of such motor vehicle, and any occupants of the same, shall upon request render such assistance to such rider or driver in control of such animal or animals as may be necessary.

And in case an accident occurs to any person, whether on foot or horseback, or in a vehicle, or to any horse or vehicle in charge of any person, owing to the presence of any motor vehicle on any public highway, the person in charge of such motor vehicle shall upon request give his name and address, and also the name and address of the owner of such motor vehicle, and the number of the said motor vehicle, and in the event of any person refusing to give the particulars herein required or giving any false particulars in answer to such request, he shall be liable on summary conviction in respect to the first offence to a fine not exceeding \$50, for the second offence to a fine of \$100, and for the third, or any subsequent offence, to a term of imprisonment not exceeding one month, and to have the license for such motor vehicle revoked.

3 Edw. VII.,
c. 27, s. 10,
repealed.

4. Section 10 of the said Act is repealed, and the following substituted therefor:—

Penalties.

Any person violating any of the provisions of this Act, or any amendment thereto, shall upon conviction for the first offence incur a penalty of not less than \$25; for the second offence a penalty of not less than \$50; and for a third or subsequent offence a penalty of \$100 with costs, and shall be liable upon such third offence to have his license revoked; and upon failure to pay any such fine shall be liable to imprisonment for not less than thirty days. One half of any fine hereby imposed shall go to the person laying the complaint and one half to the municipality in which the offence was committed; and proceedings under this section may be taken under the Ontario *Summary Convictions Act*.

Arrest without
warrant.

5. Any constable or police officer within whose view any violation of any of the terms of this Act is committed may arrest the person guilty of such violation without warrant, and may bring him before a magistrate to answer any charge of violating any of the provisions of this Act.

No. 194.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend the Act to regulate
the Speed and Operation of Motor
Vehicles, on Highways.

First Reading, 27th March, 1906.

Mr. SUTHERLAND.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The County Courts Act.

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

1. Paragraph number 1 of section 23 of *The County Courts Act* is amended by striking out the number "200" at the end thereof and substituting therefor the number "400." Rev. Stat., c.55, s. 23, par. 1, amended jurisdiction.
2. Paragraph number 2 of section 23 of the said Act is amended by striking out the number "600" in the second line thereof and substituting therefor the number "800." Rev. Stat., c.55, s. 23, par. 2, amended.
3. Paragraph number 5 of section 23 of the said Act is amended by striking out the number "200" in the third line thereof and substituting therefor the number "400." Rev. Stat., c.55, s. 23, par. 5, amended.
4. Paragraph number 8 of section 23 of the said Act is amended by striking out the number "200" in the last line thereof and substituting therefor the number "600." Rev. Stat., c.55, s. 23, par. 8, amended.
5. Paragraph number 10 of section 23 of the said Act is amended by striking out the number "200" in the second line thereof, and substituting therefor the number "400" and by striking out all the words after the word "estate" in the last line thereof. Rev. Stat., c.55, s. 23, par. 10, amended.
6. Paragraph number 12 of section 23 of the said Act is amended by striking out the number "200" in the last line thereof and substituting therefor the number "400." Rev. Stat., c.55, s. 23, par. 12, amended.
7. Paragraph number 14 of section 23 of the said Act is amended by striking out the number "400" in the last line thereof and substituting therefor the number "800." Rev. Stat., c.55, s. 23, par. 14, amended.

No. 195.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The County Courts Act.

First Reading, 27th March, 1906.

Mr. LENNOX.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting Agricultural Societies.

HIS 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 Agricultural Societies Act*. Short title.

2. In the construction of this Act; Interpretation.

(1) "Department" shall mean "The Department of Agriculture"; Department.

(2) "Minister" shall mean "The Minister of Agriculture for the Province of Ontario"; Minister.

(3) "Superintendent" shall mean "The Superintendent of Agricultural Societies"; Superintendent.

(4) "Society" shall mean any agricultural society formed under this or any previous *Agriculture and Arts Act*. Society.

3. All agricultural societies organized under *The Agriculture and Arts Act*, shall be continued except in so far as they may be altered or affected by this Act. Societies continued.

4. The Minister may decide all matters of doubt or dispute as to the working or construction of this Act, and his decision shall be final, except that an appeal therefrom may be made to the Lieutenant-Governor in Council. Minister to decide questions arising under act.

5. The Minister may appoint any person or persons to inspect the books and accounts of any society in the Province receiving Government aid, under or by virtue of this Act, and may empower such person to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to such Inspection.

inspection; and all officers of any such society, whenever required so to do, shall submit the books and accounts thereof to such inspection, and shall truly to the best of their knowledge answer all questions put to them in relation thereto, or to the funds of such society. 5

Organization. 6.—(1) Subject to the provisions of the following subsection an agricultural society, hereafter, may be organized in any section of the Province.

Limitation as to distance from nearest society.

(2) An agricultural society, hereafter, shall not be organized within 20 miles of an existing society, organized under this Act, or under any former Agriculture and Arts Act, providing the physical, or other natural conditions of the adjoining country, are such that the formation of such society will not injuriously affect the nearest adjoining society. 15

Application for permission to organize within 20 miles of another society.

(3) An application for permission to organize a new society at a specified point that is within 20 miles of the headquarters of an existing society, shall be made in writing to the Minister, and shall set forth clearly and fully the facts of the situation, and shall be signed by at least 20 sixty of the persons desirous of forming such society, except in judicial districts or unorganized counties, where the number shall be at least 40. Upon receipt of such application the Minister shall instruct the Superintendent 25 of the officers of the existing society whose headquarters are at the point nearest to the point at which it is proposed to form a new society, at which meeting said officers, by resolution, shall place themselves on record as being in favour of or opposed to the granting of said application. 30 Should said resolution favor the granting of said application, then the Minister may, through Order-in-Council, grant permission for the formation of said society. When 35 opposition is expressed to the granting of said application the Superintendent shall call upon the interested existing society, and upon the petitioners to appoint one arbitrator each, and said two arbitrators shall appoint a third arbitrator, and these three arbitrators, thus chosen, shall consider the granting of said application, and make a recommendation on same to the Minister. 40

Arbitration.

When Minister may decide.

(4) If either the signers of the petition or the officers of the interested existing society refuse to appoint an arbitrator, then the Minister may grant or refuse the application of the signers, as he may deem best.

Deposit to cover expenses.

(5) The parties concerned in all such disputes shall 45 deposit with the Department such moneys as may be required to pay all expenses connected therewith, such payment to be made according to the decision of the arbitrators, or a majority of them.

7. The mode of organization shall be as follows:—

Mode of
organization.

(a) A declaration in the form of Schedule A to this Act shall be signed by persons (residing within ten miles of the point designated as the headquarters of the society) desiring to organize a society under this Act. The number of such persons shall be at least 60, except in the case of societies organized in judicial districts and unorganized counties, where the number shall be at least 40.

Declaration of
membership.

(b) No person shall be considered a member of any society for any year unless he shall have paid at least one dollar into the funds of that society as membership fee for that year.

Qualification of
members.

(c) Subject to the by-laws of the society, a firm, or an incorporated company may become a member of any society incorporated under this Act by the payment of the regular fee, but the name of one person only shall in any one year be entered as the representative or agent of such firm or company, and that person only shall exercise the privileges of membership in the society.

Firms and com-
panies may be
members.

(d) Within one month after the money has been so paid the said declaration, with the names and addresses of the signers of same, shall be transmitted to the Minister, who shall thereupon authorize a person to call the first meeting for the organization of the society.

Transmitting
declaration to
Minister.

(e) The first meeting of the society shall be held during the third week of January next ensuing, at the point designated as the headquarters of the society, of which meeting at least two weeks' public notice shall be given by advertisement in one or more newspapers published in the district, and also by printed placards or bills posted in local places of common resort.

First meeting.

(f) At the said first meeting, and at any subsequent meetings of any agricultural society ten members shall constitute a quorum.

Quorum.

(g).—(i) At the said first meeting there shall be elected a president, a first vice-president, a second vice-president, and not more than nine other directors, who shall be duly qualified members of the society, or who must become so within 14 days after their election, and who, together shall form the board of directors, a majority of which board shall reside within ten miles

Election of
officers.

of the place designated as the headquarters of the society. At the said first meeting the society shall appoint two auditors for the ensuing year.

- Directors. (ii) On petition of any society the Minister may authorize the society to elect not more than six persons to act as directors, in addition to those already provided for. 5
- Honorary directors. (iii) Societies may appoint not more than six honorary directors, but such directors shall not have the right to vote or take part in meetings of the board of directors. 10
- Secretary and treasurer. (h) The board of directors from among themselves or otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure. The secretary or the secretary treasurer, by virtue of his office, shall be a member of each committee appointed, and shall have the power of managing director, acting under the control and with the approval of the board of directors. 15 20
- Executive committee. (i) The board of directors, from among themselves, may appoint an executive committee of not more than five members, to whom it may designate such duties as it, by resolution, may specify. 25
- Report of organization meeting to be sent to Department. (j) A report of the organization meeting, certified by the president, the secretary and the convenor, and containing a statement of the number of members and a list of the officers elected and appointed, shall be sent to the Department within one week after the holding of the meeting. 30
- Society when organized to be deemed an agricultural society. 8.—(a) Upon the receipt of such report the society so organized shall be deemed an agricultural society, within the meaning of this Act, and shall bear the name designated in the declaration as the headquarters of the society. 35
- Headquarters of society. (b) For the purpose of this Act, the headquarters of any society organized under any previous Agriculture and Arts Act shall be the place at which the said society held its last annual exhibition, or which it has designated by by-law or resolution, at a meeting duly called for the purpose, as its headquarters or place of holding its exhibition, a certified copy of which by-law or resolution shall be forwarded to the Department and the said society shall hereafter be designated by the name of the said place. 40 45

9.—(1) The objects of agricultural societies shall be to Objects of societies. promote improvement in agriculture, horticulture, arboriculture, domestic industry, manufacturers and the useful arts;

- 5 (a) By awarding premiums for live stock (other than grade breeding males) for agricultural or horticultural implements and machinery, for the production of grain and of all kinds of vegetables, plants, flowers, fruits, home manufactures, and generally for excellence in any agricultural or horticultural production or operation, article of manufacture or work of art.
- 10 (b) By organizing plowing matches, holding seed fairs, spring stallion and bull shows, competitions respecting standing crops, and for the best or best managed farms.
- 15 (c) By importing or otherwise procuring for the purpose of owning or distributing pure bred registered animals, and seeds and plants of new and of valuable kinds.
- 20 (d) By promoting the circulation of agricultural periodicals;
- (e) By offering prizes for essays on questions of scientific inquiry relating to agriculture, horticulture, domestic industries, manufactures and the useful arts;
- 25 (f) By taking action to eradicate poisonous and noxious insects and weeds.

(2) Societies that expend any of their funds, no matter Unauthorized expenditure to forfeit grant. how derived, for any purpose inconsistent with those herein mentioned, shall forfeit all claim to the legislative grant.

10.—(1) The annual meetings of the several societies Annual meetings. shall be held on the third Wednesday of January of each year, at the headquarters of the society and at the hour of one o'clock of the afternoon. At any such meeting only those who have paid their subscription for the ensuing year shall be entitled to vote.

(2) At least two weeks' previous notice of any such meeting Notice of meetings. shall be given by advertisement in one or more newspapers published in the municipality or municipalities in which the society is organized, and also by printed placards or bills posted in places of common resort, or by sending the same by registered letter, mailed to the last known post office address of each member of the society in good standing, such notices to be mailed at least one week previous, and to state time and place of meeting.

When meeting
not held at
appointed
time.

(3) In case any society shall, through any cause, fail to hold its annual meeting at the time appointed, the Minister, on petition of twenty members, may appoint a time for holding the same before the first day of April in the same year, the meeting to be called as for the regular annual meeting, and this meeting in all particulars shall be taken as the annual meeting of the society. 5

Forfeiture of
grant if meet-
ing not held.

(4) In the event of the annual meeting not being held as provided for in this Act, or in the event of the number of members on the first day of September in any year being less than the number required for organization, the society shall not be entitled to receive any further financial aid from the Legislature of the Province, and shall be deemed to have dissolved, but the directors elected at the last properly constituted meeting of the society prior to the said first day of September shall be deemed to be the trustees of the assets of the society until the same are disposed of by the order of the Minister. 10 15

Reorganization

(5) In the case of any society being dissolved or ceasing to exist it can be re-organized only by proceeding under section 7 of this Act and in accordance with section 6. 20

Surplus assets
to be delivered
to department
on dissolution.

(6) Upon being notified or becoming aware of the dissolution of any society under the provisions of the preceding subsection the Minister may order the directors to deliver over to the Department the assets, if any remaining after all just debts have been paid. 25

Business at
annual
meeting.

11. In addition to any other business the following business shall be transacted at the annual meeting :

Report of
directors.

(a) The board of directors shall present at such meeting a report of their proceedings for the past calendar year, in which shall be stated the names of all the members of the society, the amount paid by each being set opposite to his name, the amount offered and also the amount awarded in prizes for each kind of live stock, agricultural products, implements, domestic products or other objects respectively, and the number of entries in each class, together with such remarks and suggestions upon the agriculture and horticulture of the district, and the arts and manufactures therein as they are enabled to offer; 30 35 40

Statement of
receipts and
expenditure.

(b) The board of directors shall present a detailed statement of the receipts and expenditures for the preceding year, also a statement of the assets and liabilities of the society at the end of the year, certified to by the auditors; 45

Election of
officers.

(c) The officers and other directors specified in clause (g) of section 7, and to be qualified as therein

provided, shall be elected by the members, and auditors shall be appointed for the ensuing year.

12. The said reports shall, if approved by the meeting, Reports to be recorded and filed.
 5 be placed on permanent record in the books of the society, and shall also be sent within one month to the Department, and the Minister may require all such reports to be made out on schedules to be supplied by the Department in such form as he may direct. Failure to comply with these
 10 requirements shall be sufficient to forfeit all claim, on the part of the society, to participation in the legislative grant.

13.—(a) The members of each society may, at an annual By-laws and regulations.
 15 meeting or at a special meeting, of which two weeks' previous notice has been given by advertisement in the manner required by subsection 2 of section 10, make, alter and repeal by-laws and regulations for the general management of the society; subject to these by-laws and
 20 regulations, the board of directors shall have full power to act for and in behalf of the society, and all grants and other funds of the society shall be received and expended under their direction.

25 (b) On petition of thirty members of any society, the Special meetings.
 secretary shall call a special meeting of the society for the consideration of such matters as may be set forth in the petition, the meeting to be advertised as set forth in subsection
 30 2 of section 10, and the advertisements to set forth the nature of the business to be transacted.

14. The first meeting of the board of directors of a Meetings of board of directors.
 society may be held upon the day of the annual meeting, and the subsequent meetings shall be held pursuant to
 35 adjournment or be called by written notice given by authority of the president, or, in his absence, of the first vice-president, or in the absence or on the neglect of the president or vice-president, then on the written request of any three of the directors, at least one week before the
 40 day appointed, and at any meeting five shall be a quorum.

15.—(1) All societies now or hereafter organized, shall Societies to be bodies corporate.
 be bodies corporate, with power to acquire and hold land as a site for fairs and exhibitions and, subject to the approval of a meeting of the society called for the purpose, to
 45 sell, mortgage, lease, or otherwise dispose of the same, or any other property held by such Societies.

Notice of meetings to consider disposition of property.

(2) At least two weeks' previous notice of such meeting shall be given by advertisement in one or more newspapers published in the county or district and by printed placard; and at such meeting only those persons shall be entitled to vote who are members for the current year and who were members for the two previous years. 5

Acquiring site, arbitration to fix price.

(3).—(a) If the owner of the land selected as a site for fairs and exhibitions approved of at a meeting of the society called for that purpose, refuses to sell the same or demands therefor a price deemed unreasonable by the board of directors then such owner and such board of directors shall each forthwith appoint an arbitrator, and the arbitrators so chosen shall appoint a third arbitrator, and such arbitrators or a majority of them shall appraise the damages for such land. 10 15

Appointment of arbitrators.

(b) If the directors or the owner of such land selected as a site for fairs and exhibitions, shall neglect or refuse to appoint an arbitrator, the county judge of the county in which the district lies may appoint an arbitrator on behalf of the party so neglecting or refusing to appoint an arbitrator as aforesaid. 20

Powers of arbitrators.

(c) The arbitrators so chosen shall have the power to hear and determine all claims or rights of encumbrancers, lessees, tenants or other persons as well as those of the owner of the land required for the purpose of such site for fairs and exhibitions, upon notice in writing to every such claimant or person. 25 30

Payment of compensation.

(d) Upon payment of the amount of damages appraised by a majority of the arbitrators appointed as aforesaid, to the owner or other persons entitled thereto by the directors, the land may be taken and used for the purposes aforesaid. 35

Award to be title to property

(e) Any award for a site for fairs and exhibitions made and published under this Act, if there be no conveyance shall be deemed thereafter to be the title of the society to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever and shall be registered in the proper registry office, on the affidavit of the secretary and treasurer or secretary-treasurer of the directors verifying the same. 40 45

Expenses of arbitration.

(f) The parties concerned in all such disputes shall pay all the expenses incurred in them, accord-

to the award or decision of the arbitrators or a majority of them.

(4) The provisions of the foregoing subsections shall be exercised only after consent in that behalf shall have been obtained from the Lieutenant-Governor in Council by Order in Council.

Consent of Lieutenant-Governor to arbitration proceedings.

16. Any township society and town or village municipality that had, prior to the 4th day of March, 1868, jointly purchased and held any lands or buildings for the purpose of agricultural fairs or exhibitions, may continue jointly to hold such lands or buildings, or may sell, mortgage, lease or otherwise dispose of the same, subject to the approval of a meeting of the society as provided in section 15.

Joint Ownership of fair grounds and buildings.

17. Where two or more municipalities have been united under the provisions of any former Agriculture and Arts Act to form a township society, a dissolution of such union society may be effected in the following manner: a petition requesting a dissolution and the organization of new societies shall be signed by a majority of the members residing in any one of the municipalities and shall be forwarded to the Minister, and if the number so signing is equal to the number required for the organization of a new society as in section 7, the Minister shall direct that new societies shall be organized in the manner prescribed in section 7, and the former union society shall thereupon become dissolved and shall cease to exist.

Dissolution of union societies.

18. On the dissolution of a union society the assets of the said society shall be equitably apportioned or divided by arbitrators, or a majority of them, one to be appointed by the board of directors of each of the new societies, and another arbitrator to be chosen by the arbitrator so appointed, or in the event of the said arbitrators failing to choose such arbitrator within ten days after being appointed, then the Senior County Judge or the Stipendiary Magistrate having jurisdiction in the district shall appoint such arbitrator. In case of disagreement the matter shall be referred to the Senior Judge of the County or the Stipendiary Magistrate, for final decision.

Disposition of assets on dissolution.

19.—(1) On or before the first day of March of each year, the officers of every society shall send to the Department an affidavit, sworn to before any Justice of the Peace, in the form of Schedule B, annexed to this Act, stating on forms to be provided by the Department, the exact financial transactions of the society during the previous years. This statement shall set forth plainly the number of members in good standing that

Annual returns to department.

belong to the society. This statement shall also give the amount of moneys that were paid in prizes for horses, cattle, sheep, swine, poultry, articles of domestic manufacture, other products of the farm, orchard and garden and that were expended for such other purposes as are set forth in section 9 of this Act. If a spring stallion show, a spring bull show, or a combined spring stallion and bull show, has been held, or a spring seed fair, such statement shall set forth separately and shall show plainly the number of entries, and the amounts expended in prizes. Such moneys shall be considered as having been expended for agricultural purposes.

Failure to send
in returns.

(2) Any society failing to send in this statement within thirty days shall forfeit all claim to a grant for the current year.

Grants of
Provincial
funds.

20. Every society organized under or recognized by this Act, shall be entitled to receive a grant out of the unappropriated moneys in the hands of the Treasurer of the Province, the grant to be paid on the recommendation of the Department, and upon the following conditions:

- (a) That the number of paid-up members for the current year is not less than sixty, except in the case of societies organized in judicial districts or unorganized counties, when the number of paid up members must not be less than forty.
- (b) That all reports and returns required by this Act have been made to the satisfaction of the Minister.
- (c) That the annual meeting has been held as required and officers elected, in accordance with section 11.
- (d) That the objects of the said society as given in section 9, have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with these objects.

Division of
Provincial
grant.

21. An amount not exceeding \$70,000 shall be subject to division among the societies of the Province on the following basis:—

- (a) Societies that have owned and maintained pure bred stock, for the benefit of their members, for a period of at least nine months during the preceding year, shall receive a grant of \$50 for every registered stallion, \$20 for every registered bull, \$10 for every registered boar and \$5 for every registered ram so owned, and a spe-

cial membership grant of one dollar for every member of the society in good standing, up to fifty.

- 5 (b) Societies that hold a spring stallion show, a spring bull show, or a combined spring stallion and bull show shall receive a grant equal to one half the sum expended in the holding of such show, but such sum shall not exceed fifty dollars.
- 10 (c) Societies that hold a spring seed fair shall receive a grant equal to one half the sum expended in the holding of such fair such sum not to exceed twenty-five dollars.
- 15 (d) Newly organized societies, the first three years of their existence, shall receive a grant each year equal to one dollar per member up to 600 members, except in the case of societies organized in judicial districts and unorganized counties where the grant shall be equal to two
- 20 dollars per member.
- 25 (e).—(i) The remainder shall be divided among the societies of the Province, other than new societies, in proportion to the amount they expended during the preceding three years, for agricultural purposes, as shown by their sworn statements, and as defined in section 19 of this Act, and there shall not be included in such expenditure moneys used for the purchase or
- 30 maintenance of pure bred stock, for the holding of spring stallion shows, spring bull shows, or combined spring stallion and bull shows or for spring seed fairs.
- 35 (ii) Societies in judicial districts and unorganized counties shall be entitled to receive their grants on the basis of double their actual expenditure for agricultural purposes.
- (f) A society shall not be entitled to receive a total grant exceeding \$600.
- 40 (g) Should it be found, within one year after the receipt, by the Department, of a society's annual statement, that an officer or officers of the society, had wilfully made false returns, with an intention to deceive, such officer, or officers shall be liable, upon summary conviction before a Justice of the Peace, to a fine not
- 45 exceeding \$100 or imprisonment in the common gaol of the county for a period not exceeding thirty days.

Horseracing prohibited.

22.—(1) It shall not be lawful to carry on any horse-racing other than trials of speed, under the control and regulation of the officers of the society during the days appointed for holding any exhibition by any society, at the place of holding the exhibition or within five miles thereof.

Penalty.

(2) Any person who is guilty of a violation of this section shall be liable, upon summary conviction before a justice of the peace, to a fine not exceeding \$50, or imprisonment in the common gaol of the county for a period not exceeding thirty days.

Society to forfeit grant.

(3) In case any person is convicted under this section, the society thus proven to have permitted horse-racing shall be debarred from receiving any portion of the legislative grant in the next ensuing year. 15

Exhibitions.

23.—(1) The exhibition of any society shall be held at the point designated as the head quarters of the society.

Changing headquarters of Society.

(2) Whenever the members of any society have by by-law or resolution fixed upon a place as the head quarters of the society, or upon any place or places for holding the exhibition or exhibitions of such society for any year or years, then the place or places so designated shall not be changed to any place within 20 miles of the head quarters of an existing society, but it may be changed to any place not within such radius upon the decision of a majority of the qualified voters as follows;—

(a) A special meeting shall be called by the board of directors, or by thirty members as provided in subsection (b) of section 13, for the expressed purpose of considering the question. 30

(b) At least two weeks' previous notice of such meeting shall be given by advertisement as in subsection 2 of section 10.

(c) Only paid-up members for the current year who were also members in the previous year shall be qualified to vote. 35

(d) The meeting shall be called for ten o'clock in the forenoon, and if a poll is demanded it shall be opened at once and remain open until six o'clock, except that it may be closed by the presiding officer of the society if at any time one hour elapses without any vote being polled. 40

Place of exhibition to have necessary accommodation.

24. The exhibitions of any society shall be held at such place only as shall afford sufficient accommodation for such exhibitions. 45

25. The board of directors of any association or society organized under this Act, on being made aware of any fraud having been committed by any member or exhibitor in the entry of any stock or goods in competition for prizes at any exhibition, shall have the power of withholding the payment of any prizes that may have been awarded by the judges to such members or exhibitors on such fraudulent or any other entries made at any such exhibition.

Power to withhold prizes when fraud shown.

KEEPING THE PEACE, ETC., AT EXHIBITIONS.

10 26. Any Justice of the Peace having jurisdiction in any city, town, village or township, wherein a fair or exhibition is or is to be held, shall, on the request of the president or executive committee of any agricultural society, appoint as many policemen or constables as may be required, at the expense of such society, said policemen or constables to be named by such society, whose duty it shall be to protect the property of such society within the exhibition grounds, and to eject all persons who may be improperly within the grounds, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such society.

Appointment of constables.

27. If any person wilfully hinders or obstructs the officers or servants of any agricultural society in the execution of their duty, or gains admission to the said grounds contrary to the rules of such society, he shall be liable to a fine of not less than \$1 nor more than \$20; such fine to be enforced and collected as fines are usually collected, and to be paid over to such society for its use and benefit; and in default of payment the said offender shall be imprisoned in the common gaol for a period of not more than thirty days.

Interfering with officers.

28.—(1) The officers of any such society may by their rules and regulations prohibit and prevent all kinds of theatrical or circus or acrobatic performances, exhibitions or shows, and may also regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandise on the exhibition grounds, or within 300 yards thereof; and any person who, after due notice of such rules and regulations, violates the same shall be liable to be removed by the officers, policemen or constables of said society, and be subject to the penalty prescribed by the next preceding section.

Prohibiting certain shows and performances, etc.

(2) The officers of any such society shall prevent all immoral or indecent shows and all kinds of gambling and all games of chance, including wheels of fortune, dice games, pools, coin tables, draw lotteries or other illegal games at the place of holding the exhibition or fair, or within 300

Duty as to preventing improper shows.

yards thereof, and any association or society permitting the same shall forfeit all claim to any legislative grant during the year next ensuing.

Gambling devices.

(3) The officers of any such board shall not allow any person to exhibit either publicly or to any individual any gambling device or to bring any such gambling device into the buildings or upon the grounds in or upon which the exhibition or fair is being held.

Gambling prohibited.

(4) No person shall carry on, or assist, or aid in carrying on any kind of gambling, or any game of chance, at 10 any agricultural, live stock, or industrial exhibition or fair, or within half a mile thereof.

Sale of Liquor on grounds prohibited.

(5) It shall not be lawful to sell or to have for sale on any exhibition ground during the time of holding an exhibition any wine, beer or spirituous liquors, and any society per- 15 mitting the same shall forfeit all claim to any grant during the next ensuing year.

Penalty.

(6) Any person violating the provisions of this section shall be liable on summary conviction to a fine of not less than \$20 besides costs, and not more than \$100 besides 20 costs.

Application of section.

(7) This section shall apply to all exhibitions held by societies coming within the above mentioned classes whether incorporated under the said Act or not.

Powers of Dominion and Provincial Constables.

29.—(1) Any Dominion or Provincial constable shall 25 have the right of free entrance to the grounds and to all the buildings on the grounds where a fair or exhibition is being held under the direction of any society or association to which this Act applies, during the time that the fair or exhibition is being held. 30

Seizing and confiscating gambling devices, etc.

(2) Any constable or other peace officer may, without warning or notice, immediately seize all devices and instruments used by any person in connection with any kind of gambling or games of chance or immoral or indecent side show, and may arrest such person without warrant and 35 take him before the nearest magistrate having jurisdiction, there to be dealt with according to law, and every such device or instrument after the conviction of the person concerned, shall be destroyed under the direction of the magistrate before whom the case is tried. 40

GENERAL PROVISIONS AS TO ELECTIONS.

Who may vote at meeting.

30. All persons not under eighteen years of age who have paid the membership subscription for the year then next ensuing to any society to which this Act applies, shall have the right of voting at the election of officers, and on 45 all other questions submitted to the annual meetings of such societies.

31. No membership subscription for the ensuing year paid after the president or presiding officer has declared the poll open for the election of officers shall entitle any member to vote for such officers, nor shall any votes be received earlier than one o'clock in the afternoon nor later than six o'clock in the afternoon of the same day. When votes may not be received.

32. Except as otherwise provided, a vacancy occurring by the death or resignation of any officer of an agricultural society organized under this Act may be filled by the remaining officers thereof; and it shall be the duty of such officers, and they are hereby empowered to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if for any reason a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in the next section. Vacancies in offices.

33.—(1) In the event of an election of any officers of a society coming within the provisions of this Act not being held at the time or place herein directed, or being for any reason illegal and void, then the persons in office at the time when such officers should have been elected shall continue to be, and shall be deemed to be, the officers of such society until their successors are legally appointed. Failure to elect.

(2) In the event of any such non-election or illegal election, a special meeting of the members of such society shall be called as soon as practicable for the election of such officers; such meeting to be called (in the manner provided in subsection 2 of section 10) by the president, or, in his absence or on his neglect, by the vice-president, or in the absence or on the neglect of the president and vice-president, then by any three members of the society or other body; and at such meeting the election of officers shall take place, and the persons elected shall thenceforth, until their successors are appointed, be and be deemed to be the officers of such society. Special meetings for elections.

MEETINGS OF DIRECTORS.

34. A special meeting of the directors of any society organized under this Act may be called by the president thereof, or, in his absence or on his neglect, by the vice-president, or, in the absence or on the neglect of the president or vice-president, then by any three members of such body, of which meeting at least seven days' notice shall be given to each member; and, except as otherwise provided for, a majority of the directors of any such body shall be a quorum. Special meeting of directors.

SECURITY BY TREASURER.

Security by
treasurer of
society.

35.—(1) The treasurer of every society organized under this Act before entering upon the duties of his office shall give such security, either by joint or several covenant with one or more sureties, which may be in such form as the board of directors or other managing officers may deem necessary, for the faithful performance of his duties, and especially for the duly accounting for and paying over all moneys which may come into his hands.

Duty of board
as to society.

(2) It shall be the duty of every such board in each and every year to inquire into the sufficiency of the security given by such treasurer and report thereon; and where the same treasurer for any society is re-appointed from year to year his re-appointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any bond or security given to the society for the faithful performance of his duties under such re-appointment shall continue valid as against the parties thereto.

Personal re-
sponsibility for
loss.

(3) Where the officers of a society neglect to obtain proper security they shall become personally responsible for all funds of the society in the possession of the treasurer.

MUNICIPAL AID TO AGRICULTURAL AND OTHER SOCIETIES.

Grants from
municipal
councils.

36.—(1) The municipal council of any city, town, village, county or township in this Province may grant or loan money or grant land in aid of any agricultural society formed within the limits of the municipality, or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such society has made the returns required by this Act to be made to the Minister, provided always that the total amount or value of the money or land heretofore or hereafter granted or loaned by any municipality to an agricultural society under this section shall not exceed, in the case of a city, \$3,000, in the case of a town, \$2,000, and in the case of a village, \$1,000.

Security for
loans from
municipalities.

(2) If such grant is a loan of money to enable the society to acquire lands, such municipality may hold the lands so acquired or may take a mortgage thereon, as security for the amount of such grant until the amount of such grant be repaid to the municipality; and any such grant heretofore made in accordance with the provisions of this Act shall be legal and valid.

(3) Any of the said municipalities owning lands or buildings for public purposes shall have the power to make agreements on such terms and for such periods as they may deem expedient with any company now formed, or here-
 5 after to be formed, under the provisions of chapter 196 of the Revised Statutes of Ontario, 1897, or of any amend-
 10 ment that may be made thereto, or with any agricultural society for the use of such lands or buildings, or either of them, or for the privilege of erecting on said lands (sub-
 15 ject to such terms as may be agreed on) such buildings as they may require for agricultural or industrial shows, and to give the said companies the power of renting said grounds and buildings when owned by said company to
 20 any agricultural society formed under this Act or any amendment thereto, to and for the purposes of the annual show or shows of said society, and to grant to such company or society the power to collect during said show, or at other times, as may be agreed, from any person wishing to go into or upon any such grounds or buildings, or for
 25 any privileges thereon, or for any carriage, wagon or other vehicle, or for any horse or other animal that may be taken thereon, such entrance fee or other charge as the said company or society may deem necessary or expedient.

37. In addition to the amount divided under section 21 of this Act, a sum not exceeding (\$5,000) five thousand dollars shall be subject to division among The Industrial Exhibi-
 30 tion Association of Toronto; The Central Canada Exhibition Association of Ottawa, and The Western Fair Association of London, in proportion to the amount of moneys expended for agricultural purposes as set forth in section
 35 9 of this Act, upon the following conditions:

(a) That returns similar to those required in sections 11 and 19 have been made to the Minister;

(b) That the provisions laid down in section 28 of this Act have been strictly adhered to or enforced in
 40 connection with the exhibition held by the society in the previous year.

38. All sections of *The Agriculture and Arts Act* are hereby repealed, in as far as they apply to agricultural
 45 societies.

39. This Act shall come into force on the first day of February, in the year one thousand nine hundred and
 50 seven.

SCHEDULE "A."

(Section 7).

DECLARATION OF ASSOCIATION.

We, whose names are subscribed hereto, agree to form ourselves into a society, under the provisions of *The Agricultural Societies Act*, to be called the agricultural society of (*designating the point that the Department will be asked to recognize as the headquarters of the society*), and we hereby severally agree to pay to the treasurer the sums opposite our respective names; and we further agree to conform to the by-laws and rules of the said society.

Names. \$ cts.

SCHEDULE B.

(Section 19.)

AFFIDAVIT AS TO MEMBERSHIP AND PAYMENTS FOR AGRICULTURAL PURPOSES.

I, _____ of _____ treasurer of the _____ Agricultural Society, make oath and say that during the year ending 31st day of December, 19 _____ the said Agricultural Society expended the sum of _____ dollars, solely for agricultural purposes, as set forth in the audited financial statement of the society, and,

That the number of members of the said society for the present year is _____

Sworn before me this _____

day

of _____ 19 _____

Treasurer.

Justice of the Peace for the County of _____

SCHEDULE "C."

(Section 28).

Know all men by these presents that we, A. B., treasurer of the _____ society, in the County of _____, Esquire, and C. D., of the _____ of _____ in the County of _____, gentleman, (*if more than one surety is required insert here the names of the others in like manner*), do hereby jointly and severally, for ourselves and for each of our heirs, executors and administrators, covenant and promise that the said A. B., as treasurer of the _____ society (*or association*) shall well and truly account for and pay over to the _____ society, or the person or persons entitled to the same, all moneys which he shall receive by virtue of his said office of treasurer, and that he will faithfully perform the duties of his said office.

Nevertheless it is hereby declared that no greater sum shall be recovered under this covenant against the several parties hereto than as follows, that is to say: against the said A. B. in the whole \$ _____ (*the amount fixed by the board of directors*) against the said C. D. \$ _____ (*the amount fixed by the board of directors*), and if more sureties were required by the board, here add the names and amounts in like manner.

In witness whereof we have set our hands and seals to these presents, this _____ day of _____ A. D. 19 _____

Signed, sealed and delivered in the presence of _____
(Signature)

A. B.
C. D.

No. 196.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Agricultural Societies.

First Reading, 27th March, 1906.

Mr. MONTGOMERY.

TORONTO:

Printed by I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting Agricultural Societies.

HIS 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 Agricultural Societies Act*. Short title.
2. In the construction of this Act; Interpretation.
 - (1) "Department" shall mean "The Department of Agriculture"; Department.
 - (2) "Minister" shall mean "The Minister of Agriculture for the Province of Ontario"; Minister.
 - (3) "Superintendent" shall mean "The Superintendent of Agricultural Societies"; Superintendent.
 - (4) "Society" shall mean any agricultural society formed under this or any previous Agriculture and Arts Act. Society.
3. All agricultural societies organized under *The Agriculture and Arts Act*, shall be continued except in so far as they may be altered or affected by this Act. Societies continued.
4. The Minister may decide all matters of doubt or dispute as to the working or construction of this Act, and his decision shall be final, except that an appeal therefrom may be made to the Lieutenant-Governor in Council. Minister to decide questions arising under Act.
5. The Minister may appoint any person or persons to inspect the books and accounts of any society in the Province receiving Government aid, under or by virtue of this Act, and may empower such person to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to such inspection; and all officers of any such society, whenever required so to do, shall submit the books and accounts thereof to such inspection, and shall truly to the best of their knowledge answer all questions put to them in relation thereto, or to the funds of such society. Inspection.

Organization.

6.—(1) Subject to the provisions of the following subsection an agricultural society, hereafter, may be organized in any section of the Province.

Limitation as to distance from nearest society.

(2) An agricultural society, hereafter, shall not be organized within 20 miles of an existing society, organized under this Act, or under any former Agriculture and Arts Act, *unless* the physical, or other natural conditions of the adjoining country, are such that the formation of such society will not injuriously affect the nearest adjoining society.

Application for permission to organize within 20 miles of another society.

(3) An application for permission to organize a new society at a specified point that is within 20 miles of the headquarters of an existing society, shall be made in writing to the Minister, and shall set forth clearly and fully the facts of the situation, and shall be signed by at least sixty of the persons desirous of forming such society, except in judicial districts or unorganized counties, where the number shall be at least 40. Upon receipt of such application the Minister shall instruct the Superintendent to confer with, and if necessary to call a special meeting of the officers of the existing society whose headquarters are at the point nearest to the point at which it is proposed to form a new society, at which meeting said officers, by resolution, shall place themselves on record as being in favour of or opposed to the granting of said application. Should said resolution favor the granting of said application, then the Minister may, through Order-in-Council, grant permission for the formation of said society. When opposition is expressed to the granting of said application the Superintendent shall call upon the interested existing society, and upon the petitioners to appoint one arbitrator each, and said two arbitrators shall appoint a third arbitrator, and these three arbitrators, thus chosen, shall consider the granting of said application, and make a recommendation on same to the Minister.

Arbitration.

When Minister may decide.

(4) If either the signers of the petition or the officers of the interested existing society refuse to appoint an arbitrator, then the Minister may grant or refuse the application of the signers, as he may deem best.

Deposit to cover expenses.

(5) The parties concerned in all such disputes shall deposit with the Department such moneys as may be required to pay all expenses connected therewith, such payment to be made according to the decision of the arbitrators, or a majority of them.

Mode of organization.

7. The mode of organization shall be as follows:—

Declaration of membership.

(a) A declaration in the form of Schedule A to this Act shall be signed by persons (residing within ten miles of the point designated as the headquarters of the society) desiring to organize a

society under this Act. The number of such persons shall be at least 60, except in the case of societies organized in judicial districts and unorganized counties, where the number shall be at least 40.

- (b) No person shall be considered a member of any society for any year unless he shall have paid at least one dollar into the funds of that society as membership fee for that year. Qualification of members.
- (c) Subject to the by-laws of the society, a firm, or an incorporated company may become a member of any society incorporated under this Act by the payment of the regular fee, but the name of one person only shall in any one year be entered as the representative or agent of such firm or company, and that person only shall exercise the privileges of membership in the society. Firms and companies may be members.
- (d) Within one month after the money has been so paid the said declaration, with the names and addresses of the signers of same, shall be transmitted to the Minister, who shall thereupon authorize a person to call the first meeting for the organization of the society. Transmitting declaration to Minister.
- (e) The first meeting of the society shall be held during the third week of January next ensuing, at the point designated as the headquarters of the society, of which meeting at least two weeks' public notice shall be given by advertisement in one or more newspapers published in the district, and also by printed placards or bills posted in local places of common resort. First meeting.
- (f) At the said first meeting, and at any subsequent meetings of any agricultural society ten members shall constitute a quorum. Quorum.
- (g).—(i) At the said first meeting there shall be elected a president, a first vice-president, a second vice-president, and not more than nine other directors, who shall be duly qualified members of the society, or who must become so within 14 days after their election, and who, together shall form the board of directors, a majority of which board shall reside within ten miles of the place designated as the headquarters of the society. At the said first meeting the society shall appoint two auditors for the ensuing year. Election of officers.

- Directors. (ii) On petition of any society the Minister may authorize the society to elect not more than six persons to act as directors, in addition to those already provided for.
- Honorary directors. (iii) Societies may appoint not more than six honorary directors, but such directors shall not have the right to vote or take part in meetings of the board of directors.
- Secretary and treasurer. (h) The board of directors from among themselves or otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure. The secretary or the secretary treasurer, by virtue of his office, shall be a member of each committee appointed, and *may begin* the power of managing director, acting under the control and with the approval of the board of directors.
- Executive committee. (i) The board of directors, from among themselves, may appoint an executive committee of not more than five members, to whom it may designate such duties as it, by resolution, may specify.
- Report of organization meeting to be sent to Department. (j) A report of the organization meeting, certified by the president, the secretary and the convenor, and containing a statement of the number of members and a list of the officers elected and appointed, shall be sent to the Department within one week after the holding of the meeting.
- Society when organized to be deemed an agricultural society. 8.—(a) Upon the receipt of such report the society so organized shall be deemed an agricultural society, within the meaning of this Act, and shall bear the name designated in the declaration as the headquarters of the society, or by such name as may be determined by the members and approved by the Minister.
- Headquarters of society. (b) For the purpose of this Act, the headquarters of any society organized under any previous Agriculture and Arts Act shall be the place at which the said society held its last annual exhibition, or which it has designated by by-law or resolution, at a meeting duly called for the purpose, as its headquarters or place of holding its exhibition, a certified copy of which by-law or resolution shall be forwarded to the Department and the said society shall hereafter be designated by the name of the said place, or by such name as may be determined by the members and approved by the Minister.

9.—(1) The objects of agricultural societies shall be to promote improvement in agriculture, horticulture, arboriculture, domestic industry, manufacturers and the useful arts; Objects of societies.

- (a) By awarding premiums for live stock (other than grade breeding males) for agricultural or horticultural implements and machinery, for the production of grain and of all kinds of vegetables, plants, flowers, fruits, home manufactures, and generally for excellence in any agricultural or horticultural production or operation, article of manufacture or work of art.
- (b) By organizing plowing matches, holding seed fairs, spring stallion and bull shows, competitions respecting standing crops, and for the best or best managed farms.
- (c) By importing or otherwise procuring for the purpose of owning or distributing pure bred registered animals, and seeds and plants of new and of valuable kinds.
- (d) By promoting the circulation of agricultural periodicals;
- (e) By offering prizes for essays on questions of scientific inquiry relating to agriculture, horticulture, domestic industries, manufactures and the useful arts;
- (f) By taking action to eradicate poisonous and noxious insects and weeds.

(2) Societies that expend any of their funds, no matter how derived, for any purpose inconsistent with those herein mentioned, shall forfeit all claim to the legislative grant. Unauthorized expenditure to forfeit grant.

10.—(1) The annual meetings of the several societies shall be held in the third *week* of January of each year, at the headquarters of the society and at the hour of one o'clock of the afternoon. At any such meeting only those who have paid their subscription for the ensuing year shall be entitled to vote. Annual meetings.

(2) At least two weeks' previous notice of any such meeting shall be given by advertisement in one or more newspapers published in the municipality or municipalities in which the society is organized, and also by printed placards or bills posted in places of common resort, or by sending the same by registered letter, mailed to the last known post office address of each member of the society in good standing, such notices to be mailed at least one week previous, and to state time and place of meeting. Notice of meetings.

When meeting not held at appointed time.

(3) In case any society shall, through any cause, fail to hold its annual meeting at the time appointed, the Minister, on petition of *the President and Secretary*, may appoint a time for holding the same before the first day of *March* in the same year, the meeting to be called as for the regular annual meeting, and this meeting in all particulars shall be taken as the annual meeting of the society.

Forfeiture of grant if meeting not held.

(4) In the event of the annual meeting not being held as provided for in this Act, or in the event of the number of members on the first day of September in any year being less than the number required for organization, the society shall not be entitled to receive any further financial aid from the Legislature of the Province, and shall be deemed to have dissolved, but the directors elected at the last properly constituted meeting of the society prior to the said first day of September shall be deemed to be the trustees of the assets of the society until the same are disposed of by the order of the Minister.

Reorganization

(5) In the case of any society being dissolved or ceasing to exist it can be re-organized only by proceeding under section 7 of this Act and in accordance with section 6.

Surplus assets to be delivered to department on dissolution.

(6) Upon being notified or becoming aware of the dissolution of any society under the provisions of the preceding subsection the Minister may order the directors to deliver over to the Department the assets, if any remaining after all just debts have been paid.

Business at annual meeting.

11. In addition to any other business the following business shall be transacted at the annual meeting :

Report of directors.

(a) The board of directors shall present at such meeting a report of their proceedings for the past calendar year, in which shall be stated the names of all the members of the society, the amount paid by each being set opposite to his name, the amount offered and also the amount awarded in prizes for each kind of live stock, agricultural products, implements, domestic products or other objects respectively, and the number of entries in each class, together with such remarks and suggestions upon the agriculture and horticulture of the district, and the arts and manufactures therein as they are enabled to offer;

Statement of receipts and expenditure.

(b) The board of directors shall present a detailed statement of the receipts and expenditures for the preceding year, also a statement of the assets and liabilities of the society at the end of the year, certified to by the auditors;

Election of officers.

(c) The officers and other directors specified in clause (g) of section 7, and to be qualified as therein

provided, shall be elected by the members, and auditors shall be appointed for the ensuing year.

12. The said reports shall, if approved by the meeting, be placed on permanent record in the books of the society, and shall also be sent within one month to the Department, and the Minister may require all such reports to be made out on schedules to be supplied by the Department in such form as he may direct. Failure to comply with these requirements shall be sufficient to forfeit all claim, on the part of the society, to participation in the legislative grant. Reports to be recorded and filed.

13.—(a) The members of each society may, at an annual meeting or at a special meeting, of which two weeks' previous notice has been given by advertisement in the manner required by subsection 2 of section 10, make, alter and repeal by-laws and regulations for the general management of the society; subject to these by-laws and regulations, the board of directors shall have full power to act for and in behalf of the society, and all grants and other funds of the society shall be received and expended under their direction. By-laws and regulations.

(b) On petition of thirty members of any society, the secretary shall call a special meeting of the society for the consideration of such matters as may be set forth in the petition, the meeting to be advertised as set forth in subsection 2 of section 10, and the advertisements to set forth the nature of the business to be transacted. Special meetings.

14. The first meeting of the board of directors of a society may be held upon the day of the annual meeting, and the subsequent meetings shall be held pursuant to adjournment or be called by written notice given by authority of the president, or, in his absence, of the first vice-president, or in the absence or on the neglect of the president or vice-president, then on the written request of any three of the directors, at least one week before the day appointed, and at any meeting five shall be a quorum. Meetings of board of directors.

15.—(1) All societies now or hereafter organized, shall be bodies corporate, with power to acquire and hold land as a site for fairs and exhibitions and, subject to the approval of a meeting of the society called for the purpose, to sell, mortgage, lease, or otherwise dispose of the same, or any other property held by such Societies. Societies to be bodies corporate.

Notice of meetings to consider disposition of property.

(2) At least two weeks' previous notice of such meeting shall be given by advertisement in one or more newspapers published in the county or district and by printed placard; and at such meeting only those persons shall be entitled to vote who are members for the current year and who were members for the two previous years.

Acquiring site, arbitration to fix price.

(3).—(a) If the owner of the land selected as a site for fairs and exhibitions approved of at a meeting of the society called for that purpose, refuses to sell the same or demands therefor a price deemed unreasonable by the board of directors then such owner and such board of directors shall each forthwith appoint an arbitrator, and the arbitrators so chosen shall appoint a third arbitrator, and such arbitrators or a majority of them shall appraise the damages for such land.

Appointment of arbitrators.

(b) If the directors or the owner of such land selected as a site for fairs and exhibitions, shall neglect or refuse to appoint an arbitrator, the *senior* county judge of the county in which the district lies may appoint an arbitrator on behalf of the party so neglecting or refusing to appoint an arbitrator as aforesaid.

Powers of arbitrators.

(c) The arbitrators so chosen shall have the power to hear and determine all claims or rights of encumbrancers, lessees, tenants or other persons as well as those of the owner of the land required for the purpose of such site for fairs and exhibitions, upon notice in writing to every such claimant or person.

Payment of compensation.

(d) Upon payment of the amount of damages appraised by a majority of the arbitrators appointed as aforesaid, to the owner or other persons entitled thereto by the directors, the land may be taken and used for the purposes aforesaid.

Award to be title to property

(e) Any award for a site for fairs and exhibitions made and published under this Act, if there be no conveyance shall be deemed thereafter to be the title of the society to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever and shall be registered in the proper registry office, on the affidavit of the secretary and treasurer or secretary-treasurer of the directors verifying the same.

Expenses of arbitration.

(f) The parties concerned in all such disputes shall pay all the expenses incurred in them, accord-

to the award or decision of the arbitrators or a majority of them.

(4) The provisions of the foregoing subsections shall be exercised only after consent in that behalf shall have been obtained from the Lieutenant-Governor in Council by Order in Council.

Consent of Lieutenant-Governor to arbitration proceedings.

16. Any township society and town or village municipality that had, prior to the 4th day of March, 1868, jointly purchased and held any lands or buildings for the purpose of agricultural fairs or exhibitions, may continue jointly to hold such lands or buildings, or may sell, mortgage, lease or otherwise dispose of the same, subject to the approval of a meeting of the society as provided in section 15.

Joint Ownership of fair grounds and buildings.

17. Where two or more municipalities have been united under the provisions of any former Agriculture and Arts Act to form a township society, a dissolution of such union society may be effected in the following manner: a petition requesting a dissolution and the organization of new societies shall be signed by a majority of the members residing in any one of the municipalities and shall be forwarded to the Minister, and if the number so signing is equal to the number required for the organization of a new society as in section 7, the Minister shall direct that new societies shall be organized in the manner prescribed in section 7, and the former union society shall thereupon become dissolved and shall cease to exist.

Dissolution of union societies

18. On the dissolution of a union society the assets of the said society shall be equitably apportioned or divided by arbitrators, or a majority of them, one to be appointed by the board of directors of each of the new societies, and another arbitrator to be chosen by the arbitrator so appointed, or in the event of the said arbitrators failing to choose such arbitrator within ten days after being appointed, then the Senior County Judge or the Stipendiary Magistrate having jurisdiction in the district shall appoint such arbitrator. In case of disagreement the matter shall be referred to the Senior Judge of the County or the Stipendiary Magistrate, for final decision.

Disposition of assets on dissolution.

19.—(1) On or before the first day of March of each year, the officers of every society shall send to the Department an affidavit, sworn to before any Justice of the Peace, in the form of Schedule B, annexed to this Act, stating on forms to be provided by the Department, the exact financial transactions of the society during the previous years. This statement shall set forth plainly the number of members in good standing that

Annual returns to department.

belong to the society. This statement shall also give the amount of moneys that were paid in prizes for horses, cattle, sheep, swine, poultry, articles of domestic manufacture, other products of the farm, orchard and garden and that were expended for such other purposes as are set forth in section 9 of this Act. If a spring stallion show, a spring bull show, or a combined spring stallion and bull show, has been held, or a spring seed fair, such statement shall set forth separately and shall show plainly the number of entries, and the amounts expended in prizes. Such moneys shall be considered as having been expended for agricultural purposes.

Failure to send
in returns.

(2) Any society failing to send in this statement within thirty days shall forfeit all claim to a grant for the current year.

Grants of
Provincial
funds.

20. Every society organized under or recognized by this Act, shall be entitled to receive a grant out of the unappropriated moneys in the hands of the Treasurer of the Province, the grant to be paid on the recommendation of the Department, and upon the following conditions:

- (a) That the number of paid-up members for the current year is not less than sixty, except in the case of societies organized in judicial districts or unorganized counties, when the number of paid up members must not be less than forty.
- (b) That all reports and returns required by this Act have been made to the satisfaction of the Minister.
- (c) That the annual meeting has been held as required and officers elected, in accordance with section 11.
- (d) That the objects of the said society as given in section 9, have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with these objects.

Division of
Provincial
grant.

21. An amount not exceeding \$70,000 shall be subject to division among the societies of the Province on the following basis:—

- (a) Societies that have owned and maintained pure bred stock, for the benefit of their members, for a period of at least nine months during the preceding year, shall receive a grant of \$50 for every registered stallion, \$20 for every registered bull, \$10 for every registered boar and \$5 for every registered ram so owned, and a spe-

cial membership grant of one dollar for every member of the society in good standing, up to fifty.

- (b) Societies that hold a spring stallion show, a spring bull show, or a combined spring stallion and bull show shall receive a grant equal to one half the sum expended in the holding of such show, but such sum shall not exceed fifty dollars.
- (c) Societies that hold a spring seed fair shall receive a grant equal to one half the sum expended in the holding of such fair such sum not to exceed twenty-five dollars.
- (d) Newly organized societies, the first three years of their existence, shall receive a grant each year equal to one dollar per member up to 600 members, except in the case of societies organized in judicial districts and unorganized counties where the grant shall be equal to two dollars per member.
- (e).—(i) The remainder shall be divided among the societies of the Province, other than new societies, in proportion to the amount they expended during the preceding three years, for agricultural purposes, as shown by their sworn statements, and as defined in section 19 of this Act, and there shall not be included in such expenditure moneys used for the purchase or maintenance of pure bred stock, for the holding of spring stallion shows, spring bull shows, or combined spring stallion and bull shows or for spring seed fairs.
- (ii) Societies in judicial districts and unorganized counties shall be entitled to receive their grants on the basis of double their actual expenditure for agricultural purposes.
- (f) A society shall not be entitled to receive a total grant exceeding \$800.00.
- (g) Should it be found, within one year after the receipt, by the Department, of a society's annual statement, that an officer or officers of the society, had wilfully made false returns, with an intention to deceive, such officer, or officers shall be liable, upon summary conviction before a Justice of the Peace, to a fine not exceeding \$100 or imprisonment in the common gaol of the county for a period not exceeding thirty days.

Horsing
prohibited.

22.—(1) It shall not be lawful to carry on any horse-racing other than trials of speed under the control and regulation of the officers of the society during the days appointed for holding any exhibition by any society, at the place of holding the exhibition or within five miles thereof.

Penalty.

(2) Any person who is guilty of a violation of this section shall be liable, upon summary conviction before a justice of the peace, to a fine not exceeding \$50, or imprisonment in the common gaol of the county for a period not exceeding thirty days.

Society to forfeit grant.

(3) In case any person is convicted under this section, the society thus proven to have permitted horse-racing shall be debarred from receiving any portion of the legislative grant in the next ensuing year.

Exhibitions.

23.—(1) The exhibition of any society shall be held at the point designated as the head quarters of the society.

Changing
headquarters
of Society.

(2) Whenever the members of any society have by by-law or resolution fixed upon a place as the head quarters of the society, or upon any place or places for holding the exhibition or exhibitions of such society for any year or years, then the place or places so designated shall not be changed to any place within 20 miles of the head quarters of an existing society, but it may be changed to any place not within such radius upon the decision of a majority of the qualified voters as follows;—

(a) A special meeting shall be called by the board of directors, or by thirty members as provided in subsection (b) of section 13, for the expressed purpose of considering the question.

(b) At least two weeks' previous notice of such meeting shall be given by advertisement as in subsection 2 of section 10.

(c) Only paid-up members for the current year who were also members in the previous year shall be qualified to vote.

(d) The meeting shall be called for ten o'clock in the forenoon, and if a poll is demanded it shall be opened at once and remain open until six o'clock, except that it may be closed by the presiding officer of the society if at any time one hour elapses without any vote being polled.

Place of exhibition to have necessary accommodation.

24. The exhibitions of any society shall be held at such place only as shall afford sufficient accommodation for such exhibitions.

25. The board of directors of any association or society organized under this Act, on being made aware of any fraud having been committed by any member or exhibitor in the entry of any stock or goods in competition for prizes at any exhibition, shall have the power of withholding the payment of any prizes that may have been awarded by the judges to such members or exhibitors on such fraudulent or any other entries made at any such exhibition.

Power to withhold prizes when fraud shown.

KEEPING THE PEACE, ETC., AT EXHIBITIONS.

26. Any Justice of the Peace having jurisdiction in any city, town, village or township, wherein a fair or exhibition is or is to be held, shall, on the request of the president or executive committee of any agricultural society, appoint as many policemen or constables as may be required, at the expense of such society, said policemen or constables to be named by such society, whose duty it shall be to protect the property of such society within the exhibition grounds, and to eject all persons who may be improperly within the grounds, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such society.

Appointment of constables.

27. If any person wilfully hinders or obstructs the officers or servants of any agricultural society in the execution of their duty, or gains admission to the said grounds contrary to the rules of such society, he shall be liable to a fine of not less than \$1 nor more than \$20; such fine to be enforced and collected as fines are usually collected, and to be paid over to such society for its use and benefit; and in default of payment the said offender shall be imprisoned in the common gaol for a period of not more than thirty days.

Interfering with officers.

28.—(1) The officers of any such society may by their rules and regulations prohibit and prevent all kinds of theatrical or circus or acrobatic performances, exhibitions or shows, and may also regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandise on the exhibition grounds, or within 300 yards thereof; and any person who, after due notice of such rules and regulations, violates the same shall be liable to be removed by the officers, policemen or constables of said society, and be subject to the penalty prescribed by the next preceding section.

Prohibiting certain shows and performances, etc.

(2) The officers of any such society shall prevent all immoral or indecent shows and all kinds of gambling and all games of chance, including wheels of fortune, dice games, pools, coin tables, draw lotteries or other illegal games at the place of holding the exhibition or fair, or within 300

Duty as to preventing improper shows.

yards thereof, and any association or society permitting the same shall forfeit all claim to any legislative grant during the year next ensuing.

Gambling devices.

(3) The officers of any such board shall not allow any person to exhibit either publicly or to any individual any gambling device or to bring any such gambling device into the buildings or upon the grounds in or upon which the exhibition or fair is being held.

Gambling prohibited.

(4) No person shall carry on, or assist, or aid in carrying on any kind of gambling, or any game of chance, at any agricultural, live stock, or industrial exhibition or fair, or within half a mile thereof.

Sale of Liquor on grounds prohibited.

(5) It shall not be lawful to sell or to have for sale on any exhibition ground during the time of holding an exhibition any wine, beer or spirituous liquors, and any society permitting the same shall forfeit all claim to any grant during the next ensuing year.

Penalty.

(6) Any person violating the provisions of this section shall be liable on summary conviction to a fine of not less than \$20 besides costs, and not more than \$100 besides costs.

Application of section.

(7) This section shall apply to all exhibitions held by societies coming within the above mentioned classes whether incorporated under the said Act or not.

Powers of Dominion and Provincial Constables.

29.—(1) Any Dominion or Provincial constable shall have the right of free entrance to the grounds and to all the buildings on the grounds where a fair or exhibition is being held under the direction of any society or association to which this Act applies, during the time that the fair or exhibition is being held.

Seizing and confiscating gambling devices, etc.

(2) Any constable or other peace officer may, without warning or notice, immediately seize all devices and instruments used by any person in connection with any kind of gambling or games of chance or immoral or indecent side show, and may arrest such person without warrant and take him before the nearest magistrate having jurisdiction, there to be dealt with according to law, and every such device or instrument after the conviction of the person concerned, shall be destroyed under the direction of the magistrate before whom the case is tried.

GENERAL PROVISIONS AS TO ELECTIONS.

Who may vote at meeting.

30. All persons not under eighteen years of age who have paid the membership subscription for the year then next ensuing to any society to which this Act applies, shall have the right of voting at the election of officers, and on all other questions submitted to the annual meetings of such societies.

31. No membership subscription for the ensuing year paid after the president or presiding officer has declared the poll open for the election of officers shall entitle any member to vote for such officers, nor shall any votes be received earlier than one o'clock in the afternoon nor later than six o'clock in the afternoon of the same day. When votes may not be received.

32. Except as otherwise provided, a vacancy occurring by the death or resignation of any officer of an agricultural society organized under this Act may be filled by the remaining officers thereof; and it shall be the duty of such officers, and they are hereby empowered to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if for any reason a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in the next section. Vacancies in offices.

33.—(1) In the event of an election of any officers of a society coming within the provisions of this Act not being held at the time or place herein directed, or being for any reason illegal and void, then the persons in office at the time when such officers should have been elected shall continue to be, and shall be deemed to be, the officers of such society until their successors are legally appointed. Failure to elect.

(2) In the event of any such non-election or illegal election, a special meeting of the members of such society shall be called as soon as practicable for the election of such officers; such meeting to be called (in the manner provided in subsection 2 of section 10) by the president, or, in his absence or on his neglect, by the vice-president, or in the absence or on the neglect of the president and vice-president, then by any three members of the society or other body; and at such meeting the election of officers shall take place, and the persons elected shall thenceforth, until their successors are appointed, be and be deemed to be the officers of such society. Special meetings for elections.

MEETINGS OF DIRECTORS.

34. A special meeting of the directors of any society organized under this Act may be called by the president thereof, or, in his absence or on his neglect, by the vice-president, or, in the absence or on the neglect of the president or vice-president, then by any three members of such body, of which meeting at least seven days' notice shall be given to each member; and, except as otherwise provided for, a majority of the directors of any such body shall be a quorum. Special meeting of directors.

SECURITY BY TREASURER.

Security by
treasurer of
society.

35.—(1) The treasurer of every society organized under this Act before entering upon the duties of his office shall give such security, either by joint or several covenant with one or more sureties, which may be in such form as the board of directors or other managing officers may deem necessary, for the faithful performance of his duties, and especially for the duly accounting for and paying over all moneys which may come into his hands.

Duty of board
as to society.

(2) It shall be the duty of every such board in each and every year to inquire into the sufficiency of the security given by such treasurer and report thereon; and where the same treasurer for any society is re-appointed from year to year his re-appointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any bond or security given to the society for the faithful performance of his duties under such re-appointment shall continue valid as against the parties thereto.

Personal re-
sponsibility for
loss.

(3) Where the officers of a society neglect to obtain proper security they shall become personally responsible for all funds of the society in the possession of the treasurer.

MUNICIPAL AID TO AGRICULTURAL AND OTHER SOCIETIES.

Grants from
municipal
councils.

36.—(1) The municipal council of any city, town, village, county or township in this Province may grant or loan money or grant land in aid of any agricultural society formed within the limits of the municipality, or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such society has made the returns required by this Act to be made to the Minister, provided always that the total amount or value of the money or land heretofore or hereafter granted or loaned by any municipality to an agricultural society under this section shall not exceed, in the case of a city, \$3,000, in the case of a town, \$2,000, and in the case of a village, \$1,000.

Security for
loans from
municipalities.

(2) If such grant is a loan of money to enable the society to acquire lands, such municipality may hold the lands so acquired or may take a mortgage thereon, as security for the amount of such grant until the amount of such grant be repaid to the municipality; and any such grant heretofore made in accordance with the provisions of this Act shall be legal and valid.

(3) Any of the said municipalities owning lands or buildings for public purposes shall have the power to make agreements on such terms and for such periods as they may deem expedient with any company now formed, or hereafter to be formed, under the provisions of chapter 196 of the Revised Statutes of Ontario, 1897, or of any amendment that may be made thereto, or with any agricultural society for the use of such lands or buildings, or either of them, or for the privilege of erecting on said lands (subject to such terms as may be agreed on) such buildings as they may require for agricultural or industrial shows, and to give the said companies the power of renting said grounds and buildings when owned by said company to any agricultural society formed under this Act or any amendment thereto, to and for the purposes of the annual show or shows of said society, and to grant to such company or society the power to collect during said show, or at other times, as may be agreed, from any person wishing to go into or upon any such grounds or buildings, or for any privileges thereon, or for any carriage, wagon or other vehicle, or for any horse or other animal that may be taken thereon, such entrance fee or other charge as the said company or society may deem necessary or expedient.

Agreements as to use of buildings.

37. In addition to the amount divided under section 21 of this Act, a sum not exceeding (\$5,000) five thousand dollars shall be subject to division among The Industrial Exhibition Association of Toronto; The Central Canada Exhibition Association of Ottawa, and The Western Fair Association of London, in proportion to the amount of moneys expended for agricultural purposes as set forth in section 9 of this Act, *provided that not more than \$2,500 be paid to any one society*, upon the following conditions:

Special aid from Province to certain exhibitions.

(a) That returns similar to those required in sections 11 and 19 have been made to the Minister;

(b) That the provisions laid down in section 28 of this Act have been strictly adhered to or enforced in connection with the exhibition held by the society in the previous year.

38. All sections of *The Agriculture and Arts Act* are hereby repealed, in as far as they apply to agricultural societies.

Repeal of certain provisions in Rev. Stat. c. 43.

39. This Act shall come into force on the first day of February, in the year one thousand nine hundred and seven.

Commencement of Act.

SCHEDULE "A."

(Section 7).

* DECLARATION OF ASSOCIATION.

We, whose names are subscribed hereto, agree to form ourselves into a society, under the provisions of *The Agricultural Societies Act*, to be called the agricultural society of (*designating the point that the Department will be asked to recognize as the headquarters of the society*), and we hereby severally agree to pay to the treasurer the sums opposite our respective names; and we further agree to conform to the by-laws and rules of the said society.

Names. _____ \$ cts.

SCHEDULE B.

(Section 19.)

AFFIDAVIT AS TO MEMBERSHIP AND PAYMENTS FOR AGRICULTURAL PURPOSES.

I, _____ of _____ treasurer of the _____ Agricultural Society, make oath and say that during the year ending 31st day of December, 19 _____, the said Agricultural Society expended the sum of _____ dollars, solely for agricultural purposes, as set forth in the audited financial statement of the society, and,

That the number of members of the said society for the present year is _____

Sworn before me this _____ day of _____ 19 _____ } Treasurer.
 Justice of the Peace for _____ }
 the County of _____ }
 or a Commissioner in H.C.J.

SCHEDULE "C."

(Section 28).

Know all men by these presents that we, A. B., treasurer of the _____ society, in the County of _____, Esquire, and C. D., of the _____ of _____ in the County of _____ gentleman, (*if more than one surety is required insert here the names of the others in like manner*), do hereby jointly and severally, for ourselves and for each of our heirs, executors and administrators, covenant and promise that the said A. B., as treasurer of the _____ society (*or association*) shall well and truly account for and pay over to the _____ society, or the person or persons entitled to the same, all moneys which he shall receive by virtue of his said office of treasurer, and that he will faithfully perform the duties of his said office.

Nevertheless it is hereby declared that no greater sum shall be recovered under this covenant against the several parties hereto than as follows, that is to say: against the said A. B. in the whole \$ _____ (*the amount fixed by the board of directors*) against the said C. D. \$ _____ (*the amount fixed by the board of directors*), and if more sureties were required by the board, here add the names and amounts in like manner.

In witness whereof we have set our hands and seals to these presents, this _____ day of _____ A. D. 19 _____
 Signed, sealed and delivered _____
 in the presence of _____
 (Signature)

A. B.
 C. D.



No. 196

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Agricultural Societies.

First Reading, 27th March, 1906;
Second Reading, 12th April, 1906.

*(Re-printed as amended in Committee of the
Whole House.)*

Mr. MONTEITH.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 197.]

BILL.

[1906.

° An Act to amend The Ontario Medical Act.

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

1. Section 27 of *The Ontario Medical Act* is amended by 5 striking out the word “or” where it occurs before the word “Kingston” in the seventh line of the said section, and by adding after the word “Kingston” in the seventh line of the said section the words “and London.”

Rev. Stat.,
c. 176, s. 27,
amended.
Place for
holding exam-
inations.

No. 197.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Ontario Medical Act,

First Reading, 27th March, 1906.

MR. BECK.

TORONTO:

PRINTED BY J. K. CAMERON,

An Act to Incorporate The Independent
Long Distance Telephone Company.

WHEREAS Hillyard Scott Milne, of the Township of ^{Preamble.} Scarborough', in the County of York, Miller; Albert Christian Reesor, of the Township of Markham, in the County of York, Dairyman; Thomas Albert Young, of the Village of Markham, in the County of York, Physician; Andrew Ferrier Wilson, of the same place, Barrister-at-Law; and Charles Duff Scott, of the City of Toronto, in the County of York, Barrister-at-Law, have, by their petition, prayed to be incorporated under the name of "The Independent
10 Long Distance Telephone Company" for the purpose of carrying on a telephone company with the powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

1. The said Hillyard Scott Milne, Albert Christian ^{Incorporation.} Reesor, Thomas Albert Young, Andrew Ferrier Wilson and Charles Duff Scott and such other persons, firms and
20 corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Independent Long Distance Telephone Company."

2. The said company is hereby authorized and empow- ^{Powers of Corporation.}
25 ered to—

(a) Construct, build, own, purchase, lease, extend and ^{Construction of lines.}
maintain a line or lines for and to manage, conduct and carry on a long distance telephone
business and service;

30 (b) Co-operate in giving and conducting such long ^{Co-operating with other companies as to long distance business.}
distance telephone business and service with and interchange and transmit telephonic and

other electrically transmitted messages and communications with and between any person or persons having or conducting an independent telephone system, any municipality or municipalities operating a telephone system, and any independent incorporated telephone company or companies, upon such terms and conditions as may be agreed upon;

Dealing in instruments, etc.

(c) Manufacture, purchase, sell, lease, license or otherwise dispose of and deal in telephone and electrical instruments, apparatus, plant and equipment, and all materials and supplies used by or in connection with a telephone business, and also (but subject to the consent of the municipality in the case of cities, towns and incorporated villages) to construct, equip, operate, sell, lease, or otherwise dispose of local telephone systems and exchanges in any municipality or municipalities in the Province of Ontario;

Contracts with Crown and individuals.

(d) Generally to enter into contracts with the Government of the Province of Ontario, and with any municipality, corporation or individual, in respect of the construction, acquisition or operation of any telephone lines or systems in the Province of Ontario, and for the carrying out of the purposes of the company.

Powers of Company in erecting poles, wires, etc.

3. It shall be lawful for the said company to place, erect, maintain and operate in, along, upon, over, across or under any public highway, roads, streets, lanes, bridges, water-courses or other places, poles, ducts, wires and other necessary plant for the purpose of carrying on its telephone business, subject, however, in the case of cities, towns and incorporated villages only, to the supervision of the municipal council having jurisdiction in which the company's lines may be constructed and operated as hereinafter provided; and where the said company operates a local telephone exchange and service, in addition to its long distance telephone business and service, in any city, town or incorporated village, the said company shall first have and obtain the consent of the council of such city, town or incorporated village to the operation of a local exchange and shall operate such local exchange subject to such terms, for such times, and at such rates and charges, for such local telephone service, as by the council of such city, town or incorporated village shall be granted, limited and fixed for such purposes respectively; Provided, however—

Conditions.

(a) That the company shall not interfere with the public right of travelling on or using such high-

ways, roads, streets, bridges, waters or water-courses;

5 (b) That the company shall not erect, permit, or continue any pole less than twenty-five feet high or affix or continue any wire less than twenty-two feet above the surface of any highway, road, street, bridge, water, or water-courses;

10 (c) That the company shall not erect, permit or continue any wire at a distance less than three feet from any other wire used or intended to be used for the purpose of conveying or conducting electricity or electrical power by any other person or company, including a telephone company;

15 (d) That all poles of the company shall be as nearly as possible straight and perpendicular, and in cities, towns and incorporated villages shall be painted if so required by any by-law of a council having jurisdiction in the premises;

20 (e) That all poles of the company within any township municipality shall be at least six inches in diameter at the top of the same and within all other municipalities shall be at least seven inches in diameter at the top of same;

25 (f) That the lines, plant and work of the company shall be constructed, maintained and operated in such manner as shall cause the least possible injury to, or interference with, (by induction or otherwise) the business and operation of any other telephone system or systems;

30 (g) That in cities, towns and incorporated villages the opening of any highway, road, street or other public place by the company, its workmen or servants, for the erection of poles or for carrying wires underground, shall be done under the direction and supervision of the council engineer, or such other officer as the council of the municipality in which the work is intended to be done shall appoint for such purpose;

35 (h) That the surface of the highway, road, street or other public place shall in all cases be restored to its former condition by and at the expense of the company, and

40 (i) That when in case of fire it shall become necessary for its extinction that the telephone wires should be cut, the cutting under such circumstances of such wires under the direction of the chief engineer or other officer of the fire brigade, shall not entitle the company to demand or claim compensation for damage that may be
45
50 so incurred.

Purchasing
or licensing
other lines.

4. The said company shall have power and authority to purchase or lease for any terms of years from any person or persons, municipality, company or companies, any telephone line or system or any portion or portions of any telephone line or systems, established or to be established in the Province of Ontario, and to acquire running rights over the poles or wires of any such telephone line or systems, and to amalgamate, sell or lease their line or lines, or any portion or portions thereof to any person, corporation, municipality or telephone company, save and except to The Bell Telephone Company of Canada, or any company owned or controlled by, or any person or persons, company or companies, for or on behalf of or otherwise interested in or connected with The Bell Telephone Company of Canada.

5

15

Assisting
subsidiary
companies.

5. The said company shall have power and is hereby authorized to advance money to assist or to form, take stock in and operate any subsidiary company or companies incorporated for the carrying out of one or more of the objects and purposes which the company is hereby authorized to carry on.

Capital stock.

6. The capital stock of the company hereby incorporated shall be \$2,500,000, to be divided into twenty-five thousand shares of \$100 each.

Provisional
directors.

7. The persons named in the first section of this Act shall be the provisional directors of the company and shall have power and authority to open stock books and to procure subscriptions for and allot shares in the capital stock of the company and to make calls upon subscribers.

25

Tenure of office
of provisional
directors.

8. The provisional directors shall hold office until the first general meeting of the shareholders of the company, held after the passing of the Act, which said meeting shall be held as soon as possible after \$50,000 at least of the capital stock shall have been subscribed for; notice of such meeting shall be given by registered letter addressed to each shareholder.

35

Directors,
number of.

9. The board of directors of the said company shall consist of not less than five and not more than fifteen directors.

Head office.

10. The head office of the company shall be at the City of Toronto, but may be changed by by-law duly authorized by the shareholders and approved by Order-in-Council of the Lieutenant-Governor in Council.

40

Annual meet-
ing.

11. The date and place of the annual meeting of the shareholders shall be fixed by the by-laws of the said company.

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12. Aliens shall have equal rights with British subjects Rights of aliens to take and hold stock and to vote, and shall be eligible to office in the company.

13. The several sections of *The Ontario Companies Act* Application of certain provisions of Rev. Stat., c.19. numbered from 17 to 22, and from 24 to 81, and from 83 to 97, and from 103 to 106, inclusive, and all amendments thereof shall be incorporated with and deemed part of this Act, and shall apply to the company, except only so far as they may be inconsistent with the express enactments Application of certain provisions of Rev. Stat., c.19. hereof; and the expression "this Act" when used herein shall be understood to include the said clauses of *The Ontario Companies Act* and every Act in amendment thereof so incorporated with this Act.

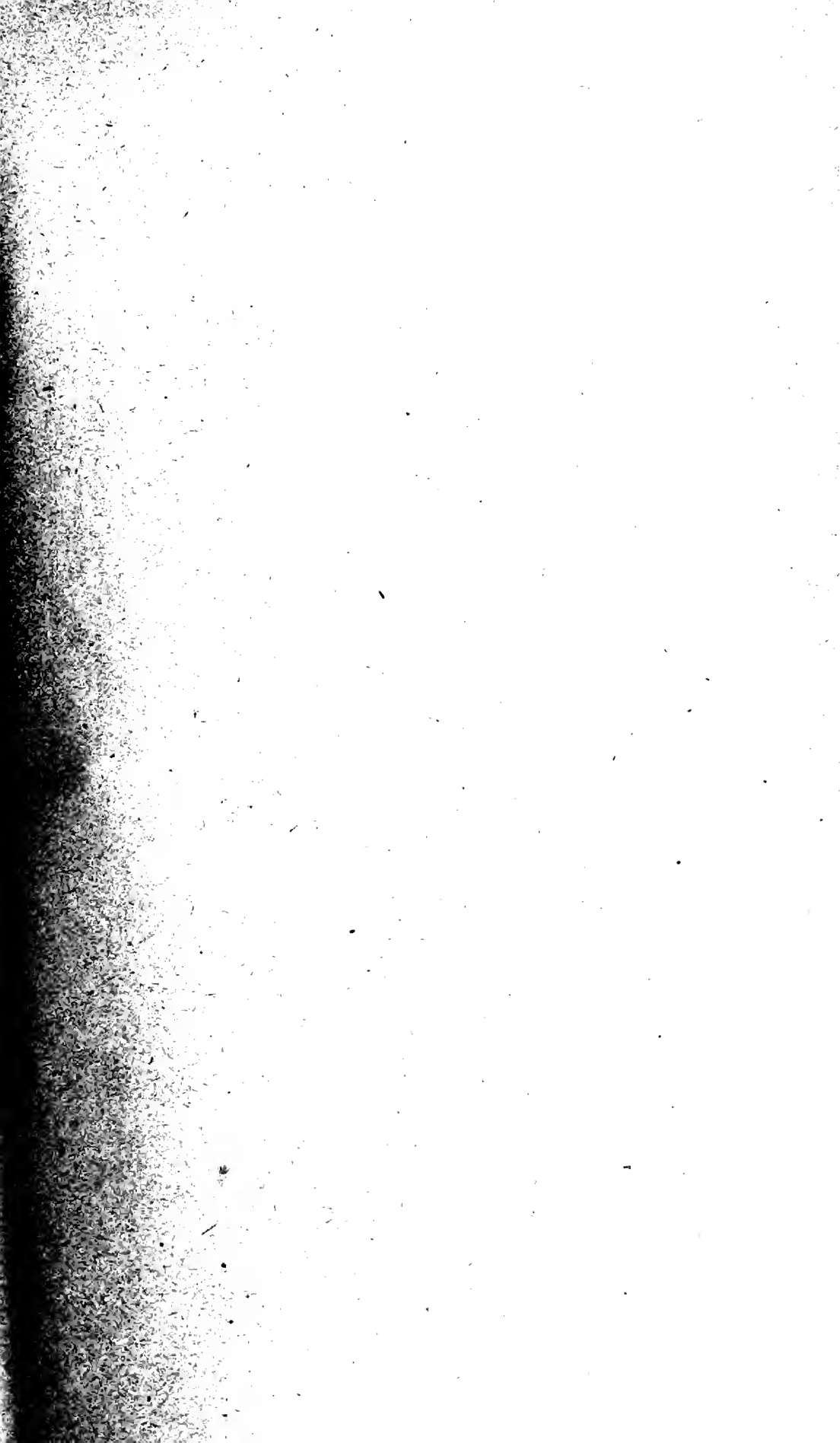
14. Notwithstanding the provisions contained in section Powers exercised under 3 Edw.VII, c. 19, not to interfere with company. 331 of *The Consolidated Municipal Act, 1903*, and any amendments thereto, and notwithstanding any agreement entered into between any municipality and any telephone company for an exclusive right within the said municipality under said section 331, the company shall be at liberty and authority is hereby given enabling the company to erect, place, maintain and operate all poles, ducts, wires, lines and plant in such municipality for the purposes of its long distance business and service, and to purchase or lease and maintain stations and offices in such municipality for such long distance service and business; any agreement as aforesaid entered into under section 331 of the said *The Consolidated Municipal Act, 1903*, shall be subject to the powers conferred by this Act and the provisions hereof.

15. It shall be lawful for the said company to trim as Trees on highways. far as necessary any trees growing upon, over or along the public highway, streets, roads or other public places, subject to the supervision of the municipality in which such public highway, street, road or place is situated, wherever such trees interfere with the proper operation of the company's long distance wires and lines.

16. Any incorporated independent telephone company Other companies may take stock. may and is hereby authorized and empowered to subscribe for and hold shares of the capital stock of this company and to invest in, purchase and hold bonds or other securities of this company.

17. The company shall give telephonic connection with Company to give connections at reasonable rates. the trunk lines and long distance system owned and operated by the company to any person or persons, municipality or incorporated company, owning and operating any independent local telephone system solely on such terms, conditions and charges as shall be reasonable.





No. 198.

6 Edward VII., 1906.
2nd Session, 11th Legislature,

BILL.

An Act to Incorporate the Independent
Long Distance Telephone Company.

First Reading, 30th March, 1906.

Mr. FERGUSON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to Incorporate The Provincial
Long Distance Telephone Company.

WHEREAS Hillyard Scott Milne, of the Township of Preamble.
Scarboro', in the County of York, Miller; Albert
Christian Reesor, of the Township of Markham, in the County
of York, Dairyman; Thomas Albert Young, of the Village
of Markham, in the County of York, Physician; Andrew
Ferrier Wilson, of the same place, Barrister-at-Law; and
Charles Duff Scott, of the City of Toronto, in the County
of York, Barrister-at-Law, have, by their petition, prayed
to be incorporated under the name of "The *Provincial*
Long Distance Telephone Company" for the purpose of
carrying on a telephone company with the powers here-
inafter set forth; and whereas it is expedient to grant the
prayer of the said petition;

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

1. The said Hillyard Scott Milne, Albert Christian Incorporation.
Reesor, Thomas Albert Young, Andrew Ferrier Wilson
and Charles Duff Scott and such other persons, firms and
corporations as shall hereafter become shareholders in the
said company are hereby constituted a body corporate and
politic under the name of "The *Provincial* Long Distance
Telephone Company."

2. The said company is hereby authorized and empow- Powers of Cor-
ered to— poration.

(a) Construct, build, own, purchase, lease, extend and Construction
maintain a line or lines for and to manage, con- of lines.
duct and carry on a long distance telephone
business and service;

(b) Co-operate in giving and conducting such long dis- Co-operation
tance telephone business and service with and with other
interchange and transmit telephonic messages companies as to
long distance
business

and communications with and between any person, municipality or company operating a telephone business upon such terms and conditions as may be agreed upon. **71**

Dealing in instruments, etc.

(c) Manufacture, purchase, sell, lease, license or otherwise dispose of and deal in telephone and electrical instruments, apparatus, plant and equipment, and all materials and supplies used by or in connection with a telephone business.

Local telephone systems.

15 (d) As contractors and subject to the consent of the municipality to construct, equip, sell, lease or otherwise dispose of local telephone systems and exchanges in municipality or municipalities in the Province of Ontario. **71**

Contracts with Government, Municipalities, etc.

15 (e) Generally and subject to the provisions of this Act to enter into contracts with the Government of the Province of Ontario, and with any municipality, corporation or individual, in respect of the construction, acquisition or operation of any telephone lines or systems in the Province of Ontario, and for the carrying out of the purposes of the company. **71**

Operating on or over highways in municipalities.

15 3. With the consent of the council of any municipality to be expressed by by-law, and under and subject to such terms and conditions as may be agreed upon between the company and such council, or in case the council of the municipality shall neglect or refuse to give such consent, or in case the terms and conditions imposed by the council are not accepted by the company, then with the consent of the Ontario Railway and Municipal Board and upon such terms and conditions as the Board may impose upon the municipality, and the company after hearing the municipal corporation, the company (and any other company or individual affected, in case such municipality has heretofore entered into an agreement with such other company or individual by which the exclusive right to carry on a telephone business has been granted to such company or individual), the company may place, erect, maintain and operate in, along, upon, over, across or under any public highway, street, lane, bridge, watercourse or other public communication in such municipality, poles, ducts, wires and other necessary plant for the purpose of carrying on its telephone business, notwithstanding the terms of any agreement heretofore entered into between the corporation of such municipality and any company or individual under the provisions of section 331 of *The Consolidated Municipal Act, 1903*, and any amendments thereto; **71**

3 Edw. VII., c. 19.

Proviso.

15 Provided, however, that unless and until the company has obtained the consent by by-law of, and entered into an

agreement with the corporation of a municipality the company shall not construct or operate a local telephone system and business or construct more than one conduit or pole line or operate more than one telephone exchange or office in connection with its long distance business in such municipality, and

Provided that in case any other company or any individual is carrying on a telephone business in such municipality under an agreement heretofore entered into with the corporation thereof by which the exclusive right to carry on such business has been granted to such company or individual the company hereby incorporated shall *only carry on a long distance service and shall not carry on a local telephone system and business in the municipality during the continuation of such agreement, and provided*

- (a) That the company shall not interfere with the public right of travelling on or using such highways, roads, streets, bridges, waters or water-courses;
- (b) That the company shall not erect, permit, or continue any pole less than twenty-five feet high or affix or continue any wire less than twenty-two feet above the surface of any highway, road, street, bridge, water, or water-courses;
- (c) That the company shall not erect, permit or continue any wire at a distance less than three feet from any other wire used or intended to be used for the purpose of conveying or conducting electricity or electrical power by any other person or company, including a telephone company;
- (d) That all poles of the company shall be as nearly as possible straight and perpendicular, and in cities, towns and incorporated villages shall be painted if so required by any by-law of a council having jurisdiction in the premises;
- (e) That all poles of the company within any township municipality shall be at least six inches in diameter at the top of the same and within all other municipalities shall be at least seven inches in diameter at the top of same;
- (f) That the lines, plant and work of the company shall be constructed, maintained and operated in such manner as shall cause the least possible injury to, or interference with, (by induction or otherwise) the business and operation of any other telephone system or systems;
- (g) That in cities, towns and incorporated villages the opening of any highway, road, street or other

public place by the company, its workmen or servants, for the erection of poles or for carrying wires underground, shall be done under the direction and supervision of the council engineer, or such other officer as the council of the municipality in which the work is intended to be done shall appoint for such purpose;

- (h) That the surface of the highway, road, street or other public place shall in all cases be restored to its former condition by and at the expense of the company, and
- (i) That when in case of fire it shall become necessary in the opinion of the chief engineer or other officer of the fire brigade for the extinction of a fire that the telephone wires should be cut, the cutting under such circumstances shall not entitle the company to demand or claim compensation for damages that may be so incurred.

Purchasing
or licensing
other lines.

4. The said company shall have power and authority to purchase or lease for any terms of years from any person or persons, municipality, company or companies, any telephone line or system or any portion or portions of any telephone line or systems, established or to be established in the Province of Ontario, and to acquire running rights over the poles or wires of any such telephone line or systems, and to amalgamate *with* or sell or lease their line or lines, or any portion or portions thereof to any person, corporation, municipality or telephone company, save and except to The Bell Telephone Company of Canada, or any company owned or controlled by, or any person or persons, company or companies, for or on behalf of or otherwise interested in or connected with The Bell Telephone Company of Canada.

Assisting
subsidiary
companies.

5. The said company shall have power and is hereby authorized to advance money to assist or to form, take stock in and operate any subsidiary company or companies incorporated for the carrying out of one or more of the objects and purposes which the company is hereby authorized to carry on.

Capital stock.

6. The capital stock of the company hereby incorporated shall be \$2,500,000, to be divided into twenty-five thousand shares of \$100 each.

Provisional
directors.

7. The persons named in the first section of this Act shall be the provisional directors of the company and shall have power and authority to open stock books and to procure subscriptions for and allot shares in the capital stock of the company and to make calls upon subscribers.

8. The provisional directors shall hold office until the first general meeting of the shareholders of the company, held after the passing of the Act, which said meeting shall be held as soon as possible after \$50,000 at least of the capital stock shall have been subscribed for; notice of such meeting shall be given by registered letter addressed to each shareholder.

Tenure of office
of provisional
directors.

9. The board of directors of the said company shall consist of not less than five and not more than fifteen directors.

Directors,
number of

10. The head office of the company shall be at the City of Toronto.

Head office.

11. The date and place of the annual meeting of the shareholders shall be fixed by the by-laws of the said company.

Annual meet-
ing.

12. Aliens shall have equal rights with British subjects to take and hold stock and to vote, and shall be eligible to office in the company.

Rights of aliens

13. The several sections of *The Ontario Companies Act* numbered from 17 to 22, and from 24 to 81, and from 83 to 97, and from 103 to 106, inclusive, and all amendments thereof shall be incorporated with and deemed part of this Act, and shall apply to the company, 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 said clauses of *The Ontario Companies Act* and every Act in amendment thereof so incorporated with this Act.

Application
of certain pro-
visions of
Rev. Stat., c.19:

14. By-laws hereafter passed by the council of any municipality and agreements hereafter entered into between any municipality and any telephone company or individual granting an exclusive right within such municipality under section 331 of *The Consolidated Municipal Act, 1903*, shall be and be deemed to be subject to the rights of this company under section 3 hereof for the construction and operation of a long distance line and business. Provided that unless the company shall, within one year after the passing of this Act, satisfy the Ontario Railway and Municipal Board that the sum of \$200,000 has been expended in actual work of construction, and shall obtain and file in the office of the Provincial Secretary a certificate of the said Board to that effect, this section shall be of no further force and effect, and shall be deemed to be repealed after the expiration of said one year.

Powers exer-
cised under
3 Edw. VII.
c. 19, not to
interfere with
company.

15. It shall be lawful for the said company to trim as far as necessary any trees growing upon, over or along the public highway, streets, roads, or other public places

Trees on
highways.

wherever such trees interfere with the proper operation of the company's long distance wires and lines, subject to the consent of and under the supervision of the municipality in which such public highway, street, road, or place is situate or the officer appointed by the municipality for such purposes. ❧

Other companies may take stock.

16. Any incorporated telephone company may and is hereby authorized and empowered to subscribe for and hold shares of the capital stock of this company and to invest in, purchase and hold bonds or other securities of this company.

Company to give connections at reasonable rates.

17. The company shall give telephonic connection with the trunk lines and long distance system owned and operated by the company to any person or persons, municipality or incorporated company, owning and operating any local telephone system solely on such terms, conditions and charges as ❧ may be agreed upon, and in case of disagreement as may be, determined by the Ontario Railway and Municipal Board. ❧

Regulation of rates and charges by Railway and Municipal Board.

❧ 18. The rates and charges for messages from any person in one municipality to any other person in another municipality, commonly known as long distance messages, may be increased or diminished by order of the Ontario Railway and Municipal Board, upon the application of the company or any interested municipality, *or any person*, and thereafter the rates so ordered shall be the rates charged by this company until again similarly adjusted by the Board. ❧

"Long Distance Line," meaning of.

❧ 19. A long distance line or service shall mean any trunk line or service connecting a trunk line office or station in a municipality with a trunk line office or station in another municipality, but shall not include ❧ the sending out of any telephonic message by wire from any trunk line or other office in the ❧ municipality to any other point within the same municipality. ❧

Act to be deemed repealed if \$200,000 not spent in two years.

❧ 20. Unless the company shall, within two years after the passing of this Act, satisfy The Ontario Railway and Municipal Board that the sum of \$200,000 has been expended by the company in actual work of construction, and shall obtain from the said Board and file in the office of the Provincial Secretary a certificate to that effect, the powers by this Act conferred upon the company shall cease and determine. and this Act shall be deemed to be repealed. ❧

No. 198.

6 Edward VII., 1906.
2nd Session, 11th Legislature,

BILL.

An Act to Incorporate the Provincial
Long Distance Telephone Company.

First Reading, 30th March, 1906.

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

Mr. FERGUSON

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Act respecting Conditional Sales of Chattels.

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

1. The Act to amend *The Act respecting Conditional Sales of Chattels* is amended by adding thereto the following as section 2a:—

Rev. Stat.
c. 149,
amended.

2a. Receipt notes, hire receipts and orders for chattels given by bailees of chattels other than manufactured goods and chattels, where the condition of the bailment is such that the possession of the chattel passes without any ownership therein being acquired by the bailee until the payment of the purchase or consideration money or some stipulated part thereof shall only be valid as against subsequent purchasers or mortgagees without notice in good faith for valuable consideration, provided that the bailor or vendor within ten days from the execution of the receipt note, hire receipt order or other instrument, evidencing the bailment or conditional sale given to secure the purchase money or a part thereof shall file with the clerk of the County Court of the County in which the bailee or conditional purchaser resided at the time of the bailment or conditional purchase a copy of the said receipt note, hire receipt or order other instrument evidencing the bailment or conditional sale, and no such bailment shall be valid as against such subsequent purchaser, or mortgagee as aforesaid, unless it is evidenced in writing signed by the bailee or his agent.

Receipt notes for chattels other than manufactured goods to be filed in Office of County Court Clerk to be valid as against subsequent purchasers.

2. Subsection 1 of section 6 of the said Act is amended by striking out the word "manufactured" in the fourth and fifth lines thereof.

3. Section 8 of the said Act is amended by adding the words "and keeping" after the word "taking" in the eighth line of the said section.

Rev. Stat. c.
149, s. 6, sub-s.
1, amended.

No. 199.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act respecting Con-
ditional Sales of Chattels.

First Reading, 29th March, 1906.

Mr. DUFF.

TORONTO:

PRINTED BY I. K. CAMERON,

Printer to the King's Most Excellent Majesty

An Act to amend The Act respecting Conditional Sales of Chattels.

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

1. The Act to amend *The Act respecting Conditional Sales of Chattels* is amended by adding thereto the following as section 2a:—

Rev. Stat.
c. 149,
amended.

2a. Receipt notes, hire receipts and orders for chattels given by bailees of chattels other than manufactured goods and chattels, where the condition of the bailment is such that the possession of the chattel passes without any ownership therein being acquired by the bailee until the payment of the purchase or consideration money or some stipulated part thereof shall only be valid as against subsequent purchasers or mortgagees without notice in good faith for valuable consideration, provided that the bailor or vendor within ten days from the execution of the receipt note, hire receipt order or other instrument, evidencing the bailment or conditional sale given to secure the purchase money or a part thereof shall file with the clerk of the County Court of the County in which the bailee or conditional purchaser resided at the time of the bailment or conditional purchase a copy of the said receipt note, hire receipt or order other instrument evidencing the bailment or conditional sale, and no such bailment shall be valid as against such subsequent purchaser, or mortgagee as aforesaid, unless it is evidenced in writing signed by the bailee or his agent.

Receipt not for chattel other than manufactured goods to be filed in Office of County Court Clerk, be valid as against subsequent purchasers.

2. Subsection 1 of section 6 of the said Act is amended by striking out the word "manufactured" in the fourth and fifth lines thereof.

3. Section 8 of the said Act is amended by adding the words "and keeping" after the word "taking" in the eighth line of the said section.

Rev. Stat.
149, s. 6, s.
1, amended.

4. This Act shall not affect or apply to any such receipt note, hire receipt, or order for chattels made or given prior to the 1st day of January, 1907.

Applicati
Act.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act respecting Con-
ditional Sales of Chattels.

First Reading, 29th March, 1906.
Second Reading, 4th April, 1906.

*(Reprinted as amended by the Legal Com-
mittee.)*

Mr. DUFF.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty

An Act to amend The Act respecting Conditional
Sales of Chattels.

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

1. Section 1a of *The Act respecting Conditional Sales of Chattels*, enacted by section 2 of the Act passed in the third year of His Majesty's reign, Chaptered 13, is repealed and the following substituted therefor:—

1a. No proviso, condition, stipulation, agreement or statement which provides for the place of trial of any action, matter or other proceeding shall, subject to the provisions hereinafter set out, be of any force or effect.

Rev. Stat.
c. 149,
amended.
Agreement,
etc., as to
place of trial,
effect of.

(1) The provisions of this section shall not be available in any Division Court action or proceeding unless and until the defendant within the time limited for disputing the plaintiff's claim or within such further time as the judge of the court in which the action or proceeding is commenced shall allow, files with the clerk of the court out of which the summons issued, or wherein the proceedings were commenced, a notice disputing the jurisdiction of such court and an affidavit of the plaintiff or his agent stating that in his belief there is good defence to the action on the merits, and further stating the Division Court wherein the cause of the action arose, or partly arose, and the defendant resides.

(2) The provisions of this section shall not apply to or be available in any action, matter or proceeding commenced or pending in any other court than a division court unless and until the defendant therein shall make a motion to change the venue or place of trial according to the practice of such court.

Rev. Stat.
c. 149,
amended.

2. The Act to amend *The Act respecting Conditional Sales of Chattels* is amended by adding thereto the following as section 2a:—

Receipt notes
for chattels
other than
manufactured
goods to be
filed in Office
of County
Court Clerk to
be valid as
against sub-
sequent pur-
chasers.

2a. Receipt notes, hire receipts and orders for chattels given by bailees of chattels other than manufactured goods and chattels, where the condition of the bailment is such that the possession of the chattel passes without any ownership therein being acquired by the bailee until the payment of the purchase or consideration money or some stipulated part thereof shall only be valid as against subsequent purchasers or mortgagees without notice in good faith for valuable consideration, provided that the bailor or vendor within ten days from the execution of the receipt note, hire receipt order or other instrument, evidencing the bailment or conditional sale given to secure the purchase money or a part thereof shall file with the clerk of the County Court of the County in which the bailee or conditional purchaser resided at the time of the bailment or conditional purchase a copy of the said receipt note, hire receipt or order other instrument evidencing the bailment or conditional sale, and no such bailment shall be valid as against such subsequent purchaser, or mortgagee as aforesaid, unless it is evidenced in writing signed by the bailee or his agent.

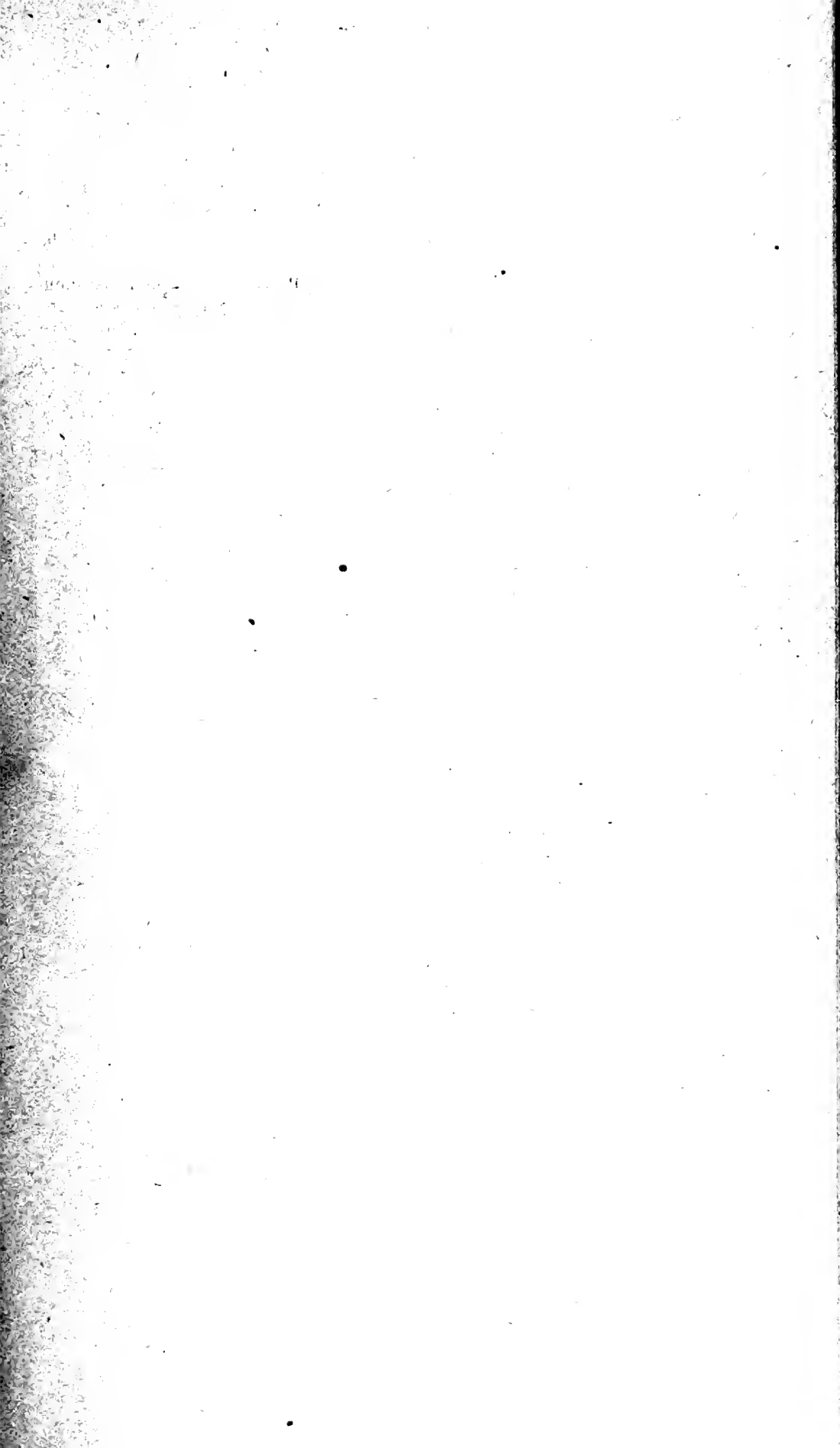
Rev. Stat. c.
149, s. 6, sub-s.
1, amended.

3. Subsection 1 of section 6 of the said Act is amended by striking out the word "manufactured" in the fourth and fifth lines thereof.

Application of
Act.

4. Section 8 of the said Act is amended by adding the words "and keeping" after the word "taking" in the eighth line of the said section.

5. Sections 2, 3 and 4 of this Act shall not affect or apply to any such receipt note, hire receipt, or order for chattels made or given prior to the 1st day of January, 1907.



No. 199.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act respecting Con-
ditional Sales of Chattels.

First Reading, 29th March, 1906.
Second Reading, 4th April, 1906.

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

Mr. DUFF.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The High Schools Act.

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

1. *The High Schools Act* is amended by adding thereto the following section:—

¹ Edw. VII.,
c. 40,
amended.

33a. The Department of Education shall on or before the 1st day of March of each year furnish to the clerks of every county or union of counties within the Province, and to the secretary of every board of trustees of every high school within the Province, a statement in writing showing the average cost of maintenance per pupil of all the pupils attending the high schools within the Province for the past year after deducting from the total cost of maintenance for all pupils attending such high schools the various Legislative grants apportioned by the Minister of Education towards the maintenance of such high schools.

Statement of
average cost of
maintenance
to be furnished
to county
councils and
secretary of
boards.

2. Section 34 of the said Act as amended by sections 1 and 2 of chapter 33 of the statutes of 1903 is repealed and the following section substituted therefor:—

¹ Edw. VII.,
c. 40, s. 34,
repealed.

34.—(1) Where the cost of maintenance of county pupils at any high school exceeds the Legislative grant apportioned by the Minister of Education and the fees received from county pupils, the county shall in lieu of the equivalent of the Legislative grant be liable to pay for each county pupil attending such high school for the year or proportion of the year which he has so attended an amount equal to the average cost of maintaining a pupil at a high school in Ontario, as shown by the statement to be furnished by the Department, as in section 33a of this Act provided for, after deducting therefrom the fees paid by such pupil.

Liability to
contribute to
maintenance of
county pupils.

Maintenance of
county pupils.

(2) Any municipality not included in a high school district of the county may provide for the payment of its share of the maintenance of county pupils by assessment upon the ratepayers of the municipality. The amount payable in such case shall be in the proportion which the equalized assessment of the municipality bears to the equalized assessment of the municipalities of the county not included in any high school district. When any rate is levied as aforesaid then such municipality shall not be liable except as provided in section 36 for any other rates for high school purposes, and all moneys so collected shall be paid to the county treasurer on or before the 15th day of December in each year.

Notice to
trustees and
county that
high school to
be open to
county
pupils.

(3) Where, owing to distance or to convenience for transportation, the inspector of public schools of any county deems it desirable that county pupils resident in such county within certain areas named by him should attend a high school in a city or town separated from the county which is nearer or more accessible to such pupils than any high school of the county, he may direct by notice in writing to the trustees of the high school in such city or town, and to the county council, that the high school of such city or town shall be open to county pupils within such area upon the same terms as high schools in municipalities but separated from the county, and thereupon and until the said inspector shall otherwise direct the county council shall pay for each pupil from such area attending such high school a sum equal to eighty per cent. of the amount to be paid for a county pupil as provided for in subsection 1 of this section.

Schools in
adjacent
county.

(4) Where owing to distance or to convenience for transportation the inspector of public schools of any county deems it desirable that county pupils resident in such county within a certain area to be named by him should attend a high school in an adjacent county, he may direct by notice in writing to the trustees of such high school and to the council of the county in which such area is situate that such high school shall be open to pupils within such defined area upon the same terms as to county pupils from such adjacent county and thereupon and until the said inspector shall otherwise direct the council of the county in which such area is situate shall pay to the trustees of such high school in such adjacent county for each pupil attending such high school from such area a sum equal to sixty-five per cent. of the amount to be paid for a county pupil as provided for in subsection 1 of this section.

Appeal to
county judge.

(5) in case of any dispute between any county and any board of high school trustees or between any county and

any other county as to the amount payable to any board of high school trustees from any county or to any one county by any other county under this Act the same shall be referred to the judge of the county in which the pupils whose
5 fees are in question is situate and the said judge shall hear and determine the matter upon such evidence as to him may seem applicable, and his decision shall be final and conclusive between the parties, and he may direct that the costs of the reference to him shall be borne by the
10 parties thereto in such manner as he shall direct.

No. 200.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend the High Schools Act

First Reading, 30th March, 1906.

Mr. CRAIG.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting Mines.

HIS 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 Mines Act, 1906*. Short title.
5 R.S.O. 1897, c. 36, s. 1.

GENERAL PROVISIONS.

INTERPRETATION.

2. Where the following words occur in this Act, and Interpretation. in Orders-in-Council or regulations under it, they shall be construed in the manner herein mentioned, unless a contrary intention appears:

(1) "Agent," when used in relation to any mine, shall mean any person having, on behalf of the owner, care or direction of any mine, or of any part thereof, and shall include "manager" and "superintendent." R.S.O. 1897, c. 36, s. 2 (11). "Agent."

(2) "Crown lands" shall include all Crown lands, School lands or Clergy lands not in the actual use or occupation of the Crown, or of any public Department of the Government of the Dominion of Canada, or of this Province, or of any officer or servant thereof, and not under lease or license of occupation from the Crown or the Minister of Lands and Mines, and as to which no adverse claim exists which is subsequently recognized by the Minister of Lands and Mines. R.S.O. 1897, c. 36, s. 2 (4). "Crown lands."

(3) "Department" means and includes the Department of Lands, Forests and Mines of the Province of Ontario. "Department."
(*New.*)

(4) "In place" shall mean the place or position in which a vein, lode or other deposit of mineral or minerals was ori- "In place."

ginally formed or deposited, as distinguished from loose, fragmentary or broken rock, boulders or float, and from a bed or deposit of gold- or platinum-bearing sand, earth, clay or gravel. (*New.*)

- "Inspector." (5) "Inspector" shall include any inspector appointed⁵ under this Act, and whether for a Mining Division or any part thereof, or for the Province. R.S.O. 1897, c. 36, s. 2 (12).
- "Licensee." (6) "Licensee," "holder of a mining license," means and includes the person, registered partnership or company¹⁰ named in a miner's license duly issued under the provisions of this Act, while said miner's license or any renewal thereof is in force and unexpired and not cancelled or revoked under this Act. (*New.*)
- "Minister." (7) "Minister" means and includes the Minister or Act-¹⁵ ing Minister for the time being of the Department of Lands, Forests and Mines of the Province of Ontario. (*New.*)
- "Machinery" (8) "Machinery" shall include steam or other engines, boilers, furnaces, stamps or other crushing apparatus, wind-²⁰ ing or pumping gear, chains, trucks, tramways, tackle, blocks, ropes or tools, and all appliances of whatsoever kind used in or about or in connection with the mine. R.S.O. 1897, c. 36, s. 2 (9).
- "Mine." (9) The noun "mine" shall include every shaft sunk or in the course of being sunk, and every adit, level and²⁵ inclined plane driven or in the course of being driven for commencing or opening or working any mine, or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways and sidings,³⁰ both below ground and above ground, in and adjacent to a mine, and any such shaft, level and inclined plan belonging to any mine to which this Act applies, together with all rocks, soils, or strata containing any ore or valuable mineral, and all roast yards, smelting furnaces and other places where the work of mining or the crushing, reduc-³⁵ ing, smelting, refining or otherwise treating of ore or mineral may be carried on, and all borings, holes or wells put down for searching for or procuring any mineral or mineral substance. R.S.O. 1897, c. 36, s. 2 (1).
- "Mine,"
"mining." (10) The verb "mine" and the participle "mining"⁴⁰ shall include any mode or method of working whatsoever whereby the soil or earth or any rock, stone or quartz may be disturbed, removed, carted, carried, washed, sifted, roasted, smelted, refined, crushed or otherwise dealt with for the purpose of obtaining any metal or mineral⁴⁵ therefrom, whether the same may have been previously disturbed or not. R.S.O. 1897, c. 36, s. 2 (2).

(11) "Mining Division" shall include any tract of country declared or proclaimed by Order-in-Council to be a Mining Division under this Act. R.S.O. 1897, c. 36, s. 2 (3). ^{"Mining Division."}

5 (12) "Mining rights" shall mean the ores, mines and minerals on or under any land where the same are or have been dealt with separately from the surface of the land. R.S.O. 1897, c. 36, s. 2 (6). ^{"Mining rights."}

10 (13) "Mining lands" shall mean and include all lands and mining rights patented or leased under or by authority of any statute, regulation, Act, or Order in Council at any time in force in Ontario, respecting mines or mining lands, and likewise all lands used for mining purposes. ^{"Mining lands."}

15 (14) "Official," "officer," means and includes the Deputy Minister of Mines, the Provincial Geologist, the Provincial Assayer, the Inspectors, Mining Recorders and other officials for the time being duly appointed under this Act. (*New.*) ^{"Official," "officer"}

20 (15) "Owner" when used in relation to any mine, or mining land or mining rights shall include every person, registered or unregistered partnership or body corporate, who is the immediate proprietor or lessee or occupier of any mine, or of any part thereof, or of any land located, patented or leased as mining land under this or any other Act or law of, or applicable to, this Province, now or heretofore in force, relating to mines, minerals or mining, but shall not include a person, registered or unregistered partnership or body corporate who merely receives a royalty, rent or fine from a mine or mining land, or is merely the proprietor of a mine or mining land subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the ore or minerals thereon. R.S.O. 1897, c. 36, s. 2 (10). ^{"Owner."}
Amended.

35 (16) "Patent" shall mean a Crown grant and shall be deemed in the case of a mining claim, or a special mining claim, to include the fee simple or any less portion thereof expressly stated, and in the case of mining rights to include all the Crown title in the mines, ores and minerals thereof, together with, unless therein otherwise expressly stated, all necessary rights of way and also water (if any) essential to the due working thereof. (*New.*) ^{"Patent."}

45 (17) "Placer mining claim" shall mean any natural stratum or bed of earth, gravel or cement mined for gold or other precious minerals or stones. (*New.*) See R.S. B.C. chap. 136, s. 2. ^{"Placer mining claim."}

(18) "Prescribed" refers to the direction contained in an Order-in-Council or an Order or regulation made by the Minister or Mining Commissioner under the authority of this Act. (*New.*) ^{"Prescribed."}

"Shaft."

(19) "Shaft" shall include pit, and "plan" shall include a map or section, and a correct copy or tracing of any original plan as so defined. R.S.O. 1897, c. 36, s. 2 (8).

"Stake,"
"post."

(20) "Stake", "post" shall mean a stake standing not less than four feet above the ground, and squared or faced 5 on four sides for at least one foot from the top, and each side so squared or faced shall measure at least four inches on its face so far as squared or faced, and any stump or tree cut off and squared or faced to the above height or size; provided when the survey is made the centre of the 10 tree or stump where it enters the ground shall be taken as the point to or from which measurement shall be made. (New.) (See R.S.B.C., 1897, c. 18, s. 2.)

"Surface rights."

(21) "Surface rights" shall mean lands granted, leased or located for agricultural or other purposes and in re-15 spect of which the ores, minerals and mines thereupon or under the surface thereof are by statute, the patent or lease, or otherwise, reserved to the Crown. R.S.O. 1897, c. 36, s. 2 (5).

"Valuable mineral."

(22) "Valuable mineral" shall mean a vein, lode or 20 other deposit of mineral or minerals in place, containing such quantities of mineral or minerals, other than limestone, marble, clay, marl, peat, or any building stone, as to make it probable that the said vein, lode or other deposit is capable of being developed into a workable mine. 25 (New.)

"Water power."

(23) "Water-power" shall be deemed to include not only the land under water at a fall or rapid, but also the land adjoining such water to the extent of one chain on every side thereof, together with such additional area 30 adjoining the same as, in the opinion of the Mining Recorder of the Mining Division wherein same is situate, or of the Minister may be necessary for the proper development and utilization of such water-power. 63 V. c. 13, s. 19. Amended.

35

APPLICATION OF ACT.

Mines etc., to be subject to provisions of Act.

3.—(1) All mines, minerals, mining lands and mining rights of every nature and kind within the legislative jurisdiction of the Province of Ontario, and every owner thereof shall, where not herein otherwise provided, be sub-40 ject to the provisions of this Act. (New.)

Section 162, application limited.

(2) The provisions of section 162 of this Act shall not apply to mines, minerals, mining lands, mining claims and mining rights granted, leased, located or recorded prior to the date this Act comes into operation, 45 or to mines, minerals, mining lands, mining claims or mining rights applied for prior to the date this Act comes into operation, under *The Mines Act* or any reg-

ulations thereunder unless the application therefor is thereafter abandoned, withdrawn or refused, or lapses, or the applicant omits to pay to the Department the purchase price or first year's rental of the said mining lands or 5 mining rights, as the case may be, within the period or periods prescribed by *The Mines Act*, or otherwise to fulfil any of the conditions required of applicants for mining lands under the said Act. Provided that all mining claims situated in the townships of Coleman, Bucke, 10 Lorrain and Hudson staked out and recorded on and after the 28th day of August, A.D. 1905, under the Regulations for Mining Divisions, shall be subject to the provisions of this Act. (*New.*)

(3) Notwithstanding the passage of this Act applicants 15 for mining lands who have complied with the provisions of *The Mines Act* or regulations thereunder respecting applications for such lands and whose applications are pending before the Department at the time this Act is passed, shall not be debarred from completing their applications in terms of the law in force previous to the coming 20 into operation of this Act as same is interpreted by the Minister, or from obtaining such title to the said lands as is provided for therein, as fully as if this Act had not been passed.

25 4. All royalties which by the Act passed in the 54th year of Her Majesty's reign, entitled *An Act to amend the General Mining Act*, or by *The Mines Act, 1892*, or by the Revised Statutes (1897) respecting mines, or by any patent, have been reserved, imposed or made payable to the Crown 30 for the use of the Province upon or in respect of any ores or minerals extracted from lands granted under any patent or lease, are declared to be abandoned. 63 V. c. 13, s. 2.

5. All reservations of mines, ores and minerals contained in any patent issued prior to the 1st day of July, 1867, and 35 all provisions except working conditions which reserve or limit the mineral rights conveyed by any patent or lease heretofore issued, excepting patents issued under *The Public Lands Act*, and *The Free Grants and Homesteads Act*, are hereby rescinded and made void, and all mines, ores 40 and minerals base and precious, in or upon such lands described or defined in a patent, shall be deemed to have been granted in fee simple as part of such lands, and to have passed with the said lands to the subsequent and present owners thereof free from any such reservation. 63 V. 45 c. 13, s. 3.

6. Nothing herein contained shall interfere with or prevent the sale, lease or location, for agricultural or other purposes, of any lands situated within the boundaries of any Mining Division, which have been or may hereafter be 50 opened for sale or as free grants under *The Public Lands*

Proviso.

Rights of applicants preserved.

Royalties under 54 V., c. 8, 55 V., c. 9, abandoned.

Reservations of mines etc., in certain patents abandoned.

Rev. Stat., cc. 28, 29.

Sales, etc., for other purposes not affected.

Act and *The Free Grants and Homesteads Act*, or any Act or Order in Council or Regulation respecting the sale and disposal of such lands.

REGULATIONS.

Lieutenant-Governor in Council may make regulations to carry out provisions of Act.

7.—(1) The Lieutenant-Governor in Council may from time to time make such orders as are deemed necessary to carry out the provisions of this Act or to meet cases which may arise and for which no provision is made in the Act, or when the provision which is made is deemed to be ambiguous or doubtful, and may further make and declare any regulations which are considered necessary to give the provisions in this section contained full effect, and from time to time alter or revoke any order or orders or regulations made in respect of the said provisions and make others in their stead and further impose penalties not exceeding \$200 or not exceeding three months' imprisonment for violation of any regulations under this Act, and further provided that any statement or returns required to be made by said regulations shall be verified on oath. 5 10 15 20

Regulations as to making roads, ditches, etc.

(2) The Lieutenant-Governor in Council may from time to time make such regulations as he deems necessary or expedient for the opening, construction, maintenance and using of roads to, through or over mining claims, mining locations or lands heretofore or hereafter sold or granted as mining lands or recorded as mining claims or locations; for the opening, construction, maintenance and using of ditches, aqueducts or raceways through, over or upon such claims, locations or lands for the conveying and passage of water for mining purposes. R.S.O. 1897, c. 36, s. 7, as amended. 25 30

Regulations to be published in *The Ontario Gazette* and laid before Assembly.

(3) Any orders or regulations made by virtue of the provisions of this section shall have force and effect only after the same shall have been published in *The Ontario Gazette*, and such Orders or regulations shall, if made when the Legislative Assembly is sitting be laid upon the table of the House during the then Session, and if made at any other time shall be laid upon the table of the House within the first fifteen days of the Session next after the date thereof, and in case the Legislative Assembly at the said Session (or if the Session does not continue for three weeks after the said regulations are laid before the House, then at the ensuing Session of the Legislature) disapprove by resolution of such regulation or Order, either wholly or in part, the regulation or Order so far as disapproved, shall have no effect from the time such resolution is passed. R.S.O. 1897, c. 36, s. 7; 63 V. c. Amended. 35 40 45

MINING COMMISSIONER.

8.—(1) The Lieutenant-Governor in Council may, from time to time, appoint a Commissioner to be known by the official title of "Mining Commissioner," for the purpose of the Mining laws, that is to say, *The Mines Act*, and all other Acts, laws, and parts of Acts and laws in relation to the subject of Mining.

Government may appoint Mining Commissioner.

(2) The Mining Commissioner shall be deemed to be and shall be an officer of the High Court.

To be officer of High Court.

10 (3) He shall be a barrister of at least ten years' standing at the bar of Ontario.

To be a barrister of ten years' standing.

(4) He shall hold office by the same tenure as an officer under *The Judicature Act*. See R.S.O. 1897, c. 51, s. 145 (1).

Tenure of office.

15 (5) He shall not practise as a solicitor or barrister or act in any capacity as a legal agent or adviser in any matter arising under this Act.

Not to practise in mining matters.

(6) He shall be paid a salary of such amount as may be appropriated by the Legislature for that purpose to be paid monthly, and reasonable travelling expenses. 57 V. c. 56, s. 88.

Salary.

JURISDICTION OF THE MINING COMMISSIONER.

9. In relation to all unpatented mining lands or mining rights and interests therewith connected and all persons, mining partnerships and companies interested therein or connected therewith the Mining Commissioner shall have jurisdiction, power and authority under this Act as follows:

Powers of Commissioner as to unpatented lands.

(a) In respect to all applications, matters and proceedings which may come or be brought before him under the provisions of this Act, or any former Act relating to mines or mining, he shall have the powers of a Judge of the High Court of Justice, including the production of books and papers; the amendment of all process, notices and proceedings; correcting errors and supplying omissions; the fixing the time and place of hearing; appointing a time for views and inspections which he may deem necessary; summoning to his aid engineers, surveyors or other experts and regulating and directing all matters incident to the hearing, trial and decision of the matters before him, so as to do complete justice between the parties, and may grant an injunction or mandamus in any matter before him under this Act.

Jurisdiction.

(b) In all actions of trespass on or in respect of unpatented mining claims and other unpatented mining property or upon or in respect of unpatented lands or waters entered or trespassed on, or claimed to have been entered or tres-

Actions of trespass.

passed on, in searching for mining or working minerals, or for any other purpose directly connected with the business of mining, or in the exercise of any power or privilege given, or claimed to be given, by this Act or any other Act relating to mining. 5

Actions of
ejectment.

(c) In all actions of ejectment from unpatented mining claims or other mining property, or from unpatented lands or waters entered, or claimed to have been entered upon, in searching for mining, or working minerals, or for any purposes directly connected with the business of mining, 10 or entered, or claimed to have been entered, under some power, right or authority given or obtained under the provisions of this Act, or any other Act relating to mining.

Suits for
specific per-
formance, etc.

(d) In all suits for specific performance of, or for reforming, or delivering up, or cancelling any agreement for sale, 15 purchase or lease of any unpatented mining claim, mine or other mining property.

Partnerships.

(e) In all suits for the dissolution or winding up of any mining partnership, whether recorded or not, interested in or connected with any unpatented mining land or mining 20 rights and interests, under the provisions of this Act.

Injunction and
mandamus.

(f) In all proceedings for orders in the nature of injunctions or mandamus where the same are or are deemed by him to be requisite for the granting of relief in any matter 25 in which jurisdiction is given to the Mining Commissioner by this Act.

Proceedings to
be styled as
being under
Act.

10. The words "Pursuant to *The Mines Act, 1906*," shall be written or printed on all summonses, complaints and other process, and all other documents, in every matter, cause and application taken or brought before the Mining 30 Commissioner.

Proceedings to
be promptly
gone on with.

11. The hearing of any summons, complaint, cause, matter or other process or application before the Mining Commissioner shall not be deferred beyond the shortest 35 reasonable time necessary in the interests of all parties concerned, and it shall be lawful in the discretion of the Mining Commissioner to make summonses or other proceedings returnable forthwith or at any other time.

Deciding ques-
tions on the
ground.

12. In all mining causes, matters and appeals the Mining Commissioner may decide the question at issue upon 40 the ground in dispute and such decision shall be entered as in ordinary cases and have the same virtue and effect as if rendered at a formal hearing.

When Commis-
sioner proceeds
on view.

13. When the Mining Commissioner proceeds partly on view or on any special knowledge or skill possessed by him- 45 self, he shall put in writing a statement of the same sufficiently full to allow a Divisional Court to form a judg-

ment of the weight which should be given thereto; and he shall state as part of his reasons the effect given by him to such statement.

14. In any mining cause, matter or appeal the Mining ^{Jury.}
 5 Commissioner may, before delivering judgment, direct all or any issues of fact to be found by a jury empannelled in accordance with the provisions of *The Jurors' Act*.

15. In all applications, matters, causes, appeals and ^{Costs.}
 10 proceedings before the Mining Commissioner he may award such costs to either or any party and order and direct that costs be taxed by an officer of the District, County or High Court, and the costs so awarded shall be recoverable as may be ordered by the Mining Commissioner.

15 16. The Mining Commissioner in mining causes, mat- ^{Writs of}
 ters and proceedings may direct the issuing of writs and ^{arrest, etc.}
 special orders for the arrest and detention of judgment debtors in all cases in which by law he has jurisdiction over the subject matter of the suit, but under and subject
 20 to such conditions as the Court or a Judge might usually require in applications of a similar nature in the High Court.

17. Any person wilfully acting in contravention of this ^{Fine for dis-}
 Act, or refusing to obey any lawful order or award of the ^{obedience to}
 25 Mining Commissioner shall, on conviction thereof in a ^{order of Com-}
 summary way before any two Justices of the Peace or a ^{missioner.}
 Stipendiary Magistrate or before any Judge of a High or County Court, be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment with or with-
 30 out hard labour for any terms not exceeding three months.

18. The Mining Commissioner shall have the powers ^{Powers as}
 of and may act as an official referee under *The Judicature* ^{official referee.}
 and *The Arbitration Act*.

19. All interlocutory applications for any of the pur- ^{Interlocutory}
 35 poses mentioned in this Act shall be made to the Mining ^{applications.}
 Commissioner, and his order thereon shall be final and conclusive.

20. Where an action for damages is brought in any ^{Reference of}
 Court in Ontario and in the opinion of the Court in which ^{actions for}
 40 the action is brought or of a Judge thereof, the proper ^{damages to}
 proceeding is under this Act, or the action may be more ^{Commissioner.}
 conveniently tried before and disposed of by the Mining Commissioner, the Court or Judge may on the application of either party or otherwise and at any stage of the action
 45 make an order transferring or referring it to the Mining Commissioner and on such terms as the Court or Judge deems just, and the Mining Commissioner shall thereafter give directions for the continuance of the action before

him and, subject to the order of transfer or reference, all costs shall be in his discretion.

Pleadings--
production of
documents, etc.

21. The Mining Commissioner at any time after a proceeding is brought or taken before him or an appeal or reference is made to him as herebefore provided, may give directions for the filing or serving of objections and defences to such appeal or reference, and for the production of documents and otherwise, and may give an appointment to either or any party to the proceeding, appeal or reference, to proceed therewith at such place and time and in such manner as to him may seem proper, but the hearing shall be in the county or district, or one of the counties or districts in which the subject matter of the proceeding appeal or reference is situate.

SITTINGS OF MINING COMMISSIONER.

Clerk of
County or Dis-
trict Court to
attend sittings,
etc.

22. The Clerk of the County or District Court in the County or District where any proceeding under this Act is originated shall attend all sittings of the Mining Commissioner in the County or District for which such Clerk has been appointed, and in connection therewith shall be subject to the orders of the Mining Commissioner and under the direction of the Mining Commissioner, and shall take charge of and file all documents and exhibits and shall be entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the County Court; which fees shall be paid in money and not by stamps.

Absence of
Clerk of County
Court—
appointment of
deputy.

23. In the absence of the Clerk of the County Court the Mining Commissioner may appoint his own clerk or some other person to act as Deputy Clerk of the County Court for the purpose of the proceeding and for taking charge of and filing all exhibits, and the person so appointed shall while so acting have the same power and be entitled to the same fees as the Clerk of the county Court would have and be entitled to if personally present.

Powers of
Commissioner
as to use of
court house.

24. When an appointment is given by the Mining Commissioner for the hearing of any matter of reference under this Act in any City, Town or place where a Court House is situated, he shall have in all respects the same authority as a Judge of the High Court in regard to the use of the Court House, or other place or apartments set apart in the county or district for the administration of justice.

Sheriffs, etc., to
assist and obey
Commissioner.

25. Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the Mining Commissioner in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificate of the Mining Commissioner, be paid by the county or

counties, district or districts, interested, like fees as for similar services at the sittings of the High Court for the trial of causes.

26. Subpœnas for the attendance of witnesses at the ^{Subpœnas.} hearing, tested in the name of the Mining Commissioner may be issued by the Clerk of Records and Writs or by the Clerk of any County or District Court in Ontario.

27. The fees and conduct money to be paid to a witness ^{Witness fees.} subpoenaed under this Act shall be according to the scale for the time being in force in County Courts.

28. A shorthand writer may from time to time be ap- ^{Shorthand} pointed by the Lieutenant-Governor in Council to report ^{writer.} hearings or trials before the Mining Commissioner, and every such officer shall be deemed to be an officer of the High Court, and shall be paid in the same manner as shorthand writers in the High Court are paid, and the several sections of *The Judicature Act* respecting shorthand writers shall apply to any shorthand writer appointed under this Act.

20 DECISIONS OF MINING COMMISSIONER.

29. The decision or report of the Mining Commissioner ^{Decisions not} shall not be given out until stamped with the necessary ^{to be given out} stamps. ^{until stamped.}

30. The decision or report of the Mining Commissioner ^{Appeal to} on any appeal, reference or proceeding under this Act, or ^{Divisional} on a reference under *The Arbitration Act*, or in any action ^{Court.} or proceeding transferred or referred to him under this Act, shall be binding and conclusive upon all parties thereto, unless appealed from to a Divisional Court within one month after the filing thereof, or within such further time as the Mining Commissioner or a Divisional Court or a Judge thereof may allow, save as otherwise provided by this Act in any case where it is declared that the decision of the Mining Commissioner shall be final. The decision or report may be appealed against to a Divisional Court in the same manner as from a decision of a Judge of the High Court sitting in Court.

31. The decision or report of the Mining Commissioner ^{Filing report of} with the evidence, exhibits, the statement (if any) of ^{Commissioner,} inspection or of technical knowledge and the reason for his ^{—Notice of} decision shall be filed in the office of the Clerk of the ^{filing.} County or District Court where the proceeding in question was originated unless otherwise ordered by the Mining Commissioner, in which case the same shall be filed as and where ordered by the Mining Commissioner, and notice of the filing shall forthwith be given by the Clerk or other officer

with whom same is filed by post or otherwise, to the solicitors of the parties appearing by solicitor, and to other parties not represented by a solicitor.

Record of decisions—notice to licensee.

32. The Mining Commissioner shall enter in the books of his office a record of each decision made by him under authority of this Act in regard to a mining claim and, likewise, notify the licensee holder, for the time being, of such mining claim by registered letter addressed post paid to such licensee to his address appearing of record in the books of the Mining Commissioner. (*New.*)

Certificate of decision as to mining claim.

33. A licensee holder, for the time being, of a mining claim shall be entitled to receive from the Mining Commissioner a certificate of any decision by the Mining Commissioner authorized by this Act relative to such mining claim, which certificate shall contain the date of the record in the books of the Mining Commissioner of such decision. (*New.*)

Form of decision,—entry of judgment thereon.

34. The decision of the Mining Commissioner in all cases shall be in the form of an award or order for judgment and may be delivered as decisions by the Judges of the Supreme Court of Judicature are, and need not be in the form of a report; and unless appealed from to a Divisional Court as herein provided, judgment may be entered in the office wherein the proceeding is then pending without any further or other application or order. The Mining Commissioner by order may change the venue in any proceeding before him as he may deem desirable.

Change of venue.

PROCEDURE AND COSTS.

Application of rules and practice of High Court.

35. Except as in this Act otherwise provided, and subject to the provisions thereof, the rules and practice for the time being of the High Court of Justice shall, subject to the decision of the Mining Commissioner, be followed so far as the same are applicable.

Evidence need not be filed or notes extended unless required.

36. In cases brought before the Mining Commissioner in pursuance of the powers conferred by this Act, or by any other Act, the evidence taken before him need not be filed and need only be written out at length by the shorthand writer, if required by the Mining Commissioner or by any parties to the proceeding; and if required by any of the parties to the reference, copies shall be furnished upon such terms as may be fixed by the Lieutenant-Governor in Council.

Fees to be paid in stamps.

37. Fees shall be paid in stamps or otherwise in the same manner as in the case of other proceedings in the High Court until other provision is made in that behalf by the Lieutenant-Governor in Council.

38. To provide a fund for or towards the payment of the Mining Commissioner's salary and other expenses, there shall be further payable a sum which shall be determined by the Mining Commissioner and mentioned in his decision or report or in a subsequent report, not to exceed the rate of twenty-five dollars a day for every full day a trial or proceeding occupies, and which shall be paid by one or other of the parties, or distributed between or among the parties as the Mining Commissioner directs; the said sum to be paid to the Mining Commissioner for the uses of the Province and to be accounted for by him.

Fees payable for each day of trial.

39. The Judges of the Supreme Court of Judicature for Ontario, with the Mining Commissioner, as a Board, shall have the like authority to make general rules with respect to proceedings before the Mining Commissioner and appeals from him as the Judges have with respect to proceedings in said Court under *The Judicature Act*; and sections 122 to 125 of *The Judicature Act* shall, with the necessary amendments, apply thereto.

Supreme Court judges may make rules.

40.—(1) Subject to any such general rules the Mining Commissioner shall have power, with the approval of the Lieutenant-Governor in Council, to frame rules regulating the practice and procedure to be followed in all proceedings before him under this Act, and also to frame tariffs of fees in cases not governed by the High Court tariff of costs.

Powers of Commissioner as to rules and tariffs of costs.

(2) Such rules and tariffs, whether made by the Board or the Mining Commissioner, shall be published in *The Ontario Gazette* and shall thereupon have the force of law; and the same shall be laid before the Legislative Assembly at its next session after promulgation thereof.

41. Until other provisions are made under the last two preceding sections the tariff of the County Court in all causes and matters wherein the amount in question therein is of the value of less than \$400. and of the High Court in all causes and matter wherein the amount in question is, or in the opinion of the Mining Commissioner may be, of the value of \$400 or over, shall be the tariff of costs and of fees and disbursements for solicitors and officers under this Act, and the Mining Commissioner shall have the powers of a County Judge and of a Taxing Officer of the High Court with respect to counsel fees, and may also allow further counsel fees in case of a trial occupying more days than one.

Scale of costs until other provision made.

42. The Mining Commissioner and every Inspector, and in and for the Mining Division in which a Mining Recorder is appointed such Mining Recorder, shall be *ex-officio* a Justice of the Peace of the county or united counties, district or districts which a Mining Division comprehends or includes, in whole or in part, or in which or in any por-

Ex-officio Justices of the Peace.

tion of which a Mining Division lies; and it shall not be necessary that he shall reside therein or possess any property qualification whatever in order to enable him lawfully to act as such Justice of the Peace. 60 V. c. 8, s. 13. *Amended.*

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APPEALS FROM MINING COMMISSIONER TO DIVISIONAL COURT.

Appeal from
Commissioner
to Divisional
Court.

43. Where not herein otherwise provided, there shall be an appeal to a Divisional Court from every decision of the Mining Commissioner.

Time for ap-
pealing.

44. No appeal authorized by this Act from the decision of the Mining Commissioner to a Divisional Court shall be allowed after the expiration of ten days from the record of such decision by the Mining Commissioner in the books of his office, unless within that time the time for appeal is extended by the Mining Commissioner or any Judge of the High Court, and thereafter not after the time so limited therefor. Notice of appeal shall be given by filing a copy thereof in the office of the Mining Commissioner, and serving a copy thereof upon all parties adversely interested therein. (*New.*)

Notice of
appeal.

20

BUREAU OF MINES AND OFFICERS.

DEPUTY MINISTER.

Bureau of
Mines,—
Deputy
Minister.

45. The Bureau of Mines established in connection with the Department, to aid in promoting the mining interests of the Province, shall be continued, and the officer appointed by the Lieutenant-Governor in Council as provided in *The Public Lands Act*, and known as the Deputy Minister of Mines, shall have charge thereof under the direction of the Minister unless and until otherwise ordered, and shall be paid such salary as shall be voted by the Legislature. R.S.O. 1897, c. 36, s. 14. *Amended.*

30

Power of
Deputy
Minister.

46. The Deputy Minister shall have all the powers, rights and authority throughout the Province which an Inspector or Mining Recorder has or may exercise in any Mining Division, and such other powers, rights and authority for the carrying into effect of the provisions of this Act as have been or shall be assigned to him by regulation. R.S.O. 1897, c. 36, s. 15. *Amended.*

35

Word "Bureau"
not to be used
by mining
concerns.

47. No person, firm, syndicate or company conducting a mining business of any sort or kind in the Province shall use the term "Bureau" to describe the name or title under which such business is carried on; and every person contravening this provision shall, for every day upon which such contravention occurs, or continues, or is repeated, incur a fine of not more than \$20 and costs, and in default

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Penalty.

of payment of the fine and costs such person, any member of such firm or syndicate, or any officer of such company, may be imprisoned for a period not exceeding one month. 62 V. (2), c. 10, s. 2. *Amended.*

5

PROVINCIAL GEOLOGIST.

48. The Lieutenant-Governor in Council may appoint Appointment and duties of Geologist. an officer to be known by the official title of "Provincial Geologist," who shall be an officer of the Bureau of Mines, and shall perform such duties as may be assigned to him by this Act or any regulation and who shall be *ex-officio* an Inspector. (*New.*)

PROVINCIAL ASSAYER.

49. The Lieutenant-Governor in Council may appoint Appointment and duties of Assayer. an officer to be known by the official title of "Provincial Assayer," who shall be an officer of the Bureau of Mines, and shall perform such duties as may be assigned to him by this Act, or any regulation. (*New.*)

INSPECTORS.

50. The Lieutenant-Governor may appoint for the Pro- Appointment and duties of Inspectors. vince or any part thereof an Inspector or Inspectors who shall be officers of the Bureau of Mines, and who shall perform such duties as may be assigned to them by this Act or any regulation. R.S.O. 1897, c. 36, s. 16 (1). *Amended.*

POWERS AND DUTIES OF INSPECTOR.

51. An Inspector under this Act shall have power to do Powers of Inspectors. all or any of the following things, namely:

(1) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters either above or below ground are complied with in the case of any mine. Inquiries as to compliance with Act.

(2) To enter, inspect and examine any mine and every portion thereof at all reasonable times by day or night, but so as not to impede or obstruct the working of the mine. Inspection.

(3) To examine into and make inquiry respecting the state and condition of any mine, or any portion thereof, and the ventilation of the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine, or any mine contiguous thereto, and to give notice to the owner or agent in writing of any particulars in which he considers such mine or any portion thereof, or any matter, thing or practice to be dangerous or defective, and to require the same to be Examination as to matters affecting health and safety of employees.

remedied within the period of time named in such notice, and unless the cause of danger is removed or such defect is remedied within the time named the owner or agent shall be guilty of an offence against this Act.

Stopping work when mine unsafe.

(4) To order the immediate cessation of work in and the departure of all persons from any mine or portion thereof which he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary. 5

General powers for protection of miners.

(5) To exercise such other powers as may be necessary for ensuring the health and safety of miners and all other persons employed in or about mines, smelters, metallurgical and mining works. 60 V., c. 8, s. 27. *Amended.* 10

Annual report.

(6) Every Inspector under this Act shall make an annual report of his proceedings during the preceding year to the Deputy Minister of Mines, which report shall be laid before the Legislative Assembly. *Ibid*, s. 29. 15

MINING RECORDERS; THEIR DUTIES AND POWERS.

Mining Recorder.

52. The Lieutenant-Governor may, from time to time, for each Mining Division, appoint a local officer to be known as a "Mining Recorder," who shall be an officer of the Bureau of Mines, to receive and record applications for mining lands in the respective Divisions, and to carry out the provisions of this Act as prescribed. R.S.O. 1897, c. 36, ss. 16 (1), 17. *Amended.* 20 25

Powers of Recorder.

53. Every Mining Recorder shall, as to the Mining Division for which he is appointed, and the Mining Commissioner, shall have power to settle summarily all disputes between licensees as to the existence or forfeiture of mining claims, and the extent and boundaries thereof, and as to the use of water and access thereto, and generally to settle all difficulties, matters or questions between licensees which may arise under this Act; and the decision of such Mining Recorder in all cases under this Act shall be final, except as to decisions pronounced after the passing of this Act where an appeal is made therefrom to the Mining Commissioner within ten days from the date of such decision, and no case under this Act shall be removed into any court by *certiorari*. 63 V., c. 13, s. 18. 30 35

Constables may be appointed by Recorder.

54. Every Mining Recorder appointed in and for a Mining Division under this Act may appoint any number of constables not exceeding four; and the persons so from time to time appointed shall be and are hereby constituted respectively constables and peace officers for the purposes of this Act, for and during the terms and within the Mining Divisions for which they are respectively appointed. R.S.O. 1897, c. 36, s. 25. 40 45

55. Constables and peace officers appointed by a Mining Recorder under authority of this Act shall be paid such reasonable fees and expenses as may be contracted for by the Mining Recorder, but such fees shall not exceed two dollars per day for the time certified by such Mining Recorder. (*New.*) Fees of constables.

56. Every Mining Recorder shall keep all necessary books for the recording of mining claims and other entries therein as may be prescribed by the Minister, and the record of any mining claim in a book in the Mining Recorder's office shall be open to inspection by any person on payment of a fee of 10 cents for each claim examined. He shall also keep displayed in his office a map or maps showing the territory included in the Division, and shall mark thereon all the claims as they are taken up and recorded, and also all areas applied for under the provisions of this Act relating to working permits, and also all such areas, specially distinguished, in respect of which a working permit has been issued, and there shall be no charge for examining the same. R.S.O. 1897, c. 36, s. 51 (1). *Amended.* Reg. 24. *Amended.* Books and maps to be kept by Recorder.

57. Every document filed in the Mining Recorder's office shall, during office hours, be open to inspection by any one on payment of the proper fee as set forth in the schedule hereto. B. C. s. 97. Right to inspect documents.

58. Every copy of or extract of any entry in any of the said books, or of any documents filed in the Mining Recorder's office, certified to be a true copy or extract by the Mining Recorder, shall be received in any court as evidence of the matters therein contained. B. C. 98. Evidence of records.

59. The Mining Recorder shall forthwith enter in the proper book in his office the particulars of every application for a claim presented by a licensee, and shall file the application, sketch or plan and affidavit with the records of his office, and if within sixty days of the date of the recording of a mining claim staked out after the passage of this Act, no dispute as to the rights of a licensee to the claim by reason of prior discovery or otherwise, has been lodged with the Mining Recorder, he may grant to the licensee a certificate of such record. Such certificate may be according to the form No. 1 set forth in the schedule hereto. R.S.O. 1897, c. 36, s. 51 (1), *part*; Reg. 28. *Amended.* Particulars of claims to be entered. Certificate of record.

60. Every licensee by or on whose behalf an application is made to record the staking out of a mining claim, a special mining claim or a working permit, shall, at the time of such application produce the miner's license of such licensee to the Mining Recorder to whom such application is made, and such Mining Recorder shall endorse and sign Applicant for record of claim to produce license, and record to be endorsed thereon.

upon the back thereof a note in writing of each and every such record made to such licensee, and no such record shall be complete or effective unless and until such endorsement is made and signed on such miner's license. (*New.*)

Adjudication of recorder as to compliance with Act.

61. Any question or dispute as to non-compliance with the provisions of this Act regarding a mining claim, prior to the issue of a certificate of record of staking out, shall be adjudicated on by the Mining Recorder of the Mining Division within which the mining claim in question is situated, subject to appeal therefrom to the Mining Commissioner, as in this Act provided. (*New.*) 5 10

Mining recorder to decide as to work done on claim.

62. The Mining Recorder is hereby authorized to decide upon the sufficiency or insufficiency of the work herein required to be performed by the licensee holder for the time being of a mining claim, and if any such licensee be not satisfied with the decision of the Mining Recorder he may appeal from the decision of such Mining Recorder to the Mining Commissioner. (*New.*) 15

Record of decisions,—notice to licensee.

63. The Mining Recorder shall enter in the books of his office a record of each decision made by him under authority of this Act in regard to a mining claim, and likewise notify the licensee holder of such mining claim for the time being by registered letter addressed post paid to such licensee to his address appearing of record in the books of such Mining Recorder. Reg. 30 (a), part. Amended. 20 25

Licensee holder of claim may procure copy of report of inspection.

64. The licensee holder, for the time being, of a mining claim shall be entitled to receive from the Mining Recorder a certified copy of any report of inspection made under the authority of this Act and recorded in the books of such Mining Recorder. (*New.*) 30

Certificate of decision of Recorder.

65. The licensee holder, for the time being, of a mining claim shall be entitled to receive from a Mining Recorder a certificate of any decision of the Mining Recorder authorized by this Act relative to such mining claim, which certificate shall contain the date of the record in the books of the office of such Mining Recorder of such decision. (*New.*) 35

Recorder to have power to take evidence on oath. Subpœnas.

66.—(1) The Mining Recorder shall have power to take evidence upon oath in any matter or dispute concerning a mining claim, working permit or prospecting permit situate within the Mining Division for which he is appointed, and subpœnas for the attendance of witnesses at any investigation or hearing authorized to be conducted by a Mining Recorder hereunder, tested in the name of the Mining Commissioner, may be issued by the Clerk of Records and Writs, or by the Clerk of any County or District Court in Ontario, on the written requisition of the Mining Recorder requiring same. 45

(2) The fees and conduct money to be paid to a witness Witness fees. subpoenaed under this Act shall be according to the scale for the time being in force in County Courts. (*New.*)

(3) The Mining Recorder in deciding any dispute before Recorder to decide who shall pay witnesses. him where the attendance of witnesses appears to him to be necessary, may decide as to which of the parties interested shall pay the witness fees and conduct money of such witnesses, and such decision shall be binding upon the parties unless reversed by the Mining Commissioner in cases 10 where an appeal is provided for. (*New.*)

67. Where, for the time being, there is no Mining Recorder for a Mining Division, the duties of the Mining Recorder shall devolve upon the Bureau of Mines, under the direction of the Deputy Minister, and it shall at all 15 time be lawful for the Deputy Minister to perform the duties of a Mining Recorder, and the Deputy Minister shall have all the powers of a Mining Recorder. B. C. Mineral Act, s. 104. Vacancy in office of Recorder.

INSPECTION OF CLAIMS.

20 68. The discovery of valuable mineral, the staking out (including blazing or otherwise marking the lines of a mining claim, and the line from the discovery post to No. 1 post), and the performance of work as herein required, shall be subject to inspection by the Mining Recorder of the 25 Mining Division within which the mining claim in question is situated, or by an Inspector appointed under this Act, or by any other officer appointed for that purpose by the Minister, at any time prior to the issue of the certificate of record of the staking out thereof by and when and as 30 ordered by any of them, and thereafter only by and when and as ordered by the Mining Commissioner. Reg. 30 (a), *part Amended.* Inspection to verify discovery and compliance with Act.

35 69. Notice of the time of making any inspection authorized by this Act shall be given by the Mining Commissioner, or the Mining Recorder or any officer intending to make such inspection to the licensee holder, for the time being, of such mining claim, addressed by registered letter post paid to the address of such licensee appearing for the time being of record in the books of the Mining Recorder 40 said. Reg. 30 (a), *part. Amended.* Notice of inspection to be given to licensee holder.

45 70. The said notice shall be given not less than seven clear days prior to the time so fixed for such inspection, unless a shorter time be agreed to by or on behalf of the licensee. Provided that such notice may be given to such licensee holder personally as well as by registered letter. Reg. 30 (a), *part. Amended.* How notice to be given.

Record of report of inspection.

71. The report of each inspection authorized by this Act shall be made in writing by the Mining Commissioner or officer making the inspection, and be by him delivered to the Mining Recorder of the Mining Division within which such mining claim is situated, and shall be recorded at length by such Mining Recorder in the books of his office. (New.) 5

Effect of issue and delivery of certificate of record.

72. The issue and delivery of a certificate of record of any mining claim shall, in the absence of fraud on the part of the licensee, be final and conclusive evidence of the performance of all requirements of this Act, except 10 working conditions, in respect to such mining claim up to that time, and such mining claim shall not, in the absence of fraud on the part of the licensee, thereafter be subject to forfeiture, except for breach or non-compliance with the provisions of this Act in respect to work required by this 15 Act to be thereafter performed on such mining claim. (New.)

Extension of time for compliance with working conditions in case of death or incapacity.

73. In case of death or incapacity from illness of the licensee of a mining claim, special mining claim or working permit within the period during which working condi- 20 tions are by this Act required to be performed, a Mining Recorder may, from time to time, extend the time for the performance of such working conditions for such period as he may deem reasonable, and the said Mining Recorder shall forthwith record in the proper book in his office the 25 particulars of any and every extension made or granted by him under authority of this section. R.S.O. 1897, c. 36, s. 2 (2). Amended.

Bureau of Mines and Deputy Minister to act until Recorder appointed.

74. In case no person has been appointed Mining Recorder of any Mining Division, all applications shall be 30 made to, and all the duties herein provided to be performed by the Mining Recorder of such Mining Division shall be performed by the Bureau of Mines, under the direction of the Deputy Minister. (New.)

APPEALS FROM RECORDER TO MINING COMMISSIONER. 35

Appeals to Mining Commissioner.

75. Where not herein otherwise provided, there shall be an appeal to the Mining Commissioner from every decision of a Mining Recorder.

Time for appealing.

76. No appeal authorized by this Act from the decision of a Mining Recorder to the Mining Commissioner shall be 40 allowed after the expiration of ten days from the record of such decision by a Mining Recorder in the books of his office, unless within that time the time for appeal is extended by the Mining Commissioner, and thereafter not after the time limited by the Mining Commissioner there- 45

for. Notice of appeal shall be given by filing a copy thereof in the office of the Mining Recorder and serving a copy thereof upon all parties adversely interested therein. (New.)

Notice of appeal.

5

OTHER OFFICERS.

77. The Lieutenant-Governor may, from time to time, appoint such other officers and agents as may be necessary under the provisions of this Act, and such officers and agents shall perform such duties as may be prescribed.

General power as to appointment of other officers.

10 R.S.O. 1897, c. 36, s. 17, *part.* Amended.

78. No officer appointed under this Act shall directly or indirectly, by himself or by any partner or other person, purchase or become interested in any Crown lands or mining claims, and any such purchase or interest shall be void.

Officers not to be interested in Crown lands or mining claims.

15 A violation of this section shall cause the forfeiture of the office of any such officer, and he shall, in addition thereto, be liable to a penalty of \$500 for every such offence. Such penalty may be recovered in an action by any person who sues for same. R.S.O. 1897, c. 36, s. 18. Amended.

Penalty.

20 79. No officer appointed under this Act shall be compellable in any Court to disclose information acquired by him in his official position. (New.)

Officers not compellable to disclose information.

MINING DIVISIONS.

80. For the purposes of this Act the Province shall be divided by Order-in-Council into Mining Divisions with limits which may from time to time be extended, added to or diminished, and from and after the publication in *The Ontario Gazette* of an Order-in-Council declaring a tract of country to be a Mining Division, the Mining Division therein mentioned and described, except as otherwise herein provided, and all mines and mining lands therein shall be subject to the provisions of this Act and to the regulations made thereunder. R.S.O. 1897, c. 36, s. 44. Amended.

Mining Divisions,— Province to be divided into.

81. Upon the establishment of a Mining Division and the opening of a Mining Recorder's office therein, such office, except as otherwise provided, and none other, shall be the proper office for recording all claims, records, certificates, documents, or other instruments affecting unpatented claims or mining property applied for after this Act comes into operation, and any thing by this Act required to be done at the office of the Mining Recorder shall, if the same affects or concerns any claim, mine, or mining property to which this section applies situated within a Mining Division, be done at or in the office of the Mining Recorder of the Mining Division wherein such claim, mine or other mining property is situated. (New.)

Recorder's office to be proper place for recording claims and documents.

After issue of patent or lease.

Provided that as to all mining claims or mining property which have heretofore been patented or leased, or in respect of which a patent is hereafter issued, the proper office for recording all claims, records, certificates, documents or other instruments shall be the Registry Office for the Registration Division or the Land Titles Office for the Land Titles Division, as the case may be, within which such mining claims or mining property are situated. 5

Mistake as to office of record.

82. If, through ignorance, a licensee shall record a mining claim in a Mining Division other than that in which such claim is situate, such error shall not affect his title to such claim, but he shall, within fifteen days from the discovery of such error, record such claim in the Mining Division in which it is situate, and such new record shall bear the date of the former record, and a note shall be made thereon of the error and of the date of the rectification of the same. B. C. s. 22. 10

Minister to furnish Recorder with list of lands patented or leased.

83. On the passage of this Act the Minister shall furnish to each Mining Recorder a list of all mining lands or mining rights, as the case may be, in respect of which patents or leases have been issued by the Crown within the territory embraced in such Mining Division, and the same shall be filed for reference in the office of such Mining Recorder. (New.) 20

SPECIAL MINING DIVISIONS.

25

Special Mining Divisions,—special claims.

84. Where a locality is reported or shown to be specially rich in ores or minerals, the Lieutenant-Governor by Order-in-Council may proclaim the locality therein defined or described to be a Special Mining Division, and thereafter all the provisions of this Act applicable to mining claims in Mining Divisions shall be applicable to mining claims to be known as "special mining claims." in such special Mining Division, but the area of special mining claims shall not, except as hereafter provided, exceed twenty acres in extent. (New.) 30

35

LICENSES AND LICENSE HOLDERS.

License required.

85. No person, registered partnership or company shall carry on in Ontario the business of mining or be entitled to explore for mines and minerals in Ontario without first taking out and thereafter continuing in force a miner's license, under the provisions of this Act. 63 V., c. 13, s. 4, 11. *Amended.* 40

Issue of license.

86. On payment of the proper fee, according to the schedule of fees herein set forth, the Minister, Deputy Minister or any Mining Recorder may issue to any person over, but not under, 18 years of age, registered partnership or 45

company incorporated or licensed under the laws of Ontario applying therefor, a license to be called a "Miner's License," which shall be dated on the date of issue thereof, and expire at midnight on the 31st day of March next after the said date, if not in the meantime cancelled or revoked as hereinafter provided. Such license shall not be transferable. R.S.O. 1897, c. 36, s. 45 (1). *Amended.*

Term of license.

87. All miner's licenses and prospector's licenses heretofore issued and unexpired shall remain in force until the date of expiry therein referred to, but mining claims staked out by a licensee thereunder after this Act comes into operation shall be subject in all respects to the provisions of this Act. (*New.*)

Licenses heretofore issued.

88. A licensee under 21 years of age shall, as regards his or her mining property and liabilities contracted in connection with any mining claim or mining property, be deemed to be and be treated as of full age. (*New.*)

Licenses under twenty-one.—property and liabilities of.

89. Every license shall be effectual throughout the Province, and shall be signed and issued by the Minister, the Deputy Minister or by any Recorder, and shall be according to form No. 2 in the appendix hereto. 63 V., c. 13, s. 5, *part.* *Amended.*

Licenses to be good throughout Province—Form of.

90. The individual members of a registered partnership or shareholders in an incorporated company need not be holders of a miner's license in order to qualify to be members of such partnership or shareholders of such company, but the holding of a miner's license by the partnership or company shall not entitle any individual partner, shareholder, officer or employee thereof to the rights or privileges of a licensee. (*New.*)

License may be issued to partnership or company.

91. Every miner's license shall be numbered, and in addition, shall, in conjunction with the number, be lettered with a letter or letters of the alphabet which is or have been prescribed by the Minister to indicate a Mining Division in which same was issued. (*New.*)

Numbering and lettering of licenses.

92. Upon payment of the fee set forth in the schedule hereto, and upon the production of the then existing license, a licensee, whose license is in force, shall, upon application therefor, before the expiration of the license, or within ten days thereof, be entitled to a renewal of such license. R.S.O. 1897, c. 36, s. 45 (2).

Renewals.

93. A renewal of a miner's license may be in the form (No. 3) set forth in the appendix hereto, and the fee for the renewal of a miner's license shall be as set forth in the schedule of fees hereto. (*New.*)

Fee on renewal.

Accidental destruction or loss of license.

94. If any miner's license be accidentally destroyed or lost, the owner thereof may, on payment of the fee set out in Schedule to this Act, have a true copy of it, signed by the Mining Recorder out of whose office the original was issued. Every such copy shall be marked "substituted license," and unless some material irregularity be shown in respect thereof, every original or substituted miner's license shall be evidence of all matters therein contained. B. C., s. 7. *Amended.* 5

Not more than one license to be issued.

95. Except as hereinbefore provided, no person, registered partnership, or mining company shall apply for or hold more than one miner's license in any one year or between the 1st of April in one year and 31st March in the next year. Any breach of this section shall be an offence against this Act. (*New.*) 15

Clerks or employees not to require license.

96. Nothing herein contained shall be deemed to provide that a clerk or employee, of a licensee, shall require to be possessed of a miner's license in order to perform clerical or other services of like nature for a licensee. (*New.*) 20

License to be produced and proof of validity furnished.

97. Every licensee shall produce and exhibit his license to the Inspector or Mining Recorder of the Division, and prove to the satisfaction of the person so demanding production that it is in force, if further required by him to do. R.S.O. 1897, c. 36, s. 54. *Amended.* 25

License to date from application therefor.

98. Any person, registered partnership or mining company qualified to be an applicant for a miner's license applying at the Mining Recorder's office during his absence, and leaving the fee required by this Act with the officer or other person in charge of the said office, shall be entitled to have such license from the date of such application. B. C., s. 6. *Amended.* 30

CROWN LANDS.

Withdrawal of lands and mining rights from exploration and sale.

99. The Lieutenant-Governor in Council may, at any time, and from time to time, by Order-in-Council, withdraw any lands or mining rights the property of the Crown from exploration, location and sale, and set the same apart pending the exploration thereof for the prospecting of veins, lodes or other deposits of ores or minerals therein by the use of a diamond drill, or otherwise, under direction of the Minister, and any lands or mining rights heretofore withdrawn by Order-in-Council shall remain withdrawn until restored to exploration, location or sale, as provided in section 100 hereof. R. S. O. 1897, c. 36, s. 33, *part.* *Amended.* 45

Re-opening lands for exploration after withdrawal.

100. The Lieutenant-Governor in Council may re-open for exploration, location or sale as mining lands any Crown lands which may at any time have been withdrawn from exploration or sale, either upon the terms and conditions

contained in this Act, or upon such other terms and conditions as may be provided or authorized in that behalf by the Legislature. (*New.*)

101. The Crown lands described as all that tract of land or
 5 territory formerly known as the Lumsden and Booth timber
 limit now known as Gillies Brothers' timber limit,
 lying on both sides of the Montreal River in the District
 of Nipissing, containing one hundred square miles more or
 less, which, by Order-in-Council, were heretofore withdrawn
 10 from exploration for mines or minerals, and from sale,
 lease or location, when re-opened for exploration, location
 and sale may, or any part or parts thereof specially defined
 may, be re-opened on such terms and conditions and at such
 price per acre or otherwise as may be fixed by Order-in-
 15 Council, and said Crown lands or any part or parts thereof
 shall, notwithstanding any other provision in this Act con-
 tained, be subject to such terms and conditions and such
 price as is provided by the Order-in-Council re-opening the
 same. R.S.O. 1897, c. 36, s. 9, *part.*

Lands on Mon-
 treal River,
 heretofore
 withdrawn.

20 Provided that the Lieutenant-Governor in Council may
 provide that the mines and minerals in said lands or any
 part thereof may be worked by or on behalf of the Crown
 under and pursuant to regulations which may be made by
 the Lieutenant-Governor in Council, and in such case the
 25 said mines and minerals may be worked by or on behalf of
 the Crown as therein provided. (*New.*)

Proviso.

102. Crown lands which have been withdrawn by Order-
 in-Council from exploration or sale under authority of this
 Act shall, until re-opened by Order-in-Council for explora-
 30 tion or sale, remain withdrawn therefrom, and shall not be
 explored, occupied or worked except as provided by the
 preceding section. (*New.*)

Lands with-
 drawn not to
 be explored or
 worked.

103. Except as in this Act provided, no person, registered
 partnership or company shall explore, occupy or work any
 35 Crown lands for mines or minerals. (*New.*)

Crown lands
 not to be
 explored, etc.,
 except under
 Act.

104. Any person exploring, occupying or working any
 Crown lands for mines or minerals otherwise than in
 accordance with the provisions of this Act, or attempting
 to do so, shall incur a penalty of \$20.00 and costs, and, in
 40 default of payment of the fine and costs, such person may
 be imprisoned for any period not exceeding one month.
 R.S.O. 1897, c. 36, s. 9, *part.*

Penalty for ex-
 ploring with-
 out authority.

105. No person, registered partnership, or company, not
 the holder of a miner's license, shall use or occupy any of
 45 the lands in a Crown Forest Reserve; or prospect for miner-
 als or conduct mining operations therein, and no licensee
 shall use or occupy any of the lands in a Crown Forest Re-

Protection of
 Forest Re-
 serves.

serve or prospect for minerals or conduct mining operations therein, except in accordance with regulations made under *The Forest Reserves Act* and amendments thereto, and all regulations heretofore made thereunder are hereby continued in force. 61 V., c. 10; 63 V., c. 12; 5 Edw. VII., c. 9, s. 1. 5

Lease of lands in forest reserve for mining purposes.

106. Any lease of lands in a Forest Reserve, permitting mining operations therein, may be for such periods and on such terms as may be provided by regulations made by the Lieutenant-Governor in Council, but the lease of such lands shall be for a period not longer than ten years with the right to be renewed for ten-year periods. 62 Vic. (2), c. 10, s. 8; 5 Edw. VII., c. 9, s. 3. 10

Application of working conditions of ordinary mining claims to leases in forest reserves.

107. Any regulations to be made under authority of this Act applicable to Crown Forest Reserves shall provide that the working conditions applicable to an ordinary mining claim in a Mining Division, shall be applicable to a mining claim in a Forest Reserve, and that upon performance of the said working conditions a lease thereof according to the terms hereof, but not a patent, may be granted therefor. (*New.*) 20

MINING CLAIMS.

What lands may be staked out and sold.

108. Crown lands containing valuable ores or minerals, and mining rights in lands, the ores and minerals whereof have been reserved by the Crown in the location, sale patent or lease of such lands, may be staked out and sold as mining lands, to be called "mining claims," as herein provided. R.S.O. 1897, c. 36, s. 10 (1), *part. Amended.* 25

Claims in unsurveyed territory.

109. Each mining claim, special mining claim, and area of mining land included in a working permit in the unsurveyed territory shall be laid out with boundary lines running north and south and east and west astronomically, and the measurements thereof shall be horizontal, and in a township surveyed into lots shall be such part of one of such lots as herein defined, and the ground included therein shall be deemed to be bounded under the surface by lines vertical to the horizon. R.S.O. 1897, c. 36, s. 50 (2). *Amended.* 35

Claims not to be staked out in town sites or in railway lands.

110. No mining claim shall be staked out or recorded on any land included in or reserved or set apart as a town site whether the same shall have been subdivided into town lots or not, or upon any station grounds, switching grounds, yard or right of way of any railway, or upon any colonization or other road or road allowance, except by order of the Minister. Provided that all mines and minerals of every nature and kind in any lands which have been or may hereafter be transferred by any Order-in-Council under 45

Proviso.

authority of Chapter seven of the Act of the Legislature passed in the fourth year of the reign of His Majesty shall, unless expressly reserved therein, be deemed to have been and in the case of an Order-in-Council hereafter made, unless
5 therein otherwise expressly stated, shall be deemed to be, included as part of the said lands, and the said mines and minerals and the said lands are hereby declared to be exempt from the provisions of this section. Reg. 27.
Amended.

10 **111.** A mining claim in unsurveyed territory shall not exceed a square of twenty chains or 1,320 feet, containing forty acres, but an irregular portion of land lying between two or more claims may be staked out with boundaries co-terminous thereto, provided that its area shall not exceed
15 forty acres. Area of mining claims in unsurveyed territory.

112. In any township surveyed into sections of 640 acres or thereabouts where the sections have been subdivided into quarter sections, or subdivisions containing 160 acres or thereabouts, a mining claim shall consist of the northeast
20 quarter, the northwest quarter, the southeast quarter or the southwest quarter of any such quarter section or subdivision, containing forty acres, or thereabouts. (*New.*) In townships surveyed into sections of 640 acres.

113. In any township surveyed into lots of 320 acres or thereabouts, a mining claim shall consist of one or other
25 of the following subdivisions of the lot, namely, the northwest quarter of the north half, the northeast quarter of the north half, the southwest quarter of the north half, the southeast quarter of the north half, the northwest quarter of the south half, the northeast quarter of the south
30 half, the southwest quarter of the south half, or the southeast quarter of the south half, containing forty acres, or thereabouts. (*New.*) Townships surveyed into lots of 320 acres.

114. In any township surveyed into lots with single fronts, containing 200 acres or thereabouts, or in any
35 township surveyed into sections of 1,200 acres or 2,400 acres where the lots contain 200 acres or thereabouts, or in any township surveyed into lots with double fronts, containing 200 acres or thereabouts, a mining claim shall consist of the northeast quarter, the southwest quarter,
40 the northwest quarter, or the southeast quarter of the lot, containing fifty acres or thereabouts. (*New.*) Townships surveyed into lots of 200 acres.

115. In any township surveyed into lots of 100 acres or thereabouts, a mining claim shall consist of the north
45 half, the south half, the east half, or the west half of the lot, containing fifty acres or thereabouts. (*New.*) Townships surveyed into 100 acre lots.

116. Where mining locations the property of the Crown in unsurveyed territory have been surveyed in conformity with the provisions of any Act of the Legislature into
Mining locations heretofore surveyed in unsurveyed territory.

blocks of the following dimensions, namely, 20 chains in length by 20 chains in width, 40 chains in length by 20 chains in width, 40 chains square, or 80 chains in length by 40 chains in width, or thereabouts, and the plans and field notes of such locations are of record in the Department, a mining claim staked out thereon shall be 20 chains in length by 20 chains in width, and one claim shall comprise the whole of a location 20 chains square. A location 40 chains in length by 20 chains in width may be divided into two mining claims by a line drawn through the centre thereof parallel to one of the shorter boundaries. In the case of a location 40 chains square a claim shall consist of one or other of the following subdivisions: the northeast quarter, the northwest quarter, the southeast quarter, or the southwest quarter. In a location 80 chains in length by 40 chains in width where the length of the location is north and south, a claim shall consist of the northeast quarter of the north half, the northwest quarter of the north half, the southeast quarter of the north half, or the southwest quarter of the north half; the northeast quarter of the south half, the northwest quarter of the south half, the southeast quarter of the south half, or the southwest quarter of the south half. Where the length of the location is east and west a claim shall consist of the northeast quarter of the east half, the northwest quarter of the east half, the southeast quarter of the east half, or the southwest quarter of the east half; the northeast quarter of the west half, the northwest quarter of the west half, the southeast quarter of the west half, or the southwest quarter of the west half; containing forty acres or thereabouts. (*New.*)

Irregular lots in surveyed townships.

117. In the case of surveyed townships containing lots irregular in shape or size, fronting upon a lake, river or road, a mining claim shall consist of 40 acres, or thereabouts, with a uniform depth and width of 20 chains, and one or more of its boundaries shall coincide with one or more of the boundaries of the lot of which it forms a part. (*New.*)

Discovery of valuable mineral necessary to valid claim.

118. No licensee shall be deemed to have acquired any right or claim under this Act or any regulations thereunder to a mining claim unless a discovery of valuable mineral has been made thereon by or on behalf of such licensee. (*New.*)

Transfers not to be enforceable unless in writing and recorded.

119. No transfer of an unpatented mining claim staked out after this Act comes into operation or of any interest therein shall be enforceable unless the same shall be in writing, signed by the transfer, or his agent authorized in that behalf, and recorded by the Mining Recorder, Such transfer may be in the form No. 4 in the appendix hereto. Where a transfer is signed by an agent the auth-

ority of such agent shall be recorded prior to such transfer being recorded. (*New.*)

SURFACE RIGHTS.

120. Where the surface rights in any lands have been granted, sold, leased or located and a mining claim shall be staked out for any portion of the said lands, the licensee so staking out shall compensate the owner, lessee or locatee of the said surface rights for injury or damages which are or may be caused to the surface rights, and in case the licensee and such owner, lessee or locatee are unable to agree upon the amount of compensation therefor or the manner in which same shall be paid or secured, application by any party interested may be made to the Mining Commissioner to ascertain, determine and prescribe the amount of such compensation and the manner and time in which the same shall be paid or secured, and the same shall thereupon be ascertained, determined and prescribed by the Mining Commissioner, or as he may direct, and when so ascertained, determined or prescribed shall be final and binding upon all parties interested. R.S.O. 1897, c. 36, s. 42 (1). *Amended.*

Compensation to owner of surface rights.

121. The Mining Recorder shall have power to reduce the extent of any mining claim or special mining claim staked out where the surface rights have been granted, sold, leased or located, if in his opinion an area less than forty acres or twenty acres, as the case may be, is sufficient for working the ores, minerals and mining rights therein contained, and his decision in such case shall be final. Reg. 26 (3). *Amended.*

Reduction in area of claim where surface rights have been sold.

122. No person shall have the right of entry to prospect for minerals upon the surface rights of that portion of any lot used as a garden, orchard, vineyard, nursery, plantation or pleasure ground, or upon which crops that may be damaged by such entry are growing, or on which is situated any spring, artificial reservoir, dam or water-works, or any dwelling house, outhouse, manufactory, public building, church or cemetery, except with the consent of the owner, lessee or locatee, or the person in whom the legal estate therein is vested, or by order of the Mining Commissioner. R.S.O. 1897, c. 36, s. 43. *Amended.*

Right of entry of prospectors limited.

123. The Mining Recorder shall not grant a certificate of record of the staking out of a mining claim as provided in section 59, on any lands the surface rights of which have been granted, sold, leased or located, unless and until compensation for injury or damage to the surface rights has been paid or secured, as provided by section 120 hereof.

Compensation to be paid before claim recorded.

SPECIAL MINING CLAIMS.

Area of special claims in townships surveyed into sections of 640 acres.

124. In any township surveyed into sections of 640 acres, or thereabouts, where the sections have been subdivided into quarter sections or subdivisions containing 160 acres or thereabouts a special mining claim shall consist of either of the west half or the east half of any of the following, that is to say: The northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of any quarter section or subdivision, and shall contain twenty acres, or thereabouts. (*New.*)

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In townships surveyed into lots of 320 acres.

125. In any township surveyed into lots of 320 acres or thereabouts, a special mining claim shall consist of one or other of the following subdivisions of the lot, namely, the northeast quarter of the northeast quarter, the northwest quarter of the northeast quarter, the southeast quarter of the northeast quarter, or the southwest quarter of the northeast quarter, or any like subdivisions of the southeast quarter, the southwest quarter, or the northwest quarter of the said lot, containing twenty acres, or thereabouts. *New.*

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In townships surveyed into lots of 200 acres.

126. In any township surveyed into lots with single fronts containing 200 acres or thereabouts, or in any township surveyed into sections of 1,200 acres or 2,400 acres where the lots contain 200 acres or thereabouts, or in any township surveyed into lots with double fronts containing 200 acres or thereabouts, a special mining claim shall, where the side lines of the lots run northerly and southerly, consist of one or other of the following subdivisions of the lot, namely, the northeast quarter of the north half, the southeast quarter of the north half, the northwest quarter of the north half, the southwest quarter of the north half, the northeast quarter of the south half, the northwest quarter of the south half, the southwest quarter of the south half, or the southeast quarter of the south half, containing twenty-five acres or thereabouts; and where the side lines of the lots run easterly and westerly, a special mining claim shall consist of the northeast quarter of the east half, the northwest quarter of the east half, the southeast quarter of the east half, the southwest quarter of the east half, the northeast quarter of the west half, the northwest quarter of the west half, the southeast quarter of the west half, or the southwest quarter of the west half, containing twenty acres or thereabouts. (*New.*)

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In townships surveyed with lots of 100 acres.

127. In any township surveyed into lots of 100 acres or thereabouts, a special mining claim shall consist of the northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of the lot, containing twenty-five acres or thereabouts. (*New.*)

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128. A special mining claim in unsurveyed territory shall be rectangular in form, and shall be laid out with boundary lines running north and south and east and west astronomically, and shall have a length from north to south not exceeding twenty chains, or 1,320 feet, and a width from east to west of ten chains or 660 feet, containing twenty acres, or thereabouts. (*New.*)

In unsurveyed territory.

129. Where mining locations the property of the Crown in unsurveyed territory have heretofore been surveyed in conformity with the provisions of any Act of the Legislature into blocks of the following dimensions, namely, 20 chains in length by 20 chains in width, 40 chains in length by 20 chains in width, 40 chains square, or 80 chains in length by 40 chains in width, or thereabouts, and the plans and field notes of such locations are of record in the Department, a special mining claim staked out thereon shall consist of the east half or the west half of a location 20 chains square, containing 20 acres or thereabouts; or the northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of a location 40 chains in length by 20 chains in width, containing 20 acres or thereabouts; or the west half or the east half of any of the following subdivisions of a location 40 chains square, namely, the northeast quarter, the northwest quarter, the southeast quarter, or the southwest quarter, containing 20 acres or thereabouts; or of the northeast quarter of the northeast quarter, the northwest quarter of the northeast quarter, the southeast quarter of the northeast quarter, or the southwest quarter of the northeast quarter, or any like subdivision of the southeast quarter, the southwest quarter, or the northwest quarter of a location 80 chains in length by 40 chains in width, containing 20 acres more or less, or where the length of such location is east and west, a special mining claim shall consist of the east half or west half of the northeast quarter of the east half, the east half or west half of the southeast quarter of the east half, the east half or west half of the northwest quarter of the east half, or the east half or west half of the southwest quarter of the east half, or of a corresponding subdivision of the west half of the said location, containing 20 acres or thereabouts. (*New.*)

Mining locations heretofore surveyed in unsurveyed territory.

130. All the provisions of this Act applicable to mining claims shall be deemed to be applicable also to special mining claims, except where otherwise expressly stated, and also where a particular provision or part thereof is manifestly inapplicable.

Application of general provisions to special claims.

MIXING CLAIMS ON LANDS UNDER TIMBER LICENSE.

131. Except as is herein otherwise provided, it shall be lawful for the holder of a miner's license to prospect for minerals on any Crown lands under timber license, except

Licensee may prospect on lands under timber license.

where such lands have been withdrawn from exploration, location or sale by any Act of the Legislature or Order in Council, subject to the following conditions:

Timber licensee to be notified of application to record claim.

(1) In the event of the discovery of valuable mineral on any Crown lands under license for pine timber, or for pine and other timber, the mining licensee may stake out a mining claim thereon and apply to have the said mining claim recorded in the office of the Mining Recorder of the Mining Division wherein the same is situated, and it shall be the duty of the Mining Recorder within three days of the application for record of the staking out of the mining claim thereon, to notify the Minister thereof, and the Minister shall thereupon notify the timber licensee thereof. 5 10

Operations to be suspended until Minister decides whether mining may be carried on on limit.

(2) The provisions of this Act in reference to mining operations on a mining claim so staked out upon Crown lands included in a timber license shall be suspended until it has been decided by the Minister whether mining operations or the performance of working conditions shall be permitted to be carried on on such mining claim, and the date on which the working conditions shall become operative and obligatory shall be the date fixed by the Minister on which the same shall be begun, of which date due notification shall be given to the Recorder and mining licensee. 15 20

Minister may permit operations, subject to conditions.

(3) It shall be lawful for the Minister to permit mining operations upon such mining claim to be carried on, subject to such restrictions and limitations as in his judgment may be necessary to protect the interest of the Crown and other parties interested therein, and the Lieutenant-Governor in Council may, from time to time, and subject to the provisions of subsection 3 of section 7 hereof, make regulations regarding the carrying on of mining operations on mining claims on Crown lands for the time being under timber license. 25 30

Regulations to provide for payment of value of pine timber cut.

(4) Any regulations made under authority of this section shall provide for the payment to the timber licensee of the value of any pine timber cut or damaged upon such mining claim, and any dispute between the mining licensee and the timber licensee in respect of the quantity or value thereof, or otherwise, shall be disposed of by the Minister, whose decision in regard thereto shall be final. (*New.*) 35 40

STAKING OUT AND HOLDING MINING CLAIMS.

Where licensee may prospect for minerals.

132. Any person, registered partnership, or mining company at the time duly holding a miner's license, may, except as herein provided, and subject thereto, prospect for mines or minerals: 45

(a) on any Crown lands surveyed or unsurveyed;

(b) on any lands the mines, minerals or mining rights whereof have been reserved by the Crown in the location, sale, patent or lease of such lands;

provided that same are not, for the time being, staked out and occupied as a mining claim, or a special mining claim, or are under working permit, or are withdrawn by any Act of the Legislature or Order-in-Council, from exploration, location or sale.

133. A licensee who discovers valuable mineral in place or a bed or deposit of gold or platinum-bearing sand, earth, clay or gravel, or upon whose behalf valuable mineral in place or a bed or deposit of gold or platinum-bearing sand, earth, clay or gravel has been discovered by a licensee shall have the right to stake out thereon a mining claim, providing that it is on Crown lands not withdrawn from location or exploration, and is not included in a claim staked out by another licensee, or on lands the mines, minerals and mining rights whereof have been reserved by the Crown, if not included in a claim staked out by or on behalf of another licensee who shall have the right to work the same and transfer the interest therein of a licensee to another licensee, and in case the surface rights have been granted, leased or located by the Crown the licensee must proceed as provided in section 120 of this Act. R.S.O. 1897, c. 36, s. 47. *Amended.*

Where licensee may stake out claim,

Nothing herein contained shall be deemed to authorize any person not a licensee to prospect or stake out a mining claim, a special mining claim, or an area of mining land for a working permit or prospecting permit on behalf of any registered partnership or mining company.

Persons not licensees.

134. A mining claim may be staked out by planting a discovery post of wood or iron (on which is written or placed the name of the licensee making the discovery, the number of the license and the date of his discovery, and, if the discovery is made on behalf of another licensee, then also the name of such other licensee and the number of his license), upon an out-cropping or showing of ore or mineral in place or upon the surface over some part of a bed or deposit of gold- or platinum-bearing sand, earth, clay or gravel within the boundaries of a claim, and by planting at each of the four corners of the claim a post of wood or iron in the order following, viz.: No. 1 at the northeast corner, No. 2 at the southeast corner, No. 3 at the southwest corner, and No. 4 at the northwest corner, the number in each case to be on the side of the post towards the post which follows it in the order in which they are named. The like particulars as are herein required to be written or placed on the discovery post shall also be written or placed on No. 1 post, and if the claim is situate in a township surveyed into lots, there shall, in addition, be plainly written or placed on No. 1 post the subdivision or part of the lot comprised, or intended to be comprised, in the claim.

Mode of staking out.

See Fig. 1. Reg. 18 (1); R.S.O. 1897, c. 36, s. 48 (1).
Amended.

I.

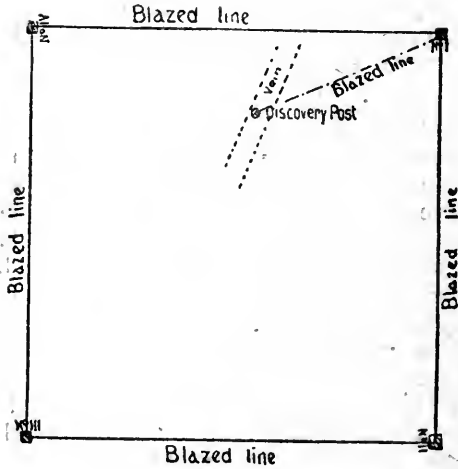


Fig No 1.

Staking out claim where it is impracticable to mark all four corners.

135. If one or more corners of a claim fall in any situation where the nature or conformation of the ground renders the planting of a post or posts impracticable, such corner or corners may be indicated by placing at the nearest suitable point a witness post, which, in that case, shall contain the same marks as those prescribed herein for corner posts, together with the letters "W.P.," and an indication of the bearing and distance of the site of the true corner from such witness post. See Fig. 2. R.S.O. 1897, c. 36, s. 48, *part.*

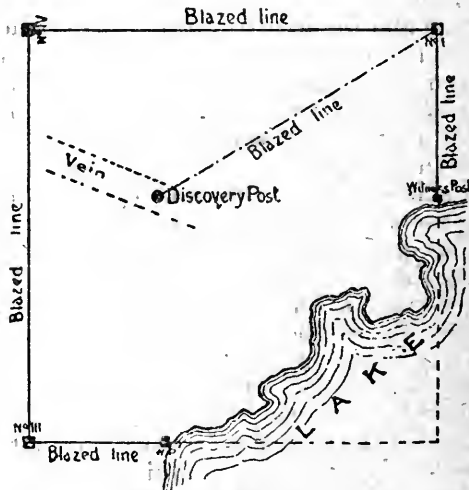


Fig No 2.

136. Where there are standing trees upon a mining claim so staked out the licensee shall blaze the trees, on two sides only, and cut the underbrush along the boundary lines of the claim, and also blaze a line from No. 1 post to discovery post, and shall mark plainly on No. 1 post the distance to the discovery post, and also the subdivision of the lot covered by the claim where the same is in surveyed territory. 61 V. c. 11, s. 4. *Amended.* Reg. 20. *Amended.*

Blazing line from No. 1 to discovery post, and clearing boundaries.

137. Where there are no standing trees the licensee shall clearly indicate the outlines of a claim, and also a line from No. 1 post to discovery post by planting durable pickets (not less than five feet in height) thereon (at intervals of not more than two chains) or by erecting thereon (at intervals of not more than two chains), monuments of earth and rock not less than two feet in diameter at the base, and at least two feet high, so that the lines may be distinctly seen. Reg. 20, *part.* *Amended.*

Planting pickets where impossible to blaze line.

138. Substantial compliance as nearly as circumstances will reasonably permit with the provisions of this Act regarding the staking out of mining claims shall satisfy the requirements of this Act. (*New.*)

Substantial compliance with regulations.

139. An irregular portion of land lying between two or more claims may be staked out with outlines coterminous thereto, provided that the area thereof shall not exceed forty acres, or thereabouts. Reg. 21, *part.*

Irregular portions of land between two or more claims.

140. No more than three claims may be staked out and recorded by or for any licensee in any Mining Division during the period covered by a license year. (*New.*)

Licensee not to stake out more than three claims in one license year.

141. The application of a licensee for a record of the staking out of a mining claim shall not be deemed to confer any right whatsoever upon the licensee until such time as the staking out of the said mining claim shall have been recorded with the Mining Recorder, and a certificate of such record issued and delivered by the Mining Recorder to the licensee or some person on behalf of the licensee. (*New.*)

No rights conferred until claim recorded and certificate issued.

WORKING PERMIT.

142. A licensee desiring to obtain the exclusive possession of an area of mining land at the time open for exploration and sale, whether Crown lands or lands the mines, minerals or mining rights of which have been reserved to the Crown in the location, sale, lease or patent thereof, for the purpose of prospecting the same with a view to discovering valuable mineral thereon, may (except as to land which at the time this Act comes into operation,

Obtaining exclusive right of exploration.

or within one month thereafter, is being prospected or worked, as in the proviso hereto hereinafter contained) do so by proceeding in the following manner:

Staking out boundaries.

1. By staking and marking out the boundaries thereof by planting at each of the four corners thereof a post of wood or iron in the order following, viz.: No. 1 post at the northwest corner, No. 2 post at the southeast corner, No. 3 post at the southwest corner, and No. 4 post at the northwest corner, the number in each case to be on that side of the post towards the post which follows it in the order in which they are named. 5

"Witness post."

2. If one or more corners of the claim fall in any situation where the nature or conformation of the ground renders the planting of a post or posts impracticable, such corner or corners may be indicated by placing at the nearest suitable point a "witness post," which in that case shall contain the same marks as those described herein for corner posts, together with the letters "w. p." and an indication of the bearing and distance of the site of the true corner from such witness post. (New.) 15 20

Marking posts.

3. At the time of the planting of the said posts the licensee, by whom the area is so staked, shall plainly write or place on No. 1 post the name of such licensee, and in case such staking out is on behalf of some other licensee then also the name of the licensee on whose behalf the staking out is done, together with the number of the license of such licensees, respectively, and the date of the planting of such posts. 25

Blazing trees and clearing boundary lines.

4. Where there are standing trees upon the area so staked out the licensee shall blaze the trees (upon two sides only) and cut the underbrush along the boundary lines of the area. 30

Planting pickets where there are no trees.

5. Where there are no standing trees the licensee shall mark the outlines of the area, and also a line from No. 1 post to No. 2 post, by planting durable pickets (not less than five feet in height) thereon (at intervals of not more than four chains) or by erecting thereon (at intervals of not more than four chains) monuments of earth or rock not less than two feet in diameter at the base and at least two feet high so that the line may be distinctly seen. 35 40

Marking and notching No. 1 post.

6. Upon No. 1 post there shall be written the words "Working permit applied for," and said No. 1 post shall be further indicated by notching the same with three rings of notches not less than a quarter of an inch deep and not less than two inches apart, beginning at a distance of not less than two nor more than three inches from the top of the post. 45

7. The situation of the No. 1 post shall be further indicated by trenching to a depth of not less than six inches for a distance of not less than six feet along the course of the boundary line between No. 1 post and No. 2 post, and by trenching to a depth of not less than six inches for a distance of not less than six feet along the course of the boundary line between No. 1 post and No. 4 post.

Trenching.

8. If the area is situated in surveyed territory the licensee shall also indicate on No. 1 post the portion of the township lot upon which the area is situated in accordance with the provisions of section 105 of this Act.

Where area is in surveyed territory.

9. The area to be included in a working permit situated in a Mining Division shall not, except where herein otherwise provided, exceed 40 acres in extent, or, where situated in a special Mining Division, 20 acres in extent.

Limit of acreage to be included in working permit.

10. By furnishing to the proper Mining Recorder an application in writing (in duplicate) therefor, accompanied by a map or plan (in duplicate) thereof, indicating generally and as definitely as possible the location of the said area by reference to some ascertained boundary or locality.

Licensee to file map or plan.

11. By furnishing to the proper Mining Recorder under oath, within fifteen days thereafter, satisfactory proof of the planting of the said posts and their distances from each other in feet, together with an application in writing, which may be according to the form No. 5 in the schedule hereto, accompanied by proof, under oath, of the name of the licensee interested and the number of his license, the name of the licensee by whom the area was staked out, and the number of his license, the locality of the area as indicated by some general description or statement, and such other information as will enable the Mining Recorder to lay down the area on his office maps, the time when the said posts were planted, and the area staked out, and evidence, on oath, that the land at the time of its being staked out was not in occupation or possession of, or being prospecting for minerals by any other licensee, and that the deponent has no knowledge and had never heard of any adverse claim by reason of prior discovery or otherwise. The affidavit under this section mentioned may be according, to the form No. 6 in the appendix hereto.

Compliance with conditions to be verified by oath.

In case the area is situated more than ten miles in a straight line from the office of the Mining Recorder, an additional day shall be allowed for recording such staking out for each additional ten miles or fraction thereof.

Additional time for recording.

12. By procuring from such Mining Recorder a certificate (which may be according to the form No. 7 in the appendix hereto) of the said application, and nailing or

Certificate of application to be affixed to No. 1 post.

otherwise securely affixing the same to No. 1 post on the said area within three days after the granting of the said certificate, and if the area is more than ten miles in a straight line from the office of the Mining Recorder, one additional day shall be allowed for each additional ten miles or fraction thereof. (*New.*) 5

Procuring working permit.

13. By procuring from the said Mining Recorder, after sixty days from the staking out of the area and within seventy days therefrom, a working permit in the form No. 8 in the appendix hereto. (*New.*) 10

Proviso as to work in progress.

Provided that if, when this Act comes into operation, or within one month thereafter, any person (who is, or within the said period of one month, becomes, a licensee) is then at work prospecting and working upon any such lands in drilling, trenching, digging or excavating the same, no other licensee who has not made a discovery of valuable mineral thereon, shall be entitled, during that time, to stake out any portion of such lands, if in unsurveyed territory, nearer than 10 chains to any such drill, trench or excavation, or apply for a working permit thereof, or if in surveyed territory, to stake out an area which would include any part of the lot sub-division, upon which such person or licensee is then engaged in drilling, trenching, digging or excavating. (*New.*) 15 20

Proviso as to preference among different licensees.

Provided further, that if more than one such person or licensee is, at the time this Act comes into operation, at work prospecting or working as aforesaid, upon any such area, preference shall be given to such one applying for a working permit, within said period of thirty days, as first began and continuously remained, at such work, on the said area. (*New.*) 25 30

Where surface rights granted compensation to be made to owner.

143. Where the surface rights of any land have been patented, sold, leased or located, and the mines, minerals or mining rights thereof have been reserved to the Crown, no working permit shall be issued unless and until the applicant therefor has filed evidence to the satisfaction of the Mining Recorder, that he has arranged with the owner of the surface rights for compensation for injury or damage thereto, or failing such arrangement, that such compensation has been ascertained, and paid or secured, in manner provided in section 120 hereof. (*New.*) 35 40

Application of sections.

144. Sections 108 to 141 and section 163 of this Act, so modified as may be necessary, shall be applicable as far as circumstances will admit, to every application for a working permit. (*New.*) 45

Licensee not entitled to exclusive privileges before issue of permit.

145. The licensee applicant for a working permit shall not be entitled to any exclusive or other privileges with regard to the area applied for prior to the issuance to such licensee of the working permit referred to. (*New.*)

146. The area referred to in the application for a working permit, and every part thereof, may be prospected for minerals and if a discovery of valuable mineral is made thereon, may be staked out as a mining claim by any licensee at any time until a working permit has been granted by a Mining Recorder, and the applicant for the working permit shall be entitled to exclusive possession thereof only after the working permit shall have been issued, and notice thereof in such form as may be prescribed shall have been affixed by or on behalf of the applicant therefor to No. 1 post on said area. (*New.*)

Application not to bind until working permit issued.

147. It shall be the duty of every Mining Recorder to post up in his office notice of all applications for working permits in the form No. 9 in the appendix hereto. (*New.*)

Notice of applications to be posted up.

15 WORKING CONDITIONS ON WORKING PERMIT.

148.—(1) A licensee to whom a working permit of an area has been granted shall perform thereon work which shall consist of searching for minerals by sinking a shaft or shafts, pit or pits, by digging trenches, making cross-cuts, boring by diamond or other drills, or other *bona fide* operations of a like kind to the extent of not less than eight hours per day for five days in each week during the six months next following two weeks after the issuance of such working permit.

Working conditions.

25 (2) The construction of houses, roads or other like improvements shall not constitute work within the meaning of this section. (*New.*)

Houses, roads, etc., not to constitute "work."

149. The provisions of this Act relating to the forfeiture of a mining claim for default in performance of work thereon, shall as nearly as possible, according to the circumstances of the case, be applicable to the area defined in a working permit. (*New.*)

Forfeiture for default.

150. In the event of any dispute arising as to whether a licensee holder of a working permit, has in fact complied with the provisions of this Act necessary to entitle such licensee to exclusive possession of said area, the Mining Recorder may notify the licensee holder of said working permit of such dispute, and fix a time which will admit of seven clear days' notice to such licensee of the hearing of said dispute proved to the satisfaction of the Mining Recorder, and shall then summarily decide said dispute at his office or such other place as he may fix for that purpose, and the decision of said dispute by a Mining Recorder shall be final and not subject to any appeal, and if the decision of the Mining Recorder is to the effect that the working permit has lapsed or become forfeited for failure to comply with any of the provisions of this Act, the said area shall forthwith thereupon become open for applica-

Disputes as to compliance with working conditions.

tion by any licensee for a working permit, or for staking out as a Mining claim, as the case may be, in the same way as if no application therefor had previously been made or working permit thereof previously issued. (*New.*)

Proviso for service of notice upon holder of working permit.

Provided that service of notice upon the licensee holder of the working permit may be effectually made by serving same upon him personally wherever he may be, or if he is not upon or in the neighborhood of the area defined in the working permit, then by serving the same upon any grown-up person in the employ of such licensee upon or in the neighborhood of said area, or if there is no such person then by affixing the notice to No. 1 post on said area. The notice herein referred to may be in the form (No. 10) in the schedule hereto. (*New.*)

Rights of holder of working permit on complying with conditions.

151. Subject to the performance by the licensee holder of a working permit of all the provisions of this Act relating to a working permit, the said licensee shall be entitled for the period of six months next after the date of the issuance of such working permit, less the interval of time elapsing between such issuance and the posting of notice thereof on No. 1 post of such area, and the renewal thereof (if any), to exclusive possession of the area defined in said working permit, and said area shall not during that time be open to be staked out by any other licensee for any purpose whatever. (*New.*)

25

Assignment of working permit.

152. The licensee holder of a working permit may, subject to the consent of the Mining Recorder endorsed thereon, transfer by assignment in the form (No. 11) in the appendix hereto, all his rights in the said area and working permit, and upon said transfer being recorded in the office of the Mining Recorder aforesaid, the licensee to whom the same is transferred shall thereupon be entitled to the unexpired term of the working permit together with any right of renewal thereof hereby authorized. (*New.*)

Renewal

153. It shall be lawful for a Mining Recorder to grant to a licensee holder for the time being of a working permit, one renewal thereof for a period of six months subject to the performance of work of the like nature as is hereinbefore specified. Such renewal may be according to form No. 12 in the appendix hereto. (*New.*)

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Limit of number of working permits to be held in any year.

154. No licensee shall be entitled to apply for or hold more than three working permits for any one Mining Division in any year between the first day of April and the thirty-first day of March next thereafter. (*New.*)

Computing time within which work to be done.

155. In computing the time in which work is required to be performed by this Act upon the area included in a working permit, the period of time extending from the

fifteenth day of November in one year to the fifteenth day of April in the succeeding year, shall be deemed to be excluded, as shall also the time or times so stated by any Order-in-Council or regulations made under or by authority of this Act. (*New.*)

WATER POWERS ON MINING CLAIMS.

156. A valuable water power lying within the limits of a claim shall not be deemed to be part of the claim for the uses of the licensee. A road allowance of one chain in width shall be reserved on both sides of the water together with such additional area of land as in the opinion of the Mining Recorder of the Division in which same is situated may be necessary for the development and utilization of such water power. A water power under this section referred to shall be deemed to be a valuable water power, if the same at low water mark, in its natural condition, is capable of producing 150 horse power or upwards. R.S.O. 1897, c. 36, s. 50 (3); Reg. 21, *part.*

Valuable water powers not included in claim.

RECORDING MINING CLAIMS.

157. Every licensee who has staked out a mining claim, or upon whose behalf a mining claim has been staked out, shall, within fifteen days thereof, except as by the next section provided, furnish under oath to the Mining Recorder of the Division wherein same is situated an outline sketch or plan thereof showing the discovery post and corner posts, and the witness posts (if any) and their distance from each other in feet, together with an application therefor in writing setting forth, under oath, the name of the licensee interested and the number of his license, the name (if any) of the claim, and its locality as indicated by some general description or statement, and such other information as will enable the Mining Recorder to lay down the claim on his office maps, or, if in a surveyed township, shall indicate the portion of the lot of which it forms a part, the length of the outlines, if for any reason they are not regular, and the nature of such reason, the situation of the discovery post as indicated by distance and direction from No. 1 post, the time when discovery of valuable mineral in place or a bed or deposit of gold or platinum-bearing sand, earth, out, and the date of the said application. The application in this section referred to may be according to form No. 13 in the appendix hereto, and the fee payable on filing the same with the Mining Recorder shall be as provided in the schedule hereto.

Filing plan and application for claim.

Provided that if a licensee claims to be entitled to a free grant of a mining claim or special mining claim under section 172, he shall, in addition to the application to record the staking out thereof, make application for said free

grant, which may be according to form No. 15 in the appendix hereto. R.S.O. 1897, c. 36, s. 51 (1), *part.* Reg. 25, *part.*

Affidavit showing discovery of valuable mineral.

158. The licensee in the preceding section named shall accompany the said sketch or plan and notes with the affidavit of the discovering licensee, showing the discovery of valuable mineral (which shall be specified), bed or deposit of gold or platinum-bearing sand, earth, clay or gravel upon the claim by such licensee on his own behalf or on behalf of another licensee, and that the deponent has no knowledge, and has never heard of any adverse claim by reason of prior discovery or otherwise. The affidavit shall also state the locality of the claim as indicated by some general description or statement, and may be according to the form (No. 14) in the appendix hereto. (*New.*)

Proviso.

Provided that an applicant for a free grant of a mining claim or special mining claim under section 172 shall file an affidavit proving his right thereto, which affidavit may be according to form No. 16 in the appendix hereto.

Additional time for recording claim.

159. In case the claim is situated more than ten miles in a straight line from the office of the Mining Recorder, an additional one day shall be allowed for recording for each additional ten miles or fraction thereof. (*New.*)

Right of other licensees to enter on claim to view discovery and performance of work.

160. Until a certificate of record as provided in section hereof has been granted by a Mining Recorder in respect of any mining claim, it shall be lawful for any other person to enter upon such mining claim for the purpose of viewing the discovery or discoveries upon which the licensee applicant bases his right thereto, but no such person shall impede or otherwise interfere with the licensee applicant while the application of such licensee for such mining claim is pending. Between the time of the issue of a certificate of record of the staking out of mining claim and the issue of a patent for a mining claim it shall be lawful for any person other than the licensee the time being of such mining claim to enter upon the mining claim for the purpose of viewing the performance by or on behalf of such licensee holder of the work required by this Act to be performed on such mining claim, but no such person shall impede or otherwise interfere with the licensee holder of such mining claim. (*New.*)

Mining Recorder not to record any claim "in trust."

161. There shall not be entered on the record or be receivable by any Mining Recorder any notice of any trust, express, implied or constructive, relating to any unpatented mining claim, or special mining claim, or to any working permit or prospecting permit, or the areas therein described. Describing a licensee, owner or holder of a mining claim for the time being; as a

trustee, whether the beneficiary or object of the trust is mentioned or not, shall not impose upon any person dealing with such owner or holder, the duty of making any enquiry as to the power of the owner or holder thereof for the time being, but such owner or holder may deal with the claim or working permit as if such description had not been inserted.

Provided that nothing herein contained shall relieve the recorded holder or owner thereof who is in fact a trustee thereof or of any part or share thereof or therein, from liability at law as between himself or herself as the case may be, and any person, partnership or corporation for whom he or she is a trustee, but such liability as between said parties shall continue in the same way and to the same extent as if this section had not been enacted. R.S.O. 1897, c. 138, s. 103. *Adapted.*

WORKING CONDITIONS ON MINING CLAIM.

162.—(1) A licensee who has staked out a mining claim under the provisions of this Act shall, during the three months immediately following the recording of the same in the office of the Mining Recorder, perform thereon work, which shall consist of stripping or in opening up mines, in sinking shafts or other actual mining operations, to the extent of not less than eight hours per day for thirty days.

Working conditions during first three months.

(2) The construction of houses, roads or other like improvements shall not constitute "actual mining operations" within the meaning of this section.

Houses, roads, etc., not to constitute "work."

(3) A licensee who has staked out a mining claim under the provisions of this Act shall, during each of the three years following the expiration of three months from the record by or on behalf of such licensee of the staking thereof, perform thereon work, as in the first subsection hereof provided, as follows:

Working conditions for first and second years.

(a) During each of the first and second of such three years to the extent of not less than eight hours per day for sixty days.

(b) During the third of such three years' work thereon to the extent of not less than eight hours per day for ninety days.

Third year.

(4) The work herein required to be performed upon a mining claim may be performed by the original licensee or any other licensee who has derived title from or through such original or any subsequent licensee. Provided that the work herein required to be performed on a mining claim may be completed, at the option of the licensee thereof, in a less period of time than herein specified. Provided

Work may be done by original licensee or assign.

Provido.

also that if more work is performed by or on behalf of a licensee on a mining claim than is herein required during the first three months or any subsequent year, such excess of work upon due proof of the same having been performed shall be credited by the Mining Recorder as against the work required to be performed during the next or any subsequent year. R.S.O. 1897, c. 36, s. 34 (1); 62 V. (2), c. 10, s. 7. *Amended.* 5

Licensee to make report of work on oath. 163. A licensee of a mining claim shall make a report in writing verified by oath to the Mining Recorder of the Mining Division in which such claim is situated of the performance of the mining operations herein required to be performed which report may be according to form No. 17 in the appendix hereto, and such report shall be completed and delivered as aforesaid within ten days after the time within which such mining operations are required to be performed. 62 Vic. (2), c. 10, s. 7. *Amended.* 10

Form of affidavit verifying report. 164.—(1) The affidavit verifying the report of a licensee holder, for the time being, of a mining claim above referred to may be in the form No. 18 in the appendix hereto. 62 Vic. (2), c. 10, s. 7. *Amended.* 20

(2) The Mining Recorder if satisfied that the working conditions required to be performed have been duly performed may give a certificate according to form No. 32 in the appendix hereto. (*New.*) 25

If two or three claims contiguous, work may be done upon one. 165. If two or three mining claims held by the same licensee are contiguous, the whole of the work herein required, applicable to the said two or three mining claims, may be performed by the licensee upon one of them, if the licensee has notified the Mining Recorder of the Mining Division within which such mining claims are situated of his intention to perform all the said work in the year or years specified, upon the one of the said mining claims so specified, which said notice may be in the form (No. 19) in the appendix hereto. Provided that in computing the amount of work performed, as herein required, upon any number of mining claims, not more than three contiguous to each other, the licensee shall be deemed to have complied with the provisions of this section if the total work performed by him upon the said group of mining claims amounts altogether to not less than the total amount of work which but for this proviso would have been required to be performed upon each of the said mining claims. R.S.O. 1897, c. 36, s. 32 (2). *Amended.* 30

Proviso. 35

Period between 15th November and 15th April to be exempt. 166. In computing the time within which work or mining operations are required to be performed by this Act the period of time extending from the 15th November in one year to the 15th April in the succeeding year shall be 45

deemed to be excluded as shall also the time or times so stated by any Order-in-Council or regulations made under the authority of this Act. R.S.O. 1897, c. 36, s. 52 (3), 53. *Amended.*

5

ABANDONMENT.

167. A licensee may, at any time, abandon a mining claim, working permit, or prospecting permit, by giving notice in writing to the Mining Recorder in the Mining Division in which such claim or area is situated of his intention so to do, which notice may be according to the form (No. 20) in the appendix hereto. Such notice shall be immediately recorded in a book in the Mining Recorder's office, and from the date of the record of such notice all interests of the licensee in such claim, working permit, or prospecting permit, as the case may be, shall cease and determine, and the same shall thereafter be the property of the Crown, free from all claims of every nature and kind. 61 V., c. 11, s. 8, *part*; 62 V. (2), c. 10 s. 13, *part*. *Amended.*

Licensee may abandon mining claim or permit.

168. Non-compliance by or on behalf of the licensee of any provision of this Act relating to the staking out and recording of a mining claim, working permit or prospecting permit, including the blazing or otherwise marking all lines by the Act required, or of a direction of the Mining Recorder in regard thereto within the time limited by the Mining Recorder therefor, shall be deemed to be an abandonment. (*New.*) See R.S.O. 1897, c. 36, s. 51 (1), (2). *Amended.*

Non-compliance with Act or direction of Mining Recorder to be deemed abandonment.

FORFEITURE.

169.—(1) In default of compliance with the working conditions herein required during the first three months or during any subsequent year of the said period of three years, and of the delivery of the report in section 163 referred to, within the time thereby limited, all rights of the licensee connected with any such mining claim shall, unless otherwise ordered by the Mining Commissioner, after appeal to him as herein provided, revert to and be vested in His Majesty, his successors and assigns for the public uses of the Province, freed and discharged of any interest or claim of the licensee and of every other person whatsoever, and the Mining Recorder shall make an entry to that effect on the page of the Record Book showing the claim. 60 V. c. 8, s. 9. *Amended.*

Forfeiture on failure to perform work.

(2) The decision of the Mining Commissioner in this section referred to shall be final.

Decision of Mining Commissioner to be final.

170. All the interest of a licensee in a mining claim, before the patent thereof has issued, shall cease and be deemed to be forfeited, and the mining claim in such case

Cause of forfeiture of mining claim.

shall revert to the Crown free from all claims of every nature and kind thereto:

- (a) If the license of the licensee has expired, and not been duly renewed as herein provided.
- (b) If, without the consent in writing of the Mining Recorder or Mining Commissioner, any licensee, or any person on behalf of the licensee, removes a stake or post by the Act required to be placed on a mining claim, for the purpose of changing boundaries, or otherwise, after the plan thereof and notice in regard thereto have been filed with the Mining Recorder.
- (c) If the working conditions herein required to be performed are not duly performed.
- (d) If the report required by section 163 to be made by a licensee of the performance of mining operations is not made and deposited with the Mining Recorder as therein required. (R.S.O. 1897, c. 36, s. 45; Regulations 29 and 30).
- (e) If an application for patent required by section 171 to be made by a licensee for a mining claim be not made within the time required by this Act.
- (f) If the purchase price required by section 176 to be paid by the licensee for a patent for a mining claim is not paid as and when by the Act required. See 63 V., c. 13, s. 16. *Amended.*

APPLICATION FOR PATENT OF MINING CLAIM.

How licensee
may obtain
patent to claim.

171. Upon compliance by or on behalf of the licensee of the requirements of this Act and including the performance of the work hereby required, and upon payment by or on behalf of the licensee holder for the time being of any mining claim of the purchase price of the mining claim as provided in section 176 hereof the said licensee holder shall be entitled to a patent of such mining claim. A licensee entitled to a patent of a mining claim shall apply therefor within a period of three months, after the expiry of three years and three months from the date of recording the claim in the office of the Mining Recorder, and failure to apply therefor and pay the purchase price thereof within such period of three months shall be deemed to be a forfeiture of all the interests of such licensee in such mining claim, and such mining claim in such case shall revert to and be vested in His Majesty, his successors and assigns, for the public uses of the Province, freed and discharged of any interest or claim of any other person or persons whomsoever. The application for a patent shall be made to the Mining Recorder of the Mining Division

within which such mining claim is situated, and may be according to form No. 21 in the appendix hereto. (*New.*)

172. A licensee who is the first discoverer of valuable metal, ore, or mineral at a point which is not less than five miles from the nearest known mine, vein, lode or deposit of the same kind of metal, ore or mineral, and who complies with all the other provisions of this Act shall upon satisfactory proof of such facts be entitled to a patent thereof without payment of the purchase price, which, 10 but for the provisions of this section would have been payable therefor. R.S.O. 1897, c. 36, s. 32; 62 V. (2), c. 10, s. 6. *Amended.*

Free grant to first discoverer.

173. In all patents for mining claims within the Districts of Algoma, Thunder Bay and Rainy River, and that 15 part of the District of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawan there shall be a reservation for roads of five per centum of the quantity of land proposed to be granted and the Crown or its officers shall have the right to lay out roads 20 where, and as deemed necessary. R.S.O. 1897, c. 36, s. 26, ss. 4.

Five per cent. of area to be reserved for roads.

174. Every patent of Crown lands or mining rights by which it is intended to vest in the grantee or patentee the mines and minerals therein or any part thereof or any 25 rights in connection therewith, shall be stated to be made in pursuance of this Act. (*New.*)

Patent to be stated in pursuance of Act.

175. Every patent of Crown lands which purports to be made in pursuance of this Act shall, unless otherwise expressly stated, vest in the grantee all the Crown title in 30 such lands and all mines and minerals therein. (*New.*)

Patent to convey all ground title.

176.—(1) The price per acre of all Crown lands to be sold as mining lands shall be:

Price of mining lands.

(a) If in surveyed territory... \$3 00

(b) If in unsurveyed territory 2 50

35 The price per acre for a patent of mining rights shall be one-half the above rates. R. S. O., 1897, c. 36, s. 31. *Amended.*

Mining rights.

(2) No lands shall be sold or patented for mining purposes in any Forest Reserve. 5 Edw. VII., c. 9, s. 1.

No lands to be sold or patented in Forest Reserves.

40 RESERVATION OF TIMBER.

177.—(1) The patents for all Crown lands sold or granted as mining lands shall contain a reservation of all pine trees standing or being on the lands, which pine trees shall continue to be the property of His Majesty, and any person

Pine trees reserved.

holding a license to cut timber or saw logs on such lands may, at all times during the continuance of the license, enter upon the lands and cut and remove such trees, and make all necessary roads for that purpose. R.S.O. 1897, c. 36, s. 39 (1). 5

Patentees may use timber for building, fencing, etc., on the land.

(2) The patentees, or those claiming under them (except patentees of mining rights) may cut and use such trees as may be necessary for the purpose of building, fencing and fuel on the land so patented, or for any other purpose essential to the working of the mines thereon, and may also cut 10 and dispose of all trees required to be removed in actually clearing such part of the land as may be necessary to be used for mining purposes, but subject, as regards pine trees, to paying the value thereof, including timber dues, to the Crown or any licensee or other person licensed or authorized 15 to cut such pine trees, as the case may be. If any dispute arises between the patentee or those claiming under him and the timber licensee with regard to the quantity or value of the pine timber so cut or disposed of, or otherwise regarding such timber, the same may be referred to the Minister, 20 whose decision shall be final. Ibid (2). *Amended.*

SURVEY OF MINING CLAIMS.

Mining claim in unsurveyed territory to be surveyed by O.L.S.

178. A mining claim in unsurveyed territory in order to be patented shall require to be surveyed by an Ontario Land Surveyor at the cost of the licensee applicant there- 25 for, who shall furnish at the time of the application for a patent the surveyor's plan, in triplicate, field-notes and description of the location showing a survey in conformity with this Act and to the satisfaction of the Minister. R.S.O. 1897, c. 36, s. 27. *Amended.* 30

How survey of claim to be made.

179. The boundary lines of a mining claim in unsurveyed territory shall follow the courses of the lines of the claim as originally staked out on the ground, or as the lines may have subsequently been altered, changed or corrected by the Mining Recorder of the Mining Division in which 35 such mining claim is situated, and whenever an Ontario Land Surveyor is employed to run the boundaries of any such claim he shall do so by running a straight line between Post No. 1 at the northeast angle of the claim and Post No. 2 at the southeast angle thereof, and a straight line between 40 said Post No. 2 and Post No. 3 at the southwest angle thereof, and a straight line between said Post No. 3 and Post No. 4 at the northwest angle thereof, and a straight line between said Post No. 4 and Post No. 1 at the northeast angle thereof, and shall mark out said lines on the ground by 45 blazing the adjacent trees distinctly on three sides, *i.e.*, one blaze on each side in the direction of the line and one on that side by which it passes, and shall give to each

mining claim, so surveyed, a designating number or letter, which designating number or letter he shall mark at each of the four angles of the claim, and shall connect such survey with some known point in a previous survey or with some other known point or boundary so that the claim may be laid down on the office maps of the territory in the Department. (*New.*)

180. If, in the case of application for a patent of a mining claim in surveyed territory, the Minister should be of opinion that a survey of such mining claim is necessary, the Minister may so direct and a survey thereof, shall be made in compliance with such direction, at the expense of the applicant, and shall, unless otherwise ordered, comply with the same requirements as if in unsurveyed territory. (*New.*)

Minister may require survey of claim in surveyed territory.

181. If, as the result of any survey required or authorized by this Act, the area of a mining claim or a special mining claim exceeds the acreage by this Act specified in reference thereto, it shall be lawful for the Minister to grant a patent for such portion of such mining claim as shall not exceed the acreage of such specified area. (*New.*)

If area of claim excessive, Minister may reduce.

182. Wherever practicable any reduction in the area of a mining claim, which, according to the survey thereof, exceeds, in the case of a mining claim, 40 acres, or in the case of a special mining claim, 20 acres shall be made by restricting the same as follows: In the case of a mining claim, by commencing at No. 1 post and proceeding along the line between No. 1 post and No. 2 post a distance not exceeding 20 chains, thence westerly parallel to the line between No. 2 post and No. 3 post a distance not exceeding 20 chains, thence northerly parallel to the line between No. 3 and No. 4 posts a distance not exceeding 20 chains, thence easterly along the line between No. 4 post and No. 1 post to No. 1 post; in the case of a special mining claim, by commencing at No. 1 post and proceeding along the line between No. 1 and No. 2 posts a distance not exceeding 20 chains, thence westerly parallel to the line between No. 2 and No. 3 posts a distance not exceeding 10 chains, thence northerly parallel to the line between No. 3 and No. 4 posts a distance not exceeding 20 chains, thence easterly along the line between No. 4 post and No. 1 post to connect with No. 1 post. (*New.*)

How reduction to be made.

PROSPECTING PERMITS.

45. 183.—(1) Any licensee desirous of acquiring a permit to prospect for petroleum, natural gas, coal or salt, upon any Crown lands not withdrawn from exploration or sale or upon any lands, the mines, minerals or mining rights of

Prospecting permit for petroleum, natural gas, coal and salt.

which have been reserved to the Crown in the patent, sale, lease, or location, shall before going into occupation of much lands, stake out the same by planting a post at each corner thereof, and writing or marking on No. 1 post, at the northeast corner of the said area, the words "Prospecting Permit applied for," the name of the licensee staking out the said lands and the number of his license, also the name of the licensee in whose name or on whose behalf it is proposed to make application for such permit, the number of his license, the date on which the said lands are staked out, a statement of the area intended to be covered by the Permit; and shall within fifteen days thereafter make application in duplicate for the said Permit to the Mining Recorder of the Mining Division within which the lands are situate, which application may be according to Form No. 22 in the appendix hereto. One copy of such application shall at once be posted up in the Recorder's office, and one copy forwarded to the Minister. The application shall be verified by affidavit which may be according to Form No. 23 in the appendix hereto. If the area so staked out is more than ten miles from the office of the Mining Recorder, one day additional for every additional ten miles or fraction thereof shall be allowed for making said application. B.C., adapted.

Licensee to
make applica-
tion to
Minister.

(2) After the expiry of thirty days from the making of such application to the Mining Recorder, and not later than ninety days thereafter, the licensee shall make application to the Minister for a Permit to prospect said lands for petroleum, natural gas, coal or salt, or any one or more of the said substances, and shall accompany his application with a plan or diagram showing as nearly as possible, the situation of the lands and shall give the best practicable written description of the same, and pay in a fee of \$100. If the lands are situate in surveyed territory, the applicant shall describe the lands by the numbers of the lots and concessions. Upon completion of the application, if no good reason appears to the contrary, the Minister may grant the Permit, which shall be called a "Prospecting Permit", and shall be for one year only. Such Permit may be according to Form No. 24 in the appendix hereto. B.C., adapted.

Form and
extent of tract.

(3) Every tract of land for which a Prospecting Permit is applied, if in unsurveyed territory, shall be rectangular in form and shall not exceed six hundred and forty acres in extent, and the boundary lines thereof shall be due north and south and due east and west, astronomically. If in surveyed territory such tract may consist of any number of lots, not containing in all more than six hundred and forty acres, provided they are contiguous, and

the whole tract need not be rectangular in form. B.C., adapted.

(4) A Prospecting Permit shall require the holder thereof to enter upon the tract of land described therein within two months of the date thereof, and to expend thereon in actual boring, sinking, driving or otherwise searching for petroleum, natural gas, coal or salt, a sum not less than at the rate of two dollars per acre during the term of the permit, which expenditure shall not include any moneys laid out for houses, roads or other like improvements. Upon proof being filed with the Minister that the said expenditure has been made and all other terms and conditions of the permit duly complied with, the Minister may payment of a fee of one hundred dollars, subject to like conditions as to expenditure in actual boring or otherwise searching for the substances aforesaid, or any one or more of them. Where an application for a prospecting permit includes any lands, the surface rights of which have been patented, sold, leased or located, and the mines, minerals or mining rights of which have been reserved to the Crown, such permit shall not issue until the applicant has filed evidence to the satisfaction of the Minister, that he has arranged with the owner or owners of the said surface rights for compensation for injury or damage thereto, or failing such arrangement that such compensation has been ascertained and paid or secured in manner provided in section 120 hereof. B.C., adapted.

(5) Upon the holder of a prospecting permit, proving to the satisfaction of the Minister, that he has discovered petroleum, natural gas, coal or salt, or any one or more of the said substances in commercial quantities upon the lands included therein, the Minister may lease the said lands or any portion of them to the holder of the said permit or his assignee for a term of ten years at an annual rental of one dollar per acre, payable in advance, and subject to the expenditure of not less than two dollars per acre per annum for raising or obtaining petroleum, natural gas, coal or salt, or any one or more of the said substances therefrom, or in actual *bona fide* operations or works undertaken or made for the purpose of raising or obtaining the same. The lessee shall have the right of renewal of such lease at the expiry of the first term of ten years at the same rental, and at the expiry of the second term of ten years for another term of twenty years at renewal, such rental as may then be agreed upon or provided by law or regulation. B.C., adapted.

(6) Every such lease shall contain such other conditions stipulations and provisos as the Lieutenant-Governor in Council may order and prescribe, and shall be forfeited and void if the rental payable thereunder be not paid

Working conditions.

Fee.

Where surface rights have been granted.

Lease may issue on discovery.

Renewal.

Lieutenant-Governor in Council may make regulations as to leases.

when due, or upon failure to expend the money required therein to be laid out in *bona fide* operations or work for the purpose of raising or obtaining the aforementioned substances, or any one or more of them, or upon failure to comply with any of the said terms and conditions of such lease. Provided that a forfeiture for failure to pay rent when due, may be defeated by paying up all arrears of rent within ninety days after the same became due and payable. B.C., adapted. 5

Proviso.

Rights of lessee. (7) The right conferred by any such lease upon the lessee shall be to enter upon the lands mentioned or described therein, and to dig, bore, sink, drive or otherwise search for and obtain, raise and remove, petroleum, natural gas, coal and salt, or any one or more of such substances. All 10

Other minerals to be reserved. other mineral or mineral substances of value shall be reserved to the Crown, and it shall be lawful for the holder of a Miner's License at all times to go upon the said lands and prospect and search for valuable minerals and to stake out mining claims thereon, and obtain patents therefor, upon compensating the said lessee for injury or damage to the surface rights of the said lands; nevertheless, from such patents, the petroleum, natural gas, coal and salt in, on or under the said lands, shall be reserved. B.C., adapted. 15 20

Survey required in unsurveyed territory. (8) No such lease shall issue for lands in unsurveyed territory unless and until a plan in triplicate by an Ontario Land Surveyor, field notes and description, shall be filed in the Department, showing a survey in conformity with this Act, and to the satisfaction of the Minister. (New.) 25 30

Timber to be reserved. (9) The holder of a prospecting permit or of a lease for petroleum, natural gas, coal or salt, shall not be entitled to the timber upon the lands included in such permit or lease but if the same are not covered by timber license, such holder may cut and use such timber or trees as may be necessary for prospecting and working the said lands, upon application to the Minister therefor, and upon payment of such rates as he may fix. (New.) 35

Transfer of prospecting permit. (10) The holder of a prospecting permit may, subject to the consent of the Minister endorsed thereon, transfer by assignment in the Form No. 25 in the appendix hereto all his rights in the said Permit or the lands included therein, and upon said consent being given the licensee to whom the same is transferred shall thereupon be entitled to the unexpired term of the said permit, with any right of renewal thereof hereby authorized. (New.) 40 45

PLACER MINING.

Placer mining claims. 184. The provisions of this Act in regard to staking out a mining claim after discovery thereon of valuable mineral shall be applicable, likewise, to placer mining claims, ex-50

cept that in the case of placer mining claims it shall not be necessary, preliminary to having the right to stake out, that there should have been a discovery of valuable mineral in place, but a discovery of a bed or deposit of gold or platinum bearing sand, earth, clay or gravel, or of precious stones, shall entitle the licensee, by or on whose behalf such discovery has been made, to stake out a placer mining claim thereon.

DREDGING LEASES.

10 185.—(1) The Lieutenant-Governor, by Order-in-Council, may make regulations respecting the issue of leases author-
 izing the holders thereof to dredge in any river, stream or lake in, on or flowing through Crown lands, or the bed or beds of which belongs to the Crown, for the purpose of re-
 15 covering valuable minerals therefrom, and from time to time, may alter or revoke any order or orders or regulations in respect thereof, and make others in their stead, and all orders or regulations made by virtue of the provisions of this section shall have force and effect only after the
 20 same shall have been published in *The Ontario Gazette*.
 (New.)

Lieutenant-Governor in Council may make regulations as to dredging leases.

(2) Such leases shall provide for the payment of an annual rental in advance of not less than twenty dollars per mile in length of any such river, stream or lake, and
 25 shall not be for a greater term than ten years, renewable at the expiry thereof, and shall contain provisions for protecting all other public interests in such river, stream or lake, including the driving of logs and timber, and navigation.

Provisions to be included in dredging leases.

30

FEEES.

186. The fees to be paid under this Act shall be according to the tariff therefor set forth in the schedule hereto. A fee not exceeding twenty-five cents for each affidavit taken before a Mining Recorder, shall be payable to the
 35 said Recorder for his own use. (New.)

Fees.

MINING PARTNERSHIPS.

187.—(1) In addition to all other provisions of law in Ontario regarding partnerships or unincorporated companies for mining purposes such partnerships shall be sub-
 40 ject to the provisions of this Act referable thereto.

Mining partnerships.

(2) Such partnerships may be composed of two or more persons of the age of 18 years or over.

(3) After the passing of this Act no such partnerships shall be entitled to receive or hold a miner's license in On-
 45 tario, or be entitled to stake out a mining claim, or a special mining claim, or apply for a working permit, or be recorded

Partnerships must comply with Act.

as the holder or transferee either of a mining claim, a special mining claim or a working permit in any Mining Division in Ontario, or to perform mining operations of any kind in Ontario, until the provisions of this Act referable thereto shall have been complied with. 5

Certificate with particulars of partnership to be signed by partners.

(4) Every member of a mining partnership shall severally sign (either personally or by attorney duly authorized in writing in the form in the schedule to this Act, which authorization shall be annexed to the certificate of partnership hereafter mentioned) a certificate (which may be in the 10 Form No. 26 in the schedule to this Act) wherein shall be stated:

- (a) The names in full, addresses and occupations of all the partners.
- (b) The name under which the partnership is to be conducted. 15
- (c) The total number of shares of said partnership.
- (d) The number of shares of said partnership owned by each partner.
- (e) The period at which the partnership is to commence 20 and at which it is to terminate.
- (f) The name in full, address and occupation of some individual resident in Ontario, or an incorporated company having its head office in Ontario authorized to act as Agent, and who consents 25 in writing in such certificate to act as agent of the partnership, and who shall have power to bind the partnership in any contract made or entered into on behalf of the partnership and signed by such agent. 30

Partnership to be recorded with Mining Recorder.

(5) Such mining partnership, before being entitled to the issue of a miner's license, shall be recorded as herein provided in the office of the Mining Recorder, to whom application is made by or on behalf of such mining partnership for a miner's license. 35

How partnership to be recorded.

(6) A mining partnership shall be recorded by presenting to and filing with a Mining Recorder a certificate which complies with the provisions of subsection 4 of this section, or by presenting to and filing with a Mining Recorder a copy certified by a Mining Recorder to be a true copy of a certificate as aforesaid duly recorded in his office, and by paying the fee therefor prescribed in the schedule to this Act. 40

Partnership not entitled to stake or hold claims until recorded.

(7) No mining partnership shall be entitled to stake out a mining claim, or apply for a working permit, or be recorded as the holder or transferee of a mining claim or of 45 a working permit or of mining property of any nature or of any interest of any kind therein in a Mining Division,

or to perform mining operations of any kind in Ontario, unless and until such partnership has been recorded as herein provided in the Mining Division in which such mining claim, working permit or mining property is situated.

5 (8) Every contract made or entered into in writing on behalf of a mining partnership by the recorded agent for the time being of such partnership as herein provided and signed by such agent, shall be binding upon said partnership.

Contracts by recorded agent to bind partnership.

10 (9) A majority in interest for the time being of the recorded members of a mining partnership may revoke the appointment of such agent of the partnership by signing a certificate of revocation thereof in the form (No. 27) in the schedule to this Act, and by recording such certificate
15 in the office of a Mining Recorder, and not otherwise, but such revocation shall not be effectual until so recorded, and shall only be effectual as to the Mining Division or divisions wherein so recorded. In the event of the death of the recorded agent of a mining partnership a majority in
20 interest for the time being of the recorded members of such partnership may by a certificate in the form No. 28 in the schedule to this Act appoint another qualified person or corporation to be the agent of such partnership, but such appointment shall not be effectual until recorded with such
25 Mining Recorder or Recorders as the appointment of such deceased agent had been recorded with.

Revocation of appointment of agent of partnership,—how effected.

On death of recorded agent new agent may be appointed.

(10) No certificate of revocation of the agent of a mining partnership shall be effectual unless it substitutes another qualified agent who consents in writing in such certificate
30 to act as agent, and possesses the same authority to bind the partnership as was theretofore possessed by the agent whose authority is thereby revoked.

Certificate of revocation to appoint new agent.

(11) Any specified share or shares in a mining partnership may be transferred to any person or mining partnership or incorporated company authorized to deal in the
35 shares of a mining partnership, by the owner thereof, or the executor or administrator of a deceased owner thereof, or by the assignee for the benefit of creditors of the owner thereof, or by a sheriff or bailiff in due course of law, by
40 signing and recording with the Mining Recorder of each Mining Division wherein such mining partnership is recorded a transfer thereof in the form No. 29 in the schedule to this Act, and not otherwise.

Transfer of shares in partnership.

(12) A mining partnership may be dissolved in the same
45 manner as any other partnership may be legally dissolved, except that it shall not be dissolved by the death of any partner, but the share or shares of such deceased partner, if not otherwise disposed of by the will of such deceased partner, shall devolve upon the executor or administrator
50 of such partner. Such dissolution may be according to form (No. 30) in the appendix hereto.

Dissolution of partnership.

After dissolution recorded agent to be trustee for individual partners.

(13) The dissolution of a mining partnership shall not constitute a revocation of the authority of the recorded agent for the time being of such partnership, but after such dissolution such agent, instead of being a trustee for the partnership as a whole, shall thereupon become and be the trustee of the individual partners of their legal representatives, as the case may be, but may, nevertheless, bind the interest of the individual partners and their legal representatives in selling, mortgaging or otherwise dealing with and transferring the property of the partnership in the partnership name until the affairs of the partnership are finally wound up.

Recorded agent to be subject to Mining Commissioner or any court or judge.

(14) The recorded agent, for the time being, of a mining partnership shall at all times be subject to and shall obey the orders of the Mining Commissioner, or of any Court or Judge in Ontario, as the case may be, under the provisions of this Act.

Recorded agent not relieved from liability for breach of trust.

(15) Nothing contained in subsections 1 to 13 inclusive of this section, shall relieve a recorded agent, for the time being, from liability at law for any breach of trust committed by such agent in wilfully disobeying the instructions given to such agent by the majority in interest, for the time being, of the recorded members of such mining partnership, but notice or knowledge of such breach of trust shall not affect the interest or title of any person or corporation contracting with such agent while such agent remains the recorded agent of such partnership.

Certain sections of the Ontario Companies' Act to apply.

(16) Unless otherwise provided in writing by the partnership and incorporated in the certificate in subsection 4 of this section mentioned, the like provisions as are contained in sections 27 to 40, 42 to 44, 46 to 64, 77, 78, 81 to 85, 87 to 94, and 97 of *The Ontario Companies Act*, and amendments thereto as far as same are not incapable of being applied thereto, shall be deemed to be part of the partnership agreement of every mining partnership recorded under the provisions of this Act, and to be binding upon the recorded partners, for the time being, therein and upon the legal representatives of such partners. (*New.*)

INCORPORATED COMPANIES.

As to incorporated companies.

188.—(1) After the passing of this Act no incorporated company shall be entitled to receive or hold a miner's license in Ontario, or be entitled to stake out a mining claim, or a special mining claim, or apply for a working permit, or be recorded as the holder or transferee either of a mining claim, a special mining claim, or a working permit in any mining division in Ontario, or to perform mining operations of any kind in Ontario until the provisions of this Act referable thereto shall have been complied with.

(2) Such incorporated company, before being entitled to the issue of a miner's license, shall be recorded as herein provided in the office of the Mining Recorder, to whom application is made by or on behalf of such company for a miner's license.

Company to be recorded in office of Mining Recorder.

(3) An incorporated company shall be recorded by presenting to and filing with a Mining Recorder a true copy of the Letters Patent, Articles of Association or Special Act incorporating such company, verified on oath by the Secretary of the company, and in case of a company not incorporated in Ontario, also of the license authorizing such company to transact business or hold lands in Ontario, or by presenting to and filing with a Mining Recorder a copy certified by a Mining Recorder to be a true copy of the true copy as aforesaid, duly recorded in his office, and by paying the fee therefor prescribed in the schedule to this Act. The affidavit in this section referred to may be according to form (No. 31) in the appendix hereto.

Company to file copy of Letters Patent, Articles of Association, etc., verified on oath.

Fee.

(4) No incorporated company shall be entitled to stake out a mining claim or apply for a working permit, or be recorded as the holder or transferee of a mining claim, or of a working permit, or of mining property of any nature, or of any interest of any kind therein in a Mining Division, or to perform mining operations of any kind in Ontario, unless and until such company has been recorded as herein provided in the mining division in which such mining claim, working permit or mining property is situated. (New.)

Company to be recorded in mining division where property situate.

EXPLORATORY DRILLING.

189.—(1) The Minister may out of moneys voted for that purpose, purchase such diamond drills as he may deem necessary for use in exploratory drilling of ores or minerals in the Province under rules and regulations made by the Lieutenant-Governor in Council, which shall amongst other things provide—

Purchase of drills for exploratory purposes.

(a) For the control and working of the drills under the direction of a person or persons employed for the purpose by the Bureau of Mines.

(b) As to the payment of freight charges where the drills are used upon mines or lands other than those owned by the Crown.

(c) As to applications for use of the drills and the method of dealing therewith.

(d) As to charges for use of the drills and for damages thereto, or wear and tear connected therewith, and otherwise as to the Lieutenant-Governor in Council shall seem meet. R.S.O. 1897, c. 36, s. 13.

(2) The rules and regulations for the control and working of diamond drills heretofore adopted by Order-in-Council

shall remain in force until amended or repealed by the Lieutenant-Governor in Council.

LIEN FOR WAGES.

Mine workers to have lien for wages.

190. Every miner, mechanic, labourer or other person who performs labour for wages in connection with any mine or mining property or works connected therewith shall have upon the said mine and other property of the owner therein and thereon a lien for such wages, not exceeding the wages for thirty days, or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by *The Mechanics' and Wage Earners' Lien Act*. R.S.O. 1897, c. 209, s. 82 (14).

No agreement to deprive mine workers of benefit of lien.

191. No agreement shall be held to deprive anyone otherwise entitled to a lien under this Act of the benefit of a lien, but the lien shall attach notwithstanding such an agreement. R.S.O. 1897, c. 153, s. 6.

RIOT ACT.

Lieutenant-Governor in Council may proclaim Riot Act in Mining Division.

192. The Lieutenant-Governor in Council may as often as occasion requires declare by proclamation that he deems it necessary that *The Act respecting Riots near Public Works* shall, so far as the provisions therein are applicable, be enforced in any defined locality within a Mining Division which he may deem necessary, and upon and sections 3 to 11 inclusive of the said Act, so far as the provisions thereof can be applied therein, shall take effect within the locality or Mining Division designated in the proclamation, and the provisions of the said Act shall apply to all persons employed in any mines or in mining within the limits of such locality or Mining Division as fully and effectually to all intents and purposes as if the persons so employed has been specially mentioned and referred to in the said Act. R.S.O. 1897, c. 36, s. 58 (1); Regulation 41.

Rev. Stat., c. 38,

REGULATIONS FOR WORKING MINES.

Application of sections 193 to. 223

193. Sections 193 to 223 inclusive shall apply to all mines, quarries and pits, and to oil, gas and salt wells, and other openings from which ores or minerals of any kind or class are raised or taken, and to all furnaces or works for smelting or otherwise treating ores, rocks, clays, sands, oils, brines or other minerals for any economic object; and all owners or agents of such mines, quarries, pits, wells, furnaces and works shall observe and keep the provisions of this Part, and in case of non-observance thereof shall incur the penalties provided therefor by section 80. R.S.O. 1897, c. 36, s. 59.

EMPLOYEES.

Employment of women and children.

194. No boy under the age of fifteen years shall be employed in or allowed to be for the purposes of employment

in any mine to which this Act applies below ground; and except in the case of mica trimming works no girl or woman shall be employed at a mining work or allowed to be for the purpose of employment at mining work in
 5 or about any mine. *Ibid*, s. 60.

195.—(1) No boy or young male person of the age of fifteen and under the age of seventeen years shall be employed or allowed to be for the purpose of employment in any mine to which this Part applies below ground on Sunday or for more than forty-eight hours in any one week,
 10 or more than eight hours in any one day.

Hours of employment for boys.

(2) The period of such employment, and the time during which any such boy or person may be below ground for the purpose of employment shall respectively be deemed to
 15 begin at the time of leaving the surface and to end at the time of returning to the surface.

(3) A week shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night. R.S.O. 1897, c. 36, s. 61.

20 196. The owner or agent of every mine to which this Part applies shall keep in the office at the mine, or in the principal office of the mine belonging to the same owner in the district in which the mine is situated, a register, and shall cause to be entered in such register the name,
 25 age, residence and date of the first employment of all boys or young male persons of the age of fifteen and under the age of seventeen years who are employed in the mine below ground, and shall produce such register to any Inspector at the mine at all reasonable times when required by
 30 him, and allow him to inspect and copy the same. The immediate employer of every boy or male young person of the age aforesaid other than the owner or agent of the mine, before he causes such boy or male young person to be in any mine to which this Part applies below ground,
 35 shall report to the owner or agent of such mine or some person appointed by such owner or agent, that he is about to employ such boy or young male person in the said mine. *Ibid*, s. 62.

Register to be kept of lads employed.

40 197. Where there is a shaft, incline, plane or level in any mine to which this Part applies, whether for the purpose of an entrance to such mine or of a communication from one part to another part of such mine, and persons are taken up, down or along such shaft, plane or level by means of any engine, windlass or gin, driven or worked by
 45 steam or by any mechanical power, or by an animal, or by manual labor, no person shall be allowed to have charge of such engine, windlass or gin, or of any part of the machinery, ropes, chains or tackle connected therewith, unless he is a male of at least twenty years of age.
 50 Where the engine, windlass or gin is worked by an animal,

Age and sex of persons in connection with engines.

the person under whose direction the driver of the animal acts shall for the purposes of this section be deemed to be the person in charge of the engine, windlass or gin, and no person shall be employed as such driver who is under sixteen years of age. *Ibid*, s. 63. 5

Penalty for employment of persons contrary to Act.

198. If any person contravenes any provision of the four next preceding sections of this Act he shall be guilty of an offence against this Act, and in case of any such contravention by any person whomsoever in the case of any mine, the owner and the agent of such mine shall each be guilty of an offence against this Act, unless such owner or agent proves that he had taken all reasonable means to prevent such contravention by publishing, and to the best of his power enforcing the provisions of this Act. R.S.O. 1897, c. 36, s. 64. 15

Where person under age employed on false representation.

199. If it appears that a boy or young person or any person employed about an engine, windlass or gin was employed on the representation of his parent or guardian that he was of an age at which his employment would not be in contravention of this Act, and under the belief in good faith that he was of that age, the owner or agent of the mine and the immediate employer shall be exempted from any penalty, notwithstanding such boy or other person was not of an age at which his employment as aforesaid is authorized by this Act, provided such owner, agent or employer shall immediately upon discovery of the fact discharge such boy from such employment, but the parent or guardian shall for the misrepresentation aforesaid be deemed guilty of an offence against this Act. *Ibid*, s. 55. 20

Licenses not to damage other claims.

200. In mining operations no licensee shall cause damage or injury to the holder of any mining property by throwing earth, clay, stones or mining material on such other mining property, or by causing or by allowing water which may be pumped or bailed or may flow from a mining claim or other mining property of such licensee, to flow into or upon such other mining property, under a penalty of not more than \$10.00 and costs for every offence, and for every day such damage or injury continues, and in default of payment of the fine and costs the licensee offending may be imprisoned for any period not exceeding one month. The provisions herein contained shall be in addition to any civil claim for damages which may be incurred by the owner of any mining property sustaining damage or injury of the nature aforesaid. R.S.O. 1897, c. 36, s. 57; Reg. 35. 35 40 45

LIQUOR LICENSES.

Liquor licenses forbidden within six miles of certain mines.

201. Excepting in towns and incorporated villages, no license shall hereafter be issued to any public house, beer shop or other place not now under license for the sale of any

spirits, wine, beer or other spirituous or fermented liquor within six miles of any mine or mining camp where six or more workmen are employed. 63 V. c. 13, s. 21.

PAYMENT OF WAGES.

5 202.—(1) No wages shall be paid to any person employed in or about any mine to which this part applies at or within any public house, beer shop or place for the sale of any spirits, wine, beer or other spirituous or fermented liquor, or other house of entertainment, or within any office, gar-
10 den, or place belonging or contiguous thereto or occupied therewith. R.S.O. 1897, c. 36, s. 66 (1).

Prohibition of payment of wages at public houses.

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

Penalty.

STATISTICAL RETURNS.

203.—(1) The owner or agent of every mine, quarry or other works to which this Act applies shall on or before
25 the 15th day of January in every year send to the Bureau of Mines a correct return for the year ending on the pre-
ceding 31st day of December of the number of persons ordi-
narily employed in or about such mine below ground
and above ground respectively, and distinguishing the dif-
30 ferent classes and ages of the persons so employed whose hours of labour are regulated by this Act, the average rate of wages of each class and the total amount of wages paid during the year, the quantity in standard weight of the mineral dressed, and of the undressed mineral which has
35 been sold, treated or used during such year, and the value or estimated value thereof; and the owner or agent of every metalliferous mine shall, if required, make similar returns at the end of each month or quarter of the calendar year for such month or quarter in order that the same may be
40 tabulated for publication under the instructions of the Minister.

Statistical returns by owners and agents of mines.

(2) For the purpose of collecting the data of such statistics the Deputy Minister shall prepare the required sched-
ules in such forms as he may, from time to time, deem
45 desirable, and send the same by mail to be filled up and returned by the owner or agent of every such mine, quarry or works in the Province.

Schedules to be furnished by Deputy Minister.

(3) Every owner or agent of a mine, quarry or other works who fails to comply with this section, or makes any

Penalty.

return which is to his knowledge false in any particular, shall be guilty of an offence against this Act. *Ibid*, s. 67 (1).

Plans to be produced on inspection of mine.

204.—(1) On the occasion of any examination or inspection of a mine the owner shall, if required so to do, produce to the Inspector, or any other person authorized by the Minister, an accurate plan of the workings thereof; every such plan as aforesaid shall show the workings of the mine up to within six months of the time of the inspection, and the owner shall, if required by such Inspector or other authorized person, cause to be marked on such plan the progress of the workings of the mine up to the time of such inspection, and shall also permit the Inspector to take a copy or tracing thereof.

Plan of working mines to be filed.

(2) An accurate plan of every working mine in which levels, crosscuts or other openings have been driven from any shaft, adit or tunnel, and of every mine consisting of either a tunnel or shaft having a longitudinal extension of fifty feet or more, shall be made and a certified copy filed at the office of the Bureau of Mines on the thirty-first day of March of each year showing the workings of the mine up to the thirty-first day of December preceding, and whenever work in a mine has been discontinued or abandoned for a period of one month such plan shall be filed at the office of the Bureau of Mines within two months from the date of cessation of work, and failure to comply with any of these provisions on the part of the owner or agent of the mine shall be regarded as an offence against this Act; but every such plan shall be maintained as confidential information for the use of the officers of the Bureau of Mines concerning the state and extent of every such mine, and shall not be exhibited nor shall any account thereof be imparted to any person or persons except with the written permission of the owner or agent of the mine. *Ibid*, s. 31; 63 V., c. 13, s. 20.

35

PREVENTION OF ACCIDENTS.

Fencing of abandoned or unworked mines.

205. For the prevention of accidents where any mine has been abandoned or the working thereof has been discontinued, the owner or lessee, or other person interested in the minerals of the mine shall cause the top of the shaft and all entrances from the surface, as well as all other pits and openings dangerous by reason of their depth, to be and to be kept securely fenced; and if any person fails to act in conformity with this section he shall be guilty of an offence against this part, and any shaft, entrance, pit or other opening which if not fenced as aforesaid shall be deemed to be a nuisance. R.S.O. 1897. c. 36, s. 68.

Coroner to hold inquest, in case of fatality in a mine.

206. It shall be the duty of the coroner who resides nearest to any mine wherein or in connection wherewith any

fatality has occurred, to forthwith conduct an inquest, but if such coroner is in any way in the employ of the mine owner or lessee of the mine in question he shall be ineligible to act as coroner in reference thereto, and any other coroner shall, upon application by any person interested, at once issue his warrant and conduct such inquest, and this section shall be his authority for so doing, whether his commission extends to such territory or not. (*New.*)

207. The following general rules shall so far as may be reasonably practicable be observed in every mine to which this Act applies: General rules.

1. An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shafts, adits, tunnels, winzes, rises, sumps, levels, stopes, crosscuts, underground stables and working places of such mine and the travelling roads to and from such working places shall be in a fit state for working and passing therein. R.S.O. 1897, c. 36, s. 69 (1). Ventilation.

2. In every working mine which is entered by a shaft and operated to a greater depth than 100 feet, and in every mine which is entered by an adit or tunnel and operated to a greater distance than 300 feet from the entrance to the adit or tunnel, it shall be lawful for the Inspector to require a sufficient number of portable water-tight privies to be provided for the underground employees of the mine, and such privies shall be taken to the surface and thoroughly cleansed every twenty-four hours. *Amended.* Portable privies.

CARE OF EXPLOSIVES.

3. No magazine for powder, dynamite or other explosive shall be erected or maintained at a nearer distance than four hundred feet from the mines and works, or any public highway, except with the written permission of the Inspector, and every such magazine shall be constructed of and in a manner to insure safety against explosion from any cause, and shall be either so situated as to interpose a hill or rise of ground higher than the magazine between it and the mine and works, or else an artificial mound of earth as high as the magazine and situated not more than 30 feet from it shall be so interposed. *Amended.* Magazine for explosives.

4. No powder, dynamite or other explosive shall be stored underground in a working mine in excess of supply for 24 hours. It shall be kept in securely covered and locked boxes, and, where thawed underground, it shall be kept in unused parts of the mine, never less than ten feet from lines of underground traffic nor less than one hundred and fifty feet from places where drilling and blasting are carried on, and shall at all times be in charge of a specified Where explosives are stored in a mine.

man fully qualified by his experience to take charge thereof. *Amended.*

Storage of fuse, blasting caps, etc.

5. No fuse, blasting caps, electric detonators, or any articles containing iron or steel shall be stored in the same magazine with powder, dynamite or other explosive, nor at a less distance than fifty feet from such magazine, but they shall be stored in a covered box in a place of safety. *Amended.*

Lighted lamps or candles to be kept at a distance from explosives.

6. Whenever a workman opens a box containing an explosive, or when he in any manner handles the same, he shall not permit any lighted lamp or candle to come closer than five feet to such explosive, nor permit said lamp or candle to be in such a position that the air current may convey sparks to the explosive, and a workman shall not approach nearer than five feet to an open box containing an explosive with a lighted lamp, candle, pipe or any other thing containing fire.

Inspection of stores of explosives in a mine.

7. A thorough daily inspection shall be made of the condition of explosives in a mine, and it shall be the duty of the manager, captain or other officer in charge of the mine to institute an immediate investigation when an act of careless placing or handling of explosives is discovered by or reported to him; and any employee who commits a careless act with an explosive or where explosives are stored, or who, having discovered it, omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Act.

Thawing house and apparatus for explosives.

8. A proper house in which to thaw explosives shall be built separate from the other mine buildings, and shall be equipped with suitable apparatus approved by the Inspector for thawing explosives, and shall be under the direction of the mine foreman or some other careful and experienced workman. Whenever deemed necessary by the Inspector a proper apparatus for use in the mine for thawing explosives shall also be provided, and shall be used under the direction of the mine foreman or of some other careful and experienced workman. The quantity of explosives brought into the thawing house shall not at any time exceed the requirements of the mine for a period of twenty-four hours, except where such requirements would be less than one hundred pounds. *Amended.*

No iron or steel to be used in charging holes.

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

Missed holes to be reported.

10. A charge which has missed fire shall not be withdrawn, but shall be blasted; and, in case the missed hole has not been blasted at the end of a shift, that fact shall be reported by the foreman or shift-boss to the mine captain

or shift-boss in charge of the next relay of miners before work is commenced by them. *Amended.*

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

12. No powder, dynamite or other explosive shall be used to blast or break up ore in roast heaps where by reason of the heated condition of such ore or otherwise there is any danger or risk of premature explosion of the charge. Blasting of roast heaps.

PROTECTION IN WORKING PLACES.

13. Every underground plane on which persons travel which is self-acting, or worked by an engine, windlass or gin, shall be provided at intervals of not more than twenty yards with sufficient man-holes for places of refuge, and every such plane which exceeds thirty yards in length shall also be provided with some proper means of signalling between the stopping places and the end of the plane. Man holes in self-acting or engine planes.

14. Every road on which persons travel underground where the produce of the mine in transit ordinarily exceeds ten tons in any one hour over any part thereof shall be provided at intervals of not more than one hundred yards with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length, and of at least three feet in width between the waggons running on the tram-road and the side of the road, and the Minister of Lands and Mines may, if he sees fit, require the Inspector to certify whether the produce of the mine in transit on the road aforesaid does or does not ordinarily exceed the weight as aforesaid, and such certificate shall be conclusive as to the matters therein stated. Refuges in tram-roads.

15. Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or in such space in such a position as to prevent convenient access thereto. Keeping refuges clear.

16. Where drifts extend from a shaft in opposite directions on the same level, a safe passage way and standing room for workmen shall be made on one or both sides of the shaft to afford protection against falling material. Protection of workmen in drifts

17. Where a shaft is being sunk below levels in which work is going on, a suitable pentice shall be provided for protection of workmen in the shaft. and shafts.

18. The top of every shaft shall, unless otherwise directed by the Inspector, be securely fenced, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected. *Amended.* Fencing of shafts and other openings.

- Guard rails. 19. Guard rails shall be placed round the shaft openings on every level of the mine. *Amended.*
- Timbering. 20. Where the enclosing rocks are not safe every working or pumping shaft, adit, tunnel, stope or other working shall be securely cased, lined or timbered, or otherwise made secure. 5
- Safety from water. 21. Every working mine shall be provided with proper and efficient machinery and appliances for keeping such mine free from water, the accumulation or flowing of which might injuriously affect any other mine. 10

ASCENDING AND DESCENDING SHAFTS.

Division of shaft. 22. Where any portion of a shaft is used for the ascent and descent of persons by ladders or by a man engine, and another portion of the same shaft is used for raising the material being mined, the first mentioned portion shall be cased or otherwise securely fenced off from the last mentioned portion. 15

Conditions under which machinery may not be used to lower or hoist men in a mine. 23. Workmen may not be lowered or hoisted in shafts, winzes or other underground openings of a mine under any of the following conditions:— 20

- (a) In buckets, skips or tubs;
- (b) In cages which are not provided with a hood, dogs and other approved safety appliances.
- (c) In cages where detaching hooks to prevent overwinding in mines of upwards of 1,000 feet vertically in depth are not provided. 25
- (d) Where no indications other than marks on the rope or cable are used to show to the person who works the machine or hoisting engine, the position of the cage in the shaft. 30
- (e) Where the rope or cable passes through blocks instead of passing over a sheave of diameter suited to the diameter of the rope or cable and properly mounted on a secure head-frame.

Printed copy of rule to be kept posted. It shall be the duty of the owner of every mine to post 35 and maintain at the mouth of the shaft or other conspicuous place a printed copy of this rule, and in any case of accident occurring as a result of a violation of this rule the owner shall not be liable for damages except upon proof that he has permitted or authorized the employment 40 of means herein prohibited for raising and lowering workmen in a mine, or that a suitable manway has not been provided. *Amended.*

Safety cages in shafts over 400 feet deep. 24. Whenever a mine shaft exceeds four hundred feet vertically in depth, a safety cage shall be provided, kept 45 and used for raising and lowering men in the shaft, unless otherwise directed by the Inspector. *Amended.*

25. Unless with the written permission of the Inspector, skipways shall be provided with back timbers to prevent skips leaving the track where such skipways are inclined at more than 45 degrees from the horizon. Skipways.

5 26. Hoisting with horse and pulley-block is forbidden where the depth of a shaft is more than seventy-five feet. Hoisting with horse and pulley block. No open hook shall be used in hoisting. *Amended.*

27. There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and Slipping of rope on drum.
10 also, if the drum is conical, such other appliances as may be sufficient to prevent the rope from slipping.

28. There shall be attached to every hoisting machine a brake adequate to hold at any point in the shaft the weight when filled with ore of the skip, bucket or other Brake.
15 vessel used for hoisting or lowering, and also in any shaft of greater depth than 200 feet there shall be a geared indicator (in addition to any mark on the rope) which will show to the person who works the machine the position of the cage or load in the shaft. *Amended.*

20 29. No person shall ride upon or against any loaded car in any level, drift or tunnel in or about any mine. Riding on loaded cars, etc.
Amended.

SCALING, ESCAPEMENT SHAFTS, ETC.

30. It shall be the duty of the Manager, Captain or other Daily examination.
25 competent officer of every mine to examine at least once every day all working shafts, levels, stopes, tunnels, drifts, crosscuts, raises, signal apparatus, pulleys and timbering in order to ascertain that they are in a safe and efficient working condition, and to inspect, and scale or cause
30 to be inspected and scaled, the walls and roofs or all stopes or other working places at least once every week.
Amended.

31. The owner, operator or superintendent of every mine where six or more men are employed in underground work Stretchers for conveyance of injured persons.
35 shall maintain a properly constructed stretcher for the purpose of conveying to his place of abode any person who may be injured while in the discharge of his duties at such mine. *Amended.*

32. Every person, company or corporation who has sunk Escapement shafts.
40 on any mine a vertical or incline shaft to a greater depth than 100 feet, where the top of such shaft is covered or enclosed by a building which is not fire-proof, and who has drifted a distance of 200 feet or more from the shaft and has commenced to stope, shall provide and maintain
45 to the hoisting shaft or the opening through which men are let into or out of the mine and the ore is extracted, a separate escapement shaft or opening. If such an

escapement shaft or opening is not in existence at the time that stoping is commenced work upon such escapement shaft or opening must be begun as soon as stoping is commenced, and must be diligently prosecuted until the same is completed, and the said escapement shaft or opening shall be continued to and connected with the lowest workings in the mine. The escapement shaft or opening herein provided for must be of sufficient size to afford an easy passage way, and if it is an upraise or shaft it must be provided with good and substantial ladders from the deepest workings to the surface. With the exception of any erection used solely as a shaft-house, no permanent building, for any purpose, shall hereafter be erected within fifty feet of the mouth of a mine. *Amended.*

Buildings not to be erected nearer than 50 feet to the mouth of a mine.

Old timber to be removed.

33. All old timber not in use to sustain the roof or walls or any part of a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein.

Storing oils, etc.

34. All oils and other inflammable materials shall be stored or kept in a building erected for that purpose, and at a safe distance from the powder magazine and from the main buildings, and their removal from said building for use shall be in such quantities only as are necessary to meet the requirements of one day.

Signalling.

35. Every working shaft in which persons are raised which exceeds 100 feet in depth shall unless exempted in writing by the Inspector, be provided with guides and some proper means of communicating by distinct and definite signals from the bottom of the shaft, and from every level for the time being in work between the surface and the bottom of the shaft to the surface, and also of communicating from the surface to the bottom of the shaft, and to every level for the time being in work between the surface and the bottom of the shaft.

Code of signals.

36. All methods of signalling in a mine shall be printed and posted up in the engine house or hoist house and also at the top of the shaft and at the entrance of each level. The following code of mine signals shall be used at every mine:—

CODE OF MINE SIGNALS.

40

- One bell Stop immediately—if in motion.
- One bell Hoist.
- Two bells Lower.
- Three bells Hoist men slowly.
- Four bells Blasting signal. Engineer must answer by raising bucket or cage a few feet and letting it back slowly, then one bell, hoist men away from blast.

- Five bells Steam on.
 Six bells Steam off.
 Seven bells Air on.
 Eight bells Air off.
 5 3—2—2 bells.... Send down drills.
 3—2—3 bells... Send down picks.
 Nine bells..... Danger signal, in case of fire or other
 danger. Then ring number of station
 where danger exists. *Amended.*

10 37. A proper foot-way or ladder, inclined at the most con- Ladders and
platforms.
 venient angle which the space in which the ladder is fixed
 allows, shall be provided in every working shaft, and every
 such ladder in a working shaft shall have a substantial plat-
 form at intervals of not more than twenty feet, and no such
 15 ladder shall be fixed for permanent use in a vertical or over-
 hanging position, and all ladders in shafts shall project
 at least two feet above the platform, and all hold-fasts shall
 be of iron securely fixed in the shaft casing. The said
 platform shall be closely covered, with the exception of an
 20 opening large enough to permit the passage of a man's
 body, and shall be so arranged that it would not be possible
 for a person to fall from one ladder through the opening
 to the ladder below. *Amended.*

38. If more than ten persons to each shift are ordinarily Dressing room.
 25 employed in the mine below ground, sufficient accommoda-
 tion, including supplies of pure cold and warm water for
 washing shall be provided above ground near the principal
 entrance of the mine, and not in the engine room or boiler
 room, for enabling the persons employed in the mine to
 30 conveniently dry and change their clothes.

39. Every fly-wheel and all exposed and dangerous parts Fencing
machinery.
 of the machinery used in or about the mine shall be kept
 securely fenced.

40. Every steam boiler shall be provided with a steam Gauges and
safety valves
for boilers.
 35 gauge and a proper water gauge to show respectively
 the pressure of steam and the height of water in the boiler,
 and with a proper safety valve. *Amended.*

41. At least once in every six months every boiler shall Cleansing and
testing boilers.
 40 be thoroughly cleansed, and at least once in every twelve
 months every boiler shall be subjected to an examination
 and hydraulic test by a competent person. The test of
 working boilers shall be equal to one and a half times the
 pressure at which the safety valve blows off.

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

Instructions and rules to be posted.

43. Instructions and rules required to be posted in or about a mine under the authority of this Act shall be written or printed in the language or languages most familiar to the workmen employed at the mine, and it shall be the duty of the owner or agent of the mine to maintain such instructions and rules duly posted, and the removal or destruction of them shall be an offence against this Act. 5

Blasting on contiguous claims.

44. In case parties working contiguous or adjacent claims disagree as to the time of setting off blasts, either party may appeal to an Inspector, who shall decide upon the time at which blasting operations thereon may be performed, and the decision of such Inspector shall be final and binding upon such parties, and shall be duly observed by them in future blasting operations. 63 V. c. 13, s. 22. *Amended.* 10

Notice of changes in connection with the working of a mine or in respect of its officers.

208. Where mining operations have been commenced upon any claim, location or works in the Province, or where such operations have been discontinued, or where such operations have been re-commenced after an abandonment or discontinuance for a period exceeding two months, or where any change occurs in the name of a mine or in the name of the owner or agent thereof, or in the officers of any incorporated company which is the owner thereof, the owner or agent of such mine, claim, location or works shall give notice thereof to the Deputy Minister within two months after such abandonment, discontinuance, re-commencement or change, and if such notice is not given the owner or agent shall be guilty of an offence against this Act. 15 20 25

NOTICE OF ACCIDENTS.

Notice of accidents in mines to be sent to Deputy Minister.

209. Where in or about any mine to which this Act applies, whether above or below ground, loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever, the owner or agent of the mine shall within twenty-four hours next after the explosion or accident send notice in writing of the explosion or accident, and of the loss of life, or personal injury occasioned thereby, to the Deputy Minister, and shall specify in such notice the character of the explosion or accident, and the number of persons killed and injured, respectively. R.S.O. 1897, c. 36, s. 71. *Amended.* 30 35

Special report.

210. The Minister may, at any time, direct an Inspector to make a special report with respect to any accident in or about any mine which has caused loss of life or personal injury to any person, and in such case shall cause such report to be made public at such time and in such manner as he thinks expedient; and in conducting an inquiry into the cause of loss of life or of personal injury to any person in or about a mine, the Inspector shall have power to take evidence upon oath. R.S.O. 1897, c. 36, s. 72. *Amended.* 40 45

OFFENCES AND PENALTIES.

- 211.—(1) Every person, not authorized by this Act so to do, who, contrary to the provisions of this Act, wilfully defaces, alters, removes or disturbs any post, stake, picket, boundary line or other mark placed, standing or made, or any figure or writing by law directed or permitted to be thereon under the provisions of this Act, or who attempts so to do, on conviction thereof, shall incur a fine not exceeding \$20.00 and costs, and, in default of payment, may be imprisoned for a period not exceeding one month. Reg. 36. *Amended.* Penalty for removing post etc.
- (2) Any person contravening the provisions of this Act, or any rule or regulation made under it, in any case where no other penalty or punishment is imposed, shall for every day on which such contravention occurs, or continues, or is repeated, incur a fine of not more than \$20.00 and costs, and, in default of payment, may be imprisoned for a period not exceeding one month. Reg. 37; R.S.O. 1897, c. 36, s. 74. Penalty for contravention of Act.
- (3) Every person who pulls down, injures or defaces any rules, notice or abstract posted up by the owner or agent of a mine shall be guilty of an offence against this Act. Reg. 38; *Ibid.*, s. 75. Punishment for defacing notices.
- (4) Every person who wilfully obstructs the Mining Commissioner or any officer appointed under the authority of this Act in the execution of his duty under this Act, and every owner or agent of a mine who refuses or neglects to furnish to the Mining Commissioner, or any person appointed by him, or to any officer appointed under this Act, the means necessary for making an entry, inspection, examination or inquiry under this Act in relation to any mine in any way within the control of such owner or agent, shall be deemed to be guilty of an offence against this Act. Reg. 39; *Ibid.*, s. 76. *Amended.* Penalty for obstructing the Inspector.
- (5) The Mining Commissioner and every officer appointed under the authority of this Act may convict upon view of any of the offences punishable under the provisions of this Act or any Regulation made thereunder. Reg. 40; *Ibid.*, s. 82. Mining Commissioner may convict on view.
- (6) Any person not authorized by this Act so to do who marks or stakes out a mining claim in whole or in part, or attempts to do so, shall be guilty of an offence against this Act. (*New.*) Penalty for unauthorized staking.
212. Where work of any sort in or about a mine is let to a contractor, he shall observe and carry out all the provisions of this Act for the prevention of accidents, and if he contravenes any of such provisions he shall be guilty of an offence against this Act and shall be liable to the Responsibility of contractor to prevent accidents.

same penalties and may be proceeded against in the same way and to the same extent and effect as if he were an owner or agent. *Ibid*, s. 77.

Contravention of rules to be an offence.

213. Every person who contravenes or does not comply with any of the general rules contained in section 207 shall be guilty of an offence against this Act, and in the event of any contravention of or non-compliance with any of the said general rules in the case of any mine to which this Act applies by any person whomsoever being proved, the owner and agent of such mine, and any contractor and foreman employed in or about such mine, shall each be guilty of an offence against this Act unless such contractor or foreman proves that he had taken all reasonable means to prevent such contravention or non-compliance by publishing and to the best of his power enforcing the said rules as regulations for the working of the mine. *Ibid*, s. 78.

Where employees deemed guilty.

214. Every person other than the owner or agent employed in or about a mine who is guilty of any Act or omission which in the case of the owner or agent would be an offence against this Act, shall be deemed to be guilty of an offence against the said Part. *Ibid*, s. 79.

Penalties.

215. Every owner or agent guilty of an offence against this Act shall be liable to a penalty not exceeding, except as in this section hereinafter provided, fifty dollars, and any other person guilty of an offence against this Act aforesaid shall be liable to a penalty not exceeding, except as in this section hereinafter provided, ten dollars; provided that if the Deputy Minister, a Mining Recorder or an Inspector has given written notice of any such offence having been committed, every such owner, agent or other person shall be liable to a further penalty not exceeding five dollars for every day that such offence continues after such notice. *Ibid*, s. 80.

Prosecution of owner or agent.

216. No prosecution shall be instituted against the owner or agent of a mine to which this Act applies for any offence under this Act except by an Inspector, or by the County or District Crown Attorney, or with the consent in writing of the Attorney-General; and in case the owner or agent of a mine is charged with an offence under this Act he shall not be found guilty thereof if he proves that he had taken all reasonable means to prevent the commission thereof, and an Inspector shall not institute any prosecution against an owner or agent if satisfied that he had taken such reasonable means as aforesaid. *Ibid*, s. 81.

217. All prosecutions for the punishment of any offence under this Act except under section 78 may take place before any two or more of His Majesty's Justices of the Peace having jurisdiction in the County or district in which the offence is committed, or before a Police or Stipendiary Magistrate, or before the Mining Commissioner, under the provisions of *The Ontario Summary Convictions Act*. *Ibid*, s. 83. *Amended*.

Manner in which prosecution may take place.

Rev. Stat., c. 90.

218. Any complaint or information made or laid in pursuance of this Act shall be made or laid within three months from the time when the matter of such complaint or information respectively arose, and

Limitation of prosecutions and form of information.

1. The description of any offence under this Act in the words of this Act shall be sufficient in law.

2. Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offences in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived no proof in relation to the matter so specified or negatived shall be required on the part of the prosecutor or informant. *Ibid*, s. 84.

219. Nothing in this Act shall prevent any person from being indicted or liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, provided that he shall not be punished twice for the same offence. *Ibid*, s. 85.

Prosecution under other acts.

220. If the Court before whom a person is charged with an offence under this Act thinks that proceedings ought to be taken against such person for such offence under any other Act or otherwise, the Court may adjourn the case to enable such proceedings to be taken. *Ibid*, s. 86.

Where prosecution should be under another Act.

AS TO STEALING ORE AND PROVING TITLE THERETO.

221. The burden of proving that ore or mineral in the possession of any person charged with having stolen the same, or of any person on his behalf, shall be and rest upon the person in whose possession they may be found, or on whose behalf they are held, as the case may be. (*New*.) See R.S.O. 1897, c. 46, s. 12 (1).

Burden of proof as to ore alleged to have been stolen.

222. All fines and penalties imposed or payable under this Act may be recovered by distress and sale of any mining or other personal property of the offender, and in default of sufficient distress by imprisonment, with or without hard labour, not exceeding three months. (*New*.) See B. C. 1896, c. 34, s. 155.

Fines recoverable by distress.

Application of
fees, penalties
and fines.

223. Fees, penalties and fines received under this Act, and the costs of all such convictions as take place before the Mining Commissioner, a Mining Recorder, an Inspector or Magistrate appointed under this Act, shall form part of the Consolidated Revenue Fund of this Province, and be accounted for and dealt with accordingly; and the expenses of carrying this Act into effect in any mining division shall be paid by the Lieutenant-Governor out of the said Consolidated Revenue Fund. *Ibid*, s. 87. 5

REPEALING CLAUSE. 10

Acts and regulations re-
pealed.

224. The Acts and parts of Acts mentioned in this section, together with all regulations made thereunder, shall stand repealed and be repealed, except as hereinbefore provided; but such repeal shall not be deemed to imply that any of the said Acts or parts of Acts which have been 15 repealed at any time prior to the passing of this Act have been in force since such repeal;

Proviso.

Provided that such repeal shall not affect any rights acquired or any liabilities or penalties incurred, or any act or thing done, under any of the said Acts or parts of Acts or regulations made thereunder:—*The Mines Act* (R.S.O. 1897, Chapter 36), 60 Vict., Chapter 8; 61 Vict., Chapter 11; 62 Vict. (2), Chapter 10; 63 Vict., Chapter 13; 5 Edward VII., Chapter 9.

THE MINES ACT, 1906.

APPENDIX OF FORMS.

1. Certificate of Record of staking out of Mining Claim. (See sec. 59.)
2. Miner's License. (See sec. 89.)
3. Renewal of Miner's License. (See sec. 93.)
4. Transfer of an unpatented Mining Claim. (See sec. 119.)
5. Application to Mining Recorder to Stake Out an Area for Working Permit. (See sec. 142, ss. 11.)
6. Affidavit to accompany application for Working Permit. (See sec. 142, ss. 11.)
7. Certificate of Mining Recorder of application for Working Permit. (See sec. 142, ss. 12.)
8. Working Permit. (See sec. 142, ss. 13.)
9. Notice to be posted by Mining Recorder in his office of application for a Working Permit. (See sec. 147.)
10. Notice by Mining Recorder of hearing of dispute in reference to non-compliance by a licensee with the provisions of *The Mines Act, 1906*, referable to a Working Permit. (See sec. 150.)
11. Transfer by a licensee of his interest in an area under a Working Permit. (See sec. 152.)
12. Renewal of Working Permit. (See sec. 153.)

13. Application to record the Staking out of a Mining Claim. See sec. 157.)
14. Affidavit of Discovery. (See sec. 158.)
15. Application by a Licensee for a Free Grant. (See sec. 157.)
16. Affidavit by a licensee to accompany an application for a Free Grant. (See sec. 158.)
17. Report by licensee to Mining Recorder of performance of work. (See sec. 163.)
18. Affidavit verifying report of performance of working conditions. (See sec. 164.)
19. Notice by licensee to a Mining Recorder of intention to perform on one mining claim work intended to be applicable to contiguous claims held by same licensee. (See sec. 165.)
20. Notice by licensee of abandonment of a mining claim. (See sec. 167.)
21. Application for patent of a mining claim to the Mining Recorder of Mining Division. (See sec. 171.)
22. Application for a Prospecting Permit. (See sec. 183, ss. 1.)
23. Affidavit to accompany application for Prospecting Permit. (See sec. 183, ss. 1.)
24. Prospecting Permit. (See sec. 183, ss. 2.)
25. Transfer by a licensee of his interest in a Prospecting Permit. (See sec. 183, ss. 10.)
26. Certificate of a Mining Partnership. (See sec. 187, ss. 4.)
27. Revocation of appointment of an Agent of a Mining Partnership. (See sec. 187, ss. 9.)
28. Certificate of a Mining Partnership appointing a new Agent in place of one deceased. (See sec. 187, ss. 9.)
29. Transfer of a share of a partner in a Mining Partnership. (See sec. 187, ss. 11.)
30. Dissolution of a Mining partnership. (See sec. 187, ss. 12.)
31. Affidavit verifying documents relating to the incorporation of a Mining Company. (See sec. 188, ss. 3.)
32. Certificate of performance of working conditions. (See sec. 164, ss. 1.)

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 1. (See sec. 59.)

PROVINCE OF ONTARIO.

Department of Lands, Forests and Mines.

No

Fee \$

CERTIFICATE OF RECORD OF STAKING OUT OF MINING CLAIM.

I hereby certify that I have this day granted to _____ of
 the holder of miner's license No. _____, dated
 _____ day of _____ 190____, (issued by the Mining
 Recorder of the _____ Mining Division), a certificate of
 record of mining claim No. _____, known as _____ containing
 _____ acres, more or less.
 Dated at _____ this _____ day of _____ 190____.
 Mining Recorder of _____ Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 2.

PROVINCE OF ONTARIO.

Department of Lands, Forests and Mines.

No.

Fee \$

(Name of place of issue and date of issue.)

190

MINER'S LICENSE.

(See Section 58.)

This License is issued to _____ called the Licensee, of the _____ of _____ in consideration of the payment of a fee of _____ dollars, under and subject to the provisions of *The Mines Act, 1906*, to be in force until and including the 31st day of March next succeeding the date hereof, and is not transferable.

Mining Recorder of _____

Mining Division.

STUB FOR FORM NO. 2.

(Stub.)

MINER'S LICENSE.

No.

Fee \$

Name of Mining Division
Name of licensee
Of
Date of issue

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 3. (See section 93.)

PROVINCE OF ONTARIO.

Department of Lands, Forests and Mines.

No.

Fee \$

(Name of place of issue and date of issue.)

190

RENEWAL OF MINER'S LICENSE.

This renewal of Miner's License No. _____ issued by the Mining Recorder of _____ Mining Division, on the _____ day of _____ 190____, to _____ of _____ called the licensee, is issued to the licensee in consideration of the payment of the fee of _____ dollars, and under and subject to the provisions of *The Mines Act, 1906*, renews the said license until and including the 31st day of March next succeeding the date hereof, and is not transferable.

Mining Recorder of _____

Mining Division.

Stub for Form No. 3.

RENEWAL OF MINER'S LICENSE.

No. Fee \$
 No. of Renewal
 Name of Licensee
 Name of Mining Division
 Date of issue of original License
 Date of issue of Renewal

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 4. (See section 119.)

Department of Lands, Forests and Mines.

TRANSFER OF AN UNPATENTED MINING CLAIM.

The undersigned, holder of miner's license No. _____ issued
 by the Mining Recorder of _____ Mining Division,
 in consideration of the sum of _____ dollars (receipt whereof is
 hereby acknowledged), doth hereby transfer to
 holder of miner's license No. _____ issued by the Mining Re-
 corder of _____ Mining Division (a) the interest
 of the undersigned in Mining Claim No. _____ in the _____ Mining
 Division, particularly described as follows:

Dated at _____ this _____ day of _____ 190 .

Witness. Signature of Transferor

County (or District) of _____ } I, _____ of the
 To wit: } of _____ in the
 } make oath and say:

1. That I know _____, the above-named trans-
 feror, and was present and saw the above transfer of mining claim
 duly signed and executed by the said transferor at
 in the _____ of _____ on the
 day of _____ 190 .

Sworn before me at the _____

_____ of _____
 in the _____
 of _____
 this _____ day of _____
 A.D. 190 .

(a) State interest.

(Coat of Arms.)

THE MINES ACT, 1906.

Department of Lands, Forests and Mines.

Form No. 5. (See sec. 142, ss. 11.)

APPLICATION TO MINING RECORDER TO STAKE OUT AN AREA FOR
WORKING PERMIT.

The undersigned of _____ holder of miner's license
 No. _____ dated the _____ day of _____ 190 ,
 issued by the Mining Recorder of the _____ Mining
 Division hereby applies to the Mining Recorder of the
 Mining Division for a working permit of the area consisting of
 _____ acres, more or less, according to the sketch or plan
 attached hereto, more particularly described as follows:

The area was staked out and the lines cut and blazed on the
 _____ day of _____ 190 , and the name by which

the said area may be known is
 Dated at _____ this _____

_____ day of _____ 190 .

Signature of licensee in full.
Post office address of Licensee.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 6. (See sec. 142, ss. 11.)

Department of Lands, Forests and Mines.

AFFIDAVIT TO ACCOMPANY APPLICATION FOR WORKING PERMIT.

County (or District) of _____ } I, _____ of the
 To Wit: _____ } of _____ in the
 _____ } of _____
 holder of Miner's license No. _____
 dated _____ 190 _____ day of _____
 issued by the Mining Recorder of _____
 Mining Division, make oath and say:

1. That the sketch or plan hereto attached is correct and correctly shows the location of the posts referred to in the annexed application for working permit, and their distances from each other in feet and inches, and all the statements and particulars set out in said application are true and correct.

2. That I have no knowledge of and have never heard of any adverse claim to the said area described in the said application for working permit, by reason of discovery of valuable mineral, improvement, occupation or otherwise.

3. That the application for said working permit is made on behalf of _____ of the _____ of _____ in the _____ of _____, holder of miner's license No. _____ dated the _____ day of _____ 190 _____, issued by the Mining Recorder of _____ Mining Division.

Sworn before me at the _____ of _____ }
 in the _____ of _____ } this _____
 of _____ }
 day of _____ }
 A.D. 190 _____ }

Mining Recorder of _____ Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 7. (See sec. 142, ss. 12.)

Department of Lands, Forests and Mines.

CERTIFICATE OF MINING RECORDER OF APPLICATION FOR WORKING PERMIT.

The undersigned hereby certifies that _____ of _____, the holder of miner's license No. _____, dated the _____ day of _____ 190 _____, and issued by the Mining Recorder of the _____ Mining Division has this day applied to me for a working permit of the area described as follows:

said to have been staked out by said licensee for himself or _____ holder of miner's license No. _____ dated the _____ day of _____ 190 _____, issued by the Mining Recorder of the _____ Mining Division, (or, as the case may be), on the _____ day of _____ 190 _____

Dated at _____ the _____ day of _____ 190 _____
Mining Recorder of _____ Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 8. (See sec. 142, ss. 13.)

Department of Lands, Forests and Mines.

(Coat of Arms.)

PROVINCE OF ONTARIO.

Department of Lands, Forests and Mines.

No.

Fee \$5.00.

WORKING PERMIT.

Pursuant to the provisions of *The Mines Act, 1906*, and subject thereto, a Permit is hereby granted to _____, the holder of License No. _____ dated this _____ day of _____ 190____, issued by the Mining Recorder of _____ Mining Division to enter into exclusive possession of the area consisting of _____ acres, more or less, defined in the sketch or plan attached hereto, and more particularly described as follows:

and to work thereon during the period of six months from the day of the date hereof, together with such renewal (if any) as is contained in the renewal hereof endorsed hereon.

Dated at _____ this _____ day of _____ 190____.

Mining Recorder of _____ Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 9. (See sec. 147.)

Department of Lands, Forests and Mines.

NOTICE TO BE POSTED BY THE MINING RECORDER IN HIS OFFICE OF THE APPLICATION FOR A WORKING PERMIT.

Notice is hereby given that _____ of _____ the holder of Miner's License No. _____, dated the _____ day of _____ 190____, and issued by the Mining Recorder of _____ Mining Division, has this day applied to me for a Working Permit of the area described as follows:

_____ said to have been staked out by said licensee for himself, or _____ holder of Miner's License No. _____, dated the _____ day of _____ 190____, issued by the Mining Recorder of _____ Mining Division, _____ or as the case may be _____ on the _____ day of _____ 190____.
Dated at _____ the _____ day of _____ 190____.

Mining Recorder of _____ Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 10. (See sec. 150.)

Department of Lands, Forests and Mines.

NOTICE BY MINING RECORDER OF THE HEARING OF DISPUTE IN REFERENCE TO NON-COMPLIANCE BY A LICENSEE WITH THE PROVISIONS OF THE MINES ACT 1906, REFERABLE TO A WORKING PERMIT.

You are hereby required to take notice that of _____ has complained to me that you have not complied with the provisions of *The Mines Act, 1906*, applicable to the Working Permit held by you, and that I have fixed (a) the _____ day of _____ 190____, at my office (or such other place within the Mining Division as may be selected) for the purpose of hearing what may be alleged on behalf of said complainant and yourself, and that I will, at the said time and place, decide the said dispute, of all of which you are required to take notice, and govern yourself accordingly.

Dated at _____ this _____ day of _____ 190_____.

Mining Recorder of _____ Mining Division.

(a) The time to be fixed must be such as will admit of seven clear days' notice being given to the licensee against whom the complaint has been made.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 11. (See sec. 152.)

Department of Lands, Forests and Mines.

TRANSFER BY A LICENSEE OF HIS INTEREST IN AN AREA UNDER WORKING PERMIT.

The undersigned, holder of miner's license No. _____ (issued by the Mining Recorder of _____ Mining Division), in consideration of the sum of _____ dollars, (receipt whereof is hereby acknowledged), hereby transfers to _____, holder of miner's license No. _____ (issued by the Mining Recorder of _____ Mining Division), (a)

of the undersigned, in Working Permit No. _____, dated the _____ day of _____, 190____, issued by the Mining Recorder of _____ Mining Division.

Dated at _____ this _____ day of _____ 190_____.

Witness.

Signature of Transferor.

Post office address of Transferor.

County (or District) of _____ } I, _____ of the
To Wit: } of _____ in the
} of _____
} make oath and say:

1. That I know the above named transferor, and was present and saw the above transfer of the Working Permit duly signed and executed.

cuted by the said transferor at _____ in the
of _____ on the _____ day of _____
190 .
Sworn before me at _____ }
of _____ in the _____ }
of _____ , this _____ }
day of _____ }
A.D. 190 .

A Commissioner or Notary Public or a Mining Recorder.
(a) State interest transferred.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 12. (See sec. 163.)

Department of Lands, Forests and Mines.

RENEWAL OF WORKING PERMIT.

(To be endorsed on original Working Permit.)

The period within which _____ of _____
holder of miner's license No. _____ is authorized to have exclusive pos-
session of the area described in Working Permit No. _____, and to
work same, is hereby renewed and extended until and including the
_____ day of _____, 190 _____

Dated at _____ this _____ day of _____ 190 _____

Mining Recorder of _____ Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 13. (See sec. 157.)

Department of Lands, Forests and Mines.

APPLICATION TO RECORD THE STAKING OUT OF A MINING CLAIM.

To the Mining Recorder of _____ Mining Division,
the undersigned, holder of Mining License No. _____ dated the
_____ day of _____ 190 _____, issued by the
Mining Recorder of _____ Mining Division, hereby
applies under the terms and provisions of *The Mines Act, 1906*, to
record the staking out of a Mining Claim, consisting of _____ acres,
more or less, according to the sketch or plan attached hereto, and
which is more particularly described as follows:

The discovery post is situate _____ feet from
No. 1 post.

Discovery was made on the _____ day of _____
190 _____, at _____ o'clock _____ m.

The claim was staked and the lines cut and blazed on claim on
the _____ day of _____ 190 _____, and the claim is known
as _____

Dated at _____ this _____ day of _____ 190 _____

Signature of Licensee in full.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 14. (See sec. 158.)

Department of Lands, Forests and Mines.

AFFIDAVIT OF DISCOVERY.

County (or District) of }¹, of the
 To Wit: } of in the

Holder of miner's license No. dated day of
 190 , issued by the Mining Recorder of
 Mining Division, make oath and say:

1. That on the day of 190
 at the hour of o'clock m., I discovered valuable min-
 eral or ore in place, to wit:

On the Mining Claim No. , and described in the application
 hereto attached, and in the sketch or plan therein referred to, that
 is to say:

(Give particulars of discovery, kind of ore or mineral, also, if pos-
 sible, kind of rock enclosing same.)

2. That I have no knowledge of and have never heard of any ad-
 verse claim to the said Mining Claim, except as follows:

3. That the sketch or plan hereto attached is correct, and shows
 the location of the discovery post and of the other posts which pur-
 port to be shown thereon, and, likewise, correctly states the dis-
 tances in feet from the said other posts, and that all the par-
 ticulars set out in the application to record the staking out of the
 Mining Claim are true and correct in every particular.

4. That application for said Mining Claim is made by me on behalf
 of of in the
 of , holder of Mining License No. , dated
 day of 190 , issued by the
 Mining Recorder of Mining Division.

Sworn before me at
 in the of
 this day of
 A.D. 190 }

Mining Recorder of

Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 15. (See sec. 157.)

Department of Lands, Forests and Mines.

APPLICATION BY A LICENSEE FOR A FREE GRANT.

To the Mining Recorder of Mining Division.

The undersigned, holder of Miner's License No. , issued by the
 Mining Recorder of Mining Division, claims to be
 the first discoverer of valuable metal, ore or mineral, at a point
 which is not less than five miles from the nearest known mine, vein,
 lode or deposit of the same kind of metal, ore or mineral, as fol-
 lows:

The discovery by me is of (a)
The location of the discovery is as shown on the accompanying sketch
or plan.

The nearest mine, vein, lode or deposit of the same kind of metal,
ore or other mineral, known to me, is at

I claim to be entitled to the said (b)
without payment of purchase price according to *Mines Act, 1906*.

Dated at _____ this _____ day of _____ 190 .

Name of Licensee.

Post office address of Licensee.

(a) State the kind of metal, ore or mineral.

(b) State whether Mining Claim or Special Mining Claim.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 16. (See sec. 158.)

Department of Lands, Forests and Mines.

AFFIDAVIT BY A LICENSEE TO ACCOMPANY APPLICATION FOR A FREE GRANT.

County (or District) of _____ } I. _____ of
To Wit: } in the _____ of
} make oath and say:

1. That the statements contained in the application by
holder of Miner's license No. _____ hereto annexed, for a
Free Grant of _____ No. _____, are true and correct in
every particular.

Sworn before me at _____ }
in the _____ }
of _____ this _____ }
A.D. 190 . day of _____ }

Mining Recorder of _____ Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 17. (See sec. 163.)

Department of Lands, Forests and Mines.

REPORT BY LICENSEE TO MINING RECORDER OF PERFORMANCE OF WORK. (a)

To the Mining Recorder of _____ Mining Division :

I, the undersigned, holder of Miner's License No. _____ (issued by
the Mining Recorder of _____ Mining Division), being
the holder of (b) _____ No. _____ hereby notify you that I
(c) have performed thereon the mining operations required by *The
Mines Act, 1906*, as follows:

Dated at _____ this _____ day of _____ 190 .

Name of Licensee.

P.O. address of Licensee.

(a) This report must be filed with the Mining Recorder not later than ten days after the time within which such mining operations are required to be performed.

(b) State whether mining claim, special mining claim or working claim
 (c) I, or _____, on my behalf, as the case may be.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 18. (See sec. 164.)

Department of Lands, Forests and Mines.

AFFIDAVIT VERIFYING REPORT OF PERFORMANCE OF WORKING CONDITIONS.

County (or District) of _____ I, _____ of _____
 To. Wit: _____ in the _____ of _____
 _____ make oath and say:

1. That the statements contained in the annexed report by the holder of Miner's License No. _____ to the Mining Recorder of _____ Mining Division, relating to the performance of mining operations on (a) No. _____ are true and correct in every particular.

2. That the statement contained in the preceding paragraph is based upon the following information:

Sworn before me on the _____ day of _____
 in the _____ of _____
 this _____ day of _____
 A.D. 190 _____

Name of Licensee.

P.O. address of Licensee.

Mining Recorder of the _____ Mining Division.

(a) State whether mining claim, special mining claim or Working Permit.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 19. (See sec. 165.)

Department of Lands, Forests and Mines.

NOTICE BY A LICENSEE TO A MINING RECORDER OF INTENTION TO PERFORM OF ONE MINING CLAIM WORK INTENDED TO BE APPLICABLE TO CONTIGUOUS CLAIMS HELD BY SAME LICENSEE.

To the Mining Recorder of the _____ Mining Division:
 I, the undersigned, holder of Miner's License No. _____ issued by the Mining Recorder of _____ Mining Division) hereby notify you that I am licensee holder of mining claims numbers _____ and _____ which are contiguous to each other, and that during the years 190 _____ and 190 _____ it is my intention to perform upon said mining claim No. _____ all the work required by the provisions of *The Mines Act, 1906*, to be performed upon said mining claims.

Dated at _____ this _____ day of _____ 190 _____

Name of Licensee.

P.O. address of Licensee.

(Coat of Arms.)
THE MINES ACT, 1906.

Form No. 20. (See sec. 167.)

Department of Lands, Forests and Mines

NOTICE BY LICENSEE OF ABANDONMENT OF A MINING CLAIM, ETC.

To the Mining Recorder of _____ Mining Division :
The undersigned, holder of miner's license No. _____, issued by the
Mining Recorder of _____ Mining Division, and licensee
holder of mining claim No. _____ hereby abandons all interest in said
mining claim, and authorizes you to record such abandonment in
the books of your office.

Dated at _____ this _____ day of _____ 190 _____

Name of Licensee.

P.O. address of Licensee.

NOTE.—If working permit or prospecting permit, modify form accordingly.

(Coat of Arms.)
THE MINES ACT, 1906.

Form No. 21. (See sec. 171.)

Department of Lands, Forests and Mines.

APPLICATION FOR PATENT OF A MINING CLAIM. (a)

To the Mining Recorder of _____ Mining Division :
The undersigned, holder of Miner's License No. _____ (issued by
the Mining Recorder of _____ Mining Division) and
as licensee holder of (b) _____
No. _____ applies for the issue of a patent thereof.

All work to be performed thereon has been duly performed, and I
now hand you _____ dollars, the purchase money thereof, and re-
quest the issue of a patent thereof to _____ of
being the holder of Miner's License No. _____ (issued by the Mining
Recorder of _____ Mining Division).

Dated at _____ this _____ day of _____ 190 _____

Name of Licensee Applicant.

Post office address of Licensee.

(a) This application must be made to the Mining Recorder of the
Mining Division, within which the claim is situate, within a period
of three years and three months from the date said claim was re-
corded.

(b) State whether Mining Claim or special Mining Claim.

(Coat of Arms.)
THE MINES ACT, 1906.

Form No. 22. (See sec. 183, ss. 1.)

Department of Lands, Forests and Mines.

APPLICATION FOR PROSPECTING PERMIT. (a)

The undersigned, of the _____, holder of Miner's
License No. _____, dated the _____ day of _____ 190 _____
(issued by the Mining Recorder of _____ Mining Divi-
sion), hereby applies to the Mining Recorder of _____ Mining
Division, for a Prospecting Permit to prospect for petroleum, nat-
ural gas, coal or salt, of the area consisting of _____ acres,
more or less, according to the sketch or plan attached hereto, more
particularly described as follows :

The area was staked out and posts were planted on the day of 190 , and the name by which the said area may be known is

Dated at this day of 190 .

Signature of Licensee in full.

Post office address.

(u) This form must be in duplicate.

THE MINES ACT, 1906.

Form No. 23. (See sec. 183, ss. 1.)

Department of Lands, Forests and Mines.

AFFIDAVIT TO ACCOMPANY APPLICATION FOR PROSPECTING PERMIT. (a)

County (or District) of To Wit: I, of the of in the of make oath and say:

1. That I am the holder of Miner's License No. , dated the day of 190 , issued by the Mining Recorder of Mining Division.

2. That the sketch or plan hereto attached is correct, and correctly shows the location of the posts referred to and the distance from each in feet, and all the statements and particulars set out in the said application are true and correct.

3. That I have no knowledge of and have never heard of any adverse claim to the issuing of a Prospecting Permit in the area described in the said application.

4. That the said application for said Prospecting Permit is made on behalf of of holder of Miner's License No. , issued by the Mining Recorder of Mining Division.

Sworn before me at of the in the of this day of A.D. 190 Mining Recorder of Mining Division.

(a) This affidavit must be in duplicate.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 24. (See sec. 183, ss. 2.)

Department of Lands, Forests and Mines.

No. PROSPECTING PERMIT. (a) Fee \$

Pursuant to the provisions of *The Mines Act, 1906*, and subject thereto, a Prospecting Permit is hereby granted to of the holder of Miner's License No. , dated the day of 190 , issued by the

Mining Recorder of Mining Division, to enter upon and prospect the area set forth and described in the sketch or plan attached hereto, for petroleum, natural gas, coal or salt, and to work thereon during a period of one year from the day of the date hereof.

Dated at this day of }
A.D. 190 }
Minister of Lands, Forests and Mines.

(a) This permit is to be in duplicate, and one of such duplicate is to be retained in the office of the Bureau of Mines.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 25. (See sec. 183, ss. 10.)

Department of Lands, Forests and Mines.

TRANSFER BY A LICENSEE OF HIS INTEREST IN A PROSPECTING PERMIT.

The undersigned, holder of Miner's License No. (issued by the Mining Recorder of Mining Division), in consideration of the sum of dollars (receipt whereof is hereby acknowledged), hereby transfers to , holder of Miner's License No. (issued by the Mining Recorder of Mining Division), (a) of the undersigned in Prospecting Permit No. , dated the day of 190 , issued by the Minister of Lands, Forests and Mines.

Dated at the day of 190
Signature of Transferor.

Post office address of Transferor.

County (or District) of } I,
To Wit: } of the of
} in the of
} make oath and say:

1. That I know the above named transferor, and was present and saw the above transfer of Prospecting Permit duly signed and executed by the said transferor at in the day of 190 on the

Sworn before me at }
in the of }
this day of }
A.D. 190 }

A Commissioner or Notary Public or Mining Recorder.

(a) State interest transferred.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 26. (See sec. 187, ss. 4.)

Department of Lands, Forests and Mines.

CERTIFICATE OF A MINING PARTNERSHIP.

This is to certify that the undersigned have formed a mining partnership, and that the following particulars thereof are true and correct:

(a) The names in full and addresses of all the partners are as follows:

(b) The name under which the partnership is to be conducted is as follows:

(c) The total number of shares into which said partnership is divided is

(d) The number of shares of said partnership owned by each partner is as follows:

(e) 1. The said partnership commenced on the _____ day of 1906.

2. The date at which the partnership is to terminate is

(f) The name, address and occupation of the agent (a) of the partnership with whom all contracts may be made or entered into on behalf of the partnership is as follows: .

Dated at _____ the _____ day of A.D. 190 .

Signatures of Members of Partnership.

The undersigned, being the duly appointed Agent of the above-named partnership referred to in this certificate thereof, hereby consents to act as Agent of the said partnership.

Dated at _____ this _____ day of 190 .

Name of Agent.

P.O. address of Agent.

Witness:

(a) The Agent must be some individual resident in Ontario or an incorporated company having its head office in Ontario.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 27. (See sec. 187, ss. 9.)

Department of Lands, Forests and Mines.

REVOCATION OF APPOINTMENT OF AN AGENT OF MINING PARTNERSHIP.

The undersigned being the majority in interest for the time being of the recorded members of the mining partnership known as “_____”

_____ hereby revoke the appointment of _____ of the heretofore agent of the said partnership, and hereby appoint _____ of _____ to be agent of the said partnership in the place and stead of the said _____

Dated at _____ this _____ day of

A.D. 190 .

Witness:

Signatures of Partners.

The undersigned, being the Agent above mentioned, hereby consents to act as Agent of the said partnership.

Name of Agent.

P.O. address of Agent.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 28. (See sec. 187, ss. 9.)

Department of Lands, Forests and Mines.

CERTIFICATE OF A MINING PARTNERSHIP APPOINTING A NEW AGENT IN PLACE OF ONE DECEASED.

The undersigned, being the majority of interest for the time being of the recorded members of mining partnership known as “
 _____,” hereby appoint _____ of _____
 of _____ in the _____ of _____ to be
 the agent of the said partnership in the place and stead of _____
 of _____ formerly Agent of the said part-
 nership, and now deceased.

Dated at _____ this _____ day of _____ 190 ____ .
 Witness: _____

Signatures of Partners.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 29. (See sec. 187, ss. 11.)

Department of Lands, Forests and Mines.

TRANSFER OF A SHARE OF A PARTNER IN MINING PARTNERSHIP.

The undersigned, member of the mining partnership known as “
 _____,” in consideration of the sum of _____ dollars
 (receipt of which is hereby acknowledged) hereby transfers to
 _____ of the _____ of _____ in the county of
 _____ share in said mining partnership, and here-
 by authorizes the Mining Recorder of _____ Mining
 Division to record the transfer thereof in the books of his office.

Dated at _____ this _____ day of _____ 190 ____ .
 Witness: _____

*Name of Partner.**Post office address.*

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 30. (See sec. 187, ss. 12.)

Department of Lands, Forests and Mines.

DISSOLUTION OF A MINING PARTNERSHIP.

This is to certify that the mining partnership which has hereto-
 fore existed between the undersigned, under the name of “
 _____,” is hereby dissolved, and the Mining Recorder
 of _____ Mining Division is hereby authorized to re-
 cord the dissolution thereof in the books of his office.

Dated at _____ this _____ day of _____ 190 ____ .
 Witness: _____

Signatures of Partners.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 31. (See sec. 188, ss. 3.)

Department of Lands, Forests and Mines.

AFFIDAVIT VERIFYING DOCUMENTS RELATING TO THE INCORPORATION OF A MINING COMPANY.

County (or District) of } I,
To Wit: } of the of
} in the of
} make oath and say:

- 1. That I am Secretary (or President, etc.) of (a)
2. That hereto annexed is a true copy of (b) incorporating (a)
In the case of a foreign corporation licensed under the Extra Provincial Companies' Act to transact business in Ontario add the following:
3. That hereto annexed is a true copy of the license issued by the Provincial Secretary of the Province of Ontario, authorizing (a) to transact business in the Province of Ontario.

Sworn before me at
in the
of in the
of of
this day of
190 . }

A Commissioner for taking affidavits, or
Notary Public, or Mining Recorder.

- (a) Insert corporate name in full.
(b) State whether Letters Patent, Articles of Association or Special Act.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 32. (See sec. 164, ss. 1.)

Department of Lands, Forests and Mines.

No. Fee \$

Name of place of issue and date of issue 190

CERTIFICATE OF PERFORMANCE OF WORKING CONDITIONS. (a)

This is to certify that of holder
of miner's license No. (issued by Mining Recorder of
Mining Division) license of (a) has performed all neces-
sary mining operations on the said (a) to my satisfaction for the
season of 190 , except as follows: (b)

Mining Recorder.

(a) State whether mining claim, special mining claim or working permit.

(b) State exceptions and time within which said excepted mining operations are to be performed.

Stub for Form 32.

No.
Date
Name of Licensee
Number of License
Name of mining claim
Mining operations still to be performed

THE MINES ACT, 1906.

SCHEDULE OF FEES.

For a Miner's License or renewal thereof for an individual. (See secs. 86, 186.)	\$10 00
For a Miner's License or renewal thereof for a registered partnership where not more than two partners. (See secs. 86, 186)	10 00
For a Miner's License or renewal thereof for a registered partnership where more than two but not more than five partners. (See secs. 86, 186)	25 00
For a Miner's License or renewal thereof for a registered partnership where more than five partners. (See secs. 86, 186)	40 00
Miner's License for an incorporated Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> does not exceed \$40,600.00. (See secs. 86, 186)	25 00
Miner's License for an incorporated Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> is over \$40,000.00, but not exceeding \$100,000.00. (See secs. 86, 186)	50 00
Miner's License for an incorporated Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> is over \$100,000.00, but not exceeding \$500,000.00. (See secs. 86, 186)	75 00
Miner's License for an incorporated Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> is over \$500,000.00, but not exceeding \$1,000,000.00. (See secs. 86, 186)	100 00
And for each additional \$1,000,000.00 or fraction thereof. (See secs. 86, 186)	100 00
For recording first claim applied for on a license. (See secs. 157, 186)	5 00
For recording second claim applied for on a license in the same license year. (See secs. 157, 186)	7 50
For recording third claim applied for on a license in the same license year. (See secs. 157, 186)	10 00
For examining Claim Record Book, per claim. (See secs. 56, 186)	10
For certificate of record of claim. (See secs. 59, 186)	1 00
For certificate of performance of working conditions. (See secs. 164, ss. 1, 186)	1 00

On filing appeal from Mining Recorder's decision. (See secs. 75, 186)	5 00
On filing appeal from Mining Commissioner's decision. (See secs. 43, 186)	10 00
For filing transfer of mining claim. (See secs. 119, 186)...	5 00
For recording endorsement on a working permit of a trans- fer thereof. (See secs. 152, 186)	5 00
For recording endorsement on a prospecting permit of a transfer thereof. (See secs. 183, ss. 10, 186)	5 00
For a "Substituted Miner's License." (See secs. 94, 186)	5 00
For recording extension of time for performing working conditions. (See secs. 73, 186)	1 00
For filing certificate of mining partnership or certified copy thereof. (See secs. 187, ss. 4, 186)	1 00
For recording certificate of revocation of Agent and ap- pointment of new Agent for mining partnership. (See secs. 187, ss. 9, 186)	1 00
For recording transfer of share or shares in a mining part- nership. (See secs. 187, ss. 11, 186)	25

No. 201.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Mines.

First Reading, 30th March, 1906.

Mr. COCHRANE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting Mines.

HIS 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 Mines Act, 1906*. Short title.
R.S.O. 1897, c. 36, s. 1.

GENERAL PROVISIONS.

INTERPRETATION.

2. Where the following words occur in this Act, and ^{Interpretation.} in Orders-in-Council or regulations under it, they shall be construed in the manner herein mentioned, unless a contrary intention appears:

(1) "Agent," when used in relation to any mine, shall ^{"Agent."} mean any person having, on behalf of the owner, care or direction of any mine, or of any part thereof, and shall include "manager" and "superintendent." R.S.O. 1897, c. 36, s. 2 (11).

(2) "Crown lands" shall include all Crown lands, School ^{"Crown-lands."} lands or Clergy lands not in the actual use or occupation of the Crown, or of any public Department of the Government of the Dominion of Canada, or of this Province, or of any officer or servant thereof, and not under lease or license of occupation from the Crown or the Minister of Lands and Mines, and as to which no adverse claim exists which is subsequently recognized by the Minister of Lands and Mines. R.S.O. 1897, c. 36, s. 2 (4).

(3) "Department" means and includes the Department ^{"Department."} of Lands, Forests and Mines of the Province of Ontario. (*New.*)

(4) "In place" shall mean the place or position in which ^{"In place."} a vein, lode or other deposit of mineral or minerals was ori-

ginally formed or deposited, as distinguished from loose, fragmentary or broken rock, boulders or float, and from a bed or deposit of gold- or platinum-bearing sand, earth, clay or gravel. (*New.*)

"Inspector." (5) "Inspector" shall include any inspector appointed under this Act, and whether for a Mining Division or any part thereof, or for the Province. R.S.O. 1897, c. 36, s. 2 (12).

"Licensee." (6) "Licensee," "holder of a mining license," means and includes the person, registered partnership or company named in a miner's license duly issued under the provisions of this Act, while said miner's license or any renewal thereof is in force and unexpired and not cancelled or revoked under this Act. (*New.*)

"Minister." (7) "Minister" means and includes the Minister or Acting Minister for the time being of the Department of Lands, Forests and Mines of the Province of Ontario. (*New.*)

"Machinery" (8) "Machinery" shall include steam or other engines, boilers, furnaces, stamps or other crushing apparatus, winding or pumping gear, chains, trucks, tramways, tackle, blocks, ropes or tools, and all appliances of whatsoever kind used in or about or in connection with the mine. R.S.O. 1897, c. 36, s. 2 (9).

"Mine." (9) The noun "mine" shall include every shaft sunk or in the course of being sunk, and every adit, level and inclined plane driven or in the course of being driven for commencing or opening or working any mine, or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways and sidings, both below ground and above ground, in and adjacent to a mine, and any such shaft, level and inclined plan belonging to any mine to which this Act applies, together with all rocks, soils, or strata containing any ore or valuable mineral, and all roast yards, smelting furnaces and other places where the work of mining or the crushing, reducing, smelting, refining or otherwise treating of ore or mineral may be carried on, and all borings, holes or wells put down for searching for or procuring any mineral or mineral substance. R.S.O. 1897, c. 36, s. 2 (1).

"Mine,"
"mining." (10) The verb "mine" and the participle "mining" shall include any mode or method of working whatsoever whereby the soil or earth or any rock, stone or quartz may be disturbed, removed, carted, carried, washed, sifted, roasted, smelted, refined, crushed or otherwise dealt with for the purpose of obtaining any metal or mineral therefrom, whether the same may have been previously disturbed or not. R.S.O. 1897, c. 36, s. 2 (2).

(11) "Mining Division" shall include any tract of country declared or proclaimed by Order-in-Council to be a Mining Division under this Act. R.S.O. 1897, c. 36, s. 2 (3). ^{"Mining Division."}

(12) "Mining rights" shall mean the ores, mines and minerals on or under any land where the same are or have been dealt with separately from the surface of the land. R.S.O. 1897, c. 36, s. 2 (6). ^{"Mining rights."}

(13) "Mining lands" shall mean and include all lands and mining rights patented or leased under or by authority of any statute, regulation, Act, or Order in Council at any time in force in Ontario, respecting mines or mining lands, and likewise all lands used for mining purposes. ^{"Mining lands."}

(14) "Official," "officer," means and includes the Deputy Minister of Mines, the Provincial Geologist, the Provincial Assayer, the Inspectors, Mining Recorders and other officials for the time being duly appointed under this Act. (*New.*) ^{"Official," "officer."}

(15) "Owner" when used in relation to any mine, or mining land or mining rights shall include every person, registered or unregistered partnership or body corporate, who is the immediate proprietor or lessee or occupier of any mine, or of any part thereof, or of any land located, patented or leased as mining land under this or any other Act or law of, or applicable to, this Province, now or heretofore in force, relating to mines, minerals or mining, but shall not include a person, registered or unregistered partnership or body corporate who merely receives a royalty, rent or fine from a mine or mining land, or is merely the proprietor of a mine or mining land subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the ore or minerals thereon. R.S.O. 1897, c. 36, s. 2 (10). *Amended.* ^{"Owner."}

(16) "Patent" shall mean a Crown grant and shall be deemed in the case of a mining claim, or a special mining claim, to include the fee simple or any less portion thereof expressly stated, and in the case of mining rights to include all the Crown title in the mines, ores and minerals thereof, together with, unless therein otherwise expressly stated, all necessary rights of way and also water (if any) essential to the due working thereof. (*New.*) ^{"Patent."}

(17) "Placer mining claim" shall mean any natural stratum or bed of earth, gravel or cement mined for gold or other precious minerals or stones. (*New.*) See R.S. B.C. chap. 136, s. 2. ^{"Placer mining claim."}

(18) "Prescribed" refers to the direction contained in an Order-in-Council or an Order or regulation made by the Minister or Mining Commissioner under the authority of this Act. (*New.*) ^{"Prescribed."}

- "Shaft." (19) "Shaft" shall include pit, and "plan" shall include a map or section, and a correct copy or tracing of any original plan as so defined. R.S.O. 1897, c. 36, s. 2 (8).
- "Stake,"
"post." (20) "Stake", "post" shall mean a stake standing not less than four feet above the ground, and squared or faced on four sides for at least one foot from the top, and each side so squared or faced shall measure at least four inches on its face so far as squared or faced, and any stump or tree cut off and squared or faced to the above height or size; provided when the survey is made the centre of the tree or stump where it enters the ground shall be taken as the point to or from which measurement shall be made. (*New.*) (See R.S.B.C., 1897, c. 18, s. 2.)
- "Surface sights." (21) "Surface rights" shall mean lands granted, leased or located for agricultural or other purposes and in respect of which the ores, minerals and mines thereupon or under the surface thereof are by statute. the patent or lease, or otherwise, reserved to the Crown. R.S.O. 1897, c. 36, s. 2 (5).
- "Valuable mineral." (22) "Valuable mineral" shall mean a vein, lode or other deposit of mineral or minerals in place, containing such quantities of mineral or minerals, other than limestone, marble, clay, marl, peat, or any building stone, as to make it probable that the said vein, lode or other deposit is capable of being developed into a workable mine. (*New.*)
- "Water power." (23) "Water-power" shall be deemed to include not only the land under water at a fall or rapid, but also the land adjoining such water to the extent of one chain on every side thereof, together with such additional area adjoining the same as, in the opinion of the Mining Recorder of the Mining Division wherein same is situate, or of the Minister may be necessary for the proper development and utilization of such water-power. 63 V. c. 13, s. 19. *Amended.*

APPLICATION OF ACT.

Mines etc., to be subject to provisions of Act. **3.**—(1) All mines, minerals, mining lands and mining rights of every nature and kind within the legislative jurisdiction of the Province of Ontario, and every owner thereof shall, where not herein otherwise provided, be subject to the provisions of this Act. (*New.*)

Section 162, application limited.

(2) The provisions of section 162 of this Act shall not apply to mines, minerals, mining lands, mining claims and mining rights granted, leased, located or recorded prior to the date this Act comes into operation, or to mines, minerals, mining lands, mining claims or mining rights applied for prior to the date this Act comes into operation, under *The Mines Act* or any reg-

ulations thereunder unless the application therefor is thereafter abandoned, withdrawn or refused, or lapses, or the applicant omits to pay to the Department the purchase price or first year's rental of the said mining lands or mining rights, as the case may be, within the period or periods prescribed by *The Mines Act*, or otherwise to fulfil any of the conditions required of applicants for mining lands under the said Act. Provided that all mining claims situated in the townships of Coleman, Bucke, Lorrain and Hudson staked out and recorded on and after the 28th day of August, A.D. 1905, under the Regulations for Mining Divisions, shall be subject to the provisions of this Act. (*New.*) Proviso.

(3) Notwithstanding the passage of this Act applicants for mining lands who have complied with the provisions of *The Mines Act* or regulations thereunder respecting applications for such lands and whose applications are pending before the Department at the time this Act is passed, shall not be debarred from completing their applications in terms of the law in force previous to the coming into operation of this Act as same is interpreted by the Minister, or from obtaining such title to the said lands as is provided for therein, as fully as if this Act had not been passed. Rights of applicants preserved.

(4) Where not situated within the limits of a Special Mining Division, Crown lands containing any bed, stratum or deposit of limestone, marble, clay, marl, peat or any building stone may be staked out as mining claims under this Act upon proof being furnished to the satisfaction of the Mining Recorder of the Mining Division in which the lands are situated that such bed, stratum or deposit is of a size and character as to be workable for any one or more of such substances, but all valuable minerals as defined in this Act shall be reserved therefrom; but no such claim shall be staked out on any land heretofore or hereafter located, sold or patented under the *Public Lands Act* or the *Free Grants and Homesteads Act* or the regulations made thereunder, and the said substances shall be deemed to have been conveyed by any such patent heretofore issued or any such patent hereafter issued; provided that this section shall not affect any rights heretofore acquired in any such substances or the land containing the same. Staking claims on lands containing stone, marble etc.

4. All royalties which by the Act passed in the 54th year of Her Majesty's reign, entitled *An Act to amend the General Mining Act*, or by *The Mines Act, 1892*, or by the Revised Statutes (1897) respecting mines, or by any patent, have been reserved, imposed or made payable to the Crown for the use of the Province upon or in respect of any ores or minerals extracted from lands granted under any patent or lease, are declared to be abandoned. Royalties under 54 V., c. 8, 55 V., c. 9, abandoned. 63 V. c. 13, s. 2.

Reservations of mines etc., in certain patents abandoned.

Rev. Stat., cc. 28, 29.

5. All reservations of mines, ores and minerals contained in any patent issued prior to the 1st day of July, 1867, and all provisions except working conditions which reserve or limit the mineral rights conveyed by any patent or lease heretofore issued, excepting patents issued under *The Public Lands Act*, and *The Free Grants and Homesteads Act*, are hereby rescinded and made void, and all mines, ores and minerals base and precious, in or upon such lands described or defined in a patent, shall be deemed to have been granted in fee simple as part of such lands, and to have passed with the said lands to the subsequent and present owners thereof free from any such reservation. 63 V. c. 13, s. 3.

Sales, etc., for other purposes not affected.

6. Nothing herein contained shall interfere with or prevent the sale, lease or location, for agricultural or other purposes, of any lands situated within the boundaries of any Mining Division, which have been or may hereafter be opened for sale or as free grants under *The Public Lands Act* and *The Free Grants and Homesteads Act*, or any Act or Order in Council or Regulation respecting the sale and disposal of such lands.

REGULATIONS.

Lieutenant-Governor in Council may make regulations to carry out provisions of Act.

7.—(1) The Lieutenant-Governor in Council may from time to time make such orders as are deemed necessary to carry out the provisions of this Act or to meet cases which may arise and for which no provision is made in the Act, or when the provision which is made is deemed to be ambiguous or doubtful, and may further make and declare any regulations which are considered necessary to give the provisions in this section contained full effect, and from time to time alter or revoke any order or orders or regulations made in respect of the said provisions and make others in their stead and further impose penalties not exceeding \$200 or not exceeding three months' imprisonment for violation of any regulations under this Act, and further provided that any statement or returns required to be made by said regulations shall be verified on oath.

Regulations as to making roads, ditches, etc.

(2) The Lieutenant-Governor in Council may from time to time make such regulations as he deems necessary or expedient for the opening, construction, maintenance and using of roads to, through or over mining claims, mining locations or lands heretofore or hereafter sold or granted as mining lands or recorded as mining claims or locations; for the opening, construction, maintenance and using of ditches, aqueducts or raceways through, over or upon such claims, locations or lands for the conveying and passage of water for mining purposes. R.S.O. 1897, c. 36, s. 7, as amended.

(3) Any orders or regulations made by virtue of the provisions of this section shall have force and effect only after the same shall have been published in *The Ontario Gazette*, and such Orders or regulations shall, if made when the Legislative Assembly is sitting be laid upon the table of the House during the then Session, and if made at any other time shall be laid upon the table of the House within the first fifteen days of the Session next after the date thereof, and in case the Legislative Assembly at the said Session (or if the Session does not continue for three weeks after the said regulations are laid before the House, then at the ensuing Session of the Legislature) disapprove by resolution of such regulation or Order, either wholly or in part, the regulation or Order so far as disapproved, shall have no effect from the time such resolution is passed. R.S.O. 1897, c. 36, s. 7; 63 V. c. *Amended.*

Regulations to be published in *The Ontario Gazette* and laid before Assembly.

MINING COMMISSIONER.

8.—(1) The Lieutenant-Governor in Council may, from time to time, appoint a Commissioner to be known by the official title of "Mining Commissioner," for the purpose of the Mining laws, that is to say, *The Mines Act*, and all other Acts, laws, and parts of Acts and laws in relation to the subject of Mining.

Government may appoint Mining Commissioner.

(2) The Mining Commissioner shall be deemed to be and shall be an officer of the High Court.

To be officer of High Court.

(3) He shall be a barrister of at least ten years' standing at the bar of Ontario.

To be a barrister of ten years' standing.

(4) He shall hold office by the same tenure as an officer under *The Judicature Act*. See R.S.O. 1897, c. 51, s. 145 (1).

Tenure of office.

(5) He shall not practise as a solicitor or barrister or act in any capacity as a legal agent or adviser in any matter arising under this Act.

Not to practise in mining matters.

(6) He shall be paid a salary of such amount as may be appropriated by the Legislature for that purpose to be paid monthly, and reasonable travelling expenses. 57 V. c. 56, s. 88.

Salary.

JURISDICTION OF THE MINING COMMISSIONER.

9. In relation to all unpatented mining lands or mining rights and interests therewith connected and all persons, mining partnerships and companies interested therein or connected therewith the Mining Commissioner shall have jurisdiction, power and authority under this Act as follows:

Powers of Commissioner as to unpatented lands.

(a) In respect to all applications, matters and proceedings which may come or be brought before him under the provisions of this Act, or any former Act relating to mines or mining, he shall have the powers of a Judge of the High Court of Justice, including the production of books and

Jurisdiction.

papers; the compelling witnesses to attend and give evidence before him; the amendment of all process, notices and proceedings; correcting errors and supplying omissions; the fixing the time and place of hearing; appointing a time for views and inspections which he may deem necessary; summoning to his aid engineers, surveyors or other experts and regulating and directing all matters incident to the hearing, trial and decision of the matters before him, so as to do complete justice between the parties, and may grant an injunction or mandamus in any matter before him under this Act.

Actions of trespass.

(b) In all actions of trespass on or in respect of unpatented mining claims and other unpatented mining property or upon or in respect of unpatented lands or waters entered or trespassed on, or claimed to have been entered or trespassed on, in searching for mining or working minerals, or for any other purpose directly connected with the business of mining, or in the exercise of any power or privilege given, or claimed to be given, by this Act or any other Act relating to mining.

Actions of ejectment.

(c) In all actions of ejectment from unpatented mining claims or other mining property, or from unpatented lands or waters entered, or claimed to have been entered upon, in searching for mining, or working minerals, or for any purposes directly connected with the business of mining, or entered, or claimed to have been entered, under some power, right or authority given or obtained under the provisions of this Act, or any other Act relating to mining:

Suits for specific performance, etc.

(d) In all suits for specific performance of, or for reforming, or delivering up, or cancelling any agreement for sale, purchase or lease of any unpatented mining claim, mine or other mining property.

Partnerships.

(e) In all suits for the dissolution or winding up of any mining partnership, whether recorded or not, interested in or connected with any unpatented mining land or mining rights and interests, under the provisions of this Act.

Injunction and mandamus.

(f) In all proceedings for orders in the nature of injunctions or mandamus where the same are or are deemed by him to be requisite for the granting of relief in any matter in which jurisdiction is given to the Mining Commissioner by this Act.

Proceedings to be styled as being under Act.

10. The words "Pursuant to *The Mines Act, 1906*," shall be written or printed on all summonses, complaints and other process, and all other documents, in every matter, cause and application taken or brought before the Mining Commissioner.

Proceedings to be promptly gone on with.

11. The hearing of any summons, complaint, cause, matter or other process or application before the Mining Commissioner shall not be deferred beyond the shortest reasonable time necessary in the interests of all

parties concerned, and it shall be lawful in the discretion of the Mining Commissioner to make summonses or other proceedings returnable forthwith or at any other time.

12. In all mining causes, matters and appeals the Mining Commissioner may decide the question at issue upon the ground in dispute and such decision shall be entered as in ordinary cases and have the same virtue and effect as if rendered at a formal hearing. Deciding questions on the ground.

13. When the Mining Commissioner proceeds partly on view or on any special knowledge or skill possessed by himself, he shall put in writing a statement of the same sufficiently full to allow a Divisional Court to form a judgment of the weight which should be given thereto; and he shall state as part of his reasons the effect given by him to such statement. When Commissioner proceeds on view.

14. In any mining cause, matter or appeal the Mining Commissioner may, before delivering judgment, direct all or any issues of fact to be found by a jury empanelled in accordance with the provisions of *The Jurors' Act*. Jury.

15. In all applications, matters, causes, appeals and proceedings before the Mining Commissioner he may award such costs to either or any party and order and direct that costs be taxed by an officer of the District, County or High Court, and the costs so awarded shall be recoverable as may be ordered by the Mining Commissioner. Costs.

16. The Mining Commissioner in mining causes, matters and proceedings may direct the issuing of writs and special orders for the arrest and detention of judgment debtors in all cases in which by law he has jurisdiction over the subject matter of the suit, but under and subject to such conditions as the Court or a Judge might usually require in applications of a similar nature in the High Court. Writs of arrest, etc.

17. Any person wilfully acting in contravention of this Act, or refusing to obey any lawful order or award of the Mining Commissioner shall, on conviction thereof in a summary way before any two Justices of the Peace or a Stipendiary Magistrate or before any Judge of a High or County Court, be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment with or without hard labour for any terms not exceeding three months. Fine for disobedience to order of Commissioner.

18. The Mining Commissioner shall have the powers of and may act as an official referee under *The Judicature Act* and *The Arbitration Act*. Powers as official referee.

19. All interlocutory applications for any of the purposes mentioned in this Act shall be made to the Mining Commissioner, and his order thereon shall be final and conclusive. Interlocutory applications.

Reference of actions for damages to Commissioner.

20. Where an action for damages is brought in any Court in Ontario and in the opinion of the Court in which the action is brought or of a Judge thereof, the proper proceeding is under this Act, or the action may be more conveniently tried before and disposed of by the Mining Commissioner, the Court or Judge may on the application of either party or otherwise and at any stage of the action make an order transferring or referring it to the Mining Commissioner and on such terms as the Court or Judge deems just, and the Mining Commissioner shall thereafter give directions for the continuance of the action before him and, subject to the order of transfer or reference, all costs shall be in his discretion.

Pleadings--production of documents, etc.

21. The Mining Commissioner at any time after a proceeding is brought or taken before him or an appeal or reference is made to him as herebefore provided, may give directions for the filing or serving of objections and defences to such appeal or reference, and for the production of documents and otherwise, and may give an appointment to either or any party to the proceeding, appeal or reference, to proceed therewith at such place and time and in such manner as to him may seem proper, but the hearing shall be in the county or district, or one of the counties or districts in which the subject matter of the proceeding appeal or reference is situate.

SITTINGS OF MINING COMMISSIONER.

Clerk of County or District Court to attend sittings, etc.

22. The Clerk of the County or District Court in the County or District where any proceeding under this Act is originated shall attend all sittings of the Mining Commissioner in the County or District for which such Clerk has been appointed, and in connection therewith shall be subject to the orders of the Mining Commissioner and under the direction of the Mining Commissioner, and shall take charge of and file all documents and exhibits and shall be entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the County Court; which fees shall be paid in money and not by stamps. The Mining Commissioner shall fix the place of trial for any cause coming before him at such place as to him may seem most convenient for the parties to the dispute.

Absence of Clerk of County Court--appointment of deputy.

23. In the absence of the Clerk of the County Court the Mining Commissioner may appoint his own clerk or some other person to act as Deputy Clerk of the County Court for the purpose of the proceeding and for taking charge of and filing all exhibits, and the person so appointed shall while so acting have the same power and be entitled to the same fees as the Clerk of the county Court would have and be entitled to if personally present.

Powers of Commissioner

24. When an appointment is given by the Mining Commissioner for the hearing of any matter of reference under

this Act in any City, Town or place where a Court House ^{as to use of court house.} is situated, he shall have in all respects the same authority as a Judge of the High Court in regard to the use of the Court House, or other place or apartments set apart in the county or district for the administration of justice.

25. Sheriffs, deputy sheriffs, constables and other peace ^{Sheriffs, etc., to assist and obey Commissioner.} officers shall aid, assist and obey the Mining Commissioner in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificate of the Mining Commissioner, be paid by the county or counties, district or districts, interested, like fees as for similar services at the sittings of the High Court for the trial of causes.

26. Subpœnas for the attendance of witnesses at the ^{Subpœnas.} hearing, tested in the name of the Mining Commissioner may be issued by the Clerk of Records and Writs or by the Clerk of any County or District Court in Ontario.

27. The fees and conduct money to be paid to a witness ^{Witness fees} subpœnaed under this Act shall be according to the scale for the time being in force in County Courts.

28. A shorthand writer may from time to time be ap- ^{shorthand writer.} pointed by the Lieutenant-Governor in Council to report hearings or trials before the Mining Commissioner, and every such officer shall be deemed to be an officer of the High Court, and shall be paid in the same manner as shorthand writers in the High Court are paid, and the several sections of *The Judicature Act* respecting shorthand writers shall apply to any shorthand writer appointed under this Act.

DECISIONS OF MINING COMMISSIONER.

29. The decision or report of the Mining Commissioner ^{Decisions not to be given out until stamped.} shall not be given out until stamped with the necessary stamps.

30. The decision or report of the Mining Commissioner ^{Appeal to Divisional Court.} on any appeal, reference or proceeding under this Act, or on a reference under *The Arbitration Act*, or in any action or proceeding transferred or referred to him under this Act, shall be binding and conclusive upon all parties thereto, unless appealed from to a Divisional Court *within fifteen days* after the filing thereof, or within such further time as the Mining Commissioner or a Divisional Court or a Judge thereof may allow, save as otherwise provided by this Act in any case where it is declared that the decision of the Mining Commissioner shall be final. The decision or report may be appealed against to a Divisional Court in the same manner as from a decision of a Judge of the High Court sitting in Court.

Filing report of
Commissioner,
—Notice of
filing.

31. The decision or report of the Mining Commissioner with the evidence, exhibits, the statement (if any) of inspection or of technical knowledge and the reason for his decision shall be filed in the office of the Clerk of the County or District Court where the proceeding in question was originated unless otherwise ordered by the Mining Commissioner, in which case the same shall be filed as and where ordered by the Mining Commissioner, and notice of the filing shall forthwith be given by the Clerk or other officer with whom same is filed by post or otherwise, to the solicitors of the parties appearing by solicitor, and to other parties not represented by a solicitor.

Record of deci-
sions—notice
to licensee.

32. The Mining Commissioner shall enter in the books of his office a record of each decision made by him under authority of this Act in regard to a mining claim and, likewise, notify the licensee holder, for the time being, of such mining claim by registered letter addressed post paid to such licensee to his address appearing of record in the books of the Mining Commissioner. (*New.*)

Certificate of
decision as to
mining claim.

33. A licensee holder, for the time being, of a mining claim shall be entitled to receive from the Mining Commissioner a certificate of any decision by the Mining Commissioner authorized by this Act relative to such mining claim, which certificate shall contain the date of the record in the books of the Mining Commissioner of such decision. (*New.*)

Form of deci-
sion,—entry of
judgment
thereon.

34. The decision of the Mining Commissioner in all cases shall be in the form of an award or order for judgment and may be delivered as decisions by the Judges of the Supreme Court of Judicature are, and need not be in the form of a report; and unless appealed from to a Divisional Court as herein provided, judgment may be entered in the office wherein the proceeding is then pending without any further or other application or order. The Mining Commissioner by order may change the venue in any proceeding before him as he may deem desirable.

Change of
venue.

PROCEDURE AND COSTS.

Application of
rules and
practice of
High Court.

35. Except as in this Act otherwise provided, and subject to the provisions thereof, the rules and practice for the time being of the High Court of Justice shall, subject to the decision of the Mining Commissioner, be followed so far as the same are applicable.

Evidence need
not be filed or
notes extended
unless re-
quired.

36. In cases brought before the Mining Commissioner in pursuance of the powers conferred by this Act, or by any other Act, the evidence taken before him need not be filed, and need only be written out at length by the shorthand writer, if required by the Mining Commissioner or by any parties to the proceeding; and if required by any of the

parties to the reference, copies shall be furnished upon such terms as may be fixed by the Lieutenant-Governor in Council.

37. Fees shall be paid in stamps or otherwise in the same manner as in the case of other proceedings in the High Court until other provision is made in that behalf by the Lieutenant-Governor in Council. Fees to be paid in stamps.

38. To provide a fund for or towards the payment of the Mining Commissioner's salary and other expenses, there shall be further payable a sum which shall be determined by the Mining Commissioner and mentioned in his decision or report or in a subsequent report, not to exceed the rate of twenty-five dollars a day for every full day a trial or proceeding occupies, and which shall be paid by one or other of the parties, or distributed between or among the parties as the Mining Commissioner directs; the said sum to be paid to the *Clerk* for the uses of the Province and to be accounted for by him. Fees payable for each day of trial.

39. The Judges of the Supreme Court of Judicature for Ontario, with the Mining Commissioner, as a Board, shall have the like authority to make general rules with respect to proceedings before the Mining Commissioner and appeals from him as the Judges have with respect to proceedings in said Court under *The Judicature Act*; and sections 122 to 125 of *The Judicature Act* shall, with the necessary amendments, apply thereto. Supreme Court judges may make rules.

40.—(1) Subject to any such general rules the Mining Commissioner shall have power, with the approval of the Lieutenant-Governor in Council, to frame rules regulating the practice and procedure to be followed in all proceedings before him under this Act, and also to frame tariffs of fees in cases not governed by the High Court tariff of costs. Powers of Commissioner as to rules and tariffs of costs.

(2) Such rules and tariffs, whether made by the Board or the Mining Commissioner, shall be published in *The Ontario Gazette* and shall thereupon have the force of law; and the same shall be laid before the Legislative Assembly at its next session after promulgation thereof.

41. Until other provisions are made under the last two preceding sections the tariff of the County Court in all causes and matters wherein the amount in question therein is of the value of less than \$400. and of the High Court in all causes and matter wherein the amount in question is, or in the opinion of the Mining Commissioner may be, of the value of \$400 or over, shall be the tariff of costs and of fees and disbursements for solicitors and officers under this Act, and the Mining Commissioner shall have the powers of a County Judge and of a Taxing Officer of the High Court Scale of costs until other provision made.

with respect to counsel fees, and may also allow further counsel fees in case of a trial occupying more days than one.

Ex-officio Justices of the Peace.

42. The Mining Commissioner and every Inspector, and in and for the Mining Division in which a Mining Recorder is appointed such Mining Recorder, shall be *ex-officio* a Justice of the Peace of the county or united counties, district or districts which a Mining Division comprehends or includes, in whole or in part, or in which or in any portion of which a Mining Division lies; and it shall not be necessary that he shall reside therein or possess any property qualification whatever in order to enable him lawfully to act as such Justice of the Peace. 60 V. c. 8, s. 13. *Amended.*

APPEALS FROM MINING COMMISSIONER TO DIVISIONAL COURT.

Appeal from Commissioner to Divisional Court.

43. Where not herein otherwise provided, there shall be an appeal to a Divisional Court from every decision of the Mining Commissioner.

BUREAU OF MINES AND OFFICERS.

DEPUTY MINISTER.

Bureau of Mines,—
Deputy
Minister.

44. The Bureau of Mines established in connection with the Department, to aid in promoting the mining interests of the Province, shall be continued, and the officer appointed by the Lieutenant-Governor in Council as provided in *The Public Lands Act*, and known as the Deputy Minister of Mines, shall have charge thereof under the direction of the Minister unless and until otherwise ordered, and shall be paid such salary as shall be voted by the Legislature. R.S.O. 1897, c. 36, s. 14. *Amended.*

Power of
Deputy
Minister.

45. The Deputy Minister shall have all the powers, rights and authority throughout the Province which an Inspector or Mining Recorder has or may exercise in any Mining Division, and such other powers, rights and authority for the carrying into effect of the provisions of this Act as have been or shall be assigned to him by regulation. R.S.O. 1897, c. 36, s. 15. *Amended.*

Word "Bureau" not to be used by mining concerns.

46. No person, firm, syndicate or company conducting a mining business of any sort or kind in the Province shall use the term "Bureau" to describe the name or title under which such business is carried on; and every person contravening this provision shall, for every day upon which such contravention occurs, or continues, or is repeated, incur a fine of not more than \$20 and costs, and in default

Penalty.

of payment of the fine and costs such person, any member of such firm or syndicate, or any officer of such company, may be imprisoned for a period not exceeding one month. 62 V. (2), c. 10, s. 2. *Amended.*

PROVINCIAL GEOLOGIST.

47. The Lieutenant-Governor in Council may appoint an officer to be known by the official title of "Provincial Geologist," who shall be an officer of the Bureau of Mines, and shall perform such duties as may be assigned to him by this Act or any regulation and who shall be *ex-officio* an Inspector. (*New.*) Appointment and duties of Geologist.

PROVINCIAL ASSAYER.

48. The Lieutenant-Governor in Council may appoint an officer to be known by the official title of "Provincial Assayer," who shall be an officer of the Bureau of Mines, and shall perform such duties as may be assigned to him by this Act, or any regulation. (*New.*) Appointment and duties of Assayer.

INSPECTORS.

49. The Lieutenant-Governor may appoint for the Province or any part thereof an Inspector or Inspectors who shall be officers of the Bureau of Mines, and who shall perform such duties as may be assigned to them by this Act or any regulation. R.S.O. 1897, c. 36, s. 16 (1). *Amended.* Appointment and duties of Inspectors.

POWERS AND DUTIES OF INSPECTOR.

50. An Inspector under this Act shall have power to do all or any of the following things, namely: Powers of Inspectors.

(1) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters either above or below ground are complied with in the case of any mine. Inquiries as to compliance with Act.

(2) To enter, inspect and examine any mine and every portion thereof at all reasonable times by day or night, but so as not to impede or obstruct the working of the mine. Inspection.

(3) To examine into and make inquiry respecting the state and condition of any mine, or any portion thereof, and the ventilation of the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine, or any mine contiguous thereto, and to give notice to the owner or agent in writing of any particulars in which he considers such mine or any portion thereof, or any matter, thing or practice to be dangerous or defective, and to require the same to be Examination as to matters affecting health and safety of employees.

remedied within the period of time named in such notice, and unless the cause of danger is removed or such defect is remedied within the time named the owner or agent shall be guilty of an offence against this Act.

Stopping work when mine unsafe.

(4) To order the immediate cessation of work in and the departure of all persons from any mine or portion thereof which he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary.

General powers for protection of miners.

(5) To exercise such other powers as may be necessary for ensuring the health and safety of miners and all other persons employed in or about mines, smelters, metallurgical and mining works. 60 V., c. 8, s. 27. *Amended.*

Annual report.

(6) Every Inspector under this Act shall make an annual report of his proceedings during the preceding year to the Deputy Minister of Mines, which report shall be laid before the Legislative Assembly. *Ibid.*, s. 29.

MINING RECORDERS; THEIR DUTIES AND POWERS.

Mining Recorder.

51. The Lieutenant-Governor may, from time to time, for each Mining Division, appoint a local officer to be known as a "Mining Recorder," who shall be an officer of the Bureau of Mines, to receive and record applications for mining lands in the respective Divisions, and to carry out the provisions of this Act as prescribed. R.S.O. 1897, c. 36, ss. 16, (1), 17. *Amended.*

Powers of Recorder.

52. Every Mining Recorder shall, as to the Mining Division for which he is appointed, and the Mining Commissioner, shall have power to settle summarily all disputes between licensees as to the existence or forfeiture of mining claims, and the extent and boundaries thereof, and as to the use of water and access thereto, and generally to settle all difficulties, matters or questions between licensees which may arise under this Act; and the decision of such Mining Recorder in all cases under this Act shall be final, except as to decisions pronounced after the passing of this Act where an appeal is made therefrom to the Mining Commissioner within *fifteen* days from the date of such decision, and no case under this Act shall be removed into any court by *certiorari*. 63 V., c. 13, s. 18.

Constables may be appointed by Recorder.

53. Every Mining Recorder appointed in and for a Mining Division under this Act may appoint any number of constables not exceeding four; and the persons so from time to time appointed shall be and are hereby constituted respectively constables and peace officers for the purposes of this Act, for and during the terms and within the Mining Divisions for which they are respectively appointed. R.S.O. 1897, c. 36, s. 25.

54. Constables and peace officers appointed by a Mining Recorder under authority of this Act shall be paid such reasonable fees and expenses as may be contracted for by the Mining Recorder, but such fees shall not exceed two dollars per day for the time certified by such Mining Recorder. (*New.*) Fees of constables.

55. Every Mining Recorder shall keep all necessary books for the recording of mining claims and other entries therein as may be prescribed by the Minister, and the record of any mining claim in a book in the Mining Recorder's office shall be open to inspection by any person on payment of a fee of 10 cents for each claim examined. He shall also keep displayed in his office a map or maps showing the territory included in the Division, and shall mark thereon all the claims as they are taken up and recorded, and also all areas applied for under the provisions of this Act relating to working permits, and also all such areas, specially distinguished, in respect of which a working permit has been issued, and there shall be no charge for examining the same. R.S.O. 1897, c. 36, s. 51 (1). *Amended.* Reg. 24. *Amended.* Books and maps to be kept by Recorder.

56. Every document filed in the Mining Recorder's office shall, during office hours, be open to inspection by any one on payment of the proper fee as set forth in the schedule hereto. B. C. s. 97. Right to inspect documents.

57. Every copy of or extract of any entry in any of the said books, or of any documents filed in the Mining Recorder's office, certified to be a true copy or extract by the Mining Recorder, shall be received in any court as evidence of the matters therein contained. B. C. 98. Evidence of records.

58. The Mining Recorder shall forthwith enter in the proper book in his office the particulars of every application for a claim presented by a licensee, and shall file the application, sketch or plan and affidavit with the records of his office, and if within sixty days of the date of the recording of a mining claim staked out after the passage of this Act, no dispute as to the rights of a licensee to the claim by reason of prior discovery or otherwise, has been lodged with the Mining Recorder, he may grant to the licensee a certificate of such record. Such certificate may be according to the form No. 1 set forth in the schedule hereto. R.S.O. 1897, c. 36, s. 51 (1), *part*; Reg. 28. *Amended.* Particulars of claims to be entered. Certificate of record.

59. Every licensee by or on whose behalf an application is made to record the staking out of a mining claim, a special mining claim or a working permit, shall, at the time of such application produce the miner's license of such licensee to the Mining Recorder to whom such application is made, and such Mining Recorder shall endorse and sign Applicant for record of claim to produce license, and record to be endorsed thereon.

upon the back thereof a note in writing of each and every such record made to such licensee, and no such record shall be complete or effective unless and until such endorsement is made and signed on such miner's license. (*New.*)

Adjudication of recorder as to compliance with Act.

60. Any question or dispute as to non-compliance with the provisions of this Act regarding a mining claim, prior to the issue of a certificate of record of staking out, shall be adjudicated on by the Mining Recorder of the Mining Division within which the mining claim in question is situated, subject to appeal therefrom to the Mining Commissioner, as in this Act provided. (*New.*)

Mining recorder to decide as to work done on claim.

61. The Mining Recorder is hereby authorized to decide upon the sufficiency or insufficiency of the work herein required to be performed by the licensee holder for the time being of a mining claim, and if any such licensee be not satisfied with the decision of the Mining Recorder he may appeal from the decision of such Mining Recorder to the Mining Commissioner. (*New.*)

Record of decisions,—notice to licensee.

62. The Mining Recorder shall enter in the books of his office a record of each decision made by him under authority of this Act in regard to a mining claim, and likewise notify the licensee holder of such mining claim for the time being by registered letter addressed post paid to such licensee to his address appearing of record in the books of such Mining Recorder. Reg. 30 (a), part. *Amended.*

Licensee holder of claim may procure copy of report of inspection.

63. The licensee holder, for the time being, of a mining claim shall be entitled to receive from the Mining Recorder a certified copy of any report of inspection made under the authority of this Act and recorded in the books of such Mining Recorder. (*New.*)

Certificate of decision of Recorder.

64. The licensee holder, for the time being, of a mining claim shall be entitled to receive from a Mining Recorder a certificate of any decision of the Mining Recorder authorized by this Act relative to such mining claim, which certificate shall contain the date of the record in the books of the office of such Mining Recorder of such decision. (*New.*)

Recorder to have power to take evidence on oath. Subpœnas.

65.—(1) The Mining Recorder shall have power to take evidence upon oath in any matter or dispute concerning a mining claim, working permit or prospecting permit situate within the Mining Division for which he is appointed, and subpœnas for the attendance of witnesses at any investigation or hearing authorized to be conducted by a Mining Recorder hereunder, tested in the name of the Mining Commissioner, may be issued by the Clerk of Records and Writs, or by the Clerk of any County or District Court in Ontario, on the written requisition of the Mining Recorder requiring same.

(2) The fees and conduct money to be paid to a witness witness fees. subpoenaed under this Act shall be according to the scale for the time being in force in County Courts. (*New.*)

(3) The Mining Recorder in deciding any dispute before him where the attendance of witnesses appears to him to be necessary, may decide as to which of the parties interested shall pay the witness fees and conduct money of such witnesses, and such decision shall be binding upon the parties unless reversed by the Mining Commissioner in cases where an appeal is provided for. (*New.*) Recorder to decide who shall pay witnesses.

66. Where, for the time being, there is no Mining Recorder for a Mining Division, the duties of the Mining Recorder shall devolve upon the Bureau of Mines, under the direction of the Deputy Minister, and it shall at all time be lawful for the Deputy Minister to perform the duties of a Mining Recorder, and the Deputy Minister shall have all the powers of a Mining Recorder. B. C. Mineral Act, s. 104. Vacancy in office of Recorder.

INSPECTION OF CLAIMS.

67. The discovery of valuable mineral, the staking out (including blazing or otherwise marking the lines of a mining claim, and the line from the discovery post to No. 1 post), and the performance of work as herein required, shall be subject to inspection by the Mining Recorder of the Mining Division within which the mining claim in question is situated, or by an Inspector appointed under this Act, or by any other officer appointed for that purpose by the Minister, at any time prior to the issue of the certificate of record of the staking out thereof by and when and as ordered by any of them, and thereafter only by and when and as ordered by the Mining Commissioner. Reg. 30 (a), *part. Amended.* Inspection to verify discovery and compliance with Act.

68. Notice of the time of making any inspection authorized by this Act shall be given by the Mining Commissioner, or the Mining Recorder or any officer intending to make such inspection to the licensee holder, for the time being, of such mining claim, addressed by registered letter post paid to the address of such licensee appearing for the time being of record in the books of the Mining Recorder aforesaid. Reg. 30 (a), *part. Amended.* Notice of inspection to be given licensee holder.

69. The said notice shall be given not less than seven clear days prior to the time so fixed for such inspection, unless a shorter time be agreed to by or on behalf of the licensee. Provided that such notice may be given to such licensee holder personally as well as by registered letter. Reg. 30 (a), *part. Amended.* How notice to be given.

70. The report of each inspection authorized by this Act shall be made in writing by the officer making the in- Record of report of inspection.

spection, and be by him delivered to the Mining Recorder of the Mining Division within which such mining claim is situated, and shall be recorded at length by such Mining Recorder in the books of his office. (*New.*)

Effect of issue and delivery of certificate of record.

71. The issue and delivery of a certificate of record of any mining claim shall, in the absence of fraud on the part of the licensee, be final and conclusive evidence of the performance of all requirements of this Act, except working conditions, in respect to such mining claim up to that time, and such mining claim shall not, in the absence of fraud on the part of the licensee, thereafter be subject to forfeiture, except for breach or non-compliance with the provisions of this Act in respect to work required by this Act to be thereafter performed on such mining claim. (*New.*)

Extension of time for compliance with working conditions in case of death or incapacity.

72. In case of death or incapacity from illness of the licensee of a mining claim, special mining claim or working permit within the period during which working conditions are by this Act required to be performed, a Mining Recorder may, from time to time, extend the time for the performance of such working conditions for such period as he may deem reasonable, and the said Mining Recorder shall forthwith record in the proper book in his office the particulars of any and every extension made or granted by him under authority of this section. R.S.O. 1897, c. 36, s. 2 (2). *Amended.*

Bureau of Mines and Deputy Minister to act until Recorder appointed.

73. In case no person has been appointed Mining Recorder of any Mining Division, all applications shall be made to, and all the duties herein provided to be performed by the Mining Recorder of such Mining Division shall be performed by the Bureau of Mines, under the direction of the Deputy Minister. (*New.*)

APPEALS FROM RECORDER TO MINING COMMISSIONER.

Appeals to Mining Commissioner.

74. Where not herein otherwise provided, there shall be an appeal to the Mining Commissioner from every decision of a Mining Recorder.

Time for appealing.

75. No appeal authorized by this Act from the decision of a Mining Recorder to the Mining Commissioner shall be allowed after the expiration of *fifteen* days from the record of such decision by a Mining Recorder in the books of his office, unless within that time the time for appeal is extended by the Mining Commissioner, and thereafter not after the time limited by the Mining Commissioner therefor. Notice of appeal shall be given by filing a copy thereof in the office of the Mining Recorder and serving a copy thereof upon all parties adversely interested therein. (*New.*)

Notice of appeal.

OTHER OFFICERS.

76.—(1) The Lieutenant-Governor may, from time to time, appoint such other officers and agents as may be necessary under the provisions of this Act, and such officers and agents shall perform such duties as may be prescribed. R.S.O. 1897, c. 36, s. 17, *part.* *Amended.*

General power as to appointment of other officers.

(2) Notwithstanding anything in *The Public Service Act* the Minister may employ any professor, instructor, or other person engaged in any educational or other institution for the purpose of investigating the mineral resources of the Province or for any work in connection with or arising under this Act, and may pay him for such services at such rate as may be agreed upon, out of any moneys appropriated for such investigation or work by this Legislature.

Employment of professors, etc., in educational institutions to investigate mineral resources.

77. No officer appointed under this Act shall directly or indirectly, by himself or by any partner or other person, purchase or become interested in any Crown lands or mining claims, and any such purchase or interest shall be void. A violation of this section shall cause the forfeiture of the office of any such officer, and he shall, in addition thereto, be liable to a penalty of \$500 for every such offence. Such penalty may be recovered in an action by any person who sues for same. R.S.O. 1897, c. 36, s. 18. *Amended.*

Officers not to be interested in Crown lands or mining claims.

Penalty.

78. No officer appointed under this Act shall be compellable in any Court to disclose information acquired by him in his official position. (*New.*)

Officers not compellable to disclose information.

MINING DIVISIONS.

79. For the purposes of this Act the Province shall be divided by Order-in-Council into Mining Divisions with limits which may from time to time be extended, added to or diminished, and from and after the publication in *The Ontario Gazette* of an Order-in-Council declaring a tract of country to be a Mining Division, the Mining Division therein mentioned and described, except as otherwise herein provided, and all mines and mining lands therein shall be subject to the provisions of this Act and to the regulations made thereunder. R.S.O. 1897, c. 36, s. 44. *Amended.*

Mining Divisions,—Province to be divided into.

80. Upon the establishment of a Mining Division and the opening of a Mining Recorder's office therein, such office, except as otherwise provided, and none other, shall be the proper office for recording all claims, records, certificates, documents, or other instruments affecting unpatented claims or mining property applied for after this Act comes into operation, and any thing by this Act required to be done at the office of the Mining Recorder shall, if the same affects or concerns any claim, mine, or mining property to which this section applies situated within a Mining Division, be done at or in the office of the Mining Recorder of the Mining Division wherein such claim, mine or other mining property is situated. (*New.*)

Recorder's office to be proper place for recording claims and documents.

After issue of patent or lease.

Provided that as to all mining claims or mining property which have heretofore been patented or leased, or in respect of which a patent is hereafter issued, the proper office for recording all claims, records, certificates, documents or other instruments shall be the Registry Office for the Registration Division or the Land Titles Office for the Land Titles Division, as the case may be, within which such mining claims or mining property are situated.

Mistake as to office of record.

81. If, through ignorance, a licensee shall record a mining claim in a Mining Division other than that in which such claim is situate, such error shall not affect his title to such claim, but he shall, within fifteen days from the discovery of such error, record such claim in the Mining Division in which it is situate, and such new record shall bear the date of the former record, and a note shall be made thereon of the error and of the date of the rectification of the same. B. C. s. 22.

Minister to furnish Recorder with list of lands patented or leased.

82. On the passage of this Act the Minister shall furnish to each Mining Recorder a list of all mining lands or mining rights, as the case may be, in respect of which patents or leases have been issued by the Crown within the territory embraced in such Mining Division, and the same shall be filed for reference in the office of such Mining Recorder. (New.)

SPECIAL MINING DIVISIONS.

Special Mining Divisions.—special claims.

83. Where a locality is reported or shown to be specially rich in ores or minerals, the Lieutenant-Governor by Order-in-Council may proclaim the locality therein defined or described to be a Special Mining Division, and thereafter all the provisions of this Act applicable to mining claims in Mining Divisions shall be applicable to mining claims to be known as "special mining claims," in such special Mining Division, but the area of special mining claims shall not, except as hereafter provided, exceed twenty acres in extent. (New.)

LICENSES AND LICENSE HOLDERS.

License required.

84. No person, registered partnership or company shall carry on in Ontario the business of mining or be entitled to explore for mines and minerals in Ontario without first taking out and thereafter continuing in force a miner's license, under the provisions of this Act. 63 V., c. 13, s. 4, 11. *Amended.*

Issue of license.

85. On payment of the proper fee, according to the schedule of fees herein set forth, the Minister, Deputy Minister or any Mining Recorder may issue to any person over, but not under, 18 years of age, registered partnership or

company incorporated or licensed under the laws of Ontario applying therefor, a license to be called a "Miner's License," which shall be dated on the date of issue thereof, and expire at midnight on the 31st day of March next after the said date. Such license shall not be transferable. R.S.O. 1897, c. 36, s. 45 (1). *Amended.*

Term of license.

86. All miner's licenses and prospector's licenses heretofore issued and unexpired shall remain in force until the date of expiry therein referred to, and shall have the same force and effect as miners' licenses issued under this Act, but mining claims staked out by a licensee thereunder after this Act comes into operation shall be subject in all respects to the provisions of this Act. (*New.*)

Licenses heretofore issued.

87. A licensee under 21 years of age shall, as regards his or her mining property and liabilities contracted in connection with any mining claim or mining property, be deemed to be and be treated as of full age. (*New.*)

Licenses under twenty-one,—property and liabilities of.

88. Every license shall be effectual throughout the Province, and shall be signed and issued by the Minister, the Deputy Minister or by any Recorder, and shall be according to form No. 2 in the appendix hereto. 63 V., c. 13, s. 5, part. *Amended.*

Licenses to be good throughout Province.—Form of.

89. The individual members of a registered partnership or shareholders in an incorporated company need not be holders of a miner's license in order to qualify to be members of such partnership or shareholders of such company, but the holding of a miner's license by the partnership or company shall not entitle any individual partner, shareholder, officer or employee thereof to the rights or privileges of a licensee. (*New.*)

Licene may be issued to partnership or company.

90. Every miner's license shall be numbered, and in addition, shall, in conjunction with the number, be lettered with a letter or letters of the alphabet which is or have been prescribed by the Minister to indicate a Mining Division in which same was issued. (*New.*)

Numbering and lettering of licenses.

91. Upon payment of the fee set forth in the schedule hereto, and upon the production of the then existing license, a licensee, whose license is in force, shall, upon application therefor, before the expiration of the license, or within ten days thereof, be entitled to a renewal of such license. R.S.O. 1897, c. 36, s. 45 (2).

Renewals.

92. A renewal of a miner's license may be in the form (No. 3) set forth in the appendix hereto, and the fee for the renewal of a miner's license shall be as set forth in the schedule of fees hereto. (*New.*)

Fee on renewal.

Accidental destruction or loss of license.

93. If any miner's license be accidentally destroyed or lost, the owner thereof may, on payment of the fee set out in Schedule to this Act, have a true copy of it, signed by the Mining Recorder out of whose office the original was issued. Every such copy shall be marked "substituted license," and unless some material irregularity be shown in respect thereof, every original or substituted miner's license shall be evidence of all matters therein contained. B. C., s. 7. *Amended.*

Not more than one license to be issued.

94. Except as hereinbefore provided, no person, registered partnership, or mining company shall apply for or hold more than one miner's license in any one year or between the 1st of April in one year and 31st March in the next year. Any breach of this section shall be an offence against this Act. (*New.*)

Clerks or employees not to require license.

95. Nothing herein contained shall be deemed to provide that a clerk or employee, of a licensee, shall require to be possessed of a miner's license in order to perform clerical, *manual* or other services of like nature for a licensee, not including carrying on the business of mining or exploring for mines and minerals. (*New.*)

License to be produced and proof of validity furnished.

96. Every licensee shall produce and exhibit his license to the Inspector or Mining Recorder of the Division, and prove to the satisfaction of the person so demanding production that it is in force, if further required by him so to do. R.S.O. 1897, c. 36, s. 54. *Amended.*

License to date from application therefor.

97. Any person, registered partnership or mining company qualified to be an applicant for a miner's license applying at the Mining Recorder's office during his absence, and leaving the fee required by this Act with the officer or other person in charge of the said office, shall be entitled to have such license from the date of such application. B. C., s. 6. *Amended.*

CROWN LANDS.

Withdrawal of lands and mining rights from exploration and sale.

98. The Lieutenant-Governor in Council may, at any time, and from time to time, by Order-in-Council, withdraw any lands or mining rights the property of the Crown from exploration, location and sale, and set the same apart pending the exploration thereof for the prospecting of veins, lodes or other deposits of ores or minerals therein by the use of a diamond drill, or otherwise, under direction of the Minister, and any lands or mining rights heretofore withdrawn by Order-in-Council shall remain withdrawn until restored to exploration, location or sale, as provided in section 100 hereof. R. S. O. 1897, c. 36, s. 33, *part.* *Amended.*

Re-opening lands for exploration after withdrawal.

99. The Lieutenant-Governor in Council may re-open for exploration, location or sale as mining lands any Crown lands which may at any time have been withdrawn from

exploration or sale, either upon the terms and conditions contained in this Act, or upon such other terms and conditions as may be provided or authorized in that behalf by the Legislature. (*New.*)

100. The Crown lands described as all that tract of land or territory formerly known as the Lumsden and Booth timber limit now known as Gillies Brothers' timber limit, lying on both sides of the Montreal River in the District of Nipissing, containing one hundred square miles more or less, which, by Order-in-Council, were heretofore withdrawn from exploration for mines or minerals, and from sale, lease or location, when re-opened for exploration, location and sale may, or any part or parts thereof specially defined may, be re-opened on such terms and conditions and at such price per acre or otherwise as may be fixed by Order-in-Council, and said Crown lands or any part or parts thereof shall, notwithstanding any other provision in this Act contained, be subject to such terms and conditions and such price as is provided by the Order-in-Council re-opening the same. R.S.O. 1897, c. 36, s. 9, *part.*

Lands on Montreal River, heretofore withdrawn.

Provided that the Lieutenant-Governor in Council may provide that the mines and minerals in said lands or any part thereof may be worked by or on behalf of the Crown under and pursuant to regulations which may be made by the Lieutenant-Governor in Council, and in such case the said mines and minerals may be worked by or on behalf of the Crown as therein provided. (*New.*)

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101. Crown lands which have been withdrawn by Order-in-Council from exploration or sale under authority of this Act shall, until re-opened by Order-in-Council for exploration or sale, remain withdrawn therefrom, and shall not be explored, occupied or worked except as provided by the preceding section. (*New.*)

Lands withdrawn not to be explored or worked.

102. Except as in this Act provided, no person, registered partnership or company shall explore, occupy or work any Crown lands for mines or minerals. (*New.*)

Crown lands not to be explored, etc., except under Act.

103. Any person exploring, occupying or working any Crown lands for mines or minerals otherwise than in accordance with the provisions of this Act, or attempting to do so, shall incur a penalty of \$20.00 and costs, and, in default of payment of the fine and costs, such person may be imprisoned for any period not exceeding one month. R.S.O. 1897, c. 36, s. 9, *part.*

Penalty for exploring without authority.

104. No person, registered partnership or company, not the holder of a miner's license, shall use or occupy any of the lands in a Crown Forest Reserve, or prospect for minerals or conduct mining operations therein, and no licensee shall use or occupy any of the lands in a Crown Forest Re-

Protection of Forest Reserves.

serve or prospect for minerals or conduct mining operations therein, except in accordance with regulations made under *The Forest Reserves Act* and amendments thereto, and all regulations heretofore made thereunder are hereby continued in force until otherwise provided by the Lieutenant-Governor in Council. 61 V., c. 10; 63 V., c. 12; 5 Edw. VII., c. 9, s. 1.

Lease of lands in forest reserve for mining purposes.

105. Any lease of lands in a Forest Reserve, permitting mining operations therein, may be for such periods and on such terms as may be provided by regulations made by the Lieutenant-Governor in Council, but the lease of such lands shall be for a period not longer than ten years with the right to be renewed for ten-year periods. 62 Vic. (2), c. 10, s. 8; 5 Edw. VII., c. 9, s. 3.

Application of working conditions of ordinary mining claims to leases in forest reserves.

106. Any regulations to be made under authority of this Act applicable to Crown Forest Reserves shall provide that the working conditions applicable to an ordinary mining claim in a Mining Division, shall be applicable to a mining claim in a Forest Reserve, and that upon performance of the said working conditions a lease thereof according to the terms hereof, but not a patent, may be granted therefor. (*New.*)

MINING CLAIMS.

What lands may be staked out and sold.

107. Crown lands containing valuable ores or minerals, and mining rights in lands, the ores and minerals whereof have been reserved by the Crown in the location, sale, patent or lease of such lands, may be staked out and sold as mining lands, to be called "mining claims," as herein provided. R.S.O. 1897, c. 36, s. 10 (1), *part.* *Amended.*

Claims in unsurveyed territory.

108. Each mining claim, special mining claim, and area of mining land included in a working permit in the unsurveyed territory shall be laid out with boundary lines running north and south and east and west astronomically, and the measurements thereof shall be horizontal, and in a township surveyed into lots shall be such part of one of such lots as herein defined, and the ground included therein shall be deemed to be bounded under the surface by lines vertical to the horizon. R.S.O. 1897, c. 36, s. 50 (2). *Amended.*

Claims not to be staked out in town sites or in railway lands.

109. No mining claim shall be staked out or recorded on any land included in or reserved or set apart as a town site whether the same shall have been subdivided into town lots or not, or upon any station grounds, switching grounds, yard or right of way of any railway, or upon any colonization or other road or road allowance, except by order of the Minister. Provided that all mines and minerals of every nature and kind in any lands which have been or may hereafter be transferred by any Order-in-Council under

Proviso.

authority of Chapter seven of the Act of the Legislature passed in the fourth year of the reign of His Majesty shall, unless expressly reserved therein, be deemed to have been and in the case of an Order-in-Council hereafter made, unless therein otherwise expressly stated, shall be deemed to be, included as part of the said lands, and the said mines and minerals and the said lands are hereby declared to be exempt from the provisions of this section. Reg. 27. *Amended.*

110. A mining claim in unsurveyed territory shall not exceed a square of twenty chains or 1,320 feet, containing forty acres, but an irregular portion of land lying between two or more claims may be staked out with boundaries co-terminous thereto, provided that its area shall not exceed forty acres. Area of mining claims in unsurveyed territory.

111. In any township surveyed into sections of 640 acres or thereabouts where the sections have been subdivided into quarter sections, or subdivisions containing 160 acres or thereabouts, a mining claim shall consist of the northeast quarter, the northwest quarter, the southeast quarter or the southwest quarter of any such quarter section or subdivision, containing forty acres, or thereabouts. (*New.*) In townships surveyed into sections of 640 acres.

112. In any township surveyed into lots of 320 acres or thereabouts, a mining claim shall consist of one or other of the following subdivisions of the lot, namely, the northwest quarter of the north half, the northeast quarter of the north half, the southwest quarter of the north half, the southeast quarter of the north half, the northwest quarter of the south half, the northeast quarter of the south half, the southwest quarter of the south half, or the southeast quarter of the south half, containing forty acres, or thereabouts. (*New.*) Townships surveyed into lots of 320 acres.

113. In any township surveyed into lots with single fronts, containing 200 acres or thereabouts, or in any township surveyed into sections of 1,200 acres or 2,400 acres where the lots contain 200 acres or thereabouts, or in any township surveyed into lots with double fronts, containing 200 acres or thereabouts, a mining claim shall consist of the northeast quarter, the southwest quarter, the northwest quarter, or the southeast quarter of the lot, containing fifty acres or thereabouts. (*New.*) Townships surveyed into lots of 200 acres.

114. In any township surveyed into lots of 100 acres or thereabouts, a mining claim shall consist of the north half, the south half, the east half, or the west half of the lot, containing fifty acres or thereabouts. (*New.*) Townships surveyed into 100 acre lots.

115. Where mining locations the property of the Crown in unsurveyed territory have been surveyed in conformity with the provisions of any Act of the Legislature into Mining locations heretofore surveyed in unsurveyed territory.

blocks of the following dimensions, namely, 20 chains in length by 20 chains in width, 40 chains in length by 20 chains in width, 40 chains square, or 80 chains in length by 40 chains in width, or thereabouts, and the plans and field notes of such locations are of record in the Département, a mining claim staked out thereon shall be 20 chains in length by 20 chains in width, and one claim shall comprise the whole of a location 20 chains square. A location 40 chains in length by 20 chains in width may be divided into two mining claims by a line drawn through the centre thereof parallel to one of the shorter boundaries. In the case of a location 40 chains square a claim shall consist of one or other of the following subdivisions: the northeast quarter, the northwest quarter, the southeast quarter, or the southwest quarter. In a location 80 chains in length by 40 chains in width where the length of the location is north and south, a claim shall consist of the northeast quarter of the north half, the northwest quarter of the north half, the southeast quarter of the north half, or the southwest quarter of the north half; the northeast quarter of the south half, the northwest quarter of the south half, the southeast quarter of the south half, or the southwest quarter of the south half. Where the length of the location is east and west a claim shall consist of the northeast quarter of the east half, the northwest quarter of the east half, the southeast quarter of the east half, or the southwest quarter of the east half; the northeast quarter of the west half, the northwest quarter of the west half, the southeast quarter of the west half, or the southwest quarter of the west half, containing forty acres or thereabouts. (*New.*)

Irregular lots
in surveyed
townships.

116. In the case of surveyed townships containing lots irregular in shape or size, fronting upon a lake, river or road, a mining claim shall consist of 40 acres, or thereabouts, with a uniform depth and width of 20 chains, and one or more of its boundaries shall coincide with one or more of the boundaries of the lot of which it forms a part. (*New.*)

Discovery of
valuable
mineral neces-
sary to valid
claim.

117. No licensee shall be deemed to have acquired any right or claim under this Act or any regulations thereunder to a mining claim unless a discovery of valuable mineral has been made thereon by or on behalf of such licensee. (*New.*)

Transfers not
to be enforce-
able unless
in writing and
recorded.

118. No transfer of an unpatented mining claim staked out after this Act comes into operation or of any interest therein shall be enforceable unless the same shall be in writing, signed by the *transferor*, or his agent authorized in that behalf, and recorded by the Mining Recorder; Such transfer may be in the form No. 4 in the appendix hereto. Where a transfer is signed by an agent the auth-

ority of such agent shall be recorded prior to such transfer being recorded. (*New.*)

SURFACE RIGHTS.

119. Where the surface rights in any lands have been granted, sold, leased or located and a mining claim shall be staked out for any portion of the said lands, the licensee so staking out shall compensate the owner, lessee or locatee of the said surface rights for injury or damages which are or may be caused to the surface rights, and in case the licensee and such owner, lessee or locatee are unable to agree upon the amount of compensation therefor or the manner in which same shall be paid or secured, application by any party interested may be made to the Mining Commissioner to ascertain, determine and prescribe the amount of such compensation and the manner and time in which the same shall be paid or secured, and the same shall thereupon be ascertained, determined and prescribed by the Mining Commissioner, or as he may direct, and when so ascertained; determined or prescribed shall be final and binding upon all parties interested. R.S.O. 1897, c. 36, s. 42 (1). *Amended.*

Compensation to owner of surface rights.

120. The Mining Recorder shall have power to reduce the extent of any mining claim or special mining claim staked out where the surface rights have been granted, sold, leased or located, if in his opinion an area less than forty acres or twenty acres, as the case may be, is sufficient for working the ores, minerals and mining rights therein contained, and his decision in such case shall be final. Reg. 26 (3). *Amended.*

Reduction in area of claim where surface rights have been sold.

121. No person shall have the right of entry *as prospector or explorer* upon the surface rights of that portion of any lot used as a garden, orchard, vineyard, nursery, plantation or pleasure ground, or upon which crops that may be damaged by such entry are growing, or on which is situated any spring, artificial reservoir, dam or water-works, or any dwelling house, outhouse, manufactory, public building, church or cemetery, except with the consent of the owner, lessee or locatee, or the person in whom the legal estate therein is vested, or by order of the Mining Commissioner. R.S.O. 1897, c. 36, s. 43. *Amended.*

Right of entry of prospectors limited.

122. The Mining Recorder shall not grant a certificate of record of the staking out of a mining claim as provided in section 59, on any lands the surface rights of which have been granted, sold, leased or located, unless and until compensation for injury or damage to the surface rights has been paid or secured, as provided by section 120 hereof.

Compensation to be paid before claim recorded.

SPECIAL MINING CLAIMS.

Area of special claims in townships surveyed into sections of 640 acres.

123. In any township surveyed into sections of 640 acres, or thereabouts, where the sections have been subdivided into quarter sections or subdivisions containing 160 acres or thereabouts a special mining claim shall consist of either of the west half or the east half of any of the following, that is to say: The northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of any quarter section or subdivision, and shall contain twenty acres, or thereabouts. (*New.*)

In townships surveyed into lots of 320 acres.

124. In any township surveyed into lots of 320 acres or thereabouts, a special mining claim shall consist of one or other of the following subdivisions of the lot, namely, the northeast quarter of the northeast quarter, the northwest quarter of the northeast quarter, the southeast quarter of the northeast quarter, or the southwest quarter of the northeast quarter, or any like subdivisions of the southeast quarter, the southwest quarter, or the northwest quarter of the said lot, containing twenty acres, or thereabouts. *New.*

In townships surveyed into lots of 200 acres.

125. In any township surveyed into lots with single fronts containing 200 acres or thereabouts, or in any township surveyed into sections of 1,200 acres or 2,400 acres where the lots contain 200 acres or thereabouts, or in any township surveyed into lots with double fronts containing 200 acres or thereabouts, a special mining claim shall, where the side lines of the lots run northerly and southerly, consist of one or other of the following subdivisions of the lot, namely, the northeast quarter of the north half, the southeast quarter of the north half, the northwest quarter of the north half, the southwest quarter of the north half, the northeast quarter of the south half, the northwest quarter of the south half, the southwest quarter of the south half, or the southeast quarter of the south half, containing twenty-five acres or thereabouts; and where the side lines of the lots run easterly and westerly, a special mining claim shall consist of the northeast quarter of the east half, the northwest quarter of the east half, the southeast quarter of the east half, the southwest quarter of the east half, the northeast quarter of the west half, the northwest quarter of the west half, the southeast quarter of the west half, or the southwest quarter of the west half, containing twenty acres or thereabouts. (*New.*)

In townships surveyed with lots of 100 acres.

126. In any township surveyed into lots of 100 acres or thereabouts, a special mining claim shall consist of the northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of the lot, containing twenty-five acres or thereabouts. (*New.*)

127. A special mining claim in unsurveyed territory In unsurveyed territory. shall be rectangular in form, and shall be laid out with boundary lines running north and south and east and west astronomically, and shall have a length from north to south not exceeding twenty chains, or 1,320 feet, and a width from east to west of ten chains or 660 feet, containing twenty acres, or thereabouts. (*New.*)

128. Where mining locations the property of the Crown Mining locations heretofore surveyed in unsurveyed territory. in unsurveyed territory have heretofore been surveyed in conformity with the provisions of any Act of the Legislature into blocks of the following dimensions, namely, 20 chains in length by 20 chains in width, 40 chains in length by 20 chains in width, 40 chains square, or 80 chains in length by 40 chains in width, or thereabouts, and the plans and field notes of such locations are of record in the Department, a special mining claim staked out thereon shall consist of the east half or the west half of a location 20 chains square, containing 20 acres or thereabouts; or the northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of a location 40 chains in length by 20 chains in width, containing 20 acres or thereabouts; or the west half or the east half of any of the following subdivisions of a location 40 chains square, namely, the northeast quarter, the northwest quarter, the southeast quarter, or the southwest quarter, containing 20 acres or thereabouts; or of the northeast quarter of the northeast quarter, the northwest quarter of the northeast quarter, the southeast quarter of the northeast quarter, or the southwest quarter of the northeast quarter, or any like subdivision of the southeast quarter, the southwest quarter, or the northwest quarter of a location 80 chains in length by 40 chains in width, containing 20 acres more or less, or where the length of such location is east and west, a special mining claim shall consist of the east half or west half of the northeast quarter of the east half, the east half or west half of the southeast quarter of the east half, the east half or west half of the northwest quarter of the east half, or the east half or west half of the southwest quarter of the east half, or of a corresponding subdivision of the west half of the said location, containing 20 acres or thereabouts. (*New.*)

129. All the provisions of this Act applicable to mining claims shall be deemed to be applicable also to special mining claims, except where otherwise expressly stated, and also where a particular provision or part thereof is manifestly inapplicable. Application of general provisions to special claims.

Mining Claims on Lands under Timber License.

130. Except as is herein otherwise provided, it shall be lawful for the holder of a miner's license to prospect for minerals on any Crown lands under timber license, except Licensee may prospect on lands under timber license.

where such lands have been withdrawn from exploration, location or sale by any Act of the Legislature or Order in Council, subject to the following conditions:

Timber licensee to be notified of application to record claim.

(1) In the event of the discovery of valuable mineral on any Crown lands under license for pine timber, or for pine and other timber, the mining licensee may stake out a mining claim thereon and apply to have the said mining claim recorded in the office of the Mining Recorder of the Mining Division wherein the same is situated, and it shall be the duty of the Mining Recorder within three days of the application for record of the staking out of the mining claim thereon, to notify the Minister thereof, and the Minister shall thereupon notify the timber licensee thereof.

Operations to be suspended until Minister decides whether mining may be carried on on limit.

(2) The provisions of this Act in reference to mining operations on a mining claim so staked out upon Crown lands included in a timber license shall be suspended until it has been decided by the Minister whether mining operations or the performance of working conditions shall be permitted to be carried on on such mining claim, and the date on which the working conditions shall become operative and obligatory shall be the date fixed by the Minister on which the same shall be begun, of which date due notification shall be given to the Recorder and mining licensee.

Minister may permit operations, subject to conditions.

(3) It shall be lawful for the Minister to permit mining operations upon such mining claim to be carried on, subject to such restrictions and limitations as in his judgment may be necessary to protect the interest of the Crown and other parties interested therein, and the Lieutenant-Governor in Council may, from time to time, and subject to the provisions of subsection 3 of section 7 hereof, make regulations regarding the carrying on of mining operations on mining claims on Crown lands for the time being under timber license.

Regulations to provide for payment of value of pine timber cut.

(4) Any regulations made under authority of this section shall provide for the payment to the timber licensee of the value of any pine timber cut or damaged upon such mining claim, and any dispute between the mining licensee and the timber licensee in respect of the quantity or value thereof, or otherwise, shall be disposed of by the Minister, whose decision in regard thereto shall be final. (*New.*)

STAKING OUT AND HOLDING MINING CLAIMS.

Where licensee may prospect for minerals.

31. Any person, registered partnership, or mining company at the time duly holding a miner's license, may, except as herein provided, and subject thereto, prospect for mines or minerals:

(a) on any Crown lands surveyed or unsurveyed;

(b) on any lands the mines, minerals or mining rights whereof have been reserved by the Crown in the location, sale, patent or lease of such lands;

provided that same are not, for the time being, staked out and occupied as a mining claim, or a special mining claim, or are under working permit, or are withdrawn by any Act of the Legislature or Order-in-Council, from exploration, location or sale.

132. A licensee who discovers valuable mineral in place or a bed or deposit of gold or platinum-bearing sand, earth, clay or gravel, or upon whose behalf valuable mineral in place or a bed or deposit of gold or platinum-bearing sand, earth, clay or gravel has been discovered by a licensee shall have the right to stake out thereon a mining claim, providing that it is on Crown lands not withdrawn from location or exploration, and is not included in a claim staked out by another licensee, or on lands the mines, minerals and mining rights whereof have been reserved by the Crown, if not included in a claim staked out by or on behalf of another licensee who shall have the right to work the same and transfer the interest therein of a licensee to another licensee, and in case the surface rights have been granted, leased or located by the Crown the licensee must proceed as provided in section 120 of this Act. R.S.O. 1897, c. 36, s. 47. *Amended.*

Where licensee may stake out claim.

Nothing herein contained shall be deemed to authorize any person not a licensee to prospect or stake out a mining claim, a special mining claim, or an area of mining land for a working permit or prospecting permit on behalf of any registered partnership or mining company.

Persons not licensees.

133. A mining claim may be staked out by planting a discovery post of wood or iron (on which is written or placed the name of the licensee making the discovery, the number of the license and the date of his discovery, and, if the discovery is made on behalf of another licensee, then also the name of such other licensee and the number of his license), upon an out-cropping or showing of ore or mineral in place or upon the surface over some part of a bed or deposit of gold- or platinum-bearing sand, earth, clay or gravel within the boundaries of a claim, and by planting at each of the four corners of the claim a post of wood or iron in the order following, viz.: No. 1 at the northeast corner, No. 2 at the southeast corner, No. 3 at the southwest corner, and No. 4 at the northwest corner, the number in each case to be on the side of the post towards the post which follows it in the order in which they are named. The like particulars as are herein required to be written or placed on the discovery post shall also be written or placed on No. 1 post, and if the claim is situate in a township surveyed into lots, there shall, in addition, be plainly written or placed on No. 1 post the subdivision or part of the lot comprised, or intended to be comprised, in the claim.

Mode of staking out.

See Fig. 1. Reg. 18 (1); R.S.O. 1897, c. 36, s. 48 (1).
Amended.

I.

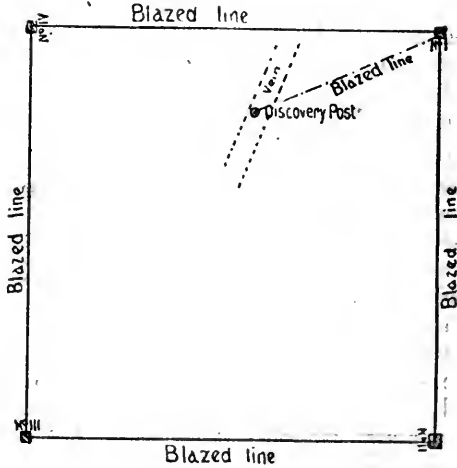


Fig No 1.

Staking out claim where it is impracticable to mark all four corners.

134. If one or more corners of a claim fall in any situation where the nature or conformation of the ground renders the planting of a post or posts impracticable, such corner or corners may be indicated by placing at the nearest suitable point a witness post, which, in that case, shall contain the same marks as those prescribed herein for corner posts, together with the letters "W.P.," and an indication of the bearing and distance of the site of the true corner from such witness post. See Fig. 2. R.S.O. 1897, c. 36, s. 48, *part.*

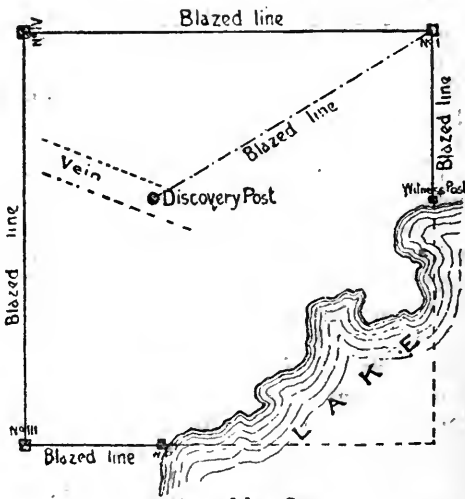


Fig No 2.

135. Where there are standing trees upon a mining claim so staked out the licensee shall blaze the trees, on two sides only, and cut the underbrush along the boundary lines of the claim, and also blaze a line from No. 1 post to discovery post, and shall mark plainly on No. 1 post the distance to the discovery post, and also the subdivision of the lot covered by the claim where the same is in surveyed territory. 61 V. c. 11, s. 4. *Amended.* Reg. 20. *Amended.*

Blazing line from No. 1 to discovery post, and clearing boundaries.

136. Where there are no standing trees the licensee shall clearly indicate the outlines of a claim, and also a line from No. 1 post to discovery post by planting durable pickets (not less than five feet in height) thereon (at intervals of not more than two chains) or by erecting thereon (at intervals of not more than two chains), monuments of earth and rock not less than two feet in diameter at the base, and at least two feet high, so that the lines may be distinctly seen. Reg. 20, *part.* *Amended.*

Planting pickets where impossible to blaze line.

137. Substantial compliance as nearly as circumstances will reasonably permit with the provisions of this Act regarding the staking out of mining claims shall satisfy the requirements of this Act. (*New.*)

Substantial compliance with regulations.

138. An irregular portion of land lying between two or more claims may be staked out with outlines coterminous thereto, provided that the area thereof shall not exceed forty acres, or thereabouts. Reg. 21, *part.*

Irregular portions of land between two or more claims.

139. No more than three claims may be staked out and recorded by or for any licensee in any Mining Division during the period covered by a license year. (*New.*)

Licensee not to stake out more than three claims in one license year.

140. The application of a licensee for a record of the staking out of a mining claim shall not be deemed to confer any right whatsoever upon the licensee until such time as the staking out of the said mining claim shall have been recorded with the Mining Recorder, and a certificate of such record issued and delivered by the Mining Recorder to the licensee or some person on behalf of the licensee. (*New.*)

No rights conferred until claim recorded and certificate issued.

WORKING PERMIT.

141. A licensee desiring to obtain the exclusive possession of an area of mining land at the time open for exploration and sale, whether Crown lands or lands the mines, minerals or mining rights of which have been reserved to the Crown in the location, sale, lease or patent thereof, for the purpose of prospecting the same with a view to discovering valuable mineral thereon, may (except as to land which at the time this Act comes into operation,

Obtaining exclusive right of exploration.

or within one month thereafter, is being prospected or worked, as in the proviso hereto hereinafter contained) do so by proceeding in the following manner :

Staking out boundaries.

1. By staking and marking out the boundaries thereof by planting at each of the four corners thereof a post of wood or iron in the order following, viz. : No. 1 post at the *northeast* corner, No. 2 post at the southeast corner, No. 3 post at the southwest corner, and No. 4 post at the northwest corner, the number in each case to be on that side of the post towards the post which follows it in the order in which they are named.

"Witness post."

2. If one or more corners of the claim fall in any situation where the nature or conformation of the ground renders the planting of a post or posts impracticable, such corner or corners may be indicated by placing at the nearest suitable point a "witness post," which in that case shall contain the same marks as those described herein for corner posts, together with the letters "w. p." and an indication of the bearing and distance of the site of the true corner from such witness post. (*New.*)

Marking posts.

3. At the time of the planting of the said posts the licensee, by whom the area is so staked, shall plainly write or place on No. 1 post the name of such licensee, and in case such staking out is on behalf of some other licensee then also the name of the licensee on whose behalf the staking out is done, together with the number of the license of such licensees, respectively, and the date of the planting of such posts.

Blazing trees and clearing boundary lines.

4. Where there are standing trees upon the area so staked out the licensee shall blaze the trees (upon two sides only) and cut the underbrush along the boundary lines of the area.

Planting pickets where there are no trees.

5. Where there are no standing trees the licensee shall mark the outlines of the area, and also a line from No. 1 post to No. 2 post, by planting durable pickets (not less than five feet in height) thereon (at intervals of not more than four chains) or by erecting thereon (at intervals of not more than four chains) monuments of earth or rock not less than two feet in diameter at the base and at least two feet high so that the line may be distinctly seen.

Marking and notching No. 1 post.

6. Upon No. 1 post there shall be written the words "Working permit applied for," and said No. 1 post shall be further indicated by notching the same with three rings of notches not less than a quarter of an inch deep and not less than two inches apart, beginning at a distance of not less than two nor more than three inches from the top of the post.

Trenching.

7. The situation of the No. 1 post shall be further indicated by trenching to a depth of not less than six inches

for a distance of not less than six feet along the course of the boundary line between No. 1 post and No. 2 post, and by trenching to a depth of not less than six inches for a distance of not less than six feet along the course of the boundary line between No. 1 post and No. 4 post.

8. If the area is situated in surveyed territory the licensee shall also indicate on No. 1 post the portion of the township lot upon which the area is situated in accordance with the provisions of section 105 of this Act.

Where area is in surveyed territory.

9. The area to be included in a working permit situated in a Mining Division shall not, except where herein otherwise provided, exceed 40 acres in extent, or, where situated in a special Mining Division, 20 acres in extent.

Limit of acreage to be included in working permit.

10. By furnishing to the proper Mining Recorder an application in writing (in duplicate) therefor, accompanied by a map or plan (in duplicate) thereof, indicating generally and as definitely as possible the location of the said area by reference to some ascertained boundary or locality.

Licensee to file map or plan.

11. By furnishing to the proper Mining Recorder under oath, within fifteen days thereafter, satisfactory proof of the planting of the said posts and their distances from each other in feet, together with an application in writing, which may be according to the form No. 5 in the schedule hereto, accompanied by proof, under oath, of the name of the licensee interested and the number of his license, the name of the licensee by whom the area was staked out, and the number of his license, the locality of the area as indicated by some general description or statement, and such other information as will enable the Mining Recorder to lay down the area on his office maps, the time when the said posts were planted, and the area staked out, and evidence, on oath, that the land at the time of its being staked out was not in occupation or possession of, or being prospected for minerals by any other licensee, and that the deponent has no knowledge and had never heard of any adverse claim by reason of prior discovery or otherwise. The affidavit under this section mentioned may be according, to the form No. 6 in the appendix hereto.

Compliance with conditions to be verified by oath.

In case the area is situated more than ten miles in a straight line from the office of the Mining Recorder, an additional day shall be allowed for recording such staking out for each additional ten miles or fraction thereof.

Additional time for recording.

12. By procuring from such Mining Recorder a certificate (which may be according to the form No. 7 in the appendix hereto) of the said application, and nailing or otherwise securely affixing the same to No. 1 post on the said area within three days after the granting of the said certificate, and if the area is more than ten miles in a straight line from the office of the Mining Recorder, one

Certificate of application to be affixed to No. 1 post.

additional day shall be allowed for each additional ten miles or fraction thereof. (*New.*)

Procuring working permit.

13. By procuring from the said Mining Recorder, after sixty days from the staking out of the area and within seventy days therefrom, a working permit in the form No. 8 in the appendix hereto. (*New.*)

Proviso as to work in progress.

Provided that if, when this Act comes into operation, or within one month thereafter, any person (who is, or within the said period of one month, becomes, a licensee) is then at work prospecting and working upon any such lands in drilling, trenching, digging or excavating the same, no other licensee who has not made a discovery of valuable mineral thereon, shall be entitled, during that time, to stake out any portion of such lands, if in unsurveyed territory, nearer than 10 chains to any such drill, trench or excavation, or apply for a working permit thereof, or if in surveyed territory, to stake out an area which would include any part of the lot sub-division, upon which such person or licensee is then engaged in drilling, trenching, digging or excavating. (*New.*)

Proviso as to preference among different licensees.

Provided further, that if more than one such person or licensee is, at the time this Act comes into operation, at work prospecting or working as aforesaid, upon any such area, preference shall be given to such one applying for a working permit, within said period of thirty days, as first began and continuously remained, at such work, on the said area. (*New.*)

Where surface rights granted compensation to be made to owner.

142. Where the surface rights of any land have been patented, sold, leased or located, and the mines, minerals or mining rights thereof have been reserved to the Crown, no working permit shall be issued unless and until the applicant therefor has filed evidence to the satisfaction of the Mining Recorder, that he has arranged with the owner of the surface rights for compensation for injury or damage thereto, or failing such arrangement, that such compensation has been ascertained, and paid or secured, in manner provided in section 120 hereof. (*New.*)

Application of sections.

143. Sections 108 to 141 and section 163 of this Act, so modified as may be necessary, shall be applicable as far as circumstances will admit, to every application for a working permit. (*New.*)

Licensee not entitled to exclusive privileges before issue of permit.

144. The licensee applicant for a working permit shall not be entitled to any exclusive or other privileges with regard to the area applied for prior to the issuance to such licensee of the working permit referred to. (*New.*)

Application not to bind until working permit issued.

145. The area referred to in the application for a working permit, and every part thereof, may be prospected for minerals and if a discovery of valuable mineral is made

thereon, may be staked out as a mining claim by any licensee at any time until a working permit has been granted by a Mining Recorder, and the applicant for the working permit shall be entitled to exclusive possession thereof only after the working permit shall have been issued, and notice thereof in such form as may be prescribed shall have been affixed by or on behalf of the applicant therefor to No. 1 post on said area. (*New.*)

146. It shall be the duty of every Mining Recorder to post up in his office notice of all applications for working permits in the form No. 9 in the appendix hereto. (*New.*) Notice of applications to be posted up.

WORKING CONDITIONS ON WORKING PERMIT

147.—(1) A licensee to whom a working permit of an area has been granted shall perform thereon work which shall consist of searching for minerals by sinking a shaft or shafts, pit or pits, by digging trenches, making cross-cuts, boring by diamond or other drills, or other *bona fide* operations of a like kind to the extent of not less than eight hours per day for five days in each week during the six months next following two weeks after the issuance of such working permit. Working conditions. Provided the licensee may at his option perform an equal amount of such work in a less period of time.

(2) The construction of houses, roads or other like improvements shall not constitute work within the meaning of this section. Houses, roads, etc., not to constitute "work." (*New.*)

148. The provisions of this Act relating to the forfeiture of a mining claim for default in performance of work thereon; shall as nearly as possible, according to the circumstances of the case, be applicable to the area defined in a working permit. Forfeiture for default. (*New.*)

149. In the event of any dispute arising as to whether a licensee holder of a working permit, has in fact complied with the provisions of this Act necessary to entitle such licensee to exclusive possession of said area, the Mining Recorder may notify the licensee holder of said working permit of such dispute, and fix a time which will admit of seven clear days' notice to such licensee of the hearing of said dispute proved to the satisfaction of the Mining Recorder, and shall then summarily decide said dispute at his office or such other place as he may fix for that purpose, and the decision of said dispute by a Mining Recorder shall be final and not subject to any appeal, and if the decision of the Mining Recorder is to the effect that the working permit has lapsed or become forfeited for failure to comply with any of the provisions of this Act, the said area shall forthwith thereupon become open for applica- Disputes as to compliance with working conditions.

tion by any licensee for a working permit, or for staking out as a Mining claim, as the case may be, in the same way as if no application therefor had previously been made or working permit thereof previously issued. (*New.*)

Provi- for
service of
notice upon
holder of work-
ing permit.

Provided that service of notice upon the licensee holder of the working permit may be effectually made by serving same upon him personally wherever he may be, or if he is not upon or in the neighborhood of the area defined in the working permit, then by serving the same upon any grown-up person in the employ of such licensee upon or in the neighborhood of said area, or if there is no such person then by affixing the notice to No. 1 post on said area. The notice herein referred to may be in the form (No. 10) in the schedule hereto. (*New.*)

Rights of hold-
er of working
permit on com-
plying with
conditions.

150. Subject to the performance by the licensee holder of a working permit of all the provisions of this Act relating to a working permit, the said licensee shall be entitled for the period of six months next after the date of the issuance of such working permit, less the interval of time elapsing between such issuance and the posting of notice thereof on No. 1 post of such area, and the renewal thereof (if any), to exclusive possession of the area defined in said working permit, and said area shall not during that time be open to be staked out by any other licensee for any purpose whatever. (*New.*)

Assignment of
working per-
mit.

151. The licensee holder of a working permit may, subject to the consent of the Mining Recorder endorsed thereon, transfer by assignment in the form (No. 11) in the appendix hereto, all his rights in the said area and working permit, and upon said transfer being recorded in the office of the Mining Recorder aforesaid, the licensee to whom the same is transferred shall thereupon be entitled to the unexpired term of the working permit together with any right of renewal thereof hereby authorized. (*New.*)

Renewal

152. It shall be lawful for a Mining Recorder to grant to a licensee holder for the time being of a working permit, one renewal thereof for a period of six months subject to the performance of work of the like nature as is hereinbefore specified. Such renewal may be according to form No. 12 in the appendix hereto. (*New.*)

Limit of num-
ber of working
permits to be
held in any
year.

153. No licensee shall be entitled to apply for or hold more than three working permits for any one Mining Division in any year between the first day of April and the thirty-first day of March next thereafter. (*New.*)

Computing
time within
which work to
be done.

154. In computing the time in which work is required to be performed by this Act upon the area included in a working permit, the period of time extending from the

fifteenth day of November in one year to the fifteenth day of April in the succeeding year, shall be deemed to be excluded, as shall also the time or times so stated by any Order-in-Council or regulations made under or by authority of this Act, but no application for a working permit shall be receivable by any mining recorder during the said period or periods. (New.)

WATER POWERS ON MINING CLAIMS.

155. A valuable water power lying within the limits of a claim shall not be deemed to be part of the claim for the uses of the licensee. A road allowance of one chain in width shall be reserved on both sides of the water together with such additional area of land as in the opinion of the Mining Recorder of the Division in which same is situated may be necessary for the development and utilization of such water power. A water power under this section referred to shall be deemed to be a valuable water power, if the same at low water mark, in its natural condition, is capable of producing 150 horse power or upwards. R.S.O. 1897, c. 36, s. 50 (3); Reg. 21, *part*.

Valuable water powers not included in claim.

RECORDING MINING CLAIMS.

156. Every licensee who has staked out a mining claim, or upon whose behalf a mining claim has been staked out, shall, within fifteen days thereof, except as by the next section provided, furnish under oath to the Mining Recorder of the Division wherein same is situated an outline sketch or plan thereof showing the discovery post and corner posts, and the witness posts (if any) and their distance from each other in feet, together with an application therefor in writing setting forth, under oath, the name of the licensee interested and the number of his license, the name (if any) of the claim, and its locality as indicated by some general description or statement, and such other information as will enable the Mining Recorder to lay down the claim on his office maps, or, if in a surveyed township, shall indicate the portion of the lot of which it forms a part, the length of the outlines, if for any reason they are not regular, and the nature of such reason, the situation of the discovery post as indicated by distance and direction from No. 1 post, the time when discovery of valuable mineral in place or a bed or deposit of gold or platinum-bearing sand, earth, out, and the date of the said application. The application in this section referred to may be according to form No. 13 in the appendix hereto, and the fee payable on filing the same with the Mining Recorder shall be as provided in the schedule hereto.

Filing plan and application for claim.

Provided that if a licensee claims to be entitled to a free grant of a mining claim or special mining claim under sec-

tion 172, he shall, in addition to the application to record the staking out thereof, make application for said free grant, which may be according to form No. 15 in the appendix hereto. R.S.O. 1897, c. 36, s. 51 (1), *part. Reg. 25, part.*

Affidavit showing discovery of valuable mineral.

157. The licensee in the preceding section named shall accompany the said sketch or plan and notes with the affidavit of the discovering licensee, showing the discovery of valuable mineral (which shall be specified), bed or deposit of gold or platinum-bearing sand, earth, clay or gravel upon the claim by such licensee on his own behalf or on behalf of another licensee, and that the deponent has no knowledge, and has never heard of any adverse claim by reason of prior discovery or otherwise. The affidavit shall also state the locality of the claim as indicated by some general description or statement, and may be according to the form (No. 14) in the appendix hereto. (*New.*)

Proviso.

Provided that an applicant for a free grant of a mining claim or special mining claim under section 172 shall file an affidavit proving his right thereto, which affidavit may be according to form No. 16 in the appendix hereto.

Additional time for recording claim.

158. In case the claim is situated more than ten miles in a straight line from the office of the Mining Recorder, an additional one day shall be allowed for recording for each additional ten miles or fraction thereof. (*New.*)

Mining Recorder not to record any claim "in trust."

159. There shall not be entered on the record or be receivable by any Mining Recorder any notice of any trust, express, implied or constructive, relating to any unpatented mining claim, or special mining claim, or to any working permit or prospecting permit, or the areas therein described. Describing a licensee, owner or holder of a mining claim for the time being, as a trustee, whether the beneficiary or object of the trust is mentioned or not, shall not impose upon any person dealing with such owner or holder, the duty of making any enquiry as to the power of the owner or holder thereof for the time being, but such owner or holder may deal with the claim or working permit as if such description had not been inserted.

Proviso.

Provided that nothing herein contained shall relieve the recorded holder or owner thereof who is in fact a trustee thereof or of any part or share thereof or therein, from liability at law as between himself or herself as the case may be, and any person, partnership or corporation for whom he or she is a trustee, but such liability as between said parties shall continue in the same way and to the same extent as if this section had not been enacted. R.S.O. 1897, c. 138, s. 103. *Adapted.*

WORKING CONDITIONS ON MINING CLAIM.

160.—(1) A licensee who has staked out a mining claim under the provisions of this Act shall, during the three months immediately following the recording of the same in the office of the Mining Recorder, perform thereon work, which shall consist of stripping or in opening up mines, in sinking shafts or other actual mining operations, to the extent of not less than eight hours per day for thirty days. Working conditions during first three months.

(2) The construction of houses, roads or other like improvements shall not constitute "actual mining operations" within the meaning of this section. Houses, roads, etc., not to constitute "work."

(3) A licensee who has staked out a mining claim under the provisions of this Act shall, during each of the three years following the expiration of three months from the record by or on behalf of such licensee of the staking thereof, perform thereon work, as in the first subsection hereof provided, as follows: Working conditions for first and second years.

(a) During each of the first and second of such three years to the extent of not less than eight hours per day for sixty days.

(b) During the third of such three years' work thereon to the extent of not less than eight hours per day for ninety days. Third year.

(4) The work herein required to be performed upon a mining claim may be performed by the original licensee or any other licensee who has derived title from or through such original or any subsequent licensee. Provided that the work herein required to be performed on a mining claim may be completed, at the option of the licensee thereof, in a less period of time than herein specified. Provided also that if more work is performed by or on behalf of a licensee on a mining claim than is herein required during the first three months or any subsequent year, such excess of work upon due proof of the same having been performed shall be credited by the Mining Recorder as against the work required to be performed during the next or any subsequent year. R.S.O. 1897, c. 36, s. 34 (1); 62 V. (2). c. 10, s. 7. *Amended.* Work may be done by original licensee or assign. Proviso. Proviso.

161. A licensee of a mining claim shall make a report in writing verified by oath to the Mining Recorder of the Mining Division in which such claim is situated of the performance of the mining operations herein required to be performed which report may be according to form No. 17 in the appendix hereto, and such report shall be completed and delivered as aforesaid within ten days after the time within which such mining operations are required to be performed. 62 Vic. (2), c. 10, s. 7. *Amended.* Licensee to make report of work on oath.

Form of affidavit verifying report.

162.—(1) The affidavit verifying the report of a licensee holder, for the time being, of a mining claim above referred to may be in the form No. 18 in the appendix hereto. 62 Vic. (2), c. 10, s. 7. *Amended.*

(2) The Mining Recorder if satisfied that the working conditions required to be performed have been duly performed may give a certificate according to form No. 32 in the appendix hereto. (*New.*)

If two or three claims contiguous, work may be done upon one.

163. If two or three mining claims held by the same licensee are contiguous, the whole of the work herein required, applicable to the said two or three mining claims, may be performed by the licensee upon one of them, if the licensee has notified the Mining Recorder of the Mining Division within which such mining claims are situated of his intention to perform all the said work in the year or years specified, upon the one of the said mining claims so specified, which said notice may be in the form (No. 19) in the appendix hereto. Provided that in computing the amount of work performed, as herein required, upon any number of mining claims, not more than three contiguous to each other, the licensee shall be deemed to have complied with the provisions of this section if the total work performed by him upon the said group of mining claims amounts altogether to not less than the total amount of work which but for this proviso would have been required to be performed upon each of the said mining claims. R.S.O. 1897, c. 36, s. 32 (2). *Amended.*

Proviso.

Period between 15th November and 15th April to be exempt.

164. In computing the time within which work or mining operations are required to be performed by this Act the period of time extending from the 15th November in one year to the 15th April in the succeeding year shall be deemed to be excluded as shall also the time or times so stated by any Order-in-Council or regulations made under the authority of this Act. R.S.O. 1897, c. 36, s. 52 (3), 53. *Amended.*

ABANDONMENT.

Licensee may abandon mining claim or permit.

165. A licensee may, at any time, abandon a mining claim, working permit, or prospecting permit, by giving notice in writing to the Mining Recorder in the Mining Division in which such claim or area is situated of his intention so to do, which notice may be according to the form (No. 20) in the appendix hereto. Such notice shall be immediately recorded in a book in the Mining Recorder's office, and from the date of the record of such notice all interests of the licensee in such claim, working permit, or prospecting permit, as the case may be, shall cease and determine, and the same shall thereafter be the property of the Crown, free from all claims of every nature and kind. 61 V., c. 11, s. 8, *part*; 62 V. (2), c. 10 s. 13, *part*. *Amended.*

166. Non-compliance by or on behalf of the licensee of any provision of this Act relating to the staking out and recording of a mining claim, working permit or prospecting permit, including the blazing or otherwise marking all lines by the Act required, or of a direction of the Mining Recorder in regard thereto within the time limited by the Mining Recorder therefor, shall be deemed to be an abandonment. (*New.*) See R.S.O. 1897, c. 36, s. 51 (1), (2). *Amended.*

Non-compliance with Act or direction of Mining Recorder to be deemed abandonment.

FORFEITURE.

167.—(1) In default of compliance with the working conditions herein required during the first three months or during any subsequent year of the said period of three years, and of the delivery of the report in section 163 referred to, within the time thereby limited, all rights of the licensee connected with any such mining claim shall, unless otherwise ordered by the Mining Commissioner, after appeal to him as herein provided, revert to and be vested in His Majesty, his successors and assigns for the public uses of the Province, freed and discharged of any interest or claim of the licensee and of every other person whatsoever, and the Mining Recorder shall make an entry to that effect on the page of the Record Book showing the claim. 60 V. c. 8, s. 9. *Amended.*

Forfeiture on failure to perform work.

(2) The decision of the Mining Commissioner in this section referred to shall be final.

Decision of Mining Commissioner to be final.

168. All the interest of a licensee in a mining claim, before the patent thereof has issued, shall cease and be deemed to be forfeited, and the mining claim in such case shall revert to the Crown free from all claims of every nature and kind thereto:

Causes of forfeiture of mining claim.

- (a) If the license of the licensee has expired, and not been duly renewed as herein provided.
- (b) If, without the consent in writing of the Mining Recorder or Mining Commissioner, any licensee, or any person on behalf of the licensee, removes a stake or post by the Act required to be placed on a mining claim, for the purpose of changing boundaries, or otherwise, after the plan thereof and notice in regard thereto have been filed with the Mining Recorder.
- (c) If the working conditions herein required to be performed are not duly performed.
- (d) If the report required by section 163 to be made by a licensee of the performance of mining operations is not made and deposited with the Mining Recorder as therein required. (R.S.O. 1897, c. 36, s. 45; Regulations 29 and 30).

- (e) If an application for patent required by section 171 to be made by a licensee for a mining claim be not made within the time required by this Act.
- (f) If the purchase price required by section 176 to be paid by the licensee for a patent for a mining claim is not paid as and when by the Act required. See 63 V., c. 13, s. 16. *Amended.*

APPLICATION FOR PATENT OF MINING CLAIM.

How licensee
may obtain
patent to claim.

169. Upon compliance by or on behalf of the licensee of the requirements of this Act and including the performance of the work hereby required, and upon payment by or on behalf of the licensee holder for the time being of any mining claim of the purchase price of the mining claim as provided in section 176 hereof the said licensee holder shall be entitled to a patent of such mining claim. A licensee entitled to a patent of a mining claim shall apply therefor within a period of three months, after the expiry of three years and three months from the date of recording the claim in the office of the Mining Recorder, and failure to apply therefor and pay the purchase price thereof within such period of three months shall be deemed to be a forfeiture of all the interests of such licensee in such mining claim, and such mining claim in such case shall revert to and be vested in His Majesty, his successors and assigns, for the public uses of the Province, freed and discharged of any interest or claim of any other person or persons whomsoever. The application for a patent shall be made to the Mining Recorder of the Mining Division within which such mining claim is situated, and may be according to form No. 21 in the appendix hereto. (*New.*)

Free grant to
first discoverer.

170. A licensee who is the first discoverer of valuable metal, ore, or mineral at a point which is not less than five miles from the nearest known mine, vein, lode or deposit of the same kind of metal, ore or mineral, and who complies with all the other provisions of this Act shall upon satisfactory proof of such facts be entitled to a patent thereof without payment of the purchase price, which, but for the provisions of this section would have been payable therefor. R.S.O. 1897, c. 36, s. 32; 62 V. (2), c. 10, s. 6. *Amended.*

Five per cent.
of area to be
reserved for
roads.

171. In all patents for mining claims within the Districts of Algoma, Thunder Bay and Rainy River, and that part of the District of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawan there shall be a reservation for roads of five per centum of the quantity of land proposed to be granted and the Crown or its officers shall have the right to lay out roads where, and as deemed necessary. R.S.O. 1897, c. 36, s. 26, ss. 4.

172. Every patent of Crown lands or mining rights by which it is intended to vest in the grantee or patentee the mines and minerals therein or any part thereof or any rights in connection therewith, shall be stated to be made in pursuance of this Act. (*New.*) Patent to be stated in pursuance of Act.

173. Every patent of Crown lands which purports to be made in pursuance of this Act shall, unless otherwise expressly stated, vest in the grantee all the Crown title in such lands and all mines and minerals therein. (*New.*) Patent to convey all ground title.

174.—(1) The price per acre of all Crown lands to be sold as mining lands shall be: Price of mining lands.

(a) If in surveyed territory... \$3 00

(b) If in unsurveyed territory 2 50

The price per acre for a patent of mining rights shall be one-half the above rates. R. S. O., 1897, c. 36, s. 31. Mining rights.
Amended.

(2) No lands shall be sold or patented for mining purposes in any Forest Reserve. 5 Edw. VII., c. 9, s. 1. No lands to be sold or patented in Forest Reserves.

RESERVATION OF TIMBER.

175.—(1) The patents for all Crown lands sold or granted as mining lands shall contain a reservation of all pine trees standing or being on the lands, which pine trees shall continue to be the property of His Majesty, and any person holding a license to cut timber or saw logs on such lands may, at all times during the continuance of the license, enter upon the lands and cut and remove such trees, and make all necessary roads for that purpose. R.S.O. 1897, c. 36, s. 39 (1). Pine trees reserved.

(2) The patentees, or those claiming under them (except patentees of mining rights) may cut and use such trees as may be necessary for the purpose of building, fencing and fuel on the land so patented, or for any other purpose essential to the working of the mines thereon, and may also cut and dispose of all trees required to be removed in actually clearing such part of the land as may be necessary to be used for mining purposes, but subject, as regards pine trees, to paying the value thereof, including timber dues, to the Crown or any licensee or other person licensed or authorized to cut such pine trees, as the case may be. If any dispute arises between the patentee or those claiming under him and the timber licensee with regard to the quantity or value of the pine timber so cut or disposed of, or otherwise regarding such timber, the same may be referred to the Minister, whose decision shall be final. *Ibid* (2). *Amended.* Patentees may use timber for building, fencing, etc., on the land.

SURVEY OF MINING CLAIMS.

Mining claim in unsurveyed territory to be surveyed by O.L.S.

176. A mining claim in unsurveyed territory in order to be patented shall require to be surveyed by an Ontario Land Surveyor at the cost of the licensee applicant therefor, who shall furnish at the time of the application for a patent the surveyor's plan, in triplicate, field-notes and description of the location showing a survey in conformity with this Act and to the satisfaction of the Minister. R.S.O. 1897, c. 36, s. 27. *Amended.*

How survey of claim to be made.

177. The boundary lines of a mining claim in unsurveyed territory shall follow the courses of the lines of the claim as originally staked out on the ground, or as the lines may have subsequently been altered, changed or corrected by the Mining Recorder of the Mining Division in which such mining claim is situated, and whenever an Ontario Land Surveyor is employed to run the boundaries of any such claim he shall do so by running a straight line between Post No. 1 at the northeast angle of the claim and Post No. 2 at the southeast angle thereof, and a straight line between said Post No. 2 and Post No. 3 at the southwest angle thereof, and a straight line between said Post No. 3 and Post No. 4 at the northwest angle thereof, and a straight line between said Post No. 4 and Post No. 1 at the northeast angle thereof, and shall mark out said lines on the ground by blazing the adjacent trees distinctly on three sides, *i.e.*, one blaze on each side in the direction of the line and one on that side by which it passes, and shall give to each mining claim, so surveyed, a designating number or letter, which designating number or letter he shall mark on the posts at each of the four angles of the claim and shall connect such survey with some known point in a previous survey or with some other known point or boundary so that the claim may be laid down on the office maps of the territory in the Department. (*New.*)

Minister may require survey of claim in surveyed territory.

178. If, in the case of application for a patent of a mining claim in surveyed territory, the Minister should be of opinion that a survey of such mining claim is necessary, the Minister may so direct and a survey thereof, shall be made in compliance with such direction, at the expense of the applicant, and shall, unless otherwise ordered, comply with the same requirements as if in unsurveyed territory. (*New.*)

If area of claim excessive, Minister may reduce.

179. If, as the result of any survey required or authorized by this Act, the area of a mining claim or a special mining claim exceeds the acreage by this Act specified in reference thereto, it shall be lawful for the Minister to grant a patent for such portion of such mining claim as shall not exceed the acreage of such specified area. (*New.*)

180. Wherever practicable any reduction in the area of a mining claim, which, according to the survey thereof, exceeds, in the case of a mining claim, 40 acres, or in the case of a special mining claim, 20 acres shall be made by restricting the same as follows: In case of a mining claim by commencing at No. 1 post and proceeding along the line between the said post, and No. 2 post a distance of 20 chains, or to No. 2 post where the said distance does not exceed 20 chains, thence westerly and parallel to the line between No. 2 post and No. 3 post a distance of 20 chains, or to a point on the line between No. 3 post and No. 4 post where the said distance does not exceed 20 chains, thence northerly on a line parallel to the line between No. 3 post and No. 4 post a distance of 20 chains, or to a point on the line between No. 4 post and No. 1 post where the said distance does not exceed 20 chains; thence in a straight line to No. 1 post; and in the case of a special mining claim, by commencing at No. 1 post and proceeding along the line between No. 1 post and No. 2 post a distance of 20 chains, to No. 2 post where the said distance does not exceed 20 chains, thence westerly parallel to the line between No. 2 post and No. 3 post a distance of 10 chains or to a point on the line between No. 3 post and No. 4 post where the said distance does not exceed 10 chains, thence northerly parallel to the line between No. 3 post and No. 4 post a distance of 20 chains, or to a point on the line between No. 4 post and No. 1 post where the distance does not exceed 20 chains, thence in a straight line to No. 1 post.

PROSPECTING PERMITS.

181.—(1) Any licensee desirous of acquiring a permit to prospect for petroleum, natural gas, coal or salt, upon any Crown lands not withdrawn from exploration or sale or upon any lands, the mines, minerals or mining rights of which have been reserved to the Crown in the patent, sale, lease, or location, shall before going into occupation of such lands, stake out the same by planting a post at each corner thereof, and writing or marking on No. 1 post, at the northeast corner of the said area, the words "Prospecting Permit applied for," the name of the licensee staking out the said lands and the number of his license, also the name of the licensee in whose name or on whose behalf it is proposed to make application for such permit, the number of his license, the date on which the said lands are staked out, a statement of the area intended to be covered by the Permit; and shall within fifteen days thereafter make application in duplicate for the said Permit to the Mining Recorder of the Mining Division within which the lands are situate, which application may be according to Form No. 22 in the appendix hereto. One

Prospecting
permit for
petroleum,
natural gas,
coal and salt.

copy of such application shall at once be posted up in the Recorder's office, and one copy forwarded to the Minister. The application shall be verified by affidavit which may be according to Form No. 23 in the appendix hereto. If the area so staked out is more than ten miles from the office of the Mining Recorder, one day additional for every additional ten miles or fraction thereof shall be allowed for making said application. B.C., adapted.

Licensee to
make appli-
cation to
Minister.

(2) After the expiry of thirty days from the making of such application to the Mining Recorder, and not later than ninety days thereafter, the licensee shall make application to the Minister for a Permit to prospect said lands for petroleum, natural gas, coal or salt, or any one or more of the said substances, and shall accompany his application with a plan or diagram showing as nearly as possible, the situation of the lands and shall give the best practicable written description of the same, and pay in a fee of \$100. If the lands are situate in surveyed territory, the applicant shall describe the lands by the numbers of the lots and concessions. Upon completion of the application, if no good reason appears to the contrary, the Minister may grant the Permit, which shall be called a "Prospecting Permit", and shall be for one year only. Such Permit may be according to Form No. 24 in the appendix hereto. B.C., adapted.

Form and
extent of tract.

(3) Every tract of land for which a Prospecting Permit is applied, if in unsurveyed territory, shall be rectangular in form and shall not exceed six hundred and forty acres in extent, and the boundary lines thereof shall be due north and south and due east and west, astronomically. If in surveyed territory such tract may consist of any number of lots, not containing in all more than six hundred and forty acres, provided they are contiguous, and the whole tract need not be rectangular in form. B.C., adapted.

Working con-
ditions.

(4) A Prospecting Permit shall require the holder thereof to enter upon the tract of land described therein within two months of the date thereof, and to expend thereon in actual boring, sinking, driving or otherwise searching for petroleum, natural gas, coal or salt, a sum not less than at the rate of two dollars per acre during the term of the permit, which expenditure shall not include any moneys laid out for houses, roads or other like improvements. Upon proof being filed with the Minister that the said expenditure has been made and all other terms and conditions of the permit duly complied with, the Minister may at the expiry thereof, grant a fee renewal of the same on payment of a fee of one hundred dollars, subject to like conditions as to expenditure in actual boring or other-

Fee.

wise searching for the substances aforesaid, or any one or more of them. Where an application for a prospecting permit includes any lands, the surface rights of which have been patented, sold, leased or located, and the mines, minerals or mining rights of which have been reserved to the Crown, such permit shall not issue until the applicant has filed evidence to the satisfaction of the Minister, that he has arranged with the owner or owners of the said surface rights for compensation for injury or damage thereto, or failing such arrangement that such compensation has been ascertained and paid or secured in manner provided in section 120 hereof. B.C., adapted.

Where surface rights have been granted.

(5) Upon the holder of a prospecting permit, proving to the satisfaction of the Minister, that he has discovered petroleum, natural gas, coal or salt, or any one or more of the said substances in commercial quantities upon the lands included therein, the Minister may lease the said lands or any portion of them to the holder of the said permit or his assignee for a term of ten years at an annual rental of one dollar per acre, payable in advance, and subject to the expenditure of not less than two dollars per acre per annum for raising or obtaining petroleum, natural gas, coal or salt, or any one or more of the said substances therefrom, or in actual *bona fide* operations or works undertaken or made for the purpose of raising or obtaining the same. The lessee shall have the right of renewal of such lease at the expiry of the first term of ten years at the same rental, and at the expiry of the second term of ten years for another term of twenty years at renewal, such rental as may then be agreed upon or provided by law or regulation. B.C., adapted.

Lease may issue on discovery.

Renewal.

(6) Every such lease shall contain such other conditions stipulations and provisos as the Lieutenant-Governor in Council may order and prescribe, and shall be forfeited and void if the rental payable thereunder be not paid when due, or upon failure to expend the money required therein to be laid out in *bona fide* operations or work for the purpose of raising or obtaining the aforementioned substances, or any one or more of them, or upon failure to comply with any of the said terms and conditions of such lease. Provided that a forfeiture for failure to pay rent when due may be defeated by paying up all arrears of rent within ninety days after the same became due and payable. B.C., adapted.

Lieutenant-Governor in Council may make regulations as to leases.

Proviso.

(7) The right conferred by any such lease upon the lessee shall be to enter upon the lands mentioned or described therein, and to dig, bore, sink, drive or otherwise search for and obtain, raise and remove, petroleum, natural gas, coal and salt, or any one or more of such substances. All

Rights of lessee.

Other minerals to be reserved. other *minerals* or mineral substances of value shall be reserved to the Crown, and it shall be lawful for the holder of a Miner's License at all times to go upon the said lands and prospect and search for valuable minerals and to stake out mining claims thereon, and obtain patents therefor, upon compensating the said lessee for injury or damage to the surface rights of the said lands; nevertheless, from such patents, the petroleum, natural gas, coal and salt in, on or under the said lands, shall be reserved. B.C., adapted.

Survey required in unsurveyed territory.

(8) No such lease shall issue for lands in unsurveyed territory unless and until a plan in triplicate by an Ontario Land Surveyor, field notes and description, shall be filed in the Department, showing a survey in conformity with this Act, and to the satisfaction of the Minister. (*New.*)

Timber to be reserved.

(9) The holder of a prospecting permit or of a lease for petroleum, natural gas, coal or salt, shall not be entitled to the timber upon the lands included in such permit or lease but if the same are not covered by timber license, such holder may cut and use such timber or trees as may be necessary for prospecting and working the said lands, upon application to the Minister therefor, and upon payment of such rates as he may fix. (*New.*)

Transfer of prospecting permit.

(10) The holder of a prospecting permit may, subject to the consent of the Minister endorsed thereon, transfer by assignment in the Form No. 25 in the appendix hereto all his rights in the said Permit or the lands included therein, and upon said consent being given the licensee to whom the same is transferred shall thereupon be entitled to the unexpired term of the said permit, with any right of renewal thereof hereby authorized. (*New.*)

PLACER MINING.

Placer mining claims.

182. The provisions of this Act in regard to staking out a mining claim after discovery thereon of valuable mineral shall be applicable, likewise, to placer mining claims, except that in the case of placer mining claims it shall not be necessary, preliminary to having the right to stake out, that there should have been a discovery of valuable mineral in place, but a discovery of a bed or deposit of gold or platinum bearing sand, earth, clay or gravel, or of precious stones, shall entitle the licensee, by or on whose behalf such discovery has been made, to stake out a placer mining claim thereon.

DREDGING LEASES.

183.—(1) The Lieutenant-Governor, by Order-in-Council, may make regulations respecting the issue of leases authorizing the holders thereof to dredge in any river, stream or lake in, on or flowing through Crown lands, or the bed or beds of which belongs to the Crown, for the purpose of recovering valuable minerals therefrom, and from time to time, may alter or revoke any order or orders or regulations in respect thereof, and make others in their stead, and all orders or regulations made by virtue of the provisions of this section shall have force and effect only after the same shall have been published in *The Ontario Gazette*. (New.)

Lieutenant-Governor in Council may make regulations as to dredging leases.

(2) Such leases shall provide for the payment of an annual rental in advance of not less than twenty dollars per mile in length of any such river, stream or lake, and shall not be for a greater term than ten years, renewable at the expiry thereof, and shall contain provisions for protecting all other public interests in such river, stream or lake, including the driving of logs and timber, and navigation.

Provisions to be included in dredging leases.

FEES.

184. The fees to be paid under this Act shall be according to the tariff therefor set forth in the schedule hereto. A fee not exceeding twenty-five cents for each affidavit taken before a Mining Recorder, shall be payable to the said Recorder for his own use. (New.)

Fees.

MINING PARTNERSHIPS.

185.—(1) In addition to all other provisions of law in Ontario regarding partnerships or unincorporated companies for mining purposes such partnerships shall be subject to the provisions of this Act referable thereto.

Mining partnerships.

(2) Such partnerships may be composed of two or more persons of the age of 18 years or over.

(3) After the passing of this Act no such partnerships shall be entitled to receive or hold a miner's license in Ontario, or be entitled to stake out a mining claim, or a special mining claim, or apply for a working permit, or be recorded as the holder or transferee either of a mining claim, a special mining claim or a working permit in any Mining Division in Ontario, or to perform mining operations of any kind in Ontario, until the provisions of this Act referable thereto shall have been complied with.

Partnerships must comply with Act.

Certificate with particulars of partnership to be signed by partners.

(4) Every member of a mining partnership shall severally sign (either personally or by attorney duly authorized in writing in the form in the schedule to this Act, which authorization shall be annexed to the certificate of partnership hereafter mentioned) a certificate (which may be in the Form No. 26 in the schedule to this Act) wherein shall be stated :

- (a) The names in full, addresses and occupations of all the partners.
- (b) The name under which the partnership is to be conducted.
- (c) The total number of shares of said partnership.
- (d) The number of shares of said partnership owned by each partner.
- (e) The period at which the partnership is to commence and at which it is to terminate.
- (f) The name in full, address and occupation of some individual resident in Ontario, or an incorporated company having its head office in Ontario authorized to act as Agent, and who consents in writing in such certificate to act as agent of the partnership, and who shall have power to bind the partnership in any contract made or entered into on behalf of the partnership and signed by such agent.

Partnership to be recorded with Mining Recorder.

(5) Such mining partnership, before being entitled to the issue of a miner's license, shall be recorded as herein provided in the office of the Mining Recorder, to whom application is made by or on behalf of such mining partnership for a miner's license.

How partnership to be recorded.

(6) A mining partnership shall be recorded by presenting to and filing with a Mining Recorder a certificate which complies with the provisions of subsection 4 of this section, or by presenting to and filing with a Mining Recorder a copy certified by a Mining Recorder to be a true copy of a certificate as aforesaid duly recorded in his office, and by paying the fee therefor prescribed in the schedule to this Act.

Partnership not entitled to stake or hold claims until recorded.

(7) No mining partnership shall be entitled to stake out a mining claim, or apply for a working permit, or be recorded as the holder or transferee of a mining claim or of a working permit or of mining property of any nature or of any interest of any kind therein in a Mining Division,

or to perform mining operations of any kind in Ontario, unless and until such partnership has been recorded as herein provided in the Mining Division in which such mining claim, working permit or mining property is situated.

(8) Every contract made or entered into in writing on behalf of a mining partnership by the recorded agent for the time being of such partnership as herein provided and signed by such agent, shall be binding upon said partnership.

Contracts by recorded agent to bind partnership.

(9) A majority in interest for the time being of the recorded members of a mining partnership may revoke the appointment of such agent of the partnership by signing a certificate of revocation thereof in the form (No. 27) in the schedule to this Act, and by recording such certificate in the office of a Mining Recorder, and not otherwise, but such revocation shall not be effectual until so recorded, and shall only be effectual as to the Mining Division or divisions wherein so recorded. In the event of the death of the recorded agent of a mining partnership a majority in interest for the time being of the recorded members of such partnership may by a certificate in the form No. 28 in the schedule to this Act appoint another qualified person or corporation to be the agent of such partnership, but such appointment shall not be effectual until recorded with such Mining Recorder or Recorders as the appointment of such deceased agent had been recorded with.

Revocation of appointment of agent of partnership.—how effected.

On death of recorded agent new agent may be appointed.

(10) No certificate of revocation of the agent of a mining partnership shall be effectual unless it substitutes another qualified agent who consents in writing in such certificate to act as agent, and possesses the same authority to bind the partnership as was theretofore possessed by the agent whose authority is thereby revoked.

Certificate of revocation to appoint new agent.

(11) Any specified share or shares in a mining partnership may be transferred to any person or mining partnership or incorporated company authorized to deal in the shares of a mining partnership, by the owner thereof, or the executor or administrator of a deceased owner thereof, or by the assignee for the benefit of creditors of the owner thereof, or by a sheriff or bailiff in due course of law, by signing and recording with the Mining Recorder of each Mining Division wherein such mining partnership is recorded a transfer thereof in the form No. 29 in the schedule to this Act, and not otherwise.

Transfer of shares in partnership.

(12) A mining partnership may be dissolved in the same manner as any other partnership may be legally dissolved, except that it shall not be dissolved by the death of any partner, but the share or shares of such deceased partner, if not otherwise disposed of by the will of such deceased partner, shall devolve upon the executor or administrator of such partner. Such dissolution may be according to form (No. 30) in the appendix hereto.

Dissolution of partnership.

After dissolution recorded agent to be trustee for individual partners.

(13) The dissolution of a mining partnership shall not constitute a revocation of the authority of the recorded agent for the time being of such partnership, but after such dissolution such agent, instead of being a trustee for the partnership as a whole, shall thereupon become and be the trustee of the individual partners of their legal representatives, as the case may be, but may, nevertheless, bind the interest of the individual partners and their legal representatives in selling, mortgaging or otherwise dealing with and transferring the property of the partnership in the partnership name until the affairs of the partnership are finally wound up.

Recorded agent to be subject to Mining Commissioner or any court or Judge.

(14) The recorded agent, for the time being, of a mining partnership shall at all times be subject to and shall obey the orders of the Mining Commissioner, or of any Court or Judge in Ontario, as the case may be, under the provisions of this Act.

Recorded agent not relieved from liability for breach of trust.

(15) Nothing contained in subsections 1 to 13 inclusive of this section, shall relieve a recorded agent, for the time being, from liability at law for any breach of trust committed by such agent in wilfully disobeying the instructions given to such agent by the majority in interest, for the time being, of the recorded members of such mining partnership, but notice or knowledge of such breach of trust shall not affect the interest or title of any person or corporation contracting with such agent while such agent remains the recorded agent of such partnership.

Certain sections of the Ontario Companies' Act to apply.

(16) Unless otherwise provided in writing by the partnership and incorporated in the certificate in subsection 4 of this section mentioned, the like provisions as are contained in sections 27 to 40, 42 to 44, 46 to 64, 77, 78, 81 to 85, 87 to 94, and 97 of *The Ontario Companies Act*, and amendments thereto as far as same are not incapable of being applied thereto, shall be deemed to be part of the partnership agreement of every mining partnership recorded under the provisions of this Act, and to be binding upon the recorded partners, for the time being, therein and upon the legal representatives of such partners. (*New.*)

INCORPORATED COMPANIES.

As to incorporated companies.

186.—(1) After the passing of this Act no incorporated company shall be entitled to receive or hold a miner's license in Ontario, or be entitled to stake out a mining claim, or a special mining claim, or apply for a working permit, or be recorded as the holder or transferee either of a mining claim, a special mining claim, or a working permit in any mining division in Ontario, or to perform mining operations of any kind in Ontario until the provisions of this Act referable thereto shall have been complied with.

(2) Such incorporated company, before being entitled to the issue of a miner's license, shall be recorded as herein provided in the office of the Mining Recorder, to whom application is made by or on behalf of such company for a miner's license.

Company to be recorded in office of Mining Recorder.

(3) An incorporated company shall be recorded by presenting to and filing with a Mining Recorder a true copy of the Letters Patent, Articles of Association or Special Act incorporating such company, verified on oath by the Secretary of the company, and in case of a company not incorporated in Ontario, also of the license authorizing such company to transact business or hold lands in Ontario, or by presenting to and filing with a Mining Recorder a copy certified by a Mining Recorder to be a true copy of the true copy as aforesaid, duly recorded in his office, and by paying the fee therefor prescribed in the schedule to this Act. The affidavit in this section referred to may be according to form (No. 31) in the appendix hereto.

Company to file copy of Letters Patent, Articles of Association, etc., verified on oath.

Fee.

(4) No incorporated company shall be entitled to stake out a mining claim or apply for a working permit, or be recorded as the holder or transferee of a mining claim, or of a working permit, or of mining property of any nature, or of any interest of any kind therein in a Mining Division, or to perform mining operations of any kind in Ontario, unless and until such company has been recorded as herein provided in the mining division in which such mining claim, working permit or mining property is situated. (New.)

Company to be recorded in mining division where property situated.

EXPLORATORY DRILLING.

187.—(1) The Minister may out of moneys voted for that purpose, purchase such diamond drills as he may deem necessary for use in exploratory drilling of ores or minerals in the Province under rules and regulations made by the Lieutenant-Governor in Council, which shall amongst other things provide—

Purchase of drills for exploratory purposes.

- (a) For the control and working of the drills under the direction of a person or persons employed for the purpose by the Bureau of Mines.
- (b) As to the payment of freight charges where the drills are used upon mines or lands other than those owned by the Crown.
- (c) As to applications for use of the drills and the method of dealing therewith.
- (d) As to charges for use of the drills and for damages thereto, or wear and tear connected therewith, and otherwise as to the Lieutenant-Governor in Council shall seem meet. R.S.O. 1897, c. 36, s. 13.

(2) The rules and regulations for the control and working of diamond drills heretofore adopted by Order-in-Council

shall remain in force until amended or repealed by the Lieutenant-Governor in Council.

LIEN FOR WAGES.

Mine workers to have lien for wages.

188. Every miner, mechanic, labourer or other person who performs labour for wages in connection with any mine or mining property or works connected therewith shall have upon the said mine and other property of the owner therein and thereon a lien for such wages, not exceeding the wages for thirty days, or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by *The Mechanics' and Wage Earners' Lien Act*. R.S.O. 1897, c. 209, s. 82 (14).

No agreement to deprive mine workers of benefit of lien.

189. No agreement shall be held to deprive anyone otherwise entitled to a lien under this Act of the benefit of a lien, but the lien shall attach notwithstanding such an agreement. R.S.O. 1897, c. 153, s. 6.

RIOT ACT.

Lieutenant-Governor in Council may proclaim Riot Act in Mining Division.

190. The Lieutenant-Governor in Council may as often as occasion requires declare by proclamation that he deems it necessary that *The Act respecting Riots near Public Works* shall, so far as the provisions therein are applicable, be enforced in any defined locality within a Mining Division which he may deem necessary, and upon and after the date named in any such proclamation section 1 and sections 3 to 11 inclusive of the said Act, so far as the provisions thereof can be applied therein, shall take effect within the locality or Mining Division designated in the proclamation, and the provisions of the said Act shall apply to all persons employed in any mines or in mining within the limits of such locality or Mining Division as fully and effectually to all intents and purposes as if the persons so employed has been specially mentioned and referred to in the said Act. R.S.O. 1897, c. 36, s. 58 (1); Regulation 41.

Rev. Stat., c. 38.

REGULATIONS FOR WORKING MINES.

Application of sections 193 to 223

191. Sections 193 to 223 inclusive shall apply to all mines, quarries and pits, and to oil, gas and salt wells, and other openings from which ores or minerals of any kind or class are raised or taken, and to all furnaces or works for smelting or otherwise treating ores, rocks, clays, sands, oils, brines or other minerals for any economic object; and all owners or agents of such mines, quarries, pits, wells, furnaces and works shall observe and keep the provisions of this Part, and in case of non-observance thereof shall incur the penalties provided therefor by section 80. R.S.O. 1897, c. 36, s. 59.

EMPLOYEES.

Employment of women and children.

192. No boy under the age of fifteen years shall be employed in or allowed to be for the purposes of employment

in any mine to which this Act applies below ground; and except in the case of mica trimming works no girl or woman shall be employed at a mining work or allowed to be for the purpose of employment at mining work in or about any mine. *Ibid*, s. 60.

193.—(1) No boy or young male person of the age of fifteen and under the age of seventeen years shall be employed or allowed to be for the purpose of employment in any mine to which this Part applies below ground on Sunday or for more than forty-eight hours in any one week, or more than eight hours in any one day. Hours of employment for boys.

(2) The period of such employment, and the time during which any such boy or person may be below ground for the purpose of employment shall respectively be deemed to begin at the time of leaving the surface and to end at the time of returning to the surface.

(3) A week shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night. R.S.O. 1897, c. 36, s. 61.

194. The owner or agent of every mine to which this Part applies shall keep in the office at the mine, or in the principal office of the mine belonging to the same owner in the district in which the mine is situated, a register, and shall cause to be entered in such register the name, age, residence and date of the first employment of all boys or young male persons of the age of fifteen and under the age of seventeen years who are employed in the mine below ground, and shall produce such register to any Inspector at the mine at all reasonable times when required by him, and allow him to inspect and copy the same. The immediate employer of every boy or male young person of the age aforesaid other than the owner or agent of the mine, before he causes such boy or male young person to be in any mine to which this Part applies below ground, shall report to the owner or agent of such mine or some person appointed by such owner or agent, that he is about to employ such boy or young male person in the said mine. *Ibid*, s. 62. Register to be kept of lads employed.

195. Where there is a shaft, incline, plane or level in any mine to which this Part applies, whether for the purpose of an entrance to such mine or of a communication from one part to another part of such mine, and persons are taken up, down or along such shaft, plane or level by means of any engine, windlass or gin, driven or worked by steam or by any mechanical power, or by an animal, or by manual labor, no person shall be allowed to have charge of such engine, windlass or gin, or of any part of the machinery, ropes, chains or tackle connected therewith, unless he is a male of at least twenty years of age. Where the engine, windlass or gin is worked by an animal, Age and sex of persons in connection with engines.

the person under whose direction the driver of the animal acts shall for the purposes of this section be deemed to be the person in charge of the engine, windlass or gin, and no person shall be employed as such driver who is under sixteen years of age. *Ibid*, s. 63.

Penalty for employment of persons contrary to Act.

196. If any person contravenes any provision of the four next preceding sections of this Act he shall be guilty of an offence against this Act, and in case of any such contravention by any person whomsoever in the case of any mine, the owner and the agent of such mine shall each be guilty of an offence against this Act, unless such owner or agent proves that he had taken all reasonable means to prevent such contravention by publishing, and to the best of his power enforcing the provisions of this Act. R.S.O. 1897, c. 36, s. 64.

Where person under age employed on false representation.

197. If it appears that a boy or young person or any person employed about an engine, windlass or gin was employed on the representation of his parent or guardian that he was of an age at which his employment would not be in contravention of this Act, and under the belief in good faith that he was of that age, the owner or agent of the mine and the immediate employer shall be exempted from any penalty, notwithstanding such boy or other person was not of an age at which his employment as aforesaid is authorized by this Act, provided such owner, agent or employer shall immediately upon discovery of the fact discharge such boy from such employment, but the parent or guardian shall for the misrepresentation aforesaid be deemed guilty of an offence against this Act. *Ibid*, s. 55.

Licenses not to damage other claims.

198. In mining operations no licensee shall cause damage or injury to the holder of any mining property by throwing earth, clay, stones or mining material on such other mining property, or by causing or by allowing water which may be pumped or bailed or may flow from a mining claim or other mining property of such licensee, to flow into or upon such other mining property, under a penalty of not more than \$10.00 and costs for every offence, and for every day such damage or injury continues, and in default of payment of the fine and costs the licensee offending may be imprisoned for any period not exceeding one month. The provisions herein contained shall be in addition to any civil claim for damages which may be incurred by the owner of any mining property sustaining damage or injury of the nature aforesaid. R.S.O. 1897, c. 36, s. 57; Reg. 35.

LIQUOR LICENSES.

Liquor licenses forbidden within six mile. of certain mines.

199. Excepting in towns and incorporated villages, no license shall hereafter be issued to any public house, beer shop or other place not now under license for the sale of any

spirits, wine, beer or other spirituous or fermented liquor within six miles of any mine or mining camp where six or more workmen are employed. 63 V. c. 13, s. 21.

PAYMENT OF WAGES.

200.—(1) No wages shall be paid to any person employed in or about any mine to which this part applies at or within any public house, beer shop or place for the sale of any spirits, wine, beer or other spirituous or fermented liquor, or other house of entertainment, or within any office, garden, or place belonging or contiguous thereto or occupied therewith. R.S.O. 1897, c. 36, s. 66 (1). Prohibition of payment of wages at public houses.

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

STATISTICAL RETURNS.

201.—(1) The owner or agent of every mine, quarry or other works to which this Act applies shall on or before the 15th day of January in every year send to the Bureau of Mines a correct return for the year ending on the preceding 31st day of December of the number of persons ordinarily employed in or about such mine below ground and above ground respectively, and distinguishing the different classes and ages of the persons so employed whose hours of labour are regulated by this Act, the average rate of wages of each class and the total amount of wages paid during the year; the quantity in standard weight of the mineral dressed, and of the undressed mineral which has been sold, treated or used during such year, and the value or estimated value thereof; and the owner or agent of every metalliferous mine shall, if required, make similar returns at the end of each month or quarter of the calendar year for such month or quarter in order that the same may be tabulated for publication under the instructions of the Minister. Statistical returns by owners and agents of mines.

(2) For the purpose of collecting the data of such statistics the Deputy Minister shall prepare the required schedules in such forms as he may, from time to time, deem desirable, and send the same by mail to be filled up and returned by the owner or agent of every such mine, quarry or works in the Province. Schedules to be furnished by Deputy Minister.

(3) Every owner or agent of a mine, quarry or other works who fails to comply with this section, or makes any Penalty.

return which is to his knowledge false in any particular, shall be guilty of an offence against this Act. *Ibid*, s. 67 (1).

Plans to be produced on inspection of mine.

202.—(1) On the occasion of any examination or inspection of a mine the owner shall, if required so to do, produce to the Inspector, or any other person authorized by the Minister, an accurate plan of the workings thereof; every such plan as aforesaid shall show the workings of the mine up to within six months of the time of the inspection, and the owner shall, if required by such Inspector or other authorized person, cause to be marked on such plan the progress of the workings of the mine up to the time of such inspection, and shall also permit the Inspector to take a copy or tracing thereof.

Plan of working mines to be filed.

(2) An accurate plan of every working mine in which levels, crosscuts or other openings have been driven from any shaft, adit or tunnel, and of every mine consisting of either a tunnel or shaft having a longitudinal extension of fifty feet or more, shall be made and a certified copy filed at the office of the Bureau of Mines on the thirty-first day of March of each year showing the workings of the mine up to the thirty-first day of December preceding, and whenever work in a mine has been discontinued or abandoned for a period of one month such plan shall be filed at the office of the Bureau of Mines within two months from the date of cessation of work, and failure to comply with any of these provisions on the part of the owner or agent of the mine shall be regarded as an offence against this Act; but every such plan shall be maintained as confidential information for the use of the officers of the Bureau of Mines concerning the state and extent of every such mine, and shall not be exhibited nor shall any account thereof be imparted to any person or persons except with the written permission of the owner or agent of the mine. *Ibid*, s. 31; 63 V., c. 13, s. 20.

PREVENTION OF ACCIDENTS.

Fencing of abandoned or unworked mines.

203. For the prevention of accidents where any mine has been abandoned or the working thereof has been discontinued, the owner or lessee, or other person interested in the minerals of the mine shall cause the top of the shaft and all entrances from the surface, as well as all other pits and openings dangerous by reason of their depth, to be and to be kept securely fenced; and if any person fails to act in conformity with this section he shall be guilty of an offence against this part, and any shaft, entrance, pit or other opening which if not fenced as aforesaid shall be deemed to be a nuisance. R.S.O. 1897. c. 36; s. 68.

Coroner to hold inquest in case of fatality in a mine.

204. It shall be the duty of the coroner who resides nearest to any mine wherein or in connection wherewith any

fatality has occurred, to forthwith conduct an inquest, but if such coroner is in any way in the employ of the mine owner or lessee of the mine in question he shall be ineligible to act as coroner in reference thereto, and any other coroner shall, upon application by any person interested, at once issue his warrant and conduct such inquest, and this section shall be his authority for so doing, whether his commission extends to such territory or not. (*New.*)

205. The following general rules shall so far as may be General rules. reasonably practicable be observed in every mine to which this Act applies:

1. An adequate amount of ventilation shall be constantly Ventilation. produced in every mine to such an extent that the shafts, adits, tunnels, winzes, rises, sumps, levels, stopes, cross-cuts, underground stables and working places of such mine and the travelling roads to and from such working places shall be in a fit state for working and passing therein. R.S.O. 1897, c. 36, s. 69 (1).

2. In every working mine which is entered by a shaft Portable privies. and operated to a greater depth than 100 feet, and in every mine which is entered by an adit or tunnel and operated to a greater distance than 300 feet from the entrance to the adit or tunnel, it shall be lawful for the Inspector to require a sufficient number of portable water-tight privies to be provided for the underground employees of the mine, and such privies shall be taken to the surface and thoroughly cleansed every twenty-four hours. *Amended.*

CARE OF EXPLOSIVES.

3. No magazine for powder, dynamite or other explosive Magazine for explosives. shall be erected or maintained at a nearer distance than four hundred feet from the mines and works, or any public highway, except with the written permission of the Inspector, and every such magazine shall be constructed of and in a manner to insure safety against explosion from any cause, and shall be either so situated as to interpose a hill or rise of ground higher than the magazine between it and the mine and works, or else an artificial mound of earth as high as the magazine and situated not more than 30 feet from it shall be so interposed. *Amended.*

4. No powder, dynamite or other explosive shall be Where explosives are stored in a mine. stored underground in a working mine in excess of supply for 24 hours. It shall be kept in securely covered and locked boxes, and, where thawed underground, it shall be kept in unused parts of the mine, never less than ten feet from lines of underground traffic nor less than one hundred and fifty feet from places where drilling and blasting are carried on, and shall at all times be in charge of a specified

man fully qualified by his experience to take charge thereof. *Amended.*

Storage of fuse, blasting caps, etc.

5. No fuse, blasting caps, electric detonators, or any articles containing iron or steel shall be stored in the same magazine with powder, dynamite or other explosive, nor at a less distance than fifty feet from such magazine, but they shall be stored in a covered box in a place of safety. *Amended.*

Lighted lamps or candles to be kept at a distance from explosives.

6. Whenever a workman opens a box containing an explosive, or when he in any manner handles the same, he shall not permit any lighted lamp or candle to come closer than five feet to such explosive, nor permit said lamp or candle to be in such a position that the air current may convey sparks to the explosive, and a workman shall not approach nearer than five feet to an open box containing an explosive with a lighted lamp, candle, pipe or any other thing containing fire.

Inspection of stores of explosives in a mine.

7. A thorough daily inspection shall be made of the condition of explosives in a mine, and it shall be the duty of the manager, captain or other officer in charge of the mine to institute an immediate investigation when an act of careless placing or handling of explosives is discovered by or reported to him; and any employee who commits a careless act with an explosive or where explosives are stored, or who, having discovered it, omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Act.

Thawing house and apparatus for explosives.

8. A proper house in which to thaw explosives shall be built separate from the other mine buildings, and shall be equipped with suitable apparatus approved by the Inspector for thawing explosives, and shall be under the direction of the mine foreman or some other careful and experienced workman. Whenever deemed necessary by the Inspector a proper apparatus for use in the mine for thawing explosives shall also be provided, and shall be used under the direction of the mine foreman or of some other careful and experienced workman. The quantity of explosives brought into the thawing house shall not at any time exceed the requirements of the mine for a period of twenty-four hours, except where such requirements would be less than one hundred pounds. *Amended.*

No iron or steel to be used in charging holes.

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

Missed holes to be reported.

10. A charge which has missed fire shall not be withdrawn, but shall be blasted; and, in case the missed hole has not been blasted at the end of a shift, that fact shall be reported by the foreman or shift-boss to the mine captain

or shift-boss in charge of the next relay of miners before work is commenced by them. *Amended.*

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

12. No powder, dynamite or other explosive shall be used to blast or break up ore in roast heaps where by reason of the heated condition of such ore or otherwise there is any danger or risk of premature explosion of the charge. Blasting of roast heaps.

PROTECTION IN WORKING PLACES.

13. Every underground plane on which persons travel which is self-acting, or worked by an engine, windlass or gin, shall be provided at intervals of not more than twenty yards with sufficient man-holes for places of refuge, and every such plane which exceeds thirty yards in length shall also be provided with some proper means of signaling between the stopping places and the end of the plane. Man holes in self-acting or engine planes.

14. Every road on which persons travel underground where the produce of the mine in transit ordinarily exceeds ten tons in any one hour over any part thereof shall be provided at intervals of not more than one hundred yards with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length, and of at least three feet in width between the waggons running on the tram-road and the side of the road, and the Minister of Lands and Mines may, if he sees fit, require the Inspector to certify whether the produce of the mine in transit on the road aforesaid does or does not ordinarily exceed the weight as aforesaid, and such certificate shall be conclusive as to the matters therein stated. Refuges in tram-roads.

15. Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or in such space in such a position as to prevent convenient access thereto. Keeping refuges clear.

16. Where drifts extend from a shaft in opposite directions on the same level, a safe passage way and standing room for workmen shall be made on one or both sides of the shaft to afford protection against falling material. Protection of workmen in drifts

17. Where a shaft is being sunk below levels in which work is going on, a suitable pentice shall be provided for protection of workmen in the shaft. and shafts.

18. The top of every shaft shall, unless otherwise directed by the Inspector, be securely fenced, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected. *Amended.* Fencing of shafts and other openings.

- Guard rails. 19. Guard rails shall be placed round the shaft openings on every level of the mine. *Amended.*
- Timbering. 20. Where the enclosing rocks are not safe every working or pumping shaft, adit, tunnel, stope or other working shall be securely cased, lined or timbered, or otherwise made secure.
- Safety from water. 21. Every working mine shall be provided with proper and efficient machinery and appliances for keeping such mine free from water, the accumulation or flowing of which might injuriously affect any other mine.

ASCENDING AND DESCENDING SHAFTS.

Division of shaft. 22. Where any portion of a shaft is used for the ascent and descent of persons by ladders or by a man engine, and another portion of the same shaft is used for raising the material being mined, the first mentioned portion shall be cased or otherwise securely fenced off from the last mentioned portion.

Conditions under which machinery may not be used to lower or hoist men in a mine.

23. Workmen may not be lowered or hoisted in shafts, winzes or other underground openings of a mine under any of the following conditions:—

- (a) In buckets, skips or tubs;
- (b) In cages which are not provided with a hood, dogs and other approved safety appliances.
- (c) In cages where detaching hooks to prevent overwinding in mines of upwards of 1,000 feet vertically in depth are not provided.
- (d) Where no indications other than marks on the rope or cable are used to show to the person who works the machine or hoisting engine, the position of the cage in the shaft.
- (e) Where the rope or cable passes through blocks instead of passing over a sheave of diameter suited to the diameter of the rope or cable and properly mounted on a secure head-frame.

Printed copy of rule to be kept posted.

It shall be the duty of the owner of every mine to post and maintain at the mouth of the shaft or other conspicuous place a printed copy of this rule, and in any case of accident occurring as a result of a violation of this rule the owner shall not be liable for damages except upon proof that he has permitted or authorized the employment of means herein prohibited for raising and lowering workmen in a mine, or that a suitable manway has not been provided. *Amended.*

Safety cages in shafts over 400 feet deep.

24. Whenever a mine shaft exceeds four hundred feet vertically in depth, a safety cage shall be provided, kept and used for raising and lowering men in the shaft, unless otherwise directed by the Inspector. *Amended.*

25. Unless with the written permission of the Inspector, skipways shall be provided with back timbers to prevent skips leaving the track where such skipways are inclined at more than 45 degrees from the horizon. Skipways.

26. Hoisting with horse and pulley-block is forbidden where the depth of a shaft is more than seventy-five feet. Hoisting with horse and pulley block. No open hook shall be used in hoisting. *Amended.*

27. There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope from slipping. Slipping of rope on drum.

28. There shall be attached to every hoisting machine a brake adequate to hold at any point in the shaft the weight when filled with ore of the skip, bucket or other vessel used for hoisting or lowering, and also in any shaft of greater depth than 200 feet there shall be a geared indicator (in addition to any mark on the rope) which will show to the person who works the machine the position of the cage or load in the shaft. Brake. *Amended.*

29. No person shall ride upon or against any loaded car in any level, drift or tunnel in or about any mine. Riding on loaded cars, etc. *Amended.*

SCALING, ESCAPEMENT SHAFTS, ETC.

30. It shall be the duty of the Manager, Captain or other competent officer of every mine to examine at least once every day all working shafts, levels, stopes, tunnels, drifts, crosscuts, raises, signal apparatus, pulleys and timbering in order to ascertain that they are in a safe and efficient working condition, and to inspect, and scale or cause to be inspected and scaled, the walls and roofs or all stopes or other working places at least once every week. Daily examination. *Amended.*

31. The owner, operator or superintendent of every mine where six or more men are employed in underground work shall maintain a properly constructed stretcher for the purpose of conveying to his place of abode any person who may be injured while in the discharge of his duties at such mine. Stretchers for conveyance of injured persons. *Amended.*

32. Every person, company or corporation who has sunk on any mine a vertical or incline shaft to a greater depth than 100 feet, where the top of such shaft is covered or enclosed by a building which is not fire-proof, and who has drifted a distance of 200 feet or more from the shaft and has commenced to stope, shall provide and maintain to the hoisting shaft or the opening through which men are let into or out of the mine and the ore is extracted, a separate escapement shaft or opening. Escapement shafts. If such an

escapement shaft or opening is not in existence at the time that stoping is commenced work upon such escapement shaft or opening must be begun as soon as stoping is commenced, and must be diligently prosecuted until the same is completed, and the said escapement shaft or opening shall be continued to and connected with the lowest workings in the mine. The escapement shaft or opening herein provided for must be of sufficient size to afford an easy passage way, and if it is an upraise or shaft it must be provided with good and substantial ladders from the deepest workings to the surface. With the exception of any erection used solely as a shaft-house, no permanent building, for any purpose, shall hereafter be erected within fifty feet of the mouth of a mine. *Amended.*

Buildings not to be erected nearer than 50 feet to the mouth of a mine.

Old timber to be removed.

33. All old timber not in use to sustain the roof or walls or any part of a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein.

Storing oils, etc.

34. All oils and other inflammable materials shall be stored or kept in a building erected for that purpose, and at a safe distance from the powder magazine and from the main buildings, and their removal from said building for use shall be in such quantities only as are necessary to meet the requirements of one day.

Signalling.

35. Every working shaft in which persons are raised which exceeds 100 feet in depth shall unless exempted in writing by the Inspector, be provided with guides and some proper means of communicating by distinct and definite signals from the bottom of the shaft, and from every level for the time being in work between the surface and the bottom of the shaft to the surface, and also of communicating from the surface to the bottom of the shaft, and to every level for the time being in work between the surface and the bottom of the shaft.

Code of signals.

36. All methods of signalling in a mine shall be printed and posted up in the engine house or hoist house and also at the top of the shaft and at the entrance of each level. The following code of mine signals shall be used at every mine:—

CODE OF MINE SIGNALS.

One bell Stop immediately—if in motion.
 One bell Hoist.
 Two bells Lower.
 Three bells Hoist men slowly.
 Four bells Blasting signal. Engineer must answer by raising bucket or cage a few feet and letting it back slowly, then one bell, hoist men away from blast.

Five bells Steam on.
 Six bells Steam off.
 Seven bells Air on.
 Eight bells Air off.
 3—2—2 bells.... Send down drills.
 3—2—3 bells... Send down picks.
 Nine bells..... Danger signal, in case of fire or other
 danger. Then ring number of station
 where danger exists. *Amended.*

37. A proper foot-way or ladder, inclined at the most convenient angle which the space in which the ladder is fixed allows, shall be provided in every working shaft, and every such ladder in a working shaft shall have a substantial platform at intervals of not more than twenty feet, and no such ladder shall be fixed for permanent use in a vertical or overhanging position, and all ladders in shafts shall project at least two feet above the platform, and all hold-fasts shall be of iron securely fixed in the shaft casing. The said platform shall be closely covered, with the exception of an opening large enough to permit the passage of a man's body, and shall be so arranged that it would not be possible for a person to fall from one ladder through the opening to the ladder below. *Amended.*

Ladders and platforms.

38. If more than ten persons to each shift are ordinarily employed in the mine below ground, sufficient accommodation, including supplies of pure cold and warm water for washing shall be provided above ground near the principal entrance of the mine, and not in the engine room or boiler room, for enabling the persons employed in the mine to conveniently dry and change their clothes.

Dressing room.

39. Every fly-wheel and all exposed and dangerous parts of the machinery used in or about the mine shall be kept securely fenced.

Fencing machinery.

40. Every steam boiler shall be provided with a steam gauge and a proper water gauge to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety valve. *Amended.*

Gauges and safety valves for boilers.

41. At least once in every six months every boiler shall be thoroughly cleansed, and at least once in every twelve months every boiler shall be subjected to an examination and hydraulic test by a competent person. The test of working boilers shall be equal to one and a half times the pressure at which the safety valve blows off.

Cleansing and testing boilers.

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

Wilful damage.

Instructions and rules to be posted.

43. Instructions and rules required to be posted in or about a mine under the authority of this Act shall be written or printed in the language or languages most familiar to the workmen employed at the mine, and it shall be the duty of the owner or agent of the mine to maintain such instructions and rules duly posted, and the removal or destruction of them shall be an offence against this Act.

Blasting on contiguous claims.

44. In case parties working contiguous or adjacent claims disagree as to the time of setting off blasts, either party may appeal to an Inspector, who shall decide upon the time at which blasting operations thereon may be performed, and the decision of such Inspector shall be final and binding upon such parties, and shall be duly observed by them in future blasting operations. 63 V. c. 13, s. 22. *Amended.*

Notice of changes in connection with the working of a mine or in respect of its officers.

206. Where mining operations have been commenced upon any claim, location or works in the Province, or where such operations have been discontinued, or where such operations have been re-commenced after an abandonment or discontinuance for a period exceeding two months, or where any change occurs in the name of a mine or in the name of the owner or agent thereof, or in the officers of any incorporated company which is the owner thereof, the owner or agent of such mine, claim, location or works shall give notice thereof to the Deputy Minister within two months after such abandonment, discontinuance, re-commencement or change, and if such notice is not given the owner or agent shall be guilty of an offence against this Act.

NOTICE OF ACCIDENTS.

Notice of accidents in mines to be sent to Deputy Minister.

207. Where in or about any mine to which this Act applies, whether above or below ground, loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever, the owner or agent of the mine shall within twenty-four hours next after the explosion or accident send notice in writing of the explosion or accident, and of the loss of life, or personal injury occasioned thereby, to the Deputy Minister, and shall specify in such notice the character of the explosion or accident, and the number of persons killed and injured, respectively. R.S.O. 1897, c. 36, s. 71. *Amended.*

Special report.

208. The Minister may, at any time, direct an Inspector to make a special report with respect to any accident in or about any mine which has caused loss of life or personal injury to any person, and in such case shall cause such report to be made public at such time and in such manner as he thinks expedient; and in conducting an inquiry into the cause of loss of life or of personal injury to any person in or about a mine, the Inspector shall have power to take evidence upon oath. R.S.O. 1897, c. 36, s. 72. *Amended.*

OFFENCES AND PENALTIES.

209.—(1) Every person, not authorized by this Act so to do, who, contrary to the provisions of this Act, wilfully defaces, alters, removes or disturbs any post, stake, picket, boundary line or other mark placed, standing or made, or any figure or writing by law directed or permitted to be thereon under the provisions of this Act, or who attempts so to do, on conviction thereof, shall incur a fine not exceeding \$20.00 and costs, and, in default of payment, may be imprisoned for a period not exceeding one month. Reg. 36. *Amended.*

Penalty for removing posts etc.

(2) Any person contravening the provisions of this Act or any rule or regulation made under it, in any case where no other penalty or punishment is imposed, shall for every day on which such contravention occurs, or continues, or is repeated, incur a fine of not more than \$20.00 and costs, and, in default of payment, may be imprisoned for a period not exceeding one month. Reg. 37; R.S.O. 1897, c. 36, s. 74.

Penalty for contravention of Act.

(3) Every person who pulls down, injures or defaces any rules, notice or abstract posted up by the owner or agent of a mine shall be guilty of an offence against this Act. Reg. 38; *Ibid*, s. 75.

Punishment for defacing notices.

(4) Every person who wilfully obstructs the Mining Commissioner or any officer appointed under the authority of this Act in the execution of his duty under this Act, and every owner or agent of a mine who refuses or neglects to furnish to the Mining Commissioner, or any person appointed by him, or to any officer appointed under this Act, the means necessary for making an entry, inspection, examination or inquiry under this Act in relation to any mine in any way within the control of such owner or agent, shall be deemed to be guilty of an offence against this Act. Reg. 39; *Ibid*, s. 76. *Amended.*

Penalty for obstructing the Inspector.

(5) The Mining Commissioner and every officer appointed under the authority of this Act may convict upon view of any of the offences punishable under the provisions of this Act or any Regulation made thereunder. Reg. 40; *Ibid*, s. 82.

Mining Commissioner may convict on view.

(6) Any person not authorized by this Act so to do who marks or stakes out a mining claim in whole or in part, or attempts to do so, shall be guilty of an offence against this Act. (*New.*)

Penalty for unauthorized staking.

210. Where work of any sort in or about a mine is let to a contractor, he shall observe and carry out all the provisions of this Act for the prevention of accidents, and if he contravenes any of such provisions he shall be guilty of an offence against this Act and shall be liable to the

Responsibility of contractor to prevent accidents.

same penalties and may be proceeded against in the same way and to the same extent and effect as if he were an owner or agent. *Ibid*, s. 77.

Contravention
of rules to be
an offence.

211. Every person who contravenes or does not comply with any of the general rules contained in section 207 shall be guilty of an offence against this Act, and in the event of any contravention of or non-compliance with any of the said general rules in the case of any mine to which this Act applies by any person whomsoever being proved, the owner and agent of such mine, and any contractor and foreman employed in or about such mine, shall each be guilty of an offence against this Act unless such contractor or foreman proves that he had taken all reasonable means to prevent such contravention or non-compliance by publishing and to the best of his power enforcing the said rules as regulations for the working of the mine. *Ibid*, s. 78.

Where
employees
deemed
guilty.

212. Every person other than the owner or agent employed in or about a mine who is guilty of any Act or omission which in the case of the owner or agent would be an offence against this Act, shall be deemed to be guilty of an offence against the said Part. *Ibid*, s. 79.

Penalties.

213. Every owner or agent guilty of an offence against this Act shall be liable to a penalty not exceeding, except as in this section hereinafter provided, fifty dollars, and any other person guilty of an offence against this Act aforesaid shall be liable to a penalty not exceeding, except as in this section hereinafter provided, ten dollars; provided that if the Deputy Minister, a Mining Recorder or an Inspector has given written notice of any such offence having been committed, every such owner, agent or other person shall be liable to a further penalty not exceeding five dollars for every day that such offence continues after such notice. *Ibid*, s. 80.

Prosecution of
owner or
agent.

214. No prosecution shall be instituted against the owner or agent of a mine to which this Act applies for any offence under this Act except by an Inspector, or by the County or District Crown Attorney, or with the consent in writing of the Attorney-General; and in case the owner or agent of a mine is charged with an offence under this Act he shall not be found guilty thereof if he proves that he had taken all reasonable means to prevent the commission thereof, and an Inspector shall not institute any prosecution against an owner or agent if satisfied that he had taken such reasonable means as aforesaid. *Ibid*, s. 81.

215. All prosecutions for the punishment of any offence under this Act except under section 78 may take place before any two or more of His Majesty's Justices of the Peace having jurisdiction in the County or district in which the offence is committed, or before a Police or Stipendiary Magistrate, or before the Mining Commissioner, under the provisions of *The Ontario Summary Convictions Act*. *Ibid*, s. 83. *Amended*.

Manner in which prosecution may take place.

Rev. Stat., c. 90.

216. Any complaint or information made or laid in pursuance of this Act shall be made or laid within three months from the time when the matter of such complaint or information respectively arose, and

Limitation of prosecutions and form of information.

1. The description of any offence under this Act in the words of this Act shall be sufficient in law.

2. Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offences in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived no proof in relation to the matter so specified or negatived shall be required on the part of the prosecutor or informant. *Ibid*, s. 84.

217. Nothing in this Act shall prevent any person from being indicted or liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, provided that he shall not be punished twice for the same offence. *Ibid*, s. 85.

Prosecution under other acts.

218. If the Court before whom a person is charged with an offence under this Act thinks that proceedings ought to be taken against such person for such offence under any other Act or otherwise, the Court may adjourn the case to enable such proceedings to be taken. *Ibid*, s. 86.

Where prosecution should be under another Act.

AS TO STEALING ORE AND PROVING TITLE THERETO.

219. The burden of proving that ore or mineral in the possession of any person charged with having stolen the same, or of any person on his behalf, shall be and rest upon the person in whose possession they may be found, or on whose behalf they are held, as the case may be. (*New.*) See R.S.O. 1897, c. 46, s. 12 (1).

Burden of proof as to ore alleged to have been stolen.

220. All fines and penalties imposed or payable under this Act may be recovered by distress and sale of any mining or other personal property of the offender, and in default of sufficient distress by imprisonment, with or without hard labour, not exceeding three months. (*New.*) See B. C. 1896, c. 34, s. 155.

Fines recoverable by distress

Application of fees, penalties and fines.

221. Fees, penalties and fines received under this Act, and the costs of all such convictions as take place before the Mining Commissioner, a Mining Recorder, an Inspector or Magistrate appointed under this Act, shall form part of the Consolidated Revenue Fund of this Province, and be accounted for and dealt with accordingly; and the expenses of carrying this Act into effect in any mining division shall be paid by the Lieutenant-Governor out of the said Consolidated Revenue Fund. *Ibid*, s. 87.

REPEALING CLAUSE.

Acts and regulations repealed.

222. The Acts and parts of Acts mentioned in this section, together with all regulations made thereunder, shall stand repealed and be repealed, except as hereinbefore provided; but such repeal shall not be deemed to imply that any of the said Acts or parts of Acts which have been repealed at any time prior to the passing of this Act have been in force since such repeal;

Proviso.

Provided that such repeal shall not affect any rights acquired or any liabilities or penalties incurred, or any act or thing done, under any of the said Acts or parts of Acts or regulations made thereunder:—*The Mines Act* (R.S.O. 1897, Chapter 36), 60 Vict., Chapter 8; 61 Vict., Chapter 11; 62 Vict. (2), Chapter 10; 63 Vict., Chapter 13; 5 Edward VII., Chapter 9.

THE MINES ACT, 1906.

APPENDIX OF FORMS.

1. Certificate of Record of staking out of Mining Claim. (See sec. 59.)
2. Miner's License. (See sec. 89.)
3. Renewal of Miner's License. (See sec. 93.)
4. Transfer of an unpatented Mining Claim. (See sec. 119.)
5. Application to Mining Recorder to Stake Out an Area for Working Permit. (See sec. 142, ss. 11.)
6. Affidavit to accompany application for Working Permit. (See sec. 142, ss. 11.)
7. Certificate of Mining Recorder of application for Working Permit. (See sec. 142, ss. 12.)
8. Working Permit. (See sec. 142, ss. 13.)
9. Notice to be posted by Mining Recorder in his office of application for a Working Permit. (See sec. 147.)
10. Notice by Mining Recorder of hearing of dispute in reference to non-compliance by a licensee with the provisions of *The Mines Act, 1906*, referable to a Working Permit. (See sec. 150.)
11. Transfer by a licensee of his interest in an area under a Working Permit. (See sec. 152.)
12. Renewal of Working Permit. (See sec. 153.)

13. Application to record the Staking out of a Mining Claim. See sec. 157.)
14. Affidavit of Discovery. (See sec. 158.)
15. Application by a Licensee for a Free Grant. (See sec. 157.)
16. Affidavit by a licensee to accompany an application for a Free Grant. (See sec. 158.)
17. Report by licensee to Mining Recorder of performance of work. (See sec. 163.)
18. Affidavit verifying report of performance of working conditions. (See sec. 164.)
19. Notice by licensee to a Mining Recorder of intention to perform on one mining claim work intended to be applicable to contiguous claims held by same licensee. (See sec. 165.)
20. Notice by licensee of abandonment of a mining claim. (See sec. 167.)
21. Application for patent of a mining claim to the Mining Recorder of Mining Division. (See sec. 171.)
22. Application for a Prospecting Permit. (See sec. 183, ss. 1.)
23. Affidavit to accompany application for Prospecting Permit. (See sec. 183, ss. 1.)
24. Prospecting Permit. (See sec. 183, ss. 2.)
25. Transfer by a licensee of his interest in a Prospecting Permit. (See sec. 183, ss. 10.)
26. Certificate of a Mining Partnership. (See sec. 187, ss. 4.)
27. Revocation of appointment of an Agent of a Mining Partnership. (See sec. 187, ss. 9.)
28. Certificate of a Mining Partnership appointing a new Agent in place of one deceased. (See sec. 187, ss. 9.)
29. Transfer of a share of a partner in a Mining Partnership. (See sec. 187, ss. 11.)
30. Dissolution of a Mining partnership. (See sec. 187, ss. 12.)
31. Affidavit verifying documents relating to the incorporation of a Mining Company. (See sec. 188, ss. 3.)
32. Certificate of performance of working conditions. (See sec. 164, ss. 1.)

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 1. (See sec. 59.)

PROVINCE OF ONTARIO.

Department of Lands, Forests and Mines.

No

Fee \$

CERTIFICATE OF RECORD OF STAKING OUT OF MINING CLAIM.

I hereby certify that I have this day granted to _____ of
 the holder of miner's license No. _____, dated
 _____ day of _____ 190____, (issued by the Mining
 Recorder of the _____ Mining Division), a certificate of
 record of mining claim No. _____, known as _____ containing
 _____ acres, more or less.

Dated at _____ this _____ day of _____ 190____.

Mining Recorder of _____ Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 2.

PROVINCE OF ONTARIO.

Department of Lands, Forests and Mines.

No.

Fee \$

(Name of place of issue and date of issue.)

190

MINER'S LICENSE.

(See Section 58.)

This License is issued to _____ called the Licensee, of the _____ of _____ in consideration of the payment of a fee of _____ dollars, under and subject to the provisions of *The Mines Act, 1906*, to be in force until and including the 31st day of March next succeeding the date hereof, and is not transferable.

Mining Recorder of

Mining Division.

STUB FOR FORM NO. 2.

(Stub.)

MINER'S LICENSE.

No.

Fee \$

Name of Mining Division

Name of licensee

Of

Date of issue

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 3. (See section 93.)

PROVINCE OF ONTARIO.

Department of Lands, Forests and Mines.

No.

Fee \$

(Name of place of issue and date of issue.)

190

RENEWAL OF MINER'S LICENSE.

This renewal of Miner's License No. _____ issued by the Mining Recorder of _____ Mining Division, on the _____ day of _____ 190____, to _____ of _____ called the licensee, is issued to the licensee in consideration of the payment of the fee of _____ dollars, and under and subject to the provisions of *The Mines Act, 1906*, renews the said license until and including the 31st day of March next succeeding the date hereof, and is not transferable.

Mining Recorder of

Mining Division.

Stub for Form No. 3.

RENEWAL OF MINER'S LICENSE.

No. Fee \$
 No. of Renewal
 Name of Licensee
 Name of Mining Division
 Date of issue of original License
 Date of issue of Renewal

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 4. (See section 119.)

Department of Lands, Forests and Mines.

TRANSFER OF AN UNPATENTED MINING CLAIM.

The undersigned, holder of miner's license No. _____ issued by the Mining Recorder of _____ Mining Division, in consideration of the sum of _____ dollars (receipt whereof is hereby acknowledged), doth hereby transfer to holder of miner's license No. _____ issued by the Mining Recorder of _____ Mining Division (a) the interest of the undersigned in Mining Claim No. _____ in the _____ Mining Division, particularly described as follows:

Dated at _____ this _____ day of _____ 190 _____

Witness. Signature of Transferor

County (or District) of _____ } I, _____ of the
 To wit: } of _____ in the
 } make oath and say:

1. That I know _____, the above-named transferor, and was present and saw the above transfer of mining claim duly signed and executed by the said transferor at _____ in the _____ of _____ on the _____ day of _____ 190 _____.

Sworn before me at the _____ of _____ in the _____ of _____ this _____ day of _____ A.D. 190 _____

(a) State interest.

(Coat of Arms.)

THE MINES ACT, 1906.

Department of Lands, Forests and Mines.

Form No. 5. (See sec. 142, ss. 11.)

APPLICATION TO MINING RECORDER TO STAKE OUT AN AREA FOR WORKING PERMIT.

The undersigned of _____ holder of miner's license No. _____ dated the _____ day of _____ 190 _____, issued by the Mining Recorder of the _____ Mining Division hereby applies to the Mining Recorder of the _____ Mining Division for a working permit of the area consisting of _____ acres, more or less, according to the sketch or plan attached hereto, more particularly described as follows:

The area was staked out and the lines cut and blazed on the _____ day of _____ 190 _____, and the name by which the said area may be known is _____

Dated at _____ this _____ day of _____ 190 _____

Signature of licensee in full.
Post office address of Licensee.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 6. (See sec. 142, ss. 11.)

Department of Lands, Forests and Mines.

AFFIDAVIT TO ACCOMPANY APPLICATION FOR WORKING PERMIT.

County (or District) of _____
 To Wit: } I, _____ of the
 } of _____ in the
 } holder of Miner's license No. _____
 } dated _____ 190 _____ day of
 } Mining Division, make oath and say:

1. That the sketch or plan hereto attached is correct and correctly shows the location of the posts referred to in the annexed application for working permit, and their distances from each other in feet and inches, and all the statements and particulars set out in said application are true and correct.

2. That I have no knowledge of and have never heard of any adverse claim to the said area described in the said application for working permit, by reason of discovery of valuable mineral, improvement, occupation or otherwise.

3. That the application for said working permit is made on behalf of _____ of the _____ of _____, holder of miner's license No. _____ dated the _____ day of _____ 190 _____, issued by the Mining Recorder of _____ Mining Division.

Sworn before me at the _____
 of _____
 in the _____
 of _____ this _____
 day of _____
 A.D. 190 _____

 Mining Recorder of _____ Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 7. (See sec. 142, ss. 12.)

Department of Lands, Forests and Mines.

CERTIFICATE OF MINING RECORDER OF APPLICATION FOR WORKING PERMIT.

The undersigned hereby certifies that _____ of _____, the holder of miner's license No. _____, dated the _____ day of _____ 190 _____, and issued by the Mining Recorder of the _____ Mining Division has this day applied to me for a working permit of the area described as follows:

said to have been staked out by said licensee for himself or _____ holder of miner's license No. _____ dated the _____ day of _____ 190 _____, issued by the Mining Recorder of the _____ Mining Division, (or, as the case may be), on the _____ day of _____ 190 _____
 Dated at _____ the _____ day of _____ 190 _____

 Mining Recorder of _____ Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 8. (See sec. 142, ss. 13.)

Department of Lands, Forests and Mines.

(Coat of Arms.)

PROVINCE OF ONTARIO.

Department of Lands, Forests and Mines.

No. Fee \$5.00.
WORKING PERMIT.

Pursuant to the provisions of *The Mines Act, 1906*, and subject thereto, a Permit is hereby granted to
of _____, the holder of License No. _____ dated this
day of _____ 190____, issued by the
Mining Recorder of _____ Mining Division
to enter into exclusive possession of the area consisting of _____
acres, more or less, defined in the sketch or plan attached hereto,
and more particularly described as follows:

and to work thereon during the period of six months from the day
of the date hereof, together with such renewal (if any) as is con-
tained in the renewal hereof endorsed hereon.

Dated at _____ this _____ day of _____ 190____.

Mining Recorder of _____ Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 9. (See sec. 147.)

Department of Lands, Forests and Mines.

NOTICE TO BE POSTED BY THE MINING RECORDER IN HIS OFFICE OF THE
APPLICATION FOR A WORKING PERMIT.

Notice is hereby given that _____ of
the holder of Miner's License No. _____, dated the _____ day of
190____, and issued by the Mining Recorder of _____
Mining Division, has this day applied to me for
a Working Permit of the area described as follows:

said to have been staked out by said licensee for himself, or
holder of Miner's License No. _____, dated the _____
day of _____ 190____, issued by the Mining Recorder of _____
Mining Division, or as the case may be
on the _____ day of _____ 190____
Dated at _____ the _____ day of _____ 190____.

Mining Recorder of _____ Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 10. (See sec. 150.)

Department of Lands, Forests and Mines.

NOTICE BY MINING RECORDER OF THE HEARING OF DISPUTE IN REFERENCE TO NON-COMPLIANCE BY A LICENSEE WITH THE PROVISIONS OF THE MINES ACT 1906, REFERABLE TO A WORKING PERMIT.

You are hereby required to take notice that of _____ has complained to me that you have not complied with the provisions of *The Mines Act, 1906*, applicable to the Working Permit held by you, and that I have fixed (a) the _____ day of _____ 190____, at my office (or such other place within the Mining Division as may be selected) for the purpose of hearing what may be alleged on behalf of said complainant and yourself, and that I will, at the said time and place, decide the said dispute, of all of which you are required to take notice, and govern yourself accordingly.

Dated at _____ this _____ day of _____ 190____.

Mining Recorder of _____ Mining Division.

(a) The time to be fixed must be such as will admit of seven clear days' notice being given to the licensee against whom the complaint has been made.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 11. (See sec. 152.)

Department of Lands, Forests and Mines.

TRANSFER BY A LICENSEE OF HIS INTEREST IN AN AREA UNDER WORKING PERMIT.

The undersigned, holder of miner's license No. _____ (issued by the Mining Recorder of _____ Mining Division), in consideration of the sum of _____ dollars, (receipt whereof is hereby acknowledged), hereby transfers to _____, holder of miner's license No. _____ (issued by the Mining Recorder of _____ Mining Division), (a)

of the undersigned, in Working Permit No. _____, dated the _____ day of _____, 190____, issued by the Mining Recorder of _____ Mining Division.

Dated at _____ this _____ day of _____ 190____.

Witness.

*Signature of Transferor.**Post office address of Transferor.*

County (or District) of _____ } I, _____ of the
To Wit: _____ } of _____ in the
_____ } make oath and say:

1. That I know the above named transferor, and was present and saw the above transfer of the Working Permit duly signed and exe-

cuted by the said transferor at _____ in the
of _____ on the _____ day of
190 .
Sworn before me at _____ }
of _____ in the _____ }
of _____ , this _____ }
day of _____ }
A.D. 190 . }

A Commissioner or Notary Public or a Mining Recorder.
(a) State interest transferred.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 12. (See sec. 163.)

Department of Lands, Forests and Mines.

RENEWAL OF WORKING PERMIT.

(To be endorsed on original Working Permit.)

The period within which _____ of _____
holder of miner's license No. _____ is authorized to have exclusive pos-
session of the area described in Working Permit No. _____, and to
work same, is hereby renewed and extended until and including the
_____ day of _____, 190 .

Dated at _____ this _____ day of _____ 190 .

Mining Recorder of _____ Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 13. (See sec. 157.)

Department of Lands, Forests and Mines.

APPLICATION TO RECORD THE STAKING OUT OF A MINING CLAIM.

To the Mining Recorder of _____ Mining Division,
the undersigned, holder of Mining License No. _____ dated the
_____ day of _____ 190 , issued by the
Mining Recorder of _____ Mining Division, hereby
applies under the terms and provisions of *The Mines Act, 1906*, to
record the staking out of a Mining Claim, consisting of _____ acres,
more or less, according to the sketch or plan attached hereto, and
which is more particularly described as follows:

The discovery post is situate _____ feet from
No. 1 post.

Discovery was made on the _____ day of
190 , at _____ o'clock _____ m.

The claim was staked and the lines cut and blazed on claim on
the _____ day of _____ 190 , and the claim is known
as _____

Dated at _____ this _____ day of _____ 190 .

Signature of Licensee in full.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 14. (See sec. 158.)

Department of Lands, Forests and Mines.

AFFIDAVIT OF DISCOVERY.

County (or District) of I, of the
To Wit: of in the

Holder of miner's license No. dated day of
190, issued by the Mining Recorder of
Mining Division, make oath and say:

1. That on the day of 190,
at the hour of o'clock m., I discovered valuable min-
eral or ore in place, to wit:

On the Mining Claim No., and described in the application
hereto attached, and in the sketch or plan therein referred to, that
is to say:

(Give particulars of discovery, kind of ore or mineral, also, if pos-
sible, kind of rock enclosing same.)

2. That I have no knowledge of and have never heard of any ad-
verse claim to the said Mining Claim, except as follows:

3. That the sketch or plan hereto attached is correct, and shows
the location of the discovery post and of the other posts which pur-
port to be shown thereon, and, likewise, correctly states the dis-
tances in feet from the said other posts, and that all the par-
ticulars set out in the application to record the staking out of the
Mining Claim are true and correct in every particular.

4. That application for said Mining Claim is made by me on behalf
of of in the
of holder of Mining License No., dated
day of 190, issued by the
Mining Recorder of Mining Division.

Sworn before me at
in the of
this day of
A.D. 190

Mining Recorder of Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 15. (See sec. 157.)

Department of Lands, Forests and Mines.

APPLICATION BY A LICENSEE FOR A FREE GRANT.

To the Mining Recorder of Mining Division.
The undersigned, holder of Miner's License No. issued by the
Mining Recorder of Mining Division, claims to be
the first discoverer of valuable metal, ore or mineral, at a point
which is not less than five miles from the nearest known mine, vein,
lode or deposit of the same kind of metal, ore or mineral, as fol-
lows:

The discovery by me is of (a)
The location of the discovery is as shown on the accompanying sketch
or plan.

The nearest mine, vein, lode or deposit of the same kind of metal,
ore or other mineral, known to me, is at

I claim to be entitled to the said (b)
without payment of purchase price according to *Mines Act, 1906*.

Dated at _____ this _____ day of _____ 190 .

Name of Licensee.

Post office address of Licensee.

(a) State the kind of metal, ore or mineral.

(b) State whether Mining Claim or Special Mining Claim.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 16. (See sec. 158.)

Department of Lands, Forests and Mines.

AFFIDAVIT BY A LICENSEE TO ACCOMPANY APPLICATION FOR A
FREE GRANT.

County (or District) of _____ } I. _____ of
To Wit: _____ } in the _____ of
_____ } make oath and say:

1. That the statements contained in the application by
_____ holder of Miner's license No. _____ hereto annexed, for a
Free Grant of _____ No. _____, are true and correct in
every particular.

Sworn before me at
in the _____
of _____ this
A.D. 190 . day of _____

Mining Recorder of _____

Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 17. (See sec. 163.)

Department of Lands, Forests and Mines.

REPORT BY LICENSEE TO MINING RECORDER OF PERFORMANCE OF
WORK. (a)

To the Mining Recorder of _____

Mining Division:

I, the undersigned, holder of Miner's License No. _____, (issued by
the Mining Recorder of _____ Mining Division), being
the holder of (b) _____ No. _____ hereby notify you that I
(c) have performed thereon the mining operations required by *The
Mines Act, 1906*, as follows:

Dated at _____ this _____ day of _____ 190 .

Name of Licensee.

P.O. address of Licensee

(a) This report must be filed with the Mining Recorder not later than ten days after the time within which such mining operations are required to be performed.

(b) State whether mining claim, special mining claim or working claim, on my behalf, as the case may be.

(c) I, or

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 18. (See sec. 164.)

Department of Lands, Forests and Mines.

AFFIDAVIT VERIFYING REPORT OF PERFORMANCE OF WORKING CONDITIONS.

County (or District) of I, of the of
To Wit: in the of
make oath and say:

1. That the statements contained in the annexed report by the holder of Miner's License No. to the Mining Recorder of Mining Division, relating to the performance of mining operations on (a) No. are true and correct in every particular.

2. That the statement contained in the preceding paragraph is based upon the following information:

Sworn before me on the day of
in the of this day of
A.D. 190

Name of Licensee.

P.O. address of Licensee.

Mining Recorder of the

Mining Division.

(a) State whether mining claim, special mining claim or Working Permit.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 19. (See sec. 165.)

Department of Lands, Forests and Mines.

NOTICE BY A LICENSEE TO A MINING RECORDER OF INTENTION TO PERFORM OF ONE MINING CLAIM WORK INTENDED TO BE APPLICABLE TO CONTIGUOUS CLAIMS HELD BY SAME LICENSEE.

To the Mining Recorder of the Mining Division:
I, the undersigned, holder of Miner's License No. issued by the Mining Recorder of Mining Division) hereby notify you that I am licensee holder of mining claims numbers and which are contiguous to each other, and that during the years 190 and 190 it is my intention to perform upon said mining claim No. all the work required by the provisions of The Mines Act, 1906, to be performed upon said mining claims.

Dated at this day of 190

Name of Licensee.

P.O. address of Licensee.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 20. (See sec. 167.)

Department of Lands, Forests and Mines

NOTICE BY LICENSEE OF ABANDONMENT OF A MINING CLAIM, ETC.

To the Mining Recorder of _____ Mining Division:
 The undersigned, holder of miner's license No. _____, issued by the
 Mining Recorder of _____ Mining Division, and licensee
 holder of mining claim No. _____ hereby abandons all interest in said
 mining claim, and authorizes you to record such abandonment in
 the books of your office.

Dated at _____ this _____ day of _____ 190 _____.

*Name of Licensee.**P.O. address of Licensee.*

NOTE.—If working permit or prospecting permit, modify form accordingly.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 21. (See sec. 171.)

Department of Lands, Forests and Mines.

APPLICATION FOR PATENT OF A MINING CLAIM. (a)

To the Mining Recorder of _____ Mining Division:
 The undersigned, holder of Miner's License No. _____ (issued by
 the Mining Recorder of _____ Mining Division) and
 as licensee holder of (b)
 No. _____ applies for the issue of a patent thereof.

All work to be performed thereon has been duly performed, and I
 now hand you _____ dollars, the purchase money thereof, and re-
 quest the issue of a patent thereof to _____ of
 being the holder of Miner's License No. _____ (issued by the Mining
 Recorder of _____ Mining Division).

Dated at _____ this _____ day of _____ 190 _____.

*Name of Licensee Applicant.**Post office address of Licensee.*

(a) This application must be made to the Mining Recorder of the
 Mining Division, within which the claim is situate, within a period
 of three years and three months from the date said claim was re-
 corded.

(b) State whether Mining Claim or special Mining Claim.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 22. (See sec. 183, ss. 1.)

Department of Lands, Forests and Mines.

APPLICATION FOR PROSPECTING PERMIT. (a)

The undersigned, of the _____, holder of Miner's
 License No. _____, dated the _____ day of _____ 190 _____
 (issued by the Mining Recorder of _____ Mining Divi-
 sion), hereby applies to the Mining Recorder of _____ Mining
 Division, for a Prospecting Permit to prospect for petroleum, nat-
 ural gas, coal or salt, of the area consisting of _____ acres,
 more or less, according to the sketch or plan attached hereto, more
 particularly described as follows:

The area was staked out and posts were planted on the day of 190 , and the name by which the said area may be known is

Dated at this day of 190 .

Signature of Licensee in full.

Post office address.

(a) This form must be in duplicate.

THE MINES ACT, 1906.

Form No. 23. (See sec. 183, ss. 1.)

Department of Lands, Forests and Mines.

AFFIDAVIT TO ACCOMPANY APPLICATION FOR PROSPECTING PERMIT. (a)

County (or District) of To Wit: I, of the of in the of make oath and say:

1. That I am the holder of Miner's License No. , dated the day of 190 , issued by the Mining Recorder of Mining Division.

2. That the sketch or plan hereto attached is correct, and correctly shows the location of the posts referred to and the distance from each in feet, and all the statements and particulars set out in the said application are true and correct.

3. That I have no knowledge of and have never heard of any adverse claim to the issuing of a Prospecting Permit in the area described in the said application.

4. That the said application for said Prospecting Permit is made on behalf of of of in the of holder of Miner's License No. , issued by the Mining Recorder of Mining Division.

Sworn before me at of the in the of this day of A.D. 190

Mining Recorder of Mining Division.

(a) This affidavit must be in duplicate.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 24. (See sec. 183, ss. 2.)

Department of Lands, Forests and Mines.

No. PROSPECTING PERMIT. (a) Fee \$

Pursuant to the provisions of The Mines Act, 1906, and subject thereto, a Prospecting Permit is hereby granted to of the holder of Miner's License No. , dated the day of 190 , issued by the

Mining Recorder of Mining Division, to enter upon and prospect the area set forth and described in the sketch or plan attached hereto, for petroleum, natural gas, coal or salt, and to work thereon during a period of one year from the day of the date hereof.

Dated at this A.D. 190 . day of } Minister of Lands, Forests and Mines.

(a) This permit is to be in duplicate, and one of such duplicate is to be retained in the office of the Bureau of Mines.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 25. (See sec. 183, ss. 10.)

Department of Lands, Forests and Mines.

TRANSFER BY A LICENSEE OF HIS INTEREST IN A PROSPECTING PERMIT.

The undersigned, holder of Miner's License No. (issued by the Mining Recorder of Mining Division), in consideration of the sum of dollars (receipt whereof is hereby acknowledged), hereby transfers to holder of Miner's License No. (issued by the Mining Recorder of Mining Division), (a) of the undersigned in Prospecting Permit No. , dated the day of 190 , issued by the Minister of Lands, Forests and Mines.

Dated at the day of 190 . Signature of Transferor.

Post office address of Transferor.

County (or District) of To Wit: } I, of the of in the of make oath and say:

1. That I know the above named transferor, and was present and saw the above transfer of Prospecting Permit duly signed and executed by the said transferor at in the of on the day of 190 .

Sworn before me at in the of this day of A.D. 190 . }

A Commissioner or Notary Public or Mining Recorder.

(a) State interest transferred.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 26. (See sec. 187, ss. 4.)

Department of Lands, Forests and Mines.

CERTIFICATE OF A MINING PARTNERSHIP.

This is to certify that the undersigned have formed a mining partnership, and that the following particulars thereof are true and correct:

(a) The names in full and addresses of all the partners are as follows:

(b) The name under which the partnership is to be conducted is as follows:

(c) The total number of shares into which said partnership is divided is

(d) The number of shares of said partnership owned by each partner is as follows:

(e) 1. The said partnership commenced on the _____ day of 1906.

2. The date at which the partnership is to terminate is

(f) The name, address and occupation of the agent (a) of the partnership with whom all contracts may be made or entered into on behalf of the partnership is as follows:

Dated at _____ the _____ day of A.D. 190 .

Signatures of Members of Partnership.

The undersigned, being the duly appointed Agent of the above-named partnership referred to in this certificate thereof, hereby consents to act as Agent of the said partnership.

Dated at _____ this _____ day of 190 .

Name of Agent.

P.O. address of Agent.

Witness:

(a) The Agent must be some individual resident in Ontario or an incorporated company having its head office in Ontario.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 27. (See sec. 187, ss. 9.)

Department of Lands, Forests and Mines.

REVOCATION OF APPOINTMENT OF AN AGENT OF MINING PARTNERSHIP.

The undersigned being the majority in interest for the time being of the recorded members of the mining partnership known as “

” hereby revoke the appointment of _____ of _____ the heretofore agent of the said partnership, and

hereby appoint _____ of _____ to be agent of the said partnership in the place and stead of the said

Dated at _____ this _____ day of

A.D. 190 .

Witness:

Signatures of Partners.

The undersigned, being the Agent above mentioned, hereby consents to act as Agent of the said partnership.

Name of Agent.

P.O. address of Agent.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 28. (See sec. 187, ss. 9.)

Department of Lands, Forests and Mines.

CERTIFICATE OF A MINING PARTNERSHIP APPOINTING A NEW AGENT IN PLACE OF ONE DECEASED.

The undersigned, being the majority of interest for the time being of the recorded members of mining partnership known as “
 of _____,” hereby appoint _____ of the _____ to be
 the agent of the said partnership in the place and stead of _____
 of _____ formerly Agent of the said part-
 nership, and now deceased.

Dated at _____ this _____ day of _____ 190 .
 Witness: _____

Signatures of Partners.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 29. (See sec. 187, ss. 11.)

Department of Lands, Forests and Mines.

TRANSFER OF A SHARE OF A PARTNER IN MINING PARTNERSHIP.

The undersigned, member of the mining partnership known as “
 _____” in consideration of the sum of _____ dollars
 (receipt of which is hereby acknowledged) hereby transfers to
 _____ of the _____ of _____ in the county of
 _____ share in said mining partnership, and here-
 by authorizes the Mining Recorder of _____ Mining
 Division to record the transfer thereof in the books of his office.

Dated at _____ this _____ day of _____ 190 .
 Witness: _____

*Name of Partner.**Post office address.*

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 30. (See sec. 187, ss. 12.)

Department of Lands, Forests and Mines.

DISSOLUTION OF A MINING PARTNERSHIP.

This is to certify that the mining partnership which has hereto-
 fore existed between the undersigned, under the name of “
 _____” is hereby dissolved, and the Mining Recorder
 of _____ Mining Division is hereby authorized to re-
 cord the dissolution thereof in the books of his office.

Dated at _____ this _____ day of _____ 190 .
 Witness: _____

Signatures of Partners.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 31. (See sec. 188, ss. 3.)

Department of Lands, Forests and Mines.

AFFIDAVIT VERIFYING DOCUMENTS RELATING TO THE INCORPORATION OF A MINING COMPANY.

County (or District) of _____ I of the _____ of
To Wit: _____ in the _____ of
make oath and say: _____

- 1. That I am Secretary (or President, etc.) of (a)
- 2. That hereto annexed is a true copy of (b) incorporating (a)
In the case of a foreign corporation licensed under the Extra Provincial Companies' Act to transact business in Ontario add the following:
- 3. That hereto annexed is a true copy of the license issued by the Provincial Secretary of the Province of Ontario, authorizing (a) to transact business in the Province of Ontario.

Sworn before me at _____ }
in the _____ }
of _____ in the _____ }
of _____ day of _____ }
this _____ }
190 _____ }

A Commissioner for taking affidavits, or
Notary Public, or Mining Recorder.

- (a) Insert corporate name in full.
- (b) State whether Letters Patent, Articles of Association or Special Act.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 32. (See sec. 164, ss. 1.)

Department of Lands, Forests and Mines.

No. _____ Fee \$ _____

Name of place of issue and date of issue _____ 190 _____

CERTIFICATE OF PERFORMANCE OF WORKING CONDITIONS. (a)

This is to certify that _____ of _____, holder
of miner's license No. _____ (issued by Mining Recorder of
Mining Division) license of (a) has performed all neces-
sary mining operations on the said (a) to my satisfaction for the
season of 190 _____, except as follows: (b)

Mining Recorder.

(a) State whether mining claim, special mining claim or working permit.

(b) State exceptions and time within which said excepted mining operations are to be performed.

Stub for Form 32.

No.
Date
Name of Licensee
Number of License
Name of mining claim
Mining operations still to be performed

THE MINES ACT, 1906.

SCHEDULE OF FEES.

For a Miner's License or renewal thereof for an individual. (See secs. 86, 186.)	\$10 00
For a Miner's License issued on or after the 1st September, 1906, and previous to 1st April, 1907	5 00
For a Miner's License or renewal thereof for a registered partnership where not more than two partners. (See secs. 86, 186)	10 00
For a Miner's License or renewal thereof for a registered partnership where more than two but not more than five partners. (See secs. 86, 186)	25 00
For a Miner's License or renewal thereof for a registered partnership where more than five partners. (See secs. 86, 186)	40 00
Miner's License for an incorporated Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> does not exceed \$40,000.00. (See secs. 86, 186)	25 00
Miner's License for an incorporated Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> is over \$40,000.00, but not exceeding \$100,000.00. (See secs. 86, 186)	50 00
Miner's License for an incorporated Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> is over \$100,000.00, but not exceeding \$500,000.00. (See secs. 86, 186)	75 00
Miner's License for an incorporated Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> is over \$500,000.00, but not exceeding \$1,000,000.00. (See secs. 86, 186)	100 00
And for each additional \$1,000,000.00 or fraction thereof. (See secs. 86, 186)	100 00
For recording first claim applied for on a license. (See secs. 157, 186)	5 00
For recording second claim applied for on a license in the same license year. (See secs. 157, 186)	7 50
For recording third claim applied for on a license in the same license year. (See secs. 157, 186)	10 00
For examining Claim Record Book, per claim. (See secs. 56, 186)	10
For certificate of record of claim. (See secs. 59, 186)	1 00
For certificate of performance of working conditions. (See secs. 164, ss. 1, 186)	1 00

On filing appeal from Mining Recorder's decision. (See secs. 75, 186)	5 00
On filing appeal from Mining Commissioner's decision. (See secs. 43, 186)	10 00
For filing transfer of mining claim. (See secs. 119, 186)...	5 00
For recording endorsement on a working permit of a transfer thereof. (See secs. 152, 186)	5 00
For recording endorsement on a prospecting permit of a transfer thereof. (See secs. 183, ss. 10, 186)	5 00
For a "Substituted Miner's License." (See secs. 94, 186)	5 00
For recording extension of time for performing working conditions. (See secs. 73, 186)	1 00
For filing certificate of mining partnership or certified copy thereof. (See secs. 187, ss. 4, 186)	1 00
For recording certificate of revocation of Agent and appointment of new Agent for mining partnership. (See secs. 187, ss. 9, 186)	1 00.
For recording transfer of share or shares in a mining partnership. (See secs. 187, ss. 11, 186)	25

No. 201.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Mines.

First Reading, 30th March, 1906.

Second Reading, 18th April, 1906.

*(Reprinted as amended in Committee
of the Whole House.)*

Mr. COCHRANE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting of Horticultural Societies.

HIS 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 Horticultural Societies Act*. Short title.
2. In the construction of this Act Interpretation.
- (a) "Department" shall mean The Department of Agriculture. "Department."
- (b) "Minister" shall mean the Minister of Agriculture for the Province of Ontario. "Minister."
- (c) "Superintendent" shall mean the Superintendent of Horticultural Societies. "Superintendent."
- (d) "Society" shall mean any Horticultural Society organized under this Act or under any former Agriculture and Arts Act. "Society."
3. All horticultural societies organized under *The Agriculture and Arts Act* shall be continued, except in so far as they may be affected by this Act. "Societies continued."
4. The Minister may decide all matters of doubt or dispute as to the working or construction of this Act, and his decision shall be final except that an appeal therefrom may be made to the Lieutenant-Governor-in-Council. Minister to decide disputes.
5. The Minister may appoint any person or persons to inspect the books and accounts of any society receiving Government aid, under or by virtue of this Act, and may empower such person or persons to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to such inspection; and all officials of any such society whenever required to do so Inspection of books and accounts.

shall submit the books and accounts thereof to such inspection, and shall truly, to the best of their knowledge, answer all questions put to them in relation thereto, or to the funds of such society.

HORTICULTURAL SOCIETIES.

5

- Organization. 6: A horticultural society may be hereafter organized in any city, town or incorporated village.
- Declaration of Membership. 7. The mode of organization shall be as follows:
- (a) A declaration, in the form of Schedule "A" to this Act, shall be signed by those persons (residents 10 of the municipality in which the society is organized) desiring to organize a society under this Act. In the case of a city having a population of 30,000 or over the number of such persons shall be at least 125; in the case of a city 15 with a population of less than 30,000 the number shall be at least 75. Societies organized in towns having a population of 2,000 or over, shall have at least 60 members, and in the case of an incorporated village the number shall be 20 at least 50.
- Qualification of members. (b) No person shall be considered a member of any Horticultural Society for any year unless he shall have paid at least one dollar into the funds of that society as membership fee for that year. 25
- Firms and companies. (c) Subject to the by-laws of the society, a firm or an incorporated company may become a member of any society, organized under this Act, or any former *Agricultural and Arts Act*, by the payment of the regular fee, but the name of one 30 person only, in any one year, shall be entered as the representative or agent of any firm or company, and that person only shall exercise the privileges of membership in the society or organization. 35
- Calling first meeting. (d) Within one month after the money has been so paid the said declaration, with the names and addresses of the signers of same, shall be transmitted to the Minister, who shall thereupon instruct the Superintendent to authorize a person to call the first meeting for the organization 40 of the society.
- When meeting to be held. (e) The first meeting of the horticultural society shall be held during the second week in January next ensuing, of which meeting at least two weeks' 45 public notice shall be given by advertising in one or more newspapers published in the district.

(f) At the said first meeting, and at any subsequent meetings of any horticultural society, ten members shall constitute a quorum. Quorum.

5 (g) At the said first meeting there shall be elected a president, a first vice-president, a second vice-president, and not more than nine other directors, all of whom must be members of the society, in good standing, or who must become so within
10 fourteen days after their election, who, together shall form the board of directors, a majority of which board shall reside in the municipality in which the society is organized. At the said first meeting the society shall appoint two auditors for the ensuing year. Election of first officers.

15 (h) The board of directors, from among themselves or otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure. The secretary or the
20 secretary-treasurer, by virtue of his office, shall be a member of each committee appointed and shall have the power of managing director, acting under the control, and with the approval of the board of directors. Secretary-Treasurer.

25 (i) A report of the organization meeting, certified by the president, a first vice-president, a second vice-president, the secretary and the convener, and containing a statement of the number of members and a list of the officers elected and appointed, shall be sent to the Department
30 within one week after the holding of the meeting. Report of first meeting.

8. Upon the receipt of such report the society so organized shall be deemed a horticultural society, and each society so organized shall be entitled to participate in the legislative grant hereinafter provided, and to enjoy all the privileges granted by this Act. Receipt of report to complete organization.

9.—(1) The objects of horticultural societies shall be to encourage improvement in horticulture. Objects of societies.

40 (a) By holding meetings for discussion and for hearing lectures on subjects connected with the theory and practice of improved horticulture.

(b) By holding exhibitions and awarding premiums for the production of vegetables, plants, flowers, fruits, trees and shrubs.

45 (c) By the distribution of seeds, plants, bulbs, flowers, shrubs and trees in ways calculated to create an interest in horticulture.

- (d) By promoting the circulation of horticultural periodicals.
- (e) By encouraging the improvement of home and public grounds, by the planting of trees, shrubs and flowers, and by otherwise promoting outdoor art and public beauty.
- (f) By offering prizes for essays on questions relating to horticulture.
- (g) By improving and otherwise procuring and distributing seeds, plants, shrubs, and trees of new and of valuable kinds.

Expenditure on work.

(2) A society shall not expend more than one-third of its total receipts in any one of the lines of work mentioned. No society shall hold an exhibition, or offer premiums, in connection with the exhibition of any agricultural society or societies.

Funds not to be expended in.

(3) None of the funds of any such society, however derived, shall be expended for any purpose inconsistent with those mentioned. Societies violating any of the provisions of this and the preceding subsection shall forfeit all claim to the Government grant.

Annual meetings.

10.—(1) The annual meetings of the several societies shall be held during the third week in January of each year at such time and place, as the board of directors may determine. At any such meeting those members only who have paid their subscriptions for the ensuing year shall be entitled to vote.

Notice of meetings.

(2) At least two weeks' previous notice of any such meeting shall be given by advertisement in one or more newspapers published in the municipality, and also, by printed placards or bills posted in places of common resort, or by sending the same by registered letter mailed to the last known post office address of each member of the society in good standing; such notices to be mailed at least one week previous, and to state time and place of meeting.

Failure to hold meeting at regular time.

(3) In case any society shall, through any cause, fail to hold its annual meeting during the third week in January, the Minister, on petition of twenty members, may appoint a time for holding the same before the first day of April in the same year, the meeting to be called as for the regular annual meeting, and this meeting in all particulars shall be taken as the annual meeting of the society.

Dissolution of society, if meeting not held.

(4) In the event of the annual meeting not being held as provided for in this Act, or in the event of the number of the members on the first day of May in any year being less than the number required for organization, the society shall not be entitled to receive any further financial aid from the Legislature of the Province, and shall be deemed to

have been dissolved, but the directors elected at the last properly constituted meeting of the society, prior to the said first day of May, shall be trustees of the assets of the society until the same are disposed of by order of the Minister.

5 (5) Upon being notified or becoming aware of the dissolution of any society under the provisions of the preceding subsection, the Superintendent may order the directors to deliver over to the Department the assets, if any remaining after all just debts have been paid. Delivery over of assets to department on dissolution.

10 11.—(a) The board of directors shall present at such meeting a report of their proceedings for the past calendar year, in which shall be stated the names of all the members of the society, the amount of money expended in each of the lines of work open to horticultural societies, as outlined in section 9 of this Act. When an exhibition or exhibitions have been held and premiums awarded the report shall show the total amount offered in prizes at each, the amount paid in prizes, and the number of entries. Annual report.

15

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(b) The board of directors shall present a detailed statement of the receipts and expenditures for the preceding year, also a statement of the assets and liabilities of the society, at the end of the year, certified to by the auditors. Detailed statement of accounts.

25

(c) The officers and other directors specified in clause (f) of section 7, and to be qualified as therein provided, shall be elected by the members, and auditors shall be appointed for the ensuing year. Election of officers.

30 12. The said reports shall, if approved by the meeting, be placed on permanent record in the books of the society, and shall be sent within one month to the Department, and the Minister may require all such reports to be made out on schedules to be supplied by the Department in such form as he may direct. Failure on the part of the society to comply with these requirements shall be sufficient to forfeit all claim to participation in the legislative grant. Reports to be placed on record.

35

13. The members of each society may, at any annual meeting, or at a special meeting, of which two weeks' previous notice has been given in the manner required by subsection 2 of section 10, make, alter and repeal by-laws and regulations for the general management of the society; subject to these by-laws and regulations, the board of directors shall have power to act for and in behalf of the society, and all grants and other funds of the society shall be received and expended under their direction. By-laws.

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45

Meetings of
Directors.

14. The first meeting of the board of directors of a society may be held on the day of the annual meeting, and the subsequent meetings may be held pursuant to adjournment, or be called by written notice given by authority of the president, or in his absence of the first vice-president, or in the absence or neglect of the president, or vice-president, then on the written notice of three of the directors, at least one week before the day appointed, and at any meeting five shall be a quorum. 5

Dissolution of
Union societies.

15. Where two or more municipalities have been united 10 under the provisions of any former Act, to form a horticultural society, a dissolution of such union society may be effected in the following manner: A petition requesting the dissolution and the organization of new societies shall be signed by a majority of the members residing in any one 15 of the municipalities, and shall be forwarded to the Minister, and if the number so signing is equal to the number required for the organization of a new society as in section 7, the Minister shall direct that new societies shall be organized in the manner prescribed in section 7, and the former 20 union society shall thereupon become dissolved and shall cease to exist.

Distribution of
assets on
dissolution.

16. On the dissolution of a union society the assets of the said society shall be equitably apportioned or divided by arbitrators, or a majority of them, one to be appointed 25 by the board of directors of each of the new societies, and another arbitrator to be chosen by the arbitrators so appointed, or, in the event of the said arbitrators failing to choose such arbitrator within ten days after being appointed, then the senior county judge or the stipendiary 30 magistrate having jurisdiction in the district shall appoint such arbitrator. In case of disagreement the matter shall be referred to the senior judge of the county or the stipendiary magistrate for final decision.

Annual statements to be
furnished to
department.

17.—(a) On or before the first day of May, of each year, 35 the officers of every society shall send to the Department an affidavit, that may be sworn to before any justice of the peace, in the form of Schedule "B" annexed to this Act, stating, on forms to be provided by the Department, the 40 exact financial transactions of the society during the previous year. This statement shall set forth plainly the number of members in good standing that belong to the society, the amounts paid in prizes for horticultural productions, and 45 the amounts expended for each of the purposes defined in section 9 of this Act. This statement also shall set forth the amounts expended for officers' salaries and expenses and for the defray-

ment of all other expenses legitimately incurred by the society in its work. Such moneys shall be considered as having been expended for horticultural purposes.

- 5 (b) Should it be found, within one year after the receipt by the Department of a society's annual statement, that an officer or officers of the society had wilfully made false returns with an intention to deceive, such officer or officers shall be liable upon summary conviction before a justice of the peace, to a fine not exceeding \$100 or less than \$20, or imprisonment in the common gaol of the county for a period not exceeding six months or less than two weeks.

Penalty for making false returns.

- 15 18. Every horticultural society organized under or recognized by this Act shall be entitled to receive a grant out of the unappropriated moneys in the hands of the treasurer of the Province, the grant to be paid on the recommendation of the Superintendent, and on the following conditions:

Grant out of Provincial funds.

- 20 (a) That the number of paid-up members for the current year is not less than the number required for organization.
- 25 (b) That all reports and returns required by this Act have been made to the satisfaction of the Superintendent.
- (c) That the annual meeting has been held as required, and officers elected, in accordance with section 11.
- 30 (d) That the objects of the said society, as given in section 9, have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with these objects.

- 35 19. A sum not exceeding \$8,000 shall be subject to division among the horticultural societies of the Province, on the following basis: The sum of \$800 shall be reserved as a special grant to cities having a population exceeding 30,000. Of the remainder, (\$7,200), one-third (\$2,400) shall be subject to division among the societies (including societies in cities having a population exceeding 30,000) in proportion to their actual paid-up membership, and two-thirds (\$4,800) in proportion to the amounts the societies expended for horticultural purposes during the preceding year, as shown by their sworn annual report to the Department of Agriculture. The special grant of \$600 to societies in cities having a population exceeding 30,000 shall be distributed among such societies on the same basis.

Provincial fund in aid of societies.

A city society shall not receive a grant exceeding \$500, a town society a grant exceeding \$200, and an incorporated village society a grant exceeding \$150. A newly formed society the first year of its existence shall receive a grant on the same membership basis as other societies, but in regard to the amounts expended for horticultural purposes it shall receive a grant equal to the average grant paid during the preceding year to the other societies in its municipal class.

Exhibitions.

20. The exhibitions of any society shall be held within the limits of the municipality in which the society is organized, and shall be held at such place as shall afford sufficient accommodation for such exhibitions.

Fraud in obtaining prizes.

21. The board of directors of any society organized under this Act, on being made aware of any fraud having been committed by any member or exhibitor in the entry of any horticultural product in competition for prizes at any exhibition, shall have the power of withholding the payment of any prizes that may have been awarded by the judges to any members or exhibitors on such fraudulent, or any other entries made at any such exhibition.

Appointment of constables.

22. Any justice of the peace having jurisdiction in any city, town or village, wherein an exhibition is held, shall on request of the president or executive committee of any horticultural society, appoint as many policemen or constables as may be required at the expense of the said society, whose duty it shall be to protect the property of such society, and to eject all persons who may be improperly within the grounds, or on the premises, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such society.

Interference with officers.

23. If any person wilfully hinders or obstructs the officers or servants of any horticultural society in the execution of their duty, or gains admittance to the exhibitions of such society contrary to the rules of such society, he shall be liable to a fine of not less than \$1 and not more than \$20, such fine to be enforced and collected as fines are usually collected, and to be paid over to such society for its use and benefit; and in default of payment the said offender shall be imprisoned in the common gaol for a period of not more than 30 days.

Right to vote at meeting.

24. All persons, not under eighteen years of age, who have paid the membership subscription for the year then ensuing to any society to which this Act applies, shall have the right of voting at the election of officers, and on all other questions submitted to the annual meetings of such societies.

25. No membership subscription for the ensuing year paid at the annual meeting after the president or presiding officer has declared the poll open for the election of officers, shall entitle any person to vote for such officers. Subscriptions paid after poll opens.

5 26. Except as otherwise provided, a vacancy occurring by the death or resignation of any officer of a horticultural society organized under this Act may be filled by the remaining officers thereof; and it shall be the duty of such officers, and they are hereby empowered to nominate and
10 appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if for any reason a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in
15 manner provided in the next section. Vacancies in office.

27.—(1) In the event of an election of any officers of a society not being held at the time or place herein directed, or being for any reason illegal or void, then the persons in office at the time when such officials should have been
20 elected shall continue to be, and shall be deemed to be, the officers of such society, until their successors are legally appointed. Illegal election.

(2) In the event of any such nonelection, or illegal election, a special meeting of the members of such society shall
25 be called, as soon as practicable for the election of such officers, such meeting to be called (in the manner provided in subsection 2 of section 10) by the president, or in his absence or on his neglect by the vice-president, or in the absence or on the neglect of the president and vice-presi-
30 dent, then by three members of the society, and at such meeting the election of officers shall take place and the persons elected shall henceforth, until their successors are appointed, be and begin to be the officers of such society. Special meeting for election.

28. A special meeting of the directors of any society
35 organized under this Act may be called by the president thereof, or in his absence or in his neglect by the vice-president, or in the absence or on the neglect of the president or vice-president, then by any three members of such body, of which meeting at least seven days' notice shall
40 be given to each member; and, except as otherwise provided for, a majority of the directors of any such body shall be a quorum. Special meeting of directors.

29.—(1) The treasurer of every society organized under this Act before entering upon the duties of his office, shall
45 give such security either by joint or several covenant with one or more sureties which may be in the form given in Schdule "C" of this Act, or otherwise, as the Board of Treasurer to give security.

Directors, or other managing officers may deem necessary, for the faithful performance of his duties, and especially for the duly accounting for and paying over of all moneys that may come into his hands.

Board to see that security given.

(2) It shall be the duty of every such board in each and every year to enquire into the sufficiency of the security given by such treasurer and report thereon; and where the same treasurer for any society is reappointed from year to year his reappointment shall not be considered as a new term of office, but as a continuance of the former appointment, and any such bond or security given to the society for the faithful performance of his duties under such reappointment shall continue valid as against the parties thereto.

Personal responsibility of officers.

(3) When the officers of a society neglect to obtain proper security they shall become personally responsible for all funds of the society in the hands of the treasurer.

Municipal grants in aid of society.

30. The municipal council of any city, town or village, county or township of this Province, may grant or loan money in aid of any horticultural society formed within the limits of the municipality, when such society has made the returns required by this Act to be made to the Minister.

31. All sections of *The Agriculture and Arts Act* referring to Horticultural Societies are hereby repealed. 25

32. This Act shall come into force on the first day of February one thousand nine hundred and seven.

SCHEDULE "A."

(Section 7).

DECLARATION OF ASSOCIATION.

We, whose names are subscribed hereto, agree to form ourselves into a society, under the provisions of *The Horticultural Societies Act*, to be called the horticultural society of (*naming the point that will be the headquarters of the society*); and we hereby severally agree to pay to the treasurer the sums opposite our respective names; and we further agree to conform to the by-laws and rules of the said society:

Names.

\$ cts.

SCHEDULE "B."

(Section 17).

AFFIDAVIT AS TO THE RECEIPTS AND EXPENDITURES OF THE (insert name of society) HORTICULTURAL SOCIETY.

County of _____
To wit:

I, A. B., of the (village town or city) of _____ treasurer of the _____ Horticultural Society, make oath and say, that the total cash receipts of the society for the year ending _____ were \$ _____, including \$ _____ paid in by members for their annual membership dues, and that the total expenditures of the society for "horticultural purposes" as defined in the *Horticultural Societies Act*, and as set forth in the returns of the society for the year, as made by the officers to the Department, were \$ _____.

That the number of the members of the said society is _____
Sworn before me

this _____ day of _____ A. D. 19 _____
(Signature) _____
Justice of the Peace for the _____
County of _____

SCHEDULE "C."

(Section 7).

We, whose names are subscribed hereto, agree to form ourselves into a society, under the provisions of *The Horticultural Societies Act*, to be called The (insert the name of the city, town or incorporated village in which the society is to be organized) Horticultural Society; and we hereby severally agree to pay to the treasurer the sums opposite our respective names; and we further agree to conform to the by-laws and rules of the said society.

Names.	\$	cts.
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2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.
An Act respecting Horticultural Societies.

First Reading, 30th March, 1906.

Mr. MONTEITH.

TORONTO:
PRINTED BY I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting of Horticultural Societies.

HIS 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 Horticultural Societies Act*. Short title.

2. In the construction of this Act Interpretation.

(a) "Department" shall mean The Department of Agriculture. "Department."

(b) "Minister" shall mean the Minister of Agriculture for the Province of Ontario. "Minister."

(c) "Superintendent" shall mean the Superintendent of Horticultural Societies. "Superintendent."

(d) "Society" shall mean any Horticultural Society organized under this Act or under any former Agriculture and Arts Act. "Society."

3. All horticultural societies organized under *The Agriculture and Arts Act* shall be continued, except in so far as they may be affected by this Act. "Societies continued."

4. The Minister may decide all matters of doubt or dispute as to the working or construction of this Act, and his decision shall be final except that an appeal therefrom may be made to the Lieutenant-Governor-in-Council. Minister to decide disputes.

5. The Minister may appoint any person or persons to inspect the books and accounts of any society receiving Government aid, under or by virtue of this Act, and may empower such person or persons to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to such inspection; and all officials of any such society whenever required to do so Inspection of books and accounts.

shall submit the books and accounts thereof to such inspection, and shall truly, to the best of their knowledge, answer all questions put to them in relation thereto, or to the funds of such society.

HORTICULTURAL SOCIETIES.

- Organization. 6. A horticultural society may be hereafter organized in any city, town or incorporated village.
- Declaration of Membership. 7. The mode of organization shall be as follows:
- (a) A declaration, in the form of Schedule "A" to this Act, shall be signed by those persons (residents of the municipality in which the society is organized) desiring to organize a society under this Act. In the case of a city having a population of 30,000 or over the number of such persons shall be at least 125; in the case of a city with a population of less than 30,000 the number shall be at least 75. Societies organized in towns having a population of 2,000 or over, shall have at least 60 members, and in the case of an incorporated village the number shall be at least 50.
- Qualification of members. (b) No person shall be considered a member of any Horticultural Society for any year unless he shall have paid at least one dollar into the funds of that society as membership fee for that year.
- Firms and companies. (c) Subject to the by-laws of the society, a firm or an incorporated company may become a member of any society, organized under this Act, or any former *Agricultural and Arts Act*, by the payment of the regular fee, but the name of one person only, in any one year, shall be entered as the representative or agent of any firm or company, and that person only shall exercise the privileges of membership in the society or organization.
- Calling first meeting. (d) Within one month after the money has been so paid the said declaration, with the names and addresses of the signers of same, shall be transmitted to the Minister, who shall thereupon instruct the Superintendent to authorize a person to call the first meeting for the organization of the society.
- When meeting to be held. (e) The first meeting of the horticultural society shall be held during the second week in January next ensuing, of which meeting at least two weeks' public notice shall be given by advertising in one or more newspapers published in the district.

(f) At the said first meeting, and at any subsequent ^{Quorum.} meetings of any horticultural society, ten members shall constitute a quorum.

(g) At the said first meeting there shall be elected a presi- ^{Election of first officers.} dent, a first vice-president, a second vice-president, and not more than nine other directors, all of whom must be members of the society, in good standing, or who must become so within fourteen days after their election, who, together shall form the board of directors, a majority of which board shall reside in the municipality in which the society is organized. At the said first meeting the society shall appoint two auditors for the ensuing year.

(h) The board of directors, from among themselves or ^{Secretary-Treasurer.} otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure. The secretary or the secretary-treasurer, by virtue of his office, shall be a member of each committee appointed and *may be given* the power of managing director, acting under the control, and with the approval of the board of directors.

(i) A report of the organization meeting, certified by ^{Report of first meeting.} the president, a first vice-president, a second vice-president, the secretary and the convener, and containing a statement of the number of members and a list of the officers elected and appointed, shall be sent to the Department within one week after the holding of the meeting.

8. Upon the receipt of such report the society so organized shall be deemed a horticultural society, and each society so organized shall be entitled to participate in the legislative grant hereinafter provided, and to enjoy all the privileges granted by this Act. ^{Receipt of report to complete organization.}

9.—(1) The objects of horticultural societies shall be to ^{Objects of societies.} encourage improvement in horticulture.

(a) By holding meetings for discussion and for hearing lectures on subjects connected with the theory and practice of improved horticulture.

(b) By holding exhibitions and awarding premiums for the production of vegetables, plants, flowers, fruits, trees and shrubs.

(c) By the distribution of seeds, plants, bulbs, flowers, shrubs and trees in ways calculated to create an interest in horticulture.

- (d) By promoting the circulation of horticultural periodicals.
- (e) By encouraging the improvement of home and public grounds, by the planting of trees, shrubs and flowers, and by otherwise promoting outdoor art and public beauty.
- (f) By offering prizes for essays on questions relating to horticulture.
- (g) By *importing* and otherwise procuring and distributing seeds, plants, shrubs, and trees of new and of valuable kinds.

Expenditure on work.

(2) A society shall not expend more than one-third of its total receipts in any one of the lines of work mentioned. No society shall hold an exhibition, or offer premiums, in connection with the exhibition of any agricultural society or societies.

Funds not to be expended in.

(3) None of the funds of any such society, however derived, shall be expended for any purpose inconsistent with those mentioned. Societies violating any of the provisions of this and the preceding subsection shall forfeit all claim to the Government grant.

Annual meetings.

10.—(1) The annual meetings of societies shall be held during the third week in January of each year at such time and place, as the board of directors may determine. At any such meeting those members only who have paid their subscriptions for the ensuing year shall be entitled to vote.

Notice of meetings.

(2) At least two weeks' previous notice of any such meeting shall be given by advertisement in one or more newspapers published in the municipality, and also, by printed placards or bills posted in places of common resort, or by sending the same by registered letter mailed to the last known post office address of each member of the society in good standing; such notices to be mailed at least one week previous, and to state time and place of meeting.

Failure to hold meeting at regular time.

(3) In case any society shall, through any cause, fail to hold its annual meeting during the third week in January, the Minister, on petition of twenty members, may appoint a time for holding the same before the first day of April in the same year, the meeting to be called as for the regular annual meeting, and this meeting in all particulars shall be taken as the annual meeting of the society.

Dis-solution of society, if meeting not held.

(4) In the event of the annual meeting not being held as provided for in this Act, or in the event of the number of the members on the first day of May in any year being less than the number required for organization, the society shall not be entitled to receive any further financial aid from the Legislature of the Province, and shall be deemed to

have been dissolved, but the directors elected at the last properly constituted meeting of the society, prior to the said first day of May, shall be trustees of the assets of the society until the same are disposed of by order of the Minister.

(5) Upon being notified or becoming aware of the dissolution of any society under the provisions of the preceding subsection, the Superintendent may order the directors to deliver over to the Department the assets, if any remaining after all just debts have been paid.

Delivery over of assets to department on dissolution.

11.—(a) The board of directors shall present at such meeting a report of their proceedings for the past calendar year, in which shall be stated the names of all the members of the society, the amount of money expended in each of the lines of work open to horticultural societies, as outlined in section 9 of this Act. When an exhibition or exhibitions have been held and premiums awarded the report shall show the total amount offered in prizes at each, the amount paid in prizes, and the number of entries.

Annual report.

(b) The board of directors shall present a detailed statement of the receipts and expenditures for the preceding year, also a statement of the assets and liabilities of the society, at the end of the year, certified to by the auditors.

Detailed statement of accounts.

(c) The officers and other directors specified in clause (f) of section 7, and to be qualified as therein provided, shall be elected by the members, and auditors shall be appointed for the ensuing year.

Election of officers.

12. The said reports shall, if approved by the meeting, be placed on permanent record in the books of the society, and shall be sent within one month to the Department, and the Minister may require all such reports to be made out on schedules to be supplied by the Department in such form as he may direct. Failure on the part of the society to comply with these requirements shall be sufficient to forfeit all claim to participation in the legislative grant.

Reports to be placed on record.

13. The members of each society may, at any annual meeting, or at a special meeting, of which two weeks' previous notice has been given in the manner required by subsection 2 of section 10, make, alter and repeal by-laws and regulations for the general management of the society; subject to these by-laws and regulations, the board of directors shall have power to act for and in behalf of the society, and all grants and other funds of the society shall be received and expended under their direction.

By-laws.

Meetings of
Directors.

14. The first meeting of the board of directors of a society may be held on the day of the annual meeting, and the subsequent meetings may be held pursuant to adjournment, or be called by written notice given by authority of the president, or in his absence of the first vice-president, or in the absence or neglect of the president, or vice-president, then on the written notice of three of the directors, at least one week before the day appointed, and at any meeting five shall be a quorum.

Dissolution of
Union societies.

15. Where two or more municipalities have been united under the provisions of any former Act, to form a horticultural society, a dissolution of such union society may be effected in the following manner: A petition requesting the dissolution and the organization of new societies shall be signed by a majority of the members residing in any one of the municipalities, and shall be forwarded to the Minister, and if the number so signing is equal to the number required for the organization of a new society as in section 7, the Minister shall direct that new societies shall be organized in the manner prescribed in section 7, and the former union society shall thereupon become dissolved and shall cease to exist.

Distribution of
assets on
dissolution.

16. On the dissolution of a union society the assets of the said society shall be equitably apportioned or divided by arbitrators, or a majority of them, one to be appointed by the board of directors of each of the new societies, and another arbitrator to be chosen by the arbitrators so appointed, or, in the event of the said arbitrators failing to choose such arbitrator within ten days after being appointed, then the senior county judge or the stipendiary magistrate having jurisdiction in the district shall appoint such arbitrator. In case of disagreement the matter shall be referred to the senior judge of the county or the stipendiary magistrate for final decision.

Annual state-
ments to be
furnished to
department.

17.—(a) On or before the first day of May, of each year, the officers of every society shall send to the Department an affidavit, that may be sworn to before any justice of the peace, in the form of Schedule "B" annexed to this Act, stating, on forms to be provided by the Department, the exact financial transactions of the society during the previous year. This statement shall set forth plainly the number of members in good standing that belong to the society, the amounts paid in prizes for horticultural productions, and the amounts expended for each of the purposes defined in section 9 of this Act. This statement also shall set forth the amounts expended for officers' salaries and expenses and for the defray-

ment of all other expenses legitimately incurred by the society in its work. Such moneys shall be considered as having been expended for horticultural purposes.

- (b) Should it be found, within one year after the receipt by the Department of a society's annual statement, that an officer or officers of the society had wilfully made false returns with an intention to deceive, such officer or officers shall be liable upon summary conviction before a justice of the peace, to a fine not exceeding \$100 or less than \$20, or imprisonment in the common gaol of the county for a period not exceeding six months or less than two weeks.

Penalty for making false returns.

18. Every horticultural society organized under or recognized by this Act shall be entitled to receive a grant out of the unappropriated moneys in the hands of the treasurer of the Province, the grant to be paid on the recommendation of the Superintendent, and on the following conditions:

Grant out of Provincial funds.

- (a) That the number of paid-up members for the current year is not less than the number required for organization.
- (b) That all reports and returns required by this Act have been made to the satisfaction of the Superintendent.
- (c) That the annual meeting has been held as required, and officers elected, in accordance with section 11.
- (d) That the objects of the said society, as given in section 9, have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with these objects.

19. An amount not exceeding \$8,000 shall be subject to division among the Horticultural Societies of the Province as follows:

Provincial fund in aid of societies.

- (a) \$2,400 shall be subject to division among all the societies in proportion to the total number of members of each society in any preceding year.
- (b) \$4,800 shall be subject to division among all the societies in proportion to the total amount expended by each society during the preceding year for horticultural purposes, as shown by their sworn statement provided for in section 17.

(c) In addition to the above, \$800 shall be subject to division among the Horticultural Societies in cities having a population of 30,000 or over, in proportion to the number of members in the current year, as shown by sworn statement provided for in section 17.

Exhibitions. 20. The exhibitions of any society shall be held within the limits of the municipality in which the society is organized, and shall be held at such place as shall afford sufficient accommodation for such exhibitions.

Fraud in obtaining prizes. 21. The board of directors of any society organized under this Act, on being made aware of any fraud having been committed by any member or exhibitor in the entry of any horticultural product in competition for prizes at any exhibition, shall have the power of withholding the payment of any prizes that may have been awarded by the judges to any members or exhibitors on such fraudulent, or any other entries made at any such exhibition.

Appointment of constables. 22. Any justice of the peace having jurisdiction in any city, town or village, wherein an exhibition is held, shall on request of the president or executive committee of any horticultural society, appoint as many policemen or constables as may be required at the expense of the said society, whose duty it shall be to protect the property of such society, and to eject all persons who may be improperly within the grounds, or on the premises, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such society.

Interference with officers. 23. If any person wilfully hinders or obstructs the officers or servants of any horticultural society in the execution of their duty, or gains admittance to the exhibitions of such society contrary to the rules of such society, he shall be liable to a fine of not less than \$1 and not more than \$20, such fine to be enforced and collected as fines are usually collected, and to be paid over to such society for its use and benefit; and in default of payment the said offender shall be imprisoned in the common gaol for a period of not more than 30 days.

Right to vote at meeting. 24. All persons, not under eighteen years of age, who have paid the membership subscription for the year then ensuing to any society to which this Act applies, shall have the right of voting at the election of officers; and on all other questions submitted to the annual meetings of such societies.

25. No membership subscription for the ensuing year paid at the annual meeting after the president or presiding officer has declared the poll open for the election of officers, shall entitle any person to vote for such officers. Subscriptions paid after poll opens.

26. Except as otherwise provided, a vacancy occurring by the death or resignation of any officer of a horticultural society organized under this Act may be filled by the remaining officers thereof; and it shall be the duty of such officers, and they are hereby empowered to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if for any reason a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in the next section. Vacancies in office.

27.—(1) In the event of an election of any officers of a society not being held at the time or place herein directed, or being for any reason illegal or void, then the persons in office at the time when such officials should have been elected shall continue to be, and shall be deemed to be, the officers of such society, until their successors are legally appointed. Illegal election.

(2) In the event of any such nonelection, or illegal election, a special meeting of the members of such society shall be called, as soon as practicable for the election of such officers, such meeting to be called (in the manner provided in subsection 2 of section 10) by the president, or in his absence or on his neglect by the vice-president, or in the absence or on the neglect of the president and vice-president, then by three members of the society, and at such meeting the election of officers shall take place and the persons elected shall henceforth, until their successors are appointed, be and *be deemed* to be the officers of such society. Special meeting for election.

28. A special meeting of the directors of any society organized under this Act may be called by the president thereof, or in his absence or in his neglect by the vice-president, or in the absence or on the neglect of the president or vice-president, then by any three members of such body, of which meeting at least seven days' notice shall be given to each member; and, except as otherwise provided for, a majority of the directors of any such body shall be a quorum. Special meeting of directors.

29.—(1) The treasurer of every society organized under this Act before entering upon the duties of his office, shall give such security either by joint or several covenant with one or more sureties which may be in the form given in Schedule "C" of this Act, or otherwise, as the Board of Treasurer to give security.

Directors, or other managing officers may deem necessary, for the faithful performance of his duties, and especially for the duly accounting for and paying over of all moneys that may come into his hands.

Board to see that security given.

(2) It shall be the duty of every such board in each and every year to enquire into the sufficiency of the security given by such treasurer and report thereon; and where the same treasurer for any society is reappointed from year to year his reappointment shall not be considered as a new term of office, but as a continuance of the former appointment, and any such bond or security given to the society for the faithful performance of his duties under such reappointment shall continue valid as against the parties thereto.

Personal responsibility of officers.

(3) When the officers of a society neglect to obtain proper security they shall become personally responsible for all funds of the society in the hands of the treasurer.

Municipal grants in aid of society.

30. The municipal council of any city, town or village, county or township of this Province, may grant or loan money in aid of any horticultural society formed within the limits of the municipality, when such society has made the returns required by this Act to be made to the Minister.

31. All sections of *The Agriculture and Arts Act* referring to Horticultural Societies are hereby repealed.

32. This Act shall come into force on the first day of February one thousand nine hundred and seven.

SCHEDULE "A."

(Section 7).

DECLARATION OF ASSOCIATION.

We, whose names are subscribed hereto, agree to form ourselves into a society, under the provisions of *The Horticultural Societies Act*, to be called the horticultural society of (*naming the point that will be the headquarters of the society*); and we hereby severally agree to pay to the treasurer the sums opposite our respective names; and we further agree to conform to the by-laws and rules of the said society:

Names.

\$

cts.

SCHEDULE "B."

(Section 17).

AFFIDAVIT AS TO THE RECEIPTS AND EXPENDITURES OF THE (*insert name of society*) HORTICULTURAL SOCIETY.County of _____
To wit:

I, A. B., of the (*village town or city*) of _____ treasurer of the _____ Horticultural Society, make oath and say, that the total cash receipts of the society for the year ending _____ were \$ _____, including \$ _____ paid in by members for their annual membership dues, and that the total expenditures of the society for "horticultural purposes" as defined in the *Horticultural Societies Act*, and as set forth in the returns of the society for the year, as made by the officers to the Department, were \$ _____.

That the number of the members of the said society is _____.

Sworn before me

-this

day of

A. D. 19 _____

(Signature)

Justice of the Peace for the

County of _____

or Commissioner in H.C.J.

SCHEDULE "C."

(Section 7).

We, whose names are subscribed hereto, agree to form ourselves into a society, under the provisions of *The Horticultural Societies Act*, to be called The (*insert the name of the city, town or incorporated village in which the society is to be organized*) Horticultural Society; and we hereby severally agree to pay to the treasurer the sums opposite our respective names; and we further agree to conform to the by-laws and rules of the said society.

Names.

\$

cts.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Horticultural Societies.

First Reading, 30th March, 1906.
Second Reading, 12th April, 1906.

*(Re-printed as amended in Committee of
the Whole House.)*

Mr. MONTEITH.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting Agricultural Associations.

HIS 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 Agricultural Associations Act*. Short title.

2. The word "Association" in this Act shall mean any one of the organizations referred to in Section 3. "Association."

The word "Minister" in this Act shall mean the Minister of Agriculture. "Minister."

3. The following Associations, Societies and Organizations shall be or continue to be bodies corporate under the provisions of this Act:— Certain bodies declared to be corporations.

The Fruit Growers' Association of Ontario.

The Entomological Society of Ontario.

15 The Dairymen's Association of Eastern Ontario.

The Dairymen's Association of Western Ontario.

The Western Ontario Poultry Association.

The Eastern Ontario Poultry Association.

The Ontario Bee-keepers' Association.

20 The Ontario Agricultural and Experimental Union.

The Dominion Sheep Breeders' Association.

The Dominion Swine Breeders' Association.

The Dominion Catt'le Breeders' Association.

The Canadian Horsemen's Association.

25 The Ontario Horse Breeders' Association.

The Ontario Vegetable Growers' Association.

58 V., c. 11, s. 30; 59 V., c. 14, s. 9; 60 V., c. 11, s. 3; 63 V., c. 17, s. 6.

(a) The name of the Canadian Horse Breeders' Association, incorporated under *The Agriculture and Arts Act*, is hereby changed to that of The Canadian Horsemen's Association.

Membership.

4. The membership of each Association shall consist of annual subscribers, and the membership fee shall be decided by by-law.

Constitution and by-laws.

5. Each of such Associations shall have a constitution and by-laws under which the Association shall be conducted, and the constitution and by-laws must be approved by the Minister, and any change, alteration or repeal of the same must be submitted to and approved by the Minister before it shall have force or effect.

Annual meeting.

6. Each Association shall hold an annual meeting at such time and place as may be determined by by-law.

Election of directors.

7. Each Association at its annual meeting shall elect a Board of Directors, the number of directors, their representation of certain districts or classes of members, and their mode of selection being determined by by-law.

Director need not be member of association.

8. The members may elect as director a person not a member of the Association, but the person so elected, must, within ten days, become a member, and he shall be entitled to act as director only after he has become a member of the Association.

Statements at annual meeting.

9. At each annual meeting the retiring officers shall present a full report of their proceedings, and of the proceedings of the Associations, and a detailed statement of the receipts and expenditure for the previous year, and of the assets and liabilities, duly audited; a copy of the said report, a statement of the receipts and expenditure, a statement of the assets and liabilities, a list of the members and a list of the officers elected, and also such general information on matters of special interest to each Association that such Association has been able to obtain, shall be sent to the Minister within forty days after the holding of such annual meeting. 58 V., c. 11, s. 33,

President and vice-president.

10. The directors shall, from among themselves, elect a President and one or more Vice-Presidents.

The directors shall, from among themselves or otherwise, elect a Secretary and a Treasurer, or a Secretary-Treasurer.

Powers of officers.

11. The directors shall have full power to act for and on behalf of the Association, and all grants of money and other funds of the Association shall be received and expended under their direction, subject, nevertheless, to the by-laws and regulations of the Association. 58 V., c. 11, s. 32 (2).

AUDIT OF ACCOUNTS.

12. The Minister may appoint a person who shall audit the ^{Auditing of} accounts of any of the Associations to which this Act applies, ^{accounts.} and such auditor shall present a report of the result of his 5 audit to the officers of the Association and also to the Minister.

GENERAL PROVISIONS AS TO ELECTIONS.

13. All persons not under eighteen years of age who have ^{Right of} paid the membership subscription for the year then next ^{voting.} ensuing to any Association to which this Act applies, shall have the right of voting at the election of directors, and on all other questions submitted to the annual meetings of such Associations. 58 V., c. 11, s. 36.

14. (a) The members of any Association may by by-law provide that only those members who have paid their subscriptions at least one week in advance of the annual meeting shall be qualified to vote at the annual meeting for the election of directors.

15. 14. Except as otherwise provided, a vacancy occurring by the ^{Vacancies in} death or resignation, or failure to qualify as member, of any ^{offices.} officer or director may be filled by the remaining officers thereof; and it shall be the duty of such officers, and they are hereby empowered, to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person 25 so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if, for any reason, a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in the next section. 58 V., c. 11, s. 38.

30 15.—(1) In the event of an election of any directors of any Association being held at the time or place directed by by- ^{Directors to} law or being for any reason illegal and void, then the persons ^{continue until} in office at the time when such officers or directors should ^{successors} have been elected shall continue to be, and shall be deemed to ^{lawfully} be, the officers of such Association until their successors are ^{elected.} legally appointed.

40 (2) In the event of any such non-election or illegal election, a special meeting of the members of such Association shall be called as soon as practicable for the election of such directors; 40 such meeting to be called (in the manner provided in subsection 2 of section 10) by the president, or, in his absence or on his neglect, by the vice-president, or in the absence or on the neglect of the president and vice-president, then by any three members of the Association; and at such meeting the 45 election of officers shall take place, and the persons elected

shall thenceforth, until their successors are appointed, be and be deemed to be the officers of such Association. 58 V., c. 11, s. 39.

MEETINGS OF DIRECTORS.

Special meeting of directors.

16. A special meeting of the directors of any Association organized under this Act may be called by the president thereof, or, in his absence or on his neglect, by the vice-president, or, in the absence or on the neglect of the president or vice-president, then by any three members of such body, of which meeting at least seven days' notice shall be given to each member; and, except as otherwise provided for, a majority of the directors of any such body shall be a quorum. 58 V., c. 11, s. 40.

SECURITY BY TREASURER.

Security to be given by treasurer.

17.—(1) The Treasurer of every Association organized under this Act before entering upon the duties of his office shall give such security, either by joint or several covenant with one or more sureties, which may be in the form given in Schedule E, to this Act or otherwise, as the board of directors or other managing officers may deem necessary, for the faithful performance of his duties, and especially for the duty accounting for and paying over all moneys which may come into his hands.

Duty of board as to security.

(2) It shall be the duty of every such board in each and every year to inquire into the sufficiency of the security given by such treasurer and report thereon; and where the same treasurer for any society is re-appointed from year to year his re-appointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any bond or security given to the society for the faithful performance of his duties under such re-appointment shall continue valid as against the parties thereto. 58 V., c. 11, s. 41.

Legislative grant.

18. Each of the said Associations shall be entitled to receive from unappropriated moneys in the hand of the Treasurer of the Province a specified sum to be placed in the estimates and voted by the Legislature for each year on the following conditions:

(a) That the number of *bona fide* members is at least fifty.

(b) That the secretary of each of the said Associations shall, on or before the 1st day of September in each year, transmit to the Minister an affidavit, which may be sworn to before any Justice of the Peace, stating the number of members who have paid their subscriptions for the current year, and the total amount of such subscriptions.

(c) That the general provisions of this Act applying to such Associations have been complied with.

(d) That none of the funds of the Association, from whatever source derived, have been expended in a manner inconsistent with the purposes of organization of the said Association.

19. If an Association ceases for twelve consecutive months to do business as required by this Act and by its constitution, by-laws and rules, or if the Minister if satisfied, after an enquiry at which the Association was given due notice to appear, that the business of the Association is not being properly conducted, the Minister may declare the corporate powers of the Association forfeited

Forfeiture of powers for non-uscr.

WINTER FAIRS.

20. The Ontario Provincial Winter Fair and the Eastern Ontario Live Stock and Poultry Show shall be corporate bodies under this Act, and the Lieutenant-Governor in Council may provide that the sections of this Act as far as practicable shall apply to these bodies, and may prescribe such Constitution, rules and regulations as are deemed necessary.

Winter fairs incorporated.

INCORPORATION OF OTHER ASSOCIATIONS.

21. Upon the petition of any Association not subject to the provision of this Act, but formed for the purpose of advancing the interests of any branch of Agriculture, being presented to the Lieutenant-Governor in Council, the Lieutenant-Governor may, by Order-in-Council declare that the sections of this Act shall apply to the Association or Society so petitioning, and thereafter the said sections shall apply to such Association or Society in the same manner and to the same extent as if it had been incorporated under this Act, and every such Order-in-Council shall be published in "The Ontario Gazette" for two weeks following the date of the passing of such Order in-Council.

Admission of other societies.

ADVISORY BOARD.

22.—(a) An Advisory Board for Live Stock may be formed to advise the Minister regarding matters of interest to the live stock industry. The Lieutenant-Governor may by Order-in-Council direct how the Board shall be constituted and may prescribe the duties and powers of the Board.

Advisory board for live stock.

(b) Members of the Advisory Board shall receive an allowance for time attending meetings of the Board, or a Committee of the Board; also the necessary travelling expenses in attending such meetings.

Allowance for expenses.

FARMERS' AND WOMEN'S INSTITUTES.

Farmers' and
Women's
Institutes.

23--(a) The formation of Farmers' Institutes and of Women's Institutes for the purpose of disseminating information in regard to agriculture, and of improving domestic life shall be permitted under this Act. 5

(b) The Lieutenant-Governor in Council may, upon recommendation of the Minister, make rules and regulations providing for the number and location of the Farmers' Institutes and Women's Institutes, for the general guidance and direction of the same, and fixing the grants and conditions upon 10 which the grants are to be paid.

Repeal of
inconsistent
enactments.

24. All the sections of *The Agriculture and Arts Act* having reference to the Associations mentioned in section 3 of this Act and also to Farmers' Institutes are hereby repealed.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Agricultural Associations.

First Reading, 30th March, 1906.

MR. MONTEITH.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting Telephone Companies Operating
in Ontario.

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

1. Every person, association or company operating a tele-
5 phone line within the Province shall have the right to connect
his, their or its line or lines of telephone with the line
or lines of telephone of any other person, association or
company operating a telephone line within the Province
subject as hereinafter provided. Right to connect lines.

10 2. Such person, association, or company shall receive
telephone messages from any such connecting line or lines
of telephone within the Province and transmit same over
the line of such person, association or company to any other
point within the Province in the same manner in all respects
15 and with the same rights and liabilities connected there-
with as if any such message had been received for trans-
mission by such person, association or company in the usual
course of its business and upon such terms as to compensa-
tion, rents or rates and subject to such conditions and regu-
20 lations as may be imposed or authorized in that behalf, as
provided in section 3. Interchange of messages.

3. The rents to be paid to and the rates to be charged by
any person, association or company for the use of its tele-
phones, lines and appliances either in cases of connecting
25 lines or in the ordinary course of business within the Pro-
vince for the transmission of messages within the Province,
and the terms, conditions and regulations relating to such
user, shall be fixed and determined by the Lieutenant-Gov-
ernor in Council from time to time and as often as may be
30 deemed necessary, provided always that no term, condition
or regulation shall be so fixed that would limit the rights
Rates and rents.

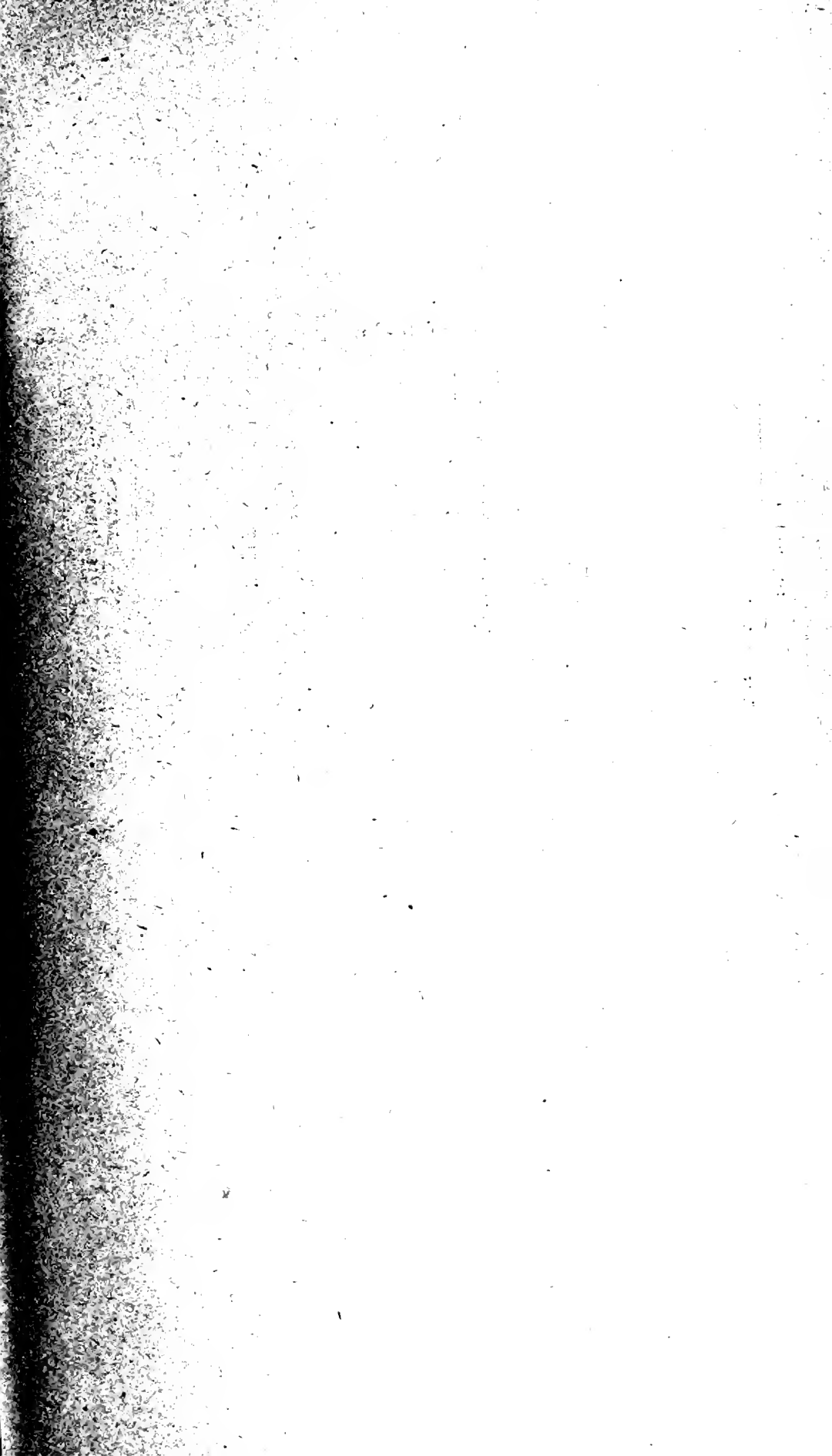
of any company created by the Dominion Parliament to carry on in Ontario all such parts of its business and to exercise in Ontario all such parts of its powers as by the Act or charter of incorporation it may be authorized to carry on and exercise therein. 5

Application
of Act.

4. This Act is intended to apply to and regulate the business of persons, associations and companies operating a telephone line within the Province only in so far as the said business takes place wholly within the Province, and it is not intended nor shall it affect such business carried on 10 between the Province and another Province or a foreign country and the Provisions of this Act shall be construed accordingly.

Penalty.

5. Any person, association or company and any officers, agents or employees violating any of the provisions of this 15 Act or any of the provisions made in pursuance of the powers in that behalf vested in the Lieutenant-Governor in Council, shall be liable to a penalty of one hundred dollars for each and every such offence and for each and every day such offence continues or is repeated, which penalty may 20 be recovered with costs in a summary way before any justice of the peace upon the complaint of any person aggrieved or inconvenienced by such violation as aforesaid.



No. 204.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.
An Act respecting Telephone Companies
Operating in Ontario.

First Reading, 30th March, 1906.

MR. LUCAS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 205.]

BILL.

[1906.

An Act to amend the Ontario Mining Companies
Incorporation Act.

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

1. *The Ontario Mining Companies Incorporation Act* is
5 amended by adding thereto the following section: .

6a. The preceding two sections of this Act shall not apply
to any company incorporated after the — day of April,
1906.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Ontario Mining
Companies Incorporation Act.

First Reading, 30th March, 1906.

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting Colonization Roads.

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

1. No grant shall hereafter be made out of the funds of the Province for the purpose of constructing or improving roads in any county, save as hereinafter provided, and save as provided by *The Act for the Improvement of Public Highways* and the amendments thereto. Road grants may be made under this Act and 1 Edward VII, Chap. 32.
2. The council of any municipality comprising one or more townships or a portion of a township or portions of one or more townships in any provisional judicial district or in the provisional County of Haliburton, and the council of any township or union of townships which contains a population of not more than one person for every five hundred acres of the area thereof and in which no road or roads have been assumed in any county scheme of road improvement undertaken under *The Act for the Improvement of Public Highways* and the amendments thereto may prepare and approve a by-law or by-laws designating any highway or highways in the municipality as highways to be improved highways under this Act, stating the amount to be expended for each of such, but such by-law shall not be finally passed until the same has been submitted to the Minister of Public Works and approved of by him. Township by-law designating highways.
3. Upon the report and recommendation of the Minister of Public Works approving of such by-law, the Lieutenant-Governor in Council may direct that any sum being not less than one-third and not more than two-thirds of the estimated cost of the work may be paid to the municipality out of any appropriation made by the Legislative Assembly for that purpose. Amount of grant.

- Supervision and inspection. 4. Any work undertaken under section 2 of this Act shall be carried out under the supervision of an inspector or approved by the Minister of Public Works for that purpose, and shall conform to the prescribed regulations by the Public Works Department. 5
- Payment of grant. 5. Upon the completion of any work of road improvement in pursuance of a by-law approved by the Lieutenant-Governor in Council under this Act or at any time during the progress of such work, the council of the municipality undertaking such work may submit to the Department of Public Works a statement setting forth the cost of such work to date, together with the declaration of the treasurer of such municipality that such statement is correct and also the report of the inspector of the municipality that such work is in accordance with the regulations of the Public Works Department, and on receipt of such statement and certificate by the Provincial Treasurer, certified and approved by the proper officer of the Public Works Department, the Lieutenant-Governor in Council may direct the payment to such municipal corporation out of the funds appropriated for such purpose of a sum not less than one-third and not more than two-thirds of the amount of such cost. 10 15 20
- Grants in organized municipalities of provisional judicial districts. 6. Save as in this Act provided, no grant of public moneys shall hereafter be made for the construction, improvement or extension of colonization roads in any organized municipality in the said districts and provisional county. 25
- Unorganized townships having more than 75 resident freeholders. 7. No public money shall hereafter be granted for the construction, improvement or extension of any colonization roads in any unorganized township in this Province which contains more than 75 resident freeholders and tenants. 30
- Unsurveyed territory and townships with less than 75 resident freeholders. 8. Grants may be made of such sums as may be voted for that purpose from time to time by the Legislature for the construction, or repair or to aid in the construction or repair of such main or leading colonization roads as may be deemed necessary in any unsurveyed portions of the Province, and in any townships containing less than 75 resident freeholders and tenants as may be necessary to permit the occupation and settlement of the land for agricultural or mining purposes. 40
- Townships may contribute labor. 9. The proportion of the cost to be borne by any township or union of townships receiving aid under this Act may be paid in money or may with the approval of the Minister of Public Works, be contributed in labour or partly in money and partly in labour, estimated at the rate of one dollar and fifty cents for a day of ten hours of faithful work 45

by each man employed and four dollars a day of ten hours' faithful work for a man and team, but all such work shall be done under the control and to the satisfaction of the commissioner in charge of the work and shall be certified to by him.

10.—(1) The Lieutenant-Governor in Council may from time to time set apart as colonization districts such large areas of land as are found suitable for agricultural purposes in the unorganized districts and which it is deemed desirable to make available for immediate settlement, and may cause such leading colonization roads as may be deemed necessary to be set out, surveyed and constructed through such colonization districts. The work upon such roads shall as far as possible be let by public tender.

Colonization
road districts.

15 (2) The sum expended in any such colonization district under this section or such portion thereof as may be approved by the Lieutenant-Governor in Council shall constitute a charge upon the lands benefited by the work in proportion to such benefit as shall be determined by the Minister of Public Works, and shall be payable to the Province as part of the purchase price of such lands in such instalments and in accordance with such terms as the Lieutenant-Governor in Council may determine.

Expenditure to
be charged
against lands.

25 (3) The moneys required to meet any expenditure under this section shall be paid by the Provincial Treasurer to the persons entitled thereto upon the certificate of the Minister of Public Works out of such money as may be from time to time voted by the Legislature for that purpose.

Money to be
voted by
Legislature.

30 11. All petitions for work under this Act must be submitted to the Department of Public Works not later than the first day of September in any year in order to receive consideration at the following session of the Legislature.

Petitions not
later than
September 1st.

No. 206.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Colonization Roads.

First Reading: 3rd April, 1906.

MR. REAUME.

TORONTO:

PRINTED BY I. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend the Act to Regulate the Speed and Operation of Motor Vehicles on Highways.

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

1. Sections 2, 3, and 4 of the said Act as enacted by section 70 of *The Statute Law Amendment Act, 1904*, and amended by 5 Edward VII., Chapter 28, section 1, are hereby repealed and the following sections substituted therefor:—
2. The Provincial Secretary shall issue for each motor vehicle so registered a permit, properly numbered, stating that such motor vehicle is registered in accordance with this section and shall cause the name of such owner, with his address and the number of his permit, to be entered in a book to be kept for such purposes. Issue of permit. Provided that the Lieutenant-Governor in Council may make regulations regarding the registration and operation of motor vehicles owned by manufacturers or dealers and not kept by such manufacturers or dealers for private use or for hire. Proviso.
3. Such permit shall be issued from the office of the Provincial Secretary, and shall with every renewal thereof expire on the first day of July next after the same is issued and may be renewed from time to time and subject to the approval of the Provincial Secretary, may be transferred from one owner of any such motor vehicle to another. Prov. Sec'y to issue permit and renewal.
4. Every motor vehicle, while being driven upon the public streets, public roads, parks or other public highways of this Province shall carry so as to have exposed on the sides and rear of such motor vehicle the permit issued as aforesaid by the Provincial Secretary, and shall also have solidly attached so as to be exposed upon the sides and back of such motor vehicle, and securely nailed, screwed or bolted thereto, in conspicuous places, the number of such permit so that the same may be plainly discernible, and so
- Permit and number to be exposed on vehicles.

that the lower end thereof shall not be lower than the body of such motor vehicle. The said number shall be in figures not less than five inches in height and such figures shall be kept polished and free from dirt and obstructions of any kind so that the same may be at all times plainly visible. 5

3 Edw. VII.,
c. 27, s. 6,
repealed.

2. Section 6 of the said Act is repealed and the following substituted therefor:—

Speed of motor
vehicles.

6.—(1) No motor vehicle shall run upon any public highway within any city, town or incorporated village in the Province of Ontario at a greater rate of speed than ten miles an hour or upon any public highway outside of any city, town or incorporated village at a greater speed than fifteen miles per hour, and where any by-law is passed by the council of any county or union of counties as herein-15 after provided.

By-laws design-
ating roads to
be used.

(2) No motor vehicle shall be run on any public highway in such county or union of counties so passing such by-law save and except upon such highways or highway as shall be designated and defined in such by-law, and save and except in the case of any motor vehicle owned by any person living within such county or union of counties who shall have the right to run such motor vehicle over any highway to and from his residence to any highway designated and defined under such by-law, and then sub-25 ject only to all the provisions and restrictions in this Act contained.

(3) The council of any county or union of counties within the Province of Ontario may by by-law declare and define upon what roads or road within the limits of the county or union of counties motor vehicles may be run, and upon the passing of such by-law it shall be lawful for motor vehicles to run upon the roads so designated and defined within such county or union of counties, but no other roads within the limits thereof. Provided, that where adjacent counties each pass such by-laws as in this section referred to, they shall designate and define such roads within their limits that there shall be at all times a continuous road through such counties so defined and designated as being open to motor vehicles. 40

By-laws to be
filed with
Prov. Sec'y.

(4) The clerk of any county or union of counties so passing such by-laws shall forthwith after the passing thereof forward a copy of the same certified under his hand and the seal of the county to the Provincial Secretary.

Signs to be put
up on open
roads.

(5) Upon the passing of any such by-law the council shall without delay cause a sign to be placed at the commencement and termination of any such road or roads so designated and defined by the by-law as being open to travel by motor vehicles containing the words "open for motor vehicles," and in case any such road so declared and defined to be open for motor vehicles shall cross or enter any other 50

road likewise declared to be open in such by-law, the council shall likewise cause a similar sign to be placed at such crossing or convergence indicating that such other road is so open to motor vehicles.

- 5 (6) In case of any accident or injury occurring to any person upon any public street or highway by reason of coming in contact with any motor vehicle, or of any horse or other animal becoming frightened at any such motor vehicle, while on any public street or highway, and whether
 10 such accident or injury shall be caused by the neglect or improper conduct of the person in charge of such motor vehicle or not, the person in charge of such motor vehicle shall forthwith stop and give to the person injured, or whose property is injured, or to any one else demanding the
 15 same, his name, address and residence, and that of the owner of such motor vehicle, and the number of the permit attached to his motor vehicle, and upon his failure so to do or upon giving a wrong name or address shall forever forfeit his license to drive any motor vehicle within this Pro-
 20 vince, and the owner of such motor vehicle shall forfeit the permit granted to him under this Act, and no permit under this Act shall thereafter be granted to him or any member of his family residing with or any servant employed by him. But this section shall not interfere with any other liabilities or obligations the driver or owner of such vehicles may
 25 be subject to under this Act.

3. Section 8 of *The Act to Regulate the Speed and Operation of Motor Vehicles on Highways*, as amended by ^{5 Edw. VII., c. 27, s. 8,} amended.
 Edward VII., Chapter 28, section 3, is amended by striking
 30 out all the words therein, after the word "horses" in the seventh line thereof and substituting therefor the following words:—"And to insure the safety and protection of any person riding, the same shall not approach such vehicle or horse within one hundred yards or pass the same going
 35 in the same or in the opposite direction at a greater rate of speed than seven miles an hour, and shall when signalled by any such rider or driver, bring the said motor vehicle to a stop and shall not proceed further towards such animal unless such movement be necessary to avoid accident or injury,
 40 or until such animal is under control of its rider or driver, and such rider or driver by signal or otherwise directs the driver of such motor vehicle to proceed, and every person so having control of a motor vehicle shall when coming to any highway crossing the highway upon which he is trav-
 45 elling or when crossing any bridge or coming to any sudden curve in the highway, reduce his speed so as not to cross such intersecting highway or such bridge or round such sudden curve at a greater rate of speed than seven miles an hour.

- 50 4. Section 9 of Chapter 28 of 5 Edward VII., amending ^{5 Edw. VII., c. 28, s. 9,} repealed.
 the said Act, is repealed and the following substituted therefor:—"When any person is killed or injured or when

any property of any person is injured or damaged in any collision or accident arising out of or resulting from any motor vehicle running upon any public street, public park or highway within this Province, the person or persons in whom any right of action rests by reason of such killing, 5 injury or damage shall be entitled to recover any damages therefrom against the owner or driver of the motor vehicle in any court of competent jurisdiction, unless such owner or driver in the opinion of the court or jury trying the case establishes that such killing or injury occurred through 10 the default or neglect of the person killed or injured or in charge of the property injured or damaged.

Application of
fines received
by municipal-
ity.

5. Any municipality receiving any money for its share of fines imposed under this Act may expend the same upon the improvement of any roads declared by by-law under 15 this Act to be opened to travel for motor vehicles.

Application of
5 Edw. VII.,
c. 28, s. 8.

6. Section 8 of 5 Edward VII., Chapter 28, shall apply to all amendments made under this Act.

Chauffeur's
license.

7. No person shall operate a motor vehicle as a chauffeur upon any public street or public highway within this Pro- 20 vince, unless he shall have first obtained a license so to do as hereinafter provided.

Requirements
for obtaining
chauffeur's
license.

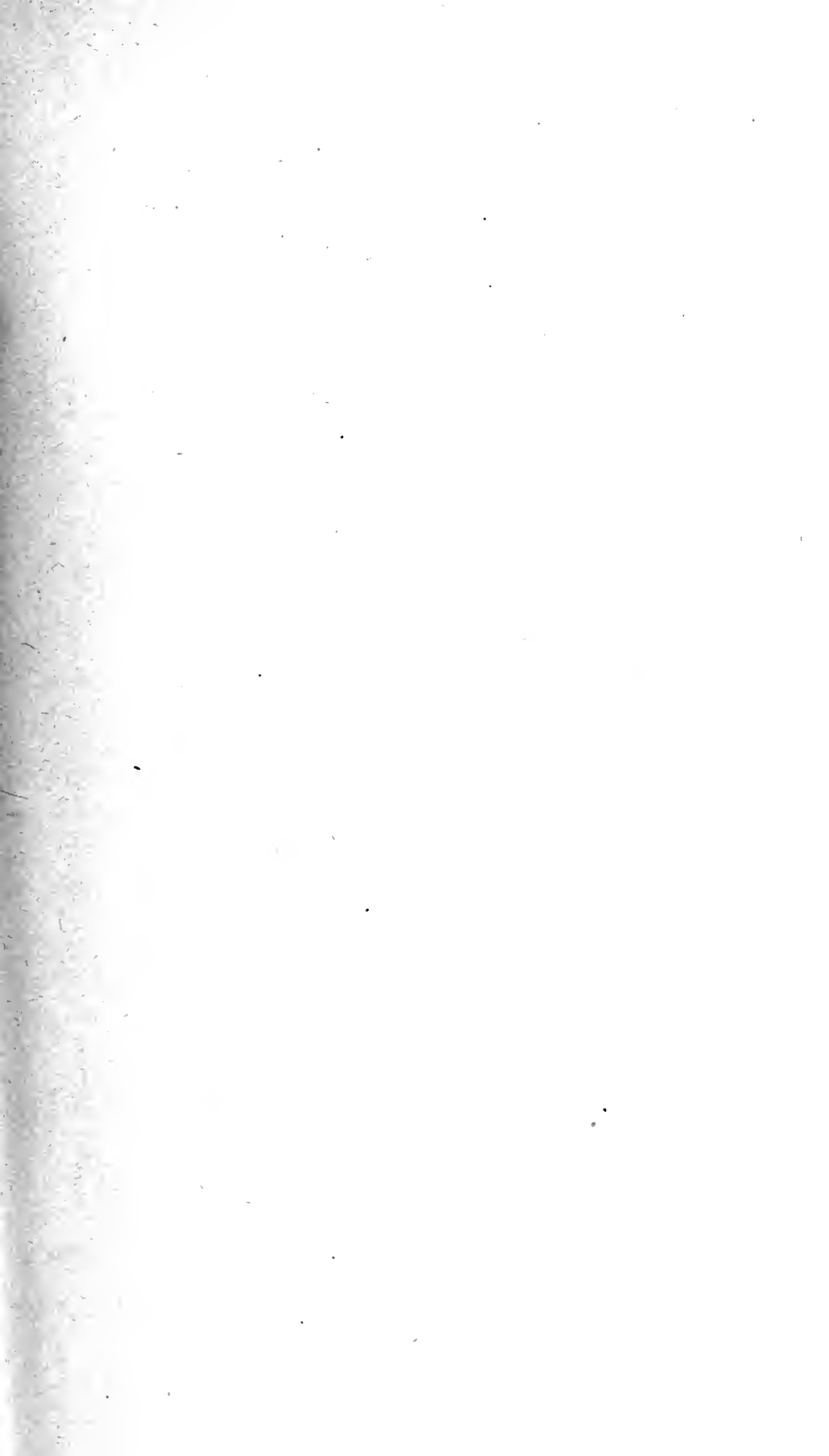
8. Every person desiring to obtain a chauffeur's license to operate any motor vehicle upon any public street or public highway within this Province, shall file with the De- 25 partment of the Provincial Secretary upon a blank to be furnished to him by the Department, a statement which shall include his name and address and the motive power of the motor vehicle which he claims to be able to operate, and such statement shall be filed in the Department of the 30 Provincial Secretary, and upon satisfactory proof being furnished to such Department that the applicant is a competent and proper person to receive a license, the Provincial Secretary shall issue to the applicant a chauffeur's license and shall deliver to him a metal badge of such size 35 and dimensions as he may select with the words "Registered Chauffeur No. —, Ontario," stamped or printed thereon, which badge shall at all times be worn by such chauffeur when operating a motor vehicle on the public highways under the penalties provided for a violation of 40 this Act.

Date of expiry
of license.

9. Every such license so issued shall expire on the first day of July next after the same is issued, but may be renewed from year to year.

Revocation of
license.

10. Any such license may be revoked at any time by the 45 Provincial Secretary for any violation of this Act, or for any other cause which the Provincial Secretary may deem sufficient.



No. 207

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act to Regulate the
Speed and Operation of Motor Vehicles
on Highways.

First Reading, 3rd April, 1906.

Mr. LENNOX.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Public Schools Act.

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

1. *The Public Schools Act* is amended by adding thereto the following section:—

65a.—(1) In any case where a petition is presented signed by a majority of the parents or guardians of children attending the public schools and where provision has been made by any dental hospital board for the care of the teeth of the children, of parents or guardians unable to pay for the same, without charge, the public school board of any city, town or incorporated village may pass a resolution requiring that every pupil attending the public schools of such city, town or village shall be required once every six months either to produce to the teacher of the school at which such pupil attends a certificate from a duly qualified dental surgeon stating that the teeth of such pupil are in a sound and healthy condition and do not require dental treatment, or submit to have his teeth examined by a dental inspector to be appointed as hereinafter provided.

Resolution of public school board requiring pupils to produce certificate of dental surgeon as to teeth.

(2) Every such school board may by resolution appoint a duly qualified dental surgeon to be dental school inspector for such city, town or incorporated village at such salary as such school board may see fit, and it shall be the duty of such inspector to visit the public schools of such city, town or incorporated village for which he is appointed every six months and to make an examination and inspection of the teeth of all public school pupils attending such public schools who shall not have produced the certificate in subsection 1 of this section provided for.

Appointment of dental school inspector.

(3) It shall be the duty of every teacher of a school so visited by such dental inspector to require every pupil so to be examined to submit to such examination and for such

Duty of teacher re examination of pupils.

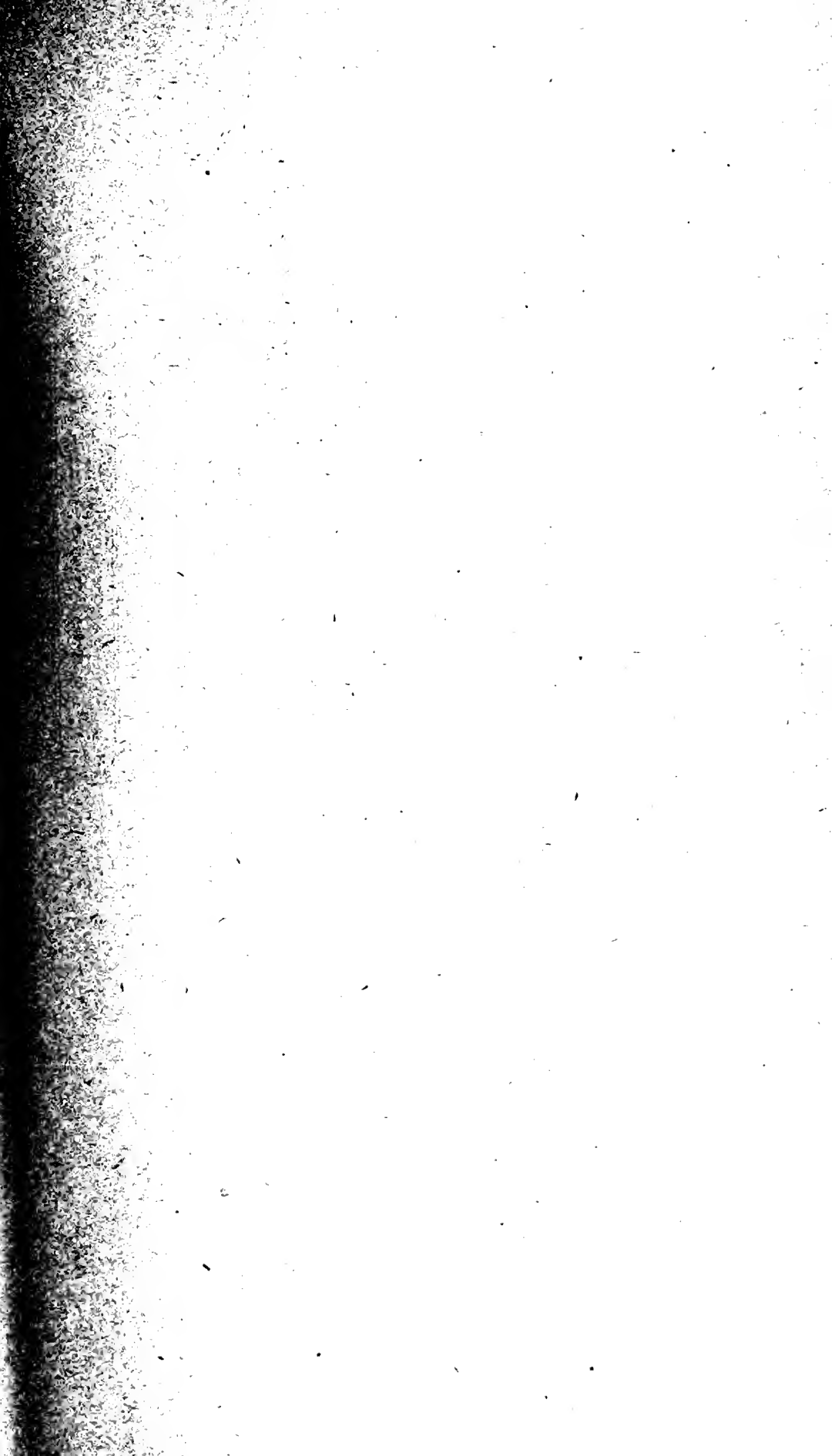
purpose shall direct that such pupil accompany such dental inspector to the hall of such school room or other convenient part thereof apart from the other pupils, there to be so examined by such dental inspector.

Report of dental inspector.

(4) Such inspector upon such examination being made shall forthwith report to such teacher in writing whether the teeth of such pupil are sound and healthy or whether they require treatment by a dental surgeon.

Duties of parents as to treatment of teeth of children.

(5) It shall be the duty of the parent or guardian of every pupil whose teeth are found to be in such condition as to injure the health of the pupil or other children attending the school to forthwith have the teeth of such pupil properly treated by a dental surgeon, and no such pupil shall be permitted to attend such school until he has produced a certificate to the teacher from a dental surgeon stating that the teeth of such pupil have been properly treated and cared for.



No. 208.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Public Schools Act.

First Reading, 3rd April, 1906.

Mr. CRAIG.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting Local Municipal Telephone Systems.

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

1. The word “subscribers,” when used in this Act, shall mean and include all persons who shall, from time to time, apply for the connection of their premises with a telephone system installed under this Act, and whose premises are so connected. “Subscribers” meaning of.

2. A petition may be presented to the council of any municipality praying for the establishment of a local telephone system for the convenience of the subscribers. Petition for system.

3. The petitioners in their original or in any supplementary petitions shall set forth such particulars as the council may require, including a statement showing the location of the proposed system and the manner in which it is proposed that such system shall be erected and maintained. Particulars to be stated in petition.

4. The council may by by-law provide at the expense of the subscribers, and subject to such conditions as may be set forth in such by-law for the establishment and maintenance of such system and the extension thereof from time to time, upon the application of such persons as may desire to become subscribers. By-law for establishing system.

5. Every telephone system erected and installed under the provisions of this Act, and all works and property required, erected or used in connection therewith, shall be vested in the municipal corporation undertaking the work in trust for the benefit of the subscribers. System to be vested in corporation in trust for subscribers.

6. All works done at any time under this Act shall be deemed to be works done by the municipal corporation, and Powers of corporation in installing system.

in carrying out the same, and in the management, maintenance, control and extension of any telephone system installed under this Act, the municipal corporation undertaking the same shall have and may exercise all or any of the powers conferred upon corporations of counties, cities and towns by sections 571, 572 and 573 of *The Consolidated Municipal Act, 1903*, and the said sections shall apply to any municipal corporation installing a telephone system under this Act. 5

Cost of construction and maintenance.

7. The cost of constructing, erecting, installing and maintaining any telephone system under this Act shall be defrayed by the subscribers thereto in such proportion as they may agree upon among themselves, or, in default of agreement, or to the extent of any default in payment of the amounts agreed upon, such cost shall be defrayed by special rate to be levied upon the subscribers, or such of them as may be in default, and any such rate may be collected by action as an ordinary debt against the persons liable therefor, or may be added to the collector's roll as taxes due from any person in default, and may be collected in the same manner as other taxes. 10 15 20

Works in another municipality.

8. The council of any municipality installing a telephone system under this Act may, with the consent of the council of any adjoining municipality, from time to time, extend such system into such adjoining municipality, and direct the poles and wires of such system along the highways thereon and upon or over private property, and may, from time to time, enter into agreements for the connection of such telephone system with any other telephone system owned or controlled by any individual or any company or a municipal corporation. 25 30

Connection with other systems.

Establishment of exchanges

9. Any municipal corporation may agree with any person for the establishment of the exchange or switchboard of a telephone system installed under this Act in any suitable building owned or occupied by such person, and for the operation of such exchange or switchboard by such person and may embody the terms of such agreement in the by-law establishing such telephone system. 35

Fixing Government standard for system.

10. The Ontario Railway and Municipal Board may, from time to time, fix the standard requirements of any telephone system to be installed under this Act, and the erection and construction of such system, and the instruments and appliances to be used in connection therewith, shall at all times conform to such requirements. 40

No. 209.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Local Municipal
Telephone Systems.

First Reading, 3rd April, 1906.

Mr. BECK.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

An Act respecting Local Municipal Telephone Systems.

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

1. The word “subscribers,” when used in this Act, shall mean and include all persons who shall, from time to time, apply for the connection of their premises with a telephone system installed under this Act, and whose premises are so connected. “Subscribers” meaning of.

2. A petition may be presented to the council of any municipality praying for the establishment of a local telephone system for the convenience of the subscribers. Petition for system.

3. The petitioners in their original or in any supplementary petitions shall set forth such particulars as the council may require, including a statement showing the location of the proposed system and the manner in which it is proposed that such system shall be erected and maintained. Particulars to be stated in petition.

4. The council may by by-law provide at the expense of the subscribers, and subject to such conditions as may be set forth in such by-law for the establishment and maintenance of such system and the extension thereof from time to time, upon the application of such persons as may desire to become subscribers. By-law for establishing system.

5. Every telephone system erected and installed under the provisions of this Act, and all works and property required, erected or used in connection therewith, shall be vested in the municipal corporation undertaking the work in trust for the benefit of the subscribers. System to be vested in corporation in trust for subscribers

6. All works done at any time under this Act shall be deemed to be works done by the municipal corporation, and Powers of corporation in installing sy

in carrying out the same, and in the management, maintenance, control and extension of any telephone system installed under this Act, the municipal corporation undertaking the same shall have and may exercise all or any of the powers conferred upon corporations of counties, cities and towns by sections 571, 572 and 573 of *The Consolidated Municipal Act, 1903*, and the said sections shall apply to any municipal corporation installing a telephone system under this Act.

Cost of construction and maintenance.

7. The cost of constructing, erecting, installing and maintaining any telephone system under this Act shall be defrayed by the subscribers thereto in such proportion as they may agree upon among themselves, or, in default of agreement, or to the extent of any default in payment of the amounts agreed upon, such cost shall be defrayed by special rate to be levied upon the subscribers, or such of them as may be in default, and any such rate may be collected by action as an ordinary debt against the persons liable therefor, or may be added to the collector's roll as taxes due from any person in default, and may be collected in the same manner as other taxes.

Works in another municipality.

8. The council of any municipality installing a telephone system under this Act may, with the consent of the council of any adjoining municipality, from time to time, extend such system into such adjoining municipality, and erect the poles and wires of such system along the highways thereof and upon or over private property, and may, from time to time, enter into agreements for the connection of such telephone system with any other telephone system owned or controlled by any individual or any company or a municipal corporation, or may, with the consent of the subscribers, acquire by purchase or otherwise upon such terms as may be agreed upon, any existing telephone system operating in the municipality or any portion of the plant and appliances thereof.

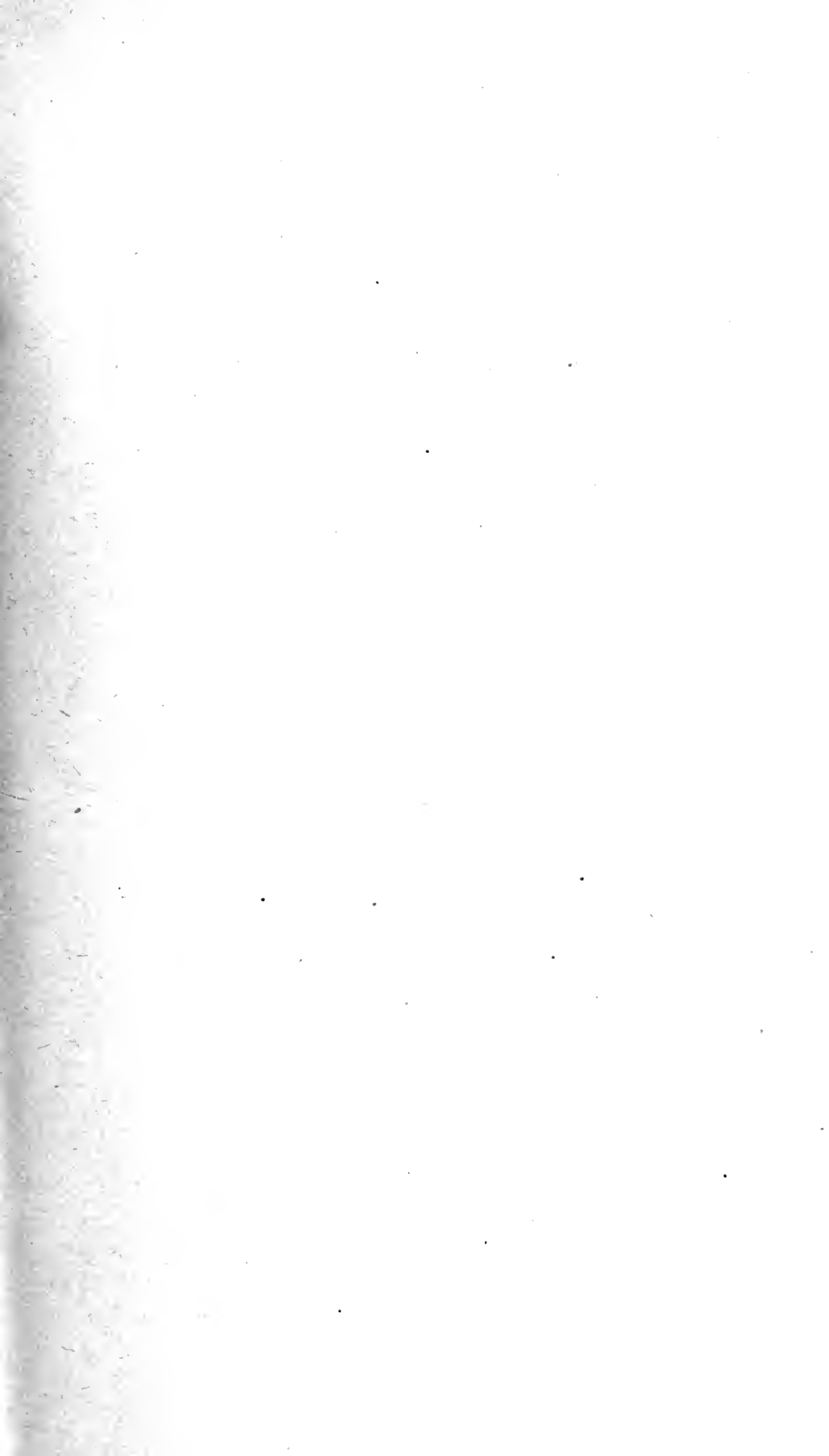
Connection with other systems.

Establishment of exchanges

9. Any municipal corporation may agree with any person for the establishment of the exchange or switchboard of a telephone system installed under this Act in any suitable building owned or occupied by such person, and for the operation of such exchange or switchboard by such person and may embody the terms of such agreement in the by-law establishing such telephone system.

Fixing Government standard for system.

10. The Ontario Railway and Municipal Board may, from time to time, fix the standard requirements of any telephone system to be installed under this Act, and the erection and construction of such system, and the instruments and appliances to be used in connection therewith, shall at all times conform to such requirements.



No. 209.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Local Municipal
Telephone Systems.

First Reading, 3rd April, 1906.
Second Reading, 12th April, 1906.

*(Reprinted as amended in Committee of
the Whole House.)*

Mr. BECK.

TORONTO:

PRINTED BY I. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act authorizing certain Payments under The
Public Libraries Act.

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

1. Where the Board of Management of any public
5 library purchased any books, periodicals or newspapers,
in the year 1903 prior to the twelfth day of
June, any moneys which would have become payable
to such Board of Management by reason of such
purchase under the authority of subsection 1 of sec-
10 tion 28 of *The Public Libraries Act*, if the Act passed in
the third year of His Majesty's reign, chapter 23, being
An Act to amend The Public Libraries Act, had not
been passed, and which, by reason of the provisions of the
last named Act, have not been paid to such Board of Man-
15 agement, may still be paid to such board.

Moneys pay-
able for books,
etc., purchased
by Public
Library Board
before 12th
June, 1903.

2. Provided, however, that any Board of Management
applying for such payment shall, within six months from
the date when this Act takes effect, deliver to the Minister
of Education a statement in writing giving full details of
20 such purchase of books and of the grounds upon which
such application for payment is made, and furnish to the
said Minister such evidence as shall satisfy the Minister
that such payment may be properly made.

Statement of
details of pur-
chase to be
given, etc.

3. This Act shall not be taken to authorize the payment
25 of any claims which are not made within the said period
of six months in the manner set forth in the preceding
subsection.

Claims to be
made within
6 months.

No. 210.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act authorizing certain Payments under
The Public Libraries Act.

First Reading, 6th April, 1906.

Mr. PYNE.

TORONTO:

Printed by L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Act respecting Institutions for the Education and Instruction of the Deaf and Dumb and the Blind.

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

1. Section 7 of the *Act respecting Institutions for the Education and Instruction of the Deaf and Dumb and the Blind*, being chapter 319 of the Revised Statutes of Ontario, is hereby repealed, and the following substituted therefor:

7. 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 Minister of Education, and upon the report of the Principal of such institution to the Minister of Education of the particulars and special circumstances which, in his opinion, justify such admission; and the maintenance and support of any person admitted to either of the said institutions shall be in the discretion of the Minister of Education. When such discretion has been exercised in favour of any person, the Principal of the institution, through which such maintenance and support are given, shall report every six months to the Minister of Education whether, in his opinion, a continuance of such maintenance and support is justifiable, giving the particulars and special circumstances upon which such opinion is founded. The Minister of Education may in any case annul any person's right of admission or of continuance in either of such institutions, and may annul or vary the terms of any person's continuance, support or maintenance therein.

Admission of persons to institution.
Maintenance.
Annulment of admission.

No. 211

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend the Act respecting Institutions for the Education and Instruction of the Deaf and Dumb and the Blind.

First Reading, 6th April, 1906.

Mr. PYNE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 212]

BILL.

[1906.

An Act to repeal The Manhood Suffrage Registration Acts.

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

1. Chapter 8 of the Revised Statutes of Ontario, 1897, Rev. Stat., Chap. 8, repealed.
5 intitled *The Manhood Suffrage Registration Act*, and all Acts and parts of Acts amending the same, are hereby repealed.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to repeal The Manhood Suffrage
Registration Acts.

First Reading, 6th April, 1906.

Mr. WITTENY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Ontario Election Act.

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

1. Subsection 4 of section 69 of *The Ontario Election Act* is amended by striking out all the words after the word
“used” in the third line of the said subsection.

Rev. Stat.
c. 9, s. 69,
subs. 4
amended.

Number on
counterfoil
and ballot.
Rev. Stat.
c. 9, s. 70,
subs. 3
repealed.

2. Sub-section 3 of section 70 of the said Act is repealed
and the following substituted therefor:

“(3) The tendered ballot papers and counterfoils attached
thereto, shall be bound or stitched in a manner similar to
that directed in the case of the other ballot papers and
counterfoils. The number of tendered ballot papers shall
not be less than ten per centum of the number of the ordi-
nary ballot papers.”

Tendered
ballot papers.

3. Section 100 of the said Act is hereby repealed.

Rev. Stat. c. 9,
s. 100 repealed.

4. Section 103 of the said Act is amended by striking out
the words “and the number on the back” in the thirteenth
line and the words “and the number on the back of the
paper” in the twenty-first line of the said section.

Rev. Stat. c. 9,
s. 103 amended.

5.—(1) Clause 1 of section 112 of the said Act is amended
by striking out the words “and taking all precautions not to
see or to permit “any person to see the number printed on
the back of any paper” at the end of the said clause.

Rev. Stat. c. 9,
s. 112, cl. 1
amended.

(2) Clause 3 of the said section is amended by striking
out the words “the printed number and” in the 4th line of
the said clause.

Rev. Stat. c. 9,
s. 112, cl. 3
amended.

Rev. Stat. c. 9,
s. 143 amended.

6. Section 143 of the said Act is amended by striking out the words "marked with the same printed number and" in the 5th line from the end of the said section.

Rev. Stat. c. 9,
s. 155, subs. 1
amended.

7.—(1) Subsection 3 of section 155 of the said Act is amended by striking out all the words after the word "voted" in the 4th line of the said subsection.

Rev. Stat. c. 9,
s. 155, subs. 4
amended.

(2) Subsection 4 of the said section is amended by striking out the words "the number on the back of any ballot paper" in the fourth line of the said subsection.

Rev. Stat. c. 9,
Sched. "A,"
Form 11
amended.

8. Form 11 in Schedule "A" to the said Act is amended by striking out the words "Counterfoil No." "No. on Voters Lists in Poll Book" "*Note—The Counterfoil is to have a number to correspond with that "on the back of the Ballot Paper"*" and the reference to any number on the back of the ballot paper set out in the said Form.

15

Rev. Stat. c. 9,
Sched. "A,"
Form 13
amended.

9. Form 13 in Schedule "A" to the said Act is amended by striking out the words "and not to attempt to see or ascertain at the counting the number on the back of any ballot paper or the number on any counterfoil" in the third, fourth and fifth lines of the first paragraph of the said Form.

20

Rev. Stat. c. 9,
Sched. "A,"
Form 26
amended.

10. Form 26 in Schedule "A" to the said Act is amended by striking out all the words after the word "law" in the third line of the third paragraph of the said Form.

Rev. Stat. c. 9,
Sched. "A,"
Form 27
amended.

11. Form 27 in Schedule "A" to the said Act is amended by striking out the words "that I have not attempted by any means whatever to see or ascertain at the counting of the ballot papers the number on the back of any ballot paper and;" in the first, second and third lines of the second paragraph of the said Form.

25

No. 213.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Ontario Election Act.

First Reading, 10th April, 1906.

Mr. WHITNEY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting Service of Notice of Intention
to Exercise Power of Sale in a Mortgage

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

1. The word "judge" herein, shall mean a Judge of the ^{"Judge"} Supreme Court of Judicature for the Province of Ontario, or ^{meaning of.} a Judge of the County Court of the county in which the lands affected by the notice lie.
2. The word "mortgagor" shall mean the person executing ^{Mortgagor} the mortgage, his heirs, executors, administrators, or assigns. ^{meaning of}
- 10 3. Where service is required of a notice demanding payment ^{Mode of} of money due upon a mortgage, the same may be by personal ^{servicing not} service, or by leaving at the last known place of residence in ^{of sale.} the Province of Ontario, of the mortgagor or other person entitled to notice, but if it appears to the judge on affidavit
15 that the mortgagee is unable to effect prompt service, the judge may order substituted or other service by advertising or otherwise.

No. 214.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Service of Notice of
Intention to Exercise Power of Sale
in a Mortgage.

First Reading, 10th April 1906.

Mr. LUCAS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting the Department of Education.

THIS 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 Department of Education Act*. short title.

2. There shall continue to be a Department of Education which shall consist of the Executive Council, or a committee thereof, appointed by the Lieutenant-Governor; and one of the said Executive Council or of such committee, to be nominated by the Lieutenant-Governor, shall hold the office of "Minister of Education." 1 Edw. VII, c. 38, s. 2, amended. Department of Education continued

3. Subject to any statute in that behalf the Department of Education shall have the management and control of the following, namely: Kindergartens, Public and Separate Schools, High Schools and Collegiate Institutes, Art Schools, Model Schools, Normal Schools, Ontario Normal College, Teachers' Institutes, Public Libraries, Continuation Classes, Technical Schools, Manual Training Departments, Household Science Departments, Night Schools, School Gardens, the Brantford Institute for the Blind, and the Belleville Institute for the Deaf and Dumb: with power to appoint a Superintendent of Education, and such inspectors, teachers and other officers for instruction and supervision as may be deemed expedient. The Department of Education may also appoint a Registrar of the Advisory Council of Education. 1 Edw. VII, c. 38, s. 3. *Amended.* Jurisdiction of the Department.

4. The Department of Education shall have power, subject to the provisions of any Statute in that behalf, to make regulations:— Power to make Regulations

(1) For the classification, organization, government, courses of study, and examination of all schools, Continuation Classes, Manual Training Departments, Household Science Departments, School Gardens, and Institutes hereinbefore mentioned, and for the equipment of school-houses and the arrangement of school premises and for determining the fees to be paid by candidates at departmental examinations; 5

(2) For the authorization of text-books for the use of pupils and of teachers in training attending such Schools, Continuation Classes, Departments, School Gardens, and Institutes, and for the selection of books of reference for the use of teachers and pupils and for the management of public and school libraries; 10

(3) For determining the qualification and duties of inspectors, examiners and teachers of such Schools, Continuation Classes, Departments, School Gardens and Institutes, and for the appointment from time to time of such examiners as may be requisite for that purpose; 15

(4) For the payment of the allowances of superannuated inspectors and teachers, and the distribution of all moneys set apart by the Legislative Assembly for educational purposes, including sums appropriated for the maintenance of cadet corps, and grants to Historical Societies and Literary and Scientific Institutions; 20 25

(5) For extending on such evidence as to efficiency as may be deemed necessary, any certificate issued under the authority of *The Public Schools Act*;

(6) For affiliating with the Ontario Normal College or the Normal Schools, such High Schools or Collegiate Institutes or Public Schools as may be necessary for practical instruction in the art of teaching; 30

(7) For accepting, on the recommendation of the Advisory Council constituted under this Act, in lieu of the departmental non-professional examinations, the examination of any normal school or of any university in the British Dominions; and for accepting such evidence of professional scholarship, training, or experience, as may be deemed equivalent to what is prescribed for teachers' certificates; 35 40

(8) For setting apart a separate school in any city or county as a model school for the training of teachers for separate schools, and in such case, appointing a competent person possessing the qualifications prescribed by *The Public Schools Act*, to be a member of the county board of examiners of such city or county in addition to the number now authorized; 45

(9) For the conduct of the business of the Advisory Council of Education hereinafter mentioned. 1 Edw. VII, c. 38, s. 4, amended. 50

ADVISORY COUNCIL OF EDUCATION.

5. There shall be established an Advisory Council of Education composed of seventeen members as follows:—

Advisory
Council of
Education
established

(a) The President of the University of Toronto for the time being, who shall be chairman *ex-officio* of the said council.

(b) The Superintendent of Education for Ontario who shall, subject to the direction of the Minister of Education, represent such Minister on the said council, but shall have no vote thereon.

(c) Three additional members representing the University of Toronto, to be elected by the Senate of the University.

(d) Three members representing, respectively, Queen's University, McMaster University, and Ottawa University, one to be elected by the Senate of each University.

(e) Two members elected by and representing the high school teachers of Ontario.

(f) Four members elected by and representing the public school teachers of Ontario.

(g) One member elected by and representing the separate school teachers of Ontario.

(h) And two members elected by and representing the public school inspectors of Ontario. (*New.*)

6.—(1) The said Advisory Council of Education shall be a consultative committee to confer with the Minister of Education on such subjects as he may submit to it from time to time. Such subjects may include the departmental regulations affecting the courses of study and the textbooks for all classes of provincial schools, continuation classes, manual training departments, household science departments and school gardens, the qualifications of teachers and inspectors, and the departmental examinations.

To be a
Consultative
Committee

(2) The said Advisory Council shall exercise such executive powers in connection with the appointment of examiners and associate examiners for the annual departmental and university matriculation examinations, and the conduct of such examinations and the settlement of the results thereof as may be conferred upon it by the Department of Education and the Senate of the University of Toronto, respectively. But if the said Council shall fail or neglect to perform any of the duties required of it under this subsection, then such duties may be performed by the Department of Education.

Powers of
Advisory
Council.

(3) The said Advisory Council shall also have power to make rules and regulations for the conduct of its own business, subject, however, to the regulations in that behalf of the Department of Education. (*New.*)

Certain persons disqualified from being members.

7. No person shall be elected or shall sit or vote as a member of the Advisory Council of Education who is directly or indirectly financially interested either as principal or agent or otherwise in the publication, authorization or sale of any text-book or other book, or of any map or chart or other apparatus for use in any of the schools, continuation classes, departments or institutes which are under the management or control of the Department of Education, and any member of the said Advisory Council who is or becomes financially interested as aforesaid shall *ipso facto* vacate his office. (*New.*)

How meetings to be called.

8. The first meeting of the said Advisory Council after its first general election of members, and the first meeting thereof in each year thereafter, shall be called by the Minister of Education, who shall also have power to call a special meeting of the said council at any time. Such other meetings as may be necessary for the transaction of the business of the said council shall be called by the chairman. (*New.*)

Qualification of members.

9.—(1) Each representative of a university on the said council shall be a member of the senate of such university, and each of the other elected members of the said council shall be a member of the electing body which he or she represents, and shall possess the same qualifications as are prescribed by this Act for the electors of such body.

Election of representatives of Universities.

(2) At any election of a representative or representatives of a university each member of the senate thereof shall have the right to vote. In other respects each senate shall elect its representatives in such manner as the members thereof deem expedient.

Election by the teachers and inspectors.

(3) The representatives of the high, public and separate school teachers, and of the public school inspectors, shall, respectively, be elected by closed ballot, as provided in this Act. (*New.*)

Triennial elections.

10.—(1) There shall be a general election of all members of the said council who require to be elected, in the year 1906, and in every third year thereafter in accordance with the provisions contained in this Act. Each member so elected shall hold office for the term of three years, and until his successor is elected, subject, however, to the provisions of this Act respecting members being disqualified or vacating their office.

(2) All retiring members of the said council, who retain their qualification, shall be eligible for re-election. (*New.*)

11.—(1) Every teacher who holds a permanent certificate of qualification granted by the Department of Education, and who is engaged in teaching when the inspector concerned makes out a list of qualified voters of the electing body of which such teacher is a member, as required by this Act, shall be qualified to vote at the election of a representative or representatives of such electing body. What teachers may vote.

10 (2) Every public school inspector who is in office when the Registrar of the Advisory Council makes out the list of inspectors qualified to vote for representatives of public school inspectors, as required by this Act, shall be qualified to vote at any election of such representatives. What inspectors may vote.

15 (3) No teacher or inspector shall be entitled to vote at any election under this Act who does not possess the qualification herein prescribed for such teacher or inspector. (*New.*)

12. The registrar of the said Advisory Council shall perform the duties required of him by this Act and such other duties as the Department of Education or the Minister of Education may require. Registrar's duties.

One of such duties shall be to enter alphabetically in separate registers the names with the post office addresses of all persons belonging to each body of electors (except University Senates) entitled to elect representatives under this Act, one register for each of such bodies; and such entries shall be made for each general election as soon as possible after receipt of the respective lists of qualified electors from the various inspectors as hereinafter provided and shall be completed before the third Wednesday in October of the year in which the election is held. (*New.*)

13.—(1) For the purpose of the elections aforesaid of the representatives of the respective bodies of teachers, the high, public and separate school inspectors on or before the first Wednesday of October in each year in which an election to the said council is to be held, shall respectively furnish the Registrar of the said Advisory Council a list of names of all teachers in the schools over which they respectively have jurisdiction who are entitled to vote under this Act with their post office addresses as last known. On or before the same date the Registrar of the said Advisory Council shall prepare a list of the public school inspectors who are entitled to vote under this Act. Voters lists.

45 (2) If in any case by reason of vacancy of office, illness, absence or any other cause there is no inspector or Regis-

trar to furnish any of such lists the Minister of Education may require any competent person to furnish the same. (New.)

Nominations
of candidates.

14.—(1) No teacher or inspector shall be elected to the said Advisory Council who has not been nominated in writing signed by at least six of the persons who are entitled to vote under this Act as a member of the electing body to which such teacher or inspector belongs. 5

(2) Every nomination paper shall contain the name and post office address of each candidate nominated therein and the post office address of each person signing such nomination paper, and shall be delivered at the office of the Registrar of the said Advisory Council not later than 4 o'clock in the afternoon on the first Wednesday of October in the year in which the election is to be held and not earlier than two weeks prior to such date. Nomination papers received by the registrar by post within the time aforesaid shall be deemed to be duly delivered to him. 15

(3) Any nomination paper which does not comply with the provisions of this section shall be null and void. (New.) 20

Election by
acclamation.

15. In case the number of candidates duly nominated as aforesaid does not exceed the number of representatives to be elected in any case, the person or persons so nominated shall be deemed elected and the registrar shall forthwith report the result with the names and post office addresses of the persons so elected to the Minister of Education. 25

Proceedings
when vote
to be taken.

16.—(1) When a greater number of candidates in any case are duly nominated as aforesaid than the number of representatives to be elected by any electing body, then an election shall be held and the registrar of the said council shall send by post on or before the third Wednesday of October in the year in which the election is to be held a voting paper, which may be in the form set forth in the schedule to this Act, to each person qualified to vote at such election together with a list giving the names and post office addresses of all the candidates duly nominated as aforesaid. The voting shall be limited to the candidates named in the said list. 30 35

Elector may
vote once
only for any
candidate.

(2) Each person qualified to vote as aforesaid shall be entitled to as many votes as there are members to be elected to represent the electing body to which the voter belongs but may not give more than one vote to any one candidate. 40

Damaged
voting paper.

(3) In case a voting paper is accidentally so damaged as to be unfit for use the person to whom it was sent by the registrar may return it to him and obtain another to be 45

used in its place, but no second voting paper shall be furnished to any elector unless the first one is returned damaged as aforesaid. (*Nov.*)

17.—(1) The votes at an election of representatives of Mode of election to the council.
 5 High, Public, and Separate School teachers and Public School inspectors respectively shall be given by closed voting papers, and such voting paper shall be delivered to the Registrar of the Council between the hours of ten o'clock in the forenoon and four o'clock in the afternoon
 10 of any day between the third Wednesday of October and the first Wednesday of November, both days included, in any year in which an election is held; and any voting papers received by the Registrar by post at any hour within the dates aforesaid before four o'clock in the afternoon of
 15 the last named day shall be deemed to be duly delivered to him for the purpose of the election.

(2) The voting papers shall, upon the Thursday after the Opening of ballot papers.
 first Wednesday of November, at ten o'clock in the forenoon be opened by the Registrar with such assistance as
 20 the Minister of Education may deem necessary in presence of the scrutineers to be appointed as hereinafter mentioned, who shall examine and count the votes and keep a record thereof in proper books to be provided by the Minister of Education. Any person entitled to vote at the election
 25 may be present at the opening of the voting papers. No voting paper shall be counted which has not been furnished by the Registrar.

(3) The Ontario Educational Association at its Easter Appointments of scrutineers.
 meeting previous to the election, or, in default, the President of the University of Toronto, shall appoint two persons, who, with a person appointed by the Minister of Education for this purpose, shall act as scrutineers at the elections.

(4) In the event of an elector placing more names upon What votes to be counted.
 35 his or her voting paper than there are representatives to be elected by the electing body to which such elector belongs the first name or names, making the number for whom the said elector was entitled to vote, shall be counted and no other.

(5) In the event of an elector placing upon his voting
 40 paper any name or names of persons who were not qualified candidates the vote in favor of any qualified candidate who is properly voted for shall not thereby be invalidated. Such voting paper shall be acted upon as if the name or
 45 names of the person or persons who were not qualified candidates had not been placed in such voting paper.

(6) Upon the completion of the counting of the votes Declaration of results.
 and of the scrutiny, the Registrar of the Council shall declare elected as a member or members of the Council the

candidate or the required number of candidates who have received the highest number of votes cast by the respective bodies of electors, and shall forthwith thereafter report the same in writing, signed by himself and by the scrutineers, to the Minister of Education. 5

Equality of votes.

(7) In case of an equality of votes for two or more candidates which leaves the election of one or more members of the Council undecided, then the scrutineers shall forthwith put into a ballot box a number of similar papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the Registrar shall draw by chance from the ballot box in presence of the scrutineers one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the papers so drawn shall be deemed elected to the said council. *(New.)* 10
15

Date of University election.

18. Representatives of the said Universities shall be elected on or before the first Wednesday in November of any year in which a general election of members of said Council is to be held under this Act. *(New.)* 20

Default of election.

19.—(1) In case default shall be made in the election of a representative or of the required number of representatives of any of the said Universities or of any of the respective bodies authorized to elect representatives to the said Advisory Council, at the time prescribed therefor by this Act, the Lieutenant-Governor-in-Council may appoint a member or members to fill the office or offices so left vacant, provided, however, that every person so appointed shall be a properly qualified member of the body such person is to represent on the said Council. 25
30

Vacancies in University representation, how filled.

(2) In case the office of a representative of any of the said Universities on the said Council is vacated for any cause before the expiration of his term of office, the Senate of such University shall elect another representative qualified according to the provisions of this Act to fill such vacancy as soon after such vacancy occurs as may be convenient, and if such vacancy is not filled in manner aforesaid within one month after it occurs the Lieutenant-Governor-in-Council may appoint a member of such University to fill such vacancy. 35
40

Vacancies in representation of teachers or inspectors, how filled.

(3) In case any member of the said Council representing the Public School Inspectors or one of the said bodies of teachers shall vacate his or her office from any cause before the expiry of the term for which he or she was elected, the defeated candidate for such office who at the last preceding election had the highest number of votes next after the candidate or candidates elected, and who is still 45

willing to accept the office, shall forthwith become a member of the said Council in place of and for the remainder of the unexpired term of the former representative so vacating his office as aforesaid, and as soon as convenient shall be notified by the Minister of Education that he has become a member of the said Advisory Council.

If a further vacancy occurs in the representation of the same electing body, the defeated candidate at the last preceding election who received the second or next highest number of votes, and who is still willing to accept office, shall become a member of the said Council to fill such vacancy, and shall be notified by the Minister of Education to that effect as hereinbefore provided.

(4) If by reason of two or more of such defeated candidates in either of such cases having received an equal number of votes, the question of filling any vacancy cannot be decided in manner aforesaid, then such question shall be decided by chance in the manner provided by subsection 7 of section 17 of this Act. Equality of votes in such cases.

(5) If in any such case there is no such defeated candidate to fill such vacancy or none still willing to accept the office, or if for any reason a vacancy cannot be filled under any of the preceding provisions, then the vacancy may be filled by the Lieutenant-Governor-in-Council by the appointment to the said Advisory Council of a properly qualified member of the body to be represented. *(New.)*

20. Any member of the Advisory Board of Education who ceases to reside in the Province of Ontario or ceases to possess the qualification upon which such member was elected as required by this Act, or becomes insane or is convicted of any felony or misdemeanor shall *ipso facto* vacate his or her office, *(New.)* Vacating office.

21. Notwithstanding the provisions of this Act, the Educational Council appointed under the provisions of Section 6 of the Education Department Act of 1901 shall continue in office and shall discharge the prescribed duties connected with the annual departmental and matriculation examinations of 1906 until all matters connected therewith have been finally disposed of. *(New.)* Continuance in office of educational council.

POWER AND DUTIES OF MINISTER OF EDUCATION.

22. It shall be the duty of the Minister of Education and he shall have power: Powers of Minister.

(1) To apportion all sums of money voted by the Legislative Assembly as a general grant for public and separate schools among the several cities, towns, incorporated villages and townships, except townships in the territorial districts, according to the population in each as compared Apportionment of grant.

with the whole population of the Province, as shewn by the last annual returns received from the municipal clerks;

(2) To apportion all sums of money voted by the Legislative Assembly as a special grant for rural public and separate schools among the several townships according to the population of each as compared with the population of all the townships in the Province, not including the territorial districts, according to the last annual returns received from the township clerks; 5

Division
between public
and separate
schools.

(3) To divide the total of the amounts so apportioned to each city, town, incorporated village and township between public and separate schools according to the average number of pupils attending such schools respectively, during the next preceding calendar year, or during the number of months which may have elapsed from the establishment of a new public or separate school as compared with the whole average number of pupils attending school in the same city, town, village or township; 15

(4) To see that the money so apportioned to the public schools of every city, town and incorporated village is paid to the treasurer thereof, and that the money so apportioned to the public schools of each township is paid to the treasurer of the county in which such township is situated, on or before the first day of July in each year, as the Lieutenant-Governor in Council may direct; 20 25

Distribution
of grant.

(5) To direct the county inspector to distribute among the public school sections of each township under his jurisdiction, subject to the Regulations of the Department of Education, all sums apportioned as aforesaid to the rural public schools therein, on the basis of the salaries paid to the teachers, the character of the accommodations, and the value of the equipment, after providing a minimum grant for each such school which is equipped as required by the Regulations of the Department of Education. All such grants shall be payable by the township treasurer to the order of the treasurer or secretary-treasurer of the board of trustees on the inspector's order. Notice of such distribution shall be given by the inspector to the trustees concerned; 30 35

(6) To distribute among the separate schools of each township, subject to the Regulations of the Department of Education, all sums apportioned as aforesaid to the rural separate schools therein, on the basis of the salaries paid to the teachers, the character of the accommodations, and the value of the equipment, after providing a minimum grant for each such school which is equipped as required by the Regulations of the Department of Education; to give notice of such distribution to each separate school board concerned and to pay to the board of each 40 45

separate school the amount apportioned thereto as aforesaid, on or before the first day of July in each year, as the Lieutenant-Governor in Council may direct;

(7) To apportion under the provisions of such regulations Apportionment of moneys for assisting rural school sections. as may be made by the Department of Education, all sums of money voted by the Legislative Assembly for assisting public and separate school boards in poor rural districts to pay teachers' salaries;

(8) To pay to the trustees of every rural school in the 10 Territorial Districts out of any sums of money voted therefor by the Legislative Assembly, at least one hundred dollars for the full calendar year in equal half-yearly instalments on the report of the Inspector that this Act and the Regulations of the Department of Education have been 15 complied with; and to direct the Inspector to distribute the rest of the grant, if any, amongst said schools in accordance with the regulations of the Department of Education;

(9) To apportion all sums of money voted by the Legislative Assembly for high school purposes among the several 20 high schools of the Province, subject to the regulations of the Department of Education, on the basis of the salaries paid to teachers, the character of the accommodations, and the value of the equipment, after providing a minimum grant for each such school which is equipped in 25 accordance with the Regulations of the Department of Education; and to give notice of such apportionment to the county clerk of each county, and to see that the same is paid to the high school treasurer as the Lieutenant-Governor in Council may direct; High School grant, how paid.

(10) Subject to the Regulations of the Department of Education, to apportion out of any grant made by the Legislative Assembly for such purposes, all sums payable under any statute in that behalf towards the maintenance of the normal schools or other schools or institutes for the training of teachers, continuation classes, technical schools, 35 manual training departments, household science departments, school gardens, kindergartens, night schools, public libraries, art schools, inspection of schools, the examination of teachers, and all other incidental departmental expenses; 40 Other grants, how paid.

(11) To submit a case on any question arising under *The Public Schools Act* or *The High Schools Act*, or under *The Separate Schools Act* to any Judge of the High Court for his opinion and decision, or, with the consent of such 45 Judge, to a Divisional Court of the said High Court for its opinion and decision; Minister may submit questions arising upon school law to High Court.

(12) To decide upon all disputes and complaints laid before him the settlement of which is not otherwise provided for by law, and upon all appeals made to him from 50 the decision of any inspector or other school officer; Power to settle disputes and complaints.

Power to
appoint com-
missioners.

(13) To appoint one or more persons, as he may deem expedient, to inquire into and report to him upon any school matter. Such person or persons, or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon;

Compelling
attendance of
witnesses.

(14) To apply to the High Court for a writ of subpoena *ad testificandum* and also *duces tecum* upon the *præcipe* of the Minister of Education therefor, containing the names of the witnesses intended to be summoned thereby, such writ to be directed to each person who is required thereby to attend and give evidence at such times, and places, and before such person or persons as the Minister shall appoint; and default of any person in obeying such subpoena shall be punishable as in any action or cause in the said Court;

Annual report
to be made by
Minister of
Education.

(15) To report annually to the Lieutenant-Governor upon the condition of Education in Ontario, with such suggestions for improving it as he may deem expedient. 1 Edw. VII, c. 38, s. 7, amended.

SPECIAL PROVISION FOR 1906.

Apportionment
of legislative
grant in 1906.

23. Notwithstanding the provisions hereinbefore contained, all sums of money voted by the Legislative Assembly as a general grant for public and separate schools for the year 1906 shall be apportioned as if this Act had not been passed; all moneys voted by the Legislative Assembly as a special grant for rural public and separate schools for the year 1906 shall be divided among the respective townships in the Province, not including the territorial districts, in the manner set forth in subsection 2 of section 22 of this Act; the part of such special grant which is apportioned to each township shall be divided between public and separate schools therein in the manner set forth in subsection 3 of said section 22, and the part thereof which is apportioned to the public schools of such township shall be divided by the inspector equally among all the public schools therein, and the part thereof which is apportioned to the separate schools of any township shall be divided by the Minister of Education equally among all the separate schools therein. In each township where there are no separate schools the amount of such special grant apportioned to such township for the year 1906 shall be divided by the inspector equally among all the public schools therein.

SUPERINTENDENT OF EDUCATION.

Duties and
powers of the
Superintenden-
dent of Educa-
tion.

24.—(1) The Superintendent of Education shall, subject to the Minister of Education and any Acts or Regulations in that behalf, have the general supervision and direction of

all classes of provincial high, public and separate schools, the professional training schools and examinations for teachers, and the inspectors of the said schools and libraries, and the inspectors of the said schools and libraries, and may make recommendations to the Minister on any matter arising out of this supervision and direction.

(2) And the said Superintendent shall make annually to the Minister a report on the condition and requirements of the part of the Provincial system of Education under his supervision and direction. (*New.*)

25. Except as provided in sections 3 and 4 of this Act nothing in this Act contained shall be deemed, taken or construed as, in any manner or for any purpose, altering, varying or affecting any power, right or authority which, before the passing of this Act, was by law vested in or held, had or possessed by the Minister of Education or the Department of Education in respect either to Roman Catholic Separate Schools or of any matter or thing whatsoever pertaining to or affecting said Separate Schools. 1 Edw. VII, c. 38, s. 8.

Powers of Minister as to separate schools not affected.

REGULATIONS AND ORDERS IN COUNCIL.

26.—(1) Every Regulation or Order in Council made under this Act or under the public, separate or high schools Acts, shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such Regulation or Order in Council, and if the Legislature is not in session such Regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such Regulation or Order in Council is made.

Regulations and Orders in Council to be laid before the Legislative Assembly.

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said Regulation or Order in Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such Regulation or Order in Council either wholly or of any part thereof, the Regulation or Order in Council, so far as disapproved of, shall have no effect from the time of such resolution being passed. 1 Edw. VII, c. 38, s. 9.

COMMISSIONS OF ENQUIRY.

27.—(1) When the Lieutenant-Governor in Council deems it expedient to cause inquiry to be made into or concerning:—

When Lieutenant-Governor in Council may order enquiry.

(a) Any institution which is under the control or management of the Department of Education or any matter pertaining thereto;

Powers of
commissioners.

- (b) School books;
(c) Or any educational question,

The Lieutenant-Governor may, by the commission in the case, confer upon the commissioner or commissioners by whom such inquiry is to be conducted, the power of sum- 5
moning before them any person or witnesses, and of requiring them to give evidence on oath, orally or in writing (or on solemn affirmation, if they are persons entitled to affirm in civil matters), and to produce such documents and things 10
as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine.

(2) The commissioner or commissioners shall then have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents 15
and things, as is vested in any court in civil cases; but no person or witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution.

Repeal.

28. The Act passed in the first year of His Majesty's 20
reign, chapters 38, is hereby repealed.

SCHEDULE.

(Section 10, (3)).

FORM OF VOTING PAPER.

Advisory Council of Education.

Election,

19

I, _____ resident at _____, in the County of _____ do hereby declare;

(1) That the signature affixed hereunto is my proper handwriting;

(2) That I vote for the following person or persons as member or members (as the case may be) of the Advisory Council of Education viz.,

_____ of _____ in the County of _____ etc.;

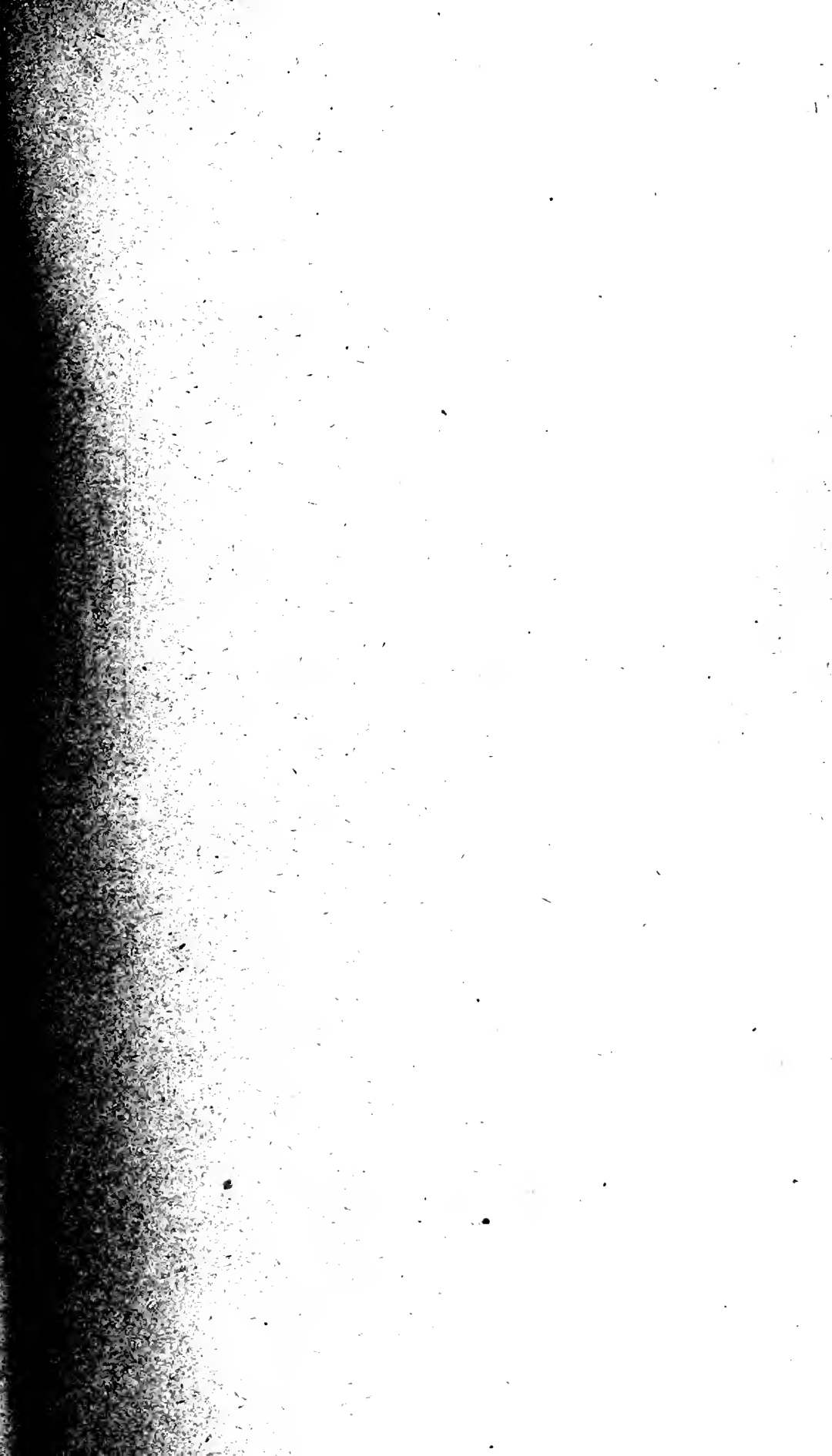
(3) That I have not signed any other voting paper as High, Public, or Separate School teacher, or Public School Inspector;

(4) That the voting paper was executed on the day of the date hereof;

(5) That I vote in my right as High, Public, or Separate School teacher or Public School Inspector (as the case may be); and

(6) That the date and number of my permanent professional certificate are

Witness my hand this _____ day of _____, A.D. 19 _____.



No. 215.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting the Department of
Education.

First Reading, , 1906.

Mr. PYNE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting the Department of Education.

HIS 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 Department of Education Act*. Short title.

2.—(1) There shall continue to be a Department of Education which shall consist of the Executive Council, or a committee thereof, appointed by the Lieutenant-Governor; and one of the said Executive Council or of such committee, to be nominated by the Lieutenant-Governor, shall hold the office of "Minister of Education." 1 Edw. VII, c. 38, s. 2, amended. Department of Education continued

(2) The Lieutenant-Governor in Council may appoint a Superintendent of Education, who shall hold office during pleasure, and who shall be paid such salary as shall be from time to time appropriated for that purpose. Superintendent of Education.

3. Subject to any statute in that behalf the Department of Education shall have the management and control of the following, namely: Kindergartens, Public and Separate Schools, High Schools and Collegiate Institutes, Art Schools, Model Schools, Normal Schools, Ontario Normal College, Teachers' Institutes, Public Libraries, Continuation Classes, Technical Schools, Manual Training Departments, Household Science Departments, Night Schools, School Gardens, the Brantford Institute for the Blind, and the Belleville Institute for the Deaf and Dumb: with power to appoint such inspectors, teachers and other officers for instruction and supervision as may be deemed expedient. The Department of Education may also appoint a Registrar of the Advisory Council of Education. 1 Edw. VII, c. 38, s. 3. *Amended.* Jurisdiction of the Department.

Power to make
Regulations

4. The Department of Education shall have power, subject to the provisions of any Statute in that behalf, to make regulations:—

(1) For the classification, organization, government, courses of study, and examination of all schools, Continuation Classes, Manual Training Departments, Household Science Departments, School Gardens, and Institutes hereinbefore mentioned, and for the equipment of school-houses and the arrangement of school premises and for determining the fees to be paid by candidates *and to presiding officers* at departmental examinations;

(2) For the authorization of text-books for the use of pupils and of teachers in training attending such Schools, Continuation Classes, Departments, School Gardens, and Institutes, and for the selection of books of reference for the use of teachers and pupils and for the management of public and school libraries;

(3) For determining the qualification and duties of inspectors, examiners and teachers of such Schools, Continuation Classes, Departments, School Gardens and Institutes, and for the appointment from time to time of such examiners as may be requisite for that purpose, *and for prescribing the duties of the presiding officers at the examinations*;

(4) For the payment of the allowances of superannuated inspectors and teachers, and the distribution of all moneys set apart by the Legislative Assembly for educational purposes, including sums appropriated for the maintenance of cadet corps, and grants to Historical Societies and Literary and Scientific Institutions;

(5) For extending on such evidence as to efficiency as may be deemed necessary, any certificate issued under the authority of *The Public Schools Act*;

(6) For affiliating with the Ontario Normal College or the Normal Schools, such High Schools or Collegiate Institutes or Public Schools as may be necessary for practical instruction in the art of teaching;

(7) For accepting, on the recommendation of the Advisory Council constituted under this Act, in lieu of the departmental non-professional examinations, the examination of any normal school or of any university in the British Dominions; and for accepting such evidence of professional scholarship, training, or experience, as may be deemed equivalent to what is prescribed for teachers' certificates;

(8) For setting apart a separate school in any city or county as a model school for the training of teachers for separate schools, and in such case, appointing a competent person possessing the qualifications prescribed by *The Public Schools Act*, to be a member of the county board of examiners of such city or county in addition to the number now authorized;

(9) For the conduct of the business of the Advisory Council of Education hereinafter mentioned. 1 Edw. VII, c. 38, s. 4, amended.

ADVISORY COUNCIL OF EDUCATION.

5. There shall be established an Advisory Council of Education composed of *twenty* members as follows:— Advisory Council of Education established

- (a) The President of the University of Toronto for the time being, who shall be chairman *ex-officio* of the said council.
- (b) The Superintendent of Education for Ontario who shall, subject to the direction of the Minister of Education, represent such Minister on the said council, but shall have no vote thereon.
- (c) Three additional members representing the University of Toronto, to be elected by the Senate of the University.
- (d) *Four* members representing, respectively, Queen's University, McMaster University, Ottawa University and *The Western University*, one to be elected by the Senate of each University.
- (e) Two members elected by and representing the high school teachers of Ontario.
- (f) Four members elected by and representing the public school teachers of Ontario.
- (g) One member elected by and representing the separate school teachers of Ontario.
- (h) And two members elected by and representing the public school inspectors of Ontario. (*New.*)
- (i) And two members representing the School Trustees of the Province.

6.—(1) The said Advisory Council of Education shall be a consultative committee to confer with the Minister of Education on such subjects as he may submit to it from time to time. Such subjects may include the departmental regulations affecting the courses of study and the text-books for all classes of provincial schools, continuation classes, manual training departments, household science departments and school gardens, the qualifications of teachers and inspectors, and the departmental examinations. To be a Consultative Committee

(2) The said Advisory Council shall exercise such executive powers in connection with the appointment of examiners and associate examiners for the annual departmental and university matriculation examinations, and the conduct Powers of Advisory Council.

of such examinations and the settlement of the results thereof as may be conferred upon it by the Department of Education and the Senate of the University of Toronto, respectively. But if the said Council shall fail or neglect to perform any of the duties required of it under this subsection, then such duties may be performed by the Department of Education.

(3) The said Advisory Council shall also have power to make rules and regulations for the conduct of its own business, subject, however, to the regulations in that behalf of the Department of Education. (*New.*)

Certain persons disqualified from being members.

7. No person shall be elected or shall sit or vote as a member of the Advisory Council of Education who is directly or indirectly financially interested either as principal or agent or otherwise in the publication, authorization or sale of any text-book or other book, or of any map or chart or other apparatus for use in any of the schools, continuation classes, departments or institutes which are under the management or control of the Department of Education, and any member of the said Advisory Council who is or becomes financially interested as aforesaid shall *ipso facto* vacate his office. (*New.*)

How meetings to be called.

8. The first meeting of the said Advisory Council after its first general election of members, and the first meeting thereof in each year thereafter, shall be called by the Minister of Education, who shall also have power to call a special meeting of the said council at any time. Such other meetings as may be necessary for the transaction of the business of the said council shall be called by the chairman. (*New.*)

Qualification of members.

9.—(1) Each representative of a university on the said council shall be a member of the senate of such university, and each of the other elected members of the said council shall be a member of the electing body which he or she represents, and shall possess the same qualifications as are prescribed by this Act for the electors of such body.

Election of representatives of Universities.

(2) At any election of a representative or representatives of a university each member of the senate thereof shall have the right to vote. In other respects each senate shall elect its representatives in such manner as the members thereof deem expedient.

Election by teachers and inspectors.

(3) The representatives of the high, public and separate school teachers, and of the public school inspectors, shall, respectively, be elected by closed ballot, as provided in this Act. (*New.*)

Triennial elections.

10.—(1) There shall be a general election of all members of the said council who require to be elected, in the year

1906, and in every third year thereafter in accordance with the provisions contained in this Act. Each member so elected shall hold office for the term of three years, and until his successor is elected, subject, however, to the provisions of this Act respecting members being disqualified or vacating their office.

(2) All retiring members of the said council, who retain their qualification, shall be eligible for re-election. (*New.*)

11.—(1) Every teacher who holds a permanent certificate of qualification granted by the Department of Education, and who is engaged in teaching in a school for which such permanent certificate qualifies said teacher when the inspector concerned makes out a list of qualified voters of the electing body of which such teacher is a member, as required by this Act, shall be qualified to vote at the election of a representative or representatives of such electing body. What teachers may vote.

(2) Every public school inspector who is in office when the Registrar of the Advisory Council makes out the list of inspectors qualified to vote for representatives of public school inspectors, as required by this Act, shall be qualified to vote at any election of such representatives. What inspectors may vote.

(3) No teacher or inspector shall be entitled to vote at any election under this Act who does not possess the qualification herein prescribed for such teacher or inspector. (*New.*)

12. The registrar of the said Advisory Council shall perform the duties required of him by this Act and such other duties as the Department of Education or the Minister of Education may require. Registrar's duties.

One of such duties shall be to enter alphabetically in separate registers the names with the post office addresses of all persons belonging to each body of electors (except University Senates) entitled to elect representatives under this Act, one register for each of such bodies; and such entries shall be made for each general election as soon as possible after receipt of the respective lists of qualified electors from the various inspectors as hereinafter provided and shall be completed before the third Wednesday in October of the year in which the election is held. (*New.*)

13.—(1) For the purpose of the elections aforesaid of the representatives of the respective bodies of teachers, the high, public and separate school inspectors on or before the first Wednesday of October in each year in which an election to the said council is to be held, shall respectively furnish the Registrar of the said Advisory Council a list of names of all teachers in the schools over which they respectively have jurisdiction who are entitled to vote Voters lists.

under this Act with their post office addresses as last known. On or before the same date the Registrar of the said Advisory Council shall prepare a list of the public school inspectors who are entitled to vote under this Act.

(2) If in any case by reason of vacancy of office, illness, absence or any other cause there is no inspector or Registrar to furnish any of such lists the Minister of Education may require any competent person to furnish the same. *(New.)*

Nominations
of candidates.

14.—(1) No teacher or inspector shall be elected to the said Advisory Council who has not been nominated in writing signed by at least six of the persons who are entitled to vote under this Act as a member of the electing body to which such teacher or inspector belongs.

(2) Every nomination paper shall contain the name and post office address of each candidate nominated therein and the post office address of each person signing such nomination paper, and shall be delivered at the office of the Registrar of the said Advisory Council not later than 4 o'clock in the afternoon on the first Wednesday of October in the year in which the election is to be held and not earlier than two weeks prior to such date. Nomination papers received by the registrar by post within the time aforesaid shall be deemed to be duly delivered to him.

(3) Any nomination paper which does not comply with the provisions of this section shall be null and void. *(New.)*

Election by
acclamation.

15. In case the number of candidates duly nominated as aforesaid does not exceed the number of representatives to be elected in any case, the person or persons so nominated shall be deemed elected and the registrar shall forthwith report the result with the names and post office addresses of the persons so elected to the Minister of Education.

Proceedings
when vote
to be taken.

16.—(1) When a greater number of candidates in any case are duly nominated as aforesaid than the number of representatives to be elected by any electing body, then an election shall be held and the registrar of the said council shall send by post on or before the third Wednesday of October in the year in which the election is to be held a voting paper, which may be in the form set forth in the schedule to this Act, to each person qualified to vote at such election together with a list giving the names and post office addresses of all the candidates duly nominated as aforesaid. The voting shall be limited to the candidates named in the said list.

Elector may
vote once
only for any
candidate.

(2) Each person qualified to vote as aforesaid shall be entitled to as many votes as there are members to be elec-

ted to represent the electing body to which the voter belongs but may not give more than one vote to any one candidate.

(3) In case a voting paper is accidentally so damaged as to be unfit for use the person to whom it was sent by the registrar may return it to him and obtain another to be used in its place, but no second voting paper shall be furnished to any elector unless the first one is returned damaged as aforesaid. (*New.*) Damaged voting paper.

17.—(1) The votes at an election of representatives of High, Public, and Separate School teachers and Public School inspectors respectively shall be given by closed voting papers, and such voting paper shall be delivered to the Registrar of the Council between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of any day between the third Wednesday of October and the first Wednesday of November, both days included, in any year in which an election is held; and any voting papers received by the Registrar by post at any hour within the dates aforesaid before four o'clock in the afternoon of the last named day shall be deemed to be duly delivered to him for the purpose of the election. Mode of election to the council.

(2) The voting papers shall, upon the Thursday after the first Wednesday of November, at ten o'clock in the forenoon be opened by the Registrar with such assistance as the Minister of Education may deem necessary in presence of the scrutineers to be appointed as hereinafter mentioned, who shall examine and count the votes and keep a record thereof in proper books to be provided by the Minister of Education. Any *duly qualified candidate* at the election may be present at the opening of the voting papers. No voting paper shall be counted which has not been furnished by the Registrar. Opening of ballot papers.

(3) The Ontario Educational Association at its Easter meeting previous to the election, or, in default, the President of the University of Toronto, shall appoint two persons, who, with a person appointed by the Minister of Education for this purpose, shall act as scrutineers at the elections. Appointment of scrutineers.

(4) In the event of an elector placing more names upon his or her voting paper than there are representatives to be elected by the electing body to which such elector belongs the first name or names, making the number for whom the said elector was entitled to vote, shall be counted and no other. What votes to be counted.

(5) In the event of an elector placing upon his voting paper any name or names of persons who were not qualified candidates the vote in favor of any qualified candidate who is properly voted for shall not thereby be invalidated.

Such voting paper shall be acted upon as if the name or names of the person or persons who were not qualified candidates had not been placed in such voting paper.

Declaration of results.

(6) Upon the completion of the counting of the votes and of the scrutiny, the Registrar of the Council shall declare elected as a member or members of the Council the candidate or the required number of candidates who have received the highest number of votes cast by the respective bodies of electors, and shall forthwith thereafter report the same in writing, signed by himself and by the scrutineers, to the Minister of Education.

Equality of votes.

(7) In case of an equality of votes for two or more candidates which leaves the election of one or more members of the Council undecided, then the scrutineers shall forthwith put into a ballot box a number of similar papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the Registrar shall draw by chance from the ballot box in presence of the scrutineers one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the papers so drawn shall be deemed elected to the said council. (*New.*)

Date of University election.

18. Representatives of the said Universities shall be elected on or before the first Wednesday in November of any year in which a general election of members of said Council is to be held under this Act, and notification of the names of the person or persons elected shall be sent forthwith to the Minister of Education by the Registrars of the Universities respectively. (*New.*)

Default of election.

19.—(1) In case default shall be made in the election of a representative or of the required number of representatives of any of the said Universities or of any of the respective bodies authorized to elect representatives to the said Advisory Council, at the time prescribed therefor by this Act, the Lieutenant-Governor-in-Council may appoint a member or members to fill the office or offices so left vacant, provided, however, that every person so appointed shall be a properly qualified member of the body such person is to represent on the said Council.

Vacancies in University representation, how filled.

(2) In case the office of a representative of any of the said Universities on the said Council is vacated for any cause before the expiration of his term of office, the Senate of such University shall elect another representative qualified according to the provisions of this Act to fill such vacancy as soon after such vacancy occurs as may be convenient, and if such vacancy is not filled in manner aforesaid within one month after it occurs the Lieuten-

ant-Governor-in-Council may appoint a member of such University to fill such vacancy.

(3) In case any member of the said Council representing the Public School Inspectors or one of the said bodies of teachers shall vacate his or her office from any cause before the expiry of the term for which he or she was elected, the defeated candidate for such office who at the last preceding election had the highest number of votes next after the candidate or candidates elected, and who is still willing to accept the office, shall forthwith become a member of the said Council in place of and for the remainder of the unexpired term of the former representative so vacating his office as aforesaid, and as soon as convenient shall be notified by the Minister of Education that he has become a member of the said Advisory Council.

Vacancies in representation of teachers or inspectors, how filled.

If a further vacancy occurs in the representation of the same electing body, the defeated candidate at the last preceding election who received the second or next highest number of votes, and who is still willing to accept office, shall become a member of the said Council to fill such vacancy, and shall be notified by the Minister of Education to that effect as hereinbefore provided.

(4) If by reason of two or more of such defeated candidates in either of such cases having received an equal number of votes, the question of filling any vacancy cannot be decided in manner aforesaid, then such question shall be decided by chance in the manner provided by subsection 7 of section 17 of this Act.

Equality of votes in such cases.

(5) If in any such case there is no such defeated candidate to fill such vacancy or none still willing to accept the office, or if for any reason a vacancy cannot be filled under any of the preceding provisions, then the vacancy may be filled by the Lieutenant-Governor-in-Council by the appointment to the said Advisory Council of a properly qualified member of the body to be represented. (New.)

19a. Notwithstanding any of the provisions hereinbefore contained, the members of the said Advisory Council representing the school trustees of the Province, shall be elected, each for a term of three years, by the members of the trustee section of the Ontario Educational Association at any annual meeting thereof, and such election shall be conducted in all respects in such manner as the majority of the members of the said trustee section shall deem expedient. Any vacancy occurring at any time in such representation may be filled at the next annual meeting of the said association.

The Lieutenant-Governor in Council may appoint two representatives of the said school trustees as members of the said Advisory Council to hold office until the members of

the said trustee section hold their first election, and in case of vacancy at any time in such representation, the Lieutenant-Governor in Council may appoint a member to hold office until the said trustee section elects another representative to fill such vacancy.

Vacating
office.

20. Any member of the Advisory Board of Education who ceases to reside in the Province of Ontario or ceases to possess the qualification upon which such member was elected as required by this Act, or becomes insane or is convicted of any felony or misdemeanor shall *ipso facto* vacate his or her office, (*New.*)

Continuance in
office of educa-
tional council.

21. Notwithstanding the provisions of this Act, the Educational Council appointed under the provisions of Section 6 of the Education Department Act of 1901 shall continue in office and shall discharge the prescribed duties connected with the annual departmental and matriculation examinations of 1906 until all matters connected therewith have been finally disposed of. (*New.*)

POWER AND DUTIES OF MINISTER OF EDUCATION.

Powers of
Minister.

22. It shall be the duty of the Minister of Education and he shall have power:

Apportion-
ment of grant

(1) To apportion all sums of money voted by the Legislative Assembly as a general grant for public and separate schools among the several cities, towns, incorporated villages and townships, except townships in the territorial districts, according to the population in each as compared with the whole population of the Province, as shewn by the last annual returns received from the municipal clerks;

(2) To apportion all sums of money voted by the Legislative Assembly as a special grant for rural public and separate schools among the several townships according to the population of each as compared with the population of all the townships in the Province, not including the territorial districts, according to the last annual returns received from the township clerks;

Division
between pub-
lic and separ-
ate schools.

(3) To divide the total of the amounts so apportioned to each city, town, incorporated village and township between public and separate schools according to the average number of pupils attending such schools respectively, during the next preceding calendar year, or during the number of months which may have elapsed from the establishment of a new public or separate school as compared with the whole average number of pupils attending school in the same city, town, village or township;

(4) To see that the money so apportioned to the public schools of every city, town and incorporated village is paid

to the treasurer thereof, and that the money so apportioned to the public schools of each township is paid to the treasurer of the county in which such township is situated, on or before the first day of July in each year, as the Lieutenant-Governor in Council may direct:

(5) To direct the county inspector to distribute among the public school sections of each township under his jurisdiction, subject to the Regulations of the Department of Education, all sums apportioned as aforesaid to the rural public schools therein, on the basis of the salaries paid to the teachers, the character of the accommodations, and the value of the equipment, after providing a minimum grant for each such school which is equipped as required by the Regulations of the Department of Education. All such grants shall be payable by the township treasurer to the order of the treasurer or secretary-treasurer of the board of trustees on the inspector's order. Notice of such distribution shall be given by the inspector to the trustees concerned;

Distribution
of grant.

(6) To distribute among the separate schools of each township, subject to the Regulations of the Department of Education, all sums apportioned as aforesaid to the rural separate schools therein, on the basis of the salaries paid to the teachers, the character of the accommodations, and the value of the equipment, after providing a minimum grant for each such school which is equipped as required by the Regulations of the Department of Education; to give notice of such distribution to each separate school board concerned and to pay to the board of each separate school the amount apportioned thereto as aforesaid, on or before the first day of July in each year, as the Lieutenant-Governor in Council may direct;

(7) To apportion under the provisions of such regulations as may be made by the Department of Education, all sums of money voted by the Legislative Assembly for assisting public and separate school boards in poor rural districts to pay teachers' salaries;

Apportionment
of moneys for
assisting rural
school sections.

(8) To pay to the trustees of every rural school in the Territorial Districts out of any sums of money voted therefor by the Legislative Assembly, at least one hundred dollars for the full calendar year in equal half-yearly instalments on the report of the Inspector that this Act and the Regulations of the Department of Education have been complied with; and to direct the Inspector to distribute the rest of the grant, if any, amongst said schools in accordance with the regulations of the Department of Education;

(9) To apportion all sums of money voted by the Legislative Assembly for high school purposes among the several high schools of the Province, subject to the regulations of the Department of Education, on the basis of the salaries

High School
grant, how
paid.

paid to teachers, the character of the accommodations, and the value of the equipment, after providing a minimum grant for each such school which is equipped in accordance with the Regulations of the Department of Education; and to give notice of such apportionment to the county clerk of each county, and to see that the same is paid to the high school treasurer as the Lieutenant-Governor in Council may direct;

Other grants,
how paid.

(10) Subject to the Regulations of the Department of Education, to apportion out of any grant made by the Legislative Assembly for such purposes, all sums payable under any statute in that behalf towards the maintenance of the normal schools or other schools or institutes for the training of teachers, continuation classes, technical schools, manual training departments, household science departments, school gardens, kindergartens, night schools, public libraries, art schools, inspection of schools, the examination of teachers, and all other incidental departmental expenses; also to apportion under the provisions of such regulations as may be made by Order in Council all sums of money voted by the Legislative Assembly for aiding public and separate school boards in rural districts to furnish certain text-books free of cost.

Minister may
submit questions
arising
upon school
law to High
Court.

(11) To submit a case on any question arising under *The Public Schools Act* or *The High Schools Act*, or under *The Separate Schools Act* to any Judge of the High Court for his opinion and decision, or, with the consent of such Judge, to a Divisional Court of the said High Court for its opinion and decision;

Power to
settle disputes
and complaints.

(12) To decide upon all disputes and complaints laid before him the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any inspector or other school officer;

Power to
appoint com-
missioners.

(13) To appoint one or more persons, as he may deem expedient, to inquire into and report to him upon any school matter. Such person or persons, or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon; to suspend or cancel for cause any certificate of qualification granted by the Education Department;

Compelling
attendance of
witnesses.

(14) To apply to the High Court for a writ of *subpœna ad testificandum* and also *duces tecum* upon the *prœcipè* of the Minister of Education therefor, containing the names of the witnesses intended to be summoned thereby, such writ to be directed to each person who is required thereby to attend and give evidence at such times, and places, and before such person or persons as the Minister shall appoint; and default of any person in obeying such subpœna shall be punishable as in any action or cause in the said Court;

(15) To report annually to the Lieutenant-Governor upon the condition of Education in Ontario, with such suggestions for improving it as he may deem expedient. 1 Edw. VII, c. 38, s. 7, amended. Annual report to be made by Minister of Education.

SPECIAL PROVISION FOR 1906.

23. Notwithstanding the provisions hereinbefore contained, all sums of money voted by the Legislative Assembly as a general grant for public and separate schools for the year 1906 shall be apportioned as if this Act had not been passed; all moneys voted by the Legislative Assembly as a special grant for rural public and separate schools for the year 1906 shall be divided among the respective townships in the Province, not including the territorial districts, in the manner set forth in subsection 2 of section 22 of this Act; the part of such special grant which is apportioned to each township shall be divided between public and separate schools therein in the manner set forth in subsection 3 of said section 22, and the part thereof which is apportioned to the public schools of such township shall, subject to the regulations of the Education Department in regard to Union School Sections composed of portions of different townships in the same or in different counties, be divided by the inspector equally among all the *other* public schools therein, and the part thereof which is apportioned to the separate schools of any township shall be divided by the Minister of Education equally among all the separate schools therein. In each township where there are no separate schools the amount of such special grant apportioned to such township for the year 1906 shall be divided by the inspector equally among all the public schools therein. Apportionment of legislative grant in 1906.

SUPERINTENDENT OF EDUCATION.

24.—(1) The Superintendent of Education shall, subject to the Minister of Education and any Acts or Regulations in that behalf, have the general supervision and direction of all classes of high, public and separate schools, *the technical schools*, the professional training schools and examinations for teachers of *the said schools*, *the teachers' institutes*, the art schools, *the school libraries*, and *the inspectors of the said schools*, and may make recommendations to the Minister on any matter arising out of *such* supervision and direction. Duties and powers of the Superintendent of Education.

(2) And the said Superintendent shall make annually to the Minister a report on the condition and requirements of the part of the Provincial system of Education under his supervision and direction. (*New.*)

25. Except as provided in sections 3 and 4 of this Act nothing in this Act contained shall be deemed, taken or Powers of Minister as to separate

schools not
affected.

construed as, in any manner or for any purpose, altering, varying or affecting any power, right or authority which, before the passing of this Act, was by law vested in or held, had or possessed by the Minister of Education or the Department of Education in respect either to Roman Catholic Separate Schools or of any matter or thing whatsoever pertaining to or affecting said Separate Schools. 1 Edw. VII, c. 38, s. 8.

REGULATIONS AND ORDERS IN COUNCIL.

Regulations
and Orders in
Council to be
laid before the
Legislative
Assembly.

26.—(1) Every Regulation or Order in Council made under this Act or under the public, separate or high schools Acts, shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such Regulation or Order in Council, and if the Legislature is not in session such Regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such Regulation or Order in Council is made.

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said Regulation or Order in Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such Regulation or Order in Council either wholly or of any part thereof, the Regulation or Order in Council, so far as disapproved of, shall have no effect from the time of such resolution being passed. 1 Edw. VII, c. 38, s. 9.

COMMISSIONS OF ENQUIRY.

When Lieuten-
ant-Governor
in Council may
order enquiry.

27.—(1) When the Lieutenant-Governor in Council deems it expedient to cause inquiry to be made into or concerning:—

- (a) Any institution which is under the control or management of the Department of Education or any matter pertaining thereto;
- (b) School books;
- (c) Or any educational question,

Powers of
commissioners.

The Lieutenant-Governor may, by the commission in the case, confer upon the commissioner or commissioners by whom such inquiry is to be conducted, the power of summoning before them any person or witnesses, and of requiring them to give evidence on oath, orally or in writing (or on solemn affirmation, if they are persons entitled to affirm in civil matters), and to produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine.

(2) The commissioner or commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things, as is vested in any court in civil cases; but no person or witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution.

28. The Act passed in the first year of His Majesty's *Repeal.* reign, chaptered 38, is hereby repealed.

SCHEDULE.

(Section 10. (3)).

FORM OF VOTING PAPER.

Advisory Council of Education.

Election, 19

I resident at , in the County of do hereby declare;

(1) That the signature affixed hereunto is my proper handwriting;

(2) That I vote for the following person or persons as member or members *(as the case may be)* of the Advisory Council of Education viz.,

of in the County of etc.;

(3) That I have not signed any other voting paper as High, Public, or Separate School teacher, or Public School Inspector;

(4) That the voting paper was executed on the day of the date hereof;

(5) That I vote in my right as High, Public, or Separate School teacher or Public School Inspector *(as the case may be)*; and

(6) That the date and number of my permanent professional certificate are

Witness my hand this . . . day of . . . A.D. 19 . . .

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting the Department of
Education.

First Reading: 10th April, 1906.
Second Reading: 24th April, 1906

*(Reprinted as amended in Committee of
the Whole House.)*

Mr. PYNE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Public Schools Act.

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

1. Paragraph 4 of section 2 of *The Public Schools Act* is hereby amended by inserting after the word "house" in the second line thereof the words "school garden."

1 Edw. VII.
c. 39, s. 2, par. 4,
amended.

2. Section 2 of *The Public Schools Act* is hereby amended by adding thereto the following paragraph:

1 Edw. VII.
c. 39, s. 2,
amended.

11. "Secretary" or "Treasurer" shall mean Secretary-treasurer in a school section or municipality where a secretary-treasurer is elected.

"Secretary."
"Treasurer."
meaning of.

3. Subsection 2 of section 8 of the said Act is hereby repealed and the following substituted therefor:—

1 Edw. VII.
c. 39, s. 8, subs. 2,
repealed.

(2) The trustees of any number of public schools, or any number of public and separate schools, not situated in a high school district as defined by *The High Schools Act*, may, by mutual agreement, determine that such continuation classes shall be conducted in one of such schools for the benefit of the pupils of all of them, and in such cases the trustees of each of the said schools shall have power to provide, by additional or increased rates to be levied upon the same property upon which the other school rates are levied, for the maintenance of such continuation classes. The said agreement shall specify the proportion of the cost of maintenance to be paid by the trustees of each of said schools, or shall provide for the settlement of the same by arbitration or by such other method as they deem expedient.

Grouping
schools for
continuation
classes.

4. Subsection 5 of section 8 of the said Act is hereby amended by striking out the words "at the date of this Act" in the first line thereof and substituting therefor the words "on the 15th day of April, 1901," and by striking

1 Edw. VII.
c. 39, s. 8,
subs. 5,
amended.

Qualifications
of teachers of
continuation
classes.

all the words in the said subsection after the word "principal" in the fourth line thereof and substituting therefor the words "or assistant after the date when this Act takes effect shall possess the qualifications prescribed by the Regulations of the Department of Education."

5

5. Subsection 6 of said section 8 is hereby amended by adding thereto the following paragraph:—

"The council of two or more counties united for municipal purposes may apportion the amount to be levied for continuation classes so that each county forming such union shall be liable only for sums payable in respect of continuation classes within such county. Where trustees of different schools situated in more than one of such united counties have joined together under subsection 2 for the conduct of continuation classes, the said council may determine the proportion to be paid by each of such counties in respect of such continuation classes."

10

15

1 Edw. VII.
c. 39, s. 9,
subs. 2,
amended.

6. Subsection 2 of section 9 of the said Act is hereby amended by striking out the word "member" in the first line thereof and substituting therefor the word "number."

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1 Edw. VII.
c. 39, s. 11,
repealed.

7. Section 11 of the said Act is hereby repealed.

1 Edw. VII.
c. 39, s. 14,
subs. 4,
amended.

8. Subsection 4 of section 14 of the said Act is hereby amended by striking out the last four words of the second line, the whole of the third line and the first word of the fourth line, and substituting therefor the following: "He shall not vote unless there is an equality of other votes when he shall give the casting vote".

25

Chairman of
school meet-
ing,—casting
vote.

1 Edw. VII.
c. 39, s. 15,
subs. 2,
amended.

9. Subsection 2 of section 15 of the said Act is hereby amended by inserting after the word "names" in the fourth line thereof the words "and residences" and by striking out the words "with the residence of the voter" at the end of the said subsection.

30

Voting at
school
meetings.

1 Edw. VII.
c. 39, s. 15,
subs. 3,
repealed.

10. Subsection 3 of section 15 of the said Act is hereby repealed and the following substituted therefor: (3) When a poll is granted on any public school question the secretary shall prepare or procure a poll-book with two separate columns marked respectively "for" and "against"; and shall opposite to such columns write the name and residence of each ratepayer voting on the said question; and shall record his vote by setting the figure '1' opposite his name in the proper column so as to show how he votes on the said question.

40

Recording
votes at school
meetings.

1 Edw. VII.
c. 39, s. 15,
subs. 4,
amended.

11. The following paragraph shall be inserted immediately after the third paragraph of the declaration set forth in subsection 4 of section 15 of the said Act and shall be

45

substituted for said third paragraph when a person claims to vote as a farmer's son: "That my father (mother, step-father or stepmother, as the case may be) is a supporter of the public school in said school section No. —." Declaration of farmer's son voting at meetings.

5 12. Subsection 7 of section 15 of the said Act is hereby amended by inserting after the word "election" in the third line thereof the words: "and of the name and address of the chairman of the said meeting." 1 Edw. VII. c. 39, s. 15, subs. 7, amended.

10 13. Subsection 8 of section 15 of the said Act is hereby amended by striking out all the words between the word "same" in the fifth line and the word "time" in the sixth line thereof and substituting therefor the following: "and confirm the said election or proceedings if found to be in accordance with this Act or set aside the same if found 1 Edw. VII. c. 39, s. 15, subs. 8, amended.

15 not to be in substantial accordance therewith, and in the latter event he shall appoint a" and by adding at the end of the said subsection the following: "and it shall not be incumbent upon the inspector to set aside such election or proceedings for want of formal compliance Complaints as to elections.

20 with the provisions of this Act if he is satisfied that the result of such election or proceedings has not been affected thereby."

14. Subsection 9 of section 15 of the said Act is hereby amended by adding at the end thereof the words "or the 1 Edw. VII. c. 39, s. 15, subs. 9, amended.

25 vote or proceedings upon any school question".

15. Subsection 2 of section 18 of the said Act is hereby amended by inserting after the word "money" in the last line thereof the words: "in his possession, power or control." 1 Edw. VII. c. 39, s. 18, subs. 2, amended.

30 16. Subsection 2 of section 19 of the said Act is hereby amended by adding thereto the following: "such request in writing or petition and the notice calling such special meeting shall specify the objects for which such special 1 Edw. VII. c. 39, s. 19, subs. 2, amended.

meeting is to be held." Calling special meetings.

35 17. Section 20 of the said Act is hereby amended by striking out all the words therein after the word "thereby" in the fourth line thereof. 1 Edw. VII. c. 39, s. 20, amended.

18. Subsection 1 of section 22 is hereby repealed and the following substituted therefor: 1 Edw. VII. c. 39, s. 22, subs. 1, repealed.

40 (1) There shall be two auditors in each rural school section. One shall be elected annually by the ratepayers at the annual or a special meeting and the other shall be appointed by the school trustees on or before the first day of December in each year. In case an auditor dies or Auditors for rural school sections.

refuses or is unable to act another may be elected or appointed in his place by the same authority that elected or appointed him. But if from any cause at any time after the first day of December there are not two auditors, willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require.

1 Edw. VII.
c. 39, s. 34,
subs. 1,
repealed.

19. Subsection 1 of section 34 of the said Act is hereby repealed and the following substituted therefor:—

Selecting new
site for rural
school.

34.—(1) The trustees of every rural school section, or a majority of them, shall have power to select a new school site or to agree upon a change of school site, and thereupon the trustees shall forthwith call a special meeting of the ratepayers to consider the school site selected by them; and no school site shall be adopted, or change of school site made, except in the manner hereinafter provided, without the consent of a majority of such special meeting.

1 Edw. VII.
c. 39, s. 34,
subs. 2,
amended.

20. Subsection 2 of said section 34 is hereby amended by inserting the word "school" immediately before the word "site" in the second line thereof.

1 Edw. VII.
c. 39, s. 35,
subs. 2,
amended.

21. Subsection 2 of section 35 of the said Act is hereby amended by inserting after the word "site" in the fifth line thereof the words "or required for the enlargement of the school premises."

25

1 Edw. VII.
c. 39, s. 35,
subs. 4,
amended.

22. Subsection 4 of said section 35 is hereby amended by inserting after the word "site" in the fifth line thereof the words "or for the enlargement thereof."

1 Edw. VII.
c. 39, s. 36,
subs. 1,
amended.

23. Subsection 1 of section 36 of the said Act is hereby amended by inserting after the word "site" in the first line thereof the words "or for land required for the enlargement of school premises" and by adding at the end thereof the following: "and showing that the amount of the damages has been paid or tendered as provided in the preceding section."

40

1 Edw. VII.
c. 39, s. 37,
subs. 1,
amended.

24. Subsection 1 of section 37 of the said Act is hereby amended by striking out the word "the" in the second line thereof and substituting therefor the word "any" and by striking out all the words after the word "house" in the third line thereof and substituting therefor the words "with- out the consent of the owner thereof."

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1 Edw. VII.
c. 39, s. 38,
amended.

25. Section 38 of the said Act is hereby amended by striking out all the words after "shall" in the fourth line, and the whole of the fifth and sixth lines thereof

and substituting therefor the words "approach within one hundred yards of or include any garden, orchard, pleasure ground, or dwelling house without the consent of the owner thereof."

5 **26.** Section 45 of the said Act as amended by section 4 1 Edw. VII.
c. 39, s. 45,
amended.
of the Act passed in the fourth year of His Majesty's reign, chaptered 30, is hereby amended by striking out the words "1st day of April, 1904" and inserting in place thereof the words "date when this Act takes effect."

10 **27.** Section 48 of the said Act is hereby amended by 1 Edw. VII.
c. 39, s. 48,
amended.
striking out the figures "43" in the 14th line thereof and substituting therefor the figures "46."

28. Subsection 1 of section 58 is hereby amended by 1 Edw. VII.
c. 39, s. 58,
subs. 1,
amended.
striking out the words "after the first election of trustees" in the third line thereof and substituting therefor the words: "except as hereinafter provided."

29. Subsection 2 of section 58 of the said Act is hereby 1 Edw. VII.
c. 39, s. 58,
subs. 2,
amended.
amended by striking out the words "one of the trustees in each ward" in the first line thereof and substituting therefor the words "After the first election of trustees in any ward or when from any cause the two trustees in any ward are elected simultaneously, one of them" and by striking out all the words of said subsection after the word "retire" in the sixth line thereof and substituting therefor the words: 1 Edw. VII.
c. 39, s. 59,
subs. 1,
amended.
25 "After such first or simultaneous election one trustee shall be elected annually for each ward."

30.—(1) Subsection 1 of section 59 of the said Act is 1 Edw. VII.
c. 39, s. 59,
subs. 1,
amended.
hereby amended by striking out the words "after the first election of trustees" in the second and third lines thereof, and substituting therefor the words, "except as hereinafter provided."

(2) Subsection 2 of section 59 of the said Act is hereby 1 Edw. VII.
c. 39, s. 59,
subs. 2,
amended.
amended by striking out the first four words thereof and substituting therefor the following: "After the first election of trustees in any such incorporated village three of them" and by striking out the word "which" in the 6th line thereof and substituting therefor the words "such first election."

31. Subsection 6 of section 60 of the said Act is hereby 1 Edw. VII.
c. 39, s. 60,
subs. 6,
amended.
amended by inserting after the word "names" in the 7th line thereof the words "and residences" and by striking out the last six words of the said subsection.

32. *The Public Schools Act* is hereby amended by inserting therein immediately after section 60 thereof the following as Section 60a: 1 Edw. VII.
c. 39, amended.

Persons ex-
empted from
school rates
not to vote.

60a. Any person exempted by the trustees of any school section from the payment of school rates wholly or in part on account of indigence shall thereby be deprived of the right to vote at any election of trustees or any meeting of ratepayers so long as such exemption shall continue." 5

1 Edw. VII.
c. 39, s. 65,
par. 5,
amended.

33. Paragraph 5 of said section 65 is hereby amended by inserting after the word "assistants" in the fifth line thereof the words "to maintain each school during the whole period of each school year except in cases where it is otherwise provided under this Act." 10

1 Edw. VII.
c. 29, s. 65,
subs. 7,
repealed.

34. Subsection 7 of section 65 of the said Act is hereby repealed and the following substituted therefor:

Trustees pur-
chasing school
books and
supplies.

"(7) To purchase, in case they deem it expedient, for the use of pupils attending school, text-books and other school supplies; and, at their discretion, either to furnish 15 the same to the pupils free of charge or to collect for the use thereof from the respective parents or guardians of the pupils a sum not exceeding twenty cents per month per pupil to defray the cost thereof."

1 Edw. VII.
c. 39, s. 68,
repealed.

35. Section 68 of the said Act is hereby repealed and the 20 following substituted therefor:—

Expropriating
land for school
purposes.

68.—(1) The school board or board of education of every urban municipality shall have power to acquire and expropriate any land required by them to be used for a school site, or for the enlargement of or an addition to, any exist- 25 ing school site.

Arbitrators,
appointment
of by trustees.

(2) If the owner of the land required refuses to sell the same or demands therefor a price deemed unreasonable by the school board or board of education, or refuses to accept the price such board is willing to pay, the school board or 30 board of education may appoint an arbitrator and serve notice of such appointment upon the owner of the land required and require him to appoint an arbitrator. Such notice may contain a description of the land required as aforesaid, and a duplicate of such notice containing such 35 description may be registered in the registry office of the county or city in which the land is situated, together with an affidavit verifying the same and proving service of such notice upon the said owner. Such registration shall be notice to all persons whomsoever that the said land is being 40 expropriated in the manner and at a price to be fixed as herein provided.

Appointment
of arbitrator
by owner—
third arbitra-
tor.

(3) The said owner, within seven clear days after the service upon him of notice of the appointment of an arbit- 45 rator by the said school board or board of education as aforesaid, shall appoint an arbitrator, and the two arbit- rators so appointed shall appoint a third arbitrator, or in

default of their appointment of a third arbitrator within four clear days after the appointment of an arbitrator by the owner of the said land as aforesaid, the county judge of the county in which the land in question is situated, upon the application of either party made upon two clear days' notice to the other party, shall appoint a third arbitrator.

(4) If the owner of the land required refuse or neglect to appoint an arbitrator and to give notice of such appointment to the said school board or board of education within seven clear days after receiving notice of the appointment of an arbitrator by such board as aforesaid, the school board or board of education may apply *ex parte* to the said county judge upon affidavit setting forth the facts, and thereupon the county judge, with or without directing notice of such application to be served upon the owner of the said land as he shall deem proper, shall appoint two additional arbitrators.

(5) If an appointed arbitrator refuses to act or is incapable of acting or dies, the other arbitrators, or in case of their default for seven clear days, the county judge, shall, upon the application of either party, appoint an arbitrator to fill such vacancy, and the arbitrator so appointed shall have all the powers and act in the stead of the arbitrator so refusing or being incapable to act or dying as aforesaid.

(6) Every school board or board of education in an urban municipality shall make to the owners or occupiers of any real property adjacent to the land expropriated which is injuriously affected by the exercise of the powers of expropriation conferred by this Act, due compensation for any damages necessarily resulting from the exercise of such powers; and every claim for such compensation, if not settled by mutual agreement, shall be determined by the said arbitrators. The said school board or board of education shall give such notices to the owners and occupiers of such adjacent land as the said arbitrators shall deem just and reasonable, and shall name a time therein within which claims shall be filed before the arbitrators; and upon filing their claims the said owners and occupiers shall be entitled to be heard and to adduce evidence before the said arbitrators, and shall be bound by the award of the arbitrators as to the compensation for such damages. In case any owner or occupier of such adjacent land fails to make his claim to such compensation in writing filed before the said arbitrators within the time limited by such notice, or such further time pending the arbitration as the arbitrators in their discretion shall permit, such owner or occupier shall lose all right to such compensation.

(7) The arbitrators so appointed as aforesaid shall have power to administer oaths to persons appearing to give evidence before them, or to take the solemn affirmations of

Owner neglecting to appoint.

Arbitrators refusing or neglecting to act.

Compensation for lands taken or injured.

Arbitrators may administer oaths.

such persons, if they are entitled to affirm in civil proceedings.

Powers of arbitrators as to determining claims.

(8) The arbitrators shall have power to hear and determine all claims or rights of encumbrancers, lessees, tenants and other persons as well as those of the owner in respect of the said land required, and of the owners and occupiers of such adjacent lands; and to decide who are necessary or proper persons to appear before them either generally upon the said arbitration or in respect of any particular claim or right; and to direct all necessary notices to be served and in what manner they may be served; and after hearing all parties interested, and the evidence adduced, the said arbitrators shall make their award as to the price to be paid for the land in question and as to the apportionment of such price where more parties than one are interested therein, and as to the amount to be paid to each lessee, tenant or other claimant by way of compensation in respect of any interest or right affected, and as to any compensation or damages, if any, to be paid to such adjacent owners or occupiers, or any of them.

Decision of two arbitrators to be binding.

(9) In case of the disagreement of the arbitrators on any matter connected with the said arbitration or as to the award to be made, the decision or award of any two of them shall be valid and binding upon all parties.

Two arbitrators may proceed in absence of third.

(10) If one arbitrator refuses or neglects to attend any lawful meeting of the arbitrators, the other two arbitrators may proceed in his absence and may hear and determine all matters that come before them and may make and publish their award upon the matter or matters in question, and such award shall be valid and binding upon all parties; or they may adjourn the meeting for any period not exceeding ten days, giving the absent arbitrator notice of the said adjournment.

Subpoenas.

(11) The school board or board of education, the owner of the land in question, or any encumbrancer, lessee, tenant, or other person interested in the said land or claiming compensation in respect of any interest or right affected by the expropriation of such land, or any owner or occupier of such adjacent land, may sue out of the High Court of Justice a writ of subpoena *ad testificandum*, or a writ of subpoena *duces tecum*, and may compel the attendance of witnesses and the production of documents and things before the said arbitrators in the manner practised in the said court. but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action in the said court.

Time for making award.

(12) The arbitrators shall make their award within three months after entering on the reference or after having been called on to act by notice in writing from the said school board or board of education or the owner of the land in

question, or on or before any later day to which the arbitrators, by any writing signed by them, may from time to time enlarge the time for making the award.

(13) The said school board or board of education shall ^{Payment of claims.} pay all sums as required by the said award to the parties to whom such sums are awarded, or into court in accordance with the provisions of this Act.

If by reason of the absence of the person entitled to be paid any sum, or for any other reason, payment of such ^{When amount awarded may be paid into court.} sum cannot be made pursuant to the said award, or if the title to the said land expropriated, or any interest therein, or to or in such adjacent land or any part thereof, or the right to any portion of the compensation therefor, is in doubt, or if the school board or board of education have reason to ^{When amount awarded may be paid into court.} fear any claim or encumbrance, or if for any other reason the said school board or board of education deems it advisable, such board may pay the moneys due under the said award or any part thereof into the High Court of Justice with six months' interest thereon.

Upon payment or tender of all moneys awarded by the arbitrators to the parties entitled thereto, or upon payment thereof, or such part thereof as has not been paid to any person pursuant to the said award, into court with interest as aforesaid pursuant to this Act, the school board or board of education may enter upon, take, and use the said land for the purpose for which it was required.

(14) The owner of the land required and all parties interested therein or claiming any compensation by reason of the expropriation of the same, and every owner or occupier ^{Owners and others compellable witnesses.} of adjacent land claiming compensation or damages, shall, subject to any legal objection, submit to be examined by or before the arbitrators on oath, or on affirmation, if entitled to affirm in civil cases, in relation to the matters in question, and shall, subject as aforesaid, produce before the arbitrators all deeds, writings, documents and things in their possession or power respectively, which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators may require.

(15) The award of the arbitrators shall be in writing, ^{Award to be in writing and in duplicate if required.} and in duplicate if required by the school board or board of education, and shall set forth the metes and bounds of the land in question, and the said award or a duplicate thereof shall be registered in the registry office of the county or city in which the said land is situated, on the ^{Award to be in writing and in duplicate if required.} affidavit of the secretary of the board verifying the same, and shall be deemed to be the title of the trustees to the land mentioned therein and shall be a good title thereto against all persons whomsoever.

(16) The costs of the arbitration and award, and of every ^{Costs of arbitration.} matter involved therein, shall be in the discretion of the arbitrators, who may direct to and by whom and in what

manner such costs or any part thereof shall be paid, and they may award costs to be paid as between solicitor and client.

Application of s. 39, subs. 1, to urban municipalities.

(17) Subsection 1 of section 39 of the said Act shall be construed as applying to land in urban municipalities as well as to lands required for rural school sites.

1 Edw VII, c. 39, s. 70, repealed.

36.—(1) Section 70 of the said Act is hereby repealed and the following substituted therefor:—

County rates for school purposes.

“70.—(1) The municipal council of every county shall levy and collect by an equal assessment upon the taxable property of the public school supporters of the rural schools of the whole county, according to the equalized assessments of the municipalities in which such rural schools are situated, in the manner provided by this Act and *The Municipal and Assessment Acts*, a sum which shall be at least the equivalent of all special grants made by the Legislative Assembly to the rural public schools of the county, and such sum shall be payable to the trustees of the respective schools receiving such legislative grants in the same proportions as the said special grants are apportioned.”

Township rates

(2) The municipal council of every township shall levy and collect by assessment upon the taxable property of the public school supporters of the whole township, in the manner provided by this Act and *The Municipal and Assessment Acts*, the sum of \$250 at least for every public school which has been kept open the whole year exclusive of vacations. Where the school has been kept open for six months or over, a proportionate amount of the said sum of \$250 at least shall be levied and collected in a similar manner upon the taxable property aforesaid. An additional sum of \$150 at least shall be levied and collected in a similar manner upon the same taxable property for every assistant teacher engaged for the whole year, exclusive of vacations, and a proportionate amount if such assistant teacher was engaged for six months or over.

Moneys raised to be paid over to trustees on order of inspectors.

(3) The sums so levied and collected by the respective councils of the county and township shall be payable to the trustees of the respective public schools only on the order of the inspector, and, after the expiration of the current calendar year, shall be applied exclusively to teachers' salaries.

Payment of teachers by rural trustees.

(4) In addition to the sum provided by the township council towards each teacher's salary, the trustees of every rural school section shall pay annually, after the expiration of the current calendar year, to the teacher where there is only one and to the head teacher where there are more than one at least the sum hereinafter mentioned (subject only to a proportionate reduction in case the whole year's salary does not become due), that is to say:—

- (a) \$250 where the assessed value of the taxable property of the public school supporters in the section is at least \$160,000;
- 5 (b) \$200 when such assessed value is at least \$80,000 but less than \$160,000;
- (c) \$150 where such assessed value is at least \$40,000 but less than \$80,000;
- (d) \$100 where such assessed value is at least \$30,000 but less than \$40,000;
- 10 (e) \$50 where such assessed value is less than \$30,000;
- And \$150 to every assistant teacher, whatever such assessed value is.

The said trustees in making their annual estimates and requisitions for school moneys to be levied and collected
 15 from the ratepayers, shall include whatever amount, considering their other sources of income, is necessary to provide for such payment.

(5) The public school inspector shall have power to, and shall, suspend the certificate of any teacher in a rural school
 20 who agrees to accept a salary of less amount than is herein provided for, or who by rebate, donation, or other subterfuge accepts a less amount in settlement of his or her claim for salary. The inspector shall forthwith report such suspension to the Minister of Education, and the suspension
 25 shall be continued or dealt with as the Minister deems expedient.

(6) In the case of a union school section formed of parts of different townships, the sums herein provided to be levied and collected from the ratepayers by township councils shall
 30 be levied and collected as aforesaid by the several councils out of the taxable property of the public school supporters of such union school section, each in the proportion which such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole
 35 union section.

(7) In the case of a union school section formed of parts of different townships, the sums mentioned in subsection 2 of this section shall be paid by the respective township councils in proportions to be fixed in accordance with the
 40 provisions of section 54 of this Act.

(8) When any portion of the salary of any teacher in a rural school for any reason does not become payable or is withheld from such teacher in accordance with the terms of
 this Act, the sums payable respectively by the county, the
 45 township or townships, and the ratepayers, on account of such salary, shall abate, in the proportions in which they were respectively liable for the whole.

(9) All moneys hereby required to be levied and collected and applied to the salaries of teachers shall be paid
 50 to the treasurers of the respective public school boards

Amount of salaries to be undivided in estimates.

Suspension of certificate for accepting lower salary.

Rates for teachers salaries in union school sections.

Abatement of amounts payable by county and township.

Amounts required to be raised to be paid over as required.

from time to time as may be required by the school trustees.

Apportionment
in united
counties.

(10) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for public school purposes so that each county forming such union shall be liable only for sums payable in respect of public schools within such county. 5

1 Edw. VII,
c. 39, s. 71,
subs. 1,
amended.

37. Subsection 1 of section 71 of the said Act is hereby amended by inserting after the word "property" in the second line thereof the words "of the public school supporters" and by striking out all the words in the said subsection after the word "expenses" in the eighth line thereof. 10

1 Edw. VII,
c. 39, s. 74,
subs. 1,
amended.

38.—(1) Subsection 1 of section 74 of the said Act is hereby amended by inserting after the word "purchase" in the second line thereof the words "or enlargement." 15

1 Edw. VII,
c. 39, s. 74,
subs. 2,
amended.

(2) Subsection 2 of section 74 of the said Act is hereby amended by inserting after the word "municipality" where it first occurs in the sixth line thereof the words "Such application must be sanctioned by the ratepayers of the union school section in the manner set forth in the preceding subsection," and by inserting after the word "forming" in the sixth and seventh lines thereof the words "or any portion or portions of which form," and by adding at the end thereof the following paragraph: "The proportion of the moneys payable under said debentures by each of the said municipalities shall be payable out of the taxable property therein lying within the said union school section." 20

1 Edw. VII,
c. 39, s. 75,
subs. 1,
repealed.

39. Subsection 1 of section 75 of the said Act is hereby repealed and the following substituted therefor:— 30

Requiring
council to
raise money
required for
school site
etc., by one
yearly rate.

"75.—(1) The trustees of any rural school section may with the consent of a majority of the ratepayers first had and obtained at a special meeting duly called for that purpose, require the council to raise by one yearly rate such sums as may be necessary for any one or more of the following purposes: the purchase or enlargement of a school site, the erection of a school house, or any addition thereto, or the erection of a teacher's residence, or any addition thereto." 35

1 Edw. VII,
c. 39, s. 75,
subs. 2,
amended.

40. Subsection 2 of section 75 of the said Act is hereby amended by striking out all the words in the said subsection after the word "for" in the second line thereof and inserting in place thereof the words "one or more of the purposes mentioned in the preceding subsection." 40

1 Edw. VII,
c. 39, s. 76,
subs. 1,
amended.

41. Subsection 1 of section 76 of the said Act as enacted by section 5 of the Act passed in the third year of His 45

Majesty's reign, chaptered 32, is hereby amended by inserting after the word "purchase" in the fourth line thereof the words "or enlargement," and by inserting after the word "thereto" in the fifth line thereof the words
5 "or repairs or improvements of the school property."

42. Section 78 of the said Act is hereby amended by striking out all the words thereof after the word "for" in the 7th line thereof, and inserting in place thereof the words following: "any one or more of the following purposes: the purchase or enlargement of a school site, the
10 erection of a school house, or any addition thereto, or the erection of a teacher's residence, or any addition thereto, and any sum so borrowed shall be applied only to the purpose or purposes for which it was borrowed."

15 43. Subsection 3 of section 80 of the said Act is hereby amended by adding thereto the following: "or when for any reason his engagement has ceased."
1 Edw. VII, c. 39, s. 78, amended.

44. Subsection 1 of section 83 of the said Act is hereby amended by inserting after the word "qualification" in the
20 seventh line thereof the words: "and actually engaged in teaching, having had at least three years' experience as a teacher in one or more of the public or separate schools of the Province."
1 Edw. VII, c. 39, s. 83, subs. 1, amended.

Subsection 5 of said section 83 is hereby repealed.
1 Edw. VII, c. 39, s. 83, subs. 5, repealed.

25 45. Subsections 3, 4, 5 and 6 of section 86 of the said Act are hereby repealed and the following subsections substituted therefor:
1 Edw. VII, c. 39, s. 86, subs. 3-6, repealed.

(3) The municipal council of each county shall appoint one or more public school inspectors for such county.
30 The number appointed shall be such that no inspector shall have charge of more than one hundred and twenty schools or less than fifty, except as hereinafter provided.
County inspectors, appointment of.

(4) When more than one inspector is appointed for any county, the county council shall prescribe and number
35 the territorial divisions of each, in such manner that no inspector shall have charge of more than one hundred and twenty or less than fifty schools except as hereinafter provided. The council may change or remove the inspectors from one division of the county to another whenever they
40 deem it expedient.
Limit of number of schools under each inspector.

(5) Each inspector shall have charge of all the public schools of any town not separated from the county in the district to which he has been appointed; but this shall only
apply to the towns referred to in subsection 9 of this section when the office of inspector in such towns becomes
vacant.
Towns not separated from the county.

Limit where
French or
German
prevailing
language.

(6) In a county containing any municipality wherein the French or German language is the common or prevailing language, the inspector in whose division such municipality lies may have charge of less than fifty schools but not less than forty.

5

Appointment
of inspectors
for each
electoral
division.

(6a) Notwithstanding anything hereinbefore contained, in any county divided into electoral divisions, the county council may in its discretion appoint an inspector for each or any of the said divisions and in such case the inspector appointed to any electoral division may have charge of all the public schools therein whatever their number, except in cities or towns separated from the county, or in the towns referred to in subsection 9 of this section while the present inspectors continue in office in said last mentioned towns, but as soon as such last named inspectorships become vacant the inspectors appointed by the council as aforesaid shall take charge of the schools in such last mentioned towns.

15

1 Edw. VII.,
c. 39, s. 86, subs.
8 repealed.

46. Subsection 8 of section 86 of the said Act is hereby repealed and the following substituted therefor:—

20

Remuneration
of county in-
spectors.

“(8) Subject to the provisions hereinafter contained limiting the amount of the salary of any county inspector, the county council shall pay in equal quarterly instalments to every county inspector the annual sum of \$6 for every teacher occupying a separate room with a separate register, and such additional sum as it deems reasonable for postage, stationery and travelling expenses, which additional sum shall never be less than \$150 per annum, with \$1.50 added for each school under his charge exceeding fifty in number.”

30

1 Edw. VII.,
c. 39, s. 86,
subs. 10
repealed.

47.—(1) Subsection 10 of section 86 of the said Act is hereby repealed and the following substituted therefor:—

Remuneration
of inspectors.

“(10) Subject to the provisions hereinafter contained limiting the amount of the salary of any county inspector, the sum of \$7 for every teacher occupying a separate room with a separate register, shall be paid out of any sum of money appropriated by the Legislative Assembly for that purpose, as the Lieutenant-Governor in Council may direct, towards the salary of every county inspector.”

35

Maximum
salary of
county
inspectors.

(2) No county inspector shall, after the current year, 40 receive a larger salary than \$1,800 per annum over and above his said allowance for postage, stationery and travelling expenses, and notwithstanding anything herein contained, no county shall be required to pay to a county inspector more than six-thirteenths of the said salary of \$1,800 per annum over and above the said allowance, and no more than seven-thirteenths of such salary of \$1,800 per annum shall be paid out of the said Legislative appropriation.

45

48. Subsection 12 of section 86 of the said Act is hereby amended by inserting after the word "or" in the third line thereof the words "subject to the approval of the Lieutenant-Governor-in-Council," and by striking out the words "or without cause by a vote of two-thirds of such council or board" in the fourth and fifth lines thereof.

1 Edw. VII.,
c. 39, s. 86,
subs. 12
amended.

49. Subsection 3 of section 87 of the said Act is hereby amended by adding thereto the following as paragraph (e):

1 Edw. VII.,
c. 39, s. 87,
subs. 3
amended.

“(e) The inspector shall not, however, withhold his order for the amount apportioned from the legislative or municipal grant, nor shall the teacher's salary be withheld by reason of any school being kept open for less than six months of the year when such school has been closed by order of the health officer on account of any contagious disease or diseases.”

50. Subsection 7 of section 93 of the said Act is hereby amended by striking out the figures "87" where they occur in the second and third lines thereof and substituting therefor the figures "91" and by striking out the figures "89" in the fourth line thereof and substituting therefor the figures "93."

1 Edw. VII.,
c. 39, s. 93,
subs. 7
amended.

51. Subsection 3 of section 95 of the said Act is hereby amended by striking out the word "any" in the fifth line thereof and substituting therefor the word "the" and by inserting after the word "trustees" in the said fifth line the words "of the last named section" and by inserting after the word "remit" in the said fifth line the words "the whole or any part of the said rates, not exceeding the amount of."

1 Edw. VII.,
c. 39, s. 95,
subs. 3
amended.

52. Subsection 5 of section 95 of the said Act is hereby amended by striking out the last two words in the fourth line thereof and the first word of the fifth line thereof, and by inserting after the word "purposes" in the sixth line thereof the words: "or so much thereof."

1 Edw. VII.,
c. 39, s. 95,
subs. 5
amended.

53. Subsection 3 of section 98 of the said Act is hereby amended by inserting after the word "thereto" in the sixth line thereof the following: "He shall also certify under his hand to the Minister of Education a true copy of the said summons, statement of claim, proceedings, evidence, judgment and objections", and by striking out the word "hereinafter" in the sixth line thereof and substituting therefor the word "hereinbefore."

1 Edw. VII.,
c. 39, s. 98,
subs. 3
amended.

54. Subsection 4 of said section 98 is hereby amended by striking out all the words therein from the commencement thereof down to and including the word "thereto" in the sixth line thereof.

1 Edw. VII.,
c. 39, s. 98,
subs. 4
amended.

1 Edw. VII.,
c. 39, s. 101
amended.

55. Section 101 of the said Act is hereby amended by striking out the words "for its use" at the end thereof, and substituting therefor the words "and applied by them to school purposes."

1 Edw. VII.,
c. 39, s. 104
amended.

56. Section 104 of the said Act is hereby amended by inserting after the word "the" in the fifth line thereof the words "municipality or" and by inserting after the word "and" in the sixth line thereof the words "except in cases falling within the provisions of subsection 2 of section 62 of this Act." 5 10

1 Edw. VII.,
c. 39, s. 105
amended.

57. Section 105 of the said Act is hereby amended by striking out the word "may" in the tenth line thereof and substituting therefor the words "shall on proof of the facts" and by inserting after the word "and" in the eleventh line thereof the words: "except in an urban 13 municipality when the trustees notify him that they have decided to allow the office to remain vacant pursuant to the provisions of subsection 2 of section 62 of this Act, shall." 10

1 Edw. VII.,
c. 39, s. 106
amended.

58. Section 106 of the said Act is hereby amended by inserting after the word "publication" at the end of the fourth line thereof the words "in which any advertisement is inserted in the regular course of business or." 20

1 Ed. VII.,
c. 39, s. 113
amended.

59. Section 113 of the said Act is hereby amended by striking out all the words in the eighth line thereof after the word "by" and inserting in place thereof the words: "the public school corporation or any ratepayer or ratepayers interested therein suing on behalf of himself or themselves and all other ratepayers of the school section or municipality interested therein." 25 30

1 Edw. VII.,
c. 39, s. 115,
subs. 2
amended.

60.—(1) Subsection 2 of section 115 of the said Act is hereby amended by inserting after the word "order" in the second line thereof the words "or a true copy thereof."

1 Edw. VII.,
c. 39, s. 115,
subs. 3
amended.

(2) Subsection 3 of said section 115 is hereby amended by inserting after the word "appointed" in the first line thereof the words: "or at a time and place to which the application may then in the discretion of the judge be adjourned." 35

1 Edw. VII.,
c. 39, s. 115,
subs. 4
amended.

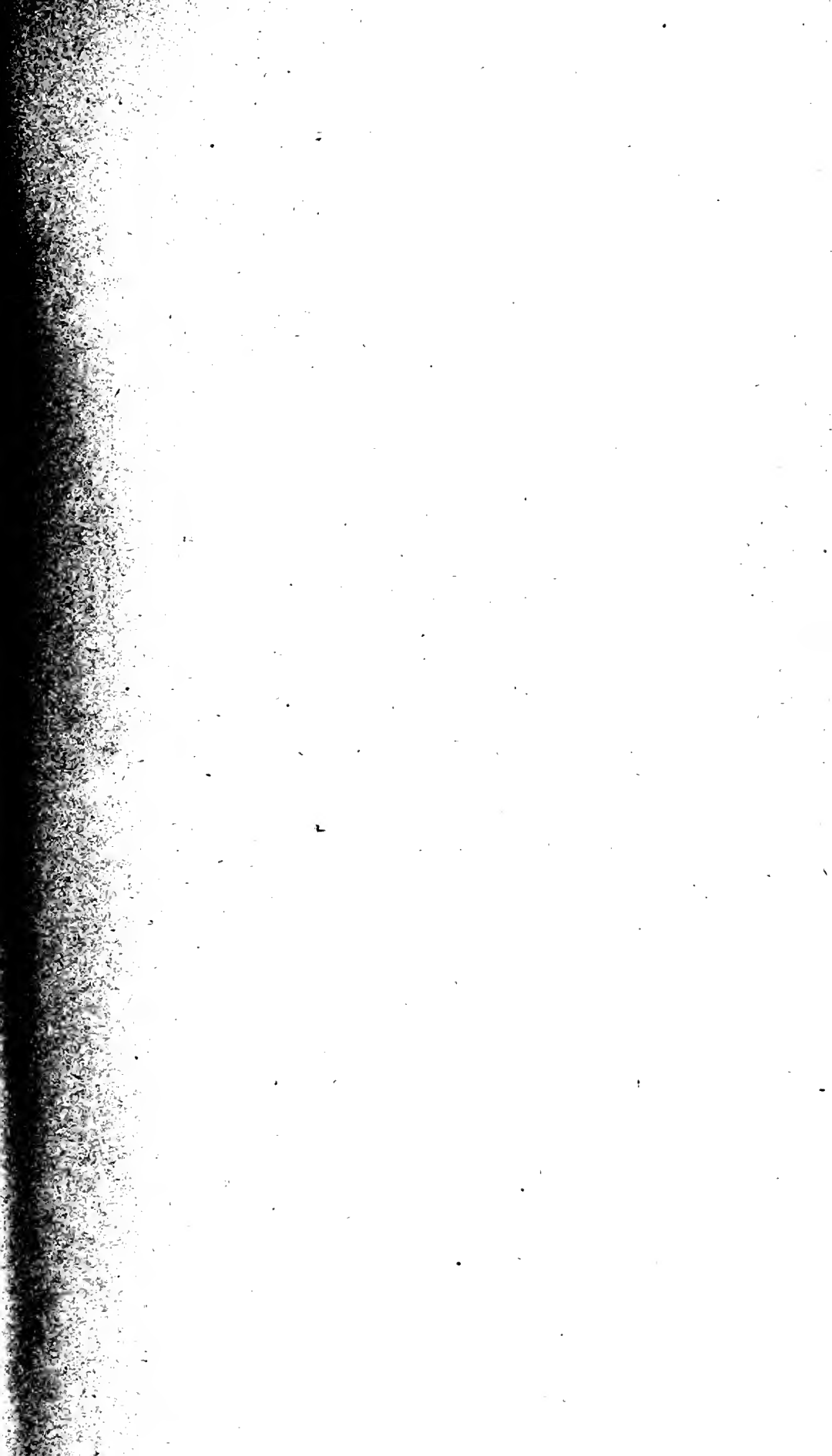
(3) Subsection 4 of said section 115 is hereby amended by adding thereto the following paragraph: "It shall be competent, however, for the judge, upon proof that such person has done all in his power and it has become impossible for him to deliver up, account for or pay over the books, papers, chattels or moneys aforesaid in manner aforesaid, to order his discharge on such terms or conditions as may appear just." 40 45

61. Section 116 of the said Act is hereby amended by ^{1 Edw. VII.,}
 inserting after the word "ratepayer" in the last line thereof ^{c. 39, s. 116,}
 the words "any trustee, secretary or treasurer so refusing." ^{amended.}

62. Subsection 1 of section 121 of the said Act is hereby ^{1 Edw. VII.,}
 5 amended by inserting after the word "shall" in the third ^{c. 30, s. 121,}
 line thereof the words "sell or." ^{sub s. 1,}
^{amended.}

63. This Act shall come into force and take effect on the ^{Commence-}
 day of _____, 1906. ^{ment of Act.}





2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Public Schools Act.

First Reading, 10th April, 1906.

Mr. PYNE.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Public Schools Act.

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

1. Paragraph 4 of section 2 of *The Public Schools Act* is hereby amended by inserting after the word "house" in the second line thereof the words "school garden."

1 Edw. VII.
c. 39, s. 2, par. 4
amended.

2. Section 2 of *The Public Schools Act* is hereby amended by adding thereto the following paragraph:

1 Edw. VII.
c. 39, s. 2,
amended.

11. "Secretary" or "Treasurer" shall mean Secretary-treasurer in a school section or municipality where a secretary-treasurer is elected.

"Secretary,"
"Treasurer,"
meaning of.

3. Subsection 2 of section 8 of the said Act is hereby repealed and the following substituted therefor:—

1 Edw. VII.
c. 39, s. 8, subs. 2,
repealed.

(2) The trustees of any number of public schools, or any number of public and separate schools, not situated in a high school district as defined by *The High Schools Act*, may, by mutual agreement, determine that such continuation classes shall be conducted in one of such schools for the benefit of the pupils of all of them, and in such cases the trustees of each of the said schools shall have power to provide, by additional or increased rates to be levied upon the same property upon which the other school rates are levied, for the maintenance of such continuation classes. The said agreement shall specify the proportion of the cost of maintenance to be paid by the trustees of each of said schools, or shall provide for the settlement of the same by arbitration or by such other method as they deem expedient.

Grouping
schools for
continuation
classes.

4. Subsection 5 of section 8 of the said Act is hereby amended by striking out the words "at the date of this Act" in the first line thereof and substituting therefor the words "on the 15th day of April, 1901," and by striking

1 Edw. VII.
c. 39, s. 8,
subs. 5,
amended.

Qualifications
of teachers of
continuation
classes.

all the words in the said subsection after the word "principal" in the fourth line thereof and substituting therefor the words "or assistant after the date when this Act takes effect shall possess the qualifications prescribed by the Regulations of the Department of Education."

1 Edw. VII.
c. 39, s. 8,
subs. 6,
amended.

5. Subsection 6 of said section 8 is hereby amended by adding thereto the following paragraph:—

"The council of two or more counties united for municipal purposes may apportion the amount to be levied for continuation classes so that each county forming such union shall be liable only for sums payable in respect of continuation classes within such county. Where trustees of different schools situated in more than one of such united counties have joined together under subsection 2 for the conduct of continuation classes, the said council may determine the proportion to be paid by each of such counties in respect of such continuation classes."

1 Edw. VII.
c. 39, s. 9,
subs. 2,
amended.

6. Subsection 2 of section 9 of the said Act is hereby amended by striking out the word "member" in the first line thereof and substituting therefor the word "number."

1 Edw. VII.
c. 39, s. 11,
repealed.

7. Section 11 of the said Act is hereby repealed.

1 Edw. VII.
c. 39, s. 12,
subs. 4,
amended.

8. Subsection 4 of section 12 of the said Act is hereby amended by adding thereto the following words: "and to furnish annually, on or before the first day of December, to the local public school inspector, information in writing of the acreage, the assessed value, the rate for school purposes and the school population between the ages of five and twenty-one years of each section or part of union section within the township."

1 Edw. VII.
c. 39, s. 12,
subs. 5,
amended.

9. Subsection 5 of section 12 of the said Act is hereby amended by striking out all the words after the word "shall" in the second line, the whole of the third, fourth and fifth lines and the first three words of the sixth line thereof, and substituting therefor the words "call the first meeting for the fourth Wednesday after the formation of such section, by causing notices to be posted in three of the most public places in the new section at least six clear days before the date when the said meeting is to be held" and by striking out the word "time" in the seventh line and substituting therefor the word "hour."

1 Edw. VII.
c. 39, s. 12,
subs. 6,
amended.

10. Subsection 6 of said section 12 is hereby amended by striking out all the words in the second line after the word "elected" and the first seven words of the third line and substituting therefor the words "or the first trustee in seniority shall hold office for a term to be computed from the date of the election until the expiration of three years

from the next date fixed by this Act for holding annual meetings of ratepayers, the second shall hold office for one year less and the third for two years less than the said term, subject in all cases to the provisions of this Act respecting trustees being disqualified or vacating their offices." ~~or~~

11. Subsection 4 of section 14 of the said Act is hereby amended by striking out the last four words of the second line, the whole of the third line and the first word of the fourth line, and substituting therefor the following: "He shall not vote unless there is an equality of other votes when he shall give the casting vote".

1 Edw. VII.
c. 39, s. 14,
subs. 4,
amended.
Chairman of
school meet-
ing,—casting
vote.

12. Subsection 2 of section 15 of the said Act is hereby amended by inserting after the word "names" in the fourth line thereof the words "and residences" and by striking out the words "with the residence of the voter" at the end of the said subsection.

1 Edw. VII.
c. 39, s. 15,
subs. 2,
amended.
Voting at
school
meetings.

13. Subsection 3 of section 15 of the said Act is hereby repealed and the following substituted therefor: (3) When a poll is granted on any public school question the secretary shall prepare or procure a poll-book with two separate columns marked respectively "for" and "against"; and shall opposite to such columns write the name and residence of each ratepayer voting on the said question; and shall record his vote by setting the figure '1' opposite his name in the proper column so as to show how he votes on the said question.

1 Edw. VII.
c. 39, s. 15,
subs. 3,
repealed.

Recording
votes at school
meetings.

14. The following paragraph shall be inserted immediately after the third paragraph of the declaration set forth in subsection 4 of section 15 of the said Act and shall be substituted for said third paragraph when a person claims to vote as a farmer's son: "That my father (mother, stepfather or stepmother, as the case may be) is a supporter of the public school in said school section No. —, and that I have been a resident of said section for the past six months." ~~or~~

1 Edw. VII.
c. 39, s. 15,
subs. 4,
amended.

Declaration of
farmer's son
voting at
meetings.

15. Subsection 7 of section 15 of the said Act is hereby amended by inserting after the word "election" in the third line thereof the words: "and of the name and address of the chairman of the said meeting."

1 Edw. VII.
c. 39, s. 15,
subs. 7,
amended.

16. Subsection 8 of section 15 of the said Act is hereby amended by striking out all the words between the word "same" in the fifth line and the word "time" in the sixth line thereof and substituting therefor the following: "and confirm the said election or proceedings if found to be in accordance with this Act or set aside the same if found

1 Edw. VII.
c. 39, s. 15,
subs. 8,
amended.

Complaints as
to elections.

not to be in substantial accordance therewith, and in the latter event he shall appoint a" and by adding at the end of the said subsection the following: "and it shall not be incumbent upon the inspector to set aside such election or proceedings for want of formal compliance with the provisions of this Act if he is satisfied that the result of such election or proceedings has not been affected thereby."

1 Edw. VII.
c. 39, s. 15,
subs. 9,
amended.

17. Subsection 9 of section 15 of the said Act is hereby amended by adding at the end thereof the words "or the vote or proceedings upon any school question".

1 Edw. VII.
c. 39, s. 18,
subs. 2,
amended.

18. Subsection 2 of section 18 of the said Act is hereby amended by inserting after the word "money" in the last line thereof the words: "in his possession, power or control."

1 Edw. VII.
c. 39, s. 19,
subs. 2,
amended.

Calling special
meetings.

19. Subsection 2 of section 19 of the said Act is hereby amended by adding thereto the following: "such request in writing or petition and the notice calling such special meeting shall specify the objects for which such special meeting is to be held."

1 Edw. VII.
c. 39, s. 20,
amended.

20. Section 20 of the said Act is hereby amended by striking out all the words therein after the word "thereby" in the fourth line thereof.

1 Edw. VII.
c. 39, s. 22,
subs. 1,
repealed.

Auditors for
rural school
sections.

21. Subsection 1 of section 22 is hereby repealed and the following substituted therefor:

(1) There shall be two auditors in each rural school section. One shall be elected annually by the ratepayers at the annual or a special meeting and the other shall be appointed by the school trustees on or before the first day of December in each year. In case an auditor dies or refuses or is unable to act another may be elected or appointed in his place by the same authority that elected or appointed him. But if from any cause at any time after the first day of December there are not two auditors, willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require.

1 Edw. VII.
c. 39, s. 34,
subs. 1,
repealed.

Selecting new
site for rural
school.

22. Subsection 1 of section 34 of the said Act is hereby repealed and the following substituted therefor:—

34.—(1) The trustees of every rural school section, or a majority of them, shall have power to select a new school site or to agree upon a change of school site, and thereupon the trustees shall forthwith call a special meeting of the ratepayers to consider the school site selected by them; and no school site shall be adopted, or change of

school site made, except in the manner hereinafter provided, without the consent of a majority of such special meeting.

23. Subsection 2 of said section 34 is hereby amended by inserting the word "school" immediately before the word "site" in the second line thereof. 1 Edw. VII. c. 39, s. 34, subs. 2, amended.

24. Subsection 2 of section 35 of the said Act is hereby amended by inserting after the word "site" in the fifth line thereof the words "or required for the enlargement of the school premises." 1 Edw. VII. c. 39, s. 35, subs. 2, amended.

25. Subsection 4 of said section 35 is hereby amended by inserting after the word "site" in the fifth line thereof the words "or for the enlargement thereof." 1 Edw. VII. c. 39, s. 35, subs. 4, amended.

26. Subsection 1 of section 36 of the said Act is hereby amended by inserting after the word "site" in the first line thereof the words "or for land required for the enlargement of school premises" and by adding at the end thereof the following: "and showing that the amount of the damages has been paid or tendered as provided in the preceding section." 1 Edw. VII. c. 39, s. 36, subs. 1, amended.

27. Subsection 1 of section 37 of the said Act is hereby amended by striking out the word "the" in the second line thereof and substituting therefor the word "any" and by striking out all the words after the word "house" in the third line thereof and substituting therefor the words "without the consent of the owner thereof." 1 Edw. VII. c. 39, s. 37, subs. 1, amended.

28. Section 38 of the said Act is hereby amended by striking out all the words after "shall" in the fourth line, and the whole of the fifth and sixth lines thereof and substituting therefor the words "approach within one hundred yards of or include any garden, orchard, pleasure ground, or dwelling house without the consent of the owner thereof." 1 Edw. VII. c. 39, s. 38, amended.

29. Section 45 of the said Act is hereby amended by adding thereto the following subsections:— 1 Edw. VII. c. 39, s. 45, amended.

(2) Whenever a school section or a union school section has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law in that behalf or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such section had been formed thereunder, unless, in the meantime, proceedings have been taken calling in question the legal status of such sec-

tion and notice thereof has been given to the persons who ought, according to the practice of the Court in which the proceedings are taken, to be served with notice thereof, and such proceedings shall result in its being determined that such section has not been legally formed. ❖

❖ (3) No proceeding in or in relation to the formation, alteration or dissolution of a rural school section or a union school section and no arbitration or award in reference thereto or as to any matter which by the provisions of this Act are to be or may be determined by arbitration shall be deemed to be invalid or shall be set aside because of the failure to comply with the provisions of this Act applicable to such proceeding, arbitration or award unless in the opinion of the tribunal before which such proceeding, arbitration or award is called in question the same, if allowed to stand, will cause substantial injustice to be done to the persons affected thereby or some of them. ❖

❖ (4) Should any question arise touching the validity of the proceedings in or in relation to the formation, alteration or dissolution of any rural school section or union school section, or touching the selection, adoption or change of a school site, or touching any by-law of the council of any municipal corporation in any way relating to the said matters or any or either of them or touching any arbitration or award hereof or hereafter had or made under the provisions or authority of this Act, the same shall not be raised or determined by action or proceeding in the High Court of Justice for Ontario, but shall be raised, heard and determined upon a summary application to the judge of the county or district court of the county or district in which such school section or some part thereof is situate, and the decision of such judge shall be final and conclusive, unless special leave to appeal therefrom shall be given by the High Court or a judge thereof, and if such leave be given an appeal shall lie to the High Court upon questions of law only, upon and subject to such terms and conditions as the court or judge giving the leave shall prescribe. ❖

1 Edw. VII.
c. 39, s. 48,
amended.

30. Section 48 of the said Act is hereby amended by striking out the figures "43" in the 14th line thereof and substituting therefor the figures "46."

1 Edw. VII.
c. 39, s. 58,
subs. 1,
amended.

31. Subsection 1 of section 58 is hereby amended by striking out the words "after the first election of trustees" in the third line thereof and substituting therefor the words: "except as hereinafter provided."

1 Edw. VII.
c. 39, s. 58,
subs. 2,
amended.

32. Subsection 2 of section 58 of the said Act is hereby amended by striking out the words "one of the trustees in

each ward" in the first line thereof and substituting therefor the words "After the first election of trustees in any ward or when from any cause the two trustees in any ward are elected simultaneously, one of them" and by striking out all the words of said subsection after the word "retire" in the sixth line thereof and substituting therefor the words: "After such first or simultaneous election one trustee shall be elected annually for each ward."

33.—(1) Subsection 1 of section 59 of the said Act is hereby amended by striking out the words "after the first election of trustees" in the second and third lines thereof, and substituting therefor the words, "except as hereinafter provided."

1 Edw. VII.
c. 39, s. 59,
subs. 1,
amended.

(2) Subsection 2 of section 59 of the said Act is hereby amended by striking out the first four words thereof and substituting therefor the following: "After the first election of trustees in any such incorporated village three of them" and by striking out the word "which" in the 6th line thereof and substituting therefor the words "such first election."

1 Edw. VII.
c. 39, s. 59,
subs. 2,
amended.

34. Subsection 6 of section 60 of the said Act is hereby amended by inserting after the word "names" in the 7th line thereof the words "and residences" and by striking out the last six words of the said subsection.

1 Edw. VII.
c. 39, s. 60,
subs. 6,
amended.

35. *The Public Schools Act* is hereby amended by inserting therein immediately after section 60 thereof the following as Section 60a:

1 Edw. VII.
c. 39, amended

60a. Any person exempted by the trustees of any school section from the payment of school rates wholly or in part on account of indigence shall thereby be deprived of the right to vote at any election of trustees or any meeting of ratepayers so long as such exemption shall continue."

Persons ex-
empted from
school rates
not to vote.

36. Paragraph 5 of said section 65 is hereby amended by inserting after the word "assistants" in the fifth line thereof the words "to maintain each school during the whole period of each school year except in cases where it is otherwise provided under this Act."

1 Edw. VII.
c. 39, s. 65,
par. 5,
amended.

37. Subsection 7 of section 65 of the said Act is hereby repealed and the following substituted therefor:

1 Edw. VII.
c. 29, s. 65,
subs. 7,
repealed.

"(7) To purchase, in case they deem it expedient, for the use of pupils attending school, text-books and other school supplies; and, at their discretion, either to furnish the same to the pupils free of charge or to collect for the use thereof from the respective parents or guardians of the pupils a sum not exceeding twenty cents per month per pupil to defray the cost thereof."

Trustees pur-
chasing school
books and
supplies.

1 Edw. VII.
c. 39, s. 68,
repealed.

38. Section 68 of the said Act is hereby repealed and the following substituted therefor:—

Expropriating
land for school
purposes.

68.—(1) The school board or board of education of every urban municipality shall have power to acquire and expropriate any land required by them to be used for a school site, or for the enlargement of or an addition to, any existing school site.

Arbitrators,
appointment
of by trustees.

(2) If the owner of the land required refuses to sell the same or demands therefor a price deemed unreasonable by the school board or board of education, or refuses to accept the price such board is willing to pay, the school board or board of education may appoint an arbitrator and serve notice of such appointment upon the owner of the land required and require him to appoint an arbitrator. Such notice may contain a description of the land required as aforesaid, and a duplicate of such notice containing such description may be registered in the registry office of the county or city in which the land is situated, together with an affidavit verifying the same and proving service of such notice upon the said owner. Such registration shall be notice to all persons whomsoever that the said land is being expropriated in the manner and at a price to be fixed as herein provided.

Appointment
of arbitrator
by owner—
third arbitra-
tor.

(3) The said owner, within seven clear days after the service upon him of notice of the appointment of an arbitrator by the said school board or board of education as aforesaid, shall appoint an arbitrator, and the two arbitrators so appointed shall appoint a third arbitrator, or in default of their appointment of a third arbitrator within four clear days after the appointment of an arbitrator by the owner of the said land as aforesaid, the county judge of the county in which the land in question is situated, upon the application of either party made upon two clear days' notice to the other party, shall appoint a third arbitrator.

Owner
neglecting to
appoint.

(4) If the owner of the land required refuse or neglect to appoint an arbitrator and to give notice of such appointment to the said school board or board of education within seven clear days after receiving notice of the appointment of an arbitrator by such board as aforesaid, the school board or board of education may apply *ex parte* to the said county judge upon affidavit setting forth the facts, and thereupon the county judge, with or without directing notice of such application to be served upon the owner of the said land as he shall deem proper, shall appoint two additional arbitrators.

Arbitrators re
fusing or neg-
lecting to act.

(5) If an appointed arbitrator refuses to act or is incapable of acting or dies, the other arbitrators, or in case of their default for seven clear days, the county judge, shall, upon the application of either party, appoint an arbitrator

to fill such vacancy, and the arbitrator so appointed shall have all the powers and act in the stead of the arbitrator so refusing or being incapable to act or dying as aforesaid.

(6) Every school board or board of education in an urban municipality shall make to the owners or occupiers of any real property adjacent to the land expropriated which is injuriously affected by the exercise of the powers of expropriation conferred by this Act, due compensation for any damages necessarily resulting from the exercise of such powers; and every claim for such compensation, if not settled by mutual agreement, shall be determined by the said arbitrators. The said school board or board of education shall give such notices to the owners and occupiers of such adjacent land as the said arbitrators shall deem just and reasonable, and shall name a time therein within which claims shall be filed before the arbitrators; and upon filing their claims the said owners and occupiers shall be entitled to be heard and to adduce evidence before the said arbitrators, and shall be bound by the award of the arbitrators as to the compensation for such damages. In case any owner or occupier of such adjacent land fails to make his claim to such compensation in writing filed before the said arbitrators within the time limited by such notice, or such further time pending the arbitration as the arbitrators in their discretion shall permit, such owner or occupier shall lose all right to such compensation.

Compensation for lands taken or injured.

(7) The arbitrators so appointed as aforesaid shall have power to administer oaths to persons appearing to give evidence before them, or to take the solemn affirmations of such persons, if they are entitled to affirm in civil proceedings.

Arbitrators may administer oaths.

(8) The arbitrators shall have power to hear and determine all claims or rights of encumbrancers, lessees, tenants and other persons as well as those of the owner in respect of the said land required, and of the owners and occupiers of such adjacent lands; and to decide who are necessary or proper persons to appear before them either generally upon the said arbitration or in respect of any particular claim or right; and to direct all necessary notices to be served and in what manner they may be served; and after hearing all parties interested, and the evidence adduced, the said arbitrators shall make their award as to the price to be paid for the land in question and as to the apportionment of such price where more parties than one are interested therein, and as to the amount to be paid to each lessee, tenant or other claimant by way of compensation in respect of any interest or right affected, and as to any compensation or damages, if any, to be paid to such adjacent owners or occupiers, or any of them.

Powers of arbitrators as to determining claims.

(9) In case of the disagreement of the arbitrators on any matter connected with the said arbitration or as to the

Decision of two arbitrators to be binding.

award to be made, the decision or award of any two of them shall be valid and binding upon all parties.

Two arbitrators may proceed in absence of third.

(10) If one arbitrator refuses or neglects to attend any lawful meeting of the arbitrators, the other two arbitrators may proceed in his absence and may hear and determine all matters that come before them and may make and publish their award upon the matter or matters in question, and such award shall be valid and binding upon all parties; or they may adjourn the meeting for any period not exceeding ten days, giving the absent arbitrator notice of the said adjournment.

Subpoenas.

(11) The school board or board of education, the owner of the land in question, or any encumbrancer, lessee, tenant, or other person interested in the said land or claiming compensation in respect of any interest or right affected by the expropriation of such land, or any owner or occupier of such adjacent land, may sue out of the High Court of Justice a writ of subpoena *ad testificandum*, or a writ of subpoena *duces tecum*, and may compel the attendance of witnesses and the production of documents and things before the said arbitrators in the manner practised in the said court, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action in the said court.

Time for making award.

(12) The arbitrators shall make their award within three months after entering on the reference or after having been called on to act by notice in writing from the said school board or board of education or the owner of the land in question, or on or before any later day to which the arbitrators, by any writing signed by them, may from time to time enlarge the time for making the award.

Payment of claims.

(13) The said school board or board of education shall pay all sums as required by the said award to the parties to whom such sums are awarded, or into court in accordance with the provisions of this Act.

When amount awarded may be paid into court.

If by reason of the absence of the person entitled to be paid any sum, or for any other reason, payment of such sum cannot be made pursuant to the said award, or if the title to the said land expropriated, or any interest therein, or to or in such adjacent land or any part thereof, or the right to any portion of the compensation therefor, is in doubt, or if the school board or board of education have reason to fear any claim or encumbrance, or if for any other reason the said school board or board of education deems it advisable, such board may pay the moneys due under the said award or any part thereof into the High Court of Justice with six months' interest thereon.

Upon payment or tender of all moneys awarded by the arbitrators to the parties entitled thereto, or upon payment

thereof, or such part thereof as has not been paid to any person pursuant to the said award, into court with interest as aforesaid pursuant to this Act, the school board or board of education may enter upon, take, and use the said land for the purpose for which it was required.

(14) The owner of the land required and all parties interested therein or claiming any compensation by reason of the expropriation of the same, and every owner or occupier of adjacent land claiming compensation or damages, shall, subject to any legal objection, submit to be examined by or before the arbitrators on oath, or on affirmation, if entitled to affirm in civil cases, in relation to the matters in question, and shall, subject as aforesaid, produce before the arbitrators all deeds, writings, documents and things in their possession or power respectively, which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators may require.

Owners and others compellable witnesses.

(15) The award of the arbitrators shall be in writing, and in duplicate if required by the school board or board of education, and shall set forth the metes and bounds of the land in question, and the said award or a duplicate thereof shall be registered in the registry office of the county or city in which the said land is situated, on the affidavit of the secretary of the board verifying the same, and shall be deemed to be the title of the trustees to the land mentioned therein and shall be a good title thereto against all persons whomsoever.

Award to be in writing and in duplicate if required.

(16) The costs of the arbitration and award, and of every matter involved therein, shall be in the discretion of the arbitrators, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and they may award costs to be paid as between solicitor and client.

Costs of arbitration.

(17) Subsection 1 of section 39 of the said Act shall be construed as applying to land in urban municipalities as well as to lands required for rural school sites.

Application of s. 39, subs. 1, to urban municipalities.

39.—(1) Section 70 of the said Act is hereby repealed and the following substituted therefor:—

1 Edw VII, c. 39, s. 70, repealed.

70—(1) The municipal council of every organized county shall levy and collect by an equal rate upon the taxable property of the whole county (not included in urban municipalities or annexed to any urban municipality for school purposes) according to the equalized assessments of the municipalities, in the manner provided by this Act and *The Municipal and Assessment Acts*, a sum which shall be at least the equivalent of all special grants made by the Legislative Assembly to the rural schools of the county, and such sum shall be payable to the trustees of the respective schools receiving such legislative special grants in the same proportions as the said special grants are apportioned

(2) Where the assessed value of all the taxable property of the public school supporters in any township of an organized county is at least equal to an average assessment of \$30,000 for each public school section therein, the municipal council of such township shall levy and collect by assessment upon the taxable property of the public school supporters of the whole township in the manner provided by this Act and *The Municipal and Assessment Acts*, the sum of \$300 at least for every public school where a teacher or principal teacher is engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$300 at least, where a teacher or principal teacher is engaged for six months or longer; and the additional sum of at least \$200 for an assistant teacher engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$200 at least, where an assistant teacher is engaged for six months or longer.

(3) Where such assessed value is less than an average assessment of \$30,000 for each public school section in any township, the municipal council of such township shall levy and collect as aforesaid the sum of \$150 at least for every public school where a teacher or principal teacher is engaged for a whole year exclusive of vacations, and a proportionate amount of said sum of \$150 at least where a teacher or principal teacher is engaged for six months or longer; and an additional sum of at least \$100 for every assistant teacher engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$100 at least, where such assistant teacher is engaged for six months or longer.

(4) The sums so levied and collected by the council of the township shall, after the expiration of the present calendar year, be applied exclusively to teachers' salaries.

(5) In addition to the sum provided by the Township Council towards each teacher's salary, the trustees of every rural school section shall, in the cases hereinafter mentioned, pay annually, after the expiration of the current calendar year, to the teacher, where there is only one, and to the principal teacher where there are more teachers than one, at least the sum hereinafter mentioned (subject only to a proportionate reduction in case the whole year's salary does not become due) that is to say:

- (a) \$200 where the assessed value of the taxable property of the Public School supporters in the Section is at least \$200,000;
- (b) \$150 where such assessed value is at least \$150,000 but less than \$200,000;
- (c) \$100 where such assessed value is at least \$100,000, but less than \$150,000;

(d) \$50 where such assessed value is at least \$50,000, but less than \$100,000 ;

(e) \$25 where such assessed value is at least \$30,000 ; but less than \$50,000 ;

And \$100 to every assistant teacher, whatever such assessed value is.

The said trustees in making their annual estimates and requisitions for school moneys to be levied and collected from the ratepayers, shall include whatever amount, considering their other sources of income, is necessary to provide for such payment or payments.

(6) The public school inspector shall have power to, and shall, suspend the certificate of any teacher in a rural school who agrees to accept a salary of less amount than is herein provided for, or who by rebate, deduction, donation, or other subterfuge accepts a less amount in settlement of his or her claim for salary. The inspector shall forthwith report such suspension to the Minister of Education, and the suspension shall be continued or dealt with as the Minister deems expedient.

Suspension of certificate for accepting lower salary.

In case the full amount of the salary provided for herein shall not be paid to any teacher by the trustees of a rural school, or if by rebate, deduction, donation or other subterfuge, any such teacher accepts a less amount in settlement of his or her salary the difference between the said full amount provided for herein and the less sum so paid or accepted as aforesaid, shall be deducted by the township treasurer, on the order of the public school inspector, from the amount payable by the township council to the said trustees under subsection 2 or 3 (as the case may be) of this section, and by said treasurer divided equally amongst the other school sections of the township.

(7) In the case of a union school section formed of parts of different townships, the sums herein provided to be levied and collected from the ratepayers by township councils shall be levied and collected as aforesaid by the several councils out of the taxable property of the public school supporters of such union school section, each in the proportion which such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole union section.

Rates for teachers salaries in union school sections.

(8) In the case of a union school section formed of parts of different townships, the sums mentioned in subsection 2 of this section shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 54 of this Act.

(9) When any portion of the salary of any teacher in a rural school for any reason does not become payable or is

Abatement of amounts payable by

county and township.

withheld from such teacher in accordance with the terms of this Act, the sums payable respectively by the county, the township or townships, and the ratepayers, on account of such salary, shall abate, in the proportions in which they were respectively liable for the whole.

Amounts required to be raised to be paid over as required.

(10) All moneys hereby required to be levied and collected and applied to the salaries of teachers shall be paid to the treasurers of the respective public school boards from time to time as may be required by the school trustees.

Apportionment in united counties.

(11) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for public school purposes so that each county forming such union shall be liable only for sums payable in respect of public schools within such county.

1 Edw. VII., c. 39, s. 71, subs. 1, amended.

40. Subsection 1 of section 71 of the said Act is hereby amended by inserting after the word "property" in the second line thereof the words "of the public school supporters" and by striking out all the words in the said subsection after the word "expenses" in the eighth line thereof.

1 Edw. VII., c. 39, s. 74, subs. 1, amended.

41.—(1) Subsection 1 of section 74 of the said Act is hereby amended by inserting after the word "purchase" in the second line thereof the words "or enlargement."

1 Edw. VII., c. 39, s. 74, subs. 2, amended.

(2) Subsection 2 of section 74 of the said Act is hereby amended by inserting after the word "municipality" where it first occurs in the sixth line thereof the words "Such application must be sanctioned by the ratepayers of the union school section in the manner set forth in the preceding subsection," and by inserting after the word "forming" in the sixth and seventh lines thereof the words "or any portion or portions of which form," and by adding at the end thereof the following paragraph: "The proportion of the moneys payable under said debentures by each of the said municipalities shall be payable out of the taxable property therein lying within the said union school section."

1 Edw. VII., c. 39, s. 75, subs. 1, repealed.

42. Subsection 1 of section 75 of the said Act is hereby repealed and the following substituted therefor:—

Requiring council to raise money required for school site etc., by one yearly rate.

"75.—(1) The trustees of any rural school section may with the consent of a majority of the ratepayers first had and obtained at a special meeting duly called for that purpose, require the council to raise by one yearly rate such sums as may be necessary for any one or more of the following purposes: the purchase or enlargement of a school site, the erection of a school house, or any addition thereto, or the erection of a teacher's residence, or any addition thereto."

43. Subsection 2 of section 75 of the said Act is hereby amended by striking out all the words in the said subsection after the word "for" in the second line thereof and inserting in place thereof the words "one or more of the purposes mentioned in the preceding subsection."

1 Edw. VII.
c. 39, s. 75,
subs. 2,
amended.

44. Subsection 1 of section 76 of the said Act as enacted by section 5 of the Act passed in the third year of His Majesty's reign, chaptered 32, is hereby amended by inserting after the word "purchase" in the fourth line thereof the words "or enlargement," and by inserting after the word "thereto" in the fifth line thereof the words "or repairs or improvements of the school property."

1 Edw. VII.
c. 39, s. 76,
subs. 1,
amended.

45. Section 78 of the said Act is hereby amended by striking out all the words thereof after the word "for" in the 7th line thereof, and inserting in place thereof the words following: "any one or more of the following purposes: the purchase or enlargement of a school site, the erection of a school house, or any addition thereto, or the erection of a teacher's residence, or any addition thereto, and any sum so borrowed shall be applied only to the purpose or purposes for which it was borrowed."

1 Edw. VII.
c. 39, s. 78,
amended.

46. Subsection 3 of section 80 of the said Act is hereby amended by adding thereto the following: "or when for any reason his engagement has ceased."

1 Edw. VII.
c. 39, s. 80,
subs. 3,
amended.

47. Subsection 1 of section 83 of the said Act is hereby amended by inserting after the word "qualification" in the seventh line thereof the words: "and actually engaged in teaching, having had at least three years' experience as a teacher in one or more of the public or separate schools of the Province."

1 Edw. VII.
c. 39, s. 83,
subs. 1,
amended.

Subsection 5 of said section 83 is hereby repealed.

1 Edw. VII.
c. 39, s. 83,
subs. 5,
repealed.

48. Subsections 3, 4, 5 and 6 of section 86 of the said Act are hereby repealed and the following subsections substituted therefor:

1 Edw. VII.
c. 39, s. 86,
subs. 3-6,
repealed.

(3) The municipal council of each county shall appoint one or more public school inspectors for such county. The number appointed shall be such that no inspector shall have charge of more than one hundred and forty schools or departments with separate registers, or less than fifty, except as hereinafter provided.

County
inspectors,
appointment
of.

(4) When more than one inspector is appointed for any county, the county council shall prescribe and number the territorial divisions of each, in such manner that no inspector shall have charge of more than one hundred and twenty or less than fifty schools except as hereinafter provided. The council may change or remove the inspectors

Limit of
number of
schools under
each inspector.

from one division of the county to another whenever they deem it expedient.

Towns not separated from the county.

(5) Each inspector shall have charge of all the public schools of any town not separated from the county in the district to which he has been appointed; but this shall only apply to the towns referred to in subsection 9 of this section when the office of inspector in such towns becomes vacant.

Limit where French or German prevailing language.

(6) In a county containing any municipality wherein the French or German language is the common or prevailing language, the inspector in whose division such municipality lies may have charge of less than fifty schools but not less than forty.

Appointment of inspectors for each electoral division.

(6a) Notwithstanding anything hereinbefore contained, in any county divided into electoral divisions, the county council may in its discretion appoint an inspector for each or any of the said divisions and in such case the inspector appointed to any electoral division may have charge of all the public schools therein whatever their number, except in cities or towns separated from the county, or in the towns referred to in subsection 9 of this section while the present inspectors continue in office in said last mentioned towns, but as soon as such last named inspectorships become vacant the inspectors appointed by the council as aforesaid shall take charge of the schools in such last mentioned towns.

1 Edw. VII., c. 39, s. 86, subs. 8 repealed.

49. Subsection 8 of section 86 of the said Act is hereby repealed and the following substituted therefor:—

Remuneration of county inspectors.

(8) The county council shall pay in equal quarterly instalments to every county inspector, the annual sum of \$6.00 for each teacher occupying a separate room with a separate register, and such additional sum as it deems reasonable for travelling expenses, which additional sum shall never be less than \$150 per annum, with \$1.50 added for each school under his charge exceeding 50 in number. The county council shall also pay to every county inspector his reasonable expenses for postage and stationery, and in case of dispute the amount thereof shall be settled by the county judge, upon the application of the inspector or of the said council, and the decision of the said county judge shall be final.

1 Edw. VII., c. 39, s. 86, subs. 10 repealed.

50. Subsection 10 of section 86 of the said Act is hereby repealed and the following substituted therefor:—

Remuneration of inspectors.

(10) Out of any sum of money appropriated by the Legislature for that purpose, the sum of \$800 shall be paid as the Lieutenant-Governor in Council may direct, towards the salary of every county inspector, and the sum of \$5 for every teacher occupying a separate room with a separ-

ate register shall be paid, as the Lieutenant-Governor in Council may direct, to the school board of every city or town separated from the county, towards the payment of the salary of the inspector of such city or town. Maximum salary of county inspectors.

51. Subsection 12 of section 86 of the said Act is hereby amended by inserting after the word "or" in the third line thereof the words "subject to the approval of the Lieutenant-Governor-in-Council," and by striking out the words "or without cause by a vote of two-thirds of such council or board" in the fourth and fifth lines thereof. 1 Edw. VII., c. 39, s. 86, subs. 12 amended.

52. Subsection 3 of section 87 of the said Act is hereby amended by adding thereto the following as paragraph (e): 1 Edw. VII., c. 39, s. 87, subs. 3 amended.

"(e) The inspector shall not, however, withhold his order for the amount apportioned from the legislative or municipal grant, nor shall the teacher's salary be withheld by reason of any school being kept open for less than six months of the year when such school has been closed by order of the health officer on account of any contagious disease or diseases."

53. Subsection 7 of section 93 of the said Act is hereby amended by striking out the figures "87" where they occur in the second and third lines thereof and substituting therefor the figures "91" and by striking out the figures "89" in the fourth line thereof and substituting therefor the figures "93." 1 Edw. VII., c. 39, s. 93, subs. 7 amended.

54. Subsection 3 of section 95 of the said Act is hereby amended by striking out the word "any" in the fifth line thereof and substituting therefor the word "the" and by inserting after the word "trustees" in the said fifth line the words "of the last named section" and by inserting after the word "remit" in the said fifth line the words "the whole or any part of the said rates, not exceeding the amount of." 1 Edw. VII., c. 39, s. 95, subs. 3 amended.

55. Subsection 5 of section 95 of the said Act is hereby amended by striking out the last two words in the fourth line thereof and the first word of the fifth line thereof, and by inserting after the word "purposes" in the sixth line thereof the words: "or so much thereof." 1 Edw. VII., c. 39, s. 95, subs. 5 amended.

56. Subsection 3 of section 98 of the said Act is hereby amended by inserting after the word "thereto" in the sixth line thereof the following: "He shall also certify under his hand to the Minister of Education a true copy of the said summons, statement of claim, proceedings, evidence, judgment and objections", and by striking out the word "hereinafter" in the sixth line thereof and substituting therefor the word "hereinbefore." 1 Edw. VII., c. 39, s. 98, subs. 3 amended.

1 Edw. VII.,
c. 39, s. 98,
subs. 4
amended.

57. Subsection 4 of said section 98 is hereby amended by striking out all the words therein from the commencement thereof down to and including the word "thereto" in the sixth line thereof.

1 Edw. VII.,
c. 39, s. 101
amended.

58. Section 101 of the said Act is hereby amended by striking out the words "for its use" at the end thereof, and substituting therefor the words "and applied by them to school purposes."

1 Edw. VII.,
c. 39, s. 104
amended.

59. Section 104 of the said Act is hereby amended by inserting after the word "the" in the fifth line thereof the words "municipality or" and by inserting after the word "and" in the sixth line thereof the words "except in cases falling within the provisions of subsection 2 of section 62 of this Act."

1 Edw. VII.,
c. 39, s. 105
amended.

60. Section 105 of the said Act is hereby amended by striking out the word "may" in the tenth line thereof and substituting therefor the words "shall on proof of the facts" and by inserting after the word "and" in the eleventh line thereof the words: "except in an urban municipality when the trustees notify him that they have decided to allow the office to remain vacant pursuant to the provisions of subsection 2 of section 62 of this Act, shall."

1 Edw. VII.,
c. 39, s. 106
amended.

61. Section 106 of the said Act is hereby amended by inserting after the word "publication" at the end of the fourth line thereof the words "in which any advertisement is inserted in the regular course of business or."

1 Ed. VII.,
c. 39, s. 113
amended.

62. Section 113 of the said Act is hereby amended by striking out all the words in the eighth line thereof after the word "by" and inserting in place thereof the words: "the public school corporation or any ratepayer or ratepayers interested therein suing on behalf of himself or themselves and all other ratepayers of the school section or municipality interested therein."

1 Edw. VII.,
c. 39, s. 115,
subs. 2
amended.

63.—(1) Subsection 2 of section 115 of the said Act is hereby amended by inserting after the word "order" in the second line thereof the words "or a true copy thereof."

1 Edw. VII.,
c. 39, s. 115,
subs. 3
amended.

(2) Subsection 3 of said section 115 is hereby amended by inserting after the word "appointed" in the first line thereof the words: "or at a time and place to which the application may then in the discretion of he judge be adjourned."

(3) Subsection 4 of said section 115 is hereby amended ^{1 Edw. VII.,} by adding thereto the following paragraph: "It shall be ^{c. 39, s. 115,} competent, however, for the judge, upon proof that such ^{subs. 4} person has done all in his power and it has become impos- ^{amended.} sible for him to deliver up, account for or pay over the books, papers, chattels or moneys aforesaid in manner aforesaid, to order his discharge on such terms or conditions as may appear just."

64. Section 116 of the said Act is hereby amended by ^{1 Edw. VII.,} inserting after the word "ratepayer" in the last line thereof ^{c. 39, s. 116,} the words "any trustee, secretary or treasurer so refusing." ^{amended.}

65. Subsection 1 of section 121 of the said Act is hereby ^{1 Edw. VII.,} amended by inserting after the word "shall" in the third ^{c. 30, s. 121,} line thereof the words "sell or." ^{subs. 1} ^{amended.}

2nd Session, 11th Legislature,
6 Edward VII, 1906.

BILL.

An Act to amend The Public Schools Act.

First Reading, 10th April, 1906.
Second Reading, 24th April, 1906.

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

MR. PYNE

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend the Act respecting Actions of
Libel and Slander.

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

1. Section 8 of *The Act respecting Actions of Libel and*
5 *Slander* is repealed and the following section substituted
therefor:—

Rev. Stat. c. 68,
s. 8, repealed.

8. A fair and accurate report published in any news-
paper of any proceedings in the Parliament of Canada, or
in any Legislative Assembly of any of the Provinces of the
10 Dominion of Canada, or of any Committee of said Parli-
ament or of any of said Legislative Assemblies, or of a
Public Meeting, or (except where neither the public nor
any newspaper reporter is admitted) of any meeting of a
Municipal Council, School Board, Board of Education,
15 Provincial Board of Health, Medical Health Board, or any
other board or local authority formed or constituted under
any of the provisions of any Public Act of any Legislative
Assembly of any of the Provinces of the Dominion of
Canada or of the Parliament of Canada, or of any Com-
20 mittee appointed by any of the above-mentioned bodies,
and the publication of the whole, or a portion or a fair
synopsis, of any report, bulletin, notice or other document,
issued for the information of the public from any Govern-
ment Office or Department, or by any Provincial Board of
25 Health, Medical Health Board, or Medical Health Officer,
or the publication, at the request of any Government or
Municipal Official, Commissioner of Police, or Chief Con-
stable, of any notice or report issued by him for the infor-
mation of the public, shall be privileged, unless it shall
30 be proved that such publication was made maliciously;
provided that nothing in this section shall authorize the
publication of any blasphemous or indecent matter; pro-
vided also that the protection intended to be afforded by

Reports of
proceedings,
public meet-
ings, etc.

Proviso.

this section shall not be available as a defence in any proceeding, if the plaintiff can show that the defendant has refused to insert in the newspaper making such publication a reasonable letter or statement of explanation or contradiction by or on behalf of the plaintiff; provided, further, that nothing in this section contained shall be deemed or construed to limit or abridge any privilege now by law existing, or to protect the publication of any matter not of public concern or the publication of which is not for the public benefit. 5
10

"Public meeting," meaning of.

For the purposes of this section "Public Meeting" shall mean any meeting *bona fide* and lawfully held for a lawful purpose, and for the furtherance or discussion of any matter of public concern, whether the admission thereto be general or restricted. 15

No. 217.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend the Act respecting Actions
of Libel and Slander.

First Reading, 11th April, 1906.

Mr. MACKAY.

TORONTO: .

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend the Act respecting Actions of Libel and Slander.

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

1. Section 1 of *The Act respecting Actions of Libel and Slander* is amended by striking out the words "twenty-six" Rev. Stat. c. 68 s. 1 amended. wherever they occur in the said section and inserting in lieu thereof the words "thirty-one."

2. Subsection 1 of section 8 of *The Act respecting Actions of Libel and Slander* is repealed and the following section substituted therefor:— Rev. Stat., c. 68, s. 8, repealed.

8. A fair and accurate report published in any newspaper of any proceedings in the Parliament of Canada, or in any Legislative Assembly of any of the Provinces of the Dominion of Canada, or of any Committee of said Parliament or of any of said Legislative Assemblies, or of a Public Meeting, or (except where neither the public nor any newspaper reporter is admitted) of any meeting of a Municipal Council, School Board, Board of Education, Provincial Board of Health, Medical Health Board, or any other board or local authority formed or constituted under any of the provisions of any Public Act of any Legislative Assembly of any of the Provinces of the Dominion of Canada or of the Parliament of Canada, or of any Committee appointed by any of the above-mentioned bodies, and the publication of the whole, or a portion or a fair synopsis, of any report, bulletin, notice or other document, issued for the information of the public from any Government Office or Department, or by any Provincial Board of Health, Medical Health Board, or Medical Health Officer, or the publication, at the request of any Government or Municipal Official, Commissioner of Police, or Chief Constable, of any notice or report issued by him for the information of the public, shall be privileged, unless it shall Reports of proceedings, public meetings, etc.

Proviso.

be proved that such publication was made maliciously; provided that nothing in this section shall authorize the publication of any blasphemous or indecent matter; provided also that the protection intended to be afforded by this section shall not be available as a defence in any proceeding, if the plaintiff can show that the defendant has refused to insert in the newspaper making such publication a reasonable letter or statement of explanation or contradiction by or on behalf of the plaintiff; provided, further, that nothing in this section contained shall be deemed or construed to limit or abridge any privilege now by law existing, or to protect the publication of any matter not of public concern or the publication of which is not for the public benefit.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend the Act respecting Actions
of Libel and Slander.

First Reading, 11th April, 1906.
Second Reading, 23rd April, 1906.

*(Reprinted as amended by the Legal
Committee.)*

Mr. MACKAY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

[1906.]

An Act to amend the County Courts Act.

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

1. *The County Courts Act* is amended by adding thereto Rev. Stat. c. 55, amended.
5 the following section.

22a. Notwithstanding anything in the preceding section contained, in actions in the High Court of Justice, the County Court of the county, the county town of which is named as the place of trial, shall have jurisdiction, Agreements as to trial of High Court actions in County Court.
10 for the purpose of trial only, when the plaintiff and defendant agree thereto at any time by a memorandum in writing signed by them or their solicitors and filed in the proper office at or before the time of setting the action
15 down for trial, but all proceedings in any action so tried subsequent to the trial shall be had, taken and continued in the High Court, and all costs, fees and disbursements of the action, including those of the trial, shall be the same as though the trial had taken place at a sitting of the High Court of Justice.

20 (2) In case an action has been entered for trial in the High Court of Justice the parties may by filing a memorandum as hereinbefore provided at any time before such action has been tried transfer the same for trial only by the County Court as aforesaid.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend the County Courts Act.

First Reading, 12th April, 1906.

Mr. Foy.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

An Act for Raising Money on the Credit of the Consolidated Revenue Fund of Ontario.

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

1. The Lieutenant-Governor-in-Council is hereby authorized to raise by way of loan a sum of money not exceeding Three Million Dollars (\$3,000,000) for any or all of the purposes following, that is to say: for the public service; for works carried on by Commissioners on behalf of the Province; for the covering of any debt of the Province on open account; 10 for paying any floating indebtedness of the Province, and for the carrying on of the public works authorized by the Legislature. Provincial loan of \$3,000,000 authorized.
2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years at a rate not exceeding 15 four per centum per annum, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario and shall be chargeable thereupon. Term of debt.
3. All bonds and inscribed stock issued under the authority of this Act shall be free from all Provincial taxes, succession 20 duty, charges and impositions whatsoever. Bonds to be free from all taxes, etc.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act for Raising Money on the Credit
of the Consolidated Revenue Fund of
Ontario.

First Reading, 18th April, 1906.

Mr. MATHESON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

An Act respecting the University of Toronto and University College.

HIS 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 University Act, 1906*.

5 2. Where the words following occur in this Act, unless a contrary intention appears, they shall be construed as follows:—

(1) "The University" as meaning the University of Toronto.

10 (2) "The Board" as meaning the Governors of the University of Toronto.

(3) "Appointed members" as meaning the members of the board appointed by the Lieutenant-Governor-in-Council.

15 (4) "Property" as including real property and all other property of every nature and kind whatsoever.

(5) "Real property" as including messuages, lands, tenements and hereditaments whether corporeal or incorporeal, and any undivided share thereof and any estate
20 or interest therein.

(6) "College" as including a school or other institution of learning.

(7) "Teaching staff" as including professors, associate professors, lecturers, instructors, demonstrators and all
25 others engaged in the work of teaching or giving instruction.

(8) "Now" as meaning when this Act goes into force.

(9) "Trinity College" as meaning Trinity College as established and incorporated by the Act passed in the 15th year of the reign of Her late Majesty, Queen Victoria, and as constituted a University by Royal Charter bearing date the sixteenth day of July, 1853. 5.

(10) "Head," when it refers to the head of a federated university or a federated college, as meaning the person who is or is certified by the governing body of such university or college to be the head thereof.

3. The Provincial University, known as the University of Toronto, the Provincial College, known as University College, the Senate, Convocation, the several faculties of the University and the Faculty of University College, are and each of them is hereby continued, and, subject to the provisions of this Act, shall respectively have, hold, possess and enjoy all the rights, powers and privileges which they respectively now have, hold, possess and enjoy. 1 Edw. VII., c. 41, s. 3 (1, 21), *in part*. Amended. 15

4. All appointments in and statutes and regulations affecting the University and University College and each of them shall continue, subject to the provisions of this Act, and subject also, as to the teaching staff, and all officers, servants and employees, to their removal by the Board at its discretion. 1 Edw. VII., c. 41, s. 21, *in part*. Amended. 20 25

5.—(1) If and when a proclamation to that effect shall be issued by the Lieutenant-Governor, the name of the University shall be changed to and the University shall be known as "The University of Ontario" from and after such date as shall be named in the proclamation for the change taking effect. 1 Edw. VII., c. 41, s. 3 (2). 30

(2) Such proclamation shall not be issued unless and until a statute of the Senate approving of the change shall have been passed by the vote of at least three-fourths of the members thereof who may be present at a meeting called for the purpose of considering the question of making such change and unless and until the change shall have been sanctioned by the Board. 1 Edw. VII., c. 41, s. 3 (3). Amended. 35 40

6.—(1) The School of Practical Science is hereby united with and shall form part of the University and constitute the faculty of Applied Science and Engineering thereof. (*New.*)

(2) The principal of the School of Practical Science shall become and be the Dean of the said faculty, and the pro-

fessors, teachers, instructors and officers of the said school shall hold and occupy the like positions in the said faculty to those now held and occupied by them in the said school, but subject always to removal by the Board at its discretion. (*New.*)

(3) Whenever in any Act or document reference is made to the School of Practical Science, the same shall hereafter apply and extend to the said faculty. (*New.*)

(4) All moneys expended by the Board in the maintenance of the said faculty shall for the purposes and within the meaning of the agreement bearing date the second day of March, 1889, between Her late Majesty, Queen Victoria, and the corporation of the City of Toronto, be deemed to be money expended by "Her Majesty and Her Successors acting by and through the Executive Council of the Province of Ontario. (*New.*)

(5) All courses of study in the said school, all orders in Council relating thereto, and all by-laws, rules and regulations thereof, except in so far as the same are inconsistent with the provisions of this Act, shall continue in force and apply to the said faculty in the same manner and to the same extent as the same are now applicable to the said school, but they may be abrogated or modified by the proper governing body of the University in that behalf as may be deemed expedient. (*New.*)

7.—(1) Every university and every college federated with the University and every college affiliated with the University shall continue to be so federated or affiliated, subject to any statute in that behalf and to this Act. 1 Edw. VII., c. 41, s. 18. *Amended.*

(2) A college affiliated with a federated university at the time of its federation with the University, whether such federation has heretofore been or shall hereafter be entered into, shall be deemed to be affiliated with the University. 1 Edw. VII., c. 41, s. 20 (6), *in part.* *Amended.*

(3) The following are declared to be the universities federated with the University, that is to say, Victoria University and Trinity College. 1 Edw. VII., c. 41, s. 19, *in part.* *Amended.*

(4) The following are declared to be the colleges federated with the University, that is to say, Knox College, Wycliffe College and St. Michael's College. 1 Edw. VII., c. 41, s. 19, *in part.* *Amended.*

(5) The following are declared to be the colleges affiliated with the University, that is to say; Albert College, The Ontario Agricultural College, The Ontario Medical College for Women, The Royal College of Dental Surgeons, The Toronto College of Music, The Ontario College of Phar-

macy, The Toronto Conservatory of Music, The Hamilton Conservatory of Music, The Western Canada College of Calgary, The Columbian Methodist College, and The Ontario Veterinary College; the following the Colleges which are affiliated with the University by reason of their having been affiliated with Victoria University when the said last mentioned University became federated with the University, that is to say: The Ontario Ladies' College and Alma College; and St. Hilda's College, which is affiliated with the University by reason of its having been affiliated with Trinity College when Trinity College became federated with the University. 1 Edw. VII., c. 41, s. 19, *in part*, *Amended*.

(6) A college which has been affiliated with the University since the 15th day of April, 1901, or which shall hereafter be affiliated therewith shall not be entitled to representation on the Senate unless so declared by statute in that behalf. 1 Edw. VII., c. 41, s. 20 (6), *in part*.

(7) The Senate may remove from federation or affiliation with the University any college, now or hereafter federated or affiliated with the University which becomes an integral part of or federates or affiliates with any other university which has and exercises the powers of conferring any degrees other than those in theology. 1 Edw. VII., cap. 41, s. 20 (7). *Amended*.

(8) If and when any university now or hereafter federated with the University ceases to be federated therewith, every college which is affiliated with the University by reason only of its having been affiliated with such federated university shall thereupon and thereafter cease to be affiliated with the University, but shall retain the same relation with the federated university with which it was affiliated as existed when such federated university became federated with the University. (*New*.)

(9) The Arts faculties of Victoria University and Trinity College in their relation to the University shall be known as and may be called colleges of the University bearing respectively as such colleges the names Victoria College and Trinity College. (*New*.)

8.—(1) When any university in the Province of Ontario determines to surrender its degree conferring powers (except the power of conferring degrees in theology) and notifies the Board of such determination, the Board may by statute declare such university to be federated with the University on and from a day to be named in such statute, and thereupon and thereafter the power of such federated university to confer degrees, except in theology, shall be suspended. 1 Edw. VII., c. 41, s. 20 (2), *in part*. *Amended*.

(2) Every such statute shall be published forthwith after the passing thereof in *The Ontario Gazette*. 1 Edw. VII., c. 41, s. 20 (2), *in part*. *Amended*.

(3) The power and authority of any university of conferring degrees, except in theology, now or hereafter federated with the University shall be suspended and in abeyance, but may be resumed by such federated
 5 university; Provided that three years shall have elapsed from the date when its federation with the University took effect, and that after the lapse of such three years one year's notice in writing of its intention to resume its degree-conferring powers shall have been given
 10 to the Board, and any such federated university shall cease to be federated with the University at and after the expiry of the said last mentioned period. 1 Edw. VII., c. 41, s. 20 (3, 4), *in part. Amended.*

(4) Notice that any such federated university has ceased
 15 to be federated with the University and the date when it ceased to be so federated shall be published in the *Ontario Gazette*. 1 Edw. VII., c. 41, s. 20 (4), *in part. Amended.*

(5) The graduates and undergraduates in Arts, Science and Law of a federated university and such graduates and
 20 undergraduates thereof in Medicine as have passed their examinations in Ontario from and after the date when such university became federated with the University, and so long as such federation shall continue, shall have and enjoy the same degrees, honours and status in the Univer-
 25 sity as they held and enjoyed in the federated university. 1 Edw. VII., c. 41, s. 20 (5). *Amended.*

9.—(1) No religious test shall be required of any professor, lecturer, teacher, officer or servant of the University or of University College, or of any student thereof or therein,
 30 nor shall religious observances according to the forms of any religious denomination or sect be imposed on them or any of them, but the Board may make regulations touching the moral conduct of the students thereof and therein and their attendance on public worship in their
 35 respective churches or other places of religious worship and their religious instruction by their respective ministers, according to their respective forms of religious faith, and every requisite facility shall be afforded for such purposes, provided always that attendance on such forms of
 40 religious observance shall not be compulsory on any student attending the University or University College. 1 Edw. VII., c. 41, s. 23 (1). *Amended.*

(2) Nothing in this section contained shall interfere with the right of any federated university or college to make
 45 such provision in regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as a part of its own discipline. 1 Edw. VII., c. 41, s. 23 (2).

10.—(1) Separate accounts of the proceeds of the sales of
 50 lands set apart for the use of the University and Univer-

University College or either of them by the Act passed in the 60th year of the reign of Her late Majesty, Queen Victoria, chaptered 59, and by the Act passed in the third year of the reign of His Majesty, chaptered 36 (as amended by the Act passed in the 5th year of the same reign, chaptered 536) and by the Act passed in the said last mentioned year chaptered 37, shall continue to be kept by the proper officers and departments and yearly accounts thereof to be furnished to the Board, as provided in the said Acts, and all moneys derived from such sales shall be paid to the Board free from all charges or deductions for management or otherwise. 1 Edw. VII., c. 41, s. 7 (1). *Amended.*

(2) The repeal by this Act of the Acts and parts of Acts mentioned or referred to in subsection 1 shall not affect or impair the right of the University and University College or either of them to have the lands mentioned therein set apart in accordance with and subject to the provisions of the Acts and parts of Acts so repealed, but such right shall remain in full force notwithstanding such repeal. (*New.*)

11. The annual grant of \$7,000, provided for by the said 20 first mentioned Act, shall continue to be paid to the Board as provided therein, and the same shall form a charge upon and be paid from time to time out of the Consolidated Revenue. 1 Edw. VII., c. 41, s. 7 (2).

12. All property now vested in the Trustees of the University of Toronto is hereby, subject to any trust affecting the same, vested in the Board, and all property which heretofore has been or hereafter shall be granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University and University College or either of them or of any faculty or department thereof or otherwise in connection therewith, subject always to the trust affecting the same, shall be vested in the Board. 1 Edw. VII., c. 41, s. 6, *amended.*

13. All property which is vested in or used by the Crown for the purposes of the School of Practical Science, and all unexpended appropriations out of the Consolidated Revenue for the maintenance thereof, shall belong to and are hereby vested in the Board. (*New.*)

14. The real property demised to the Corporation of the City of Toronto for the purpose of a park under the authority of section 66 of chapter 62 of the Consolidated Statutes of Upper Canada shall, so long as the lease thereof remains in force, form part of the City of Toronto and the residue of the real property adjacent to the said park which is vested in the Board, shall be subject to the police regulations of the said corporation and the council thereof and except as herein otherwise provided to the by-laws thereof. 1 Edw. VII., c. 41, s. 42. *Amended.*

15 15. All real property which is now or which hereafter shall be vested in the Board shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of the Province. 2 Edw. VII., c. 43, s. 2. *Amended.*

10 16. It is hereby declared that the dedication heretofore by the Crown for any purpose of any real property held for the purposes of the University and University College or either of them has not taken away from such real property any rights or privileges which it enjoyed as Crown lands or prejudicially affected the same, but that all such rights and privileges remain in full force and effect. 1 Edw. VII., c. 41, s. 6 (c), *in part.* *Amended.*

15 17.—(1) The real property vested in the Board shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking lands compulsorily for any purpose whatsoever; and no power to appropriate real property hereafter conferred shall extend to such real property unless in the act conferring the power it is made in express terms to apply to such real property. 1 Edw. VII., c. 41, s. 6 (c), *in part.* *Amended.*

25 (2) The provisions of subsection 1 shall apply to real property owned by or vested in any university or college federated with the University. (*New.*)

30 18.—(1) The property real and personal vested in the Board shall not be liable to taxation for provincial, municipal or school purposes, but shall be exempt from every description of taxation; provided, always, that except as mentioned in subsection 2 the interest of every lessee and occupant of real property vested in the Board shall be liable to taxation.

35 (2) The liability to taxation of the interest of a lessee or occupant mentioned in this section shall not extend to the interest of a lessee or occupant being a member of the teaching staff or an officer or servant of the University or of University College who, or being an association of under-graduates or an incorporated society of under-graduates or of graduates and undergraduates, which is the lessee or occupant of any part of the property commonly known as the University Park, composed of the north halves of Park lots numbers eleven, twelve and thirteen in the first concession from the bay, in the township of York (now in 40 the City of Toronto), and including that part of park lot number fourteen in the said first concession, described in a certain conveyance to Her late Majesty Queen Victoria, 45

registered as number 8654R in the registry office of the eastern division of the City of Toronto, but the interest of every such lessee or occupant shall be exempt from taxation. 2 Edw. VII., c. 43, s. 3. *Amended.* 4 Edw. VII., c. 35, s. 3, *in part.* 5

(3) Those parts of the lots mentioned in subsection 2 which are now or hereafter may be owned, leased or occupied by any federated university or federated college for the purposes of such university or college shall also be exempt from taxation in the same way and to the same extent as the real property vested in the Board is by subsection 1 exempted from taxation. (*New.*) 10

19. Any person with the approval of the Board may, under and subject to such terms and conditions as he may prescribe, endow a chair or found a scholarship in the University or University College, or aid the University and University College and each of them by providing an endowment for any other purpose or object in connection therewith. 1 Edw. VII., c. 41, s. 14. *Amended.* 15

THE BOARD. 20

20. There shall be and is hereby constituted a Board of Governors of the University and University College. (*New.*)

21. The Board shall be a body corporate by the name and style of "The Governors of the University of Toronto," and shall have all the rights, powers and privileges mentioned in subsection 25 of section 8 of *The Interpretation Act*, and also the power to take and hold real property for the purposes of the University and of University College without license in mortmain. (*New.*) 30

22. The Board shall not be deemed to be a new corporation, but shall be taken to be and shall be the successor of "The Trustees of the University of Toronto," with the enlarged rights, powers and privileges conferred by this Act. (*New.*) 35

23. Any action or proceeding now pending in any court may be continued to be prosecuted or defended, as the case may be, in the name of "The Trustees of the University of Toronto," or the name of the Board may at its option be substituted therefor. (*New.*) 40

24. The Board shall consist of the Chancellor and the President of the University, who shall be *ex-officio* members thereof, and thirteen persons appointed by the Lieutenant-Governor-in-Council. (*New.*)

25. No person shall be eligible for appointment as a member of the Board unless he is a British subject, and a resident of the Province of Ontario. (*New.*) 45

26. One of the members of the Board shall be appointed by the Lieutenant-Governor-in-Council to be the chairman thereof. (*New.*)

27. The Board may appoint one of its members to be
 5 Vice-Chairman, and, in case of the absence or the illness of the Chairman, or of there being a vacancy in the office of Chairman, the Vice-Chairman shall act for and have all the powers of the Chairman, and an entry in the minutes of the Board declaring that any of the said causes for the
 10 appointment of a Vice-Chairman exists shall be conclusive evidence of the fact so declared. (*New.*)

28. Unless and until otherwise provided by the Board, seven members thereof shall be necessary to constitute a quorum. (*New.*)

15 29. Notwithstanding any vacancy in the Board, as long as there are at least ten members thereof it shall be competent for the Board to exercise all or any of its powers. (*New.*)

30. The appointed members of the Board, except those who shall be first appointed after the passing of this Act, shall hold office for six years. (*New.*)

31. Of the first appointed members of the Board three shall be appointed and hold office for two years; five for four years; and the remaining five for six years, and all of
 25 them until their successors are appointed. (*New.*)

32. The appointed members of the Board shall be eligible for re-appointment. (*New.*)

33. The appointed members of the Board and any or either of them may be removed from office by the Lieuten-
 30 ant-Governor-in-Council. (*New.*)

34. The head of University College, the head of a federated university, or of a federated or an affiliated college, a member of the teaching staff of the University, of University College, of a federated university, or of a federated
 35 or affiliated college, shall not be eligible to be appointed as a member of the Board. (*New.*)

35. If a member of the Board, after his appointment, accepts or occupies any of the said offices or positions, or goes to reside out of the Province, or becomes insane or
 40 otherwise incapable of acting as a member of the Board, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy entered upon the minutes of the Board shall be conclusive evidence thereof. (*New.*)

36. In the case of a vacancy in the Board, caused by death, resignation or otherwise, which shall happen before the term of office for which a member has been appointed has expired, the vacancy shall be filled by the appointment by the Lieutenant-Governor-in-Council of a successor to the member who has died, or resigned, or otherwise ceased to be a member, who shall hold office for the remainder of the latter's term of office. (*New.*)

37. The government, conduct, management and control of the University and of University College, and of the property, revenues, business and affairs thereof, shall be vested in the Board. (*New.*)

38. All the powers over, in respect of, or in relation to the University and University College and each of them which now are or may be exercised by the Lieutenant-Governor, save only such powers as are by this Act expressly reserved to the Lieutenant-Governor-in-Council, are hereby, subject to the provisions of this Act, vested in the Board. (*New.*)

39. Without thereby limiting the general powers by this Act conferred upon or vested in the Board, it is hereby declared that the Board shall have the following powers:

(1) To make rules and regulations pertaining to the meetings of the Board and its transactions, for fixing the quorum of the Board, and for the appointment of such committees as it may deem necessary, and for conferring upon any of such committees power and authority to act for the Board in and in relation to such matters as the Board may deem it expedient to delegate to a committee with power to act for the Board. (*New.*)

(2) To appoint the President of the University, the Principal of University College, the Deans of all the faculties, the Librarian, the Bursar, the Registrar of the University, the Registrar of University College, the professors, teachers and instructors of and in the University and in University College, and all such officers, clerks, employees and servants as the Board may deem necessary for the purposes of the University and University College or either of them, and to fix their salaries or remuneration, and to define their duties, except those of the Librarian, and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board. Provided, always, that no person shall be appointed as Principal of University College, or as a Dean of any faculty, or as a member of the teaching staff of the University, or of any faculty thereof, or of University College, unless he shall have been first nominated for the position to which it is proposed to appoint him by the President of the University, and provided also that no Dean

of a faculty or member of the teaching staff of the University, or of any faculty thereof, or of University College, shall be promoted, and no principal of University College or Dean of a faculty or member of such teaching staff shall be removed from office except upon the recommendation of the President of the University, but this proviso shall not apply where there is a vacancy in the office of President. (*New.*)

(3) To make regulations respecting and to provide for the retirement and superannuation of any of the persons mentioned in subsection 2, or the payment of a gratuity to any of them upon retirement, and to provide that any superannuation or retiring allowance or gratuity shall be paid out of a fund which may be created for that purpose either with the moneys of the Board or by contributions thereto from the persons aforesaid, or partly by both. 1 Edw. VII., c. 41, s. 12. *Amended.*

(4) Subject to the limitations imposed by any trust as to the same, to invest all such moneys as shall come to the hands of the Board, and shall not be required to be expended for any purpose to which it lawfully may be applied, in such manner as to the Board may seem meet. 1 Edw. VII., c. 41, s. 9 (2). *Amended.*

(5) To purchase and to take and hold by gift or devise real property for the purposes of the University and University College, or either of them, without license in mortmain, and every person shall have the unrestricted right to devise and bequeath property, real and personal, for the purposes of the University and University College, or either of them, to the Board, or otherwise for such purposes, any law to the contrary notwithstanding. (*New.*)

(6) To purchase and acquire all such property as the Board may deem necessary for the purposes of the University and University College, or either of them. (*New.*)

(a) The power conferred by this subsection shall include that of purchasing the interest of any lessee in any real property vested in the Board which is under lease. (*New.*)

(7) Without the consent of the owner thereof or any person interested therein to enter upon, take, use and appropriate all such real property as the Board may deem necessary for the purposes of the University and University College, or either of them, making due compensation therefor to the owners and occupiers thereof, and all persons having any interest therein. (*New.*)

(8) The provisions of *The Municipal Arbitrations Act* and of sections 437 to 467, both inclusive, of *The Consolidated*

Municipal Act, 1903, shall *mutatis mutandis* apply to the Board, and to the exercise by it of the powers conferred by subsection 7, and where any act is by any of the said provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the Bursar of the University, or at his office (as the case may be). (*New.*)

(9) To acquire, hold, maintain and keep in proper order and condition such real property as the Board may deem necessary for the use of the students of the University and University College, and each of them, for athletic purposes, and to erect and maintain such buildings and structures thereon as it may deem necessary. (*New.*)

(10) To make such regulations and provide such means for the physical examination, instruction and training of the students of the University and of University College as to the Board may seem meet. (*New.*)

(11) To sell any of the real property vested in the Board or to lease the same for any period not exceeding twenty-one years to commence in possession with such right of renewal and under and subject to such rents, covenants, agreements and conditions as to the Board may seem meet. 1 Edw. VII., c. 41, s. 9 (3). (*Amended.*)

(12) To lay out and expend such sums as the Board may deem necessary for the support and maintenance of the University and University College, and each of them, and for the betterment of existing buildings, and the erection of such new buildings as the Board may deem necessary for the use or purposes of the University and University College, and of each of them, and for the furnishing and equipment of such existing and newly erected buildings. (*New.*)

(13) To lay out and expend such sums as the Board may deem necessary for the erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students of the University and of University College, and of each of them, whether such students be graduates or undergraduates, and to acquire and take over from any corporation any rights and powers possessed by it in respect of University residences and any property vested in it, on such terms as may be agreed on between such corporation and the Board, and such corporation is hereby empowered to enter into and to carry into effect any agreement for the purposes aforesaid, and upon such agreement being completed such corporation shall, if so provided by the terms of the agreement, be dissolved, and its rights, powers and property be vested in the Board. (*New.*)

(14) To make such rules and regulations as may to the Board seem meet for the management, government and control of such residences and dining halls. (*New.*)

(15) To establish such faculties, departments, chairs and courses of instruction in the University, and such departments, chairs and courses of instruction in University College in any subject except theology, as to the Board may seem meet. 1 Edw. VII., c. 41, s. 24 (1, 2). *Amended.*

(16) To provide for the federation with the University of any college established in this Province for the promotion of Art or Science, or for instruction in Law, Medicine, Engineering, Agriculture or any other useful branch of learning, on such terms as to representation on the Senate, and otherwise, as to the Board may seem meet, and to enter into any agreement which may be deemed necessary to effectuate such federation. (*New.*)

(17) To provide for the affiliation with the University of any college established in Canada for the promotion of Art or Science, or for instruction in Law, Medicine, Engineering, Agriculture or any other useful branch of learning, on such terms as to representation on the Senate and otherwise as to the Board may seem meet, and to enter into any agreement which may be deemed necessary to effectuate such affiliation. (*New.*)

(18) To provide for the dissolution of any such affiliation and of any existing affiliation and for the modification or alteration of the terms thereof. (*New.*)

(19) To fix and determine the fees to be paid for post-graduate instruction, and for instruction in the faculties of medicine and applied science and engineering, and in any other faculty that may hereafter be established, the fees to be paid by regular and occasional students in the University and in University College for enrolment therein, the library fees, the laboratory fees, the gymnasium fees, the fees for physical examination and instruction, and the fees for examinations, degrees and certificates, and when a federated college by arrangement with the proper authorities in that behalf teaches any part of the course in Arts, to make such a reduction in the fees, payable by the students so taught in such college as may to the Board seem reasonable. 1 Edw. VII., c. 41, s. 9 (4, 5). *Amended.*

(20) To enter into such arrangements with the governing body of any secondary or primary school as the Board may deem necessary for the purpose of or in connection with the academic work of the University or of any faculty or department thereof, and the governing body of any such school which is a Collegiate Institute, a High School, a Technical School, or a public school, shall have authority, with the approval of the Lieutenant-Governor-in-Council, to make such arrangements with the Board. (*New.*)

40. The Board shall have power to modify, alter and change the constitution of any body constituted or continued by this Act, except the Senate, and to create such new bodies as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act, and also to confer upon the bodies constituted or continued by this Act, or any or either of them, and upon any new body which hereafter may be constituted, such powers as to the Board may seem meet, but nothing herein contained is to be taken to authorize any abridgement of the powers by section 54 of this Act conferred upon the Senate. (*New.*)

41.—(1) The Board may make provision for enabling the students of the University, University College and the federated universities and federated colleges to appoint a representative committee of themselves to be chosen in such manner as shall be approved by the Board, and which shall be the recognized official medium of communication on behalf of such students between them and the Board, and which shall have the right to make communications through the President of the University to the Board upon any subject in which they are or may deem themselves to be interested. Provided, always, that nothing herein contained shall take away or impair the right of any student of or in the University or University College to make complaint to the governing bodies thereof or to the Board in respect of any matter as to which he is or may deem himself to be entitled to complain; but every such complaint shall be transmitted through the President to the Board or to the proper governing body (as the case may be), and in no other manner whatsoever. (*New.*)

(2) Nothing in this section contained is intended to or shall impair or affect the right of control which any federated university or college possesses over its students. (*New.*)

42.—(1) The Board shall not incur any liability or make any expenditure which has the effect of impairing the present endowment of the University and University College, or any addition to such endowment which shall hereafter be made, unless an estimate therefor shall have been first made and approved by the Lieutenant-Governor-in-Council. (*New.*)

(2) In this section the term "endowment" shall mean and include the real property which is by this Act vested in the Board, the proceeds of any part thereof which shall hereafter be sold, and the moneys now invested in mortgages or other securities which are by this Act vested in the Board. (*New.*)

43. Save as in this Act otherwise expressly provided, the action of the Board in any matter with which it may

deal shall be by resolution or by statute, as the Board may determine, but it shall not be essential to the validity of any such resolution or statute that it be under the corporate seal of the Board if it be authenticated in the manner prescribed by the Board. (*New.*)

44.—(1) The accounts of the Board shall be audited at least once a year by the Provincial Auditor, or by some person appointed by the Lieutenant-Governor-in-Council for that purpose. (*New.*)

10 (2) The Board shall make an annual report of its transactions to the Lieutenant-Governor-in-Council, in which shall be set forth in detail the receipts and expenditures for the year ended on the next preceding thirtieth day of June, and of the investments as they stood at the end of
15 such year, and such other particulars as the Lieutenant-Governor-in-Council may from time to time require. (*New.*)

(3) Such report shall be transmitted to the Provincial Secretary on or before the first day of December next after the close of the year for which it is made, and shall
20 be laid before the Legislative Assembly within the first ten days of its then next session. (*New.*)

45. No action shall be brought against the Board or against any member thereof on account of anything done
25 or omitted by him in the execution of his office without the written consent of the Attorney-General for Ontario. 2 Edw. VII., c. 43, s. 2, *in part.* *Amended.*

46. If any question shall arise as to the powers and duties of the Council of University College, of the council of any faculty, of the Caput, of the President, of the Principal
30 of University College, or of any officer or servant of the University or of University College, the same shall be settled and determined by the Board, whose decision shall be final. (*New.*)

THE SENATE.

35 47. The Senate of the University shall be composed as follows:

(1) The Chancellor of the University, the Chairman of the Board, the President of the University, the Principal of University College, the President or other head of every
40 federated university and federated college, the Deans of the faculties of the University, and all persons who at any time have occupied the office of Chancellor or Vice Chancellor of the University shall be *ex-officio* members.

(2) The Faculties shall be entitled to representation as
45 follows:

The Faculty of Arts of the University by the professors (not including associate professors) of the faculty, each of whom shall be a member of the Senate;

The Faculty of Medicine by five members;

The Faculty of Applied Science and Engineering by five members;

The Faculty of University College by three members;

The Faculty of Arts of Victoria University by three members;

The Faculty of Arts of Trinity College by three members;

And the Faculty of Arts of every university hereafter federated with the University by three members.

The representatives of the faculties of the University except of the Faculty of Arts, and the representatives of the Faculty of University College and of the Faculties of Arts of the federated universities, shall be chosen by the members thereof.

(3) One member appointed by each federated university, two members appointed by each federated college, one member appointed by the Law Society of Upper Canada, and subject to any Statute in that behalf one member appointed by the governing body of every affiliated college which now is or shall hereafter be entitled to appoint a representative.

(4) Twelve members elected by the graduates in Arts in the University who at the time of graduation were enrolled in University College; five members elected by the graduates in Arts and Science of Victoria University and the graduates in Arts of the University who at the time of graduation were enrolled in Victoria College; five members elected by the graduates in Arts and Science of Trinity College and the graduates in Arts of the University who at the time of graduation were enrolled in Trinity College; four members elected by the graduates in Medicine; two members elected by the graduates in Applied Science and Engineering; two members elected by the graduates in Law; two members elected by the graduates in Agriculture; and four members elected by such persons as hold certificates as Principals of Collegiate Institutes or High Schools or Assistants therein, and are actually engaged in teaching in a Collegiate Institute or a High School.

(5) A university hereafter federated with the University shall be entitled to be represented on the Senate in the proportion of one representative for every one hundred

graduates in Arts, and for any fraction of one hundred over one-half the federated university shall be entitled to one additional representative; provided, always, that in no case shall the number of such representatives exceed
5 five.

(6) If and when any new faculty is established in the University provision may be made by the Senate, subject to confirmation by the Board, for the representation on the Senate of the graduates in such faculty. 1 Edw. VII,
10 c. 41, s. 26, *in part. Amended.*

48. Members of the teaching staff of the University, of University College, of the federated universities, and of the federated and affiliated colleges, shall not be eligible for election by any of the graduate bodies. (*New.*)

15 49. No person shall be eligible for election as Chancellor or for election or appointment as a member of the Senate unless he is a British subject and a resident of the Province of Ontario. (*New.*)

20 50. The tenure of office of the elected and the appointed members of the Senate shall be for four years, and until their respective successors are elected or appointed. 1 Edw. VII, c. 41, s. 26 (7). *Amended.*

25 51. If any elected or appointed member of the Senate resigns, goes to reside out of the Province, becomes insane or incapable of acting, or becomes a member of the teaching staff of any of the bodies mentioned in section 48, not being the body which he has been appointed to represent, his seat shall *ipso facto* become vacant, and a declaration of the existence of any vacancy entered upon the minutes
30 of the Senate shall be conclusive evidence thereof. (*New.*)

52. If any vacancy shall occur from any cause, the same shall be filled, in the case of an appointed member, by the body possessing the power of appointment; and in case of a member elected by the graduates or by any class of
35 graduates, or by the principals of Collegiate Institutes and High Schools, and assistants therein, such vacancy shall be filled by the Senate, and the persons appointed or elected to fill such vacancy shall hold office for the remainder of the term of office of the member whose seat
40 has become vacant. 1 Edw. VII, c. 41, s. 30 (8). *Amended.*

53. If any question shall arise touching the election of the Chancellor or of any elective member of the Senate, or the right of any person to be or sit or act as Chancellor or as a member of the Senate, the same shall not be raised

or determined in or by any action or proceeding in any court, but shall be determined by the Senate, whose decision shall be final. (*New.*)

54. In addition to such others as are expressly mentioned in this Act, the Senate shall have the following powers and perform the following duties:

(1) To provide for the regulation and conduct of its proceedings, including the determining of the quorum necessary for the transaction of business;

(2) To provide for the granting of and to grant degrees, including honorary degrees and certificates of proficiency, except in Theology;

(3) To provide for the establishment of Exhibitions, Scholarships and Prizes;

(4) To provide for the affiliation with the University of any college established in Canada for the promotion of Art or Science, or for instruction in Law, Medicine, Engineering, Agriculture or any other useful branch of learning, and for the dissolution of such affiliation, or of any existing affiliation, or the modification or alteration of the terms thereof;

(5) To provide for the cancellation, recall and suspension of the degree, whether heretofore or hereafter granted or conferred, of any graduate of the University who has heretofore been or shall hereafter be convicted in the Province of Ontario or elsewhere of an offence which, if committed in Canada, would be an indictable offence, or who has been or shall hereafter be guilty of any infamous or disgraceful conduct or of conduct unbecoming a graduate of the University; for erasing the name of such graduate from the roll or register of graduates and for requiring the surrender for cancellation of the diploma, certificate or other instrument evidencing the right of such graduate to the degree of which he shall have been deprived under the authority of any such statute; and for providing the mode of inquiring into and determining as to the guilt of such graduate, and the procedure generally in respect of any of the said matters; 4 Edw. VII., c. 35, s. 1.

(6) To provide for the establishment of any faculty, department, chair and course of instruction in the University. 1 Edw. VII., c. 41, s. 24 (1), *in part.* *Amended.*

(7) To provide for the establishment of any department, chair and course of instruction in University College in any subject except theology. 1 Edw. VII., c. 41, s. 24 (2), *in part.* *Amended.*

- (8) To appoint scrutineers for the counting of the votes for Chancellor and for elective members of the Senate; 1 Edw. VII, c. 41, s. 30 (3), *in part*.
- 5 (9) To consider and to determine on the report of the respective faculty councils as to the courses of study in all the faculties; (*New.*)
- (10) To consider and to determine on the like report as to the appointment of examiners, and the conduct and results of the examinations in all the faculties; (*New.*)
- 10 (11) To provide for the appointment of the examiners for and for the conduct of all University examinations other than those in the faculties of the University and for the determining of the results of such examinations.
- 15 (12) To hear and determine appeals from decisions of the faculty councils upon applications and memorials by students and others; (*New.*)
- (13) To consider all such matters as shall be reported to it by the Council of any faculty, and to communicate its opinion or action thereon to the Council; (*New.*)
- 20 (14) To provide for the representation on the Senate of any faculty which may hereafter be established in the University, and of the graduates in such faculty, if, in the opinion of the Senate, provision should be made for separate representation of such graduates; (*New.*)
- 25 (15) To provide for the preparation and publication of the Calendars, which shall include those of University College and the federated universities, or such of them as may desire that their calendars shall be inserted therein; 1 Edw. VII, c. 41, s. 33 (1), *in part. Amended.*
- 30 (16) To make rules and regulations for the management and conduct of the Library, and to prescribe the duties of the Librarian; (*New.*)
- (17) To make such changes in the composition of the Senate as may be deemed expedient; (*New.*)
- 35 (18) To make such recommendations to the Board as may be deemed proper for promoting the interests of the University and of University College, or for carrying out the objects and provisions of this Act. 1 Edw. VII, c. 41, s. 33. *Amended.*
- 40 55. Nothing in section 54 contained shall authorize the Senate to make any change in its composition which shall affect the rights of representation thereon of a federated university or the faculty of Arts thereof, or of a federated college, or of the graduates of a federated university, un-
- 45 less the same shall be assented to by the federated university or college affected by such change. (*New.*)
56. A certified copy of every statute or other enactment of the Senate providing for any of the matters or things

mentioned in section 54 and therein numbered 3, 4, 5, 6, 7, 9, 14, 16, and 17 shall within ten days after the passing thereof, be transmitted to the Board, and no such statute or enactment shall have force or effect until it has been approved by the Board. 1 Edw. VII., c. 41, s. 34. *Amended.*

57. Convocation shall consist of all the graduates of the University and of the federated universities. 1 Edw. VII, c. 41, s. 36. *Amended.*

58. Convocation shall have power: 10

(1) To make regulations for governing its proceedings and the mode of conducting the same, and keeping records thereof;

(2) To appoint a Clerk of Convocation, and to prescribe his duties; 15

(3) In case of the absence of the Chancellor, to elect a presiding officer for any meeting thereof;

(4) To consider all questions affecting the interests and well-being of the University, and to make representations thereon to the Board and to the Senate; 20

(5) To require a fee to be paid by the members as a condition of their being placed on the register of members, and to provide that no member whose name does not appear in such register shall be entitled to take any part in the proceedings of Convocation; 25

(6) To appoint an Executive Committee and to confer upon it such powers as to Convocation may seem meet. 1 Edw. VII, c. 41, s. 37, *in part. Amended.*

59. Convocation shall meet when convened by the Chancellor, and also at such times and places as may be fixed 30 by Convocation by regulation in that behalf, and in the absence of such regulation, as may be fixed by Convocation or by the Executive Committee thereof, and it shall be the duty of the Board to provide a suitable place for its meetings. 1 Edw. VII, c. 41, s. 37 (4), *in part. Amended.* 35

60. Notice of all meetings shall be given in such manner as may be prescribed by Convocation by regulation in that behalf, and in the absence of such regulation as may be directed by Convocation or by the Executive Committee thereof. 1 Edw. VII, c. 41, s. 37 (4), *in part. Amended.* 40

61. A true copy of the minutes of the proceedings of every meeting of Convocation shall be transmitted without unnecessary delay to the Board and to the Senate. 1 Edw. VII, c. 41, s. 37 (4), *in part. Amended.*

62. All questions shall be decided by the vote of the majority of the members present. 1 Edw. VII, c. 41, s. 37 (5), *in part. Amended.*

63. The Chairman or presiding officer shall be entitled to 5 vote as a member of Convocation, and any question on which there is an equality of votes shall be deemed to be negatived. 1 Edw. VII., c. 41, s. 37 (5), *in part. Amended.*

64. No question shall be decided at any meeting unless 10 at least twenty-five members are present. 1 Edw. VII, c. 41, s. 37 (5), *in part. Amended.*

65. If at least twenty-five members by writing under 15 their hands, setting forth the objects thereof, require the Chairman to convene a special meeting of Convocation, it shall be the duty of the Chairman to call the same without any unnecessary delay. 1 Edw. VII., c. 41, s. 37 (6), *in part. Amended.*

66. No matter shall be considered at any such meeting 20 except that for the consideration of which the meeting shall have been called. 1 Edw. VII, c. 41, s. 37 (6), *in part. Amended.*

67. There shall be a Chancellor of the University, who shall be elected by the graduates thereof at the time and in the manner hereinafter mentioned. (*New.*)

25 68. The Chancellor shall be the Chairman of Convocation. (*New.*)

69. All degrees shall be conferred by the Chancellor, or, in case of his absence, or of their being a vacancy in the office of Chancellor, by the President, or, in case of the 30 absence of both of them, or of both offices being vacant, by some member of a faculty of the University, to be appointed for the purpose by the Senate. (*New.*)

70. The Chancellor shall hold office for four years, and until his successor is chosen. (*New.*)

35 71. If the Chancellor dies, goes to reside out of the Province, or becomes insane or otherwise incapable of acting, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy by the Senate entered upon its minutes shall be conclusive evidence thereof. (*New.*)

40 72. In the case of a vacancy in the office of Chancellor caused by death, resignation or otherwise, before the term of office for which the Chancellor was elected has expired,

the vacancy shall be filled by the appointment by the Senate at a special meeting thereof called for the purpose, of which at least thirty days' notice shall be given, of a successor, who shall hold office for the remainder of the term for which the Chancellor shall have been elected. 1 Edw. 5 VII, c. 41, s. 30 (7). *Amended.*

73. There shall be a faculty council to be known as "The Council of the Faculty of Arts." (*New.*)

74. It shall consist of the President of the University, the Principal of University College, the President or other 10 head of every federated university, the Dean of the Faculty of Arts, the teaching staff in the Faculty of Arts of the University, the teaching staff of University College, the teaching staff in the Faculty of Arts of Victoria College, of Trinity College, and of every other 15 university hereafter federated with the University, one professor in the department of religious knowledge appointed by the theological faculty in each federated university whether now or hereafter federated, and one professor appointed by each of the federated colleges. 20 Provided, always, that the lecturers and instructors whose appointments are temporary, shall not for the purpose of this section be deemed to be members of the teaching staff, and provided, also, that the lecturers and instructors who are members of the Council shall act as assess- 25 sors only, and shall not be entitled to vote. (*New.*)

75. The powers and duties of the Council of the Faculty of Arts shall be:

(1) To make rules and regulations for governing its proceedings, including the determining of the quorum necessary for the transaction of business;

(2) To fix and determine the courses of study in Arts, subject to the approval of the Senate;

(3) Subject to the approval of and confirmation by the Senate, to appoint the examiners for and to conduct the 35 examinations of the Arts courses, and to determine the results of such examinations;

(4) To deal with and, subject to an appeal to the Senate, to decide upon all applications and memorials by students or others in connection with the Faculty of Arts; 40

(5) To consider and report to the Senate upon such matters affecting the Faculty of Arts as to the Council may seem meet.

(6) For the purposes of this section the term "the Faculty of Arts" shall mean and include the teaching 45 bodies and persons mentioned in section 74. (*New.*)

76. There shall also be a Council for every other faculty of the University now or hereafter established, and a Council for University College. (*New.*)

77. The Council of University College shall consist of 5 the Principal and the teaching staff thereof and the Councils of the said other faculties shall consist of the respective teaching staffs thereof. (*New.*)

78. Teaching staff shall have the limited meaning given to it in the provisions of this Act relating to the Council 10 of the Faculty of Arts, and the lecturers and instructors who are members of such Councils shall act as assessors only, and shall not be entitled to vote. (*New.*)

79. The powers and duties of the Faculty Councils provided for by section 76 shall be :

15 (1) To make rules and regulations governing their proceedings, including the determining of the quorum necessary for the transaction of business;

(2) Subject to the provisions of this Act, and to the approval of the Board, to make rules and regulations for 20 the government, direction and management of their respective faculties and the affairs and business thereof;

(3) To fix and determine the courses of study in their respective faculties, subject to the approval of the Senate;

(4) Subject to the approval of and confirmation by the 25 Senate, to appoint the examiners for and to conduct the examinations of the courses in their respective faculties, and to determine the results of such examinations;

(5) To deal with and, subject to an appeal to the Senate, to decide upon all applications and memorials by students 30 and others in connection with their respective faculties;

(6) To consider and report to the Senate upon such matters affecting their respective faculties as to the Councils may seem meet. (*New.*)

80. The Dean shall be Chairman of the Council of the 35 Faculty of which he is Dean. (*New.*)

81. The powers and duties of the Council of University College shall be :

(1) To make rules and regulations for governing its own proceedings, including the determining of the quorum 40 necessary for the transaction of business;

(2) Subject to the provisions of this Act and to the approval of the Board, to make rules and regulations for the government, direction and management of University College and the affairs and business thereof;

(3) To appoint the examiners for and to conduct the examinations of University College; 5

(4) To consider and report to the Board and to the Senate or to either of them upon such matters affecting University College as to the Council may seem meet. 1 Edw. VII, c. 41, s. 40 (2), *in part. Amended.* 10.

82. The Principal of University College shall be the Chairman of the Council thereof. 1 Edw. VII, c. 41, s. 40 (2), *in part. Amended.*

83. The Librarian of the University shall be *ex-officio* a member of all faculty councils and of the Council of University College. (*New.*) 15

84. Unless and until otherwise provided by the Board, there shall be a Committee to be called the Caput, which shall be composed of the President of the University, who shall be the Chairman thereof; the Principal of University College, the heads of the federated universities, the heads of the federated colleges, and the Deans of the faculties of the University, at least five of whom shall be necessary to constitute a quorum for the transaction of business. (*New.*) 20 25

85. The Caput shall have the following powers and perform the following duties:

(1) To fix and determine the time tables for the lectures and other instruction in the University which affect more than one faculty, or which affect University College, or 30 a federated university or college;

(2) To authorize such lecturing and teaching in the University by others than the duly appointed members of the teaching staff thereof, and to prevent all lecturing and teaching not so authorized; 35

(3) To exercise the powers as to discipline conferred upon it by sections 96 to 99 inclusive of this Act;

(4) Generally to deal with all such matters as may be assigned to it by the Board or by the Senate, provided, in the latter case, that such matters fall within the powers conferred upon the Senate by this Act. (*New.*) 40

86. A copy of every general rule or regulation made by the Caput shall be transmitted to the Board, and no such general rule or regulation shall have any force or effect until it has been approved by the Board. (*New.*) 45

87. The Caput may advise the President in all matters affecting the academic interests of the University, but the powers of the President shall not be subject to its control. (*New.*)

5 88.—(1) There shall be a President of the University who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of the University, and the teaching staff thereof, and the officers and servants employed in or in connection with
10 such work, including the Registrar of the University, and shall also have such other powers and perform such other duties as from time to time may be conferred upon or assigned to him by the Board.

(2) He shall be a member of all faculty councils, and
15 shall have the right to summon meetings of any faculty council, and of the Council of University College, whenever he may deem it necessary to do so, and to take the chair at any meeting thereof at which he may be present. (*New.*)

20 (3) He shall be Chairman of the Senate. (*New.*)

(4) In the absence of the Chancellor, he shall confer all degrees. (*New.*)

(5) He shall call meetings of the Council of the Faculty of Arts in accordance with the regulations of the Council,
25 and also when requested to do so by at least five members thereof.

(6) He shall have power to suspend any member of the teaching staff of the University and of University College, and any officer and servant mentioned in subsection 1
30 and when he shall exercise such power he shall forthwith report his action to the Board, with a statement of his reasons therefor. (*New.*)

(7) He shall make recommendations to the Board as to all appointments to and all promotions in, and removals
35 from the teaching staff of the University, and of University College (including the Principal), and of the officers and servants mentioned in subsection 1. (*New.*)

(8) He may also, at his discretion, convene joint meetings of all the faculty Councils and the Council of University College or of any two or more of them. (*New.*)
40

(9) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of the University and of University College, and as to their progress and requirements, and make such recom-

mendations thereon as he may deem necessary, and he shall also report upon any matter which may be referred to him by the Board or by the Senate. 1 Edw. VII., c. 41, s. 39, *in part. Amended.*

(10) The enumeration of the express powers mentioned in subsections 4 to 10, inclusive, shall not be taken to limit the general powers conferred by subsection 1. (*New.*) 5

89. Subject to the provisions of section 91 in case of his absence or illness the President may appoint a member of any faculty to act in his stead, and if there is a vacancy in the office of President, or if no appointment is made, the Board may appoint a member of any faculty to act *pro tempore*, and, failing an appointment, the Dean of the faculty of Arts of the University shall act as President *pro tempore*. (*New.*) 15

90. The person acting pursuant to any such appointment shall have and may exercise all the powers and shall perform all the duties of President, but not those as to appointments, promotions and removals, unless he shall be requested by the Board to do so. (*New.*) 20

91. When and so long as there is a Vice-President of the University he shall act for the President in case he is absent or ill, if there is a vacancy in the office, or at the request of the President, and while so acting the Vice-President shall have and may exercise all the powers and shall perform all the duties of President, but not those as to appointments, promotions, and removals, unless he shall be requested by the Board to do so. 1 Edw. VII., c. 41, s. 39, *in part. Amended.* 25

92.—(1) There shall be a principal of University College, who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of University College and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar of University College, and shall also have such other powers and perform such other duties as from time to time may be assigned to him by the Board. 35

(2) He shall be a member of the Council of the Faculty of Arts. (*New.*) 40

(3) He shall call meetings of the Council of University College in accordance with the regulations of the Council, and when requested to do so by at least five members thereof, and also whenever he may see fit.

(4) He shall have power to suspend any member of the teaching staff of University College, and any officer and servant mentioned in subsection 1, and when he shall exercise such power he shall forthwith report his action to the
5 President with a statement of his reasons therefor. (*New.*)

(5) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of University College, and as to its progress and requirements, and make such recommendations thereon as
10 he may deem necessary, and he shall also report upon any matter which may be referred to him by the Board or by the Senate, and his reports shall, in all cases, be made through the President. (*New.*)

(6) In case of the absence or illness of the principal
15 he may appoint a member of the teaching staff of University College to act for him and failing an appointment by him, or if there be a vacancy in the office of principal the senior member of the teaching staff of University College shall act as principal *pro tempore*. 1 Edw. VII, c.
20 41, s. 41. *Amended.*

93. There shall be a Registrar for the University and a Registrar for University College, and the offices shall not be held by the same person. (*New.*)

94. The Council of University College, and the governing
25 bodies of the federated universities and colleges, shall, respectively, have disciplinary jurisdiction over and entire responsibility for the conduct of their students in respect of all matters arising or occurring in or upon their respective college buildings and grounds, including residences.
30 (*New.*)

95. The councils of such of the faculties as shall have assigned for their separate use any building or buildings and grounds, including residences, shall have disciplinary jurisdiction over and entire responsibility for the
35 conduct of all students in their respective faculties in respect of all matters arising or occurring in or upon such building, or building and grounds. (*New.*)

96. In all other cases, and, save as aforesaid, as respects all students to whatsoever college or faculty they may be
40 long, disciplinary jurisdiction shall be vested in the Caput, but the Caput may delegate its authority in any particular case or by any general regulation to the council or other governing body of the university or college or faculty to which the student belongs. (*New.*)

45 97. The Caput shall also have power and authority to determine by general regulation, or otherwise, to what col-

lege, faculty or other body the control of university associations shall belong. (*New.*)

98. If there shall be any question as to the proper body to exercise jurisdiction in any matter of discipline which may arise, the same shall be determined by the Caput, whose decision shall be final. (*New.*)

99. Disciplinary jurisdiction shall include the power to impose fines. (*New.*)

100. As respects the conduct and discipline as students of the University of all students registered in the University to whatsoever college or faculty they may belong and as respects all students enrolled in University College the provisions of sections 94 to 99 may be abrogated or changed by the Board. (*New.*)

101.—(1) The first election under this Act of the Chancellor and of the elective members of the Senate shall take place and be held in the present year, and the present incumbents of the said offices and the appointed members of the Senate, unless they shall be re-elected or re-appointed, shall cease to hold office immediately after the meeting of the Senate next following the holding of such election. (*New.*)

(2) The elective members of the Senate shall be elected and the appointed members thereof shall be appointed thereafter quadriennially. (*New.*)

25

102. The Registrar of the University shall, after the fifteenth day of June, and before the fifteenth day of August in every year in which an election is to take place, prepare an alphabetical list to be called "The Election Register," of the names and known addresses of all graduates who are entitled to vote at any such election. 1 Edw. VII., c. 41, s. 28 (1), *in part.* *Amended.*

103. The election register shall be posted up in a conspicuous place in the office of the Registrar not later than the fifteenth day of August in every such year, and shall be open to inspection by any graduate entitled to vote, at all reasonable hours. 1 Edw. VII., c. 41, s. 28 (1), *in part.* *Amended.*

104. No person whose name does not appear in the election register shall be entitled to vote at any such election. 1 Edw. VII., c. 41, s. 28 (1), *in part.* *Amended.*

105. If from any cause the election register is not prepared at the time and in the manner provided by this Act,

the Board shall make provision for the preparation thereof, and all the provisions of this Act as to the election register, except those relating to time, shall apply to the election register which shall be so prepared. (*New.*)

5 106. For the purposes of all elections at which graduates of a federated university are entitled to vote, the Registrar of such University shall on or before the fifteenth day of June in each year in which an election at which such graduates are entitled to vote is to be held, furnish to the
10 Registrar of the University a list of the names of all graduates of such federated university who are entitled to vote, with their post office addresses as far as the same are known. 1 Edw. VII., c. 41, s. 27. *Amended.*

15 107. The Education Department shall, upon the application of the Registrar of the University, furnish him, on or before the first day of August in such year, with a list of all principals of and assistants in Collegiate Institutes and High Schools who are actually engaged in teaching in a Collegiate Institute or High School, with their
20 post office addresses as far as known. 1 Edw. VII., c. 41, sec. 28 (2), *in part.* *Amended.*

108. The Registrar, in preparing the election register, shall make separate lists (1) of the graduates in Arts of the University enrolled in University College; (2) of the
25 graduates of each federated university, including graduates of the University who were at the time of graduation enrolled in the federated university; (3) of the graduates in Medicine; (4) of the graduates in Law; (5) of the graduates in Applied Science and Engineering; (6) of the graduates of
30 each and every other faculty in the University hereafter constituted, the graduates of which are entitled to elect representatives; (7) of the graduates in Agriculture; and (8) of the principals of and assistants in Collegiate Institutes and High Schools actually engaged in teaching in a
35 Collegiate Institute or High School, and such lists shall be the voters' lists for the election. 1 Edw. VII., c. 41, s. 28 (2). *Amended.*

109. If any person whose name appears or ought to appear in any election register complains in writing to the
40 Registrar of the University, not later than ten clear days before the second Wednesday of the month of September in the year in which the election is to be held, that his name or that of any person which ought to appear therein has been omitted from such register or of any error in such name
45 as it appears therein, or that the name of any person whose name ought not to be entered in the register appears therein, the Registrar shall forthwith examine into the complaint, and after such notice as he may deem necessary to any person whose name is sought to be stricken from such

register, rectify the error, if any, therein. 1 Edw. VII., c. 41, s. 28 (4), *in part.* *Amended.*

110. The decision of the Registrar shall be subject to appeal to the President of the University. 1 Edw. VII., c. 41, s. 28 (4), *in part.* *Amended.* 5

111. No person shall be elected as Chancellor, or as a member of the Senate, unless he has been nominated as hereinafter mentioned, and every vote cast for any person not so nominated shall be void. 1 Edw. VII., c. 41, s. 29 (1), *in part.* *Amended.* 10

112. The nomination shall be in writing by a nomination paper, which shall be signed by at least ten graduates entitled to vote at the election; or in the case of Collegiate Institute and High School representatives by at least ten teachers entitled to vote at the election. 1 Edw. VII., c. 15 41, s. 29 (1), *in part.* *Amended.*

113. The nomination paper shall be delivered at the office of the Registrar, or, if sent by mail, shall be received there not later than the first Wednesday in September of the year in which the election is to take place, and if not so 20 delivered or received shall be invalid, and shall not be acted upon. 1 Edw. VII., c. 41, s. 29 (1), *in part.* *Amended.*

114. Any person who is nominated for the office of Chancellor or as a member of the Senate may refuse to 25 become a candidate for the office for which he shall have been nominated and he shall be deemed not to have been nominated, and his name shall not be included in the list of candidates if he shall notify the Registrar in writing of his refusal within four days after the day upon which the 30 time for nominations shall have expired. 2 Edw. VII., c. 43, s. 11. *Amended.*

115. In case one person only is nominated for the office of Chancellor within the time fixed for that purpose he shall be elected to and be entitled to hold that office. 1 Edw. 35 VII., c. 41, s. 29 (2), *in part.* *Amended.*

116. In case only such number of persons as are required to be elected as members of the Senate are nominated within the time fixed for that purpose the persons so nominated shall be elected to and be entitled to hold the office for which 40 they were respectively nominated. 1 Edw. VII., c. 41, s. 29 (2), *in part.* *Amended.*

117. The Registrar shall report to the Senate at its next meeting the results of any such election. 1 Edw. VII., c. 41, s. 29 (2), *in part.* *Amended.* 45

118. In case a poll is necessary the Registrar shall on or before the second Wednesday in the said month of September send by mail to every graduate who, according to the election register, is entitled to vote at the election, and 5 whose place of residence is shewn in such register, or is known to the Registrar, a voting paper in the form set out in schedule 1 to this Act, together with a list of the persons whose term of office is expiring, and of all persons who have been nominated. 1 Edw. VII., c. 41, s. 29 (3).
10 *Amended.*

119. The votes shall be given by closed voting papers, which shall be delivered, or, if sent by mail, shall be received at the office of the Registrar not earlier than the second Wednesday of the said month of September, and 15 not later than the first Wednesday of October following, both days inclusive, and every voting paper which has not been furnished by the Registrar, or which is not so delivered or received as aforesaid shall be invalid, and shall not be counted. 1 Edw. VII., c. 41, s. 30 (1, 2). *Amended.*

20 120. Two persons to be appointed by the Senate for that purpose, shall be the scrutineers; but, if the Senate does not at least two weeks previous to the time fixed for the counting of the votes appoint the scrutineers, it shall be the duty of the President to make the appointment. 1 25 Edw. VII., c. 41, s. 30 (3). *Amended.*

121.—(1) The voting papers shall, upon the next day after the time for receiving the same has expired, be opened by the Registrar, and such persons as may be appointed by the Senate or by the President to assist in the opening 30 thereof, in the presence of the President and of the scrutineers to be appointed as hereinbefore mentioned, who shall examine and count the votes and keep a record thereof in a book to be provided for that purpose, and the opening of the voting papers and the counting and recording of the votes 35 shall be continued from day to day until the same are completed. 1 Edw. VII., c. 41, s. 30 (2), *in part. Amended.*

(2) In case the President is unable to be present, he shall appoint some person to act in his stead.

122. Any person entitled to vote at the election may be 40 present at the opening of the voting papers and the counting and recording of the votes. 1 Edw. VII., c. 41, s. 30 (2), *in part. Amended.*

123. If more than one name appears upon a voting paper for Chancellor the vote shall be invalid, and shall not be 45 counted, and if more names than the number to be elected appear on a voting paper for members of the Senate the votes shall be counted as votes for the persons whose names appear thereon in consecutive order, beginning with the first until the required number is reached.

and all other votes thereon shall be invalid, and shall not be counted. 1 Edw. VII., c. 41, s. 30 (4). *Amended.*

124. Upon the completion of the scrutiny and counting of the votes the President or other person acting in his stead and the scrutineers shall declare the result of the election, setting forth the number of votes cast for every person who has been nominated, and shall, without delay, report the same in writing under their hands to the Senate. 1 Edw. VII., c. 41, s. 30 (5). *Amended.*

125. In case of an equality of the votes given for two or more persons for Chancellor or for a member or members of the Senate, which leaves the election undecided, the Senate shall, at its next meeting, give the casting vote or votes necessary to decide it. 1 Edw. VII., c. 41, s. 30 (6). *Amended.*

15

126. If from any cause any election provided for by this Act shall not be held as hereinbefore provided, the Board shall make provision for holding the same and fix the dates for the nominations and the other proceedings for taking, counting and recording the votes thereat and declaring the result thereof, and such proceedings shall, as far as may be practicable, be made conformable with those provided by this Act. (*New.*)

127. The course of instruction in the Faculty of Arts shall be apportioned between the University and University College as follows:

(1) In the University instruction shall be given in Mathematics, Physics, Astronomy, Geology, Mineralogy, Chemistry, Biology, Physiology, History, Ethnology, Comparative Philology, Italian, Spanish, History of Philosophy, Psychology, Logic, Metaphysics, Education, Political Science, including Political Economy, Jurisprudence and Constitutional Law, and Constitutional History, and in such other subjects as, from time to time, may be determined by statute in that behalf. 1 Edw. VII., c. 41, s. 35 24 (1). *Amended.*

(2) In University College instruction shall be given in Greek, Latin, Ancient History, English, French, German, Oriental Languages and Ethics, and in such other subjects as may, from time to time, be determined by statute in that behalf, but not in theology. 1 Edw. VII., c. 41, s. 35 24 (2). *Amended.*

128. The subjects of instruction assigned by section 127 of this Act to the University and University College, respectively, shall not be transferred from the one to the other except by the direction of the Board, and no such direction shall be made unless with the consent of the federated universities. 1 Edw. VII., c. 41, s. 24 (4). *Amended.*

129.—(1) The curriculum in Arts of the University shall include the subjects of Biblical Greek, Biblical Literature, Christian Ethics, Apologetics, the Evidences of Natural and Revealed Religion and Church History, but any provision for examination and instruction in the same shall be left to the voluntary action of the federated universities and colleges, and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree. 1 Edw. VII, c. 41, s. 24 (3).

(2) The options provided for by subsection 1 shall be evenly distributed over each year of the general or pass course, and as far as practicable over each of the honour courses. (*New.*)

130. The Board, with the consent of the federated universities, but not otherwise, may provide that attendance by a student enrolled in University College upon instruction in the subjects assigned to University College or any of them, in any of the federated universities, shall be equivalent to attendance in University College, and that such attendance by a student enrolled in a federated university, in University College, shall be equivalent to attendance in such federated university, and may prescribe the terms and conditions upon which any such attendance upon instruction may take place. (*New.*)

131. Save as otherwise provided by the Board, a professor, lecturer or teacher of University College may give instruction at or to the students enrolled in any federated university in any of the subjects of instruction from time to time assigned to University College, and a professor, lecturer or teacher of any federated university may give instruction at or to the students enrolled in University College in any of such subjects of instruction. Provided, always, that the consent of the Principal of University College and of the federated university or universities concerned and the approval of the Senate shall have been first obtained. (*New.*)

132. Instruction in Arts in the University (except post-graduate instruction) shall be free to all regular matriculated students thereof who are enrolled in University College or in a federated university, and who enter their names with the Registrar of the University, but this provision shall not include exemption from laboratory fees, gymnasium fees, or fees for physical examination or instruction. 1 Edw. VII, c. 41, s. 15. *Amended.*

133. The table of fees now prescribed for University College shall be the minimum table of fees for University College and for the Arts faculties of the federated universi-

ties, and no reduction shall be made in such minimum unless with the consent of the Board and of the federated universities. (*New.*)

134. Attendance upon instruction in University College or in a federated university by a student enrolled therein shall entitle such student to present himself for any Arts examination in and to proceed to any degree in Arts of the University, and to compete for any exhibition, scholarship, prize or certificate of proficiency in Arts awarded or granted by the University in the same way and to the same extent as if he had attended upon such instruction in the University. 1 Edw. VII., c. 41, s. 25 (2). *Amended.*

135. If and as far as may be sanctioned by the Senate and approved by the Board, the provisions of section 134 shall apply to attendance by a student of a federated or affiliated college upon instruction therein. 1 Edw. VII., c. 41, s. 25 (2), *in part.* *Amended.*

136.—(1) All students proceeding to a degree in Arts in the University, unless in cases for which special provision shall be made to the contrary by statute of the Senate, shall be enrolled in University College or in a federated university.

(2) Subject to the provisions of the statutes of the Senate in that behalf, all students proceeding to a degree in any faculty of the University other than that of Arts, unless in cases for which special provision shall be made to the contrary by statute of the Senate, shall be registered in the University and receive their instruction therein, except in the subjects in which by or under the authority of subsection 2 of section 127 instruction is or may be provided for in University College, as to which it shall be sufficient if being a student enrolled in University College or a federated university he has received instruction therein. 1 Edw. VII., c. 41, s. 25 (1). *Amended.*

(3) All occasional and graduate students shall also be registered in the University.

137. Persons who have not received their instruction in the University, or in University College, or in a federated university or college, or in an affiliated college, may be admitted as candidates for examination for standing or for any degrees, honours, scholarships or certificates of proficiency authorized to be granted or conferred by the University on such conditions as the Senate may, from time to time, determine. 50 Vict., c. 43, s. 54.

138.—(1) No student enrolled in University College or in a federated university or college or in an affiliated college

shall be permitted to present himself for any university examination subsequent to that for matriculation without producing a certificate that he has complied with the requirements of such university or college affecting his admission to such examination.

(2) A student enrolled in an affiliated college may, subject to the provisions of subsection 1 and of any statute in that behalf of the Senate, present himself for any University examination subsequent to that for matriculation leading to a degree in that branch of learning in which instruction is given in such college. Provided, always, that such student shall not be entitled, unless by special permission of the Senate, to present himself for any examination leading to a degree in Arts or in any other faculty of the University. 1 Edw. VII., c. 41, s. 25 (4). *Amended.*

139. Every graduate's diploma and student's certificate of standing, in addition to being signed by the proper authority in that behalf of the University, shall indicate the federated university or college or affiliated college in which such student was enrolled at the time of his graduation or examination, and shall be signed by such professor, teacher or officer of the federated university or college or affiliated college as the governing body thereof may determine. 1 Edw. VII., c. 41, s. 25 (3). *Amended.*

140.—(1) There shall be and are hereby set apart, for the use of the University and University College acres of the Crown lands of the Province, and the same shall be deemed an addition to and shall form part of the endowment of the University and University College.

(2) The said lands shall be selected, sold, controlled and managed and the proceeds of the sales thereof shall be accounted for and paid over to the Board as provided by the second, third and fourth sections of the Act passed in the sixtieth year of the reign of Her late Majesty, Queen Victoria, chapter 59.

(3) The provisions of sections 5 and 6 of the said Act shall apply to the lands which shall be set apart under the provisions of this section. (*New.*)

141.—(1) For the purpose of making provision for the maintenance and support of the University and of University College, there shall be paid to the Board out of the Consolidated Revenue of the Province yearly and every year a sum equal to per centum of the average yearly gross receipts of the Province from succession duties.

(2) The said annual sums shall be paid in equal half-yearly instalments on the first day of July and the first day of January in each year, the first of which shall be paid on

the first day of July next, and the average yearly gross receipts of the Province from succession duties shall be determined by and be based upon the gross receipts from such duties of the three years ended on the 31st day of December next preceding the day on which the first instalment of the year is to be paid. (*New.*) 5

(3) If in any year the amount which shall be payable to the Board under the provisions of subsections 1 and 2 shall exceed the amount of the estimated expenditure for the maintenance and support of the University and of University College for the academic year in respect of which such sum is payable, it shall be lawful for the Lieutenant-Governor in Council to direct that the excess shall be added to the permanent endowment of the University and University College, or that the same shall be set apart by the Board as a contingent fund to provide for the event of the amount which shall be payable to the Board as aforesaid being in any future year or years insufficient to defray the cost of such maintenance and support as aforesaid; or that the same be applied in expenditures on capital account; or that such excess shall be applied or dealt with wholly or in part in each or any or either of the said ways, and to direct if it shall be deemed proper to do so that except in so far as such excess shall not be directed to be applied or dealt with in manner aforesaid that the same shall not be paid to the Board and in every such case the sum which would otherwise be payable to the Board shall be reduced accordingly. 10 15 20 25

142. Nothing in this Act contained shall impair or prejudicially affect the rights of Trinity College under those provisions of the agreement made between the Trustees of the University of Toronto of the first part and Trinity College of the second part and bearing date the twenty-fifth day of August, 1903, which are set out in schedule 2 to this Act, but such provisions shall continue to be and shall remain binding on the University. (*New.*) 30 35

143.—(1) The Board shall have power to make such arrangement as it may deem expedient for the purpose of facilitating the removal of Trinity College to Queen's Park, and to that end to agree to such modifications and alterations of the terms of the said agreement bearing date the twenty-fifth day of August, 1903, under the provisions of which Trinity College became federated with the University, and to agree to such additional or substituted terms, financial or otherwise, as to the Board may seem meet, but no such agreement shall have any force or effect until it has been approved by the Lieutenant-Governor in Council, but when so approved such agreement shall have the same force and effect as if the terms thereof had been embodied in this Act. 40 45 50

(2) In the event of its being necessary in order to the carrying out of any agreement which may be entered into under the provisions of subsection 1, that to enable Trinity College to remove its seat to a site on the University land in or near Queen's Park and to erect new buildings thereon a loan to be raised by Trinity College should be guaranteed by the Province it shall be lawful for the Lieutenant-Governor-in-Council for and in the name of the Province to guarantee the repayment of the loan in such form and upon and subject to such conditions and stipulations as to the nature and sufficiency of the security to be given for the loan, the safeguards which may be deemed necessary to protect the Province against loss and to ensure the repayment of principal and interest as the same become due, and otherwise as to the Lieutenant-Governor in Council may seem meet.

(3) Trinity College is hereby authorized and empowered to make and enter into any agreement which it may deem necessary for carrying out the purpose mentioned in subsection 1, and to make and execute all such agreements, deeds and other instruments as may be deemed necessary to carry into effect the provisions of any such agreement.

(4) Trinity College may also borrow upon the security of its property, real and personal, or any part thereof, such sum of money as may be deemed requisite in order to carry out such removal as aforesaid, and the terms of any agreement which may be entered into as aforesaid in reference thereto, and may execute such deeds, bonds, debentures and other instruments as may be deemed necessary for the purposes of such security as aforesaid, and the money so borrowed may be repayable at such times and in such manner and bear such rate of interest as to Trinity College may seem meet. (*New.*)

144. The Acts and parts of Acts mentioned in schedule 3 to this Act are hereby repealed to the extent mentioned in the said schedule.

SCHEDULE 1.

(Section 118.)

FORM OF VOTING PAPER.

University of Toronto, Election.

19 .

I, _____ resident at _____ in the county of _____ do hereby declare:

(1) That the signature subscribed hereunto is of my proper handwriting.

(2) That I vote for the following person as Chancellor of the University of Toronto, viz., _____ of _____ in the county of _____

(3) That I vote for the following persons as members of the Senate of the University of Toronto, viz., _____ of _____ in the county of _____ etc., etc.

(4) That I have not for the purpose of this election signed any other voting paper as a graduate of the Faculty of Arts (or of Medicine, or of Law, or as a Principal of or Assistant in a Collegiate Institute, or a High School, as the case may be).

(5) That this voting paper was signed by me on the day of the date thereof.

(6) That I vote in my right as graduate of _____ University (or as Principal of or Assistant in a Collegiate Institute or a High School, as the case may be).

(7) (In the case of a Principal of or Assistant in a Collegiate Institute or in a High School) That I am now actually engaged in teaching in a Collegiate Institute (or in a High School, as the case may be) viz., in the _____ at _____

Witness my hand this _____ day of _____ A.D. 19 _____
A. B.

SCHEDULE 2.

(Section 142.)

Provisions of the agreement between the Trustees of the University of Toronto and Trinity College which are not to be affected by the Act.

"The parties of the second part shall be entitled to have lectures in the University subjects as defined by *The University Act, 1901*, delivered by the professors and other instructors of the University of Toronto at Trinity College in all subjects of the general or pass course, and as far as practicable in all subjects of the several honour courses, but it is hereby declared that it is not intended that there shall be any duplication of lectures or other instruction for the purposes of which scientific apparatus or other means of demonstration are required which are not provided by Trinity College, and which cannot be conveniently taken from the University buildings to Trinity College.

"All arrangements for such lectures, including the time table of lectures and the personnel of lecturers, shall be made in such manner as to afford to the students enrolled at Trinity College the same advantages in regard to the University lectures as are afforded to the students of the other Arts colleges, and the said arrangements shall be made in each year by the President of the University of Toronto and the Provost of Trinity College, and, in the event of their being unable to agree on any matter, the same shall be forthwith referred for final decision to such person as they may designate in writing under their hands, and, in the event of the President and the Provost being unable to agree upon such referee within one week after such disagreement on any matter as aforesaid, such referee shall be appointed by the Minister of Education, and a decision in writing of such referee, by whomsoever chosen, shall be final.

"The expenses connected with the duplication of lectures as aforesaid shall be assumed by the Government as a permanent charge on the provincial revenues in consideration of the suspension by Trinity College of its degree conferring powers, and of its surrender to the University of Toronto of all fees in connection with degrees other than those of Theology.

"A site to be agreed on between the said parties hereto in or near the Queen's Park, in the City of Toronto, on the lands vested in the parties of the first part, shall be reserved for the parties of the second part, on which they may erect at their own expense a building for the use of the students of Trinity College while attending lectures in the University buildings.

"Such site shall be occupied by the parties of the second part free of ground rent and all other charges so long as the federation of the universities continue, but, in the event of the withdrawal of the parties of the second part from federation the said building shall be purchased from the said parties of the second part by the said parties of the first part at a valuation to be determined by the arbitration of two indifferent persons to be appointed, one by each of the parties hereto, their successors or assigns, and this provision shall be deemed to be and shall be a submission under *The Arbitration Act*.

"Until the erection of such building students from Trinity College attending University lectures shall be allowed the use of some suitable rooms in one of the University buildings.

"Subsections 1 and 2 of section 43 of the said Act are hereby declared to be incorporated in and to form part of this agreement.

"The Senate of the University of Toronto shall enact such statutes as may be necessary to enable the University of Toronto to confer on undergraduates and graduates of Trinity College the degrees provided for by subsection 2 of section 3 of *The University Act, 1901*, which are now conferred by Trinity University.

"The examination for the said degrees shall be conducted by the University of Toronto through examiners nominated by the parties of the second part, and the said degrees shall be conferred by the University of Toronto upon the report of the said examiners.

"All students of Trinity Medical College who have not matriculated at the date of the issue of the proclamation of the federation of the two universities shall be allowed two years from that date to matriculate in the University of Trinity College under the regulations in force at the date of federation."

SCHEDULE 3.

(Section 144.)

Acts and parts of Acts repealed:

R.S.O. cap. 300.	The whole Act.
1 Edw. VII., cap. 41.	The whole Act.
2 Edw. VII., cap. 43.	The whole Act, except section 7.
3 Edw. VII., cap. 36.	The whole Act.
4 Edw. VII., cap. 35.	The whole Act.
5 Edw. VII., cap. 36.	The whole Act.
5 Edw. VII., cap. 37.	Sections 7 and 10.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting the University of Toronto and University College

First Reading, 18th April, 1906.

Mr. WHITNEY.

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.
TORONTO:

An Act respecting the University of Toronto and
University College.

HIS 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 University Act, 1906.* Short title.

2. Where the words following occur in this Act, unless Interpretation.
a contrary intention appears, they shall be construed as
follows:—

(1) "The University" as meaning the University of "The Univer-
Toronto. sity."

(2) "The Board" as meaning the Governors of the Uni- "The Board."
versity of Toronto.

(3) "Appointed members" as meaning the members of "Appointed
the board appointed by the Lieutenant-Governor-in-Coun- members."
cil.

(4) "Property" as including real property and all other "Property."
property of every nature and kind whatsoever.

(5) "Real property" as including messuages, lands, "Real
tenements and hereditaments whether corporeal or incor- property."
poreal, and any undivided share thereof and any estate
or interest therein.

(6) "College" as including a school or other institution "College."
of learning.

(7) "Teaching staff" as including professors, associate "Teaching
professors, lecturers, instructors, demonstrators and all Staff."
others engaged in the work of teaching or giving instruc-
tion.

(8) "Now" as meaning when this Act goes into force. "Now."

"Trinity College."

(9) "Trinity College" as meaning Trinity College as established and incorporated by the Act passed in the 14th and 15th year of the reign of Her late Majesty, Queen Victoria, *chaptered 32*, and as constituted a University by Royal Charter bearing date the sixteenth day of July, 1853.

"Head."

(10) "Head," when it refers to the head of a federated university or a federated college, as meaning the person who is or is certified by the governing body of such university or college to be the head thereof.

University,
University
College, Facul-
ties, etc., con-
tinued.

3. The Provincial University, known as the University of Toronto, the Provincial College, known as University College, the Senate, Convocation, the several faculties of the University and the Faculty of University College, are and each of them is hereby continued, and, subject to the provisions of this Act, shall respectively have, hold, possess and enjoy all the rights, powers and privileges which they respectively now have, hold, possess and enjoy. 1 Edw. VII., c. 41, s. 3 (1, 21), *in part*.
Amended.

Appointments,
statutes and
regulations,
continued.

4. All appointments in and statutes and regulations affecting the University and University College and each of them shall continue, subject to the provisions of this Act, and subject also, as to the teaching staff, and all officers, servants and employees, to their removal by the Board at its discretion. 1 Edw. VII., c. 41, s. 21, *in part*.
Amended.

Proclamation
changing name
of University.

5.—(1) If and when a proclamation to that effect shall be issued by the Lieutenant-Governor, the name of the University shall be changed to and the University shall be known as "The University of Ontario" from and after such date as shall be named in the proclamation for the change taking effect. 1 Edw. VII., c. 41, s. 3 (2).

When procla-
mation may be
issued.

(2) Such proclamation shall not be issued unless and until a statute of the Senate approving of the change shall have been passed by the vote of at least three-fourths of the members thereof who may be present at a meeting called for the purpose of considering the question of making such change and unless and until the change shall have been sanctioned by the Board. 1 Edw. VII., c. 41, s. 3 (3).
Amended.

School of
Practical Sci-
ence united
with Univer-
sity as faculty
of Applied
Science and
Engineering.
Dean of
faculty.

6.—(1) The School of Practical Science is hereby united with and shall form part of the University and constitute the faculty of Applied Science and Engineering thereof. (*New.*)

(2) The principal of the School of Practical Science shall become and be the Dean of the said faculty, and the pro-

fessors, teachers, instructors and officers of the said school shall hold and occupy the like positions in the said faculty to those now held and occupied by them in the said school, but subject always to removal by the Board at its discretion. (*New.*)

(3) Whenever in any Act or document reference is made to the School of Practical Science, the same shall hereafter apply and extend to the said faculty. (*New.*)

Reference to School to mean faculty of Applied Science, etc.

(4) All moneys expended by the Board in the maintenance of the said faculty shall for the purposes and within the meaning of the agreement bearing date the second day of March, 1889, between Her late Majesty, Queen Victoria, and the corporation of the City of Toronto, be deemed to be money expended by "Her Majesty and Her Successors acting by and through the Executive Council of the Province of Ontario. (*New.*)

Moneys expended by board to be deemed by Crown for certain purposes.

(5) All courses of study in the said school, all Orders in Council relating thereto, and all by-laws, rules and regulations thereof, except in so far as the same are inconsistent with the provisions of this Act, shall continue in force and apply to the said faculty in the same manner and to the same extent as the same are now applicable to the said school, but they may be abrogated or modified by the proper governing body of the University in that behalf as may be deemed expedient. (*New.*)

Curriculum, by-laws, etc., extended to apply to faculty.

7.—(1) Every university and every college federated with the University and every college affiliated with the University shall continue to be so federated or affiliated, subject to any statute in that behalf and to this Act. 1 Edw. VII., c. 41, s. 18. *Amended.*

Universities and colleges, federated or affiliated.

(2) A college affiliated with a federated university at the time of its federation with the University, whether such federation has heretofore been or shall hereafter be entered into, shall be deemed to be affiliated with the University. 1 Edw. VII., c. 41, s. 20 (6), *in part.* *Amended.*

Colleges affiliated with federated university.

(3) The following are declared to be the universities federated with the University, that is to say, Victoria University and Trinity College. 1 Edw. VII., c. 41, s. 19, *in part.* *Amended.*

Victoria and Trinity declared to be federated.

(4) The following are declared to be the colleges federated with the University, that is to say, Knox College, Wycliffe College and St. Michael's College. 1 Edw. VII., c. 41, s. 19, *in part.* *Amended.*

Federated colleges.

(5) The following are declared to be the colleges affiliated with the University, that is to say; Albert College, The Ontario Agricultural College, The Ontario Medical College for Women, The Royal College of Dental Surgeons, The Toronto College of Music, The Ontario College of Phar-

Affiliated colleges.

macy, The Toronto Conservatory of Music, The Hamilton Conservatory of Music, The Western Canada College of Calgary, The Columbian Methodist College, and The Ontario Veterinary College; the following the Colleges which are affiliated with the University by reason of their having been affiliated with Victoria University when the said last mentioned University became federated with the University, that is to say: The Ontario Ladies' College and Alma College; and St. Hilda's College, which is affiliated with the University by reason of its having been affiliated with Trinity College when Trinity College became federated with the University. 1 Edw. VII., c. 41, s. 19, *in part. Amended.*

Affiliated colleges, when to be represented in Senate.

(6) A college which has been affiliated with the University since the 15th day of April, 1901, or which shall hereafter be affiliated therewith shall not be entitled to representation on the Senate unless so declared by statute in that behalf. 1 Edw. VII., c. 41, s. 20 (6), *in part.*

Removal of college from federation or affiliation.

(7) The Senate may remove from federation or affiliation with the University any college, now or hereafter federated or affiliated with the University which becomes an integral part of or federates or affiliates with any other university which has and exercises the powers of conferring any degrees other than those in theology. 1 Edw. VII., cap. 41, s. 20 (7). *Amended.*

Colleges affiliated with federated university to cease to be affiliated with university on dissolution of federation.

(8) If and when any university now or hereafter federated with the University ceases to be federated therewith, every college which is affiliated with the University by reason only of its having been affiliated with such federated university shall thereupon and thereafter cease to be affiliated with the University, but shall retain the same relation with the federated university with which it was affiliated as existed when such federated university became federated with the University. (*New.*)

Arts faculties of Victoria and Trinity.

(9) The Arts faculties of Victoria University and Trinity College in their relation to the University shall be known as and may be called colleges of the University bearing respectively as such colleges the names Victoria College and Trinity College. (*New.*)

Admission of universities to federation.

8.—(1) When any university in the Province of Ontario determines to surrender its degree conferring powers (except the power of conferring degrees in theology) and notifies the Board of such determination, the Board may by statute declare such university to be federated with the University on and from a day to be named in such statute, and thereupon and thereafter the power of such federated university to confer degrees, except in theology, shall be suspended. 1 Edw. VII., c. 41, s. 20 (2), *in part. Amended.*

(2) Every such statute shall be published forthwith after the passing thereof in *The Ontario Gazette*. 1 Edw. VII., c. 41, s. 20 (2), *in part. Amended.*

(3) The power and authority of conferring degrees, except in theology, of any university now or hereafter federated with the University shall be suspended and in abeyance, but may be resumed by such federated university; Provided that three years shall have elapsed from the date when its federation with the University took effect, and that after the lapse of such three years one year's notice in writing of its intention to resume its degree-conferring powers shall have been given to the Board, and any such federated university shall cease to be federated with the University at and after the expiry of the said last mentioned period. 1 Edw. VII., c. 41, s. 20 (3, 4), *in part. Amended.*

Suspension of degree-conferring powers during federation.

Proviso.

(4) Notice that any such federated university has ceased to be federated with the University and the date when it ceased to be so federated shall be published in the *Ontario Gazette*. 1 Edw. VII., c. 41, s. 20 (4), *in part. Amended.*

Notice of dissolution of federation.

(5) The graduates and undergraduates in Arts, Science and Law of a federated university and such graduates and undergraduates thereof in Medicine as have passed their examinations in Ontario from and after the date when such university became federated with the University, and so long as such federation shall continue, shall have and enjoy the same degrees, honours and status in the University as they held and enjoyed in the federated university. 1 Edw. VII., c. 41, s. 20 (5). *Amended.*

Rights of graduates and undergraduates of federated university.

9.—(1) No religious test shall be required of any professor, lecturer, teacher, officer or servant of the University or of University College, or of any student thereof or therein, nor shall religious observances according to the forms of any religious denomination or sect be imposed on them or any of them, but the Board may make regulations touching the moral conduct of the students thereof and therein and their attendance on public worship in their respective churches or other places of religious worship and their religious instruction by their respective ministers, according to their respective forms of religious faith, and every requisite facility shall be afforded for such purposes, provided always that attendance on such forms of religious observance shall not be compulsory on any student attending the University or University College. 1 Edw. VII., c. 41, s. 23 (1). *Amended.*

Religious tests, etc., not required.

Moral and religious training.

Proviso.

(2) Nothing in this section contained shall interfere with the right of any federated university or college to make such provision in regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as a part of its own discipline. 1 Edw. VII., c. 41, s. 23 (2).

Rights of federated universities and colleges as to religion.

10.—(1) Separate accounts of the proceeds of the sales of the lands set apart for the use of the University and Uni-

Accounts of proceeds of sales of lands

set apart for
university and
university
college.

versity College or either of them by the Act passed in the 60th year of the reign of Her late Majesty, Queen Victoria, chaptered 59, and by the Act passed in the third year of the reign of His Majesty, chaptered 36 (as amended by the Act passed in the 5th year of the same reign, chaptered 36) and by the Act passed in the said last mentioned year chaptered 37, shall continue to be kept by the proper officers and departments and yearly accounts thereof to be furnished to the Board, as provided in the said Acts, and all moneys derived from such sales shall be paid to the Board free from all charges or deductions for management or otherwise. 1 Edw. VII., c. 41, s. 7 (1). *Amended.*

Rights of
university as to
such lands
preserved.

(2) The repeal by this Act of the Acts and parts of Acts mentioned or referred to in subsection 1 shall not affect or impair the right of the University and University College or either of them to have the lands mentioned therein set apart in accordance with and subject to the provisions of the Acts and parts of Acts so repealed, but such right shall remain in full force notwithstanding such repeal. (*New.*)

Annual grant
of \$7,000
continued.

11. The annual grant of \$7,000, provided for by the said first mentioned Act, shall continue to be paid to the Board as provided therein, and the same shall form a charge upon and be paid from time to time out of the Consolidated Revenue. 1 Edw. VII., c. 41, s. 7 (2).

Property
vested in
trustees trans-
ferred to
Board.

12. All property now vested in the Trustees of the University of Toronto is hereby, subject to any trust affecting the same, vested in the Board, and all property which heretofore has been or hereafter shall be granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University and University College or either of them or of any faculty or department thereof or otherwise in connection therewith, subject always to the trust affecting the same, shall be vested in the Board. 1 Edw. VII., c. 41, s. 6, *amended.*

Property
vested in
Crown for
S. P. S. vested
in Board.

13. All property which is vested in or used by the Crown for the purposes of the School of Practical Science, and all unexpended appropriations out of the Consolidated Revenue for the maintenance thereof, shall belong to and are hereby vested in the Board. (*New.*)

Queen's Park.

14. The real property demised to the Corporation of the City of Toronto for the purpose of a park under the authority of section 66 of chapter 62 of the Consolidated Statutes of Upper Canada shall, so long as the lease thereof remains in force, form part of the City of Toronto and the residue of the real property adjacent to the said park which is vested in the Board, shall be subject to the police regulations of the said corporation and the council thereof and except as herein otherwise provided to the by-laws thereof. 1 Edw. VII., c. 41, s. 42. *Amended.*

15. All real property which is now or which hereafter shall be vested in the Board shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of the Province. 2 Edw. VII., c. 43, s. 2. *Amended.*

Application of statute of limitations as to property.

16. It is hereby declared that the dedication heretofore by the Crown for any purpose of any real property held for the purposes of the University and University College or either of them has not taken away from such real property any rights or privileges which it enjoyed as Crown lands or prejudicially affected the same, but that all such rights and privileges remain in full force and effect. 1 Edw. VII., c. 41, s. 6 (c), *in part.* *Amended.*

Former dedication to university not to affect status of lands as Crown lands.

17.—(1) The real property vested in the Board shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking lands compulsorily for any purpose whatsoever; and no power to appropriate real property hereafter conferred shall extend to such real property unless in the act conferring the power it is made in express terms to apply to such real property. 1 Edw. VII., c. 41, s. 6 (c), *in part.* *Amended.*

Lands vested in Board not liable to expropriation.

(2) The provisions of subsection 1 shall apply to real property owned by or vested in any university or college federated with the University. (*New.*)

18.—(1) The property real and personal vested in the Board shall not be liable to taxation for provincial, municipal or school purposes, but shall be exempt from every description of taxation; provided, always, that except as mentioned in subsection 2 the interest of every lessee and occupant of real property vested in the Board shall be liable to taxation.

Exemption of property from taxation.

(2) The liability to taxation of the interest of a lessee or occupant mentioned in this section shall not extend to the interest of a lessee or occupant being a member of the teaching staff or an officer or servant of the University or of University College who, or being an association of under-graduates or an incorporated society of under-graduates or of graduates and undergraduates, which is the lessee or occupant of any part of the property commonly known as the University Park, composed of the north halves of Park lots numbers eleven, twelve and thirteen in the first concession from the bay, in the township of York (now in the City of Toronto), and including that part of park lot number fourteen in the said first concession, described in a certain conveyance to Her late Majesty Queen Victoria,

registered as number 8654R in the registry office of the eastern division of the City of Toronto, but the interest of every such lessee or occupant shall be exempt from taxation. 2 Edw. VII., c. 43, s. 3. *Amended.* 4 Edw. VII., c. 35, s. 3, *in part.*

(3) Those parts of the lots mentioned in subsection 2 which are now or hereafter may be owned, leased or occupied by any federated university or federated college for the purposes of such university or college shall also be exempt from taxation in the same way and to the same extent as the real property vested in the Board is by subsection 1 exempted from taxation. (*New.*)

Endowment of chairs or scholarships.

19. Any person with the approval of the Board may, under and subject to such terms and conditions as he may prescribe, endow a chair or found a scholarship in the University or University College, or aid the University and University College and each of them by providing an endowment for any other purpose or object in connection therewith. 1 Edw. VII., c. 41, s. 14. *Amended.*

Board of Governors.

20. There shall be and is hereby constituted a Board of Governors of the University and University College. (*New.*)

Incorporation of Board.

21. The Board shall be a body corporate by the name and style of "The Governors of the University of Toronto," and shall have all the rights, powers and privileges mentioned in subsection 25 of section 8 of *The Interpretation Act*, and also the power to take and hold real property for the purposes of the University and of University College without license in mortmain. (*New.*)

Board to be deemed successor to trustees.

22. The Board shall not be deemed to be a new corporation, but shall be taken to be and shall be the successor of "The Trustees of the University of Toronto," with the enlarged rights, powers and privileges conferred by this Act. (*New.*)

Pending proceedings.

23. Any action or proceeding now pending in any court may be continued to be prosecuted or defended, as the case may be, in the name of "The Trustees of the University of Toronto," or the name of the Board may at its option be substituted therefor. (*New.*)

Composition of Board.

24. The Board shall consist of the Chancellor and the President of the University, who shall be *ex-officio* members thereof, and thirteen persons appointed by the Lieutenant-Governor in Council. (*New.*)

Disqualifications.

25. No person shall be eligible for appointment as a member of the Board unless he is a British subject, and a resident of the Province of Ontario. (*New.*)

26. One of the members of the Board shall be appointed Chairman. by the Lieutenant-Governor-in-Council to be the chairman thereof. (*New.*)

27. The Board may appoint one of its members to be Vice-chairman. Vice-Chairman, and, in case of the absence or the illness of the Chairman, or of there being a vacancy in the office of Chairman, the Vice-Chairman shall act for and have all the powers of the Chairman, and an entry in the minutes of the Board declaring that any of the said causes for the appointment of a Vice-Chairman exists shall be conclusive evidence of the fact so declared. (*New.*)

28. Unless and until otherwise provided by the Board, Quorum. seven members thereof shall be necessary to constitute a quorum. (*New.*)

29. Notwithstanding any vacancy in the Board, as long Ten members may exercise powers. as there are at least ten members thereof it shall be competent for the Board to exercise all or any of its powers. (*New.*)

30. The appointed members of the Board, except those Term of office. who shall be first appointed after the passing of this Act, shall hold office for six years. (*New.*)

31. Of the first appointed members of the Board three Term of office of first members. shall be appointed and hold office for two years; five for four years; and the remaining five for six years, and all of them until their successors are appointed. (*New.*)

32. The appointed members of the Board shall be eligible Members may be re-appointed for re-appointment. (*New.*)

33. The appointed members of the Board and any or Removal from office. either of them may be removed from office by the Lieutenant-Governor in Council. (*New.*)

34. The head of University College, the head of a federated university, or of a federated or an affiliated college, a member of the teaching staff of the University, of University College, of a federated university, or of a federated or affiliated college, shall not be eligible to be appointed as a member of the Board. Heads of colleges, federated universities, etc., ineligible. (*New.*)

35. If a member of the Board, after his appointment, Vacancies. accepts or occupies any of the said offices or positions, or goes to reside out of the Province, or becomes insane or otherwise incapable of acting as a member of the Board, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy entered upon the minutes of the Board shall be conclusive evidence thereof. (*New.*)

Filling
vacancies.

36. In the case of a vacancy in the Board, caused by death, resignation or otherwise, which shall happen before the term of office for which a member has been appointed has expired, the vacancy shall be filled by the appointment by the Lieutenant-Governor in Council of a successor to the member who has died, or resigned, or otherwise ceased to be a member, who shall hold office for the remainder of the latter's term of office. (*New.*)

Government,
etc., of Univers-
ity vested in
Board.

37. The government, conduct, management and control of the University and of University College, and of the property, revenues, business and affairs thereof, shall be vested in the Board. (*New.*)

Powers of
Crown trans-
ferred to Board.

38. All the powers over, in respect of, or in relation to the University and University College and each of them which now are or may be exercised by the Lieutenant-Governor, save only such powers as are by this Act expressly reserved to the Lieutenant-Governor in Council, are hereby, subject to the provisions of this Act, vested in the Board. (*New.*)

Powers of
Board.

39. Without thereby limiting the general powers by this Act conferred upon or vested in the Board, it is hereby declared that the Board shall have the following powers:

Conduct of
proceedings.

(1) To make rules and regulations pertaining to the meetings of the Board and its transactions, for fixing the quorum of the Board, and for the appointment of such committees as it may deem necessary, and for conferring upon any of such committees power and authority to act for the Board in and in relation to such matters as the Board may deem it expedient to delegate to a committee with power to act for the Board. (*New.*)

Appointment
of President,
Deans, Profes-
sors, etc.

(2) To appoint the President of the University, the Principal of University College, the Deans of all the faculties, the Librarian, the Bursar, the Registrar of the University, the Registrar of University College, the professors, teachers and instructors of and in the University and in University College, and all such officers, clerks, employees and servants as the Board may deem necessary for the purposes of the University and University College or either of them, and to fix their salaries or remuneration, and to define their duties, except those of the Librarian, and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board. Provided,

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always, that no person shall be appointed as Principal of University College, or as a Dean of any faculty, or as a member of the teaching staff of the University, or of any faculty thereof, or of University College, unless he shall have been first nominated for the position to which it is proposed to appoint him by the President of the University, and provided also that no Dean

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of a faculty or member of the teaching staff of the University, or of any faculty thereof, or of University College, shall be promoted, and no principal of University College or Dean of a faculty or member of such teaching staff shall be removed from office except upon the recommendation of the President of the University, but this proviso shall not apply where there is a vacancy in the office of President. (*New.*)

(3) To make regulations respecting and to provide for the retirement and superannuation of any of the persons mentioned in subsection 2, or the payment of a gratuity to any of them upon retirement, and to provide that any superannuation or retiring allowance or gratuity shall be paid out of a fund which may be created for that purpose either with the moneys of the Board or by contributions thereto from the persons aforesaid, or partly by both. 1 Edw. VII., c. 41, s. 12. *Amended.*

Superannuations and retirements.

(4) Subject to the limitations imposed by any trust as to the same, to invest all such moneys as shall come to the hands of the Board, and shall not be required to be expended for any purpose to which it lawfully may be applied, in such manner as to the Board may seem meet. 1 Edw. VII., c. 41, s. 9 (2). *Amended.*

Investments.

(5) To purchase and to take and hold by gift or devise real property for the purposes of the University and University College, or either of them, without license in mortmain, and every person shall have the unrestricted right to devise and bequeath property, real and personal, for the purposes of the University and University College, or either of them, to the Board, or otherwise for such purposes, any law to the contrary notwithstanding. (*New.*)

Acquiring and holding real property.

(6) To purchase and acquire all such property as the Board may deem necessary for the purposes of the University and University College, or either of them. (*New.*)

Acquiring property for a University.

(a) The power conferred by this subsection shall include that of purchasing the interest of any lessee in any real property vested in the Board which is under lease. (*New.*)

(7) Without the consent of the owner thereof or any person interested therein to enter upon, take, use and appropriate all such real property as the Board may deem necessary for the purposes of the University and University College, or either of them, making due compensation therefor to the owners and occupiers thereof, and all persons having any interest therein. (*New.*)

Expropriation of lands.

(8) The provisions of *The Municipal Arbitrations Act* and of sections 437 to 467, both inclusive, of *The Consolidated*

Application of Rev. Stat., c. 227 and 3 Edw. VII., c. 19.

Municipal Act, 1903, shall *mutatis mutandis* apply to the Board, and to the exercise by it of the powers conferred by subsection 7, and where any act is by any of the said provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the Bursar of the University, or at his office (as the case may be). (*New.*)

Acquiring and maintaining real property for athletic purposes.

(9) To acquire, hold, maintain and keep in proper order and condition such real property as the Board may deem necessary for the use of the students of the University and University College, and each of them, for athletic purposes, and to erect and maintain such buildings and structures thereon as it may deem necessary. (*New.*)

Physical training.

(10) To make such regulations and provide such means for the physical examination, instruction and training of the students of the University and of University College as to the Board may seem meet. (*New.*)

Selling and leasing lands.

(11) To sell any of the real property vested in the Board or to lease the same for any period not exceeding twenty-one years to commence in possession with such right of renewal and under and subject to such rents, covenants, agreements and conditions as to the Board may seem meet. 1 Edw. VII., c. 41, s. 9 (3). *Amended.*

Expenditure of funds in maintenance and improvements.

(12) To lay out and expend such sums as the Board may deem necessary for the support and maintenance of the University and University College, and each of them, and for the betterment of existing buildings, and the erection of such new buildings as the Board may deem necessary for the use or purposes of the University and University College, and of each of them, and for the furnishing and equipment of such existing and newly erected buildings. (*New.*)

Residences and dining halls, etc.

(13) To lay out and expend such sums as the Board may deem necessary for the erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students of the University and of University College, and of each of them, whether such students be graduates or undergraduates, and to acquire and take over from any corporation any rights and powers possessed by it in respect of University residences and any property vested in it, on such terms as may be agreed on between such corporation and the Board, and such corporation is hereby empowered to enter into and to carry into effect any agreement for the purposes aforesaid, and upon such agreement being completed such corporation shall, if so provided by the terms of the agreement, be dissolved, and its rights, powers and property be vested in the Board. (*New.*)

Control of residences, etc.

(14) To make such rules and regulations as may to the Board seem meet for the management, government and control of such residences and dining halls. (*New.*)

(15) To establish such faculties, departments, chairs and courses of instruction in the University, and such departments, chairs and courses of instruction in University College in any subject except theology, as to the Board may seem meet. 1 Edw. VII., c. 41, s. 24 (1, 2). *Amended.*

Establishing
faculties, de-
partments, etc.

(16) To provide for the federation with the University of any college established in this Province for the promotion of Art or Science, or for instruction in Law, Medicine, Engineering, Agriculture or any other useful branch of learning, on such terms as to representation on the Senate, and otherwise, as to the Board may seem meet, and to enter into any agreement which may be deemed necessary to effectuate such federation. (*New.*)

Federation of
colleges.

(17) To provide for the affiliation with the University of any college established in Canada for the promotion of Art or Science, or for instruction in Law, Medicine, Engineering, Agriculture or any other useful branch of learning, on such terms as to representation on the Senate and otherwise as to the Board may seem meet, and to enter into any agreement which may be deemed necessary to effectuate such affiliation. (*New.*)

Affiliation of
colleges.

(18) To provide for the dissolution of any such affiliation and of any existing affiliation and for the modification or alteration of the terms thereof. (*New.*)

Dissolution of
affiliation.

(19) To fix and determine the fees to be paid for post-graduate instruction, and for instruction in the faculties of medicine and applied science and engineering, and in any other faculty that may hereafter be established, the fees to be paid by regular and occasional students in the University and in University College for enrolment therein, the library fees, the laboratory fees, the gymnasium fees, the fees for physical examination and instruction, and the fees for examinations, degrees and certificates, and when a federated college by arrangement with the proper authorities in that behalf teaches any part of the course in Arts, to make such a reduction in the fees, payable by the students so taught in such college as may to the Board seem reasonable. 1 Edw. VII., c. 41, s. 9 (4, 5). *Amended.*

Fees.

(20) To enter into such arrangements with the governing body of any secondary or primary school as the Board may deem necessary for the purpose of or in connection with the academic work of the University or of any faculty or department thereof, and the governing body of any such school which is a Collegiate Institute, a High School, a Technical School, or a public school, shall have authority, with the approval of the Lieutenant-Governor in Council, to make such arrangements with the Board. (*New.*)

Arrangements
with secondary
and primary
schools.

Alterations in constitution.

40. The Board shall have power to modify, alter and change the constitution of any body constituted or continued by this Act, except the Senate, and to create such new bodies as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act, and also to confer upon the bodies constituted or continued by this Act, or any or either of them, and upon any new body which hereafter may be constituted, such powers as to the Board may seem meet, but nothing herein contained is to be taken to authorize any abridgement of the powers by section 54 of this Act conferred upon the Senate. (*New.*)

Committee of students.

41.—(1) The Board may make provision for enabling the students of the University, University College and the federated universities and federated colleges to appoint a representative committee of themselves to be chosen in such manner as shall be approved by the Board, and which shall be the recognized official medium of communication on behalf of such students between them and the Board, and which shall have the right to make communications through the President of the University to the Board upon any subject in which they are or may deem themselves to be interested. Provided, always, that nothing herein contained shall take away or impair the right of any student of or in the University or University College to make complaint to the governing bodies thereof or to the Board in respect of any matter as to which he is or may deem himself to be entitled to complain; but every such complaint shall be transmitted through the President to the Board or to the proper governing body (as the case may be), and in no other manner whatsoever. (*New.*)

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Control of federated institution over students not affected.

(2) Nothing in this section contained is intended to or shall impair or affect the right of control which any federated university or college possesses over its students. (*New.*)

Endowment not to be impaired without consent of Government.

42.—(1) The Board shall not incur any liability or make any expenditure which has the effect of impairing the present endowment of the University and University College, or any addition to such endowment which shall hereafter be made, unless an estimate therefor shall have been first made and approved by the Lieutenant-Governor in Council. (*New.*)

“Endowment,” meaning of.

(2) In this section the term “endowment” shall mean and include the real property which is by this Act vested in the Board, the proceeds of any part thereof which shall hereafter be sold, and the moneys now invested in mortgages or other securities which are by this Act vested in the Board. (*New.*)

Action of Board by resolution or statute.

43. Save as in this Act otherwise expressly provided, the action of the Board in any matter with which it may

deal shall be by resolution or by statute, as the Board may determine, but it shall not be essential to the validity of any such resolution or statute that it be under the corporate seal of the Board if it be authenticated in the manner prescribed by the Board. (*New.*)

44.—(1) The accounts of the Board shall be audited at least once a year by the Provincial Auditor, or by some person appointed by the Lieutenant-Governor in Council for that purpose. (*New.*)

Accounts of Board, audit of.

(2) The Board shall make an annual report of its transactions to the Lieutenant-Governor in Council, in which shall be set forth in detail the receipts and expenditures for the year ended on the next preceding thirtieth day of June, and of the investments as they stood at the end of such year, and such other particulars as the Lieutenant-Governor-in-Council may from time to time require. (*New.*)

Annual report to Government.

(3) Such report shall be transmitted to the Provincial Secretary on or before the first day of December next after the close of the year for which it is made, and shall be laid before the Legislative Assembly within the first ten days of its then next session. (*New.*)

When report to be transmitted.

45. No action shall be brought against the Board or against any member thereof on account of anything done or omitted by him in the execution of his office without the written consent of the Attorney-General for Ontario. 2 Edw. VII., c. 43, s. 2, *in part.* Amended.

Consent of Attorney-General to actions against Board.

46. If any question shall arise as to the powers and duties of the Council of University College, of the council of any faculty, of the Caput, of the President, of the Principal of University College, or of any officer or servant of the University or of University College, the same shall be settled and determined by the Board, whose decision shall be final. (*New.*)

Powers of Board as to deciding questions as to powers and duties.

THE SENATE.

47. The Senate of the University shall be composed as follows:

Senate, how composed.

(1) The Chancellor of the University, the Chairman of the Board, the President of the University, the Principal of University College, the President or other head of every federated university and federated college, the Deans of the faculties of the University, and all persons who at any time have occupied the office of Chancellor or Vice-Chancellor of the University shall be *ex-officio* members.

Chancellor and heads of colleges, etc.

(2) The Faculties shall be entitled to representation as follows:

Faculties, representation of.

The Faculty of Arts of the University by the professors (not including associate professors) of the faculty, each of whom shall be a member of the Senate;

The Faculty of Medicine by five members;

The Faculty of Applied Science and Engineering by five members;

The Faculty of University College by three members;

The Faculty of Arts of Victoria University by three members;

The Faculty of Arts of Trinity College by three members;

And the Faculty of Arts of every university hereafter federated with the University by three members.

The representatives of the faculties of the University except of the Faculty of Arts, and the representatives of the Faculty of University College and of the Faculties of Arts of the federated universities, shall be chosen by the members thereof.

Federated universities and colleges, law societies and affiliated colleges, representation of.

(3) One member appointed by each federated university, two members appointed by each federated college, one member appointed by the Law Society of Upper Canada, and subject to any Statute in that behalf one member appointed by the governing body of every affiliated college which now is or shall hereafter be entitled to appoint a representative.

Graduates, representation of.

(4) Twelve members elected by the graduates in Arts in the University who at the time of graduation were enrolled in University College; five members elected by the graduates in Arts and Science of Victoria University and the graduates in Arts of the University who at the time of graduation were enrolled in Victoria College; five members elected by the graduates in Arts and Science of Trinity College and the graduates in Arts of the University who at the time of graduation were enrolled in Trinity College; four members elected by the graduates in Medicine; two members elected by the graduates in Applied Science and Engineering; two members elected by the graduates in Law; two members elected by the graduates in Agriculture; and four members elected by such persons as hold certificates as Principals of Collegiate Institutes or High Schools or Assistants therein, and are actually engaged in teaching in a Collegiate Institute or a High School.

Universities hereafter federated, representation of.

(5) A university hereafter federated with the University shall be entitled to be represented on the Senate in the proportion of one representative for every one hundred

graduates in Arts, and for any fraction of one hundred over one-half the federated university shall be entitled to one additional representative; provided, always, that in no case shall the number of such representatives exceed five.

(6) If and when any new faculty is established in the University provision may be made by the Senate, subject to confirmation by the Board, for the representation on the Senate of the graduates in such faculty. 1 Edw. VII, c. 41, s. 26, *in part. Amended.* Faculties hereafter established.

48. Members of the teaching staff of the University, of University College, of the federated universities, and of the federated and affiliated colleges, shall not be eligible for election by any of the graduate bodies. (*New.*) Members of teaching staffs not to be elected.

49. No person shall be eligible for election as Chancellor or for election or appointment as a member of the Senate unless he is a British subject and a resident of the Province of Ontario. (*New.*) Chancellor must be a British subject, resident in Ontario.

50. The tenure of office of the elected and the appointed members of the Senate shall be for four years, and until their respective successors are elected or appointed. 1 Edw. VII, c. 41, s. 26 (7). *Amended.* Tenure of office of Senate.

51. If any elected or appointed member of the Senate resigns, goes to reside out of the Province, becomes insane or incapable of acting, or becomes a member of the teaching staff of any of the bodies mentioned in section 48, not being the body which he has been appointed to represent, his seat shall *ipso facto* become vacant, and a declaration of the existence of any vacancy entered upon the minutes of the Senate shall be conclusive evidence thereof. (*New.*) Vacancies in Senate.

52. If any vacancy shall occur from any cause, the same shall be filled, in the case of an appointed member, by the body possessing the power of appointment; and in case of a member elected by the graduates or by any class of graduates, or by the principals of Collegiate Institutes and High Schools, and assistants therein, such vacancy shall be filled by the Senate, and the persons appointed or elected to fill such vacancy shall hold office for the remainder of the term of office of the member whose seat has become vacant. 1 Edw. VII, c. 41, s. 30 (8). *Amended* Filling vacancies in Senate

53. If any question shall arise touching the election of the Chancellor or of any elective member of the Senate, or the right of any person to be or sit or act as Chancellor or as a member of the Senate, the same shall not be raised Disputes as to election or right to sit.

or determined in or by any action or proceeding in any court, but shall be determined by the Senate, whose decision shall be final. (*New.*)

Powers and duties of Senate.

54. In addition to such others as are expressly mentioned in this Act, the Senate shall have the following powers and perform the following duties:

Regulating proceedings.

(1) To provide for the regulation and conduct of its proceedings, including the determining of the quorum necessary for the transaction of business;

Degrees.

(2) To provide for the granting of and to grant degrees, including honorary degrees and certificates of proficiency, except in Theology;

Exhibitions, etc.

(3) To provide for the establishment of Exhibitions, Scholarships and Prizes;

Affiliation of colleges.

(4) To provide for the affiliation with the University of any college established in Canada for the promotion of Art or Science, or for instruction in Law, Medicine, Engineering, Agriculture or any other useful branch of learning, and for the dissolution of such affiliation, or of any existing affiliation, or the modification or alteration of the terms thereof;

Cancelling or suspending degrees.

(5) To provide for the cancellation, recall and suspension of the degree, whether heretofore or hereafter granted or conferred, of any graduate of the University who has heretofore been or shall hereafter be convicted in the Province of Ontario or elsewhere of an offence which, if committed in Canada, would be an indictable offence, or who has been or shall hereafter be guilty of any infamous or disgraceful conduct or of conduct unbecoming a graduate of the University; for erasing the name of such graduate from the roll or register of graduates and for requiring the surrender for cancellation of the diploma, certificate or other instrument evidencing the right of such graduate to the degree of which he shall have been deprived under the authority of any such statute; and for providing the mode of inquiring into and determining as to the guilt of such graduate, and the procedure generally in respect of any of the said matters, and for the purpose of making such inquiry the Senate and the committees thereof shall have all the powers which are by the Revised Statute respecting inquiries concerning public matters conferred upon commissioners appointed under the provisions of the said Revised Statute. ~~1~~ 4 Edw. VII., c. 35, s. 1, amended.

Establishment of faculties departments, etc.

(6) To provide for the establishment of any faculty, department, chair and course of instruction in the University. 1 Edw. VII., c. 41, s. 24 (1), *in part.* Amended.

Departments, etc., in University College.

(7) To provide for the establishment of any department, chair and course of instruction in University College in

any subject except theology. 1 Edw. VII., c. 41, s. 24 (2), *in part. Amended.*

(8) To appoint scrutineers for the counting of the votes for Chancellor and for elective members of the Senate; 1 Edw. VII., c. 41, s. 30 (3), *in part.* Scrutineers at elections.

(9) To consider and to determine on the report of the respective faculty councils as to the courses of study in all the faculties; (*New.*) Considering reports of faculty councils.

(10) To consider and determine as to all courses of study to which subsection 9 does not apply. Courses of study.

(11) To consider and to determine on the report of the respective faculty councils as to the appointment of examiners, and the conduct and results of the examinations in all the faculties; (*New.*) Examiners and Examinations.

(12) To provide for the appointment of the examiners for and for the conduct of all University examinations other than those in the faculties of the University and for the determining of the results of such examinations. University examiners and examinations.

(13) To hear and determine appeals from decisions of the faculty councils upon applications and memorials by students and others; (*New.*) Appeals from faculty councils.

(14) To consider all such matters as shall be reported to it by the Council of any faculty, and to communicate its opinion or action thereon to the Council; (*New.*) Reports from faculty councils.

(15) To provide for the representation on the Senate of any faculty which may hereafter be established in the University, and of the graduates in such faculty, if, in the opinion of the Senate, provision should be made for separate representation of such graduates; (*New.*) Representation of new faculties on Senate.

(16) To provide for the preparation and publication of the Calendars, which shall include those of University College and the federated universities, or such of them as may desire that their calendars shall be inserted therein; 1 Edw. VII., c. 41, s. 33 (1), *in part. Amended.* Calendars.

(17) To make rules and regulations for the management and conduct of the Library, and to prescribe the duties of the Librarian; (*New.*) Library and Librarian.

(18) To make such changes in the composition of the Senate as may be deemed expedient; (*New.*) Changing composition of Senate.

(19) To make such recommendations to the Board as may be deemed proper for promoting the interests of the University and of University College, or for carrying out the objects and provisions of this Act. 1 Edw. VII., c. 41, s. 33. *Amended.* Recommendations to Board.

55.—(1) Nothing in section 54 contained shall authorize the Senate to make any change in its composition which shall affect the rights of representation thereon of a federated university or the faculty of Arts thereof, or of a feder- Rights of federated universities as to Senate representation preserved.

ated college, or of the graduates of a federated university, unless the same shall be assented to by the federated university or college affected by such change. (*New.*)

Senate may take initiative in changing courses of study.

(2) Nothing in this Act contained shall prevent the Senate from taking the initiative in determining as to any course of study or any change therein, but before passing any statute providing therefor the Senate shall refer to the appropriate faculty council the proposition under consideration for inquiry and report thereon by such faculty council.

Statutes of Senate as to certain matters to be subject to approval of Board.

56. A certified copy of every statute or other enactment of the Senate providing for any of the matters or things mentioned in section 54 and therein numbered 3, 4, 5, 6, 7, 9, 10, 15, 17 and 18 shall within ten days after the passing thereof, be transmitted to the Board, and no such statute or enactment shall have force or effect until it has been approved by the Board. 1 Edw. VII., c. 41, s. 34. *Amended.*

Convocation,— how composed.

57. Convocation shall consist of all the graduates of the University and of the federated universities. 1 Edw. VII., c. 41, s. 36. *Amended.*

Powers of convocation.

58. Convocation shall have power:

Regulations as to proceedings.

(1) To make regulations for governing its proceedings and the mode of conducting the same, and keeping records thereof;

Appointment and duties of clerk.

(2) To appoint a Clerk of Convocation, and to prescribe his duties;

Presiding officer.

(3) In case of the absence of the Chancellor, to elect a presiding officer for any meeting thereof;

Representations to Board and Senate.

(4) To consider all questions affecting the interests and well-being of the University, and to make representations thereon to the Board and to the Senate;

Fee of members

(5) To require a fee to be paid by the members as a condition of their being placed on the register of members, and to provide that no member whose name does not appear in such register shall be entitled to take any part in the proceedings of Convocation;

Executive Committee.

(6) To appoint an Executive Committee and to confer upon it such powers as to Convocation may seem meet. 1 Edw. VII., c. 41, s. 37, *in part. Amended.*

Meetings of convocation.

59. Convocation shall meet when convened by the Chancellor, and also at such times and places as may be fixed by Convocation by regulation in that behalf, and in the absence of such regulation, as may be fixed by Convocation or by the Executive Committee thereof, and it shall be the duty of the Board to provide a suitable place for its meetings. 1 Edw. VII., c. 41, s. 37 (4), *in part. Amended.*

60. Notice of all meetings shall be given in such manner as may be prescribed by Convocation by regulation in that behalf, and in the absence of such regulation as may be directed by Convocation or by the Executive Committee thereof. 1 Edw. VII, c. 41, s. 37 (4), *in part. Amended.*

Notice of meetings.

61. A true copy of the minutes of the proceedings of every meeting of Convocation shall be transmitted without unnecessary delay to the Board and to the Senate. 1 Edw. VII, c. 41, s. 37 (4), *in part. Amended.*

Minutes to be sent.

62. All questions shall be decided by the vote of the majority of the members present. 1 Edw. VII, c. 41, s. 37 (5), *in part. Amended.*

Majority vote to decide.

63. The Chairman or presiding officer shall be entitled to vote as a member of Convocation, and any question on which there is an equality of votes shall be deemed to be negatived. 1 Edw. VII., c. 41, s. 37 (5), *in part. Amended.*

Chairman may vote as member

64. No question shall be decided at any meeting unless at least twenty-five members are present. 1 Edw. VII, c. 41, s. 37 (5), *in part. Amended.*

Quorum.

65. If at least twenty-five members by writing under their hands, setting forth the objects thereof, require the Chairman to convene a special meeting of Convocation, it shall be the duty of the Chairman to call the same without any unnecessary delay. 1 Edw. VII., c. 41, s. 37 (6), *in part. Amended.*

Special meetings,—how called.

66. No matter shall be considered at any such meeting except that for the consideration of which the meeting shall have been called. 1 Edw. VII, c. 41, s. 37 (6), *in part. Amended.*

Special meeting to be confined to object.

67. There shall be a Chancellor of the University, who shall be elected by the graduates thereof at the time and in the manner hereinafter mentioned. (*New.*)

Chancellor.

68. The Chancellor shall be the Chairman of Convocation. (*New.*)

Chancellor to be chairman of convocation.

69. All degrees shall be conferred by the Chancellor, or, in case of his absence, or of their being a vacancy in the office of Chancellor, by the President, or, in case of the absence of both of them, or of both offices being vacant, by some member of a faculty of the University, to be appointed for the purpose by the Senate. (*New.*)

Degrees to be conferred by chancellor or president.

70. The Chancellor shall hold office for four years, and until his successor is chosen. (*New.*)

Term of office.

Vacancy in
office of
chancellor.

71. If the Chancellor dies, goes to reside out of the Province, or becomes insane or otherwise incapable of acting, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy by the Senate entered upon its minutes shall be conclusive evidence thereof. (*New.*)

Filling
vacancy.

72. In the case of a vacancy in the office of Chancellor caused by death, resignation or otherwise, before the term of office for which the Chancellor was elected has expired, the vacancy shall be filled by the appointment by the Senate at a special meeting thereof called for the purpose, of which at least thirty days' notice shall be given, of a successor, who shall hold office for the remainder of the term for which the Chancellor shall have been elected. 1 Edw. VII, c. 41, s. 30 (7). *Amended.*

Council of
Faculty of
Arts.

73. There shall be a faculty council to be known as "The Council of the Faculty of Arts." (*New.*)

Composition of
council.

74. It shall consist of the President of the University, the Principal of University College, the President or other head of every federated university, the Dean of the Faculty of Arts, the teaching staff in the Faculty of Arts of the University, the teaching staff of University College, the teaching staff in the Faculty of Arts of Victoria College, of Trinity College, and of every other university hereafter federated with the University, one professor in the department of religious knowledge appointed by the theological faculty in each federated university whether now or hereafter federated, and one professor appointed by each of the federated colleges. Provided, always, that the lecturers and instructors whose appointments are temporary, shall not for the purpose of this section be deemed to be members of the teaching staff, and provided, also, that the lecturers and instructors who are members of the Council shall act as assessors only, and shall not be entitled to vote. (*New.*)

Proviso.

Proviso.

Powers and
duties of
council.

75. The powers and duties of the Council of the Faculty of Arts shall be:

Regulating
procedure.

(1) To make rules and regulations for governing its proceedings, including the determining of the quorum necessary for the transaction of business;

Courses of
study.

(2) To fix and determine the courses of study in Arts, subject to the approval of the Senate;

Examiners and
examinations.

(3) Subject to the approval of and confirmation by the Senate, to appoint the examiners for and to conduct the examinations of the Arts courses, and to determine the results of such examinations;

(4) To deal with and, subject to an appeal to the Senate, Applications and memorials by students to decide upon all applications and memorials by students or others in connection with the Faculty of Arts;

(5) To consider and report to the Senate upon such matters affecting the Faculty of Arts as to the Council may seem meet. Report to Senate.

(6) For the purposes of this section the term "the Faculty of Arts" shall mean and include the teaching bodies and persons mentioned in section 74. (New.) "Faculty of Arts," meaning of.

76. There shall also be a Council for every other faculty of the University now or hereafter established, and a Council for University College. (New.) Council for every other faculty.

77. The Council of University College shall consist of the Principal and the teaching staff thereof and the Councils of the said other faculties shall consist of the respective teaching staffs thereof. (New.) Council of University College.

78. "Teaching staff" shall have the limited meaning given to it in the provisions of this Act relating to the Council of the Faculty of Arts, and the lecturers and instructors who are members of such Councils shall act as assessors only, and shall not be entitled to vote. (New.) "Teaching staff," meaning of.

79. The powers and duties of the Faculty Councils provided for by section 76 shall be: Powers and duties of faculty councils.

(1) To make rules and regulations governing their proceedings, including the determining of the quorum necessary for the transaction of business; Regulating procedure.

(2) Subject to the provisions of this Act, and to the approval of the Board, to make rules and regulations for the government, direction and management of their respective faculties and the affairs and business thereof; Rules and regulations.

(3) To fix and determine the courses of study in their respective faculties, subject to the approval of the Senate; Courses of study.

(4) Subject to the approval of and confirmation by the Senate, to appoint the examiners for and to conduct the examinations of the courses in their respective faculties, and to determine the results of such examinations; Examiners and examinations.

(5) To deal with and, subject to an appeal to the Senate, to decide upon all applications and memorials by students and others in connection with their respective faculties; Applications and memorials from students.

(6) To consider and report to the Senate upon such matters affecting their respective faculties as to the Councils may seem meet. (New.)

80. Except in the case of the Council of the Faculty of Arts, the Dean shall be Chairman of the Council of the Faculty of which he is Dean. (New.) Dean to be chairman of every faculty except Arts.

Council of University College, powers and duties. 81. The powers and duties of the Council of University College shall be :

Governing procedure. (1) To make rules and regulations for governing its own proceedings, including the determining of the quorum necessary for the transaction of business;

Management of University College. (2) Subject to the provisions of this Act and to the approval of the Board, to make rules and regulations for the government, direction and management of University College and the affairs and business thereof;

Examiners and examinations. (3) To appoint the examiners for and to conduct the examinations of University College;

Report to Board and Senate. (4) To consider and report to the Board and to the Senate or to either of them upon such matters affecting University College as to the Council may seem meet. 1 Edw. VII, c. 41, s. 40 (2), *in part*. Amended.

Principal to be chairman of council. 82. The Principal of University College shall be the Chairman of the Council thereof. 1 Edw. VII, c. 41, s. 40 (2), *in part*. Amended.

Librarian to be *ex-officio* member of councils. 83. The Librarian of the University shall be *ex-officio* a member of all faculty councils and of the Council of University College. (*New.*)

"Caput," how composed. 84. Unless and until otherwise provided by the Board, there shall be a Committee to be called the Caput, which shall be composed of the President of the University, who shall be the Chairman thereof; the Principal of University College, the heads of the federated universities, the heads of the federated colleges, and the Deans of the faculties of the University, and the presence of at least five of the members of the caput shall be necessary to constitute a quorum for the transaction of business. (*New.*)

Powers and duties. 85. The Caput shall have the following powers and perform the following duties :

Time tables for lectures, etc. (1) To fix and determine the time tables for the lectures and other instruction in the University which affect more than one faculty, or which affect University College, or a federated university or college;

Authorizing lecturing and teaching. (2) To authorize such lecturing and teaching in the University by others than the duly appointed members of the teaching staff thereof, and to prevent all lecturing and teaching not so authorized;

Disciplinary powers. (3) To exercise the powers as to discipline conferred upon it by sections 96 to 99 inclusive of this Act;

Matters assigned to caput by Board or Senate. (4) Generally to deal with all such matters as may be assigned to it by the Board or by the Senate, provided, in the latter case, that such matters fall within the powers conferred upon the Senate by this Act. (*New.*)

86. A copy of every general rule or regulation made by the Caput shall be transmitted to the Board, and no such general rule or regulation shall have any force or effect until it has been approved by the Board. (*New.*)

Rules or regulations to be approved by Board.

87. The Caput may advise the President in all matters affecting the academic interests of the University, but the powers of the President shall not be subject to its control. (*New.*)

Caput may advise president.

88.—(1) There shall be a President of the University who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of the University, and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar of the University, and shall also have such other powers and perform such other duties as from time to time may be conferred upon or assigned to him by the Board.

President of University.

(2) He shall be a member of all faculty councils, and Chairman of the Council of the Faculty of Arts. (*New.*)

To be a member of all faculty councils.

(3) He shall be Chairman of the Senate. (*New.*)

(4) In the absence of the Chancellor, he shall confer all degrees. (*New.*)

To confer degrees in absence of chancellor.

(5) He shall call meetings of the Council of the Faculty of Arts in accordance with the regulations of the Council, and also when requested to do so by at least five members thereof.

To call meetings of Council of Faculty of Arts.

(6) He shall have power to suspend any member of the teaching staff of the University and of University College, and any officer and servant mentioned in subsection 1 and when he shall exercise such power he shall forthwith report his action to the Board, with a statement of his reasons therefor. (*New.*)

Suspending members of staff.

(7) He shall make recommendations to the Board as to all appointments to and all promotions in, and removals from the teaching staff of the University, and of University College (including the Principal), and of the officers and servants mentioned in subsection 1. (*New.*)

Recommendations to Board as to appointments, etc.

(8) He shall have the right to summon meetings of any faculty council, and of the Council of University College, whenever he may deem it necessary to do so, and to take the chair at any meeting thereof at which he may be present. (*New.*)

Summoning meetings of faculty councils.

(9) He may also, at his discretion, convene joint meetings of all the faculty Councils and the Council of University College or of any two or more of them. (*New.*)

Convening joint meeting of councils.

(10) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of the University and of University College, and as

Annual report to Board.

to their progress and requirements, and make such recommendations thereon as he may deem necessary, and he shall also report upon any matter which may be referred to him by the Board or by the Senate. 1 Edw. VII., c. 41, s. 39, *in part. Amended.*

Mention of express powers not to limit general powers.

(11) The enumeration of the express powers mentioned in subsections 4 to 11, inclusive, shall not be taken to limit the general powers conferred by subsection 1. (*New.*)

President may appoint a substitute in case of absence or illness.

89. Subject to the provisions of section 91 in case of his absence or illness the President may appoint a member of any faculty to act in his stead, and if there is a vacancy in the office of President, or if no appointment is made, the Board may appoint a member of any faculty to act *pro tempore*, and, failing an appointment, and until it is made, the Dean of the faculty of Arts of the University shall act as President *pro tempore.* (*New.*)

Powers of President *pro tem.*

90. The person acting pursuant to any such appointment shall have and may exercise all the powers and shall perform all the duties of President, but not those as to appointments, promotions and removals, unless he shall be requested by the Board to do so. (*New.*)

Vice-President to act as President *pro tem.*

91. When and so long as there is a Vice-President of the University he shall act for the President in case he is absent or ill, if there is a vacancy in the office, or at the request of the President, and while so acting the Vice-President shall have and may exercise all the powers and shall perform all the duties of President, but not those as to appointments, promotions, and removals, unless he shall be requested by the Board to do so. 1 Edw. VII., c. 41, s. 39, *in part. Amended.*

Principal of University College.

92.—(1) There shall be a principal of University College, who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of University College and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar of University College, and shall also have such other powers and perform such other duties as from time to time may be assigned to him by the Board.

To be a member of faculty of Arts.

(2) He shall be a member of the Council of the Faculty of Arts. (*New.*)

To call meetings of Council of University College.

(3) He shall call meetings of the Council of University College in accordance with the regulations of the Council, and when requested to do so by at least five members thereof, and also whenever he may see fit.

(4) He shall have power to suspend any member of the teaching staff of University College, and any officer and servant mentioned in subsection 1, and when he shall exercise such power he shall forthwith report his action to the President with a statement of his reasons therefor. (*New.*)

May suspend members of staff of College.

(5) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of University College, and as to its progress and requirements, and make such recommendations thereon as he may deem necessary, and he shall also report upon any matter which may be referred to him by the Board or by the Senate, and his reports shall, in all cases, be made through the President. (*New.*)

Annual report to Board and Senate.

(6) In case of the absence or illness of the principal he may appoint a member of the teaching staff of University College to act for him and failing an appointment by him, or if there be a vacancy in the office of principal the senior member of the teaching staff of University College shall act as principal *pro tempore*. 1 Edw. VII, c. 41, s. 41. *Amended.*

Absence or vacancy in office of Principal.

93. There shall be a Registrar for the University and a Registrar for University College, and the offices shall not be held by the same person. (*New.*)

Registrars for university and university college.

94. The Council of University College, and the governing bodies of the federated universities and colleges, shall, respectively, have disciplinary jurisdiction over and entire responsibility for the conduct of their students in respect of all matters arising or occurring in or upon their respective college buildings and grounds, including residences. (*New.*)

Disciplinary jurisdiction of governing bodies.

95. The councils of such of the faculties as shall have assigned for their separate use any building or buildings and grounds, including residences, shall have disciplinary jurisdiction over and entire responsibility for the conduct of all students in their respective faculties in respect of all matters arising or occurring in or upon such building, or building and grounds. (*New.*)

Disciplinary jurisdiction of faculty councils.

96. In all other cases, and, save as aforesaid, as respects all students to whatsoever college or faculty they may belong, disciplinary jurisdiction shall be vested in the Caput, but the Caput may delegate its authority in any particular case or by any general regulation to the council or other governing body of the university or college or faculty to which the student belongs. (*New.*)

Disciplinary jurisdiction of Caput.

97. The Caput shall also have power and authority to determine by general regulation, or otherwise, to what col-

Control of college associations.

lege, faculty or other body the control of university associations shall belong. (*New.*)

Powers of Caput as to discipline.

98. If there shall be any question as to the proper body to exercise jurisdiction in any matter of discipline which may arise, the same shall be determined by the Caput, whose decision shall be final. (*New.*)

Power to impose fines.

99. Disciplinary jurisdiction shall include the power to impose fines. (*New.*)

Power to abrogate or change provisions as to discipline.

100. As respects the conduct and discipline as students of the University of all students registered in the University to whatsoever college or faculty they may belong and as respects all students enrolled in University College the provisions of sections 94 to 99 may be abrogated or changed by the Board. (*New.*)

First election of Chancellor and members of senate.

101.—(1) The first election under this Act of the Chancellor and of the elective members of the Senate shall take place and be held in the present year, and the present incumbents of the said offices and the appointed members of the Senate, unless they shall be re-elected or re-appointed, shall cease to hold office immediately after the meeting of the Senate next following the holding of such election. (*New.*)

Quadrennial elections of senate.

(2) The elective members of the Senate shall be elected and the appointed members thereof shall be appointed thereafter quadrennially. (*New.*)

"Election Register."

102. The Registrar of the University shall, after the fifteenth day of June, and before the fifteenth day of August in every year in which an election is to take place, prepare an alphabetical list to be called "The Election Register," of the names and known addresses of all graduates who are entitled to vote at any such election. 1 Edw. VII., c. 41, s. 28 (1), *in part.* *Amended.*

Register to be posted up in offices of Registrar.

103. The election register shall be posted up in a conspicuous place in the office of the Registrar not later than the fifteenth day of August in every such year, and shall be open to inspection by any graduate entitled to vote, at all reasonable hours. 1 Edw. VII., c. 41, s. 28 (1), *in part.* *Amended.*

Persons not to vote unless names on register.

104. No person whose name does not appear in the election register shall be entitled to vote at any such election. 1 Edw. VII., c. 41, s. 28 (1), *in part.* *Amended.*

When election register is not duly prepared.

105. If from any cause the election register is not prepared at the time and in the manner provided by this Act,

the Board shall make provision for the preparation thereof, and all the provisions of this Act as to the election register, except those relating to time, shall apply to the election register which shall be so prepared. (*New.*)

106. For the purposes of all elections at which graduates of a federated university are entitled to vote, the Registrar of such University shall on or before the fifteenth day of June in each year in which an election at which such graduates are entitled to vote is to be held, furnish to the Registrar of the University a list of the names of all graduates of such federated university who are entitled to vote, with their post office addresses as far as the same are known. 1 Edw. VII., c. 41, s. 27. *Amended.*

List of graduates entitled to vote to be furnished to federated university.

107. The Education Department shall, upon the application of the Registrar of the University, furnish him, on or before the first day of August in such year, with a list of all principals of and assistants in Collegiate Institutes and High Schools who are actually engaged in teaching in a Collegiate Institute or High School, with their post office addresses as far as known. 1 Edw. VII., c. 41, sec. 28 (2), *in part. Amended.*

Education Department to furnish list of principals and assistants in High Schools.

108. The Registrar, in preparing the election register, shall make separate lists (1) of the graduates in Arts of the University enrolled in University College; (2) of the graduates of each federated university, including graduates of the University who were at the time of graduation enrolled in the federated university; (3) of the graduates in Medicine; (4) of the graduates in Law; (5) of the graduates in Applied Science and Engineering; (6) of the graduates of each and every other faculty in the University hereafter constituted, the graduates of which are entitled to elect representatives; (7) of the graduates in Agriculture; and (8) of the principals of and assistants in Collegiate Institutes and High Schools actually engaged in teaching in a Collegiate Institute or High School, and such lists shall be the voters' lists for the election. 1 Edw. VII., c. 41, s. 28 (2). *Amended.*

Separate lists of different classes of persons entitled to vote.

109. If any person whose name appears or ought to appear in any election register complains in writing to the Registrar of the University, not later than ten clear days before the second Wednesday of the month of September in the year in which the election is to be held, that his name or that of any person which ought to appear therein has been omitted from such register or of any error in such name as it appears therein, or that the name of any person whose name ought not to be entered in the register appears therein, the Registrar shall forthwith examine into the complaint, and after such notice as he may deem necessary to any person whose name is sought to be stricken from such

Complaints as to errors and omissions in lists.

register, rectify the error, if any, therein. 1 Edw. VII., c. 41, s. 28 (4), *in part. Amended.*

Appeal from decision of registrar.

110. The decision of the Registrar shall be subject to appeal to the President of the University. 1 Edw. VII., c. 41, s. 28 (4), *in part. Amended.*

Nomination of chancellor.

111. No person shall be elected as Chancellor, or as a member of the Senate, unless he has been nominated as hereinafter mentioned, and every vote cast for any person not so nominated shall be void. 1 Edw. VII., c. 41, s. 29 (1), *in part. Amended.*

Nomination to be in writing.

112. The nomination shall be in writing by a nomination paper, which shall be signed by at least ten *of the persons* entitled to vote at the election.

Delivery of nomination paper to registrar.

113. The nomination paper shall be delivered at the office of the Registrar, or, if sent by mail, shall be received there not later than the first Wednesday in September of the year in which the election is to take place, and if not so delivered or received shall be invalid, and shall not be acted upon. 1 Edw. VII., c. 41, s. 29 (1), *in part. Amended.*

Refusal to become a candidate.

114. Any person who is nominated for the office of Chancellor or as a member of the Senate may refuse to become a candidate for the office for which he shall have been nominated and he shall be deemed not to have been nominated, and his name shall not be included in the list of candidates if he shall notify the Registrar in writing of his refusal within four days after the day upon which the time for nominations shall have expired. 2 Edw. VII., c. 43, s. 11. *Amended.*

Election by acclamation.

115. In case one person only is nominated for the office of Chancellor within the time fixed for that purpose he shall be elected to and be entitled to hold that office. 1 Edw. VII., c. 41, s. 29 (2), *in part. Amended.*

Election of senate by acclamation.

116. In case only such number of persons as are required to be elected as members of the Senate are nominated within the time fixed for that purpose the persons so nominated shall be elected to and be entitled to hold the office for which they were respectively nominated. 1 Edw. VII., c. 41, s. 29 (2), *in part. Amended.*

Report of result of election to senate.

117. The Registrar shall report to the Senate at its next meeting the results of any such election. 1 Edw. VII., c. 41, s. 29 (2), *in part. Amended.*

Voting papers to be sent to graduates.

118. In case a poll is necessary the Registrar shall on or before the second Wednesday in the said month of September send by mail to every graduate who, according to

the election register, is entitled to vote at the election, and whose place of residence is shewn in such register, or is known to the Registrar, a voting paper in the form set out in schedule 1 to this Act, together with a list of the persons whose term of office is expiring, and of all persons who have been nominated. 1 Edw. VII., c. 41, s. 29 (3). *Amended.*

119. The votes shall be given by closed voting papers, which shall be delivered, or, if sent by mail, shall be received at the office of the Registrar not earlier than the second Wednesday of the said month of September, and not later than the first Wednesday of October following, both days inclusive, and every voting paper which has not been furnished by the Registrar, or which is not so delivered or received as aforesaid shall be invalid, and shall not be counted. 1 Edw. VII., c. 41, s. 30 (1, 2). *Amended.*

120. Two persons to be appointed by the Senate for that purpose, shall be the scrutineers; but, if the Senate does not at least two weeks previous to the time fixed for the counting of the votes appoint the scrutineers, it shall be the duty of the President to make the appointment. 1 Edw. VII., c. 41, s. 30 (3). *Amended.*

121.—(1) The voting papers shall, upon the next day after the time for receiving the same has expired, be opened by the Registrar, and such persons as may be appointed by the Senate or by the President to assist in the opening thereof, in the presence of the President and of the scrutineers to be appointed as hereinbefore mentioned, who shall examine and count the votes and keep a record thereof in a book to be provided for that purpose, and the opening of the voting papers and the counting and recording of the votes shall be continued from day to day until the same are completed. 1 Edw. VII., c. 41, s. 30 (2), *in part.* *Amended.*

(2) In case the President is unable to be present, he shall appoint some person to act in his stead.

122. Any person entitled to vote at the election may be present at the opening of the voting papers and the counting and recording of the votes. 1 Edw. VII., c. 41, s. 30 (2), *in part.* *Amended.*

123. If more than one name appears upon a voting paper for Chancellor the vote shall be invalid, and shall not be counted, and if more names than the number to be elected appear on a voting paper for members of the Senate the votes shall be counted as votes for the persons whose names appear thereon in consecutive order, beginning with the first until the required number is reached, and all other votes thereon shall be invalid, and shall not be counted. 1 Edw. VII., c. 41, s. 30 (4). *Amended.*

- Declaration of result. **124.** Upon the completion of the scrutiny and counting of the votes the President or other person acting in his stead and the scrutineers shall declare the result of the election, setting forth the number of votes cast for every person who has been nominated, and shall, without delay, report the same in writing under their hands to the Senate. 1 Edw. VII., c. 41, s. 30 (5). *Amended.*
- Senate to have casting vote. **125.** In case of an equality of the votes given for two or more persons for Chancellor or for a member or members of the Senate, which leaves the election undecided, the Senate shall, at its next meeting, give the casting vote or votes necessary to decide it. 1 Edw. VII., c. 41, s. 30 (6). *Amended.*
- When election not held as provided. **126.** If from any cause any election provided for by this Act shall not be held as hereinbefore provided, the Board shall make provision for holding the same and fix the dates for the nominations and the other proceedings for taking, counting and recording the votes thereat and declaring the result thereof, and such proceedings shall, as far as may be practicable, be made conformable with those provided by this Act. (*New.*)
- Course of instruction in Arts. **127.** The course of instruction in the Faculty of Arts shall be apportioned between the University and University College as follows:
- University courses. (1) In the University instruction shall be given in Mathematics, Physics, Astronomy, Geology, Mineralogy, Chemistry, Biology, Physiology, History, Ethnology, Comparative Philology, Italian, Spanish, History of Philosophy, Psychology, Logic, Metaphysics, Education, Political Science, including Political Economy, Jurisprudence and Constitutional Law, and Constitutional History, and in such other subjects as, from time to time, may be determined by statute in that behalf. 1 Edw. VII., c. 41, s. 24 (1). *Amended.*
- University College Courses. (2) In University College instruction shall be given in Greek, Latin, Ancient History, English, French, German, Oriental Languages and Ethics, and in such other subjects as may, from time to time, be determined by statute in that behalf, but not in theology. 1 Edw. VII., c. 41, s. 24 (2). *Amended.*
- Consent of federated universities required to transfer of subjects. **128.** The subjects of instruction assigned by section 127 of this Act to the University and University College, respectively, shall not be transferred from the one to the other except by the direction of the Board, and no such direction shall be made unless with the consent of the federated universities. 1 Edw. VII., c. 41, s. 24 (4). *Amended.*

129.—(1) The curriculum in Arts of the University shall include the subjects of Biblical Greek, Biblical Literature, Christian Ethics, Apologetics, the Evidences of Natural and Revealed Religion and Church History, but any provision for examination and instruction in the same shall be left to the voluntary action of the federated universities and colleges, and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree. 1 Edw. VII, c. 41, s. 24 (3). University curriculum in Arts to include certain theological subjects.

(2) The options provided for by subsection 1 shall be evenly distributed over each year of the general or pass course, and as far as practicable over each of the honour courses. (*New.*) Distribution of options over years of course.

130. The Board, with the consent of the federated universities, but not otherwise, may provide that attendance by a student enrolled in University College upon instruction in the subjects assigned to University College or any of them, in any of the federated universities, shall be equivalent to attendance in University College, and that such attendance by a student enrolled in a federated university, in University College, shall be equivalent to attendance in such federated university, and may prescribe the terms and conditions upon which any such attendance upon instruction may take place. (*New.*) Attendance at lectures in federated universities.

131. Save as otherwise provided by the Board, a professor, lecturer or teacher of University College may give instruction at or to the students enrolled in any federated university in any of the subjects of instruction from time to time assigned to University College, and a professor, lecturer or teacher of any federated university may give instruction at or to the students enrolled in University College in any of such subjects of instruction. Provided, always, that the consent of the Principal of University College and of the federated university or universities concerned and the approval of the Senate shall have been first obtained. (*New.*) Interchange of lectures with federated universities.

132. Instruction in Arts in the University (except post-graduate instruction) shall be free to all regular matriculated students thereof who are enrolled in University College or in a federated university, and who enter their names with the Registrar of the University, but this provision shall not include exemption from laboratory fees, gymnasium fees, or fees for physical examination or instruction. 1 Edw. VII, c. 41, s. 15. *Amended.* Instruction in Arts to be free except as to certain fees.

133. The table of fees now prescribed for University College shall be the minimum table of fees for University College and for the Arts faculties of the federated universi- Minimum table of fees.

ties, and no reduction shall be made in such minimum unless with the consent of the Board and of the federated universities. (*New.*)

Attendance on lectures as qualification to compete for exhibitions, etc.

134. Attendance upon instruction in University College or in a federated university by a student enrolled therein shall entitle such student to present himself for any Arts examination in and to proceed to any degree in Arts of the University, and to compete for any exhibition, scholarship, prize or certificate of proficiency in Arts awarded or granted by the University in the same way and to the same extent as if he had attended upon such instruction in the University. 1 Edw. VII., c. 41, s. 25 (2). *Amended.*

Federated colleges.

135. If and as far as may be sanctioned by the Senate and approved by the Board, the provisions of section 134 shall apply to attendance by a student of a federated or affiliated college upon instruction therein. 1 Edw. VII., c. 41, s. 25 (2), *in part.* *Amended.*

University students in Arts, enrolment of.

136.—(1) All students proceeding to a degree in Arts in the University, unless in cases for which special provision shall be made to the contrary by statute of the Senate, shall be enrolled in University College or in a federated university.

Registration of students.

(2) Subject to the provisions of the statutes of the Senate in that behalf, all students proceeding to a degree in any faculty of the University other than that of Arts, unless in cases for which special provision shall be made to the contrary by statute of the Senate, shall be registered in the University and receive their instruction therein, except in the subjects in which by or under the authority of subsection 2 of section 127 instruction is or may be provided for in University College, as to which it shall be sufficient if being a student enrolled in University College or a federated university he has received instruction therein. 1 Edw. VII., c. 41, s. 25 (1). *Amended.*

Occasional and graduate students.

(3) All occasional and graduate students shall also be registered in the University.

Admission of candidates not students of the university.

137. Persons who have not received their instruction in the University, or in University College, or in a federated university or college, or in an affiliated college, may be admitted as candidates for examination for standing or for any degrees, honours, scholarships or certificates of proficiency authorized to be granted or conferred by the University on such conditions as the Senate may, from time to time, determine. 50 Vict., c. 43, s. 54.

Qualifications for admission to university examinations.

138.—(1) No student enrolled in University College or in a federated university or college or in an affiliated college

shall be permitted to present himself for any university examination subsequent to that for matriculation without producing a certificate that he has complied with the requirements of such university or college affecting his admission to such examination.

(2) A student enrolled in an affiliated college may, subject to the provisions of subsection 1 and of any statute in that behalf of the Senate, present himself for any University examination subsequent to that for matriculation leading to a degree in that branch of learning in which instruction is given in such college. Provided, always, that such student shall not be entitled, unless by special permission of the Senate, to present himself for any examination leading to a degree in Arts or in any other faculty of the University. 1 Edw. VII., c. 41, s. 25 (4). *Amended.*

Students enrolled in affiliated colleges.

Proviso.

139: Every graduate's diploma and student's certificate of standing, in addition to being signed by the proper authority in that behalf of the University, shall indicate the federated university or college or affiliated college in which such student was enrolled at the time of his graduation or examination, and shall be signed by such professor, teacher or officer of the federated university or college or affiliated college as the governing body thereof may determine. 1 Edw. VII., c. 41, s. 25 (3). *Amended.*

Diplomas, certificates, etc., to indicate students, university or college.

140.—(1) For the purpose of making provision for the maintenance and support of the University and of University College, there shall be paid to the Board out of the Consolidated Revenue of the Province yearly and every year a sum equal to per centum of the average yearly gross receipts of the Province from succession duties.

Annual grant to University of portion of revenue from succession duties.

(2) The said annual sums shall be paid in equal half-yearly instalments on the first day of July and the first day of January in each year, the first of which shall be paid on the first day of July next, and the average yearly gross receipts of the Province from succession duties shall be determined by and be based upon the gross receipts from such duties of the three years ended on the 31st day of December next preceding the day on which the first instalment of the year is to be paid. (*New.*)

How payable.

(3) If in any year the amount which shall be payable to the Board under the provisions of subsections 1 and 2 shall exceed the amount of the estimated expenditure for the maintenance and support of the University and of University College for the academic year in respect of which such sum is payable, it shall be lawful for the Lieutenant-Governor in Council to direct that the excess shall be added to the permanent endowment of the University and University College, or that the same shall be set apart by the Board as a contingent fund to provide for the event of the

When amount of grant is in excess of annual expenditure.

amount which shall be payable to the Board as aforesaid being in any future year or years insufficient to defray the cost of such maintenance and support as aforesaid; or that the same be applied in expenditures on capital account; or that such excess shall be applied or dealt with wholly or in part in each or any or either of the said ways, and to direct if it shall be deemed proper to do so that except in so far as such excess shall not be directed to be applied or dealt with in manner aforesaid that the same shall not be paid to the Board and in every such case the sum which would otherwise be payable to the Board shall be reduced accordingly.

Rights of
Trinity College
under federa-
tion agreement

141. Nothing in this Act contained shall impair or prejudicially affect the rights of Trinity College under those provisions of the agreement made between the Trustees of the University of Toronto of the first part and Trinity College of the second part and bearing date the twenty-fifth day of August, 1903, which are set out in schedule 2 to this Act, but such provisions shall continue to be and shall remain binding on the University. (*New.*)

Arrangements
for removal of
Trinity College
to Queen's
Park.

142.—(1) The Board shall have power to make such arrangement as it may deem expedient for the purpose of facilitating the removal of Trinity College to Queen's Park, and to that end to agree to such modifications and alterations of the terms of the said agreement bearing date the twenty-fifth day of August, 1903, under the provisions of which Trinity College became federated with the University, and to agree to such additional or substituted terms, financial or otherwise, as to the Board may seem meet, but no such agreement shall have any force or effect until it has been approved by the Lieutenant-Governor in Council, but when so approved such agreement shall have the same force and effect as if the terms thereof had been embodied in this Act.

Loan to Trinity
may be guar-
anteed by
Province.

(2) In the event of its being necessary in order to the carrying out of any agreement which may be entered into under the provisions of subsection 1, that to enable Trinity College to remove its seat to a site on the University land in or near Queen's Park and to erect new buildings thereon a loan to be raised by Trinity College should be guaranteed by the Province it shall be lawful for the Lieutenant-Governor in Council for and in the name of the Province to guarantee the repayment of the loan in such form and upon and subject to such conditions and stipulations as to the nature and sufficiency of the security to be given for the loan, the safeguards which may be deemed necessary to protect the Province against loss and to ensure the repayment of principal and interest as the same become due, and otherwise as to the Lieutenant-Governor in Council may seem meet.

(3) Trinity College is hereby authorized and empowered to make and enter into any agreement which it may deem necessary for carrying out the purpose mentioned in subsection 1, and to make and execute all such agreements, deeds and other instruments as may be deemed necessary to carry into effect the provisions of any such agreement.

(4) Trinity College may also borrow upon the security of its property, real and personal, or any part thereof, such sum of money as may be deemed requisite in order to carry out such removal as aforesaid, and the terms of any agreement which may be entered into as aforesaid in reference thereto, and may execute such deeds, bonds, debentures and other instruments as may be deemed necessary for the purposes of such security as aforesaid, and the money so borrowed may be repayable at such times and in such manner and bear such rate of interest as to Trinity College may seem meet. (*New.*)

Borrowing
powers of
Trinity College

143.—(1) The Board may stop up and close the highway or street in the City of Toronto called Devonshire Place, and if and when a statute for that purpose shall be passed by the Board and registered as hereinafter mentioned, the said highway or street shall be stopped up and closed and shall cease to be a highway, and the soil and freehold thereof shall be vested in the Board for the use of the University and University College.

Board may
close Devon-
shire place.

(2) The Board shall make to the owners and occupiers of and all persons interested in any of the lots fronting or abutting on the said highway or street compensation for the damage or injury occasioned to such lots by the closing of the said highway or street, and the amount of such compensation shall be ascertained and determined in the manner provided for by subsection 8 of section 38 of this Act.

Compensation
to owners of
adjoining
lands.

(3) Any statute which may be passed under the provisions of this section may be registered in the Registry Office for the western division of the City of Toronto, and for the purpose of such registration a duplicate original of the statute shall be made out and certified under the hand of the Bursar and the seal of the Board and shall be registered without any further proof.

Registration of
statute closing
Devonshire
Place.

144. If the Board shall be satisfied that the bequest made by Asa Forbes Wallbridge by his last will and testament, bearing date the twelfth day of April, 1899, of two shares of the capital stock of the Bank of Toronto, which by the said will are bequeathed to the Chancellor of the University of Toronto to be held by him and his successors in office in trust to apply the dividends thereof as a prize or scholarship to be awarded to the most proficient student of the said University at the annual examinations

Wallbridge
scholarship.

in the Greek New Testament, was intended for the benefit of the students of Victoria University it shall be lawful for the Board to transfer the said shares to the Chancellor of the said last mentioned University to be held by him and his successors in office in trust to apply the dividends thereof as a prize or scholarship to be awarded to the most proficient student of Victoria University at the annual examinations in the Greek New Testament, and the said shares shall thereupon and thereafter be held by the Chancellor of Victoria University and his successors in office upon the last mentioned trust instead of the trust declared by the said will, and the Chancellor of the University of Toronto and his successors in office shall be discharged from all liability in respect of the said shares and the application of the dividends thereof. ❧

When federated college may become a college of the university.

❧ 145. If and when a college now or hereafter federated with the University shall establish a faculty of Arts in which instruction in the subjects of the course of study in Arts not being University subjects shall be provided and a statute of the Board shall be passed declaring that it has so done, such college, so long as it maintains such faculty to the satisfaction of the Board, shall be known as and may be called a college of the University, and the teaching staff in such faculty shall have the same representation in the Council of the faculty of Arts as is by section 74 of this Act given to the teaching staffs of the federated universities, and the regular matriculated students of such college who are enrolled therein and enter their names with the Registrar of the University shall be entitled to the privileges which are by section 132 conferred upon the students mentioned therein. ❧

Former provisions repealed.

146. The Acts and parts of Acts mentioned in schedule 3 to this Act are hereby repealed to the extent mentioned in the said schedule.

Commencement of Act.

❧ 147. This Act shall go into force and take effect on the 15th day of June next after the passing thereof. ❧

SCHEDULE 1.

(Section 118.)

FORM OF VOTING PAPER.

University of Toronto, Election.

19 .

I, _____ resident at _____ in the county
of _____ do hereby declare:

(1) That the signature subscribed hereunto is of my proper handwriting.

(2) That I vote for the following person as Chancellor of the University of Toronto, viz., _____ of _____ in the county of _____

(3) That I vote for the following persons as members of the Senate of the University of Toronto, viz., _____ of _____ in the county of _____ etc., etc.

(4) That I have not for the purpose of this election signed any other voting paper as a graduate of the Faculty of Arts (or of Medicine, or of Law, or as a Principal of or Assistant in a Collegiate Institute, or a High School, as the case may be).

(5) That this voting paper was signed by me on the day of the date thereof.

(6) That I vote in my right as graduate of _____ University (or as Principal of or Assistant in a Collegiate Institute or a High School, as the case may be).

(7) (In the case of a Principal of or Assistant in a Collegiate Institute or in a High School) That I am now actually engaged in teaching in a Collegiate Institute (or in a High School, as the case may be) viz., in the _____ at _____

Witness my hand this _____ day of _____ A.D. 19 _____
A. B.

SCHEDULE 2.

(Section 142.)

Provisions of the agreement between the Trustees of the University of Toronto and Trinity College which are not to be affected by the Act.

“The parties of the second part shall be entitled to have lectures in the University subjects as defined by *The University Act, 1901*, delivered by the professors and other instructors of the University of Toronto at Trinity College in all subjects of the general or pass course, and as far as practicable in all subjects of the several honour courses, but it is hereby declared that it is not intended that there shall be any duplication of lectures or other instruction for the purposes of which scientific apparatus or other means of demonstration are required which are not provided by Trinity College, and which cannot be conveniently taken from the University buildings to Trinity College.

“All arrangements for such lectures, including the time table of lectures and the personnel of lecturers, shall be made in such manner as to afford to the students enrolled at Trinity College the same advantages in regard to the University lectures as are afforded to the students of the other Arts colleges, and the said arrangements shall be made in each year by the President of the University of Toronto and the Provost of Trinity College, and, in the event of their being unable to agree on any matter, the same shall be forthwith referred for final decision to such person as they may designate in writing under their hands, and, in the event of the President and the Provost being unable to agree upon such referee within one week after such disagreement on any matter as aforesaid, such referee shall be appointed by the Minister of Education, and a decision in writing of such referee, by whomsoever chosen, shall be final.

“The expenses connected with the duplication of lectures as aforesaid shall be assumed by the Government as a permanent charge on the provincial revenues in consideration of the suspension by Trinity College of its degree conferring powers, and of its surrender to the University of Toronto of all fees in connection with degrees other than those of Theology.

"A site to be agreed on between the said parties hereto in or near the Queen's Park, in the City of Toronto, on the lands vested in the parties of the first part, shall be reserved for the parties of the second part, on which they may erect at their own expense a building for the use of the students of Trinity College while attending lectures in the University buildings.

"Such site shall be occupied by the parties of the second part free of ground rent and all other charges so long as the federation of the universities continue, but, in the event of the withdrawal of the parties of the second part from federation the said building shall be purchased from the said parties of the second part by the said parties of the first part at a valuation to be determined by the arbitration of two indifferent persons to be appointed, one by each of the parties hereto, their successors or assigns, and this provision shall be deemed to be and shall be a submission under *The Arbitration Act*.

"Until the erection of such building students from Trinity College attending University lectures shall be allowed the use of some suitable rooms in one of the University buildings.

"Subsections 1 and 2 of section 43 of the said Act are hereby declared to be incorporated in and to form part of this agreement.

"The Senate of the University of Toronto shall enact such statutes as may be necessary to enable the University of Toronto to confer on undergraduates and graduates of Trinity College the degrees provided for by subsection 2 of section 3 of *The University Act, 1901*, which are now conferred by Trinity University.

"The examination for the said degrees shall be conducted by the University of Toronto through examiners nominated by the parties of the second part, and the said degrees shall be conferred by the University of Toronto upon the report of the said examiners.

"All students of Trinity Medical College who have not matriculated at the date of the issue of the proclamation of the federation of the two universities shall be allowed two years from that date to matriculate in the University of Trinity College under the regulations in force at the date of federation."

SCHEDULE 3.

(Section 146.)

Acts and parts of Acts repealed:

R.S.O. cap. 300.	The whole Act.
1 Edw. VII., cap. 41.	The whole Act.
2 Edw. VII., cap. 43.	The whole Act, except section 7.
3 Edw. VII., cap. 36.	The whole Act.
4 Edw. VII., cap. 35.	The whole Act.
5 Edw. VII., cap. 36.	The whole Act.
5 Edw. VII., cap. 37.	Sections 7 and 10.

No. 220

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting the University of Toronto and University College.

First Reading, 18th April, 1906.
Second Reading, 25th April, 1906.

*Reprinted as amended in Committee of
the Whole House.*

Mr. WHITNEY.

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.
TORONTO:

An Act respecting certain Sums of Money in the Custody of the Accountant of the Supreme Court of Judicature.

WHEREAS certain charges were on the 11th day of Preamble.
 March, 1903, made by Robert Roswell Gamey, a member of the Legislative Assembly of this Province, affecting the good government of the Province, whereby the said Robert
 5 Roswell Gamey charged and declared that James Robert Stratton, another member of the said Legislative Assembly and a member of the Executive Council, did certain corrupt and unlawful acts, by attempting to bribe him the said Robert Roswell Gamey, by the payment of certain moneys, and
 10 whereas a Commission was issued on the 28th day of March in the year 1903 for the purpose of enquiring into, and investigating the said charges; and whereas in the course of the said enquiry and during the evidence of the said Robert Roswell Gamey, certain moneys and a certain cheque were pro-
 15 duced by him, being bank notes amounting in the aggregate to \$500 and a certain cheque on the Traders Bank of Canada for \$1,500 and whereas, the said notes and cheque were by direction of the Commissioners placed in the custody of the Accountant of the Supreme Court of Judicature, and whereas
 20 it is expedient that further order should be made with regard to the said notes and cheque.

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

- 25 1. The said bank notes of \$500 and the said cheque of \$1,500 are hereby declared to be forfeited to His Majesty for the public uses of the Province, and to have been so forfeited from the time of being produced during the said enquiry. (See 48 V., chap 5). Forfeiture of funds for use of the Province.
- 30 2. The said moneys so forfeited as aforesaid shall be applied to such charitable purposes as the Lieutenant-Governor in Council shall determine. Application of fund to charitable purposes.

No. 221.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting certain Sums of Money
in the Custody of the Accountant of the
Supreme Court of Judicature.

First Reading, 18th April, 1906.

Mr. WHITNEY.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to confirm By-law No. 544 of the Town of
Picton.

WHEREAS the Municipal Corporation of the Town of Preamble.
Picton have by petition represented that on the first
day of January last By-law No. 544 of the Town of Picton,
being "A by-law to raise the sum of \$10,000 for the pur-
5 pose of installing a new system of electric street lighting
and to increase the incandescent electric lighting system
in the Town of Picton, for the use of the corporation of
the said town and the inhabitants thereof, and to authorize
the issue of debentures therefor," was submitted to the
10 electors of the said town and was duly approved of by the
said electors, at least two-thirds of the electors qualified to
vote on the said by-law voting in favor thereof; that the
said by-law was read a third time and finally passed on
the 14th day of February, 1906; that doubts have arisen
15 as to the validity of the said by-law, the same having been
passed after the expiration of six weeks from the date of
the approval of the same by the municipal electors and cer-
tain technical objections to the manner of passing the said
by-law and the promulgation thereof; and that it is
20 necessary and desirable that the said by-law should be
confirmed; and whereas the said municipal corporation has
by the said petition prayed that an Act may be passed;

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

1. By-law No. 544 of the Municipal Corporation of the
Town of Picton, being "A by-law to raise the sum of
\$10,000 for the purpose of installing a new system of
electric street lighting, and to increase the incandescent
30 electric lighting system in the Town of Picton for the use
of the corporation of the said town and the inhabitants
thereof, and to authorize the issue of debentures therefor;"
By-law No. 544
to raise \$10,000
for installing
electric street
lighting con-
firmed.

which by-law is set out in Schedule "A" to this Act, are confirmed and declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof, anything in *The Consolidated Municipal Act, 1903*, or any other Act to the contrary notwithstanding.

SCHEDULE "A."

By-Law No. 544.

A By-law to raise the sum of \$10,000.00 for the purpose of installing a new system of electric street lighting and to increase the incandescent electric lighting system in the Town of Picton, for the use of the corporation of the said town and the inhabitants thereof; and to authorize the issue of debentures therefor.

Whereas the Board of Electric Light and Waterworks Commissioners did on the 6th day of November, 1905, submit a report to the municipal council of the corporation of the Town of Picton, setting forth and showing the desire of said Board of Commissioners for the council to raise the sum of \$10,000.00 for the purpose of installing a new system of electric street lighting and to increase the incandescent electric lighting system in the Town of Picton; and

Whereas the said municipal council have deemed it expedient to endeavor to raise the said sum for the purpose stated by submitting a by-law for the votes of the qualified electors of the said town to express their approval thereof, and the said sum being necessary and required for the purpose of purchasing all the plant, machinery, material and things necessary to instal a new system of electric street lighting and to increase the incandescent electric lighting system in the Town of Picton and the inhabitants thereof, and in order thereto, it will be necessary to issue debentures of the said town for the sum of \$10,000.00, payable as hereinafter provided, with interest computed therein at the rate of four per cent. per annum; and

Whereas to provide for the payment of the annual instalments of principal and interest as the same shall become due and payable, it will be necessary to raise a certain specific sum annually during the currency of such debentures, and until they shall become due and payable as follows:—

The said debentures shall be payable, one debenture each and every year, on the 31st day of December during a period of fifteen years; the first of said debentures to become payable on the 31st day of December, A.D. 1906.

In the year.	For principal.	For interest.
1906	\$499 41	\$400 00
1907	519 38	380 02
1908	540 16	359 25
1909	561 77	337 64
1910	584 24	315 17
1911	607 61	291 80
1912	631 91	267 50
1913	657 19	242 22
1914	683 48	215 93
1915	710 82	188 59
1916	739 25	160 16
1917	768 82	130 59
1918	799 57	99 84
1919	831 56	67 85
1920	864 82	34 59

And whereas the whole sum to be raised annually by specific rate upon all the rateable property of the corporation of the Town of

Picton for the purpose of paying off the said debentures as they shall become due, is the equal annual sum of \$899.41 over and above all other rates raised, levied and collected in the municipality of the Town of Picton; and

Whereas the amount of the whole rateable property of the Town of Picton, according to the last revised assessment roll of the said municipality, being for the year 1905, is the sum of \$1,436,452.00; and

Whereas the amount of the existing debenture debt of the Town of Picton is the sum of \$31,768.36, of which no part of the principal or interest is in arrears.

Now, therefore, the municipal council of the corporation of the Town of Picton enacts as follows:—

1. That it may and shall be lawful for the municipal council of the corporation of the Town of Picton to raise by way of loan, for the purpose of installing a new system of electric street lighting and to increase the incandescent electric lighting system in the Town of Picton, and for the general benefit of the public and the inhabitants of said town, the sum of \$10,000.00.

2. That in order to raise the said sum of \$10,000.00 the municipal council of the corporation of the Town of Picton shall and may and they are hereby authorized and instructed to issue, or cause to be issued, fifteen equal annually payable debentures each including principal and interest amounting in the aggregate to the said sum of \$10,000.00, subdivided in fifteen annual payments, as hereinbefore scheduled, said debentures each and every of them to be sealed with the corporation seal and signed by the mayor and treasurer, and countersigned by the municipal clerk of the said corporation of Picton.

3. That an annual sum of \$899.11, composed of principal and interest, in amounts as hereinbefore set forth by schedule, shall become due and payable, and it shall and may be lawful for the municipal council of the corporation of the Town of Picton to issue debentures for the said fifteen annually payable sums.

4. That the said debentures shall be payable at the agency of the Bank of Montreal in the Town of Picton.

5. That for the purpose of paying off the said debentures from time to time annually as they become due and payable, there shall be raised, levied and collected upon all the rateable property of and within the corporation of the Town of Picton, annually, during fifteen years between the years 1906 and 1920, both inclusive, over and above all other rates whatsoever levied and collected in the said municipality of the Town of Picton the specific sum of \$899.41, which sum is sufficient to pay off the said debentures and discharge the debt thereby incurred.

6. That the said sum of \$899.41, to be raised, levied and collected in each and every of the aforesaid years for fifteen years, shall and may be raised, levied and collected in each of said years by a specific rate sufficient therefor over and above and irrespective of all other rates, on all the rateable property in the said municipality in the Town of Picton.

7. That the municipal treasurer of the said Town of Picton shall, and may pay, and he is hereby authorized and instructed to pay the said debentures from time to time annually as they fall due at the time and place hereinbefore provided, and out of the fund hereby specifically created and to be raised, levied and collected for that purpose in each and every year for the said fifteen years, his authority for so doing being hereby vested in him and without any other authority than this by-law.

8. That this by-law shall come into force and take effect on, from and after Monday, the 8th day of January, A.D. 1906.

9. The votes of the electors of the said Town of Picton, who shall or may be entitled to vote on this by-law, shall be taken thereon at the following times and places, that is to say: On Monday, the 1st day of January, A.D. 1906, commencing at the hour of nine o'clock in the forenoon, and continuing till the hour of five o'clock in the afternoon of the same day, by the following deputy returning officers at the following places:—

Hallowell Ward—Polling Subdivision No. 1. Votes to be polled at Miss Blanch Taylor's shop. Eli Ketchum to be Deputy Returning Officer. Polling Subdivision No. 2. Votes to be polled at Richard Ringer's shop. Herbert J. Ringer to be Deputy Returning Officer.

Brock Ward—Polling Subdivision No. 3. Votes to be polled at Henry Cottrel's shop. Charles M. Cole to be Deputy Returning Officer. Polling Subdivision No. 4. Votes to be polled at the town council chamber. Jonathan Mottashed to be Deputy Returning Officer.

Quinte Ward—Polling Subdivision No. 5. Votes to be polled at R. H. Hubbs' office. James E. Patterson to be Deputy Returning Officer. Polling Subdivision No. 6. Votes to be polled at Geo. W. Sexsmith's office. William McClymont to be Deputy Returning Officer.

Tecumseth Ward—Polling Subdivision No. 7. Votes to be polled at McDonnell's room over the fire hall. R. A. Foster to be Deputy Returning Officer.

10. That on Saturday, the 30th day of December, A.D. 1905, the mayor of the said Town of Picton shall attend at the town council chamber in said town at the hour of eleven o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid, and at the final summing of the votes by the municipal clerk, on behalf of the persons interested in promoting or opposing the passing of this by-law, respectively.

11. The municipal clerk of the council of the said Town of Picton shall attend at the town hall, Picton, at the hour of twelve o'clock, noon, on Tuesday, the 2nd day of January, A.D. 1906, to sum up the number of votes for and against this by-law.

Passed the 14th day of February, A.D. 1906.

(Sgd.) G. M. FARRINGTON,
Mayor.

(Sgd.) R. A. NORMAN,
Clerk.

(Corp. Seal.)



2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to confirm By-law No. 544 of the
Town of Picton.

First Reading, 25th April, 1906.

(Private Bill.)

Mr. CURRIE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

[1906.]

An Act for granting to His Majesty certain sums of money to defray the expenses of Civil Government for the year One Thousand Nine Hundred and Six and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour Preamble.
William Mortimer Clark, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the Public Service thereof, and for other purposes for the year one thousand nine hundred and six; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

1. From and out of the Consolidated Revenue Fund of \$5,858,543.15
this Province, there shall and may be paid and applied a granted out of consolidated revenue fund for certain purposes.
sum (not exceeding in the whole) of Five million eight hundred and fifty-eight thousand five hundred and forty-three dollars and fifteen cents for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand nine hundred and six, as set forth in Schedule "A" to this Act; and for the expenses of Legislation, Public Institutions' Maintenance, and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand nine hundred and seven, as set forth in Schedule "B" to this Act.

2. Accounts in detail of all moneys received on account Accounts to be laid before Legislative Assembly.
of this Province, and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended
moneys.

3. Any part of the money under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand nine hundred and six, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the 20th day of January next shall lapse and be written off.

Expenditure to
be accounted
for to His
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

SCHEDULE "A."

Sums granted to His Majesty by this Act for the year one thousand nine hundred and six, and the purposes for which they are granted:—

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—

Lieutenant-Governor's Office	\$3,900 00
Office of the Premier and President of the Council	14,200 00
Attorney-General's Department ..	29,750 00
Education Department	22,612 00
Lands and Mines Department	84,150 00
Public Works Department	48,150 00
Treasury Department	28,400 00
Provincial Auditor's Office	13,300 00
Provincial Secretary's Department	113,910 00
Department of Agriculture	45,910 00
Miscellaneous	15,650 00
	\$419,932 00

LEGISLATION.

To defray expenses of Legislation 204,600 00

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice 519,058 83

EDUCATION.

To defray expenses of:—
Public and Separate School Edu-
cation \$540,270 59
High Schools and Collegiate Insti-
tutes 152,150 00

Departmental Library and Museum.	15,550	00
School of Practical Science	83,505	00
Public Libraries, Art Schools, Literary and Scientific	58,450	00
Technical Education	31,620	00
Superannuated Public and High School Teachers	63,300	00
Provincial University and Mining Schools	170,166	17
Maintenance Education Department and Miscellaneous	23,896	72
Institution for Deaf and Dumb, Belleville	56,918	00
Blind Institute, Brantford	37,590	10
	<hr/>	\$1,233,416 58

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—		
Asylum for the Insane, Toronto ...	\$115,496	00
Asylum for the Insane, London ...	147,129	00
Asylum for the Insane, Hamilton..	135,511	00
Asylum for the Insane, Kingston...	94,122	00
Asylum for the Insane, Mimico	83,244	00
Asylum for the Insane, Brockville.	93,492	00
Asylum for the Insane, Cobourg ...	26,190	00
Asylum for the Insane, Penetanguishene	41,006	00
Asylum for Epileptics, Woodstock	27,823	33
Asylum for the Feeble Minded, Orillia	75,608	00
Medical Relieving Officer.....	333	33
Central Prison, Toronto	71,570	00
Central Prison Industries	66,885	00
Mercer Reformatory, Toronto.....	30,050	00
To pay balance 1905 accounts ...	30,612	62
	<hr/>	1,039,072 28

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture	\$446,406 95
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COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration	\$35,465 00
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HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	\$285,009 88
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MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

Government House	\$18,000 00	
Parliament and Departmental Buildings	69,460 00	
		\$87,460 00

PUBLIC BUILDINGS.

Public Institutions:—		
Asylum for Insane, Toronto	\$8,885 00	
Asylum for Insane, Mimico	22,225 00	
Asylum for Insane, London	10,300 00	
Asylum for Insane, Hamilton ...	15,875 00	
Asylum for Insane, Kingston	13,450 00	
Asylum for Insane, Brockville ...	10,800 00	
Asylum for Insane, Cobourg	5,050 00	
Asylum for Insane, Penetanguishene	11,200 00	
Asylum for Epileptics, Woodstock	87,800 00	
Asylum for Feeble Minded, Orillia	6,450 00	
Central Prison, Toronto	14,610 00	
Mercer Reformatory, Toronto	3,685 00	
Osgoode Hall additions	35,000 00	
Educational:—		
Normal and Model Schools, Toronto	5,300 00	
Normal and Model School, Ottawa	5,150 00	
Normal School, London	1,500 00	
School of Practical Science	64,080 00	
Deaf and Dumb Institute, Belleville	5,800 00	
Institution for the Blind, Brantford	7,640 00	
Ontario Agricultural College	60,845 00	
Districts:—		
Muskoka	100 00	
Parry Sound	2,700 00	
Algoma	300 00	
Thunder Bay	1,600 00	
Rainy River	500 00	
Nipissing	4,550 00	
Total Public Buildings		\$405,395 00

PUBLIC WORKS.

To defray expenses of Public Works		\$95,260 00
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COLONIZATION AND MINING ROADS.

To defray expenses of Construction and Repairs		\$204,410 00
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CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands	\$427,525 00
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REFUNDS.

Education	\$2,000 00
Crown Lands	31,205 00
Municipalities Fund.....	243 32
Land Improvement Fund	1,911 31
Miscellaneous	10,000 00
	<hr/>
	\$45,359 63

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	\$160,172 00
	<hr/>
Total Estimates for Expenditure of 1906...	\$5,608,543 15

 SCHEDULE "B."

Sum granted to His Majesty by this Act for the year one thousand nine hundred and six, and the purposes for which it is granted:—
To defray the expenses of Legislation, Public Institutions' Maintenance, and for Salaries of the officers of the Government and Civil Service for the month of January, 1907 ...

	\$250,000 00
	<hr/>
Total	\$5,858,543 15

223

No. 223.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act for granting His Majesty certain sums of money to defray the expenses of Civil Government for the year One Thousand Nine Hundred and Six and for other purposes therein mentioned.

First Reading, 23rd April, 1906.

Second Reading, 23rd April, 1906.

Third Reading, 23rd April, 1906.

Mr. MATHESON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

BILL.

[1906.]

An Act to amend The Devolution of Estates Act.

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

1. Section 4 of *The Devolution of Estates Act* is amended Rev. Stat. c. 127, s. 4, amended.
5 by adding thereto the following subsections:—

(5) When there is no personal representative of a deceased mortgagor of freehold land it shall be sufficient for the purposes of an action for the foreclosure of the equity of redemption in such land that the person beneficially Who to be defendants in action for foreclosure when no personal representative of mortgagor.
10 entitled under the last will and testament if any of the deceased mortgagor, and under the provisions of this Act, to such land or the proceeds thereof be made defendant to such action, and it shall not be necessary that a personal representative of the deceased mortgagor be appointed or
15 be made a defendant thereto unless it shall be otherwise ordered by the court in which the action is brought or a judge thereof: Proviso. Provided always that if a personal representative of the deceased mortgagor shall be appointed during the pendency of such action and such equity of
20 redemption shall devolve upon and become vested in him he shall be made a party to such action.

(6) The term “mortgagor” shall include the assignee of a mortgagor and any person entitled to or interested in the equity of redemption in the mortgaged lands. “Mortgagor” meaning of.

2. Subsection 1 of section 13 of *The Devolution of Estates Act* is amended by adding after the words “disposed of” in the second line thereof, the following words: “divided between the persons beneficially entitled thereto under the provisions of section 16 of this Act.” Rev. Stat. c. 127, s. 13, subs. 1, amended.

3. Section 16 of *The Devolution of Estates Act* is repealed and the following substituted therefor:— Rev. Stat. c. 127, s. 16, repealed.

Powers of executors and administrators as to selling and conveying real estate.

16.—(1) Subject to the provisions of sections 8 and 9 of this Act, executors and administrators in whom the real and personal estate of a deceased person is vested under this Act shall have as full power to sell and convey such real estate for the purpose not only of paying debts, but also of distributing or dividing the estate among the parties beneficially entitled thereto whether there are debts or not as they have in regard to personal estate, and in no case shall it be necessary that the persons entitled to such real estate as heirs or devisees shall concur in any such sale except 10 where the sale is made for the purpose of distribution only.

Concurrence of heirs and devisees.

Proviso as to lunatics and non-concurring heirs and devisees.

(2) No sale of any such real estate made for the purpose of distribution only shall be valid as respects any heirs or devisees beneficially entitled thereto unless such heirs and devisees concur therein: Provided always that where lunatics are beneficially entitled as heirs or devisees or where there are other heirs or devisees who do not concur in the sale by reason of their place of residence being unknown or where in the opinion of the Official Guardian appointed under *The Judicature Act* it would for any reason be inconvenient to require the concurrence of such heirs or devisees or where in his opinion it would be advisable to dispense with such concurrence, the Official Guardian may, upon proof satisfactory to him that such sale is to the interest and advantage of the estate of such deceased person and the persons interested therein, approve such sale on behalf of such lunatics, non-concurring heirs and devisees and any such sale made with the written approval of the Official Guardian aforesaid shall be valid and binding upon such lunatics, non-concurring heirs and devisees to all intents and purposes whatsoever; and for this purpose the Official Guardian aforesaid shall have the same powers and duties as he has in the case of infants. 25

Powers of executors and administrators as to dividing estate among persons entitled.

(3) Such executors and administrators shall also have power with the concurrence of the persons beneficially entitled thereto, or where there are infants or lunatics, with the approval of the Official Guardian aforesaid, to divide the said estate of such deceased person or any portion or portions thereof amongst the persons entitled thereto according to their respective shares and interests therein, and the power of division conferred by this subsection may also be exercised although all the persons beneficially interested do not concur, if the Official Guardian signifies his approval in manner aforesaid, and the Official Guardian may approve any such division on behalf of non-concurring heirs or devisees under the same conditions and with the same effect as in the case of a sale under subsection 2 of this section. 35 40 45

Section not to apply to administrators of personal estate only.

(4) This section shall not apply to any administrator where the letters of administration are limited to the personal estate, exclusive of the real estate, and shall not derogate 50

ate from any right possessed by an executor or administrator independently of this Act.

4. Section 8 of the Act passed in the second year of the reign of His Majesty King Edward the Seventh, Chapter 17, intituled *An Act to further amend The Devolution of Estates Act*, is hereby repealed. 2 Edw. VII., c. 17, s. 8, repealed.

5. Section 12 of the Act passed in the second year of the reign of His Majesty King Edward the Seventh, Chapter 17, intituled *An Act to further amend The Devolution of Estates Act*, is amended by striking out the words "within the said year" in the ninth line thereof and the words "shall have caused" in the ninth and tenth lines thereof and by inserting after the word "administrators" in the ninth line thereof the word "cause." 2 Edw. VII., c. 17, s. 12 amended.
Real estate of
of persons
dying between
1st July 1886,
and 4th May
1891.

No. 224.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Devolution of
Estates Act.

First Reading, 23rd April, 1906.

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

BILL.

An Act to amend the Municipal Drainage Act.

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

1. Subsection 1 of section 3 of *The Municipal Drainage Act* is amended by striking out the word "described" in the fourth and fifth lines of the said subsection and inserting after the word "area" in the fifth line of the said subsection the words "as described in such petition." Rev. Stat. c. 226, s. 3, subs. 1, amended.

2. Subsection 1 of section 4 of the Act passed in the third year of His Majesty's reign, Chapter 22, is amended by inserting after the word "shall" at the end of the second line of the said subsection the words "if required so to do by the council by which he was engaged." 3 Edw. VII. c. 22, s. 4, subs. 1, amended.

3. *The Municipal Drainage Act* is amended by inserting therein the following as section 6 (b):— Rev. Stat. c. 226, amended.

6.—(b) The engineer or surveyor shall confine his assessment for benefit to the area described in the petition. Provided, however, that in extending the drainage work to an outlet he may assess as for benefit any lands or roads beyond such area through or beside which such work is carried for any clear improvement thereby conferred, but the owners of such lands and roads so assessed as for benefit shall not count for or against the petition required by section 3 of this Act. Assessment for clear benefit.

4. Subsection 1 of section 9 of *The Municipal Drainage Act* is amended by adding at the end of the said subsection the words "the maintenance of such bridges and culverts shall not be deemed part of the drainage work." Rev. Stat. c. 226, s. 9, subs. 1, amended.

Rev. Stat.
c. 226, s. 18,
amended.

5. Section 18 of *The Municipal Drainage Act* is amended by inserting after the word "described" in the fourth line of the said section the words "in such petition."

Rev. Stat.
c. 226, s. 3,
subs. 2,
amended.

6. Clause (b) in subsection 2 of section 63 of *The Municipal Drainage Act* is amended by inserting therein the following words:— 5

Grounds of
appeal.

3.—(a) That a sufficient allowance has not been made for the increased cost of maintenance of bridges and culverts on public highways affected by the drainage work in the appealing municipality." 10

Rev. Stat.
c. 226, s. 71,
subs. 1,
amended.

7. Subsection 1 of section 71 of *The Municipal Drainage Act* is amended by inserting after the word "appeal" in the nineteenth line of the said subsection the words "may take into consideration any change of conditions affecting the drainage work which justify a varying of the assess-15 ments for the original construction" and by inserting after the word "by-law" in the twentieth line of the said subsection the words "or the assessments therein contained."

Rev. Stat.
c. 226, sched. 73,
amended.

8. The paragraph numbered 2 in the form of by-law contained in Schedule "B" in *The Municipal Drainage Act* is 20 amended by striking out the word "thereof" at the end of the sixth line of the said paragraph and substituting therefor the words "of the said debentures."

Rev. Stat.
c. 226, s. 2,
par. 8,
amended.

9. The paragraph numbered 8 in section 2 of *The Municipal Drainage Act* is repealed and the following substi-25 tuted therefor:—

"Referee" shall mean "the referee for the purpose of the drainage laws of this Province as hereinbefore provided."

Rev. Stat.
c. 226, s. 88,
repealed.

10. Section 88 of *The Municipal Drainage Act* is repealed and the following substituted therefor:— 30

Referees,
appointment
of.

88.—(1) The Lieutenant-Governor in Council from time to time may appoint two referees for the purpose of the drainage laws; that is to say, *The Ontario Drainage Act*, the provisions of this Act, and other Acts, and parts of Acts on the same subject. 35

To be officers
of High Court.

(2) Such referees shall be deemed to be and shall be officers of the High Court.

Qualification.

(3) They shall be barristers of at least ten years' standing at the Bar of Ontario.

Tenure of
office.

(4) They shall hold office by the same tenure as official 40 referees under *The Judicature Act*.

Not to practise.

(5) They shall not practise as solicitors or barristers in any matter arising under this Act, nor act as legal agents or advisers in any such matter.

(6) They shall each be paid a salary of such amount as ^{Salary.} may be appropriated by the Legislature for the purpose (not exceeding \$3,500 a year each) to be paid monthly, together with their reasonable travelling expenses.

5 (7) One of the said referees shall exercise all the rights, ^{Jurisdiction.} powers, privileges and jurisdiction conferred upon him by this Act or any other Act or Acts in the Counties of Stormont, Dundas and Glengarry; Prescott and Russell, Leeds and Grenville, Frontenac, Lennox and Addington, Prince
10 Edward, Hastings, Northumberland and Durham, Victoria, Haliburton, Peterborough, Renfrew, Lanark, Carleton, and the other referee shall exercise all the rights, powers, privileges and jurisdiction conferred upon him
15 by this Act or any other Act or Acts in all the other counties and districts in the Province of Ontario.

(8) In case of the absence or illness of either of the said ^{Absence or illness.} referees or in case of a vacancy in the office of either, or at the request of either, the remaining referee may act in his place and may exercise his jurisdiction.

20 11. Section 98 of *The Municipal Drainage Act* is amended ^{Rev. Stat. c. 226, s. 98, amended.} by striking out the words "the shorthand writer" at the commencement of the said section and inserting in lieu thereof the words "two or more shorthand writers."

25 12.—(1) Section 3 (a) of *The Municipal Drainage Act* as ^{Rev. Stat. c. 226, s. 3 (a), repealed.} enacted by section 3 of the Act passed in the third year of His Majesty's reign, Chaptered 22, is repealed.

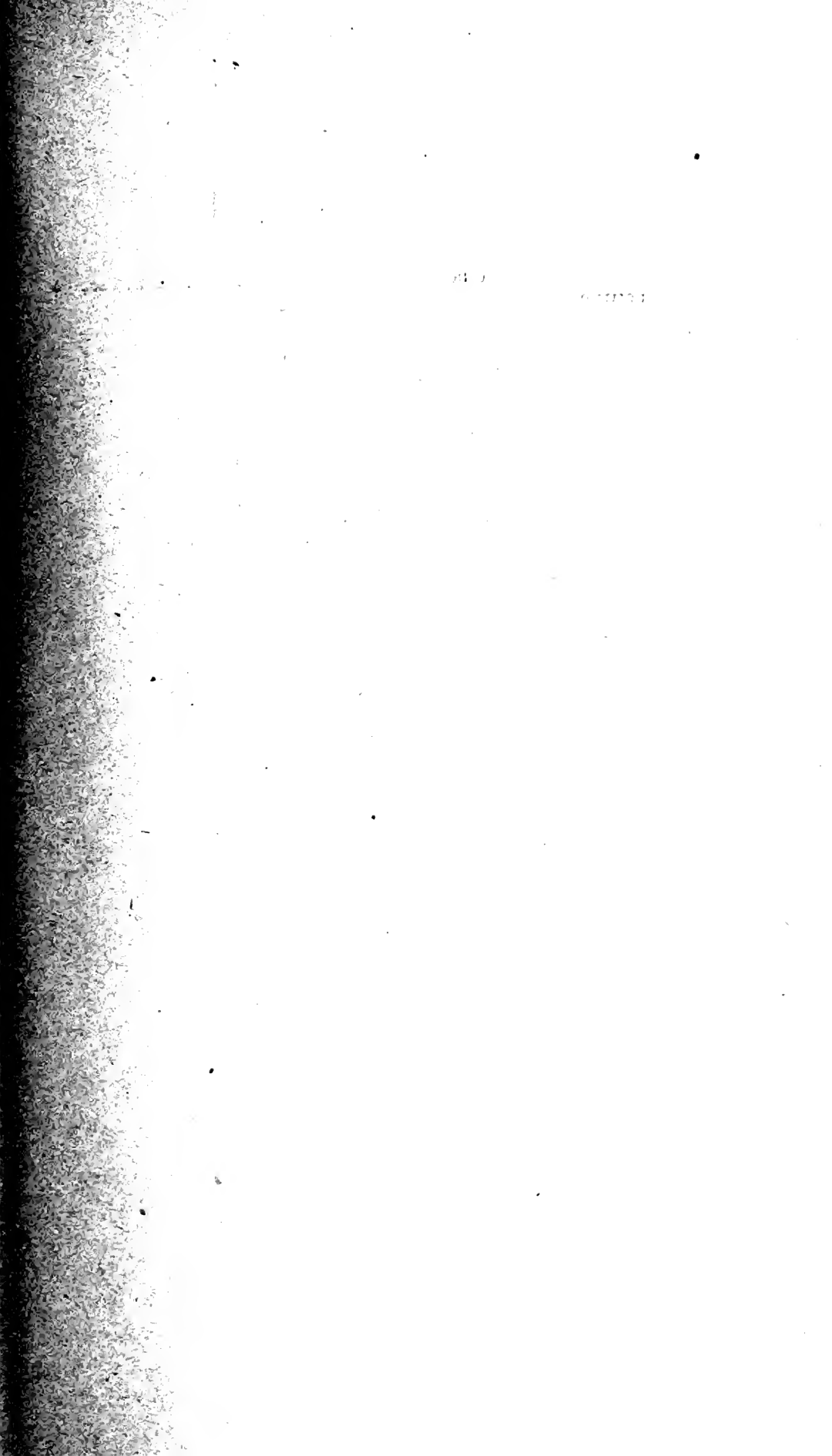
(2) Sections 1 and 2 of the said Act passed in the third ^{3 Edw. VII. c. 22, ss. 1, 2, repealed.} year of His Majesty's reign, Chaptered 22, are repealed, and wherever in *The Municipal Drainage Act*, as amended
30 by the said Act or by any subsequent Act, words are used referring to the appointment, powers and duties of any engineer or surveyor and drainage viewers the same shall refer to the engineer and surveyor only.

35 13. Section 75 of *The Municipal Drainage Act* is amended ^{Rev. Stat. c. 226, s. 75, amended.} by adding the following subsection:—

(2) The provisions of this section shall apply to the better maintenance of a natural stream, creek or watercourse which has been artificially improved by local assessment or otherwise, and to any drainage work constructed under the
40 provisions of *The Ontario Drainage Act* in the same manner, to the same extent, and by the same proceedings as are hereby made applicable to the better maintenance of a drainage work wholly artificial.

45 14. No by-law heretofore passed by any municipal council under *The Municipal Drainage Act* shall be deemed ^{certain by-laws heretofore passed confirmed.} invalid or illegal by reason only that the petition for such

by-law was not sufficiently signed if such petition was duly signed by a majority in number of the resident and non-resident persons (exclusive of farmers' sons not actual owners) shown by the last revised assessment roll to be the owners of the lands to be benefited in the area described in such 5 petition.



No. 225.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Drainage
Act.

First Reading, 23th April, 1906.

Mr. HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 225.]

BILL.

[1906.]

An Act to amend The Municipal Drainage Act.

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

1. Subsection 1 of section 3 of *The Municipal Drainage Act* is amended by striking out the word “described” in the fourth and fifth lines of the said subsection and inserting after the word “area” in the fifth line of the said subsection the words “as described in such petition.” Rev. Stat. c. 226, s. 3, subs. 1, amended.

2. Subsection 1 of section 4 of the Act passed in the third year of His Majesty’s reign, Chapter 22, is amended by inserting after the word “shall” at the end of the second line of the said subsection the words “if required so to do by the council by which he was engaged.” 3 Edw. VII. c. 22, s. 4, subs. 1, amended.

3. Section 18 of *The Municipal Drainage Act* is amended by inserting after the word “described” in the fourth line of the said section the words “in such petition.” Rev. Stat. c. 226, s. 18, amended.

4. The paragraph numbered 2 in the form of by-law contained in Schedule “B” in *The Municipal Drainage Act* is amended by striking out the word “thereof” at the end of the sixth line of the said paragraph and substituting therefor the words “of the said debentures.” Rev. Stat. c. 226, sched. 73, amended.

5. The paragraph numbered 8 in section 2 of *The Municipal Drainage Act* is repealed and the following substituted therefor:— Rev. Stat. c. 226, s. 2, par. 8, amended.

“Referee” shall mean “the referee for the purpose of the drainage laws of this Province as hereinbefore provided.”

6. Section 88 of *The Municipal Drainage Act* is repealed and the following substituted therefor:— Rev. Stat. c. 226, s. 88, repealed.

Referees,
appointment
of.

88.—(1) The Lieutenant-Governor in Council from time to time may appoint two referees for the purpose of the drainage laws; that is to say, *The Ontario Drainage Act*, the provisions of this Act, and other Acts, and parts of Acts on the same subject.

To be officers
of High Court.

(2) Such referees shall be deemed to be and shall be officers of the High Court.

Qualification.

(3) They shall be barristers of at least ten years' standing at the Bar of Ontario.

Tenure of
office.

(4) They shall hold office by the same tenure as official referees under *The Judicature Act*.

Not to practise.

(5) They shall not practice as solicitors or barristers in any matter arising under this Act, nor act as legal agents or advisers in any such matter.

Salary.

(6) They shall each be paid a salary of such amount as may be appropriated by the Legislature for the purpose (not exceeding \$3,500 a year each) to be paid monthly, together with their reasonable travelling expenses.

Jurisdiction.

(7) One of the said referees shall exercise all the rights, powers, privileges and jurisdiction conferred upon him by this Act or any other Act or Acts in the Counties of Stormont, Dundas and Glengarry; Prescott and Russell, Leeds and Grenville, Frontenac, Lennox and Addington, Prince Edward, Hastings, Northumberland and Durham, Victoria, Haliburton, Peterborough, Renfrew, Lanark, Carleton, and the other referee shall exercise all the rights, powers, privileges and jurisdiction conferred upon him by this Act or any other Act or Acts in all the other counties and districts in the Province of Ontario.

Absence or
illness.

(8) In case of the absence or illness of either of the said referees or in case of a vacancy in the office of either, or at the request of either, the remaining referee may act in his place and may exercise his jurisdiction.

Rev. Stat.
c. 226, s. 98,
amended.

7. Section 98 of *The Municipal Drainage Act* is amended by striking out the words "the shorthand writer" at the commencement of the said section and inserting in lieu thereof the words "two or more shorthand writers."

Rev. Stat.
c. 226, s. 3 (a),
repealed.

8.—(1) Section 3 (a) of *The Municipal Drainage Act* as enacted by section 3 of the Act passed in the third year of His Majesty's reign, Chaptered 22, is repealed.

3 Edw. VII.
c. 22, ss. 1, 2,
repealed.

(2) Sections 1 and 2 of the said Act passed in the third year of His Majesty's reign, Chaptered 22, are repealed, and wherever in *The Municipal Drainage Act*, as amended by the said Act or by any subsequent Act, words are used referring to the appointment, powers and duties of any engineer or surveyor and drainage viewers the same shall refer to the engineer and surveyor only.

9. Section 75 of *The Municipal Drainage Act* is amended by adding the following subsection:—

Rev. Stat.
c. 226, s. 75,
amended.

(2) The provisions of this section shall apply to the better maintenance of a natural stream, creek or watercourse which has been artificially improved by local assessment or otherwise, and to any drainage work constructed under the provisions of *The Ontario Drainage Act* in the same manner, to the same extent, and by the same proceedings as are hereby made applicable to the better maintenance of a drainage work wholly artificial.

10. No by-law heretofore or hereafter passed by any municipal council under *The Municipal Drainage Act* shall be deemed invalid or illegal by reason only that the petition for such by-law was not sufficiently signed if such petition was duly signed by a majority in number of the resident and non-resident persons (exclusive of farmers' sons not actual owners) shown by the last revised assessment roll to be the owners of the lands to be benefitted in the area described in such petition; ~~it~~ provided, however, that nothing in this section contained shall affect any litigation now pending with respect to any such by-law, but the same may be proceeded with and adjudicated upon in the same manner as if this section had not been passed.

Certain by-laws heretofore passed confirmed.

Proviso.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Municipal Drainage
Act.

First Reading, 23th April, 1906.
Second Reading, 1st May, 1906.

*(Reprinted as amended by the Legal
Committee.)*

Mr. HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Temiskaming and Northern Ontario Railway Act.

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

1. Section 3 of *The Temiskaming and Northern Ontario Railway Act* is amended by adding to sub-section 3 of the said section the following words: "But no such ratification shall be necessary of any lease made with the approval of the Lieutenant-Governor in Council of any spur or branch not exceeding ten miles in any one place." 2 Edw. VII., c. 9, s. 3, amended. Ratification of leases when not required.

2. The said Act is further amended by inserting therein the following as section 14b:— 2 Edw. VII., c. 9, amended.

14b. The Commission shall be deemed to have authority, with the approval of the Lieutenant-Governor in Council, from time to time to sell, lease or otherwise deal with mines, minerals and mining rights on or under any portion or portions of the right of way or of the town sites vested or to be vested in the Commission. Disposing of mines and minerals, etc.

3. Sub-section 3 of section 8 of the said Act as enacted by section 3 of the Act passed in the 5th year of His Majesty's reign, Chaptered 10, is amended by striking out the word "company" in the fourth and sixth lines thereof and the words "directors of the company" in the sixth and seventh lines thereof, and substituting in lieu of said words "company" and "directors of the company" the word "Commission." 2 Edw. VII., c. 9, s. 8, sub-s. 3, amended.

No. 221.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Temiskaming and
Northern Ontario Railway Act.

First Reading, 25th April, 1906.

Mr. REATWY.

TOKUNTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty

An Act to amend the Supplementary Revenue Act,
1899.

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

1. Clause *b* in the paragraph numbered 1 of section 2
5 of *The Supplementary Revenue Act, 1899*, as amended by 62 V. (2) c. 8,
s. 2, par. 1, cl.
b, repealed. sub-section 2 of section 2 of *The Supplementary Revenue
Act, 1900*, is repealed, and the following substituted there-
for:—

(b) Every bank shall pay an additional tax of \$100
10 for the Head Office in the Province and \$25 for each addi-
tional Office, Branch or Agency in the Province. Tax upon
offices and
branches of
banks.

2. The paragraph numbered 5 of section 2 of *The Sup-*
plementary Revenue Act, 1899, as amended by section 5 62 V. (2) c. 8,
s. 2, par. 5,
repealed. of *The Supplementary Revenue Act, 1900*, and by section
15 1 of *The Act to amend the Supplementary Revenue Act,
1899*, being the Act passed in the 4th year of His Majesty's
reign, chaptered 5, is repealed and the following substi-
tuted therefor:—

5. Every railway company owning, operating or using
20 in whole or in part in this Province a steam or electric
railway shall pay a tax of \$60 per mile for one track, and,
where the line consists of two or more tracks, of \$20 per
mile for each additional track, owned, operated or used
as aforesaid in any organized county; and of \$40 per mile
25 for one track and, where the line consists of two or more
tracks, of \$10 per mile for each additional track, owned,
operated or used as aforesaid in unorganized territory,
being territory without county organization; provided that
a railway company owning, operating or using a steam or
30 electric railway which does not, either by itself or in con-
junction with any other railway leased by it or to which

it is leased or with which it is amalgamated or together with which it forms one system, exceed 150 miles in length from terminus to terminus, shall in lieu of the said tax pay a tax of \$15 per mile for one track and, where the line consists of two or more tracks, of \$5 per mile for each additional track; provided further, that no tax under this section shall be payable in respect of so much of the track of an electric railway as is situated upon any public highway or lies within the limits of any city.

(a) Both the company owning the railway or the part thereof in question and the company or companies operating or using the same shall be jointly and severally liable for the payment of the amount of such tax to the Provincial Treasurer, but the total amount payable in respect of any railway shall not exceed the amounts above respectively mentioned, notwithstanding that such railway is owned, operated or used by more than one company.

(b) The measurement of trackage for the purposes of this section shall not include switches, spurs or sidings.

62 V. (2) c. 8,
s. 2, amended.

3. Section 2 of *The Supplementary Revenue Act, 1899*, is amended by adding thereto the following paragraph:—

Tax on street
railways.

6.—(a) Every street railway company working or operating a street railway partly within a city and partly on the public highways without the limits of any city shall pay a tax of \$10 per mile for each mile of track without such limits as aforesaid. In all cases the mileage shall be computed on the single track, each mile of double track being counted as two miles of single track; but in calculating the mileage mere switches or sidings, tracks into car stables or car sheds, Y's and curves laid at street corners and portions of track not in general use for passenger traffic shall not be counted.

Distribution of
one half the
revenue from
railway tax
among municipal-
ities.

4.—(1) There shall be set apart annually on the 31st day of December in each year from the Consolidated Revenue Fund of the Province a sum equal to one-half the total receipts of the Province during such year for taxes from railway companies under sub-section 5 of section 2 of *The Supplementary Revenue Act, 1899*, and the amendments thereto, after deducting from said total receipts the sum of \$30,000, and the sum so set apart shall, on the 31st day of December in each year, be credited to the cities, towns, incorporated villages and organized townships in the Province in proportion to population, according to the enumeration thereof as shewn by the last preceding Dominion census, at the date of such distribution, and in the event

of such population being uncertain, owing to change of municipal boundaries, the Lieutenant-Governor in Council shall determine the population of such municipality for the purposes of this Act, and the Lieutenant-Governor in Council may also fix the amount in cents per head of the population to be so credited without allowing for fractions of a cent.

(2) Against such credit there shall be charged to each such municipality, as a contribution towards the maintenance of such patients, a sum amounting to ten cents per patient per day for each patient belonging to such municipality maintained for the whole or any part of such year in any lunatic or other asylum of the Province, such charge to be made only in respect of patients on whose account the Province is not in receipt from any source or sources of one dollar and a half per week or more.

Municipalities to be debited with cost of maintenance of inmates of asylums, etc.

(3) In each such case all questions as to the liability of the municipality in question to such charge shall be determined by an officer designated for that purpose by the Provincial Secretary. Such decision may at any time and from time to time be varied or cancelled by such officer or by any other officer designated as aforesaid.

Liability of municipality, how to be determined.

(4) The balance remaining at the credit of each such municipality after deducting such charge shall be forthwith paid by the Provincial Treasurer to such municipality; but no municipality shall be liable for any payment should the amount charged as aforesaid in any year exceed the amount credited as aforesaid in such year.

Balance to be paid over to municipality.

(5) The names of the patients in respect of whom such charge is made shall be furnished each year to the municipality in question, but the same or any of them shall not be published in the accounts of the municipality unless the council of the municipality so directs.

Names of patients to be sent to municipalities.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend the Supplementary
Revenue Act, 1899.

First Reading, 25th April, 1906.

MR. MATHESON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Act respecting Aid to the Algoma Central and Hudson Bay Railway and Associated Industries at Sault Ste. Marie.

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

1. Section 1 of the Act respecting Aid to the Algoma Central and Hudson Bay Railway and Associated Industries at Sault Ste. Marie passed in the 4th year of the reign of His Majesty King Edward VII, and chaptered 19, is hereby amended by adding thereto the following clauses:

- (a) The Government may renew the guarantee of the principal of the loan of \$2,000,000 and interest as above set out or any portion thereof for a period not exceeding one year from the 1st day of May, 1906, and in the event of any portion of the said loan being taken up then on being released from the guarantee of such portion, the Government may from time to time release its lien on a proportionate amount of the collateral securities set out in subsection (11) of section 4. The form and manner of renewal or of release shall be subject to the approval of the Lieutenant-Governor in Council and the new guaranty as well as any release shall be signed by the Provincial Treasurer, or such officer as may be designated by the Lieutenant-Governor in Council.
- (b) The provisions of section 8 of this Act shall apply to any renewal or new guarantee given under the authority of this section, and the Government shall be liable in respect of any such renewal or guarantee as fully as they were for the original loan.

4 Edw. VII.
c. 19, s. 1,
amended.

Government
authorized to
renew
guarantee.

4 Edw. VII.
c. 19, s. 8, 12
apply to
renewal.

Government
may guarantee
substitutional
loan.

(c) In case it appears expedient, the Government may guarantee the principal of a new loan in substitution of or to take the place of the existing loan or by way of renewal thereof, or providing for payment thereof not exceeding \$2,000,000, and the interest thereon, and all agreements, notes, certificates, endorsements, or documents in connection therewith shall be signed and executed by the Provincial Treasurer or such officer as may be designated by the Lieutenant-Governor in Council.

Securities
pledged to
remain liable
for new loan
or renewal.

(d) The pledged securities and the collateral securities which may be retained shall remain pledged for the purpose of securing the Government against liability on any amount of renewal guarantee or new loan given as herein provided.

1880

No. 228.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act respecting Aid
to the Algoma Central and Hudson Bay
Railway and Associated Industries at
Sault Ste. Marie.

First Reading, 27th April, 1906.
Second Reading, 27th April, 1906.
Third Reading, 27th April, 1906.

MR. MAHERSON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 229.]

BILL.

[1906.

An Act to amend the Act respecting Aid to the Algoma Central and Hudson Bay Railway and Associated Industries at Sault Ste. Marie.

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

1. Section 1 of *The Act respecting Aid to the Algoma Central and Hudson Bay Railway and Associated Industries at Sault Ste. Marie*, passed in the 4th year of the reign of His Majesty King Edward VII, and chaptered 19, is hereby amended by adding thereto the following subsection (a):

(a) The Government may renew the guarantee of the principal of the loan of \$2,000,000 and interest, as above set out, or any portion thereof, for a period not exceeding one year from the 1st day of May, 1906, and in the event of any portion of the said loan being taken up, then, on being released from the guarantee of such portion, the Government may from time to time release its lien on a proportionate amount of the collateral securities set out in subsection (11) of section 4. The form and manner of renewal or of release shall be subject to the approval of the Lieutenant Governor in Council, and the new guaranty, as well as any release, shall be signed by the Provincial Treasurer or such officer as may be designated by the Lieutenant-Governor in Council.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend the Act respecting Aid to the Algoma Central and Hudson Bay Railway and Associated Industries at Sault Ste. Marie.

First Reading, 26th April, 1906.
Second Reading, 26th April, 1906.
Third Reading, 26th April, 1906.

Mr. MATHESON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

An Act to amend the Act respecting the Agricultural College.

1. Subsection (1), of Section 7 of Chapter 302 of the Revised Statutes of Ontario, is hereby repealed and the following inserted in place thereof:

Rev. Stat.
c. 302, s. 7,
subs. 1,
amended.

Upon recommendation of the Minister of Agriculture, the Lieutenant Governor in Council may appoint an Advisory Board to advise and assist the Minister of Agriculture in the management of the College and Farm, and may, by Order in Council, prescribe its duties and powers and also the period for which the members shall continue in office. The members appointed to the Board shall not exceed seven. The Board shall be composed as follows: The Deputy Minister of Agriculture, who shall act as Chairman; the President of the College, and three Graduates or Associates of the College, who shall be residents of the Province and who are not members of the staff. In addition, the Minister may recommend as members not more than two persons who are not Graduates or Associates of the College.

Appointment
of Advisory
Board.

No. 230.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend the Act respecting the
Agricultural College.

First Reading, 27th April, 1906.

Mr. MONTEITH.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

The Statute Law Amendment Act, 1906.

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

1.—(1) Part III of *The Ontario Voters' Lists Act* is suspended for two years from the passing of this Act, unless during the said two years it is otherwise ordered by the Lieutenant-Governor in Council.

Rev. Stat., c. 7,
Part III, sus-
pended for
two years.

(2) Until a new voters' list has been prepared and certified under this or some other Act of the Legislature of this Province, the voters' lists last prepared under the said Part III. which have been duly certified shall in any election to the Legislative Assembly be the voters' lists for the polling subdivisions to which such voters' lists are applicable.

2. Section 32 of *The Ontario Controverted Elections Act* is amended by striking out the words "and Common Pleas Divisions" in the 7th line of the said section, and substituting therefor the words "Common Pleas and Exchequer Divisions."

Rev. Stat.,
c. 11, s. 32
amended.

3. Section 36 of the said Act is amended by striking out the words "and Common Pleas Divisions" in the 6th and 7th lines of the said section and substituting therefor the words "Common Pleas and Exchequer Divisions."

Rev. Stat.,
c. 11, s. 36
amended.

4. Subsection 2 of section 10 of the *Act respecting the Legislative Assembly* is amended by striking out the words "unless such contract or agreement is for the building of a public work for the Province" in the 5th and 6th lines of the said section.

Rev. Stat., c. 12,
s. 10, subs. 2
amended.

Rev. Stat.,
c. 51, s. 165
amended.

5. Section 165 of *The Judicature Act* is amended by inserting after the word "inspect" in the fourth line of the said section the words "the offices of the Master in Ordinary and the other officers of the Supreme Court and of the High Court at Toronto and." 5

Rev. Stat.,
c. 15, s. 21
amended.

6. Section 21 of *The Ontario Public Service Act* is amended by adding at the end thereof the following words:

Payment for
special services
rendered by
officers and
clerks in public
service.

"But nothing in this Act contained shall be deemed to prohibit the payment of remuneration for special services rendered or performed by any such officer or clerk at the request of the Lieutenant-Governor in Council, or of any member of the Executive Council, in addition to the ordinary duties of such officer or clerk." 10

Rev. Stat.,
c. 24, s. 2,
subs. 4
amended.

7.—(1) Section 2 of *The Succession Duty Act* as amended by the Act passed in the fifth year of His Majesty's reign, Chaptered 6, section 3, is amended by inserting after the word "fees" in the third line of subsection 4, clause (d), the words "or for solicitor's fees" and adding to the end of such clause the words: "The term 'surrogate fees' in this clause shall not include solicitor's fees." This amendment shall be deemed to be declaratory of the law since the passing of the Act in the first year of His Majesty's reign, Chaptered 8. 20

Rev. Stat., c. 24,
s. 5, subs. 2
repealed.

(2) Subsection 2 of section 5 of *The Succession Duty Act* is repealed. 25

Rev. Stat., c. 24,
s. 5, subs. 3
repealed.

(3) Subsection 3 of section 5 of the said *Succession Duty Act* is amended by inserting after the word "duty" in the third line and the word "duty" in the twelfth line the words "if any."

Rev. Stat.,
c. 24, s. 6
amended.

(4) Section 6 of the said *Succession Duty Act* is amended by inserting the words "or city" after the word "county" in the sixth line thereof, and adding to the end of such section the words "and also fix and settle the debts and other allowances under the Act," and is also amended by striking out the words "and also" in the seventh line. 30 35

Rev. Stat.,
c. 24, s. 7
amended.

(5) Section 7 of the said Act is amended by inserting after the word "value" in the eighth line the words "and fix and settle the debts and other allowances within the meaning of this Act" and by striking out all the words after the word "matters" in the fifteenth line and adding to the said section the words following:— 40

Payment to
sheriff for
services under
Act.

"The sheriff shall be paid by the Treasurer of the Province the following fees for services performed under this Act:—

"One dollar for every hour up to five hours;

“Two dollars for every hour in important or difficult cases;

“In no case to exceed \$10 per diem;

“His actual and necessary travelling expenses.”

5 (6) Section 9 of the said Act is repealed and the following substituted:— Rev. Stat., c. 24, s. 9 repealed.

10 9. Any person dissatisfied with the report of the sheriff or the assessment of the Surrogate Registrar may appeal therefrom to the Surrogate Judge of the county within thirty days after the making and filing of such report or the mailing of notice of such assessment, as the case may be, and upon such appeal the said Judge shall have jurisdiction to determine all questions of valuation and of the liability of the appraised estate or any part thereof for such duty and the decision of the Surrogate Judge shall be final, unless the property or the debts and other allowances in respect of which such appeal is taken shall exceed in value the sum of \$10,000, when a further appeal shall lie from the decision of the Surrogate Judge to a Judge of the High Court, and from such Judge of the High Court to the Court of Appeal, whose decision shall be final. Appeal from report of sheriff or assessment of surrogate registrar.

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25 (7) Subsection 1 of section 12 of the said Act as amended by the Act passed in the first year of His Majesty's reign, Chaptered 8, is amended by striking out the word “six” in the sixth line and inserting the word “five.” Rev. Stat., c. 24, s. 12, subs. 1 amended.

30 (8) Section 21 of the said Act is amended by inserting after the word “courts” in the second line the words “and solicitors practising therein.” Rev. Stat., c. 24, s. 21 amended.

8.—(1) Section 28 of *The Division Courts Act* is repealed and the following substituted therefor:— Rev. Stat., c. 60, s. 28 repealed.

35 28. The Lieutenant-Governor may appoint the clerk and bailiff or bailiffs of any Division Court, and all clerks and bailiffs heretofore or hereafter appointed shall hold office during pleasure only. Tenure of office of Division Court officials.

(2) Sections 30 and 31 of *The Division Courts Act* are hereby repealed. Rev. Stat., c. 60, ss. 30, 31 repealed.

40 9. Section 2 of *The Arbitration Act* is repealed and the following substituted therefor:— Rev. Stat., c. 62, s. 2 repealed.

2.—(a) In this Act, unless a contrary intention appears, “submission” means a written agreement to submit present or future differences to arbitration or valuation, whether an arbitrator or valuator is named therein or not, and shall Interpretation “submission.”

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be deemed to include a written agreement to submit to arbitration or valuation or assessment the ascertainment of any sum or sums of money, or settlement of any terms or differences in any contract, in the fixing or determining of which two or more persons are or may be interested, whether the subject of difference or not, and whether an arbitrator, valuator or assessor is named therein or not.

- " Arbitrator." (b) The term "arbitrator" shall be taken and read to include and mean "valuator;" and "arbitration" to include and mean "valuation." 10
- " Court." (c) "Court" means His Majesty's High Court of Justice.
- " Judge." (d) "Judge" means Judge of His Majesty's High Court of Justice.
- " Rules of Court." (e) "Rules of court" mean the rules of the Supreme Court made by the proper authorities under *The Judicature Act*. 15

Rev. Stat., c. 86, s. 3 a, repealed. 10. Section 3a added to *The Act respecting Police Magistrates* by section 13 of *The Act to amend the Statute Law* passed in the second year of the reign of His Majesty, chapter 12, is repealed and the following substituted therefor:— 20

Appointment and salaries of two police magistrates in cities over 200,000. 3a. The Lieutenant-Governor in Council may appoint two police magistrates for any city containing not less than 200,000 inhabitants at salaries to be named in the order making the appointment or by subsequent order. The salaries so named shall be paid by the city quarterly to such police magistrates and shall not exceed the sum of \$5,000 in the case of the senior police magistrate and \$3,000 in the case of the junior police magistrate. 25

Not to act as director of company or to practise law. No police magistrate appointed under this section shall during the continuance of his appointment act as director of a company or directly or indirectly practice in the profession of the law or do any manner of conveyancing or prepare any papers or documents to be used in any court of this Province under the penalty of forfeiture of office. 30 35

Rev. Stat. c. 101, s. 4 amended. 11. Section 4 of *The Act respecting the Fees of Officers engaged in the Administration of Justice* is amended by adding thereto the following subsection:—

Constables, fees for attendance at courts. (2) Item 8 in the schedule of constables' fees is repealed and every constable attending the assizes or sessions shall be allowed for each day's attendance the sum of \$2, one-half of which shall be payable out of county funds. 40

Rev. Stat. c. 109, s. 6, subs. 4 amended. 12. Subsection 4 of section 6 of *The Unorganized Territory Act* is amended by adding at the end thereof the following words: "And the remuneration they shall each receive for all work done in connection with *The Surrogate*" 45

Courts Act, Mechanics' and Wage Earners' Lien Act, Woodman's Lien for Wages Act, and The Act for protecting the Public Interest in Rivers, Streams and Creeks, shall be \$ per annum in lieu of all fees heretofore payable to them under any of said Acts and the said fees shall be payable hereafter in stamps and form part of the consolidated revenue fund of the Province.

Allowance to district judges for services under certain Acts.

13. Subsection 1 of section 24 of *The Unorganized Territory Act* and section 14 of *The Act to amend the Statute Law* passed in the sixty-second year of the reign of Her late Majesty Queen Victoria, Chaptered 11, are repealed and the following is substituted for the said subsection 1:—

Rev. Stat. c. 109, s. 24, subs. 1 repealed.

(1) The Judges of the District Court where there are two such Judges and the Sheriff for each Provisional Judicial District shall be *ex-officio* selectors of jurors for the District, and may select, choose and return as jurors any of the inhabitants of such Provisional Judicial Districts respectively without reference to the mode prescribed for selecting, balloting or returning jurors by *The Jurors' Act*; and juries *de-medietate linguæ*, and juries of a like nature, may be ordered by the Court before which any cause in any of the said Provisional Judicial Districts may be pending. Where there is only one Judge for the District then the Clerk of the District Court and the Sheriff shall with the Judge be the selectors of jurors.

Selection of jurors.

14.—(1) Section 6 of *The Quieting Titles Act* is hereby repealed.

Rev. Stat. c. 135, s. 6, repealed.

(2) Section 27 of *The Quieting Titles Act* is amended by striking out the words "one of the Registrar's" and by substituting therefor the words "Clerk of the Crown and Pleas or the Clerk of Records and Writs."

Rev. Stat. c. 135, s. 27, amended.

(3) Any certificate of title heretofore issued with the signature of the Referee of Titles at Toronto, or Inspector of Titles, shall be deemed to be sufficiently signed by him as Registrar of the High Court, although he may have omitted to add to his signature such last mentioned title.

Certificates of title, how to be signed.

15.—(1) Section 169 of *The Land Titles Act*, section 3 of chapter 16 of the Statutes passed in the first year of His Majesty's reign, and section 5 of chapter 19, passed in the second year of the said reign, are hereby repealed, and the following substituted therefor:

Rev. Stat. c. 138, s. 169; 1 Edw. VII., c. 16, s. 3; 2 Edw. VII., c. 19, s. 5 repealed

(1) When any land situated in Muskoka, Parry Sound, Nipissing, Algoma, Manitoulin, Thunder Bay or Rainy River is granted by the Government of Ontario by letters patent or by order of the Lieutenant-Governor in Council, the letters patent or

Letters Patent or Order-in-Council granting lands in certain districts, registration of.

a certified copy of the Order in Council shall be forwarded to the local Master of the District for the purpose of the grantee being entered as the first registered owner of the land, with any necessary qualification; provided that this section shall not apply to land covered with waters of Lake Huron adjacent to the Great Manitoulin Island, Cockburn Island or Fitzwilliam Island, in the District of Manitoulin, or adjacent to any island which, in whole or in part, lies between headland and headland around the said three islands.

Rev. Stat.
c. 138, s. 171
amended.

(2) Section 171 of *The Land Titles Act* is hereby amended by adding the following thereto as subsection 3 thereof:

Amount payable into assurance fund in certain cases.

(3) In the case of lands hereafter registered under section 169 and 170 the amount to be paid into the Assurance Fund in respect thereof shall be a sum equal to one-fourth of one per cent. of the value at the time of payment of the land, apart from the buildings or fixtures thereon, and one-tenth of one per cent. of the value at the said time of the said buildings and fixtures, but not in any case less than \$1 in respect of any parcel. Vide 3 Edward VII., chapter 12, section 5.

Registration of Dominion patentees.

(3) Where land situate in any of the districts of this province has been or shall be patented by the Government of Canada the Local Master of Titles of the district shall have authority to register the patentee as owner of such land and may do so without submitting his finding upon the application to the Inspector of Titles for his concurrence. (See R.S.O. cap. 138, sec. 166; 3 Edward VII., cap. 12, sec. 7.)

Rev. Stat.,
c. 162, s. 2,
amended.

16. Section 2 of *The Marriage Act* is amended by adding thereto the following:—

Right of minister of the "Brethren" to perform the marriage ceremony.

4. Any recognized evangelist, teacher or elder of the congregations of Christians commonly called or known as "Brethren," who may be appointed by any such congregation to perform the ceremony of the solemnization of marriage.

Rev. Stat.
c. 191, ss. 4-7
repealed.

17. Sections 4, 5, 6 and 7 of Chapter 191 of *The Ontario Companies Act* are hereby repealed, and the following inserted in lieu thereof:

Application of Act.

4. This Act, except in so far as it may be particularly made otherwise applicable, shall apply to the following companies:—

(a) To every company incorporated under any special or general Act of the Parliament of the late Province of Upper Canada.

5 (b) To every company incorporated under any special or general Act of the Parliament of the late Province of Canada which has its head office and carries on business within the Province of Ontario, and which was incorporated with objects or purposes to which the legislative authority of the Legislature of the Province of Ontario extends, and

(c) To every company incorporated under any special or general Act of the Legislature of the Province of Ontario;

15 Provided, however, that this Act shall not apply to any such company incorporated for the construction and working of a railway, the business of insurance and the business of a loan corporation within the meaning of *The Loan Corporations Act*; and further provided, that the Lieutenant-Governor-in-Council may relieve any company incorporated before the first day of July, 1897, from compliance with any of the provisions of this Act as may be deemed expedient.

Proviso.

18.—(1) Subsection 1 of section 41 of *The Loan Corporations Act* is hereby amended by inserting in the thirteenth line of the said subsection after the words “officers thereof” the words “the capital stock thereof, the number of shares into which divided the par value per share.”

Rev. Stat. c. 205, s. 41 (1), amended.

(2) Section 48 of *The Loan Corporations Act* is hereby amended by adding after the words “its engagements” in the fourteenth line these words: “And by every such agreement made or purporting to be made under this Act the purchasing company shall be deemed and held to covenant and agree with each other and every creditor of the selling company that the purchasing company will pay to each such creditor of the selling company the sum or sums in which the selling company is indebted to each such creditor respectively, and that payment will be made at such times and places as such sum or sums would have been payable had the said agreement not been made or not been assented to.”

Rev. Stat. c. 205, s. 48, amended.

Priority of contract between purchasing company and each creditor of selling company.

(3) The said section 48 is further amended by adding thereto subsections 2 and 3, as follows:

Section 48 further amended.

(2) In this section and in section 49 “creditor” does not include a person to whom the selling company is indebted or liable by reason of his holding shares, whether permanent or terminating, of the selling company. To any such shareholder the purchasing company shall be liable

“Creditor” in secs. 48, 49.

only in the manner and to the extent stipulated in the agreement for the purchase and sale of assets assented to by the Lieutenant-Governor in Council.

Dissolution of selling corporations and of corporations amalgamated.

- (3) Where, under this Act, the Lieutenant-Governor in Council assents to an agreement for the sale of the assets of a loan corporation, or to an agreement for the amalgamation of two or more loan companies, then, as from the date of such assent, the selling corporation, or the several corporations amalgamated, shall in the respective cases be deemed to be and shall be dissolved except so far as is necessary to give full effect to the said agreement.

Rev. Stat. c. 205, s. 89 (2) amended.

- (4) Subsection 2 of section 89 of *The Loan Corporations Act* is amended by inserting the word "depositors" in the fourth line of the said subsection after the word "shareholders."

Rev. Stat. c. 205, s. 117 (4) amended.

- (5) Subsection 4 of section 117 of *The Loan Corporations Act* is amended by adding after the words "High Court" in the sixth line of the said subsection the following words "And the appeal shall at the latest be made to the then next sittings of the said court."

4 Edw. VII. c. 17, amended.

- (6) The Act passed in the fourth year of His Majesty's reign, chaptered seventeen, and intituled *An Act to amend The Loan Corporations Act*, is hereby amended by inserting therein, after section 3, the following section, which is to be numbered as 3a:

Maturity of terminating shares, where date of maturity not specified.

- 3a.—(1) Where any loan or advance was made by a loan corporation before the tenth day of September, 1903, for which loan the corporation has not before the passing of this Act delivered over a valid discharge, if it was a term (express or implied) of the contract of loan, or of any contract or agreement collateral thereto, that the borrower should or might repay the loan by means of monthly or other payments (hereinafter called "share payments") made or to be made on or in relation to terminating shares, and if such share payments were to be payable until the maturity of such shares, or were to be payable for a period not limited by specified date, or were to be payable by an unspecified number of share payments, then and in every such case such terminating shares shall be deemed to mature or to have matured, and the loan (principal and interest) shall be deemed to be or to have been satisfied by the payment of share payments of the amount and to the number required to be paid during a period not in

any case exceeding eight and one-half years from the issue of such shares.

(2) Upon the maturity, as in this section provided, of such terminating shares, or upon payment of share payments of the amount and to the number mentioned in the next preceding subsection, then and in every such case the borrower shall be entitled to be credited on the loan with at least the aggregate par value of such shares, and the balance, if any, in favour of the borrower shall be repayable to him forthwith by such corporation, and the corporation shall give him his discharge.

(3) The word "loan" in this section includes any or all of the things included in the phrase "cost of the loan" as the said phrase is defined in the clause lettered (c) enacted by section 4 of this Act.

19. Subsection 2 of section 54 of *The Act respecting the establishment of Municipal Institutions in Territorial Districts* is repealed and the following substituted therefor:

(2) This section shall not apply to Towns in any of the said Districts, nor shall it apply to the Districts of Parry Sound and Muskoka, whether the Municipality has been established under the provisions of this Act or of *The Municipal Act*.

20. Section 1 of *The Act to prevent Minors from frequenting Billiard Rooms and other places* is amended by striking out the figures "16" in the third line and substituting the figures "18" therefor.

21.—(1) Section 15 of *The Act to incorporate the Village of Sturgeon Point*, passed in the sixty-second year of the reign of Her late Majesty, Queen Victoria, chaptered 83, is amended by striking out the words "and part of the fifth County Council Division of the County of Victoria."

(2) Notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, or any amendment thereto, the Village of Sturgeon Point shall not be represented in the county council of the County of Victoria, as hereafter constituted, nor shall the reeve of the said village sit or vote in such council.

22. Subsection 1 of section 1 of *The Act respecting Aid to certain Railways*, passed in the fourth year of His Majesty's reign, Chapter 18, is amended by striking out the words

“and from the east end of Lake of Bays to the west end of Hollow Lake,” occurring in the third and fourth lines of the said clause.

4 Edw. VII,
c. 37, s. 4,
amended.

23. Section 4 of *The Act respecting Houses of Refuge*, passed in the 4th year of His Majesty's reign, chapter 37, is amended by adding thereto the following words: “The amount hereby authorized is in addition to the \$20,000 which may be raised as provided by section 388 of *The Consolidated Municipal Act, 1903*,” and the said section shall be deemed to have been in force as hereby amended on and from the twenty-sixth day of April, 1904. 5

Certain roads
vested in
Township of
Middleton.

24. Notwithstanding anything contained in section 68 of *The Statute Law Amendment Act, 1904*, those portions of the highway known as the Ingersoll and Port Burwell Gravel Road and the Tillsonburg and Courtland Road, respectively, purchased by the Corporation of the County of Oxford as set forth in the Act passed in the fourth year of His Majesty's reign, Chapter 60, and the schedules thereto, which lie within the Township of Middleton in the County of Norfolk, are vested in and shall be hereafter maintained and kept in repair by the corporation of the said township. 15 20

By-law No. 580
of County of
Middlesex
declared to be
within 1 Edw.
VII., c. 32.

25.--(1) By-law No. 580 of the County of Middlesex confirmed by an Act passed at the present session, is declared to comply with the provisions of *The Act for the improvement of Public Highways* and any amendment thereto, so as to entitle the corporation of the said county to share in the fund set apart by the said Act. 25

(2) Where a bridge or bridges situated on a road or roads designated for improvement under the said by-law are improved or renewed, or where a new bridge is erected on such road or roads, or touching on such road or roads, the Municipal Council of the County of Middlesex shall be entitled to receive out of the fund set apart for improvement of public highways, one-third of that part of the cost of such work actually borne by the county or any local municipality within the county, whether the liability to construct or maintain such bridge or bridges or any of them belongs to the county or a local municipality, or partly to the county and partly to the local municipality. 30 35

(3) The County Council of the County of Middlesex shall present to the Minister of Public Works an annual statement describing the work done and the amount expended on the roads designated for road improvement, together with a certificate of the County Commissioner that the regulations of the Public Works Department in regard to highways have been complied with. Upon receipt of such statement by the Provincial Treasurer, certified and approved 40 45

by the proper officials of the Public Works Department, the Municipality of the County of Middlesex shall be entitled to receive from the moneys set apart for public highways an amount equal to one-third of the cost of the works.

5 (4) The Municipal Corporation of the County of Middlesex shall be entitled to receive from the fund set apart by *The Act for Improvement of Public Highways* not only one-third of the sums which will be paid under subsection 4 of section 1 of the said by-law, but also one-third of all
10 further expenditures upon the roads designated for improvement under the by-laws required by subsection 1 of section 1 of the said by-law. Provided that the work done in any municipality shall comply with the requirements of the Public Works Department in regard to public highways.

15 26. *The Act to incorporate The Roman Catholic Bishop of the Diocese of Sault Ste. Marie in Ontario, Canada,* ^{5 Edw. VII.,}
passed in the fifth year of His Majesty's reign, chaptered ^{c. 121,}
121, is amended by adding thereto the following as Schedule "A": ^{amended.}

SCHEDULE "A."

This indenture made in duplicate the _____ day
of _____ one thousand nine hundred and _____
In pursuance of The Act Respecting Short Forms of Conveyances; (mortgages, leases, etc., as the case may be).

Between: The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie in Ontario, Canada, of the First Part.
of the Second Part; The Right Reverend
David Joseph Scollard, (or as the case may be) Bishop of the Diocese, of the Third Part; and The Right Reverend or Very Reverend Coadjutor Bishop or Vicar-General (as the case may be) and The Reverend _____ Clergyman of the said Diocese, or _____
(naming two clergymen if there be neither Coadjutor nor Vicar-General, and adding recital to that effect) of the Fourth Part.

Whereas the party hereto of the first part has contracted with the party hereto of the second part for the sale (mortgage, lease, etc.) of the lands hereinafter described; and whereas the party hereto of the third part is the present Bishop of said Diocese, and the parties hereto of the fourth part are the proper persons whose consent is necessary to this conveyance under the terms of the statute incorporating the party of the first part; and whereas the parties hereto of the fourth part join in this conveyance in order to testify in writing their consent to the sale (mortgage, etc.) as aforesaid, pursuant to said statute;

Now therefore this indenture, etc., as in other conveyances after covenants. And the parties hereto of the fourth part hereby consent to this conveyance, and are made parties hereto and execute the same for the purposes hereinbefore set forth.

In Witness Whereof the said party of the first part has caused its corporate seal to be affixed attested by the hand of the said

party of the Third Part and the said parties of the Fourth Part have hereunto set their hands and seals.
Signed, Sealed and Delivered
in the presence of two
witnesses:

A. B.
C. D.

(L.S.C.)
(L.S.)
(L.S.)
(L.S.)

Powers of
Canadian
Niagara Power
Company as to
taking land.

27. Sections 59 to 74 (both inclusive) of *The Ontario Railway Act, 1906*, are incorporated with the Act passed in the fifty-fifth year of the reign of Her late Majesty Queen Victoria, chaptered 8, and shall be read as applicable to the Canadian Niagara Power Company as if the said Company had been expressly so named in the said sections save in so far as the same are varied by or are inconsistent with the provisions of the said last mentioned Act.

55 V., c. 8, s. 6
amended.

28. Section 6 of the Act passed in the 55th year of the reign of Her late Majesty, Queen Victoria, chaptered 8, is amended by adding thereto the following subsection: 10

Canadian
Niagara Power
Co. authorized
to issue addi-
tional bonds for
\$3,000,000.

(a) For the purpose of prosecuting and completing the said undertaking the directors of the said company shall have power to make a further issue of bonds, the whole amount of such further issue not to exceed in all the sum of \$3,000,000, to which issue all the terms of section 6 of this Act shall apply as though the same were set forth in this subsection, provided, always, that the said further issue of \$3,000,000 shall rank next subsequent to the issue of \$5,000,000 authorized by section 6 of this Act. 15 20



THE UNIVERSITY OF CHICAGO
LIBRARY

1911

1911

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

The Statute Law Amendment Act, 1906.

First Reading, 27th April, 1906.

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

The Statute Law Amendment Act, 1906.

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

1.—(1) Part III of *The Ontario Voters' Lists Act* is suspended for two years from the passing of this Act, unless during the said two years it is otherwise ordered by the Lieutenant-Governor in Council. Rev. Stat., c. 7, Part III, suspended for two years.

(2) Until a new voters' list has been prepared and certified under this or some other Act of the Legislature of this Province, the voters' lists last prepared under the said Part III. which have been duly certified shall in any election to the Legislative Assembly be the voters' lists for the polling subdivisions to which such voters' lists are applicable.

2. Section 32 of *The Ontario Controverted Elections Act* is amended by striking out the words "and Common Pleas Divisions" in the 7th line of the said section, and substituting therefor the words "Common Pleas and Exchequer Divisions." Rev. Stat., c. 11, s. 32 amended.

3. Section 36 of the said Act is amended by striking out the words "and Common Pleas Divisions" in the 6th and 7th lines of the said section and substituting therefor the words "Common Pleas and Exchequer Divisions." Rev. Stat., c. 11, s. 36 amended.

4. Subsection 2 of section 10 of the *Act respecting the Legislative Assembly* is amended by striking out the words "unless such contract or agreement is for the building of a public work for the Province" in the 5th and 6th lines of the said section. Rev. Stat., c. 12, s. 10, subs. 2 amended.

5. Section 165 of *The Judicature Act* is amended by inserting after the word "inspect" in the fourth line of the Rev. Stat., c. 51, s. 165 amended.

said section the words "the offices of the Master in Ordinary and the other officers of the Supreme Court and of the High Court at Toronto and."

Rev. Stat.,
c. 15, s. 21
amended.

6. Section 21 of *The Ontario Public Service Act* is amended by adding at the end thereof the following words:

Payment for
special services
rendered by
officers and
clerks in public
service.

"But nothing in this Act contained shall be deemed to prohibit the payment of remuneration for special services rendered or performed by any such officer or clerk at the request of the Lieutenant-Governor in Council, in addition to the ordinary duties of such officer or clerk."

Rev. Stat.,
c. 24, s. 2,
subs. 4
amended.

7.—(1) Section 2 of *The Succession Duty Act* as amended by the Act passed in the fifth year of His Majesty's reign, Chaptered 6, section 3, is amended by inserting after the word "fees" in the third line of subsection 4, clause (d), the words "or for solicitor's fees" and adding to the end of such clause the words: "The term 'surrogate fees' in this clause shall not include solicitor's fees." This amendment shall be deemed to be declaratory of the law since the passing of the Act in the first year of His Majesty's reign, Chaptered 8.

Rev. Stat., c. 24,
s. 5, subs. 2
repealed.

(2) Subsection 2 of section 5 of *The Succession Duty Act* is repealed.

Rev. Stat., c. 24,
s. 5, subs. 3
amended.

(3) Subsection 3 of section 5 of the said *Succession Duty Act* is amended by inserting after the word "duty" in the third line and the word "duty" in the *eleventh* line the words "if any."

Rev. Stat.,
c. 24, s. 6
amended.

(4) Section 6 of the said *Succession Duty Act* is amended by inserting the words "or city" after the word "county" in the sixth line thereof.

Rev. Stat.,
c. 24, s. 7
amended.

(5) Section 7 of the said Act is amended by striking out all the words after the word "matters" in the fifteenth line and adding to the said section the words following:—

Payment to
sheriff for
services under
Act.

"The sheriff shall be paid by the Treasurer of the Province the following fees for services performed under this Act:—

"One dollar for every hour up to five hours;

"Two dollars for every hour in important or difficult cases;

"In no case to exceed \$10 per diem;

"His actual and necessary travelling expenses."

(6) Section 8 of *The Succession Duty Act* as amended by the Act passed in the second session of the sixty-second year of the reign of Her late Majesty, Queen Victoria, Chapter 9, Section 14, and as further amended by the Act passed in the first year of the reign of His Majesty

King Edward VII, Chapter 8, Section 7, is repealed and the following substituted therefor. ❧

❧ (8) Where the Provincial Treasurer, his solicitor or agent, and the other parties interested do not agree thereon, the Surrogate Registrar shall fix and settle the debts, encumbrances and other allowances and exemptions within the meaning of this Act, and shall also assess and fix the cash value at the date of death of the deceased of all estates, interests, annuities and life estates or terms of years growing out of such estate, and the duty to which the same is liable, and shall immediately give notice thereof, by registered letter, to such parties as by the rules of the High Court would be entitled to notice in respect of like interests in an analogous proceeding; and the Surrogate Registrar may appoint for the purpose of this Act a guardian for infants who have no guardians; and the value of every future or contingent or limited estate, income or interest in respect of which the duty is payable under this Act shall, for the purposes of this Act be determined by the rule, method and standards of mortality and of value, which are employed by the Provincial Inspector of Insurance in ascertaining the value of policies of life insurance and annuities for the determination of the liabilities of life insurance companies, save that the rate of interest to be taken for all purposes of computations under this section shall be four per cent. per annum; and the Inspector of Insurance shall, on the application of any Surrogate Registrar, determine the value of such future or contingent or limited estate, income or interest, upon the facts contained in such application, and certify the same to the Surrogate Registrar, and his certificate shall be conclusive as to the matters dealt with therein. ❧

(7) Section 9 of the said Act is repealed and the following substituted:— Rev. Stat., c. 24,
s. 9 repealed.

9. Any person dissatisfied with the report of the sheriff or the assessment of the Surrogate Registrar may appeal therefrom to the Surrogate Judge of the county within thirty days after the making and filing of such report or the mailing of notice of such assessment, as the case may be, and upon such appeal the said Judge shall have jurisdiction to determine all questions of valuation and of the liability of the appraised estate or any part thereof for such duty and the decision of the Surrogate Judge shall be final, unless the Appeal from
report of sheriff
or assessment
of surrogate
registrar

property or the debts and other allowances *and exemptions* in respect of which such appeal is taken shall exceed in value *or amount* the sum of \$10,000, when a further appeal shall lie from the decision of the Surrogate Judge to a Judge of the High Court, and from such Judge of the High Court to the Court of Appeal, whose decision shall be final.

Rev. Stat., c. 21,
s. 12, subs. 1
amended. (8) Subsection 1 of section 12 of the said Act as amended by the Act passed in the first year of His Majesty's reign, Chaptered 8, is amended by striking out the word "six" in the sixth line and inserting the word "five."

Rev. Stat., c. 24
s. 21 amended. (9) Section 21 of the said Act is amended by inserting after the word "courts" in the second line the words "and solicitors practising therein."

Rev. Stat. c. 60,
s. 28 repealed. 8.—(1) Section 28 of *The Division Courts Act* is repealed and the following substituted therefor:—

Tenure of
office of Divi-
sion Court
officials. 28. The Lieutenant-Governor may appoint the clerk and bailiff or bailiffs of any Division Court, and all clerks and bailiffs heretofore or hereafter appointed shall hold office during pleasure only.

Rev. Stat. c. 60,
ss. 30, 31
repealed. (2) Sections 30 and 31 of *The Division Courts Act* are hereby repealed.

Rev. Stat. c. 62,
s. 2 repealed. 9. Section 2 of *The Arbitration Act* is repealed and the following substituted therefor:—

Interpretation
"submission." 2.—(a) In this Act, unless a contrary intention appears, "submission" means a written agreement to submit present or future differences to arbitration or valuation, whether an arbitrator or valuator is named therein or not, and shall be deemed to include a written agreement to submit to arbitration or valuation or assessment the ascertainment of any sum or sums of money, or settlement of any terms or differences in any contract, in the fixing or determining of which two or more persons are or may be interested, whether the subject of difference or not, and whether an arbitrator, valuator or assessor is named therein or not.

"Arbitrator." (b) The term "arbitrator" shall be taken and read to include and mean "valuator;" and "arbitration" to include and mean "valuation."

"Court." (c) "Court" means His Majesty's High Court of Justice.

"Judge." (d) "Judge" means Judge of His Majesty's High Court of Justice.

"Rules of
Court." (e) "Rules of court" mean the rules of the Supreme Court made by the proper authorities under *The Judicature Act*.

10. Section 3a added to *The Act respecting Police Magistrates* by section 13 of *The Act to amend the Statute Law* passed in the second year of the reign of His Majesty, chapter 12, is repealed and the following substituted therefor:—

Rev. Stat.,
c. 86, s. 3 a,
repealed.

3a. The Lieutenant-Governor in Council may appoint two police magistrates for any city containing not less than 200,000 inhabitants at salaries to be named in the order making the appointment or by subsequent order. The salaries so named shall be paid by the city quarterly to such police magistrates and shall not exceed the sum of \$5,000 in the case of the senior police magistrate and \$3,000 in the case of the junior police magistrate.

Appointment
and salaries of
two police
magistrates in
cities over
200,000.

No police magistrate appointed under this section shall during the continuance of his appointment act as director of a company or directly or indirectly practice in the profession of the law or do any manner of conveyancing or prepare any papers or documents to be used in any court of this Province under the penalty of forfeiture of office.

Not to act as
director of
company or to
practise law.

11. Section 4 of *The Act respecting the Fees of Officers engaged in the Administration of Justice* is amended by adding thereto the following subsection:—

Rev. Stat.,
c. 101, s. 4
amended.

(2) Item 8 in the schedule of constables' fees is repealed and every constable attending the assizes or sessions shall be allowed for each day's attendance the sum of \$2, one-half of which shall be payable out of county funds.

Constables,
fees for attend-
ance at courts

12. Subsection 4 of section 6 of *The Unorganized Territory Act* is amended by adding at the end thereof the following words: "And the remuneration they shall each receive for all work done in connection with *The Surrogate Courts Act*, *Mechanics' and Wage Earners' Lien Act*, *Woodman's Lien for Wages Act*, and *The Act for protecting the Public Interest in Rivers, Streams and Creeks*, shall be \$ per annum in lieu of all fees heretofore payable to them under any of said Acts and the said fees shall be payable hereafter in stamps and form part of the consolidated revenue fund of the Province.

Rev. Stat.,
c. 109, s. 6,
subs. 4
amended.

Allowance to
district judges
for services
under certain
Acts.

13. Subsection 1 of section 24 of *The Unorganized Territory Act* and section 14 of *The Act to amend the Statute Law* passed in the sixty-second year of the reign of Her late Majesty Queen Victoria, Chaptered 11, are repealed and the following is substituted for the said subsection 1: —

Rev. Stat.,
c. 109, s. 24,
subs. 1 re-
pealed.

(1) The Judges of the District Court where there are two such Judges and the Sheriff for each Provisional Judicial District shall be *ex-officio* selectors of jurors for the District, and may select, choose and return as jurors any of the inhabitants of such Provisional Judicial Districts respec-

Selection of
jurors.

tively without reference to the mode prescribed for selecting, balloting or returning jurors by *The Jurors' Act*; and juries *de medietate lingue*, and juries of a like nature, may be ordered by the Court before which any cause in any of the said Provisional Judicial Districts may be pending. Where there is only one Judge for the District then the Clerk of the District Court and the Sheriff shall with the Judge be the selectors of jurors.

Rev. Stat.
c. 135, s. 6,
repealed.

14.—(1) Section 6 of *The Quieting Titles Act* is hereby repealed.

Rev. Stat.,
c. 135, s. 5, cl. 2,
amended.

(2) Clause 2 of section 7 of *The Quieting Titles Act* is amended by striking out the words "registering of a certificate of the petition as provided for by section 6," and substituting therefor the words "granting of a certificate of title."

Rev. Stat.
c. 135, s. 27,
amended.

(3) Section 27 of *The Quieting Titles Act* is amended by striking out the words "one of the Registrar's" and by substituting therefor the words "Clerk of the Crown and Pleas or the Clerk of Records and Writs."

Certificates of
title, how to
be signed.

(4) Any certificate of title heretofore issued with the signature of the Referee of Titles at Toronto, or Inspector of Titles, shall be deemed to be sufficiently signed by him as Registrar of the High Court, although he may have omitted to add to his signature such last mentioned title.

Rev. Stat.
c. 138, s. 169;
1 Edw. VII.,
c. 16, s. 3;
2 Edw. VII.,
c. 19, s. 5
repealed.

15.—(1) Section 169 of *The Land Titles Act*, section 3 of chapter 16 of the Statutes passed in the first year of His Majesty's reign, and section 5 of chapter 19, passed in the second year of the said reign, are hereby repealed, and the following substituted therefor:

Letters Patent
or Order-in-
Council grant-
ing lands in
certain dis-
tricts, registra-
tion of.

- (1) When any land situated in Muskoka, Parry Sound, Nipissing, Algoma, Manitoulin, Thunder Bay or Rainy River is granted by the Government of Ontario by letters patent or by order of the Lieutenant-Governor in Council, the letters patent or a certified copy of the Order in Council shall be forwarded to the local Master of the District for the purpose of the grantee being entered as the first registered owner of the land, with any necessary qualification; provided that this section shall not apply to land covered with waters of Lake Huron adjacent to the Great Manitoulin Island, Cockburn Island or Fitzwilliam Island, in the District of Manitoulin, or adjacent to any island which, in whole or in part, lies between headland and headland around the said three islands.

(2) Section 171 of *The Land Titles Act* is hereby amended by adding the following thereto as subsection 3 thereof: Rev. Stat. c. 138, s. 171 amended.

(3) In the case of lands hereafter registered under section 169 and 170 the amount to be paid into the Assurance Fund in respect thereof shall be a sum equal to one-fourth of one per cent. of the value at the time of payment of the land, apart from the buildings or fixtures thereon, and one-tenth of one per cent. of the value at the said time of the said buildings and fixtures, but not in any case less than \$1 in respect of any parcel. Vide 3 Edward VII., chapter 12, section 5. Amount payable into Assurance fund in certain cases.

(3) Where land situate in any of the districts of this province has been or shall be patented by the Government of Canada the Local Master of Titles of the district shall have authority to register the patentee as owner of such land and may do so without submitting his finding upon the application to the Inspector of Titles for his concurrence. (See R.S.O. cap. 138, sec. 166; 3 Edward VII., cap. 12, sec. 7.) Registration of Dominion patentees.

16. Section 2 of *The Marriage Act* is amended by adding thereto the following:— Rev. Stat., c. 162, s. 2, amended.

4. Any recognized evangelist, teacher or elder of the congregations of Christians commonly called or known as "Brethren," who may be appointed by any such congregation to perform the ceremony of the solemnization of marriage. Right of minister of the "Brethren" to perform the marriage ceremony.

17. Sections 4, 5, 6 and 7 of Chapter 191 of *The Ontario Companies Act* are hereby repealed, and the following inserted in lieu thereof: Rev. Stat. c. 191, ss. 4-7 repealed.

4. This Act, except in so far as it may be particularly made otherwise applicable, shall apply to the following companies:— Application of Act.

(a) To every company incorporated under any special or general Act of the Parliament of the late Province of Upper Canada.

(b) To every company incorporated under any special or general Act of the Parliament of the late Province of Canada which has its head office and carries on business within the Province of Ontario, and which was incorporated with objects or purposes to which the legislative authority of the Legislature of the Province of Ontario extends, and

(c) To every company incorporated under any special or general Act of the Legislature of the Province of Ontario;

Provided, however, that this Act shall not apply to any such company incorporated for the construction and working of a railway, the business of insurance and the business of a loan corporation within the meaning of *The Loan Corporations Act*; and further provided, that the Lieutenant-Governor-in-Council may relieve any company incorporated before the first day of July, 1897, from compliance with any of the provisions of this Act as may be deemed expedient.

Proviso.

Rev. Stat.
c. 205, s. 41 (1)
amended.

18.—(1) Subsection 1 of section 41 of *The Loan Corporations Act* is hereby amended by inserting in the thirteenth line of the said subsection after the words "officers thereof" the words "the capital stock thereof, the number of shares into which divided the par value per share."

Rev. Stat.
c. 205, s. 48,
amended.

Priority of
contract be-
tween purchas-
ing company
and each
creditor of sell-
ing company.

(2) Section 48 of *The Loan Corporations Act* is hereby amended by adding after the words "its engagements" in the fourteenth line these words: "And by every such agreement made or purporting to be made under this Act the purchasing company shall be deemed and held to covenant and agree with each and every creditor of the selling company that the purchasing company will pay to each such creditor of the selling company the sum or sums in which the selling company is indebted to each such creditor respectively, and that payment will be made at such times and places as such sum or sums would have been payable had the said agreement not been made or not been assented to."

Section 48 fur-
ther amended.

(3) The said section 48 is further amended by adding thereto subsections 2 and 3, as follows:

"Creditor"
in secs. 48, 49.

(2) In this section and in section 49 "creditor" does not include a person to whom the selling company is indebted or liable by reason of his holding shares, whether permanent or terminating, of the selling company. To any such shareholder the purchasing company shall be liable only in the manner and to the extent stipulated in the agreement for the purchase and sale of assets assented to by the Lieutenant-Governor in Council.

Dissolution of
selling corpora-
tions and of
corporations
amalgamated.

(3) Where, under this Act, the Lieutenant-Governor in Council assents to an agreement for the sale of the assets of a loan corporation, or to an agreement for the amalgamation of two or more loan corporations, then, as from the date of such assent, the selling corporation, or the several corporations amalgamated, shall in the respec-

tive cases be deemed to be and shall be dissolved except so far as is necessary to give full effect to the said agreement.

(4) Subsection 2 of section 89 of *The Loan Corporations Act* is amended by inserting the word "depositors" in the fourth line of the said subsection after the word "shareholders."

Rev. Stat.
c. 205, s. 89
(2) amended.

(5) Subsection 4 of section 117 of *The Loan Corporations Act* is amended by adding after the words "High Court" in the sixth line of the said subsection the following words "And the appeal shall at the latest be made to the then next sittings of the said court."

Rev. Stat.
c. 205, s. 117 (4)
amended.

(6) The Act passed in the fourth year of His Majesty's reign, chaptered seventeen, and intituled *An Act to amend The Loan Corporations Act*, is hereby amended by inserting therein, after section 3, the following section, which is to be numbered as 3a:

4 Edw. VII.
c. 17. amended.

3a.—(1) Where any loan or advance was made by a loan corporation before the tenth day of September, 1903, for which loan the corporation has not before the passing of this Act delivered over a valid discharge, if it was a term (express or implied) of the contract of loan, or of any contract or agreement collateral thereto, that the borrower should or might repay the loan by means of monthly or other payments (hereinafter called "share payments") made or to be made on or in relation to terminating shares, and if such share payments were to be payable until the maturity of such shares, or were to be payable for a period not limited by specified date, or were to be payable by an unspecified number of share payments, then and in every such case such terminating shares shall be deemed to mature or to have matured, and the loan (principal and interest) shall be deemed to be or to have been satisfied by the payment of share payments of the amount and to the number required to be paid during a period not in any case exceeding eight and one-half years from the issue of such shares.

Maturity of terminating shares, where date of maturity not specified.

(2) Upon the maturity, as in this section provided, of such terminating shares, or upon payment of share payments of the amount and to the number mentioned in the next preceding subsection, then and in every such case the borrower shall be entitled to be credited on the loan with at least the aggregate par value of such shares, and the balance, if any, in favour of the borrower shall be repayable to him forthwith by

Effect of maturity.

such corporation, and the corporation shall give him his discharge.

Interpretation:
"loan."

(3) The word "loan" in this section includes any or all of the things included in the phrase "cost of the loan" as the said phrase is defined in the clause lettered (c) enacted by section 4 of this Act.

(7) Subsection 1 of section 99 of *The Loan Corporations Act* (as amended by section 3 (1) of the statute passed in the second session in the sixty-second year of the reign of Her late Majesty and chaptered 22) is hereby amended by striking out in the seventh, eighth and ninth lines of the said subsection the words "and the statement, having been signed and sworn to by the president or vice-president and the manager or secretary, shall," and by substituting therefor the following words: "and the statement having been adopted by a resolution of the Board of Directors passed in that behalf, and having been signed and sworn to by the president or vice-president and the manager or secretary shall, with a certified copy of the said resolution."

Rev. Stat.
c. 225, s. 54,
subs. 2 repealed

19. Subsection 2 of section 54 of *The Act respecting the establishment of Municipal Institutions in Territorial Districts* is repealed and the following substituted therefor:

Sales for taxes
when to be
held.

(2) This section shall not apply to Towns in any of the said Districts, nor shall it apply to the Districts of Parry Sound and Muskoka, whether the Municipality has been established under the provisions of this Act or of *The Municipal Act*.

Rev. Stat.
c. 247, s. 1,
amended.

20. Section 1 of *The Act to prevent Minors from frequenting Billiard Rooms and other places* is amended by striking out the figures "16" in the third line and substituting the figures "18" therefor.

62 Vic. (2),
c. 83, s. 15,
amended.

21.—(1) Section 15 of *The Act to incorporate the Village of Sturgeon Point*, passed in the sixty-second year of the reign of Her late Majesty, Queen Victoria, chaptered 83, is amended by striking out the words "and part of the fifth County Council Division of the County of Victoria."

Village of
Sturgeon Point
not to be re-
presented in
County Council
of Victoria.

(2) Notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, or any amendment thereto, the Village of Sturgeon Point shall not be represented in the county council of the County of Victoria, as hereafter constituted, nor shall the reeve of the said village sit or vote in such council.

4 Edw. VII,
c. 18, s. 1, subs.
1, amended.

22. Subsection 1 of section 1 of *The Act respecting Aid to certain Railways*, passed in the fourth year of His Majesty's reign, Chapter 18, is amended by striking out the words

“and from the east end of Lake of Bays to the west end of Hollow Lake,” occurring in the third and fourth lines of the said clause.

23. Section 388 of *The Consolidated Municipal Act, 1903*, is amended by inserting therein after the words “ordinary expenditure” the words “and over and above any sums raised for the purchase of a site or erection of buildings for a House of Refuge,” and the said section as hereby amended shall be deemed to have been in force on and from the 26th day of April, 1904.

3 Edw. VII.
c. 19, s. 388,
amended

24. Notwithstanding anything contained in section 68 of *The Statute Law Amendment Act, 1904*, those portions of the highway known as the Ingersoll and Port Burwell Gravel Road and the Tillsonburg and Courtland Road, respectively, purchased by the Corporation of the County of Oxford as set forth in the Act passed in the fourth year of His Majesty's reign, Chapter 60, and the schedules thereto, which lie within the Township of Middleton in the County of Norfolk, are vested in and shall be hereafter maintained and kept in repair by the corporation of the said township.

Certain roads
vested in
Township of
Middleton.

25.—(1) By-law No. 580 of the County of Middlesex confirmed by an Act passed at the present session, is declared to comply with the provisions of *The Act for the improvement of Public Highways* and any amendment thereto, so as to entitle the corporation of the said county to share in the fund set apart by the said Act.

By-law No. 580
of County of
Middlesex
declared to be
within 1 Edw.
VII., c. 32.

(2) Where a bridge or bridges situated on a road or roads designated for improvement under the said by-law are improved or renewed, or where a new bridge is erected on such road or roads, or touching on such road or roads, the Municipal Council of the County of Middlesex shall be entitled to receive out of the fund set apart for improvement of public highways, one-third of that part of the cost of such work actually borne by the county or any local municipality within the county, whether the liability to construct or maintain such bridge or bridges or any of them belongs to the county or a local municipality, or partly to the county and partly to the local municipality.

(3) The County Council of the County of Middlesex shall present to the Minister of Public Works an annual statement describing the work done and the amount expended on the roads designated for road improvement, together with a certificate of the County Commissioner that the regulations of the Public Works Department in regard to Highways have been complied with. Upon receipt of such statement by the Provincial Treasurer, certified and approved

by the proper officials of the Public Works Department, the Municipality of the County of Middlesex shall be entitled to receive from the moneys set apart for public highways an amount equal to one-third of the cost of the works.

(4) The Municipal Corporation of the County of Middlesex shall be entitled to receive from the fund set apart by *The Act for Improvement of Public Highways* not only one-third of the sums which will be paid under subsection 4 of section 1 of the said by-law, but also one-third of all further expenditures upon the roads designated for improvement under the by-laws required by subsection 1 of section 1 of the said by-law. Provided that the work done in any municipality shall comply with the requirements of the Public Works Department in regard to public highways.

5 Edw. VII.,
c. 121,
amended.

26. *The Act to incorporate The Roman Catholic Bishop of the Diocese of Sault Ste. Marie in Ontario, Canada*, passed in the fifth year of His Majesty's reign, chaptered 121, is amended by adding thereto the following as Schedule "A":

SCHEDULE "A."

This indenture made in duplicate the _____ day
of _____ one thousand nine hundred and _____
In pursuance of The Act Respecting Short Forms of Con-
veyances; (mortgages, leases, etc., as the case may be).

Between: The Roman Catholic Episcopal Corporation for the
Diocese of Sault Ste. Marie in Ontario, Canada, of the First Part.
of the Second Part; The Right Reverend
David Joseph Scollard, (or as the case may be) Bishop of the Dio-
cese, of the Third Part; and The Right Reverend or Very Rever-
end Coadjutor Bishop or Vicar-General (as the case may be) and
The Reverend _____ Clergyman of the said
Diocese, or _____ (naming two clergymen if there
be neither Coadjutor nor Vicar-General, and adding recital to that
effect) of the Fourth Part.

Whereas the party hereto of the first part has contracted with
the party hereto of the second part for the sale (mortgage, lease,
etc.) of the lands hereinafter described; and whereas the party
hereto of the third part is the present Bishop of said Diocese, and
the parties hereto of the fourth part are the proper persons whose
consent is necessary to this conveyance under the terms of the
statute incorporating the party of the first part; and whereas the
parties hereto of the fourth part join in this conveyance in order to
testify in writing their consent to the sale (mortgage, etc.) as afore-
said, pursuant to said statute;

Now therefore this indenture, etc., as in other conveyances
after covenants. And the parties hereto of the fourth part hereby
consent to this conveyance, and are made parties hereto and exe-
cute the same for the purposes hereinbefore set forth.

In Witness Whereof the said party of the first part has caused
its corporate seal to be affixed attested by the hand of the said

party of the Third Part and the said parties of the Fourth Part have hereunto set their hands and seals.

Signed, Sealed and Delivered
in the presence of two
witnesses:

A. B.
C. D.

(L.S.C.)
(L.S.)
(L.S.)
(L.S.)

27. Sections 59 to 74 (both inclusive) of *The Ontario Railway Act, 1906*, are incorporated with the Act passed in the fifty-fifth year of the reign of Her late Majesty Queen Victoria, chaptered 8, and shall be read as applicable to the Canadian Niagara Power Company as if the said Company had been expressly so named in the said sections save in so far as the same are varied by or are inconsistent with the provisions of the said last mentioned Act.

Powers of
Canadian
Niagara Power
Company as to
taking land.

28. Section 6 of the Act passed in the 55th year of the reign of Her late Majesty, Queen Victoria, chaptered 8, is amended by adding thereto the following subsection:

55 V., c. 8, s. 6
amended.

(a) For the purpose of prosecuting and completing the said undertaking the directors of the said company shall have power to make a further issue of bonds, the whole amount of such further issue not to exceed in all the sum of \$3,000,000, to which issue all the terms of section 6 of this Act shall apply as though the same were set forth in this subsection, provided, always, that the said further issue of \$3,000,000 shall rank next subsequent to the issue of \$5,000,000 authorized by section 6 of this Act.

Canadian
Niagara Power
Co. authorized
to issue addi-
tional bonds for
\$3,000,000.

29. Section 161 of *The Judicature Act* is hereby amended by adding at the end thereof the following words:—

Rev. Stat.,
c. 51, s. 161,
amended.

Provided that the Lieutenant-Governor in Council may direct that such monies as may be available for investment or any portion thereof shall be invested in securities issued by the Province of Ontario, or in securities guaranteed by the Province of Ontario, to such extent and in such manner as the Lieutenant-Governor in Council may direct.

30. Section 23 of *The Act to amend the Statute Law* passed in the second year of His Majesty's reign, chapter 12, is repealed and the following substituted therefor:—

Subsection 2 of section 11 of *The Ontario Trust Companies Act* is amended by inserting the words "or in securities which are a first charge on lands held in fee simple in the Provinces of Manitoba, Alberta or Saskatchewan" after the word "Provinces" in the 9th line of the said subsection.

Rev. Stat., c. 9,
s. 61, sub-s. 2
amended.

31. Subsection 2 of section 61 of *The Ontario Election Act* is amended by adding to the list of polling places in municipalities in the said subsection set out the following polling place "Turbine Village, Drury Township," and by adding to the list of polling places in unorganized territory the following: "Espanola Village, Creighton Mine, in the Township of Creighton.

Polling places
in Algoma Dis-
trict.

4 Edw. VII.,
c. 18, s. 1, subs.
2, amended.

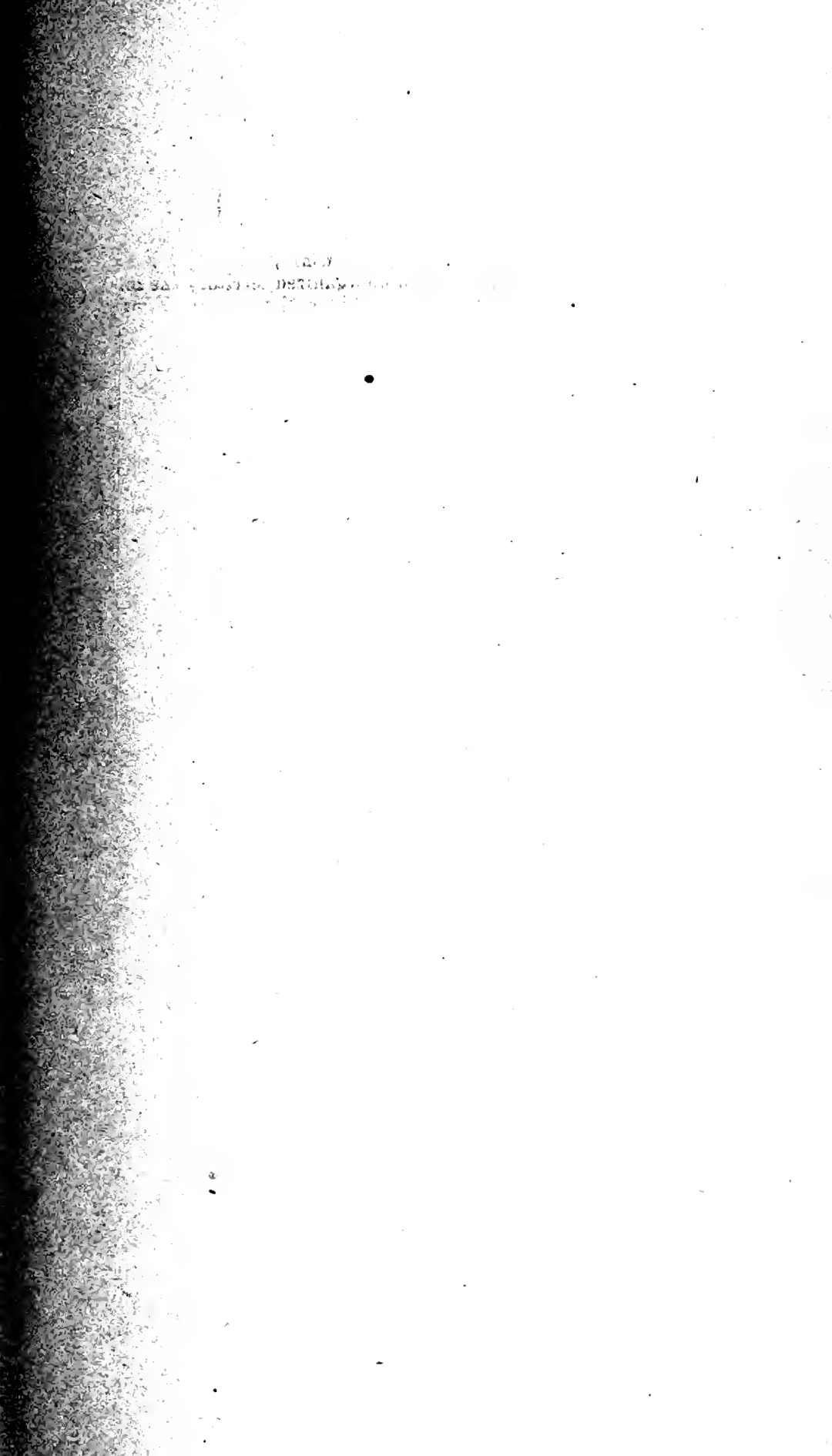
32.—(1) Subsection 2 of section 1 of the Act passed in the fourth year of the reign of His Majesty, chaptered 18, is amended by striking out the figures and words "6,000 acres per mile" in the seventh and eighth lines of the said subsection and inserting in lieu thereof the figures and words "3,375 acres per mile."

4 Edw. VII.,
c. 18, s. 15,
repealed.

(2) Section 15 of the said Act is repealed.

4 Edw. VII.,
c. 18, s. 17,
amended.

(3) Section 17 of the said Act is amended by striking out the words and figures "sections 15 and 16" in the fifth line of the said section and inserting in lieu thereof the word and figures "section 16," and by striking out all the words in the said section after the words "fee simple" in the tenth line thereof.



No. 231.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

The Statute Law Amendment Act, 1906.

First Reading, 27th April, 1906;
Second Reading, 2nd May, 1906.

*Re-printed as amended in Committee of
the Whole House.*

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty

BILL.

[1906.]

An Act to amend The Act to Prevent Fraud in the
Manufacture of Cheese and Butter.

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

1. Section 8 of Chapter 251 of the Revised Statutes of Rev. Stat.,
c. 251, s. 8,
amended.
5 Ontario, 1897, is amended by adding the following clause :

(a) No person supplying milk or cream to a cheese Dairies, etc.,
not to be kept
in unclean or
unsanitary
condition.
factory or creamery shall keep his dairy, milk house, milk
stand, or any vessels or equipment used for the storing or the
carrying of milk or cream, in an unclean or unsanitary
10 condition.

2. Every cheese factory and creamery manufacturing Cheese factor-
ies, etc., to be
kept clean and
sanitary.
butter or cheese for public use or sale, and the surroundings
of every such cheese factory and creamery shall be kept in a
clean and sanitary condition, and all the water used therein
15 for the manufacture of any dairy products must be clean and
pure.

3. The owner or manager of any cheese factory or cream- Penalty.
ery refusing or neglecting to observe the provisions of the
previous section after being warned or advised by a Dairy
Inspector, shall, upon conviction thereof before any Justice or
20 Justices of the Peace, forfeit and pay a sum of not less than
\$50 nor more than \$200, together with the costs of pro-
secution, and in default of payment of such penalty and costs
shall be liable to be committed to the common gaol of the
25 county with hard labor for a period not exceeding six
months.

4. Upon the recommendation of the Minister of Agriculture, Appointm
of inspect
the Lieutenant-Governor in Council may appoint one or more
persons as inspectors for the enforcing of the provisions of

this Act, who shall be known as Dairy Inspectors. The Lieutenant-Governor in Council may determine the remuneration to be paid to such inspectors.

Powers of
inspectors.

5. All dairy inspectors appointed under this Act shall have free access and admission to all cheese factories and cream-5 eries located within the Province and to all the lands adjoining the same, and to the premises of all persons supplying milk or cream to any cheese factory or creamery, and any person refusing admission to the same or offering obstruction to the work of inspection shall be 10 subject to the penalties provided in section 9 of *The Act to prevent Fraud in the Manufacture of Cheese and Butter*.

Report of
inspector.

6. Every inspector appointed under this Act shall make such reports and in such form as the Minister may direct.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to amend The Act to Prevent
Fraud in the Manufacture of Cheese
and Butter.

First Reading, 27th April, 1906.

Mr. MONTGOMERY.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act for the Suppression of Foul Brood Among
Bees.

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

1. This Act may be known as "*The Foul Brood Act.*"

Short title.

5 2. The Lieutenant-Governor in Council upon the recom-
mendation of the Minister of Agriculture may from time to
time appoint one or more Inspectors of Apiaries to enforce
this Act, and the Inspector shall, if so required, produce the
certificate of his appointment on entering upon any premises
10 in the discharge of his duties. And the Minister shall instruct
and control each Inspector in the carrying out of the pro-
visions of this Act. The remuneration to be paid to any In-
spector under this Act shall be determined by order of the
Lieutenant-Governor in Council.

15 3. The Inspector shall, whenever so directed by the
Minister of Agriculture, visit without unnecessary delay any
locality in the Province of Ontario and there examine
any apiary or apiaries to which the said Minister may
direct him, and ascertain whether or not the disease known
20 as "foul brood" exists in such apiary or apiaries, and
wherever the said inspector is satisfied of the existence of
foul brood in its virulent or malignant type, it shall be the
duty of the Inspector to order all colonies so affected, to-
gether with the hives occupied by them, and the contents of
25 such hives, and all tainted appurtenances that cannot be dis-
infected, to be immediately destroyed by fire under the per-
sonal direction and superintendence of the said Inspector;
but where the Inspector, who shall be the sole judge thereof,
is satisfied that the disease exists, but only in milder types
30 and in its incipient stages, and is being or may be treated
successfully, and the Inspector has reason to believe that it

may be entirely cured, then the Inspector may, in his discretion, omit to destroy or order the destruction of the colonies and hives in which the disease exists. 53 V., c. 66, s. 3.

Box-hives.

4. The Inspector shall have full power, in his discretion, to order any owner or possessor of bees dwelling in box-hives, in apiaries where the disease exists (being mere boxes without frames), to transfer such bees to movable frame hives within a specified time, and in default of such transfer, the Inspector may destroy, or order the destruction of, such box hives and the bees dwelling therein. 53 V., c. 66, s. 4.

Penalty for disposing of infected bees or appliances.

5. Any owner or possessor of diseased colonies of bees, or of any infected appliances for bee-keeping, who knowingly sells or barter or gives away such diseased colonies or infected appliances, shall on conviction thereof, before any Justice of the Peace, be liable to a fine of not less than \$50 or more than \$100, or to imprisonment for any term not exceeding two months. 53 V., c. 66, s. 5.

Selling bees after treatment, or exposing infected appliances.

6. Any person whose bees have been destroyed or treated for foul brood, who sells or offers for sale any bees, hives or appurtenances of any kind, after such destruction or treatment, and before being authorized by the Inspector so to do, or who exposes in his bee-yard, or elsewhere, any infected comb, honey, or other infected thing, or conceals the fact that said disease exists among his bees, shall, on conviction before a Justice of the Peace, be liable to a fine of not less than \$20 and not more than \$50, or to imprisonment for a term not exceeding two months, and not less than one month. 53 V., c. 66, s. 6.

Penalty for obstructing Inspector.

7. Any owner or possessor of bees who refuses to allow the Inspector to freely examine said bees, or the premises in which they are kept, or who refuses to destroy the infected bees and appurtenances, or to permit them to be destroyed when so directed by the Inspector, may, on the complaint of the Inspector, be summoned before a Justice of the Peace, and, on conviction, shall be liable to a fine of not less than \$25 and not more than \$50 for the first offence, and not less than \$50 and not more than \$100 for the second and any subsequent offence, and the said Justice of the Peace shall make an order directing the said owner and possessor forthwith to carry out the directions of the Inspector. 53 V., c. 66, s 7.

Special constables may be sworn in to assist Inspector.

8. Where an owner or possessor of bees disobeys the directions of the said Inspector, or offers resistance to, or obstructs the said Inspector, a Justice of the Peace may, upon the complaint of the said Inspector, cause a sufficient number of special constables to be sworn in, and such special con-

stables shall, under the directions of the Inspector, proceed to the premises of such owner or possessor and assist the Inspector to seize all the diseased colonies and infected appurtenances and burn them forthwith, and if necessary the said Inspector or constables may arrest the said owner or possessor and bring him before a Justice of the Peace to be dealt with according to the provisions of the preceding section of this Act. 53 V., c. 66, s. 8.

9. Before proceeding against any person before a Justice of the Peace, the said Inspector shall refer over to such person the provisions of this Act or shall cause a copy thereof to be delivered to such person. 53 V., c. 66, s. 9. Inspector to inform offender of provisions of Act.

10. Every bee-keeper or other person who is aware of the existence of foul brood, either in his own apiary or elsewhere, shall immediately notify the Minister of the existence of such disease, and in default of so doing shall on summary conviction before a Justice of the Peace be liable to a fine of \$5 and costs. 53 V., c. 66, s. 10. Person aware of disease to notify Minister.

11. Each inspector shall report to the Minister as to the inspection of any apiary in such form and manner as the Minister may direct, and all reports shall be filed in the Department of Agriculture, and shall be made public as the Minister may direct or upon order of the Legislative Assembly. Inspectors to report to Minister.

12. Chapter 283 of the Revised Statutes of Ontario, 1897, intitled *An Act for the Suppression of Foul Brood among Bees*, is repealed. Rev. Stat. c. 283 repealed.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act for the Suppression of Foul Brood
among Bees.

First Reading, 27th April, 1906.

Mr. MONTETH.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

The Municipal Amendment Act, 1906.

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

1. Section 24 of *The Consolidated Municipal Act, 1903*, ^{3 Edw. VII., c. 19, s. 24,} as enacted by section 1 of *The Municipal Amendment Act, 1905*, is hereby repealed and the following substituted therefor:—

24.—(1) In case the council of any city or town by resolution declare that it is expedient that any portion of an adjacent township should be annexed to the city or town, and in case the majority of the ratepayers in any such portion of such township petition the Lieutenant-Governor in Council to add such portion to such city or town, the Lieutenant-Governor may, by proclamation to take effect upon some day to be named therein, annex to the city or town such portion of the adjacent township upon such terms and conditions as to taxation, assessment, improvements or otherwise as may have been agreed upon, or shall be determined by the Lieutenant-Governor in Council.

(2) The terms and conditions contained in such proclamation of the Lieutenant-Governor in Council and the proclamation shall have the same force and effect and be as binding as if such terms and conditions were embodied in an Act of the Legislature.

(3) The proclamation may, before it takes effect, be amended in any respect by a further proclamation and may at any time when the council of such city or town and any other parties interested agree that the said proclamation does not correctly set forth the terms and conditions as to

taxation, assessment, improvements or otherwise agreed upon, be amended to carry out such agreements.

3 Ed. VII., c. 19, amended.

2. *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following sections:—

Resolutions and petitions for separation of junior county from union.

39a.—(1) In case the municipal council of at least one-half in number of the several municipalities constituting the junior county of a union of counties shall severally pass and transmit to the Lieutenant-Governor in Council before the first day of November in any year a resolution affirming the expediency of such junior county being separated from the union, together with a petition or petitions signed by the reeve and clerk of each of the municipalities in which such resolution has been passed, praying for such separation, the Lieutenant-Governor in Council may appoint some person resident in such junior county to act as returning officer and the question of such separation shall be submitted to the municipal electors of such junior county as hereinafter provided on the first Monday in the month of January, next following, and such electors shall vote upon the question, “Are you in favor of the separation of the County of _____ from the United Counties of _____ in manner hereinafter specified?”

Who may vote on question.

(2) The persons qualified to vote upon such question in each municipality in such junior county shall be the persons who according to the last revised voters' list of the municipality are entitled to vote at municipal elections, but no person shall vote more than once upon the said question.

Proceedings to be directed by Order-in-Council.

(3) The Lieutenant-Governor in Council may prescribe the procedure to be adopted in taking such vote, the forms to be used, and the manner in which the returns shall be made by the said returning officer.

Oaths of voters.

(4) The oaths to be taken by voters upon the said question shall with such variations as may be prescribed by the Lieutenant-Governor in Council be in the form prescribed for use at municipal elections.

Application of general provisions.

(5) All the provisions of this Act respecting corrupt practices at municipal elections and voting on by-laws and all regulations and penalties provided by this Act with respect to the taking of the votes of electors on a by-law shall *mutatis mutandis* and except as otherwise directed by the Lieutenant-Governor in Council and except as otherwise provided in this section, apply to the taking of the vote under this section.

(6) The ballot papers to be used in the taking of the said vote shall be in the form following: Form of ballot.

.....19.....	County of Township (town or vil- lage) of Polling Subdivision No.	Are you in favour of the separation of the County of _____ from the United Counties of	Yes. X No.
--------------------------------	--	---	-----------------------------

(7) Within one week after the taking of the vote upon the said question the said returning officer shall make his return to the Lieutenant-Governor in Council, showing the total number of votes cast in the affirmative and negative respectively upon the said question, together with such other particulars as the Lieutenant-Governor in Council may direct. Return of returning officer.

(8) The expenses incurred in taking such vote shall be paid in the first instance by the treasurer of the union to the persons entitled thereto upon the certificate of the returning officer, but the amount so paid shall be repayable to the union and shall be raised by special rate upon the property liable to taxation within the junior county. Expenses of vote, how borne.

39b.—(1) In case it appears from the returns so made that a majority of the total number of persons voting on the said question voted in the affirmative the Lieutenant-Governor in Council may by proclamation setting forth the facts constitute the members of the county council representing therein the several municipalities comprising such junior county a provisional council and may appoint a time and place for the first meeting thereof. The recital in such proclamation that it appears that a majority of the total number of persons voting on the said question voted in the affirmative shall be conclusive as to the result of the said vote. Proclamation constituting provisional council.

(2) At the time and place so appointed the members of such provisional council shall meet and elect from among themselves one of their number to preside at the meeting. Election of chairman at first meeting.

(3) The provisional council shall at the same meeting or at any adjournment thereof by resolution designate the place and name of the county town, and shall cause a copy of such resolution certified by the chairman of the meeting to be forthwith transmitted to the Lieutenant-Governor in Council who may thereupon by proclamation designate the place so named or some other place in the said junior county as the county town. Designating county town.

Who to
preside.

39c. The member appointed by said provisional council as in the preceding section provided shall preside in the provisional council until a provisional warden has been elected by the council from among the members thereof.

Appointment
of Provincial
warden and
other officers.

39d. Every provisional council shall from time to time by by-law appoint a provisional warden, a provisional treasurer, and such other provisional officers for the county as the council deem 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.

Term of office.
Provisional
Council may
acquire land
and erect
thereon gaol
and Court
House.

39e. 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.

Respective
powers of
provisional
Council and
Council of
Union.

39f. 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 by the council of the union.

Agreement
upon dissolution
as to joint
liabilities and
joint assets.

39g. After a provisional council has procured the necessary property and has erected thereon the proper buildings for a court house and gaol, 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 dispositions of their joint assets (other than real estate) and for determining the balance or amount due by the one county or to the other and the times of payment thereof, and in determining the balance the senior or remaining counties shall assume the debts of the union and the junior county shall 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 and any improvement effected by the union of which either county gets the exclusive benefit, shall also be taken into account.

When provi-
sional council-
ors shall not
vote.

39h. No member of the provisional council shall vote or take part in the council of the union on any question affecting such agreement, or the negotiation therefor.

In case of dis-
agreement
disputes to be
settled by
arbitration.

39i. In case the councils within one month after the time mentioned in section 39g 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 the other county the balance or amount agreed or settled to be due by such county and such amount shall bear interest at five per cent. per annum from the day on which the union was dissolved, and shall be provided for like other debts, by the council of the county liable therefor after separation.

Payment of amount found due.

39j. After the sum, if any, to be paid by the junior county to the senior or remaining counties has been paid or ascertained by agreement or arbitration a judge may be appointed as provided by *The British North America Act, 1867*, and the Lieutenant-Governor or Lieutenant-Governor in Council as the case may be, may 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 may provide in the commission or commissions that the appointments are to take effect on the day the counties become separate.

Appointment of sheriff and other officials.

39k. After such appointments are made the Lieutenant-Governor in Council may, by proclamation separate the junior county from the senior or remaining counties and shall declare such separation to take effect on a day to be named in the said 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 if not otherwise disposed of by agreement or arbitration they shall belong to and be the property of the senior county or union of counties.

Final separation by proclamation.

Property, how divided.

39l.—(1) 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, contracts, property, assets and liabilities of the new corporation.

Officers and property, etc., continued.

(2) The treasurer of the senior county shall upon being requested so to do, deliver to the treasurer of the new county the books relating to the municipalities within the

new county required to be kept under section 133 of *The Assessment Act*.

Execution and service of process in hands of sheriff at time of separation.

39m.—(1) The dissolution of a union of counties shall not prevent the sheriff of any senior county from proceeding upon and completing the execution or service within the junior county of any writ or 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.

Execution of writs.

(2) This section shall not be held to authorize the sheriff of the senior county to execute within the new county any writ which is not in his hands at the time when the dissolution takes effect, unless such writ depends for its priority upon a former writ executed by such sheriff or in his hands at the said time.

Pending actions.

(3) All actions and proceedings in any court which are pending at the date the establishment of the new county takes effect, may be prosecuted, continued and completed and all writs of execution and other process, and all acts and proceedings subsequent thereto, may (subject to any order to the contrary being made) be taken, issued and had in the county in which such actions and proceedings were originally commenced, as fully and effectually as if the junior county had not been separated from the senior county: and (subject to the provisions of the next sub-section) no writ or other process or proceeding shall lose its priority by reason of no entry thereof appearing or being in the proper office in that behalf in the new county; and all officers who would have had power or authority to execute such writ, process or proceedings if the new county had not been formed, shall for the purpose of all pending suits, actions and proceedings have the same power and authority in respect of the same as if the dissolution had not taken place.

Continuation of writs in hands of sheriff at time of dissolution.

(4) No unsatisfied writ against lands or goods in the hands of the sheriff of the union on the day when the dissolution takes effect shall bind lands or goods situate within the limits of the new county or have any effect upon such lands or goods, after one year from the said day, unless the person entitled to the benefit of such unsatisfied writ before the expiration of the said year, and before the expiry of the writ in the hands of the sheriff of the union as aforesaid, has placed a writ against lands or goods (as the case may require) in the hands of the sheriff of the new county

indorsed with a notice that priority is claimed by virtue of this Act, in which case so long as such last mentioned writ is in force he shall retain any priority which he then had by virtue of the writ in the hands of the sheriff of the union on the day of the dissolution thereof; and he shall, if so required by the sheriff of the new county, deliver to him a certificate under the hand of the sheriff of the union, showing the date of the delivery to him of such writ; which certificate the said sheriff of the union shall give upon request and on payment of his proper fees therefor.

(5) The Lieutenant-Governor may, in the proclamation establishing the new county, or in a subsequent proclamation to take effect from a day to be named, fix and determine the number, limits and extent of the Division Courts for the new county, subject to be thereafter altered under the provisions of *The Division Courts Act*, and amending Acts, and may by such proclamation direct that suits and proceedings which at the said day are pending or being in any Division Court therein specified, shall become suits, or proceedings of any other Division Court therein specified and thereupon such suits or proceedings may be continued in such last mentioned court as if they had been commenced therein.

Division
Courts.

39n.—(1) If, upon a dissolution of a union of counties there is pending an action, or other civil proceedings in which the county town of the union has been named as the place of trial, the court in which the action or proceeding is pending, or any judge who has authority to make such orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the place of trial to be changed, and all records and papers in the action or proceeding to be transmitted to the proper officers of the new county.

Change of place
of trial in
action, etc.,
after separa-
tion.

(2) In case no such change is directed all such actions and proceedings shall be carried on and tried in the senior county.

If no order
made, where
proceedings to
be carried on.

39o. 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.

Place for hold-
ing courts in
junior county.

3. Subsection 1 of section 80 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "and no member of a school board for which rates are levied" in the eighth and ninth lines and by adding after subsection 1 of the said section the following:—

3 Edw. VII. c.
19, s. 80 subs. 1,
amended.

(a) No member of a public or separate school board or board of education of any city, town or village shall be qualified to be a member of the council of such city, town or village.

Members of
school boards
disqualified
from sitting in
council

3 Edw. VII.,
c. 19, amended.

4. *The Consolidated Municipal Act, 1903*, is amended by inserting the following as section 95*b* thereof:—

Two years term
for councils
may be adopt-
ed.

95*b*. The council of any local municipality by by-law submitted to the electors in accordance with the provisions of section 338 and following sections of this Act, and assented to by a majority of the electors voting thereon, may extend the term of office of all members of the council to be thereafter elected to the term of two years, such persons to hold office until their successors are elected or appointed or sworn into office and the new council is organized, and may with like assent repeal any such by-law.

3 Edw. VII. c.
19, s. 106
amended.

5. Paragraph (e) of section 106 of *The Consolidated Municipal Act, 1903*, as enacted by section 3 of *The Municipal Amendment Act, 1905*, is amended by striking out the words "in cities having a population of 100,000 inhabitants."

3 Edw. VII.
c. 19, amended.

6. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section:—

Use or delivery
of election
cards, etc.

173*a*. No person shall, in any city having 100,000 of a population or over, on the day of the polling use or deliver to any other person any card, ticket, leaflet, book, circular or other device soliciting votes for or against any candidate or candidates, or for or against any question or by-law, or having upon it the name of any such candidate, question or by-law; and any person violating the provisions of this section shall be liable to a penalty not exceeding \$20, or in default of payment, imprisonment for a term not exceeding ten days, on conviction before any Justice of the Peace.

3 Edw. VII.,
c. 19, s. 266,
repealed.

7. Section 266 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:—

Location of
county and
township
offices.

266. The council of any county may hold its sittings, keep its public offices and transact all the business of the council and of its officers and servants within any city, town or village lying in such county, and the council of any township may hold its sittings, keep its public offices and transact all the business of the council and of its officers and servants within any city, town or village lying in such township or in a township adjacent thereto, but within the same county, and such county or township may purchase and hold such real property in such city, town or village as may be convenient for such purpose.

3 Edw. VII.,
c. 19, s. 276b,
subs. 5,
repealed.

8. Subsection 5 of section 276*b* of *The Consolidated Municipal Act, 1903*, as amended by section 13 of *The Municipal Amendment Act, 1905*, is hereby repealed and the following substituted therefor

5. No person shall be qualified to be elected to the office of controller who does not possess the property and other qualifications as required for mayor by section 76 of this Act. Qualification of controller in the City of Toronto.

9. Subsection 1 of section 296 of *The Consolidated Municipal Act, 1903*, is amended by adding to the said subsection the following proviso: 3 Edw. VII., s. 296, subs. 1, amended.

“Provided that in towns and in cities with a population under 20,000 the council may by by-law provide that all the work of assessment and all the duties appertaining thereto, shall be performed by the assessment commissioner, and in such case it shall not be necessary to appoint assessors or valuers as in this section mentioned.” Duties of assessment commissioners in certain cities and towns.

10. Subsection 2 of section 402 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words “prior to the 27th day of June, 1903,” inserted by section 12 of *The Municipal Amendment Act, 1904*. 3 Edw. VII., s. 402, subs. 2, amended.

11.—(1) The paragraph numbered 4 in section 541 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word “brick” in the first line thereof the words “stone, cement and concrete.” 3 Edw. VII., c. 19, s. 541, par. 4, amended.

(2) Clause (b) in the paragraph numbered 1 of section 542 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word “or” in the first line thereof the word “wooden,” and by inserting after the word “fences” in the second line thereof the words “or removal of any wooden building or wooden fences from one place to another;” by striking out the word “thereto” in the second line thereof, and by adding at the end of the said clause the words “and for regulating the erection of signs or other advertising devices on buildings or vacant lots.” 3 Edw. VII., c. 19, s. 542, par. 1, cl. b, amended.

(3) Clause (c) in the paragraph numbered 1 of section 542 of *The Municipal Amendment Act, 1903*, is amended by adding after the word “buildings” in the first line thereof the words “or additions,” and by adding after the word “brick” in the second line thereof the words “cement, concrete.” 3 Edw. VII., c. 19, s. 542, subs. 1, par. c, amended.

12. *The Consolidated Municipal Act, 1903*, is amended by adding the following thereto as section 544a:— 3 Edw. VII., c. 19, amended.

544a. The council of every town or village may, by a two-thirds majority, pass by-laws:

By-laws for purchase of fire engines and appliances.

1. For contracting for the purchase of fire engines or appliances for the purpose of fire protection for public use, not exceeding \$5,000, within the municipality, and such contract may provide for the payment of the purchase

money in instalments, extending over a period not exceeding ten years.

2. For the issue of debentures, payable in not more than ten years from the date of the issue thereof and for applying the proceeds of such debentures towards paying for such fire engines or appliances, and it shall not be necessary to obtain the assent of the electors to any such by-law.

3. Any debt contracted under this section shall be payable in equal annual instalments of principal and interest as provided for in section 386 of this Act.

3 Edw. VII.,
c. 19, s. 533,
p. 3, amended.

13. The paragraph numbered 3 in section 553 of *The Consolidated Municipal Act* is amended by striking out the word "and" before the word "villages" in the headline thereof, and by adding after the word "villages" in such headline the words "and Police Villages," and by adding after the word "municipality" in the last line thereof the words "or Police Village."

3 Edw. VII.,
c. 19, s. 559,
p. 4, repealed.

14. The paragraph numbered 4 in section 559 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:—

ELECTRIC LIGHT, TELEGRAPH AND TELEPHONE POLES AND
WIRES.

By the councils of cities, towns, villages and townships:

Electric light,
etc., poles and
wires.

4. For permitting and regulating the erection and maintenance of electric light, power, telegraph and telephone poles and wires upon the highways or elsewhere within the limits of the municipality.

3 Edw. VII.,
c. 19, s. 569,
subs. 5
repealed.

15. Subsection 5 of section 569 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:—

Provisions ap-
plicable to by-
laws relating to
street railways,
gas, electric
light or water-
works.

(5) In the case of a by-law under paragraph number 4 of section 566, or under subsection 1 of this section, in addition to the publication required in the case of a by-law authorizing the issue of debentures which requires the assent of the electors of a municipality before the final passing thereof, there shall be published, along with a copy of such by-law, and for the same period, the estimates of the intended expenditure.

Provided always that where any city, town or village has constructed, purchased or acquired gas, electric light or water works under the authority of this Act, or under the authority of *The Municipal Waterworks Act*, or under the authority of any special Act or Acts, or hereafter constructs, purchases or acquires such works under the authority of the said Acts or any future amendments of the same, and

has raised the money for the purchase, acquiring or construction of such works, or hereafter so raises the same by a general rate on the whole of the assessable property of the said corporation under a by-law or by-laws lawfully passed or to be passed, it shall be lawful for the council of the city, town or village from time to time to pass by-laws, after the assent of the electors entitled to vote thereon has been obtained, and without the publication of any estimates, to raise on the credit of the said corporation such further sums as may be necessary to extend or improve the said works, or to pay the expense of any extensions or improvements thereof already made or completed, wholly or in part, and for levying on the whole rateable property of the said corporation an annual special rate sufficient to defray the yearly interest upon the sums so expended, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years nor less than five years, or sufficient to pay any debt so incurred within such period in equal annual instalments, including principal and interest.

Provided further that in such cases it shall not be necessary to obtain the assent of the electors to such by-law or by-laws if the same be approved of by the Lieutenant-Governor in Council, it being first shown to the satisfaction of the Lieutenant-Governor in Council that the said extensions are or were necessary, and that a sufficient additional revenue will be derived therefrom to meet the annual special rate required to pay the new debt and interest; and provided also that on the final passing of such by-law or by-laws three-fourths of all the members of the council vote in favour of the same. Proviso.

16. The paragraph numbered 5 in section 574 of the said Act is amended by striking out the figures "20" in the fifteenth line thereof and substituting therefor the figures "30" and by adding at the end thereof the following words, "the notice required in this paragraph may be given by leaving the same with any grown up person resident upon the land opposite to which such tree, shrub or sapling is situated, or when such lands are vacant or unoccupied at the time of giving such notice by posting up the said notice in a conspicuous place thereon." 3 Edw. VII.
c. 19, s. 574
paragraph 5
amended.
Removal of
trees on streets.

17. *The Consolidated Municipal Act, 1903* is amended by adding thereto the following section:— 3 Edw. VII.,
c. 19, amended

"574*a*. By-laws may be passed by the councils of cities to require persons to destroy all tussock moths and the cocoons thereof on trees or elsewhere upon the premises owned or occupied by them, and to provide that in case any owner or occupant neglects to destroy all such moths and cocoons within ten days after notice to do so has been given Destruction of
tussock moths.

by the council by advertisement in some daily newspaper published in the municipality, the officer or officers appointed by the council for that purpose may enter upon the premises of persons so in default and may destroy the said moths and cocoons, and for the collection of the expense thereof from the owner or occupant so in default, and in case of non-payment for charging such expense as a special assessment against such premises, to be recovered in like manner as other municipal rates."

3 Edw. VII.,
c. 319, s. 583,
paragraph 8
amended.

18. The paragraph numbered 8 in section 583 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "amusement" in the fifth line thereof the words "and merry-go-rounds, switch back railways, carrousel and other like contrivances."

3 Edw. VII.,
c. 19, s. 583,
par. 14,
amended.

19. The paragraph numbered 14 in section 583 of *The Consolidated Municipal Act, 1903*, is amended by adding after the words "peace officer" in the last line of the first provis thereto the words "and provided that in any prosecution for a violation of any such by-law against any hawker, pedlar or petty chapman or other person mentioned in this subsection on the ground that any such person has not obtained a license in pursuance of any by-law passed thereunder and the defence is set up that such person does not require any such license by reason of the fact that he is peddling or selling goods, wares or other merchandise to a retail dealer, or is hawking or peddling 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, and is the manufacturer or producer thereof or the *bona fide* servant or employee of such manufacturer or producer thereof having written authority in that behalf, then and in such case it shall not be necessary for the complainant to show affirmatively that the person so prosecuted does not come within the defence so set up, but the onus of proving that he does come within such defence shall rest upon the person so prosecuted and in the event of his failing to establish at his trial that he does so come within such defence he may be convicted of a violation of this subsection.

Hawkers'
and pedlars'
license.

3 Edw. VII.,
c. 19, s. 583
amended.

20. Section 583 of the said Act is amended by adding thereto the following subsection :

By-laws for
prohibiting
peddling of
fruit, &c.,
in public
streets, &c.

"14a. For preventing the sale of fruit, candies or peanuts from any basket, or from any wagon, cart or other vehicle upon any street or any portion thereof or within any public park or other public place. Provided that any by-law passed under this subsection shall not apply to any farmer, market gardener or other person selling goods at or delivering the same to any place of business or residence upon any such street or portion thereof."

Proviso

21. The paragraph numbered 16 in section 583 of *The Consolidated Municipal Act, 1903*, as amended by section 24 of *The Municipal Amendment Act, 1904*, is amended by inserting after the figures "14" in the second line thereof the words "and for fixing a lower fee in their discretion in the case of applicants for such licenses who have resided continuously within the county, city or town for which the license is sought for at least one year prior to the date of application therefor than in the case of applicants who have not so continuously resided within the county, city or town for such length of time at the date of such application."

3 Edw. VII.,
c. 19, s. 583,
paragraph 16
amended.

Hawkers' and
peddlars'
licenses.

22. The paragraph numbered 30 in section 583 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "who occupy premises in the city, town, village, or township for temporary periods and" in the second and third lines thereof, and by striking out the words "personal property" in the fifth line thereof and substituting therefor the words "business assessment."

3 Edw. VII.,
c. 19, s. 583,
p. 30, amended.

23. The paragraph numbered 31 of section 583 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "occupy premises in the municipality and" in the first and second lines thereof, and by striking out the words "personal property" in the sixth line thereof and substituting therefor the words "business assessment."

3 Edw. VII.,
c. 19, s. 583,
p. 31, amended.

24. Section 591 (a) of *The Consolidated Municipal Act, 1903*, as amended by section 26 of *The Municipal Act, 1904*, is amended by striking out all the words commencing with the word "notwithstanding" down to the end thereof, being the words added to the said section 591 (a) by said section 26 of *The Municipal Amendment Act, 1904*.

3 Edw. VII.,
c. 19, s. 591a,
amended.

25. The proviso to section 591b of *The Consolidated Municipal Act, 1903*, as enacted by section 29 of *The Municipal Amendment Act, 1905*, is amended by striking out the figures "1905" in the second and last lines thereof and substituting therefor the figures "1906." and by striking out the figures "1904" in the third line thereof and substituting therefor the figures "1905."

3 Edw. VII.,
c. 19, s. 591b,
amended.

26. Section 596 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "necessarily incurred in and about the business" in the fourth line of the said section and substituting in lieu thereof the words "incurred pertaining to civic interests."

3 Edw. VII
c. 19, s. 596
amended.

27. Subsection 1 of section 669 of *The Municipal Act* is amended by striking out the words "at least two newspapers published in the township, city, town or village,"

3 Edw. VII.
c. 19, s. 669,
subs. 1,
amended.

if there are two newspapers," and substituting therefor the words "a newspaper published in the township, city, town or village, if there be a newspaper."

3 Edw. VII.,
c. 19, s. 673,
amended.

28. Section 673 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection 3:—

In the case of common sewers already constructed or hereafter constructed out of the general funds of any township, city, town, or village, the municipal council of such township, town, or village shall, upon a resolution of the council supported by two-thirds of the members present at any council meeting being passed, and without any special notice being published or served upon the owners, have the right at any time to construct branch drains from such sewers to the line of the street as a local improvement, without any petition or other authority than such resolution therefor, or may assess and levy the cost thereof by a special rate upon the lands benefitted thereby, instead of by a frontage rate. The amount to be assessed levied upon each adjoining property, or upon the lands benefitted thereby, shall be the cost of construction of the branch drain from the centre of the street to the line along the adjoining property, whether this sewer be laid on the centre or side of the street.

Cost of con-
struction of
branch drains
of common
sewers.

3 Edw. VII.
c. 19, s. 677,
amended.

29. Section 677 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "municipality" in the second line thereof the words "or in any statute;" and by striking out the words between the word "sidewalk" in the third line and the word "upon" in the sixth line and inserting in lieu thereof the words "or a pavement;" and by inserting after the word "sidewalk" in the tenth line thereof the words "or pavement," and by striking out of the tenth and eleventh lines of said section the words "the members present at any such regular meeting" and inserting in lieu thereof the words "all the members of the council."

30. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section:—

677a. To remove doubts, it is hereby declared that the intent and meaning of section 677 of this Act is and always has been that sidewalks of the nature therein described may be constructed upon the conditions therein set forth without a petition therefor or the notices provided for by section 669 of this Act being given; but nothing herein is to be taken as meaning that the notices provided for by section 671 of this Act are to be dispensed with.

3 Edw. VII.
c. 19, s. 678,
subs. 1,
amended.

31.—(1) Subsection 1 of section 678 of *The Consolidated Municipal Act, 1903*, as amended by section 37 of *The Municipal Amendment Act, 1905*, is amended by adding

after the word "city" in the second and ninth lines thereof the word "township."

(2) Subsection 2 (a) of section 678 of the said Act is amended by adding after the word "city" in the sixth and eleventh lines thereof the word "township."

3 Edw. VII.
c. 19, s. 678,
subs. 2 (a),
amended.

32.—(1) Subsection 1 of section 714 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "by a majority of the ratepayers resident therein" at the end of the said subsection and substituting therefor the words "by a majority of the freeholders resident therein, and such number of tenants resident therein as will give a majority of the whole number of the freeholders and tenants."

3 Edw. VII.
c. 19, s. 714,
subs. 1 and 3,
amended.

(2) Subsection 3 of the said section is amended by striking out the word "ratepayers" in the fourth line and inserting in lieu thereof the words "freeholders and tenants."

(3) Section 714a of *The Consolidated Municipal Act, 1903*, is amended by striking out the word "ratepayers" in the first and second lines thereof and substituting therefor the words "resident freeholders and tenants."

3 Ed. VII.
c. 19, s. 714 (a),
amended.

33. Subsection 2 of section 737 of *The Consolidated Municipal Act, 1903*, as amended by section 41 of *The Municipal Amendment Act, 1905*, is amended by striking out the words "another to act" in the seventh line thereof and substituting therefor the words "appoint a."

3 Edw. VII.,
c. 19, s. 737,
ss. 2, amended.

34. Section 744 of *The Consolidated Municipal Act, 1903*, is amended by adding the following thereto as subsections 6, 7, 8 and 9:—

3 Edw. VII.,
c. 19, s. 744,
amended.

(6) The trustees of any police village may, with the consent of the council of the township in which such police village is located previously expressed by resolution of such township council, contract for the purchase of fire engines or appliances, for the purpose of fire protection for public uses within the village, at a cost not exceeding \$3,000, and for the payment therefor in instalments extending for a period not exceeding ten years, and debentures may be issued therefor as hereinafter provided.

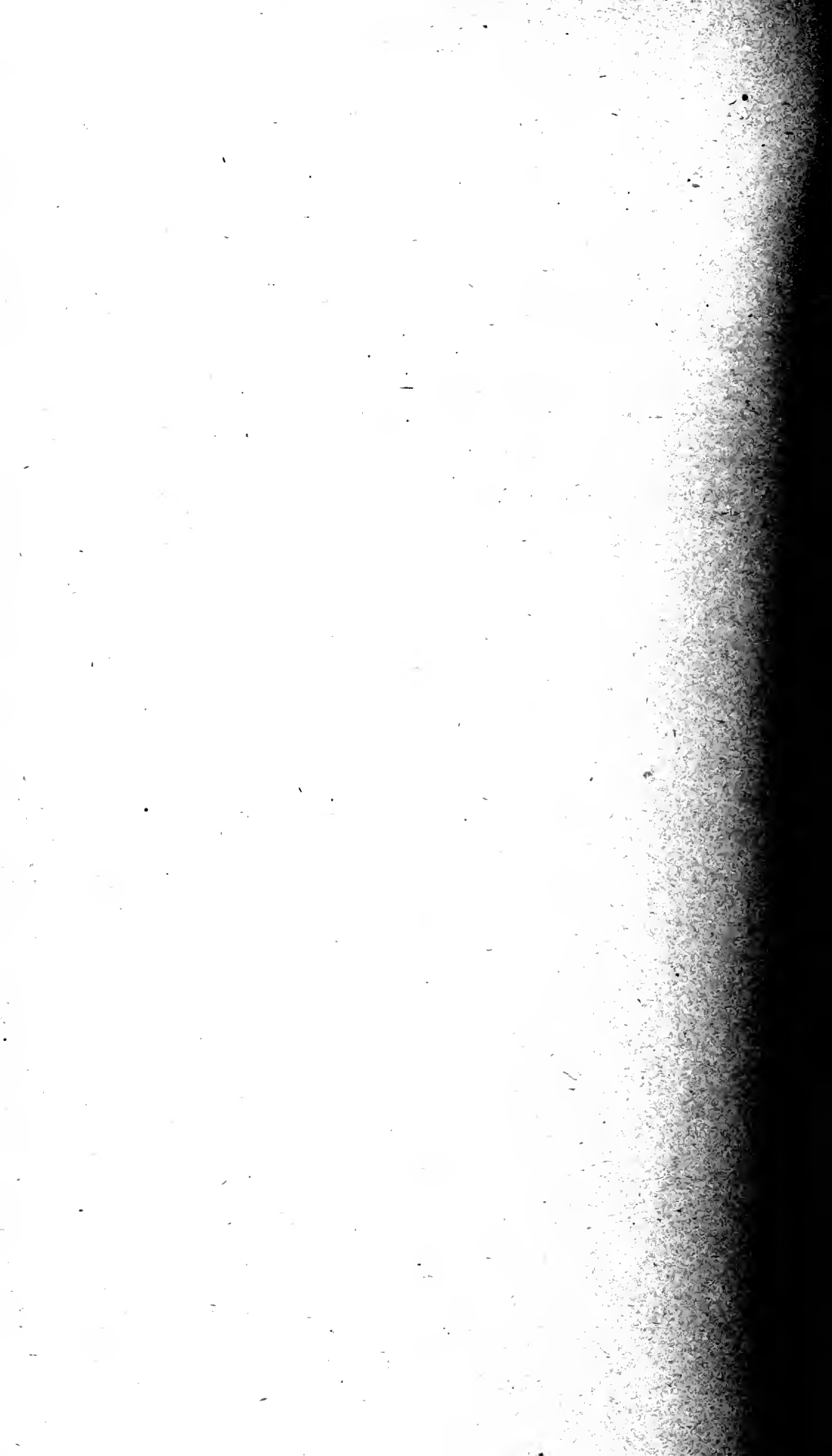
Purchase of fire
engines and
appliances for
police village.

(9) The trustees of any police village may contract with the council of the township or townships in which the same is situated, for the use of any fire engine or any appliances purchased for fire protection purposes owned by such village, upon such terms as to payment for the use thereof and otherwise, as shall be agreed upon.

(7) Upon such purchase by the trustees of any police village, with the consent of the township council as here-

inbefore provided for, the council of the township in which the police village is situated may pass a by-law for raising the amounts required to pay for such fire engines or other appliances for the purpose of fire protection, but not exceeding in the whole the sum of \$3,000, and for the purpose of issuing debentures for a period not exceeding ten years, and for levying a special rate on the taxable property in such police village for the payment of any such debentures and the interest thereon, and such by-law shall not require to be submitted to or to receive the assent of the ratepayers.

(8) Any debt contracted under this section shall be payable in equal annual instalments of principal and interest as provided for in section 386 of this Act.



No. 234.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

The Municipal Amendment Act, 1906.

First Reading, 30th April, 1906.
Second Reading, 2nd May, 1906.

Mr. HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

An Act respecting "The Ontario and Minnesota Power Company, Limited."

WHEREAS Chapter 139 of the Statutes of Canada of Preamble.
1905 was passed on the petition of The Ontario and
Minnesota Power Company, Limited; and whereas certain
provisions thereof as to the supply of power in Canada from
5 the water power on the Rainy River at or near the Town of
Fort Frances are in the interest of the Province of Ontario;
and whereas notwithstanding the provisions in the said
Statute contained, the said company contend that they are
not bound thereby, but claim that they are entitled to deal
10 with the said water power freed from the restrictions in
respect thereof imposed by the said Act; and whereas the
lands described in Schedule "A" hereto form a part of the
water front of the Town of Fort Frances, and were hitherto
vested in the corporation thereof, and were by them con-
15 veyed to the Crown in the interest of the Province of On-
tario to enable the Crown to deal therewith as the needs of
the vicinity might require in assisting the establishment
and operation of industries at the said Town of Fort
Frances; and whereas by a certain agreement dated the
20 9th day of January, 1905, made between His Majesty of the
first part and Edward Wellington Baekus, of the City of
Minneapolis, lumberman, and those associated with him,
of the second part, acting on behalf of a company then to be
incorporated, the Crown representing the Province of On-
25 tario agreed in certain events and subject to certain condi-
tions to convey the said lands to the said parties of the second
part, but no provision was made for the protection of the
interests of the said Town of Fort Frances in respect of the
purposes for which the said town conveyed the lands to
30 the Crown; and whereas the said agreement was entered
into without the consent of the Corporation of the Town of
Fort Frances and without any notice to them although the
same interferes most seriously with the rights of the said
town; and whereas The Ontario and Minnesota Power Com-

pany, Limited, have been incorporated and have taken over the rights of the said parties of the second part to the said agreement; and whereas it is desirable to make certain provisions as to some of the matters contained in the said Chapter 139 of the Statutes of Canada of 1905, and to restore the said lands to the Crown to be dealt with as hereinafter provided, and to embody in this Act certain provisions already agreed upon relating to the development of industries at the Town of Fort Frances aforesaid. 5

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

Company to provide power on Canadian side of river.

1. Notwithstanding the provisions to the contrary (if any) contained in the said agreement dated the 9th day of January, 1905, made between His Majesty of the first part and the said Edward Wellington Backus and those associated with him of the second part, the company shall from the water power now or hereafter existing on the Rainy River at or near the Town of Fort Frances, in the District of Rainy River, including any increase thereof from time to time, provide power or electrical energy for use on the Canadian side of the international boundary line concurrently as it provides power or electrical energy for use in the United States, so that from time to time, except as provided for by order of the Lieutenant-Governor in Council, there shall not be less of the said power or electrical energy available for use on the Canadian side of the international boundary line than on the American side, and subject to the provisions of this Act such power or electrical energy shall be delivered on the Canadian side as and when demanded. 20 25 30

Works to be on Canadian side.

2. The power-house, generators, transmitters, machinery, appliances and connections necessary for the delivery by the company of such power or electrical energy for use on the Canadian side of the international boundary line shall be on the Canadian side thereof. 35

Disputes as to price for power, how determined.

3. In case of any dispute as to the price for power or electrical energy in use or to be provided for use upon the Canadian side of the said international boundary line or the methods of distribution thereof or the time within which or the conditions on which the same shall be furnished for use, such dispute shall be settled by the Lieutenant-Governor in Council on the application of any applicant for power or of the company or of the Town of Fort Frances. 40

Power not to be diverted to American side.

4. No part of the power or electrical energy to be provided for use on the Canadian side of the said boundary line shall be diverted to or used in the United States without the order of the Lieutenant-Governor in Council made 45

on an application of which two weeks' notice in writing shall have been served upon the mayor and clerk of the Town of Fort Frances, or in the absence of either one of them upon a member of the Town Council in his stead, and
 5 if on any such application it shall appear to the Lieutenant-Governor in Council that there is not a reasonable prospect of the utilization within a reasonable time of power or electrical energy, unemployed, though actually available for use on the Canadian side, an order may be made
 10 permitting the diversion of the whole or part of such unemployed power or electrical energy on such terms and conditions, including the time during which such diversion may continue, as to the Lieutenant-Governor in Council may seem proper or expedient. The terms and conditions
 15 so imposed shall be absolutely binding on and enforceable against said company, and in event of the company not strictly adhering to and complying with the said terms and conditions the permission granted may be withdrawn by the Lieutenant-Governor in Council.

20 5. The lands described in Schedule "A" hereto shall remain vested in the Crown, to be dealt with in connection with the development of the said water power and the establishment or operation of industries at the Town of Fort Frances in such manner as the Lieutenant-Governor in
 25 Council may from time to time direct, absolutely freed from the provisions of the said agreement and from any claims or demands whatsoever on the part of The Ontario and Minnesota Power Company, Limited.

Certain lands to remain vested in Crown.

30 6. The said company shall complete ready for operation at the Town of Fort Frances within two years from the completion of the dam now being erected at or near the said town a flour or oatmeal or flour and oatmeal mill having a capacity of one thousand barrels per day or other
 35 mill and equally satisfactory to the Lieutenant-Governor in Council. The said company shall within three months from the passing of this Act provide security in the sum of \$25,000, satisfactory to the Minister of Lands and Mines, to secure the completion of the said mill or other industry
 40 or industries as aforesaid. Should the said company fail to provide the said security it shall be deemed to have made default in carrying out or complying with the conditions of the said agreement of the 9th day of January, 1905.

Compa erect a mill, et

SCHEDULE "A."

All and singular that certain parcel or tract of land described as follows:

Commencing in the east limit of the town plot of Alberton at the distance of one chain due south of an iron post planted at the south-east angle of Lot No. 164, thence westerly in a straight line to a point in the west limit produced of Butler Street: said point being one chain due

south from an iron post planted at the south-east angle of Lot No. 161; thence westerly in a straight line to a point in the easterly limit produced of Mosher Street, distant one chain to south of the south-west angle of Lot No. 155; thence westerly to a point in the easterly limit, produced of Crowe Street, being one chain due south of the south-westerly angle of Lot No. 147; thence south-westerly to a Point in the easterly limit, produced of Armit Street, said point being one chain due south of the south-west angle of Lot No. 66; thence south-westerly to a point due south one chain from the south-westerly angle of Lot No. 64; thence westerly to a point one chain due south of the south-west angle of Lot No. 14; thence westerly to a point in the east limit of Victoria Street produced, situate one chain south of the south-west angle of Lot No. 18; thence due south to the waters edge of the Rainy River; thence north-easterly and easterly along the waters edge of the said Rainy River to its intersection with the easterly limit of the Town plot of Alberton; thence due north along said limit to the point of commencement, reserving thereout the production of Armit Street to Mosher Street to the waters edge of Rainy River.



2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting The Ontario and Min-
nesota Power Company, Limited.

First Reading, 1st May, 1906.

Mr. COCHRANE.

TORONTO:

PRINTED BY I. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 236.]

BILL.

[1906.

An Act respecting Aid heretofore Granted to the
Grand Trunk Pacific Railway.

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

1. Subsection 2 of section 1 of the Act passed in the
5 fourth year of the reign of His Majesty, chaptered 18, is
amended by striking out the figures and words "6,000 acres
per mile" in the seventh and eighth lines of the said sub-
section and inserting in lieu thereof the figures and words
"3,375 acres per mile."

4 Edw. VII.,
c. 18, s. 1, subs.
2, amended.

10 2. Section 15 of the said Act is repealed.

4 Edw. VII.,
c. 18, s. 15,
repealed.

3. Section 17 of the said Act is amended by striking out
the words and figures "sections 15 and 16" in the fifth line
of the said section and inserting in lieu thereof the word
and figures "section 16," and by striking out all the words
15 in the said section after the words "fee simple" in the tenth
line thereof.

4 Edw. VII.,
c. 18, s. 17,
amended.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting Aid heretofore Granted
to the Grand Trunk Pacific Railway.

First Reading, 2nd May, 1906.

Mr. REAUME.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Pembroke Southern Railway Company.

WHEREAS the Pembroke Southern Railway Company, hereinafter called the "Company," has, under the various Acts incorporating and relating to the company, constructed, from the Town of Pembroke, in the County of Renfrew, to Golden Lake, in the said county, its line of railway by the said Acts authorized; and whereas the company by its petition has prayed for power to extend its said line of railway from a point at or near the Town of Pembroke, through the Townships of Pembroke, Stafford, Alice and Petewawa, to a point in the said Township of Petewawa; and whereas it is expedient to grant the prayer of the said petition.—

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

1. The company may construct, equip, maintain and operate an extension of its line of railway from a point at or near its present northern terminus in the Town of Pembroke, in the County of Renfrew: thence through the Townships of Pembroke, Stafford, Alice and Petewawa, in the said County of Renfrew, to a point in the said Township of Petewawa.

Construction of line from Pembroke into township of Petewawa.

2. The company shall have and enjoy and be entitled to all the rights, powers and privileges and advantages of every nature and kind, whether had under the Act of incorporation and other Acts relating to the company or otherwise, with reference to all matters necessary for the construction, equipment, maintenance and operation of the said extension, in as full and ample a manner as if the said extension had been a part of the original undertaking of the company.

Powers of company as to such extension.

Bonding powers as to extension.

3. The company may issue bonds, debentures or other securities to the extent of \$15,000 per mile of the extension hereby authorized.

Time for commencement and completion of extension.

4. The said extension shall be commenced within three years and completed within five years from the passing of this Act.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting the Pembroke Southern
Railway Company.

First Reading, 4th May, 1906.

(Private Bill).

Mr. DUNLOP.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

The Assessment Amendment Act, 1906.

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

1. The paragraph numbered 19 in section 5 of *The Assessment Act* is repealed and the following substituted therefor:—

(19) The annual income derived from personal earnings or from any pension, gratuity, or retiring allowance in respect of personal services by any person assessable directly in respect of income under this Act to the amount of \$1,000 where such person is resident in a city or town having a population of 5,000 or over, or to the amount of \$700 where such person is resident in any other municipality, provided that such person is a house-holder in the city, town or other municipality and assessed as such, or being the head of any family occupies with his family any portion of a dwelling house, although not assessed therefor, and the annual income derived from personal earnings or from any pension, gratuity or retiring allowance in respect of personal services of every person not being a house-holder or head of a family as aforesaid, to the amount of \$600, when such person is resident in a city or town having a population of 5,000 or over and to the amount of \$400 when such person is resident in any other municipality, and the income of any person derived from any investment, or from moneys on deposit in any bank or other financial institution or loaned upon mortgages, promissory notes or other securities, where such income does not exceed the sum of \$300 and where such person is a house-holder or head of a family within the meaning of this paragraph, and is not in receipt of income from all sources exceeding the said sum of \$300.

4Edw.VII.
c.23, s.5, p.19
repealed.

Income from
personal
earnings &c.

4Ed. VII, c. 23,
s. 10, s. s. 1, p. 8,
amended.

2. Paragraph *h* of subsection 1 of section 10 of *The Assessment Act* is amended by striking out the words "trade or commercial" in the 8th line thereof.

4Ed. VII, c. 23,
s. 10, s. s. 1,
clause *f*,
amended.

3. Clause *f* of subsection 1 of section 10 of *The Assessment Act* is amended by adding after the word "business" in the 8th line, the words "or any other business."

4Ed. VII, c. 23,
s. 10, s. s. 3
amended.

4. Subsection 3 of section 10 of *The Assessment Act* is amended by striking out the figures "250" in the last line thereof and substituting therefor the figures "100."

4 Edw. VII.,
c. 23, s. 10,
ss. 5 amended.

5. Subsection 5 of section 10 of *The Assessment Act* is amended by striking out all the words therein after the word "railway" in the fifth line thereof.

4 Edw. VII.,
c. 23, s. 10,
ss. 7 amended.

6. Subsection 7 of section 10 of *The Assessment Act* is amended by adding thereto the following words: "Nor shall any Subordinate Lodge of any registered Friendly Society or any officer thereof in respect of any business of such subordinate lodge be liable to any business assessment."

7. Subsection 2 of section 14 of *The Assessment Act* is amended by adding thereto the following proviso:

Provided that in the case of any local telephone system not operating generally throughout the Province, and not authorized by Statute to carry on business throughout the Province, the lines of such company within any township shall be assessed at their actual value, but not exceeding in the whole the rates per mile in this section prescribed.

4 Edw. VII.,
c. 23 amended.

8. *The Assessment Act* is amended by adding thereto the following section:—

S. 22, ss. 1,
p. (g) not to
apply to town-
ships.

22a. The provisions of paragraph (g) of subsection 1 of section 22 of this Act shall not apply to the Townships of York, Scarborough, and Etobicoke, in the County of York, but in lieu thereof the assessor or assessors of said townships shall assess in the manner provided for by subsection 5 of section 33 of this Act, the unoccupied lands owned by non-residents, who have not given notice to the clerk of the municipality under subsection 6 of section 33 of this Act.

4 Edw. VII.,
c. 23, s. 36
amended.

9. Section 36 of *The Assessment Act* is amended by adding thereto the following subsection:

Assessment of
mineral rights
when severed
from surface
rights.

(4) Where the mineral rights in any lands have been sold or leased to some person other than the owner of the surface rights but such mineral rights have not been exercised, then whether or not the existence of minerals in such lands is known, such mineral rights shall be separately assessed and for the purposes of such assessment shall be valued at

the actual amount paid therefor in case such mineral rights have been sold, and in case the same are held under lease then at such an amount as will represent the capitalization of the annual rental value of such rights and such annual rental value shall be taken to be five per cent. of the actual value of such mineral rights.

10. Subsection 1 of section 36 of *The Assessment Act* is amended by striking out the words "except in the case of mineral lands hereinafter provided for." 4 Edw. VII., c. 23, s. 36, ss. 1 amended.

11. Subsection 3 of section 36 of *The Assessment Act* is repealed. 4 Edw. VII., c. 23, s. 36, ss. 3 repealed.

12.—(1) Subsection 1 of section 42 of *The Assessment Act* is amended by inserting after the words "electric railway" in the sixth line, the words "and companies or persons transmitting oil or gas by pipe line" and by adding the following as subsection (1a) thereof:—

1a. Where property of any such companies extends through two or more municipalities, the portion thereof in each municipality shall be separately assessed therein at its value as an integral part of the whole property.

13. Subsection 2 of section 68 of *The Assessment Act* is amended by adding after the words "Court of Revision" in the 8th line thereof the words "or in case the Court shall sit to hear appeals after the said date then within five days after the closing of the Court." 4 Edw. VII., c. 23, s. 68, subsec. 2, amended.

14. Section 96 of *The Assessment Act* is amended by adding thereto the following words: "But this section shall not apply to the Townships of York, Scarborough, and Etobicoke." 4 Edw. VII., c. 23, s. 96 amended.

15.—(1) Subsection 1 of section 127 of *The Assessment Act* is amended by inserting after the word "taxes" in the second, eighth, fourteenth and last lines thereof the words "or rates," and by striking out the words "in arrear" in the eighth and last lines thereof. 4 Edw. VII., c. 23, s. 127, ss. 1 amended.

(2) Subsection 2 of section 127 of *The Assessment Act* is amended by inserting after the word "taxes" in the fifth line thereof the words "or rates," and by inserting after the word "tax" in the seventh line thereof the words "or rate." 4 Edw. VII., c. 23, s. 127, ss. 2 amended.

16. Section 128 of *The Assessment Act* is amended by inserting after the word "taxes" in the second, eighth, ninth and tenth lines thereof the words "or rates." 4 Edw. VII., c. 23, s. 128 amended.

17. Subsection 7 of section 165 of *The Assessment Act* is repealed and the following substituted therefor:—

7. Such deed if requested may include any number of lots not exceeding four which are to be conveyed to the same person.

Edw. VII.
c. 23, s. 214,
repealed.

18. Section 214 of *The Assessment Act* is repealed and the following substituted therefor:

Payment by
treasurer of
township, town
or village
to treasurer of
county.

214. The Treasurer of every township, town or village shall on or before the 31st day of December in each year pay to the Treasurer of the county all moneys which were assessed and by law required to be levied and collected in the municipality for county purposes or for any of the purposes mentioned in section 211 of this Act, and in case of non-payment of such moneys or any portion thereof on or before the said date the township, town or village so in default shall pay to the county interest thereon at the rate of six per cent. per annum from the said date until payment shall be made.

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No. 238.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

The Assessment Amendment Act, 1906.

First Reading, 4th May, 1906.

Mr. HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

The Assessment Amendment Act, 1906.

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

1. The paragraph numbered 19 in section 5 of *The Assessment Act* is repealed and the following substituted therefor:— 4Edw. VII. c.23, s.5, p.19 repealed.

(19) The annual income derived from personal earnings Income from personal earnings &c. or from any pension, gratuity, or retiring allowance in respect of personal services by any person assessable directly in respect of income under this Act to the amount of \$1,000 where such person is resident in a city or town having a population of 5,000 or over, or to the amount of \$700 where such person is resident in any other municipality, provided that such person is a house-holder in the city, town or other municipality and assessed as such, or being the head of a family occupies with his family any portion of a dwelling house, although not assessed therefor, and the annual income derived from personal earnings or from any pension, gratuity or retiring allowance in respect of personal services of every person not being a house-holder or head of a family as aforesaid, to the amount of \$600, *where* such person is resident in a city or town having a population of 5,000 or over and to the amount of \$400 *where* such person is resident in any other municipality, and the income of any person derived from any investment, or from moneys on deposit in any bank or other financial institution or loaned upon mortgages, promissory notes or other securities, where such income does not exceed the sum of \$300 and where such person is a house-holder or head of a family within the meaning of this paragraph, and is not in receipt of income from all sources exceeding the said sum of \$300.

4Ed. VII, c. 23,
s. 10, s. s. 1, p. 8,
amended.

2. Clause *h* of subsection 1 of section 10 of *The Assessment Act* is amended by striking out the words "trade or commercial" in the 8th line thereof.

4Ed. VII, c. 23,
s. 10, s. s. 1,
clause *f*,
amended.

3. Clause *f* of subsection 1 of section 10 of *The Assessment Act* is amended by adding after the word "business" in the 8th line, the words "or any other business."

4Ed. VII, c. 23,
s. 10, s. s. 3
amended.

4. Subsection 3 of section 10 of *The Assessment Act* is amended by striking out the figures "250" in the last line thereof and substituting therefor the figures "100."

4 Edw. VII.,
c. 23, s. 10,
ss. 5 amended.

5. Subsection 5 of section 10 of *The Assessment Act* is amended by striking out all the words therein after the word "railway" in the fifth line thereof.

4 Edw. VII.,
c. 23, s. 10,
ss. 7 amended.

6. Subsection 7 of section 10 of *The Assessment Act* is amended by adding thereto the following words: "Nor shall any Subordinate Lodge of any registered Friendly Society or any officer thereof in respect of any business of such subordinate lodge be liable to any business assessment."

4 Edw. VII.,
c. 23, s. 14, ss. 2,
amended.

7. Subsection 2 of section 14 of *The Assessment Act* is amended by adding thereto the following proviso:

Provided that in the case of any local telephone system not operating generally throughout the Province, and not authorized by Statute to carry on business throughout the Province, the lines of such company within any township shall be assessed at their actual value, but not exceeding in the whole the rates per mile in this section prescribed.

4 Edw. VII.,
c. 23 amended.

8. *The Assessment Act* is amended by adding thereto the following section:—

S. 22, ss. 1,
p. (g) not to
apply to cer-
tain town-
ships.

22a. The provisions of paragraph (g) of subsection 1 of section 22 of this Act shall not apply to the Townships of York, Scarborough, and Etobicoke, in the County of York, but in lieu thereof the assessor or assessors of said townships shall assess in the manner provided for by subsection 5 of section 33 of this Act, the unoccupied lands owned by non-residents, who have not given notice to the clerk of the municipality under subsection 6 of section 33 of this Act.

4 Edw. VII.,
c. 23, s. 36,
ss. 1 amended.

9. Subsection 1 of section 36 of *The Assessment Act* is amended by striking out the words "except in the case of mineral lands hereinafter provided for."

4 Edw. VII.,
c. 23, s. 36,
ss. 3 repealed.

10. Subsection 3 of section 36 of *The Assessment Act* is repealed.

11.—(1) Subsection 1 of section 42 of *The Assessment Act* is amended by inserting after the words "electric railway" in the sixth line, the words "and companies or persons transmitting oil or gas by pipe line" and by adding the following as subsection (1a) thereof:—

4 Edw. VII.,
c. 23, s. 42,
ss. 1 amended.

1a. Where property of any such companies extends through two or more municipalities, the portion thereof in each municipality shall be separately assessed therein at its value as an integral part of the whole property.

12. Subsection 2 of section 68 of *The Assessment Act* is amended by adding after the words "Court of Revision" in the 8th line thereof the words "or in case the Court shall sit to hear appeals after the said date then within five days after the closing of the Court."

4 Edw. VII.,
c. 23, s. 68,
subsec. 2,
amended.

13. Section 96 of *The Assessment Act* is amended by adding thereto the following words: "But this section shall not apply to the Townships of York, Scarborough, and Etobicoke."

4 Edw. VII.,
c. 23, s. 96
amended.

14.—(1) Subsection 1 of section 127 of *The Assessment Act* is amended by inserting after the word "taxes" in the second, eighth, fourteenth and last lines thereof the words "or rates," and by striking out the words "in arrear" in the eighth and last lines thereof.

4 Edw. VII.,
c. 23, s. 127,
ss. 1 amended.

(2) Subsection 2 of section 127 of *The Assessment Act* is amended by inserting after the word "taxes" in the fifth line thereof the words "or rates," and by inserting after the word "tax" in the seventh line thereof the words "or rate."

4 Edw. VII.,
c. 23, s. 127,
ss. 2 amended.

15. Section 128 of *The Assessment Act* is amended by inserting after the word "taxes" in the second, eighth, ninth and tenth lines thereof the words "or rates."

4 Edw. VII.,
c. 23, s. 128
amended.

16. Subsection 7 of section 165 of *The Assessment Act* is repealed and the following substituted therefor:—

7. Such deed if requested may include any number of lots not exceeding four which are to be conveyed to the same person.

17. Section 214 of *The Assessment Act* is repealed and the following substituted therefor:—

4 Edw. VII.
c. 23, s. 214,
repealed.

214. The Treasurer of every township, town or village shall on or before the 31st day of December in each year pay to the Treasurer of the county all moneys which were assessed and by law required to be levied and collected in

Payment by
treasurer of
township, town
or village
to treasurer of
county

the municipality for county purposes or for any of the purposes mentioned in section 211 of this Act, and in case of non-payment of such moneys or any portion thereof on or before the said date the township, town or village so in default shall pay to the county interest thereon at the rate of six per cent. per annum from the said date until payment shall be made.

18. Subsection 5 of section 14 of *The Assessment Act* is amended by adding thereto the following: "1

2 Provided that the telephone and telegraph plant, poles and wires of a steam railway company which are used exclusively in the running of trains or for any other purposes of a steam railway and not for commercial purposes shall, as heretofore, be exempt from municipal assessment or taxation. "1

19. Subsection 2 of section 44 of *The Assessment Act* is amended by striking out the last five lines thereof and substituting in lieu thereof the following: "1

2 "Notwithstanding anything in this Act contained, the structures, substructures, superstructures, rails, ties, poles, wires and other property on railway lands and used exclusively for railway purposes or incidental thereto (except warehouses and buildings for the accommodation of passengers or freight) shall not be assessed." "1

The said subsection as hereby amended shall be deemed to have been in force on and from the first day of January, 1906. "1

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

The Assessment Amendment Act, 1906.

First Reading, 4th May, 1906.

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

Mr. HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

[1906.]

An Act to confirm an Agreement entered into between His Majesty the King and The Canadian Improvement Company and others.

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

1. A certain agreement, bearing date the 30th day of April, 1906, and made between His Majesty, the King, therein represented by the Honourable Arthur James Matheson, Provincial Treasurer, of the first part; Morton Trust Company, of the second part; The Canadian Improvement Company, of the third part; and the Lake Superior Corporation, of the fourth part, and designated as "The Renewal Guaranty Agreement," is hereby confirmed and declared to be valid and binding on the parties thereto, and the said parties thereto are empowered to do all acts necessary to give effect to the same or to carry out the true intent and meaning of the provisions thereof.

Agreement for partial renewal of guarantee confirmed.

2. The Government may from time to time further renew the guarantee of the sum of One Million Dollars (\$1,000,000) the renewal of which is provided for by said agreement, or any part thereof, or may guarantee the principal and interest of a new loan not exceeding \$1,000,000 in substitution of or to take the place of the existing loan under the said agreement, and may on payment of any portion of said sum so from time to time guaranteed release any part of the securities mentioned in said agreement, any such guarantee or release to be subject to the approval of the Lieutenant-Governor in Council, and any such guarantee or release shall be signed by the Provincial Treasurer or such officer as may be designated by the Lieutenant-Governor in Council in that behalf.

Future renewals authorized

3. The provisions of section 8 of 4 Edward VII., chapter 19, shall apply to the guarantee entered into under the said agreement of the 30th April, 1906, and to any agreement under section 2 hereof.

Application of 4 Edw. VII. c. 19, s. 8 to future renewals

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to confirm an Agreement entered
into between His Majesty the King and
The Canadian Improvement Company
and others.

First Reading, 4th May, 1906.

Mr. MATHESON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to Regulate the Speed and Operation of
Motor Vehicles on Highways.

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

1. The term “motor vehicle” shall be construed to include
5 automobiles, locomobiles, and all other vehicles propelled
otherwise than by muscular power; provided, however, that
it shall not include the cars of electric and steam railways,
and other motor vehicles running only upon rails or tracks;
or bicycles, tricycles, or other vehicles propelled exclusive-
10 ly by muscular pedal power. 3 Ed. VII., cap. 27, s. 1,
amended.

Meaning
of motor
vehicle.

2. Every person whose motor vehicle shall be driven in
this Province shall pay to the Provincial Secretary a registra-
15 tion fee for each motor vehicle. The Provincial Secretary
shall issue for each motor vehicle so registered a permit
properly numbered, stating that such motor vehicle is reg-
istered in accordance with this section, and shall cause the
name of such owner, with his address and the number of his
permit, to be entered in a book to be kept for such purpose.
20 The Lieutenant-Governor in Council may make regula-
tions regarding renewals and transfers of such permits,
the amount and time of payment of such fees and the
registration and operation of motor vehicles owned by
manufacturers or dealers and not kept by such manu-
25 facturer or dealer for private use or for hire. 5 Ed. VII.,
cap. 28, s. 2, amended.

Registration
fee to be paid
to Provincial
Secretary.

3.—(1) Every motor vehicle while being driven upon
streets and highways shall have attached to, and exposed
upon the centre of the back of the body and upon the front
30 of every such motor vehicle, securely fixed in a conspicuous
place, a number in plain figures not less than five inches in
height, issued by the Provincial Secretary, and being the

Number of per-
mit to be ex-
posed on
vehicle.

number of the said permit, so that the lower side thereof shall not be lower than the body of such motor vehicle. Such number shall be kept free from dirt and obstructions of any kind and shall be affixed so that the same may be at all times plainly visible. 5 Edw. VII., cap. 28, s. 1, 5 amended.

(2) No number other than that issued by the Provincial Secretary shall be exposed on any part of a motor vehicle. *New.*

Alarm bell to be sounded at crossings, etc.

4.—(1) Every motor vehicle shall be equipped with a 10 proper alarm bell, gong, or horn, and the same shall be sounded whenever it shall be reasonably necessary for the purpose of notifying pedestrians or others of the approach of any such vehicle, and all such vehicles shall carry in the front thereof a lighted lamp, or lamps, in a conspicu- 15 ous position, in such vehicle whenever in motion in any street or highway, at any time after dusk and before dawn, such light to display prominently upon the glass of such lamps in the front of such vehicle the number of the permit of the motor vehicle in figures painted black not 20 less than two inches in height, such glass being ground or stippled with white paint. 5 Edw. VII., cap. 28, s. 2, amended.

Provided, however, that a motor bicycle shall have exposed on the back thereof a number in plain figures three 25 inches in height issued by the Provincial Secretary, being the number of the permit of said motor bicycle, and shall from dark to dawn carry in front thereof a lighted lamp with the said number of the permit on the glass thereof not less than two inches in height, the said glass being ground 30 or stippled with white paint.

(2) Every motor vehicle shall carry a lamp so placed as to illuminate conspicuously at all times between sunset and sunrise the number placed on the back of the body of the said vehicle. *New.* 35

(3) No motor vehicle shall carry lighted a search light. *New.*

Rate of speed.

5. No motor vehicle shall be run upon any public highway within any city, town or incorporated village at a greater rate of speed than ten miles an hour, or upon any 40 public highway outside of any city, town or incorporated village at a greater speed than fifteen miles per hour. Provided that the council of any city, town, township or village may by by-law set apart any public street or highway or any part thereof on which motor vehicles may be 45 driven at any higher rate of speed than herein limited for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such street or highway or part thereof for the purposes aforesaid. 3 Edw. VII., cap. 27, s. 6.

6. If any person drives a motor vehicle on a public highway recklessly or negligently or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the highway and to the amount of traffic which actually is at the time, or which might reasonably be expected to be on the highway, that person shall be guilty of an offence under this Act. *New.*

Driving at greater speed than authorized.

7. No person shall drive a motor vehicle upon any public street, highway, road, park, parkway or driveway in this Province in a race or on a bet or wager. 3 Edw. VII., cap. 27, s. 7.

Not to be driven in a race or for a bet on a public street.

8. No intoxicated person shall drive a motor vehicle. *New.*

Intoxicated person not to drive.

9. Every person having control or charge of a motor vehicle shall, whenever upon any public street or highway and approaching any vehicle drawn by horse or horses, or any horse upon which any person is riding, operate, manage and control such motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of any such horse or horses, and to insure the safety and protection of any person riding or driving the same, and shall not approach such horse or horses within one hundred yards, or pass the same going in the opposite direction at a greater speed than seven miles per hour, and if going in the same direction shall signal his desire to pass and give the rider or driver an opportunity to turn out so that he may be passed with safety, and if any such horse or horses appear frightened he shall reduce its speed, and shall not proceed further toward such animal or animals unless such movement be necessary to avoid accident or injury, or until such animal or animals are under the control of the rider or driver, and if he approach any such person riding or driving any animal or horse upon any public highway outside of the limits of any city or town he shall also stop any such motor vehicle when signalled by such rider or driver so to do by raising his hand, or otherwise requested, and shall remain stationary so long as may be necessary to allow such rider or driver to pass, or until directed by such rider or driver to proceed; and in case any animal ridden or driven by such rider or driver appears to be frightened the operator of such motor vehicle, and any occupants of the same, shall upon request render such assistance to such rider or driver in control of such animal or animals as may be necessary. 5 Edw. VII., cap. 28, s. 3, amended.

Person in charge of vehicle to use reasonable precaution not to frighten horses and to stop on signal.

Meeting or overtaking horses and vehicles.

10. In case an accident occurs to any person, whether on foot or horseback, or in a vehicle, or to any horse or vehicle in charge of any person, owing to the presence of any motor vehicle on any public highway, the person in

Liability for accidents.

one demanding the same his name and address, and also charge of such motor vehicle shall return to the scene of the accident and, upon request, give in writing to any the name and address of the owner of such motor vehicle, and the number of the permit of the said motor vehicle. 5
New.

R.S.C. cap.
236 made
applicable
to Motor
Vehicles.

11. *The Act to Regulate Travelling on Public Highways and Bridges* shall, *mutatis mutandis*, apply to motor vehicles. 5 Edw. VII., cap. 28, s. 4.

Motor owner
responsible.

12. The owner of a motor vehicle for which a permit is issued under the provisions of this Act shall be held responsible for any violation of the Act or of any regulation provided by order of the Lieutenant-Governor in Council. 5 Edw. VII., cap. 28, s. 5.

Motors to be
locked when
unused.

13. Every motor vehicle operated in this Province shall be provided with a lock, key or other device to prevent such vehicle being set in motion, and no vehicle shall be permitted to stand or remain unattended in any shed, highway, park, or other public place without first locking or making fast the vehicle. 5 Edw. VII., cap. 28, s. 6. 20

Rev. Stat.,
c. 223, s. 540
paragraph 7,
not to apply.

14. No provision in any by-law heretofore or hereafter passed under paragraph 7 of section 540 of *The Municipal Act* inconsistent with the provisions of this Act shall affect or apply to motor vehicles. 3 Edw. VII., cap. 27, s. 11.

Provincial
Secretary may
revoke license.

15. The Provincial Secretary may at any time suspend or revoke any permit on account of any misconduct or infraction of the provisions of this Act or regulations provided thereunder by any owner or driver of a motor vehicle for which such permit is issued. 5 Edw. VII., cap. 28, s. 7. 25

Provincial
Secretary to
furnish copies
of Act and lists
of licenses.

16. The Provincial Secretary shall furnish all Clerks of the Peace in the Province with copies of this Act for distribution to the constables of all counties and municipalities, and he shall also provide copies of this Act to the clerks of municipalities, to be posted up in conspicuous places, and shall furnish on the first days of May and September in each year to the clerks of all the municipalities in the Province lists of all persons to whom permits are issued. 5 Edw. VII., cap. 28, s. 8. 30 35

In case of
accident
onus cast
upon motor
owners.

17. When any loss or damage is incurred or sustained by any person by a motor vehicle, the onus of proof that such loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver of such vehicle. 40

Penalties.

18.—(1) Any person violating any of the provisions of sections 3, 7, and 10 of this Act shall, upon summary con- 45

viction, for the first offence, be liable to a fine not exceeding \$50, for the second offence to a fine of \$100, and for the third or any subsequent offence to a term of imprisonment not exceeding one month.

5 (2) A Police Magistrate or Justice of the Peace who shall make a conviction under this section shall certify the same to the Provincial Secretary, setting out the name of the person so convicted, the number of the permit of the motor vehicle with which the offence was committed, the nature
10 of the offence, and the time it was committed, and if three such convictions are made against the same person within a calendar year the permit of the motor vehicle whereby the offence on which such third conviction was made was committed shall be cancelled, and the offender shall not
15 be entitled to a permit under this Act for a period of two years thereafter.

19. Any person violating any of the provisions of this Act where penalties for the violation thereof are not hereinbefore provided shall, upon summary conviction, shall be
20 liable to a fine of not less than \$10 or more than \$50 and costs.

20. Every peace officer as defined in the Criminal Code who on reasonable and probable grounds believes that an offence against any of the provisions of sections 3, 7 and
25 10 of this Act or of any regulations thereunder, has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed that offence, is justified in arresting such person without warrant, whether such person is guilty or
30 not. *New.*

21. Every one called upon to assist a peace officer in the arrest of a person suspected of having committed such offence as last aforesaid is justified in assisting if he knows
35 that the person calling on him for assistance is a peace officer, and does not know that there are no reasonable grounds for the suspicion. *New.*

22. Every one is justified in arresting without warrant any person whom he finds committing any offence against
40 sections 3, 7 and 10 of this Act for which the offender may be arrested without warrant or may be arrested when found committing. *New.*

23. Such peace officer or other person making an arrest without warrant as above provided may detain any motor
45 vehicle in respect to which such offence has been committed until the final disposition of any proceeding which may be taken under the provisions of this Act. Provided that

such motor vehicle may be released on security being given to the satisfaction of a Justice of the Peace. *New.*

Person arresting without warrant.

24. Such peace officer or other person making an arrest shall with reasonable diligence take any person so arrested without warrant before a Justice of the Peace for a warrant or trial. *New.*

Repeal of former enactments.

25. The following Acts and amendments thereof are hereby repealed:

3 Edward VII., chapter 27, intituled *An Act to regulate the speed and operation of Motor Vehicles on Highways*; 10

5 Edward VII., chapter 28, intituled *An Act to amend the Act to regulate the speed and operation of Motor Vehicles on Highways*. Provided, however, that

(1) Any permit issued, Order in Council made, or any Act or thing done under the Acts hereby repealed shall continue in force as if issued, made or done under this Act. 15

(2) Any penalty may be recovered and any offence may be prosecuted under this Act for any matter or thing provided for under the Acts hereby repealed. 20

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to Regulate the speed and Operation of Motor Vehicles on Highways.

First Reading, 4th May, 1906.

Mr. HANNA.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to Regulate the Speed and Operation of
Motor Vehicles on Highways.

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

1. The term "motor vehicle" shall be construed to include automobiles, locomobiles, and all other vehicles propelled otherwise than by muscular power; provided, however, that it shall not include the cars of electric and steam railways, and other motor vehicles running only upon rails or tracks. 3 Ed. VII., cap. 27, s. 1, amended.

Meaning
of motor
vehicle.

2. *The owner of every motor vehicle driven on streets or highways shall pay to the Provincial Secretary a registration fee for such motor vehicle. The Provincial Secretary shall issue for each motor vehicle so registered a numbered permit stating that such motor vehicle is registered in accordance with this section, and shall cause the name of such owner, his address and the number of his permit, to be entered in a book to be kept for such purpose. The Lieutenant-Governor in Council may make regulations regarding renewals and transfers of such permits, the payments of fees therefor, the amount and time of payment of such fees and the registration and operation of motor vehicles owned by manufacturers or dealers and not kept by such manufacturer or dealer for private use.* 5 Edw. VII., cap. 28, s. 2, amended.

Registration
fee to be paid
to Provincial
Secretary.

3. Every motor vehicle while being driven on streets or highways shall have attached to and exposed on the front and back thereof, securely fixed in a conspicuous position, a number in plain figures not less than five inches in height, and issued by the Provincial Secretary, being the number of such permit. The number on the front of the said motor vehicle shall be as far forward and as high from the ground as may be necessary to render it distinctly visible. The number on the back shall be placed on the centre of the back of the body of such motor vehicle, so that the lower

Number of per
mit to be ex
posed on
vehicle

edge thereof shall not be lower than the body of said motor vehicle. ~~■~~

(2) No number other than that issued by the Provincial Secretary shall be exposed on any part of a motor vehicle. *New.*

~~■~~ 4. Such numbers shall be kept free from dirt and obstructions of any kind, and shall be affixed so that the same may be at all times plainly visible. ~~■~~

Alarm bell to be sounded at crossings, etc.

5.—(1) Every motor vehicle shall be equipped with an alarm bell, gong, or horn, and the same shall be sounded whenever it shall be reasonably necessary to notify pedestrians or others of the approach of any such vehicle, and all such vehicles shall carry in the front thereof a lighted lamp in a conspicuous position, in such vehicle whenever in motion in any street or highway, at any time after dusk and before dawn, such lamp to display prominently upon the glass thereof the number of the permit of the motor vehicle in figures painted black not less than two inches in height, such glass being ground or stippled with white paint. 5 Edw. VII., cap. 28, s. 2, amended.

Provided, however, that a motor bicycle shall have exposed on the back thereof a number in plain figures three inches in height issued by the Provincial Secretary, being the number of the permit of said motor bicycle, and shall from dusk to dawn carry in front thereof a lighted lamp with the said number of the permit *painted black* on the glass thereof not less than two inches in height, the said glass being ground or stippled with white paint. *New.*

(2) Every motor vehicle shall carry a lamp so placed as to illuminate conspicuously at all times between dusk and dawn the number placed on the back of the body of the said vehicle. *New.*

(3) No motor vehicle shall carry *what is known to the trade as a search light*. *New.*

Rate of speed.

6. No motor vehicle shall be run upon any public highway within any city, town or incorporated village at a greater rate of speed than ten miles an hour, or upon any public highway outside of any city, town or incorporated village at a greater speed than fifteen miles per hour. Provided that the council of any city, town, township or village may by by-law set apart any public street or highway or any part thereof on which motor vehicles may be driven at any higher rate of speed than herein limited for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such street or highway or part thereof for the purposes aforesaid. 3 Edw. VII., cap. 27, s. 6.

7. Notwithstanding the provisions of section 6 hereof, if any person drives a motor vehicle on a public highway recklessly or negligently or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the highway and to the amount of traffic which actually is at the time, or which might reasonably be expected to be on the highway, that person shall be guilty of an offence under this Act. *New.*

Not to be recklessly driven.

8. No person shall drive a motor vehicle upon any public street, highway, road, park, parkway or driveway in a race or on a bet or wager. 3 Edw. VII., cap. 27, s. 7.

Not to be driven in a race or for a bet on a public street.

9. No intoxicated person shall drive a motor vehicle. *New.*

Intoxicated person not to drive.

10. Every person having control or charge of a motor vehicle shall, whenever upon any public street or highway and approaching any vehicle drawn by horse or horses, or any horse upon which any person is riding, operate, manage and control such motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of any such horse or horses, and to insure the safety and protection of any person riding or driving the same, and *outside the limits of any city or town* shall not approach such horse or horses within one hundred yards, or pass the same going in the opposite direction at a greater speed than seven miles per hour, and if going in the same direction shall signal his desire to pass and give the rider or driver an opportunity to turn out so that he may be passed with safety, and if any such horse or horses appear frightened he shall reduce its speed, and shall not proceed further toward such animal or animals unless such movement be necessary to avoid accident or injury, or until such animal or animals are under the control of the rider or driver, and if he approach any such person riding or driving any animal or horse upon any public highway outside of the limits of any city or town he shall also stop any such motor vehicle when signalled by such rider or driver so to do by raising his hand, or otherwise requested, and shall remain stationary so long as may be necessary to allow such rider or driver to pass, or until directed by such rider or driver to proceed; and in case any animal ridden or driven by such rider or driver appears to be frightened the operator of such motor vehicle, and any occupants of the same, shall upon request render assistance to such rider or driver in control of such animal or animals. 5 Edw. VII., cap. 28, s. 3, amended.

Person in charge of vehicle to use reasonable precaution not to frighten horses and to stop on signal.

Meeting or overtaking horses and vehicles.

11. In case an accident occurs to any person, whether on foot or horseback, or in a vehicle, or to any horse or vehicle in charge of any person, owing to the presence of

Liability for accidents.

any motor vehicle on any public highway, the person in charge of such motor vehicle shall return to the scene of the accident and, upon request, give in writing to any one demanding the same his name and address, and also the name and address of the owner of such motor vehicle, and the number of the permit of the said motor vehicle. *New.*

R.S.C. cap.
236 made
applicable
to Motor
Vehicles.

12. *The Act to regulate Travelling on Public Highways and Bridges* shall, *mutatis mutandis*, apply to motor vehicles. 5 Edw. VII., cap. 28, s. 4.

Motor owner
responsible.

13. The owner of a motor vehicle for which a permit is issued under the provisions of this Act shall be held responsible for any violation of the Act or of any regulation provided by order of the Lieutenant-Governor in Council. 5 Edw. VII., cap. 28, s. 5.

Motors to be
locked when
unused.

14. Every motor vehicle shall be provided with a lock, key or other device to prevent such vehicle being set in motion, and no vehicle shall be permitted to stand or remain unattended in any shed, highway, park or other public place without first locking or making fast the vehicle. 5 Edw. VII., cap. 28, s. 6.

Rev. Stat.,
c. 223, s. 540
paragraph 7,
not to apply.

15. No provision in any by-law heretofore or hereafter passed under paragraph 7 of section 540 of *The Municipal Act* inconsistent with the provisions of this Act shall affect or apply to motor vehicles. 3 Edw. VII., cap. 27, s. 11.

Provincial
Secretary may
revoke license.

16. The Provincial Secretary may at any time suspend or revoke any permit on account of any misconduct or infraction of the provisions of this Act or regulations provided thereunder by any owner or driver of a motor vehicle for which such permit is issued. 5 Edw. VII., cap. 28, s. 7.

Provincial
Secretary to
furnish copies
of Act and lists
of licenses.

17. The Provincial Secretary shall furnish all Clerks of the Peace with copies of this Act *and regulations thereunder* for distribution to the constables of all counties and municipalities, and he shall also provide copies of this Act to the clerks of municipalities, to be posted up in conspicuous places, and shall furnish on the first days of May and September in each year to the clerks of all municipalities lists of all persons to whom permits are issued. 5 Edw. VII., cap. 28, s. 8.

In case of
accident
onus cast
upon motor
owners.

18. When any loss or damage is incurred or sustained by any person by a motor vehicle, the onus of proof that such loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver of such vehicle.

19.—(1) Any person violating any of the provisions of sections 3, 8 and 11 of this Act shall, upon summary conviction, for the first offence, be liable to a fine not exceeding \$50, for the second offence to a fine of \$100, and for the third or any subsequent offence to a term of imprisonment not exceeding one month. Penalties.

(2) A Police Magistrate or Justice of the Peace who shall make a conviction under this section shall certify the same to the Provincial Secretary, setting out the name of the person so convicted, the number of the permit of the motor vehicle with which the offence was committed, the nature of the offence, and the time it was committed, and, if three such convictions are made against the same person within a calendar year, the permit of the motor vehicle, whereby the offence on which such third conviction was made, was committed, shall be cancelled, and the offender shall not be entitled to a permit under this Act for a period of two years thereafter.

20. Any person violating any of the provisions of this Act, or any regulations made thereunder, where penalties for the violation thereof are not hereinbefore provided, upon summary conviction, shall be liable to a fine of not less than \$10 or more than \$50 and costs. Penalties.

21. Every peace officer as defined by the Criminal Code who on reasonable and probable grounds believes that an offence against any of the provisions of sections 3, 8 and 11 of this Act has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed that offence, is justified in arresting such person without warrant, whether such person is guilty or not. *New.* Arrests without warrant.

22. Every one called upon to assist a peace officer in the arrest of a person suspected of having committed such offence as last aforesaid is justified in assisting if he knows that the person calling on him for assistance is a peace officer, and does not know that there are no reasonable grounds for the suspicion. *New.* Assisting peace officers.

23. Every one is justified in arresting without warrant any person whom he finds committing any offence against sections 3, 8 and 11 of this Act for which the offender may be arrested without warrant or may be arrested when found committing. *New.* Arresting without warrant on view of offence.

24. Such peace officer or other person making an arrest without warrant as above provided may detain any motor vehicle in respect to which such offence has been committed until the final disposition of any proceeding which may be Detaining vehicle when arrest made.

taken under the provisions of this Act. Provided that such motor vehicle may be released on security being given to the satisfaction of a Justice of the Peace. *New.*

Person arrest-
ing without
warrant.

25. Such peace officer or other person making an arrest shall with reasonable diligence take any person so arrested without warrant before a Justice of the Peace for a warrant or trial. *New.*

Repeal of
former enact-
ments.

26.—(1) The following Acts and amendments thereof are hereby repealed :

3 Edward VII., chapter 27, intituled *An Act to regulate the speed and operation of Motor Vehicles on Highways*;

5 Edward VII., chapter 28, intituled *An Act to amend the Act to regulate the speed and operation of Motor Vehicles on Highways*. Provided, however, that

(2) Any permit issued, Order in Council made, or any Act or thing done under the Acts hereby repealed shall continue in force as if issued, made or done under this Act.

(3) Any penalty may be recovered and any offence may be prosecuted under this Act for any matter or thing provided for under the Acts hereby repealed.

27. This Act shall come into force on the first day of July, 1906.

No. 241.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to Regulate the speed and Operation of Motor Vehicles on Highways.

First Reading, 4th May, 1906
Second Reading, 8th May, 1906

*(Reprinted as amended in Committee of
the Whole House.)*

Mr. HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting The Hospital for Epileptics.

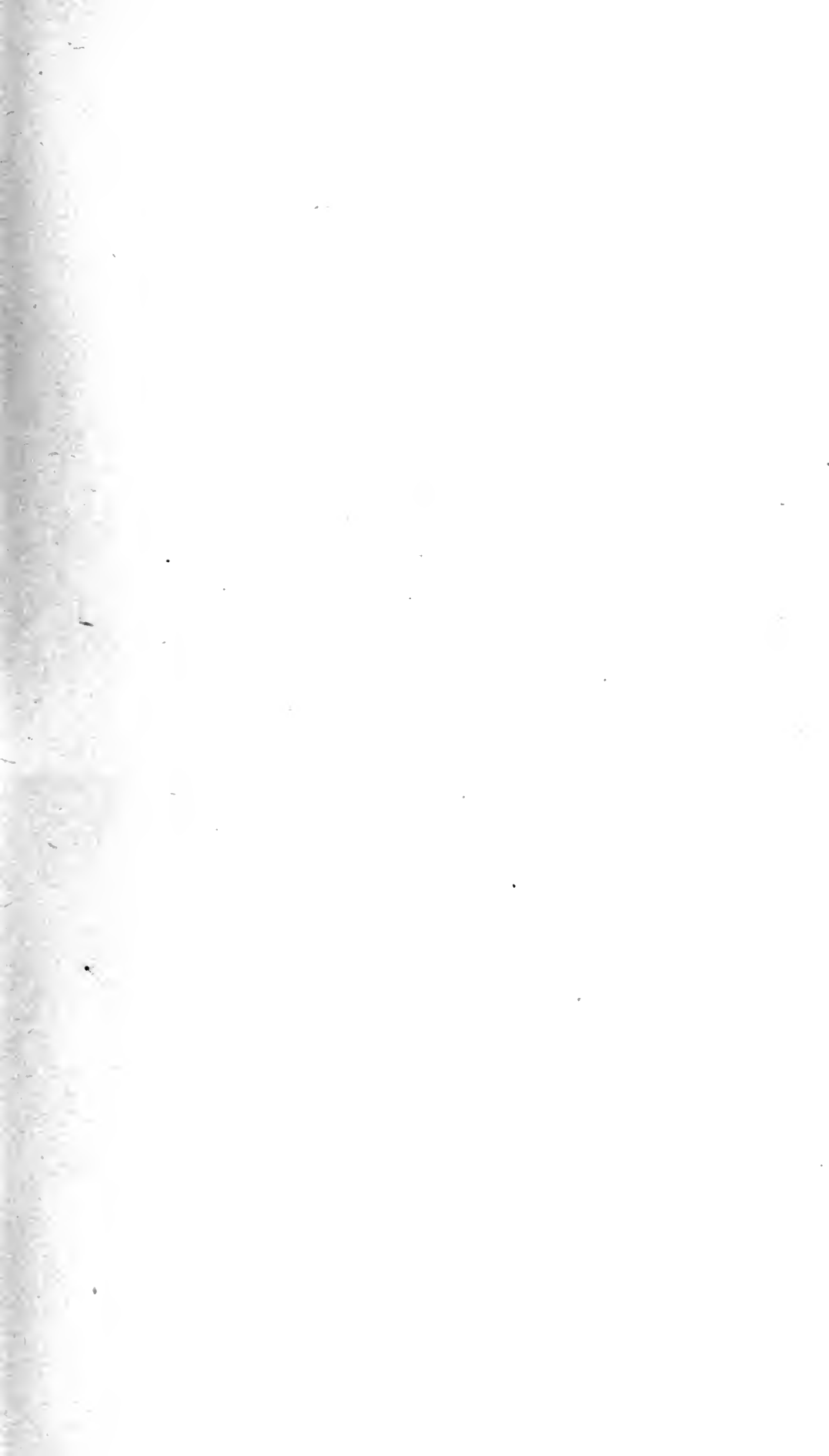
HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The hospital founded and established at the City of
5 Woodstock, 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 Pro-
10 vince, and shall be known and designated as "The Hospital for Epileptics."
2. The object and design of such hospital shall be to secure the curative, and economical care and treatment of epileptics, exclusive of insane epileptics.
- 15 3. The Inspector appointed under *The Prisons and Asylums Inspection Act* shall be the Inspector of the said hospital, and shall have and perform the same powers and duties in respect to such hospital as are conferred upon him in respect of asylums for the insane by the said *The Prisons*
20 *and Asylums Inspection Act*.
4. The Lieutenant-Governor may from time to time appoint for such hospital a Medical Superintendent, Bursar, Matron, and such other officers, instructors, attendants and servants as may be necessary, who shall hold office respec-
25 tively during pleasure, and who shall perform such duties as may be assigned to them under the rules and regulations in force respecting such hospital and in accordance with the directions of the Inspector.
5. The Inspector shall make rules and regulations for the
30 management, discipline and general administration of the

said hospital, and for fixing and prescribing the duties of the Superintendent Bursar, Matron, and such other officers, instructors, attendants or servants as may be employed in or about the said hospital, and may alter, amend and annul such rules and regulations from time to time; provided, 5 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.

6. No person shall be received into the said hospital without a certificate from a legally qualified medical practitioner, setting forth that after a proper examination of the person for whom the application for admission is made, and after due enquiry into all the facts relating to his case, the person so examined is found to be a sane epileptic. 10

7. The Inspector shall make such rules and regulations 15 as may be deemed necessary and expedient for fixing and determining the terms and conditions of admissions to the said hospital of persons certified in the manner provided for in the next preceding section, and for the support and maintenance of such persons so admitted to such hospital while 20 inmates therein, and for the discharge of such persons therefrom; provided, always, that no such rules or regulations shall have any effect until and unless they be first approved by the Lieutenant-Governor in Council.



2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting The Hospital for
Epileptics.

First Reading, 7th May, 1906.

MR HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to provide for the Transmission of Electrical
Power to Municipalities.

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

1. For the purposes hereinafter mentioned, the Lieuten-
5 ant-Governor in Council may from time to time appoint a
Commission to consist of three persons, one of whom may
be a member of the Executive Council of Ontario, and such
commission shall be a body corporate under the name of
"The Hydro-Electric Power Commission of Ontario," here-
10 inafter called "the Commission."

Appointment
of Hydro-
Electric Power
Commission.

2. The Lieutenant-Governor in Council may designate
one of the members of the Commission to be the Chairman
thereof. Two of the members of the Commission shall form
a quorum.

Chairman.
Quorum.

15 3. Every person appointed to the Commission shall hold
office during pleasure and the Lieutenant-Governor in
Council may upon the death, resignation or removal from
office of any member of the Commission appoint some other
person to fill his place.

Tenure of
office.
Vacancies.

20 4. The members of the Commission other than any mem-
ber of the Executive Council shall be paid such salary or
other remuneration as may be fixed by the Lieutenant-
Governor in Council out of such moneys as may be voted
by the Legislature for that purpose.

Salaries.

25 5. The Commission may, from time to time, appoint a
Chief Engineer, an Accountant, and a Secretary, and such
other engineers, accountants, officers, servants and work-
men as may be deemed requisite. The salaries or other re-

Appointment
of officers by
Commission.

muneration of the persons so appointed shall be payable out of such moneys as may be voted by the Legislature for that purpose.

Furnishing plans, specifications and estimates to municipal corporations, on application.

6. Any municipal corporation may apply to the Commission for the transmission to such corporation of electrical power or energy for the uses of the corporation and the inhabitants thereof, for lighting, heating and power purposes, and the Commission may thereupon furnish to such municipal corporation estimates of the cost of constructing, erecting, installing and maintaining all such buildings, works, plant, machinery, poles, wires, conduits and other structures as may be necessary for the purpose of supplying the amount of electrical power or energy required by such municipal corporation and may also furnish to such corporation plans and specifications of the works, plant, machinery and appliances necessary for the distribution of such power and energy by such municipal corporation, together with an estimate of the cost thereof. The Commission shall further furnish to such municipal corporation a statement of the terms and conditions upon which such electrical power or energy may be transmitted and supplied, together with a form of the contract to be entered into between such municipal corporation and the Commission.

Proviso.

Provided that neither the Commission nor the Province of Ontario shall incur any liability to any municipal corporation or company by reason of any error or omission in any such plans, specifications, or estimates.

Council may submit by-law to electors.

7. The council of such municipal corporation may submit to the electors of the municipality in the manner prescribed in *The Consolidated Municipal Act, 1903*, a by-law authorizing the municipal corporation to enter into such contract and in case such by-law receives the consent of the majority of the electors voting thereon, such contract may be executed by the Commission and the municipal corporation, subject to the approval of the Lieutenant-Governor in Council.

Transmitting and delivering power to municipality under contract.

8. After the approval of such contract by the Lieutenant-Governor in Council the Commission may proceed to transmit and deliver to the municipal corporation electrical power or energy to the extent mentioned in such contract, and the municipal corporation may receive, use, supply and distribute such electrical power or energy upon such terms and subject to such conditions as to rates and otherwise as the Commission may from time to time prescribe.

Supplying power to railways and distributing companies.

9.—(1) The Commission may, subject to the approval of the Lieutenant-Governor in Council, enter into contracts from time to time with such railway companies or distribut-

ing companies as may apply to the Commission for the supply of power for the purposes of such companies.

(2) Any net profit made by the Commission, in supplying power to a railway company or distributing company under any such contract after making due provisions for the cost of acquiring or constructing and maintaining the works through which the power is supplied to such company, shall be applied in payment of the cost of maintaining the works, if any, acquired or constructed and operated by the Commission for the purpose of transmitting power to municipal corporations.

Profits to be applied in reducing cost of maintenance to municipalities.

(3) The Commission may, from time to time, with the approval of the Lieutenant-Governor in Council, enter into a contract with any railway company for the use of the right of way of such railway company for the erection of towers, poles, conduits, works and other constructions necessary for transmitting electrical power or energy by the Commission.

Agreements for use of right of way of railway companies.

10. Every municipal corporation entering into a contract with the Commission as hereinbefore provided shall, for the purpose of using, distributing and supplying electrical power or energy so contracted for, have the powers, perform the duties and be subject to the like obligations as a municipal corporation constructing or acquiring works for supplying electrical power or energy under the provisions of *The Municipal Light and Heat Act* or *The Consolidated Municipal Act, 1903*. Provided that the clauses lettered (a) to (a9), both inclusive, following paragraph 4 of section 566 of *The Consolidated Municipal Act, 1903*, shall not apply to any municipal corporation receiving from the Commission and using and distributing electrical power or energy under the provisions of this Act, and it shall not be necessary for the council of any municipal corporation, before passing any by-law or issuing debentures thereunder for the purposes of this Act, to fix any price to be offered to any electric light company or gas company supplying or which has heretofore supplied electric light or gas in such municipality or to take any further or other proceedings having for their object the fixing a price to be paid by the municipal corporation for the works and plant of any such corporation or any part thereof, or the purchase or expropriation of such plant or any part thereof by such corporation, unless the Commission, upon application to it by any such electric light company or by the municipal corporation, shall otherwise order or direct.

Powers of municipalities.

11. The Commission may, from time to time, report to the Lieutenant-Governor in Council, designating such lands, water privileges, water powers of the lands, works, machinery and plant, or any portion thereof of any com-

Report of Commission as to acquiring works, etc.

pany or individual owning, or holding under lease or otherwise, or developing, operating or using any water privilege or water power, or transmitting electrical or other power or energy in the Province of Ontario which should, in the opinion of the Commission, be purchased, acquired, leased, taken or expropriated, developed, operated or used by the Commission for the purposes of this Act, or may designate what quantity of the product of any such corporation or individual developing electrical power or energy in the Province of Ontario, or purchasing such power or energy the Commission requires for the purposes of this Act.

Authority may be given to Commission.

12. The Lieutenant-Governor in Council may, from time to time, upon the recommendation of the Commission, authorize the Commission :

To acquire lands and works.

(a) To acquire by purchase, lease or otherwise, or to enter upon, take and use the lands, works, plant and property of any company or individual owning, using and developing or operating lands, water, water privileges, or works, plant and machinery for the development of any water privilege or water power for the purpose of generating electrical power or energy or for the transmission thereof in the Province of Ontario, and to develop and supply electrical power or energy;

Plant and property of transmission companies.

(b) To acquire by purchase, lease or otherwise, or to enter upon, take and use, and to construct, maintain and operate works, machinery plant and appliances, lines of wires, poles, tunnels, conduits and other works for the transmission and delivery of electrical power or energy, and to conduct, store, transmit and deliver electrical power or energy, and with such lines of wires, poles, conduits, motors or other conductors or devices to conduct, convey, transmit, distribute, deliver, furnish or receive such electrical power or energy to or from any person at any place through, over, along or across any public highways, bridges, viaducts, railways, watercourses, or over or under any waters, and through, over or under the lands of any person, and to enter upon any lands upon either side of such lines or conduits, and fell or remove any trees or limbs thereof, or other obstructions, which, in the opinion of the Commission, it is necessary to fell or remove;

Taking power produced by companies.

(c) To demand, order and direct the delivery to the Commission of the whole or any part of the product of the works of any company or individual developing or which proposes to develop a water

power or water privilege for the purpose of generating electrical power or energy in the Province of Ontario, or to enter into agreements with any such company or individual for the supply of such product or any part thereof to the Commission for the purposes of this Act.

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13. Whenever the Lieutenant-Governor in Council shall authorize the Commission to enter into, take, use and expropriate the lands, works, plant, machinery, poles, wires and other property and appliances of any such company or individual, or to take or expropriate the product of the works of any such company or individual as aforesaid, or any portion thereof, the Commission shall have the powers and shall proceed in the like manner as is provided in the case of the Minister of Public Works taking lands or property for the public uses of the Province of Ontario, and the provisions of *The Public Works Act* shall, *mutatis mutandis*, apply to the Commission acting under the authority of the Lieutenant-Governor in Council in such behalf.

Application of
Rev. Stat., c. 37.

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14. The expenditure of the Commission upon any works, undertaken under the provisions of this Act, shall be repayable to the Commission by the municipal corporations entering into contracts with the Commission as hereinbefore authorized.

Cost of works
to be borne by
municipalities.

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15. In addition to the price per horse power payable by any municipal corporation under the terms of a contract entered into with the Commission (which price shall include an allowance for generating, transforming and transmission losses) every municipal corporation entering into such a contract shall annually pay to the Commission its proportion of the following charges:

Annual pay-
ments to be
made by
municipalities.

(a) Interest at the rate of 4 per cent. upon the moneys expended by the Commission on capital account in the construction or purchase of the works, plant, machinery and appliances constructed or acquired by the Commission for the purpose of developing, transmitting and delivering electrical power or energy to such municipal corporation, and other municipalities, if any;

(b) An annual sum sufficient to form in thirty years a sinking fund for the retirement of the securities issued by the Province of Ontario under this Act for the payment of the cost of the works hereinbefore mentioned;

(c) The cost of operating, maintaining, repairing, renewing and insuring the said works, plant, machinery and appliances.

Apportionment of amounts payable by municipalities.

16. The Accountant of the Commission shall annually adjust and apportion the amounts payable by municipal corporations to the Commission under the next preceding section.

Government authorized to raise funds necessary for work of commission.

17. The Lieutenant-Governor in Council may from time to time raise by way of loan on the credit of the Province of Ontario as provided by the Act passed in the fifth year of His Majesty's reign, Chapter 2, such sums as may be certified by the Commission to be required for the purposes hereinbefore mentioned, and the proceeds of every such loan may be paid over to the Commission for the purposes of this Act and be audited and accounted for in the manner provided by the Statutes of this Province respecting the management of the public revenue, and public accounts.

Commission to account for monies received,—application of same.

18. All sums received by the Commission from municipal corporations, railway and other companies under this Act shall be duly accounted for by the Commission and shall be paid over to the Treasurer of the Province of Ontario, to be applied from time to time in the retirement of the securities given by the Province for any loan raised under this Act by the Lieutenant-Governor in Council.

Complaints as to rates charged by light, heat, power or gas companies, etc.

19.—(1) Upon the complaint in writing of any municipal corporation, company or individual that any municipal corporation, company or individual is charging for supplying electric lighting or heating or electric power or energy or gas at a rate which is excessive or unfair, or that any municipal corporation is making use of the power conferred upon it by this Act for the purpose of granting bonuses by supplying power, light or heat below cost to manufacturers or others, the chairman of the Commission may appoint a time and place at which the Commission or some member thereof will hear and determine the matter in dispute.

Hearing of complaints.

(2) Such notice of such appointment as the chairman may direct shall be given by the secretary of the Commission to all parties concerned. At the time and place appointed the Commission, or with the consent of all parties any member of the Commission, shall hear and determine the matter in dispute and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the municipal corporation, company or individual against whom the complaint is made, and regulating and determining the rates and charges to be imposed by such municipal corporation, company or individual, and directing the amendment of any by-law or agreement accordingly.

Powers of Commission on enquiry.

(3) The Commission or the member thereof conducting the hearing shall have the powers authorized to be conferred upon a Commissioner appointed under *The Act respecting Enquiries Concerning Public Matters*.

(4) Any municipal corporation, company or individual neglecting or refusing to obey and carry out the order or direction of the Commission or the member thereof conducting such case shall forfeit to His Majesty for the uses of the Province the sum of \$100 for every day during which such refusal or neglect shall continue.

Penalty for disobedience to order of Commission.

20. The Commission shall, whenever required by the Lieutenant-Governor in Council so to do, enquire into, examine and investigate water powers or water privileges in the Province and report to the Lieutenant-Governor in Council upon the value and capacity thereof, with such other information as the Lieutenant-Governor in Council may require. Every report of the Commission shall be laid before the Legislative Assembly at its next ensuing session.

Commission to report on water powers, etc., when required.

No. 243.

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act to provide for the Transmission of
Electrical Power to Municipalities.

First Reading, 7th May, 1906.

Mr. BECK.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend the Act respecting Lunatic Asylums, and the Custody of Insane Persons.

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

1. Sections 12 to 23 inclusive and section 25 of the said Act are hereby repealed and the following substituted therefor:—

PROCEEDINGS TO APPREHEND DANGEROUS INSANE PERSONS.

(12) Where an information is laid before any of His Majesty's justices of the peace for any territorial division that any person, being within the limits of the jurisdiction of such justice, is, or is suspected or believed by the person laying the information, to be insane and dangerous to be at large, such justice may issue his warrant (Form B) to apprehend such alleged insane person, and to cause him to be brought before such justice or any other justice for the same territorial division.

(13) Every such warrant shall be under the hand and seal of the justice issuing the same, and may be directed to all or any of the constables or other peace officers of the territorial division within which the justice issuing the same has jurisdiction, and shall name or otherwise describe the person against whom the information has been laid, and shall state that information has been laid on oath that such person is insane and dangerous to be at large; and the warrant shall order the person or persons to whom it is directed to apprehend the person against whom the information has been laid, and to bring him before the justice issuing the warrant, or before some other justice of the peace for the territorial division, in order that enquiry may be made respecting the sanity of such person, and that he may be further dealt with according to law.

(14) Any person apparently insane and conducting himself in a manner which in a sane person would be disorderly, may be apprehended without warrant by any constable or peace officer and detained in some safe and comfortable place until the question of his sanity be determined as prescribed by section 21 hereof. 5

PROCEEDINGS ON APPREHENSION.

(15) Where the person alleged to be insane has been apprehended under a warrant or in the manner provided in section 14 hereof, he shall be brought before some justice of the peace for the territorial division in which such person has been apprehended, and the justice may thereupon by his order (Form C) direct that such alleged insane person be confined in some safe and comfortable place, or in the custody of the constable or other person who apprehended him, or such other safe custody as the justice deems fit until the question of his sanity be determined, but in no case shall such alleged insane person be committed as a disorderly person to any prison, gaol or lock-up for criminals, unless he be violent and dangerous and there is no other suitable place for his confinement, nor shall he be confined in the same room with a person charged with or convicted of a crime. 10 15 20

(16) The Provincial Secretary shall have the power to appoint one or more medical practitioners in any territorial division for the purposes of sections 12, 16 and 17 hereof. 25

(17) Immediately upon the apprehension of an alleged insane person the justice before whom such alleged insane person shall be brought shall notify one of the medical practitioners appointed under section 16 (if any such have been appointed for the territorial division in which the justice has jurisdiction) and one other medical practitioner, or if no medical practitioner has been so appointed the justice shall notify two medical practitioners, and shall cause an examination to be made in the same manner as is provided in sections 7 and 8 of this Act. 30 35

(18) The justice, in addition to the examination in the next preceding section prescribed, shall hear such evidence upon oath as may be adduced with reference to the insanity of the said alleged insane person and shall direct that enquiry be made as to the friends or relatives of such person in order that the evidence of some person or persons who is or are acquainted with the family and previous habits of the said alleged insane person may be had, and for the purpose of ascertaining whether the said alleged insane person is possessed of any and what property, and where the same is situated, and also as to the number of persons, if any, dependent upon 40 45

him for support, and to elicit as far as possible, all information in respect to the matters set out in Schedule No. 2 of this Act; but should the justice find that such enquiries will be expensive, or that sufficient information has been
 5 obtained for the purposes of this Act by other means, then such justice shall not be required to make the enquiries by this section directed.

(19) The justice may from time to time adjourn the enquiry, and again commit to custody, as prescribed by section 15 of this Act, until proper enquiry is made as herein
 10 directed.

(20) Where the medical practitioners, upon making a personal examination of the said alleged insane person, do not agree in opinion as to whether such person is or is not
 15 insane, they, or any of them, may again examine such person (said examination to be made within one week after the first examination) and may grant a new certificate if upon such further examination they change their opinion as to the mental condition of such person.

(21) If, after reasonable enquiry has been made by the justice as herein directed, the justice is satisfied that such alleged insane person is not insane and dangerous to be at large, the justice shall forthwith discharge such person.
 20 but if after enquiry as aforesaid the justice is satisfied that such alleged insane person is insane and dangerous to be at large, he shall certify accordingly (Form D): provided that
 25 unless both of the medical practitioners making the examination as herein before provided shall agree that such person is insane the justice shall forthwith discharge such
 30 person.

(22) The said justice shall immediately transmit to the Inspector the said certificate and the certificates of said medical practitioner, and all depositions taken before him, accompanied by a written statement of such justice as to the
 35 financial condition of such insane person and the person or persons legally liable for his maintenance, and as to the other matters set out in Schedule No. 2 to this Act, so far as ascertained, and the Inspector, on receipt of the said documents, shall at once make provision for the transfer of
 40 such insane person to an asylum for the insane.

23.—(1) The costs necessarily incurred in determining the question of the insanity of any alleged insane person under the provisions of sections 12 to 29, inclusive, of this Act, including the fees, not exceeding \$5 each, to the
 45 medical practitioners, and other necessary expenses, and in securing the removal and admission of such person to an asylum for the insane, and the expense of providing pro-

per clothing for such person, if any, shall be paid by the county, city or separated town in which such person has been apprehended; but if such person had not prior to his being apprehended resided in such county, city or separated town for the period of one year, but had resided 5 for that period in some other county, city or separated town in this Province, then such expenses may be recovered back by the county, city or separated town in which such person was apprehended from the county, city or separated town in which such person had last resided for the period 10 of one year; or if such person, although he had resided for the period of one year in the county, city or separated town in which he was apprehended, had since such residence been a resident for the period of one year in some 15 other county, city or separated town in this Province, then in like manner such expenses may be recovered back by the county, city or separated town in which such person was apprehended from the county, city or separated town in which such person last resided for the period of one year.

(2) Where such person is not an indigent person, then 20 the expenses referred to in the next preceding subsection paid by any county, city or separated town in which such person has been apprehended may be collected by it from the estate of such person or from the persons legally liable for his maintenance, and the same shall be a charge 25 against the estate of such person or the same shall be paid by the persons legally liable for his maintenance.

2. Section 37 of the said Act is hereby repealed.

3. Section 50 of the said Act is amended by striking out from the word "and" in the fourth line thereof to the 30 word "payable" in the 9th line thereof inclusive, and by striking out in the 13th and 14th lines the words "it may not be considered proper to claim in respect of his maintenance" and substituting therefor the words "it may be 35 considered proper."

4. Section 53 of said Act is amended by adding thereto the following subsection:—

(3) No application to the High Court for the appointment of a committee of any such lunatic shall be made until five clear days' notice thereof has been given to the 40 Inspector, and with such notice shall be served a copy of the petition and the affidavits to be used in support thereof.

5. Form C of the said Act is hereby amended and the following substituted therefor:—

FORM C.

(Section 15.)

*Warrant of committal for safe custody pending enquiry.*Province of Ontario, }
County of }

To all or any of the Constables or Peace Officers in the County of

Whereas on the day of last past, information upon oath was laid before me (or us) one (or as the case may be) of His Majesty's Justices of the Peace in and for the said county of that A. B. is insane and dangerous to be at large; and whereas the hearing of the same is adjourned to the day of at o'clock in the (fore) noon at , and it is necessary that the said A. B. should in the meantime be kept in safe custody:

These are therefore to command you or any of you, the said Constables or Peace Officers in His Majesty's name, forthwith to convey the said A. B. to , and there deliver him to the custody of together with this precept;

And I hereby require you the said to receive the said A. B. into your custody and there safely keep him until the day of (instant), when you are hereby required to convey and have him the said A. B. at the time and place to which the said hearing is so adjourned as aforesaid, before such Justice or Justices of the Peace for the said County as may then be there to make further enquiry respecting his sanity, and to be further dealt with according to law.

Given under my (or our) hand and seal this day of in the year of our Lord at in the county aforesaid.

6. Form D of the said Act is hereby repealed and the following substituted therefor:—

FORM D.

(Section 21).

*Certificate of Justice.*Province of Ontario, }
County of }

I, the undersigned C. D., Esquire, one of His Majesty's Justices of the Peace for the County of do hereby certify that I have on this day of A. D. 19 , personally examined A. B. of the of in the county of and I do hereby further certify that from such personal examination, and from the evidence adduced thereon I am of opinion that the said A. B. is insane and dangerous to be at large.

Signed this day of A. D. 19 , at in the County of .

7. Schedule No. 2 of the said Act is hereby repealed and the following substituted therefor:—

SCHEDULE NO. 2.

INFORMATION TO BE ELICITED UPON ENQUIRY.

(Section 18).

1. The name in full of alleged insane person.
2. Post Office address of such person.
3. County in which apprehended.
4. City, Town, Incorporated Village or Township in which apprehended.
5. How long a resident of such City, Town, Village or Township.
6. Age.
7. Occupation.
8. Religion.
9. Nationality.
10. Sex.
11. Whether married or single, and if single, whether ever married.
12. Name and Post Office address of husband, wife, parent or guardian, if any, and if guardian state relationship.
13. Number of children, if any, their names and ages, and their Post Office addresses, and if under age, state with whom residing.
14. How long such person has been insane.
15. Duration of the present attack, and whether the first.
16. How the insanity first showed itself, and the supposed causes.
17. Whether any delusions, and if so, what they are.
18. Whether such person is suicidal or dangerous to others.
19. Whether any offence has ever been committed by such person, and whether such person has been convicted of same, with all particulars.
20. Whether such person is subject to epilepsy or paralysis.
21. Whether any of the other members of such person's family have suffered in a similar way, and whether such person has ever been in an asylum, and if so when and where.
22. What have been the habits of such person as to temperance, industry and general conduct, and in what manner they have changed—whether the change has been recent, gradual or sudden.
23. Whether such person has been subject to any bodily ailments, and if so, their nature.
24. Degree of education of such person, and any other information that will in the opinion of the Justice or the Justices aid the Medical Superintendent in the treatment of the case.
25. Whether such person is idiotic, imbecile or incurable.
26. Whether the friends or relations of such person, or any of them, if such there be, are able to contribute to the maintenance of such person while in an asylum, and which, if any, of such friends, and how much they, or any of them, can contribute.
27. Has such person any property, real or personal? What does it consist of and where is it situated; also state value and encumbrances, if any?
28. Has such person any moneys on deposit in Banks? If so, in what bank and in whose possession are the deposit receipts, bank books or other acknowledgments of such deposit?
29. Give the name and Post Office address of the person in whose possession such acknowledgments, if any, are.
30. If such alleged insane person is under the age of twenty-one years what property, real or personal, has the parent or guardian. What does it consist of and where is it situated; also state value and encumbrances, if any.
31. Has such person any one dependent upon him for support? If so, state relationship, names, ages, and Post Office addresses.



6 Edward VII., 1906.
2nd Session, 11th Legislature,

BILL.

An Act to amend the Act respecting
Lunatic Asylums and the Custody of
Insane Persons.

First Reading, 8th May, 1906.

Mr. HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.



An Act respecting certain Orders-in-Council and certain Crown Suits.

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

1. Whereas an Order of the Lieutenant-Governor in Council was passed on the 14th day of August, 1905, withdrawing from exploration for mines and minerals and from sale, lease and location, the lands known as Gillies Brothers' Timber Limit, lying on both sides of the Montreal River, in the District of Nipissing, containing one hundred square miles, more or less, and also the lakes known as Cobalt and Kerr lakes, the said Order-in-Council is hereby confirmed and declared to have been and now to be binding, and effectual for the purposes therein mentioned, notwithstanding that at or before the time of the passing of such Order-in-Council a discovery or discoveries was or were made, or was or were alleged to have been made on such lands, or any part or parts thereof, and notwithstanding that some claim or claims to the mining rights, mines or minerals therein or thereon was or were at or before such time pending; and all discoveries and claims respecting such lands and mining rights, if any, shall be dealt with by the Lieutenant-Governor in Council as he may think fit.

Order in Council of Aug. 14, 1905, withdrawing "Gillies Limit," etc., from exploration, confirmed.

2. The Order of the Lieutenant-Governor in Council of the 24th day of January, 1906, vesting in the Temiskaming and Northern Ontario Railway Commission certain lands and lands covered with water in the District of Nipissing and therein described by metes and bounds, is hereby confirmed, and it is hereby declared that the said Order was intended to vest and did vest in the said Railway Commission as and from the passing of the Act to authorize the construction of the Temiskaming and Northern Ontario

Order in Council of 24th Jan., 1906, vesting certain lands in Temiskaming and Northern Ont. Ry. Commission, confirmed.

Railway, passed in the 2nd year of His Majesty's reign, chapter 9, the fee simple in the said lands and all mines and minerals being and lying in or under the said lands and all mining rights therein and thereto absolutely freed from all claims and demands of every nature whatsoever in respect of or arising from any lease or patent of any mining lands or mining location at any time granted.

Lands and mining rights to be withdrawn from exploration on repeal of patent or lease at instance of Crown.

3. Whenever a mining patent or a mining lease or a lease of mining rights shall by proceedings in the High Court of Justice at the instance of the Crown be repealed or avoided for any cause the lands and mining rights described in such patent or lease shall, upon and by virtue of such repeal or avoidance, be withdrawn from exploration, discovery, staking out, or sale; and every discovery and claim of every kind to the said lands or mining rights and to the mines and minerals on, in or under such lands made or existing at any time before the repeal or avoidance of such patent or lease shall thereupon be and become absolutely null and void; and such lands, mining rights, mines and minerals shall be thenceforth vested in the Crown absolutely and completely freed and discharged of and from every claim of any kind to such lands, mining rights, mines and minerals.

03 2908110

2nd Session, 11th Legislature,
6 Edward VII., 1906.

BILL.

An Act respecting certain Orders-in-Council.

First Reading, 10th May, 1906.
Second Reading, 10th May, 1906.
Third Reading, 10th May, 1906.

Mr. WHITNEY.

TORONTO:

PRINTED BY I. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act for granting to His Majesty certain further sums of money to defray expenses of Civil Government for the year One Thousand Nine Hundred and Six and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour Preamble William Mortimer Clark, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that in addition to sums already appropriated the the sums hereinafter mentioned in the Schedule to this Act are required to defray certain expenses of the Civil Government of this Province, and of the Public Service thereof, and for other purposes for the year one thousand nine hundred and six; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of \$662,850.46 this Province, there shall and may be paid and applied, in granted out of addition to sums already appropriated, a sum (not exceeding Consolidated in the whole) of Six hundred and sixty-two thousand Revenue. eight hundred and fifty dollars and forty-six cents for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand nine hundred and six, as set forth in Schedule "A" to this Act.

2. Accounts in detail of all moneys received on account Accounts to be of this Province, and of all expenditures under Schedule laid before "A" of this Act, shall be laid before the Legislative Assembly Legislative at its next sitting. Assembly.

Unexpended
moneys.

3. Any part of the moneys under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand nine hundred and six, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the 20th day of January next shall lapse and be written off.

Expenditure to
be accounted
for to His
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

SCHEDULE "A."

Sums granted to His Majesty by this Act for the year one thousand nine hundred and six, and the purposes for which they are granted:—

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—	
Lieutenant-Governor's Office	\$400 00
Attorney-General's Department	460 00
Education Department	570 00
Lands and Mines Department	100 00
Treasury Department	575 00
Provincial Auditor	500 00
Provincial Secretary's Department	2,775 00
Department of Agriculture	818 00
Public Works Department	350 00
Miscellaneous	100 00
	\$6,648 00

LEGISLATION.

To defray expenses of Legislation	10,250 00
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ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice.....	45,786 10
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EDUCATION:

To defray expenses of:—	
Grants to Societies and Educational Institutions	\$280 00
Continuation Classes (for Libraries and Scientific equipment)	10 000 00

Special Grant Public and Separate Rural Schools, Counties	\$60,000 00	
Public and Separate Rural Schools, new districts (for general equipment) and Poor, Public and Separate Rural Schools (old districts)	12,000 00	
County Public School Inspectors (coming into effect July 1st)	6,000 00	
Election Expenses, Advisory Council	400 00	
Inspection of Continuation Classes (4 mos.)	667 00	
Salary for Superintendent of Education half-year	1,750 00	
Medical Faculty of Queen's College, for promotion of medical education	50,000 00	
Provincial University	1,186 06	
Repairs and Maintenance of Education Department	990 00	
Normal and Model School Toronto	50 00	
Institution for the Blind	100 00	
Public Libraries, Art Schools, Literary and Scientific	2,500 00	
School of Practical Science	3,767 00	
Public and Separate Schools	100 00	
		\$149,790 06

PUBLIC INSTITUTIONS MAINTENANCE.

To defray expenses of:—

Asylum for Insane, London	\$30 00	
Asylum for Insane, Brockville	70 00	
Asylum for Epileptics, Woodstock	250 00	
Central Prison Industries	800 00	
To pay balance 1905 accounts	2,229 30	
		\$3,379 30

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	55,789 52
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AGRICULTURE.

To defray expenses of a grant in aid of Agriculture ...	14,150 00
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COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration ...	3,100 00
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PUBLIC BUILDINGS.

Public Institutions:—	
Asylum for insane, Toronto	\$500 00
Asylum for Insane, Mimico	1,000 00
Asylum for Insane, Hamilton	500 00
Asylum for Insane, Kingston	13 893 00
Asylum for Insane, Brockville	2,000 00
Asylum for Insane, Penetanguishene	2,100 00
Asylum for Epileptics, Woodstock	1,700 00
Central Prison, Toronto	500 00
Ontario Agricultural College	9,500 00
Mercer Reformatory	1,760 00
Normal School, Toronto	850 00
Normal School, London	2,500 00
School of Practical Science and Normal Schools	106,000 00
Districts:—	
Nipissing	5,850 00
Rainy River	1,100 00
Parry Sound	1,600 00
	\$151,353 00

PUBLIC WORKS.

To defray expenses of Public Works	21,750 00
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COLONIZATION AND MINING ROADS.

To defray expenses of Construction and Repairs	30,600 00
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MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL
BUILDINGS.

Parliament and Departmental Buildings	2,250 00
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CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands	64,700 00
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REFUNDS.

Crown Lands	2,269 29
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MISCELLANEOUS.

To defray Miscellaneous Expenditure	101,035 19
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Total	\$662,850 46
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2nd Session, 11th Legislature,
6 Edward VII., 1906.

SUPPLY BILL.

An Act for granting to His Majesty certain further sums of money to defray expenses of Civil Government for the year One Thousand Nine Hundred and Six and for other purposes therein mentioned.

First Reading, 10th May, 1906.
Second Reading, 10th May, 1906.
Third Reading, 10th May, 1906.

Mr. MATHESON.

TORONTO:

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