









LEGISLATIVE ASSEMBLY  
OF ONTARIO

---

BILLS  
AS INTRODUCED IN THE HOUSE  
TOGETHER WITH  
REPRINTS AND THIRD READINGS

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SESSION  
FEBRUARY 5th to APRIL 3rd  
1930



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No. 1

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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## **BILL**

**An Act respecting the Mount McKay and Kakabeka Falls  
Railway Company**

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MR. SPENCE

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(PRIVATE BILL)

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TORONTO  
PRINTED BY  
THE PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 1.

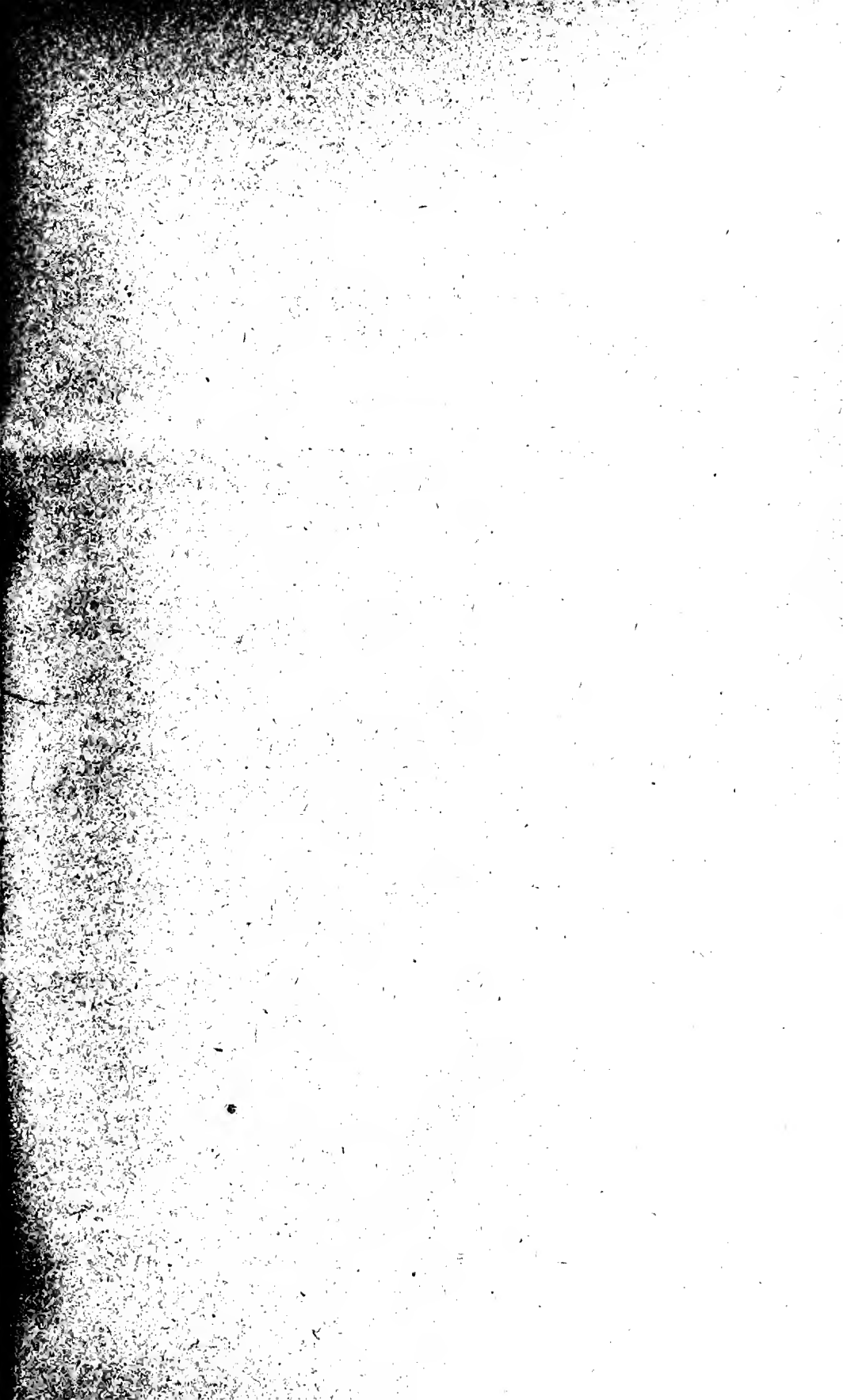
1930.

# BILL

An Act respecting the Mount McKay and Kakabeka Falls Railway Company.

Preamble.

**W**HEREAS the Mount McKay and Kakabeka Falls Railway Company has by petition represented that the company was incorporated by an Act passed by the Legislature of the Province of Ontario, in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, as amended by an Act passed in the eighth year of His late Majesty's reign, chaptered 131, and as further amended by an Act passed in the second year of the reign of His Majesty King George the Fifth, chaptered 143, and as further amended by an Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, and as further amended by an Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, and as further amended by an Act passed in the twelfth year of the reign of His Majesty King George the Fifth, chaptered 142, and as further amended by an Act passed in the sixteenth year of the reign of His Majesty King George the Fifth, chaptered 111, for the purpose of constructing and maintaining a railway to be operated by electricity, compressed air or other motive power, as set forth in the said Acts; and whereas by the Act passed in the sixteenth year of the reign of His Majesty King George the Fifth, chaptered 111, it was, among other things, provided that the said company might operate the said railway and any authorized extensions thereof by steam, for a period of four years from April 1st, 1926, except on Neebing Avenue, north of Montreal Street; and whereas it was, among other things, further provided by the said Act that the time for completion of the said railway be extended for a period of four years from the passing of the said last-mentioned Act; and whereas the said company has, by its petition prayed for an Act extending the time within which the said company may operate the said railway and any authorized extensions thereof by steam; for a further period of four years, except on Neebing Avenue, north of Montreal Street, and extending the time for completing the said railway for a further term of four years; and conferring



such other rights, powers and authorities as may be incidental to the above; 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:—

1926, c. 111,  
s. 1,  
repealed.

**1.** Section 1 of the Act passed in the sixteenth year of the reign of His Majesty King George the Fifth, chaptered 111, is repealed, and the following substituted therefor:—

1904, c. 82,  
s. 2,  
amended

**1.** Section 2 of the Act passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, is amended by adding thereto the following words: "Provided that the said company may operate the said railway and any authorized extensions thereof by steam, for a period of four years from April 1st, 1930, except on Neebing Avenue, north of Montreal Street, but such right to operate by steam shall then absolutely cease."

1926, c. 111,  
s. 3,  
repealed.

**2.** Section 3 of the Act passed in the sixteenth year of the reign of His Majesty King George the Fifth, chaptered 111, is repealed.

Time for  
completion  
of railway  
extended.

**3.** Notwithstanding anything contained in *The Railway Act*, the railway authorized by the said Act, passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, as amended by the Act passed in the eighth year of His late Majesty's reign, chaptered 131, and as further amended by the Act passed in the second year of the reign of His Majesty King George the Fifth, chaptered 143, and as further amended by the Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, and as further amended by an Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, and as further amended by an Act passed in the twelfth year of the reign of His Majesty King George the Fifth, chaptered 142, and as further amended by an Act passed in the sixteenth year of the reign of His Majesty King George the Fifth, chaptered 111, and by this Act, shall be completed within four years from the passing of this Act, and if the railway is not completed and put in operation within four years from the passing of this Act, then the powers granted to the company by the said Acts shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Existing  
rights,  
powers and  
agreements  
not affected.

**4.** Subject to the provisions of this Act, all rights, powers, authorities and privileges conferred upon the said company





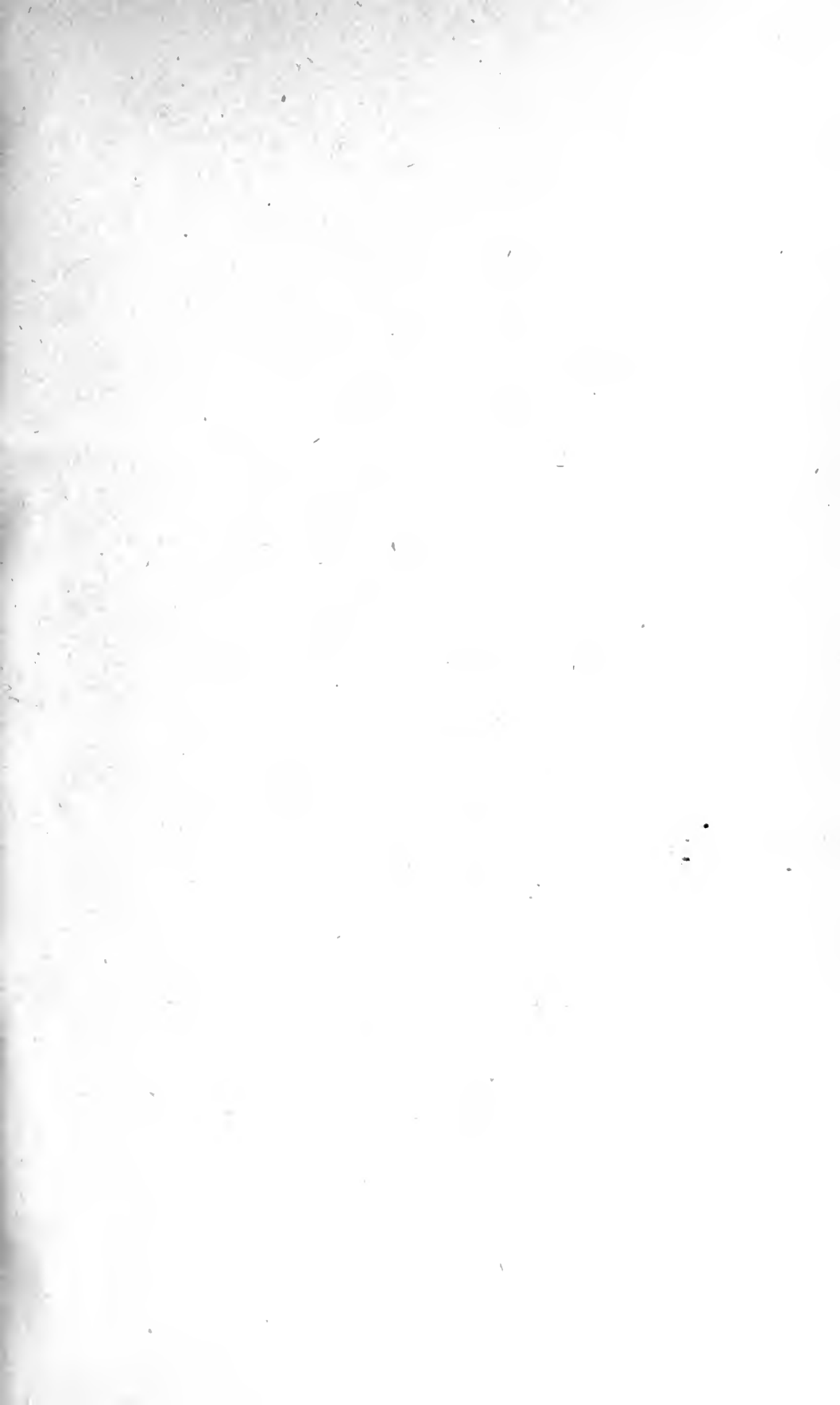
by the said Acts, or by any general Act, are hereby declared to be in force, and nothing in this Act contained shall in any way be deemed to affect any agreement heretofore entered into between the company and any municipal corporation or any other person or persons.

Short title.

**5.** This Act may be cited as *The Mount McKay and Kakabeka Falls Railway Act, 1930*.

Commence-  
ment of  
Act.

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



BILL.

An Act respecting the Mount McKay and  
Kakabeka Falls Railway Company.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. SPENCE

(PRIVATE BILL)

No. 1

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the Mount McKay and Kakabeka Falls  
Railway Company**

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MR. SPENCE

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 1.

1930.

# BILL

## An Act respecting the Mount McKay and Kakabeka Falls Railway Company.

Preamble.

**W**HEREAS the Mount McKay and Kakabeka Falls Railway Company has by petition represented that the company was incorporated by an Act passed by the Legislature of the Province of Ontario, in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, as amended by an Act passed in the eighth year of His late Majesty's reign, chaptered 131, and as further amended by an Act passed in the second year of the reign of His Majesty King George the Fifth, chaptered 143, and as further amended by an Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, and as further amended by an Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, and as further amended by an Act passed in the twelfth year of the reign of His Majesty King George the Fifth, chaptered 142, and as further amended by an Act passed in the sixteenth year of the reign of His Majesty King George the Fifth, chaptered 111, for the purpose of constructing and maintaining a railway to be operated by electricity, compressed air or other motive power, as set forth in the said Acts; and whereas by the Act passed in the sixteenth year of the reign of His Majesty King George the Fifth, chaptered 111, it was, among other things, provided that the said company might operate the said railway and any authorized extensions thereof by steam, for a period of four years from April 1st, 1926, except on Neebing Avenue, north of Montreal Street; and whereas it was, among other things, further provided by the said Act that the time for completion of the said railway be extended for a period of four years from the passing of the said last-mentioned Act; and whereas the said company has, by its petition prayed for an Act extending the time within which the said company may operate the said railway and any authorized extensions thereof by steam, for a further period of four years, except on Neebing Avenue, north of Montreal Street, and extending the time for completing the said railway for a further term of four years; and conferring

such other rights, powers and authorities as may be incidental to the above; 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. Section 1 of the Act passed in the sixteenth year of the reign of His Majesty King George the Fifth, chaptered 111, is repealed, and the following substituted therefor:—

1. Section 2 of the Act passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, is amended by adding thereto the following words: "Provided that the said company may operate the said railway and any authorized extensions thereof by steam, for a period of four years from April 1st, 1930, except on Neebing Avenue, north of Montreal Street, but such right to operate by steam shall then absolutely cease."

2. Section 3 of the Act passed in the sixteenth year of the reign of His Majesty King George the Fifth, chaptered 111, is repealed.

3. Notwithstanding anything contained in *The Railway Act*, the railway authorized by the said Act, passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, as amended by the Act passed in the eighth year of His late Majesty's reign, chaptered 131, and as further amended by the Act passed in the second year of the reign of His Majesty King George the Fifth, chaptered 143, and as further amended by the Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, and as further amended by an Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, and as further amended by an Act passed in the twelfth year of the reign of His Majesty King George the Fifth, chaptered 142, and as further amended by an Act passed in the sixteenth year of the reign of His Majesty King George the Fifth, chaptered 111, and by this Act, shall be completed within four years from the passing of this Act, and if the railway is not completed and put in operation within four years from the passing of this Act, then the powers granted to the company by the said Acts shall cease and be null and void as respects so much of the railway as then remains uncompleted.

4. Subject to the provisions of this Act, all rights, powers, authorities and privileges conferred upon the said company

Existing rights, powers and agreements not affected.

by the said Acts, or by any general Act, are hereby declared to be in force, and nothing in this Act contained shall in any way be deemed to affect any agreement heretofore entered into between the company and any municipal corporation or any other person or persons.

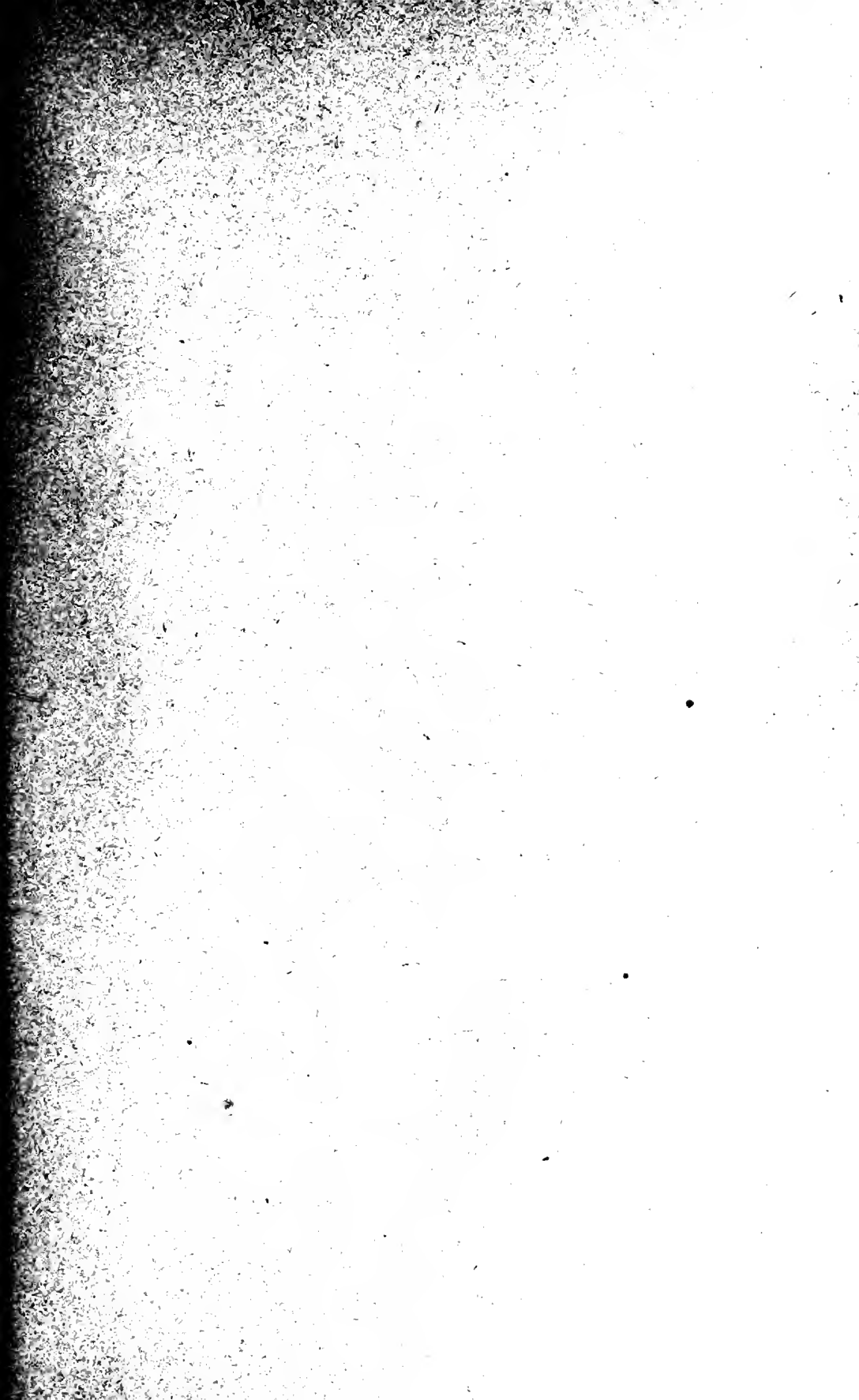
Short title.

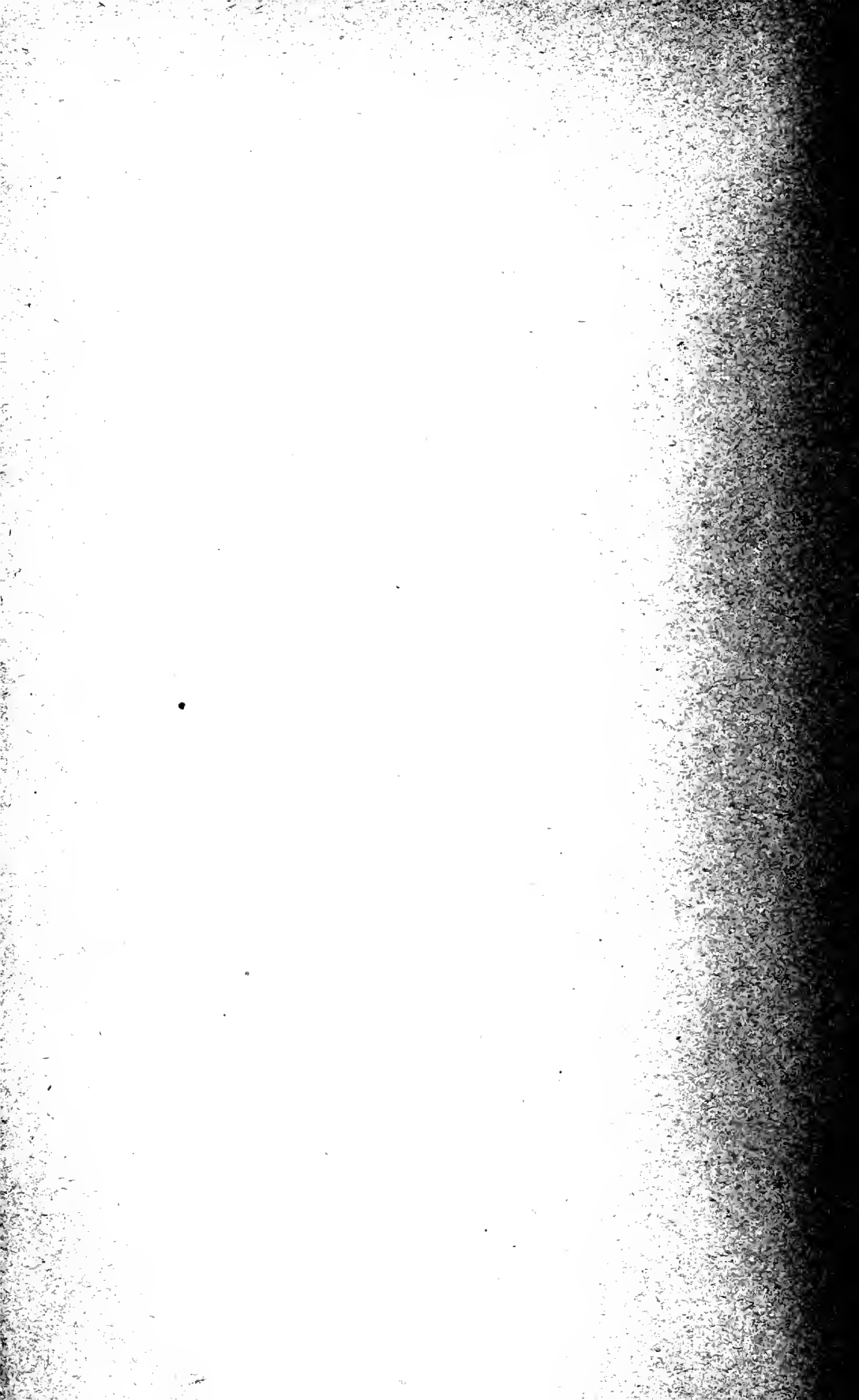
**5.** This Act may be cited as *The Mount McKay and Kakabeka Falls Railway Act, 1930.*

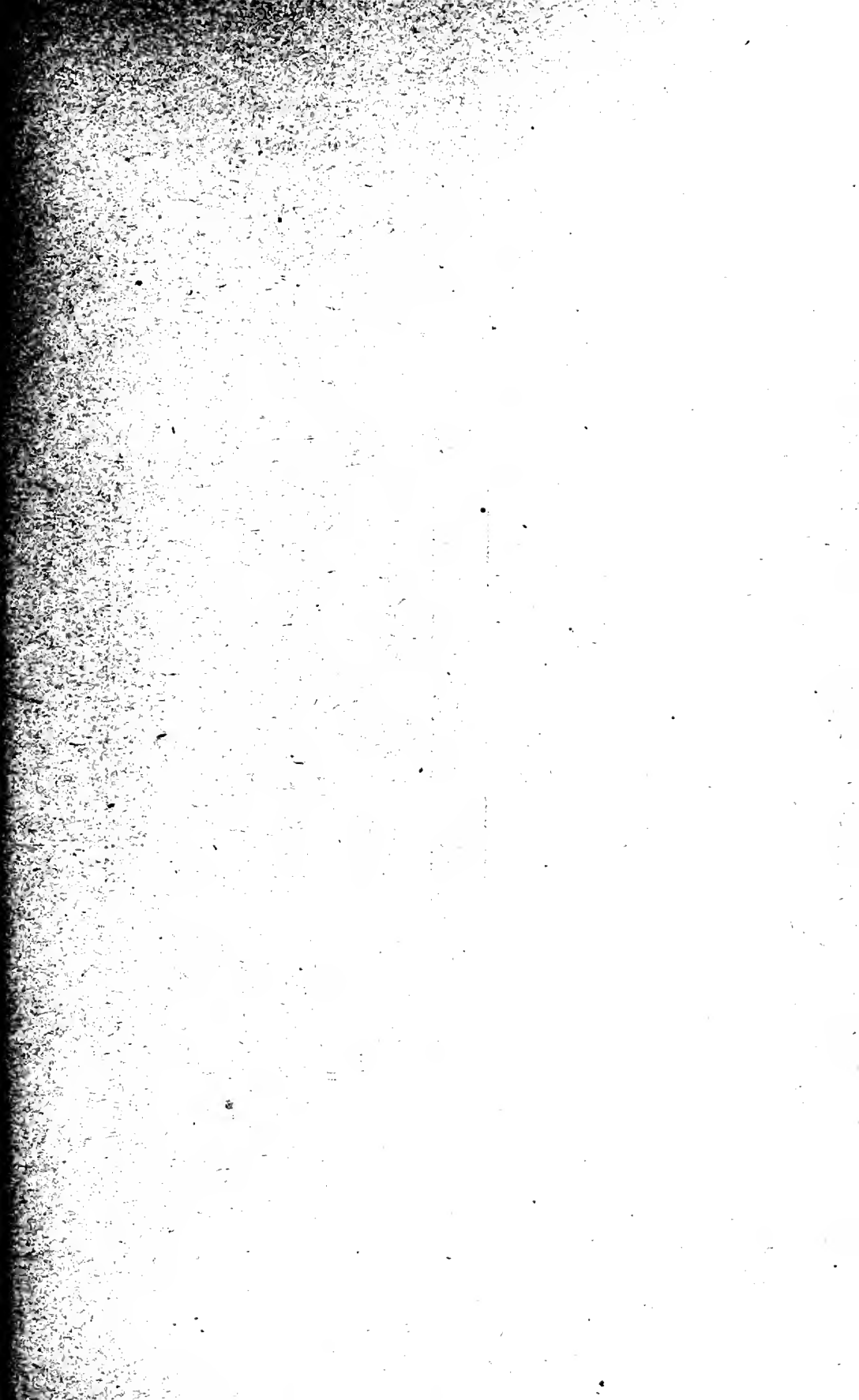
Commence-  
ment of  
Act.

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









BILL.

An Act respecting the Mount McKay and  
Kakabeka Falls Railway Company.

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*1st Reading*

February 11th, 1930

*2nd Reading*

March 25th, 1930

*3rd Reading*

March 27th, 1930

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MR. SPENCE

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No. 2

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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## **BILL**

**An Act respecting the Purchase of Waterworks by the Municipal Corporation of the Town of Walkerville.**

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MR. WILSON (Windsor).

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(PRIVATE BILL)

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 2.

1930.

# BILL

## An Act respecting the Purchase of Waterworks by the Municipal Corporation of the Town of Walkerville.

**Preamble.** **W**HEREAS the municipal corporation of the town of Walkerville has by its petition represented that The Walkerville Water Company Limited and The Walkerville Construction Company Limited are corporations under the laws of the Province of Ontario distributing water in the town of Walkerville, the city of East Windsor, the town of Riverside and the township of Sandwich East, and that it is desirable that the works and property of the said companies shall be acquired by the town of Walkerville; and whereas the said companies have entered into an agreement with the said town of Walkerville, dated the 22nd day of January, 1930, covering the terms of the sale and purchase of the said works and property; and whereas the municipal council of the town of Walkerville did at the municipal election of the town held on the 9th day of December, 1929, submit the question of the purchase to the ratepayers, those voting in favour being 684 and those voting against being 192; and whereas it is desirable to authorize the purchase of the said works and property by the town of Walkerville and to validate the said agreement and to authorize the issue of debentures to pay the purchase price and to provide for the maintenance, extension and improvement of the said works and property and the issue of debentures to pay for the same; and to provide for the control and management of the said works and property by a commission; 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:—

**Short title.** **1.** This Act may be cited as *The Walkerville Water Commission Act, 1930.*

with the...

Somehow...



...the ...

...the ...

...the ...

...the ...

...the ...

Interpre-  
tation.

**2.** In this Act,—

“Com-  
mission.”

(a) “Commission” shall mean The Walkerville Water Commission created by this Act;

“System.”

(b) “System” shall mean the works and property referred to in schedule 1 to this Act and all extensions and additions thereto and improvements thereof and all works and property hereafter constructed, purchased or acquired by the municipal corporation of the town of Walkerville or by the commission under the authority of this Act;

“Cor-  
poration.”

(c) “Corporation” shall mean the municipal corporation of the town of Walkerville.

Constitution  
and mem-  
bers of Com-  
mission.

**3.**—(1) For the purposes hereinafter mentioned there shall be a commission to be known as “The Walkerville Water Commission” consisting of five persons as follows: Three members of the municipal council of the town of Walkerville being the head, the chairman from time to time of the committee to which matters affecting water supply are by the by-laws of the town of Walkerville referred by the council, the chairman from time to time of the Finance Committee and the two members from time to time of the Hydro-Electric Commission of the town of Walkerville other than the head of the council.

Designation  
of Commis-  
sion.

(2) The commission shall be a body corporate under the name of “The Walkerville Water Commission.”

Chairman,  
appointment  
and tenure  
of office.

(3) The commission shall elect a chairman from its members at its first meeting to hold office for the balance of the calendar year and until his successor is elected; and the commission shall annually at the first meeting held in each year elect one of its members to be chairman of the commission for one year and until his successor is elected; the chairman shall preside at all meetings of the commission at which he is present and in the absence of the chairman the members present shall elect one of their number to preside, and the chairman so elected shall during such absence have the powers of the chairman.

Application  
of Rev. Stat.,  
c. 249.

**4.** Save as herein otherwise provided, the provisions of *The Public Utilities Act* shall apply to this Act and the council of the corporation and the commission shall stand in the same relation to each other as if the commission had been established by by-law under the provisions of the said Act; and the System shall be a public utility within the meaning of the said Act.





Agreement with Walkerville Water Co., etc., confirmed.

5. The agreement dated the 22nd day of January, 1930, made between The Walkerville Water Company Limited and The Walkerville Construction Company Limited of the one part and the municipal corporation of the town of Walkerville of the other part and set out as schedule 1 hereto is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto and the ratepayers of the corporation and upon the commission; and the parties thereto respectively may pass such by-laws, issue such debentures, pay such moneys and do all such acts, matters and things as may by them be deemed necessary for the full and proper carrying out of the provisions of the said agreement.

Borrowing powers.

6.—(1) For the following purposes:

- (a) Providing the money to pay the purchase price of the System to be ascertained as provided by the said Agreement and any loss occasioned on the sale of debentures and the expenses preliminary and incidental to the purchase;
- (b) Providing such initial working and contingent reserve for the use of the System as the commission may deem necessary pending the setting up of such reserve out of revenues;
- (c) Providing the moneys to pay for any waterworks hereafter constructed, purchased or acquired and for extensions, additions and improvements hereafter made to the System;

the council of the corporation may agree with any bank or person for temporary advances and may by by-laws passed from time to time with the assent of the electors issue debentures for the sums so borrowed or required and the debt so incurred and the debentures so issued shall be a direct liability of the corporation to the lender of such sums and to the holder of any such debentures and shall be specially charged upon the System.

Term of debentures.

(2) The debentures so issued shall be made payable within thirty years from the time when the same are issued.

Temporary borrowing by Commission.

(3) The council of the corporation may either before or after the commission fixes the rates for the current year, or part thereof, borrow such sums as the commission may deem necessary to meet the current ordinary expenditure of the commission until the rates are collected.

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Application  
of Rev. Stat.,  
c. 233.

(4) Save as herein otherwise provided, the provisions of *The Municipal Act* as to all by-laws for creating debts shall apply to this Act.

Debts  
not to be  
included in  
debenture  
statement.

7.—(1) The debts created under this Act and the debentures issued therefor shall not be deemed to be part, and shall not be included in any statement, of the debenture debt of the corporation, but the corporation shall nevertheless be liable for the same.

(2) The debts created under this Act shall not be deemed to be part of the debts of the town of Walkerville for the purposes of subsection 1 of section 306 of *The Municipal Act*.

General  
powers of  
Commission.

8.—(1) The commission shall manage, control, operate and maintain the System and shall have the right to extend, add to and improve the same including the construction of all works which the commission may deem necessary for any of its purposes in the municipalities of the town of Walkerville, the city of East Windsor, the town of Riverside and the township of Sandwich East without authorization from any of the said municipalities.

Rev. Stat.,  
c. 235.

(2) All works which are supplied with water by the commission, including all mains now or hereafter constructed under *The Local Improvement Act*, and all extensions and additions thereto and improvements thereof in any of the said municipalities shall be under the direct control and management of the commission and the commission may pass by-laws to regulate or prohibit the connection of mains and pipes with the System and the supply of water therein and may take such steps and may do such acts as may be necessary to protect the System and every part thereof, or the pressure or flow of water therein.

Accessories  
to mains.

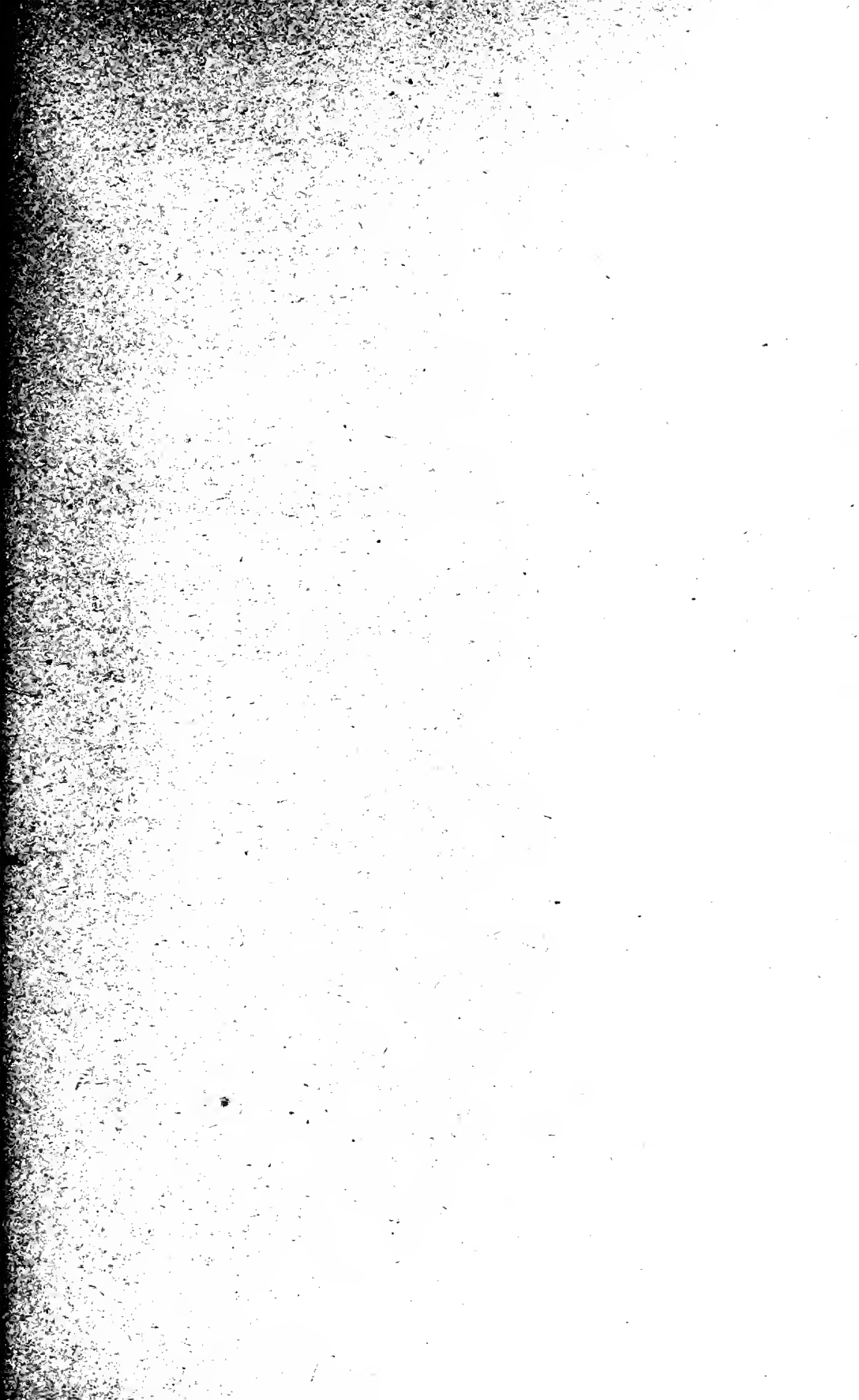
(3) The commission may extend or add to any water mains, service pipes and feeder mains, accessories and attachments in any of the said municipalities even if the same are not owned or operated or supplied with water by the commission, including all water mains now or hereafter constructed under *The Local Improvement Act*.

Payment for  
hydrants.

(4) Each of the said municipalities shall pay to the commission annually for hydrant service with respect to hydrants installed at the expense of the municipality such amounts payable in advance or in instalments as the commission shall determine from year to year.

Same power  
as if system  
wholly in  
Walkerville.

(5) The corporation and the commission shall with respect to the System and the exercise of the powers conferred by this



Act have all powers, rights, authorities and privileges as if the System were situated wholly within the limits of the town of Walkerville without restricting any other powers, rights, authorities and privileges so conferred.

Initial charge as guarantee.

**9.**—(1) The commission may, before beginning or continuing the supply of water to any person, require such person to pay a deposit, not exceeding the sum of \$10, as a guarantee against default in payment of rates or for damage to the System and such deposit may be applied in part or full payment of the amount of such rates or damage unpaid at the time when the service is discontinued and the balance if any shall be returned to such person.

Rev. Stat., c. 249.

(2) The words “the clerk of the municipality” in subsection 2 of section 26 of *The Public Utilities Act* shall with respect to this Act mean the clerk of the municipality in which the land is situated and the amount collected shall be paid to the Commission forthwith.

Agreements for supply of water.

**10.** The commission may enter into agreements and contracts of all kinds with any municipality for the supply of water, the installation of hydrants and for any other services incidental to the supply of water upon such terms and for such time as may be agreed without the assent of the electors of any municipality.

Prohibition as to expropriation.

**11.** No municipality shall have the right to expropriate the whole or any part of the System nor to lay any main or pipe for the supply of water through, over or under any highway, lane or public communication in or on which any main of the System is or shall be installed.

Special rate of 11 cents per foot.

**12.**—(1) For the purposes of assisting in the payment of the principal and interest of debentures issued under the authority of this Act, the commission may impose an equal annual special rate not exceeding eleven cents per foot of frontage upon all lands in the said municipalities of Walkerville, East Windsor, Riverside and Sandwich East, fronting or abutting upon any highway, lane or other public communication in, through or along which there are from time to time water mains of, or supplied with water by the commission and also on all other lands distant not more than three hundred feet therefrom.

Lien on land.

(2) The amount payable by the owner or occupant of any land upon which such frontage rate is imposed shall be a lien and charge upon such land and shall be added to the municipal taxes on such land and the commission may require the muni-

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cipality to levy and collect the same at the same time and in the same manner as is applicable to municipal taxes and to pay the same to the commission forthwith after collection thereof.

Exception  
as to local  
improve-  
ment main.

(3) The said special rates shall not be imposed upon or collected from the owner or occupant of land upon which a special rate under *The Local Improvement Act* is charged for the construction of a water main.

Water  
rate to be  
credited on  
special rate.

(4) The commission upon the production by the owner or occupant using water supplied by the commission on such land of the receipt for the payment of the rate chargeable for the use thereof during the year, or such proportion thereof as equals such special rate, shall remit or allow to such owner or occupant the amount so paid for the use of water as a payment of or on account of such special rate.

Application  
of surplus.

**13.** Any surplus or reserve created in connection with the operation of the System after providing for the expenses and maintenance of the System and the annual payments falling due on account of any outstanding debentures of the corporation issued for the System shall be used for such purpose beneficial to the System as the commission may decide, and if any deficit is paid by the corporation the commission shall increase the rates, charges and rents to an extent sufficient to defray such deficit, and shall repay the amount thereof to the corporation as soon as may be.

Commence-  
ment of Act.

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





## SCHEDULE "1"

This agreement made the 22nd day of January, 1930.

BETWEEN:

THE WALKERVILLE WATER COMPANY LIMITED and WALKERVILLE CONSTRUCTION COMPANY LIMITED, hereinafter called the "Companies,"

of the one part;

—and—

THE MUNICIPAL CORPORATION OF THE TOWN OF WALKERVILLE, hereinafter called the "Town,"

of the other part.

Whereas the Companies are operating a public utility supplying water in the Town, the City of East Windsor, the Town of Riverside and the Township of Sandwich East, under certain franchises granted by the Town and the Township of Sandwich East;

And whereas the Essex Border Utilities Commission hereinafter called the "Commission" proposed to expropriate the said utility for the benefit of the said Municipalities, and in pursuance thereof entered into an Agreement with the Companies, dated the 10th day of October, 1928, fixing the price to be paid for the said utility at \$606,132.40, which price was based upon the report of Mr. J. Clark Keith, dated the 12th day of July, 1928;

And whereas the said agreement provided, among other things, that in the event that the same was not authorized by a favourable vote of the ratepayers at or before the annual Municipal election for the year 1929, the same should be null and void;

And whereas the said agreement was authorized by the ratepayers of the Towns of Walkerville and Ford City, but was not authorized by the ratepayers of the Town of Riverside and the Township of Sandwich East;

And whereas the City of East Windsor subsequently refused to participate in the purchase of the said utility;

And whereas the Municipal Council of the Town has passed a By-law authorizing the Town to acquire the said utility which was to have been acquired by the Commission as aforesaid, and the said By-law was duly submitted to and received the assent of the ratepayers of the Town in the month of December, 1929;

Now this agreement witnesseth and it is agreed as follows:—

(1). The companies agree to sell and the Town agrees to buy the works of the Companies and all property used in connection therewith, for the purpose of supplying water, and being the properties set out or referred to in the said report, which is hereby made a part of this agreement, and the lands and premises set out in Schedule "A" hereto, and all easements, rights, powers, authorities and privileges enjoyed or exercised by the Companies, and each of them, and all contracts in force on the day provided herein for transfer, and all documents relating to the undertakings of the Companies except the Companies' charters, by-laws, minute books, share registers, stock certificate books, transfer books, bank books, financial statements and cash books and/or ledgers and other documents relating to the organization and management of the companies.

(2). The said assets shall be transferred, free from all encumbrances, claims and obligations, except as hereinafter mentioned, to the Town, or to such other body or bodies as may be authorized to hold and operate the same.

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(3). Until the transfer day, the Companies, and each of them, shall keep up, as nearly as may be, the properties of every nature so to be transferred, and shall do no act to invalidate or determine any easement, right, power, privilege or benefit of any contract enjoyed or exercisable by the said Companies or either of them.

(4). The consideration for the said sale shall be the payment by the Town to the Companies of the said sum of \$606,132.40 plus such additional amount as may be certified by the said J. Clark Keith and Mr. William Storrie consulting Engineer for the Companies, it being understood that the amount ascertained by the said report, and the principle by which it was ascertained are hereby approved and accepted, and that all proper and just allowances, following the same principle, shall be made by the said Keith and Storrie, so as to bring the said report up to the day of transfer.

The said consideration shall be paid in cash on or before the transfer day, or, at the option of the Companies, by the transfer to the Companies of equal, annual instalment debentures of the Town, at the market value thereof at the time of transfer.

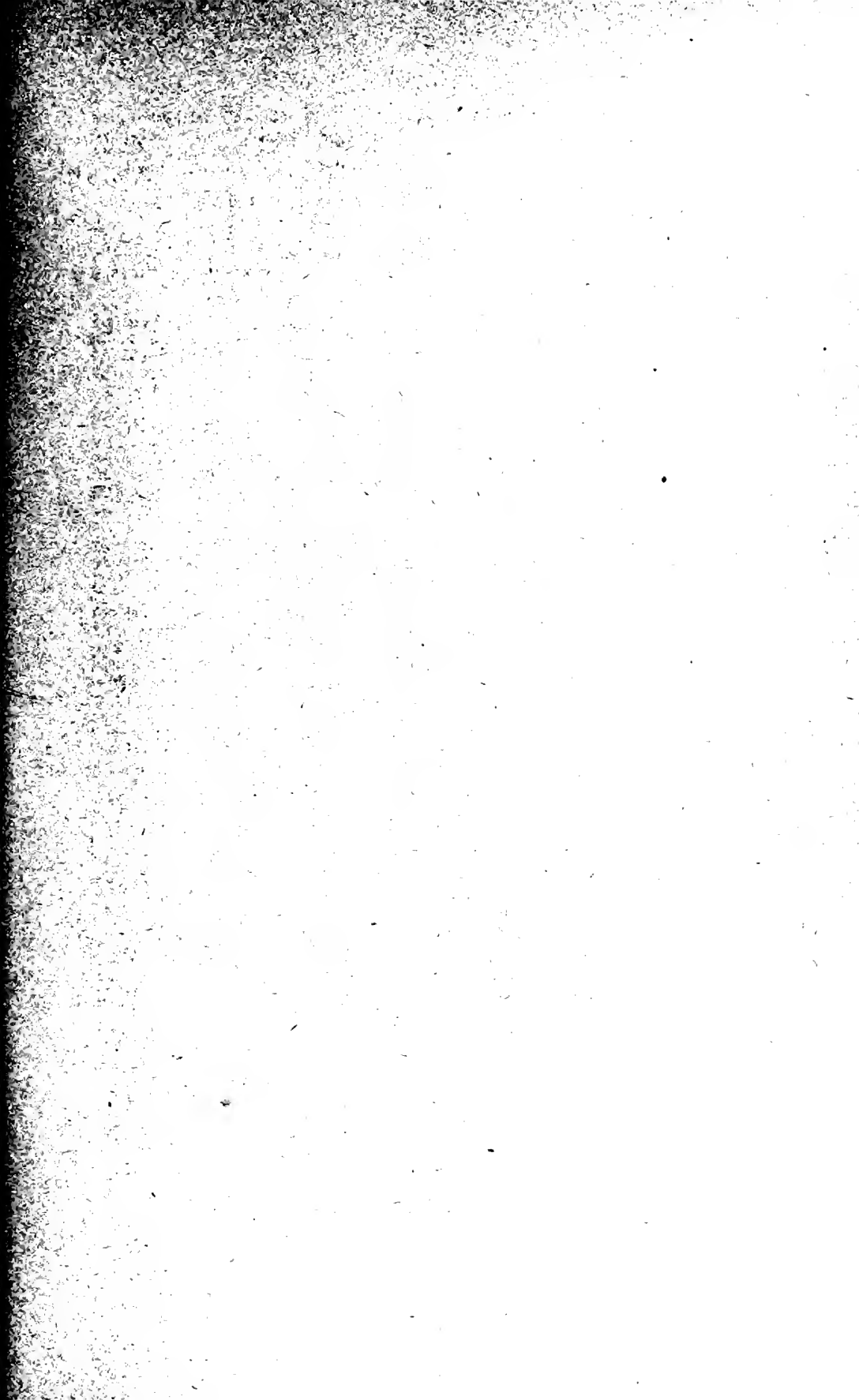
(5). The Companies shall, until the transfer day, carry on and manage their undertakings according to their usual course of business, including extensions and changes made between this date and the transfer day, and approved by the said Keith and Storrie, and shall maintain and keep the works and properties intended to be sold to the Town as aforesaid, in their present state and condition, reasonable wear and tear excepted, and shall continue to keep proper accounts. Provided always, that the Companies shall not, without the previous consent in writing of the Town, incur or enter into any new liability or contract in respect of their undertakings except such as may be necessary in the ordinary course of business.

(6). On payment by the Town of the consideration for the sale, the Companies shall forthwith execute all deeds and documents and do all things that may be reasonably required by the Town for carrying into effect the sale and purchase, and for transferring to and vesting in the Town the properties and rights hereby agreed to be sold, free from all liabilities and encumbrances affecting the same, except as hereinafter mentioned, and for letting the Town into possession thereof, and shall also by way of further assurance, but at the expense of the Town, execute or procure the execution of such deeds and documents by other persons.

(7). The day appointed for the completion of the sale and purchase (heretofore referred to as the transfer day) shall be thirty days after the Bill (hereinafter referred to) receives the assent of the Lieutenant-Governor of the Province of Ontario, but not later than the 30th day of June, 1930, and time shall be the essence of this agreement. If, from any cause, all or any part of the purchase money shall not be paid on that day, the Town shall pay to the Companies interest at the rate of Six (6) per cent. per annum, on the moneys so remaining unpaid from the transfer day until the payment thereof.

(8). Should the sale and purchase be not completed on the transfer day, the Companies shall thereafter, as agents for and at the expense and risk of the Town, but subject to the provisions of Section 9 and 12 hereof, carry on the undertakings until the sale and purchase shall be actually completed, and the Town shall, on or before the actual completion of the sale and purchase, pay to the Companies the sum of \$1,500.00 for each and every month during which the Companies act as such agents, and shall also repay to the Companies all moneys expended by them whilst acting as such agents, with interest thereon at the rate of six (6) per cent. per annum.

(9). Provided always that nothing herein contained shall bind the Companies to allow any extension of time beyond the transfer day fixed as above, but they may, at their option, declare this agreement to be at an end.



(10). From and after the completion of the sale, and until the Companies shall be finally wound up and dissolved, the Companies shall have full access at all reasonable times to the documents, books and accounts of the Companies, and for all other reasonable purposes in relationship of the winding up of the Companies, and the Town shall permit such officers and servants of the Town as shall have been in the employ of the Companies to assist in making up such accounts.

(11). After the sale and purchase shall have been completed, the Companies shall continue to subsist only for the purpose of winding up their affairs.

(12). The Town or other body or bodies representing it shall assume and be responsible for the obligations of the Companies and each of them, under the by-laws, agreements and other documents mentioned or referred to in Schedule "B" hereto and for all other contractual obligations of the Companies for supplies which may be liabilities after the transfer day.

(13). This agreement is made and entered into, upon and subject to the condition that before the transfer day the same shall be approved by proper legislative authority and made valid and binding upon the parties hereto; and in the event that this agreement is not so made valid and binding, it shall be null and void, and shall be deemed to have been entered into by the Companies without prejudice to their legal rights.

(14). The Town shall make application to the Legislative Assembly of the Province of Ontario, at its next Session for legislation validating this agreement and enabling the Town to carry it out.

(15). Provided always, that should such legislative authority be not obtained, or if obtained, the said sale and purchase be not completed through failure on the part of the Town, the Town shall pay to the Companies the expenses incurred by the Companies in and about the said report of the 12th day of July, 1928, and in and about the supplemental report of the said Keith and Storrie herein provided for.

In witness whereof this agreement has been executed by the parties hereto.

THE WALKERVILLE WATER COMPANY LIMITED.

By "HIRAM H. WALKER," *President.*

[SEAL]

"C. D. BROWN," *Secretary.*

WALKERVILLE CONSTRUCTION COMPANY  
LIMITED.

By "HIRAM H. WALKER," *President.*

[SEAL]

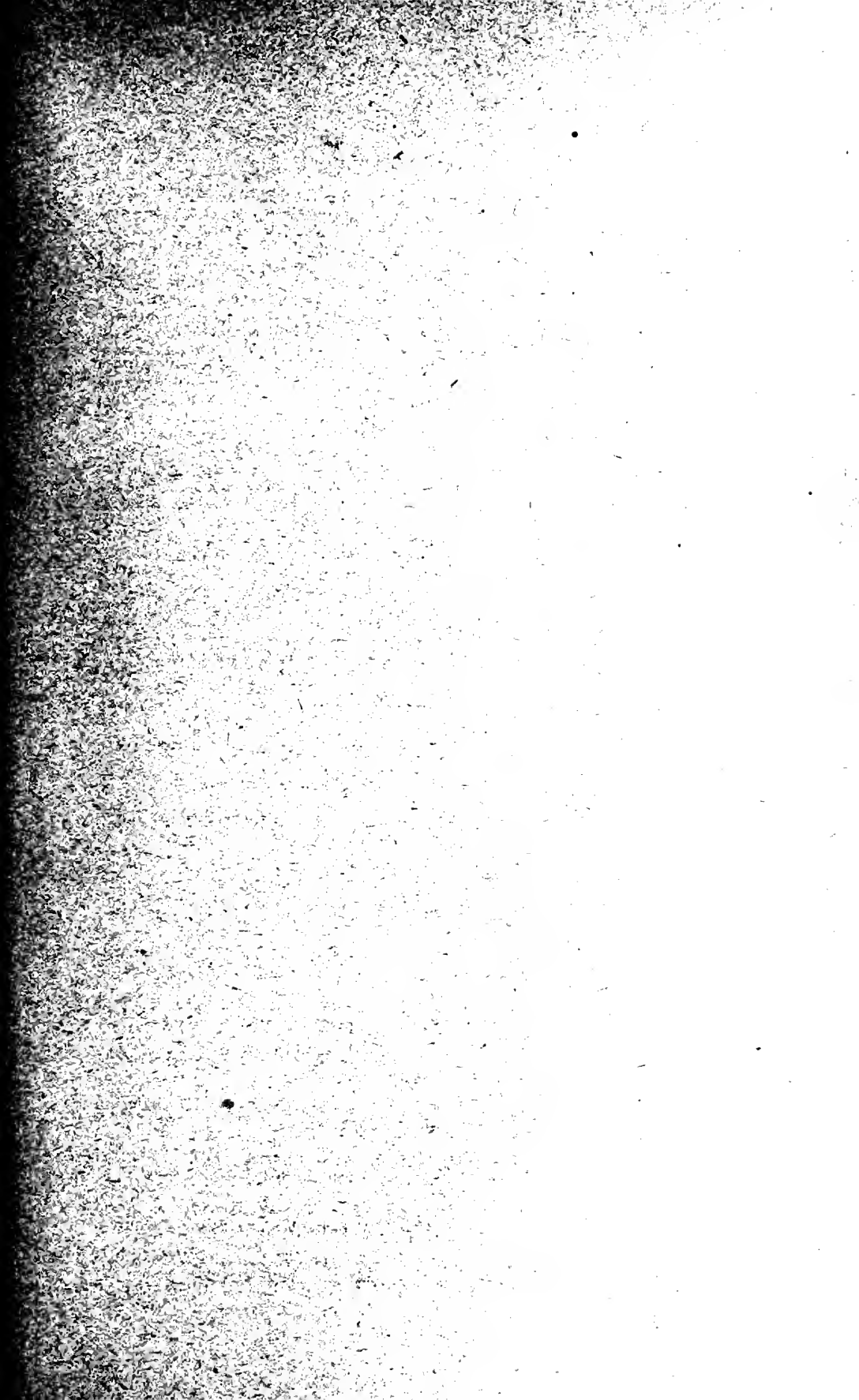
"C. D. BROWN," *Secretary.*

THE MUNICIPAL CORPORATION OF THE TOWN  
OF WALKERVILLE,

By "THOS. F. LANSPEARY," *Mayor.*

[SEAL]

"A. E. COCK," *Clerk.*



*Schedule "A"*

All and singular those certain parts of lots 96 and 97 (McNiff's Survey) formerly in the First Concession of the Township of Sandwich East, now in the Town of Walkerville, more particularly described as follows:—  
*Firstly:* Commencing at a point in the easterly limit of the Walker Road, distant one hundred and thirty-seven (137) feet four (4) inches more or less from the northerly limit of the Tecumseh Road, as widened, measuring northerly therefrom along said easterly limit, said point being distant one (1) foot measured southerly along said easterly limit from the southerly face of the southerly wall of a brick building; thence northerly along said easterly limit one hundred and twenty (120) feet to a point, thence easterly at right angles to said easterly limit two hundred and ninety-seven (297) feet six (6) inches to the easterly limit of lands of the grantor; thence southerly along said limit one hundred and twenty (120) feet to a point; thence westerly at right angles to the said easterly limit of the Walker Road, two hundred and ninety-seven (297) feet six (6) inches more or less to the place of beginning. *Secondly:* Commencing at a point eight (8) feet measured westerly at right angles from the westerly limit of the Walker Road, said point being four hundred and forty-two (442) feet six (6) inches measured from the northerly limit of the Tecumseh Road as widened, along a line parallel to and eight (8) feet westerly from the westerly limit of the Walker Road, thence northerly parallel with the said westerly limit forty (40) feet; thence westerly at right angles ninety-four (94) feet; thence southerly parallel to the westerly limit of the Walker Road forty (40) feet; thence easterly at right angles ninety-four (94) feet to the place of beginning, together with right of access to and egress from the said land at all times over the strip of land eight (8) feet wide lying between the said lands and the Walker Road; the said strip of land eight (8) feet wide being intended for the widening of the Walker Road.

*Schedule "B"*

By-law Number 358 of the Township of Sandwich East.

Agreement, May 28th, 1906, between Globe Furniture Co., Ltd., and The Walkerville Water Company Limited.

By-law Number 242 of the Town of Walkerville.

Pipe Line Agreement between Pere Marquette Railroad Company and H. E. Walker and P. H. King, its Receivers, dated May 18th, 1915.

Agreement, December 15th, 1915, between Walkerville Water Company Limited and Municipal Corporation of the Town of Walkerville.

Agreement, February 15th, 1917, between Hiram Walker & Sons Limited and The Walkerville Water Company Limited.

Letter, October 15th, 1917, from The Walkerville Water Company Limited to Bell Telephone Company of Canada.

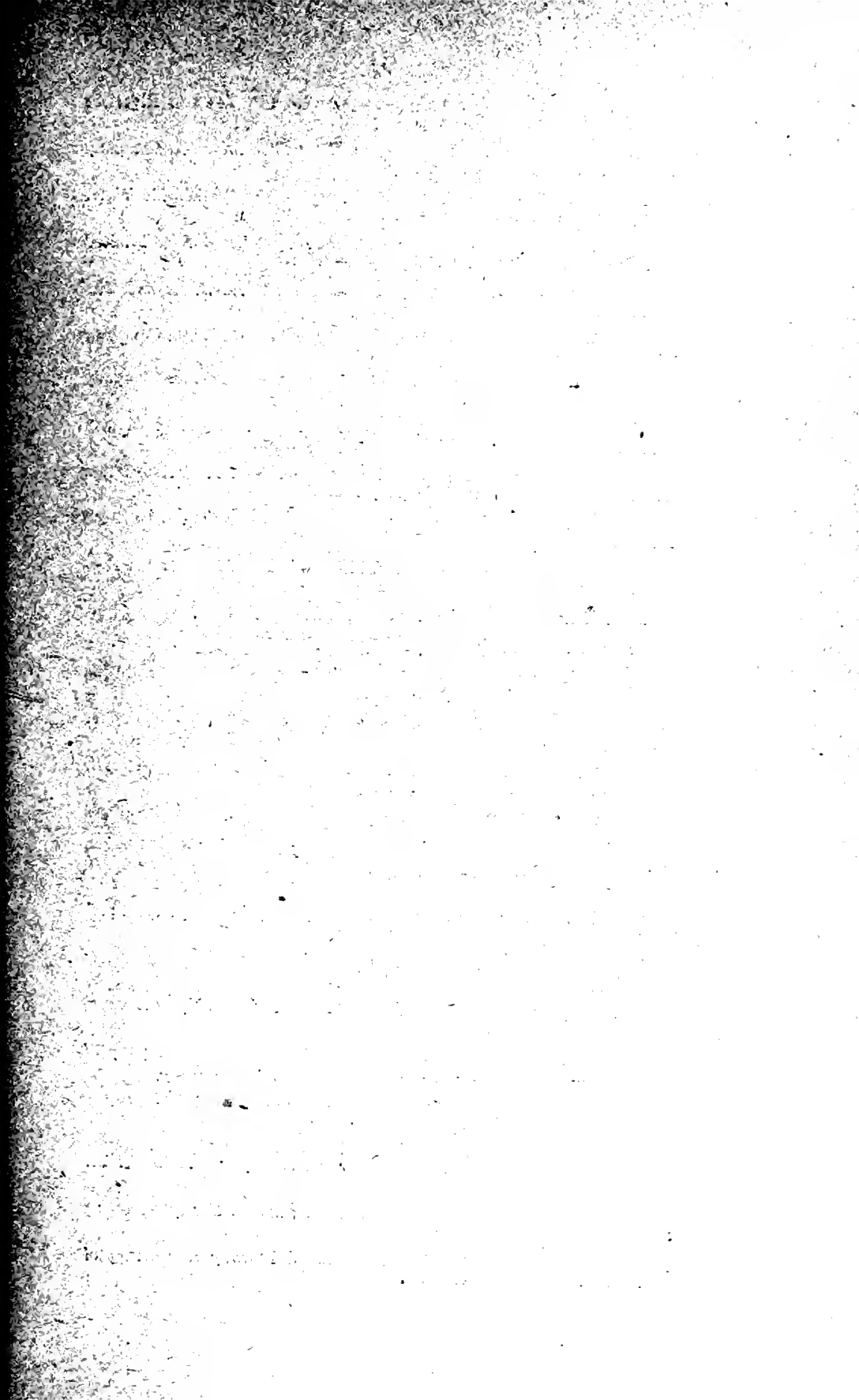
Agreement, February 14th, 1919, between E. J. Dunn of Elmira to The Walkerville Water Company Limited.

Indenture, January 31st, 1921, between Commonwealth Chemical Company Limited to The Walkerville Water Company Limited.

Indenture, January 31st, 1921, between The Walkerville Land and Building Company Limited and The Walkerville Water Company Limited.

Agreement of May 27th, 1925, between The Walkerville Water Company Limited and Ford Motor Company of Canada Limited.





Agreement, of October 24th, 1921, between the Town of Riverside and The Walkerville Water Company Limited.

Agreement, May 29th, 1923, between The Walkerville Water Company Limited and the Town of Ford City.

Agreement, September 11th, 1924, between The Walkerville Water Company Limited and Sandwich East.

Agreement, June 1st, 1926, between Hiram Walker & Sons Limited and The Walkerville Water Company Limited.

Agreement, December 4th, 1926, between William Stone and The Walkerville Water Company Limited.

Agreement, May 26th, 1927, between The Walkerville Water Company Limited and Sandwich East.

Agreement, June 9th, 1927, between The Walkerville Water Company Limited and Sandwich East.

Agreement, March 17th, 1928, between General Motors of Canada Limited and The Walkerville Water Company Limited.

Agreement, February 3rd, 1921, between Western Racing Association and The Walkerville Water Company Limited.

Lease of house, 575 Walker Road, January 7th, 1926, tenant, Fred Martin.

Letter, July 24th, 1928, to J. Clark Keith, Walkerville, ten and twelve-inch main valves.

Deed of Land, 575 Walker Road, December 31st, 1927.

Order-in-Council *re* water rates, By-law No. 35, March 31st, 1927.

Agreement, October 9th, 1924, Frank D. Riberdy, *et al* and The Walkerville Water Company Limited.

Agreement, March 21st, 1927, Ford City and The Walkerville Water Company Limited.

Agreement, dated June 1st, 1906, between Luke Montreuil and The Walkerville Water Company Limited.

Extracts from Agreement of Sale between The Walkerville Land and Building Company Limited and F. Villeneuve, Wm. Woollatt & Sons Limited and Trussed Concrete Steel Company of Canada Limited, dated December 27th, 1912, January 7th, 1913 and February 18th, 1913 respectively.

Record of Easement for ten-inch main, Chrysler property, Ypres Avenue, dated December 5th, 1928.

Agreement, June 25th, 1928, Hiram Walker & Sons Limited, water main, Argyle Road.

Pere Marquette Railway Crossing, under right-of-way, Ypres Avenue, dated March 7th, 1929.

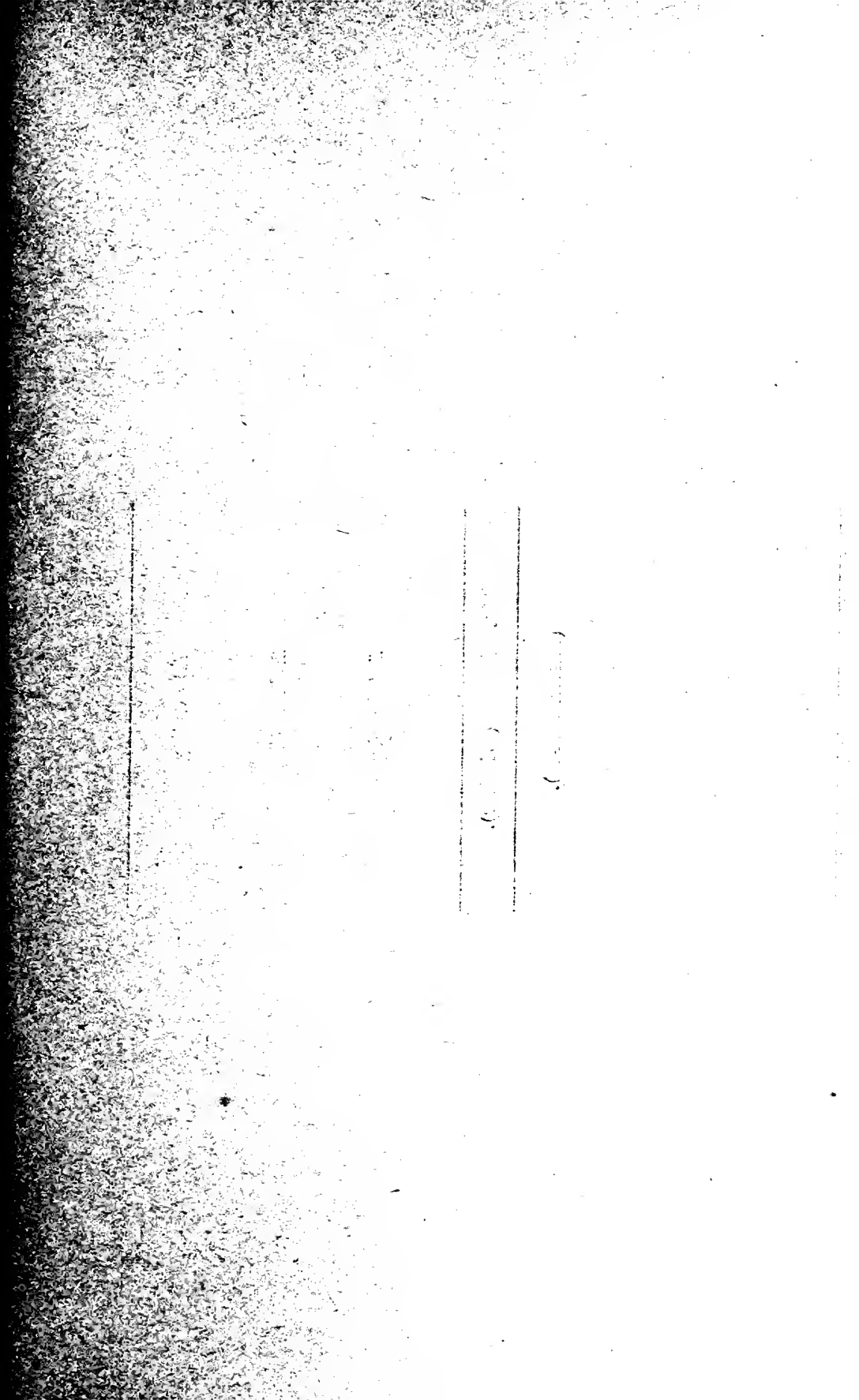
Agreement, April 11th, 1929, The Union Natural Gas Company of Canada Limited and The Walkerville Water Company Limited.

Agreement, October 7th, 1929, Pere Marquette Railway Company *re* crossing, Tecumseh Road, twelve-inch main.

Agreement, October 19th, 1929, Pere Marquette Railway Company *re* crossing sixteen-inch main, Huron Street and twenty-inch main, Walker Road.

Agreement, October 11th, 1929, Canadian National Railway *re* crossing twenty-inch main, Walker Road.

Letter, August 6th, 1929, Essex Terminal Railway *re* crossing of sixteen-inch main, St. Luke Road.



BILL.

An Act respecting the Purchase of Water-works by the Municipal Corporation of the Town of Walkerville.

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. WILSON (Windsor).

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(PRIVATE BILL).

No. 2

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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## BILL

An Act respecting the joint purchase of Water-works by the Municipal Corporations of the Town of Walkerville and the City of East Windsor.

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MR. WILSON (Windsor).


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(PRIVATE BILL)

No. 2.

1930.

# BILL

 An Act respecting the joint purchase of Waterworks by the Municipal Corporations of Town of Walkerville and the City of East Windsor.

Preamble.

**W**HEREAS the municipal corporations of the town of Walkerville and the city of East Windsor 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:—

Short title.

**1.** This Act may be cited as *The Walkerville-East Windsor Water Commission Act, 1930.*

Interpretation.

**2.** In this Act,—

“Commission.”

(a) The “Commission” shall mean “The Walkerville-East Windsor Water Commission” created by this Act;

“Walkerville.”

(b) “Walkerville” shall mean the corporation of the town of Walkerville;

“East Windsor.”

(c) “East Windsor” shall mean the corporation of the city of East Windsor;

“Riverside.”

(d) “Riverside” shall mean the corporation of the town of Riverside;

“Sandwich East.”

(e) “Sandwich East” shall mean the corporation of the township of Sandwich East;

“Municipal Board.”

(f) “Municipal Board” shall mean the Ontario Railway and Municipal Board;



"System."

- (g) "System" shall mean the works and property referred to in schedule 1 to this Act and all extensions and additions thereto and improvements thereof and all works and property hereafter constructed, purchased or acquired by the Commission.

3.—(1) For the purposes hereinafter mentioned there shall be a Commission consisting of five persons as follows:

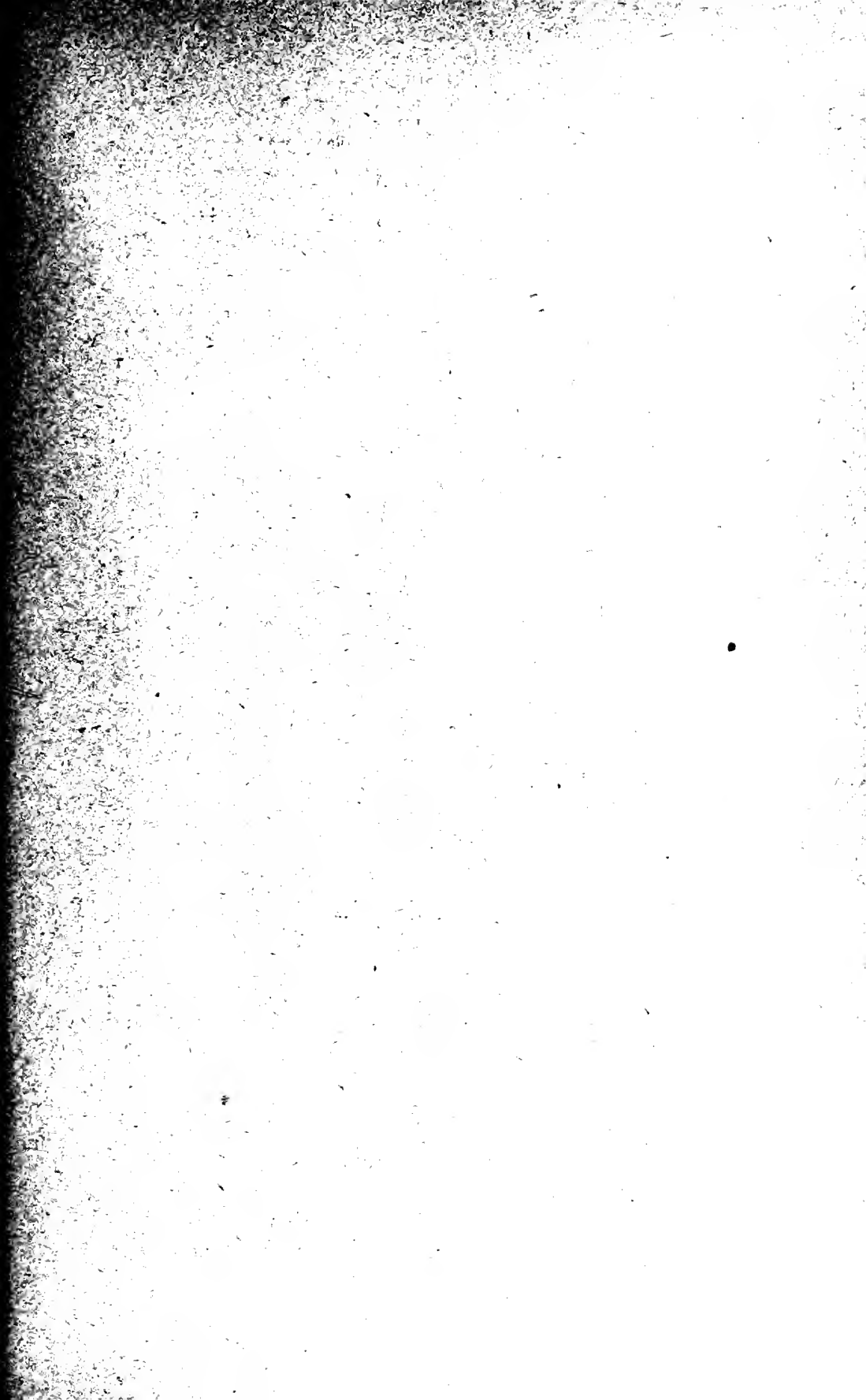
- (a) The mayor of Walkerville shall be *ex officio* a member of the Commission and the council of Walkerville shall, every three years, appoint one person who is a resident of Walkerville to be a member of the Commission.
- (b) The mayor of East Windsor shall be *ex officio* a member of the Commission and the council of East Windsor shall every three years appoint one person who is a resident of East Windsor to be a member of the Commission.
- (c) The four persons who have become members of the Commission under the provisions of this section shall forthwith appoint another person to be the chairman of the Commission and, if a majority of them do not agree forthwith, the senior judge of the county of Essex shall, upon request of the other members of the Commission, or any one of them, or of the council of either Walkerville or East Windsor, appoint such other person from among the residents of the city of Windsor or the town of Sandwich and upon appointment such member shall hold office for three years and every three years thereafter a person to be the chairman of the Commission shall be appointed in the same manner.

(2) The Commission shall be a body corporate and politic under the name of "The Walkerville-East Windsor Water Commission."

(3) The office of commissioner shall *ipso facto* become vacant:

- (a) Upon his death or resignation;
- (b) If he ceases to be a resident of the municipality the council of which appointed him;
- (c) If, being the chairman of the Commission appointed by the senior county judge, he becomes a resident of either Walkerville or East Windsor;





- (d) If he is absent from the meetings of the Commission for three consecutive months;
- (e) If he commits any act which would disqualify him from being a member of a municipal council and the provisions of *The Municipal Act* with respect to disqualification shall apply to the office of commissioner.

(4) Where the office of an appointed member becomes vacant before the expiration of the term for which he was appointed, the vacancy shall be filled forthwith in the same manner as the first members are appointed and the person appointed to fill the vacancy shall hold office for the remainder of the term for which his predecessor was appointed.

(5) Any member of the Commission whose term of office has expired shall be eligible for reappointment.

(6) The chairman shall preside at all meetings of the Commission at which he is present, and, in his absence, the members present shall elect one of such members to preside and who, during such absence, shall have and exercise the powers of the chairman.

(7) A majority of the commissioners shall constitute a quorum at any meeting.

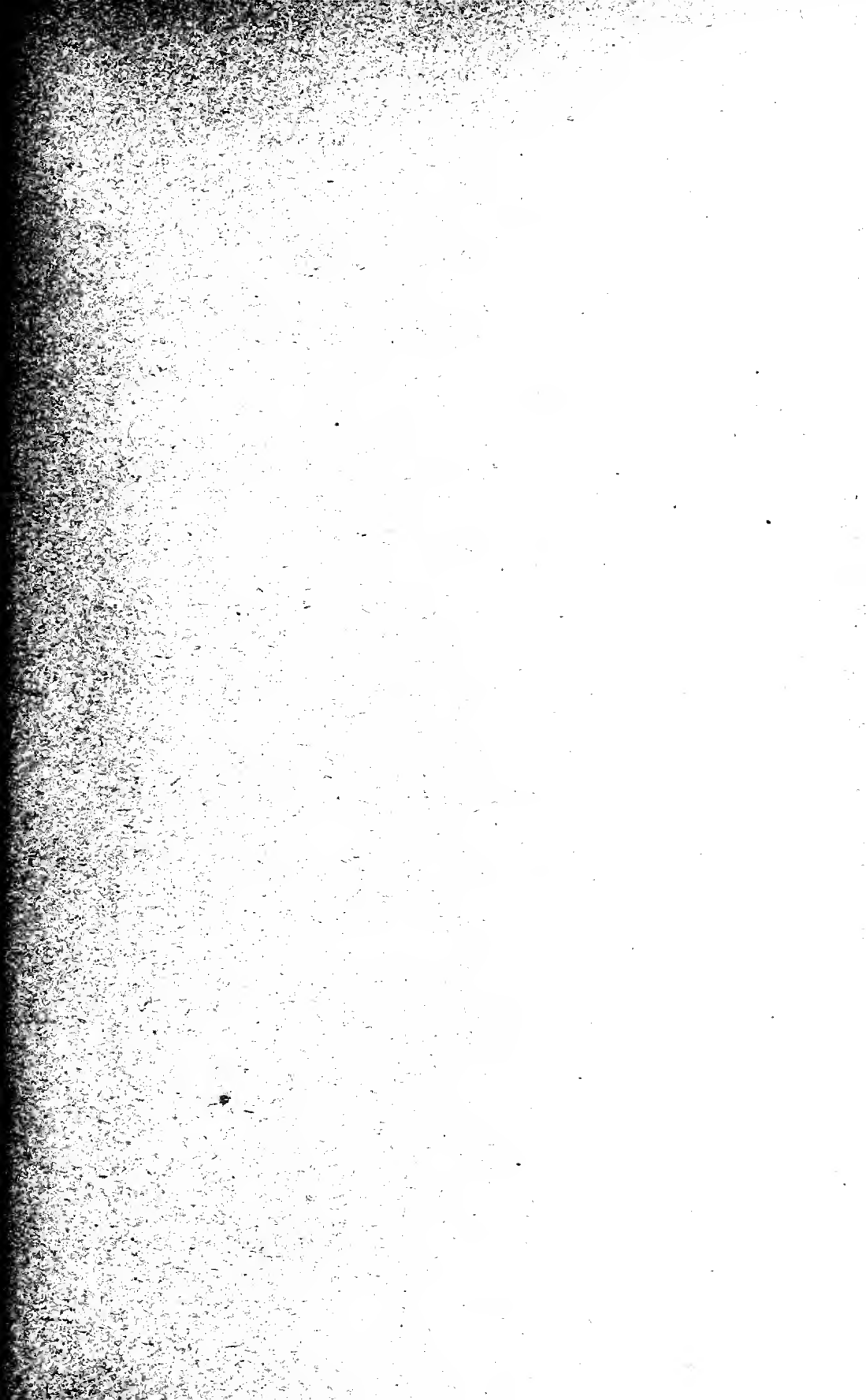
(8) The Commission shall meet at least once every month on a day or days to be fixed by the chairman and two days' notice by ordinary post of such meeting shall be given to the members, and in case of emergency, the chairman or secretary may call meetings on shorter notice given in any other manner.

(9) The Commission shall have a common seal in such form as the Commission may decide and may from time to time change the same.

(10) The Commission shall appoint a secretary, a treasurer who may also hold the office of secretary, and such other officers and servants from time to time as it may deem requisite, and shall fix all salaries and/or other remunerations of its officers and servants.

(11) Any contract entered into by the Commission and sealed with its seal and signed by the chairman, or acting chairman, and secretary shall be binding upon the Commission.

(12) The Commission shall keep proper records and books in which shall be recorded and entered the business of the Commission.



(13) The chairman of the Commission shall be paid such salary as the Commission shall fix from time to time and the other members of the Commission shall serve without salary.

(14) The treasurer and such other officers and servants as the Commission decides before entering on the duties of their office shall give such security as the Commission may deem proper for the faithful performance of their duties and paying over all moneys which come into their hands.

(15) The Commission may, from time to time, pass by-laws for any of the following purposes, namely:

- (a) To regulate the calling and holding of its meetings and the proceedings thereat;
- (b) Prescribing rules and regulations respecting its officers servants and the terms upon which customers may be supplied with water;
- (c) Respecting the conduct of the affairs and the exercise of the powers of the Commission generally.

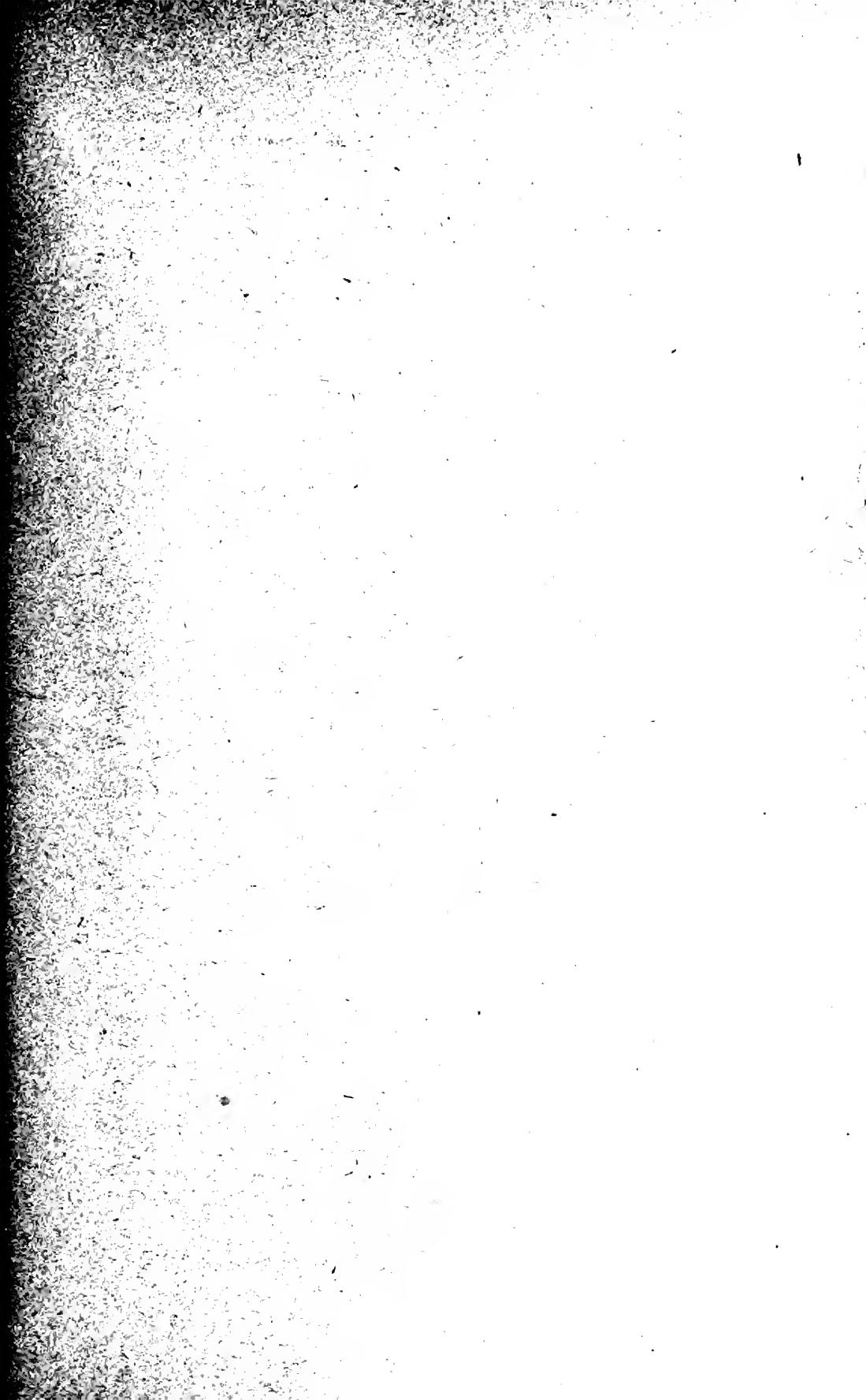
**4.**—(1) The Commission shall, on or before the first day of March in each year, cause a return for the preceding calendar year to be made to Walkerville and East Windsor containing a statement of the affairs of the Commission and showing all the information required to be given under section 42 of *The Public Utilities Act*.

(2) The Commission shall also furnish to either Walkerville or East Windsor such information as may be required from time to time.

(3) The Commission shall engage auditors to audit its accounts and shall furnish to the auditor such information and assistance as may be in its power to enable the audit to be made.

**5.** A record of all the proceedings of the Commission shall be kept and shall be open to inspection by any person appointed for that purpose by Walkerville or East Windsor.

**6.** The Commission shall acquire on behalf of Walkerville and East Windsor the works and property described in an agreement, dated the 22nd of January, 1930, made between the Walkerville Water Company Limited and the Walkerville Construction Company Limited of the one part, and the municipal corporation of the town of Walkerville of the other part, as set out in schedule 1 hereto, and the said agreement is hereby ratified and confirmed and declared to be legal, valid



and binding upon the parties thereto and East Windsor as though it were named jointly with Walkerville as a party thereto, and upon the ratepayers of Walkerville and East Windsor; and the Commission shall be substituted in the place and stead of East Windsor in respect of the said agreement; and the Commission may pass such by-laws, issue such debentures, pay such moneys and do all such acts, matters and things as it may deem necessary for the full and proper carrying out of the provisions of the said agreement as if the Commission was a party to the said agreement in the place of the town of Walkerville.

7.—(1) For the following purposes:

- (a) Providing the money to pay the purchase price of the system to be ascertained as provided by the said agreement and any estimated sum to cover discount on the sale of debentures and the expenses preliminary and incidental to the purchase;
- (b) Providing the moneys to pay for any extensions, additions and improvements hereafter made to the system;
- (c) To enable the Commission to satisfy its obligations under section 14 or any other section herein; the Commission may agree with any bank or person for temporary advances and may be by-laws passed from time to time without the assent of any electors, issue debentures for the sums so borrowed or required and the debt so incurred and the debentures so issued shall be a direct liability of Walkerville and East Windsor to the lender of such sums and to the holder of any such debentures and shall be specially charged upon the system, and the said by-laws and debentures may be in such form as the Commission may decide.

(2) The Commission may either before or after the Commission fixes the rates for the current year, or part thereof, borrow such sums as it may deem necessary to meet the current ordinary expenditure of the Commission until the rates are collected.

(3) Except as herein otherwise provided, the provisions of *The Municipal Act* as to by-laws for creating debts, including sections 304 and 305, shall apply to the said by-laws except that it shall not be necessary to submit any such by-laws to any electors for their assent.

(4) The debentures may run for a term not exceeding thirty years from the time the same are issued.



(5) The debentures issued shall be under the seal of the Commission and signed by the chairman and secretary.

(6) Any rate levied to meet any debt incurred under the authority of this Act, shall not be included in the limit of rates fixed by subsection 1 of section 306 of *The Municipal Act*.

**8.**—(1) The Commission shall manage, control, operate and maintain the system.

(2) The Commission shall have the right to extend, add to and improve the system including the constructions of all works which the Commission may deem necessary for any of its purposes in Walkerville East Windsor, Riverside and Sandwich East with the approval of the Municipal Board upon application by the Commission to the said Board for such approval upon notice to the municipality in which the proposed work is situate and to any other municipality which the Municipal Board may direct.

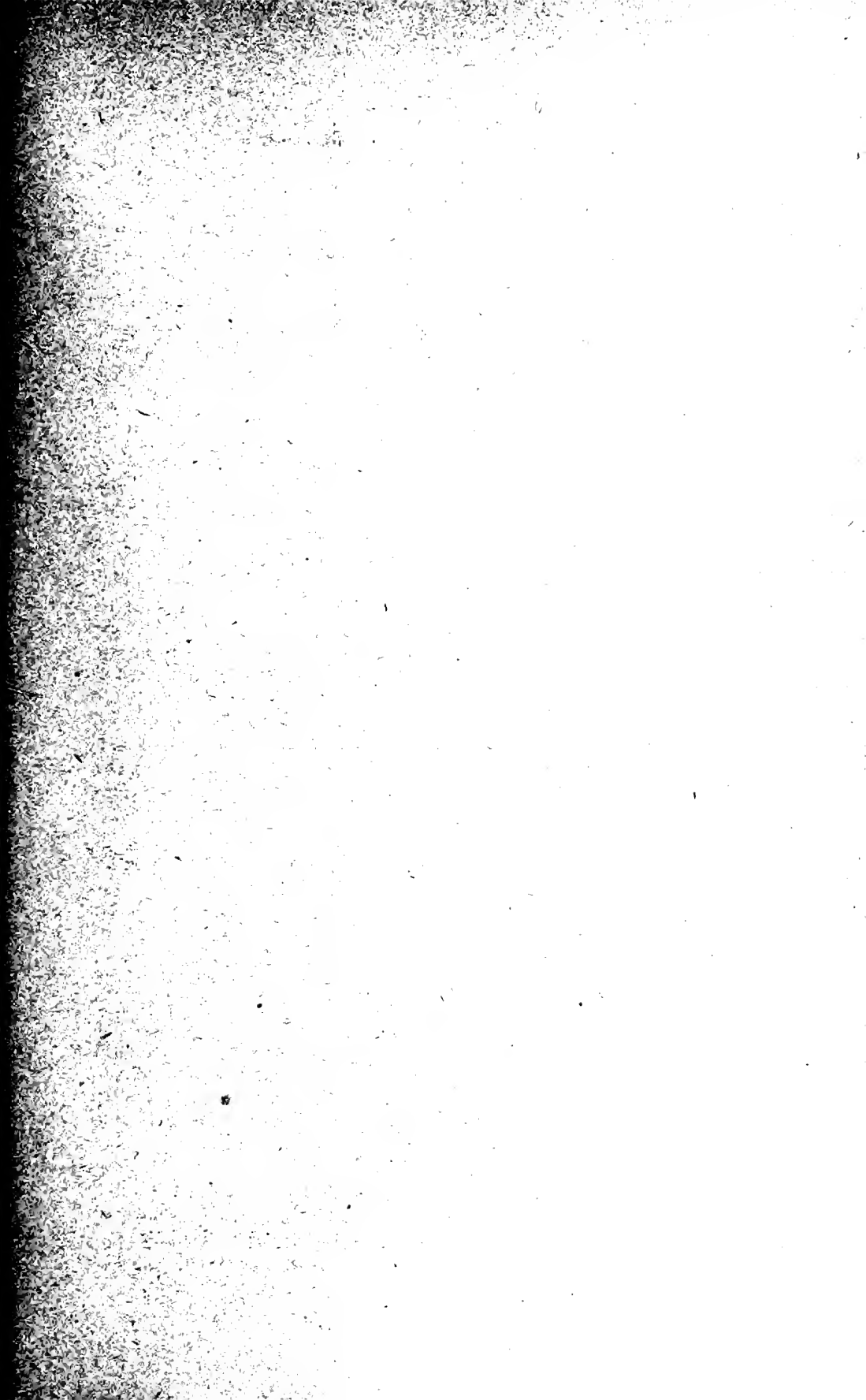
(3) All works which are supplied with water by the Commission shall, while being so supplied, be under the direct supervision of the Commission, and the Commission may pass by-laws to regulate the connection of mains and pipes with the system and the supply of water therein, and do such acts as may be necessary to protect the system and every part thereof, or the pressure or flow of water therein. Provided that nothing in this clause shall empower the Commission to violate any existing contract which either Riverside or Sandwich East has with regard to its water supply.

(4) The Commission shall fix annually the rent or rate to be charged to each municipality being furnished with water by the Commission for hydrant service both in respect to hydrants owned by the Commission and hydrants owned by the municipalities.

**9.** The words “the clerk of the municipality” in subsection 2 of section 26 of *The Public Utilities Act* shall, with respect to this Act, mean the clerk of the municipality in which the land is situated and the amount collected shall be paid to the Commission forthwith.

**10.** The Commission may enter into agreements and contracts of all kinds with any municipality for the supply of water, the installation of hydrants and for any other services incidental to the supply of water upon such terms and for such time as may be agreed, without the assent of the electors of any municipality.





**11.** The Commission shall, when so authorized and directed by by-law passed by the council of Walkerville or of East Windsor construct such extensions and additions within the municipality as the said by-law may direct and shall borrow the money to pay the cost thereof and issue debentures for the sum so borrowed under the provisions of this Act, provided, however, that the sum so authorized and directed shall not exceed \$50,000 in each municipality in any one year.

**12.** Save as herein otherwise provided the Commission shall have the powers, rights, authorities and privileges of a Municipal Public Utilities Commission under *The Public Utilities Act* and the system shall be a public utility within the meaning of *The Public Utilities Act*.

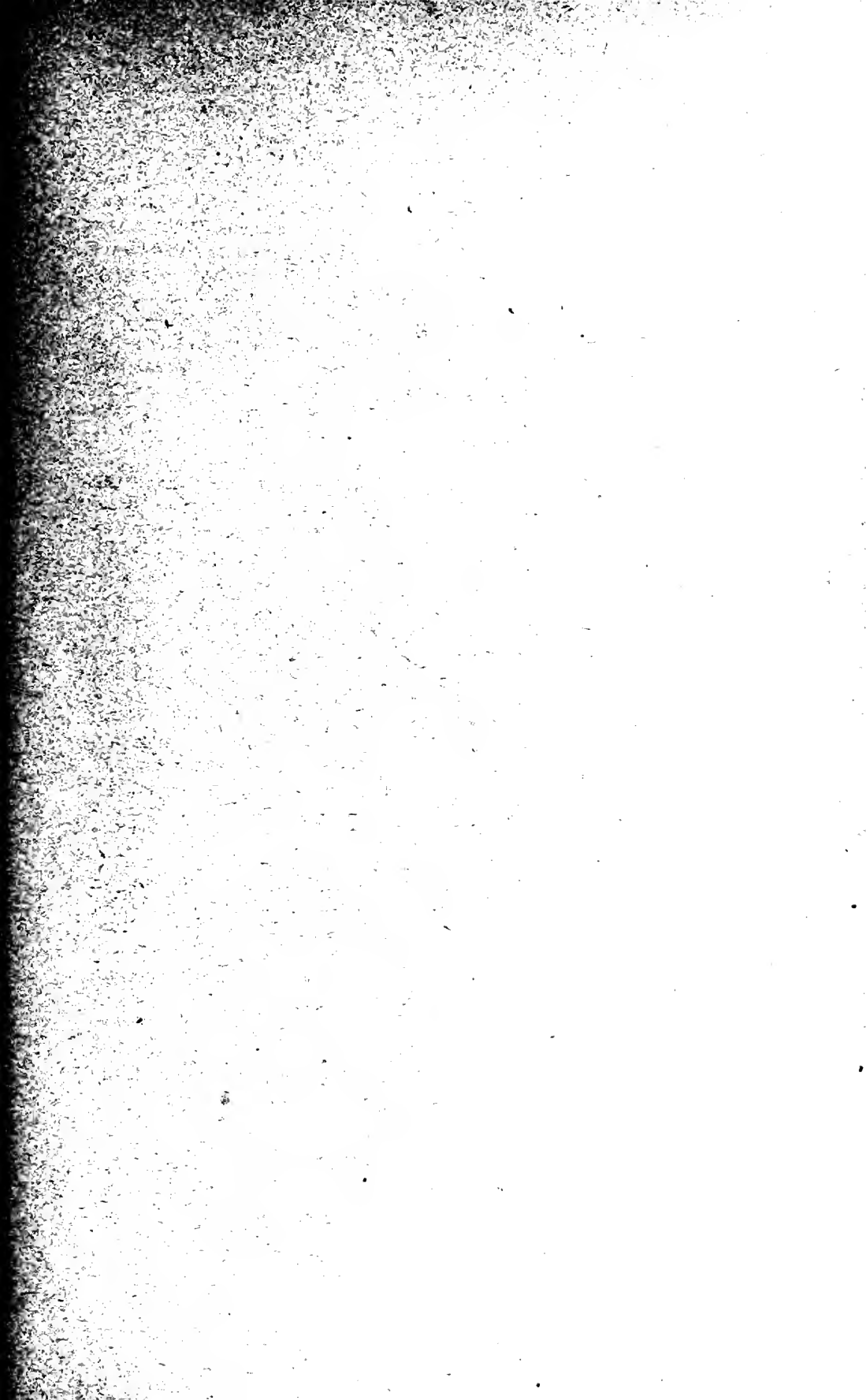
**13.**—(1) For the purposes of assisting in the payment of the principal or interest of debentures for waterworks purposes issued or assumed by the Commission under the authority of this Act, the Commission shall impose in Walkerville and East Windsor as equal annual special rate not exceeding eleven cents per foot of frontage upon all land fronting or abutting upon any highway, lane or other public communication in, through or along which waterworks mains are laid as well as all other land distant not more than three hundred feet therefrom, whether or not the owners or occupants thereof use the water.

(2) The amount payable by the owner or occupant of any land upon which such frontage rate is imposed 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 the sale of his estate and interest in the said land.

(3) The said special rate shall not be imposed upon or collected from the owner or occupant of land upon which a special rate under *The Local Improvement Act* is payable for the construction of such a watermain where the payment of the same has not been assumed by the Commission under this Act.

(4) The Commission, upon the production by the owner or occupant using the water of the receipt for the payment of the rate or rent chargeable for the use thereof during the year or such proportion thereof as equals such special rate, shall remit or allow to such owner or occupant the amount so paid as a payment of or on account of such special rate.

**14.**—(1) The Commission shall by by-law assume liability for and shall provide the funds necessary to liquidate all unpaid instalments of debentures issued or to be issued in respect of waterworks constructed under *The Local Improve-*



*ment Act* prior to the 1st of April, 1930, in East Windsor, and shall furnish the treasurer of East Windsor with sufficient funds to pay the said debentures as they fall due.

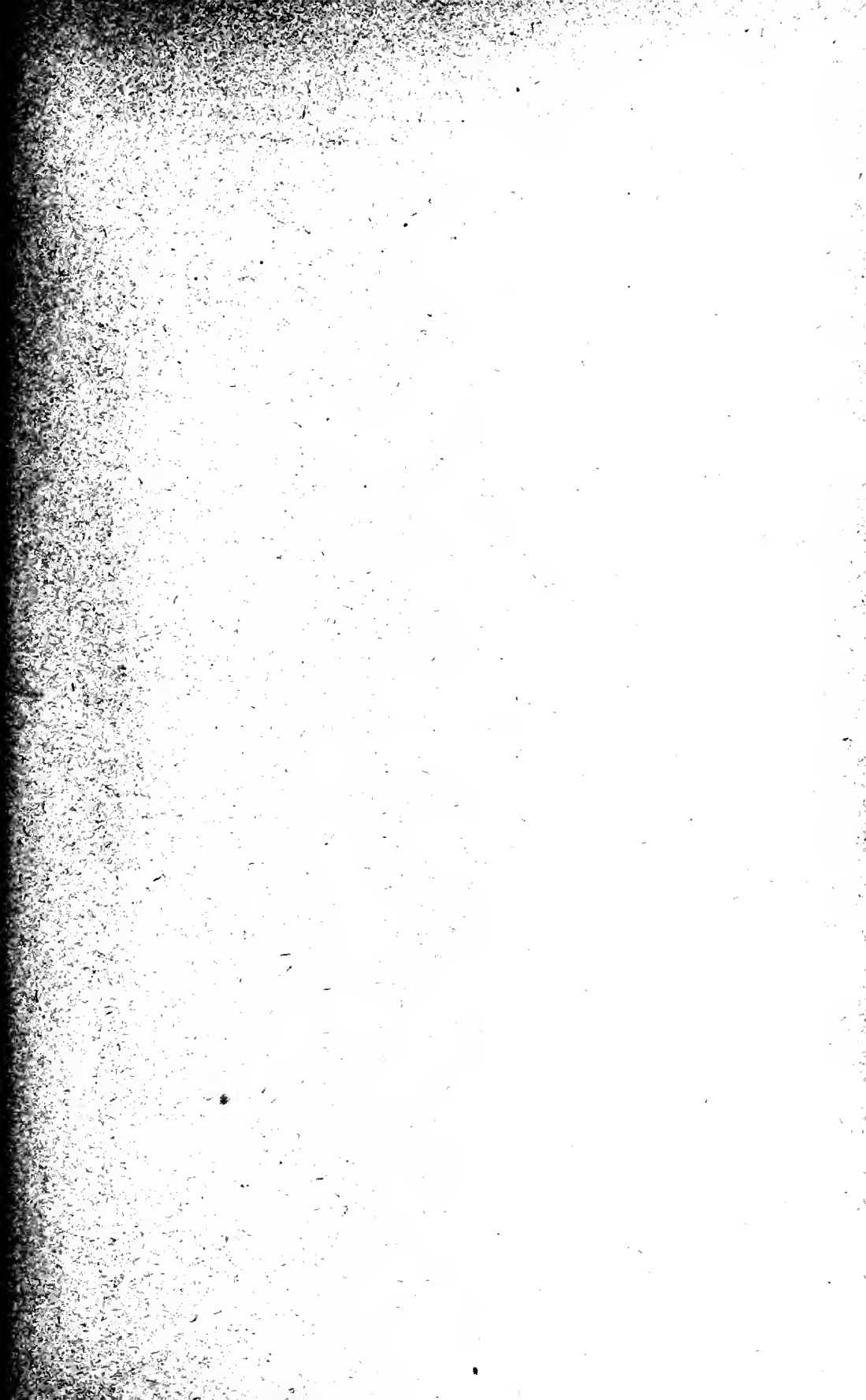
(2) The Commission may apply upon the payment of the said unpaid instalments an equal annual sum during the remainder of the period during which such instalments fall due and may from time to time by by-laws passed without the assent of any electors, borrow money to provide for deficits arising by reason of such equal annual sums being insufficient to meet such unpaid instalments from time to time and may issue debentures for the sums so borrowed payable on the instalments plan, the last instalment of which shall fall due not later than the last instalment of the debentures mentioned in subsection 1 of this section and the same shall be binding upon the Commission, its system, East Windsor, Walkerville and the ratepayers thereof.

(3) J. Clark Keith shall forthwith make a report to the Commission setting forth what allowance, if any, shall be made by the Commission to East Windsor for the waterworks belonging to East Windsor as of 1st April, 1930, over and above the amount of unpaid debentures assumed by the Commission under subsection 1 hereof and in ascertaining said allowance, due consideration shall be given by him to all things set forth in the letter dated November 19th, 1929, sent to him by Walkerville and East Windsor in addition to all other proper considerations, provided that, if for any reason J. Clark Keith is prevented from making said report East Windsor and Walkerville may agree on another person to make same and failing agreement, the senior county judge of the county of Essex on application of either Walkerville or East Windsor, shall appoint a person to make said report instead of said Keith.

(4) The Commission shall forthwith deliver to the city of East Windsor the Commissions debentures payable in thirty (30) equal annual instalments and bearing interest at the rate of five per centum (5%) per annum payable half-yearly for the amount of said allowance, if any, so reported by the said J. Clark Keith or his substitute.

(5) All waterworks constructed in and owned by East Windsor prior to April 1st, 1930, shall be vested in the Commission and be part of the system.

**15.** The system shall be deemed assets of Walkerville and East Windsor in such shares as the Municipal Board may decide upon application of either of the said municipalities when the occasion arises for such determination.



**16.** Any surplus or reserve created in connection with the operation of the system shall be used for such purpose (beneficial to the system) as the Commission may decide.

**17.** The rates charged by the Commission from time to time shall be uniform in Walkerville and East Windsor for the same class of consumer.

**18.** Rates shall be charged and collected in every year throughout the territory supplied by the system from time to time by the Commission in an amount calculated to be sufficient to defray all annual expense arising from the purchase, operation, maintenance, extension and improvement of the system, and all other annual expenses of the system, including the annual charges for the re-payment of the debenture debt outstanding from time to time with respect to the system, and if a deficit occurs in any year, additional rates shall be collected in the succeeding year or years to liquidate the same and pending the collection of rates to defray such deficit, the Commission shall have power to borrow sufficient money by way of temporary loan to meet the requirements of the said deficit.

**19.—(1)** Any municipality being served with water by the Commission shall have the right to appeal to the Municipal Board for relief concerning any grievance claimed in respect of the exercise of the powers of the Commission or the failure of the Commission to fulfil its obligations.

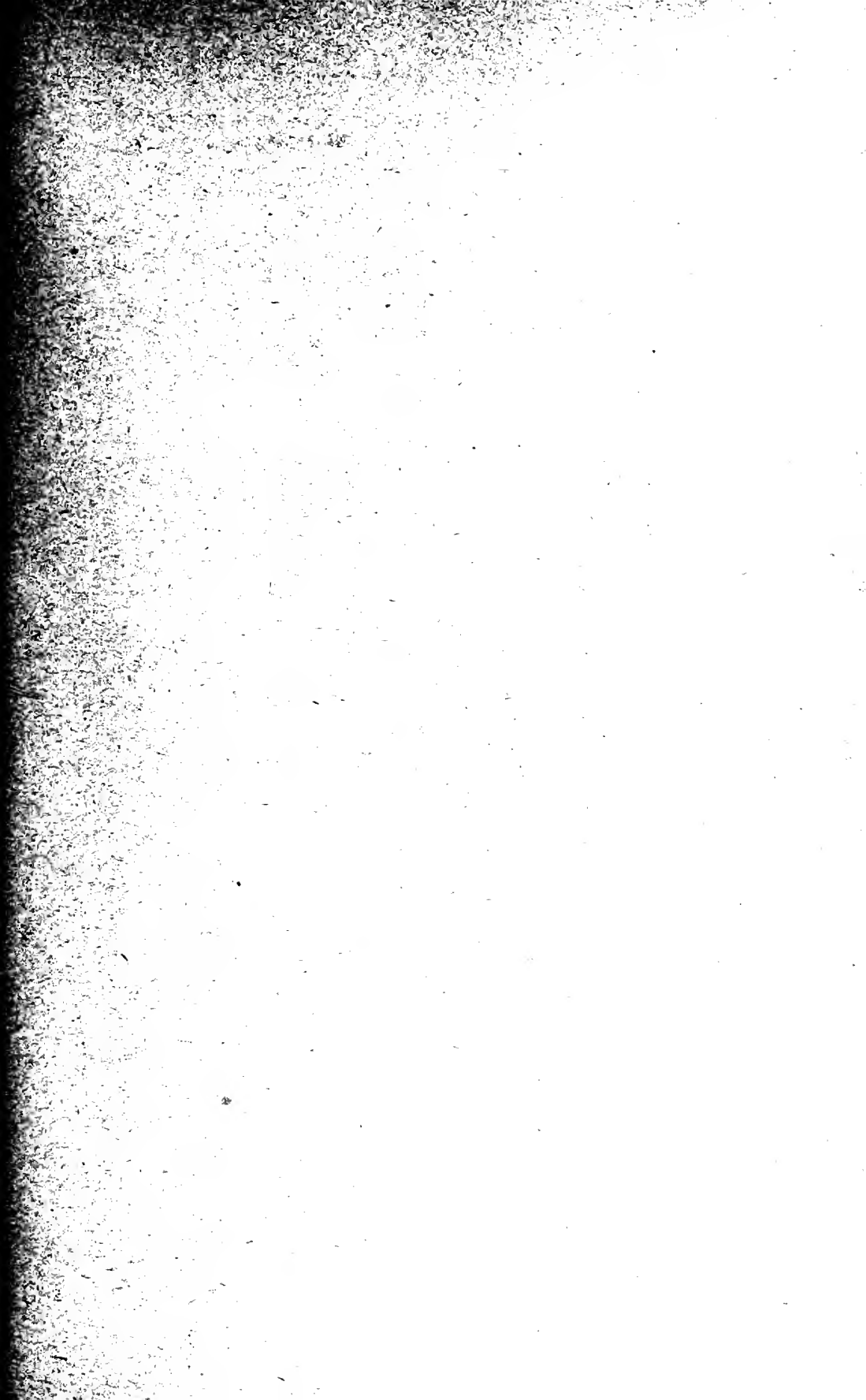
(2) The municipality appealing shall serve a written notice upon the Commission setting out particulars of the grievance, reasons for the appeal and the relief claimed, and the Board upon receipt of the said notice with proof of service shall appoint a day for the hearing not less than ten days after the date of service on the Commission.

(3) The Municipal Board, after hearing all parties concerned, may make such order as in the circumstances it may deem just.

(4) The Commission may apply on like notice to the Municipal Board for any relief in regard to any municipality to which or through which it serves water with respect to any grievance it may have or with respect to the variation of any order which the Board has previously made under this section.


(5) *The Railway and Municipal Board Act* shall apply to any order made by the Municipal Board under this section.

**20.** All sums borrowed and debentures issued under the authority of this Act shall be binding on the Commission,

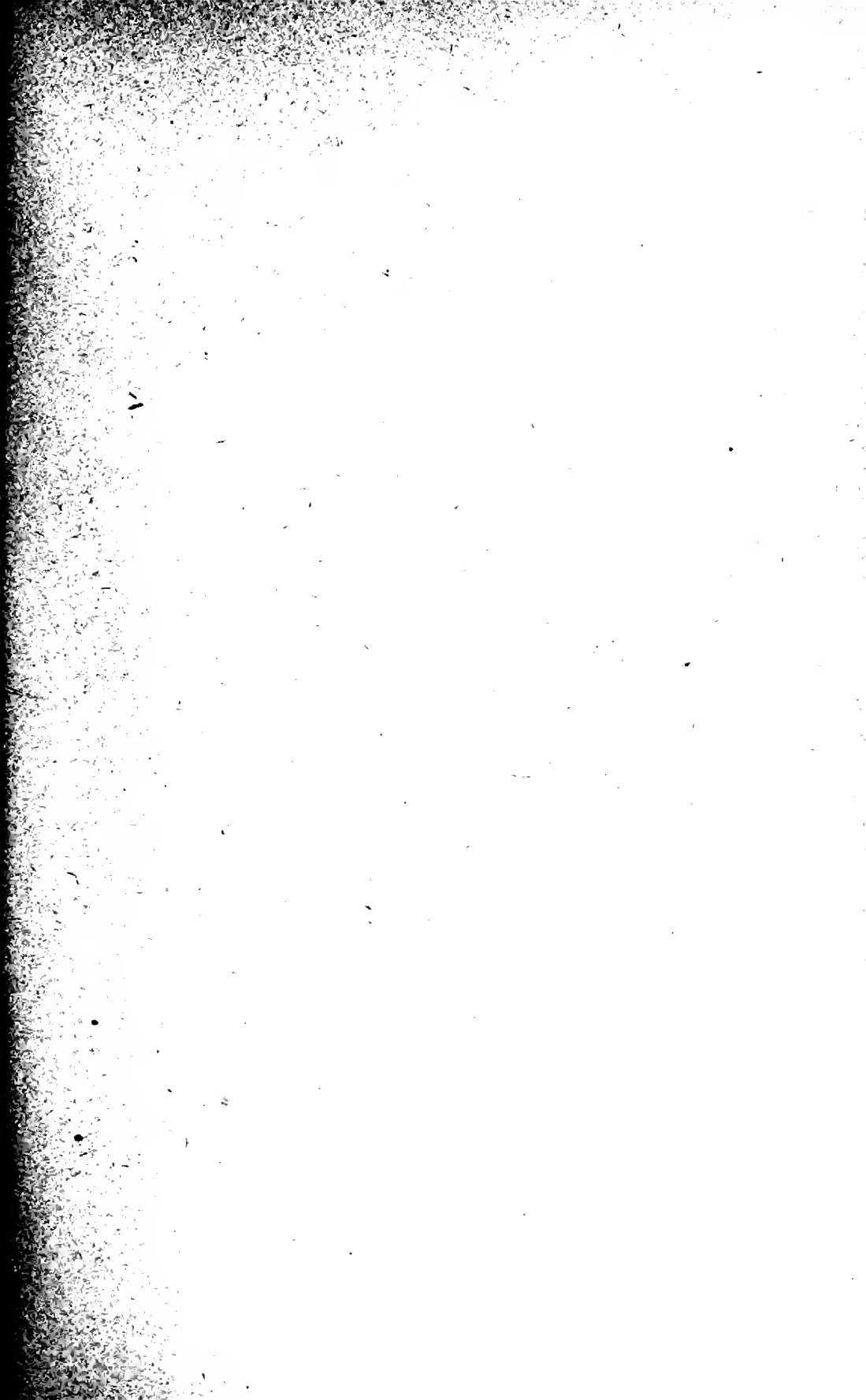


Walkerville, East Windsor and the ratepayers thereof, and shall be a special charge upon the system.

**21.** The Essex Border Utilities Commission shall have the right to acquire the system under the provisions of *The Public Utilities Act* and *The Consolidated Essex Border Utilities Act, 1929*, as if the same was privately owned, and nothing in this Act contained shall affect or derogate from the powers of the Essex Border Utilities Commission under *The Consolidated Essex Border Utilities Act, 1929*, and the amendments thereto.

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





## SCHEDULE "1"

This agreement made the 22nd day of January, 1930.

BETWEEN:

THE WALKERVILLE WATER COMPANY LIMITED and WALKERVILLE CONSTRUCTION COMPANY LIMITED, hereinafter called the "Companies,"

of the one part;

—and—

THE MUNICIPAL CORPORATION OF THE TOWN OF WALKERVILLE, hereinafter called the "Town,"

of the other part.

Whereas the Companies are operating a public utility supplying water in the Town, the City of East Windsor, the Town of Riverside and the Township of Sandwich East, under certain franchises granted by the Town and the Township of Sandwich East;

And whereas the Essex Border Utilities Commission hereinafter called the "Commission" proposed to expropriate the said utility for the benefit of the said Municipalities, and in pursuance thereof entered into an Agreement with the Companies, dated the 10th day of October, 1928, fixing the price to be paid for the said utility at \$606,132.40, which price was based upon the report of Mr. J. Clark Keith, dated the 12th day of July, 1928;

And whereas the said agreement provided, among other things, that in the event that the same was not authorized by a favourable vote of the ratepayers at or before the annual Municipal election for the year 1929, the same should be null and void;

And whereas the said agreement was authorized by the ratepayers of the Towns of Walkerville and Ford City, but was not authorized by the ratepayers of the Town of Riverside and the Township of Sandwich East;

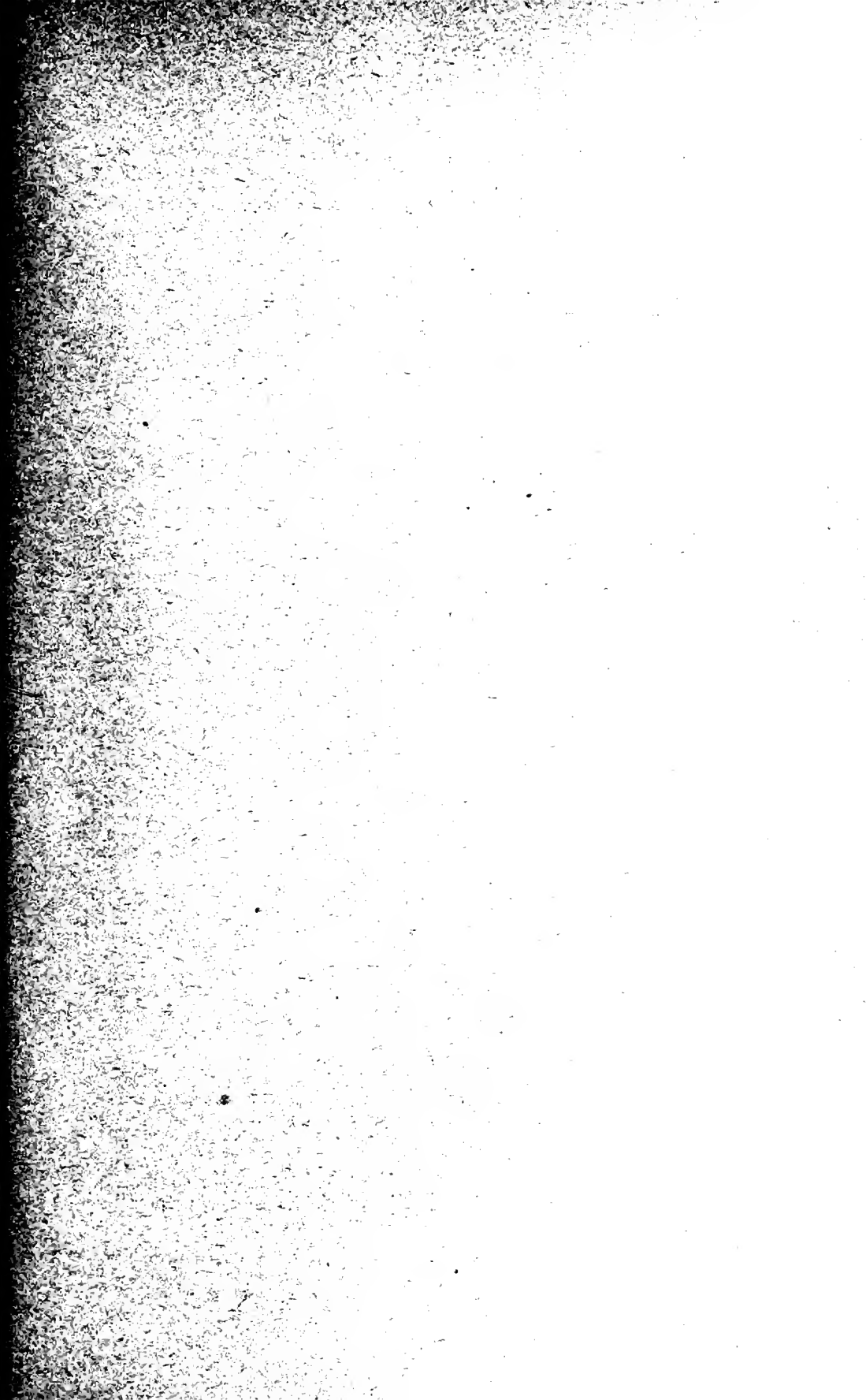
And whereas the City of East Windsor subsequently refused to participate in the purchase of the said utility;

And whereas the Municipal Council of the Town has passed a By-law authorizing the Town to acquire the said utility which was to have been acquired by the Commission as aforesaid, and the said By-law was duly submitted to and received the assent of the ratepayers of the Town in the month of December, 1929;

Now this agreement witnesseth and it is agreed as follows:—

(1). The companies agree to sell and the Town agrees to buy the works of the Companies and all property used in connection therewith, for the purpose of supplying water, and being the properties set out or referred to in the said report, which is hereby made a part of this agreement, and the lands and premises set out in Schedule "A" hereto, and all easements, rights, powers, authorities and privileges enjoyed or exercised by the Companies, and each of them, and all contracts in force on the day provided herein for transfer, and all documents relating to the undertakings of the Companies except the Companies' charters, by-laws, minute books, share registers, stock certificate books, transfer books, bank books, financial statements and cash books and/or ledgers and other documents relating to the organization and management of the companies.

(2). The said assets shall be transferred, free from all encumbrances, claims and obligations, except as hereinafter mentioned, to the Town, or to such other body or bodies as may be authorized to hold and operate the same.



(3). Until the transfer day, the Companies, and each of them, shall keep up, as nearly as may be, the properties of every nature so to be transferred, and shall do no act to invalidate or determine any easement, right, power, privilege or benefit of any contract enjoyed or exercisable by the said Companies or either of them.

(4). The consideration for the said sale shall be the payment by the Town to the Companies of the said sum of \$606,132.40 plus such additional amount as may be certified by the said J. Clark Keith and Mr. William Storrie consulting Engineer for the Companies, it being understood that the amount ascertained by the said report, and the principle by which it was ascertained are hereby approved and accepted, and that all proper and just allowances, following the same principle, shall be made by the said Keith and Storrie, so as to bring the said report up to the day of transfer.

The said consideration shall be paid in cash on or before the transfer day, or, at the option of the Companies, by the transfer to the Companies of equal, annual instalment debentures of the Town, at the market value thereof at the time of transfer.

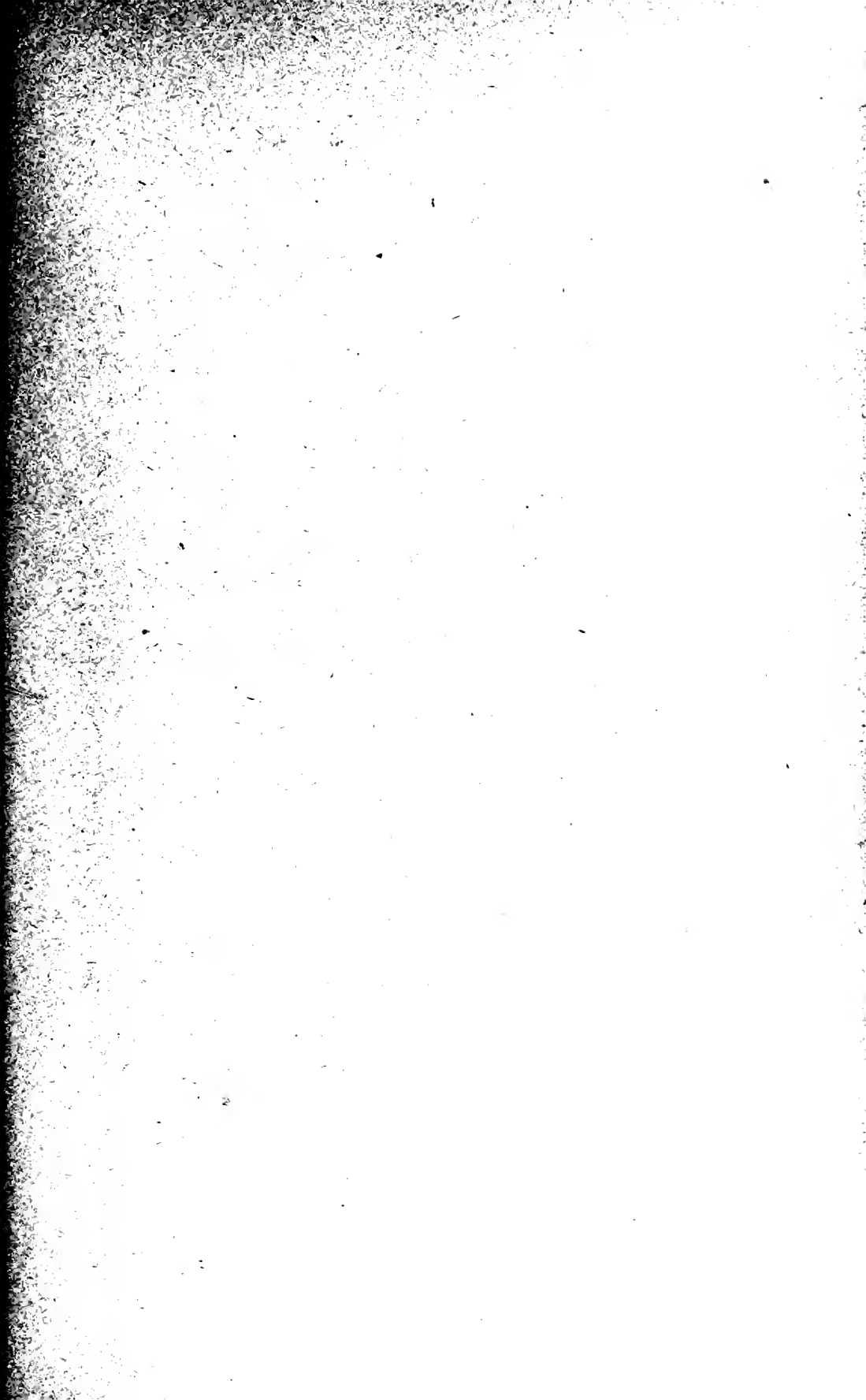
(5). The Companies shall, until the transfer day, carry on and manage their undertakings according to their usual course of business, including extensions and changes made between this date and the transfer day, and approved by the said Keith and Storrie, and shall maintain and keep the works and properties intended to be sold to the Town as aforesaid, in their present state and condition, reasonable wear and tear excepted, and shall continue to keep proper accounts. Provided always, that the Companies shall not, without the previous consent in writing of the Town, incur or enter into any new liability or contract in respect of their undertakings except such as may be necessary in the ordinary course of business.

(6). On payment by the Town of the consideration for the sale, the Companies shall forthwith execute all deeds and documents and do all things that may be reasonably required by the Town for carrying into effect the sale and purchase, and for transferring to and vesting in the Town the properties and rights hereby agreed to be sold, free from all liabilities and encumbrances affecting the same, except as hereinafter mentioned, and for letting the Town into possession thereof, and shall also by way of further assurance, but at the expense of the Town, execute or procure the execution of such deeds and documents by other persons.

(7). The day appointed for the completion of the sale and purchase (heretofore referred to as the transfer day) shall be thirty days after the Bill (hereinafter referred to) receives the assent of the Lieutenant-Governor of the Province of Ontario, but not later than the 30th day of June, 1930, and time shall be the essence of this agreement. If, from any cause, all or any part of the purchase money shall not be paid on that day, the Town shall pay to the Companies interest at the rate of Six (6) per cent. per annum, on the moneys so remaining unpaid from the transfer day until the payment thereof.

(8). Should the sale and purchase be not completed on the transfer day, the Companies shall thereafter, as agents for and at the expense and risk of the Town, but subject to the provisions of Section 9 and 12 hereof, carry on the undertakings until the sale and purchase shall be actually completed, and the Town shall, on or before the actual completion of the sale and purchase, pay to the Companies the sum of \$1,500.00 for each and every month during which the Companies act as such agents, and shall also repay to the Companies all moneys expended by them whilst acting as such agents, with interest thereon at the rate of six (6) per cent. per annum.

(9). Provided always that nothing herein contained shall bind the Companies to allow any extension of time beyond the transfer day fixed as above, but they may, at their option, declare this agreement to be at an end.



(10). From and after the completion of the sale, and until the Companies shall be finally wound up and dissolved, the Companies shall have full access at all reasonable times to the documents, books and accounts of the Companies, and for all other reasonable purposes in relationship of the winding up of the Companies, and the Town shall permit such officers and servants of the Town as shall have been in the employ of the Companies to assist in making up such accounts.

(11). After the sale and purchase shall have been completed, the Companies shall continue to subsist only for the purpose of winding up their affairs.

(12). The Town or other body or bodies representing it shall assume and be responsible for the obligations of the Companies and each of them, under the by-laws, agreements and other documents mentioned or referred to in Schedule "B" hereto and for all other contractual obligations of the Companies for supplies which may be liabilities after the transfer day.

(13). This agreement is made and entered into, upon and subject to the condition that before the transfer day the same shall be approved by proper legislative authority and made valid and binding upon the parties hereto; and in the event that this agreement is not so made valid and binding, it shall be null and void, and shall be deemed to have been entered into by the Companies without prejudice to their legal rights.

(14). The Town shall make application to the Legislative Assembly of the Province of Ontario, at its next Session for legislation validating this agreement and enabling the Town to carry it out.

(15). Provided always, that should such legislative authority be not obtained, or if obtained, the said sale and purchase be not completed through failure on the part of the Town, the Town shall pay to the Companies the expenses incurred by the Companies in and about the said report of the 12th day of July, 1928, and in and about the supplemental report of the said Keith and Storrie herein provided for.

In witness whereof this agreement has been executed by the parties hereto.

THE WALKERVILLE WATER COMPANY LIMITED.

By "HIRAM H. WALKER," *President.*

[SEAL]

"C. D. BROWN," *Secretary.*

WALKERVILLE CONSTRUCTION COMPANY  
LIMITED,

By "HIRAM H. WALKER," *President.*

[SEAL]

"C. D. BROWN," *Secretary.*

THE MUNICIPAL CORPORATION OF THE TOWN  
OF WALKERVILLE,

By "THOS. F. LANSPEARY," *Mayor.*

[SEAL]

"A. E. COCK," *Clerk.*



*Schedule "A"*

All and singular those certain parts of lots 96 and 97 (McNiff's Survey) formerly in the First Concession of the Township of Sandwich East, now in the Town of Walkerville, more particularly described as follows:—  
*Firstly:* Commencing at a point in the easterly limit of the Walker Road, distant one hundred and thirty-seven (137) feet four (4) inches more or less from the northerly limit of the Tecumseh Road, as widened, measuring northerly therefrom along said easterly limit, said point being distant one (1) foot measured southerly along said easterly limit from the southerly face of the southerly wall of a brick building; thence northerly along said easterly limit one hundred and twenty (120) feet to a point, thence easterly at right angles to said easterly limit two hundred and ninety-seven (297) feet six (6) inches to the easterly limit of lands of the grantor; thence southerly along said limit one hundred and twenty (120) feet to a point; thence westerly at right angles to the said easterly limit of the Walker Road, two hundred and ninety-seven (297) feet six (6) inches more or less to the place of beginning. *Secondly:* Commencing at a point eight (8) feet measured westerly at right angles from the westerly limit of the Walker Road, said point being four hundred and forty-two (442) feet six (6) inches measured from the northerly limit of the Tecumseh Road as widened, along a line parallel to and eight (8) feet westerly from the westerly limit of the Walker Road, thence northerly parallel with the said westerly limit forty (40) feet; thence westerly at right angles ninety-four (94) feet; thence southerly parallel to the westerly limit of the Walker Road forty (40) feet; thence easterly at right angles ninety-four (94) feet to the place of beginning, together with right of access to and egress from the said land at all times over the strip of land eight (8) feet wide lying between the said lands and the Walker Road; the said strip of land eight (8) feet wide being intended for the widening of the Walker Road.

*Schedule "B"*

By-law Number 358 of the Township of Sandwich East.

Agreement, May 28th, 1906, between Globe Furniture Co., Ltd., and The Walkerville Water Company Limited.

By-law Number 242 of the Town of Walkerville.

Pipe Line Agreement between Pere Marquette Railroad Company and H. E. Walker and P. H. King, its Receivers, dated May 18th, 1915.

Agreement, December 15th, 1915, between Walkerville Water Company Limited and Municipal Corporation of the Town of Walkerville.

Agreement, February 15th, 1917, between Hiram Walker & Sons Limited and The Walkerville Water Company Limited.

Letter, October 15th, 1917, from The Walkerville Water Company Limited to Bell Telephone Company of Canada.

Agreement, February 14th, 1919, between E. J. Dunn of Elmira to The Walkerville Water Company Limited.

Indenture, January 31st, 1921, between Commonwealth Chemical Company Limited to The Walkerville Water Company Limited.

Indenture, January 31st, 1921, between The Walkerville Land and Building Company Limited and The Walkerville Water Company Limited.

Agreement of May 27th, 1925, between The Walkerville Water Company Limited and Ford Motor Company of Canada Limited.





Agreement, of October 24th, 1921, between the Town of Riverside and The Walkerville Water Company Limited.

Agreement, May 29th, 1923, between The Walkerville Water Company Limited and the Town of Ford City.

Agreement, September 11th, 1924, between The Walkerville Water Company Limited and Sandwich East.

Agreement, June 1st, 1926, between Hiram Walker & Sons Limited and The Walkerville Water Company Limited.

Agreement, December 4th, 1926, between William Stone and The Walkerville Water Company Limited.

Agreement, May 26th, 1927, between The Walkerville Water Company Limited and Sandwich East.

Agreement, June 9th, 1927, between The Walkerville Water Company Limited and Sandwich East.

Agreement, March 17th, 1928, between General Motors of Canada Limited and The Walkerville Water Company Limited.

Agreement, February 3rd, 1921, between Western Racing Association and The Walkerville Water Company Limited.

Lease of house, 575 Walker Road, January 7th, 1926, tenant, Fred Martin.

Letter, July 24th, 1928, to J. Clark Keith, Walkerville, ten and twelve-inch main valves.

Deed of Land, 575 Walker Road, December 31st, 1927.

Order-in-Council *re* water rates, By-law No. 35, March 31st, 1927.

Agreement, October 9th, 1924, Frank D. Riberdy, *et al* and The Walkerville Water Company Limited.

Agreement, March 21st, 1927, Ford City and The Walkerville Water Company Limited.

Agreement, dated June 1st, 1906, between Luke Montreuil and The Walkerville Water Company Limited.

Extracts from Agreement of Sale between The Walkerville Land and Building Company Limited and F. Villeneuve, Wm. Woollatt & Sons Limited and Trussed Concrete Steel Company of Canada Limited, dated December 27th, 1912, January 7th, 1913 and February 18th, 1913 respectively.

Record of Easement for ten-inch main, Chrysler property, Ypres Avenue, dated December 5th, 1928.

Agreement, June 25th, 1928, Hiram Walker & Sons Limited, water main, Argyle Road.

Pere Marquette Railway Crossing, under right-of-way, Ypres Avenue, dated March 7th, 1929.

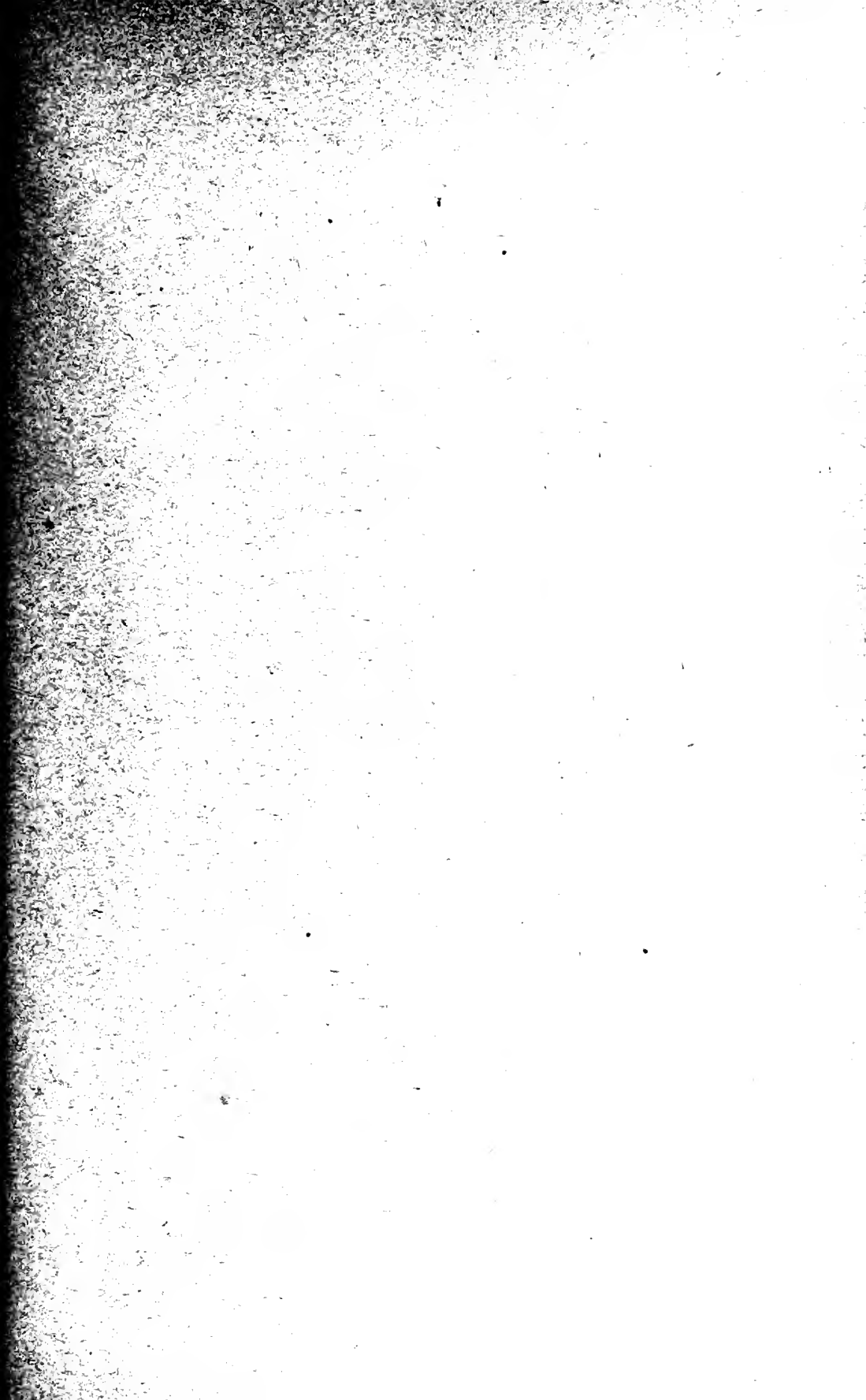
Agreement, April 11th, 1929, The Union Natural Gas Company of Canada Limited and The Walkerville Water Company Limited.

Agreement, October 7th, 1929, Pere Marquette Railway Company *re* crossing, Tecumseh Road, twelve-inch main.

Agreement, October 19th, 1929, Pere Marquette Railway Company *re* crossing sixteen-inch main, Huron Street and twenty-inch main, Walker Road.

Agreement, October 11th, 1929, Canadian National Railway *re* crossing twenty-inch main, Walker Road.

Letter, August 6th, 1929, Essex Terminal Railway *re* crossing of sixteen-inch main, St. Luke Road.



An Act respecting the Joint Purchase of  
Waterworks by the Municipal Cor-  
porations of the Town of  
Walkerville and the  
City of East  
Windsor.

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*1st Reading*

February 11th, 1930

*2nd Reading*

*3rd Reading*

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MR. WILSON (Windsor).

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

1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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## **BILL**

**An Act respecting the joint purchase of Water-works by the Municipal Corporations of the Town of Walkerville and the City of East Windsor.**

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MR. WILSON (Windsor).

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No. 2.

1930.

# BILL

An Act respecting the joint purchase of Waterworks by the Municipal Corporations of the Town of Walkerville and the City of East Windsor.

Preamble. **W**HEREAS the municipal corporations of the town of Walkerville and the city of East Windsor 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:—

Short title. **1.** This Act may be cited as *The Walkerville-East Windsor Water Commission Act, 1930.*

Interpretation. **2.** In this Act,—

"Commission." (a) The "Commission" shall mean "The Walkerville-East Windsor Water Commission" created by this Act;

"Walkerville." (b) "Walkerville" shall mean the corporation of the town of Walkerville;

"East Windsor." (c) "East Windsor" shall mean the corporation of the city of East Windsor;

"Riverside." (d) "Riverside" shall mean the corporation of the town of Riverside;

"Sandwich East." (e) "Sandwich East" shall mean the corporation of the township of Sandwich East;

"Municipal Board." (f) "Municipal Board" shall mean the Ontario Railway and Municipal Board;

- (g) "System" shall mean the works and property referred to in schedule 1 to this Act and all extensions and additions thereto and improvements thereof and all works and property hereafter constructed, purchased or acquired by the Commission. <sup>"System."</sup>

3.—(1) For the purposes hereinafter mentioned there shall be a Commission consisting of five persons as follows: <sup>Water Commission, — how composed.</sup>

- (a) The mayor of Walkerville shall be *ex officio* a member of the Commission and the council of Walkerville shall, every three years, appoint one person who is a resident of Walkerville to be a member of the Commission.
- (b) The mayor of East Windsor shall be *ex officio* a member of the Commission and the council of East Windsor shall every three years appoint one person who is a resident of East Windsor to be a member of the Commission.
- (c) The four persons who have become members of the Commission under the provisions of this section shall forthwith appoint another person to be the chairman of the Commission and, if a majority of them do not agree forthwith, the senior judge of the county of Essex shall, upon request of the other members of the Commission, or any one of them, or of the council of either Walkerville or East Windsor, appoint such other person from among the residents of the city of Windsor or the town of Sandwich and upon appointment such member shall hold office for three years and every three years thereafter a person to be the chairman of the Commission shall be appointed in the same manner.

(2) The Commission shall be a body corporate and politic under the name of "The Walkerville-East Windsor Water Commission." <sup>Commission a corporation.</sup>

(3) The office of commissioner shall *ipso facto* become vacant: <sup>Vacancies.</sup>

- (a) Upon his death or resignation;
- (b) If he ceases to be a resident of the municipality the council of which appointed him;
- (c) If, being the chairman of the Commission appointed by the senior county judge, he becomes a resident of either Walkerville or East Windsor;

(d) If he is absent from the meetings of the Commission for three consecutive months;

(e) If he commits any act which would disqualify him from being a member of a municipal council and the provisions of *The Municipal Act* with respect to disqualification shall apply to the office of commissioner.

(4) Where the office of an appointed member becomes vacant before the expiration of the term for which he was appointed, the vacancy shall be filled forthwith in the same manner as the first members are appointed and the person appointed to fill the vacancy shall hold office for the remainder of the term for which his predecessor was appointed.

(5) Any member of the Commission whose term of office has expired shall be eligible for reappointment.

Chairman. (6) The chairman shall preside at all meetings of the Commission at which he is present, and, in his absence, the members present shall elect one of such members to preside and who, during such absence, shall have and exercise the powers of the chairman.

Quorum. (7) A majority of the commissioners shall constitute a quorum at any meeting.

Meetings. (8) The Commission shall meet at least once every month on a day or days to be fixed by the chairman and two days' notice by ordinary post of such meeting shall be given to the members, and in case of emergency, the chairman or secretary may call meetings on shorter notice given in any other manner.

Seal. (9) The Commission shall have a common seal in such form as the Commission may decide and may from time to time change the same.

Secretary-treasurer. (10) The Commission shall appoint a secretary, a treasurer who may also hold the office of secretary, and such other officers and servants from time to time as it may deem requisite, and shall fix all salaries or other remuneration of its officers and servants.

Contracts. (11) Any contract entered into by the Commission and sealed with its seal and signed by the chairman, or acting chairman, and secretary shall be binding upon the Commission.

Records. (12) The Commission shall keep proper records and books in which shall be recorded and entered the business of the Commission.



(13) The chairman of the Commission shall be paid such salary as the Commission shall fix from time to time and the other members of the Commission shall serve without salary. Remuneration of chairman.

(14) The treasurer and such other officers and servants as the Commission decides before entering on the duties of their office shall give such security as the Commission may deem proper for the faithful performance of their duties and paying over all moneys which come into their hands. Security from officers.

(15) The Commission may, from time to time, pass by-laws for any of the following purposes, namely: Bp-laws.

- (a) To regulate the calling and holding of its meetings and the proceedings thereat;
- (b) Prescribing rules and regulations respecting its officers servants and the terms upon which customers may be supplied with water;
- (c) Respecting the conduct of the affairs and the exercise of the powers of the Commission generally.

**4.—**(1) The Commission shall, on or before the first day of March in each year, cause a return for the preceding calendar year to be made to Walkerville and East Windsor containing a statement of the affairs of the Commission and showing all the information required to be given under section 42 of *The Public Utilities Act*. Annual return by Commission to Walkerville and East Windsor. Rev. Stat., c. 249.

(2) The Commission shall also furnish to either Walkerville or East Windsor such information as may be required from time to time.

(3) The Commission shall engage auditors to audit its accounts and shall furnish to the auditor such information and assistance as may be in its power to enable the audit to be made. Auditors.

**5.** A record of all the proceedings of the Commission shall be kept and shall be open to inspection by any person appointed for that purpose by Walkerville or East Windsor. Proceedings of Commission.

**6.** The Commission shall acquire on behalf of Walkerville and East Windsor the works and property described in an agreement, dated the 22nd of January, 1930, made between the Walkerville Water Company Limited and the Walkerville Construction Company Limited of the one part, and the municipal corporation of the town of Walkerville of the other part, as set out in schedule 1 hereto, and the said agreement is hereby ratified and confirmed and declared to be legal, valid Agreement of purchase of water-works, confirmed.

and binding upon the parties thereto and East Windsor as though it were named jointly with Walkerville as a party thereto, and upon the ratepayers of Walkerville and East Windsor; and the Commission shall be substituted in the place and stead of Walkerville and East Windsor in respect of the said agreement; and the Commission may pass such by-laws, issue such debentures, pay such moneys and do all such acts, matters and things as it may deem necessary for the full and proper carrying out of the provisions of the said agreement as if the Commission was a party to the said agreement in the place of the town of Walkerville.

7.—(1) For the following purposes:

Borrowing  
powers of  
Commission.

- (a) Providing the money to pay the purchase price of the system to be ascertained as provided by the said agreement and any estimated sum to cover discount on the sale of debentures and the expenses preliminary and incidental to the purchase;
- (b) Providing the moneys to pay for any extensions, additions and improvements hereafter made to the system;
- (c) To enable the Commission to satisfy its obligations under section 14 or any other section herein

the Commission may agree with any bank or person for temporary advances and may by by-laws passed from time to time without the assent of any electors, issue debentures for the sums so borrowed or required and the debt so incurred and the debentures so issued shall be a direct liability of Walkerville and East Windsor to the lender of such sums and to the holder of any such debentures and shall be specially charged upon the system, and the said by-laws and debentures may be in such form as the Commission may decide.

(2) The Commission may either before or after the Commission fixes the rates for the current year, or part thereof, borrow such sums as it may deem necessary to meet the current ordinary expenditure of the Commission until the rates are collected.

Application  
of Rev. Stat.,  
c. 233.

(3) Except as herein otherwise provided, the provisions of *The Municipal Act* as to by-laws for creating debts, including sections 304 and 305, shall apply to the said by-laws except that it shall not be necessary to submit any such by-laws to any electors for their assent.

Term of  
debentures.

(4) The debentures may run for a term not exceeding thirty years from the time the same are issued.

(5) The debentures issued shall be under the seal of the Commission and signed by the chairman and secretary. Execution of debentures.

(6) Any rate levied to meet any debt incurred under the authority of this Act, shall not be included in the limit of rates fixed by subsection 1 of section 306 of *The Municipal Act*. Limit of rates.

**8.**—(1) The Commission shall manage, control, operate and maintain the system. Management of System by Commission.

(2) The Commission shall have the right to extend, add to and improve the system including the construction of all works which the Commission may deem necessary for any of its purposes in Walkerville, East Windsor, Riverside and Sandwich East with the approval of the Municipal Board upon application by the Commission to the said Board for such approval upon notice to the municipality in which the proposed work is situate and to any other municipality which the Municipal Board may direct. Extensions with approval of Municipal Board.

(3) All works which are supplied with water by the Commission shall, while being so supplied, be under the direct supervision of the Commission, and the Commission may pass by-laws to regulate the connection of mains and pipes with the system and the supply of water therein, and do such acts as may be necessary to protect the system and every part thereof, or the pressure or flow of water therein. Provided that nothing in this subsection shall empower the Commission to violate any existing contract which either Riverside or Sandwich East has with regard to its water supply. Connections with mains.

(4) The Commission shall fix annually the rent or rate to be charged to each municipality being furnished with water by the Commission for hydrant service both in respect to hydrants owned by the Commission and hydrants owned by the municipalities. Hydrants.

**9.** The words "the clerk of the municipality" in subsection 2 of section 26 of *The Public Utilities Act* shall, with respect to this Act, mean the clerk of the municipality in which the land is situated and the amount collected shall be paid to the Commission forthwith. Rev. Stat., c. 249.

**10.** The Commission may enter into agreements and contracts of all kinds with any municipality for the supply of water, the installation of hydrants and for any other services incidental to the supply of water upon such terms and for such time as may be agreed, without the assent of the electors of any municipality. Agreements for supply of water.

Extensions  
in East  
Windsor and  
Walkerville.

**11.** The Commission shall, when so authorized and directed by by-law passed by the council of Walkerville or of East Windsor construct such extensions and additions within the municipality as the said by-law may direct and shall borrow the money to pay the cost thereof and issue debentures for the sum so borrowed under the provisions of this Act, provided, however, that the sum so authorized and directed shall not exceed \$50,000 in each municipality in any one year.

Application  
of Rev. Stat.,  
c. 249.

**12.** Save as herein otherwise provided the Commission shall have the powers, rights, authorities and privileges of a Municipal Public Utilities Commission under *The Public Utilities Act* and the system shall be a public utility within the meaning of *The Public Utilities Act*.

Special  
annual  
frontage rate  
to assist in  
payment of  
debentures.

**13.—(1)** For the purposes of assisting in the payment of the principal or interest of debentures for waterworks purposes issued or assumed by the Commission under the authority of this Act, the Commission shall impose in Walkerville and East Windsor as equal annual special rate not exceeding eleven cents per foot of frontage upon all land fronting or abutting upon any highway, lane or other public communication in, through or along which waterworks mains are laid as well as all other land distant not more than three hundred feet therefrom, whether or not the owners or occupants thereof use the water.

(2) The amount payable by the owner or occupant of any land upon which such frontage rate is imposed 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 the sale of his estate and interest in the said land.

Exception  
as land  
assessed for  
local im-  
provement  
watermain.

(3) The said special rate shall not be imposed upon or collected from the owner or occupant of land upon which a special rate under *The Local Improvement Act* is payable for the construction of such a watermain where the payment of the same has not been assumed by the Commission under this Act.

(4) The Commission, upon the production by the owner or occupant using the water of the receipt for the payment of the rate or rent chargeable for the use thereof during the year or such proportion thereof as equals such special rate, shall remit or allow to such owner or occupant the amount so paid as a payment of or on account of such special rate.

Assumption  
of local im-  
provement  
rates in East  
Windsor.

**14.—(1)** The Commission shall by by-law assume liability for and shall provide the funds necessary to liquidate all unpaid instalments of debentures issued or to be issued in respect of waterworks constructed under *The Local Improve-*

*ment Act* prior to the 1st of April, 1930, in East Windsor, and shall furnish the treasurer of East Windsor with sufficient funds to pay the said debentures as they fall due.

(2) The Commission may apply upon the payment of the said unpaid instalments an equal annual sum during the remainder of the period during which such instalments fall due and may from time to time by by-laws passed without the assent of any electors, borrow money to provide for deficits arising by reason of such equal annual sums being insufficient to meet such unpaid instalments from time to time and may issue debentures for the sums so borrowed payable on the instalment plan, the last instalment of which shall fall due not later than the last instalment of the debentures mentioned in subsection 1 of this section and the same shall be binding upon the Commission, its system, East Windsor, Walkerville and the ratepayers thereof.

(3) J. Clark Keith shall forthwith make a report to the Commission setting forth what allowance, if any, shall be made by the Commission to East Windsor for the waterworks belonging to East Windsor as of 1st April, 1930, over and above the amount of unpaid debentures assumed by the Commission under subsection 1 hereof and in ascertaining said allowance, due consideration shall be given by him to all things set forth in the letter dated November 19th, 1929, sent to him by Walkerville and East Windsor in addition to all other proper considerations, provided that, if for any reason J. Clark Keith is prevented from making said report East Windsor and Walkerville may agree on another person to make same and failing agreement, the senior county judge of the county of Essex on application of either Walkerville or East Windsor, shall appoint a person to make said report instead of said Keith.

Provision for determining allowance to East Windsor for its waterworks.

(4) The Commission shall forthwith deliver to the city of East Windsor the Commission's debentures payable in thirty (30) equal annual instalments and bearing interest at the rate of five per centum (5%) per annum payable half-yearly for the amount of said allowance, if any, so reported by the said J. Clark Keith or his substitute.

Debentures of Commission to be handed over to East Windsor.

(5) All waterworks constructed in and owned by East Windsor prior to April 1st, 1930, shall be vested in the Commission and be part of the system.

**15.** The system shall be deemed assets of Walkerville and East Windsor in such shares as the Municipal Board may decide upon application of either of the said municipalities when the occasion arises for such determination.

Interest of Walkerville and East Windsor in system.

Application  
of surplus  
moneys.

**16.** Any surplus or reserve created in connection with the operation of the system shall be used for such purpose (beneficial to the system) as the Commission may decide.

Uniform  
rates in  
Walkerville  
and East  
Windsor.

**17.** The rates charged by the Commission from time to time shall be uniform in Walkerville and East Windsor for the same class of consumer.

Amount  
of rates.

**18.** Rates shall be charged and collected in every year throughout the territory supplied by the system from time to time by the Commission in an amount calculated to be sufficient to defray all annual expense arising from the purchase, operation, maintenance, extension and improvement of the system, and all other annual expenses of the system, including the annual charges for the re-payment of the debenture debt outstanding from time to time with respect to the system, and if a deficit occurs in any year, additional rates shall be collected in the succeeding year or years to liquidate the same and pending the collection of rates to defray such deficit, the Commission shall have power to borrow sufficient money by way of temporary loan to meet the requirements of the said deficit.

Appeals to  
Municipal  
Board.

**19.**—(1) Any municipality being served with water by the Commission shall have the right to appeal to the Municipal Board for relief concerning any grievance claimed in respect of the exercise of the powers of the Commission or the failure of the Commission to fulfil its obligations.

(2) The municipality appealing shall serve a written notice upon the Commission setting out particulars of the grievance, reasons for the appeal and the relief claimed, and the Board upon receipt of the said notice with proof of service shall appoint a day for the hearing not less than ten days after the date of service on the Commission.

(3) The Municipal Board, after hearing all parties concerned, may make such order as in the circumstances it may deem just.

(4) The Commission may apply on like notice to the Municipal Board for any relief in regard to any municipality to which or through which it serves water with respect to any grievance it may have or with respect to the variation of any order which the Board has previously made under this section.

Rev. Stat.,  
c. 225.

(5) *The Railway and Municipal Board Act* shall apply to any order made by the Municipal Board under this section.

Debentures  
charged on  
system, etc.

**20.** All sums borrowed and debentures issued under the authority of this Act shall be binding on the Commission,

Walkerville, East Windsor and the ratepayers thereof, and shall be a special charge upon the system.

**21.** The Essex Border Utilities Commission shall have the right to acquire the system under the provisions of *The Public Utilities Act* and *The Consolidated Essex Border Utilities Act, 1929*, as if the same was privately owned, and nothing in this Act contained shall affect or derogate from the powers of the Essex Border Utilities Commission under *The Consolidated Essex Border Utilities Act, 1929*, and the amendments thereto.

Power of  
Essex Border  
Commission  
to acquire  
system.  
Rev. Stat.,  
c. 249.  
1929, c. 98.

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

Commence-  
ment of  
Act,

## SCHEDULE "1"

This agreement made the 22nd day of January, 1930.

BETWEEN:

THE WALKERVILLE WATER COMPANY LIMITED and WALKERVILLE CONSTRUCTION COMPANY LIMITED, hereinafter called the "Companies,"

of the one part;

—and—

THE MUNICIPAL CORPORATION OF THE TOWN OF WALKERVILLE, hereinafter called the "Town,"

of the other part.

Whereas the Companies are operating a public utility supplying water in the Town, the City of East Windsor, the Town of Riverside and the Township of Sandwich East, under certain franchises granted by the Town and the Township of Sandwich East;

And whereas the Essex Border Utilities Commission hereinafter called the "Commission" proposed to expropriate the said utility for the benefit of the said Municipalities, and in pursuance thereof entered into an Agreement with the Companies, dated the 10th day of October, 1928, fixing the price to be paid for the said utility at \$606,132.40, which price was based upon the report of Mr. J. Clark Keith, dated the 12th day of July, 1928;

And whereas the said agreement provided, among other things, that in the event that the same was not authorized by a favourable vote of the ratepayers at or before the annual Municipal election for the year 1929, the same should be null and void;

And whereas the said agreement was authorized by the ratepayers of the Towns of Walkerville and Ford City, but was not authorized by the ratepayers of the Town of Riverside and the Township of Sandwich East;

And whereas the City of East Windsor subsequently refused to participate in the purchase of the said utility;

And whereas the Municipal Council of the Town has passed a By-law authorizing the Town to acquire the said utility which was to have been acquired by the Commission as aforesaid, and the said By-law was duly submitted to and received the assent of the ratepayers of the Town in the month of December, 1929;

Now this agreement witnesseth and it is agreed as follows:—

(1). The companies agree to sell and the Town agrees to buy the works of the Companies and all property used in connection therewith, for the purpose of supplying water, and being the properties set out or referred to in the said report, which is hereby made a part of this agreement, and the lands and premises set out in Schedule "A" hereto, and all easements, rights, powers, authorities and privileges enjoyed or exercised by the Companies, and each of them, and all contracts in force on the day provided herein for transfer, and all documents relating to the undertakings of the Companies except the Companies' charters, by-laws, minute books, share registers, stock certificate books, transfer books, bank books, financial statements and cash books and/or ledgers and other documents relating to the organization and management of the companies.

(2). The said assets shall be transferred, free from all encumbrances, claims and obligations, except as hereinafter mentioned, to the Town, or to such other body or bodies as may be authorized to hold and operate the same.



(3). Until the transfer day, the Companies, and each of them, shall keep up, as nearly as may be, the properties of every nature so to be transferred, and shall do no act to invalidate or determine any easement, right, power, privilege or benefit of any contract enjoyed or exercisable by the said Companies or either of them.

(4). The consideration for the said sale shall be the payment by the Town to the Companies of the said sum of \$606,132.40 plus such additional amount as may be certified by the said J. Clark Keith and Mr. William Storrie consulting Engineer for the Companies, it being understood that the amount ascertained by the said report, and the principle by which it was ascertained are hereby approved and accepted, and that all proper and just allowances, following the same principle, shall be made by the said Keith and Storrie, so as to bring the said report up to the day of transfer.

The said consideration shall be paid in cash on or before the transfer day, or, at the option of the Companies, by the transfer to the Companies of equal, annual instalment debentures of the Town, at the market value thereof at the time of transfer.

(5). The Companies shall, until the transfer day, carry on and manage their undertakings according to their usual course of business, including extensions and changes made between this date and the transfer day, and approved by the said Keith and Storrie, and shall maintain and keep the works and properties intended to be sold to the Town as aforesaid, in their present state and condition, reasonable wear and tear excepted, and shall continue to keep proper accounts. Provided always, that the Companies shall not, without the previous consent in writing of the Town, incur or enter into any new liability or contract in respect of their undertakings except such as may be necessary in the ordinary course of business.

(6). On payment by the Town of the consideration for the sale, the Companies shall forthwith execute all deeds and documents and do all things that may be reasonably required by the Town for carrying into effect the sale and purchase, and for transferring to and vesting in the Town the properties and rights hereby agreed to be sold, free from all liabilities and encumbrances affecting the same, except as hereinafter mentioned, and for letting the Town into possession thereof, and shall also by way of further assurance, but at the expense of the Town, execute or procure the execution of such deeds and documents by other persons.

(7). The day appointed for the completion of the sale and purchase (heretofore referred to as the transfer day) shall be thirty days after the Bill (hereinafter referred to) receives the assent of the Lieutenant-Governor of the Province of Ontario, but not later than the 30th day of June, 1930, and time shall be the essence of this agreement. If, from any cause, all or any part of the purchase money shall not be paid on that day, the Town shall pay to the Companies interest at the rate of Six (6) per cent. per annum, on the moneys so remaining unpaid from the transfer day until the payment thereof.

(8). Should the sale and purchase be not completed on the transfer day, the Companies shall thereafter, as agents for and at the expense and risk of the Town, but subject to the provisions of Section 9 and 12 hereof, carry on the undertakings until the sale and purchase shall be actually completed, and the Town shall, on or before the actual completion of the sale and purchase, pay to the Companies the sum of \$1,500.00 for each and every month during which the Companies act as such agents, and shall also repay to the Companies all moneys expended by them whilst acting as such agents, with interest thereon at the rate of six (6) per cent. per annum.

(9). Provided always that nothing herein contained shall bind the Companies to allow any extension of time beyond the transfer day fixed as above, but they may, at their option, declare this agreement to be at an end.

(10). From and after the completion of the sale, and until the Companies shall be finally wound up and dissolved, the Companies shall have full access at all reasonable times to the documents, books and accounts of the Companies, and for all other reasonable purposes in relationship of the winding up of the Companies, and the Town shall permit such officers and servants of the Town as shall have been in the employ of the Companies to assist in making up such accounts.

(11). After the sale and purchase shall have been completed, the Companies shall continue to subsist only for the purpose of winding up their affairs.

(12). The Town or other body or bodies representing it shall assume and be responsible for the obligations of the Companies and each of them, under the by-laws, agreements and other documents mentioned or referred to in Schedule "B" hereto and for all other contractual obligations of the Companies for supplies which may be liabilities after the transfer day.

(13). This agreement is made and entered into, upon and subject to the condition that before the transfer day the same shall be approved by proper legislative authority and made valid and binding upon the parties hereto; and in the event that this agreement is not so made valid and binding, it shall be null and void, and shall be deemed to have been entered into by the Companies without prejudice to their legal rights.

(14). The Town shall make application to the Legislative Assembly of the Province of Ontario, at its next Session for legislation validating this agreement and enabling the Town to carry it out.

(15). Provided always, that should such legislative authority be not obtained, or if obtained, the said sale and purchase be not completed through failure on the part of the Town, the Town shall pay to the Companies the expenses incurred by the Companies in and about the said report of the 12th day of July, 1928, and in and about the supplemental report of the said Keith and Storrie herein provided for.

In witness whereof this agreement has been executed by the parties hereto.

THE WALKERVILLE WATER COMPANY LIMITED.

By "HIRAM H. WALKER," *President.*

[SEAL]

"C. D. BROWN," *Secretary.*

WALKERVILLE CONSTRUCTION COMPANY  
LIMITED,

By "HIRAM H. WALKER," *President.*

[SEAL]

"C. D. BROWN," *Secretary.*

THE MUNICIPAL CORPORATION OF THE TOWN  
OF WALKERVILLE,

By "THOS. F. LANSPEARY," *Mayor.*

[SEAL]

"A. E. COCK," *Clerk.*

*Schedule "A"*

All and singular those certain parts of lots 96 and 97 (McNiff's Survey) formerly in the First Concession of the Township of Sandwich East, now in the Town of Walkerville, more particularly described as follows:—  
*Firstly:* Commencing at a point in the easterly limit of the Walker Road, distant one hundred and thirty-seven (137) feet four (4) inches more or less from the northerly limit of the Tecumseh Road, as widened, measuring northerly therefrom along said easterly limit, said point being distant one (1) foot measured southerly along said easterly limit from the southerly face of the southerly wall of a brick building; thence northerly along said easterly limit one hundred and twenty (120) feet to a point, thence easterly at right angles to said easterly limit two hundred and ninety-seven (297) feet six (6) inches to the easterly limit of lands of the grantor; thence southerly along said limit one hundred and twenty (120) feet to a point; thence westerly at right angles to the said easterly limit of the Walker Road, two hundred and ninety-seven (297) feet six (6) inches more or less to the place of beginning. *Secondly:* Commencing at a point eight (8) feet measured westerly at right angles from the westerly limit of the Walker Road, said point being four hundred and forty-two (442) feet six (6) inches measured from the northerly limit of the Tecumseh Road as widened, along a line parallel to and eight (8) feet westerly from the westerly limit of the Walker Road, thence northerly parallel with the said westerly limit forty (40) feet; thence westerly at right angles ninety-four (94) feet; thence southerly parallel to the westerly limit of the Walker Road forty (40) feet; thence easterly at right angles ninety-four (94) feet to the place of beginning, together with right of access to and egress from the said land at all times over the strip of land eight (8) feet wide lying between the said lands and the Walker Road; the said strip of land eight (8) feet wide being intended for the widening of the Walker Road.

*Schedule "B"*

By-law Number 358 of the Township of Sandwich East.

Agreement, May 28th, 1906, between Globe Furniture Co., Ltd., and The Walkerville Water Company Limited.

By-law Number 242 of the Town of Walkerville.

Pipe Line Agreement between Pere Marquette Railroad Company and H. E. Walker and P. H. King, its Receivers, dated May 18th, 1915.

Agreement, December 15th, 1915, between Walkerville Water Company Limited and Municipal Corporation of the Town of Walkerville.

Agreement, February 15th, 1917, between Hiram Walker & Sons Limited and The Walkerville Water Company Limited.

Letter, October 15th, 1917, from The Walkerville Water Company Limited to Bell Telephone Company of Canada.

Agreement, February 14th, 1919, between E. J. Dunn of Elmira to The Walkerville Water Company Limited.

Indenture, January 31st, 1921, between Commonwealth Chemical Company Limited to The Walkerville Water Company Limited.

Indenture, January 31st, 1921, between The Walkerville Land and Building Company Limited and The Walkerville Water Company Limited.

Agreement of May 27th, 1925, between The Walkerville Water Company Limited and Ford Motor Company of Canada Limited.

Agreement, of October 24th, 1921, between the Town of Riverside and The Walkerville Water Company Limited.

Agreement, May 29th, 1923, between The Walkerville Water Company Limited and the Town of Ford City.

Agreement, September 11th, 1924, between The Walkerville Water Company Limited and Sandwich East.

Agreement, June 1st, 1926, between Hiram Walker & Sons Limited and The Walkerville Water Company Limited.

Agreement, December 4th, 1926, between William Stone and The Walkerville Water Company Limited.

Agreement, May 26th, 1927, between The Walkerville Water Company Limited and Sandwich East.

Agreement, June 9th, 1927, between The Walkerville Water Company Limited and Sandwich East.

Agreement, March 17th, 1928, between General Motors of Canada Limited and The Walkerville Water Company Limited.

Agreement, February 3rd, 1921, between Western Racing Association and The Walkerville Water Company Limited.

Lease of house, 575 Walker Road, January 7th, 1926, tenant, Fred Martin.

Letter, July 24th, 1928, to J. Clark Keith, Walkerville, ten and twelve-inch main valves.

Deed of Land, 575 Walker Road, December 31st, 1927.

Order-in-Council *re* water rates, By-law No. 35, March 31st, 1927.

Agreement, October 9th, 1924, Frank D. Riberdy, *et al* and The Walkerville Water Company Limited.

Agreement, March 21st, 1927, Ford City and The Walkerville Water Company Limited.

Agreement, dated June 1st, 1906, between Luke Montreuil and The Walkerville Water Company Limited.

Extracts from Agreement of Sale between The Walkerville Land and Building Company Limited and F. Villeneuve, Wm. Woollatt & Sons Limited and Trussed Concrete Steel Company of Canada Limited, dated December 27th, 1912, January 7th, 1913 and February 18th, 1913 respectively.

Record of Easement for ten-inch main, Chrysler property, Ypres Avenue, dated December 5th, 1928.

Agreement, June 25th, 1928, Hiram Walker & Sons Limited, water main, Argyle Road.

Pere Marquette Railway Crossing, under right-of-way, Ypres Avenue, dated March 7th, 1929.

Agreement, April 11th, 1929, The Union Natural Gas Company of Canada Limited and The Walkerville Water Company Limited.

Agreement, October 7th, 1929, Pere Marquette Railway Company *re* crossing, Tecumseh Road, twelve-inch main.

Agreement, October 19th, 1929, Pere Marquette Railway Company *re* crossing sixteen-inch main, Huron Street and twenty-inch main, Walker Road.

Agreement, October 11th, 1929, Canadian National Railway *re* crossing twenty-inch main, Walker Road.

Letter, August 6th, 1929, Essex Terminal Railway *re* crossing of sixteen-inch main, St. Luke Road.







BILL.

An Act respecting the Joint Purchase of  
Waterworks by the Municipal Cor-  
porations of the Town of  
Walkerville and the  
City of East  
Windsor.

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*1st Reading*

February 11th, 1930

*2nd Reading*

March 26th, 1930

*3rd Reading*

March 28th, 1930

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MR. WILSON (Windsor).

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No. 3.

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the City of Chatham**

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MR. CALDER

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(PRIVATE BILL)

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting the City of Chatham.

Preamble.

**W**HEREAS the corporation of the city of Chatham has by its petition represented that the said city of Chatham has widened Lacroix Slip, a street in the said city, and for that purpose has acquired certain lands on the easterly side of Lacroix Slip and has built a retaining wall along the easterly side of said Lacroix Slip at a total cost of \$28,140.05; and that no by-law, as required by *The Local Improvement Act*, was passed by the corporation prior to the undertaking of the said work; and whereas the said corporation has also by its petition represented that it is desirous of issuing debentures of the said corporation for a sum not exceeding \$30,000, extending for a period not exceeding twenty years from the date thereof and at a rate of interest not exceeding five per centum per annum, to provide funds for the payment of the said work; and whereas the said corporation has by its petition prayed that an Act may be passed for the above mentioned purposes; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat.,  
c. 235.

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 Chatham Act, 1930*.

Power  
to borrow  
\$30,000 for  
widening  
Lacroix Slip.

**2.** The corporation of the city of Chatham may pass a by-law to borrow, and may borrow, a sum not exceeding \$30,000 and may issue debentures therefor for any period not exceeding twenty years from the date thereof, and at such rate of interest, not exceeding five per centum per annum, as the council of the corporation of the city of Chatham may determine, to provide moneys to pay for the widening and improving of a street known as Lacroix Slip in the city of Chatham, including the purchase of the land on the easterly side of the said Lacroix Slip and including also the cost of a retaining wall, without submitting the by-law to the electors of the said city for their assent.



Certain provisions of Rev. Stat., c. 233, not to apply.

**3.** It shall not be necessary for the said corporation to observe in respect of the said by-law the formalities prescribed by *The Municipal Act* in relation to the passing of money by-laws.

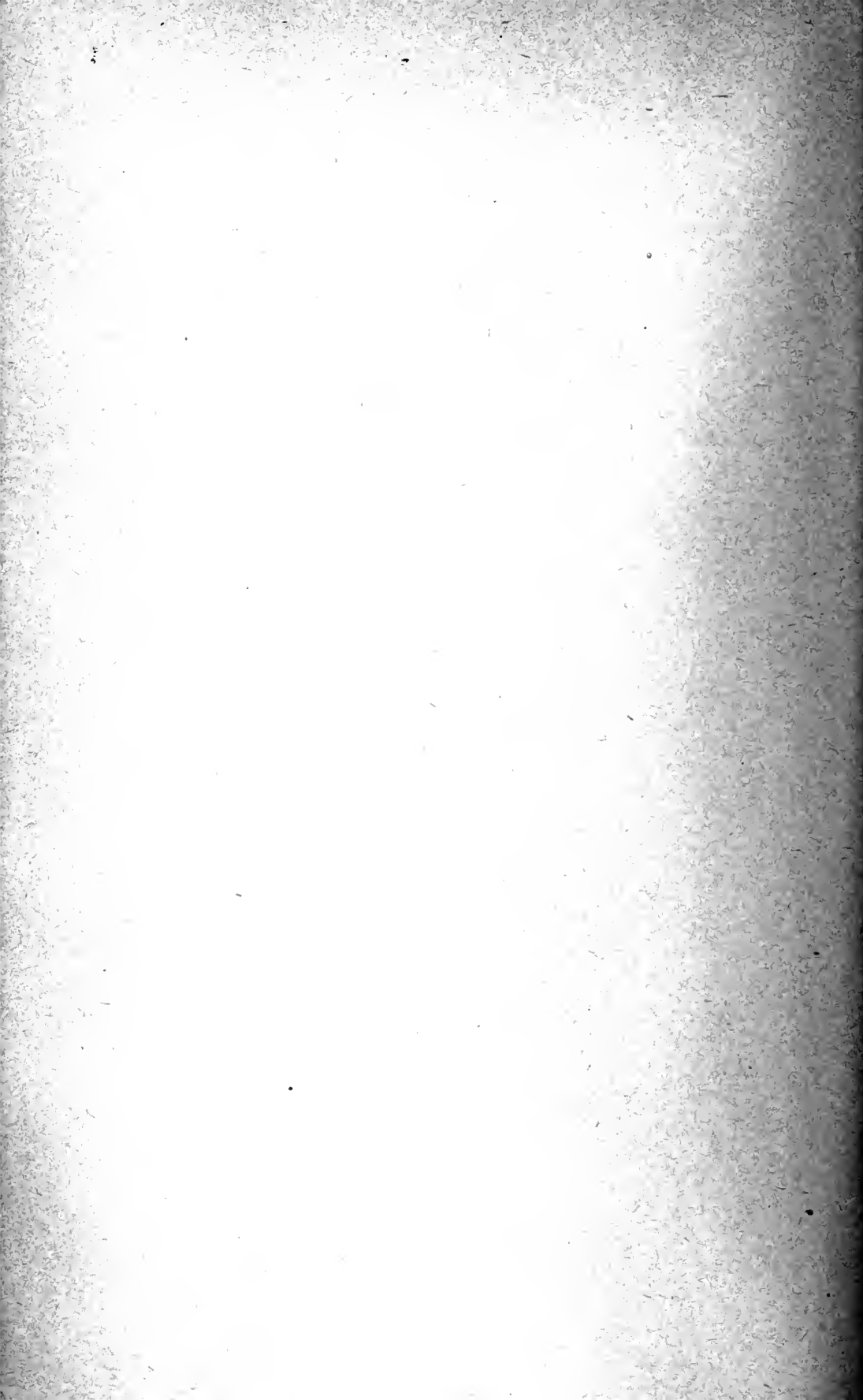
Irregularity in form not to invalidate.

**4.** 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 Chatham for the recovery of the amount thereof or any part thereof or the interest thereon.

Commencement of Act.

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







BILL.

An Act respecting the City of Chatham.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. CALDER

(PRIVATE BILL)



1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the City of Chatham

---

MR. CALDER

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# BILL

## An Act respecting the City of Chatham.

Preamble.

**W**HEREAS the corporation of the city of Chatham has by its petition represented that the said city of Chatham has widened Lacroix Slip, a street in the said city, and for that purpose has acquired certain lands on the easterly side of Lacroix Slip and has built a retaining wall along the easterly side of said Lacroix Slip at a total cost of \$28,140.05; and that no by-law, as required by *The Local Improvement Act*, was passed by the corporation prior to the undertaking of the said work; and whereas the said corporation has also by its petition represented that it is desirous of issuing debentures of the said corporation for a sum not exceeding \$30,000, extending for a period not exceeding twenty years from the date thereof and at a rate of interest not exceeding five per centum per annum, to provide funds for the payment of the said work; and whereas the said corporation has by its petition prayed that an Act may be passed for the above mentioned purposes; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat.,  
c. 235.

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 Chatham Act, 1930*.

Power  
to borrow  
\$30,000 for  
widening  
Lacroix Slip.

2. The corporation of the city of Chatham may pass a by-law to borrow, and may borrow, a sum not exceeding \$30,000 and may issue debentures therefor for any period not exceeding twenty years from the date thereof, and at such rate of interest, not exceeding five per centum per annum, as the council of the corporation of the city of Chatham may determine, to provide moneys to pay for the widening and improving of a street known as Lacroix Slip in the city of Chatham, including the purchase of the land on the easterly side of the said Lacroix Slip and including also the cost of a retaining wall, without submitting the by-law to the electors of the said city for their assent.

3. It shall not be necessary for the said corporation to observe in respect of the said by-law the formalities prescribed by *The Municipal Act* in relation to the passing of money by-laws. Certain provisions of Rev. Stat., c. 233, not to apply.

4. 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 Chatham for the recovery of the amount thereof or any part thereof or the interest thereon. Irregularity in form not to invalidate.

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

BILL.

An Act respecting the City of Chatham.

---

*1st Reading*

February 18th, 1930

*2nd Reading*

February 26th, 1930

*3rd Reading*

March 5th, 1930

---

MR. CALDER

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No. 4

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act to amend the Acts Incorporating Albert College

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MR. IRELAND

---

(PRIVATE BILL)

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TORONTO  
PRINTED BY  
THE PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend the Acts Incorporating Albert College.

### Preamble.

**W**HEREAS the Board of Management of Albert College has by petition represented that it was incorporated by an Act of the late Province of Canada, being 20 Victoria (1857) Chapter 184, under the name of Belleville Seminary and that such name was later changed to that of Albert College by 29 and 30 Victoria (1866) Chapter 136; and whereas it has been represented by the said board that certain changes are desirable in the constitution of its governing board, as decided by resolution at its annual meeting on the 25th day of October, 1928; and that in the interest of Albert College and for the general benefit of its educational work it is expedient that a board of governors shall be substituted for the board of management, and that the chairman of the board of governors should be appointed by the board itself from among its own members; and whereas the board of management of Albert College has prayed that an Act be passed to carry same into effect; 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 *Albert College Act, 1930*.

20 Vict.,  
c. 184, s. 3  
amended.

2. Section 3 of the Act to incorporate Belleville Seminary passed in 20 Victoria (1857) Chapter 184 is amended as follows:

- (a) By striking out the words "a Bishop or General Superintendent of the said Church" in the seventh and eighth lines and inserting in lieu thereof the words "the Moderator of the General Council of the United Church of Canada;"
- (b) By striking out the words "Board of Management at which a Bishop shall preside, but in case no Bishop



shall be present then a Chairman shall be chosen from among themselves” and inserting in lieu thereof the words “Board of Governors which shall be presided over by a Chairman, who shall be chosen from among its own membership;”

- (c) By striking out the words “Joint Board” wherever they appear and inserting in lieu thereof the word “Board;” by striking out the words “Joint Board of Management” wherever they appear and inserting in lieu thereof the words “Board of Governors;”
- (d) By striking out the word “Bishop” wherever it appears and inserting in lieu thereof the word “Chairman;” by striking out after the words “shall be called by” in the thirty-sixth line the words “Senior General Superintendent or Bishop of the said Church for the time being” and inserting in lieu thereof the words “the Chairman of the Board of Governors,” and by striking out the words “or General Superintendent” in the forty-first line of the said section.

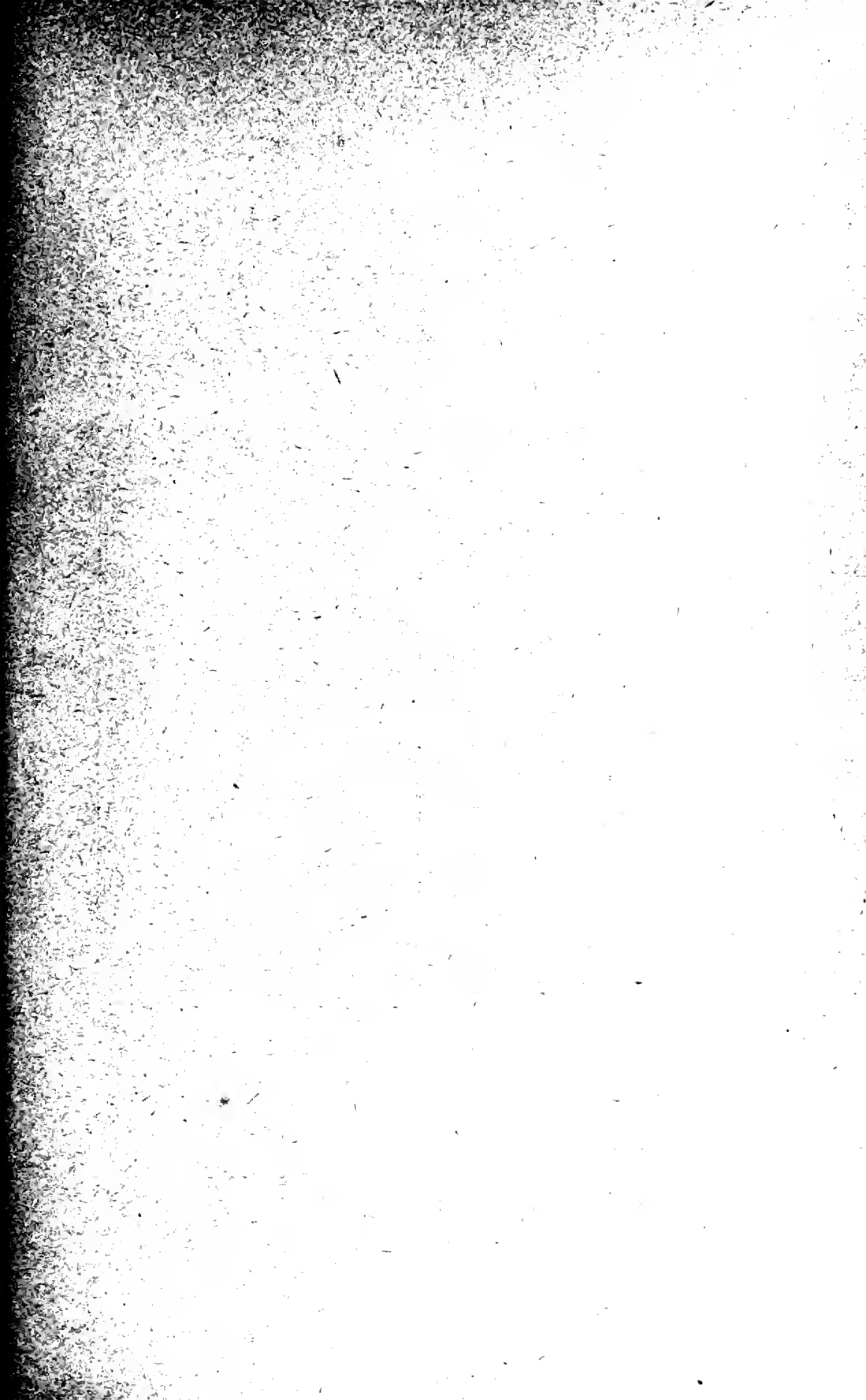
Commence-  
ment of  
Act.

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









An Act to amend the Acts Incorporating  
Albert College

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. IRELAND

(PRIVATE BILL.)

1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act to amend the Acts Incorporating Albert College

---

MR. IRELAND

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No. 4.

1930.

# BILL

## An Act to amend the Acts Incorporating Albert College.

### Preamble

**W**HEREAS the Board of Management of Albert College has by petition represented that it was incorporated by an Act of the late Province of Canada, being 20 Victoria (1857) Chapter 184, under the name of Belleville Seminary and that such name was later changed to that of Albert College by 29 and 30 Victoria (1866) Chapter 136; and whereas it has been represented by the said board that certain changes are desirable in the constitution of its governing board, as decided by resolution at its annual meeting on the 25th day of October, 1928; and that in the interest of Albert College and for the general benefit of its educational work it is expedient that a board of governors shall be substituted for the board of management, and that the chairman of the board of governors should be appointed by the board itself from among its own members; and whereas the board of management of Albert College has prayed that an Act be passed to carry same into effect; 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 *Albert College Act, 1930.*

20 Vict.,  
c. 184, s. 3  
amended.

**2.** Section 3 of the Act to incorporate Belleville Seminary passed in 20 Victoria (1857) Chapter 184 is amended as follows:

- (a) By striking out the words "a Bishop or General Superintendent of the said Church" in the seventh and eighth lines and inserting in lieu thereof the words "the Moderator of the General Council of the United Church of Canada;"
- (b) By striking out the words "Board of Management at which a Bishop shall preside, but in case no Bishop

shall be present then a Chairman shall be chosen from among themselves" and inserting in lieu thereof the words "Board of Governors which shall be presided over by a Chairman, who shall be chosen from among its own membership;"

- (c) By striking out the words "Joint Board" wherever they appear and inserting in lieu thereof the word "Board;" by striking out the words "Joint Board of Management" wherever they appear and inserting in lieu thereof the words "Board of Governors;"
- (d) By striking out the word "Bishop" wherever it appears and inserting in lieu thereof the word "Chairman;" by striking out after the words "shall be called by" in the thirty-sixth line the words "Senior General Superintendent or Bishop of the said Church for the time being" and inserting in lieu thereof the words "the Chairman of the Board of Governors," and by striking out the words "or General Superintendent" in the forty-first line of the said section.

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

BILL.

An Act to amend the Acts Incorporating  
Albert College

---

*1st Reading*

February 18th, 1930

*2nd Reading*

February 26th, 1930

*3rd Reading.*

March 5th, 1930

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MR. IRELAND

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No. 5

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1ST SESSION, 18th LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the City of Oshawa**

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MR. SINCLAIR

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(PRIVATE BILL)

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TORONTO  
PRINTED BY  
THE PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting the City of Oshawa.

Preamble.

Rev. Stat.,  
c. 54.

Rev. Stat.,  
c. 235.

**W**HEREAS the municipal corporation of the city of Oshawa has by its petition represented that the Oshawa Suburban Area Commission requested the municipal council of the county of Ontario to provide the sum of \$20,000 for paving a certain road in the said area, in the year 1928, and through an oversight the city of Oshawa was not notified in accordance with the provisions of *The Highway Improvement Act*, and no money was raised by the city for the purpose; and whereas the corporation of the said city has passed a by-law to borrow on the debentures of the city the sum of \$10,000 in order to pay the county the city's share of the amount expended, and it is desirable that the said by-law should be confirmed; and whereas the treasurer of the corporation of the city of Oshawa retains in his hands to the credit of the corporation the sum of \$11,301.38 being the surplus moneys arising from the sale of debentures issued to pay for the cost of works undertaken under the provisions of *The Local Improvement Act* in the years 1922 and 1924, and the said corporation desires to apply the said surplus, firstly towards the costs of the necessary improvements to the city fire hall, secondly towards the construction of a bridge in the suburban area of the said city, and the balance, if any, towards making up the deficit on the sale of debentures in the year 1929 over and above the amount provided for in the same, 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:

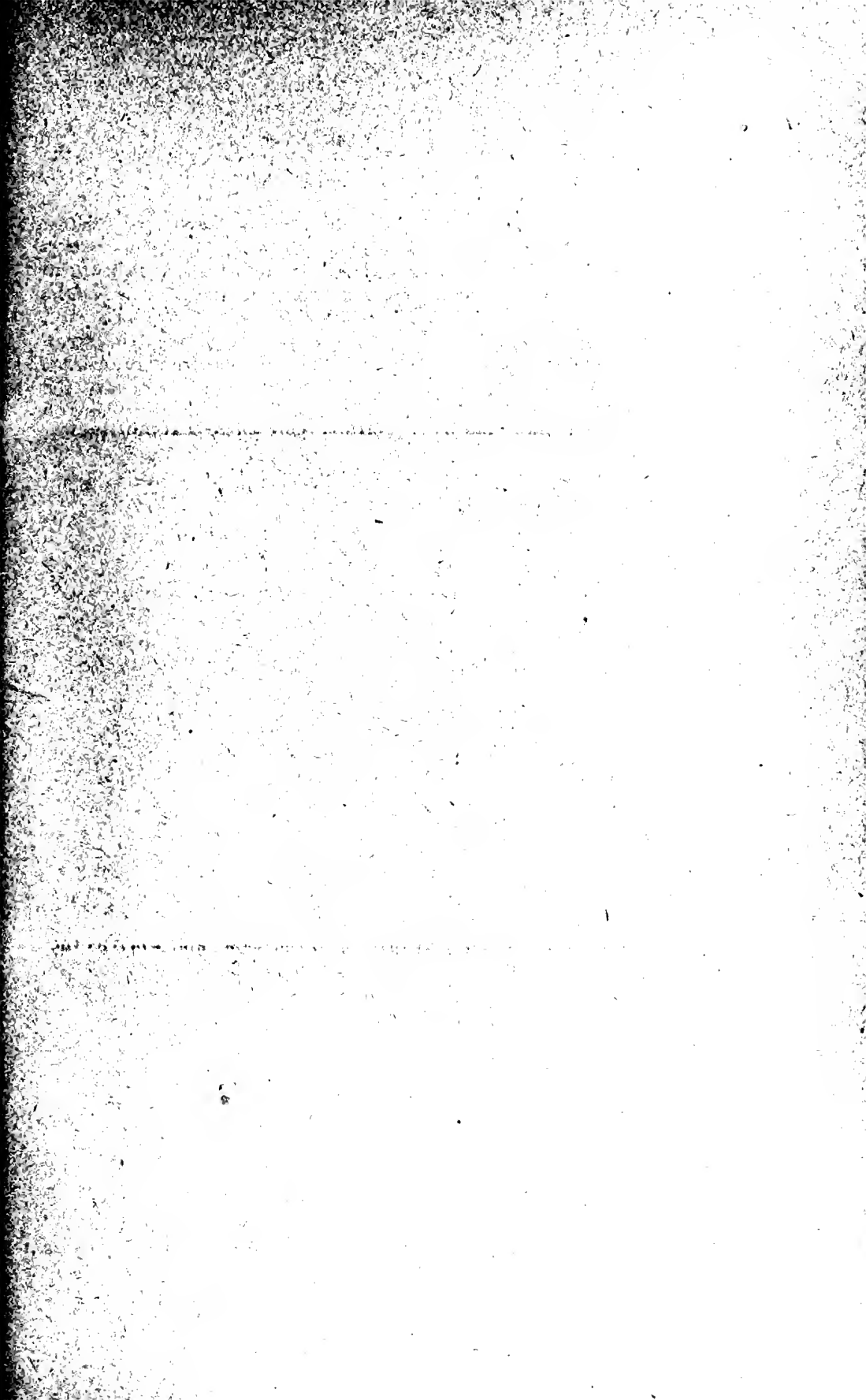
Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The City of Oshawa Act, 1930*.

By-law 1994,  
confirmed.

2. By-law number 1994 of the corporation of the city of Oshawa passed on the 13th day of January, A.D. 1930, to provide for the borrowing of \$10,000 by the issue of debentures



to pay for the city's share of the costs of paving of a portion of a certain road in the Oshawa suburban area and the debentures to be issued thereunder are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof

Application  
of surplus  
moneys from  
sale of  
debentures.

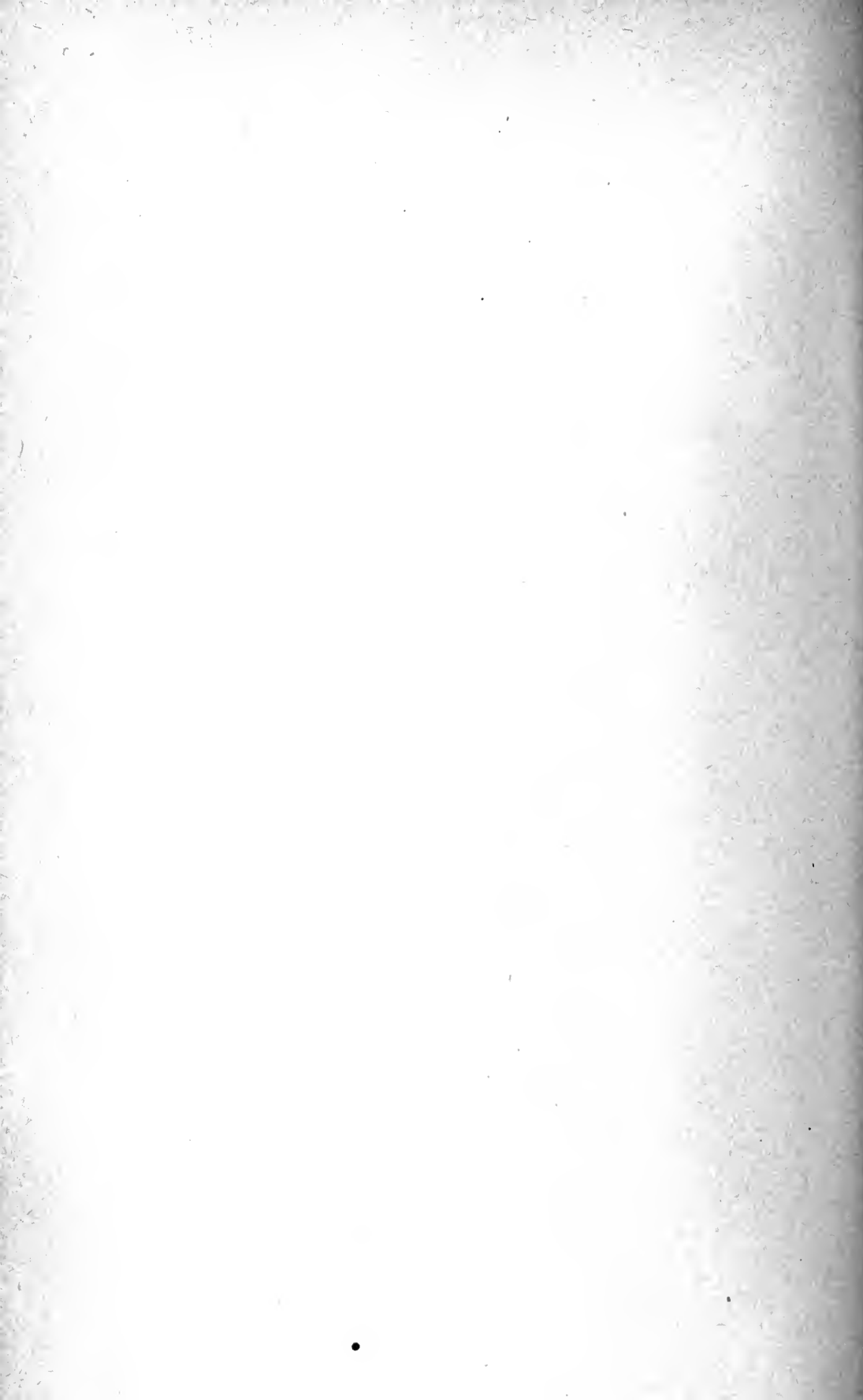
Rev. Stat.,  
c. 235.

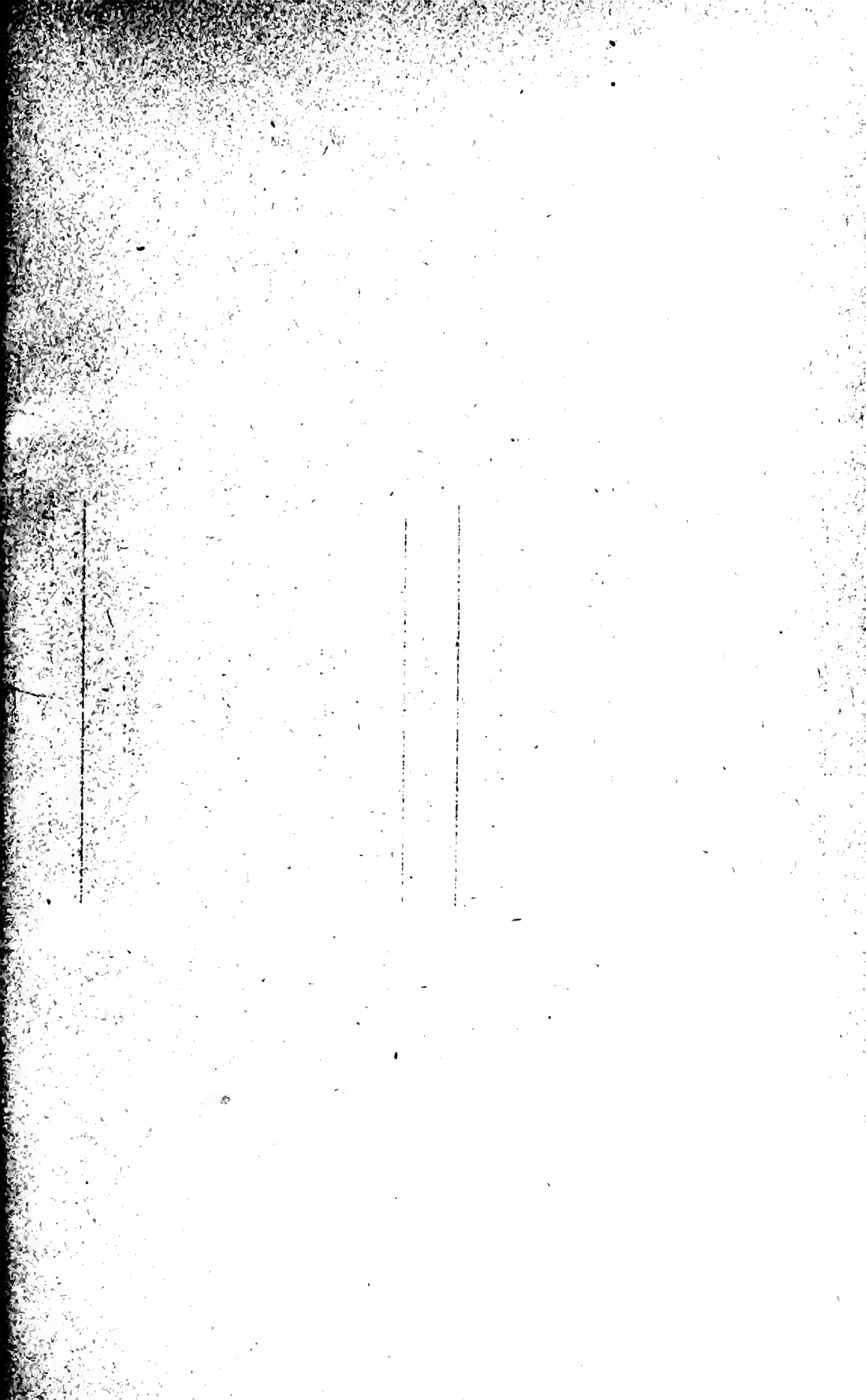
**3.** The treasurer of the corporation of the city of Oshawa is hereby authorized and empowered to use all surplus moneys now held by him arising by reason of the sale of debentures issued to pay for the costs of works undertaken under the provisions of *The Local Improvement Act* in the said city, firstly for the payment of the cost of the city fire hall improvements, secondly for the payment of the construction of what is known as the Conlin Bridge in the suburban area of the said city, and the balance, if any, to make up the deficiency on the sale of debentures of the city of Oshawa in the year 1929.

Commence-  
ment of  
Act.

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







BILL.

An Act respecting the City of Oshawa.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. SINCLAIR

(PRIVATE BILL)



No. 5

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1ST SESSION, 18th LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the City of Oshawa

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MR. SINCLAIR

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

An Act respecting the City of Oshawa.

Preamble.

**W**HEREAS the municipal corporation of the city of Oshawa has by its petition represented that the Oshawa Suburban Area Commission requested the municipal council of the county of Ontario to provide the sum of \$20,000 for paving a certain road in the said area in the year 1928, and through an oversight the city of Oshawa was not notified in accordance with the provisions of *The Highway Improvement Act*, and no money was raised by the city for the purpose; and whereas the corporation of the said city has passed a by-law to borrow on the debentures of the city the sum of \$10,000 in order to pay the county the city's share of the amount expended, and it is desirable that the said by-law should be confirmed; and whereas the treasurer of the corporation of the city of Oshawa retains in his hands to the credit of the corporation the sum of \$11,301.38 being the surplus moneys arising from the sale of debentures issued to pay for the cost of works undertaken under the provisions of *The Local Improvement Act* in the years 1922 and 1924, and the said corporation desires to apply the said surplus, firstly towards the costs of the necessary improvements to the city fire hall, secondly towards the construction of a bridge in the suburban area of the said city, and the balance, if any, towards making up the deficit on the sale of debentures in the year 1929 over and above the amount provided for in the same, 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:

Rev. Stat.,  
c. 54.

Rev. Stat.,  
c. 235.

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 Oshawa Act, 1930*.

By-law 1994,  
confirmed.

**2.** By-law number 1994 of the corporation of the city of Oshawa passed on the 13th day of January, A.D. 1930, to provide for the borrowing of \$10,000 by the issue of debentures

to pay for the city's share of the cost of paving of a portion of a certain road in the Oshawa suburban area and the debentures to be issued thereunder are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof

**3.** The treasurer of the corporation of the city of Oshawa is hereby authorized and empowered to use all surplus moneys now held by him arising by reason of the sale of debentures issued to pay for the cost of works undertaken under the provisions of *The Local Improvement Act* in the said city, firstly for the payment of the cost of the city fire hall improvements, secondly for the payment of the construction of what is known as the Conlin Bridge in the suburban area of the said city, and the balance, if any, to make up the deficiency on the sale of debentures of the city of Oshawa in the year 1929.

Application  
of surplus  
moneys from  
sale of  
debentures.

Rev. Stat.,  
c. 235.

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

Commence-  
ment of  
Act.

BILL.

An Act respecting the City of Oshawa.

---

*1st Reading*

February 11th, 1930

*2nd Reading*

February 21st, 1930

*3rd Reading*

March 5th, 1930

---

MR. SINCLAIR

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No. 6

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the Town of Eastview

---

MR. SEGUIN

---

(PRIVATE BILL)

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TORONTO  
PRINTED BY  
THE PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

An Act respecting the Town of Eastview.

**Preamble:**

**W**HEREAS the municipal corporation of the town of Eastview has by petition represented that on the 2nd day of October, 1929, it passed a certain by-law, being by-law number 627, for submitting to the electors the question as to whether they were in favour of the corporation of the town of Eastview applying for legislation enabling the corporation to exempt from taxation (except school rates) for a period of ten years from 1st January, 1930, all buildings erected during the said period and all improvements or alterations made to buildings during the said period; and whereas the said question was duly submitted to the qualified electors of the town of Eastview on the 2nd day of December, 1929, with the result that 1,433 votes were cast in the affirmative and 261 votes cast in the negative; and whereas the total assessment of the said municipality is \$1,496,800 and its bonded indebtedness is \$591,571.37; and whereas there are approximately sixteen hundred vacant lots in the said town of which the said municipal corporation owns approximately six hundred; and whereas the council of the corporation of the town of Eastview is desirous of carrying into effect the proposal referred to in the said question and approved by the electors as aforesaid; and whereas the said corporation has by its petition prayed that an Act may be passed for the above mentioned purpose; and whereas it is expedient to grant the prayer of the said petition:

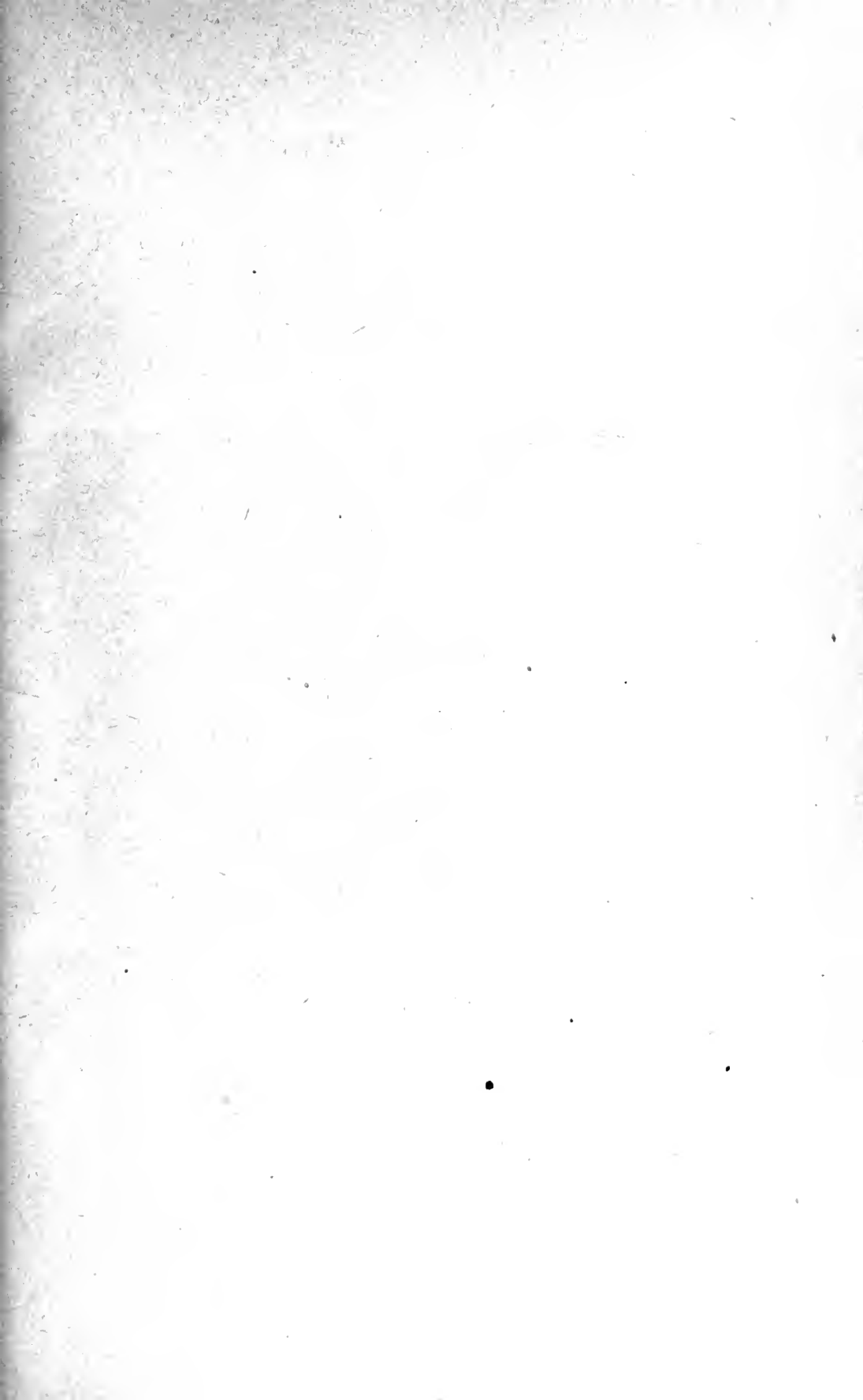
Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Short title.**

1. This Act may be cited as *The Town of Eastview Act, 1930*.

Power to exempt buildings from taxation for ten years.

2. 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, exempt from all municipal taxes (except school rates) for a period of ten years from the 1st January, 1930, all buildings erected in the



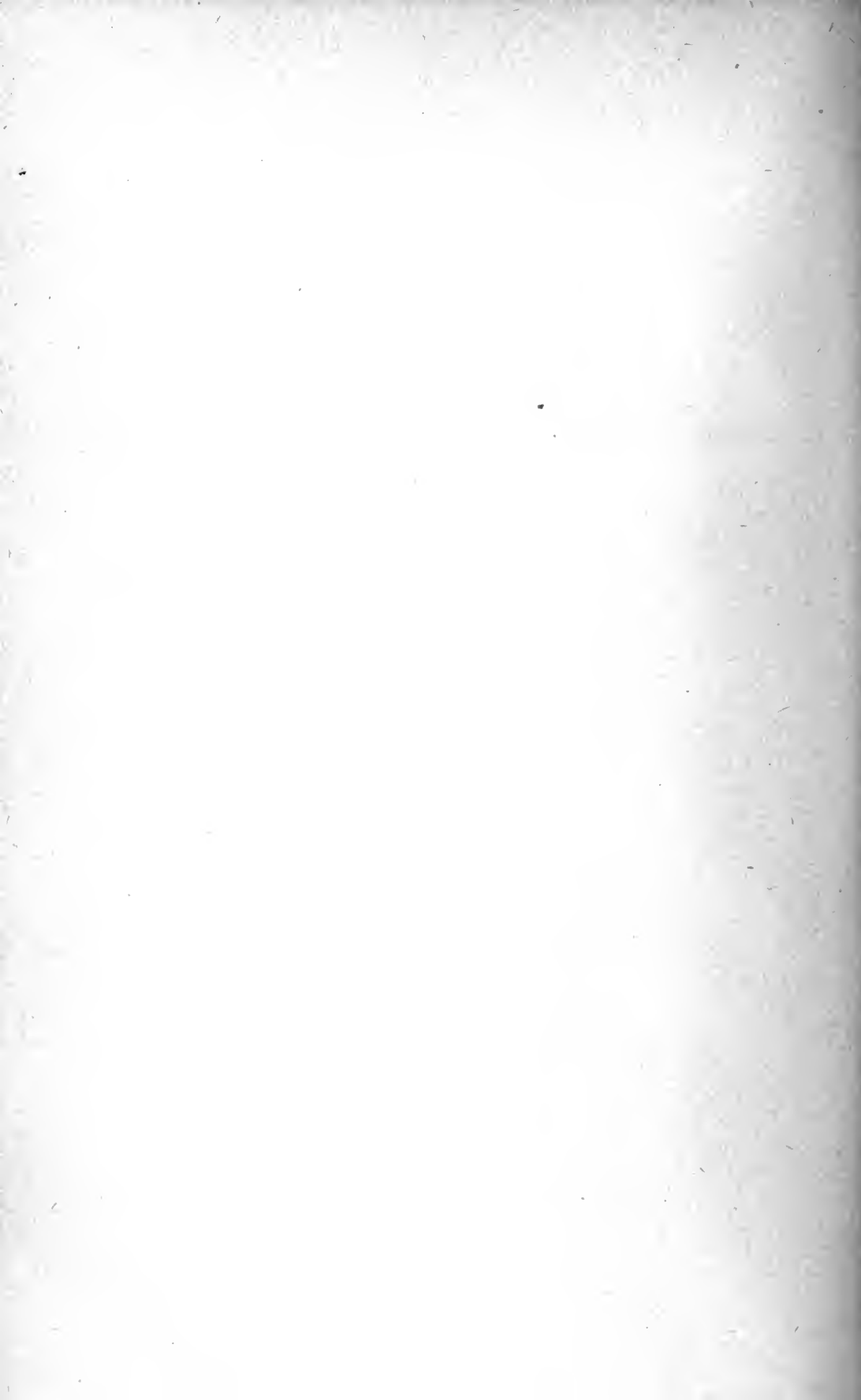
said town of Eastview during the said period and all improvements or alterations made to buildings during the said period.

Commence-  
ment of  
Act.

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









BILL.

An Act respecting the Town of Eastview.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. SEGUIN

---

(PRIVATE BILL)

No. 6

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the Town of Eastview**

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MR. SEGUIN

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting the Town of Eastview.

### Preamble

**W**HEREAS the municipal corporation of the town of Eastview has by petition represented that on the 2nd day of October, 1929, it passed a certain by-law, being by-law number 627, for submitting to the electors the question as to whether they were in favour of the corporation of the town of Eastview applying for legislation enabling the corporation to exempt from taxation (except school rates) for a period of ten years from 1st January, 1930, all buildings erected during the said period and all improvements or alterations made to buildings during the said period; and whereas the said question was duly submitted to the qualified electors of the town of Eastview on the 2nd day of December, 1929, with the result that 1,433 votes were cast in the affirmative and 261 votes cast in the negative; and whereas the total assessment of the said municipality is \$1,496,800 and its bonded indebtedness is \$591,571.37; and whereas there are approximately sixteen hundred vacant lots in the said town of which the said municipal corporation owns approximately six hundred; and whereas the council of the corporation of the town of Eastview is desirous of carrying into effect the proposal referred to in the said question and approved by the electors as aforesaid; and whereas the said corporation has by its petition prayed that an Act may be passed for the above mentioned 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 Town of Eastview Act, 1930.*

Power to exempt buildings from taxation for ten years.

**2.** 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, exempt from all municipal taxes (except school rates) for a period of ten years from the 1st January, 1930, all buildings used for

residential purposes only erected in the said town of Eastview during the said period and all improvements or alterations made to buildings used for residential purposes only during the said period.

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

BILL.

An Act respecting the Town of Eastview.

---

*1st Reading*

February 18th, 1930

*2nd Reading*

March 12th, 1930

*3rd Reading*

March 25th, 1930

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MR. SEGUIN

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No. 7

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the Town of New Toronto.

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MR. MACAULAY

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(PRIVATE BILL)

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting the Town of New Toronto.

Preamble.

**W**HEREAS the corporation of the town of New Toronto 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:

Short title.

**1.** This Act may be cited as *The Town of New Toronto Act, 1930.*

Council,—  
how com-  
posed.

**2.** The council of New Toronto shall on and after the 1st day of January, 1931, consist of a mayor, a reeve, as many deputy reeves as the town is entitled to under the provisions of *The Municipal Act* and a sufficient number of councillors to make the total membership in the said council, seven. All of the said members of council shall be elected by a general vote.

Rev. Stat.  
c. 233.

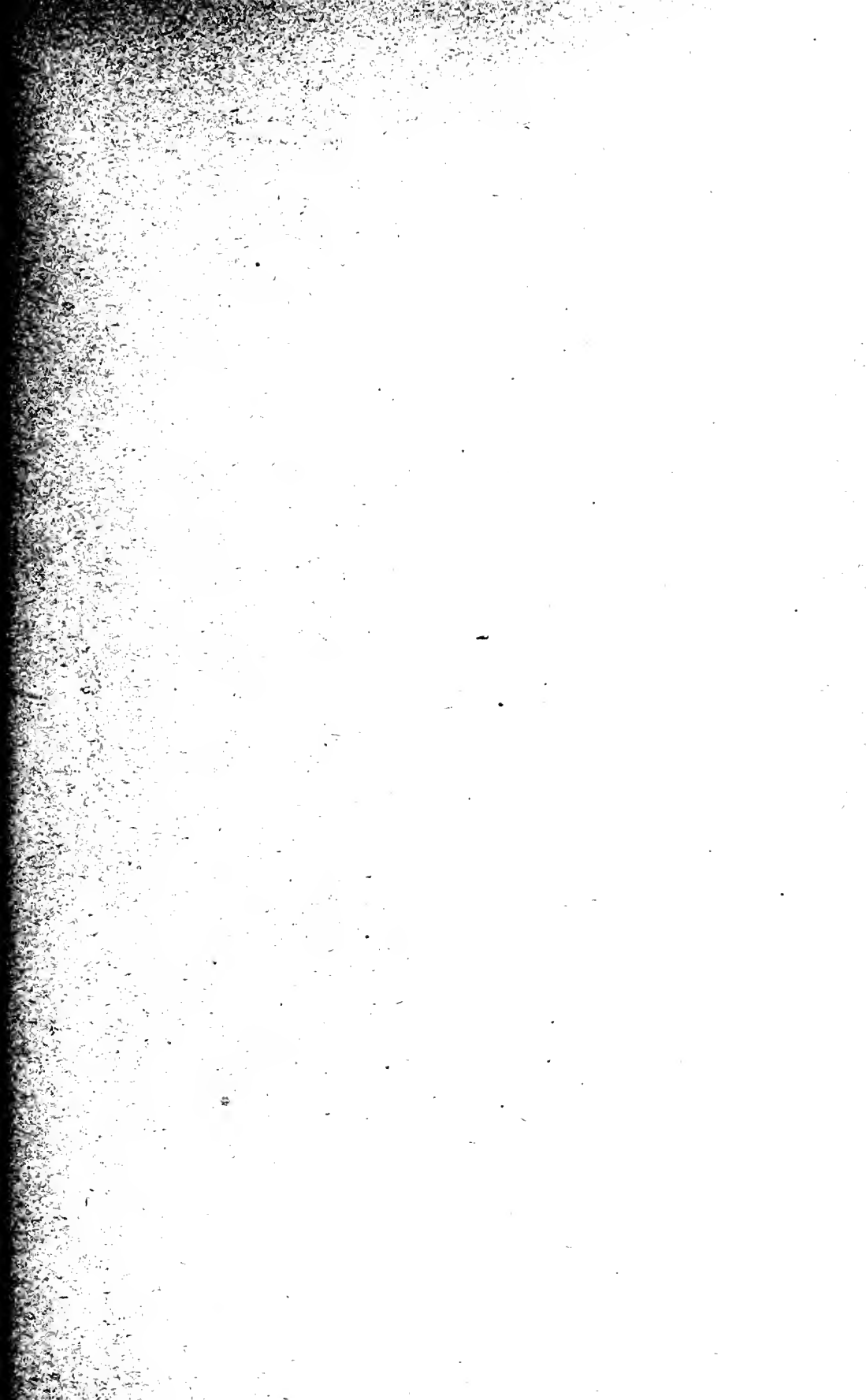
**3.—(1)** All sales of land within the town of New Toronto made prior to the 31st day of December, 1928, which purport to have been made by the corporation of the said town or by its treasurer for arrears of taxes in respect to the lands so sold are hereby validated and confirmed and all conveyances of land so sold executed by the mayor and treasurer of the said town of New Toronto purporting to convey the said lands so sold to the purchaser thereof or his assigns or to the said corporation shall have the effect of vesting the lands so sold or conveyed or purporting to be sold or conveyed to the purchaser thereof or his assigns or to 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 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 after those for non-payment of which the said lands were sold.

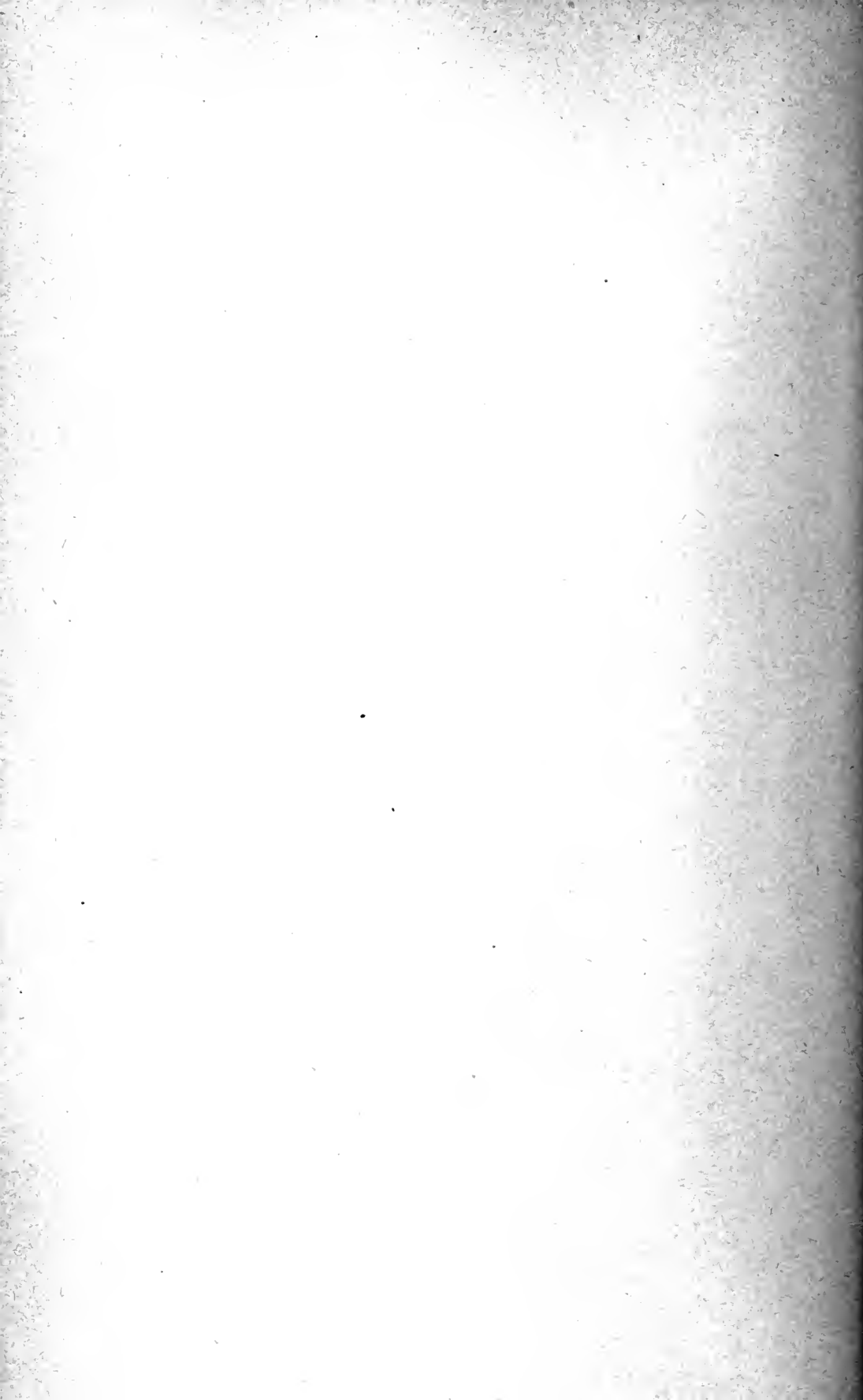
Tax sales  
and deeds,  
confirmed.

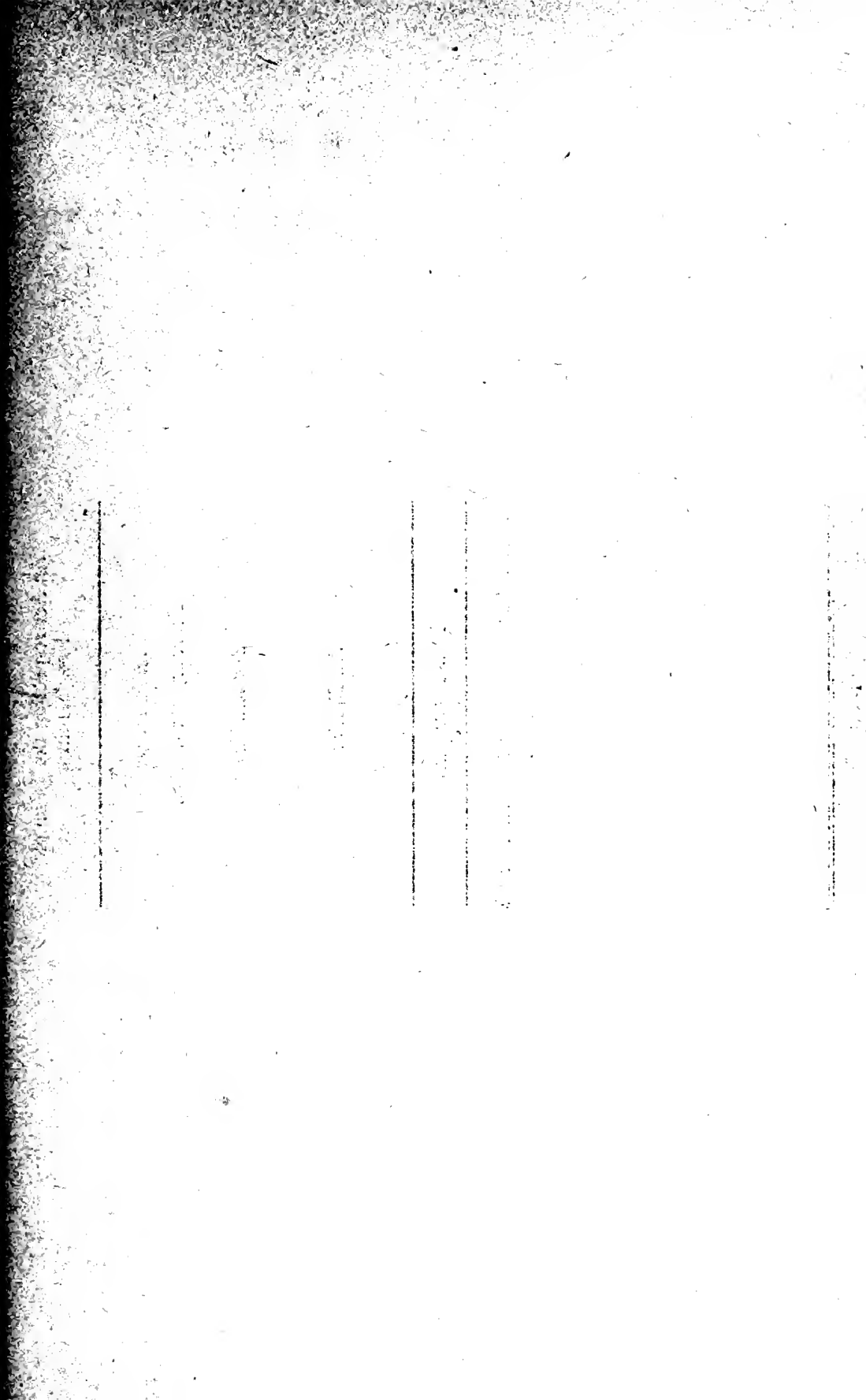


Pending litigation not affected. (2) Nothing in this section contained shall affect or prejudice the rights of any person under pending litigation.

Commencement of Act. 4. The provisions of this Act other than section 3 shall come into force on the day upon which it receives the Royal Assent. Section 3 shall come into force on July 1st, 1930.







BILL.

An Act respecting the Town of  
New Toronto.

---

*1st Reading*

February 11th, 1930.

*2nd Reading*

*3rd Reading*

---

MR. MACAULAY

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



No. 7

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the Town of New Toronto.**

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MR. MACAULAY

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting the Town of New Toronto.

Preamble.

**W**HEREAS the corporation of the town of New Toronto 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:

Short title.

**1.** This Act may be cited as *The Town of New Toronto Act, 1930*.

Council,—  
how com-  
posed.

**2.** The council of New Toronto shall on and after the 1st day of January, 1931, consist of a mayor, a reeve, as many deputy reeves as the town is entitled to under the provisions of *The Municipal Act* and a sufficient number of councillors to make the total membership in the said council, seven. All of the said members of council shall be elected by a general vote.

Rev. Stat.  
c. 233.

Tax sales  
and deeds,  
confirmed.

**3.**—(1) All sales of land within the town of New Toronto made prior to the 31st day of December, 1928, which purport to have been made by the corporation of the said town or by its treasurer 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 and treasurer of the said town of New Toronto purporting to convey the said lands so sold to the purchaser thereof or his assigns or to the said corporation shall have the effect of vesting the lands so sold or conveyed or purporting to be sold or conveyed to the purchaser thereof or his assigns or to 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 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 after those for non-payment of which the said lands were sold.

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

4. The provisions of this Act other than section 3 shall come into force on the day upon which it receives the Royal Assent. <sup>Commencement of Act.</sup> Section 3 shall come into force on July 1st, 1930.



BILL.  
An Act respecting the Town of  
New Toronto.

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*1st Reading*

February 11th, 1930.

*2nd Reading*

February 21st, 1930

*3rd Reading*

March 5th, 1930

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MR. MACAULAY

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the City of Niagara Falls**

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MR. WILLSON, (Niagara Falls)

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(PRIVATE BILL)

No. 8.

1930.

# BILL

An Act respecting the City of Niagara Falls.

Preamble.

**W**HEREAS the corporation of the city of Niagara Falls has by petition represented that under and pursuant to By-law No. 585 passed on the 3rd day of September, 1902, the corporation of the town of Niagara Falls conveyed the soil and freehold of those portions of Fletcher Avenue and Ryerson Avenue closed by such by-law to the adjoining lot owners, and such deeds contained a covenant that no building should be erected on the lands conveyed; and whereas deeds made by F. N. G. Starr in the year 1897 to the adjoining lot owners of portions of First Avenue closed by order of the county judge and shown upon Plan No. 34 registered for the town of Niagara Falls contained a covenant that no building should be erected on the lands conveyed; and whereas in both cases the lands conveyed abut upon Victoria Avenue, which at the time of such conveyances was of a residential character but has since become a business street and it is desirable and in the public interest that such building restrictions should be removed and discharged from the said lands; and whereas the said corporation has by its petition prayed for special legislation in respect to the foregoing and other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

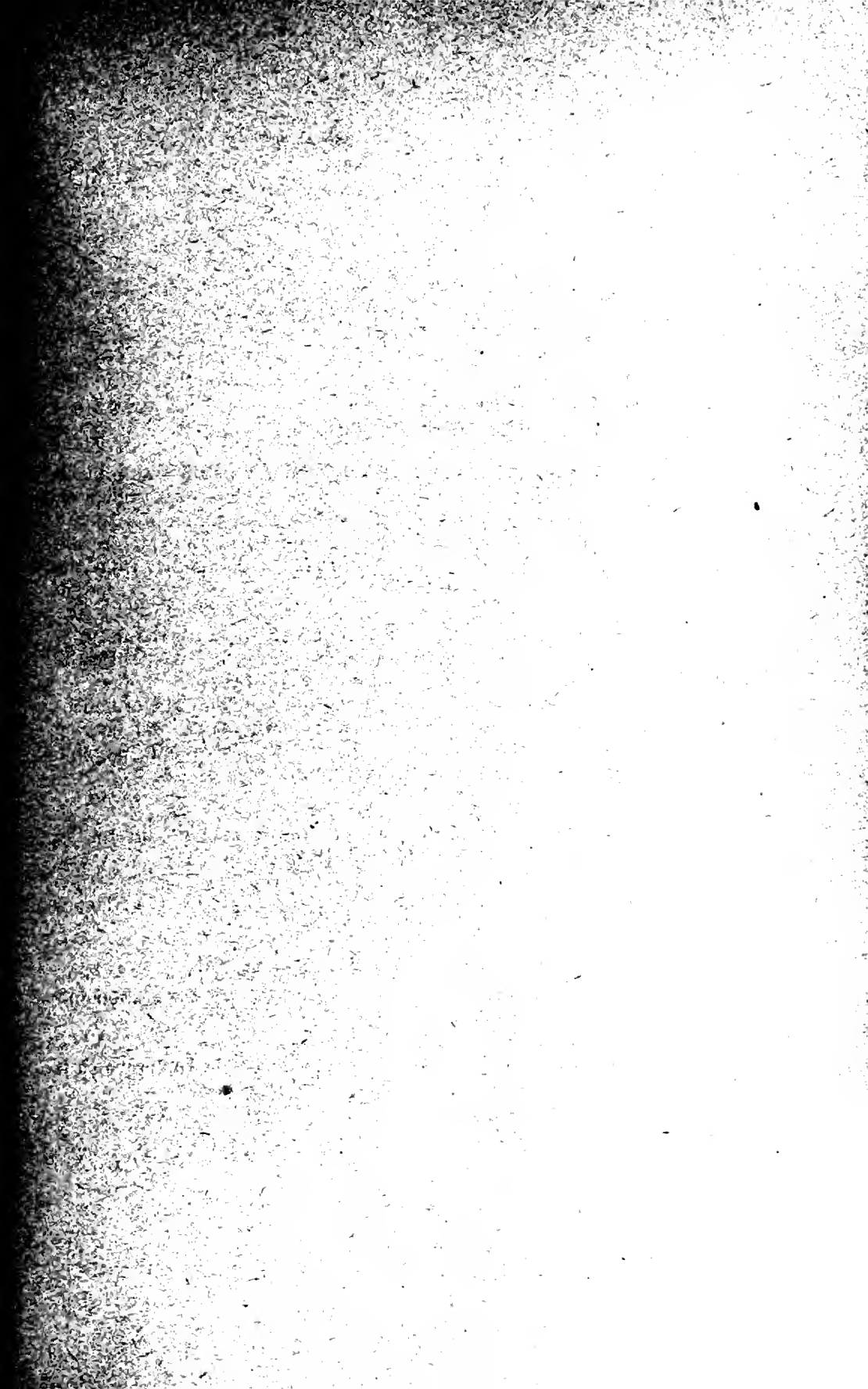
Short title.

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

By-law  
No. 1799,  
confirmed.

**1.** This Act may be cited as *The City of Niagara Falls Act, 1930.*

**2.**—(1) By-law No. 1799 of the corporation of the city of Niagara Falls, passed on the 6th day of January, 1930, to authorize the purchase and improvement of lands for park and athletic purposes for the city of Niagara Falls, and to provide for the issue of debentures of the said city to the amount of \$20,000, and to raise the sum required therefor, is hereby ratified and confirmed and declared to be legal, valid



and binding upon the said corporation and the ratepayers thereof.

Debentures confirmed.

(2) The debentures to be issued for such sum of \$20,000 shall be legal, valid and binding upon the said corporation and the ratepayers thereof.

Removal of building restrictions on certain lands.

3. The building restrictions contained in covenants in all deeds of the soil and freehold of those portions of Fletcher Avenue and Ryerson Avenue closed by By-law No. 585 of the town of Niagara Falls, passed on the 3rd day of September, 1902, made by the corporation of the town of Niagara Falls to the respective lot owners immediately adjoining such closed portions of streets, are hereby removed and discharged from the lands in said deeds described.

Removal of building restrictions on certain lands.

4. The building restrictions contained in covenants in all deeds of those portions of First Avenue closed and shown on plan No. 34 registered for the town of Niagara Falls, made by F. N. G. Starr to the lot owners fronting or abutting on said closed street, are hereby removed and discharged from the lands in said deeds described.

Power to borrow \$30,000 without assent of electors for certain purposes.

5.—(1) The council of the corporation of the city of Niagara Falls may, without submitting the same to the electors qualified to vote on money by-laws, pass by-laws for borrowing the sum of \$30,000 by the issue and sale of debentures payable at any time within fifteen years and bearing interest at the rate of five per centum per annum, payable half-yearly, for the following purposes, viz,—

- (a) \$25,000 of said sum to be granted as aid to the Niagara Falls General Hospital, and
- (b) \$5,000 of said sum to be granted as aid to the Niagara Peninsula Sanatorium.

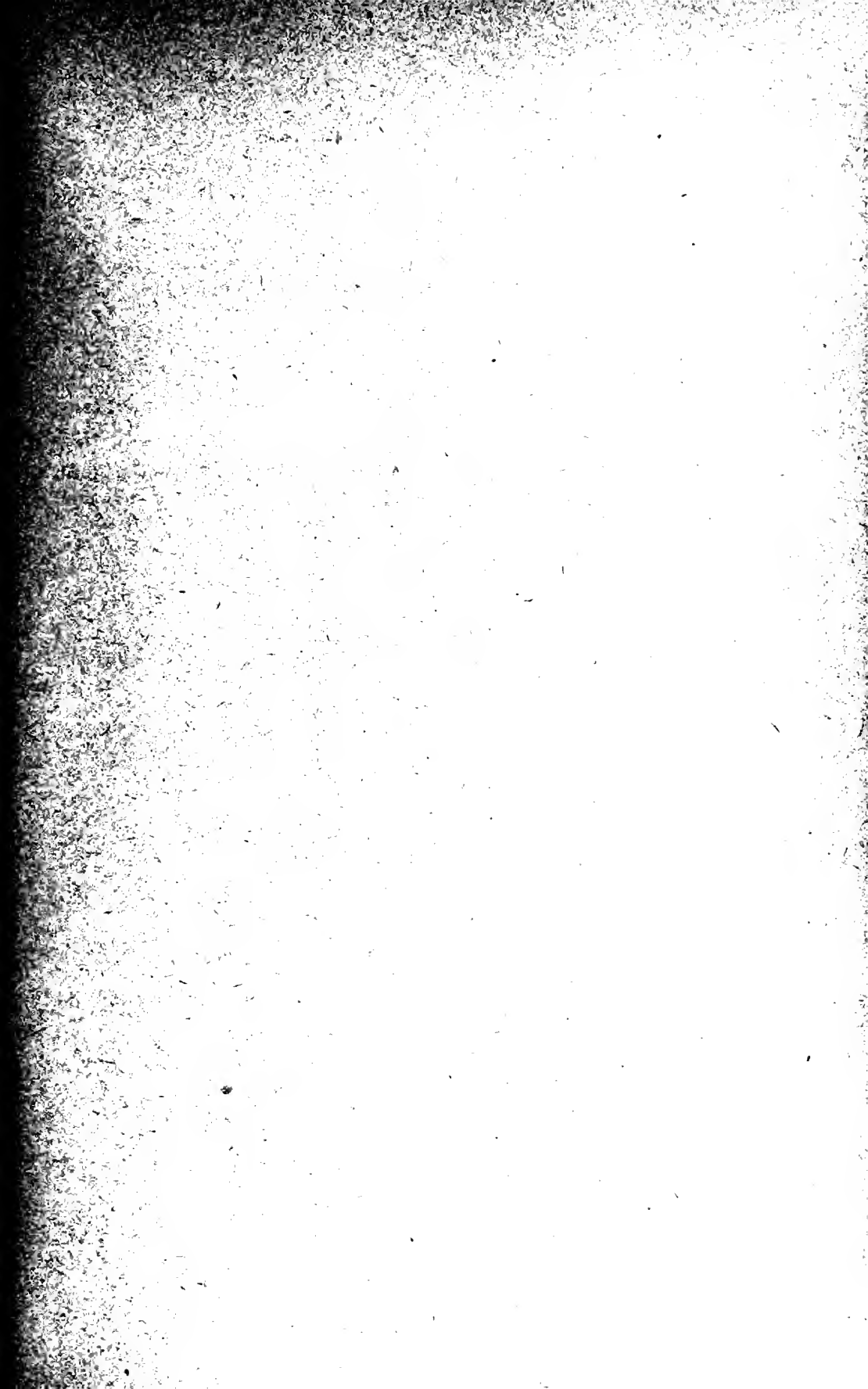
Debentures confirmed.

(2) The debentures to be issued for such sum of \$30,000 shall be legal, valid and binding upon the said corporation and the ratepayers thereof.

Commencement of Act.

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









An Act respecting the City of Niagara  
Falls.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. WILSON (Niagara Falls)

(PRIVATE BILL)

1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the City of Niagara Falls

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MR. WILLSON, (Niagara Falls)

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No. 8.

1930.

# BILL

An Act respecting the City of Niagara Falls.

Preamble.

**W**HEREAS the corporation of the city of Niagara Falls has by petition represented that under and pursuant to By-law No. 585 passed on the 3rd day of September, 1902, the corporation of the town of Niagara Falls conveyed the soil and freehold of those portions of Fletcher Avenue and Ryerson Avenue closed by such by-law to the adjoining lot owners, and such deeds contained a covenant that no building should be erected on the lands conveyed; and whereas deeds made by F. N. G. Starr in the year 1897 to the adjoining lot owners of portions of First Avenue closed by order of the county judge and shown upon Plan No. 34 registered for the town of Niagara Falls contained a covenant that no building should be erected on the lands conveyed; and whereas in both cases the lands conveyed abut upon Victoria Avenue, which at the time of such conveyances was of a residential character but has since become a business street and it is desirable and in the public interest that such building restrictions should be removed and discharged from the said lands; and whereas the said corporation has by its petition prayed for special legislation in respect to the foregoing 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 Niagara Falls Act, 1930.*

By-law  
No. 1799,  
confirmed.

**2.**—(1) By-law No. 1799 of the corporation of the city of Niagara Falls, passed on the 6th day of January, 1930, to authorize the purchase and improvement of lands for park and athletic purposes for the city of Niagara Falls, and to provide for the issue of debentures of the said city to the amount of \$20,000, and to raise the sum required therefor, is hereby ratified and confirmed and declared to be legal, valid

and binding upon the said corporation and the ratepayers thereof.

(2) The debentures to be issued for such sum of \$20,000 shall be legal, valid and binding upon the said corporation and the ratepayers thereof. Debentures confirmed.

3. The building restrictions contained in covenants in all deeds of the soil and freehold of those portions of Fletcher Avenue and Ryerson Avenue closed by By-law No. 585 of the town of Niagara Falls, passed on the 3rd day of September, 1902, made by the corporation of the town of Niagara Falls to the respective lot owners immediately adjoining such closed portions of streets, are hereby removed and discharged from the lands in said deeds described. Removal of building restrictions on certain lands.

4. The building restrictions contained in covenants in all deeds of those portions of First Avenue closed and shown on plan No. 34 registered for the town of Niagara Falls, made by F. N. G. Starr to the lot owners fronting or abutting on said closed street, are hereby removed and discharged from the lands in said deeds described. Removal of building restrictions on certain lands.

5.—(1) The council of the corporation of the city of Niagara Falls may, without submitting the same to the electors qualified to vote on money by-laws, pass by-laws for borrowing the sum of \$30,000 by the issue and sale of debentures payable at any time within fifteen years and bearing interest at the rate of five per centum per annum, payable half-yearly, for the following purposes, viz,— Power to borrow \$30,000 without assent of electors for certain purposes.

(a) \$25,000 of said sum to be granted as aid to the Niagara Falls General Hospital, and

(b) \$5,000 of said sum to be granted as aid to the Niagara Peninsula Sanatorium.

(2) The debentures to be issued for such sum of \$30,000 shall be legal, valid and binding upon the said corporation and the ratepayers thereof. Debentures confirmed.

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

BILL.

An Act respecting the City of Niagara Falls.

---

*1st Reading*

February 18th, 1930

*2nd Reading*

February 26th, 1930

*3rd Reading*

March 5th, 1930

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MR. WILSON (Niagara Falls)

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No. 9

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the City of Galt

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MR. HOMUTH

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(PRIVATE BILL)

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TORONTO  
PRINTED BY  
THE PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 9.

1930.

# BILL

An Act respecting the City of Galt.

Preamble.

**W**HEREAS the municipal corporation of the city of Galt has by its petition represented that it is desirable that By-law No. 2799 of the said corporation set out in schedule "1" hereto, and the debentures to be issued thereunder should be validated and confirmed; and whereas the said corporation has by its petition prayed that an Act may be passed for the above 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.

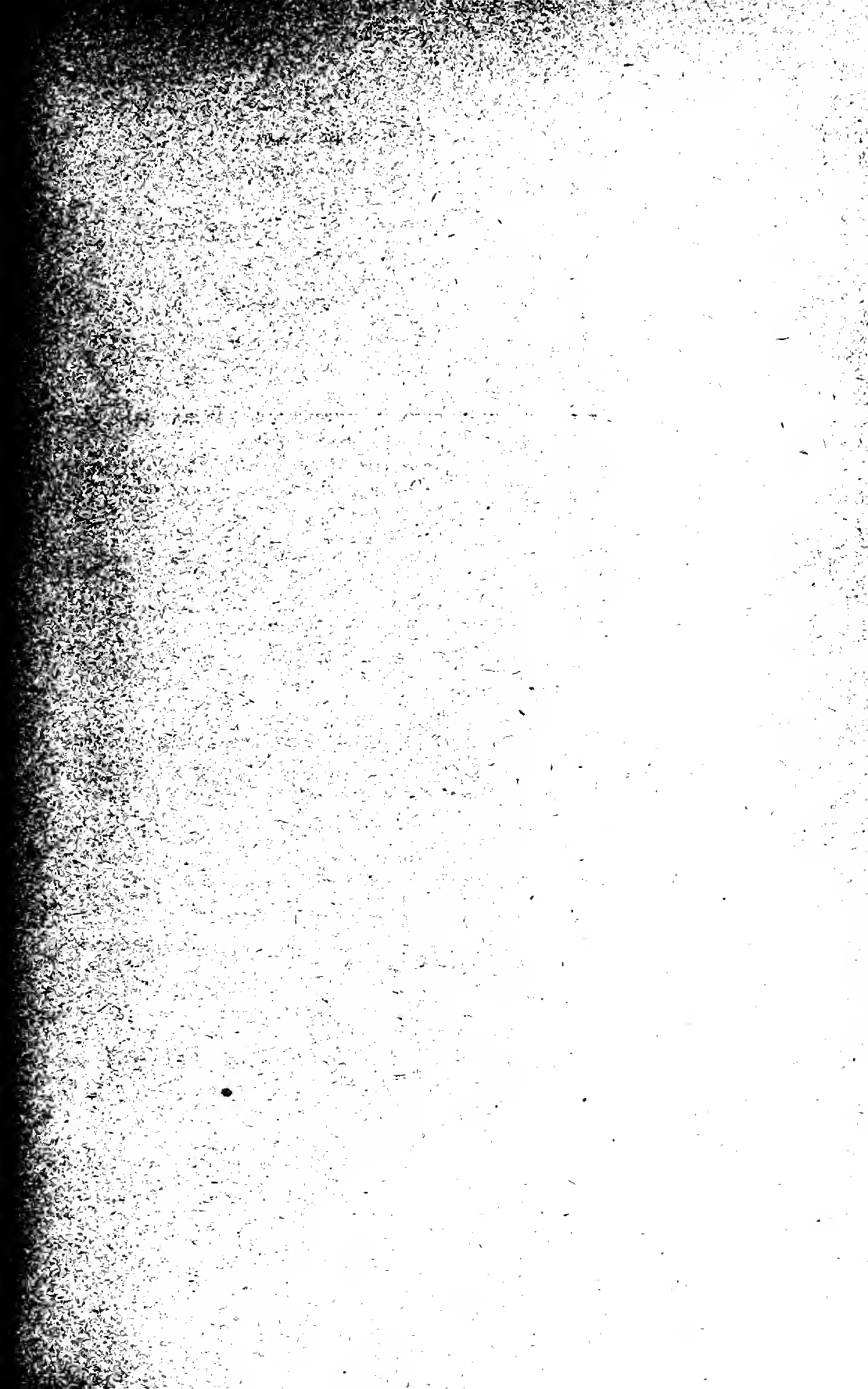
**1.** This Act may be cited as *The City of Galt Act, 1930*.

By-law  
No. 2799,  
confirmed.

**2.** By-law No. 2799 of the corporation of the city of Galt set out in schedule "1" hereto and all debentures to be issued thereunder are confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Commence-  
ment of  
Act.

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



## SCHEDULE "1."

## BY-LAW NUMBER 2779.

A By-law to provide for the borrowing on debentures the sum of \$25,000.00 for the purpose of defraying the cost of the installation of an artificial ice plant in and in connection with the Galt Arena within the Municipality of the City of Galt.

Whereas the Corporation of the City of Galt has become the owner in fee simple of the lands and premises on which is situate the Galt Arena.

And whereas the Council of the said Corporation deem it advisable to instal an artificial ice plant in and in connection with said Arena and to borrow the sum of \$25,000.00 for such purpose.

And whereas it is therefore expedient to pass this by-law and to borrow the sum of \$25,000.00 on the debentures of the said Municipality for the purpose of installing the said artificial ice plant.

And where it will be necessary to borrow the sum of \$25,000.00 and to issue debentures of the said City of Galt therefor, bearing interest at the rate of 5 per centum per annum which amount of \$25,000.00 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 debt repayable in yearly sums during the period of fifteen years in such amounts respectively, that the aggregate amount payable for principal and interest, in each 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 the annual sum of \$2,408.56 during the period of fifteen years to pay the said principal money and interest as they become due.

And whereas the amount of the whole rateable property of the Municipality according to the last revised assessment roll is \$11,046,630.00.

And whereas the amount of the debenture debt of the Corporation is \$1,799,539.54, no part of the principal or interest of which is in arrears.

Be it therefore enacted by the Municipal Council of the Corporation of the City of Galt as follows:—

1. The said sum of \$25,000.00 shall be used and expended for the purpose of installing an artificial ice plant in said Arena and for the said purpose the sum of \$25,000.00 shall be borrowed and debentures of the said City of Galt shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of 5 per centum per annum payable yearly and having interest coupons attached thereto. Each of the said debentures shall be issued within two years from the day on which this By-law is passed and shall be dated on the day of issue thereof and shall be payable in fifteen annual instalments of the respective sums set forth in Schedule "A" hereto attached, at any place or places in Canada.

2. The debentures shall be sealed with the seal of the Corporation and signed by the Mayor of the Corporation and by the Treasurer, and shall have the coupons for the interest attached to them, which shall be signed by the Treasurer of the said Corporation, and his signature may be printed, lithographed or engraved.

3. During fifteen years the currency of the said debentures there shall be raised annually by special rates on all rateable property in the City of Galt the sum of \$2,408.56 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt as shown in Schedule "A" hereto attached.



4. In the event of the cost of the installation of the said artificial ice plant being less than \$25,000.00 debentures for the amount of said cost shall be issued in proportionate amounts as hereinbefore set out and the annual rate to be raised shall be reduced accordingly.

5. The debentures may contain any provision for the registration of them authorized by law.

6. The said Corporation may instal the artificial ice plant provided for in this By-law and may manage and operate the said Arena as its Council may direct, either by a committee of the Council or by a Board of Management consisting of three persons, being Municipal electors of the City of Galt, appointed and holding office during the pleasure of the said Council.

7. This By-law shall take effect on the day of the passing thereof subject to its being assented to by the electors.

Passed this 4th day of November, A.D. 1929.

(Sgd.) A. W. HILBORN, *Mayor.*

L.S.

(Sgd.) JOSEPH MCCARTNEY, *Clerk.*

*Schedule "A"*

	Interest	Principal	Total
1.....	\$1,250 00	\$1,158 56	\$2,408 56
2.....	1,192 07	1,216 49	2,408 56
3.....	1,131 25	1,277 31	2,408 56
4.....	1,067 39	1,341 17	2,408 56
5.....	1,000 33	1,408 23	2,408 56
6.....	929 92	1,478 64	2,408 56
7.....	855 98	1,552 58	2,408 56
8.....	778 35	1,630 21	2,408 56
9.....	696 84	1,711 72	2,408 56
10.....	611 26	1,797 30	2,408 56
11.....	521 39	1,887 17	2,408 56
12.....	427 03	1,981 53	2,408 56
13.....	327 96	2,080 60	2,408 56
14.....	223 93	2,184 63	2,408 56
15.....	114 70	2,293 86	2,408 56
		<u>\$25,000 00</u>	



BILL.

An Act respecting the City of Galt.

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*1s Reading*

*2nd Reading*

*3rd Reading*

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MR. HOWTH

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(PRIVATE BILL)



No. 9

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

An Act respecting the City of Galt

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MR. HOMUTH

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 9.

1930.

# BILL

## An Act respecting the City of Galt.

Preamble.

**W**HEREAS the municipal corporation of the city of Galt has by its petition represented that it is desirable that By-law No. 2799 of the said corporation set out in schedule "1" hereto, and the debentures to be issued thereunder should be validated and confirmed; and whereas the said corporation has by its petition prayed that an Act may be passed for the above 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 City of Galt Act, 1930*.

By-law  
No. 2799.  
confirmed.

**2.** By-law No. 2799 of the corporation of the city of Galt set out in schedule "1" hereto and all debentures to be issued thereunder are confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Commence-  
ment of  
Act.

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

## SCHEDULE "1."

## BY-LAW NUMBER 2779.

A By-law to provide for the borrowing on debentures the sum of \$25,000.00 for the purpose of defraying the cost of the installation of an artificial ice plant in and in connection with the Galt Arena within the Municipality of the City of Galt.

Whereas the Corporation of the City of Galt has become the owner in fee simple of the lands and premises on which is situate the Galt Arena.

And whereas the Council of the said Corporation deem it advisable to instal an artificial ice plant in and in connection with said Arena and to borrow the sum of \$25,000.00 for such purpose.

And whereas it is therefore expedient to pass this by-law and to borrow the sum of \$25,000.00 on the debentures of the said Municipality for the purpose of installing the said artificial ice plant.

And where it will be necessary to borrow the sum of \$25,000.00 and to issue debentures of the said City of Galt therefor, bearing interest at the rate of 5 per centum per annum which amount of \$25,000.00 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 debt repayable in yearly sums during the period of fifteen years in such amounts respectively, that the aggregate amount payable for principal and interest, in each 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 the annual sum of \$2,408.56 during the period of fifteen years to pay the said principal money and interest as they become due.

And whereas the amount of the whole rateable property of the Municipality according to the last revised assessment roll is \$11,046,630.00.

And whereas the amount of the debenture debt of the Corporation is \$1,799,539.54, no part of the principal or interest of which is in arrears.

Be it therefore enacted by the Municipal Council of the Corporation of the City of Galt as follows:—

1. The said sum of \$25,000.00 shall be used and expended for the purpose of installing an artificial ice plant in said Arena and for the said purpose the sum of \$25,000.00 shall be borrowed and debentures of the said City of Galt shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of 5 per centum per annum payable yearly and having interest coupons attached thereto. Each of the said debentures shall be issued within two years from the day on which this By-law is passed and shall be dated on the day of issue thereof and shall be payable in fifteen annual instalments of the respective sums set forth in Schedule "A" hereto attached, at any place or places in Canada.

2. The debentures shall be sealed with the seal of the Corporation and signed by the Mayor of the Corporation and by the Treasurer, and shall have the coupons for the interest attached to them, which shall be signed by the Treasurer of the said Corporation, and his signature may be printed, lithographed or engraved.

3. During fifteen years the currency of the said debentures there shall be raised annually by special rates on all rateable property in the City of Galt the sum of \$2,408.56 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt as shown in Schedule "A" hereto attached.

4. In the event of the cost of the installation of the said artificial ice plant being less than \$25,000.00 debentures for the amount of said cost shall be issued in proportionate amounts as hereinbefore set out and the annual rate to be raised shall be reduced accordingly.

5. The debentures may contain any provision for the registration of them authorized by law.

6. The said Corporation may instal the artificial ice plant provided for in this By-law and may manage and operate the said Arena as its Council may direct, either by a committee of the Council or by a Board of Management consisting of three persons, being Municipal electors of the City of Galt, appointed and holding office during the pleasure of the said Council.

7. This By-law shall take effect on the day of the passing thereof subject to its being assented to by the electors.

Passed this 4th day of November, A.D. 1929.

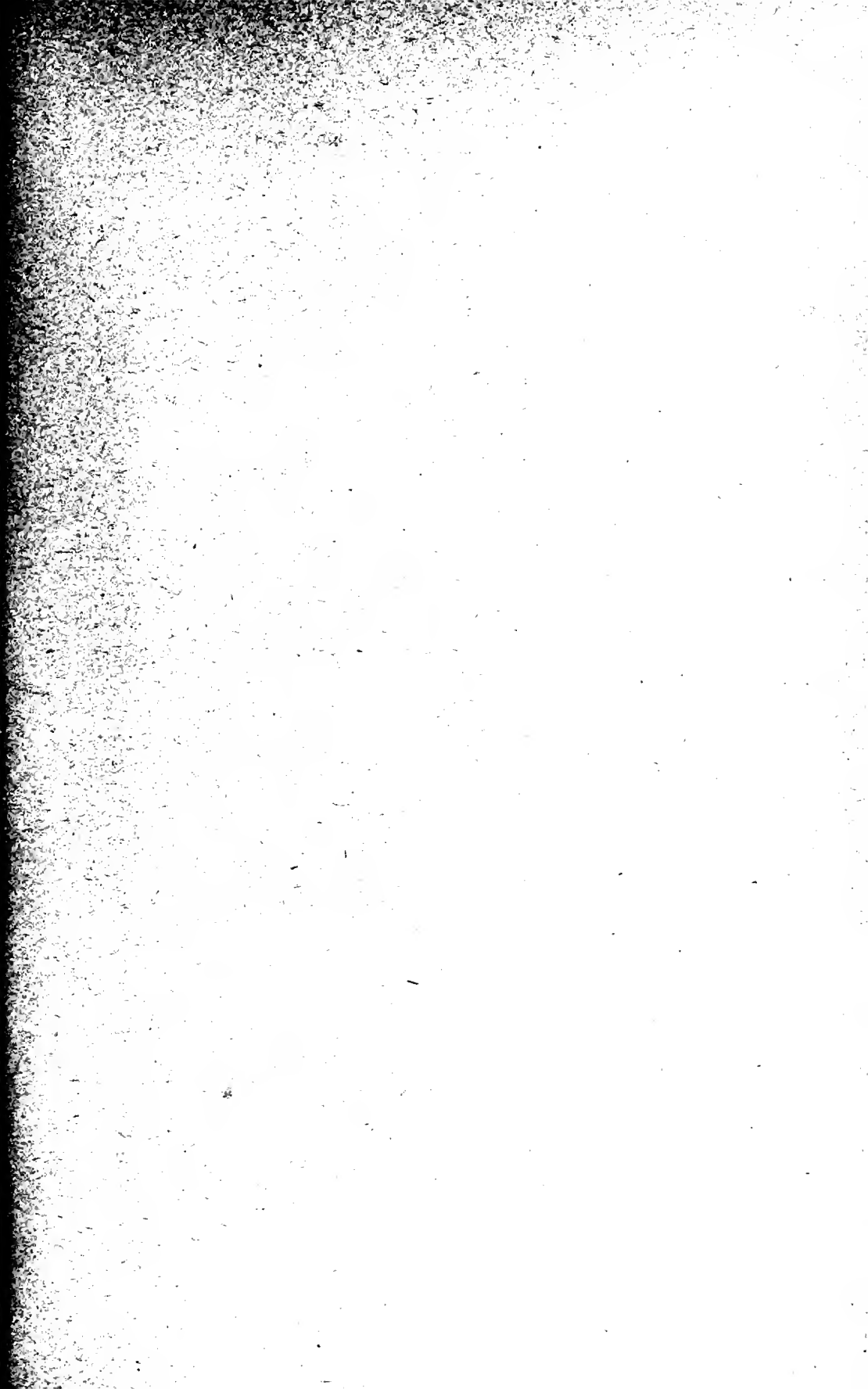
(Sgd.) A. W. HILBORN, *Mayor*.

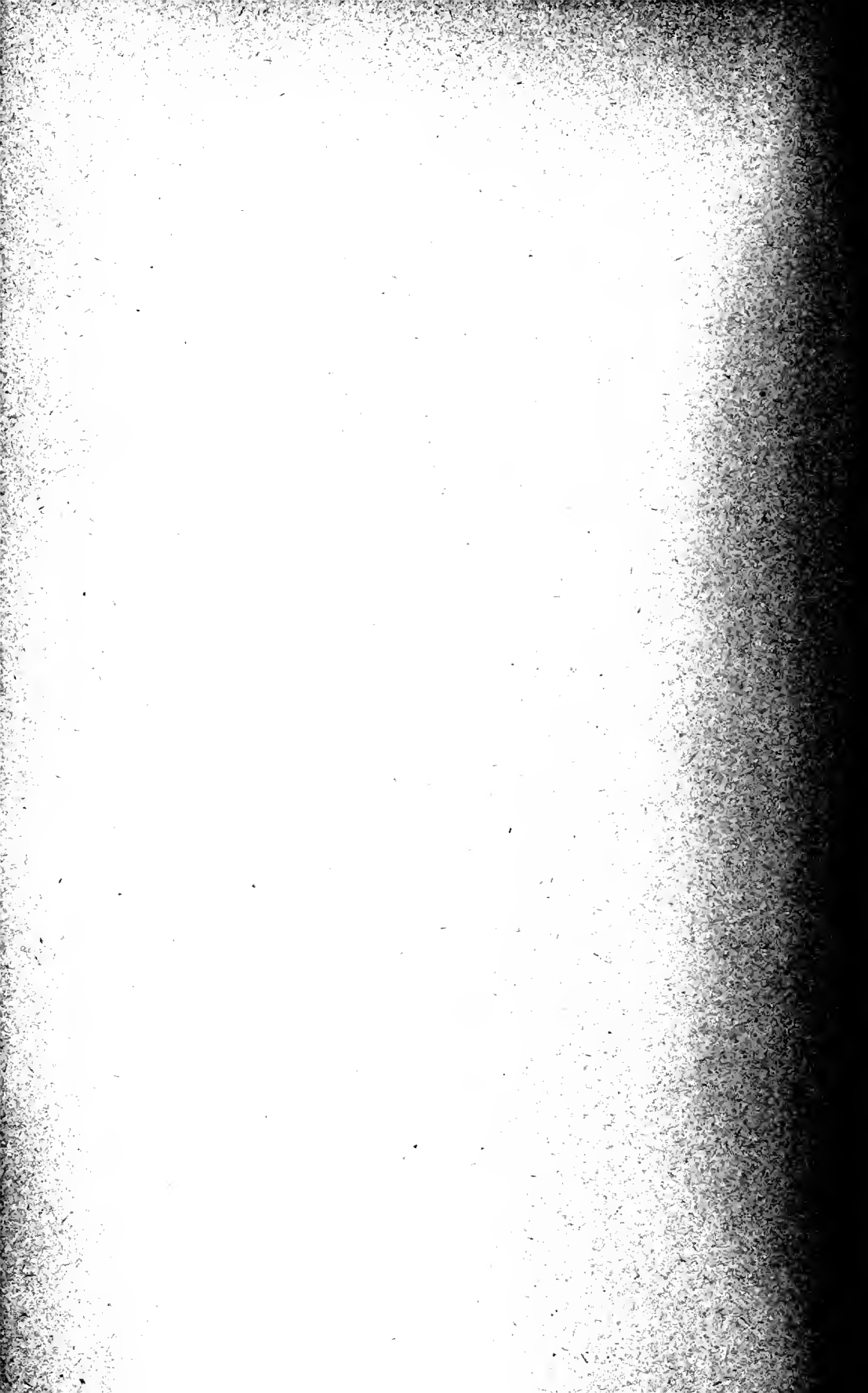
L.S.

(Sgd.) JOSEPH MCCARTNEY, *Clerk*.

*Schedule "A"*

	Interest	Principal	Total
1.....	\$1,250 00	\$1,158 56	\$2,408 56
2.....	1,192 07	1,216 49	2,408 56
3.....	1,131 25	1,277 31	2,408 56
4.....	1,067 39	1,341 17	2,408 56
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13.....	327 96	2,080 60	2,408 56
14.....	223 93	2,184 63	2,408 56
15.....	114 70	2,293 86	2,408 56
		<hr/>	
		\$25,000 00	







BILL.

An Act respecting the City of Galt.

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*1s Reading*

February 18th, 1930

*2nd Reading*

February 26th, 1930

*3rd Reading*

March 5th, 1930

---

MR. HOWARTH

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No. 10

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the City of Toronto

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MR. NESBITT

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(PRIVATE BILL)

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 10.

1930.

# BILL

An Act respecting the City of Toronto.

Preamble.

**W**HEREAS the corporation of the city of Toronto has 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:

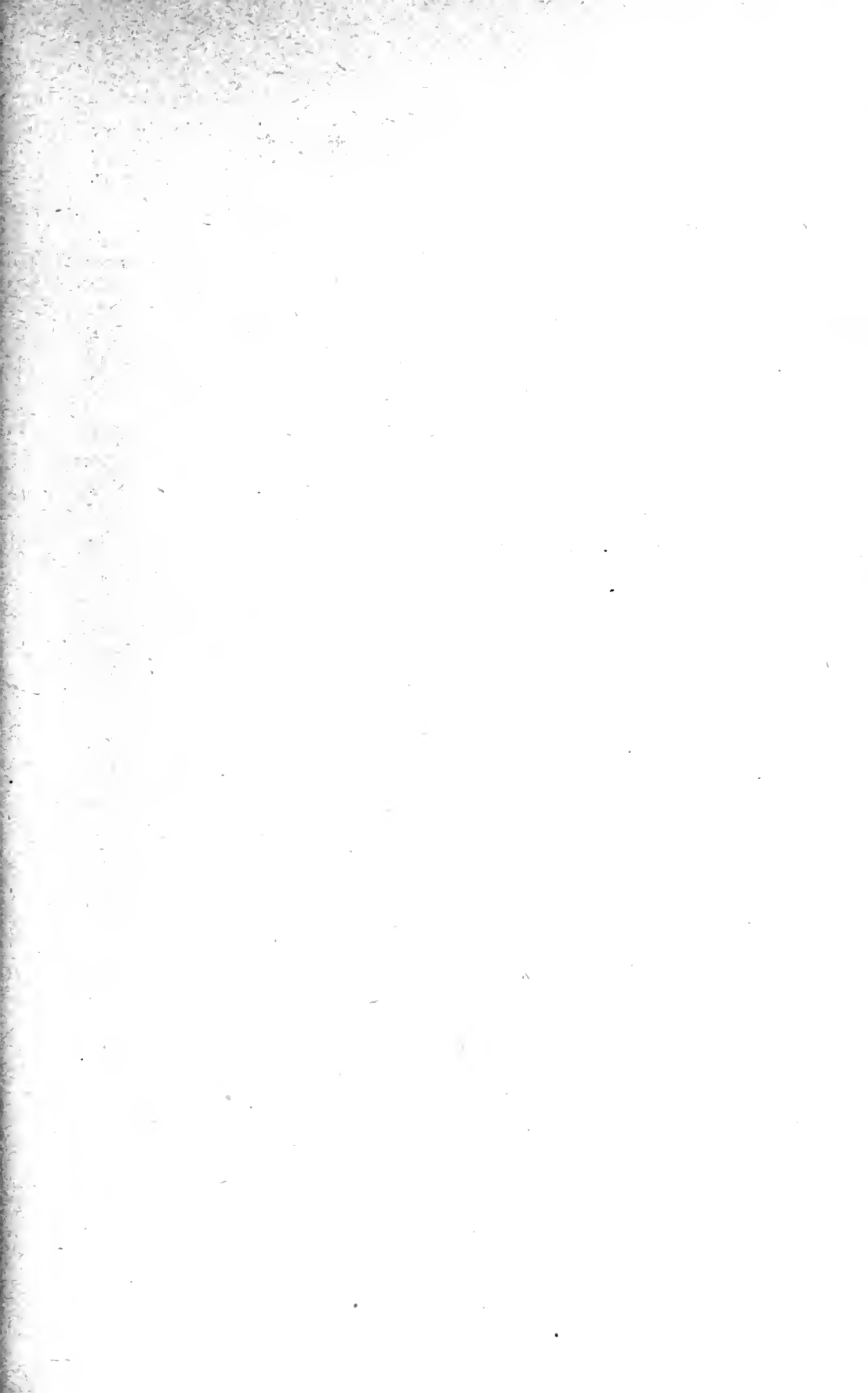
Short title.

1. This Act may be cited as *The City of Toronto Act, 1930*.

Expenditures for certain purposes authorized.

2. The following expenditures heretofore made or hereafter to be made by the council of the corporation of the city of Toronto are hereby authorized, validated and confirmed:

1. A grant of \$500 out of current revenue for 1929 to the St. Elizabeth Visiting Nurses' Association;
2. A grant of \$500 to the American Prison Congress;
3. A grant of \$25,000 to the Federation for Community Service Fund for 1929;
4. A grant of \$7,500 to the 1930 fund of the Federation of Jewish Philanthropies of Toronto;
5. A grant of \$1,500 to the Argonaut Rowing Club of Toronto on account of their expenses at the Henley Regatta;
6. A grant of \$25,000 towards the expense of holding the annual Shrine convention in Toronto in 1930;
7. An expenditure of \$8,621 for informing the electors of the said city in respect to a proposed by-law to provide for the issue of debentures to the amount of \$19,000,000 for improvements recommended by the civic department heads in respect to report of the



Advisory City Planning Commission, which by-law was submitted to a vote of the electors on January 1st, 1930, and in respect to the said improvements.

Exemption from taxation of Club House for Veterans,

**3.** The council of the corporation of the city of Toronto may by by-law exempt any land or building used as a club house for veterans of the naval, military or air forces of Great Britain from taxation for such time as same is actually used for the purposes of such a club house, and the said council may also make a grant to any such club house, of a sum of money equal to the amount of taxes due on same up to the time of the passing of a by-law exempting same from taxation, for the purpose of paying such taxes.

Agreement with Village of Forest Hill, et al, re construction of bridge on Bathurst Street confirmed.

**4.**—(1) The agreement dated the 31st day of July, 1929, made between the corporations of the village of Forest Hill, the township of York, county of York and the city of Toronto, set out in Schedule "A" hereto is hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Power to borrow \$40,000 for city's share.

(2) The council of the corporation of the city of Toronto may without the assent of the electors qualified to vote on money by-laws, pass a by-law or by-laws for the issue of debentures to raise the amount not exceeding \$40,000 required to be paid by the said corporation under the provisions of the said agreement.

Agreement between Toronto Electric Commissioners and Town of Leaside for construction of distribution system in town.

**5.** The agreement dated the 30th day of January, 1929, made between the Toronto Electric Commissioners and the corporation of the town of Leaside set out in schedule "B" hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Agreement with Governors of Toronto University re west line of University Avenue.

**6.** The agreement dated the 24th day of September, 1929, made between the Governors of the University of Toronto and the corporation of the city of Toronto set out in Schedule "C" hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto and upon all other persons whose rights may be affected thereby.

Acts of Toronto Transportation Commission re Gray Coach Lines confirmed.

**7.**—(1) The acts of the Toronto Transportation Commission prior to the 8th day of April, 1929, in acquiring capital stock in Gray Coach Lines, Limited, are hereby validated and confirmed.

Authority to operate motor vehicles outside city limits.

(2) The Toronto Transportation Commission may establish, acquire and operate motor vehicle transportation services extending outside the limits of the city of Toronto upon first obtaining the consent of the council of said city to the establishment, acquisition and operation of each such service.



Operation by  
Gray Coach  
Lines,

(3) The Toronto Transportation Commission may entrust to Gray Coach Lines, Limited, the operation and management of any of its motor vehicle transportation services.

(4) Subsections 2 and 3 of this section shall be deemed to have been in force on the 8th day of April, 1929.

1919, c. 124,  
s. 3  
amended,  
Force of  
agreement  
for opera-  
tion of  
ferries.

**8.** Section 3 of the Act passed in the nineteenth year of the reign of His Majesty King George the Fifth, chaptered 124, is amended by striking out the words "for a period of one year only from the time this Act comes into force," at the end of said section.

1925, c. 112.  
amended.  
Borrowing  
powers for  
purchase of  
parks, etc.

**9.** Section 2 of *The City of Toronto Parks Act, 1925*, is amended by striking out the word "five" in the third line thereof and inserting in lieu thereof the word "ten" and the said section shall be read and construed as if it had been originally enacted as hereby amended.

Power to  
construct  
Regatta  
Course on  
Humber  
River.

**10.**—(1) The corporation of the city of Toronto may construct and maintain a regatta course along or adjacent to the Humber River between Lake Ontario and the Bloor Street Bridge crossing said river, by diverting, straightening, widening, deepening or otherwise improving the said river and by filling in and reclaiming lands or lands covered by water on either side of such regatta course and by constructing a boulevard or drive through the lands on the east side of such regatta course and connecting at its southerly and northerly ends with Riverside Drive.

Power of  
expropria-  
tion.

(2) For the purposes of the works hereinbefore set out the said corporation may acquire either with or without the consent of the owner thereof, and may enter upon, take, expropriate and use any land or land covered by water required for or in connection with any part of the said works.

Compensa-  
tion under  
Rev.  
Stat., c. 233.

(3) When land is expropriated by the said corporation for or in connection with any part of the said works the corporation shall make due compensation to the owner of same according to the provisions of *The Municipal Act*.

Use of land  
belonging to  
Crown,

(4) The Lieutenant-Governor in Council may provide for granting to the said corporation, upon such terms as may be agreed, the right to use and occupy any lands or lands covered by water belonging to the Crown that may be required by the said corporation for or in connection with the said works.

Cost of  
works to be  
paid out of  
proceeds of  
debentures  
for parks.

(5) The cost of the construction of the said works and the acquisition of lands or lands covered by water therefor shall be paid out of the proceeds of debentures issued or to be



issued under the authority of *The City of Toronto Parks Act*,  
 Rev. Stat., 1925, c. 112, 1925, and amendments thereto.

Regulations  
 re use of  
 course.

(6) The council of the said corporation may from time to time, with the approval of the Lieutenant-Governor in Council, make regulations respecting the use of the said regatta course.

Navigation  
 not to be  
 obstructed.

(7) Nothing in this section contained shall authorize the said corporation to obstruct any navigable waters.

Power to  
 undertake  
 local im-  
 provements  
 in proposed  
 Fleet Street.  
 Rev. Stat.,  
 c. 235.

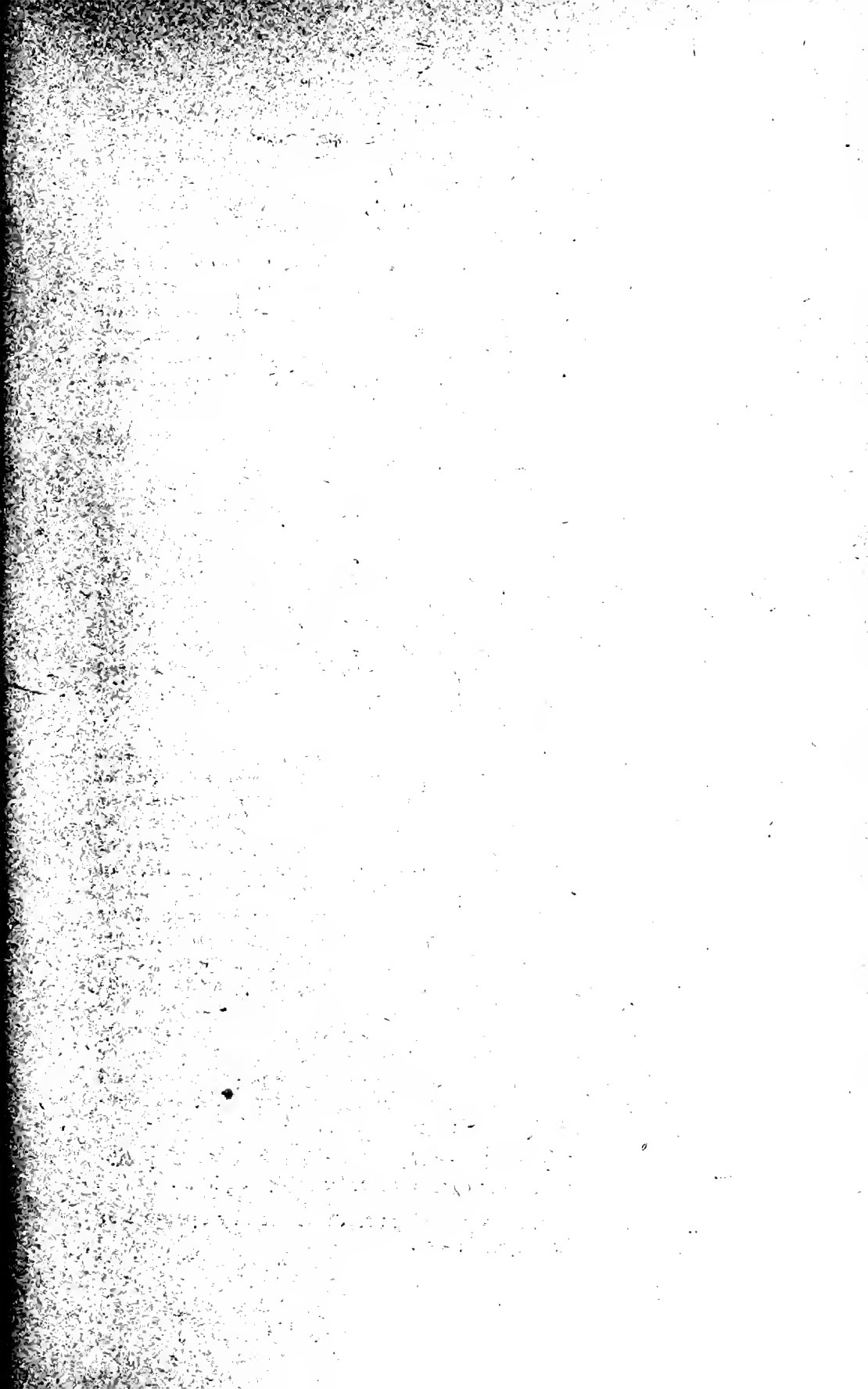
**11.**—(1) The corporation of the city of Toronto may construct local improvement works under the provisions of *The Local Improvement Act* upon, along and under the strip of land hereinafter described extending from Yonge Street to Cherry Street in the city of Toronto (which strip of land is intended to be set aside and dedicated as a public highway under the name of Fleet Street) in the same manner and to the same extent as if the said strip of land were a public highway. The said strip of land is described as follows:

All and singular that certain parcel or tract of land and premises situate, lying and being in the city of Toronto, in the county of York and Province of Ontario, being composed of part of parcels numbers 2 to 10 inclusive; parts of Scott, Church, West Market, Jarvis, George, Frederick, Sherbourne and Princess Streets, according to a plan of the extension of certain water lots in the city of Toronto, under the authority of an Order-in-Council of the Dominion of Canada, dated the 12th day of June, 1893, which said plan is filed in the Registry Office for the registry division of Toronto, as number 153-E; part of a water lot granted to the Toronto Harbour Commissioners by patent dated the 29th day of July, 1925, and part of the land required for the viaduct as shown on a plan filed in the Registry Office for the registry division of Toronto as number 222-Ry-E; which said parcel may be described as a strip of land eighty-six feet in width lying to the south of and adjoining the following described line:

Commencing at a point in the easterly limit of Yonge Street distant one hundred and fifty feet measured southerly thereon from the southerly limit of the lands required for the viaduct, as shown on plan number 222—Ry-E;

Thence easterly, parallel to the southerly limit of the said viaduct lands, to the easterly limit of Sherbourne Street;





Thence still easterly, in a straight line to a point distant one hundred and twenty feet measured southerly from and at right angles to the southerly limit of the said viaduct lands from a point distant six hundred feet measured easterly thereon from the easterly limit of Sherbourne Street;

Thence still easterly, in a straight line to a point in the southerly production of the westerly limit of Parliament Street as shown on plan number 153-E distant two hundred and twenty-four feet measured southerly thereon from the northerly limit of the lands required for the viaduct according to the aforesaid plan number 222-Ry-E.

(2) This section shall be read and construed as if it had been in force on the 1st day of January, 1930.

Surplus money in connection with certain relief sewers may be applied to meeting cost of others.

**12.** Where debentures have heretofore been issued or may hereafter be issued by the corporation of the city of Toronto under any by-law for the purpose of providing the cost of the construction of relief sewers named or described in the by-law, and the proceeds of the sale or hypothecation of such debentures exceeds the cost of the construction of such relief sewers, any surplus remaining in the hands of the treasurer of the proceeds of such debentures may be used and applied to pay in whole or in part the cost of constructing other relief sewers.

Tax sales and deeds confirmed.

**13.**—(1) All sales of land within the city of Toronto made prior to the 31st of December, 1928, which purport to have been made by the corporation of the city of Toronto or its treasurer 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 said city purporting to convey the said lands so sold to the purchaser thereof or his heirs or assigns or his or their heirs or assigns, or to the said corporation, 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 all charges and encumbrances thereon and dower therein, except taxes accruing after those for non-payment of which the lands were sold.

Pending litigation.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under pending litigation.

Commencement of Act.

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



## SCHEDULE "A."

This Agreement made this Thirty-first day of July, One thousand nine hundred and twenty-nine.

BETWEEN:

THE CORPORATION OF THE VILLAGE OF FOREST HILL,  
hereinafter called the "Village,"

of the first part;

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

of the second part;

THE CORPORATION OF THE COUNTY OF YORK, hereinafter  
called the "County,"

of the third part;

—and—

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

of the fourth part.

Whereas the said Village in conjunction with the said Township, County and Provincial Department of Highways of Ontario is desirous of erecting a steel and concrete bridge designed for street railway purposes over the ravine on Bathurst Street approximately one-half mile north of St. Clair Avenue, said bridge to have a roadway width between curbs of forty-six feet and two five-foot six-inch sidewalks and a length between abutments of about four hundred and fifteen feet, together with approaches, and all other works necessary thereto.

And whereas the cost of the said bridge and approaches and works is estimated at the sum of Two hundred and fifty thousand dollars.

And whereas the said Village has requested the City to contribute the sum of Forty thousand dollars towards the estimated cost of the said bridge and approaches, and by Report No. 16 of the Board of Control, adopted in Council on the 19th day of June, 1929, it is recommended that the City make such contribution, subject to the terms and conditions hereinafter mentioned.

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) That inasmuch as the said bridge is designed for street railway purposes, the approval of the Ontario Railway and Municipal Board of the plans prepared for said bridge and approaches and works shall be procured.

(2) That if upon the completion of the said bridge, approaches and works, the cost thereof shall be less than the sum of Two hundred and fifty thousand dollars, then the City shall pay to the Village such sum as bears the same proportion to the said cost that Forty thousand dollars bears to two hundred and fifty thousand dollars.

(3) That payment by the City to the Village of the said sum of Forty thousand dollars or of such reduced sum, shall be made upon the completion of the said bridge, approaches and works.

(4) That lands owned by the City wherever situate shall not be liable or charged by the said Village, Township or County with any assessment or taxation, direct or indirect, in respect to the cost of the said bridge,



approaches and works, or any part thereof, and the City shall not be liable to pay any part of the cost of the said bridge, approaches or works, or any part thereof, except as hereinbefore stated.

(5) That the necessary legislation be obtained from the Legislature of the Province of Ontario, at its next session, authorizing the City to make such contribution to the cost of the said bridge, approaches and works, and ratifying and confirming this agreement, and all parties hereto will endeavour to secure the passing of such legislation.

(6) That the City will dedicate to the Village the necessary land to extend Burton Road westerly to Bathurst Street and the Township will convey or procure to be conveyed to the City free of all encumbrance the land comprised in that part of the highway known as Strathearn Boulevard which lies between the south boundary of the proposed extension of Burton Road and a line drawn across said Strathearn Boulevard from the point of intersection of the easterly boundary of the City property and the north side of Strathearn Boulevard to a point in the southerly limit of Strathearn Boulevard distant eighteen feet measured westerly thereon from the intersection with the southerly production of the easterly boundary of the City's land.

In witness whereof the parties hereto have hereunto affixed their Corporate Seals by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED:

In the presence of

(*Seal of the Village of Forest Hill.*)

A. H. KEITH RUSSELL, *Reeve.*

T. W. ARCHER, *Clerk.*

ERNEST G. WESTBURY, *Reeve.*

(*Seal of the Township of York.*)

W. A. CLARKE, *Clerk.*

J. RAY PRICE, *Warden, York County.*

(*Seal of the County of York.*)

R. W. PHILLIPS, *Clerk.*

SAMUEL MCBRIDE, *Mayor.*

(*Seal of the City of Toronto.*)

HENRY REBURN, *Deputy Treasurer.*



## SCHEDULE "B."

This Agreement made in duplicate this 30th day of January, A.D. One thousand nine hundred and twenty-nine.

BETWEEN:

THE TORONTO ELECTRIC COMMISSIONERS, hereinafter  
called the "Toronto Hydro,"  
of the first part;

—and—

THE CORPORATION OF THE TOWN OF LEASIDE, hereinafter  
called the "Corporation,"  
of the second part.

Whereas the Toronto Hydro is controlling and managing the distribution of electrical power in the City of Toronto under the *Act respecting the City of Toronto*, 1 Geo. V, Cap. 119, Section 16, and *The Public Utilities Act*, R.S.O. 1927, Cap. 249, and amendments thereto, and in connection therewith is operating the distribution system in the City of Toronto;

And whereas the Corporation desires the Toronto Hydro to construct and operate a distribution system in the Town of Leaside for the supply of electrical power to the Corporation and to the inhabitants of the Town, and the Toronto Hydro is willing to construct and operate the said system upon the terms and conditions herein contained subject to the said Acts and to *The Power Commission Act*, R.S.O. 1927, Cap. 57, and amendments thereto;

Now therefore this agreement witnesseth that subject to the said Acts and for the consideration herein contained the parties hereto covenant, promise and agree as follows:

1. The Corporation hereby grants to the Toronto Hydro the right from time to time as the Toronto Hydro may deem necessary to erect, construct, instal, renew, maintain and operate in, across, upon, along or under the streets, highways and public places in the Town of Leaside all poles, pipes, wires and apparatus necessary in the opinion of the Toronto Hydro to supply electrical power to the Corporation and to any of the inhabitants of the said Town, which poles, pipes, wires and apparatus are hereinafter called the "distribution system."

2. Before the Toronto Hydro opens up any highway or portion of highway for the construction therein or thereon of any part of the said Distribution System or any extension thereto (other than for maintenance or operation) the Toronto Hydro shall first apply to the Corporation for location on the highway which the Toronto Hydro proposes to occupy; the Corporation shall within ten days from such application designate the location upon the highway which may be occupied by the Toronto Hydro with its proposed works. If the Corporation fail to designate as aforesaid within said ten days the Toronto Hydro may proceed with its work.

3. After works of the Toronto Hydro have been located in, upon or under any of the said highways as aforesaid then whenever either the Toronto Hydro or the Corporation desires to carry out any construction work, or maintenance or repair or otherwise which may in any way affect on the one hand the "Distribution System" or on the other hand the municipal works or services of the Corporation, it shall, except in cases of emergency, give the other party reasonable notice thereof and shall bear the full cost of repairing or replacing any part of the undertaking of such other party injured or destroyed by the carrying out of such work.

4. The Toronto Hydro agrees to construct, operate, repair, renew, insure and maintain in good condition the distribution system, provided





that the Toronto Hydro shall not be compelled to construct any part of the distribution system unless in its opinion the revenue to be derived from charges to consumers served by such part will be sufficient to justify the expense of construction of such part, provided also that the Toronto Hydro may discontinue operation of any part of the distribution system where the conditions and revenue derived from such part does not in the opinion of the Toronto Hydro justify a continuance of the operation of such part, the intent of these provisions being that the Toronto Hydro will not be required to operate any part of the distribution system at a loss.

5. The Toronto Hydro agrees to pay for the operation, repair, renewal, insurance and maintenance of the distribution system.

6. The Toronto Hydro agrees to insure against all claims for damages arising from or incidental to the erection, installation, operation, and maintenance of the distribution system or any part thereof.

7. The Toronto Hydro shall be entitled to collect and retain for its own use all revenues received from the sale or distribution of electrical power in the Town of Leaside.

8. The rates to be charged by the Toronto Hydro for electrical power furnished to the Corporation and to consumers in the Town shall be rates approved by The Hydro-Electric Power Commission of Ontario and the said rates shall be adjusted annually; the form of rate structure shall be similar to that for a similar service in the City of Toronto.

9. The Toronto Hydro shall keep such books and records relating to the distribution system as shall be required by The Hydro-Electric Power Commission of Ontario.

10. The Toronto Hydro shall be at liberty to collect and adjust the accounts of consumers in the said Town as it may deem necessary, and also to discontinue service to any consumer if said consumer fails to carry out his contract for electrical service; if the Toronto Hydro is unable to collect any such account, the Corporation upon notice in writing to its Clerk shall to the extent and as prescribed in *The Public Utilities Act* collect such account in the same manner as Municipal Taxes on land.

11. The Toronto Hydro and the Corporation will co-operate and assist each other in every reasonable way to secure a first-class light and power service to the users of electrical power or energy in the Town of Leaside upon the same conditions (except as to rates) as prevail in the supply of electrical power in the City of Toronto and to secure and retain customers for the distribution system.

12. The distribution system shall be the property of the Toronto Hydro, but no part of same, and no property of the Toronto Hydro used in serving customers in Leaside shall be subject to taxation by the Corporation. This agreement shall not affect the rights of the parties hereto in respect to property used for other purposes.

13. Notwithstanding any provision in any Statute to the contrary the Toronto Hydro shall not be required to bear any part of the expense of changing, altering or removing any of the poles, pipes, wires or apparatus of the distribution system on account of the works of the Corporation or any private person, and the Corporation hereby indemnifies and saves harmless the Toronto Hydro from all such expense.

14. The Toronto Hydro will furnish street lighting in the said Town as required by the Corporation and the Corporation shall pay the Toronto Hydro for the said street lighting, all subject to the approval of The Hydro-Electric Power Commission of Ontario.

15. This agreement shall continue in force and be binding upon the parties hereto for a period of thirty (30) years from the date thereof and thereafter from year to year for one (1) year periods until terminated by either the Toronto Hydro or the Corporation by notice in writing given at least ninety (90) days before the expiration of any such period.



16. While this agreement continues in force the Corporation will not allow any other person or corporation except the Toronto Hydro or The Hydro-Electric Power Commission of Ontario to supply or distribute electric power or energy in the Town of Leaside and will not grant to any such person or corporation any right to use any of the streets, highways or public places in the Town for any purpose connected with the supply of electrical power.

17. In this agreement the word "power" shall mean "electrical power" and unless the context or circumstances otherwise require shall mean and include "energy."

18. Upon the expiration of this agreement, if the Toronto Hydro shall not have collected sufficient revenue to fully reimburse it for the cost of all poles, pipes, wires and apparatus which it may have constructed either within or without the limits of the Town of Leaside for the purpose solely of this agreement as determined by The Hydro-Electric Power Commission of Ontario, then the Corporation will pay to the Toronto Hydro forthwith the balance necessary to reimburse the Toronto Hydro for the full amount of such cost; due allowance to the Corporation to be made for the proportion of said cost which shall be properly chargeable to consumers within the City of Toronto and full allowance to the Corporation also being made for salvage value. When all monies owing as aforesaid have been paid to the Toronto Hydro, the Toronto Hydro shall convey and release to the Corporation all property in the Distribution System and all right, title and interest of the Toronto Hydro in the said System, except property located outside the limits of the Town of Leaside.

19. This agreement shall take effect only when validated by legislation of the Legislature of the Province of Ontario.

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

21. This agreement and the works to be constructed thereunder shall be subject to the approval of The Hydro-Electric Power Commission of Ontario.

In witness whereof the parties hereto have caused this agreement to be executed under their corporate seals attested by the hands of their proper officers duly authorized thereto.

SIGNED, SEALED AND DELIVERED

in the presence of:

TORONTO ELECTRIC COMMISSIONERS,

(Signed) GEO. WRIGHT,  
*Chairman.*

[SEAL]  
H. J. MAC TAVISH,  
*Secretary.*

Approved October 30th, 1929.  
THE HYDRO-ELECTRIC POWER  
COMMISSION OF ONTARIO,

THE CORPORATION OF THE TOWN OF

LEASIDE,

(Signed) H. HORSFALL, *Mayor.*

(Signed) W. W. POPE, [SEAL]  
*Secretary.*

[SEAL]  
A. T. LAWSON,  
*Clerk-Treasurer.*



## SCHEDULE "C."

This indenture made in duplicate the Twenty-fourth day of September, One thousand nine hundred and twenty-nine.

BETWEEN:

THE GOVERNORS OF THE UNIVERSITY OF TORONTO,  
hereinafter called the "Board,"

of the first part;

—and—

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

of the second part.

Whereas by an agreement dated the Second day of March, A.D. 1889, between Her Majesty the Queen, represented for the purposes of the agreement by John Edward Berkeley Smith, the Bursar of the University and Colleges at Toronto (in his official character as such) of the First Part, and the Corporation of the City of Toronto, of the Second Part, which agreement was confirmed by Statute passed by the Legislature of Ontario in the same year, certain streets and avenues therein named, including the Avenue from Queen Street (now known and hereinafter referred to as University Avenue) were dedicated by Her Majesty to the public, on the terms and conditions therein set forth.

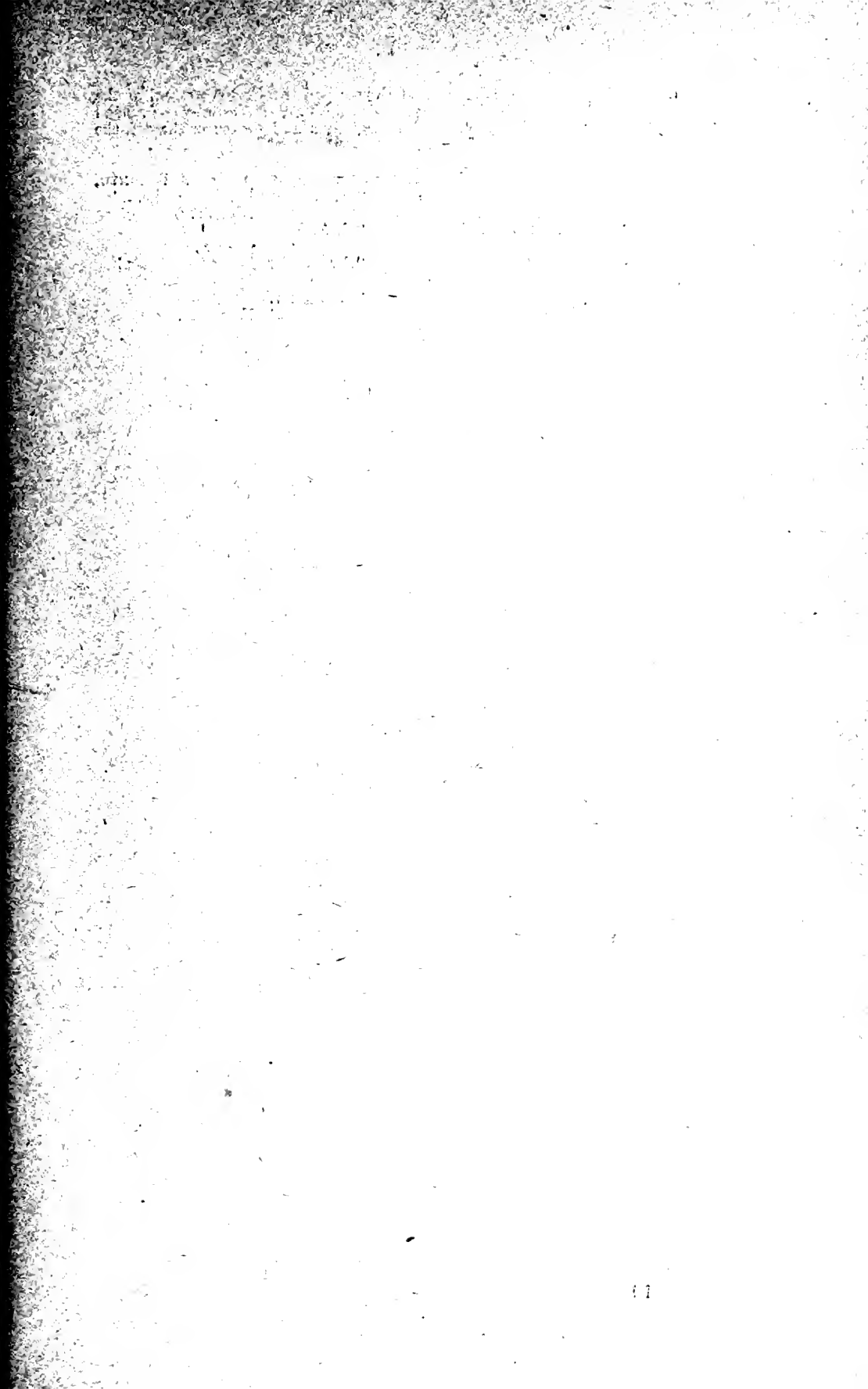
And whereas certain doubts and questions have arisen as to the location of the westerly limit of University Avenue as so dedicated, and this agreement is entered into for the purpose of definitely establishing such westerly limit.

Now therefore this indenture witnesseth that the parties hereto, for and in consideration of the matters herein set forth as well as other valuable consideration, agree, confirm and declare that the westerly limit of University Avenue, described in the said agreement dated the Second day of March, A.D., 1889, as the Avenue from Queen Street, and dedicated to the public by Her Majesty, by the said agreement is and has been since the date of the said agreement as may be particularly described as follows:—

Premising that the "Monument line" referred to herein is a straight line drawn northerly from the site of the stone monument that formerly marked the northwesterly angle of Queen Street and University Avenue, to the stone monument now marking the southwestly angle of College Street and University Avenue; then commencing at the southerly end of the "Monument line" being at the northwesterly angle of Queen Street and University Avenue; then northerly along the said "Monument line" to the southerly limit of lot number Four, according to a plan filed in the Registry office for the Registry Division of Toronto as Number D-211; thence easterly, parallel to the northerly limit of Queen Street, two feet one and one-half inches; thence northerly, parallel to the "Monument line" to the southerly limit of Elm Street, according to instrument Number 13707 B; thence westerly, parallel to the northerly limit of Queen Street two feet one and one-half inches to the "Monument line"; thence northerly, along the said "Monument line" to the southwestly angle of College Street and University Avenue.

And this indenture further witnesseth that notwithstanding this agreement, the owners of property adjacent to the said above described westerly limit of University Avenue shall not acquire any right of ingress or egress to or from the said University Avenue from and to their said adjacent properties other than such adjacent property owners may have possessed before this agreement was made.

In witness whereof the said parties have hereunto set their hands and seals as follows, that is to say, the Governors of the University of Toronto

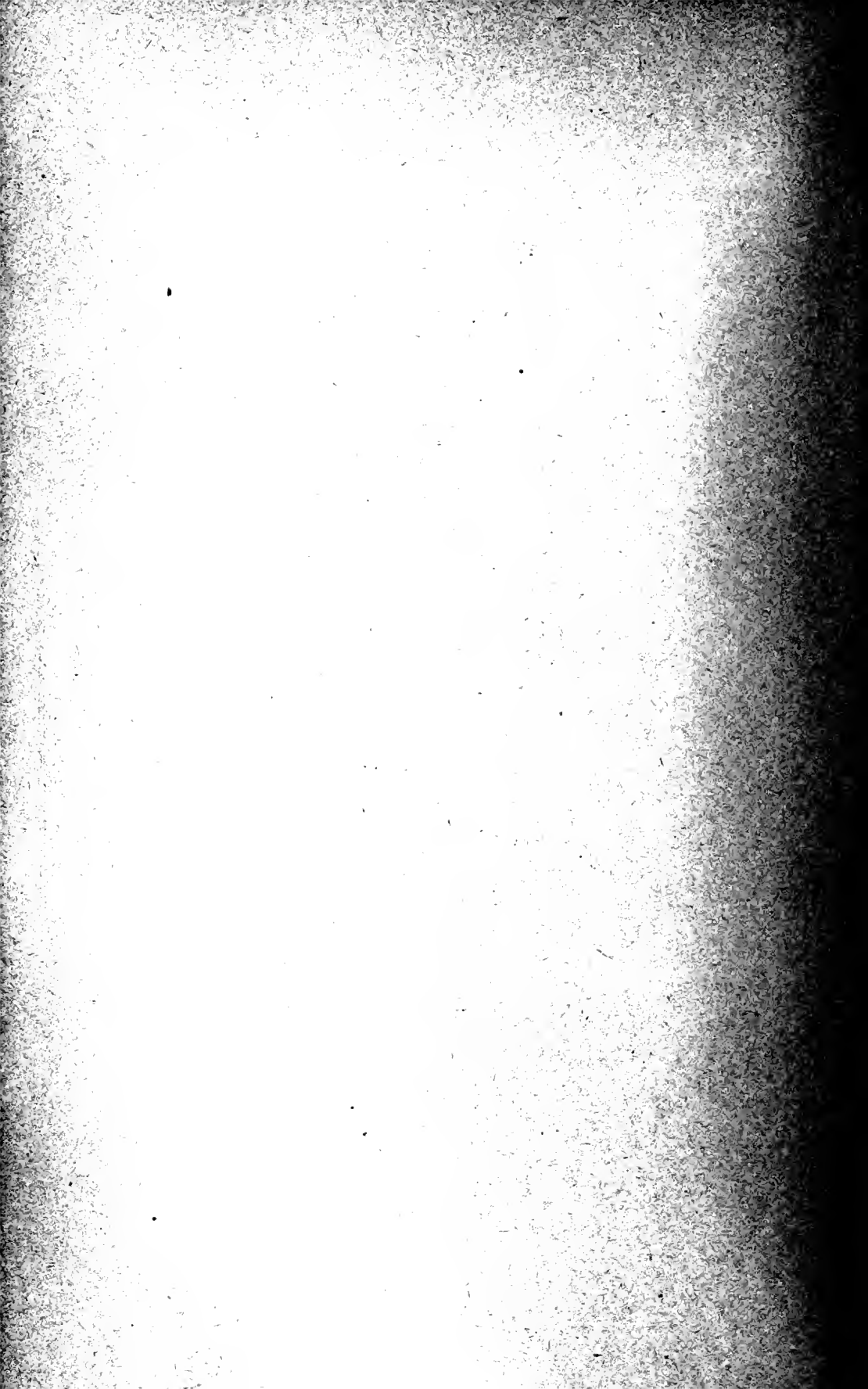


by the hands of its Chairman and Bursar and the Corporate seal of the said Board, and the said Corporation of the City of Toronto has affixed its Corporate Seal and the hands of the Mayor and Treasurer thereof, the day and year first above written.

<p>THE GOVERNORS OF THE UNIVERSITY OF TORONTO.          SIGNED, SEALED AND DELIVERED          in the presence of          "MADELINE BURNS"</p>	<p>"H. J. CODY," [SEAL]  <i>Chairman</i>          "F. A. MOURE,"  <i>Bursar</i>          "SAMUEL McBRIDE" [SEAL]  <i>Mayor</i>          "GEORGE WILSON,"  <i>Treasurer.</i></p>
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(BOLIVIA, BINT)

1971-1980

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BILL.

An Act respecting the City of Toronto.

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. NESBITT

(PRIVATE BILL)

No. 10

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the City of Toronto

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MR. NESBITT

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(PRIVATE BILL)

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 10.

1930.

# BILL

An Act respecting the City of Toronto.

Preamble.

**W**HEREAS the corporation of the city of Toronto has 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:

Short title.

1. This Act may be cited as *The City of Toronto Act, 1930*.

Expenditures for certain purposes authorized.

2. The following expenditures heretofore made or hereafter to be made by the council of the corporation of the city of Toronto are hereby authorized, validated and confirmed:

1. A grant of \$500 out of current revenue for 1929 to the St. Elizabeth Visiting Nurses' Association;
2. A grant of \$500 to the American Prison Congress;
3. A grant of \$25,000 to the Federation for Community Service Fund for 1929;
4. A grant of \$7,500 to the 1930 fund of the Federation of Jewish Philanthropies of Toronto;
5. A grant of \$1,500 to the Argonaut Rowing Club of Toronto on account of their expenses at the Henley Regatta;
6. A grant of \$25,000 towards the expense of holding the annual Shrine convention in Toronto in 1930;
7. An expenditure of \$8,621 for informing the electors of the said city in respect to a proposed by-law to provide for the issue of debentures to the amount of \$19,000,000 for improvements recommended by the civic department heads in respect to report of the



Advisory City Planning Commission, which by-law was submitted to a vote of the electors on January 1st, 1930, and in respect to the said improvements.

Exemption from taxation of Club House for Veterans,

3. The council of the corporation of the city of Toronto may by by-law exempt from taxation, except for local improvement and school purposes, any land or building used as a club house for veterans of the naval, military or air forces of Canada or Great Britain, for such time as same is actually used for the purposes of such a club house, and the said council may also from time to time make a grant to any such club house of a sum of money equal to the amount of taxes for local improvement and school purposes that may be overdue and unpaid in respect to such club house or land used in connection therewith for the purpose of paying such taxes.

Agreement with Village of Forest Hill, et al, re construction of bridge on Bathurst Street confirmed.

4.—(1) The agreement dated the 31st day of July, 1929, made between the corporations of the village of Forest Hill, the township of York, county of York and the city of Toronto, set out in Schedule "A" hereto is hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Power to borrow \$40,000 for city's share.

(2) The council of the corporation of the city of Toronto may without the assent of the electors qualified to vote on money by-laws, pass a by-law or by-laws for the issue of debentures to raise the amount not exceeding \$40,000 required to be paid by the said corporation under the provisions of the said agreement.

Agreement between Toronto Electric Commissioners and Town of Leaside for construction of distribution system in town.

5. The agreement dated the 30th day of January, 1929, made between the Toronto Electric Commissioners and the corporation of the town of Leaside set out in schedule "B" hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Agreement with Governors of Toronto University re west line of University Avenue.

6. The agreement dated the 24th day of September, 1929, made between the Governors of the University of Toronto and the corporation of the city of Toronto set out in Schedule "C" hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto and upon all other persons whose rights may be affected thereby.

Acts of Toronto Transportation Commission re Gray Coach Lines confirmed.

7.—(1) The *acquiring of capital stock* by the Toronto Transportation Commission prior to the 8th day of April, 1929, in Gray Coach Lines, Limited, is hereby validated and confirmed.

Authority to operate motor vehicles outside city limits.

(2) No motor vehicle transportation service extending outside the limits of the city of Toronto shall hereafter be established or acquired by the Toronto Transportation Commission or by Gray Coach Lines, Limited, except with the consent of the council of said city to such establishment or acquisition to be first obtained, and subject to the provisions of *The Public Vehicles Act*.





Operation by  
Gray Coach  
Lines,

(3) The Toronto Transportation Commission may entrust to Gray Coach Lines, Limited, the operation and management of any of its motor vehicle transportation services.

(4) Subsections 2 and 3 of this section shall be deemed to have been in force on the 8th day of April, 1929.

1929, c. 124,  
s. 3  
amended,  
Force of  
agreement  
for opera-  
tion of  
ferries.

8. Section 3 of the Act passed in the nineteenth year of the reign of His Majesty King George the Fifth, chaptered 124, is amended by striking out the word "one" in the fifth line thereof and inserting in lieu thereof the word, "three."

1925, c. 112.  
amended.  
Borrowing  
powers for  
purchase of  
parks, etc.

9. Section 2 of *The City of Toronto Parks Act, 1925*, is amended by striking out the word "five" in the third line thereof and inserting in lieu thereof the word "ten" and the said section shall be read and construed as if it had been originally enacted as hereby amended.

Power to  
construct  
Regatta  
Course on  
Humber  
River.

10.—(1) The corporation of the city of Toronto may construct and maintain a regatta course along or adjacent to the Humber River between Lake Ontario and the Bloor Street Bridge crossing said river, by diverting, straightening, widening, deepening or otherwise improving the said river and by filling in and reclaiming lands or lands covered by water on either side of such regatta course and by constructing a boulevard or drive through the lands on the east side of such regatta course and connecting at its southerly and northerly ends with Riverside Drive.

Power of  
expropria-  
tion.

(2) For the purposes of the works hereinbefore set out the said corporation may acquire either with or without the consent of the owner thereof, and may enter upon, take, expropriate and use any land or land covered by water required for or in connection with any part of the said works.

Compensa-  
tion under  
Rev.  
Stat., c. 233.

(3) When land is expropriated by the said corporation for or in connection with any part of the said works the corporation shall make due compensation to the owner of same according to the provisions of *The Municipal Act*.

Use of land  
belonging to  
Crown,

(4) The Lieutenant-Governor in Council may provide for granting to the said corporation, upon such terms as may be agreed, the right to use and occupy any lands or lands covered by water belonging to the Crown that may be required by the said corporation for or in connection with the said works.

Cost of  
works to be  
paid out of  
proceeds of  
debentures  
for parks.

(5) The cost of the construction of the said works and the acquisition of lands or lands covered by water therefor shall be paid out of the proceeds of debentures issued or to be



Rev. Stat., 1925, c. 112, issued under the authority of *The City of Toronto Parks Act*, 1925, and amendments thereto.

Regulations re use of course. (6) The council of the said corporation may from time to time, with the approval of the Lieutenant-Governor in Council, make regulations respecting the use of the said regatta course.

Navigation not to be obstructed. (7) Nothing in this section contained shall authorize the said corporation to obstruct any navigable waters.

Power to undertake local improvements in proposed Fleet Street. Rev. Stat., c. 235. **11.**—(1) The corporation of the city of Toronto may construct local improvement works under the provisions of *The Local Improvement Act* upon, along and under the strip of land hereinafter described extending from Yonge Street to Cherry Street in the city of Toronto (which strip of land is intended to be set aside and dedicated as a public highway under the name of Fleet Street) in the same manner and to the same extent as if the said strip of land were a public highway. The said strip of land is described as follows:

All and singular that certain parcel or tract of land and premises situate, lying and being in the city of Toronto, in the county of York and Province of Ontario, being composed of part of parcels numbers 2 to 10 inclusive; parts of Scott, Church, West Market, Jarvis, George, Frederick, Sherbourne and Princess Streets, according to a plan of the extension of certain water lots in the city of Toronto, under the authority of an Order-in-Council of the Dominion of Canada, dated the 12th day of June, 1893, which said plan is filed in the Registry Office for the registry division of Toronto, as number 153-E; part of a water lot granted to the Toronto Harbour Commissioners by patent dated the 29th day of July, 1925, and part of the land required for the viaduct as shown on a plan filed in the Registry Office for the registry division of Toronto as number 222-Ry-E; which said parcel may be described as a strip of land eighty-six feet in width lying to the south of and adjoining the following described line:

Commencing at a point in the easterly limit of Yonge Street distant one hundred and fifty feet measured southerly thereon from the southerly limit of the lands required for the viaduct, as shown on plan number 222—Ry-E;

Thence easterly, parallel to the southerly limit of the said viaduct lands, to the easterly limit of Sherbourne Street;



Thence still easterly, in a straight line to a point distant one hundred and twenty feet measured southerly from and at right angles to the southerly limit of the said viaduct lands from a point distant six hundred feet measured easterly thereon from the easterly limit of Sherbourne Street;

Thence still easterly, in a straight line to a point in the southerly production of the westerly limit of Parliament Street as shown on plan number 153-E distant two hundred and twenty-four feet measured southerly thereon from the northerly limit of the lands required for the viaduct according to the aforesaid plan number 222-Ry-E.

(2) This section shall be read and construed as if it had been in force on the 1st day of January, 1930.

Surplus money in connection with certain relief sewers may be applied to meeting cost of others.

**12.** Where debentures have heretofore been issued or may hereafter be issued by the corporation of the city of Toronto under any by-law for the purpose of providing the cost of the construction of relief sewers named or described in the by-law, and the proceeds of the sale or hypothecation of such debentures exceeds the cost of the construction of such relief sewers, any surplus remaining in the hands of the treasurer of the proceeds of such debentures may be used and applied to pay in whole or in part the cost of constructing other relief sewers.

Tax sales and deeds confirmed.

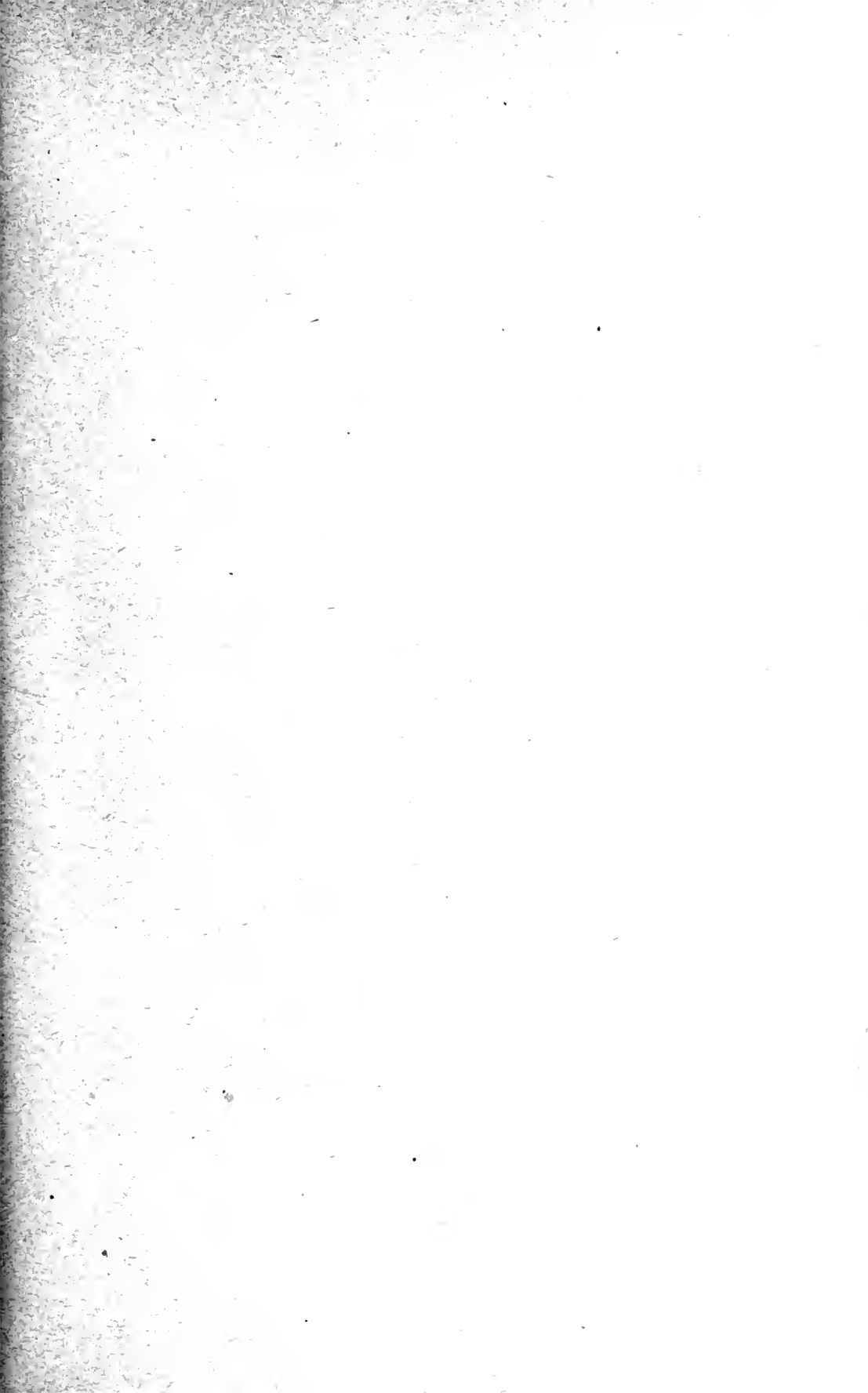
**13.**—(1) All sales of land within the city of Toronto made prior to the 31st of December, 1928, which purport to have been made by the corporation of the city of Toronto or its treasurer for arrears of taxes in respect to the lands so sold, are hereby validated and confirmed, and all conveyances of land so sold executed by the mayor, treasurer and clerk of the said city purporting to convey the said lands so sold to the purchaser thereof or his heirs or assigns or his or their heirs or assigns, or to the said corporation, 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 all charges and encumbrances thereon and dower therein, except taxes accruing after those for non-payment of which the lands were sold.

Pending litigation.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under pending litigation.

Commencement of Act.

**14.** The provisions of this Act other than section 13 shall come into force on the day upon which it receives the Royal Assent. Section 13 shall come into force on July 1st, 1930.



## SCHEDULE "A."

This Agreement made this Thirty-first day of July, One thousand nine hundred and twenty-nine.

BETWEEN:

THE CORPORATION OF THE VILLAGE OF FOREST HILL,  
hereinafter called the "Village,"

of the first part;

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

of the second part;

THE CORPORATION OF THE COUNTY OF YORK, hereinafter  
called the "County,"

of the third part;

—and—

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

of the fourth part.

Whereas the said Village in conjunction with the said Township, County and Provincial Department of Highways of Ontario is desirous of erecting a steel and concrete bridge designed for street railway purposes over the ravine on Bathurst Street approximately one-half mile north of St. Clair Avenue, said bridge to have a roadway width between curbs of forty-six feet and two five-foot six-inch sidewalks and a length between abutments of about four hundred and fifteen feet, together with approaches, and all other works necessary thereto.

And whereas the cost of the said bridge and approaches and works is estimated at the sum of Two hundred and fifty thousand dollars.

And whereas the said Village has requested the City to contribute the sum of Forty thousand dollars towards the estimated cost of the said bridge and approaches, and by Report No. 16 of the Board of Control, adopted in Council on the 19th day of June, 1929, it is recommended that the City make such contribution, subject to the terms and conditions hereinafter mentioned.

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) That inasmuch as the said bridge is designed for street railway purposes, the approval of the Ontario Railway and Municipal Board of the plans prepared for said bridge and approaches and works shall be procured.

(2) That if upon the completion of the said bridge, approaches and works, the cost thereof shall be less than the sum of Two hundred and fifty thousand dollars, then the City shall pay to the Village such sum as bears the same proportion to the said cost that Forty thousand dollars bears to two hundred and fifty thousand dollars.

(3) That payment by the City to the Village of the said sum of Forty thousand dollars or of such reduced sum, shall be made upon the completion of the said bridge, approaches and works.

(4) That lands owned by the City wherever situate shall not be liable or charged by the said Village, Township or County with any assessment or taxation, direct or indirect, in respect to the cost of the said bridge.





approaches and works, or any part thereof, and the City shall not be liable to pay any part of the cost of the said bridge, approaches or works, or any part thereof, except as hereinbefore stated.

(5) That the necessary legislation be obtained from the Legislature of the Province of Ontario, at its next session, authorizing the City to make such contribution to the cost of the said bridge, approaches and works, and ratifying and confirming this agreement, and all parties hereto will endeavour to secure the passing of such legislation.

(6) That the City will dedicate to the Village the necessary land to extend Burton Road westerly to Bathurst Street and the Township will convey or procure to be conveyed to the City free of all encumbrance the land comprised in that part of the highway known as Strathearn Boulevard which lies between the south boundary of the proposed extension of Burton Road and a line drawn across said Strathearn Boulevard from the point of intersection of the easterly boundary of the City property and the north side of Strathearn Boulevard to a point in the southerly limit of Strathearn Boulevard distant eighteen feet measured westerly thereon from the intersection with the southerly production of the easterly boundary of the City's land.

In witness whereof the parties hereto have hereunto affixed their Corporate Seals by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED:

In the presence of

(*Seal of the Village of Forest Hill.*)

A. H. KEITH RUSSELL, *Reeve.*

T. W. ARCHER, *Clerk.*

ERNEST G. WESTBURY, *Reeve.*

(*Seal of the Township of York.*)

W. A. CLARKE, *Clerk.*

J. RAY PRICE, *Warden, York County.*

(*Seal of the County of York.*)

R. W. PHILLIPS, *Clerk.*

SAMUEL MCBRIDE, *Mayor.*

(*Seal of the City of Toronto.*)

HENRY REBURN, *Deputy Treasurer.*



## SCHEDULE "B."

This Agreement made in duplicate this 30th day of January, A.D. One thousand nine hundred and twenty-nine.

BETWEEN:

THE TORONTO ELECTRIC COMMISSIONERS, hereinafter  
called the "Toronto Hydro,"

of the first part;

—and—

THE CORPORATION OF THE TOWN OF LEASIDE, hereinafter  
called the "Corporation,"

of the second part.

Whereas the Toronto Hydro is controlling and managing the distribution of electrical power in the City of Toronto under the *Act respecting the City of Toronto*, 1 Geo. V, Cap. 119, Section 16, and *The Public Utilities Act*, R.S.O. 1927, Cap. 249, and amendments thereto, and in connection therewith is operating the distribution system in the City of Toronto;

And whereas the Corporation desires the Toronto Hydro to construct and operate a distribution system in the Town of Leaside for the supply of electrical power to the Corporation and to the inhabitants of the Town, and the Toronto Hydro is willing to construct and operate the said system upon the terms and conditions herein contained subject to the said Acts and to *The Power Commission Act*, R.S.O. 1927, Cap. 57, and amendments thereto;

Now therefore this agreement witnesseth that subject to the said Acts and for the consideration herein contained the parties hereto covenant, promise and agree as follows:

1. The Corporation hereby grants to the Toronto Hydro the right from time to time as the Toronto Hydro may deem necessary to erect, construct, instal, renew, maintain and operate in, across, upon, along or under the streets, highways and public places in the Town of Leaside all poles, pipes, wires and apparatus necessary in the opinion of the Toronto Hydro to supply electrical power to the Corporation and to any of the inhabitants of the said Town, which poles, pipes, wires and apparatus are hereinafter called the "distribution system."

2. Before the Toronto Hydro opens up any highway or portion of highway for the construction therein or thereon of any part of the said Distribution System or any extension thereto (other than for maintenance or operation) the Toronto Hydro shall first apply to the Corporation for location on the highway which the Toronto Hydro proposes to occupy; the Corporation shall within ten days from such application designate the location upon the highway which may be occupied by the Toronto Hydro with its proposed works. If the Corporation fail to designate as aforesaid within said ten days the Toronto Hydro may proceed with its work.

3. After works of the Toronto Hydro have been located in, upon or under any of the said highways as aforesaid then whenever either the Toronto Hydro or the Corporation desires to carry out any construction work, or maintenance or repair or otherwise which may in any way affect on the one hand the "Distribution System" or on the other hand the municipal works or services of the Corporation, it shall, except in cases of emergency, give the other party reasonable notice thereof and shall bear the full cost of repairing or replacing any part of the undertaking of such other party injured or destroyed by the carrying out of such work.

4. The Toronto Hydro agrees to construct, operate, repair, renew, insure and maintain in good condition the distribution system, provided



that the Toronto Hydro shall not be compelled to construct any part of the distribution system unless in its opinion the revenue to be derived from charges to consumers served by such part will be sufficient to justify the expense of construction of such part, provided also that the Toronto Hydro may discontinue operation of any part of the distribution system where the conditions and revenue derived from such part does not in the opinion of the Toronto Hydro justify a continuance of the operation of such part, the intent of these provisions being that the Toronto Hydro will not be required to operate any part of the distribution system at a loss.

5. The Toronto Hydro agrees to pay for the operation, repair, renewal, insurance and maintenance of the distribution system.

6. The Toronto Hydro agrees to insure against all claims for damages arising from or incidental to the erection, installation, operation, and maintenance of the distribution system or any part thereof.

7. The Toronto Hydro shall be entitled to collect and retain for its own use all revenues received from the sale or distribution of electrical power in the Town of Leaside.

8. The rates to be charged by the Toronto Hydro for electrical power furnished to the Corporation and to consumers in the Town shall be rates approved by The Hydro-Electric Power Commission of Ontario and the said rates shall be adjusted annually; the form of rate structure shall be similar to that for a similar service in the City of Toronto.

9. The Toronto Hydro shall keep such books and records relating to the distribution system as shall be required by The Hydro-Electric Power Commission of Ontario.

10. The Toronto Hydro shall be at liberty to collect and adjust the accounts of consumers in the said Town as it may deem necessary, and also to discontinue service to any consumer if said consumer fails to carry out his contract for electrical service; if the Toronto Hydro is unable to collect any such account, the Corporation upon notice in writing to its Clerk shall to the extent and as prescribed in *The Public Utilities Act* collect such account in the same manner as Municipal Taxes on land.

11. The Toronto Hydro and the Corporation will co-operate and assist each other in every reasonable way to secure a first-class light and power service to the users of electrical power or energy in the Town of Leaside upon the same conditions (except as to rates) as prevail in the supply of electrical power in the City of Toronto and to secure and retain customers for the distribution system.

12. The distribution system shall be the property of the Toronto Hydro, but no part of same, and no property of the Toronto Hydro used in serving customers in Leaside shall be subject to taxation by the Corporation. This agreement shall not affect the rights of the parties hereto in respect to property used for other purposes.

13. Notwithstanding any provision in any Statute to the contrary the Toronto Hydro shall not be required to bear any part of the expense of changing, altering or removing any of the poles, pipes, wires or apparatus of the distribution system on account of the works of the Corporation or any private person, and the Corporation hereby indemnifies and saves harmless the Toronto Hydro from all such expense.

14. The Toronto Hydro will furnish street lighting in the said Town as required by the Corporation and the Corporation shall pay the Toronto Hydro for the said street lighting, all subject to the approval of The Hydro-Electric Power Commission of Ontario.

15. This agreement shall continue in force and be binding upon the parties hereto for a period of thirty (30) years from the date thereof and thereafter from year to year for one (1) year periods until terminated by either the Toronto Hydro or the Corporation by notice in writing given at least ninety (90) days before the expiration of any such period.



16. While this agreement continues in force the Corporation will not allow any other person or corporation except the Toronto Hydro or The Hydro-Electric Power Commission of Ontario to supply or distribute electric power or energy in the Town of Leaside and will not grant to any such person or corporation any right to use any of the streets, highways or public places in the Town for any purpose connected with the supply of electrical power.

17. In this agreement the word "power" shall mean "electrical power" and unless the context or circumstances otherwise require shall mean and include "energy."

18. Upon the expiration of this agreement, if the Toronto Hydro shall not have collected sufficient revenue to fully reimburse it for the cost of all poles, pipes, wires and apparatus which it may have constructed either within or without the limits of the Town of Leaside for the purpose solely of this agreement as determined by The Hydro-Electric Power Commission of Ontario, then the Corporation will pay to the Toronto Hydro forthwith the balance necessary to reimburse the Toronto Hydro for the full amount of such cost; due allowance to the Corporation to be made for the proportion of said cost which shall be properly chargeable to consumers within the City of Toronto and full allowance to the Corporation also being made for salvage value. When all monies owing as aforesaid have been paid to the Toronto Hydro, the Toronto Hydro shall convey and release to the Corporation all property in the Distribution System and all right, title and interest of the Toronto Hydro in the said System, except property located outside the limits of the Town of Leaside.

19. This agreement shall take effect only when validated by legislation of the Legislature of the Province of Ontario.

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

21. This agreement and the works to be constructed thereunder shall be subject to the approval of The Hydro-Electric Power Commission of Ontario.

In witness whereof the parties hereto have caused this agreement to be executed under their corporate seals attested by the hands of their proper officers duly authorized thereto.

SIGNED, SEALED AND DELIVERED

in the presence of:

TORONTO ELECTRIC COMMISSIONERS,

(Signed) GEO. WRIGHT,  
*Chairman.*

H. J. MAC TAVISH, [SEAL]  
*Secretary.*

Approved October 30th, 1929.  
THE HYDRO-ELECTRIC POWER  
COMMISSION OF ONTARIO,

THE CORPORATION OF THE TOWN OF  
LEASIDE,  
(Signed) H. HORSEFALL, *Mayor.*

(Signed) W. W. POPE, [SEAL]  
*Secretary.*

A. T. LAWSON, [SEAL]  
*Clerk-Treasurer.*





## SCHEDULE "C."

This indenture made in duplicate the Twenty-fourth day of September One thousand nine hundred and twenty-nine.

## BETWEEN:

THE GOVERNORS OF THE UNIVERSITY OF TORONTO,  
hereinafter called the "Board,"

of the first part;

—and—

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

of the second part.

Whereas by an agreement dated the Second day of March, A.D. 1889, between Her Majesty the Queen, represented for the purposes of the agreement by John Edward Berkeley Smith, the Bursar of the University and Colleges at Toronto (in his official character as such) of the First Part, and the Corporation of the City of Toronto, of the Second Part, which agreement was confirmed by Statute passed by the Legislature of Ontario in the same year, certain streets and avenues therein named, including the Avenue from Queen Street (now known and hereinafter referred to as University Avenue) were dedicated by Her Majesty to the public, on the terms and conditions therein set forth.

And whereas certain doubts and questions have arisen as to the location of the westerly limit of University Avenue as so dedicated, and this agreement is entered into for the purpose of definitely establishing such westerly limit.

Now therefore this indenture witnesseth that the parties hereto, for and in consideration of the matters herein set forth as well as other valuable consideration, agree, confirm and declare that the westerly limit of University Avenue, described in the said agreement dated the Second day of March, A.D., 1889, as the Avenue from Queen Street, and dedicated to the public by Her Majesty, by the said agreement is and has been since the date of the said agreement as may be particularly described as follows:—

Premising that the "Monument line" referred to herein is a straight line drawn northerly from the site of the stone monument that formerly marked the northwesterly angle of Queen Street and University Avenue, to the stone monument now marking the southwesterly angle of College Street and University Avenue; then commencing at the southerly end of the "Monument line" being at the northwesterly angle of Queen Street and University Avenue; then northerly along the said "Monument line" to the southerly limit of lot number Four, according to a plan filed in the Registry office for the Registry Division of Toronto as Number D-211; thence easterly, parallel to the northerly limit of Queen Street, two feet one and one-half inches; thence northerly, parallel to the "Monument line" to the southerly limit of Elm Street, according to instrument Number 13707 B; thence westerly, parallel to the northerly limit of Queen Street two feet one and one-half inches to the "Monument line"; thence northerly, along the said "Monument line" to the southwesterly angle of College Street and University Avenue.

And this indenture further witnesseth that notwithstanding this agreement, the owners of property adjacent to the said above described westerly limit of University Avenue shall not acquire any right of ingress or egress to or from the said University Avenue from and to their said adjacent properties other than such adjacent property owners may have possessed before this agreement was made.

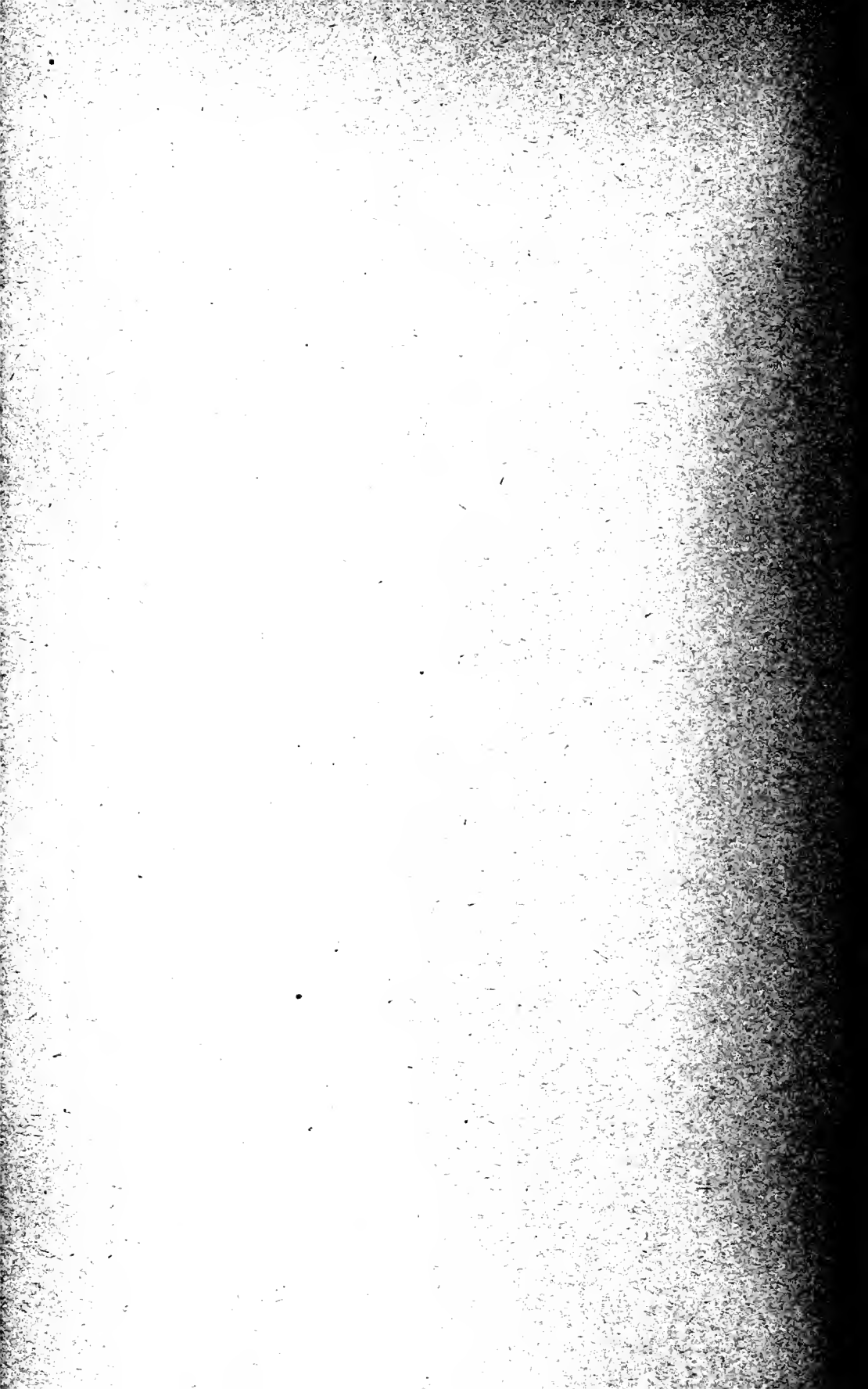
In witness whereof the said parties have hereunto set their hands and seals as follows, that is to say, the Governors of the University of Toronto



by the hands of its Chairman and Bursar and the Corporate seal of the said Board, and the said Corporation of the City of Toronto has affixed its Corporate Seal and the hands of the Mayor and Treasurer thereof, the day and year first above written.

<p>THE GOVERNORS OF THE UNIVERSITY OF TORONTO.          SIGNED, SEALED AND DELIVERED          in the presence of          "MADELINE BURNS"</p>	<p>"H. J. CODY," [SEAL]  <i>Chairman</i>          "F. A. MOURE,"  <i>Bursar</i>          "SAMUEL MCBRIDE" [SEAL]  <i>Mayor</i>          "GEORGE WILSON,"  <i>Treasurer.</i></p>
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BILL.

An Act respecting the City of Toronto.

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*1st Reading*

February 18th, 1930

*2nd Reading*

*3rd Reading*

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MR. NESBITT

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



1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the City of Toronto

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MR. NESBITT

---

No. 10.

1930.

# BILL

An Act respecting the City of Toronto.

Preamble.

**W**HEREAS the corporation of the city of Toronto has 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:

Short title.

1. This Act may be cited as *The City of Toronto Act, 1930*.

Expenditures for certain purposes authorized.

2. The following expenditures heretofore made or hereafter to be made by the council of the corporation of the city of Toronto are hereby authorized, validated and confirmed:

1. A grant of \$500 out of current revenue for 1929 to the St. Elizabeth Visiting Nurses' Association;
2. A grant of \$500 to the American Prison Congress;
3. A grant of \$25,000 to the Federation for Community Service Fund for 1929;
4. A grant of \$7,500 to the 1930 fund of the Federation of Jewish Philanthropies of Toronto;
5. A grant of \$1,500 to the Argonaut Rowing Club of Toronto on account of their expenses at the Henley Regatta;
6. A grant of \$25,000 towards the expense of holding the annual Shrine convention in Toronto in 1930;
7. An expenditure of \$8,621 for informing the electors of the said city in respect to a proposed by-law to provide for the issue of debentures to the amount of \$19,000,000 for improvements recommended by the civic department heads in respect to report of the

Advisory City Planning Commission, which by-law was submitted to a vote of the electors on January 1st, 1930, and in respect to the said improvements.

3. The council of the corporation of the city of Toronto may by by-law exempt from taxation, except for local improvement and school purposes, any land or building used as a club house for veterans of the naval, military or air forces of Canada or Great Britain, for such time as same is actually used for the purposes of such a club house, and the said council may also from time to time make a grant to any such club house of a sum of money equal to the amount of taxes for local improvement and school purposes that may be overdue and unpaid in respect to such club house or land used in connection therewith for the purpose of paying such taxes.

Exemption from taxation of Club House for Veterans,

4.—(1) The agreement dated the 31st day of July, 1929, made between the corporations of the village of Forest Hill, the township of York, county of York and the city of Toronto, set out in Schedule "A" hereto is hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Agreement with Village of Forest Hill, et al, re construction of bridge on Bathurst Street confirmed.

(2) The council of the corporation of the city of Toronto may without the assent of the electors qualified to vote on money by-laws, pass a by-law or by-laws for the issue of debentures to raise the amount not exceeding \$40,000 required to be paid by the said corporation under the provisions of the said agreement.

Power to borrow \$40,000 for city's share.

5. The agreement dated the 30th day of January, 1929, made between the Toronto Electric Commissioners and the corporation of the town of Leaside set out in schedule "B" hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Agreement between Toronto Electric Commissioners and Town of Leaside for construction of distribution system in town.

6. The agreement dated the 24th day of September, 1929, made between the Governors of the University of Toronto and the corporation of the city of Toronto set out in Schedule "C" hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto and upon all other persons whose rights may be affected thereby.

Agreement with Governors of Toronto University re west line of University Avenue.

7.—(1) The acquiring of capital stock by the Toronto Transportation Commission prior to the 8th day of April, 1929, in Gray Coach Lines, Limited, is hereby validated and confirmed.

Acts of Toronto Transportation Commission re Gray Coach Lines confirmed.

(2) No motor vehicle transportation service extending outside the limits of the city of Toronto shall hereafter be established or acquired by the Toronto Transportation Commission or by Gray Coach Lines, Limited, except with the consent of the council of said city to such establishment or acquisition to be first obtained, and subject to the provisions of *The Public Vehicle Act*.

Authority to operate motor vehicles outside city limits.

Operation by  
Gray Coach  
Lines,

(3) The Toronto Transportation Commission may entrust to Gray Coach Lines, Limited, the operation and management of any of its motor vehicle transportation services.

(4) Subsections 2 and 3 of this section shall be deemed to have been in force on the 8th day of April, 1929.

1929, c. 124,  
s. 3  
amended,  
Force of  
agreement  
for opera-  
tion of  
ferries.

8. Section 3 of the Act passed in the nineteenth year of the reign of His Majesty King George the Fifth, chaptered 124, is amended by striking out the word "one" in the fifth line thereof and inserting in lieu thereof the word, "three."

1925, c. 112.  
s. 2,  
amended.  
Borrowing  
powers for  
purchase of  
parks, etc.

9. Section 2 of *The City of Toronto Parks Act, 1925*, is amended by striking out the word "five" in the third line thereof and inserting in lieu thereof the word "ten" and the said section shall be read and construed as if it had been originally enacted as hereby amended.

Power to  
construct  
Regatta  
Course on  
Humber  
River.

10.—(1) The corporation of the city of Toronto may construct and maintain a regatta course along or adjacent to the Humber River between Lake Ontario and the Bloor Street Bridge crossing said river, by diverting, straightening, widening, deepening or otherwise improving the said river and by filling in and reclaiming lands or lands covered by water on either side of such regatta course and by constructing a boulevard or drive through the lands on the east side of such regatta course and connecting at its southerly and northerly ends with Riverside Drive.

Power of  
expropria-  
tion.

(2) For the purposes of the works hereinbefore set out the said corporation may acquire either with or without the consent of the owner thereof, and may enter upon, take, expropriate and use any land or land covered by water required for or in connection with any part of the said works.

Compensa-  
tion under  
Rev.  
Stat., c. 233.

(3) When land is expropriated by the said corporation for or in connection with any part of the said works the corporation shall make due compensation to the owner of same according to the provisions of *The Municipal Act*.

Use of land  
belonging to  
Crown,

(4) The Lieutenant-Governor in Council may provide for granting to the said corporation, upon such terms as may be agreed, the right to use and occupy any lands or lands covered by water belonging to the Crown that may be required by the said corporation for or in connection with the said works.

Cost of  
works to be  
paid out of  
proceeds of  
debentures  
for parks.

(5) The cost of the construction of the said works and the acquisition of lands or lands covered by water therefor shall be paid out of the proceeds of debentures issued or to be

issued under the authority of *The City of Toronto Parks Act, 1925*, and amendments thereto. Rev. Stat., 1925, c. 112.

(6) The council of the said corporation may from time to time, with the approval of the Lieutenant-Governor in Council, make regulations respecting the use of the said regatta course. Regulations re use of course.

(7) Nothing in this section contained shall authorize the said corporation to obstruct any navigable waters. Navigation not to be obstructed.

**11.**—(1) The corporation of the city of Toronto may construct local improvement works under the provisions of *The Local Improvement Act* upon, along and under the strip of land hereinafter described extending from Yonge Street to Cherry Street in the city of Toronto (which strip of land is intended to be set aside and dedicated as a public highway under the name of Fleet Street) in the same manner and to the same extent as if the said strip of land were a public highway. The said strip of land is described as follows: Power to undertake local improvements in proposed Fleet Street. Rev. Stat., c. 235.

All and singular that certain parcel or tract of land and premises situate, lying and being in the city of Toronto, in the county of York and Province of Ontario, being composed of part of parcels numbers 2 to 10 inclusive; parts of Scott, Church, West Market, Jarvis, George, Frederick, Sherbourne and Princess Streets, according to a plan of the extension of certain water lots in the city of Toronto, under the authority of an Order-in-Council of the Dominion of Canada, dated the 12th day of June, 1893, which said plan is filed in the Registry Office for the registry division of Toronto, as number 153-E; part of a water lot granted to the Toronto Harbour Commissioners by patent dated the 29th day of July, 1925, and part of the land required for the viaduct as shown on a plan filed in the Registry Office for the registry division of Toronto as number 222-Ry-E; which said parcel may be described as a strip of land eighty-six feet in width lying to the south of and adjoining the following described line:

Commencing at a point in the easterly limit of Yonge Street distant one hundred and fifty feet measured southerly thereon from the southerly limit of the lands required for the viaduct, as shown on plan number 222—Ry-E;

Thence easterly, parallel to the southerly limit of the said viaduct lands, to the easterly limit of Sherbourne Street;

Thence still easterly, in a straight line to a point distant one hundred and twenty feet measured southerly from and at right angles to the southerly limit of the said viaduct lands from a point distant six hundred feet measured easterly thereon from the easterly limit of Sherbourne Street;

Thence still easterly, in a straight line to a point in the southerly production of the westerly limit of Parliament Street as shown on plan number 153-E distant two hundred and twenty-four feet measured southerly thereon from the northerly limit of the lands required for the viaduct according to the aforesaid plan number 222-Ry-E.

(2) This section shall be read and construed as if it had been in force on the 1st day of January, 1930.

Surplus money in connection with certain relief sewers may be applied to meeting cost of others.

**12.** Where debentures have heretofore been issued or may hereafter be issued by the corporation of the city of Toronto under any by-law for the purpose of providing the cost of the construction of relief sewers named or described in the by-law, and the proceeds of the sale or hypothecation of such debentures exceeds the cost of the construction of such relief sewers, any surplus remaining in the hands of the treasurer of the proceeds of such debentures may be used and applied to pay in whole or in part the cost of constructing other relief sewers.

Tax sales and deeds confirmed.

**13.**—(1) All sales of land within the city of Toronto made prior to the 31st of December, 1928, which purport to have been made by the corporation of the city of Toronto or its treasurer 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 said city purporting to convey the said lands so sold to the purchaser thereof or his heirs or assigns or his or their heirs or assigns, or to the said corporation, 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 all charges and encumbrances thereon and dower therein, except taxes accruing after those for non-payment of which the lands were sold.

Pending litigation.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under pending litigation.

Commencement of Act.

**14.** The provisions of this Act other than section 13 shall come into force on the day upon which it receives the Royal Assent. Section 13 shall come into force on July 1st, 1930.

## SCHEDULE "A."

This Agreement made this Thirty-first day of July, One thousand nine hundred and twenty-nine.

**BETWEEN:**

THE CORPORATION OF THE VILLAGE OF FOREST HILL,  
hereinafter called the "Village,"

of the first part;

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

of the second part;

THE CORPORATION OF THE COUNTY OF YORK, hereinafter  
called the "County,"

of the third part;

—and—

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

of the fourth part.

Whereas the said Village in conjunction with the said Township, County and Provincial Department of Highways of Ontario is desirous of erecting a steel and concrete bridge designed for street railway purposes over the ravine on Bathurst Street approximately one-half mile north of St. Clair Avenue, said bridge to have a roadway width between curbs of forty-six feet and two five-foot six-inch sidewalks and a length between abutments of about four hundred and fifteen feet, together with approaches, and all other works necessary thereto.

And whereas the cost of the said bridge and approaches and works is estimated at the sum of Two hundred and fifty thousand dollars.

And whereas the said Village has requested the City to contribute the sum of Forty thousand dollars towards the estimated cost of the said bridge and approaches, and by Report No. 16 of the Board of Control, adopted in Council on the 19th day of June, 1929, it is recommended that the City make such contribution, subject to the terms and conditions hereinafter mentioned.

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) That inasmuch as the said bridge is designed for street railway purposes, the approval of the Ontario Railway and Municipal Board of the plans prepared for said bridge and approaches and works shall be procured.

(2) That if upon the completion of the said bridge, approaches and works, the cost thereof shall be less than the sum of Two hundred and fifty thousand dollars, then the City shall pay to the Village such sum as bears the same proportion to the said cost that Forty thousand dollars bears to two hundred and fifty thousand dollars.

(3) That payment by the City to the Village of the said sum of Forty thousand dollars or of such reduced sum, shall be made upon the completion of the said bridge, approaches and works.

(4) That lands owned by the City wherever situate shall not be liable or charged by the said Village, Township or County with any assessment or taxation, direct or indirect, in respect to the cost of the said bridge,

approaches and works, or any part thereof, and the City shall not be liable to pay any part of the cost of the said bridge, approaches or works, or any part thereof, except as hereinbefore stated.

(5) That the necessary legislation be obtained from the Legislature of the Province of Ontario, at its next session, authorizing the City to make such contribution to the cost of the said bridge, approaches and works, and ratifying and confirming this agreement, and all parties hereto will endeavour to secure the passing of such legislation.

(6) That the City will dedicate to the Village the necessary land to extend Burton Road westerly to Bathurst Street and the Township will convey or procure to be conveyed to the City free of all encumbrance the land comprised in that part of the highway known as Strathearn Boulevard which lies between the south boundary of the proposed extension of Burton Road and a line drawn across said Strathearn Boulevard from the point of intersection of the easterly boundary of the City property and the north side of Strathearn Boulevard to a point in the southerly limit of Strathearn Boulevard distant eighteen feet measured westerly thereon from the intersection with the southerly production of the easterly boundary of the City's land.

In witness whereof the parties hereto have hereunto affixed their Corporate Seals by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED:

In the presence of

*(Seal of the Village of Forest Hill.)*

A. H. KEITH RUSSELL, *Reeve.*

T. W. ARCHER, *Clerk.*

ERNEST G. WESTBURY, *Reeve.*

*(Seal of the Township of York.)*

W. A. CLARKE, *Clerk.*

J. RAY PRICE, *Warden, York County.*

*(Seal of the County of York.)*

R. W. PHILLIPS, *Clerk.*

SAMUEL MCBRIDE, *Mayor.*

*(Seal of the City of Toronto.)*

HENRY REBURN, *Deputy Treasurer.*



## SCHEDULE "B."

This Agreement made in duplicate this 30th day of January, A.D. One thousand nine hundred and twenty-nine.

BETWEEN:

THE TORONTO ELECTRIC COMMISSIONERS, hereinafter  
called the "Toronto Hydro,"  
—and— of the first part;

THE CORPORATION OF THE TOWN OF LEASIDE, hereinafter  
called the "Corporation,"  
of the second part.

Whereas the Toronto Hydro is controlling and managing the distribution of electrical power in the City of Toronto under the *Act respecting the City of Toronto*, 1 Geo. V, Cap. 119, Section 16, and *The Public Utilities Act*, R.S.O. 1927, Cap. 249, and amendments thereto, and in connection therewith is operating the distribution system in the City of Toronto;

And whereas the Corporation desires the Toronto Hydro to construct and operate a distribution system in the Town of Leaside for the supply of electrical power to the Corporation and to the inhabitants of the Town, and the Toronto Hydro is willing to construct and operate the said system upon the terms and conditions herein contained subject to the said Acts and to *The Power Commission Act*, R.S.O. 1927, Cap. 57, and amendments thereto;

Now therefore this agreement witnesseth that subject to the said Acts and for the consideration herein contained the parties hereto covenant, promise and agree as follows:

1. The Corporation hereby grants to the Toronto Hydro the right from time to time as the Toronto Hydro may deem necessary to erect, construct, instal, renew, maintain and operate in, across, upon, along or under the streets, highways and public places in the Town of Leaside all poles, pipes, wires and apparatus necessary in the opinion of the Toronto Hydro to supply electrical power to the Corporation and to any of the inhabitants of the said Town, which poles, pipes, wires and apparatus are hereinafter called the "distribution system."

2. Before the Toronto Hydro opens up any highway or portion of highway for the construction therein or thereon of any part of the said Distribution System or any extension thereto (other than for maintenance or operation) the Toronto Hydro shall first apply to the Corporation for location on the highway which the Toronto Hydro proposes to occupy; the Corporation shall within ten days from such application designate the location upon the highway which may be occupied by the Toronto Hydro with its proposed works. If the Corporation fail to designate as aforesaid within said ten days the Toronto Hydro may proceed with its work.

3. After works of the Toronto Hydro have been located in, upon or under any of the said highways as aforesaid then whenever either the Toronto Hydro or the Corporation desires to carry out any construction work, or maintenance or repair or otherwise which may in any way affect on the one hand the "Distribution System" or on the other hand the municipal works or services of the Corporation, it shall, except in cases of emergency, give the other party reasonable notice thereof and shall bear the full cost of repairing or replacing any part of the undertaking of such other party injured or destroyed by the carrying-out of such work.

4. The Toronto Hydro agrees to construct, operate, repair, renew, insure and maintain in good condition the distribution system, provided

that the Toronto Hydro shall not be compelled to construct any part of the distribution system unless in its opinion the revenue to be derived from charges to consumers served by such part will be sufficient to justify the expense of construction of such part, provided also that the Toronto Hydro may discontinue operation of any part of the distribution system where the conditions and revenue derived from such part does not in the opinion of the Toronto Hydro justify a continuance of the operation of such part, the intent of these provisos being that the Toronto Hydro will not be required to operate any part of the distribution system at a loss.

5. The Toronto Hydro agrees to pay for the operation, repair, renewal, insurance and maintenance of the distribution system.

6. The Toronto Hydro agrees to insure against all claims for damages arising from or incidental to the erection, installation, operation, and maintenance of the distribution system or any part thereof.

7. The Toronto Hydro shall be entitled to collect and retain for its own use all revenues received from the sale or distribution of electrical power in the Town of Leaside.

8. The rates to be charged by the Toronto Hydro for electrical power furnished to the Corporation and to consumers in the Town shall be rates approved by The Hydro-Electric Power Commission of Ontario and the said rates shall be adjusted annually; the form of rate structure shall be similar to that for a similar service in the City of Toronto.

9. The Toronto Hydro shall keep such books and records relating to the distribution system as shall be required by The Hydro-Electric Power Commission of Ontario.

10. The Toronto Hydro shall be at liberty to collect and adjust the accounts of consumers in the said Town as it may deem necessary, and also to discontinue service to any consumer if said consumer fails to carry out his contract for electrical service; if the Toronto Hydro is unable to collect any such account, the Corporation upon notice in writing to its Clerk shall to the extent and as prescribed in *The Public Utilities Act* collect such account in the same manner as Municipal Taxes on land.

11. The Toronto Hydro and the Corporation will co-operate and assist each other in every reasonable way to secure a first-class light and power service to the users of electrical power or energy in the Town of Leaside upon the same conditions (except as to rates) as prevail in the supply of electrical power in the City of Toronto and to secure and retain customers for the distribution system.

12. The distribution system shall be the property of the Toronto Hydro, but no part of same, and no property of the Toronto Hydro used in serving customers in Leaside shall be subject to taxation by the Corporation. This agreement shall not affect the rights of the parties hereto in respect to property used for other purposes.

13. Notwithstanding any provision in any Statute to the contrary the Toronto Hydro shall not be required to bear any part of the expense of changing, altering or removing any of the poles, pipes, wires or apparatus of the distribution system on account of the works of the Corporation or any private person, and the Corporation hereby indemnifies and saves harmless the Toronto Hydro from all such expense.

14. The Toronto Hydro will furnish street lighting in the said Town as required by the Corporation and the Corporation shall pay the Toronto Hydro for the said street lighting, all subject to the approval of The Hydro-Electric Power Commission of Ontario.

15. This agreement shall continue in force and be binding upon the parties hereto for a period of thirty (30) years from the date thereof and thereafter from year to year for one (1) year periods until terminated by either the Toronto Hydro or the Corporation by notice in writing given at least ninety (90) days before the expiration of any such period.

16. While this agreement continues in force the Corporation will not allow any other person or corporation except the Toronto Hydro or The Hydro-Electric Power Commission of Ontario to supply or distribute electric power or energy in the Town of Leaside and will not grant to any such person or corporation any right to use any of the streets, highways or public places in the Town for any purpose connected with the supply of electrical power.

17. In this agreement the word "power" shall mean "electrical power" and unless the context or circumstances otherwise require shall mean and include "energy."

18. Upon the expiration of this agreement, if the Toronto Hydro shall not have collected sufficient revenue to fully reimburse it for the cost of all poles, pipes, wires and apparatus which it may have constructed either within or without the limits of the Town of Leaside for the purpose solely of this agreement as determined by The Hydro-Electric Power Commission of Ontario, then the Corporation will pay to the Toronto Hydro forthwith the balance necessary to reimburse the Toronto Hydro for the full amount of such cost; due allowance to the Corporation to be made for the proportion of said cost which shall be properly chargeable to consumers within the City of Toronto and full allowance to the Corporation also being made for salvage value. When all monies owing as aforesaid have been paid to the Toronto Hydro, the Toronto Hydro shall convey and release to the Corporation all property in the Distribution System and all right, title and interest of the Toronto Hydro in the said System, except property located outside the limits of the Town of Leaside.

19. This agreement shall take effect only when validated by legislation of the Legislature of the Province of Ontario.

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

21. This agreement and the works to be constructed thereunder shall be subject to the approval of The Hydro-Electric Power Commission of Ontario.

In witness whereof the parties hereto have caused this agreement to be executed under their corporate seals attested by the hands of their proper officers duly authorized thereto.

SIGNED, SEALED AND DELIVERED

in the presence of:

TORONTO ELECTRIC COMMISSIONERS,

(Signed) GEO. WRIGHT,  
*Chairman.*

[SEAL]  
H. J. MAC TAVISH,  
*Secretary.*

Approved October 30th, 1929.  
THE HYDRO-ELECTRIC POWER  
COMMISSION OF ONTARIO,

THE CORPORATION OF THE TOWN OF  
LEASIDE,

(Signed) H. HORSFALL, *Mayor.*

(Signed) W. W. POPE, [SEAL]  
*Secretary.*

[SEAL]  
A. T. LAWSON,  
*Clerk-Treasurer.*

## SCHEDULE "C."

This indenture made in duplicate the Twenty-fourth day of September One thousand nine hundred and twenty-nine.

BETWEEN:

THE GOVERNORS OF THE UNIVERSITY OF TORONTO,  
hereinafter called the "Board,"

of the first part;

—and—

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

of the second part.

Whereas by an agreement dated the Second day of March, A.D. 1889, between Her Majesty the Queen, represented for the purposes of the agreement by John Edward Berkeley Smith, the Bursar of the University and Colleges at Toronto (in his official character as such) of the First Part, and the Corporation of the City of Toronto, of the Second Part, which agreement was confirmed by Statute passed by the Legislature of Ontario in the same year, certain streets and avenues therein named, including the Avenue from Queen Street (now known and hereinafter referred to as University Avenue) were dedicated by Her Majesty to the public, on the terms and conditions therein set forth.

And whereas certain doubts and questions have arisen as to the location of the westerly limit of University Avenue as so dedicated, and this agreement is entered into for the purpose of definitely establishing such westerly limit.

Now therefore this indenture witnesseth that the parties hereto, for and in consideration of the matters herein set forth as well as other valuable consideration, agree, confirm and declare that the westerly limit of University Avenue, described in the said agreement dated the Second day of March, A.D., 1889, as the Avenue from Queen Street, and dedicated to the public by Her Majesty, by the said agreement is and has been since the date of the said agreement as may be particularly described as follows:—

Premising that the "Monument line" referred to herein is a straight line drawn northerly from the site of the stone monument that formerly marked the northwesterly angle of Queen Street and University Avenue, to the stone monument now marking the southwesterly angle of College Street and University Avenue; then commencing at the southerly end of the "Monument line" being at the northwesterly angle of Queen Street and University Avenue; then northerly along the said "Monument line" to the southerly limit of lot number Four, according to a plan filed in the Registry office for the Registry Division of Toronto as Number D-211; thence easterly, parallel to the northerly limit of Queen Street, two feet one and one-half inches; thence northerly, parallel to the "Monument line" to the southerly limit of Elm Street, according to instrument Number 13707 B; thence westerly, parallel to the northerly limit of Queen Street two feet one and one-half inches to the "Monument line"; thence northerly, along the said "Monument line" to the southwesterly angle of College Street and University Avenue.

And this indenture further witnesseth that notwithstanding this agreement, the owners of property adjacent to the said above described westerly limit of University Avenue shall not acquire any right of ingress or egress to or from the said University Avenue from and to their said adjacent properties other than such adjacent property owners may have possessed before this agreement was made.

In witness whereof the said parties have hereunto set their hands and seals as follows, that is to say, the Governors of the University of Toronto

by the hands of its Chairman and Bursar and the Corporate seal of the said Board, and the said Corporation of the City of Toronto has affixed its Corporate Seal and the hands of the Mayor and Treasurer thereof, the day and year first above written.

THE GOVERNORS OF THE UNIVERSITY OF TORONTO.  
 SIGNED, SEALED AND DELIVERED "H. J. CODY," [SEAL]  
 in the presence of *Chairman*  
 "MADELINE BURNS" "F. A. MOURE,"  
*Bursar*  
 "SAMUEL MCBRIDE" [SEAL]  
*Mayor*  
 "GEORGE WILSON,"  
*Treasurer.*





BILL.

An Act respecting the City of Toronto.

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*1st Reading*

February 18th, 1930

*2nd Reading*

March 26th, 1930

*3rd Reading*

March 28th, 1930

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MR. NESBITT

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act to incorporate the Canada Conference Evangelical  
Church**

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MR. BAIRD

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(PRIVATE BILL)

No. 11.

1930.

# BILL

## An Act to incorporate the Canada Conference Evangelical Church.

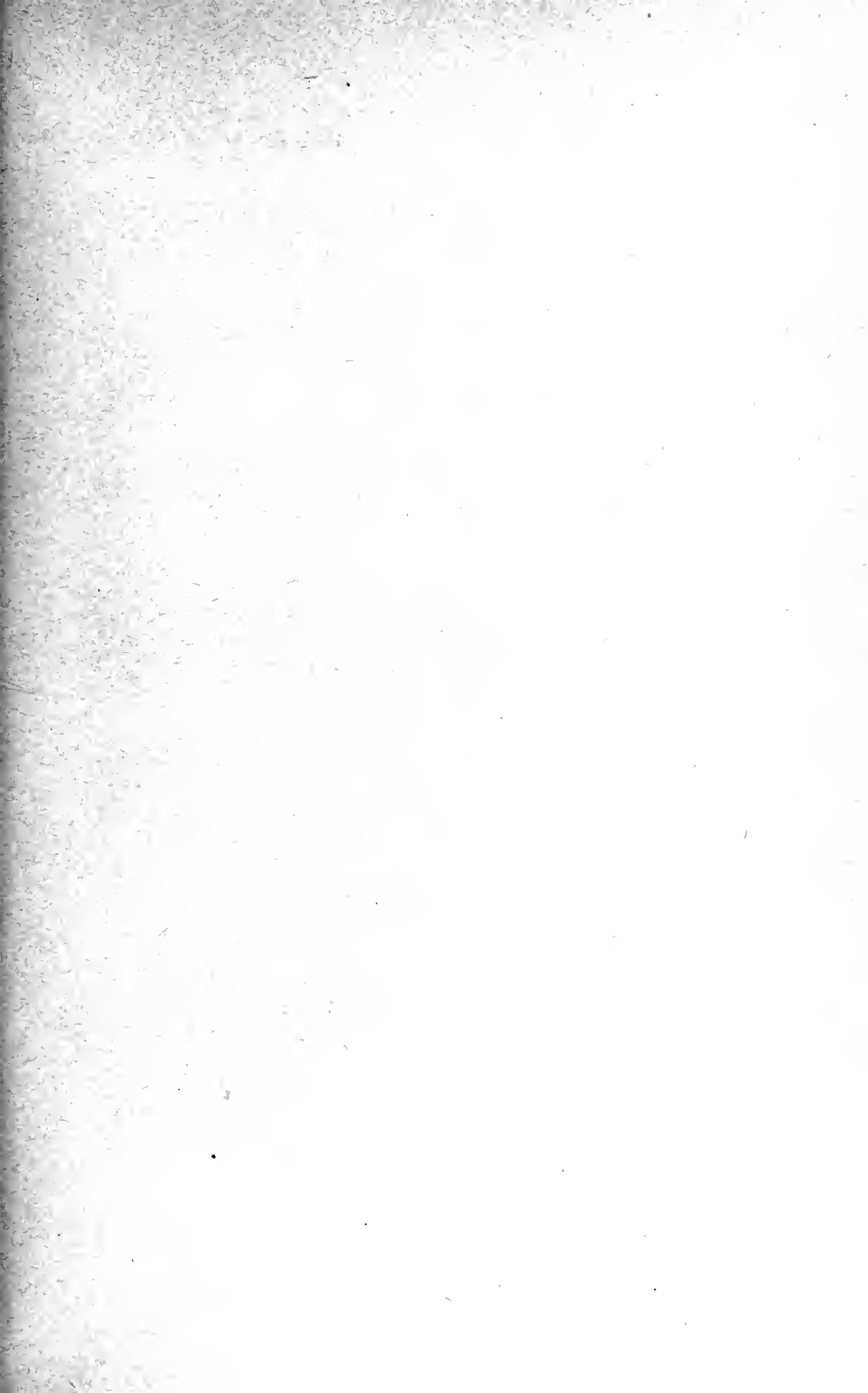
**Preamble.** **W**HEREAS the Canada Conference Evangelical Church has been carrying on church work in the Province of Ontario from the year 1837 until the year 1922 under the name of "Canada Conference Evangelical Association" and since the year 1922 under the name of "Canada Conference Evangelical Church" in accordance with the doctrines and discipline of the said church and is now carrying on church work in this Province; and whereas the Canada Conference Evangelical Church desires to form a corporation under the name of "Canada Conference Evangelical Church" for the purpose of administering in Ontario the property, business and other temporal affairs of the said Canada Conference Evangelical Church and has prayed that an Act be passed to enact 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:—

**Incorporation.**

**1.** Samuel P. Spreng, of the city of Naperville, in the State of Illinois, and Samuel R. Knechtel, of the village of Saint Jacobs, in the county of Waterloo, and William O. Hayne, of the town of Pembroke, in the county of Renfrew, the president, treasurer and secretary respectively of the Canada Conference Evangelical Church by virtue of their respective offices above mentioned and their successors in the said office, together with all the qualified voters from time to time of the said Canada Conference Evangelical Church are hereby incorporated under the name of "Canada Conference Evangelical Church" hereinafter called "the Corporation" for the purpose of administering in this Province the property,

**Corporate seal.**



business and other temporal affairs of the said Canada Conference Evangelical Church and for the other purposes hereinafter set forth.

Head office.

**2.** The head office of the Corporation shall be in the city of Kitchener in the Province of Ontario or in such other place in Ontario as may from time to time be designated by by-law of the Corporation.

Objects of corporation.

**3.** The objects of the Corporation shall be the maintenance and carrying on of charities or missions, erection, maintenance and conduct of churches, cemeteries, schools, colleges, orphanages and hospitals, printing and publishing establishments and a home or homes for any person or persons in the Province of Ontario, the advancement in other ways of education, religion, charity and benevolence and to administer the property, business and other temporal affairs of the said Canada Conference Evangelical Church.

Provisional directors.

**4.** The said Samuel P. Spreng, Samuel R. Knechtel, and William O. Hayne by virtue of their said offices of president; treasurer and secretary respectively of the Canada Conference Evangelical Church or their successors in office shall be the provisional directors of the Corporation and until the Corporation in general meeting otherwise provides, shall exercise all the powers and functions of the Corporation.

Directors.

**5.** The directors of the Corporation shall consist of a president, a treasurer and a secretary, together with not less than two and not more than eighteen to be elected from amongst the members of the Corporation.

By-laws.

**6.** The Corporation may, from time to time, make by-laws not contrary to law or inconsistent with this Act, for,—

- (a) the appointment of a board of directors for the administration, management and control of the property, business and other temporal affairs of the Corporation;
- (b) the appointment, functions, duties and remuneration of all officers, agents and servants of the Corporation;
- (c) the appointment of committees and defining their duties;
- (d) the calling of meetings, regular or special, of the Corporation or of committees;



- (e) the fixing of the necessary quorum and procedure in all things at such meetings;
- (f) generally, the carrying out of the objects and purposes of the Corporation.

Power to acquire and hold property.

**7.**—(1) The Corporation shall have power to acquire by purchase, lease, gift, devise or bequest any real or personal property or any estate or interest therein, either absolutely or in trust, and to sell, transfer, exchange, mortgage, hypothecate, lease or otherwise dispose of the same or any part thereof, and to give, grant, convey, lease or otherwise alienate any property, real or personal, to any other church or religious body or organization, or to any board, committee, trustees or governing body thereof as it may deem expedient in pursuance of any agreement or understanding with such church or religious body or organization for the purpose of co-operation in the prosecution of religious work. Provided always that no land at any time acquired by the Corporation, and not required for its actual use and occupation, or by way of security for the payment of any loan, debt or guarantee, shall be held by it, or by any trustee on its behalf, for a longer period than ten years after it shall have ceased to be so required, but this proviso shall not be deemed in anywise to vary or otherwise affect any trust relating to such property.

Statutes of Mortmain.

(2) The power conferred upon the Corporation by this Act to acquire by gift, devise or bequest any real or personal property shall not be limited or affected by any Statute or Statutes of Mortmain in force in this province.

Issues of debentures.

**8.** The Corporation may issue debentures in such denominations and upon such terms as it may deem expedient, under the hand or hands of such officer or officers as may be thereto authorized and the seal of the Corporation, for any money borrowed under the authority of this Act, and the payment of such debentures and the interest thereon may be secured by mortgage in favour of a trustee or trustees for the holders of such debentures upon any real estate in this Province under the control of the Corporation or of such board or committee thereof or of the trustees of such congregation.

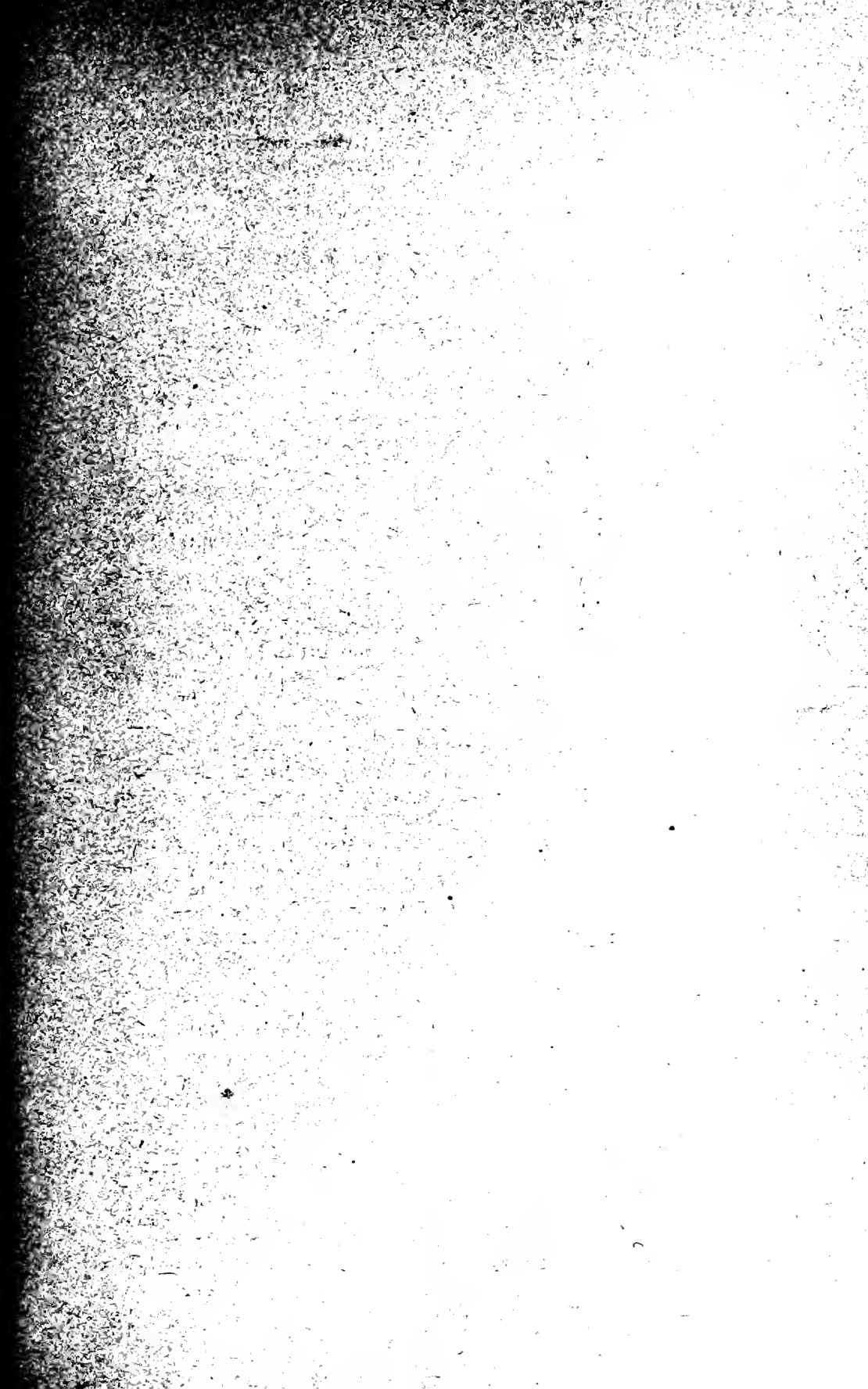
Investment of funds.

**9.** The Corporation may also invest and reinvest any of its funds and money upon any securities authorized by *The Trustee Act* with liberty to vary and transpose the same from time to time.

Rev. Stat. c. 150.

Gifts, loans, etc.

**10.** The Corporation may make a gift of or loan any of its property whether real or personal for or to assist in the



erection or maintenance of any building or buildings deemed necessary for any church, college, parsonage, school or hospital or for any other religious, charitable, educational, congregational or social purpose upon such terms and upon such conditions as it may deem expedient.

Borrowing powers.

**11.**—(1) The Corporation may, from time to time, for the purposes of the Corporation,—

- (a) borrow money upon the credit of the Corporation;
- (b) make, draw, accept, endorse or become party to promissory notes and bills of exchange; but it shall not be necessary to have the seal of the Corporation affixed to any such note or bill;
- (c) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note or bill payable to bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance.

General property vested in Evangelical Church.

**12.** All property, real and personal, within this Province belonging to or held in trust for or to the use of the Canada Conference Evangelical Church, or belonging to or held in trust for or to the use of any corporation, board, committee or other body, whether incorporated or unincorporated, created by or under the government or control of, or in connection with said church shall upon the coming into force of this Act be vested in the Corporation, to be held, used and administered by the Corporation or disposed of as may be provided by any by-law, rule or regulation made from time to time by the Corporation.

Property of congregations.

**13.** All property, real and personal, within this Province, belonging to or held by or in trust for or to the use of any congregation of the Canada Conference Evangelical Church, shall from and after the coming into force of this Act be held, used and administered for the benefit of the same congregation as a part of the Corporation in the manner and upon the trusts and subject to the terms and provisions set forth in schedule "A" to this Act and all property, real and personal, within this Province, thereafter acquired for or belonging to or held by or in trust for or to the use of any congregation of the Corporation shall be held, used and administered for





the benefit of the said congregation as a part of the Corporation upon the said trusts and subject to the said terms and provisions. Provided that any property, real or personal, held at the time of the coming into force of this Act or thereafter acquired by devise, bequest, transfer or gift, in trust for any special use of any congregation, shall be held, used and administered in accordance with the special trusts so declared in respect thereof, not being contrary to law or to any by-law, rule or regulation of the Corporation, and that in the event of failure or partial failure of any of the said trusts, the said property, in the absence of any express provision for such event, may be held, used, administered or disposed of as may be provided by any by-law, rule or regulation made from time to time by the Corporation.

Short form  
of trust  
deed.

**14.** In any deed, conveyance or transfer to trustees upon the trusts set forth in schedule "A" the form of words contained in Column 1 of said schedule "A" and distinguished by any number therein, shall have the same effect as if it contained the form of words in column 2 of said schedule "A," distinguished by the same number as is annexed to the form of words used in such deed, conveyance or transfer, but it shall not be necessary in any such deed, conveyance or transfer to insert any such number.

New Cer-  
tificates of  
title in  
name of  
trustees.

**15.—(a)** When any Master of Titles or Local Master of Titles in this Province is satisfied by any evidence he may require that any real property standing in the name of any individual or individuals, whether such persons or any of them be deceased or not, actually belongs to or is held in trust for or to the use of any congregation upon the trusts mentioned in section 12 of this Act, he may cancel the entry in the register of such individual or individuals as owners and may enter the names of the then trustees of such congregation as owners to hold the same in accordance with the provisions of the said section. A certificate of the secretary or the treasurer of the congregation within the bounds of which such property is situate, together with an affidavit of the minister in charge of such congregation to the effect that such property belongs to or is held in trust for or to the use of such congregation, shall be accepted by such Master of Titles or Local Master of Titles as *prima facie* evidence. No proof shall be required of the handwriting or official position of any person certifying pursuant to the provisions of this section.

(b) All deeds, transfers, mortgages, leases or other assurances of any land in this Province heretofore or hereafter executed and purporting to be signed by the trustees of any congregation in section 12 mentioned, or a majority of them,



shall be in all courts in this Province, and in all registry offices and in all land titles offices of this Province, deemed sufficiently executed to pass or grant or mortgage or lease (as the case may be) the estate or interest thereby purported to be passed, granted, mortgaged or leased; Provided that the minister in charge of such congregation shall by affidavit certify that the persons executing such instruments were at the date thereof all of the trustees for said congregation or a majority of them, and in the absence or want of appointment or inability to act of any minister, such certificate may with like effect be granted by the presiding officer, secretary or treasurer of the congregation within the bounds of which the said lands are situate. The signature of the said minister or presiding officer or secretary or treasurer shall be duly witnessed and verified by affidavit in the same manner as required by *The Registry Act* or *The Land Titles Act* as the case may be.

Rev. Stat.  
cc. 155, 158.

(c) In registering any instrument under *The Registry Act* which sets out or refers to the trusts contained in schedule "A" to this Act, it shall not be necessary to register the said trusts in full but the registrar shall enter a note or memorandum upon the record of title of each lot or parcel of land affected thereby, giving the title and chapter of the Act of Incorporation and the date of the passing thereof and stating that such land is subject to the trusts thereby created.

(d) If the lands affected by the said trusts are registered under *The Land Titles Act*, it shall not be necessary to set out the said trusts in any transfer or in the register of said lands, provided, however, that the Master of Titles or Local Master of Titles shall, upon receiving notice from the presiding officer, secretary or treasurer of the congregation within the bounds of which the said lands may be situate that such lands are affected by this Act, enter a note or memorandum upon such register giving the title and chapter of this Act and the date of the passing thereof upon the record of title of each lot and parcel of land affected thereby and stating that such lands are subject to the said trusts.

Effect of  
general  
legislation  
as to  
religious  
societies.

**16.** The provisions of any general Act respecting the property of religious societies, congregations, or institutions in force in this Province, shall, when not inconsistent with the provisions of this Act, be construed as supplementary thereto.

Solemniza-  
tion of  
marriage.

**17.** Every duly ordained or appointed minister or clergyman of the Corporation, and every minister or clergyman, whether in charge of a congregation or not, including every such person who has been superannuated by or placed on the superannuation or supernumerary list of, or is a retired



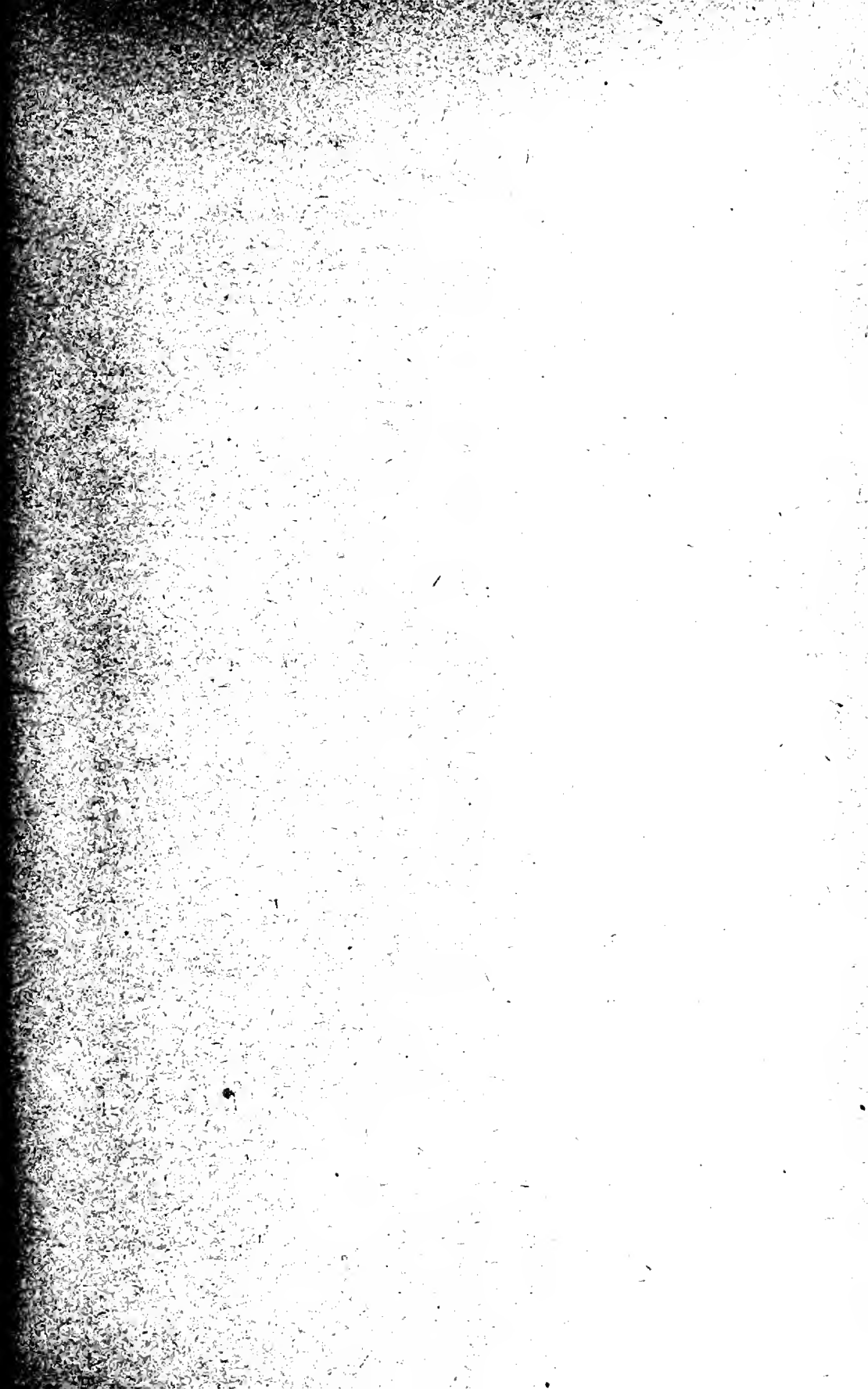
minister or clergyman in good standing of, the Canada Conference Evangelical Church, duly ordained or appointed according to the rites and ceremonies of said church or by the rules thereof deemed and recognized as duly ordained or appointed by virtue of any prior ordination shall have the right to solemnize marriage in this Province.

Execution  
of deeds.

**18.** Any deed or other instrument relating to the real estate vested in the Corporation or to any interest in such real estate shall, for all purposes be deemed to be duly executed if there are affixed thereto the seal of the Corporation and the signature of any officer of the Corporation duly authorized for such purposes or his lawful attorney.

Commence-  
ment of Act.

**19.** This Act shall come into force on the day upon which it receives the Royal assent.



## SCHEDULE "A"

## TRUSTS OF MODEL DEED.

AND it is hereby declared that the said Trustees and their successors or the Trustee or Trustees for the time being acting in the trusts herein shall hold the said lands upon the following trusts:—

## COLUMN ONE.

1. Upon trust to use the trust property for purposes directed by congregation and maintenance of public worship.

2. To erect and repair buildings.

3. To obey all lawful orders and directions.

4. To permit use of the trust property for church, parsonage and Sunday-school purposes.

## COLUMN TWO

1. For the use and benefit of the said church, charge, mission, circuit, station or congregation, as the case may be (hereinafter called the congregation), as a part of the Canada Conference Evangelical Church, as well for the site of a church, chapel, meeting house, school, mission, parsonage or minister's dwelling or other place for religious, charitable, educational, congregational or social purposes, or burial ground, as the said congregation may direct, as for the support and maintenance of public worship, and the propagation of Christian knowledge, according to the doctrine, discipline, by-laws, rules and regulations of the Canada Conference Evangelical Church.

2. And upon further trust, out of all moneys received by them for that purpose, to build, erect, add to, alter, repair, enlarge or rebuild any of the buildings aforesaid from time to time as they may deem expedient, and where they deem it necessary, to take down and remove any of said buildings for any of the purposes aforesaid.

3. And upon further trust, that they shall and will obey, perform and fulfil and suffer to be obeyed, performed and fulfilled with respect to the said lands, and to any building or buildings at any time thereon, or to any burial ground, the lawful orders and directions respectively of the Official Board of the said congregation and of the Conference respectively.

4. And upon further trust, to permit, in conformity with the doctrines, discipline, by-laws, rules and regulations of the Canada Conference Evangelical Church and not otherwise, the following:—

(a) The use of the said church, chapel or meeting-house, as a place of religious worship by a congregation of the Canada Conference Evangelical Church and for meetings or services of religious or spiritual character or such benevolent or congregational purposes as may be approved by the Quarterly Conference of the charge wherein such church, chapel or meeting house shall be located and the conduct of public worship and the various services and ordinances of religious worship therein by the minister of the said congregation or, with the approval of the said Quarterly Conference or of the said minister, by any other minister of the Canada Conference Evangelical Church or by any minister of any other religious denomination.





(b) The performance of burial services in any burial ground or cemetery belonging to or under the control of the congregation;

(c) The use of the parsonage or minister's dwelling or dwellings with the appurtenances thereof by the minister or ministers of the congregation free from payment of any rent;

(d) The use of any church, chapel, meeting house, school or other building for the purposes of a Sunday school at such hours and times as will not interfere with public worship, and

(e) The use of any buildings erected upon the said lands, other than a church, chapel or meeting-house, for such purposes as may from time to time be approved by the said Quarterly Conference.

5. To let and sell pews and burial plots and to let parsonages.

5. And upon further trust, to let any pews and seats at a reasonable rent, if so authorized by the Official Board of the congregation, with power to delegate any such letting to any person or persons whom they may appoint for that purpose; to let any buildings, not required for purposes of worship, at a reasonable rent; and if there shall be a burial ground or cemetery, to sell or let vaults, tombs or burial plots at a reasonable price or rent; and to account for and pay all moneys received in respect of any such letting or sale, less any expense incurred in the execution of these trusts, to the Treasurer of the congregation, or should there be no Treasurer, then to the Committee of Stewards of the congregation, or such person as shall be designated by the said Committee for the purpose of receiving the same. In case the Trustees are of opinion that any parsonage or minister's dwelling is not required for the use of the minister or ministers of the congregation, or is not desirable for the use of such minister or ministers, they may, with the consent in writing of said minister or ministers, let the same and use and apply the rent derived therefrom towards paying the board and lodging of such minister or ministers or the rent for a more suitable and convenient residence for such minister or ministers.

6. The trustees shall have power to sell, mortgage, exchange, or lease the trust property with the consent of the congregation.

6. The Trustees or a majority of them may, but only with the consent in writing of the congregation within the bounds of which the lands are situate (such consent to be under the hand of the presiding officer or secretary or treasurer thereof), sell the said lands or any part thereof either by public sale or private contract and either for cash or upon credit and upon such terms as to price and for such price and upon such terms as to payment or otherwise as they may deem expedient; mortgage, hypothecate or exchange the said lands or any part thereof; let any church, chapel or meeting-house upon the same for such rent and upon such terms as they may deem expedient; and make all such conveyances, mortgages, leases and assurances as may be required to complete any such sale, mortgage, hypothecation, exchange or lease. The said Trustees after first paying or otherwise providing for all indebtedness of the Trustees shall apply the moneys arising from such sale, mortgage, hypothecation, lease or exchange for the purposes of such congregation as the Official Board thereof shall direct, but should such congregation cease to exist as an organized body, such proceeds, less any



expense incurred in the execution of these trusts, shall be paid to the Canada Conference Evangelical Church to be applied for such purposes for the benefit of the Canada Conference Evangelical Church as the Conference may determine under the by-laws, rules and regulations of the Conference. Every application by Trustees for the consent of a congregation as aforesaid shall be in writing and shall state the purpose for which the moneys arising from such intended sale, mortgage, hypothecation, lease or exchange, will be applied. Any decision of a congregation with regard to the sale, mortgage, hypothecation, lease or exchange of the said lands or any part thereof shall be subject to appeal to the Conference at the instance of not fewer than any five members of the congregation affected thereby. In every case where the consent of such Conference has been obtained as aforesaid it shall not be incumbent upon the purchaser, mortgagee or lessee of the said lands or of any part thereof to enquire into the necessity, expediency or propriety of any such sale, mortgage, hypothecation, lease or exchange, or to see to the application of the moneys paid to the Trustees. A certificate of the secretary or treasurer of the Conference that any such consent has been given shall be sufficient and conclusive evidence of such consent.

7. The trustees shall keep proper accounts and minutes.

7. The said Trustees shall keep a proper book or books of account showing all moneys received and disbursed by them, and a book or books of minutes showing correctly all minutes of their meetings and of resolutions passed and proceedings taken thereat, and such book or books shall at all reasonable times be open for inspection by the minister in charge of the congregation and by the Chairman of the Official Board of the congregation, and any person or persons named by them or either of them, and the said minister or the said chairman and any person named by them or either of them as aforesaid shall have the right to make such copies or abstracts of or extracts from the said accounts or minutes, as he or they may desire, and upon request from the said Official Board the Trustees shall submit all books of accounts and minutes, and all vouchers, receipts, papers and documents relating to the said accounts, for audit by the said Official Board or such person or persons as the said Official Board may appoint for the purpose.

8. The trustees shall have seven days' notice of all special meetings and one day's notice of other meetings.

8. Every meeting of Trustees for considering the making of any alteration of or addition to any building on the said lands, or any part thereof, or for considering the sale, mortgage, hypothecation, lease or exchange of the said lands, or any part thereof, except the letting or sale of pews, seats, vaults, tombs or burial plots, or for considering any litigation or legal proceedings in connection with the trust estate, shall be deemed a special meeting, and each Trustee shall be entitled to seven days' notice in writing thereof, specifying the time, place and purpose of such meeting. Such notice shall be either personally delivered to each Trustee, or mailed to or delivered to him or her at his or her usual place of abode or business. Ordinary meetings may be called at any time by giving at least one day's notice in writing to each Trustee in the manner aforesaid, or by public announcement at a service for public worship at least one day prior to



such meeting. Meetings may be called by the minister in charge of the congregation, or by at least two of the Trustees. Notwithstanding anything herein contained no meeting or any business transacted thereat shall be invalid by reason of any lack or defect of service of notice arising from inability to ascertain the usual place of abode or business of any Trustee. All questions shall be determined by the majority vote of the Trustees present at a meeting, and the Chairman shall have a casting vote in the event of a tie. The minister of such congregation shall have the right to preside as Chairman at all meetings of the Trustees and may appoint a deputy to act in his place in his absence, and in the absence of the Minister and of any such deputy the Trustees present may elect a Chairman from among themselves.

9. The number of trustees shall not be fewer than three or more than fifteen, and vacancies shall be filled by election by the congregation, or in default of such election, by the Quarterly Conference and the property of a congregation which ceases to exist shall be subject to the trusts determined by the Conference.

9. The number of said Trustees shall not be fewer than three or more than fifteen. In case any of the said Trustees or any Trustee appointed under this provision shall during his or her term of office, die, resign or, having been, cease to be a member of the Canada Conference Evangelical Church in full communion, or remove to such a distance, or fail to attend meetings for such period not less than one year, as shall in the opinion of his or her co-trustees expressed by a two-thirds vote of said co-trustees, render it inexpedient for him or her to remain a Trustee, or in case the said congregation shall think proper to remove a Trustee from his or her office as Trustee, it shall be lawful for the said congregation; at any meeting called by notice from the pulpit during public worship on each of the two next preceding Sundays on which public worship is held, to declare by the votes of two-thirds of the members then present that such Trustee has ceased to be a Trustee of the said congregation and such person shall thereupon cease to be a Trustee, and at the same meeting it shall be lawful for the said congregation by a like vote to appoint a successor to such Trustee, provided, however, that no Trustee who is personally liable for payment of any indebtedness in respect of the property of a congregation shall be removed without his consent unless indemnified to his satisfaction in respect of any such liability and unless at least eight days' notice in writing of such meeting shall have been mailed to each of the Trustees at his or her last known address, which notice shall state the business to be transacted at such meeting. If no successor shall be appointed at such meeting a meeting may be called in like manner for the purpose of filling such vacancy, and at such meeting a new trustee or new Trustees (as the case may require) shall be appointed by the votes of the majority of the members then present. The notice calling a meeting for the purpose of declaring or filling a vacancy or vacancies in the office of Trustee shall be read from the pulpit by the minister or person officiating as minister, at the request of any Trustee, or of any seven members of the congregation, and every such meeting may be adjourned from time to time by the vote of the majority of the members present. During any vacancy in the office of Trustee, the remaining Trustees, not being fewer than three in number, shall have all the powers of the full Board. A majority of the Trustees shall form a quorum save when the number of Trustees exceeds nine, in which

1911  
1912  
1913  
1914

case five shall form a quorum. The Trustees shall be members of the Canada Conference Evangelical Church.

A minute of every such appointment of a Trustee shall be entered in a book to be kept for the purpose, and signed by the person presiding at the meeting, and such minute so signed shall be sufficient evidence of the fact that the person or persons therein named was or were appointed and elected at such meeting, but any omission or neglect to make or sign such minute shall not invalidate such appointment or election.

And it is hereby further declared that in case there shall be at any time fewer than three Trustees, the presiding officer or secretary of the Quarterly Conference, within whose bounds and under whose jurisdiction the said congregation shall be, shall, with the remaining Trustee or Trustees, be the Trustees under these presents until the full Board is duly appointed, and at any time thereafter the said Quarterly Conference may cause notice to be given from the pulpit on two consecutive Sundays requiring the said congregation to proceed with the appointment of new Trustees. And if the said congregation shall not in the meantime have appointed new Trustees in the manner hereinbefore provided, it shall be lawful for the said Quarterly Conference at any time after four weeks from the last giving of such notice, by resolution duly entered in the minutes of the said Quarterly Conference, to appoint new Trustees. Such appointment shall be communicated to the congregation by notice from the pulpit as soon as conveniently may be thereafter, and from the time of such communication the Trustee or Trustees so appointed shall be a Trustee or Trustees hereunder.

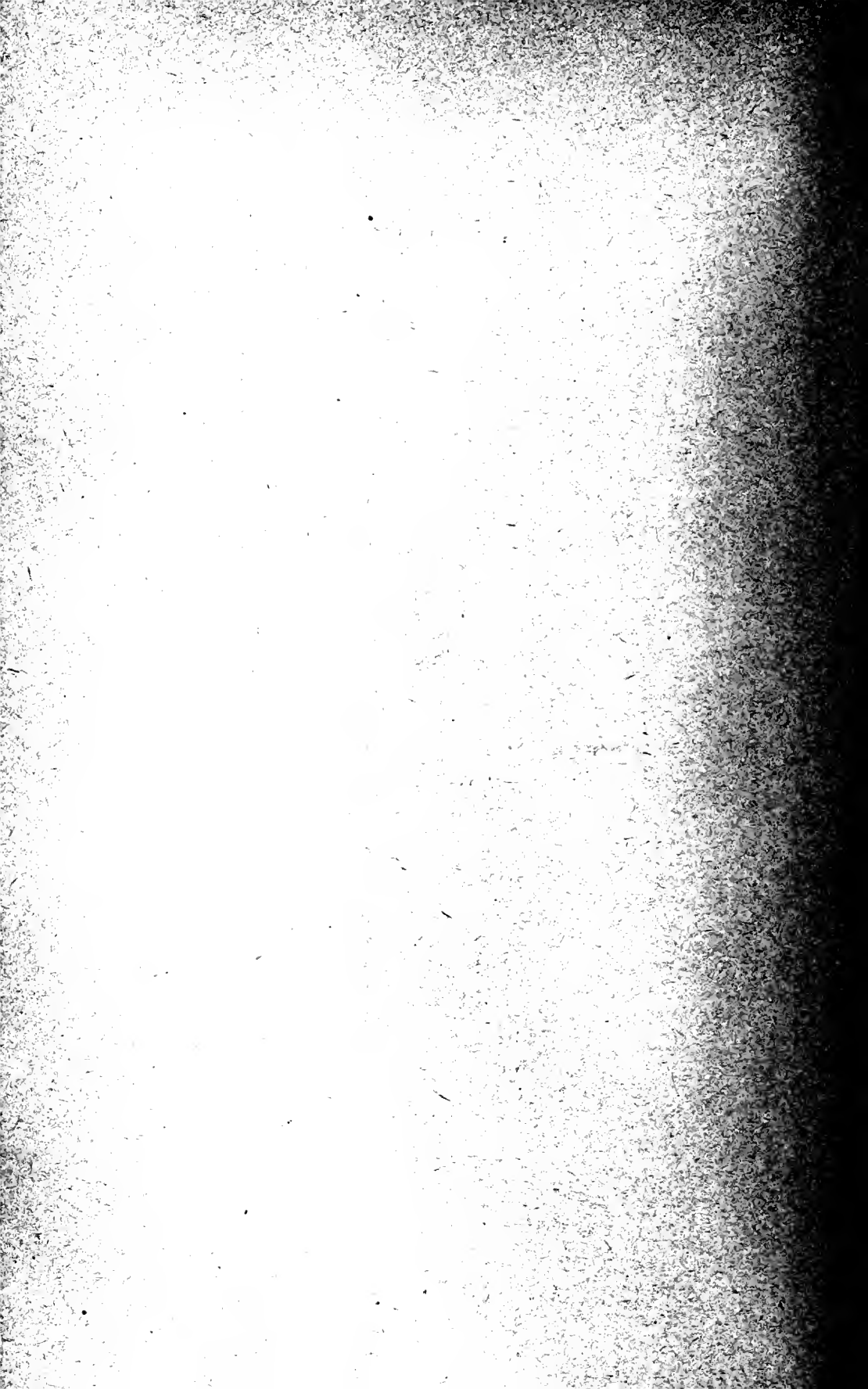
And it is further declared that if at any time there shall cease to be an organized congregation entitled to the use, benefit and enjoyment of the said lands, it shall be lawful at any time or times for the said Quarterly Conference to fill any vacancy in the number of Trustees, and the said lands shall thenceforth be held subject to such trusts and for such purposes for the benefit of the Canada Conference Evangelical Church as the Conference may determine under the by-laws, rules and regulations of the Conference.

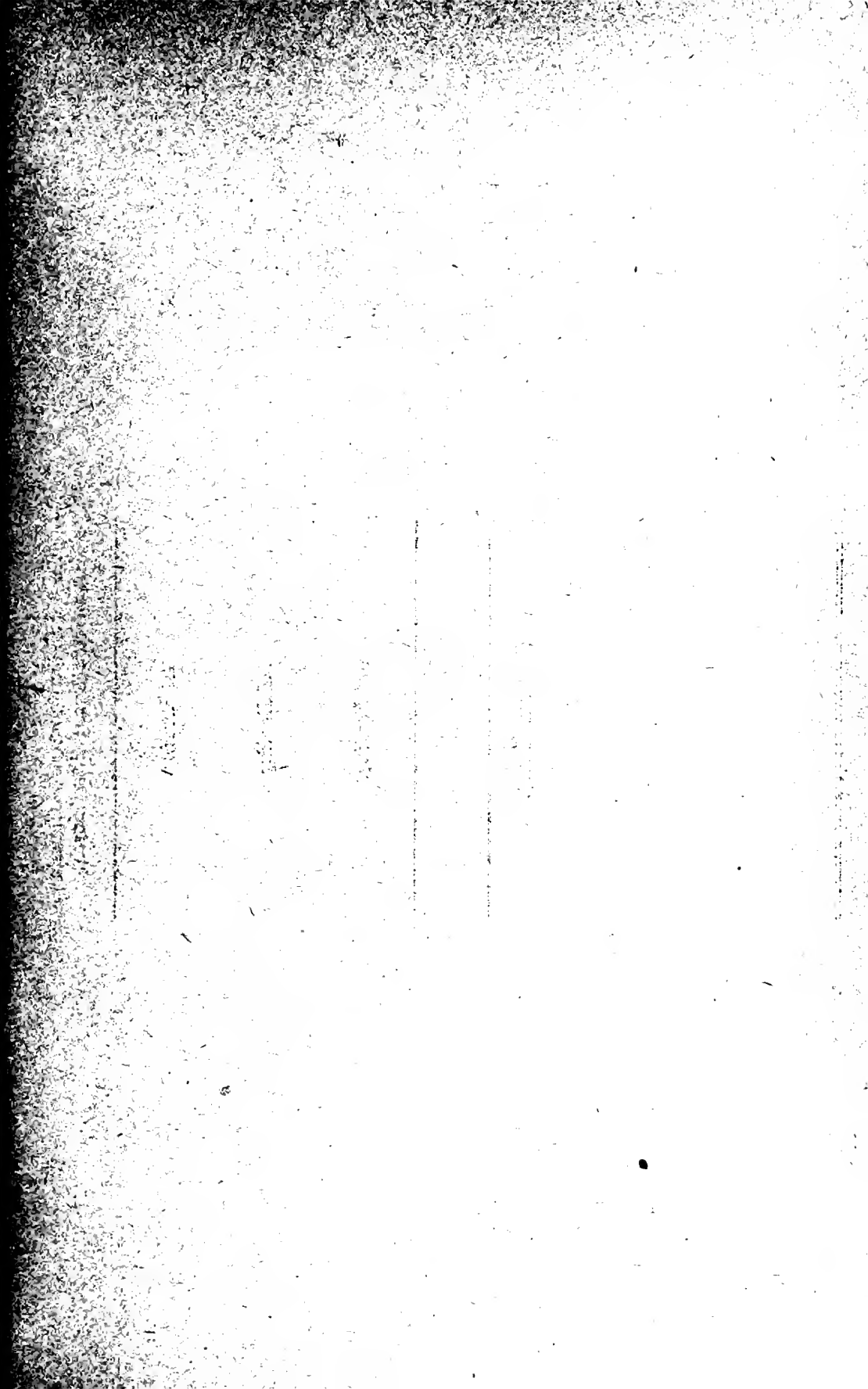
**10. Trustees shall not be liable for involuntary loss.**

10. A Trustee shall not be responsible for the failure of any investment or security made or taken by the Trustees or for anything done in connection with the trust estate except for his own acts and to account for any moneys coming into his own hands, and shall not be liable for injury done by others to the said trust premises, or to any part thereof.









BILL.

An Act to incorporate the Canada  
Conference Evangelical Church.

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*1st Reading.*

*2nd Reading.*

*3rd Reading.*

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MR. BAIRD

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(PRIVATE BILL).

1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act to incorporate the Canada Conference Evangelical  
Church**

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MR. BAIRD

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# BILL

## An Act to incorporate the Canada Conference Evangelical Church.

Preamble.

**W**HEREAS Samuel P. Spreng, of the city of Naperville, in the state of Illinois; Samuel R. Knechtel, of the village of St. Jacobs, in the county of Waterloo, and William O. Hayne, of the town of Pembroke, in the county of Renfrew, the president, treasurer and secretary, respectively, of The Canada Conference Evangelical Church have by their petition represented that The Canada Conference Evangelical Church has been carrying on church work in the Province of Ontario from the year 1837 until the year 1922 under the name of "Canada Conference Evangelical Association" and since the year 1922 under the name of "Canada Conference Evangelical Church" in accordance with the doctrines and discipline of the said church and is now carrying on church work in this province; and whereas the Canada Conference Evangelical Church desires to form a corporation under the name of "Canada Conference Evangelical Church" for the purpose of administering in Ontario the property, business and other temporal affairs of the said Canada Conference Evangelical Church and has prayed that an Act be passed to enact 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:—

Incorporation.

1. Samuel P. Spreng, of the city of Naperville, in the State of Illinois, and Samuel R. Knechtel, of the village of Saint Jacobs, in the county of Waterloo, and William O. Hayne, of the town of Pembroke, in the county of Renfrew, the president, treasurer and secretary respectively of the Canada Conference Evangelical Church by virtue of their respective offices above mentioned and their successors in the said office, together with all the qualified voters from time to time of the said Canada Conference Evangelical Church are hereby incorporated under the name of "Canada Conference Evangelical Church" hereinafter called "the Corporation" for the purpose of administering in this Province the property,

Corporate seal.

business and other temporal affairs of the said Canada Conference Evangelical Church and for the other purposes hereinafter set forth.

**2.** The head office of the Corporation shall be in the city of Kitchener in the Province of Ontario or in such other place in Ontario as may from time to time be designated by by-law of the Corporation. <sup>Head office.</sup>

**3.** The objects of the Corporation shall be the maintenance and carrying on of charities or missions, erection, maintenance and conduct of churches, cemeteries, schools, colleges, orphanages and hospitals, printing and publishing establishments and a home or homes for any person or persons in the Province of Ontario, the advancement in other ways of education, religion, charity and benevolence and to administer the property, business and other temporal affairs of the said Canada Conference Evangelical Church. <sup>Objects of corporation.</sup>

**4.** The said Samuel P. Spreng, Samuel R. Knechtel, and William O. Hayne by virtue of their said offices of president, treasurer and secretary respectively of the Canada Conference Evangelical Church or their successors in office shall be the provisional directors of the Corporation and until the Corporation in general meeting otherwise provides, shall exercise all the powers and functions of the Corporation. <sup>Provisional directors.</sup>

**5.** The directors of the Corporation shall consist of a president, a treasurer and a secretary, together with not less than two and not more than eighteen to be elected from amongst the members of the Corporation. <sup>Directors.</sup>

**6.** The Corporation may, from time to time, make by-laws not contrary to law or inconsistent with this Act, for,— <sup>By-laws.</sup>

- (a) the appointment of a board of directors for the administration, management and control of the property, business and other temporal affairs of the Corporation;
- (b) the appointment, functions, duties and remuneration of all officers, agents and servants of the Corporation;
- (c) the appointment of committees and defining their duties;
- (d) the calling of meetings, regular or special, of the Corporation or of committees;

(e) the fixing of the necessary quorum and procedure in all things at such meetings;

(f) generally, the carrying out of the objects and purposes of the Corporation.

Power to acquire and hold property.

**7.**—(1) The Corporation shall have power to acquire by purchase, lease, gift, devise or bequest any real or personal property or any estate or interest therein, either absolutely or in trust, and to sell, transfer, exchange, mortgage, hypothecate, lease or otherwise dispose of the same or any part thereof, and to give, grant, convey, lease or otherwise alienate any property, real or personal, to any other church or religious body or organization, or to any board, committee, trustees or governing body thereof as it may deem expedient in pursuance of any agreement or understanding with such church or religious body or organization for the purpose of co-operation in the prosecution of religious work. Provided always that no land at any time acquired by the Corporation, and not required for its actual use and occupation, or by way of security for the payment of any loan, debt or guarantee, shall be held by it, or by any trustee on its behalf, for a longer period than ten years after it shall have ceased to be so required, but this proviso shall not be deemed in anywise to vary or otherwise affect any trust relating to such property.

Statutes of Mortmain.

(2) The power conferred upon the Corporation by this Act to acquire by gift, devise or bequest any real or personal property shall not be limited or affected by any Statute or Statutes of Mortmain in force in this province.

Issues of debentures.

**8.** The Corporation may issue debentures in such denominations and upon such terms as it may deem expedient, under the hand or hands of such officer or officers as may be thereto authorized and the seal of the Corporation, for any money borrowed under the authority of this Act, and the payment of such debentures and the interest thereon may be secured by mortgage in favour of a trustee or trustees for the holders of such debentures upon any real estate in this Province under the control of the Corporation or of such board or committee thereof or of the trustees of such congregation.

Investment of funds.

**9.** The Corporation may also invest and reinvest any of its funds and money upon any securities authorized by *The Trustee Act* with liberty to vary and transpose the same from time to time.

Rev. Stat. c. 150.

Gifts, loans, etc.

**10.** The Corporation may make a gift of or loan any of its property whether real or personal for or to assist in the



erection or maintenance of any building or buildings deemed necessary for any church, college, parsonage, school or hospital or for any other religious, charitable, educational, congregational or social purpose upon such terms and upon such conditions as it may deem expedient.

**11.**—(1) The Corporation may, from time to time, for <sup>Borrowing powers.</sup> the purposes of the Corporation,—

- (a) borrow money upon the credit of the Corporation;
- (b) make, draw, accept, endorse or become party to promissory notes and bills of exchange; but it shall not be necessary to have the seal of the Corporation affixed to any such note or bill;
- (c) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note or bill payable to bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance.

**12.** All property, real and personal, within this Province belonging to or held in trust for or to the use of the Canada Conference Evangelical Church, or belonging to or held in trust for or to the use of any corporation, board, committee or other body, whether incorporated or unincorporated, created by or under the government or control of, or in connection with said church shall upon the coming into force of this Act be vested in the Corporation, to be held, used and administered by the Corporation or disposed of as may be provided by any by-law, rule or regulation made from time to time by the Corporation. <sup>General property vested in Evangelical Church.</sup>

**13.** All property, real and personal, within this Province, belonging to or held by or in trust for or to the use of any congregation of the Canada Conference Evangelical Church, shall from and after the coming into force of this Act be held, used and administered for the benefit of the same congregation as a part of the Corporation in the manner and upon the trusts and subject to the terms and provisions set forth in schedule "A" to this Act and all property, real and personal, within this Province, thereafter acquired for or belonging to or held by or in trust for or to the use of any congregation of the Corporation shall be held, used and administered for <sup>Property of congregations.</sup>

the benefit of the said congregation as a part of the Corporation upon the said trusts and subject to the said terms and provisions. Provided that any property, real or personal, held at the time of the coming into force of this Act or thereafter acquired by devise, bequest, transfer or gift, in trust for any special use of any congregation, shall be held, used and administered in accordance with the special trusts so declared in respect thereof, not being contrary to law or to any by-law, rule or regulation of the Corporation, and that in the event of failure or partial failure of any of the said trusts, the said property, in the absence of any express provision for such event, may be held, used, administered or disposed of as may be provided by any by-law, rule or regulation made from time to time by the Corporation.

Short form  
of trust  
deed.

**14.** In any deed, conveyance or transfer to trustees upon the trusts set forth in schedule "A" the form of words contained in Column 1 of said schedule "A" and distinguished by any number therein, shall have the same effect as if it contained the form of words in column 2 of said schedule "A," distinguished by the same number as is annexed to the form of words used in such deed, conveyance or transfer, but it shall not be necessary in any such deed, conveyance or transfer to insert any such number.

New Cer-  
tificates of  
title in  
name of  
trustees.

**15.—(a)** When any Master of Titles or Local Master of Titles in this Province is satisfied by any evidence he may require that any real property standing in the name of any individual or individuals, whether such persons or any of them be deceased or not, actually belongs to or is held in trust for or to the use of any congregation upon the trusts mentioned in section 12 of this Act, he may cancel the entry in the register of such individual or individuals as owners and may enter the names of the then trustees of such congregation as owners to hold the same in accordance with the provisions of the said section. A certificate of the secretary or the treasurer of the congregation within the bounds of which such property is situate, together with an affidavit of the minister in charge of such congregation to the effect that such property belongs to or is held in trust for or to the use of such congregation, shall be accepted by such Master of Titles or Local Master of Titles as *prima facie* evidence. No proof shall be required of the handwriting or official position of any person certifying pursuant to the provisions of this section.

(b) All deeds, transfers, mortgages, leases or other assurances of any land in this Province heretofore or hereafter executed and purporting to be signed by the trustees of any congregation in section 12 mentioned, or a majority of them,

shall be in all courts in this Province, and in all registry offices and in all land titles offices of this Province, deemed sufficiently executed to pass or grant or mortgage or lease (as the case may be) the estate or interest thereby purported to be passed, granted, mortgaged or leased; Provided that the minister in charge of such congregation shall by affidavit certify that the persons executing such instruments were at the date thereof all of the trustees for said congregation or a majority of them, and in the absence or want of appointment or inability to act of any minister, such certificate may with like effect be granted by the presiding officer, secretary or treasurer of the congregation within the bounds of which the said lands are situate, The signature of the said minister or presiding officer or secretary or treasurer shall be duly witnessed and verified by affidavit in the same manner as required by *The Registry Act* or *The Land Titles Act* as the case may be. Rev. Stat. cc. 155, 158.

(c) In registering any instrument under *The Registry Act* which sets out or refers to the trusts contained in schedule "A" to this Act, it shall not be necessary to register the said trusts in full but the registrar shall enter a note or memorandum upon the record of title of each lot or parcel of land affected thereby, giving the title and chapter of the Act of Incorporation and the date of the passing thereof and stating that such land is subject to the trusts thereby created.

(d) If the lands affected by the said trusts are registered under *The Land Titles Act*, it shall not be necessary to set out the said trusts in any transfer or in the register of said lands, provided, however, that the Master of Titles or Local Master of Titles shall, upon receiving notice from the presiding officer, secretary or treasurer of the congregation within the bounds of which the said lands may be situate that such lands are affected by this Act, enter a note or memorandum upon such register giving the title and chapter of this Act and the date of the passing thereof upon the record of title of each lot and parcel of land affected thereby and stating that such lands are subject to the said trusts.

**16.** The provisions of any general Act respecting the property of religious societies, congregations, or institutions in force in this Province, shall, when not inconsistent with the provisions of this Act, be construed as supplementary thereto. Effect of general legislation as to religious societies.

**17.** Every duly ordained or appointed minister or clergyman of the Corporation, and every minister or clergyman, whether in charge of a congregation or not, including every such person who has been superannuated by or placed on the superannuation or supernumerary list of, or is a retired Solemnization of marriage.

minister or clergyman in good standing of, the Canada Conference Evangelical Church, duly ordained or appointed according to the rites and ceremonies of said church or by the rules thereof deemed and recognized as duly ordained or appointed by virtue of any prior ordination shall have the right to solemnize marriage in this Province.

Execution  
of deeds.

**18.** Any deed or other instrument relating to the real estate vested in the Corporation or to any interest in such real estate shall, for all purposes be deemed to be duly executed if there are affixed thereto the seal of the Corporation and the signature of any officer of the Corporation duly authorized for such purposes or his lawful attorney.

Commence-  
ment of Act.

**19.** This Act shall come into force on the day upon which it receives the Royal assent.

## SCHEDULE "A"

## TRUSTS OF MODEL DEED.

AND it is hereby declared that the said Trustees and their successors or the Trustee or Trustees for the time being acting in the trusts herein shall hold the said lands upon the following trusts:—

## COLUMN ONE.

## COLUMN TWO

1. Upon trust to use the trust property for purposes directed by congregation and maintenance of public worship.

1. For the use and benefit of the said church, charge, mission, circuit, station or congregation, as the case may be (hereinafter called the congregation), as a part of the Canada Conference Evangelical Church, as well for the site of a church, chapel, meeting house, school, mission, parsonage or minister's dwelling or other place for religious, charitable, educational, congregational or social purposes, or burial ground, as the said congregation may direct, as for the support and maintenance of public worship, and the propagation of Christian knowledge, according to the doctrine, discipline, by-laws, rules and regulations of the Canada Conference Evangelical Church.

2. To erect and repair buildings.

2. And upon further trust, out of all moneys received by them for that purpose, to build, erect, add to, alter, repair, enlarge or rebuild any of the buildings aforesaid from time to time as they may deem expedient, and where they deem it necessary, to take down and remove any of said buildings for any of the purposes aforesaid.

3. To obey all lawful orders and directions.

3. And upon further trust, that they shall and will obey, perform and fulfil and suffer to be obeyed, performed and fulfilled with respect to the said lands, and to any building or buildings at any time thereon, or to any burial ground, the lawful orders and directions respectively of the Official Board of the said congregation and of the Conference respectively.

4. To permit use of the trust property for church, parsonage and Sunday-school purposes.

4. And upon further trust, to permit, in conformity with the doctrines, discipline, by-laws, rules and regulations of the Canada Conference Evangelical Church and not otherwise, the following:—

(a) The use of the said church, chapel or meeting-house, as a place of religious worship by a congregation of the Canada Conference Evangelical Church and for meetings or services of religious or spiritual character or such benevolent or congregational purposes as may be approved by the Quarterly Conference of the charge wherein such church, chapel or meeting house shall be located and the conduct of public worship and the various services and ordinances of religious worship therein by the minister of the said congregation or, with the approval of the said Quarterly Conference or of the said minister, by any other minister of the Canada Conference Evangelical Church or by any minister of any other religious denomination.

(b) The performance of burial services in any burial ground or cemetery belonging to or under the control of the congregation;

(c) The use of the parsonage or minister's dwelling or dwellings with the appurtenances thereof by the minister or ministers of the congregation free from payment of any rent;

(d) The use of any church, chapel, meeting house, school or other building for the purposes of a Sunday school at such hours and times as will not interfere with public worship, and

(e) The use of any buildings erected upon the said lands, other than a church, chapel or meeting house, for such purposes as may from time to time be approved by the said Quarterly Conference.

5. To let and sell pews and burial plots and to let parsonages.

5. And upon further trust, to let any pews and seats at a reasonable rent, if so authorized by the Official Board of the congregation, with power to delegate any such letting to any person or persons whom they may appoint for that purpose; to let any buildings, not required for purposes of worship, at a reasonable rent; and if there shall be a burial ground or cemetery, to sell or let vaults, tombs or burial plots at a reasonable price or rent; and to account for and pay all moneys received in respect of any such letting or sale, less any expense incurred in the execution of these trusts, to the Treasurer of the congregation, or should there be no Treasurer, then to the Committee of Stewards of the congregation, or such person as shall be designated by the said Committee for the purpose of receiving the same. In case the Trustees are of opinion that any parsonage or minister's dwelling is not required for the use of the minister or ministers of the congregation, or is not desirable for the use of such minister or ministers, they may, with the consent in writing of said minister or ministers, let the same and use and apply the rent derived therefrom towards paying the board and lodging of such minister or ministers or the rent for a more suitable and convenient residence for such minister or ministers.

6. The trustees shall have power to sell, mortgage, exchange, or lease the trust property with the consent of the congregation.

6. The Trustees or a majority of them may, but only with the consent in writing of the congregation within the bounds of which the lands are situate (such consent to be under the hand of the presiding officer or secretary or treasurer thereof), sell the said lands or any part thereof either by public sale or private contract and either for cash or upon credit and upon such terms as to price and for such price and upon such terms as to payment or otherwise as they may deem expedient; mortgage, hypothecate or exchange the said lands or any part thereof; let any church, chapel or meeting-house upon the same for such rent and upon such terms as they may deem expedient; and make all such conveyances, mortgages, leases and assurances as may be required to complete any such sale, mortgage, hypothecation, exchange or lease. The said Trustees after first paying or otherwise providing for all indebtedness of the Trustees shall apply the moneys arising from such sale, mortgage, hypothecation, lease or exchange for the purposes of such congregation as the Official Board thereof shall direct, but should such congregation cease to exist as an organized body, such proceeds, less any

expense incurred in the execution of these trusts, shall be paid to the Canada Conference Evangelical Church to be applied for such purposes for the benefit of the Canada Conference Evangelical Church as the Conference may determine under the by-laws, rules and regulations of the Conference. Every application by Trustees for the consent of a congregation as aforesaid shall be in writing and shall state the purpose for which the moneys arising from such intended sale, mortgage, hypothecation, lease or exchange, will be applied. Any decision of a congregation with regard to the sale, mortgage, hypothecation, lease or exchange of the said lands or any part thereof shall be subject to appeal to the Conference at the instance of not fewer than any five members of the congregation affected thereby. In every case where the consent of such Conference has been obtained as aforesaid it shall not be incumbent upon the purchaser, mortgagee or lessee of the said lands or of any part thereof to enquire into the necessity, expediency or propriety of any such sale, mortgage, hypothecation, lease or exchange, or to see to the application of the moneys paid to the Trustees. A certificate of the secretary or treasurer of the Conference that any such consent has been given shall be sufficient and conclusive evidence of such consent.

7. The trustees shall keep proper accounts and minutes.

7. The said Trustees shall keep a proper book or books of account showing all moneys received and disbursed by them, and a book or books of minutes showing correctly all minutes of their meetings and of resolutions passed and proceedings taken thereat, and such book or books shall at all reasonable times be open for inspection by the minister in charge of the congregation and by the Chairman of the Official Board of the congregation, and any person or persons named by them or either of them, and the said minister or the said chairman and any person named by them or either of them as aforesaid shall have the right to make such copies or abstracts of or extracts from the said accounts or minutes, as he or they may desire, and upon request from the said Official Board the Trustees shall submit all books of accounts and minutes, and all vouchers, receipts, papers and documents relating to the said accounts, for audit by the said Official Board or such person or persons as the said Official Board may appoint for the purpose.

8. The trustees shall have seven days' notice of all special meetings and one day's notice of other meetings.

8. Every meeting of Trustees for considering the making of any alteration of or addition to any building on the said lands, or any part thereof, or for considering the sale, mortgage, hypothecation, lease or exchange of the said lands, or any part thereof, except the letting or sale of pews, seats, vaults, tombs or burial plots, or for considering any litigation or legal proceedings in connection with the trust estate, shall be deemed a special meeting, and each Trustee shall be entitled to seven days' notice in writing thereof, specifying the time, place and purpose of such meeting. Such notice shall be either personally delivered to each Trustee, or mailed to or delivered to him or her at his or her usual place of abode or business. Ordinary meetings may be called at any time by giving at least one day's notice in writing to each Trustee in the manner aforesaid, or by public announcement at a service for public worship at least one day prior to

such meeting. Meetings may be called by the minister in charge of the congregation, or by at least two of the Trustees. Notwithstanding anything herein contained no meeting or any business transacted thereat shall be invalid by reason of any lack or defect of service of notice arising from inability to ascertain the usual place of abode or business of any Trustee. All questions shall be determined by the majority vote of the Trustees present at a meeting, and the Chairman shall have a casting vote in the event of a tie. The minister of such congregation shall have the right to preside as Chairman at all meetings of the Trustees and may appoint a deputy to act in his place in his absence, and in the absence of the Minister and of any such deputy the Trustees present may elect a Chairman from among themselves.

9. The number of trustees shall not be fewer than three or more than fifteen, and vacancies shall be filled by election by the congregation, or in default of such election, by the Quarterly Conference and the property of a congregation which ceases to exist shall be subject to the trusts determined by the Conference.

9. The number of said Trustees shall not be fewer than three or more than fifteen. In case any of the said Trustees or any Trustee appointed under this provision shall during his or her term of office, die, resign or, having been, cease to be a member of the Canada Conference Evangelical Church in full communion, or remove to such a distance, or fail to attend meetings for such period not less than one year, as shall in the opinion of his or her co-trustees expressed by a two-thirds vote of said co-trustees, render it inexpedient for him or her to remain a Trustee, or in case the said congregation shall think proper to remove a Trustee from his or her office as Trustee, it shall be lawful for the said congregation, at any meeting called by notice from the pulpit during public worship on each of the two next preceding Sundays on which public worship is held, to declare by the votes of two-thirds of the members then present that such Trustee has ceased to be a Trustee of the said congregation and such person shall thereupon cease to be a Trustee, and at the same meeting it shall be lawful for the said congregation by a like vote to appoint a successor to such Trustee, provided, however, that no Trustee who is personally liable for payment of any indebtedness in respect of the property of a congregation shall be removed without his consent unless indemnified to his satisfaction in respect of any such liability and unless at least eight days' notice in writing of such meeting shall have been mailed to each of the Trustees at his or her last known address, which notice shall state the business to be transacted at such meeting. If no successor shall be appointed at such meeting a meeting may be called in like manner for the purpose of filling such vacancy, and at such meeting a new trustee or new Trustees (as the case may require) shall be appointed by the votes of the majority of the members then present. The notice calling a meeting for the purpose of declaring or filling a vacancy or vacancies in the office of Trustee shall be read from the pulpit by the minister or person officiating as minister, at the request of any Trustee, or of any seven members of the congregation, and every such meeting may be adjourned from time to time by the vote of the majority of the members present. During any vacancy in the office of Trustee, the remaining Trustees, not being fewer than three in number, shall have all the powers of the full Board. A majority of the Trustees shall form a quorum save when the number of Trustees exceeds nine, in which



case five shall form a quorum. The Trustees shall be members of the Canada Conference Evangelical Church.

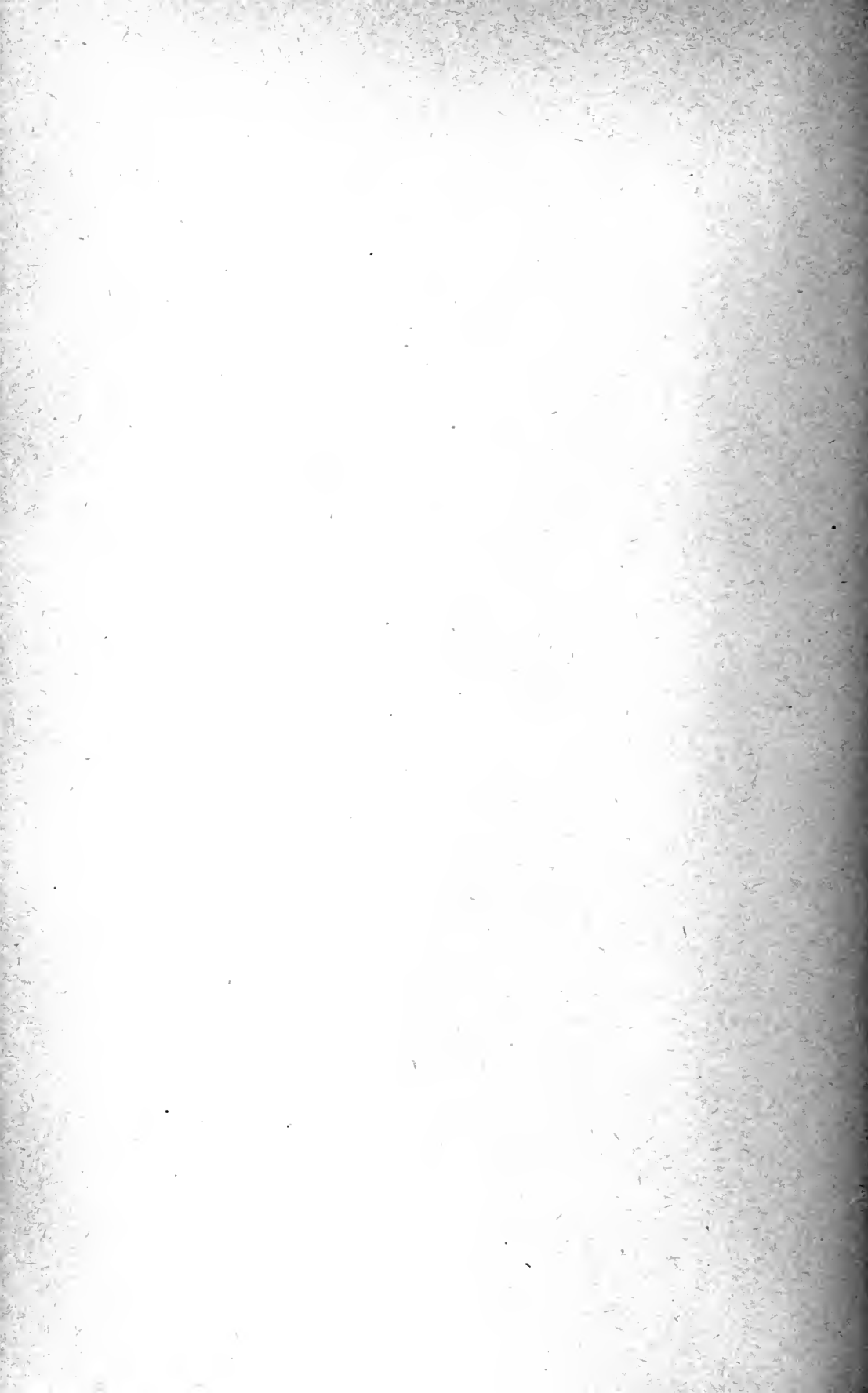
A minute of every such appointment of a Trustee shall be entered in a book to be kept for the purpose, and signed by the person presiding at the meeting, and such minute so signed shall be sufficient evidence of the fact that the person or persons therein named was or were appointed and elected at such meeting, but any omission or neglect to make or sign such minute shall not invalidate such appointment or election.

And it is hereby further declared that in case there shall be at any time fewer than three Trustees, the presiding officer or secretary of the Quarterly Conference, within whose bounds and under whose jurisdiction the said congregation shall be, shall, with the remaining Trustee or Trustees, be the Trustees under these presents until the full Board is duly appointed, and at any time thereafter the said Quarterly Conference may cause notice to be given from the pulpit on two consecutive Sundays requiring the said congregation to proceed with the appointment of new Trustees. And if the said congregation shall not in the meantime have appointed new Trustees in the manner hereinbefore provided, it shall be lawful for the said Quarterly Conference at any time after four weeks from the last giving of such notice, by resolution duly entered in the minutes of the said Quarterly Conference, to appoint new Trustees. Such appointment shall be communicated to the congregation by notice from the pulpit as soon as conveniently may be thereafter, and from the time of such communication the Trustee or Trustees so appointed shall be a Trustee or Trustees hereunder.

And it is further declared that if at any time there shall cease to be an organized congregation entitled to the use, benefit and enjoyment of the said lands, it shall be lawful at any time or times for the said Quarterly Conference to fill any vacancy in the number of Trustees, and the said lands shall thenceforth be held subject to such trusts and for such purposes for the benefit of the Canada Conference Evangelical Church as the Conference may determine under the by-laws, rules and regulations of the Conference.

**10. Trustees shall not be liable for involuntary loss.**

10. A Trustee shall not be responsible for the failure of any investment or security made or taken by the Trustees or for anything done in connection with the trust estate except for his own acts and to account for any moneys coming into his own hands, and shall not be liable for injury done by others to the said trust premises, or to any part thereof.





BILL.

An Act to incorporate the Canada  
Conference Evangelical Church.

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*1st Reading.*

February 11th, 1930

*2nd Reading.*

February 26th, 1930

*3rd Reading.*

March 5th, 1930

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Mr. BAIRD

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No. 12

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the Town of New Liskeard**

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**MR. KENNEDY (Temiskaming)**

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**(PRIVATE BILL)**

No. 12.

1930.

# BILL

An Act respecting the Town of New Liskeard.

Preamble.

**W**HEREAS the corporation of the town of New Liskeard has by petition represented that certain expenditures were necessarily incurred by the said corporation for the construction of that certain bridge now erected over the Wabi River on Armstrong Street, in the said town of New Liskeard over and above the estimates for the construction of the said bridge and in excess of the amount raised by the said corporation by debentures for the purpose of the said construction and that the said corporation is indebted to its bank for the sum of \$11,451.25 for the said excess; that the said council on the 22nd day of January, 1930, passed by-law No. 621 to provide for the issue of \$11,451.25 for debentures for the purpose of paying the said debt; and whereas the said corporation has by petition prayed that the said by-law 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:

Short title.

**1.** This Act may be cited as *The Town of New Liskeard Act, 1930.*

By-law No. 621 confirmed.

**2.** By-law No. 621 of the corporation of the town of New Liskeard, set out as Schedule "1" to this Act, is confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, and the debentures to be issued thereunder when so issued shall be legal, valid and binding upon the said corporation and the ratepayers thereof.

Commencement of Act.

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



## SCHEDULE "1"

BY-LAW NUMBER 621 OF THE TOWN OF NEW LISKEARD, being a By-law to provide for the issue of debentures of the Town of New Liskeard, for the sum of Eleven thousand, four hundred and fifty-one dollars and twenty-five cents (\$11,451.25) required by the said Town of New Liskeard.

WHEREAS the Council of the Town of New Liskeard with the assent of the Electors passed By-law Number 586 for the purpose of raising by debentures the sum of Twenty-five thousand (25,000) dollars to meet the proportion of expense to be borne by the Town of New Liskeard, to construct a bridge across the Wabi River on Armstrong Street in the said Town of New Liskeard.

AND WHEREAS the said proportion of the said expense to be borne by the said Town of New Liskeard exceeded the amount of the original estimate thereof and exceeded the amount realized on the sale of the said debentures.

AND WHEREAS the Council of the Town of New Liskeard incurred liability for said excess amounting to the sum of Eleven thousand, four hundred and fifty-one dollars and twenty-five cents (\$11,451.25).

AND WHEREAS the Town of New Liskeard is desirous of raising debentures for the sum of Eleven thousand, four hundred and fifty-one dollars and twenty-five cents (\$11,451.25) for paying off the said liability.

AND WHEREAS it is desirable to issue the said debentures at one time and to make the principal of each repayable by yearly sums during a period of twenty years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt, shall be as nearly as possible equal to the amount so payable in each of the other nineteen years of the said period as shown on Schedule "A" hereto annexed.

AND WHEREAS the total amount required by the said municipality to be raised annually by special rate for paying the said debt and interest as hereinafter provided, is Nine hundred and ninety-eight dollars and thirty-seven cents (\$998.37).

AND WHEREAS the amount of the whole rateable property of the Town of New Liskeard, according to the last revised assessment roll thereof is One million, seven hundred and thirty-three thousand, three hundred and eighty-one (1,733,381) dollars.

AND WHEREAS the amount of the said existing debenture debt of the said Municipality is Two hundred and twenty-one thousand nine hundred and fifty-five dollars and thirty-seven cents (\$221,955.37) of which no part, either for principal or interest, is in arrear.

NOW, THEREFORE, the Municipal Corporation of the Town of New Liskeard enacts as follows:—

1. The Municipal Corporation of the Town of New Liskeard shall issue debentures of the said Town to the amount of Eleven thousand, four hundred and fifty-one dollars and twenty-five cents (\$11,451.25) as aforesaid, in sums of not less than One hundred dollars (\$100.00) each within two years from the date hereof and each of such debentures shall be dated on the day of the issue thereof and shall be payable within twenty years thereafter in the amount shown in the said Schedule "A" hereto at the Imperial Bank of Canada in the said Town of New Liskeard.

2. Each of the said debentures shall be signed by the Mayor of the said Town of New Liskeard or by some other person authorized by By-law to sign the same and by the Treasurer thereof and the Clerk shall attach thereto the Corporate Seal of the said Municipality.





3. The said debentures shall bear interest at the rate of Six (6%) per centum per annum payable yearly at the said Imperial Bank of Canada in each and every year during the currency thereof and shall have attached to them coupons for payment of the said interest which coupons shall be signed by the Treasurer of the said Corporation.

4. During the currency of the said debentures, there shall be raised annually by special rate on all rateable property in the said Town of New Liskeard, the sum of Nine hundred and ninety-eight dollars and thirty-seven cents (\$998.37) for the purpose of paying the amount due in each year of the said twenty (20) years for principal and interest in respect of the said debt as shewn in Schedule "A" hereto annexed.

DATED at the Town of New Liskeard, on the 22nd day of January, A.D. 1930.

(Sgd.) "P. ACKROYD."  
Clerk.

(Sgd.) "H. W. SUTCLIFFE"  
Mayor.

Schedule "A"

BY-LAW NUMBER 621

Debentures for 20 years:  
Amount \$11,451.25.  
Rate 6%, coupons attached.  
Equal annual payment, \$998.37.

No.	Principal	Interest	Total
1.....	311 30	687 07	998 37
2.....	329 98	668 39	998 37
3.....	349 77	648 60	998 37
4.....	370 76	627 61	998 37
5.....	393 02	605 35	998 37
6.....	416 60	581 77	998 37
7.....	441 60	556 77	998 37
8.....	468 09	530 28	998 37
9.....	496 17	502 20	998 37
10.....	525 94	472 43	998 37
11.....	557 49	440 88	998 37
12.....	590 94	407 43	998 37
13.....	626 39	371 98	998 37
14.....	663 97	334 40	998 37
15.....	703 80	294 57	998 37
16.....	746 03	252 34	998 37
17.....	790 79	207 58	998 37
18.....	838 24	160 13	998 37
19.....	888 53	109 84	998 37
20.....	941 84	56 53	998 37
	<hr/>	<hr/>	<hr/>
	\$11,451 25	\$8,516 15	\$19,967 40



**BILL.**

An Act respecting the Town of New  
Liskeard.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. KENNEDY (Temiskaming)

---

(PRIVATE BILL).

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the Town of New Liskeard**

---

MR. KENNEDY (Temiskaming)

---

No. 12.

1930.

# BILL

An Act respecting the Town of New Liskeard.

Preamble.

**W**HEREAS the corporation of the town of New Liskeard has by petition represented that certain expenditures were necessarily incurred by the said corporation for the construction of that certain bridge now erected over the Wabi River on Armstrong Street, in the said town of New Liskeard over and above the estimates for the construction of the said bridge and in excess of the amount raised by the said corporation by debentures for the purpose of the said construction and that the said corporation is indebted to its bank for the sum of \$11,451.25 for the said excess; that the said council on the 22nd day of January, 1930, passed by-law No. 621 to provide for the issue of \$11,451.25 for debentures for the purpose of paying the said debt; and whereas the said corporation has by petition prayed that the said by-law 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:

Short title.

**1.** This Act may be cited as *The Town of New Liskeard Act, 1930.*

By-law No.  
621 con-  
firmed.

**2.** By-law No. 621 of the corporation of the town of New Liskeard, set out as Schedule "1" to this Act, is confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, and the debentures to be issued thereunder when so issued shall be legal, valid and binding upon the said corporation and the ratepayers thereof.

Commence-  
ment of Act.

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

## SCHEDULE "1"

BY-LAW NUMBER 621 OF THE TOWN OF NEW LISKEARD, being a By-law to provide for the issue of debentures of the Town of New Liskeard, for the sum of Eleven thousand, four hundred and fifty-one dollars and twenty-five cents (\$11,451.25) required by the said Town of New Liskeard.

WHEREAS the Council of the Town of New Liskeard with the assent of the Electors passed By-law Number 586 for the purpose of raising by debentures the sum of Twenty-five thousand (25,000) dollars to meet the proportion of expense to be borne by the Town of New Liskeard, to construct a bridge across the Wabi River on Armstrong Street in the said Town of New Liskeard.

AND WHEREAS the said proportion of the said expense to be borne by the said Town of New Liskeard exceeded the amount of the original estimate thereof and exceeded the amount realized on the sale of the said debentures.

AND WHEREAS the Council of the Town of New Liskeard incurred liability for said excess amounting to the sum of Eleven thousand, four hundred and fifty-one dollars and twenty-five cents (\$11,451.25).

AND WHEREAS the Town of New Liskeard is desirous of raising debentures for the sum of Eleven thousand, four hundred and fifty-one dollars and twenty-five cents (\$11,451.25) for paying off the said liability.

AND WHEREAS it is desirable to issue the said debentures at one time and to make the principal of each repayable by yearly sums during a period of twenty years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt, shall be as nearly as possible equal to the amount so payable in each of the other nineteen years of the said period as shown on Schedule "A" hereto annexed.

AND WHEREAS the total amount required by the said municipality to be raised annually by special rate for paying the said debt and interest as hereinafter provided, is Nine hundred and ninety-eight dollars and thirty-seven cents (\$998.37).

AND WHEREAS the amount of the whole rateable property of the Town of New Liskeard, according to the last revised assessment roll thereof is One million, seven hundred and thirty-three thousand, three hundred and eighty-one (1,733,381) dollars.

AND WHEREAS the amount of the said existing debenture debt of the said Municipality is Two hundred and twenty-one thousand nine hundred and fifty-five dollars and thirty-seven cents (\$221,955.37) of which no part, either for principal or interest, is in arrear.

NOW, THEREFORE, the Municipal Corporation of the Town of New Liskeard enacts as follows:—

1. The Municipal Corporation of the Town of New Liskeard shall issue debentures of the said Town to the amount of Eleven thousand, four hundred and fifty-one dollars and twenty-five cents (\$11,451.25) as aforesaid, in sums of not less than One hundred dollars (\$100.00) each within two years from the date hereof and each of such debentures shall be dated on the day of the issue thereof and shall be payable within twenty years thereafter in the amount shown in the said Schedule "A" hereto at the Imperial Bank of Canada in the said Town of New Liskeard.

2. Each of the said debentures shall be signed by the Mayor of the said Town of New Liskeard or by some other person authorized by By-law to sign the same and by the Treasurer thereof and the Clerk shall attach thereto the Corporate Seal of the said Municipality.

3. The said debentures shall bear interest at the rate of Six (6%) per centum per annum payable yearly at the said Imperial Bank of Canada in each and every year during the currency thereof and shall have attached to them coupons for payment of the said interest which coupons shall be signed by the Treasurer of the said Corporation.

4. During the currency of the said debentures, there shall be raised annually by special rate on all rateable property in the said Town of New Liskeard, the sum of Nine hundred and ninety-eight dollars and thirty-seven cents (\$998.37) for the purpose of paying the amount due in each year of the said twenty (20) years for principal and interest in respect of the said debt as shewn in Schedule "A" hereto annexed.

DATED at the Town of New Liskeard, on the 22nd day of January, A.D. 1930.

(Sgd.) "P. ACKROYD."  
Clerk.

(Sgd.) "H. W. SUTCLIFFE"  
Mayor.

*Schedule "A"*

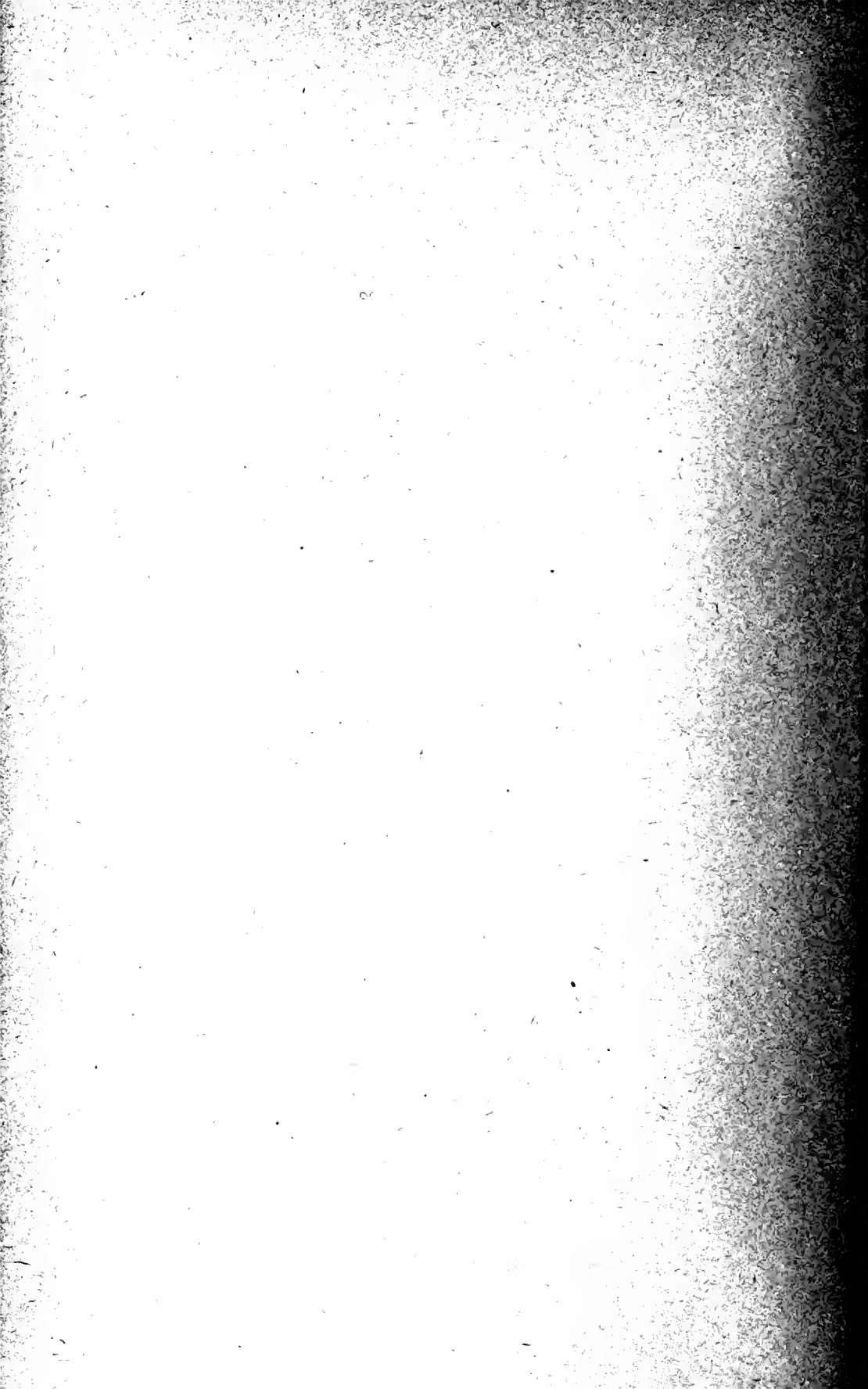
BY-LAW NUMBER 621

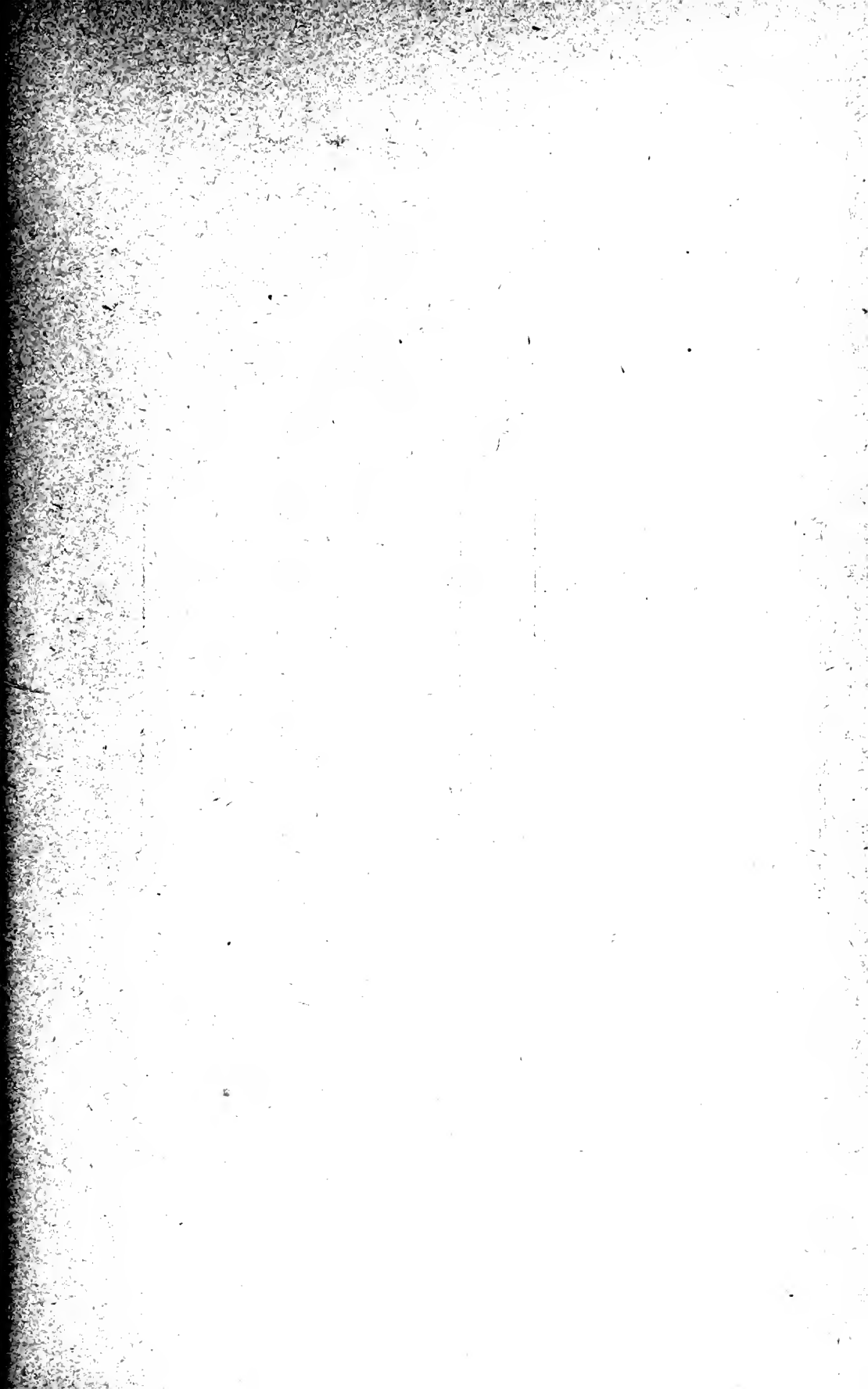
Debentures for 20 years:  
Amount \$11,451.25.  
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18.....	838 24	160 13	998 37
19.....	888 53	109 84	998 37
20.....	941 84	56 53	998 37
	\$11,451 25	\$8,516 15	\$19,967 40









BILL.

An Act respecting the Town of New  
Liskeard.

---

*1st Reading*

February 11th, 1930

*2nd Reading*

February 21st, 1930

*3rd Reading*

March 5th, 1930

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MR. KENNEDY (Temiskaming)

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No. 13

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting Canadian Kennel Club**

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MR. HEIGHINGTON

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(PRIVATE BILL)

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TORONTO  
PRINTED BY  
THE PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 13.

1930.

# BILL

## An Act respecting Canadian Kennel Club.

Preamble.

**W**HEREAS an organization called The Canadian Kennel Club was formed in the year 1888 for the purpose of instituting and carrying on a stud book for the registration of pure bred dogs throughout the Dominion of Canada and for the purpose also of licensing and controlling the showing of dogs throughout the said Dominion; and whereas the said club has carried on these functions continuously since the year 1888; and whereas in the year 1915 the said club became affiliated with the Canadian National Live Stock Records under the provisions of the Act respecting Live Stock Records Associations and ever since that time has carried on the business of registering pure bred dogs in affiliation with that association; and whereas a charter of incorporation for the said club was granted under the provisions of the Dominion Companies Act on the 7th day of February, 1929, whereby Canadian Kennel Club Incorporated became a corporation without share capital; and whereas the said corporation was formed for the purpose of taking over and carrying on the business conducted by The Canadian Kennel Club since the year 1888; and whereas the said Canadian Kennel Club has, in the course of its activities amassed certain assets, no part of which is realty, and it is desirable that the said assets should be vested in the new corporation above referred to; and whereas Canadian Kennel Club Incorporated has by its petition prayed that an Act may be passed vesting in it the assets of The Canadian Kennel Club; 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 *Canadian Kennel Club Act, 1930.*

Assets vested in Canadian Kennel Club Incorporated.

**2.** All the assets of The Canadian Kennel Club of every kind whatsoever and wheresoever situate are hereby vested



in Canadian Kennel Club Incorporated, subject to any existing encumbrances thereon.

Commence-  
ment of Act.

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









BILL.

An Act respecting Canadian Kennel Club.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. HEIGHINGTON

---

(PRIVATE BILL)

1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting Canadian Kennel Club**

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MR. HEIGHINGTON

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No. 13.

1930.

# BILL

## An Act respecting Canadian Kennel Club.

Preamble.

**W**HEREAS an organization called The Canadian Kennel Club was formed in the year 1888 for the purpose of instituting and carrying on a stud book for the registration of pure bred dogs throughout the Dominion of Canada and for the purpose also of licensing and controlling the showing of dogs throughout the said Dominion; and whereas the said club has carried on these functions continuously since the year 1888; and whereas in the year 1915 the said club became affiliated with the Canadian National Live Stock Records Associations and ever since that time has carried on the business of registering pure bred dogs in affiliation with that association; and whereas a charter of incorporation for the said club was granted under the provisions of the Dominion Companies Act on the 7th day of February, 1929, whereby Canadian Kennel Club Incorporated became a corporation without share capital; and whereas the said corporation was formed for the purpose of taking over and carrying on the business conducted by The Canadian Kennel Club since the year 1888; and whereas the said Canadian Kennel Club has, in the course of its activities amassed certain assets, no part of which is realty, and it is desirable that the said assets should be vested in the new corporation above referred to; and whereas Canadian Kennel Club Incorporated has by its petition prayed that an Act may be passed vesting in it the assets of The Canadian Kennel Club; and whereas it is expedient to grant the prayer of the said petition;

R. S. C. c. 27.

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

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Assets vested in Canadian Kennel Club Incorporated.

2. All the assets of The Canadian Kennel Club of every kind whatsoever and wheresoever situate are hereby vested

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**3.** This Act shall come into force on the day upon which <sup>Commence-</sup><sub>ment of Act.</sub> it receives the Royal Assent.

**BILL.**  
An Act respecting Canadian Kennel Club.

---

*1st Reading*

February 11th, 1930

*2nd Reading*

February 21st, 1930

*3rd Reading*

March 5th, 1930

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**MR. HEIGHINGTON**

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act to incorporate the City of Stratford Municipal Benefit Fund

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MR. BONIS

---

(PRIVATE BILL)

# BILL

## An Act to incorporate the City of Stratford Municipal Benefit Fund.

**Preamble.**

**W**HEREAS Alfred Stephen Kappel, Charles Edward Moore, George Irvin Graff, Leon Joseph Long, Joe Laycock Broadley, Andrew Thomas Parker, Cecil Wright, Walter Herbert Gregory and Herbert Denroche by their petition have represented that "The City of Stratford Municipal Benefit Fund" was established under the supposed authority of paragraph 12 of section 406, of *The Consolidated Municipal Act, 1922*, by by-law number 2736 of the council of the corporation of the city of Stratford, subject to the rules and regulations set forth in the appendix to the said by-law; and whereas pursuant to the said rules and regulations the said fund was directed to be under the control and management of a committee to be called the "City of Stratford Municipal Benefit Fund Committee"; and whereas the said rules and regulations provide that the said committee shall consist of the mayor, the chairmen of numbers 1 and 3 committees of the city council, the chief of the fire department, the chief of police, the treasurer and secretary of the fund, and one other representative from the fire and police departments, to be elected as therein provided; and whereas the petitioners are the present members of "The City of Stratford Municipal Benefit Fund Committee"; and whereas in and by said by-law number 2736 it is provided "that by way of grant in aiding the establishment and maintenance of the said "The City of Stratford Municipal Benefit Fund" the corporation of the city of Stratford shall forthwith, upon the passing of this by-law, pay into the said fund the sum of three thousand (\$3,000) dollars, and shall annually on the first day of July in each year pay into the said fund a sum of money equivalent to the estimated assessment upon the members of the fund for the then current year, and in addition thereto, the said corporation shall pay into the said fund a further sum of one thousand (\$1,000) dollars in each year up to and including the year 1931"; and whereas under the provisions of the rules and regulations set forth in the appendix to said by-law number 2736, the following employees of the city of Stratford and no



others are declared to be eligible for members of the fund, namely:—All officers and members of the city fire and police departments; all other salaried officials and employees of the city, and such members or employees of the city engineer's department as the city engineer or the chairman of the board of works shall certify as being eligible to become a member; and whereas doubts have arisen as to the authority of the said fund to effect contracts of insurance with its members and to grant mortuary and other benefits within the meaning of *The Insurance Act*; and to remove such doubts it is desirable that the said by-law number 2736 and the rules and regulations set forth in the appendix thereto be confirmed, subject to the provisions in this Act contained, and that the said fund should be incorporated under the name "The City of Stratford Municipal Benefit Fund," and that the said fund should be authorized to undertake any contract of insurance for which a fraternal society may be licensed under the provisions of *The Insurance Act* and to make such readjustments in its rates and benefits as are necessary to enable it to meet its contracts as they mature, and that all contracts of insurance heretofore undertaken or effected by the fund and all mortuary and other benefits heretofore granted by the fund, should be confirmed; and whereas the said petitioners 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;

Rev. Stat.  
c. 222.

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 Stratford Municipal Benefit Fund Act, 1930*.

By-law  
No. 2736.  
confirmed.

**2.** Subject to the provisions of this Act, by-law number 2736 of the corporation of the city of Stratford and the rules and regulations made thereunder, as set out in schedule "A" hereto, are hereby confirmed and declared to be legal, valid and binding.

Incorporation of Fund as Fraternal Society.

**3.** "The City of Stratford Municipal Benefit Fund" established under the provisions of by-law number 2736 of the corporation of the city of Stratford is hereby incorporated as a fraternal society within the meaning of *The Insurance Act* under the name "The City of Stratford Municipal Benefit Fund."

Rev. Stat.  
c. 222.

Contracts of insurance already undertaken confirmed.

**4.** The said fund shall have authority and shall be deemed to have had since the passing of the said by-law authority to undertake any contract of insurance for which a fraternal



society may be licensed under the provisions of *The Insurance Act*, and is hereby declared entitled to be licensed as a fraternal society under the said Act, and all such contracts of insurance heretofore undertaken or effected and all mortuary or other benefits heretofore granted by the fund are hereby confirmed.

Readjustment of rates and benefits.

**5** The governing executive authority of the fund may by amendment to the constitution, rules and regulations of the fund, and, with the approval of the Superintendent of Insurance, make such readjustments of the rates and benefits as are necessary in the opinion of the actuary of the fund to provide for the payment of the contracts of the fund at maturity, and such amendments shall be binding upon the members of the fund and upon their beneficiaries or legal representatives and upon all persons deriving legal rights from any member or beneficiary, notwithstanding anything contained in the constitution, rules and regulations of the fund before such amendments, or in any contract, policy or certificate of insurance heretofore or hereafter issued by the fund.

Application of provisions of Rev. Stat. cc. 222, 218.

**6.** Except where inconsistent with the provisions of this Act, the provisions of *The Insurance Act* and *The Companies Act* applicable to a fraternal society, the membership of which is limited by its constitution and by-laws to municipal employees, shall apply to the fund.

Commencement of Act.

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



## SCHEDULE "A."

BY-LAW No. 2736 OF THE CITY OF STRATFORD.

A BY-LAW granting aid for the Establishment and maintenance of the "CITY OF STRATFORD MUNICIPAL BENEFIT FUND."

Whereas it is expedient to grant aid for the establishment and maintenance of a superannuation and benefit fund for the members of the Police Force and of the Fire Brigade of the City of Stratford and of other officers and employees of the said Corporation and of their wives and families.

Be it therefore enacted by the Municipal Council of the Corporation of the City of Stratford as follows:—

1. That a Superannuation and benefit fund shall be created and established to be known and designated as the "CITY OF STRATFORD MUNICIPAL BENEFIT FUND" for the members of the Police Force and of the Fire Brigade of the City of Stratford and of other officers and employees of the Corporation and of their wives and families, subject to and in accordance with the Rules and Regulations therefore set forth in the Appendix of this By-law marked Appendix "A."

2. That by way of grant in aiding the establishment and maintenance of the said "CITY OF STRATFORD MUNICIPAL BENEFIT FUND" the Corporation of the City of Stratford shall forthwith upon the passing of this By-law pay into the said fund the sum of Three Thousand Dollars, and shall annually on the First day of July in each year pay into the said fund a sum of money equivalent to the estimated assessment upon the members of the fund for the then current year, and in addition thereto the said Corporation shall pay into the said fund a further sum of One Thousand Dollars in each year up to and including the year 1931.

3. This By-law shall go into force and take effect from and after the passing thereof.

Passed this 4th day of August, A.D. 1922.

W. H. GREGORY,  
*Mayor.*  
W. H. DORLAND,  
*Clerk.*

## APPENDIX "A."

CITY OF STRATFORD MUNICIPAL BENEFIT FUND.

*Rules and Regulations.*

1. In these rules,—

- (a) "Fund" shall mean "City of Stratford Municipal Benefit Fund."
- (b) "Committee" shall mean "City of Stratford Municipal Benefit Fund Committee."

2. The Municipal Council of the Corporation of the City of Stratford hereby create and establish a fund to be known and designated as "City of Stratford Municipal Benefit Fund."

3. The following employees of the City of Stratford, and no others shall be eligible for members of the Fund, namely: all officers and members of the City Fire and Police Departments; all other salaried officials and





employees of the City, and such members or employees of the City Engineer's Department as the City Engineer or the Chairman of the Board of Works shall certify as being eligible to become a member.

4. It shall be compulsory for all Firemen and Policemen and all other eligible employees under forty years of age, hereafter appointed, to become members of the Fund, upon passing the necessary physical examination, but membership in the Fund shall be optional with all present City Employees; Provided that all City employees who are eligible for membership in the Fund shall have one year from the inauguration of the Fund or from the Commencement of their services with the City in which to become members, except with special permission of the Committee.

5. The members of the Fund shall contribute to it 5% annually of the amounts of their several salaries, payable in equal half-monthly instalments, each instalment to be deducted from the member's half-monthly pay by the City Treasurer and immediately paid into the Fund.

(a) Provided that Call Firemen who are members of the Fund shall contribute to it 2½% annually based on the salary of a first class fireman payable as above set out and shall be entitled to share in all the benefits of the Fund by reason of accident or disability sustained by such Call Firemen in the discharge of their duty as such and to be rated as first class firemen, but not to share in the pension by reason of length of service.

6. The City of Stratford shall at this time pay into the Fund the sum of \$3,000.00 and shall annually on the 1st day of July pay into the Fund a sum of money equivalent to the estimated assessments upon the members of the Fund for the then current year and in addition thereto the City shall pay into the Fund a further sum of \$1,000.00 in cash in each of the years to and including the year 1931.

7. The Fund shall be under the management and control of a Committee to be called the "City of Stratford Municipal Benefit Fund Committee."

8. The Committee shall consist of the Mayor, the Chairman of numbers 1 and 3 Committees of the City Council, the Chief of the Fire Department, the Chief of Police, the Treasurer and Secretary of the Fund, and one other representative from the Fire and Police Departments, to be elected as set out in the next clause hereof.

9. During the month of August, 1922, and hereafter annually on the first Monday of June the Chiefs of the Fire and Police Departments shall each convene a meeting of the members of the Fund within their respective Departments for the nomination of a representative upon said Committee.

- (a) Notice of such meeting shall be posted up on the Notice Board seven days prior to the date thereof.
- (b) Such meeting shall open at 5.30 p.m. and close at 6.30 p.m.
- (c) Nominations may be oral or in writing and one nominator only shall be required.
- (d) Immediately after the close of the nomination meeting the Chief shall post up a list of nominees.
- (e) Nominees may withdraw in writing 24 hours after the close of the meeting.
- (f) In the event of the representative not being elected by acclamation the Chief shall have ballots prepared and shall conduct a secret poll on the second day after nomination day and such poll shall be open between the hours of 5 p.m. and 7 p.m.



- (g) The ballots shall then be counted in the presence of any members of the Fund who desire to be present.
- (h) A certificate from the Chief countersigned by any other two members of the Fund shall be conclusive evidence of the result of such election.

10. The Committee shall meet for the transaction of business at five o'clock p.m. on the second Monday of each month at the Fire Hall or such other place as the Committee may decide.

11. The Officers of the Committee shall be a chairman, a secretary and a treasurer to be elected at the organization meeting of the Committee and thereafter annually at the regular meeting in July of each year.

12. The secretary shall be a member of the Fund.

13. A majority of the Committee shall form a quorum for the transaction of business.

14. The moneys belonging to the Fund shall be deposited to the credit of the Fund in a Chartered Bank and so far as possible shall be kept invested in securities authorized by law for trust funds, all such securities to be kept in a safety deposit box in such Bank.

15. Payments out of the Fund shall be first approved by the Committee and shall be made by warrant drawn upon the Treasurer, signed by the chairman and secretary and accepted by the treasurer.

16. Every application for a pension, allowance or aid must come before the Committee and shall be allowed only by a two-thirds vote of the membership of the Committee.

17. The committee shall keep correct minutes of its proceedings and shall have its accounts audited by the City auditors who shall report thereon to the City Council.

18. The secretary shall keep a roll of all members of the Fund showing all particulars of service, salary, age and description, and shall also keep a correct pension list which shall set forth all amounts paid out of the Fund by way of any pension, allowance or aid to the members of the Fund or their dependents.

19. In estimating the length of service, members shall be entitled to credit for one-half of their service up to the time at which they shall become members.

20. In the case of voluntary resignation or dismissal for cause of any member all payments made by him to the Fund less any amount he may be in default to the City shall be returned without interest one year from the date of his leaving the service, the question of cause for dismissal to rest entirely with the City Council, or in the case of a member of the Police Department with the Board of Police Commissioners.

21. A member who has been fifteen years in the service of the City and who has attained the age of sixty years on or before the date of his retirement from such service shall on retiring be entitled to a pension on the basis of 1-60th of his salary at time of retirement for each year of service but the maximum pension shall in no case exceed one-half of the salary of such member.

22. A member whose term of service has been under twenty-five years shall not be entitled to a pension for a longer period than his term of service.

23. A pension granted to a member whose term of service has reached twenty-five years shall be for life.

24. Upon the death of a member who at the time of his death has not completed fifteen years of service, all payments made by him to the



fund with interest computed half-yearly at the rate of 4% per annum, shall be paid to his widow, his children or his dependent parent, as the Committee shall direct.

25. Upon the death of a member who at the time of his death has completed fifteen years of service or is in receipt of a pension, his widow or his children or dependent parent shall be entitled to receive one-half the pension to which the member would be entitled based on his years of service but such pension shall not in any case exceed the number of years service of such member and the period for which the deceased member shall have been in receipt of his pension shall be deducted from his term of service in computing the period during which payment is to be made to his dependents.

26. In the event of remarriage of a widow in receipt of a pension, the pension shall cease.

27. The widow of a pensioner who shall have been married to him after he became a pensioner shall not be entitled to any allowance.

28. Children of a deceased member shall cease to receive any pension upon attaining the age of eighteen years.

29. The decision of the Committee shall be final and binding in the allotment or distribution of any pension to or among the dependents of a deceased member.

30. In the event of a pensioned member taking other employment, the permission of the Committee must be obtained or his pension will be forfeited.

31. Any member worn out in the service of the City shall be entitled to the return of his payments to the Fund and—

- (a) If he has served under 10 years he shall receive an allowance of 10 days' pay for each year's service completed.
- (b) If he has served over 10 years and under 15 years he shall receive an allowance of 20 days' pay for each year's service completed.
- (c) If he has served over 15 years and up to 20 years he shall receive an allowance of one month's pay for each year's service completed.
- (d) If he has served over 20 years and up to 25 years he shall receive a pension for life of three-eighths of his pay at time of retirement, but shall not be entitled to the return of his payments to the Fund.
- (e) After 25 years' service (even though under 60 years of age) he shall receive a pension of one-half pay for life, but shall not be entitled to the return of his payments to the Fund.

32. The allowance to be paid in the case of injuries received in the execution of duty wholly incapacitating a member of the Fund who is a member of either the Fire or Police Departments from performing his duties in connection with such Department, but not from other employment shall be one-half that payable under clause numbered 31 hereof.

33. Any member who may be so injured in the lawful performance of duty as to be permanently incapacitated for any employment or work whatsoever shall be paid a pension of half-pay for life.

34. If a member is killed in the discharge of his duty or dies from injuries received in the execution of his duty the same pension shall be payable to his widow, his children or dependent parent as would be payable under the terms of clause numbered 25 hereof and the period of service of such member shall be computed at 25 years.



35. The City's physician shall examine all men appointed to the Fire and Police Departments and shall attend all sick members as part of his duties.

36. Applicants for membership in the Fund shall sign a written application Form A and a direction to the City Treasurer, Form B.

37. All men hereafter appointed to the Fire and Police Departments in addition to complying with the rules governing those Departments shall furnish the Committee with a certificate from the City Physician, Form C.

38. Applicants for membership in the Fund who are not members of the Fire or Police Departments shall furnish the Committee with a certificate from the City Physician, Form D.

39. In all cases where a member has been reported as physically or mentally unfit for further service, or where a member claims the right to retire from service on any of the grounds specified, the Committee shall appoint a Medical Board to enquire into such case, who shall report to the Committee. The Board shall be composed as follows:—The Committee shall appoint a physician whose fee shall be paid from the Fund; the member interested may appoint a second physician and shall pay his fee and the City Council may appoint a third, whose fee shall be paid by the City.

40. Any member who has been allowed a pension on the ground of ill health or disability from injury before the age of sixty shall in January of each year furnish to the Committee a certificate of his state of health signed by a physician approved by the Committee, and in the event of his health being re-established he shall be liable to re-enter the service of the City, whereupon the pension shall cease and the member shall resume his contributions to the Fund.

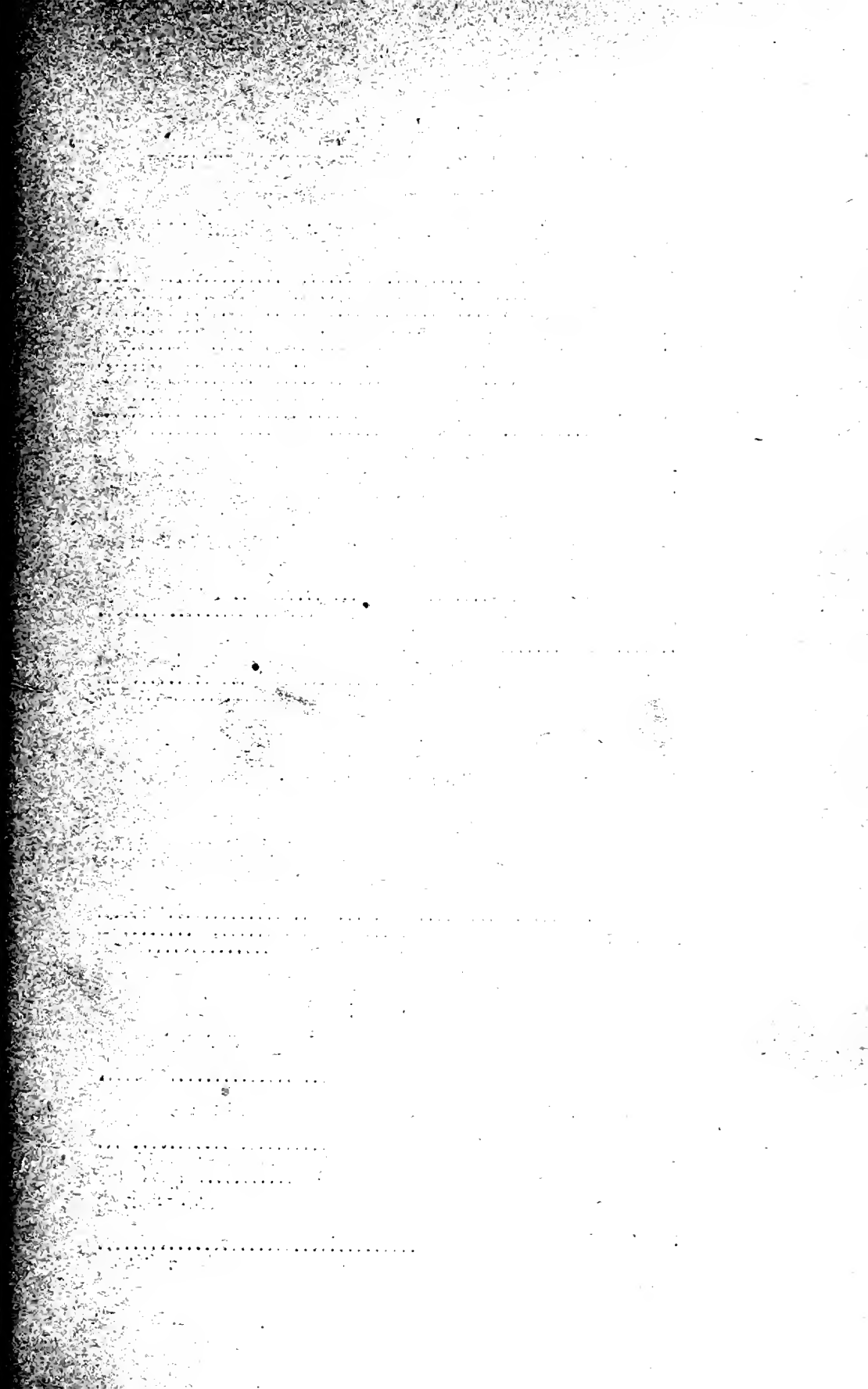
41. The Committee may from time to time by two-thirds vote of the members make any further rules or regulations respecting the administration of the Fund not inconsistent herewith.

42. No dispute, claim, objection or question whatever between the Committee and any member of the Fund, or any former member thereof or any pensioner, or widow, child or parent or other representative of a deceased member, former member, pensioner, widow, child, parent, or other representative shall on any pretext be made the subject of litigation in any Court whatsoever unless after written submission thereof to the friendly arbitrament and decision of the City Council and express refusal of such Council to accept the same and decide thereof, and, upon every such submission the Council or such Committee thereof as it shall empower shall have the fullest power to decide as to such dispute, claim, objection or question, irrespectively of all manner of formality of procedure and its decision certified under the hand of the Mayor and City Clerk, shall be absolutely final and conclusive, notwithstanding any defect of form or irregularity of procedure as touching the same whatsoever.

43. The City Council may from time to time make additions, alterations or amendments to these rules and regulations upon the request of the Committee by a two-thirds vote of the members of such Committee.

44. It shall be lawful for the Committee to enter into an Agreement with the Public Utility Commission for the admission to the Fund of the employees of such Commission upon such terms as the Committee shall decide with the approval of the City Council and such agreement may provide for the election or appointment of one or more representative or representatives from such Commission or its employees to be members of the Committee.





*Form A.*

CITY OF STRATFORD MUNICIPAL BENEFIT FUND

APPLICATION FOR MEMBERSHIP

I hereby apply to become a member of City of Stratford Municipal Benefit Fund.

1. My full name is.....
2. Address.....
3. Place of birth.....
4. Date of birth.....
5. Date of entering City's service.....
6. Particulars of service.....
7. Present position.....
8. Present salary.....
9. Particulars of former illness or injury.....

I declare that the above answers are true and that to the best of my knowledge, information and belief my health is good, my mind sound and my habits temperate; that I usually enjoy good health and do not practise any habit tending to impair my health or shorten my life.

I also agree to be bound by the Rules and Regulations of the Fund and amendments which may be properly made thereto.

DATED at Stratford this.....day of....., 19....  
Signature of applicant.....

WITNESS:

I certify that the above answers are correct to the best of my knowledge.  
.....  
Chief of.....Dept.

*Form B.*

CITY OF STRATFORD MUNICIPAL BENEFIT FUND

TO THE CITY TREASURER:—

I hereby request you to deduct 5% of my annual salary received from the City of Stratford and to pay the same half-monthly to the Treasurer of the City of Stratford Municipal Benefit Fund Committee.

Stratford, .....19.....  
Witness .....  
Member of.....Dept.

*Form C.*

CITY OF STRATFORD MUNICIPAL BENEFIT FUND

Stratford.....19.....

To the City of Stratford Municipal Benefit Fund Committee:—

I certify that I have this day examined.....  
and find him physically fit and apparently mentally sound and in my opinion capable of performing the duties of a City..... I also certify that I have examined his medical history and in my opinion he is a proper person to be granted membership in City of Stratford Municipal Benefit Fund.

.....  
Committee's Physician.



*Form D.*

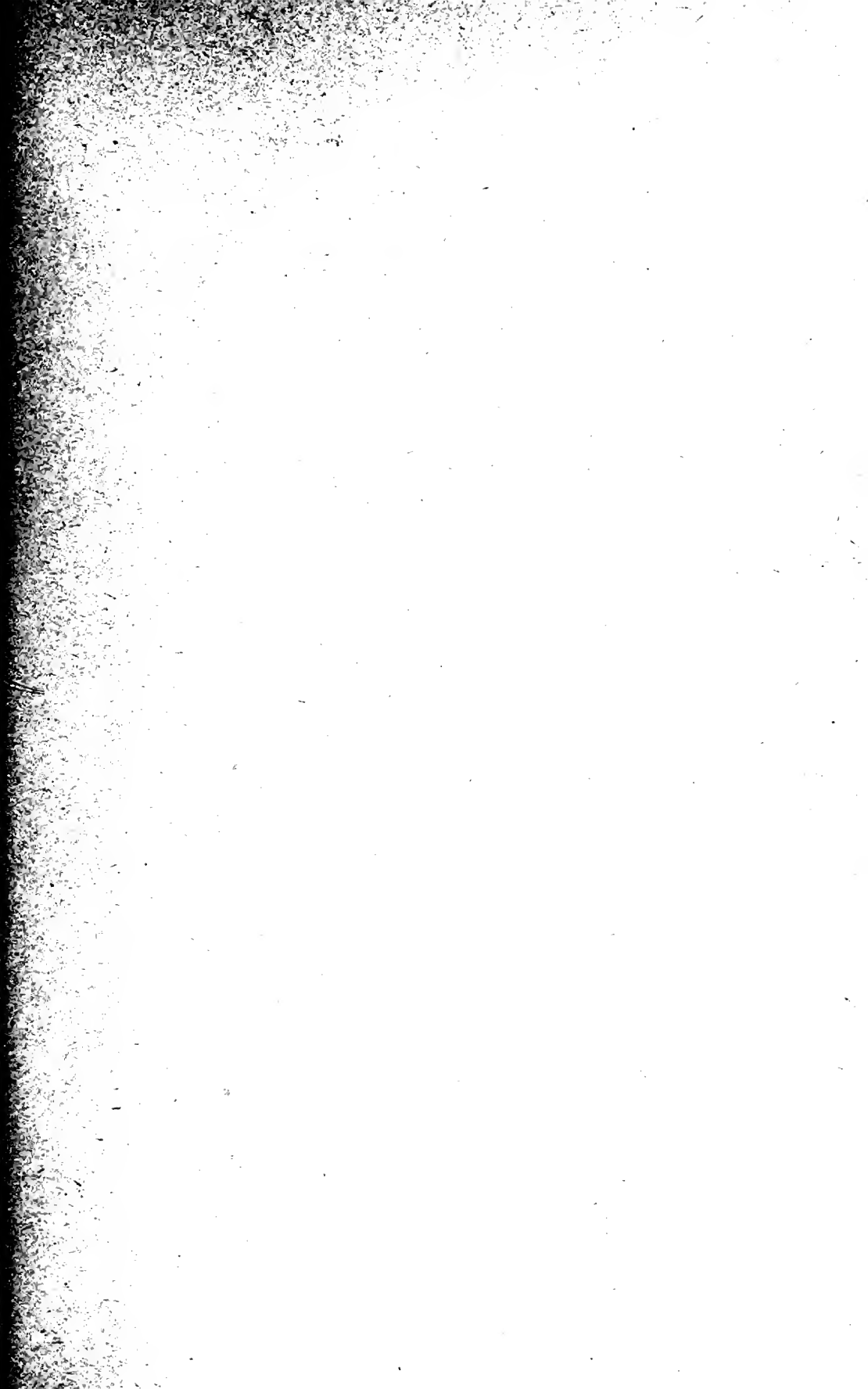
CITY OF STRATFORD MUNICIPAL BENEFIT FUND

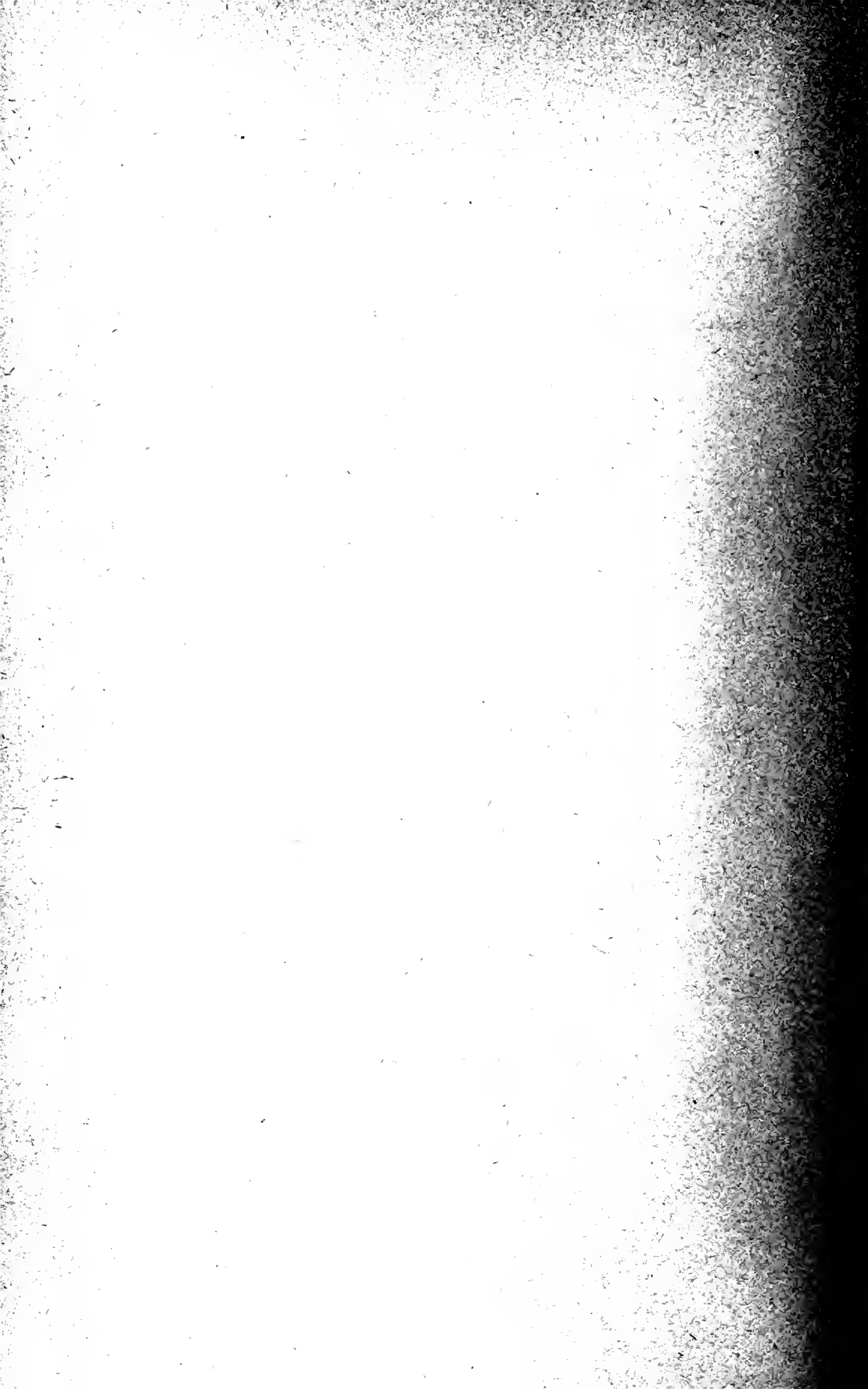
Stratford, .....19.....

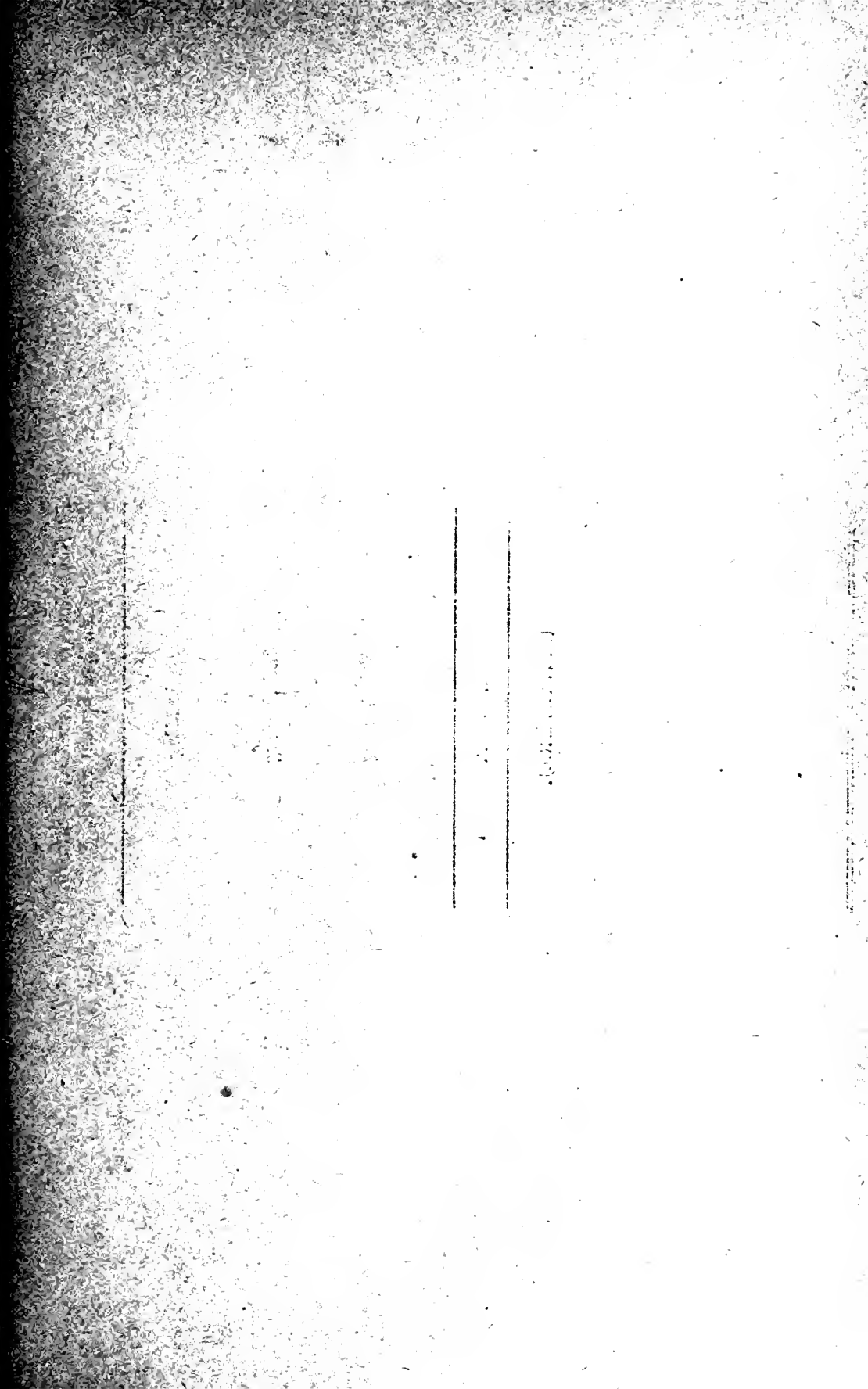
To the City of Stratford Municipal Benefit Fund Committee

I certify that I have this day examined .....  
and in my opinion he is physically and mentally a proper person to be  
granted membership in City of Stratford Municipal Benefit Fund.

.....  
*Committee's Physician.*







BILL.

An Act to incorporate the City of Stratford  
Municipal Benefit Fund.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. BONIS.

(PRIVATE BILL).



No. 14

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

**An Act to incorporate the City of Stratford Municipal Benefit Fund**

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MR. BONIS

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to incorporate the City of Stratford Municipal Benefit Fund.

Preamble.

**W**HEREAS Alfred Stephen Kappel, Charles Edward Moore, George Irvin Graff, Leon Joseph Long, Joe Laycock Broadley, Andrew Thomas Parker, Cecil Wright, Walter Herbert Gregory and Herbert Denroche by their petition have represented that "The City of Stratford Municipal Benefit Fund" was established under the supposed authority of paragraph 12 of section 406, of *The Consolidated Municipal Act, 1922*, by by-law number 2736 of the council of the corporation of the city of Stratford, subject to the rules and regulations set forth in the appendix to the said by-law; and whereas pursuant to the said rules and regulations the said fund was directed to be under the control and management of a committee to be called the "City of Stratford Municipal Benefit Fund Committee"; and whereas the said rules and regulations provide that the said committee shall consist of the mayor, the chairmen of numbers 1 and 3 committees of the city council, the chief of the fire department, the chief of police, the treasurer and secretary of the fund, and one other representative from the fire and police departments, to be elected as therein provided; and whereas the petitioners are the present members of "The City of Stratford Municipal Benefit Fund Committee"; and whereas in and by said by-law number 2736 it is provided "that by way of grant in aiding the establishment and maintenance of the said "The City of Stratford Municipal Benefit Fund" the corporation of the city of Stratford shall forthwith, upon the passing of this by-law, pay into the said fund the sum of three thousand (\$3,000) dollars, and shall annually on the first day of July in each year pay into the said fund a sum of money equivalent to the estimated assessment upon the members of the fund for the then current year, and in addition thereto, the said corporation shall pay into the said fund a further sum of one thousand (\$1,000) dollars in each year up to and including the year 1931"; and whereas under the provisions of the rules and regulations set forth in the appendix to said by-law number 2736, the following employees of the city of Stratford and no

1922, c. 72.

others are declared to be eligible for members of the fund, namely:—All officers and members of the city fire and police departments; all other salaried officials and employees of the city, and such members or employees of the city engineer's department as the city engineer or the chairman of the board of works shall certify as being eligible to become a member; and whereas doubts have arisen as to the authority of the said fund to effect contracts of insurance with its members and to grant mortuary and other benefits within the meaning of *The Insurance Act*; and to remove such doubts it is desirable that the said by-law number 2736 and the rules and regulations set forth in the appendix thereto be confirmed, subject to the provisions in this Act contained, and that the said fund should be incorporated under the name "The City of Stratford Municipal Benefit Fund," and that the said fund should be authorized to undertake any contract of insurance for which a fraternal society may be licensed under the provisions of *The Insurance Act* and to make such readjustments in its rates and benefits as are necessary to enable it to meet its contracts as they mature, and that all contracts of insurance heretofore undertaken or effected by the fund and all mortuary and other benefits heretofore granted by the fund, should be confirmed; and whereas the said petitioners 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;

Rev. Stat.  
c. 222.

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 Stratford Municipal Benefit Fund Act, 1930.* Short title

**2.** Subject to the provisions of this Act, by-law number 2736 of the corporation of the city of Stratford and the rules and regulations made thereunder, as set out in schedule "A" hereto, are hereby confirmed and declared to be legal, valid and binding. By-law No. 2736. confirmed.

**3.** "The City of Stratford Municipal Benefit Fund" established under the provisions of by-law number 2736 of the corporation of the city of Stratford is hereby incorporated as a fraternal society within the meaning of *The Insurance Act* under the name "The City of Stratford Municipal Benefit Fund." Incorporation of Fund as Fraternal Society. Rev. Stat. c. 222.

**4.** The said fund shall have authority and shall be deemed to have had since the passing of the said by-law authority to undertake any contract of insurance for which a fraternal Contracts of insurance already undertaken. confirmed.

society may be licensed under the provisions of *The Insurance Act*, and is hereby declared entitled to be licensed as a fraternal society under the said Act, and all such contracts of insurance heretofore undertaken or effected and all mortuary or other benefits heretofore granted by the fund are hereby confirmed.

Readjustment of rates and benefits.

**5** The governing executive authority of the fund may by amendment to the constitution, rules and regulations of the fund, and, with the approval of the Superintendent of Insurance, make such readjustments of the rates and benefits as are necessary in the opinion of the actuary of the fund to provide for the payment of the contracts of the fund at maturity, and such amendments shall be binding upon the members of the fund and upon their beneficiaries or legal representatives and upon all persons deriving legal rights from any member or beneficiary, notwithstanding anything contained in the constitution, rules and regulations of the fund before such amendments, or in any contract, policy or certificate of insurance heretofore or hereafter issued by the fund.

Application of provisions of Rev. Stat. cc. 222, 218.

**6**. Except where inconsistent with the provisions of this Act, the provisions of *The Insurance Act* and *The Companies Act* applicable to a fraternal society, the membership of which is limited by its constitution and by-laws to municipal employees, shall apply to the fund.

Commencement of Act.

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

## SCHEDULE "A."

## BY-LAW NO. 2736 OF THE CITY OF STRATFORD.

A BY-LAW granting aid for the Establishment and maintenance of the "CITY OF STRATFORD MUNICIPAL BENEFIT FUND."

Whereas it is expedient to grant aid for the establishment and maintenance of a superannuation and benefit fund for the members of the Police Force and of the Fire Brigade of the City of Stratford and of other officers and employees of the said Corporation and of their wives and families.

Be it therefore enacted by the Municipal Council of the Corporation of the City of Stratford as follows:—

1. That a Superannuation and benefit fund shall be created and established to be known and designated as the "CITY OF STRATFORD MUNICIPAL BENEFIT FUND" for the members of the Police Force and of the Fire Brigade of the City of Stratford and of other officers and employees of the Corporation and of their wives and families, subject to and in accordance with the Rules and Regulations therefore set forth in the Appendix of this By-law marked Appendix "A."

2. That by way of grant in aiding the establishment and maintenance of the said "CITY OF STRATFORD MUNICIPAL BENEFIT FUND" the Corporation of the City of Stratford shall forthwith upon the passing of this By-law pay into the said fund the sum of Three Thousand Dollars, and shall annually on the First day of July in each year pay into the said fund a sum of money equivalent to the estimated assessment upon the members of the fund for the then current year, and in addition thereto the said Corporation shall pay into the said fund a further sum of One Thousand Dollars in each year up to and including the year 1931.

3. This By-law shall go into force and take effect from and after the passing thereof.

Passed this 4th day of August, A.D. 1922.

W. H. GREGORY,  
*Mayor.*  
W. H. DORLAND,  
*Clerk.*

## APPENDIX "A."

## CITY OF STRATFORD MUNICIPAL BENEFIT FUND.

*Rules and Regulations.*

1. In these rules,—

- (a) "Fund" shall mean "City of Stratford Municipal Benefit Fund."
- (b) "Committee" shall mean "City of Stratford Municipal Benefit Fund Committee."

2. The Municipal Council of the Corporation of the City of Stratford hereby create and establish a fund to be known and designated as "City of Stratford Municipal Benefit Fund."

3. The following employees of the City of Stratford, and no others shall be eligible for members of the Fund, namely: all officers and members of the City Fire and Police Departments; all other salaried officials and

employees of the City, and such members or employees of the City Engineer's Department as the City Engineer or the Chairman of the Board of Works shall certify as being eligible to become a member.

4. It shall be compulsory for all Firemen and Policemen and all other eligible employees under forty years of age, hereafter appointed, to become members of the Fund, upon passing the necessary physical examination, but membership in the Fund shall be optional with all present City Employees; Provided that all City employees who are eligible for membership in the Fund shall have one year from the inauguration of the Fund or from the Commencement of their services with the City in which to become members, except with special permission of the Committee.

5. The members of the Fund shall contribute to it 5% annually of the amounts of their several salaries, payable in equal half-monthly instalments, each instalment to be deducted from the member's half-monthly pay by the City Treasurer and immediately paid into the Fund.

(a) Provided that Call Firemen who are members of the Fund shall contribute to it 2½% annually based on the salary of a first class fireman payable as above set out and shall be entitled to share in all the benefits of the Fund by reason of accident or disability sustained by such Call Firemen in the discharge of their duty as such and to be rated as first class firemen, but not to share in the pension by reason of length of service.

6. The City of Stratford shall at this time pay into the Fund the sum of \$3,000.00 and shall annually on the 1st day of July pay into the Fund a sum of money equivalent to the estimated assessments upon the members of the Fund for the then current year and in addition thereto the City shall pay into the Fund a further sum of \$1,000.00 in cash in each of the years to and including the year 1931.

7. The Fund shall be under the management and control of a Committee to be called the "City of Stratford Municipal Benefit Fund Committee."

8. The Committee shall consist of the Mayor, the Chairman of numbers 1 and 3 Committees of the City Council, the Chief of the Fire Department, the Chief of Police, the Treasurer and Secretary of the Fund, and one other representative from the Fire and Police Departments, to be elected as set out in the next clause hereof.

9. During the month of August, 1922, and hereafter annually on the first Monday of June the Chiefs of the Fire and Police Departments shall each convene a meeting of the members of the Fund within their respective Departments for the nomination of a representative upon said Committee.

- (a) Notice of such meeting shall be posted up on the Notice Board seven days prior to the date thereof.
- (b) Such meeting shall open at 5.30 p.m. and close at 6.30 p.m.
- (c) Nominations may be oral or in writing and one nominator only shall be required.
- (d) Immediately after the close of the nomination meeting the Chief shall post up a list of nominees.
- (e) Nominees may withdraw in writing 24 hours after the close of the meeting.
- (f) In the event of the representative not being elected by acclamation the Chief shall have ballots prepared and shall conduct a secret poll on the second day after nomination day and such poll shall be open between the hours of 5 p.m. and 7 p.m.

- (g) The ballots shall then be counted in the presence of any members of the Fund who desire to be present.
- (h) A certificate from the Chief countersigned by any other two members of the Fund shall be conclusive evidence of the result of such election.

10. The Committee shall meet for the transaction of business at five o'clock p.m. on the second Monday of each month at the Fire Hall or such other place as the Committee may decide.

11. The Officers of the Committee shall be a chairman, a secretary and a treasurer to be elected at the organization meeting of the Committee and thereafter annually at the regular meeting in July of each year.

12. The secretary shall be a member of the Fund.

13. A majority of the Committee shall form a quorum for the transaction of business.

14. The moneys belonging to the Fund shall be deposited to the credit of the Fund in a Chartered Bank and so far as possible shall be kept invested in securities authorized by law for trust funds, all such securities to be kept in a safety deposit box in such Bank.

15. Payments out of the Fund shall be first approved by the Committee and shall be made by warrant drawn upon the Treasurer, signed by the chairman and secretary and accepted by the treasurer.

16. Every application for a pension, allowance or aid must come before the Committee and shall be allowed only by a two-thirds vote of the membership of the Committee.

17. The committee shall keep correct minutes of its proceedings and shall have its accounts audited by the City auditors who shall report thereon to the City Council.

18. The secretary shall keep a roll of all members of the Fund showing all particulars of service, salary, age and description, and shall also keep a correct pension list which shall set forth all amounts paid out of the Fund by way of any pension, allowance or aid to the members of the Fund or their dependents.

19. In estimating the length of service, members shall be entitled to credit for one-half of their service up to the time at which they shall become members.

20. In the case of voluntary resignation or dismissal for cause of any member all payments made by him to the Fund less any amount he may be in default to the City shall be returned without interest one year from the date of his leaving the service, the question of cause for dismissal to rest entirely with the City Council, or in the case of a member of the Police Department with the Board of Police Commissioners.

21. A member who has been fifteen years in the service of the City and who has attained the age of sixty years on or before the date of his retirement from such service shall on retiring be entitled to a pension on the basis of 1-60th of his salary at time of retirement for each year of service but the maximum pension shall in no case exceed one-half of the salary of such member.

22. A member whose term of service has been under twenty-five years shall not be entitled to a pension for a longer period than his term of service.

23. A pension granted to a member whose term of service has reached twenty-five years shall be for life.

24. Upon the death of a member who at the time of his death has not completed fifteen years of service, all payments made by him to the

fund with interest computed half-yearly at the rate of 4% per annum, shall be paid to his widow, his children or his dependent parent, as the Committee shall direct.

25. Upon the death of a member who at the time of his death has completed fifteen years of service or is in receipt of a pension, his widow or his children or dependent parent shall be entitled to receive one-half the pension to which the member would be entitled based on his years of service but such pension shall not in any case exceed the number of years service of such member and the period for which the deceased member shall have been in receipt of his pension shall be deducted from his term of service in computing the period during which payment is to be made to his dependents.

26. In the event of remarriage of a widow in receipt of a pension, the pension shall cease.

27. The widow of a pensioner who shall have been married to him after he became a pensioner shall not be entitled to any allowance.

28. Children of a deceased member shall cease to receive any pension upon attaining the age of eighteen years.

29. The decision of the Committee shall be final and binding in the allotment or distribution of any pension to or among the dependents of a deceased member.

30. In the event of a pensioned member taking other employment, the permission of the Committee must be obtained or his pension will be forfeited.

31. Any member worn out in the service of the City shall be entitled to the return of his payments to the Fund and—

- (a) If he has served under 10 years he shall receive an allowance of 10 days' pay for each year's service completed.
- (b) If he has served over 10 years and under 15 years he shall receive an allowance of 20 days' pay for each year's service completed.
- (c) If he has served over 15 years and up to 20 years he shall receive an allowance of one month's pay for each year's service completed.
- (d) If he has served over 20 years and up to 25 years he shall receive a pension for life of three-eighths of his pay at time of retirement, but shall not be entitled to the return of his payments to the Fund.
- (e) After 25 years' service (even though under 60 years of age) he shall receive a pension of one-half pay for life, but shall not be entitled to the return of his payments to the Fund.

32. The allowance to be paid in the case of injuries received in the execution of duty wholly incapacitating a member of the Fund who is a member of either the Fire or Police Departments from performing his duties in connection with such Department, but not from other employment shall be one-half that payable under clause numbered 31 hereof.

33. Any member who may be so injured in the lawful performance of duty as to be permanently incapacitated for any employment or work whatsoever shall be paid a pension of half-pay for life.

34. If a member is killed in the discharge of his duty or dies from injuries received in the execution of his duty the same pension shall be payable to his widow, his children or dependent parent as would be payable under the terms of clause numbered 25 hereof and the period of service of such member shall be computed at 25 years.



35. The City's physician shall examine all men appointed to the Fire and Police Departments and shall attend all sick members as part of his duties.

36. Applicants for membership in the Fund shall sign a written application Form A and a direction to the City Treasurer, Form B.

37. All men hereafter appointed to the Fire and Police Departments in addition to complying with the rules governing those Departments shall furnish the Committee with a certificate from the City Physician, Form C.

38. Applicants for membership in the Fund who are not members of the Fire or Police Departments shall furnish the Committee with a certificate from the City Physician, Form D.

39. In all cases where a member has been reported as physically or mentally unfit for further service, or where a member claims the right to retire from service on any of the grounds specified, the Committee shall appoint a Medical Board to enquire into such case, who shall report to the Committee. The Board shall be composed as follows:—The Committee shall appoint a physician whose fee shall be paid from the Fund; the member interested may appoint a second physician and shall pay his fee and the City Council may appoint a third, whose fee shall be paid by the City.

40. Any member who has been allowed a pension on the ground of ill health or disability from injury before the age of sixty shall in January of each year furnish to the Committee a certificate of his state of health signed by a physician approved by the Committee, and in the event of his health being re-established he shall be liable to re-enter the service of the City, whereupon the pension shall cease and the member shall resume his contributions to the Fund.

41. The Committee may from time to time by two-thirds vote of the members make any further rules or regulations respecting the administration of the Fund not inconsistent herewith.

42. No dispute, claim, objection or question whatever between the Committee and any member of the Fund, or any former member thereof or any pensioner, or widow, child or parent or other representative of a deceased member, former member, pensioner, widow, child, parent, or other representative shall on any pretext be made the subject of litigation in any Court whatsoever unless after written submission thereof to the friendly arbitrament and decision of the City Council and express refusal of such Council to accept the same and decide thereof, and, upon every such submission the Council or such Committee thereof as it shall empower shall have the fullest power to decide as to such dispute, claim, objection or question, irrespectively of all manner of formality of procedure and its decision certified under the hand of the Mayor and City Clerk, shall be absolutely final and conclusive, notwithstanding any defect of form or irregularity of procedure as touching the same whatsoever.

43. The City Council may from time to time make additions, alterations or amendments to these rules and regulations upon the request of the Committee by a two-thirds vote of the members of such Committee.

44. It shall be lawful for the Committee to enter into an Agreement with the Public Utility Commission for the admission to the Fund of the employees of such Commission upon such terms as the Committee shall decide with the approval of the City Council and such agreement may provide for the election or appointment of one or more representative or representatives from such Commission or its employees to be members of the Committee.

Form A.

CITY OF STRATFORD MUNICIPAL BENEFIT FUND  
APPLICATION FOR MEMBERSHIP

I hereby apply to become a member of City of Stratford Municipal Benefit Fund.

- 1. My full name is.....
- 2. Address.....
- 3. Place of birth.....
- 4. Date of birth.....
- 5. Date of entering City's service.....
- 6. Particulars of service.....
- 7. Present position.....
- 8. Present salary.....
- 9. Particulars of former illness or injury.....

I declare that the above answers are true and that to the best of my knowledge, information and belief my health is good, my mind sound and my habits temperate; that I usually enjoy good health and do not practise any habit tending to impair my health or shorten my life.

I also agree to be bound by the Rules and Regulations of the Fund and amendments which may be properly made thereto.

DATED at Stratford this.....day of....., 19....

Signature of applicant.....

WITNESS:

I certify that the above answers are correct to the best of my knowledge.

..... Chief of..... Dept.

Form B.

CITY OF STRATFORD MUNICIPAL BENEFIT FUND

TO THE CITY TREASURER:—

I hereby request you to deduct 5% of my annual salary received from the City of Stratford and to pay the same half-monthly to the Treasurer of the City of Stratford Municipal Benefit Fund Committee.

Stratford, .....19.....

Witness .....  
Member of..... Dept.

Form C.

CITY OF STRATFORD MUNICIPAL BENEFIT FUND

Stratford.....19.....

To the City of Stratford Municipal Benefit Fund Committee:—

I certify that I have this day examined..... and find him physically fit and apparently mentally sound and in my opinion capable of performing the duties of a City..... I also certify that I have examined his medical history and in my opinion he is a proper person to be granted membership in City of Stratford Municipal Benefit Fund.

.....  
Committee's Physician.

*Form D.*

CITY OF STRATFORD MUNICIPAL BENEFIT FUND

Stratford, .....19.....

To the City of Stratford Municipal Benefit Fund Committee

I certify that I have this day examined .....  
and in my opinion he is physically and mentally a proper person to be  
granted membership in City of Stratford Municipal Benefit Fund.

.....  
*Committee's Physician.*

BILL.

An Act to incorporate the City of Stratford  
Municipal Benefit Fund.

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*1st Reading*

February 11th, 1930

*2nd Reading*

March 5th, 1930

*3rd Reading*

March 19th, 1930

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MR. BONIS.

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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## BILL

An Act to validate an Agreement between the Corporation of the  
City of Stratford and one Howard Hodgkins

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MR. BONIS

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(PRIVATE BILL)

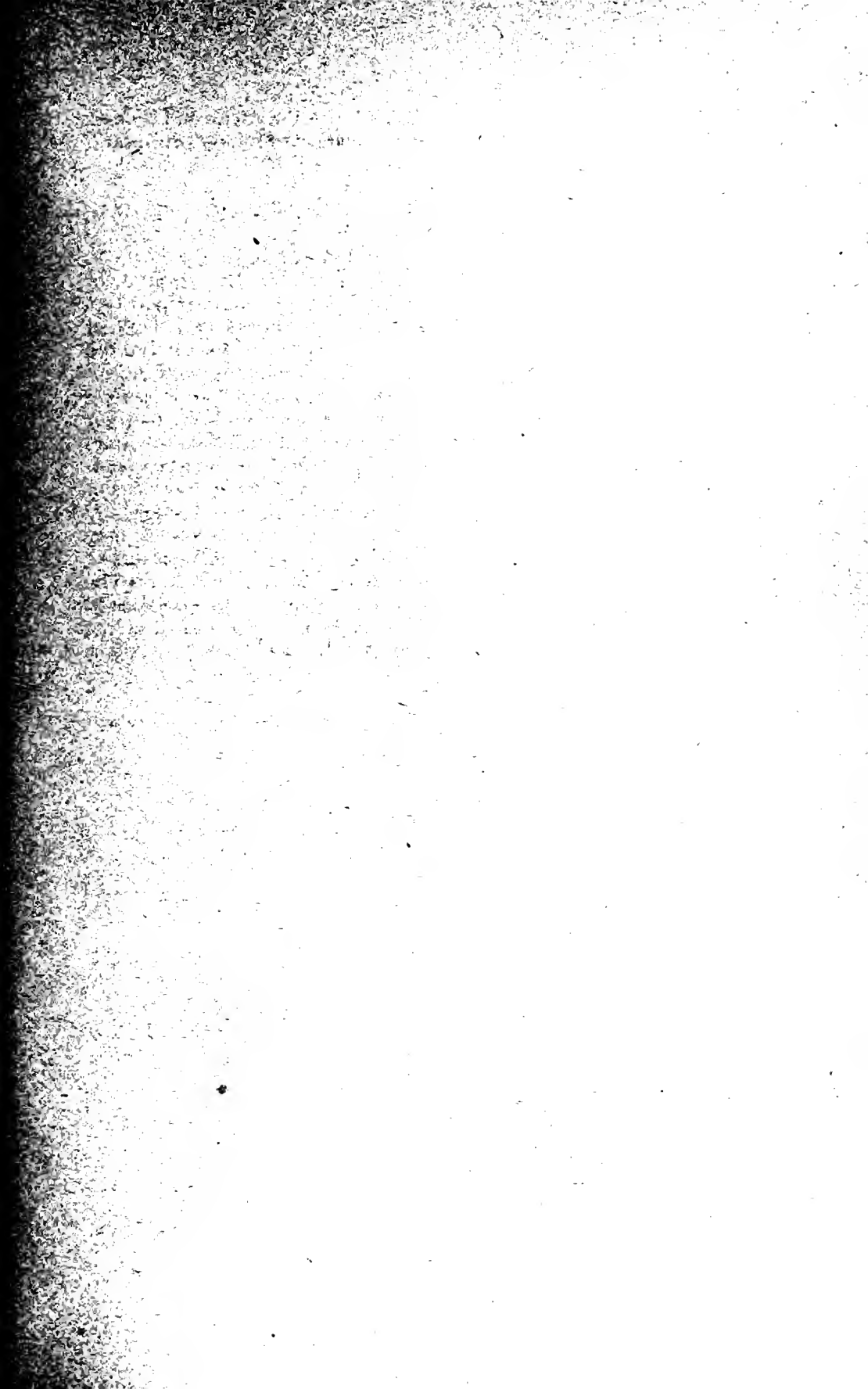
# BILL

An Act to validate an Agreement between the Corporation of the City of Stratford and one Howard Hodgkins.

Preamble.

**W**HEREAS the corporation of the city of Stratford and Howard Hodgkins have by their petition represented that Howard Hodgkins operates a bus transportation system in and about the city of Stratford in the Province of Ontario; that the corporation of the city of Stratford and the said Howard Hodgkins have executed the agreement set forth in schedule "A" hereto; that the council of the corporation of the city of Stratford submitted to the municipal electors of the city of Stratford in accordance with the provisions of *The Municipal Act* the question whether the said electors were in favour of the said agreement; that the said question received 2,798 votes in the affirmative and 1,507 votes in the negative; and whereas it is desirable and in the interests of the said corporation of the city of Stratford and of the said Howard Hodgkins that such agreement should be validated and confirmed and that the said corporation should be empowered to pass such by-laws, to enter into such agreements, and to do all such other 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 that the said agreement be declared legal and binding upon the parties thereto; and whereas it is desirable and in the interests of the said corporation of the city of Stratford and of the said Howard Hodgkins that where jurisdiction respecting any of the matters mentioned in the said agreement is now or may hereafter be vested in the Board of Police Commissioners of the said city, or any other authority, such powers as may be necessary to enable the council of the said corporation to carry out the provisions of the said agreement shall be exercised by the council of the said corporation instead of by the said Board or other authority; and whereas the said corporation and the said Howard Hodgkins 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;

Rev. Stat.,  
c. 233.



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 Stratford Act, 1930.*

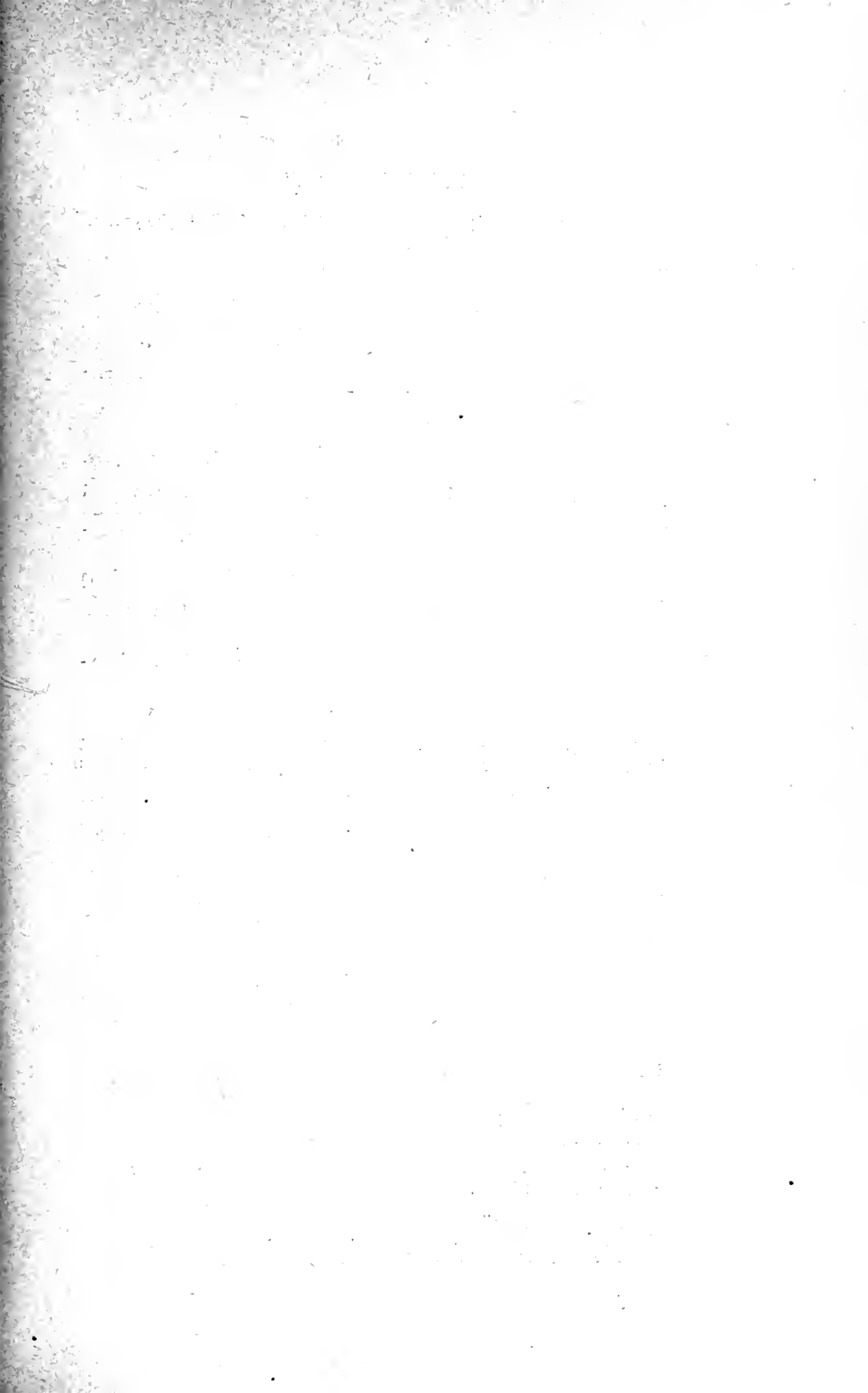
Agreement  
between City  
and  
H. Hodgkins  
re operation  
of buses con-  
firmed.

**2.** The agreement dated the 29th day of July, A.D. 1929, made between the corporation of the city of Stratford, of the first part, and Howard Hodgkins, of the other part, set forth in schedule "A." hereto, is hereby 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 by-laws, to enter into such other agreements, and to do all such other 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 Board of 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 by the said Board or other authority.

Commence-  
ment of Act.

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





## SCHEDULE "A."

This Agreement made in triplicate the 29th day of July in the year of Our Lord One thousand nine hundred and twenty-nine.

BETWEEN:

HOWARD HODGKINS OF THE CITY OF STRATFORD, *in the County of Perth, Bus Operator, carrying on business under the firm name and style of "STRATFORD COACH LINES,"* hereinafter called "STRATFORD COACH LINES,"

of the first part;

—and—

THE CORPORATION OF THE CITY OF STRATFORD, hereinafter called the "CORPORATION,"

of the second part.

Whereas Howard Hodgkins has offered to provide and operate Local Bus Lines as defined in this Agreement and to provide and operate a local passenger transportation system for the City of Stratford upon the terms and conditions hereinafter set forth;

And whereas by By-law duly passed by the Municipal Council of the Corporation, the Mayor and Clerk of the Corporation have been authorized and directed to execute, seal and deliver this Agreement on behalf of this Corporation;

Now therefore this Agreement witnesseth that for valuable consideration the parties hereto covenant and agree as follows:—

*Definitions*

In this Agreement and in any By-law, Resolution or Notice incidental hereto or provided for hereunder, unless the context otherwise requires:

1. "*Arbitrators*" shall mean a Board of Arbitrators consisting of the Judge for the time being of the County Court of the County of Perth, one arbitrator appointed by the said Howard Hodgkins and one arbitrator appointed by the said Corporation.

2. "*City*" shall mean the area comprised within the present municipal boundaries of the City of Stratford, and all such additional areas as may hereafter from time to time be annexed thereto, from the time each additional area is annexed.

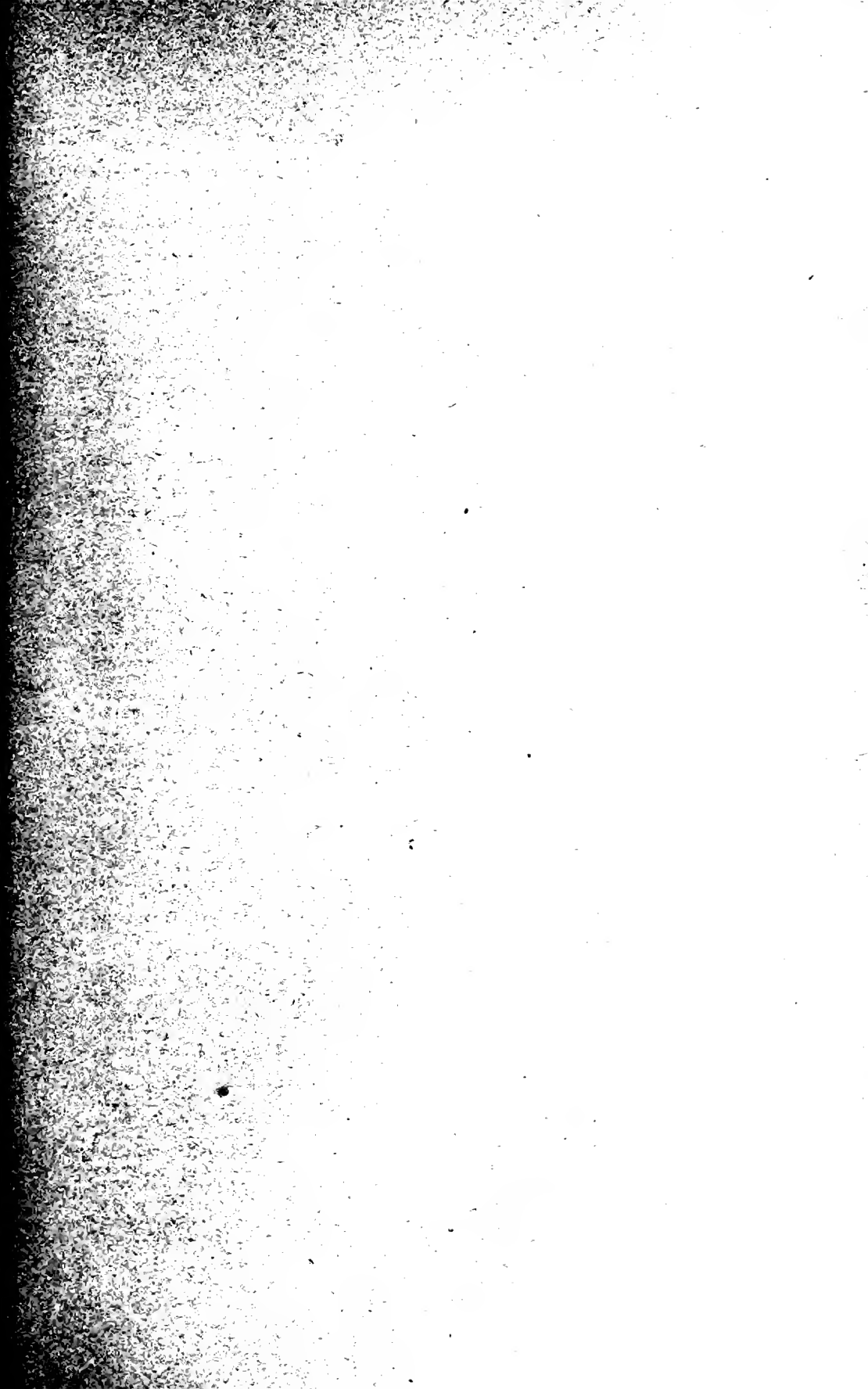
3. "*Rolling Stock*" shall mean and include all motor cars, buses, vehicles and every description of car and other equipment whatsoever designed for movement on its own wheels and propelled by its own power, utilized under the terms of this agreement by Stratford Coach Lines.

4. "*Stratford Coach Lines*" shall mean Howard Hodgkins and shall include his heirs, executors, administrators, successors and assigns.

5. "*Local Lines*" shall mean and include all streets and lines of Bus Transportation within the boundaries of the City of Stratford, and between the said City and its Airport.

6. "*Interurban Lines*" shall mean and include all lines of Motor Coach other than Local Lines.

7. "*City Engineer*" shall mean the person for the time being holding the office of City Engineer of the Corporation, or the person who shall for the time being exercise the duties of City Engineer.



8. "*Franchise*" shall mean and include all rights and privileges hereby granted to Howard Hodgkins in respect to Stratford Coach Lines, Local Lines and Interurban Lines.

9. "*Street*" shall include a highway, lane, bridge, forming part of a highway and a public place.

10. "*Depreciation*" shall mean the unavoidable lessening of useful life in an article due to impairment from any cause whatever, exclusive of accidental injury and is expressed as an amount which is a percentage of the actual cost new, less salvage, of the particular item under consideration, said percentage being the proportion which said lessening of useful life bears to the total useful life of the particular item.

11. "*Operating Expenses*" shall mean and include all expenditures and liabilities usually classified as such, including expenditures and liabilities for repairing, preserving, renewing and replacing Local Bus Equipment and assets constituting ordinary maintenance charges, license fees, taxes, wages and salaries at usual scale in such businesses, insurance premiums, fuel and printing expenditures and usual expenses in operation.

12. "*Bona Fide Pupils*" shall include children under sixteen years of age who may be employed under a permit issued or procured under the provisions of *The Adolescent School Attendance Act*, or who may be in attendance at any authorized Continuation Class conducted by the Board of Education of the City of Stratford.

13. "*The Singular*" shall include the plural.

1. The Corporation hereby grants to Howard Hodgkins, his heirs, executors, administrators and assigns, as hereinafter provided, the exclusive right, franchise and privilege for the full period of ten years from the date hereof to operate a passenger transportation system, not including a street railway, and for such purpose to construct, maintain, lease, use, own and operate buses and other vehicles operated by gasoline, electricity (except when supplied by overhead wires), steam, air or other motive power, together with any rolling stock and equipment necessary and incidental thereto to the extent, and upon the terms mentioned and authorized in and by this Agreement and for the said purpose to use, occupy and operate upon all the streets of the Corporation for the said term of years, but nothing herein contained shall be deemed to permit Stratford Coach Lines to operate a street railway.

2. In consideration of the rights, franchise and privilege herein granted by the Corporation to Howard Hodgkins, Howard Hodgkins hereby covenants and agrees to pay to the Corporation the sum of Five Hundred (\$500.00) Dollars of lawful money of Canada, per annum, on the First day of August in each year from and after the expiration of the first five years of the said term, the first of such payments to become due and payable on the First day of August, 1935.

3. During the term of this Agreement or until the termination thereof, the Corporation shall not, without the consent of Howard Hodgkins or/and Stratford Coach Lines, grant or permit to be granted to any other person, partnership, company or corporation, any right, privilege, license or franchise to construct, maintain, use or operate any lines of railway for local passenger traffic or any bus, jitney or other similar vehicle for the purpose of transportation of passengers for gain or hire which shall in any way depreciate the rights, privileges and franchise hereby granted or the operation of which shall come into competition with the Local Bus Lines; *provided*, that any such grant to operate a bus or jitney or other similar vehicle between any point in the City and any locality outside of the City not served by the Local Bus Lines, shall not be deemed to depreciate the said rights, privileges and franchise, but in no case shall any bus, jitney or other similar vehicle be permitted to take on passengers within the City and discharge such passengers within the City. And provided further that this Section shall not apply to ordinary cabs or taxicabs kept for hire and used for trips not over fixed routes at fares fixed by the Corporation's Police Commission.



4. Notwithstanding anything herein contained, should Howard Hodgkins or Stratford Coach Lines by reasons of strikes, riots, acts of God, the public enemies, or any other reason except road and weather conditions, fail to operate any portion of its Local Lines, the Corporation may grant or permit to be granted to any person, partnership, company or corporation, the right to operate buses, jitneys, or other vehicles for the transportation of passengers over such portion as long as such failure continues, and should Howard Hodgkins or Stratford Coach Lines fail to operate any portion of his or its local lines for a period of three months, the Corporation may at its option, upon thirty days' notice in writing to Howard Hodgkins or Stratford Coach Lines, cancel this agreement, and thereupon all rights of Howard Hodgkins or Stratford Coach Lines hereunder shall cease and be determined, and Howard Hodgkins or Stratford Coach Lines shall not be entitled to any compensation or damages whatsoever.

5. Howard Hodgkins may, with the consent of the Corporation and on such terms as may be agreed upon by and between Howard Hodgkins, the Corporation and any other bus lines or company, grant running rights over the local Bus Lines to passenger buses of any such other bus lines or company operating without the City, in case such other Bus Line desires an entrance to the City, and if Howard Hodgkins or/and Stratford Coach Lines and such other Bus Lines or Company and the Corporation cannot agree as to terms upon which such running rights should be granted, then such terms shall be fixed by arbitration.

6. Steam or/and electricity may be used as motive power to operate any form of vehicle suitable in addition to or in substitution for gasoline, provided that in the use of electricity no overhead wires, tracks or poles are used.

7. Howard Hodgkins shall commence to operate the Local Lines Bus Works within thirty days after this Agreement shall have been executed by the Corporation.

8. The Corporation shall keep the streets reasonably open and unobstructed so as not to hinder transportation. The execution of all work of construction or maintenance of any part of the City streets, including the removal of snow and ice, shall be carried on at such times as to have the work performed without any unnecessary interference with systematic and unnecessary interruption with public transportation over the streets, so far as the City equipment will permit.

9. Stratford Coach Lines shall adopt and use modern Rolling Stock, equipment and appliances which shall be maintained in first class condition and shall be suitable for the purposes for which same is intended to be used.

10. Stratford Coach Lines shall maintain a good bus service, as warranted by the requirements of the Corporation from time to time, during the term of the said franchise and any renewal thereof over fixed routes in the Corporation with fixed stopping and starting places and on a published schedule.

11. Howard Hodgkins or/and Stratford Coach Lines shall at all times by a reasonable insurance system keep the insurable portions of the Local Bus Lines Works insured against property damage and public liability as required by law.

12. The Corporation to the extent that it can legally do so hereby grants to Howard Hodgkins for the period of ten years from the time this franchise shall become effective, a fixed assessment of \$3,000.00 upon and to cover all the business and income and real and personal property and improvements thereon comprising the local Bus Lines Works and including one gasoline station, and to cover such lands and premises not to exceed a purchase price of \$5,000.00 as shall be purchased by Howard Hodgkins for office, storage and repair garage; but this clause shall not apply to a dwelling house acquired or purchased by Howard Hodgkins and used separate from the business of Howard Hodgkins or Stratford Coach Lines.



13. The following Fares Schedule shall apply to the operation of the Local Bus Lines under this Agreement, subject to the provisions of this Section. The Fare Zone shall be Stratford within its present boundaries; when it is warranted, and subject to the regulations of the Department of Highways, the Fare Zone shall extend to the Municipal Airport.

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<u>Adults</u>	<u>Children 51 Inches in Height and Under Occupying Seats</u>	<u>School Children</u>
Item A.—10c.cash, 4 tickets for 25c.	5c. cash or 2 for 5c.....5c.	5c. cash or 6 tickets 25c.
Item B.—10c. cash 6 tickets for 50c.	5c. cash or 2 for 5c.....5c.	cash.

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Nothing herein contained shall prevent Howard Hodgkins from making special rates for special or chartered buses, or other special or excursion service, which the Bus Company shall have the right to do, provided that the Local Line service is not affected thereby.

The rates of fare for children set forth herein shall apply to any child fifty-one inches in height or less. No child other than an infant child in arms shall be carried free.

*Bona fide* pupils under sixteen years of age in regular attendance at some school situate within the City shall be carried on the Local Bus Lines at the rate of fare for "School Children" mentioned in the Fares Schedule, upon presentation of School Children's tickets to be provided and purchased at the Bus Company Office by children exhibiting identification certificates signed by the Principal or Head Teacher of the School showing such children to be entitled to such rates.

"School Children's Tickets" shall be accepted for transportation of those entitled at all times.

The coach driver may before accepting a "School Children's Ticket" for transportation require the person presenting the same to produce his or her identification certificate and on failure to produce the same may require such person to pay the fare at the rate then in force for adults.

Payment of fare either in cash or by ticket shall entitle a passenger by single continuous journey over the most direct route to travel from any point within a fare zone to any other point in the same Fare Zone and for the purpose of making such journey the passenger shall be entitled to transfer from one route to one or more other routes of Stratford Coach Lines as may be necessary to reach the destination without payment of further or additional fares. The Fare Zone shall be as set forth in this Section, or as the same may from time to time hereafter be varied hereunder by agreement between the Corporation and Howard Hodgkins and/or Stratford Coach Lines, or failing such agreement as may be approved by arbitrators.

Howard Hodgkins and/or the Stratford Coach Lines may from time to time make Rules and Regulations governing the conduct of passengers on the Local Bus Lines, the payment of fares, use of fare tickets, transfers and transfer tickets. Rules and Regulations made hereunder form part of this agreement, as if the same, actually had been incorporated herein.

Whenever the Gross Receipts, Item A. of the Fares Schedule being in force, shall be insufficient to provide for Operating Expenses, depreciation and wages at current rates, Howard Hodgkins, or Stratford Coach Lines may, with the sanction of the Corporation, substitute for the Fares Schedules an item or items of fares higher in amount than said Item A. Such substituted Items of Fare shall forthwith be added to the Fares Schedules and form part thereof as Item B.





Policemen and Firemen in the employment of the Corporation when on duty and in uniform shall be carried by the buses on its Local Lines without charge and the Bus Company may carry without charge its own officers and employees and others engaged by the Bus Company and those entitled by Statute to free transportation.

14. Upon the coming into effect of this agreement Item "A" of the Fares Schedule shall apply and come into force and shall continue to apply and be in force, and thereafter until, under the provisions hereof, some other item of the Fares Schedule comes into force and in any event until the 31st day of December, 1931.

15. On the expiration hereof a new exclusive franchise for the further period of five years shall be and is hereby granted to the said Howard Hodgkins subject, however, to this proviso that the Corporation may grant such franchise to any other person, firm or corporation after the expiration of the present ten year term provided that all the assets and equipment, real and personal, of Stratford Coach Lines is purchased and a proper allowance for goodwill and development of the bus business allowed and paid forthwith to Stratford Coach Lines by such person, firm or corporation. The Corporation doth hereby covenant that it will not grant a new franchise to any other person, firm or corporation after the expiration of this ten-year franchise and prior to the expiration of a further five-year term until production is made to the corporation of written evidence of satisfaction signed by Stratford Coach Lines of Howard Hodgkins.

16. Provided Howard Hodgkins shall fail to exercise the option referred to in Clause 15 hereof, the Corporation may acquire and purchase all the assets and equipment, real and personal, of Stratford Coach Lines, and shall include in such purchase price a fair amount for goodwill and business development, and should any dispute arise as to the proper price to be paid therefor the same shall be referred to arbitration.

17. For the purpose of this Agreement the Corporation shall act by the Municipal Council thereof. The Corporation shall from time to time pass such By-laws and Resolutions, take such action and do such things as may be reasonably necessary for the purpose of fully effectuating the objects and intents of this Agreement. When the Corporation shall have obtained the necessary legislative enactment and vote of electors the said Howard Hodgkins doth agree to pay to the Corporation one-half the total cost thereof, provided that should Howard Hodgkins require a by-law approving this agreement to be submitted to a special vote of the electors, Howard Hodgkins agrees to pay one-half the total cost of securing any necessary legislative enactment, (no unnecessary expense to be incurred in obtaining same) and shall in addition thereto assume and pay the whole cost of securing the vote of the electors. If however, vote is taken at annual Municipal Elections there shall be no expense chargeable to Stratford Coach Lines.

18. Howard Hodgkins or Stratford Coach Lines and the Corporation covenant and agree each with the other:

(a) To carry out the provisions of this Agreement on the part of each to be carried out.

(b) To co-operate by all means in the power of each of them at all times to create the most favourable conditions for the carrying out of the objects of this Agreement and all or any By-laws pertaining thereto.

(c) To apply to the Legislative Assembly of the Province of Ontario for such powers as will enable the Corporation to do, perform and carry out each and every of the agreements and covenants on its part to be done, performed or carried out.

19. In case any disagreement or dispute shall arise under or out of this Agreement the same shall be referred to arbitrators.



20. If the Gross Receipts, under the conditions provided for in this Agreement, shall be insufficient to provide for the Operating Expenses, and depreciation for any period in excess of three years, Howard Hodgkins or Stratford Coach Lines shall have the right to abandon this Agreement upon two months' notice to the Corporation. Any notice to be given under any of the provisions hereof may be effectually given to the Corporation by delivery of the same to the City Clerk, or in his absence to some adult person in his office, or to the said Howard Hodgkins or Stratford Coach Lines by delivering the same to its Superintendent, or in his absence to some adult person in the office of the Stratford Coach Lines at the City of Stratford. Any such notice may also be effectually given by depositing the same in one of His Majesty's Post Offices, addressed, if to the Corporation to "The City Clerk of Stratford," at Stratford, Ontario, or if to Howard Hodgkins or Stratford Coach Lines, to the "Manager" of Stratford Coach Lines at Stratford, Ontario. If by Registered Letter as aforesaid the notice shall be deemed to have been given on the day of the posting thereof.

21. The said Corporation of the City of Stratford hereby permits, during the term of this franchise, the said Howard Hodgkins and/or Stratford Coach Lines to place the usual "Coach Stop" signs and other signs along the route as they may deem advisable.

22. The Corporation agrees to furnish and mark out all necessary junction places as may from time to time be required by Howard Hodgkins and as may be mutually agreed upon between the parties hereto.

23. The covenants herein contained are declared not to be severable.

This Agreement shall be binding upon and enure to the benefit of the parties hereto, their heirs, executors, administrators, successors and assigns, and is binding upon the Corporation only to the extent to which the Corporation may legally bind itself to the covenants herein contained.

In witness whereof the parties hereto have hereunto affixed their seals, the said Corporation affixing its Corporate Seal attested by the hands of its Mayor and Clerk.

SIGNED, SEALED and DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF  
STRATFORD.

*(Seal of Corporation of the  
City of Stratford)*

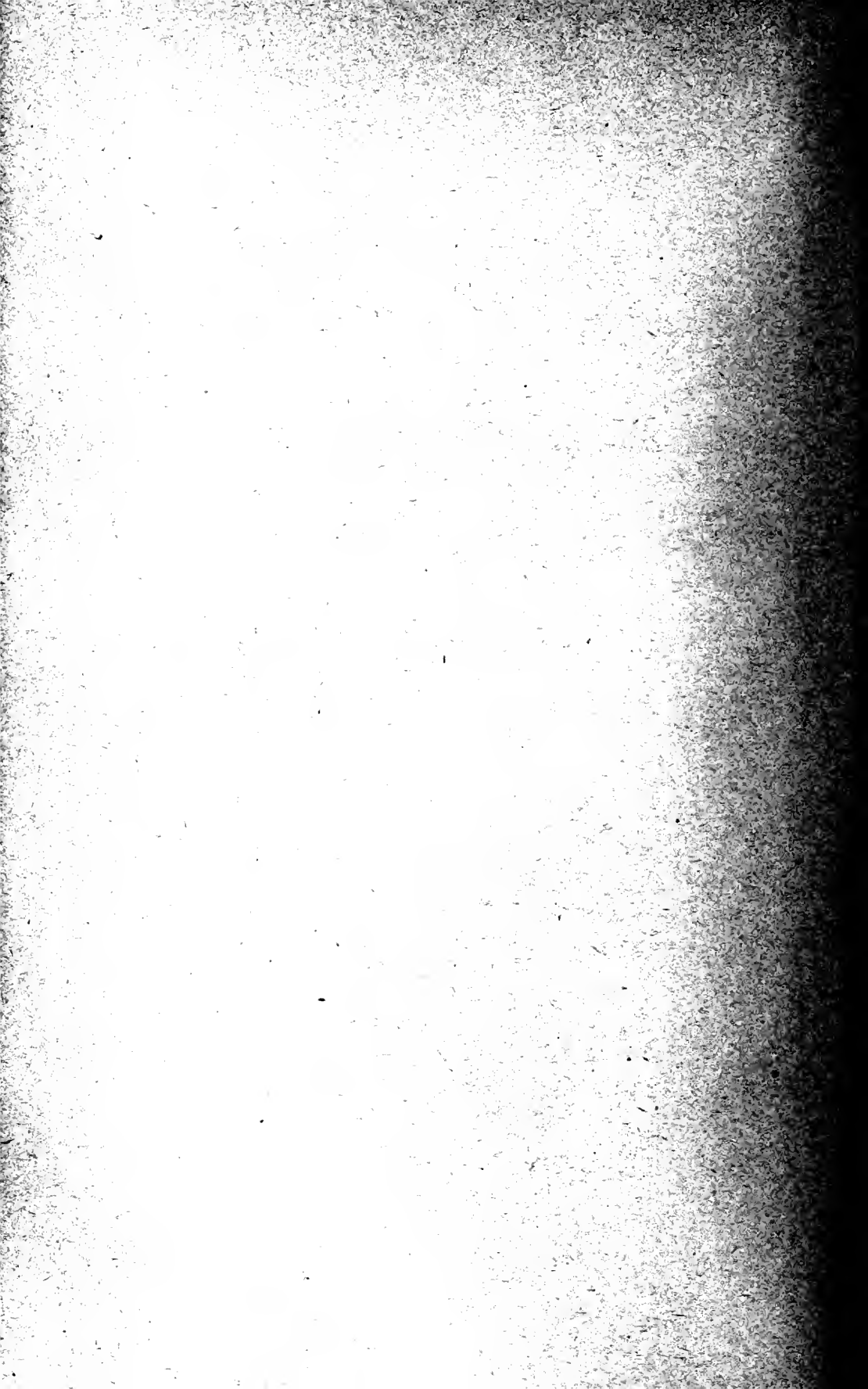
"J. A. ANDREW," Mayor.

"W. H. DORLAND," Clerk.

"S. H. FLEMING" as to signature  
of Howard Hodgkins.

"HOWARD HODGKINS."







An Act to validate an Agreement between  
the Corporation of the City of  
Stratford and one  
Howard Hodgkins.

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. BONIS

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(PRIVATE BILL)



1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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## BILL

An Act to validate an Agreement between the Corporation of the  
City of Stratford and one Howard Hodgkins

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MR. BONIS

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# BILL

## An Act to validate an Agreement between the Corporation of the City of Stratford and one Howard Hodgkins.

Preamble.

Rev. Stat.  
c. 233,

**W**HEREAS the corporation of the city of Stratford and Howard Hodgkins have by their petition represented that Howard Hodgkins operates a bus transportation system in and about the city of Stratford in the Province of Ontario; that the corporation of the city of Stratford and the said Howard Hodgkins have executed the agreement set forth in schedule "A" hereto; that the council of the corporation of the city of Stratford submitted to the municipal electors of the city of Stratford in accordance with the provisions of *The Municipal Act* the question whether the said electors were in favour of the said agreement; that the said question received 2,798 votes in the affirmative and 1,507 votes in the negative; and whereas it is desirable and in the interests of the said corporation of the city of Stratford and of the said Howard Hodgkins that such agreement should be validated and confirmed and that the said corporation should be empowered to pass such by-laws, to enter into such agreements, and to do all such other 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 that the said agreement be declared legal and binding upon the parties thereto; and whereas it is desirable and in the interests of the said corporation of the city of Stratford and of the said Howard Hodgkins that where jurisdiction respecting any of the matters mentioned in the said agreement is now or may hereafter be vested in the Board of Police Commissioners of the said city, or any other authority, such powers as may be necessary to enable the council of the said corporation to carry out the provisions of the said agreement shall be exercised by the council of the said corporation instead of by the said Board or other authority; and whereas the said corporation and the said Howard Hodgkins 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 City of Stratford Act, 1930*. Short title.

**2.**—(1) Subject to the provisions of subsection 2, the agreement dated the 29th day of July, A.D. 1929, made between the corporation of the city of Stratford, of the first part, and Howard Hodgkins, of the other part, set forth in schedule "A" hereto, is hereby 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 by-laws, to enter into such other agreements, and to do all such other 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 Board of 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 by the said Board or other authority.

Agreement  
between City  
and  
H. Hodgkins  
re operation  
of buses con-  
firmed.

(2) Notwithstanding anything to the contrary contained therein the said agreement shall be limited to providing and operating a passenger transportation system within the limits of the city of Stratford and shall not be construed as affecting the powers conferred on the Department of Public Highways by *The Public Vehicle Act*.

Rev. Stat.,  
c. 252.

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

Commence-  
ment of Act.

## SCHEDULE "A."

This Agreement made in triplicate the 29th day of July in the year of Our Lord One thousand nine hundred and twenty-nine.

BETWEEN:

HOWARD HODGKINS OF THE CITY OF STRATFORD, *in the County of Perth, Bus Operator, carrying on business under the firm name and style of "STRATFORD COACH LINES,"* hereinafter called "STRATFORD COACH LINES,"

of the first part;

—and—

THE CORPORATION OF THE CITY OF STRATFORD, hereinafter called the "CORPORATION,"

of the second part.

Whereas Howard Hodgkins has offered to provide and operate Local Bus Lines as defined in this Agreement and to provide and operate a local passenger transportation system for the City of Stratford upon the terms and conditions hereinafter set forth;

And whereas by By-law duly passed by the Municipal Council of the Corporation, the Mayor and Clerk of the Corporation have been authorized and directed to execute, seal and deliver this Agreement on behalf of this Corporation;

Now therefore this Agreement witnesseth that for valuable consideration the parties hereto covenant and agree as follows:—

*Definitions*

In this Agreement and in any By-law, Resolution or Notice incidental hereto or provided for hereunder, unless the context otherwise requires:

1. "*Arbitrators*" shall mean a Board of Arbitrators consisting of the Judge for the time being of the County Court of the County of Perth, one arbitrator appointed by the said Howard Hodgkins and one arbitrator appointed by the said Corporation.

2. "*City*" shall mean the area comprised within the present municipal boundaries of the City of Stratford, and all such additional areas as may hereafter from time to time be annexed thereto, from the time each additional area is annexed.

3. "*Rolling Stock*" shall mean and include all motor cars, buses, vehicles and every description of car and other equipment whatsoever designed for movement on its own wheels and propelled by its own power, utilized under the terms of this agreement by Stratford Coach Lines.

4. "*Stratford Coach Lines*" shall mean Howard Hodgkins and shall include his heirs, executors, administrators, successors and assigns.

5. "*Local Lines*" shall mean and include all streets and lines of Bus Transportation within the boundaries of the City of Stratford, and between the said City and its Airport.

6. "*Interurban Lines*" shall mean and include all lines of Motor Coach other than Local Lines.

7. "*City Engineer*" shall mean the person for the time being holding the office of City Engineer of the Corporation, or the person who shall for the time being exercise the duties of City Engineer.

8. "*Franchise*" shall mean and include all rights and privileges hereby granted to Howard Hodgkins in respect to Stratford Coach Lines, Local Lines and Interurban Lines.

9. "*Street*" shall include a highway, lane, bridge, forming part of a highway and a public place.

10. "*Depreciation*" shall mean the unavoidable lessening of useful life in an article due to impairment from any cause whatever, exclusive of accidental injury and is expressed as an amount which is a percentage of the actual cost new, less salvage, of the particular item under consideration, said percentage being the proportion which said lessening of useful life bears to the total useful life of the particular item.

11. "*Operating Expenses*" shall mean and include all expenditures and liabilities usually classified as such, including expenditures and liabilities for repairing, preserving, renewing and replacing Local Bus Equipment and assets constituting ordinary maintenance charges, license fees, taxes, wages and salaries at usual scale in such businesses, insurance premiums, fuel and printing expenditures and usual expenses in operation.

12. "*Bona Fide Pupils*" shall include children under sixteen years of age who may be employed under a permit issued or procured under the provisions of *The Adolescent School Attendance Act*, or who may be in attendance at any authorized Continuation Class conducted by the Board of Education of the City of Stratford.

13. "*The Singular*" shall include the plural.

1. The Corporation hereby grants to Howard Hodgkins, his heirs, executors, administrators and assigns, as hereinafter provided, the exclusive right, franchise and privilege for the full period of ten years from the date hereof to operate a passenger transportation system, not including a street railway, and for such purpose to construct, maintain, lease, use, own and operate buses and other vehicles operated by gasoline, electricity (except when supplied by overhead wires), steam, air or other motive power, together with any rolling stock and equipment necessary and incidental thereto to the extent, and upon the terms mentioned and authorized in and by this Agreement and for the said purpose to use, occupy and operate upon all the streets of the Corporation for the said term of years, but nothing herein contained shall be deemed to permit Stratford Coach Lines to operate a street railway.

2. In consideration of the rights, franchise and privilege herein granted by the Corporation to Howard Hodgkins, Howard Hodgkins hereby covenants and agrees to pay to the Corporation the sum of Five Hundred (\$500.00) Dollars of lawful money of Canada, per annum, on the First day of August in each year from and after the expiration of the first five years of the said term, the first of such payments to become due and payable on the First day of August, 1935.

3. During the term of this Agreement or until the termination thereof, the Corporation shall not, without the consent of Howard Hodgkins or/and Stratford Coach Lines, grant or permit to any other person, partnership, company or corporation, any right, privilege, license or franchise to construct, maintain, use or operate any lines of railway for local passenger traffic or any bus, jitney or other similar vehicle for the purpose of transportation of passengers for gain or hire which shall in any way depreciate the rights, privileges and franchise hereby granted or the operation of which shall come into competition with the Local Bus Lines; *provided* that any such grant to operate a bus or jitney or other similar vehicle between any point in the City and any locality outside of the City not served by the Local Bus Lines, shall not be deemed to depreciate the said rights, privileges and franchise, but in no case shall any bus, jitney or other similar vehicle be permitted to take on passengers within the City and discharge such passengers within the City. And provided further that this Section shall not apply to ordinary cabs or taxicabs kept for hire and used for trips not over fixed routes at fares fixed by the Corporation's Police Commission.

4. Notwithstanding anything herein contained, should Howard Hodgkins or Stratford Coach Lines by reasons of strikes, riots, acts of God, the public enemies, or any other reason except road and weather conditions, fail to operate any portion of its Local Lines, the Corporation may grant or permit to be granted to any person, partnership, company or corporation, the right to operate buses, jitneys, or other vehicles for the transportation of passengers over such portion as long as such failure continues, and should Howard Hodgkins or Stratford Coach Lines fail to operate any portion of his or its local lines for a period of three months, the Corporation may at its option, upon thirty days' notice in writing to Howard Hodgkins or Stratford Coach Lines, cancel this agreement, and thereupon all rights of Howard Hodgkins or Stratford Coach Lines hereunder shall cease and be determined, and Howard Hodgkins or Stratford Coach Lines shall not be entitled to any compensation or damages whatsoever.

5. Howard Hodgkins may, with the consent of the Corporation and on such terms as may be agreed upon by and between Howard Hodgkins, the Corporation and any other bus lines or company, grant running rights over the local Bus Lines to passenger buses of any such other bus lines or company operating without the City, in case such other Bus Line desires an entrance to the City, and if Howard Hodgkins or/and Stratford Coach Lines and such other Bus Lines or Company and the Corporation cannot agree as to terms upon which such running rights should be granted, then such terms shall be fixed by arbitration.

6. Steam or/and electricity may be used as motive power to operate any form of vehicle suitable in addition to or in substitution for gasoline, provided that in the use of electricity no overhead wires, tracks or poles are used.

7. Howard Hodgkins shall commence to operate the Local Lines Bus Works within thirty days after this Agreement shall have been executed by the Corporation.

8. The Corporation shall keep the streets reasonably open and unobstructed so as not to hinder transportation. The execution of all work of construction or maintenance of any part of the City streets, including the removal of snow and ice, shall be carried on at such times as to have the work performed without any unnecessary interference with systematic and unnecessary interruption with public transportation over the streets, so far as the City equipment will permit.

9. Stratford Coach Lines shall adopt and use modern Rolling Stock, equipment and appliances which shall be maintained in first class condition and shall be suitable for the purposes for which same is intended to be used.

10. Stratford Coach Lines shall maintain a good bus service, as warranted by the requirements of the Corporation from time to time, during the term of the said franchise and any renewal thereof over fixed routes in the Corporation with fixed stopping and starting places and on a published schedule.

11. Howard Hodgkins or/and Stratford Coach Lines shall at all times by a reasonable insurance system keep the insurable portions of the Local Bus Lines Works insured against property damage and public liability as required by law.

12. The Corporation to the extent that it can legally do so hereby grants to Howard Hodgkins for the period of ten years from the time this franchise shall become effective, a fixed assessment of \$3,000.00 upon and to cover all the business and income and real and personal property and improvements thereon comprising the local Bus Lines Works and including one gasoline station, and to cover such lands and premises not to exceed a purchase price of \$5,000.00 as shall be purchased by Howard Hodgkins for office, storage and repair garage; but this clause shall not apply to a dwelling house acquired or purchased by Howard Hodgkins and used separate from the business of Howard Hodgkins or Stratford Coach Lines.

13. The following Fares Schedule shall apply to the operation of the Local Bus Lines under this Agreement, subject to the provisions of this Section. The Fare Zone shall be Stratford within its present boundaries; when it is warranted, and subject to the regulations of the Department of Highways, the Fare Zone shall extend to the Municipal Airport.

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<u>Adults</u>	<u>Children 51 Inches in Height and Under Occupying Seats</u>	<u>School Children</u>
Item A.—10c.cash, 4 tickets for 25c.	5c. cash or 2 for 5c.....	5c. cash or 6 tickets 25c.
Item B.—10c. cash 6 tickets for 50c.	5c. cash or 2 for 5c.....	5c. cash.

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Nothing herein contained shall prevent Howard Hodgkins from making special rates for special or chartered buses, or other special or excursion service, which the Bus Company shall have the right to do, provided that the Local Line service is not affected thereby.

The rates of fare for children set forth herein shall apply to any child fifty-one inches in height or less. No child other than an infant child in arms shall be carried free.

*Bona fide* pupils under sixteen years of age in regular attendance at some school situate within the City shall be carried on the Local Bus Lines at the rate of fare for "School Children" mentioned in the Fares Schedule, upon presentation of School Children's tickets to be provided and purchased at the Bus Company Office by children exhibiting identification certificates signed by the Principal or Head Teacher of the School showing such children to be entitled to such rates.

"School Children's Tickets" shall be accepted for transportation of those entitled at all times.

The coach driver may before accepting a "School Children's Ticket" for transportation require the person presenting the same to produce his or her identification certificate and on failure to produce the same may require such person to pay the fare at the rate then in force for adults.

Payment of fare either in cash or by ticket shall entitle a passenger by single continuous journey over the most direct route to travel from any point within a fare zone to any other point in the same Fare Zone and for the purpose of making such journey the passenger shall be entitled to transfer from one route to one or more other routes of Stratford Coach Lines as may be necessary to reach the destination without payment of further or additional fares. The Fare Zone shall be as set forth in this Section, or as the same may from time to time hereafter be varied hereunder by agreement between the Corporation and Howard Hodgkins and/or Stratford Coach Lines, or failing such agreement as may be approved by arbitrators.

Howard Hodgkins and/or the Stratford Coach Lines may from time to time make Rules and Regulations governing the conduct of passengers on the Local Bus Lines, the payment of fares, use of fare tickets, transfers and transfer tickets. Rules and Regulations made hereunder form part of this agreement as if the same, actually had been incorporated herein.

Whenever the Gross Receipts, Item A. of the Fares Schedule being in force, shall be insufficient to provide for Operating Expenses, depreciation and wages at current rates, Howard Hodgkins, or Stratford Coach Lines may, with the sanction of the Corporation, substitute for the Fares Schedules an item or items of fares higher in amount than said Item A. Such substituted Items of Fare shall forthwith be added to the Fares Schedules and form part thereof as Item B.

Policemen and Firemen in the employment of the Corporation when on duty and in uniform shall be carried by the buses on its Local Lines without charge and the Bus Company may carry without charge its own officers and employees and others engaged by the Bus Company and those entitled by Statute to free transportation.

14. Upon the coming into effect of this agreement Item "A" of the Fares Schedule shall apply and come into force and shall continue to apply and be in force, and thereafter until, under the provisions hereof, some other item of the Fares Schedule comes into force and in any event until the 31st day of December, 1931.

15. On the expiration hereof a new exclusive franchise for the further period of five years shall be and is hereby granted to the said Howard Hodgkins subject, however, to this proviso that the Corporation may grant such franchise to any other person, firm or corporation after the expiration of the present ten year term provided that all the assets and equipment, real and personal, of Stratford Coach Lines is purchased and a proper allowance for goodwill and development of the bus business allowed and paid forthwith to Stratford Coach Lines by such person, firm or corporation. The Corporation doth hereby covenant that it will not grant a new franchise to any other person, firm or corporation after the expiration of this ten-year franchise and prior to the expiration of a further five-year term until production is made to the corporation of written evidence of satisfaction signed by Stratford Coach Lines of Howard Hodgkins.

16. Provided Howard Hodgkins shall fail to exercise the option referred to in Clause 15 hereof, the Corporation may acquire and purchase all the assets and equipment, real and personal, of Stratford Coach Lines, and shall include in such purchase price a fair amount for goodwill and business development, and should any dispute arise as to the proper price to be paid therefor the same shall be referred to arbitration.

17. For the purpose of this Agreement the Corporation shall act by the Municipal Council thereof. The Corporation shall from time to time pass such By-laws and Resolutions, take such action and do such things as may be reasonably necessary for the purpose of fully effectuating the objects and intents of this Agreement. When the Corporation shall have obtained the necessary legislative enactment and vote of electors the said Howard Hodgkins doth agree to pay to the Corporation one-half the total cost thereof, provided that should Howard Hodgkins require a by-law approving this agreement to be submitted to a special vote of the electors, Howard Hodgkins agrees to pay one-half the total cost of securing any necessary legislative enactment, (no unnecessary expense to be incurred in obtaining same) and shall in addition thereto assume and pay the whole cost of securing the vote of the electors. If however, vote is taken at annual Municipal Elections there shall be no expense chargeable to Stratford Coach Lines.

18. Howard Hodgkins or Stratford Coach Lines and the Corporation covenant and agree each with the other:

(a) To carry out the provisions of this Agreement on the part of each to be carried out.

(b) To co-operate by all means in the power of each of them at all times to create the most favourable conditions for the carrying out of the objects of this Agreement and all or any By-laws pertaining thereto.

(c) To apply to the Legislative Assembly of the Province of Ontario for such powers as will enable the Corporation to do, perform and carry out each and every of the agreements and covenants on its part to be done, performed or carried out.

19. In case any disagreement or dispute shall arise under or out of this Agreement the same shall be referred to arbitrators.



20. If the Gross Receipts, under the conditions provided for in this Agreement, shall be insufficient to provide for the Operating Expenses, and depreciation for any period in excess of three years, Howard Hodgkins or Stratford Coach Lines shall have the right to abandon this Agreement upon two months' notice to the Corporation. Any notice to be given under any of the provisions hereof may be effectually given to the Corporation by delivery of the same to the City Clerk, or in his absence to some adult person in his office, or to the said Howard Hodgkins or Stratford Coach Lines by delivering the same to its Superintendent, or in his absence to some adult person in the office of the Stratford Coach Lines at the City of Stratford. Any such notice may also be effectually given by depositing the same in one of His Majesty's Post Offices, addressed, if to the Corporation to "The City Clerk of Stratford," at Stratford, Ontario, or if to Howard Hodgkins or Stratford Coach Lines, to the "Manager" of Stratford Coach Lines at Stratford, Ontario. If by Registered Letter as aforesaid the notice shall be deemed to have been given on the day of the posting thereof.

21. The said Corporation of the City of Stratford hereby permits, during the term of this franchise, the said Howard Hodgkins and/or Stratford Coach Lines to place the usual "Coach Stop" signs and other signs along the route as they may deem advisable.

22. The Corporation agrees to furnish and mark out all necessary junction places as may from time to time be required by Howard Hodgkins and as may be mutually agreed upon between the parties hereto.

23. The covenants herein contained are declared not to be severable.

This Agreement shall be binding upon and enure to the benefit of the parties hereto, their heirs, executors, administrators, successors and assigns, and is binding upon the Corporation only to the extent to which the Corporation may legally bind itself to the covenants herein contained.

In witness whereof the parties hereto have hereunto affixed their seals, the said Corporation affixing its Corporate Seal attested by the hands of its Mayor and Clerk.

SIGNED, SEALED and DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF  
STRATFORD.

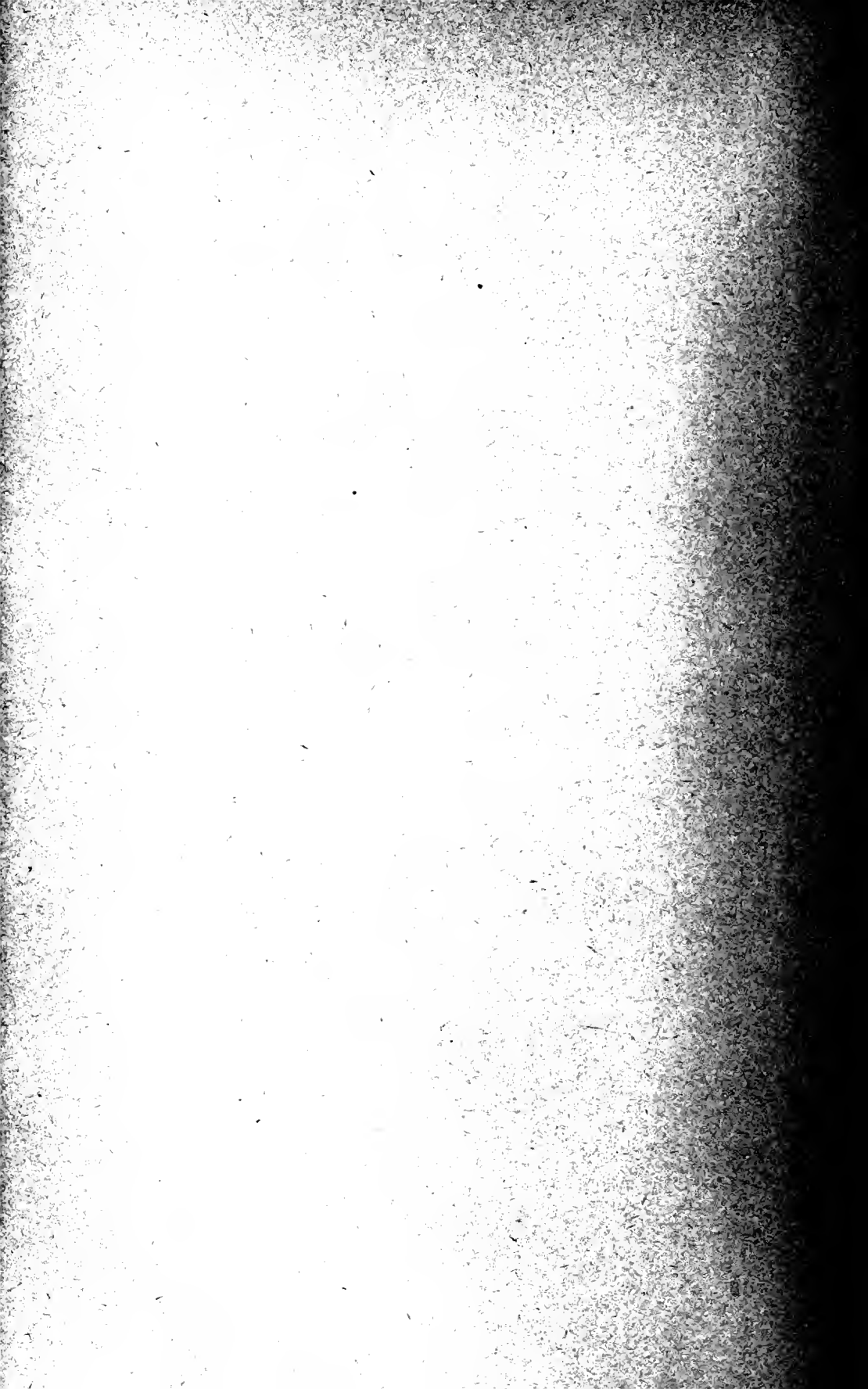
*(Seal of Corporation of the  
City of Stratford)*

"J. A. ANDREW," Mayor.

"W. H. DORLAND," Clerk.

"S. H. FLEMING" as to signature  
of Howard Hodgkins.

"HOWARD HODGKINS."





BILL.

An Act to validate an Agreement, between  
the Corporation of the City of  
Stratford and one  
Howard Hodgkins.

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*1st Reading*

February 11th, 1930

*2nd Reading*

March 5th, 1930

*3rd Reading*

March 19th, 1930

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MR. BONIS

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No. 16

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the Town of Thorold

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MR. VAUGHAN

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(PRIVATE BILL)

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TORONTO  
PRINTED BY  
THE PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 16.

1930.

# BILL

An Act respecting the Town of Thorold.

Preamble.

**W**HEREAS the corporation of the town of Thorold has incurred a floating indebtedness to the extent of Fifty-five thousand dollars (\$55,000) which has accumulated over a period of years and has been created in part by the expropriation of a large quantity of land in the said town by His Majesty the King for the Welland Ship Canal and consequent loss of taxes of over \$13,000 imposed on said lands and part by loss of taxes now uncollectible amounting to over \$21,000 and the balance by sundry expenditures not included in the yearly estimates over a period of years including *inter alia* repairs to the town hall and replacing of other town property after the riot of 1920, necessary repairs to the town property from time to time, purchase of police car and roadwork equipment, and installation of electrical fixtures and a new vault in the municipal building; and whereas the said corporation has by its petition represented that to pay off the said floating debt of \$55,000 now due and owing and to pay in addition thereto the ordinary annual expenditures would be unduly oppressive to the ratepayers of said town; and whereas the said corporation has prayed that the said floating debt of \$55,000 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 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 Thorold Act, 1930*.

Floating  
Debt con-  
solidated at  
\$55,000.

**2.** The floating debt of the corporation of the town of Thorold is consolidated at the sum of Fifty-five thousand dollars (\$55,000) and the said corporation may borrow by a special issue of debentures a sum not exceeding Fifty-five thousand dollars (\$55,000) for the purpose of paying the said floating debt.



Term of debentures, rate of interest, etc.

**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.

**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 the amount 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 proceeds of debentures.

**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 town of Thorold 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 Municipal Act*.

Rev. Stat., c. 233.

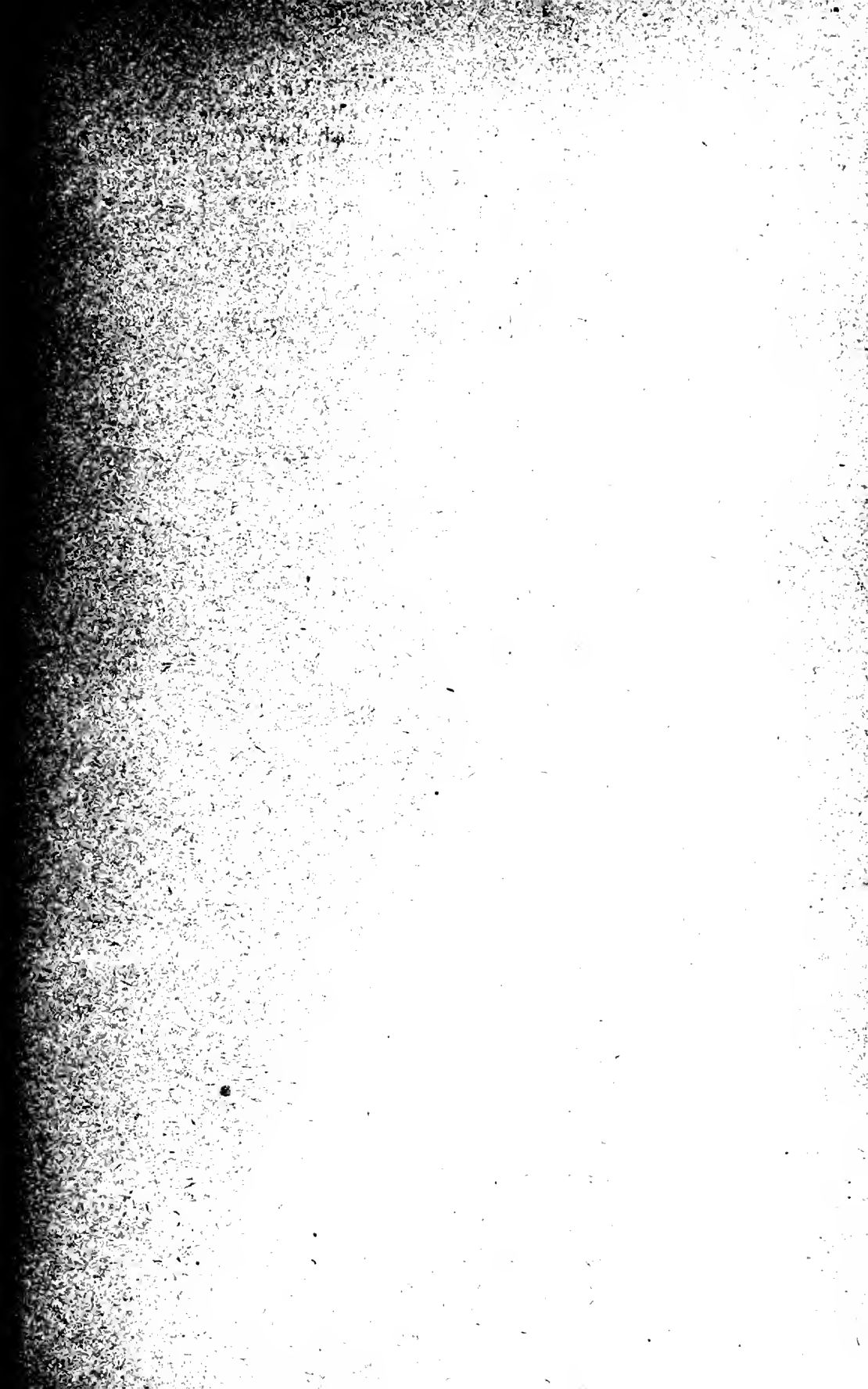
Irregularity in form not to invalidate

**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 book 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.

Commence-  
ment of Act.

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



**BILL.**

An Act respecting the Town of Thorold.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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**MR. VAUGHAN**

**(PRIVATE BILL)**

1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the Town of Thorold**

---

MR. VAUGHAN

---

# BILL

## An Act respecting the Town of Thorold.

Preamble.

**W**HEREAS the corporation of the town of Thorold has incurred a floating indebtedness to the extent of Fifty-five thousand dollars (\$55,000) which has accumulated over a period of years and has been created in part by the expropriation of a large quantity of land in the said town by His Majesty the King for the Welland Ship Canal and consequent loss of taxes of over \$13,000 imposed on said lands and part by loss of taxes now uncollectible amounting to over \$21,000 and the balance by sundry expenditures not included in the yearly estimates over a period of years including *inter alia* repairs to the town hall and replacing of other town property after the riot of 1920, necessary repairs to the town property from time to time, purchase of police car and roadwork equipment, and installation of electrical fixtures and a new vault in the municipal building; and whereas the said corporation has by its petition represented that to pay off the said floating debt of \$55,000 now due and owing and to pay in addition thereto the ordinary annual expenditures would be unduly oppressive to the ratepayers of said town; and whereas the said corporation has prayed that the said floating debt of \$55,000 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 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 Thorold Act, 1930.*

Floating  
Debt con-  
solidated at  
\$55,000.

2. The floating debt of the corporation of the town of Thorold is consolidated at the sum of Fifty-five thousand dollars (\$55,000) and the said corporation may borrow by a special issue of debentures a sum not exceeding Fifty-five thousand dollars (\$55,000) for the purpose of paying the said floating debt.

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.

Term of debentures, rate of interest, etc.

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 the amount payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

Equal annual instalments.

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.

Levy of special rate.

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.

Application of proceeds of debentures.

7. It shall not be necessary to obtain the assent of the electors of the town of Thorold 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 Municipal Act*.

Assent of electors not required.

Rev. Stat., c. 233.

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.

Irregularity in form not to invalidate

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

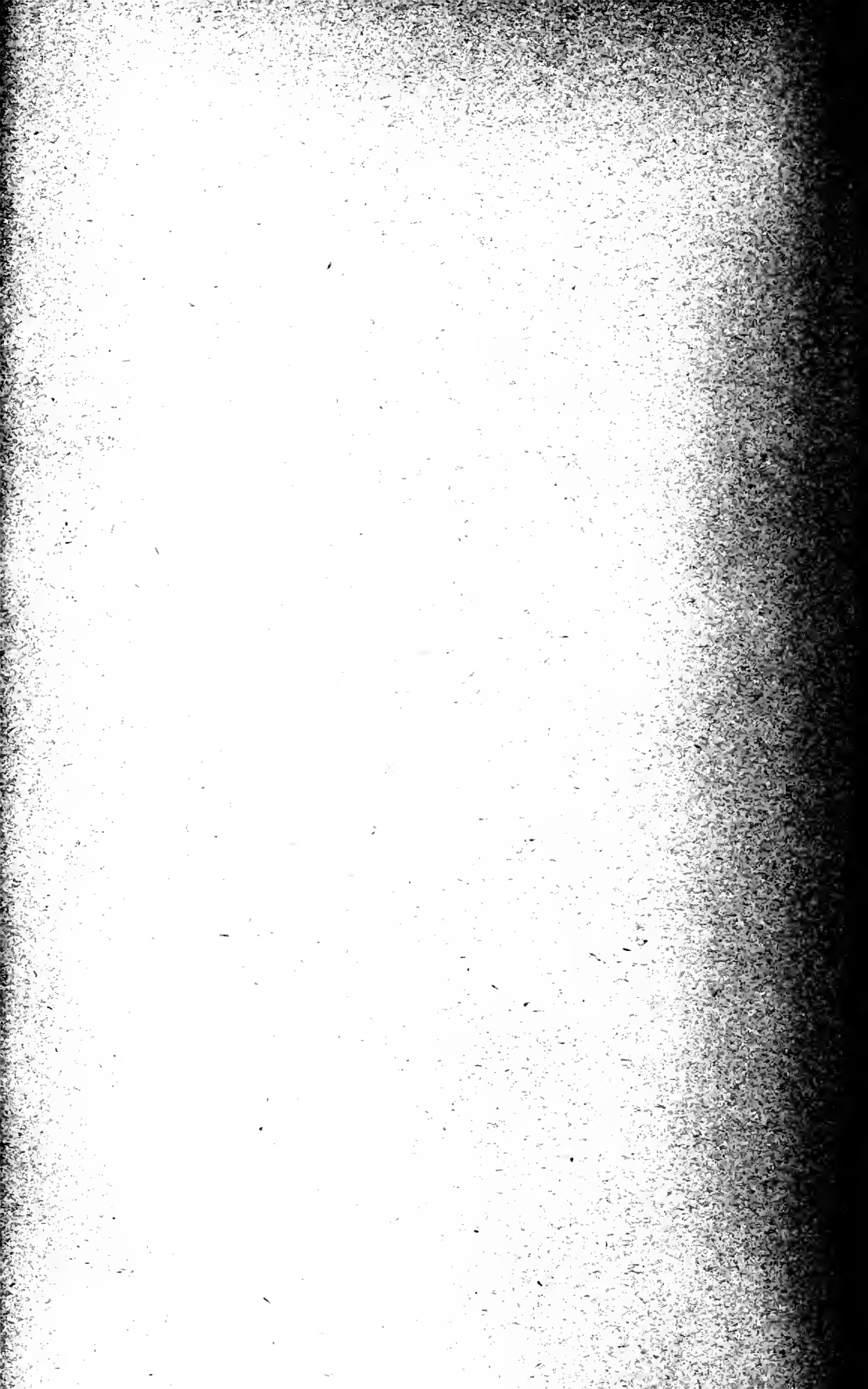
Treasurer to keep proper book of account.

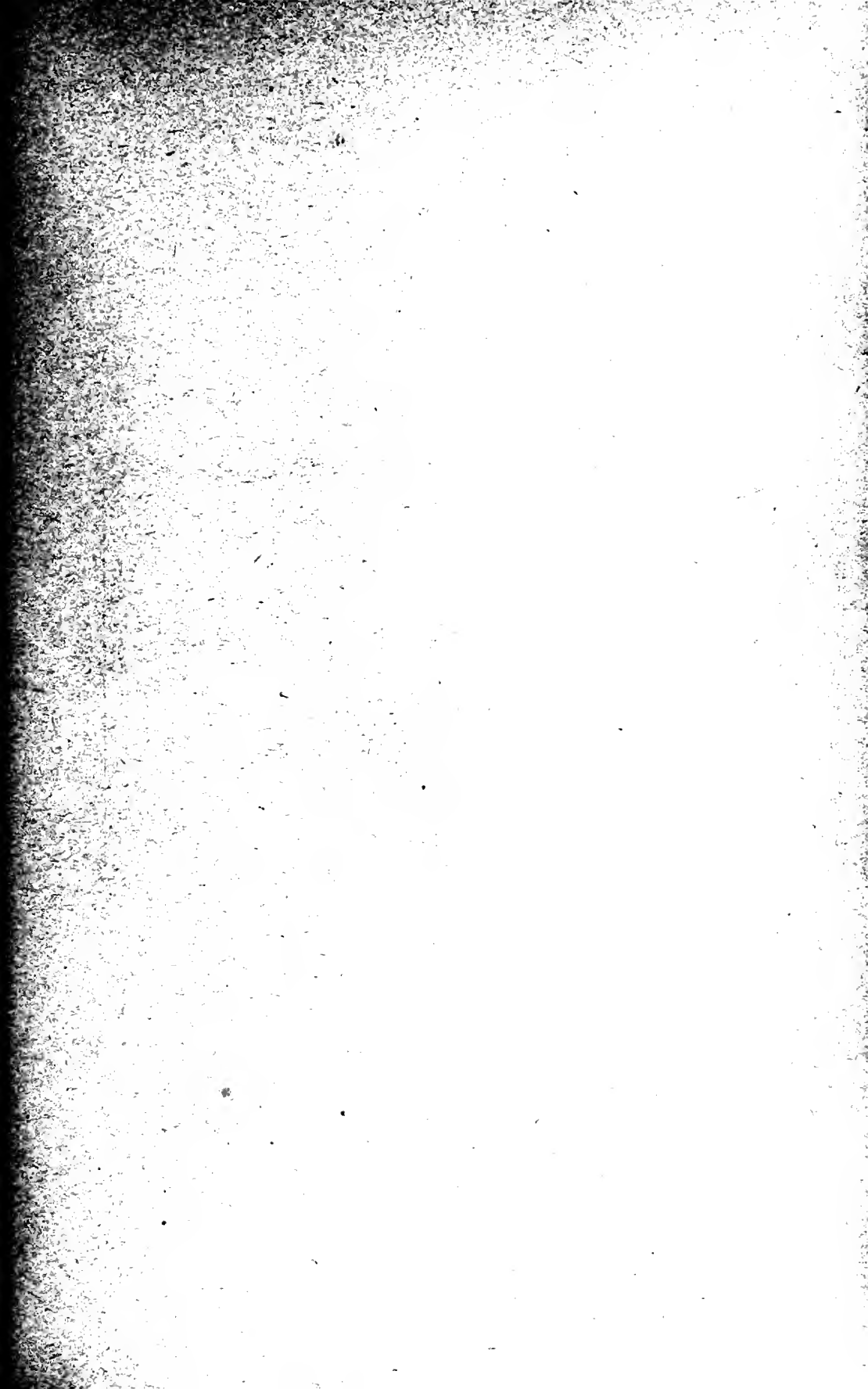
the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures, and the application which shall, from time to time, be made of the said amounts and the said book of account and statement 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.

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









BILL.

An Act respecting the Town of Thorold.

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*1st Reading*

February 11th, 1930

*2nd Reading*

March 12th, 1930

*3rd Reading*

March 19th, 1930

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MR. VAUGHAN

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the Essex Border Utilities Commission**

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MR. WILSON (Windsor)

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(PRIVATE BILL)

No. 17.

1930.

# BILL

## An Act respecting the Essex Border Utilities Commission

### Preamble

**W**HEREAS the Essex Border Utilities Commission has by its petition represented that it is desirable that the said Commission be authorized to enter into certain agreements with the Michigan Central Railroad Company, the Canadian Pacific Railway Company and the Pere Marquette Railway Company in regard to the construction of certain works allowing the deepening of the Grand Marais Drain and that a certain by-law authorizing an issue of debentures to pay the cost of the said drain be validated and that *The Consolidated Essex Border Utilities Act, 1929*, be made applicable to certain new areas and municipal corporations; and whereas the said Commission has by its petition prayed that an Act may be passed for the above 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 Essex Border Utilities Act, 1930*.

### By-law 68 in Schedule "A" confirmed.

**2.** By-law number 68 of the Essex Border Utilities Commission as set out in schedule "A" hereto being a by-law to raise the sum of \$165,663.58 by an issue of debentures to pay the cost of draining the storm and waste water from the Grand Marais Basin and imposing the rates to be levied for the purpose of liquidating the said debentures, is hereby declared to be legal, valid and binding upon the said Commission and upon the townships of Sandwich East and Sandwich West and the town of Walkerville and the ratepayers thereof, also the Windsor Suburban Area Commission and the Walkerville Suburban Area Commission under the provisions of *The Consolidated Essex Border Utilities Act*.



Agreement  
with  
M. C. Ry.  
Co. con-  
firmed.  
(enlarging  
culverts  
under right-  
of-way).

3. The agreement set out in schedule "B" hereto between the Essex Border Utilities Commission of the one part and the Michigan Central Railroad Company and the Canada Southern Railway Company of the other part providing for the enlarging of the culverts under the rights-of-way of the said railway company situate on farm lots numbered 81 to 84 inclusive in the third concession in the township of Sandwich West and relieving the said companies from certain assessments and in regard to matters incidental thereto, is hereby declared to be legal, valid and binding upon the Essex Border Utilities Commission, and the municipal corporations of the townships of Sandwich East and Sandwich West and the town of Walkerville.

Agreement  
with C.P.R.  
confirmed.  
(enlarging  
culverts  
under right-  
of-way),

4. The agreement set out in schedule "C" hereto between the Essex Border Utilities Commission of the one part and the Canadian Pacific Railway Company of the other part providing for the enlarging of the culverts under the rights-of-way of the said railway company situate on farm lots 96 to 97 in the second concession of the township of Sandwich East and relieving the said company from certain assessments and in regard to matters incidental thereto, is hereby declared to be legal, valid and binding upon the Essex Border Utilities Commission and the municipal corporations of the townships of Sandwich East and Sandwich West and the town of Walkerville.

Agreement  
with Pere  
Marquette  
Ry. con-  
firmed  
(enlarging  
culverts  
under right  
of way).

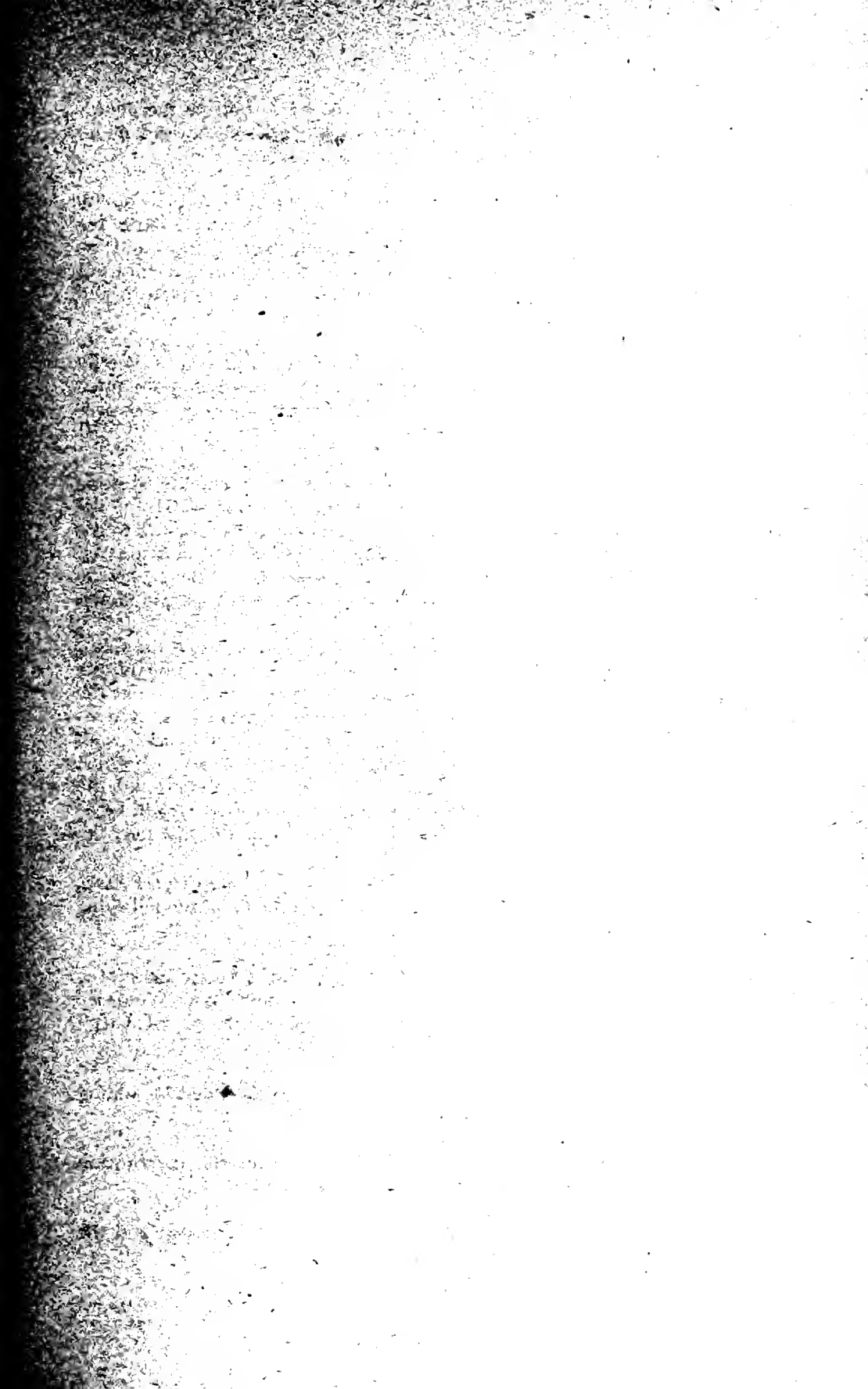
5. The agreement set out in schedule "D" hereto between the Essex Border Utilities Commission of the one part and the Pere Marquette Railway Company of the other part providing for the enlarging of the culvert under the right-of-way of the said railway company situate on farm lot 97 in the second concession of the township of Sandwich East and relieving the said company from certain assessments and in regard to matters incidental thereto, is hereby declared to be legal, valid and binding upon the Essex Border Utilities Commission and the municipal corporations of the township of Sandwich East and Sandwich West and the town of Walkerville.

1929, c. 98,  
s. 22,  
subs. 10,  
amended.

6. Subsection 10 of section 22 of *The Consolidated Essex Border Utilities Act, 1929*, is amended by adding thereto clause (aa) as follows:

(aa) The Commission may also by by-law from time to time authorize the construction of drains or sewers or extensions thereof to drain the whole or any part of the Grand Marais Basin of either the sanitary sewage or the storm and waste water as separate works and may authorize its engineer to report





accordingly and may proceed to borrow the money and construct the same as works authorized under the provisions of this subsection.

1929, c. 98,  
s. 17, subs. 1,  
amended.

7. Subsection 1 of section 17 of the said Act is hereby amended by striking out the word "three" in the seventh line thereof and substituting therefor the word "one" and by striking out the words "and asking for approval should not less than three corporations approve," in the thirteenth and fourteenth lines thereof.

1929, c. 98,  
s. 17, subs. 2,  
amended.

8. Subsection 2 of section 17 of the said Act is hereby amended by striking out the words "to three or more municipalities" in the first line and substituting therefor the words "a question."

1929, c. 98,  
s. 18,  
amended.

9. Section 18 of the said Act is hereby amended by striking out the first three lines thereof and also the words "of the works" in the fourth line and substituting therefor the words "In the event of approval being so obtained," and also by adding at the end of the section the words "or the by-law as the case may be," so that the section will now read as follows:

Construc-  
tion of  
works with  
approval by  
municipi-  
palities.

18. In the event of approval being so obtained the Commission may proceed with the construction of the works approved of for the use and benefit and at the cost of the corporations approving and the provisions of this Act and the powers of the Commission shall apply to the corporations for the benefit of which such work or works are being constructed, and the proportion payable by each municipality shall be as shown in the question or by-law as the case may be.

1929, c. 98,  
s. 2, cl. (e),  
repealed.

10.—(1) Clause (e) of section 2 of *The Consolidated Essex Border Utilities Act, 1929*, is hereby repealed and the following substituted therefor:

"East  
Windsor."

(e) "East Windsor" shall mean the corporation of the city of East Windsor and the words "East Windsor" shall be substituted for the words "Ford City" wherever they occur in this Act.

1929, c. 98,  
s. 2, amended

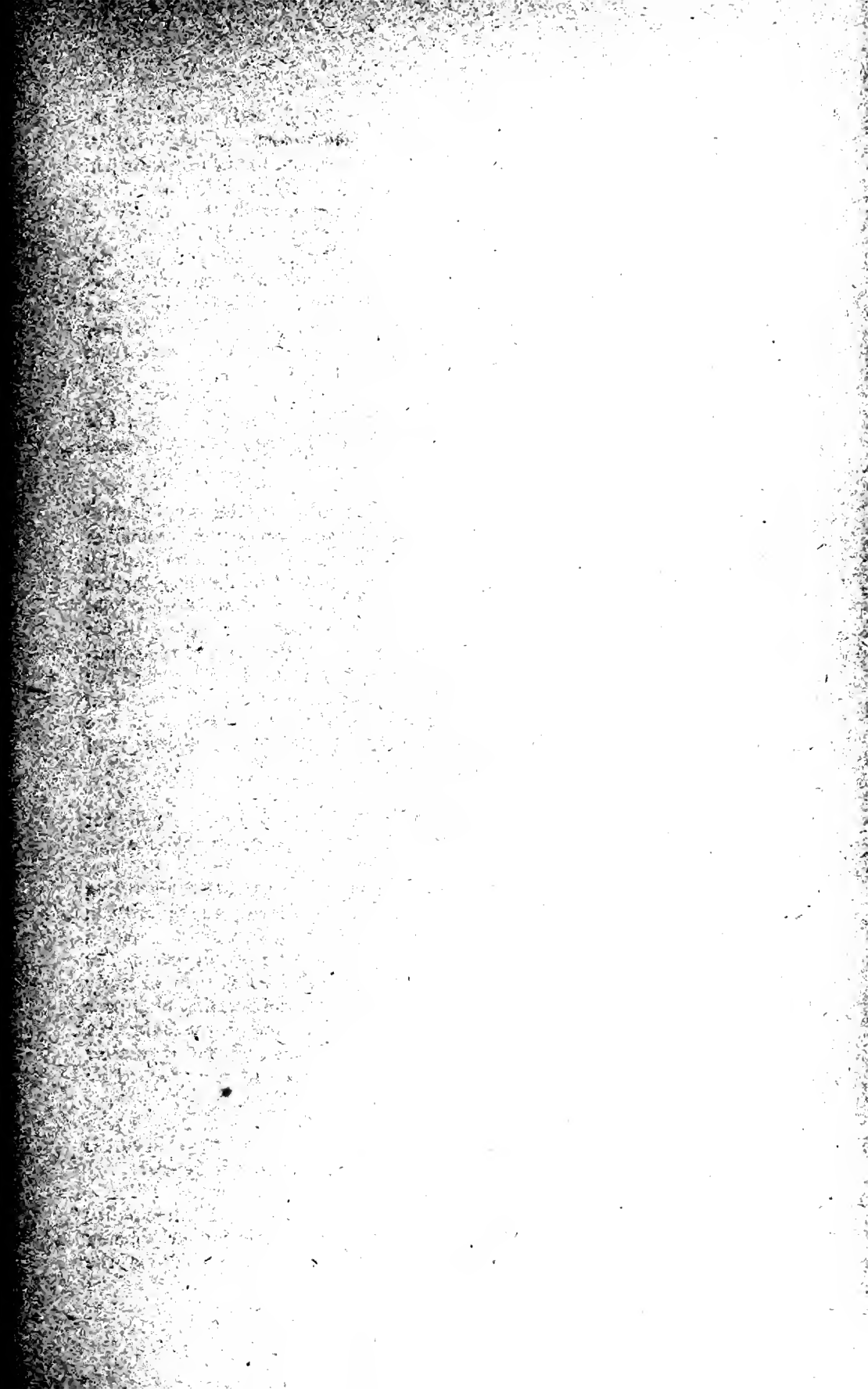
(2) Section 2 of the said Act is further amended by adding thereto the following clause:

"Sandwich  
South."

(s) "Sandwich South" shall mean the corporation of the township of Sandwich South.

1929, c. 98,  
s. 2, cl. (h),  
amended.

(3) Clause (h) of said section 2 is hereby repealed and the following substituted therefor:



"Essex  
Border  
Municipalities."

- (h) "Essex Border Municipalities" shall mean and include the municipal corporations of the city of Windsor and East Windsor, the towns of Sandwich, Walkerville, Riverside, LaSalle and Ojibway and any other municipal corporation in the county of Essex the whole or any area of which is now so included or may hereafter be added under the provisions of this Act, also any new municipal corporations hereafter established which include any portion of the area thereof and "Essex Border Utilities District" shall mean the area of land from time to time included within the same.

"Essex  
Border  
Utilities  
District."

1929, c. 98,  
s. 3, subs. 3,  
part,  
repealed.

**11.**—(1) The first paragraph of subsection 3 of section 3 of the said Act is hereby repealed and the following substituted therefor:

Representa-  
tives of  
new muni-  
cipalities on  
Com-  
mission.

- (3) In case any portion of an Essex Border municipality shall be included in a new municipality the council of such new municipality upon its organization shall by by-law appoint one person as commissioner for the year in which such municipality is established to hold office for the remainder of that year and until his successor is elected, who with the head of the municipality shall be its members; and the electors of the new municipality shall at the next annual municipal election and every three years thereafter elect one person to be a member of the Commission to hold office for three years.

1929, c. 98,  
s. 3, subs. 3,  
cl. (d),  
repealed.

(2) Clause (d) of subsection 3 of section 3 of the said Act is hereby repealed and the following substituted therefor:

Provision  
for bringing  
in part of  
any local  
muni-  
cipality.

- (d) Where at an election a majority of the electors voting in any area forming part of a local municipality in the county of Essex have voted favourably upon a question whether they desire the provisions of *The Consolidated Essex Border Utilities Act, 1929*, to apply to such area the council of the corporation may pass a by-law making the provisions of the said Act applicable to such area and the same shall thereafter apply accordingly as if the area had been defined by a schedule to this Act.

1929, c. 98,  
s. 3, subs. 3,  
cl. (e),  
repealed.

(3) Clause (e) of subsection 3 of section 3 of the said Act is hereby repealed and the following substituted therefor:

Appoint-  
ment of  
Com-  
mission.

- (e) Where the electors of any area of a local municipality in the county of Essex have voted in favour of being included in the Essex Border municipalities the



council of such local municipality may if not already represented appoint a commissioner for the year in which the election takes place and the provisions of this Act shall thereafter apply thereto.

1929, c. 98,  
s. 9, subs. 1,  
repealed.

**12.** Subsection 1 of section 9 of the said Act is hereby repealed and the following substituted therefor:

Special rate  
on area.

- (1) Any sum so payable by a local municipality of which only part is included in the jurisdiction of the Commission shall be raised by a special rate upon all the rateable property in the area of such municipality described in a schedule to this Act or in a by-law describing the same passed under the provisions of this Act.

1929, c. 98,  
s. 10, subs. 6,  
repealed.

**13.** Subsection 6 of section 10 of the said Act is hereby repealed and the following substituted therefor:

Special rate  
on area.

- (6) Any special rate to be imposed in an Essex Border municipality of which only part is liable shall be charged upon and collected from only the portion thereof described in a schedule to this Act or in a by-law describing the same passed under the provisions of this Act.

1929, c. 98,  
s. 15, subs. 2,  
repealed.

**14.** Subsection 2 of section 15 of the said Act is hereby repealed and the following substituted therefor:

- (2) Where only part of the area of any of the Essex Border municipalities may be liable for the cost the question or questions shall be submitted only to the electors in that part of the municipality described in a schedule to this Act or in a by-law describing the same passed under the provisions of this Act.

Condition  
as to ss. 2-9  
coming  
into force.

**15.** Sections 2 to 9 shall not come into force and effect until the electors entitled to vote on money by-laws in the area of the township of Sandwich West which is to be charged with part of the cost shall have approved of the construction of the work.



## SCHEDULE "A"

## BY-LAW NUMBER 68 OF THE ESSEX BORDER UTILITIES COMMISSION

A By-law to raise by way of loan the sum of One Hundred and Sixty-five Thousand, Six Hundred and Sixty-three Dollars and Fifty-eight Cents (\$165,663.58) for the purpose of constructing certain storm water drainage for the Grand Marais Basin in the Townships of Sandwich East and Sandwich West and the Town of Walkerville.

Whereas *The Consolidated Essex Border Utilities Act, 1929*, provided for the construction of drainage works in the Grand Marais Basin by the Essex Border Utilities Commission.

And whereas it has become necessary to provide for the drainage of the storm waters from the said Grand Marais Basin.

And whereas J. Clark Keith, the engineer of the Commission has by his report dated the 1st of August, 1929, made a preliminary examination and survey of the proposed work and a report, estimate and apportionment of the cost thereof.

And whereas the report estimates the said cost at the sum of One hundred and sixty-five thousand six hundred and sixty-three dollars and fifty-eight cents (\$165,663.58) and the same has been adopted by the Essex Border Utilities Commission.

And whereas by the said report the apportionment of the said cost was as follows:—

Township of Sandwich East.....	\$69,703 97
Town of Walkerville.....	4,355 44
Township of Sandwich West.....	82,956 34
Department of Public Highways of Ontario....	2,742 85
Windsor Suburban Area Commission.....	2,692 13
Walkerville Suburban Area Commission.....	3,212 85
	<hr/>
	\$165,663 58

And whereas the Department of Public Highways of Ontario and the said Windsor and Walkerville Suburban Area Commissions have agreed to contribute their shares set out above.

And whereas the Provincial Board of Health has approved of the construction of the said drainage work.

And whereas agreements have been arrived at with the several Railway Companies whose rights-of-way are affected by the said proposed works as to the method of construction and the liabilities assumed by them.

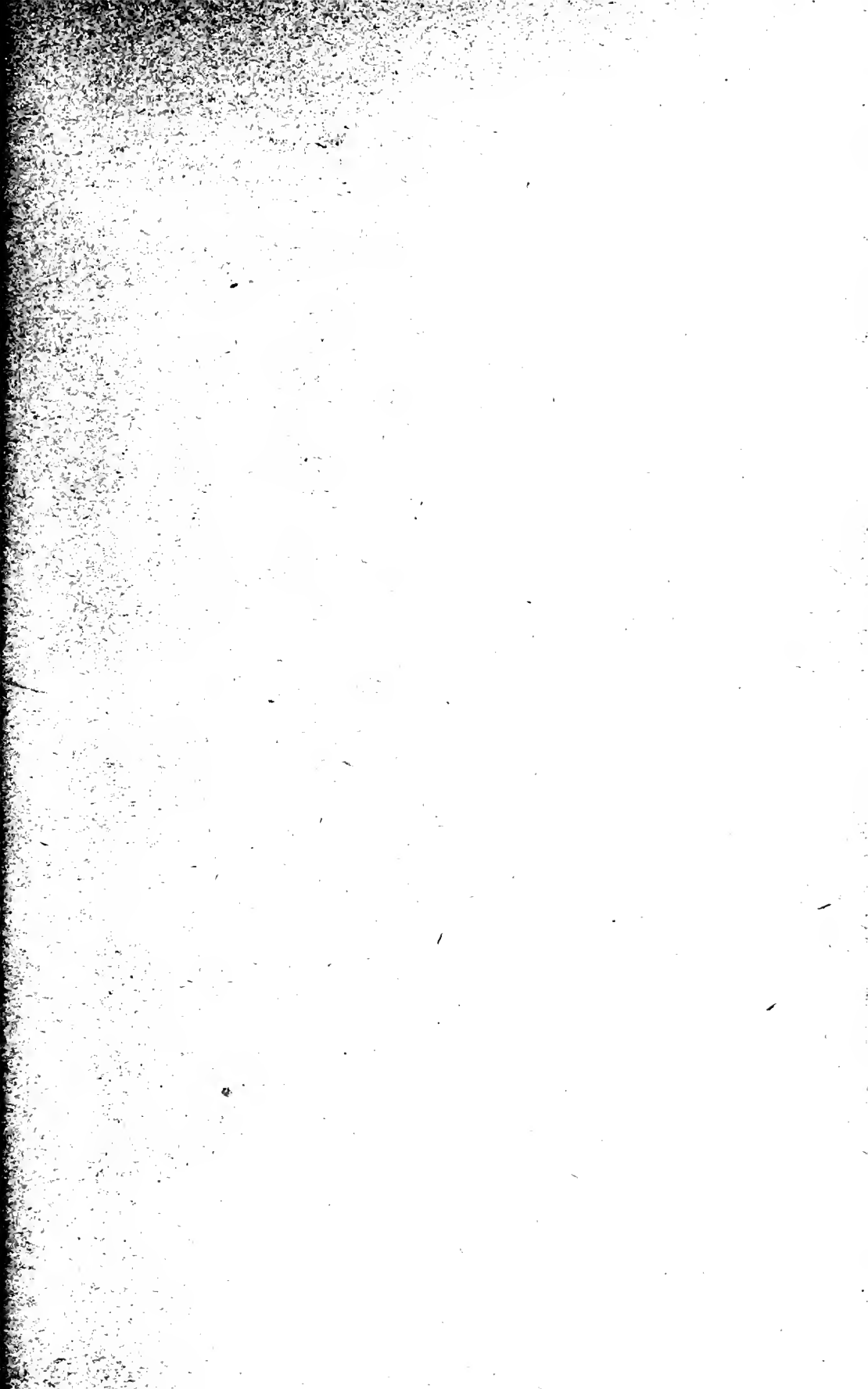
And whereas the whole amount of the rateable property of the portion of Sandwich West according to the last revised assessment roll thereof as certified by the County Judge of the County of Essex is the sum of \$4,300,000.00 exclusive of property assessed for school rates only, and in the Township of Sandwich East is the sum of \$3,400,000.00 and in the Town of Walkerville is the sum of \$16,537,893.00.

And whereas the amount of the existing debt of the Township of Sandwich West exclusive of Local Improvement debts secured by special rates of assessment is the sum of \$57,000.00 and of the Township of Sandwich East is the sum of \$202,037.35 and the Town of Walkerville is the sum of \$882,279.19 and no part of any of said debt nor the interest thereon is due or in arrear.

Therefore the Essex Border Utilities Commission enacts as follows:—

1. For the purpose of constructing certain storm water drainage for the





Grand Marais basin the Townships of Sandwich East and Sandwich West and the Town of Walkerville, the Essex Border Utilities Commission shall raise the sum of One hundred and sixty-five thousand six hundred and sixty-three dollars and fifty-eight cents (\$165,663.58) by the issue of debentures and the Chairman of the Commission shall be and he is hereby authorized and empowered to borrow from any person, company, society or bank willing to loan the same upon the credit of the said debentures a sum not exceeding the sum of \$165,663.58.

2. The said debentures shall bear interest at the rate of six per cent. per annum and shall be expressed in Canadian currency as to both principal and interest and the debentures shall be payable in thirty annual instalments during the thirty years next after the time when the same are issued.

3. The respective amounts of principal and interest payable in each year shall be as follows:—

Number	Principal	Interest	Total
1.....	\$2,095 47	\$9,939 81	\$12,035 28
2.....	2,221 19	9,814 09	12,035 28
3.....	2,354 46	9,680 82	12,035 28
4.....	2,495 73	9,539 55	12,035 28
5.....	2,645 47	9,389 81	12,035 28
6.....	2,804 20	9,231 08	12,035 28
7.....	2,972 45	9,062 83	12,035 28
8.....	3,150 80	8,884 48	12,035 28
9.....	3,339 83	8,695 45	12,035 28
10.....	3,540 22	8,495 06	12,035 28
11.....	3,752 65	8,282 63	12,035 28
12.....	3,977 81	8,057 47	12,035 28
13.....	4,216 48	7,818 80	12,035 28
14.....	4,469 47	7,565 81	12,035 28
15.....	4,737 64	7,297 64	12,035 28
16.....	5,021 90	7,013 38	12,035 28
17.....	5,323 21	6,712 07	12,035 28
18.....	5,642 60	6,392 68	12,035 28
19.....	5,981 16	6,054 12	12,035 28
20.....	6,340 04	5,695 24	12,035 28
21.....	6,720 44	5,314 84	12,035 28
22.....	7,123 67	4,911 61	12,035 28
23.....	7,551 09	4,484 19	12,035 28
24.....	8,004 16	4,031 12	12,035 28
25.....	8,484 41	3,550 87	12,035 28
26.....	8,993 47	3,041 81	12,035 28
27.....	9,533 08	2,502 20	12,035 28
28.....	10,105 06	1,930 22	12,035 28
29.....	10,711 37	1,323 91	12,035 28
30.....	11,354 05	681 23	12,035 28

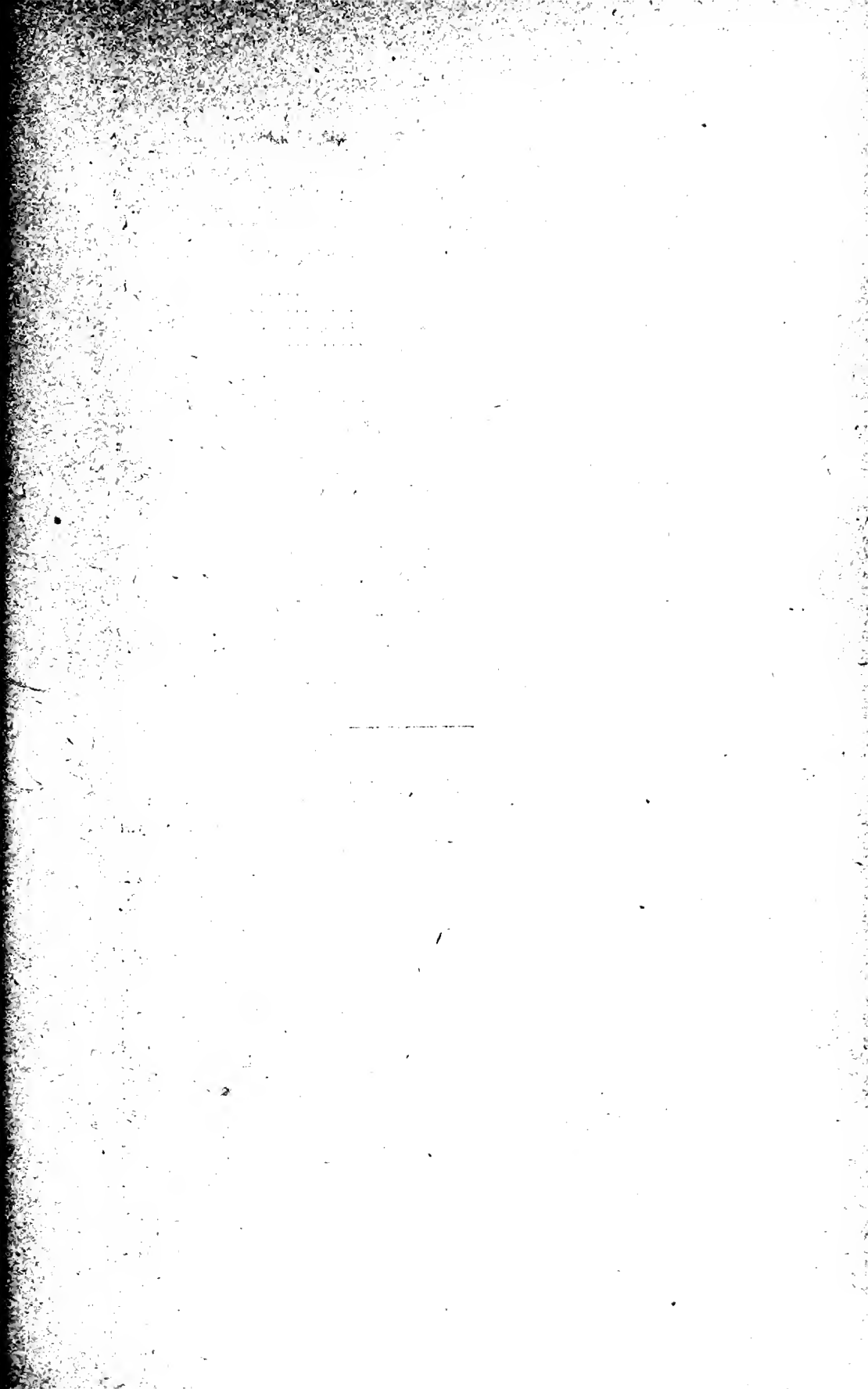
\$165,663 58

4. The said debentures shall be sealed with the seal of the Commission and signed by the Chairman and the Secretary of the said Commission and both the principal and interest shall be payable on the 1st day of February in each year at the principal office of the Canadian Bank of Commerce in the City of Toronto or in the City of Windsor at holder's option.

5. The said debentures shall have coupons attached thereto for the payment of the interest at the rate of six per cent. per annum, which shall be signed by the Secretary of the Commission and the signature may be written, stamped or lithographed thereon. The first of said coupons being payable on the 1st day of February occurring next after the issue thereof.

6. The money borrowed as aforesaid shall be expended for the purpose of constructing certain storm water drainage for the Grand Marais Basin in the Townships of Sandwich East and Sandwich West and the Town of Walkerville and for no other purpose.

7. A duplicate original of this by-law shall forthwith after the final



passage thereof be served upon the Municipal corporations of the Townships of Sandwich East and Sandwich West and the Town of Walkerville.

8. The said corporations are hereby required under subsection 2 of section 9 and subsection 3 of section 10 of *The Consolidated Essex Border Utilities Act, 1929*, to levy and collect in each and every year during the currency of the said debentures annual special rates sufficient to produce the sum of \$12,035.28, over and above and in addition to all other rates for the purpose of redeeming the said debentures as follows:—

Upon the areas set out in Schedules A, B and C to this by-law—

In the Township of Sandwich East.....	\$5,063 96
In the Township of Sandwich West.....	6,026 69
In the Town of Walkerville.....	316 41
Contributed by the other parties.....	628 22
	\$12,035 28

9. The money so levied and collected shall forthwith upon its payment be applied in payment of the said debentures and paying the interest thereon as the same respectively become due and for no other purpose whatever.

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

Read first time, December 4th, 1929.

Read second time, December 4th, 1929.

Read third time, January 15th, 1930.

(Sgd.) EUGENE JANISSE, *Chairman*.

(Sgd.) R. B. BRAID, *Secretary*.

### *Schedule "A"*

#### DESCRIPTION OF SOUTH WATER AREAS FOR THE GRAND MARAIS DRAIN IN THE TOWNSHIP OF SANDWICH EAST

Commencing at a point in the easterly limit of Pelette Road where it is intersected by the easterly production of the south side of alley south of Tecumseh Road according to Registered Plan 1276; thence west following south side of alley south of Tecumseh Road to easterly limit of alley east of Westcott Road, Registered Plan 1003; thence south to southerly limit of Registered Plan 1003; thence west to westerly limit of Registered Plan 1003; thence north along westerly limit of Registered Plan 1003 to south side of Tecumseh Road; thence west following south side of Tecumseh Road to the westerly limit of Registered Plan 1140; thence south along westerly limit of Registered Plan 1140 to the north side of Vimy Avenue; thence west along north side of Vimy Avenue to the centre line of Drouillard Road (being the line between Sandwich East and Walkerville); thence south following centre line of Drouillard Road and the line between Farm Lots 98 and 99 to the north side of the Canadian Pacific Railway right-of-way; thence west following the northerly limit of Canadian Pacific Railway right-of-way to the centre line of Howard Avenue (being the boundary between the Townships of Sandwich East and West); thence south following the centre line of Howard Avenue to the northerly limit of the Town Line Road between the Townships of Sandwich East and South; thence east following northerly limit of Town Line Road to the west side of the Pere Marquette Railway right-of-way; thence north following westerly limit of Pere Marquette Railway right-of-way to a point 200 feet north of the Lappan Drain; thence east following a line parallel to and distant 200 feet



north of the Lappin Drain to the line between Farm Lots 104 and 105; thence north following line between Farm Lots 104 and 105 to the south limit of the Third Concession Road; thence east following the south side of the Third Concession Road to the line between Farm Lots 106 and 107; thence north along line between Farm Lots 106 and 107, 1,950 feet more or less to a point; thence east 775 feet more or less to line between Farm Lots 108 and 109; thence south along line between Farm Lots 108 and 109, 300 feet more or less to a point; thence east 600 feet more or less to the easterly limit of Pelette Road; thence north along easterly limit of Pelette Road 220 feet more or less to a point; thence east 350 feet more or less to a point in the southerly production of the westerly limit of Registered Plan 1157; thence north following the southerly production of the westerly limit of Registered Plan 1157 to the southerly limit of the Shary Zedek Cemetery; thence west following south limit of said cemetery to the easterly limit of Pelette Road; thence north along easterly limit of Pelette Road to the northerly limit of Shary Zedek Cemetery; thence east along northerly limit of said cemetery 100 feet to a point; thence north parallel to Pelette Road 2,400 feet more or less to a point; thence west 100 feet more or less to the east side of Pelette Road; thence north along east side of Pelette Road 30 feet more or less to the place of beginning. Containing 3,674 acres more or less as shown on plan attached hereto (Plan No. 12).

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*Schedule "B"*

DESCRIPTION OF SOUTH WATER AREAS FOR THE GRAND MARAIS DRAIN  
IN THE TOWNSHIP OF SANDWICH WEST

Commencing at a point in the west side of the Huron Line Road where it is intersected by the northerly limit of the westerly production of Toronto Street; thence east following northerly limit of Toronto Street to the westerly limit of Glenwood Avenue; thence north following westerly limit of Glenwood Avenue to the north side of Cleary Street; thence east following north side of Cleary Street to the west side of McKay Avenue as laid out; thence north following west side of McKay Avenue to the north side of Ojibway Street; thence east following north side of Ojibway and Edward Streets to the east side of Alexandra Avenue; thence north following east side of Alexandra Avenue to the south side of the easterly production of Arthur Street; thence east following the south side of easterly production of Arthur Street to the west side of the Essex Terminal Railway right-of-way; thence in a southeasterly direction following the southerly limit of the Essex Terminal Railway right-of-way to the southerly limit of the Canadian Pacific Railway right-of-way; thence east following southerly limit of Canadian Pacific Railway right-of-way to the centre line of Howard Avenue (being the boundary between Sandwich East and Sandwich West Townships); thence south following the center line of Howard Avenue to the Fourth Concession or Cabana Road; thence west following north side of Cabana Road to the west side of Dougall Avenue; thence north following westerly limit of Dougall Avenue one hundred feet to a point; thence west parallel to and one hundred feet west of the north side of the Cabana Road to the west limit of Registered Plan 1329; thence north along the westerly limit of Registered Plan 1329 to the south side of the alley south of Richardie Boulevard; thence west following south side of alley south of Richardie Boulevard to the west side of Glenwood Avenue as laid out; thence north following the west side of Glenwood Avenue as laid out to the south side of Liberty Street as laid out; thence west following south side of Liberty Street to the west side of Askin Avenue; thence north following west side of Askin Avenue to the south side of Pittsburgh Street; thence west following south side of Pittsburgh Street to the west side of the Huron Line Road; thence north following west side of the Huron Line Road to the north side of the westerly production of Toronto Street, being the place of beginning. Containing 2,500 acres more or less as shown on plan attached hereto (Plan No. 12).



*Schedule "C"*DESCRIPTION OF STORM WATER AREAS FOR THE GRAND MARAIS DRAIN  
IN THE TOWN OF WALKERVILLE

(1) Commencing at a point in the west side of Walker Road and south side of Ypres Avenue; thence south following west side of Walker Road to the northerly limit of Canadian Pacific Railway right-of-way; thence east following northerly limit of Canadian Pacific Railway right-of-way to the line between Farm Lots 98 and 99; thence north following said farm line between 98 and 99 and the centre line of Drouillard Road to a point distant southerly 500 feet from the southerly limit of Tecumseh Road; thence westerly at right angles to Drouillard Road to the east limit of the Pere Marquette Railway right-of-way; thence south along east limit of Pere Marquette Railway right-of-way to a point in the easterly production of the southerly limit of Ypres Avenue; thence west following southerly limit of Ypres Avenue to the place of beginning. Containing 138 acres more or less and shown on plan attached hereto (Plan No. 12).

(2) Commencing at a point in the westerly limit of Byng Road where it intersects the southerly limit of Tecumseh Road; thence south following westerly limit of Byng Road to the northerly limit of Canadian Pacific Railway right-of-way; thence west along Canadian Pacific Railway right-of-way to the line between Farm Lots 93 and 94 (being the Windsor-Walkerville boundary); thence north following line between Farm Lots 93 and 94 to the southerly limit of Tecumseh Road; thence east along southerly limit of Tecumseh Road to the place of beginning. Containing 178 acres more or less and shown on the plan attached hereto (Plan No. 12).





## SCHEDULE "B"

This Agreement made the 27th day of January, one thousand nine hundred and thirty.

BETWEEN:

ESSEX BORDER UTILITIES COMMISSION  
hereinafter called the Commission,

of the one part;

—and—

MICHIGAN CENTRAL RAILROAD COMPANY, *Lessee of the  
Canada Southern Railway Company,*  
hereinafter called the Company,

of the other part.

Whereas the Commission is authorized and empowered by *The Consolidated Essex Border Utilities Act, 1929*, a Statute of the Legislature of the Province of Ontario, among other things to construct certain works for the drainage of the Grand Marais Basin, which drainage area is defined in the report hereinafter referred to;

And whereas J. Clark Keith, the Engineer of the Commission, pursuant to the said Act, did make a report for the said purpose, dated the first day of August, 1929, wherein and whereby he did recommend a means for carrying off storm water from certain areas of the Town of Walkerville, the Townships of Sandwich East and Sandwich West, draining into the Grand Marais Basin, which said report was adopted by the Commission;

And whereas the proposed drainage work extends across the right-of-way and railway of the Company, being parts of Farm Lots 82, 83, 84 and 85 in the Third Concession of the Township of Sandwich West, partly by means of an open drain, and partly through three existing culverts, and as shown on the plan hereto annexed;

And whereas the construction of the proposed drainage work amongst other things, will require the lowering of the floors of the three culverts of the Company marked A, B and C, on the annexed plan, and the increasing of the cross-sectional areas thereof by about forty square feet;

And whereas a plan has been prepared by the Company showing amongst other things the location of the said drainage work across its property, and the proposed changes to its culverts, and which said plan has been duly approved by the Commission, and is attached hereto, and made a part of this Agreement;

And whereas the Company is willing to make the alteration to its culverts, as shown on the annexed plan, and subject to the terms and conditions of this Agreement as hereinafter contained;

Now therefore the parties hereto agree as follows:

1. The Company shall, upon the request of the Commission, make the necessary structural alterations to its three culverts, now located on parts of Lots 82, 83 and 84 in the Third Concession of the Township of Sandwich West, in the Province of Ontario, so that the floors thereof shall grade to and be established at an elevation of 592 feet at the portal of the most easterly culvert marked "C" on the annexed plans, and at 591.85 feet at the most westerly portal of culvert marked "A" on the said plans respectively, above Dominion Observatory Atlantic sea level datum, and so that the present cross-sectional areas of each culvert will be increased about forty square feet, and which said proposed changes are set forth and approved of by the parties hereto, on the annexed plan.



2. The Company, in consideration of its performing the above work at its expense, shall be and it is hereby released and discharged from all and every special assessment or tax which might now or hereafter be imposed or levied under proceedings taken under *The Municipal Drainage Act*, *The Consolidated Essex Border Utilities Act, 1929*, the *Dominion Railway Act*, or any other Statute, and amendments thereof, for the maintenance, repair and/or improvement of the Grand Marais Drain, and/or the work now proposed to be undertaken by the Commission under the report hereinabove referred to, and/or any other drainage works, undertaken for the drainage from the Grand Marais Basin, under or across the rights of way and Railway of the Company.

3. The Company shall have the option of deepening the open drain between its culverts A and B, and B and C, as shown on the said plan, but at the expense of the Commission, at a price to be mutually agreed upon between the respective chief engineers of the parties hereto; and the Commission agrees to pay the costs thereof within fifteen days after bills of expense have been presented by the Company from time to time. In the event of the Company not exercising the option herein provided for, and/or should the respective engineers of the parties hereto be unable to agree upon the price, then the Commission may do the said work, but in accordance with the written directions of the Chief Engineer of the Company, to whose satisfaction the said work shall be completed; provided, however, that should any dispute arise as to the directions given by the Chief Engineer of the Company as aforesaid, such disputes shall be referred to the Chief Engineer of the Board of Railway Commissioners for Canada, whose decisions shall be final and binding upon the parties hereto.

4. The Commission is authorized to enter upon the Company's lands, lying between Howard Avenue and the easterly portal of the culvert marked "C" and also the land lying immediately west of the westerly portal of the culvert marked A for the purpose of constructing the open drain within the above mentioned limits; the said work is to be carried out without damaging the said portals and the Commission will deposit, spread and level all earth and other excavations taken from the said easterly parcel upon parts of Lots 84 and 85 within the area but not above the elevations shown in the annexed plan and hatched in yellow and from the westerly parcel upon such adjoining land as the Engineer of the Company may direct.

5. The Commission agrees that before the Company shall be bound to carry out the above structural alterations in its culverts, the outlet for the drainage according to the plans of the Engineer of the Commission shall be constructed by means of the deepening of the Grand Marais Drain to the southwest but upon the outlet being provided the Company shall forthwith proceed with its part of the work.

6. When and so often as it shall happen that for the better maintenance of the drainage work, and to provide a proper flow of the drain through the culverts, that the floors of the said culverts require to be cleaned by the removing therefrom of the silt and other deposit thereon, the Engineer of the Commission shall notify the Chief Engineer of the Company, in writing, of what work is required to be done, and the Company shall have the option of doing the work, but at the expense of the Commission, and the Commission covenants and agrees with the Company to pay all bills of expense which may be rendered therefor, within fifteen days of presentation thereof, by the Company, from time to time; provided, however, that should the Company not exercise the option of doing the work, the Commission shall be permitted to enter upon the Company's lands and carry out the work, but in accordance with the directions and specifications in writing which will be furnished by the Chief Engineer of the Company, and to whose satisfaction the work shall be completed by the Commission; provided, further, that should disputes arise as to either the items of the expense, where the Company has exercised its option to do the work, and/or the specifications and the manner in which the same is, by the Chief Engineer of the Company, directed to be undertaken by the Commission, all such disputes shall be referred to the Chief Engineer of the Board of Railway Commissioners for Canada, whose decisions thereon shall be final and binding upon the parties hereto.



7. Provided always, that nothing herein contained shall relieve the Company from any assessment or tax imposed for constructing or maintaining drains for surface, storm or waste water, or sanitary sewage from the said basin in the same ratio or proportion as other lands affected by or benefited from such drainage improvements may be assessed or taxed, nor from its obligation to maintain the culvert structures above mentioned in a safe condition for the operation of its Railroad, and the traffic transported thereon.

8. The parties will make a joint application to the Board of Railway Commissioners for Canada, under Section 209 of *The Railway Act*, for an order authorizing and approving of the construction of the said drainage works across the right-of-way and Railway of the Company, in the terms of this Agreement.

9. The Commission shall at its own expense apply for the necessary legislation to confirm and validate this Agreement and the said Company will facilitate the obtaining of the same whereupon this Agreement shall become binding upon the parties hereto.

10. This Agreement shall enure to and be binding upon the parties hereto, their successors and assigns.

In witness whereof the parties hereto have affixed their corporate seals, attested under the hands of their duly authorized officers.

ESSEX BORDER UTILITIES COMMISSION,  
(Sgd.) EUGENE JANISSE, *Chairman*.  
(Sgd.) R. B. BRAID, *Secretary*.

MICHIGAN CENTRAL RAILROAD COMPANY,  
.....  
.....



## SCHEDULE "C"

This Agreement made the 22nd day of January, One thousand nine hundred and thirty.

BETWEEN:

ESSEX BORDER UTILITIES COMMISSION, hereinafter called  
the Commission,

of the one part;

—and—

CANADIAN PACIFIC RAILWAY COMPANY, hereinafter called  
the Company,

of the other part.

Whereas the Commission is authorized and empowered by *The Consolidated Essex Border Utilities Act, 1929*, a Statute of the Legislature of the Province of Ontario, amongst other things to construct certain works for the drainage of the Grand Marais Basin, which drainage area is defined in the report hereinafter referred to;

And whereas J. Clark Keith, the Engineer of the Commission, pursuant to the said Act, did make a report for the said purpose, dated the first day of August, 1929, wherein and whereby he did recommend a means for carrying off storm water from certain areas of the Town of Walkerville, the Townships of Sandwich East and Sandwich West, draining into the Grand Marais Basin, which said report was adopted by the Commission;

And whereas the proposed drainage work extends across the rights-of-way and railway of the Company, being parts of farm Lots 97 and 98 in the Second Concession of the Township of Sandwich East, partly by means of an open drain, and partly through an existing culvert and a bridged crossing and as shown on the plan hereto annexed;

And whereas the construction of the proposed drainage work amongst other things will require the lowering of the floor of the culvert and the bottom of the bridged crossing of the Company marked A and B on the annexed plan, and the increasing of the cross-sectional areas thereof;

And whereas a plan has been prepared by the Company showing amongst other things the location of the said drainage work across its property, and the proposed changes to its culvert and bridged crossing and which said plan has been duly approved by the Commission and is attached hereto and made a part of this agreement;

And whereas the Company is willing to make the said alterations as shown on the annexed plan, and subject to the terms and conditions of this agreement as hereinafter contained;

Now therefore the parties hereto agree as follows:

1. The Company shall, upon the request of the Commission make the necessary structural alterations in its culvert under its main line and in the bridged crossing at the Chrysler spur over the Grand Marais Drain now located on parts of farm Lots 97 and 98 in the Second Concession of the Township of Sandwich East in the Province of Ontario, so that the floor of the culvert shall grade to and be established at an elevation of 594 feet (marked A on the annexed plan) and so that the bottom of the bridged crossing may be lowered to 594.11 feet (marked "B" on the annexed plan) above Dominion Observatory Atlantic sea-level datum, and so that the present cross-sectional area of the culvert will be increased by about thirty-three square feet which said proposed changes are set forth and approved of by the parties hereto on the annexed plan.





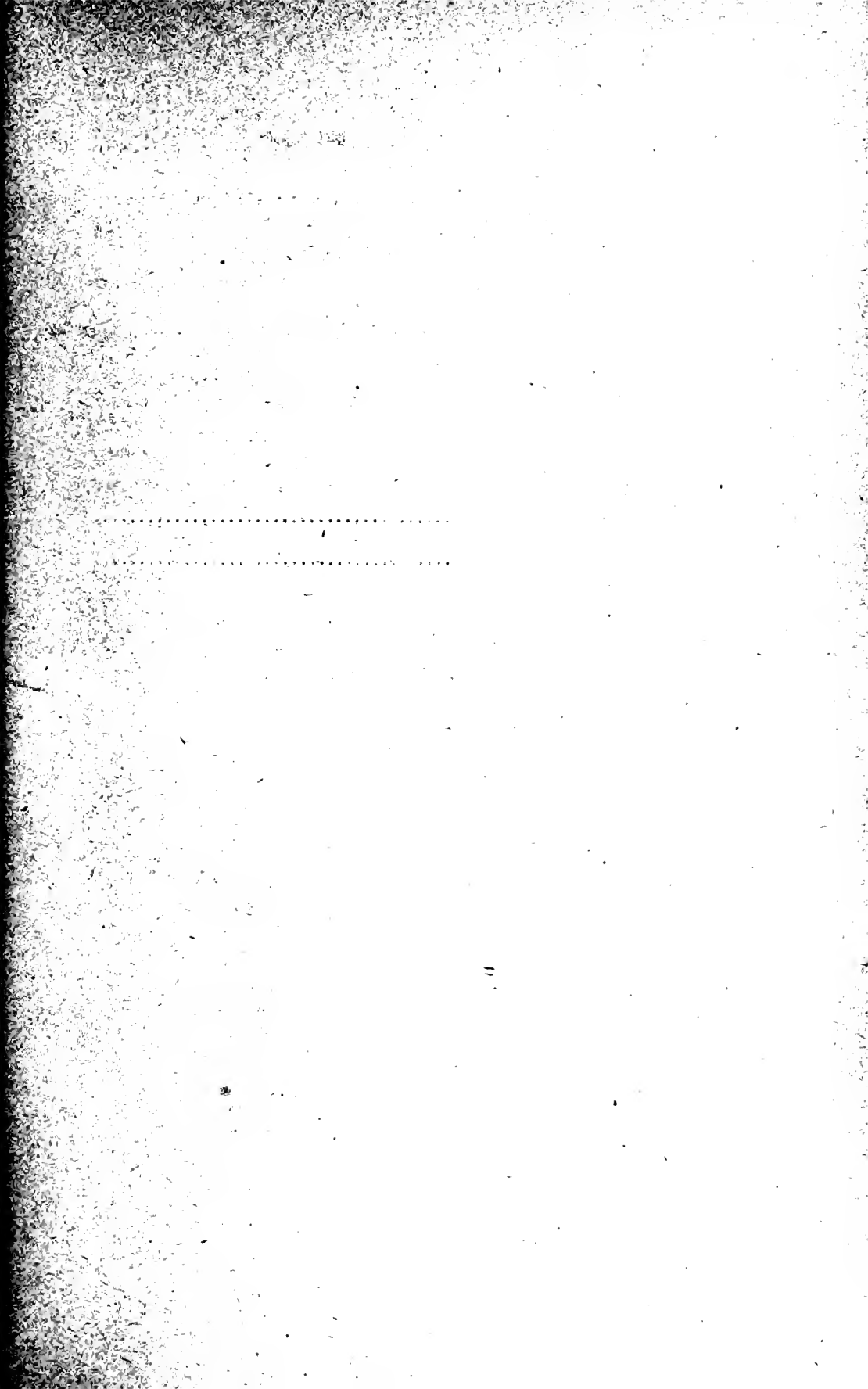
2. The Company, in consideration of its performing the above work at its expense, shall be and it is hereby released and discharged from all and every special assessment or tax which might now or hereafter be imposed or levied under proceedings taken under *The Municipal Drainage Act, The Consolidated Essex Border Utilities Act, 1929: The Dominion Railway Act*, or any other Statute, and amendments thereof, for the maintenance, repair and/or improvement of the Grand Marais Drain, and/or the work now proposed to be undertaken by the Commission under the report hereinabove referred to, and/or any other drainage works, undertaken for the drainage from the Grand Marais Basin, under or across the rights-of-way and railway of the Company.

3. The Company shall have the option of deepening the open drain on its right-of-way on each side of the said culvert and bridged crossing as shown on the said plan, but at the expense of the Commission, at a price to be mutually agreed upon between the Division Engineer of the Company at London and the Engineer of the Commission; and the Commission agrees to pay the costs thereof within fifteen days after bills of expense have been presented by the Company from time to time. In the event of the Company not exercising the option herein provided for, and/or should the respective engineers of the parties hereto be unable to agree upon the price, then the Commission may do the said work, but in accordance with the written directions of the Division Engineer of the Company to whose satisfaction the said work shall be completed; Provided, however, that should any dispute arise as to the directions given by the Division Engineer of the Company as aforesaid, such disputes shall be referred to the Chief Engineer of the Board of Railway Commissioners for Canada, whose decisions shall be final and binding upon the parties hereto.

4. The Commission agrees that before the Company shall be bound to carry out the above structural alterations to its culvert and bridged crossing the outlet for the drainage according to the plans of the Engineer of the Commission shall be constructed by the deepening of the Grand Marais Drain to the southwest and the lowering of the floors of the Michigan Central Railroad Company's culverts but upon the outlet being provided the Company shall forthwith proceed with its part of the work.

5. When and so often as it shall happen that for the better maintenance of the drainage work, and to provide a proper flow of the drain through the culvert or bridged crossing the floors of the same require to be cleaned by the removing therefrom the silt and other deposit thereon, the Engineer of the Commission shall notify the Division Engineer of the Company, in writing of what work is required to be done, and the Company shall have the option of doing the work, but at the expense of the Commission, and the Commission covenants and agrees with the Company to pay all bills of expense which may be rendered therefor, within fifteen days of presentation thereof, by the Company, from time to time; provided, however, that should the Company not exercise the option of doing the work, the Commission shall be permitted to enter upon the Company's lands and carry out the work, but in accordance with the directions and specifications in writing which will be furnished by the Division Engineer of the Company, and to whose satisfaction the work shall be completed by the Commission; provided, further, that should disputes arise as to either the items of the expense, where the Company has exercised its option to do the work, and/or the specifications and the manner in which the same is, by the Division Engineer of the Company, directed to be undertaken by the Commission, all such disputes shall be referred to the Chief Engineer of the Board of Railway Commissioners for Canada, whose decision thereon shall be final and binding upon the parties hereto.

6. Provided always, that nothing herein contained shall relieve the Company from any assessment or tax imposed for constructing or maintaining drains for surface, storm or waste water, for sanitary sewage from the said basin in the same ratio or proportion as other lands affected by or benefited from such drainage improvements may be assessed or taxed, nor from its obligation to maintain the culvert and structure above mentioned in a safe condition for the operation of its railway, and the traffic transported thereon.



7. The parties will make a joint application to the Board of Railway Commissioners for Canada, under Section 269 of *The Railway Act*, for an Order authorizing and approving of the construction of the said drainage works across the right-of-way and railway of the Company, in the terms of this agreement.

8. The Commission shall at its own expense apply for the necessary legislation to confirm and validate this agreement and the said Company will facilitate the obtaining of the same whereupon this agreement shall become binding upon the parties hereto.

9. This Agreement shall enure to and be binding upon the parties hereto, their successors and assigns.

In witness whereof the parties hereto have affixed their corporate seals, attested under the hands of their duly authorized officers.

ESSEX BORDER UTILITIES COMMISSION  
(Sgd.) EUGENE JANISSE,  
*Chairman.*  
R. B. BRAID,  
*Secretary.*

CANADIAN PACIFIC RAILWAY COMPANY

.....  
.....



## SCHEDULE "D"

This Agreement made the 22nd day of January, one thousand nine hundred and thirty:

BETWEEN:

ESSEX BORDER UTILITIES COMMISSION, hereinafter called  
The Commission,

of the one part,

—and—

PERE MARQUETTE RAILWAY COMPANY, hereinafter called  
The Company,

of the other part.

Whereas the Commission is authorized and empowered by *The Consolidated Essex Border Utilities Act, 1929*, a Statute of the Legislature of the Province of Ontario, amongst other things to construct certain works for the drainage of the Grand Marais Basin, which drainage area is defined in the report hereinafter referred to;

And whereas J. Clark Keith, the engineer of the Commission, pursuant to the said Act, did make a report for the said purpose, dated the first day of August, 1929, wherein and whereby he did recommend a means for carrying off storm water from certain areas of the Town of Walkerville, the Townships of Sandwich East and Sandwich West, draining into the Grand Marais Basin, which said report was adopted by the Commission;

And whereas the proposed drainage work extends across the right of way and railway of the Company, being part of farm lots 97 and 98 in the Second Concession of the Township of Sandwich East, partly by means of an open drain, and partly through a bridged crossing;

And whereas the construction of the proposed drainage work amongst other things, will require the lowering of the bottom of the Grand Marais at said bridged crossing and the increasing of the width thereof;

And whereas a plan has been prepared showing amongst other things the location of the said drainage work across its property, and the proposed changes to the said bridged crossing.

And whereas the Company is willing to make the alteration to its bridged crossing subject to the terms and conditions of this Agreement as hereinafter contained.

Now therefore the parties hereto agree as follows:—

1. The Company shall, upon the request of the Commission make the necessary structural alterations as to the bridged-crossing of the Grand Marais under its main line now located on parts of farm lots Ninety-seven (97) and Ninety-eight (98) in the Second Concession of the Township of Sandwich East in the Province of Ontario, so that the bottom of the said Grand Marais may be lowered to the grade of and be established at an elevation of 594 feet above Dominion Observatory Atlantic sea level datum, and so that the present width will be increased to twenty (20) feet which said proposed changes are approved of by the parties hereto.

2. The Company, in consideration of its performing the above work at its expense, shall be and it is hereby released and discharged from all and every special assessment or tax which might now or hereafter be imposed or levied under proceedings taken under the *Municipal Drainage Act*, the *Consolidated Essex Border Utilities Act, 1929*, the *Dominion Railway Act* or any other Statute, and amendments thereof, for the main-



tenance, repair and/or improvement of the Grand Marais Drain, and/or the work now proposed to be undertaken by the Commission under the report hereinabove referred to, and/or any other drainage works, undertaken for the drainage from the Grand Marais Basin, under or across the rights of way and railway of the Company.

3. The Company shall have the option of deepening the open drain on its right of way on each side of the said bridged crossing, but at the expense of the Commission, at a price to be mutually agreed upon between the respective chief engineers of the parties hereto; and the Commission agrees to pay the costs thereof within fifteen days after bills of expense have been presented by the Company from time to time. In the event of the Company not exercising the option herein provided for, and/or should the respective engineers of the parties hereto be unable to agree upon the price, then the Commission may do the said work, but in accordance with the written directions of the Chief Engineer of the Company, to whose satisfaction the said work shall be completed; provided, however, that should any dispute arise as to the directions given by the Chief Engineer of the Company as aforesaid, such disputes shall be referred to the Chief Engineer of the Board of Railway Commissioners for Canada, whose decisions shall be final and binding upon the parties hereto.

4. The Commission agrees that before the Company shall be bound to carry out the above alteration to its bridged crossing the outlet for the drainage according to the plans of the Engineer of the Commission shall be constructed by the deepening of the Grand Marais to the southwest and the lowering of the floor of the Michigan Central Railway Company's culverts but upon the outlet being provided the Company shall forthwith proceed with its part of the work.

5. When and so often as it shall happen that for the better maintenance of the drainage work, and to provide a proper flow of the drain through the bridged crossing, the bottom of the said bridged crossing requires to be cleaned by the removing therefrom of the silt and other deposit thereon, the Engineer of the Commission shall notify the Chief Engineer of the Company, in writing, of what work is required to be done, and the Company shall have the option of doing the work, but at the expense of the Commission, and the Commission covenants and agrees with the Company to pay all bills of expense which may be rendered therefor, within fifteen days of presentation thereof, by the Company, from time to time; provided, however, that should the Company not exercise the option of doing the work, the Commission shall be permitted to enter upon the Company's lands and carry out the work, but in accordance with the directions and specifications in writing which will be furnished by the Chief Engineer of the Company, and to whose satisfaction the work shall be completed by the Commission; provided, further, that should disputes arise as to either the items of the expense, where the Company has exercised its option to do the work, and/or the specifications and the manner in which the same is, by the Chief Engineer of the Company, directed to be undertaken by the Commission, all such disputes shall be referred to the Chief Engineer of the Board of Railway Commissioners for Canada, whose decision thereon shall be final and binding upon the parties hereto.

6. Provided always, that nothing herein contained shall relieve the Company from any assessment or tax imposed for constructing or maintaining drains for surface, storm or waste water, or sanitary sewage from the said basin in the same ratio or proportion as other lands affected by or benefited from such drainage improvements may be assessed or taxed, nor from its obligation to maintain the bridged crossing above mentioned in a safe condition for the operation of its Railway, and the traffic transported thereon.

7. The parties will make a joint application to the Board of Railway Commissioners for Canada, under Section 269 of the *Railway Act*, for an Order authorizing and approving of the construction of the said drainage works across the right of way and Railway of the Company, in the terms of this Agreement.







8. The Commission shall at its own expense apply for the necessary legislation to confirm and validate this Agreement and the said Company will facilitate the obtaining of the same whereupon this Agreement shall become binding upon the parties hereto.

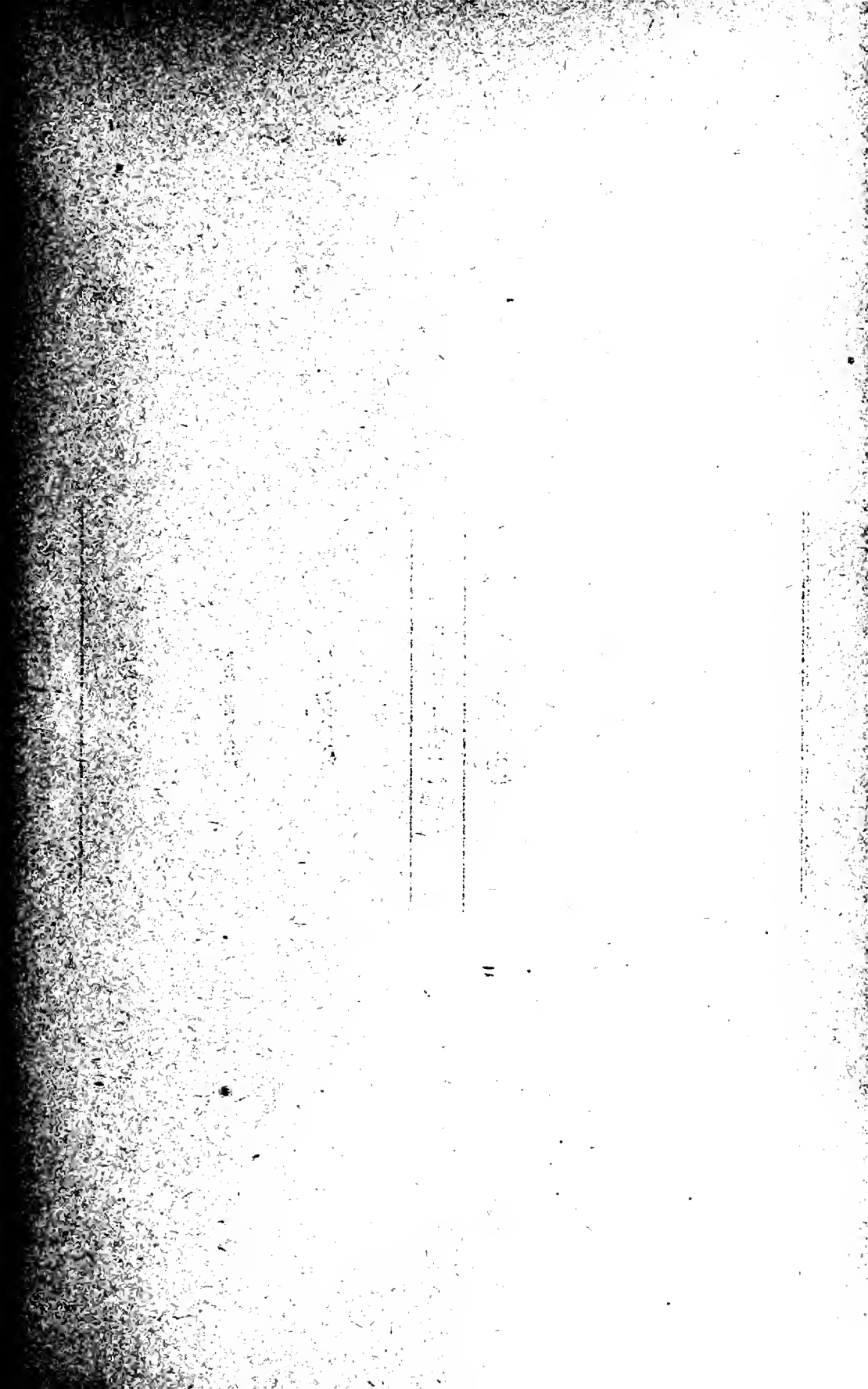
9. This Agreement shall enure to and be binding upon the parties hereto, their successors and assigns.

In witness whereof the parties hereto have affixed their corporate seals, attested under the hands of their duly authorized officers.

ESSEX BORDER UTILITIES COMMISSION  
(Sgd.) EUGENE JANISSE,   
*Chairman.*  
R. B. BRAID,   
*Secretary.*

PERE MARQUETTE RAILWAY COMPANY

.....  
.....



An Act respecting the Essex Border  
Utilities Commission.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. WILSON (Windsor)

(PRIVATE BILL)

1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the Essex Border Utilities Commission

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MR. WILSON (Windsor)

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No. 17.

1930.

# BILL

## An Act respecting the Essex Border Utilities Commission

Preamble

**W**HEREAS the Essex Border Utilities Commission has by its petition represented that it is desirable that the said Commission be authorized to enter into certain agreements with the Michigan Central Railroad Company, the Canadian Pacific Railway Company and the Pere Marquette Railway Company in regard to the construction of certain works allowing the deepening of the Grand Marais Drain and that a certain by-law authorizing an issue of debentures to pay the cost of the said drain be validated and that *The Consolidated Essex Border Utilities Act, 1929*, be made applicable to certain new areas and municipal corporations; and whereas the said Commission has by its petition prayed that an Act may be passed for the above 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 Essex Border Utilities Act, 1930*.

By-law 68  
in Schedule  
"A"  
confirmed.

**2.** By-law number 68 of the Essex Border Utilities Commission as set out in schedule "A" hereto being a by-law to raise the sum of \$165,663.58 by an issue of debentures to pay the cost of draining the storm and waste water from the Grand Marais Basin and imposing the rates to be levied for the purpose of liquidating the said debentures, is hereby declared to be legal, valid and binding upon the said Commission and upon the townships of Sandwich East and Sandwich West and the town of Walkerville and the ratepayers thereof, also the Windsor Suburban Area Commission and the Walkerville Suburban Area Commission under the provisions of *The Consolidated Essex Border Utilities Act, 1929*.

3. The agreement set out in schedule "B" hereto between the Essex Border Utilities Commission of the one part and the Michigan Central Railroad Company lessee of the Canada Southern Railway Company of the other part providing for the enlarging of the culverts under the rights-of-way of the said railway company situate on farm lots numbered 81 to 84 inclusive in the third concession in the township of Sandwich West and relieving the said companies from certain assessments and in regard to matters incidental thereto, is hereby declared to be legal, valid and binding upon the Essex Border Utilities Commission, and the municipal corporations of the townships of Sandwich East and Sandwich West and the town of Walkerville.

Agreement with M. C. Ry. Co. confirmed. (enlarging culverts under right-of-way).

4. The agreement set out in schedule "C" hereto between the Essex Border Utilities Commission of the one part and the Canadian Pacific Railway Company of the other part providing for the enlarging of the culverts under the rights-of-way of the said railway company situate on farm lots 96 to 97 in the second concession of the township of Sandwich East and relieving the said company from certain assessments and in regard to matters incidental thereto, is hereby declared to be legal, valid and binding upon the Essex Border Utilities Commission and the municipal corporations of the townships of Sandwich East and Sandwich West and the town of Walkerville.

Agreement with C.P.R. confirmed. (enlarging culverts under right-of-way),

5. The agreement set out in schedule "D" hereto between the Essex Border Utilities Commission of the one part and the Pere Marquette Railway Company of the other part providing for the enlarging of the culvert under the right-of-way of the said railway company situate on farm lot 97 in the second concession of the township of Sandwich East and relieving the said company from certain assessments and in regard to matters incidental thereto, is hereby declared to be legal, valid and binding upon the Essex Border Utilities Commission and the municipal corporations of the township of Sandwich East and Sandwich West and the town of Walkerville.

Agreement with Pere Marquette Ry. confirmed. (enlarging culverts under right of way).

6. Subsection 10 of section 22 of *The Consolidated Essex Border Utilities Act, 1929*, is amended by adding thereto clause (aa) as follows:

1929, c. 98, s. 22, subs. 10, amended.

- (aa) The Commission may also by by-law from time to time authorize the construction of drains or sewers or extensions thereof to drain the whole or any part of the Grand Marais Basin of either the sanitary sewage or the storm and waste water as separate works and may authorize its engineer to report

accordingly and may proceed to borrow the money and construct the same as works authorized under the provisions of this subsection.

1929, c. 98,  
s. 17, subs. 1,  
amended.

**7.** Subsection 1 of section 17 of the said Act is hereby amended by striking out the word "three" in the seventh line thereof and substituting therefor the word "one" and by striking out the words "and asking for approval should not less than three corporations approve," in the thirteenth and fourteenth lines thereof.

1929, c. 98,  
s. 17, subs. 2,  
amended.

**8.** Subsection 2 of section 17 of the said Act is hereby amended by striking out the words "to three or more municipalities" in the first line and substituting therefor the words "a question."

1929, c. 98,  
s. 18,  
amended.

**9.** Section 18 of the said Act is hereby amended by striking out the first three lines thereof and also the words "of the works" in the fourth line and substituting therefor the words "In the event of approval being so obtained," and also by adding at the end of the section the words "or the by-law as the case may be," so that the section will now read as follows:

Construc-  
tion of  
works with  
approval by  
municipalities.

18. In the event of approval being so obtained the Commission may proceed with the construction of the works approved of for the use and benefit and at the cost of the corporations approving and the provisions of this Act and the powers of the Commission shall apply to the corporations for the benefit of which such work or works are being constructed, and the proportion payable by each municipality shall be as shown in the question or by-law as the case may be

1929, c. 98,  
s. 2, cl. (e),  
repealed.

**10.—(1)** Clause (e) of section 2 of *The Consolidated Essex Border Utilities Act, 1929*, is hereby repealed and the following substituted therefor:

"East  
Windsor."

(e) "East Windsor" shall mean the corporation of the city of East Windsor and the words "East Windsor" shall be substituted for the words "Ford City" wherever they occur in this Act.

1929, c. 98,  
s. 2, amended

(2) Section 2 of the said Act is further amended by adding thereto the following clause:

"Sandwich  
South."

(s) "Sandwich South" shall mean the corporation of the township of Sandwich South.

1929, c. 98,  
s. 2, cl. (h),  
amended.

(3) Clause (h) of said section 2 is hereby repealed and the following substituted therefor:



- (h) "Essex Border Municipalities" shall mean and include the municipal corporations of the cities of Windsor and East Windsor, the towns of Sandwich, Walkerville, Riverside, LaSalle and Ojibway and any other municipal corporation in the county of Essex the whole or any area of which is now so included or may hereafter be added under the provisions of this Act, also any new municipal corporations hereafter established which include any portion of the area thereof and "Essex Border Utilities District" shall mean the area of land from time to time included within the same.
- "Essex Border Municipalities."  
"Essex Border Utilities District."

11.—(1) The first paragraph of subsection 3 of section 3 of the said Act is hereby repealed and the following substituted therefor:

1929, c. 98, s. 3, subs. 3, part, repealed.

- (3) In case any portion of an Essex Border municipality shall be included in a new municipality the council of such new municipality upon its organization shall by by-law appoint one person as commissioner for the year in which such municipality is established to hold office for the remainder of that year and until his successor is elected, who with the head of the municipality shall be its members; and the electors of the new municipality shall at the next annual municipal election and every three years thereafter elect one person to be a member of the Commission to hold office for three years.
- Representatives of new municipalities on Commission.

(2) Clause (d) of subsection 3 of section 3 of the said Act is hereby repealed and the following substituted therefor:

1929, c. 98, s. 3, subs. 3, cl. (d), repealed.

- (d) Where at an election a majority of the electors voting in any area forming part of a local municipality in the county of Essex have voted favourably upon a question whether they desire the provisions of *The Consolidated Essex Border Utilities Act, 1929*, to apply to such area the council of the corporation may pass a by-law making the provisions of the said Act applicable to such area and the same shall thereafter apply accordingly as if the area had been defined by a schedule to this Act.
- Provision for bringing in part of any local municipality.

(3) Clause (e) of subsection 3 of section 3 of the said Act is hereby repealed and the following substituted therefor:

1929, c. 98, s. 3, subs. 3, cl. (e), repealed.

- (e) Where the electors of any area of a local municipality in the county of Essex have voted in favour of being included in the Essex Border municipalities the
- Appointment of Commission.

council of such local municipality may if not already represented appoint a commissioner for the year in which the election takes place and the provisions of this Act shall thereafter apply thereto.

1929, c. 98,  
s. 9, subs. 1,  
repealed.

**12.** Subsection 1 of section 9 of the said Act is hereby repealed and the following substituted therefor:

Special rate  
on area.

- (1) Any sum so payable by a local municipality of which only part is included in the jurisdiction of the Commission shall be raised by a special rate upon all the rateable property in the area of such municipality described in a schedule to this Act or in a by-law describing the same passed under the provisions of this Act.

1929, c. 98,  
s. 10, subs. 6,  
repealed.

**13.** Subsection 6 of section 10 of the said Act is hereby repealed and the following substituted therefor:

Special rate  
on area.

- (6) Any special rate to be imposed in an Essex Border municipality of which only part is liable shall be charged upon and collected from only the portion thereof described in a schedule to this Act or in a by-law describing the same passed under the provisions of this Act.

1929, c. 98,  
s. 15, subs. 2,  
repealed.

**14.** Subsection 2 of section 15 of the said Act is hereby repealed and the following substituted therefor:

- (2) Where only part of the area of any of the Essex Border municipalities may be liable for the cost the question or questions shall be submitted only to the electors in that part of the municipality described in a schedule to this Act or in a by-law describing the same passed under the provisions of this Act.

Condition  
as to ss. 2-6  
coming  
into force.

**15.** Sections 2 to 6 shall come into force and effect upon the expiration of six months from the passing of this Act unless prior to that time the electors entitled to vote on money by-laws in the area of the township of Sandwich West which is to be charged with part of the cost shall by vote, or the council of the said township shall by by-law, have disapproved of the construction of the work.

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

## SCHEDULE "A"

## BY-LAW NUMBER 68 OF THE ESSEX BORDER UTILITIES COMMISSION

A By-law to raise by way of loan the sum of One Hundred and Sixty-five Thousand, Six Hundred and Sixty-three Dollars and Fifty-eight Cents (\$165,663.58) for the purpose of constructing certain storm water drainage for the Grand Marais Basin in the Townships of Sandwich East and Sandwich West and the Town of Walkerville.

Whereas *The Consolidated Essex Border Utilities Act, 1929*, provided for the construction of drainage works in the Grand Marais Basin by the Essex Border Utilities Commission.

And whereas it has become necessary to provide for the drainage of the storm waters from the said Grand Marais Basin.

And whereas J. Clark Keith, the engineer of the Commission has by his report dated the 1st of August, 1929, made a preliminary examination and survey of the proposed work and a report, estimate and apportionment of the cost thereof.

And whereas the report estimates the said cost at the sum of One hundred and sixty-five thousand six hundred and sixty-three dollars and fifty-eight cents (\$165,663.58) and the same has been adopted by the Essex Border Utilities Commission.

And whereas by the said report the apportionment of the said cost was as follows:—

Township of Sandwich East.....	\$69,703 97
Town of Walkerville.....	4,355 44
Township of Sandwich West.....	82,956 34
Department of Public Highways of Ontario....	2,742 85
Windsor Suburban Area Commission.....	2,692 13
Walkerville Suburban Area Commission.....	3,212 58
	\$165,663 58

And whereas the Department of Public Highways of Ontario and the said Windsor and Walkerville Suburban Area Commissions have agreed to contribute their shares set out above.

And whereas the Provincial Board of Health has approved of the construction of the said drainage work.

And whereas agreements have been arrived at with the several Railway Companies whose rights-of-way are affected by the said proposed works as to the method of construction and the liabilities assumed by them.

And whereas the whole amount of the rateable property of the portion of Sandwich West according to the last revised assessment roll thereof as certified by the County Judge of the County of Essex is the sum of \$4,300,000.00 exclusive of property assessed for school rates only, and in the Township of Sandwich East is the sum of \$3,400,000.00 and in the Town of Walkerville is the sum of \$16,537,893.00.

And whereas the amount of the existing debt of the Township of Sandwich West exclusive of Local Improvement debts secured by special rates of assessment is the sum of \$57,000.00 and of the Township of Sandwich East is the sum of \$202,037.35 and the Town of Walkerville is the sum of \$882,279.19 and no part of any of said debt nor the interest thereon is due or in arrear.

Therefore the Essex Border Utilities Commission enacts as follows:—

1. For the purpose of constructing certain storm water drainage for the

Grand Marais basin the Townships of Sandwich East and Sandwich West and the Town of Walkerville, the Essex Border Utilities Commission shall raise the sum of One hundred and sixty-five thousand six hundred and sixty-three dollars and fifty-eight cents (\$165,663.58) by the issue of debentures and the Chairman of the Commission shall be and he is hereby authorized and empowered to borrow from any person, company, society or bank willing to loan the same upon the credit of the said debentures a sum not exceeding the sum of \$165,663.58.

2. The said debentures shall bear interest at the rate of six per cent. per annum and shall be expressed in Canadian currency as to both principal and interest and the debentures shall be payable in thirty annual instalments during the thirty years next after the time when the same are issued.

3. The respective amounts of principal and interest payable in each year shall be as follows:—

Number	Principal	Interest	Total
1.....	\$2,095 47	\$9,939 81	\$12,035 28
2.....	2,221 19	9,814 09	12,035 28
3.....	2,354 46	9,680 82	12,035 28
4.....	2,495 73	9,539 55	12,035 28
5.....	2,645 47	9,389 81	12,035 28
6.....	2,804 20	9,231 08	12,035 28
7.....	2,972 45	9,062 83	12,035 28
8.....	3,150 80	8,884 48	12,035 28
9.....	3,339 83	8,695 45	12,035 28
10.....	3,540 22	8,495 06	12,035 28
11.....	3,752 65	8,282 63	12,035 28
12.....	3,977 81	8,057 47	12,035 28
13.....	4,216 48	7,818 80	12,035 28
14.....	4,469 47	7,565 81	12,035 28
15.....	4,737 64	7,297 64	12,035 28
16.....	5,021 90	7,013 38	12,035 28
17.....	5,323 21	6,712 07	12,035 28
18.....	5,642 60	6,392 68	12,035 28
19.....	5,981 16	6,054 12	12,035 28
20.....	6,340 04	5,695 24	12,035 28
21.....	6,720 44	5,314 84	12,035 28
22.....	7,123 67	4,911 61	12,035 28
23.....	7,551 09	4,484 19	12,035 28
24.....	8,004 16	4,031 12	12,035 28
25.....	8,484 41	3,550 87	12,035 28
26.....	8,993 47	3,041 81	12,035 28
27.....	9,533 08	2,502 20	12,035 28
28.....	10,105 06	1,930 22	12,035 28
29.....	10,711 37	1,323 91	12,035 28
30.....	11,354 05	681 23	12,035 28

\$165,663 58

4. The said debentures shall be sealed with the seal of the Commission and signed by the Chairman and the Secretary of the said Commission and both the principal and interest shall be payable on the 1st day of February in each year at the principal office of the Canadian Bank of Commerce in the City of Toronto or in the City of Windsor at holder's option.

5. The said debentures shall have coupons attached thereto for the payment of the interest at the rate of six per cent. per annum, which shall be signed by the Secretary of the Commission and the signature may be written, stamped or lithographed thereon. The first of said coupons being payable on the 1st day of February occurring next after the issue thereof.

6. The money borrowed as aforesaid shall be expended for the purpose of constructing certain storm water drainage for the Grand Marais Basin in the Townships of Sandwich East and Sandwich West and the Town of Walkerville and for no other purpose.

7. A duplicate original of this by-law shall forthwith after the final

passage thereof be served upon the Municipal corporations of the Townships of Sandwich East and Sandwich West and the Town of Walkerville.

8. The said corporations are hereby required under subsection 2 of section 9 and subsection 3 of section 10 of *The Consolidated Essex Border Utilities Act, 1929*, to levy and collect in each and every year during the currency of the said debentures annual special rates sufficient to produce the sum of \$12,035.28, over and above and in addition to all other rates for the purpose of redeeming the said debentures as follows:—

Upon the areas set out in Schedules A, B and C to this by-law—

♦ In the Township of Sandwich East.....	\$5,063 96
In the Township of Sandwich West.....	6,026 69
In the Town of Walkerville.....	316 41
Contributed by the other parties.....	628 22
	\$12,035 28

9. The money so levied and collected shall forthwith upon its payment be applied in payment of the said debentures and paying the interest thereon as the same respectively become due and for no other purpose whatever.

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

Read first time, December 4th, 1929.

Read second time, December 4th, 1929.

Read third time, January 15th, 1930.

(Sgd.) EUGENE JANISSE, *Chairman*.

(Sgd) R. B. BRAID, *Secretary*.

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### *Schedule "A"*

#### DESCRIPTION OF SOUTH WATER AREAS FOR THE GRAND MARAIS DRAIN IN THE TOWNSHIP OF SANDWICH EAST

Commencing at a point in the easterly limit of Pelette Road where it is intersected by the easterly production of the south side of alley south of Tecumseh Road according to Registered Plan 1276; thence west following south side of alley south of Tecumseh Road to easterly limit of alley east of Westcott Road, Registered Plan 1003; thence south to southerly limit of Registered Plan 1003; thence west to westerly limit of Registered Plan 1003; thence north along westerly limit of Registered Plan 1003 to south side of Tecumseh Road; thence west following south side of Tecumseh Road to the westerly limit of Registered Plan 1140; thence south along westerly limit of Registered Plan 1140 to the north side of Vimy Avenue; thence west along north side of Vimy Avenue to the centre line of Drouillard Road (being the line between Sandwich East and Walkerville); thence south following centre line of Drouillard Road and the line between Farm Lots 98 and 99 to the north side of the Canadian Pacific Railway right-of-way; thence west following the northerly limit of Canadian Pacific Railway right-of-way to the centre line of Howard Avenue (being the boundary between the Townships of Sandwich East and West); thence south following the centre line of Howard Avenue to the northerly limit of the Town Line Road between the Townships of Sandwich East and South; thence east following northerly limit of Town Line Road to the west side of the Pere Marquette Railway right-of-way; thence north following westerly limit of Pere Marquette Railway right-of-way to a point 200 feet north of the Lappan Drain; thence east following a line parallel to and distant 200 feet

north of the Lappin Drain to the line between Farm Lots 104 and 105; thence north following line between Farm Lots 104 and 105 to the south limit of the Third Concession Road; thence east following the south side of the Third Concession Road to the line between Farm Lots 106 and 107; thence north along line between Farm Lots 106 and 107, 1,950 feet more or less to a point; thence east 775 feet more or less to line between Farm Lots 108 and 109; thence south along line between Farm Lots 108 and 109, 300 feet more or less to a point; thence east 600 feet more or less to the easterly limit of Pelette Road; thence north along easterly limit of Pelette Road 220 feet more or less to a point; thence east 350 feet more or less to a point in the southerly production of the westerly limit of Registered Plan 1157; thence north following the southerly production of the westerly limit of Registered Plan 1157 to the southerly limit of the Shary Zedek Cemetery; thence west following south limit of said cemetery to the easterly limit of Pelette Road; thence north along easterly limit of Pelette Road to the northerly limit of Shary Zedek Cemetery; thence east along northerly limit of said cemetery 100 feet to a point; thence north parallel to Pelette Road 2,400 feet more or less to a point; thence west 100 feet more or less to the east side of Pelette Road; thence north along east side of Pelette Road 30 feet more or less to the place of beginning. Containing 3,674 acres more or less as shown on plan attached hereto (Plan No. 12).

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*Schedule "B"*

DESCRIPTION OF SOUTH WATER AREAS FOR THE GRAND MARAIS DRAIN  
IN THE TOWNSHIP OF SANDWICH WEST

Commencing at a point in the west side of the Huron Line Road where it is intersected by the northerly limit of the westerly production of Toronto Street; thence east following northerly limit of Toronto Street to the westerly limit of Glenwood Avenue; thence north following westerly limit of Glenwood Avenue to the north side of Cleary Street; thence east following north side of Cleary Street to the west side of McKay Avenue as laid out; thence north following west side of McKay Avenue to the north side of Ojibway Street; thence east following north side of Ojibway and Edward Streets to the east side of Alexandra Avenue; thence north following east side of Alexandra Avenue to the south side of the easterly production of Arthur Street; thence east following the south side of easterly production of Arthur Street to the west side of the Essex Terminal Railway right-of-way; thence in a southeasterly direction following the southerly limit of the Essex Terminal Railway right-of-way to the southerly limit of the Canadian Pacific Railway right-of-way; thence east following southerly limit of Canadian Pacific Railway right-of-way to the centre line of Howard Avenue (being the boundary between Sandwich East and Sandwich West Townships); thence south following the center line of Howard Avenue to the Fourth Concession or Cabana Road; thence west following north side of Cabana Road to the west side of Dougall Avenue; thence north following westerly limit of Dougall Avenue one hundred feet to a point; thence west parallel to and one hundred feet west of the north side of the Cabana Road to the west limit of Registered Plan 1329; thence north along the westerly limit of Registered Plan 1329 to the south side of the alley south of Richardie Boulevard; thence west following south side of alley south of Richardie Boulevard to the west side of Glenwood Avenue as laid out; thence north following the west side of Glenwood Avenue as laid out to the south side of Liberty Street as laid out; thence west following south side of Liberty Street to the west side of Askin Avenue; thence north following west side of Askin Avenue to the south side of Pittsburgh Street; thence west following south side of Pittsburgh Street to the west side of the Huron Line Road; thence north following west side of the Huron Line Road to the north side of the westerly production of Toronto Street, being the place of beginning. Containing 2,500 acres more or less as shown on plan attached hereto (Plan No. 12).

*Schedule "C"*DESCRIPTION OF STORM WATER AREAS FOR THE GRAND MARAIS DRAIN  
IN THE TOWN OF WALKERVILLE

(1) Commencing at a point in the west side of Walker Road and south side of Ypres Avenue; thence south following west side of Walker Road to the northerly limit of Canadian Pacific Railway right-of-way; thence east following northerly limit of Canadian Pacific Railway right-of-way to the line between Farm Lots 98 and 99; thence north following said farm line between 98 and 99 and the centre line of Drouillard Road to a point distant southerly 500 feet from the southerly limit of Tecumseh Road; thence westerly at right angles to Drouillard Road to the east limit of the Pere Marquette Railway right-of-way; thence south along east limit of Pere Marquette Railway right-of-way to a point in the easterly production of the southerly limit of Ypres Avenue; thence west following southerly limit of Ypres Avenue to the place of beginning. Containing 138 acres more or less and shown on plan attached hereto (Plan No. 12).

(2) Commencing at a point in the westerly limit of Byng Road where it intersects the southerly limit of Tecumseh Road; thence south following westerly limit of Byng Road to the northerly limit of Canadian Pacific Railway right-of-way; thence west along Canadian Pacific Railway right-of-way to the line between Farm Lots 93 and 94 (being the Windsor-Walkerville boundary); thence north following line between Farm Lots 93 and 94 to the southerly limit of Tecumseh Road; thence east along southerly limit of Tecumseh Road to the place of beginning. Containing 178 acres more or less and shown on the plan attached hereto (Plan No. 12.)

## SCHEDULE "B"

This Agreement made the 22nd day of January, one thousand nine hundred and thirty.

BETWEEN:

ESSEX BORDER UTILITIES COMMISSION  
hereinafter called the Commission,

of the one part;

—and—

MICHIGAN CENTRAL RAILROAD COMPANY, *Lessee of the  
Canada Southern Railway Company*,  
hereinafter called the Company,

of the other part.

Whereas the Commission is authorized and empowered by *The Consolidated Essex Border Utilities Act, 1929*, a Statute of the Legislature of the Province of Ontario, among other things to construct certain works for the drainage of the Grand Marais Basin, which drainage area is defined in the report hereinafter referred to;

And whereas J. Clark Keith, the Engineer of the Commission, pursuant to the said Act, did make a report for the said purpose, dated the first day of August, 1929, wherein and whereby he did recommend a means for carrying off storm water from certain areas of the Town of Walkerville, the Townships of Sandwich East and Sandwich West, draining into the Grand Marais Basin, which said report was adopted by the Commission;

And whereas the proposed drainage work extends across the right-of-way and railway of the Company, being parts of Farm Lots 82, 83, 84 and 85 in the Third Concession of the Township of Sandwich West, partly by means of an open drain, and partly through three existing culverts, and as shown on the plan hereto annexed;

And whereas the construction of the proposed drainage work amongst other things, will require the lowering of the floors of the three culverts of the Company marked A, B and C, on the annexed plan, and the increasing of the cross-sectional areas thereof by about forty square feet;

And whereas a plan has been prepared by the Company showing amongst other things the location of the said drainage work across its property, and the proposed changes to its culverts, and which said plan has been duly approved by the Commission, and is attached hereto, and made a part of this Agreement;

And whereas the Company is willing to make the alteration to its culverts, as shown on the annexed plan, and subject to the terms and conditions of this Agreement as hereinafter contained;

Now therefore the parties hereto agree as follows:

1. The Company shall, upon the request of the Commission, make the necessary structural alterations to its three culverts, now located on parts of Lots 82, 83 and 84 in the Third Concession of the Township of Sandwich West, in the Province of Ontario, so that the floors thereof shall grade to and be established at an elevation of 592 feet at the portal of the most easterly culvert marked "C" on the annexed plans, and at 591.85 feet at the most westerly portal of culvert marked "A" on the said plans respectively, above Dominion Observatory Atlantic sea level datum, and so that the present cross-sectional areas of each culvert will be increased about forty square feet, and which said proposed changes are set forth and approved of by the parties hereto, on the annexed plan.



2. The Company, in consideration of its performing the above work at its expense, shall be and it is hereby released and discharged from all and every special assessment or tax which might now or hereafter be imposed or levied under proceedings taken under *The Municipal Drainage Act, The Consolidated Essex Border Utilities Act, 1929, the Dominion Railway Act*, or any other Statute, and amendments thereof, for the maintenance, repair and/or improvement of the Grand Marais Drain, and or the work now proposed to be undertaken by the Commission under the report hereinabove referred to, and/or any other drainage works, undertaken for the drainage from the Grand Marais Basin, under or across the rights of way and Railway of the Company.

3. The Company shall have the option of deepening the open drain between its culverts A and B, and B and C, as shown on the said plan, but at the expense of the Commission, at a price to be mutually agreed upon between the respective chief engineers of the parties hereto; and the Commission agrees to pay the costs thereof within fifteen days after bills of expense have been presented by the Company from time to time. In the event of the Company not exercising the option herein provided for, and/or should the respective engineers of the parties hereto be unable to agree upon the price, then the Commission may do the said work, but in accordance with the written directions of the Chief Engineer of the Company, to whose satisfaction the said work shall be completed; provided, however, that should any dispute arise as to the directions given by the Chief Engineer of the Company as aforesaid, such disputes shall be referred to the Chief Engineer of the Board of Railway Commissioners for Canada, whose decisions shall be final and binding upon the parties hereto.

4. The Commission is authorized to enter upon the Company's lands, lying between Howard Avenue and the easterly portal of the culvert marked "C" and also the land lying immediately west of the westerly portal of the culvert marked A for the purpose of constructing the open drain within the above mentioned limits; the said work is to be carried out without damaging the said portals and the Commission will deposit, spread and level all earth and other excavations taken from the said easterly parcel upon parts of Lots 84 and 85 within the area but not above the elevations shown in the annexed plan and hatched in yellow and from the westerly parcel upon such adjoining land as the Engineer of the Company may direct.

5. The Commission agrees that before the Company shall be bound to carry out the above structural alterations in its culverts, the outlet for the drainage according to the plans of the Engineer of the Commission shall be constructed by means of the deepening of the Grand Marais Drain to the southwest but upon the outlet being provided the Company shall forthwith proceed with its part of the work.

6. When and so often as it shall happen that for the better maintenance of the drainage work, and to provide a proper flow of the drain through the culverts, that the floors of the said culverts require to be cleaned by the removing therefrom of the silt and other deposit thereon, the Engineer of the Commission shall notify the Chief Engineer of the Company, in writing, of what work is required to be done, and the Company shall have the option of doing the work, but at the expense of the Commission, and the Commission covenants and agrees with the Company to pay all bills of expense which may be rendered therefor, within fifteen days of presentation thereof, by the Company, from time to time; provided, however, that should the Company not exercise the option of doing the work, the Commission shall be permitted to enter upon the Company's lands and carry out the work, but in accordance with the directions and specifications in writing which will be furnished by the Chief Engineer of the Company, and to whose satisfaction the work shall be completed by the Commission; provided, further, that should disputes arise as to either the items of the expense, where the Company has exercised its option to do the work, and or the specifications and the manner in which the same is, by the Chief Engineer of the Company, directed to be undertaken by the Commission, all such disputes shall be referred to the Chief Engineer of the Board of Railway Commissioners for Canada, whose decisions thereon shall be final and binding upon the parties hereto.

7. Provided always, that nothing herein contained shall relieve the Company from any assessment or tax imposed for constructing or maintaining drains for surface, storm or waste water, or sanitary sewage from the said basin in the same ratio or proportion as other lands affected by or benefited from such drainage improvements may be assessed or taxed, nor from its obligation to maintain the culvert structures above mentioned in a safe condition for the operation of its Railroad, and the traffic transported thereon.

8. The parties will make a joint application to the Board of Railway Commissioners for Canada, under Section 269 of *The Railway Act*, for an order authorizing and approving of the construction of the said drainage works across the right-of-way and Railway of the Company, in the terms of this Agreement.

9. The Commission shall at its own expense apply for the necessary legislation to confirm and validate this Agreement and the said Company will facilitate the obtaining of the same whereupon this Agreement shall become binding upon the parties hereto.

10. This Agreement shall enure to and be binding upon the parties hereto, their successors and assigns.

In witness whereof the parties hereto have affixed their corporate seals, attested under the hands of their duly authorized officers.

ESSEX BORDER UTILITIES COMMISSION,  
(Sgd.) EUGENE JANISSE, *Chairman.*

(Sgd.) R. B. BRAID, *Secretary.*

MICHIGAN CENTRAL RAILROAD COMPANY,

(Sgd.) P. E. CROWLEY, *President.*

(Sgd.) J. M. O'MAHONEY, *Asst. Secretary.*

## SCHEDULE "C"

This Agreement made the 22nd day of January, One thousand nine hundred and thirty.

BETWEEN:

ESSEX BORDER UTILITIES COMMISSION, hereinafter called  
the Commission,

of the one part;

—and—

CANADIAN PACIFIC RAILWAY COMPANY, hereinafter called  
the Company,

of the other part.

Whereas the Commission is authorized and empowered by *The Consolidated Essex Border Utilities Act, 1929*, a Statute of the Legislature of the Province of Ontario, amongst other things to construct certain works for the drainage of the Grand Marais Basin, which drainage area is defined in the report hereinafter referred to;

And whereas J. Clark Keith, the Engineer of the Commission, pursuant to the said Act, did make a report for the said purpose, dated the first day of August, 1929, wherein and whereby he did recommend a means for carrying off storm water from certain areas of the Town of Walkerville, the Townships of Sandwich East and Sandwich West, draining into the Grand Marais Basin, which said report was adopted by the Commission;

And whereas the proposed drainage work extends across the rights-of-way and railway of the Company, being parts of farm Lots 97 and 98 in the Second Concession of the Township of Sandwich East, partly by means of an open drain, and partly through an existing culvert and a bridged crossing and as shown on the plan hereto annexed;

And whereas the construction of the proposed drainage work amongst other things will require the lowering of the floor of the culvert and the bottom of the bridged crossing of the Company marked A and B on the annexed plan, and the increasing of the cross-sectional areas thereof;

And whereas a plan has been prepared by the Company showing amongst other things the location of the said drainage work across its property, and the proposed changes to its culvert and bridged crossing and which said plan has been duly approved by the Commission and is attached hereto and made a part of this agreement;

And whereas the Company is willing to make the said alterations as shown on the annexed plan, and subject to the terms and conditions of this agreement as hereinafter contained;

Now therefore the parties hereto agree as follows:

1. The Company shall, upon the request of the Commission make the necessary structural alterations in its culvert under its main line and in the bridged crossing at the Chrysler spur over the Grand Marais Drain now located on parts of farm Lots 97 and 98 in the Second Concession of the Township of Sandwich East in the Province of Ontario, so that the floor of the culvert shall grade to and be established at an elevation of 594 feet (marked A on the annexed plan) and so that the bottom of the bridged crossing may be lowered to 594.11 feet (marked "B" on the annexed plan) above Dominion Observatory Atlantic sea-level datum, and so that the present cross-sectional area of the culvert will be increased by about thirty-three square feet which said proposed changes are set forth and approved of by the parties hereto on the annexed plan.

2. The Company, in consideration of its performing the above work at its expense, shall be and it is hereby released and discharged from all and every special assessment or tax which might now or hereafter be imposed or levied under proceedings taken under *The Municipal Drainage Act*, *The Consolidated Essex Border Utilities Act, 1929: The Dominion Railway Act*, or any other Statute, and amendments thereof, for the maintenance, repair and/or improvement of the Grand Marais Drain, and/or the work now proposed to be undertaken by the Commission under the report hereinabove referred to, and/or any other drainage works, undertaken for the drainage from the Grand Marais Basin, under or across the rights-of-way and railway of the Company.

3. The Company shall have the option of deepening the open drain on its right-of-way on each side of the said culvert and bridged crossing as shown on the said plan, but at the expense of the Commission, at a price to be mutually agreed upon between the Division Engineer of the Company at London and the Engineer of the Commission; and the Commission agrees to pay the costs thereof within fifteen days after bills of expense have been presented by the Company from time to time. In the event of the Company not exercising the option herein provided for, and/or should the respective engineers of the parties hereto be unable to agree upon the price, then the Commission may do the said work, but in accordance with the written directions of the Division Engineer of the Company to whose satisfaction the said work shall be completed; Provided, however, that should any dispute arise as to the directions given by the Division Engineer of the Company as aforesaid, such disputes shall be referred to the Chief Engineer of the Board of Railway Commissioners for Canada, whose decisions shall be final and binding upon the parties hereto.

4. The Commission agrees that before the Company shall be bound to carry out the above structural alterations to its culvert and bridged crossing the outlet for the drainage according to the plans of the Engineer of the Commission shall be constructed by the deepening of the Grand Marais Drain to the southwest and the lowering of the floors of the Michigan Central Railroad Company's culverts but upon the outlet being provided the Company shall forthwith proceed with its part of the work.

5. When and so often as it shall happen that for the better maintenance of the drainage work, and to provide a proper flow of the drain through the culvert or bridged crossing the floors of the same require to be cleaned by the removing therefrom the silt and other deposit thereon, the Engineer of the Commission shall notify the Division Engineer of the Company, in writing of what work is required to be done, and the Company shall have the option of doing the work, but at the expense of the Commission, and the Commission covenants and agrees with the Company to pay all bills of expense which may be rendered therefor, within fifteen days of presentation thereof, by the Company, from time to time; provided, however, that should the Company not exercise the option of doing the work, the Commission shall be permitted to enter upon the Company's lands and carry out the work, but in accordance with the directions and specifications in writing which will be furnished by the Division Engineer of the Company, and to whose satisfaction the work shall be completed by the Commission; provided, further, that should disputes arise as to either the items of the expense, where the Company has exercised its option to do the work, and or the specifications and the manner in which the same is, by the Division Engineer of the Company, directed to be undertaken by the Commission, all such disputes shall be referred to the Chief Engineer of the Board of Railway Commissioners for Canada, whose decision thereon shall be final and binding upon the parties hereto.

6. Provided always, that nothing herein contained shall relieve the Company from any assessment or tax imposed for constructing or maintaining drains for surface, storm or waste water, for sanitary sewage from the said basin in the same ratio or proportion as other lands affected by or benefited from such drainage improvements may be assessed or taxed, nor from its obligation to maintain the culvert and structure above mentioned in a safe condition for the operation of its railway, and the traffic transported thereon.

7. The parties will make a joint application to the Board of Railway Commissioners for Canada, under Section 269 of *The Railway Act*, for an Order authorizing and approving of the construction of the said drainage works across the right-of-way and railway of the Company, in the terms of this agreement.

8. The Commission shall at its own expense apply for the necessary legislation to confirm and validate this agreement and the said Company will facilitate the obtaining of the same whereupon this agreement shall become binding upon the parties hereto.

9. This Agreement shall enure to and be binding upon the parties hereto, their successors and assigns.

In witness whereof the parties hereto have affixed their corporate seals, attested under the hands of their duly authorized officers.

ESSEX BORDER UTILITIES COMMISSION

(Sgd.) EUGENE JANISSE,  
*Chairman.*

R. B. BRAID,  
*Secretary.*

CANADIAN PACIFIC RAILWAY COMPANY

(Sgd.) GRANT HALL, *Vice President.*

H. C. OSWALD, *Asst. Secretary*

## SCHEDULE "D"

This Agreement made the 22nd day of January, one thousand nine hundred and thirty:

BETWEEN:

ESSEX BORDER UTILITIES COMMISSION, hereinafter called  
The Commission,

of the one part,

—and—

PERE MARQUETTE RAILWAY COMPANY, hereinafter called  
The Company,

of the other part.

Whereas the Commission is authorized and empowered by *The Consolidated Essex Border Utilities Act, 1929*, a Statute of the Legislature of the Province of Ontario, amongst other things to construct certain works for the drainage of the Grand Marais Basin, which drainage area is defined in the report hereinafter referred to;

And whereas J. Clark Keith, the engineer of the Commission, pursuant to the said Act, did make a report for the said purpose, dated the first day of August, 1929, wherein and whereby he did recommend a means for carrying off storm water from certain areas of the Town of Walkerville, the Townships of Sandwich East and Sandwich West, draining into the Grand Marais Basin, which said report was adopted by the Commission;

And whereas the proposed drainage work extends across the right of way and railway of the Company, being part of farm lots 97 and 98 in the Second Concession of the Township of Sandwich East, partly by means of an open drain, and partly through a bridged crossing;

And, whereas the construction of the proposed drainage work amongst other things, will require the lowering of the bottom of the Grand Marais at said bridged crossing and the increasing of the width thereof;

And whereas a plan has been prepared showing amongst other things the location of the said drainage work across its property, and the proposed changes to the said bridged crossing.

And whereas the Company is willing to make the alteration to its bridged crossing subject to the terms and conditions of this Agreement as hereinafter contained.

Now therefore the parties hereto agree as follows:—

1. The Company shall, upon the request of the Commission make the necessary structural alterations as to the bridged-crossing of the Grand Marais under its main line now located on parts of farm lots Ninety-seven (97) and Ninety-eight (98) in the Second Concession of the Township of Sandwich East in the Province of Ontario, so that the bottom of the said Grand Marais may be lowered to the grade of and be established at an elevation of 594 feet above Dominion Observatory Atlantic sea level datum, and so that the present width will be increased to twenty (20) feet which said proposed changes are approved of by the parties hereto.

2. The Company, in consideration of its performing the above work at its expense, shall be and it is hereby released and discharged from all and every special assessment or tax which might now or hereafter be imposed or levied under proceedings taken under the *Municipal Drainage Act*, the *Consolidated Essex Border Utilities Act, 1929*, the *Dominion Railway Act* or any other Statute, and amendments thereof, for the main-

tenance, repair and/or improvement of the Grand Marais Drain, and/or the work now proposed to be undertaken by the Commission under the report hereinabove referred to, and/or any other drainage works, undertaken for the drainage from the Grand Marais Basin, under or across the rights of way and railway of the Company.

3. The Company shall have the option of deepening the open drain on its right of way on each side of the said bridged crossing, but at the expense of the Commission, at a price to be mutually agreed upon between the respective chief engineers of the parties hereto; and the Commission agrees to pay the costs thereof within fifteen days after bills of expense have been presented by the Company from time to time. In the event of the Company not exercising the option herein provided for, and/or should the respective engineers of the parties hereto be unable to agree upon the price, then the Commission may do the said work, but in accordance with the written directions of the Chief Engineer of the Company, to whose satisfaction the said work shall be completed; provided, however, that should any dispute arise as to the directions given by the Chief Engineer of the Company as aforesaid, such disputes shall be referred to the Chief Engineer of the Board of Railway Commissioners for Canada, whose decisions shall be final and binding upon the parties hereto.

4. The Commission agrees that before the Company shall be bound to carry out the above alteration to its bridged crossing the outlet for the drainage according to the plans of the Engineer of the Commission shall be constructed by the deepening of the Grand Marais to the southwest and the lowering of the floor of the Michigan Central Railway Company's culverts but upon the outlet being provided the Company shall forthwith proceed with its part of the work.

5. When and so often as it shall happen that for the better maintenance of the drainage work, and to provide a proper flow of the drain through the bridged crossing, the bottom of the said bridged crossing requires to be cleaned by the removing therefrom of the silt and other deposit thereon, the Engineer of the Commission shall notify the Chief Engineer of the Company, in writing, of what work is required to be done, and the Company shall have the option of doing the work, but at the expense of the Commission, and the Commission covenants and agrees with the Company to pay all bills of expense which may be rendered therefor, within fifteen days of presentation thereof, by the Company, from time to time: provided, however, that should the Company not exercise the option of doing the work, the Commission shall be permitted to enter upon the Company's lands and carry out the work, but in accordance with the directions and specifications in writing which will be furnished by the Chief Engineer of the Company, and to whose satisfaction the work shall be completed by the Commission; provided, further, that should disputes arise as to either the items of the expense, where the Company has exercised its option to do the work, and/or the specifications and the manner in which the same is, by the Chief Engineer of the Company, directed to be undertaken by the Commission, all such disputes shall be referred to the Chief Engineer of the Board of Railway Commissioners for Canada, whose decision thereon shall be final and binding upon the parties hereto.

6. Provided always, that nothing herein contained shall relieve the Company from any assessment or tax imposed for constructing or maintaining drains for surface, storm or waste water, or sanitary sewage from the said basin in the same ratio or proportion as other lands affected by or benefited from such drainage improvements may be assessed or taxed, nor from its obligation to maintain the bridged crossing above mentioned in a safe condition for the operation of its Railway, and the traffic transported thereon.

7. The parties will make a joint application to the Board of Railway Commissioners for Canada, under Section 269 of the *Railway Act*, for an Order authorizing and approving of the construction of the said drainage works across the right of way and Railway of the Company, in the terms of this Agreement.

8. The Commission shall at its own expense apply for the necessary legislation to confirm and validate this Agreement and the said Company will facilitate the obtaining of the same whereupon this Agreement shall become binding upon the parties hereto.

9. This Agreement shall enure to and be binding upon the parties hereto, their successors and assigns.

In witness whereof the parties hereto have affixed their corporate seals, attested under the hands of their duly authorized officers.

ESSEX BORDER UTILITIES COMMISSION

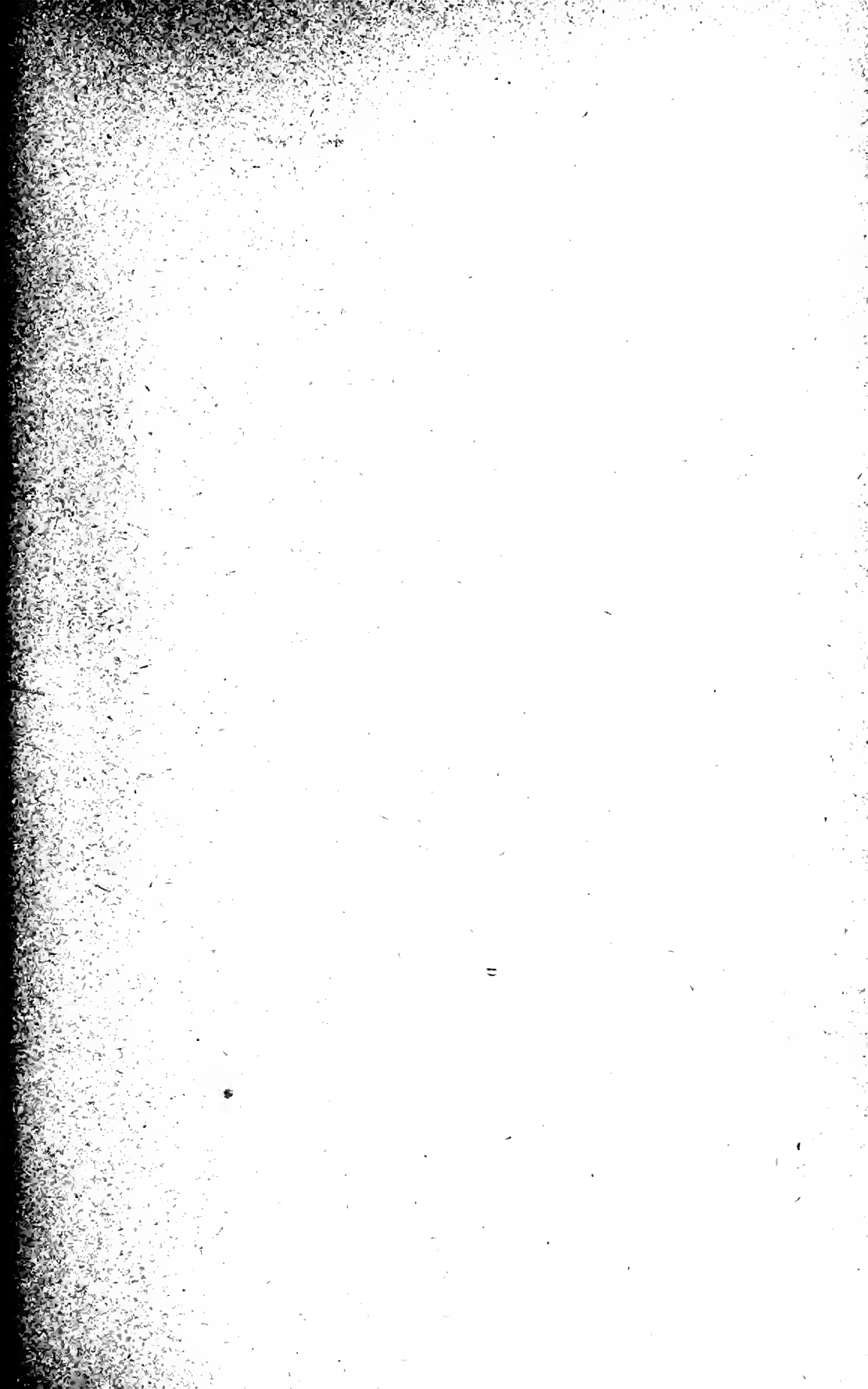
(Sgd.) EUGENE JANISSE,  
*Chairman.*

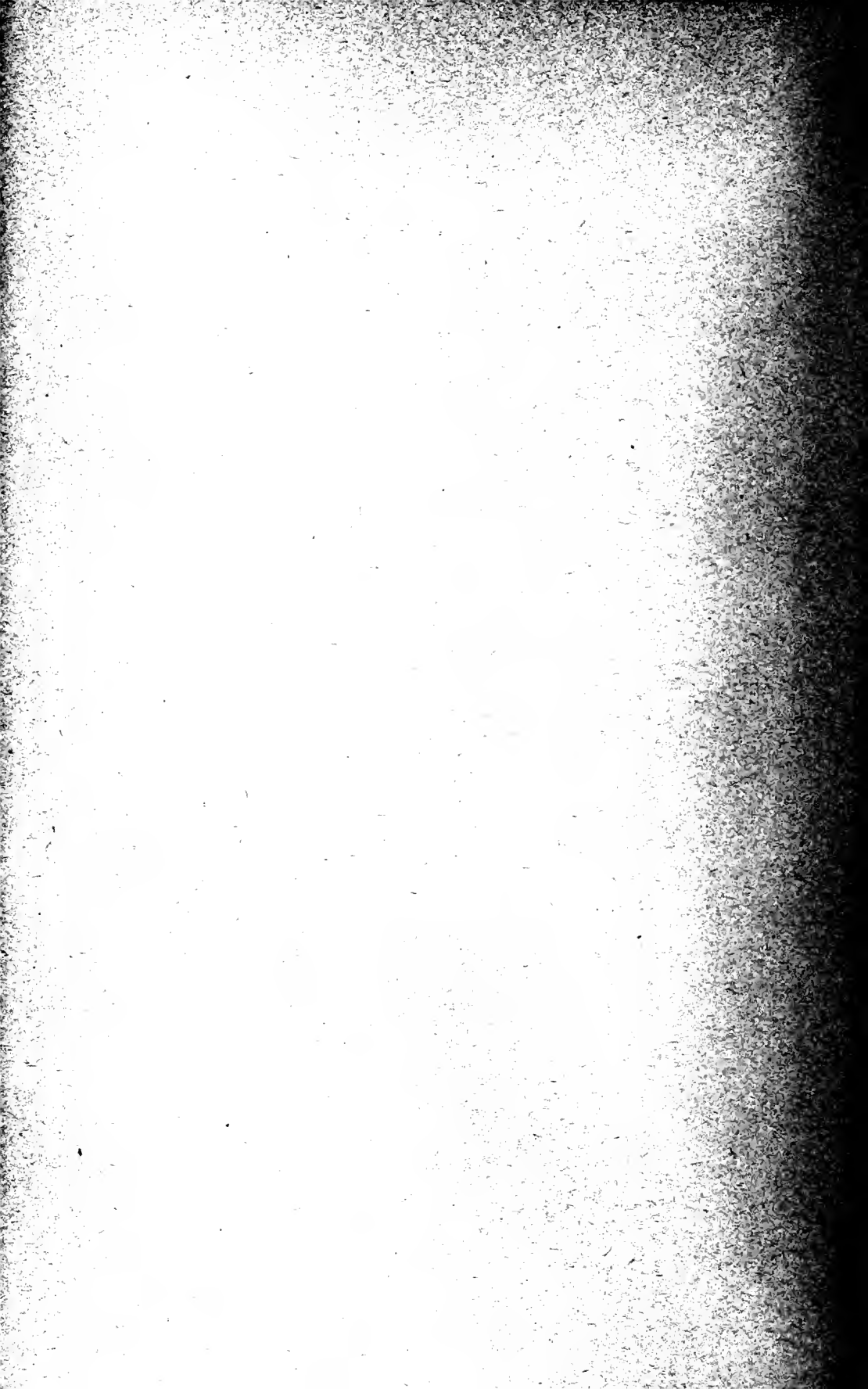
R. B. BRAID,  
*Secretary.*

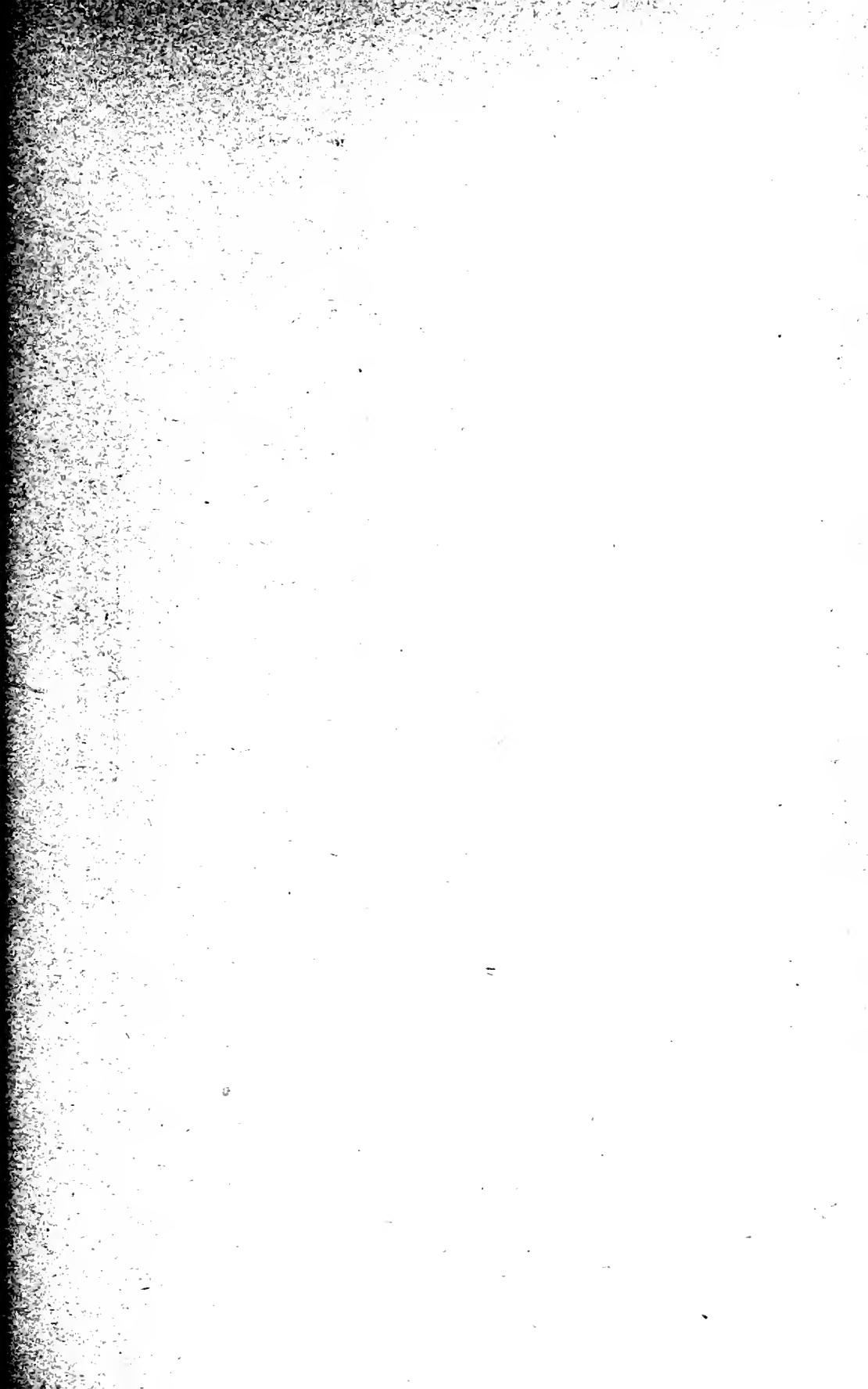
PERE MARQUETTE RAILWAY COMPANY

(Sgd.) R. J. BOWMAN, *Vice President.*









BILL.

An Act respecting the Essex Border  
Utilities Commission.

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*1st Reading*

February 11th, 1930

*2nd Reading*

March 21st, 1930

*3rd Reading*

March 25th, 1930

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MR. WILSON (Windsor)

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the Township of North York

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MR. MACAULAY

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(PRIVATE BILL)

No. 18.

1930

# BILL

An Act respecting the Township of North York.

Preamble.

**W**HEREAS the corporation of the township of North York has by 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:—

Short title.

**1.** This Act may be cited as *The Township of North York Act, 1930.*

1929, c. 110,  
s. 2, subs. 2  
repealed.

**2.** Subsection 2 of section 2 of *An Act respecting the Township of North York* passed in the year 1929 is repealed and the following substituted therefor,—

Duration of  
restriction  
on annexa-  
tion of part  
of township.

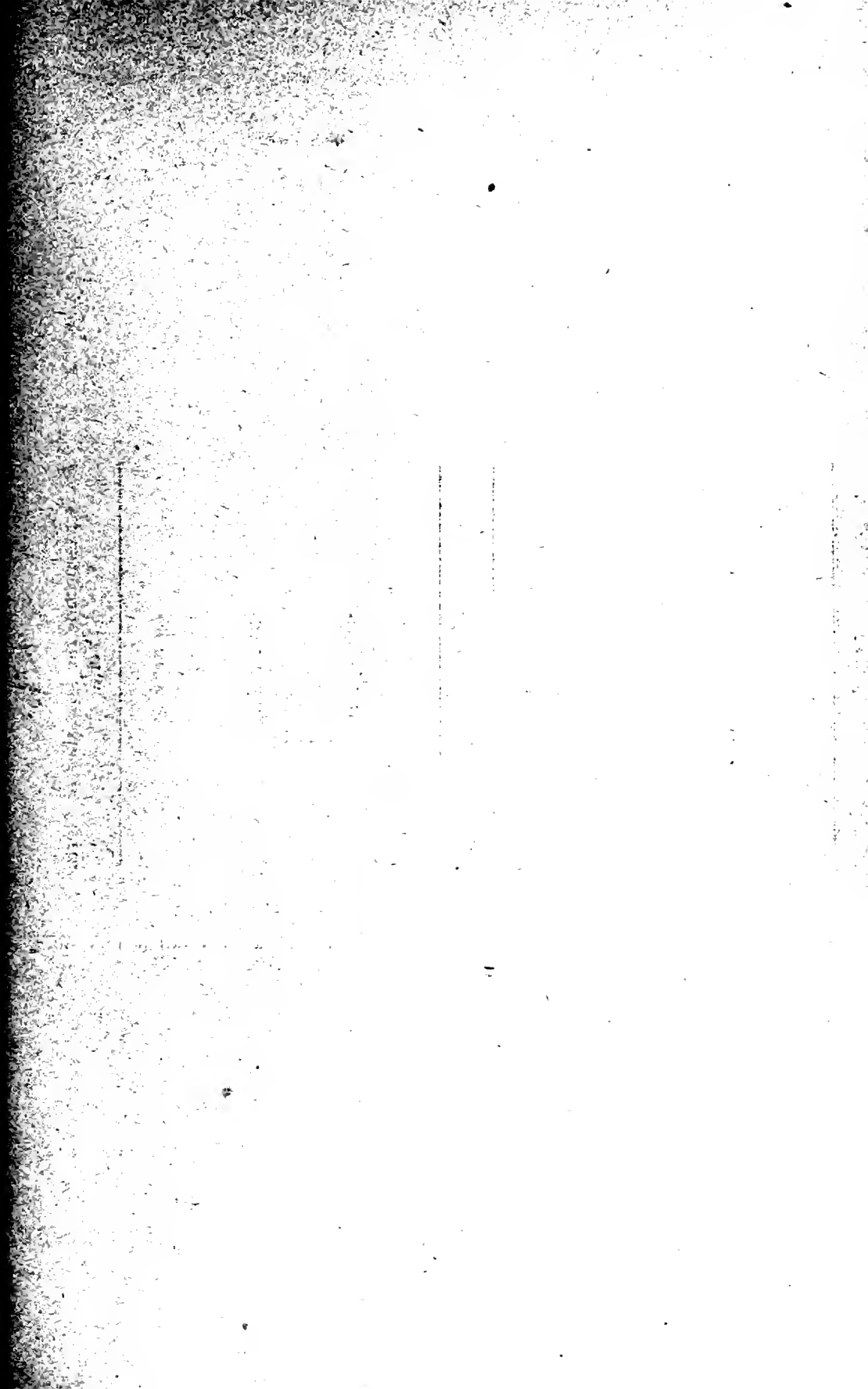
(2) This section shall remain in force for six years only after the 28th day of March, 1929.

Application  
of surplus  
on sale of  
debentures  
at premium.

**3.** The council of the township of North York may by by-law provide that any or all of the moneys now in the hands of the treasurer of the township of North York arising from the sale at a premium of debentures issued to pay for the cost of constructing watermains in Water Area Number 1 of the said township, be used for the purpose of paying part of the capital cost of the existing waterworks plant in said Water Area Number 1 of the said township, or the whole or part of the cost of any extension, alteration or enlargement of the said plant, and such moneys shall be used in the manner so provided.

Commence-  
ment of  
Act.

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



BILL.

An Act respecting the Township of North  
York.

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*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. MACAULAY.

(PRIVATE BILL)



1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the Township of North York**

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MR. MACAULAY

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# BILL

## An Act respecting the Township of North York.

Preamble.

**W**HEREAS the corporation of the township of North York has by 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:—

Short title.

**1.** This Act may be cited as *The Township of North York Act, 1930.*

1929, c. 110,  
s. 2, subs. 2  
repealed.

**2.** Subsection 2 of section 2 of *An Act respecting the Township of North York* passed in the year 1929 is repealed and the following subsections substituted therefor,—

Duration of  
restriction  
on annexa-  
tion of part  
of township.

(2) This section shall remain in force for six years only after the 28th day of March, 1929.

(3) Nothing in this section shall be construed so as to affect any such consent given by the council of the said township before the passing of this subsection, and all such consents shall be binding upon the corporation of the township of North York during the whole of the said period.

Application  
of surplus  
on sale of  
debentures  
at premium.

**3.** The council of the township of North York may by by-law provide that any or all of the moneys now in the hands of the treasurer of the township of North York arising from the sale at a premium of debentures issued to pay for the cost of constructing watermains in Water Area Number 1 of the said township, be used for the purpose of paying part of the capital cost of the existing waterworks plant in said Water Area Number 1 of the said township, or the whole or part of the cost of any extension, alteration or enlargement of the said plant, and such moneys shall be used in the manner so provided.

4. The corporation of the township of North York may, subject to the provisions of section 7 purchase or lease and the corporation of the city of Toronto may without the assent of the electors sell or lease to the corporation of the township of North York that portion of the Metropolitan Division of the Toronto and York Radial Railway lying on Yonge Street within the said township of North York and may reconstruct the same and purchase or rent all necessary rolling stock and equipment therefor.

Power to purchase part of radial railway.

5. The corporations of the townships of North York, Markham and Vaughan and the village of Richmond Hill may subject to the provisions of section 7 jointly purchase or lease and the corporation of the city of Toronto may, without the assent of the electors, sell or lease to the said corporations of the townships of North York, Markham and Vaughan and the village of Richmond Hill that portion of the said Metropolitan Division of the Toronto and York Radial Railways lying south of the north limit of the village of Richmond Hill, and may reconstruct the same and may purchase or rent all necessary rolling stock and equipment therefor, but before acquiring such railway the said corporations shall enter into an agreement with each other prescribing the proportions in which such corporations shall bear all capital expenditures and all operating and other deficits which may arise from the operation of such railway and containing such other provisions as the councils of the said corporations may deem necessary or expedient and as may be approved by the Railway and Municipal Board.

Provision for joint purchase.

6.—(1) Before entering into any agreement to acquire the said railway the corporations of the townships of North York, Markham and Vaughan may by by-law define one or more areas in such township and may provide that such area or areas shall bear the whole of such townships' portion of all capital expenditures and operating or other deficits in connection with such railway.

Assessment of special areas.

(2) The councils of the said townships may in any such by-law determine the proportions in which such areas shall bear such townships' portion of such capital expenditure and deficits.

7.—(1) No agreement for the acquisition of the said railway shall be entered into by the corporation of the village of Richmond Hill unless the same is authorized by by-law passed with the assent of the electors of such village.

Assent of electors required.

(2) No agreement for the acquisition of the said railway shall be entered into by the corporations of the townships of

North York, Markham or Vaughan unless the same is authorized by by-law passed with the assent of the electors of such township or of any area or areas in such township defined pursuant to subsection 1 of section 6.

Management by  
T.T.C.

**8.** Agreements may be made with the Toronto Transportation Commission entrusting to it the management and operation of such railway, including the fixing of tolls and fares.

Borrowing powers.

**9.** The councils of the corporations of the townships of North York, Markham and Vaughan and the village of Richmond Hill may without the assent of the electors pass by-laws authorizing the borrowing of all moneys required for the purposes mentioned in sections 4 and 5 and may issue debentures therefor payable within a period not exceeding fifteen years.

Special rate in defined areas.

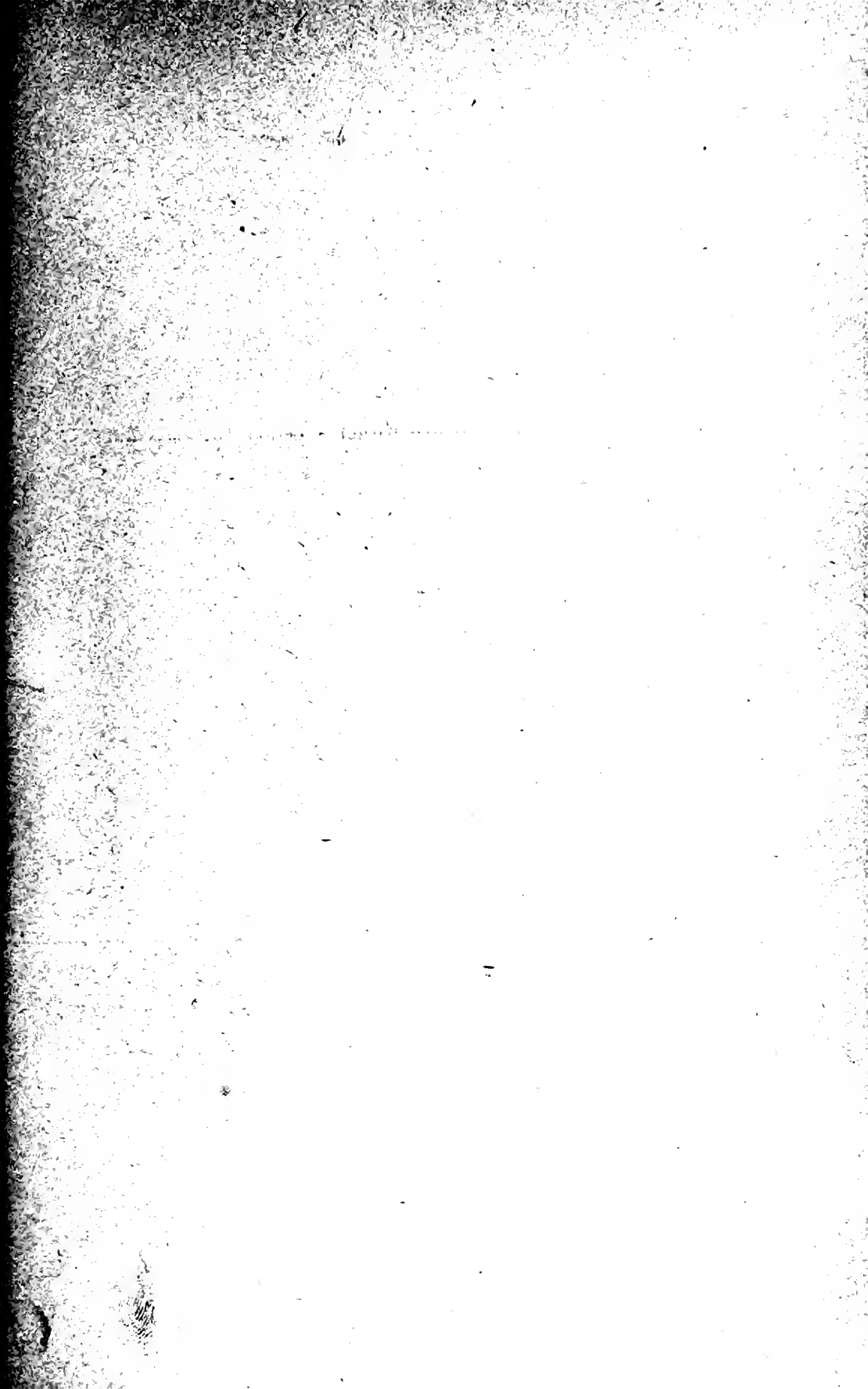
**10.** In the event of the councils of the townships of North York, Markham and Vaughan defining areas in such townships pursuant to subsection 1 of section 6, any by-law of such township authorizing the issue of debentures for the purposes mentioned in sections 4 and 5 shall provide that the special rate imposed to pay such debentures and the interest thereon shall be levied only on the rateable property in the area or areas so defined and such special rate shall be apportioned amongst such areas in the proportion set out in the by-law defining same.

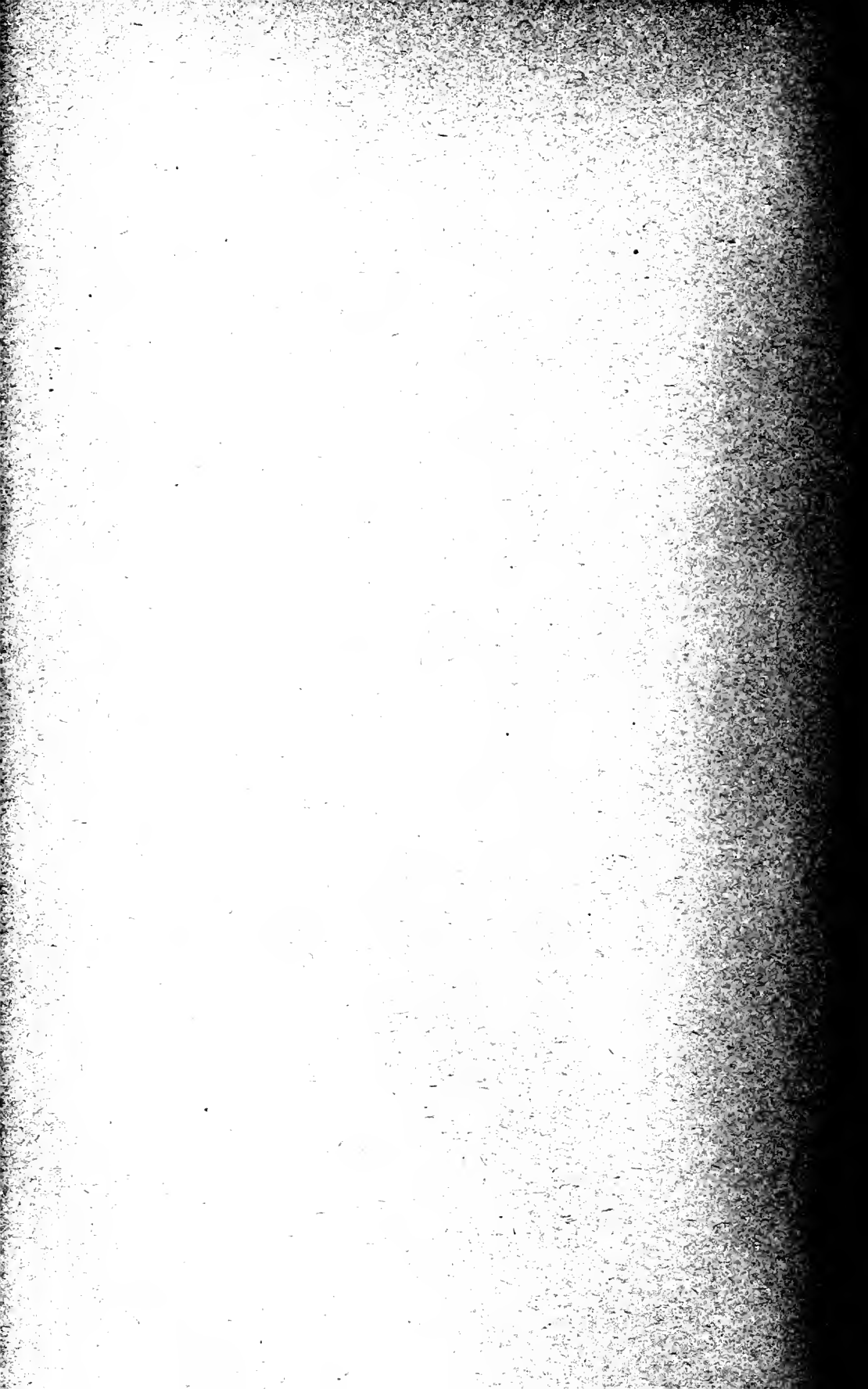
Provision for purchase by municipalities north of Richmond Hill.

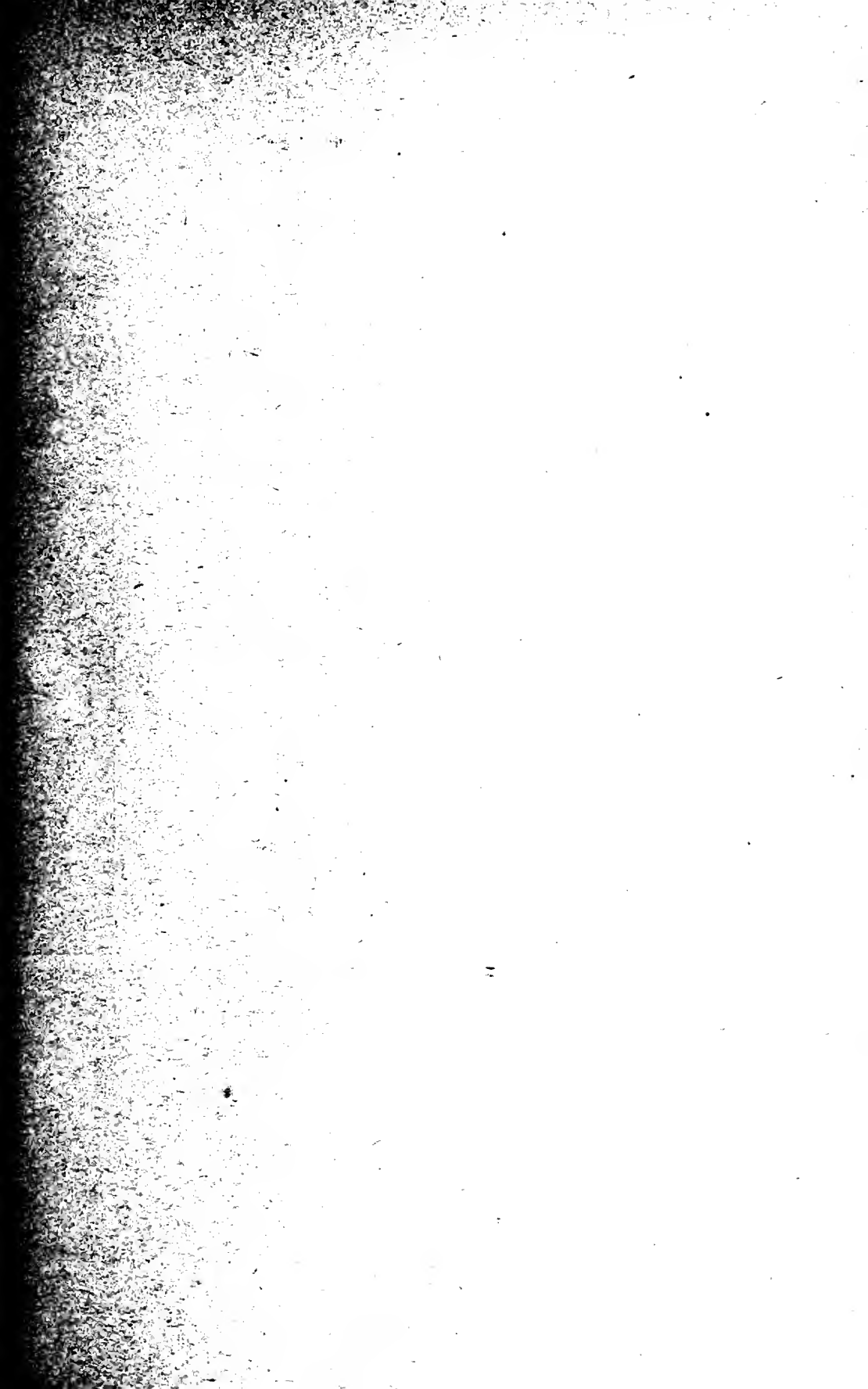
**11.** The local municipalities in the county of York lying along the said Metropolitan Railway north of the village of Richmond Hill may jointly purchase or lease and reconstruct that portion of the said Metropolitan Division of the Toronto and York Radial Railways lying north of the village of Richmond Hill and the corporation of the city of Toronto may, without the assent of the electors, sell to the said municipalities the said portion of the said railway, and for the purpose of acquiring and reconstructing the said railway the councils of the townships in the said county of York lying north of the village of Richmond Hill shall have all the powers conferred by this Act upon the councils of the townships of North York, Markham and Vaughan with respect to that portion of the said railway lying south of the north limit of the village of Richmond Hill and the councils of the villages and towns in the said county lying along the said railway north of the village of Richmond Hill shall have all the powers conferred by this Act upon the council of the village of Richmond Hill with respect to the said portion of the said railway lying south of the north limit of the village of Richmond Hill.

Commencement of Act

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







BILL.

An Act respecting the Township of North  
York.

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*1st Reading*

February 11th, 1930

*2nd Reading*

March 12th, 1930

*3rd Reading*

March 28th, 1930

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MR. MACAULAY.

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No. 19

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act to incorporate Niagara Peninsula Sanatorium Association.**

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MR. GRAVES

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(PRIVATE BILL)

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 19.

1930.

# BILL

## An Act to incorporate Niagara Peninsula Sanatorium Association.

Preamble.

**W**HEREAS by their petition, Niagara Peninsula Sanatorium Association, a corporation without share capital, incorporated under *The Ontario Companies Act*, and the municipal council of the corporation of the city of St. Catharines have represented that it is desirable to establish a sanatorium for the Niagara Peninsula for the prevention and treatment of tuberculosis and for such purpose to re-incorporate the said association under the name of "Niagara Peninsula Sanatorium Association," having adequate powers, rights and privileges for the said purposes and to transfer to the said Association, the properties and assets of the institution heretofore established and known as The St. Catharines Consumptive Sanatorium; and to vest in the said association, for the purposes of the association, the moneys in the hands of the Brownlee Hospital Trust Fund; and whereas the said petitioners have 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:—

Short title.

**1.** This Act may be cited as *Niagara Peninsula Sanatorium Act, 1930.*

Incorporation.

**2.** The persons hereinafter named and their successors in office, with the Mayor for the time being, of the city of St. Catharines and the Wardens for the time being of the counties of Lincoln and Welland, are hereby constituted and shall be a corporation under the name of "Niagara Peninsula Sanatorium Association" (hereinafter called the Association), for the purposes and with the powers herein mentioned.

Board of Governors.

**3.** The said persons, namely, James Dew Chaplin, Douglas V. Currey, Albert F. Fifield, Arthur Courtney Kingstone,



Reuben W. Leonard, Alexander William Marquis, Charles G. McGhie, Thomas A. Nicholson, Arthur Robinson, John Sheahan and Albert Hedley Trapnell, and their successors in office, with the said Mayor and Wardens as aforesaid, and with such other additional persons who hereafter may be added under the provisions of this Act, shall constitute the Board of Governors (hereinafter called the Board), of the Association, and the said persons named, with the present said Mayor and Wardens, shall be the first Board.

Vacancies.

4. Upon a vacancy occurring by death, resignation or otherwise in the office of any of the Board, other than the said Mayor and Wardens, his successor shall be appointed by the Board.

Board may  
declare  
vacancy.

5. The Board may, by resolution passed by a two-thirds vote of the members present at a meeting duly called for the purpose, declare the seat of any member, other than the said Mayor and Wardens, to be vacant.

Constitution  
of Board.

6. The Board, shall, until their number is changed as herein provided, consist of eleven members in addition to the said Mayor and Wardens, but such number may from time to time be increased or decreased by by-law of the Board passed at a special meeting called for the purpose; provided that the number shall never be less than nine. The Board shall, in any by-law which may be passed to increase or decrease such number, have power to prescribe and govern the manner in which the change of number shall be effected. The Board as it may from time to time be composed of an increased or decreased number under the authority of any such by-law shall constitute the Board for all purposes of this Act.

Chairman  
and Vice-  
Chairman.

7. The Board shall appoint annually, and at its first meeting of the year, one of its number to be chairman who shall hold office for one year and until his successor is appointed, and the Board may, from time to time, appoint one of its number to be vice-chairman, who shall, in the absence of the chairman, or in case his office is vacant, act in his place.

No remun-  
eration to  
members of  
Board.

8. The services of the members of the Board shall be given without remuneration, except for actual disbursements approved by the Board.

Property  
vested in  
Associa-  
tions.  
Rev. Stat.,  
c. 218.

9. All properties, real and personal, and the undertaking and assets owned, held, possessed or enjoyed by the said Niagara Peninsula Sanatorium Association, incorporated as aforesaid under *The Companies Act*, and by the Board of Trustees of the St. Catharines Consumptive Sanatorium



heretofore established under the authority of *The Sanatoria for Consumptives Act* and under any by-laws of the corporation of the city of St. Catharines, or owned, held, possessed or enjoyed by the corporation of the city of St. Catharines for the purposes of or in connection with the said sanatorium established as aforesaid are hereby vested in the Association for its purposes, without the necessity of any other grant, conveyance, transfer, assignment or vesting thereof, but subject to the provisions of this Act and to all obligations, debts, mortgages, charges and liabilities in any way affecting the same or any part thereof, or in any way due or owing by or from the said Board of Trustees.

Power to carry on Sanatorium established.

**10.** The Association shall have full power to continue and carry on the sanatorium now established as and existing as aforesaid and also generally to establish and carry on other sanatoria and other similar institutions or undertakings and to do all things necessary, incidental or usual thereto or in connection therewith.

General purposes of Association.

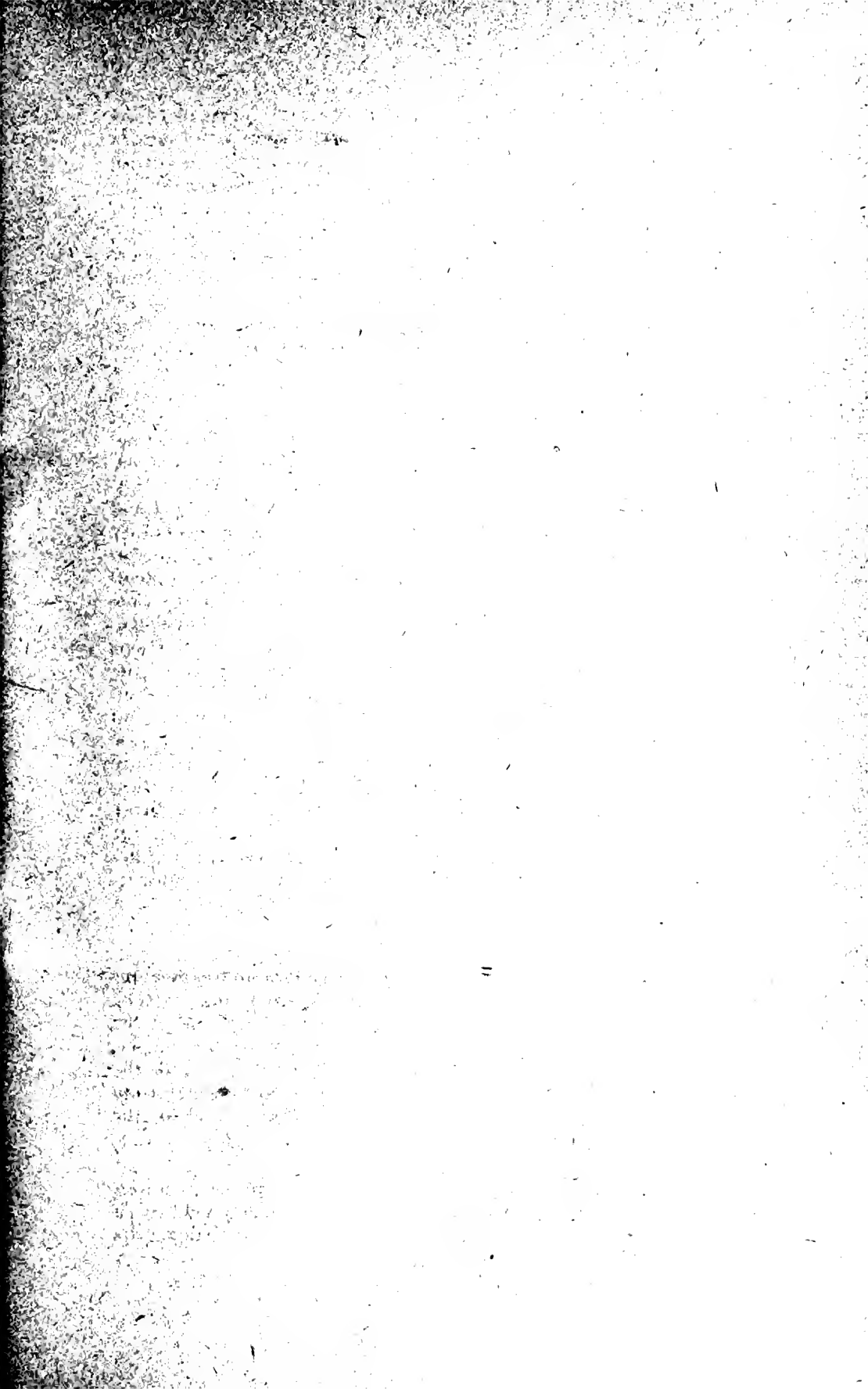
**11.** The purposes of the Association so far as it may be possible shall be to carry on and establish sanatoria or other similar institutions which it may establish, undertake or carry on in perpetuity for the prevention and treatment of tuberculosis and other pulmonary diseases and for other co-related purposes for the general benefit and advantage of the inhabitants of the Niagara Pensinsula.

Power to acquire and hold property.

**12.** For the purposes of the Association, all persons and corporations may grant, give, devise and bequeath to it and notwithstanding any Act or law respecting mortmain or charitable uses, the Association may acquire and take by purchase, lease, gift, devise, bequest, endowment and otherwise, and may continue to hold lands or tenements or interests therein, moneys, investments and personal property; and the Association may execute and carry out any trust or endowment and the terms upon which any land or interest therein, moneys, investments or personal property may be granted, conveyed, given, devised or bequeathed to it.

Income from investments, contributions, etc.

**13.** The income from the funds and investments of the Association, the moneys received from or for patients for care, maintenance and treatment, the rents, issues and profits and interest or dividends upon all properties owned by or held by or for the Association, except property touching which it has been otherwise ordered by the donors, and all contributions, subscriptions and other moneys and income (including municipal grants), received by or on behalf of the Association for the purpose of being applied towards the maintenance and carrying on of the purposes, work, sanatoria,



institutions or other its properties shall form the income fund of the Association, and shall be at the disposal of the Board for its purposes; and the Board may in its discretion from time to time appropriate any surplus for the purpose of creating contingent or special funds for the purposes of the Association.

Sale of property.

**14.** The Board may, from time to time, sell and dispose of any of the real and personal properties of the Association, which no longer may be necessary for its purposes; provided that the proceeds derived from any such sale or disposal shall be held and applied for the purposes of the Association.

Borrowing money.

**15.** The Board may by by-law passed by a two-thirds vote of the members present at a meeting duly called for that purpose, borrow money from time to time for the purposes of the Association, and secure its repayment.

Exercise of powers and appointment of officers by Board.

**16.** The powers of the Association shall be vested in and exercised by the Board, and without restricting the generality of the foregoing, the Board shall appoint such officers, superintendents, matrons, medical and surgical staff, nurses, employees, servants and agents, as it may from time to time require, or deem necessary, and shall have the control, management, government and disposition of the sanatoria, institutions and other properties and work established or carried on by the Association, and, subject to the provisions of this Act, of all its properties, endowments, funds, assets, income, revenue and expenditures, and the Board shall have power to pass by-laws, resolutions, rules and regulations touching or respecting any and all the said powers and matters and fixing the salaries, wages, fees and emoluments of all persons appointed by or under the jurisdiction of the Board, and also in respect of all matters pertaining to the business, meetings and transactions of the Board, and for fixing the quorum necessary for its meetings, and the Board may act by such committees of or appointed by the Board as it may deem proper to appoint.

Regulations of Superintendent as to nurses, etc.

**17.** The superintendent of the sanatorium and such other of its officers to whom the Board may from time to time delegate the power, may, subject to the approval of the Board, make regulations for the direction of the nurses, employees and servants in regard to their duties and for the conduct and discipline of all patients at or in the sanatorium or other institutions, and of all visitors thereto, and for the internal conduct and management thereof.

Conveyances by Board.

**18.** Subject to the by-laws of the Board, all conveyances, grants, discharges or assignments of any property held by or for the Association, shall be made by the Board under its





corporate seal, attested by the signatures of the chairman or vice-chairman or some other member of the Board thereto authorized and of such officer of the Board as it may from time to time direct.

Superannuation of employees.

**19.** The Board may make regulations for the retirement and superannuation of any person in its employ, and any gratuity or superannuation allowance may be paid out of any fund provided for that purpose or out of the income fund as the Board shall direct.

Powers of expropriation. Rev. Stat., c. 357.

**20.** The powers conferred by subsections 2, 3 and 4 of section 11 of *The Sanatoria for Consumptives Act* with respect to the expropriation of land may, with the approval of the Inspector of Prisons and Public Charities be exercised by the Board in the manner prescribed by and subject to the conditions set forth in the said subsections, except that it shall not be necessary to obtain the approval of the Lieutenant-Governor in Council to the exercise of such powers.

Restriction in expropriation of land of Association.

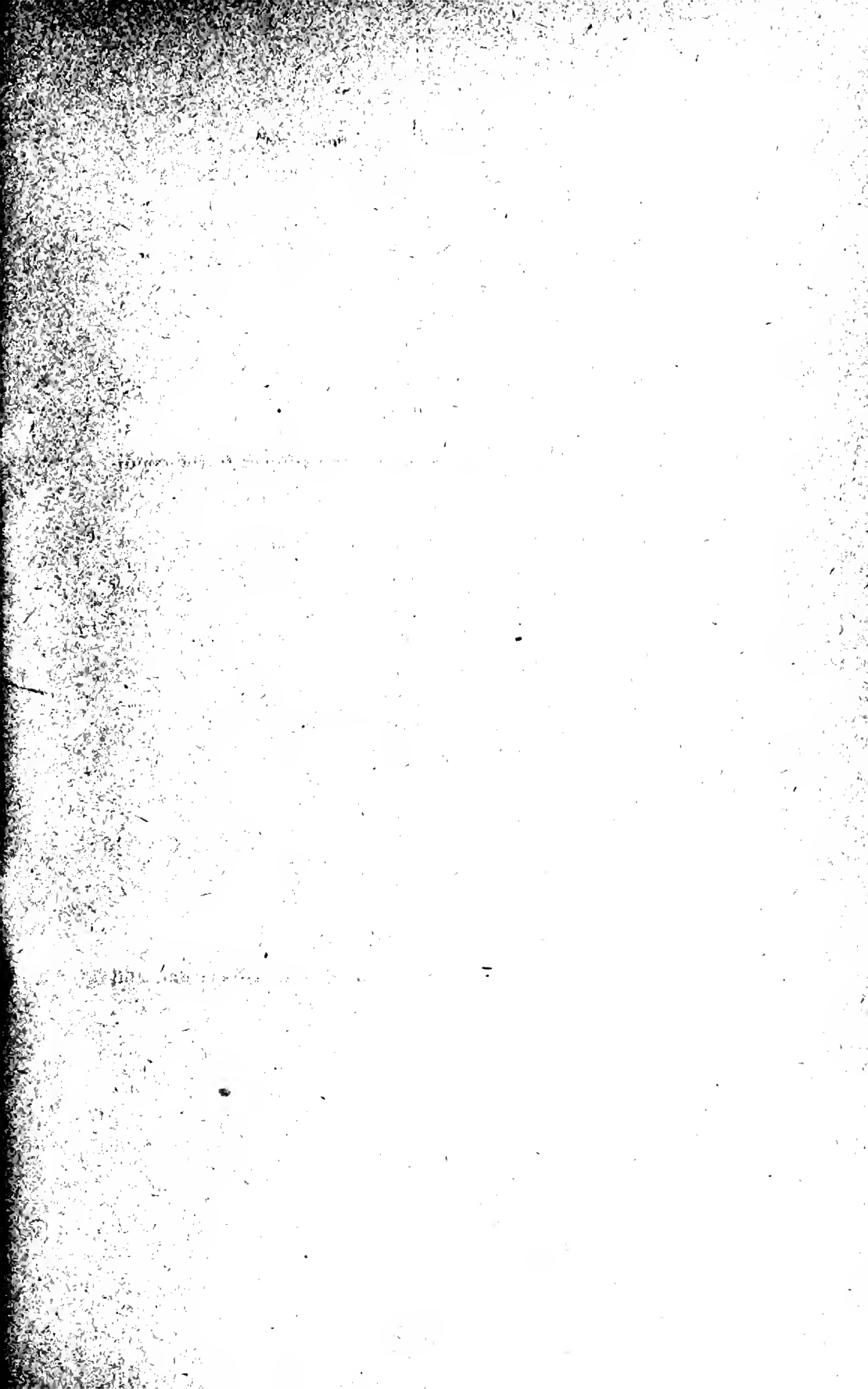
**21.** No real property or interest therein vested in the Association and used for its purposes shall be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking lands compulsorily for any purpose whatsoever; and no power to expropriate real property hereafter conferred on any such corporation or person shall extend to any such real property or interest, unless in the Act conferring the power it is made in express terms to apply to such real property.

Affiliation with Mack Training School for Nurses.

**22.** Without limiting the general powers hereinbefore conferred, the Association may affiliate with the Mack Training School for Nurses established by the St. Catharines General Hospital or any other established training school for nurses for the training of any nurses in the employ of the Board, and the Board may erect, equip and maintain residences for nurses, superintendents, resident physicians and surgeons of the sanatorium or other institutions of the Association, and also all other buildings which may be requisite, upon such sites as the Board may deem proper.

Indigent patients.

**23.** The Board shall afford accommodation as far as possible to indigent patients sent into the sanatorium or other institutions established by the Association on the order of any municipality which may enter into an agreement with the Association respecting their admission and may admit other patients at such rates as may from time to time be prescribed by the Board, and in respect of all such patients, the Board may by by-law or resolution make such regulations and impose such restrictions as to the Board may seem proper.



Payment over to Association of money in hands of Brownlee Hospital Trust Fund.

**24.** The moneys in the hands of the Brownlee Hospital Trust Fund shall be handed over by the trustees thereof, to the Niagara Peninsula Sanatorium Association for the purpose of assisting in the furnishing and equipment of the new sanatorium now being erected by the Association and shall be identified as having come from the Brownlee Hospital Fund.

Exemption of property from taxation.

**25.** The real property of the Association shall be exempt from taxation, including taxation for school purposes and local improvements.

Dissolution of existing corporations.

**26.** From and after the passing of this Act, the said incorporation heretofore constituted under the name of The Trustees of the St. Catharines Consumptive Sanatorium, and the said Association incorporated under *The Ontario Companies Act*, shall, subject to the provisions of this Act, for all purposes whatsoever, be deemed to have been wound up and dissolved.

Power of City of St. Catharines to grant \$25,000 to Association.

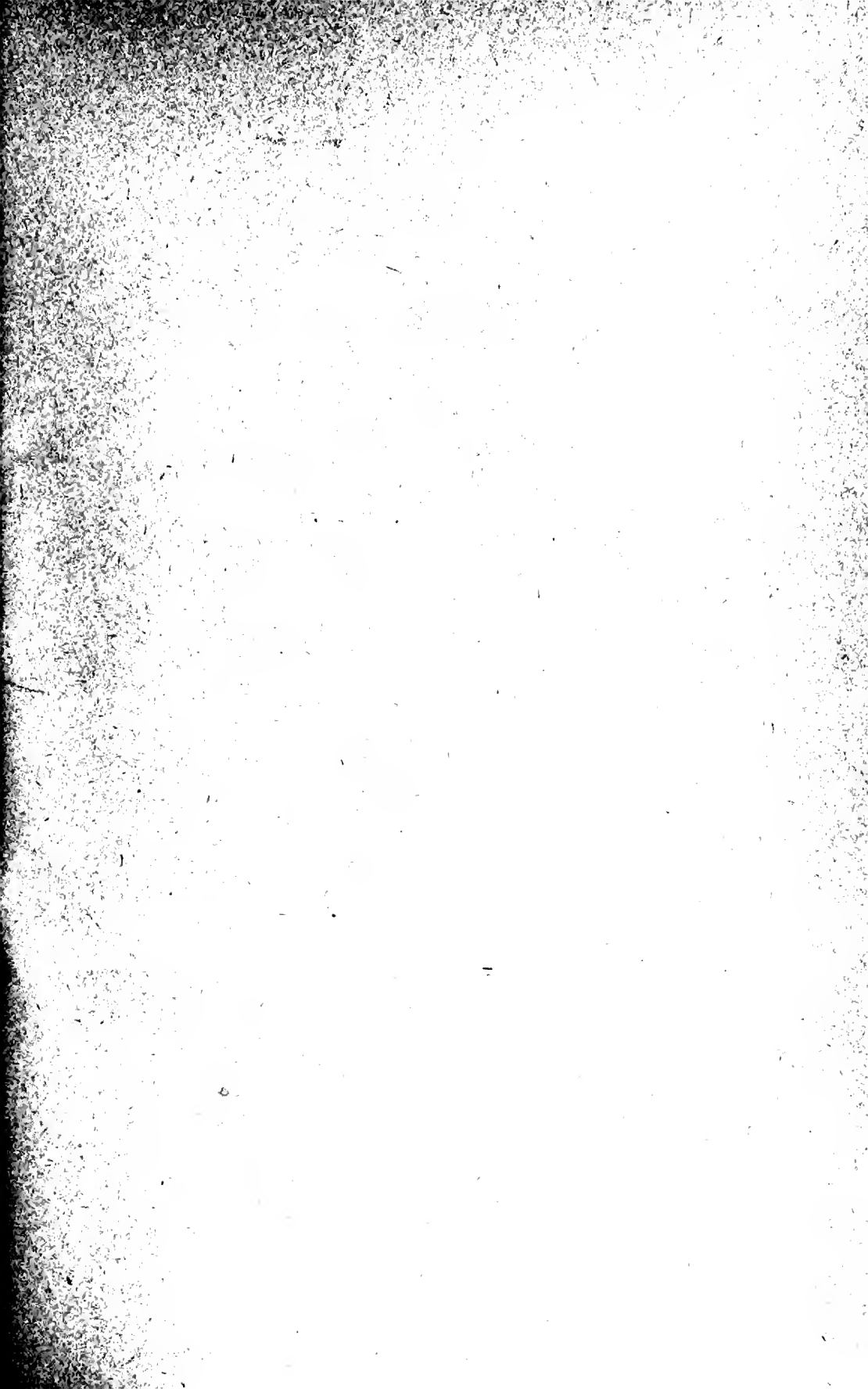
**27.** For the purpose of aiding the Association in the establishment of its new sanatorium, the corporation of the city of St. Catharines may grant it the sum of twenty-five thousand dollars (\$25,000), and the municipal council of the said corporation may, without the assent of the electors, issue debentures for such purpose.

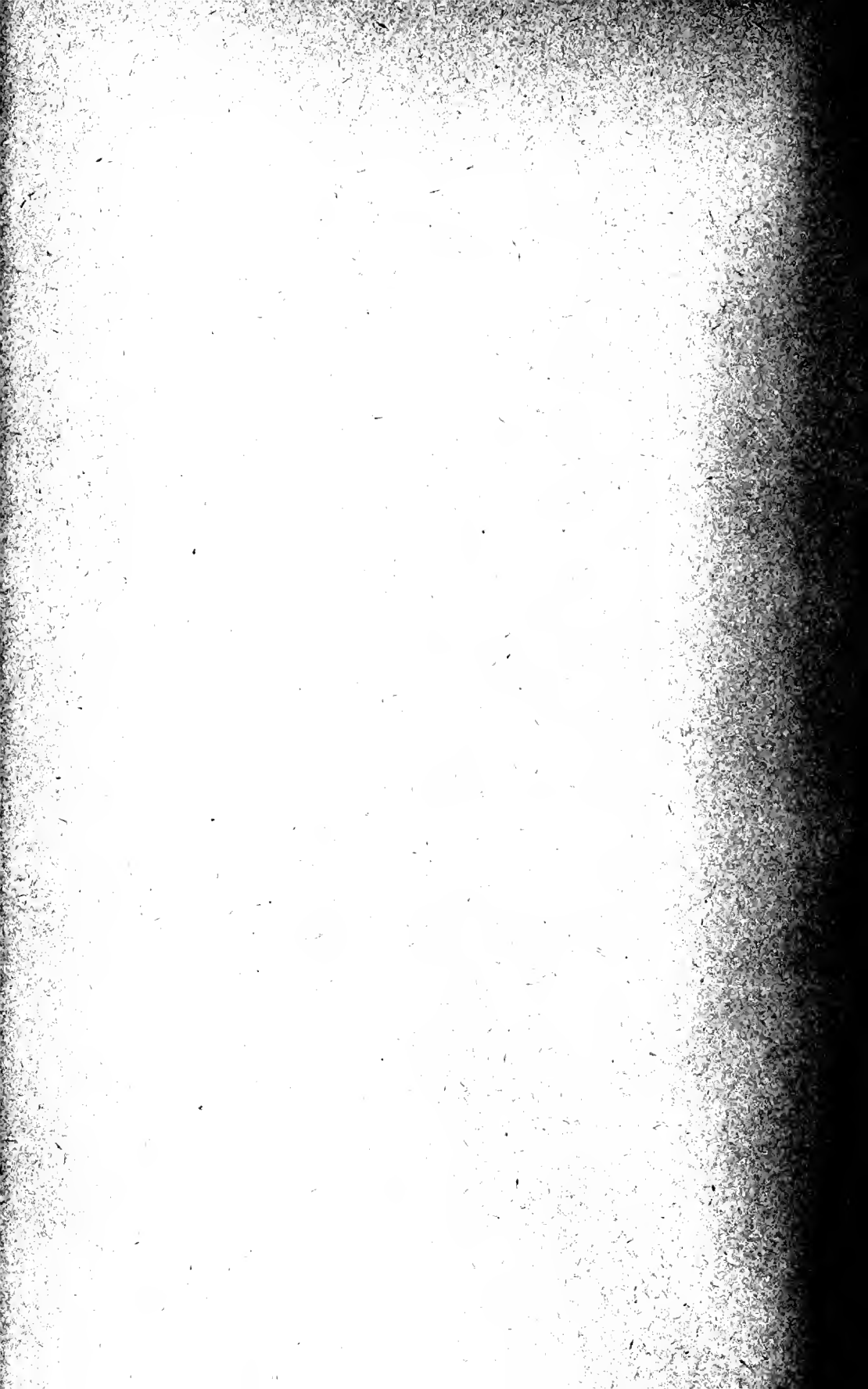
Application of Rev. Stat. c. 233, s. 396, par. 28.

**28.** Any sanatoria established by the Association shall be a public hospital within the meaning of paragraph 28 of section 396 of *The Municipal Act*.

Commencement of Act.

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







BILL.

An Act to incorporate Niagara Peninsula  
Sanatorium Association.

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*1st Reading.*

*2nd Reading*

*3rd Reading.*

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MR. GRAVES

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(PRIVATE BILL)



1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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## BILL

**An Act to incorporate Niagara Peninsula Sanatorium Association.**

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MR. GRAVES

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(PRIVATE BILL)

No. 19.

1930.

# BILL

## An Act to incorporate Niagara Peninsula Sanatorium Association.

**Preamble.**

**W**HEREAS by their petition, Niagara Peninsula Sanatorium Association, a corporation without share capital, incorporated under *The Ontario Companies Act*, and the municipal council of the corporation of the city of St. Catharines have represented that it is desirable to establish a sanatorium for the Niagara Peninsula for the prevention and treatment of tuberculosis and for such purpose to re-incorporate the said association under the name of "Niagara Peninsula Sanatorium Association," having adequate powers, rights and privileges for the said purposes and to transfer to the said Association, the properties and assets of the institution heretofore established and known as The St. Catharines Consumptive Sanatorium; and to vest in the said association, for the purposes of the association, the moneys in the hands of the Brownlee Hospital Trust Fund; and whereas the said petitioners have 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:—

**Short title.**

**1.** This Act may be cited as *Niagara Peninsula Sanatorium Act, 1930.*

**Incorporation.**

**2.** The persons hereinafter named and their successors in office, with the Mayor for the time being, of the city of St. Catharines and the Wardens for the time being of the counties of Lincoln and Welland, are hereby constituted and shall be a corporation under the name of "Niagara Peninsula Sanatorium Association" (hereinafter called the Association), for the purposes and with the powers herein mentioned.

**Board of Governors.**

**3.** The said persons, namely, James Dew Chaplin, Douglas V. Currey, Albert F. Fifield, Arthur Courtney Kingstone,



Reuben W. Leonard, Alexander William Marquis, Charles G. McGhie, Thomas A. Nicholson, Arthur Robinson, John Sheahan and Albert Hedley Trapnell, and their successors in office, with the said Mayor and Wardens as aforesaid, and with such other additional persons who hereafter may be added under the provisions of this Act, shall constitute the Board of Governors (hereinafter called the Board), of the Association, and the said persons named, with the present said Mayor and Wardens, shall be the first Board.

Vacancies.

4. Upon a vacancy occurring by death, resignation or otherwise in the office of any of the Board, other than the said Mayor and Wardens, his successor shall be appointed by the Board.

Board may declare vacancy.

5. The Board may, by resolution passed by a two-thirds vote of the members present at a meeting duly called for the purpose, declare the seat of any member, other than the said Mayor and Wardens, to be vacant.

Constitution of Board.

6. The Board, shall, until their number is changed as herein provided, consist of eleven members in addition to the said Mayor and Wardens, but such number may from time to time be increased or decreased by by-law of the Board passed at a special meeting called for the purpose; provided that the number shall never be less than nine. The Board shall, in any by-law which may be passed to increase or decrease such number, have power to prescribe and govern the manner in which the change of number shall be effected. The Board as it may from time to time be composed of an increased or decreased number under the authority of any such by-law shall constitute the Board for all purposes of this Act.

Chairman and Vice-Chairman.

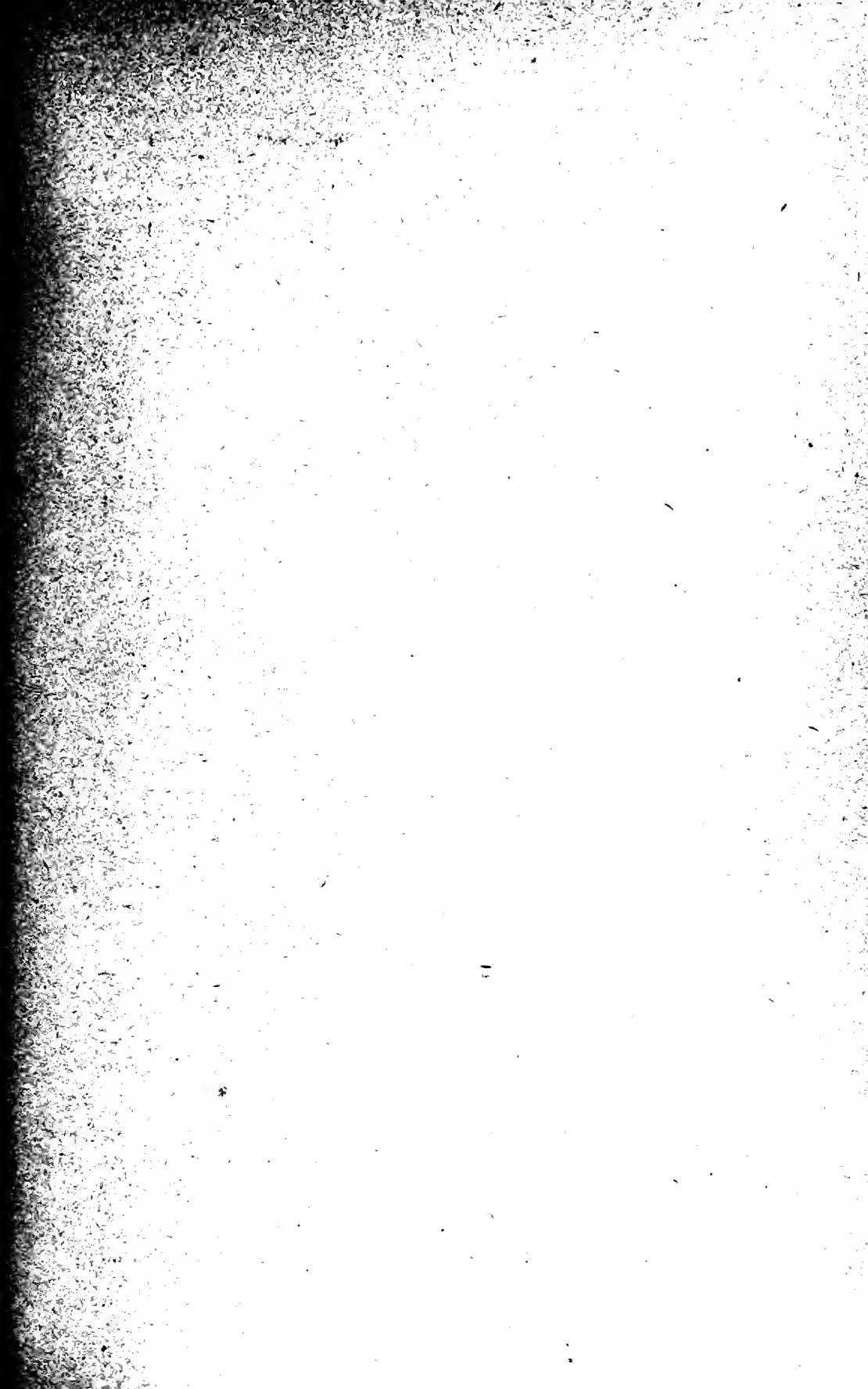
7. The Board shall appoint annually, and at its first meeting of the year, one of its number to be chairman who shall hold office for one year and until his successor is appointed, and the Board may, from time to time, appoint one of its number to be vice-chairman, who shall, in the absence of the chairman, or in case his office is vacant, act in his place.

No remuneration to members of Board.

8. The services of the members of the Board shall be given without remuneration, except for actual disbursements approved by the Board.

Property vested in Associations. Rev. Stat., c. 218.

9. All properties, real and personal, and the undertaking and assets owned, held, possessed or enjoyed by the said Niagara Peninsula Sanatorium Association, incorporated as aforesaid under *The Companies Act*, and by the Board of Trustees of the St. Catharines Consumptive Sanatorium



heretofore established under the authority of *The Sanatoria for Consumptives Act* and under any by-laws of the corporation of the city of St. Catharines, or owned, held, possessed or enjoyed by the corporation of the city of St. Catharines for the purposes of or in connection with the said sanatorium established as aforesaid are hereby vested in the Association for its purposes, without the necessity of any other grant, conveyance, transfer, assignment or vesting thereof, but subject to the provisions of this Act and to all obligations, debts, mortgages, charges and liabilities in any way affecting the same or any part thereof, or in any way due or owing by or from the said Board of Trustees.



Power to carry on Sanatorium established.

**10.** The Association shall have full power to continue and carry on the sanatorium now established as and existing as aforesaid and also generally to establish and carry on other sanatoria and other similar institutions or undertakings and to do all things necessary, incidental or usual thereto or in connection therewith.

General purposes of Association.

**11.** The purposes of the Association so far as it may be possible shall be to carry on and establish sanatoria or other similar institutions which it may establish, undertake or carry on in perpetuity for the prevention and treatment of tuberculosis and other pulmonary diseases and for other co-related purposes for the general benefit and advantage of the inhabitants of the Niagara Pensinsula.

Power to acquire and hold property.

**12.** For the purposes of the Association, all persons and corporations may grant, give, devise and bequeath to it and notwithstanding any Act or law respecting mortmain or charitable uses, the Association may acquire and take by purchase, lease, gift, devise, bequest, endowment and otherwise, and may continue to hold lands or tenements or interests therein, moneys, investments and personal property; and the Association may execute and carry out any trust or endowment and the terms upon which any land or interest therein, moneys, investments or personal property may be granted, conveyed, given, devised or bequeathed to it.  Provided that any land acquired by the Association and no longer required for its purposes shall be sold and disposed of within a period of ten years after it shall cease to be so required. 

Income from investments, contributions, etc.

**13.** The income from the funds and investments of the Association, the moneys received from or for patients for care, maintenance and treatment, the rents, issues and profits and interest or dividends upon all properties owned by or held by or for the Association, except property touching which it has been otherwise ordered by the donors, and all



contributions, subscriptions and other moneys and income (including municipal grants), received by or on behalf of the Association for the purpose of being applied towards the maintenance and carrying on of the purposes, work, sanatoria, institutions or other its properties shall form the income fund of the Association, and shall be at the disposal of the Board for its purposes; and the Board may in its discretion from time to time appropriate any surplus for the purpose of creating contingent or special funds for the purposes of the Association.

Sale of property.

**14.** The Board may, from time to time, sell and dispose of any of the real and personal properties of the Association, which no longer may be necessary for its purposes; provided that the proceeds derived from any such sale or disposal shall be held and applied for the purposes of the Association.

Borrowing money.

**15.** The Board may by by-law passed by a two-thirds vote of the members present at a meeting duly called for that purpose, borrow money from time to time for the purposes of the Association, and secure its repayment.

Exercise of powers and appointment of officers. by Board.

**16.** The powers of the Association shall be vested in and exercised by the Board, and without restricting the generality of the foregoing, the Board shall appoint such officers, superintendents, matrons, medical and surgical staff, nurses, employees, servants and agents, as it may from time to time require, or deem necessary, and shall have the control, management, government and disposition of the sanatoria, institutions and other properties and work established or carried on by the Association, and, subject to the provisions of this Act, of all its properties, endowments, funds, assets, income, revenue and expenditures, and the Board shall have power to pass by-laws, resolutions, rules and regulations touching or respecting any and all the said powers and matters and fixing the salaries, wages, fees and emoluments of all persons appointed by or under the jurisdiction of the Board, and also in respect of all matters pertaining to the business, meetings and transactions of the Board, and for fixing the quorum necessary for its meetings, and the Board may act by such committees of or appointed by the Board as it may deem proper to appoint.

Regulations of Superintendent as to nurses, etc.

**17.** The superintendent of the sanatorium and such other of its officers to whom the Board may from time to time delegate the power, may, subject to the approval of the Board, make regulations for the direction of the nurses, employees and servants in regard to their duties and for the conduct and discipline of all patients at or in the sanatorium or other institutions, and of all visitors thereto, and for the internal conduct and management thereof.







Conveyances by Board.

**18.** Subject to the by-laws of the Board, all conveyances, grants, discharges or assignments of any property held by or for the Association, shall be made by the Board under its corporate seal, attested by the signatures of the chairman or vice-chairman or some other member of the Board thereto authorized and of such officer of the Board as it may from time to time direct.

Superannuation of employees.

**19.** The Board may make regulations for the retirement and superannuation of any person in its employ, and any gratuity or superannuation allowance may be paid out of any fund provided for that purpose or out of the income fund as the Board shall direct.

Restriction in expropriation of land of Association.

**20.** No real property or interest therein vested in the Association and used for its purposes shall be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking lands compulsorily for any purpose whatsoever; and no power to expropriate real property hereafter conferred on any such corporation or person shall extend to any such real property or interest, unless in the Act conferring the power it is made in express terms to apply to such real property.  Provided that this section shall not apply to any land of the Association which is required for the purpose of widening or extending any highway. 


Affiliation with Mack Training School for Nurses.

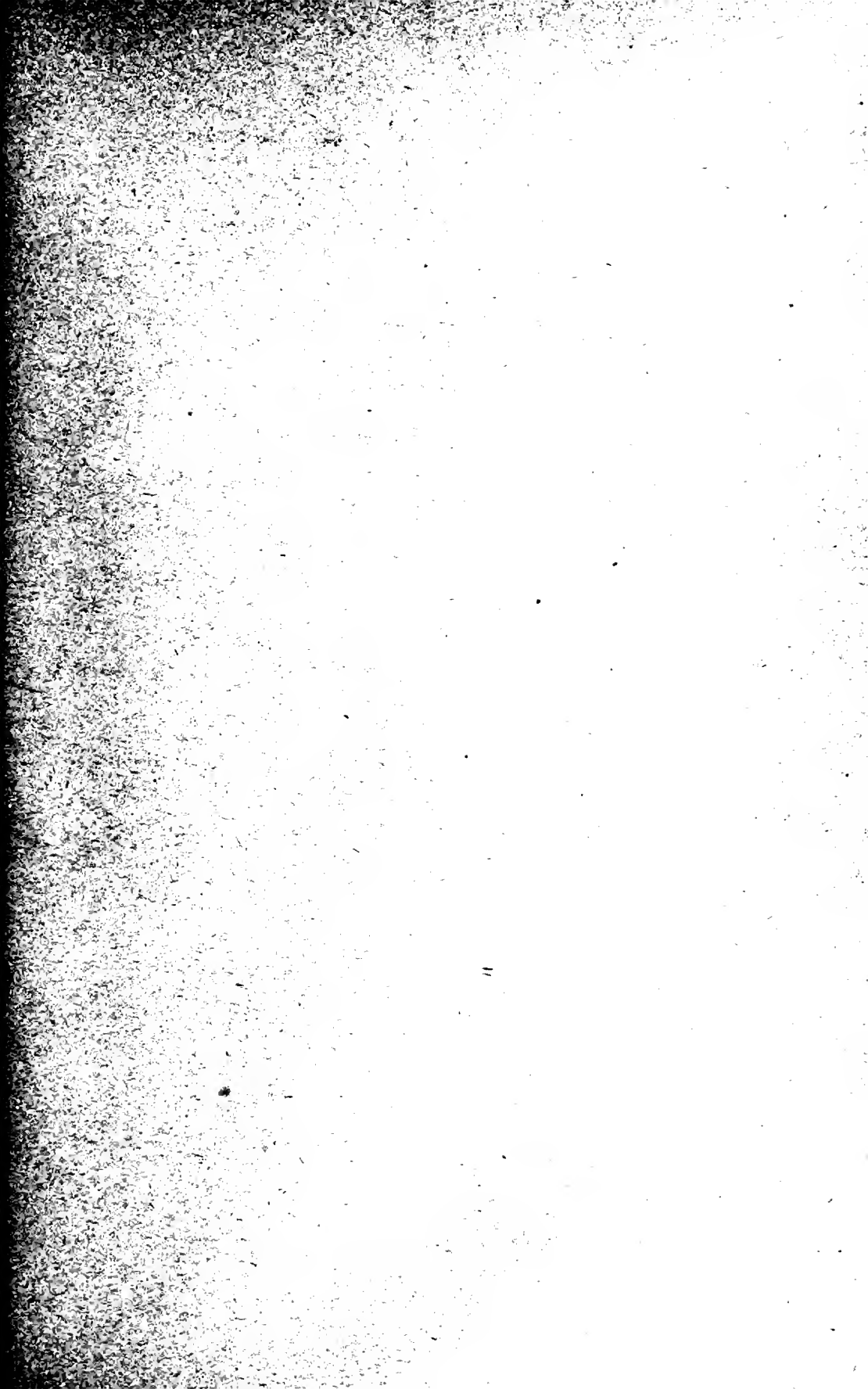
**21.** Without limiting the general powers hereinbefore conferred, the Association may affiliate with the Mack Training School for Nurses established by the St. Catharines General Hospital or any other established training school for nurses for the training of any nurses in the employ of the Board, and the Board may erect, equip and maintain residences for nurses, superintendents, resident physicians and surgeons of the sanatorium or other institutions of the Association, and also all other buildings which may be requisite, upon such sites as the Board may deem proper.

Indigent patients.

**22.** The Board shall afford accommodation as far as possible to indigent patients sent into the sanatorium or other institutions established by the Association on the order of any municipality which may enter into an agreement with the Association respecting their admission and may admit other patients at such rates as may from time to time be prescribed by the Board, and in respect of all such patients, the Board may by by-law or resolution make such regulations and impose such restrictions as to the Board may seem proper.

Payment over to Association of money in hands of Brownlee Hospital Trust Fund.

**23.** The moneys in the hands of the Brownlee Hospital Trust Fund  after the accounts of the same shall have been



duly audited by the Surrogate Judge of the county of Lincoln shall be handed over by the trustees thereof, to the Niagara Peninsula Sanatorium Association for the purpose of assisting in the furnishing and equipment of the new sanatorium now being erected by the Association and shall be identified as having come from the Brownlee Hospital Fund. Upon this being done, the trustees shall be relieved from further responsibility in connection therewith.

Dissolution  
of existing  
corporations.

**24.** From and after the passing of this Act, the said incorporation heretofore constituted under the name of The Trustees of the St. Catharines Consumptive Sanatorium, and the said Association incorporated under *The Ontario Companies Act*, shall, subject to the provisions of this Act, for all purposes whatsoever, be deemed to have been wound up and dissolved.

Power of  
City of St.  
Catharines  
to grant  
\$25,000 to  
Association.

**25.** For the purpose of aiding the Association in the establishment of its new sanatorium, the corporation of the city of St. Catharines may grant it the sum of twenty-five thousand dollars (\$25,000), and the municipal council of the said corporation may, without the assent of the electors, issue debentures for such purpose.

Application  
of Rev. Stat.  
c. 233, s. 396,  
par. 28.

**26.** Any sanatoria established by the Association shall be deemed to be a public hospital within the meaning of paragraph 28 of section 396 of *The Municipal Act*.

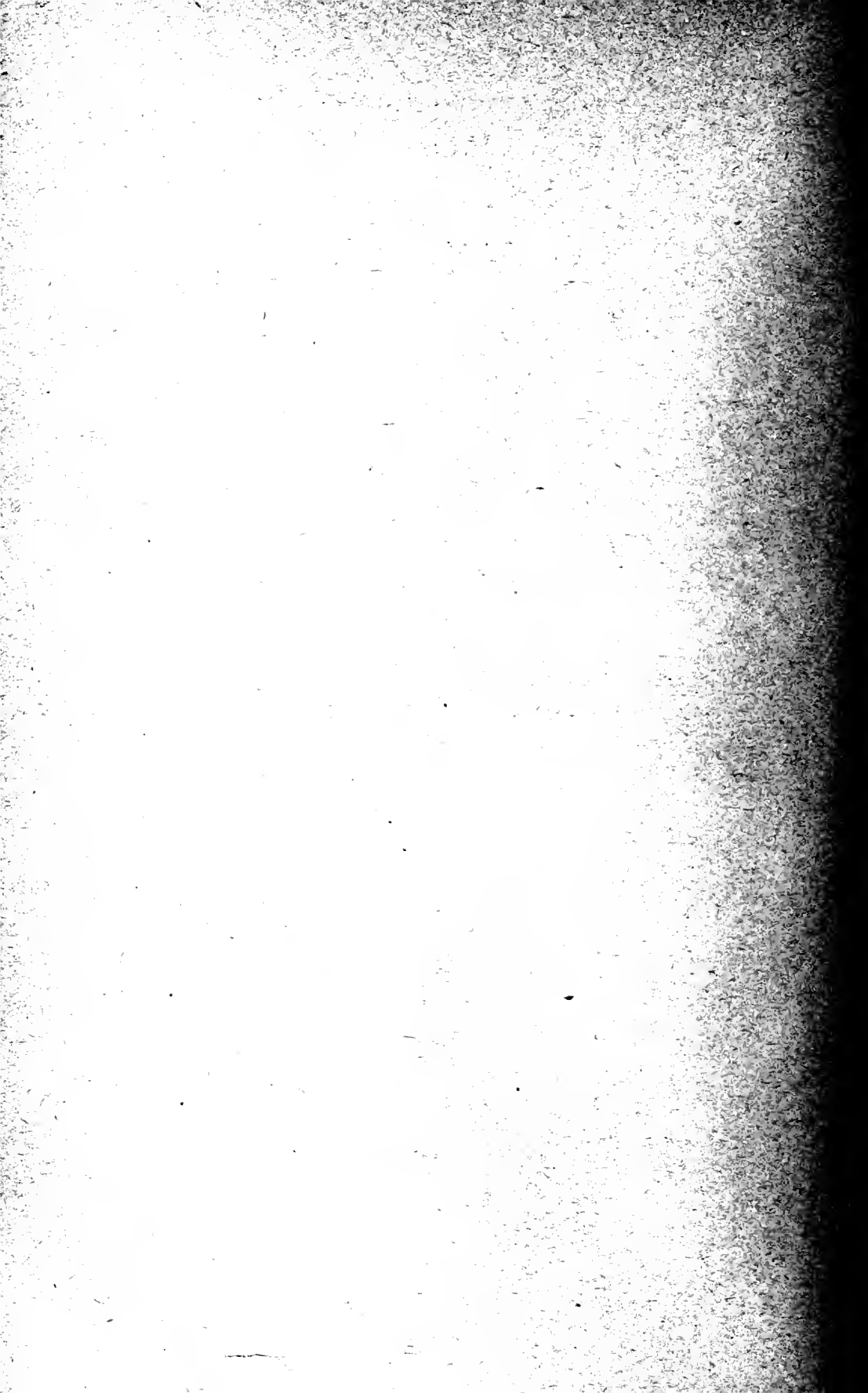
Application  
of  
Rev. Stat.  
c. 357.

**27.** The provisions of *The Sanatoria for Consumptives Act* shall apply except where inconsistent with the provisions of this Act.

Commence-  
ment of Act.

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







BILL.

An Act to incorporate Niagara Peninsula  
Sanatorium Association.

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*1st Reading.*

February 18th, 1930

*2nd Reading*

February 28th, 1930

*3rd Reading.*

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MR. GRAVES

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



1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act to incorporate Niagara Peninsula Sanatorium Association.

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MR. GRAVES

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No. 19.

1930.

# BILL

## An Act to incorporate Niagara Peninsula Sanatorium Association.

Preamble.

**W**HEREAS by their petition, Niagara Peninsula Sanatorium Association, a corporation without share capital, incorporated under *The Ontario Companies Act*, and the municipal council of the corporation of the city of St. Catharines have represented that it is desirable to establish a sanatorium for the Niagara Peninsula for the prevention and treatment of tuberculosis and for such purpose to re-incorporate the said association under the name of "Niagara Peninsula Sanatorium Association," having adequate powers, rights and privileges for the said purposes and to transfer to the said Association, the properties and assets of the institution heretofore established and known as The St. Catharines Consumptive Sanatorium; and to vest in the said association, for the purposes of the association, the moneys in the hands of the Brownlee Hospital Trust Fund; and whereas the said petitioners have 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:—

Short title.

**1.** This Act may be cited as *Niagara Peninsula Sanatorium Act, 1930.*

Incorporation.

**2.** The persons hereinafter named and their successors in office, with the Mayor for the time being, of the city of St. Catharines and the Wardens for the time being of the counties of Lincoln and Welland, are hereby constituted and shall be a corporation under the name of "Niagara Peninsula Sanatorium Association" (hereinafter called the Association), for the purposes and with the powers herein mentioned.

Board of Governors.

**3.** The said persons, namely, James Dew Chaplin, Douglas V. Currey, Albert F. Fifield, Arthur Courtney Kingstone,

Reuben W. Leonard, Alexander William Marquis, Charles G. McGhie, Thomas A. Nicholson, Arthur Robinson, John Sheahan and Albert Hedley Trapnell, and their successors in office, with the said Mayor and Wardens as aforesaid, and with such other additional persons who hereafter may be added under the provisions of this Act, shall constitute the Board of Governors (hereinafter called the Board), of the Association, and the said persons named, with the present said Mayor and Wardens, shall be the first Board.

4. Upon a vacancy occurring by death, resignation or otherwise in the office of any of the Board, other than the said Mayor and Wardens, his successor shall be appointed by the Board. <sup>Vacancies.</sup>

5. The Board may, by resolution passed by a two-thirds vote of the members present at a meeting duly called for the purpose, declare the seat of any member, other than the said Mayor and Wardens, to be vacant. <sup>Board may declare vacancy.</sup>

6. The Board, shall, until their number is changed as herein provided, consist of eleven members in addition to the said Mayor and Wardens, but such number may from time to time be increased or decreased by by-law of the Board passed at a special meeting called for the purpose; provided that the number shall never be less than nine. The Board shall, in any by-law which may be passed to increase or decrease such number, have power to prescribe and govern the manner in which the change of number shall be effected. The Board as it may from time to time be composed of an increased or decreased number under the authority of any such by-law shall constitute the Board for all purposes of this Act. <sup>Constitution of Board.</sup>

7. The Board shall appoint annually, and at its first meeting of the year, one of its number to be chairman who shall hold office for one year and until his successor is appointed, and the Board may, from time to time, appoint one of its number to be vice-chairman, who shall, in the absence of the chairman, or in case his office is vacant, act in his place. <sup>Chairman and Vice-Chairman.</sup>

8. The services of the members of the Board shall be given without remuneration, except for actual disbursements approved by the Board. <sup>No remuneration to members of Board.</sup>

9. All properties, real and personal, and the undertaking and assets owned, held, possessed or enjoyed by the said Niagara Peninsula Sanatorium Association, incorporated as aforesaid under *The Companies Act*, and by the Board of Trustees of the St. Catharines Consumptive Sanatorium <sup>Property vested in Associations. Rev. Stat., c. 218.</sup>

heretofore established under the authority of *The Sanatoria for Consumptives Act* and under any by-laws of the corporation of the city of St. Catharines, or owned, held, possessed or enjoyed by the corporation of the city of St. Catharines for the purposes of or in connection with the said sanatorium established as aforesaid are hereby vested in the Association for its purposes, without the necessity of any other grant, conveyance, transfer, assignment or vesting thereof, but subject to the provisions of this Act and to all obligations, debts, mortgages, charges and liabilities in any way affecting the same or any part thereof, or in any way due or owing by or from the said Board of Trustees.

Power to carry on Sanatorium established.

**10.** The Association shall have full power to continue and carry on the sanatorium now established as and existing as aforesaid and also generally to establish and carry on other sanatoria and other similar institutions or undertakings and to do all things necessary, incidental or usual thereto or in connection therewith.

General purposes of Association.

**11.** The purposes of the Association so far as it may be possible shall be to carry on and establish sanatoria or other similar institutions which it may establish, undertake or carry on in perpetuity for the prevention and treatment of tuberculosis and other pulmonary diseases and for other co-related purposes for the general benefit and advantage of the inhabitants of the Niagara Peninsula.

Power to acquire and hold property.

**12.** For the purposes of the Association, all persons and corporations may grant, give, devise and bequeath to it and notwithstanding any Act or law respecting mortmain or charitable uses, the Association may acquire and take by purchase, lease, gift, devise, bequest, endowment and otherwise, and may continue to hold lands or tenements or interests therein, moneys, investments and personal property; and the Association may execute and carry out any trust or endowment and the terms upon which any land or interest therein, moneys, investments or personal property may be granted, conveyed, given, devised or bequeathed to it. Provided that any land acquired by the Association and no longer required for its purposes shall be sold and disposed of within a period of ten years after it shall cease to be so required.

Income from investments, contributions, etc.

**13.** The income from the funds and investments of the Association, the moneys received from or for patients for care, maintenance and treatment, the rents, issues and profits and interest or dividends upon all properties owned by or held by or for the Association, except property touching which it has been otherwise ordered by the donors, and all

contributions, subscriptions and other moneys and income (including municipal grants), received by or on behalf of the Association for the purpose of being applied towards the maintenance and carrying on of the purposes, work, sanatoria, institutions or other its properties shall form the income fund of the Association, and shall be at the disposal of the Board for its purposes; and the Board may in its discretion from time to time appropriate any surplus for the purpose of creating contingent or special funds for the purposes of the Association.

**14.** The Board may, from time to time, sell and dispose of any of the real and personal properties of the Association, which no longer may be necessary for its purposes; provided that the proceeds derived from any such sale or disposal shall be held and applied for the purposes of the Association.

Sale of property.

**15.** The Board may by by-law passed by a two-thirds vote of the members present at a meeting duly called for that purpose, borrow money from time to time for the purposes of the Association, and secure its repayment.

Borrowing money.

**16.** The powers of the Association shall be vested in and exercised by the Board, and without restricting the generality of the foregoing, the Board shall appoint such officers, superintendents, matrons, medical and surgical staff, nurses, employees, servants and agents, as it may from time to time require, or deem necessary, and shall have the control, management, government and disposition of the sanatoria, institutions and other properties and work established or carried on by the Association, and, subject to the provisions of this Act, of all its properties, endowments, funds, assets, income, revenue and expenditures, and the Board shall have power to pass by-laws, resolutions, rules and regulations touching or respecting any and all the said powers and matters and fixing the salaries, wages, fees and emoluments of all persons appointed by or under the jurisdiction of the Board, and also in respect of all matters pertaining to the business, meetings and transactions of the Board, and for fixing the quorum necessary for its meetings, and the Board may act by such committees of or appointed by the Board as it may deem proper to appoint.

Exercise of powers and appointment of officers by Board.

**17.** The superintendent of the sanatorium and such other of its officers to whom the Board may from time to time delegate the power, may, subject to the approval of the Board, make regulations for the direction of the nurses, employees and servants in regard to their duties and for the conduct and discipline of all patients at or in the sanatorium or other institutions, and of all visitors thereto, and for the internal conduct and management thereof.

Regulations of Superintendent as to nurses, etc.

Conveyances by Board.

**18.** Subject to the by-laws of the Board, all conveyances, grants, discharges or assignments of any property held by or for the Association, shall be made by the Board under its corporate seal, attested by the signatures of the chairman or vice-chairman or some other member of the Board thereto authorized and of such officer of the Board as it may from time to time direct.

Superannuation of employees.

**19.** The Board may make regulations for the retirement and superannuation of any person in its employ, and any gratuity or superannuation allowance may be paid out of any fund provided for that purpose or out of the income fund as the Board shall direct.

Restriction in expropriation of land of Association.

**20.** No real property or interest therein vested in the Association and used for its purposes shall be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking lands compulsorily for any purpose whatsoever; and no power to expropriate real property hereafter conferred on any such corporation or person shall extend to any such real property or interest, unless in the Act conferring the power it is made in express terms to apply to such real property. Provided that this section shall not apply to any land of the Association which is required for the purpose of widening or extending any highway.

Affiliation with Mack Training School for Nurses.

**21.** Without limiting the general powers hereinbefore conferred, the Association may affiliate with the Mack Training School for Nurses established by the St. Catharines General Hospital or any other established training school for nurses for the training of any nurses in the employ of the Board, and the Board may erect, equip and maintain residences for nurses, superintendents, resident physicians and surgeons of the sanatorium or other institutions of the Association, and also all other buildings which may be requisite, upon such sites as the Board may deem proper.

Indigent patients.

**22.** The Board shall afford accommodation as far as possible to indigent patients sent into the sanatorium or other institutions established by the Association on the order of any municipality which may enter into an agreement with the Association respecting their admission and may admit other patients at such rates as may from time to time be prescribed by the Board, and in respect of all such patients, the Board may by by-law or resolution make such regulations and impose such restrictions as to the Board may seem proper.

Payment over to Association of money in hands of Brownlee Hospital Trust Fund.

**23.** The moneys in the hands of the Brownlee Hospital Trust Fund after the accounts of the same shall have been

duly audited by the Surrogate Judge of the county of Lincoln shall be handed over by the trustees thereof, to the Niagara Peninsula Sanatorium Association for the purpose of assisting in the furnishing and equipment of the new sanatorium now being erected by the Association and shall be identified as having come from the Brownlee Hospital Fund. Upon this being done, the trustees shall be relieved from further responsibility in connection therewith.

**24.** From and after the passing of this Act, the said incorporation heretofore constituted under the name of The Trustees of the St. Catharines Consumptive Sanatorium, and the said Association incorporated under *The Ontario Companies Act*, shall, subject to the provisions of this Act, for all purposes whatsoever, be deemed to have been wound up and dissolved.

Dissolution of existing corporations.

**25.** For the purpose of aiding the Association in the establishment of its new sanatorium, the corporation of the city of St. Catharines may grant it the sum of twenty-five thousand dollars (\$25,000), and the municipal council of the said corporation may, without the assent of the electors, issue debentures for such purpose.

Power of City of St. Catharines to grant \$25,000 to Association.

**26.** Any sanatoria established by the Association shall be deemed to be a public hospital within the meaning of paragraph 28 of section 396 of *The Municipal Act*.

Application of Rev. Stat. c. 233, s. 396, par. 28.

**27.** The provisions of *The Sanatoria for Consumptives Act* shall apply except where inconsistent with the provisions of this Act.

Application of Rev. Stat. c. 357.

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

Commencement of Act.

BILL.

An Act to incorporate Niagara Peninsula  
Sanatorium Association.

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*1st Reading.*

February 18th, 1930

*2nd Reading*

February 28th, 1930

*3rd Reading.*

March 19th, 1930

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MR. GRAVES

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the City of Hamilton

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MR. JUTTEN

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(PRIVATE BILL)

# BILL

## An Act respecting the City of Hamilton.

Preamble. **W**HEREAS the corporation of the city of Hamilton has 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:

Short title. **1.** This Act may be cited as *The City of Hamilton Act, 1930.*

Power to borrow \$322,500 for acquiring land for industrial sites. **2.—(1)** The council of the corporation of the city of Hamilton may, without submitting the same to the electors qualified to vote on money by-laws, pass a by-law or by-laws for acquiring and expropriating lands in the northeastern portion of the city and adjoining lands in the township of Saltfleet, and for selling or leasing the same for the purpose of sites for the establishment and carrying on of industries and industrial operations, and for borrowing the sum of \$322,500 by the issue and sale of debentures payable at any time or times within a period not exceeding twenty years for paying the cost of the lands acquired or to be acquired for the said purpose.

Case of lands already acquired. **(2)** Any lands heretofore acquired by the said corporation for the said purpose situate as mentioned in subsection 1, shall be deemed to have been acquired under authority of subsection 1, and the acquiring of such lands is hereby confirmed.

Application of proceeds from sale of land. **(3)** All moneys received from the sale or rentals shall be applied in payment of the annual instalments of the debt incurred under this section or in the purchase for cancellation of any general debentures of the city.

Application of 1929, c. 59. **(4)** The said council is hereby authorized to pass the necessary by-laws for the carrying out of the provisions above



set forth, and the provisions of *The Industrial Sites Act, 1929*, save as hereby varied and not inconsistent with the provisions of this section, shall apply to the said lands.

Power to borrow \$675,100 for certain purposes without assent of electors.

3.—(1) The council of the corporation of the city of Hamilton 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 \$675,100 or any portion thereof by the issue and sale of debentures for the following purposes and objects, namely:

- (a) For acquiring from the Canadian National Railways .651 of an acre of land, south of Brant Street, expropriated and taken by the City Corporation in 1912 for the extension of Birch Avenue to Gilkinson Street, and described in by-law number 1226, passed 26th December, 1911, the sum of..... \$2,600
  - (b) The construction of a bridge at Macnab Street over the main line of the Canadian National Railways, authorized by Order No. 45926, dated 3rd day of December, 1929, of The Board of Railway Commissioners for Canada, and approaches, the sum of..... 110,000
  - (c) The completion of the Home for Aged and Infirm, and furnishings and equipment, the sum of..... 27,000
  - (d) Widening the pavement on Main Street from James Street to Queen Street, the sum of.. 79,000
  - (e) Improvements, including alterations, to the buildings of the Hamilton General Hospital and equipment therefor, the sum of..... 86,500
  - (f) The erection of incinerator plant and equipment for same, the sum of..... 300,000
  - (g) The construction of a new machine shop and storage shed with equipment, the sum of..... 70,000
- \$675,100

(2) The said debentures shall be made payable at any time or times within a period not exceeding twenty years, excepting debentures for \$300,000 for the erection of incinerator plant and equipment, which shall be made payable at any time within a period not exceeding ten years.

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By-law  
No. 3728  
confirmed.

4.—(1) By-law No. 3728 for borrowing the sum of \$150,000 by the issue of debentures for the Northwestern Highway Entrance Development, York Street, and the construction of swimming pool, with dressing rooms at Scott Park, assented to by the electors at the municipal election on December 3rd, 1928, and passed by the council of the corporation of the city of Hamilton on the 26th day of December, 1929, and all debentures issued or to be issued under and pursuant to said by-law are hereby confirmed and declared to be legal, valid and binding upon the corporation of the city of Hamilton and the ratepayers thereof.

Construct-  
ion of  
swimming  
pool and  
manage-  
ment of by  
Parks Board.

(2) The council of the corporation of the city of Hamilton may pass a by-law to provide for the construction of a swimming pool with dressing rooms in Scott Park, and for the transfer of the control and management of the same to the Board of Park Management of the city of Hamilton, and it shall not be necessary to obtain an order of the Railway and Municipal Board setting apart the lands required therefor pursuant to section 12 of *The Public Parks Act*.

Rev. Stat.,  
c. 248.

Commence-  
ment of Act.

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



BILL.

An Act respecting the City of Hamilton.

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. JUTTEN

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(PRIVATE BILL)

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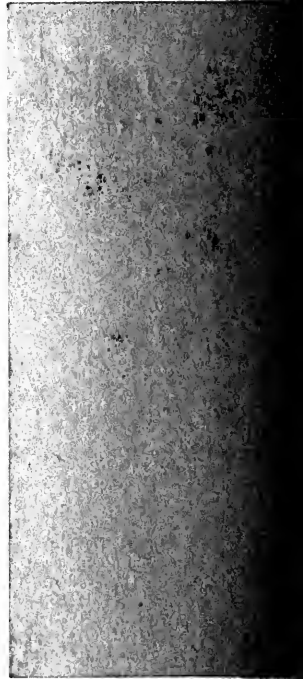
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*Compliments of*

**THE CLERK OF THE HOUSE**



1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the City of Hamilton



---

MR. JUTTEN

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# BILL

## An Act respecting the City of Hamilton.

Preamble.

**W**HEREAS the corporation of the city of Hamilton has 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:

Short title.

**1.** This Act may be cited as *The City of Hamilton Act, 1930.*

Power to borrow \$322,500 for acquiring land for industrial sites.

**2.**—(1) The council of the corporation of the city of Hamilton may, without submitting the same to the electors qualified to vote on money by-laws, pass a by-law or by-laws for acquiring and expropriating lands in the northeastern portion of the city and adjoining lands in the township of Saltfleet, and for selling or leasing the same for the purpose of sites for the establishment and carrying on of industries and industrial operations, and for borrowing the sum of \$322,500 by the issue and sale of debentures payable at any time or times within a period not exceeding thirty years from the date of the issue thereof for paying the cost of the lands acquired or to be acquired for the said purpose.

Case of lands already acquired.

(2) Any lands heretofore acquired by the said corporation for the said purpose situate as mentioned in subsection 1, shall be deemed to have been acquired under authority of subsection 1, and the acquiring of such lands is hereby confirmed.

Application of proceeds from sale of land.

(3) All moneys received from the sale or rentals shall be applied in payment of the annual instalments of the debt incurred under this section or in the purchase for cancellation of any general debentures of the city.

Application of 1929, c. 59.

(4) The said council is hereby authorized to pass the necessary by-laws for the carrying out of the provisions above

set forth, and the provisions of *The Industrial Sites Act, 1929*, save as hereby varied and not inconsistent with the provisions of this section, shall apply to the said lands.

(5) Any lands heretofore or hereafter acquired in the township of Saltfleet for the purposes set out in this section, shall, notwithstanding anything contained in *The Assessment Act*, be liable to assessment and taxation in the same manner and to the same extent as they would be if not owned by the corporation.

Land liable to assessment and taxation.

**3.—**(1) The council of the corporation of the city of Hamilton 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 \$375,100 or any portion thereof by the issue and sale of debentures for the following purposes and objects, namely:

Power to borrow \$375,100 for certain purposes without assent of electors.

- (a) For acquiring from the Canadian National Railways .651 of an acre of land, south of Brant Street, expropriated and taken by the City Corporation in 1912 for the extension of Birch Avenue to Gilkinson Street, and described in by-law number 1226, passed 26th December, 1911, the sum of . . . . . \$2,600
- (b) The construction of a bridge at Macnab Street over the main line of the Canadian National Railways, authorized by Order No. 45926, dated 3rd day of December, 1929, of The Board of Railway Commissioners for Canada, and approaches, the sum of . . . . . 110,000
- (c) The completion of the Home for Aged and Infirm, and furnishings and equipment, the sum of . . . . . 27,000
- (d) Widening the pavement on Main Street from James Street to Queen Street, the sum of . . 79,000
- (e) Improvements, including alterations, to the buildings of the Hamilton General Hospital and equipment therefor, the sum of . . . . . 86,500
- (f) The construction of a new machine shop and storage shed with equipment, the sum of . . . . . 70,000

\$375,100

Term of  
debentures.

(2) The said debentures shall be made payable at any time or times within a period not exceeding twenty years from the date of the issue thereof.

By-law  
No. 3728  
confirmed.

4.—(1) By-law No. 3728 for borrowing the sum of \$150,000 by the issue of debentures for the Northwestern Highway Entrance Development, York Street, and the construction of swimming pool, with dressing rooms at Scott Park, assented to by the electors at the municipal election on December 3rd, 1928, and passed by the council of the corporation of the city of Hamilton on the 26th day of December, 1929, and all debentures issued or to be issued under and pursuant to said by-law are hereby confirmed and declared to be legal, valid and binding upon the corporation of the city of Hamilton and the ratepayers thereof.

Construct-  
ion of  
swimming  
pool and  
manage-  
ment of by  
Parks Board.

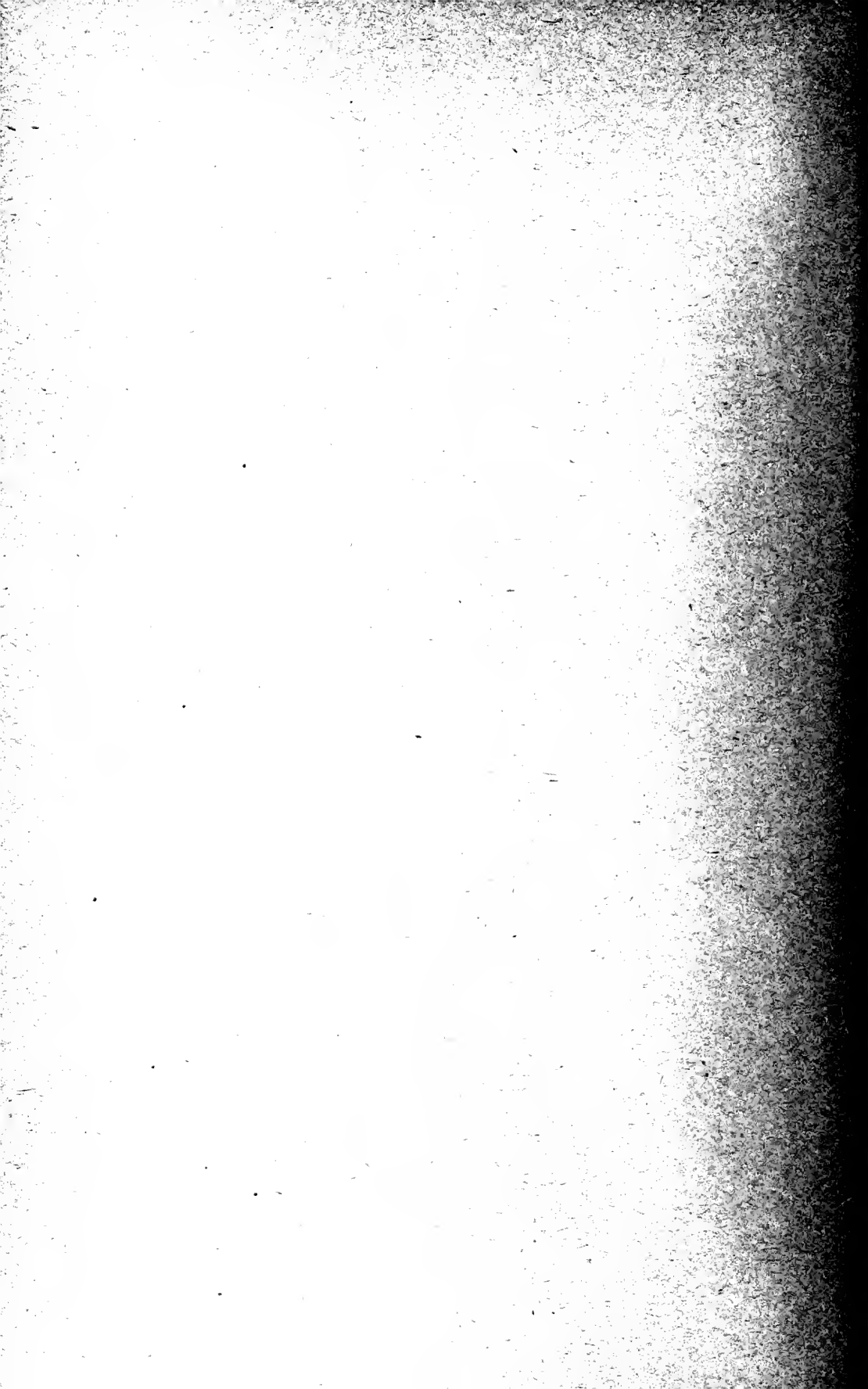
(2) The council of the corporation of the city of Hamilton may pass a by-law to provide for the construction of a swimming pool with dressing rooms in Scott Park, and for the transfer of the control and management of the same to the Board of Park Management of the city of Hamilton, and it shall not be necessary to obtain an order of the Railway and Municipal Board setting apart the lands required therefor pursuant to section 12 of *The Public Parks Act*.

Rev. Stat.,  
c. 248.

Commence-  
ment of Act.

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









BILL.

An Act respecting the City of Hamilton.

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*1st Reading*

February 11th, 1930

*2nd Reading*

March 5th, 1930

*3rd Reading*

March 28th, 1930

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MR. JUTTEN

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No. 21

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the Village of Windermere

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MR. ECCLESTONE

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(PRIVATE BILL)

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TORONTO  
PRINTED BY  
THE PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 21.

1930.

# BILL

An Act respecting the Village of Windermere.

Preamble.

**W**HEREAS the corporation of the village of Windermere has by petition represented that it is desirable and necessary in the interests and growth of the said village, that the boundaries of the said village be extended to include that certain area being a part of the municipal corporation of the township of Watt, in the District of Muskoka, as is hereinafter described; and whereas the said corporation of the said village by the said petition, has prayed that an Act be passed extending the boundaries of the village as in the petition 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:—

Annexation  
of certain  
lands to  
village.

**1.** That part of the township of Watt in the District of Muskoka described as follows,—

Lot No. 28 in the seventh concession of the said township;

The northerly half of the original road allowance between concessions six and seven in front of the said Lot No. 28;

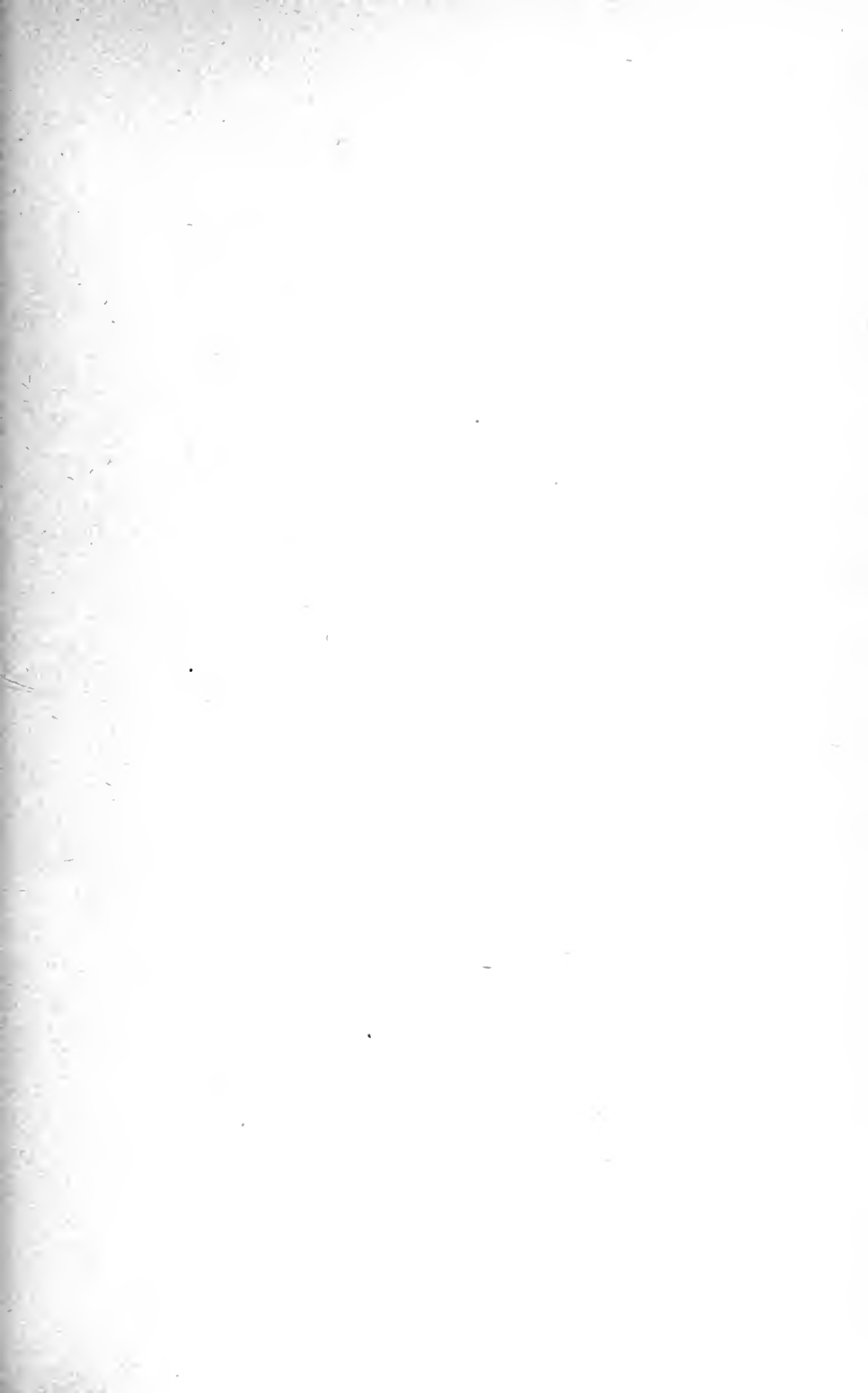
The original road allowance along the shore of Lake Rosseau in front of the said Lot No. 28;

That portion of the lands covered by the waters of Lake Rosseau lying in front of the said Lot No. 28 and within 200 feet of the shore-line of the said lake;

Islands "F" and "G" in Lake Rosseau in the said township of Watt;

Those portions of the lands covered by the waters of Lake Rosseau lying within 200 feet of each of the said Islands;

is hereby detached from the said township and annexed to the village of Windermere.

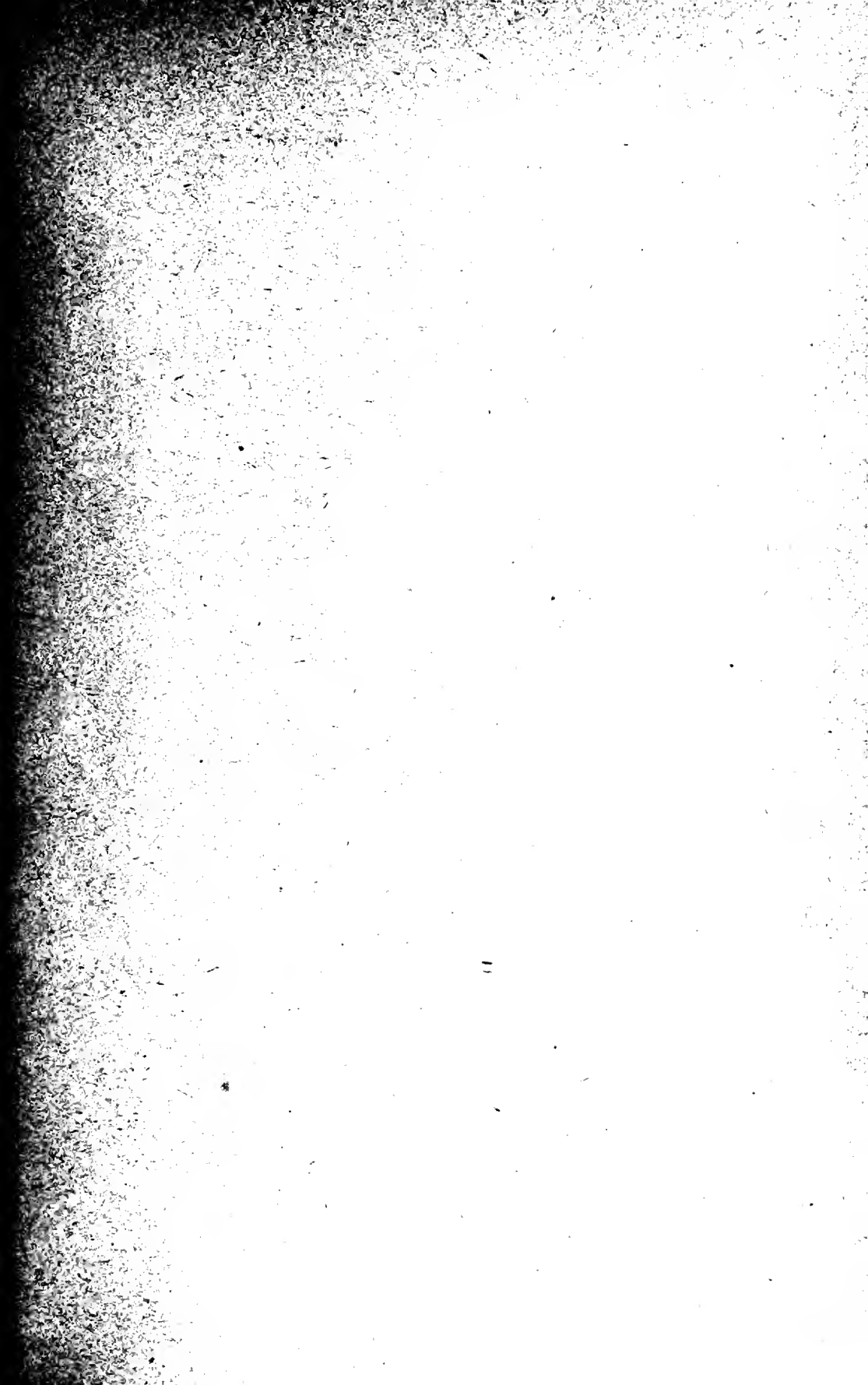


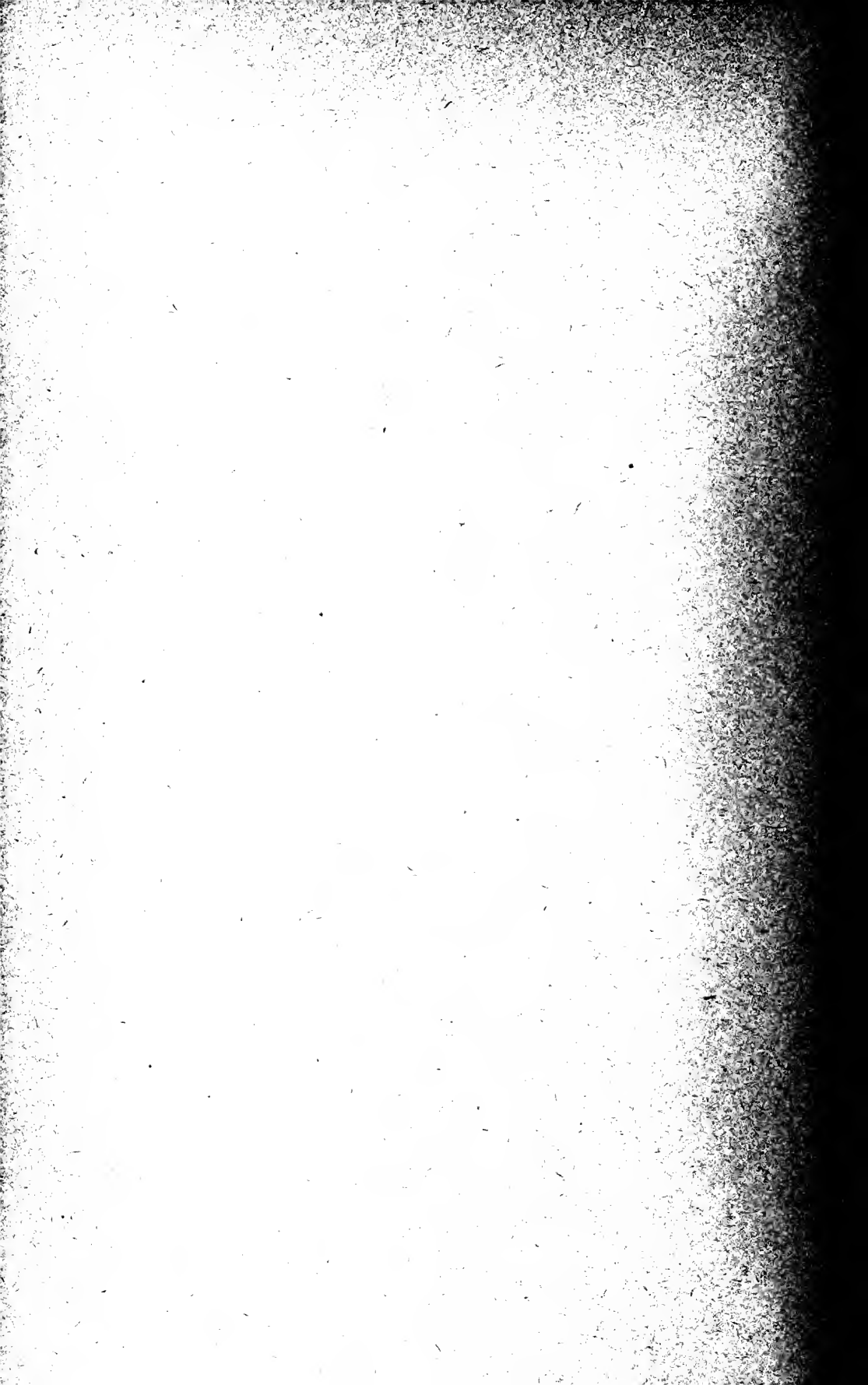
Adjustment  
of assets and  
liabilities,  
Rev. Stat.,  
c. 233.

**2.** There shall be an adjustment of assets and liabilities between the said township and village as provided by section 38 of *The Municipal Act*.

Commence-  
ment of Act.

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









BILL.  
An Act respecting the Village of  
Windermere.

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. ECCLESTONE

(PRIVATE BILL).

1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the Village of Windermere

---

MR. ECCLESTONE

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No. 21.

1930.

# BILL

## An Act respecting the Village of Windermere.

Preamble.

**W**HEREAS the corporation of the village of Windermere has by petition represented that it is desirable and necessary in the interests and growth of the said village, that the boundaries of the said village be extended to include that certain area being a part of the municipal corporation of the township of Watt, in the District of Muskoka, as is hereinafter described; and whereas the said corporation of the said village by the said petition, has prayed that an Act be passed extending the boundaries of the village as in the petition 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:—

Annexation  
of certain  
lands to  
village.

**1.** That part of the township of Watt in the District of Muskoka described as follows,—

Lot No. 28 in the seventh concession of the said township;

The northerly half of the original road allowance between concessions six and seven in front of the said Lot No. 28;

The original road allowance along the shore of Lake Rosseau in front of the said Lot No. 28;

That portion of the lands covered by the waters of Lake Rosseau lying in front of the said Lot No. 28 and within 200 feet of the shore-line of the said lake;

Islands "F" and "G" in Lake Rosseau in the said township of Watt;

Those portions of the lands covered by the waters of Lake Rosseau lying within 200 feet of each of the said Islands;

is hereby detached from the said township and annexed to the village of Windermere.

**2.** There shall be an adjustment of assets and liabilities between the said township and village as provided by section 38 of *The Municipal Act*. Adjustment of assets and liabilities, Rev. Stat., c. 233.

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

**BILL.**

**An Act respecting the Village of  
Windermere.**

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*1st Reading*

February 18th, 1930

*2nd Reading*

February 28th, 1930

*3rd Reading*

March 12th, 1930

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**MR. ECCLESTONE**

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No. 22

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the City of St. Thomas**

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MR. RAVEN

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(PRIVATE BILL)

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TORONTO  
PRINTED BY  
THE PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 22.

1930.

# BILL

An Act respecting the City of St. Thomas.

Preamble.

**W**HEREAS the corporation of the city of St. Thomas has by its petition represented that on the 7th day of November, 1929, a certain by-law No. 2786 was passed by the council of the said city for submitting to the electors the question, amongst others, whether they were or were not in favour of applying to the Legislature for authority to adopt in the said city a system of municipal government by a mayor and seven aldermen in lieu of the present system of government of a mayor and eleven aldermen; and whereas the said question was duly submitted to the electors on the 2nd day of December, 1929, when 1,586 electors declared themselves in favour of the said system or form of government, being 428 more electors than voted in favour of any other form of municipal government referred to in any of the other questions submitted to the said electors under the said by-law; and whereas the said council desires to carry into effect the wishes of the electors; and whereas the said corporation has by its petition further represented that it is reasonable that the said council be authorized to pass a by-law without submitting the same to the electors, qualified to vote upon money by-laws, for borrowing the sum of \$25,000 or any portion thereof by the issue and sale of debentures for the purpose of constructing storm sewers; 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:

Short title.

**1.** This Act may be cited as *The City of St. Thomas Act, 1930.*

Composition  
of council.

**2.**—(1) From and after the 31st day of December, 1930, the council of the said corporation shall be composed of and comprise seven aldermen and a mayor, who shall be elected by a general vote of the qualified electors of the said city.





Application  
of  
Rev. Stat.,  
c. 233,

(2) Except as by this section varied, altered or changed *The Municipal Act* and all other Statutes now applicable to the said corporation, its council or officers, shall be in full force and effect.

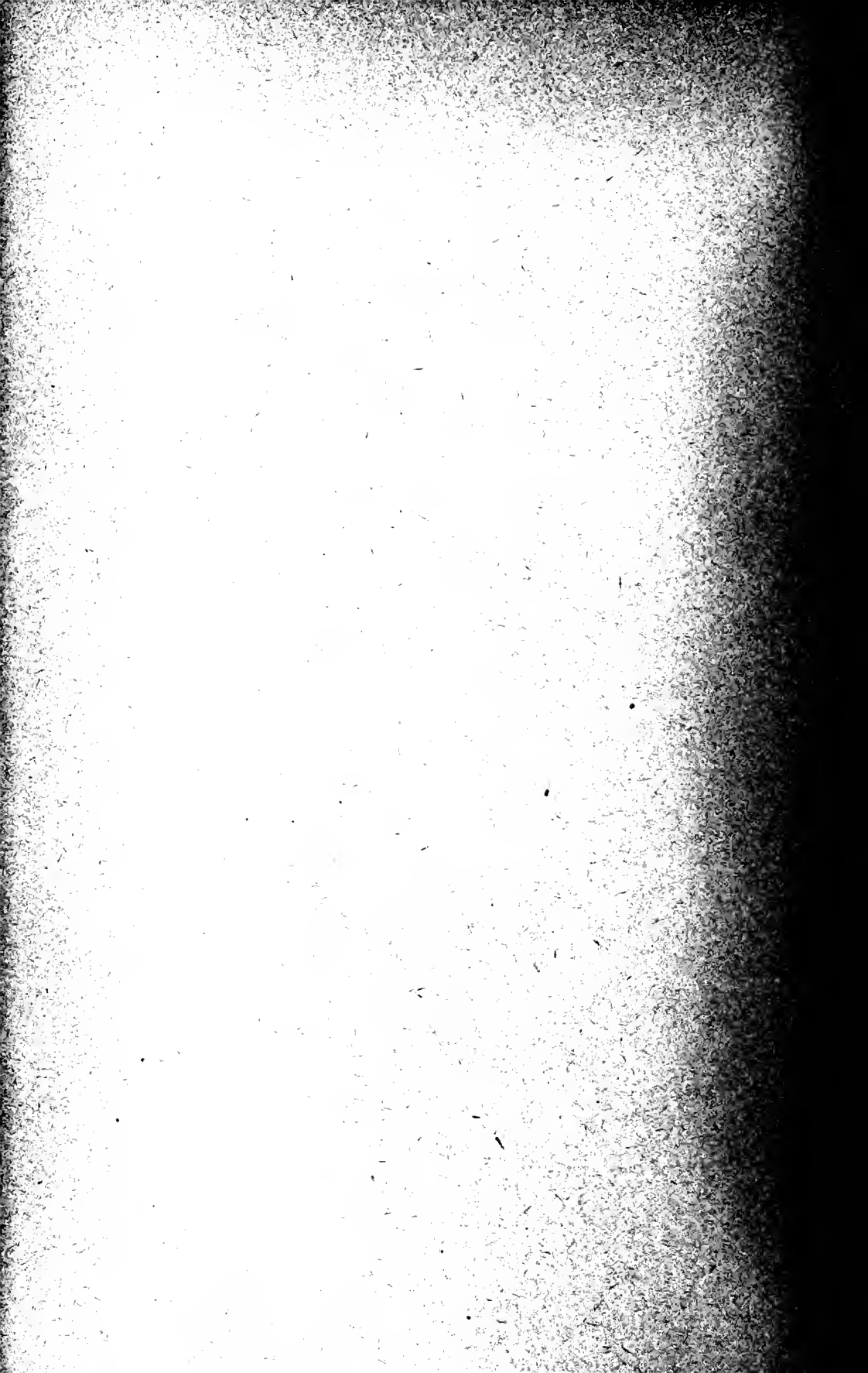
Power to  
borrow  
\$25,000 for  
storm sewers.

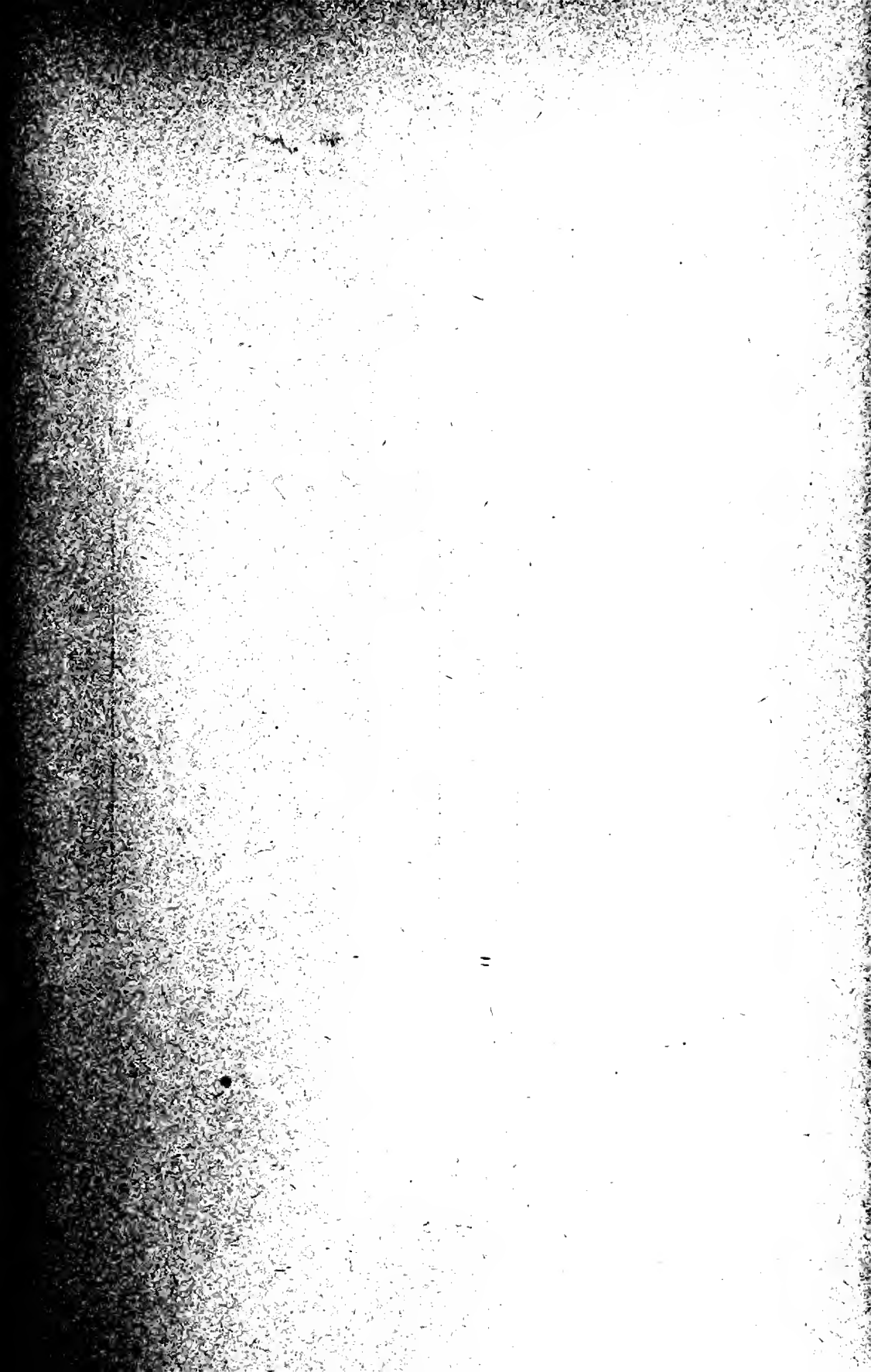
**3.** The municipal council of the city of St. Thomas may pass a by-law or by-laws without submitting the same to the electors qualified to vote on money by-laws, for borrowing the sum of \$25,000 by the issue and sale of debentures for paying the cost of construction of storm sewers.

Commence-  
ment of Act.

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







BILL.

An Act respecting the City of  
St. Thomas.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. RAVEN.

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(PRIVATE BILL).

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the City of St. Thomas**

---

MR. RAVEN

---

No. 22.

1930.

# BILL

## An Act respecting the City of St. Thomas.

Preamble.

**W**HEREAS the corporation of the city of St. Thomas has by its petition represented that on the 7th day of November, 1929, a certain by-law No. 2786 was passed by the council of the said city for submitting to the electors the question, amongst others, whether they were or were not in favour of applying to the Legislature for authority to adopt in the said city a system of municipal government by a mayor and seven aldermen in lieu of the present system of government of a mayor and eleven aldermen; and whereas the said question was duly submitted to the electors on the 2nd day of December, 1929, when 1,586 electors declared themselves in favour of the said system or form of government, being 428 more electors than voted in favour of any other form of municipal government referred to in any of the other questions submitted to the said electors under the said by-law; and whereas the said council desires to carry into effect the wishes of the electors; and whereas the said corporation has by its petition further represented that it is reasonable that the said council be authorized to pass a by-law without submitting the same to the electors, qualified to vote upon money by-laws, for borrowing the sum of \$25,000 or any portion thereof by the issue and sale of debentures for the purpose of constructing storm sewers; 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:

Short title.

**1.** This Act may be cited as *The City of St. Thomas Act, 1930.*

Composition  
of council.

**2.—(1)** At the next annual municipal elections for 1931 and thereafter the council of the said corporation shall be composed of and comprise seven aldermen and a mayor, who shall be elected by a general vote of the qualified electors of the said city.



(2) Except as by this section varied, altered or changed <sup>Application of</sup> *The Municipal Act* and all other Statutes now applicable to the said corporation, its council or officers, shall be in full force and effect. <sup>Rev. Stat., c. 233,</sup>

**3.** The municipal council of the city of St. Thomas may pass a by-law or by-laws without submitting the same to the electors qualified to vote on money by-laws, for borrowing the sum of \$25,000 by the issue and sale of debentures payable within thirty years from the date of issue of the same for paying the cost of construction of storm sewers. <sup>Power to borrow \$25,000 for storm sewers.</sup>

**4.** This Act shall come into force on the day upon which it receives the Royal Assent. <sup>Commencement of Act.</sup>

BILL.

An Act respecting the City of  
St. Thomas.

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*1st Reading*

February 11th, 1930

*2nd Reading*

February 26th, 1930

*3rd Reading*

March 5th, 1930

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MR. RAVEN.

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No. 23

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the Township of Teck.

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MR. KENNING

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(PRIVATE BILL)

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting the Township of Teck.

Preamble.

Rev. Stat.,  
c. 262.

**W**HEREAS the corporation of the township of Teck has by its petition represented that it has constructed a waterworks system in that part of the township of Teck commonly called the townsite of Swastika; that plans and specifications of the said work were submitted to the Provincial Board of Health and 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 \$51,439.15 by the issue of debentures on the instalment plan payable within twenty years and bearing interest at six 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 of that part of the township of Teck situate within the limits of union school section number one, townships of Teck and Otto, as at present constituted, which alone shall 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-law number 413 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-law; and whereas the municipal council of the township of Teck in the year 1929, did undertake with the approval of the Department of Northern Development the improvement and paving of that part of a road within the said township known as Government Road, and extending from the property of the Kirkland Lake Gold Mining Company Limited through the townsite of Kirkland Lake to the intersection of Government Road and Station Road; and whereas the said township proposes to borrow moneys required to defray the municipality's portion of the cost of the said work estimated at \$42,000; 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 Township of Teck Act, 1930.*

By-law 43  
(waterworks  
mains and  
pumping  
station)  
confirmed.

**2.** By-law number 413 of the corporation of the township of Teck, set out in schedule "A" to this Act, to authorize the issue of debentures for the sum of \$51,439.15 to provide for the construction of waterworks mains for fire and domestic purposes, and the waterworks pumping station, on certain streets and roads in the township of Teck, and all debentures issued or to be issued thereunder, are hereby validated and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Special rate  
to meet de-  
ficiencies.

**3.** If in any year the amount realized from the special rate levied is insufficient to pay the annual instalments of principal and interest, the council shall provide for the deficiency in the estimate for the following year and levy and collect by special rate over and above all other rates an amount sufficient to provide for the annual payment due in that year and the deficiency, if any, of the previous year, but this shall not relieve the lands specially assessed from the special rate thereon.

Cost of ex-  
tensions.

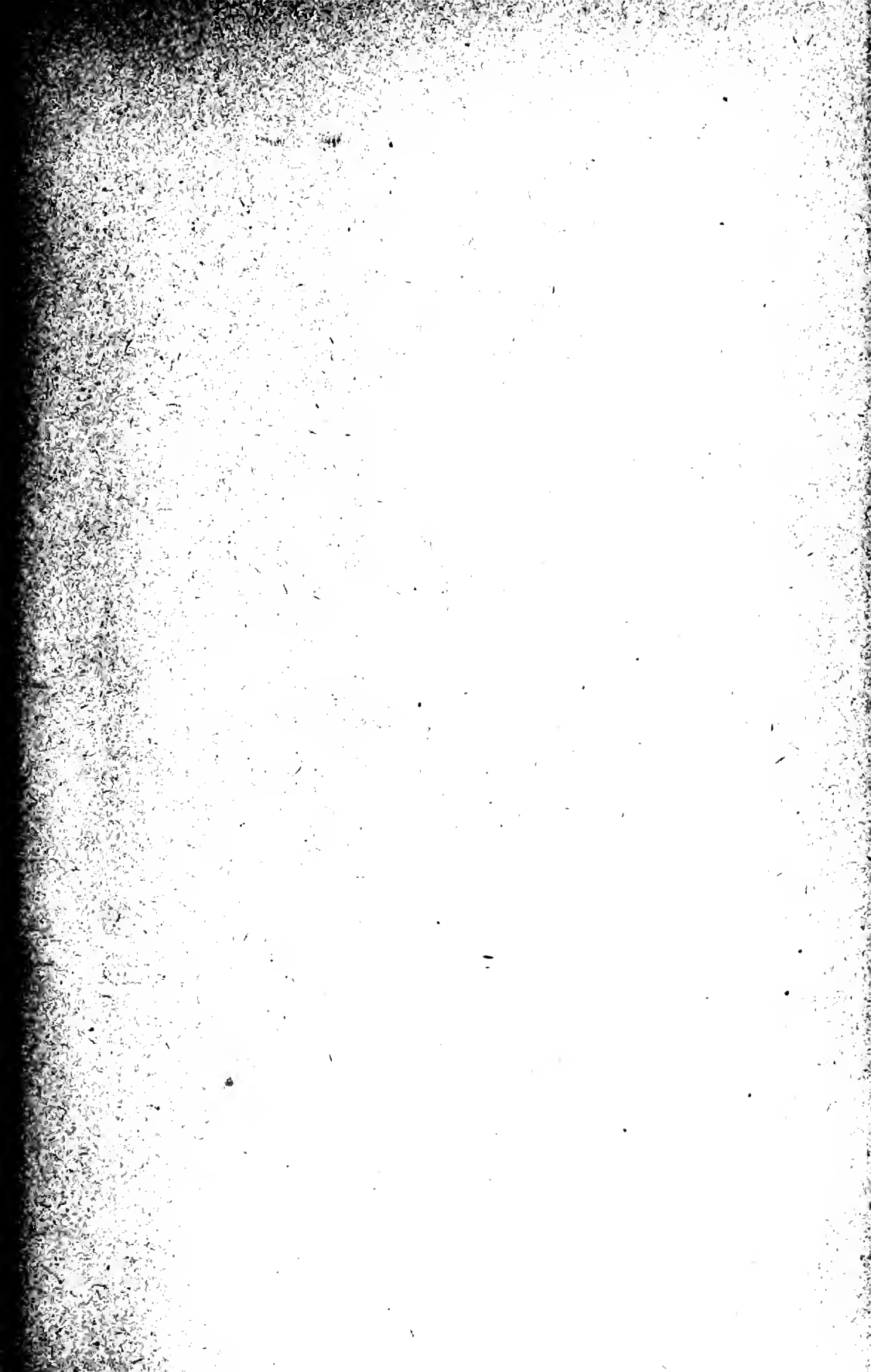
**4.** The said corporation may provide for the cost of any further expenditure for the alterations or extensions of the water and sewage system in that part of the township of Teck within the limits of union school section number one, townships of Teck and Otto, by a special rate over and above all other rates in each year during the currency of the debentures issued to meet such cost on all the rateable property and income in that part of the township of Teck within the limits of union school section number one, townships of Teck and Otto, as at present constituted.

Power to  
borrow  
\$42,000 for  
township  
share of  
cost of  
paving  
Government  
Road.

**5.** The corporation of the township of Teck is hereby authorized and empowered to borrow upon debentures, without the assent of the electors, the sum of \$42,000, repayable in twenty equal annual instalments of principal and interest, to provide for the municipality's portion of the cost of the improvement and paving of that part of a road situate in the township of Teck, known as Government Road, and extending from the property of the Kirkland Lake Gold Mining Company Limited to the intersection of Government Road and Station Road, and for the purposes of meeting the payments thereof to levy a special rate over and above all other rates on all the assessable property and income in the township of Teck.

Commence-  
ment of Act.

**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. 413.

Being a By-law for the borrowing of the sum of \$51,439.15 upon debentures for the construction of fire and domestic watermains, and water services within that part of the Township of Teck, lying within the limits of Union School Section No. 1, Township of Teck and Otto, within the Municipality.

And whereas the Department of Health of the Province of Ontario did under the authority of the Public Health Act, issue an Order dated the 5th day of March, 1929, authorizing the construction of fire and domestic watermains within that part of the Township of Teck lying within the limits of Union School Section No. 1, Townships of Teck and Otto, within the Municipality, on the following streets and roads, namely:—

Location	From	To
Boisvert Street	Lot 68-69	Cameron Avenue
Hays Street	West Avenue	Cameron Avenue
Cameron Avenue	Boisvert	Hays
Trunk Mains	Hays and Cameron	Fire Hall
Trunk Mains	Fire Hall	Bridge
Boxed Trunk Mains	S. End of Bridge	North
Government Road	N. End of Bridge	Lot 117
Government Road	Lot 117	Conroy
Government Road	Conroy	Kirkland
Conroy	Government Road	E. Boundary
Kirkland Avenue	Government Road	Riverside
Riverside Drive	Kirkland	Lots 39-11
Victoria	Riverside Drive	North
Across Lots	Kirkland	Grenfell
Grenfell Avenue	Lot 49	Lot 114
Supply Main	Grenfell	Pump House

Together with a waterworks pumping station, including two Centrifugal pumps each delivering 30 Imperial Gallons per minute, against a head of 150 feet, and direct connected to Three Phase, Sixty Cycle, 220 Volt Motors; 1 Type M.S.P.M. (Wallace & Tiernan) Chlorinator; 3-60 Mechanical Pressure Filters, with automatic coagulent feeder, each having a capacity of 2400 gallons per hour; 1 Centrifugal Fire pump, delivering 600 Imperial gallons per minute under a head of 300 feet, direct connected to an F.C. 4 Sterling Engine, and pumping untreated water into the fire mains from the Blanche Park. All at a total cost of Forty-four Thousand Five Hundred and Seventy Dollars and Twenty-one Cents (\$44,570.21). All according to the plans and specifications of Messrs. Sutcliffe Company, Limited, Consulting Engineers, New Liskeard, Ontario.

And whereas the Department of Health of the Province of Ontario did under the authority of the Public Health Act, issue an order dated the 12th day of February, 1929, authorizing the construction of water services within that part of the Township of Teck within the limits of Union School Section No. 1, Townships of Teck and Otto, within the Municipality, on the following streets and roads, namely:—

Location	From	To
Riverside Street	Kirkland Avenue	North Boundary
Victoria Avenue	Riverside Street	East Boundary
Grenfell Avenue	Riverside Street	East Boundary
Government Road	T. & N. O. Bridge	East Boundary
Conroy Avenue	Riverside Street	East Boundary
Kirkland Avenue	Riverside Street	East Boundary
Hays Street	T. & N. O. Bridge	Morrison Avenue
Cameron Avenue	Hays Street	Boisvert Street
Boisvert Street	Cameron Avenue	Maddan Avenue





at a total cost of Six Thousand Eight Hundred and Sixty-eight Dollars and Ninety-four cents (\$6,868.94).

And whereas the plans and specifications have been approved by the said Department of Health of the Province of Ontario.

And whereas the Municipal Corporation of the Township of Teck duly passed a By-law on the 15th day of April 1929, authorizing the construction of the said fire and domestic watermains and water services.

And whereas it is necessary to borrow for the purposes above mentioned the sum of \$51,439.15, on the credit of the Corporation at large.

And whereas it is deemed proper that the rates for repayment of the aforesaid money shall be levied on the assessable property and income on that portion of the Township of Teck 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 \$2,234,984.00.

And whereas the amount of the debenture debt of the Municipality is \$704,188.47, 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 \$51,439.15, and debentures shall be issued therefor in sums of not less than \$100.00 bearing interest at the rate of six per cent. (6%) per annum and having coupons attached for the payment of 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 equal annual instalments of principal and interest 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 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 at Kirkland Lake, or at the Head Office of the Imperial Bank of Canada at Toronto.

4. The debentures shall be signed by the Reeve and Treasurer of the Township and shall be sealed with the Corporate Seal of the Municipality. The coupons shall be signed by the Treasurer of the Township of Teck and his name may be written, lithographed or engraved.

5. During the twenty years, the course of the said debentures, the sum of \$4,484.71 shall be raised annually for the payment of the debt and interest, and the said sum shall be levied and raised annually by separate rate therefor over and above all other rates, on that part of the rateable property and income of the Township of Teck, situate in Union School Section No. 1, Townships of Teck and Otto, 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 the issue thereof.

Read a first, second and third time and enacted and passed in open Council the 15th day of April, 1929.

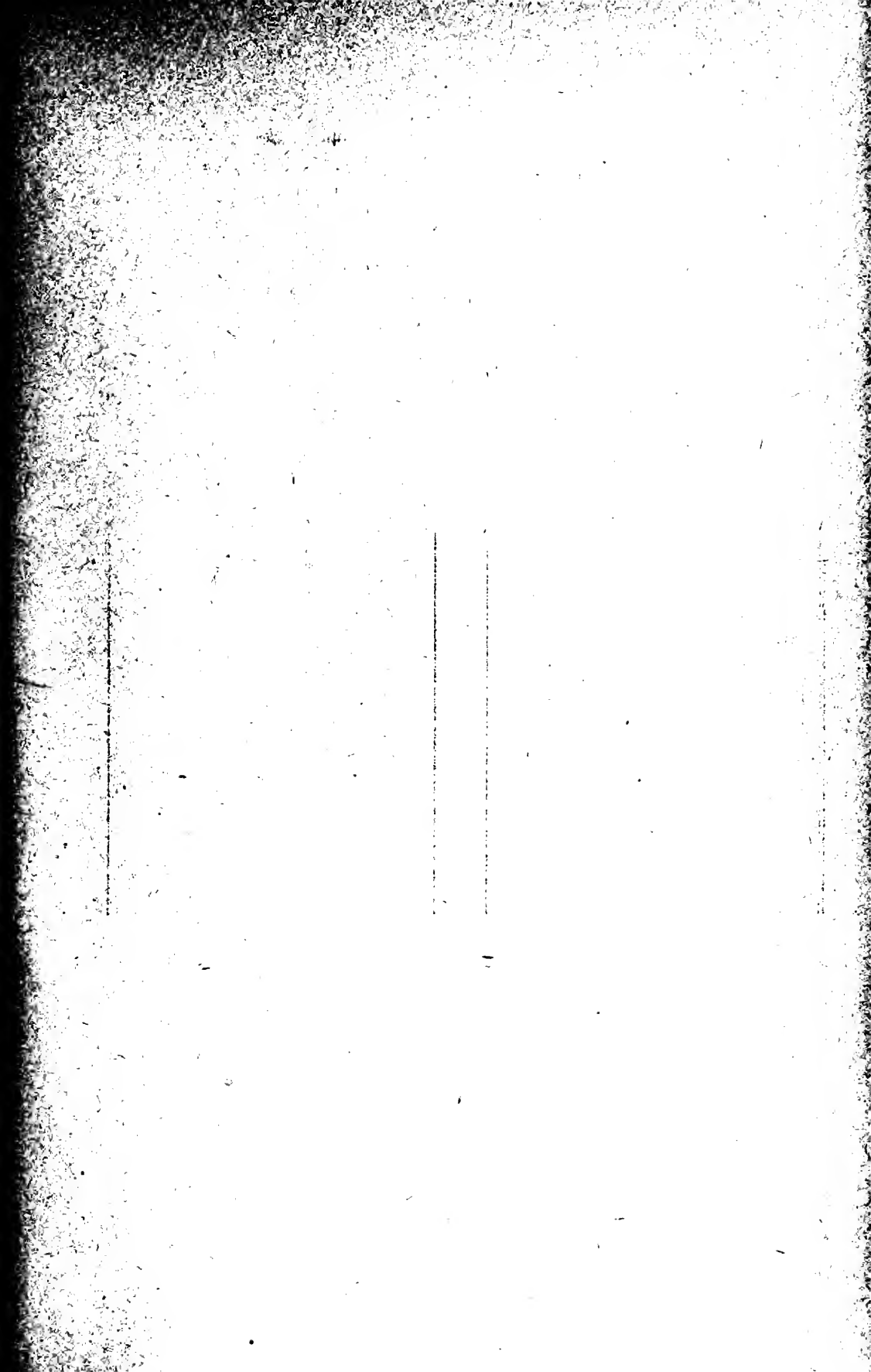
(Sgd.) J. W. McBAIN, *Clerk.*

(Sgd.) N. EVOY, *Reeve.*



## SCHEDULE "A."

No.	Principal	Interest	Total
1.....	\$1,398 35	\$3,086 36	\$4,484 71
2.....	1,482 25	3,002 46	4,484 71
3.....	1,571 19	2,913 52	4,484 71
4.....	1,665 46	2,819 25	4,484 71
5.....	1,765 39	2,719 32	4,484 71
6.....	1,871 31	2,613 40	4,484 71
7.....	1,983 59	2,501 12	4,484 71
8.....	2,102 60	2,382 10	4,484 70
9.....	2,228 76	2,255 94	4,484 70
10.....	2,362 48	2,122 21	4,484 69
11.....	2,504 23	1,980 46	4,484 69
12.....	2,654 47	1,830 21	4,484 68
13.....	2,813 76	1,670 94	4,484 70
14.....	2,982 58	1,502 11	4,484 69
15.....	3,161 54	1,323 16	4,484 70
16.....	3,351 23	1,133 47	4,484 70
17.....	3,552 30	932 40	4,484 70
18.....	3,765 44	719 26	4,484 70
19.....	3,991 37	493 33	4,484 70
20.....	4,230 85	253 85	4,484 70
	<u>\$51,439 15</u>	<u>\$38,254 86</u>	<u>\$89,694 02</u>



**BILL.**

An Act respecting the Township of Teck.

---

*1st Reading.*

*2nd Reading.*

*3rd Reading.*

---

**MR. KENNING**

**PRIVATE BILL.**

1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the Township of Teck.

---

MR. KENNING

---

No. 23.

1930.

# BILL

## An Act respecting the Township of Teck.

Preamble.

Rev. Stat.,  
c. 262.

**W**HEREAS the corporation of the township of Teck has by its petition represented that it has constructed a waterworks system in that part of the township of Teck commonly called the townsite of Swastika; that plans and specifications of the said work were submitted to the Department of Health and the same were duly approved by such Department 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 \$51,439.15 by the issue of debentures on the instalment plan payable within twenty years and bearing interest at six 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 of that part of the township of Teck situate within the limits of union school section number one, townships of Teck and Otto, as at present constituted, which alone shall 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-law number 413 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-law; and whereas the municipal council of the township of Teck in the year 1929, did undertake with the approval of the Department of Northern Development the improvement and paving of that part of a road within the said township known as Government Road, and extending from the property of the Kirkland Lake Gold Mining Company Limited through the townsite of Kirkland Lake to the intersection of Government Road and Station Road; and whereas the said township proposes to borrow moneys required to defray the municipality's portion of the cost of the said work estimated at \$42,000; 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 Teck Act, 1930*. Short title.

2. By-law number 413 of the corporation of the township of Teck, set out in schedule "A" to this Act, to authorize the issue of debentures for the sum of \$51,439.15 to provide for the construction of waterworks mains for fire and domestic purposes, and the waterworks pumping station, on certain streets and roads in the township of Teck, and all debentures issued or to be issued thereunder, are hereby validated and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-law 43 (waterworks mains and pumping station) confirmed.

3. If in any year the amount realized from the special rate levied is insufficient to pay the annual instalments of principal and interest, the council shall provide for the deficiency in the estimate for the following year and levy and collect by general rate on all the rateable property in the municipality over and above all other rates an amount sufficient to provide for the annual payment due in that year and the deficiency, if any, of the previous year, but this shall not relieve the lands specially assessed from the special rate thereon.

Special rate to meet deficiencies.

4. The said corporation may without the assent of the electors borrow money by the issue of debentures payable within a period of twenty years from the issue thereof to provide for the cost of any further expenditure for any alterations or extensions of the water and sewage system approved by the Department of Health in that part of the township of Teck within the limits of union school section number one, townships of Teck and Otto, and may levy a special rate over and above all other rates in 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 number one, townships of Teck and Otto, as at present constituted.

Cost of extensions.

5. The corporation of the township of Teck is hereby authorized and empowered to borrow upon debentures, without the assent of the electors, the sum of \$42,000, repayable in twenty equal annual instalments of principal and interest, to provide for the municipality's portion of the cost of the improvement and paving of that part of a road situate in the township of Teck, known as Government Road, and extending from the property of the Kirkland Lake Gold Mining Company Limited to the intersection of Government Road and Station Road, and for the purposes of meeting the

Power to borrow \$42,000 for township share of cost of paving Government Road.

payments thereof to levy a special rate over and above all other rates on all the rateable property in the township of Teck.

Commence-  
ment of Act. **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. 413.

Being a By-law for the borrowing of the sum of \$51,439.15 upon debentures for the construction of fire and domestic watermains, and water services within that part of the Township of Teck, lying within the limits of Union School Section No. 1, Township of Teck and Otto, within the Municipality.

And whereas the Department of Health of the Province of Ontario did under the authority of the Public Health Act, issue an Order dated the 5th day of March, 1929, authorizing the construction of fire and domestic watermains within that part of the Township of Teck lying within the limits of Union School Section No. 1, Townships of Teck and Otto, within the Municipality, on the following streets and roads, namely:—

Location	From	To
Boisvert Street	Lot 68-69	Cameron Avenue
Hays Street	West Avenue	Cameron Avenue
Cameron Avenue	Boisvert	Hays
Trunk Mains	Hays and Cameron	Fire Hall
Trunk Mains	Fire Hall	Bridge
Boxed Trunk Mains	S. End of Bridge	North
Government Road	N. End of Bridge	Lot 117
Government Road	Lot 117	Conroy
Government Road	Conroy	Kirkland
Conroy	Government Road	E. Boundary
Kirkland Avenue	Government Road	Riverside
Riverside Drive	Kirkland	Lots 39-11
Victoria	Riverside Drive	North
Across Lots	Kirkland	Grenfell
Grenfell Avenue	Lot 49	Lot 114
Supply Main	Grenfell	Pump House

Together with a waterworks pumping station, including two Centrifugal pumps each delivering 30 Imperial Gallons per minute, against a head of 150 feet, and direct connected to Three Phase, Sixty Cycle, 220 Volt Motors; 1 Type M.S.P.M. (Wallace & Tiernan) Chlorinator; 3-60 Mechanical Pressure Filters, with automatic coagulent feeder, each having a capacity of 2400 gallons per hour; 1 Centrifugal Fire pump, delivering 600 Imperial gallons per minute under a head of 300 feet, direct connected to an F.C. 4 Sterling Engine, and pumping untreated water into the fire mains from the Blanche Park. All at a total cost of Forty-four Thousand Five Hundred and Seventy Dollars and Twenty-one Cents (\$44,570.21). All according to the plans and specifications of Messrs. Sutcliffe Company, Limited, Consulting Engineers, New Liskeard, Ontario.

And whereas the Department of Health of the Province of Ontario did under the authority of the Public Health Act, issue an order dated the 12th day of February, 1929, authorizing the construction of water services within that part of the Township of Teck within the limits of Union School Section No. 1, Townships of Teck and Otto, within the Municipality, on the following streets and roads, namely:—

Location	From	To
Riverside Street	Kirkland Avenue	North Boundary
Victoria Avenue	Riverside Street	East Boundary
Grenfell Avenue	Riverside Street	East Boundary
Government Road	T. & N. O. Bridge	East Boundary
Conroy Avenue	Riverside Street	East Boundary
Kirkland Avenue	Riverside Street	East Boundary
Hays Street	T. & N. O. Bridge	Morrison Avenue
Cameron Avenue	Hays Street	Boisvert Street
Boisvert Street	Cameron Avenue	Maddan Avenue

at a total cost of Six Thousand Eight Hundred and Sixty-eight Dollars and Ninety-four cents (\$6,868.94).

And whereas the plans and specifications have been approved by the said Department of Health of the Province of Ontario.

And whereas the Municipal Corporation of the Township of Teck duly passed a By-law on the 15th day of April 1929, authorizing the construction of the said fire and domestic watermains and water services.

And whereas it is necessary to borrow for the purposes above mentioned the sum of \$51,439.15, on the credit of the Corporation at large.

And whereas it is deemed proper that the rates for repayment of the aforesaid money shall be levied on the assessable property and income on that portion of the Township of Teck 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 \$2,234,984.00.

And whereas the amount of the debenture debt of the Municipality is \$704,188.47, 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 \$51,439.15, and debentures shall be issued therefor in sums of not less than \$100.00 bearing interest at the rate of six per cent. (6%) per annum and having coupons attached for the payment of 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 equal annual instalments of principal and interest 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 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 at Kirkland Lake, or at the Head Office of the Imperial Bank of Canada at Toronto.

4. The debentures shall be signed by the Reeve and Treasurer of the Township and shall be sealed with the Corporate Seal of the Municipality. The coupons shall be signed by the Treasurer of the Township of Teck and his name may be written, lithographed or engraved.

5. During the twenty years, the course of the said debentures, the sum of \$4,484.71 shall be raised annually for the payment of the debt and interest, and the said sum shall be levied and raised annually by separate rate therefor over and above all other rates, on that part of the rateable property and income of the Township of Teck, situate in Union School Section No. 1, Townships of Teck and Otto, 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 the issue thereof.

Read a first, second and third time and enacted and passed in open Council the 15th day of April, 1929.

(Sgd.) J. W. McBAIN, *Clerk.*

(Sgd.) N. EVOY, *Reeve.*

## SCHEDULE "A."

No.	Principal	Interest	Total
1.....	\$1,398 35	\$3,086 36	\$4,484 71
2.....	1,482 25	3,002 46	4,484 71
3.....	1,571 19	2,913 52	4,484 71
4.....	1,665 46	2,819 25	4,484 71
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6.....	1,871 31	2,613 40	4,484 71
7.....	1,983 59	2,501 12	4,484 71
8.....	2,102 60	2,382 10	4,484 70
9.....	2,228 76	2,255 94	4,484 70
10.....	2,362 48	2,122 21	4,484 69
11.....	2,504 23	1,980 46	4,484 69
12.....	2,654 47	1,830 21	4,484 68
13.....	2,813 76	1,670 94	4,484 70
14.....	2,982 58	1,502 11	4,484 69
15.....	3,161 54	1,323 16	4,484 70
16.....	3,351 23	1,133 47	4,484 70
17.....	3,552 30	932 40	4,484 70
18.....	3,765 44	719 26	4,484 70
19.....	3,991 37	493 33	4,484 70
20.....	4,230 85	253 85	4,484 70
	<u>\$51,439 15</u>	<u>\$38,254 86</u>	<u>\$89,694 02</u>

BILL.

An Act respecting the Township of Teck.

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*1st Reading.*

March 4th, 1930

*2nd Reading.*

March 14th, 1930

*3rd Reading.*

March 19th, 1930

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MR. KENNING

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the Village of Forest Hill

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MR. MACAULAY

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(PRIVATE BILL)

No. 24.

1930.

# BILL

## An Act respecting the Village of Forest Hill.

Preamble.

**W**HEREAS the corporation of the village of Forest Hill 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:—

Short title.

**1.** This Act may be cited as *The Village of Forest Hill Act, 1930.*

Council may provide that a special annual rate shall be assessed against abutting lands for payment of sewers balance to be borne by corporation.

**2.**—(1) 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 constructed in the village during the currency of the debentures issued to pay for the cost of such sewers, and that the remainder of the cost, if any, not provided for by such annual rate, shall be borne by the village, 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, the surplus resulting therefrom shall be deposited to a special account to be used by the council for the benefit of the village. Any such by-law shall not be repealed or amended except by a vote of three-fourths of all the members of the council.

Corporation's portion not to be shown in notices. Rev. Stat. c. 235.

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

Assessment of cost where trunk sewer is used as a lateral.

**3.** Whenever a sewer is constructed so that it may be used both as a trunk sewer and as a lateral sewer for the benefit





of abutting or adjacent property, such portion of the cost thereof as the council of the corporation may designate shall be assessed upon and levied and collected from such abutting or adjacent property, and the balance against the corporation, and in case a sewer be constructed for use as a trunk sewer only, and is afterwards used for the benefit of any abutting or adjacent property in place of constructing a separate sewer for that purpose, the council may, during the lifetime of the work, charge, levy and collect such portion of the cost thereof against such abutting or adjacent property as it may deem just. Any money so collected shall be deposited to a special account to be used for the benefit of the village.

Alteration of  
assessment  
where lots  
improved.

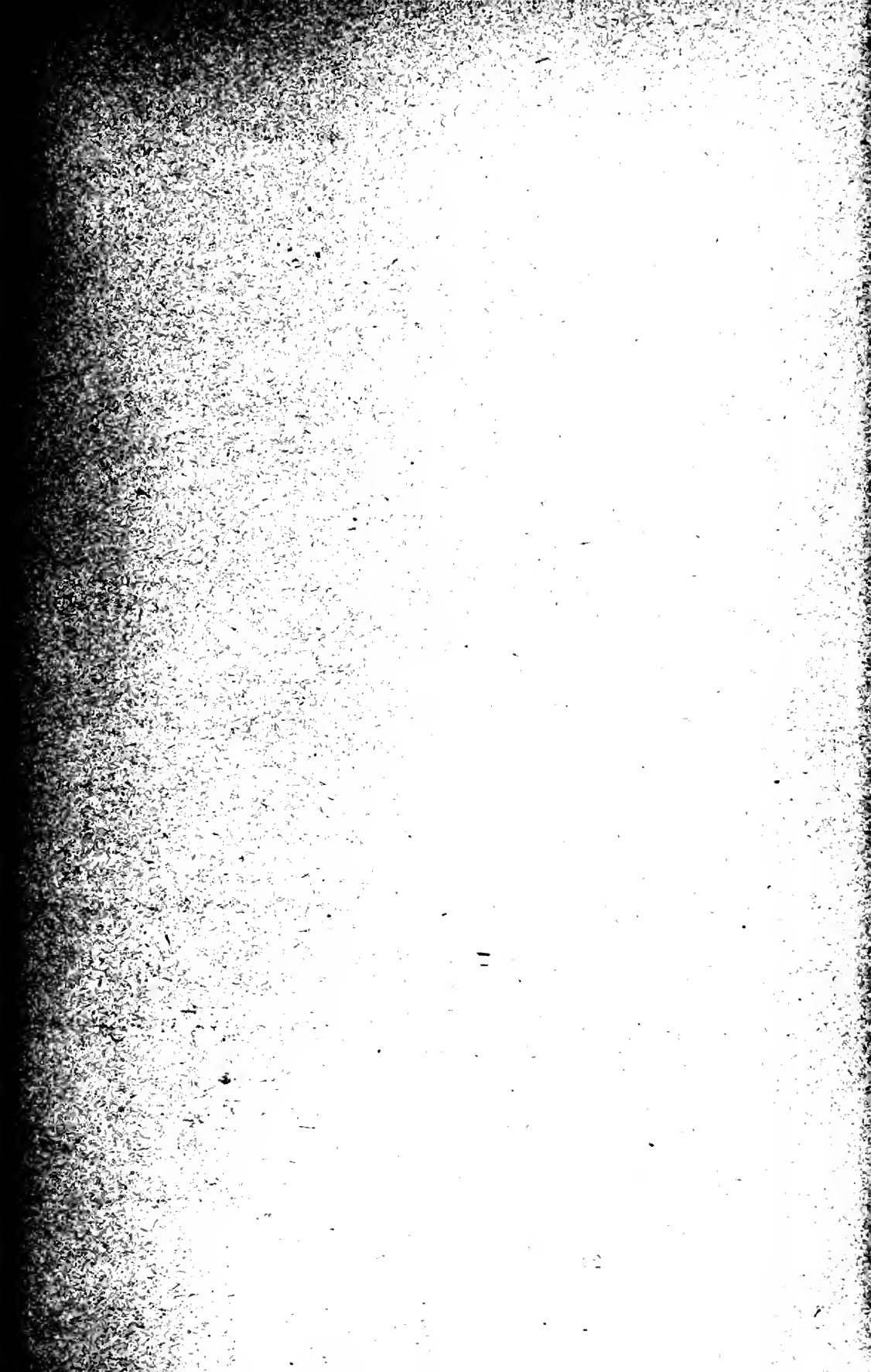
4. When in order to comply with the provisions of section 27 of *The Local Improvement Act*, the said corporation has reduced the assessment on any lands or portions of lands which would otherwise be charged for a proportion of the cost of construction, and has charged the amount of the said reduction to the corporation, and after the passing of this Act, the said lands are changed, redivided or improved in any way, sufficient to disentitle the said lands to the reduction previously given, the council may by by-law provide for the cancellation in whole or in part of the reduction previously given and provide that the proper proportion of the cost of construction shall be assessed against and levied upon the said lands for a period of years equal to the term of the debentures issued to pay for the cost of such construction, and the amount paid on account thereof shall be deposited in a special account to be used for the benefit of the village.

Assessment of  
land  
subdivided  
subsequent  
to special  
assessment.

5. Where any work is constructed pursuant to the terms of *The Local Improvement Act*, a portion of which work is constructed upon private land which private land is, subsequent to the passing of the special assessment roll, subdivided in such a manner as to be benefited by the work, the council of the corporation may provide that such portion of the cost of construction previously assumed by the corporation as the council may decide shall be charged against the subdivided land abutting or adjacent thereto, and levied against the said lands so subdivided for a period of years equal to the term of the debentures issued to pay for the cost of such construction, and the amount paid on account thereof shall be placed to the credit of the corporation, provided that the rate to be charged against the said lands so assessed against and levied upon, shall not be greater than the assessment against the lands adjoining thereto.

Confirma-  
tion of tax  
sales and  
deeds.

6.—(1) All sales of lands within the village of Forest Hill made in the year 1928, 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 conveyances of land so sold executed by the reeve and clerk of the corporation purporting to convey the said lands so sold to the purchaser thereof or his assigns, or to the said corporation, 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 all charges and encumbrances thereon and dower therein, 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.

Power to use proceeds of By-law No. 326 for sewer construction purposes.

7.—(1) The council of the corporation of the village of Forest Hill may by by-law provide that the whole or part of the moneys received from the sale of the debentures issued pursuant to By-law No. 326 of the corporation intituled: "A By-law to provide for borrowing the sum of \$75,000.00 for the purpose of acquiring a site and erecting thereon a building for use as a village hall and for offices for the village officials," shall be applied toward the cost of construction of the sewers constructed pursuant to By-law No. 360 of the corporation intituled: "A By-law to authorize the construction of storm and sanitary tunnel sewers in Bathurst Street and in Eglinton Avenue," and the council is authorized to issue debentures for the balance of the cost of the construction of the said sewers mentioned in By-law No. 360.

Power to apply any balance from sale of debentures on account of works chargeable to corporation.

(2) Any balance of moneys received from the sale of the said debentures issued pursuant to By-law No. 326 may be applied toward the cost of any work constructed at the expense of the corporation at large.

Provision for the use of interest from debentures for purchase of equipment

(3) The council of the corporation may provide that the interest received from the proceeds of the sale of the said debentures issued pursuant to By-law No. 326, may be applied in the purchase of equipment for the village offices.

Commencement of Act.

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



BILL.

An Act respecting the Village of Forest Hill.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. MACAULAY.

(PRIVATE BILL).

1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the Village of Forest Hill**

---

MR. MACAULAY

---

# BILL

## An Act respecting the Village of Forest Hill.

Preamble.

**W**HEREAS the corporation of the village of Forest Hill 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:—

Short title.

**1.** This Act may be cited as *The Village of Forest Hill Act, 1930.*

Confirmation of tax sales and deeds.

**2.**—(1) All sales of lands within the village of Forest Hill made prior to the year 1928, 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 conveyances of land so sold executed by the reeve and clerk of the corporation purporting to convey the said lands so sold to the purchaser thereof or his assigns, or to the said corporation, 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 all charges and encumbrances thereon and dower therein, 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.

Power to use proceeds of By-law No. 326 for sewer construction purposes.

**3.**—(1) The council of the corporation of the village of Forest Hill may by by-law provide that the whole or part of the moneys received from the sale of the debentures issued pursuant to By-law No. 326 of the corporation intituled: "A By-law to provide for borrowing the sum of \$75,000.00 for the purpose of acquiring a site and erecting thereon a building for use as a village hall and for offices for the village officials,"



shall be applied toward the cost of construction of the sewers constructed pursuant to By-law No. 360 of the corporation intituled: "A By-law to authorize the construction of storm and sanitary tunnel sewers in Bathurst Street and in Eglinton Avenue," and the council is authorized to issue debentures for the balance of the cost of the construction of the said sewers mentioned in By-law No. 360.

(2) Any balance of moneys received from the sale of the said debentures issued pursuant to By-law No. 326 may be applied toward the cost of any work constructed at the expense of the corporation at large.

Power to apply any balance from sale of debentures on account of works chargeable to corporation.

(3) The council of the corporation may provide that the interest received from the proceeds of the sale of the said debentures issued pursuant to By-law No. 326, may be applied in the purchase of equipment for the village offices.

Provision for the use of interest from debentures for purchase of equipment

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

Commencement of Act.

BILL.

An Act respecting the Village of Forest Hill.

---

*1st Reading*

February 11th, 1930

*2nd Reading*

March 5th, 1930

*3rd Reading*

March 19th, 1930

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MR. MACAULAY.

(PRIVATE BILL).

No. 25

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the Township of East York**

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MR. MACAULAY

---

(PRIVATE BILL)

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TORONTO  
PRINTED BY  
THE PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

An Act respecting the Township of East York.

Preamble.

**W**HEREAS the corporation of the township of East 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:—

Short title.

**1.** This Act may be cited as *The Township of East York Act, 1930.*

Tax sales  
and deeds  
confirmed.

**2.** All sales of land within the township of East York made prior to the 31st day of December, 1928, which purport to have been made by the corporation of the said township or by its treasurer 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 reeve and treasurer of the said township of East York purporting to convey the said lands so sold to the purchaser thereof or his assigns or to the said corporation shall have the effect of vesting the lands so sold or conveyed or purporting to be sold or conveyed to the purchaser thereof or his assigns or to 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 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 after those for non-payment of which the said lands were sold.

By-law  
1808  
confirmed.

**3.**—(1) By-law Number 1808 of the township of East York, set out as schedule "A" hereto, is hereby declared legal, valid and binding upon the said corporation and the ratepayers thereof.

Assessment  
of cost of  
system.

(2) The entire cost of the establishment, construction, enlargement, extension, improvement, operation, maintenance,



management and repair of the waterworks system in Water Area "F" established by said by-law number 1808 shall be assessed upon all the rateable land, exclusive of buildings, machinery and fixtures, in said area.

Term of debentures

(3) The debentures issued to provide for the payment of the cost so assessed may be made payable within forty years from the date of the issue of such debentures.

Application of 1925, c. 119.

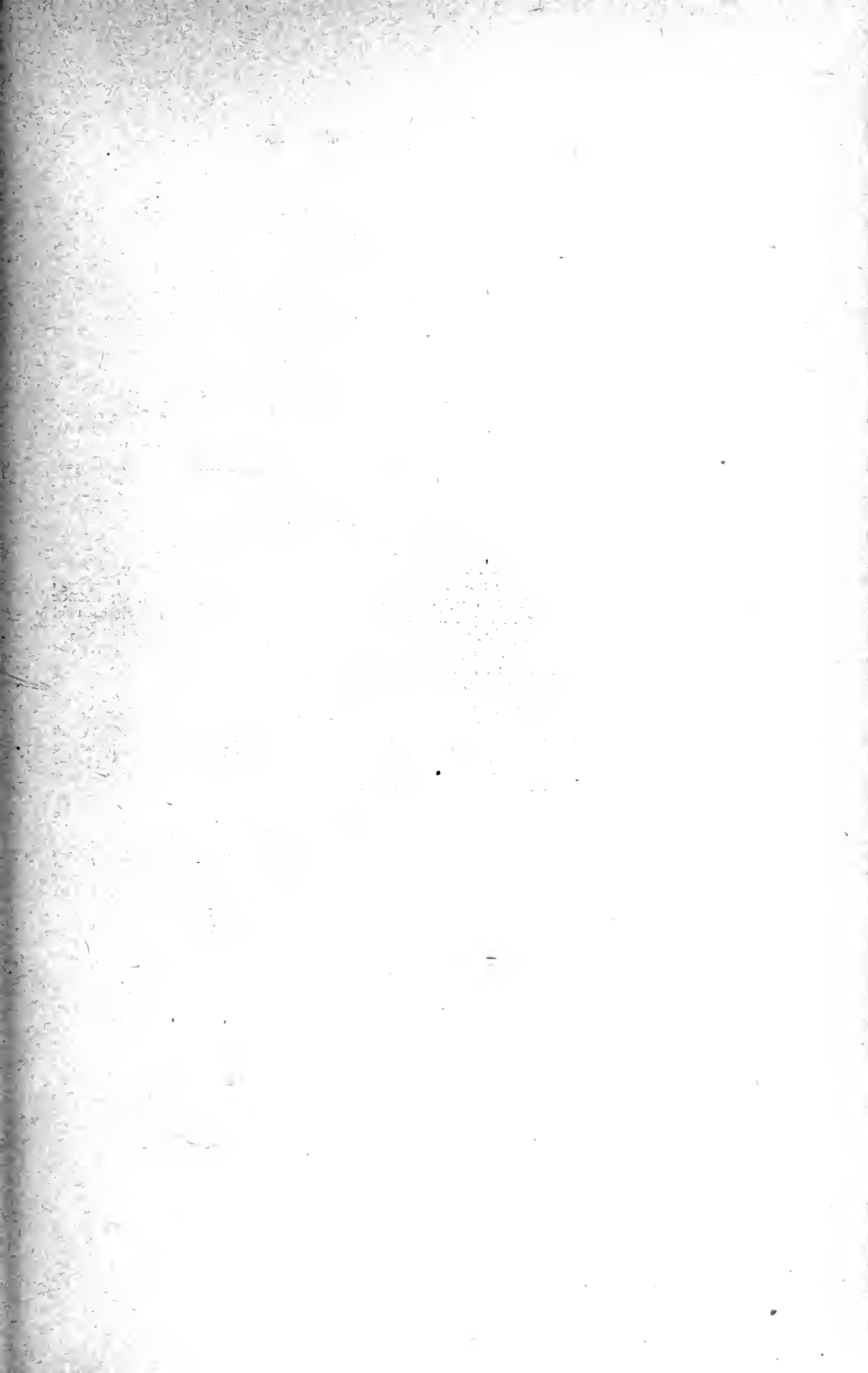
(4) Except as in this Act otherwise expressly provided the provisions of the *Township of East York Act, 1925*, shall apply to the work in the said Water Area "F".

1929, c. 96, s. 3, subs. 2, amended.

**4.** Subsection 2 of section 3 of *The Township of East York Act, 1929*, is amended by striking out in the third line thereof the words "the 31st day of December, 1929" and substituting therefor the words "the 31st day of December, 1930".

Commencement of Act.

**5.** This Act, except section 2, shall come into force on the day upon which it receives the Royal Assent.



## SCHEDULE "A"

## TOWNSHIP OF EAST YORK

BY-LAW No. 1808

To set apart and establish as a water area a portion of the Township of East York.

The Municipal Council of the Corporation of the Township of East York, enacts as follows:

## I

That the following lands—"Commencing at the intersection of the west limit of right-of-way of the Canadian Pacific Railway, and the dividing line between lots 14 and 15, Concession 2, from the Bay; thence easterly along said dividing line to where it intersects the west limit of a part of Township Lot 15, owned by Patterson; thence northerly along the west limit of said Lot 15, to the northwest corner thereof; thence easterly along the north limits of said Lot 15, to the northeast corner thereof; thence easterly along the north limit of Block C. deposit plan 420 to the north east corner thereof; thence northerly along the east limits of Block F. deposit 420, to the north east corner thereof; thence northerly along the east limits of Block O, deposit 420, to the northeast corner thereof; a point situated on what was the north street line of St. Clair Avenue; thence westerly, northerly and westerly along the north limits of said Block O; thence westerly in a straight line being a production of the north limit of said Block O, to a point where said line intersects the centre line of the River Don, thence southerly along the said centre line to where it intersects the west limit of the right-of-way of the Canadian National Railway; thence northerly along the west limit of said right-of-way, a distance of 659 feet, more or less, thence northwesterly along a line running S. 55°—32' E., a distance of 850' 4" more or less; thence northwesterly along a line running S. 74° 53' E., a distance of 505' 7" more or less to where it intersects the east limit of the right-of-way of the Canadian Pacific Railway; thence southerly along the east limit of said right-of-way to the point of beginning," are hereby set apart and established as Water Area "F."

## II

That the watermain now constructed in the said Area, and owned by the Don Valley Paper Company, Limited, shall be purchased from the said Don Valley Paper Company, Limited, for the sum of \$1,600.00, the cost thereof being charged to the said Area as part of the cost of the establishment of the said Area and construction of a waterworks system therein.

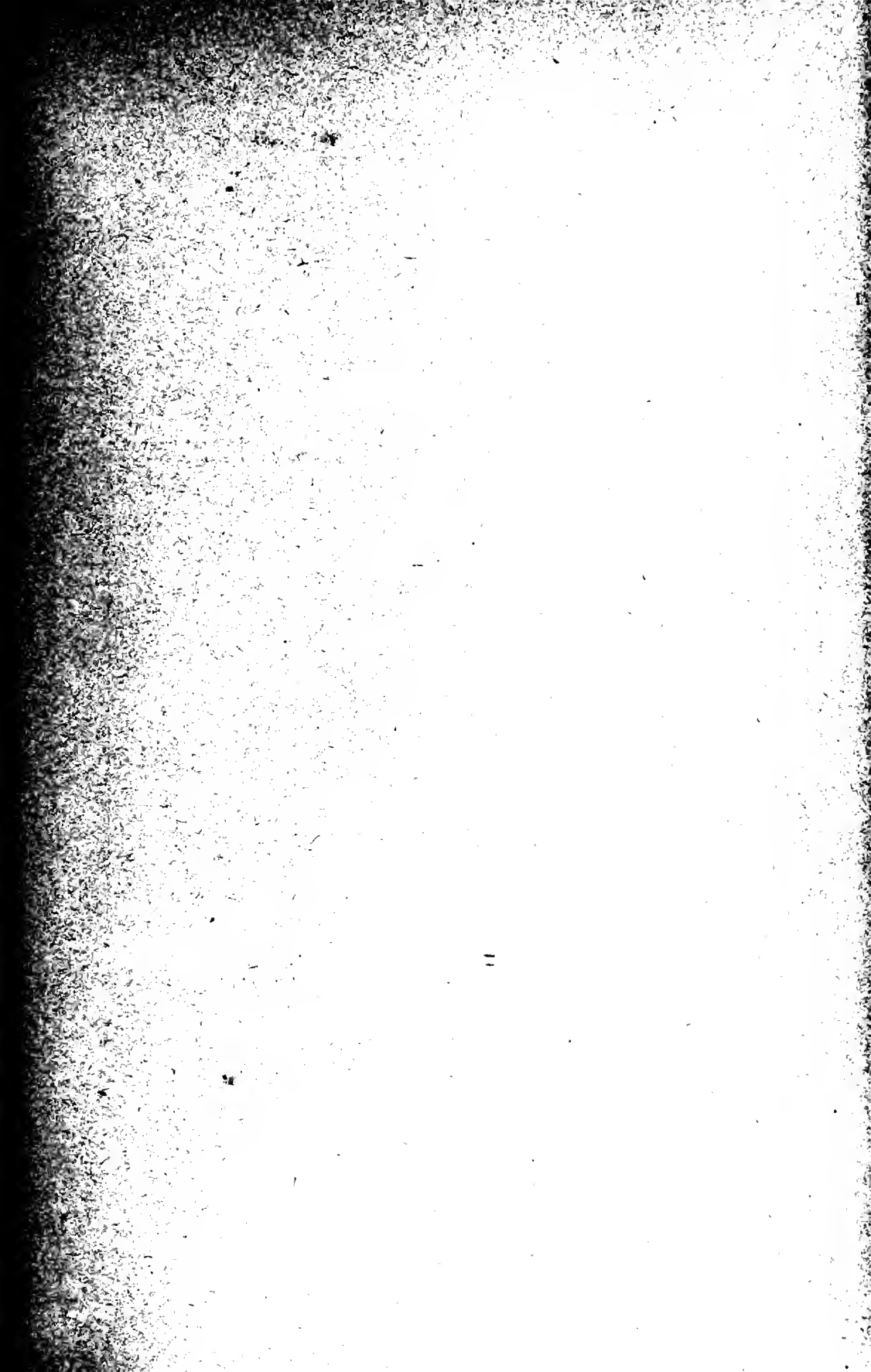
Passed by a vote of three-fourths of all the members of Council, this 27th day of January, 1930

"W. H. HEATON," *Clerk.*

"R. M. LESLIE," *Reeve.*

[SEAU]





BILL.

An Act respecting the Township of East  
York.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. MACAULAY.

---

(PRIVATE BILL.)

1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the Township of East York**

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MR. MACAULAY

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No. 25.

1930.

# BILL

An Act respecting the Township of East York.

Preamble.

**W**HEREAS the corporation of the township of East 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:—

Short title.

**1.** This Act may be cited as *The Township of East York Act, 1930.*

Tax sales and deeds confirmed.

**2.** All sales of land within the township of East York made prior to the 31st day of December, 1928, which purport to have been made by the corporation of the said township or by its treasurer 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 reeve and treasurer of the said township of East York purporting to convey the said lands so sold to the purchaser thereof or his assigns or to the said corporation shall have the effect of vesting the lands so sold or conveyed or purporting to be sold or conveyed to the purchaser thereof or his assigns or to 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 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 after those for non-payment of which the said lands were sold.

By-law 1808 confirmed.

**3.**—(1) By-law Number 1808 of the township of East York, set out as schedule "A" hereto, is hereby declared legal, valid and binding upon the said corporation and the ratepayers thereof.

Assessment of cost of system.

(2) The entire cost of the establishment, construction, enlargement, extension, improvement, operation, maintenance,

management and repair of the waterworks system in Water Area "F" established by said by-law number 1808 shall be assessed upon all the rateable land, exclusive of buildings, machinery and fixtures, in said area.

(3) The debentures issued to provide for the payment of the cost so assessed may be made payable within forty years from the date of the issue of such debentures. <sup>Term of de-  
bentures</sup>

(4) Except as in this Act otherwise expressly provided the provisions of *The Township of East York Act, 1925*, shall apply to the work in the said Water Area "F." <sup>Application  
of  
1925, c. 119.</sup>

4. Subsection 2 of section 3 of *The Township of East York Act, 1929*, is amended by striking out in the third line thereof the words "the 31st day of December, 1929" and substituting therefor the words "the 31st day of December, 1930". <sup>1929, c. 96.  
s. 3, subs. 2.  
amended.</sup>

5. This Act, except section 2, shall come into force on the day upon which it receives the Royal Assent, and section 2 shall come into force on the 1st day of July, 1930. <sup>Commence-  
ment of Act.</sup>

## SCHEDULE "A"

## TOWNSHIP OF EAST YORK

## BY-LAW No. 1808

To set apart and establish as a water area a portion of the Township of East York.

The Municipal Council of the Corporation of the Township of East York, enacts as follows:

## I

That the following lands—"Commencing at the intersection of the west limit of right-of-way of the Canadian Pacific Railway, and the dividing line between lots 14 and 15, Concession 2, from the Bay; thence easterly along said dividing line to where it intersects the west limit of a part of Township Lot 15, owned by Patterson; thence northerly along the west limit of said Lot 15, to the northwest corner thereof; thence easterly along the north limits of said Lot 15, to the northeast corner thereof; thence easterly along the north limit of Block C. deposit plan 420 to the north east corner thereof; thence northerly along the east limits of Block F. deposit 420, to the north east corner thereof; thence northerly along the east limits of Block O, deposit 420, to the northeast corner thereof; a point situated on what was the north street line of St. Clair Avenue; thence westerly, northerly and westerly along the north limits of said Block O; thence westerly in a straight line being a production of the north limit of said Block O, to a point where said line intersects the centre line of the River Don, thence southerly along the said centre line to where it intersects the west limit of the right-of-way of the Canadian National Railway; thence northerly along the west limit of said right-of-way, a distance of 659 feet, more or less, thence northwesterly along a line running S. 55°—32' E., a distance of 850' 4" more or less; thence northwesterly along a line running S. 74° 53' E., a distance of 505' 7" more or less to where it intersects the east limit of the right-of-way of the Canadian Pacific Railway; thence southerly along the east limit of said right-of-way to the point of beginning," are hereby set apart and established as Water Area "F."

## II

That the watermain now constructed in the said Area, and owned by the Don Valley Paper Company, Limited, shall be purchased from the said Don Valley Paper Company, Limited, for the sum of \$1,600.00, the cost thereof being charged to the said Area as part of the cost of the establishment of the said Area and construction of a waterworks system therein.

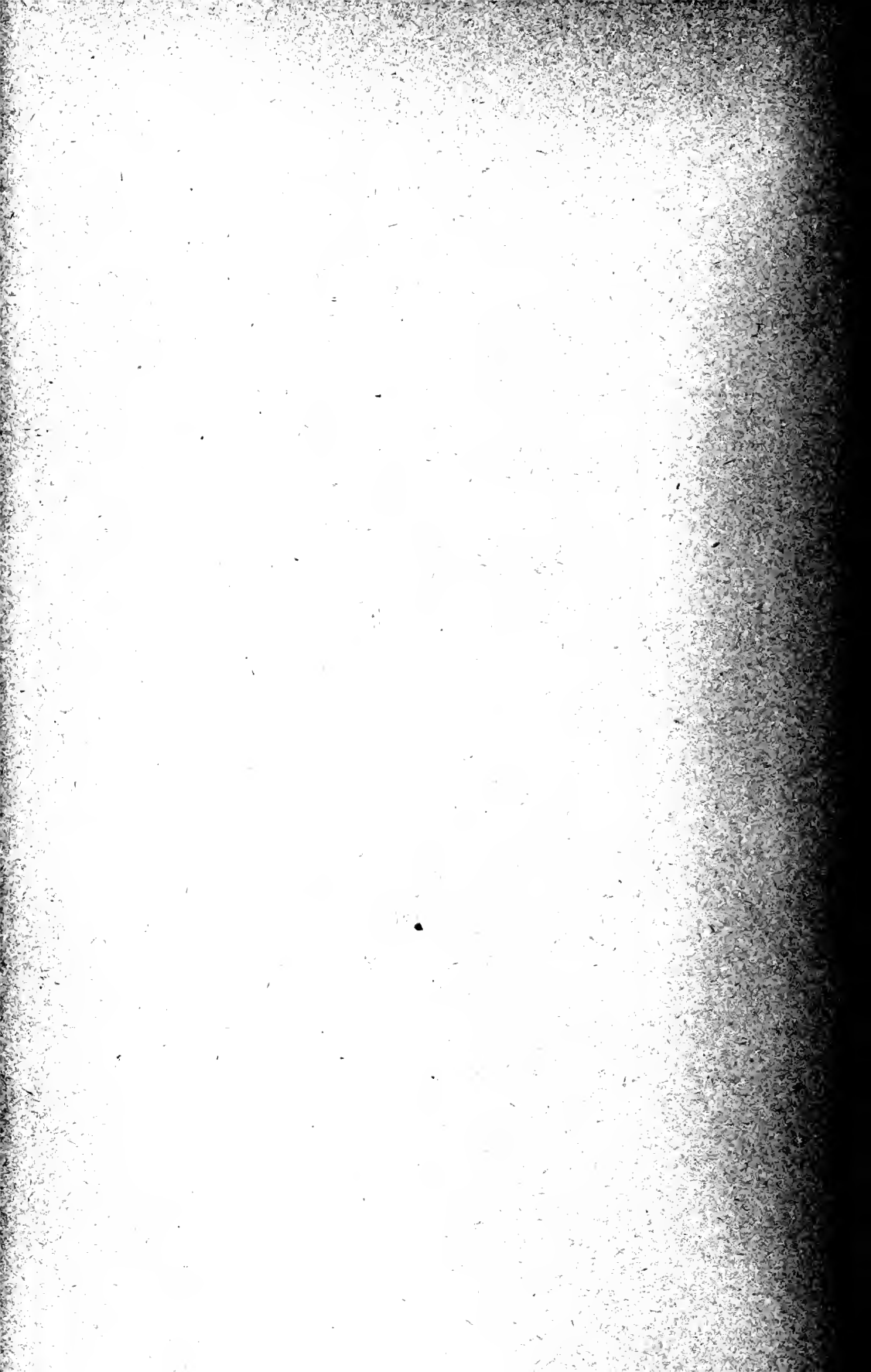
Passed by a vote of three-fourths of all the members of Council, this 27th day of January, 1930.

"W. H. HEATON," *Clerk.*

"R. M. LESLIE," *Reeve.*

[SEAL]









BILL.

An Act respecting the Township of East  
York.

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*1st Reading*

February 18th, 1930

*2nd Reading*

February 28th, 1930

*3rd Reading*

March 12th, 1930

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MR. MACAULAY.

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No. 26

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the City of Kingston

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MR. SKINNER

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(PRIVATE BILL)

No. 26.

1930.

# BILL

An Act respecting the City of Kingston.

Preamble:

**W**HEREAS the corporation of the city of Kingston has by petition, represented that By-law No. 45, 1929, was duly submitted to the electors of the corporation qualified to vote thereon for their assent under the provisions of *The Municipal Act*, and that said electors have duly voted in favour thereof and that the said by-law was subsequently passed by the affirmative vote of three-fourths of all the members of the council of the said corporation, and that the agreement hereinafter set out as schedule "A" hereto was duly approved by the council of the corporation and was executed by the mayor and clerk on behalf of said corporation, and by the proper officers of the Kingston Elevator Company on behalf of said company, and has prayed that the said by-law and agreement should be validated and confirmed and that the corporation should be authorized and empowered to use part of the proceeds of said debentures for the purchase of certain lands and water lots situate without the limits of said corporation and within the township of Kingston in the county of Frontenac, for the construction of a railway siding over, along and across the west half of lot 15, in the 2nd concession, and lots 14 and 15 in the 1st concession of said township to the site of the said elevator, and to construct such siding and to annex to the city of Kingston the lands and lands covered by water hereinafter described, but subject to an adjustment of assets and liabilities between said township and said city as if said lands were so annexed under the provisions of *The Municipal Act*, and to convey certain parts of the above mentioned lands and lands covered with water, to said Elevator Company as a site for said elevator, and to grant a fixed assessment thereon of \$50,000, exclusive of local improvement and school taxes, for a term of ten years, without the assent of the electors; 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 Kingston Act, 1930.*

By-law 45 of 1929 and agreement confirmed.

2. By-law No. 45, 1929, of the corporation of the city of Kingston and the agreement set forth in schedule "A" hereto between the corporation and Kingston Elevator Co., Ltd., are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and upon Kingston Elevator Co., Ltd., and the said Corporation is hereby authorized and empowered to do all acts and things necessary for the due fulfilment and proper carrying out of the said by-law and the said agreement.

Debentures issued confirmed.

3. The debentures issued or to be issued under the provisions of the said By-law No. 45, 1929, are hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Certain territory annexed to city of Kingston.

4. Those lots and parts of lots situate in the township of Kingston in the county of Frontenac and described as follows, namely:—Lots 14 and 15, and those parts of lots 16 and 17 lying south of the road known as the Front Road and all the water lots in Cataraqui Bay lying in front of lots 13, 14, 15 and 16 and the water lot in front of lot 17, all in the first concession of said township are hereby detached from the said township of Kingston and annexed to the city of Kingston, subject to any adjustment of assets and liabilities between the city and the township as provided by *The Municipal Act.*

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 at the City of Kingston, this 20th day of February, A.D. 1930.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF KINGSTON,  
hereinafter called the Corporation,  
of the First Part,

—AND—

KINGSTON ELEVATOR COMPANY, LIMITED, of the same place,  
hereinafter called the Company,  
of the Second Part.

Whereas the parties desire to validate and consummate an Agreement whereby the Company will undertake to erect and operate a grain elevator, and the Corporation will undertake to acquire and convey certain lands, and lands covered by water, to the Company, as a site for the said elevator, to grant or procure fixed assessment thereon, to provide rail connection between the main line of the Canadian National Railway and the said elevator to be used on the terms and conditions hereinafter set out.

And whereas the Company has commenced construction of a grain elevator of a capacity of 2,500,000 bushels, and the Corporation has given notice of intention to apply to the Legislative Assembly of the Province of Ontario for a Special Act to authorize this and other agreements.

Now therefore this indenture witnesseth that in consideration of the premises, and the stipulations and covenants herein on the part of the parties severally contained, the parties hereto covenant, promise and agree each with the other of them as follows:

1. The Company shall construct a transfer and storage elevator of modern design and substantial construction, with a storage of not less than 2,500,000 bushels of grain, together with the necessary wharfage and dockage facilities.

2. The Company shall operate and maintain the said elevator for a period of at least ten years, provided such operation and maintenance is not prevented by the intervention of an Act of God, *vis major*, fire, lightning, flood, tempest, explosion or other cause beyond the reasonable anticipation or control of the Company.

3. The Company shall without any obligation to do any special act, or to incur any expense, allow access to the proposed elevator to all Railways now or hereafter desirous to securing access for the purpose of carrying grain to and from the same.

4. The Corporation shall convey and assure or cause to be conveyed and assured to the Company by a good and sufficient Deed or Transfer in fee simple all those pieces or parcels of lands and premises hereinafter described, together with the appurtenances, save as hereinafter set out, thereto belonging or appertaining, namely:—

Firstly, those parts of the Water Lots in front of lots 14 and 15 in the First Concession of the Township of Kingston, in the County of Frontenac and Province of Ontario, and those parts of the said lots, already conveyed to the Corporation by Grant from the Crown dated 1929, and by conveyance from Henry E. Day, dated July 2nd, 1929.

Secondly, those parts of the said Township Lots consisting of the strip of land on the bank between the travelled road and the parts of water lots above-mentioned, together with a surrender and release of all claims on the part of the owners of the said Township Lots to any right of access to or from the waters of Cataraqui Bay over the land and water lots hereby intended to be conveyed.





5. The Corporation shall provide a railway siding from the main line of the Canadian National Railways to the said elevator, and maintain the same during the currency of this Agreement, or any renewal or renewals thereof, and the Company shall enjoy the use of the said siding at all times free of charge.

6. For the purpose of access to the remainder of the land or land covered by water in Cataragui Bay the Corporation as owner of the said railway siding, and the owner or owners of the said remainder of said lands shall have the right to use in common with the Company the said siding or any siding connecting with any other railway right-of-way upon entering into a satisfactory Agreement in respect to such joint use.

7. The Corporation shall also make application to the Legislative Assembly of Ontario for provision in the said Special Act fixing the assessment of the said elevator and lands, trackage and dockage in connection therewith, including any business assessment, for the period of ten years next following the first day of January after the completion of the said elevator, at the sum of \$50,000, with the further provision that this shall not apply to or affect taxation for school purposes or local improvements, and also dispensing with the requirement of submission of a By-law to the electors of the said or any other municipality for the purposes of so fixing the assessment; and will endeavour to secure the said provisions for fixed assessment and in the event that the assessment is not so fixed by the said Special Act the Corporation will, through its Council, submit to the electors of the Municipality a proper By-law under the Municipal Act for the purpose of so fixing the said assessment.

8. The Corporation shall also make application to the Legislative Assembly of the Province of Ontario for the enactment of provisions in the said, or in another Special Act which will authorize, validate, and confirm this Agreement and all its terms and provisions as well as all things to be done in pursuance thereof.

9. The Corporation shall also by its Council use every endeavour to give full effect to all the terms of this Agreement and to secure the necessary legislative sanction and approval.

10. This Agreement shall bind and enure to the benefit of the parties and their successors and assigns respectively.

In witness whereof the said Corporation has affixed its Corporate seal, attested by the hands of its Mayor and Clerk, and the Kingston Elevator Company, Limited has affixed its Corporate Seal and signed by its President and Secretary-Treasurer.

SIGNED, SEALED AND DELIVERED  
in the presence of

M. E. BALL  
As to signatures of Mayor and  
City Clerk.

H. A. CRESSWELL.  
As to signatures of Vice-President  
and Secretary

W. H. CRAIG,  
*Mayor.*

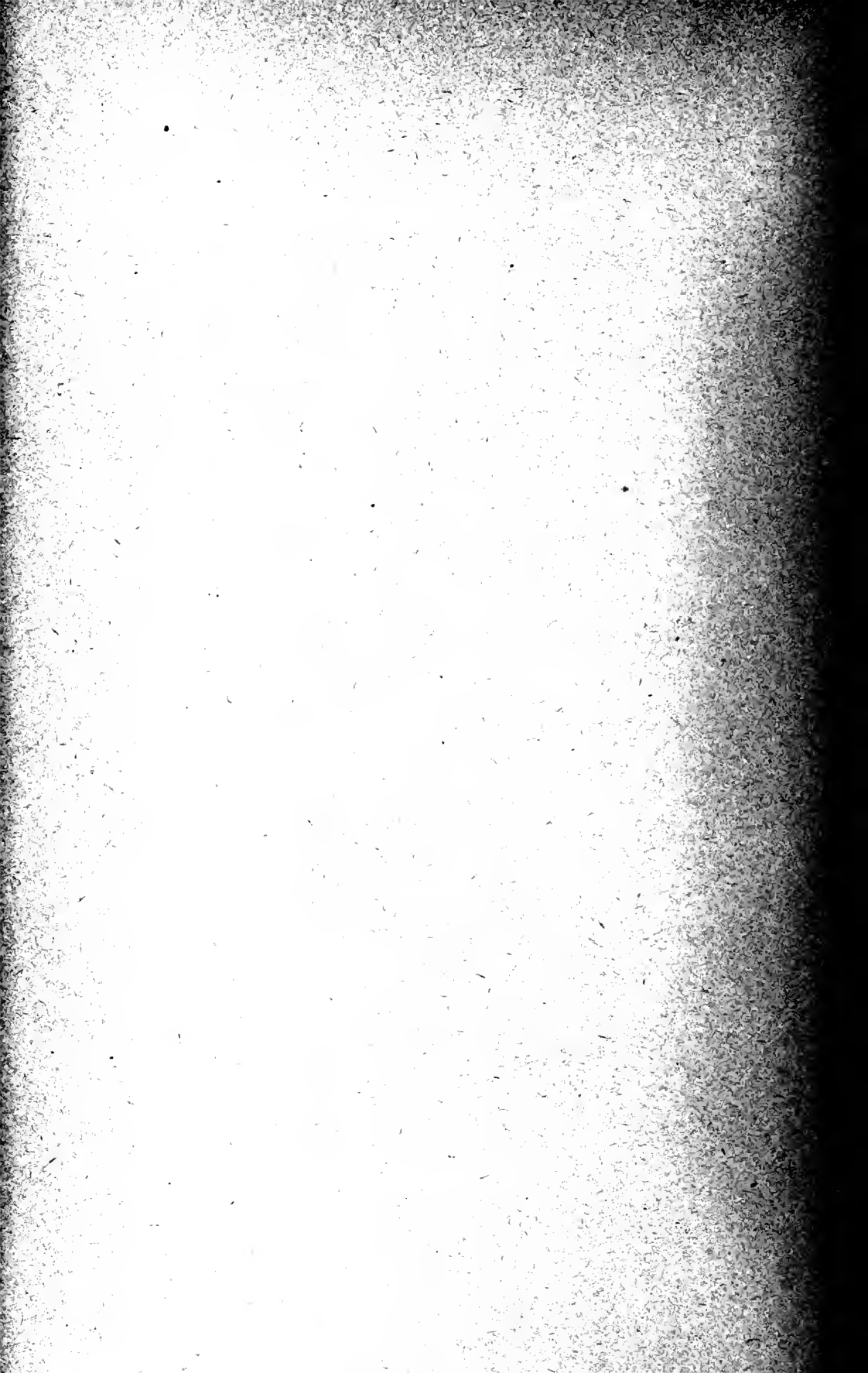
W. W. SANDS,  
*City Clerk.*  
[SEAL]

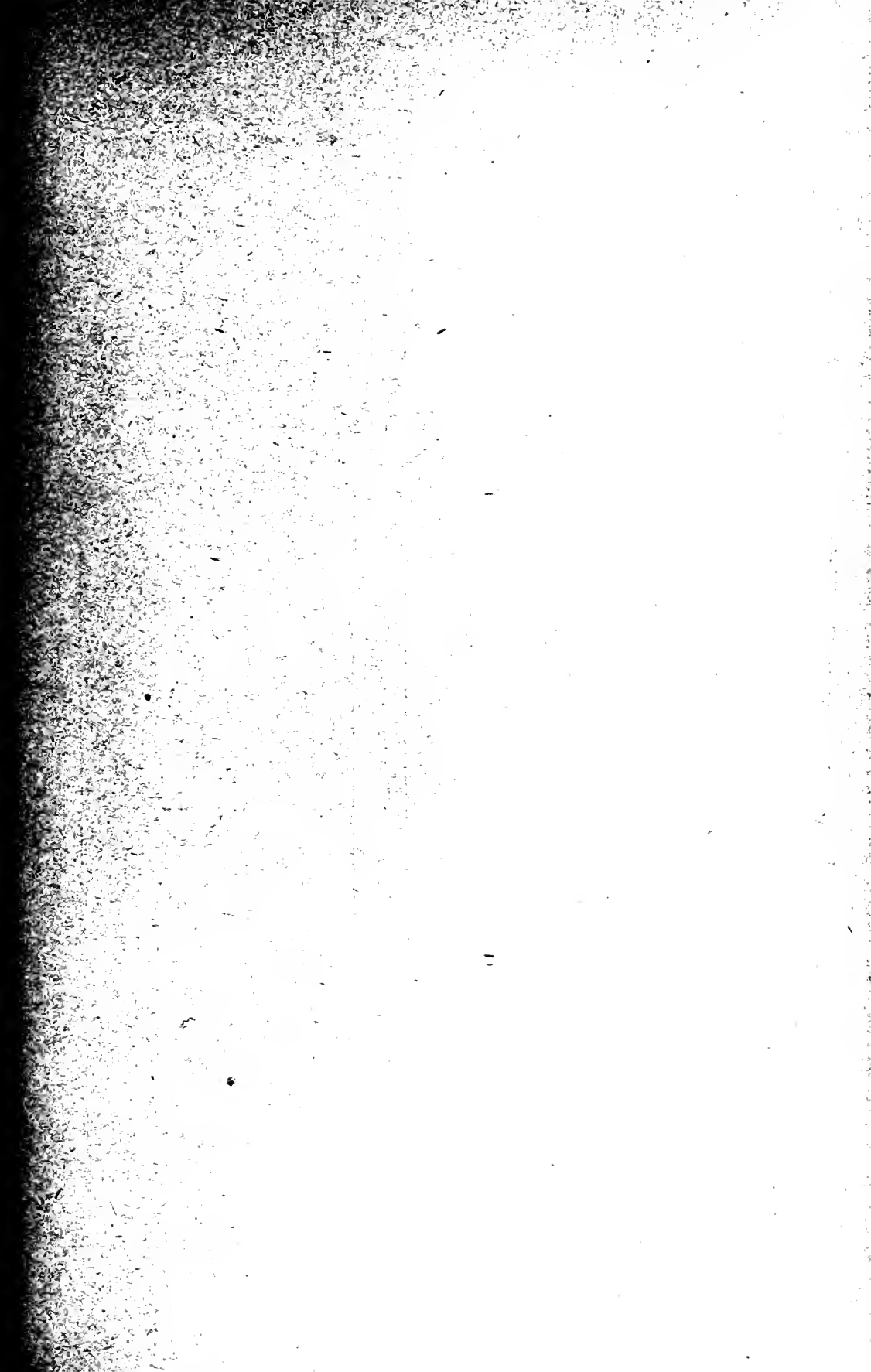
KINGSTON ELEVATOR COMPANY LTD.

By T. R. ENDERBY,  
*Vice-President.*

and R. B. THOMSON,  
*Secretary.*







An Act respecting the City of Kingston

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. SKINNER

(PRIVATE BILL)

No. 26

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the City of Kingston**

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MR. SKINNER

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(PRIVATE BILL)

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 26.

1930.

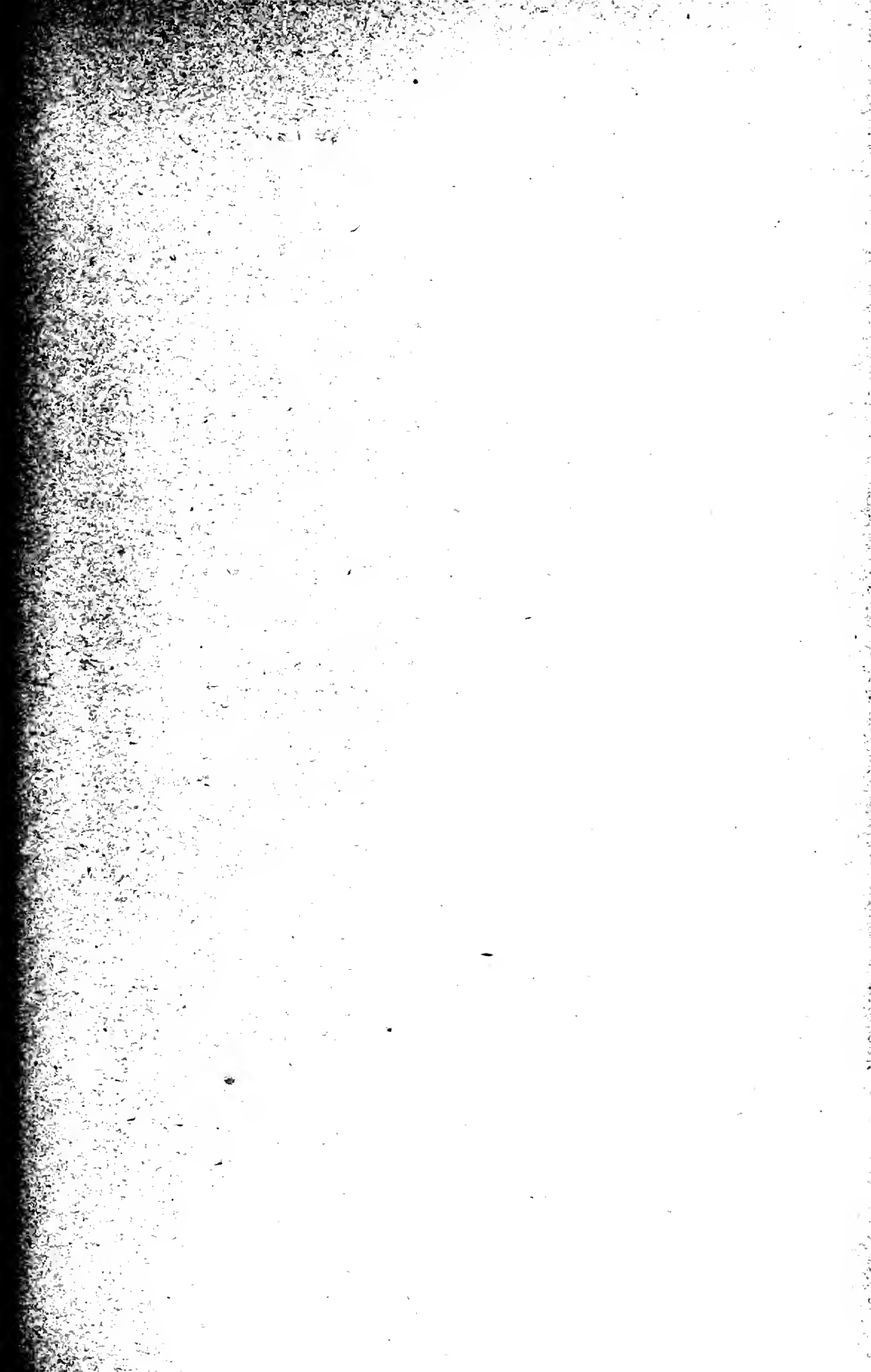
# BILL

An Act respecting the City of Kingston.

**Preamble:**

**W**HEREAS the corporation of the city of Kingston has by petition, represented that By-law No. 45, 1929, was duly submitted to the electors of the corporation qualified to vote thereon for their assent under the provisions of *The Municipal Act*, and that said electors have duly voted in favour thereof and that the said by-law was subsequently passed by the affirmative vote of three-fourths of all the members of the council of the said corporation, and that the agreement hereinafter set out as schedule "A" hereto was duly approved by the council of the corporation and was executed by the mayor and clerk on behalf of said corporation, and by the proper officers of the Kingston Elevator Company on behalf of said company, and has prayed that the said by-law and agreement should be validated and confirmed and that the corporation should be authorized and empowered to use part of the proceeds of said debentures for the purchase of certain lands and water lots, situate without the limits of said corporation and within the township of Kingston in the county of Frontenac, for the construction of a railway siding over, along and across the west half of lot 15, in the 2nd concession, and lots 14 and 15 in the 1st concession of said township to the site of the said elevator, and to construct such siding and to annex to the city of Kingston the lands and lands covered by water hereinafter described, but subject to an adjustment of assets and liabilities between said township and said city as if said lands were so annexed under the provisions of *The Municipal Act*, and to convey certain parts of the above mentioned lands and lands covered with water, to said Elevator Company as a site for said elevator, and to grant a fixed assessment thereon of \$50,000, exclusive of local improvement and school taxes, for a term of ten years, without the assent of the electors; 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 Kingston Act, 1930.*

By-law 45 of 1929 and agreement confirmed.

2.(1) *Subject to the provisions of subsections (2) and (3),* By-law No. 45, 1929, of the corporation of the city of Kingston, *to borrow \$80,000 for the purposes therein set out,* and the agreement set forth in schedule "A" hereto between the corporation and Kingston Elevator Co., Ltd., are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and upon Kingston Elevator Co., Ltd., and the said Corporation is hereby authorized and empowered to do all acts and things necessary for the due fulfilment and proper carrying out of the said by-law and the said agreement.

Pending litigation not affected.

(2) Nothing in subsection 1 or in the said agreement shall be construed as affecting the rights of parties in any action or litigation now pending which involves any question as to the title to the lands to be conveyed to the company.

Conveyance to provide for railway sidings.

(3) The conveyance from the city to the company of the lands mentioned in schedule "A" hereto shall make proper provision for the construction and operation upon and over said lands of all railway sidings necessary to serve the property lying to the east of such lands without indemnity to the company.

Power to pass by-law fixing assessment of elevator and lands.

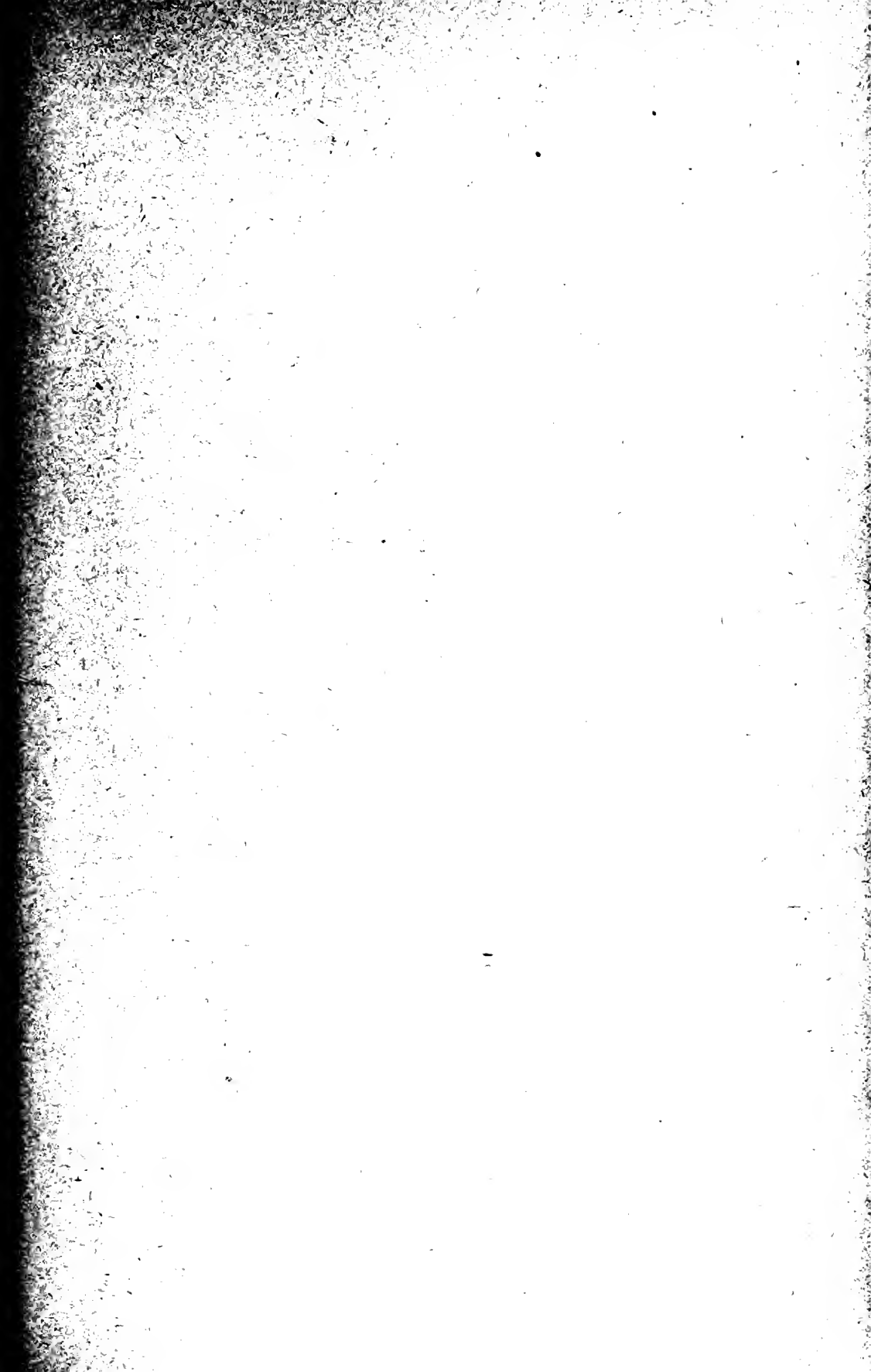
3. The said corporation may without the assent of the electors pass a by-law fixing the assessment of the elevator and lands, trackage and dockage in connection therewith including business assessment of the said Kingston Elevator Company, Ltd., for the ten years next following the first day of January after the completion of the said elevator at \$50,000 a year for all purposes except for school purposes and local improvements.

Debentures issued confirmed.

4. The debentures issued or to be issued under the provisions of the said By-law No. 45, 1929, are hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Certain territory annexed to city of Kingston.


5.—(1) Part of lots 14 and 15 in the first concession of the township of Kingston and of the water lots in front thereof hereinafter described are hereby detached from the said township and shall be deemed to be annexed for all purposes to the city of Kingston, that is to say, a strip of land 1,000 feet in width, no more and no less, throughout its length, and being 500 feet on either side of the centre line of the railway

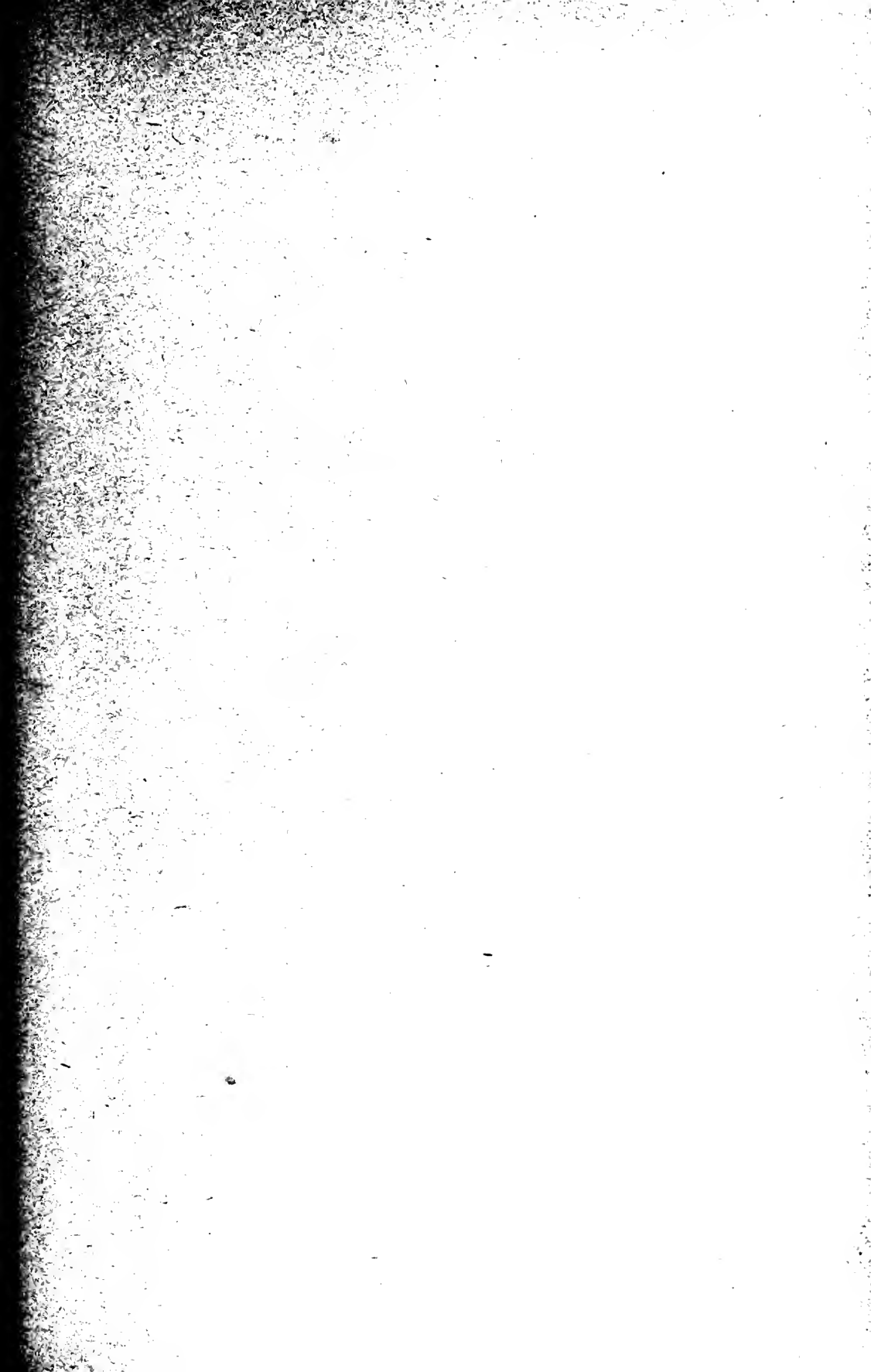


siding when constructed to the said elevator and running from the northerly limit of the said lots to the southerly limit of concession 1.

Commencing at a point where the line of the easterly face of the dock of the Kingston Elevator Company produced intersects the southerly limit of concession 1, thence southerly south 19° 30' east along the line of the face of the said dock to a point where said line produced southerly would intersect the extension of the westerly production of the harbour line of the city of Kingston, thence westerly at a right angle to said line, 1,000 feet, thence northerly and parallel to said line to a point in the southerly limit of concession 1, thence easterly along the southerly limit of concession 1 to the place beginning. Together with all the land covered in the grant from the Crown to the city of Kingston dated the 9th day of November, 1929, and recorded the 18th day of November, 1929, in book L324, folio 135, under the hand of F. Costello, Deputy Provincial Registrar.

Assets and liabilities.

(2) There shall be no adjustment of assets and liabilities between the city and the township on account of the annexation of the said strip, but the township shall be entitled to the taxes thereon for the year 1930 



## SCHEDULE "A"

MEMORANDUM OF AGREEMENT made at the City of Kingston, this 20th day of February, A.D. 1930.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF KINGSTON,  
hereinafter called the Corporation,

of the First Part,

—AND—

KINGSTON ELEVATOR COMPANY, LIMITED, of the same place,  
hereinafter called the Company,

of the Second Part.

Whereas the parties desire to validate and consummate an Agreement whereby the Company will undertake to erect and operate a grain elevator, and the Corporation will undertake to acquire and convey certain lands, and lands covered by water, to the Company, as a site for the said elevator, to grant or procure fixed assessment thereon, to provide rail connection between the main line of the Canadian National Railway and the said elevator to be used on the terms and conditions hereinafter set out.

And whereas the Company has commenced construction of a grain elevator of a capacity of 2,500,000 bushels, and the Corporation has given notice of intention to apply to the Legislative Assembly of the Province of Ontario for a Special Act to authorize this and other agreements.

Now therefore this indenture witnesseth that in consideration of the premises, and the stipulations and covenants herein on the part of the parties severally contained, the parties hereto covenant, promise and agree each with the other of them as follows:

1. The Company shall construct a transfer and storage elevator of modern design and substantial construction, with a storage of not less than 2,500,000 bushels of grain, together with the necessary wharfage and dockage facilities.

2. The Company shall operate and maintain the said elevator for a period of at least ten years, provided such operation and maintenance is not prevented by the intervention of an Act of God, *vis major*, fire, lightning, flood, tempest, explosion or other cause beyond the reasonable anticipation or control of the Company.

3. The Company shall without any obligation to do any special act, or to incur any expense, allow access to the proposed elevator to all Railways now or hereafter desirous to securing access for the purpose of carrying grain to and from the same.

4. The Corporation shall convey and assure or cause to be conveyed and assured to the Company by a good and sufficient Deed or Transfer in fee simple all those pieces or parcels of lands and premises hereinafter described, together with the appurtenances, save as hereinafter set out, thereto belonging or appertaining, namely:—

Firstly, those parts of the Water Lots in front of lots 14 and 15 in the First Concession of the Township of Kingston, in the County of Frontenac and Province of Ontario, and those parts of the said lots, already conveyed to the Corporation by Grant from the Crown dated 1929, and by conveyance from Henry E. Day, dated July 2nd, 1929.

Secondly, those parts of the said Township Lots consisting of the strip of land on the bank between the travelled road and the parts of water lots above-mentioned, together with a surrender and release of all claims on the part of the owners of the said Township Lots to any right of access to or from the waters of Cataraqui Bay over the land and water lots hereby intended to be conveyed.



5. The Corporation shall provide a railway siding from the main line of the Canadian National Railways to the said elevator, and maintain the same during the currency of this Agreement, or any renewal or renewals thereof, and the Company shall enjoy the use of the said siding at all times free of charge.

6. For the purpose of access to the remainder of the land or land covered by water in Cataraqui Bay the Corporation as owner of the said railway siding, and the owner or owners of the said remainder of said lands shall have the right to use in common with the Company the said siding or any siding connecting with any other railway right-of-way upon entering into a satisfactory Agreement in respect to such joint use.

7. The Corporation shall also make application to the Legislative Assembly of Ontario for provision in the said Special Act fixing the assessment of the said elevator and lands, trackage and dockage in connection therewith, including any business assessment, for the period of ten years next following the first day of January after the completion of the said elevator, at the sum of \$50,000, with the further provision that this shall not apply to or affect taxation for school purposes or local improvements, and also dispensing with the requirement of submission of a By-law to the electors of the said or any other municipality for the purposes of so fixing the assessment; and will endeavour to secure the said provisions for fixed assessment and in the event that the assessment is not so fixed by the said Special Act the Corporation will, through its Council, submit to the electors of the Municipality a proper By-law under the Municipal Act for the purpose of so fixing the said assessment.

8. The Corporation shall also make application to the Legislative Assembly of the Province of Ontario for the enactment of provisions in the said, or in another Special Act which will authorize, validate, and confirm this Agreement and all its terms and provisions as well as all things to be done in pursuance thereof.

9. The Corporation shall also by its Council use every endeavour to give full effect to all the terms of this Agreement and to secure the necessary legislative sanction and approval.

10. This Agreement shall bind and enure to the benefit of the parties and their successors and assigns respectively.

In witness whereof the said Corporation has affixed its Corporate seal, attested by the hands of its Mayor and Clerk, and the Kingston Elevator Company, Limited has affixed its Corporate Seal and signed by its President and Secretary-Treasurer.

SIGNED, SEALED AND DELIVERED  
in the presence of

M. E. BALL  
As to signatures of Mayor and  
City Clerk.

H. A. CRESSWELL.  
As to signatures of Vice-President  
and Secretary

W. H. CRAIG,  
*Mayor.*

W. W. SANDS,  
*City Clerk.*  
[SEAL]

KINGSTON ELEVATOR COMPANY LTD.  
By T. R. ENDERBY,  
*Vice-President.*  
and R. B. THOMSON,  
*Secretary.*





BILL

An Act respecting the City of Kingston

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*1st Reading*

February 18th, 1930

*2nd Reading*

*3rd Reading*

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MR. SKINNER

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

No. 26

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the City of Kingston**

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MR. SKINNER

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 26.

1930.

# BILL

An Act respecting the City of Kingston.

Preamble

**W**HEREAS the corporation of the city of Kingston has by petition, represented that By-law No. 45, 1929, was duly submitted to the electors of the corporation qualified to vote thereon for their assent under the provisions of *The Municipal Act*, and that said electors have duly voted in favour thereof and that the said by-law was subsequently passed by the affirmative vote of three-fourths of all the members of the council of the said corporation, and that the agreement hereinafter set out as schedule "A" hereto was duly approved by the council of the corporation and was executed by the mayor and clerk on behalf of said corporation, and by the proper officers of the Kingston Elevator Company on behalf of said company, and has prayed that the said by-law and agreement should be validated and confirmed and that the corporation should be authorized and empowered to use part of the proceeds of said debentures for the purchase of certain lands and water lots situate without the limits of said corporation and within the township of Kingston in the county of Frontenac, for the construction of a railway siding over, along and across the west half of lot 15, in the 2nd concession, and lots 14 and 15 in the 1st concession of said township to the site of the said elevator, and to construct such siding and to annex to the city of Kingston the lands and lands covered by water hereinafter described, and to convey certain parts of the above mentioned lands and lands covered with water, to said Elevator Company as a site for said elevator, and to grant a fixed assessment thereon of \$50,000, exclusive of local improvement and school taxes, for a term of ten years, without the assent of the electors; 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 Kingston Act, 1930*. Short title.

2.—(1) Subject to the provisions of subsections 2 and 3, By-law 45 of 1929 and agreement confirmed. By-law No. 45, 1929, of the corporation of the city of Kingston, to borrow \$80,000 for the purposes therein set out, and the agreement set forth in schedule "A" hereto between the corporation and Kingston Elevator Co., Ltd., are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and upon Kingston Elevator Co., Ltd., and the said Corporation is hereby authorized and empowered to do all acts and things necessary for the due fulfilment and proper carrying out of the said by-law and the said agreement.

(2) Nothing in subsection 1 or in the said agreement shall be construed as affecting the rights of parties in any action or litigation now pending which involves any question as to the title to the lands to be conveyed to the company. Pending litigation not affected.

(3) The conveyance from the city to the company of the lands mentioned in schedule "A" hereto shall make proper provision for the construction and operation upon and over said lands of all railway sidings necessary to serve the property lying to the east of such lands without indemnity to the company. Conveyance to provide for railway sidings.

3. The said corporation may without the assent of the electors pass a by-law fixing the assessment of the elevator and lands, trackage and dockage in connection therewith including business assessment of the said Kingston Elevator Company, Ltd., for the ten years next following the first day of January after the completion of the said elevator at \$50,000 a year for all purposes except for school purposes and local improvements. Power to pass by-law fixing assessment of elevator and lands.

4. The debentures issued or to be issued under the provisions of the said By-law No. 45, 1929, are hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof. Debentures issued confirmed.

5.—(1) Part of lots 14 and 15 in the first concession of the township of Kingston and of the water lots in front thereof hereinafter described are hereby detached from the said township and shall be deemed to be annexed for all purposes to the city of Kingston, that is to say, firstly, a strip of land 1,000 feet in width, no more and no less, throughout its length, and being 500 feet on either side of the centre line of the railway siding when constructed to the said elevator and running from the northerly limit of the said lots to the southerly limit of concession 1, and secondly, commencing at a point where the line of the easterly face of the dock of the Kingston Elevator Certain territory annexed to city of Kingston.

Company produced intersects the southerly limit of concession 1, thence southerly south 19' 30 east along the line of the face of the said dock to a point where said line produced southerly would intersect the extension of the westerly production of the harbour line of the city of Kingston, thence westerly at a right angle to said line, 1,000 feet, thence northerly and parallel to said line to a point in the southerly limit of concession 1, thence easterly along the southerly limit of concession 1 to the place of beginning. Together with all the land covered in the grant from the Crown to the city of Kingston, dated the 9th day of November, 1929, and recorded the 18th day of November, 1929, in book L324, folio 135, under the hand of F. Costello, Deputy Provincial Registrar.

Assets and liabilities.

(2) There shall be no adjustment of assets and liabilities between the city and the township on account of the annexation of the said strip, but the township shall be entitled to the taxes thereon for the year 1930.

Commencement of Act.

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

## SCHEDULE "A"

MEMORANDUM OF AGREEMENT made at the City of Kingston, this 20th day of February, A.D. 1930.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF KINGSTON,  
hereinafter called the Corporation,  
of the First Part,

—AND—

KINGSTON ELEVATOR COMPANY, LIMITED, of the same place,  
hereinafter called the Company,  
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Whereas the parties desire to validate and consummate an Agreement whereby the Company will undertake to erect and operate a grain elevator, and the Corporation will undertake to acquire and convey certain lands, and lands covered by water, to the Company, as a site for the said elevator, to grant or procure fixed assessment thereon, to provide rail connection between the main line of the Canadian National Railway and the said elevator to be used on the terms and conditions hereinafter set out.

And whereas the Company has commenced construction of a grain elevator of a capacity of 2,500,000 bushels, and the Corporation has given notice of intention to apply to the Legislative Assembly of the Province of Ontario for a Special Act to authorize this and other agreements.

Now therefore this indenture witnesseth that in consideration of the premises, and the stipulations and covenants herein on the part of the parties severally contained, the parties hereto covenant, promise and agree each with the other of them as follows:

1. The Company shall construct a transfer and storage elevator of modern design and substantial construction, with a storage of not less than 2,500,000 bushels of grain, together with the necessary wharfage and dockage facilities.
2. The Company shall operate and maintain the said elevator for a period of at least ten years, provided such operation and maintenance is not prevented by the intervention of an Act of God, *vis major*, fire, lightning, flood, tempest, explosion or other cause beyond the reasonable anticipation or control of the Company.
3. The Company shall without any obligation to do any special act, or to incur any expense, allow access to the proposed elevator to all Railways now or hereafter desirous to securing access for the purpose of carrying grain to and from the same.
4. The Corporation shall convey and assure or cause to be conveyed and assured to the Company by a good and sufficient Deed or Transfer in fee simple all those pieces or parcels of lands and premises hereinafter described, together with the appurtenances, save as hereinafter set out, thereto belonging or appertaining, namely:—

Firstly, those parts of the Water Lots in front of lots 14 and 15 in the First Concession of the Township of Kingston, in the County of Frontenac and Province of Ontario, and those parts of the said lots, already conveyed to the Corporation by Grant from the Crown dated 1929, and by conveyance from Henry E. Day, dated July 2nd, 1929.

Secondly, those parts of the said Township Lots consisting of the strip of land on the bank between the travelled road and the parts of water lots above-mentioned, together with a surrender and release of all claims on the part of the owners of the said Township Lots to any right of access to or from the waters of Cataraqui Bay over the land and water lots hereby intended to be conveyed.

5. The Corporation shall provide a railway siding from the main line of the Canadian National Railways to the said elevator, and maintain the same during the currency of this Agreement, or any renewal or renewals thereof, and the Company shall enjoy the use of the said siding at all times free of charge.

6. For the purpose of access to the remainder of the land or land covered by water in Catarqui Bay the Corporation as owner of the said railway siding, and the owner or owners of the said remainder of said lands shall have the right to use in common with the Company the said siding or any siding connecting with any other railway right-of-way upon entering into a satisfactory Agreement in respect to such joint use.

7. The Corporation shall also make application to the Legislative Assembly of Ontario for provision in the said Special Act fixing the assessment of the said elevator and lands, trackage and dockage in connection therewith, including any business assessment, for the period of ten years next following the first day of January after the completion of the said elevator, at the sum of \$50,000, with the further provision that this shall not apply to or affect taxation for school purposes or local improvements, and also dispensing with the requirement of submission of a By-law to the electors of the said or any other municipality for the purposes of so fixing the assessment; and will endeavour to secure the said provisions for fixed assessment and in the event that the assessment is not so fixed by the said Special Act the Corporation will, through its Council, submit to the electors of the Municipality a proper By-law under the Municipal Act for the purpose of so fixing the said assessment.

8. The Corporation shall also make application to the Legislative Assembly of the Province of Ontario for the enactment of provisions in the said, or in another Special Act which will authorize, validate, and confirm this Agreement and all its terms and provisions as well as all things to be done in pursuance thereof.

9. The Corporation shall also by its Council use every endeavour to give full effect to all the terms of this Agreement and to secure the necessary legislative sanction and approval.

10. This Agreement shall bind and enure to the benefit of the parties and their successors and assigns respectively.

In witness whereof the said Corporation has affixed its Corporate seal, attested by the hands of its Mayor and Clerk, and the Kingston Elevator Company, Limited has affixed its Corporate Seal and signed by its President and Secretary-Treasurer.

SIGNED, SEALED AND DELIVERED  
in the presence of

M. E. BALL  
As to signatures of Mayor and  
City Clerk.

H. A. CRESSWELL.  
As to signatures of Vice-President  
and Secretary

W. H. CRAIG,  
*Mayor.*

W. W. SANDS,  
*City Clerk.*  
[SEAL]

KINGSTON ELEVATOR COMPANY LTD.  
By T. R. ENDERBY,  
*Vice-President.*  
and R. B. THOMSON,  
*Secretary.*





An Act respecting the City of Kingston

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*1st Reading*

February 18th, 1930

*2nd Reading*

March 28th, 1930

*3rd Reading*

March 28th, 1930

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MR. SKINNER

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No. 27

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the Town of Sandwich.

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MR. REID.

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(PRIVATE BILL)

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TORONTO  
PRINTED BY HERBERT H. BALL,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 27.

1930.

# BILL

An Act respecting the Town of Sandwich.

Preamble.

**W**HEREAS the town of Sandwich has by its petition represented that certain by-laws of the said town require validation and that it is desirable that a certain agreement with The Hydro-Electric Power Commission of Ontario for the moving of the railway tracks on Sandwich Street in the said town be authorized and that the redistribution of the local improvement rates amongst the lots in Marlborough Park as resubdivided be confirmed; and whereas the said municipal corporation has prayed that an Act be passed for the above 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, 1930.*

By-laws  
1629-1631,  
1733-1763,  
1981,  
confirmed.

**2.** By-laws of the town of Sandwich numbered 1629 to 1631, 1733 to 1736, all inclusive and by-law number 1665 authorizing the borrowing of \$11,635.12 by the issue of debentures to pay the cost of certain ornamental lights constructed under the provisions of *The Local Improvement Act* and by-law number 1981 consolidating the same 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.

Rev. Stat.,  
c. 235.

By-laws  
1625-1628,  
1657,  
confirmed.

**3.** By-laws of the town of Sandwich numbered 1625 to 1628, inclusive, authorizing the borrowing of the sum of \$2,653.71 by the issue of debentures to pay the cost of certain sidewalks and watermains constructed under the provisions of *The Local Improvement Act* and by-law number 1657 consolidating the same 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-law 1765,  
confirmed.

4. By-law number 1765 of the town of Sandwich authorizing the borrowing of the sum of \$9,400.12 to pay the cost of a storm sewer on Partington Avenue constructed under *The Local Improvement Act* 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-law 1924,  
confirmed.

5. By-law number 1924 of the town of Sandwich authorizing the borrowing of the sum of \$2,563.94 by the issue of debentures to pay the cost of certain ornamental lights on Indian Road constructed under the provisions of *The Local Improvement Act* 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.

Rev. Stat.,  
c. 235.

By-law 1925,  
confirmed.

6. By-law number 1925 of the town of Sandwich authorizing the borrowing of the sum of \$5,116.99 by the issue of debentures to pay the cost of certain ornamental lights on Rosedale Avenue constructed under the provisions of *The Local Improvement Act* 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-law 1926,  
confirmed.

7. By-law number 1926 of the town of Sandwich authorizing the borrowing of the sum of \$22,000 by the issue of debentures to pay the cost of the widening of Sandwich Street between Rosedale Avenue and Detroit Street under the provisions of *The Local Improvement Act* 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-law 1927,  
confirmed.

8. By-law number 1927 of the town of Sandwich authorizing the borrowing of the sum of \$36,055.33 by the issue of debentures to pay the cost of paving Sandwich Street between Rosedale Avenue and Detroit Street constructed under the provisions of *The Local Improvement Act* 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-law 1923,  
confirmed.

9. By-law number 1923 of the town of Sandwich authorizing the borrowing of \$4,000 by the issue of debentures to pay the cost of purchasing and installing fire hydrants 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-law 1891, re agreement with Power Commission of Ontario, confirmed.

**10.** By-law number 1891 of the municipal corporation of the town of Sandwich authorizing the entering into an agreement with The Hydro-Electric Power Commission of Ontario for the moving of the railway tracks on Sandwich Street and the said agreement, dated the 25th day of September, 1929, as set out in Schedule "1" to this Act are hereby declared to be legal, valid and binding upon the said corporation.

Plan resubdividing Marlborough Park, confirmed.

**11.** The plan of subdivision prepared by C. R. McColl, O.L.S., dated the 23rd day of January, 1930, resubdividing part of Marlborough Park lying between the Huron Line and the Prince Road in the town of Sandwich is hereby declared to be a legal subdivision and the Registrar of Deeds for the Registry Division of the county of Essex is hereby empowered and directed to accept the said plan for registration upon payment of the fees prescribed by *The Registry Act*.

Rev. Stat., c. 155.

Apportionment of local improvement rates in Marlborough Park subdivision.

**12.** By-law number 1980 of the town of Sandwich set out in Schedule "2" hereto apportioning certain local improvement rates amongs the lots in the resubdivisions of Marlborough Park in the said town and the roll appearing as schedule "A" thereto are hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and each amount set out therein is hereby declared to be a charge upon the lot opposite which it appears under the provisions of *The Assessment Act* and may be collected thereunder in the same manner as other municipal taxes are collected.

Rev. Stat., c. 238.

Commencement of Act.

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





## SCHEDULE "1"

BY-LAW NUMBER 1891 OF THE TOWN OF SANDWICH.

A By-law to authorize the execution of an agreement with the Hydro-Electric Power Commission of Ontario for the widening of Sandwich Street from Rosedale Avenue to Detroit Street.

Whereas it is desirable to widen Sandwich Street in the Town of Sandwich between Rosedale Avenue and Detroit Street by acquiring the present right-of-way of the Hydro-Electric Power Commission of Ontario and moving the tracks to the centre of the street as widened.

And whereas it is necessary to enter into an agreement with the Hydro-Electric Power Commission of Ontario in order to carry out such work.

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

1. The Mayor and Clerk be and they are hereby authorized to execute on behalf of the Town of Sandwich and to seal with the Corporate seal of the Town, a certain agreement between the Hydro-Electric Power Commission of Ontario of the First Part and the Municipal Corporation of the Town of Sandwich of the Second Part dated the 23rd day of September, 1929, a copy of which is attached as Schedule "A" hereto and deliver up the original thereof to the Hydro-Electric Power Commission of Ontario upon receipt of a duplicate original duly executed by the proper officers of the Hydro-Electric Power Commission of Ontario.

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

Read first time, September 23rd, 1929.

Read second time, September 23rd, 1929.

Read third time, September 23rd, 1929.

(Sgd.) ERNEST THRASHER, *Mayor*.

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

## SCHEDULE "2"

BY-LAW NUMBER 1980 OF THE TOWN OF SANDWICH.

A By-law to provide for the redistribution of the local improvement rates and other taxes amongst the lots in Marlborough Park.

Whereas the Marlborough Park Subdivision was laid out according to Plan 673 into six hundred and fifty-five (655) lots with numerous streets both straight and curved and intersecting one another at varying angles.

And whereas the taxes for a number of years upon the said lots got seriously in arrear and the owner in order to finance the payment of the arrears was obliged to resubdivide a large number of the lots and to lay out new streets which did not coincide with the old ones and also alleys and this left numerous corners, strips and irregular parts of the old lots amongst which the general taxes and the local improvement rates had to be apportioned.

And whereas such a resubdivision and alteration of the lots and of the streets and alleys in the said Park has occurred on more than one occasion namely at the time of the registration of Plans 1059 and 1344.



And whereas at the present time another resubdivision for a similar purpose has been completed.

And whereas the effect of the successive subdivisions has been to so complicate the apportionment of the taxes and especially of the local improvement rates amongst the parts of lots that doubt has been thrown upon the right of the Municipal Corporation to take proceedings for the recovery of the taxes by way of sale of the remaining parts of lots for arrears.

And whereas owing to the widening of the Huron Line a sum of money is coming due to the owner of the said lands which will enable the Corporation to recover the present arrears and it is desirable that the new plan should be registered and the redistribution of the taxes amongst the lots as so resubdivided be made certain.

And whereas the Treasurer and the Engineer of the Corporation have prepared a roll showing the redistribution of the taxes and local improvement rates amongst the said lots as so finally resubdivided.

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

1. The Corporation of the Town of Sandwich hereby adopts the plan of subdivision of C. R. McColl, dated the 23rd day of January, 1930, and consents to its registration under the provisions of *The Planning and Development Act*, being Chapter 236, Revised Statutes of Ontario, 1927.

2. The amounts appearing opposite each lot in the said Marlborough Park Subdivisions under the respective by-law number as set out in Schedule "A" hereto are hereby declared to be the true proportions of the Local Improvement rates payable each year in respect of the said lots under the said by-laws during their currency and to be the amounts chargeable upon the same under the provisions of *The Assessment Act*.

3. The amounts appearing opposite each lot in the said Marlborough Park Subdivisions under the heading "Arrears 1929" as set out in Schedule "A" hereto are hereby declared to be the true proportions of the local improvement rates and general taxes payable for the year 1929 in respect of the said lots and the same are hereby declared to be the amounts chargeable upon the said lots under the provisions of *The Assessment Act*.

4. The amounts appearing opposite each lot in the said Marlborough Park Subdivisions under the heading "Arrears up to December 31st, 1928" as set out in Schedule "A" hereto are hereby declared to be the true proportions of the local improvement rates and general taxes in arrear on and before the 31st of December, 1928, in respect of the said lots and the same are hereby declared to be the amounts chargeable upon the said lots under the provisions of *The Assessment Act*.

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

Read first time, January 23rd, 1930.

Read second time, January 23rd, 1930.

Read third time, January 23rd, 1930.

M. LONEY, *Mayor*.

E. R. NORTH, *Clerk*.



## Schedule "A"

This Agreement made in duplicate this 23rd day of September, A.D. 1929.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
hereinafter called the "Commission,"

of the first part;

—and—

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

of the second part.

Whereas under *The Hydro-Electric Railway Act, 1914*, and amendments thereto and the Agreement, dated the First day of January, 1920, between the Commission of the one part and the Town and other Municipal Corporations of the other part, which Agreement was confirmed and validated by *The Hydro-Electric Railway Act, 1920*, the Commission holds and operates the Street Railway in the Town of Sandwich formerly known as The Sandwich, Windsor and Amherstburg Railway, and all the works, property and effects of the said Railway or held or used in connection therewith, are vested in the Commission;

And whereas part of the said Railway in the Town of Sandwich between Rosedale Avenue and Detroit Street is located on the lands hereinafter more particularly described being part of the said property vested in the Commission;

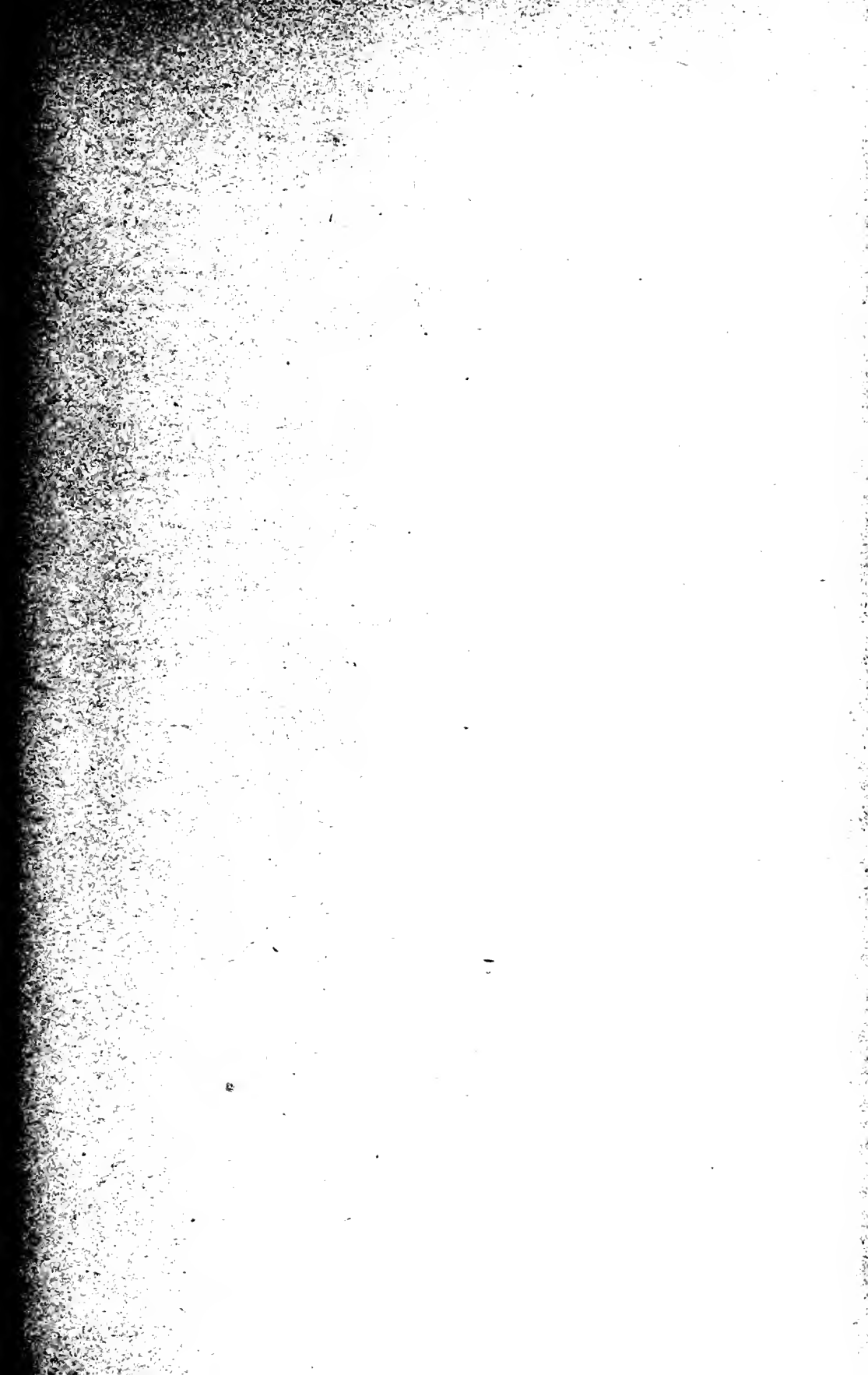
And whereas the Town desires to widen Sandwich Street in the Town of Sandwich between the said Rosedale Avenue and Detroit Street, and for such purposes desires to acquire the said lands and desires the tracks of the said Railway to be moved to the centre of the roadway as so widened, and the Commission is willing to co-operate with the Town for such purposes on the terms and conditions herein contained;

Now therefore this Agreement witnesseth that in consideration of the premises and the other considerations herein contained, the parties hereto covenant, promise and agree as follows:—

1. The Commission shall convey to the Town all its right, title, interest, claim and demand in, to or out of the said lands which may be more particularly described as follows:—

All and singular that certain parcel or tract of land situate, lying and being in the Town of Sandwich in the County of Essex and being composed of that certain strip of land adjoining the southeasterly side of Sandwich Street between the westerly side of Rosedale Avenue and the northerly side of Detroit Street more particularly described in two certain Conveyances, namely, the Conveyance dated the twenty-first day of May, 1874, and registered the second day of June, 1874, in Book "C" for the Town of Sandwich as Number 1160 from H. J. T. Garrett and Alexander Wilkinson, trustees under the marriage settlement of Emma Agnes Garrett to the Sandwich and Windsor Passenger Railway Company, and the Conveyance, dated the thirtieth day of October, 1906, and registered the sixth day of November, 1906, in the said Registry Office in Book "J" for the Town of Sandwich as Number 4584 from Harwood O. Fleming to The Sandwich, Windsor and Amherstburg Railway Company.

2. The Commission at its own expense shall remove the tracks of the said Railway from their present position on the said lands and shall reconstruct the same in the location, grade and level shown on the Plan of the said widened Sandwich Street attached to this Agreement and marked "A" and forming part hereof.



3. The Commission at its own expense shall remove all the poles, wires, conductors and overhead construction for the said Railway and all its other poles, wires and transmission lines from the said lands, and shall replace the poles for Railway overhead construction with iron or steel poles of standard design similar to that used by the Commission in similar locations elsewhere for the said Railway, which shall be drilled and ready for the installation of ornamental bracket street lights, and shall replace its other poles and wires with poles and wires of similar construction to that used by the Commission elsewhere in similar locations and shall set all the said poles back of the curb shown on the said Plan.

4. The Commission at its own expense shall pave level with the top of the rails of its said new track that portion of the said widened Sandwich Street between Rosedale Avenue and Detroit Street lying between the outside rails of the said tracks and outside thereof for a distance of Fifteen Inches (15") from the gauge side of the said outside rails and shall construct the said pavement with concrete pavement of sufficient thickness for the purposes of the Commission and in a manner acceptable to the Engineer of the Town.

5. The Town shall pay to the Commission the sum of Twenty-one Thousand Dollars (\$21,000.00) of lawful money of Canada at Windsor, Ontario, on completion of the said work of track reconstruction and pavement, as full compensation for the land conveyed to the Town as aforesaid.

6. The Town shall pay to the Commission the actual cost to the Commission as shown by the Commission's books of the said pavement and shall pay the said cost to the Commission in lawful money of Canada at Windsor, Ontario, after the completion of the said pavement and within Thirty (30) days from the date when the Commission shall have rendered a bill therefor to the Town.

In witness whereof the Parties hereto have caused this Agreement to be executed under their corporate seals attested by the hands of their proper officers duly authorized thereto.

SIGNED, SEALED AND DELIVERED

in the presence of:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH, *Chairman.*

*Recommended*

(Sgd.) W. W. POPE, *Secretary.*

..... 19...

.....  
Eng. Dept.

THE CORPORATION OF THE TOWN OF SANDWICH.

Sept. 24, 1929.

(Sgd.) W. R. ROBERTSON,

(Sgd.) M. LONEY, *Mayor.*

Dept.

Sept. 24, 1929.

(Sgd.) GEORGE HANNA,

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

Legal Dept.

*Approved*

Dec. 16, 1929

(Sgd.) J. A. ELLIS, *Gen. Solicitor.*

Jan. 2, 1930.

(Sgd.) F. A. GABY, *Chief Engineer.*





BILL.

An Act respecting the Town of Sandwich.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. REID.

(PRIVATE BILL).

1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the Town of Sandwich.

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MR. REID.

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No. 27.

1930.

# BILL

## An Act respecting the Town of Sandwich.

Preamble.

**W**HEREAS the town of Sandwich has by its petition represented that certain by-laws of the said town require validation and that it is desirable that a certain agreement with The Hydro-Electric Power Commission of Ontario for the moving of the railway tracks on Sandwich Street in the said town be authorized and that the redistribution of the local improvement rates amongst the lots in Marlborough Park as resubdivided be confirmed; and whereas the said municipal corporation has prayed that an Act be passed for the above 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, 1930.*

By-laws  
1629-1631,  
1733-1735,  
1981,  
confirmed.

**2.** By-laws of the town of Sandwich numbered 1629 to 1631, 1733 to 1735, all inclusive and by-law number 1665 authorizing the borrowing of \$11,635.02 by the issue of debentures to pay the cost of certain ornamental lights constructed under the provisions of *The Local Improvement Act* and by-law number 1981 consolidating the same 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.

Rev. Stat.,  
c. 235.

**3.** By-laws of the town of Sandwich numbered 1625 to 1628, inclusive, authorizing the borrowing of the sum of \$2,653.71 by the issue of debentures to pay the cost of certain sidewalks and watermains constructed under the provisions of *The Local Improvement Act* and by-law number 1657 consolidating the same 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  
1625-1628,  
1657,  
confirmed.

4. By-law number 1765 of the town of Sandwich authorizing the borrowing of the sum of \$9,400.12 to pay the cost of a storm sewer on Partington Avenue constructed under *The Local Improvement Act* 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-law 1765, confirmed.

5. By-law number 1924 of the town of Sandwich authorizing the borrowing of the sum of \$2,563.94 by the issue of debentures to pay the cost of certain ornamental lights on Indian Road constructed under the provisions of *The Local Improvement Act* 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-law 1924, confirmed. Rev. Stat., c. 235.

6. By-law number 1925 of the town of Sandwich authorizing the borrowing of the sum of \$5,116.99 by the issue of debentures to pay the cost of certain ornamental lights on Rosedale Avenue constructed under the provisions of *The Local Improvement Act* 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-law 1925, confirmed.

7. By-law number 1926 of the town of Sandwich authorizing the borrowing of the sum of \$22,000 by the issue of debentures to pay the cost of the widening of Sandwich Street between Rosedale Avenue and Detroit Street under the provisions of *The Local Improvement Act* 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-law 1926, confirmed.

8. By-law number 1927 of the town of Sandwich authorizing the borrowing of the sum of \$36,055.33 by the issue of debentures to pay the cost of paving Sandwich Street between Rosedale Avenue and Detroit Street constructed under the provisions of *The Local Improvement Act* 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-law 1927, confirmed.

9. By-law number 1923 of the town of Sandwich authorizing the borrowing of \$4,000 by the issue of debentures to pay the cost of purchasing and installing fire hydrants 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-law 1923, confirmed.

By-law 1891,  
re agreement  
with Power  
Commission  
of Ontario,  
confirmed.

**10.** By-law number 1891 of the municipal corporation of the town of Sandwich authorizing the entering into an agreement with The Hydro-Electric Power Commission of Ontario for the moving of the railway tracks on Sandwich Street and the said agreement, dated the 25th day of September, 1929, as set out in Schedule "1" to this Act are hereby declared to be legal, valid and binding upon the said corporation.

Plan resub-  
dividing  
Marlborough  
Park, con-  
firmed.

**11.** The plan of subdivision prepared by C. R. McColl, O.L.S., dated the 23rd day of January, 1930, resubdividing part of Marlborough Park lying between the Huron Line and the Prince Road in the town of Sandwich is hereby declared to be a legal subdivision and the Registrar of Deeds for the Registry Division of the county of Essex is hereby empowered and directed to accept the said plan for registration upon payment of the fees prescribed by *The Registry Act*.

Rev. Stat.,  
c. 155.

Apportion-  
ment of local  
improve-  
ment rates in  
Marlborough  
Park sub-  
division.

**12.** By-law number 1980 of the town of Sandwich set out in Schedule "2" hereto apportioning certain local improvement rates amongs the lots in the resubdivisions of Marlborough Park in the said town and the roll appearing as schedule "A" thereto are hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and each amount set out therein is hereby declared to be a charge upon the lot opposite which it appears under the provisions of *The Assessment Act* and may be collected thereunder in the same manner as other municipal taxes are collected.

Rev. Stat.,  
c. 238.

Commence-  
ment of  
Act.

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

## SCHEDULE "1"

BY-LAW NUMBER 1891 OF THE TOWN OF SANDWICH.

A By-law to authorize the execution of an agreement with the Hydro-Electric Power Commission of Ontario for the widening of Sandwich Street from Rosedale Avenue to Detroit Street.

Whereas it is desirable to widen Sandwich Street in the Town of Sandwich between Rosedale Avenue and Detroit Street by acquiring the present right-of-way of the Hydro-Electric Power Commission of Ontario and moving the tracks to the centre of the street as widened.

And whereas it is necessary to enter into an agreement with the Hydro-Electric Power Commission of Ontario in order to carry out such work.

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

1. The Mayor and Clerk be and they are hereby authorized to execute on behalf of the Town of Sandwich and to seal with the Corporate seal of the Town, a certain agreement between the Hydro-Electric Power Commission of Ontario of the First Part and the Municipal Corporation of the Town of Sandwich of the Second Part dated the 23rd day of September, 1929, a copy of which is attached as Schedule "A" hereto and deliver up the original thereof to the Hydro-Electric Power Commission of Ontario upon receipt of a duplicate original duly executed by the proper officers of the Hydro-Electric Power Commission of Ontario.

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

Read first time, September 23rd, 1929.

Read second time, September 23rd, 1929.

Read third time, September 23rd, 1929.

(Sgd.) ERNEST THRASHER, *Mayor*.

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

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Schedule "A"

This Agreement made in duplicate this 23rd day of September, A.D. 1929.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
hereinafter called the "Commission,"

of the first part;

—and—

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

of the second part.

Whereas under *The Hydro-Electric Railway Act, 1914*, and amendments thereto and the Agreement, dated the First day of January, 1920, between the Commission of the one part and the Town and other Municipal Corporations of the other part, which Agreement was confirmed and validated by *The Hydro-Electric Railway Act, 1920*, the Commission holds and

operates the Street Railway in the Town of Sandwich formerly known as The Sandwich, Windsor and Amherstburg Railway, and all the works, property and effects of the said Railway or held or used in connection therewith, are vested in the Commission;

And whereas part of the said Railway in the Town of Sandwich between Rosedale Avenue and Detroit Street is located on the lands hereinafter more particularly described being part of the said property vested in the Commission;

And whereas the Town desires to widen Sandwich Street in the Town of Sandwich between the said Rosedale Avenue and Detroit Street, and for such purposes desires to acquire the said lands and desires the tracks of the said Railway to be moved to the centre of the roadway as so widened, and the Commission is willing to co-operate with the Town for such purposes on the terms and conditions herein contained;

Now therefore this Agreement witnesseth that in consideration of the premises and the other considerations herein contained, the parties hereto covenant, promise and agree as follows:—

1. The Commission shall convey to the Town all its right, title, interest, claim and demand in, to or out of the said lands which may be more particularly described as follows:—

All and singular that certain parcel or tract of land situate, lying and being in the Town of Sandwich in the County of Essex and being composed of that certain strip of land adjoining the southeasterly side of Sandwich Street between the westerly side of Rosedale Avenue and the northerly side of Detroit Street more particularly described in two certain Conveyances, namely, the Conveyance dated the twenty-first day of May, 1874, and registered the second day of June, 1874, in Book "C" for the Town of Sandwich as Number 1160 from H. J. T. Garrett and Alexander Wilkinson, trustees under the marriage settlement of Emma Agnes Garrett to the Sandwich and Windsor Passenger Railway Company, and the Conveyance, dated the thirtieth day of October, 1906, and registered the sixth day of November, 1906, in the said Registry Office in Book "J" for the Town of Sandwich as Number 4584 from Harwood O. Fleming to The Sandwich, Windsor and Amherstburg Railway Company.

2. The Commission at its own expense shall remove the tracks of the said Railway from their present position on the said lands and shall reconstruct the same in the location, grade and level shown on the Plan of the said widened Sandwich Street attached to this Agreement and marked "A" and forming part hereof.

3. The Commission at its own expense shall remove all the poles, wires, conductors and overhead construction for the said Railway and all its other poles, wires and transmission lines from the said lands, and shall replace the poles for Railway overhead construction with iron or steel poles of standard design similar to that used by the Commission in similar locations elsewhere for the said Railway, which shall be drilled and ready for the installation of ornamental bracket street lights, and shall replace its other poles and wires with poles and wires of similar construction to that used by the Commission elsewhere in similar locations and shall set all the said poles back of the curb shown on the said Plan.

4. The Commission at its own expense shall pave level with the top of the rails of its said new track that portion of the said widened Sandwich Street between Rosedale Avenue and Detroit Street lying between the outside rails of the said tracks and outside thereof for a distance of Fifteen Inches (15") from the gauge side of the said outside rails and shall construct the said pavement with concrete pavement of sufficient thickness for the purposes of the Commission and in a manner acceptable to the Engineer of the Town.

5. The Town shall pay to the Commission the sum of Twenty-one Thousand Dollars (\$21,000.00) of lawful money of Canada at Windsor, Ontario, on completion of the said work of track reconstruction and pavement, as full compensation for the land conveyed to the Town as aforesaid.



6. The Town shall pay to the Commission the actual cost to the Commission as shown by the Commission's books of the said pavement and shall pay the said cost to the Commission in lawful money of Canada at Windsor, Ontario, after the completion of the said pavement and within Thirty (30) days from the date when the Commission shall have rendered a bill therefor to the Town.

In witness whereof the Parties hereto have caused this Agreement to be executed under their corporate seals attested by the hands of their proper officers duly authorized thereto.

SIGNED, SEALED AND DELIVERED

in the presence of:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH, *Chairman.*

*Recommended*

(Sgd.) W. W. POPE, *Secretary.*

.....19...

Eng. Dept. THE CORPORATION OF THE TOWN OF SANDWICH.

Sept. 24, 1929.

(Sgd.) W. R. ROBERTSON,

(Sgd.) M. LONEY, *Mayor.*

Dept.

Sept. 24, 1929.

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

(Sgd.) GEORGE HANNA,

Legal Dept.

*Approved*

Dec. 16, 1929.

(Sgd.) J. A. ELLIS, *Gen. Solicitor.*

Jan. 2, 1930.

(Sgd.) F. A. GABY, *Chief Engineer*

### SCHEDULE "2"

#### BY-LAW NUMBER 1980 OF THE TOWN OF SANDWICH.

A By-law to provide for the redistribution of the local improvement rates and other taxes amongst the lots in Marlborough Park.

Whereas the Marlborough Park Subdivision was laid out according to Plan 673 into six hundred and fifty-five (655) lots with numerous streets both straight and curved and intersecting one another at varying angles.

And whereas the taxes for a number of years upon the said lots got seriously in arrear and the owner in order to finance the payment of the arrears was obliged to resubdivide a large number of the lots and to lay out new streets which did not coincide with the old ones and also alleys and this left numerous corners, strips and irregular parts of the old lots amongst which the general taxes and the local improvement rates had to be apportioned.

And whereas such a resubdivision and alteration of the lots and of the streets and alleys in the said Park has occurred on more than one occasion namely at the time of the registration of Plans 1059 and 1344.

And whereas at the present time another resubdivision for a similar purpose has been completed.

And whereas the effect of the successive subdivisions has been to so complicate the apportionment of the taxes and especially of the local improvement rates amongst the parts of lots that doubt has been thrown upon the right of the Municipal Corporation to take proceedings for the recovery of the taxes by way of sale of the remaining parts of lots for arrears.

And whereas owing to the widening of the Huron Line a sum of money is coming due to the owner of the said lands which will enable the Corporation to recover the present arrears and it is desirable that the new plan should be registered and the redistribution of the taxes amongst the lots as so resubdivided be made certain.

And whereas the Treasurer and the Engineer of the Corporation have prepared a roll showing the redistribution of the taxes and local improvement rates amongst the said lots as so finally resubdivided.

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

1. The Corporation of the Town of Sandwich hereby adopts the plan of subdivision of C. R. McColl, dated the 23rd day of January, 1930, and consents to its registration under the provisions of *The Planning and Development Act*, being Chapter 236, Revised Statutes of Ontario, 1927.

2. The amounts appearing opposite each lot in the said Marlborough Park Subdivisions under the respective by-law number as set out in Schedule "A" hereto are hereby declared to be the true proportions of the Local Improvement rates payable each year in respect of the said lots under the said by-laws during their currency and to be the amounts chargeable upon the same under the provisions of *The Assessment Act*.

3. The amounts appearing opposite each lot in the said Marlborough Park Subdivisions under the heading "Arrears 1929" as set out in Schedule "A" hereto are hereby declared to be the true proportions of the local improvement rates and general taxes payable for the year 1929 in respect of the said lots and the same are hereby declared to be the amounts chargeable upon the said lots under the provisions of *The Assessment Act*.

4. The amounts appearing opposite each lot in the said Marlborough Park Subdivisions under the heading "Arrears up to December 31st, 1928" as set out in Schedule "A" hereto are hereby declared to be the true proportions of the local improvement rates and general taxes in arrear on and before the 31st of December, 1928, in respect of the said lots and the same are hereby declared to be the amounts chargeable upon the said lots under the provisions of *The Assessment Act*.

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

Read first time, January 23rd, 1930.

Read second time, January 23rd, 1930.

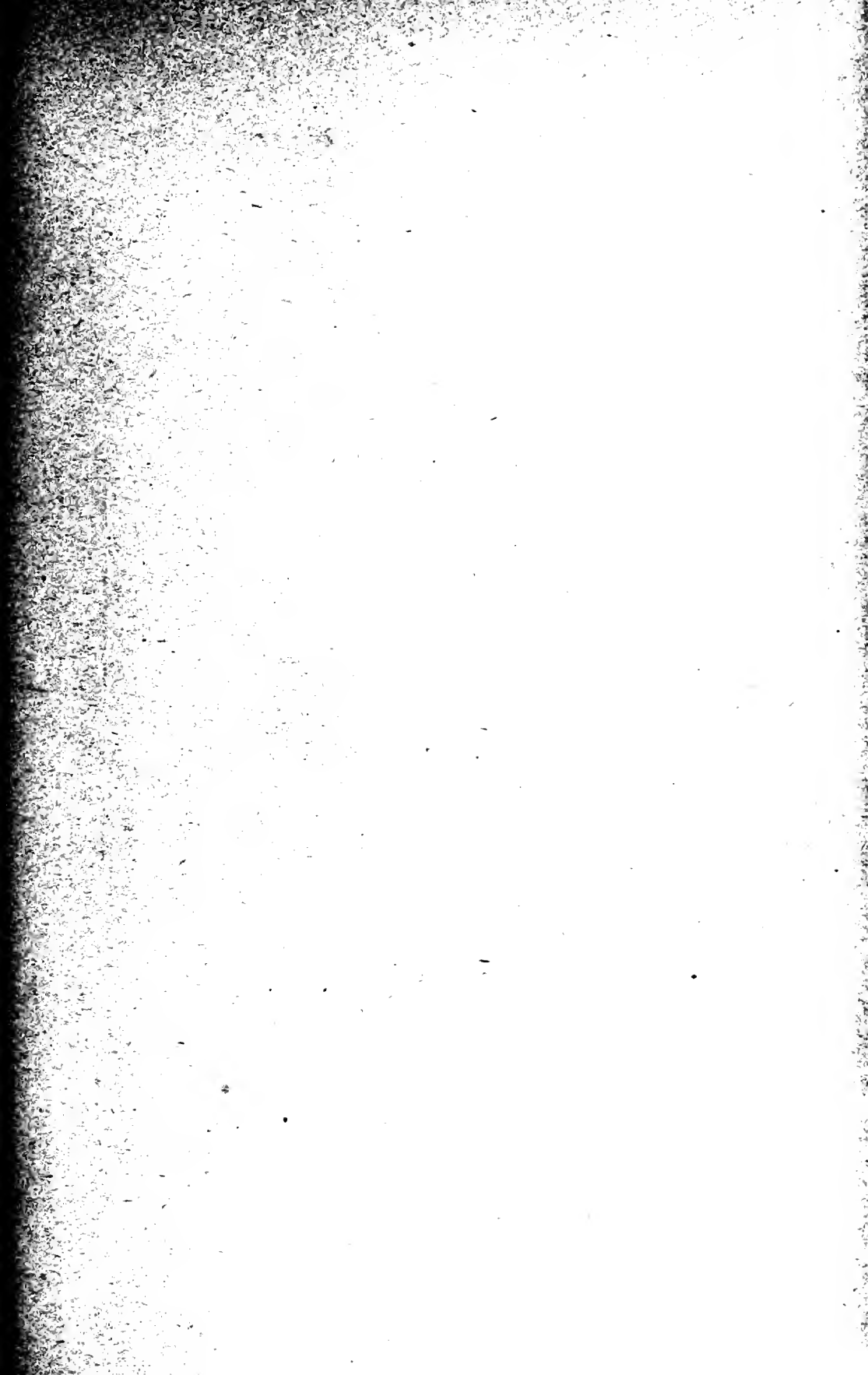
Read third time, January 23rd, 1930.

M. LONEY, *Mayor*.

E. R. NORTH, *Clerk*.







BILL.

An Act respecting the Town of Sandwich:

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*1st Reading*

February 11th, 1930

*2nd Reading*

March 21st, 1930

*3rd Reading*

March 25th, 1930

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MR. REID.

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No. 28

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1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# BILL

An Act respecting the Town of Perth.

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MR. ANDERSON.

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(PRIVATE BILL)

# BILL

## An Act respecting the Town of Perth.

Preamble.

**W**HEREAS the corporation of the town of Perth has by its petition represented that it has incurred a floating debt of \$29,763 which has arisen by reason of insufficient levies for a number of years passed to pay for permanent improvements, such as the construction of permanent pavements, a swimming pool and a bridge and other unforeseen expenditures; and whereas the said corporation has represented that to liquidate the said floating indebtedness forthwith in addition to meeting the ordinary annual expenditures would be unduly oppressive to the ratepayers, and has prayed that power should be granted to consolidate the said debt and to issue debentures therefor in an amount not exceeding \$31,000 payable within fifteen years after the issue thereof; 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 Perth Act, 1930.*

Floating  
debt con-  
solidated.

2. The floating debt of the corporation of the town of Perth is consolidated at the sum of \$29,763 and the said corporation may borrow by a special issue of debentures a sum not exceeding \$31,000 for the purpose of paying the said floating debt.

3. The said debentures shall be made payable in not more than fifteen years from the date of the issue thereof and shall bear interest at a rate not exceeding 5 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.

Payment on  
instalment  
plan.

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 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.

Application of proceeds.

**6.** The said debentures and all moneys arising from the sale thereof shall be applied in payment of the said floating debt of \$29,763 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 Perth 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

Rev. Stat. c. 233.

*The Municipal Act.*

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.



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



BILL.

An Act respecting the Town of Perth.

---

*1st Reading.*

*2nd Reading.*

*3rd Reading.*

---

MR. ANDERSON

---

PRIVATE BILL

1ST SESSION, 18TH LEGISLATURE, ONTARIO  
20 GEORGE V, 1930

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# **BILL**

**An Act respecting the Town of Perth.**

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MR. ANDERSON.

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No. 28.

1930.

# BILL

## An Act respecting the Town of Perth.

Preamble.

**W**HEREAS the corporation of the town of Perth has by its petition represented that it has incurred a floating debt of \$29,763 which has arisen by reason of insufficient levies for a number of years past to pay for permanent improvements, such as the construction of permanent pavements, a swimming pool and a bridge and other unforeseen expenditures; and whereas the said corporation has represented that to liquidate the said floating indebtedness forthwith in addition to meeting the ordinary annual expenditures would be unduly oppressive to the ratepayers, and has prayed that power should be granted to consolidate the said debt and to issue debentures therefor in an amount not exceeding \$31,000 payable within fifteen years after the issue thereof; 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 Perth Act, 1930*.

Floating debt consolidated.

2. The floating debt of the corporation of the town of Perth is consolidated at the sum of \$29,763 and the said corporation may borrow by a special issue of debentures a sum not exceeding \$31,000 for the purpose of paying the said floating debt.

3. The said debentures shall be made payable in not more than fifteen years from the date of the issue thereof and shall bear interest at a rate not exceeding 5 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.

Payment on instalment plan.

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.

5. 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. Special rate.

6. The said debentures and all moneys arising from the sale thereof shall be applied in payment of the said floating debt of \$29,763 and for no other purpose. Application of proceeds.

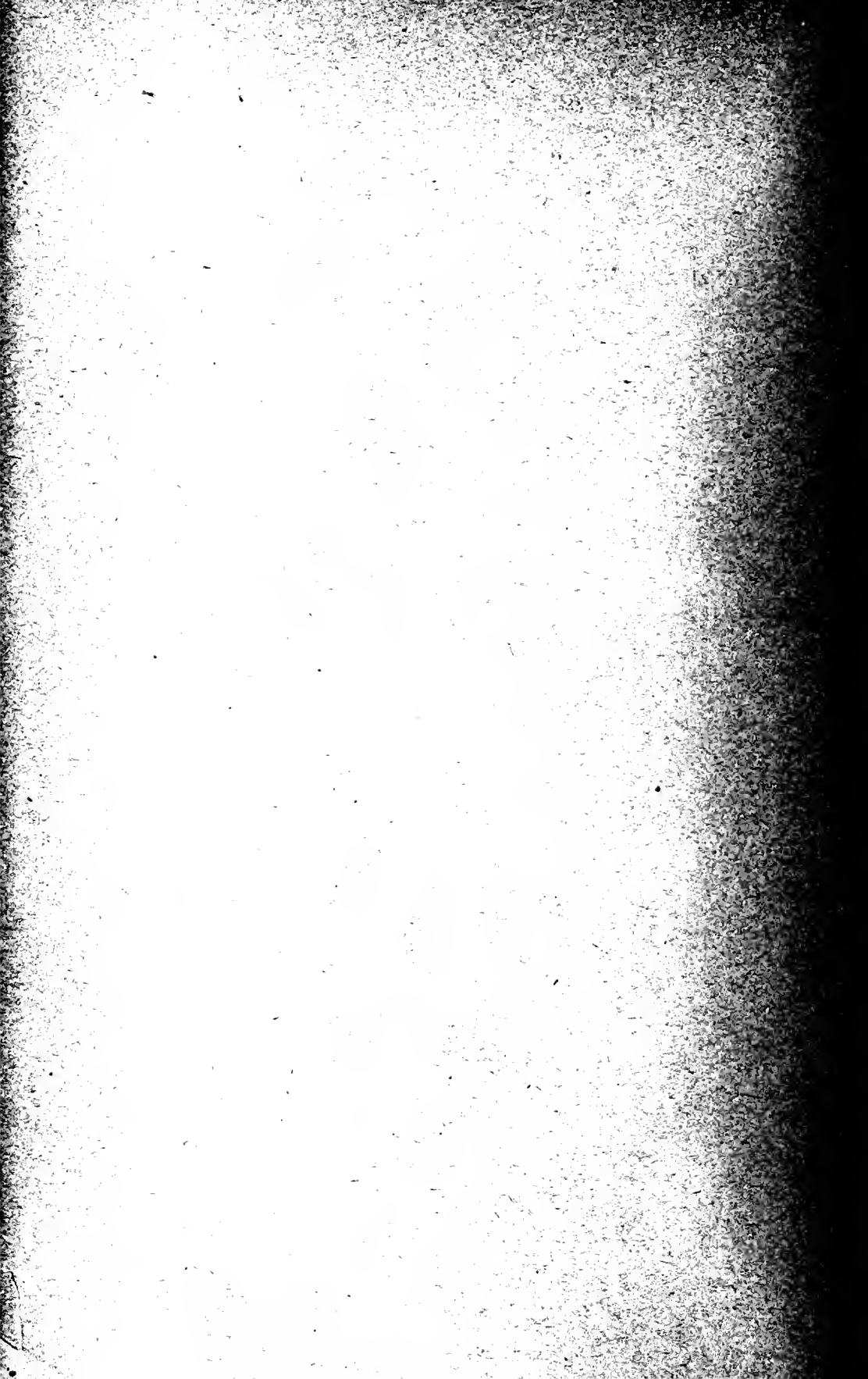
7. It shall not be necessary to obtain the assent of the electors of the town of Perth to the passing of any by-law which shall be passed under the authority of this Act or to observe the formalities in relation thereto prescribed by *The Municipal Act*. Assent of electors not required.

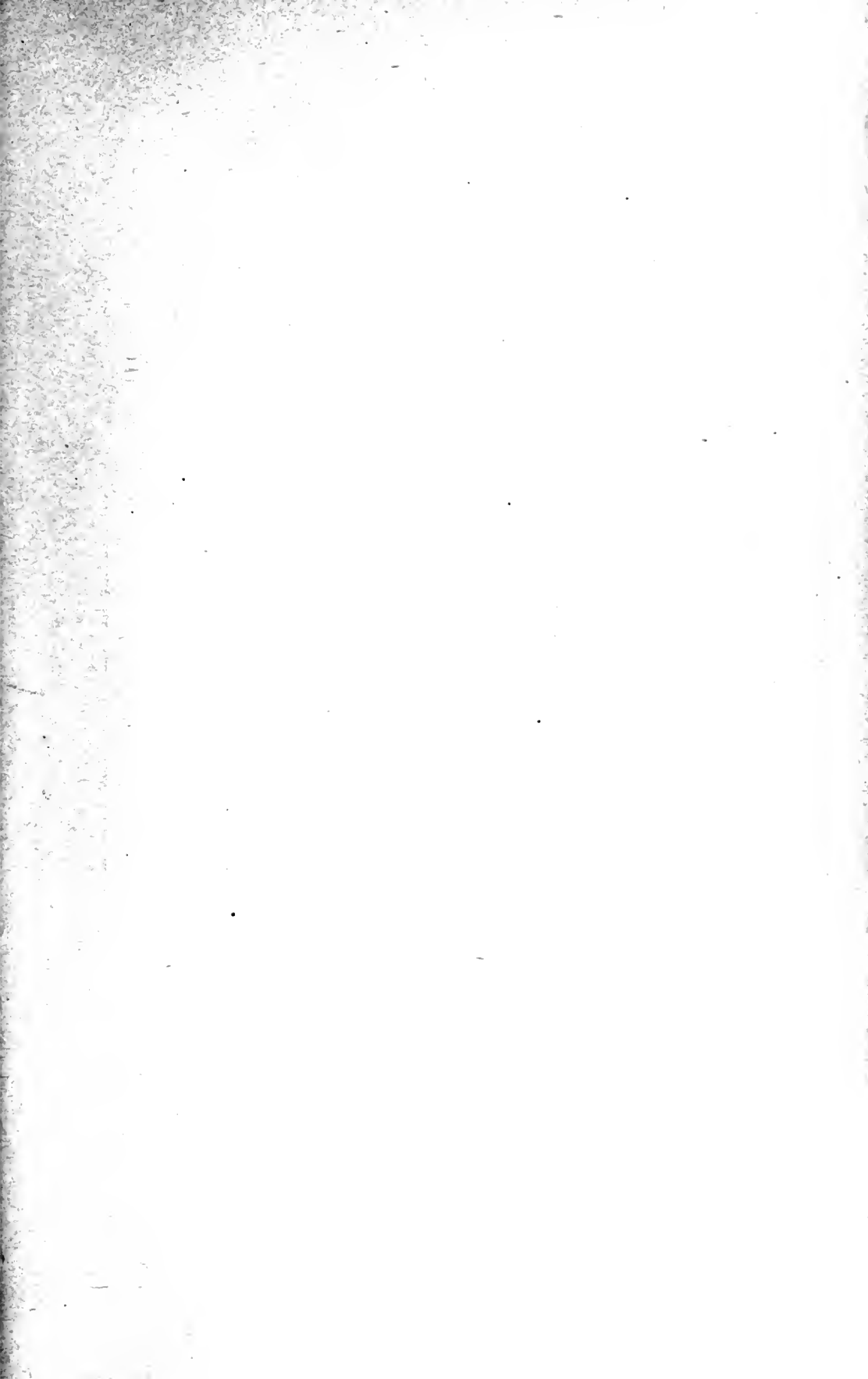
8. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part 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. Irregularity in form not to invalidate.

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.

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







BILL.

An Act respecting the Town of Perth.

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*1st Reading.*

March 4th, 1930

*2nd Reading.*

March 26th, 1930

*3rd Reading.*

March 28th, 1930

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MR. ANDERSON

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