

BILL

An Act respecting the City of Hamilton.

WHEREAS the corporation of the city of Hamilton has Preamble.
 by its petition prayed for special legislation in respect
 of the several matters 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
 consent of the Legislative Assembly of the Province of Ontario,
 enacts as follows:—

1. This Act may be cited as *The City of Hamilton Act, 1927*. Short title.

2. The council of the corporation of the city of Hamilton Power to borrow money for certain purposes without assent of electors.
 may without submitting the same to the electors qualified to
 vote on money by-laws, pass a by-law or by-laws for borrowing
 the sum of \$170,000 by the issue of debentures, payable
 within ten years, for the following purposes, namely,—

The widening of York Street, adjoining Dun-	
durn Park	\$24,000
For extensions and improvements to and equip-	
ment for the City Hospital of Hamilton...	128,000
For the amount required to complete the system	
of sewers and pumping station to be con-	
structed pursuant to By-law No. 3093 for	
the issue of debentures for \$423,000.....	18,000
	\$170,000

3. The corporation of the city of Hamilton may,— Investment and administration of sinking funds.

(a) invest its sinking funds in the purchase of any
 debentures of the corporation, including any out-
 standing debentures of the corporation which have
 been sold, at a price fixed by the council;

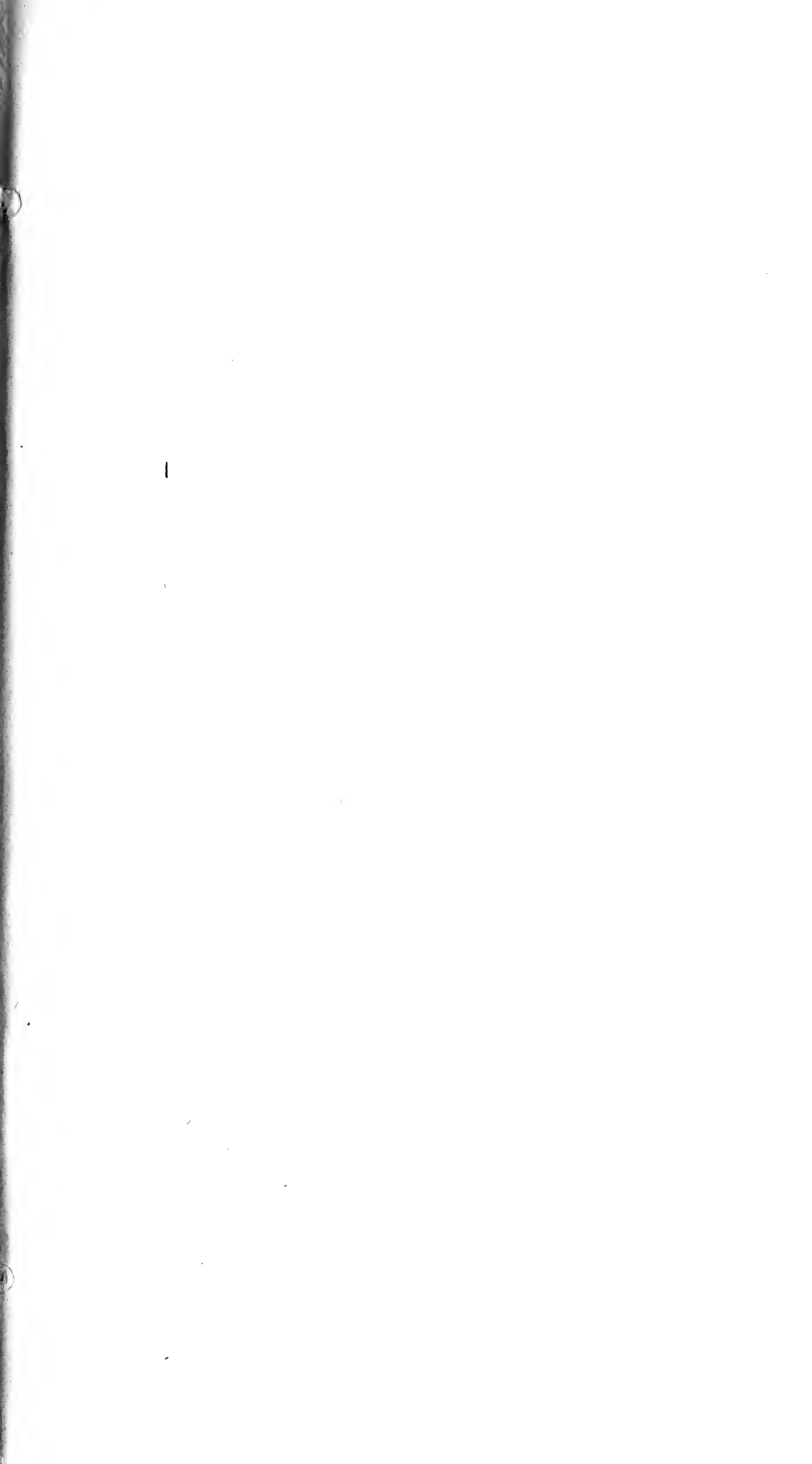
- (b) apply any surplus which may arise in the general administration of the city's sinking funds as a whole, after full and adequate provision has been made for the individual sinking fund of all debenture debts, as required by by-laws constituting them towards the redemption before maturity of any city of Hamilton debentures held by the city as an investment in its sinking funds;
- (c) instead of investing separately the annual sinking fund levy, in respect of any particular debenture debt, or the interest arising from the investments in the sinking fund applicable to any such debt, invest from time to time the whole or any part of the sinking fund moneys which may be on hand in such amounts as may be deemed desirable provided that a return shall be made by the city as at the 31st December in each year, showing the exact amount that should be accumulated as a sinking fund for each individual debt, in accordance with the terms of the by-law constituting such debt, and the aggregate of the securities held applicable to the sinking fund as a whole;
- (d) transfer to the sinking fund, from time to time, the unrequired balance of any loan which may have been secured through the issue of debentures, also any other moneys which may from time to time be received by the corporation in the realization of real estate or other permanent assets.

Time for
submission
of by-law re
granting of
gas franchise.

4. Notwithstanding the provisions of subsection 3 of section 263 of *The Consolidated Municipal Act, 1922*, it shall be lawful for the council of the corporation of the city of Hamilton to submit for the approval of the municipal electors of the said city at any time, a by-law or by-laws, for entering into a contract or contracts with "The United Gas & Fuel Company of Hamilton, Limited, and "The Dominion Natural Gas Company, Limited," or either of them, for the supply of gas to the said corporation and the inhabitants and others in the said city, and for granting franchises to the said companies or either of them, including the right to use and occupy the highways of the municipality for such purpose, the votes on the said by-law or by-laws to be taken in the manner required by, and subject to, all the other provisions of *The Consolidated Municipal Act, 1922*, with respect to voting on by-laws requiring the assent of the electors.

Commence-
ment of
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 1.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of Hamilton.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. JUTTEN.

T O R O N T O :

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Hamilton.

WHEREAS the corporation of the city of Hamilton has Preamble.
by its petition prayed for special legislation in respect
of the several matters 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
consent of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The City of Hamilton Act, 1927.* Short title.

2. The council of the corporation of the city of Hamilton Power
may without submitting the same to the electors qualified to to borrow
vote on money by-laws, pass a by-law or by-laws for borrowing money for
the sum of \$170,000 by the issue of debentures, payable certain pur-
within ten years, for the following purposes, namely,— poses with-
out assent
of electors.


The widening of York Street, adjoining Dun-
durn Park..... \$24,000

For extensions and improvements to and equip-
ment for the City Hospital of Hamilton... 153,000

For the amount required to complete the system
of sewers and pumping station to be con-
structed pursuant to By-law No. 3093 for
the issue of debentures for \$423,000..... 18,000

\$195,000

3. The corporation of the city of Hamilton may,—

(a) invest its sinking funds in the purchase of any
debentures of the corporation, including any out-
standing debentures of the corporation which have
been sold, at a price fixed by the council  but not

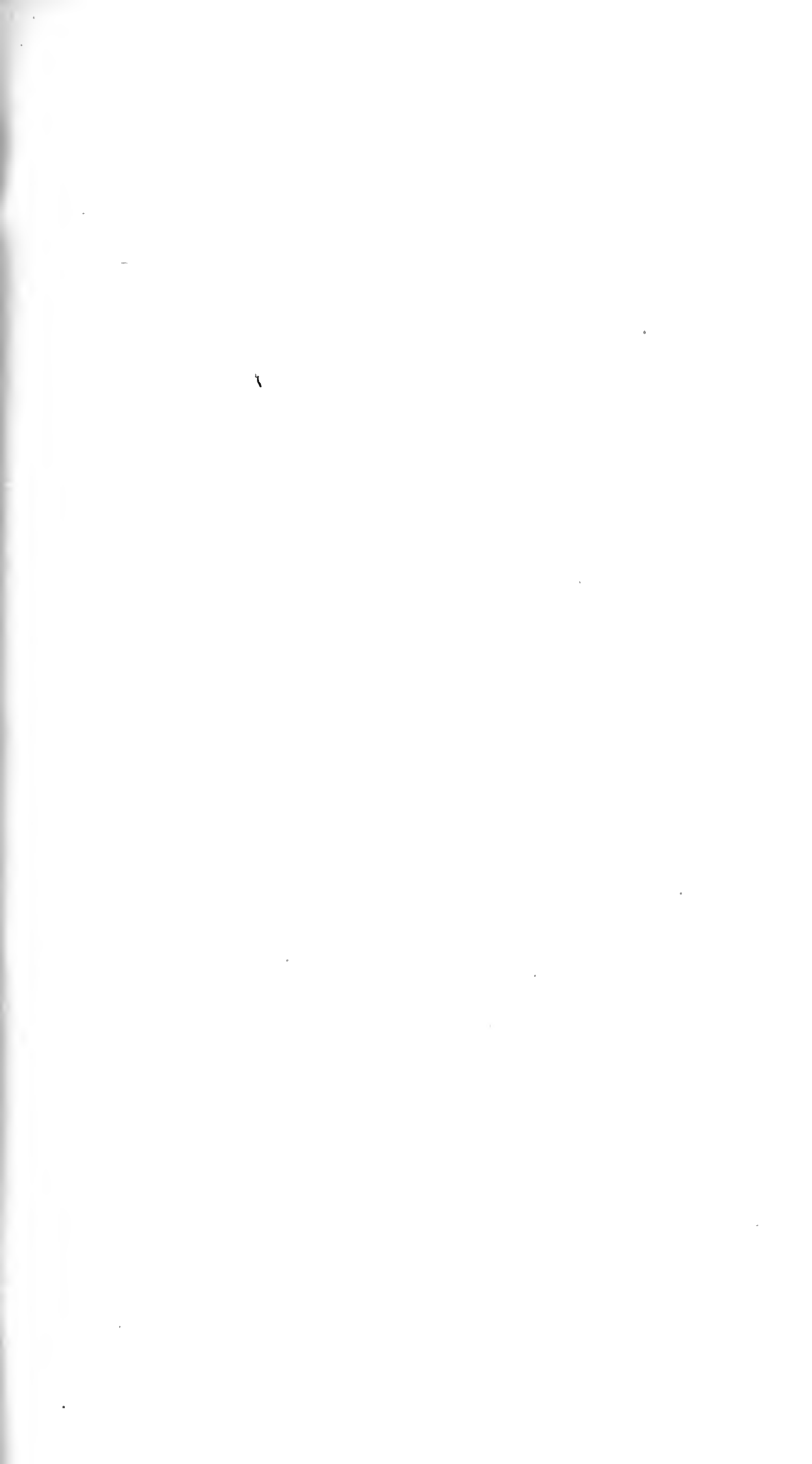
Investment
and admin-
istration of
sinking
funds.

exceeding par value except with the approval of the Ontario Railway and Municipal Board.

- (b) apply any surplus which may arise in the general administration of the city's sinking funds as a whole, after full and adequate provision has been made for the individual sinking fund of all debenture debts, as required by by-laws constituting them towards the redemption before maturity of any city of Hamilton debentures held by the city as an investment in its sinking funds;
- (c) instead of investing separately the annual sinking fund levy, in respect of any particular debenture debt, or the interest arising from the investments in the sinking fund applicable to any such debt, invest from time to time the whole or any part of the sinking fund moneys which may be on hand in such amounts as may be deemed desirable provided that a return shall be made by the city as at the 31st December in each year, showing the exact amount that should be accumulated as a sinking fund for each individual debt, in accordance with the terms of the by-law constituting such debt, and the aggregate of the securities held applicable to the sinking fund as a whole;
- (d) transfer to the sinking fund, from time to time, the unrequired balance of any loan which may have been secured through the issue of debentures to be met by special rates levied on all the rateable property in the municipality, also any other moneys which may from time to time be received by the corporation in the realization of real estate or other permanent assets.

Commence-
ment of
Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 1.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of Hamilton.

1st Reading,	8th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

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

MR. TUTTEN.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Port Arthur.

WHEREAS the municipal corporation of the city of Port Arthur has by its petition represented that it is desirable and in the interests of the corporation to validate and confirm all sales of land purporting to be made for arrears of taxes and costs made prior to the first day of January, A.D. 1926, and all conveyances of such lands made pursuant thereto; and whereas the said corporation has by its petition further represented that it has entered into an agreement in writing bearing date the first day of November, A.D. 1926, with John B. Arnold and Norvill B. Arnold, a copy of which said agreement is hereto attached as schedule "A" for the purpose of selling certain lands and premises in the city of Port Arthur to the said John B. Arnold and Norvill B. Arnold and it is desirable that the said agreement so entered into be validated and confirmed; and whereas the said corporation has further represented that it is desirable to give to the corporation the right to exchange tax sale lands and to give and accept deeds for such lands; and whereas the said corporation has by its petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

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

1. This Act may be cited as *The City of Port Arthur Act*, Short title. 1927.

2.—(1) All sales of land in the city of Port Arthur made prior to the 1st day of January, 1926, and which purport to be made by the corporation of the said city for arrears of taxes and costs in respect of lands so sold are hereby validated and confirmed and all conveyances of land so sold executed by the mayor and treasurer of the said city, purporting to convey the said lands so sold to the purchaser or his assigns, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold and conveyed, or purported to be

Tax sales
and deeds
confirmed.

sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns in fee simple, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale or their assigns and of all charges and encumbrances thereon, except taxes accrued since those for non-payment whereof the said lands were sold.

Case of municipality as purchaser.

(2) Subsection 1 of this section shall extend and apply to cases where the said city or any person or persons in trust for it, or in its behalf, became the purchaser of lands at any such tax sale.

Pending litigation not affected.

(3) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this section had not been passed.

Agreement with John B. Arnold et al. confirmed.

3. The agreement bearing date the first day of November, A.D. 1926, being an agreement entered into between the corporation of the city of Port Arthur and John B. Arnold and Norvill B. Arnold, set out as schedule "A" hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the corporation of the city of Port Arthur and the ratepayers thereof and upon the said John B. Arnold and Norvill B. Arnold, and the council of the said corporation of the city of Port Arthur is authorized to do all acts, matters and things necessary to carry out the terms of the said agreement.

Power to exchange land acquired at tax sales.

4.—(1) The corporation of the city of Port Arthur may exchange any lands acquired by it at any tax sale, for other lands within the said municipality and may convey such lands to any person and may take and hold such other lands in exchange therefor.

Subsection 1 made retro-active.

(2) Subsection 1 shall extend to and include any lands which have heretofore been so conveyed or taken by the said corporation in exchange for lands acquired by it at any tax sale.

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A"

MEMORANDUM OF AGREEMENT made this First day of November, 1926

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF PORT ARTHUR,
hereinafter called "the Corporation"

of the first part.

and

JOHN B. ARNOLD AND NORVILL B. ARNOLD both of the City of
Duluth in the State of Minnesota, hereinafter called "the Pur-
chasers"

of the second part.

Whereas the Corporation is the owner or about to become the owner of a large number of lots in the City of Port Arthur for non-payment of taxes.

And whereas the Corporation is desirous of selling the said lots, and has agreed to give the purchasers an option to purchase the same, upon the terms hereinafter mentioned:

NOW THE AGREEMENT WITNESSETH AS FOLLOWS:—

1. In consideration of one dollar now paid by the Purchasers to the Corporation (the receipt whereof is hereby acknowledged) the Corporation hereby gives to the Purchasers an option, irrevocable within the time of acceptance herein limited, to purchase, free from all encumbrances, all and singular these certain parcels or tracts of land and premises situate, lying and being in the said City of Port Arthur, and being composed of all the lands purchased by the Corporation at tax sales held prior to the date hereof and still owned by the Corporation, and also all the lands purchased by the Corporation at the tax sale or sales held in the year 1925 and which shall not be redeemed within the time limited by the Assessment Act, a list of all which lands and premises (including the lands purchased by the Corporation at the 1925 tax sale, but some of which may be redeemed) is attached to and made a part of this agreement, and also that part of Reserve A described as follows:

Bounded on the West by Cumberland Street, on the south by Van Norman Street, on the east by North Water Street, and on the north by lot one on the west side of north Water Street.

2. The purchase price for the said lands and premises shall be the sum of \$570,000 payable as follows:—

\$70,000 upon the acceptance of this option which shall be not later than July 2, 1927, and \$50,000 on January 2nd and July 2nd in each of the years 1928, 1929, 1930, 1931 and 1932, with interest at 5% per annum on all unpaid principal, from the date of acceptance of this option, payable with each instalment of principal, and with the privilege to the Purchasers of paying the whole or any part of said principal at any time before maturity, with accrued interest to the date of such payment, but without the payment of any bonus or interest in advance.

3. The said lands shall be exempt from all taxes and local improvement rates and all arrears of taxes and local improvement rates and other charges up to June 30th, 1927, but taxes and local improvement rates shall be payable thereon commencing July 1st, 1927.

4. As a further consideration for this option the Purchasers shall pay to the Corporation the sum of \$500 on the 2nd day of each month, commencing January 2nd, 1927, until the acceptance of this option, such

monthly sums of \$500 to be credited by the Corporation upon the said sum of \$70,000 to be paid upon such acceptance.

5. If at any time prior to the acceptance of this option by the Purchasers, any bona fide residents or ratepayers of Port Arthur, are desirous of acquiring any of the lands hereby agreed to be sold, not exceeding altogether a frontage of 6,600 feet, for the purpose of erecting dwelling houses thereon, one dwelling house at least to be erected on each 66 feet frontage, and in addition any of said lands not exceeding a frontage of 200 feet for the purpose of erecting a business block or blocks thereon, the Corporation shall have the right to sell same at a price not lower than the assessed value of such land for the year 1926, and the purchase money, and interest if any, less any agent's commission, shall be applied upon the said sum of \$70,000 to be paid upon acceptance of this option.

6. If any of the lands hereby agreed to be sold have dwelling houses or other buildings or improvements thereon for which the Corporation is collecting rents, such rents after January 1st, 1927, shall be applied upon the said sum of \$70,000 to be paid upon acceptance of this option, less any portion thereof required for repairs, or insurance, and the Corporation shall keep said buildings insured to their full insurable value, and if the said rents are not sufficient to pay said insurance the Corporation shall notify the Purchasers, and unless the Purchasers agree to pay the deficiency, the Corporation may reduce said insurance to an amount which can be paid for out of said rents. On the acceptance of this option the Corporation shall assign all leases and insurance policies to the Purchasers. In the event of any of the property so insured being destroyed by fire prior to the acceptance of this option, the insurance moneys shall be paid to the Corporation and applied upon the said sum of \$70,000 to be paid upon acceptance of this option.

7. Upon the payment of the said sum of \$70,000 on or before July 2nd, 1927, the Purchasers shall be entitled to receive a conveyance or conveyances from the Corporation for such lots as they may choose out of the lands hereby agreed to be sold to an amount not exceeding \$50,000, the value of such lots for this purpose to be taken as equal to the 1926 assessment thereof. The balance of \$20,000 shall remain in the hands of the Corporation as a general deposit on the purchase price, bearing interest at 5% per annum from the date of payment thereof to the Corporation, and such \$20,000 and interest shall be credited on the last payment of principal payable hereunder if the Purchasers complete the payment of the purchase price as herein provided for, and shall be forfeited to the Corporation if they make default at any time before the full purchase price is paid. Upon the payment of the second and other instalments of said purchase price, the Purchasers shall be entitled in the same way to conveyances of lots to be chosen by them to the amount of Ninety per cent. of each instalment, the value of such lots for this purpose to be taken as equal to the assessment thereof for that year.

8. If the Purchasers pay any moneys on account of said purchase price before maturity thereof, providing they are not then otherwise in default, they shall be entitled forthwith to receive conveyances in the same way for lots chosen by them to the full amount of said payments, the valuation of said lots to be arrived at as in the case of lots chosen upon the payment of the first or other instalments of the purchase price, and such payments shall be applied in reduction of the first instalment of principal, and interest thereon, falling due thereafter.

9. The Purchasers shall, as a further consideration, pay all taxes and local improvements rates from time to time falling due during the currency of this agreement and commencing from July 1, 1927, on the lands and premises hereby agreed to be sold, as and when the same become payable as fixed each year by general by-law. Provided, however, that this shall not apply to lands for which a conveyance is obtained from the Corporation, and which are resold by the purchasers, it being understood that as regards such lands, the Corporation shall look to the owners thereof, and to such lands for payment of taxes and local improvement rates accrued since the last payment of taxes by the Purchasers thereon. The Pur-

chasers, for themselves and their heirs, executors, administrators and assigns, hereby waive all and any objections to the validity of any assessments of said land which may be made by the Corporation during the currency of this agreement, but this shall not include the right to object that the said lands are assessed higher than adjoining lands of the same class and quality if such should be the case.

10. Upon the completion of payment of all purchase moneys and interest and taxes hereunder the Corporation shall convey to the Purchasers all lands hereby agreed to be sold and which shall not have been theretofore conveyed. All conveyances by the Corporation shall transfer the land in fee simple, free from all encumbrances, except taxes imposed from July 1, 1927, but subject to the limitations, provisos and conditions expressed in the grants from the Crown, the Corporation shall apply at the next session of the Ontario Legislature for an Act validating the 1925 Tax Sale and all tax deeds issued or to be issued thereunder.

11. Neither the signing of this agreement, nor the payment of any taxes or instalment herein provided for, shall bind the purchasers to pay any other instalments or taxes, but they shall always be at liberty to cancel and rescind the contract completed by such signature or payments, or by the acceptance of such option, by forfeiting the payments referred to in paragraphs 4, 5, 6, 7 and 9 hereof, and upon such cancellation they shall not be in any way liable or responsible for any further payments, nor for any damages for failure to carry out this agreement.

12. The Purchasers shall search the title to the said lands at their own expense, and the Corporation shall not be bound to furnish or produce any abstract of title, or any title deeds or evidences of title not in its possession.

13. The Purchasers shall have thirty days from the date of acceptance of this option to examine the said titles, and shall be deemed to have accepted same except as to any written objections made within that time.

14. If any objection be made within that time, the Corporation shall have a reasonable time to remove it, but if the Corporation is unable or unwilling to do so, it may, notwithstanding any intermediate correspondence, cancel this agreement, and return any moneys paid, and shall not be liable to the Purchasers for any expenses incurred by them.

Provided that in case of suit being commenced to set aside the sale held in 1925, for taxes, of the lands or any of them included in the list of lands attached hereto then the lands in question in such suit may be eliminated from the said list and the amount of the taxes for which such lands were sold or acquired shall be deducted from the final instalment of the said purchase price of \$570,000, but at the option of the Purchasers, if such litigation is not successful, the said lands shall be restored to the said list and the full amount of the purchase price restored.

15. The option hereby given shall be open for acceptance up to, but not after the 2nd day of July, 1927, and may be accepted by a letter delivered to the City Clerk, or left for him at his office, or mailed, postage prepaid and registered, addressed to the Corporation at Port Arthur. Time shall be strictly of the essence hereof.

16. If the purchasers shall make default in the payment of any instalment of money or taxes on the date for payment hereinbefore set out, and such default shall continue for 30 days, this agreement, and all the rights of the Purchasers thereunder (except as regards any conveyances already given) shall immediately thereupon become and be forfeited and void, without any further notice, action or other proceeding on the part of the Corporation, and the said payments referred to in paragraphs 4, 5, 6, 7 and 9 hereof shall be forfeited to the Corporation as and for liquidated damages, and the Corporation shall thereupon be at liberty to re-sell such of the said lands as shall not have been conveyed as aforesaid, free and clear of any right, title or interest on the part of the Purchasers or anyone claiming under them. The production of a statutory declaration made by the City Clerk, showing such default, and continuance thereof, for 30 days,

shall be conclusive evidence of such default, and of the forfeiture of this agreement as against the Purchasers, their heirs, executors, administrators or assigns.

17. The Purchasers shall not register this agreement, or allow it to be registered, but if it shall be registered contrary to this provision, and default is made by the purchasers as above mentioned, and such default shall continue for 30 days, the City Clerk shall have the power, at the request of the Corporation and without any waiver of the forfeiture by default as aforesaid, in the name and on behalf of the Purchasers to release and surrender to the Corporation any right, title or interest of the purchasers in the lands not theretofore conveyed to the Purchasers or their assigns, and the purchasers hereby nominate and appoint the Clerk for the time being of the City of Port Arthur, their agent and attorney for the purpose of signing, sealing, executing and delivering such release and surrender.

18. If required by the Purchasers, the Corporation shall apply at the next session of the Ontario Legislature for an Act validating this agreement, and shall pay the expense of obtaining such Act.

19. This agreement shall enure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF the Corporation has caused its corporate seal to be hereto affixed by the hands of its Mayor and Clerk.

Signed, sealed and delivered in the
presence of

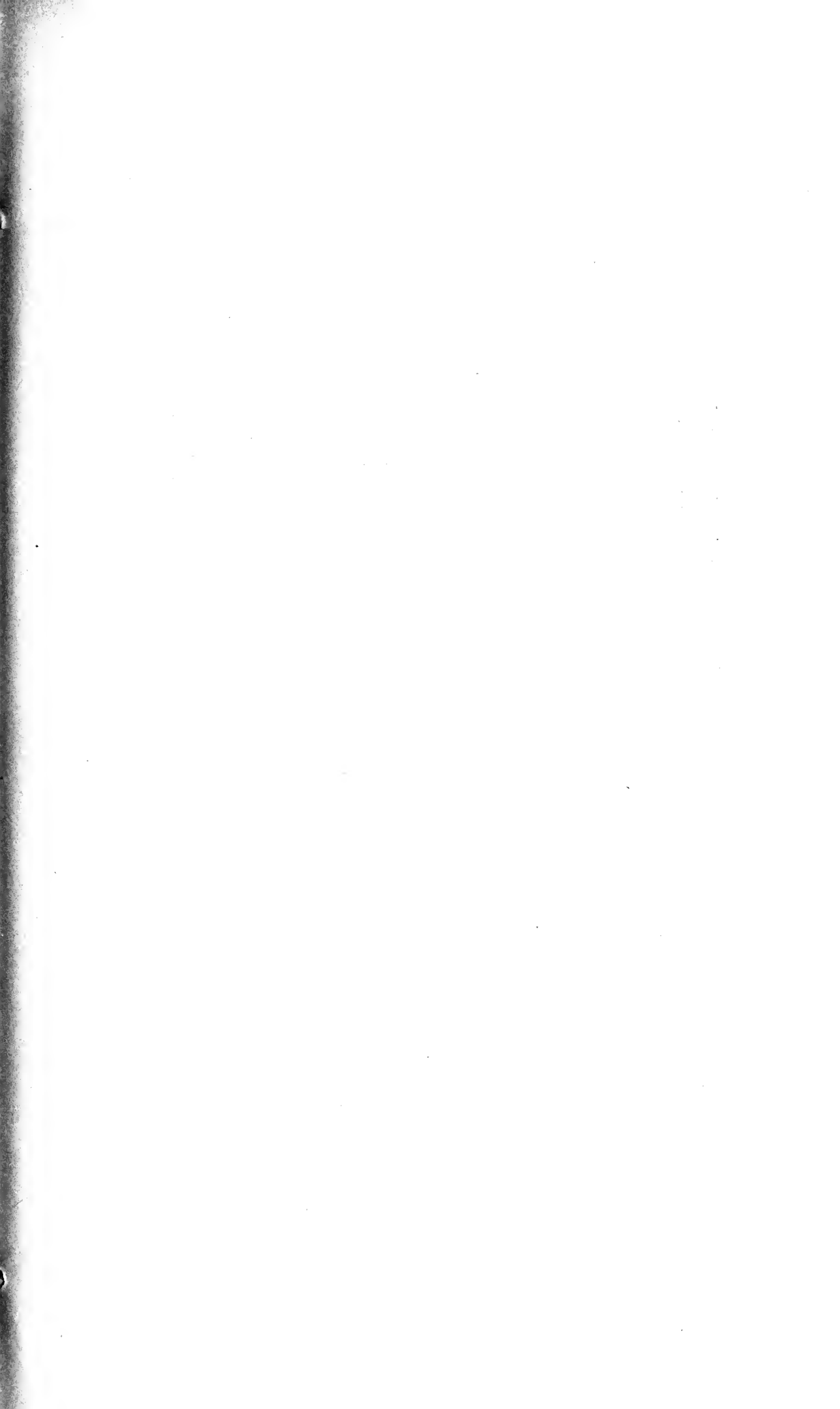
MILTON FRANCIS,
Mayor.

A. J. McCOMBER

T. F. MILNE,
Clerk.

Certified copy,
T. F. MILNE,
Clerk.

By N. B. Arnold his atty. in fact
Norvill B. Arnold.



No. 2.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of Port Arthur.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(Private Bill.)

MR. HOGARTH.

TORONTO:
Printed by
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BILL

An Act respecting the City of Port Arthur.

WHEREAS the municipal corporation of the city of Port Arthur has by its petition represented that it is desirable and in the interests of the corporation to validate and confirm all sales of land purporting to be made for arrears of taxes and costs made prior to the first day of January, A.D. 1926, and all conveyances of such lands made pursuant thereto; and whereas the said corporation has by its petition further represented that it has entered into an agreement in writing bearing date the first day of November, A.D. 1926, with John B. Arnold and Norvill B. Arnold, a copy of which said agreement is hereto attached as schedule "A" for the purpose of selling certain lands and premises in the city of Port Arthur to the said John B. Arnold and Norvill B. Arnold and it is desirable that the said agreement so entered into be validated and confirmed; and whereas the said corporation has further represented that it is desirable to give to the corporation the right to exchange tax sale lands and to give and accept deeds for such lands; and whereas the said corporation has by its petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition; Preamble.

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

1. This Act may be cited as *The City of Port Arthur Act*, Short title. 1927.

2.—(1) All sales of land in the city of Port Arthur made prior to the 1st day of January, 1926, and which purport to be made by the corporation of the said city for arrears of taxes and costs in respect of lands so sold are hereby validated and confirmed and all conveyances of land so sold executed by the mayor and treasurer of the said city, purporting to convey the said lands so sold to the purchaser or his assigns, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold and conveyed, or purported to be Tax sales
and deeds
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sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns in fee simple, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale or their assigns and of all charges and encumbrances thereon, except taxes accrued since those for non-payment whereof the said lands were sold.

Case
of municipi-
pality as
purchaser.

(2) Subsection 1 of this section shall extend and apply to cases where the said city or any person or persons in trust for it, or in its behalf, became the purchaser of lands at any such tax sale.

Pending
litigation not
affected.

(3) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this section had not been passed.

Agreement
with John B.
Arnold et al.
confirmed.

3.—(1) The agreement bearing date the first day of November, A.D. 1926, being an agreement entered into between the corporation of the city of Port Arthur and John B. Arnold and Norvill B. Arnold, set out as schedule "A" hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the corporation of the city of Port Arthur and the ratepayers thereof and upon the said John B. Arnold and Norvill B. Arnold, and the council of the said corporation of the city of Port Arthur is authorized to do all acts, matters and things necessary to carry out the terms of the said agreement.

(2) The list of lands referred to in paragraph 1 of the said agreement is the list filed in the office of the clerk of the said corporation and certified under his hand as being such list.

Power
to exchange
land ac-
quired at
tax sales.

4.—(1) The corporation of the city of Port Arthur may exchange any lands acquired by it at any tax sale, for other lands within the said municipality and may convey such lands to any person and may take and hold such other lands in exchange therefor.

Subsection 1
made retro-
active.

(2) Subsection 1 shall extend to and include any lands which have heretofore been so conveyed or taken by the said corporation in exchange for lands acquired by it at any tax sale.

Commence-
ment of
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A"

MEMORANDUM OF AGREEMENT made this First day of November, 1926.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF PORT ARTHUR,
hereinafter called "the Corporation" of the first part.

and

JOHN B. ARNOLD AND NORVILL B. ARNOLD both of the City of
Duluth in the State of Minnesota, hereinafter called "the Pur-
chasers" of the second part.

Whereas the Corporation is the owner or about to become the owner of a large number of lots in the City of Port Arthur for non-payment of taxes.

And whereas the Corporation is desirous of selling the said lots, and has agreed to give the purchasers an option to purchase the same, upon the terms hereinafter mentioned:

NOW THE AGREEMENT WITNESSETH AS FOLLOWS:—

1. In consideration of one dollar now paid by the Purchasers to the Corporation (the receipt whereof is hereby acknowledged) the Corporation hereby gives to the Purchasers an option, irrevocable within the time of acceptance herein limited, to purchase, free from all encumbrances, all and singular these certain parcels or tracts of land and premises situate, lying and being in the said City of Port Arthur, and being composed of all the lands purchased by the Corporation at tax sales held prior to the date hereof and still owned by the Corporation, and also all the lands purchased by the Corporation at the tax sale or sales held in the year 1925 and which shall not be redeemed within the time limited by the Assessment Act, a list of all which lands and premises (including the lands purchased by the Corporation at the 1925 tax sale, but some of which may be redeemed) is attached to and made a part of this agreement, and also that part of Reserve A described as follows:

Bounded on the West by Cumberland Street, on the south by Van Norman Street, on the east by North Water Street, and on the north by lot one on the west side of north Water Street.

2. The purchase price for the said lands and premises shall be the sum of \$570,000 payable as follows:—

\$70,000 upon the acceptance of this option which shall be not later than July 2, 1927, and \$50,000 on January 2nd and July 2nd in each of the years 1928, 1929, 1930, 1931 and 1932, with interest at 5% per annum on all unpaid principal, from the date of acceptance of this option, payable with each instalment of principal, and with the privilege to the Purchasers of paying the whole or any part of said principal at any time before maturity, with accrued interest to the date of such payment, but without the payment of any bonus or interest in advance.

3. The said lands shall be exempt from all taxes and local improvement rates and all arrears of taxes and local improvement rates and other charges up to June 30th, 1927, but taxes and local improvement rates shall be payable thereon commencing July 1st, 1927.

4. As a further consideration for this option the Purchasers shall pay to the Corporation the sum of \$500 on the 2nd day of each month, commencing January 2nd, 1927, until the acceptance of this option, such

monthly sums of \$500 to be credited by the Corporation upon the said sum of \$70,000 to be paid upon such acceptance.

5. If at any time prior to the acceptance of this option by the Purchasers, any bona fide residents or ratepayers of Port Arthur, are desirous of acquiring any of the lands hereby agreed to be sold, not exceeding altogether a frontage of 6,600 feet, for the purpose of erecting dwelling houses thereon, one dwelling house at least to be erected on each 66 feet frontage, and in addition any of said lands not exceeding a frontage of 200 feet for the purpose of erecting a business block or blocks thereon, the Corporation shall have the right to sell same at a price not lower than the assessed value of such land for the year 1926, and the purchase money, and interest if any, less any agent's commission, shall be applied upon the said sum of \$70,000 to be paid upon acceptance of this option.

6. If any of the lands hereby agreed to be sold have dwelling houses or other buildings or improvements thereon for which the Corporation is collecting rents, such rents after January 1st, 1927, shall be applied upon the said sum of \$70,000 to be paid upon acceptance of this option, less any portion thereof required for repairs, or insurance, and the Corporation shall keep said buildings insured to their full insurable value, and if the said rents are not sufficient to pay said insurance the Corporation shall notify the Purchasers, and unless the Purchasers agree to pay the deficiency, the Corporation may reduce said insurance to an amount which can be paid for out of said rents. On the acceptance of this option the Corporation shall assign all leases and insurance policies to the Purchasers. In the event of any of the property so insured being destroyed by fire prior to the acceptance of this option, the insurance moneys shall be paid to the Corporation and applied upon the said sum of \$70,000 to be paid upon acceptance of this option.

7. Upon the payment of the said sum of \$70,000 on or before July 2nd, 1927, the Purchasers shall be entitled to receive a conveyance or conveyances from the Corporation for such lots as they may choose out of the lands hereby agreed to be sold to an amount not exceeding \$50,000, the value of such lots for this purpose to be taken as equal to the 1926 assessment thereof. The balance of \$20,000 shall remain in the hands of the Corporation as a general deposit on the purchase price, bearing interest at 5% per annum from the date of payment thereof to the Corporation, and such \$20,000 and interest shall be credited on the last payment of principal payable hereunder if the Purchasers complete the payment of the purchase price as herein provided for, and shall be forfeited to the Corporation if they make default at any time before the full purchase price is paid. Upon the payment of the second and other instalments of said purchase price, the Purchasers shall be entitled in the same way to conveyances of lots to be chosen by them to the amount of Ninety per cent. of each instalment, the value of such lots for this purpose to be taken as equal to the assessment thereof for that year.

8. If the Purchasers pay any moneys on account of said purchase price before maturity thereof, providing they are not then otherwise in default, they shall be entitled forthwith to receive conveyances in the same way for lots chosen by them to the full amount of said payments, the valuation of said lots to be arrived at as in the case of lots chosen upon the payment of the first or other instalments of the purchase price, and such payments shall be applied in reduction of the first instalment of principal, and interest thereon, falling due thereafter.

9. The Purchasers shall, as a further consideration, pay all taxes and local improvements rates from time to time falling due during the currency of this agreement and commencing from July 1, 1927, on the lands and premises hereby agreed to be sold, as and when the same become payable as fixed each year by general by-law. Provided, however, that this shall not apply to lands for which a conveyance is obtained from the Corporation, and which are resold by the purchasers, it being understood that as regards such lands, the Corporation shall look to the owners thereof, and to such lands for payment of taxes and local improvement rates accrued since the last payment of taxes by the Purchasers thereon. The Pur-

chasers, for themselves and their heirs, executors, administrators and assigns, hereby waive all and any objections to the validity of any assessments of said land which may be made by the Corporation during the currency of this agreement, but this shall not include the right to object that the said lands are assessed higher than adjoining lands of the same class and quality if such should be the case.

10. Upon the completion of payment of all purchase moneys and interest and taxes hereunder the Corporation shall convey to the Purchasers all lands hereby agreed to be sold and which shall not have been theretofore conveyed. All conveyances by the Corporation shall transfer the land in fee simple, free from all encumbrances, except taxes imposed from July 1, 1927, but subject to the limitations, provisoes and conditions expressed in the grants from the Crown, the Corporation shall apply at the next session of the Ontario Legislature for an Act validating the 1925 Tax Sale and all tax deeds issued or to be issued thereunder.

11. Neither the signing of this agreement, nor the payment of any taxes or instalment herein provided for, shall bind the purchasers to pay any other instalments or taxes, but they shall always be at liberty to cancel and rescind the contract completed by such signature or payments, or by the acceptance of such option, by forfeiting the payments referred to in paragraphs 4, 5, 6, 7 and 9 hereof, and upon such cancellation they shall not be in any way liable or responsible for any further payments, nor for any damages for failure to carry out this agreement.

12. The Purchasers shall search the title to the said lands at their own expense, and the Corporation shall not be bound to furnish or produce any abstract of title, or any title deeds or evidences of title not in its possession.

13. The Purchasers shall have thirty days from the date of acceptance of this option to examine the said titles, and shall be deemed to have accepted same except as to any written objections made within that time.

14. If any objection be made within that time, the Corporation shall have a reasonable time to remove it, but if the Corporation is unable or unwilling to do so, it may, notwithstanding any intermediate correspondence, cancel this agreement, and return any moneys paid, and shall not be liable to the Purchasers for any expenses incurred by them.

Provided that in case of suit being commenced to set aside the sale held in 1925, for taxes, of the lands or any of them included in the list of lands attached hereto then the lands in question in such suit may be eliminated from the said list and the amount of the taxes for which such lands were sold or acquired shall be deducted from the final instalment of the said purchase price of \$570,000, but at the option of the Purchasers, if such litigation is not successful, the said lands shall be restored to the said list and the full amount of the purchase price restored.

15. The option hereby given shall be open for acceptance up to, but not after the 2nd day of July, 1927, and may be accepted by a letter delivered to the City Clerk, or left for him at his office, or mailed, postage prepaid and registered, addressed to the Corporation at Port Arthur. Time shall be strictly of the essence hereof.

16. If the purchasers shall make default in the payment of any instalment of money or taxes on the date for payment hereinbefore set out, and such default shall continue for 30 days, this agreement, and all the rights of the Purchasers thereunder (except as regards any conveyances already given) shall immediately thereupon become and be forfeited and void, without any further notice, action or other proceeding on the part of the Corporation, and the said payments referred to in paragraphs 4, 5, 6, 7 and 9 hereof shall be forfeited to the Corporation as and for liquidated damages, and the Corporation shall thereupon be at liberty to re-sell such of the said lands as shall not have been conveyed as aforesaid, free and clear of any right, title or interest on the part of the Purchasers or anyone claiming under them. The production of a statutory declaration made by the City Clerk, showing such default, and continuance thereof, for 30 days,

shall be conclusive evidence of such default, and of the forfeiture of this agreement as against the Purchasers, their heirs, executors, administrators or assigns.

17. The Purchasers shall not register this agreement, or allow it to be registered, but if it shall be registered contrary to this provision, and default is made by the purchasers as above mentioned, and such default shall continue for 30 days, the City Clerk shall have the power, at the request of the Corporation and without any waiver of the forfeiture by default as aforesaid, in the name and on behalf of the Purchasers to release and surrender to the Corporation any right, title or interest of the purchasers in the lands not theretofore conveyed to the Purchasers or their assigns, and the purchasers hereby nominate and appoint the Clerk for the time being of the City of Port Arthur, their agent and attorney for the purpose of signing, sealing, executing and delivering such release and surrender.

18. If required by the Purchasers, the Corporation shall apply at the next session of the Ontario Legislature for an Act validating this agreement, and shall pay the expense of obtaining such Act.

19. This agreement shall enure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF the Corporation has caused its corporate seal to be hereto affixed by the hands of its Mayor and Clerk.

Signed, sealed and delivered in the
presence of

MILTON FRANCIS,
Mayor.

A. J. McCOMBER

T. F. MILNE,
Clerk.

Certified copy,
T. F. MILNE,
Clerk.

By N. B. Arnold his atty. in fact
Norvill B. Arnold.



No. 2.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of Port Arthur.

1st Reading, 8th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

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

MR. HOGARTH.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend the Act to Incorporate Evangelical Lutheran Seminary of Canada.

WHEREAS the Evangelical Lutheran Seminary of Canada Preamble.
has by its petition represented that it should be enacted
as 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
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

1. This Act may be cited as *Lutheran Seminary Act, 1927.* Short title.
2. Section 7 of the Act passed in the third and fourth years 1913, c. 14 5
of the reign of His Majesty King George the Fifth, chaptered s. 7,
145, is amended by striking out the figures "\$50,000" in the amended.
fourth line and inserting in lieu thereof the figures "\$500,000." Power to hold land.

No. 3.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend the Act to incorporate
Evangelical Lutheran Seminary
of Canada.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. WEICHEL.

T O R O N T O :
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Dunnville.

WHEREAS the municipal corporation of the town of Preamble.
Dunnville has by its petition represented that there is a floating indebtedness of the town of Dunnville, amounting to the sum of \$50,000, which has been accumulating for several years, which indebtedness has accumulated through marked changes and conditions in the said municipality and by expenditures for works of a permanent nature, for supplies and equipment for school purposes, for a fire truck, for relief of charity, patriotic purposes and for interest paid on the town's indebtedness from time to time; and to meet such extraordinary expenditures the said sum of \$50,000 has been borrowed from the Canadian Bank of Commerce from time to time; which floating indebtedness, if paid out of the current revenue would unduly burden and be oppressive upon the ratepayers of the said town of Dunnville, and the said town of Dunnville has prayed that the said floating debt of \$50,000 may be consolidated, and that the said corporation may be authorized to borrow by the issue of debentures sufficient money to discharge the said debt; 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. This Act may be cited as *The Town of Dunnville Act*, Short title.
1927.

2. The floating debt of the corporation of the town of Floating debt con-
Dunnville is consolidated at the sum of \$50,000, and the said solidated at
corporation may borrow by a special issue of debentures a \$50,000.
sum not exceeding \$50,000 for the purpose of paying the said floating debt.

3. The said debentures shall be made payable in not more Term of
than ten years from the date of issue thereof, and shall bear debentures
interest at the rate of five per centum per annum, and may be and interest.
issued either with or without coupons attached thereto for interest, and shall be payable at such place or places as the corporation may deem expedient.

Equal annual instalments of principal and interest.

4. The said debentures shall be payable in equal annual instalments of principal and interest in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

Special rate.

5. The said corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Application of proceeds of debentures.

6. The debentures and all monies arising from the sale thereof shall be applied in payment of the said floating debt and for no other purpose.

Assent of electors not required.

7. It shall not be necessary to obtain the assent of the electors of the town of Dunnville to the passing of any by-law which shall be passed under the authority of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922*.

Irregularity in form not to invalidate.

8. 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 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 enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

Treasurer to keep proper books of account.

9. 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 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 application 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.

10. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of
Act.

No. 4.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of Dunnville.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. VAUGHAN

TORONTO :

Printed by

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BILL

An Act respecting the City of Toronto.

WHEREAS the corporation of the city of Toronto has Preamble.
by petition prayed for special legislation in respect to
the matters 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
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

1. The following expenditures made by the council of the Power
to make
certain
grants.
corporation of the city of Toronto are hereby validated and
confirmed, viz.,—

- (a) A grant of \$1,500 to the Cleveland-Canada Day
Local Committee;
- (b) A grant of \$500 to the St. Elizabeth Visiting Nurses'
Association;
- (c) An expenditure of \$3,000 to defray the travelling
expenses of a deputation to Ottawa in respect to the
reduction of the tariff on automobiles.

2. The council of the said corporation may make a grant Grant to
Federation
for Com-
munity Ser-
vice Fund.
of \$25,000 to the Federation for Community Service Fund for
the year 1927.

3.—(1) All sales of land within the municipality of the city Con-
firmation of
tax sales
and deeds.
of Toronto made by the treasurer of the city of Toronto in the
years 1923, 1924 or 1925, purporting to be made for arrears
of taxes in respect to the lands so sold, are hereby validated
and confirmed, and all conveyances of land so sold executed
by the mayor, treasurer and clerk of the city of Toronto
purporting to convey the said lands so sold to the purchaser
thereof or his assigns, or to the corporation of the city of
Toronto, shall have the effect of vesting the lands so sold in
the purchaser or his assigns, or his or their heirs or assigns,
or in the said corporation and its successors and assigns, as

the case may be, in fee simple, and clear of and free from all right, title and interest whatsoever of the owners thereof at the time of said sale, or their assigns, and of all charges and encumbrances thereon, except taxes accruing after those for non-payment of which the said lands were sold.

Pending litigation not affected. (2) Nothing in this section contained shall affect or prejudice the rights of any person under pending litigation.

Commencement of Act. 4. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 5.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of Toronto.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. NESBITT.

T O R O N T O :
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Preston.

WHEREAS the municipal corporation of the town of ^{Preamble.} Preston has by petition represented that the said corporation has incurred a floating debt, amounting to \$17,845.15, of which the sum of \$8,630.60 was allowed by boards of arbitration, as damages to ratepayers, and law costs in connection with the construction of a permanent pavement on King Street, \$4,044 allowed by the court of revision as a reduction in the amount charged to frontage, and the balance, \$5,170.55, is interest on overdrafts of local improvement account, and discount on debentures sold for local improvements, which has accumulated over a period of years, in addition to the ordinary expenses of the corporation for payment of which no fund has been provided; and that it has incurred a further debt in respect of permanent works, namely the construction of a pavement on the Kress Hill, at a cost of \$9,834.73, and storm drains on Lowther Street, from Moore Street to Vine Street, and on Vine Street from Lowther Street to Frederick Street, on Hespeler Street from Guelph Street along Hespeler Street in a northerly direction, and thence in a southwesterly direction to Klotz's Pond, on Jacob Street, from Fountain Street to Abraham Street, and on Dover Street from King Street to Duke Street, at a cost of \$5,900.57, making a total of \$15,735.30 for payment of which no fund has been provided; and whereas the said corporation has represented that to liquidate the said debts forthwith, in addition to meeting the current annual expenditures would be unduly oppressive on the ratepayers; and whereas the said corporation has by its petition prayed that it may be authorized to borrow money by the issue of debentures, payable in annual instalments to discharge the said debts; and whereas the said town of Preston has passed by-law No. 966, set out in schedule "A" to this Act, to provide for the issue of debentures to the amount of \$2,973.55 to pay for the construction of curb and gutters on both sides of Fountain street (Kress Hill) from King Street, in a northwesterly direction to the limits of the corporation of the town of Preston, and has prayed that the said by-law, and the debentures

tures to be issued and the assessments to be made thereunder and the rates to be levied for payment of the said debentures be validated and confirmed; and whereas the total debenture debt of the said corporation, exclusive of local improvement debts secured by special rates or assessments is \$457,103.81, and no part of the principal or interest is in arrear; and whereas the amount of the whole rateable property of the said town of Preston, according to the last revised assessment roll is \$3,652,465.00; and whereas the said corporation has by its petition further represented that it is desirable and in the interests of the corporation to allow that all sales of land purporting to be made for arrears of taxes, prior to the 1st day of January, A.D. 1926, and all deeds of such lands should be validated and confirmed; and whereas the said corporation has by its petition prayed that an Act may be passed for such purposes; 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:

Floating
debt con-
solidated at
\$33,580.45.

1. The corporation of the town of Preston may pass a by-law to borrow and may borrow the sum of \$33,580.45 and may issue debentures therefor for a period not exceeding 10 years from the date of the issue thereof, and at such rate of interest not exceeding $5\frac{1}{2}$ per cent. per annum, as the council of the said corporation may determine, to pay for the floating debt of the said corporation, and permanent works hereinbefore referred to. The mayor of the corporation shall sign and issue the debentures, and the same shall also be signed by the treasurer of the corporation, and the debentures shall be sealed with the seal of the corporation. Coupons for the payment of interest shall be attached to the debentures, and shall be signed by the treasurer, and his signature to them may be written, stamped, lithographed or engraved.

Equal
annual in-
stalments of
principal and
interest.

2. The said debentures shall be payable in equal annual instalments of principal and interest, in such manner and of such amounts that the amount payable for principal and interest in any year, shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

3. The said corporation shall levy and collect in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

4. It shall not be necessary to obtain the assent of the electors of the town of Preston, to the passing of any by-law which shall be passed under the authority of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922*.

Assent of electors not required.

1922, c. 72.

5. Any provisions of *The Consolidated Municipal Act, 1922*, which are inconsistent with the provisions of this Act, shall not apply to the by-law or by-laws to be passed under the provisions of this Act, and no irregularity in form of the said debentures or any of them authorized to be issued by this Act or any by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation, for the recovery of the amount of the said debentures, and interest or any or either of them 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 by-laws or issue of debentures, or as to the application of the proceeds thereof.

Inconsistent enactments not to apply.

6. 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 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 application 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 book of account.

7. By-law No. 966, of the corporation of the town of Preston, set forth in schedule "A" hereto, and all debentures issued or to be issued thereunder, are confirmed, and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-law No. 966, confirmed.

8.—(1) All sales of land made prior to the 1st day of January, A.D. 1926, and which purported to have been made by the corporation of the town of Preston, for arrears of taxes in respect of the lands so sold are hereby validated and confirmed, and all deeds of the lands so sold, executed or which

Tax sales and deeds confirmed.

may or shall hereafter be executed by the mayor and clerk of the corporation of the town of Preston, purporting to convey the said lands, so sold to the purchaser thereof, or his or her assigns, are hereby validated and confirmed and shall be deemed to have had the effect of vesting the lands so sold and conveyed or purported to have been sold and conveyed, and the same are hereby vested in the purchaser or his or her assigns, and his or her and their heirs and assigns, in fee simple, free from and clear of and from all right, title and interest whatsoever of the owners thereof, at the time of such sale, or their assigns, and of all charges and encumbrances thereon, and dower therein, except taxes accrued since those for non-payment whereof the said lands were so sold.

Case of
municipality as
purchaser.

(2) This section shall extend and apply to cases where the corporation of the town of Preston, or any one in trust for it, or on its behalf became the purchaser or grantee of any of such lands.

Pending
litigation
not affected.

(3) Nothing in this section contained shall affect any action, litigation, or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon, in the same manner, and to the same extent, as if this Act had not been passed.

Short title.

9. This Act may be cited as *The Town of Preston Act, 1927*.

Commence-
ment of
Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

BY-LAW No. 966.

By-law to provide for borrowing \$2,973.55 upon debentures to pay for the construction of a six-inch curb and a thirty-inch gutter on both sides of Fountain Street (Kress Hill) from King Street, in a northwesterly direction to the limits of the Corporation of the Town of Preston.

Whereas pursuant to Construction By-law No. 864, passed on the 4th day of September, A.D. 1923, a six-inch curb and a thirty-inch gutter has been constructed on both sides of Fountain Street (Kress Hill) from King Street, in a northwesterly direction to the limits of the Corporation of the Town of Preston, as a local improvement under the provisions of *The Local Improvement Act*.

And whereas the total cost of the work is \$2,973.55, of which \$532.28 is the Corporation's portion of the cost, and \$2,441.27 is the owner's portion of the cost, for which a Special Assessment Roll has been duly made and certified.

And whereas the estimated lifetime of the work is fifteen (15) years.

And whereas it is necessary to borrow the said sum of \$2,973.55, on the credit of the Corporation, and to issue debentures therefor bearing interest at the rate of five and one-half per cent. per annum ($5\frac{1}{2}\%$) which is the amount of the debt intended to be created by this By-law.

And whereas, it is expedient to make the principal of the said debt repayable in yearly sums during the period of 15 years, of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

And whereas, it will be necessary to raise annually the sum of \$296.24, during the period of 15 years to pay the said yearly sums of principal and interest as they become due, of which \$53.03 is required to pay the Corporation's portion of the cost and the interest thereon, and \$243.21 is required to pay the owner's portion of the cost and the interest thereto.

And whereas the amount of the whole rateable property of the Municipality, according to the last Revised Assessment Roll is \$3,652,465.00.

And whereas, the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts, secured by special rates or assessments) is \$457,103.81, and no part of the principal or interest is in arrear.

Therefore, the Municipal Council of the Corporation of the Town of Preston enacts as follows:—

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of Two thousand nine hundred and seventy-three dollars and fifty-five cents (\$2,973.55) and debentures shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of $5\frac{1}{2}\%$ per cent. per annum, and having coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed; and may bear any date within such two years, and shall be payable in fifteen annual instalments during the fifteen years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:—

No.	Principal	Interest	Annual Payment
1.....	\$132 70	\$163 54	\$296 24
2.....	140 00	156 24	296 24
3.....	147 70	148 54	296 24
4.....	155 81	140 43	296 24
5.....	164 39	131 85	296 24
6.....	173 43	122 81	296 24
7.....	182 96	113 28	296 24
8.....	193 03	103 21	296 24
9.....	203 65	92 59	296 24
10.....	214 85	81 39	296 24
11.....	226 66	69 58	296 24
12.....	239 13	57 11	296 24
13.....	252 28	43 96	296 24
14.....	266 16	30 08	296 24
15.....	280 80	15 44	296 24
	<hr/>	<hr/>	<hr/>
	\$2,973 55	\$1,470 05	\$4,443 60

3. The debentures as to both principal and interest may be expressed in Canadian currency or in sterling money of Great Britain, at the rate of One Pound Sterling, for each four dollars and eighty-six and two-third cents, and may be payable at any place or places in Canada or Great Britain.

4. The Mayor of the Corporation shall sign and issue the debentures, and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation. The coupons attached to the debentures shall be signed by the Treasurer, and his signature to them may be written, stamped, lithographed or engraved.

5. During fifteen years the currency of the debentures, the sum of \$296.24, shall be raised annually for the payment of the debt and interest, as follows:—

The sum of \$53.03 shall be raised annually for the payment of the Corporation's portion of the cost and interest thereon, and shall be levied and raised annually by a special rate sufficient therefor, over and above all other rates, on all the rateable property in the Municipality, at the same time and in the same manner as other rates.

For the payment of the owners' portion of the cost and the interest thereon, the special assessment set forth in the said special Assessment Roll is hereby imposed upon the lands liable therefor as therein set forth; which said special assessment with a sum sufficient to cover interest thereon at the rate aforesaid, shall be payable in 15 equal annual instalments of \$243.21 each, and for that purpose an equal annual special rate of \$0.169746 per foot frontage is hereby imposed upon each lot entered in the said special Assessment Roll, according to the assessed frontage thereof, over and above all other rates and taxes, which said special rate shall be collected annually by the collector of taxes for the Corporation, at the same time and in the same manner as other rates.

6. The debentures may contain any clause providing for the registration thereof, authorized by any statute relating to Municipal debentures in force at the time of the issue thereof.

7. The amount of the loan authorized by this By-law may be consolidated with the amount of any loans authorized by other local improvement By-laws, by including the same with such other loans in a consolidating by-law, authorizing the borrowing of the aggregate thereof as one loan, and the issue of debentures for such loan in one consecutive issue, pursuant to the provisions of the statute in that behalf.

8. This By-law shall take effect on the day of the final passing thereof.

Passed this 11th day of February, A.D. 1927.

"J. M. GILLIES," *Mayor.*

"GEO. WURSTER," *Clerk.*



No. 6.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of Preston.

1st Reading, 18th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(Private Bill.)

MR. HOSMUTH.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Township of Thorold.

WHEREAS the corporation of the township of Thorold Preamble.
in the county of Welland has by its petition represented that the township of Thorold is situate south of the town of Thorold between the town of Thorold and the city of Welland and the Welland canal passes through said township from south to north; and that owing to the establishment of large manufacturing plants in certain parts of the township and the increase of population in the neighbourhood of such industries, it is desirable that certain powers should be conferred upon the corporation for the purpose of enabling it to instal a system or systems of waterworks and construct sewers and sewage disposal works in defined sections or areas of the township; and whereas the said corporation has by its petition prayed that an Act may be passed for such purposes; 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. This Act may be cited as *The Township of Thorold Act*, Short title. 1927.

2. The council of the township of Thorold may from time to time pass by-laws to set apart and establish as a sewer area Establishment of sewer and water areas. or as a water area any portion of the township described in such by-law, and to construct, enlarge, extend, improve and operate sewerage systems and disposal works within or outside of any sewer area or areas to serve such sewer area or one or more sewer areas or lands situate therein, and to construct, enlarge, extend, improve and operate waterworks systems within or outside of any water area or areas to serve such water area or one or more water areas or lands situate therein.

3. The entire cost of the construction, enlargement, How cost to be assessed. extension, improvement, operation, maintenance, management and repair of any such sewerage systems or disposal works or of any such waterworks systems, save and except

Rev. Stat.,
c. 193.

such works as are undertaken pursuant to the provisions of *The Local Improvement Act* as hereinafter provided shall be assessed upon all the rateable property in the area or areas to serve which such works have been undertaken, provided that where such works are undertaken to serve more than one area the council shall by by-law determine the portion of the cost thereof to be borne by each of such areas, and the revenues arising from the operation of any such work shall form a special fund for the use of the area or areas to serve which such work has been undertaken in such manner that the revenue from any work shall be allocated to the area or areas in the same proportion as they contribute to the cost of its construction.

Thirty-year
debentures
for portion
of cost.

4. Where the whole or any portion of the cost of any work is assessed against all the rateable property in any area or areas, the debentures issued to provide for the payment of the cost so assessed may be made payable within thirty years from the date of issue of such debentures.

Works to be
undertaken
as local
improvements
with
certain
exceptions.

5. The council may undertake within any sewer area or areas the construction of sewers and necessary appliances and accessories and private drain connections and within any water area or areas the construction of waterworks, water-mains and necessary appliances and accessories as local improvements pursuant to the provisions of *The Local Improvement Act*, provided that,—

Rev. Stat.,
c. 193.

- (a) Except as in this section otherwise expressly provided where a work is constructed to serve lands situate entirely within one area, that part of the cost which would otherwise be the corporation's portion of the cost shall be assessed upon all the rateable property in the area and the remainder of the cost of such work shall be specially assessed upon the lots within such area fronting or abutting on or served by the work.
- (b) Where a work is constructed to serve lands situate within more than one area, the council shall by by-law determine the portion of cost to be borne by each area, and such respective portions shall be assessed in such area in the manner in this section provided.
- (c) The council may by by-law passed at any general or special meeting by a vote of three-fourths of all the members of the council provide that a certain annual rate per foot frontage in satisfaction of the owners' portion of the cost shall be assessed upon and

levied and collected from the land abutting directly on or served by the sewers or watermains constructed in the area designated in such by-law during the currency of the debentures issued to pay for the cost of such sewers or watermains and that the remainder of the cost, if any, not provided for by such annual rate, shall be borne by the area, provided that if in any case such annual rate per foot frontage shall be more than sufficient to provide for the actual cost of the sewer or watermain, the surplus resulting therefrom shall be deposited to a special account to be used by the council for the benefit of such area. Any such by-law shall not be repealed or amended except by a vote of three-fourths of all the members of the council.

- (d) In any notice of council published, served or mailed pursuant to sections 11, 13, 33 or 37 of *The Local Improvement Act* in respect to the construction of sewers or watermains it shall not be necessary to show the portion of the cost, actual or estimated, which is to be borne by the corporation or the area, but it shall be sufficient to show the annual special rate per foot frontage.
- (e) After a work undertaken has been completed it shall during its lifetime be maintained, managed and kept in repair by and at the expense of the area for the benefit of which it is constructed, or if constructed for the benefit of more than one area then at the expense of the areas in proportion to their respective shares of the cost of the construction thereof.
- (f) The debentures issued for the sums borrowed to defray any portion of the cost of any work which is assessed against all the rateable property in any area may be made payable within thirty years from the date of issue thereof if issued separately from the debentures issued to defray the portion of the cost which is specially assessed upon the lands fronting or abutting on or served by such work.

6. The council may agree with any bank or person for temporary advances to meet the cost of any of the works hereby authorized pending the completion thereof, and the council may when the work undertaken is completed borrow on the credit of the corporation at large such sums as may be necessary to repay such advances and to defray the cost of the work undertaken including the items of cost referred to in subsection 2 of section 19 of *The Local Improvement Act*, and may issue debentures for the sums so borrowed.

Levy of
general rate
to meet
deficiencies.

7. If in any year the amount realized from the rates imposed to provide for the cost of any work and the interest thereon is insufficient to pay the amount falling due in such year in respect of the debentures issued to pay for the cost of such work, the council shall provide for the deficiency in the estimates for the current or the following year, and levy and collect the same by a general rate on all the rateable property in the municipality, but this shall not relieve the land in such area or areas so assessed from the rates imposed thereon.

Application
of certain
sections of
Rev. Stat.,
c. 193.

8. The provisions of sections 41 and 41a of *The Local Improvement Act* shall apply *mutatis mutandis* to the works authorized hereunder and the issue of debentures authorized by this Act.

Enlargement
or reduction
of defined
areas.

9. The council of the township of Thorold may from time to time pass by-laws to enlarge or reduce any defined area by annexing thereto such portion or portions of the said township or of any area or by withdrawing therefrom such portion or portions of the area as may be designated in the by-law, or to amalgamate any two or more areas or parts thereof, or to subdivide, vary, or alter any one or more areas, upon such terms and conditions and with such adjustments of rates as may be provided in the by-law.

Agreements
with other
municipali-
ties as to
sewage
disposal
works.

10.—(1) The council of the township of Thorold, may enter into an agreement with any other municipality or municipalities and any other municipality or municipalities may enter into an agreement with the township of Thorold for the construction, enlargement, extension, improvement, operation and maintenance of sewage disposal works, plant appliances and accessories in connection therewith for the joint use of any sewer area or areas and such other municipality or municipalities, and the portion of the cost of the construction, enlargement, improvement, and extension of such works and of the operation and maintenance thereof payable by the corporation of the township of Thorold as fixed by such agreement shall be levied upon all the rateable property in such sewer area or areas as the case may be, as provided in section 3 hereof, and the revenue payable to the township under any such agreement shall be credited to the sewer area which has been charged with the cost of constructing, extending, operating and maintaining the said works, or if more than one area then to such areas in proportion to their respective shares of the cost of such construction, enlargement, improvement, extension, operation and maintenance.

Agreements
for
admission
of sewage
into sewers
of other
municipi-
palities.

(2) The council of the corporation of the township of Thorold and the council or councils of any other municipality or municipalities may enter into agreements for the admission

of sewage from the said township of Thorold into the sewers and sewerage works of such other municipality or municipalities, and all costs, charges and expenses in connection therewith may be levied on all the rateable property in the area benefited thereby, or if more than one area, then on all the rateable property in such areas in such proportion as the council may by by-law determine.

(3) The council of the corporation of the township of Thorold may enter into agreement with the council or councils of any other municipality or municipalities for the admission of sewage from such other municipality or municipalities into the sewers and sewerage works of the said township of Thorold, and in such event the revenue arising therefrom shall be credited to the sewer area of the township into whose sewers or works the sewage is admitted, or if more than one area then to such sewer areas in such proportion as the council may by by-law determine.

Agreements for admission of sewage from other municipalities into sewers of Township.

11. It shall not be necessary to submit for the assent of the electors any by-law passed pursuant to the provisions of this Act, but no by-law relating to the waterworks system, except by-laws passed pursuant to the provisions of section 5 shall be effective until approved by order of the Ontario Railway and Municipal Board and when so approved such by-law shall be valid and binding.

Assent of electors not required.

12. Where the local board of health recommends that sanitary conveniences should be installed in any building and is of the opinion that the owner of the premises is unable to pay the expense of the same at once, the municipality may instal suitable sanitary conveniences at the expense of the owner and the board may direct that the cost, including interest at a rate not exceeding six per centum per annum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and thereupon such annual payments shall be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

Installation of sanitary conveniences.

13. The by-law undertaking the work may further provide that where in order to supply water to the property owners on both sides of the street, owing to rock excavation, damage to a pavement, or for any other reason which the engineer deems sufficient, it will be more economical (including costs of services) that pipes be laid on both sides of the street, that the cost of services be added to the cost of the watermains and the total cost of both watermains and services be added together and assessed against the abutting property on both sides of the street as one watermain.

Two lines of pipe to be laid where required.



No. 7.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Township
of Thorold.

1st Reading, 8th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. VAUGHAN.

TORONTO :
Printed by
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BILL

An Act respecting the Township of Thorold.

WHEREAS the corporation of the township of Thorold ^{Preamble.} in the county of Welland has by its petition represented that the township of Thorold is situate south of the town of Thorold between the town of Thorold and the city of Welland and the Welland canal passes through said township from south to north; and that owing to the establishment of large manufacturing plants in certain parts of the township and the increase of population in the neighbourhood of such industries, it is desirable that certain powers should be conferred upon the corporation for the purpose of enabling it to instal a system or systems of waterworks and construct sewers and sewage disposal works in defined sections or areas of the township; and whereas the said corporation has by its petition prayed that an Act may be passed for such purposes; 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. This Act may be cited as *The Township of Thorold Act*, ^{Short title.} 1927.

2. The council of the township of Thorold may from time to time pass by-laws to set apart and establish as a sewer area or as a water area any portion of the township described in such by-law, and to construct, enlarge, extend, improve and operate sewerage systems and *sewage* disposal works within or outside of any sewer area or areas to serve such sewer area or one or more sewer areas or lands situate therein, and to construct, enlarge, extend, improve and operate waterworks systems within or outside of any water area or areas to serve such water area or one or more water areas or lands situate therein. ^{Establishment of sewer and water areas.}

3.—(1) The entire cost of the construction, enlargement, extension, improvement, operation, maintenance, management and repair of any such sewerage systems or *sewage* disposal works or of any such waterworks systems, save and except such works as are undertaken pursuant to the pro- ^{How cost to be assessed.}

visions of *section 4* shall be assessed upon all the rateable property in the area or areas to serve which such works have been undertaken, provided that where such works are undertaken to serve more than one area the council shall by by-law determine the portion of the cost thereof to be borne by each of such areas, and the revenues arising from the operation of any such work shall form a special fund for the use of the area or areas to serve which such work has been undertaken in such manner that the revenue from any work shall be allocated to the area or areas in the same proportion as they contribute to the cost of its construction.

Borrowing powers. (2) The corporation may borrow the amount of the cost of any work undertaken under this section by the issue of debentures payable within a period not exceeding thirty years from the date of the issue thereof.

Works to be undertaken as local improvements with certain exceptions. 4. The council may undertake within any sewer area or areas the construction of sewers and necessary appliances and accessories and private drain connections and within any water area or areas the construction of watermains and necessary appliances and accessories as local improvements pursuant to the provisions of *The Local Improvement Act*, *except* that,—


Rev. Stat.,
c. 193.

- (a) *Subject to the provisions of clause (c)* where a work is constructed to serve lands situate entirely within one area, that part of the cost which would otherwise be the corporation's portion of the cost shall be assessed upon all the rateable property in the area and the remainder of the cost of such work shall be specially assessed upon the lots within such area fronting or abutting on or served by the work.
- (b) Where a work is constructed to serve lands situate within more than one area, the council shall by by-law determine the portion of cost to be borne by each area, and such respective portions shall be assessed in such area in the manner in this section provided.
- (c) The council may by by-law passed at any general or special meeting by a vote of three-fourths of all the members of the council provide that a certain annual rate per foot frontage in satisfaction of the owners' portion of the cost shall be assessed *against* the land *fronting or* abutting directly on or served by the sewers or watermains constructed in the area designated in such by-law during the currency of the debentures issued to pay for the cost of such sewers or watermains and that the remainder of the cost, if

any, not provided for by such annual rate, shall be borne by the area, provided that if in any case such annual rate per foot frontage shall be more than sufficient to provide for the actual cost of the sewer or watermain, the surplus resulting therefrom shall be deposited to a special account to be used by the council for the benefit of such area. Any such by-law shall not be repealed or amended except by a vote of three-fourths of all the members of the council.


(d) In any notice of council published, served or mailed pursuant to sections 11, 13, 33 or 37 of *The Local Improvement Act* in respect to the construction of sewers or watermains it shall not be necessary to show the portion of the cost, actual or estimated, which is to be borne by the corporation or the area, but it shall be sufficient to show the annual special rate per foot frontage.

(e) After a work undertaken has been completed it shall during its lifetime be maintained, managed and kept in repair by and at the expense of the area for the benefit of which it is constructed, or if constructed for the benefit of more than one area then at the expense of the areas in proportion to their respective shares of the cost of the construction thereof.

 (f) Where it will be more economical owing to rock excavation, damage to a pavement, or for any other reason which the engineer deems sufficient, to lay watermains or sewers on both sides of a street, the by-law for undertaking the work may so provide, and that,—

(i) the cost of the two watermains and of the service pipes and stopcocks, or

(ii) the cost of the two sewers and the sewer connections,

shall be added together and the total cost thereof specially assessed against the lots fronting or abutting on both sides of the street as one watermain. 

5. The council may agree with any bank or person for temporary advances to meet the cost of any of the works hereby authorized pending the completion thereof, and the council may when the work undertaken is completed borrow on the credit of the corporation at large such sums as may be necessary to repay such advances and to defray the cost of the work undertaken including the items of cost referred to in subsection 2 of section 19 of *The Local Improvement Act*, and may issue debentures for the sums so borrowed.

Temporary advances to meet cost of work.

Levy of general rate to meet deficiencies.

6. If in any year the amount realized from the rates imposed to provide for the cost of any work and the interest thereon is insufficient to pay the amount falling due in such year in respect of the debentures issued to pay for the cost of such work, the council shall provide for the deficiency in the estimates for the current or the following year, and levy and collect the same by a general rate on all the rateable property in the municipality, but this shall not relieve the land in such area or areas so assessed from the rates imposed thereon.

Application of certain sections of Rev. Stat., c. 193.

7. The provisions of sections 41 and 41a of *The Local Improvement Act* shall apply *mutatis mutandis* to the works authorized hereunder and the issue of debentures authorized by this Act.

Enlargement or reduction of defined areas.

8. The council of the township of Thorold may from time to time pass by-laws to enlarge or reduce any defined area by annexing thereto such portion or portions of the said township or of any area or by withdrawing therefrom such portion or portions of the area as may be designated in the by-law, or to amalgamate any two or more areas or parts thereof, or to subdivide, vary, or alter any one or more areas, upon such terms and conditions and with such adjustments of rates as may be provided in the by-law.

Agreements with other municipalities as to sewage disposal works.

9.—(1) The council of the township of Thorold, may enter into an agreement with any other municipality or municipalities and any other municipality or municipalities may enter into an agreement with the township of Thorold for the construction, enlargement, extension, improvement, operation and maintenance of sewage disposal works, plant appliances and accessories in connection therewith for the joint use of any sewer area or areas and such other municipality or municipalities, and the portion of the cost of the construction, enlargement, improvement, and extension of such works and of the operation and maintenance thereof payable by the corporation of the township of Thorold as fixed by such agreement shall be levied upon all the rateable property in such sewer area or areas as the case may be, as provided in section 3 hereof, and the revenue payable to the township under any such agreement shall be credited to the sewer area which has been charged with the cost of constructing, extending, operating and maintaining the said works, or if more than one area then to such areas in proportion to their respective shares of the cost of such construction, enlargement, improvement, extension, operation and maintenance.

Agreements for admission of sewage into sewers of other municipalities.

(2) The council of the corporation of the township of Thorold and the council or councils of any other municipality or municipalities may enter into agreements for the admission

of sewage from the said township of Thorold into the sewers and sewerage works of such other municipality or municipalities, and all costs, charges and expenses in connection therewith may be levied on all the rateable property in the area benefited thereby, or if more than one area, then on all the rateable property in such areas in such proportion as the council may by by-law determine.

(3) The council of the corporation of the township of Thorold may enter into agreement with the council or councils of any other municipality or municipalities for the admission of sewage from such other municipality or municipalities into the sewers and sewerage works of the said township of Thorold, and in such event the revenue arising therefrom shall be credited to the sewer area of the township into whose sewers or works the sewage is admitted, or if more than one area then to such sewer areas in such proportion as the council may by by-law determine.

Agreements
for
admission
of sewage
from other
municipali-
ties into
sewers of
Township.

10. It shall not be necessary to submit for the assent of the electors any by-law passed pursuant to the provisions of this Act, but no by-law relating to the waterworks system, except by-laws passed pursuant to the provisions of section 4 shall be effective until approved by order of the Ontario Railway and Municipal Board and when so approved such by-law shall be valid and binding.

Assent of
electors not
required.

11. Where the local board of health recommends that sanitary conveniences should be installed in any building and is of the opinion that the owner of the premises is unable to pay the expense of the same at once, the municipality may instal suitable sanitary conveniences at the expense of the owner and the board may direct that the cost, including interest at a rate not exceeding six per centum per annum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and thereupon such annual payments shall be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

Installation
of sanitary
conveni-
ences.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.



No. 7.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Township
of Thorold.

1st Reading, 8th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

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

MR. VAUGHAN.

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BILL

An Act respecting the Village of Humberstone.

WHEREAS the municipal corporation of the village of Humberstone has by a petition represented that a very large area of the village consists of limestone rock, which in some places comes to or near the surface, making the cost of laying watermains and service pipes very much higher than in municipalities where no rock excavation is required; and whereas the waterworks distribution system of the village has been constructed under the local improvement system, pursuant to a certificate of the Provincial Board of Health under section 96 of *The Public Health Act*, the water supply being obtained from the town of Port Colborne adjacent to said village on the south, and that it is desirable to provide for the payment of the cost of watermains thereafter constructed as extensions of the said waterworks system, by assessing and charging the lots abutting thereon, an equal annual special rate of nine cents per foot frontage during a period of thirty years, and by charging the remainder of the cost of such watermains and appliances on the corporation at large, and that if such annual rate of nine cents per foot frontage should produce more than the actual cost of any watermain in respect to which such rate is charged the surplus shall be used by the village of Humberstone for general waterworks purposes; and whereas the corporation of the village of Humberstone has by petition represented that By-law No. 157 intituled: "A by-law to provide for borrowing one hundred and seventy-five thousand six hundred and thirty-six and 69/100 dollars upon debentures to pay for the construction of watermains and appliances," constructed in pursuance of construction By-law No. 145 was passed on the 16th day of August, 1926, and that said by-law was registered on the 17th day of August, 1926, and notice of registration thereof was duly published; and that the municipal council of the corporation of the county of Welland, by By-law No. 1177, passed on the 19th day of June, 1925, agreed to guarantee the debentures of the village of Humberstone to be issued to pay for the construction of said watermains and appliances as authorized by By-law No. 145 of the village of Humberstone, not exceeding the sum of \$178,329; and

Rev. Stat.,
c. 218.

whereas the village of Humberstone has by petition further represented that by an agreement made on the 14th of July, 1925, between the municipal corporation of the town of Port Colborne of the first part and the municipal corporation of the village of Humberstone, of the second part, the town of Port Colborne agrees to supply water to the village of Humberstone, upon the terms and conditions therein stated; and that certain doubts have arisen as to the validity of By-law No. 157 and said agreement and that it is desirable that said by-laws and agreement should be validated and confirmed; and whereas the said corporation has by its petition prayed that an Act may be passed for such purpose; 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:—

Short title. **1.** This Act may be cited as *The Village of Humberstone Act, 1927*.

Special frontage rate to meet cost of extensions of waterworks. **2.**—(1) Notwithstanding anything contained in *The Consolidated Municipal Act, 1922*, *The Local Improvement Act*, or any other Act, it shall be lawful for the corporation of the village of Humberstone, when extending the waterworks system by the construction of watermains as a local improvement work and borrowing money therefor by the issue of debentures, to provide that an annual rate of nine cents per foot frontage be specially assessed upon the lands abutting directly on said watermains for a period of thirty years to pay, and in satisfaction of the owners' portion of the cost of such watermains and the interest thereon.

Corporation's portion of cost. (2) The remainder of the cost of such watermains shall be borne by the corporation of the village of Humberstone at large, and the said corporation shall in each year during the said period of thirty years impose, levy and raise such sums as may be necessary to meet the corporation's portion of the said cost and interest thereon by a rate sufficient therefor on all the rateable property in the said corporation.

Application of surplus derived from special rate. **3.** If, in respect of any watermain constructed by the said corporation of the village of Humberstone as a local improvement, the said annual rate of nine cents per foot frontage imposed for a period of thirty years against the lands abutting on any such watermain shall produce more than the actual cost of such watermain, the surplus over and above the actual cost shall be used by the town for general waterworks purposes as the council of the village may from time to time direct.

4. The cost of private water service pipes, water connections and other private services to any lot constructed in connection with any such watermain shall be specially assessed by a special rate per foot frontage only upon the particular lot for or in connection with which the same was constructed or effected.

Assessment
of cost of
water ser-
vice pipes.

5. The provisions of this Act shall extend to all watermains the construction of which has been heretofore authorized but with respect to which no debentures have heretofore been issued.

Application
of Act to
watermains
already
authorized.

6. By-law No. 157 of the corporation of the village of Humberstone intituled: "A by-law to provide for borrowing \$175,636.69 upon debentures to pay for the construction of watermains and appliances," passed on the 16th day of August, 1926, and all debentures issued or to be issued thereunder, are hereby confirmed and declared to be legal and binding upon the said corporation and the ratepayers thereof and the rates imposed by and to be levied under said by-law for payment of the debt authorized by the said by-law and the interest thereon are also confirmed and declared to be valid and binding upon the said corporation and the ratepayers thereof.

By-law
No. 157 of
Village of
Humber-
stone con-
firmed.

7. Said By-law No. 1177 of the corporation of the county of Welland, intituled: "A By-law to guarantee certain debentures of the village of Humberstone," passed on the 19th day of June, 1925, is hereby confirmed, validated and declared to be legal and binding upon the said corporation.

By-law
No. 1177 of
County of
Welland
confirmed.

8. The agreement made between the municipal corporation of the town of Port Colborne and the municipal corporation of the village of Humberstone dated the 14th day of July, 1925, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto.

Agreement
with town
of Colborne
confirmed.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of
Act.

No. 8.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Village of
Humberstone.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. VAUGHAN.

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BILL

An Act respecting the Village of Humberstone.

WHEREAS the municipal corporation of the village of Humberstone has by a petition represented that a very large area of the village consists of limestone rock, which in some places comes to or near the surface, making the cost of laying watermains and service pipes very much higher than in municipalities where no rock excavation is required; and whereas the waterworks distribution system of the village has been constructed under the local improvement system, pursuant to a certificate of the Provincial Board of Health under section 96 of *The Public Health Act*, the water supply being obtained from the town of Port Colborne adjacent to said village on the south, and that it is desirable to provide for the payment of the cost of watermains thereafter constructed as extensions of the said waterworks system, by assessing and charging the lots abutting thereon, an equal annual special rate of nine cents per foot frontage during a period of thirty years, and by charging the remainder of the cost of such watermains and appliances on the corporation at large, and that if such annual rate of nine cents per foot frontage should produce more than the actual cost of any watermain in respect to which such rate is charged the surplus shall be used by the village of Humberstone for general waterworks purposes; and whereas the corporation of the village of Humberstone has by petition represented that By-law No. 157 intituled: "A by-law to provide for borrowing one hundred and seventy-five thousand six hundred and thirty-six and 69/100 dollars upon debentures to pay for the construction of watermains and appliances," constructed in pursuance of construction By-law No. 145 was passed on the 16th day of August, 1926, and that said by-law was registered on the 17th day of August, 1926, and notice of registration thereof was duly published; and that the municipal council of the corporation of the county of Welland, by By-law No. 1177, passed on the 19th day of June, 1925, agreed to guarantee the debentures of the village of Humberstone to be issued to pay for the construction of said watermains and appliances as authorized by By-law No. 145 of the village of Humberstone, not exceeding the sum of \$178,329; and

Rev. Stat.,
c. 218.

whereas the village of Humberstone has by petition further represented that by an agreement made on the 14th of July, 1925, between the municipal corporation of the town of Port Colborne of the first part and the municipal corporation of the village of Humberstone, of the second part, the town of Port Colborne agrees to supply water to the village of Humberstone, upon the terms and conditions therein stated; and that certain doubts have arisen as to the validity of By-law No. 157 and said agreement and that it is desirable that said by-laws and agreement should be validated and confirmed; and whereas the said corporation has by its petition prayed that an Act may be passed for such purpose; 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:—

Short title. **1.** This Act may be cited as *The Village of Humberstone Act, 1927*.

Special frontage rate to meet cost of extensions of waterworks. **2.**—(1) Notwithstanding anything contained in *The Consolidated Municipal Act, 1922*, *The Local Improvement Act*, or any other Act, it shall be lawful for the corporation of the village of Humberstone, when extending the waterworks system by the construction of watermains as a local improvement work and borrowing money therefor by the issue of debentures, to provide that an annual rate of nine cents per foot frontage be specially assessed upon the lands abutting directly on said watermains for a period of thirty years to pay, and in satisfaction of the owners' portion of the cost of such watermains and the interest thereon.

Corporation's portion of cost. (2) The remainder of the cost of such watermains shall be borne by the corporation of the village of Humberstone at large, and the said corporation shall in each year during the said period of thirty years impose, levy and raise such sums as may be necessary to meet the corporation's portion of the said cost and interest thereon by a rate sufficient therefor on all the rateable property in the said corporation.

Application of surplus derived from special rate. **3.** If, in respect of any watermain constructed by the said corporation of the village of Humberstone as a local improvement, the said annual rate of nine cents per foot frontage imposed for a period of thirty years against the lands abutting on any such watermain shall produce more than the actual cost of such watermain, the surplus over and above the actual cost shall be used by the town for general waterworks purposes as the council of the village may from time to time direct.

4. The cost of private water service pipes, water connections and other private services to any lot constructed in connection with any such watermain shall be specially assessed by a special rate per foot frontage only upon the particular lot for or in connection with which the same was constructed or effected. Assessment of cost of water service pipes.

5. The provisions of this Act shall extend to all watermains the construction of which has been heretofore authorized but with respect to which no debentures have heretofore been issued. Application of Act to watermains already authorized.

6. By-law No. 157 of the corporation of the village of Humberstone intituled: "A by-law to provide for borrowing \$175,636.69 upon debentures to pay for the construction of watermains and appliances," passed on the 16th day of August, 1926, and all debentures issued or to be issued thereunder, are hereby confirmed and declared to be legal and binding upon the said corporation and the ratepayers thereof and the rates imposed by and to be levied under said by-law for payment of the debt authorized by the said by-law and the interest thereon are also confirmed and declared to be valid and binding upon the said corporation and the ratepayers thereof. By-law No. 157 of Village of Humberstone confirmed.

7. Said By-law No. 1177 of the corporation of the county of Welland, intituled: "A By-law to guarantee certain debentures of the village of Humberstone," passed on the 19th day of June, 1925, is hereby confirmed, validated and declared to be legal and binding upon the said corporation. By-law No. 1177 of County of Welland confirmed.

8. The agreement made between the municipal corporation of the town of Port Colborne and the municipal corporation of the village of Humberstone dated the 14th day of July, 1925, and set out as Schedule "A" hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto. Agreement with town of Colborne confirmed.

9. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.



SCHEDULE "A."

MEMORANDUM OF AGREEMENT.

Made this 14th day of July, in the year of Our Lord one thousand nine hundred and twenty-five.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE TOWN OF PORT COLBORNE,
(hereinafter called the "Town"),

of the first part.

—and—

THE MUNICIPAL CORPORATION OF THE VILLAGE OF HUMBERSTONE
(hereinafter called the "Village"),

of the second part

1. Whereas the said Village is desirous of purchasing a supply of water from the said Town and the said Town agrees to sell water to the said Village upon the terms and conditions hereunder set out.

2. The said Town agrees to supply water to the said Village. The points of contact between the two municipalities at which water shall be supplied shall be as follows:

At the north limit of Catharine Street in said Town, being at the intersection of Catharine Street and Killaly Street, to which point the Town are, before December first, 1925, to lay a twelve-inch water pipe.

3. The supply shall be metered at such point or points of contact and measured as to quantity of water supplied, and the said Village shall pay for the purchase and installation of such meters, recorders, recorder houses, meter houses and everything connected therewith, but the Town shall maintain such meters in repair at the cost of the Village.

4. Said Village shall, during the winter months, at its own cost, if necessary, continuously heat all recorder houses.

5. Said Village shall pay for such supply of water so metered in accordance with the amount which the meter or meters shall record. Payments to be made as accounts are rendered.

6. Should any meter or meters for any reason fail to record accurately or fail to record at all the consumption is to be paid for by the said Village for such period of failure on the basis of the consumption for the three months preceding such failure or the three months succeeding the time when such meter or meters have been placed in proper and efficient working order, as the Town shall determine.

7. The said Village shall pay to the said Town for supplying water as follows:

For the first year dating from the time the water is turned on, for a minimum of 50,000 Imperial gallons per day at the rate of 10 cts. per 1,000 Imperial gallons.

After the first year for a minimum of 100,000 Imperial gallons per day at the rate of 9 cts. per 1,000 Imperial gallons, when more than 100,000 Imperial gallons per day are supplied the price shall be further reduced to 8½ cts. per 1,000 Imperial gallons for the total amount supplied.

And when the amount supplied exceeds 150,000 Imperial gallons per day price on the total amount supplied shall be still further reduced to 8 cts. per 1,000 Imperial gallons.

8. Water sold by the Village for manufacturing purposes is to be subject to the approval of the Town Council in so far as it affects the capacity of the Town plant.

9. The said Village agrees that all mains, hydrants, services, fittings and appliances shall be of standard size, kind, quality and type.

10. The said Town hereby agrees with the said Village to make repairs to the system of distributing mains of said Village under this agreement at as early a time as practicable after notification.

11. The aforesaid repairs shall be made at the expense of the Village which agrees to make payment of such repairs immediately upon receiving an account from the Town therefor.

12. The Town reserves the right at any time to manipulate the valves or anything connected with the water supply within the Town limits for the use or protection of the Town. If this shall diminish, interrupt or cut off the supply from the said Village the said Town shall not in any way be liable to the said Village on account thereof.

13. This provision shall not be construed as giving the Town the right of discontinuing or diminishing any supply to the Village under this agreement.

14. The said Town undertakes to exercise all due care and diligence in order to effect the intent of this agreement, but shall not be liable for any interruption, lack of continuity or variation of pressure of the water supply from any cause whatever.

15. Upon the annexation of all or any part of the said Village supplied with water under this agreement, the Town shall assume all outstanding debenture indebtedness incurred for the purpose contemplated in this agreement, for that portion of the territory actually annexed, but only for the unexpired term of such debenture, dated from the date of the annexation, adjustment to be made between the parties as of the date of annexation.

16. The rates provided for in this agreement may at any time be changed by mutual agreement or by the Ontario Railway and Municipal Board, as hereinafter provided.

17. If the Village shall at any time fail to carry out the provisions of this agreement, or any of them after receiving twenty days' notice from the Town and fail to carry out the same, it shall forthwith cease to have any rights hereunder.

18. If differences arise at any time between the Town and said Village under this agreement or any matters, relative thereto either party may apply to the Ontario Railway and Municipal Board for settlement of such differences.

19. This agreement shall be validated by legislation at the expense of the Village.

In witness whereof the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed attested by the hands of the proper officers, the day and year first above written.

TOWN OF PORT COLBORNE,

(Sgd.) W. STEED, *Mayor*.

(CORP. SEAL)

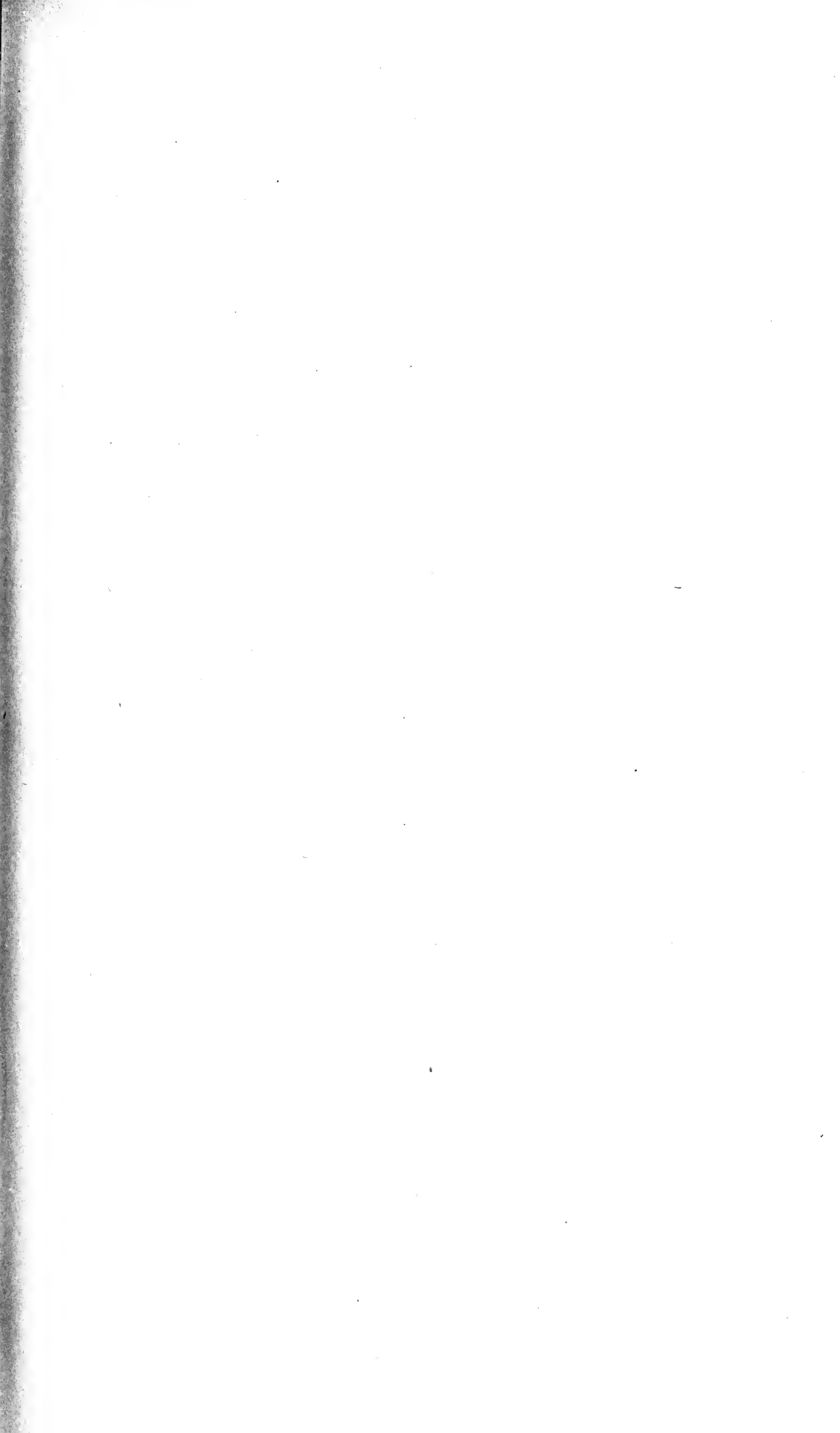
(Sgd.) I. H. WHITE, *Clerk*.

VILLAGE OF HUMBERSTONE,

(Sgd.) ARTHUR DICKHOUT, *Reeve*.

(CORP. SEAL.)

(Sgd.) JOHN J. WICHMANN, *Clerk*.



No. 8.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Village of
Humberstone.

1st Reading, 8th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

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

MR. VAUGHAN.

T O R O N T O :

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Township of Bertie.

WHEREAS the corporation of the township of Bertie ^{Preamble.} in the county of Welland, has by its petition represented that the township of Bertie is bounded on the south by Lake Erie and on the west by the Niagara river, just opposite the city of Buffalo and that its population is rapidly increasing especially in those portions along the shores of Lake Erie and the Niagara river and with the completion of the highway bridge will be practically a suburb of the city of Buffalo; and that by reason of such districts being thickly populated, it is desirable that certain powers should be conferred upon the corporation for the purpose of enabling the corporation to instal waterworks systems, construct sewers and sewage disposal works in defined areas of the township; and whereas the said corporation has by its petition prayed that an Act may be passed for such purposes; 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. This Act may be cited as *The Township of Bertie Act*, ^{Short title.} 1927.

2. The council of the township of Bertie may from time to time pass by-laws to set apart and establish as a sewer area or as a water area any portion of the township described in such by-law, and to construct, enlarge, extend, improve and operate sewerage systems and disposal works within or outside of any sewer area or areas to serve such sewer area or one or more sewer areas or lands situate therein, and to construct, enlarge, extend, improve and operate waterworks systems within or outside of any water area or areas to serve such water area or one or more water areas or lands situate therein. ^{Establishment of sewer and water areas.}

3. The entire cost of the construction, enlargement, ^{How cost to be assessed.} extension, improvement, operation, maintenance, manage-

Rev. Stat.
c. 193.

ment, and repair of any such sewerage systems or disposal works or of any such waterworks systems, save and except such works as are undertaken pursuant to the provisions of *The Local Improvement Act* as hereinafter provided shall be assessed upon all the rateable property in the area or areas to serve which such works have been undertaken, provided that where such works are undertaken to serve more than one area the council shall by by-law determine the portion of the cost thereof to be borne by each of such areas, and the revenues arising from the operation of any such work shall form a special fund for the use of the area or areas to serve which such work has been undertaken in such manner that the revenue from any work shall be allocated to the area or areas in the same proportion as they contribute to the cost of its construction.

Thirty-year
debentures
for portion
of cost.

4. Where the whole or any portion of the cost of any work is assessed against all the rateable property in any area or areas, the debentures issued to provide for the payment of the cost so assessed may be made payable within thirty years from the date of issue of such debentures.

Works to be
undertaken
as local
improvements
with certain
exceptions.

5. The council may undertake within any sewer area or areas the construction of sewers and necessary appliances and accessories and private drain connections and within any water area or areas the construction of waterworks, water-mains and necessary appliances and accessories as local improvements pursuant to the provisions of *The Local Improvement Act*, provided that,—

Rev. Stat.
c. 193.

- (a) Except as otherwise expressly provided in this section where a work is constructed to serve lands situate entirely within one area, that part of the cost which would otherwise be the corporation's portion of the cost shall be assessed upon all the rateable property in the area and the remainder of the cost of such work shall be specially assessed upon the lots within such area fronting or abutting on or served by the work.
- (b) Where a work is constructed to serve lands situate within more than one area, the council shall by by-law determine the portion of cost to be borne by each area, and such respective portions shall be assessed in such areas in the manner in this section provided.
- (c) The council may by by-law passed at any general or special meeting by a vote of three-fourths of all the members of the council provide that a certain annual

rate per foot frontage in satisfaction of the owners' portion of the cost shall be assessed upon and levied and collected from the land abutting directly on or served by the sewers or watermains constructed in the area designated in such by-law during the currency of the debentures issued to pay for the cost of such sewers or watermains and that the remainder of the cost, if any, not provided for by such annual rate, shall be borne by the area, provided that if in any case such annual rate per foot frontage shall be more than sufficient to provide for the actual cost of the sewer or watermain, the surplus resulting therefrom shall be deposited to a special account to be used by the council for the benefit of such area. Any such by-law shall not be repealed or amended except by a vote of three-fourths of all the members of the council.

- (d) In any notice of council published, served or mailed pursuant to sections 11, 13, 33 or 37 of *The Local Improvement Act* in respect to the construction of sewers or watermains, it shall not be necessary to show the portion of the cost, actual or estimated, which is to be borne by the corporation or the area, but it shall be sufficient to show the annual special rate per foot frontage.
- (e) After a work undertaken has been completed it shall during its lifetime be maintained, managed and kept in repair by and at the expense of the area for the benefit of which it is constructed, or if constructed for the benefit of more than one area then at the expense of the areas in proportion to their respective shares of the cost of the construction thereof.
- (f) The debentures issued for the sums borrowed to defray any portion of the cost of any work which is assessed against all the rateable property in any area may be made payable within thirty years from the date of issue thereof if issued separately from the debentures issued to defray the portion of the cost which is specially assessed upon the lands fronting or abutting on or served by such work.

6. The council may agree with any bank or person for temporary advances to meet the cost of any of the works hereby authorized pending the completion thereof, and the council may when the work undertaken is completed borrow on the credit of the corporation at large such sums as may be necessary to repay such advances and to defray the cost of

Temporary
advances to
meet cost
of work.

the work undertaken, including the items of cost referred to in subsection 2 of section 19 of *The Local Improvement Act*, and may issue debentures for the sums so borrowed.

Levy of general rate to meet deficiencies.

7. If in any year the amount realized from the rates imposed to provide for the cost of any work and the interest thereon is insufficient to pay the amount falling due in such year in respect of the debentures issued to pay for the cost of such work, the council shall provide for the deficiency in the estimates for the current or the following year, and levy and collect the same by a general rate on all the rateable property in the municipality, but this shall not relieve the land in such area or areas so assessed from the rates imposed thereon.

Application of certain sections of Rev. Stat. c. 193.

8. The provisions of sections 41 and 41a of *The Local Improvement Act* shall apply *mutatis mutandis* to the works authorized hereunder and the issue of debentures authorized by this Act.

Enlargement or reduction of defined areas.

9. The council of the township of Bertie may from time to time pass by-laws to enlarge or reduce any defined area by annexing thereto such portion or portions of the said township or of any area or by withdrawing therefrom such portion or portions of the area as may be designated in the by-law, or to amalgamate any two or more areas or parts thereof, or to subdivide, vary, or alter any one or more areas, upon such terms and conditions and with such adjustments of rates as may be provided in the by-law.

Agreements with other municipalities as to sewage disposal works.

10.—(1) The council of the township of Bertie may enter into an agreement with any other municipality or municipalities and any other municipality or municipalities may enter into an agreement with the township of Bertie for the construction, enlargement, extension, improvement, operation and maintenance of sewage disposal works, plan appliances and accessories in connection therewith for the joint use of any sewer area or areas and such other municipality or municipalities, and the portion of the cost of the construction, enlargement, improvement, and extension of such works and of the operation and maintenance thereof payable by the corporation of the township of Bertie as fixed by such agreement shall be levied upon all the rateable property in such area or areas as the case may be, as provided in section 3 hereof, and the revenue payable to the township under any such agreement shall be credited to the sewer area which has been charged with the cost of constructing, extending, operating and maintaining the said works, or if more than one area then to such areas in proportion to their respective shares of the cost of such construction, enlargement, improvement, extension, operation and maintenance.

(2) The council of the corporation of the township of Bertie and the council or councils of any other municipality or municipalities may enter into agreements for the admission of sewage from the said township of Bertie into the sewers and sewerage works of such other municipality or municipalities, and all costs, charges and expenses in connection therewith may be levied on all the rateable property in the area benefited thereby, or if more than one area, then on all the rateable property in such areas in such proportion as the council may by by-law determine.

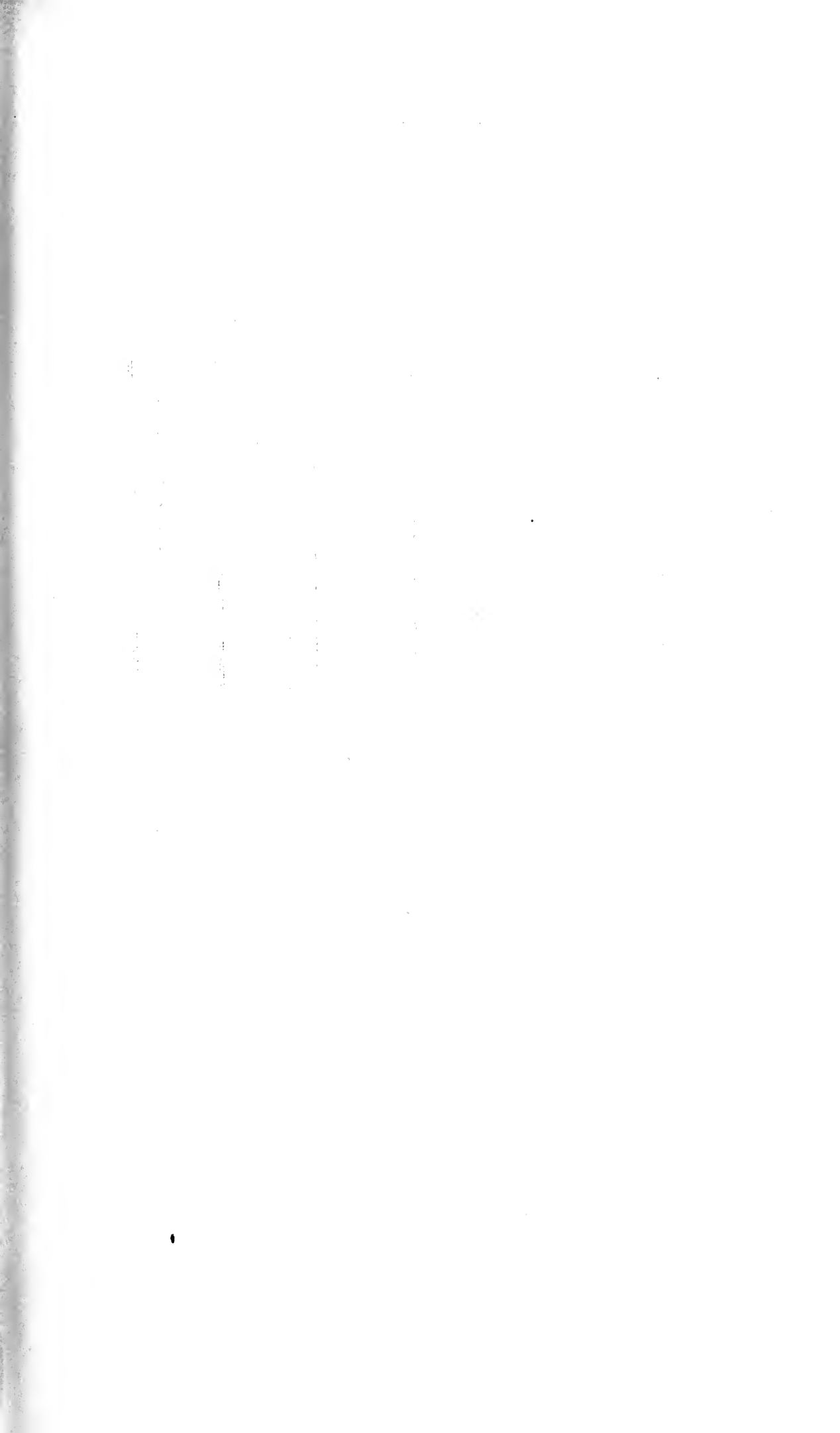
(3) The council of the corporation of the township of Bertie may enter into agreement with the council or councils of any other municipality or municipalities for the admission of sewage from such other municipality or municipalities into the sewers and sewerage works of the said township of Bertie, and in such event the revenue arising therefrom shall be credited to the sewer area of the township into whose sewers or works the sewage is admitted, or if more than one area then to such sewer areas in such proportion as the council may by by-law determine.

11. It shall not be necessary to submit for the assent of the electors any by-law passed pursuant to the provisions of this Act, but no by-law relating to the waterworks system, except by-laws passed pursuant to the provisions of section 5 shall be effective until approved by order of the Ontario Railway and Municipal Board and when so approved such by-law shall be valid and binding.

12. Where the local Board of Health recommends that sanitary conveniences should be installed in any building and is of the opinion that the owner of the premises is unable to pay the expense of the same at once, the municipality may install suitable sanitary conveniences at the expense of the owner and the board may direct that the cost, including interest at a rate not exceeding six per cent. per annum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and thereupon such annual payments shall be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

13. The by-law undertaking the work may further provide that where in order to supply water to the property owners on both sides of the street, owing to rock excavation, damage to a pavement, or for any other reason which the engineer deems sufficient, it will be more economical (including costs of services) that pipes be laid on both sides of the street, that the

cost of services be added to the cost of the watermains and the total cost of both watermains and services be added together and assessed against the abutting property on both sides of the street as one watermain.



No. 9.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Township of Bertie.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

Mr. WILSON (Niagara Falls).

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Township of Bertie.

WHEREAS the corporation of the township of Bertie ^{Preamble.} in the county of Welland, has by its petition represented that the township of Bertie is bounded on the south by Lake Erie and on the west by the Niagara river, just opposite the city of Buffalo and that its population is rapidly increasing especially in those portions along the shores of Lake Erie and the Niagara river and with the completion of the highway bridge will be practically a suburb of the city of Buffalo; and that by reason of such districts being thickly populated, it is desirable that certain powers should be conferred upon the corporation for the purpose of enabling the corporation to instal waterworks systems, construct sewers and sewage disposal works in defined areas of the township; and whereas the said corporation has by its petition prayed that an Act may be passed for such purposes; 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. This Act may be cited as *The Township of Bertie Act*, ^{Short title.} 1927.

2. The council of the township of Bertie may from time to time pass by-laws to set apart and establish as a sewer area ^{Establishment of sewer and water areas.} or as a water area any portion of the township described in such by-law, and to construct, enlarge, extend, improve and operate sewerage systems and *sewage* disposal works within or outside of any sewer area or areas to serve such sewer area or one or more sewer areas or lands situate therein, and to construct, enlarge, extend, improve and operate waterworks systems within or outside of any water area or areas to serve such water area or one or more water areas or lands situate therein.

3. (1) The entire cost of the construction, enlargement, ^{How cost to be assessed.} extension, improvement, operation, maintenance, management, and repair of any such sewerage systems or *sewage* disposal works or of any such waterworks systems, save and

Rev. Stat.
c. 193.

except such works as are undertaken pursuant to the provisions of *section 4* shall be assessed upon all the rateable property in the area or areas to serve which such works have been undertaken, provided that where such works are undertaken to serve more than one area the council shall by by-law determine the portion of the cost thereof to be borne by each of such areas, and the revenues arising from the operation of any such work shall form a special fund for the use of the area or areas to serve which such work has been undertaken in such manner that the revenue from any work shall be allocated to the area or areas in the same proportion as they contribute to the cost of its construction.

Byrrowing
powers.

(2) The corporation may borrow the amount of the cost of any work undertaken under this section by the issue of debentures payable within a period not exceeding 30 years from the date of the issue thereof.

Works to be
undertaken
as local
improvements
with
certain
exceptions.

4. The council may undertake within any sewer area or areas the construction of sewers and necessary appliances and accessories and private drain connections and within any water area or areas the construction of watermains and necessary appliances and accessories as local improvements pursuant to the provisions of *The Local Improvement Act*, *except* that,—


Rev. Stat.
c. 193.

- (a) *Subject to the provisions of clause (c)* where a work is constructed to serve lands situate entirely within one area, that part of the cost which would otherwise be the corporation's portion of the cost shall be assessed upon all the rateable property in the area and the remainder of the cost of such work shall be specially assessed upon the lots within such area fronting or abutting on or served by the work.
- (b) Where a work is constructed to serve lands situate within more than one area, the council shall by by-law determine the portion of cost to be borne by each area, and such respective portions shall be assessed in such areas in the manner in this section provided.
- (c) The council may by by-law passed at any general or special meeting by a vote of three-fourths of all the members of the council provide that a certain annual rate per foot frontage in satisfaction of the owners' portion of the cost shall be assessed *against* the land *fronting or* abutting directly on or served by the sewers or watermains constructed in the area designated in such by-law during the currency of the debentures issued to pay for the cost of such sewers or watermains and that the remainder of the cost, if any, not provided for by such annual

rate, shall be borne by the area, provided that if in any case such annual rate per foot frontage shall be more than sufficient to provide for the actual cost of the sewer or watermain, the surplus resulting therefrom shall be deposited to a special account to be used by the council for the benefit of such area. Any such by-law shall not be repealed or amended except by a vote of three-fourths of all the members of the council.


(d) In any notice of council published, served or mailed pursuant to sections 11, 13, 33 or 37 of *The Local Improvement Act* in respect to the construction of sewers or watermains, it shall not be necessary to show the portion of the cost, actual or estimated, which is to be borne by the corporation or the area, but it shall be sufficient to show the annual special rate per foot frontage.

(e) After a work undertaken has been completed it shall during its lifetime be maintained, managed and kept in repair by and at the expense of the area for the benefit of which it is constructed, or if constructed for the benefit of more than one area then at the expense of the areas in proportion to their respective shares of the cost of the construction thereof.

 (f) Where it will be more economical owing to rock excavation, damage to a pavement, or for any other reason which the engineer deems sufficient, to lay watermains or sewers on both sides of a street, the by-law for undertaking the work may so provide, and that,—

(i) the cost of the two watermains and of the service pipes and stopcocks, or

(ii) the cost of the two sewers and the sewer connections,

shall be added together and the total cost thereof specially assessed against the lots fronting or abutting on both sides of the street as one watermain. 

5. The council may agree with any bank or person for temporary advances to meet the cost of any of the works hereby authorized pending the completion thereof, and the council may when the work undertaken is completed borrow on the credit of the corporation at large such sums as may be necessary to repay such advances and to defray the cost of ^{Temporary advances to meet cost of work.}

the work undertaken, including the items of cost referred to in subsection 2 of section 19 of *The Local Improvement Act*, and may issue debentures for the sums so borrowed.

Levy of general rate to meet deficiencies.

6. If in any year the amount realized from the rates imposed to provide for the cost of any work and the interest thereon is insufficient to pay the amount falling due in such year in respect of the debentures issued to pay for the cost of such work, the council shall provide for the deficiency in the estimates for the current or the following year, and levy and collect the same by a general rate on all the rateable property in the municipality, but this shall not relieve the land in such area or areas so assessed from the rates imposed thereon.

Application of certain sections of Rev. Stat. c. 193.

7. The provisions of sections 41 and 41a of *The Local Improvement Act* shall apply *mutatis mutandis* to the works authorized hereunder and the issue of debentures authorized by this Act.

Enlargement or reduction of defined areas.

8. The council of the township of Bertie may from time to time pass by-laws to enlarge or reduce any defined area by annexing thereto such portion or portions of the said township or of any area or by withdrawing therefrom such portion or portions of the area as may be designated in the by-law, or to amalgamate any two or more areas or parts thereof, or to subdivide, vary, or alter any one or more areas, upon such terms and conditions and with such adjustments of rates as may be provided in the by-law.

Agreements with other municipalities as to sewage disposal works.

9.—(1) The council of the township of Bertie may enter into an agreement with any other municipality or municipalities and any other municipality or municipalities may enter into an agreement with the township of Bertie for the construction, enlargement, extension, improvement, operation and maintenance of sewage disposal works, plan appliances and accessories in connection therewith for the joint use of any sewer area or areas and such other municipality or municipalities, and the portion of the cost of the construction, enlargement, improvement, and extension of such works and of the operation and maintenance thereof payable by the corporation of the township of Bertie as fixed by such agreement shall be levied upon all the rateable property in such area or areas as the case may be, as provided in section 3 hereof, and the revenue payable to the township under any such agreement shall be credited to the sewer area which has been charged with the cost of constructing, extending, operating and maintaining the said works, or if more than one area then to such areas in proportion to their respective shares of the cost of such construction, enlargement, improvement, extension, operation and maintenance.

(2) The council of the corporation of the township of Bertie and the council or councils of any other municipality or municipalities may enter into agreements for the admission of sewage from the said township of Bertie into the sewers and sewerage works of such other municipality or municipalities, and all costs, charges and expenses in connection therewith may be levied on all the rateable property in the area benefited thereby, or if more than one area, then on all the rateable property in such areas in such proportion as the council may by by-law determine.

(3) The council of the corporation of the township of Bertie may enter into agreement with the council or councils of any other municipality or municipalities for the admission of sewage from such other municipality or municipalities into the sewers and sewerage works of the said township of Bertie, and in such event the revenue arising therefrom shall be credited to the sewer area of the township into whose sewers or works the sewage is admitted, or if more than one area then to such sewer areas in such proportion as the council may by by-law determine.

10. It shall not be necessary to submit for the assent of the electors any by-law passed pursuant to the provisions of this Act, but no by-law relating to the waterworks system, except by-laws passed pursuant to the provisions of section 4 shall be effective until approved by order of the Ontario Railway and Municipal Board and when so approved such by-law shall be valid and binding.

11. Where the local Board of Health recommends that sanitary conveniences should be installed in any building and is of the opinion that the owner of the premises is unable to pay the expense of the same at once, the municipality may install suitable sanitary conveniences at the expense of the owner and the board may direct that the cost, including interest at a rate not exceeding six per cent. per annum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and thereupon such annual payments shall be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

12. This Act shall come into force on the day upon which it receives the Royal Assent.





No. 9.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Township of Bertie.

1st Reading,	14th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

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

Mr. WILSON (Niagara Falls).

TORONTO :
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Kapuskasing.

WHEREAS the municipal corporation of the town of Kapuskasing has by its petition represented that certain by-laws, the particulars of which are shown in the Schedule hereto annexed marked "A," were duly passed by the council of the said corporation; that certain doubts have arisen as to the validity of the said by-laws; and that it is desirable that the said by-laws and the debentures issued or to be issued thereunder, should be validated and confirmed; 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. This Act may be cited as *The Town of Kapuskasing Act, 1927.*

Short title.

2. The by-laws of the municipal corporation of the town of Kapuskasing, the particulars of which are shown in the Schedule hereto annexed marked "A," and all debentures issued or to be issued thereunder are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-laws specified in Schedule "A" confirmed.

3. The debentures authorized by the respective by-laws referred to in the Schedule hereto annexed marked "A" shall be dated the first day of January, 1927, and shall be payable in annual instalments on the first day of January in each of the years 1928 to 1947, inclusive, and the amounts of principal and interest payable in each of such years under said by-laws shall be as set out in enacting paragraph numbered 2 of each of the said respective by-laws.

Date of debentures and payment periods.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

SCHEDULE "A."

MUNICIPAL CORPORATION OF THE TOWN OF KAPUSKASING

BY-LAW No. 104.

A by-law to provide for the borrowing of \$20,000.00 upon debentures to pay for the construction of Sewers and Waterworks.

Whereas by Construction By-Laws numbers 59 and 60 passed on the 4th day of August, 1924, the sewers and watermains mentioned in Schedule "A" have been constructed as local improvements under the provisions of The Local Improvement Act.

And whereas the total cost of the work is \$20,000.00 of which \$6,775.56 is the Corporation's portion of the cost and \$13,224.44 is the owners' portion of the cost for which a Special Assessment Roll has been duly made and certified.

And whereas the estimated lifetime of the work is twenty years.

And whereas it is necessary to borrow the said sum of \$20,000.00 on the credit of the Corporation and to issue debentures therefor bearing interest at the rate of six per cent. per annum, which is the amount of the debt intended to be created by this by-law.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years, of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$1,743.69 during the period of twenty years to pay the said yearly sums of principal and interest as they become due of which \$590.76 is required to pay the Corporation's portion of the cost and the interest thereon, and \$1,152.93 is required to pay the owners' portion of the cost and the interest thereon.

And whereas each of the said works has been approved by the Provincial Board of Health.

And whereas the amount of the whole rateable property of the Municipality, according to the last revised assessment roll is \$623,626.00.

And whereas the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts, secured by special rates or assessments) is \$3,000.00 and no part of the principal or interest is in arrear.

Therefore the municipal Council of the Corporation of the Town of Kapuskasing enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of Twenty thousand (\$20,000.00) dollars and debentures shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of six per cent. per annum, and having coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this By-Law is passed, and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

Years to run.	Amount of principal payable	Amount of interest payable	Annual payment.
1.....	\$543 69	\$1,200 00	\$1,743 69
2.....	576 31	1,167 38	1,743 69
3.....	610 89	1,132 80	1,743 69
4.....	647 54	1,096 15	1,743 69
5.....	686 40	1,057 29	1,743 69
6.....	727 59	1,016 10	1,743 69
7.....	771 24	972 45	1,743 69
8.....	817 51	926 18	1,743 69
9.....	866 56	877 13	1,743 69
10.....	918 56	825 13	1,743 69
11.....	973 67	770 02	1,743 69
12.....	1,032 09	711 60	1,743 69
13.....	1,094 01	649 68	1,743 69
14.....	1,159 65	584 04	1,743 69
15.....	1,229 23	514 46	1,743 69
16.....	1,302 99	440 70	1,743 69
17.....	1,381 17	363 52	1,743 69
18.....	1,464 04	279 65	1,743 69
19.....	1,551 87	191 82	1,743 69
20.....	1,644 99	98 70	1,743 69

3. The debentures as to both principal and interest may be expressed in Canadian currency or in Sterling money of Great Britain, at the rate of one pound sterling for each four dollars and eighty-six and two-thirds cents, and may be payable at any place or places in Canada or Great Britain.

4. The Mayor of the Corporation shall sign and issue the debentures and interest coupons, and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

5. During twenty years, the currency of the debentures, the sum of \$1,743.69 shall be raised annually for the payment of the debt and interest, as follows:

(a) The sum of \$590.76 shall be raised annually for the payment of the Corporation's portion of the cost and the interest thereon, and shall be levied and raised annually by a special rate sufficient therefor, over and above all other rates, on all the rateable property in the municipality, at the same time and in the same manner as other rates.

(b) For the payment of the owners' portion of the cost and the interest thereon, the special assessment set forth in the said special assessment roll is hereby imposed upon the lands liable therefor as therein set forth: which said special assessment, with a sum sufficient to cover interest thereon at the rate aforesaid shall be payable in twenty equal annual instalments of \$1,152.93 each, and for that purpose an equal annual special rate of 27.9 cents per foot frontage is hereby imposed upon each lot entered in the said special Assessment Roll, according to the assessed frontage thereof, over and above all other rates and taxes, which said special rate shall be collected annually by the collector of taxes for the Corporation, at the same time and in the same manner as other rates.

6. The debentures may contain any clause providing for the registration thereof, authorized by any statute relating to Municipal debentures in force at the time of the issue thereof.

7. The amount of the loan authorized by this by-law may be consolidated with the amount of any loans authorized by other local improvement by-laws, by including the same with such other loans in a consolidating by-law authorizing the borrowing of the aggregate thereof as one loan, and the issue of debentures for such loan in one consecutive issue, pursuant to the provisions of the statute in that behalf.

8. This by-law shall take effect on the day of the final passing thereof.

Passed this 1st day of November, 1926.

"A. HUSBAND,"
Acting Mayor.

"C. SAVILLE,"
Clerk.

THIS IS SCHEDULE "A" REFERRED TO IN THE ANNEXED
BY-LAW

NATURE OF WORK.	LOCATION.
1. 12" Sewer	Along Lang Avenue from centre line O'Brien Avenue to McPherson Avenue.
2. 8" Sewer	Along Henderson Avenue from centre line O'Brien Avenue to opposite Lot 754.
3. 8" Sewer	Along Lane between Henderson Avenue and Lang Avenue from centre line O'Brien Avenue to Centre Line Lane East.
4. 8" Sewer	Along Dallyn Avenue from Manhole No. 20 opposite Lot 508 to opposite Lot 633.
5. 8" Sewer	Along Stewart Avenue, West of Queen Street from opposite Lot 474 to Queen Street.
6. 8" Sewer	Along Stewart Avenue, East of Queen Street from Centre Line Byng Avenue to opposite Lot 512.
7. 4" Watermain	Along Lang Avenue from opposite Lot 745 to centre line O'Brien Avenue.
8. 4" Watermain	Along Henderson Avenue from centre line O'Brien Avenue to opposite Lot 754.
9. 4" Watermain	Along Lane between Henderson Avenue and Lang Avenue from Centre line O'Brien Avenue to centre line Lane East.
10. 4" Watermain	Along Dallyn Avenue from Queen Street to King Street.
11. 4" Watermain	Along Stewart Avenue (West) from Queen Street to King Street.
12. 4" Watermain	Along Stewart Avenue (East) from opposite Lot 512 to centre line Byng Avenue.
13.	Connections for all lots from trunks to lot lines.
14.	Installation of 9 hydrants.

MUNICIPAL CORPORATION OF THE TOWN OF
KAPUSKASING

BY-LAW No. 105.

A by-law to provide for the borrowing of \$7,000.00 upon debentures to pay for the construction of sewers and waterworks.

Whereas by construction by-laws numbers 59 and 60, passed on the 4th day of August, 1924, the sewers and watermains mentioned in Schedule "A" hereunto annexed have been constructed as Local Improvements under the provisions of The Local Improvement Act.

And whereas the total cost of the work is \$7,000.00 of which \$2,961.32 is the Corporation's portion of the cost and \$4,038.68 is the owners' portion of the cost for which a Special Assessment Roll has been duly made and certified.

And whereas the estimated lifetime of the work is twenty years.

And whereas it is necessary to borrow the said sum of \$7,000.00 on the credit of the Corporation and to issue debentures therefor bearing interest at the rate of six per cent. per annum, which is the amount of the debt intended to be created by this by-law.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years, of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$610.29 during the period of twenty years to pay the said yearly sums of principal and interest as they become due of which \$238.24 is required to pay the Corporation's portion of the cost and the interest thereon, and \$352.05 is required to pay the owners' portion of the cost and the interest thereon.

And whereas each of the said works has been approved by the Provincial Board of Health,

And whereas the amount of the whole rateable property of the Municipality, according to the last revised assessment roll is \$623,626.00.

And whereas the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts, secured by special rates or assessments) is \$3,000.00 and no part of the principal or interest is in arrear;

Therefore the Municipal Council of the Corporation of the Town of Kapuskasing enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of seven thousand (\$7,000.00) dollars and debentures shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of six per cent. per annum, and having coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed, and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

Years to Run	Amount of principal payable	Amount of interest payable	Annual Payment
1.....	\$190 29	\$420 00	\$610 29
2.....	201 71	408 58	610 29
3.....	213 81	396 48	610 29
4.....	226 64	383 65	610 29
5.....	240 24	370 05	610 29
6.....	254 65	355 64	610 29
7.....	269 93	340 36	610 29
8.....	286 13	324 16	610 29
9.....	303 30	306 99	610 29
10.....	321 49	288 80	610 29
11.....	340 78	269 51	610 29
12.....	361 23	249 06	610 29
13.....	382 90	227 39	610 29
14.....	405 88	204 41	610 29
15.....	430 23	180 06	610 29
16.....	456 05	154 24	610 29
17.....	493 41	126 88	610 29
18.....	512 42	97 87	610 29
19.....	543 16	67 13	610 29
20.....	575 75	34 54	610 29

3. The debentures as to both principal and interest may be expressed in Canadian currency or in Sterling money of Great Britain, at the rate of one pound Sterling for each four dollars and eighty-six and two-thirds cents, and may be payable at any place or places in Canada or Great Britain.

4. The Mayor of the Corporation shall sign and issue the debentures and interest coupons, and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

5. During twenty years, the currency of the debentures, the sum of \$610.29 shall be raised annually for the payment of the debt and interest, as follows:

(a) The sum of \$258.24 shall be raised annually for the payment of the Corporation's portion of the cost and the interest thereon, and shall be levied and raised annually by a special rate sufficient therefor, over and above all other rates, on all the rateable property in the Municipality, at the same time and in the same manner as other rates.

(b) For the payment of the owners' portion of the cost and the interest thereon, the special assessment set forth in the said Special Assessment Roll is hereby imposed upon the lands liable therefor as therein set forth; which said special assessment, with a sum sufficient to cover interest thereon at the rate aforesaid shall be payable in twenty equal annual instalments of \$352.05 each, and for that purpose an equal annual special rate of 27.9 cents per foot frontage is hereby imposed upon each lot entered in the said special Assessment Roll, according to the assessed frontage thereof, over and above all other rates and taxes, which said special rate shall be collected annually by the collector of taxes for the Corporation, at the same time and in the same manner as other rates.

6. The debentures may contain any clause providing for the registration thereof, authorized by any statute relating to Municipal debentures in force at the time of the issue thereof.

7. The amount of the loan authorized by this by-law may be consolidated with the amount of any loans authorized by other local improvement by-laws, by including the same with such other loans in a consolidating by-law authorizing the borrowing of the aggregate thereof as one loan, and the issue of debentures for such loan in one consecutive issue, pursuant to the provisions of the statute in that behalf.

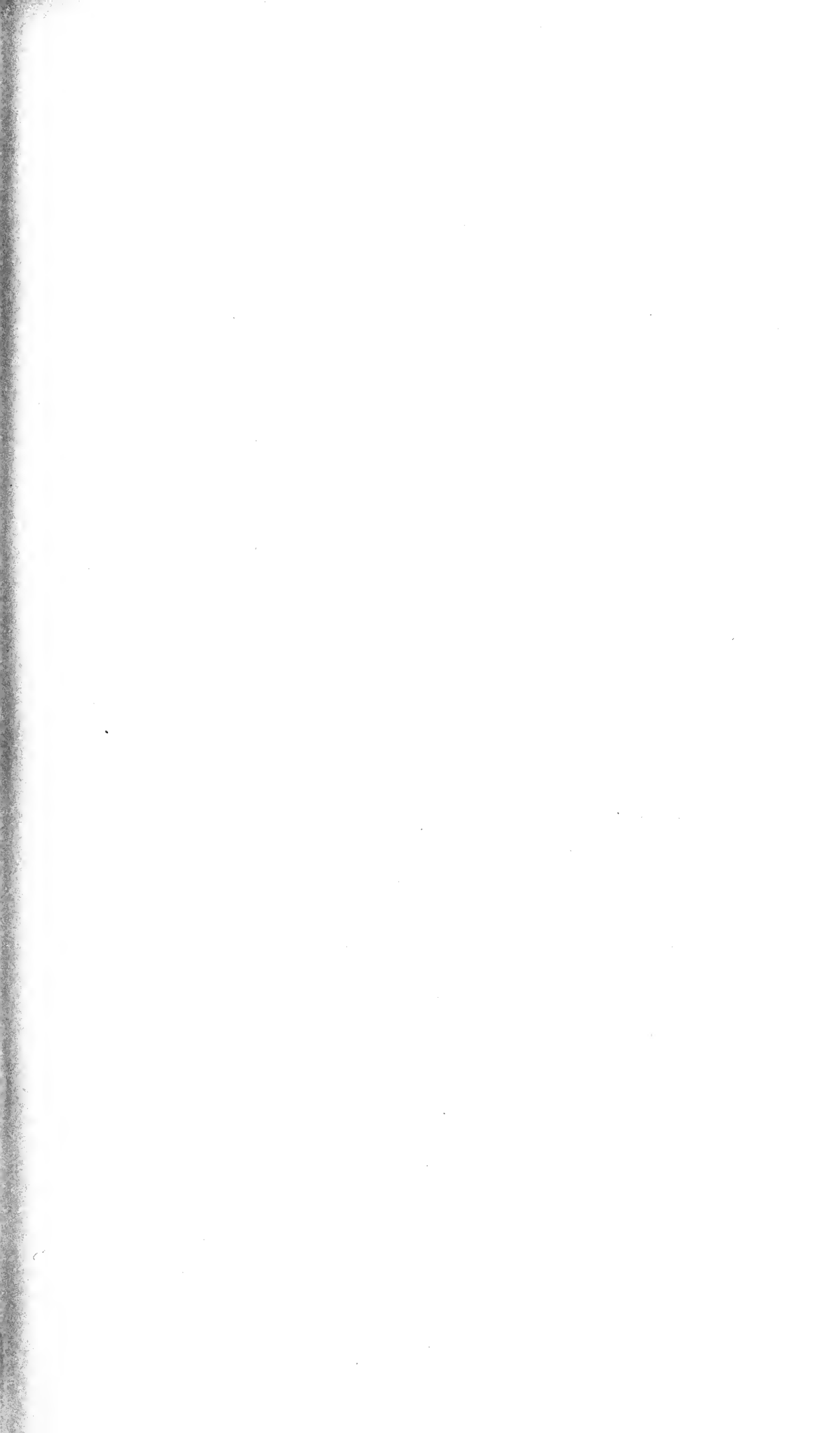
8. This by-law shall take effect on the day of the final passing thereof.

Passed this 1st day of November, 1926.

"A. HUSBAND,"
Acting Mayor.
"C. SAVILLE,"
Clerk.

THIS IS SCHEDULE "A" REFERRED TO IN THE ANNEXED
BY-LAW

Nature of Work	Location
1. 12" Sewer	Along McPherson Avenue from centre line Lang Avenue to centre line of Kolb Avenue.
2. 8" Sewer	Along O'Brien Avenue from centre line Lang Avenue to centre line Lane, east between lots 807 and 787.
3. 8" Sewer	Along lane between Government Road and Henderson Avenue from centre line O'Brien Avenue to centre line lane east.
4. 8" Sewer	Across Lot 633 from Dallyn Avenue to Riverside Drive.
5. 4" Watermain	Along O'Brien Avenue from centre line Lang Avenue to centre line Lane between Lots 807 and 787.
6. 4" Watermain	Along Lane between Government Road and Henderson Avenue from centre line O'Brien Avenue to centre line Lane East.



No. 10.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of
Kapuskasing.

1st Reading.	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. WATERS.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Kapuskasing.

WHEREAS the municipal corporation of the town of Preamble.
 Kapuskasing has by its petition represented that certain by-laws, the particulars of which are shown in the Schedule hereto annexed marked "A," were duly passed by the council of the said corporation; that certain doubts have arisen as to the validity of the said by-laws; and that it is desirable that the said by-laws and the debentures issued or to be issued thereunder, should be validated and confirmed; 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. This Act may be cited as *The Town of Kapuskasing Act, 1927.* Short title.

2. The by-laws of the municipal corporation of the town of Kapuskasing *set out* in the schedule hereto marked "A," and all debentures issued or to be issued thereunder are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof. By-laws specified in Schedule "A" confirmed.

3. The debentures authorized by the respective by-laws *set out* in the schedule hereto marked "A" shall be dated the first day of January, 1927, and shall be payable in annual instalments on the first day of January in each of the years 1928 to 1947, inclusive, and the amounts of principal and interest payable in each of such years under said by-laws shall be as set out in enacting paragraph numbered 2 of each of the said respective by-laws. Date of debentures and payment periods.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

2

SCHEDULE "A."

MUNICIPAL CORPORATION OF THE TOWN OF KAPUSKASING

BY-LAW No. 104.

A by-law to provide for the borrowing of \$20,000.00 upon debentures to pay for the construction of Sewers and Waterworks.

Whereas by Construction By-Laws numbers 59 and 60 passed on the 4th day of August, 1924, the sewers and watermains mentioned in Schedule "A" have been constructed as local improvements under the provisions of The Local Improvement Act.

And whereas the total cost of the work is \$20,000.00 of which \$6,775.56 is the Corporation's portion of the cost and \$13,224.44 is the owners' portion of the cost for which a Special Assessment Roll has been duly made and certified.

And whereas the estimated lifetime of the work is twenty years.

And whereas it is necessary to borrow the said sum of \$20,000.00 on the credit of the Corporation and to issue debentures therefor bearing interest at the rate of six per cent. per annum, which is the amount of the debt intended to be created by this by-law.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years, of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$1,743.69 during the period of twenty years to pay the said yearly sums of principal and interest as they become due of which \$590.76 is required to pay the Corporation's portion of the cost and the interest thereon, and \$1,152.93 is required to pay the owners' portion of the cost and the interest thereon.

And whereas each of the said works has been approved by the Provincial Board of Health.

And whereas the amount of the whole ratable property of the Municipality, according to the last revised assessment roll is \$623,626.00.

And whereas the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts, secured by special rates or assessments) is \$3,000.00 and no part of the principal or interest is in arrear.

Therefore the municipal Council of the Corporation of the Town of Kapuskasing enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of Twenty thousand (\$20,000.00) dollars and debentures shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of six per cent. per annum, and having coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this By-Law is passed, and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

Years to run.	Amount of principal payable	Amount of interest payable	Annual payment.
1.....	\$543 69	\$1,200 00	\$1,743 69
2.....	576 31	1,167 38	1,743 69
3.....	610 89	1,132 80	1,743 69
4.....	647 54	1,096 15	1,743 69
5.....	686 40	1,057 29	1,743 69
6.....	727 59	1,016 10	1,743 69
7.....	771 24	972 45	1,743 69
8.....	817 51	926 18	1,743 69
9.....	866 56	877 13	1,743 69
10.....	918 56	825 13	1,743 69
11.....	973 67	770 02	1,743 69
12.....	1,032 09	711 60	1,743 69
13.....	1,094 01	649 68	1,743 69
14.....	1,159 65	584 04	1,743 69
15.....	1,229 23	514 46	1,743 69
16.....	1,302 99	440 70	1,743 69
17.....	1,381 17	363 52	1,743 69
18.....	1,464 04	279 65	1,743 69
19.....	1,551 87	191 82	1,743 69
20.....	1,644 99	98 70	1,743 69

3. The debentures as to both principal and interest may be expressed in Canadian currency or in Sterling money of Great Britain, at the rate of one pound sterling for each four dollars and eighty-six and two-thirds cents, and may be payable at any place or places in Canada or Great Britain.

4. The Mayor of the Corporation shall sign and issue the debentures and interest coupons, and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

5. During twenty years, the currency of the debentures, the sum of \$1,743.69 shall be raised annually for the payment of the debt and interest, as follows:

(a) The sum of \$590.76 shall be raised annually for the payment of the Corporation's portion of the cost and the interest thereon, and shall be levied and raised annually by a special rate sufficient therefor, over and above all other rates, on all the rateable property in the municipality, at the same time and in the same manner as other rates.

(b) For the payment of the owners' portion of the cost and the interest thereon, the special assessment set forth in the said special assessment roll is hereby imposed upon the lands liable therefor as therein set forth: which said special assessment, with a sum sufficient to cover interest thereon at the rate aforesaid shall be payable in twenty equal annual instalments of \$1,152.93 each, and for that purpose an equal annual special rate of 27.9 cents per foot frontage is hereby imposed upon each lot entered in the said special Assessment Roll, according to the assessed frontage thereof, over and above all other rates and taxes, which said special rate shall be collected annually by the collector of taxes for the Corporation, at the same time and in the same manner as other rates.

6. The debentures may contain any clause providing for the registration thereof, authorized by any statute relating to Municipal debentures in force at the time of the issue thereof.

7. The amount of the loan authorized by this by-law may be consolidated with the amount of any loans authorized by other local improvement by-laws, by including the same with such other loans in a consolidating by-law authorizing the borrowing of the aggregate thereof as one loan, and the issue of debentures for such loan in one consecutive issue, pursuant to the provisions of the statute in that behalf.

8. This by-law shall take effect on the day of the final passing thereof.

Passed this 1st day of November, 1926.

"A. HUSBAND,"
Acting Mayor

"C. SAVILLE,"
Clerk.

THIS IS SCHEDULE "A" REFERRED TO IN THE ANNEXED
BY-LAW

NATURE OF WORK.	LOCATION.
1. 12" Sewer	Along Lang Avenue from centre line O'Brien Avenue to McPherson Avenue.
2. 8" Sewer	Along Henderson Avenue from centre line O'Brien Avenue to opposite Lot 754.
3. 8" Sewer	Along Lane between Henderson Avenue and Lang Avenue from centre line O'Brien Avenue to Centre Line Lane East.
4. 8" Sewer	Along Dallyn Avenue from Manhole No. 20 opposite Lot 508 to opposite Lot 633.
5. 8" Sewer	Along Stewart Avenue, West of Queen Street from opposite Lot 474 to Queen Street.
6. 8" Sewer	Along Stewart Avenue, East of Queen Street from Centre Line Byng Avenue to opposite Lot 512.
7. 4" Watermain	Along Lang Avenue from opposite Lot 745 to centre line O'Brien Avenue.
8. 4" Watermain	Along Henderson Avenue from centre line O'Brien Avenue to opposite Lot 754.
9. 4" Watermain	Along Lane between Henderson Avenue and Lang Avenue from Centre line O'Brien Avenue to centre line Lane East.
10. 4" Watermain	Along Dallyn Avenue from Queen Street to King Street.
11. 4" Watermain	Along Stewart Avenue (West) from Queen Street to King Street.
12. 4" Watermain	Along Stewart Avenue (East) from opposite Lot 512 to centre line Byng Avenue.
13.	Connections for all lots from trunks to lot lines.
14.	Installation of 9 hydrants.

MUNICIPAL CORPORATION OF THE TOWN OF
KAPUSKASING

BY-LAW No. 105.

A by-law to provide for the borrowing of \$7,000.00 upon debentures to pay for the construction of sewers and waterworks.

Whereas by construction by-laws numbers 59 and 60, passed on the 4th day of August, 1924, the sewers and watermains mentioned in Schedule "A" hereunto annexed have been constructed as Local Improvements under the provisions of The Local Improvement Act.

And whereas the total cost of the work is \$7,000.00 of which \$2,961.32 is the Corporation's portion of the cost and \$4,038.68 is the owners' portion of the cost for which a Special Assessment Roll has been duly made and certified.

And whereas the estimated lifetime of the work is twenty years.

And whereas it is necessary to borrow the said sum of \$7,000.00 on the credit of the Corporation and to issue debentures therefor bearing interest at the rate of six per cent. per annum, which is the amount of the debt intended to be created by this by-law.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years, of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$610.29 during the period of twenty years to pay the said yearly sums of principal and interest as they become due of which \$258.24 is required to pay the Corporation's portion of the cost and the interest thereon, and \$352.05 is required to pay the owners' portion of the cost and the interest thereon.

And whereas each of the said works has been approved by the Provincial Board of Health.

And whereas the amount of the whole rateable property of the Municipality, according to the last revised assessment roll is \$623,626.00.

And whereas the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts, secured by special rates or assessments) is \$3,000.00 and no part of the principal or interest is in arrear;

Therefore the Municipal Council of the Corporation of the Town of Kapuskasing enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of seven thousand (\$7,000.00) dollars and debentures shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of six per cent. per annum, and having coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed, and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

Years to Run	Amount of principal payable	Amount of interest payable	Annual Payment
1.....	\$190 29	\$420 00	\$610 29
2.....	201 71	408 58	610 29
3.....	213 81	396 48	610 29
4.....	226 64	383 65	610 29
5.....	240 24	370 05	610 29
6.....	254 65	355 64	610 29
7.....	269 93	340 36	610 29
8.....	286 13	324 16	610 29
9.....	303 30	306 99	610 29
10.....	321 49	288 80	610 29
11.....	340 78	269 51	610 29
12.....	361 23	249 06	610 29
13.....	382 90	227 39	610 29
14.....	405 88	204 41	610 29
15.....	430 23	180 06	610 29
16.....	456 05	154 24	610 29
17.....	483 41	126 88	610 29
18.....	512 42	97 87	610 29
19.....	543 16	67 13	610 29
20.....	575 75	34 54	610 29

3. The debentures as to both principal and interest may be expressed in Canadian currency or in Sterling money of Great Britain, at the rate of one pound Sterling for each four dollars and eighty-six and two-thirds cents, and may be payable at any place or places in Canada or Great Britain.

4. The Mayor of the Corporation shall sign and issue the debentures and interest coupons, and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

5. During twenty years, the currency of the debentures, the sum of \$610.29 shall be raised annually for the payment of the debt and interest, as follows:

(a) The sum of \$258.24 shall be raised annually for the payment of the Corporation's portion of the cost and the interest thereon, and shall be levied and raised annually by a special rate sufficient therefor, over and above all other rates, on all the rateable property in the Municipality, at the same time and in the same manner as other rates.

(b) For the payment of the owners' portion of the cost and the interest thereon, the special assessment set forth in the said Special Assessment Roll is hereby imposed upon the lands liable therefor as therein set forth; which said special assessment, with a sum sufficient to cover interest thereon at the rate aforesaid shall be payable in twenty equal annual instalments of \$352.05 each, and for that purpose an equal annual special rate of 27.9 cents per foot frontage is hereby imposed upon each lot entered in the said special Assessment Roll, according to the assessed frontage thereof, over and above all other rates and taxes, which said special rate shall be collected annually by the collector of taxes for the Corporation, at the same time and in the same manner as other rates.

6. The debentures may contain any clause providing for the registration thereof, authorized by any statute relating to Municipal debentures in force at the time of the issue thereof.

7. The amount of the loan authorized by this by-law may be consolidated with the amount of any loans authorized by other local improvement by-laws, by including the same with such other loans in a consolidating by-law authorizing the borrowing of the aggregate thereof as one loan, and the issue of debentures for such loan in one consecutive issue, pursuant to the provisions of the statute in that behalf.

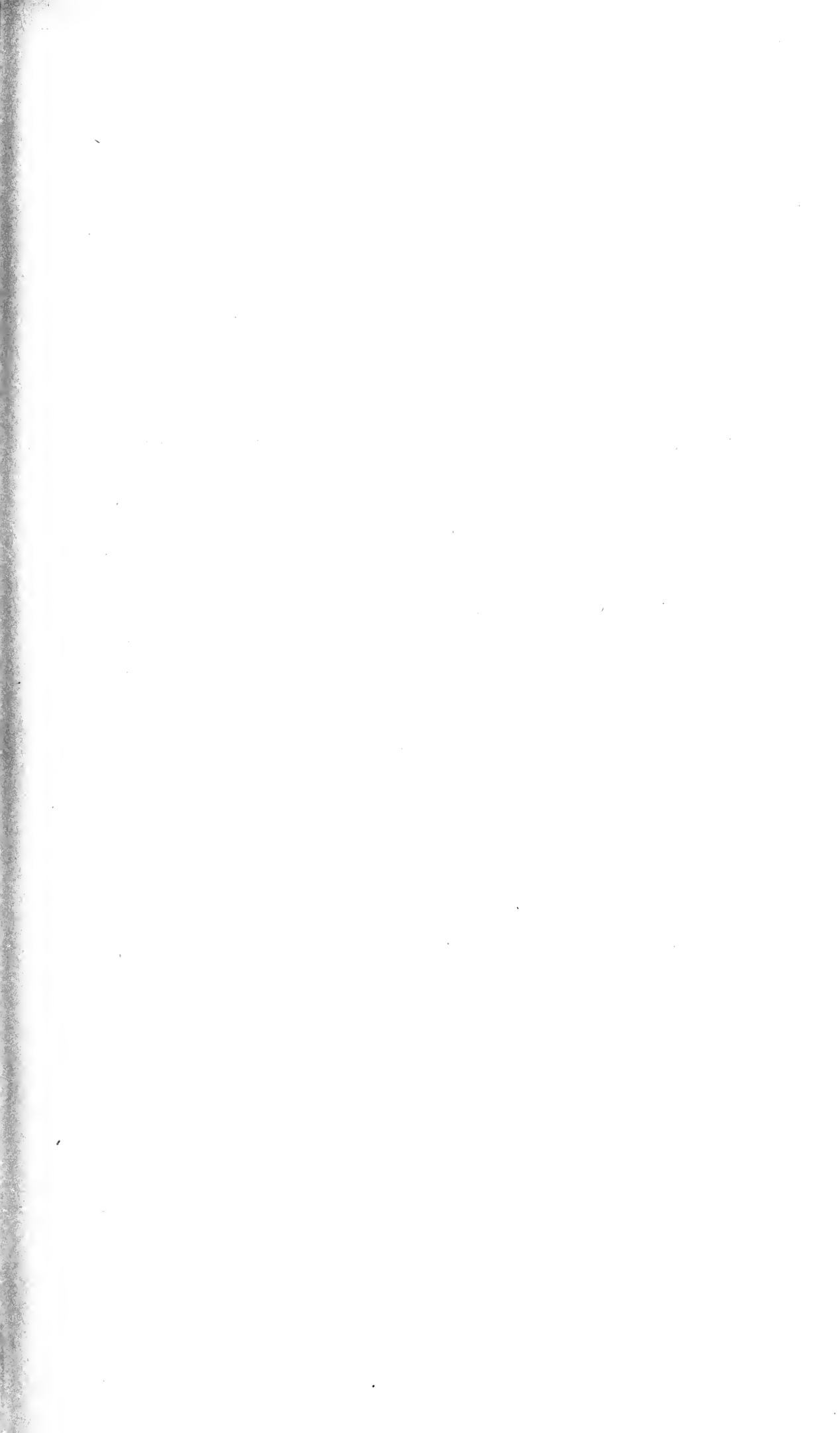
8. This by-law shall take effect on the day of the final passing thereof.

Passed this 1st day of November, 1926.

"A. HUSBAND,"
Acting Mayor.
"C. SAVILLE,"
Clerk.

THIS IS SCHEDULE "A" REFERRED TO IN THE ANNEXED
BY-LAW

Nature of Work	Location
1. 12" Sewer	Along McPherson Avenue from centre line Lang Avenue to centre line of Kolb Avenue.
2. 8" Sewer	Along O'Brien Avenue from centre line Lang Avenue to centre line Lane, east between lots 807 and 787.
3. 8" Sewer	Along lane between Government Road and Henderson Avenue from centre line O'Brien Avenue to centre line lane east.
4. 8" Sewer	Across Lot 633 from Dallyn Avenue to Riverside Drive.
5. 4" Watermain	Along O'Brien Avenue from centre line Lang Avenue to centre line Lane between Lots 807 and 787.
6. 4" Watermain	Along Lane between Government Road and Henderson Avenue from centre line O'Brien Avenue to centre line Lane East.



No. 10.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of
Kapuskasing.

1st Reading, 8th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

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

MR. WATERS.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Sandwich.

WHEREAS the municipal corporation of the town of Preamble.
 Sandwich has by its petition represented that it has incurred a floating debt of \$47,707.65 which has arisen by reason of insufficient levies to provide for unforeseen expenditures and to pay off at once the said indebtedness now due and owing would be unduly burdensome to the ratepayers of the town, and the said corporation has prayed that the said debts may be consolidated and that a certain by-law for the purpose of borrowing money by the issue of debentures of the said town to pay off the said floating indebtedness may be validated; and that it is just that in ascertaining the share of the cost to be paid by the corporation at large under *The Local Improvement Act* of the Huron line watermain the said corporation do make an allowance to certain owners whose lands abutt on the said watermain of their future payments upon the old main constructed under the provisions of *The Local Improvement Act* and that the corporation at large should bear a share of the increased size of the said watermain necessary for the purpose of establishing a more equal pressure of the water through the town and that the by-law passed by the corporation for the said purpose be validated; and that it is just that in ascertaining the share of the cost to be paid by the corporation at large under *The Local Improvement Act* Rev. Stat., c. 193. of the Herbert street sewer the said corporation do make an allowance to certain owners whose lands abutt on or are charged with assessments under *The Local Improvement Act* for certain old sewers and that the corporation should bear a certain further share of the capital cost of the Herbert street sewer and that the by-law passed by the corporation for the said purpose be validated; and that the by-law of the said corporation authorizing the payment by the corporation at large of a share of the widening of Sandwich street easterly from Detroit street be validated; and whereas the said corporation has prayed that an Act may be passed for the said purposes; 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:—

Short title. **1.** This Act may be cited as *The Town of Sandwich Act, 1927.*

Floating debt consolidated and By-law No. 1574 validated.

2. The floating debt of the corporation of the town of Sandwich is hereby consolidated at the sum of \$47,707.65 and By-law No. 1574 of the said corporation passed on or about the 4th day of December, 1926, as set out in schedule "A" hereto authorizing a special issue of debentures to liquidate the same and the debentures issued or to be issued thereunder are hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-law No. 1585 to construct Huron Line watermain, confirmed.

Rev. Stat., c. 193.

3. By-law No. 1585 of the corporation of the town of Sandwich passed on or about the 20th day of January, 1927, authorizing the construction of the Huron line watermain under *The Local Improvement Act* and the payment by the corporation at large of certain parts of the cost thereof is hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and the council of the said corporation may proceed under the provisions of said Act to have special assessments made accordingly and borrow the sums necessary to defray the cost of the work and issue debentures for the sums so borrowed.

By-law No. 1586 to widen Sandwich Street, confirmed.

Rev. Stat., c. 193.

4. By-law No. 1586 of the corporation of the town of Sandwich passed on or about the 20th day of January, 1927, authorizing the construction of the Sandwich street widening under *The Local Improvement Act* and the payment by the corporation at large of certain parts of the cost thereof is hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and the council of the said corporation may proceed under the provisions of said Act to have special assessments made accordingly and borrow the sums necessary to defray the cost of the work and issue debentures for the sums so borrowed.

By-law No. 1587 to construct Herbert Street sewer, confirmed.

Rev. Stat., c. 193.

5. By-law No. 1587 of the corporation of the town of Sandwich passed on or about the 20th day of January, 1927, authorizing the construction of the Herbert street sewer as two separate works under *The Local Improvement Act* and the payment by the corporation at large of certain portions of the cost thereof is hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and the council of the said corporation may proceed under the provisions of said Act to have special assessments made accordingly and borrow the sums necessary to defray the costs of the said works and issue debentures for the sums so borrowed.

Commencement of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A"

BY-LAW NUMBER 1574 OF THE TOWN OF SANDWICH

A By-law to raise the sum of Forty-seven Thousand, Seven Hundred and Seven Dollars and Sixty-five Cents (\$47,707.65) by the issue of debentures for the purpose of paying the Consolidated Floating Debt of the Town.

Whereas owing to certain unforeseen circumstances a rate estimated to be sufficient to pay certain obligations of the Town during the years 1925 and 1926 did not provide sufficient funds and the actual amount of the obligation did not become known until after the rate had been struck and it is desirable to consolidate the said floating debt and provide means of paying the same.

And whereas the total amount of the said indebtedness is the sum of \$47,707.65.

And whereas it is deemed necessary to raise by way of loan the said sum of money for the said purpose upon debentures to be issued therefor and to authorize the Mayor of the Town of Sandwich to issue debentures as aforesaid.

And whereas it is deemed expedient to make the debentures so to be issued to mature and the loan effected thereon payable by annual instalments within fifteen years from the date of such debentures and to fix the rate of interest to be paid upon the said loan at five and one-half per cent. ($5\frac{1}{2}\%$) per annum.

And whereas it will require the sum of Four Thousand, Seven Hundred and Fifty-two Dollars and Ninety Cents (\$4,752.90) to be raised annually during the said period of fifteen (15) years by a special rate sufficient therefor, over and above and in addition to all other rates, upon all the rateable property of the Municipality for the payment of the debt thus to be created and the interest thereon at the rate aforesaid.

And whereas the amount of the whole rateable property of the Municipality according to the last revised assessment roll thereof being roll made in the year 1925, is \$9,409,349.00 and the amount of the existing debenture debt of the Municipality exclusive of local improvement debts secured by special rates and assessments is \$990,047.28 no part of which debt nor the interest thereon is due or in arrears.

Therefore the Corporation of the Town of Sandwich by the Council thereof enacts as follows:—

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$47,707.65 and debentures shall be issued therefor in sums of not less than One Hundred Dollars (\$100.00) each, bearing interest at the rate of five and one-half ($5\frac{1}{2}$) per cent. per annum, and having coupons attached thereto for the payment of the interest semi-annually.

2. The debentures shall all be dated as of the 14th day of December, 1926, and shall be payable in fifteen annual instalments of principal and interest on the 14th day of December in each of the years 1927 to 1941 inclusive and the respective amounts of principal and interest payable in each of such years shall be as follows:—

No.	Principal	Interest	Total
1.....	\$2,128 98	\$2,623 92	\$4,752 90
2.....	2,246 08	2,506 82	4,752 90
3.....	2,369 61	2,383 29	4,752 90
4.....	2,499 94	2,252 96	4,752 90
5.....	2,637 44	2,115 46	4,752 90
6.....	2,782 49	1,970 41	4,752 90
7.....	2,935 53	1,817 37	4,752 90
8.....	3,096 99	1,655 91	4,752 90
9.....	3,267 32	1,485 58	4,752 90
10.....	3,447 02	1,305 88	4,752 90
11.....	3,636 61	1,116 29	4,752 90
12.....	3,836 62	916 28	4,752 90
13.....	4,047 64	705 26	4,752 90
14.....	4,270 26	482 64	4,752 90
15.....	4,505 12	247 78	4,752 90
	\$47,707 65		

3. That the debentures as to both principal and interest may be expressed in Canadian currency and may be payable at the office of the Imperial Bank of Canada at Sandwich or any place or places in Canada.

4. That the Mayor of the Corporation shall sign and issue the said debentures and shall issue the interest coupons and the debentures and coupons shall be signed by the Treasurer of the Corporation and the debentures shall be sealed with the seal of the Corporation.

5. That during the fifteen years the currency of the said debentures \$4,752.90 shall be raised annually for the payment of the debt and the interest thereon by a special rate sufficient therefor over and above and in addition to all other rates upon all the rateable property of the Municipality at the same time, in the same manner and upon the same conditions as to penalty as other rates.

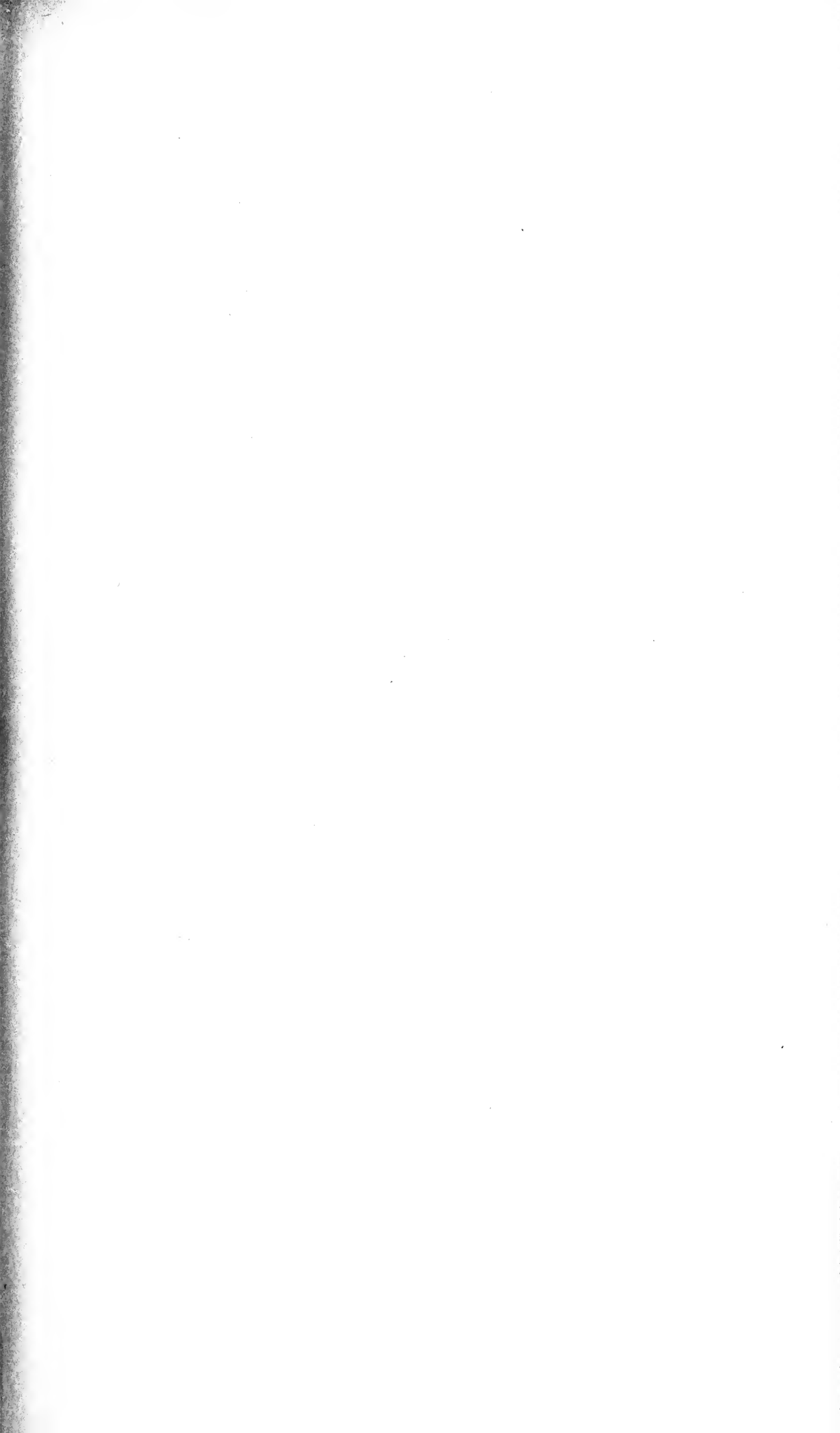
6. That the debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal debentures in force at the time of the issue thereof.

7. This by-law shall come into force and effect upon the final passing thereof.

(Sgd.) ALEX MCKEE,
Mayor

(Sgd.) E. R. NORTH,
Clerk (seal)

Read 1st time, December 4/26.
Read 2nd time, December 4/26.
Read 3rd time, December 4/26.







No. 11.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of Sandwich.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. REID.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Sandwich.

WHEREAS the municipal corporation of the town of Preamble. Sandwich has by its petition represented that it has incurred a floating debt of \$47,707.65 which has arisen by reason of insufficient levies to provide for unforeseen expenditures and to pay off at once the said indebtedness now due and owing would be unduly burdensome to the ratepayers of the town, and the said corporation has prayed that the said debts may be consolidated and that *it may be authorized to pass a by-law* for the purpose of borrowing money by the issue of debentures of the said town to pay off the said floating indebtedness; and that it is just that in ascertaining the share of the cost to be paid by the corporation at large under *The Local Improvement Act* of the Huron line watermain the said corporation do make an allowance to certain owners whose lands abutt on the said watermain of their future payments upon the old main constructed under the provisions of *The Local Improvement Act* and that the corporation at large should bear a share of the increased size of the said watermain necessary for the purpose of establishing a more equal pressure of the water through the town and that the by-law passed by the corporation for the said purpose be validated; and that it is just that in ascertaining the share of the cost to be paid by the corporation at large under *The Local Improvement Act* of the Herbert street sewer the said corporation do make an allowance to certain owners whose lands abutt on or are charged with assessments under *The Local Improvement Act* for certain old sewers and that the corporation should bear a certain further share of the capital cost of the Herbert street sewer and that the by-law passed by the corporation for the said purpose be validated; and that the by-law of the said corporation authorizing the payment by the corporation at large of a share of the widening of Sandwich street easterly from Detroit street be validated; and whereas the said corporation has prayed that an Act may be passed for the said purposes; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat.,
c. 193.

Therefore, 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 Town of Sandwich Act, 1927.*

Floating debt consolidated at \$47,707.65. **2.** The floating debt of the corporation of the town of Sandwich is hereby consolidated at the sum of \$47,707.65 and the said corporation may borrow by a special issue of debentures a sum not exceeding \$47,707.65 for the purpose of paying the said floating debt.

Term of debentures and interest. **3.** The said debentures shall be in sums of not less than \$100 each and shall be made payable in not more than ten years from the date of issue thereof and shall bear interest at a rate not exceeding five and one-half per centum per annum and may be issued either with or without coupons attached thereto for interest and shall be payable at such place or places as the corporation may deem expedient.


Equal annual instalments of principal and interest. **4.** The said debentures shall be payable in equal annual instalments of principal and interest in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

Special rate. **5.** The said corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Application of proceeds of debentures. **6.** The debentures to be issued under the authority of section 2 of this Act and all moneys arising from the sale thereof shall be applied in payment of the said floating debt and for no other purpose.

Assent of electors not required. **7.** It shall not be necessary to obtain the assent of the electors of the town of Sandwich to the passing of any by-law which shall be passed under the authority of section 2 of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922.*

Irregularity in form not to invalidate. **8.** 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 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 enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

9. 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 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 application 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.

10. By-law No. 1585 of the corporation of the town of Sandwich passed on or about the *21st* day of *March*, 1927, authorizing the construction of the Huron line watermain under *The Local Improvement Act* and the payment by the corporation at large of certain parts of the cost thereof is hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and the council of the said corporation may proceed under the provisions of said Act to have special assessments made accordingly and borrow the sums necessary to defray the cost of the work and issue debentures for the sums so borrowed.

By-law No. 1585 to construct Huron Line watermain, confirmed.

Rev. Stat., c. 193.

11. By-law No. 1586 of the corporation of the town of Sandwich passed on or about the *21st* day of *March*, 1927, authorizing the construction of the Sandwich street widening under *The Local Improvement Act* and the payment by the corporation at large of certain parts of the cost thereof is hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and the council of the said corporation may proceed under the provisions of said Act to have special assessments made accordingly and borrow the sums necessary to defray the cost of the work and issue debentures for the sums so borrowed.

By-law No. 1586 to widen Sandwich Street, confirmed.

Rev. Stat., c. 193.



12. By-law No. 1587 of the corporation of the town of Sandwich passed on or about the *21st* day of *March*, 1927, authorizing the construction of the Herbert street sewer as two separate works under *The Local Improvement Act* and the payment by the corporation at large of certain portions of the cost thereof is hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and the

By-law No. 1587 to construct Herbert Street sewer, confirmed.

Rev. Stat., c. 193.

council of the said corporation may proceed under the provisions of said Act to have special assessments made accordingly and borrow the sums necessary to defray the costs of the said works and issue debentures for the sums so borrowed.

Agreement
confirmed.

 **13.** The agreement between the corporation of the town of Sandwich and the corporation of the township of Sandwich West dated the 15th day of February, 1927, providing for the increase in the size of the said Herbert Street sewer outlet to allow of the draining into it of certain lands in the said township, and set out as schedule "A" hereto is confirmed and declared to be legal, valid and binding on the said corporations and the ratepayers thereof. 



SCHEDULE "A"

Agreement made this 15th day of February, in the year of our Lord one thousand nine hundred and twenty-seven.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF SANDWICH WEST,
hereinafter called the "Township,"

of the First Part;

AND

THE CORPORATION OF THE TOWN OF SANDWICH, hereinafter
called the "Town,"

of the Second Part.

Whereas the Corporation of the Town of Sandwich has proposed to construct a sewer known as the Herbert Street Sewer with an outlet into the Detroit River at Brock Street for the purpose of serving the lands in the Town of Sandwich between the Prince Road and the Easterly Limits of the Town South of the Essex Terminal Railway.

And whereas the Township of Sandwich West has requested that the outlet of the said sewer be enlarged and that a main sewer be extended along Felix Avenue from the said outlet sewer along Felix Avenue and along Tecumseh Road to the Huron Church Line for the purpose of draining an area not greater than 350 acres nor less than 160 acres of that portion of the Township of Sandwich West situate at the intersection of the Tecumseh Road and the Huron Church Line and being bounded on the North and West sides by the present limits of the Town of Sandwich.

And whereas the Corporation of the Town of Sandwich is willing to co-operate so far as it may be able for the said purpose.

And whereas the proposed outlet sewer would be constructed of an increased size from the River Detroit along Brock Street as far as Wright Place and along Wright Place and Herbert Street to the intersection of Felix Avenue.

And whereas it would be necessary to construct a main sewer along Felix Avenue from the intersection of Felix Avenue and Herbert Street southerly and along the Tecumseh Road or Dorchester Road to its intersection with the Huron Church Line in the Town of Sandwich before the sewers in the proposed area in Sandwich West could drain.

And whereas the proposed acreage in the Town of Sandwich benefitted by the said sewer is about 610 acres and the proposed acreage to be drained in the Township of Sandwich West is about 250 acres, and the non-abutting area in the Town of Sandwich benefitted by the said Felix Avenue extension is about 80 acres.

Therefore the parties hereto agree as follows:

1. The Town upon the request in writing by the Township or its Engineer made before the 1st day of July, 1927, stating the number of acres it desires to be provided for agrees to construct the said outlet sewer sufficiently large to carry the drainage from the said additional area in the said Township, the sewer to be of the same character as approved by the Provincial Board of Health for the present proposed Herbert Street sewer.

2. The Township agrees to pay to the Town one-sixth (1/6) of the cost of street intersections charged to the Town in the construction of the said outlet sewer, also that proportion of the share of the Town at large of the said outlet sewer which the stated acreage benefitted in the Township bears to the total acreage benefitted in both municipalities ascertained as above and also that proportion of the balance of the cost (being that part chargeable on non-abutting frontage) after deducting therefrom the amount chargeable on the abutting frontage in the Town which the said stated acreage in the Township bears to the said total acreage benefitted.

3. The Township hereby assumes the entire responsibility of assessing upon the said acreage benefitted in the Township such part of the said cost of the outlet sewer as it may see fit or may be agreed upon with the owners or as the law may allow.

4. The Town further agrees upon the request in writing of the Township or its engineer before the First day of July, 1926, to construct a main sewer on Felix Avenue and the Tecumseh Road or Dorchester Road as set out above of sufficient size to carry the drainage from the said benefitted acreage in the Township as well as any drainage there may be from areas within the Town and to allow the connection thereto of the sewers from the benefitted acreage.

5. The Township agrees to pay to the Town the following shares of the cost of the said Felix Avenue extension—that proportion of the cost of the street intersections and of the share of the Town at large which the stated acreage benefitted in the Township bears to the total acreage benefitted by the said extension in both municipalities ascertained as above and three-fifths of the balance of the cost (being the amount chargeable on the non-abutting frontage) after deducting the amount chargeable upon the abutting lands in the Town of Sandwich.

6. The Township hereby assumes the entire responsibility of assessing upon the said acreage benefitted in the Township such part of the said cost of the Felix Avenue extension as it may see fit or may be agreed upon with the owners or as the law may allow.

7. The Engineer of the Town shall with the assistance of the engineer of the Township have the power to determine the actual cost of the works, the amounts chargeable against the abutting lands, the distribution of the costs, the amounts properly chargeable against the non-abutting lands and all other questions arising under this agreement except where already determined by this agreement itself.

8. The Township agrees to assist the Town in obtaining such Legislation as may be necessary for validating this agreement and for raising the sums for which they are liable by debentures and in case either of the said works has been constructed and the said Township does not apply for such authority or validation as may be necessary it hereby authorizes the Town to make such application at its expense and agrees to assist in the same so that the Town may be reimbursed all moneys it has expended or been obligated for and the costs of the application.

9. The Town shall have the right to require a company guarantee bond from the Township for the amount of its liability in respect of the work before it commences the construction of either or both of the said works and in case the same shall not be provided, to cancel this agreement.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered in the presence of:

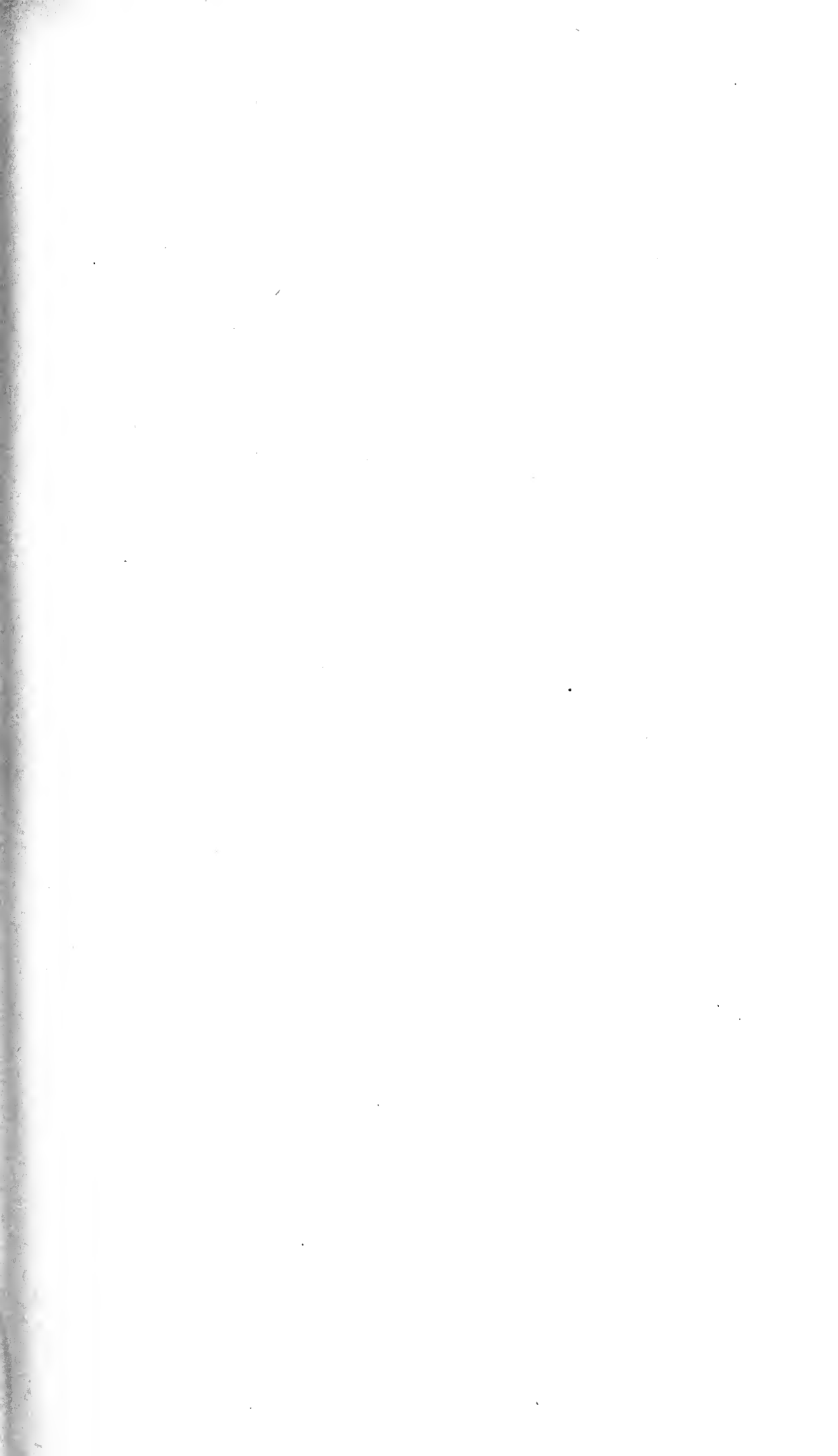
ANTHONY A. MARENTITHE,
Reeve of Sandwich West.

(Seal of Township of Sandwich West.) HARRY BARDY,
Clerk.

ALEX. MCKEE,
Mayor.

(Seal of Town of Sandwich.) E. R. NORTH,
Clerk.





No. 11.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of Sandwich.

1st Reading,	17th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

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

MR. REID.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the East York-Leaside Viaduct

WHEREAS the corporation of the township of East York Preamble. has by its petition prayed for special legislation in regard to the matters 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 consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as the *East York-Leaside Viaduct Act, 1927.* Short title.

2. An agreement made between the corporation of the township of East York, the corporation of the town of Leaside, the corporation of the county of York, His Majesty the King, represented by the Executive Government of the Province of Ontario and acting by the Minister of Public Works and Highways of the said province, and the York Land Company Limited, dated the first day of November, A.D. 1926, set out as schedule "1" hereto, is hereby ratified and confirmed, and declared to be legal, valid and binding upon the parties thereto and upon the ratepayers of the said municipal corporations. Agreement with Town of Leaside, County of York, His Majesty the King, and York Land Co., Ltd., confirmed.

3. An agreement made between the corporation of the township of East York and the corporation of the city of Toronto, dated the first day of November, A.D. 1926, set out as schedule "2" hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporations and the ratepayers thereof. Agreement with City of Toronto, confirmed.

4. The "work" undertaken by the corporation of the township of East York, pursuant to and described in the agreements referred to in sections 2 and 3 hereof, shall be deemed and is hereby declared to be a "work" within the provisions of section 50a of *The Local Improvement Act*, as enacted by 1915, chapter 35, section 8, and the provisions of *The Local Improvement Act* shall, except insofar as otherwise herein provided, apply to the "work." Certain work declared to be under Rev. Stat. c. 193.

Power to assess \$135,000 upon certain lands.

5. Notwithstanding the provisions of *The Local Improvement Act*, or any by-law heretofore passed by the council of the corporation of the township of East York relative to the "work," the council of the corporation of the township of East York may by by-law assess a sum not in excess of \$135,000, upon all the rateable land in the said township now owned by the Thorndale Securities Company Limited, by a special mill rate on the assessed value of such rateable land in lieu of an equal special rate per foot frontage on the land of the said Thorndale Securities Company Limited, abutting directly on the "work" or immediately benefited by the "work."

Power to Town of Leaside to assess its portion of cost by special frontage rate notwithstanding.

Rev. Stat. c. 193.

6. Subject to the provisions of section 12 hereof, and notwithstanding the provisions of *The Local Improvement Act* or any by-law heretofore passed by the council of the corporation of the town of Leaside relative to the "work" or the assessment of the part of the cost of the "work" to be borne by the corporation of the town of Leaside, the corporation of the town of Leaside may by by-law specially assess that part of the cost of the "work" agreed to be borne by the corporation of the town of Leaside against all the rateable lands within the limits of the town of Leaside, after having made the proper reductions as provided by section 7 hereof, according to the extent of their respective frontages by an equal special rate per foot of such frontage, sufficient to meet such part of the cost.

Reduction for irregularly shaped lots.

7.—(1) In the case of triangular or irregularly shaped lots whether situated at corners or at the junction or intersection of streets or otherwise, a reduction shall be made in the special assessment which otherwise would be chargeable thereon, sufficient, having regard to the situation, value and superficial area of such lots as compared with the other lots, to adjust the assessment on a fair and equitable basis.

Reduction for lots unfit for building purposes.

(2) Where a lot is for any reason wholly or in part unfit for building purposes, a reduction shall also be made in the special assessment which otherwise would be chargeable thereon, sufficient to adjust its assessment as compared with that of the lots fit for building purposes on a fair and equitable basis.

Mode of reduction.

(3) The reduction shall be made by deducting from the total frontage of the lot liable to the special assessment so much thereof as is sufficient to make the proper reduction but the whole of the lot shall be charged with the special assessment as so reduced.

(4) Subsection 4 of section 24 of *The Local Improvement Act* shall not apply to the assessment made pursuant to sections 6 and 7 of this Act.

8. By-law number 1000 of the municipal council of the corporation of the township of East York passed on the 4th day of November, A.D. 1926, providing for the "work" is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-law
No. 1000,
ratified.

9. By-law number 169 of the corporation of the town of Leaside, dated the 3rd day of November, A.D. 1926, and by-law number 171 of the corporation of the town of Leaside dated the 9th day of February, A.D. 1927, providing for the undertaking of the "work" by the corporation of the township of East York, and the assessment to be made by the corporation of the town of Leaside to provide for its proportion of the cost of the "work" are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-laws
Nos. 169 and
171 of Town
of Leaside,
confirmed.

10. Notwithstanding the provisions of section 50a of *The Local Improvement Act*, the corporation of the town of Leaside may, without the assent of the electors, pass a by-law or by-laws to borrow money by the issue of debentures payable within a period not exceeding thirty years from the issue thereof to meet its part of the cost of the "work."

Power
to Town
of Leaside
to issue
debentures
without
assent of
electors.

11. The corporation of the town of Leaside may by by-law agree with any bank or person for temporary advances to meet its part of the cost of the "work" pending the completion of the "work," and the provisions of this section shall apply to all borrowings by the said corporation for the purposes aforesaid, whether before or after the passing of this Act.

Power
to Town
of Leaside
to borrow
money.

12. The lands owned by the city of Toronto situate within the town of Leaside and lying south of the "work" shall be exempt from assessment in respect of any portion of the cost of the "work."

Certain
lands owned
by City of
Toronto,
exempted.

13. The agreement made between the corporation of the township of East York and the Suydam Realty Company Limited, set out as schedule "3" hereto, dated the 12th day of November, A.D. 1926, is hereby ratified and confirmed and declared to be legal, valid and binding upon the corporation of the township of East York and the ratepayers thereof, and the lands of the Suydam Realty Company Limited described in the said agreement shall be exempt from assessment in respect of any portion of the cost of the "work."

Agreement
confirmed.

14. The council of the corporation of the city of Toronto may, without assent of the electors qualified to vote on money by-laws, pass a by-law or by-laws for an issue of debentures to raise the amount required to be paid to the corporation of the township of East York, under the provisions of the said agreement, set out as schedule "2" hereof.

Power
to City
of Toronto
to issue
debentures
without
assent of
electors.

Power to County of York to make grant and issue debentures without assent of electors.

15. The corporation of the county of York may by by-law grant the sum of \$100,000 to meet its part of the cost of the "work," and without the assent of the electors may pass a by-law or by-laws to borrow \$100,000 by the issue of debentures payable within a period not exceeding thirty years from the issue thereof to pay such grant.

Assent of electors not required.

16. It shall not be necessary for the corporation of the township of East York, the corporation of the town of Leaside, or the corporation of the county of York, to submit for the assent of the electors any by-law relative to the "work" passed pursuant to the provisions of this Act, or *The Local Improvement Act*.

Rev. Stat. c. 193.

Rates to be deemed local improvement rates.

1922, c. 72.

17. All rates levied pursuant to the provisions of this Act shall be deemed to be local improvement rates for the purpose of section 297 of *The Consolidated Municipal Act, 1922*, and no rate levied pursuant to this Act shall be deemed to be included in the rate of two and one-half cents on the dollar referred to in that section for the purpose of determining whether the council of any municipal corporation mentioned in this Act may contract any further debts, and any debt may be contracted pursuant to the provisions of this Act, notwithstanding the limitation prescribed by section 297.

Work commenced may be continued under this Act.

Rev. Stat. c. 193.

18. The corporation of the township of East York and the corporation of the town of Leaside may exercise the powers conferred by this Act notwithstanding that the "work" has already been commenced, and notwithstanding anything heretofore done pursuant to *The Local Improvement Act* in connection with the "work" or the assessment of its part of the cost thereof; and the provisions of sections 7, 11, 13 and subsections 2, 3 and 4 of section 9 of *The Local Improvement Act* shall not apply to any proceedings taken pursuant to this Act.

Liability for money borrowed not affected.

19. Any proceedings taken pursuant to this Act either in addition to or in lieu of proceedings heretofore taken under *The Local Improvement Act* shall not affect in any way the liability of the corporation of the town of Leaside to repay any moneys heretofore borrowed by it pursuant to the provisions of *The Local Improvement Act*, from any banker or person by way of temporary advances to meet its portion of the cost of the "work."

This Act to apply to "work" notwithstanding.

Rev. Stat. c. 193.

20. Wherever the provisions of this Act are inconsistent with the provisions of *The Local Improvement Act*, the provisions of this Act shall apply to the "work."

Commencement of Act.

21. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "1."

THIS AGREEMENT

made as of the First day of November, A.D. 1926.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF EAST YORK (hereinafter called "East York")

of the First Part.

THE CORPORATION OF THE TOWN OF LEASIDE (hereinafter called "Leaside")

of the Second Part.

THE CORPORATION OF THE COUNTY OF YORK (hereinafter called "York County")

of the Third Part.

HIS MAJESTY THE KING, represented herein by the executive government of the Province of Ontario and acting by the Minister of Public Works and Highways of the said Province (hereinafter called "The Province")

of the Fourth Part.

AND

YORK LAND COMPANY, LIMITED, a company incorporated under the laws of the Province of Ontario (hereinafter called "York Land Company")

of the Fifth Part.

Whereas the parties hereto consider it necessary that a viaduct should be constructed across the Don Ravine separating the Township of East York and the Town of Leaside, which Viaduct shall connect Pape Avenue and Donlands Avenue in the Township of East York with Laird Drive in the Town of Leaside and which viaduct shall consist partly of a steel and concrete bridge structure having a roadway thereon forty-four feet in width and two sidewalks each six feet in width, on the level of the high banks and designed to carry double track electric railway, and partly of a graded approach, in the Township of East York and in the Town of Leaside consisting of cut and fill, the top of the fill and the bottom of the cut to be sixty-six feet in width and to be drained permanently, paved and protected by handrail where necessary having an approximate length of 3,070 feet and a subway under the Canadian Pacific Railway Company's right-of-way in the Town of Leaside. Such Viaduct is hereinafter referred to as "THE WORK."

And whereas by an agreement bearing even date herewith, annexed hereto as Schedule One, made between the Corporation of the Township of East York and the Corporation of the City of Toronto, the said City has agreed upon the terms and conditions therein set out, to contribute to the cost of the work, an amount not exceeding \$200,000.00.

And whereas the work would be to the benefit of the parties hereto, the City of Toronto, and the travelling public generally and the parties hereto have agreed to contribute the amounts hereinafter set out towards payment of the cost of construction of the work.

And whereas the Corporation of the Township of East York and the Corporation of the Town of Leaside have, by by-law, determined that such work as aforesaid should be constructed as a local improvement under Section 50a of the Local Improvement Act, and that the construction thereof should be undertaken by the said Township of East York as the initiating municipality, the cost thereof after deduction of the contributions

herein set out, and from the Corporation of the City of Toronto, to be borne by the said Township of East York and the said Town of Leaside as hereinafter set out.

And whereas it has been agreed that East York shall proceed forthwith to carry out such explorations as may be required in connection with the work and shall undertake the construction of the work.

And whereas at the instance of the parties hereto and the Corporation of the City of Toronto a Committee has been formed for the purpose of furthering the carrying out of the work, such Committee being hereinafter referred to as the "Bridge Committee."

Now therefore this agreement witnesseth, that in consideration of the mutual terms, covenants, and conditions herein contained each of the parties hereto agrees and covenants with each of the others and the other of them as follows:

1. East York shall proceed forthwith to take all necessary action and assume all necessary liability to construct and complete the work, subject to any Order of the Board of Railway Commissioners for Canada requiring the said Subway to be constructed by the Canadian Pacific Railway or any other Corporation or person, in which event East York shall be liable for such part of the cost of the subway as shall not be borne by the said Railways or either of them or provided from the Grade Crossing Fund, provided, however, that if upon tenders being received for the construction of the work, it is determined by a resolution of the Council of East York, that the work cannot be constructed at a total cost of not more than \$975,000.00, East York shall be entitled to notify the other parties hereto that it is unwilling to continue further with the construction of the work and upon such notification being given there shall be no further obligation on East York to continue with the construction of the work and in such event each of the parties hereto, other than East York, shall contribute to the cost of the work so far undertaken by East York incurred to the date of such notice, with the approval of the Bridge Committee, the proportion thereof which the amount agreed hereinafter to be contributed by each bears to the sum of \$975,000.00.

2. Notwithstanding anything in this agreement contained the plans and specifications for the work, the necessary exploration work in connection therewith, and the calling for and awarding of tenders for the construction of the work and the contracts therefor shall be subject to the recommendation of the Bridge Committee. The Bridge Committee shall be constituted and governed by the provisions set out in Schedule 2 hereto.

3. Engineers and solicitors for carrying out the work shall be appointed by East York on the recommendation of the Bridge Committee and all engineering, legal and all other expenses of any kind incidental to the carrying out of the work shall be paid by East York and charged to the cost of such work.

4. From time to time, on demand by East York supported by progress certificates of the Engineer for the work, each of the parties hereto, other than East York (hereinafter called the Contributing Parties) will pay to East York the proportion of the cost shown by such progress certificates, which the amount agreed to be contributed by each bears to \$975,000.00, not exceeding in any event the respective amounts set opposite the name of each contributing party hereto, which amount each respectively agrees to pay (subject however to the provisos in this paragraph contained).

Leaside.....	\$200,000.00
York County.....	100,000.00
The Province.....	125,000.00
York Land Company.....	150,000.00

Provided, however, that notwithstanding anything in this agreement contained, the amount to be contributed by the Contributing Parties shall be varied as hereinafter provided in all or any of the following events, namely:

- (a) If the cost of constructing the said subway or any part of such cost be borne by the Canadian Pacific Railway Company and/or The Canadian National Railway, (for convenience, the amount, if any, to be borne by the said railways, or either of them, in this event is hereinafter referred to as the "Railway Contribution"), and/or
- (b) If the sum of \$975,000.00 is greater than the actual total cost of the work, including the cost of the said subway (for convenience, the amount, if any, by which the sum of \$975,000.00 is greater than such actual total cost of the work is hereinafter referred to as the "Total Cost Reduction") and/or
- (c) If any moneys be made available for the construction of the said work from the Grade Crossing Fund in accordance with the provisions in that behalf of the Railway Act, 1919, being Chapter 68 of the Statutes of Canada, 9-10 George V., (for convenience, the amount, if any, which may be made available from the said fund is hereinafter referred to as the "Grade Crossing Contribution").

The said variations shall be as follows:—

(a) If there be a "Railway Contribution" and/or a "Total Cost Reduction" and/or a "Grade Crossing Contribution," then if the aggregate of the amounts thereof, or any of them, is less than the sum of \$50,000.00, the contribution of Leaside shall be reduced by the amount of such aggregate but if such aggregate exceed the sum of \$50,000.00 then the contribution of Leaside shall be reduced by the amount of \$50,000.00.

(b) If there be a "Total Cost Reduction" then, if the aggregate of the amount thereof and of the amount of the "Railway Contribution," if any, and/or the "Grade Crossing Contribution," if any exceeds the sum of \$50,000.00 (referred to in Clause A) then, to the extent of the excess of such aggregate over \$50,000.00 the contribution to be made by each of the Contributing Parties (including Leaside) shall be reduced by the proportion of such excess which the amount agreed to be contributed by each bears to \$975,000.00. For this purpose the amount agreed to be contributed by Leaside shall be deemed to be \$150,000.00.

(c) If the construction of the work shall be undertaken by East York and there shall be no "Total Cost Reduction," but there shall be a "Railway Contribution" and/or a "Grade Crossing Contribution" then and in such case the Contributing Parties hereto (Except Leaside to the extent of \$50,000.00 aforesaid) shall not be entitled to have their respective contributions reduced unless the aggregate of the "Railway Contribution," (if any) and/or the "Grade Crossing Contribution" (if any) exceeds the said sum of \$50,000 plus the amount by which the total cost of the work is greater than the sum of \$975,000, but in such case the contributions of the Contributing Parties (including Leaside) shall be reduced by the proportion of the amount of such excess which the amount agreed to be contributed by each bears to \$975,000.00. For this purpose the amount agreed to be contributed by Leaside shall be deemed to be \$150,000.

5. Each of the parties hereto acknowledges having read the agreement between East York and the Corporation of the City of Toronto, Schedule One hereto, and approves the execution thereof by East York, and in so far as East York is or may be rendered liable by Clause 8 thereof for payment of any amount at any time to the Corporation of the City of Toronto by reason of any act or thing done by any of the parties hereto, such party hereby covenants to indemnify and save harmless East York from any loss, or expense, arising therefrom.

6. Inasmuch as it is desirable, having regard to the necessity for the sale of securities, to raise money for the construction of the work, each of the parties hereto, agrees that it will use its best endeavours to obtain the passing of an Act of the Legislature of Ontario at the next session of such Legislature, authorizing each of the parties hereto and the Corporation of the City of Toronto, to do all things necessary for the carrying out of this agreement and the work herein partly described, and validating this

agreement and all acts done or work performed hereunder and authorizing the issue of debentures where necessary by the respective parties hereto to defray their contribution to the cost of such work.

In witness whereof the parties hereto have hereunto affixed their corporate seals and the respective signatures of their proper officers.

Signed, Sealed and Delivered }
in the presence of }

Schedule "I"

referred to in annexed agreement.

THIS AGREEMENT

made in duplicate the 1st day of November, 1926.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF EAST YORK, hereinafter called "The Township" of the First Part.

AND

THE CORPORATION OF THE CITY OF TORONTO, hereinafter called "the City" of the Second Part.

Whereas the Township proposes to undertake and/or procure the construction of a viaduct and works necessary thereto across the Don Ravine separating the Township of East York and the Town of Leaside to connect Pape Avenue and Donlands Avenue in the Township of East York with Laird Drive in the Town of Leaside;

And whereas the said Viaduct and works will among other things include the following structures, namely:—

(a) A steel and concrete bridge at least fifty-six feet in width across the said Ravine to be constructed at the level of the high banks on either side of said Ravine and designed and constructed to carry a double track electric railway;

(b) Graded thoroughfares and approaches to said bridge to be constructed partly in the Township of East York and partly in the Town of Leaside, having a horizontal width of sixty-six feet;

(c) A subway sixty-six feet in width under the right-of-way of the Canadian Pacific Railway Company in the Town of Leaside, with the approaches thereto.

The said bridge, graded thoroughfares and approaches, and subway and approaches to have constructed thereon a paved roadway forty-four feet in width and two concrete sidewalks six feet in width, all to be properly drained and, wherever necessary, protected by a hand-rail, and the bridge and subway to be properly lighted;

And whereas the estimated cost of constructing the said viaduct and works is \$975,000;

And whereas the Township has requested the City to bear a portion of the cost of the said viaduct and works and the City has agreed to do so subject to the provisions of this agreement.

Therefore this agreement witnesseth that in consideration of the premises and of the mutual covenants and agreements herein contained the parties hereto have agreed as follows—

1. In the event of the said viaduct and works being constructed the City will pay to the Township the sum of \$200,000, provided always that if the cost of the said viaduct and works is less than \$975,000 the City will only pay to the Township such sum as bears the same proportion to the said cost that \$200,000 bears to \$975,000.

2. Payment by the City as hereinbefore provided shall be made as follows, namely:

The Township will, as the construction of the said viaduct and works proceeds and is completed, furnish to the City progress certificates and final certificates, signed by the Engineer in charge of the work, the Consulting Engineer and the Treasurer of the Township, showing the net amounts expended from time to time on account of the cost of the said viaduct and works, and the City will thereupon pay to the Township a part, proportioned as above set out in paragraph 1, of the amounts shown by such certificates to have been so expended. The total of all such payments by the City not to exceed \$200,000.

3. The total of any amounts received from the Canadian Pacific Railway Company, the Canadian National Railway Company and/or from the Railway Grade Crossing Fund in respect to the cost of the viaduct and works or any part thereof, shall in so far as such total exceeds \$50,000 be deducted from the cost of the said viaduct and works for the purpose of determining the amount of the cost of which the City is to pay its said proportion.

4. In the event of the Township proceeding with the construction of the said viaduct it will cause the construction thereof to be completed with as little delay as possible.

5. Should the Township upon receiving tenders for the construction of the said viaduct and works decide not to proceed with the construction thereof, the City will, upon presentation to it of accounts certified by the Township Treasurer, pay to the Township a part of the expenditure of the Township for engineers' fees and land borings, which said part shall bear the same proportion to the amount so expended as \$200,000 bears to \$975,000.

6. Should the Township not award contracts for the construction of the said viaduct and works on or before the first day of June, 1927, then this agreement and the rights of the parties hereto under same shall terminate as of that date.

7. In the event of the work being proceeded with, the Township covenants and agrees that the said Viaduct and works shall be designed, constructed and completed in accordance with the best modern practice and in a manner satisfactory and acceptable to every public body or tribunal whose acceptance or approval is required by law.

8. It is further agreed that lands owned by the City situate within the Township of East York shall not be liable or charged with any assessment or taxation in respect to the cost of the said viaduct and works or any part thereof, and that the City shall not be liable to directly or indirectly pay any part of the cost of the said viaduct and works or any part thereof, except as hereinbefore set forth.

9. This agreement is to take effect upon the passing of legislation ratifying and confirming this agreement and authorizing the City to issue debentures, without the assent of the electors qualified to vote on money by-laws, to raise the proportion of the cost of the said viaduct and works to be contributed by the City and both parties hereto will endeavour to secure the passing of such legislation at the next session of the Legislature of the Province of Ontario.

Schedule "2"

referred to in the agreement.

CONSTITUTION AND POWERS OF THE BRIDGE COMMITTEE
THEREIN REFERRED TO

1. There shall be a Committee called the "Bridge Committee" consisting of not more than eighteen members and each of the parties hereto and the Corporation of the City of Toronto shall have the right to nominate not more than three members of such committee. Each member shall have one vote. Six members shall constitute a quorum for the transaction of business and such Committee may act at a meeting at which a quorum is present.

2. The Committee shall elect its Chairman and may make regulations with respect to the calling of its meetings, and its procedure generally. Any vacancy which may occur in the Committee shall be filled by the party hereto who appointed the person whose place on the Committee has become vacant.

3. Minutes of the proceedings of the committee shall be kept in a book provided for that purpose which shall always be open for the inspection of the duly authorized representative of any of the parties hereto. The Committee may appoint a Secretary to the Committee who need not be a member of the Committee.

4. The Committee shall recommend to East York the preliminary expenditure in connection with the construction of the work and the plans, specifications and estimates to be adopted, for the work and the calling and awarding of tenders for the construction of the work.

5. The Committee shall also recommend to East York the appointment of the Engineers and solicitors for the work.

6. The Committee shall also recommend to East York settlements for land damages and other disbursements incidental to the construction of the work not included above.

7. The Committee shall also recommend to East York any contracts in connection with the construction of the work.

8. The powers of the Committee shall be exercised by a majority of the votes of the members present at any meeting and in the event of a tie the Chairman shall cast the deciding vote.

SCHEDULE "2."

THIS AGREEMENT

made in duplicate the First day of November, 1926.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF EAST YORK, hereinafter called the "Township"

of the First Part.

AND

THE CORPORATION OF THE CITY OF TORONTO, hereinafter called the "City"

of the Second Part.

Whereas the Township proposes to undertake and/or procure the construction of a viaduct and works necessary thereto across the Don Ravine separating the Township of East York and the Town of Leaside to connect Pape Avenue and Donlands Avenue in the Township of East York with Laird Drive in the Town of Leaside;

And whereas the said Viaduct and work will among other things include the following structures, namely,—

(a) A steel and concrete bridge at least fifty-six feet in width across the said Ravine to be constructed at the level of the high banks on either side of said Ravine and designed and constructed to carry a double track electric railway;

(b) Graded thoroughfares and approaches to said bridge to be constructed partly in the Township of East York and partly in the Town of Leaside, having a horizontal width of sixty-six feet;

(c) A subway sixty-six feet in width under the right-of-way of the Canadian Pacific Railway Company in the Town of Leaside, with the approaches thereto.

The said bridge, graded thoroughfares and approaches, and subway and approaches to have constructed thereon a paved roadway forty-four feet in width and two concrete sidewalks six feet in width, all to be properly drained and, wherever necessary, protected by a hand-rail, and the bridge and subway to be properly lighted;

And whereas the estimated cost of constructing the said viaduct and works is \$975,000;

And whereas the Township has requested the City to bear a portion of the cost of the said Viaduct and works and the City has agreed to do so subject to the provisions of this agreement.

Therefore this agreement witnesseth that in consideration of the premises and of the mutual covenants and agreements herein contained the parties hereto have agreed as follows—

1. In the event of the said viaduct and works being constructed the City will pay to the Township the sum of \$200,000 provided always that if the cost of the said viaduct and works is less than \$975,000 the City will only pay to the Township such sum as bears the same proportion to the said cost that \$200,000 bears to \$975,000.

2. Payment by the City as hereinbefore provided shall be made as follows, namely,—

The Township will, as the construction of the said viaduct and works proceeds and is completed, furnish to the City progress certificates and final certificates, signed by the Engineer in charge of the work, the Consulting Engineer and the Treasurer of the Township, showing the net amounts expended from time to time on account of the cost of the said viaduct and works, and the City will thereupon pay to the Township a part, proportioned as above set out in paragraph 1, of the amount shown by such certificates to have been so expended. The total of all such payments by the City not to exceed \$200,000.

3. The total of any amounts received from the Canadian Pacific Railway Company, the Canadian National Railway Company and/or from the Railway Grade Crossing Fund in respect to the cost of the viaduct and works or any part thereof, shall in so far as such total exceeds \$50,000 be deducted from the cost of the said viaduct and works for the purpose of determining the amount of the cost of which the City is to pay its said proportion.

4. In the event of the Township proceeding with the construction of the said viaduct it will cause the construction thereof to be completed with as little delay as possible.

5. Should the Township upon receiving tenders for the construction of the said viaduct and works decide not to proceed with the construction thereof, the City will, upon presentation to it of accounts certified by the Township Treasurer, pay to the Township a part of the expenditure of the

Township for engineers' fees and land borings, which said part shall bear the same proportion to the amount so expended as \$200,000 bears to \$975,000.

6. Should the Township not award contracts for the construction of the said viaduct and works on or before the First day of June, 1927, then this agreement and the rights of the parties hereto under same shall terminate as of that date.

7. The Township covenants and agrees that in the event of the work proceeding the said viaduct and works shall be designed constructed and completed in accordance with the best modern practice and in a manner satisfactory and acceptable to every public body or tribunal whose acceptance or approval is required by law.

8. It is further agreed that lands owned by the City situate within the Township of East York shall not be liable or charged with any assessment or taxation in respect to the cost of the said viaduct and works or any part thereof, and that the City shall not be liable to directly or indirectly pay any part of the cost of the said viaduct and works or any part thereof, except as hereinbefore set forth.

9. This agreement is to take effect upon the passing of legislation ratifying and confirming this agreement and authorizing the City to issue debentures, without the assent of the electors qualified to vote on money by-laws, to raise the proportion of the cost of said viaduct and works to be contributed by the City and both parties hereto will endeavor to secure the passing of such legislation at the next session of the Legislature of the Province of Ontario.

In witness whereof the parties hereto have hereunto set their Corporate Seals by the hands respectively of the Reeve and the Treasurer of the Township of East York and the Mayor and Deputy Treasurer of the City of Toronto.

R. H. MCGREGOR,
Reeve [SEAL]

H. E. GODDARD,
Township Treasurer

THOMAS FOSTER,
Mayor [SEAL]

H. REBURN,
Deputy City Treasurer

SCHEDULE "3"

THIS AGREEMENT

made in duplicate this twelfth day of November, A.D. 1926,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF EAST YORK, hereinafter
called the "Corporation"
of the First Part.

AND

SUYDAM REALTY COMPANY LIMITED, hereinafter called the
"Company"
of the Second Part.

Whereas by a conveyance bearing even date herewith, the Company has granted to the Corporation without payment of other than a nominal sum, an easement over certain lands of the Company therein described.

And whereas as part of the consideration for such conveyance, the Corporation has agreed to exempt the lands of the Company therein and hereinafter described, from taxation.

Now therefore this agreement witnesseth that in consideration of a conveyance from the Company to the Corporation bearing even date herewith of an easement as therein described (the receipt whereof is hereby acknowledged) and the sum of One Dollar, the Corporation hereby covenants to and with the Company to exempt from municipal taxation, from the first day of January, 1927, and so long thereafter as a bridge structure is maintained thereover, the following lands:

All and Singular that certain parcel or tract of land and premises situate, lying and being, in the Township of East York, in the County of York and Province of Ontario, containing by admeasurement one-half acre, more or less, and being composed of part of the east half of lot Eleven (11) in the Third Concession from the Bay, in the Township of East York, and further described as part of Block "L" according to a plan deposited in the Registry Office for the Registry Division of the East and West Ridings of the County of York as deposit plan 420, and which said parcel may be more particularly described as follows:

Commencing at a point in the northerly limit of the original road allowance between Concession Two and Three in the said Township of East York (now closed), and being in the Northerly limit of a plan registered in the office of the land Titles for the County of York, as Number M. 444, said point being distant seventy-nine feet five and one-half inches ($79' 5\frac{1}{2}''$) measured Easterly thereon from the North-west angle of Lot Number 48, according to said plan Number M. 444.

Thence North twenty-two degrees eleven minutes West ($N.22^{\circ} 11' W.$) three hundred and twenty-six feet and one inch ($326' 1''$) to a point where it is intersected by the fence forming the Northerly limit of Block "L" according to said Deposit plan 420.

Thence North sixty-six degrees and nine minutes East ($N. 66^{\circ} 9'E.$) along said fence line sixty-six feet and one-half inch ($66' 0\frac{1}{2}''$) to a point.

Thence South twenty-two degrees and eleven minutes east ($S.22^{\circ} 11'E$) three hundred and thirty-four feet two inches ($334' 2''$) to a point in the northerly limit of said Plan M. 444.

Thence South seventy-four degrees fifty-three minutes West ($S.74^{\circ} 53'W$) along the said northerly limit sixty-six feet six inches ($66' 6''$) to the point of commencement.

The Corporation hereby covenants and agrees with the Company that the Corporation will apply to the next session of the Legislature of the Province of Ontario for private legislation enabling the Corporation, in so far as it may not now have authority, to exempt the lands of the company hereinbefore described, from municipal taxation.

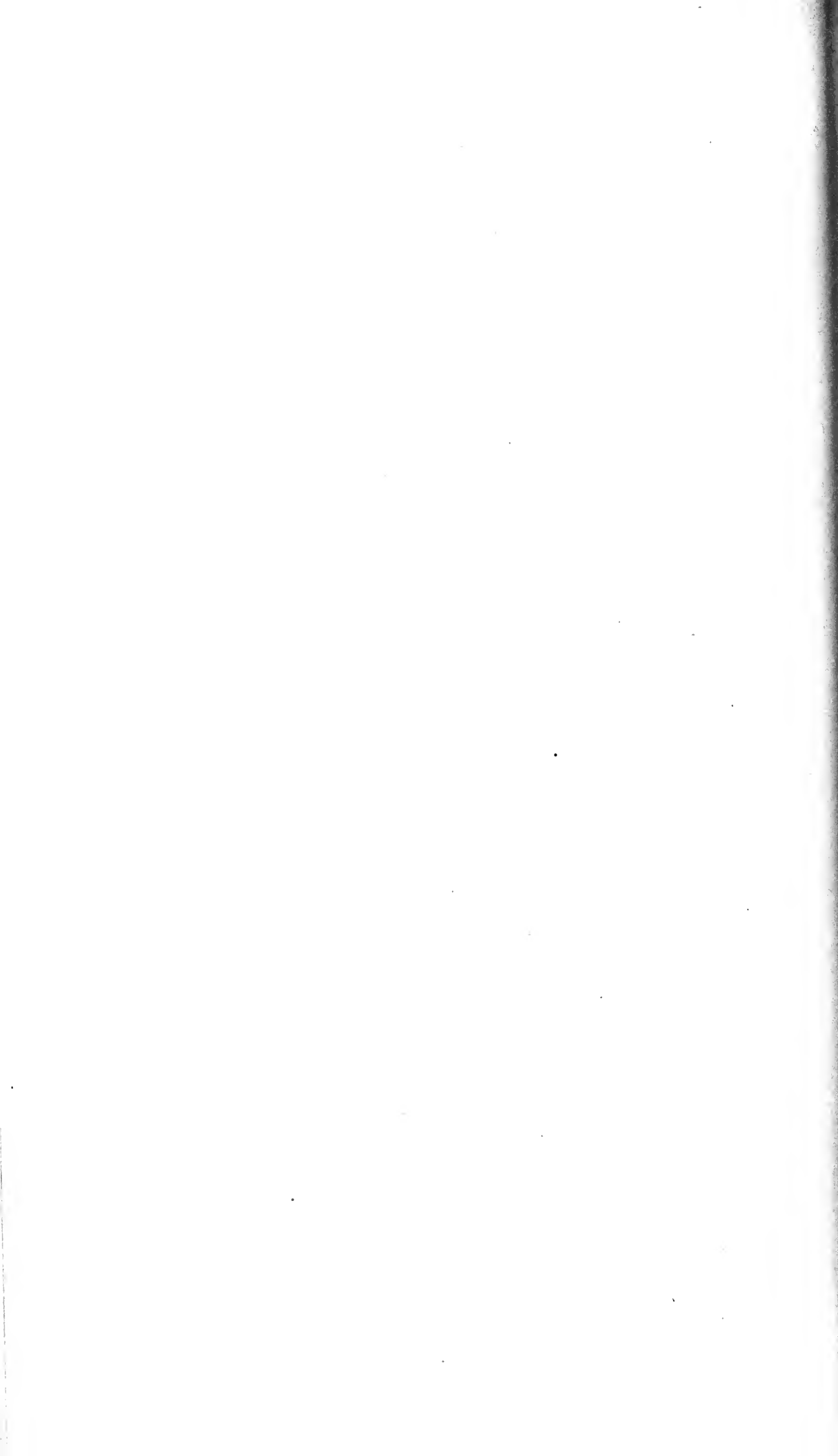
This agreement shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns.

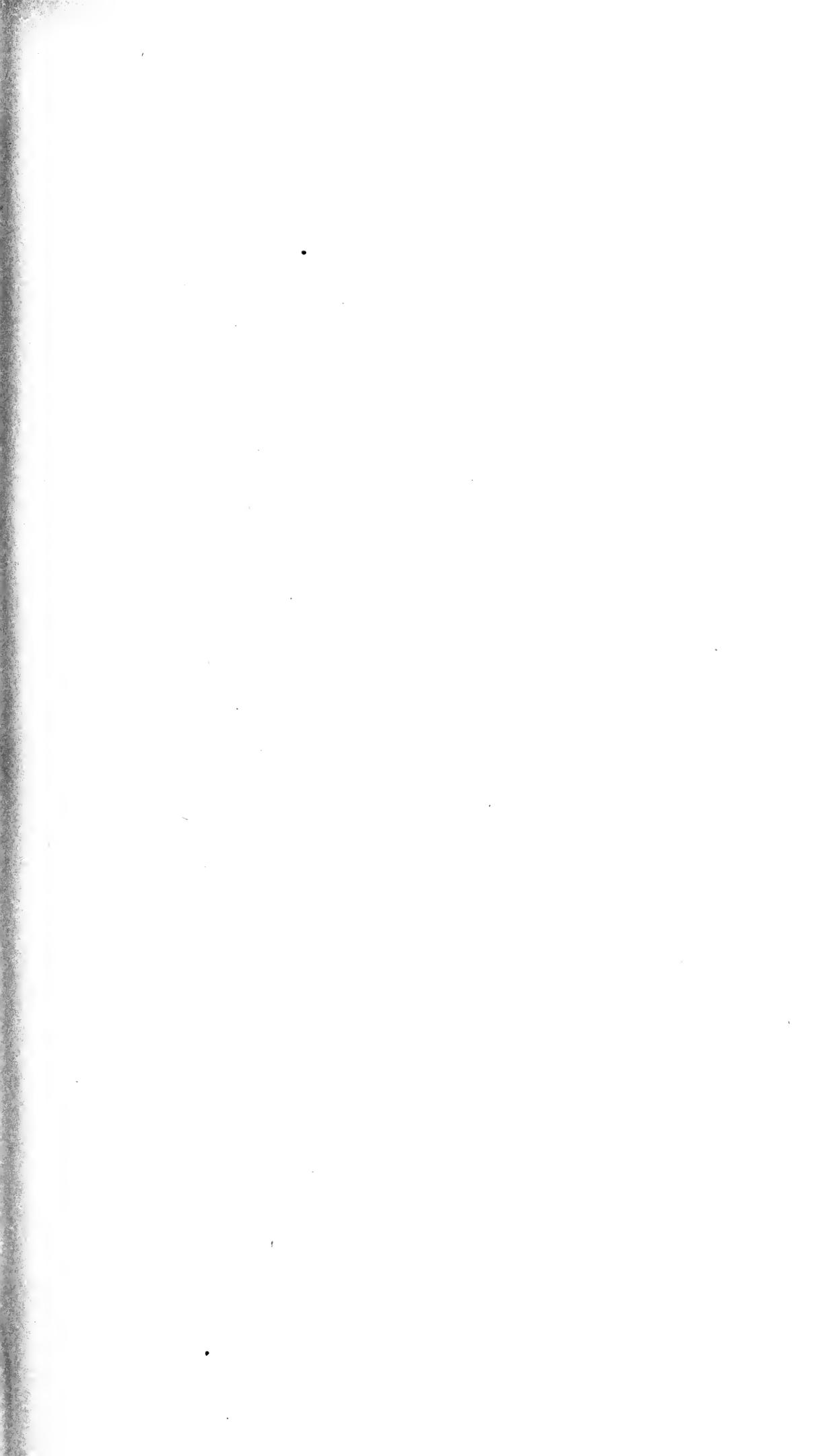
In witness whereof the parties hereto have hereunto subscribed their Corporate Seals and the signatures of their respective proper officers.

Signed, Sealed and Delivered }
in the presence of }

R. H. MCGREGOR,
Reeve. [SEAL]

H. E. GODDARD,
Clerk.





No. 12.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the East York-
Leaside Viaduct.

1st Reading, 17th February	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. MACAULAY.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the East York-Leaside Viaduct

WHEREAS the corporation of the township of East York Preamble. has by its petition prayed for special legislation in regard to the matters 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 consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as the *East York-Leaside Viaduct Act, 1927.* Short title.

2. An agreement made between the corporation of the township of East York, the corporation of the town of Leaside, the corporation of the county of York, His Majesty the King, represented by the Executive Government of the Province of Ontario and acting by the Minister of Public Works and Highways of the said province, and the York Land Company Limited, dated the first day of November, A.D. 1926, set out as Schedule "A" hereto, is hereby ratified and confirmed, and declared to be legal, valid and binding upon the parties thereto and upon the ratepayers of the said municipal corporations. Agreement with Town of Leaside, County of York, His Majesty the King, and York Land Co., Ltd., confirmed.

3. An agreement made between the corporation of the township of East York and the corporation of the city of Toronto, dated the first day of November, A.D. 1926, set out as Schedule "B" hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporations and the ratepayers thereof. Agreement with City of Toronto, confirmed.

4. The "work" undertaken by the corporation of the township of East York, pursuant to and described in the agreements referred to in sections 2 and 3 hereof, shall be deemed and is hereby declared to be a "work" within the provisions of section 50a of *The Local Improvement Act*, as enacted by 1915, chapter 35, section 8, and the provisions of *The Local Improvement Act* shall, except insofar as otherwise herein provided, apply to the "work." Certain work declared to be under Rev. Stat. c. 193.

Power to assess \$135,000 upon certain lands.

5. Notwithstanding the provisions of *The Local Improvement Act*, or any by-law heretofore passed by the council of the corporation of the township of East York relative to the "work," the council of the corporation of the township of East York may by by-law assess a sum not in excess of \$135,000, upon all the rateable land in the said township now owned by the Thorndale Securities Company Limited, by a special mill rate on the assessed value of such rateable land in lieu of an equal special rate per foot frontage on the land of the said Thorndale Securities Company Limited, abutting directly on the "work" or immediately benefited by the "work."

By-law No. 1000, ratified.

6. By-law number 1000 of the municipal council of the corporation of the township of East York passed on the 4th day of November, A.D. 1926, providing for the "work" is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Agreement confirmed.

7. The agreement made between the corporation of the township of East York and the Suydam Realty Company Limited, set out as Schedule "C" hereto, dated the 12th day of November, A.D. 1926, is hereby ratified and confirmed and declared to be legal, valid and binding upon the corporation of the township of East York and the ratepayers thereof, and the lands of the Suydam Realty Company Limited described in the said agreement shall be exempt from ~~the~~ *municipal taxation from the 1st day of January, 1927, and so long thereafter as a bridge structure is maintained thereover.*

Power to Town of Leaside to assess its portion of cost by special frontage rate notwithstanding.

Rev. Stat. c. 193.

8.—(1) Subject to the provisions of section 12 hereof, and notwithstanding the provisions of *The Local Improvement Act* or any by-law heretofore passed by the council of the corporation of the town of Leaside relative to the "work" or the assessment of the part of the cost of the "work" to be borne by the corporation of the town of Leaside, the corporation of the town of Leaside may by by-law specially assess that part of the cost of the "work" agreed to be borne by the corporation of the town of Leaside against all the rateable lands within the limits of the town of Leaside, after having made the proper reductions as provided *in this section*, according to the extent of their respective frontages by an equal special rate per foot of such frontage, sufficient to meet such part of the cost.

Reduction for irregularly shaped lots.

(2) In the case of triangular or irregularly shaped lots whether situated at corners or at the junction or intersection of streets or otherwise, a reduction shall be made in the special assessment which otherwise would be chargeable thereon, sufficient, having regard to the situation, value and

superficial area of such lots as compared with the other lots, to adjust the assessment on a fair and equitable basis.

(3) Where a lot is for any reason wholly or in part unfit for building purposes, a reduction shall also be made in the special assessment which otherwise would be chargeable thereon, sufficient to adjust its assessment as compared with that of the lots fit for building purposes on a fair and equitable basis.

Reduction
for lots unfit
for building
purposes.

(4) The reduction shall be made by deducting from the total frontage of the lot liable to the special assessment so much thereof as is sufficient to make the proper reduction but the whole of the lot shall be charged with the special assessment as so reduced.

Mode of
reduction.

(5) Subsection 4 of section 24 of *The Local Improvement Act* shall not apply to the assessment made pursuant to this section.

9. By-law number 169 of the corporation of the town of Leaside, dated the 3rd day of November, A.D. 1926, and by-law number 171 of the corporation of the town of Leaside dated the 9th day of February, A.D. 1927, providing for the undertaking of the "work" by the corporation of the township of East York, and the assessment to be made by the corporation of the town of Leaside to provide for its *part* of the cost of the "work" are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-laws
Nos. 169 and
171 of Town
of Leaside,
confirmed.

10. Notwithstanding the provisions of section 50a of *The Local Improvement Act*, the corporation of the town of Leaside may, without the assent of the electors, pass a by-law or by-laws to borrow money by the issue of debentures payable within a period not exceeding thirty years from the issue thereof to meet its part of the cost of the "work."

Power
to Town
of Leaside
to issue
debentures
without
assent of
electors.

11. The corporation of the town of Leaside may by by-law agree with any bank or person for temporary advances to meet its part of the cost of the "work" pending the completion of the "work," and the provisions of this section shall apply to all borrowings by the said corporation for the purposes aforesaid, whether before or after the passing of this Act.

Power
to Town
of Leaside
to borrow
money.

12. Any proceedings taken pursuant to this Act either in addition to or in lieu of proceedings heretofore taken under *The Local Improvement Act* shall not affect in any way the liability of the corporation of the town of Leaside to repay any moneys heretofore borrowed by it pursuant to the provisions

Liability
for money
borrowed not
affected.

of *The Local Improvement Act*, from any banker or person by way of temporary advances to meet its *part* of the cost of the "work."

Certain lands owned by City of Toronto, exempted.

13. The lands owned by the city of Toronto situate within the town of Leaside *while so owned* shall be exempt from assessment in respect of any portion of the cost of the "work."

Assent of electors not required.

14. It shall not be necessary for the corporation of the township of East York, the corporation of the town of Leaside, or the corporation of the county of York, to submit for the assent of the electors any by-law relative to the "work" passed pursuant to the provisions of this Act, or *The Local Improvement Act*.

Rev. Stat. c. 193.

Work commenced may be continued under this Act.

15. The corporation of the township of East York and the corporation of the town of Leaside may exercise the powers conferred by this Act notwithstanding that the "work" has already been commenced, and notwithstanding anything heretofore done pursuant to *The Local Improvement Act* in connection with the "work" or the assessment of its part of the cost thereof; and the provisions of sections 7, 11, 13 and subsections 2, 3 and 4 of section 9 of *The Local Improvement Act* shall not apply to any proceedings taken pursuant to this Act.

Rev. Stat. c. 193.

Power to City of Toronto to issue debentures without assent of electors.

16. The council of the corporation of the city of Toronto may, without assent of the electors qualified to vote on money by-laws, pass a by-law or by-laws for an issue of debentures to raise the amount required to be paid to the corporation of the township of East York, under the provisions of the said agreement, set out as Schedule "B" *hereto*.

Power to County of York to make grant and issue debentures without assent of electors.

17. The corporation of the county of York may by by-law grant the sum of \$100,000 to meet its part of the cost of the "work," and without the assent of the electors may pass a by-law or by-laws to borrow \$100,000 by the issue of debentures payable within a period not exceeding thirty years from the issue thereof to pay such grant.

Rates to be deemed local improvement rates.

1922, c. 72.

18. All rates levied pursuant to the provisions of this Act shall be deemed to be local improvement rates for the purpose of section 297 of *The Consolidated Municipal Act, 1922*, and no rate levied pursuant to this Act shall be deemed to be included in the rate of two and one-half cents on the dollar referred to in that section for the purpose of determining whether the council of any municipal corporation mentioned in this Act may contract any further debts, and any debt may be contracted pursuant to the provisions of this Act, notwithstanding the limitation prescribed by section 297.

19. Wherever the provisions of this Act are inconsistent with the provisions of *The Local Improvement Act*, the provisions of this Act shall apply to the "work."

This Act to apply to "work" notwithstanding.
Rev. Stat. c. 193.

20. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

SCHEDULE "A."

THIS AGREEMENT

made as of the First day of November, A.D. 1926.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF EAST YORK (hereinafter called "East York")
of the First Part.

THE CORPORATION OF THE TOWN OF LEASIDE (hereinafter called "Leaside")
of the Second Part.

THE CORPORATION OF THE COUNTY OF YORK (hereinafter called "York County")
of the Third Part.

HIS MAJESTY THE KING, represented herein by the executive government of the Province of Ontario and acting by the Minister of Public Works and Highways of the said Province (hereinafter called "The Province")
of the Fourth Part.

AND

YORK LAND COMPANY, LIMITED, a company incorporated under the laws of the Province of Ontario (hereinafter called "York Land Company")
of the Fifth Part.

Whereas the parties hereto consider it necessary that a viaduct should be constructed across the Don Ravine separating the Township of East York and the Town of Leaside, which Viaduct shall connect Pape Avenue and Donlands Avenue in the Township of East York with Laird Drive in the Town of Leaside and which viaduct shall consist partly of a steel and concrete bridge structure having a roadway thereon forty-four feet in width and two sidewalks each six feet in width, on the level of the high banks and designed to carry double track electric railway, and partly of a graded approach, in the Township of East York and in the Town of Leaside consisting of cut and fill, the top of the fill and the bottom of the cut to be sixty-six feet in width and to be drained permanently, paved and protected by handrail where necessary having an approximate length of 3,070 feet and a subway under the Canadian Pacific Railway Company's right-of-way in the Town of Leaside. Such Viaduct is hereinafter referred to as "THE WORK."

And whereas by an agreement bearing even date herewith, annexed hereto as Schedule One, made between the Corporation of the Township of East York and the Corporation of the City of Toronto, the said City has agreed upon the terms and conditions therein set out, to contribute to the cost of the work, an amount not exceeding \$200,000.00.

And whereas the work would be to the benefit of the parties hereto, the City of Toronto, and the travelling public generally and the parties hereto have agreed to contribute the amounts hereinafter set out towards payment of the cost of construction of the work.

And whereas the Corporation of the Township of East York and the Corporation of the Town of Leaside have, by by-law, determined that such work as aforesaid should be constructed as a local improvement under Section 50a of the Local Improvement Act, and that the construction thereof should be undertaken by the said Township of East York as the initiating municipality, the cost thereof after deduction of the contributions

herein set out, and from the Corporation of the City of Toronto, to be borne by the said Township of East York and the said Town of Leaside as hereinafter set out.

And whereas it has been agreed that East York shall proceed forthwith to carry out such explorations as may be required in connection with the work and shall undertake the construction of the work.

And whereas at the instance of the parties hereto and the Corporation of the City of Toronto a Committee has been formed for the purpose of furthering the carrying out of the work, such Committee being hereinafter referred to as the "Bridge Committee."

Now therefore this agreement witnesseth, that in consideration of the mutual terms, covenants, and conditions herein contained each of the parties hereto agrees and covenants with each of the others and the other of them as follows:

1. East York shall proceed forthwith to take all necessary action and assume all necessary liability to construct and complete the work, subject to any Order of the Board of Railway Commissioners for Canada requiring the said Subway to be constructed by the Canadian Pacific Railway or any other Corporation or person, in which event East York shall be liable for such part of the cost of the subway as shall not be borne by the said Railways or either of them or provided from the Grade Crossing Fund, provided, however, that if upon tenders being received for the construction of the work, it is determined by a resolution of the Council of East York, that the work cannot be constructed at a total cost of not more than \$975,000.00, East York shall be entitled to notify the other parties hereto that it is unwilling to continue further with the construction of the work and upon such notification being given there shall be no further obligation on East York to continue with the construction of the work and in such event each of the parties hereto, other than East York, shall contribute to the cost of the work so far undertaken by East York incurred to the date of such notice, with the approval of the Bridge Committee, the proportion thereof which the amount agreed hereinafter to be contributed by each bears to the sum of \$975,000.00.

2. Notwithstanding anything in this agreement contained the plans and specifications for the work, the necessary exploration work in connection therewith, and the calling for and awarding of tenders for the construction of the work and the contracts therefor shall be subject to the recommendation of the Bridge Committee. The Bridge Committee shall be constituted and governed by the provisions set out in Schedule 2 hereto.

3. Engineers and solicitors for carrying out the work shall be appointed by East York on the recommendation of the Bridge Committee and all engineering, legal and all other expenses of any kind incidental to the carrying out of the work shall be paid by East York and charged to the cost of such work.

4. From time to time, on demand by East York supported by progress certificates of the Engineer for the work, each of the parties hereto, other than East York (hereinafter called the Contributing Parties) will pay to East York the proportion of the cost shown by such progress certificates, which the amount agreed to be contributed by each bears to \$975,000.00, not exceeding in any event the respective amounts set opposite the name of each contributing party hereto, which amount each respectively agrees to pay (subject however to the provisoes in this paragraph contained).

Leaside.....	\$200,000.00
York County.....	100,000.00
The Province.....	125,000.00
York Land Company.....	150,000.00

Provided, however, that notwithstanding anything in this agreement contained, the amount to be contributed by the Contributing Parties shall be varied as hereinafter provided in all or any of the following events, namely:

- (a) If the cost of constructing the said subway or any part of such cost be borne by the Canadian Pacific Railway Company and/or The Canadian National Railway, (for convenience, the amount, if any, to be borne by the said railways, or either of them, in this event is hereinafter referred to as the "Railway Contribution"), and/or
- (b) If the sum of \$975,000.00 is greater than the actual total cost of the work, including the cost of the said subway (for convenience, the amount, if any, by which the sum of \$975,000.00 is greater than such actual total cost of the work is hereinafter referred to as the "Total Cost Reduction") and/or
- (c) If any moneys be made available for the construction of the said work from the Grade Crossing Fund in accordance with the provisions in that behalf of the Railway Act, 1919, being Chapter 68 of the Statutes of Canada, 9-10 George V., (for convenience, the amount, if any, which may be made available from the said fund is hereinafter referred to as the "Grade Crossing Contribution").

The said variations shall be as follows:—

(a) If there be a "Railway Contribution" and/or a "Total Cost Reduction" and/or a "Grade Crossing Contribution," then if the aggregate of the amounts thereof, or any of them, is less than the sum of \$50,000.00, the contribution of Leaside shall be reduced by the amount of such aggregate but if such aggregate exceed the sum of \$50,000.00 then the contribution of Leaside shall be reduced by the amount of \$50,000.00.

(b) If there be a "Total Cost Reduction" then, if the aggregate of the amount thereof and of the amount of the "Railway Contribution," if any, and/or the "Grade Crossing Contribution," if any exceeds the sum of \$50,000.00 (referred to in Clause A) then, to the extent of the excess of such aggregate over \$50,000.00 the contribution to be made by each of the Contributing Parties (including Leaside) shall be reduced by the proportion of such excess which the amount agreed to be contributed by each bears to \$975,000.00. For this purpose the amount agreed to be contributed by Leaside shall be deemed to be \$150,000.00.

(c) If the construction of the work shall be undertaken by East York and there shall be no "Total Cost Reduction," but there shall be a "Railway Contribution" and/or a "Grade Crossing Contribution" then and in such case the Contributing Parties hereto (Except Leaside to the extent of \$50,000.00 aforesaid) shall not be entitled to have their respective contributions reduced unless the aggregate of the "Railway Contribution," (if any) and/or the "Grade Crossing Contribution" (if any) exceeds the said sum of \$50,000 plus the amount by which the total cost of the work is greater than the sum of \$975,000, but in such case the contributions of the Contributing Parties (including Leaside) shall be reduced by the proportion of the amount of such excess which the amount agreed to be contributed by each bears to \$975,000.00. For this purpose the amount agreed to be contributed by Leaside shall be deemed to be \$150,000.

5. Each of the parties hereto acknowledges having read the agreement between East York and the Corporation of the City of Toronto, Schedule One hereto, and approves the execution thereof by East York, and in so far as East York is or may be rendered liable by Clause 8 thereof for payment of any amount at any time to the Corporation of the City of Toronto by reason of any act or thing done by any of the parties hereto, such party hereby covenants to indemnify and save harmless East York from any loss, or expense, arising therefrom.

6. Inasmuch as it is desirable, having regard to the necessity for the sale of securities, to raise money for the construction of the work, each of the parties hereto, agrees that it will use its best endeavours to obtain the passing of an Act of the Legislature of Ontario at the next session of such Legislature, authorizing each of the parties hereto and the Corporation of the City of Toronto, to do all things necessary for the carrying out of this agreement and the work herein partly described, and validating this

agreement and all acts done or work performed hereunder and authorizing the issue of debentures where necessary by the respective parties hereto to defray their contribution to the cost of such work.

In witness whereof the parties hereto have hereunto affixed their corporate seals and the respective signatures of their proper officers.

Signed, Sealed and Delivered }
in the presence of }

Schedule "I"

referred to in annexed agreement.

THIS AGREEMENT

made in duplicate the 1st day of November, 1926.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF EAST YORK, hereinafter called "The Township"

of the First Part.

AND

THE CORPORATION OF THE CITY OF TORONTO, hereinafter called "the City"

of the Second Part.

Whereas the Township proposes to undertake and/or procure the construction of a viaduct and works necessary thereto across the Don Ravine separating the Township of East York and the Town of Leaside to connect Pape Avenue and Donlands Avenue in the Township of East York with Laird Drive in the Town of Leaside;

And whereas the said Viaduct and works will among other things include the following structures, namely:—

(a) A steel and concrete bridge at least fifty-six feet in width across the said Ravine to be constructed at the level of the high banks on either side of said Ravine and designed and constructed to carry a double track electric railway;

(b) Graded thoroughfares and approaches to said bridge to be constructed partly in the Township of East York and partly in the Town of Leaside, having a horizontal width of sixty-six feet;

(c) A subway sixty-six feet in width under the right-of-way of the Canadian Pacific Railway Company in the Town of Leaside, with the approaches thereto.

The said bridge, graded thoroughfares and approaches, and subway and approaches to have constructed thereon a paved roadway forty-four feet in width and two concrete sidewalks six feet in width, all to be properly drained and, wherever necessary, protected by a hand-rail, and the bridge and subway to be properly lighted;

And whereas the estimated cost of constructing the said viaduct and works is \$975,000;

And whereas the Township has requested the City to bear a portion of the cost of the said viaduct and works and the City has agreed to do so subject to the provisions of this agreement.

Therefore this agreement witnesseth that in consideration of the premises and of the mutual covenants and agreements herein contained the parties hereto have agreed as follows—

1. In the event of the said viaduct and works being constructed the City will pay to the Township the sum of \$200,000, provided always that if the cost of the said viaduct and works is less than \$975,000 the City will only pay to the Township such sum as bears the same proportion to the said cost that \$200,000 bears to \$975,000.

2. Payment by the City as hereinbefore provided shall be made as follows, namely:

The Township will, as the construction of the said viaduct and works proceeds and is completed, furnish to the City progress certificates and final certificates, signed by the Engineer in charge of the work, the Consulting Engineer and the Treasurer of the Township, showing the net amounts expended from time to time on account of the cost of the said viaduct and works, and the City will thereupon pay to the Township a part, proportioned as above set out in paragraph 1, of the amounts shown by such certificates to have been so expended. The total of all such payments by the City not to exceed \$200,000.

3. The total of any amounts received from the Canadian Pacific Railway Company, the Canadian National Railway Company and/or from the Railway Grade Crossing Fund in respect to the cost of the viaduct and works or any part thereof, shall in so far as such total exceeds \$50,000 be deducted from the cost of the said viaduct and works for the purpose of determining the amount of the cost of which the City is to pay its said proportion.

4. In the event of the Township proceeding with the construction of the said viaduct it will cause the construction thereof to be completed with as little delay as possible.

5. Should the Township upon receiving tenders for the construction of the said viaduct and works decide not to proceed with the construction thereof, the City will, upon presentation to it of accounts certified by the Township Treasurer, pay to the Township a part of the expenditure of the Township for engineers' fees and land borings, which said part shall bear the same proportion to the amount so expended as \$200,000 bears to \$975,000.

6. Should the Township not award contracts for the construction of the said viaduct and works on or before the first day of June, 1927, then this agreement and the rights of the parties hereto under same shall terminate as of that date.

7. In the event of the work being proceeded with, the Township covenants and agrees that the said Viaduct and works shall be designed, constructed and completed in accordance with the best modern practice and in a manner satisfactory and acceptable to every public body or tribunal whose acceptance or approval is required by law.

8. It is further agreed that lands owned by the City situate within the Township of East York shall not be liable or charged with any assessment or taxation in respect to the cost of the said viaduct and works or any part thereof, and that the City shall not be liable to directly or indirectly pay any part of the cost of the said viaduct and works or any part thereof, except as hereinbefore set forth.

9. This agreement is to take effect upon the passing of legislation ratifying and confirming this agreement and authorizing the City to issue debentures, without the assent of the electors qualified to vote on money by-laws, to raise the proportion of the cost of the said viaduct and works to be contributed by the City and both parties hereto will endeavour to secure the passing of such legislation at the next session of the Legislature of the Province of Ontario.

Schedule "2"

referred to in the agreement.

CONSTITUTION AND POWERS OF THE BRIDGE COMMITTEE
THEREIN REFERRED TO

1. There shall be a Committee called the "Bridge Committee" consisting of not more than eighteen members and each of the parties hereto and the Corporation of the City of Toronto shall have the right to nominate not more than three members of such committee. Each member shall have one vote. Six members shall constitute a quorum for the transaction of business and such Committee may act at a meeting at which a quorum is present.

2. The Committee shall elect its Chairman and may make regulations with respect to the calling of its meetings, and its procedure generally. Any vacancy which may occur in the Committee shall be filled by the party hereto who appointed the person whose place on the Committee has become vacant.

3. Minutes of the proceedings of the committee shall be kept in a book provided for that purpose which shall always be open for the inspection of the duly authorized representative of any of the parties hereto. The Committee may appoint a Secretary to the Committee who need not be a member of the Committee.

4. The Committee shall recommend to East York the preliminary expenditure in connection with the construction of the work and the plans, specifications and estimates to be adopted, for the work and the calling and awarding of tenders for the construction of the work.

5. The Committee shall also recommend to East York the appointment of the Engineers and solicitors for the work.

6. The Committee shall also recommend to East York settlements for land damages and other disbursements incidental to the construction of the work not included above.

7. The Committee shall also recommend to East York any contracts in connection with the construction of the work.

8. The powers of the Committee shall be exercised by a majority of the votes of the members present at any meeting and in the event of a tie the Chairman shall cast the deciding vote.

SCHEDULE "B."

THIS AGREEMENT

made in duplicate the First day of November, 1926.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF EAST YORK, hereinafter called the "Township"

of the First Part.

AND

THE CORPORATION OF THE CITY OF TORONTO, hereinafter called the "City"

of the Second Part.

Whereas the Township proposes to undertake and/or procure the construction of a viaduct and works necessary thereto across the Don Ravine separating the Township of East York and the Town of Leaside to connect Pape Avenue and Donlands Avenue in the Township of East York with Laird Drive in the Town of Leaside;

And whereas the said Viaduct and work will among other things include the following structures, namely,—

(a) A steel and concrete bridge at least fifty-six feet in width across the said Ravine to be constructed at the level of the high banks on either side of said Ravine and designed and constructed to carry a double track electric railway;

(b) Graded thoroughfares and approaches to said bridge to be constructed partly in the Township of East York and partly in the Town of Leaside, having a horizontal width of sixty-six feet;

(c) A subway sixty-six feet in width under the right-of-way of the Canadian Pacific Railway Company in the Town of Leaside, with the approaches thereto.

The said bridge, graded thoroughfares and approaches, and subway and approaches to have constructed thereon a paved roadway forty-four feet in width and two concrete sidewalks six feet in width, all to be properly drained and, wherever necessary, protected by a hand-rail, and the bridge and subway to be properly lighted;

And whereas the estimated cost of constructing the said viaduct and works is \$975,000;

And whereas the Township has requested the City to bear a portion of the cost of the said Viaduct and works and the City has agreed to do so subject to the provisions of this agreement.

Therefore this agreement witnesseth that in consideration of the premises and of the mutual covenants and agreements herein contained the parties hereto have agreed as follows—

1. In the event of the said viaduct and works being constructed the City will pay to the Township the sum of \$200,000 provided always that if the cost of the said viaduct and works is less than \$975,000 the City will only pay to the Township such sum as bears the same proportion to the said cost that \$200,000 bears to \$975,000.

2. Payment by the City as hereinbefore provided shall be made as follows, namely,—

The Township will, as the construction of the said viaduct and works proceeds and is completed, furnish to the City progress certificates and final certificates, signed by the Engineer in charge of the work, the Consulting Engineer and the Treasurer of the Township, showing the net amounts expended from time to time on account of the cost of the said viaduct and works, and the City will thereupon pay to the Township a part, proportioned as above set out in paragraph 1, of the amount shown by such certificates to have been so expended. The total of all such payments by the City not to exceed \$200,000.

3. The total of any amounts received from the Canadian Pacific Railway Company, the Canadian National Railway Company and/or from the Railway Grade Crossing Fund in respect to the cost of the viaduct and works or any part thereof, shall in so far as such total exceeds \$50,000 be deducted from the cost of the said viaduct and works for the purpose of determining the amount of the cost of which the City is to pay its said proportion.

4. In the event of the Township proceeding with the construction of the said viaduct it will cause the construction thereof to be completed with as little delay as possible.

5. Should the Township upon receiving tenders for the construction of the said viaduct and works decide not to proceed with the construction thereof, the City will, upon presentation to it of accounts certified by the Township Treasurer, pay to the Township a part of the expenditure of the

Township for engineers' fees and land borings, which said part shall bear the same proportion to the amount so expended as \$200,000 bears to \$975,000.

6. Should the Township not award contracts for the construction of the said viaduct and works on or before the First day of June, 1927, then this agreement and the rights of the parties hereto under same shall terminate as of that date.

7. The Township covenants and agrees that in the event of the work proceeding the said viaduct and works shall be designed constructed and completed in accordance with the best modern practice and in a manner satisfactory and acceptable to every public body or tribunal whose acceptance or approval is required by law.

8. It is further agreed that lands owned by the City situate within the Township of East York shall not be liable or charged with any assessment or taxation in respect to the cost of the said viaduct and works or any part thereof, and that the City shall not be liable to directly or indirectly pay any part of the cost of the said viaduct and works or any part thereof, except as hereinbefore set forth.

9. This agreement is to take effect upon the passing of legislation ratifying and confirming this agreement and authorizing the City to issue debentures, without the assent of the electors qualified to vote on money by-laws, to raise the proportion of the cost of said viaduct and works to be contributed by the City and both parties hereto will endeavor to secure the passing of such legislation at the next session of the Legislature of the Province of Ontario.

In witness whereof the parties hereto have hereunto set their Corporate Seals by the hands respectively of the Reeve and the Treasurer of the Township of East York and the Mayor and Deputy Treasurer of the City of Toronto.

R. H. MCGREGOR,
Reeve [SEAL]

H. E. GODDARD,
Township Treasurer

THOMAS FOSTER,
Mayor [SEAL]

H. REBURN,
Deputy City Treasurer

SCHEDULE "C"

THIS AGREEMENT

made in duplicate this twelfth day of November, A.D. 1926,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF EAST YORK, hereinafter called the "Corporation"
of the First Part.

AND

SUYDAM REALTY COMPANY LIMITED, hereinafter called the "Company"
of the Second Part.

Whereas by a conveyance bearing even date herewith, the Company has granted to the Corporation without payment of other than a nominal sum, an easement over certain lands of the Company therein described.

And whereas as part of the consideration for such conveyance, the Corporation has agreed to exempt the lands of the Company therein and hereinafter described, from taxation.

Now therefore this agreement witnesseth that in consideration of a conveyance from the Company to the Corporation bearing even date herewith of an easement as therein described (the receipt whereof is hereby acknowledged) and the sum of One Dollar, the Corporation hereby covenants to and with the Company to exempt from municipal taxation, from the first day of January, 1927, and so long thereafter as a bridge structure is maintained thereover, the following lands:

All and Singular that certain parcel or tract of land and premises situate, lying and being, in the Township of East York, in the County of York and Province of Ontario, containing by admeasurement one-half acre, more or less, and being composed of part of the east half of lot Eleven (11) in the Third Concession from the Bay, in the Township of East York, and further described as part of Block "L" according to a plan deposited in the Registry Office for the Registry Division of the East and West Ridings of the County of York as deposit plan 420, and which said parcel may be more particularly described as follows:

Commencing at a point in the northerly limit of the original road allowance between Concession Two and Three in the said Township of East York (now closed), and being in the Northerly limit of a plan registered in the office of the land Titles for the County of York, as Number M. 444, said point being distant seventy-nine feet five and one-half inches (79' 5½") measured Easterly thereon from the North-west angle of Lot Number 48, according to said plan Number M. 444.

Thence North twenty-two degrees eleven minutes West (N.22° 11' W.) three hundred and twenty-six feet and one inch (326' 1") to a point where it is intersected by the fence forming the Northerly limit of Block "L" according to said Deposit plan 420.

Thence North sixty-six degrees and nine minutes East (N. 66° 9'E.) along said fence line sixty-six feet and one-half inch (66' 0½") to a point.

Thence South twenty-two degrees and eleven minutes east (S.22° 11'E) three hundred and thirty-four feet two inches (334' 2") to a point in the northerly limit of said Plan M. 444.

Thence South seventy-four degrees fifty-three minutes West (S.74° 53'W) along the said northerly limit sixty-six feet six inches (66' 6") to the point of commencement.

The Corporation hereby covenants and agrees with the Company that the Corporation will apply to the next session of the Legislature of the Province of Ontario for private legislation enabling the Corporation, in so far as it may not now have authority, to exempt the lands of the company hereinbefore described, from municipal taxation.

This agreement shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns.

In witness whereof the parties hereto have hereunto subscribed their Corporate Seals and the signatures of their respective proper officers.

Signed, Sealed and Delivered }
in the presence of }

R. H. MCGREGOR, [SEAL]
Reeve.
H. E. GODDARD,
Clerk.



No. 12.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the East York-
Leaside Viaduct.

1st Reading, 17th February	1927.
2nd Reading,	1927.
3rd Reading,	1927.

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

MR. MACAULAY.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Township of East York.

WHEREAS the corporation of the township of East Preamble.
York has by its petition prayed for special legislation:

(a) Amending section 5 (c) of chapter 119 of an Act passed in the fifteenth year of the reign of His Majesty King George V, and declaring such amendments to be retroactive to the date of the Act so amended;

(b) Declaring a local improvement work initiated and undertaken pursuant to By-law number 5257 of the township of York, to have been initiated and undertaken pursuant to *The Township of East York Act, 1925*.

(c) Authorizing the council of the corporation by by-law to fix a rate less than the amount recommended by the engineer's report prepared pursuant to By-law number 976 of the corporation of the township of East York to be assessed as an annual rate per foot frontage in satisfaction of the owners' portion of the cost of the work defined by said By-law number 976;

(d) Authorizing the said corporation to establish and maintain a department of industries and to expend money in carrying on the work of such department;

(e) Authorizing the said corporation to prepare separate ballot papers for municipal elections;

(f) Authorizing the corporation of the township of East York to sell certain lands for arrears of taxes.

And whereas it is deemed 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. This Act may be cited as the *Township of East York* Short title.
Act, 1927.

1925, c. 119, amended. **2.**—(1) Section 5 (*c*) of chapter 119, of an Act passed in the fifteenth year of the reign of His Majesty King George V, is amended by adding after the word “sewers” in the seventh line thereof the words “or water mains,” and by adding after the word “sewers” in the ninth line thereof the words “or water mains,” and after the word “sewer” in the fourteenth line thereof the words “or water mains.”

1925, c. 119, amended. (2) Section 5 (*d*) of chapter 119, of an Act passed in the fifteenth year of the reign of His Majesty King George V, is amended by adding after the word “sewers” in the fourth line thereof, the words “or water mains.”

Amendment made retro-active. (3) The provisions of subsection 1 hereof shall be deemed to have been in force on and after the 1st day of January, A.D. 1924.

Certain work declared to be under 1925, c. 119, **3.** The “work” undertaken by the township of East York under By-law number 5257 of the township of York, dated the 21st day of April, A.D. 1921, being the construction of a twelve-inch water main on Cosburn Avenue from Donlands Avenue to Woodbine Avenue, shall be deemed, and is hereby declared to have been initiated and constructed under and pursuant to the provisions of *The Township of East York Act, 1925*, as amended by this Act, and the cost thereof may be assessed and debentures issued therefor, pursuant to the said *The Township of East York Act, 1925*.

Power to decrease owners' share of cost. 1925, c. 119. **4.** Notwithstanding the recommendation of the engineer's report made pursuant to By-law number 976 of the corporation of the township of East York, dated the 24th day of September, A.D. 1926, and notwithstanding the advertisement published pursuant to said By-law number 976 and the provisions of *The Township of East York Act, 1925*, the council of the corporation of the township of East York may by by-law pursuant to section 5 (*c*) of *The Township of East York Act, 1925*, as amended by this Act, provide that any lesser sum than twenty three and one-half cents may be charged as an annual rate per foot frontage in satisfaction of the owners' portion of the cost of the work defined by said By-law number 976.

Power to establish Department of Industries. **5.** The council of the corporation of the township of East York may pass by-laws for the establishment and maintenance of a department of industries and for appointing a commissioner of industries to bring to the notice of manufacturers and others, the advantages of the township as a location for industrial enterprises, residential, educational and other purposes, and may expend a sum not exceeding in any year \$3,000, in carrying on the work of the said department.

6.—(1) There shall be prepared one set of ballot papers for all the polling subdivisions containing the names of the candidates for reeve of the township of East York, another set for all the polling subdivisions containing the names of the candidates for first deputy reeve, another set for all the polling subdivisions containing the names of candidates for second deputy reeve, another set for all the polling subdivisions containing the names of candidates for third deputy reeve, and another set for all the polling subdivisions containing the names of candidates for councillor.

Ballot papers
for council.

(2) There shall also be prepared one set of ballot papers for all the polling subdivisions containing the names of the candidates for Hydro or public utility commissioners.

Ballot
papers for
Public
Utility
Commis-
sioners.

7. "Occupied lands" or "lands built upon" otherwise liable for sale in the year 1927, for arrears of taxes, pursuant to the provisions of *The Assessment Act*, may be sold by the corporation of the township of East York, notwithstanding the failure of the clerk of the township of East York in making out the collector's roll of the year 1926, to add thereto, pursuant to section 129 of *The Assessment Act*, arrears of taxes then outstanding to the taxes assessed against such "occupied lands" and "lands built upon" for the year 1926.

Sale of land
for taxes
notwith-
standing
omission
from 1926
collector's
roll, of out-
standing
taxes.

Rev. Stat., c.
195.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of
Act.

No. 13.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Township of
East York.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. MACAULAY.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend An Act to incorporate the Young Women's Christian Association of London, Ontario.

WHEREAS The Young Women's Christian Association Preamble.
of London, Ontario, has by petition represented that it was incorporated by an Act passed in the fifth year of the reign of His Majesty King Edward the Seventh, chaptered 124, with power to acquire and hold real estate in the city of London, and has also by the said petition represented that it is expedient that the Association be authorized to acquire and hold for its purposes real estate or any interest therein in any place or places in the Province of Ontario; 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. This Act may be cited as *The London Young Women's* Short title.
Christian Association Act, 1927.

2. Section 1 of the Act passed in the fifth year of the Power to hold lands extended.
reign of His Majesty King Edward the Seventh, chaptered 124, is amended by striking out of the eighteenth and nineteenth lines of the said section the words "in the City of 1905, c. 124, amended.
London," and inserting in lieu thereof the words, "or any interest therein in any place or places in the Province of Ontario."

3. This Act shall come into force on the day upon which Commencement of Act.
it receives the Royal Assent.

No. 14.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend An Act to incorporate
the Young Women's Christian Asso-
ciation of London, Ontario.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. MOORE.

TORONTO :

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend An Act to incorporate the Young Women's Christian Association of London, Ontario.

WHEREAS The Young Women's Christian Association Preamble.
of London, Ontario, has by petition represented that it was incorporated by an Act passed in the fifth year of the reign of His Majesty King Edward the Seventh, chaptered 124, with power to acquire and hold real estate in the city of London, and has also by the said petition represented that it is expedient that the Association be authorized to acquire and hold for its purposes real estate or any interest therein in any place or places in the Province of Ontario; 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. This Act may be cited as *The London Young Women's Christian Association Act, 1927.* Short title.

2. Section 1 of the Act passed in the fifth year of the reign of His Majesty King Edward the Seventh, chaptered 124, is amended by striking out of the eighteenth and nineteenth lines of the said section the words "in the City of London," and inserting in lieu thereof the words, "or any interest therein in any place or places in the Province of Ontario," and by adding at the end of the said section the words "Provided that any land acquired and held by the said corporation outside of the city of London shall not be exempt from taxation for any purpose."
Power to hold lands extended.
1905, c. 124, amended.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

No. 14.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend An Act to incorporate
the Young Women's Christian Asso-
ciation of London, Ontario.

1st Reading,	17th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

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

MR. MOORE.

TORONTO :
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Township of North York.

WHEREAS the corporation of the township of North York has by its petition prayed for special legislation in regard to the matters 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 consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Township of North York Act, 1927.*

2.—(1) Subject to subsection 2 of this section, all sales of land within the township of North York made prior to the 31st day of December, 1925, which purport to have been made by the treasurer of the said township of North York for arrears of taxes levied on the lands so sold, and for which tax deeds have been executed and delivered by the reeve and treasurer of the said township of North York, are hereby validated and confirmed and all tax deeds of the lands so sold shall vest the said lands in the purchaser, his heirs and assigns in fee simple, free and clear of and from all title or interest whatsoever of the owner or owners thereof at the time of such sale or his, her or their assigns and all charges or encumbrances thereon and dower therein, except taxes accrued since those for non-payment whereof the said lands were so sold.

(2) Nothing in this section contained shall affect any action or other proceeding now pending, and such action or other proceeding may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act has not been passed.

3. By-laws may be passed by the council of the township of North York for exercising all or any of the powers conferred on the councils of urban municipalities by sections 401 and 402 of *The Consolidated Municipal Act, 1922.*

By-law
No. 382
confirmed.

4. By-law Number 382 of the township of North York passed by the council on the 19th day of July, 1926, to establish and regulate a market within the township of North York and set out as Schedule "A" hereto, is confirmed and declared to be legal, valid and binding on the said corporation and the ratepayers thereof.

By-law
No. 418
confirmed.

5. By-law Number 418 of the township of North York passed by the council on the 10th day of January, 1927, to authorize the borrowing of \$17,303.75 upon debentures to pay for the construction of watermains in Water Area Number 2 of the said township is hereby confirmed and declared to be legal, valid and binding upon the corporation of the township of North York and upon the property liable for any rate or assessment imposed by or under the authority of the said by-law.

Commence-
ment of
Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A".

BY-LAW No. 382.

TOWNSHIP OF NORTH YORK.

Whereas it is expedient to establish a market in the Township of North York and to provide rules and regulations relating to the management of the said market.

Therefore the Council of the Corporation of the Township of North York enacts as follows:

1. The public market in the Township of North York shall be named and designated "The York Market, Yonge Street."

2. The following shall be the limits of the said market: Commencing at a point on the north limit of the city of Toronto 1,000 feet west of the west limit of Yonge Street; thence easterly following the north limit of the City of Toronto to a point 600 feet east of the east limit of Yonge Street; thence northerly parallel to Yonge Street to the north limit of 20th Avenue east; thence westerly along the north limit of 20th Avenue East and 20th Avenue West to a point 1,000 feet west of the west limit of Yonge Street; thence south parallel to Yonge Street to the point of commencement.

Provided always that any part of the said market which may be in or upon any of the streets or lanes of the said Township shall at all times subsidiary to the use of the lanes, streets or thoroughfares respectively and shall be so used as not to wholly or seriously obstruct traffic therein.

3. The Council of the Township of North York, upon the recommendation of the York County Market Committee, shall appoint an officer to be known as the Superintendent of the York Market, whose duties shall be:

(a) To allocate and rent by the day or week or month, as may seem meet, the counters constructed for the use of producers, gardeners and farmers who desire to retail their produce.

(b) To classify and confine to its individual section each branch of trade.

(c) To prevent encroachment by those who may attempt to take advantage of the facilities offered without paying a rental therefor.

(d) To see that standard weights and measures are observed and, in the event of dispute as to same, to decide between the parties.

(e) To have general oversight of the staff engaged; direction of the traffic and internal arrangements; to collect the rentals from the stalls and counters and to pay the same over to the Township Treasurer weekly.

4. The York Market shall be used only by farmers or producers of garden, farm or dairy products. All produce offered for sale on the said market shall be produced in Canada and at least seventy-five per cent. of the produce offered for sale by each person using the said market shall be produced by the person offering same for sale.

5. The Superintendent may assign a place for the day in the said market to any person entitled to use the same.

6. The market shall be opened at eight o'clock in the morning and shall close at five o'clock in the afternoon on such days except Sundays, as the Superintendent may direct, but the Superintendent may, if he sees fit, direct that the said market be kept open later than five o'clock in the afternoon.

7. Every person selling meat or articles of provision by retail, whether by weight or count or measure, shall provide himself with scales, weights and measures, regularly stamped, marked and duly adjusted by the Inspector of weights and measures.

8. Every person who sells, attempts to sell or expose for sale any article or articles of provision in the said market by light weight, short amount or short measurement, shall be subject to the penalties of this by-law and in addition to the said penalties all such articles of provision shall be forfeited to the Inspector of Markets and the article or articles so forfeited shall be given to such charity or to such charitable institutions as may be directed by the Reeve of the Township.

9. No person having any stall or counter in any of the markets shall sublet the same or place or leave anyone therein in pretence of taking charge of the same without having first obtained leave in writing from the Superintendent of the market.

10. No person shall place or cause or permit to be placed in any of the open spaces within the boundaries of the said market any baggage, table, chair or any other article whatever which may be calculated to obstruct the free use of the same, without first having obtained leave in writing from the Superintendent.

11.—(1) No market fees shall be charged but the following rental shall be collected for the use of counter space 3 feet 6 inches in length by the width of the counter in the building erected in the said market:

(a) For residents of the County of York, 25 cents per day.

(b) For non-residents of the County of York, 50 cents per day.

(2) All rental for counter space in the said building shall be paid to the Superintendent of the market in advance.

(3) The Superintendent may rent said space by the month and in that case the rental, calculated at the rates mentioned in Paragraph (1) of this section, shall be paid monthly in advance.

12. If counter space is not occupied by the person renting the same before the hour of nine o'clock in the morning such space may be re-assigned by the Superintendent for the day to some other farmer or producer.

13. All persons using space in the said market shall remove all refuse immediately after the closing of the market for the day and leave such space in a clean, sanitary condition satisfactory to the Superintendent.

14. The Chief Constable and the Sanitary Inspector of the Township of North York shall be the Inspector of Markets and it shall be his duty to enforce all the provisions of this by-law.

15. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding Fifty Dollars exclusive of costs.

16. This by-law shall come into force on the day of the final passing thereof.

Passed this 19th day of July, 1926.

(Sgd.) R. F. HICKS,
Reeve.

H. D. GOODE,
Clerk.

No. 15.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Township of North
York.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. MACAULAY.

TORONTO :

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Township of North York.

WHEREAS the corporation of the township of North York has by its petition prayed for special legislation in regard to the matters 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 consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Township of North York Act, 1927.*

2.—(1) Subject to subsection 2 of this section, all sales of land within the township of North York made prior to the 31st day of December, 1925, which purport to have been made by the treasurer of the said township of North York for arrears of taxes levied on the lands so sold, and for which tax deeds have been executed and delivered by the reeve and treasurer of the said township of North York, are hereby validated and confirmed and all tax deeds of the lands so sold shall vest the said lands in the purchaser, his heirs and assigns in fee simple, free and clear of and from all title or interest whatsoever of the owner or owners thereof at the time of such sale or his, her or their assigns and all charges or encumbrances thereon and dower therein, except taxes accrued since those for non-payment whereof the said lands were so sold.

(2) Nothing in this section contained shall affect any action or other proceeding now pending, and such action or other proceeding may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act has not been passed.

3. By-law Number 382 of the township of North York passed by the council on the 19th day of July, 1926, to establish and regulate a market within the township of North York and set out as Schedule "A" hereto, is confirmed and

declared to be legal, valid and binding on the said corporation and the ratepayers thereof.

By-law
No. 418
confirmed.

4. By-law Number 418 of the township of North York passed by the council on the 10th day of January, 1927, to authorize the borrowing of \$17,303.75 upon debentures to pay for the construction of watermains in Water Area Number 2 of the said township is hereby confirmed and declared to be legal, valid and binding upon the corporation of the township of North York and upon the property liable for any rate or assessment imposed by or under the authority of the said by-law.

Commence-
ment of
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A".

BY-LAW No. 382.

TOWNSHIP OF NORTH YORK.

Whereas it is expedient to establish a market in the Township of North York and to provide rules and regulations relating to the management of the said market.

Therefore the Council of the Corporation of the Township of North York enacts as follows:

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2. The following shall be the limits of the said market: Commencing at a point on the north limit of the city of Toronto 1,000 feet west of the west limit of Yonge Street; thence easterly following the north limit of the City of Toronto to a point 600 feet east of the east limit of Yonge Street; thence northerly parallel to Yonge Street to the north limit of 20th Avenue east; thence westerly along the north limit of 20th Avenue East and 20th Avenue West to a point 1,000 feet west of the west limit of Yonge Street; thence south parallel to Yonge Street to the point of commencement.

Provided always that any part of the said market which may be in or upon any of the streets or lanes of the said Township shall at all times subsidiary to the use of the lanes, streets or thoroughfares respectively and shall be so used as not to wholly or seriously obstruct traffic therein.

3. The Council of the Township of North York, upon the recommendation of the York County Market Committee, shall appoint an officer to be known as the Superintendent of the York Market, whose duties shall be:

(a) To allocate and rent by the day or week or month, as may seem meet, the counters constructed for the use of producers, gardeners and farmers who desire to retail their produce.

(b) To classify and confine to its individual section each branch of trade.

(c) To prevent encroachment by those who may attempt to take advantage of the facilities offered without paying a rental therefor.

(d) To see that standard weights and measures are observed and, in the event of dispute as to same, to decide between the parties.

(e) To have general oversight of the staff engaged; direction of the traffic and internal arrangements; to collect the rentals from the stalls and counters and to pay the same over to the Township Treasurer weekly.

4. The York Market shall be used only by farmers or producers of garden, farm or dairy products. All produce offered for sale on the said market shall be produced in Canada and at least seventy-five per cent. of the produce offered for sale by each person using the said market shall be produced by the person offering same for sale.

5. The Superintendent may assign a place for the day in the said market to any person entitled to use the same.

6. The market shall be opened at eight o'clock in the morning and shall close at five o'clock in the afternoon on such days except Sundays, as the Superintendent may direct, but the Superintendent may, if he sees fit, direct that the said market be kept open later than five o'clock in the afternoon.

7. Every person selling meat or articles of provision by retail, whether by weight or count or measure, shall provide himself with scales, weights and measures, regularly stamped, marked and duly adjusted by the Inspector of weights and measures.

8. Every person who sells, attempts to sell or expose for sale any article or articles of provision in the said market by light weight, short amount or short measurement, shall be subject to the penalties of this by-law and in addition to the said penalties all such articles of provision shall be forfeited to the Inspector of Markets and the article or articles so forfeited shall be given to such charity or to such charitable institutions as may be directed by the Reeve of the Township.

9. No person having any stall or counter in any of the markets shall sublet the same or place or leave anyone therein in pretence of taking charge of the same without having first obtained leave in writing from the Superintendent of the market.

10. No person shall place or cause or permit to be placed in any of the open spaces within the boundaries of the said market any baggage, table, chair or any other article whatever which may be calculated to obstruct the free use of the same, without first having obtained leave in writing from the Superintendent.

11.—(1) No market fees shall be charged but the following rental shall be collected for the use of counter space 3 feet 6 inches in length by the width of the counter in the building erected in the said market:

(a) For residents of the County of York, 25 cents per day.

(b) For non-residents of the County of York, 50 cents per day.

(2) All rental for counter space in the said building shall be paid to the Superintendent of the market in advance.

(3) The Superintendent may rent said space by the month and in that case the rental, calculated at the rates mentioned in Paragraph (1) of this section, shall be paid monthly in advance.

12. If counter space is not occupied by the person renting the same before the hour of nine o'clock in the morning such space may be re-assigned by the Superintendent for the day to some other farmer or producer.

13. All persons using space in the said market shall remove all refuse immediately after the closing of the market for the day and leave such space in a clean, sanitary condition satisfactory to the Superintendent.

14. The Chief Constable and the Sanitary Inspector of the Township of North York shall be the Inspector of Markets and it shall be his duty to enforce all the provisions of this by-law.

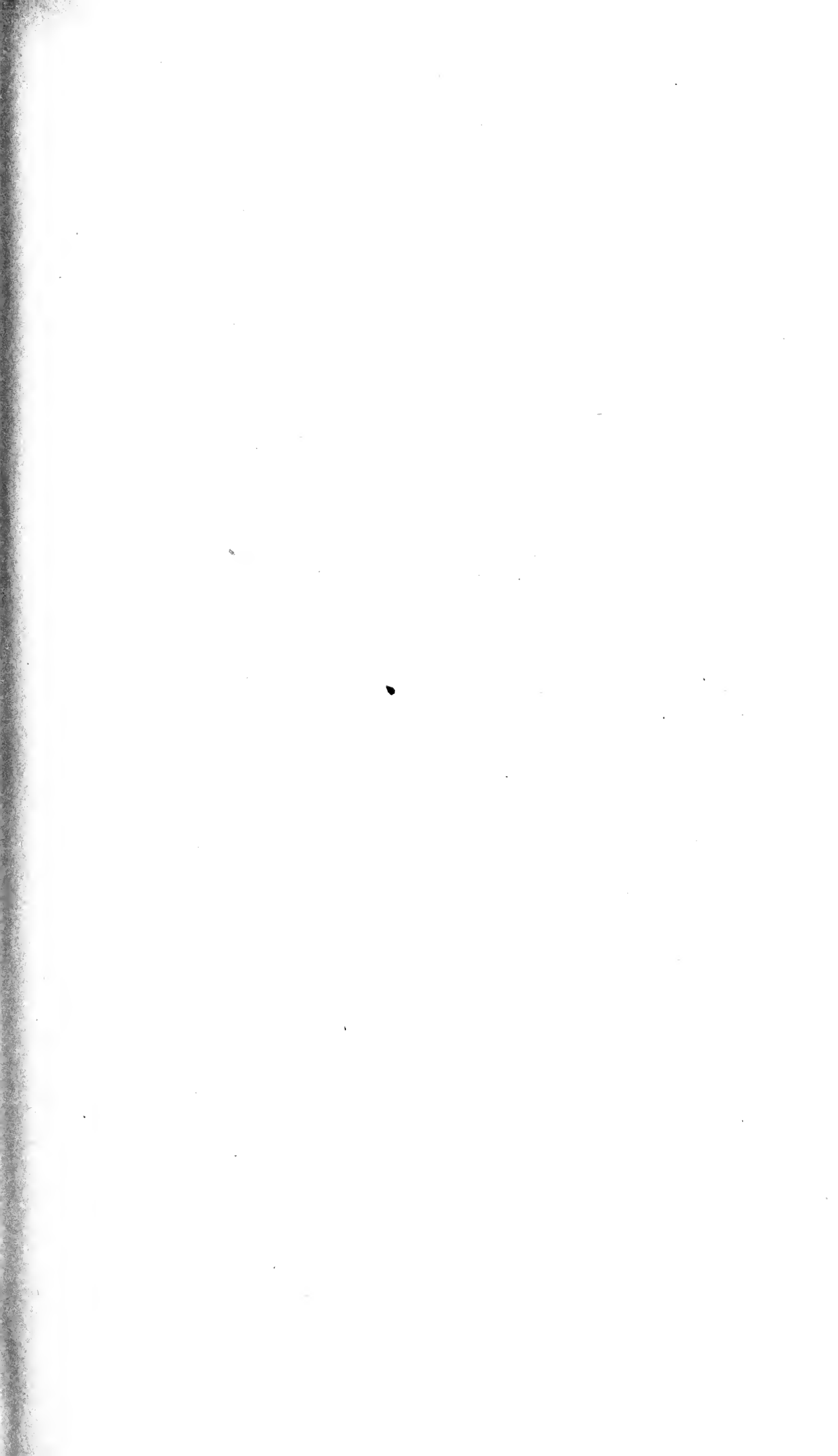
15. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding Fifty Dollars exclusive of costs.

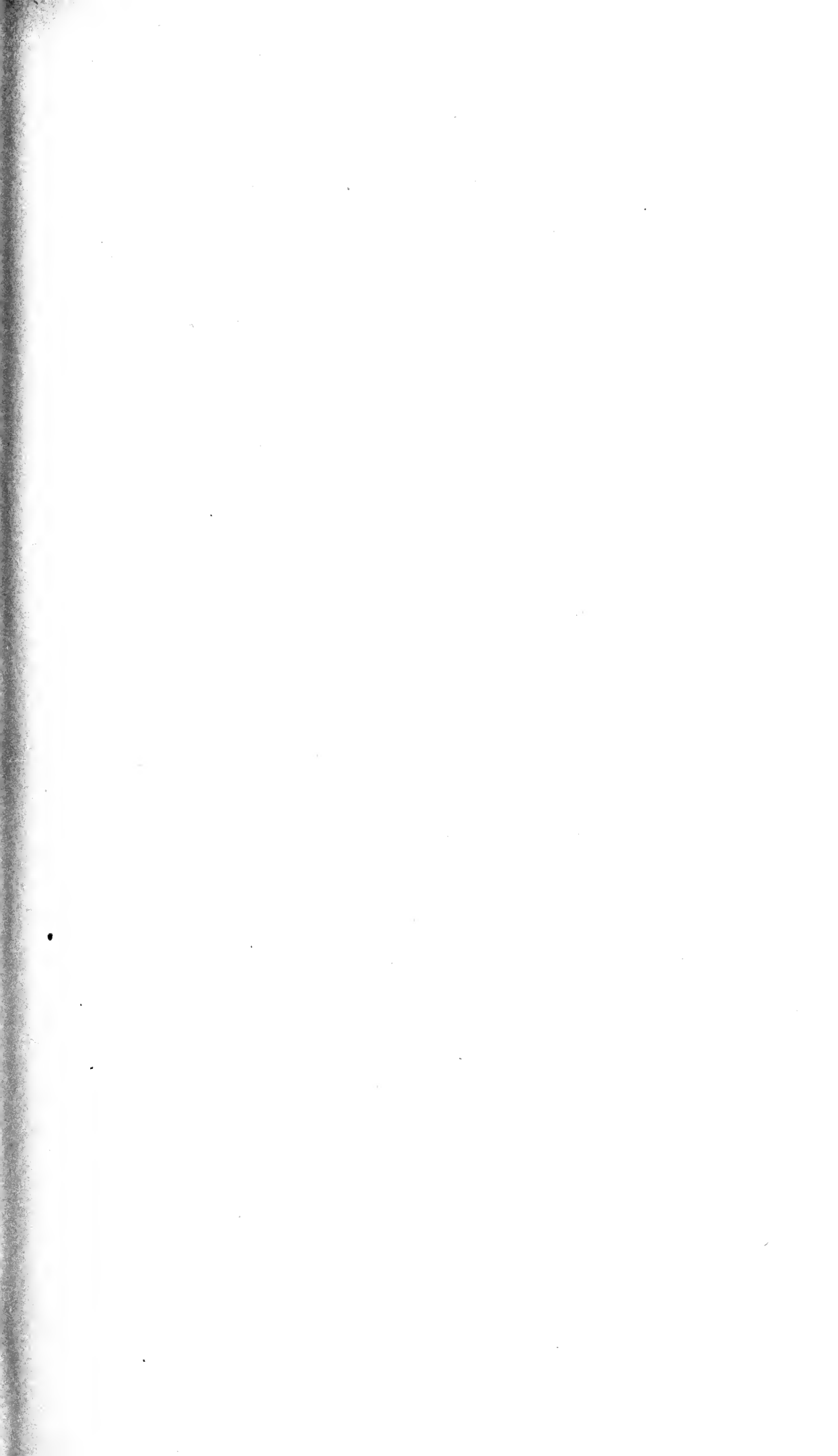
16. This by-law shall come into force on the day of the final passing thereof.

Passed this 19th day of July, 1926.

(Sgd.) R. F. HICKS,
Reeve.

H. D. GOODE,
Clerk.





No. 15.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Township of North
York.

1st Reading, 8th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

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

MR. MACAULAY.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Village of Forest Hill.

WHEREAS the corporation of the village of Forest Hill Preamble. has by its petition prayed for special legislation in regard to the matters 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 consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Village of Forest Hill Act*, Short title. 1927.

2.—(1) The corporation of the village of Forest Hill may pass by-laws, to provide that when the construction of a watermain or water pipe undertaken and constructed as a local improvement under the provisions of *The Local Improvement Act* is used both as a trunk main and as a service pipe, such part of the cost of construction thereof, including any claim for compensation for damages arising out of or incidental to the same, as the council of the said corporation may by a vote of two-thirds of all the members determine, shall be raised by a special rate on all the rateable property in the municipality and the balance thereof as provided in section 19 of *The Local Improvement Act*. Assessment of cost of certain water-mains against corporation.

(2) The provisions of subsection 1 shall be deemed to have been in force on and after the first day of January, 1925. Rev. stat., c. 193.

3. All sales of lands within the village of Forest Hill made in the year 1925, which purport to have been made by the said corporation for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, and all conveyance of lands so sold, executed by the reeve and treasurer of the said corporation, purporting to convey the said lands so sold to the purchaser thereof, or his, her, or their assigns, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold or conveyed or purporting to be sold or conveyed to the purchaser, or his, her or their assigns, Confirmation of tax sales and deeds.

in fee simple, free and clear of and from all right, title and interest whatsoever of the owner or owners thereof at the time of such sale or his, her or their assigns, and all charges and encumbrances thereon and dower therein, except taxes accrued or accruing since those for which payment whereof the said lands were sold.

Power to
change date
of nomin-
ations and
elections.

4. The council of the corporation of the village of Forest Hill may by by-law passed not later in the year than the 15th of November, provide that the meeting of electors for the nomination of candidates for reeve, deputy reeve or reeves, councillors and school trustees, if necessary, shall be held on the 21st day of December, except where that day is a Sunday and in that case on the preceding Friday, and that the polling shall take place on the first day of January next thereafter, except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed.

No. 17.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Corporation of the
Village of Forest Hill.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. MACCAULAY.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Village of Forest Hill.

WHEREAS the corporation of the village of Forest Hill Preamble.
has by its petition prayed for special legislation in
regard to the matters 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
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

1. This Act may be cited as *The Village of Forest Hill Act*, Short title.
1927.

2.—(1) The corporation of the village of Forest Hill may Assessment
pass by-laws, to provide that when the construction of a of cost of cer-
watermain or water pipe undertaken and constructed as a tain water-
local improvement under the provisions of *The Local Improve- mains
ment Act is used both as a trunk main and as a service pipe, against
such part of the cost of construction thereof, including any corporation.
claim for compensation for damages arising out of or incidental
to the same, as the council of the said corporation may by a
vote of two-thirds of all the members determine, shall be
raised by a special rate on all the rateable property in the
municipality and the balance thereof as provided in section
19 of *The Local Improvement Act*.*

Rev. stat.,
c. 193.

(2) The provisions of subsection 1 shall be deemed to have Subsection 1
been in force on and after the first day of January, 1925. made retro-
active.

3.—(1) All sales of lands within the village of Forest Hill Confirma-
made in the year 1925, which purport to have been made by tion of
the said corporation for arrears of taxes in respect of the lands tax sales
so sold, are hereby validated and confirmed, and all convey- and deeds.
ance of lands so sold, executed by the reeve and treasurer of
the said corporation, purporting to convey the said lands so
sold to the purchaser thereof, or his, her, or their assigns, are
hereby validated and confirmed, and shall have the effect
of vesting the lands so sold or conveyed or purporting to be
sold or conveyed to the purchaser, or his, her or their assigns,

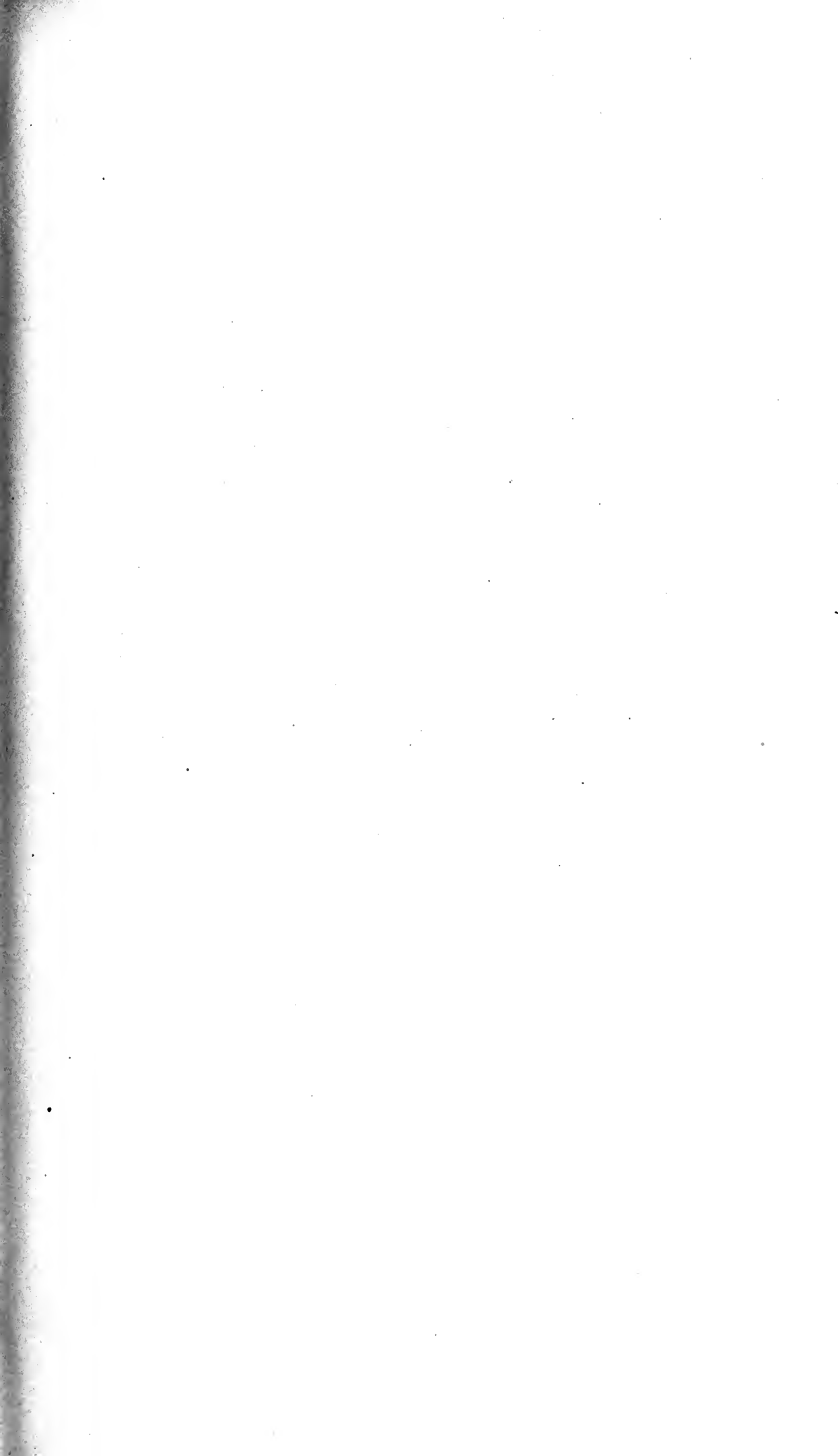
in fee simple, free and clear of and from all right, title and interest whatsoever of the owner or owners thereof at the time of such sale or his, her or their assigns, and all charges and encumbrances thereon and dower therein, except taxes accrued or accruing since those for which payment whereof the said lands were sold.

Pending litigation not affected.

(2) Nothing in this section contained shall affect any action or other proceeding now pending, and such action or other proceeding may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act has not been passed.

Power to change date of nominations and elections.

4. The council of the corporation of the village of Forest Hill may by by-law passed not later in the year than the 15th of November, provide that the meeting of electors for the nomination of candidates for reeve, deputy reeve or reeves, councillors and school trustees, if necessary, shall be held on the 21st day of December, except where that day is a Sunday and in that case on the preceding Friday, and that the polling shall take place on the first day of January next thereafter, except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed.



No. 17.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Corporation of the
Village of Forest Hill.

1st Reading, 8th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

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

MR. MACADUAY.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Cobalt.

WHEREAS the corporation of the town of Cobalt, in the Preamble. district of Temiskaming, has by petition represented that it is desirable to authorize the said council, notwithstanding the provisions of *The Statute Labour Act* and *The Assessment Act*, to pass a by-law fixing the poll tax at an amount not to exceed ten dollars (\$10); 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. This Act may be cited as *The Town of Cobalt Act, 1927*. Short title.
2. The council of the corporation of the town of Cobalt may, by by-law, fix the tax payable under the provisions of section 4 of *The Statute Labour Act* at an amount not to exceed ten dollars (\$10). Right to fix amount of poll tax. Rev. Stat., c. 196.
3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

No. 18.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of Cobalt.

1st Reading,	1927
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill*)

MR. KENNEDY (Temiskaming).

TORONTO :

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Township of Cornwall.

WHEREAS the municipal corporation of the township Preamble. of Cornwall, in the county of Stormont, has by its petition represented that on the seventeenth day of May, A.D. 1926, the said corporation entered into an agreement with the Canadian Cellulose Company, Limited, a body corporate, having its chief place of business at the city of Montreal, in the province of Quebec, whereby the said company agreed to establish within the municipal boundaries of the said corporation a mill for the purpose of manufacturing bleached soda pulp, and to equip and operate the same, and whereby the said corporation agreed to fix the assessment of the lands and buildings at a sum equal to that at which the land was assessed to the Howard Smith Paper Mills, Limited, who were then the owners of said lands, which assessment amounted to \$800; and whereas under and by the said agreement the said company agreed to construct certain buildings and install machinery and equipment therein at a certain cost and to employ certain operatives therein, which agreement is set out in schedule "B" hereto; and whereas the said corporation by its by-law numbered 1109 for the year 1926, as set out in schedule "A" hereto, did authorize and empower the reeve and clerk of the said corporation to execute the said agreement and attach the seal of the corporation thereto; and whereas the said corporation has by its petition represented that the establishment of the said industry within the corporate limits of the said corporation will be of great advantage to the said corporation; and whereas the said corporation has by its said petition prayed that an Act may be passed validating and making legal and binding the said by-law and the said agreement; 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. This Act may be cited as *The Township of Cornwall Act, 1927.*

By-law No.
1109 con-
firmed.

2.—(1) Subject to subsection 2, by-law number 1109 of the municipal corporation of the township of Cornwall, in the county of Stormont, for the year 1926, as set forth in schedule "A" to this Act, and the agreement therein referred to between the said corporation and the said Canadian Cellulose Company, Limited, as set forth in schedule "B" to this Act, are declared valid and binding upon the said municipal corporation and the ratepayers thereof and upon the said company.

Local
improve-
ments and
school taxes
excepted.

(2) Notwithstanding anything therein contained the said by-law and agreement shall not affect or apply to taxation for school purposes or local improvements.

SCHEDULE "A."

BY-LAW OF THE TOWNSHIP OF CORNWALL, NUMBER 1109.

Whereas certain Capitalists, who intend to be incorporated under the name of the Canadian Cellulose Company Limited, propose to locate in the Township of Cornwall, and to erect, on property which they propose to lease or purchase from the Howard Smith Paper Mills Limited, a mill for the purpose of manufacturing bleached soda pulp, representing that the said Mill, when erected, will have a capacity of about twelve thousand tons, yearly, and that they will employ about fifty men in the operation of the said Mill in the Township of Cornwall and they propose erecting the buildings and installing in the same the necessary machinery, and have asked, as an inducement for them to erect this plant in the said Township of Cornwall, that the said buildings and machinery should be exempt from taxation for all purposes whatsoever, except School purposes and such local improvement taxation as they will be assessed for, for a period of ten (10) years.

And whereas the said Municipal Corporation of the Township of Cornwall have consented to pass a By-law for that purpose.

Be it therefore enacted a By-law of the said Corporation of the Township of Cornwall, that in consideration of the said Company to be incorporated under the name of the Canadian Cellulose Company Limited, erecting buildings and installing in the same the necessary machinery for manufacturing bleached soda pulp, upon part of the property now owned and assessed to the Howard Smith Paper Mills Limited, such plant, when erected, to have an annual capacity of about twelve thousand tons, and to employ about fifty men, in and around the said plant, the land to be occupied by the said plant shall be assessed for the same amount as it is now assessed to the Howard Smith Paper Mills Limited and that the buildings and machinery to be erected thereon, shall be exempt from all assessments for all purposes whatever, except for School purposes and for such local improvement taxation as they may be liable for, for a period of ten (10) years from the completion of the said Mill, and as to the Assessment for School purposes, it shall be fixed at the sum of Twenty thousand dollars (\$20,000) and the said Company shall pay for School purposes the School taxes upon the said assessment.

This By-law shall come into effect when approved by Order-in-Council and as provided by Subsection "D" of Section 5 of *The Municipal Franchise Act*.

All expenses in connection with the procuring of the approval by said Order-in-Council shall be paid by the Company.

Passed, signed and sealed in open Council this 17th day of May, A.D. 1926.

(Sgd.) J. McDONALD, *Reeve*.

(Sgd.) J. W. McLEOD, *Clerk*.

SCHEDULE "B."

Articles of agreement made and entered into this seventeenth day of May, A.D. 1926.

BETWEEN:

THE CANADIAN CELLULOSE COMPANY LIMITED, a body politic and corporate and having its chief place of business in the City of Montreal, hereinafter called the "Company,"

of the first part,

—and—

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF CORNWALL, in the County of Stormont, hereinafter called the "Corporation,"

of the second part.

Whereas the above-named Company have made arrangements to lease or purchase certain lands and premises from the Howard Smith Paper Mills Limited, being part of Lot Thirteen and Fourteen in the first concession of the said Township of Cornwall, for the purpose of erecting a Mill thereon and installing the same with machinery for manufacturing bleached soda pulp.

And whereas the said Company have asked that the Corporation pass a By-law exempting them from certain taxation to be set out in the By-law to be passed by the said Corporation.

Now therefore in consideration of the premises and the sum of One dollar of lawful money of Canada (\$1.00) paid by the said Company to the said Corporation and by the said Corporation to the said Company, receipt whereof is by each of them respectively acknowledged, the said Company agree that in the event of the said Corporation passing a By-law providing that the land to be occupied by the said Company's plant shall only be assessed for the same amount as it is now assessed to the Howard Smith Paper Mills Limited and that the buildings to be erected thereon together with the machinery installed therein shall be exempt from all assessments for all purposes whatsoever except for School purposes and for such local improvement taxation as they may be liable for, for a period of ten years from the first day of January, 1927, and as to the assessment for School purposes that the same shall be fixed at the sum of Twenty thousand dollars (\$20,000) and the said Company to pay the taxes for School purposes upon such assessment, they the said Company will erect and complete the Mill upon the said property and instal the same with the necessary machinery, said building and machinery to cost at least the sum of Four hundred thousand dollars for the purpose of manufacturing bleached soda pulp which said Mill when erected will have a capacity of about twelve thousand tons yearly and the Company will employ about fifty men in the operation of the said Mill situate in the said Township of Cornwall and the said Mill will be ready for operation on or before the first day of January, 1927, or as nearly thereafter as is possible to have the said Mill erected but they consent to the assessment being fixed upon the said Mill as of the first day of January, 1927, and the Company further agree that they will pay the taxes on the lands to be assessed at the same amount as now assessed to the Howard Smith Paper Mills Limited and they will also pay such local improvement taxation as they may be liable for and also pay such taxes as they may be liable for upon the assessment of twenty thousand dollars (\$20,000) and will do all things necessary to carry out the terms agreed upon herein.

In witness whereof the said Company have executed these presents by their President and Secretary and the said Corporation by their Reeve and Clerk under their separate Corporate Seal.

SIGNED, SEALED AND DELIVERED,

in the presence of:

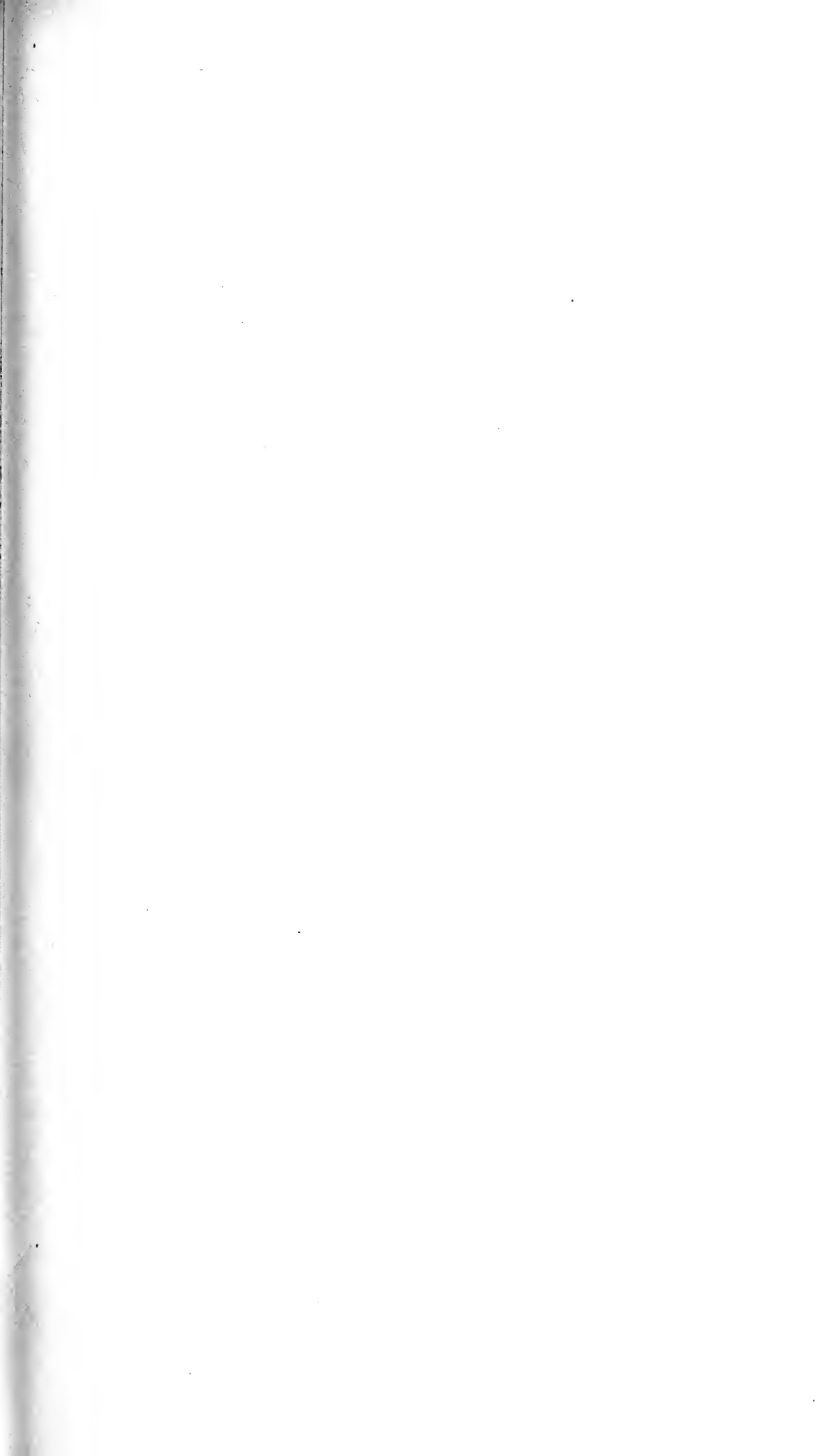
(Sgd.) E. H. JONES,
as to execution by Company.

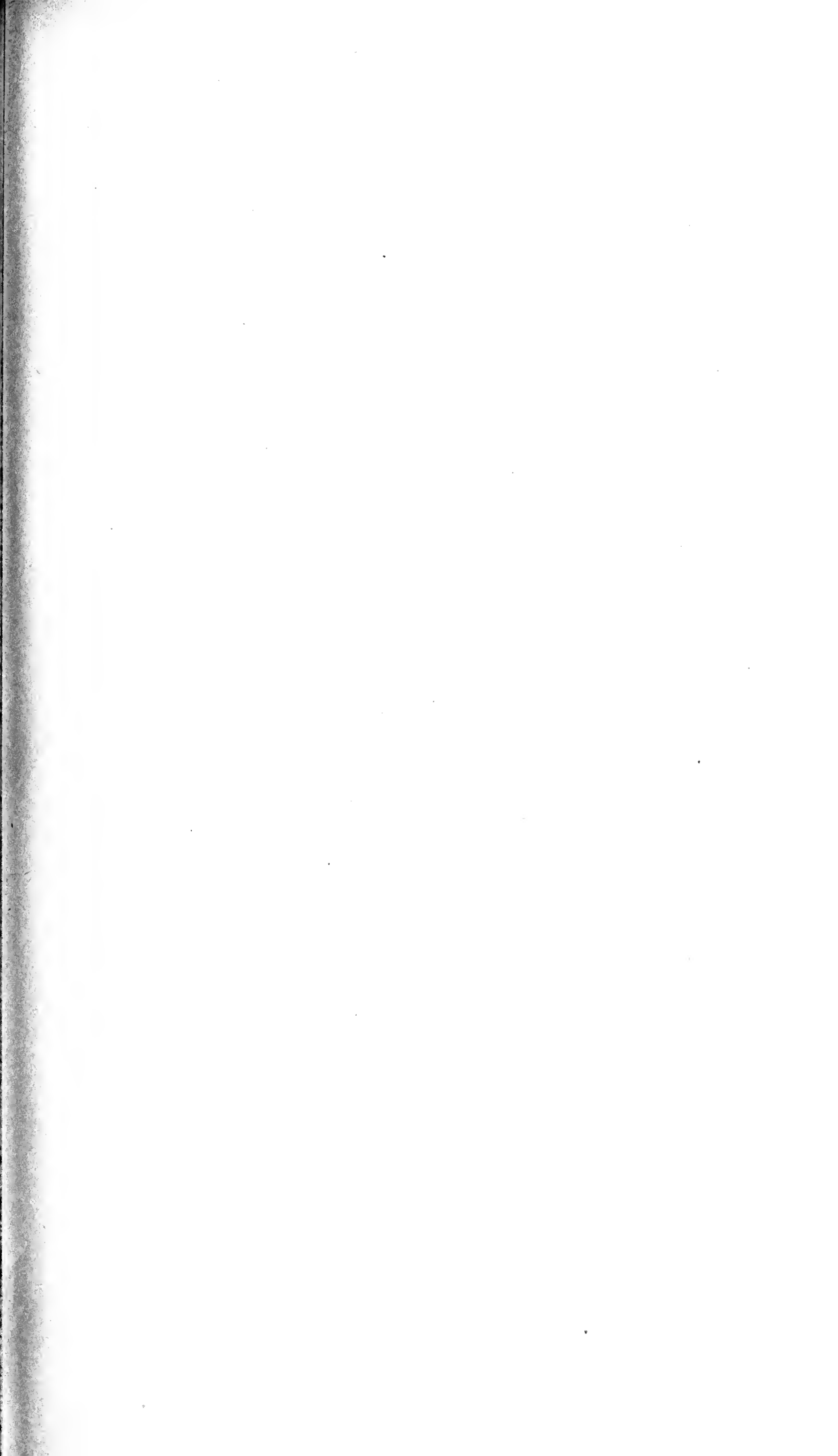
CANADIAN CELLULOSE LIMITED.
(L.S.)

(Sgd.) ABE DAVE,
as to execution by Corporation.

V. McDONALD, Reeve.
J. W. McLEOD, Clerk.

(L.S.)





No. 19.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

The Act respecting the Township
of Cornwall.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. McNAUGHTON.

T O R O N T O :
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Congregation of the Presbyterian Church of Canada in Beaverton.

WHEREAS the congregation of the Presbyterian Church ^{Preamble.} of Canada located in the village of Beaverton has by its petition represented that the vote on the question of the union of the Presbyterian, Methodist and Congregational Churches in Canada carried in the Presbyterian Church in the village of Beaverton by a small majority, and that this vote was afterwards declared by the Ontario Church Property Commission to be illegal, but no machinery was provided to remedy the injustice which resulted to the Presbyterian congregation in question; and that at the present time the congregation of the United Church in Beaverton holds possession of St. Andrews Church, Knox Church and the manse attached thereto, and the church known as The Old Stone Church, and has sold the former Methodist Church; and that the congregation of the Presbyterian Church in Beaverton, the members of which contributed largely to the erection of the then Presbyterian Churches above mentioned, are now without a place in which to worship although the United Church congregation is not now using Knox Church or The Old Stone Church; and whereas the congregation of the Presbyterian Church of Canada in the village of Beaverton has by its petition prayed that an Act be passed conveying to the said congregation the property known as The Old Stone Church in the township of Thorah, and the property known as the manse, formerly known as The Knox Church Manse, and also half the church furnishings and half the fund known as the organ fund, held by the joint congregations prior to the vote on Church Union; 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. This Act may be cited as *The Beaverton Presbyterian Church Act, 1927.* Short title.

Certain property to vest in Board of Trustees for Presbyterian Church.

2. There shall be vested in a board of trustees, to be elected for that purpose by the congregation of the Presbyterian Church of Canada situated in the village of Beaverton, the ownership of two parcels of land described as follows:

- (a) All and singular that portion of the east half of lot number ten (10) in the fourth concession of the township of Thorah in the county of Ontario which has been fenced off for use as a site for a church and burying ground, which church is locally known as "The Old Stone Church."
- (b) All and singular that parcel of property described as lots forty-nine (49) and twenty (20) on the west side of Osborne Street in the village of Beaverton, according to Calder's additional plan of part of lot number fourteen (14) in the fifth concession of the township of Thorah, on which property is located the building formerly known as "Knox Church Manse."

Registration of copy of Act to be good title.

3. The registration in the office of the registrar of deeds for the county of Ontario of a copy of this Act properly certified by the clerk of the Legislative Assembly of Ontario shall be regarded as good and sufficient title to the property dealt with in section 2 hereof.

Committee to divide furnishings and fund.

4. A committee of four members, two to be elected by the congregation of the United Church at Beaverton, and two to be elected by the congregation of the Presbyterian Church at Beaverton, shall meet and arrange an equal division into two parts of the church furnishings and the fund known as the organ fund held by the joint congregations prior to the vote on Church Union, one of which parts shall become the property of each of the congregations herein referred to.

County Judge to be referee.

5. In the event of the committee referred to in section 4 being unable to agree, or in the event of the committee not completing its duties by the thirtieth day of September, 1927, the matter shall be referred to the county judge of the county of Ontario who shall act as a referee to effect the division referred to in section 4 hereof and whose decision in the matter shall be final.

Commencement of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 20.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Congregation of the
Presbyterian Church of Canada
in Beaverton.

1st Reading, 8th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(Private Bill.)

MR. SHIELDS.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL


An Act respecting the Congregation of the Presbyterian Church *at* Beaverton.


WHEREAS the congregation of the *continuing* Presby-^{Preamble.}
terian Church *at* Beaverton, *not connected with the*
United Church of Canada, has by its petition represented that
the vote on the question of the union of the Presbyterian,
Methodist and Congregational Churches in Canada carried
in the Presbyterian Church in the village of Beaverton by a
small majority, and that this vote was afterwards declared by
the Ontario Church Property Commission to be illegal, but no
machinery was provided to remedy the injustice which resulted
to the Presbyterian congregation in question; and that at the
present time the congregation of the United Church in Beaver-
ton holds possession of St. Andrews Church, Knox Church and
the manse attached thereto, and the church known as The
Old Stone Church, and has sold the former Methodist Church;
and that the congregation of the Presbyterian Church in
Beaverton, the members of which contributed largely to the
erection of the then Presbyterian Churches above mentioned,
are now without a place in which to worship although the
United Church congregation is not now using Knox Church
or The Old Stone Church; and whereas the congregation of
the Presbyterian Church in the village of Beaverton has
by its petition prayed that an Act be passed conveying to
the said congregation the property known as The Old Stone
Church in the township of Thorah, and the property known
as the manse, formerly known as The Knox Church Manse,
and also half the church furnishings and half the fund known
as the organ fund, held by the joint congregations prior to
the vote on Church Union; 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. This Act may be cited as *The Beaverton Presbyterian* ^{Short title.}
Church Act, 1927.

Certain
lands vested
in trustees.

 **2.** The lands described in clauses *a*, *b* and *c* of this section are hereby vested in George Williamson of the village of Beaverton in the county of Ontario, Harness Maker; Dougall Brown of the township of Thorah, in the county of Ontario, Farmer, and Thomas Windatt of the township of Thorah, in the county of Ontario, Farmer, the trustees of the congregation of the continuing Presbyterian Church at Beaverton (not connected with the United Church of Canada):

- (a) All and singular that certain parcel or tract of land situate, lying and being in the township of Thorah, in the county of Ontario, being composed of part of lot No. 10 in the 4th concession of the said township, more particularly described as follows: Commencing at the northeast angle of the said lot, thence westerly along the north limit of the said lot 155 feet and 9 inches; thence southerly parallel with the easterly limit of said lot a distance of 112 feet and 1 inch; thence easterly parallel to the northerly limit of the said lot 8 feet and 11 inches; thence southerly parallel with the easterly limit of the said lot 32 feet and 10 inches; thence easterly parallel to the northerly limit of the said lot 146 feet and 10 inches to the easterly limit of the said lot; thence northerly along the said easterly limit 144 feet and 11 inches to the place of beginning, on which is situated the church known as the Old Stone Church.
- (b) All and singular that certain parcel or tract of land situate, lying and being in the said township of Thorah and being composed of part of lot No. 10 in the 5th concession of the said township, more particularly described as follows: Commencing at the southeast angle of the said lot; thence northerly along the easterly limit of the said lot 136 feet to a point; thence westerly and parallel to the southerly limit of the said lot 160 feet to a point; thence southerly parallel to the easterly limit of the said lot 136 feet; thence easterly along the southerly limit of the said lot 160 feet to the place of commencement, on which are situated the sheds used in connection with the said Old Stone Church .
- (c) All and singular that parcel of property described as lots forty-nine (49) and twenty (20) on the west side of Osborne Street in the village of Beaverton, according to Calder's additional plan of part of lot

number fourteen (14) in the fifth concession of the township of Thorah, on which property is located the building formerly known as "Knox Church Manse."

3.—(1) All of the estate, right, title and interest of the trustees for the congregation of the United Church of Canada at the village of Beaverton, together with all the right, title and interest of the said congregation in those parts of lots numbers 9 and 10 in the 4th concession of the township of Thorah now held by the said trustees or any of them as the site of a church and burial ground, save and except the lands described in clause *a* of the next preceding section, together with all funds, securities, bonds and vouchers held by or for the said trustees or the said congregation for or in connection with the maintenance of the said burying ground shall be vested in trustees hereinafter called the "cemetery trustees" to be chosen as follows:

Certain property vested in cemetery trustees.

(2) Two trustees shall be elected by the congregation of the continuing Presbyterian Church at Beaverton (not connected with the United Church of Canada); two trustees shall be elected by the congregation of the United Church of Canada at Beaverton, and one trustee, who shall be the chairman of the cemetery trustees, shall be chosen by the senior judge of the county court of the county of Ontario upon the application of any of the cemetery trustees previously appointed. The names of the trustees elected by either congregation shall be submitted to the said judge and if he is satisfied after making such enquiry as he deems proper or desirable that they have been duly elected, their names shall be approved by him in writing and they shall thereupon be deemed for all purposes to be duly appointed. As soon as any trustees have been so appointed the said lands, securities and other property shall vest in them subject to the equal rights of trustees subsequently chosen until the full number of five is reached.

Appointment of cemetery trustees.

(3) Every trustee shall be appointed for a period of five years and at the expiration of that time or in the event of his prior death or retirement his place shall be filled by a trustee to be appointed as in the case of the original appointment of the trustee whose place is so vacated.

Term of appointment of trustees.

(4) The cemetery trustees shall be deemed owners of the said burying ground within the meaning of and shall administer the same subject to *The Cemetery Act*. They shall have power to make rules governing their own procedure and the administration of the cemetery. Until otherwise ordered by the trustees the rules and regulations now applicable to the cemetery shall, so far as possible, remain in force.

Powers of cemetery trustees.

Rights of purchasers of lots preserved.

(5) Nothing in this section shall prejudice the rights of persons who have purchased lots in the said burying ground and the cemetery trustees shall acquire the properties hereby vested in them subject to all such rights.

Registration of copy of Act and registration of certificate of judge to be good title.

4. A copy of this Act properly certified by the clerk of the Legislative Assembly of Ontario may be registered in the office of the Registrar of Deeds for the county of Ontario as good and sufficient evidence of the title to the properties dealt with under sections 2 and 3 hereof, and the certificate of the senior county court judge confirming the appointment of the cemetery trustees may be registered in the office of the said registrar and shall be conclusive evidence of the appointment and title of the said trustees. ↩

Committee to divide furnishings and fund.

5. A committee of four members, two to be elected by the congregation of the United Church at Beaverton, and two to be elected by the congregation of the *aforsaid continuing* Presbyterian Church at Beaverton, shall meet and arrange an equal division into two parts of the church furnishings and equipment except pews and the fund known as the organ fund held by the joint congregations prior to the vote on Church Union, one of which parts shall become the property of each of the congregations herein referred to.

County Judge to be referee.

6.—(1) In the event of the committee referred to in section 4 being unable to agree, or in the event of the committee not completing its duties by the thirtieth day of September, 1927, the matter shall be referred to the *senior* judge of the county *court of the county* of Ontario who shall act as a referee to effect the division referred to in section 4 hereof and whose decision in the matter shall be final.

Appointment of trustee where no election by congregation.

↩ (2) In the event of either congregation failing to elect its members of the said committee on or before the 1st day of May, 1927, the said judge shall on the application of the members elected by the other church appoint two persons who shall have power to act as members of the committee on behalf of the congregation so failing to elect its members. ↩

Commencement of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 20.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Congregation of the
Presbyterian Church of Canada
in Beaverton.

1st Reading, 8th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

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

MR. SHIELDS.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Board of Management of the House of Refuge of the District of Thunder Bay.

WHEREAS The Corporation of the City of Fort William Preamble. and The Corporation of the City of Port Arthur have by petition prayed for special legislation in respect of the matters 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 consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Board of Management of the House of Refuge Dissolution of Board of Management. of the District of Thunder Bay is hereby dissolved and all proceedings had and taken in connection with the formation thereof or the establishing of a House of Refuge for the District of Thunder Bay are hereby repealed.

2. The following lands now vested in the Board of Manage- Vesting of certain lands in City of Port Arthur. ment of the House of Refuge of the District of Thunder Bay, namely:—

“All and singular that certain parcel or tract of land and premises situate, lying and being in the township of McIntyre, in the district of Thunder Bay and Province of Ontario, and being composed of that part of the south-west quarter of section 53 in the said township, described as follows: Commencing at the intersection of the northerly limit of the said quarter section with the centre line of the McIntyre river; thence, in a general southerly direction following the said centre line down stream to a point in a line drawn perpendicularly to the westerly limit of the said quarter section from a point therein distant eight hundred and two ty-two and seven-tenths feet measured southerly thereon from the said northerly limit of quarter section; thence easterly, along the line drawn as aforesaid to a point distant nine hundred and sixty feet measured perpendicularly easterly from the said westerly limit; thence southerly and parallel to the

said westerly limit of quarter section, to the said centre line of McIntyre River; thence in a general south-easterly and southerly direction following the said centre line down stream to the southerly limit of the said quarter section; thence easterly along the said southerly limit to the easterly limit of the said quarter section; thence northerly along the said easterly limit to the said northerly limit; thence westerly along the said northerly limit to the point of commencement,"

are hereby vested in The Corporation of the City of Port Arthur.

Vesting of
certain
lands in
City of Fort
William.

3. The following lands now vested in The Board of Management of the House of Refuge of the District of Thunder Bay, namely:—

"All and singular that certain parcel or tract of land and premises, situate, lying and being in the township of McIntyre, in the district of Thunder Bay and Province of Ontario, and being composed of that part of the south-west quarter of section 53 in the said township, described as follows: Commencing at the intersection of the northerly limit of the said quarter section with the centre line of the McIntyre River; thence in a general southerly direction, following the said centre line down stream, to a point in a line drawn perpendicularly to the westerly limit of the said quarter section from a point therein distant eight hundred and twenty-two and seven-tenths feet measured southerly thereon from the said northerly limit of quarter section; thence easterly along a line drawn as aforesaid to a point distant nine hundred and sixty feet measured perpendicularly easterly from the said westerly limit; thence, southerly and parallel to the said westerly limit of quarter section to the said centre line of McIntyre River; thence in a general south-easterly and southerly direction following the said centre line down stream to the southerly limit of the said quarter section; thence westerly along the said southerly limit to a point distant thirty-three feet perpendicularly easterly from the said westerly limit; thence, northerly and parallel to the said westerly limit to the said northerly limit; thence easterly along the said northerly limit to the point of commencement,"

are hereby vested in the Corporation of the City of Fort William.

4. Each of the said cities may sell and dispose of the lands ^{Power to} respectively vested in them as aforesaid for such price and _{sell lands.} upon such terms as the Council of such city may by by-law determine.

No. 21.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Board of Management of the House of Refuge of the District of Thunder Bay.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. SPENCE.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Township of York.

WHEREAS the corporation of the township of York has Preamble.
by its petition prayed for special legislation in regard
to the matters 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
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

1. This Act may be cited as *The Township of York Act*, Short title.
1927.

2.—(1) Subsection 7 of section 3, of *An Act respecting the* 1922, c. 139,
Township of York passed in 1922 and chaptered 139 as enacted amended.
by subsection 2 of section 6 of *An Act respecting the Township*
of York passed in 1925 and chaptered 121 is amended by
striking out the words “during the said period of ten years
impose, levy and raise such sum as may be necessary to meet
the area’s share of the said cost and interest thereon by a
rate sufficient therefor on all the rateable property in the
said area” where they appear in the second sentence of the
said subsection and by substituting therefor the following
words “during such period (not exceeding thirty years) as
council may by by-law determine, impose, levy and raise
such sum as may be necessary to meet the area’s share of the
said cost with interest thereon, together with such other
amounts as are to be charged over the area at large as herein-
after provided by a rate sufficient therefor on all the rateable
real property in the said area.” Extension
of time of
levy.

(2) The said subsection 7 of section 3, as hereby amended Amendment
made retro-
active.
shall be deemed to have been in force as from and after the
first day of January, 1922, and shall apply to all works
commenced or constructed since the said date.

(3) Notwithstanding anything contained in section 3 of Provision
for levy of
area’s share
of cost.
the said Act passed in 1922 and chaptered 139 as amended,
or in any other Act, where any sewers or other works have

been or may hereafter be constructed and the whole or part of the cost thereof is to be borne by a defined area and not by the corporation at large, the council of the corporation of the township of York may by by-law provide that the area's share of the said cost shall be imposed, levied and raised by a rate sufficient therefor on all the rateable real property in the said area.

Election of public school trustees by ballot.

3.—(1) The council of the corporation of the township of York may pass a by-law providing that the election of public school trustees for each public school section in the township of York shall be held by ballot on the same day as the municipal councillors are elected.

Change of date of election.

(2) Where such by-law is passed such election shall thereafter be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of councillors and the provisions of *The Consolidated Municipal Act, 1922*, respecting the time and manner of holding elections, including the mode of receiving nominations for office and the resignation of persons nominated, and vacancies shall *mutatis mutandis* apply to the elections.

1922, c. 72.

Provision of ballot papers.

(3) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the polling subdivisions in each public school section containing the names of the candidates in the same form *mutatis mutandis* as those used for councillors and no ballot shall be delivered to any person who is entered on the list of voters as a separate school supporter.

Preparation of voter's list.

(4) The voter's list to be used shall be that as finally revised by the county judge for use at the municipal election and shall contain a separate column showing opposite each elector's name the school section in respect of which he is entitled to vote in the election of trustees. The county judge in revising the list of voters shall be entitled to correct any error which may appear in respect of the school section in which the elector is entitled to vote. In any polling subdivision which contains electors in two or more school sections the deputy returning officer shall be supplied with a sufficient number of ballots containing the names of candidates in each of said school sections and each elector shall be entitled only to a ballot containing the names of the candidates for trustee in the school section marked opposite the elector's name.

Nomination meeting.

(5) A meeting of the electors of every public school section for the nomination of candidates for the office of trustee shall be held annually on the same day on which nominations for councillors is held, at the hour of 8 o'clock in the evening at

such place as the board of trustees shall by resolution determine or in the absence of such resolution at the school house of the section. The secretary or secretary-treasurer (or if such office is vacant such person as may be appointed by resolution of the board of trustees) shall be the returning officer to hold the nominations for each school section. The said returning officer shall forthwith after the nominations make the returns thereof for their respective sections to the township clerk or such person as may be the returning officer for the whole municipality.

(6) The annual meeting of the electors as required by section 55 of *The Public Schools Act, 1920*, for the purpose of transacting the business as therein provided (except the election of trustees) shall be held at the same time and place as the meeting for the nomination of candidates instead of on the last Wednesday in December. ^{Annual meeting. 1920, c. 100.}

(7) In the case of union school sections which contain part of an adjoining township such part of the adjoining township shall be considered for the purpose of the election of school trustees as part of the township of York. The clerk of the adjoining township shall furnish to the clerk of the township of York a certified copy of so much of the revised voters' list of the said adjoining township as contains the names of electors qualified to vote in that portion of the union school section lying within the said adjoining township and such persons shall be entitled to vote in the election of trustees for such union school section. ^{Union school sections.}

(8) The first meeting of each board of public school trustees elected by ballot as herein provided shall be held on the second Wednesday in January of the year for which the trustees are elected, at the hour of 8 o'clock in the evening when the board shall be organized by the election of a chairman, a secretary and a treasurer or a secretary-treasurer. ^{First meeting of board.}

(9) The provisions of this section shall not apply to or affect any union school section except a union school section in which the school house thereof is situated within the limits of the township of York. ^{Exception of certain union school sections.}

(10) All the provisions of *The Public Schools Act, 1920*, or any other statutes relating to rural school sections shall continue to apply to the said school sections except where inconsistent herewith. ^{Application 1920, c. 100.}

(11) Any by-laws for the purposes mentioned in this section shall be passed not later in the year than the first day of November and shall take effect at and for the purpose of the next and each succeeding annual election. ^{Limitation of time for passing by-laws.}

Agreement with Town of Weston and Toronto Transportation Commission, confirmed.

4. The agreement made between the corporation of the town of Weston, the corporation of the township of York and the Toronto Transportation Commission, dated the 13th day of July, 1926, as set forth in schedule "A" to this Act is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

Confirmation of tax sales and deeds.

5.—(1) All sales of lands within the township of York made prior to the 31st day of December, 1925, which purport to have been made by the corporation of the said township for arrears of taxes in respect of the lands so sold are hereby validated and confirmed, and all conveyances of lands so sold, executed by the reeve and treasurer of the said corporation purporting to convey the said lands so sold to the purchaser thereof, or his, her or their assigns, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold or conveyed or purporting to be sold or conveyed to the purchaser or his, her, or their assigns, in fee simple, free and clear of and from all right, title and interest whatsoever of the owner or owners thereof at the time of such sale or his, her or their assigns, and all charges and encumbrances thereon and dower therein, except taxes accrued or accruing since those for which payment whereof the said lands were sold.

Where corporation is purchaser.

(2) Subsection 1 of this section shall extend and apply to cases where the said township or any person or persons in trust for it, or on its behalf, became the purchaser or the assignee of a purchaser of lands at any such tax sale.

Pending litigation not affected.

(3) Nothing in this section contained shall affect any action or litigation now pending, but the same may be proceeded with, and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

Grant to Beck Memorial Fund.

6. The grant of \$5,000 made by the council of the corporation of the township of York to the Beck Memorial Fund for the Queen Alexandra Sanatorium, is hereby validated and confirmed.

By-law No. 8665, confirmed.

7. By-law No. 8665 of the municipal corporation of the township of York passed on the 15th day of July, 1926, to authorize the issue of debentures to the amount of \$42,520.61 to meet the cost of the acquisition and construction of a street railway within the Lambton transportation district is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

8. By-law No. 8890 of the municipal corporation of the township of York passed on the 29th day of November, 1926, to authorize the issue of debentures to the amount of \$275,000 to meet the extra cost of construction of a sewerage system and sewerage disposal works for that portion of the municipality known as St. Clair sewerage area No. 1 is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

9. By-law No. 0000 of the municipal corporation of the township of York passed on the 7th day of February, 1927, to authorize the issue of debentures to the amount of \$68,400 to meet the cost of the construction of the Hillary Avenue subway is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

By-law
No. 8890,
confirmed.

By-law
No. 00,
confirmed.

Commence-
ment of
Act.

SCHEDULE "A."

This agreement made in triplicate the 13th day of July, 1926.

BETWEEN:

THE CORPORATION OF THE TOWN OF WESTON,
hereinafter called the "Town," of the first part,

THE CORPORATION OF THE TOWNSHIP OF YORK,
hereinafter called the "Township," of the second part.

—and—

THE TORONTO TRANSPORTATION COMMISSION,
hereinafter called the "Commission," of the third part.

Whereas the parties hereto entered into an agreement dated the 26th day of October, 1925, for the construction and operation of certain street railways therein referred to.

And whereas the said parties have agreed that such agreement shall be modified as hereinafter set out.

Now therefore this agreement witnesseth that the parties hereto have agreed as follows:—

1. The Town and the Township shall each pay for and own all track construction done by the Commission to date within the present respective municipal limits of such municipalities.

2. Notwithstanding Clause 18 of the said Agreement, the full cost of construction of the connection referred to in Clause 20 thereof shall be borne and paid for by the Township.

3. The parties hereto agree to use their best endeavors to have this agreement ratified and confirmed by legislation at the next ensuing session of the Legislature of the Province of Ontario.

In witness whereof the parties hereto have hereunto set their corporate seals attested by the hands of their proper officers in that behalf the day and year first above written.

[SEAL] THE CORPORATION OF THE TOWN OF WESTON,
"GEO. SAINSBURY," *Mayor*,
"H. C. MUSSON," *Clerk*.

[SEAL] THE CORPORATION OF THE TOWNSHIP OF YORK,
"W. M. GRAHAM," *Reeve*,
"W. A. CLARKE," *Clerk*.

[SEAL] THE TORONTO TRANSPORTATION COMMISSION,
"P. W. ELLIS," *Chairman*,
"H. S. CAMERON," *Secretary*.



No. 22.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Township of York.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. MACAULAY

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.


BILL


An Act respecting the Township of York.

WHEREAS the corporation of the township of York has Preamble.
by its petition prayed for special legislation in regard
to the matters 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
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

1. This Act may be cited as *The Township of York Act*, Short title.
1927.

 2.—(1) Subsection 7 of section 3 of *An Act respecting the Township of York* passed in 1922 and chaptered 139 as enacted by subsection 2 of section 6 of *An Act respecting the Township of York* passed in 1925 and chaptered 121 is amended by striking out the word “ten” where it appears in the tenth line thereof, and substituting therefor the following words “not more than thirty” and by striking out the words “during the said period of ten years impose, levy and raise such sum as may be necessary to meet the area’s share of the said cost and interest thereon by a rate sufficient therefor on all the rateable property in the said area” where they appear in the second sentence of the said subsection and by substituting therefor the following words “during such period (not exceeding thirty years) as council may by by-law determine, impose, levy and raise such sum as may be necessary to meet the area’s share of the said cost with interest thereon, together with such other amounts as are to be charged over the area at large as hereinafter provided, by a rate sufficient therefor on all the rateable real property in the said area.”

(2) The said subsection 7 of section 3, as hereby amended shall apply to all works already commenced or constructed, but in respect of which no debentures have been issued. 

(3) Notwithstanding anything contained in section 3 of the said Act passed in 1922 and chaptered 139 as amended, Provision for levy of area’s share of cost.

or in any other Act, where any sewers or other works have been or may hereafter be constructed and the whole or part of the cost thereof is to be borne by a defined area and not by the corporation at large, the council of the corporation of the township of York may by by-law provide that the area's share of the said cost shall be imposed, levied and raised by a rate sufficient therefor on all the rateable real property in the said area.

Agreement with Town of Weston and Toronto Transportation Commission, confirmed.

3. The agreement made between the corporation of the town of Weston, the corporation of the township of York and the Toronto Transportation Commission, dated the 13th day of July, 1926, as set forth in schedule "A" to this Act is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

Confirmation of tax sales and deeds.

4.—(1) All sales of lands within the township of York made prior to the 31st day of December, 1925, which purport to have been made by the corporation of the said township for arrears of taxes in respect of the lands so sold are hereby validated and confirmed, and all conveyances of lands so sold, executed by the reeve and treasurer of the said corporation purporting to convey the said lands so sold to the purchaser thereof, or his, her or their assigns, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold or conveyed or purporting to be sold or conveyed to the purchaser or his, her, or their assigns, in fee simple, free and clear of and from all right, title and interest whatsoever of the owner or owners thereof at the time of such sale or his, her or their assigns, and all charges and encumbrances thereon and dower therein, except taxes accrued or accruing since those for which payment whereof the said lands were sold.

Where corporation is purchaser.

(2) Subsection 1 of this section shall extend and apply to cases where the said township or any person or persons in trust for it, or on its behalf, became the purchaser or the assignee of a purchaser of lands at any such tax sale.

Pending litigation not affected.

(3) Nothing in this section contained shall affect any action or litigation now pending, but the same may be proceeded with, and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

Grant to Beck Memorial Fund.

5. The grant of \$5,000 made by the council of the corporation of the township of York to the Beck Memorial Fund for the Queen Alexandra Sanatorium, is hereby validated and confirmed.

6. By-law No. 8665 of the municipal corporation of the township of York passed on the 15th day of July, 1926, to authorize the issue of debentures to the amount of \$42,520.61 to meet the cost of the acquisition and construction of a street railway within the Lambton transportation district is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof

By-law
No. 8665,
confirmed.

7. By-law No. 8890 of the municipal corporation of the township of York passed on the 29th day of November, 1926, to authorize the issue of debentures to the amount of \$275,000 to meet the extra cost of construction of a sewerage system and sewerage disposal works for that portion of the municipality known as St. Clair sewerage area No. 1 is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-law
No. 8890,
confirmed.

8. By-law No. 8955 of the municipal corporation of the township of York passed on the 7th day of February, 1927, to authorize the issue of debentures to the amount of \$68,400 to meet the cost of the construction of the Hillary Avenue subway is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.


By-law
No. 8955,
confirmed.

9. By-law 8809 of the municipal corporation of the township of York passed on the 11th day of October, 1926, to authorize the issue of debentures to the amount of \$60,000.00 to meet the cost of a purchase of a site for a high school on Jane street and to complete payment for the site for the high school on Vaughan road and to pay for the cost of additions to the said site and high school building is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

10.—(1) Section 8 of *The Township of York Act, 1925*, is amended by inserting after the word "may" in the first line thereof the words "with the consent of the City of Toronto" and by inserting after the word "Toronto" in the second line thereof the word "either" and by inserting after the words "Kennedy avenue" in the fifth line thereof the words "Morningside avenue" and by inserting after the word "York" in the seventh line thereof the words "or that part thereof from the City limits immediately south of Bloor street southerly to the intersection of the south limit of Morningside avenue with Ellis avenue," so that the section will now read as follows,—

8. The council of the said corporation may with the consent of the city of Toronto acquire from the city of Toron-

to either that portion of the 12-inch watermain laid down by the town of Toronto Junction and which is now the property of the said city in Runnymede road, DeForest road, Kennedy avenue, Morningside avenue and Ellis avenue, from the city limits immediately south of Bloor street southerly to the south limit of the township of York or that part thereof from the city limits immediately south of Bloor street southerly to the intersection of the south limit of Morningside avenue with Ellis avenue, together with all service pipes, hydrants and stop-cocks, valves, appliances and accessories (if any), at or for a price to be agreed upon or in case of failure to agree as may be determined by arbitration under the provisions of *The Consolidated Municipal Act, 1922*, and may construct such hydrants, stop-cocks, valves, appliances and accessories in connection therewith as may be deemed necessary to complete the same as part of the township system; and for the purpose of providing money to pay the purchase price of said watermain and accessories and for payment of the cost of construction of such hydrants, stop-cocks, valves, appliances and accessories as may be constructed it shall be deemed to be a work undertaken and constructed under the provisions of section 9 of *The Local Improvement Act* and all the provisions of the said Act shall apply for the said purpose, subject however, to any existing rights of the residents of Ellis avenue as to the supply to them of water and the rates to be charged therefor.

(2) The said section 8 as hereby amended shall be read and construed as if it had been in force on, from and after the 14th day of April, 1925. 

Commence-
ment of
Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

This agreement made in triplicate the 13th day of July, 1926.

BETWEEN:

THE CORPORATION OF THE TOWN OF WESTON,
hereinafter called the "Town,"

of the first part,

THE CORPORATION OF THE TOWNSHIP OF YORK,
hereinafter called the "Township,"

of the second part.

--and--

THE TORONTO TRANSPORTATION COMMISSION,
hereinafter called the "Commission,"

of the third part.

Whereas the parties hereto entered into an agreement dated the 26th day of October, 1925, for the construction and operation of certain street railways therein referred to.

And whereas the said parties have agreed that such agreement shall be modified as hereinafter set out.

Now therefore this agreement witnesseth that the parties hereto have agreed as follows:—

1. The Town and the Township shall each pay for and own all track construction done by the Commission to date within the present respective municipal limits of such municipalities.

2. Notwithstanding Clause 18 of the said Agreement, the full cost of construction of the connection referred to in Clause 20 thereof shall be borne and paid for by the Township.

3. The parties hereto agree to use their best endeavors to have this agreement ratified and confirmed by legislation at the next ensuing session of the Legislature of the Province of Ontario.

In witness whereof the parties hereto have hereunto set their corporate seals attested by the hands of their proper officers in that behalf the day and year first above written.

THE CORPORATION OF THE TOWN OF WESTON,

"GEO. SAINSBURY," *Mayor,*

[SEAL]

"H. C. MUSSON," *Clerk.*

THE CORPORATION OF THE TOWNSHIP OF YORK,

"W. M. GRAHAM," *Reeve,*

[SEAL]

"W. A. CLARKE," *Clerk.*

THE TORONTO TRANSPORTATION COMMISSION,

"P. W. ELLIS," *Chairman,*

[SEAL]

"H. S. CAMERON," *Secretary.*

No. 22.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Township of York.

1st Reading, 17th February, 1927.
2nd Reading, 1927.
3rd Reading, 1927.

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

MR. MACAULAY.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Village of Windermere.

WHEREAS the municipal corporation of the village of Windermere was incorporated by an Act passed by the Legislature of the Province of Ontario in the year 1924 and known as chapter 135; and whereas the municipal corporation of the said village of Windermere and many municipal electors who are owners or tenants of property in the said village, and as such entitled to vote on municipal elections of the said village, have by their petitions represented that a large proportion of the persons qualified to vote on municipal elections of the said village reside within the municipality only during the summer months, and are therefore unable without great expense, inconvenience and loss of time to vote for the election of reeve, councillors and school trustees on the date provided by *The Consolidated Municipal Act, 1922*, or upon any by-law or question submitted for the vote of the electors at a time other than during the summer months, and that the said municipal corporation of the village of Windermere and a majority of the persons entitled to vote at municipal elections of the said village of Windermere are desirous of having a day fixed during the summer months for the holding of municipal elections, 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. This Act may be cited as *The Village of Windermere Act, 1927*. Short title.

2. The meeting of the electors of the said village of Windermere for the nomination of candidates for the offices of reeve, councillors and school trustees shall be held at the school house of the said municipality annually on the last Monday in July at ten o'clock in the forenoon, and the polling, in case a poll be required, shall take place on the first Monday in August next thereafter. Nom-
ination
meeting and
polling day
fixed.

Day for
voting on
by-laws.

3. Where a by-law of the said village requires the assent, or is submitted to obtain the opinion of, the electors, the same shall be submitted only on the date fixed for taking the poll at the annual municipal elections of the said village.

Application
of 1922, c. 72.

4. Save as hereinbefore provided, the provisions of *The Consolidated Municipal Act, 1922*, and amendments thereto with regard to the holding of elections, shall apply to the said village.

Commence-
ment of
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 23.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Village
of Windermere.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. ECCLESTONE.

TORONTO :
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Township of Teck.

WHEREAS the corporation of the township of Teck ^{Preamble.} by its petition represented that it has entered into agreements with Lake Shore Mines, Limited; the Teck-Hughes Gold Mines, Limited; Kirkland Lake Gold Mining Company, Limited, and Sylvanite Gold Mines, Limited, for the supply of water from the municipal system, and that under the terms of the agreements the said companies have agreed to contribute to the cost of the work, the sum of \$52,000 payable over a period of 20 years and bearing interest at the rate of 6 per centum per annum; and that certain extensions have been made to the sewage system within the municipality; and that the plans and specifications covering the extensions to the waterworks and sewage system have been approved by the Provincial Board of Health and mandatory orders issued covering the said work; and that to defray the cost of said works, the corporation of the township of Teck did on the 27th day of August, 1926, pass a by-law number 254 authorizing the issue of debentures to the extent of \$180,000 bearing interest at the rate of 6 per centum per annum, repayable over a period of 20 years in equal annual instalments of principal and interest, such debentures to be a charge on the said township at large but the rates for repayment of the aforesaid borrowing to be a special levy over and above all other levies on the assessable property and income of that part of the township of Teck, situate within the limits of Union School Section No. 2, townships of Teck and Lebel; and whereas the corporation of the township of Teck has by its petition prayed that an Act may be passed confirming the said agreements and by-law; and whereas it is expedient to grant the prayer of the petition;

Therefore, 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 *The Township of Teck Act, 1927*. Short title.
2. By-law No. 254 of the corporation of the township of Teck set forth as schedule "A" and all debentures issued or ^{By-law No. 254 con-} _{irmed.}

to be issued thereunder are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Provision in case of insufficiency of annual levy.

3. If in any year the amount realized from the special rate levied over and above the amount paid in by the said mining companies, is insufficient to pay the annual instalment of principal and interest; or if default is made by any of the said companies in payment of any of the annual payments payable by them, the said corporation shall provide for the deficiency in the estimates for the following year and levy and collect by special rate an amount sufficient to provide for the annual payment due in that year and the deficiency, if any, of the previous year.

Provision for alteration and extension of water and sewage system.

4. The said corporation may provide for the cost of any further expenditure for the alterations or extensions of the water and sewage system in that part of the township of Teck within the limits of Union School Section No. 2, townships of Teck and Lebel, by a special levy over and above all other rates each year during the currency of the debentures issued to meet such cost on all the rateable property in that part of the township of Teck within the limits of Union School Section No. 2, townships of Teck and Lebel, as at present constituted.

Agreements confirmed.

5. The agreements dated the 20th day of November, 1926, between the said corporation of the township of Teck and Lake Shore Mines, Limited; the Teck-Hughes Gold Mines, Limited; Kirkland Lake Gold Mining Company, Limited, and Sylvanite Gold Mines, Limited, all of which are in the form set out in schedule "B" hereto are hereby confirmed and declared to be legal, valid and binding on the respective parties thereto.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF TECK.

BY-LAW No. 254

Being a By-law for the borrowing of the sum of \$180,000 on debentures for the extension and construction of the water and sewage system.

Whereas certain corporations within the Municipality have made application to the Council to be supplied with water from the local Municipal system, and

Whereas the Provincial Board of Health for Ontario has under authority of *The Public Health Act* issued an order, dated the 9th day of August, 1926, authorizing the extension of the waterworks distribution system on the following streets and roads, namely:

Location	From	To
Trunk Main	Pump House	East End of Third Street
Transmission Line	Third Avenue	First Avenue
First Avenue	Transmission Line	Allan Avenue
First Avenue	Transmission Line	Sylvanite
Sylvanite	First Avenue	Government Road
Third Avenue	Transmission Line	Allan
Third Avenue	Allan	Young
Third Avenue	Young	Westerly
West End	Third	Second
Second Avenue	Township Road	Easterly
Township Road	Second	Duncan
Duncan	Byron	Kirkland
Kirkland	Duncan	Goodfish Road
Goodfish Road	Kirkland	Government Road
Government Road	Goodfish Road	Lebel Avenue
Government Road	Lebel Avenue	Teck-Hughes
Government Road	Teck-Hughes	Kirkland Mines

Together with additions to existing pump house and extra pumps, and,

Whereas the said Provincial Board of Health on the 9th day of August, 1926, made further order authorizing the construction of sewers on the following streets and roads, namely:

Location	From	To
Transmission Line	Third Avenue	First Avenue
First Avenue	Transmission Line	Allan Avenue
First Avenue	Transmission Line	Sylvanite
Sylvanite	First Avenue	Government Road
Third Avenue	Transmission Line	Allan Avenue
Third Avenue	Allan Avenue	Young
Second Avenue	Allan Avenue	Easterly
Allan Avenue	Third Avenue	Second Avenue
Third Avenue	Young	Westerly
West End	Third Avenue	Second
Second Avenue	Township Road	Easterly
Goodfish Road	Kirkland	Government Road
Government Road	Goodfish Road	Lebel
Goodfish Road	Government Road	North
Trunk Sewer	Murdock Creek Tank	Fifth and Allan
Fifth Avenue		
Trunk Sewer	Fifth Avenue	Third Avenue

Including Murdock Creek Septic Tank and Kirkland Lake Septic Tank.

And whereas the plans and specifications have been approved by the said Board, and

Whereas the Municipal Council of the Corporation of the Township of Teck duly passed a By-law on the 13th day of August, 1926, authorizing the construction of the said sewer and watermains, and

Whereas it is necessary to borrow for the purposes above mentioned, the sum of \$180,000 on the credit of the Corporation at large, and

Whereas it is deemed proper that the rates for re-payment of the aforesaid money shall be levied on the assessable property and income on that portion of the Township of Teck situate within Union School Section No. 2, Townships of Teck and Lebel, as at present constituted, which shall be benefited by the said works, and

Whereas the amount of the whole rateable property of the Municipal Corporation according to the last revised assessment roll is \$1,571,882.00, and

Whereas the amount of the debenture debt of the Municipality is \$232,752.86 and the Municipality is not in default on payment of either principal or interest.

Now therefore the Municipal Corporation of the Township of Teck enacts as follows:

1. For the purposes aforementioned there will be borrowed the sum of \$180,000.00 and debentures shall be issued therefor in sums of not less than \$100.00 bearing interest at the rate of six (6) per cent. per annum and having coupons attached thereto for the payment of interest.
2. The debentures shall all bear the same date and will be issued within two years from the date that this by-law is passed and will be repayable in twenty installments during the 20 years after this date and the respective amounts of principal and interest payable in each of the said years shall be in accordance with the schedule hereto annexed and marked "A" which is hereby declared to be and form part of this By-law.
3. The debentures, as to both principal and interest, shall be negotiable without charge at the Imperial Bank of Canada, Kirkland Lake, Toronto or Montreal.
4. The debentures shall be signed by the Reeve and Treasurer of the Township of Teck and shall be sealed with the Corporate seal of the Municipality. The coupons shall be signed by the Treasurer of the Township and his name may be written, lithographed or engraved.
5. During the 20 years, the course of the said debentures, the sum of \$15,693.22 shall be raised annually for the payment of the debt and interest and the said sum shall be levied and raised annually by a separate rate therefor over and above all other rates, on that part of the rateable property of the Township of Teck situate within Union School Section No. 2, Townships of Teck and Lebel, as at present constituted according to the last revised assessment roll, at the same time and in the same manner as other rates.
6. The debentures may contain a clause providing for the registration thereof authorized by any statute relating to Municipal debentures in force at the time of issue thereof.

Read a first, second and third time and enacted and passed in Open Council this 27th day of August, 1926.

J. W. MCBAIN, *Clerk.*

J. J. EDWARDS *Reeve.*

SCHEDULE "A."

	Interest	Principal	Total
1927.....	\$10,800 00	\$4,893 22	\$15,693 22
1928.....	10,506 40	5,185 81	15,693 21
1929.....	10,195 19	5,498 02	15,693 21
1930.....	9,865 31	5,827 91	15,693 22
1931.....	9,515 64	6,177 58	15,693 22
1932.....	9,144 98	6,548 23	15,693 21
1933.....	8,752 09	6,941 13	15,693 22
1934.....	8,335 62	7,347 59	15,693 21
1935.....	7,894 17	7,799 05	15,693 22
1936.....	7,426 22	8,267 00	15,693 22
1937.....	6,930 21	8,763 01	15,693 22
1938.....	6,404 42	9,288 80	15,693 22
1939.....	5,847 10	9,846 12	15,693 22
1940.....	5,256 33	10,436 89	15,693 22
1941.....	4,620 12	11,936 09	15,693 21
1942.....	3,966 33	11,726 89	15,693 22
1943.....	3,262 71	12,430 51	15,693 22
1944.....	2,516 88	13,176 33	15,693 21
1945.....	1,726 31	13,966 91	15,693 22
1946.....	888 30	14,804 91	15,693 21
	\$134,834 33	\$180,000 00	\$323,864 33

SCHEDULE "B."

Memorandum of Agreement made this Twentieth day of November, 1926.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF TECK,
hereinafter called the "Municipality,"

of the First Part;

AND

of the Second Part.

Whereas the Municipality has at present a Water System supplying the Townsite of Kirkland Lake, and

Whereas Lake Shore Mines, Limited (No Personal Liability), The Teck-Hughes Gold Mines, Limited (No Personal Liability), Kirkland Lake Gold Mining Company, Limited (No Personal Liability), and Sylvanite Gold Mines, Limited (No Personal Liability), (hereinafter referred to as the "Companies") have made application to the Municipality for the supply of water to each of them respectively for mining, milling and domestic purposes, and

Whereas the capital cost for the extension necessary to provide a service for the supply of water to the Companies is approximately Fifty-two Thousand (\$52,000) Dollars, and

Whereas the annual sum required to amortize twenty year debentures for the said sum of Fifty-two Thousand (\$52,000) Dollars and interest thereon at the rate of six per cent. (6%) per annum is Four Thousand Five Hundred (\$4,500) Dollars, and

Whereas the Municipality has agreed to provide a service and supply water to the Company on the terms and conditions hereinafter contained,

Now therefore this agreement witnesseth that in consideration of

the premises and for other good and valuable consideration the Parties hereto mutually covenant and agree each with the other as follows:

1. The Municipality agrees to lay a Ten-inch Water Main to the property of the Company and to establish a Ten-inch Branch Line at a point agreed upon between the Company and the Township Engineer, and to supply water at a minimum pressure of seventy (70) lbs. for domestic service and one hundred and fifty (150) lbs. for fire service at the Pumping station, and of a purity to meet the requirements of the Provincial Board of Health, to the Company for the time that the Company shall carry on mining or milling operations in the Municipality and to commence to supply water not later than the First day of January, 1927, subject, however, to the provisions hereinafter contained.

2. The Municipality further agrees to provide, install and maintain a meter on the ten-inch Branch Line, at or near the point of supply, for the proper measurement of the water used by the Company and to furnish true copies of the monthly meter readings to the Company and to render on or before the 5th day of each and every month a bill to the Company for the water supplied for the previous calendar month, provided, however, that if the meter should fail to properly measure the water consumed in any one month or part of a month, the average consumption for the two calendar months immediately preceding shall be taken for the month in question, and a bill rendered accordingly.

3. The Municipality further agrees to and with the Company that in the event of a fire occurring on the Company's property that the Municipality will on five minutes' notice increase the water pressure on the general service to a point where one hundred and fifty (150) lbs. pressure will be available at the Pumping Station when five 1 and $\frac{1}{8}$ inch fire hose streams are in operation on the Company's property.

4. The Company agrees to take its water supply from the Municipality for the time that the Company shall carry on mining or milling operations in the Municipality, subject, however, to the provisions herein contained.

5. The Company further agrees that should a fire occur within the limits of the Townsite of Kirkland Lake or on the premises of any of the Companies that it will upon five minutes' notice being given reduce the supply of water taken to a minimum necessary to keep the Company's mill in operation until such time as the fire shall have been extinguished, provided always that this provision shall not be effective if and when a fire should occur or be in progress on the property of the Company.

6. The Company further agrees to pay for water used from the Municipality up to and including the 31st day of December, 1927, at rates to be fixed by the following schedule:

If the average quantity used during the month is 25,000 gallons or less per day at the rate of 15c per 1,000 gallons for that month;

If the average quantity used during the month is more than 25,000 and less than 50,000 gallons per day at the rate of 12c. per 1,000 gallons for that month;

If the average quantity used during the month is 50,000 or more, and less than 75,000 gallons per day at the rate of 9c. per 1,000 gallons for that month;

If the average quantity used during the month is 75,000 or more and less than 100,000 gallons per day at the rate of 7c. per 1,000 gallons for that month;

If the average quantity used during the month is 100,000 or more and less than 250,000 gallons per day at the rate of 6c. per 1,000 gallons for that month;

If the average quantity used during the month is 250,000 gallons or more per day at the rate of 5 $\frac{1}{2}$ c. per 1,000 gallons for that month.

Payment to be made within ten days after delivery of the bill for the preceding month as required under Clause No. 2 hereof.

7. Subject to Clause Number 12 hereof the Company further agrees that commencing in the year 1928 it will annually ten days before the date the principal and interest falls due on said debentures for a period of nineteen years pay to the Municipality the sum of Eleven Hundred and Twenty-five (\$1,125.00) Dollars provided, however, that the amount remaining unpaid under this clause may be discharged by the Company paying the Municipality on any date of payment fixed by this clause the then present value of the payments then remaining unpaid calculating interest at the rate of six per cent. compounded annually. Provided further that should the Company be in default in payment of any of the annual payments for a period of sixty days, the Municipality at its option may after thirty days' notice in writing to the Company declare the then present value of the annual payments remaining unpaid, immediately due and payable; and in the event of the Company becoming bankrupt or going into voluntary liquidation, the then present value of the annual payments remaining unpaid shall immediately become due and payable.

8. The Company further agrees that from and after the 31st day of December, 1927, it will pay for the water consumed by it at rates to be fixed by the Township Engineer as follows:

The rate for each ensuing year shall be adjusted and fixed by the Township Engineer on the First day of January, 1928, and on the First day of January in each and every year thereafter during the period of this agreement, and, subject to the provisions of clause Number 9 hereof, the price of water to the Company per thousand gallons shall be the cost of supplying the same as represented by the sum of the following items:

(a) The Total yearly power bill of the Municipality at the Pumping Station for the immediately preceding year divided by the total amount of water in thousands of gallons pumped by the Municipality for all purposes during that year.

(b) Maintenance and overhead for the immediately preceding year on the trunk mains installed under the provisions of this Agreement, divided by the total amount of water in thousands of gallons pumped by the Municipality for all purposes during that year.

(c) The wages of one operator only at the pumping station for the immediately preceding year divided by the total amount of water in thousands of gallons supplied to the Companies during that year.

(d) One-half cent per thousand gallons.

(e) The amount of the deficit (if any) sustained by the Municipality during the immediately preceding year on each thousand gallons of water supplied to the Companies during that year such deficit (if any) being the difference between the cost of supplying water to the Companies as represented by items (a), (b) and (c) hereof, and the amount of the revenue per thousand gallons derived from the Companies during the same year under Clause Number 6 or 8 hereof.

9. It is further agreed by and between the Parties hereto that when the rate is being fixed each year, in the event of the Municipality having realized a surplus on each thousand gallons of water supplied to the Companies during the immediately preceding year over and above the amount of the rate per thousand gallons as fixed for the said immediately preceding year (having first deducted from the amount of said rate one-half cent) such surplus shall be deducted from the amount arrived at by the calculation prescribed in Clause Number 8 and the net result shall be the rate for the ensuing year.

10. It is agreed by and between the Parties hereto that the Company's Auditor or other duly accredited representative may at any time upon giving twenty-four hours' notice examine the books and records of the Municipality covering the Water Works transactions and the Muni-

pality agrees to furnish every facility to such person or persons to enable all charges against any of the items referred to in clause Number 8 to be thoroughly investigated and checked.

11. The Company further agrees to give the Municipality a Right of Way twelve feet (12') in width over such part of the property of the Company as may be necessary for the proper laying and maintaining of the water works system and including the right to excavate and lay water pipes and subject to the provisions of clause Number 12 hereof to give the Municipality the right of making connections to the trunk main to supply water to any other customer; Provided, however, that should the Company's operations require any change in the location of any water pipes on its lands the Municipality agrees upon being given thirty days' notice in writing to move, at the expense in the first place of the Municipality, the portion of the water main or branch line required to be moved to a new right of way to be agreed upon between the parties hereto and the cost of such removal shall be reimbursed to the Municipality by the Company within sixty days from the date of completion thereof. The Municipality shall not be liable to the Company for any loss or interruption of service caused by reason of any removal of the Water main on the property of any of the Companies provided such interruption of service does not continue for a longer period than five hours and provided that the Companies affected by such interruption of service shall have been given six hours' notice.

12. (a) In the event of any other "mining company" or "mining companies" making application to the Municipality at any time before the first day of January, 1937, for a supply of water for other than purely domestic purposes it is agreed that the Municipality shall require any such applicant to enter into an agreement of similar tenor so far as possible to this Agreement and that the Municipality will issue its debentures for the cost of the installation of the water service to such applicant or applicants and that such new debentures shall be repayable in equal annual instalments of principal and interest the final instalments to fall due on the same date as the final instalments of the debentures now being issued by the Municipality and hereinbefore referred to, and that in the event of the total annual cost of such new debentures added to \$4,500.00 and divided by the number of companies then taking and so proposing to take water being less than \$1,125.00 the Company shall only be required to pay such lesser sum per annum in lieu of the \$1,125.00 mentioned in Clause Number 7 hereof, and in case the Company shall have discharged its obligation under said Clause Number 7 the Company shall be entitled to a credit on its water rates for the succeeding year or years, so far as the same will extend sufficient to refund to the Company an amount equal to the then present value of the difference between \$1,125.00 and said lesser sum annually for the number of the unexpired years of the nineteen-year period mentioned in Clause Number 7, calculating interest at the rate of six per cent. compounded annually. In case the Company may thereafter desire to discharge its obligation under said Clause Number 7 it may do so by paying to the Municipality on any date of payment fixed by said Clause Number 7, the then present value of such lesser payments then remaining unpaid, calculating interest at the rate of six per cent. compounded annually.

(b) In the event of any other "mining company" or "mining companies" obtaining a supply of water from the Municipality for other than purely domestic purposes under the provisions of Clause Number 12 hereof, then from and after the dates of their respective agreements with the Municipality for the supply of water each of such shall be deemed to be included in the expression "Companies" wherever the same is used in this agreement unless the context is clearly repugnant thereto.

(c) In the event of any other "mining company" or "mining companies" obtaining a supply of water from the Municipality after the 31st day of December, 1936, for other than purely domestic purposes then such "mining company" or "mining companies" shall be deemed to be included in the expression "Companies" where the same occurs in sub-clause lettered (c) of Clause Number 8 of this Agreement.

(d) In the case of any other "Mining Company" obtaining water from the Municipality for purely domestic purposes the Municipality agrees that it will as a condition of supplying the water reserve the right to cut off the supply of such and that it will cut off the supply to such consumer should the water be used for other than purely domestic purposes. Water supplied to any such consumer shall be charged for at not less than the general rate fixed for consumers living in the Townsite of Kirkland Lake.

13. It is agreed by and between the parties hereto that should any dispute arise under the provisions of this Agreement either Party thereto may on giving ten days' written notice to the other Party refer such matter in dispute to the award and determination of the Ontario Railway and Municipal Board as arbitrators which Board shall have all the powers given by *The Arbitration Act* (Ontario) to arbitrators. The provisions of the said Arbitration Act shall govern all such references and either Party shall have the right to appeal from the award of said Board.

14. It is further agreed by and between the Parties hereto that the Municipality shall not be liable for any loss or damage occasioned through failure to supply water according to the terms of this Agreement by reason of conditions beyond the control of the Municipality.

15. It is further agreed that wherever the expression "gallons" is used in this Agreement it shall be deemed to mean "Imperial Gallons" and no other.

This Agreement shall enure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

In witness whereof the Parties hereto have executed this Agreement.

SIGNED, SEALED AND DELIVERED

in the presence of:

No. 24.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Township of Teck.

1st Reading,	18th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

(*Private Bill.*)

MR. KENNING.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Township of Nipigon.

WHEREAS the corporation of the township of Nipigon, Preamble,
in the District of Thunder Bay, has by its petition
prayed for special legislation confirming all tax sales held by
it prior to the 31st day of December, 1925; and whereas it
is deemed 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.** This Act may be cited as *The Township of Nipigon Act*, Short title,
1927.
- 2.** All sales of lands within the township of Nipigon, held Tax sales
and deeds
confirmed.
prior to the 31st day of December, 1925, and which purport
to be made by the corporation of the said municipality, or
any official or officials thereof, for arrears of taxes in respect
to the lands so sold, are validated and confirmed, and all
deeds of lands so sold, executed by the reeve and treasurer
of the said municipality, purporting to convey the said lands
so sold to the purchaser thereof, or his assigns, are validated
and confirmed, and shall have the effect of vesting the lands
so sold and conveyed or purported to be sold and conveyed,
and the same are vested in the purchaser or his assigns and
his and their heirs and assigns, in fee simple, free and clear
of and from all right, title and interest whatsoever of the
owners thereof at the time of such sale, or their assigns, and
of all charges and encumbrances thereon except taxes accrued
since those for non-payment whereof the said lands were sold.
- 3.** Section 2 shall extend and apply to cases where the Where muni-
cipality
purchaser.
municipality or any one in trust for it or on its behalf became
the purchaser of the lands.
- 4.** Nothing in this Act contained shall affect any action, Pending
litigation not
affected.
litigation or other proceeding now pending, but the same may
be proceeded with and finally adjudicated upon in the same

manner and to the same extent as if this Act had not been passed.

Lands
forfeited to
Crown under
Rev. Stat.,
c. 26.

5. This Act shall not apply to lands forfeited to the Crown under *The Mining Tax Act*.

Commence-
ment of
Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 25.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Township of
Nipigon.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(Private Bill.)

MR. HOGARTH.

TORONTO :

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Almonte.

WHEREAS the corporation of the town of Almonte has Preamble. by its petition represented that the said corporation has incurred a floating debt of \$15,000, the largest part of which is for works of a permanent character which if paid out of current revenue would be unduly burdensome and oppressive on the ratepayers of the said corporation; and whereas the said corporation has by its petition further represented that it is expedient to raise the sum of \$10,000 for the purpose of completing Bridge and Queen streets in the said corporation as connecting links of the county road system of the county of Lanark or as part of the said connecting links system and part of the provincial highway system of the Province of Ontario and to pay forthwith the whole of the said corporation's share of the cost of the said roads would also be unduly burdensome and oppressive on the ratepayers of the said corporation; and whereas the said corporation of the town of Almonte has by its petition prayed that it should be enacted as 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 consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Town of Almonte Act, 1927*. Short title.
2. The floating debt of the corporation of the town of Almonte is consolidated at the sum of \$15,000. Floating debt consolidated at \$15,000.
3. The said corporation of the town of Almonte may borrow by a special issue of debentures a sum not exceeding \$25,000 for the purpose of paying the said floating debt and completion of the said Bridge and Queen streets as connecting links of the county roads system of the county of Lanark or as part of the connecting links system of the county of Lanark and part of the provincial highway system of the Province of Ontario. Authority to borrow \$25,000 by issue of debentures.

- Terms of debenture and interest. **4.** The said debentures shall be in sums of not less than \$100 each and shall be made payable in not more than twenty years from the date of issue thereof and shall bear interest at a rate not exceeding five per centum per annum and may be issued either with or without coupons attached thereto for interest and shall be payable at such place or places as the corporation may deem expedient.
- Equal annual instalments of principal and interest. **5.** The said debentures shall be payable in equal annual instalments of principal and interest in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.
- Special rate. **6.** The said corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.
- Application of debentures. **7.** The debentures to be issued under the authority of section 3 of this Act and all moneys arising from the sale thereof shall be applied in payment of the said floating debt and the completion of Bridge and Queen streets and for no other purpose.
- Assent of electors not required. **8.** It shall not be necessary to obtain the assent of the electors of the town of Almonte to the passing of any by-law which shall be passed under the authority of section 3 of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922*.
- 1922, c. 72.
- Irregularity in form not to invalidate. **9.** 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 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 enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.
- Treasurer to keep a book of account. **10.** 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 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 sale or negotiations of the said debentures, and the application 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.

11. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

No. 26.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of Almonte.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(Private Bill.)

MR. THOMPSON (Lanark North).

T O R O N T O:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Essex Border Utilities Commission.

WHEREAS the Essex Border Utilities Commission has by ^{Preamble.} its petition represented that it is desirable that a reapportionment upon the basis of actual benefit derived amongst the several municipalities of the cost of any of the works which it is authorized to construct be made annually and that the Commission be authorized to equalize the payments accordingly; and that it is desirable to make plain the procedure where an engineer's report upon the cost of completing, extending or improving a work previously authorized is filed and that *The Consolidated Essex Border Utilities Act, 1921*, be amended accordingly; and whereas the said Commission has prayed that an Act may be passed for the said purposes; 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. This Act may be cited as *The Essex Border Utilities Act*, Short title. 1927.

2. Section 20 of *The Consolidated Essex Border Utilities Act, 1921*, is hereby repealed and the following substituted ^{1921, c. 99, s. 20, repealed.} therefor,—

20. On or before the first day of February in any year the council of any of the Essex Border municipalities may file with the secretary of the Commission an application showing that its actual benefit derived from any authorized work during the previous year substantially differs from its apportionment of the debt incurred and asking for a refund therefor accordingly and for a reapportionment of the unpaid part of such debt and the Commission shall hear all parties signifying their desire to be heard and may by by-law reapportion amongst the municipal cor-
Reapportionment of cost between corporations.

porations liable the said debt according to the benefit derived and also the annual amounts thereafter to be raised to pay the debentures issued and shall equalize the payments accordingly; provided always that a period of two weeks shall be allowed to elapse between the second and third readings of the by-law and during this period any of the said corporations may appeal to the Ontario Railway and Municipal Board and in that event the question of the reapportionment shall be reconsidered and determined by the Municipal Board and in case the said Commission or the Municipal Board shall alter the apportionment then from and after the service of a copy of the said by-law or order (as the case may be) upon the clerks of the municipalities liable each corporation shall raise and levy the sum or sums provided in said order or by-law until the debt is fully paid by a special rate or rates sufficient therefor over and above all other rates on the rateable property of the municipality to be collected at the same time and in the same manner as other rates, but the total of the amounts to be raised by the corporations to pay any debenture or debt shall not be changed:

- (a) Provided that should the council of any corporation refuse or neglect after service of the said order or by-law to impose or collect the said rate, the sum so required to be raised shall be a debt which may be recovered by the Commission from the corporation liable by suit in any court of competent jurisdiction.

1921, c. 99,
s. 10,
amended.

3. Section 10 of the said Act is amended by adding thereto the following clause,—

Engineer's
report on
cost of
extension
required.

- (a) Before passing a by-law to borrow by the issue of debentures to meet the cost of completing, extending or improving any work previously authorized the Commission shall procure from their engineer a report under section 13 hereof apportioning the additional cost amongst the municipalities liable but it shall not be necessary to submit to the electors a further question in regard to the same.



No. 27.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Essex Border
Utilities Commission.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. REID.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Essex Border Utilities Commission.

WHEREAS the Essex Border Utilities Commission has by ^{Preamble.} its petition represented that it is desirable that a reapportionment upon the basis of actual benefit derived amongst the several municipalities of the cost of any of the works which it is authorized to construct be made annually and that the Commission be authorized to equalize the payments accordingly; and that it is desirable to make plain the procedure where an engineer's report upon the cost of completing, extending or improving a work previously authorized is filed and that *The Consolidated Essex Border Utilities Act, 1921*, be amended accordingly; and whereas the said Commission has prayed that an Act may be passed for the said purposes; 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. This Act may be cited as *The Essex Border Utilities Act*, Short title, 1927.

2. Section 20 of *The Consolidated Essex Border Utilities Act, 1921*, is hereby repealed and the following substituted therefor,—^{1921, c. 99, s. 20, repealed.}

20.—(1) On or before the first day of *December* in any year the council of any of the Essex Border municipalities may file with the secretary of the Commission an application showing that its actual benefit derived from any authorized work during the previous year substantially differs from its apportionment of the debt incurred and asking for a refund therefor accordingly and for a reapportionment of the unpaid part of such debt and the Commission shall hear all parties signifying their desire to be heard and may by by-law reapportion amongst the municipal cor-^{Reapportionment of cost between corporations.}

porations liable the said debt according to the benefit derived and also the annual amounts thereafter to be raised to pay the debentures issued and shall equalize the payments accordingly,—

- (2) A period of two weeks shall be allowed to elapse between the second and third readings of the by-law and during this period any of the said corporations may appeal to the Ontario Railway and Municipal Board and in that event the question of the reapportionment shall be reconsidered and determined by the Municipal Board and in case the said Commission or the Municipal Board shall alter the apportionment then from and after the service of a copy of the said by-law or order (as the case may be) upon the clerks of the municipalities liable each corporation shall raise and levy the sum or sums provided in said order or by-law until the debt is fully paid by a special rate or rates sufficient therefor over and above all other rates on the rateable property of the municipality to be collected at the same time and in the same manner as other rates, but the total of the amounts to be raised by the corporations to pay any debenture or debt shall not be changed:

- ☞ (3) A copy of the proposed by-law shall within three days after it has received its second reading be served upon the clerks of each of the municipalities which may be liable thereunder together with a notice stating the day of its second reading and that an appeal must be brought within two weeks from said day.

- (4) If the council of any corporation refuses or neglects after service of the said order or by-law to impose or collect the said rate, the sum so required to be raised shall be a debt which may be recovered by the Commission from the corporation liable by suit in any court of competent jurisdiction. ☞

1921, c. 99,
s. 10,
amended.

3. Subsection 1 of section 10 of the said Act is amended by adding thereto the following clause:

Engineer's
report on
cost of
extension
required.

- (a) Before passing a by-law to borrow by the issue of debentures to meet the cost of completing, extending or improving any work previously authorized the Commission shall procure from their engineer a report under section 13 hereof apportioning the additional cost amongst the municipalities liable but it shall not be necessary to submit to the electors a further question in regard to the same.

No. 27.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Essex Border
Utilities Commission.

1st Reading, 28th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

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

MR. REID.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Board of Education for the City of Toronto.

WHEREAS the Board of Education for the city of Toronto ^{Preamble.} has by petition prayed for special legislation in respect of the several matters 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 consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The Board of Education for the city of Toronto may by resolution create a fund to be known as "The Board of Education Insurance Fund" to protect the said board against loss by fire, lightning, tempest or explosion on any of its buildings or other insurable property, and for this purpose may,—

- (a) Require the corporation of the city of Toronto to levy and collect annually, along with the moneys required for educational purposes generally, such amount as the board may require for the creation and maintenance of the said fund, but such amount shall not in any year exceed one-twentieth of one mill on the dollar of the total assessment for school purposes in such year. ^{City to collect moneys required therefor.}
- (b) Determine and vary from year to year the amount of such sum as circumstances may require; ^{Amount may vary from year to year.}
- (c) Designate any or all of the buildings or other insurable property of the board to which the proposed fund shall apply and from time to time fix the fair replacement value thereof for the purpose of this Act; ^{Designation and valuation of property to which fund shall apply.}
- (d) Fix a percentage of the value of all board property to be insured and the amount by which such percentage may be reduced from time to time as the said fund increases. ^{Part of property to be insured.}

When levy
to be dis-
continued.

(e) Continue to require such annual levy and collection as aforesaid until there has been collected in said fund from the proceeds of such annual levy and collection and from investment of the fund an amount equal to five per cent. of the replacement value of the buildings or other insurable property designated by the board under the provisions of clause *c* hereof.

Main-
tenance of
fund.

(f) From time to time require such annual levy and collection for the purpose of maintaining the fund at such sum as the board may determine, but not to exceed the sum fixed by the provisions in the next preceding clause hereof.

Investment
of fund.

1926, c. 40.

2. The said board shall invest the said fund in such securities as a trustee may invest in under the provisions of *The Trustee Act* and the revenue derived from such investments shall be added to and form part of the fund until the said fund equals five per cent. of the replacement value of the said buildings and other insurable property and thereafter all revenue from such investments that are not required for the purpose of maintaining the fund at such amount shall be used to reduce the amount annually required by the board for school purposes.

Application
of fund.

3. Subject to the provisions of section 2, the said board shall use the said fund only for the purpose of rebuilding, repairing or replacing any of the buildings or other insurable property of the board that may be destroyed by fire, lightning tempest or explosion.

Right
reserved
to insure
certain
property.

4. Nothing herein contained shall affect or prejudice the right of the board to insure in any incorporated insurance company any of the buildings or other insurable property of the board not designated by resolution under the provisions of clause (*c*) of section 1, hereof.



No. 28.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Board of Education
for the City of Toronto.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. MCBRIEN.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Hamilton Street Railway Company.

WHEREAS the corporation of the city of Hamilton and Preamble.
the Hamilton Street Railway Company have by petition represented that the said company operates an electric railway in and about the city of Hamilton in the Province of Ontario; that the corporation of the city of Hamilton and the said company have executed the agreement set forth in Schedule 1 hereto; that the said agreement received the assent of the electors of the said city on the 19th day of May, 1926; that the corporation of the city of Hamilton, the Hamilton Cataract Power, Light and Traction Company, Limited, and the said company have executed the agreement set forth in Schedule 2 hereto; that the corporation of the city of Hamilton and the said company have executed the agreement set forth in Schedule 3 hereto, which said agreement is referred to in Schedule 1 hereto; and whereas it is desirable and in the interests of the said corporation of the city of Hamilton and of the Hamilton Street Railway Company that such agreements and the by-laws authorizing the same should be validated and confirmed and that the said corporation should be empowered to carry out the terms of the said agreements, and that the said agreements be declared legal and binding upon the parties thereto; and whereas the said corporation and the said company have by their petition prayed that an Act may be passed for such purposes; 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. This Act may be cited as *The Hamilton Street Railway* Short title.
Company Act, 1927.

2. By-law 3336 of the corporation of the city of Hamilton By-law 3336 confirmed.
dated the 25th May, 1926, set forth as schedule 1 hereto is confirmed and declared to be legal, valid and binding in the same manner and to the same extent as if set out at length

and the provisions thereof enacted in this Act; and the said corporation is hereby authorized and empowered to pass such other by-laws, to enter into such other agreements, and to do all such other acts, matters and things as may be deemed necessary by the said corporation for the full and proper carrying out of the provisions of the said agreement, and where jurisdiction respecting any of the matters mentioned in said agreement is now or may hereafter be vested in the police commissioners of the said city, or any other authority, such powers as may be necessary to enable the council to carry out the provisions of the said agreement shall be exercised by the council of the said corporation instead of the said commissioners or other authority.

By-law 3337
confirmed.

3. By-law 3337 of the corporation of the city of Hamilton dated the 25th May, 1926, set forth as schedule 2 hereto is confirmed and declared to be legal, valid and binding.

By-law 2622
confirmed.

4. By-law 2622 of the corporation of the city of Hamilton dated the 28th February, 1922, set forth as schedule 3 hereto is confirmed and declared to be legal, valid and binding.

Commence-
ment of
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE 1.

BY-LAW No. 3336.

To authorize the Execution of an Agreement Between the Corporation of the City of Hamilton and the Hamilton Street Railway Company.

The Municipal Council of the Corporation of the City of Hamilton enacts as follows:—

1. That the proposed Agreement, dated the 25th day of May, 1926, between the Corporation of the City of Hamilton, of the one part, and the Hamilton Street Railway Company, of the other part (a true copy whereof is set out in Schedule "A" to this By-law), is hereby approved and authorized.

2. The Mayor and the Clerk of the Corporation are hereby respectively authorized and directed to execute the said Agreement on behalf of the Corporation, and the Clerk shall affix the Corporate seal thereto.

PASSED this 25th day of May, 1926.

S. H. KENT,
City Clerk.

FREEMAN F. TRELEAVEN,
Mayor.

SCHEDULE "A".

AGREEMENT dated the 25th day of May, 1926.

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter called the "City"),

of the first part,

—and—

THE HAMILTON STREET RAILWAY COMPANY
(hereinafter called the "Company"),

of the second part;

WITNESSETH that the parties hereto have agreed as follows:—

INTERPRETATION.

1. In this Agreement, unless the context shall otherwise require, the words,

(a) "Board" or "Railway Board" shall mean and include "The Ontario Railway and Municipal Board," or any other body subject to Provincial jurisdiction, that may at any time hereafter have either in whole or in part the powers of such Board.

(b) "Transportation System" shall mean any system to be operated solely by the Company for the operation of electric cars, either on metal tracks or without tracks, or for the operation of motor omnibuses by gasoline, electricity or other powers, except the force of animals, and any system for the operation of vehicles for the carriage of passengers, approved by the Council of the City or the Board, but shall not include vehicles chartered for special trips, such as cabs and taxi-cabs, nor shall it include vehicles licensed by the Department of Public Highways, or vehicles over which the Council has no control.

2. All written Agreements, By-laws and Statutes governing the relations between the parties hereto, and the powers of the Company, in so far as they are in force and effect, shall remain in full force and effect, except in so far as they are, or may become, inconsistent with or altered by, or under the terms of this Agreement, and such agreements, by-laws and statutes, and this agreement shall apply to such transportation system, but the provisions respecting paving and repairs shall apply only to streets upon which tracks of street railway are laid, or may hereafter be laid.

COMPANY TO PROVIDE MODERN TRANSPORTATION SYSTEM.

3. The Company shall provide a modern and efficient street railway and transportation system, including everything pertaining to it and its operation, and shall at all times during the term of this Agreement keep the same in a proper and efficient condition of maintenance and repair so as to give a rapid, sure and efficacious service in accordance with the intention of By-law No. 624 and amendments thereto, respecting the Company and this Agreement;

AND without in any way restricting the general application of the foregoing provisions, the Company shall carry out in the years specified herein the improvements as shown in the following schedule:

1st Year, expiring May 1st, 1927—24 new cars; 8 new omnibuses; reconstruction of King Street tracks from Catharine Street to Sanford Avenue. The said omnibuses to be put in operation on or before the 15th August, 1926.

2nd Year, expiring May 1st, 1928—12 new cars; 4 new omnibuses or cars; 1 new car barn and repair shops, estimated cost, \$250,000.00.

3rd Year, expiring May 1st, 1929—12 new cars; 4 new omnibuses or cars.

Types of cars and omnibuses to be approved by the City or Board.

When and where practicable the Company shall employ Hamilton labour.

IMPROVEMENTS TO SYSTEM.

4. (a) Should the City at any time or times desire further track extensions or improvements, or extensions or alterations in or to said transportation system or service, the City may give notice requiring the Company to provide the same; should the Company neglect or refuse to make such extensions or improvements, the City may apply to the Board for an Order compelling the Company to make such extensions, additions or improvements, and the Board shall have full jurisdiction in the premises. The Board shall amongst other things, take into consideration the needs of the population, the estimated return upon the proposed increased investment and the general financial conditions. All extensions of tracks and the operation of omnibuses upon City streets and the streets upon which such omnibuses shall be operated shall be approved by the City or the Board and no tracks shall be taken up or any service abandoned without the consent of the City or the Board.

(b) The Company shall not be obliged to make any extensions, or to add to equipment, after receiving notice from the City of its intention to purchase under the Agreements in force between the parties.

FARES.

5. (a) The Street Railway Fares authorized by By-law No. 2622, passed 28th February, 1922, shall continue until altered by the Board but such fares shall not be increased prior to the 30th day of June, 1928.

(b) Until the said 30th day of June, 1928, and thereafter until changed by an order of the Board, the Company to be allowed to charge a fare of 10 cents per passenger on its omnibuses, but shall sell three tickets for 25 cents; children half fare. Transfers to be given from omnibuses to street cars, and upon payment of a five cent fare from street cars to omnibuses.

Where omnibuses are used in lieu of extensions of car lines, the fares on such omnibuses shall be 5 cents until the 30th June, 1928, and thereafter until changed by an order of the Board, and the Company shall grant transfers from such omnibuses to the Street Railway System, and from the Street Railway System to the said omnibuses, without any additional charge for all continuous trips, which are not returns.

The Board prior to said date may direct that such transfers shall also be granted and a five cent fare only charged in other cases, where, in the Board's opinion, it is fair and equitable that transfers should be given, and a five cent fare charged. But the Company shall not be compelled to give transfers to or from any omnibuses running to within one-quarter of a mile of the corner of King and James Streets.

(c) Within sixty days prior to the 30th day of June, 1928, and at any time or times thereafter the Company or the City may apply to the Board for an order increasing or reducing the above mentioned fares, and respecting transfers, and the Board may make orders regulating said transfers and may, notwithstanding any Act or Acts to the contrary, increase or reduce such fares so that they shall be just and reasonable, taking into consideration amongst other things the by-laws of the Council and the Agreements between the parties, but no order of the Board increasing or reducing the fares shall take effect prior to 30th of June, 1928; provided that neither party hereto shall make more than one such application in any year, without the consent of the other party. But no order increasing such fares shall be made by the Board, should the Board find that the Company has failed to carry out the provisions of *this agreement* or has failed to substantially carry out the provisions of the other agreements between the parties and By-law No. 624 and amendments thereto.

ONE-MAN CARS

6. The regulation contained in paragraph (h) of Section 19 of By-law No. 624, that there shall not be less than two men in charge of each car, is hereby cancelled and declared to be no longer binding on the Company. The Company with the consent of the City or with the approval of the Board, may operate such number of cars operated by one employee as may be suitable to such transportation system.

ADVERTISING SIGNS

7. The regulations contained in Section 14 of By-law No. 624, that no permanent business signs shall be carried on the outside of the cars for advertising purposes, is hereby cancelled and declared to be no longer binding on the Company, but all such signs and advertising shall be subject to the approval of the Board of Police Commissioners of the City of Hamilton.

REMOVAL OF SNOW AND ICE.

8. Where it is necessary that snow and ice be removed from the streets upon which the tracks of the street railway are operated 40 per centum of the cost of removal shall be borne by the Company and 60 per centum by the City.

PAYMENTS BY COMPANY TO CITY.

9. The payments by the Company to the City provided for by sections 23 and 24 of said By-law No. 624 shall be discontinued and said sections shall be repealed; and in lieu of the said payments, the company shall pay to the City quarterly from the 30th day of June, 1928, four per centum of its gross receipts.

Provided however that during such period or periods that the Company shall charge no greater street railway fares than are authorized by By-law No. 2622, passed on the 28th February, 1922, and no greater omnibus fares than are authorized by Subsections (b) and (c) of Section 5 hereof, the Company shall not be required to pay to the City the said percentage.

The quarterly period for which such payments shall be made, shall commence at the date any of the said fares are increased by any authority whatsoever.

EXCLUSIVE FRANCHISE FOR TRANSPORTATION SYSTEM.

10. (a) The Company shall have and may exercise during the terms of this Agreement and of the said By-law No. 624 and amendments thereto, and of any extensions and renewal thereof, an exclusive franchise to con-

struct, complete, maintain and operate within the limits of the City as such limits may be from time to time a transportation system. It being the intention of the parties hereto that the Company shall not be subject to competition in its business of transporting passengers between points in the City, except by vehicles chartered for special trips, such as cabs and taxi-cabs, where the regular City tariff is charged and vehicles mentioned in section 1 (b) hereof. The City shall not issue any new jitney licenses or sanction the transfer of any such license at present in force, nor shall any such jitney license now in force remain in force after the 30th June, 1928.

(b) The City will not oppose applications by the Company for privileges of extensions and operation of its system, to be exercised beyond the limits of the City as such limits may be from time to time, but all receipts from such extensions shall be included in the gross receipts of the Company, and said By-law No. 624 and amendments, shall mutatis mutandis apply to said extensions. In the event of the annexation to the City of any district into which the railway extends, the provisions of this Agreement and of said By-law No. 624 and amendments thereto, shall apply to the portion of the railway in said district.

(c) Nothing herein contained shall be deemed to prevent the operation within the limit of the City as such limits may be from time to time, of motor omnibuses running between any point within the City and towns and villages whether incorporated or unincorporated, but no such omnibuses shall convey passengers from one point within the City limits to another point therein.

(d) The City shall pass such by-laws as the Company may request, and as it lawfully may, to enable the Company to enforce the provisions of sub clauses (a) and (c) of this clause, but the City shall not be obliged to enforce such provisions.

(e) Notwithstanding anything contained in this clause, during any and all times that the Company is prevented from regularly operating, or neglects to operate its lines, or any of them, for more than one day, the City may operate or authorize the operation during the time of suspension of operation by the Company, of motor omnibuses or other vehicles as public carriers.

(f) Nothing herein shall affect the right which any railway or other company may have, to operate a steam or an electric railway, wholly or in part, within the City limits and to carry passengers or freight.

(g) The franchise or right given by sub-clause (a) of this clause shall include the right to construct, maintain and operate such equipment and other things as are or may become usual or necessary in connection with a transportation system; subject, however, to the provisions of any By-law of the City now or hereafter passed respecting streets, buildings or the zoning or the location of buildings.

COMPANY TO ADD TO ITS SYSTEM.

11. The Company shall operate as part of its Street Railway System, the following portions of railways:—

HAMILTON RADIAL RAILWAY, on Main Street, from Sherman Avenue to Delta, and on King Street, from Delta to Saltfleet line.

HAMILTON AND DUNDAS RAILWAY, on Queen Street, from Herkimer Street to Aberdeen Avenue, and on Aberdeen Avenue, from Queen Street westerly to City Limits;

and shall, prior to 30th day of June, 1928, acquire the ownership of said portions of railways and of all necessary poles, wires and apparatus necessary for the proper operation of the street railway system, and the provisions of By-law No. 624 and amendments shall apply to said portions of railway, and such poles, wires and apparatus.

BOARD TO REVISE COSTS.

12. The City shall have the right to apply to the Ontario Railway and Municipal Board for (and the Board shall have power to make) an Order disallowing or reducing items of expenditure made by the Company for cost of construction, maintenance and operation of the transportation system which the Board considers unjust or unreasonable.

COMPANY TO PAY CITY MONIES DUE.

13. The Company shall pay to the City all monies due for taxes, mileage and percentage, etc., within 30 days after the due execution of this Agreement.

NOTICE TO CEASE OPERATION.

14. The Hamilton Street Railway Company agrees that it will not cease operation of the transportation system without giving the City at least three months' notice in writing of its intention so to do.

COMPANY TO FACILITATE CITY OFFICERS.

15. The Company to afford every facility, at all times, to the officer or officers appointed by the City to enable him or them to ascertain if the Company is complying with the terms of By-law No. 624 as amended and all other by-laws of the Council and all agreements between the City and the Company.

FORFEITURE.

16. In the event of the Company giving the notice referred to in Section 14 hereof, or forfeiting its privileges and rights pursuant to any by-law of the Council or agreement between the parties hereto, or should the Company fail to carry out any of the provisions of said By-laws and agreements, or of this agreement, or should the Ontario Railway and Municipal Board take possession of the railway or assume and take over the railway, the City, in addition to all other rights, shall have the right of assuming the ownership of the railway and the real and personal property, and shall be entitled to the benefits of all agreements made by the Company with other companies, corporations or persons respecting the maintenance and operation of the railway; and the Company shall be entitled to payment of 75 per centum only of their value, which value shall be determined in manner provided by Section 15 of By-law No. 624, that is, upon the basis of the actual value thereof, without regard to the way it is being used and employed or the net revenue received therefrom, but this right shall not in any way interfere with the other provisions of the said by-laws and agreements.

PROVIDED, however, that should the Board determine that the Company was unable to prevent such forfeiture, or to carry out the said provisions, owing to failure of power, strike or act of God, and that the Company did not act arbitrarily, the Board may, within three months thereafter authorize the Company to repossess the said railway and resume the operation thereof upon payment to the City or Board of all costs and expenses incurred in connection with such taking over, and upon such further terms as to the Board may seem just.

LEGISLATION.

17. The parties hereto agree to join in applying to the Legislature of the Province of Ontario at its next session for legislation confirming and ratifying this Agreement, and declaring the same to be valid, legal and binding upon the parties hereto, the expenses of such legislation to be borne by the Company.

AGREEMENT NOT BINDING, SHOULD CONFIRMATION THEREOF
BE NOT OBTAINED

18. If any permission, approval, confirmation, or other thing necessary in order to make effective and valid the powers granted to the Company, by this Agreement shall not be obtained, then this Agreement shall not

be binding, and the parties shall be restored to their rights and legal positions as they existed immediately prior to the execution of this Agreement, without having any claim for damages arising out of the failure to obtain such permission, approval, confirmation or other thing, but the City shall not have any claim for mileage or percentage, or for snow removal except as provided by Section 8, of this Agreement, between the first day of May, 1926, and the date that the parties shall be restored to their rights and positions as they existed prior to the execution of this Agreement.

DISPUTE DETERMINED BY ONTARIO RAILWAY AND MUNICIPAL
BOARD.

19. All disputes between the Company and the City, including any dispute respecting service and the interpretation of this Agreement, shall be determined by the Board.

EXAMINATION OF BOOKS.

20. The City shall have the right to examine the books of account, vouchers, records, documents, and balance sheets of the Company, quarterly, relating to its affairs, and to take extracts therefrom.

PRESENT AGREEMENTS BINDING, EXCEPT AS HEREBY VARIED.

21. All the terms and conditions of By-law No. 624 and amendments thereto, not inconsistent herewith or altered hereby, excepting Agreement authorized by By-law No. 3265, passed on the 29th day of December, 1925, where the context will allow, shall apply to the whole of the said transportation system and shall be binding upon the City and upon the Company, its successors and assigns, and upon any Company which may now or shall hereafter operate the transportation system of any part or parts of the said System, authorized by the said Agreements or By-laws.

Nothing herein contained shall be deemed to interfere with the right of the City to assume ownership of the railway and the real and personal property in connection with the working thereof, on the 22nd day of December, 1928, and thereafter, as provided by Section 15 of said By-law No. 624.

In witness whereof the parties hereto have hereunto affixed their respective seals under the hands of their proper officers.

Signed, sealed and delivered.

SCHEDULE 2.

BY-LAW No. 3337.

To Authorize the Execution of an Agreement Between The Corporation of the City of Hamilton, The Hamilton Street Railway Company, and The Hamilton Cataract Power, Light and Traction Company, Limited.

The Council of the Corporation of the City of Hamilton enacts as follows:—

1. That the proposed Agreement, dated the 25th day of May, 1926, between The Corporation of the City of Hamilton, of the First Part; The Hamilton Street Railway Company of the Second Part, and The Hamilton Cataract Power, Light & Traction Company, Limited, of the Third Part, a copy whereof is set out in Schedule "A" to this By-law, is hereby approved and confirmed.

2. The Mayor and the Clerk of the Corporation are hereby authorized and directed to execute the said Agreement on behalf of the City Corporation and to affix to it the corporate seal of the Municipality.

PASSED this 25th day of May, 1926.

(Sgd.) "S. H. KENT,"
City Clerk.

(Sgd.) "F. F. TRELEAVEN,"
Mayor.

[SEAL]

SCHEDULE "A."

REFERRED TO IN FOREGOING BY-LAW 3337.

AGREEMENT made this 25th day of May, 1926,

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter called the "City"),
of the first part;

THE HAMILTON STREET RAILWAY COMPANY
(hereinafter called the "Street Railway Company"),
of the second part;
and

THE HAMILTON CATARACT POWER, LIGHT AND TRACTION
COMPANY, LIMITED,
(hereinafter called the "Cataract Company")
of the third part.

Whereas the "City" and the "Street Railway Company" have entered into certain agreements respecting the Hamilton Street Railway as set forth in By-law No. 624 and amendments thereto.

And whereas it is agreed by and between the parties hereto, that in the event of the By-law authorizing an Agreement between the "City" and the "Street Railway Company" to be submitted to the electors pursuant to By-law No. 0000 receiving the assent of the electors and being duly passed by the Council this Agreement shall come into full force and effect.

Now therefore this Agreement witnesseth that in consideration of the premises and, or in consideration of the sum of One Dollar, paid by the City to the "Cataract Company," the receipt whereof is hereby acknowledged, the parties hereto hereby agree to and with each other as follows:—

1. That in the event of the "Street Railway Company" forfeiting its privileges and rights acquired pursuant to any by-law of the City Council, or should the "Street Railway Company" fail to carry out any of the provisions of such by-laws; or should The Ontario Railway and Municipal Board take possession of the railway or assume and take over the same, the "Cataract Company" will, upon request of the City Corporation, supply power to such Board or the Corporation or its nominees, sufficient to operate the said railway in accordance with the provisions of said By-law No. 624 and amendments thereto and this agreement, for a term of one year from the date the railway of the "Street Railway Company" is so assumed or taken over at the same price per kilowatt hour as paid by the "Street Railway Company" to the "Cataract Company" for power for the preceding twelve months, accounts for power to be paid monthly.

In witness whereof the parties hereto have hereunto affixed their respective Seals under the hands of their proper officers.

SIGNED, SEALED AND DELIVERED.

(Sgd.) "F. F. TRELEAVEN,"
Mayor.

SEAL.

(Sgd.) "S. H. KENT,"
City Clerk.

THE HAMILTON STREET RAILWAY COMPANY,
(Sgd.) "JOHN DICKENSON,"
Vice-Pres.

SEAL.

(Sgd.) "GEO. D. FEARMAN,"
Secretary.

THE HAMILTON CATARACT POWER, LIGHT &
TRACTION CO., LTD.,
(Sgd.) "JOHN DICKENSON,"
Vice-Pres.

SEAL.

(Sgd.) "GEO. D. FEARMAN,"
Secretary.

SCHEDULE 3.

BY-LAW No. 2622.

RESPECTING THE HAMILTON STREET RAILWAY COMPANY.

Whereas the Hamilton Street Railway Company has represented that the present economic conditions have seriously interfered with the Company's ability to properly maintain the property and the service of the railway, and the Company has applied to the Council for permission to charge an increased rate of fare, and it is expedient to grant such permission during the year 1922 and thenceforth, during the pleasure of the Council, subject to the conditions hereinafter set forth.

Therefore the Council of the Corporation of the City of Hamilton enacts as follows:

1. Subject to the terms and conditions hereinafter set forth, for a period commencing the 10th day of March, 1922, and ending the 31st day of December, 1922, and thenceforth during the pleasure of the Council, in lieu of the fares authorized by paragraph (e) of Section 19 of By-law No. 624 respecting the said Company as amended, and paragraph (p) of Section 19, the said Company may charge and collect from every person on entering any of its cars a fare not exceeding five cents. Nothing herein contained shall effect the provisions contained in said paragraphs 19 (c) and (p) respecting children, their fares and tickets, transfers, Police Constables, City Detectives, City Firemen and City Messenger, or the provision of By-law No. 93 respecting the Company, passed on the 12th day of March, 1900, relating to fares on the Company's cars after 11.30 p.m. or before 5.30 a.m.

2. The Company shall, commencing the 10th day of March, 1922, until other directions or arrangements shall be prescribed or made, run the cars on its railway in the City of Hamilton, including extra cars, so as to give a service that would not be less than the service in force from time to time during the year 1921 and would be equally efficient.

3. Whenever the City Corporation is prepared to go on with the paving of the following portions of streets, the Company shall forthwith begin, and shall with all diligence complete the rebuilding of the tracks on such portions of streets, namely:—

King Street, between James and Bay Streets;
Margaret Street, between King Street and Main Street;
Main Street, between Margaret and Locke Streets;
Wentworth Street, from King Street to southerly terminus of the Company's tracks.

It is hereby provided that should the Company fail to proceed with the rebuilding of the said tracks, or any portion thereof, as above set forth, in accordance with the provisions of By-law No. 624 and amendments thereto, the Council may repeal this By-law.

4. Subject to the provisions of Section 3 hereof, the permission hereby granted to the Company shall continue for a period commencing the 10th day of March, 1922, and ending the 31st day of December, 1922, and thenceforth during the pleasure of the Council.

5. The Council shall give the Company 30 days' notice of its intention to pass a By-law repealing this By-law, and in the event of the Council repealing this By-law, the provisions of all former By-laws respecting the matter herein contained shall again be in full force and effect.

6. This By-law shall not take effect until the same has been formally accepted by the Company by an agreement approved by the City Solicitor agreeing to the terms hereof, which agreement, when executed by the Company, shall also be executed under the City Seal by the Mayor and City Clerk.

Passed this 28th day of February, 1922.

S. H. KENT,
City Clerk.

GEORGE C. COPPLEY,
Mayor.

No. 29.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Hamilton
Street Railway Company.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. JUTTEN.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Hamilton Street Railway Company.

WHEREAS the corporation of the city of Hamilton and Preamble. the Hamilton Street Railway Company have by petition represented that the said company operates an electric railway in and about the city of Hamilton in the Province of Ontario; that the corporation of the city of Hamilton and the said company have executed the agreement set forth in Schedule 1 hereto; that the said agreement received the assent of the electors of the said city on the 19th day of May, 1926; that the corporation of the city of Hamilton, the Hamilton Cataract Power, Light and Traction Company, Limited, and the said company have executed the agreement set forth in Schedule 2 hereto; that the corporation of the city of Hamilton and the said company have executed the agreement set forth in Schedule 3 hereto, which said agreement is referred to in Schedule 1 hereto; and whereas it is desirable and in the interests of the said corporation of the city of Hamilton and of the Hamilton Street Railway Company that such agreements and the by-laws authorizing the same should be validated and confirmed and that the said corporation should be empowered to carry out the terms of the said agreements, and that the said agreements be declared legal and binding upon the parties thereto; and whereas the said corporation and the said company have by their petition prayed that an Act may be passed for such purposes; 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. This Act may be cited as *The Hamilton Street Railway* Short title. *Company Act, 1927.*
2. By-law 3336 of the corporation of the city of Hamilton By-law 3336 confirmed. dated the 25th May, 1926, set forth as schedule 1 hereto is confirmed and declared to be legal, valid and binding in the same manner and to the same extent as if set out at length

and the provisions thereof enacted in this Act; and the said corporation is hereby authorized and empowered to pass such other by-laws, to enter into such other agreements, and to do all such other acts, matters and things as may be deemed necessary by the said corporation for the full and proper carrying out of the provisions of the said agreement, and where jurisdiction respecting any of the matters mentioned in said agreement is now or may hereafter be vested in the police commissioners of the said city, or any other authority, such powers as may be necessary to enable the council to carry out the provisions of the said agreement shall be exercised by the council of the said corporation instead of the said commissioners or other authority.

By-law 3337
confirmed.

3. By-law 3337 of the corporation of the city of Hamilton dated the 25th May, 1926, set forth as schedule 2 hereto is confirmed and declared to be legal, valid and binding.

By-law 2622
confirmed.

4. By-law 2622 of the corporation of the city of Hamilton dated the 28th February, 1922, set forth as schedule 3 hereto is confirmed and declared to be legal, valid and binding.

Commence-
ment of
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE 1.

BY-LAW No. 3336.

To authorize the Execution of an Agreement Between the Corporation of the City of Hamilton and the Hamilton Street Railway Company.

The Municipal Council of the Corporation of the City of Hamilton enacts as follows:—

1. That the proposed Agreement, dated the 25th day of May, 1926, between the Corporation of the City of Hamilton, of the one part, and the Hamilton Street Railway Company, of the other part (a true copy whereof is set out in Schedule "A" to this By-law), is hereby approved and authorized.

2. The Mayor and the Clerk of the Corporation are hereby respectively authorized and directed to execute the said Agreement on behalf of the Corporation, and the Clerk shall affix the Corporate seal thereto.

PASSED this 25th day of May, 1926.

S. H. KENT,
City Clerk.

FREEMAN F. TRELEAVEN,
Mayor.

SCHEDULE "A".

AGREEMENT dated the 25th day of May, 1926.

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter called the "City"),

of the first part,

—and—

THE HAMILTON STREET RAILWAY COMPANY
(hereinafter called the "Company"),

of the second part;

WITNESSETH that the parties hereto have agreed as follows:—

INTERPRETATION.

1. In this Agreement, unless the context shall otherwise require, the words,

(a) "Board" or "Railway Board" shall mean and include "The Ontario Railway and Municipal Board," or any other body subject to Provincial jurisdiction, that may at any time hereafter have either in whole or in part the powers of such Board.

(b) "Transportation System" shall mean any system to be operated solely by the Company for the operation of electric cars, either on metal tracks or without tracks, or for the operation of motor omnibuses by gasoline, electricity or other powers, except the force of animals, and any system for the operation of vehicles for the carriage of passengers, approved by the Council of the City or the Board, but shall not include vehicles chartered for special trips, such as cabs and taxi-cabs, nor shall it include vehicles licensed by the Department of Public Highways, or vehicles over which the Council has no control.

2. All written Agreements, By-laws and Statutes governing the relations between the parties hereto, and the powers of the Company, in so far as they are in force and effect, shall remain in full force and effect, except in so far as they are, or may become, inconsistent with or altered by, or under the terms of this Agreement, and such agreements, by-laws and statutes, and this agreement shall apply to such transportation system, but the provisions respecting paving and repairs shall apply only to streets upon which tracks of street railway are laid, or may hereafter be laid.

COMPANY TO PROVIDE MODERN TRANSPORTATION SYSTEM.

3. The Company shall provide a modern and efficient street railway and transportation system, including everything pertaining to it and its operation, and shall at all times during the term of this Agreement keep the same in a proper and efficient condition of maintenance and repair so as to give a rapid, sure and efficacious service in accordance with the intention of By-law No. 624 and amendments thereto, respecting the Company and this Agreement;

AND without in any way restricting the general application of the foregoing provisions, the Company shall carry out in the years specified herein the improvements as shown in the following schedule:

1st Year, expiring May 1st, 1927—24 new cars; 8 new omnibuses; reconstruction of King Street tracks from Catharine Street to Sanford Avenue. The said omnibuses to be put in operation on or before the 15th August, 1926.

2nd Year, expiring May 1st, 1928—12 new cars; 4 new omnibuses or cars; 1 new car barn and repair shops, estimated cost, \$250,000.00.

3rd Year, expiring May 1st, 1929—12 new cars; 4 new omnibuses or cars.

Types of cars and omnibuses to be approved by the City or Board.

When and where practicable the Company shall employ Hamilton labour.

IMPROVEMENTS TO SYSTEM.

4. (a) Should the City at any time or times desire further track extensions or improvements, or extensions or alterations in or to said transportation system or service, the City may give notice requiring the Company to provide the same; should the Company neglect or refuse to make such extensions or improvements, the City may apply to the Board for an Order compelling the Company to make such extensions, additions or improvements, and the Board shall have full jurisdiction in the premises. The Board shall amongst other things, take into consideration the needs of the population, the estimated return upon the proposed increased investment and the general financial conditions. All extensions of tracks and the operation of omnibuses upon City streets and the streets upon which such omnibuses shall be operated shall be approved by the City or the Board and no tracks shall be taken up or any service abandoned without the consent of the City or the Board.

(b) The Company shall not be obliged to make any extensions, or to add to equipment, after receiving notice from the City of its intention to purchase under the Agreements in force between the parties.

FARES.

5. (a) The Street Railway Fares authorized by By-law No. 2622, passed 28th February, 1922, shall continue until altered by the Board but such fares shall not be increased prior to the 30th day of June, 1928.

(b) Until the said 30th day of June, 1928, and thereafter until changed by an order of the Board, the Company to be allowed to charge a fare of 10 cents per passenger on its omnibuses, but shall sell three tickets for 25 cents; children half fare. Transfers to be given from omnibuses to street cars, and upon payment of a five cent fare from street cars to omnibuses.

Where omnibuses are used in lieu of extensions of car lines, the fares on such omnibuses shall be 5 cents until the 30th June, 1928, and thereafter until changed by an order of the Board, and the Company shall grant transfers from such omnibuses to the Street Railway System, and from the Street Railway System to the said omnibuses, without any additional charge for all continuous trips, which are not returns.

The Board prior to said date may direct that such transfers shall also be granted and a five cent fare only charged in other cases, where, in the Board's opinion, it is fair and equitable that transfers should be given, and a five cent fare charged. But the Company shall not be compelled to give transfers to or from any omnibuses running to within one-quarter of a mile of the corner of King and James Streets.

(c) Within sixty days prior to the 30th day of June, 1928, and at any time or times thereafter the Company or the City may apply to the Board for an order increasing or reducing the above mentioned fares, and respecting transfers, and the Board may make orders regulating said transfers and may, notwithstanding any Act or Acts to the contrary, increase or reduce such fares so that they shall be just and reasonable, taking into consideration amongst other things the by-laws of the Council and the Agreements between the parties, but no order of the Board increasing or reducing the fares shall take effect prior to 30th of June, 1928; provided that neither party hereto shall make more than one such application in any year, without the consent of the other party. But no order increasing such fares shall be made by the Board, should the Board find that the Company has failed to carry out the provisions of *this agreement* or has failed to substantially carry out the provisions of the other agreements between the parties and By-law No. 624 and amendments thereto.

ONE-MAN CARS

6. The regulation contained in paragraph (h) of Section 19 of By-law No. 624, that there shall not be less than two men in charge of each car, is hereby cancelled and declared to be no longer binding on the Company. The Company with the consent of the City or with the approval of the Board, may operate such number of cars operated by one employee as may be suitable to such transportation system.

ADVERTISING SIGNS

7. The regulations contained in Section 14 of By-law No. 624, that no permanent business signs shall be carried on the outside of the cars for advertising purposes, is hereby cancelled and declared to be no longer binding on the Company, but all such signs and advertising shall be subject to the approval of the Board of Police Commissioners of the City of Hamilton.

REMOVAL OF SNOW AND ICE.

8. Where it is necessary that snow and ice be removed from the streets upon which the tracks of the street railway are operated 40 per centum of the cost of removal shall be borne by the Company and 60 per centum by the City.

PAYMENTS BY COMPANY TO CITY.

9. The payments by the Company to the City provided for by sections 23 and 24 of said By-law No. 624 shall be discontinued and said sections shall be repealed; and in lieu of the said payments, the company shall pay to the City quarterly from the 30th day of June, 1928, four per centum of its gross receipts.

Provided however that during such period or periods that the Company shall charge no greater street railway fares than are authorized by By-law No. 2622, passed on the 28th February, 1922, and no greater omnibus fares than are authorized by Subsections (b) and (c) of Section 5 hereof, the Company shall not be required to pay to the City the said percentage.

The quarterly period for which such payments shall be made, shall commence at the date any of the said fares are increased by any authority whatsoever.

EXCLUSIVE FRANCHISE FOR TRANSPORTATION SYSTEM.

10. (a) The Company shall have and may exercise during the terms of this Agreement and of the said By-law No. 624 and amendments thereto, and of any extensions and renewal thereof, an exclusive franchise to con-

struct, complete, maintain and operate within the limits of the City as such limits may be from time to time a transportation system. It being the intention of the parties hereto that the Company shall not be subject to competition in its business of transporting passengers between points in the City, except by vehicles chartered for special trips, such as cabs and taxi-cabs, where the regular City tariff is charged and vehicles mentioned in section 1 (b) hereof. The City shall not issue any new jitney licenses or sanction the transfer of any such license at present in force, nor shall any such jitney license now in force remain in force after the 30th June, 1928.

(b) The City will not oppose applications by the Company for privileges of extensions and operation of its system, to be exercised beyond the limits of the City as such limits may be from time to time, but all receipts from such extensions shall be included in the gross receipts of the Company, and said By-law No. 624 and amendments, shall mutatis mutandis apply to said extensions. In the event of the annexation to the City of any district into which the railway extends, the provisions of this Agreement and of said By-law No. 624 and amendments thereto, shall apply to the portion of the railway in said district.

(c) Nothing herein contained shall be deemed to prevent the operation within the limit of the City as such limits may be from time to time, of motor omnibuses running between any point within the City and towns and villages whether incorporated or unincorporated, but no such omnibuses shall convey passengers from one point within the City limits to another point therein.

(d) The City shall pass such by-laws as the Company may request, and as it lawfully may, to enable the Company to enforce the provisions of sub clauses (a) and (c) of this clause, but the City shall not be obliged to enforce such provisions.

(e) Notwithstanding anything contained in this clause, during any and all times that the Company is prevented from regularly operating, or neglects to operate its lines, or any of them, for more than one day, the City may operate or authorize the operation during the time of suspension of operation by the Company, of motor omnibuses or other vehicles as public carriers.

(f) Nothing herein shall affect the right which any railway or other company may have, to operate a steam or an electric railway, wholly or in part, within the City limits and to carry passengers or freight.

(g) The franchise or right given by sub-clause (a) of this clause shall include the right to construct, maintain and operate such equipment and other things as are or may become usual or necessary in connection with a transportation system; subject, however, to the provisions of any By-law of the City now or hereafter passed respecting streets, buildings or the zoning or the location of buildings.

COMPANY TO ADD TO ITS SYSTEM.

11. The Company shall operate as part of its Street Railway System, the following portions of railways:—

HAMILTON RADIAL RAILWAY, on Main Street, from Sherman Avenue to Delta, and on King Street, from Delta to Saltfleet line.

HAMILTON AND DUNDAS RAILWAY, on Queen Street, from Herkimer Street to Aberdeen Avenue, and on Aberdeen Avenue, from Queen Street westerly to City Limits;

and shall, prior to 30th day of June, 1928, acquire the ownership of said portions of railways and of all necessary poles, wires and apparatus necessary for the proper operation of the street railway system, and the provisions of By-law No. 624 and amendments shall apply to said portions of railway, and such poles, wires and apparatus.

BOARD TO REVISE COSTS.

12. The City shall have the right to apply to the Ontario Railway and Municipal Board for (and the Board shall have power to make) an Order disallowing or reducing items of expenditure made by the Company for cost of construction, maintenance and operation of the transportation system which the Board considers unjust or unreasonable.

COMPANY TO PAY CITY MONIES DUE.

13. The Company shall pay to the City all monies due for taxes, mileage and percentage, etc., within 30 days after the due execution of this Agreement.

NOTICE TO CEASE OPERATION.

14. The Hamilton Street Railway Company agrees that it will not cease operation of the transportation system without giving the City at least three months' notice in writing of its intention so to do.

COMPANY TO FACILITATE CITY OFFICERS.

15. The Company to afford every facility, at all times, to the officer or officers appointed by the City to enable him or them to ascertain if the Company is complying with the terms of By-law No. 624 as amended and all other by-laws of the Council and all agreements between the City and the Company.

FORFEITURE.

16. In the event of the Company giving the notice referred to in Section 14 hereof, or forfeiting its privileges and rights pursuant to any by-law of the Council or agreement between the parties hereto, or should the Company fail to carry out any of the provisions of said By-laws and agreements, or of this agreement, or should the Ontario Railway and Municipal Board take possession of the railway or assume and take over the railway, the City, in addition to all other rights, shall have the right of assuming the ownership of the railway and the real and personal property, and shall be entitled to the benefits of all agreements made by the Company with other companies, corporations or persons respecting the maintenance and operation of the railway; and the Company shall be entitled to payment of 75 per centum only of their value, which value shall be determined in manner provided by Section 15 of By-law No. 624, that is, upon the basis of the actual value thereof, without regard to the way it is being used and employed or the net revenue received therefrom, but this right shall not in any way interfere with the other provisions of the said by-laws and agreements.

PROVIDED, however, that should the Board determine that the Company was unable to prevent such forfeiture, or to carry out the said provisions, owing to failure of power, strike or act of God, and that the Company did not act arbitrarily, the Board may, within three months thereafter authorize the Company to repossess the said railway and resume the operation thereof upon payment to the City or Board of all costs and expenses incurred in connection with such taking over, and upon such further terms as to the Board may seem just.

LEGISLATION.

17. The parties hereto agree to join in applying to the Legislature of the Province of Ontario at its next session for legislation confirming and ratifying this Agreement, and declaring the same to be valid, legal and binding upon the parties hereto, the expenses of such legislation to be borne by the Company.

AGREEMENT NOT BINDING, SHOULD CONFIRMATION THEREOF
BE NOT OBTAINED

18. If any permission, approval, confirmation, or other thing necessary in order to make effective and valid the powers granted to the Company, by this Agreement shall not be obtained, then this Agreement shall not

be binding, and the parties shall be restored to their rights and legal positions as they existed immediately prior to the execution of this Agreement, without having any claim for damages arising out of the failure to obtain such permission, approval, confirmation or other thing, but the City shall not have any claim for mileage or percentage, or for snow removal except as provided by Section 8, of this Agreement, between the first day of May, 1926, and the date that the parties shall be restored to their rights and positions as they existed prior to the execution of this Agreement.

DISPUTE DETERMINED BY ONTARIO RAILWAY AND MUNICIPAL BOARD.

19. All disputes between the Company and the City, including any dispute respecting service and the interpretation of this Agreement, shall be determined by the Board.

EXAMINATION OF BOOKS.

20. The City shall have the right to examine the books of account, vouchers, records, documents, and balance sheets of the Company, quarterly, relating to its affairs, and to take extracts therefrom.

PRESENT AGREEMENTS BINDING, EXCEPT AS HEREBY VARIED.

21. All the terms and conditions of By-law No. 624 and amendments thereto, not inconsistent herewith or altered hereby, excepting Agreement authorized by By-law No. 3265, passed on the 29th day of December, 1925, where the context will allow, shall apply to the whole of the said transportation system and shall be binding upon the City and upon the Company, its successors and assigns, and upon any Company which may now or shall hereafter operate the transportation system of any part or parts of the said System, authorized by the said Agreements or By-laws.

Nothing herein contained shall be deemed to interfere with the right of the City to assume ownership of the railway and the real and personal property in connection with the working thereof, on the 22nd day of December, 1928, and thereafter, as provided by Section 15 of said By-law No. 624.

In witness whereof the parties hereto have hereunto affixed their respective seals under the hands of their proper officers.

Signed, sealed and delivered.

(Sgd.) F. F. TRELEAVEN,
Mayor.

(Sgd.) S. H. KENT,
City Clerk.

HAMILTON STREET RAILWAY COMPANY.
(Sgd.) JOHN DICKENSON,
Vice-Pres.

(Sgd.) GEO. D. FEARMAN,
Secretary.

[SEAL]
[SEAL]

SCHEDULE 2.

BY-LAW NO. 3337.

To Authorize the Execution of an Agreement Between The Corporation of the City of Hamilton, The Hamilton Street Railway Company, and The Hamilton Cataract Power, Light and Traction Company, Limited.

The Council of the Corporation of the City of Hamilton enacts as follows:—

1. That the proposed Agreement, dated the 25th day of May, 1926, between The Corporation of the City of Hamilton, of the First Part; The Hamilton Street Railway Company of the Second Part, and The Hamilton Cataract Power, Light & Traction Company, Limited, of the Third Part, a copy whereof is set out in Schedule "A" to this By-law, is hereby approved and confirmed.

2. The Mayor and the Clerk of the Corporation are hereby authorized and directed to execute the said Agreement on behalf of the City Corporation and to affix to it the corporate seal of the Municipality.

PASSED this 25th day of May, 1926.

(Sgd.) "S. H. KENT,"
City Clerk.

(Sgd.) "F. F. TRELEAVEN,"
Mayor.

[SEAL]

SCHEDULE "A."

REFERRED TO IN FOREGOING BY-LAW 3337.

AGREEMENT made this 25th day of May, 1926,

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter called the "City"),
of the first part;
THE HAMILTON STREET RAILWAY COMPANY
(hereinafter called the "Street Railway Company"),
of the second part;
and
THE HAMILTON CATARACT POWER, LIGHT AND TRACTION
COMPANY, LIMITED,
(hereinafter called the "Cataract Company")
of the third part.

Whereas the "City" and the "Street Railway Company" have entered into certain agreements respecting the Hamilton Street Railway as set forth in By-law No. 624 and amendments thereto.

And whereas it is agreed by and between the parties hereto, that in the event of the By-law authorizing an Agreement between the "City" and the "Street Railway Company" to be submitted to the electors pursuant to By-law No. 3310 receiving the assent of the electors and being duly passed by the Council this Agreement shall come into full force and effect.

Now therefore this Agreement witnesseth that in consideration of the premises and, or in consideration of the sum of One Dollar, paid by the City to the "Cataract Company," the receipt whereof is hereby acknowledged, the parties hereto hereby agree to and with each other as follows:--

1. That in the event of the "Street Railway Company" forfeiting its privileges and rights acquired pursuant to any by-law of the City Council, or should the "Street Railway Company" fail to carry out any of the provisions of such by-laws; or should The Ontario Railway and Municipal Board take possession of the railway or assume and take over the same, the "Cataract Company" will, upon request of the City Corporation, supply power to such Board or the Corporation or its nominees, sufficient to operate the said railway in accordance with the provisions of said By-law No. 624 and amendments thereto and this agreement, for a term of one year from the date the railway of the "Street Railway Company" is so assumed or taken over at the same price per kilowatt hour as paid by the "Street Railway Company" to the "Cataract Company" for power for the preceding twelve months, accounts for power to be paid monthly.

In witness whereof the parties hereto have hereunto affixed their respective Seals under the hands of their proper officers.

SIGNED, SEALED AND DELIVERED.

	(Sgd.) "F. F. TRELEAVEN," <i>Mayor.</i>
SEAL.	(Sgd.) "S. H. KENT," <i>City Clerk.</i>
	THE HAMILTON STREET RAILWAY COMPANY, (Sgd.) "JOHN DICKENSON," <i>Vice-Pres.</i>
SEAL.	(Sgd.) "GEO. D. FEARMAN," <i>Secretary.</i>
	THE HAMILTON CATARACT POWER, LIGHT & TRACTION CO., LTD., (Sgd.) "JOHN DICKENSON," <i>Vice-Pres.</i>
SEAL.	(Sgd.) "GEO. D. FEARMAN," <i>Secretary</i>

SCHEDULE 3.

By-LAW No. 2622.

RESPECTING THE HAMILTON STREET RAILWAY COMPANY.

Whereas the Hamilton Street Railway Company has represented that the present economic conditions have seriously interfered with the Company's ability to properly maintain the property and the service of the railway, and the Company has applied to the Council for permission to charge an increased rate of fare, and it is expedient to grant such permission during the year 1922 and thenceforth, during the pleasure of the Council, subject to the conditions hereinafter set forth.

Therefore the Council of the Corporation of the City of Hamilton enacts as follows:

1. Subject to the terms and conditions hereinafter set forth, for a period commencing the 10th day of March, 1922, and ending the 31st day of December, 1922, and thenceforth during the pleasure of the Council, in lieu of the fares authorized by paragraph (e) of Section 19 of By-law No. 624 respecting the said Company as amended, and paragraph (p) of Section 19, the said Company may charge and collect from every person on entering any of its cars a fare not exceeding five cents. Nothing herein contained shall effect the provisions contained in said paragraphs 19 (c) and (p) respecting children, their fares and tickets, transfers, Police Constables, City Detectives, City Firemen and City Messenger, or the provision of By-law No. 93 respecting the Company, passed on the 12th day of March, 1900, relating to fares on the Company's cars after 11.30 p.m. or before 5.30 a.m.
2. The Company shall, commencing the 10th day of March, 1922, until other directions or arrangements shall be prescribed or made, run the cars on its railway in the City of Hamilton, including extra cars, so as to give a service that would not be less than the service in force from time to time during the year 1921 and would be equally efficient.
3. Whenever the City Corporation is prepared to go on with the paving of the following portions of streets, the Company shall forthwith begin, and shall with all diligence complete the rebuilding of the tracks on such portions of streets, namely:—

King Street, between James and Bay Streets;
Margaret Street, between King Street and Main Street;
Main Street, between Margaret and Locke Streets;
Wentworth Street, from King Street to southerly terminus of the
Company's tracks.

It is hereby provided that should the Company fail to proceed with the rebuilding of the said tracks, or any portion thereof, as above set forth, in accordance with the provisions of By-law No. 624 and amendments thereto, the Council may repeal this By-law.

4. Subject to the provisions of Section 3 hereof, the permission hereby granted to the Company shall continue for a period commencing the 10th day of March, 1922, and ending the 31st day of December, 1922, and thenceforth during the pleasure of the Council.

5. The Council shall give the Company 30 days' notice of its intention to pass a By-law repealing this By-law, and in the event of the Council repealing this By-law, the provisions of all former By-laws respecting the matter herein contained shall again be in full force and effect.

6. This By-law shall not take effect until the same has been formally accepted by the Company by an agreement approved by the City Solicitor agreeing to the terms hereof, which agreement, when executed by the Company, shall also be executed under the City Seal by the Mayor and City Clerk.

Passed this 28th day of February, 1922.

S. H. KENT,
City Clerk.

GEORGE C. COPPLEY,
Mayor.

No. 29.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Hamilton
Street Railway Company.

1st Reading,	8th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

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

MR. JUTTEN.

TORONTO :
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Timmins.

WHEREAS the corporation of the town of Timmins has ^{Preamble.} by its petition represented that the water works system of the said town has been constructed and extended from time to time at the expense of the corporation at large, that watermains are in many cases laid along properties the owners or occupants of which do not take water or contribute to the revenue of the water works system, that in consequence thereof the general water rates are higher than they otherwise would be, and that it is desirable that legislation be obtained to authorize the council of the said town to levy and collect special rates upon all properties fronting on streets, alleys and lanes upon which watermains are now or hereafter laid; and whereas the said corporation has by its petition prayed that an Act may be passed for such purpose; 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. This Act may be cited as *The Town of Timmins Act*, Short title. 1927.

2. The council of the town of Timmins may by by-law assess and levy a special frontage rate upon the several lands, lots or parts of lots, whether occupied or vacant, fronting or abutting upon all streets, lanes and alleys in the municipality upon which watermains have been heretofore laid or upon which watermains may hereafter be laid, which special rate shall be an equal annual rate per foot frontage according to the frontage of the said lands, lots or parts of lots, and shall not, except as hereinafter provided, exceed ten cents per foot of such frontage, and the council may by by-law provide an equitable mode of assessing corner lots, triangular and other irregularly-shaped pieces of land or lots unfit for building purposes where the council deems it inequitable to assess the full frontage thereof; provided that upon the production by any owner or occupant using water, of a receipt for the pay- ^{Power to assess and levy special frontage rate.}

ment of the sum, rate or rent charged such owner or occupant for water, such owner or occupant shall be allowed the amount so paid as a payment on account or in satisfaction of the special frontage rate authorized by this section, and provided also that if in any year the owner or occupant after paying said frontage rate shall also have paid for the use of water as aforesaid as shown by the receipt therefor, there shall be repaid to such owner or occupant an amount equal to the whole or such part of said special frontage rate as is shown on such receipt.

Time of payment of special rate.

3. The said special frontage rate shall be payable at the same time as the general taxes of the town, and until paid shall be a lien or charge upon the lands, tenements, lots or parts of lots against which the same is charged or assessed, and arrears of such special frontage rate may, with interest thereon at the rate of ten per cent. per annum, from the time of default in payment, be collected in the same manner and by the same officials and by the same process as arrears of taxes are collected under the provisions of *The Assessment Act*.

Rev. Stat., c. 195.

Power to vary special frontage rate.

4. The special frontage rate of ten cents per foot authorized by section 2 may be varied from time to time by by-law of the council of the town of Timmins approved by the Ontario Railway and Municipal Board.

No further watermains or waterworks extensions under Rev. Stat., c. 193.

5. Upon the passing of a by-law under the provisions of section 2, imposing a special frontage rate as therein authorized no watermains or waterworks extensions shall thereafter be undertaken by the town under *The Local Improvement Act*.

Power to borrow moneys and issue debentures.

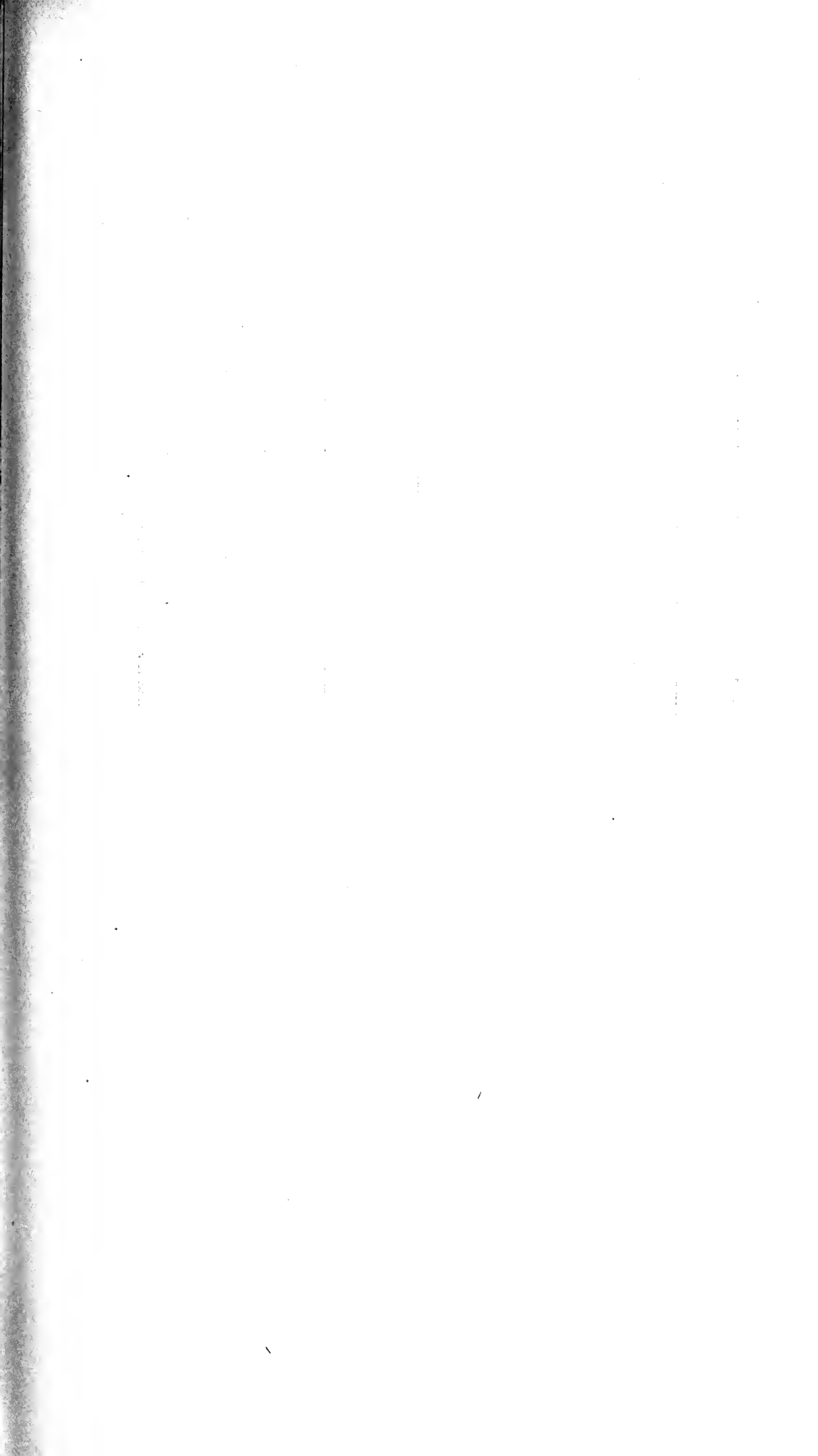
6.—(1) From and after the passing of a by-law under the provisions of section 2 hereof, the council of the said town may from time to time pass by-laws for undertaking the construction of watermains and the extension, improvement or reconstruction of the waterworks system and may when the work undertaken is completed pass by-laws for borrowing on the credit of the corporation of the town of Timmins at large the entire cost of such works, including estimated discount and cost in connection with the issue and sale of debentures, and for issuing debentures therefor, provided that no by-law passed under the authority of this section shall come into force or effect until approved by the Ontario Railway and Municipal Board.

Assent of electors not required.

(2) It shall not be necessary to obtain the assent of the electors to any by-laws passed under this section.

Commencement of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 30.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of Timmins.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. KENNING.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Timmins.

WHEREAS the corporation of the town of Timmins has ^{Preamble.} by its petition represented that the water works system of the said town has been constructed and extended from time to time at the expense of the corporation at large, that watermains are in many cases laid along properties the owners or occupants of which do not take water or contribute to the revenue of the water works system, that in consequence thereof the general water rates are higher than they otherwise would be, and that it is desirable that legislation be obtained to authorize the council of the said town to levy and collect special rates upon all properties fronting on streets, alleys and lanes upon which watermains are now or hereafter laid; and whereas the said corporation has by its petition prayed that an Act may be passed for such purpose; 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. This Act may be cited as *The Town of Timmins Act*, Short title. 1927.

2. The council of the town of Timmins may by by-law assess and levy a special frontage rate upon the several lands, lots or parts of lots, whether occupied or vacant, fronting or abutting upon all streets, lanes and alleys in the municipality upon which watermains have been heretofore laid or upon which watermains may hereafter be laid, which special rate shall be an equal annual rate per foot frontage according to the frontage of the said lands, lots or parts of lots, and shall not, except as hereinafter provided, exceed ten cents per foot of such frontage, and the council may by by-law provide an equitable mode of assessing corner lots, triangular and other irregularly-shaped pieces of land or lots unfit for building purposes where the council deems it inequitable to assess the full frontage thereof; provided that upon the production by any owner or occupant using water, of a receipt for the pay- ^{Power to assess and levy special frontage rate.}

ment of the sum, rate or rent charged such owner or occupant for water, such owner or occupant shall be allowed the amount so paid as a payment on account or in satisfaction of the special frontage rate authorized by this section, and provided also that if in any year the owner or occupant after paying said frontage rate shall also have paid for the use of water as aforesaid as shown by the receipt therefor, there shall be repaid to such owner or occupant an amount equal to the whole or such part of said special frontage rate as is shown on such receipt.

Time of
payment
of special
rate.

3. The said special frontage rate shall be payable at the same time as the general taxes of the town, and until paid shall be a lien or charge upon the lands, tenements, lots or parts of lots against which the same is charged or assessed, and arrears of such special frontage rate may, with interest thereon at the rate of ten per cent. per annum, from the time of default in payment, be collected in the same manner and by the same officials and by the same process as arrears of taxes are collected under the provisions of *The Assessment Act*.

Rev. Stat.,
c. 195.

Power to
vary special
frontage
rate.

4. The special frontage rate authorized by section 2 may be varied from time to time by by-law of the council of the town of Timmins approved by the Ontario Railway and Municipal Board.

No further
watermains
or water-
works ex-
tensions
under
Rev. Stat.,
c. 193.

5. Upon the passing of a by-law under the provisions of section 2, imposing a special frontage rate as therein authorized no watermains or waterworks extensions shall thereafter be undertaken by the town under *The Local Improvement Act*.

Power to
borrow
moneys
and issue
debentures.

6.—(1) From and after the passing of a by-law under the provisions of section 2 hereof, the council of the said town may from time to time pass by-laws for undertaking the construction of watermains and the extension, improvement or reconstruction of the waterworks system and may when the work undertaken is completed pass by-laws for borrowing on the credit of the corporation of the town of Timmins at large the entire cost of such works, including estimated discount and cost in connection with the issue and sale of debentures, and for issuing debentures therefor, provided that no by-law passed under the authority of this section shall come into force or effect until approved by the Ontario Railway and Municipal Board.

Assent of
electors not
required.

(2) It shall not be necessary to obtain the assent of the electors to any by-laws passed under this section.

Commence-
ment of
Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 30.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of Timmins.

1st Reading, 8th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

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

MR. KENNING.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act to confirm a certain Agreement made between the Municipal Corporation of the County of Essex and the Municipal Corporation of the Town of Ojibway.

WHEREAS the corporation of the town of Ojibway has by Preamble. its petition represented that it has entered into an agreement with the corporation of the county of Essex for a fixed assessment which said agreement is fully set forth in schedule "A" hereto; and whereas the said corporation of the town of Ojibway by the said petition prays that an Act be passed confirming the said agreement; 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 agreement set out in schedule "A" to this Act and Agreement confirmed. dated the 28th day of December, 1926, and made between the corporation of the county of Essex and the corporation of the town of Ojibway is hereby confirmed and declared to be legal, valid and binding upon the said corporation, and the rate-payers thereof.

2. This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent.

SCHEDULE "A."

This agreement made in duplicate the 28th day of December, 1926.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE COUNTY OF ESSEX,
hereinafter called "the County,"

of the first part,

and

THE MUNICIPAL CORPORATION OF THE TOWN OF OJIBWAY,
hereinafter called "the Town,"

of the second part.

Whereas the Town was dissatisfied with the amount of the equalized assessment upon it made by the Council of the County.

And whereas in consequence thereof, the Town made an application to the Legislature of the Province of Ontario for an Act providing for the separation of the Town from the County, for municipal purposes.

And whereas pending the consideration in the Legislature of the Bill presented for such purpose, committees of the two corporations met in conference and reached an agreement in respect of the matters complained of.

Now therefore this agreement witnesseth that in consideration of the mutual covenants and agreements on the part of the respective parties hereto, they, the said parties, covenant and agree as follows:

1. The County of Essex is to fix and maintain an annual equalized assessment of the Town at an amount which will produce in the way of taxation annually during the term of this agreement, a sum not greater than one and fifty-six one-hundredths per cent. (1.56%) of the total amount of taxes levied by the County of Essex in each year.

2. The said Town is to pay to the County the amount assessed against it under the provisions of the foregoing paragraph as and when the same shall mature according to the Statutes in that behalf, and subject to the paragraph following.

3. The Town shall be entitled to fifty per cent. of all moneys payable annually under this agreement on account of county roads, in accordance with the provisions of Section Twenty-nine (29), Cap. 15, 16 Geo. V, subject to any amendments to or changes therein.

4. This agreement is to remain in full force and effect until the Canadian Steel Corporation, Limited, begins actual operations in its plant at Ojibway.

In witness whereof the parties hereto have caused these presents to be executed by the hands of their respective officers and under their respective seals.

SIGNED, SEALED AND DELIVERED
in the presence of

(Sgd.) D. M. EAGLE,
Warden.
(Sgd.) W. P. COYLE,
Clerk.

SEAL OF MUNICIPAL COUNCIL,
COUNTY OF ESSEX.

(Sgd.) W. H. KNISTER.

SEAL OF MUNICIPALITY OF
OJIBWAY.

(Sgd.) O. E. FLEMING.

(Sgd.) WM. WOOLLATT,
Mayor.
(Sgd.) JOHN MOYNAHAN,
Clerk.

No. 31.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to confirm a certain Agreement
made between the Municipal Cor-
poration of the County of Essex
and the Municipal Cor-
poration of the Town
of Ojibway.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. POISSON.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Congregation of the Presbyterian Church of Canada in Wick.

WHEREAS the congregation of the Presbyterian Church of Canada (Continuing Presbyterians) in Wick have by their petition represented that the vote taken in the congregation of the Presbyterian Church of Canada in Wick pursuant to *The United Church of Canada Act* being chapter 125 of the Statutes of 1925, was irregular and whereas the said petitioners have prayed that an Act be passed providing for a new vote in the manner 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 consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Wick Presbyterian Church Act, 1927*.

2. Notwithstanding anything contained in *The United Church of Canada Act* and amendments thereto a new vote shall be taken by the congregation of the Presbyterian Church of Canada in Wick as constituted on the 19th day of July, 1924, on the question of entering the Union of the Presbyterian, Methodist and Congregational Churches in Canada upon a list of persons entitled to vote to be settled by a judge of the Supreme Court of Ontario or of a county court in accordance with the provisions of clause *c* of section 8 of the said Act, such judge to be appointed by the Attorney-General of Ontario and notwithstanding anything done or determined heretofore the said judge shall have exclusive power to determine what persons are entitled to be entered on such list and to vote.

No. 32.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Congregation of
the Presbyterian Church of Canada
in Wick.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. HANEY.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL


An Act respecting the Congregation of the Presbyterian Church of Canada in Wick.


WHEREAS the congregation of the Presbyterian Church Preamble. of Canada (Continuing Presbyterians) in Wick have by their petition represented that the vote taken in the congregation of the Presbyterian Church of Canada in Wick pursuant to *The United Church of Canada Act* being chapter 125 of the Statutes of 1925, was irregular and whereas the said petitioners have prayed that an Act be passed providing for a new vote in the manner 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 consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Wick Presbyterian Church Act, 1927.* Short title.

2.—(1) Notwithstanding anything contained in *The United Church of Canada Act* and amendments thereto a new vote New vote to be taken. 1925, c. 125. shall be taken by the congregation of the Presbyterian Church of Canada in Wick as constituted on the 19th day of July, 1924, on the question of entering the Union of the Presbyterian, Methodist and Congregational Churches in Canada upon a list of persons entitled to vote to be settled by a judge of the Supreme Court of Ontario or of a county court in accordance with the provisions of clause *c* of section 8 of the said Act, such judge to be appointed by the Attorney-General of Ontario and notwithstanding anything done or determined heretofore the said judge shall have exclusive power to determine what persons are entitled to be entered on such list and to vote.

 (2) Such judge shall be paid such an honorarium as may be fixed by the Attorney-General of Ontario, one-half of which shall be payable by the United Church and one-half by the non-concurring congregation of the Presbyterian Church in Canada in Wick. Honorarium of judge.

3. This Act shall come into force on the day upon which it receives the Royal Assent.  Commencement of Act.

No. 32.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Congregation of
the Presbyterian Church of Canada
in Wick.

1st Reading,	17th February, 1927.
2nd Reading,	1927.
3rd Reading,	1927.

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

MR. HANEY.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act to define the Boundaries or Limits of the
Municipal Corporation of the Township
of Chapleau.

WHEREAS the municipal corporation of the township of ^{Preamble.} Chapleau, in the district of Sudbury, has by petition represented that the said corporation was at some date prior to the 1st day of February, A.D. 1901, duly incorporated as a municipality under the provisions of *An Act respecting Municipal Institutions in Unorganized Districts*, and that as far as can be ascertained, the boundaries or limits of the said municipality were not then defined or delimited according to the provisions of the said Act; and that it was assumed by the various councils of the said municipality since the date of incorporation that the boundaries or limits of the said municipality were substantially as hereinafter set forth; and that the said councils have since the 2nd day of February, A.D. 1901, exercised jurisdiction over, made assessments and levied taxes upon lands and properties comprised in the said area; and that it is now expedient and necessary that the boundaries or limits of the said municipality be defined and delimited; and that in order to ratify and confirm the actions of the previous councils of the said municipality in exercising jurisdiction over the said area it shall be declared that the provisions of this Act shall be retroactive to the 1st day of February, A.D. 1901; and whereas the said corporation has by its petition prayed that an Act be passed for such purposes; and whereas it is expedient that the prayer of the said petition be granted;

Therefore, 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 Municipality of Chapleau* ^{Short title.} *Boundaries Act, 1927.*

2. The boundaries or limits of the municipal corporation ^{Definition of boundaries.} of the township of Chapleau, in the district of Sudbury, shall be defined to be as follows:

Commencing at the northeasterly angle of lot 6, concession 6, of the township of Chapleau; thence northerly along the northerly production of the easterly limit of the said lot to the westerly production of the northerly limit of location E.S. 1; thence easterly along said westerly production to the northwesterly angle of said location E.S. 1; thence still easterly along the said northerly limit of location E.S. 1 to the northeasterly angle thereof; thence northerly along the westerly limit of location E.S. 20 to the northwesterly angle thereof; thence easterly along the northerly limits of the said last-mentioned location to the northeasterly angle thereof; thence still easterly along the northerly limit of location W.S. 32 to the northeasterly angle thereof; thence still easterly along the easterly production of said last-mentioned northerly limit of the southerly shore of Keksquashing Lake; thence northeasterly along said shore to the intersection of same with the northerly production of the westerly limit of location E.S. 9; thence southerly along said northerly production to the northeasterly angle of the said location E.S. 9; thence still southerly along the said easterly limit of location E.S. 9 and the southerly production thereof to the southerly shore of Keksquashing River; thence southwestery along said shore to the westerly limit of the lands and Bishop of Moosonee; thence southerly along said westerly limit to the northwesterly angle of the Indian Reserve as shown on a plan of the township of Chapleau on record in the Department of Lands and Forests; thence still southerly along the westerly limit of said Indian Reserve to the easterly shore of Keksquashing River; thence still southerly along said shore to the easterly limit of the right-of-way of the Canadian Pacific Railway; thence still southerly along said last-mentioned easterly limit to the easterly production of the southerly limit of location "B" as shown on the said plan; thence westerly along said last-mentioned easterly production to the southeasterly angle of said location "B"; thence still westerly along the southerly limit of said location "B" to the southwestery angle thereof; thence still westerly along the westerly production of the said southerly limit of the said location "B" to the westerly limit of lot 5, concession 4, of the township of Chapleau; thence northerly along said last-mentioned westerly limit to the northeasterly angle of lot 6, concession 4, township of Chapleau; thence still northerly along the said easterly limit

of lot 6, concession 5, of the said township of Chapleau to the southeasterly angle of location E.S. 8; thence still northerly along the easterly limit of said last-mentioned location to the northeasterly angle thereof; thence still northerly along the easterly limit of lot 6, concession 5, to the northeasterly angle of the said lot; thence westerly along the northerly limit thereof to the southeasterly angle of lot 6, concession 6, of the said township; thence northerly along the easterly limit of said last-mentioned lot to the southerly limit of location E.S.A.; thence westerly along said southerly limit to the southerly shore of Kebsquashing Lake; thence northeasterly along said shore to the aforesaid easterly limit of lot 6, concession 6, of said township; thence northerly along said last-mentioned easterly limit to the place of beginning; containing by admeasurement 3,336 acres be the same more or less.

3. The acts of all duly appointed councils of the said municipality in exercising jurisdiction over, making assessments and levying taxes upon all or any lands and properties situate within the area defined in section 2 hereof are hereby confirmed and declared to be legal, valid and binding to the same extent as if this Act had been passed on the 1st day of February, A.D. 1901.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 33.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to define the Boundaries or Limits
of the Municipal Corporation of the
Township of Chapleau.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. ROBB.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Village of Fort Erie.

WHEREAS the municipal corporation of the village of ^{Preamble.} Fort Erie has, by its petition, represented that the corporation has incurred for the purpose of constructing sidewalks and watermains a floating debt to the extent of \$20,000; and whereas the said corporation has by its petition represented that to pay off the said floating debt of \$20,000 now due and owing and to pay in addition thereto the ordinary annual expenditures would be unduly oppressive to the rate-payers of said village; and whereas the said corporation has prayed that the said floating debt of \$20,000 be consolidated and that the said corporation be authorized to borrow by the issue and sale of debentures sufficient money to discharge said floating debt; and whereas the said corporation has by its petition represented that by-law number 604 was duly passed by the council of the said corporation; that certain doubts have arisen as to the validity of the said by-law; and that it is desirable that the said by-law should be validated and confirmed; and whereas the said corporation has by its petition prayed that an Act be passed for such purposes; 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. This Act may be cited as *The Village of Fort Erie Act*, ^{Short title.} 1927.

2. The floating debt of the corporation of the village of Fort Erie is consolidated at the sum of \$20,000 and the said ^{Floating debt consolidated at \$20,000 and power to issue debentures.} corporation may borrow by a special issue of debentures a sum not exceeding \$20,000 for the purpose of paying the said floating debt.

3. The said debentures shall be made payable in not more ^{Terms of payment.} than ten years from the date of issue thereof, and shall bear interest at a rate not exceeding six per centum per annum,

and may be issued either with or without coupons attached thereto for interest, and shall be payable at such place or places as the corporation may deem expedient.

Interest and principal.

4. The said debentures shall be payable in equal annual instalments of principal and interest, in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

Levy of special rate.

5. The said corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Application of moneys.

6. The debentures and all moneys arising from the sale thereof shall be applied in payment of the said floating debt and for no other purpose.

Assent of electors not required.

7. It shall not be necessary to obtain the assent of the electors of the village of Fort Erie to the passing of any by-law which shall be passed under the authority of this Act, or to observe the formalities in relation thereto prescribed by

1922, c. 72. *The Consolidated Municipal Act, 1922.*

Irregularity not to invalidate.

8. 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 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 enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

Treasurer to keep books.

9. It shall be the duty of the treasurer, for the time being, of the said village, to keep, and it shall be the duty of each of the members, from time to time, of the 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 application 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 village, 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.

10. By-law number 604 of the municipal corporation of the village of Fort Erie, set forth in schedule "A" hereto, ^{By-law No. 604, confirmed.} and all assessments made or to be made and all rates levied or to be levied and all debentures issued or to be issued to meet the cost of the works referred to in said by-law number 604 are hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

11. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

SCHEDULE "A."

VILLAGE OF FORT ERIE

BY-LAW No. 604

A By-law to authorize and confirm the construction of certain sewers as local improvements.

Whereas the Corporation of the Village of Fort Erie has heretofore constructed all sewers as local improvements under the provisions of *The Local Improvement Act*;

And whereas through inadvertence the sewers mentioned in Schedule "A" hereto annexed have been constructed without complying with the provisions of *The Local Improvement Act* in reference to the initiation and authorization thereof;

And whereas it is expedient to authorize and confirm the construction of the said sewers;

Now therefore the Municipal Council of the Corporation of the Village of Fort Erie enacts as follows:—

1. That the sewers mentioned in Schedule "A" hereto annexed be constructed as local improvements under the provisions of *The Local Improvement Act* and that the construction thereof be ratified and confirmed.

2. That the sewers mentioned in Schedule "A" hereto annexed shall be conclusively deemed to have been regularly and legally initiated, authorized and undertaken as local improvements under the provisions of *The Local Improvement Act*, notwithstanding any failure to comply with any of the provisions of *The Local Improvement Act* in regard to the initiation and authorization of the said sewers or otherwise.

3. That the sum of \$1.45 per foot frontage shall be specially assessed on the lands abutting on each of said sewers and the remainder of the cost of each of said sewers shall be borne by the Corporation.

4. The special assessment for each of the said sewers shall be paid by thirty annual instalments.

5. The debentures to be issued for the loan to be effected to pay for the cost of the works shall bear interest at five and one-half per cent. per annum and shall be made payable within thirty years on the instalment plan.

6. Any person whose lot is specially assessed may commute for a payment in cash the special rates imposed thereon, by paying the portion of the cost of construction assessed upon such lot, without the interest, forthwith after the Special Assessment Roll has been certified by the Clerk, and at any time thereafter by the payment of such sum as when invested at four per cent. per annum will provide an annuity sufficient to pay the special rates for the unexpired portion of the term as they fall due.

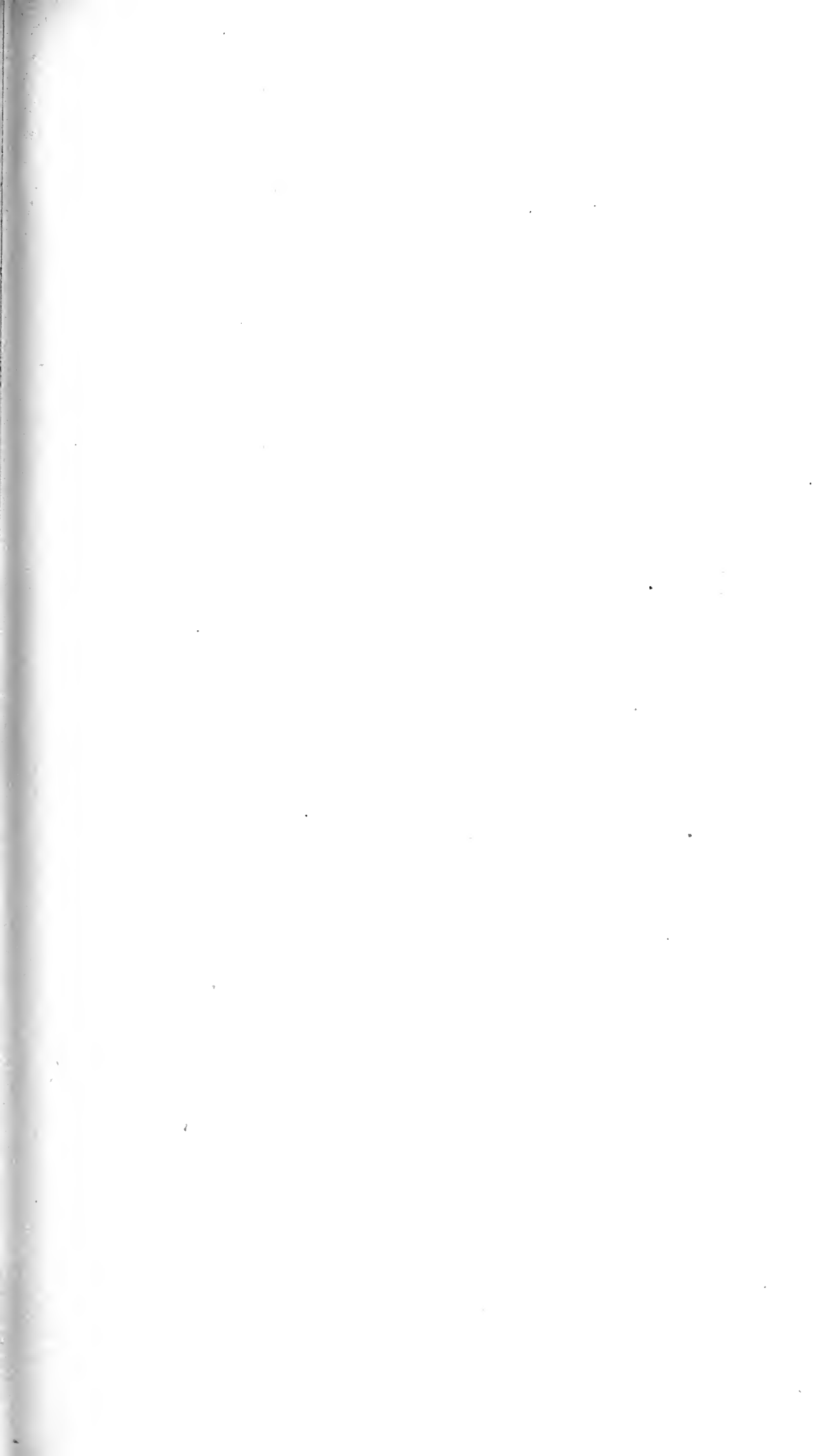
Finally passed this 15th day of December, 1926.

L. DOUGLAS, *Reeve.*

A. E. SEATON, *Clerk.*

SCHEDULE "A"

1 No.	2 Nature of Work	3 Street	4 From	5 To
1	9" sewer	Bertie Street..	468 feet west of the west line of Aber- deen Street.....	Westerly 1,201 feet
2	12" sewer	Murray Street	Centre line of Kin- cardine Street.....	Centre line of Aber- deen Street
3	9" sewer	Albert Street.	Centre line of Mur- ray Street.....	South 480 feet



No. 34.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Village of
Fort Erie.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

Mr. WILSON
(Niagara Falls).

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Township of Sandwich West.

WHEREAS the municipal corporation of the township of ^{Preamble.} Sandwich West has by its petition represented that certain by-laws, the particulars of which are shown in the schedule hereto annexed marked "A," were duly passed by the council of the said corporation; that certain doubts have arisen as to the validity of the said by-laws; and that it is desirable that the said by-laws and the debentures issued or to be issued thereunder should be validated and confirmed; and whereas the said corporation has by its petition prayed that an Act be passed for such purposes; 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. This Act may be cited as *The Township of Sandwich* ^{Short title.} *West Act, 1927.*

2. The by-laws of the municipal corporation of the town- ^{By-laws confirmed.} ship of Sandwich West, the particulars of which are shown in the schedule hereto annexed marked "A," and all debentures issued or to be issued thereunder are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

3. This Act shall come into force on the day upon which ^{Commencement of Act.} it receives the Royal Assent.

SCHEDULE "A."

(a) By-law Number 671 passed on the 10th day of December, 1926, authorizing the issue of debentures to the amount of \$89,289.62 for storm sewers constructed as local improvements.

(b) By-law Number 672 passed on the 10th day of December, 1926, authorizing the issue of debentures to the amount of \$35,532.80 for watermains constructed as local improvements.

No. 35.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Township of
Sandwich West.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(Private Bill.)

MR. POISSON.

TORONTO :

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Palmerston.

WHEREAS the corporation of the town of Palmerston Preamble. has by its petition represented that for some years last past the only hospital in the town has been a private hospital, and that such hospital is likely to be closed, and that it is in the best interests of the said town that there should be hospital accommodation for the citizens thereof, and that it is desirable that the said corporation should purchase from the owner the said hospital and its equipment and either maintain and operate the same as a public hospital, or lease said hospital and equipment, when so purchased by the corporation, to a party or parties for operation by such party or parties as an hospital; and whereas the said town of Palmerston has, by a by-law numbered 617, and duly carried by a majority of the electors voting thereon (152 voting for the by-law and 129 voting against the by-law) on January 3rd, 1927, provided for the issue of debentures to the amount of \$6,500 for the purpose of purchasing the said hospital including the real estate and equipment in connection therewith, the owner of the same having agreed to sell such hospital, real estate and equipment to the said corporation for said sum of \$6,500; and whereas the said corporation has by its petition prayed that an Act may be passed validating and confirming the said by-law No. 617, and authorizing the said corporation to purchase, operate and maintain the said hospital and equipment or to lease it to other parties to operate as an hospital, and that said hospital shall be managed and controlled by a board of trustees to be called the "Palmerston Hospital Commission" and that such powers as may be deemed expedient be granted to the said corporation and to the said commission, and whereas the said corporation has by its petition further prayed that it may be enacted as 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 consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Town of Palmerston Hospital Act, 1927*.

By-law
No. 617,
confirmed.

2. By-law No. 617 of the corporation of the town of Palmerston, set forth in schedule "A" hereto, and all debentures issued or to be issued thereunder and the rates and assessments to be made and collected for the purpose of meeting the payments to be made in respect of the said debentures as provided for in the said by-law, are hereby validated and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Power
to purchase
and operate
or lease
hospital.

3. The said corporation may purchase and take over from the owner or owners thereof the hospital building and real estate (lot No. 26 on the northerly side of Main street in the town of Palmerston in the county of Wellington, according to a plan of lot No. 21 in the first concession of the township of Minto, now within the limits of the said town of Palmerston, made for Watson & Fuller by J. G. Kirk, P.L.S., and duly registered) and equipment, free of all encumbrances, for the sum of \$6,500, and may accept and take in its own name all the necessary transfers or conveyances thereof; and the said corporation may enter into and execute all proper conveyances, agreements and other documents in connection with the transfer of said property to it; and the said corporation may operate and maintain said hospital property as a general hospital or lease the same to other parties or party, for operation as an hospital, for such a rental and for such a term or terms and subject to such covenants, agreements and provisions as to the said corporation may seem desirable.

Palmerston
Hospital
Commission
created.

4. The conduct, control and management of the affairs of the said hospital, while operated as a general hospital, shall be vested in and exercised by a board of three trustees to be known as the "Palmerston Hospital Commission" to be appointed by the municipal council of the town of Palmerston, the first trustees to be appointed to serve for the periods of one, two and three years respectively from the 1st day of February in the year in which the appointment is made, and thereafter one trustee to be appointed in each year for a term of three years, to take the place of the trustee whose term shall have expired, but not more than one member of the municipal council of the town of Palmerston shall be eligible for appointment as a hospital trustee. A member of the staff of the said hospital shall not be eligible for appointment as a trustee.

Appoint-
ment of
trustees.

5. In case of the death or resignation of any of the said trustees the vacancy so caused shall be filled by the said

municipal council, and the said council may at its will dismiss any of such trustees and set aside his or her appointment and elect a new trustee to fill his or her place.

6. The said corporation may acquire such further real estate or other property as it may from time to time consider necessary for the purpose of properly carrying out the efficient operation of a general hospital and nurses' home for the said municipality of the town of Palmerston, and may erect and maintain on their property such buildings as it may consider necessary for such purpose.

Power
to acquire
further
lands.

7. The said corporation may sell, lease or otherwise alienate, at any time or times, the whole or any part or parts of the property, real and personal, acquired for the purpose of carrying on and operating the said general hospital and nurses' home, upon such terms as to the said corporation may seem desirable.

Power
to dispose
of lands.

8. The corporation may also borrow moneys for use in connection with the improvement of the said hospital or nurses' home on the security of its hospital property, including the nurses' home, and execute a mortgage or pledge to the party or parties making the advance as security for the payment thereof. Any mortgage executed by the corporation in pursuance of the provisions hereof may contain such covenants, provisoes, conditions and powers of sale as may be agreed upon.

Power
to borrow
money upon
mortgage.

9. The corporation may invest in such securities as may be deemed advisable all moneys which may at any time come into its possession in connection with the operation of the said hospital, or may deposit the same in any chartered bank or financial institution in good standing.

Investment
of moneys.

10. The said corporation may carry on and operate a general hospital in the town of Palmerston, and may erect, equip and maintain a residence and training school for nurses, a residence for the superintendent, and resident physician in attendance or in connection with the said hospital, and all other buildings required for hospital purposes, upon such sites as the corporation may deem proper, and may conduct and maintain with its hospital a training school for nurses and may provide for the issue of certificates or diplomas to nurses educated therein, and generally do all things necessary or usual to be done in the maintenance and operation of a general hospital and provide funds therefor by imposing rates on all taxable property in the town of Palmerston.

Power
to operate
hospital and
school for
nurses.

Power to receive contributions.

11. The said corporation may receive and take from the Government or from any person or body by grant, gift, legacy, devise or otherwise, any land or interest in land, or any goods, chattels, money or effects for the use, support or purposes of the hospital, without a license in mortmain, and all persons and bodies corporate may give, grant, devise and bequeath to the said corporation any land or interest in land, or any goods, chattels, moneys or effects for use in connection with the construction, operation and maintenance of the hospital or nurses' home.

Power to adjoining municipalities to contribute.

12. The councils of the corporations of the counties of Wellington and Perth and of the several municipalities within such counties respectively, from time to time, may contribute a sum or sums of money for the enlargement of the said hospital or towards the equipment or maintenance thereof or of any patients therein, and pass by-laws and resolutions in the exercise of the powers hereby conferred.

Power to issue debentures.

1922, c. 72.

13. The corporation of the town of Palmerston may, from time to time, by by-law passed with the assent of the electors qualified to vote on money by-laws, in accordance with the provisions of *The Consolidated Municipal Act, 1922*, raise by the issue of debentures such sums as may be necessary for renewing, repairing, improving, enlarging or adding to the hospital buildings or nurses' home or the equipment thereof, and such debentures shall bear such rate of interest as the council may determine and shall be payable at any time within twenty years from the date of issue.

Commission to have full control of hospital.

14.—(1) The said hospital commission, to be appointed as aforesaid, may conduct and manage the said hospital and nurses' home, and may appoint, and may remove, the hospital staff and all officers and servants whom they may deem proper to engage in connection with the operation and maintenance of the hospital and nurses' home, and may fix all salaries and wages to be paid to the hospital staff, officers and servants, and may regulate their numbers, term of office, privileges and duties and may control, direct and manage, and do all things necessary or usual to be done in the maintenance and operation of a general hospital and nurses' home, and may fix the fees to be charged patients for accommodation or treatment in the said hospital; and the said corporation may provide in the yearly estimates and raise by special rate whatever sums are required, over and above the fees, charges and other moneys received by the commission, to meet the current yearly expenditure in the maintenance and operation of the said hospital and nurses' home, notwithstanding that such rate may increase the aggregate annual rates to be levied and collected in said

town beyond the limit fixed by section 297 of *The Consolidated Municipal Act, 1922*.

(2) The hospital commission may from time to time enter into agreements with any municipal corporation in Ontario for the payment by the latter of a fixed annual grant to the commission or a fixed rate per patient per day, for any term of years not exceeding five, for the maintenance and treatment of indigent patients to be admitted from such municipality, and every such municipality is hereby authorized to enter into such agreements with the commission, without obtaining the assent of the electors thereto and to provide and pay such grants or fixed rates.

Agreement
with other
municipal
corporations.

15. The said hospital commission shall submit to the municipal council of the town of Palmerston a monthly statement of receipts and expenditures as shown by the books of account of the hospital, and in the month of January in each year shall submit to the said council a report showing the receipts and expenditures made by or on behalf of the hospital during the preceding year, and the assets and liabilities of the hospital.

Monthly
statement
and annual
statement.

16. The provisions of *The Hospitals and Charitable Institutions Act*, except where inconsistent with the provisions of this Act, shall apply to and govern the said hospital and the hospital commission respectively.

Rev. Stat.
c. 300 to
apply.

17. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of
Act.

SCHEDULE "A."

BY-LAW NO. 617 OF THE TOWN OF PALMERSTON.

A By-law to authorize the Municipality of the Town of Palmerston to issue Debentures to the amount of \$6,500 for the purpose of purchasing the Hospital Building, Real Estate and Equipment situate on the north side of Main Street in the Town of Palmerston and owned by Margaret Magee.

Whereas the Palmerston Hospital, hitherto privately owned and operated, is in danger of being closed, and it is deemed desirable and in the best interests of the Town of Palmerston that the Municipal Council of the Corporation of the Town of Palmerston should purchase from the present owner, Margaret Magee, the said Hospital Building, Real Estate (Lot No. 26 on the northerly side of Main Street in the said Town of Palmerston in the County of Wellington, according to a plan of Lot No. 21 in the First Concession of the Township of Minto, now within the limits of the said Town of Palmerston, made for Watson & Fuller by J. G. Kirk, P.L.S., and duly registered) and Equipment, and operate it as a Public Hospital or lease it to a third party or parties for operation by such parties.

And whereas the purchase price of the said Hospital Building, Real Estate and Equipment, which has been agreed upon between the said Municipal Council of the Corporation of the Town of Palmerston and the said Margaret Magee, is the sum of Six Thousand Five Hundred Dollars.

And whereas it is considered desirable and necessary to borrow the said sum of \$6,500, being the amount of debt intended to be created by this By-law, on the credit of the said Municipality, and to issue the debentures of the said Municipality of the Town of Palmerston for such sum of \$6,500 bearing interest at the rate of five and one-half per cent. per annum, and that such principal sum shall be repayable in yearly sums extending over a period of twenty years from the date of the issue of such debentures and of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years of said twenty years period.

And whereas the amount required to be raised annually during the said period of twenty years upon all the rateable property in the said Municipality to meet said annual payments of principal and interest is the sum of \$543.91, being for principal and for interest in each of the said twenty years the amounts respectively set forth in Columns 2 and 3 of the Schedule hereto marked "A."

And whereas the amount of the whole rateable property of the said Municipality of the Town of Palmerston, according to the last revised assessment roll, being that for the year 1926, is \$717,436.

And whereas the amount of the existing debenture debt of the said Municipality of the Town of Palmerston (exclusive of local improvement debts, secured by special acts, rates or assessments) is \$63,337.48, upon which no sum is in arrear for principal or interest.

Therefore the Municipal Council of the Corporation of the Town of Palmerston enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of Six Thousand Five Hundred Dollars (\$6,500) and debentures shall be issued therefor in sums of not less than Fifty Dollars each, bearing interest at the rate of five and one-half per cent. ($5\frac{1}{2}\%$) per annum, and having coupons attached thereto for the payment of the interest or the interest may be included in the said debentures.

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as set forth in Columns 2 and 3 in Schedule "A" to this By-law which Schedule "A" is hereby declared to be part of this By-law. .

3. The said debentures as to both principal and interest may be expressed in Canadian currency or Sterling money of Great Britain at the rate of One Pound Sterling for each Four Dollars and eighty-six and two-thirds cents, and may be payable at any place or places in Canada or Great Britain or the United States of America.

4. The Mayor of the Corporation shall sign and issue the debentures and interest coupons attached (if any), and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

5. During the twenty years of the currency of the said debentures, there shall be raised annually by special rate sufficient therefor, over and above all other rates, on all the rateable property in the Municipality of the Town of Palmerston, the sum of \$543.91, at the same time and in the same manner as other rates, for the purpose of paying the principal and interest accruing due on the said debt in each year of the said period of twenty years.

6. The Debentures may contain any clause providing for the registration thereof, authorized by any Statute relating to Municipal debentures in force at the time of the issue thereof.

7. This By-law shall take effect on the date of the final passing thereof, subject to its being assented to by the duly qualified electors.

Finally passed in open Council this 24th day of January, 1927.

"R. A. TRELEAVEN,"
Mayor.

"SETH MATHERS,"
Clerk.

[SEAL OF TOWN.]

Schedule "A."

Attached to By-law No. 617 of the Town of Palmerston.

Year	Principal	Interest	Total Annual Payment
First.....	\$186 41	\$357 50	\$543 91
Second.....	196 68	347 24	543 91
Third.....	207 48	336 43	543 91
Fourth.....	218 89	325 02	543 91
Fifth.....	230 94	312 97	543 91
Sixth.....	243 64	300 27	543 91
Seventh.....	257 04	286 87	543 91
Eighth.....	271 17	272 74	543 91
Ninth.....	286 09	257 82	543 91
Tenth.....	301 82	242 09	543 91
Eleventh.....	318 42	225 49	543 91
Twelfth.....	335 94	207 97	543 91
Thirteenth.....	354 42	189 49	543 91
Fourteenth.....	373 91	170 00	543 91
Fifteenth.....	394 47	149 44	543 91
Sixteenth.....	416 17	127 74	543 91
Seventeenth.....	439 06	104 85	543 91
Eighteenth.....	463 21	80 70	543 91
Nineteenth.....	488 68	55 23	543 91
Twentieth.....	515 56	28 35	543 91
	\$6,500 00	\$4,378 20	

No. 36.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of
Palmerston.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. McQUIBBAN.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty

BILL

An Act respecting the Town of Palmerston.

WHEREAS the corporation of the town of Palmerston ^{Preamble.} has by its petition represented that for some years last past the only hospital in the town has been a private hospital, and that such hospital is likely to be closed, and that it is in the best interests of the said town that there should be hospital accommodation for the citizens thereof, and that it is desirable that the said corporation should purchase from the owner the said hospital and its equipment and either maintain and operate the same as a public hospital, or lease said hospital and equipment, when so purchased by the corporation, to a party or parties for operation by such party or parties as an hospital; and whereas the said town of Palmerston has, by a by-law numbered 617, and duly carried by a majority of the electors voting thereon (152 voting for the by-law and 129 voting against the by-law) on January 3rd, 1927, provided for the issue of debentures to the amount of \$6,500 for the purpose of purchasing the said hospital including the real estate and equipment in connection therewith, the owner of the same having agreed to sell such hospital, real estate and equipment to the said corporation for said sum of \$6,500; and whereas the said corporation has by its petition prayed that an Act may be passed validating and confirming the said by-law No. 617, and authorizing the said corporation to purchase, operate and maintain the said hospital and equipment or to lease it to other parties to operate as an hospital, and that said hospital shall be managed and controlled by a board of trustees to be called the "Palmerston Hospital Commission" and that such powers as may be deemed expedient be granted to the said corporation and to the said commission, and whereas the said corporation has by its petition further prayed that it may be enacted as 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 consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Town of Palmerston Hospital Act, 1927.*

By-law
No. 617,
confirmed.

2. By-law No. 617 of the corporation of the town of Palmerston, set forth in schedule "A" hereto, and all debentures issued or to be issued thereunder and the rates and assessments to be made and collected for the purpose of meeting the payments to be made in respect of the said debentures as provided for in the said by-law, are hereby validated and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Power
to purchase
and operate
or lease
hospital.

3. The said corporation may purchase and take over from the owner or owners thereof the hospital building and real estate (lot No. 26 on the northerly side of Main street in the town of Palmerston in the county of Wellington, according to a plan of lot No. 21 in the first concession of the township of Minto, now within the limits of the said town of Palmerston, made for Watson & Fuller by J. G. Kirk, P.L.S., and duly registered) and equipment, free of all encumbrances, for the sum of \$6,500, and may accept and take in its own name all the necessary transfers or conveyances thereof; and the said corporation may enter into and execute all proper conveyances, agreements and other documents in connection with the transfer of said property to it; and the said corporation may operate and maintain said hospital property as a general hospital or lease the same to other parties or party, for operation as an hospital, for such a rental and for such a term or terms and subject to such covenants, agreements and provisions as to the said corporation may seem desirable.

Palmerston
Hospital
Commission
created.

4. The conduct, control and management of the affairs of the said hospital, while operated as a general hospital, shall be vested in and exercised by a board of three trustees to be known as the "Palmerston Hospital Commission" to be appointed by the municipal council of the town of Palmerston, the first trustees to be appointed to serve for the periods of one, two and three years respectively from the 1st day of February in the year in which the appointment is made, and thereafter one trustee to be appointed in each year for a term of three years, to take the place of the trustee whose term shall have expired, but not more than one member of the municipal council of the town of Palmerston shall be eligible for appointment as a hospital trustee. A member of the staff of the said hospital shall not be eligible for appointment as a trustee.

Appoint-
ment of
trustees.

5. In case of the death or resignation of any of the said trustees the vacancy so caused shall be filled by the said

municipal council, and the said council may at its will dismiss any of such trustees and set aside his or her appointment and elect a new trustee to fill his or her place.

6. The said corporation may sell, lease or otherwise alienate, ^{Power to dispose of lands.} at any time or times, the whole or any part or parts of the property, real and personal, acquired for the purpose of carrying on and operating the said general hospital upon such terms as to the said corporation may seem desirable.

7. The corporation may also borrow moneys for use in ^{Power to borrow money upon mortgage.} connection with the improvement of the said hospital, on the security of its hospital property, and execute a mortgage or pledge to the party or parties making the advance as security for the payment thereof.

8. The corporation may invest in such securities as may be ^{Investment of moneys.} deemed advisable all moneys which may at any time come into its possession in connection with the operation of the said hospital, or may deposit the same in any chartered bank or financial institution in good standing.

9. The said corporation may receive and take from the ^{Power to receive contributions.} Government or from any person or body by grant, gift, legacy, devise or otherwise, any land or interest in land, or any goods, chattels, money or effects for the use, support or purposes of the hospital, without a license in mortmain, and all persons and bodies corporate may give, grant, devise and bequeath to the said corporation any land or interest in land, or any goods, chattels, moneys or effects for use in connection with the construction, operation and maintenance of the hospital.

10. The councils of the corporations of the counties of ^{Power to adjoining municipalities to contribute.} Wellington and Perth and of the several municipalities within such counties respectively, from time to time, may contribute a sum or sums of money for the enlargement of the said hospital or towards the equipment or maintenance thereof or of any patients therein, and pass by-laws and resolutions in the exercise of the powers hereby conferred.

11. The corporation of the town of Palmerston may, ^{Power to issue debentures.} from time to time, by by-law passed with the assent of the electors qualified to vote on money by-laws, in accordance with the provisions of *The Consolidated Municipal Act, 1922*, 1922, c. 72. raise by the issue of debentures such sums as may be necessary for renewing, repairing, improving, enlarging or adding to the hospital *property or* buildings or the equipment thereof, and such debentures shall bear such rate of interest as the council may determine and shall be payable at any time within twenty years from the date of issue.

Commission to have full control of hospital.

12.—(1) The said hospital commission, to be appointed as aforesaid, may conduct and manage the said hospital, and may appoint, and may remove, the hospital staff and all officers and servants whom they may deem proper to engage in connection with the operation and maintenance of the hospital, and may fix all salaries and wages to be paid to the hospital staff, officers and servants, and may regulate their numbers, term of office, privileges and duties and may control, direct and manage, and do all things necessary or usual to be done in the maintenance and operation of a general hospital, and may fix the fees to be charged patients for accommodation or treatment in the said hospital; and the said corporation may provide in the yearly estimates and raise by special rate whatever sums are required, over and above the fees, charges and other moneys received by the commission, to meet the current yearly expenditure in the maintenance and operation of the said hospital, notwithstanding that such rate may increase the aggregate annual rates to be levied and collected in said town beyond the limit fixed by section 297 of *The Consolidated Municipal Act, 1922*.

Agreement with other municipal corporations.

(2) The hospital commission may from time to time enter into agreements with any municipal corporation in Ontario for the payment by the latter of a fixed annual grant to the commission or a fixed rate per patient per day, for any term of years not exceeding five, for the maintenance and treatment of indigent patients to be admitted from such municipality, and every such municipality is hereby authorized to enter into such agreements with the commission, without obtaining the assent of the electors thereto and to provide and pay such grants or fixed rates.

Monthly statement and annual statement.

13. The said hospital commission shall submit to the municipal council of the town of Palmerston a monthly statement of receipts and expenditures as shown by the books of account of the hospital, and in the month of January in each year shall submit to the said council a report showing the receipts and expenditures made by or on behalf of the hospital during the preceding year, and the assets and liabilities of the hospital.

Rev. Stat. c. 300 to apply.

14. The provisions of *The Hospitals and Charitable Institutions Act*, except where inconsistent with the provisions of this Act, shall apply to and govern the said hospital and the hospital commission respectively.

Commencement of Act.

15. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

BY-LAW NO. 617 OF THE TOWN OF PALMERSTON.

A By-law to authorize the Municipality of the Town of Palmerston to issue Debentures to the amount of \$6,500 for the purpose of purchasing the Hospital Building, Real Estate and Equipment situate on the north side of Main Street in the Town of Palmerston and owned by Margaret Magee.

Whereas the Palmerston Hospital, hitherto privately owned and operated, is in danger of being closed, and it is deemed desirable and in the best interests of the Town of Palmerston that the Municipal Council of the Corporation of the Town of Palmerston should purchase from the present owner, Margaret Magee, the said Hospital Building, Real Estate (Lot No. 26 on the northerly side of Main Street in the said Town of Palmerston in the County of Wellington, according to a plan of Lot No. 21 in the First Concession of the Township of Minto, now within the limits of the said Town of Palmerston, made for Watson & Fuller by J. G. Kirk, P.L.S., and duly registered) and Equipment, and operate it as a Public Hospital or lease it to a third party or parties for operation by such parties.

And whereas the purchase price of the said Hospital Building, Real Estate and Equipment, which has been agreed upon between the said Municipal Council of the Corporation of the Town of Palmerston and the said Margaret Magee, is the sum of Six Thousand Five Hundred Dollars.

And whereas it is considered desirable and necessary to borrow the said sum of \$6,500, being the amount of debt intended to be created by this By-law, on the credit of the said Municipality, and to issue the debentures of the said Municipality of the Town of Palmerston for such sum of \$6,500 bearing interest at the rate of five and one-half per cent. per annum, and that such principal sum shall be repayable in yearly sums extending over a period of twenty years from the date of the issue of such debentures and of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years of said twenty years period.

And whereas the amount required to be raised annually during the said period of twenty years upon all the rateable property in the said Municipality to meet said annual payments of principal and interest is the sum of \$543.91, being for principal and for interest in each of the said twenty years the amounts respectively set forth in Columns 2 and 3 of the Schedule hereto marked "A."

And whereas the amount of the whole rateable property of the said Municipality of the Town of Palmerston, according to the last revised assessment roll, being that for the year 1926, is \$717,436.

And whereas the amount of the existing debenture debt of the said Municipality of the Town of Palmerston (exclusive of local improvement debts, secured by special acts, rates or assessments) is \$63,337.48, upon which no sum is in arrear for principal or interest.

Therefore the Municipal Council of the Corporation of the Town of Palmerston enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of Six Thousand Five Hundred Dollars (\$6,500) and debentures shall be issued therefor in sums of not less than Fifty Dollars each, bearing interest at the rate of five and one-half per cent. (5½%) per annum, and having coupons attached thereto for the payment of the interest or the interest may be included in the said debentures.

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as set forth in Columns 2 and 3 in Schedule "A" to this By-law which Schedule "A" is hereby declared to be part of this By-law.

3. The said debentures as to both principal and interest may be expressed in Canadian currency or Sterling money of Great Britain at the rate of One Pound Sterling for each Four Dollars and eighty-six and two-thirds cents, and may be payable at any place or places in Canada or Great Britain or the United States of America.

4. The Mayor of the Corporation shall sign and issue the debentures and interest coupons attached (if any), and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

5. During the twenty years of the currency of the said debentures, there shall be raised annually by special rate sufficient therefor, over and above all other rates, on all the rateable property in the Municipality of the Town of Palmerston, the sum of \$543.91, at the same time and in the same manner as other rates, for the purpose of paying the principal and interest accruing due on the said debt in each year of the said period of twenty years.

6. The Debentures may contain any clause providing for the registration thereof, authorized by any Statute relating to Municipal debentures in force at the time of the issue thereof.

7. This By-law shall take effect on the date of the final passing thereof, subject to its being assented to by the duly qualified electors.

Finally passed in open Council this 24th day of January, 1927.

"R. A. TRELEAVEN,"
Mayor.

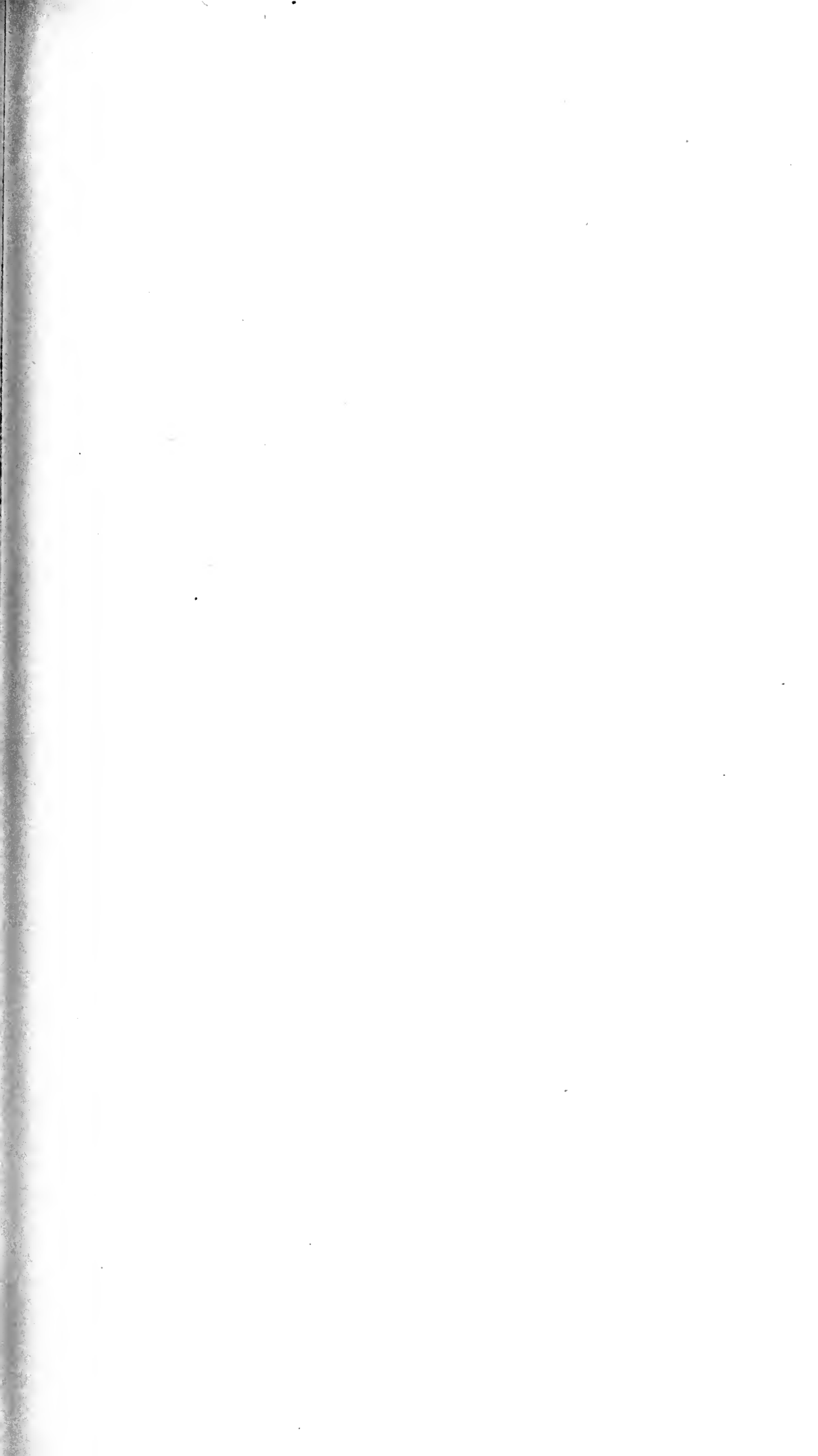
"SETH MATHERS,"
Clerk.

[SEAL OF TOWN.]

Schedule "A."

Attached to By-law No. 617 of the Town of Palmerston.

Year	Principal	Interest	Total Annual Payment
First.....	\$186 41	\$357 50	\$543 91
Second.....	196 68	347 24	543 91
Third.....	207 48	336 43	543 91
Fourth.....	218 89	325 02	543 91
Fifth.....	230 94	312 97	543 91
Sixth.....	243 64	300 27	543 91
Seventh.....	257 04	286 87	543 91
Eighth.....	271 17	272 74	543 91
Ninth.....	286 09	257 82	543 91
Tenth.....	301 82	242 09	543 91
Eleventh.....	318 42	225 49	543 91
Twelfth.....	335 94	207 97	543 91
Thirteenth.....	354 42	189 49	543 91
Fourteenth.....	373 91	170 00	543 91
Fifteenth.....	394 47	149 44	543 91
Sixteenth.....	416 17	127 74	543 91
Seventeenth.....	439 06	104 85	543 91
Eighteenth.....	463 21	80 70	543 91
Nineteenth.....	488 68	55 23	543 91
Twentieth.....	515 56	28 35	543 91
	<u>\$6,500 00</u>	<u>\$4,378 20</u>	



No. 36.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of
Palmerston.

1st Reading,	28th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

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

MR. McQUIBBAN.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty

BILL

An Act respecting the Town of Sudbury.

WHEREAS the municipal council of the corporation of the Preamble.
town of Sudbury, hereinafter called the corporation,
has, by petition, represented that it is desirable that certain
by-laws, specified in schedule "A" hereto, and the debentures
issued and to be issued thereunder, should be validated and
confirmed; and whereas the said corporation has prayed that
an Act may be passed for the above purpose; and whereas no
opposition has been offered 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:—

1. This Act may be cited as *The Town of Sudbury Act*, Short title.
1927.

2. The by-laws specified in schedule "A" hereto and all Certain
debentures issued or to be issued thereunder are confirmed by-laws,
and declared to be legal, valid and binding upon the said confirmed.
corporation and the ratepayers thereof. Debentures,
confirmed.

3. This Act shall come into force on the day upon which it Commence-
receives the Royal Assent. ment of
Act.

SCHEDULE "A"

No. By-law	Date of Passing By-law	Nature of Work under By-law	Amount Debt Created	Amount Payable By Town	Amount Payable by Ratepayers	Period of Payment	Rate of Interest
949	Dec. 6th, 1926	A By-law to provide for borrowing \$13,000.00 upon debentures for the purpose of paying for the construction of a reinforced concrete bridge over Nolan's Creek on College Street in the Town of Sudbury.	\$13,000 00	\$13,000 00	.....	20 years	5%
950	Dec. 6th, 1926	A By-law to provide for borrowing \$15,000.00 upon debentures for the purpose of paying for the construction of extensions to the electric light system of the Town of Sudbury.	15,000 00	15,000 00	.....	10 years	5%
951	Dec. 15th, 1926	A By-law to provide for borrowing \$25,000.00 upon debentures for the purpose of paying for the construction of a new power house in the Town of Sudbury.	25,000 00	25,000 00	.....	20 years	5%
952	Dec. 15th, 1926	A By-law to provide for borrowing \$2,850.00 upon debentures for the purpose of paying for the construction of a watermain extension to St. Joseph's Hospital in the Town of Sudbury.	2,850 00	2,850 00	.....	20 years	5%
957	Jan. 11th, 1927	A By-law to provide for borrowing \$12,050.00 upon debentures to pay for the construction of far macadam pavements as therein set forth.	12,050 00	6,282 58	\$5,767 42	5 years	5%
958	Jan. 11th, 1927	A By-law to provide for borrowing \$625.00 upon debentures to pay for the construction of waterworks extensions as therein set forth.	625 00	32 40	592 60	5 years	5%
959	Jan. 11th, 1927	A By-law to provide for borrowing \$16,775.00 upon debentures to pay for the construction of concrete walks as therein set forth.	16,775 00	5,216 67	11,558 33	10 years	5%
960	Jan. 11th, 1927	A By-law to provide for borrowing \$42,150.00 upon debentures to pay for the construction of the sanitary sewers as therein set forth.	42,150 00	6,162 77	35,987 23	20 years	5%
961	Jan. 11th, 1927	A By-law to provide for borrowing \$8,325.00 upon debentures to pay for the construction of the waterworks extensions as therein set forth.	8,325 00	4,813 26	3,511 74	20 years	5%

No. 37.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of Sudbury.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. ROBB.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the General Synod and the Missionary Society of the Church of England in Canada.

WHEREAS the General Synod of the Church of England ^{Preamble.}
in Canada and the Missionary Society of the Church of
England in Canada have by petition represented that they are
bodies corporate and politic under statutes of the Parliament
of Canada, each having its head office in the city of Toronto
and Province of Ontario; and whereas the said corporations
have by petition prayed for an Act authorizing them to
consolidate, manage and invest the trust funds under the
control of the said petitioners respectively as one undivided
fund; 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. This Act may be cited as *The Church of England Trust* ^{Short title.}
Fund Act, 1927.

2. The General Synod of the Church of England in Canada ^{Forming of}
and the Missionary Society of the Church of England in ^{General}
Canada and each of them may declare and enact by canon ^{Trust Fund.}
or by-law that all personal property, securities and moneys
which now are or which may hereafter become vested in or
held by the said corporations respectively shall be held,
managed and invested as one general trust fund in the joint
names of the said two corporations, and may make such
lawful investments of the same in such sums and at such rates
of interest as a joint committee of the said two corporations
appointed under the provisions of this Act may from time to
time determine, but nothing herein contained shall authorize
the said two corporations, or either of them, to vary or alter
the trusts upon which the said personal property, securities
or moneys are now respectively vested in or held by the said
corporations respectively, except as herein or heretofore
authorized.

Joint
Committee.

3. In order to effectuate the aforesaid purposes, there shall be constituted a joint committee of the said two corporations which said committee, until the said General Synod and the Board of Management of the said Missionary Society of the Church of England in Canada shall otherwise determine, shall consist of the persons for the time being holding the offices of the primate of all Canada, the chairman of the executive committee of the said missionary society, the chairman of the board of finance of the said General Synod, the general treasurer of the said General Synod and the general treasurer of the said missionary society who shall be *ex-officio* members of the said committee and six other members, three of whom shall be elected annually by the board of finance of the General Synod and three of whom shall be elected at the annual meeting of the board of management of the said missionary society, which elected members shall hold office until the appointment of their successors respectively, and all vacancies which may occur in the elected membership of the said committee between meetings of the said electing bodies shall be filled by the said primate and chairman of the executive committee of the board of management respectively.

Quorum.

4. Five members of the said committee of whom the primate or the chairman of the said executive committee shall be one shall constitute a quorum of the said committee, and the said committee may make such rules and regulations as may be necessary for the conduct of the business committed to them.

Accounting.

5. Separate and distinct accounts of each and every trust respecting the funds thereof vested in the said corporations respectively, showing the capital of the same, shall be kept by the said corporations respectively and by the said committee, and the interest and profits received or accruing from the several investments so made of the whole of the said general trust fund shall be divided between the two corporations in the proportion of the capital contributed by each, and the amount received by each corporation shall be divided among the several trusts represented by it *pro rata* to the proportion contributed by each separate trust fund to the whole trust fund vested in each corporation respectively after deducting from such receipts the expenses of management, investment and administration, and the payment of such *pro rata* sums shall be a full discharge of the said corporations respectively in respect of the trusts on which the said funds are held by them.

No. 38.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the General Synod and
the Missionary Society of the Church
of England in Canada.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(Private Bill.)

MR. THOMPSON (St. Davids).

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the General Synod and the
Missionary Society of the Church of
England in Canada.

WHEREAS the General Synod of the Church of England ^{Preamble.}
in Canada and the Missionary Society of the Church of
England in Canada have by petition represented that they are
bodies corporate and politic under statutes of the Parliament
of Canada, each having its head office in the city of Toronto
and Province of Ontario; and whereas the said corporations
have by petition prayed for an Act authorizing them to
consolidate, manage and invest the trust funds under the
control of the said petitioners respectively as one undivided
fund; 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. This Act may be cited as *The Church of England Trust* ^{Short title.}
Fund Act, 1927.

2. The General Synod of the Church of England in Canada ^{Forming of}
and the Missionary Society of the Church of England in ^{General}
Canada and each of them may declare and enact by canon ^{Trust Fund.}
or by-law that all personal property, securities and moneys
which now are or which may hereafter become vested in or
held by the said corporations respectively shall be held,
managed and invested as one general trust fund in the joint
names of the said two corporations, and may make such
lawful investments of the same in such sums and at such rates
of interest as a joint committee of the said two corporations
appointed under the provisions of this Act may from time to
time determine, but nothing herein contained shall authorize
the said two corporations, or either of them, to vary or alter
the trusts upon which the said personal property, securities
or moneys are now respectively vested in or held by the said
corporations respectively, except as herein or heretofore
authorized.

Joint
Committee.

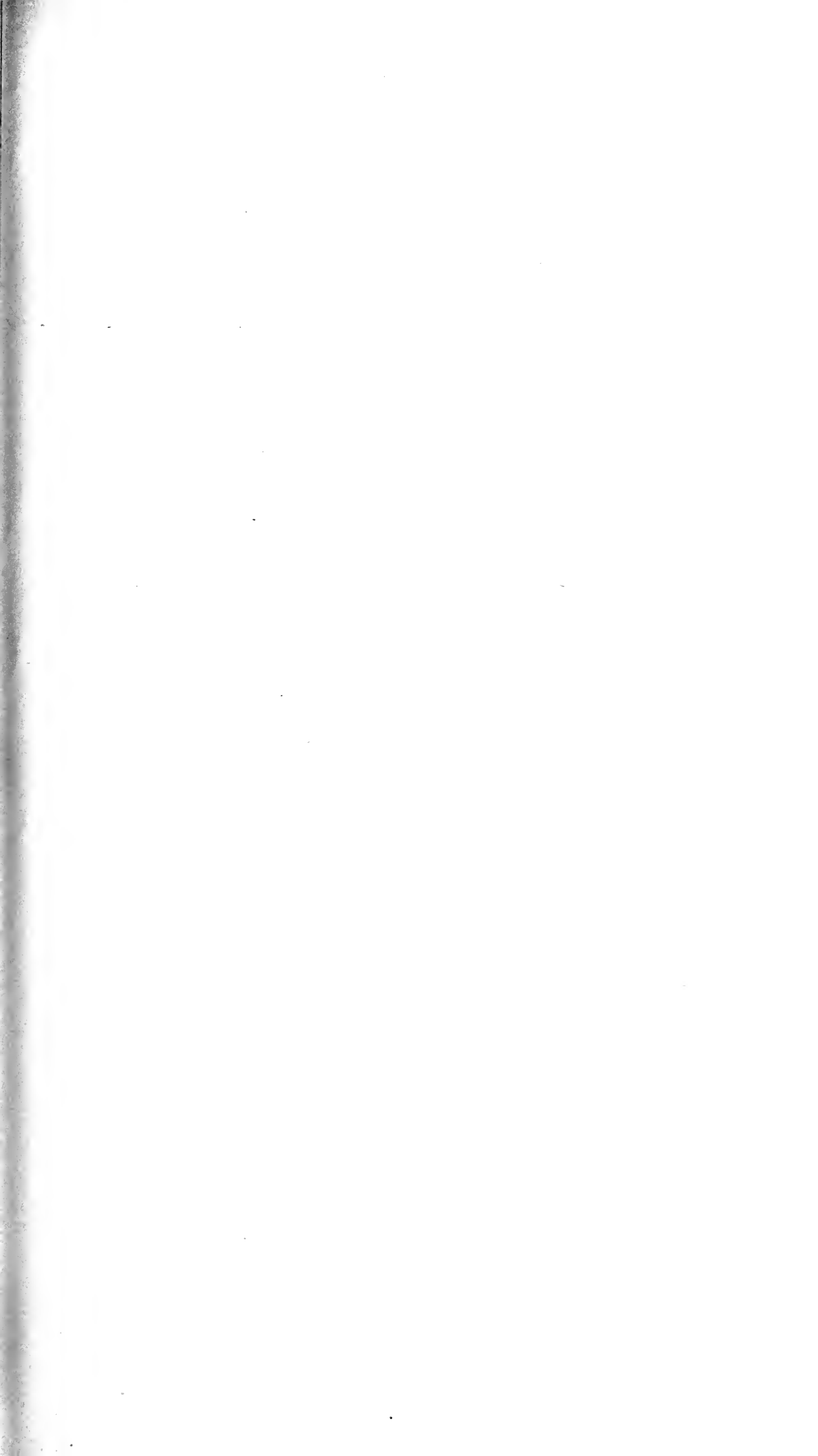
3. In order to effectuate the aforesaid purposes, there shall be constituted a joint committee of the said two corporations which said committee, until the said General Synod and the Board of Management of the said Missionary Society of the Church of England in Canada shall otherwise determine, shall consist of the persons for the time being holding the offices of the primate of all Canada, the chairman of the executive committee of the said missionary society, the chairman of the board of finance of the said General Synod, the general treasurer of the said General Synod and the general treasurer of the said missionary society who shall be *ex-officio* members of the said committee and six other members, three of whom shall be elected annually by the board of finance of the General Synod and three of whom shall be elected at the annual meeting of the board of management of the said missionary society, which elected members shall hold office until the appointment of their successors respectively, and all vacancies which may occur in the elected membership of the said committee between meetings of the said electing bodies shall be filled by the said primate and chairman of the executive committee of the board of management respectively.

Quorum.

4. Until the said General Synod and the Board of Management of the said Missionary Society of the Church of England in Canada shall otherwise determine five members of the said committee of whom the primate or the chairman of the said executive committee shall be one shall constitute a quorum of the said committee, and the said committee may make such rules and regulations as may be necessary for the conduct of the business committed to them.

Accounting.

5. Separate and distinct accounts of each and every trust respecting the funds thereof vested in the said corporations respectively, showing the capital of the same, shall be kept by the said corporations respectively and by the said committee, and the interest and profits received or accruing from the several investments so made of the whole of the said general trust fund shall be divided between the two corporations in the proportion of the capital contributed by each, and the amount received by each corporation shall be divided among the several trusts represented by it *pro rata* to the proportion contributed by each separate trust fund to the whole trust fund vested in each corporation respectively after deducting from such receipts the expenses of management, investment and administration, and the payment of such *pro rata* sums shall be a full discharge of the said corporations respectively in respect of the trusts on which the said funds are held by them.



No. 38.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the General Synod and
the Missionary Society of the Church
of England in Canada.

1st Reading,	14th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

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

MR. THOMPSON (St. Davids).

TORONTO:

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The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Village of Bayfield.

WHEREAS the village of Bayfield has by its petition ^{Preamble.} represented that it was incorporated by by-law number 12 for 1875 of the county council of Huron and the lands so erected into an incorporated village included an area of five hundred acres; and that by chapter 40 of the statutes of the Province of Ontario the said by-law was confirmed and the limits of the said village were extended so that thereafter the area comprised within the said village included seventeen hundred and sixty acres; and that by an order of the Ontario Railway and Municipal Board made on the eleventh day of November, 1925, certain farm lands were detached from the said village and the area thereof now comprises five hundred and forty-three acres; and that the preamble of the said Act sets forth that the population of the said area exceeded eight hundred souls and the business and prosperity of the said village was increasing and likely to increase; and that the whole resident population of the said village as appeared by the last revised assessment roll is three hundred and forty-eight persons and instead of developing industrially the village has now no industries of importance to justify its continuance as an incorporated village; and that the municipal council of the said village and a majority of the freeholders according to the last revised assessment roll thereof have by petition prayed that an Act be passed to annul the incorporation of the said village and to restore the lands now comprised therein to the township of Stanley and the township of Goderich as the same were prior to the incorporation of the said village and that a portion of the said lands being not more than five hundred acres be erected into a police village; and whereas it is expedient to grant the prayer of the said petition;

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

1. This Act may be cited as *The Village of Bayfield Act*, ^{Short title .} 1927.

39 Vict., c.
40, repealed.

2. Chapter 40 of the Acts passed in the thirty-ninth year of the reign of Her late Majesty Queen Victoria is hereby repealed and the incorporation of the village of Bayfield is annulled.

Lands
annexed to
adjacent
townships.

3. The territory comprised within the said village of Bayfield and lying to the southward of the Bayfield river is hereby annexed to and shall form part of the township of Stanley and the territory comprised within the said village of Bayfield and lying to the northward of the Bayfield river is hereby annexed to and shall form part of the township of Goderich.

Date of
annexation.

4. For purposes of municipal taxation and otherwise the annexation hereby effected shall be deemed to have been made on the first day of January, 1927.

Erection
of police
village.

5. All the lands by this Act annexed to the township of Stanley and the township of Goderich saving and excepting those parcels thereof in the township of Goderich which include the lands lying to northward of the deviation road known as the river road and to eastward of the highway known as the first concession road and also the west half of lot 5 in the Bayfield concession are hereby erected into a police village which shall be known as the "Police Village of Bayfield" and shall be deemed to have been erected into a police village on the first day of January, 1927.

First
election.

6. The first election of trustees shall be held at the village hall in the said village by John Pease, returning officer, on Monday, the second day of June, 1927, and the first meeting of the trustees shall be held at the said village hall on Monday, the ninth day of June, 1927, at the hour of twelve o'clock noon.

Assets and
liabilities.

7. All debts and liabilities of the said village existing on the first day of January, 1927, shall be a charge upon the lands comprised in the said police village and all assets of the said village shall be deemed henceforth to be assets of the said police village.

No. 39.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Village of Bayfield.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

Private Bill.)

MR. PROULX.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Windsor Gas Company, Limited.

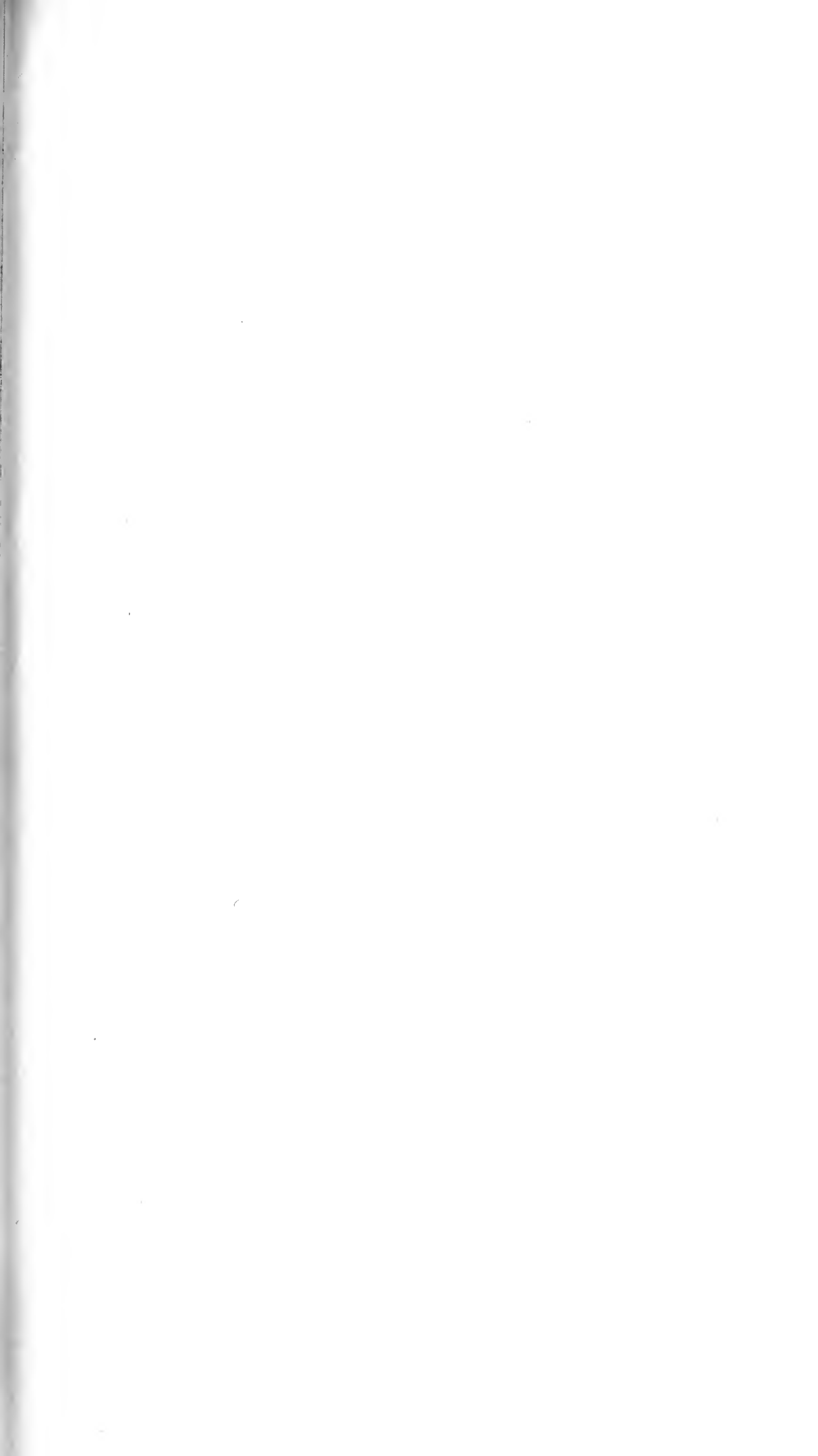
WHEREAS the Windsor Gas Company, Limited, has by ^{Preamble.} its petition represented that it is a joint stock company incorporated on the twenty-fourth day of October, A.D. 1904, by letters patent issued pursuant to the provisions of *The Ontario Companies Act* and subject to the provisions of *An Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*; and that the Legislative Assembly of the Province of Ontario did in its session of the fifth year of the reign of His Majesty King Edward the Seventh, pass *An Act respecting the Windsor Gas Company, Limited*, which same was assented to on the 25th day of May, 1905, and is printed as Chapter 118 of the Statutes of Ontario of 5 Edward VII; and that it is apparent from the recitals of the said Act and the provisions of *An Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, then in force, that the said Act was intended to operate as an enabling Act only for the purpose of enabling the Windsor Gas Company, Limited, to borrow moneys in excess of what the said Act respecting joint stock companies for supplying cities, towns and villages with gas and water then permitted; and that the restrictions upon the borrowing powers of all such companies were removed by *The Ontario Companies Act*, 7 Edward VII, Chapter 34 (1907) and the sections of *An Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, imposing such restrictions were repealed; and that section 2 of the enacting part of the said *Act respecting the Windsor Gas Company, Limited*, contains the following clause after the word "Act" in the seventh line thereof: "provided that the amount actually borrowed and outstanding shall not at any time exceed \$310,000 in the whole" and accordingly notwithstanding the removal of the restrictions upon the borrowing powers of gas companies generally the said clause creates some doubt as to the borrowing powers of the Windsor Gas Company, Limited; and whereas the said company has by its petition prayed that an Act may be passed striking out the said words; 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:

Short title. **1.** This Act may be cited as *The Windsor Gas Company Act, 1927*.

1905, c. 118,
amended. **2.** Section 2 of *An Act respecting the Windsor Gas Company, Limited*, passed in 1905 and chaptered 118 is amended by striking out the following words: "provided that the amount actually borrowed and outstanding shall not at any time exceed \$310,000 in the whole."

Commence-
ment of
Act. **3.** This enactment shall be deemed to have been in force and effect on, from and after the first day of July, 1907.



No. 40.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Windsor Gas
Company, Limited.

1st Reading, 18th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(Private Bill.)

MR. WILSON.
(Windsor)

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Ottawa.

WHEREAS the corporation of the city of Ottawa has by Preamble.
 its petition prayed that it should be enacted as herein-
 after 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. This Act may be cited as *The City of Ottawa Act, 1927.* Short title.

2. The council of the said corporation may use the whole Application
 or any part of the balance at the credit of debenture by-law of credit
 number 5085, for the purpose of purchasing and installing balance
 plant or equipment in the Isolation Hospital or for the purpose under By-
 of improving or altering the same. law No.
5085 to
hospital.

3. The council of the said corporation may use the whole Application
 or any part of the balance at the credit of debenture by-law of credit
 number 5994, passed under the authority of subsection 2 of balance
 section 2 of *The City of Ottawa Act, 1925*, to provide for the under By-
 cost of constructing and extending water mains and water law No.
 services. 5994 to
water
services.
1925, c. 98.

4. The council of the said corporation may provide by Power to
 by-law for borrowing upon debentures of the corporation raise \$10,000
 payable within ten years from their date of issue, a sum or for fire
 sums of money not exceeding \$10,000 for the purchase of department.
 motor apparatus and equipment for the fire department.

5. Clause *k* of section 1 of chapter 102 of the Acts passed in 1919, c. 102,
 the ninth year of the reign of His Majesty King George V, s. 1, ol. k,
 intituled *An Act respecting the City of Ottawa*, is repealed and amended.
 the following substituted therefor:

“(k) \$100,000 to provide for the cost of erecting and
 equipping buildings on By Ward Market.”

6. The council of the said corporation may provide by Power
 by-law for borrowing upon debentures a sum not exceeding to borrow
 \$50,000, payable within twenty years from their date, for the \$50,000 for
certain
works re-
quired by
extension
of street
railway.

purpose of constructing, reconstructing, grading, widening, paving and repaving roads and sidewalks, and for taking up and relaying sewers, catch-basins, and other works of the corporation, upon such streets and parts thereof, in the city of Ottawa as the Ottawa Electric Railway Company may hereafter extend its tracks and railway under agreement with the said corporation and may expend part of the said borrowing in providing for the cost of extending Templeton street westerly from its present terminus to Nicholas street, including the cost of acquiring land for such street extension.

Assent of electors not required.

1922, c. 72.

7.—(1) It shall not be necessary for the council of the said corporation to obtain the assent of the electors, qualified to vote on money by-laws, to the passing of any of the by-laws authorized by sections 4, 5 and 6 of this Act, or to observe in respect thereto the formalities prescribed by *The Consolidated Municipal Act, 1922*, in relation to the passing of money by-laws.

Interest on debentures.

1922, c. 72.

(2) Debentures issued under the provisions of any of the said by-laws shall bear interest at such rate as the council of the said corporation shall, in such by-law determine, and the principal and interest thereof may be made payable in any manner authorized by *The Consolidated Municipal Act, 1922*, and amendments.

Irregularity not to invalidate.

1925, c. 98, amended.

(3) No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action against the said corporation for the recovery of the amount thereof, or any part thereof, or interest thereon.

8. Subsection 1 of section 11 of *The City of Ottawa Act, 1925*, is amended by striking out the word "Strathcona" in the second line of clause *c* thereof, and by substituting therefor the word "Pretoria."

Sums unpaid under By-law No. 5781 to be paid out of general funds.

9. The council of the said corporation shall raise and pay annually out of its general funds all such sums as shall remain to be raised under by-law number 5781 in order to defray the owners' portion of the cost of the local improvement work for the grading of Centre street from Bronson avenue to a point 600 feet easterly.

Power to fix assessment of proposed addition to Chateau Laurier Hotel—assent of electors not required.

10. In the event of the Canadian National Railway Company agreeing with the said corporation to construct, and constructing and completing a 200-room addition to the Chateau Laurier Hotel; at an expenditure of not less than \$1,500,000, the council of the said corporation may, by by-law,

which shall not require for its validity the assent of the electors qualified to vote on money by-laws, provide that the municipal taxes and rates upon the building and land of such hotel, including such addition, shall for all purposes, other than school, water and local improvement rates, during the year 1928, and the next succeeding fourteen years, be based upon a fixed assessment of \$1,250,000; provided that all parts of such hotel as may from time to time during such term be used for any business purpose not directly connected with the operation of such hotel, shall be subject to assessment and taxation in the same manner as if such fixed assessment had not been granted.

11. By-law number 6228 of the said corporation, a true copy of which is set out in schedule "A" to this Act, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and all debentures to be issued thereunder and all assessments made or to be made for the payment thereof are validated and confirmed.

By-law
No. 6228
confirmed.

12. Notwithstanding the provisions of section 12 of *The Ottawa Civic Hospital Act*, the Toronto General Trusts Corporation, as trustee of certain moneys subscribed by the friends of the late Dr. Henry P. Wright, may hold and invest the said moneys and shall disburse the income thereon annually in payment of scholarships or prizes to be awarded to nurses in training at the Ottawa Civic Hospital, as a memorial to the said the late Dr. H. P. Wright, in such form and manner as the trustees of the said hospital may from time to time direct.

Moneys sub-
scribed by
friends of Dr.
Henry P.
Wright to be
used as
directed by
trustees,
notwith-
standing,
1919, c. 122.

13.—(1) All members of the council of the said corporation, including the mayor and the members of the board of control, hereafter elected, shall hold office for a term of two years, provided that, of the two aldermen elected in each ward at the first election held under the provisions of this section, the one receiving the lesser number of votes shall hold office for one year and the other for two years, and should two aldermen be elected in any ward at such election by an equal number of votes the council shall at its first meeting in 1928 determine which of such aldermen shall hold office for one year.

Term
of members
of council
extended.

(2) In 1928 and annually thereafter one alderman shall be elected from each ward, who shall hold office for a period of two years.

One alder-
man to be
elected each
year.

(3) All members of the council shall hold office until their successors are elected and the new council is organized.

Members to
hold office
until new
council
organized.

Term
of person
elected to fill
vacancy. (4) A person elected to fill a vacancy in the council shall hold office for the residue of the term for which the person whose office he is elected to fill was elected.

1922, c. 72,
to govern. (5) In all other respects the provisions of *The Consolidated Municipal Act, 1922*, and amendments thereto shall apply to and govern the nomination, election and term of office of members of the said council.

Commence-
ment of
Act. **14.** This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A"

BY-LAW NUMBER 6228.

A By-law of the Corporation of the City of Ottawa authorizing a borrowing of \$39,000.00 for Suburban Road construction work.

Whereas the Corporation of the County of Carleton has notified the Corporation of the City of Ottawa that the Corporation of the said County has appropriated for the construction during 1926 of suburban roads in the said County designated by the Ottawa Suburban Roads Commission, the sum of \$39,000.00;

And whereas in accordance with the provisions of sections 38 and 39 of The Highway Improvement Act, 1926, it is necessary that the Corporation of the said City should provide a like amount of \$39,000.00 for such purpose;

And whereas it is expedient to provide for an issue of debentures amounting to \$39,000.00 for the purpose of raising the said sum;

And whereas the amount required to be raised annually to pay the interest on the said debentures and to retire the same at their maturity, together with the amounts required for such purposes under all By-laws previously enacted by the Corporation, will not require that it should in any one year raise an amount in excess of the proceeds of an annual rate of one-half mill on the dollar on the value of the rateable property in the said City according to the last revised Assessment Roll;

And whereas it is expedient to provide that the said debentures should bear interest at the rate of five (5) per centum per annum, and that such debentures should be repayable within ten (10) years next after their date of issue, in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount payable for principal and interest in each of the other years; provided that each instalment of principal shall be for an even thousand dollars or multiple thereof and that the annual instalments of principal and interest may differ in amount sufficient to admit thereof;

And whereas it will be necessary to raise annually by a special rate during the currency of the said debentures a sum sufficient to provide for the payment of the said yearly instalments of principal and the interest thereon, as they shall respectively become payable;

And whereas the amount of the whole rateable property in the City of Ottawa, according to the last revised Assessment Roll thereof, is \$144,594,797.00;

And whereas the existing debenture debt of the said Corporation (exclusive of debts created for Local Improvements) is \$18,447,253.85; whereof no part is in arrear for either principal or interest;

Therefore, the Municipal Council of the Corporation of the City of Ottawa enacts as follows:

1. The sum of Thirty-nine Thousand Dollars (\$39,000.00) shall be borrowed by the Corporation, upon the credit of the Corporation at large, from such bank, co-partnership or person as may be willing to loan the same, for the purpose of providing the Corporation's share of the cost of constructing certain suburban roads during 1926.

2. The Treasurer of the Corporation is authorized after the sale or other disposal of the said debentures, to pay out of the proceeds thereof, the sum of Thirty-nine Thousand Dollars (\$39,000.00) to the Treasurer of the Corporation of the County of Carleton, on obtaining his receipt therefor.

3. For the purpose of borrowing the said sum of Thirty-nine Thousand Dollars (\$39,000.00) debentures of the Corporation of a like amount shall be issued in sums of not less than Fifty Dollars (\$50.00) Canadian currency each, all of which shall be dated the first day of July, 1927.

4. The principal sum of the said debentures shall be repaid in annual instalments at the time and in the manner shown upon the following schedule, and the respective amounts of principal and interest payable in each year during the currency of the said debentures shall be as follows:

SCHEDULE

Years	Amount of Interest Payable	Amount of Principal Payable	Annual Payment
1.....	\$1,950 00	\$3,000 00	\$4,950 00
2.....	1,800 00	3,000 00	4,800 00
3.....	1,650 00	3,000 00	4,650 00
4.....	1,500 00	4,000 00	5,500 00
5.....	1,300 00	4,000 00	5,300 00
6.....	1,100 00	4,000 00	5,100 00
7.....	900 00	4,000 00	4,900 00
8.....	700 00	4,000 00	4,700 00
9.....	500 00	5,000 00	5,500 00
10.....	250 00	5,000 00	5,250 00
	<u>\$11,650 00</u>	<u>\$39,000 00</u>	<u>\$50,650 00</u>

5. Each of the said debentures shall be signed by the Mayor and by the Treasurer of the Corporation and shall be sealed with the Seal of the Corporation.

6. The said debentures shall bear interest at the rate of Five (5) per centum per annum payable half-yearly on the First day of January and July during each and every year of the currency thereof, and shall have attached thereto coupons for the payment of such interest, which coupons shall have the signature of the Treasurer written, stamped, lithographed or engraved thereon.

7. The said debentures may be made payable at such bank and banking houses both in Canada and in the United States of America, as may be designated thereon, and shall be payable both as to principal and interest in gold coin of, or equivalent to, the standard of weight and fineness at this date fixed for gold coins by the laws of the United States of America.

8. During the currency of the said debentures there shall be raised annually by a special rate on all the rateable property in the said City of Ottawa, for the payment of the said debentures and the interest thereon, the respective sums set forth in the fourth column of the schedule contained in Section 4 of this By-law.

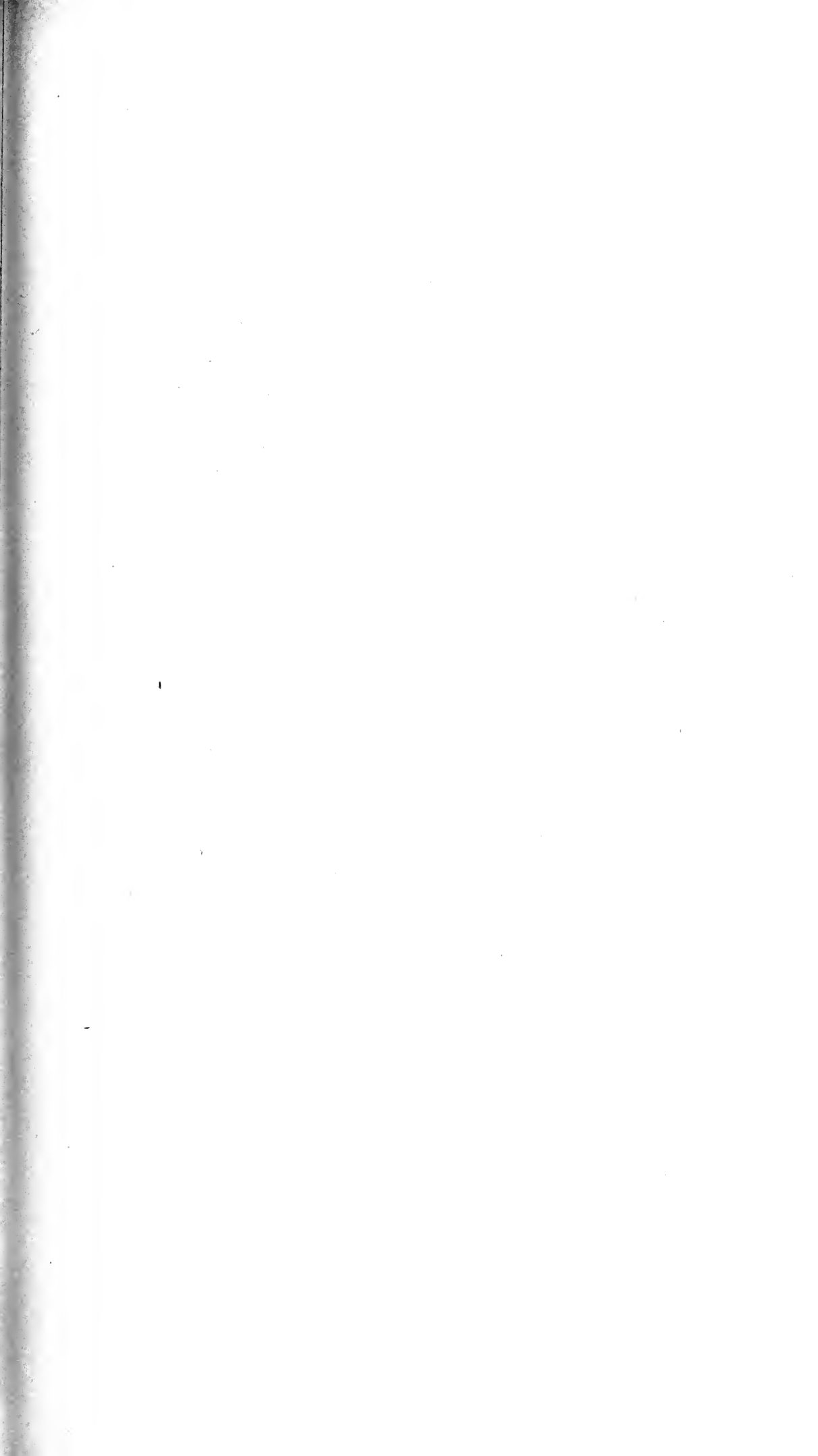
9. The said debentures may contain any clause providing for the registration thereof authorized by law.

10. Pending the sale or other disposal of the said debentures, the Corporation may agree with any bank or person for securing an amount not exceeding the amount authorized to be issued by this by-law, as a temporary advance with which to meet the payment hereby authorized.

Given under the Corporate Seal of the City of Ottawa this 28th day of January, A.D. 1927.

(Sgd.) NORMAN H. H. LETT,
City Clerk.
(Seal)

(Sgd.) JOHN BALHARRIE,
(Mayor.)



No. 41.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of Ottawa.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. PINARD.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Ottawa.

WHEREAS the corporation of the city of Ottawa has by its petition prayed that it should be enacted as hereinafter set forth; 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. This Act may be cited as *The City of Ottawa Act, 1927.* Short title.

2. The council of the said corporation may use the whole or any part of the balance at the credit of debenture by-law number 5085, for the purpose of purchasing and installing plant or equipment in the Isolation Hospital or for the purpose of improving or altering the same. Application of credit balance under By-law No. 5085 to hospital.

3. The council of the said corporation may use the whole or any part of the balance at the credit of debenture by-law number 5994, passed under the authority of subsection 2 of section 2 of *The City of Ottawa Act, 1925*, to provide for the cost of constructing and extending water mains and water services. Application of credit balance under By-law No. 5994 to water services. 1925, c. 98.

4. The council of the said corporation may provide by by-law for borrowing upon debentures of the corporation payable within ten years from their date of issue, a sum or sums of money not exceeding \$10,000 for the purchase of motor apparatus and equipment for the fire department; and a further sum not exceeding \$15,000 for the purchase of motor-driven snow-ploughing apparatus. Power to raise \$10,000 for fire department; and \$15,000 for snow-ploughing apparatus.

5. Clause *k* of section 1 of chapter 102 of the Acts passed in the ninth year of the reign of His Majesty King George V, intituled *An Act respecting the City of Ottawa*, is repealed and the following substituted therefor: 1919, c. 102 s. 1, cl. k, amended.

“(k) \$100,000 to provide for the cost of erecting and equipping buildings on By Ward Market.”

Power to borrow \$50,000 for certain works required by extension of street railway.

6. The council of the said corporation may provide by by-law for borrowing upon debentures a sum not exceeding \$50,000, payable within twenty years from their date, for the purpose of constructing, reconstructing, grading, widening, paving and repaving roads and sidewalks, and for taking up and relaying sewers, catch-basins, and other works of the corporation, upon such streets and parts thereof, in the city of Ottawa as the Ottawa Electric Railway Company may hereafter extend its tracks and railway under agreement with the said corporation and may expend part of the said borrowing in providing for the cost of extending Templeton street westerly from its present terminus to Nicholas street, including the cost of acquiring land for such street extension.

Assent of electors not required.

7.—(1) It shall not be necessary for the council of the said corporation to obtain the assent of the electors, qualified to vote on money by-laws, to the passing of any of the by-laws authorized by sections 4, 5 and 6 of this Act, or to observe in respect thereto the formalities prescribed by *The Consolidated Municipal Act, 1922*, in relation to the passing of money by-laws.

1922, c. 72.

Interest on debentures.

(2) Debentures issued under the provisions of any of the said by-laws shall bear interest at such rate as the council of the said corporation shall, in such by-law determine, and the principal and interest thereof may be made payable in any manner authorized by *The Consolidated Municipal Act, 1922*, and amendments.

1922, c. 72.

Irregularity not to invalidate.

(3) No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action against the said corporation for the recovery of the amount thereof, or any part thereof, or interest thereon.

1925, c. 98, amended.

8. Subsection 1 of section 11 of *The City of Ottawa Act, 1925*, is amended by striking out the word "Strathcona" in the second line of clause *c* thereof, and by substituting therefor the word "Pretoria."

Sums unpaid under By-law No. 5781 to be paid out of general funds.

9. The council of the said corporation shall raise and pay annually out of its general funds all such sums as shall remain to be raised under by-law number 5781 in order to defray the owners' portion of the cost of the local improvement work for the grading of Centre street from Bronson avenue to a point 600 feet easterly.

10. In the event of the Canadian National Railway Company agreeing with the said corporation to construct, and constructing and completing a 200-room addition to the Chateau Laurier Hotel, at an expenditure of not less than \$1,500,000, the council of the said corporation may, by by-law, which shall not require for its validity the assent of the electors qualified to vote on money by-laws, provide that the municipal taxes and rates upon the building and land of such hotel, including such addition, shall for all purposes, other than school, water and local improvement rates, during the year 1928, and the next succeeding fourteen years, be based upon a fixed assessment of \$1,250,000; provided that all parts of such hotel as may from time to time during such term be used for any business purpose not directly connected with the operation of such hotel, shall be subject to assessment and taxation in the same manner as if such fixed assessment had not been granted.

Power to fix assessment of proposed addition to Chateau Laurier Hotel—assent of electors not required.

11. Notwithstanding the provisions of section 12 of *The Ottawa Civic Hospital Act*, the Toronto General Trusts Corporation, as trustee of certain moneys subscribed by the friends of the late Dr. Henry P. Wright, may hold and invest the said moneys and shall disburse the income thereon annually in payment of scholarships or prizes to be awarded to nurses in training at the Ottawa Civic Hospital, as a memorial to the said the late Dr. H. P. Wright, in such form and manner as the trustees of the said hospital may from time to time direct.

Moneys subscribed by friends of Dr. Henry P. Wright to be used as directed by trustees, notwithstanding, 1919, c. 122.


12.—(1) The council of the said corporation may, by by-law, to be passed with the assent of the municipal electors, provide that,—

- (a) all members of the said council, including the mayor and the members of the board of control, thereafter elected shall hold office for a term of two years;
- (b) of the two aldermen elected in each ward at the first election the one receiving the lesser number of votes shall hold office for one year and the other for two years;
- (c) if two aldermen are elected in any ward at such election by an equal number of votes, the council shall, at its first meeting after such election, determine which of such aldermen shall hold office for one year; and
- (d) annually thereafter one alderman shall be elected

One alderman to be elected each year.

from each ward who shall hold office for a period of two years.

Members to hold office until new council organized.

(2) All members of such council shall hold office until their successors are elected and the new council is organized. 

Term of person elected to fill vacancy.

(3) A person elected to fill a vacancy in the council shall hold office for the residue of the term for which the person whose office he is elected to fill was elected.

1922, c. 72, to govern.

(4) In all other respects the provisions of *The Consolidated Municipal Act, 1922*, and amendments thereto shall apply to and govern the nomination, election and term of office of members of the said council.

Commencement of Act.

13. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 41.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of Ottawa.

1st Reading, 28th February, 1927.
2nd Reading, 1927.
3rd Reading, 1927.

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

MR. PINARD.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of London.

WHEREAS the corporation of the city of London has by ^{Preamble.} its petition prayed for special legislation in respect of the matters 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 consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The City of London Act, 1927*. Short title.
2. The assessment commissioner of the city of London may, ^{Power to assess lands annexed from townships of London and Westminster} in the year A.D. 1927, notwithstanding the provisions of the orders, bearing date the 19th day of December, A.D. 1912, and the 9th day of April, A.D. 1913, of the Ontario Railway and Municipal Board, annexing portions of the townships of London and Westminster to the city of London, assess the lands and buildings in the said annexed districts, which are not by law exempt from taxation, and such assessment shall be legal, valid and binding, and the council of the corporation of the city of London, for the year A.D. 1928, may adopt the assessment so made and concluded as the assessment for the said districts on which the rate of taxation for the year A.D. 1928 shall be fixed and levied, and the assessment so adopted shall be legal, valid and binding.
3. The council of the corporation of the city of London ^{Power to erect city hall.} may erect upon that part of lot number one on the north side of Dundas street east in the said city of London which was purchased by the said corporation from W. M. Spencer, esquire, a city hall or municipal building.
4. The council of the corporation of the city of London ^{Application of proceeds of remaining debentures under By-law No. 4248.} may apply the proceeds of the remaining debentures which amount to \$125,000, issued under a by-law of the city of London intituled by-law number 4248 to provide for the issue of \$250,000 debentures for the purpose of obtaining such real and personal property as may be deemed expedient by the

corporation for a city hall, and for erecting upon such real property a city hall, passed on the 13th day of January, A.D. 1913, towards the cost of the erection of the said city hall or municipal building, mentioned in the next preceding section of this Act.

Application of proceeds of exchange of lands authorized by 1926, c. 88.

5. The council of the corporation of the city of London may apply the sum of \$25,000, received by the said corporation from the exchange of lands in the said city of London authorized by section 9 of *The City of London Act, 1926*, towards the cost of the erection of the said city hall or municipal building mentioned in section 3 of this Act.

Application of proceeds of sale of certain lands.

6. The council of the corporation of the city of London may apply, from time to time, the moneys which may be received by the said corporation from the sale of those portions of the lands in the said city of London, in the block bounded on the north by Dundas street, on the east by Waterloo street, on the south by King street, and on the west by Wellington street, purchased by the said corporation, save and except the portion thereof purchased by the said corporation from The McCormick Manufacturing Company, Limited, and the moneys which may be received by the said corporation from the sale of those parts of lots numbers nine, ten and eleven on the south side of Fullarton street in the said city of London, according to registered plan number 61, owned by the said corporation, towards the cost of the erection of the said city hall or municipal building mentioned in section 3 of this Act.

Power to borrow \$80,000 upon mortgage.

7. The council of the corporation of the city of London may, pending the sale of the lands mentioned in the next preceding section, borrow from any person, firm or corporation, a sum of money not exceeding \$80,000, at such rate of interest, and upon such terms and conditions as the council of the said corporation may deem expedient, and may secure the payment of the moneys so borrowed, and the interest thereon, by a mortgage of the said lands, payable, with interest thereon at a rate to be approved by the council of the said corporation, within ten years from the date of the said mortgage, such interest to be payable yearly or half-yearly, and such mortgage may be in the form set out in *The Short Forms of Mortgages Act*, and may contain all or any of the covenants and provisoes set out in column one in schedule "B" in the said Act, and such other covenants, terms and conditions as may be agreed upon between the council of the said corporation and the person, firm or corporation lending the money upon the security of the said mortgage, and the said mortgage shall be legal, valid and binding.

Rev. Stat. c. 117.

1926, c. 88, amended.

8. Section 8 of *The City of London Act, 1926*, is hereby amended by striking out the words "The London Hotel

Company Limited," in the fourth line thereof, and inserting in lieu thereof the words "London Realty Company Limited," and by striking out the word "hotel" in the tenth and eleventh lines thereof.

9. The corporation of the city of London may pass a by-law to borrow, and may borrow, the sum of \$150,000 and may issue debentures therefor for any period not exceeding thirty years from the date thereof, and at such rate of interest not exceeding six per centum per annum as the council of the said corporation may determine, to provide moneys to pay for the erection of a dam in the river Thames at some place to be selected by the council of the said corporation, opposite the property of the said corporation, situate in the township of Westminster, in the county of Middlesex, known as Springbank Park, and extending from Springbank Park aforesaid across the said river to, and upon, the lands in the township of London, in the said county, without submitting the by-law to the electors of the city of London for their assent.

Power to borrow \$150,000 to erect dam.

10. The corporation of the city of London may erect, build or construct and maintain a dam in the river Thames at some place to be selected by the council of the said corporation, opposite the property of the said corporation, situate in the said township of Westminster, and extending from Springbank Park aforesaid across the said river, to, and upon, the lands in the township of London, in the said county.

Power to erect dam.

11. The corporation of the city of London may pass a by-law to borrow, and may borrow, the sum of \$40,000, and may issue debentures therefor for any period not exceeding twenty years from the date thereof, and at such rate of interest not exceeding six per cent. per annum as the council of the said corporation may determine, to provide \$25,000 to pay for the lands purchased for the site of the Nurses' Home in the said city of London, and \$15,000 for the balance required to be paid for the completion of the Nurses' Home building in the said city of London, without submitting the by-law to the electors of the city of London for their assent.

Power to borrow \$40,000 for Nurses' Home.

12. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, between Richmond street and Wellington street, if produced northerly, in which a sanitary sewer has been constructed under local improvement by-law number 6864, passed by the council of the said corporation on the 5th day of September, A.D. 1922, for one-half of the cost of the construction of the said sanitary sewer, and such by-law and assessment shall be legal, valid and binding.

Power to assess certain lands for a sewer. Rev. Stat. c. 193.

Power
to assess
certain
lands for a
sewer.

Rev. Stat.
c. 193.

13. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, between Wellington street, if produced northerly, and Waterloo street, in which a sanitary sewer has been constructed under local improvement by-law number 6914, passed by the council of the said corporation on the 18th day of December, A.D. 1922, for one-half of the cost of the construction of the said sanitary sewer, and such by-law and assessment, shall be legal, valid and binding.

Power
to assess
certain
lands for a
pavement.

Rev. Stat.
c. 193.

14. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street between Richmond street and Wellington street, if produced northerly, in which a sheet asphalt pavement has been constructed under local improvement by-law number 7088, passed by the council of the said corporation on the 7th day of May, A.D. 1923, for one-half of the cost of the construction of the said pavement, and such by-law and assessment shall be legal, valid and binding.

Power
to assess
certain
lands for a
pavement.

Rev. Stat.
c. 193.

15. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, between Wellington street, if produced northerly, and Waterloo street, in which a sheet asphalt pavement has been constructed under local improvement by-law number 7339, passed by the council of the said corporation on the 19th day of May, A.D. 1924, for one-half of the cost of the said pavement, and such by-law and assessment shall be legal, valid and binding.

Power
to assess
certain
lands for a
sewer.

Rev. Stat.
c. 193.

16. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Oxford street, between a point one hundred and eighty-eight feet east of Strand street and a point in Oxford street aforesaid, opposite to the centre of Becher street, in which a sanitary sewer has been constructed under local improvement by-law number 7566, passed by the council of the said corporation on the 2nd day of September, A.D. 1924, for one-half of the cost of the construction of the said sanitary sewer, and such by-law and assessment shall be legal, valid and binding.

Power
to assess
certain
lands for a
sewer.

Rev. Stat.
c. 193.

17. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township

of London abutting on Oxford street, from Glasgow street, if produced northerly, to a point one hundred and eighty-eight feet east of Strand street, in which a sanitary sewer has been constructed under local improvement by-law number 7279, passed by the council of the said corporation on the 4th day of February, A.D. 1924, for one-half of the cost of the construction of the said sanitary sewer, and such by-law and assessment shall be legal, valid and binding.

18. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, between Richmond street and Wellington street, if produced northerly, in which a curb and gutter have been constructed under local improvement by-law number 6960, passed by the council of the said corporation on the 2nd day of April, A.D. 1923, for the whole cost of the construction of the said curb and gutter, and such by-law and assessment shall be legal, valid and binding.

Power to assess lands for curb and gutter.
Rev. Stat. c. 193.

19. The by-laws passed by the council of the corporation of the city of London to provide for the issue of debentures to pay for the local improvement works mentioned in sections 12, 13, 14, 15, 16, 17 and 18 of this Act, and the debentures issued under the authority of the said by-laws are hereby declared to be legal, valid and binding.

By-laws confirmed.

20. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, which lies between Waterloo street and Wellington street, if produced northerly, in which a curb and gutter have been constructed by the said corporation as a local improvement, for the whole cost of the construction of the said curb and gutter, and may pass the necessary by-law under the said Act for issuing, and may issue, debentures to pay for the said cost, and such assessment and such debentures shall be legal, valid and binding.

Power to assess lands for curb and gutter.
Rev. Stat. c. 193.

21. The corporation of the city of London may pass a by-law to borrow, and may borrow, the sum of \$500,000, and may issue debentures therefor for any period not exceeding twenty years from the date thereof, and at such rate of interest, not exceeding six per cent. per annum as the council of the said corporation may determine, to provide moneys to pay for the erection, in Queen's Park, in the said city of London, of a new building to be used for exhibition purposes for the Western Fair, and for other purposes, without submitting the by-law to the electors of the said city of London for their assent, and may erect the said new building in Queen's Park aforesaid.

Power to borrow \$500,000 to erect new building for Western Fair.

Power to receive lands from and assume obligations of Western Fair Association.

22. The Western Fair Association may grant and convey in fee simple to the corporation of the city of London all the real estate in the said city owned by the said association, or in which the said association is interested, in consideration of the said corporation assuming all liability for the debentures issued by the said association, and the said corporation may, without obtaining the assent of the electors of the city of London, accept a conveyance of the said lands and may assume and agree to pay the liability of the said association for the debentures issued by the said association.

Power to license lands for Fair purposes.

23. The corporation of the city of London may give, from time to time, to the said Western Fair Association, a license to use the lands in the said city of London owned by the said corporation and now used for fair purposes, and the lands to be conveyed by the said association to the said corporation, and any lands which may be purchased or acquired by the said corporation as an addition to the same, together with the buildings and improvements thereon for the purpose of holding thereon the exhibitions of the said association for such period, not exceeding twenty years, and on such terms and conditions as to the council of the said corporation may seem meet.

1887, c. 89, s. 4, amended.

24. Section 4 of *An Act to incorporate the Western Fair Association*, passed in the fiftieth year of the reign of Her late Majesty, Queen Victoria, and chaptered 89, is hereby amended by striking out the word "five," in the third line thereof, and inserting in lieu thereof the word "eight."

1887, c. 89, s. 9, amended.

25. Section 9 of *An Act to incorporate the Western Fair Association*, passed in the fiftieth year of the reign of Her late Majesty, Queen Victoria, and chaptered 89, is hereby amended by striking out the word "five," in the sixth line thereof, and inserting in lieu thereof the word "eight."

1887, c. 89, s. 20, amended.

26. Section 20 of *An Act to incorporate the Western Fair Association*, passed in the fiftieth year of the reign of Her late Majesty, Queen Victoria, and chaptered 89, is hereby repealed.

Power to submit by-law. 1922, c. 72.

27. Notwithstanding the provisions of subsection 3 of section 263 of *The Consolidated Municipal Act, 1922*, it shall be lawful for the council of the corporation of the city of London to submit for the approval of the municipal electors of the said city, at any time during the year 1927, a by-law to authorize changes in by-law number 916 of the city of London, respecting the London Street Railway Company, passed on the 21st day of May, A.D. 1895, and the agreement between the corporation of the city of London and The London Street Railway Company, bearing date the 6th day of June, A.D. 1895, the votes on the said by-law to be taken in

the manner required by, and subject to, all the other provisions in *The Consolidated Municipal Act, 1922*, with respect to voting upon by-laws requiring the assent of the municipal electors.

28. It shall not be necessary for the said corporation to observe, in respect of any of the said by-laws mentioned in sections 9, 11 and 21 of this Act, the formalities prescribed by *The Consolidated Municipal Act, 1922*, in relation to the passing of money by-laws. 1922, c. 72
not to apply.

29. No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action brought against the corporation of the city of London for the recovery of the amount thereof, or any part thereof, or the interest thereon. Irregularity
not to in-
validate.

30. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of
Act.

No. 42.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of London.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. MOORE.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of London.

WHEREAS the corporation of the city of London has by Preamble.
its petition prayed for special legislation in respect of
the matters 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
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

1. This Act may be cited as *The City of London Act, 1927*. Short title.
2. The assessment commissioner of the city of London may, Power to assess lands annexed from townships of London and Westminster
in the year A.D. 1927, notwithstanding the provisions of the
orders, bearing date the 19th day of December, A.D. 1912,
and the 9th day of April, A.D. 1913, of the Ontario Railway
and Municipal Board, annexing portions of the townships of
London and Westminster to the city of London, assess the
lands and buildings in the said annexed districts, which are
not by law exempt from taxation, and such assessment shall
be legal, valid and binding, and the council of the corporation
of the city of London, for the year A.D. 1928, may adopt the
assessment so made and concluded as the assessment for the
said districts on which the rate of taxation for the year A.D.
1928 shall be fixed and levied, and the assessment so adopted
shall be legal, valid and binding.
3. The council of the corporation of the city of London Power to erect city hall.
may erect upon that part of lot number one on the north
side of Dundas street east in the said city of London which
was purchased by the said corporation from W. M. Spencer,
esquire, a city hall or municipal building.
4. The council of the corporation of the city of London Application of proceeds of remaining debentures under By-law No. 4248.
may apply the proceeds of the remaining debentures which
amount to \$125,000, issued under a by-law of the city of
London intituled by-law number 4248 to provide for the issue
of \$250,000 debentures for the purpose of obtaining such real
and personal property as may be deemed expedient by the

corporation for a city hall, and for erecting upon such real property a city hall, passed on the 13th day of January, A.D. 1913, towards the cost of the erection of the said city hall or municipal building, mentioned in the next preceding section of this Act.

Application of proceeds of exchange of lands authorized by 1926, c. 88.

5. The council of the corporation of the city of London may apply the sum of \$25,000, received by the said corporation from the exchange of lands in the said city of London authorized by section 9 of *The City of London Act, 1926*, towards the cost of the erection of the said city hall or municipal building mentioned in section 3 of this Act.

Application of proceeds of sale of certain lands.

6. The council of the corporation of the city of London may apply, from time to time, the moneys which may be received by the said corporation from the sale of those portions of the lands in the said city of London, in the block bounded on the north by Dundas street, on the east by Waterloo street, on the south by King street, and on the west by Wellington street, purchased by the said corporation, save and except that portion thereof purchased by the said corporation from The McCormick Manufacturing Company, Limited, and the moneys which may be received by the said corporation from the sale of those parts of lots numbers nine, ten and eleven on the south side of Fullarton street in the said city of London, according to registered plan number 61, owned by the said corporation, towards the cost of the erection of the said city hall or municipal building mentioned in section 3 of this Act.

Power to borrow \$80,000 upon mortgage.

7. The council of the corporation of the city of London may, pending the sale of the lands mentioned in the next preceding section, borrow from any person, firm or corporation, a sum of money not exceeding \$80,000, at such rate of interest, and upon such terms and conditions as the council of the said corporation may deem expedient, and may secure the payment of the moneys so borrowed, and the interest thereon, by a mortgage of the said lands, payable, with interest thereon at a rate to be approved by the council of the said corporation, within ten years from the date of the said mortgage, such interest to be payable yearly or half-yearly, and such mortgage may be in the form set out in *The Short Forms of Mortgages Act*, and may contain all or any of the covenants and provisos set out in column one in schedule "B" in the said Act, and such other covenants, terms and conditions as may be agreed upon between the council of the said corporation and the person, firm or corporation lending the money upon the security of the said mortgage, and the said mortgage shall be legal, valid and binding.

Rev. Stat. c. 117.

8. Section 8 of *The City of London Act, 1926*, is hereby amended by striking out the words "The London Hotel

1926, c. 88, amended.

Company Limited," in the fourth line thereof, and inserting in lieu thereof the words "London Realty Company Limited," and by striking out the word "hotel" in the tenth and eleventh lines thereof.

9.—(1) *Subject to the provisions of subsection 3* the corporation of the city of London may erect and maintain a dam in the river Thames at some place to be selected by the council of the said corporation, opposite the property of the said corporation, situate in the township of Westminster in the county of Middlesex known as Spring Bank Park and extending from Springbank Park across the said river, to, and upon, the lands in the township of London, in the said county. ^{Power to erect dam.}

(2) The corporation of the city of London may pass a by-law to borrow, and may borrow, the sum of \$150,000 and may issue debentures therefor for any period not exceeding thirty years from the date thereof, and at such rate of interest not exceeding six per centum per annum as the council of the said corporation may determine, to provide moneys to pay for the cost of the erection of such dam without submitting the by-law to the electors of the city of London for their assent. ^{Power to borrow \$150,000 to erect dam.}

(3) Nothing herein contained shall deprive the owner of any land of any rights to compensation which he may have pursuant to *The Consolidated Municipal Act, 1922*.

10. The corporation of the city of London may pass a by-law to borrow, and may borrow, the sum of \$40,000, and may issue debentures therefor for any period not exceeding twenty years from the date thereof, and at such rate of interest not exceeding six per cent. per annum as the council of the said corporation may determine, to provide \$25,000 to pay for the lands purchased for the site of the Nurses' Home in the said city of London, and \$15,000 for the balance required to be paid for the completion of the Nurses' Home building in the said city of London, without submitting the by-law to the electors of the city of London for their assent. ^{Power to borrow \$40,000 for Nurses' Home.}

11. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, between Richmond street and Wellington street, if produced northerly, in which a sanitary sewer has been constructed under local improvement by-law number 6864, passed by the council of the said corporation on the 5th day of September, A.D. 1922, for one-half of the cost of the construction of the said sanitary sewer, and such by-law and assessment shall be legal, valid and binding. ^{Power to assess certain lands for a sewer. Rev. Stat. c. 193.}

Power
to assess
certain
lands for a
sewer.

Rev. Stat.
c. 193.

12. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, between Wellington street, if produced northerly, and Waterloo street, in which a sanitary sewer has been constructed under local improvement by-law number 6914, passed by the council of the said corporation on the 18th day of December, A.D. 1922, for one-half of the cost of the construction of the said sanitary sewer, and such by-law and assessment, shall be legal, valid and binding.

Power
to assess
certain
lands for a
pavement.

Rev. Stat.
c. 193.

13. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street between Richmond street and Wellington street, if produced northerly, in which a sheet asphalt pavement has been constructed under local improvement by-law number 7088, passed by the council of the said corporation on the 7th day of May, A.D. 1923, for one-half of the cost of the construction of the said pavement, and such by-law and assessment shall be legal, valid and binding.

Power
to assess
certain
lands for a
pavement.

Rev. Stat.
c. 193.

14. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, between Wellington street, if produced northerly, and Waterloo street, in which a sheet asphalt pavement has been constructed under local improvement by-law number 7339, passed by the council of the said corporation on the 19th day of May, A.D. 1924, for one-half of the cost of the said pavement, and such by-law and assessment shall be legal, valid and binding.

Power
to assess
certain
lands for a
sewer.

Rev. Stat.
c. 193.

15. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Oxford street, between a point one hundred and eighty-eight feet east of Strand street and a point in Oxford street aforesaid, opposite to the centre of Becher street, in which a sanitary sewer has been constructed under local improvement by-law number 7566, passed by the council of the said corporation on the 2nd day of September, A.D. 1924, for one-half of the cost of the construction of the said sanitary sewer, and such by-law and assessment shall be legal, valid and binding.

Power
to assess
certain
lands for a
sewer.

Rev. Stat.
c. 193.

16. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township

of London abutting on Oxford street, from Glasgow street, if produced northerly, to a point one hundred and eighty-eight feet east of Strand street, in which a sanitary sewer has been constructed under local improvement by-law number 7279, passed by the council of the said corporation on the 4th day of February, A.D. 1924, for one-half of the cost of the construction of the said sanitary sewer, and such by-law and assessment shall be legal, valid and binding.

17. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, between Richmond street and Wellington street, if produced northerly, in which a curb and gutter have been constructed under local improvement by-law number 6960, passed by the council of the said corporation on the 2nd day of April, A.D. 1923, for the whole cost of the construction of the said curb and gutter, and such by-law and assessment shall be legal, valid and binding.

Power
to assess
lands for
curb and
gutter.
Rev. Stat.
c. 193.

18. The by-laws passed by the council of the corporation of the city of London to provide for the issue of debentures to pay for the local improvement works mentioned in sections 12, 13, 14, 15, 16, 17 and 18 of this Act, and the debentures issued under the authority of the said by-laws are hereby declared to be legal, valid and binding.

By-laws
confirmed.

19. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, which lies between Waterloo street and Wellington street, if produced northerly, in which a curb and gutter have been constructed by the said corporation as a local improvement, for the whole cost of the construction of the said curb and gutter, and may pass the necessary by-law under the said Act for issuing, and may issue, debentures to pay for the said cost, and such assessment and such debentures shall be legal, valid and binding.

Power
to assess
lands for
curb and
gutter.
Rev. Stat.
c. 193.

20. The corporation of the city of London may pass a by-law to borrow, and may borrow, the sum of \$500,000, and may issue debentures therefor for any period not exceeding twenty years from the date thereof, and at such rate of interest, not exceeding six per cent. per annum as the council of the said corporation may determine, to provide moneys to pay for the erection, in Queen's Park, in the said city of London, of a new building to be used for exhibition purposes for the Western Fair, and for other purposes, without submitting the by-law to the electors of the said city of London for their assent, and may erect the said new building in Queen's Park aforesaid.

Power
to borrow
\$500,000 to
erect new
building for
Western
Fair.

Power to receive lands from and assume obligations of Western Fair Association.

21. The Western Fair Association may grant and convey in fee simple to the corporation of the city of London all the real estate in the said city owned by the said association, or in which the said association is interested, in consideration of the said corporation assuming all liability for the debentures issued by the said association, and the said corporation may, without obtaining the assent of the electors of the city of London, accept a conveyance of the said lands and may assume and agree to pay the liability of the said association for the debentures issued by the said association.

Power to license lands for Fair purposes.

22. The corporation of the city of London may give, from time to time, to the said Western Fair Association, a license to use the lands in the said city of London owned by the said corporation and now used for fair purposes, and the lands to be conveyed by the said association to the said corporation, and any lands which may be purchased or acquired by the said corporation as an addition to the same, together with the buildings and improvements thereon for the purpose of holding thereon the exhibitions of the said association for such period, not exceeding twenty years, and on such terms and conditions as to the council of the said corporation may seem meet.

1887, c. 89, s. 4, amended.

23. Section 4 of *An Act to incorporate the Western Fair Association*, passed in the fiftieth year of the reign of Her late Majesty, Queen Victoria, and chaptered 89, is hereby amended by striking out the word "five," in the third line thereof, and inserting in lieu thereof the word "eight."

1887, c. 89, s. 9, amended.

24. Section 9 of *An Act to incorporate the Western Fair Association*, passed in the fiftieth year of the reign of Her late Majesty, Queen Victoria, and chaptered 89, is hereby amended by striking out the word "five," in the sixth line thereof, and inserting in lieu thereof the word "eight."

1887, c. 89, s. 20, amended.

25. Section 20 of *An Act to incorporate the Western Fair Association*, passed in the fiftieth year of the reign of Her late Majesty, Queen Victoria, and chaptered 89, is hereby repealed.

1922, c. 72, not to apply.

26. It shall not be necessary for the said corporation to observe, in respect of any of the said by-laws mentioned in sections 9, 11 and 21 of this Act, the formalities prescribed by *The Consolidated Municipal Act, 1922*, in relation to the passing of money by-laws.

Irregularity not to invalidate.

27. No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action brought against the corporation of the city of London for the recovery of the amount thereof, or any part thereof, or the interest thereon.

28.—(1) Notwithstanding anything contained in *The Boards of Education Act* at the next annual election of the Board of Education for the city of London (hereinafter called the Board), six trustees shall be elected by a general vote of the electors assessed as public school supporters and one trustee shall be appointed by the Separate School Board of the city. The three of the six elected trustees obtaining the highest number of votes at such election shall hold office for two years, and the three remaining trustees shall hold office for one year. Each trustee shall hold office until his successor has been elected or appointed as the case may be.

(a) Upon the organization of the Board after the next annual election of the Board the term of office of all trustees elected or appointed prior to such election shall notwithstanding anything to the contrary in this Act expire.

(2) After such first election, three trustees shall be elected annually by a general vote of the electors assessed as public school supporters, and one trustee shall also be appointed annually to the Board by the Separate School Board of the city. Each trustee shall hold office until his successor has been elected or appointed as the case may be.

(3) The system of election and appointment provided for in subsections 1 and 2 shall remain in force for three years, but the council of the corporation of the city of London may thereafter submit to the electors assessed as public and separate school supporters the following question, namely:

Are you in favour of the continuance of the election of six members to the Board of Education by general vote of the electors assessed as public school supporters of the city and of the appointment of one member to the Board by the Separate School Board of the city?	YES.
	NO.

and if a majority of the persons voting on the said question vote in the negative, then in the year next following that in which the vote is taken the trustees shall be elected in the manner provided for by clause *a* of subsection 1 of section 5 of *The Boards of Education Act*.

29. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of
Act.

No. 42.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of London.

1st Reading, 17th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

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

MR. MOORE.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Dundas.

WHEREAS the municipal corporation of the town of Preamble.
Dundas has by its petition represented that the geographical position of the town is such that much of the surface water from the neighbouring and surrounding heights, including much of the townships of Beverly, West Flamboro and Ancaster passes through creeks flowing through private lands in the town into Burlington Bay; and that during the time of spring freshets the waters in the said creeks flow in such volume and with such velocity as to cause serious damage to the property of riparian owners and others within the said town; and whereas it is desirable that the said corporation should be granted power to construct a drain and any other work necessary to prevent such damage; and whereas the corporation of the town of Dundas has by its petition prayed that an Act may be passed for such purpose; 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. This Act may be cited as *The Town of Dundas Drainage Act, 1927.* Short title.

2. For the purpose of preventing damage to property Power to do drainage work. caused by the flooding of water during time of freshet in any stream, creek or watercourse in the said town the corporation of the town of Dundas of its own motion and without any petition therefor and notwithstanding any petition against the same may pass a by-law or by-laws to construct any drain or ditch, and to deepen, straighten, widen, remove obstructions in, and otherwise improve any such stream, creek or watercourse and also to execute and construct any drainage work which can only be effectually executed by embanking, pumping or other mechanical operation.

3. For the purpose of executing any work authorized by Power to expropriate land. this Act the council of the said corporation, by its agents,

1922, c. 72. officers, employees or contractors may enter upon, take and expropriate any land in the said town, and the provisions of *The Consolidated Municipal Act, 1922*, as to the payment of compensation therefor and also in respect of any land injuriously affected by the execution of any such work shall apply except that in case of arbitration a judge of the county court of the county of Wentworth shall be the sole arbitrator.

Board of Works to supervise.

4. Any such work shall be undertaken under the supervision of the board of works of the said town who shall when so directed by the council prepare or cause to be prepared plans and specifications of the proposed work together with a report thereon showing the estimated cost of the work, and the council may engage the services of any engineer for such purpose.

Authorization of work.

5. When the council has approved of the plans and specifications and report it may authorize the work to be constructed under the supervision of the board of works.

Corporation may assume part of cost.

6. The corporation may assume such part of the cost as may be deemed proper by the council.

Assessment of lands to benefit by work, on special roll.

7.—(1) After the work has been completed the assessor or some other officer appointed by the council shall prepare a special assessment roll in which he shall enter the name of every owner of a lot benefitted by the work, and a description of the lot by number or other description sufficient to identify it, and the amount of the special assessment against each lot for the benefit received from the work.

Roll to be certified and filed.

(2) When the assessor or other officer has completed the special assessment roll he shall certify the same and file it in the office of the clerk.

Appeal.

(3) The owner of any lot liable to the special assessment shall have the right to appeal to the court of revision against the amount of the special assessment within ten days after the date of filing the special assessment roll, by giving notice in writing to the clerk of the town.

Notice of filing of roll.

(4) The clerk of the town shall after the filing of the special assessment roll post a notice up in his office setting out the day of filing and the time within which an appeal may be taken, as provided by subsection 2.

Appeal from Court of Revision.

(5) The owner of any lot specially assessed in the sum of \$50 or over shall have a further right to appeal from the court of revision to a judge of the county court within five days after he has received notice from the clerk of the decision of the court of revision.

8.—(1) The council may agree with any bank or person for temporary advances to meet the cost of the work pending the completion of it. Temporary advances to meet cost.

(2) The council may, when the work undertaken is completed, borrow on the credit of the corporation at large such sums as may be necessary to repay such advances and to defray the cost of the work undertaken, including the corporation's portion of the cost, and may issue debentures for the sums so borrowed. Issue of debentures.

(3) The owner's portion of the cost shall be met by the special assessments which shall be payable in equal annual instalments of principal and interest during a period not exceeding ten years and the amount of each instalment shall be entered on the collector's roll and collected in the same manner as other taxes. Owner's portion of cost.

(4) The corporation's portion of the cost of the work shall be met by a special rate on all the rateable property in the town during the same period that the instalments of the special assessment are payable. Corporation's portion of cost.

(5) Instead of borrowing the amount of the corporation's portion of the cost the council may include the same in the estimates for the year. Corporation's portion of cost may be included in estimates for year.

9. It shall not be necessary that any by-law passed pursuant to this Act shall be submitted to or receive the assent of the electors, or to observe any of the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922*. Assent of electors not required.

10. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

No. 43.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of Dundas.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. SHAVER.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to incorporate Mattagami Railroad Company.

WHEREAS, George Henry Kilmer, of the City of Toronto ^{Preamble.} in the Province of Ontario, King's Counsel, and Henry Hague Davis, James Stanley Beatty, John Rudd Rumball and Lawrence Alfred Landriau, all of the said city of Toronto, barristers-at-law, have by their petition set forth that the Abitibi Fibre Company, Limited, a company duly incorporated under the laws of the Dominion of Canada, has acquired all the assets and undertaking of Mattagami Pulp & Paper Company, Limited, including a line of railway which extends within the area of the timber limits of the said Company from a point in or near the village of Smooth Rock Falls in the District of Cochrane to a point in the main line of the Canadian National Railway System at Smooth Rock Falls Junction; and that the said Abitibi Fibre Company, Limited, proposes, upon the incorporation of a Company by Act of the Legislature of Ontario, for the purpose of acquiring the said railway together with all rolling stock, equipment and all other assets and rights connected therewith or relating thereto, to transfer and convey to such company the said railway and all said rolling stock, equipment, assets and rights and that it is expedient in the public interest for the better development of the said timber area that an Act of incorporation, under the name of Mattagami Railroad Company, shall be passed for the purpose of acquiring the said railway and all said rolling stock, equipment and other assets and rights and that upon acquisition of the said railway said Mattagami Railroad Company shall be empowered to re-construct said railway to a point at or near the pulp mill owned by the said Abitibi Fibre Company, Limited, at Smooth Rock Falls, and operate the same by steam, electricity or other motive power, and dispose of any surplus electricity for lighting and power purposes to municipal and other corporations and individuals along the said railway, and acquire by purchase or otherwise such land or sites as may be deemed necessary for the purposes of the company and erect thereon buildings, plant, machinery and works, and operate the same, and that the operation of the said railway and all works included there-

with may be carried on as a separate undertaking, pursuant to the provisions of *The Ontario Railway Act*; 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:—

- Short title. **1.** This Act may be cited as *Mattagami Railroad Company Act, 1927*.
- Incor-
poration. **2.** The said George Henry Kilmer, Henry Hague Davis, James Stanley Beatty, John Rudd Rumball and Lawrence Alfred Landriau and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "Mattagami Railroad Company," hereinafter called "the company."
- Power to
acquire and
operate line. **3.**—(1) The company is authorized to acquire by purchase, or to lease the railway, rolling stock and equipment and all other such works and assets of the Abitibi Fibre Company, Limited, or any part of such railway, rolling stock, equipment, works and assets, and to survey, lay out, construct, complete, equip, maintain and operate a railway to be operated by steam, electricity or other motive power from a point at or near the village of Smooth Rock Falls Junction on the Canadian National Railway in a northerly and northwesterly or north-easterly direction through the said district of Cochrane to some point at or near the pulp mill owned by the said Abitibi Fibre Company, Limited, at Smooth Rock Falls.
- Provisional
directors. **4.** The said George Henry Kilmer, Henry Hague Davis, James Stanley Beatty, John Rudd Rumball and Lawrence Alfred Landriau shall be the provisional directors of the company.
- Capital
stock. **5.** The capital stock of the company shall be \$1,000,000.
- Bonds and
debentures. **6.** In lieu of the powers conferred by *The Ontario Railway Act*, the company may issue bonds, debentures and other securities to an amount not exceeding a sum sufficient to pay for the acquisition from Abitibi Fibre Company, Limited, of the railway, rolling stock and equipment and \$40,000 per mile of a single track of the railway to be constructed by the company, and an additional amount not exceeding the actual value of the other works and undertakings acquired and constructed or under contract to be constructed by the company.
- Board of
directors. **7.** The board of directors shall consist of not less than five nor more than nine persons.

8. The head office of the company shall be at the village of Smooth Rock Falls, Ontario. Head office.

9.—(1) The company may enter into contracts for the purpose of disposing of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway, subject to the provisions of *The Power Commission Act*. Contracts for supply of electricity. Rev. Stat. c. 39.

(2) The company shall not supply electricity in any municipality except under a by-law passed by the council of the municipality or under an agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipal corporation until the same has been approved by the Hydro-Electric Power Commission of Ontario. Municipality and Hydro-Electric Power Commission to approve of any supply of electricity.

(3) The rates chargeable by the company for supplying electricity shall at all times be subject to the supervision of the Hydro-Electric Power Commission of Ontario, and upon the complaint in writing of any municipal corporation, company or person that the company is charging rates which are excessive or unfair, or is unjustly discriminating against or in favour of any municipal corporation, company or person, the chairman of the commission may appoint a time and place at which the said commission, or some member thereof, will hear and determine the matter in dispute. Rates chargeable for electricity.

(4) Such notice of 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 said commission, or, with the consent of all parties, any member of the said 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 company, and directing the amendment of any by-law or agreement accordingly. Hearing of dispute by Commission.

(5) The said commission, or the member thereof conducting the hearing, shall have the powers authorized to be conferred upon a commissioner appointed under *The Public Inquiries Act*. Power of commission at hearing. Rev. Stat. c. 18.

(6) If the company neglects or refuses to obey or carry out the order or direction of the said commission or the member thereof conducting the hearing, it shall forfeit to His Majesty for the uses of the province the sum of \$100 for every day during such refusal or neglect shall continue. Penalty.

Account
to be kept
separate.

(7) The company shall keep entirely separate and distinct all accounts, contracts, statements and records thereof relating to the development and transmission of the said power, and such accounts shall not in any way become involved or mixed with the accounts for the construction maintenance or operation of the said railway.

Lines may
go over
Crown lands
and along
highways
upon terms.

10. The company may, under and subject to such terms and conditions as may be fixed by the Lieutenant-Governor in Council, lay down and construct its railway and other works authorized by this Act on, along and over any Crown lands and lands over which the Crown has power to grant such right, and also along, over and across any highway or allowance for road in unorganized territory, and along, over and across any highways over which the Crown has jurisdiction in an organized municipality.

Right to use
timber from
Crown lands
upon terms.

11. The company may, under and subject to such terms and conditions as may be fixed by the Lieutenant-Governor in Council cut down and use from any Crown lands through or along which the railway is being constructed such timber as may be necessary in the construction of the railway.

Rev. Stat.
o. 185 to
apply.

12. Save as otherwise provided by this Act, *The Ontario Railway Act* shall apply to the railway constructed by the company.

Commence-
ment of
Act.

13. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 44.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to incorporate Mattagamni Railroad
Company.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. WATERS.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.



No. 44.


1927.

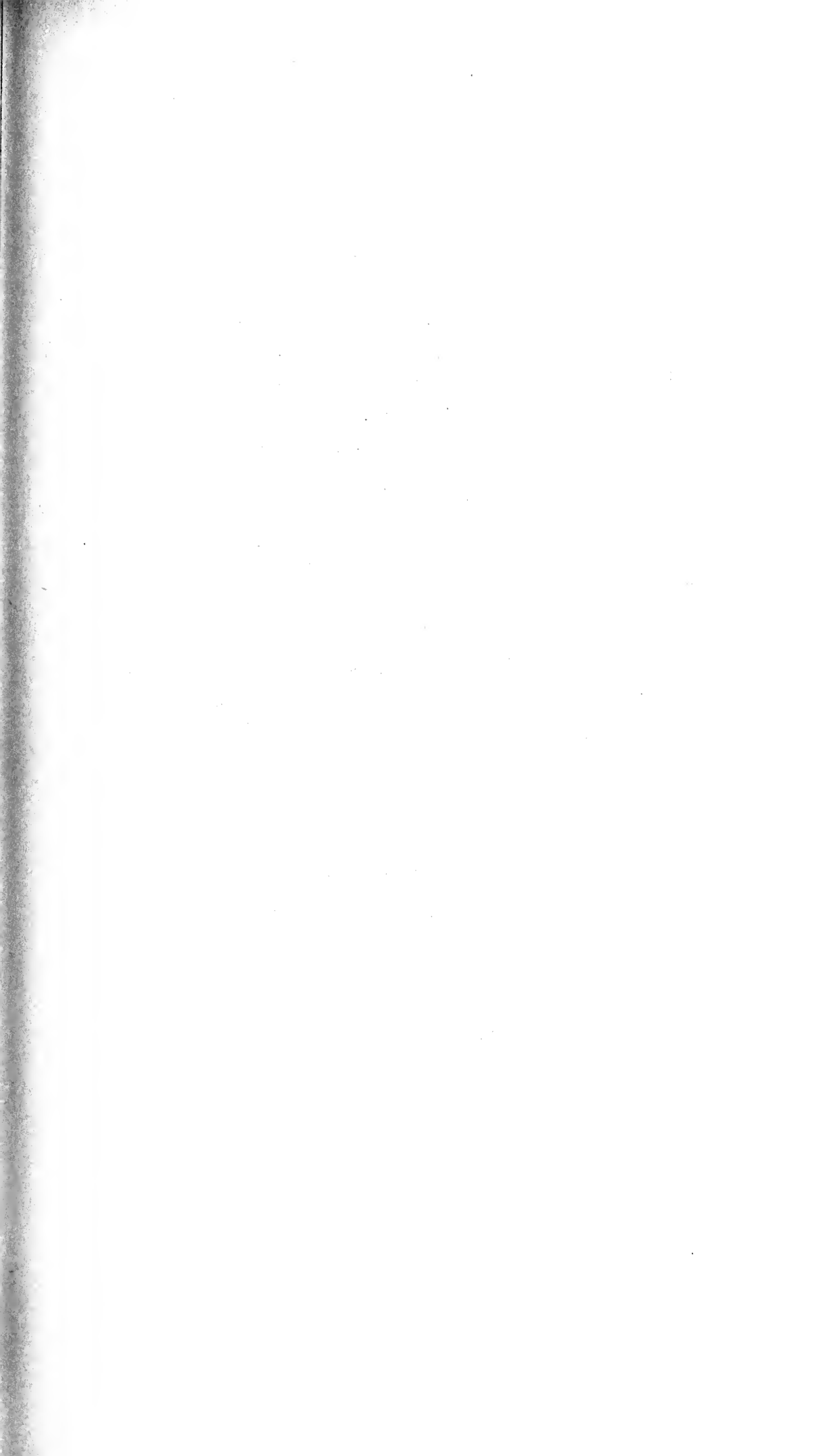
BILL

An Act to incorporate Mattagami Railroad Company.

WHEREAS, George Henry Kilmer, of the City of Toronto Preamble.
in the Province of Ontario, King's Counsel, and Henry Hague Davis, James Stanley Beatty, John Rudd Rumball and Lawrence Alfred Landriau, all of the said city of Toronto, barristers-at-law, have by their petition set forth that the Abitibi Fibre Company, Limited, a company duly incorporated under the laws of the Dominion of Canada, has acquired all the assets and undertaking of Mattagami Pulp & Paper Company, Limited, including a line of railway which extends from a point in or near the village of Smooth Rock Falls in the District of Cochrane to a point in the main line of the Canadian National Railway System at Smooth Rock Falls Junction; and that upon the incorporation of a company by an Act of the Legislature of Ontario providing for the acquisition of the said railway, together with all rolling stock and all other equipment and property now connected with or incidental thereto as a railway undertaking the said Abitibi Fibre Company, Limited, proposes to transfer to such company the said railway together with all rolling stock and all other equipment and property now connected with or incidental thereto, and that it is expedient that an Act of Incorporation, under the name of Mattagami Railroad Company, should be passed providing for the acquisition of the said railway and all the said rolling stock and all other equipment and property as aforesaid, and that the said Mattagami Railroad Company shall be empowered to operate the said railway by steam, electricity or other motive power and maintain the said railway and such rolling stock and other equipment or property, so that the operation of the said railway may be carried on as a separate undertaking pursuant to the provisions of *The Ontario Railway Act*; and whereas it is expedient to grant the prayer of the said petition;

1. This Act may be cited as *Mattagami Railroad Company* Short title.
Act, 1927.

- Incorporation.** **2.** The said George Henry Kilmer, Henry Hague Davis, James Stanley Beatty, John Rudd Rumball, and Lawrence Alfred Landriau and such other persons and corporations as shall hereafter become shareholders of the said Company are hereby constituted a body corporate and politic under the name of "Mattagami Railroad Company," hereinafter called "the Company."
- Capital stock.** **3.** The capital stock of the Company shall be \$1,000,000.
- Head office.** **4.** The head office of the Company shall be at the village of Smooth Rock Falls, Ontario.
- Board of directors.** **5.** The board of directors shall consist of not less than five and not more than nine persons.
- Provisional directors.** **6.** The said George Henry Kilmer, Henry Hague Davis, James Stanley Beatty, John Rudd Rumball and Lawrence Alfred Landriau shall be the provisional directors of the Company.
- Power to acquire railway.** **7.** The Company is authorized and empowered to acquire by purchase from Abitibi Fibre Company, Limited, the railway heretofore operated between Smooth Rock Falls, in the district of Cochrane, and Smooth Rock Falls Junction, on the Canadian National Railway, being a distance of approximately three miles, together with its rolling stock and equipment, terminal rights and all other property incidental thereto, as a going concern, and to maintain and operate the same in its present location between the said two points by steam, electricity or other motive power.
- Bonding powers** **8.** Subject to the provisions of *The Ontario Railway Act* the Company may issue bonds, debentures, debenture stock or other security in an amount not exceeding \$25,000 per mile of single track of the said railway and an additional amount not exceeding the actual value of any improvements or betterments to be made upon or to the said railway or rolling stock and other equipment employed or used in connection therewith and proposed to be acquired from the said Abitibi Fibre Company, Limited.
- Extensions.** **9.** The Company shall not be entitled to extend the said railway except in such manner, at such times and subject to such terms and conditions as may be fixed from time to time by the Lieutenant-Governor in Council.
- Application of provisions of Rev. Stat. c. 185.** **10.** Save as otherwise provided by this Act, *The Ontario Railway Act* shall apply to the said railway and the whole undertaking thereof.
- Commencement of Act.** **11.** This Act shall come into force on the day upon which it receives the Royal Assent. 



No. 44.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to incorporate Mattagami Railroad
Company.

1st Reading, 28th February, 1927.
2nd Reading, 1927.
3rd Reading, 1927.

(Private Bill.)

*(Reprinted as amended by Railway
Committee)*

MR. WATERS.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Sarnia.

WHEREAS the corporation of the city of Sarnia has by ^{Preamble.} its petition represented that by-laws numbers 00 and 00 have been submitted to the electors of the corporation duly qualified to vote thereon for their assent in accordance with the terms of *The Consolidated Municipal Act, 1922*; and that of the electors who voted on the said by-law number 00, voted in favour thereof and voted against the said by-law; and whereas of the electors who voted on the said by-law number 00, voted in favour thereof and voted against the said by-law; and that the said by-laws were subsequently passed by the affirmative vote of three-fourths of all the members of the council of the said corporation; and whereas the corporation has by its petition prayed that the said by-laws should be validated and confirmed; 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. This Act may be cited as *The City of Sarnia Act, 1927*. ^{Short title.}

2. By-law number 00 of the corporation of the city of ^{By-law No. 000, confirmed.} Sarnia and the agreement in connection therewith both of which are set forth in schedule "1" hereto, are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and upon the Sarnia Elevator Co., Limited, and the MacDonald Engineering Co., of Canada, Limited.

3. By-law number 00 of the corporation of the city of ^{By-law No. 000, confirmed.} Sarnia which is set out in schedule "2" hereto, is hereby declared to be legal, valid and binding upon the said corporation of the city of Sarnia and The Sarnia Elevator Co., Limited.

Con-
firmation of
debentures.

4. The debentures issued or to be issued under the provisions of the said by-law number 00 are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and the said corporation is hereby authorized and empowered to do all acts and things necessary for the fulfilment and proper carrying out of the said by-law and agreement.

Commence-
ment of
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "1."

BY-LAW No. 00.

A By-law to provide for the borrowing of \$400,000.00 upon Debentures to pay for the erection and equipment of a grain elevator, and all other costs and expenses in connection therewith and incidental thereto, and to confirm a certain Agreement made between the Municipal Corporation of the City of Sarnia, the MacDonald Engineering Company, Limited, and Sarnia Elevator Co., Limited.

Whereas it is desirable and expedient to erect a grain elevator in the City of Sarnia as provided by the Consolidated Municipal Act, 1922, Ontario Statutes, Chapter 72, Section 398, Paragraph 24, as amended by 1924 Ontario Statutes, Chapter 53, Section 8.

And whereas it is desirable and expedient to confirm a certain Agreement dated the Thirty-first day of January, A.D. 1927, between the Municipal Corporation of the City of Sarnia, The Sarnia Elevator Co., Limited, and the MacDonald Engineering Company of Canada, Limited, for the sale of the said grain elevator in accordance with the terms of the said Agreement, which agreement is hereunto annexed as Schedule "A."

And whereas the Municipal Council of the City of Sarnia, has approved of the said Agreement.

And whereas for the said purposes, it is necessary to borrow the sum of \$400,000.00 on the credit of the Corporation and to issue debentures payable within twenty years from the time of the issue thereof, and bearing interest at the rate of five per cent. per annum, payable yearly which is the amount of the debt intended to be created by this By-law; the proceeds of the debentures to be applied to the said purposes and to no other.

And whereas \$32,097.03 is the total amount required to be raised annually for a special rate for the term of twenty years for the payment of the said debt and interest thereon at the rate of five per cent. per annum, according to the terms of this By-law.

And whereas it is expedient that the principal of said debt shall be repayable in yearly sums during the period of twenty years on such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as possible to the amount so payable for principal and interest in each of the other years.

And whereas the amount of the whole rateable property of the Municipality, according to the last revised assessment roll is \$17,060,921.00.

And whereas the amount of the existing debenture debt of the Corporation (exclusive of Local Improvement Debts) secured by Special Rates of Assessments, is the sum of \$1,442,376.64 and no part of the principal or interest is in arrear.

And whereas it is expedient to authorize, ratify and confirm the said Agreement hereinbefore recited.

Therefore the Municipal Council of the City of Sarnia, enacts as follows:

1. That for the purpose aforesaid, it shall be lawful for the Municipal Council of the City of Sarnia to borrow on the credit of the Corporation at large, the sum of \$400,000.00 and debentures shall be issued therefor in sums of not less than One hundred dollars each, bearing interest at the rate of five per cent. per annum, computed from the date of the issue, and have coupons attached for the payment of interest.

2. That the debentures shall all bear the same date and shall be issued within two years after the date on which this by-law is passed and may bear any date within such two years and shall be payable in twenty annual instalments, during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

Year	Principal	Interest	Total
1.....	\$12,097 03	\$20,000 00	\$32,097 03
2.....	12,701 89	19,395 14	32,097 03
3.....	13,336 98	18,760 05	32,097 03
4.....	14,003 83	18,093 20	32,097 03
5.....	14,704 02	17,393 01	32,097 03
6.....	15,439 22	16,657 81	32,097 03
7.....	16,211 18	15,885 85	32,097 03
8.....	17,021 74	15,075 29	32,097 03
9.....	17,872 83	14,224 20	32,097 03
10.....	18,766 47	13,330 56	32,097 03
11.....	19,704 80	12,392 23	32,097 03
12.....	20,690 03	11,407 00	32,097 03
13.....	21,724 54	10,372 49	32,097 03
14.....	22,810 76	9,286 27	32,097 03
15.....	23,951 30	8,145 73	32,097 03
16.....	25,148 87	6,948 16	32,097 03
17.....	26,406 32	5,690 71	32,097 03
18.....	27,726 62	4,370 41	32,097 03
19.....	29,112 96	2,984 07	32,097 03
20.....	30,568 61	1,528 42	32,097 03
	\$400,000 00	\$241,940 60	\$641,940 60

3. The debentures as to both principal and interest may be expressed in Canadian Currency or Sterling money of Great Britain at the rate of One Pound Sterling for each Four Dollars and eighty-six and two-third cents, and may be payable at any place or places in Canada or Great Britain.

4. The Mayor and Treasurer of the Corporation shall sign and issue the debentures and the Treasurer shall sign the interest coupons and the debentures shall be sealed with the seal of the Corporation, and the Treasurer's signature may be printed, stamped, lithographed or engraved upon the said coupons.

5. During the twenty years, the currency of the said debt and debentures, there shall be raised, assessed and levied yearly by special rate, sufficient therefor, on all the rateable property in the Municipality, a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debentures as the same become respectively payable according to the provisions of this By-law.

6. All moneys raised from the said special rates or from the commutation thereof not immediately required for the payment of the interest shall be invested as required by law.

7. The debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal Debentures in force at the time of issue thereof.

8. The Execution of the said Agreement on behalf of the Corporation of the City of Sarnia is hereby authorized, ratified and confirmed and the said agreement is hereby incorporated in this By-law and shall be read and confirmed as part thereof.

This By-law shall come into force and take effect immediately upon the final passing thereof.

Provisionally passed this First day of February, A.D. 1927.

Finally passed this day of A.D. 1927.

Mayor,

Clerk.

SCHEDULE "A"

Memorandum of agreement made this 31st day of January, A.D. 1927.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF SARNIA, herein-
after called the "Corporation"
of the First Part,

AND

THE SARNIA ELEVATOR Co., LIMITED, hereinafter called the
"Company"
of the Second Part,

AND

MACDONALD ENGINEERING COMPANY OF CANADA, LIMITED,
hereinafter called the "Contractor"
of the Third Part.

Whereas to facilitate the transportation of grain from the West to the Atlantic Seaboard by way of the Great Lakes and for local trade, facilities for the transshipment and temporary storage of grain are required at the Port of Sarnia;

And whereas the Corporation is authorized under the provisions of Paragraph 24 of Section 398 of the Consolidated Municipal Act, 1922, as amended by Section 8 of Chapter 53 Statutes of Ontario, 14, Geo. V, to erect, maintain and operate grain elevators for discharging or loading vessels;

And whereas the said Corporation in order to provide said facilities at the Port of Sarnia, is willing to construct a grain elevator;

And whereas the Company agrees to purchase the said elevator from the said Corporation upon the completion thereof, in accordance with the plans and specifications for the said elevator to be submitted by the Contractor and approved of by the Committee as hereinafter referred to, and thereafter to operate it to the greatest possibility of the grain trade and maintain the same on the terms and conditions hereinafter set forth;

And whereas the Contractor has agreed to design and erect the elevator and to construct the dockage and trackage for the said Corporation in accordance with the plans, specifications and contract, which are hereinafter referred to.

Now this indenture witnesseth that in consideration of the premises and the stipulations and covenants herein on the part of the parties severally contained, the said parties hereby covenant, promise and agree each with the other of them as follows:

1. The Contractor hereby agrees to design for the Corporation, a grain elevator of modern design and substantial concrete construction, with a storage capacity of not less than one million bushels of grain, and to construct and erect the same in accordance with a contract and with general plans and specifications contained therein, all to be approved and accepted by the Committee referred to in the next succeeding paragraph on a portion of the property hereinafter agreed to be conveyed to the City and as shown upon the plan hereto annexed. It is agreed that the price fixed in the said Contract shall cover the total cost of design, construction and erection, dockage and trackage and all other expenditures necessary to fully complete the said elevator ready and equipped in every way to operate to its full capacity.

2. The general and detailed plans and specifications of the said elevator shall be prepared by the Contractor and shall be submitted for approval to a committee of five persons, two of whom shall be members of the Corporation appointed by the Council of the Corporation and two by the

Company, with power to substitute from time to time, and a fifth member, who shall be the City Engineer of the said Corporation. Upon the approval of the general and detailed plans and specifications and of the price of construction and erection of the said elevator, together with its dockage and trackage, and all other necessary appurtenances and of a contract between the Contractor and the Corporation embodying said plans, specifications, dockage and trackage, price of construction, etc., and such approval is evidenced by the signature of the said Committee or of the majority of them, the Council shall then pass a resolution authorizing the proper officials of the Corporation to accept and sign the same on behalf of the Corporation; the said plans and specifications and contract for the construction of the said elevator, trackage and dockage shall be submitted, prior to their acceptance by the said Committee to a consulting Engineer, or to such competent person as may be required, for their approval, and such costs shall be borne by the Company in any event.

3. The said Contract, among other things, shall include the following:

(a) The said elevator shall be built in a good substantial and workmanlike manner under the supervision of the City Engineer, who shall have full power to engage assistants whenever he considers the same necessary and the charge for such inspection shall be charged against and form part of the cost of the said construction.

(b) The said elevator shall have railway connection and proper facilities for unloading boats and loading into railway cars.

(c) The said elevator shall be provided with a modern marine leg capable of handling and unloading at least twenty-five thousand bushels of grain per hour, and shall be furnished with such ample power and machinery as shall be necessary to operate said marine leg to its full capacity.

(d) The said elevator shall be operated as a public elevator.

(e) The charges for elevating, unloading, storing and turning of grain shall not be in excess of similar charges for such services made at other Lake Huron and Georgian Bay ports.

(f) All payments due under the said contract shall be certified to by the City Engineer and approved of by the Municipal Council of the City of Sarnia before payment.

(g) A Surety Company Bond shall be provided to guarantee the construction of the said elevator, dockage and trackage in accordance with the plans, specifications and contract in an amount to be determined by the Committee hereinbefore referred to.

(h) Fifteen per cent. (15%) of the contract price for the construction of the said elevator, dockage and trackage shall be retained by the Corporation for a period of thirty days after the completion of the said work and shall not be paid by the Corporation until the said elevator has been proven to the City Engineer of the City of Sarnia to be in a satisfactory running condition, and that the said contract has been conformed with in every respect.

4. The Company, prior to the erection of the said elevator, doth covenant, promise and agree to and with the Corporation to convey and assure to cause to be conveyed and assured to the Corporation by a good and sufficient deed or transfer, in fee simple, all those the said pieces or parcels of land and premises hereinafter described, together with the appurtenances, save as hereinafter set out, thereto belonging or appertaining, namely:

All and singular that certain parcel or tract of land and land under the water and premises, situate, lying and being in the City of Sarnia in the County of Lambton and Province of Ontario, and being composed of part of lots four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10) and eleven (11), according to Registered Plan No. 24 for the City of Sarnia, and being more particularly described by John A. Baird, O.L.S., as follows, that is to say:

45.

Commencing at a point in the northerly limit of lot number eleven, distant one thousand and twenty-nine and a half (1029½) feet westerly from the northeast angle of said lot number eleven; thence southerly parallel to easterly boundary of lots eleven, ten, nine, eight, seven, six, five and four to the southerly boundary of lot four; thence westerly in the southerly limit of lot four, one thousand, seven hundred (1700) feet to the channel bank of River St. Clair; thence northerly following the said channel bank to the northerly limit of lot eleven; thence easterly in the northerly limit of said lot eleven, two thousand, five hundred and fifty-four and two-tenths (2554.2) feet to the place of beginning, containing by admeasurement fifty-five and five one-hundredths (55.05) acres be the same more or less and as shown within the red border on the attached plan by John A. Baird, O.L.S., dated the 26th of January, 1927, which forms a part and parcel of this description.

together with a right of way twenty-five feet in width from the said property to the Canadian National Railway tracks to Point Edward for the purpose of constructing a railway switch from the Canadian National Railway tracks to the above described property, and also together with a strip of land fifty-five feet in width running alongside the said right of way from the said property to Front Street in the City of Sarnia, which last mentioned strip shall be deeded to the City of Sarnia and by it dedicated as a street. The location of the said right of way and strip of land last referred to are to be agreed upon satisfactorily to the Committee and to the Cleveland Sarnia Saw Mills Company before the construction of the said elevator shall be commenced.

5. The said Company reserves thereout the gravel and gravel rights upon the said property, and the Contractor and the Company hereby agree that any dredging or mining operations of any nature for the purpose of removing the said gravel, shall, previous to the said removal, be approved of by a Committee appointed by the City Council, together with the City Engineer, to the intent that any of such works shall be carried out in such a manner as not to render the property unsuitable for use as an industrial site, and the said Committee and the City Engineer shall be the sole judge as to whether such dredging or mining operations will render the said parcel unsuitable for such use. The gravel operations are also subject to the provisions hereinafter referred to in connection with the sale of industrial sites by the City.

6. Upon satisfactory completion of the said elevator, with the required dockage and trackage equipped and ready for operation, both by water and rail at full capacity and in accordance with the plans, specifications and contract hereinbefore referred to, the Corporation agrees to sell to the said Company and the Company for itself, its successors and assigns agrees to purchase the said elevator at a price equal to the total cost of the design and construction, trackage, dockage, insurance during the course of the construction, and all other expenditures made in fully completing the said elevator or representing interest on the debentures issued in accordance therewith, and the Company thereupon agrees to pay the Corporation the sum of \$110,000.00 in cash, and upon such payment is to be put in possession of the said elevator, trackage and dockage, and the balance of the purchase money, which is not to exceed \$400,000.00 shall be paid in yearly instalments equal to the amount required to pay the yearly instalments of principal and interest on the debentures issued by the Corporation to secure the funds necessary to pay for the erection of the said elevator, as before set out. The first payment to be due within one year from the date of the issue of the debentures and to include interest from the date of the issue of the said debentures.

7. The said Company hereby authorizes the said Corporation to convey any portion or portions of the said lands as are not required for the purpose of the said elevator and additions thereto, and the said Committee is to be the sole judge as to what lands are not required for the said purpose, and as are not also required by the Dominion Government for the purpose of dredging and for the construction of a harbour, by a good and sufficient deed in fee simple, without any reservations of any kind to persons, firms or corporations for the purpose of industrial sites. The said Corporation is to have the further right to convey along with the aforesaid lands, so

conveyed for industrial sites, a right of way over the said lands hereinbefore described, for the purpose of trackage to and from the industrial site so conveyed to the trackage connecting the said elevator up with the Canadian National right of way and the said industrial sites are to have a right to use the trackage so connecting the elevator with the Canadian National Railway right of way upon entering into a satisfactory agreement in respect to the joint use of the said trackage along with the elevator company; and together with a further right of way connecting up such industrial sites so to be conveyed with the strip of land heretofore mentioned and to be dedicated as a street. The said Corporation agrees that should any of such lands be sold and conveyed to any person, firm or Corporation, for the purpose of an industrial site that the said Company is to be credited on the purchase price with the amount received by the Corporation as the price for the said land, or with the assessed value of said lands so conveyed to such person, firm or Corporation, whichever of these two shall be the greater. Provided, however, that in the event of the sale of any of the said lands for industrial purposes prior to the same being mined or dredged for gravel, the said Corporation may convey the said lands, in fee simple, without any reservations in respect to gravel as hereinbefore set out.

8. Upon full payment of the purchase price being made by the Company the Corporation agrees to convey and assure, or cause to be conveyed and assured to the said Company, its successors and assigns by a good and sufficient deed in fee simple free from encumbrance and without reservations of any kind, the said elevator with its trackage, dockage and the lands conveyed to the said Corporation, with all appurtenances, as aforesaid, less whatever land which from time to time may have been deeded to the Dominion of Canada, or its nominees for the purpose of harbour facilities, and less whatever land may have been deeded by the Corporation to any party, Company or syndicate for the purpose of industrial sites, and reserving unto such sites, as have been sold, the rights of way granted along with such conveyances to the purchasers of such industrial sites.

9. The said Corporation shall, by its Council as soon as possible procure to be submitted to the electors of the Municipality under the provisions of the Municipal Act, a by-law authorizing the erection of the said elevator, by the issue of debentures to the extent of \$400,000.00 to pay for the same and for the sale of the said elevator, when completed, to the said Company, the costs of such vote, the preparation of this agreement and the necessary by-laws are to be paid for by the Company previous to the putting of such vote to the people.

10. The debentures to be issued by the Corporation shall run for a period of twenty years, and the said debentures shall be payable yearly, and the first payment of principal and interest shall be due in one year from the date of the issue of the debentures. In the event of the sale of the said debentures by the Corporation at a discount, the said discount shall become part of the original cost of construction and be paid by the said Company, but in the event of the sale of the said debentures at a premium, the said premium shall be applied on payment of the first year's principal and interest due by the Company under this agreement.

11. Should the said by-law for the erection of the elevator be assented to by the electors, the Corporation shall by its Council pass the said by-law, and in case the said by-law shall not, on such submission, receive the assent of the electors as required by the Municipal Act, then this Agreement and the said by-law shall be null and void and of no effect.

12. The said Corporation shall, by its Council, as soon as possible procure to be submitted to the electors of the Municipality under the provisions of the Municipal Act, a further by-law providing that the assessment of the said elevator and lands, trackage and dockage in connection therewith shall for ten years next following the first day of January after the completion thereof, be fixed at \$100,000.00, but further providing that this shall not apply to or affect taxation for school purposes or local improvements, and for school purposes the business assessments shall be made on the full assessable value of said elevator and the land and docks in connection therewith, and the costs of drawing the said by-law and of submitting the said by-law to the electors, are to be paid for by the Company previous to the time the said vote is put to the people.

45.

13. In case the said by-law with regard to the fixed assessment is assented to by the said electors, the Corporation shall by its Council pass the said by-law.

14. The said Corporation also agrees to assist the Company in procuring the Dominion Government to do all necessary dredging and harbour work for the proper erection and operation of the said elevator and for the construction of a proper harbour.

15. The Corporation agrees to apply to the Legislature of the Province of Ontario for a Special Act authorizing and confirming the said by-law. All costs incidental to obtaining the Special Act shall be defrayed by the Company previous to the time that the said Corporation applies to the Legislature for the said Special Act.

16. This agreement is conditional upon satisfactory assurance to the Committee being received that the dredging and harbour work required in connection with the said elevator will be proceeded with by the said Government as soon as possible so as to be completed by the time the elevator is ready for operation.

17. The Company agrees to keep the elevator insured against fire and explosion (if possible) to an amount equal to the balance of the purchase money from time to time owing thereon and shall deposit such insurance policies with the Treasurer of the said Corporation with loss made payable to the Corporation.

18. The said Company further agrees that, should the cost of the said elevator, including trackage and dockage without including the cost of the land, exceed the sum of \$510,000.00 then the said Company agrees to pay for all excess costs above the said sum of \$510,000.00 and to deposit a surety company bond, or a bond satisfactory to the Corporation, which bond shall provide for payment by the Company on account of the construction of the said elevator, dockage and trackage, of any amount in excess of the said sum of \$510,000.00.

19. The said Company further agrees to deposit with the said Corporation a surety company bond, or a bond suitable to the Corporation for \$110,000.00 guaranteeing the down payment provided for under this agreement upon the transfer of the elevator to the said Company; both of the said last mentioned bonds shall be deposited with the Corporation prior to the time any work is undertaken.

20. The said Company further agrees that, until the said elevator is paid for in full, that two of the directors of the said Elevator Company shall be appointed by the Council of the City of Sarnia, and upon being requested so to do, the Company will convey to the said Directors so appointed, sufficient stock for the said purpose, and that upon the re-appointment of other Directors by the Corporation the said stock shall be transferred to the new Directors to be appointed from time to time by the said Council, and the Company agrees to appoint such nominees as directors of the Company.

21. The Company agrees that during the currency of this agreement and until the Corporation has been paid in full after yearly payments have been made as called for by this agreement, it will provide yearly from net profits in excess of sufficient to pay ten per cent. on the capital stock, which capital stock shall amount to \$100,000.00 and no more, a sinking fund equal to fifty per cent. of such excess profit and that the said sinking fund shall be applied in repayment of the amount then due on the purchase price of the said elevator from the said Corporation.

22. The Company further agrees that it will give to all railways now or hereafter entering the said city, access over its right of way to the said elevator for the purpose of carrying grain to and from the said elevator.

23. The Company agrees to maintain and operate the said elevator for a period of twenty years and make all necessary repairs to keep it up to standard to the satisfaction of the Corporation, and in the event of default,

1. That the assessment of the Sarnia Elevator Co., Limited, for all purposes, be fixed at the sum of One Hundred thousand dollars (\$100,000.00) and that such assessment shall continue unchanged for a period of ten years from the date of the final passing of this By-law, upon so much only of the lands and premises, including dockage and trackage as shall be used in the business of the Company, but provided that this shall not apply or effect taxation for school purposes or local improvement taxes, and for school purposes the business assessment shall be made on the full assessable value of the said elevator lands and premises, including dockage and trackage in connection therewith.

2. That the said Company shall not be entitled to any of the benefits in this by-law provided, unless and until the following stipulations and conditions have been fully complied with by the said Company, namely:

(a) That the said Company shall maintain and operate the said elevator for a period of twenty years and make all necessary repairs and keep the same up to an efficient standard to the satisfaction of the Corporation.

(b) That should the said Company at any time during the period of ten years from the date of this By-law cease to operate the said elevator at the City of Sarnia, aforesaid, for a period of more than six consecutive months, all exemptions and fixed assessments granted by this By-law shall cease during such cessation of operation, and the property of the Company shall be liable to assessment and taxation as other property not exempted or not having a fixed assessment.

3. This By-law shall come into force and take effect immediately upon the final passing thereof.

Provisionally passed this First day of February, A.D. 1927.
Finally passed this day of , A.D. 1927.

Mayor,

Clerk.

No. 45.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of Sarnia.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. HANEY.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Sarnia.

WHEREAS the corporation of the city of Sarnia has by ^{Preamble.} its petition represented that by-laws numbers 1672 and 1673 have been submitted to the electors of the corporation duly qualified to vote thereon for their assent in accordance with the terms of *The Consolidated Municipal Act, 1922*; and that of the electors who voted on the said by-law number 1672, 2,007 voted in favour thereof and 463 voted against the said by-law; and whereas of the electors who voted on the said by-law number 1673, 1,983 voted in favour thereof and 498 voted against the said by-law; and that the said by-laws were subsequently passed by the affirmative vote of three-fourths of all the members of the council of the said corporation; and whereas the corporation has by its petition prayed that the said by-laws should be validated and confirmed; 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. This Act may be cited as *The City of Sarnia Act, 1927*. ^{Short title.}
2. By-law number 1672 of the corporation of the city of ^{By-law} Sarnia and the agreement in connection therewith both of ^{No. 1672,} which are set forth in schedule "1" hereto, are hereby ratified ^{confirmed.} and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and upon the Sarnia Elevator Co., Limited, and the MacDonald Engineering Co., of Canada, Limited.
3. By-law number 1673 of the corporation of the city of ^{By-law} Sarnia which is set out in schedule "2" hereto, is hereby ^{No. 1673,} declared to be legal, valid and binding upon the said corpora- ^{confirmed.} tion of the city of Sarnia and The Sarnia Elevator Co., Limited.

Con-
firmation of
debentures.

4. The debentures issued or to be issued under the provisions of the said by-law number *1672* are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and the said corporation is hereby authorized and empowered to do all acts and things necessary for the fulfilment and proper carrying out of the said by-law and agreement.

Commence-
ment of
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "1."

BY-LAW No. 1672.

A By-law to provide for the borrowing of \$400,000.00 upon Debentures to pay for the erection and equipment of a grain elevator, and all other costs and expenses in connection therewith and incidental thereto, and to confirm a certain Agreement made between the Municipal Corporation of the City of Sarnia, the MacDonald Engineering Company, Limited, and Sarnia Elevator Co., Limited.

Whereas it is desirable and expedient to erect a grain elevator in the City of Sarnia as provided by the Consolidated Municipal Act, 1922, Ontario Statutes, Chapter 72, Section 398, Paragraph 24, as amended by 1924 Ontario Statutes, Chapter 53, Section 8.

And whereas it is desirable and expedient to confirm a certain Agreement dated the Thirty-first day of January, A.D. 1927, between the Municipal Corporation of the City of Sarnia, The Sarnia Elevator Co., Limited, and the MacDonald Engineering Company of Canada, Limited, for the sale of the said grain elevator in accordance with the terms of the said Agreement, which agreement is hereunto annexed as Schedule "A."

And whereas the Municipal Council of the City of Sarnia, has approved of the said Agreement.

And whereas for the said purposes, it is necessary to borrow the sum of \$400,000.00 on the credit of the Corporation and to issue debentures payable within twenty years from the time of the issue thereof, and bearing interest at the rate of five per cent. per annum, payable yearly which is the amount of the debt intended to be created by this By-law; the proceeds of the debentures to be applied to the said purposes and to no other.

And whereas \$32,097.03 is the total amount required to be raised annually for a special rate for the term of twenty years for the payment of the said debt and interest thereon at the rate of five per cent. per annum, according to the terms of this By-law.

And whereas it is expedient that the principal of said debt shall be repayable in yearly sums during the period of twenty years on such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as possible to the amount so payable for principal and interest in each of the other years.

And whereas the amount of the whole rateable property of the Municipality, according to the last revised assessment roll is \$17,060,921.00.

And whereas the amount of the existing debenture debt of the Corporation (exclusive of Local Improvement Debts) secured by Special Rates of Assessments, is the sum of \$1,442,376.64 and no part of the principal or interest is in arrear.

And whereas it is expedient to authorize, ratify and confirm the said Agreement hereinbefore recited.

Therefore the Municipal Council of the City of Sarnia, enacts as follows:

1. That for the purpose aforesaid, it shall be lawful for the Municipal Council of the City of Sarnia to borrow on the credit of the Corporation at large, the sum of \$400,000.00 and debentures shall be issued therefor in sums of not less than One hundred dollars each, bearing interest at the rate of five per cent. per annum, computed from the date of the issue, and have coupons attached for the payment of interest.

2. That the debentures shall all bear the same date and shall be issued within two years after the date on which this by-law is passed and may bear any date within such two years and shall be payable in twenty annual instalments, during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

Year	Principal	Interest	Total
1.....	\$12,097 03	\$20,000 00	\$32,097 03
2.....	12,701 89	19,395 14	32,097 03
3.....	13,336 98	18,760 05	32,097 03
4.....	14,003 83	18,093 20	32,097 03
5.....	14,704 02	17,393 01	32,097 03
6.....	15,439 22	16,657 81	32,097 03
7.....	16,211 18	15,885 85	32,097 03
8.....	17,021 74	15,075 29	32,097 03
9.....	17,872 83	14,224 20	32,097 03
10.....	18,766 47	13,330 56	32,097 03
11.....	19,704 80	12,392 23	32,097 03
12.....	20,690 03	11,407 00	32,097 03
13.....	21,724 54	10,372 49	32,097 03
14.....	22,810 76	9,286 27	32,097 03
15.....	23,951 30	8,145 73	32,097 03
16.....	25,148 87	6,948 16	32,097 03
17.....	26,406 32	5,690 71	32,097 03
18.....	27,726 62	4,370 41	32,097 03
19.....	29,112 96	2,984 07	32,097 03
20.....	30,568 61	1,528 42	32,097 03
	\$400,000 00	\$241,940 60	\$641,940 60

3. The debentures as to both principal and interest may be expressed in Canadian Currency or Sterling money of Great Britain at the rate of One Pound Sterling for each Four Dollars and eighty-six and two-third cents, and may be payable at any place or places in Canada or Great Britain.

4. The Mayor and Treasurer of the Corporation shall sign and issue the debentures and the Treasurer shall sign the interest coupons and the debentures shall be sealed with the seal of the Corporation, and the Treasurer's signature may be printed, stamped, lithographed or engraved upon the said coupons.

5. During the twenty years, the currency of the said debt and debentures, there shall be raised, assessed and levied yearly by special rate, sufficient therefor, on all the rateable property in the Municipality, a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debentures as the same become respectively payable according to the provisions of this By-law.

6. All moneys raised from the said special rates or from the commutation thereof not immediately required for the payment of the interest shall be invested as required by law.

7. The debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal Debentures in force at the time of issue thereof.

8. The Execution of the said Agreement on behalf of the Corporation of the City of Sarnia is hereby authorized, ratified and confirmed and the said agreement is hereby incorporated in this By-law and shall be read and confirmed as part thereof.

This By-law shall come into force and take effect immediately upon the final passing thereof.

Provisionally passed this First day of February, A.D. 1927.

Finally passed this 7th day of March, A.D. 1927.

(Sgd.) James E. Newton, (Mayor).

(Sgd.) A. G. Smith, (Acting Clerk).

SCHEDULE "A"

Memorandum of agreement made this 31st day of January, A.D. 1927.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF SARNIA, herein-
after called the "Corporation"
of the First Part,

AND

THE SARNIA ELEVATOR CO., LIMITED, hereinafter called the
"Company"
of the Second Part,

AND

MACDONALD ENGINEERING COMPANY OF CANADA, LIMITED,
hereinafter called the "Contractor"
of the Third Part.

Whereas to facilitate the transportation of grain from the West to the Atlantic Seaboard by way of the Great Lakes and for local trade, facilities for the transhipment and temporary storage of grain are required at the Port of Sarnia;

And whereas the Corporation is authorized under the provisions of Paragraph 24 of Section 398 of the Consolidated Municipal Act, 1922, as amended by Section 8 of Chapter 53 Statutes of Ontario, 14, Geo. V, to erect, maintain and operate grain elevators for discharging or loading vessels;

And whereas the said Corporation in order to provide said facilities at the Port of Sarnia, is willing to construct a grain elevator;

And whereas the Company agrees to purchase the said elevator from the said Corporation upon the completion thereof, in accordance with the plans and specifications for the said elevator to be submitted by the Contractor and approved of by the Committee as hereinafter referred to, and thereafter to operate it to the greatest possibility of the grain trade and maintain the same on the terms and conditions hereinafter set forth;

And whereas the Contractor has agreed to design and erect the elevator and to construct the dockage and trackage for the said Corporation in accordance with the plans, specifications and contract, which are hereinafter referred to.

Now this indenture witnesseth that in consideration of the premises and the stipulations and covenants herein on the part of the parties severally contained, the said parties hereby covenant, promise and agree each with the other of them as follows:

1. The Contractor hereby agrees to design for the Corporation, a grain elevator of modern design and substantial concrete construction, with a storage capacity of not less than one million bushels of grain, and to construct and erect the same in accordance with a contract and with general plans and specifications contained therein, all to be approved and accepted by the Committee referred to in the next succeeding paragraph on a portion of the property hereinafter agreed to be conveyed to the City and as shown upon the plan hereto annexed. It is agreed that the price fixed in the said Contract shall cover the total cost of design, construction and erection, dockage and trackage and all other expenditures necessary to fully complete the said elevator ready and equipped in every way to operate to its full capacity.

2. The general and detailed plans and specifications of the said elevator shall be prepared by the Contractor and shall be submitted for approval to a committee of five persons, two of whom shall be members of the Corporation appointed by the Council of the Corporation and two by the

Company, with power to substitute from time to time, and a fifth member, who shall be the City Engineer of the said Corporation. Upon the approval of the general and detailed plans and specifications and of the price of construction and erection of the said elevator, together with its dockage and trackage, and all other necessary appurtenances and of a contract between the Contractor and the Corporation embodying said plans, specifications, dockage and trackage, price of construction, etc., and such approval is evidenced by the signature of the said Committee or of the majority of them, the Council shall then pass a resolution authorizing the proper officials of the Corporation to accept and sign the same on behalf of the Corporation; the said plans and specifications and contract for the construction of the said elevator, trackage and dockage shall be submitted, prior to their acceptance by the said Committee to a consulting Engineer, or to such competent person as may be required, for their approval, and such costs shall be borne by the Company in any event.

3. The said Contract, among other things, shall include the following:

(a) The said elevator shall be built in a good substantial and workman-like manner under the supervision of the City Engineer, who shall have full power to engage assistants whenever he considers the same necessary and the charge for such inspection shall be charged against and form part of the cost of the said construction.

(b) The said elevator shall have railway connection and proper facilities for unloading boats and loading into railway cars.

(c) The said elevator shall be provided with a modern marine leg capable of handling and unloading at least twenty-five thousand bushels of grain per hour, and shall be furnished with such ample power and machinery as shall be necessary to operate said marine leg to its full capacity.

(d) The said elevator shall be operated as a public elevator.

(e) The charges for elevating, unloading, storing and turning of grain shall not be in excess of similar charges for such services made at other Lake Huron and Georgian Bay ports.

(f) All payments due under the said contract shall be certified to by the City Engineer and approved of by the Municipal Council of the City of Sarnia before payment.

(g) A Surety Company Bond shall be provided to guarantee the construction of the said elevator, dockage and trackage in accordance with the plans, specifications and contract in an amount to be determined by the Committee hereinbefore referred to.

(h) Fifteen per cent. (15%) of the contract price for the construction of the said elevator, dockage and trackage shall be retained by the Corporation for a period of thirty days after the completion of the said work and shall not be paid by the Corporation until the said elevator has been proven to the City Engineer of the City of Sarnia to be in a satisfactory running condition, and that the said contract has been conformed with in every respect.

4. The Company, prior to the erection of the said elevator, doth covenant, promise and agree to and with the Corporation to convey and assure to cause to be conveyed and assured to the Corporation by a good and sufficient deed or transfer, in fee simple, all those the said pieces or parcels of land and premises hereinafter described, together with the appurtenances, save as hereinafter set out, thereto belonging or appertaining, namely:

All and singular that certain parcel or tract of land and land under the water and premises, situate, lying and being in the City of Sarnia in the County of Lambton and Province of Ontario, and being composed of part of lots four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10) and eleven (11), according to Registered Plan No. 24 for the City of Sarnia, and being more particularly described by John A. Baird, O.L.S., as follows, that is to say:

Commencing at a point in the northerly limit of lot number eleven, distant one thousand and twenty-nine and a half (1029½) feet westerly from the northeast angle of said lot number eleven; thence southerly parallel to easterly boundary of lots eleven, ten, nine, eight, seven, six, five and four to the southerly boundary of lot four; thence westerly in the southerly limit of lot four, one thousand, seven hundred (1700) feet to the channel bank of River St. Clair; thence northerly following the said channel bank to the northerly limit of lot eleven; thence easterly in the northerly limit of said lot eleven, two thousand, five hundred and fifty-four and two-tenths (2554.2) feet to the place of beginning, containing by admeasurement fifty-five and five one-hundredths (55.05) acres be the same more or less and as shown within the red border on the attached plan by John A. Baird, O.L.S., dated the 26th of January, 1927, which forms a part and parcel of this description.

together with a right of way twenty-five feet in width from the said property to the Canadian National Railway tracks to Point Edward for the purpose of constructing a railway switch from the Canadian National Railway tracks to the above described property, and also together with a strip of land fifty-five feet in width running alongside the said right of way from the said property to Front Street in the City of Sarnia, which last mentioned strip shall be deeded to the City of Sarnia and by it dedicated as a street. The location of the said right of way and strip of land last referred to are to be agreed upon satisfactorily to the Committee and to the Cleveland Sarnia Saw Mills Company before the construction of the said elevator shall be commenced.

5. The said Company reserves thereout the gravel and gravel rights upon the said property, and the Contractor and the Company hereby agree that any dredging or mining operations of any nature for the purpose of removing the said gravel, shall, previous to the said removal, be approved of by a Committee appointed by the City Council, together with the City Engineer, to the intent that any of such works shall be carried out in such a manner as not to render the property unsuitable for use as an industrial site, and the said Committee and the City Engineer shall be the sole judge as to whether such dredging or mining operations will render the said parcel unsuitable for such use. The gravel operations are also subject to the provisions hereinafter referred to in connection with the sale of industrial sites by the City.

6. Upon satisfactory completion of the said elevator, with the required dockage and trackage equipped and ready for operation, both by water and rail at full capacity and in accordance with the plans, specifications and contract hereinbefore referred to, the Corporation agrees to sell to the said Company and the Company for itself, its successors and assigns agrees to purchase the said elevator at a price equal to the total cost of the design and construction, trackage, dockage, insurance during the course of the construction, and all other expenditures made in fully completing the said elevator or representing interest on the debentures issued in accordance therewith, and the Company thereupon agrees to pay the Corporation the sum of \$110,000.00 in cash, and upon such payment is to be put in possession of the said elevator, trackage and dockage, and the balance of the purchase money, which is not to exceed \$400,000.00 shall be paid in yearly instalments equal to the amount required to pay the yearly instalments of principal and interest on the debentures issued by the Corporation to secure the funds necessary to pay for the erection of the said elevator, as before set out. The first payment to be due within one year from the date of the issue of the debentures and to include interest from the date of the issue of the said debentures.

7. The said Company hereby authorizes the said Corporation to convey any portion or portions of the said lands as are not required for the purpose of the said elevator and additions thereto, and the said Committee is to be the sole judge as to what lands are not required for the said purpose, and as are not also required by the Dominion Government for the purpose of dredging and for the construction of a harbour, by a good and sufficient deed in fee simple, without any reservations of any kind to persons, firms or corporations for the purpose of industrial sites. The said Corporation is to have the further right to convey along with the aforesaid lands, so

conveyed for industrial sites, a right of way over the said lands hereinbefore described, for the purpose of trackage to and from the industrial site so conveyed to the trackage connecting the said elevator up with the Canadian National right of way and the said industrial sites are to have a right to use the trackage so connecting the elevator with the Canadian National Railway right of way upon entering into a satisfactory agreement in respect to the joint use of the said trackage along with the elevator company; and together with a further right of way connecting up such industrial sites so to be conveyed with the strip of land heretofore mentioned and to be dedicated as a street. The said Corporation agrees that should any of such lands be sold and conveyed to any person, firm or Corporation, for the purpose of an industrial site that the said Company is to be credited on the purchase price with the amount received by the Corporation as the price for the said land, or with the assessed value of said lands so conveyed to such person, firm or Corporation, whichever of these two shall be the greater. Provided, however, that in the event of the sale of any of the said lands for industrial purposes prior to the same being mined or dredged for gravel, the said Corporation may convey the said lands, in fee simple, without any reservations in respect to gravel as hereinbefore set out.

8. Upon full payment of the purchase price being made by the Company the Corporation agrees to convey and assure, or cause to be conveyed and assured to the said Company, its successors and assigns by a good and sufficient deed in fee simple free from encumbrance and without reservations of any kind, the said elevator with its trackage, dockage and the lands conveyed to the said Corporation, with all appurtenances, as aforesaid, less whatever land which from time to time may have been deeded to the Dominion of Canada, or its nominees for the purpose of harbour facilities, and less whatever land may have been deeded by the Corporation to any party, Company or syndicate for the purpose of industrial sites, and reserving unto such sites, as have been sold, the rights of way granted along with such conveyances to the purchasers of such industrial sites.

9. The said Corporation shall, by its Council as soon as possible procure to be submitted to the electors of the Municipality under the provisions of the Municipal Act, a by-law authorizing the erection of the said elevator, by the issue of debentures to the extent of \$400,000.00 to pay for the same and for the sale of the said elevator, when completed, to the said Company, the costs of such vote, the preparation of this agreement and the necessary by-laws are to be paid for by the Company previous to the putting of such vote to the people.

10. The debentures to be issued by the Corporation shall run for a period of twenty years, and the said debentures shall be payable yearly, and the first payment of principal and interest shall be due in one year from the date of the issue of the debentures. In the event of the sale of the said debentures by the Corporation at a discount, the said discount shall become part of the original cost of construction and be paid by the said Company, but in the event of the sale of the said debentures at a premium, the said premium shall be applied on payment of the first year's principal and interest due by the Company under this agreement.

11. Should the said by-law for the erection of the elevator be assented to by the electors, the Corporation shall by its Council pass the said by-law, and in case the said by-law shall not, on such submission, receive the assent of the electors as required by the Municipal Act, then this Agreement and the said by-law shall be null and void and of no effect.

12. The said Corporation shall, by its Council, as soon as possible procure to be submitted to the electors of the Municipality under the provisions of the Municipal Act, a further by-law providing that the assessment of the said elevator and lands, trackage and dockage in connection therewith shall for ten years next following the first day of January after the completion thereof, be fixed at \$100,000.00, but further providing that this shall not apply to or affect taxation for school purposes or local improvements, and for school purposes the business assessments shall be made on the full assessable value of said elevator and the land and docks in connection therewith, and the costs of drawing the said by-law and of submitting the said by-law to the electors, are to be paid for by the Company previous to the time the said vote is put to the people.

13. In case the said by-law with regard to the fixed assessment is assented to by the said electors, the Corporation shall by its Council pass the said by-law.

14. The said Corporation also agrees to assist the Company in procuring the Dominion Government to do all necessary dredging and harbour work for the proper erection and operation of the said elevator and for the construction of a proper harbour.

15. The Corporation agrees to apply to the Legislature of the Province of Ontario for a Special Act authorizing and confirming the said by-law. All costs incidental to obtaining the Special Act shall be defrayed by the Company previous to the time that the said Corporation applies to the Legislature for the said Special Act.

16. This agreement is conditional upon satisfactory assurance to the Committee being received that the dredging and harbour work required in connection with the said elevator will be proceeded with by the said Government as soon as possible so as to be completed by the time the elevator is ready for operation.

17. The Company agrees to keep the elevator insured against fire and explosion (if possible) to an amount equal to the balance of the purchase money from time to time owing thereon and shall deposit such insurance policies with the Treasurer of the said Corporation with loss made payable to the Corporation.

18. The said Company further agrees that, should the cost of the said elevator, including trackage and dockage without including the cost of the land, exceed the sum of \$510,000.00 then the said Company agrees to pay for all excess costs above the said sum of \$510,000.00 and to deposit a surety company bond, or a bond satisfactory to the Corporation, which bond shall provide for payment by the Company on account of the construction of the said elevator, dockage and trackage, of any amount in excess of the said sum of \$510,000.00.

19. The said Company further agrees to deposit with the said Corporation a surety company bond, or a bond suitable to the Corporation for \$110,000.00 guaranteeing the down payment provided for under this agreement upon the transfer of the elevator to the said Company; both of the said last mentioned bonds shall be deposited with the Corporation prior to the time any work is undertaken.

20. The said Company further agrees that, until the said elevator is paid for in full, that two of the directors of the said Elevator Company shall be appointed by the Council of the City of Sarnia, and upon being requested so to do, the Company will convey to the said Directors so appointed, sufficient stock for the said purpose, and that upon the re-appointment of other Directors by the Corporation the said stock shall be transferred to the new Directors to be appointed from time to time by the said Council, and the Company agrees to appoint such nominees as directors of the Company.

21. The Company agrees that during the currency of this agreement and until the Corporation has been paid in full after yearly payments have been made as called for by this agreement, it will provide yearly from net profits in excess of sufficient to pay ten per cent. on the capital stock, which capital stock shall amount to \$100,000.00 and no more, a sinking fund equal to fifty per cent. of such excess profit and that the said sinking fund shall be applied in repayment of the amount then due on the purchase price of the said elevator from the said Corporation.

22. The Company further agrees that it will give to all railways now or hereafter entering the said city, access over its right of way to the said elevator for the purpose of carrying grain to and from the said elevator.

23. The Company agrees to maintain and operate the said elevator for a period of twenty years and make all necessary repairs to keep it up to standard to the satisfaction of the Corporation, and in the event of default,

1. That the assessment of the Sarnia Elevator Co., Limited, for all purposes, be fixed at the sum of One Hundred thousand dollars (\$100,000.00) and that such assessment shall continue unchanged for a period of ten years from the date of the final passing of this By-law, upon so much only of the lands and premises, including dockage and trackage as shall be used in the business of the Company, but provided that this shall not apply or effect taxation for school purposes or local improvement taxes, and for school purposes the business assessment shall be made on the full assessable value of the said elevator lands and premises, including dockage and trackage in connection therewith.

2. That the said Company shall not be entitled to any of the benefits in this by-law provided, unless and until the following stipulations and conditions have been fully complied with by the said Company, namely:

(a) That the said Company shall maintain and operate the said elevator for a period of twenty years and make all necessary repairs and keep the same up to an efficient standard to the satisfaction of the Corporation.

(b) That should the said Company at any time during the period of ten years from the date of this By-law cease to operate the said elevator at the City of Sarnia, aforesaid, for a period of more than six consecutive months, all exemptions and fixed assessments granted by this By-law shall cease during such cessation of operation, and the property of the Company shall be liable to assessment and taxation as other property not exempted or not having a fixed assessment.

3. This By-law shall come into force and take effect immediately upon the final passing thereof.

Provisionally passed this First day of February, A.D. 1927.

Finally passed this 7th day of March, A.D. 1927.

(Sgd.) James E. Newton, (Mayor.)

(Sgd.) A. G. Smith, (Acting Clerk.)

No. 45.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of Sarnia.

1st Reading, 17th February, 1927.
2nd Reading, 1927.
3rd Reading, 1927.

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

MR. HANEY.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Fort William.

WHEREAS the corporation of the city of Fort William ^{Preamble.} has by petition represented that by-law numbered 2643 of the said city, set out in schedule "A" hereto, was duly published, as required by law, in a newspaper published at Fort William, prior to the date of voting thereon; that the said by-law number 2643 was submitted to the electors of the said city entitled to vote thereon on the 7th day of July, 1926, when out of a total of 4,200 votes entitled to be polled in respect thereof, 1,190 votes were polled in favour thereof and 69 against; that the said by-law number 2643 was finally passed by the council of the said city on the 27th day of July, 1926; and that no application has been made to quash the said by-law, nor is any action pending, wherein the validity of the said by-law is or may be called in question; and whereas the said corporation has by petition further represented that by-law numbered 2665 of the said city, set out in schedule "B" hereto, was published in three issues of a newspaper published at Fort William prior to the date of voting thereon; that the said by-law number 2665 was submitted to the electors of the said city entitled to vote thereon on the 3rd day of January, 1927, when out of a total of 4,388 votes entitled to be polled in respect thereof, 852 votes were polled in favour thereof and 770 against; that the said by-law number 2665 was finally passed by the council of the said city on the 25th day of January, 1927; and that no application has been made to quash the said by-law, nor is any action pending, wherein the validity of the said by-law is or may be called in question; and whereas the said corporation has by petition further represented that its rateable property as appears by its last revised assessment roll is \$29,560,733, and its present debenture debt is \$6,350,978.31, made up as follows:—

Street railway debenture debt.....	\$1,238,000 00
Waterworks debenture debt.....	1,543,000 00
Electric light debenture debt.....	221,500 00
General debenture debt.....	1,682,227 81
Telephone debenture debt.....	369,000 00
School debenture debt.....	1,306,250 50

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$3,884,975.04 has been provided; and whereas the said corporation has by petition prayed for special legislation in respect of the above and other matters 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 consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The City of Fort William Act, 1927.*

By-law
No. 2643
confirmed.

2. By-law No. 2643 of the said city, intituled "A By-law to authorize a Certain Agreement with Fort William Paper Company, Limited," as set out in schedule "A" hereto, is confirmed and declared to be legal, valid and binding upon the said city corporation and the ratepayers thereof.

Agreement
with Fort
William
Paper Co.,
Ltd., con-
firmed.

3. The agreement between Fort William Paper Company, Limited, and the said city as set forth in schedule "A" hereto, is hereby confirmed and declared to be legal, valid and binding upon the said city corporation and the ratepayers thereof.

By-law
No. 2665
confirmed.

4. By-law No. 2665 of the said city, intituled "A By-law to raise the sum of \$42,000 by way of Debentures for the purpose of making a Loan to The Young Men's Christian Association of Fort William," as set out in schedule "B" hereto, is confirmed and declared to be legal, valid and binding upon the said city corporation and the ratepayers thereof.

Tax sales
and deeds
confirmed.

5.—(1) All sales of land made prior to the 31st day of December, 1925, and which purported to have been made by the corporation of the city of Fort William for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, and all deeds of the lands so sold, executed, or which may or shall hereafter be executed, by the proper officers of the corporation of the city of Fort William, purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are hereby validated and confirmed, and shall be deemed to have had the effect of vesting the lands so sold and conveyed or purported to have been sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns in fee simple free from and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns and of all charges and encumbrances thereon and dower therein, except taxes accrued since those for non-payment whereof the said lands were so sold.

(2) This section shall extend and apply to cases where the corporation of the city of Fort William or any one in trust for it or on its behalf, became the purchaser or grantee of any of such lands. ^{Where corporation is purchaser.}

(3) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed. ^{Pending litigation not affected.}

6. All assessment rolls of the corporation of the city of Fort William heretofore finally revised, all collectors' rolls of the corporation of the city of Fort William heretofore returned by the collectors thereof, and all collectors' returns of the corporation of the city of Fort William heretofore made are hereby validated and confirmed and declared to be binding upon and conclusive against all persons, parties or corporations affected thereby, notwithstanding any irregularity, fault or omission in the said assessment rolls, collectors' rolls or collectors' returns or in any matter or thing done or omitted to be done in relation thereto (including failure to distrain) and notwithstanding anything contained in any Act or Acts to the contrary. ^{Assessment rolls confirmed.}

SCHEDULE "A."

CITY OF FORT WILLIAM.

BY-LAW No. 2643.

A by-law to authorize a certain agreement with Fort William Paper Company, Limited.

The Corporation of the City of Fort William enacts as follows:

1. The Corporation of the City of Fort William may make and enter into an Agreement with Fort William Paper Company, Limited, to the effect set forth in Schedule "A" hereto, and the Mayor and Clerk of the City for the time being are hereby authorized and empowered to sign, seal with the Corporate Seal, execute and deliver the said Agreement on behalf of the City.

In witness whereof the Corporate Seal of the City and the hands of its proper officers in that behalf this 27th day of July, A.D. 1926.

(Sgd.) J. E. CRAWFORD,
Mayor.

(SEAL) (Sgd.) A. McNAUGHTON,
Clerk.

SCHEDULE "A."

Memorandum of Agreement made in triplicate this day of ,
A.D. 1926.

Between:

FORT WILLIAM PAPER COMPANY, LIMITED,
hereinafter called the "Company,"

of the first part;

—and—

THE CORPORATION OF THE CITY OF FORT WILLIAM,
hereinafter called the "City,"

of the second part.

Whereby the Company and the City mutually covenant, promise and agree each with the other of them as follows:

1. The Company is to proceed forthwith to erect, complete and fully equip a Sulphite Mill capable of producing 90 tons of sulphite per day, and is to have the same ready for operation by December 31st, 1926.

2. The Company is to proceed immediately to make changes in its present two paper machines so as to bring the capacity thereof up to approximately 200 tons of paper per day, and is to complete such changes by December 31st, 1927.

3. The Company is, on or before December 31st, 1928, to construct the necessary buildings and install therein sufficient equipment to operate an additional news-print machine capable of producing approximately 120 tons of news-print per day.

4. The Company is, on or before December 31st, 1931, to install a further news-print machine capable of producing approximately 120 tons of newsprint per day and the equipment necessary to operate the same.

5. All of the above said buildings, works, machines and equipment are to be erected in and about the present site of the Company's plant in the City of Fort William and when completed as aforesaid are to have a capacity capable of producing 90 tons of sulphite per day and approximately 440 tons of newsprint per day.

6. The Company is to operate its plant, works and equipment over the period of ten years commencing with and including the year 1932 so as to employ and keep employed in connection therewith in the said City during each of the said ten years a sufficient number of employees for a sufficient number of days to equal Seven Hundred employees for Two Hundred and Fifty Calendar days at least in each year, unless prevented by fire, strikes or accidents. In default of the Company so operating and employing such number of men or the equivalent thereof in any year during the said period of ten years, the Company shall not for that year be entitled to the fixed assessment hereinafter provided for.

Provided, however, from the number of days respectively hereinbefore mentioned there shall be deducted the number of days during which the operation of the said plant is interfered with, notwithstanding due diligence on the part of the Company, by reason of fire, accidents, strikes, non-supply of water or power or other happenings beyond the control of the Company and the Company in the event of such interference shall give notice to the City when said interference with the operation of its plant commences and also a like notice when said interference ceases.

7. All fire insurance placed or held by the Company upon any of its property in the City of Fort William shall during the said period of ten (10) years be placed with or through local fire insurance agents residing and carrying on business in the City of Fort William provided such insurance can be so placed equally advantageously to the Company, as same may be placed elsewhere.

8. All men employed in the erection of said plant, works and equipment either by the Company, or by any contractor or subcontractor or by the Company in the operation thereof, or by any other corporation, firm or person on said property, as aforesaid, shall be paid in cash in the City of Fort William, or by cheque on some bank in the said City.

9. All men employed by the Company or by any contractor or subcontractor or otherwise, in the erection or operation of such plant, works and equipment and any other plant, works and equipment on the property herein described, shall be paid not less than the prevailing wages for either time or piece work from time to time in force in Fort William for their respective trades for the same grade of work therein and all such men shall be paid semi-monthly.

10. The Pay Rolls of the Company as to men employed and wages paid shall be open for inspection by the City from time to time during the terms hereof; said inspection to be made through a duly chartered accountant, employed by the Council, which inspection may be made at reasonable hours; if so required the Company shall from time to time at reasonable periods, during the said term, satisfy the City by declaration or affidavit that they have complied with the provisions hereof.

11. The City will and doth hereby fix the assessment of all the property, real and personal, of the Company in the said City of Fort William (including Business Assessment), which is used in connection with and solely for the purpose of the manufacture of pulp and paper products including raw materials to be used therein and the products thereof, and also the property of any corporation, firm or person occupying any of the Company's Mission property under title from the Company which is used in connection with and solely for the purpose of its manufacturing plant on such part of said property, including raw materials to be used therein and the products thereof, at the sum of \$300,000 for each of the said ten years, commencing with and including the year 1932.

Provided, however, that such fixed assessment shall not apply to or affect taxation for School purposes or local improvements.

Provided, however, that no dwelling houses or stores which may be situate upon the lands included in such fixed assessment nor the land occupied by such dwelling houses or stores when so occupied, shall be included in such fixed assessment.

In the event of the Company's plant ceasing to operate for more than six (6) months in any calendar year for other reasons than the results of

fire, accidents, strikes, non-supply of water or power or other happenings beyond the control of the Company, the Company will pay taxes for that year as if there were no fixed Assessment.

Any default of the Company in respect of its other obligations hereunder shall operate to deprive the Company of the benefit of the fixed assessment herein granted, only for the period of the calendar year or years in which such default may occur or continue.

The Assessment of all the Company's above described property in the City, including business assessment, shall remain for each and every year hereafter until and including the year 1931 at the amount at which such assessment now appears on the City's Assessment Rolls.

12. The Company shall not be deemed, however, to be in default hereunder until the expiry of thirty (30) days from the receipt by the Company of a notice in writing by the authorized officers of the City acting under a resolution of the Council of the City of Fort William, setting out the act or omission of the Company complained of and that the City will hold the Company to be in default under this agreement for the reasons mentioned in said notice and unless the Company shall in fact fail, within such thirty (30) days to make good any such act or omission, if the same be in contravention of the terms hereof.

13. The City is to furnish water from its water works system and hydrants on the Mission so as to supply the Company with water for fire protection and domestic purposes at prevailing rates and the City is not to be under any greater liability by reason hereof than it would be to its general consumers of water under *The Public Utilities Act*.

14. The City is to provide adequate Telephone and Street Car facilities and to keep the highway from the Company's plant to the central business section of the City in good repair and especially in the winter season to keep the road open for traffic.

15. Time shall be of the essence of this Agreement.

16. The Council of the City may, by resolution and without further authority from the ratepayers of the City, from time to time, make declarations binding upon the City as to the fulfilment by the Company of its obligations hereunder, and the interpretation and meaning of the terms hereof, and may in like manner on behalf of the City, settle and compromise and otherwise deal with any disputes or questions which may from time to time arise between the City and the Company in respect to the matters herein referred to.

17. This Agreement will be binding upon and enure to the benefit of the successors and assigns of the Company and the City respectively.

18. This Agreement shall not come into force or effect until approved by the Ratepayers of the City and the City agrees (if the Company so requires), to apply for and seek to obtain special legislation from the Legislative Assembly of the Province of Ontario at its next Session validating and confirming this Agreement and the By-law authorizing same.

19. This Agreement shall relieve the City from the provisions of a Resolution passed by the Council of the City on the Third day of July, 1923, and of all obligations assumed thereby.

In witness whereof the Corporate Seal of the City and the Company and the hands of their respective proper officers in that behalf.

Signed, sealed and delivered in the presence of:

FORT WILLIAM PAPER COMPANY, LIMITED,
(Sgd.) Per W. N. HURLBURT,
President.

(SEAL) (Sgd.) J. G. GIBSON,
Secretary.

THE CORPORATION OF THE CITY OF FORT WILLIAM,
(Sgd.) Per J. E. CRAWFORD,
Mayor.

(SEAL) (Sgd.) A. McNAUGHTON,
Clerk.

SCHEDULE "B."

CITY OF FORT WILLIAM

BY-LAW No. 2665.

A By-law to raise the sum of \$42,000 by way of debentures for the purpose of making a loan to The Young Men's Christian Association of Fort William.

Whereas The Young Men's Christian Association of Fort William has requested the Council to raise the sum of \$42,000 by way of Debentures as hereinafter provided and to loan the same to The Young Men's Christian Association of Fort William on the security hereinafter mentioned.

And whereas the said sum of \$42,000 is the amount of the debt intended to be created hereby.

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll is \$29,560,733.00.

And whereas the existing Debenture Debt of the said City exclusive of local improvement Debentures, amounts to \$6,350,978.31, made up as follows:

Street Railway Debenture Debt.....	\$1,238,000 00
Waterworks Debenture Debt.....	\$1,543,000 00
Electric Light Debenture Debt.....	\$221,500 00
General Debenture Debt.....	\$1,682,227 81
Telephone Debenture Debt.....	\$360,000 00
School Debenture Debt.....	\$1,306,250 50

of which no part of the principal or interest is in arrear and for the payment of which a Sinking Fund of \$3,884,975.04 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 \$42,000 bearing interest at five per centum per annum.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of thirty years, of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$2,735.00 during the period of thirty years to pay the said yearly sums of principal and interest as they become due.

And whereas it will require the sum of \$2,735.00 to be raised annually for a period of thirty years by a special rate on the whole rateable property in the said City for the payment of the said debt and interest as aforesaid.

Therefore, the Corporation of the City of Fort William enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation the sum of (\$42,000) Forty-two Thousand Dollars, and Debentures shall be issued therefor in sums of not less than \$100 each, bearing interest at the rate of five per cent. per annum, and having coupons attached thereto for the payment of the interest.

2. The Debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed, and may bear any date within such two years, and shall be payable in thirty annual instalments during the thirty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

No.	Principal	Interest	Total
1.	\$ 600 00	\$ 2,100 00	\$ 2,700 00
2.	600 00	2,070 00	2,670 00
3.	700 00	2,040 00	2,740 00
4.	800 00	2,005 00	2,805 00
5.	700 00	1,965 00	2,665 00
6.	800 00	1,930 00	2,730 00
7.	900 00	1,890 00	2,790 00
8.	900 00	1,845 00	2,745 00
9.	900 00	1,800 00	2,700 00
10.	1,000 00	1,755 00	2,755 00
11.	1,000 00	1,705 00	2,705 00
12.	1,100 00	1,655 00	2,755 00
13.	1,100 00	1,600 00	2,700 00
14.	1,200 00	1,545 00	2,745 00
15.	1,300 00	1,485 00	2,785 00
16.	1,300 00	1,420 00	2,720 00
17.	1,400 00	1,355 00	2,755 00
18.	1,400 00	1,285 00	2,685 00
19.	1,600 00	1,215 00	2,815 00
20.	1,600 00	1,135 00	2,735 00
21.	1,600 00	1,055 00	2,655 00
22.	1,800 00	975 00	2,775 00
23.	1,800 00	885 00	2,685 00
24.	2,000 00	795 00	2,795 00
25.	2,000 00	695 00	2,695 00
26.	2,200 00	595 00	2,795 00
27.	2,200 00	485 00	2,685 00
28.	2,400 00	375 00	2,775 00
29.	2,400 00	255 00	2,655 00
30.	2,700 00	135 00	2,835 00
	<u>\$42,000 00</u>	<u>\$40,050 00</u>	<u>\$82,050 00</u>

3. The Debentures as to both principal and interest may be expressed in Canadian currency or Sterling money of Great Britain.

4. During the said period of thirty 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 City in addition to all other rates, levies and assessments, the said sum of \$2,735.00 for the payment of the said debt and interest.

5. The said Debentures shall have attached thereto coupons for the payment of the interest thereon. The signature of the Treasurer upon the coupons may be printed, lithographed or engraved, and the said Debentures, as to principal and interest, shall be payable at the following places, namely: Office of the City Treasurer, Fort William, Canada; Bank of Montreal, Montreal, Canada; Toronto, Canada; London, England, and New York City, respectively.

6. 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 this Municipal Corporation, be transferable except by entry by the Treasurer or his deputy in the Debenture Registry Book of the said Corporation, at the said City of Fort William" or to like effect.

7. The City may loan the net proceeds of the said Debentures to The Young Men's Christian Association of Fort William on the security of a first mortgage on the lands and buildings of The Young Men's Christian Association of Fort William for the said sum of \$42,000 with interest at five per centum payable as, how and when the said debt and interest created by this By-law are payable, which mortgage must be in form satisfactory to the then Council of the City before such advance is made.

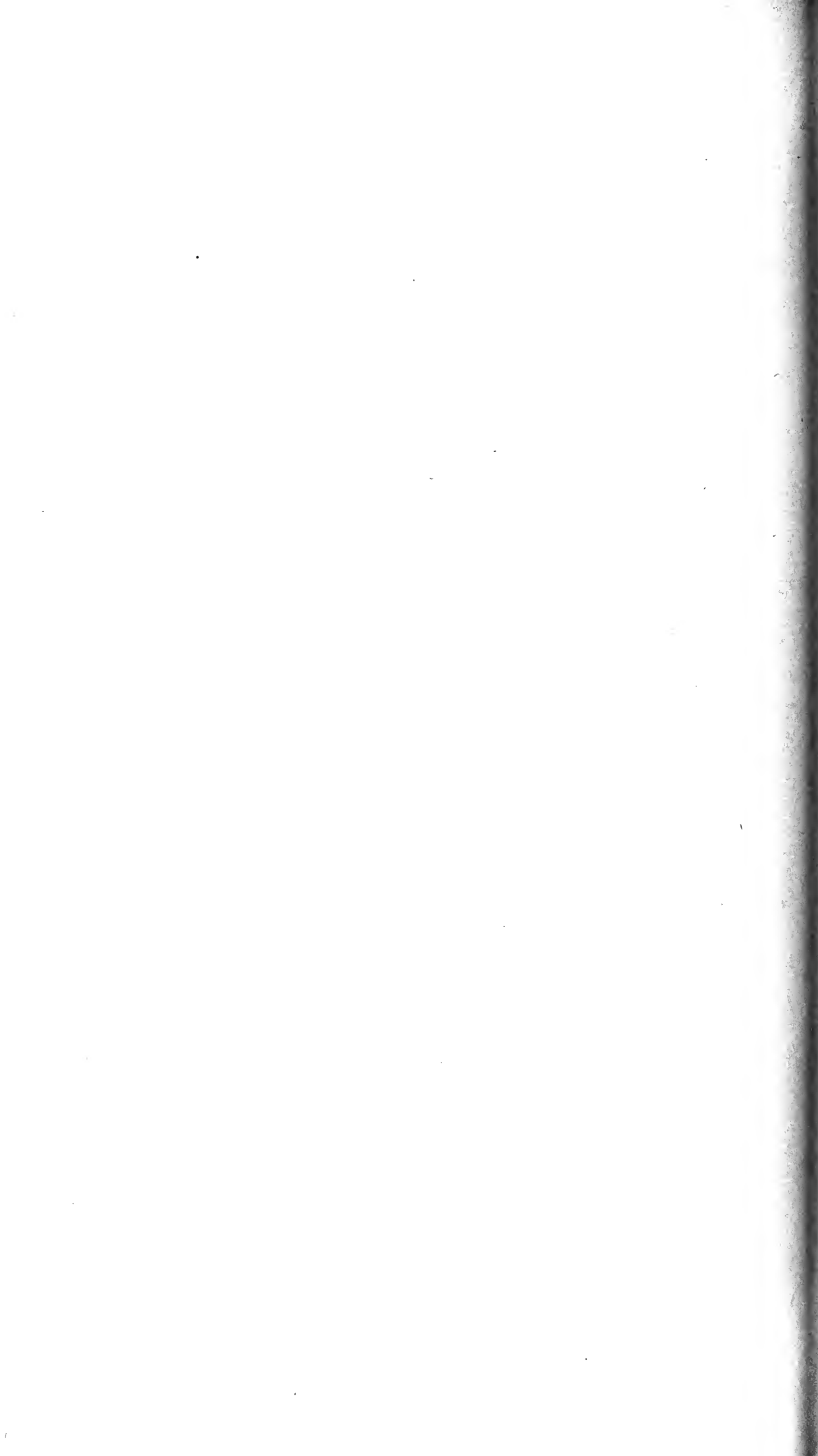
8. This By-law shall only come into force upon being validated by the Legislative Assembly of the Province of Ontario and unless and until so validated shall have no force or effect.

Done and passed in Council this 25th day of January, A.D. 1927, as witnessed by the hands of the Mayor and Clerk of the said City and its Corporate Seal.

J. E. CRAWFORD,
Mayor.

A. McNAUGHTON,
Clerk.

(SEAL)



No. 46.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of
Fort William.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(Private Bill.)

MR. SPENCE.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act to consolidate the Floating Debt of the Town of Georgetown.

WHEREAS the municipal corporation of the town of ^{Preamble.} Georgetown has by its petition represented that the rateable property of the said corporation as appears by the last revised assessment roll thereof is \$1,127,477.54, and that the existing debenture debt of the said corporation, exclusive of local improvement debt, is \$168,090.52, and the amount of local improvement debt secured by special rate of assessment is \$69,288.12, making a total of \$237,378.64, and that the said incorporation has incurred losses through moneys borrowed by it and loaned to certain manufacturing companies, which subsequently became insolvent and unable to repay to the said corporation the amounts advanced to them by way of loans, and through the operation of the housing commission of the said corporation, and that owing to the said losses, the said corporation has a floating indebtedness of \$19,500, and that to pay off the said floating indebtedness now due and owing and to pay in addition thereto the ordinary annual expenditures, would be unduly oppressive to the ratepayers of the said corporation; and whereas the said corporation has by its petition prayed that the said floating indebtedness of \$19,500 may be consolidated and that it may be authorized to borrow by the issue and sale of debentures sufficient to discharge the said floating indebtedness; 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. This Act may be cited as *The Town of Georgetown Act*, ^{Short title.} 1927.

2. The floating debt of the corporation of the town of ^{Floating} Georgetown is consolidated at the sum of \$19,500, and the ^{debt con-} said corporation may borrow by a special issue of debentures ^{solidated at} \$19,500. a sum not exceeding \$19,500, for the purpose of paying the said floating debt.

Terms of debentures and interest.

3. The said debentures shall be made payable in not more than ten years from the date of issue thereof, and shall bear interest at a rate not exceeding six per centum per annum, and may be issued either with or without coupons attached thereto for interest, and shall be payable at such place or places as the corporation may deem expedient.

Equal annual instalments of principal and interest.

4. The said debentures shall be payable in equal annual instalments of principal and interest, in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

Special rate.

5. The said corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Application of proceeds of debentures.

6. The debentures and all moneys arising from the sale thereof shall be applied in payment of the said indebtedness and for no other purpose.

Assent of electors not required.

7. It shall not be necessary to obtain the assent of the electors of the town of Georgetown to the passing of any by-law which shall be passed under the authority of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922.*

1922, c. 72.

Irregularity in form not to invalidate.

8. 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 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 enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

Treasurer to keep proper books of account.

9. 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 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 application 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.

10. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. _{ment of Act.}

No. 47.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to consolidate the Floating Debt
of the Town of Georgetown.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(Private Bill.)

MR. HILLMER.

TORONTO:

Printed by

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BILL

An Act respecting the Town of Tecumseh.

WHEREAS the corporation of the town of Tecumseh has Preamble.
 by its petition represented that on 10th day of November, 1926, a certain by-law No. 179 was passed for submitting to the electors of the said town the question of whether they were in favour of an application by the said corporation to the Legislature for authority to adopt in the said town a system of municipal government by a smaller elective council with a town manager as in the terms of the proposed bill; and whereas the said question was duly submitted to the electors accordingly on the 6th day of December, 1926, who, by a majority of votes declared themselves in favour of the said application; and whereas the said council has by its petition prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of such petition;

Therefore, 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 Town of Tecumseh Act*, Short title.
 1927.

2. From and after the 15th day of October, 1927, this Act shall apply to and govern the corporation of the town of Tecumseh; and in so far as the provisions hereof shall alter, vary or conflict with any of the provisions of *The Consolidated Municipal Act, 1922*, or any other statute of this Province relating to municipal corporations, or amendments thereof, the provisions of this Act shall prevail. Provisions of this Act to apply to Tecumseh after 15th October, 1926, notwithstanding provisions of 1922, c. 72, and other Acts.

3. From and after 31st December, 1927, the council of the said corporation shall be composed of and comprise a mayor, a reeve and three councillors, who shall be elected by general vote of the qualified electors of the said town. Of the said three councillors the one obtaining the highest number of votes at the election held in December, 1927, shall hold office for the term of two years from and after New council, its composition and mode of election.

31st December, 1927, and the remaining two councillors shall hold office for the term of one year from and after the said last mentioned date, and the mayor and reeve shall also hold office for the term of two years from and after the said last mentioned date; provided that in the event of the election by acclamation of all three councillors at the election in December, 1927, the councillor having the highest assessment in the said town according to the last revised assessment roll shall hold office for the said term of two years and the remaining two councillors shall hold office for the term of one year.

Method of filling vacancy caused by death, etc., of mayor or reeve.

1922, c. 72.

4. In the event of the death, resignation or removal from office for any cause under the provisions of *The Consolidated Municipal Act, 1922*, of any mayor or reeve during his term of office the remaining members of the council shall appoint one of their number to fill the vacancy so caused to hold office for the unexpired term of the mayor or reeve so dying, resigning or being removed from office.

Method of filling vacancy in council.

1922, c. 72.

5. In the event of the death, resignation or removal from office for any cause under the provisions of *The Consolidated Municipal Act, 1922*, of any councillor or in the event of any vacancy being filled as provided by the last preceding section, the candidate for councillor at the last preceding election having the highest number of votes shall be declared by the town clerk elected to the office for the unexpired term of the councillor so dying, resigning or being removed from office or of the person being appointed under the provisions of the last preceding section as the case may be; but in the event of there having been a tie vote or in the event of the members of the said council having all been elected by acclamation the vacancy in the council shall be filled by the appointment by the council of another qualified elector of the town as councillor for the unexpired term of the councillor so dying, resigning or being removed from office or of the member of the council appointed under the provisions of the last preceding section.

Councillors to hold office until new council organized.

6. Notwithstanding anything hereinbefore provided the members of the said council shall hold office until their successors are elected and the new council is organized.

Nominations and election in accordance with 1922, c. 72.

7. In all other respects the nomination and election (by vote of the electors) for mayor, reeve and councillors of the said town from time to time shall be held and conducted in accordance with the provisions of *The Consolidated Municipal Act, 1922*, in that behalf.

8.—(1) Any council of the said corporation in office from and after 31st day of December, 1927, may by by-law, appoint and employ a general administrative head to be known as the "town manager," who shall have such general control and management of the administration of the town's government and affairs and perform such duties as the council shall by by-law, define, limit, and determine, and he shall be responsible for the efficient administration of all its departments to the extent that he shall be given authority and control over the same; and he shall hold office at the will and pleasure of the council, and shall receive such salary as the council by by-law shall determine.

Authority for appointment by council of town manager,—his powers and duties.

(2) Nothing in this section shall apply to the Hydro-Electric Power Commissioners.

Section not to apply to Hydro-Electric Power Commissioners.

9. Except by this Act varied, altered or changed, *The Consolidated Municipal Act, 1922*, and all other statutes now applicable to the said corporation, its council or officers, shall be of full force and effect.

1922, c. 72, to apply where not inconsistent.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

No. 48.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of Tecumseh.

1st Reading,	18th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

(*Private Bill.*)

MR. POISSON.

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An Act respecting the Town of Tecumseh.

WHEREAS the corporation of the town of Tecumseh has Preamble.
 by its petition represented that on 10th day of November, 1926, a certain by-law No. 179 was passed for submitting to the electors of the said town the question of whether they were in favour of an application by the said corporation to the Legislature for authority to adopt in the said town a system of municipal government by a smaller elective council with a town manager as in the terms of the proposed bill; and whereas the said question was duly submitted to the electors accordingly on the 6th day of December, 1926, who, by a majority of votes declared themselves in favour of the said application; and whereas the said council has by its petition prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of such petition;

Therefore, 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 Town of Tecumseh Act*, Short title.
 1927.

2. From and after the 15th day of October, 1927, this Act shall apply to and govern the corporation of the town of Tecumseh; and in so far as the provisions hereof shall alter, vary or conflict with any of the provisions of *The Consolidated Municipal Act, 1922*, or any other statute of this Province relating to municipal corporations, or amendments thereof, the provisions of this Act shall prevail. Provisions of this Act to apply to Tecumseh after 15th October, 1926, notwithstanding provisions of 1922, c. 72, and other Acts.

3. From and after 31st December, 1927, the council of the said corporation shall be composed of and comprise a mayor, a reeve and three councillors, who shall be elected by general vote of the qualified electors of the said town. Of the said three councillors the one obtaining the highest number of votes at the election held in December, 1927, shall hold office for the term of two years from and after New council, its composition and mode of election.

31st December, 1927, and the remaining two councillors shall hold office for the term of one year from and after the said last mentioned date, and the mayor and reeve shall also hold office for the term of two years from and after the said last mentioned date; provided that in the event of the election by acclamation of all three councillors at the election in December, 1927, the councillor having the highest assessment in the said town according to the last revised assessment roll shall hold office for the said term of two years and the remaining two councillors shall hold office for the term of one year.

Method of filling vacancy caused by death, etc., of mayor or reeve.

1922, c. 72.

4. In the event of the death, resignation or removal from office for any cause under the provisions of *The Consolidated Municipal Act, 1922*, of any mayor or reeve during his term of office the remaining members of the council shall appoint one of their number to fill the vacancy so caused to hold office for the unexpired term of the mayor or reeve so dying, resigning or being removed from office.

Method of filling vacancy in council.

1922, c. 72.

5. In the event of the death, resignation or removal from office for any cause under the provisions of *The Consolidated Municipal Act, 1922*, of any councillor or in the event of any vacancy being filled as provided by the last preceding section, the candidate for councillor at the last preceding election having the highest number of votes shall be declared by the town clerk elected to the office for the unexpired term of the councillor so dying, resigning or being removed from office or of the person being appointed under the provisions of the last preceding section as the case may be; but in the event of there having been a tie vote or in the event of the members of the said council having all been elected by acclamation the vacancy in the council shall be filled by the appointment by the council of another qualified elector of the town as councillor for the unexpired term of the councillor so dying, resigning or being removed from office or of the member of the council appointed under the provisions of the last preceding section.

Councillors to hold office until new council organized.

6. Notwithstanding anything hereinbefore provided the members of the said council shall hold office until their successors are elected and the new council is organized.

Nominations and election in accordance with 1922, c. 72.

7. In all other respects the nomination and election (by vote of the electors) for mayor, reeve and councillors of the said town from time to time shall be held and conducted in accordance with the provisions of *The Consolidated Municipal Act, 1922*, in that behalf.

8. Except by this Act varied, altered or changed, *The Consolidated Municipal Act, 1922*, and all other statutes now applicable to the said corporation, its council or officers, shall be of full force and effect.

1922, c. 72,
to apply
where not in-
consistent.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of
Act.

No. 48.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of Tecumseh.

1st Reading,	18th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

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

MR. POISSON.

TORONTO:

Printed by

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BILL

An Act respecting the Township of Tisdale.

WHEREAS the corporation of the township of Tisdale ^{Preamble.} has by its petition represented that it has constructed a waterworks system, sewer system, and sewage disposal plant in that part of the township of Tisdale commonly called the settlement of South Porcupine; that plans and specifications of the said works were submitted to the Provincial Board of Health and that the same were duly approved by such Board pursuant to *The Public Health Act*; that the said township proposes to borrow moneys required to defray the cost of the said works estimated at \$200,000 by the issue of debentures on the instalment plan payable within twenty years and bearing interest at five and one-half per cent. per annum, payable yearly, and that the said township deems it proper that the rates for repayment of the aforesaid borrowing shall be levied on the assessable property and income within School Section No. 1 as at present constituted in the said township, which alone will be benefited by the said works, but that all moneys so borrowed and interest thereon shall be borrowed on the credit of the corporation at large and have passed By-laws numbers 308 and 309 providing for the said work and the said debentures and for raising the moneys required to pay the said debentures; and whereas the said corporation has by its petition prayed that an Act may be passed to validate and confirm the said by-laws; 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. This Act may be cited as *The Township of Tisdale Act*, ^{Short title.} 1927.

2. By-law number 308 of the corporation of the township of Tisdale, set out in schedule "A" to this Act, to authorize the issue of debentures for the sum of \$200,000 to provide for the construction of watermains and sewers on certain streets in the township of Tisdale and a sewage disposal plant and all ^{By-law No. 308, confirmed.}

debentures issued or to be issued thereunder and assessments made or to be made for the payment of the said debentures are hereby validated and confirmed and declared to be binding upon the said corporation and the ratepayers thereof.

By-law
No. 309,
confirmed.

3. By-law number 309 of the corporation of the township of Tisdale, set out in schedule "B" to this Act, to provide for raising by special rate the moneys required to pay the debentures authorized by By-law 308 and all assessments made or to be made thereunder are hereby validated and confirmed and declared to be binding upon the said corporation and the ratepayers thereof.

Where
special rate
insufficient
to pay
amount
falling due.

4. If in any year the amount realized from the special rate imposed to provide for the owners' portion of the cost and interest is insufficient to pay the amount falling due in such year in respect of so much of the debentures as represent the owners' portion of the cost the council shall provide for the deficiency in the estimates for the following year, and levy and collect the same by a general rate, but this shall not relieve the land specially assessed from the special rate thereon.

Authority
to instal
private
water ser-
vice and
drains under
Rev. Stat.
c. 193.

5. The corporation of the township of Tisdale may from time to time undertake as a local improvement under *The Local Improvement Act* the construction and installation of all necessary private water service pipes, stop cocks and private drain connections.

Commence-
ment of
Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."
TOWNSHIP OF TISDALE

BY-LAW No. 308

To authorize the issue of debentures for the sum of \$200,000.00 to provide for the construction of watermains on certain streets in the Township of Tisdale (including pump houses at Springs and at Porcupine Creek and incidentals thereto) and for the construction of sewers on certain streets in the said Township, pursuant to reports in writing, of the Provincial Board of Health.

Whereas the Provincial Board of Health on the 20th day of April, 1925, reported in writing that, having inquired into, ascertained and considered the existing conditions in the Municipality of the Township of Tisdale (South Porcupine Townsite) it is of the opinion that it is necessary in the interests of the public health that watermains be constructed on the following streets, namely:—

Street	From	To
Railroad.....	South Boundary.....	Dome
Dome.....	Railroad.....	Railroad
Dome.....	Warner.....	Leighton
Leighton.....	Dome Street.....	Smith
Allan.....	Dome Street.....	Smith
Smith.....	Railroad.....	Allan
Dome.....	Allan.....	Boundary Lane
Railroad.....	Dome Street.....	Golden
Golden.....	Railroad.....	Moore
Golden.....	Moore.....	West Boundary
Strachan.....	West Boundary.....	Lot 177
Bruce.....	Crawford.....	Brown
Bruce.....	Crawford.....	Lot 77
Bruce.....	Brown.....	Moore
Bruce.....	Moore.....	West Boundary
Bloor.....	Crawford.....	Moore
Bloor.....	Crawford.....	Lot 35
Bloor.....	Moore.....	West Boundary
Commercial.....	Brown.....	Moore
Commercial.....	Crawford.....	Lot 9
Broadway.....	Brown.....	196 feet East
Crawford.....	Golden.....	Dome
Brown.....	Bloor.....	Broadway
Brown.....	Broadway.....	Powell
Moore.....	Golden.....	Strachan
Supply Main.....	Pump.....	Reservoir
Supply Main.....	Reservoir.....	5,000 feet North
With Supply Main.....	5,000 feet North.....	Town

Including the following: Pump, Pump House, Power Line and Reservoir in the Township of Tisdale, and this Council is required by the Statute in that behalf, to pass the necessary By-law for the establishment of the works.

And whereas the Engineers of the Corporation duly prepared plans and specifications and an Engineer's report of the water supply and the works to be undertaken, and submitted the same to the Provincial Board of Health with an application for the approval thereof.

And whereas the source of supply and the proposed works have been approved by the Provincial Board of Health and such approval has been certified under the hand of the Chairman and Secretary of the said Board,

And whereas the Provincial Board of Health on the 20th day of April, 1925, further reported in writing that, having inquired into, ascertained and considered the existing sanitary conditions of the Municipality of the

Corporation of Tisdale (South Porcupine Townsite), it is of the opinion that it is necessary in the interests of the Public Health that sewers be constructed on the following streets, namely:—

Street	From	To
Railroad	Smith	Dome Street
Leighton	Smith	Dome Street
Dome Street	Warner	Leighton
Railroad	Dome Street	T. & N.O. Ry.
Railroad	T. & N.O. Ry.	Golden
Smith	Railroad	Allan
Allan	Smith	Dome
Dome	Allan	Boundary Lane
Boundary Lane	Dome	T. & N.O. Ry.
T. & N.O. Ry.	Boundary Lane	Railroad
Strachan	Railroad	Crawford
Strachan	Crawford	Brown
Brown	Strachan	Golden
Golden	Railroad	Lot 105
Golden	Lot 105	Crawford
Golden	Crawford	West Boundary
Bruce	Crawford	West Boundary
Bloor	Crawford	Brown
Bloor	Brown	West Boundary
Crawford	Golden	Bloor
Crawford	Bloor	Commercial
Brown	Golden	Bruce
Brown	Bloor	Powell
Broadway	Brown	Lot 528
Commercial	Brown	Moore
Moore	Strachan	Golden
Strachan	Moore	West Boundary

Including Septic Tank in the Township of Tisdale.

And whereas the Engineers of the Corporation duly prepared plans and specifications of the works, and submitted the same to the Provincial Board of Health with an application for the approval thereof.

And whereas the plans and specifications for the said sewers have been approved by the Provincial Board of Health, and such approval has been certified under the hand of the Chairman and Secretary of the Board.

And whereas tenders have been received for the construction of the said works according to the plans and specifications prepared by the Engineers of the Corporation, and approved of by the Provincial Board of Health, and Messrs. Curran & Briggs Limited and Leo Mascioli, the lowest tenderers for the entire work, have agreed to construct the same at the prices mentioned in their several tenders.

And whereas for the purposes aforesaid, it is necessary to borrow on the credit of the Corporation at large, the said sum of \$200,000.00 and to issue debentures therefor, bearing interest at the rate of five and one-half per centum per annum, which is the amount of the debt intended to be created by this By-law.

And whereas it is desirable to make the said debt payable in twenty annual instalments during the period of twenty years, the currency of the debentures to be issued under this By-law, of such amounts respectively that with the interest in respect of the debt payable semi-annually, the aggregate amount payable for principal and interest in each year shall be as nearly as possible the same.

And whereas it will be necessary to raise in each year in which an instalment becomes due, the sum of \$16,735.80 to pay it when and as it becomes due.

And whereas the amount of the whole rateable property of the Municipality according to the last revised assessment roll is Two Million Nine Hundred and Eighty-four Thousand, Six Hundred and Forty-nine Dollars.

And whereas the amount of the debenture debt of the Corporation (exclusive of Local Improvement debts secured by special rates of assessment) is Three Hundred and Twelve Thousand Six Hundred and Fifty-three Dollars and Ninety-eight Cents, and no part of the principal or interest thereof is in arrear.

Now therefore the Municipal Council of the Corporation of the Township of Tisdale enacts as follows:—

(1) That the said watermains and sewers be constructed in accordance with the said plans, profiles and specifications of the Engineers of the Corporation as approved of by the Provincial Board of Health, and under the supervision, and according to the directions and orders of the said Engineers, who are hereby authorized to order the necessary materials for the said work, according to plans and specifications.

(2) That the Reeve and Clerk be, and they are hereby authorized to execute on behalf of, and in the name of the Corporation, a contract for the construction of the said works with the said firms of Curran & Briggs Limited and Leo Mascioli, at the prices and on the terms stipulated in their said tender.

(3) That for the purposes aforesaid there shall be borrowed on the credit of the Corporation at large, the sum of Two Hundred Thousand Dollars, and debentures shall be issued therefor in the sums of not less than One Hundred Dollars (\$100.00) each.

(4) The Debentures shall all bear the same date, and shall be issued within two years after the passing of the By-law, and may bear any date within such two years, shall be payable, in twenty equal annual instalments during the twenty years from the time when they are issued, and the respective amounts payable in each of such years shall be as set out in Schedule "A" attached hereto, which forms part of this By-law.

(5) The Debentures shall bear interest at the rate of five and one-half per centum per annum, payable semi-annually on the 15th day of May and November in each year, and shall have coupons attached thereto for the interest payable thereon in each year during the currency thereof and as to both principal and interest shall be expressed in Canadian currency, and be made payable at the Chief Office of the Imperial Bank of Canada in South Porcupine or Toronto, in Ontario, or in Montreal, Quebec, at the option of the holder thereof.

(6) The debentures shall be signed by the Reeve and Treasurer and shall be sealed with the seal of the Corporation. The coupons shall be signed by the Treasurer and his signature to them may be written, stamped, lithographed or engraved.

(7) During the currency of the debentures there shall be raised in each year in which an instalment of principal and interest becomes due, the sum of \$16,735.80 to pay it when and as it becomes due, as set forth in Schedule "A" to this By-law.

(8) The Debentures may contain any clause providing for the registration of them authorized by law.

(9) This By-law shall take effect on the day of the final passing thereof.

Read a first, second and third time, and passed in open Council this 19th day of June, A.D. 1925.

CHAS. V. GALLAGHER, *Reeve.*

FRANK C. EVANS, *Clerk.*

Schedule referred to in foregoing By-law showing how the amount of \$200,000.00 thereby required to be raised annually by special rate is apportioned:—

Year	Principal	Interest	Total
1926.....	\$5,735 80	\$11,000 00	\$16,735 80
1927.....	6,051 36	10,684 44	16,735 80
1928.....	6,384 16	10,351 64	16,735 80
1929.....	6,735 35	10,000 45	16,735 80
1930.....	7,105 76	9,630 04	16,735 80
1931.....	7,496 53	9,239 27	16,735 80
1932.....	7,908 83	8,826 97	16,735 80
1933.....	8,343 83	8,391 97	16,735 80
1934.....	8,802 73	7,933 07	16,735 80
1935.....	9,286 93	7,448 87	16,735 80
1936.....	9,797 68	6,938 12	16,735 80
1937.....	10,336 56	6,399 24	16,735 80
1938.....	10,905 08	5,830 72	16,735 80
1939.....	11,504 83	5,230 97	16,735 80
1940.....	12,137 66	4,598 14	16,735 80
1941.....	12,805 18	3,930 62	16,735 80
1942.....	13,509 49	3,226 31	16,735 80
1943.....	14,252 48	2,483 32	16,735 80
1944.....	15,036 38	1,699 42	16,735 80
1945.....	15,863 38	872 42	16,735 80
	\$200,000 00	\$134,716 00	\$334,716 00

SCHEDULE "B."

By-LAW No. 309

Providing for raising by special rate the monies required to pay the debentures authorized by By-law No. 308.

Whereas By-law No. 308 provides for raising annually during the currency of the debentures to be issued thereunder the sum of \$16,735.80 by special rate, for the purpose of retiring the same.

And whereas the area to be benefitted by the Works to be constructed thereunder comprises the eastern half of the municipality only, and

Whereas By-law No. 294 confirmed by *The Township of Tisdale Act, 1925*, provides for the levying of a special rate against all the rateable property in the western half of the municipality to retire the debentures issued thereunder, for the construction of similar works benefitting that portion of the municipality, and

Whereas it is expedient and in the interest of the municipality that the special rates to be levied under the said two above recited By-laws should be levied against only the rateable property to be benefitted by the works authorized by them respectively, and that none of the rateable property in the municipality should be levied against for both works.

Now therefore be it enacted as follows:—

During twenty years, the currency of the debentures to be issued under By-law No. 308, the sum of \$16,735.80 shall be levied and raised annually by special rate on all the rateable property in the eastern half of the municipality, namely:—

Original Lots 1 to 6, inclusive, in Concessions 1 to 6, inclusive, at the time, and in the same manner as other rates, for the purpose of retiring the debentures to be issued under the said By-law as they become payable. This By-law shall take effect on the day of the final passing thereof.

Read a first and second and third time this 19th day of June, 1925.

CHAS. V. GALLAGHER, *Reeve*.

FRANK C. EVANS, *Clerk*.



No. 49.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Township of Tisdale.

1st Reading, 28th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. KENNING.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Eastview.

WHEREAS the municipal corporation of the town of Preamble. Eastview has by its petition represented that it has incurred a floating debt of \$121,600 which has arisen by reason of a defective system of tax collection and by the accumulation of arrears of taxes; and whereas the said corporation proposes to change its method of tax collection but before doing so it is desirable that the floating debt should be consolidated; and whereas the said corporation has by its said petition represented that to pay off the said indebtedness forthwith, in addition to meeting the current annual expenses, would be unduly burdensome on the rate-payers of the said town; and whereas the said corporation has prayed that the various debts may be consolidated and that it be authorized to borrow money by the issue of debentures of the said town to pay off the said floating indebtedness; and whereas the total debenture indebtedness of the said town is \$521,173.45 and no part thereof is in arrear either for principal or interest; and whereas the said corporation has by its petition further represented that it has entered into an agreement with one Leon Petegorsky carrying on business under the name and style of "The Eastview Bus Service" which agreement is set forth in schedule "A" hereto; and whereas the said corporation has by its petition prayed that an Act may be passed confirming the said agreement and the by-law whereby the said agreement is approved; 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. This Act may be cited as *The Town of Eastview Act, 1927*. Short title.
2. The floating debt of the corporation of the town of Eastview is consolidated at the sum of \$120,000 and the said corporation may borrow by a special issue of debentures Floating Debt consolidated at \$120,000.

a sum not exceeding \$120,000 for the purpose of paying the said floating debt.

Terms of debentures and interest.

3. The said debentures shall be in sums of not less than \$100 each and shall be made payable in not more than thirty years from the date of issue thereof and shall bear interest at a rate not exceeding five and one-half per centum per annum and may be issued either with or without coupons attached thereto for interest and shall be payable at such place or places as the corporation may deem expedient.

Equal annual instalments of principal and interest.

4. The said debentures shall be payable in equal annual instalments of principal and interest in such manner and in such amounts, that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

Special rate.

5. The said corporation shall levy in each year during the period within which the said debt is payable in addition to all other rates a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Application of debentures.

6. The said debentures and all moneys arising from the sale thereof shall be applied in payment of the said floating debt and for no other purpose.

Assent of electors not required.

7. It shall not be necessary to obtain the assent of the electors of the town of Eastview to any by-law which shall be passed under the authority of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922*.

1922, c. 72.

Irregularity in form not to invalidate debentures.

8. 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 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 enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

Treasurer to keep proper books of account.

9. 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 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 application 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.

10. By-law No. 594 of the corporation of the town of Eastview, dated the 29th day of January, A.D. 1927, set out as schedule "1" hereto, is hereby confirmed and declared to be legal, valid and binding. ^{By-law confirmed.}

11. The agreement between the corporation of the town of Eastview and Leon Petegorsky of the town of Eastview in the county of Carleton, carrying on business under the name and style of Eastview Bus Service, dated the 29th January, A.D. 1927, and set out as schedule "A" to the said by-law No. 594, is confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder. ^{Agreement confirmed.}

SCHEDULE "1."

BY-LAW NUMBER 594.

By-law to authorize the execution of an agreement between the Corporation of the Town of Eastview and Leon Petegorsky, carrying on business under the name and style of The Eastview Bus Service.

The Municipal Council of the Corporation of the Town of Eastview enacts as follows:

1. That a certain agreement in writing, dated the 29th day of January, A.D. 1927, and made between the Corporation of the Town of Eastview of the one part and Leon Petegorsky, carrying on business under the name and style of the Eastview Bus Service of the other part, a true copy whereof is set out in schedule "A" of this by-law is hereby approved and confirmed.

2. That the Mayor and the Clerk of the Corporation are hereby respectively authorized and directed to execute the said agreement on behalf of the Corporation and the Clerk shall affix the Corporate Seal thereto.

Given under the Corporate Seal of the Town of Eastview, this 29th day of January, A.D. 1927.

(Sgd.) A. DESROSIERS, M.D., *Mayor*.

(SEAL)

(Sgd.) R. BEGIN, *Town Clerk*.

Schedule "A."

Memorandum of agreement, dated the 29th day of January, A.D. 1927.

BETWEEN:

THE CORPORATION OF THE TOWN OF EASTVIEW,
hereinafter called the Town,

of the first part,

—and—

LEON PETEGORSKY, of the Town of Eastview in the County of Carleton, carrying on business under the name and style of the Eastview Bus Service, hereinafter called the Eastview Bus Service,

of the second part.

Witnesseth that the parties hereto have agreed as follows:—

1. The Eastview Bus Service is, subject to the conditions, provisoes, agreements and provisions hereinafter set forth, to have the exclusive right for eight (8) years from the date of ratification by the Legislature, as hereinafter provided, to operate a transportation system in the Town of Eastview and no other person or persons, firm or corporation, shall have the right to, or may, during the said term of eight years, take passengers on, or discharge passengers from, a public vehicle within the limits of the Town; this restriction, however, is not to apply to public vehicles duly licensed pursuant to *The Public Vehicles Act, 1923*, taking passengers on within the Town for places lying east or south of the Town, or discharging passengers within the Town from places lying east or south of the Town, nor is it to apply to taxi-cabs or horse driven vehicles, chartered for special trips or the track extension of the Ottawa Electric Railway Company on Beechwood Avenue in the Town, or to the operation of the said Company on the said track extension.

2. The Eastview Bus Service will maintain and operate motor busses from the Notre Dame Cemetery on the Montreal Road in the Township of Gloucester in the County of Carleton, through the Town on the said Montreal Road to a point at or near the Post Office in the City of Ottawa,

subject to enactments and regulations of the Province of Ontario and to any By-law or By-laws heretofore or which may hereafter be adopted by the Municipal Council of the City of Ottawa.

3. The said motor busses shall be of a standard suitable for the services required and shall always be kept, both in appearance and mechanically, in good condition and will be operated between the hours of 6 o'clock in the morning and midnight.

4. The Eastview Bus Service will provide a fifteen minute service except during certain hours hereinafter specified when a ten minute service will be provided, namely: between the hours of 6.30 a.m. to 9.30 a.m.; from 12.00 o'clock noon to 2.15 p.m.; from 4.30 p.m. to 6.30 p.m.; from 7.30 p.m. to 9.00 p.m.; and from 10.00 p.m. to 11.00 p.m.

5. The fares for the transportation of passengers from one point to another on the said transportation system shall be five cents cash for adults and for children over 51 inches in height and three cents (3) cash for children fifty-one (51) inches or under in height. The Eastview Bus Service will sell twenty-two tickets for adults and for children over fifty-one (51) inches in height for the price of one dollar (\$1.00) or twenty (20) tickets for school children for the price of fifty cents (50 cts.) which said last mentioned tickets shall be good only between the hours of 7 a.m. and 5 p.m. each day.

6. The Eastview Bus Service agrees that at all times during the currency of this agreement at least two-thirds ($2/3$) of its employees shall be residents of the Town.

7. The Eastview Bus Service is to have the right at all times with the approval of the Town, expressed by by-law of its Municipal Council, to operate busses on any street within the Town of Eastview.

8. The town agrees that it will not oppose applications by the Eastview Bus Service for privileges to be exercised beyond the limits of the town as such limits may be from time to time.

9. During any and all times that the Eastview Bus Service for any reason does not regularly operate its busses for more than one day, the Town may authorize the operation of or may charter motor busses or other vehicles as public carriers and the Eastview Bus Service will be liable to the Town for any damages which the Board of Arbitration hereinafter provided for, shall find the Town has suffered by reason of such default.

10. If the Town shall lay down or relay any pavement or portion of any pavement during the period of this agreement the Eastview Bus Service is to have the right to make such detours and to operate on such other streets within the Town as it shall consider necessary or advisable, but nothing herein contained shall in any way prejudice or prevent the Town from repairing or improving any streets within the limits of the said Town as they may be from time to time.

11. The Eastview Bus Service will pay the Town the sum of twenty-five (\$25.00) dollars on the first day of each month during the first three years of the term hereby provided and will pay, after the expiry of the said first three years, the sum of forty dollars (\$40.00) on the first day of each month until the expiration or termination of this agreement.

12. Should at any time the Town desire to obtain the power to expropriate or take over the business undertaking and assets of the Eastview Bus Service, the Eastview Bus Service will not oppose the acquisition of such powers, provided that the amount of such damages to be payable to the Eastview Bus Service upon such expropriation or taking over shall be decided by arbitration pursuant to *The Ontario Arbitration Act*.

13. Should the Town become annexed to the City of Ottawa at any time prior to the 31st day of December, 1928, then this agreement may be cancelled on the 31st day of December, 1928, or at any time within three months thereafter at the option of either the City of Ottawa or the Town upon three (3) months' written notice and no damages for such cancellation shall be paid to the Eastview Bus Service.

14. The Town will pass such By-laws as the Eastview Bus Service may request and as it lawfully may do to enable the Eastview Bus Service to enforce the terms and provisions of this agreement or any of them, but the Town shall not be obliged to enforce such by-laws.

15. In the event of any dispute or disagreement arising out of this agreement or with reference to the operation, maintenance, suitability and condition of the motor busses to be operated by the Eastview Bus Service the said dispute or disagreement will be submitted to a board of arbitration consisting of three arbitrators, one of whom shall be appointed by the Town, another by the Eastview Bus Service, and the third arbitrator by the two previously named and all the provisions of *The Arbitration Act* shall apply in the said events and to any submissions made in accordance herewith, and the award or decision of the said three arbitrators or the majority of them shall be binding upon the Town and the Eastview Bus Service.

16. Subject to the approval of the Municipal Council of the Town as expressed by resolution, the Eastview Bus Service may transfer and assign this agreement to an incorporated Company.

17. It is hereby further agreed that should the owner of the Electric Railway operating in the City of Ottawa at any time after the 31st of December, 1928, undertake to give a transportation service from all points on its transportation system in the City of Ottawa through the Town and vice versa at the same fares as are charged in the City of Ottawa at that date, this agreement may be terminated or cancelled by the Town by written notice of cancellation or termination served on the Eastview Bus Service three months prior to the date of cancellation or termination, which said date shall be set forth in the said notice and on the said date this agreement shall be cancelled and terminated and the Eastview Bus Service shall be paid by the Town as damages the sum of one thousand dollars (\$1,000) for each bus then in regular use and operation but this amount shall not exceed the sum of five thousand dollars.

18. The Eastview Bus Service agrees that it will at all times during the currency of this agreement keep itself insured and indemnified against loss from the liability imposed by law upon the Eastview Bus Service for damages on account of bodily injuries (including death at any time resulting therefrom) accidentally suffered or alleged to have been suffered by any person or persons as a result of the ownership, maintenance or use of any automobile or motor bus owned by the Eastview Bus Service, including any person or persons who at the time of the accident are riding in or upon or entering the automobile or motor bus or alighting therefrom and are paying passengers of the Eastview Bus Service, and also against loss by reason of the liability imposed by law upon the Eastview Bus Service for damages on account of injuries, to, destruction of, or resultant loss of the use of property of any description resulting from an accident due to the ownership, maintenance, or use by the Eastview Bus Service of a motor bus, including such property as is owned by a paying passenger of the Eastview Bus Service and at the time of the damage is being carried in or upon the motor bus to the same extent and in similar manner as it is at the date hereof as appears by policy number 50-13946 of The Toronto Casualty, Fire and Marine Insurance Company under which policy the Eastview Bus Service is insured at the date hereof.

19. The Town agrees to apply to the Legislature of the Province of Ontario for Legislation confirming, ratifying and legalizing this agreement.

In witness whereof the party hereto of the first part has hereunto affixed its Seal attested by the proper officers in that behalf, and the party hereto of the second part has hereunto affixed his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of:

(Sgd.) C. A. SEGUIN.

CORPORATION OF EASTVIEW,

(Sgd.) A. DESROSIERS, M.D., *Mayor*.

(Sgd.) R. BEGIN, *Clerk*. (SEAL)

(Sgd.) LEON PETEGORSKY. (SEAL)

No. 50.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of Eastview.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. BELANGER.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Eastview.

WHEREAS the municipal corporation of the town of ^{Preamble.} Eastview has by its petition represented that it has incurred a floating debt of \$121,600 which has arisen by reason of a defective system of tax collection and by the accumulation of arrears of taxes; and whereas the said corporation proposes to change its method of tax collection but before doing so it is desirable that the floating debt should be consolidated; and whereas the said corporation has by its said petition represented that to pay off the said indebtedness forthwith, in addition to meeting the current annual expenses, would be unduly burdensome on the rate-payers of the said town; and whereas the said corporation has prayed that the various debts may be consolidated and that it be authorized to borrow money by the issue of debentures of the said town to pay off the said floating indebtedness; and whereas the total debenture indebtedness of the said town is \$521,173.45 and no part thereof is in arrear either for principal or interest; 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. This Act may be cited as *The Town of Eastview Act, 1927*. Short title.
2. The floating debt of the corporation of the town of Eastview is consolidated at the sum of \$120,000 and the said corporation may borrow by a special issue of debentures a sum not exceeding \$120,000 for the purpose of paying the said floating debt. ^{Floating Debt consolidated at \$120,000.}
3. The said debentures shall be in sums of not less than \$100 each and shall be made payable in not more than *twenty* years from the date of issue thereof and shall bear interest at a rate not exceeding five and one-half per centum per annum and may be issued either with or without coupons ^{Terms of debentures and interest.}

attached thereto for interest and shall be payable at such place or places as the corporation may deem expedient.

Equal
annual
instalments
of principal
and interest.

4. The said debentures shall be payable in equal annual instalments of principal and interest in such manner and in such amounts, that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

Special
rate.

5. The said corporation shall levy in each year during the period within which the said debt is payable in addition to all other rates a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Application
of
debentures.

6. The said debentures and all moneys arising from the sale thereof shall be applied in payment of the said floating debt and for no other purpose.

Assent of
electors not
required.

7. It shall not be necessary to obtain the assent of the electors of the town of Eastview to any by-law which shall be passed under the authority of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated*

1922, c. 72.

Municipal Act, 1922.

Irregularity
in form not
to invalidate
debentures.

8. 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 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 enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

Treasurer
to keep
proper
books of
account.

9. 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 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 application 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.

No. 50.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of Eastview.

1st Reading:	4th March,	1927.
2nd Reading:		1927.
3rd Reading:		1927.

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

MR. BELANGER.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Toronto.

WHEREAS the corporation of the city of Toronto has by ^{Preamble.} petition prayed for special legislation in respect to the matters 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 consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the corporation of the city of Toronto may, without submitting the same to the electors qualified to vote on money by-laws, pass a by-law or by-laws for the issue of debentures to raise the sum of \$1,910,000 for the following purposes, namely: ^{Power to issue debentures without assent of electors.}

Toronto General Hospital, building grant	\$600,000
Toronto Western Hospital, building grant . . .	300,000
Toronto East General Hospital, grant towards erection and equipment	150,000
Addition to Municipal Building	280,000
Extension of Sherbourne street sewer across water-front development	35,000
New eastern stables and site	125,000
North Toronto incinerator site	20,000
Toronto public library, main library extension	400,000
	\$1,910,000

2.—(1) The council of the said corporation may make an annual grant of an amount not exceeding \$30,000 out of the current revenue of the city to the art gallery of Toronto for the maintenance and unkeep of the art gallery. ^{Annual grant of \$30,000 to Art Gallery.}

(2) The said council and the art gallery of Toronto may enter into an agreement to amend the agreement already existing between them, which agreement is set forth as schedule "A" to the Act passed in the first year of His ^{1910, c. 119. amended.}

Majesty King George the Fifth, chapter 119, so as to provide for the annual payment of an amount as provided in subsection 1 instead of the annual payment of \$5,000 set forth in such existing agreement.

Further
grant of
\$10,000 to
Art Gallery.

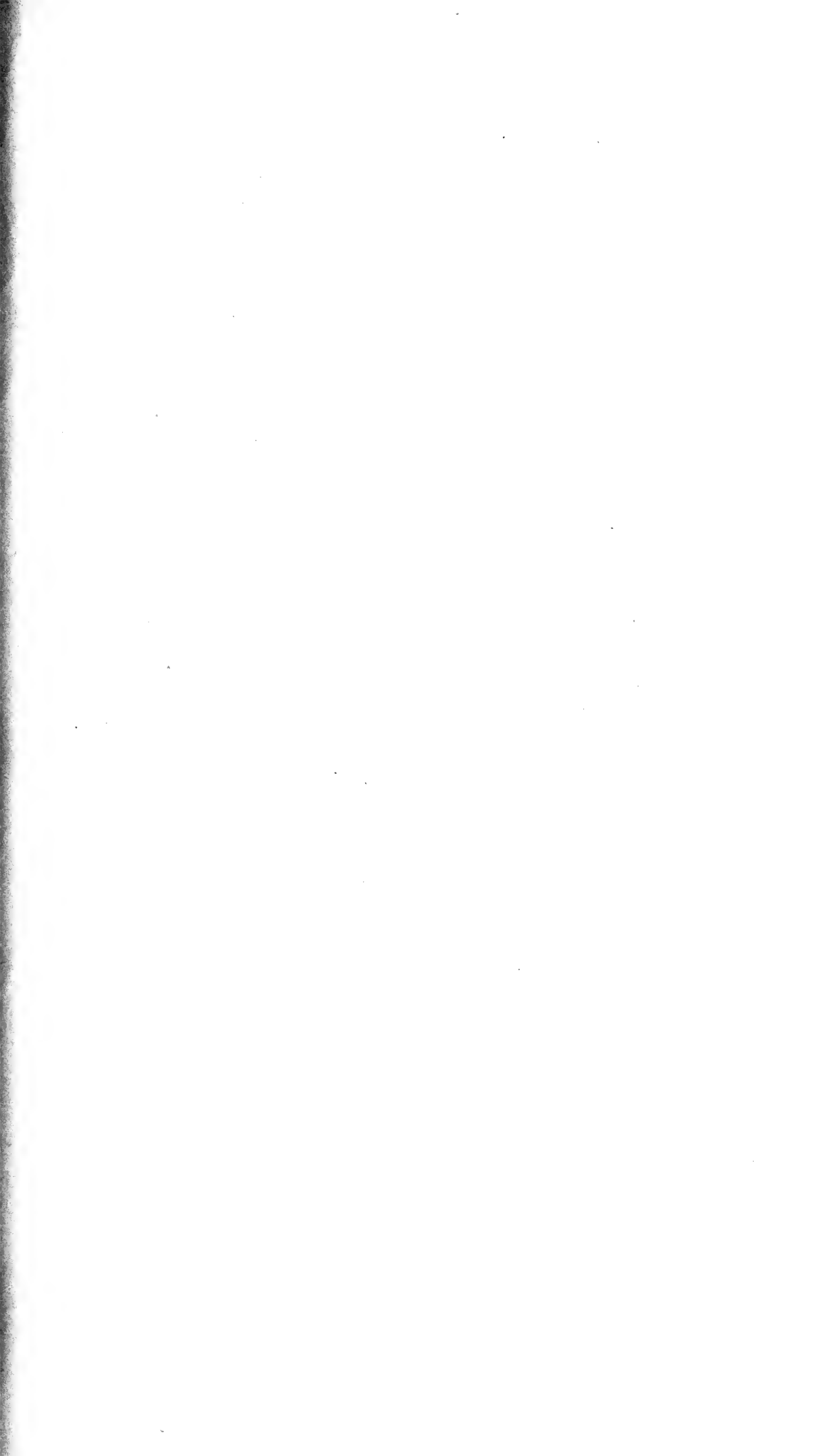
(3) In addition to the grant authorized by subsection 1 the said council may out of the current revenue of the city for the year 1927 make a further grant of \$10,000 for the maintenance and upkeep of the said art gallery.

1910, c. 119,
s. 3,
repealed.

(4) Subsection 2 of section 3 of the Act passed in the first year of the reign of His Majesty King George the Fifth, chapter 119, is hereby repealed.

Certain
debentures
not to be
included as
part of debt.

3. The debentures authorized to be issued by the council of the corporation of the city of Toronto by *The Winter Fair Act, 1926*, and *The Toronto Radial Railways Act, 1926*, shall not be included as part of the debt of the said corporation in estimating its borrowing powers.



No. 51.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of Toronto.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. BAIRD.

TORONTO:

Printed by

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BILL

An Act respecting the City of Toronto.

WHEREAS the corporation of the city of Toronto has by Preamble.
 petition prayed for special legislation in respect to the
 matters 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 consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. The council of the corporation of the city of Toronto Power to issue debentures without assent of electors.
 may, without submitting the same to the electors qualified
 to vote on money by-laws, pass a by-law or by-laws for the
 issue of debentures to raise the sum of \$1,910,000 for the
 following purposes, namely:

Toronto General Hospital, building grant	\$600,000
Toronto Western Hospital, building grant . . .	300,000
Toronto East General Hospital, grant towards erection and equipment	150,000
Addition to Municipal Building	280,000
Extension of Sherbourne street sewer across water-front development	35,000
New eastern stables and site	125,000
North Toronto incinerator site	20,000
Toronto public library, main library extension	400,000
	\$1,910,000

2.—(1) The council of the said corporation may make an Annual grant of \$30,000 to Art Gallery.
 annual grant of an amount not exceeding \$30,000 out of
 the current revenue of the city to the art gallery of Toronto
 for the maintenance and unkeep of the art gallery.

(2) The said council and the art gallery of Toronto may 1910, c. 119. amended.
 enter into an agreement to amend the agreement already
 existing between them, which agreement is set forth as
 schedule "A" to the Act passed in the first year of His

Majesty King George the Fifth, chapter 119, so as to provide for the annual payment of an amount as provided in subsection 1 instead of the annual payment of \$5,000 set forth in such existing agreement.

Further grant of \$10,000 to Art Gallery.

(3) In addition to the grant authorized by subsection 1 the said council may out of the current revenue of the city for the year 1927 make a further grant of \$10,000 for the maintenance and upkeep of the said art gallery.

1910, c. 119, s. 3, repealed.

(4) Subsection 2 of section 3 of the Act passed in the first year of the reign of His Majesty King George the Fifth, chapter 119, is hereby repealed.

Certain debentures not to be included as part of debt.

3. The debentures authorized to be issued by the council of the corporation of the city of Toronto by *The Winter Fair Act, 1926*, and *The Toronto Radial Railways Act, 1926*, shall not be included as part of the debt of the said corporation in estimating its borrowing powers.

1920, c. 144, amended.

4. *An Act respecting the City of Toronto* passed in 1920 and chaptered 144, is amended by inserting the following as section 12a:

Power to make special trips.

12a. Subject to the provisions of *The Highway Traffic Act, 1923*, and *The Public Vehicle Act, 1923*, and to any regulations made thereunder, The Toronto Transportation Commission may operate public vehicles hired by a party of persons for the purpose of conveying such persons on a special trip or a special return trip from the City of Toronto to any place outside Toronto or from any place in the county of York to Toronto.


1920, c. 144, amended.

5. *An Act respecting the City of Toronto* passed in 1920 and chaptered 144, is amended by inserting the following as section 12b:

Power to operate over specific route outside Toronto.

12b. Subject to the provisions of *The Highway Traffic Act, 1923*, and *The Public Vehicle Act, 1923*, and to any amendments or regulations made to or under the said Acts, The Toronto Transportation Commission may operate public vehicles from the city of Toronto to the city of Niagara Falls.

Commencement of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent. 



No. 51.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of Toronto.

1st Reading,	28th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

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

MR. BAIRD.

TORONTO:

Printed by

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BILL

An Act respecting the Consumers' Gas Company of Toronto.

WHEREAS the corporation of the city of Toronto has by ^{Preamble.} petition represented that the Consumers' Gas Company of Toronto, a company incorporated by the Legislature of the Province of Ontario for the purpose of supplying the city of Toronto with gas and empowered to lay down mains and pipes in the streets, squares and public places of the city of Toronto to conduct gas from the works of the company to consumers thereof, is charging to the consumers of gas in Toronto, in addition to the price per thousand cubic feet of gas consumed, a service charge of fifty cents per month in respect to each gas meter, and that it is desirable that it should be declared that the said company is entitled to charge for gas supplied in the city of Toronto on a flat rate basis only and is not entitled to make such service charge; 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 Consumers' Gas Company of Toronto shall be ^{Price of gas.} entitled to charge for gas supplied to consumers in the city of Toronto at a flat rate per thousand cubic feet of gas supplied only, and shall not charge against any such consumer any service charge or meter rental or any other charge in respect to gas supplied to such consumer except the flat rate as hereinbefore provided.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Consumers' Gas
Company of Toronto.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(Private Bill.)

MR. NESBITT.

TORONTO :

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Consumers' Gas Company of Toronto.

WHEREAS the corporation of the city of Toronto has by ^{Preamble.} petition represented that under the provisions of the Act passed in the fiftieth year of the reign of Her late Majesty Queen Victoria, Chapter 85, being intituled *An Act to further extend the powers of the Consumers' Gas Company of Toronto*, the said corporation, as representing the ratepayers of the said city, the consumers of the greater part of the gas supplied by the said company and the public, were given authority to have present at the annual audit of the books of the said company an auditor appointed by the mayor of the said city, which auditor should, for the purpose of verifying the company's annual statement, have access at the company's office to all books, accounts and papers necessary for the purpose, and that this method of arriving at a knowledge of the affairs of the company has proved unsatisfactory and out of keeping with the prevailing practice of requiring public utilities to report the condition of their affairs to the public authority having jurisdiction, and that it has therefore become advisable that the said city should forego its right to make an annual audit of the books of the said company for the purpose of verifying the company's annual statement, and that in consideration of its surrender of such right and in substitution therefor the said company should be required to furnish the said city with a detailed statement of its affairs, and to provide that, if the said city should at any time require further or additional information beyond that to be so furnished to it by the said company, the said city should have the right to procure same by requisition or by examination of the books of the said company; and whereas the said corporation has by its petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

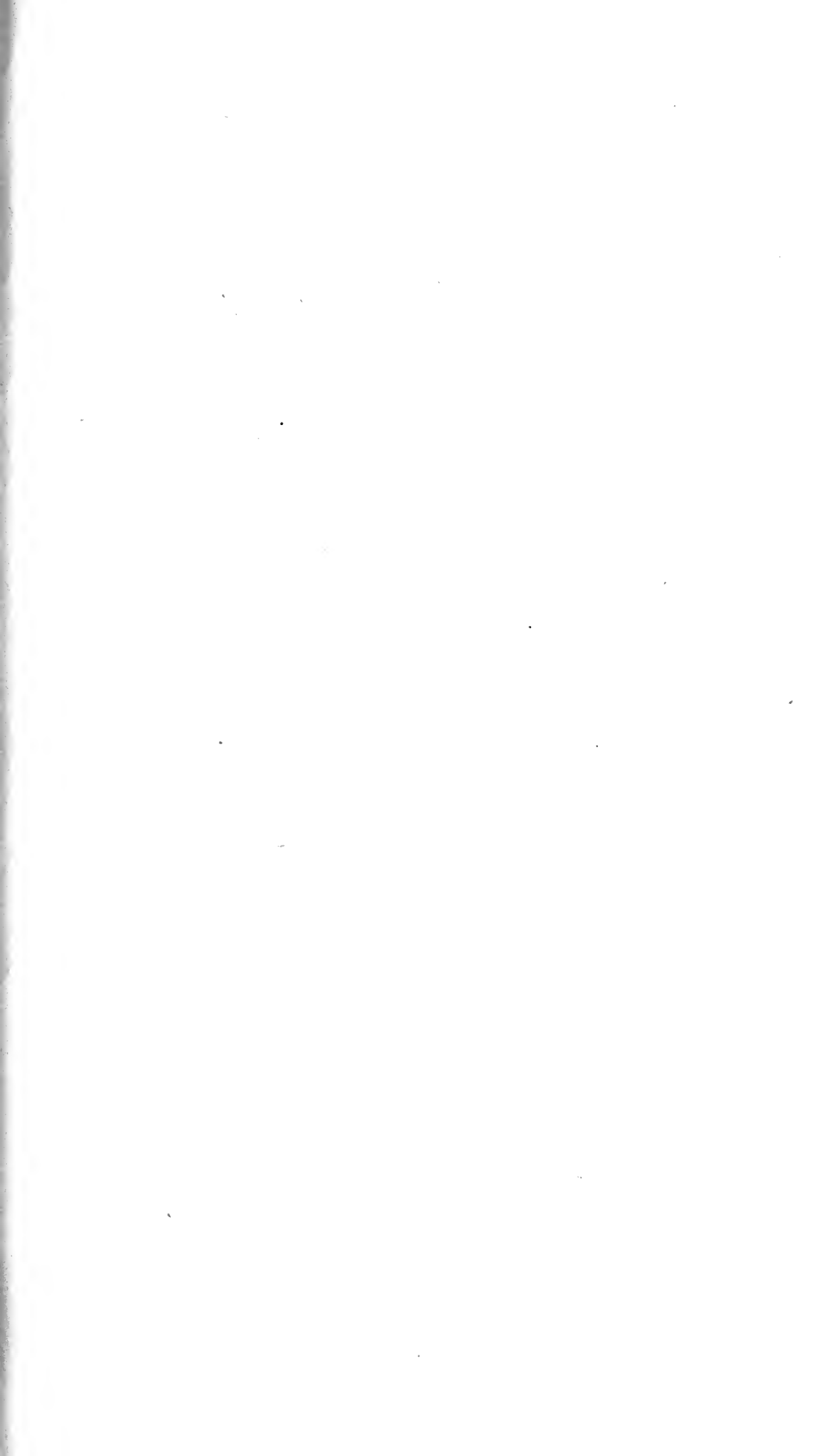
Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1887, c. 85,
amended.

1. The Act passed in the fiftieth year of the reign of Her late Majesty Queen Victoria, chaptered 85, intituled *An Act to further extend the powers of the Consumers' Gas Company of Toronto* is amended by striking out section 9 thereof and substituting therefor the following section:

Annual
statement by
company
to city.

9. Within three months after the close of each fiscal year the company shall furnish to the council of the corporation of the city of Toronto a statement, verified by affidavit of the company's auditor, and in such form as may be required by the said council, showing in detail the assets, liabilities, capital acquirements and the price thereof, capital expenditures and the interest thereon, current receipts, current disbursements, manufacturing costs, gas sales and operating expenses of the company for such fiscal year, and the amount of its capital stock, the rates charged for gas, and the names of the directors and officers of the company in the said year, and if within three months after receiving any such statement the said council requires a further audit or examination of the books and records of the company with a view to determining the accuracy of such statement or any part of same, and if within such time the said council notifies the company in writing of such requirement, any person appointed by said council for the purpose shall have the right to make such audit or examination and for that purpose shall have access to all the books, accounts, records and documents of the company required by him for the purpose of such audit or examination.



No. 53.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Consumers' Gas
Company of Toronto.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. NESBITT.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting St. Andrew's Churches, Martintown.

WHEREAS the congregation of Presbyterians at Martin- Preamble.
town known as St. Andrew's Church in connection with the Presbyterian Church in Canada have by their petition represented that they are in origin the non-concurring minority of the congregation of St. Andrew's Church at Martintown which was, before the 10th day of June, 1925, in communion with the Presbyterian Church in Canada as then constituted; and that the then congregation of St. Andrew's Church was formed by the union in 1906 of two Presbyterian churches at Martintown, one of which was known as Burns Presbyterian Church; and that the buildings and premises of the said Burns Church are by reason of *The United Church of Canada Act* now owned by the congregation of St. Andrew's Church in communion with the United Church of Canada but are not now required for church purposes by them; and that the Ontario Church Property Commission unanimously recommended that the said building and premises be given to the said non-concurring minority; and that the said recommendation has not been carried out; and that the said Commission would have had jurisdiction to order that the said building and premises be given to the non-concurring minority but for the said union of 1906; and whereas the said petitioners have prayed that an Act may be passed for the purpose of vesting the said building and premises of Burns Church in the trustees for the said congregation of Presbyterians at Martintown; 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 estate, right, title and interest of the Presbyterians of the congregation of St. Andrew's Church, Martintown, in communion with the United Church of Canada, in the lands and buildings of the former Burns Presbyterian Church at

Certain
property
vested in
trustees.

Martintown described in schedule "A" hereto, and the contents thereof owned by the said Presbyterians shall on the 1st day of April, 1927, be vested in James R. Sproul, farmer; Les. B. Murray, farmer; Duncan Christie, farmer; Daniel McLeod, farmer; William Fraser, farmer; Alexander G. Ross, farmer; John J. Cameron, farmer, all of the said township of Charlottenburgh in the county of Glengarry, as trustees for the congregation of Presbyterians in and around the village of Martintown, known as the St. Andrew's Church in connection with the Presbyterian Church in Canada.

Commence-
ment of
Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

All and Singular that certain parcel or tract of land and premises situate lying and being in the Township of Charlottenburgh in the County of Glengarry and Province of Ontario, being part of Lot Number Twenty-eight, south side River Raisins in the said Township which parcel may be described as follows: Commencing on Church Street formerly called St. Peter Street in the Village of Martintown on the southeast corner of one acre of land heretofore conveyed by Peter McMartin to the said Trustees by deed dated the 15th day of March, 1848; thence running east along St. Peter Street twenty-six feet to a lane; thence northerly along the said lane in a direct line to the northeast corner of the said acre of land.

No. 54.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting St. Andrew's Churches,
Martintown.

1st Reading, 4th March,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. MCGILLIS.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting St. Andrew's Churches, Martintown.

WHEREAS the congregation of Presbyterians at Martin- Preamble.
town known as St. Andrew's Church, *not connected*
with the United Church of Canada, have by their petition
represented that they are in origin the non-concurring minority
of the congregation of St. Andrew's Church at Martintown
which was, before the 10th day of June, 1925, in communion
with the Presbyterian Church in Canada as then constituted;
and that the then congregation of St. Andrew's Church was
formed by the union in 1906 of two Presbyterian churches at
Martintown, one of which was known as Burns Presbyterian
Church; and that the buildings and premises of the said
Burns Church *are* now owned by the congregation of St.
Andrew's Church in communion with the United Church of
Canada but are not now required for church purposes by
them; and that the Ontario Church Property Commission
unanimously recommended that the said building and premises
be given to the said non-concurring minority; and that the
said recommendation has not been carried out; and whereas
the said petitioners have prayed that an Act may be passed
for the purpose of vesting the said building and premises of
Burns Church in the trustees for the said congregation of
Presbyterians at Martintown; 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 estate, right, title and interest of the *trustees* of Certain
property
vested in
trustees.
the congregation of St. Andrew's Church, Martintown, in
communion with the United Church of Canada *and of the*
said congregation in the lands and buildings of the former
Burns Presbyterian Church at Martintown described in
schedule "A" hereto, *are hereby* vested in James R. Sproul,
farmer; Les. B. Murray, farmer; Duncan Christie, farmer;
Daniel McLeod, farmer; William Fraser, farmer; Alexander

G. Ross, farmer; John J. Cameron, farmer, all of the township of Charlottenburgh in the county of Glengarry, as trustees for the congregation of Presbyterians in and around the village of Martintown, known as the St. Andrew's Church, *not connected with the United Church of Canada.*

Commence-
ment of
Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

☞ Firstly, all and singular all that certain parcel or tract of land situate, lying and being in the Township of Charlottenburgh, in the County of Glengarry, being composed of those parts of Lot No. 28 on the north side of the River Aux Raisins, in the second range of the said Township, and of Lots Nos. 5 and 6 on the north side of St. Peter or Church Street in Bruce's plan filed August, 1869, occupied as the Burns Church property and more particularly described as follows:—

Commencing at a corner post on the north limit of the road allowance of Church Street in the Police Village of Martintown, Five hundred and twenty-four feet (524') more or less westerly along the said north limit from the east limit of the said Lot No. 28; thence north $24^{\circ} 45'$ west Two hundred and twenty-six and seven-tenths feet ($226 \frac{7}{10}'$) more or less along a fence to a corner post; thence north $85^{\circ} 56'$ west Two hundred and thirty-one and nine-tenths feet ($231 \frac{9}{10}'$) more or less along a fence to a corner post; thence south $21^{\circ} 45'$ east Two hundred and nine feet (209') more or less along a fence to a corner post on the north limit of the said road allowance for Church Street; thence south 84° east along said north limit Two hundred and fifty-seven and three-tenths feet ($257 \frac{3}{10}'$) more or less to the place of beginning containing an acre and one-tenth be the same more or less;

Secondly, all and singular that certain parcel or tract of land and premises situate, lying and being within said Lot No. 28 and being composed of those parts of the east half of Lot 1 and of Lot 2 on the south side of St. Peter or Church Street in the said Bruce's plan, more particularly described as follows:

Commencing at a corner post on the south limit of Church Street where the same is intersected by the centre line of the said Lot No. 1; thence south 84° east along the said south limit of Church Street and across a roadway One hundred and twenty-two and three-tenths feet ($122 \frac{3}{10}'$) more or less to the intersection of the east limit of a roadway with the said south limit of Church Street; thence southerly along the east limit of said roadway to the north limit of Dundas Street; thence westerly along the north limit of Dundas Street across the said roadway to the intersection of the said north limit of Dundas Street and the said centre line of Lot No. 1; thence north $22^{\circ} 15'$ west Two hundred and seventy-five feet (275') more or less along a fence to the place of beginning. ☞

No. 54.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting St. Andrew's Churches,
Martintown.

1st Reading, 4th March,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

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

MR. MCGILLIS.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Ottawa and the Township of Nepean.

WHEREAS the corporation of the city of Ottawa and the Preamble.
corporation of the township of Nepean have by their
petition prayed for special legislation in respect of the matters
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 consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. This Act may be cited as *The Cave Creek Drain Act, 1927.* Short title.

2.—(1) The agreement made between the corporation of Agreement confirmed.
the city of Ottawa and the corporation of the township of
Nepean, set out in schedule "A" to this Act, is hereby ratified
and confirmed and declared to be legal, valid and binding
upon the said corporations respectively.

(2) The said corporations may carry out their obligations
under the said agreement and may exercise their respective
rights thereunder.

3.—(1) For the purpose of procuring the amount necessary Power to borrow money upon debentures without assent of the electors.
to be expended by the corporation of the said city upon the
cost of construction of the drain specified in the agreement
set out in schedule "A" to this Act, the council of the said
corporation may provide by by-law, which shall not require
for its validity the assent of the electors qualified to vote on
money by-laws, for borrowing, and may borrow, upon debentures
of the corporation payable within twenty years from
their date of issue and bearing interest at such rate as may
be determined by the said council, a sum or sums of money
not exceeding \$150,000.

(2) The said debentures may be issued in any manner Debentures to be issued as authorized by 1922, c. 72.
authorized by *The Consolidated Municipal Act, 1922.*

Appoint-
ment of
annual
moneys re-
quired for
debentures.

4. The sums required to be raised annually, to provide for the principal and interest of the debentures, issued as provided by section 3, shall be assessed and levied annually, in part upon the lands within the said city benefited by the construction of the said drain, and in part shall be paid by the corporation of the said city out of its general revenues.

Proportions
to be fixed
by Muni-
cipal Board.

5.—(1) The proportions or parts of the said annual sums to be assessed and levied against lands situate within the said city and benefited by the construction of the said drain, and to be paid by the corporation of the said city, respectively, shall be determined by the Ontario Railway and Municipal Board upon an application made either by or on behalf of such corporation or by any ratepayer thereof.

Sitting of
Board to
determine
proportions.

(2) The Board, upon such application being made shall appoint a time and place for dealing with such matter, of which appointment, notice by publication in a newspaper published in the city of Ottawa shall be sufficient; and upon the return of such appointment the Board shall proceed to hear and determine such matter, and shall order and direct what proportion or part of such annual sums shall be assessed and levied annually against lands within the said city benefited by the construction of the said drain, and what proportion or part thereof shall be paid annually by the said corporation out of its general revenues.

Engineer or
surveyor to
make report.

6.—(1) The corporation of the said city, within one year after the making by the Ontario Railway and Municipal Board of an order as provided by section 5, shall employ an engineer or Ontario land surveyor to make a report upon and an assessment of, the lands within the said city benefited by the construction of the said drain which assessments shall in the aggregate be sufficient to provide annually the sum required to meet the land owners' share, as provided by such order, of the amount to be raised to meet the interest and principal of the debentures issued by the said corporation.

Rev. Stat.
c. 43 to
apply.

(2) The provisions of section 77 of *The Municipal Drainage Act* shall apply to the said drain and to all proceedings taken in respect thereof, and the said engineer or surveyor shall proceed with the said assessment and report in the manner provided by the said section, except that he shall not make any assessment upon lands or roads situate outside the limits of the said city.

Cost of
repairs and
mainten-
ance.

(3) The cost of repairs and maintenance of the portion of the said drain within the said city may be paid in whole or in part by the corporation of the said city out of its general revenues.

7.—(1) For the purpose of procuring the amount necessary to be expended by the corporation of the township of Nepean, upon the cost of construction of the drain specified in the agreement set out in schedule "A" to this Act, including the sum of \$17,300 to be paid to the corporation of the city of Ottawa, as provided in the said agreement, the council of the said corporation may provide by by-law, which shall not require for its validity the assent of the electors qualified to vote on money by-laws, for borrowing, and may borrow, upon debentures of the said corporation payable within twenty years from their date of issue and bearing interest at such rate as may be determined by the said council, a sum or sums of money not exceeding \$47,300.

Power to borrow money upon debentures without assent of electors.

(2) The said debentures may be issued in any manner authorized by *The Consolidated Municipal Act, 1922*.

Debentures to be issued as authorized by 1922, c. 72.

8. The sums required to be raised annually to provide for the principal and interest of the debentures issued as provided by section 7 shall be assessed and levied annually, in part upon the land within the said township benefited by the construction of the said drain, and in part shall be paid by the corporation of the said township out of its general revenues.

Apportionment of moneys required for debentures.

9.—(1) The proportions or parts of the said annual sums to be assessed and levied against the lands situate within the said township and benefited by the construction of the said drain, and to be paid by the corporation of the said township respectively, may be determined by the council of the said corporation, by by-law, or by the Ontario Railway and Municipal Board, upon application made therefor, by the council of such corporation.

Proportions to be fixed by Municipal Council or Municipal Board.

(2) The Board upon such application being made, shall appoint a time and place for dealing with such matter, of which appointment notice by publication in a newspaper published in the city of Ottawa shall be sufficient; and upon the return of such appointment the Board shall proceed to hear and determine such matter, and shall order and direct what proportion or part of such annual sums shall be assessed and levied annually against lands within the said township of Nepean benefited by the construction of the said drain and what proportion thereof shall be paid annually by the corporation out of its general revenues.

Sittings of Board to determine proportions.

10.—(1) The corporation of the said township, at any time after passing a by-law as provided by subsection 1 of section 9, or at any time after the making of an order as provided by subsection 2 of the said section, shall employ an

Engineer or surveyor to make report.

engineer or Ontario land surveyor to make a report upon and an assessment of the lands within the said township benefited by the construction of the said drain, which assessments shall in the aggregate, be sufficient to provide annually the sum required to meet the land owners' share, as provided by such by-law or order, of the amount to be raised to meet the interest and principal on the debentures issued by the said corporation.

Rev. Stat.
c. 43 to
apply.

(2) The provisions of section 77 of *The Municipal Drainage Act* shall apply to the said drain and to all proceedings taken in respect thereof, and the said engineer or surveyor shall proceed with the said assessment and report in the manner provided by the said section, except that he shall not make any assessment upon lands or roads situate outside the limits of the said township.

Cost of
repairs and
mainten-
ance.

(3) The cost of repairs and maintenance of the portion of the said drain within the said township may be paid in whole or in part by the corporation of the said township out of its general revenues.

Commence-
ment of
Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

Memorandum of Agreement made in duplicate this 8th day of February, 1927.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF OTTAWA, herein-
after called the "City," *of the One Part,*

AND

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF NEPEAN,
hereinafter called the "Township," *of the Other Part.*

Witnesseth that the parties hereto agree as follows:

1. A drain for the carrying off of surface water shall be constructed from a point at or near the junction of Huron Avenue and the right-of-way of the Canadian Pacific Railway Company in the City of Ottawa southerly through Victoria and Dalhousie Wards to a point on the westerly limit of the said City about four hundred (400) feet north of Carling Avenue, thence into and through the Township of Nepean following in a general direction the Shillington and Laderoute Award Ditches, to their respective points of commencement.

2. The outlet ditch hitherto constructed by the City from the Northerly limit of the Canadian Pacific Railway Company's right-of-way to the Ottawa River shall be, and shall be deemed to be incorporated in and form an outlet for the said drain.

3. That part of the said drain situate within the limits of the said City shall consist of a covered concrete conduit and having a carrying capacity equal to a rectangular conduit eight feet wide and five feet high flowing full on a grade of one foot in eight hundred feet, all as is designated on the plans, profiles and specifications prepared by W. F. Bryce, Engineer for the City, and approved by the Engineers for the Township.

4. That part of the said drain to be constructed outside the limits of the said City and to the South and West thereof, shall be constructed in such manner and of such dimensions as shall be approved of and determined by the Township.

5. The Township will contribute the sum of Seventeen Thousand, three hundred dollars (\$17,300.00) in full of its share of the cost of construction of that part of the said drain which will be situate within the limits of the City, and the outlet hitherto constructed and paid for by the City, in that part of the Township of Nepean North of the right-of-way of the Canadian Pacific Railway and the City will bear the whole remaining cost thereof.

6. The Township will bear the whole cost of constructing that part of the said drain which is to be constructed in the Township, South and West of the City limits.

7. The Township and the City shall respectively execute all work within their respective limits.

8. The Township shall pay to the City the sum of \$10,000.00, part of its contribution as provided in clause 5 of this Agreement within six months from commencement by the City of actual construction of its portion of said drain, and the balance of the Township's contribution within three months after the completion of the City's portion of the said drain, and the Township shall be bound to undertake that part of the

said drain specified in clause 4 only in the event of the City undertaking and completing that part thereof situate within the City and in such event it shall complete the same within three years thereafter.

9. In the event of the City undertaking and completing that part of the said drain situate within its limits, the Township shall be entitled to the free and uninterrupted use of that part of the said drain, and the outlet drain specified in clause 2, including any other parts of said drain which may be hereafter included in the City limits, by reason of the extension of such limits, jointly with the City as an outlet for surface water only draining off and from the lands within the following area, namely: The following parts of Nepean Township:

Lots 34 and 35 Con. A., Ottawa Front, Nepean;

Lots 33 and 32 of Con. 1, O.F., Nepean from the O.E.R. to the Road allowance between Con. 1 and Con. 2 (Carling Ave.);

The southerly 1,000 feet of Lots 31 and 30, Con. 1, O.F. Nepean;

Lots 30 and 29, Con. 2, O.F. Nepean;

Lots I, K, L, M, and N, Con. A, R. F. Nepean;

The westerly 1,200 feet of Lots N.M. and the South half of Lot L, Con. B., R.F. Nepean;

The Westerly 2,000 feet of Lots I, K, and the North half of Lot L, Con. B, R.F. Nepean, but only in so far as any lands in the Township of Nepean might from time to time hereafter be under any easement to permit surface water to flow from said parts of Lots I, K, and the North half of Lot L onto any adjacent lands in the said Township.

10. The City shall maintain and keep in repair at its own expense that portion of the said drain within the limits of the said City as presently constituted or as may hereafter be extended so as to include any further part or parts of said drain or outlet thereof North of the C.P.R., including proper protection necessary to prevent the blocking of the intake to said covered drain, and the Township shall maintain and keep in repair at its own expense only such parts thereof as shall from time to time hereafter lie within the Township.

11. The Township and the City may respectively charge against such lands and roads situate within their respective municipal limits as will be benefited by the construction of the said drain such proportion or part of the cost thereof as each may be entitled so to charge by any general Act of the Legislature or by any Special Act or Acts which the Township or the City may jointly or severally obtain for such purpose, but no part of the cost of the drain within the Township shall be charged upon lands or roads within the City, and no part of the cost of the drain within the City, except the foresaid sum of Seventeen Thousand Three Hundred Dollars (\$17,300.00) shall be charged upon lands or roads within the Township.

12. The parties hereto shall apply to the Legislature for an Act confirming this Agreement and the same shall not be operative or effective unless the Legislature shall confirm the same.

13. And in consideration of the covenants of the Township herein contained and the aforesaid payment to be made to the City by the Township, the City covenants with the said Township, that the City shall from time to time and at all times hereafter well and truly save, defend and keep harmless and fully indemnify the said Township and the rate-payers thereof, its successors and their heirs, executors, administrators and assigns, and its lands and chattels, of, from and against all loss, costs, charges, damages and expenses which the said Township and the rate-payers thereof, its successors and their heirs, executors, administrators or assigns, or any of them, may at any time or times hereafter bear, sustain, suffer, be at, or put into for or by reason of any action or proceeding here-

after brought or instituted by any party or corporation for damages to lands, tenements and hereditaments within the limits of the City due to default by the City in properly constructing, maintaining and keeping in repair those parts of the said drain located within the City limits as hereinbefore provided.

In witness whereof the parties hereto have hereunto affixed their respective Corporate Seals under the hands of their respective proper officers.

THE CORPORATION OF THE CITY OF OTTAWA.

(Sgd.) JOHN BALHARRIE,
Mayor.

(Sgd.) NORMAN H. H. LETT,
Clerk.

(Seal of the Corporation of
the City of Ottawa.)

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF NEPEAN.

(Sgd.) ROBERT GREENE,
Reeve.

(Sgd.) JOHN GAMBLE,
Clerk.

(Seal of the Corporation of
the Township of Nepean.)

No. 55.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the City of Ottawa and
the Township of Nepean.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. HONEYWELL.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the North Anderdon Shooting Club.

WHEREAS the North Anderdon Shooting Club, herein-^{Preamble}
 after referred to as the "club," has by its petition represented that it was incorporated by letters patent, dated the 5th day of May, 1886, in pursuance of the provisions of *An Act respecting the incorporation of Joint Stock Companies by Letters Patent* for the following purposes, that is to say: "The preservation of game and fish under the laws of Ontario as well as the improvement of marksmanship, and also for the pleasure and recreation of the members of the club and their friends"; and that the club has been conducted and its operations have been carried on as if it had been a corporation without share capital, and that by-laws of the club have been passed respecting the membership in said club and the right to forfeit such membership; and whereas the club has by its petition prayed that an Act may be passed by the Legislature of this Province declaring the said club to be a corporation without share capital and to enact as hereinafter set forth with regard to the membership of the club and the rights of members as such; 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 club shall be deemed to be and always to have been a corporation without share capital having power to acquire by purchase or lease lands or interest in lands for the purposes of the club and to mortgage or sell the same. ^{Club a corporation without share capital.}

2. The members of the club are declared to have been,— ^{Qualification as members.}

- (a) Those who were named in the letters patent as members, and
- (b) Those who were elected to active membership by the directors of the club.

Present
members of
club.

3. The present members of the club are declared to be those mentioned in the preceding section of this Act, except those who ceased to be members under the provisions of the by-laws or regulations for non-payment of dues.

Application
of provisions
of Rev. Stat.
c. 178.

4. Subject to the provisions of this Act the provisions of *The Ontario Companies Act* and amendments thereto shall apply to the club insofar as the same are applicable as fully as if the club had been incorporated under said Act and amendments as a corporation without share capital.

By-laws and
regulations.

5. It is hereby declared that schedule "A" contains the by-laws or regulations of the club and that such by-laws or regulations have been in force since its incorporation and they are hereby declared to be valid and binding upon the club and its members. The said by-laws or regulations shall be substituted for the regulations contained in Form 4 of *The Ontario Companies Act* as provided by sections 6 and 7 of the said Act.

SCHEDULE "A."

BY-LAWS OR REGULATIONS OF THE NORTH ANDERDON SHOOTING CLUB.

Meetings.

1. The regular annual meeting of the Club shall be held at Windsor, Ont., on the first Friday of April in each year.

2. Special meetings may be called by the President or by any three members of the Club, at any time, and such meetings shall be deemed regular within the meaning of the constitution (charter), and it shall be the duty of the Secretary upon receipt of written notice from the President or any three members to issue a call for such meeting by mail, to take effect within ten days, as may be specified.

Membership.

3. Persons may be elected to active membership in the Club at any regular or special meeting of the Club Directors. No persons shall be so elected against the vote of one director.

4. Subject to the approval of the Directors and subject to such restrictions as the Directors may make in respect thereof, a member of the said Club may assign his membership and such membership shall be transmissible in case of death provided that such membership has not been forfeited for non-payment of dues.

Application for Membership.

5. Application for membership shall be made to the Club in writing and the applicant shall be recommended by at least two members of the Club in good standing.

Officers and Elections.

6. The officers of the Club shall consist of President, Vice-President, Secretary and Treasurer (last two named offices may be filled by the same person), a Board of Directors consisting of five members. The President and Vice-President shall be members of and elected by and from the Board of Directors, and Secretary and Treasurer shall also be appointed by the Board of Directors.

7. The Board of Directors shall be elected at the annual meeting by ballot.

8. The duties of the officers shall be such as usually pertain to such offices, and such as are herein specified. They hold their office for one year, and until their successors are duly elected and qualified.

9. The Secretary shall keep a full record of the proceedings of the Club and a record of the name and residence of each member, and shall give all notices of meetings, shall serve upon members all notices of charges preferred against them.

10. The Treasurer shall notify members each year of the time the annual dues are payable; he shall collect all moneys due to the Club from any sources and shall pay out the same upon bills audited and so endorsed by the chairman of the Board of Directors. He shall pay over to his successor in office the balance in his hands when so directed in writing by the Board of Directors, and shall perform such other acts as may be required by the By-laws of this Club.

11. The Board of Directors shall have the general management of the

corporate business and financial affairs of the Club, and may make rules and regulations for the use of the property by the members, but they may not make a contract for a longer period than one year excepting in the matter of leased grounds for additional shooting privileges which is left entirely to their discretion.

12. The property of the Club and its use under regulations prescribed by the Directors, as well as the transaction of all business and the auditing of accounts shall be in the hands of the Directors, and their chairman shall audit and so indorse all bills before they are paid by the Treasurer.

Dues.

13. Annual dues shall be fixed by the Directors at any regular or special meeting, at such a sum as shall be considered necessary to meet current expenses for the year, and each member shall upon notice from Secretary-Treasurer, pay into the treasury his proportion of such expenses within sixty days of date of said notice, and any member who shall fail to pay said dues within the time specified will be dropped from membership and his interest in the Club shall be forfeited. Any member who shall have failed to pay the dues fixed by the Directors for a period of two years shall thereupon cease to be a member and his interest in the Club shall be forfeited without any action on the part of the Directors and whether or not he shall have received notice from the Secretary-Treasurer as herein provided.

Rules.

14. All rules by the Board of Directors shall be of binding force till abrogated by a vote of the Club, which may be done by a majority present at any regular or special meeting.

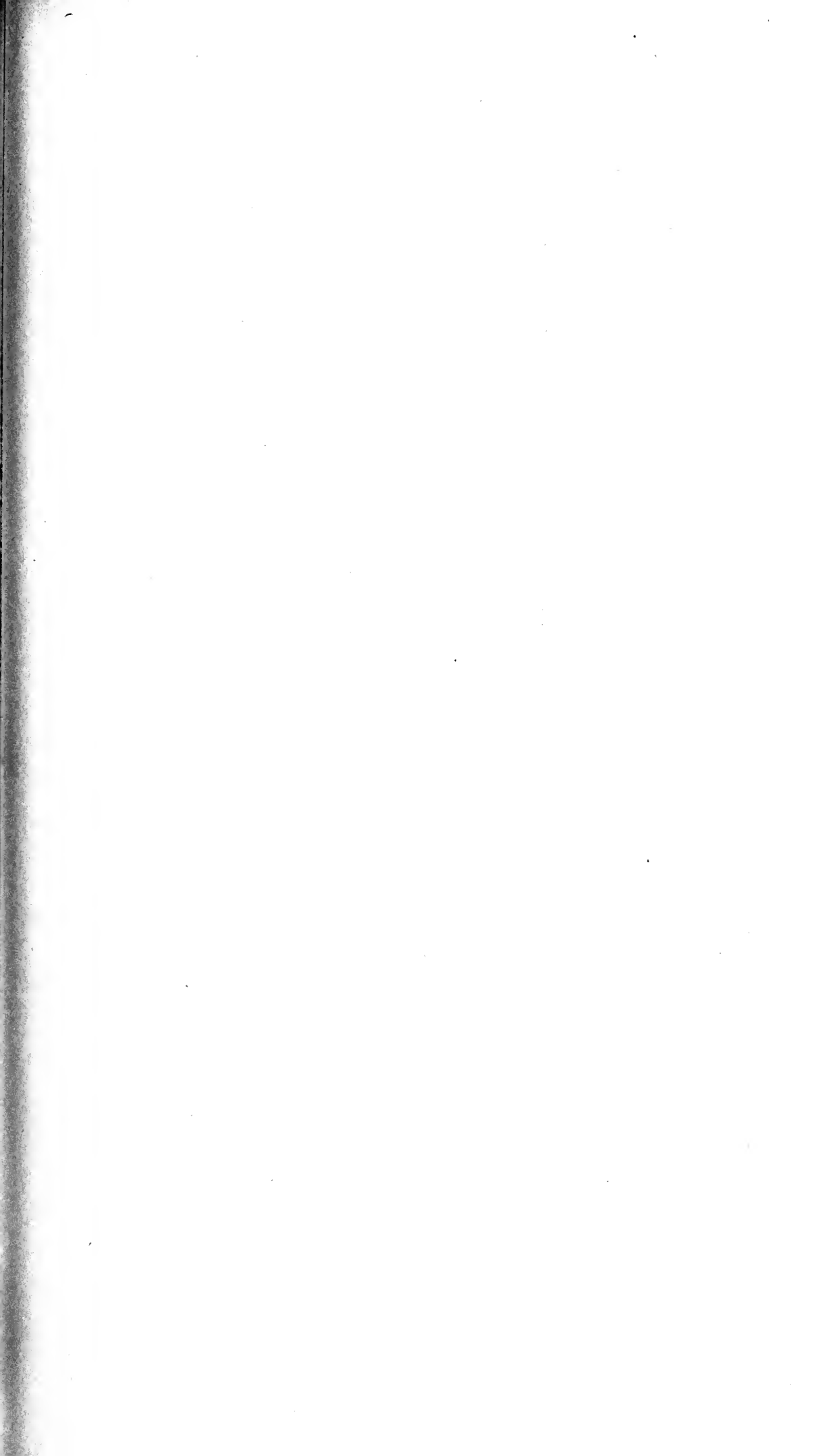
15. All rules made by the Directors shall be reported to the Club at the first regular meeting after their adoption.

Quorum.

16. Five members of the Club present in person or by proxy at any meeting shall constitute a quorum, and in the case of a tie the Chairman shall have a casting vote. Members may be represented by a proxy in writing.

Order of Business.

17. (1) Reading minutes of previous meeting.
- (2) Unfinished business.
- (3) Reports of Committees.
- (4) Propositions and balloting for members.
- (5) Miscellaneous business.
- (6) Adjournment.



No. 56.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the North Anderton
Shooting Club.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(Private Bill.)

MR. REID.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Leamington.

WHEREAS the corporation of the town of Leamington Preamble. has by its petition represented that the Selkirk drain is a drainage work constructed under the provisions of *The Municipal Drainage Act* and lies wholly within the township of Mersea and the town of Leamington; that by reason of manufacturing operations carried on by the said H. J. Heinz Company and by reason of the sewers in the town of Leamington finding an outlet in the said work it is necessary to repair and improve the outlet of the said drain and carry the waters of the said drain to and into the waters of Lake Erie; that the lands situate within the corporation of the town of Leamington will get a varying benefit from time to time from the said work and that it is equitable that the assessment of the cost and maintenance of that portion of the work which should be borne by the lands within the said corporation of the town of Leamington (save the H. J. Heinz Company) should be assessed directly against the said corporation of the town of Leamington and by the corporation collected from each of the several owners of land rateably in proportion to the assessment as the same appears upon the assessment roll for the said town; that the said H. J. Heinz Company alone will receive benefit over and above all other ratepayers within the said town; and whereas the said corporation has prayed that an Act be passed authorizing it to proceed with the said work under *The Municipal Drainage Act* and to assess the cost thereof as 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:—

1. This Act may be cited as *The Town of Leamington Act*, Short title. 1927.

2. The corporation of the town of Leamington may proceed with the work of improving and repairing the outlet of what is known as the Selkirk drain, a drainage work constructed under Improvement of outlet of Selkirk drain.

The Municipal Drainage Act, from the present covered portion thereof to a safe and sufficient outlet.

Application
of Rev. Stat.
c. 198.

3. Save as otherwise provided in this Act, the said work shall be constructed under the provisions of *The Municipal Drainage Act*.

Lands liable
for assess-
ment in
Mersea, etc.

4. The cost of the work and the cost of repairs and maintenance thereof from time to time shall be assessed against owners of lands in the township of Mersea liable therefor and against lands now owned by H. J. Heinz Company in the town of Leamington in the manner provided by the said *The Municipal Drainage Act*.

Assessment
of lands in
Leamington.

5. The cost of the work and the cost of repairs and maintenance thereof properly assessable against owners of lands and buildings in the town of Leamington shall be assessed against the corporation of the town of Leamington, and said corporation may levy the cost thereof against the said lands and buildings in the town of Leamington by a special rate and to be levied upon the assessed value of the lands and buildings in each year for the currency of any debentures issued for the cost of the work or from time to time repairs and maintenance which shall be necessary, and it shall not be necessary to make out a special assessment roll in respect of the assessments to be made as against lands in the town of Leamington.

Appeal
of owner of
land in
Leamington.

6. The owner of any land in the town of Leamington may appeal to the court of revision upon the ground that if this Act had not been passed, the lands of such owner would not have been liable for any assessment in respect of such work, and the court of revision shall have power to determine such question, and such owner shall have the same right of appeal in respect of such decision as he would have had as an appealing owner under the provisions of *The Municipal Drainage Act* save as in this section and section 7 provided there shall be no further right of appeal by owners of lands and buildings in the town of Leamington.

Appeal in
other cases.

7. The corporation of the township of Mersea and the owners of any lands assessed for a portion of the cost of such work and H. J. Heinz Company shall have the rights of appeal given them by *The Municipal Drainage Act*.

Power
to borrow
without
assent of
electors.

8. The corporation of the town of Leamington may without the assent of the electors borrow upon the debentures of the municipality the amount necessary for its proportion of the work and shall levy upon the lands and buildings in the town of Leamington liable therefor annually during the currency of

the debentures a special rate according to the assessed value thereof sufficient for the payment of the debentures.

9. The corporation of the town of Leamington may pass by-laws regulating the connection of any land, house, building, drain, sewer, cesspool, septic tank or other appurtenances thereto, with any sewer in the town of Leamington, and to prohibit the draining of any obnoxious or offensive matter of any kind into the said sewers, and the municipal council of the town of Leamington shall have full power to determine what is obnoxious or offensive matter; and may pass by-laws requiring any land, house, building, drain, sewer, cesspool, septic tank or other appurtenances thereto already connected with any sewer in the town of Leamington to discontinue such connection or connections and to comply with any regulations made under the provisions of this section.

Regulation
of connec-
tions with
sewers, etc.

10. The corporation of the town of Leamington shall procure the approval and consent of the Provincial Board of Health to the plans, specifications for any work to be done in pursuance of this Act or to any by-law or by-laws passed under the powers conferred by section 9 of this Act.

Approval of
Provincial
Board of
Health.

11. The amount borrowed under the provisions of this Act shall not be deemed to be part of the existing debenture debt of the corporation within the meaning of section 288 of *The Consolidated Municipal Act, 1922*.

Limit of
borrowing
power.

No. 57.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of
Leamington.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

(*Private Bill.*)

MR. POISSON.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Leamington.

WHEREAS the corporation of the town of Leamington ^{Preamble.} has by its petition represented that the Selkirk drain is a drainage work constructed under the provisions of *The Municipal Drainage Act* and lies wholly within the township of Mersea and the town of Leamington; that by reason of manufacturing operations carried on by the said H. J. Heinz Company and by reason of the sewers in the town of Leamington finding an outlet in the said work it is necessary to repair and improve the outlet of the said drain and carry the waters of the said drain to and into the waters of Lake Erie; that the lands situate within the corporation of the town of Leamington will get a varying benefit from time to time from the said work and that it is equitable that the assessment of the cost and maintenance of that portion of the work which should be borne by the lands within the said corporation of the town of Leamington (save the H. J. Heinz Company) should be assessed directly against the said corporation of the town of Leamington and by the corporation collected from each of the several owners of land rateably in proportion to the assessment as the same appears upon the assessment roll for the said town; that the said H. J. Heinz Company alone will receive benefit over and above all other ratepayers within the said town; and whereas the said corporation has prayed that an Act be passed authorizing it to proceed with the said work under *The Municipal Drainage Act* and to assess the cost thereof as 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:—

1. This Act may be cited as *The Town of Leamington Act*, ^{Short title.} 1927.

2. The corporation of the town of Leamington may proceed with the work of improving and repairing the outlet of what is known as the Selkirk drain, a drainage work constructed under <sup>Improve-
ment of out-
let of Selkirk
drain.</sup>

The Municipal Drainage Act, from the present covered portion thereof to a safe and sufficient outlet in lake Erie as may be approved by the Minister of Health.

Application
of Rev. Stat.
c. 198.

3. Save as otherwise provided in this Act, the said work shall be constructed under the provisions of *The Municipal Drainage Act*.

Lands liable
for assess-
ment in
Mersea, etc.

4. The cost of the work and the cost of repairs and maintenance thereof from time to time shall be assessed against owners of lands in the township of Mersea liable therefor and against lands now owned by H. J. Heinz Company in the town of Leamington in the manner provided by the said *The Municipal Drainage Act*.

Assessment
of lands in
Leamington.

5. The cost of the work and the cost of repairs and maintenance thereof properly assessable against owners of lands and buildings in the town of Leamington shall be assessed against the corporation of the town of Leamington, and said corporation may levy the cost thereof against the said lands and buildings in the town of Leamington by a special rate and to be levied upon the assessed value of the lands and buildings in each year for the currency of any debentures issued for the cost of the work or from time to time for repairs and maintenance which may be necessary, and it shall not be necessary to make out a special assessment roll in respect of the assessments to be made as against lands in the town of Leamington.

Appeal
of owner of
land in
Leamington.

6. The owner of any land in the town of Leamington may appeal to the court of revision upon the ground that if this Act had not been passed, the lands of such owner would not have been liable for any assessment in respect of such work, and the court of revision shall have power to determine such question, and such owner shall have the same right of appeal in respect of such decision as he would have had as an appealing owner under the provisions of *The Municipal Drainage Act* save as in this section and section 7 provided there shall be no further right of appeal by owners of lands and buildings in the town of Leamington.

Appeal in
other cases.

7. The corporation of the township of Mersea and the owners of any lands assessed for a portion of the cost of such work and H. J. Heinz Company shall have the rights of appeal given them by *The Municipal Drainage Act*.

Power
to borrow
without
assent of
electors.

8. The corporation of the town of Leamington may without the assent of the electors borrow upon the debentures of the municipality the amount necessary for its proportion of the work and shall levy upon the lands and buildings in the town of Leamington liable therefor annually during the currency of

the debentures a special rate according to the assessed value thereof sufficient for the payment of the debentures.

9. The corporation of the town of Leamington may pass by-laws regulating the connection of any land, house, building, drain, sewer, cesspool, septic tank or other appurtenances thereto, with any sewer in the town of Leamington, and to prohibit the draining of any obnoxious or offensive matter of any kind into the said sewers, and the municipal council of the town of Leamington shall have full power to determine what is obnoxious or offensive matter; and may pass by-laws requiring any land, house, building, drain, sewer, cesspool, septic tank or other appurtenances thereto already connected with any sewer in the town of Leamington to discontinue such connection or connections and to comply with any regulations made under the provisions of this section.

10. The corporation of the town of Leamington shall procure the approval and consent of the *Minister* of Health to the plans *and* specifications for any work to be done in pursuance of this Act or to any by-law or by-laws passed under the powers conferred by section 9 of this Act.

11. The amount borrowed under the provisions of this Act shall not be deemed to be part of the existing debenture debt of the corporation within the meaning of section 297 of *The Consolidated Municipal Act, 1922*.

No. 57.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Town of
Leamington.

1st Reading,	11th March,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

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

MR. POISSON.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

No. 59.

1927.

BILL

An Act to amend The Cemetery Act.

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

1. Section 18 of *The Cemetery Act* is amended by adding ^{1926, c. 63,} after the word "town" wherever it occurs in the said section ^{s. 18,} amended, the words "or village."

2. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. ^{ment of}
^{Act.}

No. 59.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Cemetery Act.

1st Reading, 8th March,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. MEWHINNEY.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Cemetery Act.

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

1. Section 18 of *The Cemetery Act* is repealed and the following substituted therefor: 1926, c. 63, s. 18, repealed.

18. The owner of any cemetery which is not operated for gain or profit, may maintain any lot, tomb, monument or enclosure which is not being properly maintained by or on behalf of the owner thereof and the reasonable charges for so doing shall be a debt due by the lot owner to the owner of the cemetery Right to charge owner with cost of maintenance.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

No. 59.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Cemetery Act.

1st Reading, 8th March,	1927.
2nd Reading, 11th March,	1927.
3rd Reading,	1927.

*(Reprinted as amended by the Sub-committee
on Municipal Law.)*

MR. MEWHINNEY.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Vendors and Purchasers Act,
1926.

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 Vendors and Purchasers Act, 1927*. Short title.

2. Clause *e* of section 5 of *The Vendors and Purchasers Act, 1926*, as enacted by section 2 of *The Vendors and Purchasers Act, 1926*, is amended by striking out all the words after the word "and" in the fourth line and inserting in lieu thereof the following words: "the vendor shall bear the expense of the registration of the mortgage if any." Rev. Stat. c. 122, s. 5 (1926, c. 41, s. 2), amended.

No. 60.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Vendors and
Purchasers Act, 1926.

1st Reading, 4th March,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. MCBRIEN.

T O R O N T O :

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to prohibit Political Contributions by
Brewers, Distillers, Standard Hotel Keepers,
Public Contractors, Crown Lessees
and Certain Corporations.

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 Political Contributions Act, 1927.* Short title.

2. In this Act,—

Interpre-
tation.

- (a) "Brewer" shall, in addition to private persons and partnerships, include any incorporated company carrying on the business of a brewer within Ontario; "Brewer."
- (b) "Distiller" shall, in addition to private persons and partnerships, include any incorporated company carrying on the business of a distiller within Ontario; "Distiller."
- (c) "Liquor Association" shall mean and include every association, society or body of persons promoting or assisting or furthering or protecting the trade in intoxicating liquor, or any branch or part of such trade; "Liquor Association."
- (d) "Public Contractor" shall mean a person who is ineligible to sit and vote as a member of the Assembly under the provisions of section 11 and clauses *a, b, c, h, i* and *j* of subsection 1 of section 12 of *The Legislative Assembly Act*; "Public contractor."
- (e) "Crown Lessee" shall mean and include a lessee of a timber or pulp wood area or a grantee of cutting rights thereon and the lessee or grantee of a mining claim area; "Crown lessee."

Penalty for certain contributions.

3. Every brewer, distiller, liquor association, public contractor, Crown lessee, bank, and insurance, trust or railway corporation which (or who) either directly or indirectly pays or contributes any sum of money or its equivalent in order to aid or promote or prevent the nomination or election of any person to the Legislative Assembly or to any other public office, or in order to aid, promote, hinder or defeat any political party, or to influence or affect the vote of the electors of the Province or any part of the Province upon any question submitted to them shall incur a penalty equal in amount to four times the amount of such payment or contribution but in no case less than \$100 and costs and where the offender is an individual in default of payment of fine and costs shall be imprisoned for a period of not more than six months, and may in addition thereto be imprisoned for not more than three months.

Liability of directors, etc.

4. A director, manager or officer of a corporation, and a member of an association which has been guilty of an offence under this Act shall incur the like penalty as the corporation or association and in addition thereto may in the discretion of the magistrate be imprisoned for not more than three months, unless he proves to the satisfaction of the court that he was not aware of the committal of the offence against section 3, or that he did everything in his power to prevent the committal of such offence and was not a party to the same.

Receiving.

5. Every person who, directly or indirectly, by himself or by any other person solicits or receives any payment or contribution made in violation of section 3 shall incur the penalty provided by section 3.

Aiding or abetting.

6. Every person who aids or abets the committal of any offence against sections 3 or 5 shall incur a penalty of not less than \$50 nor any more than \$500 and costs and in default of payment of fine and costs shall be imprisoned for a period of not more than one month.

Application of 1926, c. 31.

7.—(1) Subject to the provisions of subsection 2, the penalties imposed by this Act shall be recoverable by proceedings under *The Ontario Summary Convictions Act 1926*.

Where offence to be dealt with under Rev. Stat. c. 10.

(2) Where the offence was committed with respect to the candidature or election of any person as a member of the Assembly for an electoral district, the offence shall be a corrupt practice within the meaning of *The Election Act 1926*, and section 76 of *The Ontario Controverted Elections Act* shall apply thereto.

Political associations.

8.—(1) No company, committee or association whether incorporated or not, the object or one of the objects of which

is to aid or promote or prevent the nomination or election of any person to the Legislative Assembly or to any other public office, or to aid, promote, hinder or defeat any political party, or to influence or affect the vote of the electors of the Province or of any part of the Province upon any question submitted to them, shall solicit or receive or pay or contribute any sum of money or its equivalent for that purpose unless such association has and continues to have a president and treasurer.

(2) Every person who is a member of any such company, committee or association, not having both a president and a treasurer, shall be guilty of an offence and shall be liable on summary conviction to a penalty of \$25, for every day during which such condition has existed, and costs, and in default of payment of fine and costs shall be imprisoned for a period of not more than one month, and in addition thereto in the discretion of the magistrate to imprisonment for not more than one month. ^{Penalty.}

9. Every person acting individually and the president and treasurer of every such company, committee or association shall within two months after any election or vote of the electors in which such person, company, committee or association has taken part by soliciting or receiving, paying or contributing any sum of money or its equivalent, for any of the purposes enumerated in section 8, prepare a detailed statement of all money or its equivalent received or paid as an election contribution and exceeding the amount or value of \$50 together with the names and addresses of all contributors, and a detailed statement of all persons to whom such payments were made, and for what purposes, and deliver such statements verified by affidavits, along with the bills and vouchers relating thereto, by sending the same by registered post, addressed to the Chief Election Officer, Parliament Buildings, Toronto. ^{Statement of contributions to be filed with chief election officer.}

10. Every person acting individually and every such president and treasurer who makes default in delivering such statements to the chief election officer shall be liable on summary conviction to a penalty of \$100 per day for every day during which he so makes default, and costs, and in default of payment of fine and costs shall be imprisoned for a period of not more than one month, and may in addition thereto in the discretion of the magistrate be imprisoned for a term not exceeding three months. ^{Penalty for default.}

11. Every person who furnishes an untrue statement to the Chief Election Officer shall in addition to all other penalties incur a penalty of \$1,000 and costs, and in default of payment of the fine shall be imprisoned for a period of not more than ^{Making untrue return.}

six months, and in addition thereto in the discretion of the magistrate to imprisonment for a term not exceeding six months.

Preservation and inspection.

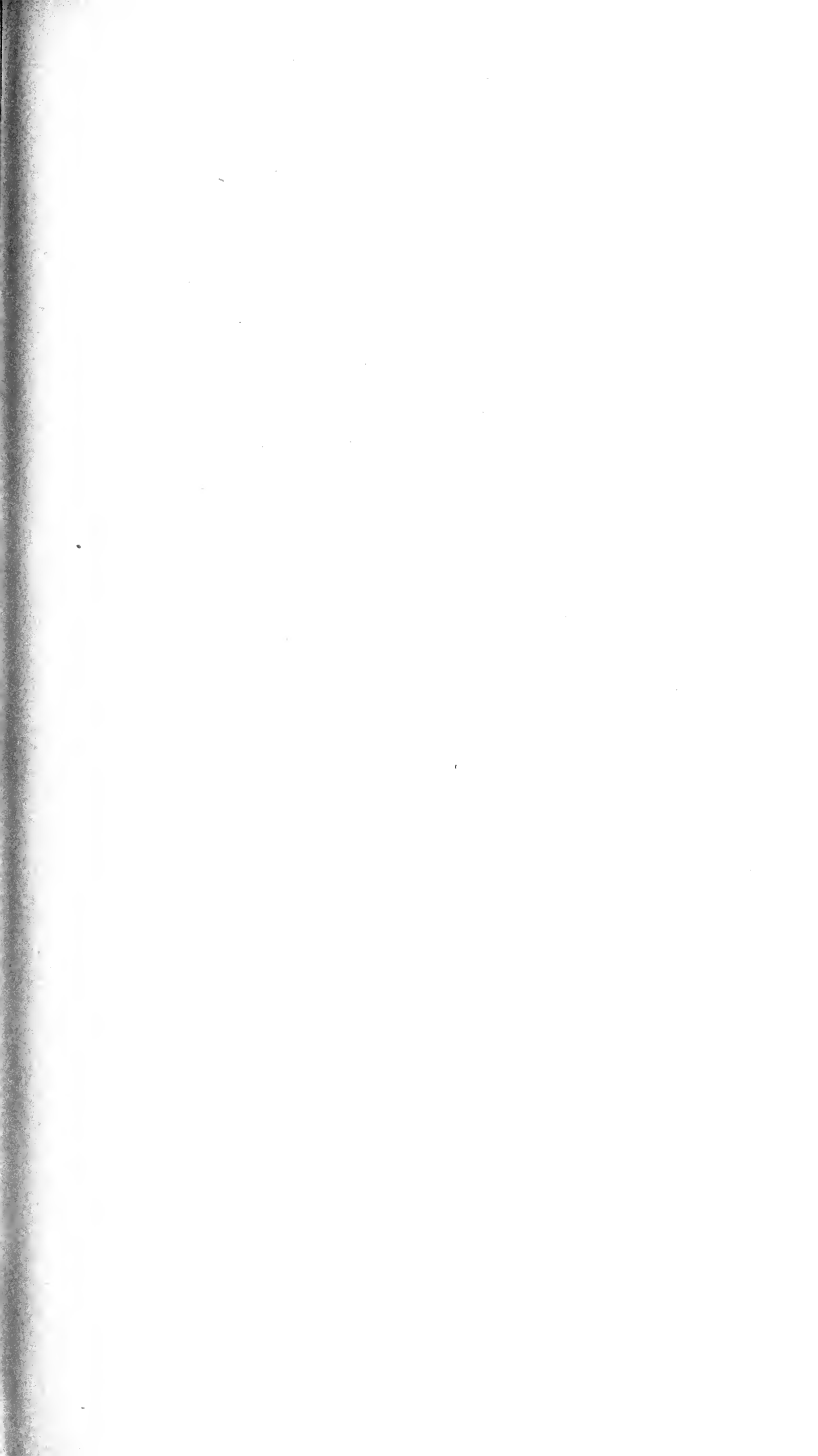
12. The Chief Election Officer shall preserve all such statements, bills and vouchers and shall during the next six months, after they have been delivered to him, permit any voter to inspect the same on payment of a fee of fifty cents.

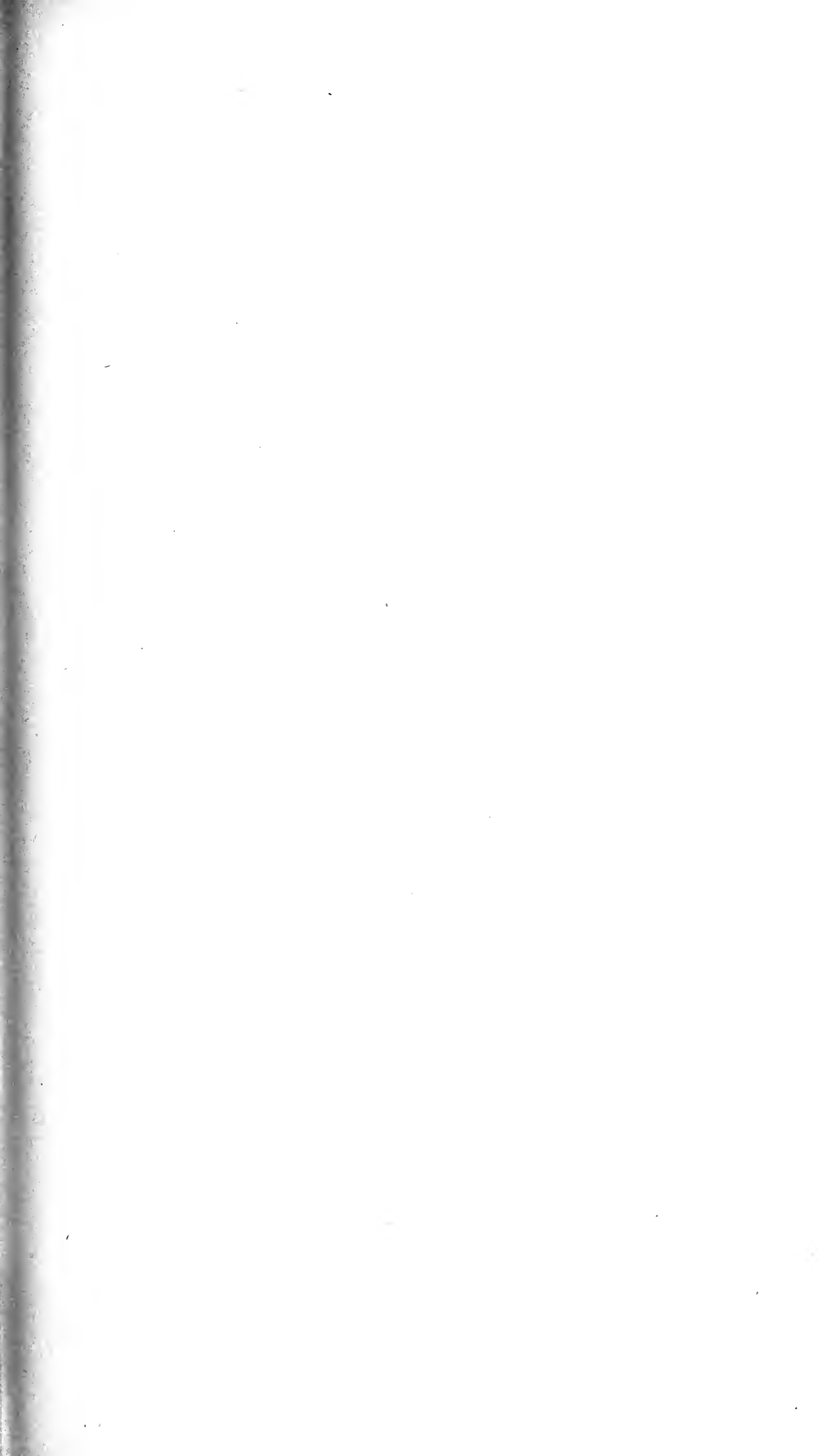
Investigation of chief election officer.

13. Upon the complaint by an elector to the Chief Election Officer of the absence, untruthfulness or inadequacy of any such statement or vouchers, and upon a bond to his satisfaction being filed with him by the complainant in the sum of \$100, to answer for costs, the Chief Election Officer shall institute an investigation into any charges which may be brought by such complainant of violations of the provisions of this Act, and for the purpose of such inquiry the Chief Election Officer shall have all powers conferred on a commissioner appointed under *The Public Inquiries Act*, and all the provisions of the said Act shall supply *mutatis mutandis* to such inquiry and the Chief Election Officer shall also have power to award costs against either the complainant or the respondent on either the High Court or the County Court scale.

1914, c. 6, repealed.

14. *The Political Contributions Act* being chapter 6 of the Statutes of 1914, is repealed.





No. 61.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to prohibit Political Contributions
by Brewers, Distillers, Standard Hotel
Keepers, Public Contractors, Crown
Lessees and Certain Corporations.

1st Reading,	14th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

MR. RANEY.

TORONTO :

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Houses erected under The Ontario Housing Act, 1919.

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 Housing Adjustment Act*, Short title. 1927.

2. Where a district, in which is situate land and houses vested in a housing commission appointed under the provisions of *The Ontario Housing Act, 1919*, has been heretofore or shall hereafter be erected into a new municipality or annexed to another municipality such land and houses and any agreements of sale, insurance policies and other documents of title in connection therewith shall be assigned, conveyed and transferred to the corporation of such new or other municipality.

Provision for assignment of agreements for sale, etc., where new incorporation effected.

3. The corporation of such new or other municipality shall collect any arrears due at the date of the erection of such new municipality or such annexation under any agreement of sale or other indebtedness owing to the housing commission of the municipality from which such district is detached in respect of such land and houses and pay same over to such last mentioned housing commission as and when collected.

Collection of arrears by new municipality.

4. The corporation of such new or other municipality shall forthwith after the said land and houses and any agreements of sale, insurance policies and other documents of title in connection therewith shall have been transferred to it, pay over to the housing commission of the municipality from which such district is detached, all arrears due under any of the said agreements of sale, or other indebtedness owing in respect of such land and houses which may have accrued since the date of the erection of such new municipality or such annexation and thereafter shall also pay over on the first day of each month to the said housing commission, the monthly instal-

Payment over by new municipality of arrears.

ments required to be paid by such commission to the Treasurer of Ontario in repayment of loans made in respect of such land and houses.

Deter-
mination of
disputes.

5. Any dispute as to such land and houses between the council of the municipality from which such district is detached and the council of such new or other municipality or the housing commissions thereof, shall be determined by the Ontario Railway and Municipal Board whose decision shall be final.

Commence-
ment of
Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 62.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting Houses erected under
The Ontario Housing Act, 1919.

1st Reading, 14th February.	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. MACAULAY.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Houses erected under The Ontario Housing Act, 1919.

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 Housing Adjustment Act*, Short title, 1927.

2. Where a district, in which is situate land and houses vested in a housing commission appointed under the provisions of *The Ontario Housing Act, 1919*, has been heretofore or shall hereafter be erected into a new municipality or annexed to another municipality such land and houses and any agreements of sale, insurance policies and other documents of title in connection therewith shall be assigned, conveyed and transferred to the corporation of such new or other municipality.

Provision for assignment of agreements for sale, etc., where new incorporation effected.

3. The corporation of such new or other municipality shall collect any arrears due at the date of the erection of such new municipality or such annexation under any agreement of sale or other indebtedness owing to the housing commission of the municipality from which such district is detached in respect of such land and houses and pay same over to such last mentioned housing commission as and when collected.

Collection of arrears by new municipality.

4. The corporation of such new or other municipality shall *within twelve months* after the said land and houses and any agreements of sale, insurance policies and other documents of title in connection therewith shall have been transferred to it, pay over to the housing commission of the municipality from which such district is detached, all arrears due under any of the said agreements of sale, or other indebtedness owing in respect of such land and houses which may have accrued since the date of the erection of such new municipality or such annexation and *after such transfer has been made* shall also pay over on the first day of each month to the said housing com-

Payment over by new municipality of arrears.

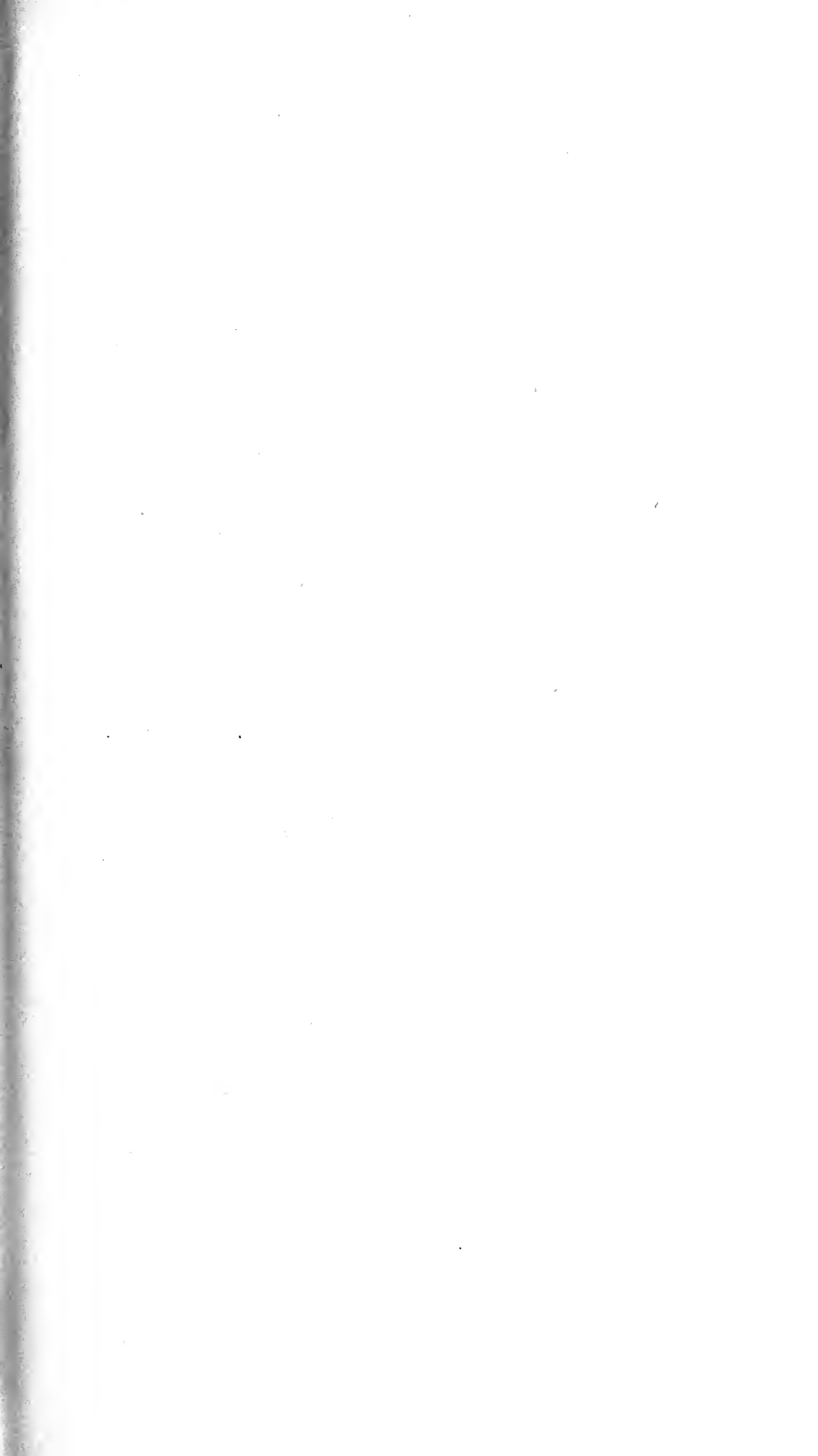
mission, the monthly instalments required to be paid by such commission to the Treasurer of Ontario in repayment of loans made in respect of such land and houses.

Deter-
mination of
disputes.

5. Any dispute as to such land and houses between the council of the municipality from which such district is detached and the council of such new or other municipality or the housing commissions thereof, shall be determined by the Ontario Railway and Municipal Board whose decision shall be final.

Commence-
ment of
Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 62.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting Houses erected under
The Ontario Housing Act, 1919.

1st Reading, 14th February. 1927.
2nd Reading, 23rd February, 1927.
3rd Reading, 1927.

*(Reprinted as amended by the Municipal
Committee.)*

MR. MACADUAY.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Marriage Act.

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 Marriage Law Amendment Act, 1927*. Short title.

2. Section 2 of *The Marriage Act* is amended by adding thereto the following subsection: Rev. Stat., c. 148, s. 2, amended.

(3) Notwithstanding anything contained in subsections 1 and 2 of this section, the Provincial Secretary may authorize any of the persons mentioned in clauses (a) to (e) of subsection 1 of this section who is a British subject and resident in the British Empire to solemnize a marriage in Ontario notwithstanding that such person is not at the time resident in Canada, and such person may be registered as hereinafter provided. Granting permission to solemnize marriage to British non-resident clergymen, etc.

3. Subsection 5 of section 19 of *The Marriage Act* as enacted by section 5 of *The Marriage Act, 1926*, is amended by adding thereto immediately after the word "deputy-issuer," in the fourth line, the words "to be affixed by him to the license." Rev. Stat., c. 148, s. 19, sub. 5 (1926), c. 43, s. 5, amended.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

No. 63.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Marriage Act.

1st Reading, 14th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. FERGUSON.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Marriage Act.

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 Marriage Law Amendment Act, 1927.* Short title.

2. Section 2 of *The Marriage Act* is amended by adding thereto the following subsection: Rev. Stat., c. 148, s. 2, amended.

(3) Notwithstanding anything contained in subsections 1 and 2 of this section, the Provincial Secretary may authorize from time to time any person mentioned in clauses (a) to (e) of subsection 1 of this section who is a British subject and resident in the British Empire, notwithstanding that such person is not at the time resident in Canada, to solemnize the marriage of the parties mentioned in such authorization. Special authority for particular marriage.

3. Subsection 5 of section 19 of *The Marriage Act* as enacted by section 5 of *The Marriage Act, 1926*, is amended by adding thereto immediately after the word "deputy-issuer," in the fourth line, the words "to be affixed by him to the license." Rev. Stat., c. 148, s. 19, sub. 5 (1926, c. 43, s. 5), amended.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

No. 63.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Marriage Act.

1st Reading, 14th February, 1927.
2nd Reading, 16th February, 1927.
3rd Reading, 1927.

*(Reprinted as amended in Committee of the
Whole House.)*

MR. FERGUSON.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Hydro-Electric Power Commission of Ontario.

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 Power Commission Act*, Short title. 1927.

INTERPRETATION.

2. In this Act, unless the contrary intention appears, Interpretation.

(a) "Commission" shall mean The Hydro-Electric Power Commission of Ontario; R.S.O. 1914, c. 39, s. 2. "Commission."

(b) "works" shall include all property, plant, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment constructed, acquired or used in the generation, transformation, transmission, distribution, delivery, sale or use of electrical power or energy; "Works."

(c) if a power is conferred or a duty imposed on the Commission, the power may be exercised and the duty shall be performed from time to time as occasion requires. "From time to time."

PART I.

THE COMMISSION.

3. The Commission, as now constituted, shall, for the purposes herein mentioned, continue to be a body corporate, and shall consist of three persons appointed by the Lieutenant-Governor in Council, two of whom may be members, and one of whom shall be a member, of the Executive Council of Ontario. R.S.O. 1914, c. 39, s. 2. Constitution of Commission.

Chairman. 4. The Lieutenant-Governor in Council may appoint one of the members of the Commission to be chairman of the Commission, and two members shall form a quorum. R.S.O. 1914, c. 39, s. 3.

Tenure of office. 5. Every person appointed to the Commission shall hold office during pleasure; and the Lieutenant-Governor in Council, upon the death, resignation or removal from office of any member of the Commission, may appoint some other person in his place. R.S.O. 1914, c. 39, s. 4.

Remuneration of Commissioners. 6.—(1) An amount not exceeding forty-five thousand dollars may be paid annually for the services of the chairman and the other members of the Commission, who shall receive from the said amount such sums as may be determined by the Lieutenant-Governor in Council, and the said sums shall be deemed to be part of the administration expenses of the Commission.

Seat in Assembly not vacated. (2) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of the chairman or of any other member of the Commission, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by the said Act for sitting and voting as a member of the Assembly. 5 Geo. V, c. 19, s. 2, *part*.

Officers and employees. 7.—(1) The Commission may appoint a chief engineer, an accountant and a secretary, and such other officers and employees as may be deemed requisite, and determine their salaries and other remuneration. R.S.O. 1914, c. 39, s. 6 (1).

Apportionment of salaries and expenses. (2) The salaries, remuneration and expenses of persons appointed or employed by the Commission, as well as any other expenses of the Commission, shall be apportioned by the Commission among, and shall be chargeable to, the various works and undertakings carried on by the Commission upon which such persons are employed, but any portion of such salaries, remuneration and expenses which are not properly chargeable to such works or undertakings and which are earned or incurred in the performance of work or services other than those rendered in respect of works or undertakings of the Commission under contract with municipal corporations shall be chargeable and payable out of such moneys as may be appropriated for that purpose by the Legislature.

Apportionment to be final. (3) The apportionment by the Commission of such salaries, remuneration and expenses shall be final. 6 Geo. V, c. 19, s. 3.

(4) Without the consent of the Attorney-General, no action shall be brought against the Commission or against any member thereof for anything done or omitted in the exercise of his office. R.S.O. 1914, c. 39, s. 16.

No action against Commission without consent of Attorney-General.

(5) Neither the Province nor the Commission nor any member thereof shall incur any liability by reason of any error or omission in any estimate, plan or specification prepared or furnished by the Commission. R.S.O. 1914, c. 39, s. 17.

Non-liability for errors in estimates, plans, etc.

ANNUAL REPORT.

8.—(1) The Commission shall, before the first day of March in each year, make to the Lieutenant-Governor in Council, for the information of the Assembly, an annual report, which shall contain, among other things, clear and comprehensive statements disclosing and exhibiting—

Annual report.

Statements showing—

- (a) the actual condition as to the amount and character of the assets and liabilities (direct and indirect) of the undertakings conducted by it as on the thirty-first day of October last preceding;

Assets and liabilities.
- (b) a statement with respect to each system or undertaking operated or controlled by the Commission showing—

Capital expenditures in year.

 - (i) the cash advances in the fiscal year ending on the thirty-first day of October last preceding, by the Province of Ontario to the Commission, for the construction of works;
 - (ii) the amounts expended by the Commission in the fiscal year, out of such cash advances, on construction of works, and the balance remaining unexpended in the hands of the Commission on the thirty-first day of October last preceding.
- (c) a statement with respect to the operations of each system for the fiscal year ending on the thirty-first day of October last preceding, showing—

Operations of each system.

 - (i) the proportion of the capital cost of the works of the system, allocated or apportioned to each municipality comprised in such system;
 - (ii) the cost to each municipality, as provided to be paid under section 57 of this Act, of the power supplied thereto in the fiscal year,

including its proportionate part of the operating, maintenance and administrative expenses, interest, and provisions for renewal of works, sinking funds and contingencies;

(iii) the amount received from each municipality on account of the cost of power supplied in the fiscal year, and the amount remaining to be paid by, or standing to the credit of, each municipality;

(iv) the amount of profits earned or losses sustained by each system from sale of power to other than municipal corporations.

Accumulated
balances.

(d) a statement with respect to each system, showing the accumulated amount remaining to be paid by, or standing to the credit of, each municipality comprised in such system as on the thirty-first day of October last preceding.

Sinking
funds.

(e) a statement with respect to each system, showing the amount standing to the credit of each municipality on sinking fund account (including the sums contributed by it) as at the thirty-first day of October last preceding.

Indebtedness to
Commission.

(f) a statement of the amount of the indebtedness due or owing by each municipal or other corporation or person to the Commission in respect of—

(i) construction of works, sale of electrical equipment, apparatus or supplies, and services rendered;

(ii) power bills;

(iii) other indebtedness, if any;

and such statement shall also indicate the debts that are three months or more overdue.

Other
matters.

(g) such other matters as may appear to be of public interest in relation to the Commission or its works, as the Lieutenant-Governor in Council may direct.

Form of
statements.

(2) The said statements shall be in form approved of by the Lieutenant-Governor in Council, and shall contain such

information and particulars as he shall require, and shall be signed by the chairman or vice-chairman of the Commission.

AUDIT.

9.—(1) The accounts of the Commission shall, upon the direction of the Lieutenant-Governor in Council, be from time to time, and at least once every year, audited and reported upon by an auditor or auditors named in the direction of the Lieutenant-Governor in Council. 6 Geo. V, c. 18, s. 4, *part*; 8 Geo. V, c. 14, s. 3. ^{Audit of accounts.}

(2) The expenses of such audits shall be fixed by the Commission, with the approval of the Lieutenant-Governor in Council, and shall be payable by the Commission as part of the costs of administration of the Commission. 6 Geo. V, c. 19, s. 4, *part*; 7 Geo. V, c. 20, s. 2; 8 Geo. V, c. 14, s. 3. ^{Expenses of audits.}

INCOME AND EXPENDITURES.

10. The income of the Commission shall be applied by the Commission to the necessary operating expenses, to the preservation, improvement, supervision, renewal, repairs, maintenance and insurance of its works, and to the payment of the remuneration and expenses of the Commissioners, and the salaries of officers and others employed by the Commission, and to such other purposes as may be authorized or required by this Act. 6 Geo. V, c. 19, s. 7 (2). ^{Application of income of Commission.}

11. All special funds and the income and revenue thereof and all moneys and revenues which now are in or shall come into the hands of the Commission, whether as agent, trustee, owner or otherwise, shall form one fund to be called "General Fund," and the Commission shall have power to make any and all expenditures out of the said fund for the purposes and objects of the Commission without regard to the special trusts or purposes under which the said fund or any part thereof may come into its hands; and the Commission shall account for and pay out of the said fund all moneys for which it shall be so accountable. 8 Geo. V, c. 14, s. 4, *part*. ^{"General Fund."} ^{Expenditures out of.}

12. The Commission may retain and set apart out of moneys coming into its hands such sums as may, in the opinion of the Commission, be sufficient— ^{Reserve fund.}

- (a) to provide for the renewal, reconstruction, alteration and repair of works constructed and operated by the Commission; ^{For repair of works.}
- (b) to meet interest upon working capital and for the operation of the Commission under section 52 of this Act, and to meet obligations, charges, and ^{For interest and charges.}

expenses arising from time to time in the course of such operations;

For unforeseen expenses.

- (c) to meet any unforeseen expenditures or costs caused by the destruction of or injury to any of the works of the Commission or otherwise incurred or payable by the Commission. 8 Geo. V, c. 14, s. 4, *part*.

INVESTMENT OF FUNDS.

Investment of funds in Government securities.

13.—(1) The Commission may, in its discretion, invest any funds, not required in carrying out the objects of the Commission, in the debentures or other securities of the Dominion of Canada or of the Province of Ontario, or in securities guaranteed by the Province of Ontario. 8 Geo. V, c. 14, s. 4, *part*; 14 Geo. V, c. 23, s. 3.

As to sinking funds.

- (2) Subsection 1 shall not apply to sinking funds.

SINKING FUNDS.

Sinking fund.

14. The Commission shall annually set apart as a sinking fund,—

- (a) such sums as are received by the Commission from municipal corporations under the provisions of paragraph (c) of section 57, and section 58, of this Act;
- (b) such sums as are appropriated by the Commission for sinking fund purposes out of the revenues received from other corporations and persons under contract with the Commission for a supply of power.

Applications of receipts on sinking fund account.

15.—(1) All sums received by the Commission from municipal corporations and others on sinking fund account for repayment of the advances made by the Province to the Commission shall,—

- (a) to the extents respectively set out in schedule "A" to this Act; and
- (b) to such further extent as may be necessary to repay any advance hereafter made by the Province to the Commission in equal annual instalments of principal and interest within a period of forty years from the date of such advance,

be paid by the Commission to the Treasurer of Ontario annually on or before the 31st day of October in each year and shall be credited to the Commission.

(2) Where the amounts collected by the Commission in any year on sinking fund account for the repayment of advances made by the Province to the Commission exceed the amount required to be paid over to the Treasurer of Ontario under subsection 1 for such year, such excess amount shall be invested by the Commission in securities issued by or guaranteed by the Province of Ontario and such securities shall be delivered by the Commission to the Treasurer of Ontario as collateral security for the repayment of advances made by the Province to the Commission, and the Lieutenant-Governor in Council may from time to time direct that any securities so held by the Treasurer shall be sold and converted and the proceeds thereof credited to the Commission on account of any sums payable by the Commission on sinking fund account under subsection 1.

Where sinking fund collections exceed requirements.

(3) All sums received by the Commission from municipal corporations and others on sinking fund account for repayment of other indebtedness incurred or assumed by the Commission in respect of the cost of works may be used or employed by the Commission to pay off such indebtedness, but any portion of such sums not so used or employed shall be invested by the Commission in securities issued by, or guaranteed by the Province of Ontario.

Application of other receipts on sinking fund account.

(4) Interest earnings in excess of four per centum per annum upon the investment of the sinking funds shall be credited as a revenue to the municipal corporations in proportion to the amounts standing to their credit on sinking fund account. See 8 Geo. V, c. 14, s. 7, *part*; 14 Geo. V, c. 23, s. 5; 16 Geo. V, c. 27, s. 2, *part*.

Application of interest receipts in excess of four per cent.

16. The Lieutenant-Governor in Council may authorize the Commission to postpone the collection or setting apart of any sums on sinking fund account to provide for the cost of any works newly constructed or acquired for the development or generation of electrical power or energy, for such period, not exceeding ten years, as may be deemed advisable.

Postponement of sinking fund collection.

PENSION FUND.

17.—(1) The Commission, with the approval of the Lieutenant Governor in Council, may establish and maintain a fund for the payment of superannuation allowances or allowances upon the death or disability of its employees, and may make regulations providing for contributions to the fund by the Commission and by its employees, and for the terms and conditions upon which any superannuation or other allowance shall be payable and the persons to whom the same may be paid.

Super-annuation fund and allowances.

Cost to Commission to be chargeable to administration. (2) The cost to the Commission of maintaining and administering any such fund shall be deemed part of the cost of the administration of the Commission and shall be chargeable accordingly.

Municipal employees may be included in fund.

18. The Commission, with the approval of the Lieutenant-Governor in Council, may enter into an agreement with the corporation of any municipality receiving power from the Commission for including in the said fund employees of any commission established under *The Public Utilities Act*, or under this Act, for the management and control of works for the distribution of electrical power or energy in the municipality, upon such terms as to the contribution by a municipal corporation and otherwise as may be deemed expedient. 9 Geo. V, c. 16, s. 2, *part*.

Rev. Stat., c. 204.

REPORT ON WATER POWERS.

Commission to report on water powers, etc., when required.

19. Whenever required by the Lieutenant-Governor in Council so to do, the Commission shall enquire into, examine and investigate water powers or water privileges in Ontario and report upon the value and capacity thereof, with such other information as the Lieutenant-Governor in Council may require. R.S.O. 1914, c. 39, s. 13, *part*.

ACQUISITION OF PROPERTIES.

Report of Commission as to—

20. The Commission may report to the Lieutenant-Governor in Council, designating—

Acquiring works, etc.

(a) the land, waters, water privileges or water powers, or the land and works, or portion thereof, of any person owning or holding under lease or otherwise, or developing, operating or using a water privilege or water power, or transmitting electrical or other power or energy in Ontario which, in the opinion of the Commission, should be purchased, acquired, leased, taken, expropriated, developed, operated or used by the Commission for the purposes of this Act; or,

Quantity of power.

(b) the quantity of the product of any person generating electrical power or energy in Ontario or bringing such power or energy into Ontario for use or transmission therein which the Commission requires for the purposes of this Act. R.S.O. 1914, c. 39, s. 7.

Power may be given to Commission.

21.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Commission, may authorize the Commission to—

- (a) acquire by purchase, lease or otherwise, or, without the consent of the owner thereof or of any person interested therein, enter upon, take possession of, expropriate and use, the land, waters, water privileges, water powers and works, or any person owning, holding under lease or otherwise, or developing, operating or using the same for generating, or adapted for generating electrical power or energy or for the transmission thereof in Ontario; and develop and use the same for any of the purposes of this Act; R.S.O. 1914, c. 39, s. 8. To acquire lands, water powers and works.
- (b) acquire by purchase, lease or otherwise, and construct, maintain and operate, works for the production of electrical power or energy by the use of coal, oil or any other means whatsoever; 10-11 Geo. V, c. 18, s. 2. To acquire and construct works for production of electricity.
- (c) construct, maintain and operate, and acquire by purchase, lease or otherwise, or, without the consent of the owner thereof or of any person interested therein, enter upon, take possession of, expropriate and use, all erections, machinery, plant and other works and appliances for the transmission, supply and distribution of electrical power or energy; and conduct, store, transmit and supply electrical power or energy and steam for the purposes of this Act, and, with lines of wires, poles, conduits, pipes, motors or other conductors or devices, receive, conduct, convey, transmit, distribute, supply or furnish such electrical power or energy and steam to or from any person at any place through, over, under, along, upon or across any land, public highway or public place, stream, water, watercourse, bridge, viaduct or railway, and through, over or under the land of any person; R.S.O. 1914, c. 39, s. 8, *part*; 5 Geo. V, c. 19, s. 7. To acquire plant for transmission of power.
- (d) contract with any person generating, transmitting or distributing electrical power or energy, or proposing so to do, to supply electrical power or energy to the Commission; and require any person generating, transmitting or distributing electrical power or energy to supply so much thereof as the Commission may require; To contract for supply of power to Commission
- (e) enter upon, take and use, without the consent of the owner thereof, any land upon which any water power or privilege is situate, or any lake, river, stream or other body of water which, in the opinion of the Commission, is capable of improvement or To flood lands and improve water powers.

development for the purpose of providing water power, and construct such dams, sluices, canals, raceways and other works as may be deemed proper or expedient for the said purposes, and flood and overflow any land to the extent to which the Commission may deem necessary for the purpose of providing storage of the water or for any other purpose in connection with such works, and contract with any municipal corporation, company or individual for the use of any of the improvements or works so made, on such terms and conditions as may be agreed on; R.S.O. 1914, c. 39, s. 8, *part*.

To acquire flooded lands on behalf of municipality.

- (f) enter upon, take and use, without the consent of the owner thereof, any land which may, in the opinion of the Commission, be necessary for the full enjoyment and exercise of any water right, water privilege or improvement undertaken by the Commission or by any municipal corporation, or for the relief of the municipal corporation from liability for damages for the flooding or overflowing of such lands; but the proceedings taken under this paragraph shall be at the sole expense of the municipal corporation, and the Commission may convey the lands so acquired to such corporation or make such other disposition thereof with the consent of such corporation as may be deemed expedient; 4 Geo. V, c. 16, s. 3.

To acquire distributing plant.

- (g) acquire by purchase or expropriate any plant, machinery, appliances, wire, poles and other equipment, and the land occupied by or used in connection therewith or any part thereof, used or intended for the distribution of electrical power or energy in a municipality, the corporation of which has entered into an agreement with the Commission for the supply of electrical power or energy, and contract for the sale and transfer to such municipal corporation of such plant, equipment and land upon such terms and for such price, not being less than the price paid by the Commission, with the expenses in connection with such purchase or expropriation added thereto, as may be agreed upon; but if part only of the property is taken the damage done to the property by the severance shall be taken into consideration in determining the compensation; R.S.O. 1914, c. 39, s. 8, *part*.

To acquire stock in development companies.

- (h) acquire by purchase or otherwise on any terms and hold shares in any incorporated company carrying on the business of developing, supplying or trans-

mitting electrical power or energy; and in connection with any such acquisition enter into any covenants and agreements, and pay for any such shares either in cash or in bonds, debentures or other securities of the Commission, and guarantee, or covenant or agree for or in respect of the payment or performance of any bonds, debentures, securities, contracts or obligations of any company shares in which are so acquired, or of any company shares in which are held by any company in which shares are so acquired; and for the purposes of this Act the acquisition of shares of such companies shall be deemed to be an investment in works; 7 Geo. V, c. 20, s. 3, *part.*

- (i) lease or operate the works for the generation, transmission, distribution or use of electrical energy of any person, firm or corporation on such terms as the Commission may arrange with the owner; 8 Geo. V, c. 14, s. 5.

- (j) issue bonds, debentures or other securities of the Commission for any of the purposes set out in paragraphs (a) to (i), in such form and containing such terms and at such rate of interest and payable in such manner and at such time or times as the Lieutenant-Governor in Council may determine. 7 Geo. V, c. 20, s. 3, *part.*

(2) Where in the exercise of the powers conferred by this Act the Commission constructs any works or improvements upon any lake, river, stream or other body of water the Lieutenant-Governor in Council may direct a judge of the Supreme Court or the judge of the county or district court to enquire into and determine the proportion in which any municipal or other corporation, company or individual owning a water power or water power site, whether developed or not, is benefitted by such works or improvements and the judge may make an order fixing the proportion in which the cost of such works and improvements shall be borne by any such municipal or other corporation, company or individual and by the Province respectively.

(3) Where under an agreement, or any instrument purporting to be an agreement with a municipal corporation, the Commission has heretofore constructed works or improvements upon any lake, river, stream or other body of water and it appears to the Lieutenant-Governor in Council that such works or improvements are or may be of benefit to, or increase the value of the land of any individual or corporation other

than such municipal corporation, the Lieutenant-Governor in Council may direct a judge of the Supreme Court, or the judge of the county or district court, to enquire into and determine the proportion in which such municipal corporation and any such individual or other corporation are respectively benefitted by such works or improvements, and the judge may make an order fixing the proportion in which the cost of the original construction and the operation of such works and improvements shall be borne by the municipal corporation party to such agreement or instrument and by any such individual or corporation respectively, and may fix such proportion without regard to the terms of any such agreement or instrument.

Appeal. (4) An appeal shall lie from an order of a judge made under subsection 2 or subsection 3 to the Appellate Division.

Assessment of cost by Commission. (5) The Commission shall annually fix and determine the payments to be made by any municipal or other corporation or by any individual and by the Province respectively according to the proportions named in the order of the judge and the amount fixed shall be payable on demand and in default shall be recoverable in the manner hereinafter provided.

Allowance for previous expenditure. (6) In fixing the amounts so payable the Commission shall give credit for any amount theretofore contributed to the cost of such works and improvements by a municipal or other corporation or by any individual.

Recovery of amount assessed. (7) The amount so found payable by a municipal corporation shall be recoverable in the like manner as in the case of a charge for any other service rendered by the Commission to a municipal corporation and in the case of any other corporation or of an individual the amount so found due shall constitute a debt due to the Commission and shall be recoverable in any court of competent jurisdiction from the owners from time to time of the lands so found by the order of the judge to be benefitted by such works or improvements and shall constitute a lien or charge upon such lands enforceable in the same manner and by the same proceedings as nearly as may be as in the case of a charge in favour of the Crown.

Share of Province, how payable. (8) Where a proportion of the cost of such works and improvements is to be borne by the Province the amount due from time to time in respect thereof shall be payable out of any moneys appropriated by the Legislature for that purpose.

Powers of Commission as to expropriation; how exercised. **22.** Subject to the provisions of sections 23 and 24, whenever the Commission is authorized by the Lieutenant-Governor in Council to exercise any of the compulsory powers mentioned

in section 21 or which are conferred upon the Commission by any other provision, the Commission in respect thereof shall have the powers conferred on the Minister of Public Works and shall, subject to the provisions of section 31, proceed in the manner provided by *The Ontario Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario, and the provisions of that Act shall, *mutatis mutandis*, apply. R.S.O. 1914, c. 39, s. 9; 5 Geo. V, c. 19, s. 4. Rev. Stat.,
c. 35.

23.—(1) Whenever the Commission has been authorized by the Lieutenant-Governor in Council to exercise any of the powers set out in paragraph (c) of section 21, the Commission may acquire by purchase, lease or otherwise, or without the consent of the owners thereof or other persons interested therein, enter upon, take possession of, expropriate, and use such lands and such rights or easements in lands as may be required for the purpose of constructing, erecting, maintaining and operating thereon lines of wires, poles, conduits or other conductors or devices, with all other plant, appliances and equipment required therefor to transmit, distribute, supply or furnish electricity at such voltage as the Commission may determine, through, over, under, along or across any lands and premises, public highways or public places, streams, waters, watercourses, or any bridge, viaduct or railway. Powers as
to taking
or acquiring
lands, ease-
ments, etc.

(2) The powers mentioned in subsection 1 may be exercised without any prerequisite or preliminary action or proceeding and without any other sanction or authority than is conferred by this Act, and shall include the right to take, acquire or retain possession for such time as the Commission may deem proper, and under agreement with the owner or person interested, or without his consent, of such lands or of such estate, right, title, privilege, easement or interest in, over, upon, or in respect of or relating to any land as to the Commission may seem desirable or expedient. Mode of
exercising
powers and
extent of
powers.

(3) Whenever the Commission acts or has acted under the authority conferred by subsection 1, compensation shall be made to the owners or persons interested for the lands taken and for all damage to land necessarily resulting from the exercise of the powers granted to the Commission by that subsection, and in fixing such compensation regard shall in all cases be had to the value of the lands taken or to the nature and extent of the estate, right, privilege, easement or interest which the Commission decides to take and acquire in, over, upon or in respect of the lands, as the case may be, and the compensation shall be based thereon. 5 Geo. V, c. 19, s. 5. Compensation.

Claims for compensation, how dealt with.

(4) The claimant shall present his claim for compensation to the Commission in the manner provided for presentation of claims under section 40 of *The Ontario Public Works Act*, and the provisions of that section shall apply in respect of such claim, and in the event of an agreement not being arrived at the amount of the compensation may, subject to the provisions of section 31, be determined by arbitration under *The Ontario Public Works Act*, in which case the provisions respecting arbitration contained in that Act shall, *mutatis mutandis*, apply.

Rev. Stat., c. 35.

Right to arbitration under Rev. Stat., c. 65.

(5) Should the claimant so elect by notice in writing within one month from the entry on and taking possession by the Commission, the amount of the compensation shall be determined in the manner provided by *The Arbitration Act* and subject to the provisions thereof.

Payment or disposition of compensation.

Rev. Stat., c. 35.

(6) When the Commission has agreed on the purchase price or rental, or the amount of compensation has been determined, all the provisions of *The Ontario Public Works Act* as to the payment or other disposition of the money payable in respect of the estate, right, title or interest purchased, leased or taken by the Commission and as to the vesting of such estate, right, easement or interest, and the title thereto, in the Commission shall, *mutatis mutandis*, apply. R.S.O. 1914, c. 39, s. 10 (3), (4), (5).

Removal of trees and obstructions beside right of way.

24. The powers conferred upon the Commission by or under the authority of this Act, shall include the right to enter upon any land upon either side of the right-of-way acquired for the transmission or distribution lines or works of the Commission, or upon any land upon either side of such lines or works, and to fell or remove any trees or branches thereof or any other obstruction upon any such land or upon any public highway or place which, in the opinion of the Commission, it is necessary to fell or remove, but subject always to the payment of compensation as provided in section 23 of this Act, and the said section shall apply to the exercise of the powers mentioned in this section. 5 Geo. V, c. 19, s. 8.

Powers of Commission as to wires, poles and conduits.

25. In the exercise of the powers conferred and in carrying out any work authorized by this Act or any other general or special Act, the Commission has and always has had authority to carry its wires along, upon, under and across any public highway or street, and to erect poles and put down conduits and all other structures necessary for that purpose, and to take down, remove, or take up the same without taking any of the proceedings prescribed by this Act for the taking of land without the consent of the owner thereof, and the

provisions of this Act with regard to compensation for lands so taken shall not apply, but the location of any poles, conduits, lines or other structures of the Commission to be hereafter erected, put down or constructed upon a highway shall be agreed upon by the Commission and the municipal corporation or other authority having control of the highway, or in case of disagreement shall be determined by the Ontario Railway and Municipal Board. 14 Geo. V, c. 23, s. 4.

26. Wherever in the course of constructing, reconstructing, ^{Cost of improvements.} changing, altering or improving any highway it becomes necessary to take up, remove or change the location of poles, wires, conduits, transformers or any other appliances or works placed on or under a highway by The Hydro-Electric Power Commission of Ontario, the cost of labour employed in such work shall be apportioned equally between the Department of Public Works and Highways or the municipal corporation or other authority doing the work and The Hydro-Electric Power Commission of Ontario, but such cost shall not include the replacement or renewal of any such appliances or works nor the cost of any materials or supplies nor any other expense or loss occasioned to The Hydro-Electric Power Commission of Ontario. 15 Geo. V, c. 29, s. 3.

27.—(1) The Commission may expropriate, purchase, ^{Buildings.} lease or otherwise acquire lands which the Commission may deem necessary for office, service, or other buildings, and may erect thereon such buildings and works as the Commission may require for its purposes.

(2) All expenditures by the Commission for the purposes ^{Expense repayable by municipalities.} mentioned in subsection 1 shall be repayable to the Commission by the municipal corporations having contracts with the Commission, and shall be repaid by annual sums sufficient to form in forty years a sinking fund for the repayment of the cost thereof. 8 Geo. V, c. 14, s. 9, *part*.

28. The Commission may, upon such terms as it deems ^{Sale of lands no longer required.} proper, lease, sell or otherwise dispose of any property, real or personal, which the Commission may deem unnecessary for its purposes. 5 Geo. V, c. 19, s. 10.

29.—(1) Where any of the compulsory powers mentioned ^{Abandonment of lands after expropriation.} in section 21 are exercised with respect to land, and no entry on or use of the land taken has been made, except for the purpose of survey or examination, the Commission, at any time before the expiration of three months from the date of the award, may, by writing under the hand of the chairman and the seal of the Commission, registered in the proper registry or land titles office, declare that the land or any part

thereof is not required and is abandoned by the Commission; and thereupon the land declared to be abandoned shall revert in the person from whom it was taken, or in those entitled to claim under him.

Total abandonment.

(2) Where the land taken, or any part thereof, is abandoned the person from whom it was taken shall be entitled to all damages sustained and all costs incurred by him in consequence of the taking and abandonment; and where part only of the land is abandoned the fact of such abandonment and the damages, if any, sustained in consequence of that which is abandoned having been taken, and all the other circumstances of the case shall be taken into account in determining the amount to be paid to any person claiming compensation, and the amount of the damages shall, subject to the provisions of section 31, be determined in the manner provided by *The Ontario Public Works Act*, and if a reference as to compensation is pending, shall be determined on such reference. R.S.O. 1914, c. 39, s. 11.

Partial abandonment.

Rev. Stat.,
c. 35.

Extent of powers of expropriation.

30. The compulsory powers conferred by this Act shall extend to land, works, rights, powers, privileges and property notwithstanding that they are or may be deemed to be devoted to a public use or that the owner thereof possesses the power of taking land compulsorily. R.S.O. 1914, c. 39, s. 12.

Appointment of sole arbitrator in lieu of Rev. Stat., c. 35.

31.—(1) In lieu of the provisions of *The Ontario Public Works Act*, with respect to the appointment of arbitrators, where land or other property is taken or injured by the Commission in the doing of any work under the authority of the said Act, the Chief Justice of the Supreme Court of Ontario, upon the request of the Lieutenant-Governor in Council, may nominate some person who, in his opinion, is skilled in the valuing of real property, and upon such nomination being approved by the Lieutenant-Governor in Council, and until such approval is revoked, the person so nominated shall become and be the sole arbitrator for the purpose of any arbitration proceedings taken under the said Act to which proceedings the Commission is a party, but in all other respects the provisions of the said Act, including those relating to appeals, shall apply.

Determining compensation before sole arbitrator is appointed.

(2) Until such nomination is made and approved, and after such approval is revoked and until another nomination has been made and approved, the compensation to be paid to any person whose property may be taken or injured by the Commission, shall be determined under the provisions of the other sections of this Act which may be applicable. 6 Geo. V, c. 19, s. 5.

TAXATION.

32.—(1) Notwithstanding anything in *The Assessment Act*, land owned by and vested in the Commission shall be subject to assessment and taxation for municipal and school purposes at the actual value thereof according to the average value of the land in the locality. Lands of Commission to be taxable. Rev. Stat., c. 195.

(2) Subject to the provisions of subsection 3, subsection 1 shall not apply to or include buildings, machinery, works, structures, substructures, superstructures, rails, ties, poles, and other property, works or improvements owned, used or controlled by the Commission, or to an easement or the right of use or occupation or other interest in land not owned by the Commission, but all such buildings, machinery, works, structures, substructures, superstructures, rails, ties, poles and other property, works or improvements owned, used or controlled by the Commission, and every such easement or right, shall continue to be exempt from assessment and taxation as heretofore. Buildings, works, etc., to continue to be exempt. 7 Geo. V, c. 20, s. 4.

(3) Where the Commission is carrying on the business of selling by retail electrical goods, supplies or appliances it may be assessed and shall thereupon be liable to taxation in respect of such business and the land and buildings owned or occupied for the purposes thereof in the same manner and to the same extent as a retail merchant carrying on the same business. Retail shops to be taxable. 15 Geo. V, c. 23, s. 4.

ADVANCES AND LOANS.

33. The Lieutenant-Governor in Council may raise by way of loan in the manner provided by *The Provincial Loans Act* such sums as the Lieutenant-Governor in Council may deem requisite for the purposes of this Act; and such sums may be paid over to the Commission and shall be accounted for and audited in the manner provided for in this Act. Government authorized to raise funds necessary for work of Commission. Rev. Stat., c. 21. R.S.O. 1914, c. 39, s. 14.

34. Where the Legislature has appropriated money for the purposes of the Commission, such money shall be payable out of such appropriation to the Commission from time to time, upon the requisition of the chairman of the Commission and the direction of the Lieutenant-Governor in Council, in such amounts and at such times as shall be stated in the requisition and direction, and this section shall have effect notwithstanding that there may be sums due from the Commission to the Province and notwithstanding anything in *The Audit Act*. Payment over to Commission of moneys appropriated. Rev. Stat., c. 23. 6 Geo. V, c. 19, s. 6, part.

Where appropriation is exhausted, special warrant may issue.

35. Where the appropriation made by the Legislature for any work of the Commission shall become exhausted in any fiscal year, and the chairman of the Commission reports to the Lieutenant-Governor in Council that it is necessary and expedient that such work shall be proceeded with and that an additional amount is required for that purpose, the Lieutenant-Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant-Governor for the issue of the amount estimated to be required in such fiscal year, and when issued such amount shall be placed by the Treasurer of Ontario to the credit of a special account against which cheques may be issued in favour of the Commission for such sums as shall be required. 10-11 Geo. V, c. 18, s. 4.

Interest on advances by Province.

36. The Commission shall pay annually to the Treasurer of Ontario, as interest on the indebtedness of the Commission to the Province, such sum as may be from time to time determined by the Lieutenant-Governor in Council to be sufficient to reimburse the Province the full amount of interest paid by the Government on moneys raised for the purposes of the Commission and the charges incurred by the Government in providing such money. 8 Geo. V, c. 14, s. 7.

General borrowing powers.

37. Subject to the approval of the Lieutenant-Governor in Council, the Commission may borrow money for the purposes of the Commission, and issue bonds, debentures, and other securities of the Commission therefor. 8 Geo. V, c. 14, s. 6, *part*.

Guaranteeing bonds of Commission.

38. The Lieutenant-Governor in Council is hereby authorized, on such terms as may be approved by Order in Council, to agree to guarantee the payment of the principal and interest of any bonds, debentures and other securities issued by the Commission, and the form and manner of any such guarantee or guarantees shall be such as the Lieutenant-Governor in Council may approve. The said guarantee or guarantees shall be signed by the Treasurer of Ontario, or such other officer or officers as may be designated by the Lieutenant-Governor in Council, and upon being so signed, the Province of Ontario shall become liable for the payment of the principal and interest of the bonds, debentures and securities guaranteed, according to the tenor thereof; and the Lieutenant-Governor in Council is hereby authorized to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee or guarantees, and to advance the amount necessary for that purpose, out of the public funds of the Province; and, in the hands of any holder of any of such bonds, debentures or securities, any guarantee so signed shall be conclusive evidence that the terms of this section have been complied with. 7 Geo. V, c. 20, s. 5, *part*.

39. The Lieutenant-Governor in Council may, on behalf of the Province of Ontario, enter into any covenants or agreements in connection with the acquisition by the Commission of any shares in any incorporated company, and guarantee the observance and performance by the Commission of any contract or agreement of the Commission in relation to such acquisition. 7 Geo. V, c. 20, s. 5, *part*.

Guaranteeing performance of contract for purchase of shares.

40. The Lieutenant-Governor in Council may guarantee the repayment of advances made by banks, or any other indebtedness incurred by the Commission. 8 Geo. V, c. 14, s. 6, *part*.

Guarantee by Province of advances from banks, etc.

BUSINESS OPERATIONS.

41.—(1) The Commission may, out of any funds in its hands, purchase such electrical, hydraulic or other machinery, appliances, apparatus and furnishings as may be used in the transmission, distribution, supply or use of electrical power or energy, and may dispose thereof to municipal corporations and commissions, and to other persons, firms and corporations. 6 Geo. V, c. 19, s. 8, *part*; 8 Geo. V, c. 14, s. 8.

Commission may purchase and sell supplies.

(2) The Lieutenant-Governor in Council, upon the request of the Commission specifying—

Manufacturing and dealing in supplies.

(a) the nature and volume of the business to be carried on; and

(b) the extent of the liability which may be incurred in connection therewith;

may authorize the Commission within the Province of Ontario to manufacture such electrical, hydraulic, or other machinery, appliances, apparatus and furnishings as may be used in the development, transmission, distribution, supply or use of electrical power, and to acquire patents of invention, or interests therein, and to sell and dispose of such machinery, appliances, furnishings or patent rights; and the profits and losses arising from such operation shall be adjusted and apportioned among the municipalities having contracts with the Commission, or be otherwise applied as the Commission shall see fit. 8 Geo. V, c. 14, s. 8 (2).

(3) The Commission may—

Doing work for contracting municipalities.

(a) undertake and carry out the preparation of plans, specifications and estimates for, and the construction, erection, installation and putting down of, any plant, machinery, and other things;

- (b) purchase supplies, wires, poles, and other things;
- (c) render engineering service,

for the transmission, distribution, supply or use of electrical power or energy for light, heat or power purposes, by a municipal corporation or commission which has entered into a contract with the Commission for the supply of electrical power or energy; and the Commission may charge and collect from such corporation or commission the cost of any work done or service rendered by the Commission under this subsection. 6 Geo. V, c. 19, s. 8, *part*.

By-products,
sale of, to
reduce cost
of power.

42. Where, in the course of the operations of the Commission, any commodity is produced as a by-product or is found upon property vested in the Commission, the Commission may sell or otherwise dispose of such commodity at such prices and upon such terms as it may deem proper, and any revenue so obtained shall be applied in reduction of the cost of power to municipal corporations having contracts with the Commission for the supply of electrical power or energy from the works or property in connection with which the commodity is produced.

Unused
works may
be utilized
to produce
revenue.

43. Whenever any works constructed or acquired by the Commission for the purpose of supplying power or energy are not in use for that purpose, the Commission with the approval of the Lieutenant-Governor in Council may utilize them for such revenue producing purposes as it may deem proper, and any revenue so derived shall be applied in the reduction of the cost of electrical power or energy to municipal corporations having contracts with the Commission for the supply of electrical power or energy from such works.

PART II.

SUPPLY OF POWER.

Application
to Commis-
sion for
supply of
power to
municipal
corporation.

44.—(1) Any municipal corporation may apply to the Commission for the transmission and supply to the corporation of electrical power or energy for the use of the corporation and the inhabitants of the municipality for lighting, heating and power purposes, or for any of such purposes, or for any of the purposes mentioned in section 51.

Information
and esti-
mates to be
supplied by
Commission.

(2) The Commission shall thereupon furnish to the corporation an estimate of the cost per horse-power at which the electrical power or energy can be supplied to the corporation, including an estimate of the cost of a transmission line by means of which the amount of electrical power or energy required by the corporation is to be supplied; and the

Commission may furnish to the corporation, plans and specifications of the works necessary for the distribution of such power or energy by the corporation and an estimate of the cost thereof, and such other information as the Commission may deem advisable.

(3) The corporation may thereupon submit to a vote of ^{Vote of} the electors of the municipality, in accordance with the provisions of *The Municipal Act*, a question as to securing a supply of electrical power or energy from the Commission; and if a majority of the electors vote in the affirmative, the council of the corporation may, by by-law, authorize the entering into, and the corporation shall thereupon enter ^{Contract} into, a contract with the Commission in such form as may be ^{with Com-} approved by the Lieutenant-Governor in Council, and it shall not be necessary to submit a by-law approving thereof for the assent of the electors, and such contract shall be valid and binding. R.S.O. 1914, c. 39, s. 18.

(4) Notwithstanding anything in *The Municipal Act* or ^{Debentures} in any general or special Act, debentures issued or purporting ^{of contract-} to be issued by a municipal corporation which has entered ^{ing municip-} into a contract with the Commission for a supply of electrical ^{ality not to} power or energy from the Commission for the purpose of ^{be included} carrying out such contract, or for constructing or equipping ^{in ascer-} works for the development, transmission and distribution of ^{taining limit} electrical power or energy so supplied, shall not be included ^{of borrowing} in ascertaining the limits of the borrowing powers of the corporation as prescribed by *The Municipal Act*, or in any ^{powers.} 1922, c. 72. general or special Act. 7 Geo. V, c. 20, s. 6.

45. A municipal corporation which has entered into a ^{Right to} contract for the supply of electrical power or energy by the ^{enter on} Commission may, by its officers, agents, servants and work- ^{lands to} men, enter into and upon the lands of any person, including ^{put up} lanes, courts, yards and buildings, for the purpose of placing ^{wires, etc.} overhead or underground wires with their appurtenances without the consent of the owner or occupant of such property, but subject to the payment of compensation for any damage caused thereby, to be determined in the manner provided by *The Municipal Act* where a municipal corporation enters ^{1922, c. 72.} upon and takes land for the purposes of the corporation, but leave of a judge or payment into court shall not be necessary before the exercise of the powers vested by this section in the municipal corporation. 5 Geo. V, c. 19, s. 15, *part*.

ENFORCEMENT OF AGREEMENTS.

46. Notwithstanding any provision in the contract or ^{Enforcement} agreement entered into between a municipal corporation and ^{of agree-} ^{ments with} ^{municipal} ^{corporations.}

the Commission providing for the determination of questions arising under the contract or agreement, or for the settlement of any dispute between the municipal corporation and the Commission by the Lieutenant-Governor in Council or in any other manner, the Commission may bring an action for any breach of the contract or agreement on the part of the municipal corporation, and the court may in any such action grant an injunction restraining the municipal corporation from doing any act or continuing any such breach, may order the municipal corporation to supply any omission or to do any act required to be done by the corporation under the terms of the contract or agreement, and may award to the Commission such sum as damages for any such breach as the court may consider a fitting penalty to impose upon the municipal corporation therefor. 5 Geo. V, c. 19, s. 15, *part*.

POLICE VILLAGES.

47.—(1) The trustees of a police village shall, for the purposes of this Part, be deemed a municipal corporation, and may exercise all the powers conferred upon municipal corporations by this Part, and may enter into a contract with the Commission for the supply of electrical power or energy as provided by this Act.

Trustees of police village may contract with Commission.

(2) The council of the township or the councils of the townships in which the police village is situate, upon the request of the police trustees, shall submit the question as to the supply of electrical power or energy provided for by section 44, to a vote of the electors of the police village qualified to vote thereon, and shall upon the like request, issue debentures as provided by this Act.

Submission of by-law to electors.

(3) The council of the township in which the police village or any part thereof is situate shall annually levy by special rate upon the rateable property in the police village, or in that part of the police village situate in the township, the amounts required to meet the payments to be made to the Commission, and to pay off the debentures issued under subsection 2. R.S.O. 1914, c. 39, s. 19.

Township to levy special rate.

48.—(1) Where the trustees of a police village have entered into a contract with the Commission for the supply of electrical power or energy, and have heretofore constructed, purchased or acquired, or hereafter construct, purchase or acquire, works for distributing electrical power or energy, and the trustees of the police village desire to extend or improve such works, they may apply to the council of the township for the passing of a by-law for the issue of debentures for such extension or improvement, and the council

Extension, etc., of works in police village.

By-law.

shall pass the necessary by-law for borrowing such further sums as may be necessary for such extension or improvement, and for levying by an annual special rate upon the rateable property in the police village the sums required for the payment of the debentures issued for the extensions or improvements.

(2) The by-law shall be approved by the Commission before the final passing thereof, but shall not require the assent of the electors. Assent of electors not required.

(3) The said approval may be given if it is shown to the satisfaction of the Commission that the said extension or improvement is necessary or desirable, and that sufficient additional revenue will be derived therefrom to meet the annual payments in respect of the debt and the interest thereon. 7 Geo. V, c. 20, s. 7 (1). Approval of Commission.

49.—(1) The trustees of a police village shall be a commission for the control and management of works established for the distribution of electrical power or energy in the police village, and shall have and may exercise and perform the like powers and duties as nearly as may be as a commission formed under *The Public Utilities Act* in an incorporated village. Trustees, duties and powers of. Rev. Stat., c. 204.

(2) The trustees of a police village shall appoint a competent person to act as secretary-treasurer for the purpose of keeping the accounts of the trustees for the distribution and supply of electrical power or energy and acting as custodian of funds collected by the trustees or received by them from the treasurer of the township for the establishment of works in connection with the distribution of power. Secretary-treasurer.

(3) The secretary-treasurer shall give security for the due accounting of all sums of money coming to his hands and for the payment over to the township treasurer of the sums required from time to time to meet payments coming due for interest and to provide a sinking fund for the payment of any debentures issued for the works undertaken by the trustees under any contract with the Commission. Security.

(4) The accounts of the secretary-treasurer shall be audited by the auditor of the township in which the police village is situate, or if the police village includes parts of two or more townships, then by the auditor of that township having the highest assessment in the police village. 12-13 Geo. V, c. 31, s. 2. Audit of accounts.

AREAS IN TOWNSHIPS.

Township
distribution
works.

50.—(1) Notwithstanding anything in *The Public Utilities Act*, or in any other Act, the council of a township may pass by-laws—

Lands
and works.

(a) for acquiring real and personal property, and acquiring, constructing, reconstructing, extending and operating works for the development, transmission and distribution of electrical power or energy in the municipality; 7 Geo. V, c. 20, s. 8, *part*; 14 Geo. V, c. 23, s. 6.

Contract
with Com-
mission.

(b) for entering into a contract with the Commission, with the assent of the municipal electors of the township qualified to vote on money by-laws, for the supply of electrical power or energy for the use of the municipality and the inhabitants thereof;

General
powers.

(c) for exercising, for the said purposes, any of the powers which may be exercised by the municipal council of a town under the authority of *The Municipal Act*, *The Local Improvement Act*, *The Public Utilities Act*, or this Act; 7 Geo. V, c. 20, s. 8.

1922, c. 72.
Rev. Stat.,
cc. 193, 204.

Areas.

(2) The council may, from time to time, with the approval of the Commission, by by-law, set apart an area in the township as to which any of the by-laws passed under subsection 1 may have effect.

Submission
of by-law.

(3) The by-law for the establishment of the works mentioned in subsection 1, or for entering into the contract with the Commission, may be submitted to the municipal electors qualified to vote on money by-laws in the area so set apart.

Alteration
of areas.

(4) The council, with the approval of the Commission, may, from time to time, by by-law, enlarge or alter the boundaries of any such area, or incorporate with it any other such area. 14 Geo. V, c. 23, s. 7.

Debentures.

(5) Where the council has passed a by-law under subsections 2 and 3, or subsection 4, the council may issue debentures for the purposes set out in subsection 1, and levy the special rate for the amounts required to be raised on account of sinking fund and interest for the payment of the said debentures, in the district so set apart, or as enlarged or altered, and notwithstanding anything in *The Municipal Act* or in any other Act it shall not be necessary to obtain the assent of the electors to the by-law for the issue of such debentures. 7 Geo. V, c. 20, s. 8, *part*; 14 Geo. V, c. 23, s. 8.

(6) The council may establish a commission for the purpose of the construction of the works, and the control and management thereof in the manner provided by section 34 of *The Public Utilities Act*, but the commissioners elected shall be residents of the district so set apart or as enlarged or altered, and it shall not be necessary to obtain the assent of the electors to the establishment of the commission. 7 Geo. V, c. 20, s. 8; 12-13 Geo. V, c. 31, s. 3; 14 Geo. V, c. 23, s. 9.

Commission for construction and management of works.
Rev. Stat. c. 204.

POWERS OF MUNICIPALITIES.

51.—(1) In addition to the powers conferred by this Act, a municipal corporation which has entered into a contract with the Commission for the supply of electrical power or energy shall have and may exercise in respect of such power or energy all the powers which are by *The Public Utilities Act* or *The Municipal Act* conferred upon corporations in respect of light and heat, and all the powers which are conferred upon corporations by *The Municipal Act* for contracting debts for any purpose within the jurisdiction of the council thereof, and also the power to expropriate land, making compensation therefor under the provisions of *The Municipal Act*.

Supply of light, heat and power.
Rev. Stat., c. 204, 1922, c. 72.
Debts.
Expropriation.

(2) The council of a municipal corporation may, if it sees fit, submit to the electors a by-law providing for borrowing by the issue of debentures, the money required for any of the purposes mentioned or referred to in sections 44 and 47 and in this section at the same time as such council submits to the electors a question as to supply of electrical power under section 44, and such by-law for borrowing money may be finally passed either before or after such corporation has entered into a contract with the Commission for the supply of electrical power or energy; but the debentures authorized by such by-law shall not be issued until the corporation has entered into a contract with the Commission for the supply of such electrical power or energy.

By-law for borrowing money.

(3) A municipal corporation which has entered into a contract with the Commission under this Act may, from time to time, with the approval of the Commission, contract with any other municipal corporation or with any person for the supply or distribution of electrical power or energy in any other municipality, and such other municipal corporation shall have authority to enter into the contract; but a municipal corporation shall not exercise the power conferred by this section in another municipality without the consent of the council thereof. R.S.O. 1914, c. 39, s. 20.

Supplying power outside of municipality.

CONTRACTS OF COMMISSION.

Supply of power.

52.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may contract with a railway company or a distributing company or with any other corporation or person for the supply of electrical power or energy.

Profits to be applied in reducing cost of maintenance to municipalities.

(2) Any net profit made by the Commission in supplying power under subsection 1, after making provision for the cost of acquiring or constructing and of maintaining the works by means of which the power or energy is supplied, shall be applied in reduction of the cost of electrical power or energy to municipal corporations having contracts with the Commission.

Agreements for use of right-of-way of railway, power and transmission companies.

(3) The Commission may, with the approval of the Lieutenant-Governor in Council, contract with a railway company or power or transmission company for the use of its right-of-way and property for the purposes of the Commission. R.S.O. 1914, c. 39, s. 21.

Approval of Lieutenant-Governor in Council not required to certain contracts.

53. Notwithstanding anything in section 52, it shall not be necessary to obtain the approval of the Lieutenant-Governor in Council to any contract for a supply by the Commission of electrical power or energy to any person from works which the Commission has acquired or constructed and is operating for the distribution of electrical power or energy. 10-11 Geo. V, c. 18, s. 3, *part.*

Effect of approval of agreements by Commission.

54. Where the Commission has heretofore entered or shall hereafter enter into an agreement for the supplying of electrical power or energy or for any other work or service to be done or supplied by or to the Commission, and such agreement has been or shall hereafter be submitted to and approved by the Lieutenant-Governor in Council, such agreement shall thereupon be valid and binding upon the parties thereto and shall not be open to question upon any grounds whatsoever, anything in this Act or in any other Act to the contrary notwithstanding. 10-11 Geo. V, c. 18, s. 3, *part.*

Enforcing payment of arrears of rates and charges.

55.—(1) Where the Commission supplies or distributes power directly to the consumer either on its own behalf or by arrangement or under contract with the municipal corporation, the amount payable by the owner or occupant of any building or lot, or part of lot, for the electrical power or energy supplied to him for use therein or thereon, and all rents, rates, costs and charges in connection with the service or supply of such power or energy or the installation of any

works for such service or supply shall be a lien and charge upon the building or lot or part of lot in the same manner and to the same extent as municipal taxes on land; and in default of payment the clerk of the municipality, upon being notified in writing by the Commission of the sum due, shall forthwith enter the same upon the collector's roll and it shall be collected in the same manner as municipal taxes on land and upon recovery thereof shall be paid over to the Commission: ^{Lien for rates to be postponed on mortgages or leases prior to entry on roll.} Provided that when a mortgage or lease of the building or lot, or part of lot, in question has been duly registered prior to an entry upon the collector's roll as above described, the lien and charge hereby created shall rank after advances actually made under such mortgage and after rent accrued due under such lease prior to such entry.

(2) For the purposes of this section, electrical power or energy shall be deemed to be supplied to the consumer not ^{When power deemed to be supplied.} only when it is actually used by the owner or occupant but when it is rendered available or held in reserve for him under the terms of his contract with the Commission or the municipal corporation. 14 Geo. V, c. 23, s. 19.

56. The expenditure by the Commission upon any works ^{Repayment by municipalities of expenditures.} undertaken under the provisions of this Act for the benefit of any municipality which has entered into a contract with the Commission shall be repayable to the Commission by such municipality. 8 Geo. V, c. 14, s. 10.

57. The price payable for power or energy by any municipal corporation under the terms of a contract entered into ^{Cost of power chargeable to municipality.} with the Commission shall be the cost of purchase or generation and delivery, and shall include its proportion, as adjusted by the Commission, of,—

- (a) the cost of operating, maintaining, renewing and insuring the works and the cost of administration of the Commission;
- (b) interest at the rate or rates payable by the Commission upon the money expended by, or the obligations assumed by the Commission in the construction or purchase of works, and upon all such other expenditures as the Commission may make under the provisions of this Act and upon working capital;
- (c) an annual sum sufficient to form in forty years with interest at four per centum per annum a sinking fund for the repayment of the advances made by the Province of Ontario under this Act for the payment

of the cost of the works and also for the repayment of any other indebtedness incurred or assumed by the Commission in respect of the cost of the works.

Collection of moneys from municipalities on sinking fund account.

58. Notwithstanding anything in this Act, a municipal corporation which has entered into or shall hereafter enter into a contract with the Commission for a supply of power may be relieved by the Commission from payment of any sum on account of the sinking fund account for the first five years during which payments are made to the Commission by the corporation under such contract, and the amounts required from such corporation on sinking fund account shall be payable during the then next ensuing thirty years. 7 Geo. V, c. 20, s. 13.

Extending time for payments by municipalities.

59. The Commission may, during the first three years after any municipality shall first begin to take power from the Commission, extend the time for payment of any sum payable by a municipality, and such municipality shall pay to the Commission interest on the amount which may be in arrear or for the payment for which time is extended until the payment thereof, at such rate not exceeding seven per cent. per annum as the Commission may determine. 8 Geo. V, c. 14, s. 12.

Surplus funds, application of.

60. Any surplus held by the Commission to the credit of any municipality may be retained by the Commission as security against future obligations to the Commission of the same municipality for so long during the continuance of the contract of the municipality as the Commission may think fit, but the Commission shall allow to the municipality interest at the rate of four per cent. per annum upon the amount of such surplus retained by the Commission. 8 Geo. V, c. 14, s. 4, *part*.

What to be deemed a system.

61. Where, by contract with the Commission, one or more municipalities have assumed the cost of the purchase of, or works for the development of, electrical energy for the supply of such municipality or municipalities under the provisions of this Act, such municipality or municipalities shall, for the purpose of this Act, be defined as a "system," and the Commission, on such conditions as may be deemed equitable or advisable, may include in any such system one or more other such municipalities, whether already part of any system or not, or may unite any two or more systems in one system, and may join in a system two or more such municipalities whether already part of any system or not; and for the purposes of this section an area set apart under section 50, or a rural power district, may be considered as a municipality. 8 Geo. V, c. 14, s. 13, *part*; 14 Geo. V, c. 23, s. 11 (1).

Alteration in power systems.

62.—(1) Wherever physical connections may be made between any of the systems operating under this Act, the Commission may make the necessary connections so as to divert power from any one system to any other system; and the means of such connection, and the price to be paid by the system receiving such power to the system supplying such power, shall in all cases be determined by the Commission, and the cost of the power so taken by any one system from any other shall be dealt with by the Commission under the provisions of this Act as the cost or part of the cost of the power to be paid by the municipalities forming part of such system, under their contracts with the Commission. 8 Geo. V, c. 14, s. 13, *part.*

Supplying power from one system to another.

(2) The price payable for power by one system to another shall be collected by the Commission from the system owing the same for the system entitled to receive the same, and all sums so paid to any system shall be applied to the cost of construction, maintenance and operation of such system in such manner as the Commission may direct. 8 Geo. V, c. 14, s. 13, *part.*

Adjustment between systems.

63.—(1) The Commission shall annually adjust and apportion the amounts payable by municipal corporations under sections 57 to 62. R.S.O. 1914, c. 39, s. 24.

Apportionment of amounts payable by municipalities.

(2) The Commission shall also annually adjust and apportion among the municipalities all such expenditures, made by the Commission in exercise of the powers conferred upon the Commission by this Act, as have been incurred for or on behalf of the municipalities.

Annual adjustment of expenditures for municipalities.

(3) The adjustment and apportionment made by the Commission shall be final and binding upon the municipal corporations. 8 Geo. V, c. 14, s. 14.

Adjustment to be final.

PART III.

SUPPLY OF POWER FOR STREET LIGHTING IN TOWNSHIPS.

64.—(1) A majority of the resident freeholders according to the last revised assessment roll, residing within the area described in the petition and situated in the township, may petition the council of the township to take the necessary proceedings to procure from the Commission a supply of electrical power or energy for the purpose of lighting the highways in the area described in the petition.

Petition of residents in an area for supply of power for street lighting.

(2) The petition shall be accompanied by the certificate of the clerk of the township stating that the petition is signed

Certificate as to sufficiency of signatures.

by a majority of the resident freeholders in the area described in the petition as shown by the last revised assessment roll. 4 Geo. V, c. 16, s. 5, *part*.

Application
by council
to the
Commission.

(3) The council of the corporation shall thereupon request the Commission to supply electrical power or energy for the purposes mentioned in the petition.

Estimate of
cost to be
furnished
on request.

(4) Upon such request the Commission shall furnish to the corporation an estimate of the cost of electrical power or energy for the purpose of lighting the highways in the area defined in the petition, and may furnish to the corporation,—

- (a) plans and specifications of the works necessary for the distribution of such power or energy;
- (b) an estimate of the cost of such works; and
- (c) such other information as the Commission may deem advisable. 4 Geo. V, c. 16, s. 5, *part*.

Application
of section.

(5) This section shall not apply to any area within a rural power district.

Consideration of the estimates, etc., by the council.

65.—(1) Within one month after the delivery of the statements and estimates mentioned in section 64, the council shall, at a special meeting called for that purpose, of which notice shall have been given to each of the petitioners, consider the statements and estimates furnished by the Commission.

Withdrawal of petitioners.

(2) If at such meeting the petitioners or any of them desire to withdraw their names from the petition they may do so, and should the remaining names be insufficient to constitute a majority of the resident freeholders in the area described in the petition, no further proceedings shall be taken thereon.

Council may pass a by-law authorizing contract.

(3) If, at the close of the meeting, there are sufficient names remaining of the petitioners to constitute a majority of the resident freeholders in the area described in the petition, the corporation may, without submitting a by-law to a vote of the electors, and without any of the other formalities required in the case of a by-law under Part II, pass a by-law for entering into a contract with the Commission for the supply of electrical power or energy for the purposes required by the petitioners and may enter into a contract with the Commission for that purpose. 4 Geo. V, c. 16, s. 5, *part*.

Where areas altered.

(4) Upon similar procedure, the corporation may, from time to time by by-law, enlarge or alter the boundaries of

any such area, and thereupon the contract mentioned in subsection 3 shall apply to such area as enlarged or altered.

(5) The by-law may provide for the issue of debentures of the corporation payable within twenty years from the issue thereof, to meet the cost of construction and installation of the works necessary for the distribution of the electrical power or energy, and for the levying of a special rate for payment of principal and interest, in the manner provided by *The Municipal Act*, upon the taxable property within the area described in the petition, or within such area as enlarged or altered. 4 Geo. V, c. 16, s. 5, *part*

Debenture
issue.

(6) All moneys required to meet the costs incurred by the corporation under this Part shall be raised, levied and collected by an annual special rate upon the taxable property within the area described in the petition, or within such area as enlarged or altered. 4 Geo. V, c. 16, s. 5, *part*.

Special rate
on property
affected.

66. All the provisions of Part II, as to the annual payments to be made by corporations which have entered into contracts with the Commission, shall apply to contracts entered into under this Part, and shall extend to the works constructed under the last-mentioned contracts. 4 Geo. V, c. 16, s. 5, *part*.

Annual
payments to
the Com-
mission.

PART IV.

DISTRIBUTION OF POWER IN RURAL POWER DISTRICTS.

67. Subject to the approval of the Lieutenant-Governor in Council, the Commission may contract with the municipal corporation of a township, or with the municipal corporations of two or more townships, for the supply and distribution by the Commission of electrical power or energy in the township or townships; and the Commission may, with the approval of the corporation, lay out and define areas, hereinafter called "rural power districts," in the township or townships for the distribution of electrical power or energy; and the Commission may, on behalf of the corporation,

Contracts
for supply
of power.

- (a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all works necessary for the transmission to, and the transforming and distributing in, any such rural power district of electrical power or energy;
- (b) supply electrical power or energy to customers of the corporation in any such rural power district;

- (c) perform, enjoy, and enforce all contracts in which the corporation agrees to supply or sell electrical power or energy to any such customer or at any premises within such rural power district;

Alteration of boundaries. and the Commission may, with the approval of the corporation, enlarge or alter the boundaries of any rural power district. 10-11 Geo. V, c. 18, s. 5, *part*; 12-13 Geo. V, c. 31, s. 4; 14 Geo. V, c. 23, s. 13.

Commission may take over existing distribution system. **68.** Whenever the municipal corporation of any such township at the time of entering into the contract has been operating a distribution system for distributing electrical power or energy to inhabitants of the township, or has a contract with the Commission for a supply of electrical power or energy under any other Part of this Act, the Commission, with the approval of the municipal corporation, may take over, acquire, reconstruct, extend and operate such distribution system, and may perform, enjoy and enforce the contracts with the customers thereof, and may incorporate such system in a rural power district. 14 Geo. V, c. 23, s. 14.

Police village not to be deemed separate corporation. **69.** Notwithstanding anything in this Act, a police village the trustees of which have not a subsisting contract with the Commission, shall not be considered a separate corporation from the township or townships out of which it was formed for the purposes of this Part.

Assent of electors not required to contract. **70.** The council of the township or the council of each of the townships entering into a contract under either section 67 or 68 may pass a by-law for entering into such contract, and the corporation of the township may execute the contract, and it shall not be necessary to submit any such by-law to the vote of the electors or to comply with any of the other formalities required in the case of a by-law under Part II. 10-11 Geo. V, c. 18, s. 5, *part*; 14 Geo. V, c. 23, s. 15.

Application of Part II as to annual payments. **71.** All the provisions of Part II as to the annual payments to be made by the corporations which have entered into contracts with the Commission shall apply to a contract entered into under this Part, and shall extend to the works constructed under the contract for transforming, distributing and supplying electrical power or energy in a rural power district. 10-11 Geo. V, c. 18, s. 5, *part*.

Rates to be fixed by Commission. **72.** The rates to be charged to customers receiving electrical power or energy from the Commission in a rural power district shall be fixed by the Commission, and shall be sufficient to provide the sum necessary to pay all the charges to be

borne by the corporation under section 71. 10-11 Geo. V, c. 18, s. 5, *part*.

73. The Commission shall annually fix, adjust and apportion the cost of all the works mentioned in sections 67 and 68 to be borne by each of the municipal corporations entering into such contract. 10-11 Geo. V, c. 18, s. 5, *part*. Apportionment of cost on annual adjustment.

STREET LIGHTING IN RURAL POWER DISTRICTS.

74.—(1) A corporation which has entered into a contract with the Commission under this Part may, under the procedure provided for in section 64 and subsections 1, 2, and 3 of section 65, enter into a contract with the Commission for the lighting by the Commission of highways in any area in a rural power district, and in pursuance of such contract the Commission may, on behalf of the corporation, acquire, construct, extend, reconstruct, hold, maintain, operate and administer all works necessary for the lighting of the highways in such area. Lighting of highways.

(2) Upon similar procedure the corporation, with the approval of the Commission, may enlarge or alter the boundaries of any such area within any rural power district, and thereupon the contract mentioned in subsection 1 shall apply to such area as enlarged or altered. Where areas enlarged.

(3) All the works mentioned in subsection 1 shall be deemed street lighting works and shall not form any part of the primary or secondary lines in the rural power district. Street lighting works.

(4) All the provisions of Part II as to the annual payments to be made by the corporations which have entered into contracts with the Commission shall apply to a contract entered into under this section and shall extend to all works constructed under such contract. Part II to apply.

(5) All moneys required to meet the costs incurred by the corporation under this section shall be raised, levied and collected by an annual special rate upon the taxable property lying within the area described in the petition, or within such area as enlarged or altered. Raising of moneys.

PART V.

CONTROL AND REGULATION BY COMMISSION.

75. In this section and in sections 76, 77 and 79: Interpretation.

(a) "corporation" shall mean and include a municipal corporation, an incorporated company, or an individual "Corporation."

or firm duly authorized by municipal by-law or agreement to construct and operate works for conducting, furnishing or distributing electricity for light, heat or power purposes in, under or upon any highway, and shall include any board or commission incorporated or unincorporated acting on behalf of a municipal corporation or of the inhabitants of a municipality;

"Highway." (b) "highway" shall include a street, lane, road, square or other public communication;

"Works." (c) "works" shall include wires, pipes, poles, conduits, ducts and other fixtures, appliances or apparatus. R.S.O. 1914, c. 39, s. 31.

Approval of
distributing
works.

76.—(1) Where a corporation has constructed or desires to construct works for conducting, furnishing or distributing electricity for light, heat or power purposes, in, under or upon any highway, or part of a highway, in, under or upon which any other corporation has already constructed and has works for the like purposes, or any of them, upon the application of the first mentioned corporation and after notice to the other and hearing any objections which it may make, the Commission may, if it is of opinion that the location and mode of construction of such works are proper, approve thereof; and all works which such first mentioned corporation has constructed or may thereafter construct, the location and mode of construction of which have been so approved, shall be deemed to have been constructed under statutory authority and to be lawfully constructed, and may be maintained and operated by such corporation without its incurring any liability to any other corporation in respect of the construction, maintenance or operation of such works, except that provided for by section 77, any statute or law to the contrary notwithstanding.

Approval
upon con-
ditions.

(2) Such approval may be given subject to such conditions as the Commission may deem necessary to prevent injury to the works of the other corporation, or to its works, servants or workmen in maintaining, repairing or operating them.

Insulation.

(3) Where the Commission is of opinion that it is necessary or expedient, in order to prevent danger from contact between the wires of different corporations or from any other cause, that insulators or other appliances should be affixed to the poles of either corporation, or that the wires of either of them should be attached to such insulators or other appliances, the Commission may authorize or direct such insulators or other appliances to be so affixed and such wires to be so

attached in such manner as the Commission may deem best calculated to prevent such danger; and anything done by either corporation pursuant to such authority or direction shall be deemed to be lawfully done.

(4) Any thing authorized or directed to be done under the provisions of subsection 3 shall be done at the expense of a corporation constructing the works in a locality in which works have already been constructed by another corporation and under such supervision as the Commission may direct. R.S.O. 1914, c. 39, s. 32, *part*.

Works to be done at expense of initiating corporation.

77.—(1) If any damage or injury is done to the works of a corporation or any of them, or is occasioned in the maintenance or operation of them, by reason of the works of another corporation or any of them being constructed or operated in closer proximity to the works of such first mentioned corporation than, but for the provisions of section 76, would have been lawful, no action shall lie in respect thereof, but the corporation doing such damage or injury shall make due compensation therefor, and any question or dispute as to such damage or injury having been so done or occasioned, or as to the amount of the compensation, shall be determined by arbitration, and the provisions of *The Municipal Act* with respect to arbitration in the case of claims against municipal corporations shall apply *mutatis mutandis* to the procedure upon an arbitration under this section.

Claims for damages by one corporation against another. 1922, c. 72.

(2) The corporation claiming damages shall, within one month after the expiration of any calendar year in which it claims that any such damage or injury has been so done or occasioned, give notice in writing to the other corporation of its claim and of the particulars thereof, and upon failure to do so the right to compensation in respect of the damage or injury done or occasioned during that calendar year shall be forever barred. R.S.O. 1914, c. 39, s. 33.

Notice of claim.

78. The Commission shall have exclusive jurisdiction as to all matters in respect of which authority is, by sections 75, 76 and 77, conferred upon it, and nothing done by the Commission within its jurisdiction shall be open to question or review in any action or proceeding or by any court. R.S.O. 1914, c. 39, s. 34.

Exclusive jurisdiction of Commission.

79. No court shall have authority to grant or shall grant an injunction or other order restraining, either temporarily or otherwise, the construction, maintenance or operation of any works the location and mode of construction of which have been approved by the Commission if such works are

Jurisdiction of courts ousted.

being, or have been, constructed in the place and according to the mode which have been so approved. R.S.O. 1914, c. 39, s. 35.

Complaints
as to rates
charged for
light, heat
or power.

80.—(1) Upon the complaint in writing of any municipal corporation, company or person that any municipal corporation, company or person receiving power from the Commission is charging for electric lighting or heating or for electrical power or energy 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 a bonus 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 of the complaint; and such notice of the appointment as the chairman may direct shall be given by the secretary of the Commission to such persons as the chairman may direct.

Hearing of
complaints.

(2) At the time and place appointed the Commission or a member thereof shall hear and determine the matter of the complaint, and may dismiss or allow the complaint, and may regulate and determine the rates to be charged, and may direct the amendment of any by-law or agreement accordingly, or may make such order as may seem meet.

Regulation
of rates.

Powers of
Commission
on enquiry.

Rev. Stat.,
c. 18.

(3) The Commission, or the member thereof hearing the complaint, shall have all the powers authorized to be conferred upon a commissioner appointed under *The Public Enquiries Act*. R.S.O. 1914, c. 39, s. 36.

Regulations
as to,—

81.—(1) The Commission may, with the approval of the Lieutenant-Governor in Council, make rules and regulations:

construction
of works, etc.

(a) prescribing the design, construction, installation, protection, use, maintenance, repair, extension, alteration, connection and disconnection of all works and matters used or to be used in the generation, transformation, transmission, distribution, delivery or use of electrical power or energy in Ontario;

Use of
works until
authorized.

(b) prohibiting the use in Ontario of any such works or matters until they shall have been inspected and approved;

Advertising
or sale of
works in un-
authorized
manner.

(c) prohibiting the advertising, display, offering for sale, or other disposal, and the sale or other disposal, publicly or privately, in Ontario, of any such works or matters unless and until they shall have been inspected and approved, and prescribing the pre-

cautions to be taken in the sale or other disposal of such works or matters and the warnings and instructions to be given to purchasers and others in advertisements and by circular or otherwise in order to prevent their use in such manner or under such conditions as may be likely to result in undue hazard to persons or property;

- (d) providing for the inspection, test and approval of all such works and matters before being used for any such purposes.

(2) The Commission may prepare and issue plans and specifications governing the design, construction and test of any of the works or matters mentioned in subsection 1, and may amend or alter such plans and specifications.

(3) The Commission may issue such orders relating to work to be done in the installation, removal, alteration, repair, protection, connection or disconnection of any of the works or matters mentioned in subsection 1 as the Commission may deem necessary for the safety of the public, or of workmen, or for the protection of property.

(4) The Commission may appoint such inspectors and other officers as it may deem necessary for the purposes of this section.

(5) The Commission may prescribe the fees to be paid for permits and for inspection, test and approval of all such works and matters mentioned in subsection 1 and of plans and specifications relating thereto, and may prescribe also the time and manner of payment of such fees.

(6) The Commission shall collect the fees prescribed by it under the authority of subsection 5, and shall provide for the remuneration, travelling and other expenses of the said inspectors and other qualified persons, together with all other expenses incurred in carrying out the provisions of this section, out of the said fees and out of any fines imposed for breach of any of the provisions of this section or of any rules, regulations, plans, specifications or orders made under the authority thereof, and out of the funds appropriated for carrying out the work of the Commission.

(7) Every inspector appointed under the authority of this section may, at any reasonable hour, enter upon, pass over or through any land, building or premises for the purpose of performing the duties assigned to him under the authority of this section.

Liability. (8) Nothing in this Act or in any of the rules or regulations, plans, specifications or orders issued under the authority of this section shall render the Commission or any of its inspectors or other employees liable, or shall affect the liability of any municipal or other corporation or commission, company, firm or individual, for any injury, loss or other damages caused to any person or property by reason of defects in any of the works or matters mentioned in this section or by reason of any order of the Commission, notwithstanding any inspection or test or the issue of any certificate by the Commission or by any of its inspectors or other employees.

Penalties— (9) Every municipal or other corporation or commission, and every company, firm or individual,—

For interference; (a) hindering, molesting, disturbing or interfering with an inspector or other employee in the performance of his duty under this section shall incur a penalty of not less than \$10 or more than \$50 for each offence;

For disobedience to regulations; (b) refusing or neglecting to comply with the provisions of this section, or with any rule or regulation, plan or specification made under the authority thereof, shall incur a penalty of not less than \$10 or more than \$50 for each offence;

For disobedience to order. (c) refusing or neglecting to comply with any order issued by the Commission under the authority of subsection 3 shall incur a penalty of not less than \$100 or more than \$500 and a further penalty of not less than \$100 or more than \$500 for each and every separate day upon which such refusal or neglect is repeated or continued.

Recovery of penalties. (10) The penalties imposed by or under the authority of this section shall be recoverable under *The Ontario Summary Convictions Act* and shall be paid over to the Commission.

Section not to apply to mines. (11) This section shall not apply to any mine as defined under *The Mining Act of Ontario*, save only as regards any dwelling house or other building not connected with or required for mining operations or purposes or used for the treatment of ore or mineral. 14 Geo. V, c. 23, s. 17.

Debentures for extension or improvement not to be issued without approval of Commission. 82.—(1) A municipal corporation which has entered into a contract with the Commission for the supply of electrical power or energy shall not pass any by-law for the issue of debentures, or borrow money by other means, for any extension or improvement to an electrical light, heat or power system

without having first obtained the assent of the Commission to the amount of such issue and borrowing and the purposes to which the proceeds of such issue are to be applied.

(2) Every member of the council of the municipal corporation passing a by-law in contravention of subsection 1 shall be personally responsible for any loss or expense occasioned to the corporation by such action unless he shows that he voted against the passing of such by-law or did everything in his power to prevent the passing of the by-law.

Liability of members of council.

(3) Every by-law passed in contravention of subsection 1 shall be illegal and void, and the Commission may take the same proceedings for quashing such by-law, or restraining the corporation from issuing debentures thereunder, as might be taken by a ratepayer of the municipality.

By-law to be void.

(4) This section shall have effect, notwithstanding the provisions of any other general or special Act heretofore enacted relating to any municipal corporation. 7 Geo. V, c. 20, s. 9.

Section to have effect notwithstanding other enactments.

83. The rates chargeable by any municipal corporation generating or receiving and distributing electrical power or energy shall at all times be subject to the approval and control of the Commission; and the rates charged by any company or individual receiving power from the Commission for the supply of electrical power or energy shall at all times be subject to such approval and control. R.S.O. 1914, c. 39, s. 38, *part.*

Rates to be approved.

84. The Commission may prescribe a system of book-keeping and keeping accounts of the assets, liabilities, revenue and expenditure of any municipal corporation or municipal commission, and may require from such municipal corporation or commission such returns and statements as the Commission may deem proper, and may extract from such books, returns and statements such information as in the opinion of the Commission may be useful for publication and may embody such information in the reports of the Commission. R.S.O. 1914, c. 39, s. 38, *part.*

System of book-keeping, etc.

85. Section 58 of *The Ontario Railway and Municipal Board Act* shall not apply to municipal corporations or municipal commissions which are subject to the provisions of sections 83 and 84 of this Act, in so far as the said sections relate to the development or distribution of electrical power or energy. R.S.O. 1914, c. 39, s. 38, *part.*

Jurisdiction of Ontario Railway and Municipal Board.
Rev. Stat., c. 186.

Insurance
by municipi-
palities.

86.—(1) Every municipal corporation and municipal commission having a contract with the Commission for the supply of electrical power or energy shall maintain insurance against loss or damage to the person and property of employees and others occurring during the course of the operations of such corporation or commission.

Amount
and terms.

(2) The insurance shall be for such amount and upon such terms and conditions as the Commission may direct and approve.

Insurance
fund.

(3) In lieu of such insurance, such corporation or commission may, with the approval of the Commission, establish a fund sufficient, in the opinion of the Commission, to protect such corporation or commission against any such loss or damage.

Group
Insurance
for municipi-
palities.

(4) The Commission at the request of any municipal corporation or commission may enter into a contract with an insurance corporation for effecting such insurance on behalf of the municipal corporation or commission as may be required under the provisions of subsections 1 and 2 anything in *The Ontario Insurance Act, 1924*, or any other general or special Act to the contrary notwithstanding, and the cost of insurance so effected by the Commission shall be chargeable to the municipal corporation or commission as part of the cost of power payable by the municipal corporation or commission under section 57.

Collection
of arrears on
direction
from Com-
mission.

87. Where it appears to the Commission, upon the examination of the accounts of any municipal corporation or municipal commission receiving power from the Commission under a contract between the municipal corporation and the Commission under this Act, that there are arrears due and owing for electrical power or energy supplied by the municipal corporation or municipal commission, or for rents, rates, costs and charges in connection with the service or supply of such power or energy or for the installation of any works for such service or supply, and that the municipal corporation or municipal commission has not taken the necessary proceedings for the collection of such arrears, the Commission may give, in writing, such directions as it may deem proper, signed by the chairman or secretary, for the collection of the arrears by any method by which they may be collected, and it shall be the duty of the municipal corporation or municipal commission forthwith after receiving such directions to take all proceedings necessary to carry them into effect. 14 Geo. V, c. 23, s. 18, *part*.

Offences and
penalties.

88. Where a municipal corporation or a municipal commission receiving electrical power or energy from the Commission under a contract made with the Commission in pursuance of the provisions of this Act,—

- (a) supplies electrical power or energy to any person upon terms and at rates other than those which have been approved of by the Commission;
- (b) grants to any person to whom electrical power or energy is supplied by the municipal corporation or commission, special terms by way of bonus or otherwise as to the rates to be paid for electrical power or energy, or as to the terms at which they are to be supplied;
- (c) neglects or refuses to carry out any direction of the Commission given under section 87;
- (d) by any means whatsoever, directly or indirectly reduces the cost of electrical power or energy to any individual, firm or corporation so that it is supplied to such individual, firm or corporation at a lower rate or upon better terms than those approved of by the Commission;
- (e) fails to keep accounts in the manner prescribed by the Commission or makes improper entries therein, or charges against any account items not properly chargeable thereto;

such municipal corporation or municipal commission shall be guilty of an offence, and every member of the municipal council of such municipal corporation or every member of the municipal commission, as the case may be, shall be disqualified from sitting and voting in the council or from election thereto, or from acting as a member of the municipal commission or being appointed thereto, and from holding any other municipal office for a period of five years from the date of judgment or order declaring his disqualification, and proceedings may be taken against him in the same manner as in the case of a member of a municipal council who has become disqualified or has forfeited his seat under the provisions of *The Municipal Act*: Provided that no member of the municipal council or of the municipal commission, as the case may be, shall be found to be so disqualified who proves to the satisfaction of the court or judge before whom the application for a declaration of his disqualification is made, that he was not a party to the offence and that he did everything in his power to prevent the commission of the offence. 14 Geo. V, c. 23, s. 18, *part*.

89. When a municipal corporation or a municipal commission neglects or refuses to carry out any of the provisions of this Act, or any direction or regulation lawfully given or made hereunder, the Commission, if it deems it necessary or desirable so to do, may appoint some person to do whatever is necessary to remedy such neglect or default and to comply

Disqualification of councillor or commissioner.

Proviso.

When default made Commission may take action.

with this Act or any such direction or regulation; and the reasonable and proper costs and charges incurred by the Commission in so doing shall be a debt due and payable by the municipal corporation or municipal commission to the Commission and shall be added to and shall be chargeable and collected with the charges set out in section 57. 14 Geo. V, c. 23, s. 18, *part*.

When accounts of corporation show a surplus.

90.—(1) Whenever it appears from the accounts of a municipal corporation or municipal commission that after providing for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the production, development or distribution of electrical power or energy, and, in the case of a municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution, after providing for the payments required by this Act, that there is a surplus at the credit of the municipal corporation or municipal commission, such surplus shall be applied and disposed of, in such manner as the Commission may by general regulation or special order direct,—

Application of surplus,—

In reduction of indebtedness;

(a) in the reduction of any indebtedness incurred with respect to the construction and equipment of such works; or,

In erection of office buildings, etc.;

(b) in purchasing or otherwise acquiring a site, and erecting thereon buildings, for the occupation and use of the municipal commission as offices and for other business purposes, subject to the approval by the Commission of the site and cost of the plans of any such building, and, subject to such approval, any such office building may be larger than is required for the immediate use of the municipal commission; and any part of such building not immediately required for the use of the municipal commission may be leased by it to the corporation or to any other municipal commission for the purposes of any public utility in the municipality;

In erection of larger building than required and leasing part for other utilities;

In maintaining, repairing and extending works;

(c) in the maintenance, repair or renewal thereof; or

(d) in the extension of such works; or

(e) in the formation of a fund to be used at a future time for any of such purposes;

To general purposes of municipal corporation.

(f) to the extent to which such surplus is derived from the supply of electrical power or energy for the public buildings of the corporation or the lighting of the streets of the municipality or for the operation of any street railway or electric railway or any public utility owned and operated by the corpora-

tion,—by payment over of such surplus, or of such portion thereof as the Commission may deem proper, to the treasurer of the municipality to be applied to the general purposes of the corporation. R.S.O. 1914, c. 39, s. 39; 5 Geo. V, c. 19, s. 13; 7 Geo. V, c. 20, ss. 10, 11.

(2) Subsection 1 shall apply to every municipal corporation or municipal commission which has entered into a contract with the Commission for the supply of electrical power or energy, and shall have effect notwithstanding any provision in any general or special Act. 5 Geo. V, c. 19, s. 14, *part*. Application of section notwithstanding special provisions.

(3) Any member of the council of a municipal corporation, and any member of a municipal commission, who is in any manner a party to any other disposition of such surplus than that directed by the Commission, shall forfeit his office, and proceedings may thereupon be taken against him as provided in *The Municipal Act* in the case of a member of a municipal council who has become disqualified, and the Commission may take the same proceedings in respect thereof as might be taken by a ratepayer of such municipality. 5 Geo. V, c. 19, s. 14, *part*; 7 Geo. V, c. 20, s. 11. Liability for mis-application of surplus.

(4) If it is found upon such proceedings that such member of the municipal council or commission has forfeited his office, he shall be disqualified from holding any municipal office for a period of two years thereafter. 5 Geo. V, c. 19, s. 14, *part*. Dis-qualification.

91. A municipal corporation or municipal commission and any company or individual neglecting or refusing to obey and carry out any order or direction of the Commission or of a member thereof made under section 80, or of the Commission made under sections 81, 83, 84, 86, 87, 88 and 90, in addition to any other liability, shall forfeit to His Majesty for the use of Ontario the sum of one hundred dollars for every day during which such neglect or refusal shall continue. R.S.O. 1914, c. 39, s. 40. Orders of Commission. Penalty for disobeying.

92.—(1) Where the Commission is of opinion that it is necessary or expedient for the protection of life or property, or for the convenience of the public, that the use of overhead lines upon any highway or part thereof in a city or town, including the wires of telegraph, telephone, electric light, heat or power companies, should be discontinued, the Commission may so direct, and, upon such terms and subject to such conditions as it may prescribe, may require that such wires be placed and carried in underground conduits to be constructed and maintained in accordance with the directions and to the satisfaction of the Commission, and may abrogate Ordering wires underground.

Municipal wires. any right to carry lines on poles in such city or town which may have been given by any Act or by any municipal by-law, license or agreement.

Interpretation. (2) In this section, and in sections 93 to 97,—

"Lines." (a) "lines" shall mean and include the wires, cables or other conductors used for the purpose of conveying or distributing electricity or electrical power or energy, for telegraph, telephone, or electric light, heat or power purposes;

"Company." (b) "company" shall include a municipal corporation or municipal commission, a partnership and an individual, owning, leasing, using or controlling lines in a city or town. R.S.O. 1914, c. 39, s. 41.

Construction of tunnel by municipal corporation. **93.** Where the corporation of the city or town is willing to undertake the construction of a tunnel or conduits or other system for carrying lines underground in any highway or part thereof, the Commission, upon such terms and subject to such conditions as it may prescribe, may require all companies whose lines are carried overhead upon any such highway or public communication to make use of such tunnel or conduits or other system for the purpose of carrying their lines, and to pay to the corporation such compensation for the use thereof as may be agreed upon or as the Commission may determine; and such compensation may be either a lump sum or a sum to be paid annually or periodically as the Commission may determine and direct. R.S.O. 1914, c. 39, s. 42.

Powers of corporation of city or town. **94.** Where the corporation of a city or town desires to construct a tunnel, conduits or other system for the purpose mentioned in section 93, the corporation may do so and may exercise in respect thereof the powers of expropriation conferred upon the corporation by *The Municipal Act*. R.S.O. 1914, c. 39, s. 43.

Work to be subject to direction of Commission. **95.** All works undertaken under the provisions of sections 93 and 94 shall be done in accordance with the directions and to the satisfaction of the Commission, and shall be maintained, kept in repair, altered, enlarged or improved to the satisfaction of the Commission and as it may direct. R.S.O. 1914, c. 39, s. 44.

Overhead lines, disobedience of orders respecting. **96.** If any order or direction of the Commission for discontinuing the use of overhead lines is not obeyed, the lines, poles and other structures in connection therewith upon the highway shall be deemed to be unlawfully erected and maintained, and may be removed by or under the direction of the

Commission and at the expense of the owner or user of them, and the company owning or using such lines shall incur a penalty of one hundred dollars for each day during which the order of the Commission is disobeyed. R.S.O. 1914, c. 39, s. 45.

97.—(1) Where lines, the construction or operation of which is authorized by this Legislature, and lines the construction of which is authorized by the Parliament of Canada, run through or into the same city or town, and the corporation of such city or town is desirous of having such lines placed underground, the Commission and the Board of Railway Commissioners for Canada may, after the receipt of the applications hereinafter mentioned, by joint session or conference in conformity with the practice to be established by them, hear and determine the application, and may order, on such terms and conditions as they may prescribe, any company constructing or operating lines in the city or town to place such lines underground, and may abrogate any right to carry lines on poles in such city or town, which may have been given by any Act or municipal by-law, license or agreement.

Under-ground lines.
Joint order by Commission and Dominion Railway Board.

(2) Any such company, or any municipal corporation or other public body, or any person interested, may file with the secretary of the Commission, and with the secretary of the Board of Railway Commissioners of Canada, the application for an order under this section, together with evidence of the service of such application upon the companies interested or affected, and where the application is not made by the municipal corporation, upon the head of the municipality within which the lines are situate.

Filing applications for order.

(3) The chairman of the Commission and the chairman of the Board of Railway Commissioners for Canada may make rules of procedure and practice covering the making of such applications and the hearing and disposition thereof.

Rules of procedure.

(4) The chairman of the Commission and the chairman of the Board of Railway Commissioners for Canada may from time to time assign or appoint from each body the members comprising the joint board that may be required to sit for the hearing and determining of such applications as they arise.

Membership of Joint Board.

(5) Any such order may be made a rule of the Exchequer Court of Canada, and may be enforced in like manner as any rule, order or decree of such court. R.S.O. 1914, c. 39, s. 46.

Enforcement of orders.

PART VI.

MUNICIPAL COMMISSIONS.

98.—(1) Notwithstanding anything in any general or special Act, subsection 5 of section 34 of *The Public Utilities Act* shall apply in every city and town which has entered into a contract with the Commission for the supply of electrical power or energy, and a commission shall be established under the provisions of Part III of *The Public Utilities Act* for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of electrical power or energy.

Municipal commission to be established in every city or town under contract with Commission.

Rev. Stat., c. 204.

(2) In a city having a population of one hundred thousand or over according to the last enumeration of the assessor, the corporation of which has entered into a contract with the Commission under this Act, the commission to be established for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of electrical power or energy may, if the council of the city by by-law so declares, consist of three members, one of whom shall be appointed by the municipal council of the city at its first meeting in each year, one shall be appointed by the Commission and the third of whom shall be the mayor of the city, and the members so appointed shall hold office for two years or until their successors are appointed. 5 Geo. V, c. 19, s. 15, *part*.

Municipal commission—how composed in city of 100,000 or over.

99.—(1) No member or officer of any commission appointed or elected for the control and management of the construction, operation and maintenance of works undertaken by a municipal corporation for the distribution and supply of electrical power or energy received from the Commission shall, directly or indirectly,—

Members of municipal commission not to be interested in certain companies, etc.

- (a) hold, purchase, take or become interested in any stock, share, bond, debenture or other security or property of any company or individual engaged in the generation, distribution or supply of electrical power or energy in the municipality or holding or controlling works for that purpose; or
- (b) have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as part of the equipment required in the generation, distribution or supplying of electrical power or energy.

(2) If any such stock, share, bond, debenture or other security, property, device, appliance, machine, patented process or article, or any part thereof or any interest therein, shall come to or vest in any member or officer of a municipal commission 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 sell and dispose thereof, and of his interest therein.

Municipal commissioners to part with any such property devolving on them.

(3) No member or officer of any such municipal commission shall act as director or officer of any company which has power to invest any portion of its funds in the securities of a company generating, distributing or supplying electrical power or energy or any appliance therefor in the same municipality.

Not to be directors or officers of companies dealing in electrical supplies.

5 Geo. V, c. 19, s. 15, *part.*

(4) Every member or officer of a municipal commission who contravenes any of the provisions of this section shall forfeit his office, and shall be disqualified and incapable of being elected or appointed to any such municipal commission or to any other municipal office for a period of two years, and the like proceedings may be taken by the Commission or by a ratepayer against any such member or officer to remove him from his office or declare his disqualification, as may be taken by a ratepayer for the removal or disqualification of a member of a municipal council who has become disqualified from sitting and voting therein, but the Commission shall not be required to furnish security for costs. 6 Geo. V, c. 19, s. 11.

Disqualification of member of municipal commission.

100. Where, by this Act or by any contract heretofore or hereafter entered into between the Commission and a municipal corporation, duties are imposed upon or covenants or undertakings are entered into by the municipal corporation, they shall extend to and be deemed to include and shall be binding upon any commission having the management or control of any public utility or other municipal undertaking for and on behalf of the municipal corporation, and any board of education, board of high school trustees or board of public school trustees appointed or elected for the municipality represented by the municipal corporation. 5 Geo. V, c. 19, s. 15, *part.*

Agreements to extend to municipal commissions, boards, etc.

PART VII.

REPEAL.

101. The following Acts and parts of Acts are repealed, namely:—

Acts and parts of Acts repealed.

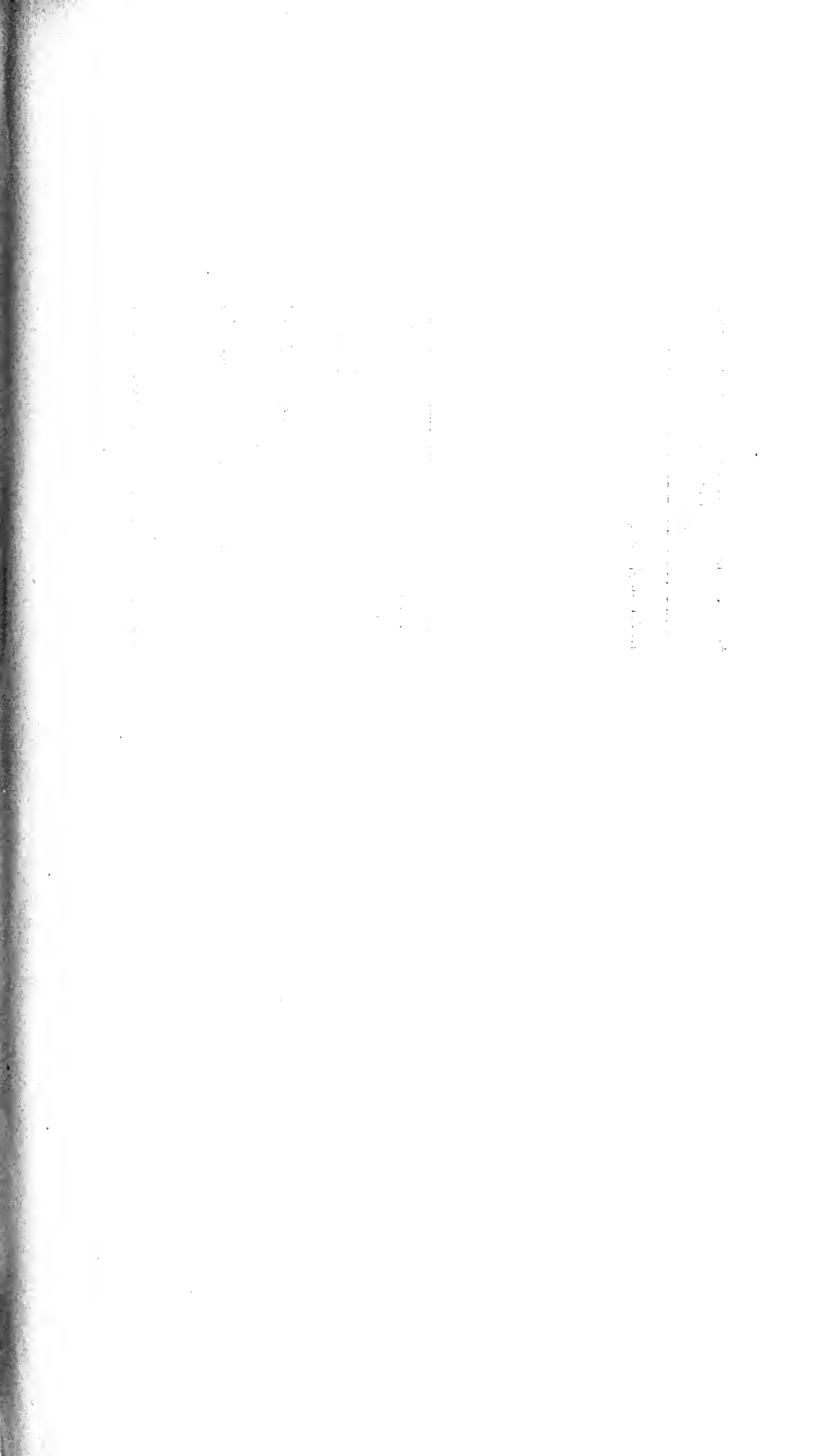
- (a) *The Power Commission Act*, (R.S.O. 1914, c. 39) except subsection 2 of section 15*b* (as enacted by

1918, c. 14, s. 9); subsection 2 of section 18; subsection 6 of section 32, and sections 25 to 30.

- (b) *The Power Commission Act, 1914*, (1914, c. 16) except sections 8 to 12 and schedules.
- (c) *The Power Commission Act, 1915*, (1915, c. 19) except sections 16 to 22 and schedules.
- (d) *The Power Commission Act, 1916*, (1916, c. 19) except sections 13 to 16 and schedules.
- (e) *The Power Commission Act, 1917*, (1917, c. 20) except sections 14 to 19 and schedules.
- (f) *The Power Commission Act, 1918*, (1918, c. 14) except subsection 2 of section 15*b* of *The Power Commission Act* as enacted by section 9; sections 16 to 19 and schedules.
- (g) *The Power Commission Act, 1919*, (1919, c. 16) except sections 4 to 7 and schedules.
- (h) *The Power Commission Act, 1920*, (1920, c. 18) except sections 6 to 10 and schedules.
- (i) *The Power Commission Act, 1922*, (1922, c. 31) except section 5.
- (j) *The Power Commission Act, 1924*, (1924, c. 23) except section 20.
- (k) *The Power Commission Act, 1925*, (1925, c. 23) except sections 6 and 7.
- (l) *The Power Commission Act, 1926* (1926, c. 17) except the subsection 1*c* added by section 2, and except section 3 and schedule "A."

SCHEDULE "A."

1927.....	\$1,338,567
1928.....	1,392,110
1929.....	1,447,795
1930.....	1,505,706
1931.....	1,565,935
1932.....	1,628,572
1933.....	1,693,716
1934.....	1,761,464
1935.....	1,831,922
1936.....	1,905,199
1937.....	1,981,406
1938.....	2,060,663
1939.....	2,143,090
1940.....	2,228,813
1941.....	2,317,966
1942.....	2,410,684
1943.....	2,507,111
1944.....	2,607,396
1945.....	2,711,691
1946.....	2,820,159
1947.....	2,932,965
1948.....	3,050,284
1949.....	3,172,296
1950.....	3,299,187
1951.....	3,431,156
1952.....	3,568,401
1953.....	3,711,137
1954.....	3,859,582
1955.....	4,013,966
1956.....	4,174,525
1957.....	4,341,505
1958.....	4,515,166
1959.....	4,695,772
1960.....	4,883,603
1961.....	5,078,948
1962.....	5,282,106
1963.....	5,493,390
1964.....	5,713,125
1965.....	5,941,650
1966.....	6,179,317
	<hr/>
	\$127,198,046



No. 64.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Hydro-Electric
Power Commission of Ontario.

1st Reading,	14th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

MR. FERGUSON.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Rights of Widows in the Estates of their Deceased Husbands.

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 Widows' Act, 1927*. Short title.
2. The widow of a man who dies leaving a will by the terms of which his said widow would in the opinion of the judge before whom the application is made receive less than if he had died intestate may apply to the Supreme Court for relief. Application to Supreme Court.
3. The application may be made by notice of motion in the matter of the estate of the deceased. Notice of motion, how styled.
4. The notice of motion shall be served upon the executors named in the will or upon any person to whom a grant of letters of administration with will annexed has been made, six clear days before the motion is returnable. Service of notice on executors, etc.
5. The court may direct any other person to be served with notice of the application and the practice and procedure of the Supreme Court upon applications in chambers shall so far as the same are found to be applicable, apply to proceedings under this Act save as herein otherwise provided. Practice and procedure.
6. The application shall be supported by an affidavit of the applicant setting forth fully all the facts entitling her to relief under this Act. Material in support.
7. The court may direct such other evidence to be given in addition to the evidence adduced by the parties to the application and in such manner as shall seem necessary or proper. Further evidence.
8. On any such application the court may make such allowance to the applicant out of the estate of her husband disposed of by will as may be just and equitable in the circumstances. Making allowance to widow.

Form of allowance.

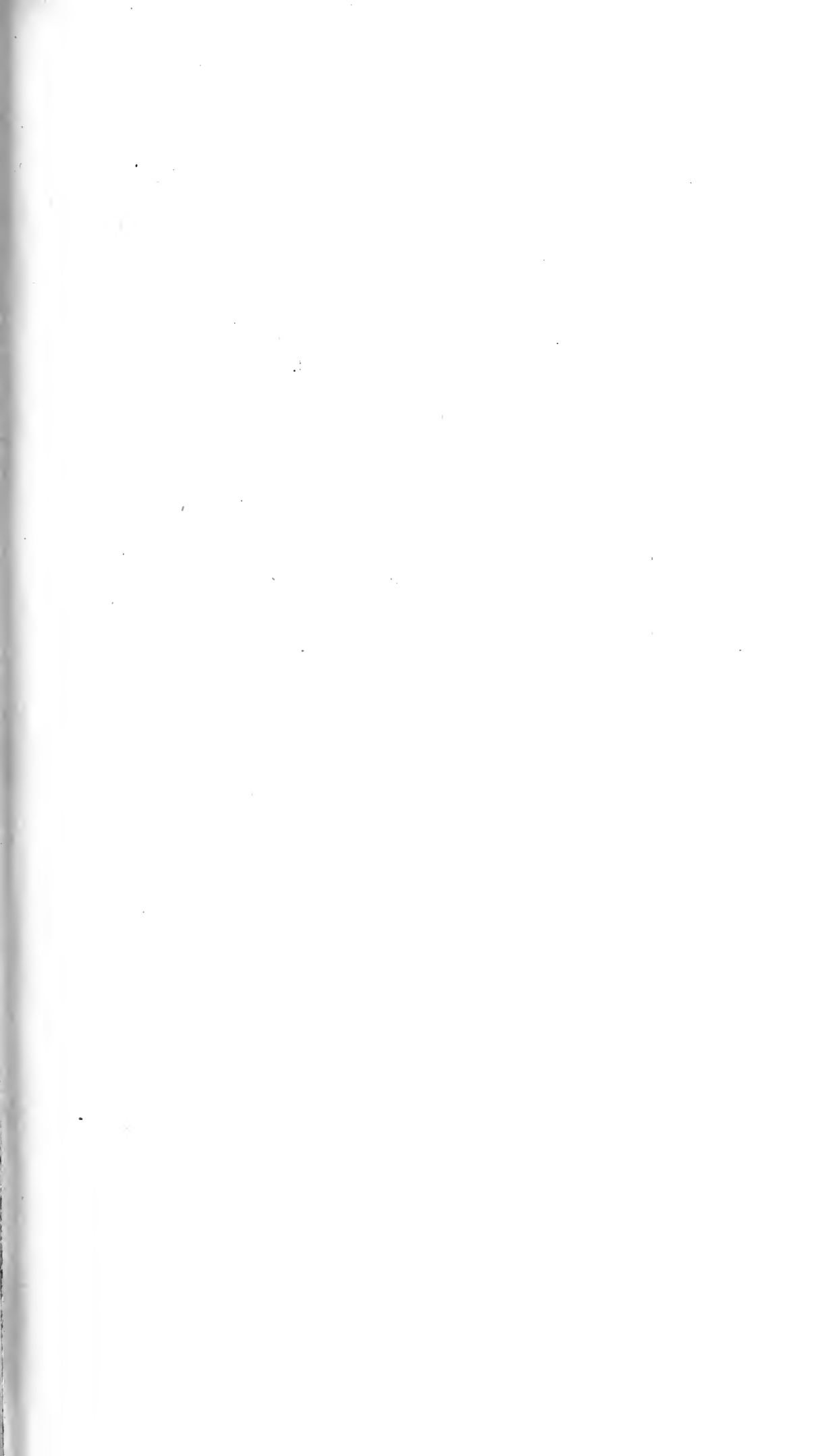
9. Any such allowance may be by way of an amount payable annually or otherwise, or of a lump sum to be paid or of certain property to be conveyed or assigned either absolutely or for life or for a term of years to the applicant, or for her use and benefit as the court may see fit; and in the event of a conveyance of property being ordered, the court may give all necessary and proper directions for the execution of the conveyance or conveyances, either by the executors or administrators or by such other person as the court may direct, or may grant a vesting order.

Who to be affected where application made after partial distribution.

10. If the application be made after the expiration of six months from the death of the husband the allowance, if any, shall be made so as to affect only beneficiaries under the will interested in the portion of the estate remaining at the date of the application unadministered in the hands of the executors or administrators or undistributed in their hands as trustees under the will.

Enforcement of order.

11. Any order made by the court upon the application may be enforced against the estate of the deceased husband in the same way and by the same means as any other judgment or order of the court against the estate of the deceased may be enforced, and the court may make such order or direction or interim order or direction as shall seem necessary to secure to the applicant payment out of the estate of such sums or sum as she shall be found entitled to.



No. 65.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Rights of Widows
in the Estates of their deceased
Husbands.

1st Reading, 15th February,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. LETHBRIDGE.

TORONTO:

Printed by

The printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Psychiatric Hospitals Act, 1926.

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 Psychiatric Hospitals Act*,^{Short title.}
1927.

2.—(1) Subsection 1 of section 10 of *The Psychiatric Hospitals Act, 1926*, is amended by striking out the first^{1926, c. 71,}
^{s. 10, subs. 1,}
^{amended.} three lines and inserting in lieu thereof the following:

“Any person who is, or who is believed to be in need of such treatment as is provided in a psychiatric hospital and who, except in the cases provided for in clauses (b) and (e) of this section, has been a resident of the municipality in which such psychiatric hospital is located for three months in all within the period of five months prior to the date of application for admission, may be admitted thereto for such treatment,—”

(2) The clause lettered (e) in subsection 1 of the said section 10 is amended by inserting after the word “magistrate” in the first line the words “having jurisdiction in the municipality in which the hospital is located and accompanied by the prescribed history form,” and by adding at the end of the said clause the words “and any person so remanded shall be deemed to be a resident of the municipality in which the order for such remand is made.”^{1926, c. 71,}
^{s. 10, subs. 1,}
^{cl. e.}
^{amended.}

(3) The said section 10 is amended by adding thereto^{1926, c. 71,}
^{s. 10,}
^{amended.} the following subsection:

(1a) The certificate mentioned in clause (c) shall be sufficient authority to a police officer or to any other person to convey a person to a psychiatric hospital and to the authorities of the said hospital for his detention therein.^{Authority to convey patient to hospital.}

1926, c. 71,
s. 10, subs. 3,
amended. (4) Subsection 3 of the said section 10 is amended by adding at the end thereof the words "and the certificate of the superintendent or of any legally qualified medical practitioner who is a member of the staff of the hospital shall be sufficient authority for the granting of said discharge."

1926, c. 71,
s. 11, subs. 1,
cl. c,
amended. **3.**—(1) The clause lettered (c) in subsection 1 of section 11 of *The Psychiatric Hospitals Act, 1926*, is amended by striking out all the words after the word "corporation" in the second and third lines and inserting in lieu thereof the words "at the rate of \$1.50 per diem or more."

1926, c. 71,
s. 11, subs. 2,
amended. (2) Subsection 2 of the said section 11 is amended by striking out the figure "(2)" at the commencement thereof and by making the said subsection a separate section to be inserted after section 12 as section 12a.

1926, c. 71,
s. 14, subs. 4,
amended. **4.**—(1) Subsection 4 of section 14 of *The Psychiatric Hospitals Act, 1926*, is amended by inserting after the word "discharged" in the fourth line the word "he."

1926, c. 71,
s. 14, subs. 6,
amended. (2) Subsection 6 of the said section 14 is amended by inserting after the word "hospital" in the second line the words "except such persons as are admitted under clauses (b) and (e) in subsection 1 of section 10."

1926, c. 71,
s. 17,
amended. **5.** Section 17 of *The Psychiatric Hospitals Act, 1926*, is amended by inserting after the word "escapes" in the second line the words "therefrom or."

Commence-
ment of
Act. **6.** This Act shall come into force on the day upon which it receives the Royal Assent.

No. 66.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Psychiatric
Hospitals Act, 1926.

1st Reading,	15th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

MR. FERGUSON.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty

BILL

The Forestry Act.

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 Forestry Act, 1927.* Short title.

2. In this Act,— Inter-pretation.
 - (a) "Minister" shall mean Minister of Lands and Forests. "Minister."

 - (b) "Lands" shall include lands covered with water; all trees and underwood growing upon land; all mines, minerals, gas, oil, salt, quarries and fossils in and under land; the interest in land of a tenant or occupant, and the interest of a holder of any lease, license, concession, or contract under which there has been acquired from the Crown any right to be exercised in respect of or over or upon land; and all buildings, improvements, structures and fixtures in or on land. "Lands."

3. The Minister may for and in the name of His Majesty lease, purchase or acquire, and, subject as hereinafter mentioned, may without the consent of the owner thereof enter upon, take and expropriate any land in Ontario which the Minister may deem necessary for forestry purposes and may lease, sell or otherwise dispose of the interest of the Province in any land thus leased, purchased, acquired or expropriated, or the timber thereon, and for the purposes of this section the Minister shall have and may exercise the like powers and shall proceed in manner provided by *The Ontario Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario and the provisions of that Act shall *mutatis mutandis* apply. Power to acquire lands for forestry purposes.
Rev. Stat. c. 35.

4. Lands acquired under the provisions of this Act shall be under the control and management of the Minister who may develop, protect, care for, and manage such lands and may Adminis-tration and manage-ment.

sell and dispose of any timber which in the opinion of the Minister for any reason should be disposed of.

Agreements
as to forestry
develop-
ment on
private
lands.

5. For the purposes of reforesting, developing and managing for forestry purposes lands held by other persons, firms, corporations or municipal corporations, the Minister may enter into agreements for such purposes with any such persons, firms, corporations or municipal corporations.

Disposing
of Crown
lands for
forestry
purposes.

6. For forestry purposes the Minister may lease, sell, or otherwise dispose of Crown lands and may enter into agreements with reference thereto.

Employees.

7. For the purpose of carrying out the provisions of this Act the Minister may employ such persons as he may deem necessary, and they shall be subject to the instructions of the Minister.

Appro-
priation of
funds.

8. All moneys required for the purposes of this Act shall be paid out of any sum appropriated by the Legislature and voted by the Assembly for that purpose.

Taking
townships
out of
unions.

9. Notwithstanding anything contained in *The Consolidated Municipal Act, 1922*, and amendments, when a township forming part of a union of townships has less than twenty-five resident freeholders whose names are entered on the last revised assessment roll, the Lieutenant-Governor in Council may, for forestry purposes, by proclamation, detach such township from such union of townships, upon such terms as may seem proper, and thereupon such township so detached shall cease to be incorporated and shall not thereafter without the approval of the Lieutenant-Governor in Council, become, be annexed to, or form part of a municipal corporation. The said order-in-council may contain such provisions as may seem proper and necessary for any school section that may be affected by the said order-in-council.

Declaring in-
corporated
townships
part of
Crown
forest
reserve.

10. Notwithstanding anything contained in *The Consolidated Municipal Act* and amendments thereto where any township has an area of less than ten per cent. of such township used for farming purposes the Lieutenant-Governor in Council may for forestry purposes, by proclamation, declare that the township or such part of the said township as may be designated by the said order-in-council shall form part of a Crown Forest Reserve, or be otherwise used for forestry purposes, upon such terms as may be set out in the said order-in-council, and for municipal or administrative purposes any balance of the said township may be attached to any adjoining township. The said order-in-council may contain such provisions as may seem proper and necessary for any school section that may be affected by the said order-in-council.

11. For the purpose of making a survey and estimating the timber and other natural resources of the Province, and the adaptability of land for forestry purposes, the Minister may himself or by any officer or person appointed by him for that purpose, and without the consent of the owner, from time to time, enter into and upon any land to whomsoever belonging, and there investigate and examine the condition of such land for the purposes provided for and intended by this Act.

Right of entry for estimating natural resources of land.

12. Whenever any townships, township, or part of a township have been taken over by the Minister for forestry purposes the Lieutenant-Governor in Council may upon the recommendation of the Minister declare that all the roads, reserves, allowances for roads, or other public lands in such area shall be closed to the public upon such terms and conditions as may seem proper.

Power to close roads on lands taken over for forestry.

13. Upon the recommendation of the Minister the Lieutenant-Governor in Council may, by proclamation, provide that any township or portion of a township in Ontario suitable for settlement purposes, may be set aside for the purpose of location of settlers whom the Minister may desire to move from locations that have been found to be unsuitable for agricultural purposes, and which it is desired to take over for forestry purposes; and the terms and conditions of location upon such lands may be fixed and determined by the said order-in-council.

Setting apart lands for settlement of settlers removing from unsuitable lands.

14. Whenever in the opinion of the Minister it is found that settlement has taken place on lands not suitable for agricultural purposes and which said lands are required for forestry purposes, the Minister shall have power to make arrangements for the removal of such settlers upon such terms as may be agreed upon, and may pay the expenses of the removal of such settlers and their families, chattels and effects to lands designated under the preceding section and may enter into agreements with such settlers for the purposes of providing for such removal and for the reconveyance or release of the said lands to the Crown.

Removal of settlers from lands unsuitable for farming.

15. Whenever in the opinion of the Minister any lands required under this Act, or otherwise, are suitable for the creation of a Crown Forest Reserve, the Lieutenant-Governor in Council may, by proclamation, set apart such lands as a Crown Forest Reserve under *The Forest Reserves Act*, notwithstanding the fact that such lands may be valuable or used for the preservation or reproduction of timber other than pine.

Crown Forest Reserves, proclamation of.

Rev. Stat. c. 30.

16. Upon the recommendation of the Minister the Lieutenant-Governor in Council may, by proclamation,

Requiring permit for entering forest reserve.

provide that no person shall enter upon any lands acquired under this Act or lands forming a part of any Crown Forest Reserve without a permit obtained for that purpose and upon such terms and conditions as may be proper and necessary, and subject to such penalties for a breach of the terms and conditions as may be provided for by the order-in-council.

"Forestry Board," establishment of.

17. Upon the recommendation of the Minister the Lieutenant-Governor in Council may, by proclamation, create a board to be known as the "Forestry Board," consisting of five members to be appointed in such manner and for terms as may be provided for by the order-in-council, for the purpose of carrying on research work in connection with the forestry lands of the Province of Ontario, and to study all questions in connection with the planting, growth, development, marketing and reproduction of pulpwoods on the said Crown lands and on the lands of Crown lessees, licensees and concessionaires in the Province of Ontario, and with such further or other powers as may be designated by the said order-in-council.

Regulations.

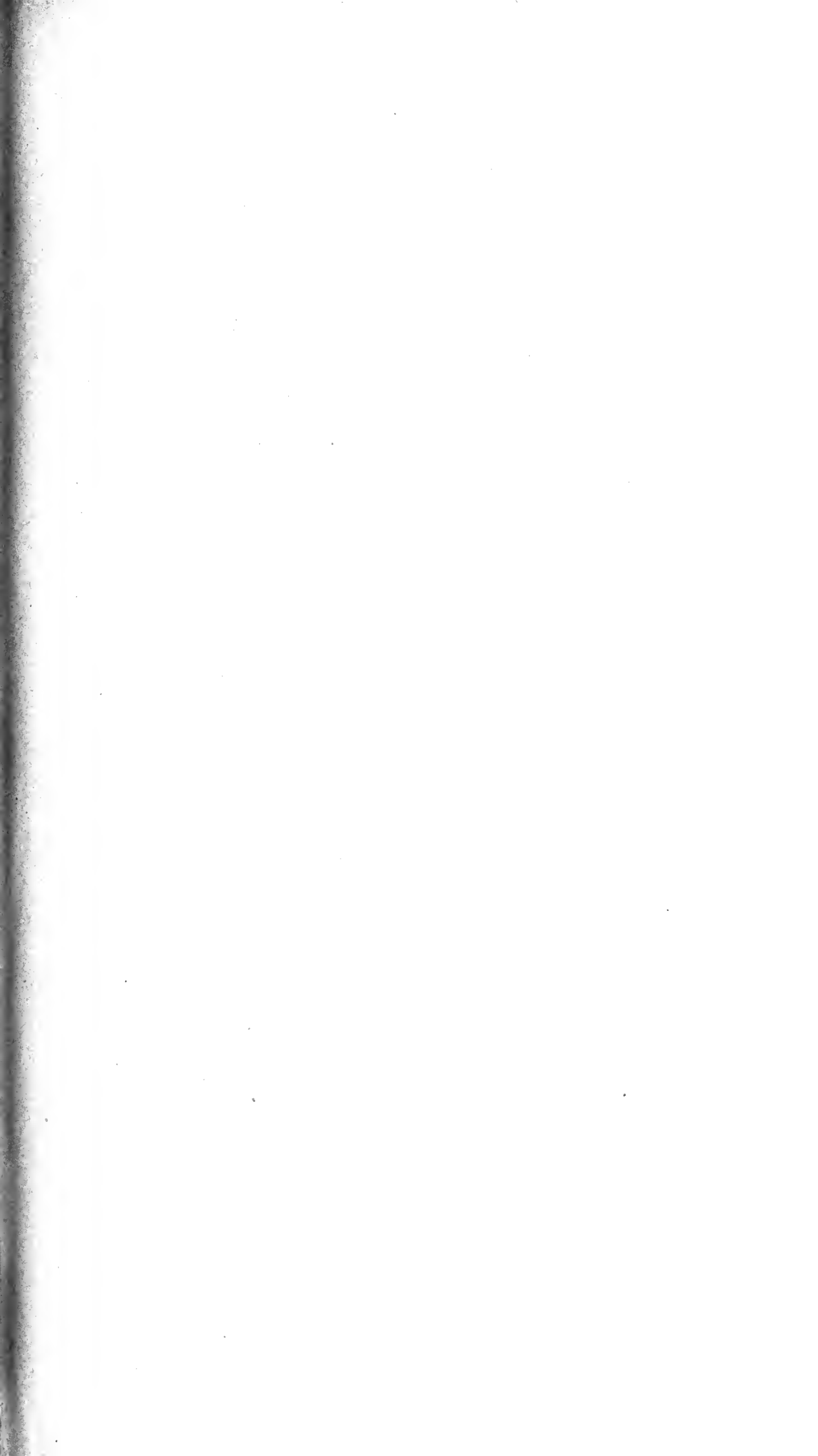
18. Upon the recommendation of the Minister, the Lieutenant-Governor in Council may make such regulations as he may deem necessary to carry out the provisions of this Act.

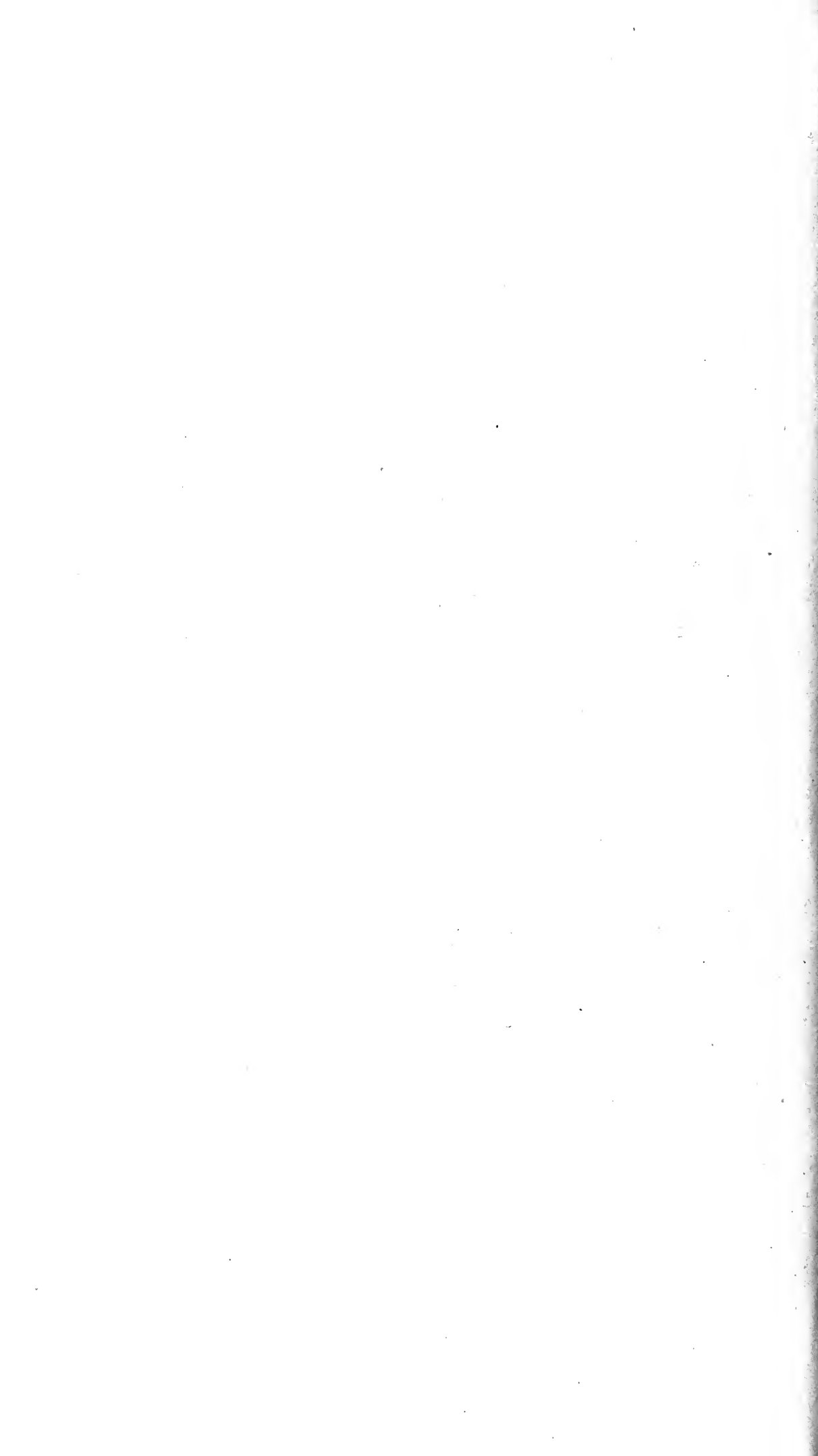
1921, c. 19;
1923, c. 10,
repealed.

19. *The Reforestation Act, 1921, and The Reforestation Act, 1923,* are hereby repealed.

Commence-
ment of
Act.

20. This Act shall come into force on the day upon which it receives the Royal Assent.





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No. 67.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

The Forestry Act.

1st Reading,	15th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

MR. FINLAYSON.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Athletic Commission Act.

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 Athletic Commission Act*, Short title, 1927.

2. Section 4 of *The Athletic Commission Act* is repealed. 1920, c. 30, s. 4, repealed.

3. Section 10 of *The Athletic Commission Act* is repealed and the following substituted therefor: 1920, c. 30, s. 10, repealed.

10.—(1) For the purpose of providing a fund for the payment of the salaries and other expenses of the commission, its officers, clerks and servants, and the general expenses incurred in carrying out the provisions of this Act every person, corporation, association or club conducting a professional contest or exhibition of any sport or game shall pay to the commission such amount not exceeding two per centum of the gross receipts taken by such person, corporation, association or club in respect of such contest or exhibition as shall from time to time be determined by the commission with the approval of the Lieutenant-Governor in Council. . .

Tax on gate receipts for funds of Commission.

(2) The amounts so received by the commission, together with all fees received for licenses and permits issued under section 11, shall be set apart by the commission and shall constitute a fund for the payment of the salaries, remuneration and expenses mentioned in subsection 1, and any portion of such funds remaining unexpended and not required to meet the charges mentioned in subsection 1 may be used by the commission for the assistance, encouragement and promotion of sport and recreation in such a way and by such means as the commission may decide.

Fund for maintenance of Commission.

Quarterly
statement of
receipts and
expenditures.

- (3) The commission shall furnish to the Lieutenant-Governor in Council, quarterly on the last days of January, April, July and October, a statement showing the amounts received and expended by the commission in each quarter.

1920, c. 30,
s. 11,
repealed.

4. Section 11 of *The Athletic Commission Act* as amended by section 3 of *The Athletic Commission Act, 1921*, is repealed and the following substituted therefor:

Licenses
or permits
for boxing or
wrestling
competitions.

11. The commission may issue a license or permit to any person, corporation or association to hold or participate or take part in holding a professional boxing or wrestling contest or exhibition, and no such boxing or wrestling contest or exhibition shall be held or participated in except by a person, corporation or association holding such license or permit.

1920, c. 30,
amended.

5. *The Athletic Commission Act* is amended by adding thereto the following section:

Penalty.

- 13c. Every person, club, corporation or association who conducts or participates in conducting or holding any professional contest or exhibition and who fails to comply with the provisions of section 10 shall in addition to the payment of the amounts provided in subsection 1 of section 10 incur a penalty of not less than \$20, nor more than \$100.

1920, c. 30,
amended.

6. *The Athletic Commission Act* is further amended by adding thereto the following sections:

Payment
of amount of
gate receipt
tax to
Commission.

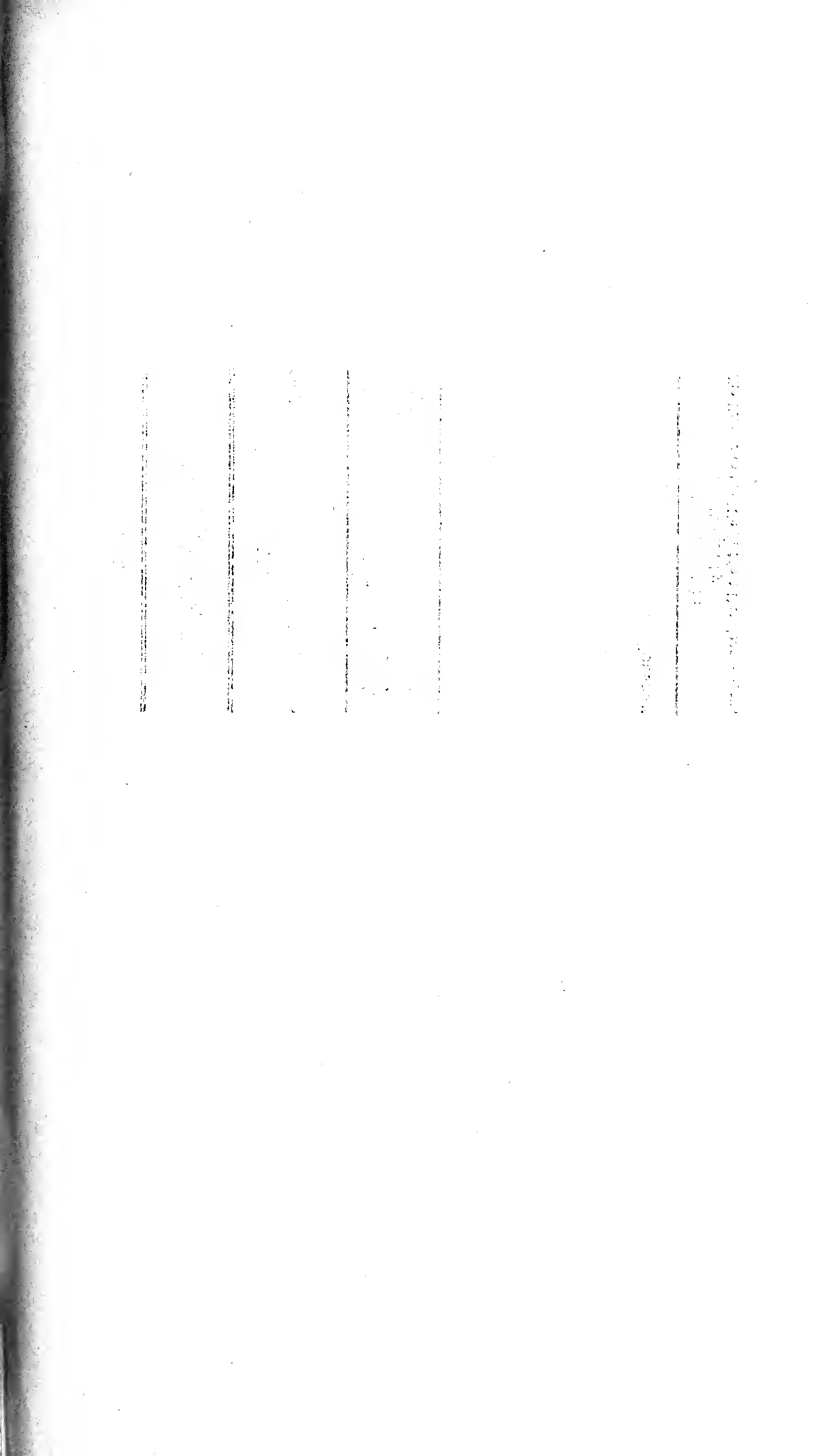
- 14a. Every person, club, corporation or association conducting any professional contest or exhibition shall, not later than the day following such contest or exhibition, remit to the commission at its office at Toronto, by registered mail, the amount payable under the provisions of subsection 1 of section 10.

Inter-
pretation.

- 14b. The expression "professional contest or exhibition of any sport or game" shall mean and include lacrosse, football, baseball, hockey, boxing and wrestling contests and any other sport or game from time to time designated by the Lieutenant-Governor in Council.

Commence-
ment of
Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 68.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Athletic Commission
Act.

1st Reading,	15th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

MR. GODFREY.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Athletic Commission Act.

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 Athletic Commission Act*, Short title. 1927.

2. Section 4 of *The Athletic Commission Act* is repealed. 1920, c. 30, s. 4, repealed.

3. Section 10 of *The Athletic Commission Act* is repealed and the following substituted therefor: 1920, c. 30, s. 10, repealed.

10.—(1) For the purpose of providing a fund for the payment of the expenses of the commission *and the salaries and other expenses of* its officers, clerks and servants, and the general expenses incurred in carrying out the provisions of this Act every person, corporation, association or club conducting a professional contest or exhibition of any sport or game shall pay to the commission such amount not exceeding two per centum of the gross receipts taken by such person, corporation, association or club in respect of such contest or exhibition as shall from time to time be determined by the commission with the approval of the Lieutenant-Governor in Council. Tax on gate receipts for funds of Commission.

(2) The amounts so received by the commission, together with all fees received for licenses and permits issued under section 11, shall be set apart by the commission and shall constitute a fund for the payment of the salaries, remuneration and expenses mentioned in subsection 1, and any portion of such funds remaining unexpended and not required to meet the charges mentioned in subsection 1 may be used by the commission for the assistance, encouragement and promotion of sport and recreation in such a way and by such means as the commission may decide. Fund for maintenance of Commission.

Quarterly
statement of
receipts and
expenditures.

- (3) The commission shall furnish to the Lieutenant-Governor in Council, quarterly on the last days of January, April, July and October, a statement showing the amounts received and expended by the commission in each quarter.

1920, c. 30,
s. 11,
repealed.

4. Section 11 of *The Athletic Commission Act* as amended by section 3 of *The Athletic Commission Act, 1921*, is repealed and the following substituted therefor:

Licenses
or permits
for boxing or
wrestling
competitions.

11. The commission may issue a license or permit to any person, corporation or association to hold or participate or take part in holding a professional boxing or wrestling contest or exhibition, and no such boxing or wrestling contest or exhibition shall be held or participated in except by a person, corporation or association holding such license or permit.

1920, c. 30,
amended.

5. *The Athletic Commission Act* is amended by adding thereto the following section:

Penalty.

- 13c. Every person, club, corporation or association who conducts or participates in conducting or holding any professional contest or exhibition and who fails to comply with the provisions of section 10 shall in addition to the payment of the amounts provided in subsection 1 of section 10 incur a penalty of not less than \$20, nor more than \$100.

1920, c. 30,
amended.

6. *The Athletic Commission Act* is further amended by adding thereto the following sections:

Payment
of amount of
gate receipt
tax to
Commission.

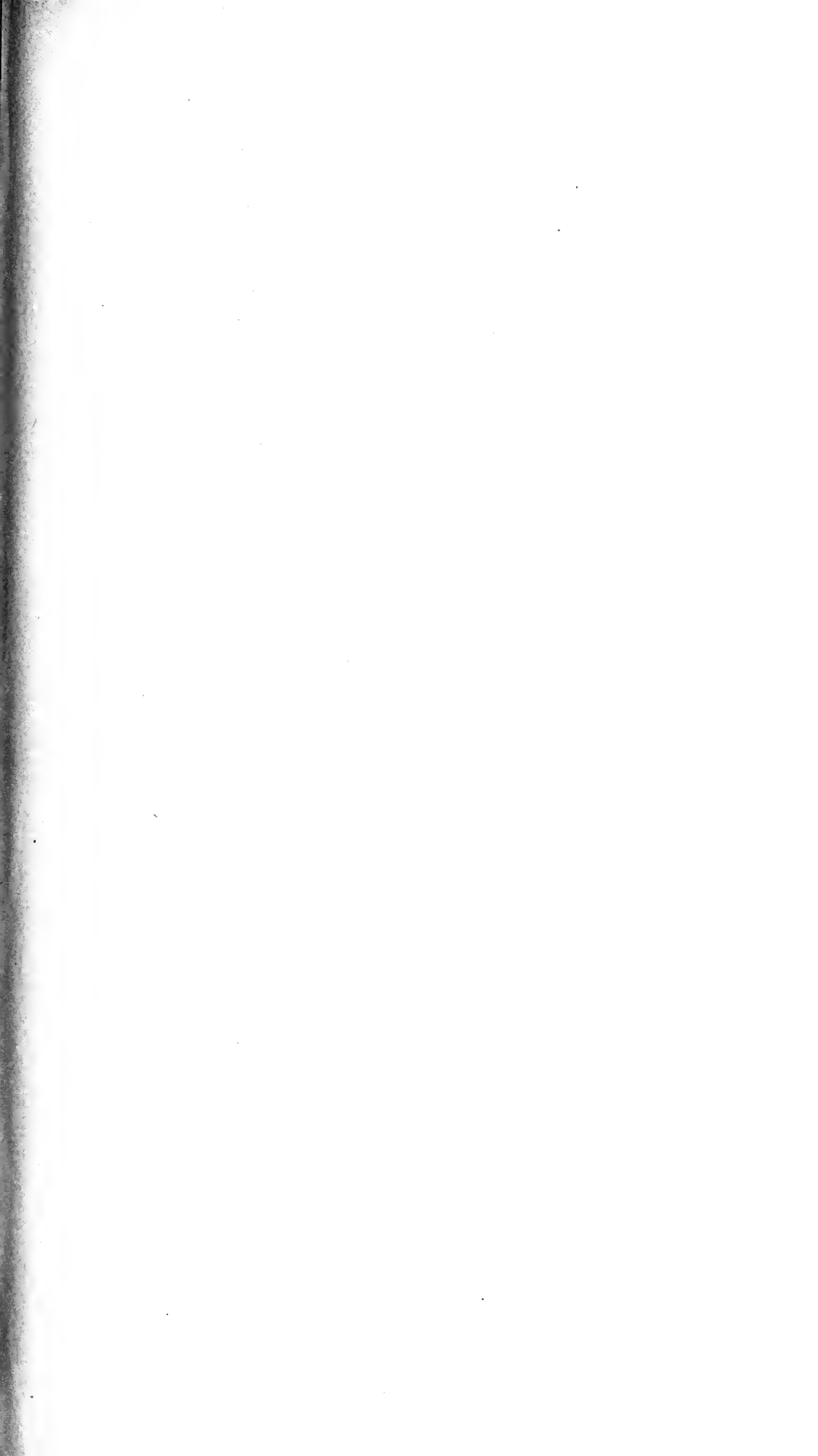
- 14a. Every person, club, corporation or association conducting any professional contest or exhibition shall, not later than the day following such contest or exhibition, remit to the commission at its office at Toronto, by registered mail, the amount payable under the provisions of subsection 1 of section 10.

Inter-
pretation.

- 14b. The expression "professional contest or exhibition of any sport or game" shall mean and include lacrosse, football, baseball, hockey, boxing and wrestling contests and any other sport or game from time to time designated by the Lieutenant-Governor in Council.

Commence-
ment of
Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 68.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Athletic Commission
Act.

1st Reading, 15th February, 1927.
2nd Reading, 25th February, 1927.
3rd Reading, 1927.

*(Reprinted as amended in Committee of the
Whole House.)*

MR. GODFREY.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Public Health.

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 Public Health Act, 1927*. Short title.
R.S.O. 1914, c. 218, s. 1.

INTERPRETATION.

2. In this Act,—

Interpreta-
tion.

- (a) "Communicable disease" shall mean and include any contagious or infectious disease, and shall include smallpox, chickenpox, diphtheria, scarlet fever, typhoid fever, measles, German measles, glanders, cholera, erysipelas, tuberculosis, mumps, anthrax, bubonic plague, rabies, poliomyelitis and cerebro-spinal meningitis, and any other disease which may be declared by the regulations to be a communicable disease; "Com-
municable
disease."
- (b) "Department" shall mean the Department of Health for Ontario. "Depart-
ment."
- (c) "Deputy Minister" shall mean the Deputy Minister of Health for Ontario; "Deputy
Minister."
- (d) "House" or "household" shall include a dwelling house, lodging house, or hotel, and a students' residence, fraternity house, or other building in which any person in attendance as a student, pupil or teacher, or employed in any capacity in or about a university, college, school or other institution of learning resides or is lodged; "House."
"House-
hold."

- "Householder." (e) "Householder" shall include the proprietor, master, mistress, manager, housekeeper, janitor, and caretaker of a house;
- "Local Board." (f) "Local board" shall mean the local board of health for any municipality;
- "Medical Officer of Health." (g) "Medical Officer of Health" shall mean the medical officer of health of the municipality appointed under this Act, or in unorganized territory of a medical officer of health appointed by the Department for a specified area;
- "Member of a household." (h) "Member of a household" shall mean a person residing, boarding or lodging in a house;
- "Minister." (i) "Minister" shall mean the Minister of Health for Ontario;
- "Municipality." (j) "Municipality" shall not include a county;
- "Occupier." (k) "Occupier" shall mean the person in occupation or having the charge, management or control of any premises, whether on his own account or as the agent of any person;
- "Owner." (l) "Owner" shall mean the person for the time being receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the same if such lands and premises were let;
- "Premises." (m) "Premises" shall mean and include any land or any building, public or private, sailing, steam or other vessel, any vehicle, steam, electric or street railway car for the conveyance of passengers or freight, any tent, van, or other structure, of any kind, any mine, and any stream, lake, drain, ditch or place, open, covered or enclosed, public or private, natural or artificial, and whether maintained under statutory authority or not;
- "Regulations." (n) "Regulations" shall mean regulations made under the authority of this Act;
- "Street." (o) "Street" shall include any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not. R.S.O. 1914, c. 218, s. 2; 1920, c. 81, s. 2; 1924, c. 69, s. 8. *Amended.*

3.—(1) The Lieutenant-Governor in Council may appoint a duly qualified medical practitioner, of at least five years' standing, to be Chief Inspector of Health.

(2) The Chief Inspector of Health may exercise, anywhere in Ontario any of the powers conferred by this Act on medical officers of health, and he shall act, under the direction of the Minister, and shall perform such duties as may be assigned to him by the Minister or by the Deputy Minister. R.S.O. 1914, c. 218, s. 4 (4, 5). *Amended.*

4. Except as otherwise expressly provided in this Act or the regulations, wherever in any regulations made under the authority of any former Act in which this Act is substituted or in any other Act reference is made to the "Chief Officer of Health," the word "Minister" shall be deemed to be substituted therefor, and where reference is made to the "Provincial Board of Health", the words "Department of Health" shall be deemed to be substituted therefor. *New.*

5. It shall be the duty of the Department, and it shall have power to,—

- (a) make investigations and enquiries respecting the causes of disease and mortality in Ontario or in any part thereof;
- (b) advise the officers of the Government in regard to public health generally, and as to drainage, water supply, disposal of garbage and excreta, heating, ventilation and plumbing of premises;
- (c) exercise a careful oversight of vaccine matter and serum produced or offered for sale in Ontario, and manufacture the same if deemed advisable, and as far as possible prevent the sale of the same when found to be impure or inert, and see that a supply of proper vaccine matter is obtainable at all times at such vaccine farms and other places as are subject to inspection by the Department;
- (d) determine whether the existing condition of any premises or of any street, or public place, or the method of manufacture or business process, or the disposal of sewage, trade or other waste, garbage or excrementitious matter is a nuisance or injurious to health;

Inspection of sanitary conditions in gaols, etc.

(e) inspect all county gaols, prisons, houses of refuge, asylums, hospitals, sanatoria, orphanages, homes or places of refuge, charitable institutions and other public or private institutions for the safe keeping, custody or care of any person confined therein by process of law, or received or cared for therein at his own charges or by public or private charity, and see that such institutions are kept in a proper sanitary condition and that this Act and the regulations are complied with;

Distribution of literature.

(f) make public distribution of sanitary literature, especially during the prevalence in any part of Ontario of any communicable disease, and pay particular attention to all matters relating to the prevention and spread of communicable diseases in such manner as the Department may deem best to control any outbreak;

Entry on premises and orders as to alterations therein.

(g) enter into and go upon any premises in the exercise of any power or the performance of any duty under this Act, and make such orders and give such directions with regard to the structural alteration of the premises or with respect to any other matter as the Department may deem advisable in the interests of the public health. R.S.O. 1914, c. 218, s. 6. *Amended.*

Investigation as to disease and mortality.

6.—(1) The Minister may direct an officer of the Department to investigate the causes of any communicable disease or mortality in any part of Ontario, and the person so directed may take evidence on oath or otherwise, as he may deem expedient, and shall, for the purposes of such investigation, possess all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat., c. 18.

Investigation as to unsanitary conditions and nuisances.

(2) Where it appears to the Department that any unsanitary condition or nuisance exists in a municipality, and that the local board has, on a proper representation of the facts, neglected or refused to take such measures as may remove such condition or abate such nuisance, the Minister may direct an investigation as provided by subsection 1.

Removal or abatement.

(3) If upon such investigation it is found that a remediable unsanitary condition or nuisance exists, the Department may direct its immediate removal or abatement by the person responsible therefor, and if such person neglects or refuses after three days' notice by the Department to remove or abate the same, may cause such removal or abatement to be made, and the treasurer of the municipality shall forthwith pay out of

any money of the municipality any expenses incurred under such orders. R.S.O. 1914, c. 218, s. 7. *Amended.*

7. The Minister, with the approval of the Lieutenant-Governor in Council, may make such regulations as may be deemed necessary for,—

- (a) the prevention or mitigation of disease; Prevention and mitigation of disease.
- (b) the frequent and effectual cleansing of streets, yards and premises; Cleansing streets and premises.
- (c) the removal of nuisances and unsanitary conditions; Removal of nuisances, etc.
- (d) the cleansing, purifying, ventilating and disinfecting of premises by the owners and occupiers or other persons having the care or ordering thereof; Cleansing and disinfecting premises.
- (e) the construction, repair, renewal, alteration and inspection of plumbing, the material to be used in the construction of, and the location of drains, pipes, traps, and other works and appliances forming part of or connected with the plumbing in any building or upon any property or in any highway, street, lane or public place, and in any structure or place, whether permanent or temporary, constructed or used thereon or therein; Regulations as to plumbing.
- (f) the location, construction, repair, renewal, alteration, and inspection of sewers, drain-pipes, manholes, gully traps, flush tanks, and other works, in or upon public, municipal or private property, forming part of or connected with any municipal sewerage system; Sewerage system.
- (g) regulating, so far as this Legislature has jurisdiction in that behalf, the entry and departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels or from railway carriages or cars, and the receiving of passengers or cargoes on board the same, for the purpose of preventing the spread of any communicable disease; Passenger traffic.
- (h) the safe and speedy interment or disinterment of the dead, the transportation of corpses and the conduct of funerals; Burials.
- (i) the supplying of such medical aid, medicine and other articles and accommodation as the Department may deem necessary for preventing or mitigating an outbreak of any communicable disease; Checking communicable diseases.

Inspection
for the
purpose of
disinfection.

(j) the inspection of premises by the local board or medical officer of health, or some officer of the Department, and the cleansing, purifying and disinfecting anything contained therein when required by the local board or officer, at the expense of the owner or occupier, and for detaining for this purpose any steamboat, vessel, railway carriage or car, or public conveyance and anything contained therein and any person travelling thereby as may be necessary;

Ordering
alteration or
destruction.

(k) entering and inspecting any premises used for human habitation in any locality in which conditions exist, which, in the opinion of the Department, are unsanitary, or such as to render the inhabitants specially liable to disease, and for directing the alteration or destruction of any such building which is, in the opinion of the Department, unfit for human habitation;

Preventing
over-
crowding.

(l) preventing the overcrowding of premises used for human habitation by limiting the number of dwellers in such premises and the amount of air space to be allowed for each dweller therein;

Preventing
travel by
persons ex-
posed to
infection.

(m) preventing the departure of persons from infected localities and for preventing persons or conveyances from passing from one locality to another, and for detaining persons or conveyances who or which have been exposed to infection for inspection or disinfection until the danger of infection is past;

Sanitary
inspectors.

(n) regulating the appointment of sanitary inspectors to be paid by the municipality in which they act for the purpose of enforcing this Act or the regulations, or any by-law in force in the municipality;

Surveillance.

(o) the removal or keeping under surveillance of persons living in infected localities;

Taking pos-
session of
premises.

(p) authorizing the taking possession by a municipal corporation, local board of health, or medical officer of health, for any of the purposes of this Act, of any land or unoccupied building;

Health and
summer
resorts and
inland
waters.

(q) the sanitary precautions to be taken in health resorts, summer resorts and upon boats or other vessels plying upon lakes, rivers, streams and other inland waters, and for preventing the pollution of such waters by the depositing therein

of sewage, excreta, vegetable, animal or other matter or filth;

(r) any other matter which, in the opinion of the De-^{General.}partment, the general health of the inhabitants of Ontario or of any locality may require;

(s) the manufacture of non-intoxicating beverages and distilled and mineral water, and the manufacture^{Manufacture of beverages.} of syrups, wines and brewed beers. R.S.O. 1914, c. 218, s. 8; 1916, c. 51, s. 1; 1923, c. 52, s. 2. *Amended.*

8. The Department may, from time to time, declare all or^{Application of regulations.} any of such regulations to be in force in any specified municipality or locality for such time as the Department may deem expedient. R.S.O. 1914, c. 218, s. 9. *Amended.*

9.—(1) The regulations shall be subject to the approval^{Approval and promulgation of regulations.} of the Lieutenant-Governor in Council, and shall come into force and take effect upon publication of such approval and the regulations approved in the *Ontario Gazette*.

(2) Every regulation shall be laid before the Assembly^{To be laid before Assembly.} forthwith if the Assembly is then in session, or if it is not then in session within fourteen days after the commencement of the next session. R.S.O. 1914, c. 218, s. 10.

10.—(1) Any order or regulation made by the Department^{By-laws, etc., superseded by regulations.} shall, while it is in force in any locality, supersede any municipal by-law or other regulation, including the by-law set out in Schedule B, dealing with the same subject matter, and so far as any such by-law or other regulation is inconsistent with the order or regulation of the Department, such by-law or other regulation shall be deemed to be suspended.

(2) Every order or regulation made by the Department shall^{Publication of regulations.} be published in the next report issued by the Department. R.S.O. 1914, c. 218, s. 11. *Amended.*

11. The Deputy Minister of Health, the district officers of health, the Provincial Sanitary Inspectors in unorganized areas and any other officer of the Department specially^{Powers of officers of the Department.} authorized for the purpose shall possess all the powers conferred upon a medical officer of health and the officers of a local board by this Act or by the regulations. R.S.O. 1914, c. 218, s. 12. *Amended.*

12.—(1) The Lieutenant-Governor in Council may divide^{Health districts and district officers.} the province for the purposes of this section into not more than ten health districts, and may appoint a legally qualified

medical practitioner to be known as the district officer of health for each such district. R.S.O. 1914, c. 218, s. 13 (1). *Amended.*

Salaries,
etc., of
district
officers of
health.

(2) Every district officer of health shall be paid such salary as may be fixed by the Lieutenant-Governor in Council, and his actual and necessary travelling and other expenses incurred in the discharge of his duties, and such salary and expenses shall be payable out of such sums as may be appropriated by the Legislature for that purpose. 1918, c. 41, s. 2.

District
officers of
health,
duties of.

(3) Every district officer of health shall within his district be the official representative of the Department of Health, and subject to the approval of the Minister or the Deputy Minister he shall have general control of statutory organization for public health. He shall further, for the promotion of public health and for the protection of the inhabitants from communicable disease have authority, subject to the approval of the Minister to enforce the provisions of *The Public Health Act* and the regulations and he shall be responsible through the local medical officer of health for the enforcement of the said Act and the regulations. He shall also have for the further effective carrying out of the said Act and regulations all the powers and rights and authority to perform all the functions and duties of the local medical officer of health or the sanitary inspector under this Act. *New.*

May act in
other
districts.

(4) Whenever required so to do by the Department, a district officer of health shall have the same authority and shall perform the same duties in any part of Ontario as he might do in the district for which he is appointed.

To act under
Department.

(5) Every district officer of health shall act under the supervision and control of the Department, and shall report to it at least monthly, and at such other times as may be required, and shall in such report give such information as may be required by the Department or by the regulations. R.S.O. 1914, c. 218, s. 13 (8, 9). *Amended.*

Enforce-
ment of
sanitary
by-laws.

(6) The Department, every district officer of health and inspector, and every medical officer of health and sanitary inspector shall have authority to enforce the by-law set out in Schedule B, or any amendment thereof approved by the Department, and any by-law respecting the milk supply of, and any other by-law respecting sanitary matters in a municipality, and for this purpose may institute proceedings for the prosecution of offenders against any of the said by-laws. 1916, c. 51, s. 2. *Amended.*

(7) A district officer of health shall have the authority to summon a special meeting of a local board of health for public health purposes. *New.*

LOCAL BOARDS OF HEALTH.

13.—(1) There shall be a local board of health for every Local boards. municipality in Ontario.

(2) In a city, and in every town having a population of In cities and in towns of 4,000 or over. 4,000 or over, according to the enumeration of the assessors for the last preceding year, the local board shall consist of the mayor, the medical officer of health, and three resident ratepayers to be appointed annually by the council at its first meeting in every year.

(3) In a town having a population of less than 4,000, In towns of less than 4,000, villages and townships. according to such enumeration, and in every other municipality, the local board shall consist of the head of the municipality, the medical officer of health, and one resident ratepayer to be appointed as provided by subsection 2.

(4) There shall be a secretary of the local board, and, unless Secretary. otherwise provided by the council, the clerk shall be the secretary. R.S.O. 1914, c. 218, s. 14.

14. Every local board shall be a corporation by the name Corporate name. of "The Local Board of Health of the City *(or as the case may be)* of " *(inserting the name of the municipality)*. R.S.O. 1914, c. 218, s. 15.

15.—(1) A local board shall hold at least four meetings Meetings. in each year at a time and place to be fixed by resolution of the board, and such other meetings as may be prescribed by the regulations, or be required by the Board.

(2) At the first meeting of a local board in every year, Chairman. which shall be held not later than the 1st day of February, the board shall elect one of its members to be chairman. R.S.O. 1914, c. 218, s. 16.

16. Any member of a local board may call a special meet- Special meetings. ing thereof at any time by giving notice in writing to the secretary and to the remaining members of the board. R.S.O. 1914, c. 218, s. 17.

17. The clerk of the municipality shall report to the Secretary to report of membership of board to Department. Department the names and addresses of the members of the local board in each year, on or before the 1st day of

February, and he shall so report any change occurring during the year in the membership of the board. R.S.O. 1914, c. 218, s. 18. *Amended.*

Vacancies
in board.

18. Whenever a vacancy occurs in any local board of a city or town by the death, resignation or removal of an appointed member the council shall, at its first meeting after such vacancy occurs, appoint a resident ratepayer to fill the same, and in default of such appointment the Department may appoint a resident ratepayer of the municipality to fill the vacancy. R.S.O. 1914, c. 218, s. 19. *Amended.*

Quorum.

19. A majority of the members of a local board shall form a quorum. R.S.O. 1914, c. 218, s. 20.

Payment
of local
boards in
townships.

20. The council of a township may by by-law provide for the payment to each member of the local board and to the secretary of a sum not exceeding \$4 for every attendance at meetings of the board and his necessary travelling expenses in going to and returning from such meetings. 1921, c. 74, s. 2.

Payment
of accounts
certified by
board.

21. The treasurer of the municipality shall forthwith upon demand, pay the amount of any account for services performed under the direction of the board and materials and supplies furnished, or for any expenditure incurred by the board or by the medical officer of health or sanitary inspector in carrying out the provisions of this Act or the regulations, after the board has by resolution approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer. R.S.O. 1914, c. 218, s. 22.

Recording
proceedings.

22.—(1) The proceedings of every local board shall be recorded by the secretary in a book to be kept for that purpose.

Annual
report.

(2) The secretary shall annually, on or before the 15th day of December, prepare a report of the work done by the board during the year, and of the sanitary condition of the municipality.

Local re-
ports to be
transmitted
to Deputy
Minister.

(3) The report as adopted by the local board shall include the annual report of the medical officer of health and shall be transmitted to the Deputy Minister of Health. R.S.O. 1914, c. 218, s. 23. *Amended.*

Weekly
report to
Department.

23. The secretary of every local board shall report weekly to the Department the number of cases and deaths from communicable diseases, and the number of deaths from all other causes, occurring in the municipality during the preceding week, upon a form to be supplied by the Department. R.S.O. 1914, c. 218, s. 24. *Amended.*

24.—(1) Whenever a local board has authority to direct that any matter or thing shall be done by any person, the board may also, in default, of its being done by the person direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof by action in any court of competent jurisdiction, or the board may direct that the same be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes. R.S.O. 1914, c. 218, s. 25 (1). Enforcing authority of local board.

(2) Where a local board in a city or in any town, village, police village or township bordering on or situate within ten miles of a city having a population of not less than 200,000 in which a sewerage system has been established, recommends that sanitary conveniences should be installed in any building, and is of the opinion that the owner of the premises is unable or unwilling to pay the expense of the same at once, the municipality may install suitable sanitary conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality at the expense of the owner, and the Department may direct that the cost, including interest at a rate not exceeding six per centum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and that such annual payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes. R.S.O. 1914, c. 218, s. 25 (2); 1918, c. 41, s. 3; 1924, c. 68, s. 2; 1925, c. 69, s. 2. *Amended.* When local board may install sanitary conveniences. Payment by owner in equal annual instalments.

(3) A certificate from the clerk of the municipality setting forth the cost of the said conveniences and a description of the lands upon which the same were made shall be registered in the proper registry or land titles office against the said lands on proper proof by affidavit of the signature of the said clerk and upon payment in full of the cost of the said conveniences a like certificate from the city clerk shall be registered and the lands shall thereupon be freed from all liability with reference thereto. 1919, c. 62, s. 1. Registration of certificate of charges for installing sanitary conveniences.

25.—(1) Where an action is brought against a local board or any member, officer or employee of a local board by any person who has suffered any damage by reason of any act or default on the part of such local board or any member, officer or employee thereof, the corporation of the municipality may assume the liability or the defence of the action, and may pay any damages or costs for which such board or the member, officer or employee is liable in respect of such act or default. Municipality may assume responsibility for board or employees.

But not for
contractors.

(2) In this section the word "employee" shall not include a contractor with the local board. R.S.O. 1914, c. 218, s. 26.

Duty of
local board
as to carry-
ing out Act
and regula-
tions.

26. It shall be the duty of a local board to superintend and see to the carrying out of the provisions of this Act and of the regulations, or of any by-law of the municipality pertaining to public health and to execute, do, and provide all such acts, matters and things as are necessary for that purpose. R.S.O. 1914, c. 218, s. 27. *Amended.*

Complaints
as to nuis-
ances.

27. Where information is given in writing to the local board by any resident householder of the existence of a nuisance or unsanitary condition in the municipality, the local board shall forthwith cause the complaint to be investigated and all necessary steps to be taken as provided by this Act or by the regulations to abate or remedy the same. R.S.O. 1914, c. 218, s. 28. *Amended.*

Cleansing
and disin-
fecting
houses, etc.

28.—(1) Where a medical officer of health is of opinion that the disinfecting of any house or part thereof, or of any articles therein likely to retain infection, would tend to prevent or check any communicable disease, he shall, through the sanitary inspector or otherwise, at the cost and charge of the municipality, disinfect such house or part thereof and the articles therein contained. R.S.O. 1914, c. 218, s. 29; 1918, c. 41, s. 4.

Disinfect-
ing, etc., of
premises.

(2) The disinfecting, renovating and cleansing of houses and premises shall be carried on in accordance with the regulations. 1918, c. 41, s. 4.

Ambulance.

29. A local board may provide, maintain or hire an ambulance or carriage for the conveyance of persons suffering from disease or accident, and may pay the expense of conveying therein any person so suffering to a hospital or other place. R.S.O. 1914, c. 218, s. 30.

Disinfecting
apparatus.

30. A local board may provide all necessary apparatus and attendance for the disinfection or destruction of bedding, clothing or other articles which have become infected, and may cause such articles to be disinfected free of charge or may make a reasonable charge for disinfecting them. R.S.O. 1914, c. 218, s. 31.

Destruction
of infected
bedding,
etc.

31. A local board may direct the destruction of any furniture, bedding, clothing or other articles which have been exposed to infection, and may give compensation therefor. R.S.O. 1914, c. 218, s. 32.

32. In any municipality the local board may provide such dental and medical inspection of the pupils of all public and separate schools as the regulations under *The Department of Education Act* may prescribe, and, in the absence of such regulations, as the local board may deem proper, and may execute, do and provide all such acts, matters and things as may be found necessary from such inspection. 1917, c. 51, s. 1; 1918, c. 41, s. 5. *Amended.*

Medical inspection.
Rev. Stat.,
c. 265.

33. Where the order of a local board or medical officer of health involves an expenditure of more than \$1,000, the person against whom the order is made, or any person chargeable with such expenditure or any part thereof, may, within four days after being served with a copy of such order, appeal therefrom to the judge of the county or district court who shall have power to vary or rescind the order, and any order so varied may be enforced by the Department in the same manner as an order originally made by the board or a medical officer of health. R.S.O. 1914, c. 218, s. 33. *Amended.*

Appeal to
county judge
from order
of board.

34.—(1) Where a local board of health has not been established as required by this Act, or where a local board of health or any officer thereof has in the opinion of the Minister refused or neglected to act with sufficient promptness or efficiency in carrying out the provisions of this Act or any order or regulation of the Department, or to take such efficient measures as might remove any unsanitary condition or abate any nuisance, the Minister may direct an officer of the Department to carry out such measures as are authorized by this Act, or by any order or regulation made thereunder.

Powers of
Minister on
default of
local
authorities.

(2) The expenses so incurred shall be certified by the Minister, and shall be a debt due by the corporation of the municipality, and upon presentation of such certificate the treasurer of the municipality shall pay the same. R.S.O. 1914, c. 218, s. 34 (1, 2). *Amended.*

Liability
for pay-
ments of
expenses.

(3) The corporation of the municipality whose treasurer shall pay the expenses so incurred as provided by subsection 2 may recover the amount so paid by action in any court of competent jurisdiction against the person certified in writing by the Minister to have been in default, or the council of the corporation of the said municipality may direct the amount of such expenses to be added by the clerk of the municipality to the collector's roll and collected from the person so certified to be in default in like manner as municipal taxes. 1914, c. 21, s. 46. *Amended.*

Recovery of
expenses of
carrying
out orders
of Depart-
ment.

MEDICAL OFFICERS OF HEALTH.

Medical officers of health and sanitary inspectors, appointment.

35.—(1) The council of every municipality shall appoint a legally qualified medical practitioner to be the medical officer of health for the municipality, and shall also appoint such number of sanitary inspectors for the municipality as may be deemed necessary by the local board, and as may be prescribed by the regulations. R.S.O. 1914, c. 218, s. 35(1). *Amended.*

By Lieutenant-Governor in Council in case of default.

(2) Where the council refuses or neglects to make any of such appointments, or to fill any vacancy, the Department shall, by registered letter addressed to the clerk of the municipality, require the council to make the appointment or to fill the vacancy forthwith, and if the council continues in default for five days after the receipt of such letter the Lieutenant-Governor in Council, upon the recommendation of the Minister, may make the appointment or fill the vacancy. R.S.O. 1914, c. 218, s. 35 (2). *Amended.*

Assistant medical officers, appointment.

(3) The council of a city having a population of 100,000 or over may appoint an assistant medical officer of health, or more than one assistant medical officer of health, who shall act under the direction of the medical officer of health, and while so acting shall have all the powers and perform the same duties as the medical officer of health.

Medical officers for townships.

(4) The council of a township, with the approval of the Department, may appoint for any stipulated time more than one medical officer of health for the township and may limit the territory within which each of such officers shall act, and every such medical officer of health shall, within the territory for which he is appointed, have and perform the powers and duties of a medical officer of health as set out in this Act or in any by-law passed thereunder and in force in the municipality. 1921, c. 74, s. 3. *Amended.*

Appointment of nurses and physicians by council or local Board.

(5) The council of a city, town, township or village or a local board of health may appoint one or more public health nurses, and one or more duly qualified physicians and engage such other services as may, in the opinion of the council or local board be required for carrying out the provisions of this or any other Act administered by the Department of Public Health or the regulations made thereunder for the prevention or treatment of disease. 1922, c. 88, s. 2.

(6) The council of a town, township or village, or the local board of health of the same may unite with the council or councils or boards of health of one or more neighbouring municipalities for the purpose of appointing, employing and paying one or more public health nurses for the promotion of the public health and the prevention or treatment of disease; such appointments shall be eligible for grants in respect of the same as may be provided by the regulations. *New.*

Appoint-
ment of
nurse by
one or more
municipalities.

36. Every sanitary inspector appointed by the council shall hold office during the pleasure of the council, and if appointed by the Lieutenant-Governor in Council shall hold office until the 1st day of February in the year following that of his appointment. R.S.O. 1914, c. 218, s. 36.

Tenure of
office.

37.—(1) Every medical officer of health appointed by the council shall hold office during good behaviour and his residence in the municipality, or in an adjoining municipality, and, if appointed by the Lieutenant-Governor in Council, shall hold office until the 1st day of February in the year following that of his appointment, and no medical officer of health shall be removed from office except on a two-thirds vote of the whole council and with the consent and approval of the Minister before whom cause shall be shown for the dismissal. R.S.O. 1914, c. 218, s. 37. *Amended.*

Dismissal

(2) A medical officer of health who refuses or neglects to carry out the provisions of this Act or the regulations, or any special order of the Department, or any by-law of the municipality relating to sanitary matters, may be dismissed from office by the Department or by the municipal corporation on the recommendation of the Department. 1916, c. 51, s. 3.

Dismissal of
M.O.H. for
neglect of
duty.

(3) It shall be the duty of the Medical Officer of Health to make a sanitary inspection of all schools in his municipality annually and to make a report to the Department regarding the same, using forms supplied by the Department for that purpose. *New.*

Annual
inspection
of schools
by M.O.H.

38. The medical officer of health shall be the executive officer of the local board, and with the local board shall be responsible for the carrying out of the provisions of this Act, and of the regulations, and of the public health or sanitary by-laws of the municipality. R.S.O. 1914, c. 218, s. 38. *Amended.*

M.O.H. to
be executive
officer of
board.

Salaries of medical officers of health.

39. Every medical officer of health, whether appointed by the council or by the Lieutenant-Governor in Council, shall be paid by the municipal corporation a reasonable salary to be fixed by by-law, and such salary shall be his total remuneration for his services as medical officer of health. R.S.O. 1914, c. 218, s. 39. *Amended.*

Payment of sanitary inspectors.

40. Sanitary inspectors shall be paid such annual sum as may be determined by the council of the municipality. R.S.O. 1914, c. 218, s. 40.

Vacancy in office of M.O.H.

41.—(1) Where a vacancy occurs in the office of medical officer of health, the council shall forthwith nominate another medical officer of health in his stead who shall be approved by the Minister as hereinbefore provided. R.S.O. 1914, c. 218, s. 41. *Amended.*

Temporary absence of M.O.H.

(2) When the medical officer of health is absent from the Province for a protracted period the council may, with the written approval of the Department, appoint a legally qualified medical practitioner to be acting medical officer of health during such absence, and such acting medical officer of health shall have, during the absence of the medical officer of health, all the powers, and perform all the duties of the medical officer of health. 1918, c. 41, s. 6. *Amended.*

Annual conference.

42.—(1) There shall be an annual conference of all the medical officers of health, and it shall be the duty of every medical officer of health to attend the same.

Expenses of attendance.

(2) The expenses of the attendance of each medical officer of health shall be borne by the corporation of the municipality, and shall be payable in addition to his salary on the certificate of the Deputy Minister.

Time and place of holding.

(3) The conference shall be held at such time and place as may be determined by the Department. R.S.O. 1914, c. 218, s. 42. *Amended.*

ISOLATION HOSPITALS.

Establishment.

43.—(1) The corporation of a municipality may establish, erect and maintain one or more isolation hospitals for the reception and care of persons suffering from any communicable disease.

Municipalities may join in establishing.

(2) The corporations of two or more adjacent municipalities may join in establishing, erecting and maintaining such a hospital.

(3) A corporation may borrow money by the issue of debentures for the purposes mentioned in subsections 1 or 2, and it shall not be necessary to obtain the assent of the electors to any by-law for raising money for such purpose. Issue of debentures.

(4) Debentures issued under this section shall be payable within twenty years from the date of the issue thereof. When payable.

(5) Any such hospital may be established in a municipality or in one of the municipalities providing for the same or in an adjoining municipality. Where to be established.

(6) The powers conferred by this section shall be subject to the provisions of sections 44 to 48, but an isolation hospital shall not be established, maintained or kept by a municipal corporation upon lands in another municipality which were selected, purchased or contracted for, or upon which the corporation had secured an option before the 1st day of January, 1912, and upon which an isolation hospital had not before that date been erected, without the consent of the council of the municipality in which such lands are situate, and unless such consent had been obtained before the 16th day of May, 1912, such land shall not be used for that purpose. R.S.O. 1914, c. 218, s. 43. Subject to sections 44-48.

44. No such isolation hospital and, except as provided by *The Sanatoria for Consumptives Act*, no sanatorium, institution or place for the reception, care, or treatment of persons suffering from consumption or tuberculosis shall be established or maintained or kept within the limits of any municipality without permission to be given in the manner hereinafter provided. R.S.O. 1914, c. 218, s. 44. Permission for establishment of isolation hospitals and consumption hospitals. Rev. Stat., c. 298.

45.—(1) Every municipal corporation and every person desiring to establish, maintain or keep any such isolation hospital, sanatorium, institution or place in a municipality, shall make application in writing to the local board of health of such municipality for permission to do so. Application to local board.

(2) The local board shall give notice of the application and of the meeting at which the same will be considered by advertisement once a week for two successive weeks in a newspaper published in the municipality or, if there is no such newspaper, in a newspaper published in an adjoining municipality. Notice of meeting.

(3) The local board shall take such application into consideration at its next general meeting after the last publication of such notice, or at a special meeting to be called for the purpose within one month after that date. Consideration of application. Notice.

- Hearing and decision. (4) The local board shall hear the applicant for such permission in person or by counsel, and shall hear any person opposed to the granting of such permission, and shall within one month thereafter determine by resolution of the board whether or not such application shall be granted.
- Refusal of permission. (5) If the local board determines not to grant such permission, notice in writing of their decision shall forthwith be given to the applicant by registered letter, and the applicant may appeal from such decision to a board of appeal to be composed of the head of the municipality, the sheriff of the county or district in which the municipality is situate, and the Deputy Minister.
- Appeal.
- Notice of appeal. (6) The appeal shall be by notice in writing addressed to the Deputy Minister, and sent by registered post to him within seven days after the receipt of notice of the decision of the local board.
- Notice of hearing of appeal. (7) The Deputy Minister shall appoint a time and place for the consideration of the appeal, and at least seven days' notice of the time and place of hearing the appeal shall be given by registered letter addressed to the secretary of the local board and to the applicant, and by advertisement in a newspaper published in the municipality in which it is sought to establish such hospital, sanatorium, institution or place of reception, or, if there is no such newspaper, in a newspaper published in the county or district town of the county or district in which such municipality is situate.
- Hearing of appeal. (8) The board of appeal shall hold a sitting at such time and place and shall hear what may be alleged for and against such appeal on behalf of the applicant and the local board of health or any ratepayer of the municipality who may object to the granting of such permission.
- View of locality. (9) The board of appeal may adjourn the proceedings for the purpose of visiting any building or proposed site and determining upon its suitability or procuring such further information as the board may deem necessary.
- Decision of board of appeal. (10) The decision of the board of appeal or a majority of the members thereof shall be given in writing and shall be final.
- Fees of board of appeal. (11) Each of the members of the board of appeal shall be entitled to a fee of \$10 per day for each day during which he is necessarily engaged in connection with the appeal and reasonable and necessary expenses, and the same and any other costs and expenses incurred in hearing the appeal

shall be payable by the appellant upon the written order of the Minister to the persons entitled thereto.

(12) Nothing in this section or in section 44 contained shall apply to any public general hospital in which persons suffering from other diseases as well as persons suffering from consumption or tuberculosis are received and treated. Sections 44 and 45 not to apply to certain hospitals. R.S.O. 1914, c. 218. *Amended.*

46. Every person who erects, establishes or maintains any such isolation hospital, sanatorium, institution, or place or who takes part in the superintendence or management thereof, until permission has been given as provided by the next preceding section, shall incur a penalty not exceeding \$25 for every day on which such offence is continued. Penalty. R.S.O. 1914, c. 218, s. 46.

47.—(1) No isolation hospital shall be established by the corporation of any municipality until the plans and the proposed equipment thereof shall have been submitted to and approved by the Department. Plans to be approved by Department.

(2) Every municipal corporation establishing such an isolation hospital shall from time to time make such alterations therein and such changes or improvement in the equipment thereof as may be directed by the Department. Directions of Department as to alterations, etc. R.S.O. 1914, c. 218, s. 47. *Amended.*

48. Subject to the regulations the local board of the municipality, by the corporation of which an isolation hospital is established, shall have the management and control of it, and of the conduct of the physicians, nurses, attendants and patients. Control of the local board. R.S.O. 1914, c. 218, s. 48.

EMERGENCY HOSPITALS.

49. Where any communicable disease, to which this section is by the regulations made applicable, becomes prevalent in a municipality, and the municipal corporation has not already provided proper hospital accommodation for such cases, the medical officer of health of a local board shall immediately provide, at the cost of such corporation, such a temporary hospital, hospital tent, or other place or places of reception for the sick and infected as may be deemed best for their accommodation and the safety of the inhabitants, and for that purpose may,— Temporary emergency hospitals in case of outbreak of disease.

- (a) erect such hospital, hospital tent, or place of reception;

- (b) contract for the use of any existing hospital, hospital tent, or place of reception; or,
- (c) enter into an agreement with any person having the management of any such hospital, subject to the approval of the medical officer of health of the local municipality in which such hospital is situate, for the reception and care of persons suffering from such communicable disease, and for the payment of such remuneration therefor as may be agreed upon. R.S.O. 1914, c. 218, s. 49.

ACQUIRING LAND.

Occupying
land in case
of emerg-
ency.

50.—(1) Where an outbreak of any of the diseases, to which the next preceding section applies, occurs or is apprehended, the local board of health may enter upon and take and use for the purposes mentioned in that section any land or unoccupied building without prior agreement with the owner of the same and without his consent, and may retain the same for such period as may appear to the board to be necessary.

Notice to
clerk of
local muni-
cipality.

(2) Written notice, Schedule A shall, within five days after the taking or obtaining possession, be given by the board to the clerk of the municipality wherein the land or unoccupied building is situate; such notice shall be given whether possession is taken or obtained with the consent of the owner or otherwise.

Notice to
owner
where not a
consenting
party.

(3) Where possession is taken without the consent of the owner, the board shall, within five days after taking possession, give the like notice to the owner.

Where
owner or his
address is
unknown.

(4) If the owner is not known, or is not a resident in Ontario, or if his residence is unknown to the board, the board shall cause the notice to be published in two successive issues of some local newspaper having a circulation within the municipality where the property is situate, and shall send by registered post to the last known address, if any, of the owner a copy of the notice, and such publication shall be sufficient notice to the owner.

Compensa-
tion.

(5) The owner shall be entitled to compensation from the corporation of the municipality wherein the land or building is situate, for the use and occupation thereof, including any damages arising from such use and occupation, such compensation to be agreed upon between the council of the municipality and the owner; and in case they do not agree, the judge of the county or district court of the county or dis-

tract in which the property is situate shall summarily determine the amount of the compensation, and the terms of payment, in such manner and after giving such notice as he sees fit. R.S.O. 1914, c. 218, s. 50.

51. Where any resistance or forcible opposition is offered or apprehended to possession being taken of the land or building, the judge of the county or district court may, without notice to any person, issue his warrant to the sheriff of the county or district, or to any other person, as he may deem most suitable, requiring him to put and maintain the board, its agents or servants in possession, and to put down such resistance or opposition, which the sheriff or other person, taking with him sufficient assistance, shall accordingly do. R.S.O. 1914, c. 218, s. 51.

MEDICAL CARE OF INDIGENTS.

52.—(1) The corporation of every municipality shall enter into an agreement with the medical officer of health or some other legally qualified medical practitioner resident in the municipality or in a municipality adjacent thereto for his medical attendance upon and care of persons suffering from the result of injury or disease who, in the opinion of the head of the municipality or of its relief officer, if any, are unable through poverty to pay for the necessary attendance, and who are not cared for in a public or private hospital.

(2) This section shall not impose any duty on the medical officer of health in respect to such cases, unless an agreement has been entered into with him, as provided in subsection 1. R.S.O. 1914, c. 218, s. 52 (1, 2).

(3) Failing the making of any other agreement the Medical Officer of Health shall be deemed to be indigent Medical Officer of Health for the municipality and shall be remunerated for his service as indigent Medical Officer, according to the provisions of the next succeeding subsection. *New.*

(4) Every such agreement shall provide for fair and reasonable remuneration for the service rendered. R.S.O. 1914, c. 218, s. 52 (3).

53.—(1) Where a medical officer of health claims that the salary paid to him by a municipal corporation or the remuneration provided for under section 52 is not fair and reasonable, and gives notice of such claim in writing, signed by him, to the clerk of the municipal corporation, and the council of the corporation neglects to comply with such demand, or directs the serving upon the medical officer of

health of a notice disputing such a claim, the medical officer of health, after the expiration of ten days from the receipt of such claim by the clerk of such corporation, may apply in a summary manner to the judge of the county or district court of the county or district within which the municipality lies, for an order allowing his claim and fixing the amount payable to him as salary under section 39 or as remuneration under section 52, and upon such application the judge shall hear the parties and their witnesses and shall make such order as he may deem just, and in and by such order shall settle and determine the salary properly payable to such medical officer of health, and a fair and reasonable remuneration under section 52.

Time for making application.

(2) If such application is not made by the medical officer of health within thirty days after receiving notice from the corporation disputing his claim, he shall be deemed to have abandoned the same.

Powers of judge.

(3) The judge, upon the application, shall take into consideration all the circumstances of the case, and amongst other matters the physical extent, population and assessment of the municipality.

Application of 1926, c. 26.

(4) *The Judges' Orders Enforcement Act* shall apply to every application or order made under this section. 1918, c. 41, s. 7.

PROVISIONS AS TO COMMUNICABLE DISEASE.

Communicable diseases. Notice by householder.

54.—(1) Whenever any householder knows or has reason to suspect that any person within his family or household, or boarding or lodging with him, has any communicable disease, he shall, within twelve hours, give notice thereof to the secretary of the local board or to the medical officer of health.

How given.

(2) The notice may be given to the secretary or to the medical officer of health at his office, or by letter addressed to either of them and mailed within the time above specified, and the secretary of the local board shall forthwith transmit to the medical officer of health notice of each case of communicable disease reported to him. R.S.O. 1914, c. 218, s. 53. *Amended.*

Notice of communicable disease to be included in weekly report.

(3) Every such notice filed with the medical officer of health shall be transmitted forthwith by him to the secretary of the local board of health, and shall be included in the weekly report required to be sent to the Department under section 23. 1916, c. 51, s. 4.

55.—(1) No householder, in whose dwelling there occurs any communicable disease, shall permit any person suffering from such disease to leave, or any clothing or other property to be removed from his house without the consent of the medical officer of health, who may forbid such removal or prescribe the conditions thereof. R.S.O. 1914, c. 218, s. 54.

Removal of person or clothing prohibited.

(2) Every person in a house when a communicable disease exists therein, and every person who during the period of quarantine enters such house, shall be deemed to be exposed to the disease.

Who to be deemed exposed to disease.

(3) It shall be the duty of every physician, medical officer of health, superintendent of a hospital, nurse, midwife, and everyone in charge of a maternity hospital, every householder, and everyone in charge of a child, to see that such requirements as may be prescribed by this Act or by the regulations are duly complied with in respect of ophthalmia neonatorum, trachoma, inflammation of the eyes of the newborn, or other communicable diseases of the eyes. 1918, c. 41, s. 8.

Duty as to treatment of newborn for eye diseases.

56.—(1) Whenever any legally qualified medical practitioner knows, or has reason to suspect, that any person whom he is called upon to visit is infected with any communicable disease, he shall within twelve hours give notice thereof to the medical officer of health of the municipality in which such diseased person is.

Report by physician.

(2) This section shall apply to the medical superintendent or person in charge of any general or other hospital in which there is known to him to be a patient suffering from any communicable disease. R.S.O. 1914, c. 218, s. 55.

Superintendents of hospitals, etc.

57.—(1) Where any communicable disease is found or suspected to exist in any municipality, the medical officer of health and local board shall use all possible care to prevent the spread of infection or contagion by such means as in their judgment is most effective for the public safety.

Precautions against spread of infection.

(2) The medical officer of health or local board, when it is considered necessary to prevent the spread of any communicable disease, may direct that any school or seminary of learning, or any church, or public hall or other place used for public gatherings or entertainment in the municipality shall be closed, and may prohibit all public assemblies in the municipality; and no such school, seminary, church, hall or public place shall be kept open after such direction for the admission of the public, nor re-opened without the permission of the medical officer of health. R.S.O. 1914, c. 218, s. 56. *Amended.*

Closing schools, churches, etc.

Isolation of patient.

58. The medical officer of health, or the local board, or a committee thereof, shall isolate any person having any communicable disease, to which this section is by the regulations made applicable, and shall forthwith cause to be posted up on or near the door of the house or dwelling, in which any such person is, a notice stating that such disease is within the house or dwelling. R.S.O. 1914, c. 218, s. 57.

Of infected persons.

59.—(1) If any person coming from abroad, or residing in any municipality within Ontario, is infected, or has recently been infected with, or exposed to, any communicable disease to which this section is by the regulations made applicable, the medical officer of health or local board shall make effective provision for the public safety by removing such person to a separate house, or by otherwise isolating him, and by providing medical attendance, medicine, nurses and other assistance and necessaries for him.

Recovery of expenses.

(2) The corporation of the municipality shall be entitled to recover from such person the amount expended in providing such medical attendance, medicine, nurses and other assistance and necessaries for him, but not the expenditure incurred in providing a separate house or in otherwise isolating him. R.S.O. 1914, c. 218, s. 58.

NOTE.—See section 28 as to disinfecting houses and articles therein.

Recovery of expense incurred through neglect or refusal to carry out Act.

60. Where, owing to the refusal or neglect of the medical officer of health, the local board or the corporation of any municipality, any communicable disease is brought into another municipality, the corporation of which incurs expense in preventing the spread of such communicable disease, the corporation of the municipality in default shall pay to the corporation of the municipality incurring such expense the whole amount thereof, and the same shall be recoverable as a debt in any court of competent jurisdiction. R.S.O. 1914, c. 218, s. 59.

Removal of patients.

61. No person suffering from any communicable disease, to which this section is by the regulations made applicable, shall be removed at any time except by permission and under direction of the medical officer of health, nor shall any occupant of any house in which there exists any such communicable disease change his residence to any other place without the consent of the medical officer of health, or without complying with such conditions as he may prescribe. R.S.O. 1914, c. 218, s. 60.

Power to enter premises.

62. The medical officer of health, or a legally qualified medical practitioner appointed by him in writing for that

purpose, may enter in and upon any house, out-house or premises, in the day time, for the purpose of making enquiry and examination with respect to the state of health of any person therein, and cause any person found therein, who is infected with any communicable disease, to be removed to a hospital or some other proper place. R.S.O. 1914, c. 218, s. 61.

63.—(1) Where there is any reason to suspect that any person suffering from a communicable disease to which this section is by the regulations made applicable, is in or upon any railway car, street railway car, steamboat, vessel, stage, or other conveyance, the medical officer of health or sanitary inspector of the municipality, or any member of the local board, may enter such conveyance and cause such person to be removed therefrom, and may detain the conveyance until it is properly disinfected; or such officer or member may, if he thinks fit, remain on, or in, or re-enter and remain on or in such conveyance, with any assistance he may require, for the purpose of disinfecting it; and his authority shall continue in respect of such person and conveyance notwithstanding that the conveyance is taken into another municipality.

Entering and disinfecting public conveyances.

(2) The expense incurred for medical attendance, care, nursing, maintenance and all costs for disinfection shall be paid by the owner of the conveyance in which such person is found.

Payment by owner of conveyance.

(3) Any legally qualified medical practitioner or sanitary inspector authorized by the Department shall have the same authority as a medical officer of health under this section. R.S.O. 1914, c. 218, s. 62. *Amended.*

Authority given by Department.

64. Where any communicable disease is reported or discovered in a dwelling house or out-house occupied as a dwelling, and such house or out-house is in a filthy and neglected state, the medical officer of health may, at the expense of the corporation of the municipality, compel the inhabitants of such dwelling house or out-house to remove therefrom, and may place them in sheds or tents, or other proper shelter, in some more suitable situation, until measures can be taken, under the direction and at the expense of the municipal corporation, for the immediate cleansing, ventilation, purification and disinfection of such dwelling-house or out-house. R.S.O. 1914, c. 218, s. 63.

Removal of persons from unsanitary dwellings.

65. No person recovering from any communicable disease, and no nurse who has been in attendance on any such person,

Patients and nurses. Precautions as to disinfection.

shall leave the premises or expose himself in any public place, street, shop, inn or public conveyance until he has received from the medical officer of health a certificate that in his opinion such person or nurse has taken such precautions as to his person, clothing and all other things which he proposes to bring from the premises as are necessary to insure the immunity from infection of other persons with whom such person or nurse may come in contact. R.S.O. 1914, c. 218, s. 64.

Measures prescribed by Department.

66. Every such person and nurse shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been exposed to infection, such measures as may be prescribed by the regulations or by the medical officer of health. R.S.O. 1914, c. 218, s. 65.

Sanitary precautions before mingling with public.

67. No person suffering from or having recently recovered from any communicable disease, to which this section is by the regulations made applicable, shall mingle with the general public, and no person having access to any such person, except the attending physician and clergyman, shall do so, until such sanitary precautions as may be prescribed by the medical officer of health have been complied with. R.S.O. 1914, c. 218, s. 66.

Notice to be given before using public conveyance.

68.—(1) No person suffering from, or having recently recovered from any communicable disease, to which this section is by the regulations made applicable, shall expose himself, nor shall any person expose any one under his charge, who is so suffering from any such disease, in any railway car, street railway car, steamboat, vessel, stage or other conveyance, without having previously notified the owner or person in charge of such conveyance of the fact of his having such disease.

Conveyance to be disinfected.

(2) The owner or person in charge of any such conveyance shall not, after the entry of any infected person into his conveyance, allow any other person to enter it, without having sufficiently disinfected it under the direction of the medical officer of health or sanitary inspector. R.S.O. 1914, c. 218, s. 67.

Bedding, clothing, etc.

69. No person shall give, lend, transmit, sell or expose any bedding, clothing, or other article likely to convey any communicable disease, without having first taken such precautions as the medical officer of health may direct for removing all danger of communicating such disease to others. R.S.O. 1914, c. 218, s. 68.

70. No person shall let or hire, or permit to be occupied, any house or room in a house in which any communicable disease has recently existed without having caused the house and premises used in connection therewith to be disinfected to the satisfaction of the medical officer of health, and, for the purposes of this section, the keeper of an inn or house for the reception of lodgers shall be deemed to let for hire part of a house to any person admitted as a guest into such inn or house. R.S.O. 1914, c. 218, s. 69.

Disinfection
of houses,
etc.

71. No person letting for hire, or showing for the purpose of letting for hire any house or part of a house, on being questioned by any person, negotiating for the hire of such house, or part of a house, as to the fact of there previously having been therein any person, animal or thing suffering from or liable to be infected by any communicable disease, shall knowingly make a false answer to such question. R.S.O. 1914, c. 218, s. 70.

False state-
ments of
persons
renting or
showing
houses.

72.—(1) No common carrier shall knowingly accept for transportation or carry within Ontario, except under and subject to the regulations, any person suffering from any communicable disease, to which this section is by the regulations made applicable, or any infected article or articles of clothing, bedding or other property whatsoever.

Transporta-
tion of
infected
persons.

(2) No carrier shall knowingly accept for transportation or carry within Ontario the body of any person who has died of any communicable disease, except under and subject to the regulations.

Corpses.

(3) Every person contravening the provisions of subsection 1 or of subsection 2 shall incur a penalty of \$100. R.S.O. 1914, c. 218, s. 71.

Penalty.

73.—(1) Whenever a communicable disease exists in any house or household in which there is a person who is a student or pupil in, or a teacher, or other person employed in any capacity in or about a university, college, school or other institution of learning, the householder shall, within twelve hours after the time such disease is known to exist, notify the principal, superintendent, head teacher or other person in charge of such institution, and also the medical officer of health, of the existence of such disease; and the person suffering therefrom shall not attend or be employed at such institution until a certificate has been obtained from the medical officer of health that he may safely do so.

School at-
tendance
from houses
in which
communi-
cable disease
exist.

(2) Whenever a local board of health, or any of its officers or members, are aware of the existence in any house of any

Duty of
local board
and teacher.

communicable disease, they shall at once notify the principal, superintendent, head teacher or other person in charge of any university, college, school or other institution of learning at which any member of the household is in attendance, either as a student or pupil, or in or about which he is employed as a teacher, or in any other capacity, and none of such last mentioned persons shall after such notice be permitted to attend, or be employed or be in or about such institution, until the certificate mentioned in subsection 1 is obtained and presented.

Teacher to give notice of cases in homes of pupils.

(3) Whenever a professor, lecturer, instructor or teacher in any such institution of learning has reason to suspect that any other professor, lecturer, instructor or teacher in, or any student or pupil of, or any person employed in or about, such institution, is suffering from a communicable disease, or that there exists in any household of which he is a member any communicable disease, such first mentioned person shall notify the medical officer of health thereof, and shall not permit the attendance of the person suffering from such disease if under his direction or control until the medical officer of health certifies that such attendance may be safely allowed.

Pupil not to attend within minimum time fixed by regulations.

(4) No student or pupil having suffered from a communicable disease shall be allowed to attend any such institution of learning within the minimum period prescribed by the regulations.

Boarding schools.

(5) Whenever a communicable disease exists in any boarding school or other institution in which pupils are received for tuition, and boarded or lodged, the head of the institution, or the person in charge thereof, shall immediately isolate the person suffering from such disease and any person in attendance upon him, and, within twelve hours after the disease is known to exist, shall notify the medical officer of health, and shall not permit the person so suffering or any person in attendance upon him to mingle with the other pupils or inmates of the institution until the medical officer of health has certified that he may safely do so. R.S.O. 1914, c. 218, s. 72.

NUISANCES.

Removal, Abatement, etc.

Nuisances, what to be deemed.

74. Any condition existing in any locality which is or may become injurious or dangerous to health or prevent or hinder in any manner the suppression of disease shall be deemed a nuisance within the meaning of this Act. R.S.O. 1914, c. 218, s. 73.

75. Without restricting the general application of the next preceding section and for greater particularity it is declared that the following shall be deemed nuisances within the meaning of this Act:

- (a) Any premises or part thereof so constructed or in such a state as to be injurious or dangerous to health; Particular nuisances.
Premises in dangerous condition.
- (b) Any street, pool, ditch, gutter, water-course, sink, cistern, water or earth closet, privy, urinal, cesspool, drain, dung pit or ash pit, so foul or in such a state, or so situated as to be injurious or dangerous to health; Streets, pits, etc., in dangerous condition.
- (c) Any well, spring or other water supply injurious or dangerous to health; Water supply.
- (d) Any stable, byre or other building in which animals are kept in such a manner or in such numbers as to be injurious or dangerous to health; Stables, byres, etc.
- (e) Any accumulation or deposit of refuse, wherever situate, which is injurious or dangerous to health; Accumulations of refuse.
- (f) Any deposit of offensive matter, refuse, offal or manure contained in uncovered trucks or waggons at any station or siding or elsewhere so as to be injurious or dangerous to health; Offensive matter in uncovered trucks or waggons.
- (g) Any work, manufactory, trade or business so situated as to be injurious or dangerous to health; Trades situated so as to be dangerous.
- (h) Any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates or in which insufficient airspace is allowed for each inmate to comply with the regulations; Overcrowded houses.
- (i) Any school house, public or private, factory, shop or other building, which is not in a cleanly state or free from effluvia arising from any drain, privy, water or earth closet, urinal or other nuisance; or is not ventilated in such a manner as to render harmless so far as practicable any gases, vapours, dust or other impurities generated therein which are injurious or dangerous to health, or is so overcrowded as to be injurious or dangerous to the health of those employed or being therein; Defective drainage or ventilation or overcrowding in schools and factories.

- Smoke from furnaces. (j) Any fireplace or furnace the fires of which do not, so far as practicable, consume the smoke arising from the combustible matter used therein for working engines, or used in any mill, factory, dye-house, brewery, bakehouse or gas works, or in any manufacturing or trade process whatever;
- From chimneys. (k) Any chimney emitting smoke in such quantity as to be injurious or dangerous to health;
- Offensive or dangerous burying grounds. (l) Any burial ground, cemetery or other place of sepulture so located or so crowded or otherwise so arranged or managed as to be offensive or injurious or dangerous to health. R.S.O. 1914, c. 218, s. 74.

Inspection of municipality. **76.** The medical officer of health of any municipality or any inspector or other person in the employ of the local board acting under his instructions, or any member of a local board may enter, inspect and examine at any time of the day or night, as often as he thinks necessary, any premises within the municipality for the purpose of carrying out the provisions of this Act, and may take such action as he deems necessary for carrying out the said provisions, and any person in charge of such premises for the time being shall render such aid to the medical officer of health or other person as may be necessary to make such inspection or examination. 1916, c. 51, s. 5. *Part.*

Duty of medical health officer. **77.**—(1) Every medical officer of health shall see that the municipality or location for which he is appointed is regularly inspected in order to prevent nuisances or to abate any existing nuisance.

Examination of premises and order for cleansing. (2) If upon such examination he finds any premises in a filthy or unclean state, or that any matter or thing is there which, in his opinion, may endanger the public health, he may order the owner or occupant of the premises to cleanse the same, and to remove or destroy what is so found therein. 1916, c. 51, s. 5. *Part.*

Where owner unknown or non-resident. **78.** Where the owner of any premises wherein a nuisance exists is unknown or does not reside in the municipality, and the premises are unoccupied or the occupant is unable to remove the nuisance, the medical officer of health or the local board may, without previous notice, immediately cause the nuisance to be abated. R.S.O. 1914, c. 218, s. 77.

Disposition of articles removed. **79.** Where under the provisions of this Act, or of the regulations, or of any municipal by-law, a local board or any medical officer of health or sanitary inspector removes

anything which is likely to be injurious to or to become or cause or is a nuisance, such thing shall be subject to the disposition of the local board, or, if the officer is acting under a by-law of a municipal council, shall be subject to the disposition of the council, and the owner of such thing shall have no claim in respect thereof. R.S.O. 1914, c. 218, s. 78.

Owner to have no claims.

80.—(1) Wherever the local board of health or medical officer of health is satisfied of the existence of a nuisance, the medical officer of health shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from which the same arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose.

Service of notice requiring abatement of nuisance.

(2) Where the nuisance arises from the want or the defective construction of any structural convenience, or where there is no occupier of the premises, notice shall be served on the owner.

Service on owner when required.

(3) Where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act or default of the owner or occupier of the premises, and it is therefore improper that such owner or occupier should be required to abate it, the local board shall abate the nuisance at the expense of the corporation of the municipality. R.S.O. 1914, c. 218, s. 79.

Where owner and occupant not in fault.

81. Where a nuisance appears to be wholly or partially caused by some act or default committed or taking place without the municipality, the local board of the municipality affected thereby shall cause an inspection to be made, and when necessary shall take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part any proceedings in relation to nuisances as if such act or default were committed or took place wholly within its jurisdiction. R.S.O. 1914, c. 218, s. 80.

Where cause of nuisance out of municipality.

82.—(1) If, on investigation by the local board, any nuisance is found to exist, and if after the board has required the removal or abatement of the same within a specified time, the board finds that default in removal or abatement has been made, and the case appears to the local board to involve the expenditure or loss of a considerable sum of money, or serious interference with any trade or industry, or other considerations of difficulty, the Department at the request of the local board may investigate and report upon the case.

Where consideration of difficulty involved.

Application
to judge of
Supreme
Court.

(2) If the report of the Department recommends the removal or abatement of the nuisance, the local board or any ratepayer residing in the municipality, or within a mile thereof, may apply to a judge of the Supreme Court for an order for the removal or abatement of the nuisance, and to restrain the proprietors of any such industry from carrying on the same until the nuisance has been abated to the satisfaction of the Department; and the judge may make such order upon the report of the Department or upon such further evidence as he may deem meet.

Application
of 1926,
c. 26.

(3) *The Judges' Orders Enforcement Act* shall apply to every order made by a judge under this section. R.S.O. 1914, c. 218, s. 81. *Amended.*

Expenses in Respect of Abatement of Nuisance.

Where owner
or occupier
neglects to
abate.

83.—(1) Where the owner or occupier of any premises in which a nuisance exists fails, after due notice, to abate the same, the medical officer of health or sanitary inspector may enter upon the premises and take such steps as may be necessary to abate the nuisance.

Recovery of
expenses.

(2) All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose act, default or sufferance the nuisance was caused, but shall be recoverable from both the owner and the occupier for the time being of the premises.

Collection
of expenses
as taxes.

(3) If the costs and expenses incurred in abating the nuisance are not paid by the owner or occupier within one month after a demand of payment, a statement of the amount of the costs and expenses, and of the person by whom and the premises in respect of which the same are payable, shall be delivered to the clerk of the municipality who shall insert the amount in the collector's roll, and the same may be collected in like manner as municipal taxes.

Occupier's
right to
deduct pay-
ment from
rent.

(4) The occupier for the time being of the premises may deduct any money recovered or collected from him which, as between him and the owner, the latter ought to pay, out of the rent then due or from time to time becoming due in respect of the premises.

Limit of
amount re-
coverable
from
occupier.

(5) An occupier shall not be required to pay any further sum than the amount of rent for the time being due from him, or which, after demand of such costs or expenses, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes pay-

able by such occupier, unless he refuses truly to disclose the amount of his rent and the name and address of the person to whom it is payable; and the burden of proof that the sum demanded from such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall be on such occupier. R.S.O. 1914, c. 218, s. 82.

When Application to Supreme Court Necessary.

84.—(1) No determination or order of the Department or of a local board for the removal or abatement of a nuisance shall be enforced except by order of a judge of the Supreme Court where such removal or abatement involves the loss or destruction of property to the value of \$2,000 or upwards. Where application in respect of nuisance must be to Supreme Court.

(2) The order may be made upon the application of the Department or of the local board. R.S.O. 1914, c. 218, s. 83. Application for order.
Amended.

OFFENSIVE TRADES.

85. Any person who without the consent of the local board or of the municipal council establishes any of the following trades or businesses or manufactures— Restriction on establishment of offensive trades.

- Blood boiling,
- Bone boiling,
- Refining coal oil,
- Extracting oil from fish,
- Storing hides,
- Soap boiling,
- Tallow melting,
- Tripe boiling,
- Slaughtering animals,
- Tanning hides or skins,
- Manufacturing gas,
- Manufacturing glue,
- Fertilizers from dead animals, from human or animal waste, or
- Any other trade, business or manufacture, which is or may become offensive, or which is by the regulations declared to be a noxious or offensive trade, business or manufacture

shall incur a penalty of not less than \$100 nor more than \$250, in respect of the establishment thereof, and a penalty of not less than \$20 for every day on which after notice in writing by the local board, or an officer thereof, to desist, such business, trade or manufacture is carried on, whether there has or has not been any conviction in respect of the establishment thereof. R.S.O. 1914, c. 218, s. 84. Penalty.

Storing rags,
bones, etc.

Penalty.

Appeal to
Minister as
to storage
of rags, etc.

86.—(1) Any person who keeps or stores any rags, bones, junk, bottles, scrap iron or other metals, or other refuse within any municipality, except on premises approved of by the medical officer of health, shall incur a penalty of not less than \$10 nor more than \$50, and the continuance of the offence for each week after conviction shall be considered a separate offence. R.S.O. 1914, c. 218, s. 85 (1).

(2) In the event of such approval being refused by the medical officer of health, the applicant shall have the right of appeal from such refusal to the Minister, who shall cause the premises to be examined, and make such enquiries as he may consider desirable, and grant or refuse such approval, or make such order or direction as he may deem proper, which determination shall be final. 1915, c. 40, s. 1. *Amended.*

MEDICAL AND DENTAL INSPECTION IN SCHOOLS.

Boards to
provide for
medical and
dental
inspection.

87. Subject to any regulations made under *The Department of Education Act* the local board, upon such terms and conditions as may be agreed upon with any public or separate school board, shall provide medical and dental inspection for the pupils in the schools of the board and render such other services relating to the health and well-being of the pupils as any such regulation may require and as may be directed by the Minister of Health. 1924, c. 83, s. 4.

INSPECTION OF LODGING HOUSES, LAUNDRIES, ETC.

Medical
Officer of
Health may
enter and
examine
lodging
houses, tene-
ments and
laundries.

88.—(1) The medical officer of health or any sanitary inspector acting under his instructions may, at any time of the day or night, as often as he thinks necessary, enter into a lodging house, tenement where rooms are rented, or a laundry where the owner or employees reside upon the premises, or other building where he has reason to suspect that the same are overcrowded or occupied by more persons than is reasonably safe for the health of the occupants.

When found
overcrowded
or unsani-
tary.

(2) If upon such examination it is found that the premises are occupied by more persons than is reasonably safe for the health of the occupants, and that the sleeping rooms are such that six hundred cubic feet of air space cannot be provided for each occupant, or that the rooms or premises occupied by them are in a filthy or unclean state, or that any matter or thing is there which, in the opinion of the medical officer of health, founded on his own inspection or on the report of the sanitary inspector, may endanger the public health or the health of the occupants, the medical officer of health may order the owner or occupant to remove the inmates from the

premises, or to remove that which causes the premises to be filthy or unclean, and put the rooms in a condition fit for human habitation. R.S.O. 1914, c. 218, s. 86.

89.—(1) Where, in the opinion of the medical officer of health, any premises are so situated, so constructed or so improperly lighted, or in any other respect of such a character or in such a condition as to be unfit for human habitation or dangerous to health, he may cause such premises to be closed, and may affix a notice thereon in a prominent place setting forth the reason for such closing, and that the premises are closed by order of the medical officer of health; and no person shall pull down or deface such notice or use the premises closed as a dwelling or cause the same to be so used. R.S.O. 1914, c. 218, s. 87.

Placarding premises.

INSPECTION OF DAIRIES, CHEESE FACTORIES, DAIRY FARMS, ETC.

90.—(1) The medical officer of health may make or cause to be made by a veterinary surgeon or other competent person a periodical inspection of all dairies, cheese factories, and creameries, dairy farms and slaughter houses, and if upon such examination he finds that the premises are in a filthy or unclean state, or that any matter or thing is there which, in his opinion, may be injurious to or endanger the public health, he may order the owner or occupant of the premises to cleanse the same or to remove any such matter or thing. R.S.O. 1914, c. 218, s. 88.

Inspection of dairies, etc., and slaughter-houses.

Power to order cleansing.

(2) When the above named premises are used for the production of food which is offered for sale in another municipality the medical officer of health of the municipality where the food is offered for sale shall have authority to inspect such premises or to cause an inspection to be made. If upon such inspection he shall find a filthy or unclean state or that any matter or thing is there which in his opinion may be injurious to or endanger the public health he may prohibit food products from the aforementioned premises being offered for sale in the municipality for which he is medical officer of health and he shall warn the owners, occupiers or operators of the premises accordingly. Upon the violation of such prohibitory order after due warning the person violating the order may be summoned before a court of competent jurisdiction and upon conviction may be fined an amount not less than \$5 nor more than \$25 with the confiscation of all such products offered or exposed for sale in the municipality. *New.*

INSTALLATION OF PUBLIC WATER SUPPLY.

91.—(1) Whenever the council of any municipality or any municipal board or commission or any company or person

Plans to be submitted to Department.

contemplates the establishment of, or the extension of, or any change in an existing waterworks system, they shall submit the plans, specifications and an engineer's report of the water supply and the works to be undertaken, together with such other information as may be deemed necessary to the Department, and no such works shall be undertaken or proceeded with until the source of supply and the proposed works have been approved by the Department.

Department may direct change in plans.

(2) The Department, upon the application for such approval, may direct such changes to be made in the source of supply or in the plans submitted as it may deem necessary in the public interest. R.S.O. 1914, c. 218, s. 89. *Amended.*

Department to have supervision of streams, etc.

92.—(1) The Department shall have the general supervision of all springs, wells, ponds, lakes, streams or rivers used as a source for a public water supply or for agricultural, domestic or industrial purposes with reference to their purity, together with the waters feeding the same, and shall examine the same from time to time when the necessity for such examination arises, and inquire what, if any, pollution exists and the causes thereof. R.S.O. 1914, c. 218, s. 90; 1923, c. 52, s. 3.

Inquiry by Department as to complaints of pollution of waters.

(2) The Department may inquire into and hear and determine any complaint made by or on behalf of a riparian proprietor entitled to the use of water, that any industrial waste or any other polluting material of any kind whatsoever which either by itself or in connection with other matter may corrupt or impair the quality of the water or may render such water unfit for accustomed or ordinary use has been placed in, or discharged into such water, or placed or deposited upon the ice thereof, or placed or suffered to remain upon the bank or shore thereof.

Report of Department

(3) The Department may make a report upon such complaint and as to what remedial measures, if any, are required in respect to any alleged injury or invasion of right as it may deem just.

Application to Court on report of Department.

(4) Where the report of the Department recommends the removal or degree of treatment of any such polluting material any riparian proprietor interested may apply to a judge of the Supreme Court or a county judge by way of originating notice according to the practice of the Court, for an order for the removal or abatement of the injury in terms of the report of the Department and to restrain the proprietors of the industry from carrying on the same, or the offending party or parties from continuing the acts complained of until the injury or invasion of right has been abated to the satisfaction of the Department.

(5) The judge may make such order upon the report of the Department or upon such further evidence as he may deem meet and on such terms and conditions as may be deemed proper. 1923, c. 52, s. 4. *Amended.* Court may act on report of Department or further evidence.

93.—(1) No garbage, excreta, manure, vegetable or animal matter or filth shall be discharged into or be deposited in any of the lakes, rivers, streams or other waters in Ontario or on the shores or banks thereof. Depositing filth, etc., in Provincial waters.

(2) The owners and officers of boats and other vessels plying upon any such lake, river, stream or other water shall so dispose of the garbage, excreta, manure, vegetable or animal matter or filth upon such boats or vessels as not to create a nuisance or enter or pollute such lake, river, stream or other water. Disposal of offensive matter on boats.

(3) Residents of a health resort or summer resort shall so dispose of garbage, excreta, manure, vegetable or animal matter or filth as not to create a nuisance or permit of its gaining entrance to or polluting any such lake, river, stream or other water. Residents of summer resorts.

(4) Any person who contravenes any of the provisions of this section shall incur a penalty not exceeding \$100. R.S.O. 1914, c. 218, s. 91. Penalty.

94. Water boards, water companies, water commissioners, the proper officers of any municipal corporation and any person making use as a source of water supply of any well or any other source within or partly within Ontario, and distributing the waters thereof for public, domestic or general uses, shall, from time to time, and whenever required by the Department, make returns to the Department upon forms to be furnished by it of such matters as may be required by the Department and called for by such forms, and any such water board, water company, water commissioner, officer or other person who shall, for the space of thirty days after being furnished with such forms, fail or neglect to make any such reports required shall incur a penalty of \$100. R.S.O. 1914, c. 218, s. 92; 1918, c. 41, s. 9. *Amended.* Returns from water-works.

95.—(1) No sewage, drainage, domestic or factory refuse, excremental or other polluting matter of any kind, which, either by itself or in connection with other matter, corrupts or impairs or may corrupt or impair the quality of the water of any source of public water supply for domestic use in any municipality, or which renders or may render such water injurious to health, shall be placed in or discharged into the waters, or placed or deposited upon the ice of any such source Polluting water supply.

of water supply, or be placed or suffered to remain upon the bank or shore of any such source of water supply near the place from which the supply of water for domestic use is obtained, nor within such distance thereof as may be considered unsafe by the Department after an examination thereof by a member or officer of the Department, nor shall anyone bathe or swim in the waters of any such sources of water supply within such area as may be fixed or defined by order of the Department. R.S.O. 1914, c. 218, s. 93 (1); 1920, c. 81, s. 5. *Amended.*

Penalty. (2) Every person who contravenes any of the provisions of subsection 1 shall incur a penalty of not more than \$100 for each offence, and each week's continuance after notice by the Department or local board to discontinue the offence shall constitute a separate offence. R.S.O. 1914, c. 218, s. 93 (2). *Amended.*

SEWERAGE SYSTEM AND SEWAGE.

Sewerage system. Plans to be submitted.

96.—(1) Whenever the construction of a common sewer or of a system of sewerage, or an extension of the same, is contemplated by the council of any municipality, the council shall first submit the plans and specifications of the work together with such other information as may be deemed necessary by the Department for its approval.

Department to inquire and report.

(2) The Department shall inquire into and report upon such sewer or system of sewerage, as to whether the same is calculated to meet the sanitary requirements of the inhabitants of the municipality, and as to whether such sewer or system of sewerage is likely to prove prejudicial to the health of the inhabitants of the municipality or of any other municipality liable to be affected thereby.

Amendment of plans at instance of Department.

(3) The Department may make any suggestion or amendment of the plans and specifications or may impose any condition with regard to the construction of such sewer or system of sewerage or the disposal of sewage therefrom as may be deemed necessary or advisable in the public interest.

Work not to be proceeded with until approved by Department.

(4) The construction of any common sewer or system of sewerage shall not be proceeded with until reported upon and approved by the Department, and no change in the construction thereof or in the disposal of sewage therefrom shall be made without the previous approval of the Department.

Modification, etc., of order.

(5) The Department may from time to time modify or alter the terms and conditions as to the disposal of sewage imposed by it, and the report or decision of the Department

shall be final, and it shall be the duty of the municipal corporation and the officers thereof to give effect thereto.

(6) Whenever required by the Department, the clerk of every municipal corporation having, using, owning, leasing or controlling a sewerage system or sewage disposal plant shall make returns to the Department upon forms to be furnished by it of such matters as may be required by the Department and called for by such forms, and in case of default the clerk shall incur a penalty of \$100. R.S.O. 1914, c. 218, s. 94. *Amended.*

Report to be sent to Department.

(7) The sewerage system or sewage disposal plant of an urban municipality may, with the approval of the Department, be continued into, or through, or be situate in an adjoining township municipality, but before approving of any such work the Department shall give notice to the clerk of the township and shall hear and consider any objections which the council of the township or the residents therein may make to the location of the works.

Urban sewerage works or sewage disposal works in adjoining township.

(8) When the approval of the Department has been obtained the corporation of the urban municipality may enter upon, take and use such lands in the township as may be necessary, and for that purpose shall have and may exercise the same powers within the township as it has within its own municipality, and paragraph 56 of section 399 of *The Municipal Act* and clauses *a* and *b* following the said paragraph shall not apply. 1914, c. 21, s. 47. *Amended.*

Powers of urban municipality after approval of Department.
1922, c. 72.

(9) The Department may withdraw, amend or vary any approval given by it under this section or any order or certificate made by it, and may approve of a different or other system of sewerage, sewage disposal or sewage disposal plant, or a different or other location of the same.

Orders of Department as to sewerage or sewage disposal plant.

(10) Before acting under the provisions of subsection 9 the Department shall notify the clerk of the township municipality in which the system of sewerage is located or into or through which it is continued or in which it is proposed to locate the system of sewerage, or into or through which it is proposed to continue the same, or in which it is proposed to locate a sewage disposal plant, and the Department shall hear and consider any objections which the council of the township or any resident therein may make to the erection of the said work or any part thereof.

Hearing and notice to municipality affected.

(11) Where the Department has made an order or report under the provisions of subsections 7 to 10, the corporation of the urban municipality before proceeding with the work,

Application to Railway and Municipal Board.

shall apply to the Ontario Railway and Municipal Board, for an order prescribing the manner in which such work may be carried on, and notice of such application shall be given to the township municipality and to any resident therein whose property is, or may be, affected by the proposed works.

Powers of
Railway and
Municipal
Board.

(12) Upon such application the Ontario Railway and Municipal Board may make an order,

- (a) stopping up and closing any highway, road or road allowance, temporarily or permanently for the purpose of allowing the proposed work to be carried on; and vesting the same in the urban corporation, and providing for the opening of other roads, highways and road allowances for the use and convenience of the residents of the township municipality in lieu of the roads, highways and road allowances so stopped up and closed, and the provisions of section 86 of *The Registry Act* shall not apply;
- (b) imposing such terms and conditions upon the urban municipality with respect to the construction and operation of the proposed works as the said Board may deem just;
- (c) ordering that any buildings, restrictions, covenants running with the land or any limitations placed upon the estate or interest of any person or corporation, in any lands in or through which it is proposed that a sewage disposal system may be constructed or continued, or where the site of the sewage disposal plant is proposed to be located, shall be terminated and shall be no longer operative or binding upon or against any person or persons, and direct that any such order be registered under the provisions of *The Registry Act*;
- (d) fixing the compensation to be paid for lands taken or injured in the construction of such works.

Rev. Stat.,
c. 124.

Registration
of order.

(13) The registration of any order under clause *c* of subsection 12 shall be a bar to any action or proceeding taken by any person or corporation claiming any right or benefits under or by reason of any such restrictions, covenants, interests, estate or title in the lands described in the order.

Jurisdiction
of Board
as to claims
for damages.

(14) The Ontario Railway and Municipal Board shall have jurisdiction to enquire into, and hear and determine any application by or on behalf of any person or corporation

interested complaining that any urban municipality constructing, maintaining or operating any sewage disposal system, or plant, or having the control thereof,—

- (a) has failed to do any act, matter or thing required to be done by an Act or regulation, order or direction, or by any agreement entered into by the corporation; or
- (b) has done or is doing any act or is failing to do any act and that such act or failure is causing depreciation, loss, injury or damage to any property of any owner, and the said Board may make any order, award or finding in respect of any claim of damage or injury, as it may deem just.

(15) The jurisdiction of The Ontario Railway and Municipal Board under this section shall be conclusive and all claims for injury or damages or any other matter arising under the provisions of this section relating to the construction by an urban municipality of a sewage disposal plant in a township municipality, shall be heard and determined by the Board and *The Ontario Railway and Municipal Board Act*, so far as it is practicable, shall apply to every application and order made to or by the Ontario Railway and Municipal Board under this section. 1918, c. 41, s. 10. *Amended.*

All claims to be determined by Board.

(16) Where a sewage disposal plant or any connection therewith is constructed by an urban municipality in a township the council of the urban municipality and the council of the township may enter into an agreement for the connecting with and user of such sewage disposal plant or connections by the township municipality and residents thereof on such terms as may be mutually agreed upon. 1921, c. 74, s. 4.

Agreement between urban and township municipalities.

BY-LAWS FOR BORROWING FOR WATERWORKS AND SEWERAGE.

97.—(1) No by-law shall be passed for raising money for any of the purposes mentioned in sections 91 and 96 until the proposed water supply or sewerage system, as the case may be, has been approved by the Department of Health, and such approval has been certified under the hand of the Minister.

By-law for issue of debentures not to be passed until approval of Department.

(2) The by-law shall recite the approval of the Department. R.S.O. 1914, c. 218, s. 95. *Amended.*

By-law to recite approval.

98.—(1) Where the Department reports in writing that it is of opinion that it is necessary in the interest of the public health that a waterworks system or an adequate water

Assent of electors not required.

purification plant, or a sewer or a sewerage system, or an adequate sewage treatment plant should be established or continued, or that any existing waterworks system, water purification plant, sewer or sewerage system, or sewage treatment plant should be improved, extended, enlarged, altered, renewed or replaced, it shall not be necessary to obtain the assent of the electors to any by-law for incurring a debt for any of such purposes.

Council on report of Department to pass by-laws and carry out works.

(2) Where the Department has reported as provided by subsection 1, the council of a municipality shall forthwith pass all necessary by-laws for the establishment of the works reported upon and the corporation of the municipality shall immediately commence the work and carry the same to completion without unnecessary delay.

By-law not to be passed until approved.

(3) The by-law shall not be finally passed until the approval of the Department has been obtained to the work to be done as hereinbefore provided, and shall recite such approval. R.S.O. 1914, c. 218, s. 96. *Amended.*

Repairs and renewals, etc., powers of Department.

99. Every waterworks system, water purification plant, sewer or sewerage system and sewage treatment plant established for public use shall at all times be maintained and kept in repair as may be necessary for the protection of the public health and as may be directed by any special order of the Department or by the regulations. R.S.O. 1914, c. 218, s. 97. *Amended.*

Penalty.

100. Any municipal corporation or body or person refusing or neglecting to carry out the provisions of either of the two next preceding sections, after notice from the Department so to do, shall incur a penalty of \$100 for every day upon which such default continues. R.S.O. 1914, c. 218, s. 98. *Amended.*

ICE SUPPLIES.

Regulation of ice supply by local board.

101.—(1) The local board of a municipality in which supplies of ice are obtained, sold and stored may adopt such regulations regarding the source of supply and the place of storage of the same as are, in its opinion, best adapted to secure the purity of the ice and prevent injury to the public health, and for the supervision of ice supplies, whether obtained within or without the municipality, whenever the ice is intended for use within the municipality in which the board has jurisdiction.

Permit for cutting ice.

(2) No ice shall be cut from any lake, river, stream, pond, or other water for the purpose of being sold, or used for domestic purposes unless a permit therefor has been first

obtained from the local board, and no person shall sell or deliver or dispose of in any way any ice for domestic purposes without first obtaining a permit therefor from the local board, and the local board may refuse a permit, or revoke any granted by it, when in their judgment the use of any ice cut or sold or to be cut or sold for domestic purposes under the same is or would be detrimental to the public health.

(3) Every local board shall enforce the regulations of the Department, and may prohibit the sale and use of any ice within the limits of the municipality, when, in its judgment, the same is unfit for use or the use of it would be detrimental to the public health. Local board to enforce regulations.

(4) The local board may prohibit, and, through its officers, prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of the municipality, and may in the same manner prevent the sale of any such ice for domestic purposes within the limits of the municipality, when, in its judgment, the ice is unfit for use, or the use of it would be detrimental to the public health. Prohibiting distribution in municipality.
R.S.O. 1914, c. 218, s. 99. *Amended.*

INSPECTION OF ANIMALS, MEAT, ETC.

102.—(1) A medical officer of health or sanitary inspector may at all reasonable times inspect or examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, milk or other article exposed for sale or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man; and if such article appears to him to be diseased, or unsound or unwholesome, or unfit for food for man, he may seize and carry away the same, or cause it to be seized and carried away, in order that it may be destroyed or so disposed of as to prevent it from being exposed for sale or used as food for man. Inspection of food supplies.

(2) The person to whom the same belongs, or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall incur a penalty of not less than \$10 nor more than \$100 for every such article unless he proves that he did not know and had no means of knowing the condition of such article. Penalty.

(3) Where it is charged upon any prosecution under this section that any animal, or the meat or milk of any animal, is affected with any disease named in section 2 of *The Animal Contagious Diseases Act of Canada*, or with wens, clyers, actinomycosis or osteosarcoma, or any disease of a cancerous nature, the medical officer of health may make, or cause to Scientific examination where existence of certain diseases charged. R.S.C., 1906, c. 75.

be made, or request the Department to make, such scientific examination of the animal, meat or milk suspected of being diseased as may enable it to be determined whether or not such disease exists; and the Minister may instruct an officer of the Department to make such examination or cause the same to be made.

Expenses
and fee on
examination.

(4) The expenses of such examination, together with a fee not exceeding \$10, shall be certified by the Deputy Minister and shall be payable by the treasurer of the municipality in which such animal, meat or milk is found.

Onus of
proof.

(5) In any prosecution under this section the burden of proof that any article in respect of which the charge is laid is not kept for sale or intended for food for man shall be upon the person charged. R.S.O. 1914, c. 218, s. 100. *Amended.*

Permit re-
quired for
manufac-
turing or
bottling of
carbonated
water, etc.

(6) A person, firm or corporation shall not manufacture or bottle for sale as food for man, any beverage such as carbonated water, natural and artificial mineral water, spring and distilled water, unfermented wine or cordials, concentrated syrup, extracts, essence, fruit juice, or any dry substance in concentrated form for the manufacture of any beverage, brewed ginger beer, or other non-intoxicating drink, without first obtaining a permit in writing so to do from the medical officer of health and the local board of the municipality in which such manufacturing or bottling is to be conducted.

Cancellation
of permit.

(7) When the medical officer and local board of health desire to cancel a permit they must give notice in writing of such cancellation to the person or persons or the agent of such person or persons to whom the permit was issued and such cancellation shall not become effective until thirty days after receipt of such notice by the said person, persons or their agent.

Revocation
of permit,
on what
grounds.

(8) Such permit may be refused and if granted may be cancelled or revoked for failure to comply with the regulations pertaining to the building, equipment and methods of manufacture or bottling of such beverage or if such beverage upon analysis is found to be contaminated or contain any injurious ingredients, or for other cause is found to be unfit for food. 1923, c. 52, s. 5.

Feeding cer-
tain things
to hogs.

103.—(1) Whenever any medical officer of health or sanitary inspector knows or has reason to believe that blood, offal or the meat of any dead animal which has not been previously boiled or steamed when fresh or before becoming

putrid or decomposed, or which, although boiled or steamed, is putrid or decomposed, has been or is being fed to hogs, he may seize and carry away the hogs, whether dead or alive, or otherwise detain them so as to prevent their removal.

(2) The owner, or person in charge of, or any person found feeding any such blood, offal or meat to hogs shall incur a penalty of not less than \$5 nor more than \$50, and upon his conviction the medical officer of health shall order the hogs, whether dead or alive, to be destroyed, or so disposed of as to prevent them from being exposed for sale or used for food for man.

(3) In every prosecution under this section, where it is proved that such blood, offal or decomposed meat was found upon the premises, the burden of proof that the same was not intended to be fed to hogs shall be upon the person charged. R.S.O. 1914, c. 218, s. 101.

104.—(1) Every butcher and other person selling meat shall on the request of the medical officer of health make affidavit as to the place at which the slaughter of his meat is carried on, and where it is without the limits of the municipality such place shall be open to inspection by the medical officer of health or by an inspector appointed by the council of the municipality in which the meat is offered for sale.

(2) In case of the refusal or neglect to make such affidavit or permit such inspection, the local board may give notice in writing to the butcher or other person to discontinue the sale of meat in the municipality.

(3) If after receiving such notice the butcher or other person sells or offers for sale any meat in the municipality he shall incur a penalty not exceeding \$20. R.S.O. 1914, c. 218, s. 102.

105.—(1) Any person who knowingly sells, or has in his possession with intent to sell as food for man, the meat of any calf less than three weeks old shall incur a penalty of not less than \$10 nor more than \$50. R.S.O. 1914, c. 218, s. 103 (1); 1916, c.51, s. 6 (1). *Amended.*

(2) In every prosecution under this section, where it is proved that the meat of any calf less than three weeks old was found upon the premises, the burden of proof that the same was not intended as food for man shall be upon the person charged. R.S.O. 1914, c. 218, s. 103 (2); 1916, c. 51, s. 6 (2). *Amended.*

MUNICIPAL SLAUGHTER-HOUSES, ABATTOIRS, ETC.

By-laws for establishing slaughter-houses, cattle-yards or pens.

106.—(1) The municipal council of a city or town may by by-law provide for the establishment, within the municipality, or in an adjoining municipality, the council of which has by by-law sanctioned its establishment therein, of a public slaughter-house or abattoir with proper cattle-yards and pens in connection therewith for the proper keeping therein of animals intended for slaughter, and for charging fees for the use thereof.

Regulation of slaughter houses, etc.

(2) Every such slaughter-house or abattoir, and cattle-yard and pen, shall be constructed, equipped and regulated in conformity with the regulations. R.S.O. 1914, c. 218, s. 104.

Local board of health to have control.

107. The local board of the city or town by which the slaughter-house or abattoir, cattle-yards or pens are established shall have the supervision of them, and shall be responsible for the due carrying out of the regulations, and the costs of the supervision and inspection shall be paid from time to time by the treasurer of the city or town out of the fees charged, on the order of the local board of health. R.S.O. 1914, c. 218, s. 105.

Competent persons employed for inspecting animals and meat.

108. Such local board may employ one or more persons, approved of by the medical officer of health, to inspect at such slaughter-house or abattoir, or at such cattle-yards or pens, all animals, carcasses and meat brought into the municipality and intended for food for man. R.S.O. 1914, c. 218, s. 106.

Inspection of meat-packing establishments.

109. Any meat-packing establishment shall be subject to inspection in the same manner as a municipal slaughter-house or abattoir. R.S.O. 1914, c. 218, s. 107.

USE OF FORCE—ASSISTANCE BY CONSTABLES, ETC.

Penalty for hindering officers from inspecting meat, etc.

110. Any person who obstructs, hinders, or delays or prevents an officer of the Department, or any local board, or a member thereof, medical officer of health or sanitary inspector, or any person employed by or acting under the direction of any of them in the exercise of any of the powers conferred, or performance of any of the duties imposed upon them by this Act or by the regulations, or in carrying out any order lawfully given by them, shall incur a penalty of not less than \$25 nor more than \$100. R.S.O. 1914, c. 218, s. 108. *Amended.*

Calling for assistance of constables, etc.

111. Whenever a local board or a member thereof, medical officer of health or sanitary inspector is required or empowered by this or any other Act or by the regulations or by

a municipal by-law to do or to prevent or to direct or enforce the doing of anything, such board or member or officer or inspector may use such force and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any constable or other person, and it shall be the duty of every constable so called upon to render such assistance. R.S.O. 1914, c. 218, s. 109.

PENALTIES AND RECOVERY THEREOF.

112.—(1) Any person who contravenes any of the provisions of sections 54 to 73 for which no other penalty is provided shall incur a penalty of not less than \$25 nor more than \$100. R.S.O. 1914, c. 218, s. 110 (1). Penalties. Communicable diseases.

(2) Any person who contravenes any other provision of this Act or of the regulations or of any municipal by-law passed under this Act, or wilfully disobeys or neglects to carry out any order or direction lawfully given by the Department, a local board, member of a local board, medical officer of health or sanitary inspector unless it is otherwise provided shall incur a penalty of not less than \$5 nor more than \$500. R.S.O. 1914, c. 218, s. 110 (2); 1918, c. 41, s. 11. Other offences.
Amended.

(3) Where any person has been convicted of an offence under this Act or under any regulation or by-law enacted or in force thereunder, and such offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance, or other unsanitary condition, which it is such person's duty to remove, or of the erection or construction of anything contrary to the provisions of this Act, or of any regulation or by-law enacted or in force thereunder, then, if the proper authority in that behalf gives reasonable notice to such person to make good such omission or neglect, or to remove such nuisance or unsanitary condition, or to remove the thing which has been erected or constructed contrary to this Act or to such regulation or by-law, and default is made in respect thereof, the person offending may be convicted for such default, and shall be liable to the same punishment as was or might have been imposed for the original offence, and so on, from time to time, as often as after another conviction a new notice is given and the default continues; and in case of a third or subsequent conviction, it shall not be necessary in the information, conviction or other proceedings to make any reference to any conviction except the first, or to any notice except that in respect of which the proceedings are then being taken. R.S.O. 1914, c. 218, s. 110 (3). Continuance of offence.

Penalty for selling biological products supplied by Department.

(4) Every person who sells either publicly or privately any of the biological products supplied to the public free of charge by the Department shall incur a penalty of \$100, and in default of payment thereof shall be liable to imprisonment for a period of three months. 1916, c. 51, s. 7. *Amended.*

Recovery of penalties. 1926, c. 31.

113. Penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act* before a police magistrate or two justices of the peace. R.S.O. 1914, c. 218, s. 111.

Application of penalties.

114.—(1) Every penalty recovered under this Act where the prosecution is by or at the instance of the corporation of a municipality, or the local board, or the medical officer of health or other health officers of the municipality shall be paid to the treasurer of the municipality in which the offence was committed for the use of the local board of health.

Offences in unorganized territory.

(2) Where the prosecution is at the instance of the Department or of any Provincial officer or where the offence was committed in territory without municipal organization the penalty shall be paid to the Treasurer of Ontario. R.S.O. 1914, c. 218, s. 112. *Amended.*

Where offence is against Act and by-law.

115. Where any act or omission is a violation of any express provision of this Act and is also a violation of a by-law of a municipality in respect of a matter over which the council of the municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a conviction shall not be made under both for the same act or omission. R.S.O. 1914, c. 218, s. 113.

ALL PROCEEDINGS BARRED BY POVERTY, ETC.

Certificate of poverty or inability a bar to prosecution.

116. Where any person who is unable from poverty or other sufficient cause to comply with any of the provisions of this Act, or of the regulations, gives notice of such inability to the medical officer of health, and the local board on examination is satisfied of such inability, the secretary thereof shall give his certificate to that effect, and such certificate shall be a bar to all proceedings against such person for a period of six months. R.S.O. 1914, c. 218, s. 114.

STATUTORY BY-LAW.

Application of enactments in Schedule "B."

117.—(1) The by-law set out in Schedule B, hereinafter called the statutory by-law, and every amendment thereof, shall be in force in every municipality as if enacted by the council thereof, and the council of every municipality shall have authority to pass by-laws with the approval of the

Department for making additional requirements in respect to any of the matters dealt with by the statutory by-law.

(2) The Department may permit the council of any municipality to amend the statutory by-law so as to conform to the requirements of the municipality or to meet such special circumstances as in the opinion of the Department may warrant such amendment. R.S.O. 1914, c. 218, s. 115. *Amended.* Amendment of by-law.

(3) The by-law set out in Schedule B and any amendment thereof approved by the Department shall have the same force and authority as a regulation made under this Act by the Department. 1916, c. 51, s. 8. *Amended.* Effect of by-law, Schedule "B."

POSTPONEMENT OF MUNICIPAL AND SCHOOL ELECTIONS.

118.—(1) Where the Minister reports to the Lieutenant-Governor that on account of the prevalence in any municipality of any communicable disease it would be dangerous to hold an election in such municipality, the Lieutenant-Governor in Council may, of his own motion, or upon the application of the council of the municipality, issue his proclamation postponing the holding of any intended municipal or school election for a period not exceeding three months, and may from time to time further postpone such election if, in the opinion of the Minister, the necessity for postponement continues. Postponement of election in case of epidemics.

(2) The Lieutenant-Governor may, by the proclamation, name the days for holding the nomination and polling, but, if no days are named therefor, the council shall as soon as practicable after the period named in such proclamation, or the last of such proclamations, expires, by by-law name the days for the nomination and polling. R.S.O. 1914, c. 218, s. 116. *Amended.* Fixing date for holding postponed election.

UNORGANIZED TERRITORY.

119. Sections 120 to 126 shall apply only to territory without county organization. R.S.O. 1914, c. 218, s. 117. *Amended.* Application of sections 120 to 126.

120.—(1) The Minister may, with the approval of the Lieutenant-Governor in Council, make regulations,— Regulations.

- (a) respecting any industry and the conditions under which the same may be carried on for the purpose of preventing nuisances and the outbreak or spread of disease;

- (b) for the cleansing, regulating and inspection of lumbering camps and of mining camps and railway construction works and of other places where labour is employed;
- (c) for providing for the inspection of houses and premises;
- (d) for providing for the employment of duly qualified medical practitioners by employers of labour in lumbering camps and in mining camps and on railway construction works and other works where labour is employed, and for the erection of permanent or temporary hospitals for the accommodation of persons so employed.

General or local or special.

(2) The regulations may be general in their application or may be made applicable specially to any particular locality or industry.

Expenses.

(3) The expenses of carrying out the regulations shall be paid to the person entitled thereto by the persons, firms or corporations whose duty it may be to carry out such regulations, and the amount so to be paid shall be apportioned by the Minister among them as he may deem proper, and every amount so apportioned shall be deemed to be a debt due from the person, firm or corporation, and may be recovered by the person entitled thereto by action in any court of competent jurisdiction.

Procedure on default of compliance.

(4) If default is made in complying with any of the regulations the Department may direct that what is omitted to be done shall be done at the expense of the person, firm or corporation in default, and if the default is the failure to employ a duly qualified medical practitioner, as provided by clause *d* of subsection 1, the employing person, firm or corporation shall be liable to pay the reasonable expenses incurred by any employee for medical attendance and medicines, and for his maintenance during his illness. R.S.O. 1914, c. 218, s. 118. *Amended.*

Regulations in territory without municipal organization.

(5) Where any regulation has been made by the Minister with the approval of the Lieutenant-Governor in Council under the provisions of this section relating to territory without municipal organization, the regulation may provide for the imposing of penalties for the violation of any regulation made under that section and every such penalty shall be recoverable under *The Ontario Summary Convictions Act* before a police magistrate or two justices of the peace. 1920, c. 81, s: 6. *Amended.*

Penalties.
1926, c. 31.

121. Every police magistrate shall be *ex officio* a medical officer of health in and for the district or part of a district for which he is appointed. R.S.O. 1914, c. 218, s. 119.

Police magistrates to be *ex officio* health officers.

122. Every constable shall be *ex officio* a sanitary inspector for the locality for which he is appointed. R.S.O. 1914, c. 218, s. 120.

Constables to be *ex officio* sanitary inspectors.

123. The Superintendent of the Algonquin Park shall be *ex officio* a medical officer of health for the Park, and for the territory surrounding it for the distance of one mile therefrom or from any part thereof; and all the park rangers, whether employed temporarily or otherwise, shall be *ex officio* sanitary inspectors under this Act for the Park and such territory. R.S.O. 1914, c. 218, s. 121.

Superintendent and officers in Algonquin Park.

124. The Lieutenant-Governor in Council may appoint medical officers of health; and every such officer shall within the locality for which he is appointed have all the powers and perform all the duties by this Act, or any other Act, conferred or imposed upon medical officers of health, or local boards of health, and shall also perform such other duties as the Lieutenant-Governor in Council may direct. R.S.O. 1914, c. 218, s. 122.

Local officers of health specially appointed.

125. The Minister may also, with the approval of the Lieutenant-Governor in Council, appoint in any of the unorganized districts one or more sanitary inspectors, who shall possess, in addition to the powers conferred upon sanitary inspectors by this Act, all the powers conferred upon local boards of health by section 26. R.S.O. 1914, c. 218, s. 123. *Amended.*

Sanitary inspectors.

126. The medical officer of health and the sanitary inspectors shall be paid such salary or other remuneration as may be determined by the Lieutenant-Governor in Council out of the appropriation made by the Legislature for the purposes of the Department. R.S.O. 1914, c. 218, s. 124. *Amended.*

In unorganized territory.

EXPENSES OF ENFORCEMENT OF ACT.

127.—(1) The expenses incurred by the Department in the enforcement of this or any other Act or of the regulations shall be payable in the first instance by the Treasurer of Ontario out of any money appropriated by this Legislature for the expenses of the Department, and in such manner and upon such certificate and after such audit as the regulations may prescribe, anything in *The Audit Act* or any other Act to the contrary notwithstanding. R.S.O. 1914, c. 218, s. 125 (1).

Expenses to be payable in first instance by Province.

Rev. Stat., c. 23.

Payment on certificate of proper officer.

(2) Whenever an account is certified by the officer or officers designated in the regulations to be properly payable out of such appropriation, such certificate shall be final and the Provincial Auditor shall thereupon direct the issue of a cheque in payment of the account. R.S.O. 1914, c. 218, s. 125 (2); 1916, c. 51, s. 9. *Amended.*

PROCEEDINGS NOT TO BE QUASHED FOR WANT OF FORM,
OR REMOVED INTO SUPREME COURT.

Proceedings not to be quashed for want of form or removed into Supreme Court.

128. No order or other proceeding, matter or thing, done or transacted in or relating to the execution of this Act shall be vacated, quashed or set aside for want of form, or be removed or removable by *certiorari* or otherwise into the Supreme Court. R.S.O. 1914, c. 218, s. 126.

Existing regulations continued.

129. Except in so far as they are inconsistent with this Act all existing regulations made under any of the Acts repealed by *The Public Health Act*, being chapter 58 of the Acts passed in the second year of His Majesty's reign, or under that Act are confirmed and declared to be legal, valid and binding and shall continue in force until altered or repealed by the Minister with the approval of the Lieutenant-Governor in Council. R.S.O. 1914, c. 218, s. 127. *Amended.*

Repeal.

130. The following Acts and parts of Acts are hereby repealed,—

R.S.O. 1914, Chapter 218—The whole.

1914, Chapter 21—Sections 46 and 47.

1915, Chapter 40—The whole.

1916, Chapter 51—The whole.

1917, Chapter 51—The whole.

1918, Chapter 41—The whole.

1919, Chapter 25—Section 30; Chapter 62—The whole.

1920, Chapter 81—The whole.

1921, Chapter 74—The whole.

1922, Chapter 88—The whole.

1923, Chapter 52—The whole.

1924, Chapter 68—The whole; Chapter 69—The whole,
except sections 3 and 7; Chapter 83—Section 4.

1925, Chapter 68—The whole; Chapter 69—The whole.

131. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of
Act.

SCHEDULE A.

(Section 50.(2).)

PUBLIC HEALTH.

Take notice that by virtue of *The Public Health Act*, and the regulations made thereunder, possession has been taken (or obtained, as the case may be) of the following lands (or building, as the case may be) namely,

(Reasonable Description).

and further take notice that such land (or building) will be occupied and used for the purposes of the said Act or regulations from and after the date hereof for a period of _____ or such other time as may in the discretion of the undersigned be necessary.

Dated, etc.

(Signature.)

SCHEDULE B

(Section 117.)

BY-LAW IN FORCE IN EVERY MUNICIPALITY UNTIL ALTERED BY THE MUNICIPAL COUNCIL.

Duty of medical health officer.

1. It shall be the duty of the medical officer of health to assist and advise the local board of health and its officers in matters relating to public health and to superintend the enforcement and observance, within this municipality, of health by-laws or regulations, and of Public Health Acts, and of any other sanitary laws, and to perform such other duties and lawful acts for the preservation of the public health as may, in his opinion, be necessary, or as may be required by the Department of Health of Ontario. He shall also present to the said board, before the 15th day of November in each year, a full report upon the sanitary condition of the municipality.

Duty of sanitary inspector.

2. The sanitary inspector, besides performing the duties imposed by this by-law, shall assist the medical officer of health and perform such other duties as may from time to time be assigned to him by the local board of health or the medical officer of health.

Chairman of board of health to report to council.

3. The chairman of the local board of health shall, before the 1st day of December in each year, present to this council a report containing a detailed statement of the work of the board during the year, and the report of the sanitary condition of the municipality, as rendered to the board by the medical officer of health. A copy of each such report shall be transmitted by the secretary to the Department.

Deposits endangering public health forbidden.

4. No person shall within the municipality suffer the accumulation upon his premises, or deposit, or permit the deposit, upon any land belonging to him, of anything which may endanger the public health, or deposit upon, on, or into, any street, square, lane, by-way, wharf, dock, slip, lake, pond, bank, harbour, river, stream, sewer, or water, any manure or other refuse, or vegetable or animal matter, or other filth.

Duty of sanitary inspector as to lands, etc.

5. It shall be a duty of the sanitary inspector to keep a vigilant supervision over all streets, lanes, by-ways, lots, or premises upon which any such accumulation may be found, and at once to notify the persons who own or occupy such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter, or filth, in any street, lane, or by-way, to cleanse the same, and to remove what is found thereon; such persons shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification the inspector may prosecute the persons so offending, and he may also cause the same to be removed at the expense of the person or persons so

offending. He shall also inspect at intervals, as directed by the local board of health or medical officer of health, all premises occupied by persons residing within the municipality, and shall report to the board every violation of any of the provisions of this by-law, or of any other regulation for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection.

6. Whenever it shall appear to the local board, or to any of its officers, that it is necessary for the preservation of the public health, or for the abatement of anything dangerous or injurious to the public health, or whenever a notice signed by one or more inhabitant householders of this municipality is received stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health, or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cess-pool, ash-pit, or cellar, kept or constructed so as to be dangerous or injurious to the public health or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water, or other matter or thing is kept so as to be dangerous or injurious to the public health, it shall be the duty of the sanitary inspector to enter such building or premises for the purpose of examining the same, and, if necessary, he shall order the removal of such matter or thing. If the occupant or owner or his lawful agent or representative having charge or control of such building or premises, after having had twenty-four hours' notice from any such officer to remove or abate such matter, or thing shall neglect or refuse to remove or abate the same, he shall be subject to the penalties mentioned in section 35.

Examination of buildings or premises by sanitary inspectors.

7. If the local board is satisfied upon due examination that a cellar, room, tenement or building within the municipality, occupied as a dwelling-place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a communicable disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous or injurious to the health of the occupants, or of the public, the board may give notice in writing to such occupants, or any of them, requiring the premises to be put in proper sanitary condition, or requiring the occupants to quit the premises within such time as the board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending shall be liable to the penalties mentioned in section 35, and the board may cause the premises to be properly cleansed at the expense of the owners or occupants, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place until put into proper sanitary condition.

Notice to put premises in proper sanitary condition or to quit same.

8. No person shall at any time use any house, shop or out-house as a slaughter-house or as a place for slaughtering animals or fowls therein, unless such shop, house or outhouse is distant not less than two hundred yards from any dwelling-house, and not less than fifty yards from any public street.

Distance of slaughter-house, etc.

9. All slaughter-houses within this municipality shall be subject to inspection under the direction of the local board of health; and no person shall keep any slaughter-house unless the permission in writing of the board for the keeping of such slaughter-house has been first obtained, and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the slaughter house shall be so kept as to comply with the regulations of the Department respecting slaughter-houses, and upon such condition being broken the permission may be revoked by the board; and all animals to be slaughtered, and all fresh meat exposed for sale in this municipality shall be subject to like inspection.

Inspection of slaughter-house.

10. All milch cows, cow byres and dairies, and all places in which milk is sold or kept for general use, and all cheese factories and creameries shall be subject to inspection under the direction of the board; and the proprietors shall obtain permission in writing from the board, to keep any such dairy or other place in which milk is so sold or kept, or to keep a cheese factory or creamery, and the same shall not be kept by any person without such permission, which shall be granted after approval of such

Inspection of cow byres, cheese factories and creameries.

premises upon inspection, subject to the condition that all such places are so kept and conducted that the milk shall not contain any matter or thing liable to produce disease, either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other cause, and upon such condition being broken the said permission may be revoked by the board.

Sale of diseased food.

11. No person shall offer for sale within this municipality, as food, any diseased animal, or any meat, fish, fruit, vegetables, milk, or other article of food which, by reason of disease, adulteration, impurity, or other cause is unfit for use.

Supply of drinking water.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of wholesome drinking water; and if any occupant of the house is not satisfied with the wholesomeness or sufficiency of such supply, he may apply to the local board of health to determine as to the same; and if the supply is sufficient and wholesome, the expense incident to such determination shall be paid by such occupant; and if not, by the owner; and in either case such expense shall be recoverable in the same manner as municipal taxes.

13. If the local board of health or the medical officer of health certify that any well should be filled in or otherwise treated, such well shall be dealt with accordingly by the owner or occupant of the premises. Pending compliance with the order of the local board of health, or the local medical officer of health, the local medical officer of health shall take such measures as in his judgment may be necessary to prevent the use of water from the said well. No well shall be used as a privy, privy vault or cess-pool.

Details of establishment of privy vaults, etc., to be approved by M.O.H.

14. No privy-vault, cess-pool, septic tank or reservoir into which a privy, water-closet, stable or sink is drained, shall be established until the approval in writing of the medical officer of health has been obtained.

15. The next preceding section shall not apply to privies or closets with a water-tight container above the surface of the ground, but sufficient dry earth, wood ashes, coal ashes or other material to absorb all fluids of the deposit must be thrown upon the contents of such privies daily, and the contents covered completely with chloride of lime once each week. The contents, when removed shall be disposed of in a sanitary manner to the satisfaction of the medical officer of health or the local sanitary inspector.

Cleaning out and disinfecting privy vaults, etc.

16. If the exigencies or circumstances of the municipality require that privy-vaults, cess-pools and reservoirs shall be allowed in accordance with section 14, they shall be cleaned out or disinfected or both on the order of the medical officer of health, or the local board of health.

Deodorization before removal.

17. Within the limits of this municipality no night-soil or contents of any cess-pool, septic tank or reservoir shall be removed, unless the removal is by some odourless process.

18. It shall be the duty of the owner of every house, apartment and place of business within this municipality to provide for the occupants, employees and customers adequate sanitary closets and toilet accommodation.

Time for removal of decayed animal or vegetable matter.

19. All putrid and decaying animal or vegetable matter must be removed from all cellars, buildings, out-buildings and yards on or before the 1st day of May in each year.

Time for removal of garbage.

20. Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning the same or by placing it in a proper covered receptacle, the contents of which shall be regularly removed, at least twice a week.

21. All restaurants or eating houses operated in this municipality shall be required to have wash rooms and toilets, one for males and one for females for the accommodation of the public.

22. Swine shall not be kept within the limits of this municipality, ^{Hogs.} except in pens, with floors, kept free from standing water and regularly cleansed and disinfected, and distant at least one hundred feet from any dwelling house, school house or church.

23. The keeper of every livery or other stable shall keep his stable and ^{Livery stable.} stable-yard clean, and shall not permit more than two waggon-loads of manure to accumulate in or near the same at any one time, and shall at all times keep such manure in a proper covered receptacle.

24. No house shall be built upon any site, the soil of which has been ^{House construction.} made up of any refuse, unless such soil has been removed from such site, ^{Soil of building sites to be disinfected.} and the site disinfected, or unless the soil has been covered with a layer of charcoal or ashes, covered by a layer of concrete at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

25. The drain of every house connected with a sewer or cess-pool shall ^{Ventilation of drains, etc.} be properly ventilated by means of a pipe extending upward from the highest point of the main soil or waste-pipe, and also by a pipe carried upward from the drain outside the walls of the house. Such pipes shall be of the same dimensions as the main soil or waste-pipe, and shall be constructed of the same material or of stout galvanized iron, and no trap shall intervene between the ventilating pipes. If a trap intervenes between the sewer or cess-pool and the ventilating pipes, then a four-inch ventilating pipe of such material shall be carried from a point between such trap and the sewer. Every ventilating pipe shall be carried above the roof of the house, and shall open above at points sufficiently remote from every window, door, sky-light, chimney or other opening leading into any house to prevent the escape into it of gases from such ventilating pipes.

26. No pipe from any drain or soil-pipe shall be connected with any chimney in a dwelling-house.

27. Every house-drain shall be constructed of vitrified earthenware or ^{Description of drain pipes.} iron pipe; and every soil and waste-pipe of iron pipe shall be rendered impervious to gas or liquids, by the joints being run with lead and caulked, or constructed of lead pipe weighing at least six pounds to the square foot; and the waste-pipe from every closet, sink, tub, wash-basin or other service shall have as near as possible to the point of junction with such service a trap so constructed, vented and furnished, that it shall at no time allow of the passage of gas into the house. And all joints shall be so constructed as to prevent gas escaping through them.

28. The construction of any closet or other convenience which allows ^{Certain closets prohibited.} of the escape from it or from the drain or soil-pipe into the house of air or gas is prohibited.

29. No pipe supplying water to a water-closet or urinal shall be directly ^{Pipes supplying water to closets.} connected with a pipe supplying water for drinking purposes.

30. Every person who erects or causes to be erected any building shall; ^{Plumbing and drainage plans to be filed.} within two weeks after the completion thereof, deposit with the local board of health plans of the drainage and plumbing of the same as executed, and in the case of any alteration of any such plumbing or drainage, it shall be the duty of the owner of the house, within two weeks of the making of the alteration, to deposit in the same manner a plan of any such alteration; if such alteration is made by an occupant it shall be his duty to deposit or cause to be deposited the plan.

31. The medical officer of health or the secretary of the local board of ^{Rules respecting infectious and contagious diseases. Duties of M.O.H.} health, shall provide each legally qualified medical practitioner, practising within this municipality, with blank forms on which he shall report cases of communicable disease to the medical officer of health, officer or secre-

tary, and, also, with other blank forms on which to report death or recovery from any such disease.

Forms,
kind of.

32. All such forms shall be so printed, gummed and folded that they may be readily sealed, without the use of any envelope, and shall call for the following information:

Blank
forms.

Report of Communicable Disease.

Christian name and surname of patient:
Age of patient:
Locality (giving street, number of house or lot), where patient is:
Name of disease:
Name of school attended by children from that house:
Measures employed for isolation and disinfection:
(Signature of physician):
.....

Report of Death or Recovery from Infectious Disease.

Christian name and surname of patient:
Locality (giving street, number of house or lot), where patient is:
Name of disease:
How long sick:
Whether dead or recovered:
Means of disinfection employed, and when employed:
(Signature of physician):
.....

Notice of
disease to be
posted up.

33. The medical officer of health within six hours after he has received notice of the existence in any house of any communicable disease in respect of which it is his duty to do so, shall affix or cause to be affixed, near the entrance of such house, in plain view of the public, a card at least nine inches wide and twelve inches long, stating that such disease exists in the house, and stating the penalty for removal of such card without the permission of the medical officer of health, and no person shall remove such card without his permission.

Not to be
removed.

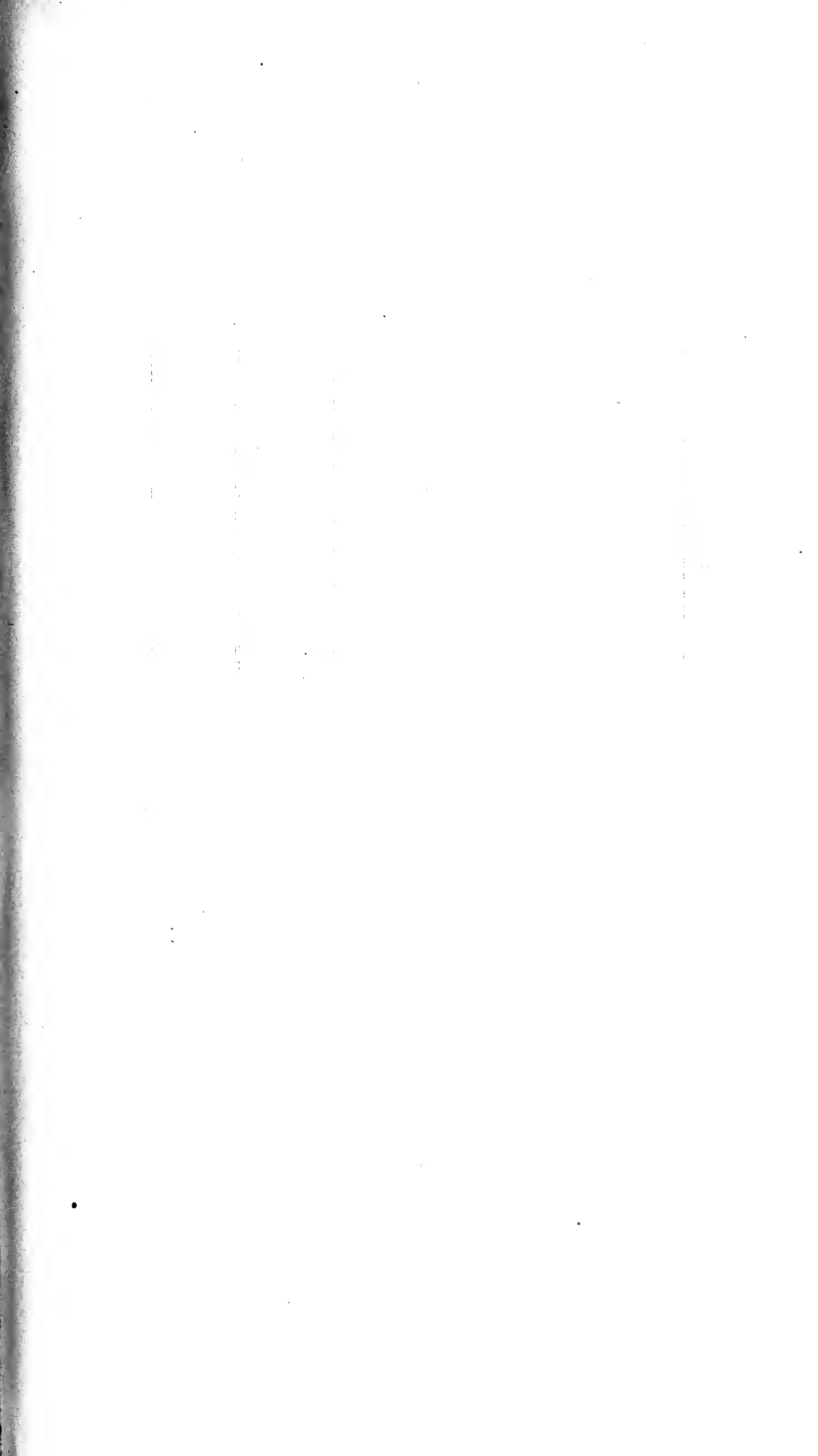
Animals
affected.

34. No animal suffering from any communicable disease shall be brought or kept within this municipality, except by permission of the medical officer of health.

Penalties.

35. Any person who violates sections 4, 6, 7, 9, or 11 of this by-law or section 24 or sections 33 or 34, shall for every offence, incur a penalty of not less than \$5 nor more than \$50; and any person who violates any other provision of this by-law shall for every offence incur a penalty of not more than \$20; and such penalties shall be recoverable under *The Ontario Summary Convictions, Act, 1926.*

1926, c. 31.



No. 69.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Public Health.

1st Reading, 16th February, 1927.
2nd Reading, 1927.
3rd Reading, 1927.

MR. GODFREY.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to provide for Township Boards of Public School Trustees.

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 Township School Boards Act, 1927.* Short title.

2. From and after the coming into force of this Act, all the public schools in every township shall be administered by a board of trustees to be known as "The Township Board of Public School Trustees for the Township of " (naming township) and such board is hereinafter referred to as "a township board." Public schools to be administered by township boards.

3. A township board shall consist of not less than three nor more than ten members to be elected from the school areas in the township determined in the manner hereinafter provided,— Board,— how constituted.

- 1. In a township containing only one school section, the section shall constitute the school area and the township board shall consist of three trustees to be elected by the electors in the area; Township with only one section.
- 2. In a township containing only two school sections, each section shall constitute a school area and the board shall consist of three members, one to be elected by the electors in each of the areas separately and the third by the electors in the areas combined; Where there are two sections.
- 3. In a township containing not less than three nor more than ten sections, each section shall constitute a school area and the township board shall be composed of as many members as there are areas, each area electing one member; Where there are not less than three nor more than ten sections.
- 4. In a township containing more than ten sections, the Where there are more than ten sections.

board shall consist of ten members and for the purpose of electing the members of the board, the council of the township shall divide the township into ten school areas, grouping together where necessary the contiguous school sections into one area;

Union section.

5. In the case of a union section when the part lying within the township is assessed for at least two-thirds of the average assessment of the remaining sections of the township, such part shall be constituted as a section, but if such part is not so assessed it shall not be constituted as a section for the purpose of electing a trustee, but shall be attached to such contiguous section in the township as may be determined by the council;

Numbering school areas.

6. Every school area shall be designated by a number assigned by the township council.

Procedure at election.

4. The nomination and election of members of a township board shall be conducted in the same manner as nearly as may be and at the same time and place and by the same officers as nominations and elections for the municipal council.

Qualification of trustees.

5. Every ratepayer in the township who is,—
- (a) a British subject;
 - (b) of the full age of twenty-one years;
 - (c) not a separate school supporter;
 - (d) a resident of the school area in which he seeks election; and
 - (e) not disqualified by *The Public Schools Act, 1920*, or any other Act,

may be elected a member of the township board.

Ballot papers for each school area.

6. The clerk of the municipality shall prepare for each school area a separate set of ballot papers containing the names of the candidates in the same form *mutatis mutandis* as those used for members of the council and shall provide for each polling subdivision a sufficient number of ballots to be used by electors in each school area included in whole or in part within the subdivision.

Qualification of electors.

- 7.—(1) Every person whose name appears upon the last revised voters' list as entitled to vote at municipal elections

and who is not a supporter of separate schools shall be entitled to vote at an election of members to the township board.

(2) An elector in any school area shall also be entitled to vote in any other school area for which he is assessed as a ratepayer. May vote in each area where qualified.

(3) The voters' list shall show the number of the school area or areas in which each elector is entitled to vote. Voters' list to show area in which voter to vote.

(4) A voter, if qualified to vote therein, may vote in each school area for as many candidates as there are offices to be filled but he shall not vote more than once for any candidate. May vote for candidate for each office.

8.—(1) Except as hereinafter provided every trustee shall continue in office for two years and until his successor has been appointed and a new board organized. Term of office.

(2) After the first election, one-half of the members, where the number of elected members is an even number, and the next number higher than one-half, where the number of elected members is an odd number, shall continue in office and the remaining members shall continue in office for one year and until their successors are elected and a new board organized. Retirement of half board annually.

(3) The members who, under the provisions of subsection 2, continue in office for one year or for two years shall be determined by lot at the first meeting of the board after their election and such determination shall be entered upon the minutes. Determining who shall retire after first election.

9. A union school shall be regarded as belonging to the township in which it is located. Union schools.

10.—(1) The township board shall determine the schools which the pupils shall respectively attend within the township. Board to settle right to attend any school.

(2) A township board shall admit to any school within the township any non-resident pupil if the inspector reports that the accommodation is sufficient for the admission of such pupils and that the school is more accessible for him than any school in the township in which the pupil resides. Non-resident pupils.

(3) When a pupil residing in one township attends school in another township, the township board of the township in which he resides shall each year pay to the township board of the township where he attends school the cost of the education of such pupil. Liability of township for non-resident.

Deter-
mining cost
of education
of non-
resident
pupils.

(4) The cost of the education of non-resident pupils shall be determined in the following manner,—

The amount spent in permanent improvements, including the sum included in paying off debentures and the interest thereon, shall be added to the total cost of maintenance of the schools of the township; from this sum shall be deducted the amount apportioned to the schools of the township out of the Legislative grant; the remainder shall be divided by the total number of days' attendance during the year of all the pupils attending the schools of the township, and this amount shall be multiplied by the number of days' attendance during the year of the non-resident pupils.

Section
boards
dissolved.

11. When a township board has been established all the assets and liabilities of the boards of the several sections of the township shall be vested in and assumed by the township board.

Board to
have powers
and perform
duties of
urban board.

12.—(1) A township board shall have *mutatis mutandis* the same powers and duties and shall be subject to the same conditions with regard to vacancies on the board, controverted elections and the resignation of members as are prescribed by *The Public Schools Act, 1920*, for boards of trustees in urban municipalities.

Trans-
portation
of pupils.

(2) A township board shall have power to make such arrangements for the transportation of pupils to and from school as it may deem expedient.

Authority
of trustee
representing
school area.

(3) The trustee who represents each school area shall have such authority as may be determined by resolution of the township board over the schools of the area he represents in regard to repairs, supplies, caretaking, the provision of substitute teachers and such other matters as the township board may deem expedient.

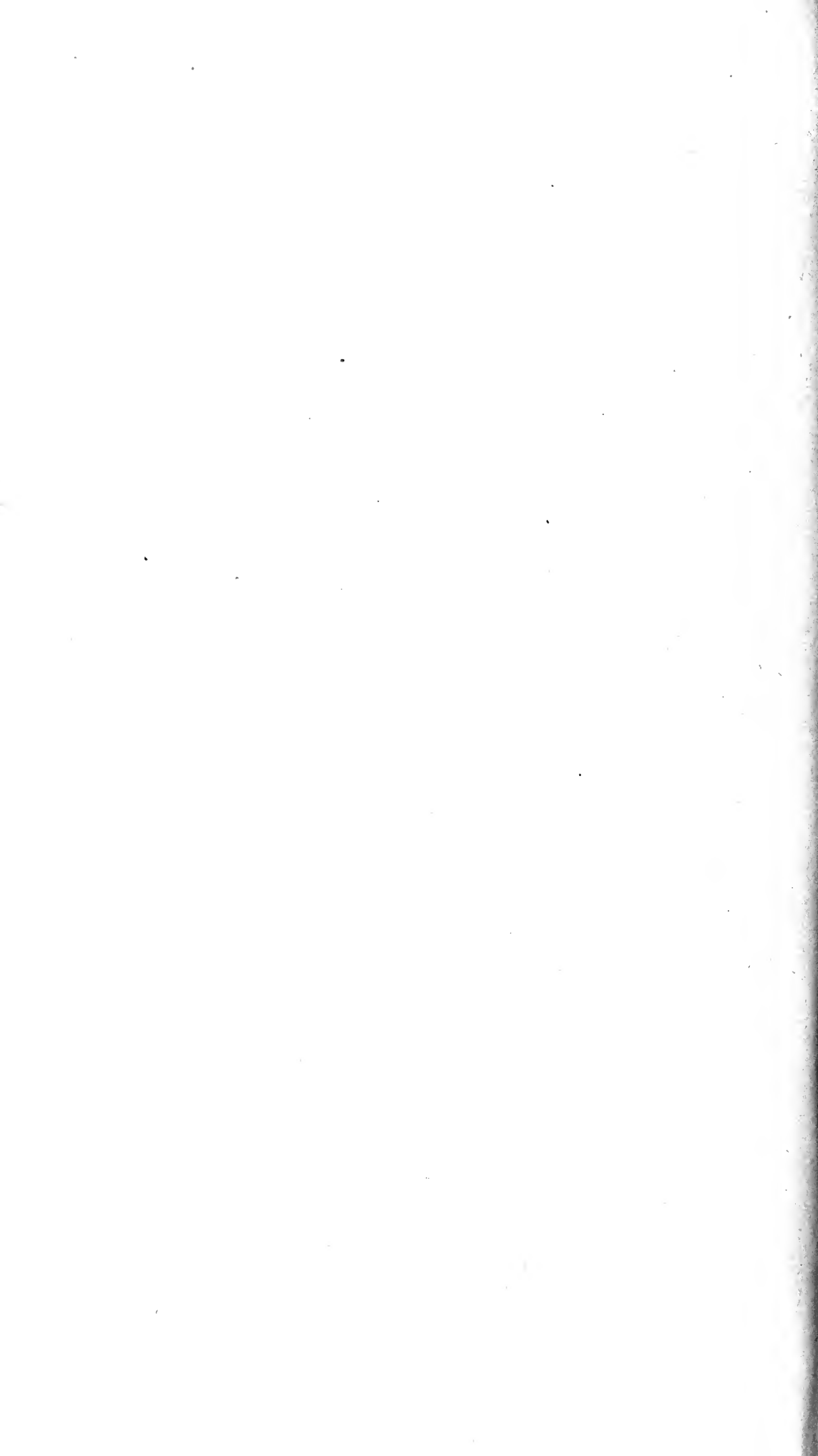
First
meeting in
each year.

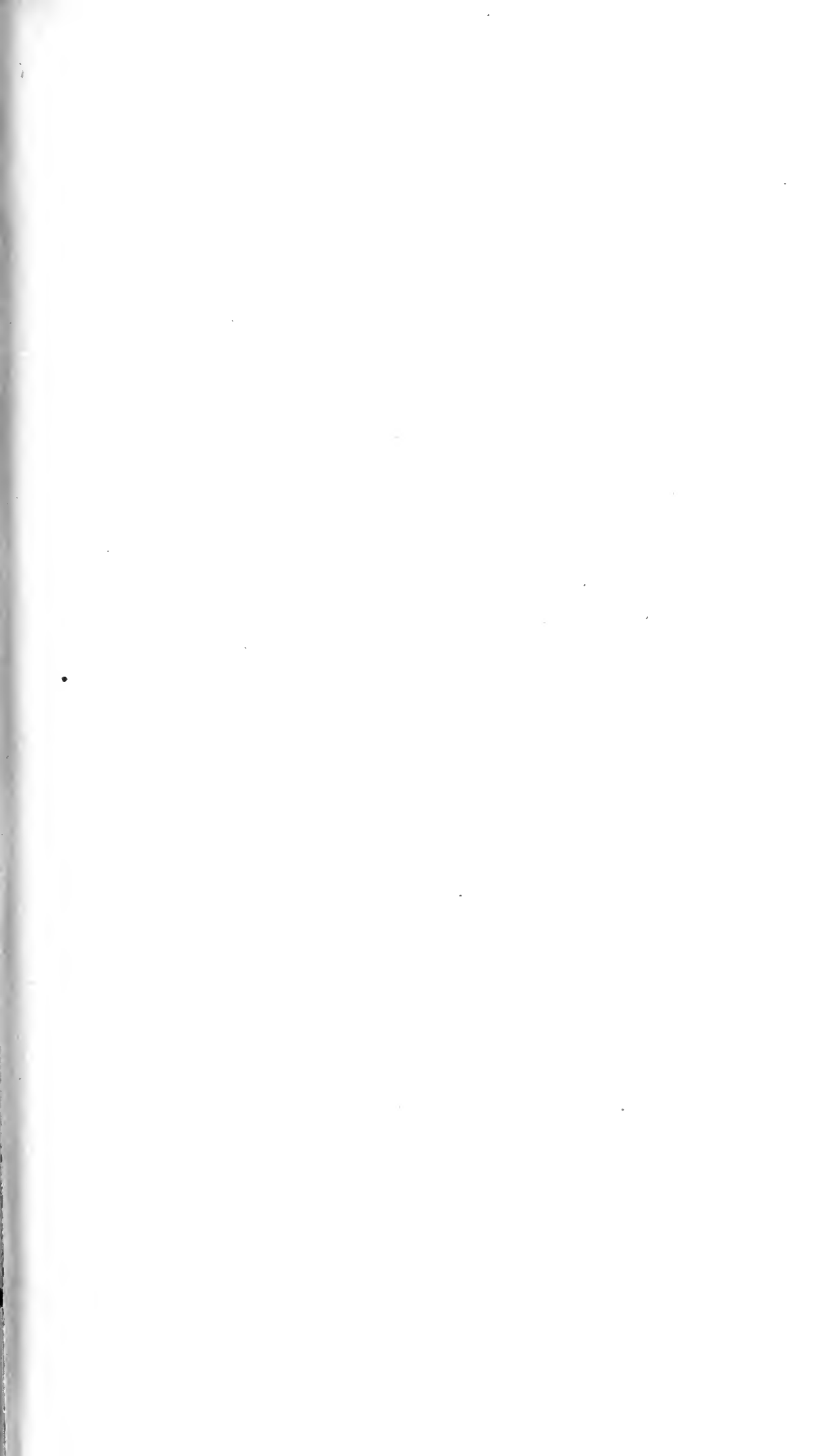
13.—(1) Every township board shall hold its first meeting in each year on the third Wednesday in January at the hour of two o'clock in the afternoon, or at such other hour on the same day and at such place as may have been fixed by resolution of the former board or, if no place has been fixed, at the usual place of meeting of the council of the township.

Procedure
at meeting.

(2) The procedure at such meetings shall be the same as nearly as may be as that prescribed by *The Public Schools Act, 1920*, in the case of meetings of urban school boards.

14. This Act shall come into force and have effect upon a day to be named by the Lieutenant-Governor by his Proclamation, and from and after the date so named all the provisions of *The Public Schools Act, 1920*, which are inconsistent with the provisions of this Act shall cease to apply and shall be deemed to be repealed.





No. 70.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to provide for Township Boards of
Public School Trustees.

1st Reading,	16th February,	1927.
2nd Reading,		1927.
3rd Reading,		1927.

MR. FERGUSON.

TORONTO :
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Superannuation of Certain Teachers and Inspectors.

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 Teachers' and Inspectors' Superannuation Act, 1927.* Short title.

INTERPRETATION.

2. In this Act,—

- (a) "Board" shall mean and include board of public school trustees, board of separate school trustees, high school board and board of education; 1917, c. 58, s. 2, cl. (a). "Board."
- (b) "Commission" shall mean the Commission appointed under this Act for the administration thereof; *New.* "Commis-sion."
- (c) "Corporation" shall mean the corporation of a county or other municipality by which inspectors are employed; 1917, c. 58, s. 2, cl. (b). "Corpora-tion."
- (d) "Department" shall mean Department of Education; *New.* "Depart-ment."
- (e) "Employed" shall mean and include— "Em-ployed."
- (i) engaged in Ontario in teaching in a public school, separate school, continuation school, high school, collegiate institute, provincial normal or model school, a school to which *The Industrial Education Act* applies, a faculty of education approved by the Minister, and including its attached observation and practice schools, the Ontario School for the

Deaf or the Ontario School for the Blind, or a certified industrial school or a school or classes held in or in connection with any public institution supported in whole or in part by contributions from the Province or from a municipal corporation and defined in the regulations;

- (ii) engaged in Ontario as an inspector of public schools by a county or other municipality;
- (iii) engaged by the Minister, or by the Government as an inspector or a supervisor of any grade or department, or class of such schools or as superintendent of education or as any other officer designated by the Minister as being engaged in work in connection with the administration of the Department, requiring the professional qualifications and experience of a teacher or as an officer of any association or body of teachers approved by the Minister as engaged in advancing the interests of education; 1917, c. 58, s. 2, cl. (c); 1919, c. 74, s. 2; 1922, c. 98, s. 25.

- "Fund." (f) "Fund" shall mean Teachers' and Inspectors' Superannuation Fund;
- "Inspector." (g) "Inspector" shall mean a person qualified according to the regulations of the Department for the duties of his office and shall include a supervisor and a superintendent of education;
- "Minister." (h) "Minister" shall mean Minister of Education;
- "Regulations." (i) "Regulations" shall mean regulations made under *The Department of Education Act*;
- "Teacher." (j) "Teacher" shall mean a person qualified according to the regulations of the Department to teach in a public school, separate school, continuation school, high school or collegiate institute, provincial normal or model school or a school to which *The Industrial Education Act* applies, or a practice or observation school attached to a faculty of education and shall include a professor in a faculty of education. 1917, c. 58, s. 2, cls. (d-h).

THE TEACHERS' AND INSPECTORS' SUPERANNUATION FUND.

3.—(1) The Fund heretofore established as the "Ontario Teachers' and Inspectors' Superannuation Fund" shall be continued and shall hereafter be known as the "Teachers' and Inspectors' Superannuation Fund" to consist of contributions and payments to be made as hereinafter provided. 1917, c. 58, s. 3, *amended*.

(2) The Treasurer of Ontario shall be the custodian of the Fund. 1920, c. 99, s. 10, par. 2.

(3) The Fund, less such sums as may from time to time be necessary to meet current expenses, shall be invested by the Treasurer of Ontario in securities of the Province of Ontario and such securities shall be set apart and earmarked for the Fund and the interest payable from time to time on account thereof shall be paid into and form part of the Fund and shall be credited thereto whenever payable. 1920, c. 99, s. 10, par. 4, *amended*.

(4) All sums paid into the Fund during any fiscal year shall be credited to the Fund as of the 1st day of February in that fiscal year and the Province shall pay interest thereon at the rate from time to time payable upon loans issued for provincial purposes as fixed by the Lieutenant-Governor in Council for the period between the 1st day of February and the 31st day of July in each fiscal year. 1920, c. 99, s. 10, par. 5, *amended*.

(5) Books shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out of the Fund and all sums received from time to time by way of contributions to the Fund or which may be paid by the Province towards the administration thereof, and an account shall be kept in some chartered bank of Canada in the name of the Treasurer of Ontario as custodian of the Fund and all amounts received as payments into the Fund or as refunds shall be deposited to the credit of the said account, and all payments out of the Fund shall be paid by cheque upon the said account as hereinafter provided. 1920, c. 99, s. 10, par. 6, *amended*.

(6) The payment of any superannuation allowance or other benefit under this Act and the cost and expenses of the administration of this Act shall be payable out of the Fund and payments therefor shall be made by the cheque of the Treasurer of Ontario signed by him or by the Assistant Treasurer or by such other person as may be appointed by the Treasurer for that purpose, but no cheque shall be issued unless countersigned by a member of the Commission. 1920, c. 99, s. 10, par. 7, *amended*.

Issue of provincial securities for Fund.

(7) The Treasurer of Ontario may issue bonds or other securities of the Province from time to time for any amount or amounts required to be contributed by the Province to the Fund or in exchange for any amount to the credit of the Fund and such bonds or other securities shall bear interest at the rate from time to time payable by the Province upon loans issued for Provincial purposes as fixed by the Lieutenant-Governor in Council. 1920, c. 99, s. 10, par. 8, *amended*.

Regulations.

(8) The Minister with the approval of the Lieutenant-Governor in Council may make regulations respecting,—

Accounts.

(a) the manner in which the accounts of the Fund are to be kept;

Custody of securities.

(b) the persons by whom such accounts shall be kept and who shall be responsible for the safe keeping of the securities issued from time to time on account of the Fund;

Cheques.

(c) the form of cheques to be issued from time to time against the account of the Fund and the manner in which the same shall be signed and countersigned. 1920, c. 99, s. 10, par. 9, *amended*.

Audit.

(9) The accounts of the Fund shall be audited and the securities in which the moneys of the Fund may be invested from time to time shall be examined and checked by the Provincial Auditor or by such other auditor or auditors and at such times as the Lieutenant-Governor in Council shall direct, and such auditor or auditors shall make an annual report, and prepare and furnish such other statements to the Treasurer of Ontario as he shall from time to time direct or request.

(a) The costs and expenses of such audits and reports shall be paid out of the Consolidated Revenue Fund. 1920, c. 99, s. 10, par. 10.

Receiving gifts, etc., for Fund.

(10) The Treasurer of Ontario may receive any gift, devise or bequest made to, or for the purposes of the Fund, and pay the same, or the proceeds thereof, into the Fund, to be applied as directed by the donor, and if so directed, in additional benefits to those provided by this Act, or in the absence of any such direction, to the general purposes of the Fund. 1918, c. 51, s. 10, *amended*.

CONTRIBUTIONS BY TEACHERS AND INSPECTORS.

Superannuation Fund for inspectors and teachers.

4.—(1) Every teacher and inspector employed in Ontario shall contribute to the Fund two and one-half per centum of his salary in such manner as may be prescribed by the regulations. 1917, c. 58, s. 4, *amended*.

(2) Subject to the regulations the Commission may provide that a teacher qualified according to the regulations of the Department and engaged in teaching in Ontario in any school or classes conducted by the Government of Canada or the Government of Ontario, or under any joint arrangement between the Government of Canada and the Department, or the Government of Canada and the Minister for the instruction of returned soldiers and sailors who served during the late war with Germany, may be permitted to contribute to the Fund upon the same terms as teachers and inspectors contributing under subsection 1, and any teacher so contributing shall be admitted to the benefits provided for by this Act, but no contribution under this subsection shall be compulsory. 1918, c. 51, s. 6, *amended*.

Contributions to Superannuation Fund by teachers in vocational schools for soldiers.

(3) If the salary of any teacher or inspector for any year is less than \$550, it shall be taken as being \$550 for the purposes of this Act.

Salary to be estimated at not less than \$550.

(4) Every contribution payable under this section shall be made in payments on the dates of the payment of the instalments of the salary of the teacher or inspector and in the manner prescribed by the regulations.

When contributions to be made.

(5) The amount payable by a teacher or inspector employed by a board or corporation or by the governing body of a faculty of education shall be deducted from his salary by the board or corporation or governing body as the case may be, and the Minister shall deduct the same from the total legislative grant payable to the board or corporation or governing body, and it shall be placed to the credit of the Fund by the Treasurer of Ontario, and if the amount of such grant is less than the amount due from the corporation, board or governing body, it shall pay over the balance to the Treasurer and the amount so paid shall be placed to the credit of the Fund. 1917, c. 58, s. 8. *Amended*.

Deducting contributions from salaries.

(6) Where a teacher or inspector,—

(a) has been granted leave of absence from his employment for any purpose and for any period permitted by the regulations; or

(b) is employed by a board which refuses or neglects to comply with the provisions of subsections 5 and 6, or which by reason of noncompliance with any statute or regulation is disentitled to share in the legislative grant for the schools under its jurisdiction,

When teacher may make contribution directly to fund.

such teacher or inspector may make his contributions directly to the Fund on such terms and conditions and at such times as

may be prescribed by the regulations, and the contributions so paid shall be placed to the credit of the Fund and shall be allowed to the teacher or inspector in fixing any allowance payable to him under the provisions of this Act. 1918, c. 51, s. 7, *amended*.

Government to retain contributions out of salaries.

(7) In the case of a teacher or inspector whose salary is paid directly or indirectly by the Government of Ontario, the amount payable by such teacher or inspector shall be retained out of his salary and placed to the credit of the Fund by the Treasurer of Ontario. 1917, c. 58, s. 8 (3).

Contributions by teachers employed otherwise than by boards.

(8) Where the salary of a teacher in a school or institution other than a school which is under the control of a board is paid in part by the public school board, separate school board or board of education and in part by the board of managers or other authority having the control and management of the school or institution, or is paid wholly by such board of managers or other authority, subject to the regulations, such teacher shall contribute upon the whole salary so paid to him and as to any portion of his salary not payable by a board may make his contribution directly to the Fund on such terms and conditions, and at such times as may be prescribed by the regulations, and the contributions so paid shall be placed to the credit of the Fund and shall be allowed to him in fixing any allowance payable to him under the provisions of this Act. 1919, c. 74, s. 3 (1).

(NOTE.—*This subsection is retroactive to 12th day of April, 1917. See 1919, c. 74, s. 3 (2).*)

CONTRIBUTIONS BY PROVINCE.

Grant from Province.

5. The Treasurer of Ontario shall place to the credit of the Fund at such times as shall be prescribed by the regulations sums equal to those contributed by teachers and inspectors under section 4. 1917, c. 58, s. 5.

BENEFITS PAYABLE TO TEACHERS AND INSPECTORS.

Annual allowance on retirement after forty years' service.

6.—(1) Every teacher and every inspector who applies to the Minister for the superannuation allowance provided for by this Act and who furnishes to the Minister evidence that he has been employed for at least forty years prior to the date of such application and has retired from his profession and ceased to be so employed since the 31st day of December, 1916, and who produces such proof of age, length of employment and other evidence as may be required by the regulations shall be entitled to be paid during his lifetime an

annual allowance chargeable against the Fund equal to one-sixtieth of his average salary for the last ten years during which he was employed, multiplied by the number of full years during which he was employed, and all payments so made shall be debited to the Fund, but,—

- (a) The years during which he has contributed to the Fund shall count as full years of employment;
- (b) The years of employment completed prior to the 1st day of April, 1917, shall count each as a half year of employment;
- (c) Contributions to any municipal or school board fund made prior to the 1st day of April, 1917, and paid over to the Fund shall be considered as contributions to the Fund;
- (d) If the amount of the annual payment to the teacher or inspector as above determined is less than \$365, the amount payable annually to the teacher or inspector may be \$20 for each year of service, but not exceeding in the whole \$365;
- (e) If the amount of such annual payment as above computed is more than \$1,000, the amount of the annual payment shall be \$1,000, but if at the time of his becoming entitled to such maximum allowance the teacher or inspector has paid into the Fund a sum sufficient to purchase at Dominion Government rates a life annuity of a greater amount than \$1,000 per annum, the annual allowance payable to him under this Act shall equal the amount of such annuity;
- (f) A teacher or inspector who has contributed to the fund mentioned in sections 106 to 108 of *The Public Schools Act*, and who elects to become subject to this Act under section 13, shall be entitled to receive in addition to any allowance under this section, an annual allowance equal to an annuity which might have been purchased by him at Dominion Government rates with the sums so contributed, but the total amount payable to him shall not exceed the maximum provided for in clause *e*;
- (g) Should a teacher or an inspector after retirement again become employed the allowance shall cease during the term of such employment, but may be resumed upon his again ceasing to be employed,

and the period during which he has been so employed shall be allowed for in fixing the amount of his annual allowance on retirement. 1917, c. 58, s. 11 (1); 1922, c. 98, s. 26, *amended*.

Retirement
after thirty
years'
service.

(2) A teacher or inspector who has been employed for at least thirty years, upon making the like application and furnishing the like evidence of employment and retirement shall be entitled to an annual allowance actuarially equivalent to that provided for in the case of a teacher or inspector retiring after forty years' employment, having regard to the difference in length of service and the earlier age at which the allowance becomes payable.

Allowance
to be paid
monthly
and to be
apportion-
able.

(3) The annual allowance to teachers and inspectors under this section shall be payable in monthly instalments and shall be apportionable to date of death. 1917, c. 58, s. 11, (2, 3).

Retirement
in case of
ill-health
after fifteen
years.

(4) Every teacher and inspector who has been employed for at least fifteen years and who has not ceased to be employed and retired from his profession before the 1st day of January, 1918, and who after that date makes application to the Minister for an annual allowance under this Act and who produces a certificate of a legally qualified medical practitioner, designated by the Minister and verified by an official medical referee appointed by the Minister, that after such date he became physically incapacitated from being employed, shall be entitled to the annual allowance provided by subsection 1, but any person receiving an allowance provided under this subsection may, upon the order of the Minister at any time be subjected to examination by a legally qualified medical practitioner appointed by the Minister, and if upon such examination it is certified to the Minister that such teacher or inspector is no longer incapable of employment as teacher or inspector the Minister may make an order that no further annual payment shall be made except as provided for by subsection 1. 1917, c. 58, s. 11 (4); 1918, c. 51. s. 9.

- (a) The certificate of the legally qualified medical practitioner shall state whether or not the disability is likely to be permanent and whether or not there is any prospect of the teacher or inspector becoming again capable of employment.
- (b) The Commission may require a teacher or inspector who has been granted an annual allowance under this subsection to furnish such evidence from time to time of his physical condition as the regulations may prescribe. 1919, c. 74, s. 4.

(5) Upon the death of a teacher or inspector while engaged in the profession, his personal representatives shall be entitled to receive a sum equal to the total amount contributed by him to the Fund during his lifetime with interest at four per centum per annum compounded half-yearly. 1917, c. 58, s. 11 (5); 1922, c. 98, s. 27; 1925, c. 78, s. 23. Death.

(6) In computing the period of employment of a teacher or inspector applying for an annual allowance under subsections 1, 2 or 4, due credit shall be given for time spent in military or naval service in defence of the Empire, including service as nurse or nursing sister or in any other capacity, where such time is duly certified as prescribed by the regulations. Crediting time spent on military or naval service.

(7) A teacher or inspector who has retired from his profession and has ceased to be employed before the 12th day of April, 1917, shall not be entitled to the annual allowance provided for by subsections 1, 2 or 4 by reason of being employed after such date. 1917, c. 58, s. 11 (6, 7). Employment after retirement before passing of Act.

7. A teacher or inspector withdrawing from the profession after having been employed for at least five years shall be entitled to receive the whole of his contributions made to the Fund together with interest thereon at the rate of four per centum per annum from the date of his retirement. *New.* Withdrawing from profession after five years.

8. Where a teacher or inspector dies after becoming entitled to the superannuation allowance provided for in section 6, his personal representatives shall be entitled to receive out of the Fund a sum sufficient to make the total amount received by him or his representatives equal to the total amount of his contributions to the Fund. *New.* Death after becoming entitled to superannuation allowance.

9.—(1) There shall be an actuarial valuation of the Fund as at the 1st day of January, 1927, and every three years thereafter, and subject to the regulations whenever it appears as a result of such valuation that one or both of the following additional benefits may be granted without impairing the solvency of the Fund:— When additional benefits may be granted.

- (a) The amount payable to a teacher or inspector retiring under section 6 may be increased;
- (b) The number of years of employment necessary to entitle a teacher or inspector to the superannuation allowance provided for in section 6 may be reduced. 1921, c. 89, s. 17. *Amended.*

Allowance not to be subject to attachment, etc., or assignment.

10.—(1) The annual allowance payable to a teacher or an inspector under this Act shall not be subject to his debts, or be attached or taken in execution, and no assignment of any moneys payable or to become payable to a teacher or inspector under this Act shall be valid or binding, but every sum so payable shall be payable directly to the teacher or inspector or to his personal representative. 1917, c. 58, s. 14.

Where payee insane, etc.

(2) Notwithstanding anything in this Act contained where any person to whom an allowance is payable under this Act is insane or is otherwise physically or mentally incapable of managing his own affairs, or is an inmate of a hospital for the insane or of any institution, the Commission appointed under section 14 may direct that any cheque for moneys payable to such person shall be made payable to his wife or child, or to some other member of his family or household, and in that case the endorsement of the cheque by the person so designated by the Commission shall be a sufficient discharge of the Fund to the extent of such payment. 1921, c. 89, s. 18.

Receipt of other superannuation allowance to be evidence of retirement.

11. A teacher or inspector who has applied for and received an annual allowance from the Province under *The Public Schools Act*, or under any municipal by-law, or from any fund provided by a board for the superannuation of teachers and inspectors, shall be conclusively deemed to have retired from the profession and to have ceased to be employed within the meaning of this Act from the date when the application for such allowance or gratuity was first made and accepted. 1919, c. 74, s. 5, *amended*.

Notice by teacher or inspector becoming employed after superannuation.

12. A teacher or inspector who, after the granting of an allowance made under this Act, enters the employment of a board either temporarily or permanently, shall give notice to the Department of such employment in the manner prescribed by the regulations, and in default of so doing shall forfeit any further claim to any benefit under this Act. 1919, c. 74, s. 5.

STATUS OF TEACHERS AND INSPECTORS WHO WERE CONTRIBUTORS TO PUBLIC SCHOOL SUPERANNUATION FUND.

Superannuation allowance under Public Schools Act.

13.—(1) A teacher or an inspector in receipt of a superannuation allowance payable by the Province under *The Public Schools Act* shall continue to receive such superannuation allowance as if this Act had not been passed but shall have no claim to the allowance provided for by this Act. 1917, c. 58, s. 15 (1), *amended*.

(2) A teacher or an inspector who was employed on the 12th day of April, 1917, and who elected to become subject to the provisions of *The Teachers' and Inspectors' Superannuation Act, 1917*, as provided by that Act, shall have no claim against the Province in respect of any contributions made by him under *The Public Schools Act* before that date, provided that where it appears to the Commission that by reason of a subsequent increase in the amount of the allowance to be made upon superannuation under *The Public Schools Act* that such teacher or inspector has been granted or will be granted upon retirement under this Act an allowance less in amount than he would have been entitled to had he not made such election, the Commission may increase the annual allowance payable to such teacher or inspector to an amount equal to that which he would have received had he not made such election, provided that the total amount to be received by him shall not exceed the maximum provided for in clause e of section 6. 1925, c. 78, s. 24, amended.

Provision for contributors who have elected to come under Teachers' and Inspectors' Superannuation Act.

COMMISSION.

14.—(1) A teacher or an inspector shall not be entitled to any allowance provided for by this Act until his claim to such allowance has been approved by the Minister upon the report of a commission consisting of five members who shall be appointed and elected triennially as follows:—

Commission on claims.

- (a) An actuary and two other persons appointed by the Minister;
- (b) Two teachers or inspectors who are members of the Ontario Educational Association, elected at the annual meeting of such Association, by the teachers and inspectors present and voting thereat.

(2) The election of representatives by the Ontario Educational Association shall be conducted in such manner as the majority of the members of the Association present and voting at the meeting may decide.

Election.

(3) The Minister shall triennially designate one of the members of the Commission to be the chairman thereof.

Chairman

(4) A vacancy occurring in the Commission among the members appointed by the Minister shall be filled by the Minister and a vacancy occurring among the members appointed by the said Association shall be filled by the election of a person to fill such vacancy at the next annual meeting of the Association, and the board of directors of the Association, at a special meeting to be called for that purpose, upon notice

Vacancies.

of such vacancy from the Minister, may appoint a teacher or inspector who is a member of the Association to fill the vacancy until such election can be held. 1917, c. 58, s. 13.

REGULATIONS.

Regulations. 15. Regulations may be made by the Minister with the approval of the Lieutenant-Governor in Council as provided by *The Department of Education Act*,—

Evidence as to claims. (a) respecting evidence to be furnished by teachers and inspectors claiming to be entitled to the annual allowance or to any other benefit payable under this Act;

Conditions upon which allowance to be granted. (b) respecting the conditions upon which the teachers or inspectors now employed and contributing to the superannuation fund provided for by *The Public Schools Act* may be entitled to receive an annual allowance as provided for by this Act; 1917, c. 58, s. 17 cls. (a, b).

Temporary employment. (c) defining the classes of temporary, special or occasional teachers and providing that persons employed in any such class shall not be liable to contribute to the Fund or be entitled to share in its benefits; 1918, c. 51, s. 11.

Permitting contributions from teachers employed in office of board or inspector. (d) for permitting a teacher to contribute to the Fund where such teacher has been employed by a board and has since such employment been engaged in the office of the board of education of a city or town, or of an inspector, in work which in the opinion of the Minister requires the professional qualifications and experience of a teacher, and for providing that a teacher while so engaged shall be deemed to be employed within the meaning of this Act; 1919, c. 74, s. 7.

Returns by board. (e) requiring any board or corporation to make returns as to the teachers and inspectors employed by the board or corporation;

Date of payment to Fund. (f) prescribing the dates upon and the manner in which payments shall be made into the Fund; 1917, c. 58, s. 17, cls. (c, d).

Teachers exchanging under arrangement with British Empire League. (g) providing that teachers from overseas engaged in teaching in Ontario under arrangement with the British Empire League and approved by the Minister shall not be required to contribute to the Fund, and

that teachers from Ontario engaged in teaching overseas shall, at their option, have the right to contribute to the Fund while so engaged and that the period of such engagement while making such contribution shall be counted for the purposes of this Act as employment in Ontario; 1922, c. 98, s. 28.

- (h) prescribing the date upon which payment is to be made on account of the Fund to any teacher or inspector; Date of payment to teacher.
- (i) prescribing the time and place at which the Commission mentioned in section 14 of this Act shall meet and the procedure of the Commission; Meetings and procedure of Commission.
- (j) providing for the withholding of any grant or other sum payable by the Province to a board or corporation in case of any default in making the payments or returns required by this Act or the regulations; Where default in payment or returns.
- (k) generally for the better carrying out of the provisions of this Act. 1917, c. 58, s. 17, cls. (e-h). General.

SPECIAL GRANTS TO TEACHERS AND INSPECTORS NOT
ENTITLED TO SUPERANNUATION.

16.—(1) Regulations may be made in the manner provided by *The Department of Education Act* for the payment of an annual allowance to teachers and inspectors who have retired from the profession and ceased to be employed before the 1st day of January, 1917, out of any sum appropriated by the Legislature for that purpose, and the regulations may provide,— Regulations as to payment of allowances to teachers and inspectors not entitled to share in Fund.

- (a) that the application for any such allowance shall be referred to the Commission for inquiry and report thereon;
- (b) for payment of the allowance by the Minister upon the report of the Commission and prescribing the dates and manner of payment thereof;
- (c) as to the length of service, age and other circumstances which shall entitle a teacher or inspector to receive any such annual allowance;
- (d) as to what proportion such annual allowance shall bear to the salary earned by the teacher or inspector at the time of retirement or for any specified period before retirement;

(e) as to the evidence to be furnished by teachers and inspectors applying for any such annual allowances,

but no teacher or inspector shall be entitled to any allowance out of such appropriation who is in receipt of any superannuation or other allowance under *The Public Schools Act* or this Act or from any school board or municipal corporation.

Meaning of "employed," "inspector" and "teacher." (2) In this section the words "employed," "inspector" and "teacher" shall respectively have the meaning provided in section 2. 1919, c. 74, s. 8, *amended*.

REPEAL.

Repeal. **17.** The following Acts and parts of Acts are repealed to the extent herein mentioned:—

The Teachers' and Inspectors' Superannuation Act, 1917, (1917, c. 58)—The whole, except sections 7 and 15 (2).

The School Laws Amendment Act, 1918, (1918, c. 51)—Sections 6, 7, except clause (a), 8, 9, 10 and 11.

The Teachers' and Inspectors' Superannuation Act, 1919, (1919, c. 74)—The whole, except subsection 2 of section 3.

The School Law Amendment Act, 1920, (1920, c. 99)—Section 10.

The School Law Amendment Act, 1921, (1921, c. 89)—Sections 17 and 18.

The School Law Amendment Act, 1922, (1922, c. 98)—Sections 25 to 28, inclusive.

The School Law Amendment Act, 1925, (1925, c. 78)—Sections 23 and 24.

COMMENCEMENT OF ACT.

Commencement of Act. **18.** This Act shall come into force on the day upon which it receives the Royal Assent.



No. 71.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Superannuation of
Certain Teachers and Inspectors.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. FERGUSON.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Industrial Schools Act.

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 Industrial Schools Act*, Short title, 1927.

2. Section 2 of *The Industrial Schools Act* is amended by Rev. Stat., c. 271, s. 2, amended. striking out the definition of "Judge" and substituting therefor the following,—

"Judge" shall mean and include judge of the county or district court, police magistrate and judge of the juvenile court."

3. Subsection 4 of section 10 of *The Industrial Schools Act* is amended by striking out the words "instead of committing him to a gaol or reformatory," in the second and third lines. Rev. Stat., c. 271, s. 9, amended.

4. Section 11 of *The Industrial Schools Act* is amended by striking out the words "make the order provided for in the next preceding section," and substituting therefor the words "direct him to be sent to an industrial school." Rev. Stat., c. 271, s. 11, amended.

5. Sections 1 and 2 of *The Industrial Schools Act, 1925* are repealed and *The Industrial Schools Act* is amended by inserting the following section,— 1925, c. 79, ss. 1, 2, repealed. Rev. Stat., c. 271, amended.

11a. Wherever a child may be sent to an industrial school, such child may be sent to any other institution approved of by the Lieutenant-Governor in Council as being suitable for the care, training and education of children under the provisions of *The Boys' Welfare Act*. Children committed to industrial school may be sent to other institution.

6. *The Industrial Schools Act* is amended by inserting the following section,— Rev. Stat., c. 271, amended.

Appeal to
Divisional
Court.

10a. Any order made under this Act shall be subject to an appeal to a Divisional Court and such appeal may be at the instance of any next friend.

Rev. Stat.,
c. 271,
amended.

7. *The Industrial Schools Act* is amended by adding the following section,—

Duties of
inspector.

18a. It shall be the duty of the inspector to peruse the depositions and papers filed with the superintendent and to make full inquiry into the circumstances of every child confined in an industrial school so as to satisfy himself as to the propriety of the order sending the child to the school and he shall report any case calling for special consideration to the Minister.

Rev. Stat.,
c. 271, s. 19,
amended.

8. Section 19 of *The Industrial Schools Act* is amended by inserting after the word "another" in the second line the words "or to any school approved under *The Boys' Welfare Act*."

Commence-
ment of
Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 72.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Industrial
Schools Act.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. FERGUSON.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Infants.

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 Infants Act*.

Short title.

CUSTODY OF INFANTS.

2.—(1) The Supreme Court or the surrogate court of the county or district in which the infant resides, upon the application of the father or of the mother of an infant, who may apply without a next friend, may make such order as the court sees fit regarding the custody of the infant and the right of access thereto of either parent, having regard to the welfare of the infant, and to the conduct of the parents, and to the wishes as well of the mother as of the father, and may alter, vary or discharge the order on the application of either parent, or, after the death of either parent, of any guardian appointed under this Act, and in every case may make such order respecting the costs of the mother and the liability of the father for the same, or otherwise, as the court may deem just. R.S.O. 1914, c. 153, s. 2 (1); 1923, c. 33, s. 2 (1). *Amended.*

Orders as to custody of and right of access to infant, at the instance of mother.

(2) The court may also make an order for the maintenance of the infant by payment by the father, or out of any estate to which the infant is entitled, of such sum from time to time as, according to the pecuniary circumstances of the father or the value of the estate, the court deems reasonable. R.S.O. 1914, c. 153, s. 2 (2).

Order as to maintenance.

3.—(1) Unless otherwise ordered by the court, and subject to the provisions of this Act, the father and mother of an infant shall be joint guardians and shall be equally entitled to the custody, control and education of such infant.

Father and mother to be joint guardians.

(2) Where the parents are not living together or where the parents are divorced or judicially separated, they may enter

into a written agreement as to which parent shall have the custody, control and education of such infant, and in the event of the parents failing to agree either parent may apply to the court for its decision. 1923, c. 33, s. 3.

Rules
of equity.

4. In questions relating to the custody and education of infants the rules of equity shall prevail. R.S.O. 1914, c. 153, s. 4.

INFANT'S REAL ESTATE.

When sale
or lease
of infant's
estate may
be auth-
orized.

5.—(1) Where an infant is seised, possessed of or entitled to any real estate in fee or for a term of years, or otherwise, and the Supreme Court is of opinion that a sale, mortgage, lease or other disposition of the same, or of a part thereof, or of any timber, not being ornamental, growing thereon, is necessary or proper for the maintenance or education of the infant, or that for any cause his interest requires or will be substantially promoted by such disposition, the court may order the sale, mortgage, or the letting for a term of years, or other disposition of such real estate, or any part thereof, to be made under the direction of the court or of one of its officers, or by the guardian of the infant, or by a person appointed for the purpose, in such manner and with such restrictions as may be deemed expedient, and may order the infant to convey the estate.

Exception.

(2) No sale, mortgage, lease, or other disposition shall be made contrary to the provisions of a will or conveyance by which the estate has been devised or granted to the infant or for his use. R.S.O. 1914, c. 153, s. 5.

Authorizing
exchange of
unproduc-
tive for
productive
property.

(3) The court, if it is of opinion that such course is for the benefit of the infant or that his interest requires it or will be substantially promoted thereby, may from time to time authorize the exchange of any lands held in fee or for a term of years or otherwise by such infant, and which are unproductive, for lands which are productive, but no such exchange of lands shall be made contrary to the provisions of a will or conveyance.

Procedure.

(4) Every exchange of lands made pursuant to subsection 3 shall be conducted and confirmed in such manner as is required by the Rules and Practice of the Supreme Court in the case of the sale or other disposition of the lands of infants. 1915, c. 20, s. 16.

Surrender
of lease.

6. The Supreme Court may sanction the surrender of any lease to which an infant is entitled and if deemed expedient the acceptance of a new lease in lieu thereof. *New.*

7. Where an infant is entitled to lands subject to a lease containing a covenant for renewal the Supreme Court may sanction the execution of a new lease in accordance with the provisions of the covenant or with such modification as may be deemed expedient. *New.*

Renewal
of lease.

8. Every surrender and lease made or accepted by virtue of this Act shall be deemed to be as valid and effectual as if the person by whom or in whose place the same was made or accepted had been of full age and had made or accepted the same. R.S.O. 1914, c. 153, s. 12.

Validity of
dispositions
under Act,
11 Geo. IV,
and 1 Wm.
IV, c. 65,
s. 31.

9. Where it is deemed convenient the court may direct some other person to execute any conveyance, mortgage, lease or other document in the place of the infant and every such conveyance, mortgage, lease or other document whether executed by the infant or by such other person, shall be as effectual as if the infant had executed the same, and had been of the age of twenty-one years at the time. R.S.O. 1914, c. 153, ss. 14, 15. *Amended.*

When a
substitute
may be
appointed
to convey.

Validity
of such con-
veyance.

10. Where an infant is seised of the reversion of land subject to a lease, and such lease contains a covenant not to assign or sublet without leave, the Supreme Court may, on behalf of the infant, consent to any assignment or transfer of such leasehold interest in the same manner and with the like effect as if the consent were given by a lessor under no such disability. R.S.O. 1914, c. 153, s. 18. *Amended.*

Consent to
assignment
of lease by
infant.

11. If any real estate of an infant is subject to dower, and the person entitled to dower consents in writing to accept in lieu of dower a gross sum which the court deems reasonable, or the permanent investment of a reasonable sum in such manner that the interest thereof be made payable to the person entitled to dower during her life, the court may direct the payment of such sum in gross out of the purchase money to the person entitled to dower, as upon the principles applicable to life annuities may be deemed a reasonable satisfaction for such dower; or may direct the payment to the person entitled to dower of an annual sum or of the income or interest to be derived from the purchase money, or any part thereof, as may seem just, and for that purpose may make such order for the investment or other disposition of the purchase money, or any part thereof, as may be necessary. R.S.O. 1914, c. 153, s. 19.

Compensation to
owners of
particular
estates.

(As to conveyance by infants where land is sold by direction of the court for payment of debts of ancestor, see The Trustee Act, 1926, c. 40.)

Order for maintenance where power of appointment in favour of children.

12. Where, by a will or other instrument, property is given beneficially to any person for his life with a power of devising or appointing the same by will in favour of his children, or of one or more of them, the Supreme Court may, on the application, or with the consent of the tenant for life, order that such portion of the proceeds of the property, as it may deem proper, shall be applied towards the maintenance or education of any infant child in whose favour the power might be exercised, notwithstanding that there is a gift over in the event of there being no children to take under the power, or that there is a right conferred upon the tenant for life or upon some other person in such event to make a disposition of the property in favour of some person other than such children. R.S.O. 1914, c. 153, s. 20 (1).

Order for application of dividends of stock for maintenance of infants.

Imp. Act, 11 Geo. IV and 1 Wm. IV, c. 65, s. 32.

13.—(1) The Supreme Court may order and direct the sale of any personal property of an infant including any stock or bonds to which he is entitled and may direct any money belonging to an infant and all or any part of the dividends in respect of such stock or bonds to be paid for the maintenance and education or otherwise for the benefit of the infant, and payment in accordance with the order of the court shall operate on full release and discharge from all liability with respect to the money paid, and any transfer of any stock or bonds so sold shall be made in such manner as the court may direct. R.S.O. 1914, c. 153, s. 21 (1). *Amended.*

Indemnity to banks, etc.

Imp. Act, 11 Geo. IV and 1 Wm. IV, c. 65, s. 44.

(2) The order shall be a full and complete indemnity and discharge to all banks, companies and societies and their officers and servants for all acts and things done, or permitted to be done, pursuant thereto. R.S.O. 1914, c. 153, s. 21 (4). *Amended.*

MARRIAGE SETTLEMENTS OF INFANTS.

Power of infant with the approbation of the court make valid marriage settlement.

Imp. Act, 18 and 19 Vict., c. 43, s. 1.

14.—(1) Every infant upon or in contemplation of his marriage, with the sanction of the Supreme Court, may make a valid and binding settlement or contract for a settlement of all or any part of his property, or property over which he has a power of appointment, whether real or personal and whether in possession, reversion, remainder or expectancy; and every conveyance, appointment and assignment of such property, or contract to make a conveyance, appointment or assignment thereof, executed by such infant with the approbation of the court for the purpose of giving effect to such settlement, shall be as valid and effectual as if the person executing the same were of the full age of twenty-one years.

Exception.

(2) This section shall not extend to a power which it is expressly declared shall not be exercised by an infant. R.S.O. 1914, c. 153, s. 22.

(3) The court may also require that any person interested or appearing to be interested in the property shall be served with notice of the application. R.S.O. 1914, c. 153, s. 24. *Amended.*

How sanction of the court to be given. Imp. Act, 18 and 19 Vict., c. 43, s. 3.

15. Where an appointment, under a power of appointment, or a disentailing assurance has been executed by an infant tenant in tail, under the provisions of the next preceding section, and the infant afterwards dies under age such appointment or disentailing assurance shall thereupon become absolutely void. R.S.O. 1914, c. 153, s. 23.

If infant dies under age, appointment or disentailing deed to be void. Imp. Act, 18 and 19 Vict., c. 43, s. 2.

16. Nothing in the next preceding section shall apply to a male infant under the age of twenty years or to a female infant under the age of seventeen years. R.S.O. 1914, c. 153, s. 25.

Case of males under 20 or females under 17. Imp. Act, 18 and 19 Vict., c. 43, s. 4.

GUARDIANS.

17.—(1) The surrogate court or the county or district in which the infant resides may appoint the father or mother of the infant, or may, with the consent of the father and the mother or of the surviving parent, appoint some other suitable person or persons to be the guardian or guardians of the infant, but if the infant is of the age of fourteen years no such appointment shall be made without his consent. R.S.O. 1914, c. 153, s. 26 (1); 1923, c. 33, s. 4, *Amended.*

Appointment of guardians by surrogate court.

When infant's consent necessary.

(2) If the infant has no parent living or any guardian authorized by law to take the care of his person and the charge of his estate, if any, or if he is of the age of fourteen years and does not give the consent mentioned in the next preceding subsection, upon the written application of the infant, or of any friend of the infant residing within the jurisdiction of the surrogate court to which the application is made, and after proof of twenty days' public notice of the application in some newspaper published within the county or district to the surrogate court of which the application is made, the court may appoint some suitable and discreet person or persons to be guardian or guardians of the infant, whether the infant is or is not entitled to any property. R.S.O. 1914, c. 153, s. 26 (2); 1923, c. 33, s. 5.

Where no father or authorized guardian or infant does not consent.

(3) Letters of guardianship granted by a surrogate court shall have force and effect in all parts of Ontario; and an official certificate of the grant may be obtained as in the case of letters of administration. R.S.O. 1914, c. 153, s. 26 (3).

Letters of guardianship to have effect throughout Ontario.

18. Subject to the provisions of *The Guarantee Companies Securities Act* and of *The Ontario Companies Act* the court shall take from every guardian, appointed under section 17,

Security by the guardian.

Rev. Stat.
c. 190.
Rev. Stat.
c. 178.

Condition
of bond.

a bond in the name of the infant, in such penal sum and with such sureties as the judge approves, conditioned that the guardian will faithfully perform his trust, and that he, or his executors or administrators will, when the infant becomes of the full age of twenty-one years, or whenever the guardianship is determined, or sooner if thereto required by law, render a true and just account of all goods, money, interest, rents, profits or other estate of the infant, which shall have come into the hands of the guardian, and will thereupon without delay deliver and pay over to the infant, or to his executors or administrators, the estate or the sum which may be in the hands of the guardian belonging to the infant, deducting therefrom and retaining a reasonable sum for the expenses and charges of the guardian; and the bond shall be recorded by the registrar of the court in the books of his office. R.S.O. 1914, c. 153, s. 27.

(As to appointment of trust company as guardian, see *The Loan and Trust Corporations Act*. R.S.O. 1914, c. 184.)

Removal of
guardians.

19.—(1) Testamentary guardians and guardians appointed or constituted by virtue of this Act shall be removable by the Supreme Court, or by the surrogate court for the same causes for which trustees are removable.

Resignation
of office by
guardian.

(2) Any such guardian may, by leave of the court, resign his office upon such terms and conditions as may be deemed just. R.S.O. 1914, c. 153, s. 29.

Returns
respecting
guardians
surrogate
court.

20. A return of every appointment and removal or resignation of a guardian shall be made by the registrar of the court to the surrogate clerk in like manner as is required by *The Surrogate Courts Act* in the case of grants of probate or administration. R.S.O. 1914, c. 153, s. 30.

AUTHORITY OF GUARDIANS.

Guardian's
authority.

21. Unless where the authority of a guardian appointed or constituted by virtue of this Act is otherwise limited the guardian so appointed or constituted during the continuance of his guardianship,—

To act for
ward.

(a) shall have authority to act for and on behalf of the infant; and

To manage
real and
personal
estate, etc.

(b) shall have the charge and management of his estate, real and personal, and the custody of his person and the care of his education. R.S.O. 1914, c. 153, s. 32.
Amended.

PRACTICE IN AND APPEALS FROM SURROGATE COURTS.

22. An appeal shall lie from an order or judgment of a surrogate court under this Act to a divisional court. R.S.O. 1914, c. 153, s. 33. *Amended.*

Appeal from
order or
judgment of
surrogate
court.

23. The practice and procedure under *The Surrogate Courts Act* and Rules shall apply to proceedings in the surrogate court under this Act, and the power to make rules under that Act shall apply to proceedings under this Act. R.S.O. 1914, c. 153, s. 34.

Practice and
procedure.

GENERAL PROVISIONS.

24. Nothing in this Act shall deprive the Supreme Court of jurisdiction in matters provided for by this Act. R.S.O. 1914, c. 153, s. 35.

Jurisdiction
of Supreme
Court not
affected.

25. Nothing in this Act shall change the law as to the authority of the father in respect of the religious faith in which his child is to be educated. R.S.O. 1914, c. 153, s. 36.

Religious
education of
infant.

26. The following Acts and parts of Acts are repealed,— Repeal.

R.S.O. 1914, Chapter 153—The whole.

1915, Chapter 20—Section 16.

1923, Chapter 33—The whole.

No. 73.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting Infants.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. FERGUSON

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Acquisition of Land for School Purposes.

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 School Sites Act, 1927*. Short title.

2. In this Act,—

Inter-
pretation.

- (a) "Board" shall mean and include the board of trustees "Board."
of a public or separate school section, the board of trustees of a union school section, a township board of school trustees, the board of public or separate school trustees of a city, town or village, a board of education, a high school board and an advisory committee appointed under *The Industrial Education Act*. R.S.O. 1914, c. 277, s. 2 (a); 1922, c. 100, s. 2 (a);
- (b) "Judge" shall mean the senior judge of the county "Judge."
or district court of the county or district within which the board has jurisdiction or, if he is a member of the high school board or is unable to act or is disqualified, shall mean the junior judge of such county or district court, and, if the junior judge is also a member of the board or is unable to act or is disqualified, shall mean the judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census. R.S.O. 1914, c. 277, s. 2 (b).
Amended.
- (c) "Owner" shall include a mortgagee, lessee, tenant "Owner."
and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;

“School site.”

(d) “School site” shall mean the land necessary for a school house, school garden, teacher’s residence, caretaker’s residence, drill hall, gymnasium, offices and playgrounds connected therewith, or other land required for school purposes or for the offices of a board. R.S.O. 1914, c. 277, s. 2 (c-d).

Powers and duties to be subject to regulations.

3. The powers and duties conferred and imposed upon a board by this Act shall be subject to the regulations made under *The Department of Education Act*. R.S.O. 1914, c. 277, s. 3.

Restrictions as to selection in townships.

4.—(1) In a township a school site shall not be selected nor shall an existing school site be enlarged so as to include land which comprises or forms part of or is situate within one hundred yards of an orchard, garden, pleasure-ground or dwelling-house without the consent of the owner of such orchard, garden, pleasure-ground or dwelling-house unless the judge, upon the application of the board and after notice to all persons interested, certifies in writing that other land suitable for the required purpose cannot be obtained.

Exception.

Compensation to owner of orchard, etc.

(2) Where the judge so certifies the board shall pay to the owner of the orchard, garden, pleasure-ground or dwelling-house such sum as the judge, on the application of the owner, shall determine to be a fair compensation for having the school site located within such distance, and the costs of the application shall be in the discretion of the judge.

Application of section limited.

(3) This section shall not apply to that part of a township which lies within two miles from the limits of a city having a population of over 100,000. R.S.O. 1914, c. 277, s. 4.

Board may purchase or expropriate.

5.—(1) Subject to the provisions of section 4 and to the provisions of *The Public Schools Act*, as to the selection of a site by the board of a rural school section every board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the board declaring that the same is required for a school site or for the enlargement of a school site. R.S.O. 1914, c. 277, s. 5.

Acquiring land in township adjoining city.

(2) The board of education for a city may acquire by purchase or otherwise, or may expropriate land in a township for the purposes of a school site where such land adjoins a road forming a boundary road between the city and the township.

Land not to be exempt from taxation.

(3) Where a board of education expropriates land under the provisions of subsection 2, such land shall not be exempt from taxation by the township, but the corporation of the

township and the board of education may agree upon a fixed annual sum to be paid as taxes upon the said land, or in case of disagreement the amount shall be determined by the judge. 1919, c. 73, s. 19. *Amended.*

6.—(1) The board of education of a city having a population of 50,000 or over or any advisory committee appointed by the board under *The Vocational Education Act, 1921*, may acquire by purchase or otherwise any land in an adjacent municipality which the board or such advisory committee deems it desirable to acquire, in view of the probable further extension of the limits of the city, so as to include such land, but no land shall be acquired under this section at a greater distance than one mile from the limits of the city, and all land so acquired, so long as it is held by the board or such advisory committee, shall be subject to municipal assessment and taxation in the municipality in which it is situate.

Acquiring land outside city for school sites.

(2) Nothing contained in subsection 1 shall be deemed to authorize the expropriation of land by the board or the advisory committee of such city in any other municipality.

Expropriation not authorized.

(3) Where a board or an advisory committee has acquired land in any municipality under the provisions of subsection 1, and the same appears to the board or the advisory committee to have become undesirable for school purposes, the board or the advisory committee may sell, lease, or otherwise dispose of the same as it may deem expedient. 1924, c. 82, s. 19.

Power to dispose of sites so acquired.

7. At any time after a board passes a resolution declaring that any land is required for a school site, or for the enlargement of a school site and that immediate possession thereof is required by it, the board, by leave of the judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the judge, to satisfy the compensation, may enter upon and take possession of the land, and if any resistance or forcible opposition is made to its so doing, the judge may issue his warrant to the sheriff of the county in which the land lies to put the board in possession, and to put down such resistance or opposition, which the sheriff taking with him sufficient assistance, shall accordingly do. 1921, c. 91, s. 1.

Order for immediate entry on land taken.

8.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator and every trustee (not only for and on behalf of himself, his heir and successors but also for and on behalf of those he or they may represent, whether married women, infants, unborn issue, lunatics, or idiots), or other person, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof or any interest therein to a board for a school site or for an enlarge-

Who may sell and convey to board.

ment of or addition to a school site; and any contract, agreement, sale, conveyance or assurance so made shall be valid and effectual to all intents and purposes. R.S.O. 1914, c. 277, s. 6 (1).

Where there is no person who can convey.

(2) Where there is no person who under the provisions of subsection 1 of this section may contract, sell or convey, a judge of the Supreme Court may on the application of the board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 of this section and in any proceedings which may be taken under this Act, and may give proper direction concerning the disposition of the purchase money. R.S.O. 1914, c. 277, s. 6 (2). *Amended.*

Voluntary submission to arbitration.

9.—(1) Where the owner and the board are unable to agree on the compensation to be paid to the owner the amount to be paid shall be fixed and determined by the judge upon oral evidence at such time and place as he may upon notice to all concerned appoint. R.S.O. 1914, c. 277, s. 7. *Amended.*

Hearing.

(2) The hearing shall be conducted in the same manner as nearly as may be as in the case of a trial before the judge in an action in the county court and a subpoena may issue from the county court to command the attendance of witnesses.

Duties of Sheriff and clerk.

(3) The sheriff and the clerk of the county court shall perform the same duties and shall be entitled to the same fees as in the case of a trial in the county court.

Appeal.

(4) An appeal shall lie from the decision of the judge to the divisional court. *New.*

Interest payable to owner.

10. The judge shall determine what interest, if any, shall be paid to the owner. *New.*

Judge may order notice to be published and mailed.

11.—(1) On filing with the county judge the certificate of an Ontario land surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the judge, if satisfied by affidavit or other evidence, that diligent enquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district and may order that notice be also sent to any person by mail or served upon him in such manner as the judge may direct.

Contents of notice.

(2) The notice shall contain a short description of the land and a statement of the readiness of the board to pay the sum so certified, shall give the name of the person to be

appointed as the arbitrator of the board, and shall state the time within which the offer is to be accepted or an arbitrator appointed by the owner, and such other particulars as the judge may direct. R.S.O. 1914, c. 277, s. 9 (1, 2).

(3) If within the time stated the owner does not notify the board of his acceptance of the sum offered, the judge may proceed *ex parte* on oral evidence to determine the compensation to be paid. R.S.O. 1914, c. 277, s. 9 (3). *Amended.* Determining compensation.

12. The judge may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect to the land, provided that in such case the claimant or other person has first received ten clear days' notice of the intention to determine his claim or right. R.S.O. 1914, c. 277, s. 10. Arbitrators may determine claims of encumbrancer, etc.

13. Where part only of the lot or parcel of land of the owner is required the judge shall include in the compensation the amount which will in his opinion compensate the owner for any damage directly resulting from severance. R.S.O. 1914, c. 277, s. 11. *Amended.* Damages caused by severance.

14.—(1) A notice of intention to acquire land may be desisted from by the board at any time within twenty-one days after the amount has been determined by the judge by giving written notice to the owner and filing the same with the clerk of the county court but the board shall in that case pay the whole cost of the proceedings and all damages sustained by the owner in consequence of the taking and abandonment to be ascertained in a summary way by the judge. R.S.O. 1914, c. 277, s. 12 (1). *Amended.* Right of desistment.

(2) The right of desistment shall not be exercised more than once. R.S.O. 1914, c. 277, s. 12 (2). Not to be exercised more than once.

15. The costs of the proceedings shall be in the discretion of the judge, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and he may award any costs to be paid as between solicitor and client. R.S.O. 1914, c. 277, s. 13. *Amended.* Cost of arbitration.

16. If the amount determined by the judge and any cost awarded has been paid in the manner and to the person directed by the judge, he may make a vesting order vesting the land taken in the board and such order may be registered and shall confer upon the board a good title to the land taken.

17.—(1) Every sum to be paid as compensation shall be paid within thirty days after the determination of the amount to be paid. R.S.O. 1914, c. 277, s. 17 (1). *Amended.* Compensation to be paid within thirty days.

Payment
into court.

(2) Where the person entitled thereto is absent or where for any other reason payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the board deems it advisable the board may pay the sum awarded or any part thereof into the Supreme Court with six months' interest thereon. R.S.O. 1914, c. 277, s. 17 (2).

Compensation
awarded to
stand in the
stead of land
taken.

18. The compensation for any land which is taken without the consent of the owner shall stand in the stead of the land; and any claim to or incumbrance upon such land, or any part thereof, shall, as against the board, 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 person not entitled to receive the same, saving always its recourse against such person. R.S.O. 1914, c. 277, s. 18.

Repeal.

19. The following Acts and parts of Acts are hereby repealed,—

R.S.O. 1914, Chapter 277—The whole.

1919, Chapter 73—Section 19.

1921, Chapter 91—The whole.

1922, Chapter 100—The whole.

1924, Chapter 82—Section 19.

Commence-
ment of
Act.

20. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 74.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Acquisition of Land
for School Purposes.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. FERGUSON.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to Add the District of Patricia to the Territorial District of Kenora.

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 Patricia Act, 1927.* Short title.

2. That part of the Province of Ontario hereinafter described and heretofore known as the District of Patricia is hereby annexed to and shall form part of the Territorial District of Kenora and shall for judicial purposes form part of the Provisional Judicial District of Kenora to be known as the "Patricia Portion" thereof, that is to say, the territory described as follows:

District of Patricia annexed to Kenora.

Commencing at the most northerly point of the westerly boundary of the Province of Ontario as determined by *The Canada (Ontario) Boundary Act, 1889*, chapter 28 of the statutes of 1889 of the United Kingdom (the said westerly boundary being the easterly boundary of the Province of Manitoba); thence continuing due north along the same meridian to the intersection thereof with the centre of the road allowance on the twelfth base line of the system of Dominion Land Surveys; thence northeasterly in a right line to the most eastern point of Island Lake, as shown in approximate latitude fifty-three degrees thirty minutes and longitude ninety-three degrees forty minutes on the railway map of the Dominion of Canada, published, on the scale of thirty-five miles to one inch, in the year one thousand nine hundred and eight, by the authority of the Minister of the Interior; thence northeasterly in a right line to the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay; thence easterly and southerly follow-

ing the shore of the said Bay to the point where the northerly boundary of the Province of Ontario as established under the said Act intersects the shore of James Bay; thence westward along the said boundary as established by the said Act to the place of commencement.

Lieutenant-Governor in Council empowered to detach or annex territory.

3. The Lieutenant-Governor in Council may by proclamation at any time and from time to time detach the whole or any portion of the above described territory from the Territorial District of Kenora and may in like manner annex the whole or such part thereof to any other territorial or provisional judicial district, or may designate the whole of the above described territory or any part thereof as a separate territorial district or provisional judicial district, and nothing in this Act contained shall restrict the powers of the Lieutenant-Governor in Council under this section.

Lieutenant-Governor in Council empowered to make regulations.

4. In the event of the whole or any part of the above described territory being detached from the District of Kenora and annexed to any other territorial or provisional judicial district, or being erected into a separate provisional judicial district, the Lieutenant-Governor in Council may make such regulations as may from time to time be deemed necessary as to,—

- (a) the establishment or jurisdiction of the district court;
- (b) the constitution and territorial jurisdiction of the division courts in such annexed territory or new provisional judicial district;
- (c) the transfer of books, plans and documents to the office of land titles in the district to which such territory is annexed or to the land titles office of the new provisional judicial district;
- (d) the transfer of books, plans and documents to the registry office of the district to which such territory is annexed or to the registry office of the new provisional judicial district; and
- (e) any matter incidental to the necessary adjustment occasioned by such annexation or the erection of such new provisional judicial district;

the intent and purpose of this section being that the Lieutenant-Governor in Council, in the event of any such annexation, or the erection of any such new provisional judicial district, make all appointments, issue all commissions and proclamations, give all such directions and make all such

regulations and generally do whatever would be necessary and proper to be done upon the transfer of territory from one judicial district to another or upon the erection of a new provisional judicial district as to the administration of justice, registered dealings with land in the land titles office or registry office, and all other matters necessary to be dealt with thereon.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of
Act.

No. 75.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to Add the District of Patricia to
the Territorial District of Kenora.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. FERGUSON

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Arbitration Act.

1. This Act may be cited as *The Arbitration Act, 1927*. Short title.
2. Section 17 of *The Arbitration Act* is repealed and the following substituted therefor:
 - 17.—(1) Where it is agreed by the terms of the submission that there may be an appeal from the award an appeal shall lie to a judge of the Supreme Court and to a divisional court. Rev. Stat., c. 65, s. 17, repealed. Where submission provides for appeal.
 - (2) Where by the agreement of the parties or by the provisions of any statute there is an appeal from an award the party taking up the award shall file the same with the registrar of the Supreme Court and shall serve a copy of the award and a notice of the filing thereof upon the opposite party. Procedure by party taking up award.
 - (3) Notice of appeal may be served within fourteen days returnable within thirty days after service of the copy of the award and notice of filing. Notice of appeal.
 - (4) In all cases in which there is a right of appeal the evidence of the witnesses must be taken down in longhand and be signed by the witnesses, or be taken in shorthand. Taking evidence in writing.
 - (5) It shall not be necessary that evidence taken in shorthand be transcribed unless an appeal is taken. Evidence to be transcribed only on appeal.
 - (6) Upon the request of the party appealing the exhibits shall be transmitted by the arbitrator to the office of the registrar for the purpose of the appeal. Exhibits—transmission to registrar.
 - (7) A stenographer employed to take evidence in shorthand shall be sworn to faithfully take down and transcribe the evidence and shall certify to the accuracy of all copies supplied. Oath of stenographer.
 - (8) Where the arbitrators proceed wholly or partly on a view or any knowledge or skill possessed by them— Statement of proceeding on new or special knowledge.

selves or any of them they shall also put in writing a statement thereof sufficiently full to enable a judgment to be formed of the weight which should be attached thereto.

Requiring further report from arbitrator.

- (9) The court may require explanations or reasons from the arbitrator and may remit the matter or any part thereof to him for further consideration.

Powers of court as to extension of time.

- (10) The court may extend the time limited by this section either before or after its expiry or may dispense with compliance with the requirements of this section.

Rev. Stat., c. 65, ss. 19 and 20, repealed.

3. Sections 19 and 20 of *The Arbitration Act* are repealed.

Rev. Stat., c. 65, s. 21, repealed.

4. Section 21 of *The Arbitration Act* is repealed and the following substituted therefor:

Agreement as to fees to be paid to arbitrators.

21. The parties to a submission may agree, by writing signed by them or by making such agreement a part of the submission, to pay to the arbitrator or to the arbitrators, if more than one, such fees for each day's attendance, or such gross sum for taking upon themselves the burden of the reference, and making the award, as the parties see fit, and no arbitrator shall take or receive from either party to any submission any greater fee than that agreed upon, or in default of agreement than that provided by schedule B to this Act. The receipt of any greater fee may be regarded as misconduct justifying the setting aside of the award.

Rev. Stat., c. 65, s. 25, repealed.

5. Section 25 of *The Arbitration Act* is repealed and the following substituted therefor:

Discretion of taxing officer.

- 25.—(1) The taxing officer shall in no case, except as provided in section 18, tax higher fees than are mentioned in schedule B to the arbitrators but, upon reasonable grounds, he may reduce the maximum mentioned in the schedule, but not below the minimum, having always regard to the length of the arbitration, the value of the matter in dispute, and the difficulty of the questions to be decided; the fee to be allowed to solicitors and counsel shall be as nearly as may be similar to the fee allowed upon a reference in the Supreme Court or the county court, the scale to be determined by the taxing officer having regard to the value of the matter in dispute, but he shall not tax more than one counsel fee to either party.

- (2) The taxing officer may tax a reasonable sum for preparing the award. Costs of award.
- (3) An appeal may be had from such taxation in the same manner as from a taxing officer's certificate of taxation in an action. Revision of taxation.
- (4) The taxing officer and the judge upon appeal from taxation shall have the power to reduce fees payable to the arbitrator and to counsel and solicitors where the arbitration has been unduly prolonged. Power to reduce fees.

6. Section 29 of *The Arbitration Act* is repealed and the following substituted therefor: Rev. Stat., c. 65, s. 29—repealed.

29. An arbitrator or an umpire may at any stage of the proceedings and shall, if so directed by the court, state in the form of a special case for the opinion of the court any question of law arising in the course of the reference and an arbitrator or umpire appointed under the authority of a statute or by a court or judge shall, when so directed by the court, state the reasons for his decision and his findings of fact and of law. Case stated for opinion of court.

7. Section 35 of *The Arbitration Act* is repealed. Rev. Stat., c. 65, s. 35, repealed.

8. Subsection 2 of section 36 of *The Arbitration Act* is amended by inserting after the word "power" in the third line the words "without the consent of the parties." Rev. Stat., c. 65, s. 36, subs. 2, amended.

9. Schedule A of *The Arbitration Act* is amended by striking out of clause 1 the words "and may award costs to be paid as between solicitor and client." Rev. Stat., c. 65, schedule A, amended.

10. Schedule B to *The Arbitration Act* is repealed, and Schedule C then becomes Schedule B. Rev. Stat., c. 65, schedule B, repealed.

No. 76

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Arbitration Act.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. PRICE.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to Make Certain Changes in the Law in
Consequence of the Revision of the Statutes.

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 Statute Revision Amendment Act, 1927.* Short title.

2. *The Interpretation Act* is amended by adding the following section,— Rev. Stat.,
c. 1,
amended.

22a. The Lieutenant-Governor in Council may make Regulations.
regulations for the due enforcement and carrying
into effect of all Acts of the Legislature, and may
prescribe forms, and may, where there is no pro-
vision in the Act, fix fees to be charged by all
officers and persons by whom anything is required
to be done.

3.—(1) Section 4 of *The County Courts Act* is amended by Rev. Stat.,
c. 59, s. 4,
amended. striking out the words "or by one of His Majesty's Counsel
learned in the law" in the third and fourth lines.

(2) Section 5 of the said Act is repealed. Rev. Stat.,
c. 59, s. 5,
repealed.

(3) Section 10 of the said Act is repealed. Rev. Stat.,
c. 59, s. 10,
repealed.

(4) Section 14 of the said Act is amended by adding the Rev. Stat.,
c. 59, s. 14,
amended. following subsection,—

(2) The clerk of any county court may act as special
examiner in any action in any county court.

(5) Subsection 1 of section 21 of the said Act is amended Rev. Stat.,
c. 59, s. 21,
subs. 1,
amended. by striking out the words "Provincial Secretary" and sub-
stituting therefor the words "Attorney-General."

(6) Section 38 of the said Act is repealed. Rev. Stat.,
c. 59, s. 38,
repealed.

(7) Subsection 2 of section 39 of the said Act is repealed Rev. Stat.,
c. 59, s. 39,
subs. 2,
repealed. and the following substituted therefor,—

Motion for
new trial.

- (2) Where a party does not appear at the trial a motion for a new trial may be made to the judge, but in all other cases a motion for a new trial shall be made to a divisional court.

Rev. Stat.,
c. 59, s. 40,
amended.

- (8) Section 40 of the said Act is amended by striking out the words "Every decision of a judge" in clause *a* and substituting therefor the words "Every decision or order of a judge in court or chambers" and by striking out the whole of clause *b*.

Rev. Stat.,
c. 59, s. 41,
repealed.

- (9) Section 41 of the said Act is repealed.

Rev. Stat.,
c. 59, s. 44,
subs. 1,
repealed.

- (10) Subsection 1 of section 44 of the said Act is repealed and the following substituted therefor;

Appeals,
when and
how to be
made.

- (1) The appeal shall be made in the time and manner prescribed by Rules of Court.

Rev. Stat.,
c. 59, s. 44,
subs. 2,
repealed.

- (11) Subsection 2 of the said section 44 is repealed.

Rev. Stat.,
c. 64, s. 63,
subs. 9,
repealed.

4. Subsection 9 of section 63 of *The Jurors' Act* is repealed.

Rev. Stat.,
c. 103, s. 7,
subs. 2,
amended.

- 5.—(1) Subsection 2 of section 7 of *The Mortmain and Charitable Uses Act* is amended by striking out the words "Accountant of the Supreme Court" and substituting therefor the words "Public Trustee."

Rev. Stat.,
c. 103, s. 8,
subs. 1,
amended.

- (2) Subsection 1 of section 8 of the said Act is amended by adding at the end of clause *b* the words "or a vocational or technical school."

Rev. Stat.,
c. 103, s. 10,
subs. 2,
repealed.

- (3) Subsection 2 of section 10 of the said Act is repealed and the following substituted therefor;

Where land
remains
unsold after
expiration of
two years.

- (2) So soon as the two years or such extended period shall have expired without the completion of the sale of the land, the land shall vest forthwith in the Public Trustee who shall cause the same to be sold with all reasonable speed and after payment of the the costs and expenses incurred in or connected with such sale and proceedings shall pay the proceeds to the trustees for the charity.

Rev. Stat.,
c. 103, s. 13,
repealed.

- (4) Section 13 of the said Act is repealed.

Rev. Stat.,
c. 114, s. 5,
subs. 2,
repealed.

- 6.—(1) Subsection 2 of section 5 of *The Partition Act* is repealed and the following substituted therefor;

- (2) Where the land is held in joint tenancy or tenancy in common or coparcenary by reason of a devise or an intestacy no proceedings shall be taken until one year after the decease of the testator or person dying intestate in whom the land was vested. When proceedings may be commenced.

(2) Subsection 1 of section 6 of the said Act is amended by striking out the words "or judge upon the application of anyone interested in the land may on such terms and conditions as may be deemed proper" and substituting therefor the words "upon the application of anyone interested in the land may." Rev. Stat., c. 114, s. 6, subs. 1, amended.

7. *The Short Forms of Mortgages Act* is amended by striking out of Schedule B the whole of paragraph 2 in column 2 and substituting therefor the following; Rev. Stat., c. 117, schedule B, amended.

- (2) Provided always and these presents are upon this express condition that if the said mortgagor, his heirs, executors, administrators or assigns, or any of them, do and shall well and truly pay or cause to be paid unto the said mortgagee, his executors, administrators or assigns the just and full sum of (*amount of principal money*) of lawful money of Canada with interest thereon at the rate of (*rate of interest*) per centum per annum on the day and time and in the manner following, that is to say (*terms of payment of principal and interest*) without any deduction or abatement, and do and shall also pay any taxes, rates, levies, charges or assessments upon the said lands or in respect thereof no matter by whom or by what authority imposed which the said mortgagee, his executors, administrators or assigns shall have paid or shall have been rendered liable to pay, and do and shall also pay all such other sums as the said mortgagee, his executors, administrators or assigns may be entitled to by virtue of these presents, then these presents and everything in the same shall be absolutely null and void; but nothing in this proviso or these presents shall make the mortgagor, his heirs, executors, administrators or assigns liable to pay to the mortgagee, his executors, administrators or assigns any tax, rate or charge imposed upon the mortgagee, his executors, administrators or assigns in respect of the income derived by him or them in respect of the mortgage money or in respect of the devolution of the interest of the said mortgagee in the said lands or mortgage money.

Rev. Stat.,
c. 147,
repealed. **8.** *The Apprentices and Minors Act*, being Chapter 147 of The Revised Statutes of Ontario, 1914, is hereby repealed.

Rev. Stat.,
c. 158, s. 3,
amended. **9.** Section 3 of *The Barristers Act* is amended by inserting after the words "being British subjects" in the third line the words "or being residents of Ontario who have taken the oath of allegiance and have declared their intention to become British subjects."

Rev. Stat.,
c. 159, s. 6,
amended. **10.** Section 6 of *The Solicitors Act* is amended by adding after the words "being British subjects" in the second and third lines the words "or being residents of Ontario who have taken the oath of allegiance and have declared their intention to become British subjects."

Rev. Stat.,
c. 160, s. 4,
repealed. **11.** Section 4 of *The Notaries Act* is repealed and the following substituted therefor;

Power to
take
affidavits. 4. A notary public shall be *ex officio* a commissioner for taking affidavits in and for every county and district in Ontario.

1915, c. 28,
s. 1,
repealed. **12.** Section 1 of *An Act to amend The Pharmacy Act* passed in 1915, chaptered 28, is repealed and subsection 1 of section 12 of *The Pharmacy Act* is amended by striking out the figures "\$10" in the fifth line thereof and substituting therefor the figures "\$25."

Rev. Stat.,
c. 164, s. 12,
subs. 1,
amended. **13.** Section 2 of *The Ontario Telegraph Companies Act* is amended by adding at the beginning thereof the words "Subject to the provisions of *The Public Service Works on Highways Act*."

Rev. Stat.,
c. 180, s. 2,
amended. **14.** *The Municipal Franchises Act* is amended by adding the following section;—

Consent of
electors re-
quired for
contracts
for supply,
etc., of
electrical
power. 2a. A municipal corporation shall not enter into or renew any contract for the supply of electrical power or energy to the corporation or to the inhabitants thereof until a by-law setting forth the terms and conditions of such contract has been first submitted to, and has received the assent of the municipal electors in the manner provided by *The Municipal Act*.

Rev. Stat.,
c. 205,
repealed. **15.** *The Municipal Electric Contracts Act*, being Chapter 205 of The Revised Statutes of Ontario, 1914, is hereby repealed.

Rev. Stat.,
c. 199, s. 14,
subs. 2,
repealed. **16.** Subsection 2 of section 14 of *The Municipal Arbitrations Act* is repealed.

17. *The Toll Roads Act*, being Chapter 210 of The Revised Statutes of Ontario, 1914, is hereby repealed. Rev. Stat., c. 210, repealed.

18. *The Housing Accommodation Act*, being Chapter 220 of The Revised Statutes of Ontario, 1914, is hereby repealed. Rev. Stat., c. 220, repealed.

19. Section 2 of *The Debt Collectors' Act* is amended by striking out the words "any of the forms appended to *The Division Courts Act*" and substituting therefor the words "any of the forms appended to *The Division Courts Act* or of other legal process," by striking out the words "the said Court" in the sixth line and substituting therefor the words "any Court" and by striking out the words "a Division Court" in the seventh line and substituting therefor the words "any Court."

20. Section 6 of *The Threshing Machines Act* is repealed. Rev. Stat., c. 238, s. 6, repealed.

21. *The Ontario Stallion Act*, being Chapter 249 of The Revised Statutes of Ontario, 1914, and *An Act to amend The Ontario Stallion Act*, passed in 1914 and chaptered 44, are hereby repealed. Rev. Stat. c. 249, and 1914, c. 44, repealed.

22. *The Ontario Reformatory Act* is amended by adding the following section; Rev. Stat., c. 287, amended.

2a. The Lieutenant-Governor in Council may maintain one or more reformatories for the Province of Ontario. Maintenance by Lieut.-Governor in Council.

23. Section 6c of *The Fire Marshals Act*, as enacted by 1914, c. 41, 1917, c. 55, s. 5, is amended by adding after the words "fire marshal may" in the first line the words "with the approval of the Minister." (1917, c. 55, s. 5), amended.

24. Subsection 4 of section 11 of *The Forest Fires Prevention Act* is amended by striking out the words "in addition to the penalty provided for in subsection 2" in the first and second lines and substituting therefor the words "notwithstanding the penal provisions of this Act." 1917, c. 54, s. 11, subs. 4, amended.

25. *The Female Refuges Act* is amended by adding the following section: 1919, c. 84, amended.

18a. All commitments made under this Act shall be reported by the judge to the secretary of the Parole Board within three days from the making of the order and it shall be the duty of the Board to investigate the case of every person confined under Parole, recommendation of by Board.

this Act, and if deemed proper the Board may recommend to the inspector the granting of parole to any such person.

1926, c. 44,
s. 3,
amended.

26.—(1) Section 3 of *The Married Women's Property Act, 1926*, is amended by adding the following subsections;

Right of
married
woman to
hold real
and personal
property.

(2) Every woman married on or after the first day of July, 1884, shall also be entitled to have and hold and to dispose of as her separate property all real and personal property belonging to her at the time of marriage.

Right of
married
woman to
wages, etc.

(3) Every married woman shall have and hold as her separate property, and may dispose of as such, the wages, earnings, money and property gained or acquired by her in any employment, trade or occupation in which she is engaged or which she carries on and in which her husband has no proprietary interest, or gained or acquired by her by the exercise of any literary, artistic or scientific skill.

(2) Subsection 1 shall be read and construed as if it had been in force on, from and after the 8th day of April, 1926.

Commence-
ment of Act.

27. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 77.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to Make Certain Changes in the
Law in Consequence of the Revision
of the Statutes.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

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BILL

An Act to Make Certain Changes in the Law in Consequence of the Revision of the Statutes.

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 Statute Revision Amendment Act, 1927*. Short title.

2. *The Interpretation Act* is amended by adding the following section,— Rev. Stat., c. 1, amended.

22a. The Lieutenant-Governor in Council may make Regulations. regulations for the due enforcement and carrying into effect of all Acts of the Legislature, and may prescribe forms, and may, where there is no provision in the Act, fix fees to be charged by all officers and persons by whom anything is required to be done.

3.—(1) Section 4 of *The County Courts Act* is amended by striking out the words “or by one of His Majesty’s Counsel learned in the law” in the third and fourth lines. Rev. Stat., c. 59, s. 4, amended.

(2) Section 5 of the said Act is repealed. Rev. Stat., c. 59, s. 5, repealed.

(3) Section 10 of the said Act is repealed. Rev. Stat., c. 59, s. 10, repealed.

(4) Section 14 of the said Act is amended by adding the following subsection,— Rev. Stat., c. 59, s. 14, amended.

(2) The clerk of any county court may act as special examiner in any action in any county court.

(5) Subsection 1 of section 21 of the said Act is amended by striking out the words “Provincial Secretary” and substituting therefor the words “Attorney-General.” Rev. Stat., c. 59, s. 21, subs. 1, amended.

(6) Section 38 of the said Act is repealed. Rev. Stat., c. 59, s. 38, repealed.

(7) Subsection 2 of section 39 of the said Act is repealed and the following substituted therefor,— Rev. Stat., c. 59, s. 39, subs. 2, repealed.

- Motion for new trial. (2) Where a party does not appear at the trial a motion for a new trial may be made to the judge, but in all other cases a motion for a new trial shall be made to a divisional court.
- Rev. Stat., c. 59, s. 40, amended. (8) Section 40 of the said Act is amended by striking out the words "Every decision of a judge" in clause *a* and substituting therefor the words "Every decision or order of a judge in court or chambers" and by striking out the whole of clause *b*.
- Rev. Stat., c. 59, s. 41, repealed. (9) Section 41 of the said Act is repealed.
- Rev. Stat., c. 59, s. 44, subs. 1, repealed. (10) Subsection 1 of section 44 of the said Act is repealed and the following substituted therefor;
- Appeals, when and how to be made. (1) The appeal shall be made in the time and manner prescribed by Rules of Court.
- Rev. Stat., c. 59, s. 44, subs. 2, repealed. (11) Subsection 2 of the said section 44 is repealed.
- Rev. Stat., c. 103, s. 7, subs. 2, amended. **4.**—(1) Subsection 2 of section 7 of *The Mortmain and Charitable Uses Act* is amended by striking out the words "Accountant of the Supreme Court" and substituting therefor the words "Public Trustee."
- Rev. Stat., c. 103, s. 8, subs. 1, amended. (2) Subsection 1 of section 8 of the said Act is amended by adding at the end of clause *b* the words "or a vocational or technical school."
- Rev. Stat., c. 103, s. 10, subs. 2, repealed. (3) Subsection 2 of section 10 of the said Act is repealed and the following substituted therefor;
- Where land remains unsold after expiration of two years. (2) So soon as the two years or such extended period shall have expired without the completion of the sale of the land, the land shall vest forthwith in the Public Trustee who shall cause the same to be sold with all reasonable speed and after payment of the the costs and expenses incurred in or connected with such sale and proceedings shall pay the proceeds to the trustees for the charity.
- Rev. Stat., c. 103, s. 13, repealed. (4) Section 13 of the said Act is repealed.
- Rev. Stat., c. 114, s. 5, subs. 2, repealed. **5.**—(1) Subsection 2 of section 5 of *The Partition Act* is repealed and the following substituted therefor;

- (2) Where the land is held in joint tenancy or tenancy in common or coparcenary by reason of a devise or an intestacy no proceedings shall be taken until one year after the decease of the testator or person dying intestate in whom the land was vested. When proceedings may be commenced.

(2) Subsection 1 of section 6 of the said Act is amended by striking out the words "or judge upon the application of anyone interested in the land may on such terms and conditions as may be deemed proper" and substituting therefor the words "upon the application of anyone interested in the land may." Rev. Stat., c. 114, s. 6, subs. 1, amended.

6. *The Short Forms of Mortgages Act* is amended by striking out of Schedule B the whole of paragraph 2 in column 2 and substituting therefor the following; Rev. Stat., c. 117, schedule B, amended.

- (2) Provided always and these presents are upon this express condition that if the said mortgagor, his heirs, executors, administrators or assigns, or any of them, do and shall well and truly pay or cause to be paid unto the said mortgagee, his executors, administrators or assigns the just and full sum of (*amount of principal money*) of lawful money of Canada with interest thereon at the rate of (*rate of interest*) per centum per annum on the day and time and in the manner following, that is to say (*terms of payment of principal and interest*) without any deduction or abatement, and do and shall also pay any taxes, rates, levies, charges or assessments upon the said lands or in respect thereof no matter by whom or by what authority imposed which the said mortgagee, his executors, administrators or assigns shall have paid or shall have been rendered liable to pay, and do and shall also pay all such other sums as the said mortgagee, his executors, administrators or assigns may be entitled to by virtue of these presents, then these presents and everything in the same shall be absolutely null and void; but nothing in this proviso or these presents shall make the mortgagor, his heirs, executors, administrators or assigns liable to pay to the mortgagee, his executors, administrators or assigns any tax, rate or charge imposed upon the mortgagee, his executors, administrators or assigns in respect of the income derived by him or them in respect of the mortgage money or in respect of the devolution of the interest of the said mortgagee in the said lands or mortgage money.

Rev. Stat.,
c. 147,
repealed. **7.** *The Apprentices and Minors Act*, being Chapter 147 of The Revised Statutes of Ontario, 1914, is hereby repealed.

Rev. Stat.,
c. 158, s. 3,
amended. **8.** Section 3 of *The Barristers Act* is amended by inserting after the words "being British subjects" in the third line the words "or being residents of Ontario who have taken the oath of allegiance and have declared their intention to become British subjects."

Rev. Stat.,
c. 159, s. 6,
amended. **9.** Section 6 of *The Solicitors Act* is amended by adding after the words "being British subjects" in the second and third lines the words "or being residents of Ontario who have taken the oath of allegiance and have declared their intention to become British subjects."

Rev. Stat.,
c. 160, s. 4,
repealed. **10.** Section 4 of *The Notaries Act* is repealed and the following substituted therefor;

Power to
take
affidavits. 4. A notary public shall be *ex officio* a commissioner for taking affidavits in and for every county and district in Ontario.

1915, c. 28,
s. 1,
repealed. **11.** Section 1 of *An Act to amend The Pharmacy Act* passed in 1915, chaptered 28, is repealed and subsection 1 of section 12 of *The Pharmacy Act* is amended by striking out the figures "\$10" in the fifth line thereof and substituting therefor the figures "\$25."

Rev. Stat.,
c. 164, s. 12,
subs. 1,
amended.

Rev. Stat.,
c. 180, s. 2,
amended. **12.** Section 2 of *The Ontario Telegraph Companies Act* is amended by adding at the beginning thereof the words "Subject to the provisions of *The Public Service Works on Highways Act*."

Rev. Stat.,
c. 197,
amended. **13.** *The Municipal Franchises Act* is amended by adding the following section;—

Consent of
electors re-
quired for
contracts
for supply,
etc., of
electrical
power. 2a. A municipal corporation shall not enter into or renew any contract for the supply of electrical power or energy to the corporation or to the inhabitants thereof until a by-law setting forth the terms and conditions of such contract has been first submitted to, and has received the assent of the municipal electors in the manner provided by *The Municipal Act*.

Rev. Stat.,
c. 205,
repealed. **14.** *The Municipal Electric Contracts Act*, being Chapter 205 of The Revised Statutes of Ontario, 1914, is hereby repealed.

Rev. Stat.,
c. 199, s. 14,
subs. 2,
repealed. **15.** Subsection 2 of section 14 of *The Municipal Arbitrations Act* is repealed.

16. *The Toll Roads Act*, being Chapter 210 of The Revised Statutes of Ontario, 1914, is hereby repealed. Rev. Stat., c. 210, repealed.

17. *The Housing Accommodation Act*, being Chapter 220 of The Revised Statutes of Ontario, 1914, is hereby repealed. Rev. Stat., c. 220, repealed.

18. Section 2 of *The Debt Collectors' Act* is amended by striking out the words "any of the forms appended to *The Division Courts Act*" and substituting therefor the words "any of the forms appended to *The Division Courts Act* or of other legal process," by striking out the words "the said Court" in the sixth line and substituting therefor the words "any Court" by striking out the words "a Division Court" in the seventh line and substituting therefor the words "any Court." and by striking out all words after the word "otherwise" in the ninth line and substituting therefor the words "shall incur a penalty for each offence not exceeding \$20 recoverable under *The Ontario Summary Convictions Act.*" Rev. Stat., c. 227, s. 2, amended.

19. Section 6 of *The Threshing Machines Act* is repealed. Rev. Stat., c. 238, s. 6, repealed.

20. *The Ontario Stallion Act*, being Chapter 249 of The Revised Statutes of Ontario, 1914, and *An Act to amend The Ontario Stallion Act*, passed in 1914 and chaptered 44, are hereby repealed. Rev. Stat., c. 249, and 1914, c. 44, repealed.

21. *The Ontario Reformatory Act* is amended by adding the following section; Rev. Stat., c. 287, amended.

2a. The Lieutenant-Governor in Council may maintain one or more reformatories for the Province of Ontario. Maintenance by Lieut.-Governor in Council.

22. Section 6c of *The Fire Marshals Act*, as enacted by 1914, c. 41. 1917, c. 55, s. 5, is amended by adding after the words "fire marshal may" in the first line the words "with the approval of the Minister." (1917, c. 55, s. 5), amended.

23. Subsection 4 of section 11 of *The Forest Fires Prevention Act* is amended by striking out the words "in addition to the penalty provided for in subsection 2" in the first and second lines and substituting therefor the words "notwithstanding the penal provisions of this Act." 1917, c. 54, s. 11, subs. 4, amended.

24. *The Female Refuges Act* is amended by adding the following section: 1919, c. 84, amended.

18a. All commitments made under this Act shall be reported by the judge to the secretary of the Parole Board. Parole, recommendation of by Board.

Board within three days from the making of the order and it shall be the duty of the Board to investigate the case of every person confined under this Act, and if deemed proper the Board may recommend to the inspector the granting of parole to any such person.

1926, c. 44,
s. 3,
amended.

25.—(1) Section 3 of *The Married Women's Property Act, 1926*, is amended by adding the following subsections;

Right of
married
woman to
hold real
and personal
property.


(2) Every woman married on or after the first day of July, 1884, shall also be entitled to have and hold and to dispose of as her separate property all real and personal property belonging to her at the time of marriage.

Right of
married
woman to
wages, etc.

(3) Every married woman shall have and hold as her separate property, and may dispose of as such, the wages, earnings, money and property gained or acquired by her in any employment, trade or occupation in which she is engaged or which she carries on and in which her husband has no proprietary interest, or gained or acquired by her by the exercise of any literary, artistic or scientific skill.

(2) Subsection 1 shall be read and construed as if it had been in force on, from and after the 8th day of April, 1926.

1926, c. 31,
amended.

 **26.** *The Ontario Summary Convictions Act, 1926*, is amended by adding thereto the following section:

Affixing
of seal not
necessary.

12a. In all proceedings for offences against the Statutes of this Province or against the provisions of any by-laws or regulations passed or made under such Statutes, it shall not be necessary for the judge or magistrate to affix his seal to any document, and no document shall be invalidated by reason of the lack of a seal even though it purports to be sealed.

1919, c. 23,
s. 7, subs. 3,
repealed.

27. Subsection 3 of section 7 of *The Vital Statistics Act, 1919*, is repealed and the following substituted therefor:

Certificate
when to be
prima facie
evidence.

(3) The certificate shall show the date of the registration, and when the registration was made with the division registrar within one year after the birth or death took place the certificate shall be *prima facie* evidence of the facts certified to be recorded, and when registration has been permitted by the Registrar-General after the lapse of such year, the certificate may be received by the judge in his discretion as *prima facie* evidence of such facts.

28.—(1) Section 3 of *The Execution Act* is amended by striking out the figures “\$150” in the last line of clause *c* and substituting therefor the figures “\$300”; Rev. Stat. c. 80, s. 3, amended.

(2) Clause *d* of section 3 of the said Act is amended by striking out the figures “\$40” in the last line thereof and substituting therefor the figures “\$80”;

(3) Clause *e* of section 3 of the said Act is amended by striking out the figures “\$100” in the second line and substituting therefor the figures “\$200”;

(4) Clause *f* of section 3 of the said Act is amended by striking out the figures “\$100” in the second, fourth, sixth and ninth lines thereof and substituting in each case the figures “\$200.”

29. Section 26 of *The Dentistry Act, 1926*, is amended by striking out the words “six months” in the sixth line and inserting in lieu thereof the words “one month.” 1926, c. 46, s. 26, amended.

30.—(1) Section 26 of *The Public Utilities Act* is amended by adding the following subsection: Rev. Stat. c. 204, s. 26, amended.

(4) The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality or to the Hydro-Electric Commission of Ontario shall be a debt and may be recovered by action in any court of competent jurisdiction. Action to recover amount payable.

(2) Section 27 of *The Public Utilities Act* as enacted by 1924, c. 61, s. 4, is repealed and the following substituted therefor: Rev. Stat. c. 204, s. 27, (1924, c. 61, s. 4), repealed.

27.—(1) The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality or to the Hydro-Electric Commission of Ontario for a period not exceeding three months by the owner or occupant of any lands for the public utility supplied to him for use thereon shall be a lien and charge upon the estate or interest in such land of the person by whom such amount is due and may be collected by distress upon the goods and chattels of such person and by the sale of his estate and interest in the said lands. Extent to which amount payable to form lien on land.

(2) The clerk of the municipality shall, upon notice to him of the amount due and of the person by whom it is due and of the lands upon which a lien is claimed, enter the same upon the collector's roll and the Entry by clerk on collector's roll.

collector shall proceed to collect the same from the goods and chattels and the estate or interest in the lands of the person liable in the same way, as nearly as may be, as municipal taxes are collected.

Right to
distrain.

- (3) The municipal corporation or the public utility or the hydro-electric commission may before taking proceedings under subsection 21, itself distrain upon the goods and chattels of the person liable to pay for the amount due for any public utility supplied to him.

Deter-
mination of
amount pay-
able in case
of dispute.

- (4) In the event of the owner of the goods and chattels or of the land disputing the amount payable for the public utility, the question of the amount due may be determined by the judge of the county court upon a summary application at the instance of either party and the collector's roll or distress warrant shall, if necessary, be amended in accordance with the findings of the judge.

1926, c. 35,
amended.

31. *The Administration of Justice Expenses Act, 1926*, is amended by adding thereto the following section:

Fees for
attending
sittings for
trial.

- 12a. Every local registrar, deputy clerk of the Crown and pleas and deputy registrar, and every officer authorized to act as local registrar, deputy clerk of the Crown and pleas, or deputy registrar, shall be entitled to be paid out of the Consolidated Revenue Fund, \$4 for each day's attendance at non-jury as well as at jury sittings.

Rev. Stat.
c. 46, s. 20,
amended.

32. Section 20 of *The Agricultural Associations Act* as amended by section 3 of *The Agricultural Associations Amendment Act, 1921*, is repealed and the following substituted therefor:

Certain
fairs and
exhibitions
incor-
porated.

- 20.—(1) The Ontario Horticultural Exhibition, the Ontario Provincial Winter Fair, the Ottawa Winter Fair, the Peninsular Winter Fair and such other organizations as may hereinafter be designated by the Lieutenant-Governor in Council, shall be corporate bodies under this Act with power to acquire and hold land as a site for fairs and exhibitions to sell, mortgage, lease or otherwise dispose of the same or any other property held by such body, and the Lieutenant-Governor in Council may prescribe such constitution, rules and regulations as are deemed necessary.

Subs. 1,
retroactive.

- (2) The preceding subsection shall have effect as from the 1st day of January, 1909.

33.—(1) Subsection 1 of section 18 of *The Agricultural Societies Act* is amended by inserting after the word “site” in the second line the words “or as an enlargement of an existing site.” Rev. Stat. c. 47, s. 18, subs. 1, amended.

(2) *The Agricultural Societies Act* is amended by adding thereto the following section: Rev. Stat. c. 47, amended.

41. The property of an agricultural society shall be exempt from taxation other than for local improvements when in actual occupation by the society, or by its tenants if the rent is applied solely for the purposes of the society. Exemption from taxation.

34. Subsection 7 of section 22 of *The County Courts Act* is amended by inserting after the word “shall” in the fourth line the words “after the date of the transfer.” Rev. Stat. c. 59, s. 22, subs. 7, amended.

35. *The Current Rate of Interest Act, 1917*, is repealed. 1917, c. 8, repealed.

36. *The Magistrates Act, 1926*, is amended by adding the following section: 1926, c. 29, amended.

33a.—(1) The Lieutenant-Governor in Council may appoint a deputy police magistrate for any county or district, and such appointment may be made notwithstanding that the office of police magistrate is vacant. Deputy police magistrates in counties.


(2) The provisions of section 26 shall apply to any deputy police magistrate appointed under this section. Powers and duties.

37.—(1) Section 3 of *The Municipal Drainage Act* is amended by adding thereto the following subsection: Rev. Stat. c. 198, s. 3, amended.

(1a) The provisions of this Act shall apply and extend to any case where the drainage work is required for the drainage of a road or portion thereof, and in any such case the municipal council may proceed upon a petition describing the road or part of road to be drained, and signed by the engineer or road superintendent appointed under *The Highway Improvement Act* by the Department, county, commission or township having control over such road, and in case the road forms the boundary between two municipalities, the council of either municipality may proceed on such petition. Initiating proceedings for drainage of highway.

Rev. Stat.
c. 198, s. 102,
subs. 1,
repealed. (2) Subsection 3 of section 102 of *The Municipal Drainage Act* is repealed and the following substituted therefor:

Costs
of appeal. (3) The costs of such appeal shall be in the discretion of the referee.

Rev. Stat.
c. 56, s. 19,
amended. **38.** Section 19 of *The Judicature Act* is amended by inserting after the word "forfeitures" in the second line the words "and all harsh, oppressive and unreasonable provisions contained in mortgages." 

Commence-
ment of Act. **39.** This Act shall come into force on the day upon which it receives the Royal Assent.



No. 77.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to Make Certain Changes in the
Law in Consequence of the Revision
of the Statutes.

1st Reading, 3rd February,	1927.
2nd Reading, 4th February,	1927.
3rd Reading,	1927.

*(Reprinted for Consideration by Committee
of the Whole House.)*

MR. PRICE.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

The Minors' Protection Act.

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 Minors' Protection Act*, Short title. 1927.

2.—(1) The keeper of a licensed billiard, pool or bagatelle room, kept directly or indirectly for hire or gain, shall not admit a child under the age of eighteen years thereto, or allow him to remain therein, without the consent of his parent or guardian. R.S.O. 1914, c. 216, s. 2, *part*. Penalty for admitting minor under eighteen.

(2) This section shall not apply to a child who is a member of the family of the keeper or his servant, or does not go to the billiard, pool or bagatelle room for the purpose of loitering or to play billiards, pool or bagatelle therein, nor where the keeper had reasonable cause to believe that such consent had been given by the parent or guardian, or that such child was not under the age of eighteen. R.S.O. 1914, c. 216, s. 3, *part*. When Act not to apply.

3.—(1) No person shall either directly or indirectly sell or give or furnish to a child under eighteen years of age cigarettes, cigars or tobacco in any form. R.S.O. 1914, c. 234, s. 2 (1), *part*. Supplying tobacco to persons under 18.

(2) This section shall not apply to a sale to a child for his parent or guardian under a written request or order of the parent or guardian. R.S.O. 1914, c. 234, s. 4, *part*. Where minor purchases for parent or guardian.

4.—(1) Every person who contravenes the provisions of this Act shall incur a penalty of not less than \$2 nor more than \$50. R.S.O. 1914, c. 234, s. 3. Penalty.

(2) A person who appears to the magistrate to be under the age named shall be deemed to be under that age unless it is proved that he is in fact over that age. R.S.O. 1914, c. 234, s. 5, *part*. Presumption as to age.

Repeal.

5. *The Minors' Protection Act*, being chapter 216 of the Revised Statutes of Ontario, 1914, and *The Minors' Tobacco Sales Act*, being chapter 234 of the Revised Statutes of Ontario, 1914, are hereby repealed.

Commence-
ment of
Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

[NOTE.—See provisions of *The Theatres and Cinematographs Act* as to admission of children.]



No. 78.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

The Minors' Protection Act.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. PRICE.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Workmen's Compensation Act.

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 Workmen's Compensation Act, 1927*. Short title.

2. Subsections 1 and 2 of section 6 of *The Workmen's Compensation Act* as re-enacted by section 2 of the Act passed in the year 1915, chaptered 24, and amended by section 5 of *The Workmen's Compensation Act, 1917*, and subsection 2a of the said section as enacted by section 2 of *The Workmen's Compensation Act, 1925*, are repealed and the following substituted therefor,—

- (1) Where the place of business or chief place of business of the employer is situate in Ontario and the residence and usual place of employment of the workman are in Ontario and an accident happens while the workman is employed out of Ontario and his employment out of Ontario has lasted less than six months, the workman or his dependants shall be entitled to compensation under this Act in the same manner and to the same extent as if the accident had happened in Ontario. Accident while workman employed out of Ontario.
- (1a) Where the place of business or chief place of business of the employer is situate in Ontario and the residence of the workman is out of Ontario but his usual and principal place of employment is in Ontario and an accident happens while the workman is out of Ontario merely for some temporary purpose connected with his employment, the workman or his dependants shall be entitled to compensation under this Part in the same manner and to the same extent as if the accident had happened in Ontario. Accident while workman out of Ontario temporarily.

Where employer's place of business out of Ontario.

- (2) Where an accident happens out of Ontario and the employer's place of business or chief place of business is situate out of Ontario and the workman is entitled to compensation under the law of the place where the accident happens, compensation shall not be payable to the workman or his dependants whether he is resident within or without Ontario unless his place of employment is within Ontario and he is at the time of the accident out of Ontario merely for some casual or incidental purpose connected with his employment.

Accident on steamboat, ship, vessel or railway.

- (2a) Where an accident happens out of Ontario on a steamboat, ship or vessel or on a railway and the workman is a resident of Ontario and the work or service rendered by him is required to be performed both within and without Ontario, the workman or his dependants shall be entitled to compensation under this Part as if the accident had happened in Ontario.

Accidents excluded.

- (2b) Except as provided in this section no compensation shall be payable under this Part where the accident to the workman happens while he is employed elsewhere than in Ontario.

1914, c. 25, s. 9, subs. 3, amended.

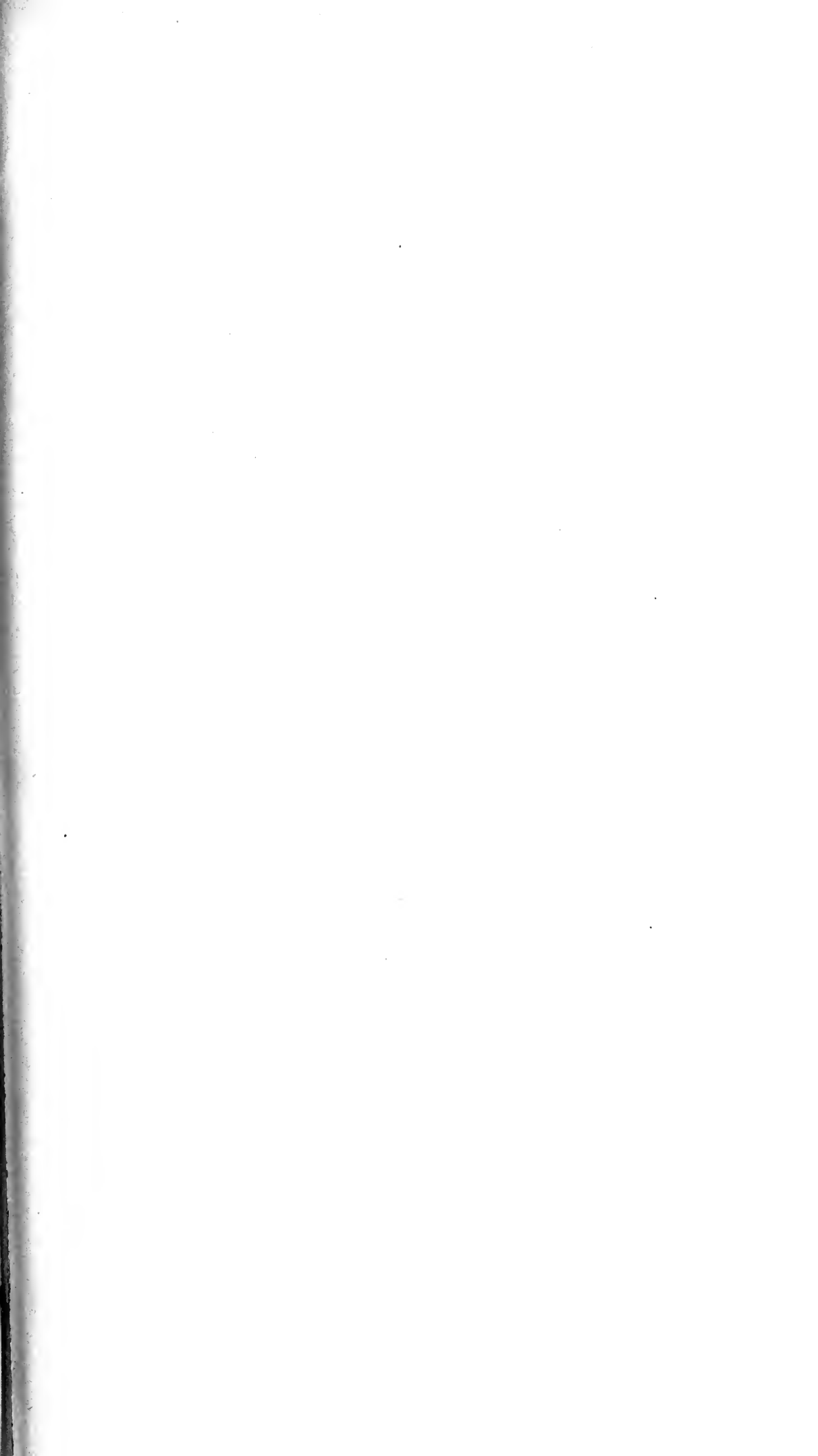
3. Subsection 3 of section 9 of *The Workmen's Compensation Act* is amended by inserting after the word "names" in the sixth line the words "or in the name of the Board."

1914, c. 25, s. 94, amended.

4. Section 94 of *The Workmen's Compensation Act* is amended by striking out the words "the clerk of the county or district court" in the seventh line and inserting in lieu thereof the words "the clerk of any county or district court or where the amount remaining unpaid does not exceed \$200, with the clerk of any division court."

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 79.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Workmen's
Compensation Act.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. PRICE.

T O R O N T O :

Printed by

The 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.—(1) Paragraph 20 of section 5 of *The Assessment Act* as enacted by section 5 of *The Assessment Amendment Act, 1926*, is repealed and the following substituted therefor,—

Rev. Stat.,
c. 195, s. 5,
par. 20,
amended.

20. 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 to income under this Act to the amount of \$3,000 if such person is a householder in the 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 to the amount of \$1,500 if such person is not a householder or the head of a family as above-mentioned, and the income of any person derived from any investment or from money on deposit in any bank or other financial institution or loaned upon mortgages, promissory notes or other securities to the amount of \$1,000 where the income of such person from all sources does not exceed \$2,000, or in the case of a widow or of any person over 60 years of age to the amount of \$2,000 where the income of such widow or of any person over 60 years of age from all sources does not exceed \$3,000.

Exemption
on income.

(2) Subsection 1 shall be read and construed as if it had been in force on the first day of January, 1927.

2. Subsection 4 of section 109 of *The Assessment Act* is amended by striking out the words "unless they are the property of the person taxed, or of the owner, though his name does not appear on the roll."

Rev. Stat.,
c. 195, s. 109,
subs. 4,
amended.

No. 80.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Assessment Act.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. PRICE.

T O R O N T O :
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

The Public Trustee Act.

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 Public Trustee Act 1927*. Short title.
2. There shall be a Public Trustee who shall be a corporation sole under that name with perpetual succession and an official seal, who may sue and be sued under his corporate name. 1919, c. 32, s. 6, *part*. Establishment of office of Public Trustee.
3. The Lieutenant-Governor in Council may appoint a member of the Bar of Ontario of not less than five years' standing, to be the Public Trustee, and may appoint such persons as officers, clerks and servants in the office of the Public Trustee, as may be necessary for the purposes of this Act. 1919, c. 32, s. 7 (2). Qualification.
4. In the event of the office becoming vacant, or if the Public Trustee is absent or ill, the Attorney-General shall be *ex officio* Public Trustee until another appointment is made, or until an acting trustee is appointed by Order-in-Council. Vacancy in office.
5. The salaries or other remuneration of the Public Trustee and of the officers, clerks and servants in his office shall be fixed by the Lieutenant-Governor in Council and may be payable out of such moneys as may be appropriated by the Legislature for that purpose, or out of any fund established under this Act, as the Lieutenant-Governor may from time to time direct. 1919, c. 32, s. 7 (3). Salaries.
6. The Public Trustee shall discharge the duties imposed upon him by *The Crown Administration of Estates Act*, *The Charities Accounting Act* and any other Act of the Legislature of this Province, or by any order of the Lieutenant-Governor in Council, and it shall also be his duty to make enquiries from time to time as to property which has escheated, or become forfeited for any cause to the Crown, or in which Duties.

the Crown, as represented by the Province of Ontario, may be interested, and all persons shall furnish to the Public Trustee such information as he may require, and in default of so doing shall be liable to a penalty not exceeding \$100. 1919, c. 32, s. 8, *part*.

Powers in conducting inquiry.

7. For the purposes of any inquiry under section 6 the Public Trustee shall have all the powers which may be conferred upon a commissioner under *The Public Enquiries Act*. 1919, c. 32, s. 9.

Acceptance and execution of trusts.

8.—(1) The Public Trustee, with his consent in writing, may be appointed trustee of any will or settlement or other instrument creating a trust or duty, in the same manner as if he were a private trustee. 1919, c. 32, s. 10 (1), *part*.

May be appointed sole trustee.

(2) The Public Trustee may be appointed sole trustee although the trust instrument contemplates two or more trustees, and any person who is a trustee with the public trustee may at any time retire from the trust upon passing his accounts and paying over the balance.

Fees and charges.

9.—(1) Subject to the regulations, the Public Trustee shall make a charge for his services against every estate which shall come to his hand to be dealt with.

To be allowed same fees as private trustee.

(2) All fees, charges, and expenses which would be allowed to a private trustee shall be allowed to the Public Trustee and shall be collected and accounted for in such manner as may be prescribed by the regulations.

Fees, charges, etc., to be paid into separate account.

10.—(1) The fees, charges, and remuneration and refunds of all expenses paid out of the fund and all income of the office of every description shall be paid by the Public Trustee into a separate account approved by the Lieutenant-Governor in Council and as prescribed by the regulations.

Payments out of fund.

(2) There shall be paid out of such fund the salaries or other remuneration, and the expenses of the Public Trustee and the officers, clerks and servants in his office. 1919, c. 32, s. 14 (2), *part*.

Establishment of assurance fund.

(3) From any surplus in such fund there may be established an assurance fund as may be provided by the regulations.

Moneys received under Rev. Stat., c. 73.

(4) Notwithstanding anything contained in *The Crown Administration of Estates Act*, the Lieutenant-Governor in Council may direct that moneys coming to the hand of the Public Trustee under that Act or any part of the same, shall be placed to the credit of the special fund and applied to the purposes of subsection 2. 1919, c. 32, s. 14 (3).

(5) The Lieutenant-Governor in Council may from time to time direct the payment into the Consolidated Revenue Fund of any balance at the credit of the said fund. 1919, c. 32, s. 14 (4). Payment over of balances.

(6) Payments into and out of the said fund shall be made in such manner and subject to such condition as may be prescribed in the regulations. 1919, c. 32, s. 14 (5). Manner of paying into and out of fund.

11. All sums required to discharge any liability for a loss which the Public Trustee, if he were a private trustee, would be personally liable to discharge, shall be made good out of the fund mentioned in the preceding paragraph or the assurance fund or out of the Consolidated Revenue Fund, but neither the Public Trustee nor any of his officers nor the said fund shall be liable for any loss which would not have imposed liability upon a private trustee. 1919, c. 32, s. 15, *part*. Losses—how to be made good.

12. The Public Trustee may accept and administer any charitable or public trust. 1919, c. 32, s. 16. Charitable and public trusts.

13. The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) respecting the office of Public Trustee, and prescribing the trusts or duties he is authorized to accept or undertake under the provisions of this Act, and the security, if any, to be given by the Public Trustee and his officers;
- (b) for fixing the fees and charges in the office of the Public Trustee and the application and disposal of the same;
- (c) respecting the transfer to and from the Public Trustee of any property;
- (d) respecting the accounts to be kept and the auditing thereof;
- (e) for the establishment of an assurance fund for the purpose of meeting any losses for which the office of Public Trustee may be liable;
- (f) fixing the rate of interest to be allowed upon money in the hands of the Public Trustee and fixing the amount of interest to be charged upon advances made on behalf of any estate and concerning the investment of money held by him and the custody and control of security held by him for such investments;

- (g) for constituting a committee or board for the supervision of the investments or other dealings with property by the Public Trustee, and for providing for the remuneration by fees, or otherwise, of the members of such committee;
- (h) generally for the better carrying out of the provisions of this Act. 1919, c. 32, s. 17, *part*.

Committee
to be
visitors of
office of
Public
Trustee.

14.—(1) The committee or board constituted for the supervision of investments or other dealings with property by the Public Trustee under section 9 shall be visitors of the office of the Public Trustee.

Visitors
may make
suggestions.

(2) The visitors may make such suggestions and recommendations with regard to the management and conduct of the office of Public Trustee as they may deem advisable, with regard to the general policy of the office.

Consulta-
tions as to
method of
administra-
tion.

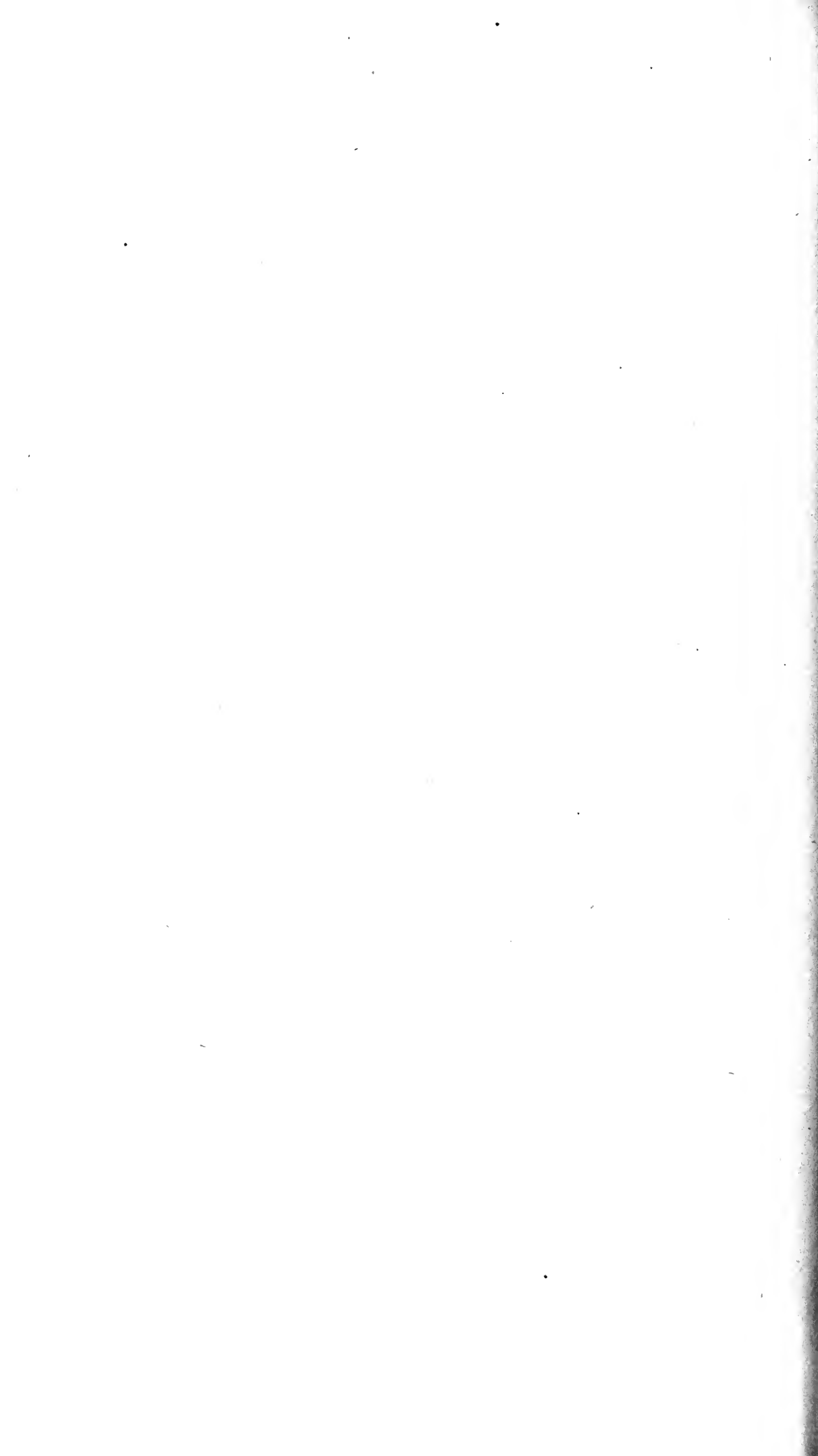
(3) The Public Trustee may consult with the visitors from time to time as to methods of administration, staff and other matters relating to the office.

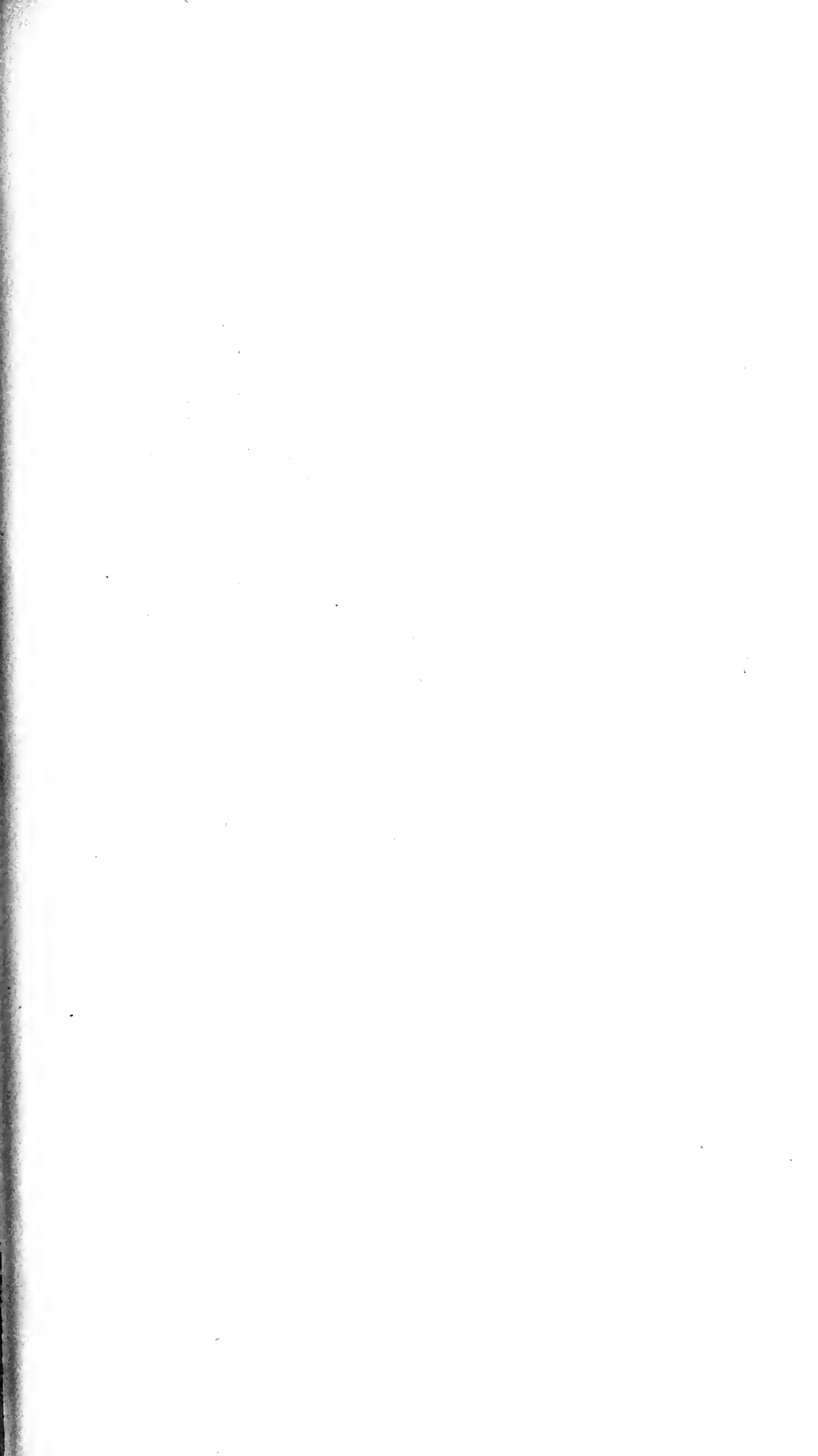
Annual
report of
visitors.

(4) The visitors shall make an annual report to the Lieutenant-Governor in Council respecting the performance of their duties and the exercise of their powers under this section. 1921, c. 47, s. 3.

(NOTE.—*As to the duties of the Public Trustee with respect to the estates of patients in asylums, see Hospitals for the Insane Act.*)







No. 81.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

The Public Trustee Act.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. PRICE.

TORONTO:
Printed by
The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Juvenile Courts.

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 Juvenile Courts Act, 1927*. Short title.

2.—(1) In every city, town and county in which *The Juvenile Delinquents Act* (Canada) has been proclaimed or shall hereafter be proclaimed, there shall be a court of record to be known as the “juvenile court” of the city, town, county or other area as the case may be. 1916, c. 54, s. 2 (1). *Amended.*

(2) Such court shall have jurisdiction within such territory, in addition to the area included within the limits of such city, town or county, as the Lieutenant-Governor in Council may from time to time designate.

(3) The Lieutenant-Governor in Council may at any time establish a juvenile court for any municipality or for any portion thereof. 1916, c. 54, s. 2 (2, 3).

JUDGES.

3.—(1) The judge of a juvenile court shall be appointed by the Lieutenant-Governor in Council, and shall hold office during good behaviour and residence in the county for which he is appointed and shall be subject to removal by the Lieutenant-Governor in Council. 1916, c. 54, s. 3 (1). *Amended.*

(2) In the event of the absence or illness of the judge of the juvenile court, on the written request of the said judge, or on the request of the Attorney-General, any police magistrate may act as judge of the juvenile court. 1916, c. 54, s. 3 (3). *Amended.*

When J.P.
may act.

(3) Any justice of the peace may, on the written request of the Attorney-General, act as juvenile court judge for the trial of any case specified in the said request and shall while so acting have all of the powers of a juvenile court. 1916. c. 54, s. 3 (4).

JURISDICTION.

Jurisdiction
as to
offences.

4. Every such court shall be a juvenile court for the purposes of *The Juvenile Delinquents Act* (Canada), and shall have all the powers vested in a juvenile court under that Act, and shall also have power to try any child charged with an offence against the laws of Ontario, and to deal with all cases where jurisdiction is conferred by any Act upon a juvenile court. 1916, c. 54, s. 4. *Amended.*

OFFICERS.

Officers,—
appoint-
ment and
removal.

5. There shall be a clerk of each juvenile court and, subject to the provisions of section 15, such probation and other officers and staff as the judge of such court shall deem necessary who shall be appointed and be removable by the Attorney-General. 1916, c. 54, ss. 5 (1), 6. *Amended.*

Duties of
Clerk.

6. It shall be the duty of the clerk of a juvenile court to see that all cases to be heard before the court are properly prepared, to have before the court all papers and documents in such cases, to arrange for the sittings of the court, and to preserve order during such sittings. 1916, c. 54, s. 7. *Amended.*

Records.

7. The clerk shall keep proper records, the form of which shall be approved by the Attorney-General, containing full particulars of the cases dealt with by the court, including the disposition or order made in each case, the parentage, nationality and religion of each delinquent or neglected child, and such other information as may be required. 1916, c. 54, s. 8.

PROBATION OFFICERS.

Agent of
children's
aid society
to be
ex officio
probation
officer.

8. Every agent of a children's aid society shall *ex officio* be a probation officer of the juvenile court of the city or county in which such society is situated. 1916, c. 54, s. 10.

Appoint-
ment with-
out remun-
eration.

9. The Attorney-General may appoint any person willing to perform the services of a probation officer without remuneration, to be a voluntary probation officer, and may at any time revoke such appointment. 1916, c. 54, s. 11. *Amended.*

10. Every probation officer duly appointed as hereinbefore provided, while acting in the discharge of his duties as such probation officer, shall have all the powers of a peace officer. 1916, c. 54, s. 13. Powers of probation officer.

11. Every probation officer shall have all the powers of a truant officer under the provisions of *The School Attendance Act*. 1916, c. 54, s. 14. *Amended.* To have powers of truant officer under 1919, c. 77.

12. Subject to the regulations all officers of the court shall be under the control and subject to the orders and directions of the judge. 1916, c. 54, s. 5 (2). *Amended.*

JUVENILE COURT COMMITTEE.

13. There shall be in connection with every juvenile court a committee of citizens, serving without remuneration, to be known as "the juvenile court committee," which committee shall be constituted as provided by section 23 of *The Juvenile Delinquents Act (Canada)*. 1916, c. 54, s. 15. Committee.

DETENTION HOMES.

14.—(1) Every temporary home or shelter provided for children under *The Children's Protection Act*, and every orphans' asylum or children's home the trustees of which have given their consent thereto, shall be a detention home within the meaning of *The Juvenile Delinquents Act (Canada)*. 1916, c. 54, s. 16 (1). *Amended.* Temporary homes, etc.

(2) Subject to the provisions of *The Juvenile Delinquents Act (Canada)*, the Attorney-General may declare any place house, home or institution a detention home within the meaning of that Act. Declaring place a detention home.

(3) The Attorney-General may make regulations for the government and management of detention homes in so far as they are used for that purpose. Government of detention homes.

(4) The corporation of the city, separated town, or county within which the offence with which the child is charged was committed shall be liable for all expenses of maintaining such child in any detention home. Liability for maintenance in detention home.

(5) The corporation of any city, town or county in which a juvenile court is established and in which there is no detention home, or in which there is no detention home of sufficient capacity, shall provide a detention home satisfactory to the Attorney-General. 1916, c. 54, s. 16 (2-5). Duty of corporation.

COURT ROOM, OFFICES AND EXPENSES OF COURT.

Corporation to provide accommodation and salaries.

15.—(1) The corporation of any city, town or county in which a juvenile court is established shall provide a suitable court room and offices for the judge, clerk, probation officers and other officers of the court and shall make proper provision for the salaries of the judge, clerk, probation officers and other officers of the court and for the general expenses of the court. 1916, c. 54, s. 17 (1).

Salaries of judge and amount of expenses.

(2) The Lieutenant-Governor in Council may fix the salary to be paid to the judge and the amount to be appropriated for other salaries and for the expenses of the court, and such salaries and expenses shall be paid by the city, town or county at the time and in the manner set forth in such order in council; provided that where fixed by the Lieutenant-Governor in Council the total amount so directed to be paid for the expenses of the court, including salaries, but exclusive of the cost of providing court room and offices and detention home, shall fall within the following limits,—

Proviso.

Limit of expenses of court.

Where the district covered by the court has,—

- (a) a population of more than 200,000, not more than \$20,000;
- (b) a population of more than 75,000 but less than 200,000, not more than \$10,000;
- (c) a population of more than 25,000 but less than 75,000, not more than \$6,000;
- (d) a population less than 25,000, not more than \$3,500. 1916, c. 54, s. 17 (2); 1919, c. 25, s. 35.

Administration of Act.

16. The Superintendent of Neglected and Dependent Children shall have charge of the administration of this Act, subject to the directions of the Attorney-General. 1916, c. 54, s. 18.

Forms and regulations.

17. The Lieutenant-Governor in Council may prescribe such forms and make such rules and regulations as may be deemed necessary for the full and proper carrying out of this Act. 1916, c. 54, s. 19.

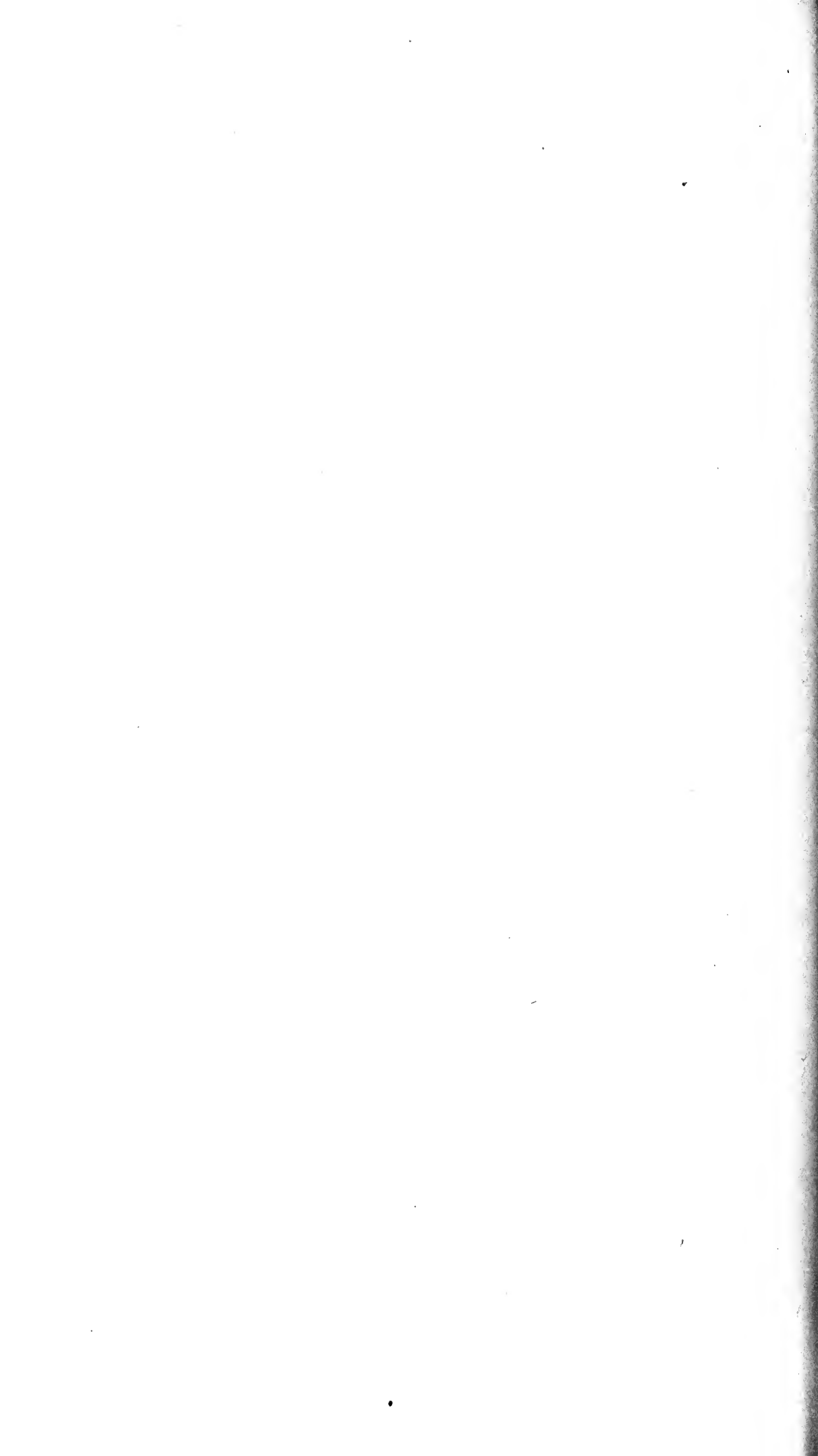
Repeal.

18. *The Juvenile Courts Act, 1916*, being chapter 54 of the statutes of 1916, except subsection 2 of section 3; and section 35 of *The Statute Law Amendment Act, 1919*, being chapter 25 of the statutes of 1919, are hereby repealed.

Commencement of Act.

19. This Act shall come into force on the day upon which it receives the Royal Assent.







No. 82.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting Juvenile Courts.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. PRICE.

TORONTO :

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Bills of Sale and Chattel Mortgage Act.

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 Bills of Sale and Chattel Mortgage Act, 1927.* Short title.

2.—(1) The clause lettered *b* in section 2 of *The Bills of Sale and Chattel Mortgage Act* is amended by inserting after the word “insolvency” in the third line the words “or trustee in bankruptcy.” Rev. Stat., c. 135, s. 2, cl. b, amended.

(2) The said section 2 is amended by adding thereto the following clause,— Rev. Stat., c. 135, s. 2, amended.

(*bb*) “Debentures” shall include debentures, debenture stock, notes, bonds or other securities which contain or are entitled to the benefit of a mortgage charge or floating charge on the personal assets of any company.” “Debentures.”

(3) The clause lettered *c* in the said section 2 is amended by adding at the end thereof the words “and shall include any deed or instrument by which a charge or floating charge is created upon personal property.” Rev. Stat., c. 135, s. 2, cl. c., amended.

3.—(1) Section 5 of *The Bills of Sale and Chattel Mortgage Act* is amended by striking out the words “or a true copy thereof” in the fourth line. Rev. Stat., c. 135, s. 5, amended.

(2) The clause lettered *a* in the said section 5 is amended by striking out the words “or of the due execution of the mortgage of which the copy filed purports to be a copy,” in the second, third and fourth lines. Rev. Stat., c. 135, s. 5, cl. a, amended.

(3) The clause lettered *b* in the said section 5 is amended by adding at the end thereof the words “or in cases falling within section 6 the affidavit therein prescribed.” Rev. Stat., c. 135, s. 5, cl. b, amended.

Rev. Stat.,
c. 135, s. 6,
repealed.

4. Section 6 of *The Bills of Sale and Chattel Mortgage Act* is repealed and the following substituted therefor,—

6. Where a mortgage of goods and chattels is made,—

Mortgage
to secure
future
advances.

(a) to secure the mortgagee for advances made in pursuance of an agreement in writing to make future advances for the purpose of enabling the borrower to enter into or to carry on business with such advances, the time of repayment thereof not being longer than one year from the making of the agreement; or

To secure
endorsers.

(b) to secure the mortgagee against the endorsement of any bill of exchange or promissory note or other liability by him incurred for the mortgagor, such liability not extending for a longer time than one year from the date of the mortgage;

Affidavit of
bona fides.

the affidavit of the mortgagee shall state that the mortgage truly sets forth the agreement and truly states the extent and amount of the advances intended to be made or liability intended to be created by the agreement and covered by the mortgage, and that the mortgage is entered into in good faith and for the express purpose of securing the mortgagee repayment of his advances or against the liability intended to be created, as the case may be, and not for the purpose of securing the goods and chattels mentioned therein against the creditors of the mortgagor nor to prevent such creditors from recovering any claims which they may have against the mortgagor.

Rev. Stat.,
c. 135,
amended.

5. *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following section:

Registration
of sworn
copy.

6a. If for any reason it is shown to be necessary or expedient the county judge may permit the registration of a copy verified by affidavit to be registered in lieu of the original mortgage.

Rev. Stat.,
c. 135,
amended.

6. *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following sections:

When
defects not
to invalidate.

8b. A mortgage or conveyance shall not be invalidated by reason only of clerical errors or omissions therein or in the affidavits of execution and *bona fides* unless such errors or omissions are calculated to or have the effect of misleading or deceiving.

8c. Where a mortgage or conveyance is not duly registered within the time hereinbefore prescribed, the judge of the county or district court may permit the same to be registered at a later date upon being satisfied by affidavit, or affidavits registered that the failure to register arose from misadventure, ignorance or some other cause which constitutes a reasonable excuse and that the parties have acted, and are acting in good faith, but in such case the mortgage or conveyance shall, as against creditors of the mortgagor, or as against subsequent purchasers or mortgagees in good faith for valuable consideration, be deemed to have been executed and to be effective only from the date of registration. Registration after statutory period.

7. Section 18 of *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following subsections: Rev. Stat., c. 135, s. 18, amended.

(6) The clerk shall give to the person registering an instrument a certificate of its registration if so requested. Certificate of registration.

(7) Where there are more mortgagors or grantors than one the time shall be computed from the execution of the instrument by the last mortgagor or grantor. Completion of time for registration.

8. Section 21 of *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following subsection: Rev. Stat., c. 135, s. 21, amended.

(10) Where a mortgagee has become bankrupt the affidavit may be made by the trustee in bankruptcy who shall report to the court upon knowledge, information and belief.

9.—(1) The clause lettered *d* in section 30 of *The Bills of Sale and Chattel Mortgage Act* is repealed and the following substituted therefor: Rev. Stat., c. 135, s. 30, amended.

(*d*) For a general search, fifty cents; for a search as to any particular person, ten cents. Fees on search.

(2) The said section 30 is further amended by adding thereto the following clause:

(*h*) For a certificate of registration of any instrument given at the time of registration, twenty-five cents. On certificate of registration.

10. *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following sections: Rev. Stat., c. 135, amended.

MORTGAGES AND DEBENTURES OF INCORPORATED COMPANIES.

Application
of section.

33.—(1) The provisions of this Act, other than this section and the interpretation section, shall not apply to any mortgage made by an incorporated company after the 1st day of July, 1927, for the purpose of securing any issue of debentures.

Registration
of mortgage
to secure
bonds.

(2) Any mortgage made by an incorporated company in so far as it creates any charge upon the personal property of the company in Ontario shall be void as against the creditors of the company or any subsequent purchaser or mortgagee in good faith for valuable consideration unless a duplicate original thereof with an affidavit showing the date of execution is filed with the Provincial Secretary within ten days after its execution.

Proof to be
filed on
registration.

(3) The mortgagee shall within the same time file with the Provincial Secretary a statement under oath showing the total amount of debentures authorized, or if the amount is not limited, showing such to be the case, and the amount of the debentures, if any, theretofore actually certified and delivered.

By-laws and
resolutions
relating to
issue.

(4) The mortgagee shall within the same time file with the Provincial Secretary a copy of the by-laws and resolutions passed by the directors or shareholders authorizing the mortgage and verified by an affidavit or certified under the seal of the company and in the event of any further by-laws or resolutions being passed by the directors or shareholders authorizing further debentures under such mortgage the company shall, within ten days after the passage thereof, file with the Provincial Secretary a copy of such by-laws or resolutions verified as aforesaid.

Supple-
mentary
agreement
modifying
terms of
issue.

(5) In case the terms of any mortgage are modified or altered by any supplementary agreement such supplementary agreement, duly verified, shall be filed by the mortgagee within ten days of its execution.

Further
material to
be filed.

(6) There shall be filed such further statement giving such further and other information as may be required by regulations made by the Lieutenant-Governor in Council.

Information
to be
furnished by
company.

(7) The company shall also give to any person requiring such information a statement of the amount of

debentures issued under such mortgage and then outstanding and of any interest in arrear.

- (8) Any mortgagee or company, as the case may be, ^{Penalty.} failing to comply with any of the requirements of subsections 3, 4, 5, 6 and 7 of this section shall be liable to a penalty of not less than \$50 nor more than \$1,000 for every offence, but no prosecution shall be had nor proceedings taken to recover such penalty without the permission of the Attorney-General. Failure to comply with the provisions of said subsections 3, 4, 5, 6 or 7 shall not affect the validity of the mortgage or of the debentures issued or the rights of the holder or holders thereof.
- (9) A judge of the Supreme Court on being satisfied that ^{Relief of court.} the omission to register a mortgage within the time required under subsection 2 or the statement, copies of by-laws and resolutions, affidavit and debenture form under section 36 was accidental or due to inadvertence or some other sufficient cause and is not of a nature to prejudice the position of creditors of the company or subsequent purchasers or mortgagees or that on other grounds it is just and equitable to grant such relief may on the application of the company or any person interested and on such terms as he may deem just and expedient extend the time for registration of the mortgage or the filing of such other documents and when there has been any failure on the part of the mortgagee, or company, as the case may be, to comply with the requirements of subsections 3, 4, 5, 6 or 7 of this section or section 36, he may permit the default to be rectified upon such terms as he may deem just and expedient.
- (10) Where a mortgagee takes possession under his ^{Procedure on mortgagee taking possession or appointment of receiver, etc.} mortgage, or where a receiver or manager is appointed, either by virtue of the provisions of the mortgage, or by an order of the court, the mortgagee so taking possession, or the receiver or manager so appointed shall within seven days after possession has been taken, or the appointment has been made, file a statement showing the taking of possession or the appointment of the receiver or manager, and the mode of his appointment, with the Provincial Secretary, and in default of so doing the mortgagee, or receiver or manager shall be liable to a penalty not exceeding \$500, but no proceeding shall be had or taken to recover such penalty without the permission of the Attorney-General.

Records of mortgages.

34.—(1) The Provincial Secretary shall keep two records of mortgages, and other documents required to be filed under this Act in one of which they shall be entered in the order received with the date of filing and in the other they shall be recorded against the name of the mortgagor in alphabetical arrangement.

Priority.

(2) Mortgages and debentures to be registered under the provisions of this section shall operate and take effect upon, from and after the day and time of the execution thereof but subject to the express provisions contained in any such mortgage shall have priority among themselves according to the order of registration in the first of such records.

Right to search record.

(3) Any person may search the said records and documents filed.

Fees.

35. The fees to be paid for recording a mortgage and other papers to be filed therewith shall be. \$10 00

And upon issue of future debentures 5 00

For registration of notice of appointment . . . 5 00

For the search of any particular mortgage and the papers filed therewith, or for a search as to any particular company 1 00

For a general search 2 00

For copies of any papers required ten cents per folio, and fifty cents for a certificate.

Registration of debentures which contain charge.

36.—(1) Where a debenture or a series of debentures is authorized by an incorporated company, containing any charge or floating charge upon any of the assets of the company and where apart from such debenture or debentures there is no mortgage capable of being registered under the provisions of preceding sections, it shall be sufficient if there is filed with the Provincial Secretary, within ten days after the issue of the debentures or any debenture of the series, a statement under oath by the president, vice-president, secretary or treasurer of the company showing the amount of the debentures or series of debentures authorized to be issued and the amount thereof, if any, previously issued and copies of all by-laws and resolutions passed by the directors or shareholders authorizing the issue of the debentures or series of

debentures, certified under seal of the company or verified by affidavit together with the form of the debenture or debentures so authorized.

- (2) Where more than one issue is made of debentures together constituting one series there shall be filed with the Provincial Secretary within ten days after such issue particulars of the date and amount of each issue. Where more than one issue of same series.
- (3) Failure to register a debenture under the next two preceding subsections shall so far as the debenture is a charge upon the personal property of the company in Ontario render it void as against any creditors of the company or any subsequent purchaser or mortgagee in good faith but any defect in compliance with the other requirements of the two preceding subsections shall not affect the validity of the debentures issued, but every officer and director of the company failing to comply with such subsections shall be liable to a penalty of not less than \$50 nor more than \$1,000 for every offence, but no prosecution shall be had or proceedings taken to recover such penalty without the permission of the Attorney-General. Effect of failure to register debenture.
- (4) The fee to be paid upon registering a debenture or series of debentures under subsections 1 and 2 shall be \$10. Fees and registration.
- 37.—(1) The Provincial Secretary shall register any memorandum of satisfaction and discharge executed by the mortgagee or by any debenture holder, on the records kept by him, but shall not have any obligation to ascertain the validity or effect thereof, nor shall he be bound to ascertain that the person executing the memorandum was the holder of the debenture or entitled to execute the discharge. Registration of discharge of bond, mortgage or charge.
- (2) When a mortgagee having taken possession relinquishes possession or when a receiver is discharged the mortgagee or receiver shall file a statement of that fact with the Provincial Secretary. Filing statement of relinquishment of possession.
- (3) A fee of \$5 shall be paid on the registration of any memorandum of satisfaction or discharge or certificate under this section. Fee and registration of discharge.

No. 83.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Bills of Sale and
Chattel Mortgage Act.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. PRICE

TORONTO:

Printed by

The printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Bills of Sale and Chattel Mortgage Act.

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 Bills of Sale and Chattel Mortgage Act, 1927.* Short title.

2.—(1) The clause lettered *b* in section 2 of *The Bills of Sale and Chattel Mortgage Act* is amended by inserting after the word “insolvency” in the third line the words “or trustee in bankruptcy.” Rev. Stat., c. 135, s. 2, cl. b, amended.

(2) The said section 2 is amended by adding thereto the following clause,— Rev. Stat., c. 135, s. 2, amended.

(*bb*) “Debentures” shall include debentures, debenture stock, notes, bonds or other securities which contain or are entitled to the benefit of a mortgage charge or floating charge on the personal assets of any company.” “Debentures.”

(3) The clause lettered *c* in the said section 2 is amended by adding at the end thereof the words “and shall include any deed or instrument by which a charge or floating charge is created upon personal property.” Rev. Stat., c. 135, s. 2, cl. c., amended.

3.—(1) Section 5 of *The Bills of Sale and Chattel Mortgage Act* is amended by striking out the words “or a true copy thereof” in the fourth line. Rev. Stat., c. 135, s. 5, amended.

(2) The clause lettered *a* in the said section 5 is amended by striking out the words “or of the due execution of the mortgage of which the copy filed purports to be a copy,” in the second, third and fourth lines. Rev. Stat., c. 135, s. 5, cl. a, amended.

(3) The clause lettered *b* in the said section 5 is amended by adding at the end thereof the words “or in cases falling within section 6 the affidavit therein prescribed.” Rev. Stat., c. 135, s. 5, cl. b, amended.

Rev. Stat.,
o. 135, s. 6,
repealed.

4. Section 6 of *The Bills of Sale and Chattel Mortgage Act* is repealed and the following substituted therefor,—

6. Where a mortgage of goods and chattels is made,—

Mortgage
to secure
future
advances.

(a) to secure the mortgagee for advances made in pursuance of an agreement in writing to make future advances for the purpose of enabling the borrower to enter into or to carry on business with such advances, the time of repayment thereof not being longer than one year from the making of the agreement; or

To secure
endorsers.

(b) to secure the mortgagee against the endorsement of any bill of exchange or promissory note or other liability by him incurred for the mortgagor, such liability not extending for a longer time than one year from the date of the mortgage;

Affidavit of
bona fides.

the affidavit of the mortgagee shall state that the mortgage truly sets forth the agreement and truly states the extent and amount of the advances intended to be made or liability intended to be created by the agreement and covered by the mortgage, and that the mortgage is entered into in good faith and for the express purpose of securing the mortgagee repayment of his advances or against the liability intended to be created, as the case may be, and not for the purpose of securing the goods and chattels mentioned therein against the creditors of the mortgagor nor to prevent such creditors from recovering any claims which they may have against the mortgagor.

Rev. Stat.,
c. 135,
amended.

5. *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following section:

Registration
of sworn
copy.

6a. If for any reason it is shown to be necessary or expedient the county judge may permit the registration of a copy verified by affidavit to be registered in lieu of the original mortgage.

Rev. Stat.,
c. 135,
amended.

6. *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following sections:

When
defects not
to invalidate.

8b. A mortgage or conveyance shall not be invalidated by reason only of clerical errors or omissions therein or in the affidavits of execution and *bona fides* unless such errors or omissions are calculated to or have the effect of misleading or deceiving.

8c. Where a mortgage or conveyance is not duly registered within the time prescribed by *this Act*, the judge of the county or district court may permit the same to be registered at a later date upon being satisfied by affidavit, or affidavits registered that the failure to register arose from misadventure, ignorance or some other cause which constitutes a reasonable excuse and that the parties have acted, and are acting in good faith, but in such case the mortgage or conveyance shall, as against creditors of the mortgagor, or as against subsequent purchasers or mortgagees in good faith for valuable consideration, be deemed to have been executed and to be effective only from the date of registration. Registration after statutory period.

7. Section 18 of *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following subsections: Rev. Stat., c. 135, s. 18, amended.

(6) The clerk shall give to the person registering an instrument a certificate of its registration if so requested. Certificate of registration.

(7) Where there are more mortgagors or grantors than one the time shall be computed from the execution of the instrument by the last mortgagor or grantor. Completion of time for registration.

8. Section 21 of *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following subsection: Rev. Stat., c. 135, s. 21, amended.

(10) Where a mortgagee has become bankrupt the affidavit may be made by the trustee in bankruptcy who shall report to the court upon knowledge, information and belief.

9.—(1) The clause lettered *d* in section 30 of *The Bills of Sale and Chattel Mortgage Act* is repealed and the following substituted therefor: Rev. Stat., c. 135, s. 30, amended.

(*d*) For a general search, fifty cents; for a search as to any particular person, ten cents. Fees on search.

(2) The said section 30 is further amended by adding thereto the following clause:

(*h*) For a certificate of registration of any instrument given at the time of registration, twenty-five cents. On certificate of registration.

10. *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following sections: Rev. Stat., c. 135, amended.

MORTGAGES AND DEBENTURES OF INCORPORATED COMPANIES.

Application
of section.

33.—(1) The provisions of this Act, other than this section and sections 34 to 37 and the interpretation section, shall not apply to any mortgage made by an incorporated company after the 1st day of July, 1927, for the purpose of securing any issue of debentures.

Registration
of mortgage
to secure
bonds.

(2) Any *such mortgage or* mortgage made by an incorporated company in so far as it creates any *such mortgage or* charge upon the personal property of the company in Ontario shall *in so far as it affects goods and chattels in Ontario* be void as against the creditors of the company or any subsequent purchaser or mortgagee in good faith for valuable consideration unless a duplicate original thereof with an affidavit showing the date of execution is filed with the Provincial Secretary within ten days after its execution.

Proof to be
filed on
registration.

(3) The mortgagee shall within the same time file with the Provincial Secretary a statement under oath showing the total amount of debentures authorized, or if the amount is not limited, showing such to be the case, and the amount of the debentures, if any, theretofore actually certified and delivered.

By-laws and
resolutions
relating to
issue.

(4) The mortgagee shall within the same time file with the Provincial Secretary a copy of the by-laws and resolutions passed by the directors or shareholders authorizing the mortgage and verified by an affidavit or certified under the seal of the company and in the event of any further by-laws or resolutions being passed by the directors or shareholders authorizing further debentures under such mortgage the company shall, within ten days after the passage thereof, file with the Provincial Secretary a copy of such by-laws or resolutions verified as aforesaid.

Supple-
mentary
agreement
modifying
terms of
issue.

(5) In case the terms of any mortgage are modified or altered by any supplementary agreement such supplementary agreement, duly verified, shall be filed by the mortgagee within ten days of its execution.

Further
material to
be filed.

(6) There shall be filed such further statement giving such further and other information as may be required by regulations made by the Lieutenant-Governor in Council.

- (7) The company shall also give to any person requiring such information a statement of the amount of debentures issued under such mortgage and then outstanding and of any interest in arrear. Information to be furnished by company.
- (8) Any mortgagee or company, as the case may be, failing to comply with any of the requirements of subsections 3, 4, 5, 6 and 7 of this section shall be liable to a penalty of not less than \$50 nor more than \$1,000 for every offence, but no prosecution shall be had nor proceedings taken to recover such penalty without the permission of the Attorney-General. Failure to comply with the provisions of said subsections 3, 4, 5, 6 or 7 shall not affect the validity of the mortgage or of the debentures issued or the rights of the holder or holders thereof. Penalty.
- (9) A judge of the Supreme Court on being satisfied that the omission to register a mortgage within the time required under subsection 2 or the statement, copies of by-laws and resolutions, affidavit and debenture form under section 36 was accidental or due to inadvertence or some other sufficient cause and is not of a nature to prejudice the position of creditors of the company or subsequent purchasers or mortgagees or that on other grounds it is just and equitable to grant such relief may on the application of the company or any person interested and on such terms as he may deem just and expedient extend the time for registration of the mortgage or the filing of such other documents and when there has been any failure on the part of the mortgagee, or company, as the case may be, to comply with the requirements of subsections 3, 4, 5, 6 or 7 of this section or section 36, he may permit the default to be rectified upon such terms as he may deem just and expedient. Relief of court.
- (10) Where a mortgagee takes possession under his mortgage, or where a receiver or manager is appointed, either by virtue of the provisions of the mortgage, or by an order of the court, the mortgagee so taking possession, or the receiver or manager so appointed shall within seven days after possession has been taken, or the appointment has been made, file a statement showing the taking of possession or the appointment of the receiver or manager, and the mode of his appointment, with the Provincial Secretary, and in default of so doing the mortgagee, or receiver or manager shall be liable to a penalty not exceeding \$500, but no proceeding shall be had or Procedure on mortgagee taking possession or appointment of receiver, etc.

taken to recover such penalty without the permission of the Attorney-General.

Records of mortgages.

34.—(1) The Provincial Secretary shall keep two records of mortgages, and other documents required to be filed under this Act in one of which they shall be entered in the order received with the date of filing and in the other they shall be recorded against the name of the mortgagor in alphabetical arrangement.

Priority.

(2) Mortgages and debentures to be registered under the provisions of this section shall operate and take effect upon, from and after the day and time of the execution thereof but subject to the express provisions contained in any such mortgage shall have priority among themselves according to the order of registration in the first of such records.

Right to search record.

(3) Any person may search the said records and documents filed.

Fees.

35. The fees to be paid for recording a mortgage and other papers to be filed therewith shall be. \$10 00

And upon issue of future debentures 5 00
 For registration of notice of appointment . . . 5 00

For the search of any particular mortgage and the papers filed therewith, or for a search as to any particular company 1 00

For a general search 2 00

For copies of any papers required ten cents per folio, and fifty cents for a certificate.

Registration of debentures which contain charge.

36.—(1) Where a debenture or a series of debentures is authorized by an incorporated company, containing any charge or floating charge upon any of the assets of the company and where apart from such debenture or debentures there is no mortgage capable of being registered under the provisions of preceding sections, it shall be sufficient if there is filed with the Provincial Secretary, within ten days after the issue of the debentures or any debenture of the series, a statement under oath by the president, vice-president, secretary or treasurer of the company showing the amount of the debentures or series of debentures authorized to be issued and the amount thereof, if any,

previously issued and copies of all by-laws and resolutions passed by the directors or shareholders authorizing the issue of the debentures or series of debentures, certified under seal of the company or verified by affidavit together with the form of the debenture so authorized.

- (2) Where more than one issue is made of *such* debentures together constituting one series there shall be filed with the Provincial Secretary within ten days after such issue particulars of the date and amount of each issue. Where more than one issue of same series.
- (3) Failure to *file the form of debenture and the statement under oath as presented by subsection 1* shall so far as the debenture is a charge upon *goods and chattels* of the company in Ontario render it void as against any creditors of the company or any subsequent purchaser or mortgagee in good faith but any defect in compliance with the other requirements of the two preceding subsections shall not affect the validity of the debentures issued *nor the rights of the holder or holders thereof*, but every officer and director of the company failing to comply with such subsections shall be liable to a penalty of not less than \$50 nor more than \$1,000 for every offence, but no prosecution shall be had or proceedings taken to recover such penalty without the permission of the Attorney-General. Effect of failure to register debenture.
- (4) The fee to be paid upon registering a debenture or series of debentures under subsections 1 and 2 shall be \$10. Fees and registration.
- 37.—(1) The Provincial Secretary shall register any memorandum of satisfaction and discharge executed by the mortgagee or by any debenture holder, on the records kept by him, but shall not have any obligation to ascertain the validity or effect thereof, nor shall he be bound to ascertain that the person executing the memorandum was the holder of the debenture or entitled to execute the discharge. Registration of discharge of bond, mortgage or charge.
- (2) When a mortgagee having taken possession relinquishes possession or when a receiver is discharged the mortgagee or receiver shall file a statement of that fact with the Provincial Secretary. Filing statement of relinquishment of possession.
- (3) A fee of \$5 shall be paid on the registration of any memorandum of satisfaction or discharge or certificate under this section. Fee and registration of discharge.

No. 83.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Bills of Sale and
Chattel Mortgage Act.

1st Reading, 3rd February,	1927.
2nd Reading, 7th February,	1927.
3rd Reading,	1927.

*(Reprinted as amended in Committee of the
Whole House.)*

MR. PRICE

TORONTO:

Printed by

The printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Game, Fur-bearing Animals
and Fisheries of Ontario.

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

PART I.

INTERPRETATION AND GENERAL PROVISIONS.

1. This Act may be cited as *The Ontario Game and Fisheries Act, 1927.* Short title.

2. This Act and the Regulations shall apply to all game, hunting, shooting, trapping, fish, fisheries, fishing and all rights and matters relating thereto. Application of Act.

3. In this Act and in the Regulations:

Interpreta-
tion.

- (a) "Close season" shall mean a specified period during which fish and game may not legally be taken. "Close season."
- (b) "Deputy Minister" shall mean the chief officer in charge of the Game and Fisheries Department of the Public Service. "Deputy Minister."
- (c) "Fishery" shall mean and include the stretch of water, locality, premises, place or station described in the Regulations, or in a permit or license, in or from which fish may be taken, and all nets, plants and appliances used in connection therewith. "Fishery."
- (d) "Game" shall mean and include all fur-bearing animals and all animals and birds protected by this Act and the Regulations, and heads, skins and every part of such animals and birds. "Game."

- “Guide.” (e) “Guide” shall mean any person that receives payment or remuneration of any kind for services rendered as a guide for fishing or hunting parties.
- “Hunt.” (f) “Hunt” shall mean and include any chasing, pursuing, worrying, following after, or on the trail of, or any searching for, shooting at, stalking, or lying in wait for any game, whether or not such game be then or subsequently captured, killed or injured.
- “License,” or “Permit.” (g) “License” or “Permit” shall mean an instrument issued under the authority of this Act and the Regulations conferring upon the licensee or permittee the right to do the things therein mentioned, subject to such conditions, restrictions and limitations as are therein and in this Act and the Regulations contained; but no license or permit shall be deemed to be or to operate as a demise or lease.
- “Minister.” (h) “Minister” shall mean the member of the Executive Council for the time being charged with the administration of this Act and the Regulations.
- “Non-resident.” (i) “Non-resident” shall mean any person who has not resided in the Province of Ontario for a period of twelve months preceding the time that his residence becomes material under the provisions of this Act.
- “Officer.” (j) “Officer” shall mean and include assistant deputy minister, inspector, district warden, special patrol, overseer and any other officer or person authorized to assist in the propagation of game, fish and the enforcement of this Act and the Regulations.
- “One day.” (k) “One day” shall mean from sunrise to sunset (standard time).
- “Open season.” (l) “Open season” shall mean a specified period during which fish and game may legally be taken.
- “Person.” (m) “Person” shall mean any individual (including Indians), firm or body corporate.
- “Regulations.” (n) “Regulations” shall mean the regulations made by the Lieutenant-Governor in Council under the authority of this Act.
- “Resident.” (o) “Resident” shall mean any person who has resided in the Province of Ontario for a period of twelve months preceding the time that his residence becomes material under the provisions of this Act.

4.—(1) The administration of this Act and the Regulations and all matters relating to fish and game in all parts of the Province, notwithstanding any other Act or Acts, shall be under the control and direction of the Minister and shall constitute a department of the public service to be known as the Game and Fisheries Department.

(2) The remuneration of all officers of the Game and Fisheries Department and of all other persons employed to perform any duty in connection therewith, or to assist in the enforcement of this Act and the Regulations, and all expenses incident to the due enforcement thereof, shall be paid out of such money as may be appropriated for that purpose by this Legislature.

5. Notwithstanding any other Act or Acts, any lease or patent of Crown lands issued before or after the passing of this Act, shall not be deemed to extend any ownership to any game or fish that may be in or upon such territories, without the written consent and approval of the Minister, who may issue hunting, trapping and fishing licenses for such territories.

6. Save as otherwise provided by this Act and the Regulations, all rentals, license fees, fines, penalties, proceeds of sales or articles confiscated, and other receipts, fees and revenue under this Act and the Regulations, or under any lease, license or other instrument thereby authorized, shall be payable to the Treasurer of Ontario.

PART II.

REGULATIONS.

Regulations.

7.—(1) The Lieutenant-Governor in Council may make Regulations,—

- (a) for making, keeping, searching for, obtaining and taking over all archives, records, books, regulations, orders-in-council, documents and accounts in the custody of the Government of the Dominion of Canada or of the Government of Ontario, or otherwise existing, in any way relating to the game or fisheries of Ontario;
- (b) providing that every person holding any lease or license issued under this Act, and all fish companies and fish dealers, shall keep such records and make such reports and returns as may be prescribed;

- Other provisions. (c) containing such further and other provisions as may be deemed necessary or desirable for the administration and enforcement of this Act and of the Regulations;
- Protection of birds. (d) prohibiting for a period of not more than three years at a time the hunting, shooting, purchase, sale and possession in Ontario or any section thereof, of any game bird, non-game bird, or any insectivorous bird, whether migratory or non-migratory, which may appear to require further protection than is afforded by this Act;
- Varying close seasons. (e) varying the close season in any part of the Province where local conditions or climatic conditions will warrant a change, but such variations shall not extend beyond one season;
- Forbidding the possession of guns. (f) prohibiting or regulating the possession of air guns, guns, rifles or other fire-arms, in any part of Ontario in which it may appear that it is desirable to take special means to prevent violation of this Act;
- Licensing guides. (g) prohibiting persons assisting hunters or hunting parties, anglers or angling parties from acting as guides except under the authority of a license or permit;
- Employment of licensed guides. (h) requiring non-resident holders of hunting licenses to employ licensed guides while hunting deer, moose or caribou;
- Crown game preserves. (i) designating certain parts of Ontario in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any game bird or animal at any time of the year, subject to such exception in favour of the residents or settlers as may be deemed reasonable;
- Exempting Indians from provisions of Act. (j) exempting Indians in the northerly and north-westerly or other sparsely settled parts of Ontario, whether organized or unorganized, from any provisions of this Act, which may be specified in the Order-in-Council;
- Forbidding fishing except under license. (k) prohibiting fishing except under the authority of a license issued on the terms and conditions prescribed by the Regulations;
- Wasteful and destructive fishing. (l) preventing the destruction and improper, wasteful or excessive taking of fish;

- (*m*) prescribing the number, size and weight of any species of fish that may be caught, possessed, purchased or sold; Number and weight of fish.
- (*n*) restricting the taking of frogs and setting apart any suitable Provincial waters for the cultivation and propagation of frogs; Frogs.
- (*o*) prohibiting or regulating the purchase and sale of, or traffic in, snipe, quail, woodcock, partridge, pheasants or other game birds, speckled trout, bass and maskinonge; Sale of certain game birds, fish.
- (*p*) authorizing and regulating the sale of game imported into Ontario and lawfully hunted, killed or procured according to the law of the province, state or country in which the same was killed or procured; Sale of imported game if lawfully procured.
- (*q*) prohibiting the possession, purchase, sale and transportation of any species of fish in the close season; Possession, etc., of fish in close season.
- (*r*) governing the issue of licenses and permits, prescribing the terms and conditions thereof, the period for which the same shall be in force, and the fees payable in respect thereof; Terms of license.
- (*s*) for granting, without fee, a special permit to enable a guest of the Province of Ontario to angle, hunt and shoot therein; Special license to guest of Province.
- (*t*) for the administration of the Game and Fisheries Department; Administration.
- (*u*) for the appointment of the Deputy Minister, officers, servants and other persons whose assistance he may deem requisite for the purposes of this Act and Regulations, and for their remuneration; Appointment of officers.
- (*v*) conferring upon certain officers by special appointment the powers of justices of the peace for the purposes of this Act and of the Regulations; Making certain officers Justices of the Peace.
- (*w*) varying the conditions of section 62 of this Act where conditions may warrant. Varying conditions of section 62.
- (2) The Regulations shall come into force upon publication thereof in the *Ontario Gazette*, or upon such later date as may be therein stated. Promulgation.

PART III.

OPEN SEASONS.

- Open seasons. 8. It shall be unlawful for any person to hunt, kill or destroy,—
- Deer, moose, etc., north of C.N.R. (a) any deer, moose or caribou in that part of Ontario lying north of the main line of the Canadian Government Railway, formerly the Grand Trunk Pacific Railway, from Quebec to the Manitoba boundary line, except from the 15th day of September to the 20th day of November, both days inclusive;
- Deer, moose, etc., north and west of French and Mattawa Rivers. (b) any deer, moose or caribou throughout that part of Ontario lying north and west of the French and Mattawa Rivers, other than the territory designated in clause *a* of this section, except from the 10th day of October to the 20th day of November, both days inclusive; provided, however, that on St. Joseph's Island in the District of Algoma, the open season shall be from the 15th day of November to the 30th day of November, both days inclusive;
- St. Joseph's Island. (b) any deer, moose or caribou throughout that part of Ontario lying north and west of the French and Mattawa Rivers, other than the territory designated in clause *a* of this section, except from the 10th day of October to the 20th day of November, both days inclusive; provided, however, that on St. Joseph's Island in the District of Algoma, the open season shall be from the 15th day of November to the 30th day of November, both days inclusive;
- Deer, moose, etc., south of French and Mattawa Rivers. (c) any deer, moose or caribou in that part of Ontario lying south of the French and Mattawa Rivers, except from the 5th day of November to the 20th day of November, both days inclusive;
- Grouse, etc. (d) any ruffled grouse (commonly known as birch partridge), Canada grouse (commonly known as spruce partridge), European gray partridge (commonly known as Hungarian partridge), pheasant, sharp-tailed grouse (commonly known as prairie chicken), prairie hen (commonly known as pinnated grouse), quail or wild turkey, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council;
- Woodcock. (e) any woodcock, except from the 15th day of September to the 30th day of November, both days inclusive;
- Wild goose and duck. (f) any wild goose or wild duck, except from the 1st day of September to the 15th day of December in any one year, both days inclusive, other than wood and eider duck, which may only be taken during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council;

- (g) any band-tailed pigeons, little brown cranes, sand-hill cranes, whooping cranes, swans, black-breasted and golden plover, Wilson or Jack snipe and the greater and lesser yellow legs and all shore birds, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council. Pigeons; cranes and other water fowl.

9.—(1) It shall be unlawful for any person to shoot, destroy, wound, molest, take or have in possession, or attempt to shoot, destroy, wound, molest, or take any bird protected by this Act and the Regulations, during an unlawful period, and any other wild native bird at any time, other than goshawks, sharp-shinned hawks, great-horned owls, crows, cowbirds, blackbirds (grackles) and house sparrows; Wild native birds.

(2) It shall be unlawful for any person to use, set or maintain any net, trap, snare, spring, cage or other appliance for the purpose of either capturing or killing any bird protected under the provisions of subsection 1, and such appliances may be destroyed by any person without incurring any liability therefor. Traps and snares illegal.

10.—(1) It shall be unlawful for any person to hunt, take, kill or have in possession the carcass, skin or any part of any beaver or otter, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council. Beaver and otter.

(2) It shall be unlawful for any person to hunt, take, or kill, or have in possession the carcass, skin or any part of any muskrat in that part of the Province lying south of the French and Mattawa Rivers, except from the 1st day of March to the 21st day of April, and in that part of the Province lying north of the French and Mattawa Rivers, from the 1st day of April to the 21st day of May. Muskrat.

(3) It shall be unlawful for any person to hunt, take or kill, or have in possession the carcass, skin or any part of any fisher, marten, mink or raccoon except between the 1st day of November and the 31st day of March, both days inclusive. Fisher, marten, mink and raccoon.

(4) It shall be unlawful for any person to hunt, take, or kill, or have in possession the carcass, skin or any part of any black or grey squirrel except during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council. Black and grey squirrel.

PART IV.

LICENSES OR PERMITS REQUIRED.

Non-resident license.

11.—(1) Non-residents shall not hunt, take, kill, wound or destroy any animal or bird or carry or use a firearm or air gun for such purpose, except under the authority of a license, and in all actions and prosecutions under this subsection the possession of any fire-arm or air gun shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such animals or birds.

License to hunt, trap, etc.

(2) No resident shall hunt, take, trap, shoot, kill or molest, or attempt to hunt, take, trap, shoot, kill or molest, any fur-bearing animal except under the authority of a license or permit, but this shall not apply to a farmer or his sons trapping upon the lands of such farmer, animals other than beaver and otter during the various open seasons, nor shall this apply to the taking of bear and wolf, nor to fox taken by gun and dog.

Exception as to farmers.

Use of fire-arms without license prohibited in certain counties.

(3) Notwithstanding the provisions of subsection 2, every resident who uses any fire-arm or air gun for the purpose of hunting or shooting any protected or unprotected bird or animal in the counties of Welland, Lincoln, Wentworth and York, except under the authority of a license, shall be guilty of an offence against this Act, but this subsection shall not apply to farmers residing and hunting on their own farms, and in all actions and prosecutions under this subsection the possession of any fire-arm or air gun shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such birds or animals.

Exception as to farmers.

Cold storage license.

12.—(1) It shall be unlawful for any person to engage in the business of cold storage of game except under the authority of a license.

Hotel, restaurant or club license.

(2) It shall be unlawful for any hotel, boarding-house, camp, restaurant or club to be in possession of any game except under the authority of a license.

Game dealer's license.

(3) It shall be unlawful for any person to buy, sell or expose for sale game that may be legally sold, other than fur-bearing animals, except under the authority of a license, but this shall not apply to bear, but all pelts taken therefrom will be subject to the provisions of section 26 of this Act.

Purchase and sale of moose, deer, and caribou without license—exceptions.

(4) It shall be unlawful, except under the authority of a license, and as in this section expressly provided, for any person or any servant, clerk, or agent of such person, to buy, sell, expose or keep for sale, directly or indirectly, on any

pretence or device, for any valuable consideration, barter, give, or obtain, to or from any other person, any moose, deer or caribou wherever killed or procured; but the person who has actually and lawfully hunted, taken or killed any such animal may sell the same, or any part thereof, during the open season; and any person may buy from such person, or from the holder of a game dealer's license, any moose, deer or caribou which such person or licensee is at the time of sale authorized to sell under the provisions of this Act and the Regulations.

13. It shall be unlawful for any person to engage in, carry on or be concerned in tanning, dressing, plucking, dyeing, or in any way undertake to dress, tan, pluck or treat any fur-bearing animal or any raw or undressed skin or pelt of such animal upon which a royalty may be levied by the Government, except under the authority of a license. Fur dresser's and tanner's license.

14. It shall be unlawful for any person to hunt, take, kill, molest, wound or destroy any deer, moose, or caribou, except under the authority of a license. Deer license.

15. It shall be unlawful for any person to take, in any manner at any time, any fish or spawn from Provincial waters for the purpose of stocking, artificial breeding or for scientific purposes, except under the authority of a permit or special license. Special license or permit for taking fish or spawn.

16.—(1) It shall be unlawful for any person to capture fish by any means in the waters of Lake Nipigon, Fraser Creek and that portion of the Nipigon River lying north and west of Lake Helen in the District of Thunder Bay, except under the authority of a license. Licenses and regulations re Nipigon waters.

(2) This section and the conditions applicable to licenses, authorizing such fishing shall apply to all guides, boatmen, canoemen, camp assistants or helpers of any kind of a fishing party or person holding any such license. Application of section.

17. It shall be unlawful for any person to engage in, or carry on, or be concerned in trading, buying or selling, or soliciting trade, or to be in possession of fur-bearing animals or skins or pelts thereof, except under the authority of a license. Fur dealer's license.

18.—(1) It shall be unlawful for any person to breed or propagate game, or to be in possession of game for such purpose, except under the authority of a license for such period and on such terms and conditions as may be prescribed by License necessary to propagate game.

the Lieutenant-Governor in Council, provided, however, that the Minister may issue a permit to have in possession live game for scientific and educational purposes.

Permit to take game, etc., for educational or scientific purposes.

(2) It shall be unlawful for any person to take game during the close season for educational or scientific purposes, except under the authority of a permit issued by the Minister.

Guide's license.

19. It shall be unlawful for any person for hire, gain or reward, or hope thereof, to guide for hunting, shooting or fishing parties, except under the authority of a license, which may be issued upon such terms and conditions as may be prescribed by the Lieutenant-Governor in Council, and any person who engages or employs any person by hire, gain, reward or hope thereof, for the purpose of guiding, hunting, shooting or fishing parties, who is not in possession of a current guide's license, shall be guilty of an offence against this Act.

Illegal transfer of license.

20.—(1) A license shall not be transferable and every person who buys, sells, exchanges or in any way becomes a party to the transfer of any license or shipping coupon, or in any way uses or attempts to use a license or coupon issued to any other person shall be guilty of an offence against this Act.

Cancellation of license.

(2) A license may be cancelled by the Deputy Minister, subject to appeal to the Minister, for a contravention by the licensee, or by any person with his connivance, of this Act or of the Regulations, or of any of the terms and conditions of the license, notwithstanding that no prosecution has been instituted or conviction had in respect of such contravention.

License discretionary.

(3) The issue of a license shall be in the discretion of the Deputy Minister, subject to appeal to the Minister.

Production of license on demand.

(4) It shall be unlawful for any person who has obtained a license or permit under the provisions of this Act and the Regulations to refuse to produce or show such license or permit to any officer of the Department as often as reasonably requested, and upon failure or refusal, such license or permit shall be forfeited.

Trapping licenses issued only to residents.

(5) It shall be unlawful for any person who is not a resident to be in possession of a license to hunt and trap fur-bearing animals, provided, however, that a non-resident hunting license will permit the holder thereof to take bears and wolves.

PART V.

LICENSE FEES.

21. A license may be issued,—

Hunting
licenses.

- (a) to non-residents to hunt and shoot, and the fees for such licenses shall be,— Non-residents.

\$20—For license to hunt and shoot game birds and rabbits by non-residents, together with a fee of \$1 for the issuing of same.

\$40—For license to hunt and shoot by non-residents, together with a fee of \$1 for the issuing of same;

- (b) to a resident of Ontario to hunt deer and the fee for such license shall be \$3.50, together with a fee of fifty cents for the issuing of same, provided, however, that a farmer actually living upon and tilling his own land in the districts of Haliburton, Muskoka, Parry Sound, Nipissing and Manitoulin and that part of the Province lying north and west thereof, may kill one deer for his own use during the regular open season upon paying a license fee of eighty cents, together with a fee of twenty cents for the issuing of same, but only one farmer's deer license may be procured by each household, and deer taken thereunder must not be sold or bartered; Residents of Ontario.
- (c) to organized hunting camps of residents of Ontario, of not less than six in number, and one license for every six holders of resident deer licenses in organized hunting parties, and the fee for such license shall be \$3.50, together with a fee of fifty cents for the issuing of same; Organized hunting camps.
- (d) to a resident of Ontario to hunt moose or caribou, and the fee for such license shall be \$5.50, together with a fee of fifty cents for the issuing of same; Moose and caribou.
- (e) to a resident of Ontario not under fifteen years of age to use fire-arms or air guns for hunting purposes as demanded under the provisions of subsection 3 of section 11, and the fee for such license shall be \$1.75, together with a fee of twenty-five cents for the issuing of same; For use of fire-arms in certain counties.

Hunt and trap.

(f) to a resident of Ontario to hunt and trap fur-bearing animals, and the fee for such license shall be \$4.50, together with a fee of fifty cents for the issuing of the same.

22. A license may be issued—

Cold storage.

(a) to any person engaged in the business of cold storage of game, and the fee shall be in cities \$10, and in towns and all other municipalities \$5;

Game dealers.

(b) to any person to buy and sell any game that may be legally sold, other than fur-bearing animals (excepting bear) and the fee shall be in cities \$10, and in towns \$5, and in all other places \$2;

Hotels, restaurants, or clubs.

(c) to any hotel, boarding-house, camp, restaurant or club to buy, sell, or be in possession of any game, that may be legally sold, other than fur-bearing animals (excepting bear) and the fee shall be in cities \$10, and in towns \$5, and in all other places \$2.

Fur dealers' licenses.

23. A license may be issued to any person to buy and sell fur-bearing animals or the skins or pelts thereof, and the fees for such licenses shall be:

For a resident British subject on specific premises, to be known as "Store" license.....	\$25 00
For a resident British subject where premises are not designated, to be known as "Travelling" fur buyer.....	100 00
For a resident of the Province who is not a British subject, and for a non-resident.....	200 00
For a resident British subject on specific premises, to be known as "Wholesale" license.....	100 00
For non-resident wholesale buyers purchasing direct from holders of a "Wholesale" license	5 00
For a resident British subject purchasing for personal use, restricted as to time and quantity, to be known as "Restricted" license...	1 00

Tanner's license.

24. A license may be issued to any person engaged in the business of dressing, plucking, dyeing, tanning or other process of curing skins of fur-bearing animals, and the fee for the same shall be \$10.

Angling licenses, Nipigon waters.

25. A license may be issued to residents of Ontario to angle in the waters set forth in section 16, for every two weeks or portion thereof, and the fee shall be \$5, together with a fee of fifty cents for the issuing of same, and a license

may be issued to non-residents of Ontario to angle in the waters set forth in section 16, and the fee shall be \$10 for every week or any portion thereof, together with a fee of fifty cents for the issuing of same.

PART VI.

ROYALTIES ON FUR-BEARING ANIMALS OR PELTS THEREOF.

26. It shall be unlawful for any person to ship to any ^{Royalties.} point outside of the Province, or attempt to take or ship to any point outside of the Province any fur-bearing animal or raw or undressed skin or pelt thereof, or to have such animal, skin or pelt sent to a tanner or a taxidermist to be dressed or plucked or treated in any way, without first having obtained a license from the Department, and paying a royalty on each and every animal, skin or pelt, as follows:

Bear.....	\$0 60	Marten.....	\$1 00
Beaver.....	1 00	Mink.....	25
Fisher.....	1 50	Muskrat.....	05
Fox (cross).....	1 50	Otter.....	2 00
Fox (red).....	75	Raccoon.....	10
Fox (silver or black)	5 00	Skunk.....	10
Fox (white).....	1 50	Weasel (Ermine)...	05
Fox (not specified)..	50	Wolverine.....	40
Lynx.....	50		

Such royalties apply to any pelts that may become damaged or destroyed by any means, but shall not apply to fox bred on fur farms operating within the Province under the authority of a license issued by the Minister, provided that satisfactory proof is furnished by the fur farm licensee, nor shall such royalties apply to pelts imported from outside of the Province, if an affidavit is furnished proving their place of origin to the satisfaction of the Department.

PART VII.

MISCELLANEOUS.

27. Notwithstanding anything in this Act, a person who puts, breeds or imports game, other than fur-bearing animals, upon his own land for the purpose of breeding and preserving the same, may hunt, take or kill any such game during the regular open seasons for the territory in which such game is kept, but the onus of proof that the game was so put or bred shall rest on the person hunting or killing the same. ^{Special provision as to shooting.}

Governing the taking of muskrat, beaver and otter, and protection to muskrat and beaver houses.

28.—(1) It shall be unlawful for any person to shoot or spear any muskrat, beaver or otter at any time, or to cut, spear, break or destroy at any time a muskrat or beaver house or beaver dam, or set or place a trap closer than five feet to a beaver house or muskrat house, burrow, feed-house or push-up.

Raccoon dens.

(2) It shall be unlawful for any person to molest or destroy a raccoon den or its usual place of habitation.

When destruction of fur-bearing animals lawful.

29.—(1) Nothing in this Act shall apply to any person destroying any fur-bearing animal, other than beaver, on his own lands in defence or preservation of his property by any means at any time, but skins so taken, of animals in respect of which there is a close season must be reported to the Department within ten days after the animals have been taken and shall not be offered for sale or barter during the close season except under the authority of a permit issued by the Deputy Minister, and any fur dealer possessing such skins must hold the permit so issued, and forward same to the Department when applying for a license to ship out of the Province or to dress or tan the skins.

Onus of proof.

(2) The onus of proving the justification under the next preceding subsection shall be on the person destroying any such animals.

Beaver doing damage.

(3) The Deputy Minister may at any time by order in writing direct the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in Ontario in which, in the opinion of the Deputy Minister, beaver are causing damage to a highway or to private property, but all beaver so taken or killed shall be duly accounted for and handed over to the Department.

Calves of moose and caribou, also female moose,—not to be taken.

30. It shall be unlawful for any person at any time to hunt, kill, take or molest any female moose of any age, or any male moose under the age of one year, or any caribou under the age of one year.

Number of deer, etc., which may be taken by residents.

31.—(1) It shall be unlawful for a resident during any one year or season to kill or take more than one deer under a resident deer license, and one bull moose or caribou over one year of age, under the authority of a moose license, but this shall not apply to deer which are the private property of any resident, and which have been killed or taken by him or by his direction or with his consent in or upon his own land in accordance with the provisions of section 27 of this Act.

(2) It shall be unlawful for a non-resident during any one year or season to kill or take more than one deer and one bull moose or caribou, over one year of age, under the authority of a non-resident hunting license. Number of deer, etc., which may be taken by non-residents.

(3) Two or more persons hunting together and holding licenses may kill an aggregate of not more than one deer for each member of the party, but this shall not apply to deer taken by residents under the authority of a special camp license, which entitles organized resident hunting parties to kill one deer to be eaten in camp, and such license may be issued to every six residents. Aggregate kill.

32.—(1) No owner of any dog shall permit such dog to run at large during the close season for deer in a locality where deer usually inhabit or are found. Restraint of dogs.

(2) Any person harbouring or claiming to be the owner of such hound or dog shall be deemed to be the owner thereof; and any dog found running deer during the close season shall be deemed to be at large with the permission of the owner and may be killed on sight by any person, and he shall not be liable to any penalty or damage therefor. Idem.

(3) Any person or persons who has lost one or more dogs used in hunting deer or is unable to find such animal at the termination of the hunt must report the loss to the Department in writing at once, giving a description of the dog and the locality in which the loss occurred. Lost dogs.

33. No person who has taken or killed any bird or animal suitable for food shall allow the flesh thereof to be destroyed or spoilt, and no person who has killed or taken a fur-bearing animal shall allow the skin thereof to be destroyed or spoilt. Flesh and skin not to be wasted.

34. It shall be unlawful for any person during the close season to have in possession or in the possession of his servant or agent, or of any other person on his behalf, any game, wherever killed or procured, except that,— Possession of game in close season.

- (a) any deer, moose, caribou and birds protected by this Act and the Regulations, lawfully killed or procured, may be kept during the period between the end of the open season in any year and the 31st day of March in the following year, unless otherwise provided for under the Regulations;
- (b) any skins or pelts of fur-bearing animals taken in the Province of Ontario may be had in possession during the close season under the authority of a

holding permit, provided, however, that such holding permit must be applied for within ten days after the end of the open season; and the skins or pelts of fur-bearing animals taken outside of the Province of Ontario may be had in possession during the close season under the authority of a holding permit which must be applied for within forty-eight hours after such pelts are received.

Hunting ducks, etc.

35.—(1) No wild duck, goose or other water fowl shall be hunted, taken, chased or killed from an aeroplane, sail-boat, yacht or launch propelled by steam or other power.

Illegal contrivances.

(2) No swivel gun, or gun of any kind of a larger bore or gauge than 8, and no contrivance for taking or killing wild swans, geese or ducks, known as monitors, sunken punts or batteries, or boats of any kind other than ordinary row-boats and canoes propelled by hand shall be used at any time.

Blinds or decoys.

(3) No blinds or decoys for use in hunting ducks or other water fowl shall be placed at a greater distance than two hundred yards from the shore or a natural rush bed thick enough to conceal a boat, or from a water line bounding private property, and all decoys shall be removed from the water during the hours in which shooting is prohibited, and no person shall set out more than one flock of decoys, and no flock of decoys shall consist of more than fifty, and no two flocks shall be placed nearer each other than one hundred yards, but this shall not apply to two persons hunting together who may place an aggregate of one hundred decoys in a flock.

Limit on number of ducks to be taken.

(4) No person shall take or kill more than twenty-five wild ducks in any one day, and not more than two hundred wild ducks in any one year.

Purchase or sale of wild ducks, etc., prohibited.

(5) It shall be unlawful for any person to sell or purchase any wild ducks, wild geese, or other water fowl, snipe, quail, woodcock, pheasant, European gray partridge (commonly known as Hungarian partridge), ruffed grouse (commonly known as partridge), prairie chicken or pinnated grouse, or to expose such birds or fowl on any commercial premises, or for any restaurant, camp, boarding-house, hotel or club to have such birds served or mentioned on a bill of fare.

Use of poisons prohibited.

36. It shall be unlawful for any person to take, or kill, or attempt to take or kill, any game by use of poison, or for a trapper to be in possession of poison.

Deer, etc., not to be taken by traps and snares.

37. It shall be unlawful for any person to trap or take any deer, moose, caribou or any game bird protected by this Act and the Regulations, by means of traps, nets, snares,

baited line or other similar contrivances, or set such traps, nets, snares, baited line, or contrivance for such animals or birds at any time, and if so set, may be destroyed by any person without incurring any liability for so doing.

38. It shall be unlawful for any person to discharge any air gun, gun or other fire-arm in any locality where game is usually found between sunset on Saturday night and sunrise on Monday morning following (Standard time), or between sunset and sunrise (Standard time) at any other time.

39. It shall be unlawful for any person for hire, gain or reward or hope thereof, to hunt, kill or shoot any game, or employ, hire or for valuable consideration induce any other person so to do.

40. It shall be unlawful for any person to take, destroy or have in possession at any time any live bird protected by this Act and the Regulations, or the eggs or nests of such birds, but this shall not apply to any person who is in possession of a license or permit issued or approved of by the Department to engage in the business of propagating such birds, or to take or have in possession such birds' eggs or nests for educational or scientific purposes.

41. It shall not be lawful for any person at any time to carry a loaded air-gun, shotgun or rifle in or on, or discharge the same from a motor car or other vehicle, and an air-gun, shotgun or rifle carrying loaded shells or cartridges in the magazine shall be deemed to be loaded within the meaning of this section.

42. It shall be unlawful for any person to hunt or carry for that purpose any shotgun of the description known as "automatic" in which the recoil is utilized to reload the gun.

43.—(1) It shall be unlawful for any person employed in any lumber camp or in connection with the construction or maintenance of any railway or public work to have in possession in the vicinity of such lumber camp, railway or other public work, any gun or other fire-arm except as may be authorized by special permit, but this shall not apply to a resident employed by a railway company, provided that such employee does not carry or be in possession of a fire-arm on a railway velocipede or handcar, whether propelled by hand or motor power.

(2) The special permit may be subject to such terms as the Deputy Minister may direct, and the ordinary hunting license provided for in this Act shall be deemed to be a license or permit under this section.

Interfering
with notices
prohibited.

44. It shall be unlawful for any person to tear down, remove, injure, deface or interfere with any notice or sign posted or placed under the authority of this Department.

Setting apart
waters for
the pro-
pagation
of fish.

45. The Minister may authorize to be set apart any waters for the natural or artificial propagation of fish.

Fishing in
protected
waters
prohibited.

46.—(1) It shall be unlawful for any person to take fish by any means in any waters protected by this Act and the Regulations, or in waters set apart for the propagation of fish, but this shall not apply to the taking of fish under authority given by the Department for the stocking and rearing of fish for public waters.

Nets or poles
to be marked
with name
of owner.

(2) Every net that is set for the taking of fish, shall have attached thereto a buoy at each end, when in use, and every pole used for setting baited hooks, pursuant to the Regulations, shall have the name of the owner legibly marked on two pieces of metal or wood, attached to it, and the marks shall be preserved on such nets or poles during the fishing season so as to be visible without taking up the nets or poles, and any net or any such pole without such marks, together with the hooks attached thereto, shall be liable to confiscation.

Joint
liability of
owner and
agent.

(3) Where a fishery is in charge of any person other than the owner, either as occupant or servant, and any of the provisions of this Act and the Regulations are contravened by any such person or by any owner, they shall be jointly and severally liable for all penalties incurred and all money recoverable in respect of such contravention.

Disputes,
adjustment
of.

(4) Disputes between persons relative to fishing limits, or claims to fishery locations or stations, or to the position and use of nets and other fishing apparatus, shall be settled by the local overseer subject to appeal to the Deputy Minister.

License for
net fishing
not to
prevent
angling.

(5) The occupation of fishing grounds or waters licensed for the express purpose of net fishing shall not interfere with nor prevent angling for other purposes than those of sale or traffic.

Transfer of
license.

47.—(1) It shall be unlawful for any person to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act and the Regulations, without the written consent of the Deputy Minister.

Licensee or
permittee
not entitled
to com-
pensation
in case of
error.

(2) If an error has been made in the issuing of any license or permit from any cause, such license or permit may be cancelled by the Deputy Minister, but the licensee or permittee shall have no claim for indemnity or compensation in

connection therewith, other than the adjustment of any excess fee collected.

48. It shall be unlawful for any hotel, restaurant, boarding house, camp or club to serve as a part of a meal any game or fish under any pretended name, or to serve any article of food under a false name and classified as any game or fish, the sale of which is prohibited under the provisions of this Act and the Regulations. Supplying under pretended name unlawful.

49. It shall be unlawful for any employee of a railway company, express company, or other common carrier, or any person engaged in the business of cold storage, or dealing in game and fish, lumbering, or in charge of any camp near any fishery or near any place where game is usually found, or any person holding a license or permit issued by this Department, or any person owning or in charge of a motor vehicle to refuse any officer permission to enter and inspect any railway car, building, premises, enclosure or motor vehicle, or any receptacle, for the purpose of examining all game and fish taken, and all implements and appliances for hunting and fishing; or any such person named in this section to refuse an officer to examine any book, invoice or document containing any entry or memorandum relating to fish and game, which the officer suspects to be illegally killed or possessed; and all such parties shall afford every reasonable facility for such search, and in the case of a refusal, the officer may, without a search warrant, break any lock or fastening that may be necessary in order to conduct such examination. Inspection to be facilitated by licensees, permittees and others.

50.—(1) It shall be unlawful for any railway or express company, or other common carrier, or any other person or persons to transport or cause to be transported, or receive or have in possession any deer, moose or caribou, or any head, or other part thereof, unless there is attached thereto one of the shipping coupons belonging to a license, but this shall not apply to shipments of pelts from such animals legally taken. Transporting deer, moose or caribou.

(2) It shall be unlawful for any railway or express company, or other common carrier, or any other person or persons to transport, or cause to be transported, or receive or have in possession any deer, moose or caribou, or any part thereof, during the close season, or after the expiry of the shipping coupon attached thereto, except under the authority of a permit issued by the Department. Transporting deer, moose or caribou in close season.

(3) If an affidavit, satisfactory to the Department, is furnished, a permit may be issued at any time to transport moose, deer or caribou, or any part thereof, that has been legally taken. Deer, moose, etc. —without shipping coupon.

Coupons to be attached to hunting license.

51.—(1) There shall be attached to every hunting license one or more shipping coupons plainly marked with the description of the game for hunting which the license is issued, and there shall be printed or stamped upon the coupon the date when it will expire, which shall not be later than four days after the last day of the open season for which the license is issued.

Detachment and cancellation of.

(2) Where any deer, moose or caribou, or any part thereof, is presented for shipment a coupon shall be detached from the license and signed by the person to whom the license is issued in the presence of the shipping agent or clerk in charge of the office at such point of shipment, and attached to each deer or other animal or part thereof, or to the receptacle in which it is contained, and thereupon such shipping agent or clerk shall write across the face of the coupon the word "cancelled," provided, however, where any deer, moose or caribou or any part thereof is being transported other than by a common carrier, the coupon must be attached to such animal and cancelled by the licensee before transporting same.

Contra-vention.

(3) It shall be unlawful for any person to contravene any provision of the next two preceding subsections, or use a coupon after the expiry thereof, or ship or assist in the shipping of anything without a coupon to which a coupon is required.

Game imported.

52. Nothing contained in this Act or the Regulations shall prevent the importation of game if accompanied by an affidavit satisfactory to the Department, that the same was legally taken.

Transporting fish or game illegally caught.

53. It shall be unlawful for any railway or express company or other common carrier, or any other person, to receive or have in possession, or to ship or transport to any point or place any fish or game caught or killed within Ontario at a time or in a manner prohibited by law.

Export permits for fish or game.

54. The Department may issue permits not inconsistent with any law of the Dominion of Canada, authorizing the exportation from the Province or the transportation within the Province, at any time, of any fish or game whether alive or dead.

Marking receptacles for fish or game.

55. All receptacles, including bags, boxes, baskets, crates, hand baggage, trunks, packages and parcels of every kind in which the skins of fur-bearing animals or the skins or pelts of protected animals, game or fish are packed for transportation shall be plainly marked on the outside in such manner as to give a list and description of the contents, and the name and address of the consignee and consignor, and this applies to

pelts, skins, game or fish when being transported by hand or otherwise, and shipments of skins or pelts of fur-bearing animals can only be made either by express or by parcel post.

56.—(1) It shall be unlawful for any non-resident, entitled to hunt or shoot in Ontario by virtue of a license under this Act, to export in any one open season game actually and lawfully killed by him in excess of the following: One deer, one bull-moose or caribou, one hundred ducks, and bears or bear pelts provided an export permit has been secured, and in accordance with the provisions of section 26 of this Act, when exporting bear or bear pelts.

Exporting deer, etc., by holders of non-resident licenses.

(2) The shipping coupon belonging to such license shall be attached to every such animal and to the receptacle containing it or any part of it, or containing any ducks.

57. The Minister may direct the refund of the fee paid for any license, or any part of such fee, where, owing to the license not having been used, or having been used for part only of the period for which it was issued he deems it just so to do, and the Treasurer of Ontario, upon the written request of the Minister, shall cause a cheque to be issued for the amount of such refund.

Refunding fee.

58.—(1) The Minister may, by the officers and employees of the Department, take from the waters of Ontario fish of any kind, and may cause the same to be stored, transported, distributed and sold in such quantities and at such prices and upon such terms as the Minister may determine.

Taking and dealing with fish.

(2) The Minister may employ such officers, clerks and servants as he may deem necessary for the purposes of this section, may define their duties and powers and fix the salaries or other remuneration payable to them.

Appointment of officers, clerks and servants.

(3) The expenses of carrying out this section shall be payable out of any moneys appropriated by the Legislature for that purpose, and any moneys received from sales or otherwise under this section shall be duly accounted for and be paid over into the Consolidated Revenue Fund.

Expenses, how payable.

PART VIII.

ADMINISTRATION.

59.—(1) There shall be a Deputy Minister of Game and Fisheries, officers, servants and other persons, who shall be appointed by the Lieutenant-Governor in Council, and shall perform such duties as may be assigned to them by the Minister or the Deputy Minister.

Deputy Minister, and others.

Oath. (2) The Deputy Minister shall, before entering upon his duties, take and subscribe an oath to faithfully perform the same, which shall be administered by the Minister or by some person appointed by the Lieutenant-Governor in Council for that purpose.

Game and Fisheries Branch to be a department within the meaning. (3) For the purposes of *The Public Service Act*, the Game and Fisheries Branch shall be deemed a Department and the Deputy Minister shall have and perform the like powers and duties as are conferred or imposed upon a Deputy Minister by that or any other Act in like cases.

Oath to be taken before acting. (4) An officer shall, before acting, take and subscribe the following oath:

I, A. B., Inspector (*or as the case may be*) appointed under the provisions of *The Ontario Game and Fisheries Act*, do swear that to the best of my judgment I will faithfully, honestly and impartially execute and perform the office and duty of such Inspector (*or as the case may be*), according to the true intent and meaning of *The Ontario Game and Fisheries Act* and the Regulations.

So help me God.

Officers authorized to act as justices of the peace. (5) The Deputy Minister, Assistant Deputy Minister, inspectors and district wardens shall be justices of the peace in and for every county or district for the purposes of this Act and the Regulations, and may take informations and issue warrants or summonses in any county or district, returnable in the county or district in which the offence is alleged to have been committed.

Officers appointed. **60.**—(1) Subject to the approval of the Minister, the Deputy Minister may appoint such officers, servants and other persons as he may deem necessary for the enforcement of the provisions of this Act and the Regulations, and to determine the remuneration to be paid for the services of such officers, servants and other persons, and may in his discretion dismiss any of them.

Officers' powers. (2) An officer shall have the authority of a constable for the purposes of this Act and the Regulations, and shall have authority to stop and search, without a search warrant, any vehicle, boat or launch where the officer has reasonable grounds to believe such vehicle, boat or launch contains any fish or game illegally taken.

Arrest on view. (3) Every officer on view of a violation of this Act or the Regulations, may arrest the person committing same, without process, and bring him with reasonable diligence before a competent court to be dealt with according to law.

(4) Every officer, if he has reason to suspect and does ^{Duty to search.} suspect that game or fish have been killed, taken or shipped or are had in possession contrary to the provisions of this Act or the Regulations, and are contained in any trunk, box, bag, parcel or receptacle, shall open the same, entering all premises, which under the provisions of this Act he is authorized to enter, and using necessary force, in case the owner or person in charge obstructs or refuses to facilitate his search, and if such officer has reason to believe and does believe that it is necessary to enter any store, private house, warehouse, railway car or building, which he is not under the provisions of this Act authorized to enter without a search warrant, he shall make a deposition, before a justice of the peace, and demand a search warrant to search such store, private house, warehouse, railway car or building, and thereupon such justice of the peace may issue a search warrant.

(5) Every officer shall forthwith seize all game and fish ^{Duty to seize.} and all boats, vehicles, motor cars, aeroplanes, air guns, guns, decoys, nets, lines, tackle, appliances, materials and articles used or had in possession contrary to the provisions of this Act or the Regulations, and shall deal with them according to law.

(6) Every officer shall investigate all violations of this Act ^{Duty to investigate and prosecute.} or the Regulations brought to his notice, and prosecute every person whom he may have reasonable cause to believe guilty of any offence.

(7) In the discharge of his duties, every officer and every ^{Right of passage.} person by him accompanied, or authorized for that purpose, may enter upon and pass through or over private property, without being liable for trespass.

(8) Every officer may inspect all camps occupied by ^{Inspection of camps.} angling and hunting parties, and may direct what arrangements shall be made in regard to sanitary matters, the disposal of refuse and the extermination of fires.

(9) Any person who obstructs, hinders, delays or inter- ^{Obstructing officers in the discharge of their duty.} feres with an officer in the discharge of his duty, by violence or by means of threats, or by giving false information, or in any other manner, shall be guilty of an offence against this Act.

(10) It shall be unlawful for any officer or other person ^{Neglect to fulfil duties.} authorized to enforce the provisions of this Act and the Regulations, to neglect or refuse to perform any of the duties pertaining to his office.

(11) Any officer who maliciously abuses his power shall be ^{Abuse of power.} guilty of an offence against this Act.

Deputy
Game and
Fishery
Wardens—
appoint-
ment, etc.

61.—(1) Subject to the approval of the Minister, the Deputy Minister may appoint deputy game and fishery wardens, in and for any part of Ontario, and may in his discretion dismiss them, but all such appointments shall expire annually on the 31st day of December.

Remunera-
tion.

(2) Deputy game and fishery wardens shall be appointed without salary.

To have the
authority of
constables.

(3) Deputy game and fishery wardens shall have the authority of constables for the purposes of this Act and the Regulations.

PART IX.

PROCEDURE—EVIDENCE—PENALTIES.

Prosecu-
tions, before
whom taken.

62.—(1) Prosecutions for offences against or for the recovery of penalties imposed under the authority of this Act, or *The Dominion Fisheries Act* or the Special Fishery Regulations for Ontario, may be brought and heard before any person authorized by this Act to act as a justice of the peace, notwithstanding anything in any other Act or Acts, or before any police magistrate for the county, district, village, town or city in which the offence was committed, or if near any boundary between the different counties or districts, then in either.

Limitation.

(2) The information or complaint shall be laid within twelve months after the commission of the offence, except in the case of a prosecution for omissions to make any return required by this Act or the Regulations.

Offences.

(3) A contravention of this Act or of the Regulations or the terms or conditions of a permit or license shall be and may be stated as an offence against this Act.

Description
of offence.

(4) The description of an offence, in the words either of this Act or of the Regulations, or in any similar words, shall be sufficient, and an information or complaint may be for two or more offences.

Conviction
on view.

(5) Any person authorized by this Act to act as a justice of the peace for the purposes thereof, may upon his own view convict for any offence against this Act or the Regulations.

Separate
offences.

(6) A violation of this Act or the Regulations shall constitute a separate offence in respect of each animal or bird which is the subject thereof.

(7) Upon the trial of any prosecution under this Act or the Regulations, the justice shall, if it appears that more than one offence of the same kind was committed at the same time, or on the same day, impose all the penalties in one conviction. Offences of same kind on same day.

(8) The justice shall, by the conviction, adjudge that the offender be imprisoned for any term not exceeding three months unless the penalty, the costs and charges of prosecution and commitment, and of conveying the offender to prison, are sooner paid. Committal on non-payment of fine.

(9) A conviction or order made in any manner arising under this Act or the Regulations, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorized to appeal, shall not be removed by *certiorari* or otherwise either at the instance of the Crown or any private person into the Supreme Court. Defects of form.

(10) In all prosecutions under this Act or the Regulations, save when herein otherwise provided, the procedure shall be governed by *The Ontario Summary Convictions Act, 1926*. Procedure, 1926, c. 31.

63.—(1) In all actions and prosecutions under this Act or the Regulations, or regarding conditions of licenses or permits, the onus shall be upon the person to prove that such game, fish, or any part thereof, was lawfully taken, killed or procured. Onus of proof.

(2) The possession of a seine net, without lawful excuse, and the finding of any net, fishing device or other article set in violation of this Act or the Regulations, shall be *prima facie* evidence of the guilt of the person owning, possessing or operating the same. Finding nets to be evidence.

(3) In all actions and prosecutions under this Act or the Regulations, the possession of a gun, decoy, or other implement for shooting or hunting in or near any place where any game is likely to be found, shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such game. Possession, etc.

64.—(1) Any licensee or permittee who violates the conditions of his license or permit, shall for each offence incur a penalty of not less than \$10 and not more than \$300. Penalty for violation of license or permit.

(2) Any person who commits an offence against the Act or the Regulations in respect of deer, moose or caribou, shall for each such offence incur a penalty of not less than \$20 and not more than \$100. Penalties as to deer, etc.

Penalties as to beaver, otter, fisher or marten.

(3) Any person who commits an offence against this Act or the Regulations in respect to beaver, otter, fisher or marten, or the skins or pelts of such animals (other than the exporting thereof) shall for each such offence incur a penalty of not less than \$20 and not more than \$100 for each pelt the subject thereof.

Penalties as to exporting beaver, otter, fisher or marten.

(4) Any person who commits an offence against this Act or the Regulations in respect to the exporting of beaver, otter, fisher or marten, or the skins or pelts thereof, shall for each offence incur a penalty of not less than \$30 and not more than \$200 for each skin or pelt the subject thereof.

Penalties as to fur-bearing animals other than beaver, otter, fisher or marten.

(5) Any person who commits an offence against this Act or the Regulations in respect to any fur-bearing animal upon which a royalty is levied under the provisions of section 26 (other than beaver, otter, fisher, or marten) shall for each such offence incur a penalty of not less than \$1 and not more than \$20 for each skin or pelt the subject thereof.

Penalties.

(6) Except as herein otherwise provided, any person who commits any offence against this Act or the Regulations, shall for each such offence incur a penalty of not less than \$10 and not more than \$100.

Second and third offences.

(7) Any person who after having been convicted of an offence against this Act, or the Regulations, within two years again offends against this Act or the Regulations, shall incur a penalty of not less than double the minimum penalty provided for the offence, and upon a third or subsequent conviction at any time thereafter shall incur a penalty of not less than the maximum penalty provided for the offence.

Obstructing officers.

(8) Any person convicted of obstructing, hindering, delaying or interfering with an officer in the discharge of his duty by violence or by means of threats, or by means of giving false information or in any other manner, shall for each such offence incur a penalty of not less than \$100 and not more than \$500.

Remission or reduction of penalties.

(9) No justice shall have power to remit any penalty or to reduce the amount of the penalty in case of conviction, provided, however, that when the conviction amounts to more than \$200 the Minister may remit the excess thereof.

Seizure and confiscation of game and other property.

65.—(1) All motor vehicles, aeroplanes, guns, ammunition, boats, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle and all appliances of every kind used for hunting and fishing, and all game and fish, together with packages, crates or containers of every de-

scription found in the possession of any person deemed to have committed an offence against this Act or the Regulations shall be seized, and upon conviction be forfeited and become the property of His Majesty in the custody of the Department, to be sold; provided, however, that where a seizure has been made from an unknown party, or where no legal action has been taken regarding any seizure where a violation of this Act or the Regulations has occurred, the Department may sell any article seized.

(2) Where the Minister is satisfied that the seizure or confiscation of any article or thing would work undue hardship or injustice and the value of such article is in excess of \$100, the Minister may grant relief against such forfeiture and direct the return of the article or thing to the person from whom the same has been taken, upon such terms as he may deem just. ^{Relief from forfeiture in certain cases.}

(3) The Deputy Minister may authorize any officer to destroy any article placed under seizure that is at all times unlawful, or any article having no commercial value, and may also authorize any perishable game or fish to be given to any charitable institution. ^{Disposal.}

(4) A license or permit held by any person convicted of an offence against this Act or the Regulations, or the Dominion Special Fishery Regulations for the Province of Ontario, shall be deemed to be cancelled upon conviction, without further action or notice, but the Minister may authorize the reinstatement of any license or permit where the cancellation thereof has been made by reason of a first conviction for an offence against the provisions of this Act or the Regulations during a period of two years. ^{Conviction to cancel license.}

66. The following Acts and parts of Acts are hereby repealed: ^{Repeal.}

- R.S.O. 1914, chapter 262—The whole.
- 1914, Chapter 46—The whole.
- 1915, Chapter 20, Section 23.
- 1916, Chapter 60—The whole.
- 1917, Chapter 27, Section 37.
- 1918, Chapter 48—The whole; Chapter 49—The whole.
- 1919, Chapter 72—The whole.
- 1920, Chapter 97—The whole.
- 1921, Chapter 87—The whole.
- 1922, Chapter 97—The whole.
- 1924, Chapter 80—The whole.
- 1925, Chapter 76—The whole.
- 1926, Chapter 64—The whole.

67. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

No. 84.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Game, Fur-bearing
Animals and Fisheries of Ontario.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. MCCREA.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Game, Fur-bearing Animals and Fisheries of Ontario.

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

PART I.

INTERPRETATION AND GENERAL PROVISIONS.

1. This Act may be cited as *The Ontario Game and Fisheries Act, 1927.* Short title.

2. This Act and the Regulations shall apply to all game, hunting, shooting, trapping, fish, fisheries, fishing and all rights and matters relating thereto. Application of Act.

3. In this Act and in the Regulations:

Interpretation.

- (a) "Close season" shall mean a specified period during which fish and game may not legally be taken. "Close season."
- (b) "Deputy Minister" shall mean the chief officer in charge of the Game and Fisheries Department of the Public Service. "Deputy Minister."
- (c) "Fishery" shall mean and include the stretch of water, locality, premises, place or station described in the Regulations, or in a permit or license, in or from which fish may be taken, and all nets, plants and appliances used in connection therewith. "Fishery."
- (d) "Game" shall mean and include all fur-bearing animals and all animals and birds protected by this Act and the Regulations, and heads, skins and every part of such animals and birds. "Game."

- "Guide." (e) "Guide" shall mean any person that receives payment or remuneration of any kind for services rendered as a guide for fishing or hunting parties.
- "Hunt." (f) "Hunt" shall mean and include any chasing, pursuing, worrying, following after, or on the trail of, or any searching for, shooting at, stalking, or lying in wait for any game, whether or not such game be then or subsequently captured, killed or injured.
- "License" or "Permit." (g) "License" or "Permit" shall mean an instrument issued under the authority of this Act and the Regulations conferring upon the licensee or permittee the right to do the things therein mentioned, subject to such conditions, restrictions and limitations as are therein and in this Act and the Regulations contained; but no license or permit shall be deemed to be or to operate as a demise or lease.
- "Minister." (h) "Minister" shall mean the member of the Executive Council for the time being charged with the administration of this Act and the Regulations.
- "Non-resident." (i) "Non-resident" shall mean any person who has not resided in the Province of Ontario for a period of twelve months preceding the time that his residence becomes material under the provisions of this Act.
- "Officer." (j) "Officer" shall mean and include assistant deputy minister, inspector, district warden, special patrol, overseer and any other officer or person authorized to assist in the propagation of game, fish and the enforcement of this Act and the Regulations.
- "One day." (k) "One day" shall mean from sunrise to sunset (standard time).
- "Open season." (l) "Open season" shall mean a specified period during which fish and game may legally be taken.
- "Person." (m) "Person" shall mean any individual (including Indians), firm or body corporate.
- "Regulations." (n) "Regulations" shall mean the regulations made by the Lieutenant-Governor in Council under the authority of this Act.
- "Resident." (o) "Resident" shall mean any person who has resided in the Province of Ontario for a period of twelve months preceding the time that his residence becomes material under the provisions of this Act.
- "Unprime." (p) "Unprime" when applied to skins or pelts of fur-bearing animals shall mean any skin or pelt that shows natural markings of a dark or bluish colour on the flesh side.

4.—(1) The administration of this Act and the Regulations and all matters relating to fish and game in all parts of the Province, notwithstanding any other Act or Acts, shall be under the control and direction of the Minister and shall constitute a department of the public service to be known as the Game and Fisheries Department. Administration.

(2) The remuneration of all officers of the Game and Fisheries Department and of all other persons employed to perform any duty in connection therewith, or to assist in the enforcement of this Act and the Regulations, and all expenses incident to the due enforcement thereof, shall be paid out of such money as may be appropriated for that purpose by this Legislature. Remuneration of officers, etc.

5. The grant by patent, issued before or after the passing of this Act, of the bed of any navigable water, or of any lake or river shall not, unless such exclusive right of fishing is expressly granted by such patent, be deemed to carry or include the exclusive right of fishing in the water which covers or flows over the land so granted. Exclusive right to fish in navigable waters only by express grant.

6. Save as otherwise provided by this Act and the Regulations, all rentals, license fees, fines, penalties, proceeds of sales or articles confiscated, and other receipts, fees and revenue under this Act and the Regulations, or under any lease, license or other instrument thereby authorized, shall be payable to the Treasurer of Ontario. Payment of fees, fines, etc.

PART II.

REGULATIONS.

Regulations.

7.—(1) The Lieutenant-Governor in Council may make Regulations,—

- (a) for making, keeping, searching for, obtaining and taking over all archives, records, books, regulations, orders-in-council, documents and accounts in the custody of the Government of the Dominion of Canada or of the Government of Ontario, or otherwise existing, in any way relating to the game or fisheries of Ontario; Custody of archives and records.
- (b) providing that every person holding any lease or license issued under this Act, and all fish companies and fish dealers, shall keep such records and make such reports and returns as may be prescribed; Records, etc., and returns by licensees and others.

- Other provisions. (c) containing such further and other provisions as may be deemed necessary or desirable for the administration and enforcement of this Act and of the Regulations;
- Protection of birds. (d) prohibiting for a period of not more than three years at a time the hunting, shooting, purchase, sale and possession in Ontario or any section thereof, of any game bird, non-game bird, or any insectivorous bird, whether migratory or non-migratory, which may appear to require further protection than is afforded by this Act;
- Varying close seasons. (e) varying the close season in any part of the Province where local conditions or climatic conditions will warrant a change, but such variations shall not extend beyond one season;
- Forbidding the possession of guns. (f) prohibiting or regulating the possession of air guns, guns, rifles or other fire-arms, in any part of Ontario in which it may appear that it is desirable to take special means to prevent violation of this Act;
- Licensing guides. (g) prohibiting persons assisting hunters or hunting parties, anglers or angling parties from acting as guides except under the authority of a license or permit;
- Employment of licensed guides. (h) requiring non-resident holders of hunting licenses to employ licensed guides while hunting deer, moose or caribou;
- Crown game preserves. (i) designating certain parts of Ontario in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any game bird or animal at any time of the year, subject to such exception in favour of the residents or settlers as may be deemed reasonable;
- Exempting Indians from provisions of Act. (j) exempting Indians in the northerly and north-westerly or other sparsely settled parts of Ontario, whether organized or unorganized, from any provisions of this Act, which may be specified in the Order-in-Council;
- Forbidding fishing except under license. (k) prohibiting fishing except under the authority of a license issued on the terms and conditions prescribed by the Regulations;
- Wasteful and destructive fishing. (l) preventing the destruction and improper, wasteful or excessive taking of fish;

- (*m*) prescribing the number, size and weight of any species of fish that may be caught, possessed, purchased or sold; Number and weight of fish.
- (*n*) restricting the taking of frogs and setting apart any suitable Provincial waters for the cultivation and propagation of frogs; Frogs.
- (*o*) prohibiting or regulating the purchase and sale of, or traffic in, snipe, quail, woodcock, partridge, pheasants or other game birds, speckled trout, bass and maskinonge; Sale of certain game birds, fish.
- (*p*) authorizing and regulating the sale of game imported into Ontario and lawfully hunted, killed or procured according to the law of the province, state or country in which the same was killed or procured; Sale of imported game if lawfully procured.
- (*q*) prohibiting the possession, purchase, sale and transportation of any species of fish in the close season; Possession, etc., of fish in close season.
- (*r*) governing the issue of licenses and permits, prescribing the terms and conditions thereof, the period for which the same shall be in force, and the fees payable in respect thereof; Terms of license.
- (*s*) for granting, without fee, a special permit to enable a guest of the Province of Ontario to angle, hunt and shoot therein; Special license to guest of Province.
- (*t*) for the administration of the Game and Fisheries Department; Administration.
- (*u*) for the appointment of the Deputy Minister, officers, servants and other persons whose assistance he may deem requisite for the purposes of this Act and Regulations, and for their remuneration; Appointment of officers.
- (*v*) conferring upon certain officers by special appointment the powers of justices of the peace for the purposes of this Act and of the Regulations; Making certain officers Justices of the Peace.
- (*w*) varying the conditions of section 63 of this Act where conditions may warrant. Varying conditions of section 63.
- (2) The Regulations shall come into force upon publication thereof in the *Ontario Gazette*, or upon such later date as may be therein stated. Promulgation.

PART III.

OPEN SEASONS.

- Open seasons. 8. It shall be unlawful for any person to hunt, kill or destroy,—
- Deer, moose, etc., north of C.N.R. (a) any deer, moose or caribou in that part of Ontario lying north of the main line of the Canadian Government Railway, formerly the Grand Trunk Pacific Railway, from Quebec to the Manitoba boundary line, except from the 15th day of September to the 30th day of November, both days inclusive;
- Deer, moose, etc., north and west of French and Mattawa Rivers. (b) any deer, moose or caribou throughout that part of Ontario lying north and west of the French and Mattawa Rivers, other than the territory designated in clause *a* of this section, except from the 10th day of October to the 30th day of November, both days inclusive; provided, however, that on St. Joseph's Island in the District of Algoma, the open season shall be from the 15th day of November to the 30th day of November, both days inclusive;
- St. Joseph's Island. (b) any deer, moose or caribou throughout that part of Ontario lying north and west of the French and Mattawa Rivers, other than the territory designated in clause *a* of this section, except from the 10th day of October to the 30th day of November, both days inclusive; provided, however, that on St. Joseph's Island in the District of Algoma, the open season shall be from the 15th day of November to the 30th day of November, both days inclusive;
- Deer, moose, etc., south of French and Mattawa Rivers. (c) any deer, moose or caribou in that part of Ontario lying south of the French and Mattawa Rivers, except from the 1st day of November to the 30th day of November, both days inclusive;
- Grouse, etc. (d) any ruffed grouse (commonly known as birch partridge), Canada grouse (commonly known as spruce partridge), European gray partridge (commonly known as Hungarian partridge), pheasant, sharp-tailed grouse (commonly known as prairie chicken), prairie hen (commonly known as pinnated grouse), quail or wild turkey, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council;
- Woodcock. (e) any woodcock, except from the 15th day of September to the 30th day of November, both days inclusive;
- Wild goose and duck. (f) any wild goose or wild duck, except from the 1st day of September to the 15th day of December in any one year, both days inclusive, other than wood and eider duck, which may only be taken during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council;


- (g) any band-tailed pigeons, little brown cranes, sand-hill cranes, whooping cranes, swans, black-breasted and golden plover, Wilson or Jack snipe and the greater and lesser yellow legs and all shore birds, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council. Pigeons; cranes and other water fowl.


9.—(1) It shall be unlawful for any person to shoot, destroy, wound, molest, take or have in possession, or attempt to shoot, destroy, wound, molest, or take any bird protected by this Act and the Regulations, during an unlawful period, and any other wild native bird at any time, other than goshawks, sharp-shinned hawks, great-horned owls, crows, cowbirds, blackbirds (grackles) and house sparrows; Wild native birds.

(2) It shall be unlawful for any person to use, set or maintain any net, trap, snare, spring, cage or other appliance for the purpose of either capturing or killing any bird protected under the provisions of subsection 1, and such appliances may be destroyed by any person without incurring any liability therefor. Traps and snares illegal.

10.—(1) It shall be unlawful for any person to hunt, take, kill or have in possession the carcass, skin or any part of any beaver or otter, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council. Beaver and otter.

(2) It shall be unlawful for any person to hunt, take, or kill, or have in possession the carcass, skin or any part of any muskrat in that part of the Province lying south of the French and Mattawa Rivers, except from the 1st day of March to the 21st day of April, and in that part of the Province lying north of the French and Mattawa Rivers, from the 1st day of April to the 21st day of May. Muskrat.

 (3) It shall be unlawful for any person to hunt, take or kill, or have in possession the carcass, skin or any part of any fisher, marten or mink except between the 1st day of November and the 31st day of March, both days inclusive. Fisher, marten and mink.

(4) It shall be unlawful for any person to hunt, take or kill, or have in possession the carcass, skin or any part of a raccoon except between the 1st day of November and the 31st day of December, both days inclusive.  Raccoon.

(5) It shall be unlawful for any person to hunt, take, or kill, or have in possession the carcass, skin or any part of any black or grey squirrel except during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council. Black and grey squirrel.

PART IV.

LICENSES OR PERMITS REQUIRED.

Non-resident license.

11.—(1) Non-residents shall not hunt, take, kill, wound or destroy any animal or bird or carry or use a firearm or air gun for such purpose, except under the authority of a license, and in all actions and prosecutions under this subsection the possession of any fire-arm or air gun shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such animals or birds.

License to hunt, trap, etc.

(2) No resident shall hunt, take, trap, shoot, kill or molest, or attempt to hunt, take, trap, shoot, kill or molest, any fur-bearing animal except under the authority of a license or permit, but this shall not apply to a farmer or his sons trapping upon the lands of such farmer, animals other than beaver and otter during the various open seasons, nor shall this apply to the taking of bear and wolf, nor to fox taken by gun and dog.

Exception as to farmers.

Use of fire-arms without license prohibited in certain counties.

(3) Notwithstanding the provisions of subsection 2, every resident who uses any fire-arm or air gun for the purpose of hunting or shooting any protected or unprotected bird or animal in the counties of Welland, Lincoln, Wentworth, *Peel*, *Halton* and York, except under the authority of a license, shall be guilty of an offence against this Act, but this subsection shall not apply to farmers residing and hunting on their own farms, and in all actions and prosecutions under this subsection the possession of any fire-arm or air gun shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such birds or animals.

Exception as to farmers.

Cold storage license.

12.—(1) It shall be unlawful for any person to engage in the business of cold storage of game except under the authority of a license.

Hotel, restaurant or club license.

(2) It shall be unlawful for any hotel, boarding-house, camp, restaurant or club to be in possession of any game except under the authority of a license.

Game dealer's license.

(3) It shall be unlawful for any person to buy, sell or expose for sale game that may be legally sold, other than fur-bearing animals, except under the authority of a license, but this shall not apply to bear, but all pelts taken therefrom will be subject to the provisions of section 26 of this Act.

Purchase and sale of moose, deer, and caribou without license—exceptions.

(4) It shall be unlawful, except under the authority of a license, and as in this section expressly provided, for any person or any servant, clerk, or agent of such person, to buy, sell, expose or keep for sale, directly or indirectly, on any

pretence or device, for any valuable consideration, barter, give, or obtain, to or from any other person, any moose, deer or caribou wherever killed or procured; but the person who has actually and lawfully hunted, taken or killed any such animal may sell the same, or any part thereof, during the open season; and any person may buy from such person, or from the holder of a game dealer's license, any moose, deer or caribou which such person or licensee is at the time of sale authorized to sell under the provisions of this Act and the Regulations.

13. It shall be unlawful for any person to engage in, carry on or be concerned in tanning, dressing, plucking, dyeing, or in any way undertake to dress, tan, pluck or treat any fur-bearing animal or any raw or undressed skin or pelt of such animal upon which a royalty may be levied by the Government, except under the authority of a license. Fur dresser's and tanner's license.

14. It shall be unlawful for any person to hunt, take, kill, molest, wound or destroy any deer, moose, or caribou, except under the authority of a license. Deer license.

15. It shall be unlawful for any person to take, in any manner at any time, any fish or spawn from Provincial waters for the purpose of stocking, artificial breeding or for scientific purposes, except under the authority of a permit or special license. Special license or permit for taking fish or spawn.

16.—(1) It shall be unlawful for any person to capture fish by any means in the waters of Lake Nipigon, Fraser Creek and that portion of the Nipigon River lying north and west of Lake Helen in the District of Thunder Bay, except under the authority of a license. Licenses and regulations re Nipigon waters.

(2) This section and the conditions applicable to licenses, authorizing such fishing shall apply to all guides, boatmen, canoe men, camp assistants or helpers of any kind of a fishing party or person holding any such license. Application of section.

17. It shall be unlawful for any person to engage in, or carry on, or be concerned in trading, buying or selling, or soliciting trade, or to be in possession of fur-bearing animals or skins or pelts thereof, except under the authority of a license. Fur dealer's license.

18.—(1) It shall be unlawful for any person to breed or propagate game, or to be in possession of game for such purpose, except under the authority of a license for such period and on such terms and conditions as may be prescribed by License necessary to propagate game.

the Lieutenant-Governor in Council, provided, however, that the Minister may issue a permit to have in possession live game for scientific and educational purposes.

Permit to take game, etc., for educational or scientific purposes.

(2) It shall be unlawful for any person to take game during the close season for educational or scientific purposes, except under the authority of a permit issued by the Minister.

Guide's license.

19. It shall be unlawful for any person for hire, gain or reward, or hope thereof, to guide for hunting, shooting or *angling* parties, except under the authority of a license, which may be issued upon such terms and conditions as may be prescribed by the Lieutenant-Governor in Council, and any person who engages or employs any person by hire, gain, reward or hope thereof, for the purpose of guiding hunting, shooting or *angling* parties, who is not in possession of a current guide's license, shall be guilty of an offence against this Act.

Illegal transfer of license.

20.—(1) A license shall not be transferable and every person who buys, sells, exchanges or in any way becomes a party to the transfer of any license or shipping coupon, or in any way uses or attempts to use a license or coupon issued to any other person shall be guilty of an offence against this Act.

Cancellation of license.

(2) A license may be cancelled by the Deputy Minister, subject to appeal to the Minister, for a contravention by the licensee, or by any person with his connivance, of this Act or of the Regulations, or of any of the terms and conditions of the license, notwithstanding that no prosecution has been instituted or conviction had in respect of such contravention.

License discretionary.

(3) The issue of a license shall be in the discretion of the Deputy Minister, subject to appeal to the Minister.

Production of license on demand.

(4) It shall be unlawful for any person who has obtained a license or permit under the provisions of this Act and the Regulations to refuse to produce or show such license or permit to any officer of the Department as often as reasonably requested, and upon failure or refusal, such license or permit shall be forfeited.

Trapping licenses issued only to residents.

(5) It shall be unlawful for any person who is not a resident to be in possession of a license to hunt and trap fur-bearing animals, provided, however, that a non-resident hunting license will permit the holder thereof to take bears and wolves.

PART V.

LICENSE^{FEES}.

21. A license may be issued,—

Hunting
licenses.

- (a) to non-residents to hunt and shoot, and the fees for such licenses shall be,— Non-residents.

\$20—For license to hunt and shoot game birds and rabbits by non-residents, together with a fee of \$1 for the issuing of same.

\$40—For license to hunt and shoot by non-residents, together with a fee of \$1 for the issuing of same;

- (b) to a resident of Ontario to hunt deer and the fee for such license shall be \$3.50, together with a fee of fifty cents for the issuing of same, provided, however, that a farmer actually living upon and tilling his own land in the districts of Haliburton, Muskoka, Parry Sound, Nipissing and Manitoulin and that part of the Province lying north and west thereof, may kill one deer for his own use during the regular open season upon paying a license fee of eighty cents, together with a fee of twenty cents for the issuing of same, but only one farmer's deer license may be procured by each household, and deer taken thereunder must not be sold or bartered; Residents of Ontario.
- (c) to organized hunting camps of residents of Ontario, of not less than six in number, and one license for every six holders of resident deer licenses in organized hunting parties, and the fee for such license shall be \$3.50, together with a fee of fifty cents for the issuing of same; Organized hunting camps.
- (d) to a resident of Ontario to hunt moose or caribou, and the fee for such license shall be \$5.50, together with a fee of fifty cents for the issuing of same; Moose and caribou.
- (e) to a resident of Ontario not under fifteen years of age to use fire-arms or air guns for hunting purposes as demanded under the provisions of subsection 3 of section 11, and the fee for such license shall be \$1.75, together with a fee of twenty-five cents for the issuing of same; For use of fire-arms in certain counties.

Hunt and trap.

(f) to a resident of Ontario to hunt and trap fur-bearing animals, and the fee for such license shall be \$4.50, together with a fee of fifty cents for the issuing of the same.

22. A license may be issued—

Cold storage.

(a) to any person engaged in the business of cold storage of game, and the fee shall be in cities \$10, and in towns and all other municipalities \$5;

Game dealers.

(b) to any person to buy and sell any game that may be legally sold, other than fur-bearing animals (excepting bear) and the fee shall be in cities \$10, and in towns \$5, and in all other places \$2;

Hotels, restaurants, or clubs.

(c) to any hotel, boarding-house, camp, restaurant or club to buy, sell, or be in possession of any game, that may be legally sold, other than fur-bearing animals (excepting bear) and the fee shall be in cities \$10, and in towns \$5, and in all other places \$2.

Fur dealers' licenses.

23. A license may be issued to any person to buy and sell fur-bearing animals or the skins or pelts thereof, and the fees for such licenses shall be:

For a resident British subject on specific premises, to be known as "Store" license.....	\$25 00
For a resident British subject where premises are not designated, to be known as "Travelling" fur buyer.....	100 00
For a resident of the Province who is not a British subject, and for a non-resident.....	200 00
For a resident British subject on specific premises, to be known as "Wholesale" license.....	100 00
For non-resident wholesale buyers purchasing direct from holders of a "Wholesale" license	5 00
For a resident British subject purchasing for personal use, restricted as to time and quantity, to be known as "Restricted" license...	1 00

Tanner's license.

24. A license may be issued to any person engaged in the business of dressing, plucking, dyeing, tanning or other process of curing skins of fur-bearing animals, and the fee for the same shall be \$10.

Angling licenses, Nipigon waters.

25. A license may be issued to residents of Ontario to angle in the waters set forth in section 16, for every two weeks or portion thereof, and the fee shall be \$5, together with a fee of fifty cents for the issuing of same, and a license

may be issued to non-residents of Ontario to angle in the waters set forth in section 16, and the fee shall be \$10 for every week or any portion thereof, together with a fee of fifty cents for the issuing of same.

PART VI.

ROYALTIES ON FUR-BEARING ANIMALS OR PELTS THEREOF.

26. It shall be unlawful for any person to ship to any point outside of the Province, or attempt to take or ship to any point outside of the Province any fur-bearing animal or raw or undressed skin or pelt thereof, or to have such animal, skin or pelt sent to a tanner or a taxidermist to be dressed or plucked or treated in any way, without first having obtained a license from the Department, and paying a royalty on each and every animal, skin or pelt, as follows: Royalties.

Bear.....	\$0 60	Marten.....	\$1 00
Beaver.....	1 00	Mink.....	25
Fisher.....	1 50	Muskrat.....	05
Fox (cross).....	1 50	Otter.....	2 00
Fox (red).....	75	Raccoon.....	10
Fox (silver or black)	5 00	Skunk.....	10
Fox (white).....	1 50	Weasel (Ermine)...	05
Fox (not specified)..	50	Wolverine.....	40
Lynx.....	50		

Such royalties apply to any pelts that may become damaged or destroyed by any means, but shall not apply to fox bred on fur farms operating within the Province under the authority of a license issued by the Minister, provided that satisfactory proof is furnished by the fur farm licensee, nor shall such royalties apply to pelts imported from outside of the Province, if an affidavit is furnished proving their place of origin to the satisfaction of the Department.

PART VII.

MISCELLANEOUS.

27. Notwithstanding anything in this Act, a person who puts, breeds or imports game, other than fur-bearing animals, upon his own land for the purpose of breeding and preserving the same, may hunt, take or kill any such game during the regular open seasons for the territory in which such game is kept, but the onus of proof that the game was so put or bred shall rest on the person hunting or killing the same. Special provision as to shooting.

28.—(1) It shall be unlawful for any person to shoot or spear any muskrat, beaver or otter at any time, or to cut, spear, break or destroy at any time a muskrat or beaver house or beaver dam, or set or place a trap closer than five Governing the taking of muskrat, beaver and otter, and protection to muskrat and beaver houses.

feet to a beaver house or muskrat house, burrow, feed-house or push-up.

Dens of fur-bearing animals.

(2) It shall be unlawful for any person to molest or destroy a den or usual place of habitation of any fur-bearing animal, other than wolf.

Possession of unprime skins unlawful.

(3) Without lawful excuse, it shall be unlawful for any person to have in possession or in the possession of his servant or agent, or any other person on his behalf at any time the skins of fur-bearing animals protected by this Act, while such skin is in an unprime condition, except skins of muskrat taken in accordance with subsection 1 of section 29.

When destruction of fur-bearing animals lawful.

29.—(1) Nothing in this Act shall apply to any person destroying any fur-bearing animal, other than beaver, on his own lands in defence or preservation of his property by any means at any time, but skins so taken, of animals in respect of which there is a close season *shall* be reported to the Department within ten days after the animals have been taken and shall not be offered for sale or barter during the close season except under the authority of a permit issued by the Deputy Minister, and any fur dealer possessing such skins *shall* hold the permit so issued, and forward same to the Department when applying for a license to ship out of the Province or to dress or tan the skins.

Onus of proof.

(2) The onus of proving the justification under the next preceding subsection shall be on the person destroying any such animals.

Beaver doing damage.

(3) The Deputy Minister may at any time by order in writing direct the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in Ontario in which, in the opinion of the Deputy Minister, beaver are causing damage to a highway or to private property, but all beaver so taken or killed shall be duly accounted for and handed over to the Department.

Calves of moose and caribou, also female moose,—not to be taken.

30. It shall be unlawful for any person at any time to hunt, kill, take or molest any female moose of any age, or any male moose under the age of one year, or any caribou under the age of one year.

Number of deer, etc., which may be taken by residents.

31.—(1) It shall be unlawful for a resident during any one year or season to kill or take more than one deer under a resident deer license, and one bull moose or caribou over one year of age, under the authority of a moose license, but this shall not apply to deer which are the private property of any resident, and which have been killed or taken by him or by his direction or with his consent in or upon his own land in accordance with the provisions of section 27 of this Act.

(2) It shall be unlawful for a non-resident during any one year or season to kill or take more than one deer and one bull moose or caribou, under the authority of a non-resident hunting license. Number of deer, etc., which may be taken by non-residents.

(3) Two or more persons hunting together and holding licenses may kill an aggregate of not more than one deer for each member of the party, but this shall not apply to deer taken by residents under the authority of a special camp license, which entitles organized resident hunting parties to kill one deer to be eaten in camp, and such license may be issued to every six residents. Aggregate kill.

32.—(1) No owner of any dog shall permit such dog to run at large during the close season for deer in a locality where deer usually inhabit or are found. Restraint of dogs.

(2) Any person harbouring or claiming to be the owner of such hound or dog shall be deemed to be the owner thereof; and any dog found running deer during the close season shall be deemed to be at large with the permission of the owner and may be killed on sight by any person, and he shall not be liable to any penalty or damage therefor. Idem.

(3) Any person or persons who has lost a dog used in hunting deer or is unable to find such animal at the termination of the hunt shall report the loss to the Department in writing at once, giving a description of the dog and the locality in which the loss occurred. Lost dogs.

33. No person who has taken or killed any bird or animal suitable for food shall allow the flesh thereof to be destroyed or spoilt, and no person who has killed or taken a fur-bearing animal shall allow the skin thereof to be destroyed or spoilt. Flesh and skin not to be wasted.

34. It shall be unlawful for any person during the close season to have in possession or in the possession of his servant or agent, or of any other person on his behalf, any game, wherever killed or procured, except that,— Possession of game in close season.

(a) any deer, moose, caribou and birds protected by this Act and the Regulations, lawfully killed or procured, may be kept during the period between the end of the open season in any year and the 31st day of March in the following year, unless otherwise provided for under the Regulations;

(b) any skins or pelts of fur-bearing animals taken in the Province of Ontario may be had in possession during the close season under the authority of a

holding permit, provided, however, that such holding permit must be applied for within ten days after the end of the open season; and the skins or pelts of fur-bearing animals taken outside of the Province of Ontario may be had in possession during the close season under the authority of a holding permit which must be applied for within forty-eight hours after such pelts are received.

Hunting ducks, etc.

35.—(1) No wild duck, goose or other water fowl shall be hunted, taken, chased or killed from an aeroplane, sail-boat, yacht or launch propelled by steam or other power.

Illegal contrivances.

(2) No swivel gun, or gun of any kind of a larger bore or gauge than 8, and no contrivance for taking or killing wild swans, geese or ducks, known as monitors, sunken punts or batteries, or boats of any kind other than ordinary row-boats and canoes propelled by hand shall be used at any time.

Blinds or decoys.

(3) No blinds or decoys for use in hunting ducks or other water fowl shall be placed at a greater distance than two hundred yards from the shore or a natural rush bed thick enough to conceal a boat, or from a water line bounding private property, and all decoys shall be removed from the water during the hours in which shooting is prohibited, and no person shall set out more than one flock of decoys, and no flock of decoys shall consist of more than fifty, and no two flocks shall be placed nearer each other than one hundred yards, but this shall not apply to two persons hunting together who may place an aggregate of one hundred decoys in a flock.

Limit on number of ducks to be taken.

(4) No person shall take or kill more than twenty-five wild ducks in any one day, and not more than two hundred wild ducks in any one year.

Purchase or sale of wild ducks, etc., prohibited.

(5) It shall be unlawful for any person to sell or purchase any wild ducks, wild geese, or other water fowl, snipe, quail, woodcock, pheasant, European gray partridge (commonly known as Hungarian partridge), ruffed grouse (commonly known as partridge), prairie chicken, pinnated grouse, *deer, moose or caribou*, or to expose such *animals*, birds or fowl on any commercial premises, or for any restaurant, camp, boarding-house, hotel or club to have such birds served or mentioned on a bill of fare.

Use of poisons prohibited.

36. It shall be unlawful for any person to take, or kill, or attempt to take or kill, any game by use of poison, or for a trapper to be in possession of poison.

Deer, etc., not to be taken by traps and snares.

37. It shall be unlawful for any person to trap or take any deer, moose, caribou or any game bird protected by this Act and the Regulations, by means of traps, nets, snares,

baited line or other similar contrivances, or set such traps, nets, snares, baited line, or contrivance for such animals or birds at any time, and if so set, may be destroyed by any person without incurring any liability for so doing.

38. It shall be unlawful for any person to discharge any air gun, gun or other fire-arm in any locality where game is usually found between sunset on Saturday night and sunrise on Monday morning following (Standard time), or between sunset and sunrise (Standard time) at any other time. When shooting prohibited.

39. It shall be unlawful for any person for hire, gain or reward or hope thereof, to hunt, kill or shoot any game, or employ, hire or for valuable consideration induce any other person so to do. Shooting for hire prohibited.

40. It shall be unlawful for any person to take, destroy or have in possession at any time any live bird protected by this Act and the Regulations, or the eggs or nests of such birds, but this shall not apply to any person who is in possession of a license or permit issued or approved of by the Department to engage in the business of propagating such birds, or to take or have in possession such birds' eggs or nests for educational or scientific purposes. Live birds, eggs and nests not to be taken.

41. It shall not be lawful for any person at any time to carry a loaded air-gun, shotgun or rifle in or on, or discharge the same from a motor car or other vehicle, and an air-gun, shotgun or rifle carrying loaded shells or cartridges in the magazine shall be deemed to be loaded within the meaning of this section. Prohibiting carrying loaded fire-arms in motor cars, etc.

42. It shall be unlawful for any person to hunt or carry for that purpose any shotgun of the description known as "automatic" in which the recoil is utilized to reload the gun. Automatic shot-guns prohibited.

43.—(1) It shall be unlawful for any person employed in any lumber camp or in connection with the construction or maintenance of any railway or public work to have in possession in the vicinity of such lumber camp, railway or other public work, any gun or other fire-arm except as may be authorized by special permit, but this shall not apply to a resident employed by a railway company, provided that such employee does not carry or be in possession of a fire-arm on a railway velocipede or handcar, whether propelled by hand or motor power. Certain employees not to carry or possess fire-arms.

(2) The special permit may be subject to such terms as the Deputy Minister may direct, and the ordinary hunting license provided for in this Act shall be deemed to be a license or permit under this section. Nature of permit to do so.

Interfering with notices prohibited.

44. It shall be unlawful for any person to tear down, remove, injure, deface or interfere with any notice or sign posted or placed under the authority of this Department.

Setting apart waters for the propagation of fish.

45. The Minister may authorize to be set apart any waters for the natural or artificial propagation of fish.

Fishing in protected waters prohibited.

46.—(1) It shall be unlawful for any person to take fish by any means in any waters protected by this Act and the Regulations, or in waters set apart for the propagation of fish, but this shall not apply to the taking of fish under authority given by the Department for the stocking and rearing of fish for public waters.

Nets or poles to be marked with name of owner.

(2) Every net that is set for the taking of fish, shall have attached thereto a buoy at each end, when in use, and every pole used for setting baited hooks, pursuant to the Regulations, shall have the name of the owner legibly marked on two pieces of metal or wood, attached to it, and the marks shall be preserved on such nets or poles during the fishing season so as to be visible without taking up the nets or poles, and any net or any such pole without such marks, together with the hooks attached thereto, shall be liable to confiscation.

Joint liability of owner and agent.

(3) Where a fishery is in charge of any person other than the owner, either as occupant or servant, and any of the provisions of this Act and the Regulations are contravened by any such person or by any owner, they shall be jointly and severally liable for all penalties incurred and all money recoverable in respect of such contravention.

Disputes, adjustment of.

(4) Disputes between persons relative to fishing limits, or claims to fishery locations or stations, or to the position and use of nets and other fishing apparatus, shall be settled by the local overseer subject to appeal to the Deputy Minister.

Restriction on angling in licensed waters.

(5) It shall be unlawful for any person to angle for purposes of sale or traffic in fishing grounds or waters licensed for the express purpose of net fishing and occupied by the licensee for such purpose, or to angle for any purpose within twenty-five yards of a pound net.

Transfer of license.

47.—(1) It shall be unlawful for any person to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act and the Regulations, without the written consent of the Deputy Minister.

Licensee or permittee not entitled to compensation in case of error.

(2) If an error has been made in the issuing of any license or permit from any cause, such license or permit may be cancelled by the Deputy Minister, but the licensee or permittee shall have no claim for indemnity or compensation in

connection therewith, other than the adjustment of any excess fee collected.

48. It shall be unlawful for any hotel, restaurant, boarding house, camp or club to serve as a part of a meal any game or fish under any pretended name, or to serve any article of food under a false name and classified as any game or fish, the sale of which is prohibited under the provisions of this Act and the Regulations.

Supplying under pretended name unlawful.

49. It shall be unlawful for any employee of a railway company, express company, or other common carrier, or any person engaged in the business of cold storage, or dealing in game and fish, lumbering, or in charge of any camp near any fishery or near any place where game is usually found, or any person holding a license or permit issued by this Department, or any person owning or in charge of a motor vehicle to refuse any officer permission to enter and inspect any railway car, building, premises, enclosure or motor vehicle, or any receptacle, for the purpose of examining all game and fish taken, and all implements and appliances for hunting and fishing; or any such person named in this section to refuse an officer to examine any book, invoice or document containing any entry or memorandum relating to fish and game, which the officer suspects to be illegally killed or possessed; and all such parties shall afford every reasonable facility for such search, and in the case of a refusal, the officer may, without a search warrant, break any lock or fastening that may be necessary in order to conduct such examination.

Inspection to be facilitated by licensees, permittees and others.

50.—(1) It shall be unlawful for any railway or express company, or other common carrier, or any other person or persons to transport or cause to be transported, or receive or have in possession any deer, moose or caribou, or any head, or other part thereof, unless there is attached thereto one of the shipping coupons belonging to a license, but this shall not apply to shipments of pelts from such animals legally taken.

Transporting deer, moose or caribou.

(2) It shall be unlawful for any railway or express company, or other common carrier, or any other person or persons to transport, or cause to be transported, or receive or have in possession any deer, moose or caribou, or any part thereof, during the close season, or after the expiry of the shipping coupon attached thereto, except under the authority of a permit issued by the Department.

Transporting deer, moose or caribou in close season.

(3) If an affidavit, satisfactory to the Department, is furnished, a permit may be issued at any time to transport moose, deer or caribou, or any part thereof, that has been legally taken.

Deer, moose, etc.—without shipping coupon.

Coupons to be attached to hunting license.

51.—(1) There shall be attached to every hunting license one or more shipping coupons plainly marked with the description of the game for hunting which the license is issued, and there shall be printed or stamped upon the coupon the date when it will expire, which shall not be later than four days after the last day of the open season for which the license is issued.

Detachment and cancellation of.

(2) Where any deer, moose or caribou, or any part thereof, is presented for shipment a coupon shall be detached from the license and signed by the person to whom the license is issued in the presence of the shipping agent or clerk in charge of the office at such point of shipment, and attached to each deer or other animal or part thereof, or to the receptacle in which it is contained, and thereupon such shipping agent or clerk shall write across the face of the coupon the word "cancelled," provided, however, where any deer, moose or caribou or any part thereof is being transported other than by a common carrier, the coupon must be attached to such animal and cancelled by the licensee before transporting same.

Contra-vention.

(3) It shall be unlawful for any person to contravene any provision of the next two preceding subsections, or use a coupon after the expiry thereof, or ship or assist in the shipping of anything without a coupon to which a coupon is required.

Game imported.

52. Nothing contained in this Act or the Regulations shall prevent the importation of game if accompanied by an affidavit satisfactory to the Department, that the same was legally taken.

Transporting fish or game illegally caught.

53. It shall be unlawful for any railway or express company or other common carrier, or any other person, to receive or have in possession, or to ship or transport to any point or place any fish or game caught or killed within Ontario at a time or in a manner prohibited by law.

Export permits for fish or game.

54. The Department may issue permits not inconsistent with any law of the Dominion of Canada, authorizing the exportation from the Province or the transportation within the Province, at any time, of any fish or game whether alive or dead.

Marking receptacles for fish or game.

55. All receptacles, including bags, boxes, baskets, crates, hand baggage, trunks, packages and parcels of every kind in which the skins of fur-bearing animals or the skins or pelts of protected animals, game or fish are packed for transportation shall be plainly marked on the outside in such manner as to give a list and description of the contents, and the name and address of the consignee and consignor, and this applies to

pelts, skins, game or fish when being transported by hand or otherwise, and shipments of skins or pelts of fur-bearing animals can only be made either by express or by parcel post.

56.—(1) It shall be unlawful for any non-resident, entitled to hunt or shoot in Ontario by virtue of a license under this Act, to export in any one open season game actually and lawfully killed by him in excess of the following: One deer, one bull-moose or caribou, one hundred ducks, and bears or bear pelts provided an export permit has been secured, and in accordance with the provisions of section 26 of this Act, when exporting bear or bear pelts.

Exporting deer, etc., by holders of non-resident licenses.

(2) The shipping coupon belonging to such license shall be attached to every such animal and to the receptacle containing it or any part of it, or containing any ducks.

57. The Minister may direct the refund of the fee paid for any license, or any part of such fee, where, owing to the license not having been used, or having been used for part only of the period for which it was issued he deems it just so to do, and the Treasurer of Ontario, upon the written request of the Minister, shall cause a cheque to be issued for the amount of such refund.

Refunding fee.

58.—(1) The Minister may, by the officers and employees of the Department, take from the waters of Ontario fish of any kind, and may cause the same to be stored, transported, distributed and sold in such quantities and at such prices and upon such terms as the Minister may determine.

Taking and dealing with fish.

(2) The Minister may employ such officers, clerks and servants as he may deem necessary for the purposes of this section, may define their duties and powers and fix the salaries or other remuneration payable to them.

Appointment of officers, clerks and servants.

(3) The expenses of carrying out this section shall be payable out of any moneys appropriated by the Legislature for that purpose, and any moneys received from sales or otherwise under this section shall be duly accounted for and be paid over into the Consolidated Revenue Fund.

Expenses, how payable.

PART VIII.

ADMINISTRATION.

59.—(1) There shall be a Deputy Minister of Game and Fisheries, officers, servants and other persons, who shall be appointed by the Lieutenant-Governor in Council, and shall perform such duties as may be assigned to them by the Minister or the Deputy Minister.

Deputy Minister, and others.

Oath.

(2) The Deputy Minister shall, before entering upon his duties, take and subscribe an oath to faithfully perform the same, which shall be administered by the Minister or by some person appointed by the Lieutenant-Governor in Council for that purpose.

Game and Fisheries Branch to be a department within the meaning.

(3) For the purposes of *The Public Service Act*, the Game and Fisheries Branch shall be deemed a Department and the Deputy Minister shall have and perform the like powers and duties as are conferred or imposed upon a Deputy Minister by that or any other Act in like cases.

Oath to be taken before acting.

(4) An officer shall, before acting, take and subscribe the following oath:

I, A. B., Inspector (*or as the case may be*) appointed under the provisions of *The Ontario Game and Fisheries Act*, do swear that to the best of my judgment I will faithfully, honestly and impartially execute and perform the office and duty of such Inspector (*or as the case may be*), according to the true intent and meaning of *The Ontario Game and Fisheries Act* and the Regulations.

So help me God.

Officers authorized to act as justices of the peace.

(5) The Deputy Minister, Assistant Deputy Minister, inspectors and district wardens shall be justices of the peace in and for every county or district for the purposes of this Act and the Regulations, and may take informations and issue warrants or summonses in any county or district, returnable in the county or district in which the offence is alleged to have been committed.

Officers appointed.

60.—(1) Subject to the approval of the Minister, the Deputy Minister may appoint such officers, servants and other persons as he may deem necessary for the enforcement of the provisions of this Act and the Regulations, and to determine the remuneration to be paid for the services of such officers, servants and other persons, and may in his discretion dismiss any of them.

Officers' powers.

(2) An officer shall have the authority of a constable for the purposes of this Act and the Regulations, and shall have authority to stop and search, without a search warrant, any vehicle, boat or launch where the officer has reasonable grounds to believe such vehicle, boat or launch contains any fish or game illegally taken.

Arrest on view

(3) Every officer on view of a violation of this Act or the Regulations, may arrest the person committing same, without process, and bring him with reasonable diligence before a competent court to be dealt with according to law.

(4) Every officer, if he has reason to suspect and does ^{Duty to search.} suspect that game or fish have been killed, taken or shipped or are had in possession contrary to the provisions of this Act or the Regulations, and are contained in any trunk, box, bag, parcel or receptacle, shall open the same, entering all premises, which under the provisions of this Act he is authorized to enter, and using necessary force, in case the owner or person in charge obstructs or refuses to facilitate his search, and if such officer has reason to believe and does believe that it is necessary to enter any store, private house, warehouse, railway car or building, which he is not under the provisions of this Act authorized to enter without a search warrant, he shall make a deposition, before a justice of the peace, and demand a search warrant to search such store, private house, warehouse, railway car or building, and thereupon such justice of the peace may issue a search warrant.

(5) Every officer shall forthwith seize all game and fish ^{Duty to seize.} and all boats, vehicles, motor cars, aeroplanes, air guns, guns, decoys, nets, lines, tackle, appliances, materials and articles used or had in possession contrary to the provisions of this Act or the Regulations, and shall deal with them according to law.

(6) Every officer shall investigate all violations of this Act ^{Duty to investigate and prosecute.} or the Regulations brought to his notice, and prosecute every person whom he may have reasonable cause to believe guilty of any offence.

(7) In the discharge of his duties, every officer and every ^{Right of passage.} person by him accompanied, or authorized for that purpose, may enter upon and pass through or over private property, without being liable for trespass.

(8) Every officer may inspect all camps occupied by ^{Inspection of camps.} angling and hunting parties, and may direct what arrangements shall be made in regard to sanitary matters, the disposal of refuse and the extermination of fires.

(9) Any person who obstructs, hinders, delays or inter- ^{Obstructing officers in the discharge of their duty.} feres with an officer in the discharge of his duty, by violence or by means of threats, or by giving false information, or in any other manner, shall be guilty of an offence against this Act.

(10) It shall be unlawful for any officer or other person ^{Neglect to fulfill duties.} authorized to enforce the provisions of this Act and the Regulations, to neglect or refuse to perform any of the duties pertaining to his office.

(11) Any officer who maliciously abuses his power shall be ^{Abuse of power.} guilty of an offence against this Act.

Deputy
Game and
Fishery
Wardens—
appoint-
ment, etc.

61.—(1) Subject to the approval of the Minister, the Deputy Minister may appoint deputy game and fishery wardens, in and for any part of Ontario, and may in his discretion dismiss them, but all such appointments shall expire annually on the 31st day of December.

Remunera-
tion.

(2) Deputy game and fishery wardens shall be appointed without salary.

To have the
authority of
constables.

(3) Deputy game and fishery wardens shall have the authority of constables for the purposes of this Act and the Regulations.

PART IX.

Prohibition
as to enter-
ing standing
grain.

62.—(1) It shall be unlawful for any person at any time to enter with any sporting implements in his possession, or permit his dog to enter into any growing or standing grain without the permission of the owner, or to hunt, shoot or with any sporting implement in his possession go upon any enclosed or unenclosed land after having had notice not to hunt or shoot thereon.

(a) In this section "owner" shall mean and include every person being the owner of an interest in any land entitling him to the possession thereof, but shall not include the holder of a timber license.

Notice of
prohibition.

(2) The notice may be given,—

(a) in writing;

(b) by maintaining sign-boards at least one foot square and not more than eighty rods apart on or near the boundary of the land intended to be protected, or upon the shores of any water covering the same, or any part thereof, containing a notice in the following form or to the like effect: "Hunting or shooting is prohibited."


Unlawful
erection of
notices.

(3) It shall be unlawful for any person,—

(a) without authority to put up or cause to be put up any such notice on any land of which he is not the owner or to the possession of which he is not entitled; or

(b) to tear down, remove, injure, deface or interfere with any notice lawfully put up.

Section not
to affect
remedy at
common law
for trespass.

(4) Nothing in this section shall limit or in any way affect the remedy at common law of any owner for trespass. 

PART X.

PROCEDURE—EVIDENCE—PENALTIES.

63.—(1) Prosecutions for offences against or for the recovery of penalties imposed under the authority of this Act, or *The Dominion Fisheries Act* or the Special Fishery Regulations for Ontario, may be brought and heard before any person authorized by this Act to act as a justice of the peace, notwithstanding anything in any other Act or Acts, or before any police magistrate for the county, district, village, town or city in which the offence was committed, or if near any boundary between the different counties or districts, then in either.

Prosecutions, before whom taken.

(2) The information or complaint shall be laid within twelve months after the commission of the offence, except in the case of a prosecution for omissions to make any return required by this Act or the Regulations.

Limitation.

(3) A contravention of this Act or of the Regulations or the terms or conditions of a permit or license shall be and may be stated as an offence against this Act.

Offences.

(4) The description of an offence, in the words either of this Act or of the Regulations, or in any similar words, shall be sufficient, and an information or complaint may be for two or more offences.

Description of offence.

(5) Any person authorized by this Act to act as a justice of the peace for the purposes thereof, may upon his own view convict for any offence against this Act or the Regulations.

Conviction on view.

(6) A violation of this Act or the Regulations shall constitute a separate offence in respect of each animal or bird which is the subject thereof.

Separate offences.

(7) Upon the trial of any prosecution under this Act or the Regulations, the justice shall, if it appears that more than one offence of the same kind was committed at the same time, or on the same day, impose all the penalties in one conviction.

Offences of same kind on same day.

(8) The justice shall, by the conviction, adjudge that the offender be imprisoned for any term not exceeding three months unless the penalty, the costs and charges of prosecution and commitment, and of conveying the offender to prison, are sooner paid.

Committal on non-payment of fine.

(9) A conviction or order made in any manner arising under this Act or the Regulations, either originally or on appeal,

Defects of form.

shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorized to appeal, shall not be removed by *certiorari* or otherwise either at the instance of the Crown or any private person into the Supreme Court.

Procedure,
1926, c. 31.

(10) In all prosecutions under this Act or the Regulations, save when herein otherwise provided, the procedure shall be governed by *The Ontario Summary Convictions Act, 1926*.

Onus of
proof.

64.—(1) In all actions and prosecutions under this Act or the Regulations, or regarding conditions of licenses or permits, the onus shall be upon the person to prove that such game, fish, or any part thereof, was lawfully taken, killed or procured.

Finding
nets to be
evidence.

(2) The finding of any net, fishing device or other article set in violation of this Act or the Regulations, shall be *prima facie* evidence of the guilt of the person owning, possessing or operating the same.

Possession,
etc.

(3) In all actions and prosecutions under this Act or the Regulations, the possession of a gun, decoy, or other implement for shooting or hunting in or near any place where any game is likely to be found, shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such game.

Penalty for
violation of
license or
permit.

65.—(1) Any licensee or permittee who violates the conditions of his license or permit, shall for each offence incur a penalty of not less than \$10 and not more than \$300.

Penalties as
to deer, etc.

(2) Any person who commits an offence against the Act or the Regulations in respect of deer, moose or caribou, shall for each such offence incur a penalty of not less than \$20 and not more than \$100.

Penalties as
to beaver,
otter, fisher
or marten.

(3) Any person who commits an offence against this Act or the Regulations in respect to beaver, otter, fisher or marten, or the skins or pelts of such animals (other than the exporting thereof) shall for each such offence incur a penalty of not less than \$20 and not more than \$100 for each pelt the subject thereof.

Penalties as
to exporting
beaver,
otter, fisher
or marten.

(4) Any person who commits an offence against this Act or the Regulations in respect to the exporting of beaver, otter, fisher or marten, or the skins or pelts thereof, shall for each offence incur a penalty of not less than \$30 and not more than \$200 for each skin or pelt the subject thereof.

(5) Any person who commits an offence against this Act or the Regulations in respect to any fur-bearing animal upon which a royalty is levied under the provisions of section 26 (other than beaver, otter, fisher, or marten) shall for each such offence incur a penalty of not less than \$1 and not more than \$20 for each skin or pelt the subject thereof. Penalties as to fur-bearing animals other than beaver, otter, fisher or marten.


(6) Except as herein otherwise provided, any person who commits any offence against this Act or the Regulations, shall for each such offence incur a penalty of not less than \$10 and not more than \$100. Penalties.


(7) Any person who after having been convicted of an offence against this Act, or the Regulations, within two years again offends against this Act or the Regulations, shall incur a penalty of not less than double the minimum penalty provided for the offence, and upon a third or subsequent conviction at any time thereafter shall incur a penalty of not less than the maximum penalty provided for the offence. Second and third offences.

(8) Any person convicted of obstructing, hindering, delaying or interfering with an officer in the discharge of his duty by violence or by means of threats, or by means of giving false information or in any other manner, shall for each such offence incur a penalty of not less than \$100 and not more than \$500. Obstructing officers.

(9) No justice shall have power to remit any penalty or to reduce the amount of the penalty in case of conviction, provided, however, that when the conviction amounts to more than \$200 the Minister may remit the excess thereof. Remission or reduction of penalties.

66.—(1) All motor vehicles, aeroplanes, guns, ammunition, boats, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle and all appliances of every kind used for hunting and fishing, and all game and fish, together with packages, crates or containers of every description found in the possession of any person deemed to have committed an offence against this Act or the Regulations shall be seized, and upon conviction be forfeited and become the property of His Majesty in the custody of the Department, to be sold; provided, however, that where a seizure has been made from an unknown party, or where no legal action has been taken regarding any seizure where a violation of this Act or the Regulations has occurred, the Department may sell any article seized. Seizure and confiscation of game and other property.

 (2) Any seine net found in or in the vicinity of waters in which fishing by seines is prohibited, or found in or in the vicinity of waters in which fishing by seines is permitted, Unlicensed seines to be seized.

where such net is not claimed within two days by a person who is licensed so to fish, shall be seized and forfeited and become the property of His Majesty in the custody of the Department to be sold. 

Relief from forfeiture in certain cases.

(3) Where the Minister is satisfied that the seizure or confiscation of any article or thing would work undue hardship or injustice and the value of such article is in excess of \$100, the Minister may grant relief against such forfeiture and direct the return of the article or thing to the person from whom the same has been taken, upon such terms as he may deem just.

Disposal.

(4) The Deputy Minister may authorize any officer to destroy any article placed under seizure that is at all times unlawful, or any article having no commercial value, and may also authorize any perishable game or fish to be given to any charitable institution.

Conviction to cancel license.

(5) A license or permit held by any person convicted of an offence against this Act or the Regulations, or the Dominion Special Fishery Regulations for the Province of Ontario, shall be deemed to be cancelled upon conviction, without further action or notice, but the Minister may authorize the reinstatement of any license or permit where the cancellation thereof has been made by reason of a first conviction for an offence against the provisions of this Act or the Regulations during a period of two years.

Repeal.

67. The following Acts and parts of Acts are hereby repealed:

- R.S.O. 1914, chapter 262—The whole.
- 1914, Chapter 46—The whole.
- 1915, Chapter 20, Section 23.
- 1916, Chapter 60—The whole.
- 1917, Chapter 27, Section 37.
- 1918, Chapter 48—The whole; Chapter 49—The whole.
- 1919, Chapter 72—The whole.
- 1920, Chapter 97—The whole.
- 1921, Chapter 87—The whole.
- 1922, Chapter 97—The whole.
- 1924, Chapter 80—The whole.
- 1925, Chapter 76—The whole.
- 1926, Chapter 64—The whole.

Commencement of Act.

68. This Act shall come into force on the day upon which it receives the Royal Assent.





No. 84.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Game, Fur-bearing
Animals and Fisheries of Ontario.

1st Reading, 3rd February,	1927.
2nd Reading, 4th February,	1927.
3rd Reading,	1927.

(Reprinted with Amendments for Consideration by Committee of the Whole House.)

MR. MCCREA.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Wolf Bounty Act, 1924.

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 Wolf Bounty Act, 1927*. Short title.
2. Section 5 of *The Wolf Bounty Act, 1924*, is repealed and 1924, c. 81, s. 5, repealed. the following substituted therefor,—
 5. Where in any county a person has killed a wolf and produces the whole skin of the same, within a period of six months after the killing of the wolf, before the treasurer of the county, or before a police magistrate, district warden or such officer as the Minister may appoint, together with an affidavit in the form supplied by the Department, stating the place where and the date when the wolf was killed and that such wolf was not kept in captivity while it was under the age of three months, together with such other particulars as may be required, the treasurer, police magistrate, warden or officer shall give to the person producing the skin, a certificate in the form provided by the Department. Proof of killing by applicant for bounty.
3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

No. 85.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Wolf Bounty
Act, 1924.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. McCREA

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act relating to the Registration and Protection
of Fur-bearing Animals.

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 Fur-bearing Animals* Short title.
Registration and Protection Act, 1927.

2. In this Act,—

Interpreta-
tion.

- (a) "Animal" shall mean and include beaver, fox, mink, "Animal."
muskrat and other fur-bearing animals, wild by
nature, which are kept or bred in captivity;
- (b) "Department" shall mean Department of Game and "Depart-
ment,"
Fisheries;
- (c) "Minister" shall mean the member of the Executive "Minister."
Council who may be charged with the administration
of the Department of Game and Fisheries.
- (d) "Regulations" shall mean and include any regulation^s "Regula-
tions."
made under the authority of this Act.

REGISTRATION.

3. The Department shall establish and keep a register^{Register.}
which shall be known as "The Ontario Records for Fur-
bearing Animals," and which shall be published at such time
and in such form as the Minister may decide.

4.—(1) The Department may furnish a certificate that any<sup>Certificate
of Registra-
tion.</sup>
live fur-bearing animal has been registered under this Act.

(2) No such certificate shall be conclusive proof of such<sup>Confirma-
tion neces-
sary.</sup>
registration until confirmed by the Department.

Qualifica-
tion for
Certificate.

5. No certificate shall be issued in respect of any animal unless the Department is satisfied by inspection and otherwise that such animal has attained the standard of excellence required.

Conditions
precedent
to registra-
tion.

6. No ranch or animal shall be inspected or registered, and no certificate shall be issued in respect of any animal unless,—

- (a) the owner has made application for inspection and registration upon the form supplied by the Department;
- (b) the owner has agreed in writing to abide by the provisions of this Act and of the regulations and the decisions of the Department in respect of such inspection, which agreement shall be attached to, and form part of such application form;
- (c) the owner, if any animal of his at the time of such application is registered in any other organization, agrees in writing, attached to the application form, to discontinue such registration and satisfies the Department, before registration is made, that he has done all in his power to effect such discontinuance; and
- (d) such application, together with the required fees, is received by the Department not later than the 15th day of June in each year, unless reasonable excuse to the satisfaction of the Department can be shown for any delay.

Refusal to
register.

7. The Department, for any reason that may to it seem sufficient, may refuse to act upon any application for registration or transfer.

Particulars
for registra-
tion.

8.—(1) The owner of any fur-bearing animal who desires to register any of such animals must register with the Department and be allotted—

- (a) a ranch name;
- (b) a brand consisting of not more than three letters, with which each animal must be marked after inspection for registration;
- (c) a name or combination of names containing not more than twenty-four letters by which each animal may be registered, but no name shall be used which is

the same as, or resembles, or is liable to be mistaken for any other registered name, and every such animal shall thereafter be designated by the name so allotted and no other.

(2) The tattoo brand and name, together with the number tattooed by the inspector and the year marks, shall constitute the recognized registered markings of the animal.

9.—(1) No transfer of an animal registered under these regulations shall be recognized by the Department unless the registered owner of the animal has made application for the registration of such transfer on the form supplied by the Department and has paid the required fee, and the Department is satisfied from the receipt of the person to whom such transfer is made, endorsed on such application form or otherwise, that such transfer has in fact been effected. Transfer requirements.

(2) The Department, when satisfied that such transfer has been made, shall enter the fact of such transfer and such other particulars as may be necessary, upon the register.

10. The Department may suspend or cancel any registration where an animal, which from any cause reaches a condition that upon re-inspection it is found to be below the standard of excellence required for registration, provided, however, that such animal may be placed on probation and dealt with in accordance with the conditions as set forth in subsections 1 and 2 of section 12. Suspension or cancellation of registration.

INSPECTION.

11.—(1) The inspection in respect of any ranch or animal shall include the ranch records, which shall be subject to examination before any animal is inspected. Scope of inspection.

(2) Every animal passing the inspection shall be tattoo-marked in one ear with the registered brand of the owner, and in the other ear with a number and letter to indicate the registration. Mode of marking brand.

(3) Inspectors shall certify that an inspection has been made and the results thereof in the place provided therefor on the application form, and shall attach to such forms any further particulars or recommendations which they desire to report. Certificate inspection.

(4) The Department may from time to time require the inspectors to perform other duties in addition to those set forth in this Act and the regulations. Inspectors may have additional duties.

Animals on probation.

12.—(1) An inspector, if he considers that an animal which does not conform to the Department's standard of excellence, may do so upon re-inspection, may place such animal on probation, during which period it shall be designated as "on probation."

Treatment of animals while on probation and destruction of animals condemned.

(2) The owner may retain an animal which is on probation, but if he does not kill it, he must hold such animal for re-inspection and if upon such re-inspection such animal again fails to conform to the Department's standard of excellence, the inspector shall tattoo upon such animal the Departmental mark for condemned animals, and such animal must be killed by the owner not later than the date set by the Department.

Pups of condemned animals.

(3) The pups of an animal on probation, which animal is condemned upon re-inspection, shall be ineligible for registration.

Animals sold while on probation not to be registered.

(4) An animal sold while on probation and any pups of such animal born after such sale, shall be ineligible for registration.

FEEES.

Fees.

13. The fees payable in connection with registrations, inspections and applications therefor are as follows:—

- (a) Registration of ranch name \$10 00
- (b) Registration of each brand and each tattoo name 2 00
- (c) Registration of each animal 2 50
- (d) Inspection of animal not registered 1 00
- (e) For each duplicate certificate 1 00
- (f) For registration of each transfer 1 00
- (g) For copy of tabulated pedigree 1 00

REGULATIONS.

Regulations.

14. The Department, with the approval of the Lieutenant-Governor in Council, may make regulations,—

- (a) establishing the standard of excellence to be passed by animals before registration or upon re-inspection, after registration;
- (b) classifying animals and their pelts;
- (c) prescribing conditions and circumstances under which an animal will be disqualified from registration;
- (d) generally for the better carrying out of the provisions of this Act.

PROTECTION AGAINST TRESPASSERS.

15. Where the owner or occupant of lands has established thereon a ranch or enclosure where foxes or other fur-bearing animals are kept in captivity for breeding purposes and notices forbidding trespassing are posted on the said lands so as to be discernible at a distance of not less than twenty-five yards, every person who without the consent of the owner, occupant or caretaker of the premises enters upon any part of such lands in which the ranch or enclosure is situate shall be guilty of an offence and shall incur a penalty of not less than \$5 nor more than \$50 and in default of immediate payment shall be liable to imprisonment for a period of not less than one month, nor more than three months. 1919, c. 71, ss. 1, 2. *Amended.*

Trespassing on property where foxes, etc., kept for breeding purposes.

16. Where a notice plainly discernible at a distance of not less than twenty-five yards forbidding trespassing, is kept posted on the outer fence of any ranch or enclosure where foxes or other fur-bearing animals are kept in captivity for breeding purposes, every person who, without the consent of the owner, occupant or caretaker of such premises passes within the said fence, or climbs over, breaks or cuts through the same for the purpose of entering such ranch or enclosure or for any other purpose whatsoever, shall be guilty of an offence and shall incur a penalty of not less than \$50 nor more than \$100 and in default of immediate payment shall be liable to imprisonment for a period of not less than two months nor more than six months. 1919, c. 71, ss. 3, 4. *Amended.*

Entering enclosures where notices posted.

PROTECTION OF ANIMALS AND PELTS.

17.—(1) The registered owner of a brand shall be entitled to a certificate of the registration of the same, and the production of such certificate shall be *prima facie* evidence of the ownership thereof, without any further proof of the signature of the officer or other person signing the same. 1926, c. 65, s. 5a (4). *Amended.*

Effect of record of brand.

(2) Where an animal branded with a registered brand escapes from the possession of the owner, the property in such animal and its skin or pelt shall remain in the owner subject to the following provisions of this section, and no other person capturing or killing such animal shall acquire any property right in the animal or in the pelt, if killed, except as hereinafter provided. 1926, c. 65, s. 5a (5), (6). *Amended.*

Property in branded animal or pelt.

(3) Every person into whose possession such animal shall come, shall forthwith advertise the fact and the place and date of its capture, together with a description of the animal, its place of captivity, and the name and place of residence of

Advertisement by captor.

the person advertising the same, and such advertisement shall be published in a newspaper at least once a week for two consecutive weeks in the county or district where the animal is captured, and a copy of such advertisement shall be sent by registered mail to the Department. 1926, c. 65, s. 5a (7). *Amended.*

When property to pass to captor.

(4) If, within one month after the date of the last publication of such advertisement no claim has been made by or on behalf of the owner and identification of the animal by its brand corresponding with the registered brand, such animal shall become the property of the captor, but where a claim of ownership is made and identification is verified, the captor or person having the custody of the animal shall, upon payment of all costs incurred for advertising and an additional allowance of fifty cents per day for the maintenance of the animal while in his possession, deliver such animal to the owner or his nominee. 1926, c. 65, s. 5a (8).

Property in pelt after capture.

(5) Where any such animal is found dead or is killed or dies while in the custody of any person other than the owner, the person finding or killing such animal or having such custody shall take all necessary steps to preserve the pelt thereof and shall advertise the possession of the pelt in the manner provided by subsection 3 and shall deliver up the pelt to the owner upon proof of ownership and identification in the manner provided by subsection 4. 1926, c. 65, s. 5a (9). *Amended.*

Liability of owner for damages of animal.

(6) Notwithstanding anything hereinbefore contained where any such animal is captured or killed while doing damage to property the owner of the animal, in addition to any other costs above mentioned, shall be responsible for damages caused by the animal while it was alive. 1926, c. 65, s. 5a (10).

Imitating or improperly using brands.

18. Every person who imitates or makes any fraudulent or unauthorized use of any brand registered with the Department or of any imitation of any such brand shall be guilty of an offence and liable to a penalty of not less than \$50 nor more than \$100 and in default of immediate payment shall be liable to imprisonment for a period of not less than two nor more than six months.

Protection to officers.

19. No action shall be brought against any inspector or officer of the Department in respect of the suspension or cancellation of any registration or any loss or damage alleged to have been caused thereby.

Application of, 1926, c. 31.

20. The penalties imposed under this Act shall be recoverable under *The Ontario Summary Convictions Act, 1926.*

21. *The Fur-bearing Animals Protection Act, 1919*, being ^{1919, c. 71;} chapter 71 of the Statutes of 1919, and *The Fur-bearing* ^{1926, c. 65,} *Animals Protection Act, 1926*, being chapter 65 of the Statutes of 1926, are hereby repealed. •

22. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. _{ment of Act.}

No. 86.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act relating to the Registration and
Protection of Fur-bearing Animals.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. McCREA

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty

BILL

An Act to amend The Mining Act of Ontario.

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 Mining Act, 1927*. Short title.
2. *The Mining Act of Ontario* is amended by adding thereto the following section: Rev. Stat.,
c. 32,
amended.
 - 3a. The Lieutenant-Governor in Council may make regulations respecting the offices to be used in common between the Department of Lands and Forests and the Department of Mines and the services to be rendered to either of the said Departments by the other of them, and the officers, clerks and servants of the Department of Lands and Forests shall render such services to the Department of Mines as may be required of them from time to time, and all maps, books, papers, correspondence, records or other matters or things in the Department of Lands and Forests shall be open to and may be examined by the Minister of Mines or the officers and clerks of the Department of Mines in the discharge of their departmental duties. Regulations
respecting
common use
of certain
offices.
3. Section 36a of *The Mining Act of Ontario* as enacted by section 2 of *The Mining Act, 1925*, is amended by striking out the clause lettered *d* therein and substituting therefor the following words: Rev. Stat.,
c. 32, s. 36a,
cl. *d* (1925,
c. 20, s. 2),
repealed.

“(d) where the Minister of Lands and Forests certifies that land is required for the development of water power or for some other purpose in the public interest and the Minister of Mines is satisfied that a discovery of mineral in place has not been made thereon.”
4. Section 53 of *The Mining Act of Ontario* as re-enacted by section 4 of *The Mining Amendment Act, 1920*, is repealed and the following substituted therefor: Rev. Stat.,
c. 32, s. 53
(1920, c. 13,
s. 4),
repealed.

Number of licenses which may be applied for in one year.

53. A licensee shall not in any one license year in any one mining division or in territory not included in a mining division, stake out or apply for,—

(a) more than three mining claims on his own license; nor

(b) more than three claims each for not more than two other licensees;

being nine claims in all.

Rev. Stat., c. 32, s. 59, subs. 3 (1922, c. 22, s. 14), amended.

5. Subsection 3 of section 59 of *The Mining Act of Ontario* as re-enacted by section 14 of *The Mining Amendment Act, 1922*, is amended by adding thereto the following clause:

(a) Any affidavit required to be made under this subsection may be taken before an Ontario land surveyor.

Rev. Stat., c. 32, s. 78, subs. 7, amended.

6. Subsection 7 of section 78 of *The Mining Act of Ontario* as amended by section 4 of *The Mining Amendment Act, 1919*, is repealed and the following substituted therefor:

Work to be performed on claims.

(7) A license holder may perform all the work required to be performed by him in respect of not more than six contiguous mining claims held by him on one or more of such claims and the report and affidavit to be filed by him in respect of such work shall certify the claim or claims on which the work was performed and the claims upon which it is to be applied.

Rev. Stat., c. 32, s. 107, amended.

7. Section 107 of *The Mining Act of Ontario* is amended by adding thereto the following subsection:

(2) Where the area of the mining claim exceeds by more than five acres the prescribed area as defined in sections 50 and 51 and such claim is not reduced in size under the provisions of section 116, the price per acre of such area in excess of the area so prescribed shall be twice the price provided for in subsection 1.

Rev. Stat., c. 32, s. 116, amended.

8. Section 116 of *The Mining Act of Ontario* is amended by adding thereto the following subsection:

Disposition of land between mining claims.

(3) Where a survey shows a small fraction or gore of land to exist between mining claims, the Minister may lease, if in a forest reserve, or sell, if situate elsewhere, such fraction or gore to the holder of one

or other of the said claims, or may divide the same between them, or may otherwise dispose of the same as he may see fit without requiring such gore or fraction to be staked out as a mining claim.

9. Section 118 of *The Mining Act of Ontario* as amended by section 13 of *The Mining Amendment Act, 1915*, is repealed. Rev. Stat., c. 32, s. 118, repealed.

10. Notwithstanding anything in *The Mining Act of Ontario* contained, the Lieutenant-Governor in Council may from time to time make regulations prescribing the forms to be used under the said Act and which may be substituted for the forms set out in that Act. Regulations prescribing forms.

11. *The Mining Court Act* is amended by adding thereto the following section: 1924, c. 21, amended.

8a. In case of the illness or absence of the Judge of the Mining Court, the Minister may appoint some person to act in the place of the Judge, or may himself discharge the duties of the Judge, and the person so appointed, or the Minister, shall in that case have and may exercise all the powers of the Judge except those which he derives exclusively from his appointment under any commission issued to him by the Governor-General of Canada. Absence or illness of Judge, — action by Minister.

12. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

No. 87.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Mining Act of
Ontario.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. MCCREA.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Department of Labour.

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 Labour Department Act*, Short title. 1927.

2. The Department of Labour shall be presided over by the Department of Labour. Minister of Labour.

3. The Lieutenant-Governor in Council shall appoint a Deputy Minister and other officers. Deputy Minister of Labour and such other officers, clerks and servants in the Department as may be deemed necessary or expedient. 1919, c. 22, s. 5. *Amended.*

4. The Deputy Minister shall perform such duties as may Duties of Deputy Minister. be assigned to him by the Lieutenant-Governor in Council or by the Minister. 1916, c. 13, s. 7.

5. The Department shall administer,—

- Administration of certain statutes assigned to Department.
- (a) *The Stationary, Hoisting and Portable Engineers Act*;
 - (b) *The Building Trades Protection Act*;
 - (c) *The Factory, Shop and Office Building Act*;
 - (d) *The Steam Boilers Act*;
 - (e) *The Employment Agencies Act*;

and such other Acts or regulations as may from time to time be designated by the Lieutenant-Governor in Council. 1916, c. 13, s. 9; 1917, c. 15, s. 1. *Amended.*

6. It shall be the duty of the Department to,—

Duties of Department.

- Statistics and information. (a) collect such statistical and other information respecting trades and industries in Ontario as may be deemed necessary or expedient from time to time;
- Distribution of employment. (b) ascertain the localities in which mechanics, artisans or workmen in any particular trade or industry are required and wherever practicable assist in supplying the demand for such work or labour;
- Sanitary and other conditions. (c) ascertain and report upon sanitary and other conditions relating to the health, comfort and well-being of the industrial classes; 1916, c. 13, s. 10, cls. (a-c).
- Employment Bureaux. (d) establish and maintain in the various centres of population throughout Ontario employment offices and similar agencies for obtaining suitable employment for workingmen, and subject to *The Employment Agencies Act*, to regulate all voluntary, private or municipal employment bureaux; 1916, c. 13, s. 10, cl. (d); 1917, c. 15, s. 2.
- Wages. (e) ascertain and report upon the rates of wages paid to employees in the various trades and industries carried on in Ontario;
- New industries in Ontario. (f) enquire and report as to the establishment of new industries in Ontario, in any case where by reason of the production of raw material for such industry in Ontario, or the immigration of persons skilled in the particular industry or other circumstances it appears that such industry can profitably be carried on;
- Reporting upon laws in other parts of Empire and in foreign countries. (g) enquire into, consider and report upon the operation of laws in force in other parts of the Empire and in foreign countries, having for their objects the protection, technical training and welfare of the industrial classes, and make such recommendations and suggestions thereon as may be deemed advisable;
- Changes in the law. (h) consider and report upon any petition for, or suggestion of a change in the law of Ontario relating to labour and wages or any matter affecting the industrial classes, presented or made by any trades and labour council or other organization representing those classes or by any other person;
- Annual report. (i) prepare and transmit to the Lieutenant-Governor in Council annually a report containing the reports of the officers employed in the administration of the

various Acts assigned to the Department, and upon the work of the Department during the preceding year, together with such statistical and other information as may have been collected in the Department. 1916, c. 13, s. 10, cl. (e-i). *Amended.*

- 7.—(1) The Lieutenant-Governor in Council may make regulations,—
- (a) for the establishment of a Provincial Employment Service Council and local employment service councils; Lieutenant-Governor in Council may make regulations affecting. Employment Service Councils.
- (b) for defining the scope of the activities of such councils; Scope of councils.
- (c) for the payment of travelling expenses and the fixing of a per diem allowance to members of the Provincial Council while transacting the business of the council; Travelling expenses of members of councils.
- (d) for advancing the travelling expenses of persons travelling to their place of employment who have procured such employment through the Ontario Government Employment Bureaux, and the conditions under which such advances for travelling expenses may be made, but no such advance shall be made unless and until the employer has agreed to repay the agency the advances to be made for such travelling expenses. Advances for travelling expenses to employees.

(2) The travelling expenses and allowances payable under such regulations shall be payable out of any sums voted by the Assembly and appropriated by the Legislature for Ontario Government Employment Bureaux. 1921, c. 77, s. 2. *Amended.* Expenses and allowances, how payable.

8.—(1) The Deputy Minister may require from employers, workmen and other persons such information concerning rates of wages, hours of work, regularity of employment and other matters as he may deem necessary for the proper carrying out of this Act or of any of the Acts administered by the Department. Powers of Deputy Minister as to obtaining information.

(2) For the purpose of procuring such information the Lieutenant-Governor in Council may authorize any officer of the Department to conduct an investigation or inquiry and may confer upon the Deputy Minister the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act.* Investigation or inquiry.

Right of
access.

(3) Such officer acting under the written authority of the Deputy Minister, shall have access at all reasonable hours to any office, factory, shop, place of business or other premises for the purpose of carrying out the provisions of this Act or of any Act administered by the Department.

Penalty for
refusing in-
formation or
interfering
with officers.

(4) Every person who refuses to furnish any returns or information which may be lawfully required, or who hinders or obstructs any officer in the performance of his duties under this Act or any of the Acts administered by the Department shall incur a penalty not exceeding \$20, to be recoverable before a police magistrate or two or more justices of the peace under *The Ontario Summary Convictions Act, 1926*. 1917, c. 15, s. 3; 1918, c. 20, s. 56. *Amended.*

1926, c. 31.

1916, c. 13;
1919, c. 22;
1921, c. 77;
repealed.

9. *The Trades and Labour Branch Act*, being chapter 13 of the Statutes of 1916; *The Department of Labour Act, 1919*, being chapter 22 of the Statutes of 1919, and *The Department of Labour Act, 1921*, being chapter 77 of the Statutes of 1921, are hereby repealed.

Commence-
ment of
Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.





No.. 88

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting the Department
of Labour.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. GODFREY

TORONTO :

Printed by

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BILL

An Act respecting Employment Agencies.

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 Employment Agencies Act*, Short title, 1927.

2. In this Act,—

Interpretation.

- (a) "Deputy Minister" shall mean Deputy Minister of Labour; "Deputy Minister."
- (b) "Employment agency" shall mean and include the business of procuring workmen, artificers, labourers, domestic servants and other persons for the performance of skilled or unskilled labour and the business of procuring employment for such classes of persons or any of them; "Employment agency."
- (c) "Private employment agency" shall mean an employment agency in which the business of an employment agency is carried on for fee or reward; "Private employment agency."
- (d) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act; "Regulations."
- (e) "Treasurer" shall mean Treasurer of Ontario; "Treasurer."
- (f) "Voluntary employment agency" shall mean any charitable or other organization carried on without fee or reward by any voluntary organization, or a municipal corporation or any department or commission thereof or by any other persons. 1917, c. 37, s. 2. *Amended.* "Voluntary employment agency."

3.—(1) The Deputy Minister may issue to any individual or any association of individuals or to any firm, or corporation, a license to carry on the business of an employment agency. License.

- Term of license. (2) The license shall remain in force until the 1st day of July, in the year next following that in which it is issued.
- To state address. (3) The license shall state the address at which the business is to be carried on. 1917, c. 37, s. 3. *Amended.*
- Separate license and fee in each municipality. (4) Where an employment agency is carried on by means of offices, branches or agencies in different municipalities, a separate license shall be required and a separate fee shall be payable in respect thereof for each municipality. 1917, c. 37, s. 4. *Amended.*
- Penalty of carrying on business without license. 1926, c. 31. **4.** Any person carrying on the business of an employment agency without such license shall incur a penalty of not less than \$10, and not more than \$500, to be recoverable under *The Ontario Summary Convictions Act, 1926*, before a police magistrate or two or more justices of the peace, and in the case of an offence committed by an individual shall in default of immediate payment of such penalty be imprisoned for a period of twelve months unless the penalty and costs are sooner paid. 1917, c. 37, s. 4 (1). *Amended.*
- Regulations. **5.** The Lieutenant-Governor in Council may make regulations,—
- Fees for licenses. (a) for fixing the fees to be charged for licenses for private employment agencies and for the different classes of voluntary employment agencies, and for providing that in the case of any voluntary employment agency a nominal fee shall be charged for the license; 1917, c. 37, s. 5, cl. (a);
- Regulations classifying employment agencies. (b) classifying private employment agencies according to the class of employment to be procured and limiting the class of business which may be carried on by any employment agency;
- Prohibiting granting of licenses. (c) prohibiting the granting of licenses to any class of employment agencies in Ontario;
- Exceptions from prohibitions. (d) excepting from any such prohibition any employment agency or class of employment agencies, or for excepting from such prohibition any particular class of employment; 1919, c. 38, s. 1;
- Conduct of business records. (e) regulating the conduct of the business of employment agencies and prescribing the records, books and accounts to be kept by any class of employment agency;

- (f) requiring security to be given by licensees and for fixing the amount of such security and declaring that a license may be granted to any class of employment agency without security being given; Security by licensees.
- (g) fixing the amount of the fee, reward or other remuneration to be charged for services rendered by an employment agency in procuring employees or employment; Fees to be charged licensees.
- (h) providing for returns to be made when and as required by persons and firms to whom licenses are issued; Returns.
- (i) providing for the appointment of inspectors and the inspection of employment agencies; Inspectors and inspection.
- (j) for the revocation and cancellation of a license upon the conviction of the holder thereof for any offence or upon proof to the satisfaction of the Deputy Minister that the business of the licensee is being conducted dishonestly, unfairly or improperly; Revocation and cancellation of licenses.
- (k) conferring upon the Deputy Minister and upon the inspectors of employment agencies the power to hold inquiries into the conduct of the business of an employment agency and to take evidence under oath and providing that the Deputy Minister or inspector shall for the purpose of such inquiry have and exercise the powers which may be conferred upon a commissioner under *The Public Inquiries Act*; Inquiries by Deputy Minister and inspectors.
- (l) exempting any voluntary employment agency or any class of voluntary employment agencies from the operation of any of the provisions of this Act; Exemptions.
- (m) generally for the better carrying out of the provisions of this Act. 1917, c. 37, s. 5, cls. (b-j). General.

6. *The Employment Agencies Act, 1917*, being chapter 37 of the Statutes of 1917, and *An Act to amend the Employment Agencies Act*, being chapter 38 of the Statutes of 1919 are hereby repealed. 1917, c. 37; 1919, c. 38, repealed.

7. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

No. 89.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting Employment Agencies.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

M^R. G^OD^FR^EY.

T^OR^ON^TO :

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BILL

An Act respecting Stationary and Hoisting Engineers.

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 Stationary and Hoisting Engineers' Act, 1927.* Short title.

2. In this Act,—

Interpreta-
tion.

- (a) "Board" shall mean the Board of Examiners appointed as hereinafter provided; 1919, c. 37, s. 2, cl. (b). "Board."
- (b) "Gas plant" shall mean and include air, ammonia, carbon dioxide and sulphur dioxide compressor or compressors, driven by power other than steam, and every part thereof and thing connected therewith and used with reference to any such compressor or compressors; 1921, c. 56, s. 2 (4), cl. (g). "Gas plant."
- (c) "Hoisting plant" shall mean and include a steam boiler, a boiler and steam engine and every part thereof, working at a pressure of twenty pounds or over irrespective of horsepower and used for hoisting in structural operations or for excavating purposes, or for portable or industrial work; 1919, c. 37, s. 2, cl. (c); 1921, c. 56, s. 2 (2). "Hoisting Plant."
- (d) "Horsepower" of a steam plant shall mean the equivalent to the evaporation of $34\frac{1}{2}$ lbs. of water per hour from and at 212° —15 sq. ft. heating surface for return tubular boilers—12 sq. ft. heating surface for locomotive type boilers—10 sq. ft. heating surface for water tube boilers; 1919, c. 37, s. 2, cl. (a); 1921, c. 56, s. 2, cl. (a). *Amended.* "Horsepower" of a steam plant.
- (e) "Horsepower" of a gas plant shall mean the brake "Horsepower" of a gas plant.

horsepower rating of the motive power driving the compressor or compressors; 1921, c. 56, s. 2 (4), cl. (f). *Amended.*

"Minister." (f) "Minister" shall mean Minister of Labour; 1919, c. 37, s. 2, cl. (d); 1919, c. 22, s. 2.

"Steam plant." (g) "Steam plant" shall mean and include a steam boiler or boilers, steam engine or engines, steam pump or pumps, or any combination of engines, boilers and pumps, and every part thereof and thing connected therewith, or used with reference to any such boilers, engines or pumps, in one building, or in two or more buildings, if said buildings are not separated by a distance of more than three hundred feet and under the one management; 1919, c. 37, s. 2, cl. (e); 1921, c. 56, s. 2 (3).

"Excep-
tions." **3.** Nothing in this Act shall apply to the operation of any stationary steam or gas plant having a capacity of less than twenty-five horsepower, nor to steam heating plants or gas plants operating with the safety valve set to relieve the pressure at ten pounds or under, nor to the operation of a locomotive engine used on chartered railroads or electric locomotives, or a steamboat or steamship engine or a hoist at a mine, nor to boilers used for agricultural purposes. 1919, c. 37, s. 3; 1921, c. 56, s. 3.

"Board of
Examiners." **4.**—(1) The Lieutenant-Governor in Council may appoint a board of examiners consisting of three or five competent and independent engineers practically conversant with the construction of boilers and the operation of steam plants and gas plants, who shall hold office during pleasure and, subject to the regulations mentioned in the following section, shall prescribe the subjects in which candidates for certificates of qualification as stationary or hoisting engineers shall be examined and shall conduct or provide for and supervise the examination of candidates and report thereon to the Minister. 1919, c. 37, s. 4; 1920, c. 50, s. 2; 1921, c. 56, s. 2 (4), cl. (h).

"Staff of
Board." (2) The Lieutenant-Governor in Council may appoint such examiners, officers, clerks and servants of the board as may be deemed necessary. 1920, c. 50, s. 2 (2).

"Regula-
tions." **5.** The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations for:

(a) the examination of candidates, the granting of certificates, the classifying of the holders of these certificates into their respective grades and the

evidence to be furnished by candidates as to previous training or experience and sobriety and good character; 1919, c. 37, s. 5, cl. (a); 1921, c. 56, s. 4.

- (b) determining the time of duration of certificates and their renewal; 1919, c. 37, s. 5, cl. (b).
- (c) fixing the fees to be paid by candidates upon examination and for certificates and their renewal; 1919, c. 37, s. 5, cl. (c).
- (d) prescribing the causes for which a certificate may be revoked, cancelled, or suspended; 1919, c. 37, s. 5, cl. (d).
- (e) fixing the fees or other remuneration to be paid to the members and officers of the board; 1919, c. 37, s. 5, cl. (e).
- (f) fixing the fees to be paid by plant owners for certificates of registration; 1919, c. 37, s. 5, cl. (f).

6. A person shall not be eligible for examination unless he is a British subject, or has expressed his intention of becoming a Canadian citizen and has the necessary residence qualifications for becoming a Canadian citizen required by the Dominion *Naturalization Act* and has made application to the proper authorities for naturalization papers. 1919, c. 37, s. 6; 1921, c. 56, s. 5.

7.—(1) On the recommendation of the Board, and on payment of the prescribed fees the Minister may issue certificates of qualifications to stationary or hoisting engineers, and certificates of registration to plant owners. 1919, c. 37, s. 7 (1).

(2) Subject to the regulations a certificate may be revoked, cancelled or suspended by the Minister on the recommendation of the Board at any time. 1919, c. 37, s. 7 (2).

(3) Every stationary or hoisting engineer shall, during the continuance of his certificate, register with the Board on or before the 1st day of February of each year on a form to be furnished by the Board, and any stationary or hoisting engineer who fails to do so shall not continue in charge of a steam or gas plant. 1919, c. 37, s. 7 (3); 1921, c. 56, s. 2 (4), cl. (h); s. 6, cl. (a).

(4) It shall be the duty of all owners of steam plants and gas plants to advise the board, on a printed form, supplied

by the Board on application, of the horsepower of the plant and pressure at which safety valves on boilers and tanks are set to relieve said pressure, on receipt of which, together with the prescribed fee, the Minister will issue a registration certificate. Any change made in the plant subsequent to registration will necessitate a re-registration of same. 1919, c. 37, s. 7 (4); 1921, c. 56, s. 2 (4), cl. (h); s. 6, cl. (b).

Operating
without
certificates.

8. The duties of an engineer may be performed for a period not exceeding fourteen days by any person, providing the engineer, for reasons other than dismissal, absents himself from his post without having given seven days' notice; provided that at the end of such period an engineer with the proper qualifications is employed. 1921, c. 56, s. 7.

Provisional
certificates.

9. The Board at its discretion may grant a provisional certificate of corresponding horsepower to be good for a period not to exceed one year to any person who holds a stationary or hoisting engineer's certificate from the board of examiners or other duly constituted authority of any other province of Canada. 1919, c. 37, s. 9; 1921, c. 56, s. 8.

Engineer's
certificate—
when to be
kept on view.

10.—(1) The certificate of qualification shall at all times be exposed to view in the engine, compressor or boiler room in which the holder thereof is employed, except in the case of a hoisting plant when such certificate shall be carried upon the person of the operator.

Plant
registration
certificate to
be exposed
to view.

(2) The certificate of plant registration shall at all times be exposed to view in the engine, compressor or boiler room of the plant.

Non-compliance with
subss. 1 and
2 evidence of
lack of qualification.

(3) Failure to comply with the provisions of subsections 1 and 2 of this section shall be *prima facie* evidence of the lack of qualification under this Act. 1919, c. 37, s. 10; 1921, c. 56, s. 9. *Amended.*

Application
of Act to
other
persons than
engineers.

11. This Act shall not apply to firemen, who have had less than six months' experience, or other workmen acting under the personal direction or supervision of any engineer holding a certificate under this Act, who is actually in charge of a steam or gas plant, or to the employees of engine builders or steam or gas plant contractors engaged in installing, setting up or testing a boiler or steam or gas plant. This section shall not apply to hoisting engineers. 1919, c. 37, s. 11; 1921, c. 56, s. 2 (4), cl. (h).

Appeal to
Minister
from
Board.

12. Any person who deems himself aggrieved by the decision of the Board, may appeal therefrom to the Minister, upon giving such notice as the Minister may prescribe, and the decision of the Minister shall be final. 1919, c. 37, s. 12.

13. The Board shall on or before the 15th day of November in every year make to the Minister a report in writing for the year ending on the 31st day of October of the previous year, showing,—

- (a) the number of certificates granted; 1919, c. 37, s. 13, cl. (a).
- (b) the number of applications for certificates refused and the causes for refusal; 1919, c. 37, s. 13, cl. (b).
- (c) the number of certificates revoked, cancelled or suspended, and the causes for the same; 1919, c. 37, s. 13, cl. (c).
- (d) the amount of fees received from candidates or holders of certificates; 1919, c. 37, s. 13, cl. (d).
- (e) the number of plants registered during the year; 1919, c. 37, s. 13, cl. (e); 1921, c. 56, s. 10.
- (f) the amount of fees received from plant owners for registration purposes; 1919, c. 37, s. 13, cl. (f).
- (g) such other matters as may be directed by the Minister or the Lieutenant-Governor in Council; 1919, c. 37, s. 13, cl. (g).

14.—(1) Any member of the Board or any inspector, on presentation of authority in writing, signed by the Minister, may enter any premises wherein he has reason to believe there is a steam, gas or hoisting plant and make such inspection as may be necessary to determine whether the provisions of this Act are being complied with. 1919, c. 37, s. 14, cl. (a); 1921, c. 56, s. 2 (4), cl. (h).

(2) Any person who interferes with or obstructs a member of the Board or inspector in the exercise of the powers conferred on him, shall incur a penalty not exceeding \$100. 1919, c. 37, s. 14, cl. (b); 1921, c. 56, s. 11, cl. (a).

(3) Any person impersonating another and presenting himself for examination under a false name, in order to obtain a certificate for a person other than himself, shall incur a penalty of not less than \$200. 1921, c. 56, s. 11, cl. (b).

15. Every person who,

- (a) except as provided in section 8, operates a steam, gas or hoisting plant as the engineer in charge thereof,

Penalty for operating without certificates.

or as fireman or oiler at a stationary steam or gas plant under an engineer, without the certificate required by this Act, or employs or permits any person to operate a steam, gas or hoisting plant as the engineer in charge or as fireman or oiler at a stationary steam or gas plant without such certificate; or (1919, c. 37, s. 15, cl. (a); 1921, c. 56, s. 2 (4), cl. (h), s. 12 (1).)

(b) is guilty of a contravention of subsection 4 of section 7, shall incur a penalty of not less than \$25; 1919, c. 37, s. 15, cl. (b); 1921, c. 56, s. 12 (2).

Duty of
factory
inspector.

16. It shall be the duty of the inspectors of factories to assist in the enforcement of this Act, to report to the Board any violation thereof and to furnish to the Board such information as they may have as to the conduct and capability of any person holding or applying for a certificate. 1919, c. 37, s. 16.

Penalties
recoverable
under
1926, c. 31.

17. The penalties provided by this Act shall be recoverable under *The Ontario Summary Convictions Act, 1926*, and all fees collected shall be remitted to the Chairman of the Board of Stationary and Hoisting Engineers, cheques being made payable to the Treasurer of Ontario. 1919, c. 37, s. 17; 1921, c. 56, s. 13.

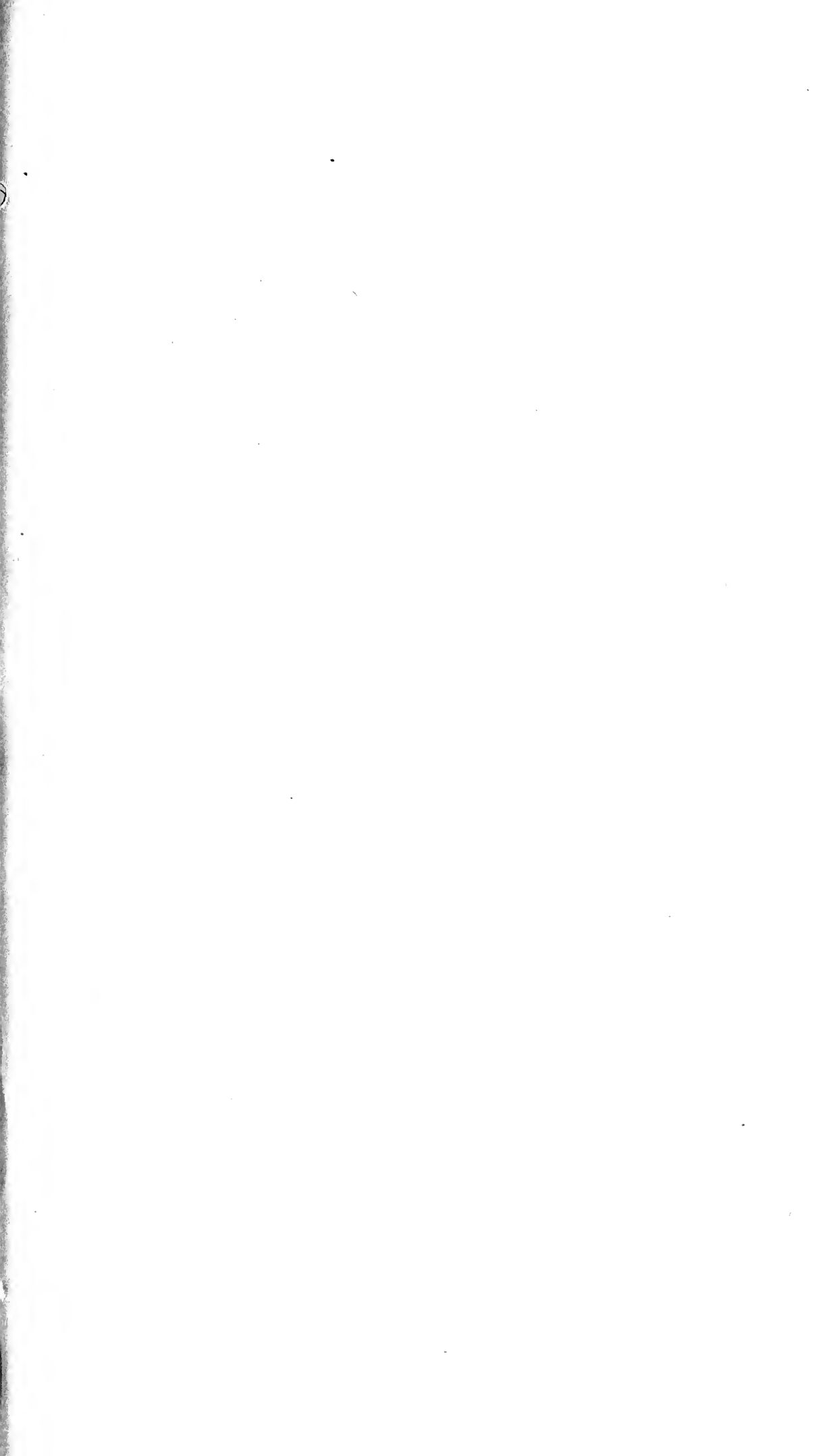
Repeal.

18. The following Acts and parts of Acts are hereby repealed:

1919, Chapter 37—the whole.
1920, Chapter 50—the whole.
1921, Chapter 56—the whole.

Commence-
ment of Act.

19. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 90.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting Stationary and
Hoisting Engineers.

1st Reading, 9th March,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. GODFREY.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Hours of Labour and Two Platoon System for Firemen.

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 Fire Departments Act, 1927*. Short title.

2. Where in any city or town having a population of not less than 10,000 there is a permanent fire department, the officers and employees of which are regularly employed as firemen and paid by the municipal corporation, it shall be the duty of the chief, superintendent or commission, as the case may be, to divide the members of the said fire department into two platoons who shall work according to one or other of the two following systems, namely,—

No. 1 System—The said chief of the fire department shall not keep a platoon on duty for more than twenty-four consecutive hours, after which the platoon working the twenty-four hours shall be allowed twenty-four consecutive hours off duty.

No. 2 System—One platoon shall work day work of ten consecutive hours, while the other platoon works night work of fourteen consecutive hours, each platoon to alternate every seventh day from night to day work and *vice versa*. 1921, c. 80, s. 2.

3. No deduction shall be made from the pay or the holidays of the employees of a permanent fire department by reason of the provisions of this Act. 1921, c. 80, s. 4, *part*. This Act not to affect salaries or holidays of employees.

4. Where in any city, town or village there is a permanent fire department, the officers and employees of which are regularly employed and paid by the municipal corporation, every officer and employee of such department shall be off duty for one full day of twenty-four hours in every calendar week, but where what is known as "double platoon system" is Employees of fire departments to be off duty one day in seven.

in operation in any such fire department the twenty-four hours' release at the change of platoons shall not be regarded as a day off duty for the purposes of this section. 1920, c. 88, s. 2.

Act to
prevall over
municipal
regulations.

5. The provisions of this Act shall have effect notwithstanding any regulation or by-law of a municipal corporation relating to a fire department. 1920, c. 88, s. 3.

Penalties.

6. Every fire chief, superintendent, director or officer of every such fire department who requires or requests an employee of the department to be on duty in violation of the provisions of this Act shall incur a penalty of not less than \$10 nor more than \$100. 1920, c. 88, s. 4.

Repeal.

7. *The Fire Departments Hours of Labour Act* passed in 1920, chaptered 88 and *The Fire Departments Two Platoon Act* passed in 1921, chaptered 80 are repealed.

Commence-
ment of
Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.



No. 91.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act respecting Hours of Labour and
Two Platoon System for Firemen.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. GODFREY

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Hospitals for the Insane Act.

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 Hospitals for the Insane Act, 1927*. Short title.

2. Sections 36 to 49 of *The Hospitals for the Insane Act* are repealed and the following substituted therefor: Rev. Stat., c. 295, ss. 36-49 repealed.

36. The Public Trustee shall be *ex officio* committee of the estate of every person who has no other committee and is detained in any hospital established by the Province for the custody and treatment of insane persons, as an insane person. Public Trustee ex officio committee.
37. The Supreme Court may at any time appoint a committee of any such patient and upon such appointment being made the Public Trustee shall cease to be a committee and shall account for and transfer to the committee appointed all the estate of the person which has come to his hand, detaining, however, so much as may be due for the maintenance of the patient. Appointment of committee by Supreme Court.
38. An order shall not be made for the appointment of a committee of any person confined in a Provincial hospital without the consent of the Public Trustee unless five days' notice shall have previously been given to him. Consent of Public Trustee.
39. The acts of the Public Trustee while committee of a patient shall not be rendered invalid by the making of an order appointing another committee. Acts of Public Trustee not affected by subsequent appointment.
40. When an action or proceeding is brought or taken against any person confined in a Provincial hospital When service of process to be made on Public Trustee.

as insane for whom a committee has not been appointed by the Court, the writ or other document by which the proceedings are commenced and any other documents requiring personal service shall be served upon the Public Trustee endorsed with a written statement of the hospital in which the patient is confined and shall also be served upon the patient unless in the opinion of the superintendent of the hospital personal service upon the patient would cause serious harm to him by reason of his mental condition in which case it shall also be served upon the superintendent.

Powers and duties of Public Trustee.

41. The Public Trustee as statutory committee of any such patient shall have all the powers and obligations of a committee appointed by the Court toward the estate of the patient.

Power to lease, mortgage, sell, etc.

42. In addition to the powers possessed by a committee appointed by the Court the Public Trustee as statutory committee may lease, mortgage, sell and convey any and all of the property of such patient and may apply the proceeds thereof on and toward the maintenance of the patient and the payment of his debts and liabilities and the maintenance of his family.

Consent of Attorney-General.

43. No such lease, sale, mortgage or conveyance shall be made without the written consent of the Attorney-General.

Effect of conveyance by Public Trustee.

44. Any conveyance by the Public Trustee under the authority of this Act shall operate to convey the estate of the patient as fully and effectually as if executed by the patient himself when of full age and of sound and disposing mind.

Recital in documents as to patient.

45. Any recital in a lease, mortgage or conveyance that the patient is confined to an hospital established by the Province for the custody and treatment of insane persons as insane and that the Public Trustee is his statutory committee shall be *prima facie* evidence of the facts recited.

Purposes for which powers of Public Trustee may be exercised.

46. The powers conferred upon the Public Trustee as statutory committee of the estate of a patient may be exercised:

- (a) To carry out and complete any transaction entered into by the patient before he became an inmate of the hospital;

(b) to carry out and complete any transaction entered into by the statutory committee notwithstanding the patient may have ceased to be an inmate of the hospital or may have recovered or died after the transaction was commenced;

(c) notwithstanding the patient being committed to the custody of friends under the provisions of section 29.

47. The costs, charges and expenses of the Public Trustee ^{Costs and charges of Public Trustee lien on property.} and any money advanced by him for the patient or for the maintenance of the family of the patient shall be a charge upon the property of the patient and the Public Trustee may register a certificate under his hand and seal of office giving notice of any lien claimed and the property against which it is claimed in any registry office or land titles office.
48. Every gift, grant, alienation, conveyance or transfer ^{When gifts, grants, etc., by patient deemed fraudulent.} of property made by any person who is or becomes an inmate of a hospital shall be deemed to be fraudulent and void, as against the statutory committee, if the same is not made for full and valuable consideration actually paid or sufficiently secured to such person, or if the purchaser or transferee had notice of the insanity.
49. Upon the death of any such patient the statutory ^{Case of death of patient.} committee shall, until probate of the will or letters of administration to the estate of the patient is granted to some other person, and notice is given to the statutory committee, continue to act and may exercise, with respect to the estate of the patient, the powers which an executor would have if the property were devised or bequeathed to him in trust for payment of debts and distribution of the residue.
- 49a. The Public Trustee shall be liable to render an ^{Account by Public Trustee.} account as to the manner in which he has managed the property and effects of the patient in the same way and subject to the same responsibilities as any trustee, guardian, or committee duly appointed for a similar purpose may be called upon to account, and shall be entitled from time to time to bring in and pass his accounts and tax costs in like manner as a trustee, but shall be liable only for wilful misconduct.

Compensation of Public Trustee.

49b. For the services rendered by the Public Trustee as committee of a patient or after his death he may be allowed compensation not exceeding the amount which a trustee would be allowed for like services and not in any case exceeding five per centum of the total value of the estate, but in cases of poverty or hardship the Public Trustee may forego any claim for compensation.

Relief of Public Trustee on discharge of patient.

49c. When a person discharged from a hospital is not, in the opinion of the Public Trustee, competent to manage his affairs, and the Public Trustee has in his hands property of such person as committee under this Act, he may apply to the Supreme Court to be relieved of such property and be discharged of his trust and the Court may give such orders and directions in the premises as it may deem just.

Payment of charges for maintenance of patient.

49d. The Public Trustee shall out of the money in his hands belonging to a patient for whom he is statutory committee pay the proper charges for his maintenance in the hospital in which he is confined, and he may also pay such sums as the Lieutenant-Governor in Council may authorize to be paid over to the family of such patient or other person dependent upon him. The Lieutenant-Governor in Council may authorize payments to be made for the maintenance of the family and other dependents notwithstanding that such payments may prevent the payment of maintenance which otherwise would be due from the patient.

Payment for supply of extra comfort and attention.

49e. If the condition of the patient is of such a nature and his property is such as would in the opinion of the superintendent of the hospital justify the supply to him of greater comfort and attention than is supplied under the regulations, the Public Trustee may with the approval of the Attorney-General make such payments as the superintendent may deem proper.

Payment of money out of court for maintenance.

49f. If there is any money in Court to the credit of the patient upon the application of the Public Trustee certifying that there is money due to the hospital, the amount required may be paid out in discharge of any claim for maintenance.

Rev. Stat., c. 295, s. 53, (1916, c. 64, s. 2) amended.

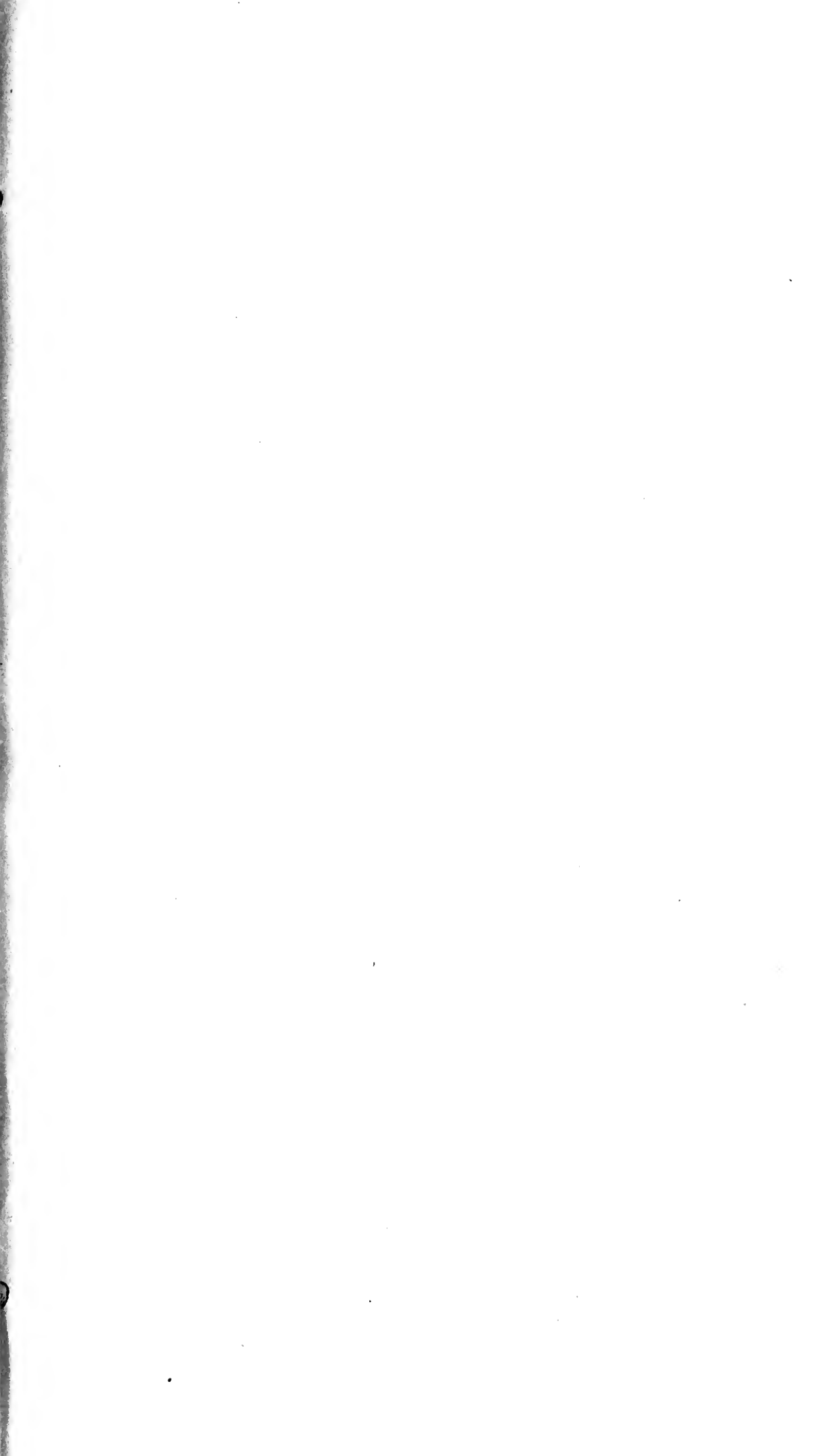
3. Section 53 of *The Hospitals for the Insane Act* as enacted by 1916, c. 64, s. 2, is amended by striking out the words "or to a magistrate of such county" in the fourth and fifth lines,

and the words "or magistrate" wherever they occur in the said section.

4. Sections 54 to 67 of *The Hospitals for the Insane Act* as enacted by 1916, c. 64, s. 2, are amended by striking out the words "or magistrate" wherever they occur in the said sections. Rev. Stat., c. 295, ss. 54-67, (1916, c. 64, s. 2) amended.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.





No. 92.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Hospitals for
the Insane Act.

1st Reading, 17th March,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. GOLDIE.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to Encourage the Planting and Growing of Trees.

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 Tree Planting Act, 1927*. Short title.
2. An owner of land may with the consent of the owner of Trees on boundary lines. adjoining land, plant trees on the boundary between such lands, and every tree so planted shall be the common property of such owners.
3. Any person who ties or fastens any animal to or injures Penalty for injuring trees on highways. or destroys any tree growing for the purposes of shade or ornament upon a boundary line between lands, or who suffers or permits any animal in his charge to injure or destroy or who trims, cuts down or removes any such tree without the consent of the owners thereof, shall incur a penalty not exceeding \$25.
4. *The Tree Planting Act*, being Chapter 213 of The Revised Rev. Stat. 1914, c. 213, repealed. Statutes of Ontario, 1914, is hereby repealed.

NOTE.—*For other provisions relating to trees upon highways see The Highway Improvement Act, The Municipal Act and The Line Fences Act.*

5. This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent.

No. 93

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to Encourage the Planting
and Growing of Trees.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. MARTIN.

TORONTO :

Printed by

The Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Statute Labour Act.

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 Statute Labour Act, 1927*. Short title.
2. Sections 1 to 14 of *The Statute Labour Act* are repealed and the following substituted therefor:—

Rev. Stat.,
c. 196,
ss. 1-14,
repealed.

EXEMPTIONS.

1. The following persons shall not be liable to perform statute labour or to commute therefor:—
 - (a) Every person in His Majesty's Naval or Military Service on full pay, or on actual service;
 - (b) Every non-commissioned officer or private of the Volunteer Force, certified by the officer commanding the company to which such volunteer belongs or is attached, as being an efficient volunteer; but this last exemption shall not apply to any volunteer who is assessed for property. R.S.O. 1914, c. 196, s. 2. (See *Firemen's Exemption Act, R.S.O., c. 201.*)

Exemption
of persons
in naval and
military
service.

POLL TAX.

- 2.—(1) Councils of cities, towns, villages and townships may pass by-laws for levying and collecting an annual tax to be known as "Poll Tax" of not less than \$1 and not more than \$5 from every male inhabitant of the municipality who
 - (a) is twenty-one years or over and under sixty years of age;

Poll Tax—
who liable
for.

- (b) is not exempt from performing statute labour;
- (c) is not otherwise assessed in the municipality or who is assessed and whose taxes are less than the poll tax; R.S.O. 1914, c. 196, s. 4 (1); 1916, c. 42, s. 1; 1917, c. 46, s. 1 *Redrafted*;
- (d) has not filed with the clerk a certificate showing that he has been assessed or performed statute labour or paid poll tax elsewhere in Ontario. R.S.O. 1914, c. 196, s. 8.
- (2) Where any person is assessed and his taxes are less than the amount of the poll tax he shall be liable to pay the poll tax only. *New*.
- (3) Where any such male inhabitant has been employed by the same person for not less than thirty days such employer shall pay over to the collector on demand out of any wages due to such employee the amount of such tax and such payment shall relieve the employer from any liability to the employee for the amount so paid. 1918, c. 35, s. 1 (1).

Payment to collector by employer.

STATUTE LABOUR.

Number of days of Statute labour.

Power of Council to increase or reduce.

- 3.—(1) Every person assessed upon the assessment roll of a township which has not passed a by-law abolishing statute labour shall, if his property is assessed at not more than \$300, be liable to two days' statute labour; at more than \$300 but not more than \$500, three days; at more than \$500 but not more than \$700, four days; at more than \$700 but not more than \$900, five days; and for every \$300 over \$900, or any fractional part thereof over \$150, one additional day; but the council may, by a by-law operating generally and rateably, reduce or increase the number of days' labour to which all the persons, rated on the assessment roll or otherwise, shall be respectively liable so that the number of days' labour to which each person is liable shall be in proportion to the amount at which he is assessed; and in all cases both of residents and non-residents the statute labour shall be rated and charged against every separate lot or parcel according to its assessed value.
- (2) Wherever one person is assessed for lots or parts of several lots in different parts of the township, not exceeding in the aggregate 200 acres, the said part

Case of parts of lots owned by one person.

or parts shall be rated and charged for statute labour as if the same were one lot, and the statute labour shall be rated and charged against any excess over 200 acres as if the excess were one lot.

(3) Every resident shall have the right to perform his whole statute labour in the statute labour division in which his residence is situate, unless otherwise ordered by the municipal council. R.S.O. 1914, c. 196, s. 9. ^{Where labour to be performed.}

(4) The council may pass by-laws for regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended. 1916, c. 42, s. 2. ^{Regulations as to performance.}

4.—(1) The council of any township may by by-law direct that a sum not exceeding \$3 a day shall be paid as commutation of statute labour for the whole or any part of such township, in which case the amount of the commutation shall be added in a separate column in the collector's roll and shall be collected and accounted for like other taxes. R.S.O. 1914, c. 196, s. 10; 1918, c. 35, s. 3. ^{Commutation of labour.}

(2) Where no such by-law has been passed the statute labour in respect to lands of residents and non-residents shall be commuted at the rate of \$2 for each day's labour. R.S.O. 1914, c. 196, s. 12; 1918, c. 35, s. 5.

5.—(1) In a township which has not passed a by-law abolishing statute labour or a by-law for levying poll tax every male inhabitant of the township who ^{Labour in township in which poll tax is not levied.}

(a) is twenty-one years or over and under sixty years of age;

(b) is not exempt from performing statute labour;

(c) is not otherwise assessed in the township;

(d) has not filed with the clerk a certificate showing that he has been assessed or performed statute labour or paid poll tax elsewhere in Ontario

shall be liable to one day of statute labour on the roads and highways in the township. R.S.O. 1914, c. 196, s. 5; 1918, c. 35, s. 2. *Redrafted.*

Case of
farmer's son.

- (2) Every farmer's son entered as such on the assessment roll of a township shall, if not otherwise exempted by law, be liable to perform statute labour or commute therefor as if he were not so entered. R.S.O. 1914, c. 196, s. 7. *Part.*

Abolition of
labour.

6. The council of every township may pass by-laws to abolish statute labour. R.S.O. 1914, c. 196, s. 7. *Part.*

Collection
of poll tax.

- 7.—(1) Every person liable to pay poll tax shall pay the same to the collector appointed to collect the same within two days after demand therefor by the collector; and in case of neglect or refusal to pay the same the collector may levy the same by distress and sale of the goods and chattels of the defaulter, with costs of distress; and if no sufficient distress can be found the defaulter, for his refusal or neglect to pay the said sum, shall incur a penalty of \$5.

Penalty for
non-per-
formance.

- (2) Any person liable to perform statute labour under section 5 not commuted shall perform the same when required so to do by the pathmaster or other officer of the municipality appointed for that purpose, and, in case of wilful neglect or refusal to perform such labour after six days' notice requiring him to do the same, shall incur a penalty of \$5.

Payment of
penalties to
treasurer.

- (3) All sums and penalties, other than costs, recovered under this section shall be paid to the treasurer of the local municipality and shall form part of the Statute Labour Fund thereof. R.S.O. 1914, c. 196, s. 13.

Commuta-
tion in case
of non-
resident
owner of
unoccupied
land.

8. A non-resident owner of unoccupied land shall not be permitted to perform statute labour in respect thereof; but such labour shall be commuted and the amount of the commutation shall be charged against every separate lot or parcel and be entered in the collector's roll, and the council shall order all sums paid on that account to be expended in the statute labour division in which the property is situate. R.S.O. 1914, c. 196, s. 14. *Redrafted.*

Rev. Stat.
c. 196, s. 16
repealed.

- 3.** Section 16 of *The Statute Labour Act* is repealed and the following substituted therefor:

Meeting for
election of
road com-
missioners.

16. Twenty resident landholders in any unincorporated township or in any two contiguous unincorporated townships or in any designated parts of two such

contiguous townships shall have the right to have a public meeting called for the purpose of electing road commissioners.

4. Section 17 of *The Statute Labour Act* is repealed and the following substituted therefor: Rev. Stat., c. 196, s. 17, repealed.

17.—(1) The landholders desiring the meeting to be called shall sign a requisition authorizing some one of their number, who shall be named in the requisition, to call a meeting of the resident landholders of such township or townships or of the designated parts of such townships for the purpose of electing road commissioners. Requisition for meeting.

(2) Where it is proposed that the road commissioners shall have jurisdiction over two townships or designated parts of two townships the requisition shall be signed by at least eight resident landholders in any one township or part of a township, and shall also designate what parts of the township are to be included.

5. Section 19 of *The Statute Labour Act* is repealed and the following substituted therefor: Rev. Stat., c. 196, s. 19, repealed.

19. The notice calling the meeting shall name a place, day and hour for holding it and shall be posted up in at least six conspicuous places and at each post office and public school house in the township or townships as the case may be, and the day named shall be at least ten days from the date of the notice. Notice of meeting.

6. Section 21 of *The Statute Labour Act* is amended by striking out the words "or may not be a landholder of the township," in the seventh line. Rev. Stat., c. 196, s. 21, amended.

7. Subsection 1, of section 27, of *The Statute Labour Act* is amended by adding after the word "thereof" in the fourth line the words "and direct the performance of statute labour thereon." Rev. Stat., c. 196, s. 27, subs. 1, amended.

8. Subsection 2 of section 27 of *The Statute Labour Act* is amended by striking out the words "Department of Lands, Forests and Mines" in the last line and inserting in lieu thereof the words "Department of Lands and Forests and the Commissioners may pay the cost of preparing such plan out of any moneys received by way of commutation of Statute Labour." Rev. Stat., c. 196, s. 27, subs. 2, amended.

Rev. Stat.,
c. 196, s. 27,
amended. **9.** Section 27 of *The Statute Labour Act* is amended by adding the following subsection:

- (3) In the case of a deviation passing over any patented improved land the commissioners may pay to the owner of the land taken for the purpose of making the deviation the value of it as may be agreed upon between the commissioners and the owner, or in case of disagreement as may be fixed by the Judge of the District Court of the district on an application made to him by the commissioners for that purpose.

Rev. Stat.,
c. 196, s. 28,
repealed **10.** Section 28 of *The Statute Labour Act* is repealed and the following substituted therefor:

28. The time for the performance of statute labour shall from time to time be regulated and fixed by resolution of the commissioners.

Rev. Stat.,
c. 196, s. 29,
subs. 1,
amended. **11.** Subsection 1 of section 29 of *The Statute Labour Act* is amended by inserting after the word "householder" in the seventh line the words "who is not an owner or locatee of the land."

Rev. Stat.,
c. 196, s. 31,
amended. **12.** Section 31 of *The Statute Labour Act* is amended by adding at the end thereof the words "unless in the opinion of the commissioners such money should be expended on other roads under their jurisdiction."

Rev. Stat.,
c. 196, s. 31a,
amended. **13.** Section 31a of *The Statute Labour Act* as enacted by section 1 of chapter 69 of the Acts passed in 1921 is amended by adding at the end thereof the words "unless in the opinion of the commissioners such money should be expended on other roads under their jurisdiction."

Rev. Stat.,
c. 196, s. 33,
amended. **14.** Section 33 of *The Statute Labour Act* is amended by adding at the end thereof the words "or such other roads as in the opinion of the commissioners require improvement."

Rev. Stat.,
c. 196, s. 34,
subs. 4,
amended. **15.** Subsection 4 of section 34 of *The Statute Labour Act* is amended by adding at the end thereof the words "and shall be available for inspection at all reasonable times by any owner, or locatee of land, or householder in the area over which the commissioners have jurisdiction."

Commence-
ment of Act. **16.** This Act shall come into force on the day upon which it receives the Royal Assent.



No. 94.

1st Session, 17th Legislature,
17 George V, 1927.

BILL.

An Act to amend The Statute Labour Act.

1st Reading,	1927.
2nd Reading,	1927.
3rd Reading,	1927.

MR. FINLAYSON.

TORONTO:

Printed by

The Printer to the King's Most Excellent Majesty.







