





LEGISLATIVE ASSEMBLY
OF ONTARIO

BILLS

AS INTRODUCED IN THE HOUSE

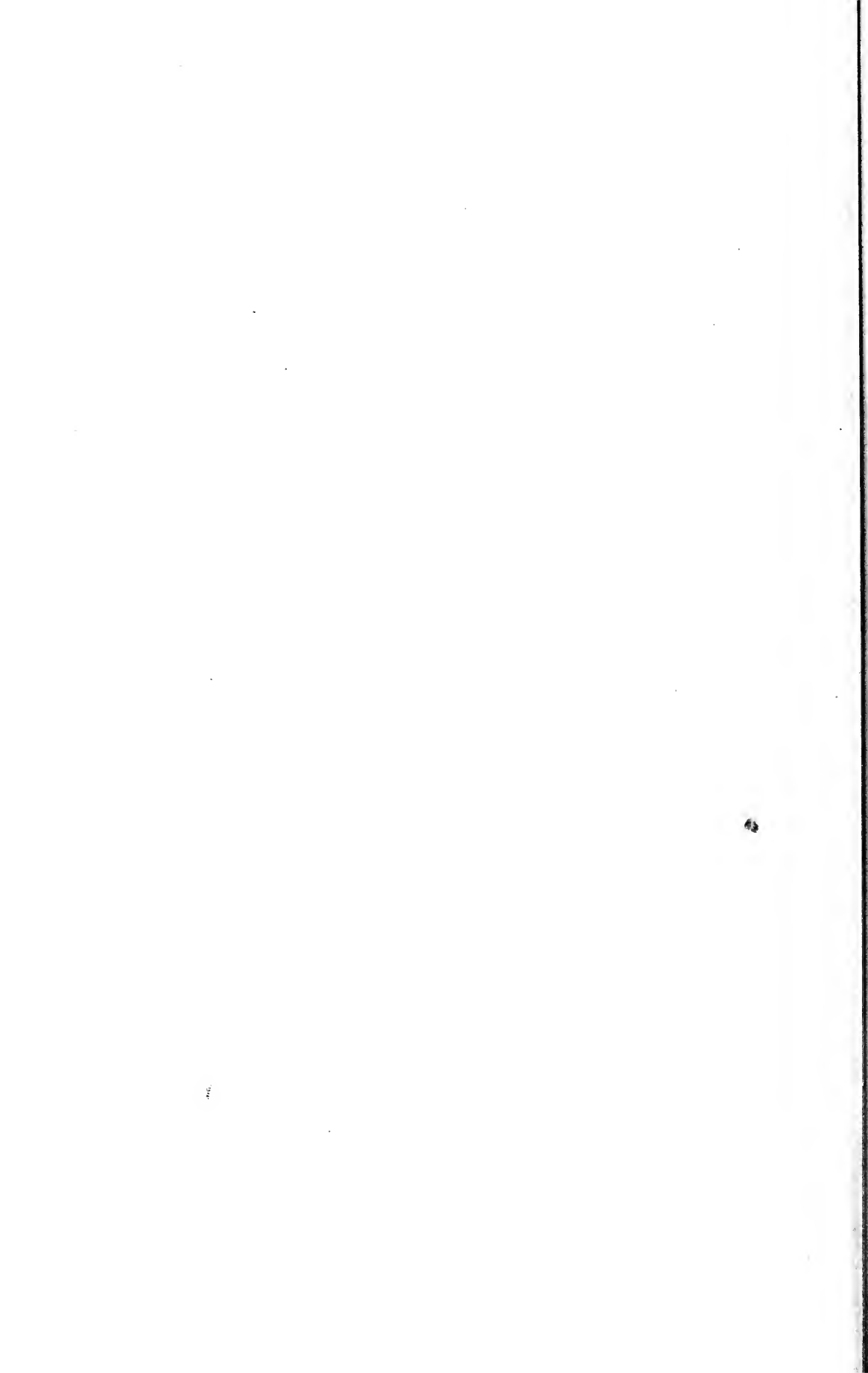
TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSION

MARCH 8th to APRIL 27th

1939



INDEX

3RD SESSION — 20TH LEGISLATURE

A

	Bill No.
Agricultural Societies—Act respecting.....	36
Alexandria, Roman Catholic Episcopal Corporation for—Act respecting....	8
Algoma Railway Co.—Act respecting the Southern.....	97
Apprenticeship Act—Act to amend.....	30
Assessment Act—Act to amend (incorporated in Bill No. 91).....	50
Assessment Act—Act to amend (incorporated in Bill No. 91).....	57
Assessment Amendment Act, 1939.....	91
Athletic Commission Act, 1939—The.....	45

B

Barton, Township of—Act respecting.....	12
Bélanger, Aurélien—Act to authorize admission to the Bar.....	17
Belleville, Women's Christian Association of—Act respecting.....	19
Bingham, Estate of Margaret Emma—Act respecting.....	25

C

Canadian Lakehead Exhibition—Act respecting the Cities of Port Arthur and Fort William and.....	22
Canadien Français de la Cité d'Ottawa, L'Institut—Act respecting.....	9
Cemetery Act, The—Act to amend.....	34
Chatham, City of—Act respecting.....	2
Collection Agencies—Act respecting.....	64
Companies Act, The—Act to amend (withdrawn).....	61
Consolidated Revenue Fund—Act for Raising Money on Credit of.....	98
Constable Act, The—Act to amend.....	68
Coroners Act, The—Act to amend.....	35
Corporations Tax Act, 1939—The.....	54
Credit Unions—Act respecting.....	96
Crescent School, The—Act respecting.....	21
Crown Timber Act, The—Act to amend.....	47
Counties Reforestation Act, The—Act to amend.....	89

4

D

	Bill No
Drainage Law Amendment Act, 1939—The (withdrawn).....	92

E

Embalmers and Funeral Directors Act—Act to amend (Motion for Second Reading defeated).....	90
Employees—Act to Recognize in Law the Right of Employees to Organize for the Furtherance of their Lawful Interests (not reported).....	77
Etobicoke, Township of—Act respecting.....	20

F

Farm Products Control Act—Act to amend.....	43
Farm Products Grades and Sales Act—Act to amend.....	42
Fort William-Port Arthur and—Act respecting.....	22
Funeral Directors and Embalmers Act—Act to amend (Motion for Second Reading defeated).....	90

G

Game and Fisheries Act—Act to amend.....	85
Gasoline Tax Act—Act to amend.....	65
Guelph Railway Act, 1939—The.....	75

H

Health Act, The Public—Act to amend.....	41
Health Act, The Public—Act to amend.....	71
Highway Improvement Act, The—Act to amend.....	59
Highway Traffic Act, The—Act to amend (withdrawn).....	58
Highway Traffic Act, The—Act to amend.....	82
Holidays with Remuneration—Act respecting (Motion for Second Reading defeated).....	81
Hospitals Act, The Psychiatric—Act to amend.....	44
Hospital Act, The Public—Act to amend.....	33
Hydro-Electric Distribution Act, The Rural—Act to amend.....	79
Hydro Power Commission Act—Act to amend.....	80

5

I

	Bill No.
Industrial Standards Act, The—Act to amend.....	29
Insurance Act—Act to amend.....	49

J

Judicature Act, The—Act to amend.....	39
---------------------------------------	----

K

King, Township of—Act respecting.....	13
---------------------------------------	----

L

Law Society Act—Act to amend.....	48
Leaside, Town of—Act respecting.....	3
Limitations Act, The—Act to amend.....	62
Lion's Head Act, 1939—The Village of (withdrawn).....	78
Lion's Head, Village of—Act respecting.....	86
Liquor Control Act, The—Act to amend.....	93
London, City of—Act respecting.....	18

M

Marriage Act, The—Act to amend (Motion for Second Reading defeated)..	76
Mining Act, The—Act to amend.....	26
Mortgages Act, The—Act to amend.....	63
Mortgagors and Purchasers Relief Act, 1939—The.....	27
Municipal Act, The—Act to amend (incorporated in Bill No. 70).....	60
Municipal Act, The—Act to amend (incorporated in Bill No. 70).....	66
Municipal Act, The—Act to amend (not reported).....	72
Municipal Act, The—Act to amend (not reported).....	74
Municipal Act, The—Act to amend (Motion for Second Reading defeated)	88
Municipal Amendment Act, 1939—The.....	70
Municipal Subsidy Act, The—Act to amend.....	84

6

N

	Bill No.
Names, Act respecting Changing of.....	69
Nepean, Township of—Act respecting.....	1
Niagara Lower Arch Bridge Company, Limited—Act respecting (with- drawn).....	4

O

Optometry Act—Act to amend.....	51
Ottawa—L'Institut Canadien Français de la Cité d'Ottawa.....	9
Ottawa Superannuation Fund, City of—Act to Incorporate.....	24

P

Pharmacy Act, The—Act to amend.....	31
Police Services—Act respecting Co-ordination of (withdrawn).....	46
Port Arthur, City of—Act respecting.....	6
Port Arthur and Fort William—Act respecting.....	22
Power Commission Act, The—Act to amend.....	80
Presbyterian Church in Canada—Act respecting.....	14
Psychiatric Hospitals Act, The—Act to amend.....	44
Public Health Act, The—Act to amend.....	41
Public Health Act, The—Act to amend.....	71
Public Hospitals Act, The—Act to amend.....	33

R

Race Tracks Tax Act, 1939—The.....	56
Registry Act, The—Act to amend.....	28
Rideau Club—Act respecting.....	23
Roman Catholic Episcopal Corporation for the Diocese of Alexandria— Act respecting.....	8
Rural Hydro-Electric Distribution Act—Act to amend.....	79

S

Sanatoria for Consumptives Act—Act to amend.....	53
Sandwich West, Township of—Act respecting.....	16
Sandwich, Windsor and Amherstburg Railway—Act respecting.....	73
School Law Amendment Act, 1939—The.....	83
Schools Act, 1939—The Training.....	52
Security Transfer Tax Act, 1939—The.....	55
Southern Algoma Railway Company—Act respecting.....	97
Statute Law Amendment Act, 1939—The.....	94
Supply Bill, The.....	99

T

	Bill No.
Tax Sales—Act to Confirm.....	37
Tile Drainage Act—Act to amend.....	38
Timber Act, The Crown—Act to amend.....	47
Toronto, City of—Act respecting.....	11
Toronto General Hospital—Act respecting.....	25
Trafalgar, Township of—Act respecting.....	10
Training Schools Act, 1939—The.....	52
Trout Creek, Town of—Act respecting.....	15

U

Unemployment Insurance Act, 1939—The.....	95
---	----

V

Venereal Diseases Prevention Act—Act to amend.....	32
Voters' Lists Act—Act to amend (Motion for Second Reading defeated)....	67

W

Waterloo, Town of—Act respecting.....	7
Women's Christian Association of Belleville—Act respecting.....	19
Workmen's Compensation Act, The—Act to amend.....	40
Workmen's Compensation Act, The—Act to amend.....	87

No. 1

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Township of Nepean.

MR. ACRES

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Nepean.

Preamble.

WHEREAS the corporation of the township of Nepean has by petition represented that the council of the said corporation did on the 5th day of December, 1938, submit to the electors of the said township, qualified to vote on money by-laws, a by-law to create a fire area and to authorize the issue of debentures therefor; and whereas the said electors assented to the passing of the said by-law; and whereas the said corporation has prayed for special legislation in respect of such matters; 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:

Power to
pass by-law
No. 1304.

1. The council of the said corporation may, with the approval of the Ontario Municipal Board, pass by-law number 1304, set out as Schedule A hereto, and when so approved and passed such by-law shall be legal, valid and binding upon the corporation and the ratepayers thereof.

Authority to
levy special
rates.

Rev. Stat.,
c. 266.

2.—(1) Notwithstanding the provisions of subsection 3 of section 425 of *The Municipal Act*, the said council is hereby authorized and empowered to levy special annual rates on all rateable property in the said township according to the last revised assessment roll for such amount as may be required annually to meet the cost of insuring and paying firemen and other persons employed in connection with the fire protection service for the said township and the cost of the maintenance and repair of a fire hall and the cost of replacement, maintenance and repair of fire engines, apparatus and appliances.

Authority
to vary
rates.

(2) Such special rates may be levied in such proportion in the police villages of Ottawa West and Westboro and the remaining portion of the said township as may be determined by by-law of the said corporation, passed with the approval of the trustees of the said police villages, expressed by resolution, or in default of such approval, with the approval of the Ontario Municipal Board.



- Status of rates, Rev. Stat., c. 266. (3) Such special rates shall be deemed to be local improvement rates for the purposes of section 315 of *The Municipal Act*.
- Appointment of fire trustees. **3.**---(1) The said council may by by-law appoint a board of trustees, composed of three residents of the said township, one of whom shall reside in the said village of Ottawa West and one of whom shall reside in the said village of Westboro.
- Tenure of office. (2) Such trustees shall hold office during the pleasure of the said council.
- Duties of trustees. (3) Such board of trustees shall have control and supervision of every person employed by the said council in connection with the fire prevention service for the said township, and of the fire hall, fire engines, apparatus and appliances of the said corporation and such other duties as may be prescribed by resolution or by-law of the said council.
- Commencement of Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent.
- Short title. **5.** This Act may be cited as *The Township of Nepean Act, 1939*.

SCHEDULE A

BY-LAW NUMBER 1304

A By-law of the Corporation of the Township of Nepean for defining an area of the said Township for fire protection and for authorizing the borrowing of Ten Thousand Dollars (\$10,000.00) upon debentures to provide for acquiring land and erecting thereon a fire hall for providing fire protection for such defined area.

WHEREAS it is necessary to designate the whole of the Township of Nepean as a defined area for fire protection and to acquire land and erect thereon a fire hall to provide fire protection for such defined area pursuant to the provisions of Section 425 of The Municipal Act, R.S.O. 1937, Chapter 266.

AND WHEREAS this By-law requires the assent of the Electors of the said Township of Nepean qualified to vote on money By-laws at a vote to be taken at the same time and at the same places as are appointed for the holding of the annual election for the Council of the Corporation of the Township of Nepean for the year 1939 and it is further proposed to have this By-law approved and confirmed by special legislation at the next ensuing Session of the Legislature of the Province of Ontario.

AND WHEREAS it is expedient and necessary to borrow upon debentures of the said Corporation for the purpose aforesaid the sum of Ten Thousand Dollars (\$10,000.00).

AND WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of ten (10) years from the date of the issue of the said debentures of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

AND WHEREAS it will be necessary to raise annually One Thousand Two Hundred and Ninety-five dollars and Four cents (\$1,295.04) during the said period of ten (10) years for the payment of the said yearly sums of principal and interest as they shall become due, which amount shall be assessed and levied annually upon all the rateable property in the said defined area in the manner hereinafter provided.

AND WHEREAS the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, is Five Million Seven Hundred and Twenty-nine Thousand Three Hundred and Forty-nine dollars (\$5,729,349.00).

AND WHEREAS there is no existing debenture debt of the Corporation other than local improvement debts and local public school debts secured by local rates and assessments which amount to Eight Hundred and Thirty-three Thousand Seven Hundred and Thirty-seven dollars and Fifty-three cents (\$833,737.53) and no part of the principal or interest thereon is in arrears.

THEREFORE the Municipal Council of the Corporation of the Township of Nepean enacts as follows:

1. The whole of the Township of Nepean is hereby designated and constituted a defined area pursuant to the provisions of Section 425 of The Municipal Act as aforesaid and the Municipal Council of the Corporation of the Township of Nepean is hereby authorized and empowered to acquire land and erect thereon a fire hall for the purpose of providing fire protection for the aforesaid defined area.
2. For the purposes aforesaid, there shall be borrowed upon the credit of the Corporation at large the sum of Ten Thousand Dollars

(\$10,000.00) and debentures shall be issued therefor in sums of not less than Fifty Dollars (\$50.00) each bearing interest at the rate of five per cent. (5%) per annum and having coupons attached thereto for the payment of interest.

3. The debentures shall all bear the same date and shall be issued within two (2) years after the day on which this By-law is passed and may bear any date within such two (2) years and shall be payable in ten (10) annual instalments during the ten (10) years next after the time when the same are issued and the respective amounts of principal and interest payable in each of such years shall be as follows:

	Principal	Interest	Total
1.....	\$ 795.04	\$ 500.00	\$1,295.04
2.....	834.80	460.24	1,295.04
3.....	876.54	418.50	1,295.04
4.....	920.37	374.67	1,295.04
5.....	966.38	328.66	1,295.04
6.....	1,014.70	280.34	1,295.04
7.....	1,065.44	229.60	1,295.04
8.....	1,118.71	176.33	1,295.04
9.....	1,174.64	120.40	1,295.04
10.....	1,233.38	61.66	1,295.04
	<hr/>	<hr/>	<hr/>
	\$10,000.00	\$2,950.40	\$12,950.40

4. The debentures as to both principal and interest shall be payable in legal currency of the Dominion of Canada and may be payable at any place or places in Canada as may be designated thereon.

5. Each of the said debentures shall be signed by the Reeve of the said Corporation or by some other person authorized by By-law to sign the same and by the Treasurer of the said Corporation, and the Clerk of the said Corporation shall seal the said debentures with the Corporate Seal of the said Corporation; and the said debentures shall have attached to them coupons for the payment of the aforesaid interest, which coupons shall be signed by the said Treasurer, whose signature to the said coupons may be written, stamped, lithographed or engraved.

6. For the purpose of paying the principal and interest of the said debentures as they respectively fall due, there shall be, during the currency of the said debentures, levied and raised annually for ten (10) years by a special rate on the dollar according to the last revised assessment roll from year to year upon and from all the rateable property in the said Township of Nepean over and above all other rates the following percentages of the said annual sum of One Thousand Two Hundred and Ninety-five dollars and Four cents (\$1,295.04) as set forth in Section "3" of this By-law, namely:—

In that part of the said Township of Nepean known as the "Police Village of Ottawa West" eight per cent. (8%) of the said annual sum of \$1,295.04;

In that part of the said Township of Nepean known as the "Incorporated Police Village of Westboro" forty-two per cent. (42%) of the said annual sum of \$1,295.04;

In the remaining portion of the said Township of Nepean fifty per cent. (50%) of the said annual sum of \$1,295.04.

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

8. Pending the sale of the debentures, or in lieu of selling the same, the Council may by resolution authorize the Reeve of the said Corporation and the Treasurer thereof to raise money by way of loan on the security of such debentures or upon the security of some part of them and to



hypothecate any or all of the said debentures as security for the repayment of the said loan.

THIS BY-LAW shall take effect upon the date of the final passing thereof subject to approval and confirmation by special legislation.

GIVEN AND PASSED under the Corporate Seal of the Municipal Corporation of the Township of Nepean this day of , 1939.

.....
Township Clerk.

.....
Reeve.

BILL

An Act respecting the Township of
Nepean

1st Reading

2nd Reading

3rd Reading

MR. ACRES

(Private Bill)

No. 1

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Township of Nepean.

MR. ACRES

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Nepean.

Preamble.

WHEREAS the corporation of the township of Nepean has by petition represented that the council of the said corporation did on the 5th day of December, 1938, submit to the electors of the said township, qualified to vote on money by-laws, a by-law to create a fire area and to authorize the issue of debentures therefor; and whereas the said electors assented to the passing of the said by-law; and whereas the said corporation has prayed for special legislation in respect of such matters; 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:

Power to
pass by-law
No. 1304.

1. The council of the said corporation may, with the approval of the Ontario Municipal Board, pass by-law number 1304, set out as Schedule A hereto, and when so approved and passed such by-law shall be legal, valid and binding upon the corporation and the ratepayers thereof.

Authority to
levy special
rates.

Rev. Stat.,
c. 266.

2.—(1) Notwithstanding the provisions of subsection 3 of section 425 of *The Municipal Act*, the said council is hereby authorized and empowered to levy special annual rates on all rateable property in the said township according to the last revised assessment roll for such amount as may be required annually to meet the cost of insuring and paying firemen and other persons employed in connection with the fire protection service for the said township and the cost of the maintenance and repair of a fire hall and the cost of replacement, maintenance and repair of fire engines, apparatus and appliances.

Authority
to vary
rates.

(2) Such special rates may be levied in such proportion in the police villages of Ottawa West and Westboro and the remaining portion of the said township as may be determined by by-law of the said corporation, passed with the approval of the trustees of the said police villages, expressed by resolution, or in default of such approval, with the approval of the Ontario Municipal Board.

(3) Such special rates shall be deemed to be local improvement rates for the purposes of section 315 of *The Municipal Act*. Status of rates.
Rev. Stat.,
c. 266.

3.—(1) The said council may by by-law appoint a board of trustees, composed of three residents of the said township, one of whom shall reside in the said village of Ottawa West and one of whom shall reside in the said village of Westboro. Appointment of fire trustees.

(2) Such trustees shall hold office during the pleasure of the said council. Tenure of office.

(3) Such board of trustees shall have control and supervision of every person employed by the said council in connection with the fire prevention service for the said township, and of the fire hall, fire engines, apparatus and appliances of the said corporation and such other duties as may be prescribed by resolution or by-law of the said council. Duties of trustees.

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

5. This Act may be cited as *The Township of Nepean Act, 1939*. Short title.

SCHEDULE A

BY-LAW NUMBER 1304

A By-law of the Corporation of the Township of Nepean for defining an area of the said Township for fire protection and for authorizing the borrowing of Ten Thousand Dollars (\$10,000.00) upon debentures to provide for acquiring land and erecting thereon a fire hall for providing fire protection for such defined area.

WHEREAS it is necessary to designate the whole of the Township of Nepean as a defined area for fire protection and to acquire land and erect thereon a fire hall to provide fire protection for such defined area pursuant to the provisions of Section 425 of The Municipal Act, R.S.O. 1937, Chapter 266.

AND WHEREAS this By-law requires the assent of the Electors of the said Township of Nepean qualified to vote on money By-laws at a vote to be taken at the same time and at the same places as are appointed for the holding of the annual election for the Council of the Corporation of the Township of Nepean for the year 1939 and it is further proposed to have this By-law approved and confirmed by special legislation at the next ensuing Session of the Legislature of the Province of Ontario.

AND WHEREAS it is expedient and necessary to borrow upon debentures of the said Corporation for the purpose aforesaid the sum of Ten Thousand Dollars (\$10,000.00).

AND WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of ten (10) years from the date of the issue of the said debentures of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

AND WHEREAS it will be necessary to raise annually One Thousand Two Hundred and Ninety-five dollars and Four cents (\$1,295.04) during the said period of ten (10) years for the payment of the said yearly sums of principal and interest as they shall become due, which amount shall be assessed and levied annually upon all the rateable property in the said defined area in the manner hereinafter provided.

AND WHEREAS the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, is Five Million Seven Hundred and Twenty-nine Thousand Three Hundred and Forty-nine dollars (\$5,729,349.00).

AND WHEREAS there is no existing debenture debt of the Corporation other than local improvement debts and local public school debts secured by local rates and assessments which amount to Eight Hundred and Thirty-three Thousand Seven Hundred and Thirty-seven dollars and Fifty-three cents (\$833,737.53) and no part of the principal or interest thereon is in arrears.

THEREFORE the Municipal Council of the Corporation of the Township of Nepean enacts as follows:

1. The whole of the Township of Nepean is hereby designated and constituted a defined area pursuant to the provisions of Section 425 of The Municipal Act as aforesaid and the Municipal Council of the Corporation of the Township of Nepean is hereby authorized and empowered to acquire land and erect thereon a fire hall for the purpose of providing fire protection for the aforesaid defined area.

2. For the purposes aforesaid, there shall be borrowed upon the credit of the Corporation at large the sum of Ten Thousand Dollars

(\$10,000.00) and debentures shall be issued therefor in sums of not less than Fifty Dollars (\$50.00) each bearing interest at the rate of five per cent. (5%) per annum and having coupons attached thereto for the payment of interest.

3. The debentures shall all bear the same date and shall be issued within two (2) years after the day on which this By-law is passed and may bear any date within such two (2) years and shall be payable in ten (10) annual instalments during the ten (10) years next after the time when the same are issued and the respective amounts of principal and interest payable in each of such years shall be as follows:

	Principal	Interest	Total
1.....	\$ 795.04	\$ 500.00	\$1,295.04
2.....	834.80	460.24	1,295.04
3.....	876.54	418.50	1,295.04
4.....	920.37	374.67	1,295.04
5.....	966.38	328.66	1,295.04
6.....	1,014.70	280.34	1,295.04
7.....	1,065.44	229.60	1,295.04
8.....	1,118.71	176.33	1,295.04
9.....	1,174.64	120.40	1,295.04
10.....	1,233.38	61.66	1,295.04
	<hr/>	<hr/>	<hr/>
	\$10,000.00	\$2,950.40	\$12,950.40

4. The debentures as to both principal and interest shall be payable in legal currency of the Dominion of Canada and may be payable at any place or places in Canada as may be designated thereon.

5. Each of the said debentures shall be signed by the Reeve of the said Corporation or by some other person authorized by By-law to sign the same and by the Treasurer of the said Corporation, and the Clerk of the said Corporation shall seal the said debentures with the Corporate Seal of the said Corporation; and the said debentures shall have attached to them coupons for the payment of the aforesaid interest, which coupons shall be signed by the said Treasurer, whose signature to the said coupons may be written, stamped, lithographed or engraved.

6. For the purpose of paying the principal and interest of the said debentures as they respectively fall due, there shall be, during the currency of the said debentures, levied and raised annually for ten (10) years by a special rate on the dollar according to the last revised assessment roll from year to year upon and from all the rateable property in the said Township of Nepean over and above all other rates the following percentages of the said annual sum of One Thousand Two Hundred and Ninety-five dollars and Four cents (\$1,295.04) as set forth in Section "3" of this By-law, namely:—

In that part of the said Township of Nepean known as the "Police Village of Ottawa West" eight per cent. (8%) of the said annual sum of \$1,295.04;

In that part of the said Township of Nepean known as the "Incorporated Police Village of Westboro" forty-two per cent. (42%) of the said annual sum of \$1,295.04;

In the remaining portion of the said Township of Nepean fifty per cent. (50%) of the said annual sum of \$1,295.04.

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

8. Pending the sale of the debentures, or in lieu of selling the same the Council may by resolution authorize the Reeve of the said Corporation and the Treasurer thereof to raise money by way of loan on the security of such debentures or upon the security of some part of them and to



BILL

An Act respecting the Township of
Nepean

1st Reading

March 14th, 1939

2nd Reading

April 3rd, 1939

3rd Reading

April 6th, 1939

MR. ACRES

No. 2

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the City of Chatham.

MR. CAMPBELL (Kent East)

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Chatham.

Preamble.

WHEREAS the corporation of the city of Chatham, hereinafter called the corporation, has by petition represented that the council of the corporation did on the 12th day of September, 1938, submit the following question to the electors of the municipality qualified to vote on money by-laws:

“Are you in favour of the city of Chatham loaning a sum not to exceed fifty thousand dollars (\$50,000.00) to a company composed of citizens of Chatham for the erection of a Sports Arena to cost (including the land) approximately eighty-five thousand dollars (\$85,000.00), the said loan to be secured by a first mortgage?”

when out of 1,760 electors voting on the question, 1,367 voted in the affirmative and 393 in the negative; that as the vote is favourable the council of the corporation on the 12th day of December, 1938, passed by-law number 2638 providing for the issue of debentures of the corporation to the amount of \$50,000 and for loaning the said amount to Kent Arena Limited for the purpose of building and equipping an arena; and whereas the corporation has prayed that the said by-law be confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers 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:

By-law
No. 2638
confirmed.

1. Subject to the approval of the Ontario Municipal Board, by-law number 2638 passed by the council of the corporation on the 12th day of December, 1938, set out in Schedule A hereto, authorizing the issue of debentures for \$50,000 and the loaning of the said amount to Kent Arena Limited for the purpose of building and equipping an arena, is hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

Short title.

2. This Act may be cited as *The City of Chatham Act, 1939.*

SCHEDULE A

BY-LAW NUMBER 2638

A By-law to authorize the issue of Debentures in the amount of Fifty Thousand Dollars (\$50,000.00); and for the loaning to Kent Arena Limited of this sum, to provide part of the cost of constructing a Sports Arena.

FINALLY PASSED the 12th day of December, 1938.

WHEREAS the Council of the Corporation of the City of Chatham deem it expedient to loan to Kent Arena, Limited, a body corporate, the sum of Fifty Thousand Dollars (\$50,000.00), to be secured by a first mortgage on the land and building of the Company, which sum is to be repaid both principal and interest in ten years.

AND WHEREAS it is necessary to borrow the sum of Fifty Thousand Dollars (\$50,000.00), on the credit of the Corporation, and to issue debentures therefore, bearing interest at the rate of three per cent. per annum, which is the amount of the debt intended to be created by this By-law.

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

AND WHEREAS the City proposes to apply to the Legislative Assembly of the Province of Ontario for such legislation as may be necessary to validate this By-law, and to carry out the said proposals.

AND WHEREAS it will be necessary to raise annually, during the period of ten years, to pay the said annual installments of principal and interest, as they become due and payable, the sums hereinafter specified, by a special rate, sufficient therefor, over and above all other rates, on all rateable property in the municipality.

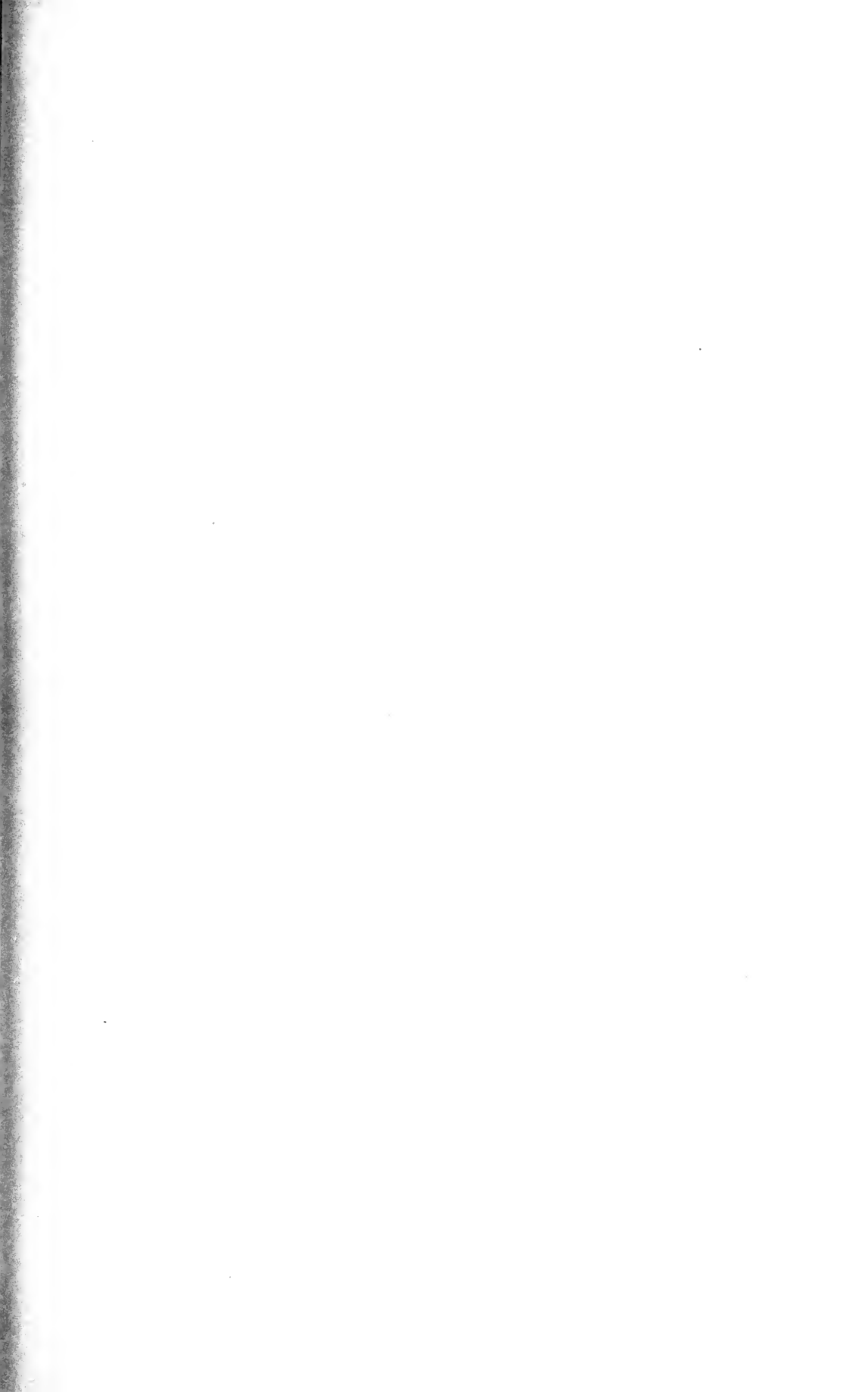
AND WHEREAS the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, is \$14,322,343.00.

AND WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts secured by special rates or assessment, is \$434,372.12, and no part of the principal or interest in respect thereof is in arrears.

NOW THEREFORE The Council of the Corporation of the City of Chatham enacts as follows:

1. THAT for the purposes aforesaid, there shall be borrowed on the credit of the Corporation of the City of Chatham, the sum of Fifty Thousand Dollars (\$50,000.00); and debentures shall be issued therefor, in sums of not less than One Hundred Dollars (\$100.00), bearing interest at the rate of three per cent. per annum, and having coupons attached thereto, for the payment of interest.

2. THAT the debentures shall all bear the same date, and shall be issued within two years after the date on which this By-law is passed, and may bear any date within such two years, and shall be payable in ten annual installments, during the ten years next, after the time when the



same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

	Interest	Principal	Total
1.....	\$1,500.00	\$4,361.52	\$5,861.52
2.....	1,369.15	4,492.37	5,861.52
3.....	1,234.37	4,627.15	5,861.52
4.....	1,095.56	4,765.96	5,861.52
5.....	952.59	4,908.93	5,861.52
6.....	805.32	5,056.20	5,861.52
7.....	653.63	5,207.89	5,861.52
8.....	497.39	5,364.13	5,861.52
9.....	336.47	5,525.05	5,861.52
10.....	170.72	5,690.80	5,861.52
	\$8,615.20	\$50,000.00	\$58,615.20

3. THAT the debentures as to both principal and interest may be expressed in Canadian Currency, and shall be payable at the Canadian Bank of Commerce, in the City of Chatham.

4. THAT during the ten years, the currency of the said debentures, the sum of Five Thousand, Eight Hundred and Sixty-one Dollars and Fifty-two Cents (\$5,861.52), shall be raised annually for the payment of the said debt and interest, and shall be levied and raised annually, by a special rate sufficient therefor, over and above all other rates, on all rateable property in the municipality, at the same time, and in the same manner as other rates.

5. THAT the Mayor of the Corporation shall sign and issue the debentures, and the same shall also be signed by the Clerk-Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

6. THAT the coupons attached to the said debentures may have engraved, or lithographed, or printed thereon, the signature of the Clerk-Treasurer.

7. THAT upon the issue and sale of the said debentures, the City will pay the sum of Fifty Thousand Dollars (\$50,000.00) to the Kent Arena Limited, by way of loan; the said sum to be secured by a mortgage on the land, building, and contents of the Kent Arena Limited, in form satisfactory to the City.

8. THAT this By-law shall not come into force or effect until validated by a special Act of the Legislative Assembly of the Province of Ontario.

This By-law shall come into full force and effect on the final passing thereof, and when the same has been validated in accordance with the provisions herein.

(Seal of the Corporation)

J. J. ZINK,
Mayor.

W. M. FOREMAN,
Clerk-Treasurer.



BILL

An Act respecting the City of Chatham

1st Reading

2nd Reading

3rd Reading

MR. CAMPBELL
(Kent East)

(Private Bill)

No. 2

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the City of Chatham.

MR. CAMPBELL (Kent East)

TORONTO
PRINTED BY T. E. BOWMAN
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 hereinafter called the corporation, has by petition represented that the council of the corporation did on the 12th day of September, 1938, submit the following question to the electors of the municipality qualified to vote on money by-laws:

“Are you in favour of the city of Chatham loaning a sum not to exceed fifty thousand dollars (\$50,000.00) to a company composed of citizens of Chatham for the erection of a Sports Arena to cost (including the land) approximately eighty-five thousand dollars (\$85,000.00), the said loan to be secured by a first mortgage?”

when out of 1,760 electors voting on the question, 1,367 voted in the affirmative and 393 in the negative; that as the vote is favourable the council of the corporation on the 12th day of December, 1938, passed by-law number 2638 providing for the issue of debentures of the corporation to the amount of \$50,000 and for loaning the said amount to Kent Arena Limited for the purpose of building and equipping an arena; and whereas the corporation has prayed that the said by-law be confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers 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:

By-law
No. 2638
confirmed.

1. Subject to the approval of the Ontario Municipal Board, by-law number 2638 passed by the council of the corporation on the 12th day of December, 1938, set out in Schedule A hereto, authorizing the issue of debentures for \$50,000 and the loaning of the said amount to Kent Arena Limited for the purpose of building and equipping an arena, is hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

Short title. **2.** This Act may be cited as *The City of Chatham Act, 1939*.

SCHEDULE A

BY-LAW NUMBER 2638

A By-law to authorize the issue of Debentures in the amount of Fifty Thousand Dollars (\$50,000.00); and for the loaning to Kent Arena Limited of this sum, to provide part of the cost of constructing a Sports Arena.

FINALLY PASSED the 12th day of December, 1938.

WHEREAS the Council of the Corporation of the City of Chatham deem it expedient to loan to Kent Arena, Limited, a body corporate, the sum of Fifty Thousand Dollars (\$50,000.00), to be secured by a first mortgage on the land and building of the Company, which sum is to be repaid both principal and interest in ten years.

AND WHEREAS it is necessary to borrow the sum of Fifty Thousand Dollars (\$50,000.00), on the credit of the Corporation, and to issue debentures therefore, bearing interest at the rate of three per cent. per annum, which is the amount of the debt intended to be created by this By-law.

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

AND WHEREAS the City proposes to apply to the Legislative Assembly of the Province of Ontario for such legislation as may be necessary to validate this By-law, and to carry out the said proposals.

AND WHEREAS it will be necessary to raise annually, during the period of ten years, to pay the said annual installments of principal and interest, as they become due and payable, the sums hereinafter specified, by a special rate, sufficient therefor, over and above all other rates, on all rateable property in the municipality.

AND WHEREAS the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, is \$14,322,343.00.

AND WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts secured by special rates or assessment, is \$434,372.12, and no part of the principal or interest in respect thereof is in arrears.

NOW THEREFORE The Council of the Corporation of the City of Chatham enacts as follows:

1. THAT for the purposes aforesaid, there shall be borrowed on the credit of the Corporation of the City of Chatham, the sum of Fifty Thousand Dollars (\$50,000.00); and debentures shall be issued therefor, in sums of not less than One Hundred Dollars (\$100.00), bearing interest at the rate of three per cent. per annum, and having coupons attached thereto, for the payment of interest.

2. THAT the debentures shall all bear the same date, and shall be issued within two years after the date on which this By-law is passed, and may bear any date within such two years, and shall be payable in ten annual installments, during the ten years next, after the time when the

same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

	Interest	Principal	Total
1	\$1,500.00	\$4,361.52	\$5,861.52
2	1,369.15	4,492.37	5,861.52
3	1,234.37	4,627.15	5,861.52
4	1,095.56	4,765.96	5,861.52
5	952.59	4,908.93	5,861.52
6	805.32	5,056.20	5,861.52
7	653.63	5,207.89	5,861.52
8	497.39	5,364.13	5,861.52
9	336.47	5,525.05	5,861.52
10	170.72	5,690.80	5,861.52
	<hr/>	<hr/>	<hr/>
	\$8,615.20	\$50,000.00	\$58,615.20

3. THAT the debentures as to both principal and interest may be expressed in Canadian Currency, and shall be payable at the Canadian Bank of Commerce, in the City of Chatham.

4. THAT during the ten years, the currency of the said debentures, the sum of Five Thousand, Eight Hundred and Sixty-one Dollars and Fifty-two Cents (\$5,861.52), shall be raised annually for the payment of the said debt and interest, and shall be levied and raised annually, by a special rate sufficient therefor, over and above all other rates, on all rateable property in the municipality, at the same time, and in the same manner as other rates.

5. THAT the Mayor of the Corporation shall sign and issue the debentures, and the same shall also be signed by the Clerk-Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

6. THAT the coupons attached to the said debentures may have engraved, or lithographed, or printed thereon, the signature of the Clerk-Treasurer.

7. THAT upon the issue and sale of the said debentures, the City will pay the sum of Fifty Thousand Dollars (\$50,000.00) to the Kent Arena Limited, by way of loan; the said sum to be secured by a mortgage on the land, building, and contents of the Kent Arena Limited, in form satisfactory to the City.

8. THAT this By-law shall not come into force or effect until validated by a special Act of the Legislative Assembly of the Province of Ontario.

This By-law shall come into full force and effect on the final passing thereof, and when the same has been validated in accordance with the provisions herein.

J. J. ZINK,
Mayor.

(Seal of the Corporation)

W. M. FOREMAN,
Clerk-Treasurer.





BILL

An Act respecting the City of Chatham

1st Reading

March 22nd, 1939

2nd Reading

April 12th, 1939

3rd Reading

April 18th, 1939

MR. CAMPBELL
(Kent East)

No. 3

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Town of Leaside.

MR. HENRY

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Town of Leaside.

Preamble. **W**HEREAS the corporation of the town of Leaside has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Constitution of council. **1.** Subject to the provisions of section 2, the council of the corporation of the town of Leaside for the year 1940 and thereafter shall be composed of a mayor, a reeve, a deputy reeve and four councillors all of whom are to be elected by general vote.

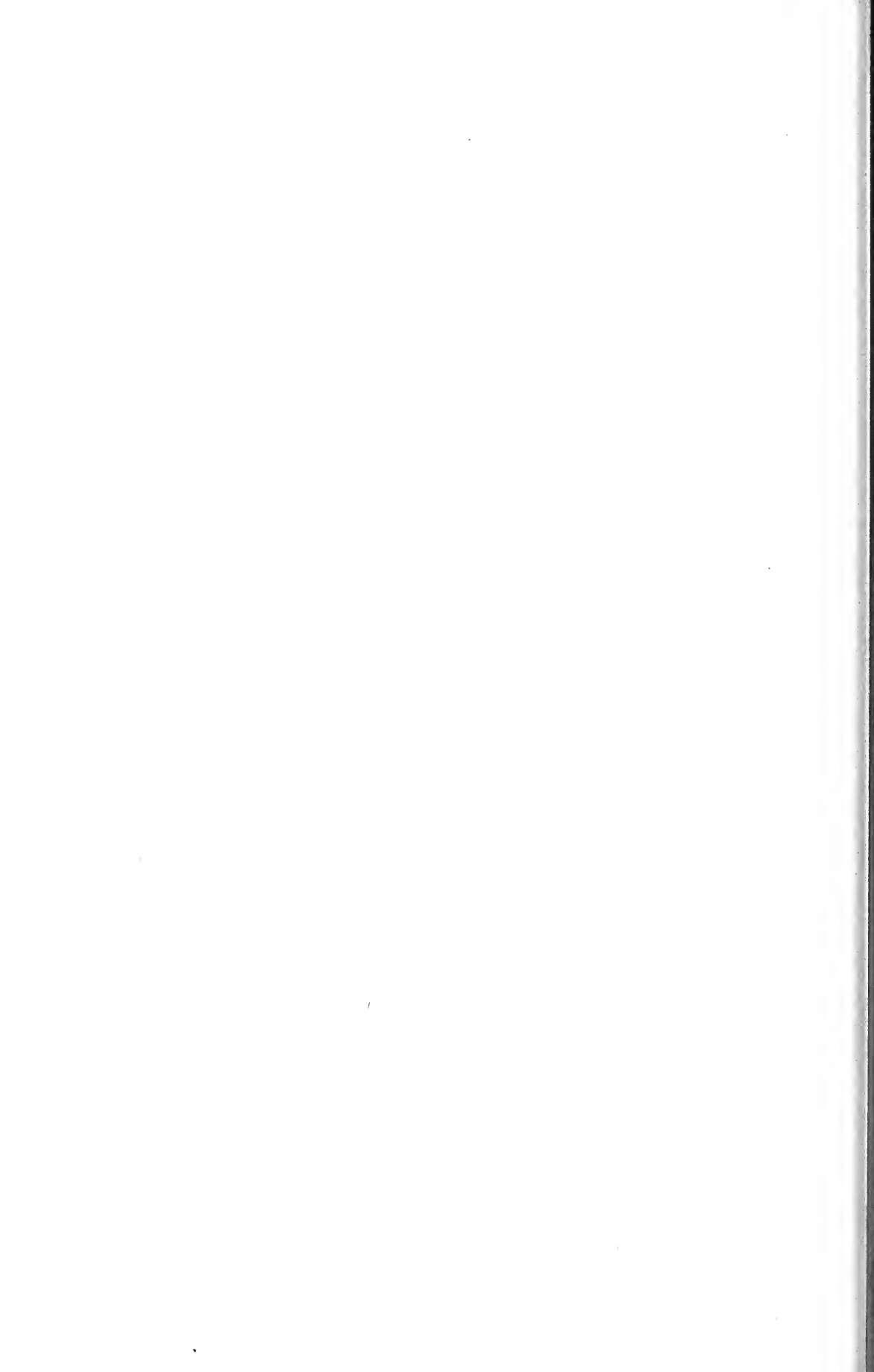
Division into wards. **2.—(1)** The council of the corporation of the town of Leaside may by by-law divide the said town into four wards numbered one to four having such boundaries as the said council may deem expedient and may from time to time by by-law change the boundaries thereof or any one or more of them.

By-law to be passed Nov. 1st. **(2)** Any such by-law shall be passed not later than the 1st day of November in any year.

Constitution of council after by-law passed. Rev. Stat., c. 266. **(3)** In the event of such by-law being passed and notwithstanding the provisions of section 48 of *The Municipal Act*, the said council shall, following the next election after the passing of such by-law and thereafter, consist of a mayor, a reeve, a deputy reeve, each of whom shall be elected by general vote, and one councillor for each ward to be elected by vote of the electors entitled to vote at the municipal elections in the ward.

Nomination meeting. **(4)** The nomination of candidates for the offices of councillor shall be held at the same time and place as the nomination of candidates for the office of mayor, reeve and deputy reeve.







BILL

An Act respecting the Town
of Leaside.

1st Reading

2nd Reading

3rd Reading

MR. HENRY

(Private Bill)

No. 3

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Town of Leaside.

MR. HENRY

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 3

1939

BILL

An Act respecting the Town of Leaside.

Preamble.



WHEREAS the corporation of the town of Leaside has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Constitution of council.

1. The council of the corporation of the town of Leaside for the year 1940 and thereafter shall be composed of a mayor, a reeve, a deputy reeve and four councillors.

Payment of members.

2. The council of the corporation of the town of Leaside may pass by-laws authorizing the payment of an annual allowance not exceeding \$450 to the reeve, not exceeding \$400 to the deputy reeve and not exceeding \$300 to each councillor, and every such by-law shall remain in force unless or until repealed or amended.

Short title.

3. This Act may be cited as *The Town of Leaside Act, 1939.*





BILL

An Act respecting the Town
of Leaside.

1st Reading

March 28th, 1939

2nd Reading

3rd Reading

MR. HENRY

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

No. 3

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Town of Leaside.

MR. HENRY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Town of Leaside.

Preamble. **W**HEREAS the corporation of the town of Leaside has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Constitution of council. **1.** The council of the corporation of the town of Leaside for the year 1940 and thereafter shall be composed of a mayor, a reeve, a deputy reeve and four councillors.

Payment of members. **2.** The council of the corporation of the town of Leaside may pass by-laws authorizing the payment of an annual allowance not exceeding \$450 to the reeve, not exceeding \$400 to the deputy reeve and not exceeding \$300 to each councillor, and every such by-law shall remain in force unless or until repealed or amended.

Short title. **3.** This Act may be cited as *The Town of Leaside Act, 1939*.



BILL

An Act respecting the Town
of Leaside.

1st Reading

March 28th, 1939

2nd Reading

April 17th, 1939

3rd Reading

April 24th, 1939

MR. HENRY

No. 4

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Niagara Lower Arch Bridge
Company Limited

MR. ANDERSON

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Niagara Lower Arch Bridge Company Limited

Preamble.

WHEREAS the Niagara Lower Arch Bridge Company Limited has prayed that an Act be passed to confirm by-law number 2715 of the corporation of the city of Niagara Falls, fixing the assessment of the said company at the sum of \$240,000 for ten years from and including the year 1938; and whereas the council of the said city corporation has by petition prayed for the passing of the said Act in order to settle certain differences which have existed between the said company and the said city corporation regarding the right of the said city corporation to assess and tax portions of the said company's property, and regarding the amount at which the said property should be assessed and taxed; and whereas it is expedient to grant the prayer of the said petition;

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

By-law
No. 2715
confirmed.

1. By-law number 2715 of the corporation of the city of Niagara Falls, set out in Schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Short title.

2. This Act may be cited as *The Niagara Lower Arch Bridge Company Limited Act, 1939.*



SCHEDULE A

BY-LAW NUMBER 2715

A By-law respecting the assessment and taxation of the Niagara Lower Arch Bridge Company Limited.

WHEREAS differences exist between the Corporation of the City of Niagara Falls and the Niagara Lower Arch Bridge Company Limited, in reference to the assessment and taxation by the City Corporation of the property belonging to the said Company within the said municipality;

AND WHEREAS such differences exist both in respect of the legal rights of the City Corporation to assess and tax portions of the said property, as well as the amount for which the property should be assessed and taxed;

AND WHEREAS it has been agreed between the Corporation and the said Company that for the purpose of settling such differences for the next ten years the annual assessment of the property of the Company shall be fixed at the sum of \$240,000.00, during the said period, but that the legal rights of the Corporation and the Company shall not be affected by anything herein contained when this by-law ceases to be operative;

AND WHEREAS the Corporation has agreed to petition the Legislature for an Act to validate this By-law, such legislation to be obtained at the expense of the Company;

NOW THEREFORE the Council of the Corporation of the City of Niagara Falls enacts as follows:

1. That for a period of ten years from and including the year 1938 all the real estate, bridge, property and effects of the Niagara Lower Arch Bridge Company Limited, within the limits of the City of Niagara Falls, shall be annually assessed (including business assessment) at the sum of \$240,000.00 for each and every of the said years.

2. That during the said period all municipal rates, taxes, levies and assessments made or levied against the said Company, except rates or taxes in respect of local improvements and except taxation for school purposes, shall be made and levied upon the said fixed assessment of \$240,000.00.

Enacted and passed this 6th day of December, A.D. 1938.

(Sgd.) C. D. HANNIWELL,
Mayor.

[SEAL]

(Sgd.) W. S. ORR,
Clerk.







BILL

An Act respecting the Niagara Lower
Arch Bridge Company Limited.

1st Reading

2nd Reading

3rd Reading

MR. ANDERSON

(Private Bill)

No. 6

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the City of Port Arthur.

MR. COX

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Port Arthur.

Preamble.

WHEREAS the corporation of the city of Port Arthur has by its petition represented that the said corporation has by by-law number 2304 duly passed on the 23rd day of January, 1939, authorized the issue of debentures for \$25,000 for the purpose of an advance of moneys to the Port Arthur Arena Company, Limited, to purchase an artificial ice plant and equipment therefor, and authorized the execution on behalf of the said corporation of an agreement between the said corporation and the Port Arthur Arena Company, Limited, in the terms of the provisional agreement set out as Schedule "A" to the said by-law; and whereas the said by-law and the said provisional agreement were submitted to and received the assent of the electors of said corporation prior to the final passage of the said by-law, 1,870 electors having voted in favour of the said by-law and 721 having voted against the said by-law; and whereas an agreement has been executed by the said corporation and the Port Arthur Arena Company, Limited, in the terms of the said provisional agreement; and whereas the said corporation has prayed for special legislation in respect to such matters; and whereas it is expedient to grant the prayer of the said petition;

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

By-law No. 2304 and agreement with Port Arthur Arena Co. Ltd. confirmed.

1. Subject to the approval of the Ontario Municipal Board, by-law number 2304 passed on the 23rd day of January, 1939, by the council of the corporation of the city of Port Arthur, entitled "A By-law to authorize the issue of Debentures for \$25,000 for the purpose of an advance of moneys to Port Arthur Arena Company, Limited, to purchase Artificial Ice Plant and Equipment," set out as Schedule A hereto, and the agreement entered into between the said corporation and the Port Arthur Arena Company, Limited, pursuant to the said by-law and in the terms of the provisional agreement appearing as Schedule "A" to the said by-law, set out as Schedule B hereto, are hereby validated and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and the Port Arthur Arena Company, Limited.



Commence-
ment of
Act.

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

Short title.

3. This Act may be cited as *The City of Port Arthur Act, 1939*.



SCHEDULE A

CITY OF PORT ARTRUR

BY-LAW NUMBER 2304

A by-law to authorize the issue of debentures for \$25,000.00 for the purpose of an advance of monies to Port Arthur Arena Company, Limited, to purchase Artificial Ice Plant and Equipment.

WHEREAS the Council of the City of Port Arthur has been requested by Port Arthur Arena Company, Limited, to enter into an Agreement of which a copy is hereto annexed and marked Schedule "A."

AND WHEREAS the Council proposes, if this By-law is assented to by the electors qualified to vote on money by-laws, to apply to the Legislative Assembly of the Province of Ontario for such legislation as may be necessary to enable The Corporation of the City of Port Arthur to enter into the said Agreement with the said Company.

AND WHEREAS the Council deems it advisable and expedient to submit this by-law to the vote of the electors qualified to vote on money by-laws and if assented to by the said electors and validated by the Legislative Assembly of the Province of Ontario, to issue debentures in the sum of \$25,000.00 to provide the monies required to be raised by the City for the purposes mentioned in the said Agreement, which said sum of \$25,000.00 is the maximum amount of the debt intended to be created by this by-law.

AND WHEREAS it is necessary to borrow the said sum of \$25,000.00 on the credit of the Corporation and to issue debentures therefor payable within five years from the time of the issuing thereof and bearing interest at the rate of 2½% per annum.

AND WHEREAS it is desirable to issue the debentures at one time and to make the principal of the said debt payable by yearly sums during the period of five 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 said five years of the said period as shown in Schedule "B" hereto attached.

AND WHEREAS it will be necessary to raise annually the sum of \$5,381.17 during the period of five years to pay for the said yearly sums of principal and interest as they become due, which said sums shall be levied and raised by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality.

AND WHEREAS the amount of the whole rateable property of the City of Port Arthur according to the last revised assessment roll is \$30,521,911.00, of which \$4,552,945.00 is wholly exempt from taxation, and \$1,027,460.00 is exempt except for School Taxes and Unemployment Relief purposes.

AND WHEREAS the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts secured by special Acts, rates and assessments) is \$4,278,677.35 and no part of the principal or interest is in arrears.

NOW THEREFORE the Council of the Corporation of the City of Port Arthur enacts as follows:



1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$25,000.00 and debentures shall be issued therefor in sums of not less than \$100.00, each bearing interest at the rate of 2½% per annum, and the said debentures shall have coupons attached thereto for payment of the interest semi-annually.

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this By-law shall come into force and effect and may bear any date within such two years and shall be payable within five years and the respective amounts of principal and interest payable in each of such years shall be as set forth in Schedule "B" hereto annexed.

3. The debentures as to both principal and interest shall be expressed in Canadian currency and may be payable at any place or places in Canada.

4. The interest on the said debentures shall be payable semi-annually in each year during the said five years on such dates as the Council shall hereafter determine and the said interest shall be payable at the Head Office of the Bank of Montreal in the City of Port Arthur, Montreal, Toronto, Winnipeg, and Vancouver.

5. Each of the debentures shall be signed by the Mayor of the City or by some other person authorized by by-law to sign the same and by the Treasurer of the said City, and the Clerk shall attach thereto the Corporate Seal of the Corporation. The interest coupons shall be signed by the Treasurer of the Corporation and his signature thereto may be written, stamped, lithographed or engraved.

6. During five years, the currency of the said debentures, there shall be levied and raised annually in respect thereof the sum of \$5,381.17 by special rates sufficient therefor over and above all other rates on all the rateable property in the City of Port Arthur at the same time and in the same manner as other rates.

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

8. This by-law shall not come into force or effect until assented to by the electors qualified to vote on money by-laws and validated by a special Act of the Legislative Assembly of the Province of Ontario.

ENACTED AND PASSED this 23rd day of January, A.D. 1939.

(Sgd.) CHARLES W. COX,
Mayor.

(Sgd.) ARTHUR H. EVANS,
Clerk.

(Corporate Seal)



Schedule "A" to By-Law Number 2304.

THIS AGREEMENT made in duplicate this _____ day of _____, A.D. 19—.

BETWEEN:

THE CORPORATION OF THE CITY OF PORT ARTHUR,
hereinafter called the City,
of the ONE PART,

—and—

PORT ARTHUR ARENA COMPANY, LIMITED,
hereinafter call the Company,
of the OTHER PART.

WHEREAS the Company is desirous of purchasing and installing in the Port Arthur Arena Rink, Artificial Ice Plant and Equipment of an estimated cost of Twenty-five Thousand Dollars (\$25,000.00).

AND WHEREAS the Company is unable to provide the monies necessary for the said purpose and has requested the City to lend to it the sum of Twenty-five Thousand Dollars (\$25,000.00) for the said purpose to be repaid by the Company to the City as hereinafter set out.

AND WHEREAS the City has agreed to so lend the said sum to the Company as hereinafter provided.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in pursuance of the premises and in consideration of the mutual covenants and agreements hereinafter contained the parties hereto covenant and agree each with the other as follows:

1. The Company agrees forthwith after the execution hereof to purchase and install in its Rink at Port Arthur, known as the Port Arthur Arena Rink, suitable Artificial Ice Plant and Equipment of a value of not less than Twenty-five Thousand Dollars (\$25,000.00) and to keep, use, and maintain the said Artificial Ice Plant and Equipment in the Rink until the monies advanced by the City hereinafter mentioned and the interest thereon shall have been fully paid and satisfied.

2. The City agrees to advance to the Company a sum not exceeding Twenty-five Thousand Dollars (\$25,000.00) for the purposes mentioned in the preceding paragraph hereof and the Company covenants and agrees with the City to repay the said sum to the city and the interest thereon as hereinafter provided in the manner following, that is to say:

The said principal sum of Twenty-five Thousand Dollars (\$25,000.00) shall become due and be paid in any event at the expiration of twenty (20) years from the date when it shall have been advanced to the Company; provided that on the 1st day of June in each and every year the Company shall pay to the City on account of the said debt the whole of its net profits for the preceding financial year of the Company, which said net profits shall be deemed to be the gross profits less all necessary and proper operating and administrative expenses, including reasonable depreciation and necessary and proper expenditures for replacements of or improvements to buildings, plant, and equipment of the Company. The balance of principal from time to time outstanding shall bear interest at the same rate as the Municipal Debentures to be issued to provide the said monies, but only while any of the said debentures are outstanding, which said interest shall be paid semi-annually on the 1st days of May and November in each year as well after as before maturity and both before and after default; interest in arrears to bear interest at the rate aforesaid until paid.



to be compounded with semi-annually rests, the first payment of interest to be computed from the date of advance of the said monies to the Company, to fall due and be paid on the next ensuing first day of May or November thereafter as the case may be. The Company shall have the privilege of prepaying the whole of the said indebtedness or of increasing the payments hereinbefore mentioned without notice and without bonus. If the Company shall make default in repayment of principal or interest as above, the entire balance owing by the Company shall, at the option of the City, become due and payable forthwith.

3. As collateral security for repayment of the said indebtedness the Company covenants and agrees to execute and deliver to the City, in form satisfactory to the City, a Mortgage upon the real estate, buildings and fixtures of the Company, including the Artificial Ice Plant and Equipment, repayable as mentioned in the preceding paragraph hereof, which said Mortgage shall be a charge upon the said assets subject only in priority to the existing first Mortgage in favour of the City and which said Mortgage shall contain a covenant of the Company that until the said Mortgage and the said existing first Mortgage shall have been fully paid and satisfied the Company shall not make or pay to its Directors or Shareholders any bonus, dividend, payment or distribution of profits whatsoever, and a proviso that upon breach of the said covenant the City shall be entitled to exercise all its rights under the said Mortgage in the same manner and to the same extent as for default in payment of principal or interest.

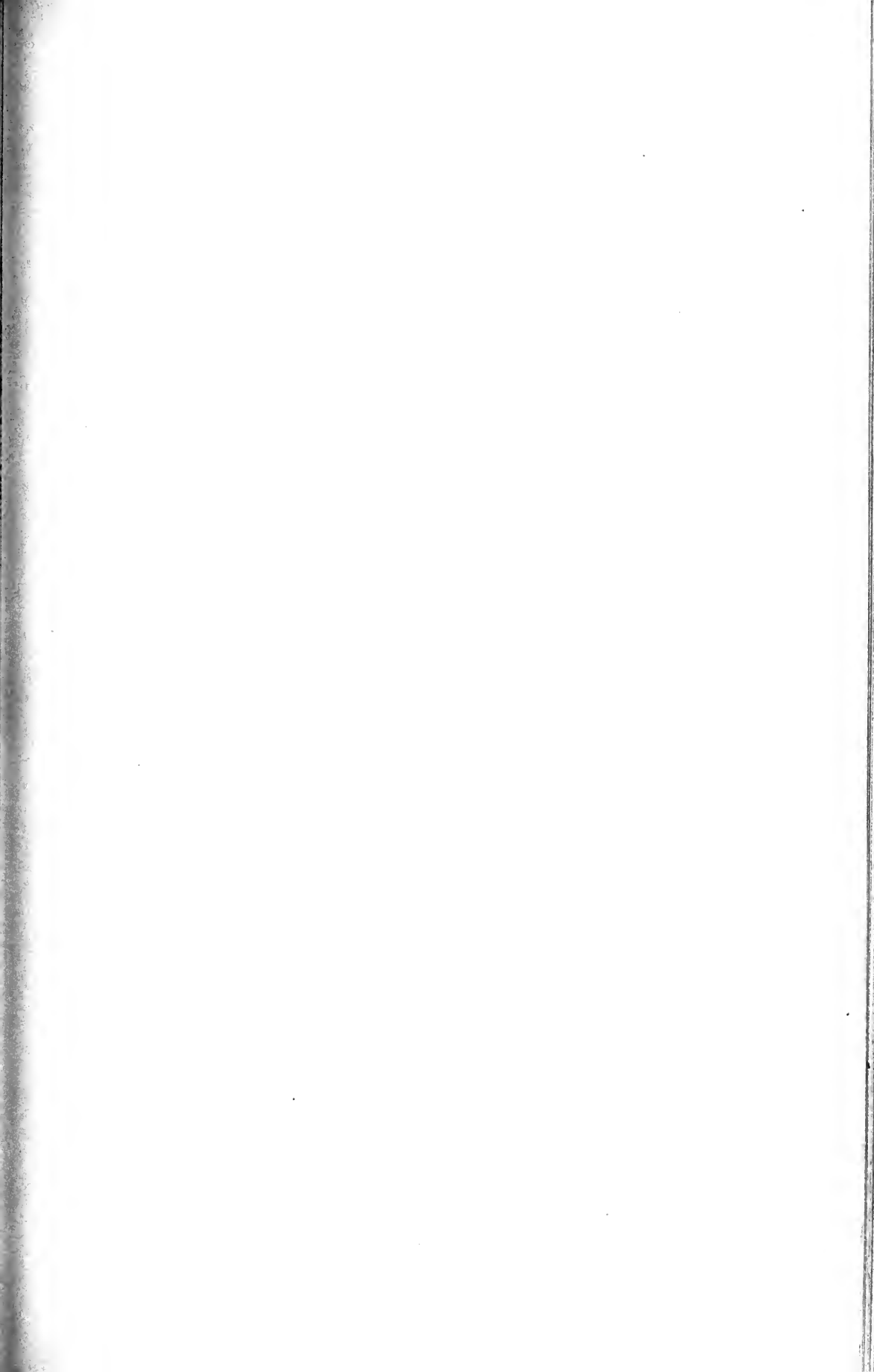
4. The Company further covenants and agrees with the City that if the Company, without the consent of the City, shall cease to operate the said Port Arthur Arena Rink for a period of one year, the monies owing under and by virtue of the said Mortgage shall, at the option of the City, become due and payable forthwith and in such event and upon default in payment of the respective sums secured by the said Mortgage, the City may forthwith proceed to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default of payment of Principal and as if this covenant were expressly contained in and formed a part of the said Mortgage.

5. The Company covenants and agrees with the City that until the said Mortgage shall have been fully paid and satisfied it will at all times elect to its Board of Directors four nominees of the City who are shareholders of the Company, and in the event of the death, resignation, or removal of any one or more of the said nominees from the said Board of Directors, that it will elect or appoint other nominees of the City in their place who shall be shareholders of the Company, and in default by the Company in the observance of this covenant, the balance secured by the said Mortgage shall, at the option of the City, become due and payable forthwith, and in default of payment by the Company, the City shall be at liberty to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default in payment of principal and as if this covenant were expressly contained in the said Mortgages.

6. Until the indebtedness aforesaid shall have been fully paid and satisfied the Company covenants and agrees to insure and keep insured the Buildings, fixtures, and Artificial Ice Plant and Equipment hereinbefore mentioned to their full insurable value in a Company or Companies satisfactory to the City with the loss payable thereunder to the City as its interest may appear.

7. The monies required to be raised by the City for the purpose aforesaid shall be raised by the City by the issue of debentures repayable in equal annual instalments of Principal and interest within five years, bearing $2\frac{1}{2}\%$ interest or such other rate as the Council, with the approval of The Ontario Municipal Board, pursuant to Section 310 of the Municipal Act, may decide.

8. The Council of the City of Port Arthur, may, by resolution and without further authority from the ratepayers of the City, from time to time, make declarations binding upon the City as to the fulfilment by the Company of its obligations hereunder, and the interpretation and meaning



of the terms hereof, and may, in like manner, on behalf of the City, settle and compromise and otherwise deal with any disputes or questions which may from time to time arise between the City and the Company in respect to the matters herein referred to.

9. This Agreement, when the By-law to provide the monies hereinbefore mentioned shall have been assented to by the electors qualified to vote thereon, shall be submitted to the Legislative Assembly of the Province of Ontario by the City for validation and in any event the Company agrees to pay to the City forthwith after the same are incurred the costs and expenses of taking the vote of the said electors and of the said application for validation.

10. This Agreement shall be binding upon and enure to the benefit of the successors and assigns of the City and of the Company respectively.

IN WITNESS WHEREOF the Corporate Seals of the City and the Company respectively and the hands of their respective proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY OF
PORT ARTHUR

In the Presence of:

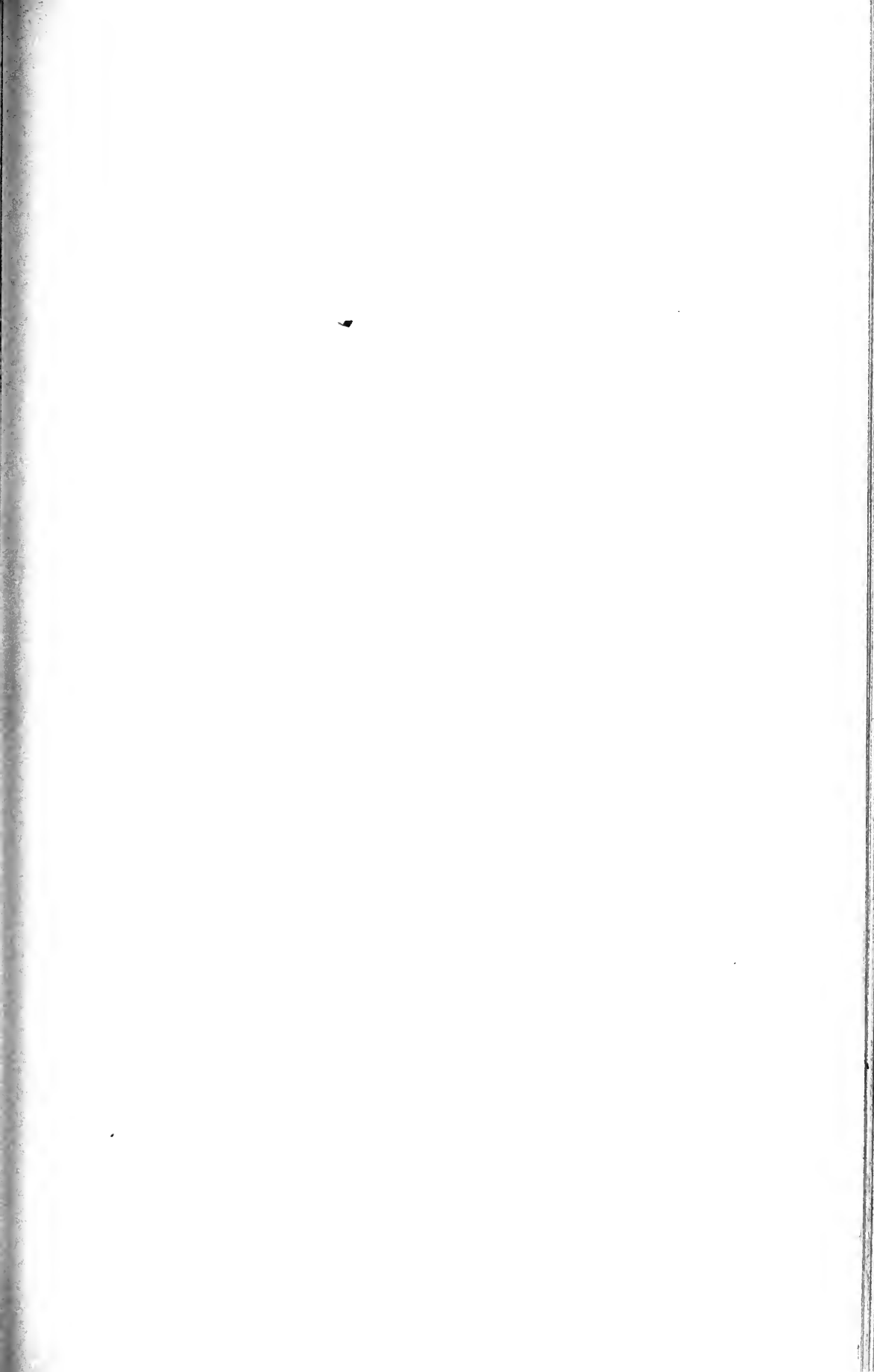
By.....
Mayor.

.....
Clerk.

PORT ARTHUR ARENA COMPANY,
LIMITED

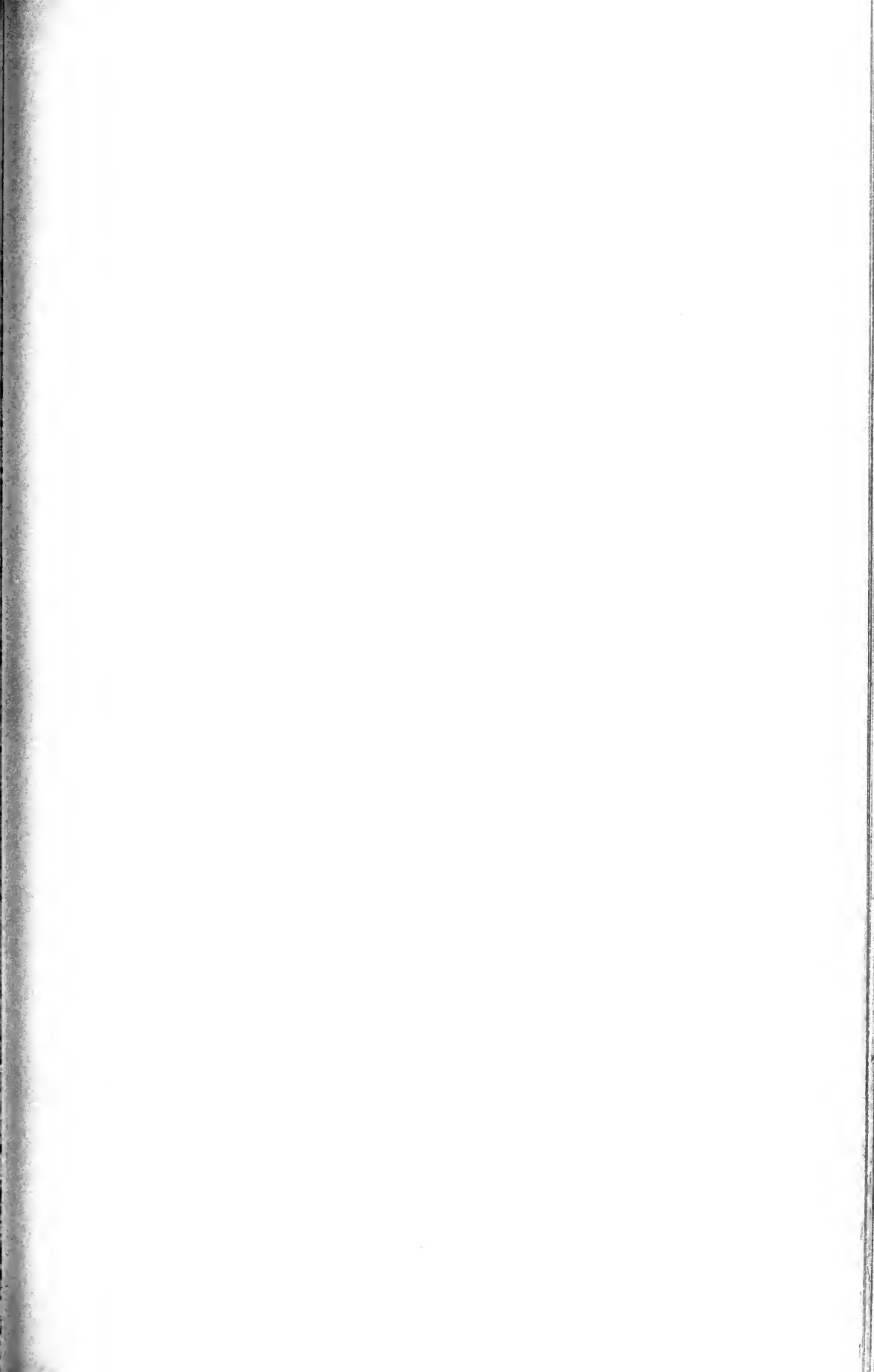
By.....
President.

.....
Secretary.



Schedule "B" to By-Law Number 2304.

Deb. No.		Interest	Principal	Annual Payment	Balance
1	1st Year.....	\$625.00	\$4,756.17	\$5,381.17	\$20,243.83
2	2nd Year.....	506.10	4,875.07	5,381.17	15,368.76
3	3rd Year.....	384.22	4,996.95	5,381.17	10,371.81
4	4th Year.....	259.29	5,121.88	5,381.17	5,249.93
5	5th Year.....	131.25	5,249.93	5,381.17
			<u>\$25,000.00</u>		



SCHEDULE B

THIS AGREEMENT made in duplicate this 8th day of February, A.D. 1939,

BETWEEN:

THE CORPORATION OF THE CITY OF PORT ARTHUR,
hereinafter called the City,

of the ONE PART,

—and—

PORT ARTHUR ARENA COMPANY, LIMITED,
hereinafter called the Company,

of the OTHER PART.

WHEREAS the Company is desirous of purchasing and installing in the Port Arthur Arena Rink, Artificial Ice Plant and Equipment of an estimated cost of Twenty-five Thousand Dollars (\$25,000.00).

AND WHEREAS the Company is unable to provide the monies necessary for the said purpose and has requested the City to lend to it the sum of Twenty-five Thousand Dollars (\$25,000.00) for the said purpose to be repaid by the Company to the City as hereinafter set out.

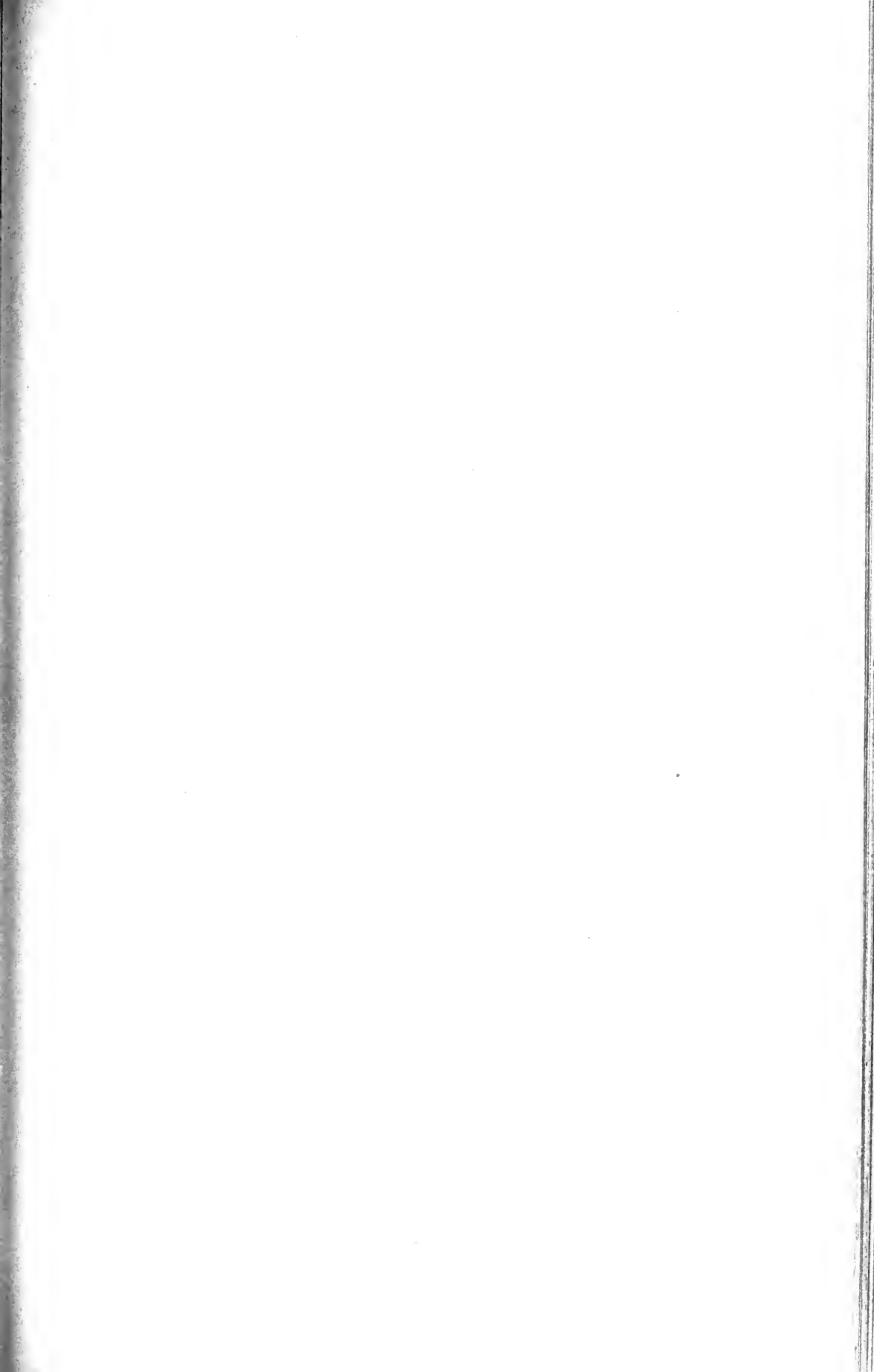
AND WHEREAS the City has agreed to so lend the said sum to the Company as hereinafter provided.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in pursuance of the premises and in consideration of the mutual covenants and agreements hereinafter contained the parties hereto covenant and agree each with the other as follows:

1. The Company agrees forthwith after the execution hereof to purchase and install in its Rink at Port Arthur, known as the Port Arthur Arena Rink, suitable Artificial Ice Plant and Equipment of a value of not less than Twenty-five Thousand Dollars (\$25,000.00) and to keep, use and maintain the said Artificial Ice Plant and Equipment in the Rink until the monies advanced by the City hereinafter mentioned and the interest thereon shall have been fully paid and satisfied.

2. The City agrees to advance to the Company a sum not exceeding Twenty-five Thousand Dollars (\$25,000.00) for the purposes mentioned in the preceding paragraph hereof and the Company covenants and agrees with the City to repay the said sum to the City and the interest thereon as hereinafter provided in the manner following, that is to say:

The said principal sum of Twenty-five Thousand Dollars (\$25,000.00) shall become due and be paid in any event at the expiration of twenty (20) years from the date when it shall have been advanced to the Company; provided that on the 1st day of June in each and every year the Company shall pay to the City on account of the said debt the whole of its net profits for the preceding financial year of the Company, which said net profits shall be deemed to be the gross profits less all necessary and proper operating and administrative expenses, including reasonable depreciation and necessary and proper expenditures for replacements of or improvements to buildings, plant, and equipment of the Company. The balance of principal from time to time outstanding shall bear interest at the same rate as the Municipal Debentures to be issued to provide the said monies, but only while any of the said Debentures are outstanding, which said interest shall be paid semi-annually on the 1st days of May and November in each year as well after as before maturity and both before and after default; interest in arrears to bear interest at the rate aforesaid until paid, to be compounded with semi-annual rests, the first payment of interest



to be computed from the date of advance of the said monies to the Company, to fall due and be paid on the next ensuing first day of May or November thereafter as the case may be. The Company shall have the privilege of prepaying the whole of the said indebtedness or of increasing the payments hereinbefore mentioned without notice and without bonus. If the Company shall make default in repayment of principal or interest as above, the entire balance owing by the Company shall, at the option of the City, become due and payable forthwith.

3. As collateral security for repayment of the said indebtedness the Company covenants and agrees to execute and deliver to the City, in form satisfactory to the City, a Mortgage upon the real estate, buildings and fixtures of the Company, including the Artificial Ice Plant and Equipment, repayable as mentioned in the preceding paragraph hereof, which said Mortgage shall be a charge upon the said assets subject only in priority to the existing first Mortgage in favour of the City and which said Mortgage shall contain a covenant of the Company that until the said Mortgage and the said existing first Mortgage shall have been fully paid and satisfied the Company shall not make or pay to its Directors or Shareholders any bonus, dividend, payment or distribution of profits whatsoever, and a proviso that upon breach of the said covenant the City shall be entitled to exercise all its rights under the said Mortgage in the same manner and to the same extent as for default in payment of principal or interest.

4. The Company further covenants and agrees with the City that if the Company, without the consent of the City, shall cease to operate the said Port Arthur Arena Rink for a period of one year, the monies owing under and by virtue of the said Mortgage shall, at the option of the City, become due and payable forthwith and in such event and upon default in payment of the respective sums secured by the said Mortgage, the City may forthwith proceed to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default of payment of principal and as if this covenant were expressly contained in and formed a part of the said Mortgage.

5. The Company covenants and agrees with the City that until the said Mortgage shall have been fully paid and satisfied it will at all times elect to its Board of Directors four nominees of the City who are shareholders of the Company, and in the event of the death, resignation, or removal of any one or more of the said nominees from the said Board of Directors, that it will elect or appoint other nominees of the City in their place who shall be shareholders of the Company, and in default by the Company in the observance of this covenant, the balance secured by the said Mortgage shall, at the option of the City, become due and payable forthwith, and in default of payment by the Company, the City shall be at liberty to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default in payment of principal and as if this covenant were expressly contained in the said Mortgages.

6. Until the indebtedness aforesaid shall have been fully paid and satisfied the Company covenants and agrees to insure and keep insured the buildings, fixtures, and Artificial Ice Plant and Equipment hereinbefore mentioned to their full insurable value in a Company or Companies satisfactory to the City with the loss payable thereunder to the City as its interest may appear.

7. The monies required to be raised by the City for the purpose aforesaid shall be raised by the City by the issue of debentures repayable in equal annual instalments of principal and interest within five years, bearing $2\frac{1}{2}\%$ interest or such other rate as the Council, with the approval of The Ontario Municipal Board, pursuant to Section 310 of the Municipal Act, may decide.

8. The Council of the City of Port Arthur, may, by resolution and without further authority from the ratepayers of the City, from time to time, make declarations binding upon the City as to the fulfilment by the Company of its obligations hereunder, and the interpretation and meaning of the terms hereof, and may, in like manner, on behalf of the City, settle



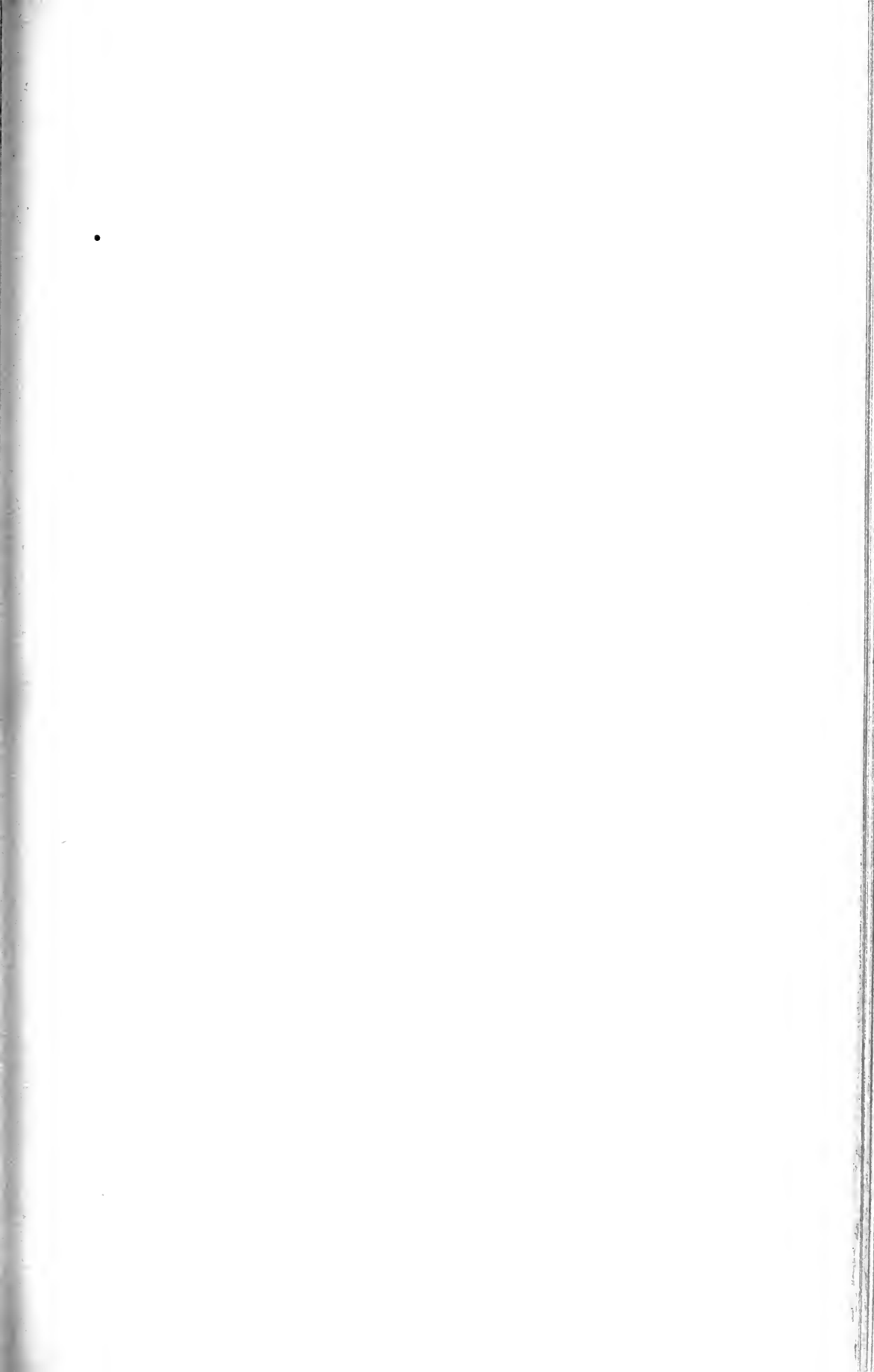
and compromise and otherwise deal with any disputes or questions which may from time to time arise between the City and the Company in respect to the matters herein referred to.

9. This Agreement, when the By-law to provide the monies hereinbefore mentioned shall have been assented to by the electors qualified to vote thereon, shall be submitted to the Legislative Assembly of the Province of Ontario by the City for validation and in any event the Company agrees to pay to the City forthwith after the same are incurred the costs and expenses of taking the vote of the said electors and of the said application for validation.

10. This Agreement shall be binding upon and enure to the benefit of the successors and assigns of the City and of the Company respectively.

IN WITNESS WHEREOF the Corporate Seals of the City and the Company respectively and the hands of their respective proper officers in that behalf.

SIGNED, SEALED AND DELIVERED In the Presence of: (Corporate Seal of the Corporation of the City of Port Arthur)	THE CORPORATION OF THE CITY OF PORT ARTHUR by (Sgd.) CHARLES W. COX, <i>Mayor.</i> (Sgd.) ARTHUR H. EVANS, <i>Clerk.</i>
(Corporate Seal of Port Arthur Arena Company, Limited)	PORT ARTHUR ARENA COMPANY, LIMITED by (Sgd.) S. A. COULTER, <i>President.</i> (Sgd.) F. H. BLACK, <i>Secretary.</i>



BILL

An Act respecting the City of
Port Arthur.

1st Reading

2nd Reading

3rd Reading

MR. COX

(Private Bill)

No. 6

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the City of Port Arthur.

MR. COX

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Port Arthur.

Preamble.

WHEREAS the corporation of the city of Port Arthur has by its petition represented that the said corporation has by by-law number 2304 duly passed on the 23rd day of January, 1939, authorized the issue of debentures for \$25,000 for the purpose of an advance of moneys to the Port Arthur Arena Company, Limited, to purchase an artificial ice plant and equipment therefor, and authorized the execution on behalf of the said corporation of an agreement between the said corporation and the Port Arthur Arena Company, Limited, in the terms of the provisional agreement set out as Schedule "A" to the said by-law; and whereas the said by-law and the said provisional agreement were submitted to and received the assent of the electors of said corporation prior to the final passage of the said by-law, 1,870 electors having voted in favour of the said by-law and 721 having voted against the said by-law; and whereas an agreement has been executed by the said corporation and the Port Arthur Arena Company, Limited, in the terms of the said provisional agreement; and whereas the said corporation has prayed for special legislation in respect to such matters; and whereas it is expedient to grant the prayer of the said petition;

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

By-law No.
2304 and
agreement
with Port
Arthur
Arena Co.
Ltd. con-
firmed.

1. Subject to the approval of the Ontario Municipal Board, by-law number 2304 passed on the 23rd day of January, 1939, by the council of the corporation of the city of Port Arthur, entitled "A By-law to authorize the issue of Debentures for \$25,000 for the purpose of an advance of moneys to Port Arthur Arena Company, Limited, to purchase Artificial Ice Plant and Equipment," set out as Schedule A hereto, and the agreement entered into between the said corporation and the Port Arthur Arena Company, Limited, pursuant to the said by-law and in the terms of the provisional agreement appearing as Schedule "A" to the said by-law, set out as Schedule B hereto, are hereby validated and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and the Port Arthur Arena Company, Limited.

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

3. This Act may be cited as *The City of Port Arthur Act*, **Short title.**
1939.

SCHEDULE A

CITY OF PORT ARTRUR

BY-LAW NUMBER 2304

A by-law to authorize the issue of debentures for \$25,000.00 for the purpose of an advance of monies to Port Arthur Arena Company, Limited, to purchase Artificial Ice Plant and Equipment.

WHEREAS the Council of the City of Port Arthur has been requested by Port Arthur Arena Company, Limited, to enter into an Agreement of which a copy is hereto annexed and marked Schedule "A."

AND WHEREAS the Council proposes, if this By-law is assented to by the electors qualified to vote on money by-laws, to apply to the Legislative Assembly of the Province of Ontario for such legislation as may be necessary to enable The Corporation of the City of Port Arthur to enter into the said Agreement with the said Company.

AND WHEREAS the Council deems it advisable and expedient to submit this by-law to the vote of the electors qualified to vote on money by-laws and if assented to by the said electors and validated by the Legislative Assembly of the Province of Ontario, to issue debentures in the sum of \$25,000.00 to provide the monies required to be raised by the City for the purposes mentioned in the said Agreement, which said sum of \$25,000.00 is the maximum amount of the debt intended to be created by this by-law.

AND WHEREAS it is necessary to borrow the said sum of \$25,000.00 on the credit of the Corporation and to issue debentures therefor payable within five years from the time of the issuing thereof and bearing interest at the rate of 2½% per annum.

AND WHEREAS it is desirable to issue the debentures at one time and to make the principal of the said debt payable by yearly sums during the period of five 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 said five years of the said period as shown in Schedule "B" hereto attached.

AND WHEREAS it will be necessary to raise annually the sum of \$5,381.17 during the period of five years to pay for the said yearly sums of principal and interest as they become due, which said sums shall be levied and raised by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality.

AND WHEREAS the amount of the whole rateable property of the City of Port Arthur according to the last revised assessment roll is \$30,521,911.00, of which \$4,552,945.00 is wholly exempt from taxation, and \$1,027,460.00 is exempt except for School Taxes and Unemployment Relief purposes.

AND WHEREAS the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts secured by special Acts, rates and assessments) is \$4,278,677.35 and no part of the principal or interest is in arrears.

NOW THEREFORE the Council of the Corporation of the City of Port Arthur enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$25,000.00 and debentures shall be issued therefor in sums of not less than \$100.00, each bearing interest at the rate of $2\frac{1}{2}\%$ per annum, and the said debentures shall have coupons attached thereto for payment of the interest semi-annually.

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this By-law shall come into force and effect and may bear any date within such two years and shall be payable within five years and the respective amounts of principal and interest payable in each of such years shall be as set forth in Schedule "B" hereto annexed.

3. The debentures as to both principal and interest shall be expressed in Canadian currency and may be payable at any place or places in Canada.

4. The interest on the said debentures shall be payable semi-annually in each year during the said five years on such dates as the Council shall hereafter determine and the said interest shall be payable at the Head Office of the Bank of Montreal in the City of Port Arthur, Montreal, Toronto, Winnipeg, and Vancouver.

5. Each of the debentures shall be signed by the Mayor of the City or by some other person authorized by by-law to sign the same and by the Treasurer of the said City, and the Clerk shall attach thereto the Corporate Seal of the Corporation. The interest coupons shall be signed by the Treasurer of the Corporation and his signature thereto may be written, stamped, lithographed or engraved.

6. During five years, the currency of the said debentures, there shall be levied and raised annually in respect thereof the sum of \$5,381.17 by special rates sufficient therefor over and above all other rates on all the rateable property in the City of Port Arthur at the same time and in the same manner as other rates.

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

8. This by-law shall not come into force or effect until assented to by the electors qualified to vote on money by-laws and validated by a special Act of the Legislative Assembly of the Province of Ontario.

ENACTED AND PASSED this 23rd day of January, A.D. 1939.

(Sgd.) CHARLES W. COX,
Mayor.

(Corporate Seal) (Sgd.) ARTHUR H. EVANS,
Clerk.

Schedule "A" to By-Law Number 2304.

THIS AGREEMENT made in duplicate this _____ day of _____, A.D. 19—.

BETWEEN:

THE CORPORATION OF THE CITY OF PORT ARTHUR,
hereinafter called the City,
of the ONE PART,

—and—

PORT ARTHUR ARENA COMPANY, LIMITED,
hereinafter call the Company,
of the OTHER PART.

WHEREAS the Company is desirous of purchasing and installing in the Port Arthur Arena Rink, Artificial Ice Plant and Equipment of an estimated cost of Twenty-five Thousand Dollars (\$25,000.00).

AND WHEREAS the Company is unable to provide the monies necessary for the said purpose and has requested the City to lend to it the sum of Twenty-five Thousand Dollars (\$25,000.00) for the said purpose to be repaid by the Company to the City as hereinafter set out.

AND WHEREAS the City has agreed to so lend the said sum to the Company as hereinafter provided.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in pursuance of the premises and in consideration of the mutual covenants and agreements hereinafter contained the parties hereto covenant and agree each with the other as follows:

1. The Company agrees forthwith after the execution hereof to purchase and install in its Rink at Port Arthur, known as the Port Arthur Arena Rink, suitable Artificial Ice Plant and Equipment of a value of not less than Twenty-five Thousand Dollars (\$25,000.00) and to keep, use, and maintain the said Artificial Ice Plant and Equipment in the Rink until the monies advanced by the City hereinafter mentioned and the interest thereon shall have been fully paid and satisfied.

2. The City agrees to advance to the Company a sum not exceeding Twenty-five Thousand Dollars (\$25,000.00) for the purposes mentioned in the preceding paragraph hereof and the Company covenants and agrees with the City to repay the said sum to the city and the interest thereon as hereinafter provided in the manner following, that is to say:

The said principal sum of Twenty-five Thousand Dollars (\$25,000.00) shall become due and be paid in any event at the expiration of twenty (20) years from the date when it shall have been advanced to the Company; provided that on the 1st day of June in each and every year the Company shall pay to the City on account of the said debt the whole of its net profits for the preceding financial year of the Company, which said net profits shall be deemed to be the gross profits less all necessary and proper operating and administrative expenses, including reasonable depreciation and necessary and proper expenditures for replacements of or improvements to buildings, plant, and equipment of the Company. The balance of principal from time to time outstanding shall bear interest at the same rate as the Municipal Debentures to be issued to provide the said monies, but only while any of the said debentures are outstanding, which said interest shall be paid semi-annually on the 1st days of May and November in each year as well after as before maturity and both before and after default; interest in arrears to bear interest at the rate aforesaid until paid.

to be compounded with semi-annually rests, the first payment of interest to be computed from the date of advance of the said monies to the Company, to fall due and be paid on the next ensuing first day of May or November thereafter as the case may be. The Company shall have the privilege of prepaying the whole of the said indebtedness or of increasing the payments hereinbefore mentioned without notice and without bonus. If the Company shall make default in repayment of principal or interest as above, the entire balance owing by the Company shall, at the option of the City, become due and payable forthwith.

3. As collateral security for repayment of the said indebtedness the Company covenants and agrees to execute and deliver to the City, in form satisfactory to the City, a Mortgage upon the real estate, buildings and fixtures of the Company, including the Artificial Ice Plant and Equipment, repayable as mentioned in the preceding paragraph hereof, which said Mortgage shall be a charge upon the said assets subject only in priority to the existing first Mortgage in favour of the City and which said Mortgage shall contain a covenant of the Company that until the said Mortgage and the said existing first Mortgage shall have been fully paid and satisfied the Company shall not make or pay to its Directors or Shareholders any bonus, dividend, payment or distribution of profits whatsoever, and a proviso that upon breach of the said covenant the City shall be entitled to exercise all its rights under the said Mortgage in the same manner and to the same extent as for default in payment of principal or interest.

4. The Company further covenants and agrees with the City that if the Company, without the consent of the City, shall cease to operate the said Port Arthur Arena Rink for a period of one year, the monies owing under and by virtue of the said Mortgage shall, at the option of the City, become due and payable forthwith and in such event and upon default in payment of the respective sums secured by the said Mortgage, the City may forthwith proceed to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default of payment of Principal and as if this covenant were expressly contained in and formed a part of the said Mortgage.

5. The Company covenants and agrees with the City that until the said Mortgage shall have been fully paid and satisfied it will at all times elect to its Board of Directors four nominees of the City who are shareholders of the Company, and in the event of the death, resignation, or removal of any one or more of the said nominees from the said Board of Directors, that it will elect or appoint other nominees of the City in their place who shall be shareholders of the Company, and in default by the Company in the observance of this covenant, the balance secured by the said Mortgage shall, at the option of the City, become due and payable forthwith, and in default of payment by the Company, the City shall be at liberty to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default in payment of principal and as if this covenant were expressly contained in the said Mortgages.

6. Until the indebtedness aforesaid shall have been fully paid and satisfied the Company covenants and agrees to insure and keep insured the Buildings, fixtures, and Artificial Ice Plant and Equipment hereinbefore mentioned to their full insurable value in a Company or Companies satisfactory to the City with the loss payable thereunder to the City as its interest may appear.

7. The monies required to be raised by the City for the purpose aforesaid shall be raised by the City by the issue of debentures repayable in equal annual instalments of Principal and interest within five years, bearing $2\frac{1}{2}\%$ interest or such other rate as the Council, with the approval of The Ontario Municipal Board, pursuant to Section 310 of the Municipal Act, may decide.

8. The Council of the City of Port Arthur, may, by resolution and without further authority from the ratepayers of the City, from time to time, make declarations binding upon the City as to the fulfilment by the Company of its obligations hereunder, and the interpretation and meaning

of the terms hereof, and may, in like manner, on behalf of the City, settle and compromise and otherwise deal with any disputes or questions which may from time to time arise between the City and the Company in respect to the matters herein referred to.

9. This Agreement, when the By-law to provide the monies hereinbefore mentioned shall have been assented to by the electors qualified to vote thereon, shall be submitted to the Legislative Assembly of the Province of Ontario by the City for validation and in any event the Company agrees to pay to the City forthwith after the same are incurred the costs and expenses of taking the vote of the said electors and of the said application for validation.

10. This Agreement shall be binding upon and enure to the benefit of the successors and assigns of the City and of the Company respectively.

IN WITNESS WHEREOF the Corporate Seals of the City and the Company respectively and the hands of their respective proper officers in that behalf.

SIGNED, SEALED AND DELIVERED	}	THE CORPORATION OF THE CITY OF PORT ARTHUR
In the Presence of:	}	By..... <i>Mayor.</i>
	} <i>Clerk.</i>
	}	PORT ARTHUR ARENA COMPANY, LIMITED
	}	By..... <i>President.</i>
	} <i>Secretary.</i>

Schedule "B" to By-Law Number 2304.

Deb. No.		Interest	Principal	Annual Payment	Balance
1	1st Year.....	\$625.00	\$4,756.17	\$5,381.17	\$20,243.83
2	2nd Year.....	506.10	4,875.07	5,381.17	15,368.76
3	3rd Year.....	384.22	4,996.95	5,381.17	10,371.81
4	4th Year.....	259.29	5,121.88	5,381.17	5,249.93
5	5th Year.....	131.25	5,249.93	5,381.17
			<u>\$25,000.00</u>		

SCHEDULE B

THIS AGREEMENT made in duplicate this 8th day of February, A.D. 1939,

BETWEEN:

THE CORPORATION OF THE CITY OF PORT ARTHUR,
hereinafter called the City,

of the ONE PART,

—and—

PORT ARTHUR ARENA COMPANY, LIMITED,
hereinafter called the Company,

of the OTHER PART.

WHEREAS the Company is desirous of purchasing and installing in the Port Arthur Arena Rink, Artificial Ice Plant and Equipment of an estimated cost of Twenty-five Thousand Dollars (\$25,000.00).

AND WHEREAS the Company is unable to provide the monies necessary for the said purpose and has requested the City to lend to it the sum of Twenty-five Thousand Dollars (\$25,000.00) for the said purpose to be repaid by the Company to the City as hereinafter set out.

AND WHEREAS the City has agreed to so lend the said sum to the Company as hereinafter provided.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in pursuance of the premises and in consideration of the mutual covenants and agreements hereinafter contained the parties hereto covenant and agree each with the other as follows:

1. The Company agrees forthwith after the execution hereof to purchase and install in its Rink at Port Arthur, known as the Port Arthur Arena Rink, suitable Artificial Ice Plant and Equipment of a value of not less than Twenty-five Thousand Dollars (\$25,000.00) and to keep, use and maintain the said Artificial Ice Plant and Equipment in the Rink until the monies advanced by the City hereinafter mentioned and the interest thereon shall have been fully paid and satisfied.

2. The City agrees to advance to the Company a sum not exceeding Twenty-five Thousand Dollars (\$25,000.00) for the purposes mentioned in the preceding paragraph hereof and the Company covenants and agrees with the City to repay the said sum to the City and the interest thereon as hereinafter provided in the manner following, that is to say:

The said principal sum of Twenty-five Thousand Dollars (\$25,000.00) shall become due and be paid in any event at the expiration of twenty (20) years from the date when it shall have been advanced to the Company; provided that on the 1st day of June in each and every year the Company shall pay to the City on account of the said debt the whole of its net profits for the preceding financial year of the Company, which said net profits shall be deemed to be the gross profits less all necessary and proper operating and administrative expenses, including reasonable depreciation and necessary and proper expenditures for replacements of or improvements to buildings, plant, and equipment of the Company. The balance of principal from time to time outstanding shall bear interest at the same rate as the Municipal Debentures to be issued to provide the said monies, but only while any of the said Debentures are outstanding, which said interest shall be paid semi-annually on the 1st days of May and November in each year as well after as before maturity and both before and after default; interest in arrears to bear interest at the rate aforesaid until paid, to be compounded with semi-annual rests, the first payment of interest

to be computed from the date of advance of the said monies to the Company, to fall due and be paid on the next ensuing first day of May or November thereafter as the case may be. The Company shall have the privilege of prepaying the whole of the said indebtedness or of increasing the payments hereinbefore mentioned without notice and without bonus. If the Company shall make default in repayment of principal or interest as above, the entire balance owing by the Company shall, at the option of the City, become due and payable forthwith.

3. As collateral security for repayment of the said indebtedness the Company covenants and agrees to execute and deliver to the City, in form satisfactory to the City, a Mortgage upon the real estate, buildings and fixtures of the Company, including the Artificial Ice Plant and Equipment, repayable as mentioned in the preceding paragraph hereof, which said Mortgage shall be a charge upon the said assets subject only in priority to the existing first Mortgage in favour of the City and which said Mortgage shall contain a covenant of the Company that until the said Mortgage and the said existing first Mortgage shall have been fully paid and satisfied the Company shall not make or pay to its Directors or Shareholders any bonus, dividend, payment or distribution of profits whatsoever, and a proviso that upon breach of the said covenant the City shall be entitled to exercise all its rights under the said Mortgage in the same manner and to the same extent as for default in payment of principal or interest.

4. The Company further covenants and agrees with the City that if the Company, without the consent of the City, shall cease to operate the said Port Arthur Arena Rink for a period of one year, the monies owing under and by virtue of the said Mortgage shall, at the option of the City, become due and payable forthwith and in such event and upon default in payment of the respective sums secured by the said Mortgage, the City may forthwith proceed to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default of payment of principal and as if this covenant were expressly contained in and formed a part of the said Mortgage.

5. The Company covenants and agrees with the City that until the said Mortgage shall have been fully paid and satisfied it will at all times elect to its Board of Directors four nominees of the City who are shareholders of the Company, and in the event of the death, resignation, or removal of any one or more of the said nominees from the said Board of Directors, that it will elect or appoint other nominees of the City in their place who shall be shareholders of the Company, and in default by the Company in the observance of this covenant, the balance secured by the said Mortgage shall, at the option of the City, become due and payable forthwith, and in default of payment by the Company, the City shall be at liberty to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default in payment of principal and as if this covenant were expressly contained in the said Mortgages.

6. Until the indebtedness aforesaid shall have been fully paid and satisfied the Company covenants and agrees to insure and keep insured the buildings, fixtures, and Artificial Ice Plant and Equipment hereinbefore mentioned to their full insurable value in a Company or Companies satisfactory to the City with the loss payable thereunder to the City as its interest may appear.

7. The monies required to be raised by the City for the purpose aforesaid shall be raised by the City by the issue of debentures repayable in equal annual instalments of principal and interest within five years, bearing $2\frac{1}{2}\%$ interest or such other rate as the Council, with the approval of The Ontario Municipal Board, pursuant to Section 310 of the Municipal Act, may decide.

8. The Council of the City of Port Arthur, may, by resolution and without further authority from the ratepayers of the City, from time to time, make declarations binding upon the City as to the fulfilment by the Company of its obligations hereunder, and the interpretation and meaning of the terms hereof, and may, in like manner, on behalf of the City, settle

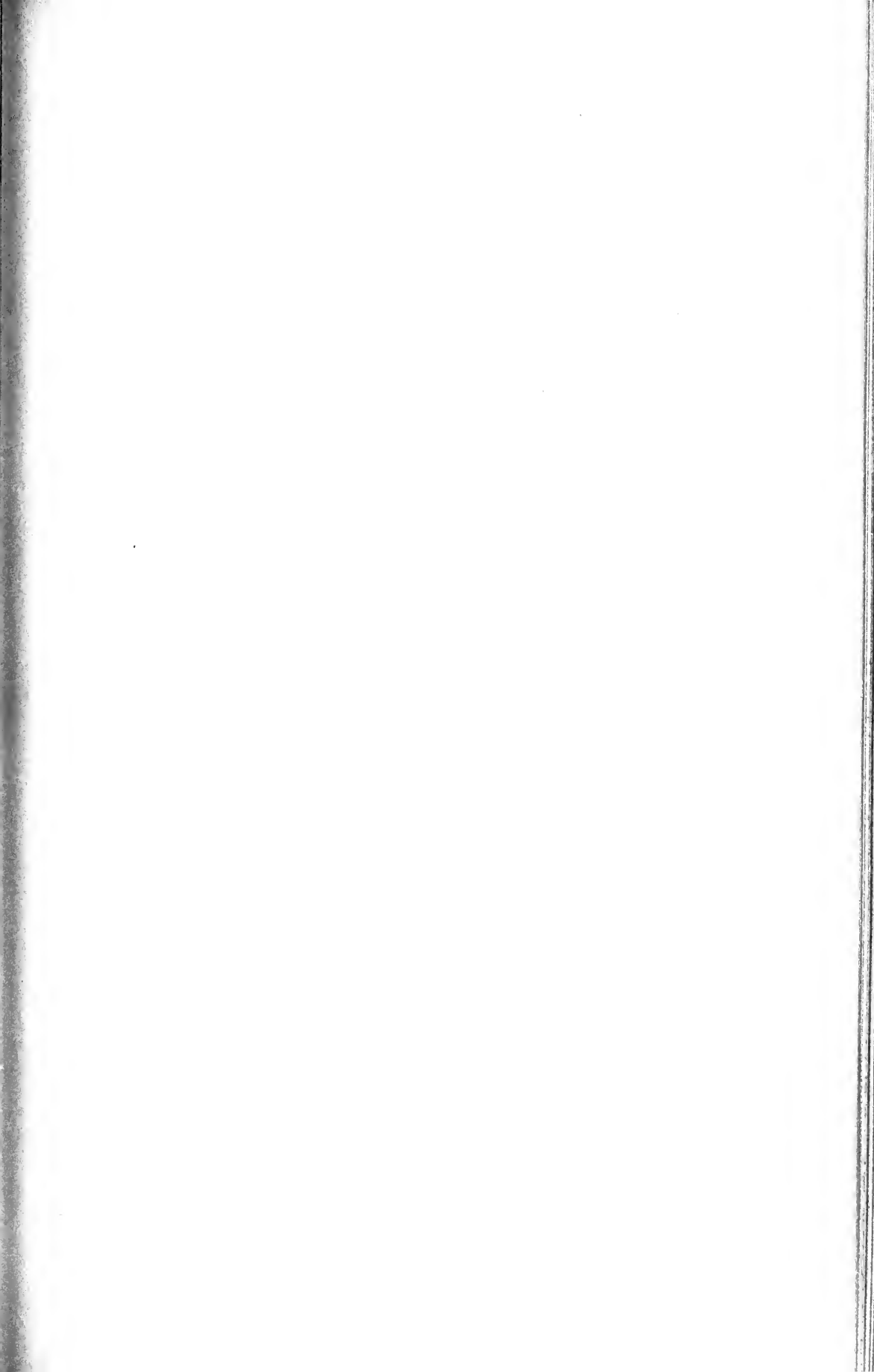
and compromise and otherwise deal with any disputes or questions which may from time to time arise between the City and the Company in respect to the matters herein referred to.

9. This Agreement, when the By-law to provide the monies hereinbefore mentioned shall have been assented to by the electors qualified to vote thereon, shall be submitted to the Legislative Assembly of the Province of Ontario by the City for validation and in any event the Company agrees to pay to the City forthwith after the same are incurred the costs and expenses of taking the vote of the said electors and of the said application for validation.

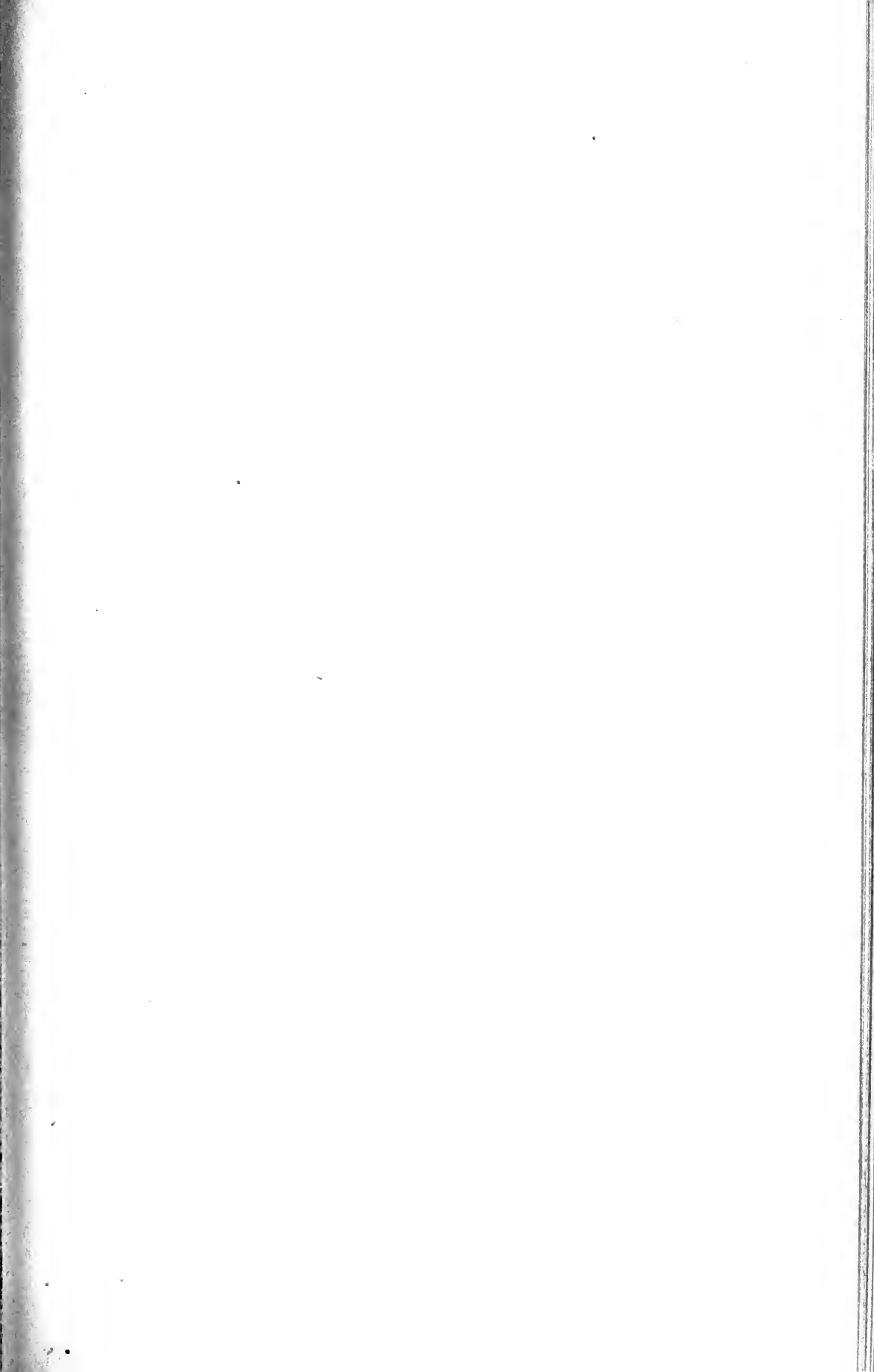
10. This Agreement shall be binding upon and enure to the benefit of the successors and assigns of the City and of the Company respectively.

IN WITNESS WHEREOF the Corporate Seals of the City and the Company respectively and the hands of their respective proper officers in that behalf.

SIGNED, SEALED AND DELIVERED In the Presence of: (Corporate Seal of the Corporation of the City of Port Arthur)	}	THE CORPORATION OF THE CITY OF PORT ARTHUR by (Sgd.) CHARLES W. COX, <i>Mayor.</i> (Sgd.) ARTHUR H. EVANS, <i>Clerk.</i>
(Corporate Seal of Port Arthur Arena Company, Limited)	}	PORT ARTHUR ARENA COMPANY, LIMITED by (Sgd.) S. A. COULTER, <i>President,</i> (Sgd.) F. H. BLACK, <i>Secretary.</i>







BILL

An Act respecting the City of
Port Arthur.

1st Reading

March 22nd, 1939

2nd Reading

April 3rd, 1939

3rd Reading

April 6th, 1939

MR. COX

No. 7

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Town of Waterloo.

MR. SMITH

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Town of Waterloo.

Preamble.

WHEREAS the corporation of the town of Waterloo, hereinafter called the corporation, has by petition represented that the council of the corporation did on the 5th day of December, 1938, submit for the approval of the electors of the municipality qualified to vote on money by-laws, a proposed by-law entitled:

“By-law to provide for borrowing \$50,000.00 upon debentures to pay the cost of erecting a municipal arena in the Town of Waterloo,”

when of the 1133 electors voting on such by-law, 782 voted for such by-law and 351 voted against such by-law; that as the vote is favourable the corporation desires to erect a municipal arena and auditorium; and the corporation has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

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

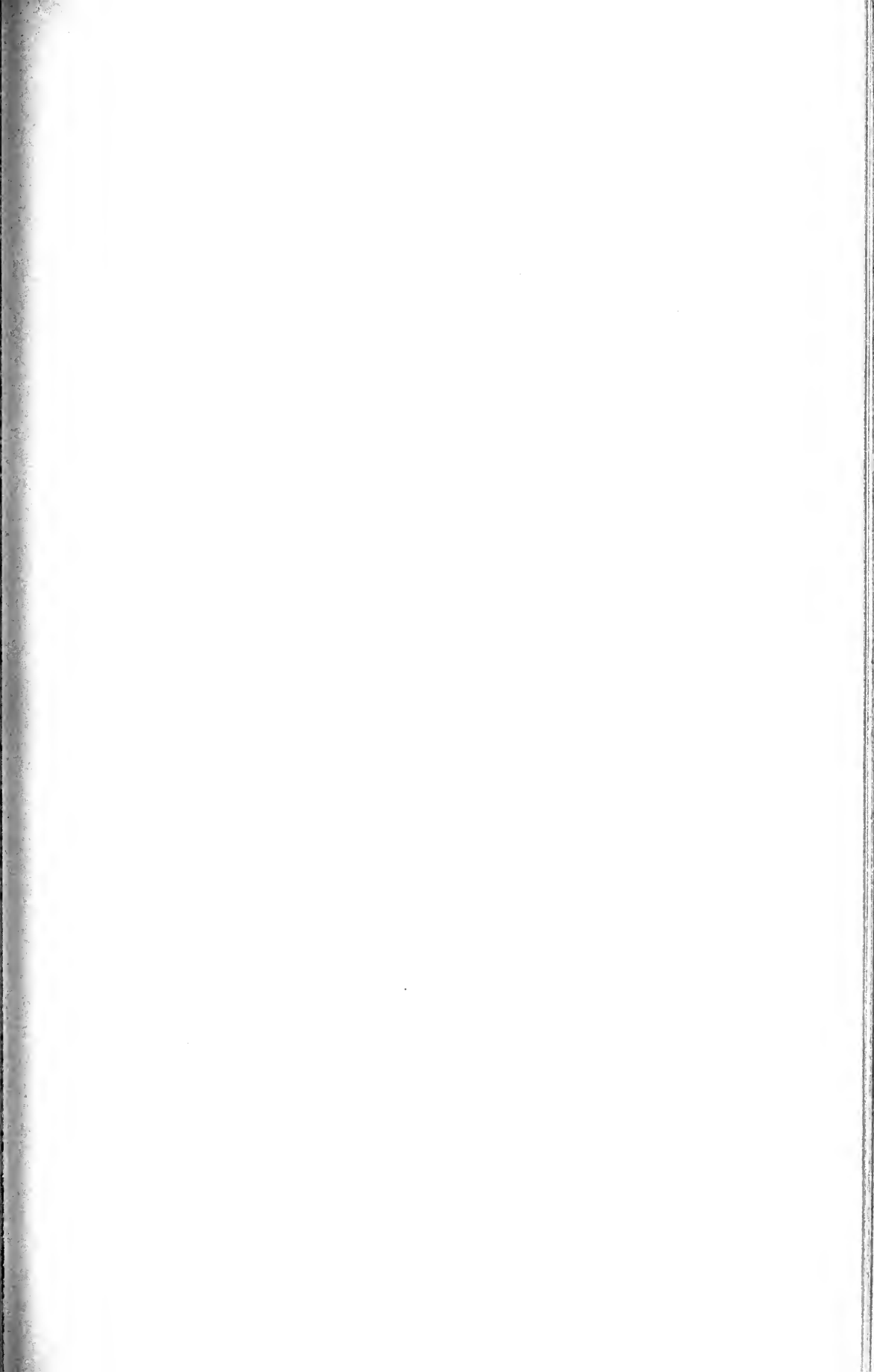
Power to establish “Civic Auditorium.”

1. Subject to the approval of the Ontario Municipal Board, the council of the corporation may establish, erect, equip, maintain and operate an auditorium and skating arena which shall be known as the “Civic Auditorium,” and for such purpose may acquire land by expropriation or otherwise and pass a by-law or by-laws to authorize the issue of debentures of the corporation to raise a sum not exceeding \$50,000 payable in equal annual instalments within a term not exceeding fifteen years from the date of the issue thereof, and bearing interest at such rate as the said council may deem advisable.

Commission to control Auditorium.

2.—(1) The Civic Auditorium shall be under the management and control of a Commission consisting of,—

(a) the mayor;

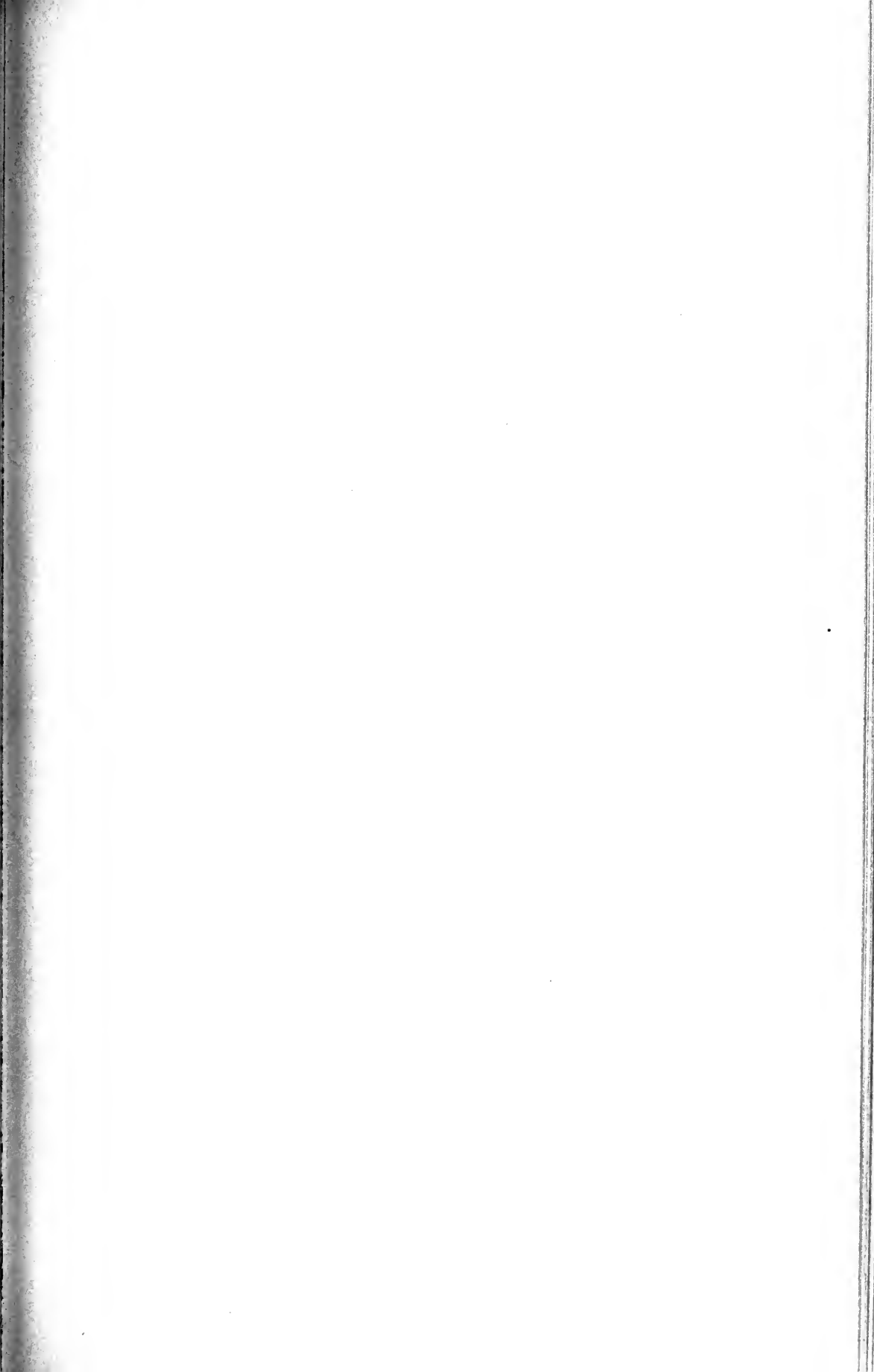


(b) the town engineer; and

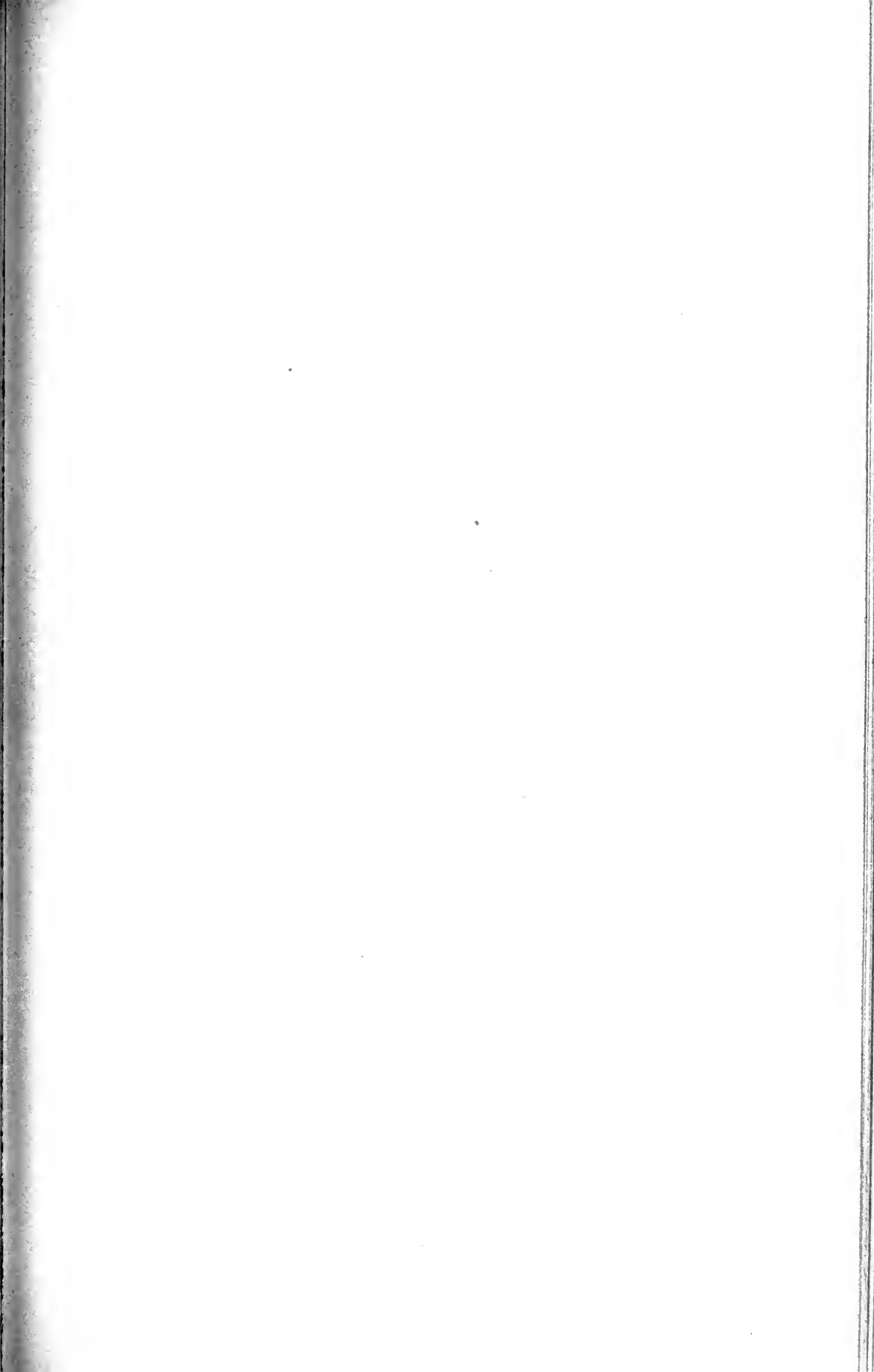
(c) four resident ratepayers who are not aldermen, to be appointed by the council of the corporation.

Organization
etc., of the
Commission. (2) The council of the corporation may by by-law provide for the organization of such commission and for the establishment of the rights, duties, powers and obligations thereof, including the right to fix and collect prices for admission into and use of the said Civic Auditorium.

Short title. **3.** This Act may be cited as *The Town of Waterloo Act, 1939.*







An Act respecting the Town of
Waterloo

1st Reading

2nd Reading

3rd Reading

MR. SMITH

(Private Bill)

No. 7

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Town of Waterloo.

MR. SMITH

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Town of Waterloo.

Preamble.

WHEREAS the corporation of the town of Waterloo, hereinafter called the corporation, has by petition represented that the council of the corporation did on the 5th day of December, 1938, submit for the approval of the electors of the municipality qualified to vote on money by-laws, a proposed by-law entitled:

“By-law to provide for borrowing \$50,000.00 upon debentures to pay the cost of erecting a municipal arena in the Town of Waterloo,”

when of the 1133 electors voting on such by-law, 782 voted for such by-law and 351 voted against such by-law; that as the vote is favourable the corporation desires to erect a municipal arena and auditorium; and the corporation has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

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

Power to
establish
“Civic
Auditorium.”

1. Subject to the approval of the Ontario Municipal Board, the council of the corporation may establish, erect, equip, maintain and operate an auditorium and skating arena which shall be known as the “Civic Auditorium,” and for such purpose may acquire land by expropriation or otherwise and pass a by-law or by-laws to authorize the issue of debentures of the corporation to raise a sum not exceeding \$50,000 payable in equal annual instalments within a term not exceeding fifteen years from the date of the issue thereof, and bearing interest at such rate as the said council may deem advisable.

Commission
to control
Auditorium.

2.—(1) The Civic Auditorium shall be under the management and control of a Commission consisting of,—

(a) the mayor;

(b) the town engineer; and

(c) four resident ratepayers who are not aldermen, to be appointed by the council of the corporation.

(2) The council of the corporation may by by-law provide for the organization of such commission and for the establishment of the rights, duties, powers and obligations thereof, including the right to fix and collect prices for admission into and use of the said Civic Auditorium. ^{Organization etc., of the Commission.}

3. This Act may be cited as *The Town of Waterloo Act, 1939*. ^{Short title.}

BILL

An Act respecting the Town of
Waterloo

1st Reading

March 14th, 1939

2nd Reading

April 3rd, 1939

3rd Reading

April 6th, 1939

MR. SMITH

No. 8

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Roman Catholic Episcopal Corporation for the
Diocese of Alexandria.

MR. MACGILLIVRAY

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Roman Catholic Episcopal Corporation for the Diocese of Alexandria.

Preamble.

WHEREAS the Roman Catholic Episcopal Corporation for the Diocese of Alexandria in Ontario, hereinafter referred to as the "corporation," has by its petition represented that doubts have arisen as to the powers of the corporation under the incorporating and other Acts relating thereto, and the corporation has prayed that an Act may be passed to remove such doubts and to enlarge its powers; and whereas it is expedient to grant the prayer of the said petition;

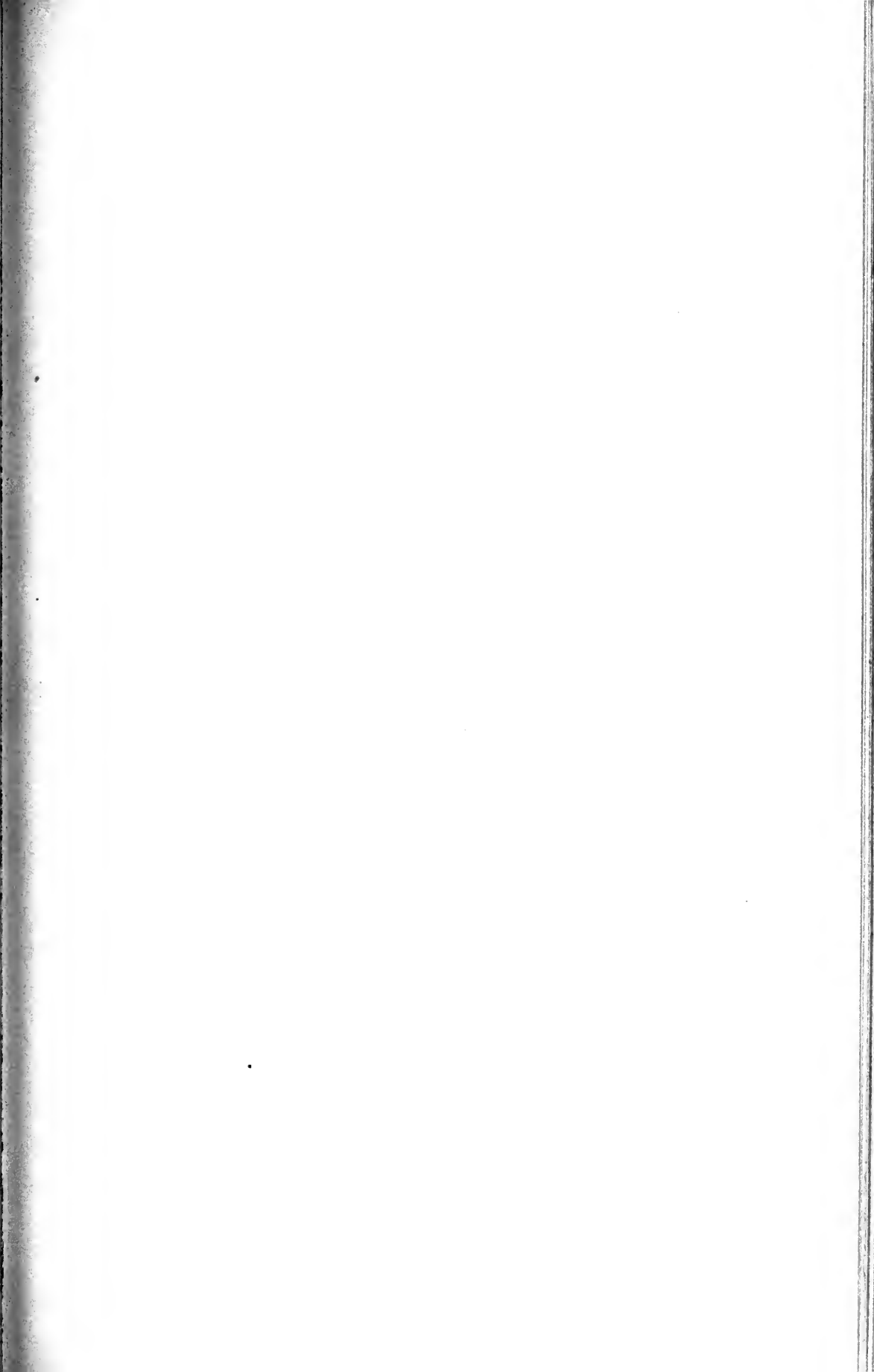
Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
sell real
estate.

1. The corporation is hereby authorized and empowered to sell and dispose of, either by public auction or by private sale, and either for cash or on terms of credit, or partly for cash and partly on credit, and either in bloc or in parcels, the whole or any portion of the lands and premises now owned by the corporation or which may hereafter be owned by the corporation in Ontario and to apply the proceeds derived from any such sale without restriction, in any manner, and for any purpose which the corporation may deem meet.

Power to
take mort-
gages, etc.

2. In the event of any such sale the corporation is hereby authorized and empowered to require and take from the purchaser, or purchasers, thereof, such securities for the payment of the purchase money, or any part thereof, either by way of mortgage on the lands sold, or any portion thereof, or upon any other lands, as the corporation may deem fit, or by way of bond, obligation or other security in the nature thereof, without restriction and in as full and ample a manner, and to as full an extent as regards the rate of interest to be charged, the terms of repayment of principal and interest, and other provisoes, stipulations and conditions, to be contained in such mortgages and other securities, and the enforcement thereof, and recovery by legal process, or otherwise, of the moneys thereby secured, as private individuals are, by law, authorized and empowered to take and enforce such mortgages and other securities, and such mortgages, bonds,



obligations, or other securities, when paid, to effectually discharge and release.

Power to
sell and
assign mort-
gages, etc.

3. The corporation is hereby authorized and empowered to negotiate, sell, assign, or transfer any or all of such mortgages, bonds, obligations, or other securities, at any time during the currency thereof, to any person or persons, company, corporation, society, or association, or one or more of them, for such an amount, and upon such terms as may be agreed upon between the corporation and the person or persons, company, corporation, society, or association, or one or more of them to whom the said mortgages, or other securities, or any of them may be assigned.

Power to
apply
proceeds.

4. The corporation is hereby authorized and empowered to apply the money derived from such sale or assignment as aforesaid, of the said mortgages, bonds, obligations, or other securities, without restriction, in such manner and for such purposes as to the corporation may seem fit, in the same manner and to the same extent as the corporation is by this Act empowered to apply and use the purchase money which may be paid directly on the sale of any of the said lands.

Power to
sell and
invest.

5. Subject to any trust relating thereto the corporation may sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the corporation, whether by way of investment for the uses and purposes of the corporation, whether in trust or otherwise, and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by it for its uses and purposes, in and upon any security in which trustees are by the laws of Ontario authorized to invest, and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly.

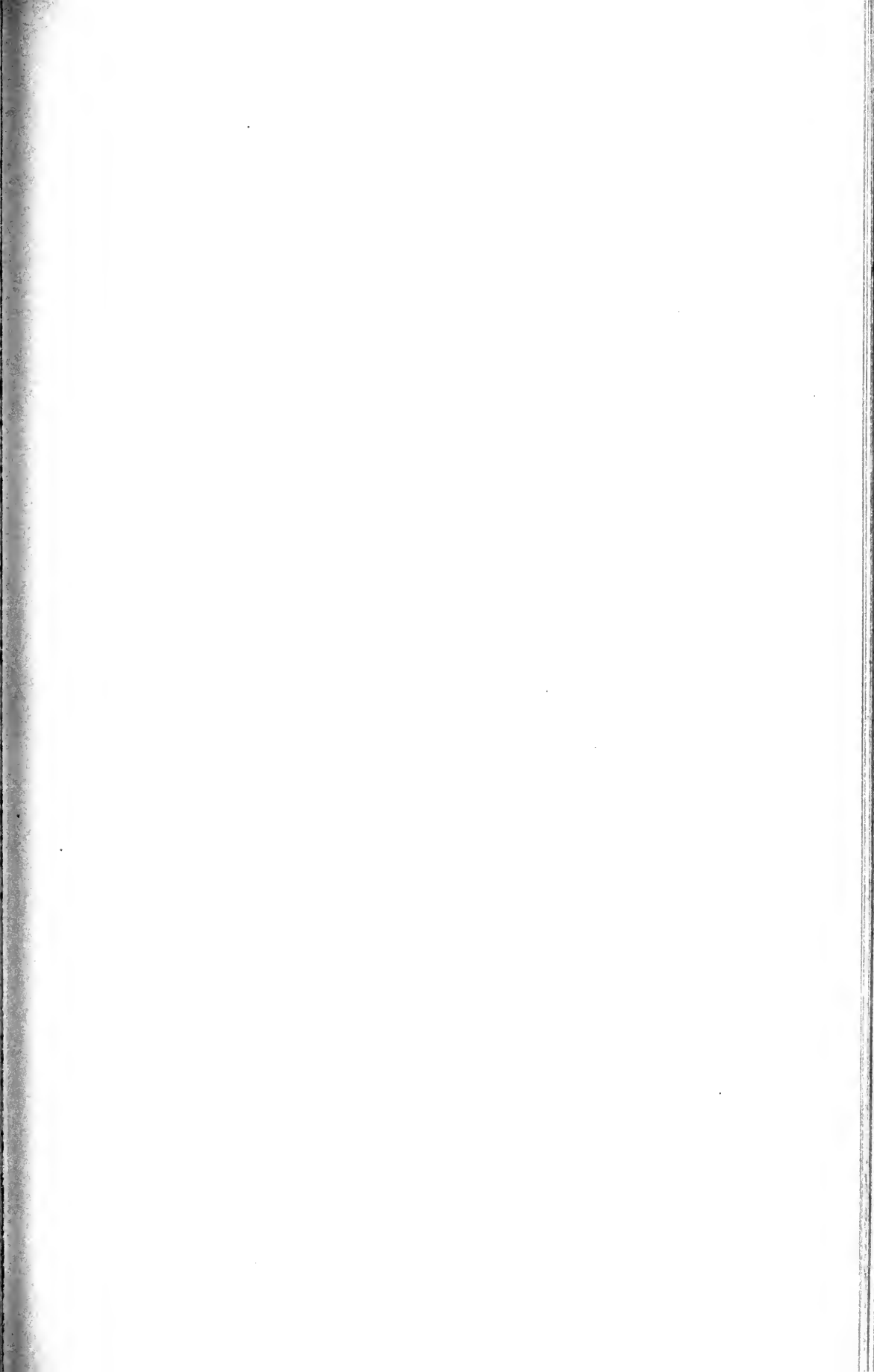
Application
of
Rev. Stat.,
c. 147.

Exception.

6. The provisions of this Act shall be subject to *The Mortmain and Charitable Uses Act*, except that the period within which the land shall be sold shall be seven years instead of two years and it shall not be necessary to sell any land now or hereafter acquired which is actually and *bona fide* held, used and occupied for ecclesiastical, charitable or educational purposes or other purposes of the corporation.

Powers as
to personal
property.

7. For the purpose of avoiding doubt, it is hereby declared that the corporation may acquire, hold and alienate personal property or moveables for the purposes for which the corporation is constituted.



Borrowing powers.

8. The corporation may borrow money on the credit of the corporation for the purposes of the corporation in such amounts, on such terms and from such persons, firms, or corporations, including chartered banks, as may be determined by the corporation.

Promissory notes, etc.

9. The corporation may make, draw and endorse promissory notes or bills of exchange, and it shall not be necessary to the validity of any such instrument to have the seal of the corporation affixed thereto.

Borrowing powers on mortgage security.

10. The corporation may borrow moneys on mortgage security of the real estate of the corporation for any of the purposes of the corporation.

Execution of instruments.

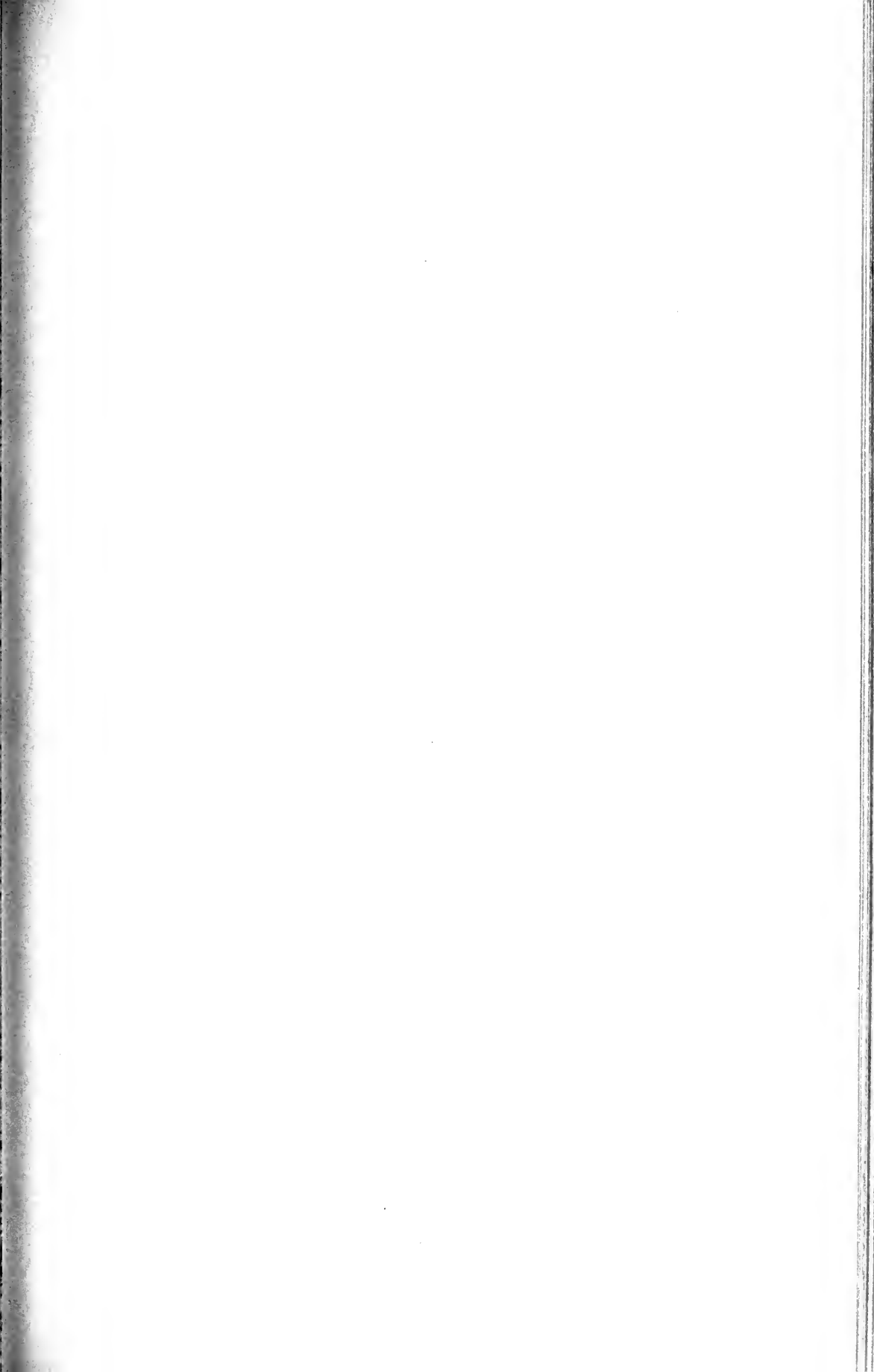
11.—(1) Notwithstanding the provisions of any Act relating to the corporation, it shall be lawful for the bishop of the Diocese of Alexandria in Ontario for the time being, in the name of the corporation, to make or execute any deed, conveyance, mortgage, demise, release or assignment of the whole or any part of the lands, tenements or hereditaments acquired or held, or to be hereafter acquired by the corporation with the consent in writing of the chancellor of the diocese or any vicar-general, and in case there shall happen to be no chancellor and no vicar-general, or in case both of them shall be incapacitated by sickness, infirmity or any other cause or shall be necessarily absent at the time, then of two clergymen to be selected or named by the said bishop, all such selections or nominations and such consent to appear upon the face of the deed or other instrument in writing, intended to be executed by the parties, and to be testified by the said bishop and chancellor or any vicar-general, or by such two clergymen as aforesaid, as the case may be, being made parties to, and signing and sealing all the deeds, conveyances, mortgages, leases, assignments or other instruments in the presence of two credible witnesses as consenting parties thereto respectively.

Declaration as to execution.

(2) A declaration on the face of any such instrument that it has been executed by the persons and in the manner provided herein shall be sufficient evidence of the matters therein referred to.

Power to lend money, etc.

12. The corporation may lend money to or may guarantee with or without security, upon such terms as it may determine any debts of, the performance of any obligations of, and the repayment of any advances made or to be made to or for the purposes of any Roman Catholic corporation, organization, association, club or society, engaged in activities in or partly in the Diocese of Alexandria in Ontario, or any officers thereof, or of any pastor of a parish in the said diocese; and notwithstanding that any such corporation, organization, association,



club, society or pastor may not have power to borrow money, any such guarantee shall be valid and binding upon the corporation, in the same manner as if such corporation, organization, association, club, society or pastor had power to borrow money.

Security for
loans.

13. The corporation may hypothecate, pledge or charge any or all of the personal property of the corporation to secure any money borrowed or the fulfilment of any guarantee entered into by it or the fulfilment of the obligation incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it.

Issue of
bonds, etc.

14. The corporation may issue bonds, debentures and obligations on such terms and conditions as the corporation may decide and may pledge or sell such bonds, debentures or obligations for such sums and at such prices as the corporation may decide, and may mortgage, charge, hypothecate or pledge all or any part of the real or personal property of the corporation to secure any such bonds, debentures or obligations and any money borrowed as aforesaid for the purposes of the corporation.

Signature
of bishop
binding.

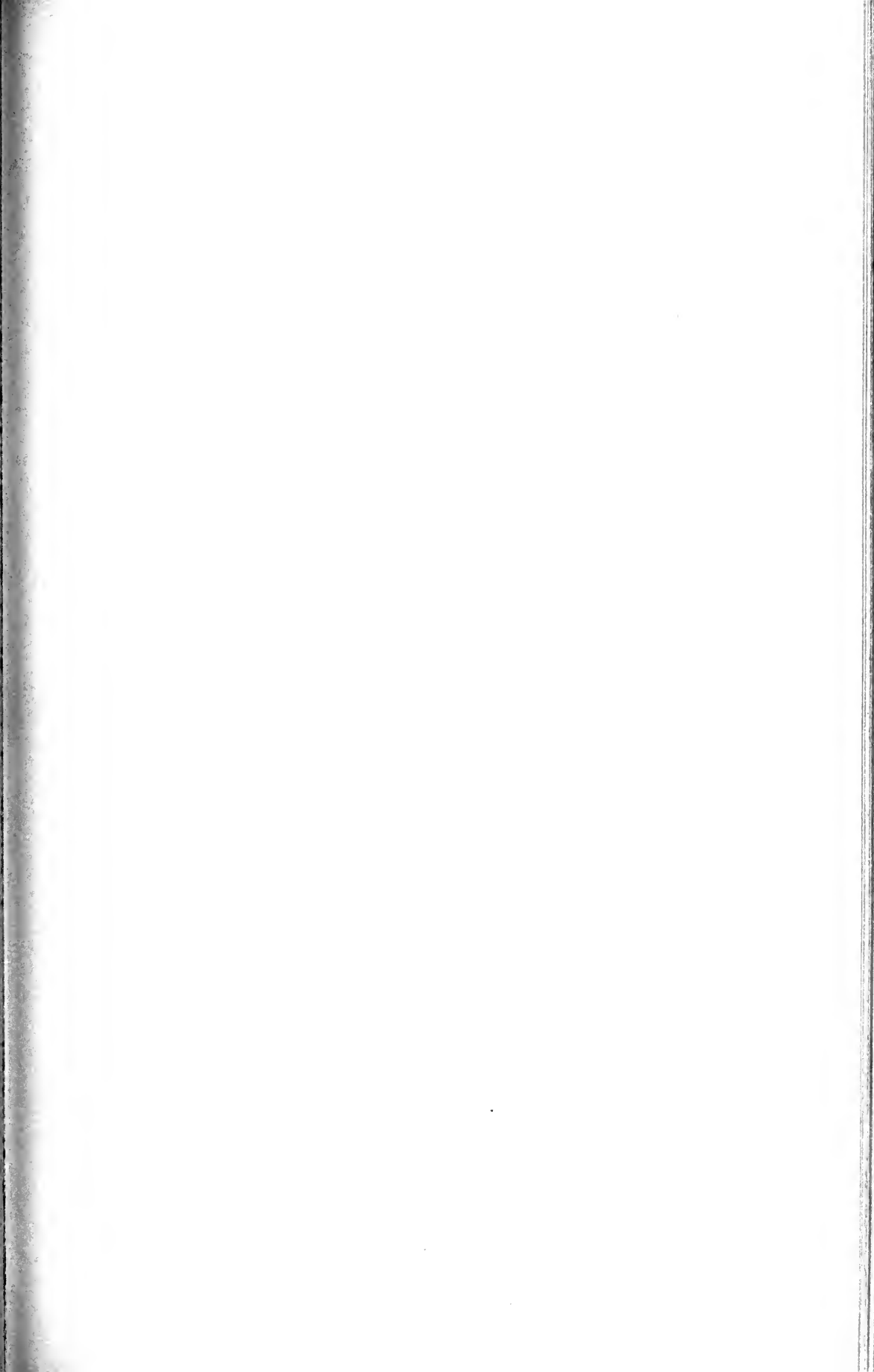
15. Notwithstanding the provisions of this or any other Act relating to the corporation, every guarantee, instrument of hypothecation, charge or pledge of personal property, bond, debenture and obligation made, drawn, signed or endorsed by the bishop for the time being of the said diocese, on behalf of the corporation, under the seal of the corporation, and every promissory note and bill of exchange made, drawn, signed or endorsed by the bishop for the time being of the said diocese on behalf of the corporation whether with or without the seal of the corporation shall be legal, valid and binding upon the corporation, and the execution of any guarantee in the manner aforesaid shall be conclusive evidence that such guarantee is valid and binding upon the corporation.

Corporation
to be bound
for repay-
ment of
money.

16. It is hereby declared that the corporation shall be bound for payment of all money heretofore borrowed by and in the name of the corporation and shall be liable on all promissory notes and bills of exchange and on all guarantees heretofore entered into by and in the name of the corporation, with or without the corporate seal, notwithstanding that the corporation may not have had power to borrow such money or to enter into such guarantees if such borrowing or such guarantees would have been valid if done or entered into under this Act.

No obliga-
tion re
application
of money.

17. The persons, firms or corporations, including chartered banks, from whom any money may be borrowed by the corporation shall not be obliged to see to the application of such money or any part thereof.



Ownership of cemeteries.

Rev. Stat., c. 351.

18. It is hereby declared that the corporation is the "owner" within the meaning of *The Cemetery Act*, of the cemeteries used in connection with parishes and chapels in the Diocese of Alexandria in Ontario and that *The Cemetery Act* shall apply to the said cemeteries.

Power to remove monuments and level graves.

Rev. Stat., c. 351.

19. Notwithstanding the provisions of *The Cemetery Act*, the corporation, for the purpose of putting any cemetery in the Diocese of Alexandria in Ontario in a proper state of repair and cutting grass on the lots therein, may remove or repair any dilapidated monument, gravestone, marker or other structure placed therein, or any fence, railing or other work erected or done for the protection or ornament of the lots therein, and may level all graves therein and reconstruct and repair any of the roads at present existing therein.

Illness, etc., of bishop.

20. Except as this Act otherwise expressly provides, in case the bishop for the time being of the Diocese of Alexandria in Ontario shall from sickness, infirmity or any other cause, become incapable or be incapacitated to perform or be otherwise prevented from performing his duties in the said diocese, or in case of his absence from the said diocese, the coadjutor of the said diocese, or if there is no coadjutor any vicar-general of the said diocese, or in the case of the vacancy of the see, the administrator of the said diocese shall during such sickness, infirmity, incapacity, prevention, absence from the said diocese or vacancy of the see, have the same powers as are by this Act and other Acts relating to the corporation conferred upon the said bishop.

Interpretation.

21. The expression "purposes of the corporation" as used in this Act and in any other Act relating to the corporation shall, without limiting the generality of the said expression, include among other things the erecting, finishing, enlarging, repairing or equipping of any church, chapel, school, college, seminary, parish hall or clergyman's residence, or any out-building, garage or other building in connection therewith, and the levelling, fencing, laying out, maintaining or beautifying of the grounds surrounding same.

Construction with prior Acts.

8 Vict., c. 82.

44 Vict., c. 86.

47 Vict., c. 92.

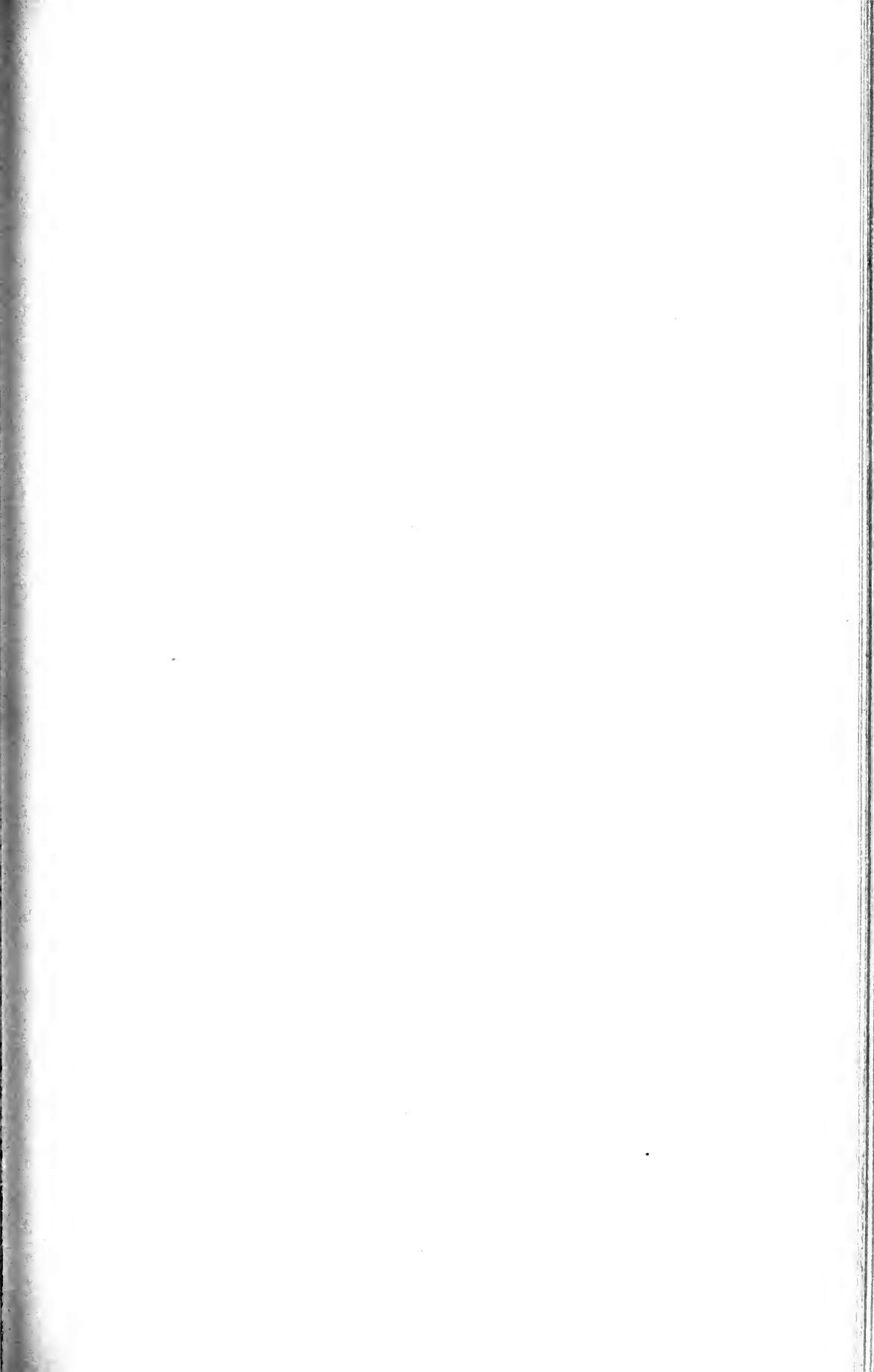
54 Vict., c. 98.

22. This Act shall be read with the Act passed in the eighth year of the reign of Her late Majesty Queen Victoria and chaptered 82, the Act passed in the forty-fourth year of the reign of Her late Majesty Queen Victoria and chaptered 86, the Act passed in the forty-seventh year of the reign of Her late Majesty Queen Victoria and chaptered 92, and the Act passed in the fifty-fourth year of the reign of Her late Majesty Queen Victoria and chaptered 98, and the powers conferred upon the corporation by this Act shall be deemed to be in addition to the powers conferred upon the corporation by the said Acts and in the case of conflict between the pro-



visions of this Act and the provisions of any of the said Acts, the provisions of this Act shall govern.

Short title. **23.** This Act may be cited as *The Roman Catholic Episcopal Corporation (Diocese of Alexandria) Act, 1939.*



BILL

An Act respecting the Roman Catholic
Episcopal Corporation for the Diocese
of Alexandria.

1st Reading

2nd Reading

3rd Reading

MR. MACGILLIVRAY

(Private Bill)

No. 8

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Roman Catholic Episcopal Corporation for the
Diocese of Alexandria.

MR. MACGILLIVRAY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Roman Catholic Episcopal Corporation for the Diocese of Alexandria.

Preamble.

WHEREAS the Roman Catholic Episcopal Corporation for the Diocese of Alexandria in Ontario, hereinafter referred to as the "corporation," has by its petition represented that doubts have arisen as to the powers of the corporation under the incorporating and other Acts relating thereto, and the corporation has prayed that an Act may be passed to remove such doubts and to enlarge its powers; 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:

Power to
sell real
estate.

1. The corporation is hereby authorized and empowered to sell and dispose of, either by public auction or by private sale, and either for cash or on terms of credit, or partly for cash and partly on credit, and either in bloc or in parcels, the whole or any portion of the lands and premises now owned by the corporation or which may hereafter be owned by the corporation in Ontario and to apply the proceeds derived from any such sale without restriction, in any manner, and for any purpose which the corporation may deem meet.

Power to
take mort-
gages, etc.

2. In the event of any such sale the corporation is hereby authorized and empowered to require and take from the purchaser, or purchasers, thereof, such securities for the payment of the purchase money, or any part thereof, either by way of mortgage on the lands sold, or any portion thereof, or upon any other lands, as the corporation may deem fit, or by way of bond, obligation or other security in the nature thereof, without restriction and in as full and ample a manner, and to as full an extent as regards the rate of interest to be charged, the terms of repayment of principal and interest, and other provisos, stipulations and conditions, to be contained in such mortgages and other securities, and the enforcement thereof, and recovery by legal process, or otherwise, of the moneys thereby secured, as private individuals are, by law, authorized and empowered to take and enforce such mortgages and other securities, and such mortgages, bonds,

obligations, or other securities, when paid, to effectually discharge and release.

3. The corporation is hereby authorized and empowered to negotiate, sell, assign, or transfer any or all of such mortgages, bonds, obligations, or other securities, at any time during the currency thereof, to any person or persons, company, corporation, society, or association, or one or more of them, for such an amount, and upon such terms as may be agreed upon between the corporation and the person or persons, company, corporation, society, or association, or one or more of them to whom the said mortgages, or other securities, or any of them may be assigned.

Power to
sell and
assign mort-
gages, etc.

4. The corporation is hereby authorized and empowered to apply the money derived from such sale or assignment as aforesaid, of the said mortgages, bonds, obligations, or other securities, without restriction, in such manner and for such purposes as to the corporation may seem fit, in the same manner and to the same extent as the corporation is by this Act empowered to apply and use the purchase money which may be paid directly on the sale of any of the said lands.

Power to
apply
proceeds.

5. Subject to any trust relating thereto the corporation may sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the corporation, whether by way of investment for the uses and purposes of the corporation, whether in trust or otherwise, and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by it for its uses and purposes, in and upon any security in which trustees are by the laws of Ontario authorized to invest, and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly.

Power to
sell and
invest.

6. The provisions of this Act shall be subject to *The Mortmain and Charitable Uses Act*, except that the period within which the land shall be sold shall be seven years instead of two years and it shall not be necessary to sell any land now or hereafter acquired which is actually and *bona fide* held, used and occupied for ecclesiastical, charitable or educational purposes or other purposes of the corporation.

Application
of
Rev. Stat.,
c. 147.

Exception.

7. For the purpose of avoiding doubt, it is hereby declared that the corporation may acquire, hold and alienate personal property or moveables for the purposes for which the corporation is constituted.

Powers as
to personal
property.

Borrowing powers.

8. The corporation may borrow money on the credit of the corporation for the purposes of the corporation in such amounts, on such terms and from such persons, firms, or corporations, including chartered banks, as may be determined by the corporation.

Promissory notes, etc.

9. The corporation may make, draw and endorse promissory notes or bills of exchange, and it shall not be necessary to the validity of any such instrument to have the seal of the corporation affixed thereto.

Borrowing powers on mortgage security.

10. The corporation may borrow moneys on mortgage security of the real estate of the corporation for any of the purposes of the corporation.

Execution of instruments.

11.—(1) Notwithstanding the provisions of any Act relating to the corporation, it shall be lawful for the bishop of the Diocese of Alexandria in Ontario for the time being, in the name of the corporation, to make or execute any deed, conveyance, mortgage, demise, release or assignment of the whole or any part of the lands, tenements or hereditaments acquired or held, or to be hereafter acquired by the corporation with the consent in writing of the chancellor of the diocese or any vicar-general, and in case there shall happen to be no chancellor and no vicar-general, or in case both of them shall be incapacitated by sickness, infirmity or any other cause or shall be necessarily absent at the time, then of two clergymen to be selected or named by the said bishop, all such selections or nominations and such consent to appear upon the face of the deed or other instrument in writing, intended to be executed by the parties, and to be testified by the said bishop and chancellor or any vicar-general, or by such two clergymen as aforesaid, as the case may be, being made parties to, and signing and sealing all the deeds, conveyances, mortgages, leases, assignments or other instruments in the presence of two credible witnesses as consenting parties thereto respectively.

Declaration as to execution.

(2) A declaration on the face of any such instrument that it has been executed by the persons and in the manner provided herein shall be sufficient evidence of the matters therein referred to.

Power to lend money, etc.

12. The corporation may lend money to or may guarantee with or without security, upon such terms as it may determine any debts of, the performance of any obligations of, and the repayment of any advances made or to be made to or for the purposes of any Roman Catholic corporation, organization, association, club or society, engaged in activities in or partly in the Diocese of Alexandria in Ontario, or any officers thereof, or of any pastor of a parish in the said diocese; and notwithstanding that any such corporation, organization, association,

club, society or pastor may not have power to borrow money, any such guarantee shall be valid and binding upon the corporation, in the same manner as if such corporation, organization, association, club, society or pastor had power to borrow money.

13. The corporation may hypothecate, pledge or charge any or all of the personal property of the corporation to secure any money borrowed or the fulfilment of any guarantee entered into by it or the fulfilment of the obligation incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it. Security for loans.

14. The corporation may issue bonds, debentures and obligations on such terms and conditions as the corporation may decide and may pledge or sell such bonds, debentures or obligations for such sums and at such prices as the corporation may decide, and may mortgage, charge, hypothecate or pledge all or any part of the real or personal property of the corporation to secure any such bonds, debentures or obligations and any money borrowed as aforesaid for the purposes of the corporation. Issue of bonds, etc.

15. Notwithstanding the provisions of this or any other Act relating to the corporation, every guarantee, instrument of hypothecation, charge or pledge of personal property, bond, debenture and obligation made, drawn, signed or endorsed by the bishop for the time being of the said diocese, on behalf of the corporation, under the seal of the corporation, and every promissory note and bill of exchange made, drawn, signed or endorsed by the bishop for the time being of the said diocese on behalf of the corporation whether with or without the seal of the corporation shall be legal, valid and binding upon the corporation, and the execution of any guarantee in the manner aforesaid shall be conclusive evidence that such guarantee is valid and binding upon the corporation. Signature of bishop binding.

16. It is hereby declared that the corporation shall be bound for payment of all money heretofore borrowed by and in the name of the corporation and shall be liable on all promissory notes and bills of exchange and on all guarantees heretofore entered into by and in the name of the corporation, with or without the corporate seal, notwithstanding that the corporation may not have had power to borrow such money or to enter into such guarantees if such borrowing or such guarantees would have been valid if done or entered into under this Act. Corporation to be bound for repayment of money.

17. The persons, firms or corporations, including chartered banks, from whom any money may be borrowed by the corporation shall not be obliged to see to the application of such money or any part thereof. No obligation re application of money.

Ownership
of ceme-
teries.

Rev. Stat.,
c. 351.

18. It is hereby declared that the corporation is the "owner" within the meaning of *The Cemetery Act*, of the cemeteries used in connection with parishes and chapels in the Diocese of Alexandria in Ontario and that *The Cemetery Act* shall apply to the said cemeteries.

Power to
remove
monuments
and level
graves.

Rev. Stat.,
c. 351.

19. Notwithstanding the provisions of *The Cemetery Act*, the corporation, for the purpose of putting any cemetery in the Diocese of Alexandria in Ontario in a proper state of repair and cutting grass on the lots therein, may remove or repair any dilapidated monument, gravestone, marker or other structure placed therein, or any fence, railing or other work erected or done for the protection or ornament of the lots therein, and may level all graves therein and reconstruct and repair any of the roads at present existing therein.

Illness, etc.,
of bishop.

20. Except as this Act otherwise expressly provides, in case the bishop for the time being of the Diocese of Alexandria in Ontario shall from sickness, infirmity or any other cause, become incapable or be incapacitated to perform or be otherwise prevented from performing his duties in the said diocese, or in case of his absence from the said diocese, the coadjutor of the said diocese, or if there is no coadjutor any vicar-general of the said diocese, or in the case of the vacancy of the see, the administrator of the said diocese shall during such sickness, infirmity, incapacity, prevention, absence from the said diocese or vacancy of the see, have the same powers as are by this Act and other Acts relating to the corporation conferred upon the said bishop.

Interpreta-
tion.

21. The expression "purposes of the corporation" as used in this Act and in any other Act relating to the corporation shall, without limiting the generality of the said expression, include among other things the erecting, finishing, enlarging, repairing or equipping of any church, chapel, school, college, seminary, parish hall or clergyman's residence, or any out-building, garage or other building in connection therewith, and the levelling, fencing, laying out, maintaining or beautifying of the grounds surrounding same.

Construction
with prior
Acts.

8 Vict., c. 82.

44 Vict.,
c. 86.

47 Vict.,
c. 92.

54 Vict.,
c. 98.

22. This Act shall be read with the Act passed in the eighth year of the reign of Her late Majesty Queen Victoria and chaptered 82, the Act passed in the forty-fourth year of the reign of Her late Majesty Queen Victoria and chaptered 86, the Act passed in the forty-seventh year of the reign of Her late Majesty Queen Victoria and chaptered 92, and the Act passed in the fifty-fourth year of the reign of Her late Majesty Queen Victoria and chaptered 98, and the powers conferred upon the corporation by this Act shall be deemed to be in addition to the powers conferred upon the corporation by the said Acts and in the case of conflict between the pro-

visions of this Act and the provisions of any of the said Acts, the provisions of this Act shall govern.

23. This Act may be cited as *The Roman Catholic Episcopal Corporation (Diocese of Alexandria) Act, 1939*. Short title.

BILL

An Act respecting the Roman Catholic
Episcopal Corporation for the Diocese
of Alexandria.

1st Reading

March 28th, 1939

2nd Reading

April 5th, 1939

3rd Reading

April 13th, 1939

MR. MACGILLIVRAY

No. 9

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting L'Institut Canadien Français de la Cité d'Ottawa.

MR. BELANGER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting L'Institut Canadien Français de la Cité d'Ottawa.

Preamble.

WHEREAS L'Institut Canadien Français de la Cité d'Ottawa has by its petition prayed for special legislation with respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Province of
Canada,
29 Vict.,
c. 97.

29-30 Vict.,
c. 139.

Ontario,
39 Vict.,
c. 104,
amended.

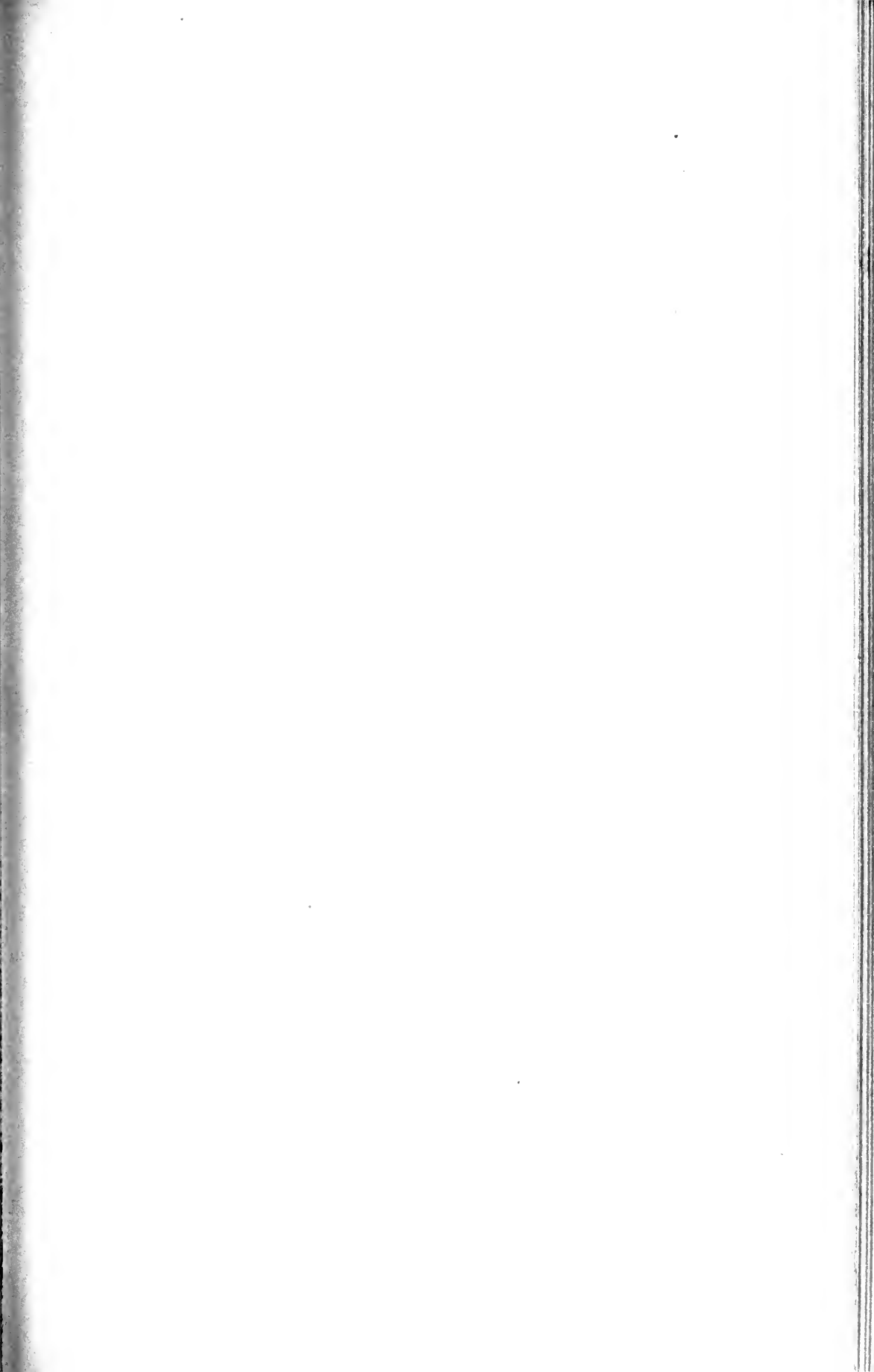
1. The Act entitled "*An Act to incorporate L'Institut Canadien Français de la Cité d'Ottawa*," being chapter 97 of the Acts passed by the Legislature of the Province of Canada in the twenty-ninth year of the reign of Her late Majesty Queen Victoria, as amended by the Act entitled "*An Act to amend the Act to incorporate 'L'Institut Canadien Français de la Cité d'Ottawa*," being chapter 139 of the Acts passed by the said Legislature in the twenty-ninth and thirtieth years of the reign of Her late Majesty Queen Victoria, and by the Act entitled "*An Act to amend the Acts respecting L'Institut Canadien Français de la Cité d'Ottawa and to extend the powers of the said corporation*," being chapter 104 of the Acts passed by the Legislature of the Province of Ontario in the thirty-ninth year of the reign of Her late Majesty Queen Victoria, is further amended by adding thereto the following sections:

Other
objects of the
corporation.

11a. The said corporation shall also have as objects the spiritual, mental, social and physical improvement of young men by the maintenance and support of meetings, lectures, classes, reading rooms, library, gymnasiums, recreation rooms and such other means as may from time to time be determined upon.

Further
powers.

11b. The said corporation shall have power to establish a system of technical education, including such branches of mechanical science and the development of such of the industrial arts as the board of directors of the said corporation may from time to time determine.

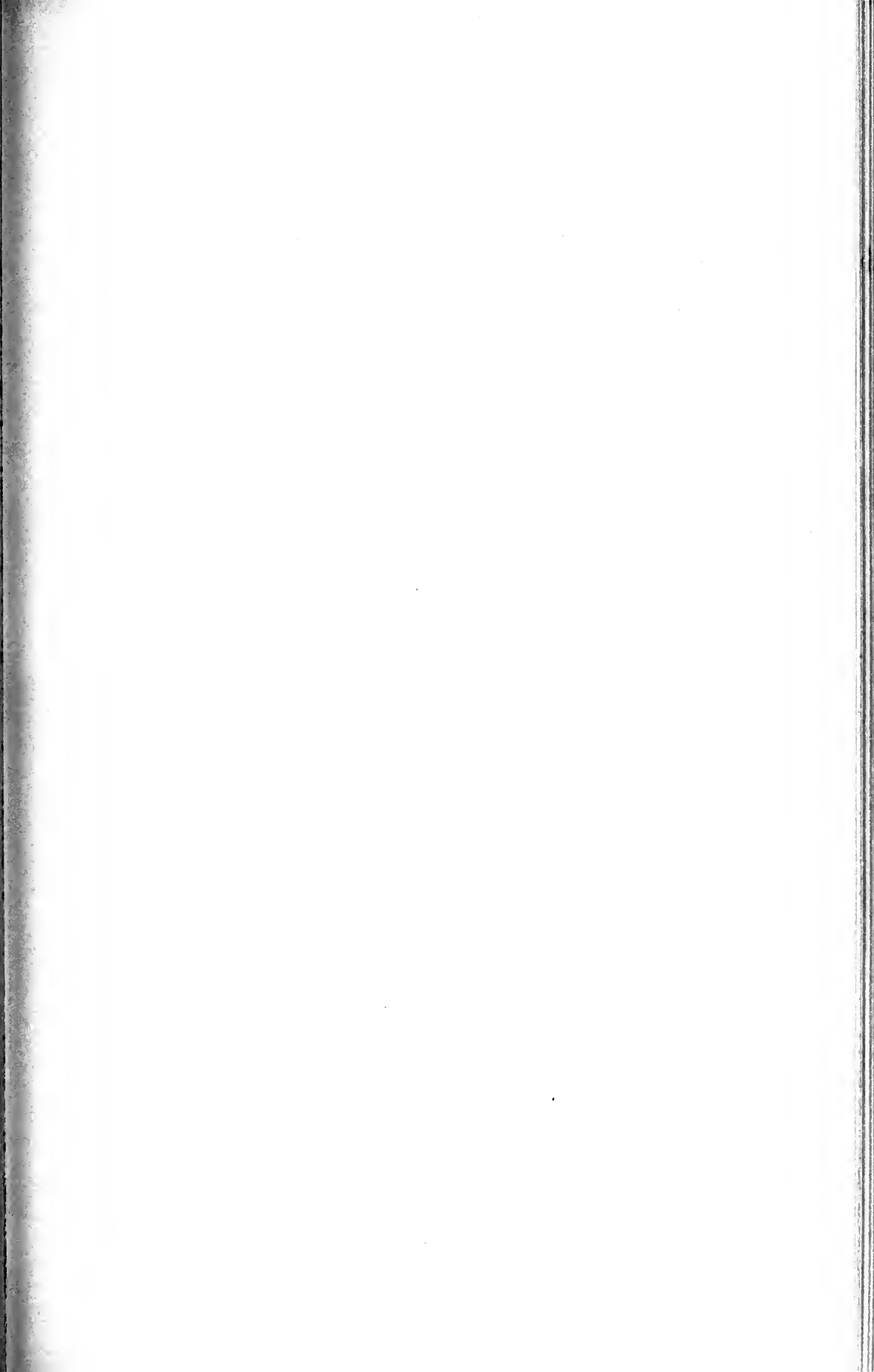


Lands
exempt from
taxation.

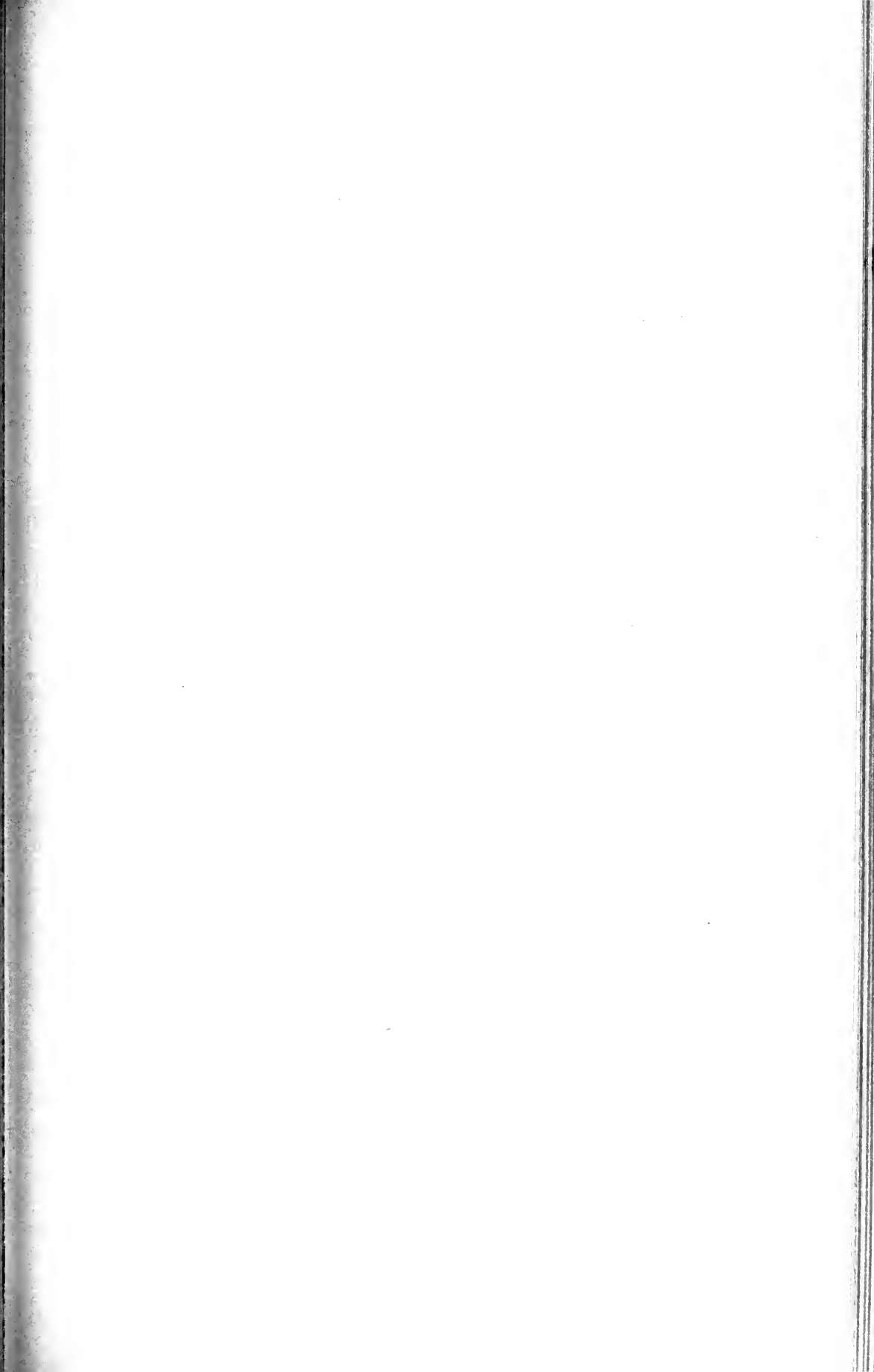
11c. The lands and premises owned or occupied by L'Institut Canadien Français de la Cité d'Ottawa, shall so long as the same are occupied by and used for the purposes of the corporation, be and the same are hereby declared to be and to have been exempt from taxation.

Short title.

2. This Act may be cited as *L'Institut Canadien Français de la Cité d'Ottawa Act, 1939*.







BILL

An Act respecting L'Institut Canadien
Français de la Cité d'Ottawa.

1st Reading

2nd Reading

3rd Reading

MR. BELANGER

(Private Bill)

No. 9

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting L'Institut Canadien Français de la Cité d'Ottawa.

MR. BÉLANGER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting L'Institut Canadien Français de la Cité d'Ottawa.

Preamble. **W**HEREAS L'Institut Canadien Français de la Cité d'Ottawa has by its petition prayed for special legislation with respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Province of
Canada,
29 Vict.,
c. 97.

29-30 Vict.,
c. 139.

Ontario,
39 Vict.,
c. 104,
amended.

1. The Act entitled *An Act to incorporate L'Institut Canadien Français de la Cité d'Ottawa*, being chapter 97 of the Acts passed by the Legislature of the Province of Canada in the twenty-ninth year of the reign of Her late Majesty Queen Victoria, as amended by the Act entitled *An Act to amend the Act to incorporate L'Institut Canadien Français de la Cité d'Ottawa*, being chapter 139 of the Acts passed by the said Legislature in the twenty-ninth and thirtieth years of the reign of Her late Majesty Queen Victoria and by the Act entitled *An Act to amend the Acts respecting L'Institut Canadien Français de la Cité d'Ottawa and to extend the powers of the said corporation*, being chapter 104 of the Acts passed by the Legislature of the Province of Ontario in the thirty-ninth year of the reign of Her late Majesty Queen Victoria, is further amended by adding thereto the following sections:

Other
objects of the
corporation.

11a. The said corporation shall also have as objects the spiritual, mental, social and physical improvement of young men by the maintenance and support of meetings, lectures, classes, reading rooms, library, gymnasiums, recreation rooms and such other means as may from time to time be determined upon.

Further
powers.

11b. The said corporation shall have power to establish a system of technical education, including such branches of mechanical science and the development of such of the industrial arts as the board of directors of the said corporation may from time to time determine.

11c. The lands and premises owned or occupied by ^{Lands}
L'Institut Canadien Français de la Cité d'Ottawa, ^{exempt from}
shall so long as the same are occupied by and used ^{taxation.}
for the purposes of the corporation, be and the same
are hereby declared to be and to have been exempt
from taxation.

2. This Act may be cited as *L'Institut Canadien Français* Short title.
de la Cité d'Ottawa Act, 1939.

BILL

An Act respecting L'Institut Canadien
Français de la Cité d'Ottawa.

1st Reading

March 22nd, 1939

2nd Reading

April 17th, 1939

3rd Reading

April 24th, 1939

MR. BÉLANGER

No. 10

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Township of Trafalgar.

MR. BLAKELOCK

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Trafalgar.

Preamble. **W**HEREAS the corporation has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

- Interpre-
tation. **1.** In this Act,—
- “Board.” (a) “Board” shall mean Ontario Municipal Board;
- “Commis-
sion.” (b) “Commission” shall mean Lake Shore Water Com-
mission;
- “Corpora-
tion.” (c) “Corporation” shall mean corporation of the township
of Trafalgar;
- “Council.” (d) “Council” shall mean council of the corporation of
Trafalgar;
- “Township.” (e) “Township” shall mean township of Trafalgar.
- Water Area
“A” created. **2.** The lands in the Township described in Schedule A
hereto are hereby set apart as a water and fire area to be
called “Water Area ‘A’.”
- Lake Shore
Water Com-
mission
established. **3.**—(1) The Lake Shore Water Commission is hereby
established.
- How com-
posed. (2) The Commission shall be a body corporate and shall
consist of three members of whom the head of the Council
shall *ex officio* be one and the others shall, subject to subsection
3, be elected and shall hold office in the manner provided
by subsections 1, 2 and 4 of section 37 of *The Public
Utilities Act*; provided that the first members of the Com-
mission hereby appointed shall be the reeve of the Council,
and Thomas Peckitt, who is to hold office until the annual
- Rev. Stat.,
c. 286.



election of the members of the Council next held after the passing of this Act, and George Fish, who is to hold office until the second annual election of the members of the Council held after the passing of this Act.

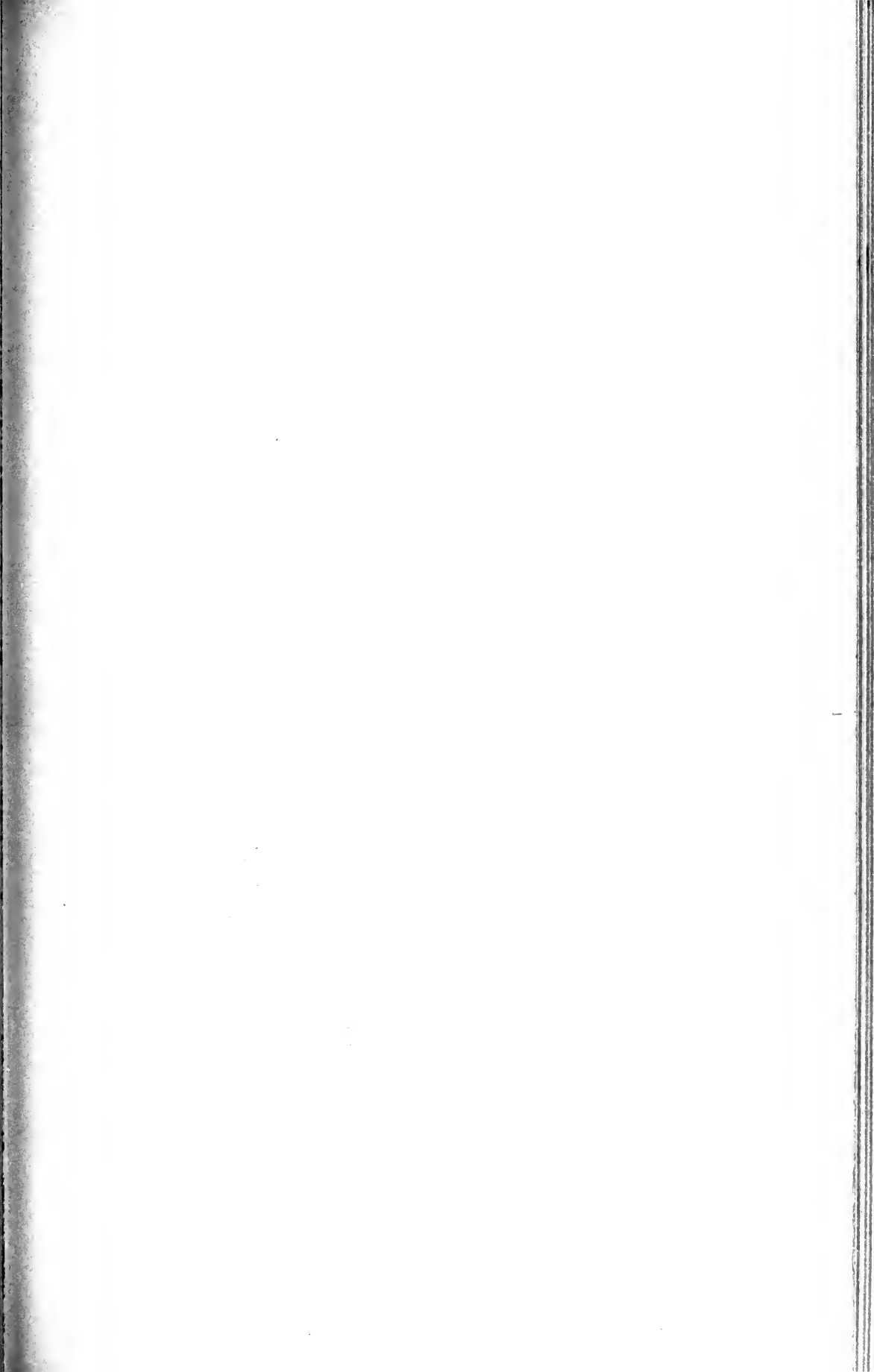
Electors. (3) Every person resident within any water or fire area being a qualified elector of the Township shall be eligible to be elected a member of the Commission and to vote at any election of the members of the Commission.

Commission to have powers of corporation. (4) Except as this Act otherwise provides, the Commission shall possess and may exercise all the powers, rights, authorities and privileges with respect to the construction, operation, extension, alteration, repair, control and management of water, water supply, the water system and fire protection heretofore or hereafter conferred upon or exercisable by the Corporation; provided that nothing contained in this Act shall divest the Council of its authority for providing the money required for such works.

Water rates. (5) The Commission shall regulate the distribution and use of water in all places and for all purposes where water may be required, and shall fix the water rates to be charged for the use thereof by the owners or occupants of any lands, houses, tenements, lot or part of lot in respect of such premises, and may regulate the number of public hydrants in such places as it may see fit, and direct in what manner and for what purposes water shall be used, all of which it may change at its discretion.

Control over water service works. (6) 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 the pressure or flow of water therein.

Further powers of Commission. (7) Subject to section 10, the Commission may enter into agreements and contracts of all kinds with any municipality for the supply of water, installation of hydrants, fire fighting equipment and for any other services incidental to the supply of water with respect to the service of any area and water-works system maintained and operated under this Act, upon such terms and for such times as may be agreed without the assent of the electors of the Township or of any such other municipality; provided that no such agreement or contract shall have any force or effect until approved by the Board and all costs, charges and expenses in connection with any such agreement or contract may be assessed or levied on the rateable property in the area benefited thereby or if in more than one area then on the rateable property in such areas in such proportions as the Commission may by by-law determine.



Power re
other utility
works.

4. The Council may by by-law entrust the control and management of any other public utility works to the Commission or to any other commission which may be established and in operation in the Township.

Rev. Stat.,
c. 286 to
apply.

5. Except where otherwise provided in this Act, the provisions of *The Public Utilities Act* applicable to townships shall apply *mutatis mutandis* to the Township.

Creation of
waterworks
and con-
struction of
works.

6. In addition to Water Area "A" created by this Act, the Council may pass by-laws to set apart and establish as a water area, or water areas, any remaining portion of the Township described in any such by-law for water and water supply purposes, or to construct, enlarge, extend, improve and operate waterworks systems within or outside of any water area to serve such area or areas.

Assessment
of cost.

Rev. Stat.,
c. 269.

7.—(1) Subject to subsection 2, and save and except the cost of such works as are undertaken pursuant to *The Local Improvement Act* as hereinafter provided, the entire cost of the construction, enlargement, extension, improvement, operation, maintenance, management and repair of any waterworks system established under this Act shall be assessed and levied upon all the rateable property in the area served by such works; provided that where such works are undertaken to serve more than one area the Commission shall by by-law determine the portion of the cost thereof to be borne by each of such areas.

Exception
as to water-
mains.

(2) Where the work is the construction of a watermain and the Commission is of opinion that any lot is not benefited by the work or is not benefited thereby to the same extent as other lots the Commission may, in the by-law for undertaking the work, exempt such lot from or make such reduction in the assessment which would otherwise be chargeable thereon, as the Commission may deem fair and equitable.

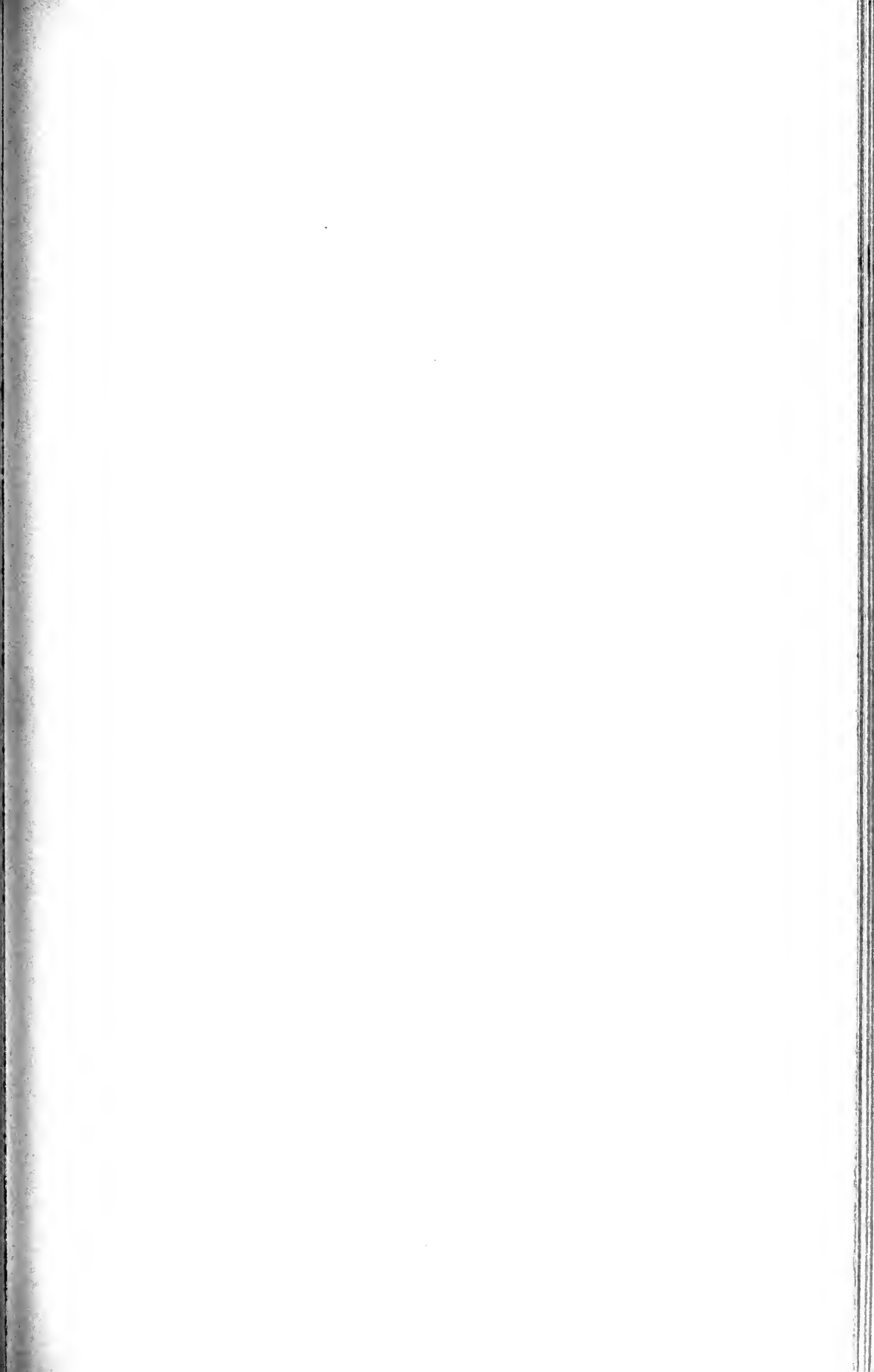
Applica-
tion of
revenues.

(3) The revenues arising from the operation of any such works shall form a special fund for the use of the area served by such works; provided that where such works have been undertaken to serve more than one area such revenues shall be apportioned between or among the areas served in the same proportions as such areas contributed to the cost of the construction of such works.

Watermains
declared
to be
waterworks
system.

Rev. Stat.,
c. 286; c. 266;
c. 269.

8. The watermains already laid down in the Township, and any watermains laid down under this Act, are hereby declared to be "waterworks" or a "system of waterworks" within the meaning of such terms in this Act, *The Public Utilities Act*, *The Municipal Act* and *The Local Improvement Act* and, in so far as the said Acts or any of them are not



inconsistent with this Act, the provisions of the said Acts or any of them relating to waterworks or a system of waterworks and the extension thereof shall apply to the said watermains and to any extensions thereof which may hereafter be made.

Term of debentures.

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

Fire areas may be established.

10.—(1) The Council may pass by-laws to set apart and establish as a fire area any portion of the Township described in any such by-law, and may pass by-laws for acquiring land and for erecting thereon a fire hall and for purchasing fire engines and other appliances for fire protection for the use and benefit of any fire area and for levying the cost thereof by a special rate on the rateable property in such area; provided that no such by-law shall, without the approval of the Commission, apply to or affect said Water Area "A."

Maintenance cost to be met by special rate.

(2) The annual cost of maintenance and repair of such fire hall and of appointing, insuring and paying men for services rendered in connection with such fire hall shall be made by a special rate on the rateable property in such area.

Where more than one area affected.

(3) Where the works and purchases or the cost of maintenance and other expenses referred to in subsections 1 and 2 are undertaken or made to serve more than one area the Council, or if a by-law is passed under subsection 5, then the Commission, may by by-law determine the portion of the cost thereof to be borne by each such area.

When special rate to be levied.

(4) The special rate for such purposes may be levied in one year or two years as the Council, or if a by-law is passed under subsection 5, then as the Commission, may think proper.

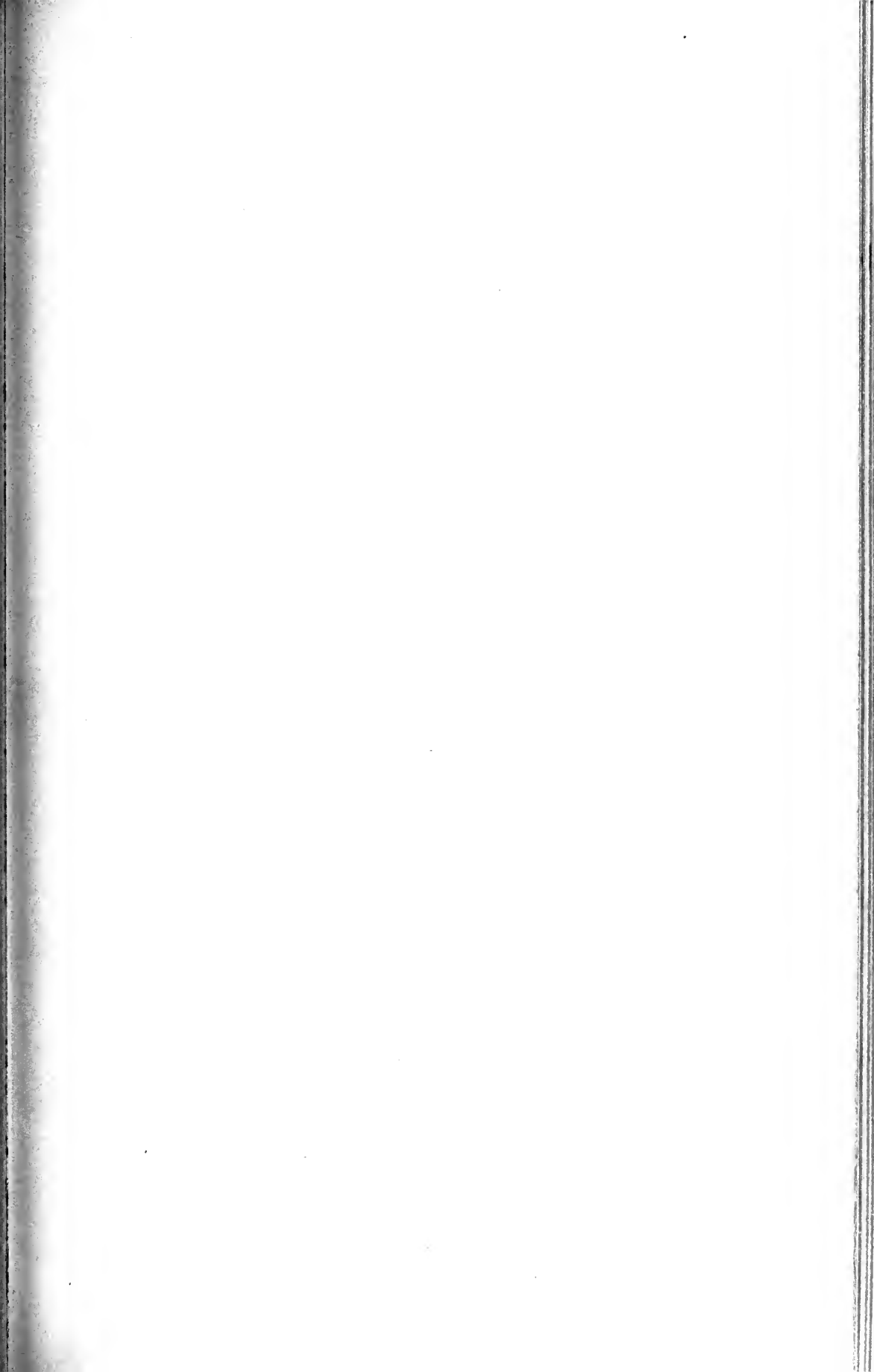
Council may delegate fire protection to the Commission.

(5) The Council may pass by-laws entrusting the control, operation and maintenance of fire protection in any fire area to the Commission.

Certain works as local improvements.

11.—(1) The Commission may undertake within any water area the construction of waterworks systems, watermains, and the necessary appliances and accessories and private drain connections as local improvements pursuant to *The Local Improvement Act*, and may provide for the cost thereof in the manner provided by subsection 1 of section 64 of such Act save that where a work is constructed to serve lands situate within more than one area the Commission shall by by-law determine the portion of cost to be borne by each area and such respective portions shall be assessed in such areas in the manner provided in this section.

Rev. Stat., c. 269.



Power of
Commission
as to
exemptions,
etc.

Rev. Stat.,
c. 269.

(2) The Commission may exercise the discretion, authority and power to make exemptions, reductions and adjustments in the assessments with respect to the works undertaken pursuant to this section as is given to a council with respect to certain works under sections 29 and 31 of *The Local Improvement Act*.

Fixed
frontage
rate.

(3) The Commission may by by-law determine the annual rate per foot frontage, in satisfaction of the owners' portion of the cost, which shall be assessed upon, levied and collected from lots fronting or abutting directly on or served by the watermains constructed in the area designated in such by-law during the currency of the debentures issued to pay for the cost of such watermains and that the remainder, if any, of the cost not provided for by such annual rate shall be assessed and levied upon the rateable property in the area affected; 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 watermains the surplus resulting therefrom shall be deposited to a special account to be used by the Commission for the benefit of such area.

Publication
of notices.

Rev. Stat.,
c. 269.

(4) In any notice of the Commission published, served or mailed pursuant to sections 10, 12, 41 or 46 of *The Local Improvement Act* in respect to the construction of watermains it shall not be necessary to show the portion of the cost, actual or estimated, which is to be borne by the Corporation of the area, but it shall be sufficient to show the estimated cost of the work and the estimated cost thereof per foot frontage.

Maintenance
of work.

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

Alteration
of areas.

12. The Council may, after notice to the Commission, pass by-laws to enlarge or reduce any water or fire area by annexing thereto such portion of the Township or of any other existing area, or by withdrawing therefrom such portion of such area as may be designated in the by-law, or to amalgamate any two or more areas or parts thereof into one water area, or to make the whole of the Township or any portion thereof one water or fire area, or to subdivide, vary or alter any one or more areas, upon such terms and conditions and with such adjustments of rates as may be provided in such by-law; provided that nothing contained in this section shall give the Council power to interfere with or prejudice any debenture or other indebtedness to which any area may be subject.



Deficiency
in rates.

13. If in any year the amount realized from the rates imposed to provide for the cost of any work and the interest thereon is insufficient to pay the amount falling due in such year in respect of the debentures issued to pay the cost of such work, the Council shall provide for the deficiency in the estimates for the current or the following year, and collect the amount of such deficiency by levying a general rate on all the rateable property in the Township, but such levy shall not relieve the land in the area or areas upon which the first mentioned rates are imposed from payment of such first mentioned rates.

All rates to
be deemed
local im-
provement
rates.
Rev. Stat.,
c. 266.

14. The rates imposed and levied under this Act shall be deemed to be local improvement rates for the purposes of section 315 of *The Municipal Act*.

Temporary
loans and
debentures.

15. The Council may agree with any bank or person for temporary advances to meet the cost of any of the works authorized by this Act pending the completion thereof and the Council may, when any such work is completed, borrow on the credit of the corporation at large such sums as may be necessary to repay such advances and to defray the cost of such work including the items of cost referred to in subsection 2 of section 20 of *The Local Improvement Act* and may issue debentures for the sums so borrowed.

Rev. Stat.,
c. 269.

Require-
ments as to
by-laws.

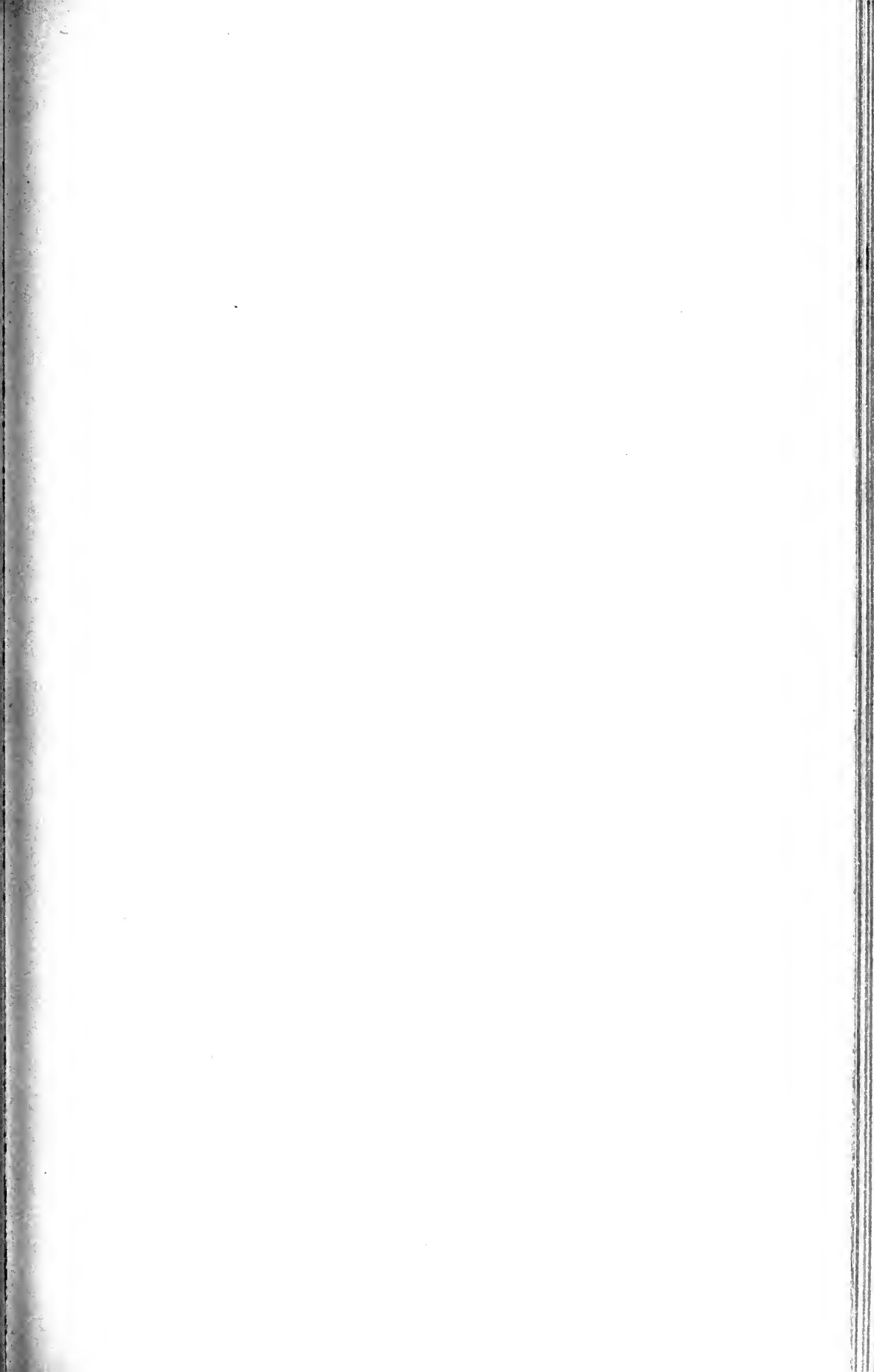
16. It shall not be necessary to submit for the assent of the electors any by-law passed under this Act; provided that no by-law authorized by this Act to establish a water or fire area, or to apportion the cost of any work undertaken under this Act between two or more areas or parts thereof, or to declare the desirability of undertaking or to undertake the construction of any such work shall be valid unless such by-law has been passed at a meeting of the Council by vote of two-thirds of all the members thereof and approved by the Board.

Existing
areas
dissolved.

17. Every existing area of the Township declared or defined by by-law, agreement or otherwise to be a water area is hereby dissolved; provided that nothing in this section shall prejudice the existence or validity of any debentures or other indebtedness to which any such area is now subject or to any rights to which any such area is now entitled, and with respect to such outstanding debentures and other indebtedness or rights, all liability and powers thereunder are hereby reserved as though this Act had not been passed.

Settlement
of disputes.

18.—(1) Every difference or dispute between the Corporation and the Commission and all rights and claims between the respective portions of the Township made into one or more water or fire areas under this Act shall be valued, adjusted or determined by the Board or by a referee appointed by the



Rev. Stat.,
c. 60.

Board and the Board may exercise such jurisdiction and powers as may be necessary for the purpose of having such rights and claims valued, adjusted or determined and *The Ontario Municipal Board Act* shall be applicable thereto and any order of the Board under this section shall be final and conclusive and not subject to appeal save upon any question of law, in which case an appeal shall lie to the Court of Appeal provided that leave to appeal is obtained from such Court within one month after the making of the order or decision sought to be appealed from or within such further time as such court under the special circumstances of the case shall allow and the terms of any such order of the Board shall be binding upon the Commission, the Corporation and the ratepayers thereof or of any area affected thereby.

Council to
carry out
Board's
order.

(2) The Council shall impose and levy annually such special rates against the lands assessable therefor as may be directed in any such order of the Board.

Board to
approve
certain
by-laws.

(3) No by-law passed under sections 4, 6 and 12 shall come into force or take effect until such time as the Board may by its order direct.

Short title.

19. This Act may be cited as *The Township of Trafalgar Act, 1939*.

SCHEDULE A

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Township of Trafalgar bounded as follows, namely: From the point of intersection where the Second Concession line of the said Township meets the westerly boundary of the Township of Toronto; thence northerly along the said westerly boundary of the Township of Toronto one thousand feet to the point of commencement; thence westerly along the line drawn parallel to the said Second Concession line to the point of intersection where the last mentioned parallel line meets the road allowance between Lots 25 and 26 in the Second Concession south of Dundas Street; thence southerly along the said road allowance to the shore of Lake Ontario; thence easterly along the shore of the said Lake to the point of intersection where the shore of the said Lake meets the production southerly of the westerly boundary of the Township of Toronto; thence northerly along the said southerly production of the said westerly boundary of the Township of Toronto, to and along the said westerly boundary to the point of commencement; excepting thereout and therefrom that part comprising the town of Oakville.





An Act respecting the Township
of Traftalgar.

1st Reading

2nd Reading

3rd Reading

MR. BLAKELOCK

(Private Bill)

No. 10

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Township of Trafalgar.

MR. BLAKELOCK

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Trafalgar.

Preamble. **W**HEREAS the corporation has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

- Interpre-
tation. **1.** In this Act,—
- “Board.” (a) “Board” shall mean Ontario Municipal Board;
- “Commis-
sion.” (b) “Commission” shall mean Lake Shore Water Com-
mission;
- “Corpora-
tion.” (c) “Corporation” shall mean corporation of the township
of Trafalgar;
- “Council.” (d) “Council” shall mean council of the corporation of
Trafalgar;
- “Township.” (e) “Township” shall mean township of Trafalgar.
- Water Area
“A” created. **2.** The lands in the Township described in Schedule A
hereto are hereby set apart as a water and fire area to be
called “Water Area ‘A’.”
- Lake Shore
Water Com-
mission
established. **3.**—(1) The Lake Shore Water Commission is hereby
established.
- How com-
posed. (2) The Commission shall be a body corporate and shall
consist of three members of whom the head of the Council
shall *ex officio* be one and the others shall, subject to subsection
3, be elected and shall hold office in the manner provided
by subsections 1, 2 and 4 of section 37 of *The Public
Utilities Act*; provided that the first members of the Com-
mission hereby appointed shall be the reeve of the Council,
and Thomas Peckitt, who is to hold office until the annual
- Rev. Stat.,
c. 286.

election of the members of the Council next held after the passing of this Act, and George Fish, who is to hold office until the second annual election of the members of the Council held after the passing of this Act.

(3) Every person resident or owning land within any water or fire area within the township being a qualified elector of the Township shall be eligible to vote at any election of the members of the Commission and subject to subsection 4 of section 37 of *The Public Utilities Act* any such person shall be eligible to be elected to the Commission.

Electors.

Rev. Stat.,
c. 286.

(4) Except as this Act otherwise provides, the Commission shall possess and may exercise within any water or fire area created under or by virtue of this Act all the powers, rights, authorities and privileges with respect to the construction, operation, extension, alteration, repair, control and management of water, water supply, the water system and fire protection heretofore or hereafter conferred upon or exercisable by the Corporation; provided that nothing contained in this Act shall divest the Council of its authority for providing the money required for such works.

Commission
to have
powers of
corporation.

(5) Subject to section 7, the Commission may enter into agreements and contracts of all kinds with any municipality for the supply of water, installation of hydrants, fire fighting equipment and for any other services incidental to the supply of water with respect to the service of any area and waterworks system maintained and operated under this Act, upon such terms and for such times as may be agreed without the assent of the electors of the Township or of any such other municipality; provided that no such agreement or contract shall have any force or effect until approved by the Board and all costs, charges and expenses in connection with any such agreement or contract may be assessed or levied on the rateable property in the area benefited thereby or if in more than one area then on the rateable property in such areas in such proportions as the Commission may by by-law determine.

Further
powers of
Commission.

4. The Council may by by-law entrust the control and management of any other public utility works to the Commission or to any other commission which may be established and in operation in the Township.

Power re
other utility
works.

5. In addition to Water Area "A" created by this Act, the Council may pass by-laws to set apart and establish as a water area, or water areas, any remaining portion of the Township described in any such by-law for water and water supply purposes, or to construct, enlarge, extend, improve and operate waterworks systems within or outside of any water area to serve such area or areas.

Creation of
waterworks
and con-
struction of
works.

Assessment
of cost.

Rev. Stat.,
c. 269.

6.—(1) Subject to subsection 2, and save and except the cost of such works as are undertaken pursuant to *The Local Improvement Act* as hereinafter provided, the entire cost of the construction, enlargement, extension, improvement, operation, maintenance, management and repair of any waterworks system established under this Act shall be assessed and levied upon all the rateable property in the area served by such works; provided that where such works are undertaken to serve more than one area the Commission shall by by-law determine the portion of the cost thereof to be borne by each of such areas.

Exception
as to water-
mains.

(2) Where the work is the construction of a watermain and the Commission is of opinion that any lot is not benefited by the work or is not benefited thereby to the same extent as other lots the Commission may, in the by-law for undertaking the work, exempt such lot from or make such reduction in the assessment which would otherwise be chargeable thereon, as the Commission may deem fair and equitable.

Fire areas
may be
established.

7.—(1) The Council may pass by-laws pursuant to paragraphs 2, 3, 4 and 5 of section 425 of *The Municipal Act* but no such by-law shall without the approval of the Commission apply to or affect said water area "A".

Council may
delegate fire
protection to
the Com-
mission.

(2) The Council may pass by-laws entrusting the control, operation and maintenance of fire protection in any fire area to the Commission.

Certain
works as
local im-
provements.

Rev. Stat.,
c. 269.

8.—(1) The Commission may undertake within any water area the construction of waterworks systems, watermains, and the necessary appliances and accessories and private drain connections as local improvements pursuant to *The Local Improvement Act*, and may provide for the cost thereof in the manner provided by subsection 1 of section 64 of such Act save that where a work is constructed to serve lands situate within more than one area the Commission shall by by-law determine the portion of cost to be borne by each area and such respective portions shall be assessed in such areas in the manner provided in this section.

Power of
Commission
as to
exemptions,
etc.

Rev. Stat.,
c. 269.

(2) The Commission may exercise the discretion, authority and power to make exemptions, reductions and adjustments in the assessments with respect to the works undertaken pursuant to this section as is given to a council with respect to certain works under sections 29 and 31 of *The Local Improvement Act*.

Fixed
frontage
rate.

(3) The Commission may by by-law determine the annual rate per foot frontage, in satisfaction of the owners' portion of the cost, which shall be assessed upon, levied and collected

from lots fronting or abutting directly on or served by the watermains constructed in the section or area designated in such by-law during the currency of the debentures issued to pay for the cost of such watermains and that the remainder, if any, of the cost not provided for by such annual rate shall be assessed and levied upon the rateable property in such section or area; provided that if in any case such annual rate per foot frontage shall be more than sufficient to provide for the actual cost of the watermains the surplus resulting therefrom shall be deposited to a special account to be used by the Commission for the benefit of such section or area.

(4) In any notice of the Commission published, served or mailed pursuant to sections 10, 12, 41 or 46 of *The Local Improvement Act* in respect to the construction of watermains it shall not be necessary to show the portion of the cost, actual or estimated, which is to be borne by the Corporation or the area, but it shall be sufficient to show the estimated cost of the work and the estimated cost thereof per foot frontage.

Publication
of notices.
Rev. Stat.,
c. 269.

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

Maintenance
of work.

9. The Council may, after notice to the Commission, pass by-laws to enlarge or reduce any water or fire area by annexing thereto such portion of the Township or of any other existing area, or by withdrawing therefrom such portion of such area as may be designated in the by-law, or to amalgamate any two or more areas or parts thereof into one water area, or to make the whole of the Township or any portion thereof one water or fire area, or to subdivide, vary or alter any one or more areas, upon such terms and conditions and with such adjustments of rates as may be provided in such by-law; provided that nothing contained in this section shall give the Council power to interfere with or prejudice any debenture or other indebtedness to which any area may be subject.

Alteration
of areas.

10. The rates imposed and levied under this Act shall be deemed to be local improvement rates for the purposes of section 315 of *The Municipal Act*.

All rates to
be deemed
local im-
provement
rates.
Rev. Stat.,
c. 266.

11. It shall not be necessary to submit for the assent of the electors any by-law passed under this Act save and except any by-law requiring the expenditure of money by the Commission or the council where such assent is required by *The*

Require-
ments as to
by-laws.

Municipal Act; provided that no by-law authorized by this Act to establish a water or fire area, or to apportion the cost of any work undertaken under this Act between two or more areas or parts thereof, or to declare the desirability of undertaking or to undertake the construction of any such work shall be valid unless such by-law has been passed at a meeting of the Council or Commission by vote of two-thirds of all the members thereof and approved by the Board.

Existing
areas
dissolved.

12. Every existing area of the Township declared or defined by by-law, agreement or otherwise to be a water area is hereby dissolved; provided that nothing in this section shall prejudice the existence or validity of any debentures or other indebtedness to which any such area is now subject or to any rights to which any such area is now entitled, and with respect to such outstanding debentures and other indebtedness or rights, all liability and powers thereunder are hereby reserved as though this Act had not been passed.

Settlement
of disputes.

13.—(1) Every difference or dispute between the Corporation and the Commission and all rights and claims between the respective portions of the Township made into one or more water or fire areas under this Act shall be valued, adjusted or determined by the Board or by a referee appointed by the Board and the Board may exercise such jurisdiction and powers as may be necessary for the purpose of having such rights and claims valued, adjusted or determined and *The Ontario Municipal Board Act* shall be applicable thereto.

Rev. Stat.,
c. 60.

Board to
approve
certain
by-laws.

(2) Every by-law passed under section 4, 5 or 9 shall come into force and take effect on the 31st day of December following unless the Board otherwise directs.

Short title.

14. This Act may be cited as *The Township of Trafalgar Act, 1939*.

SCHEDULE A

Those parts of the township of Trafalgar referred to in the following by-laws of the said township:

- | | |
|----------------|------------------------------------|
| By-law No. 369 | passed June 7th, 1926, |
| " " | " 290 passed May 12th, 1930, |
| " " | " 314 passed September 12th, 1931, |
| " " | " 323 passed November 27th, 1931, |
| " " | " 324 passed November 27th, 1931, |
| " " | " 345 passed November 7th, 1932, |
| " " | " 365 passed December 15th, 1933, |
| " " | " 379 passed September 24th, 1934, |
| " " | " 380 passed October 15th, 1934, |
| " " | " 385 passed December 3rd, 1934, |
| " " | " 393 passed in the year 1935. |

An Act respecting the Township
of Trafalgar.

1st Reading

March 17th, 1939

2nd Reading

April 12th, 1939

3rd Reading

April 18th, 1939

MR. BLAKELOCK

No. 11

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the City of Toronto.

MR. STRACHAN

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Toronto.

Preamble.

WHEREAS the corporation of the city of Toronto has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

St. Patrick's
Market
lands
vested in
city in fee
simple.

1. The lands described in Schedule A hereto are hereby vested in the corporation of the city of Toronto, its successors and assigns, in fee simple, free from any trust.

By-law
authorized
re W.L.
McKenzie
home.

2. The council of the said corporation may by by-law exempt the premises now known as 82 Bond Street, being the former home of the late William Lyon Mackenzie, from taxation for the year 1937 and succeeding years; provided that the said premises be maintained as an historical site.

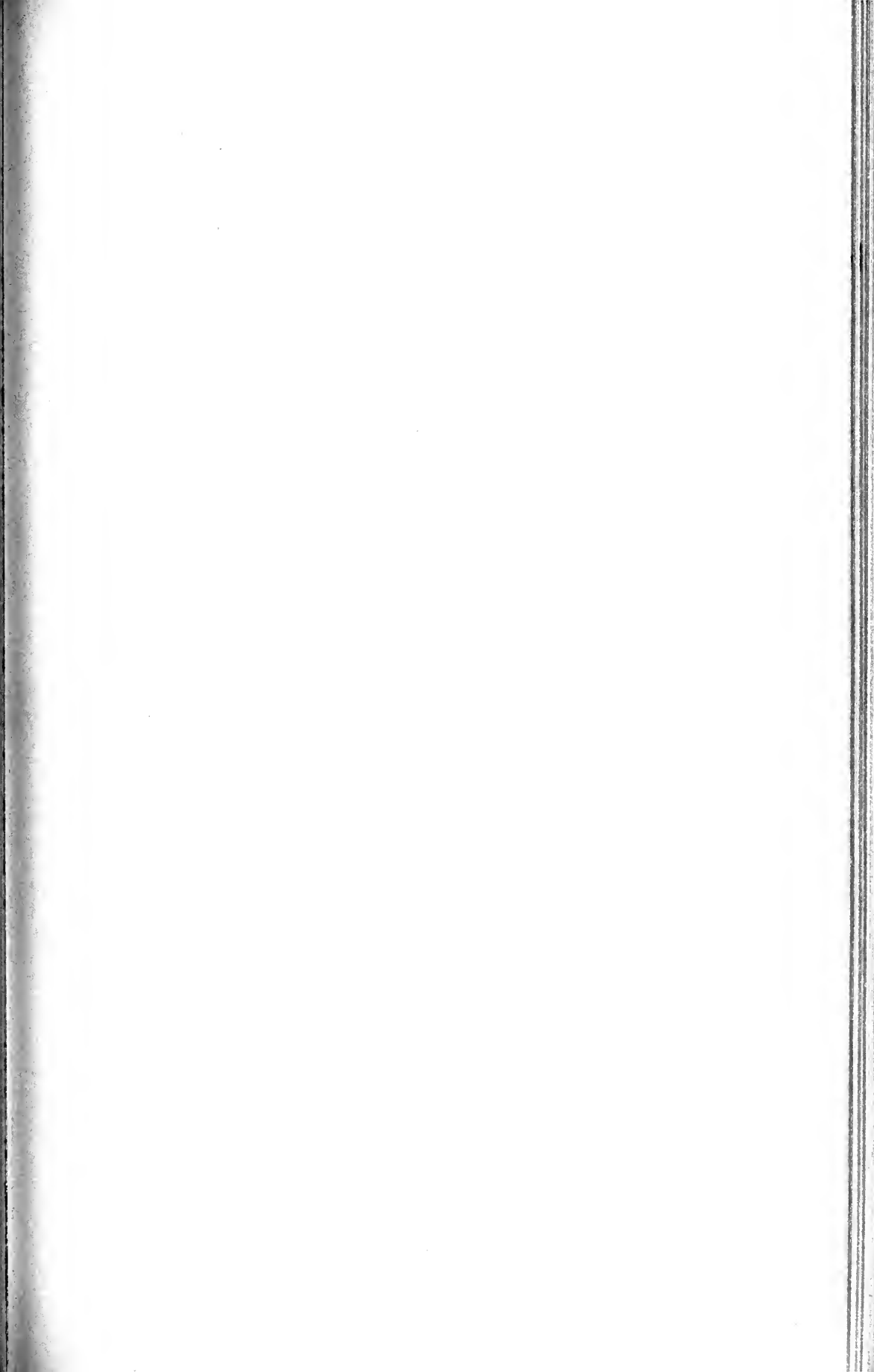
By-law
authorized
re new
houses.

3. The council of the said corporation may by by-law exempt from taxation private dwelling houses or any class of private dwelling houses from the time the erection of any such house is commenced until such house is occupied; provided that the period of such exemption shall not exceed two years.

Approval
of building
by-laws by
Municipal
Board.

4.—(1) The Ontario Municipal Board may approve by-law No. 9868 passed by the council of the said corporation entitled "A By-law to regulate the erection and provide for the safety of buildings" and any by-law passed by the said council amending such by-law or containing provisions regulating the erection or providing for the safety of buildings, and upon such approval being given the by-law shall be deemed to have been validated and confirmed.

(2) The said Board shall not approve any such by-law until it has held a public hearing with respect thereto in the city of Toronto after such notice thereof as the Board may direct.



(3) Any disbursements incurred by the said Board in connection with any such approval shall forthwith be paid by the treasurer of the said corporation upon certificate of the chairman of the said Board.

Noise
by-law
confirmed.

5. By-law No. 14913 passed by the council of the said corporation entitled "A By-law respecting noises," set out in Schedule B hereto, is hereby validated and confirmed.

Agreement
re airports
confirmed.

6.—(1) The agreement made between the said corporation and the Toronto Harbour Commissioners, set out in Schedule C hereto, is hereby validated and confirmed, and the parties thereto are hereby granted power and authority to do such acts and things as may be necessary or incidental to the performance of the said agreement and as may be necessary or incidental to the construction, extension, development, control, maintenance, management or operation of the Toronto Malton Airport and the Toronto Island Airport.

Removal of
obstructions
to airports.

(2) The council of the said corporation or the Toronto Harbour Commissioners with the consent of the said council may enter into an agreement with the owner of any land adjacent to or in the vicinity of the Toronto Malton Airport or the Toronto Island Airport for the removal or alteration of any building, pole, tree, fence, signboard or other erection or object which it may be necessary to remove or alter in order to comply with any regulation respecting the operation of such airports.

Application
to judge.

(3) If the said council or the said commissioners are unable to make any such agreement the said council, or the said commissioners with the consent of the said council, may apply to the judge of the county court of the county in which the said land is situate for an order compelling the removal or alteration of any such erection or object in respect of which the application is made, upon such notice to the owner of the land affected as the said judge may direct, and the said judge may make an order, subject to the payment of such compensation or upon such other conditions as he may fix, compelling the owner of the land to remove or alter such erection or object, or authorizing the said corporation or the said commissioners to remove or alter such erection or object and for that purpose to enter upon the said land, and *The Judges' Orders Enforcement Act* shall apply to any such order.

Rev. Stat.,
c. 123.

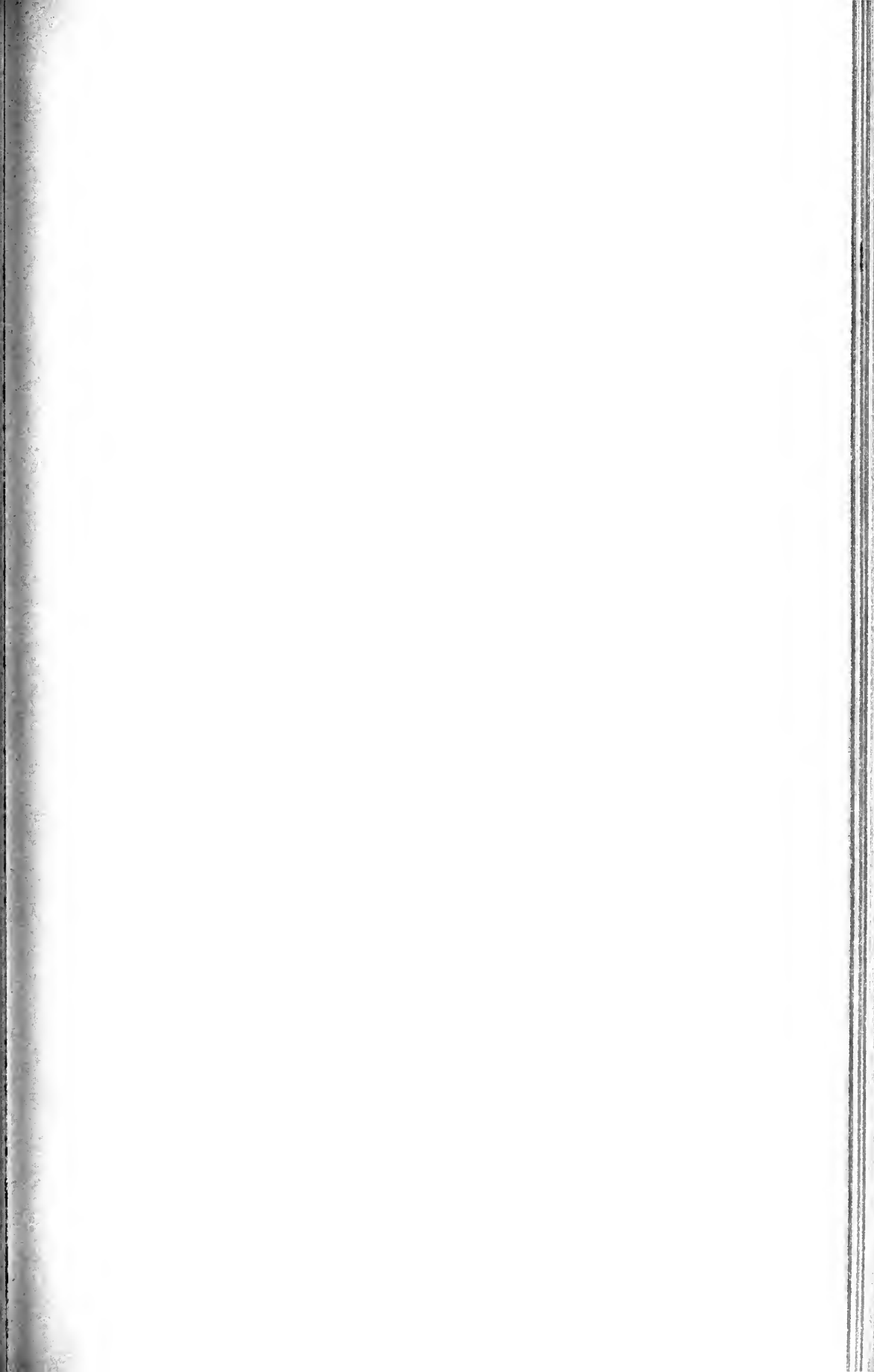
The
Municipal
Act not to
apply.

Rev. Stat.,
266.

(4) The owner of the land in respect of which an application is made under this section shall not be entitled to compensation under *The Municipal Act*.

Short title.

7. This Act may be cited as *The City of Toronto Act, 1939*.



SCHEDULE A

ST. PATRICK'S MARKET SITE

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 Park Lot No. 13, in the First Concession from the Bay, in the Township of York (more particularly known as lots Nos. 11, 12 and part of lot No. 13, and part of the reservation between the rear of the lots on the east side of John Street and those on the west side of McCaul Street according to an unregistered Plan known as the Boulton Plan), the boundaries of which said parcel are described as follows:

PREMISING that the easterly limit of John Street herein-after referred to has a bearing of North Sixteen degrees West (N. 16° W.) and governs bearings herein then,

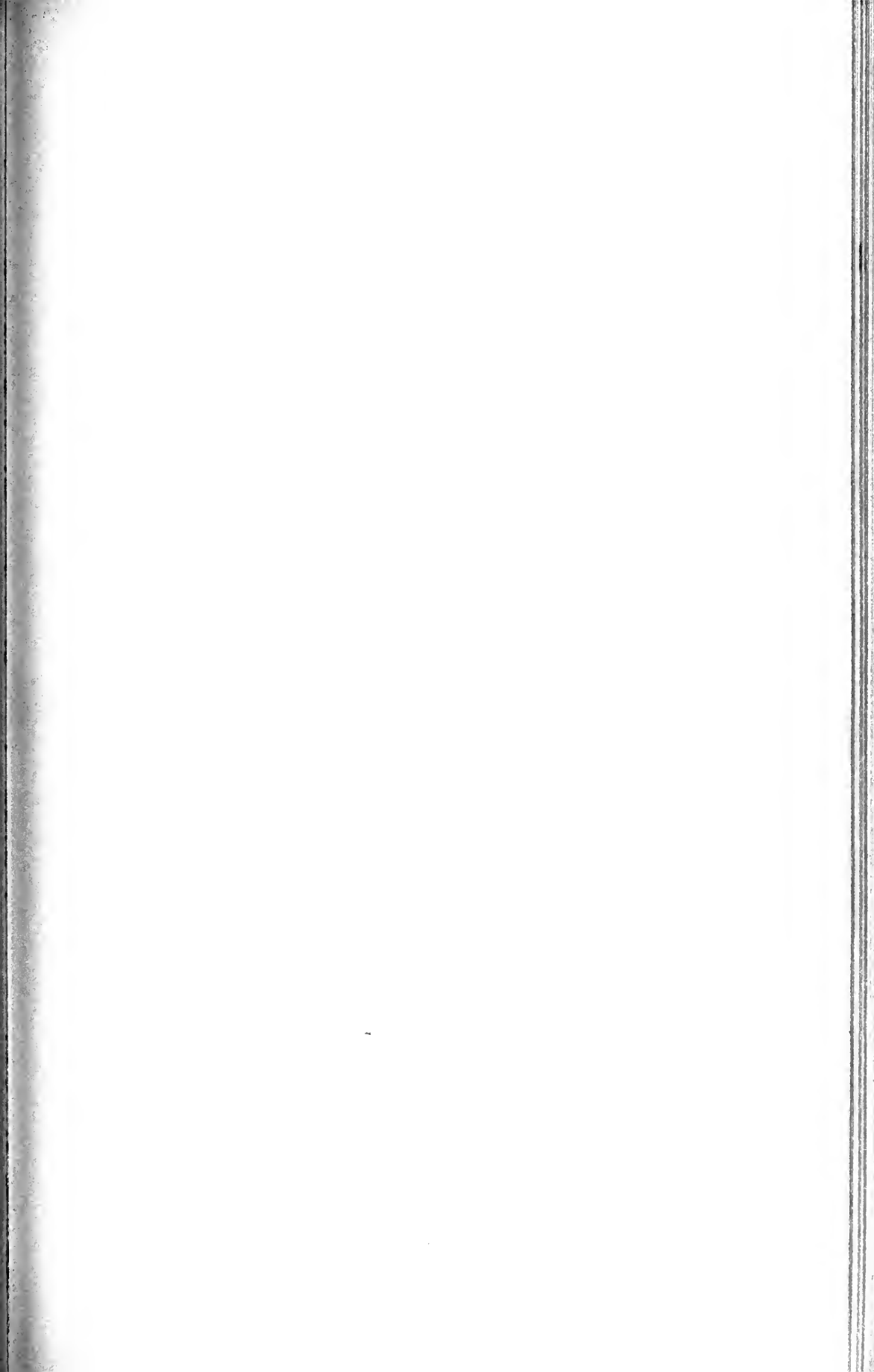
Commencing at a point in the northerly limit of Queen Street West where the same is intersected by the production southerly of the easterly face of the easterly wall of the brick building situate on land immediately to the west of the southerly part of the herein described parcel of land and known in 1939 as No. 240 Queen Street West, the said point of intersection being distant one hundred and fifteen feet and two inches (115' 2") measured easterly along the said northerly limit of Queen Street West from the easterly limit of John Street;

Thence North sixteen degrees eleven minutes West (N. 16° 11' W) three hundred feet (300');

Thence easterly, parallel to the northerly limit of Queen Street West ninety feet (90');

Thence South sixteen degrees eleven minutes East (S. 16° 11' E) three hundred feet (300') to the northerly limit of Queen Street West aforesaid;

Thence westerly, along the last mentioned limit ninety feet (90') to the point of commencement.



SCHEDULE B

No. 14913. A BY-LAW

Respecting Noises.

[Passed March 14th, 1938.]

The Council of the Corporation of the City of Toronto enacts as follows:

I.

No person shall ring any bell, blow or sound any horn or cause same to be rung, blown or sounded, shout, or create, cause or permit any unnecessary noise which disturbs the inhabitants.

II.

For the purpose of Section I, the following noises or sounds, among others, shall be deemed to be unnecessary noises which disturb the inhabitants:

- (1) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, street car, or other vehicle of whatsoever kind, except when required by law.
- (2) The sounding of any such bell, horn, siren or signal device for an unnecessary or unreasonable period of time.
- (3) The sound or noise from or created by any radio or phonograph, or any musical or sound-producing instrument of whatsoever kind when such radio or phonograph or instrument is played or operated in such manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or other type of residence.
- (4) Any sound made by any animal or bird which disturbs the peace, quiet, comfort or repose of any individual in the neighbourhood.
- (5) The grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof.
- (6) The blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger.
- (7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud or explosive noises.
- (8) Any unnecessary noise arising between the hour of 6.00 o'clock p.m. of any day and 7.00 o'clock a.m. of the next following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building, authorized by the Corporation, except in case of urgent necessity and then under a permit from the Commissioner of Buildings or Commissioner of Works, provided the said Commissioners shall be the judges as to whether any noise arising from an excavation or construction work is or is not unnecessary and their decision shall be final.
- (9) Any unnecessary noise in the vicinity of any school, seminary of learning or court while the same is in session or in the vicinity of

any hospital or convalescent or rest home when such noise interferes with the undertaking of such hospital or home, provided conspicuous signs are displayed in or upon the streets adjoining any such school, court, hospital or home indicating that loud noises are prohibited in the vicinity.

- (10) The noise created by driving any vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create such noise.
- (11) The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which projects noise or sound into any street or other public place.
- (12) The noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus in or upon any vehicle except for such time and under such conditions as the Board of Commissioners of Police may prescribe.
- (13) Crying, shouting or loud speaking in or adjacent to any public street or place.

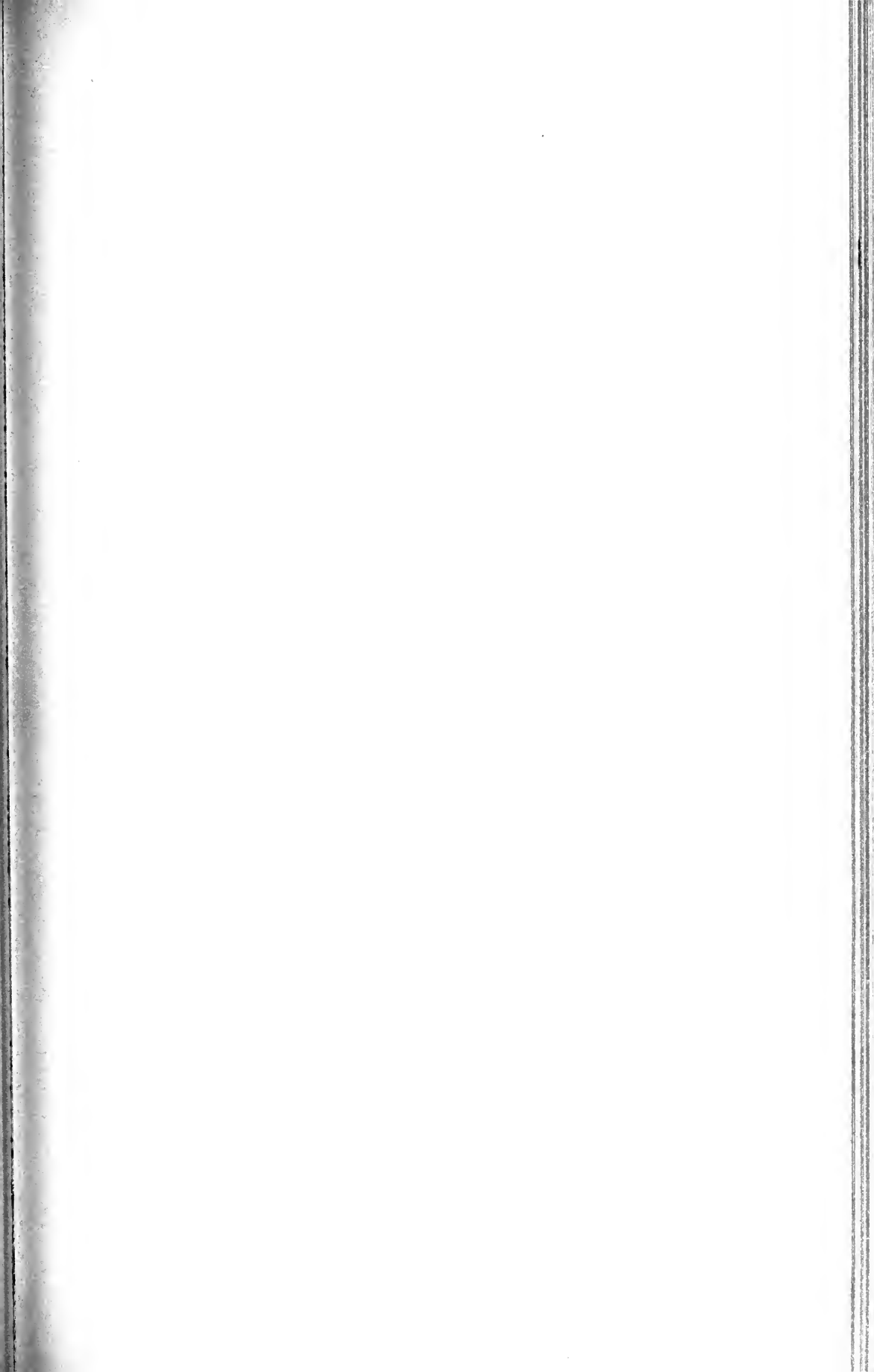
III.

None of the provisions of this By-law shall apply to:

- (1) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration or other reasonable gathering, provided written permission of the Board of Commissioners of Police has first been obtained.
- (2) Any military or other band or any parade, operating under written permission first obtained from the Board of Commissioners of Police.
- (3) Any newsboy, peddler, hawker or petty tradesman plying his calling legitimately and moderately.
- (4) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.
- (5) The sound from any private radio in a motor vehicle, installed for the sole benefit or entertainment of the operator and occupants of such vehicle, when same is not audible at a distance of twenty-five feet from such vehicle.
- (6) Any sound arising from the operation of any railway which operates under The Railway Act of Canada or from any plant or work in connection with any such railway.
- (7) Any case of public convenience or necessity.

IV.

Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding (exclusive of costs) the sum of \$50.00 for each offence; and every such penalty shall be recoverable under The Summary Convictions Act, all of the provisions of which shall apply, except that the imprisonment may be for any term not exceeding six months.



V.

This By-law shall take effect upon, from and after being validated by the Legislature of the Province of Ontario.

R. C. DAY,
Mayor.

J. W. SOMERS,
City Clerk.

COUNCIL CHAMBER,
Toronto, March 14th, 1938.
(L.S.)

SCHEDULE C

THIS AGREEMENT made this 23rd day of February, one thousand nine hundred and thirty-nine.

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO,
Hereinafter called the City,

OF THE FIRST PART,

—and—

THE TORONTO HARBOUR COMMISSIONERS,
Hereinafter called the Commissioners,

OF THE SECOND PART.

WHEREAS by an Act passed by the Legislature of the Province of Ontario in the first year of the reign of His Majesty King George the Sixth, Chapter 105, the City was authorized to establish, construct, equip, maintain, operate and use an airport as therein defined and to enter into agreements with any person in respect thereto;

AND WHEREAS by Report No. 1 of the Special Committee re establishment of airport facilities, adopted in Council July 9th, 1937, it was recommended that the Commissioners take charge of the construction and operation of certain airports for and at the expense of the City;

AND WHEREAS the City has acquired and is the owner of the lands described in Schedule "A" hereto annexed and the Commissioners on behalf of the City have established and constructed thereon an airport called the "Toronto Malton Airport" hereinafter referred to as "the Airport";

AND WHEREAS the City has by Indenture of Lease, dated the 15th day of November, 1938, demised and leased unto His Majesty the King, represented therein by the Honourable the Minister of Transport for the Dominion of Canada, that portion of the Airport therein described (hereinafter referred to as "the Airport proper"), upon the terms and conditions therein set forth;

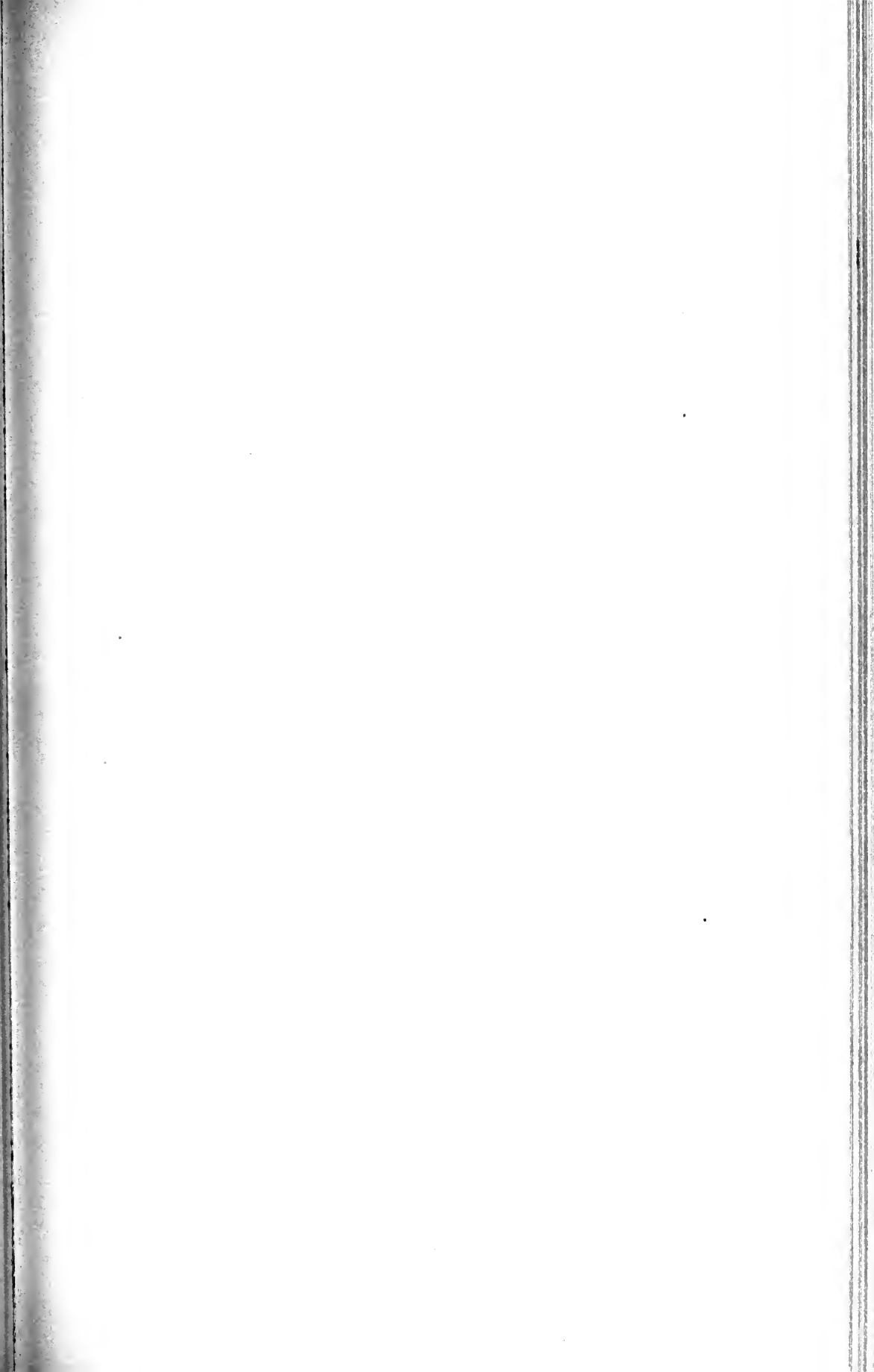
AND WHEREAS the City has by a further Indenture of Lease, dated the 19th day of September, 1938, demised and leased unto Trans-Canada Air Lines the portion of the Airport therein described for use as a site for a hangar, together with necessary apron therefor, upon the terms and conditions therein set forth;

NOW THIS AGREEMENT WITNESSETH that the Parties hereto have agreed as follows:

1. The City entrusts to the Commissioners the control, maintenance, management and operation of the Airport as described in Schedule "A" hereto annexed subject to the said leases to His Majesty the King and Trans-Canada Air Lines.

2. The Commissioners will control, maintain, manage and operate the Airport and any additions thereto on behalf of the City subject to the leases aforesaid and subject to the provisions of this agreement so as to secure the most effective operation of the same consistent with good management.

3. The Commissioners covenant and agree that in carrying out this agreement they will comply with the terms and conditions of the Agreement between His Majesty the King, represented therein by the Honourable the Minister of Transport for the Dominion of Canada, and the City, dated the 10th day of November, 1937, with reference to airports, in so far as such Agreement relates to the control, maintenance, management or operation of the Airport.



4. The Commissioners shall, in particular, but not so as to restrict their general powers and duties, have in respect to the Airport the following powers and duties, namely:

- (a) To lease, upon such terms and conditions as the Commissioners may deem advisable, any land forming part of the Airport but not required for purposes of the Airport proper, for any term not in excess of two years and to execute any document in connection therewith on behalf of and in the name of the City;
- (b) To negotiate leases of any of the said land for terms in excess of two years or sales thereof and to make recommendations in respect thereto to the Council of the City. No such lease or sale shall be made except in strict conformity with the Rules and Regulations pertaining to airports as from time to time in force;
- (c) To effect collection of all such tolls and revenues as may from time to time be authorized by the said regulations;
- (d) To keep, observe and perform on behalf of the City the covenants, provisoes and conditions by the City to be kept, observed and performed contained in the leases to His Majesty the King and Trans-Canada Air Lines hereinbefore referred to and in any lease hereinbefore or hereafter entered into of any portion of the Airport and to enforce on behalf of the City all covenants, provisoes and conditions by the lessee to be kept, observed and performed by the terms of any of the said leases;
- (e) With the approval of the Commissioner of Assessment of the City, to dispose of any buildings or structures on the Airport not required for airport purposes;
- (f) To maintain insurance to such amount as will protect the City and the Commissioners from any claim for damages for personal injuries (including death) or for damages to property, arising from any alleged negligence in the construction or operation of the Airport.

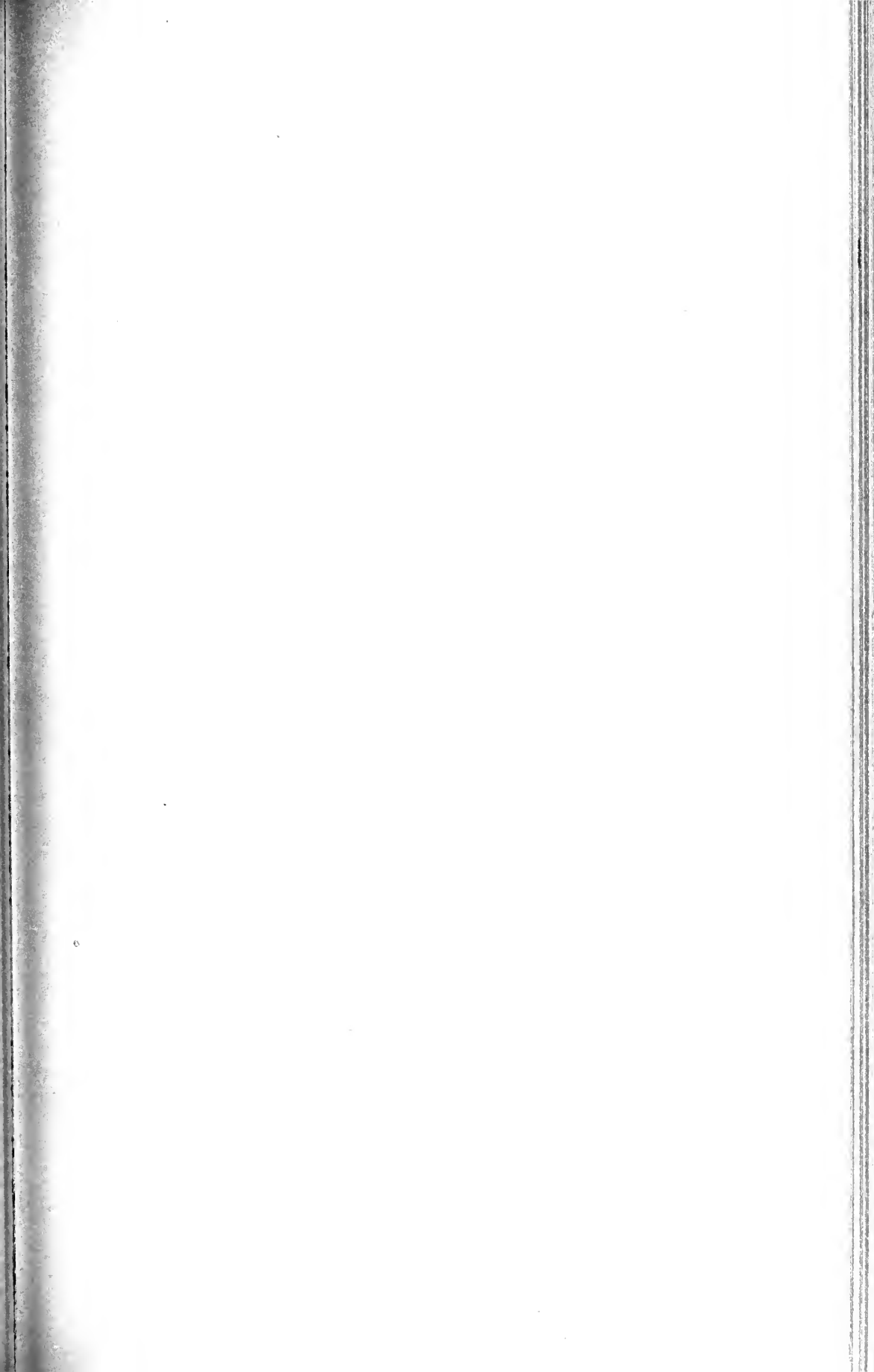
5. The Commissioners may defend, settle or compromise as they may deem expedient, any claim or demand made against them or the City by reason of alleged negligence in the construction or operation of, or otherwise in respect to, the Airport, and shall have the conduct and control of all actions or proceedings resulting from any such claim or demand.

6. The Commissioners will keep separate books of account with reference to the matters entrusted to them by this agreement and will enter therein all items received or expended in respect of such matters.

7. The net proceeds of any sale, lease or disposition of property referred to in paragraph No. 4 hereof shall be handed over to the Commissioners for the purposes of this agreement and in addition thereto the City will from time to time furnish to the Commissioners such monies as may be necessary to carry out their powers and duties hereunder.

8. All monies received by the Commissioners under the provisions of this agreement shall be kept entirely separate from any other monies in their possession and it shall be illegal for the Commissioners (except with the approval of the City) to use or resort, whether by way of loan or otherwise, to such first named monies for any purpose not contemplated by this agreement or to use or resort to in like manner for any of the purposes contemplated by this agreement any other monies in their possession.

9. Immediately after the close of each calendar year the Commissioners shall submit to the Council of the City a completely audited balance sheet and certified financial statement of the affairs entrusted to them by this agreement including a revenue and expense account and profit and loss statement together with a general report of the operations of the Commissioners under this agreement during the year.



10. All books, documents, transactions and accounts of the Commissioners in respect to their operations hereunder shall at all times be open for inspection by the Audit Department of the City.

11. The Commissioners will, after providing for control, maintenance, management and operation as they shall think proper, pay to the City any surplus of revenues over expenditures remaining in their hands at the end of any calendar year in respect to the Airport entrusted to their management by this agreement.

12. If at any time either party hereto shall determine that further management or operation of the Airport on behalf of the City by the Commissioners is unnecessary or inadvisable and shall give to the other party notice in writing of such determination, then this agreement shall terminate at the end of a period of one year after receipt of such notice and in such event the Commissioners shall perform all acts necessary to transfer to the City all interest of the Commissioners (if any) in the Airport as the same may then exist; Provided however, that if the Commissioners comply in every respect with the terms of this agreement, such notice may not be given until after the expiration of two years from the date hereof.

IN WITNESS WHEREOF the parties hereto have caused to be affixed their Corporate Seals by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED	}	THE CORPORATION OF THE CITY OF TORONTO
In the Presence of:	}	R. C. DAY, <i>Mayor.</i> (Seal)
	}	H. REBURN, <i>Deputy Treasurer.</i>
	}	THE TORONTO HARBOUR COMMISSIONERS
	}	THOMAS RENNIE, <i>Chairman.</i> (Seal)
	}	F. R. SCANDRETT, <i>Secretary.</i>

1st Reading

2nd Reading

3rd Reading

MR. STRACHAN

(Private Bill)

No. 11

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the City of Toronto.

MR. STRACHAN

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Toronto.

Preamble.

WHEREAS the corporation of the city of Toronto has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

By-law
authorized
re W.L.
Mackenzie
home.

1. The council of the said corporation may by by-law exempt the premises now known as 82 Bond Street, being the former home of the late William Lyon Mackenzie, from taxation for the year 1937 and succeeding years; provided that the said premises be maintained as an historical site.

By-law
authorized
re new
houses.

2. The council of the said corporation may by by-law exempt from taxation private dwelling houses or any class of private dwelling houses from the time the erection of any such house is commenced until such house is occupied; provided that the period of such exemption shall not exceed two years.

Approval
of building
by-laws by
Municipal
Board.

3.—(1) The Ontario Municipal Board may approve by-law No. 9868 passed by the council of the said corporation entitled "A By-law to regulate the erection and provide for the safety of buildings" and any by-law passed by the said council amending such by-law or containing provisions regulating the erection or providing for the safety of buildings, and upon such approval being given the by-law shall be deemed to have been validated and confirmed.

(2) The said Board shall not approve any such by-law until it has held a public hearing with respect thereto in the city of Toronto after such notice thereof as the Board may direct.

(3) Any disbursements incurred by the said Board in connection with any such approval shall forthwith be paid by the treasurer of the said corporation upon certificate of the chairman of the said Board.

Noise
by-law
confirmed.

4. By-law No. 14913 passed by the council of the said corporation entitled "A By-law respecting noises," set out in Schedule A hereto, is hereby validated and confirmed, and the said by-law may be amended from time to time with the approval of the Ontario Municipal Board.

Agreement
re airports
confirmed.

5.—(1) The agreement made between the said corporation and the Toronto Harbour Commissioners, set out in Schedule B hereto, is hereby validated and confirmed, and the parties thereto are hereby granted power and authority to do such acts and things as may be necessary or incidental to the performance of the said agreement and as may be necessary or incidental to the construction, extension, development, control, maintenance, management or operation of the Toronto Malton Airport and the Toronto Island Airport.

Removal of
obstructions
to airports.

(2) The council of the said corporation or the Toronto Harbour Commissioners with the consent of the said council may enter into an agreement with the owner of any land adjacent to or in the vicinity of the Toronto Malton Airport or the Toronto Island Airport for the removal or alteration of any building, pole, tree, fence, signboard or other erection or object which it may be necessary to remove or alter in order to comply with any regulation respecting the operation of such airports.

Application
to judge.

(3) If the said council or the said commissioners are unable to make any such agreement the said council, or the said commissioners with the consent of the said council, may apply to the judge of the county court of the county in which the said land is situate for an order compelling the removal or alteration of any such erection or object in respect of which the application is made, upon such notice to the owner of the land affected as the said judge may direct, and the said judge may make an order, subject to the payment of such compensation or upon such other conditions as he may fix, compelling the owner of the land to remove or alter such erection or object, or authorizing the said corporation or the said commissioners to remove or alter such erection or object and for that purpose to enter upon the said land, and *The Judges' Orders Enforcement Act* shall apply to any such order.

Rev. Stat.,
c. 123.

The
Municipal
Act not to
apply.

Rev. Stat.,
266.

Short title.

(4) The owner of the land in respect of which an application is made under this section shall not be entitled to compensation under *The Municipal Act*.

6. This Act may be cited as *The City of Toronto Act, 1939*.

SCHEDULE A

No. 14913. A BY-LAW

Respecting Noises.

[Passed March 14th, 1938.]

The Council of the Corporation of the City of Toronto enacts as follows:

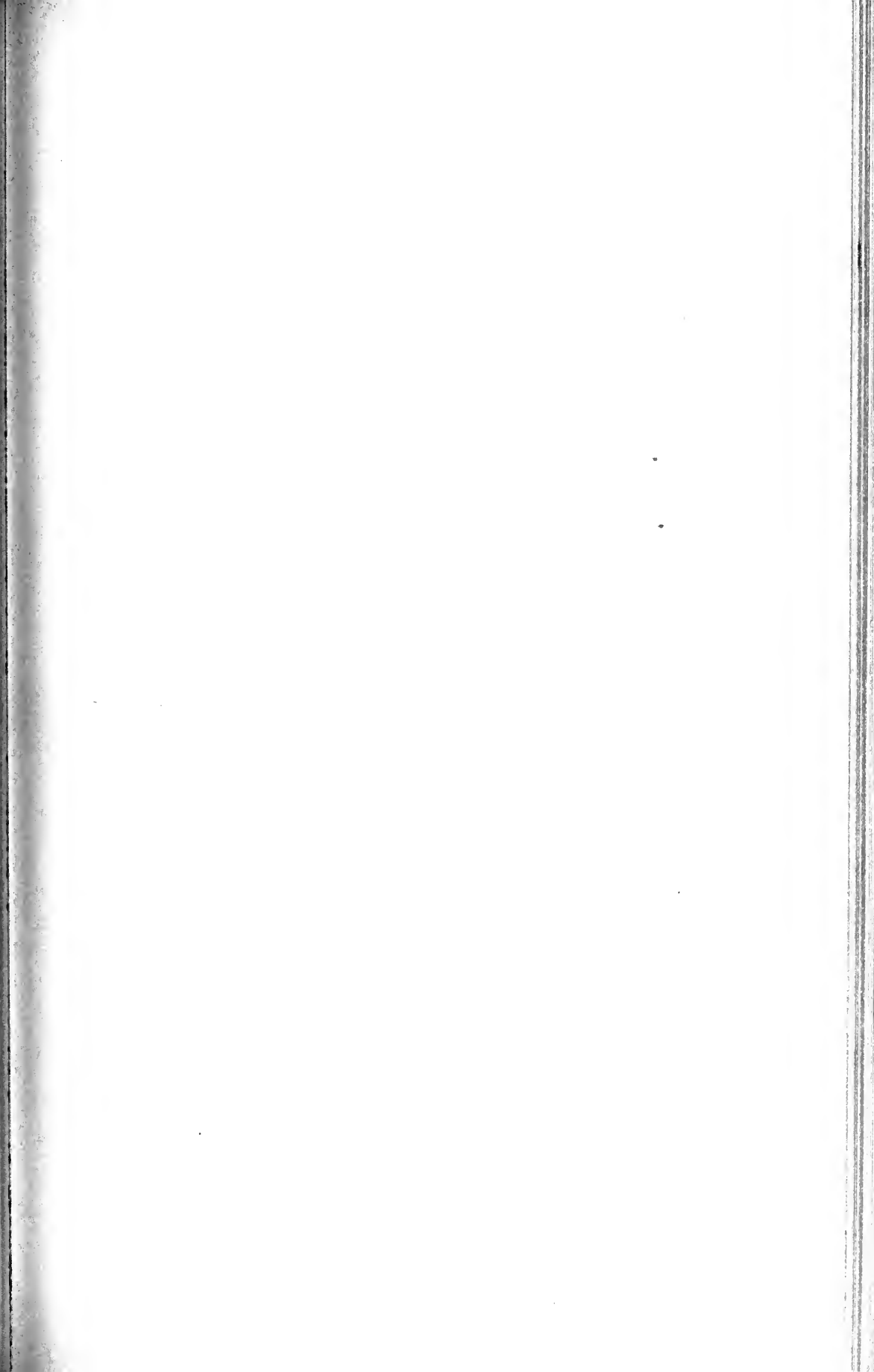
I.

No person shall ring any bell, blow or sound any horn or cause same to be rung, blown or sounded, shout, or create, cause or permit any unnecessary noise which disturbs the inhabitants.

II.

For the purpose of Section I, the following noises or sounds, among others, shall be deemed to be unnecessary noises which disturb the inhabitants:

- (1) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, street car, or other vehicle of whatsoever kind, except when required by law.
- (2) The sounding of any such bell, horn, siren or signal device for an unnecessary or unreasonable period of time.
- (3) The sound or noise from or created by any radio or phonograph, or any musical or sound-producing instrument of whatsoever kind when such radio or phonograph or instrument is played or operated in such manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or other type of residence.
- (4) Any sound made by any animal or bird which disturbs the peace, quiet, comfort or repose of any individual in the neighbourhood.
- (5) The grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof.
- (6) The blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger.
- (7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud or explosive noises.
- (8) Any unnecessary noise arising between the hour of 6.00 o'clock p.m. of any day and 7.00 o'clock a.m. of the next following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building, authorized by the Corporation, except in case of urgent necessity and then under a permit from the Commissioner of Buildings or Commissioner of Works.
- (9) Any unnecessary noise in the vicinity of any school, seminary of learning or court while the same is in session or in the vicinity of



any hospital or convalescent or rest home when such noise interferes with the undertaking of such hospital or home, provided conspicuous signs are displayed in or upon the streets adjoining any such school, court, hospital or home indicating that loud noises are prohibited in the vicinity.

- (10) The noise created by driving any vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create such noise.
- (11) The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which projects noise or sound into any street or other public place.
- (12) The noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus in or upon any vehicle except for such time and under such conditions as the Board of Commissioners of Police may prescribe.
- (13) Crying, shouting or loud speaking in or adjacent to any public street or place.

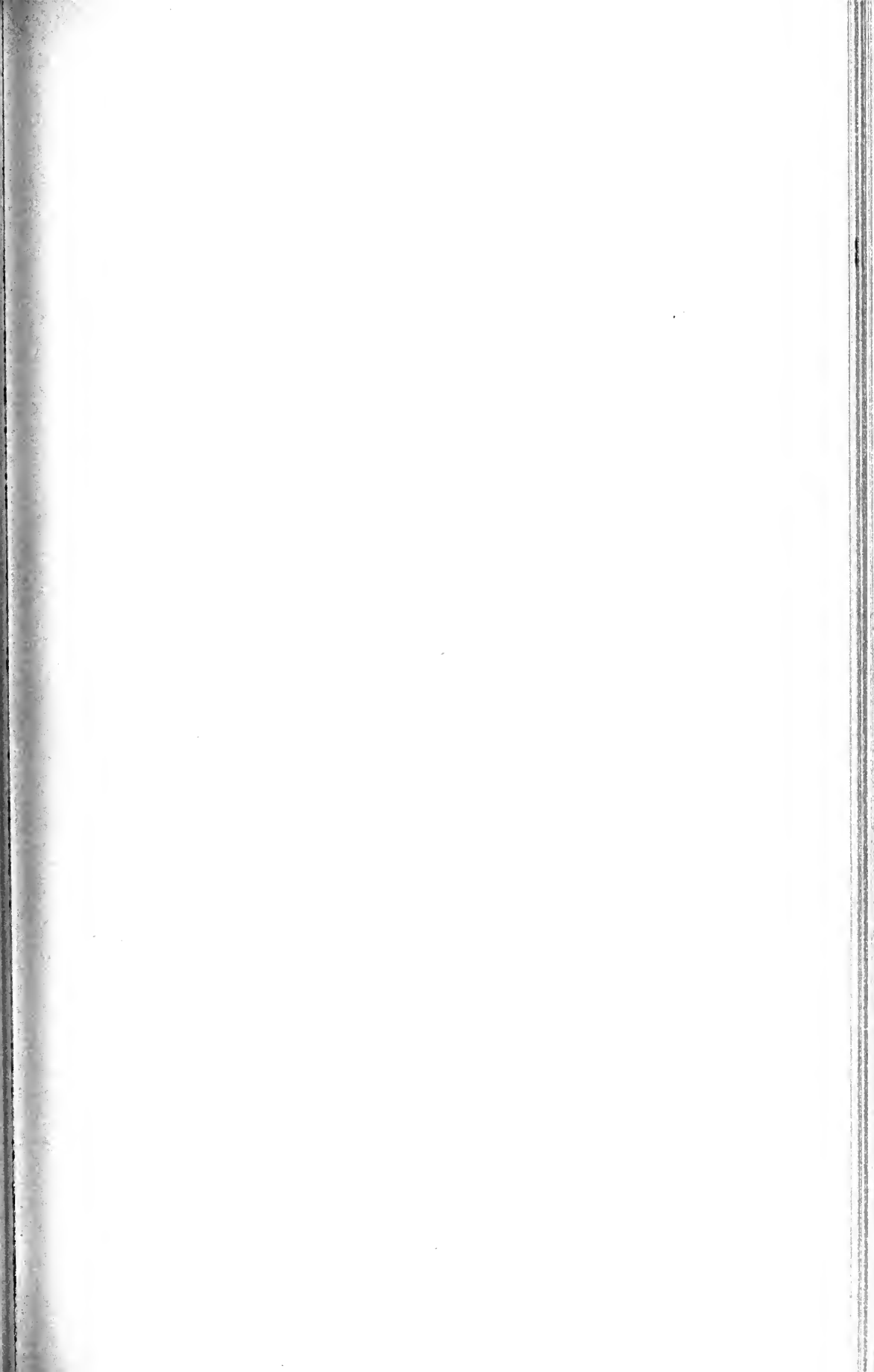
III.

None of the provisions of this By-law shall apply to:

- (1) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration or other reasonable gathering, provided written permission of the Board of Commissioners of Police has first been obtained.
- (2) Any military or other band or any parade, operating under written permission first obtained from the Board of Commissioners of Police.
- (3) Any newsboy, peddler, hawker or petty tradesman plying his calling legitimately and moderately.
- (4) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.
- (5) The sound from any private radio in a motor vehicle, installed for the sole benefit or entertainment of the operator and occupants of such vehicle, when same is not audible at a distance of twenty-five feet from such vehicle.
- (6) Any sound arising from the operation of any railway which operates under The Railway Act of Canada or from any plant or work in connection with any such railway.
- (7) Any case of public convenience or necessity.

IV.

Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding (exclusive of costs) the sum of \$50.00 for each offence; and every such penalty shall be recoverable under The Summary Convictions Act, all of the provisions of which shall apply, except that the imprisonment may be for any term not exceeding six months.



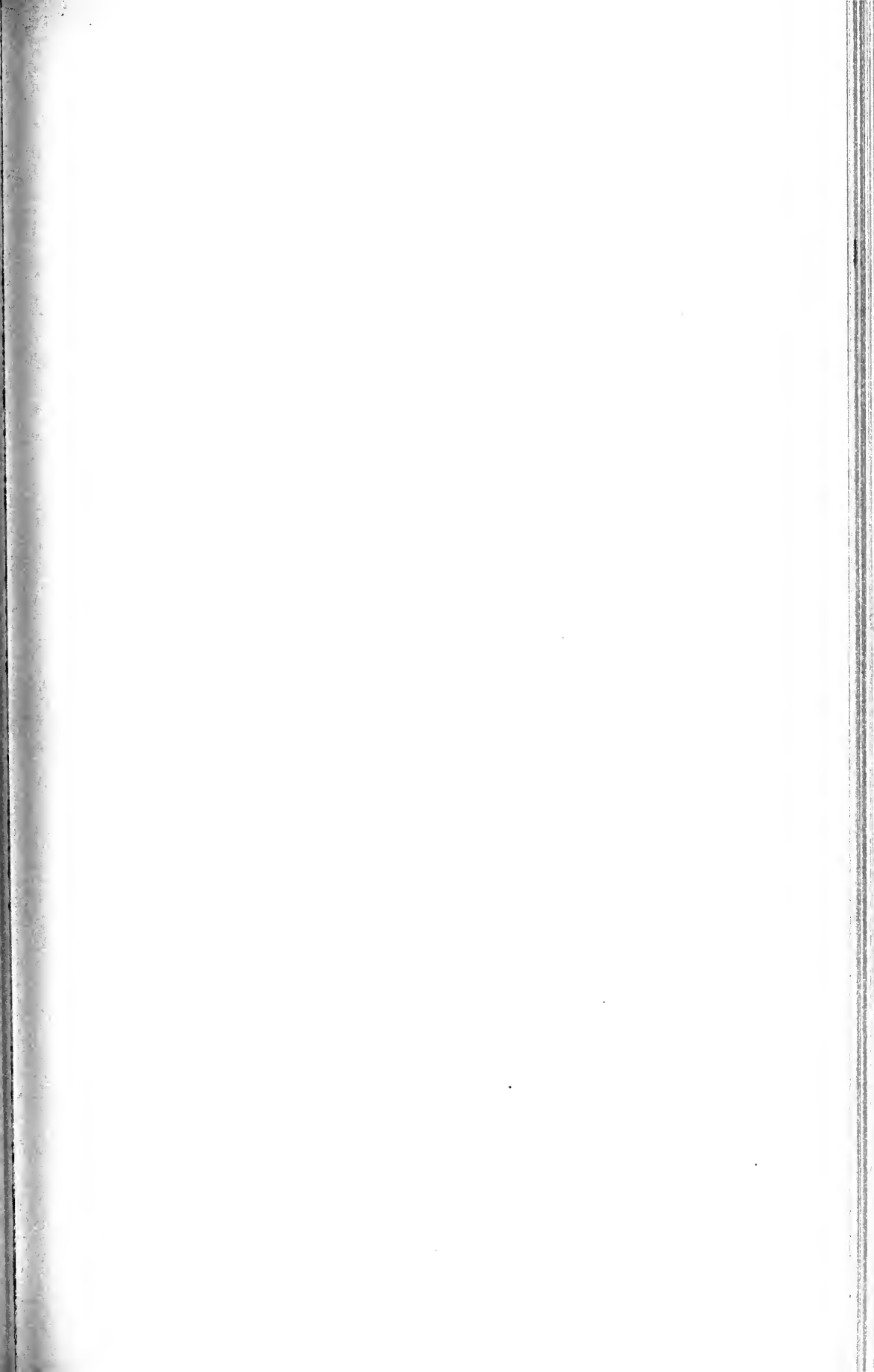
V.

This By-law shall take effect upon, from and after being validated by the Legislature of the Province of Ontario.

R. C. DAY,
Mayor.

J. W. SOMERS,
City Clerk.

COUNCIL CHAMBER,
Toronto, March 14th, 1938.
(L.S.)



SCHEDULE B

THIS AGREEMENT made this 23rd day of February, one thousand nine hundred and thirty-nine.

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO,
Hereinafter called the City,

OF THE FIRST PART,

—and—

THE TORONTO HARBOUR COMMISSIONERS.
Hereinafter called the Commissioners,

OF THE SECOND PART.

WHEREAS by an Act passed by the Legislature of the Province of Ontario in the first year of the reign of His Majesty King George the Sixth, Chapter 105, the City was authorized to establish, construct, equip, maintain, operate and use an airport as therein defined and to enter into agreements with any person in respect thereto;

AND WHEREAS by Report No. 1 of the Special Committee re establishment of airport facilities, adopted in Council July 9th, 1937, it was recommended that the Commissioners take charge of the construction and operation of certain airports for and at the expense of the City;

AND WHEREAS the City has acquired and is the owner of the lands described in Schedule "A" hereto annexed and the Commissioners on behalf of the City have established and constructed thereon an airport called the "Toronto Malton Airport" hereinafter referred to as "the Airport";

AND WHEREAS the City has by Indenture of Lease, dated the 15th day of November, 1938, demised and leased unto His Majesty the King, represented therein by the Honourable the Minister of Transport for the Dominion of Canada, that portion of the Airport therein described (hereinafter referred to as "the Airport proper"), upon the terms and conditions therein set forth;

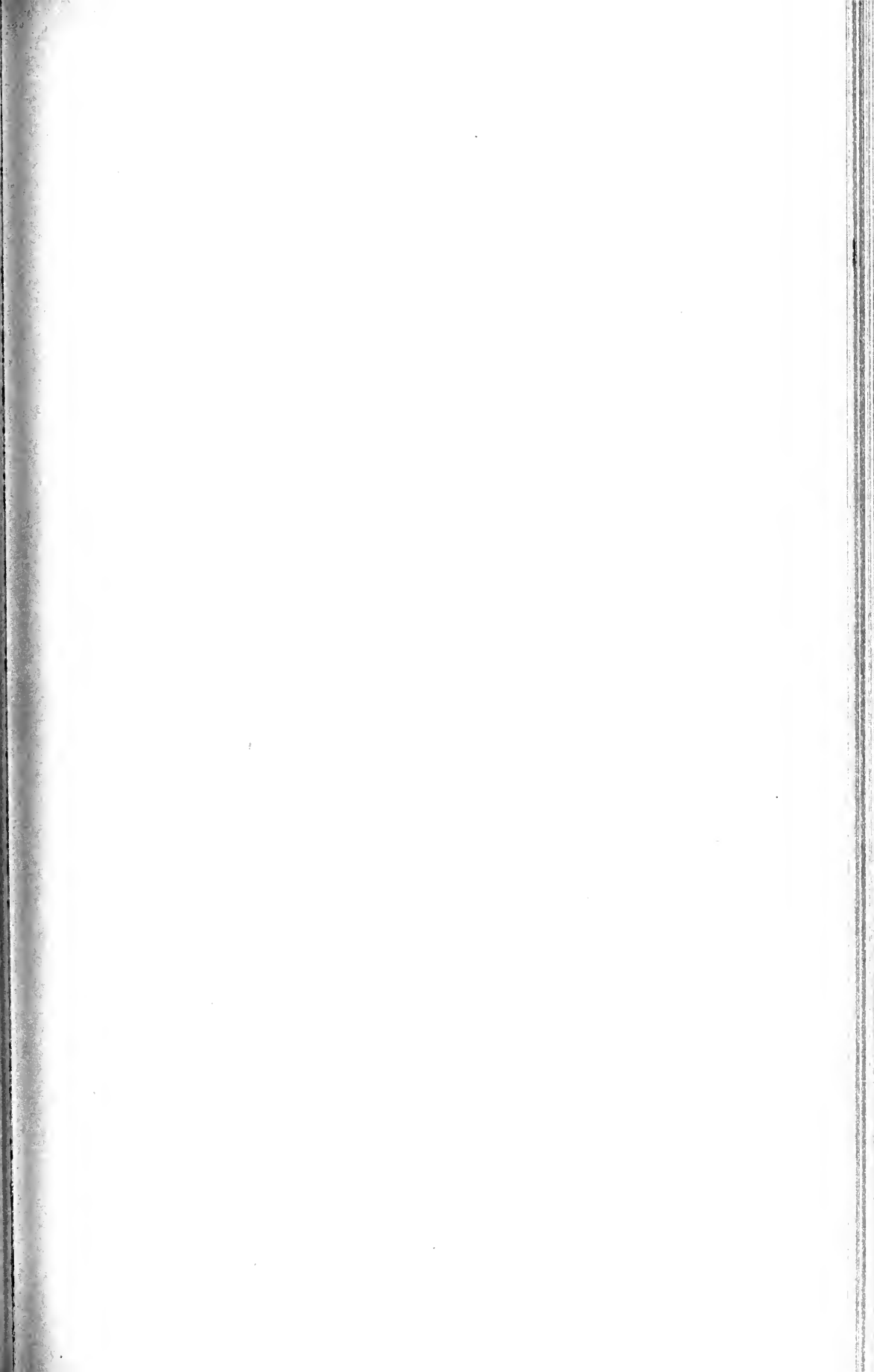
AND WHEREAS the City has by a further Indenture of Lease, dated the 19th day of September, 1938, demised and leased unto Trans-Canada Air Lines the portion of the Airport therein described for use as a site for a hangar, together with necessary apron therefor, upon the terms and conditions therein set forth;

NOW THIS AGREEMENT WITNESSETH that the Parties hereto have agreed as follows:

1. The City entrusts to the Commissioners the control, maintenance, management and operation of the Airport as described in Schedule "A" hereto annexed subject to the said leases to His Majesty the King and Trans-Canada Air Lines.

2. The Commissioners will control, maintain, manage and operate the Airport and any additions thereto on behalf of the City subject to the leases aforesaid and subject to the provisions of this agreement so as to secure the most effective operation of the same consistent with good management.

3. The Commissioners covenant and agree that in carrying out this agreement they will comply with the terms and conditions of the Agreement between His Majesty the King, represented therein by the Honourable the Minister of Transport for the Dominion of Canada, and the City, dated the 10th day of November, 1937, with reference to airports, in so far as such Agreement relates to the control, maintenance, management or operation of the Airport.



4. The Commissioners shall, in particular, but not so as to restrict their general powers and duties, have in respect to the Airport the following powers and duties, namely:

- (a) To lease, upon such terms and conditions as the Commissioners may deem advisable, any land forming part of the Airport but not required for purposes of the Airport proper, for any term not in excess of two years and to execute any document in connection therewith on behalf of and in the name of the City;
- (b) To negotiate leases of any of the said land for terms in excess of two years or sales thereof and to make recommendations in respect thereto to the Council of the City. No such lease or sale shall be made except in strict conformity with the Rules and Regulations pertaining to airports as from time to time in force;
- (c) To effect collection of all such tolls and revenues as may from time to time be authorized by the said regulations;
- (d) To keep, observe and perform on behalf of the City the covenants, provisoes and conditions by the City to be kept, observed and performed contained in the leases to His Majesty the King and Trans-Canada Air Lines hereinbefore referred to and in any lease hereinbefore or hereafter entered into of any portion of the Airport and to enforce on behalf of the City all covenants, provisoes and conditions by the lessee to be kept, observed and performed by the terms of any of the said leases;
- (e) With the approval of the Commissioner of Assessment of the City, to dispose of any buildings or structures on the Airport not required for airport purposes;
- (f) To maintain insurance to such amount as will protect the City and the Commissioners from any claim for damages for personal injuries (including death) or for damages to property, arising from any alleged negligence in the construction or operation of the Airport.

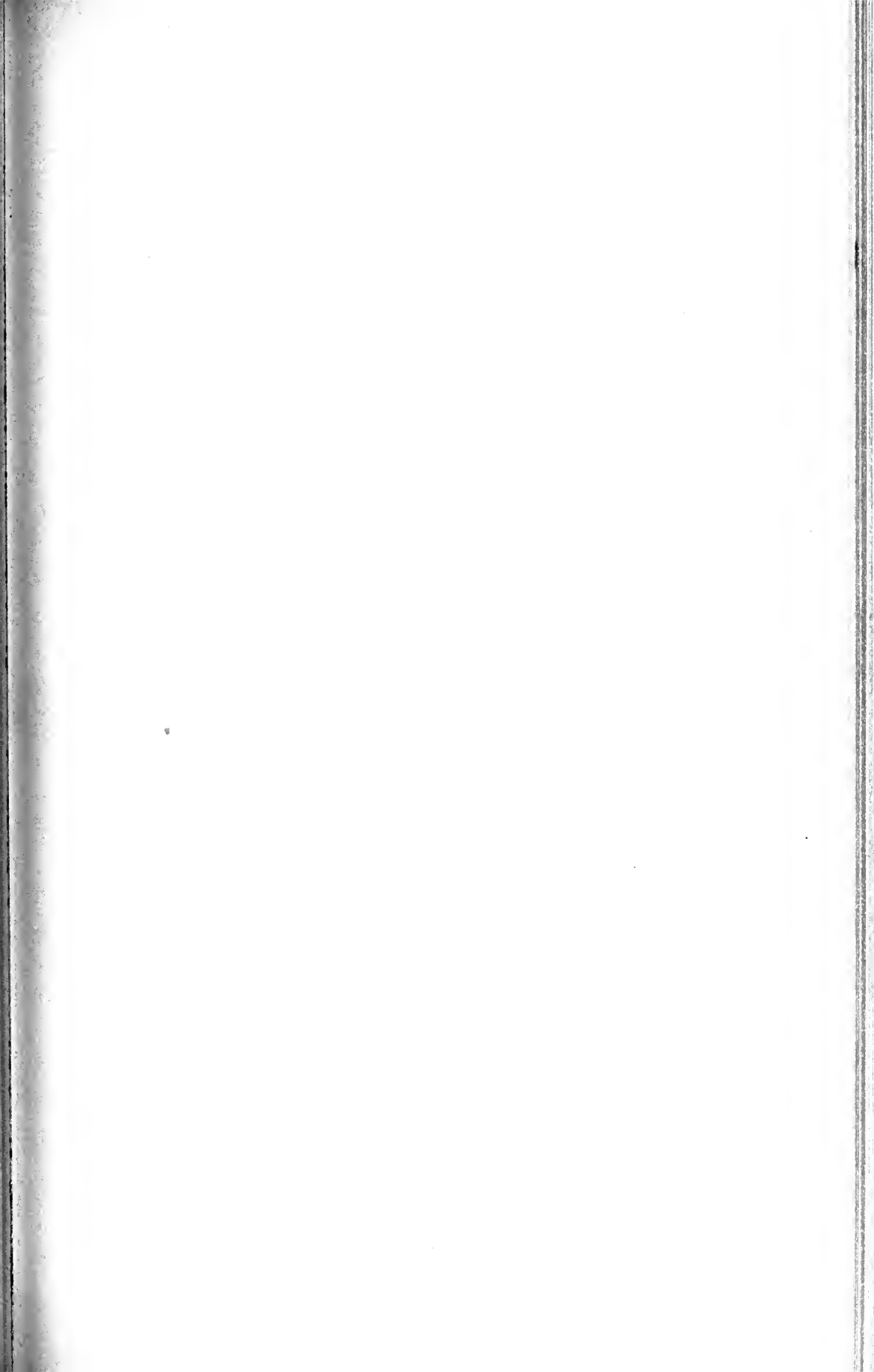
5. The Commissioners may defend, settle or compromise as they may deem expedient, any claim or demand made against them or the City by reason of alleged negligence in the construction or operation of, or otherwise in respect to, the Airport, and shall have the conduct and control of all actions or proceedings resulting from any such claim or demand.

6. The Commissioners will keep separate books of account with reference to the matters entrusted to them by this agreement and will enter therein all items received or expended in respect of such matters.

7. The net proceeds of any sale, lease or disposition of property referred to in paragraph No. 4 hereof shall be handed over to the Commissioners for the purposes of this agreement and in addition thereto the City will from time to time furnish to the Commissioners such monies as may be necessary to carry out their powers and duties hereunder.

8. All monies received by the Commissioners under the provisions of this agreement shall be kept entirely separate from any other monies in their possession and it shall be illegal for the Commissioners (except with the approval of the City) to use or resort, whether by way of loan or otherwise, to such first named monies for any purpose not contemplated by this agreement or to use or resort to in like manner for any of the purposes contemplated by this agreement any other monies in their possession.

9. Immediately after the close of each calendar year the Commissioners shall submit to the Council of the City a completely audited balance sheet and certified financial statement of the affairs entrusted to them by this agreement including a revenue and expense account and profit and loss statement together with a general report of the operations of the Commissioners under this agreement during the year.



10. All books, documents, transactions and accounts of the Commissioners in respect to their operations hereunder shall at all times be open for inspection by the Audit Department of the City.

11. The Commissioners will, after providing for control, maintenance, management and operation as they shall think proper, pay to the City any surplus of revenues over expenditures remaining in their hands at the end of any calendar year in respect to the Airport entrusted to their management by this agreement.

12. If at any time either party hereto shall determine that further management or operation of the Airport on behalf of the City by the Commissioners is unnecessary or inadvisable and shall give to the other party notice in writing of such determination, then this agreement shall terminate at the end of a period of one year after receipt of such notice and in such event the Commissioners shall perform all acts necessary to transfer to the City all interest of the Commissioners (if any) in the Airport as the same may then exist; Provided however, that if the Commissioners comply in every respect with the terms of this agreement, such notice may not be given until after the expiration of two years from the date hereof.

IN WITNESS WHEREOF the parties hereto have caused to be affixed their Corporate Seals by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

In the Presence of:

THE CORPORATION OF THE CITY OF
TORONTO

R. C. DAY,
Mayor.

(Seal)

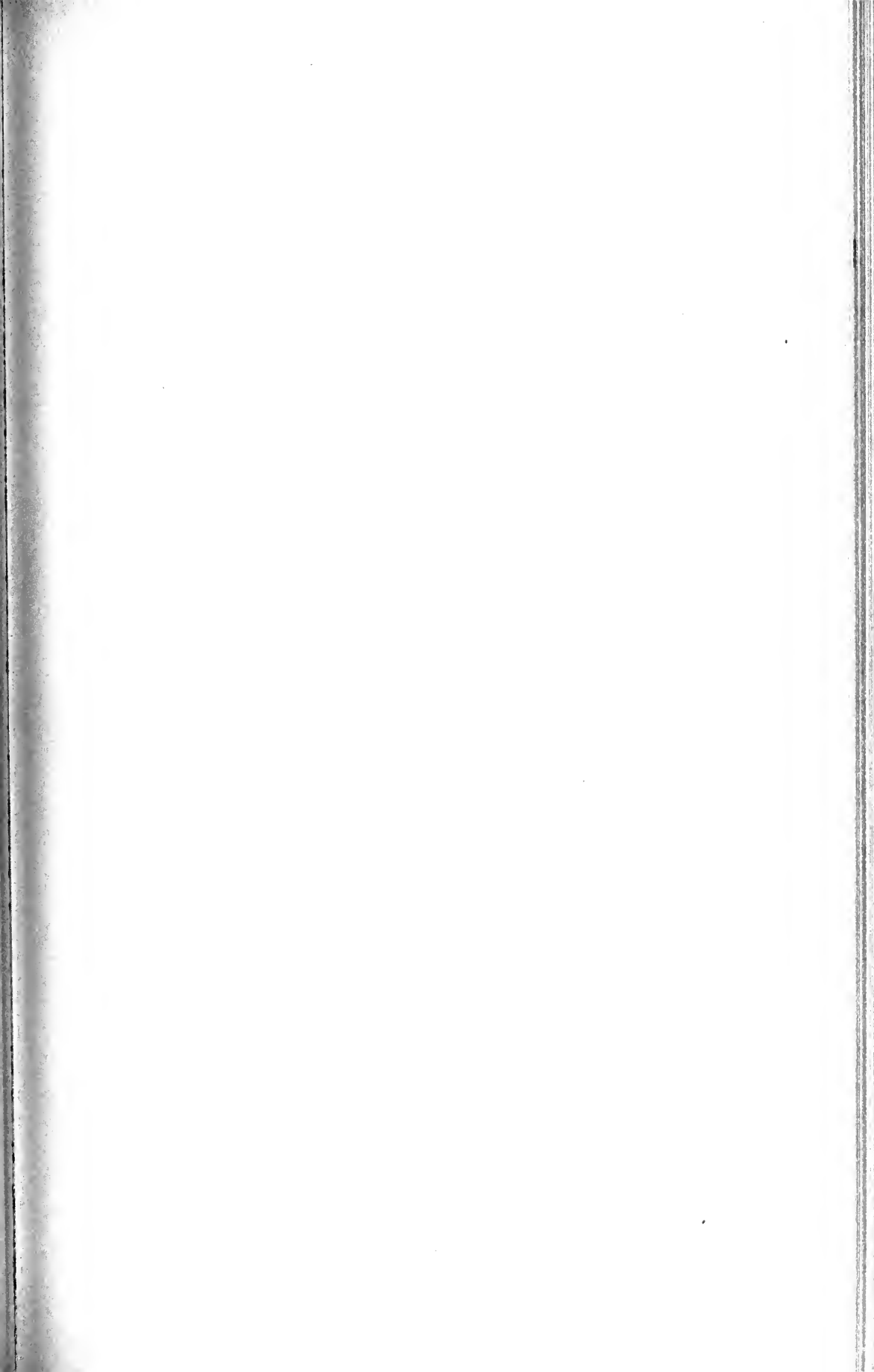
H. REBURN,
Deputy Treasurer.

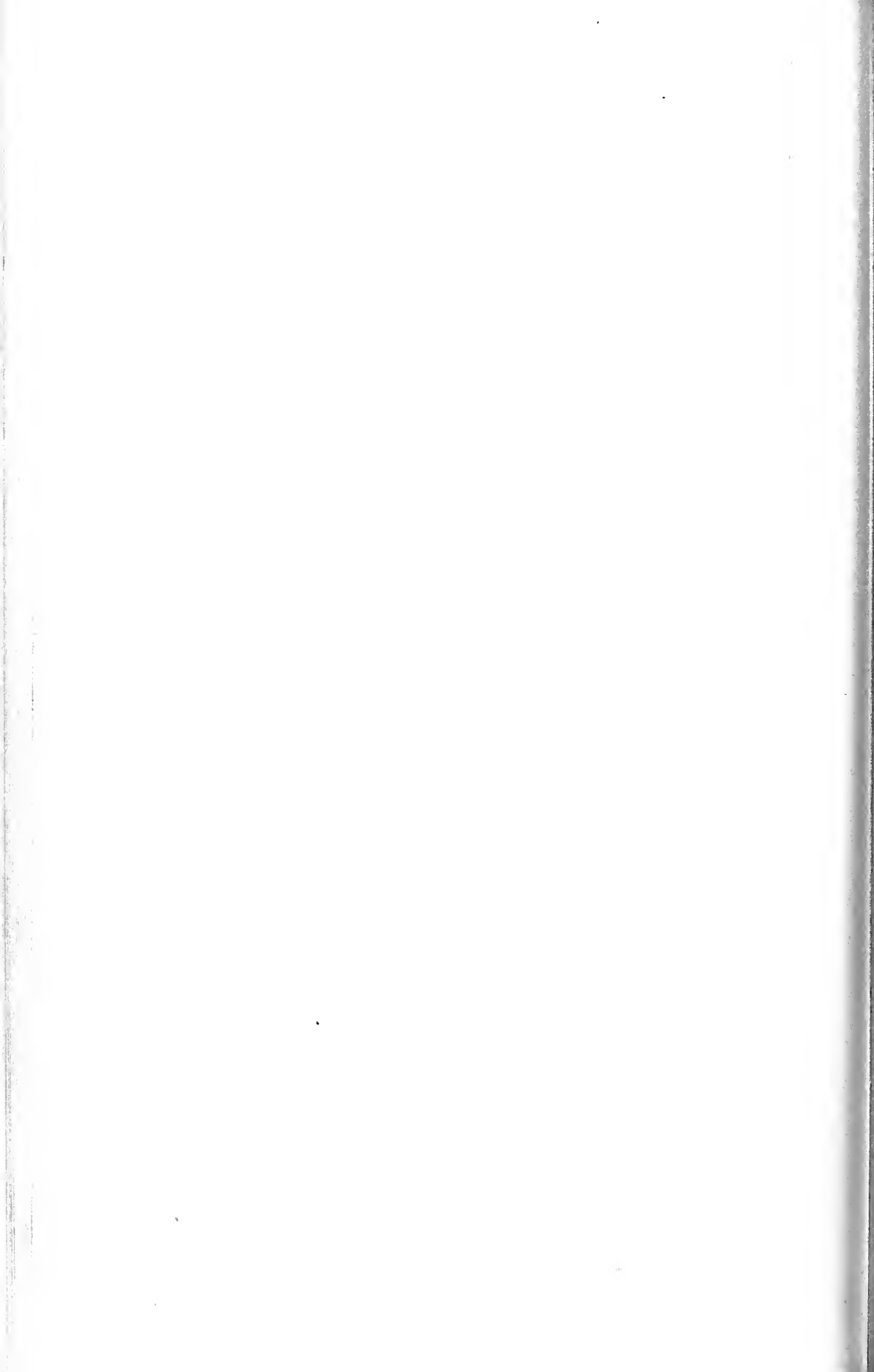
THE TORONTO HARBOUR
COMMISSIONERS

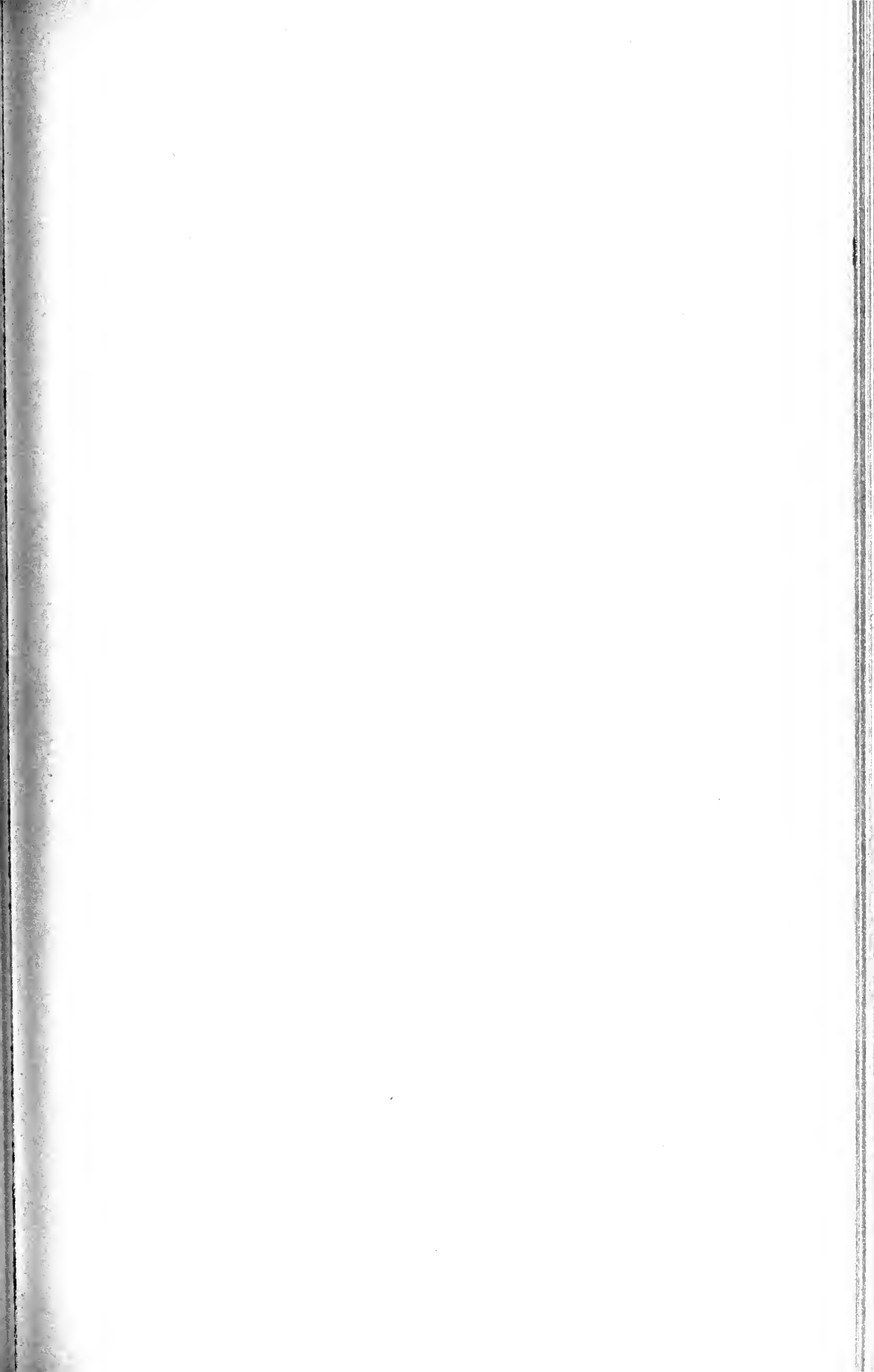
THOMAS RENNIE,
Chairman.

(Seal)

F. R. SCANDRETT,
Secretary.







An Act respecting the City of Toronto.

1st Reading

March 17th, 1939

2nd Reading

3rd Reading

MR. STRACHAN

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

No. 11

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL
An Act respecting the City of Toronto.

MR. STRACHAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Toronto.

Preamble.

WHEREAS the corporation of the city of Toronto has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

By-law authorized re W.L. Mackenzie home.

1. The council of the said corporation may by by-law exempt the premises now known as 82 Bond Street, being the former home of the late William Lyon Mackenzie, from taxation for the year 1937 and succeeding years; provided that the said premises be maintained as an historical site.

By-law authorized re new houses.

2. The council of the said corporation may by by-law exempt from taxation private dwelling houses or any class of private dwelling houses from the time the erection of any such house is commenced until such house is occupied; provided that the period of such exemption shall not exceed two years.

Approval of building by-laws by Municipal Board.

3.—(1) The Ontario Municipal Board may approve by-law No. 9868 passed by the council of the said corporation entitled "A By-law to regulate the erection and provide for the safety of buildings" and any by-law passed by the said council amending such by-law or containing provisions regulating the erection or providing for the safety of buildings, and upon such approval being given the by-law shall be deemed to have been validated and confirmed.

(2) The said Board shall not approve any such by-law until it has held a public hearing with respect thereto in the city of Toronto after such notice thereof as the Board may direct.

(3) Any disbursements incurred by the said Board in connection with any such approval shall forthwith be paid by the treasurer of the said corporation upon certificate of the chairman of the said Board.

4. By-law No. 14913 passed by the council of the said corporation entitled "A By-law respecting noises," set out in Schedule A hereto, is hereby validated and confirmed, and the said by-law may be amended from time to time with the approval of the Ontario Municipal Board.

Noise
by-law
confirmed.

5.—(1) The agreement made between the said corporation and the Toronto Harbour Commissioners, set out in Schedule B hereto, is hereby validated and confirmed, and the parties thereto are hereby granted power and authority to do such acts and things as may be necessary or incidental to the performance of the said agreement and as may be necessary or incidental to the construction, extension, development, control, maintenance, management or operation of the Toronto Malton Airport and the Toronto Island Airport.

Agreement
re airports
confirmed.

(2) The council of the said corporation or the Toronto Harbour Commissioners with the consent of the said council may enter into an agreement with the owner of any land adjacent to or in the vicinity of the Toronto Malton Airport or the Toronto Island Airport for the removal or alteration of any building, pole, tree, fence, signboard or other erection or object which it may be necessary to remove or alter in order to comply with any regulation respecting the operation of such airports.

Removal of
obstructions
to airports.

(3) If the said council or the said commissioners are unable to make any such agreement the said council, or the said commissioners with the consent of the said council, may apply to the judge of the county court of the county in which the said land is situate for an order compelling the removal or alteration of any such erection or object in respect of which the application is made, upon such notice to the owner of the land affected as the said judge may direct, and the said judge may make an order, subject to the payment of such compensation or upon such other conditions as he may fix, compelling the owner of the land to remove or alter such erection or object, or authorizing the said corporation or the said commissioners to remove or alter such erection or object and for that purpose to enter upon the said land, and *The Judges' Orders Enforcement Act* shall apply to any such order.

Application
to judge.

Rev. Stat.,
c. 123.

(4) The owner of the land in respect of which an application is made under this section shall not be entitled to compensation under *The Municipal Act*.

The
Municipal
Act not to
apply.

Rev. Stat.,
266.

6. This Act may be cited as *The City of Toronto Act, 1939*.

Short title.

SCHEDULE A

No. 14913. A BY-LAW

Respecting Noises.

[Passed March 14th, 1938.]

The Council of the Corporation of the City of Toronto enacts as follows:

I.

No person shall ring any bell, blow or sound any horn or cause same to be rung, blown or sounded, shout, or create, cause or permit any unnecessary noise which disturbs the inhabitants.

II.

For the purpose of Section I, the following noises or sounds, among others, shall be deemed to be unnecessary noises which disturb the inhabitants:

- (1) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, street car, or other vehicle of whatsoever kind, except when required by law.
- (2) The sounding of any such bell, horn, siren or signal device for an unnecessary or unreasonable period of time.
- (3) The sound or noise from or created by any radio or phonograph, or any musical or sound-producing instrument of whatsoever kind when such radio or phonograph or instrument is played or operated in such manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or other type of residence.
- (4) Any sound made by any animal or bird which disturbs the peace, quiet, comfort or repose of any individual in the neighbourhood.
- (5) The grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof.
- (6) The blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger.
- (7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud or explosive noises.
- (8) Any unnecessary noise arising between the hour of 6.00 o'clock p.m. of any day and 7.00 o'clock a.m. of the next following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building, authorized by the Corporation, except in case of urgent necessity and then under a permit from the Commissioner of Buildings or Commissioner of Works.
- (9) Any unnecessary noise in the vicinity of any school, seminary of learning or court while the same is in session or in the vicinity of

any hospital or convalescent or rest home when such noise interferes with the undertaking of such hospital or home, provided conspicuous signs are displayed in or upon the streets adjoining any such school, court, hospital or home indicating that loud noises are prohibited in the vicinity.

- (10) The noise created by driving any vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create such noise.
- (11) The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which projects noise or sound into any street or other public place.
- (12) The noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus in or upon any vehicle except for such time and under such conditions as the Board of Commissioners of Police may prescribe.
- (13) Crying, shouting or loud speaking in or adjacent to any public street or place.

III.

None of the provisions of this By-law shall apply to:

- (1) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration or other reasonable gathering, provided written permission of the Board of Commissioners of Police has first been obtained.
- (2) Any military or other band or any parade, operating under written permission first obtained from the Board of Commissioners of Police.
- (3) Any newsboy, peddler, hawker or petty tradesman plying his calling legitimately and moderately.
- (4) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.
- (5) The sound from any private radio in a motor vehicle, installed for the sole benefit or entertainment of the operator and occupants of such vehicle, when same is not audible at a distance of twenty-five feet from such vehicle.
- (6) Any sound arising from the operation of any railway which operates under The Railway Act of Canada or from any plant or work in connection with any such railway.
- (7) Any case of public convenience or necessity.

IV.

Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding (exclusive of costs) the sum of \$50.00 for each offence; and every such penalty shall be recoverable under The Summary Convictions Act, all of the provisions of which shall apply, except that the imprisonment may be for any term not exceeding six months.

V.

This By-law shall take effect upon, from and after being validated by the Legislature of the Province of Ontario.

R. C. DAY,
Mayor.

J. W. SOMERS,
City Clerk.

COUNCIL CHAMBER,
Toronto, March 14th, 1938.
(L.S.)

SCHEDULE B

THIS AGREEMENT made this 23rd day of February, one thousand nine hundred and thirty-nine.

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO,
Hereinafter called the City,

OF THE FIRST PART,

—and—

THE TORONTO HARBOUR COMMISSIONERS,
Hereinafter called the Commissioners,

OF THE SECOND PART.

WHEREAS by an Act passed by the Legislature of the Province of Ontario in the first year of the reign of His Majesty King George the Sixth, Chapter 105, the City was authorized to establish, construct, equip, maintain, operate and use an airport as therein defined and to enter into agreements with any person in respect thereto;

AND WHEREAS by Report No. 1 of the Special Committee re establishment of airport facilities, adopted in Council July 9th, 1937, it was recommended that the Commissioners take charge of the construction and operation of certain airports for and at the expense of the City;

AND WHEREAS the City has acquired and is the owner of the lands described in Schedule "A" hereto annexed and the Commissioners on behalf of the City have established and constructed thereon an airport called the "Toronto Malton Airport" hereinafter referred to as "the Airport";

AND WHEREAS the City has by Indenture of Lease, dated the 15th day of November, 1938, demised and leased unto His Majesty the King, represented therein by the Honourable the Minister of Transport for the Dominion of Canada, that portion of the Airport therein described (hereinafter referred to as "the Airport proper"), upon the terms and conditions therein set forth;

AND WHEREAS the City has by a further Indenture of Lease, dated the 19th day of September, 1938, demised and leased unto Trans-Canada Air Lines the portion of the Airport therein described for use as a site for a hangar, together with necessary apron therefor, upon the terms and conditions therein set forth;

NOW THIS AGREEMENT WITNESSETH that the Parties hereto have agreed as follows:

1. The City entrusts to the Commissioners the control, maintenance, management and operation of the Airport as described in Schedule "A" hereto annexed subject to the said leases to His Majesty the King and Trans-Canada Air Lines.

2. The Commissioners will control, maintain, manage and operate the Airport and any additions thereto on behalf of the City subject to the leases aforesaid and subject to the provisions of this agreement so as to secure the most effective operation of the same consistent with good management.

3. The Commissioners covenant and agree that in carrying out this agreement they will comply with the terms and conditions of the Agreement between His Majesty the King, represented therein by the Honourable the Minister of Transport for the Dominion of Canada, and the City, dated the 10th day of November, 1937, with reference to airports, in so far as such Agreement relates to the control, maintenance, management or operation of the Airport.

4. The Commissioners shall, in particular, but not so as to restrict their general powers and duties, have in respect to the Airport the following powers and duties, namely:

- (a) To lease, upon such terms and conditions as the Commissioners may deem advisable, any land forming part of the Airport but not required for purposes of the Airport proper, for any term not in excess of two years and to execute any document in connection therewith on behalf of and in the name of the City;
- (b) To negotiate leases of any of the said land for terms in excess of two years or sales thereof and to make recommendations in respect thereto to the Council of the City. No such lease or sale shall be made except in strict conformity with the Rules and Regulations pertaining to airports as from time to time in force;
- (c) To effect collection of all such tolls and revenues as may from time to time be authorized by the said regulations;
- (d) To keep, observe and perform on behalf of the City the covenants, provisoes and conditions by the City to be kept, observed and performed contained in the leases to His Majesty the King and Trans-Canada Air Lines hereinbefore referred to and in any lease hereinbefore or hereafter entered into of any portion of the Airport and to enforce on behalf of the City all covenants, provisoes and conditions by the lessee to be kept, observed and performed by the terms of any of the said leases;
- (e) With the approval of the Commissioner of Assessment of the City, to dispose of any buildings or structures on the Airport not required for airport purposes;
- (f) To maintain insurance to such amount as will protect the City and the Commissioners from any claim for damages for personal injuries (including death) or for damages to property, arising from any alleged negligence in the construction or operation of the Airport.

5. The Commissioners may defend, settle or compromise as they may deem expedient, any claim or demand made against them or the City by reason of alleged negligence in the construction or operation of, or otherwise in respect to, the Airport, and shall have the conduct and control of all actions or proceedings resulting from any such claim or demand.

6. The Commissioners will keep separate books of account with reference to the matters entrusted to them by this agreement and will enter therein all items received or expended in respect of such matters.

7. The net proceeds of any sale, lease or disposition of property referred to in paragraph No. 4 hereof shall be handed over to the Commissioners for the purposes of this agreement and in addition thereto the City will from time to time furnish to the Commissioners such monies as may be necessary to carry out their powers and duties hereunder.

8. All monies received by the Commissioners under the provisions of this agreement shall be kept entirely separate from any other monies in their possession and it shall be illegal for the Commissioners (except with the approval of the City) to use or resort, whether by way of loan or otherwise, to such first named monies for any purpose not contemplated by this agreement or to use or resort to in like manner for any of the purposes contemplated by this agreement any other monies in their possession.

9. Immediately after the close of each calendar year the Commissioners shall submit to the Council of the City a completely audited balance sheet and certified financial statement of the affairs entrusted to them by this agreement including a revenue and expense account and profit and loss statement together with a general report of the operations of the Commissioners under this agreement during the year.

10. All books, documents, transactions and accounts of the Commissioners in respect to their operations hereunder shall at all times be open for inspection by the Audit Department of the City.

11. The Commissioners will, after providing for control, maintenance, management and operation as they shall think proper, pay to the City any surplus of revenues over expenditures remaining in their hands at the end of any calendar year in respect to the Airport entrusted to their management by this agreement.

12. If at any time either party hereto shall determine that further management or operation of the Airport on behalf of the City by the Commissioners is unnecessary or inadvisable and shall give to the other party notice in writing of such determination, then this agreement shall terminate at the end of a period of one year after receipt of such notice and in such event the Commissioners shall perform all acts necessary to transfer to the City all interest of the Commissioners (if any) in the Airport as the same may then exist; Provided however, that if the Commissioners comply in every respect with the terms of this agreement, such notice may not be given until after the expiration of two years from the date hereof.

IN WITNESS WHEREOF the parties hereto have caused to be affixed their Corporate Seals by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY OF
TORONTO

In the Presence of:

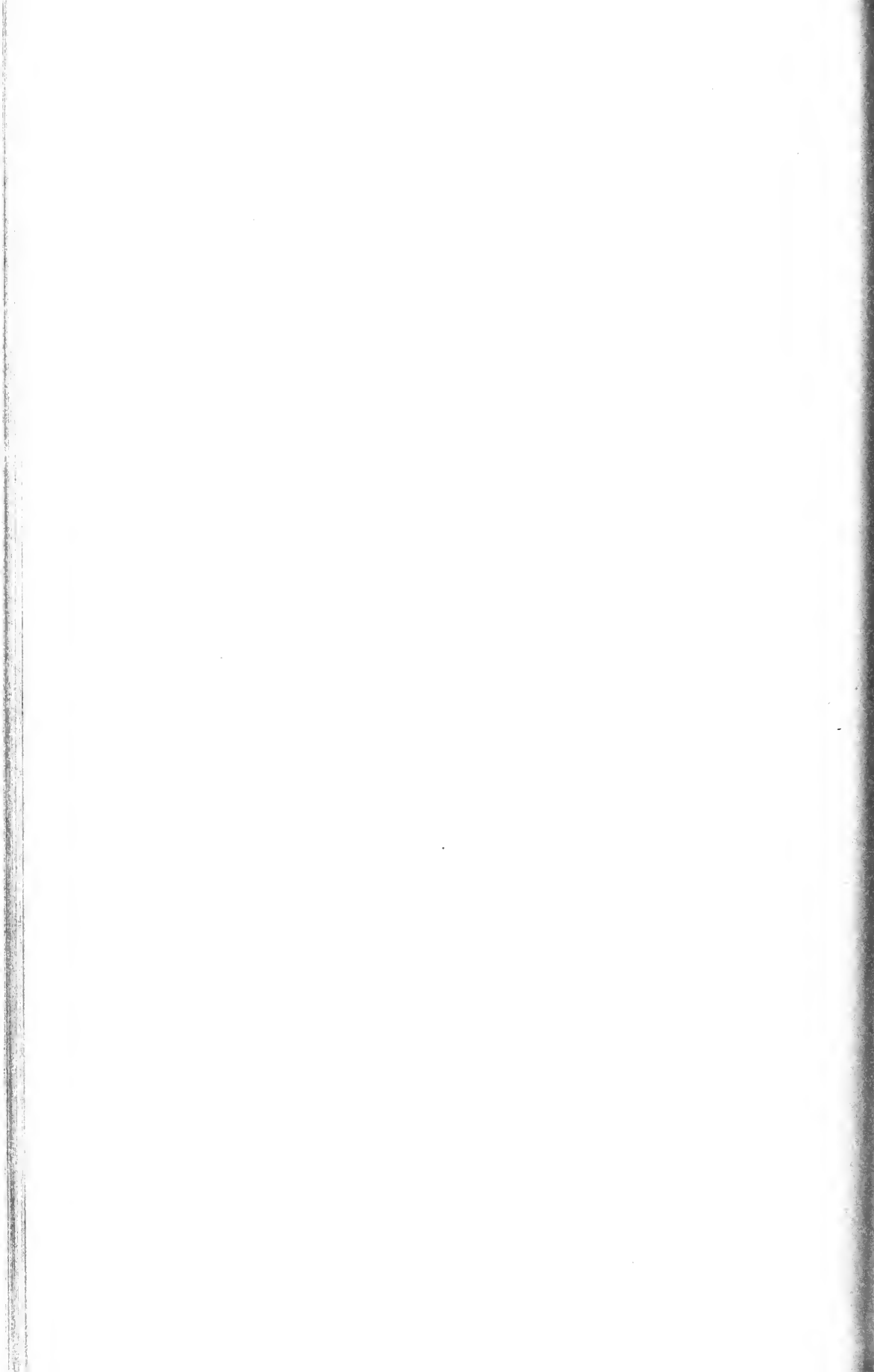
R. C. DAY,
Mayor. (Seal)

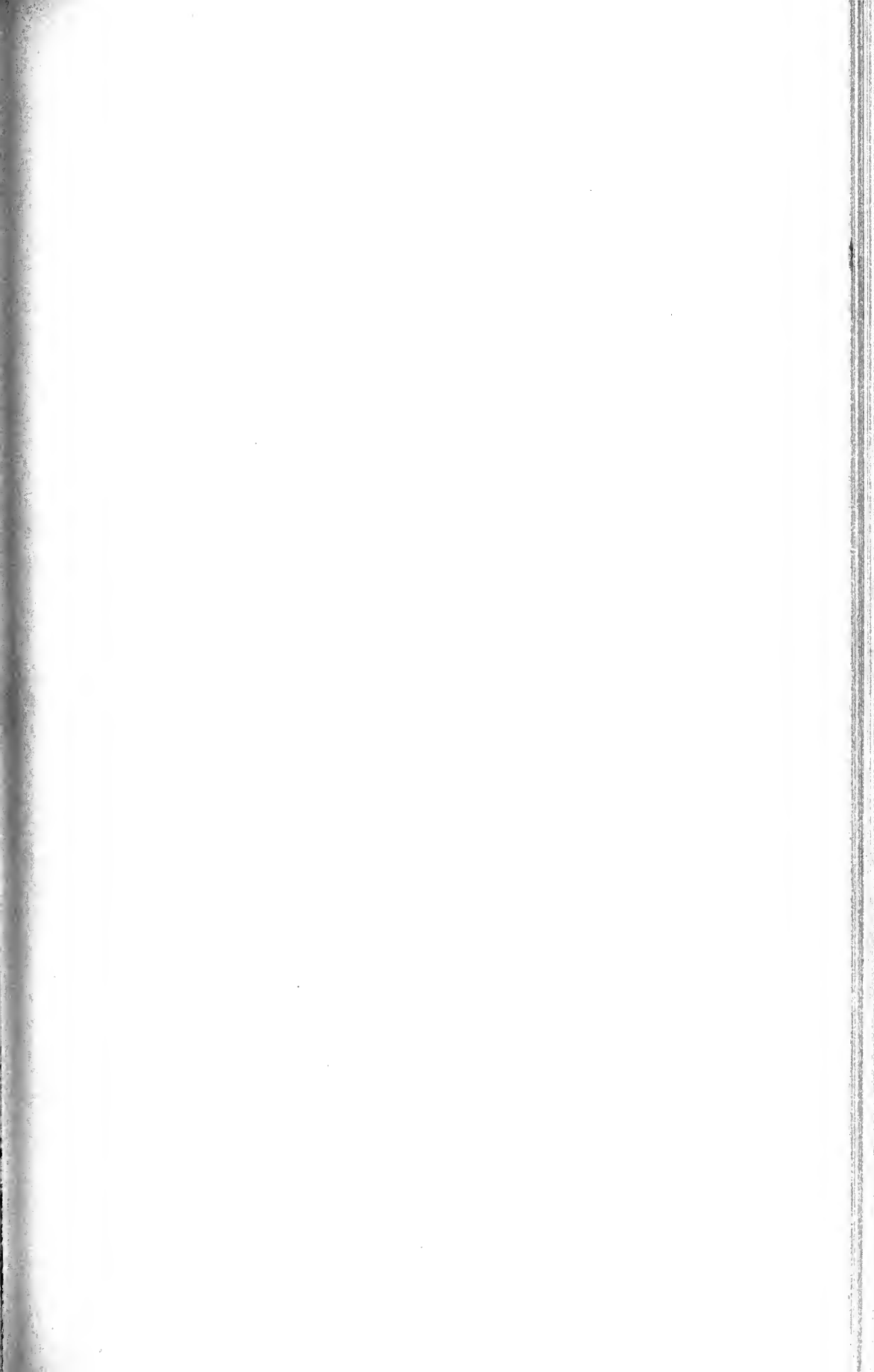
H. REBURN,
Deputy Treasurer.

THE TORONTO HARBOUR
COMMISSIONERS

THOMAS RENNIE,
Chairman. (Seal)

F. R. SCANDRETT,
Secretary.





An Act respecting the City of Toronto.

1st Reading

March 17th, 1939

2nd Reading

April 12th, 1939

3rd Reading

April 18th, 1939

MR. STRACHAN

No. 12

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Township of Barton.

MR. BETHUNE

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Barton.

Preamble.

WHEREAS the corporation has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Interpretation.

1. In this Act,—

“Corporation.”

(a) “Corporation” shall mean the corporation of the township of Barton.

“Council.”

(b) “Council” shall mean the council of the corporation of the township of Barton.

“Township.”

(c) “Township” shall mean the township of Barton.

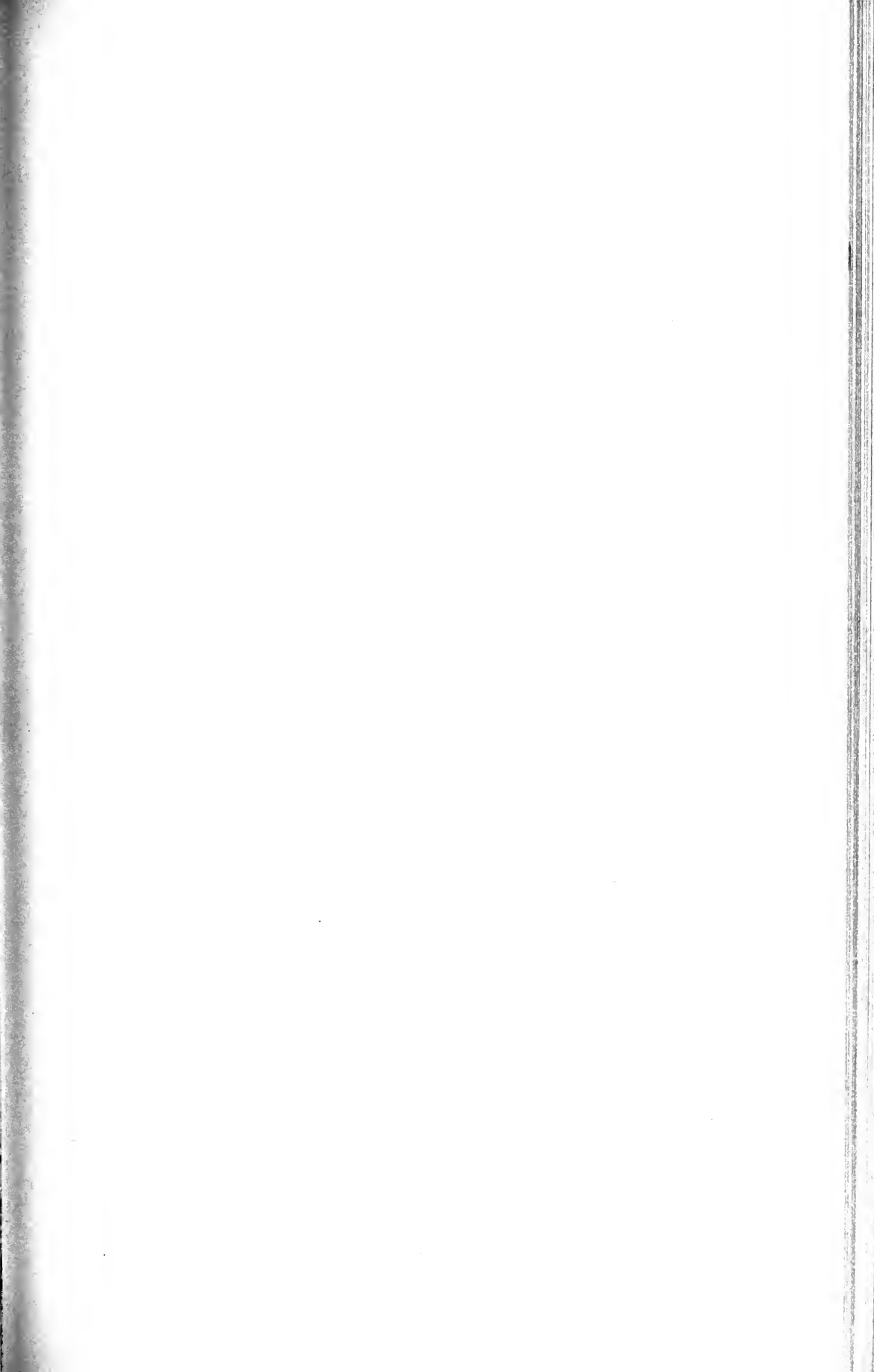
Power to establish water areas, sewer areas and waterworks systems.

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

Provision for cost.

3.—(1) The entire cost of the construction, enlargement, extension, improvement, operation, maintenance, management and repair of any such waterworks systems or of any such sewerage systems or sewage disposal works save and except such works as are undertaken pursuant to *The Local Improvement Act* as hereinafter provided, shall be assessed and levied upon all the rateable property in the area or areas served by such works; provided that where such works are undertaken to serve more than one area the Council shall

Rev. Stat., c. 269.



by by-law determine the portion of the cost thereof to be borne by each of such areas.

Application
of revenues.

(2) The revenues arising from the operation of any such works shall form a special fund for the use of the area served by such works; provided that where such works have been undertaken to serve more than one area such revenues shall be apportioned between or among the areas served in the same proportions as such areas contributed to the cost of the construction of such works.

Term of
debentures.

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

Council may
construct
waterworks,
sewers,
etc.

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

Rev. Stat.,
c. 269.

Provision
for cost of
work to
serve one
area.

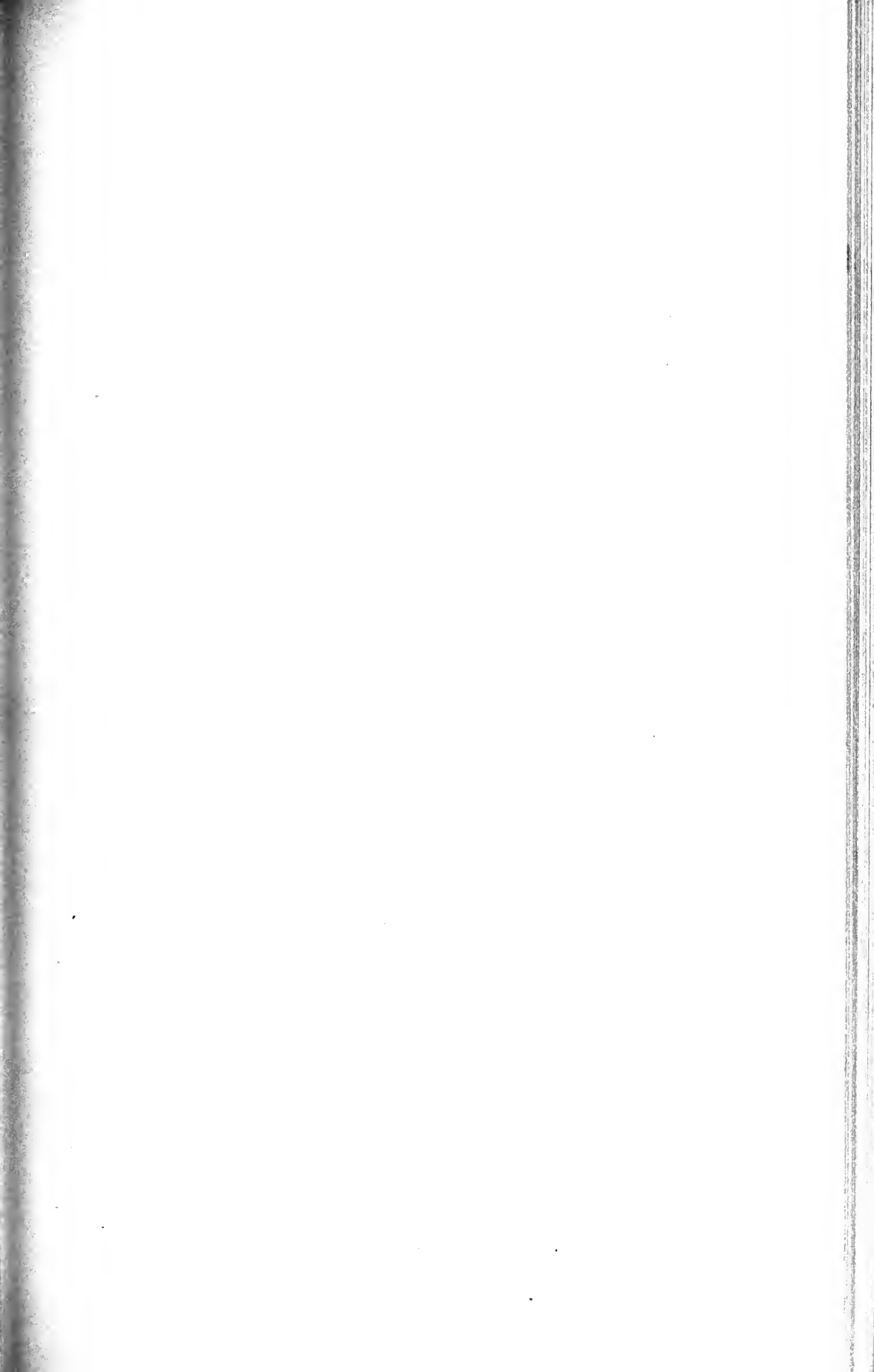
(a) Where a work is constructed to serve lands situate entirely within one area, that part of the cost which would otherwise be the Corporation's portion of the cost shall, except as this section otherwise expressly provides, be assessed upon all the rateable property in the area and the remainder of the cost of such work shall be specially assessed upon the lots within such area fronting or abutting directly on or served by the work;

More than
one area.

(b) Where a work is constructed to serve lands situate within more than one area, the Council shall by by-law determine the portion of cost to be borne by each area, and such respective portions shall be assessed in such areas in the manner in this section provided;

Provision
for annual
rate per
foot fron-
tage.

(c) The Council may by by-law passed at any general or special meeting by a vote of three-fourths of all the members thereof provide that a certain annual rate per foot frontage in satisfaction of the owners' portion of the cost shall be assessed upon, levied and collected from the lots fronting or abutting directly on or served by the watermains or sewers constructed in the area designated in such by-law during the currency of the debentures issued to pay for the



cost of such watermains or sewers and that the remainder, if any, of the cost not provided for by such annual rate, shall be assessed and levied upon all the rateable property in the area; provided that if in any case such annual rate per foot frontage shall be more than sufficient to provide for the actual cost of the watermains or sewers the surplus resulting therefrom shall be deposited to a special account to be used by the Council for the benefit of such area, and any such by-law shall not be repealed or amended except by a vote of three-fourths of all the members of the Council;

Publication
of notice.

Rev. Stat.,
c. 269.

- (d) In any notice of the Council published, served or mailed pursuant to sections 10, 12, 41 or 46 of *The Local Improvement Act* in respect to the construction of watermains or sewers it shall not be necessary to show the portion of the cost, actual or estimated, which is to be borne by the Corporation or the area, but it shall be sufficient to show the estimated cost of the work and the estimated cost thereof per foot frontage;

Maintenance
of work.

- (e) Every completed work undertaken under this Act shall during its lifetime be maintained, managed and kept in repair by and at the expense of the area for the benefit of which it was constructed, or if constructed for the benefit of more than one area then at the expense of the areas in proportion to their respective shares of the cost of the construction thereof;

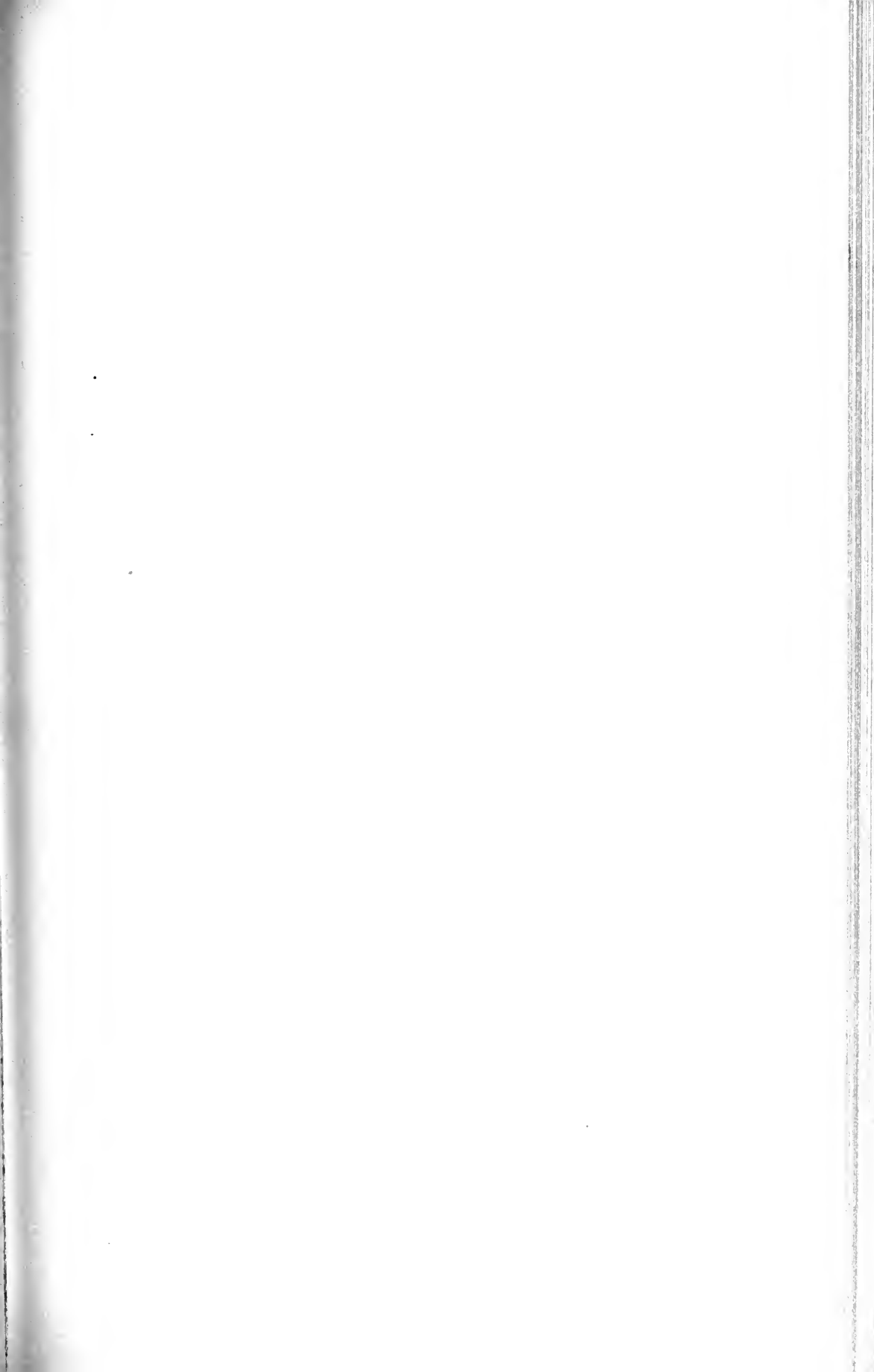
Term of
debentures.

- (f) The debentures issued for the sums borrowed to defray any portion of the cost of any work which is assessed against all the rateable property in any area may be made payable within thirty years from the date of issue thereof if issued separately from the debentures issued to defray the portion of the cost which is specially assessed upon the lands fronting or abutting directly on or served by such work.

Temporary
loans and
debentures.

6. The Council may agree with any bank or person for temporary advances to meet the cost of any of the works authorized by this Act pending the completion thereof and the Council may, when the work undertaken is completed, borrow on the credit of the Corporation at large such sums as may be necessary to repay such advances and to defray the cost of such work including the items of cost referred to in subsection 2 of section 20 of *The Local Improvement Act*, and may issue debentures for the sums so borrowed.

Rev. Stat.,
c. 269.



Deficiency
in rates.

7. If in any year the amount realized from the rates imposed to provide for the cost of any work and the interest thereon is insufficient to pay the amount falling due in such year in respect of the debentures issued to pay for the cost of such work, the Council shall provide in the estimates for the current or the following year for the deficiency, and levy and collect the amount of such deficiency by a general rate on all the rateable property in the Township, but such levy shall not relieve the land in the area or areas upon which the first mentioned rates are imposed from payment of such first mentioned rates.

Rev. Stat.,
c. 269,
ss. 50, 51 to
apply.

8. Sections 50 and 51 of *The Local Improvement Act* shall apply *mutatis mutandis* to the works undertaken and debentures issued under this Act.

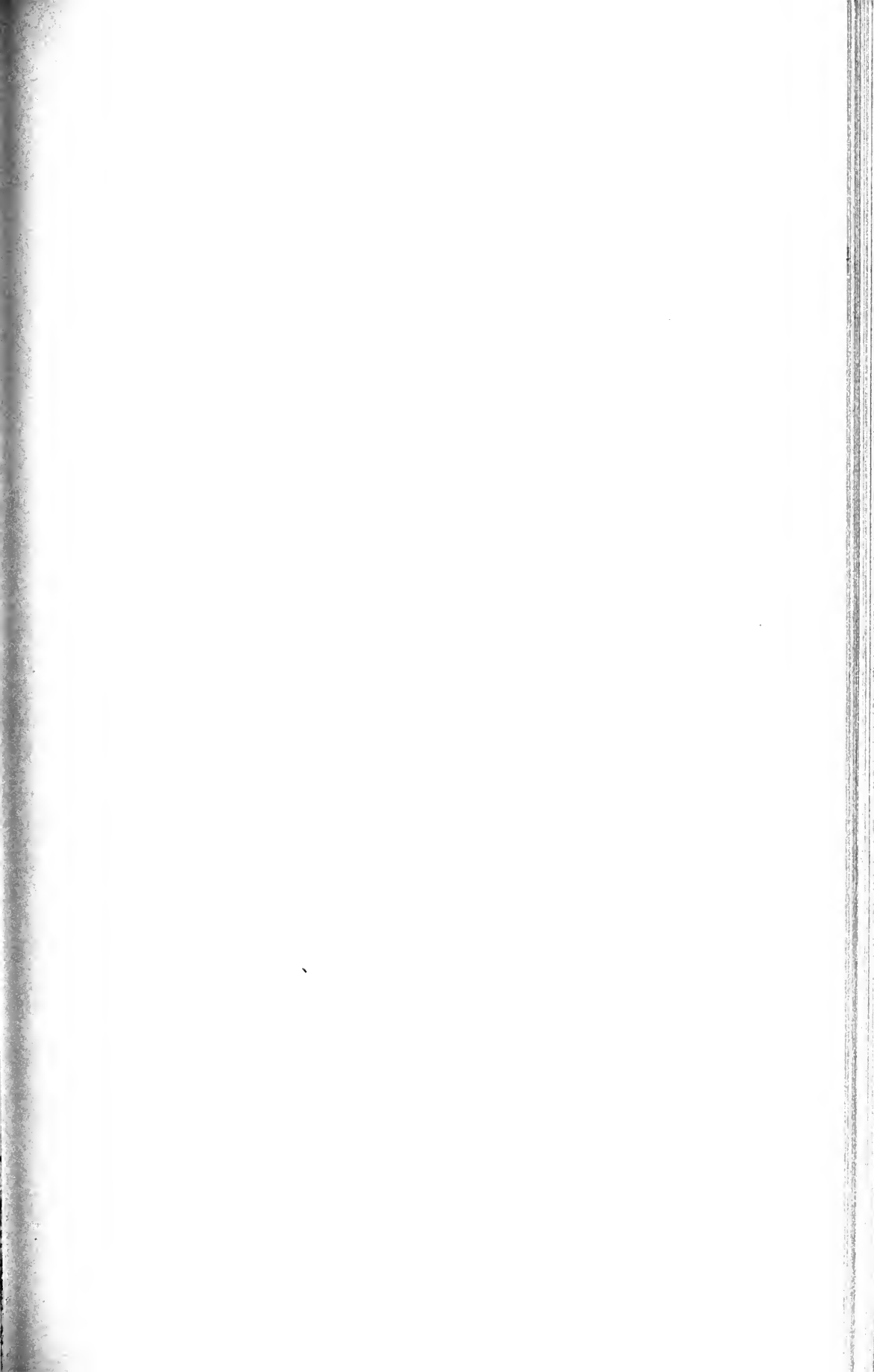
Alteration of
areas.

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

Agreements
with adjoining
municipalities.

10.—(1) The Corporation and the corporation of any adjacent municipality may enter into agreements for the construction, enlargement, extension, improvement, operation and maintenance of sewage disposal works, plants, appliances and accessories in connection therewith for the joint use of any sewer area or areas in the Township or in such other municipality, and the portion of the cost of the construction, enlargement, improvement and extension of such works and of the operation and maintenance thereof payable by the Corporation as fixed by such agreement shall be assessed and levied upon all the rateable property in such sewer area or areas, as the case may be, in the Township as provided in section 3 and the revenue payable to the Corporation under any such agreement shall be credited to the sewer area charged with the said cost, or if more than one area, then to such areas in proportion to their respective shares of the said cost.

(2) The Corporation and the corporation of any adjacent municipality may enter into agreements for the admission of sewage from the Township into the sewers and sewerage systems of such other municipality, and all cost, charges and expenses in connection therewith shall be assessed and levied on all the rateable property in the area in the Township benefited thereby, or if more than one area, then on all the rateable property in such areas in such proportion as the Council may by by-law determine.



(3) The Corporation may enter into agreements with the corporation of any adjacent municipality for the admission of sewage from such other municipality or municipalities into the sewers and sewerage systems of the Township, and in such event the revenue arising therefrom shall be credited to the sewer area of the Township into the sewers or works of which the sewage is admitted, or if more than one area then to such sewer areas in such proportions as the Council may by by-law determine.

Agreements
for water.

11. The Corporation may enter into agreements with any other municipal corporation for a supply of water to serve the waterworks systems and sewers and sewerage systems constructed, maintained and operated under this Act, and all costs, charges and expenses in connection therewith may be assessed and levied on all the rateable property in the area benefited thereby or, if in more than one area, then on all the rateable property in such areas in such proportions as the Council may by by-law determine.

Assent of
electors un-
necessary.

12.—(1) It shall not be necessary to submit for the assent of the electors any by-law passed under this Act, but no by-law to set apart and establish a water area or a sewer area under this Act or to apportion the cost of any work between two or more areas or parts thereof or to declare the desirability of undertaking or to undertake the construction of any work hereinbefore mentioned shall be valid unless such by-law has been passed at a meeting of the Council by vote of two-thirds of all the members thereof.

When
owners may
petition
Ontario
Municipal
Board.

(2) Where the Council passes any such by-law a majority of the owners representing one-half the total rateable assessment of such area or areas to be assessed therefor being dissatisfied with the establishment of a proposed water area or sewer area or with the proposed apportionment of cost of works for two or more areas or with the proposed work or with the manner in which it has been undertaken may by petition apply to the Ontario Municipal Board for relief and such Board may thereupon investigate the complaint and make such order with respect to the proposed scheme or work as may seem proper and after notice to the clerk of the corporation of the application and pending its determination by such Board the Council shall not proceed with the proposed scheme or work, or pass any by-laws in respect thereto.

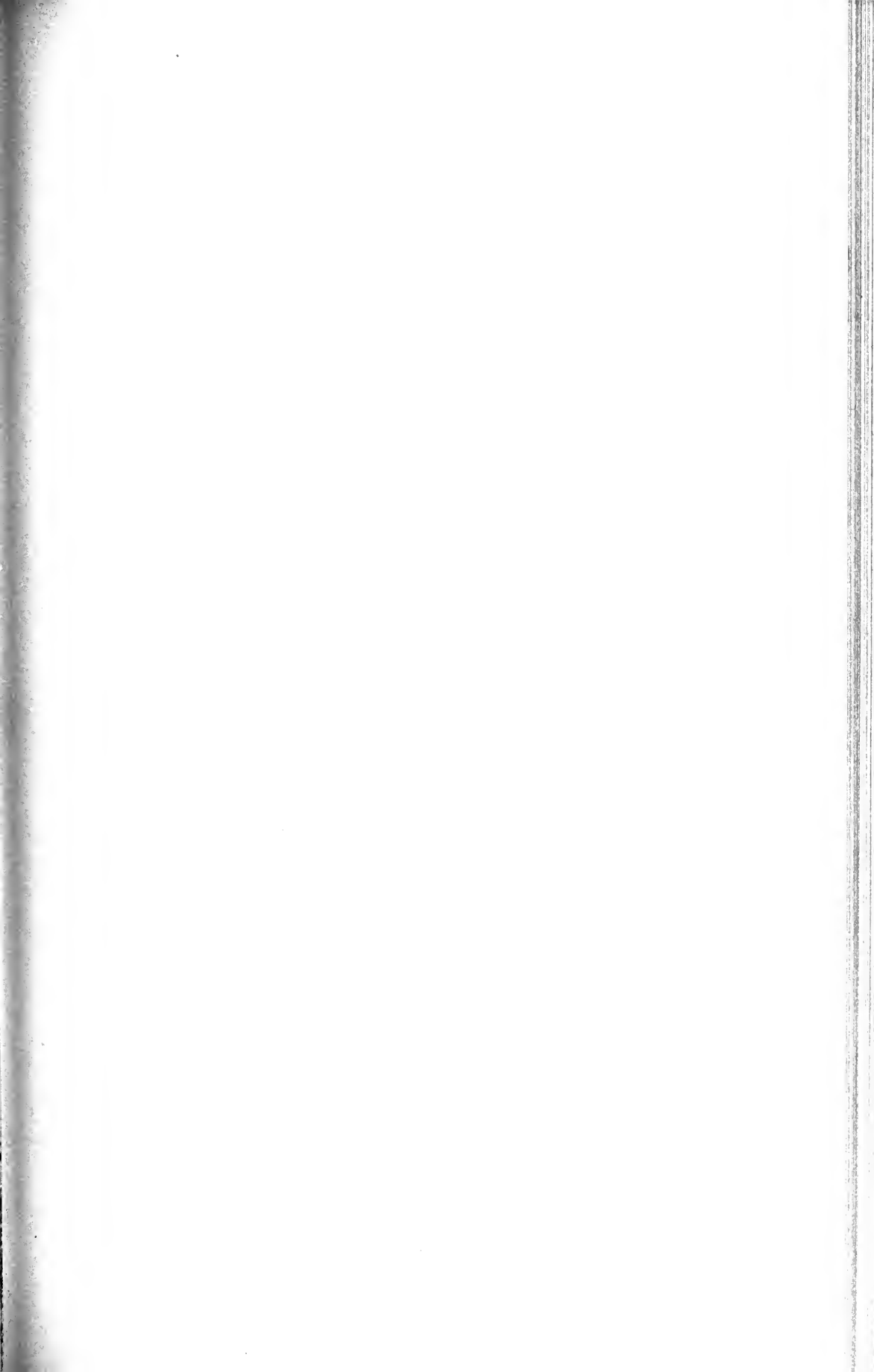
How suffi-
ciency of
petition to
be
determined.

(3) The sufficiency of such petition shall be determined in the manner provided by section 15 of *The Local Improvement Act*.

Rev. Stat.,
c. 269.

Deposit of
petition.

(4) Such petition shall be deposited with the secretary of such Board within twenty-one days after publication of notice



of the Council's intention to pass a by-law for any of the purposes referred to in subsection 1.

Form of notice.

(5) A by-law for any of the purposes referred to in subsection 1 shall not be passed until the expiry of twenty-one days after publication of the notice referred to in subsection 4, and such notice shall substantially be in the same form and to the same intent as the form of notice required to be published by section 10 of *The Local Improvement Act* with such amendments therein as may be requisite for the purposes of this section.

Rev. Stat., c. 269.

Installation of sanitary conveniences.

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

All rates to be deemed local improvement rates.

Rev. Stat., c. 266.

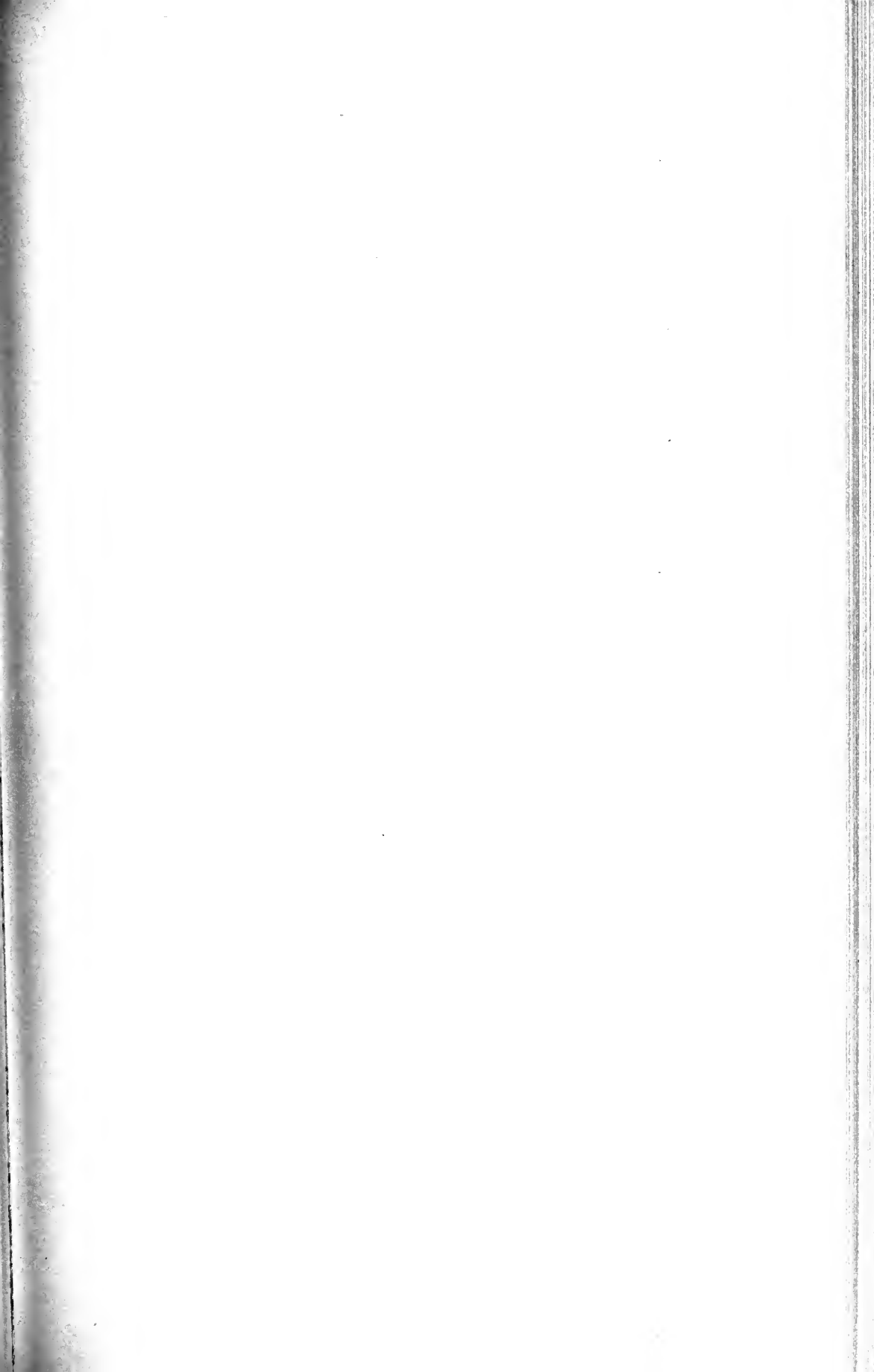
14. The rates imposed and levied under this Act shall be deemed to be local improvement rates for the purposes of section 315 of *The Municipal Act* and no rate levied under this Act shall be deemed to be included in the rate of two and a half cents on the dollar referred to in said section 315 for the purpose of determining whether the council may contract any further debts, and any debt may be contracted under this Act notwithstanding the limitations prescribed by said section 315.

Commencement of Act.

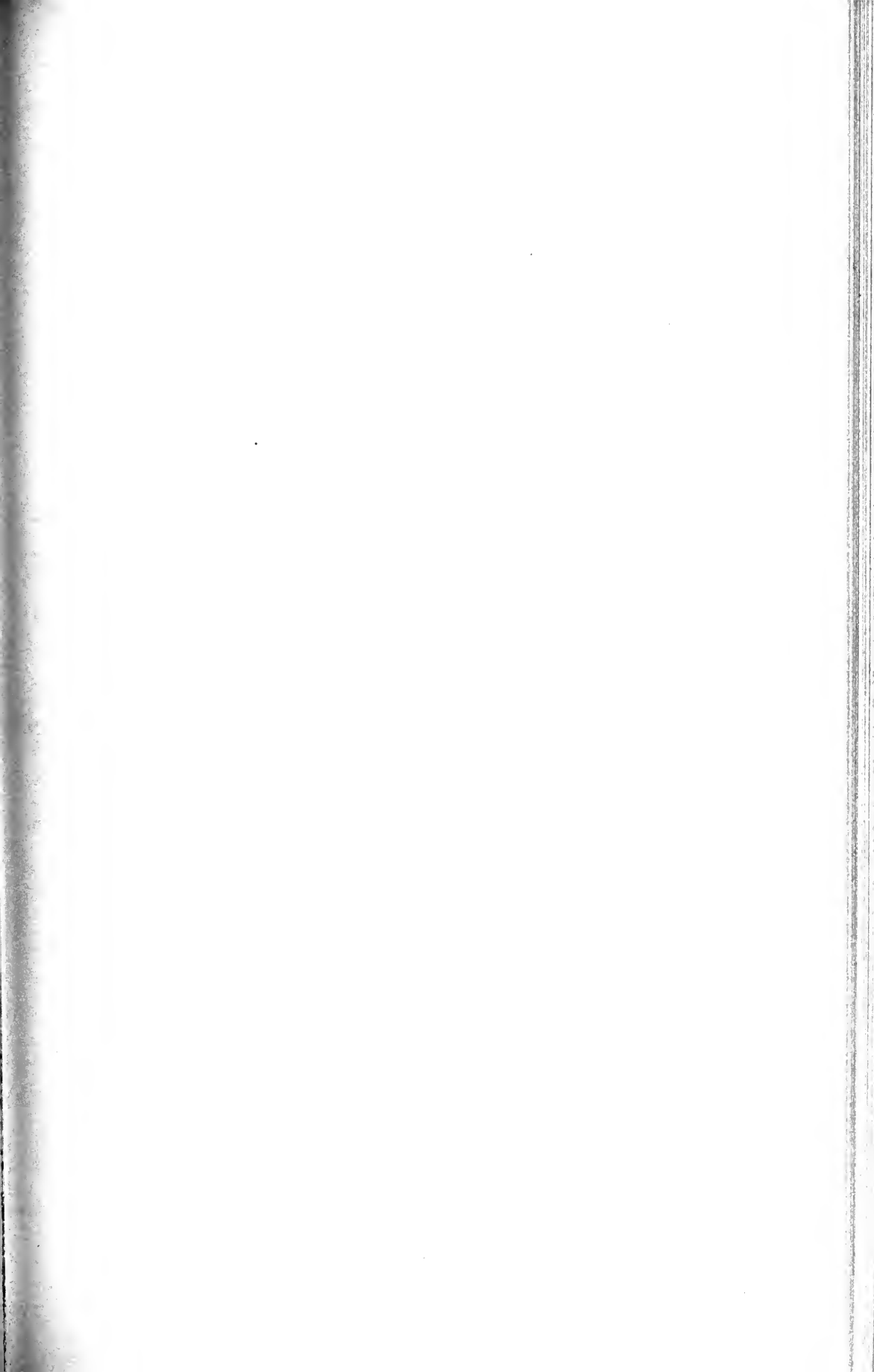
15. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

16. This Act may be cited as *The Township of Barton Act, 1939*.







BILL

An Act respecting the Township of
Barton.

1st Reading

2nd Reading

3rd Reading

MR. BETHUNE

(Private Bill)

No. 12

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Township of Barton.

MR. BETHUNE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Barton.

Preamble.

WHEREAS the corporation has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Interpretation.

1. In this Act,—

“Corporation.”

(a) “Corporation” shall mean the corporation of the township of Barton.

“Council.”

(b) “Council” shall mean the council of the corporation of the township of Barton.

“Township.”

(c) “Township” shall mean the township of Barton.

Power to establish water areas, sewer areas and waterworks systems.

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

Provision for cost.

3.—(1) The entire cost of the construction, enlargement, extension, improvement, operation, maintenance, management and repair of any such waterworks systems or of any such sewerage systems or sewage disposal works save and except such works as are undertaken pursuant to *The Local Improvement Act* as hereinafter provided, shall be assessed and levied upon all the rateable property in the area or areas served by such works; provided that where such works are undertaken to serve more than one area the Council shall

Rev. Stat., c. 269.

by by-law determine the portion of the cost thereof to be borne by each of such areas.

(2) The revenues arising from the operation of any such works shall form a special fund for the use of the area served by such works; provided that where such works have been undertaken to serve more than one area such revenues shall be apportioned between or among the areas served in the same proportions as such areas contributed to the cost of the construction of such works. Application of revenues.

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

5. The Council may undertake within any water area or areas the construction of waterworks, watermains and necessary appliances and accessories and private drain connections and within any sewer area or areas the construction of sewers and necessary appliances and accessories and private drain connections as local improvements pursuant to *The Local Improvement Act*; provided that: Council may construct waterworks, sewers, etc.

- (a) Where a work is constructed to serve lands situated entirely within one area, that part of the cost which would otherwise be the Corporation's portion of the cost shall, except as this section otherwise expressly provides, be assessed upon all the rateable property in the area and the remainder of the cost of such work shall be specially assessed upon the lots within such area fronting or abutting directly on or served by the work; Provision for cost of work to serve one area.
- (b) Where a work is constructed to serve lands situated within more than one area, the Council shall by by-law determine the portion of cost to be borne by each area, and such respective portions shall be assessed in such areas in the manner in this section provided; More than one area.
- (c) The Council may by by-law passed at any general or special meeting by a vote of three-fourths of all the members thereof provide that a certain annual rate per foot frontage in satisfaction of the owners' portion of the cost shall be assessed upon, levied and collected from the lots fronting or abutting directly on or served by the watermains or sewers constructed in the area designated in such by-law during the currency of the debentures issued to pay for the Provision for annual rate per foot frontage.

cost of such watermains or sewers and that the remainder, if any, of the cost not provided for by such annual rate, shall be assessed and levied upon all the rateable property in the area; provided that if in any case such annual rate per foot frontage shall be more than sufficient to provide for the actual cost of the watermains or sewers the surplus resulting therefrom shall be deposited to a special account to be used by the Council for the benefit of such area, and any such by-law shall not be repealed or amended except by a vote of three-fourths of all the members of the Council;

Publication
of notice.

Rev. Stat.,
c. 269.

- (d) In any notice of the Council published, served or mailed pursuant to sections 10, 12, 41 or 46 of *The Local Improvement Act* in respect to the construction of watermains or sewers it shall not be necessary to show the portion of the cost, actual or estimated, which is to be borne by the Corporation or the area, but it shall be sufficient to show the estimated cost of the work and the estimated cost thereof per foot frontage;

Maintenance
of work.

- (e) Every completed work undertaken under this Act shall during its lifetime be maintained, managed and kept in repair by and at the expense of the area for the benefit of which it was constructed, or if constructed for the benefit of more than one area then at the expense of the areas in proportion to their respective shares of the cost of the construction thereof;

Term of
debentures.

- (f) The debentures issued for the sums borrowed to defray any portion of the cost of any work which is assessed against all the rateable property in any area may be made payable within twenty years from the date of issue thereof if issued separately from the debentures issued to defray the portion of the cost which is specially assessed upon the lands fronting or abutting directly on or served by such work.

Temporary
loans and
debentures.

6. The Council may agree with any bank or person for temporary advances to meet the cost of any of the works authorized by this Act pending the completion thereof and the Council may, when the work undertaken is completed, borrow on the credit of the Corporation at large such sums as may be necessary to repay such advances and to defray the cost of such work including the items of cost referred to in subsection 2 of section 20 of *The Local Improvement Act*, and may issue debentures for the sums so borrowed.

Rev. Stat.,
c. 269.

7. If in any year the amount realized from the rates imposed to provide for the cost of any work and the interest thereon is insufficient to pay the amount falling due in such year in respect of the debentures issued to pay for the cost of such work, the Council shall provide in the estimates for the current or the following year for the deficiency, and levy and collect the amount of such deficiency by a general rate on all the rateable property in the Township, but such levy shall not relieve the land in the area or areas upon which the first mentioned rates are imposed from payment of such first mentioned rates.

Deficiency
in rates.

8. Sections 50 and 51 of *The Local Improvement Act* shall apply *mutatis mutandis* to the works undertaken and debentures issued under this Act.

Rev. Stat.,
c. 269,
ss. 50, 51 to
apply.

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

Alteration of
areas.

10.—(1) The Corporation and the corporation of any adjacent municipality may enter into agreements for the construction, enlargement, extension, improvement, operation and maintenance of sewage disposal works, plants, appliances and accessories in connection therewith for the joint use of any sewer area or areas in the Township or in such other municipality, and the portion of the cost of the construction, enlargement, improvement and extension of such works and of the operation and maintenance thereof payable by the Corporation as fixed by such agreement shall be assessed and levied upon all the rateable property in such sewer area or areas, as the case may be, in the Township as provided in section 3 and the revenue payable to the Corporation under any such agreement shall be credited to the sewer area charged with the said cost, or if more than one area, then to such areas in proportion to their respective shares of the said cost.

Agreements
with adjoining
municipalities.

(2) The Corporation and the corporation of any adjacent municipality may enter into agreements for the admission of sewage from the Township into the sewers and sewerage systems of such other municipality, and all cost, charges and expenses in connection therewith shall be assessed and levied on all the rateable property in the area in the Township benefited thereby, or if more than one area, then on all the rateable property in such areas in such proportion as the Council may by by-law determine.

(3) The Corporation may enter into agreements with the corporation of any adjacent municipality for the admission of sewage from such other municipality or municipalities into the sewers and sewerage systems of the Township, and in such event the revenue arising therefrom shall be credited to the sewer area of the Township into the sewers or works of which the sewage is admitted, or if more than one area then to such sewer areas in such proportions as the Council may by by-law determine.

Agreements
for water.

11. The Corporation may enter into agreements with any other municipal corporation for a supply of water to serve the waterworks systems and sewers and sewerage systems constructed, maintained and operated under this Act, and all costs, charges and expenses in connection therewith may be assessed and levied on all the rateable property in the area benefited thereby or, if in more than one area, then on all the rateable property in such areas in such proportions as the Council may by by-law determine.

Assent of
electors un-
necessary.

12.—(1) It shall not be necessary to submit for the assent of the electors any by-law passed under this Act, but no by-law to set apart and establish a water area or a sewer area under this Act or to apportion the cost of any work between two or more areas or parts thereof or to declare the desirability of undertaking or to undertake the construction of any work hereinbefore mentioned shall be valid unless such by-law has been passed at a meeting of the Council by vote of two-thirds of all the members thereof.

When
owners may
petition
Ontario
Municipal
Board.

(2) Where the Council passes any such by-law a majority of the owners representing one-half the total rateable assessment of such area or areas to be assessed therefor being dissatisfied with the establishment of a proposed water area or sewer area or with the proposed apportionment of cost of works for two or more areas or with the proposed work or with the manner in which it has been undertaken may by petition apply to the Ontario Municipal Board for relief and such Board may thereupon investigate the complaint and make such order with respect to the proposed scheme or work as may seem proper and after notice to the clerk of the corporation of the application and pending its determination by such Board the Council shall not proceed with the proposed scheme or work, or pass any by-laws in respect thereto.

How suffi-
ciency of
petition to
be
determined.
Rev. Stat.,
c. 269.

(3) The sufficiency of such petition shall be determined in the manner provided by section 15 of *The Local Improvement Act*.

Deposit of
petition.

(4) Such petition shall be deposited with the secretary of such Board within twenty-one days after publication of notice

of the Council's intention to pass a by-law for any of the purposes referred to in subsection 1.

(5) A by-law for any of the purposes referred to in subsection 1 shall not be passed until the expiry of twenty-one days after publication of the notice referred to in subsection 4, and such notice shall substantially be in the same form and to the same intent as the form of notice required to be published by section 10 of *The Local Improvement Act* with such amendments therein as may be requisite for the purposes of this section. Form of notice. Rev. Stat., c. 269.

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

14. The rates imposed and levied under this Act shall be deemed to be local improvement rates for the purposes of section 315 of *The Municipal Act* and no rate levied under this Act shall be deemed to be included in the rate of two and a half cents on the dollar referred to in said section 315 for the purpose of determining whether the council may contract any further debts, and any debt may be contracted under this Act notwithstanding the limitations prescribed by said section 315. All rates to be deemed local improvement rates. Rev. Stat., c. 266.

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

16. This Act may be cited as *The Township of Barton Act, 1939*. Short title.

An Act respecting the Township of
Barton.

1st Reading

March 22nd, 1939

2nd Reading

April 3rd, 1939

3rd Reading

April 6th, 1939

MR. BETHUNE

No. 13

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Township of King.

MR. BAKER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of King.

Preamble.

WHEREAS the corporation of the township of King has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

By-laws
Nos. 681,
682, 683
and 684
confirmed.

1. By-laws numbers 681, 682, 683 and 684 passed by the council of the corporation of the township of King on the 27th day of September, 1938, the 27th day of September, 1938, the 5th day of October, 1938, and the 8th day of October, 1938, respectively, to correct annual levies in respect to debentures issued for municipal drainage of lands situate in the said township known as the Holland Marsh, are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Adjustment
of taxes
confirmed.

2. All cancellations, adjustments and reductions of rates or taxes with respect to the lands set out in the said Schedule A made with the approval of the council of the said corporation are hereby confirmed and declared to be legal, valid and binding.

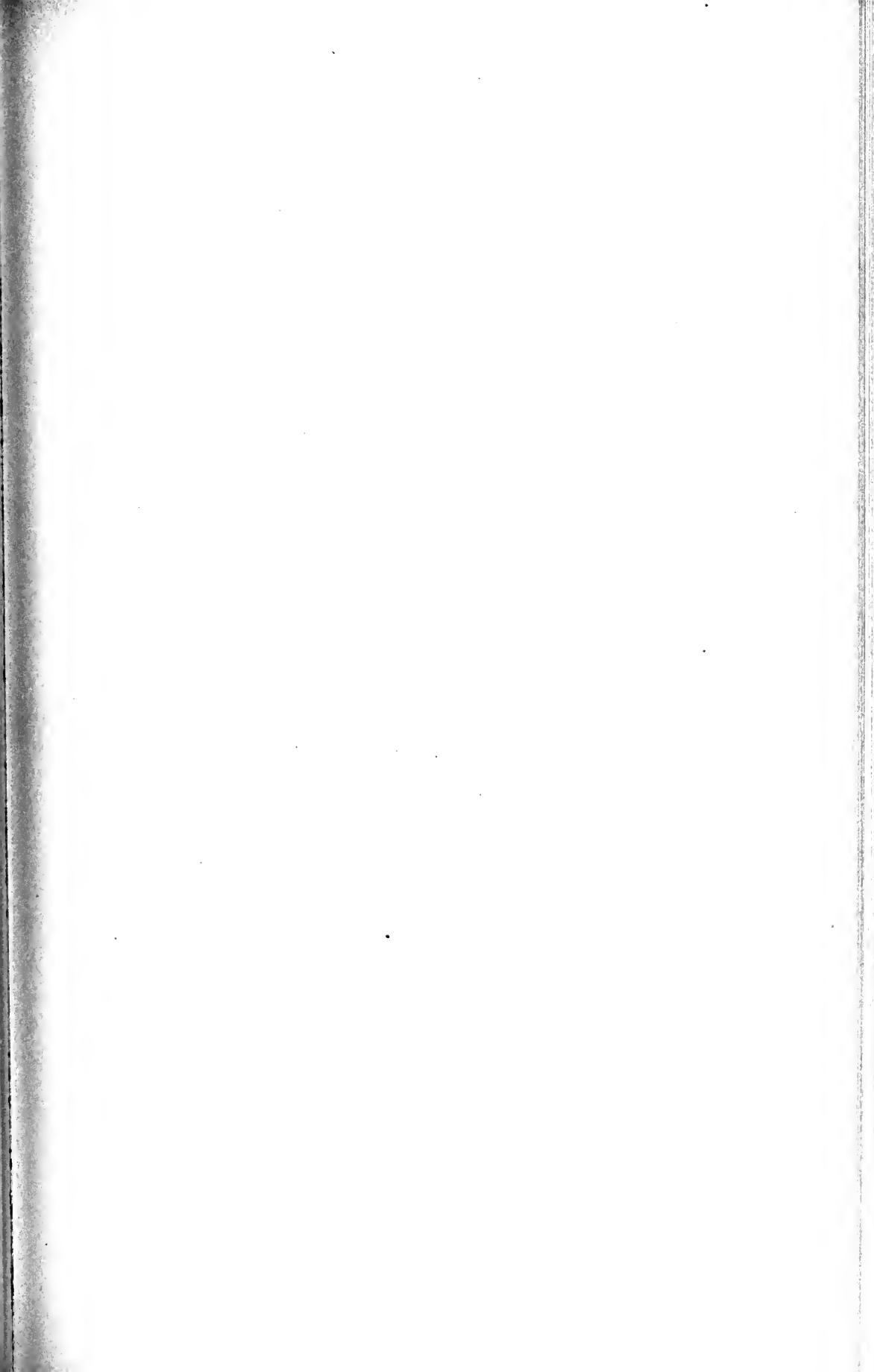
Where lands
may be sold
for taxes.

Rev. Stat.,
c. 272.

3. Notwithstanding any failure to comply with the provisions of *The Assessment Act*, where the taxes on any of the lands set out in the said Schedule A remain unpaid for three years preceding the 1st day of January in any year such lands may be sold for taxes in accordance with the provisions of the said Act respecting the sale of lands for taxes.

Short title.

4. This Act may be cited as *The Township of King Act, 1939*.



SCHEDULE A.

CORPORATION OF THE TOWNSHIP OF KING, ONTARIO
 SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
 HOLLAND MARSH DRAINAGE AREA
 (as at December 31st, 1938)

Lands in the Township of King known as the Holland Marsh and lying between the Holland Marsh Drainage Canal and the boundary between the Township of King and the Township of West Gwillimbury.

Concession 1—New Survey:

	1938		1937		1936		1935		1934 and prior	
	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Lot 4, Concession 1, New Survey—Subdivided into Easterly 492'6" of Lot 4.....			4.23*		3.83*		17.15*		1.79*	
Westerly 490'6" of Easterly 883' of Lot 4.....	25.46	.76	3.60*		3.81*		13.45*		1.48*	
All of Lot 4 except Easterly 883'.....			6.54*		6.68*		25.87*		2.60*	
Lot 5, Concession 1, New Survey.....			17.24*		13.87*		71.45*		6.47*	
Lot 6, Concession 1, New Survey—Subdivided into Westerly 884' of Lot 6.....	92.33	2.77	107.16	9.64	95.23	14.28	82.78	17.38		
Easterly 524'7" of Westerly 1,408'7" of Lot 6.....	47.09	1.41	54.74	4.23	8.11*		33.24*		13.40*	
Easterly 660' of Lot 6.....			91.73	8.26	81.38	12.21	71.60	15.04		
Lot 7, Concession 1, New Survey—Subdivided into Plan 254 Lot 1 of Plan 254.....				3.12*		3.21*		13.14*		1.13*
Lot 2 of Plan 254.....	19.79	.59	22.99	2.07	20.36	3.05	18.99	3.99		
Lot 3 of Plan 254.....	19.79	.59	22.99	2.07	20.36	3.05	18.99	3.99		
Lot 4 of Plan 254.....	19.79	.59	22.99	2.07	20.36	3.05	18.99	3.99		
Lot 5 of Plan 254.....	19.79	.59	22.99	2.07	20.36	3.05	18.99	3.99		
Lots 6 to 12 inclusive of Plan 254.....	127.22	3.82	18.74*		19.82*		73.21*		22.31*	
Lots 13 to 15 inclusive of Plan 254.....	40.59	1.22	47.03	4.22	40.72	6.10	37.98	7.98		
Block A of Plan 254.....	117.81	3.53	19.29*		17.35*		63.32*			
Lot 8, Concession 1, New Survey.....	533.98	16.02	591.55	53.84	540.43	81.06				
Lot 9, Concession 1, New Survey.....	390.01	11.70	432.03	38.88	394.18	59.13				

Lot 10, Concession 1, New Survey— North and West of Drainage Canal.....	193.04	5.79	179.68	16.17	154.29	24.15	113.75*	12.63*
Lot 11, Concession 1, New Survey— That part of West half, North of Drainage Canal.....	82.72	2.48	77.00	6.93	66.12	9.91	48.74*	5.22*
Lot 11, Concession 1, New Survey— That part of East half, North of Drainage Canal.....	53.52	1.61	65.60	5.90	9.58*		39.89*	4.31*
Lot 12, Concession 1, New Survey— Westerly 19 chains 20 links of North half of Lot 12, North of Drainage Canal.....	35.48	1.06	41.89	3.77	37.21	5.58	20.42*	2.11*
Lot 12, Concession 1, New Survey— All that part of Lot 12 North of Drainage Canal except Westerly 19 chains 20 links.....	22.07	.66	3.70*		3.82*		15.73*	1.58*
Lot 13, Concession 1, New Survey.....	11.38	.34	13.29	1.20	1.67*		6.71*	.98*
Concession 2—New Survey— Lot 7, Concession 2, New Survey.....	254.67	7.64	281.77	25.36	256.26	38.44		
Lot 8, Concession 2, New Survey.....	395.23	11.86	437.19	39.35	398.95	59.84		
Lot 9, Concession 2, New Survey.....	320.19	9.61	334.06	31.87	322.84	48.43		
Lot 10, Concession 2, New Survey.....	441.03	13.23	487.92	43.91	445.36	66.80		
Lot 11, Concession 2, New Survey.....	548.42	16.45	606.95	54.63	552.15	82.82		
Lot 12, Concession 2, New Survey—North half of Lot 12.....	178.53	5.36	210.91	18.98	22.64*		112.58*	11.35*
Lot 12, Concession 2, New Survey—South half of Lot 12.....	178.52	5.36	210.91	18.98	30.43*		124.54*	12.18*
Lot 13, Concession 2, New Survey.....	583.87	17.52	645.55	58.10	588.05	88.21		
Lot 14, Concession 2, New Survey— Part of Lot 14, being 14 chains 40 links on Easterly limit commencing at North-west angle.....	102.40	3.07	113.17	10.19	102.83	15.42		
Part of Lot 14, commencing 14 chains 40 links on Easterly limit Southerly from North-west angle; thence Southerly 10 chains 30 links by width of lot deep.....	48.16	1.44	52.95	4.77	7.31*		31.46*	2.98*
Southerly 25 acres of North half of Lot 14.....	48.16	1.44	51.86	4.67	6.95*		27.17*	2.81*
North half of South half of Lot 14.....	83.02	2.55	13.44*		13.91*		57.10*	5.57*
South half of South half of Lot 14.....			3.36*		3.30*		12.90*	1.33*
Concession 3—New Survey— Lot 11, Concession 3, New Survey.....	10.87	.33	12.07	1.09	11.05	1.66		

SCHEDULE A.—Continued

CORPORATION OF THE TOWNSHIP OF KING, ONTARIO
 SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
 HOLLAND MARSH DRAINAGE AREA
 (as at December 31st, 1938)

Lands in the Township of King known as the Holland Marsh and lying between the Holland Marsh Drainage Canal and the boundary between the Township of King and the Township of West Gwillimbury.

	1938		1937		1936		1935		1934 and prior	
	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Lot 12, Concession 3, New Survey.....	58.84	1.77	64.97	5.85	59.20	8.88				
Lot 13, Concession 3, New Survey.....	204.33	6.13	226.21	20.36	205.06	30.76				
Lot 14, Concession 3, New Survey.....	341.06	10.23	377.46	33.97	343.85	51.58				
Concession 3—Old Survey—										
Lot 5, Concession 3, Old Survey, west of Canal.....	5.97	.18	6.80	.61	.77*		3.03*		.31*	
Lot 6, Concession 3, Old Survey, west of Canal.....	83.40	2.50	12.47*		12.23*		47.82*		4.95*	
Lot 7, Concession 3, Old Survey—										
West half of Lot 7, North and West of Canal.....	279.19	8.38	308.66	27.78	281.15	42.17				
That part of East half of Lot 7, West of Canal.....			3.64*		3.63*					
Lot 8, Concession 3, Old Survey.....	471.74	14.15	521.65	46.95	476.85	71.53			1.48*	
Lot 9, Concession 3, Old Survey—										
That part of Easterly 25 acres West of Canal.....			5.11*		5.25*		22.32*		2.03*	
Lots 9 and 10, Concession 3, Old Survey except Easterly 25 acres of Lot 9; now sub-divided into Plans 245 and 251—										
Lot 1 of Plan 245.....	23.27	.70	25.86	2.33	3.12*		12.43*			
Lot 2 of Plan 245.....	23.27	.70	25.86	2.33	3.12*		12.43*			
Lot 3 of Plan 245.....	23.28	.70	2.78*		2.90*		12.16*			
Lot 4 of Plan 245.....	23.28	.70	25.86	2.33	2.73*		10.86*			
Lot 5 of Plan 245.....			2.80*		2.73*		10.86*			
Lot 6 of Plan 245.....	23.28	.70	20.38	1.50	2.73*		10.82*			
Lot 7 of Plan 245.....	11.67	.35	2.80*		2.73*		10.82*			
Lot 8 of Plan 245.....			2.78*		2.73*		10.82*			
Lot 9 of Plan 245.....			2.78*		2.73*		10.82*			

Lot 10 of Plan 251	24.06	.72	27.91	2.51	23.15	3.47	11.86*
Lot 11 of Plan 251	22.40	.67	25.86	2.33	21.38	3.21	10.82*
Lot 12 of Plan 251	22.40	.67	25.86	2.33	21.38	3.21	10.82*
Lot 13 of Plan 251	19.90	.60	22.88	2.06	18.84	2.83	9.15*
Lot 14 of Plan 251	11.77	.35	13.64	1.23	11.32	1.70	5.68*
Lot 15 of Plan 251	22.39	.67	25.86	2.33	21.38	3.21	10.82*
Lot 16 of Plan 251	22.39	.67	25.86	2.33	21.38	3.21	10.82*
Lot 17 of Plan 251	22.39	.67	25.86	2.33	21.38	3.21	10.82*
Lot 18 of Plan 251	22.40	.67	25.86	2.33	21.38	3.21	10.82*
Lot 19 of Plan 251	22.40	.67	25.86	2.33	21.38	3.21	2.12
Lot 20 of Plan 251	22.40	.67	25.86	2.33	21.38	3.21	17.12
Lot 21 of Plan 251	22.40	.67	25.86	2.33	21.38	3.21	10.82*
Lot 22 of Plan 251	22.40	.67	25.86	2.33	21.38	3.21	10.82*
Lot 23 of Plan 251			3.81*	2.33	21.38	3.21	10.82*
Lots 24-34 inclusive of Plan 251	231.41	6.94	271.37	24.42	230.56	34.58	14.65*
Lot 11, Con. 3, Old Survey—Sub-divided into Plan 250—							123.48*
Lot 1 of Plan 250	25.57	.77	1.61*		1.60*		6.61*
Lot 2 and North half of Lot H of Plan 250			1.58*		1.67*		6.58*
Lot 3 and North half of Lot F of Plan 250			1.50*		1.45*		6.44*
Lot 4 and North half of Lot E of Plan 250			1.64*		27.77	4.17	6.58*
Lot 5 and South half of Lot F of Plan 250			25.67	1.23	1.63*		4.23*
Lot 6 and North half of Lot C of Plan 250	25.57	.77	1.50*		1.63*		6.58*
Lot 7 and North half of Lot G of Plan 250	25.57	.77	28.71	.15	1.87*		6.58*
Lot 8 and South half of Lot D of Plan 250	25.57	.77					6.58*
Lot 9 and South half of Lot L and Southerly 50 feet of Lot M of Plan 250			1.50*		1.63*		6.58*
Lot 10 and North half of Lot D of Plan 250	25.57	.77	5.93	.03	1.64*		6.58*
Lot 11 and Lot B of Plan 250	25.57	.77	29.43	2.65	1.48*		6.58*
Lot 12 and South half of Lot C of Plan 250	25.57	.77	27.93	2.58	1.63*		4.68*
Lot 13 of Plan 250	25.57	.77	1.50*		1.50*		6.58*
Lot 14 and South half of Lot G of Plan 250	25.57	.77	27.43	2.47	1.45*		6.58*
Lot 15 of Plan 250	11.92	.36	1.50*		1.50*		6.58*
Lot 16 and South half of Lot H of Plan 250			1.50*		1.50*		6.58*
Lot 17 and South half of Lot K of Plan 250			27.43	2.47	.82	.05	

38 69*

.45
3.60

14.53*

SCHEDULE A.—Continued

CORPORATION OF THE TOWNSHIP OF KING, ONTARIO
 SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
 HOLLAND MARSH DRAINAGE AREA
 (as at December 31st, 1938)

Lands in the Township of King known as the Holland Marsh and lying between the Holland Marsh Drainage Canal and the boundary between the Township of King and the Township of West Gwillimbury.	1938		1937		1936		1935		1934 and prior	
	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Lot 18 of Plan 250.....			1.50*		1.62*					
Lot 19 of Plan 250 and North half of Lot K of Plan 250.....	25.57	.77	1.50*		1.64*					
Lot 20 of Plan 250.....	25.57	.77	27.43	2.47	1.35*		69.39*			
Lot 21 and North half of Lot L of Plan 250.....	25.57	.77	1.35*		1.73*					
Lot 22 and Lot A of Plan 250.....	11.92	.36	13.79	1.24	1.50*					
Lots 23 and 24 and Northerly 108 feet of Lot M of Plan 250.....	37.52	1.13	41.16	3.70	37.07	5.56				
Lots 25 and 26 of Plan 250.....	20.20	.61	23.35	2.10	19.49	2.92				
Lot 12, Con. 3, Old Survey—Sub-divided into Plan 257—										
Lot 1 of Plan 257.....	1.46	.04	1.46	.13	1.46	.22				
Lot 11 of Plan 257.....	36.44	1.10	41.51	3.74	2.79*		11.01*			
Lots 12 and 13, Concession 3, Old Survey, except Lots 1 and 11 of Plan 257, sub-divided into Plan 262—										
Lots 1 and 2 of Plan 262.....			2.91*							
Lots 3 and 4 and 64 to 66 inclusive of Plan 262.....	24.23	.73	2.72*		156.95	23.55			24.38*	
Lots 5 to 16 inclusive and 42 to 63 inclusive of Plan 262.....	.83	.02	173.92	15.65			222.00*			
Lots 17, 18, 80 and 81 of Plan 262.....			2.72*		2.87*					
Lots 19-37 inclusive and 67 to 79 inclusive of Plan 262.....	49.34	1.47	254.20	22.88	198.23	29.73				
Lots 14 and 15, Concession 3, Old Survey—Sub-divided into Plan 244—										
North half of Lots 1 and 2 of Plan 244.....			2.81*		2.76*		10.90*			
South half of Lots 1 and 2 of Plan 244.....	25.86	.78	2.82*		2.63*		11.78*			
Lot 3 of Plan 244.....			2.81*		2.76*		10.98*			
East half of Lot 4 of Plan 244.....			1.42*		1.39*		6.58*			

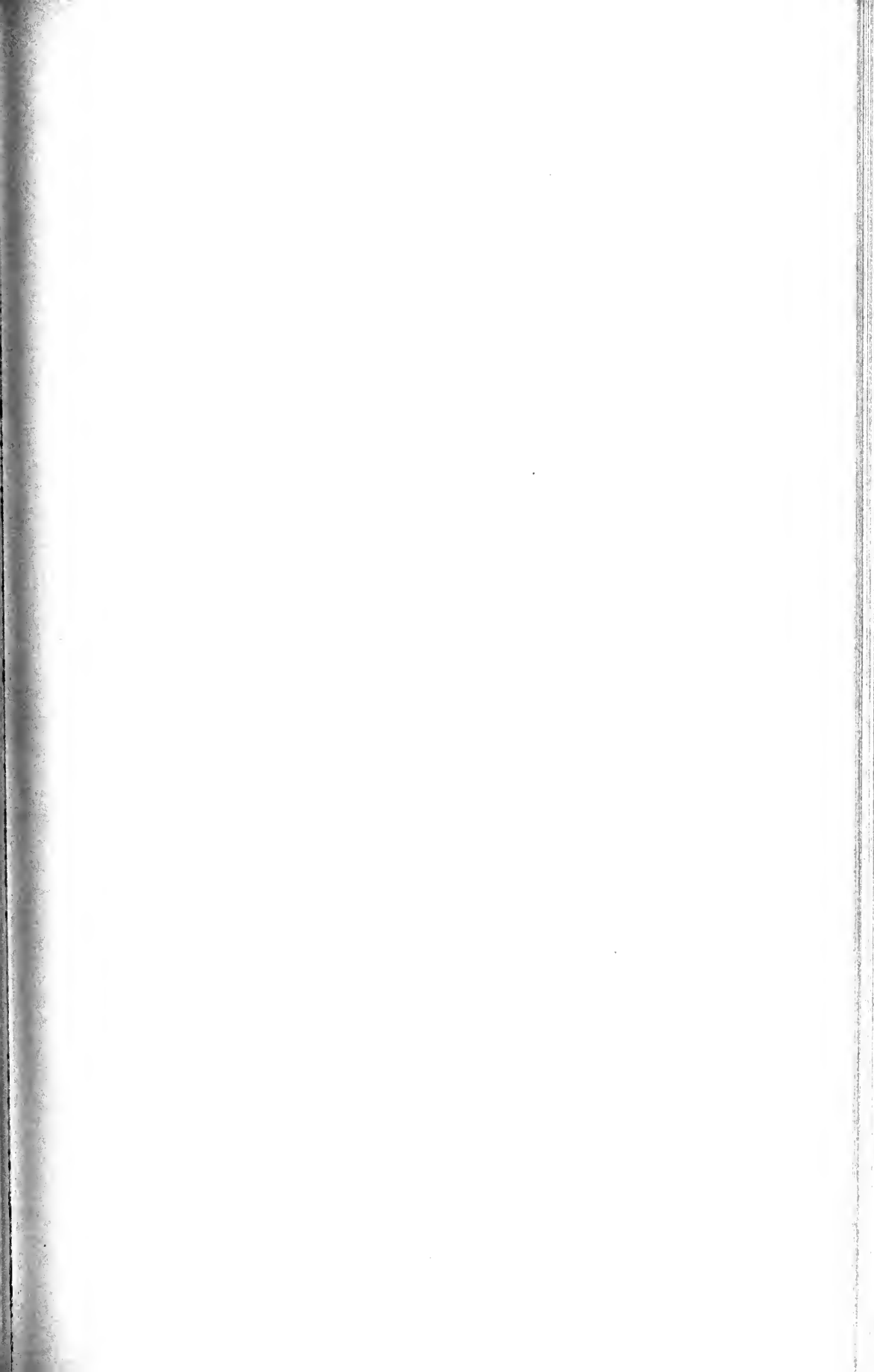
West half of Lot 4 of Plan 244.....	12.94	.39	1.42*	1.39*	8.62	1.81
Lot 5 of Plan 244.....			2.81*	3.10*	5.44*	
East half of Lot 6 of Plan 244.....			1.42*	10.77	17.28	3.63
West half of Lot 6 of Plan 244.....			1.42*	1.39*	5.44*	
East half of Lot 7 of Plan 244.....			1.41*	1.39*	5.44*	
West half of Lot 7 of Plan 244.....			1.42*	1.39*	5.44*	
Lot 8 of Plan 244.....	19.12	.57	20.85	17.77	8.63*	
Lot 9 of Plan 244.....	14.70	.43	1.70*	1.82*	7.50*	
Lot 9A of Plan 244.....	16.46	.49	17.67	14.77	7.55*	
Lot 10 of Plan 244.....	24.62	.74	2.81*	2.76*	12.42*	
Lot 11 of Plan 244.....			2.81*	2.76*	10.85*	
Lot 12 of Plan 244.....			2.81*	2.83*	10.85*	
Lot 13 of Plan 244.....			2.81*	5.34*	11.34*	
East half of Lot 14 of Plan 244.....			1.42*	1.50*	5.44*	
West half of Lot 14 of Plan 244.....			1.42*	1.39*	5.44*	
South half of Lots 15 and 16 of Plan 244.....			2.81*	2.76*	10.85*	
North half of Lots 15 and 16 of Plan 244.....			4.25*	2.76*	10.90*	
South half of Lots 17 and 18 of Plan 244.....			2.81*	2.76*	10.98*	
North half of Lots 17 and 18 of Plan 244.....			2.81*	2.76*	10.85*	
Lot 19 of Plan 244.....			25.88	2.80*	10.80*	
Lot 16, Concession 3, Old Survey.....	101.65	3.05	111.24	140.24	15.86*	1.50*
Lot 17, Concession 3, Old Survey.....			3.70*	3.88*		
Concession 2—Old Survey—						
Lot 9, Concession 2, Old Survey.....			1.05*	1.01*	3.92*	.41*
Lot 10, Concession 2, Old Survey.....			8.32*	8.10*	31.92*	3.30*
Part of Lot 11, Concession 2, Old Survey North of the Southerly 956' West of Canal.....	31.70	.95	34.42	30.01	21.01	.11
Lot 11, Concession 2, Old Survey, Southerly 956' West of Canal.....	61.97	1.86	69.30	69.81	61.38	12.89
Lot 12, Concession 2, Old Survey—						
Northerly 293'9" West of Canal.....	31.66	.95	4.57*	30.06	14.13*	
Southerly 299'4" of Northerly 593'1" West of Canal.....	31.66	.95	35.27	3.17	14.02*	
Southerly 227'5" of Northerly 820'6" West of Canal.....	24.01	.72	26.64	2.40	10.36*	
Southerly 240'5" of Northerly 1,060'11" West of Canal.....	24.01	.72	26.65	2.40	12.52*	
Southerly 255'1" West of Canal.....	24.01	.72	26.64	2.40	12.47*	
				22.29	3.34	
				35.67	6.96	

SCHEDULE A.—Continued

CORPORATION OF THE TOWNSHIP OF KING, ONTARIO
 SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
 HOLLAND MARSH DRAINAGE AREA
 (as at December 31st, 1938)

	1938	1937	1936	1935	1934 and prior
	Taxes	Taxes	Taxes	Taxes	Taxes
	Penalty	Penalty	Penalty	Penalty	Penalty
	\$	\$	\$	\$	\$
Lands in the Township of King known as the Holland Marsh and lying between the Holland Marsh Drainage Canal and the boundary between the Township of King and the Township of West Gwillimbury.					
Lot 13, Concession 2, Old Survey.....		19.55*	19.18*	77.52*	7.76*
Lot 14, Concession 2, Old Survey— Lots 2, 3 and 4 of Plan attached to Deed registered No. 20440.....	29.93	.90	3.35*	25.50	5.36
Part of Lot 14, Concession 2, Old Survey commencing on Westerly limit 455'7" North from South-west angle, thence North 113'5" by depth to Canal.....		8.95	2.77*	5.62*	6.64*
Lot 14, Concession 2, Old Survey, except the two parcels described above.....	70.48	6.34	61.51	43.88*	
Lot 15, Concession 2, Old Survey— Northerly 243'10" West of Canal.....		2.64*	3.13*	10.42*	
122'3" on Westerly limit commencing 506'6" South from North-west angle, thence Southerly and West of Canal.....		3.48	2.82*	12.98*	
119'5" on Westerly limit commencing 743'5" South from North-west angle, thence Southerly and West of Canal.....		1.52*	1.45*	5.70*	6.23*
All of Lot 15, Concession 2, Old Survey, above described three parcels.....	30.56	.92	5.83	45.42*	
Lot 16, Concession 2, Old Survey— North half of West half of Lot 16, West of Canal.....	44.67	1.34	4.61	26.96*	2.47*
All of Lot 16 except North half of West half.....		48.72	4.38	21.14*	2.90*
Concession 2, Old Survey:					
Lot 17, Concession 2, Old Survey.....	41.78	1.28	5.24	45.39*	49.81
Lot 18, Concession 2, Old Survey.....	35.80	1.07	3.10	27.08*	20.33
Lot 19, Concession 2, Old Survey.....	5.56	.17	.44	3.87*	.30*

* Asterisk where shown after amounts indicates Credit Balance.



BILL

An Act respecting the Township
of King.

1st Reading

March 28th, 1939

2nd Reading

3rd Reading

MR. BAKER

(*Private Bill*)

No. 13

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Township of King.

MR. BAKER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of King.

Preamble.

WHEREAS the corporation of the township of King has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

By-laws
Nos. 681,
682, 683
and 684
confirmed.

1. By-laws numbers 681, 682, 683 and 684 passed by the council of the corporation of the township of King on the 27th day of September, 1938, the 27th day of September, 1938, the 5th day of October, 1938, and the 8th day of October, 1938, respectively, to correct annual levies in respect to debentures issued for municipal drainage of lands situate in the said township known as the Holland Marsh, are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Adjustment
of taxes
confirmed.

2. All cancellations, adjustments and reductions of rates or taxes with respect to the lands set out in the said Schedule A made with the approval of the council of the said corporation are hereby confirmed and declared to be legal, valid and binding.

Where lands
may be sold
for taxes.

Rev. Stat.,
cc. 272, 278.

3. Where the taxes on any of the lands set out in Schedule A remain unpaid for three years preceding the 1st day of January in any year such lands may be sold for taxes in accordance with the provisions of *The Assessment Act* respecting the sale of lands for taxes notwithstanding any failure to comply with the provisions of the said Act, or *The Municipal Drainage Act*, prior to the passing of this Act; provided however that in no case shall any of the said lands be sold or offered for sale for taxes within one year from the day upon which this Act receives the Royal Assent.

Short title.

4. This Act may be cited as *The Township of King Act, 1939*.

SCHEDULE A.

CORPORATION OF THE TOWNSHIP OF KING, ONTARIO
 SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
 HOLLAND MARSH DRAINAGE AREA
 (as at December 31st, 1938)

Lands in the Township of King known as the Holland Marsh and lying between the Holland Marsh Drainage Canal and the boundary between the Township of King and the Township of West Gwillimbury.

Concession 1—New Survey:

	1938		1937		1936		1935		1934 and prior	
	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Lot 4, Concession 1, New Survey—Subdivided into Easterly 392'6" of Lot 4.....			4.23*		3.83*		17.15*		1.79*	
Westerly 490'6" of Easterly 883' of Lot 4.....	25.46	.76	3.60*		3.81*		13.45*		1.48*	
All of Lot 4 except Easterly 883'.....			6.54*		6.68*		25.87*		2.60*	
Lot 5, Concession 1, New Survey.....			17.24*		13.87*		71.45*		6.47*	
Lot 6, Concession 1, New Survey—Subdivided into Easterly 884' of Lot 6.....	92.33	2.77	107.16	9.64	95.23	14.28	82.78	17.38	13.40*	
Westerly 524'7" of Westerly 1,408'7" of Lot 6.....	47.09	1.41	54.74	4.23	8.11*		33.24*			
Easterly 660' of Lot 6.....			91.73	8.26	81.38	12.21	71.60	15.04		
Lot 7, Concession 1, New Survey—Subdivided into Plan 254										
Lot 1 of Plan 254.....	19.79	.59	3.12*		3.21*		13.14*		1.13*	
Lot 2 of Plan 254.....			22.99	2.07	20.36	3.05	18.99	3.99		
Lot 3 of Plan 254.....	19.79	.59	22.99	2.07	20.36	3.05	18.99	3.99		
Lot 4 of Plan 254.....	19.79	.59	22.99	2.07	20.36	3.05	18.99	3.99		
Lot 5 of Plan 254.....	19.79	.59	22.99	2.07	20.36	3.05	18.99	3.99		
Lots 6 to 12 inclusive of Plan 254.....	127.22	3.82	18.74*		19.82*		73.21*		22.31*	
Lots 13 to 15 inclusive of Plan 254.....	40.59	1.22	47.03	4.22	40.72	6.10	37.98	7.98		
Block A of Plan 254.....	117.81	3.53	19.29*		17.35*		63.32*			
Lot 8, Concession 1, New Survey.....	511.41	15.34	512.23	46.10	524.76	78.71				
Lot 9, Concession 1, New Survey.....	373.51	11.21	374.13	33.67	382.72	57.41				

SCHEDULE A.—Continued

CORPORATION OF THE TOWNSHIP OF KING, ONTARIO
 SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
 HOLLAND MARSH DRAINAGE AREA
 (as at December 31st, 1938)

	1938		1937		1936		1935		1934 and prior	
	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Lands in the Township of King known as the Holland Marsh and lying between the Holland Marsh Drainage Canal and the boundary between the Township of King and the Township of West Gwillimbury.										
Lot 10, Concession 1, New Survey—North and West of Drainage Canal.....	193.04	5.79	179.68	16.17	154.29	24.15	113.75*		12.63*	
Lot 11, Concession 1, New Survey—That part of West half, North of Drainage Canal.....	82.72	2.48	77.00	6.93	66.12	9.91	48.74*		5.22*	
Lot 11, Concession 1, New Survey—That part of East half, North of Drainage Canal.....	53.52	1.61	65.60	5.90	9.58*		39.89*		4.31*	
Lot 12, Concession 1, New Survey—Westerly 19 chains 20 links of North half of Lot 12, North of Drainage Canal.....	35.48	1.06	41.89	3.77	37.21	5.58	20.42*		2.11*	
Lot 12, Concession 1, New Survey—All that part of Lot 12 North of Drainage Canal except Westerly 19 chains 20 links.....	22.07	.66	3.70*		3.82*		15.73*		1.58*	
Lot 13, Concession 1, New Survey.....	11.38	.34	13.29	1.20	1.67*		6.71*		.98*	
Concession 2—New Survey—										
Lot 7, Concession 2, New Survey.....	243.85	7.31	243.97	21.96	248.71	37.30				
Lot 8, Concession 2, New Survey.....	378.71	11.36	378.94	34.10	387.53	58.13				
Lot 9, Concession 2, New Survey.....	306.74	9.20	306.88	27.62	313.50	47.02				
Lot 10, Concession 2, New Survey.....	422.56	12.68	422.83	38.05	432.62	64.89				
Lot 11, Concession 2, New Survey.....	525.04	15.75	525.33	47.28	535.81	80.37				
Lot 12, Concession 2, New Survey—North half of Lot 12.....	178.53	5.36	210.91	18.98	22.64*		112.58*		11.35*	
Lot 12, Concession 2, New Survey—South half of Lot 12.....	178.52	5.36	210.91	18.98	30.43*		124.54*		12.18*	
Lot 13, Concession 2, New Survey.....	559.68	16.79	560.01	50.40	571.04	85.66				
Lot 14, Concession 2, New Survey—Part of Lot 14, being 14 chains 40 links on Easterly limit commencing at North-west angle.....	98.12	2.94	98.16	8.83	99.86	14.98				

Part of Lot 14, commencing 14 chains 40 links on Easterly limit Southerly from North-west angle; thence Southerly 10 chains 30 links by width of lot deep.....	48.16	1.44	52.95	4.77	7.31*	31.46*	2.98*
Southerly 25 acres of North half of Lot 14.....	48.16	1.44	51.86	4.67	6.95*	27.17*	2.81*
North half of South half of Lot 14.....	85.02	2.55	13.44*		13.91*	57.10*	5.57*
South half of South half of Lot 14.....			3.36*		3.30*	12.90*	1.33*
Concession 3—New Survey—							
Lot 11, Concession 3, New Survey.....	10.31	.31	10.30	.93	10.63	1.59	
Lot 12, Concession 3, New Survey.....	56.38	1.69	56.39	5.08	57.50	8.62	
Lot 13, Concession 3, New Survey.....	195.58	5.87	195.71	17.61	198.95	29.84	
Lot 14, Concession 3, New Survey.....	326.66	9.80	326.85	29.42	333.86	50.08	
Concession 3—Old Survey—							
Lot 5, Concession 3, Old Survey, west of Canal.....	5.97	.18	6.80	.61	.77*	3.03*	.31*
Lot 6, Concession 3, Old Survey, west of Canal.....	83.40	2.50	12.47*		12.23*	47.82*	4.95*
Lot 7, Concession 3, Old Survey— West half of Lot 7, North and West of Canal.....	267.44	8.02	267.57	24.08	273.04	40.96	
That part of East half of Lot 7, West of Canal.....			3.64*		3.63*		
Lot 8, Concession 3, Old Survey.....	451.96	13.56	452.17	40.69	463.10	23.16	1.48*
Lot 9, Concession 3, Old Survey— That part of Easterly 25 acres West of Canal.....			5.11*		5.25*	22.32*	2.03*
Lots 9 and 10, Concession 3, Old Survey except Easterly 25 acres of Lot 9; now sub-divided into Plans 245 and 251—							
Lot 1 of Plan 245.....	23.27	.70	25.86	2.33	3.12*	12.43*	
Lot 2 of Plan 245.....	23.27	.70	25.86	2.33	3.12*	12.43*	
Lot 3 of Plan 245.....	23.28	.70	2.78*		2.90*	12.16*	
Lot 4 of Plan 245.....	23.28	.70	25.86	2.33	2.73*	10.86*	
Lot 5 of Plan 245.....			2.80*		2.73*	10.86*	
Lot 6 of Plan 245.....	23.28	.70	20.38	1.50	2.73*	10.82*	
Lot 7 of Plan 245.....	11.67	.35	2.80*		2.73*	10.82*	
Lot 8 of Plan 245.....			2.78*		2.73*	10.82*	
Lot 9 of Plan 245.....			2.78*		2.73*	10.82*	

SCHEDULE A.—Continued

CORPORATION OF THE TOWNSHIP OF KING, ONTARIO
 SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
 HOLLAND MARSH DRAINAGE AREA
 (as at December 31st, 1938)

Lands in the Township of King known as the Holland Marsh and lying between the Holland Marsh Drainage Canal and the boundary between the Township of King and the Township of West Gwillimbury.

	1938		1937		1936		1935		1934 and prior	
	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Lot 10 of Plan 251.....	24.06	.72	27.91	2.51	23.15	3.47	11.86*			
Lot 11 of Plan 251.....	22.40	.67	25.86	2.33	21.38	3.21	10.82*			
Lot 12 of Plan 251.....	22.40	.67	25.86	2.33	21.38	3.21	10.82*			
Lot 13 of Plan 251.....	19.90	.60	22.88	2.06	18.84	2.83	9.15*			38.69*
Lot 14 of Plan 251.....	11.77	.35	13.64	1.23	11.32	1.70	5.68*			
Lot 15 of Plan 251.....	22.39	.67	25.86	2.33	21.38	3.21	10.82*			
Lot 16 of Plan 251.....	22.39	.67	25.86	2.33	21.38	3.21	10.82*			
Lot 17 of Plan 251.....	22.40	.67	25.86	2.33	21.38	3.21	10.82*			
Lot 18 of Plan 251.....	22.40	.67	25.86	2.33	21.38	3.21	10.82*			
Lot 19 of Plan 251.....	22.40	.67	25.86	2.33	21.38	3.21	10.82*			
Lot 20 of Plan 251.....	22.40	.67	25.86	2.33	21.38	3.21	10.82*			
Lot 21 of Plan 251.....	22.40	.67	25.86	2.33	21.38	3.21	10.82*			
Lot 22 of Plan 251.....	22.40	.67	25.86	2.33	21.38	3.21	10.82*			
Lot 23 of Plan 251.....			3.81*		4.48*					
Lots 24-34 inclusive of Plan 251.....	231.41	6.94	271.37	24.42	230.56	34.58	123.48*			
Lot 11, Con. 3, Old Survey—Sub-divided into Plan 250—										
Lot 1 of Plan 250.....					1.60*					
Lot 2 and North half of Lot H of Plan 250.....	25.57	.77	1.61*		1.61*					
Lot 3 and North half of Lot F of Plan 250.....			1.58*		1.67*					
Lot 4 and North half of Lot E of Plan 250.....			1.50*		1.45*					
Lot 5 and South half of Lot F of Plan 250.....			1.64*		27.77	4.17				
Lot 6 and North half of Lot C of Plan 250.....	25.57	.77	25.67	1.23	1.63*					
Lot 7 and North half of Lot G of Plan 250.....	25.57	.77	1.50*		1.63*					
Lot 8 and South half of Lot D of Plan 250.....	25.57	.77	28.71	.15	1.87*					

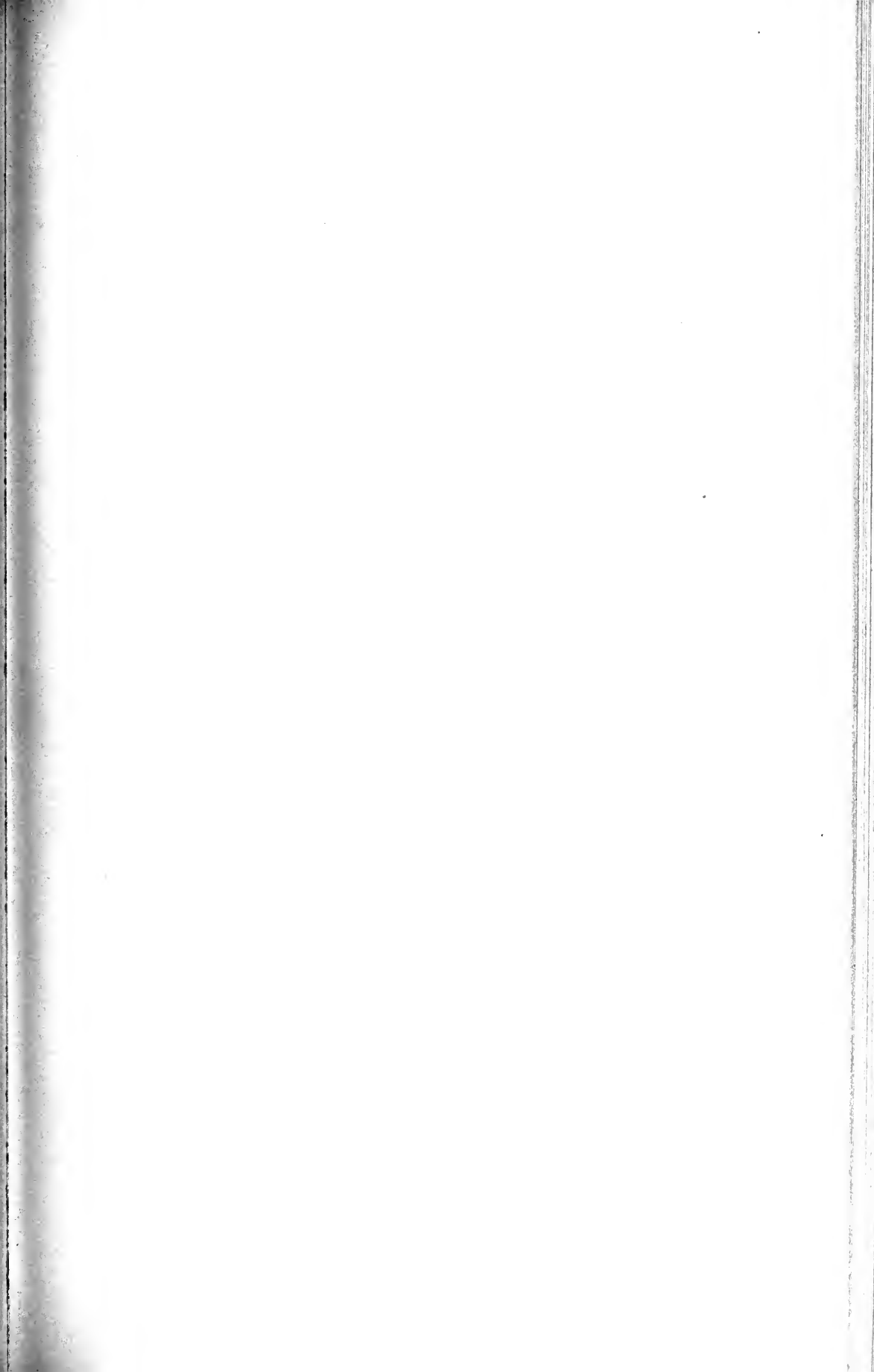
SCHEDULE A.—Continued
 CORPORATION OF THE TOWNSHIP OF KING, ONTARIO
 SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
 HOLLAND MARSH DRAINAGE AREA
 (as at December 31st, 1938)

Lands in the Township of King known as the Holland Marsh and lying between the Holland Marsh Drainage Canal and the boundary between the Township of King and the Township of West Gwillimbury.

	1938		1937		1936		1935		1934 and prior	
	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
West half of Lot 4 of Plan 244.....	12.94	.39	1.42*		1.39*		8.62	1.81		
Lot 5 of Plan 244.....			2.81*		3.10*		5.44*			
East half of Lot 6 of Plan 244.....			1.42*		10.77	1.62	17.28	3.63		
West half of Lot 6 of Plan 244.....			1.42*		1.39*		5.44*			
East half of Lot 7 of Plan 244.....			1.41*		1.39*		5.44*			
West half of Lot 7 of Plan 244.....			1.42*		1.39*		5.44*			
Lot 8 of Plan 244.....	19.12	.57	20.85	1.88	17.77	2.67	8.63*			
Lot 9 of Plan 244.....	14.70	.43	1.70*		1.82*		7.50*			
Lot 9A of Plan 244.....	16.46	.49	17.67	1.59	14.77	2.22	7.55*			
Lot 10 of Plan 244.....	24.62	.74	2.81*		3.01*		12.42*			
Lot 11 of Plan 244.....			2.81*		2.76*		10.85*			
Lot 12 of Plan 244.....			2.81*		2.83*		10.85*			
Lot 13 of Plan 244.....			2.81*		5.34*		11.34*			
East half of Lot 14 of Plan 244.....			1.42*		1.50*		5.44*			21.27*
West half of Lot 14 of Plan 244.....			1.42*		1.39*		5.44*			
South half of Lots 15 and 16 of Plan 244.....			2.81*		2.76*		10.85*			
North half of Lots 15 and 16 of Plan 244.....			4.25*		2.76*		10.90*			
South half of Lots 17 and 18 of Plan 244.....			2.81*		2.76*		10.98*			
North half of Lots 17 and 18 of Plan 244.....			2.81*		2.76*		10.85*			
Lot 19 of Plan 244.....			25.88	2.33	2.80*		10.80*			
Lot 16, Concession 3, Old Survey.....	97.93	2.94	98.02	8.82	137.73	20.66	15.86*			1.50*
Lot 17, Concession 3, Old Survey.....			3.70*		3.88*					
Concession 2—Old Survey—										
Lot 9, Concession 2, Old Survey.....			1.05*		1.01*		3.92*			.41*
Lot 10, Concession 2, Old Survey.....			8.32*		8.16*		31.92*			3.30*

Part of Lot 11, Concession 2, Old Survey North of the Southerly 956', West of Canal.....	31.70	.95	34.42	3.10	30.01	4.50	21.01	.11	.75*
Lot 11, Concession 2, Old Survey, Southerly 956' West of Canal.....	61.97	1.86	69.30	6.24	69.81	10.47	61.38	12.89	
Lot 12, Concession 2, Old Survey—									
Northerly 293'9" West of Canal.....	31.66	.95	4.57*		30.06	4.51	14.13*		
Southerly 299'4" of Northerly 593'1" West of Canal.....	31.66	.95	35.27	3.17	4.50*		14.02*		
Southerly 227'5" of Northerly 820'6" West of Canal.....	24.01	.72	26.64	2.40	3.32*		10.36*		35.67
Southerly 240'5" of Northerly 1,060'11" West of Canal.....	24.01	.72	26.65	2.40	22.30	3.34	12.52*		
Southerly 255'1" West of Canal.....	24.01	.72	26.64	2.40	22.29	3.34	12.47*		
Lot 13, Concession 2, Old Survey.....			19.55*		19.18*		77.52*		7.76*
Lot 14, Concession 2, Old Survey—									
Lots 2, 3 and 4 of Plan attached to Deed registered No. 20440.....	29.93	.90	2.75*		3.35*		25.50	5.36	
Part of Lot 14, Concession 2, Old Survey commencing on Westerly limit 455'7" North from South-west angle, thence North 113'5" by depth to Canal.....			8.95	.89	2.77*		5.62*		6.64*
Lot 14, Concession 2, Old Survey, except the two parcels described above.....			70.48	6.34	61.51	9.23	43.88*		
Lot 15, Concession 2, Old Survey—			2.64*		3.13*		10.42*		
Northerly 243'10" West of Canal.....									
122'3" on Westerly limit commencing 506'6" South from North-west angle, thence Southerly and West of Canal.....			3.48	.10	2.82*		12.98*		
119'5" on Westerly limit commencing 743'5" South from North-west angle, thence Southerly and West of Canal.....			1.52*		1.45*		5.70*		6.23*
All of Lot 15, Concession 2, Old Survey, except above described three parcels.....	30.56	.92	64.78	5.83	56.62	8.49	45.42*		
Lot 16, Concession 2, Old Survey—									
North half of West half of Lot 16, West of Canal.....	44.67	1.34	51.21	4.61	6.63*		26.96*		2.47*
All of Lot 16 except North half of West half.....			48.72	4.38	5.94*		21.14*		2.90*
Concession 2, Old Survey:									
Lot 17, Concession 2, Old Survey.....	41.78	1.28	58.17	5.24	11.94*		45.39*		49.81
Lot 18, Concession 2, Old Survey.....	35.80	1.07	34.70	3.10	7.12*		27.08*		20.33
Lot 19, Concession 2, Old Survey.....	5.56	.17	4.89	.44	.98*		3.87*		.30*

* Asterisk where shown after amounts indicates Credit Balance.



BILL

An Act respecting the Township
of King.

1st Reading

March 28th, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 25th, 1939

MR. BAKER

No. 14

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Trustee Board of The Presbyterian Church in
Canada.

MR. STRACHAN

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Trustee Board of The Presbyterian Church in Canada.

Preamble.

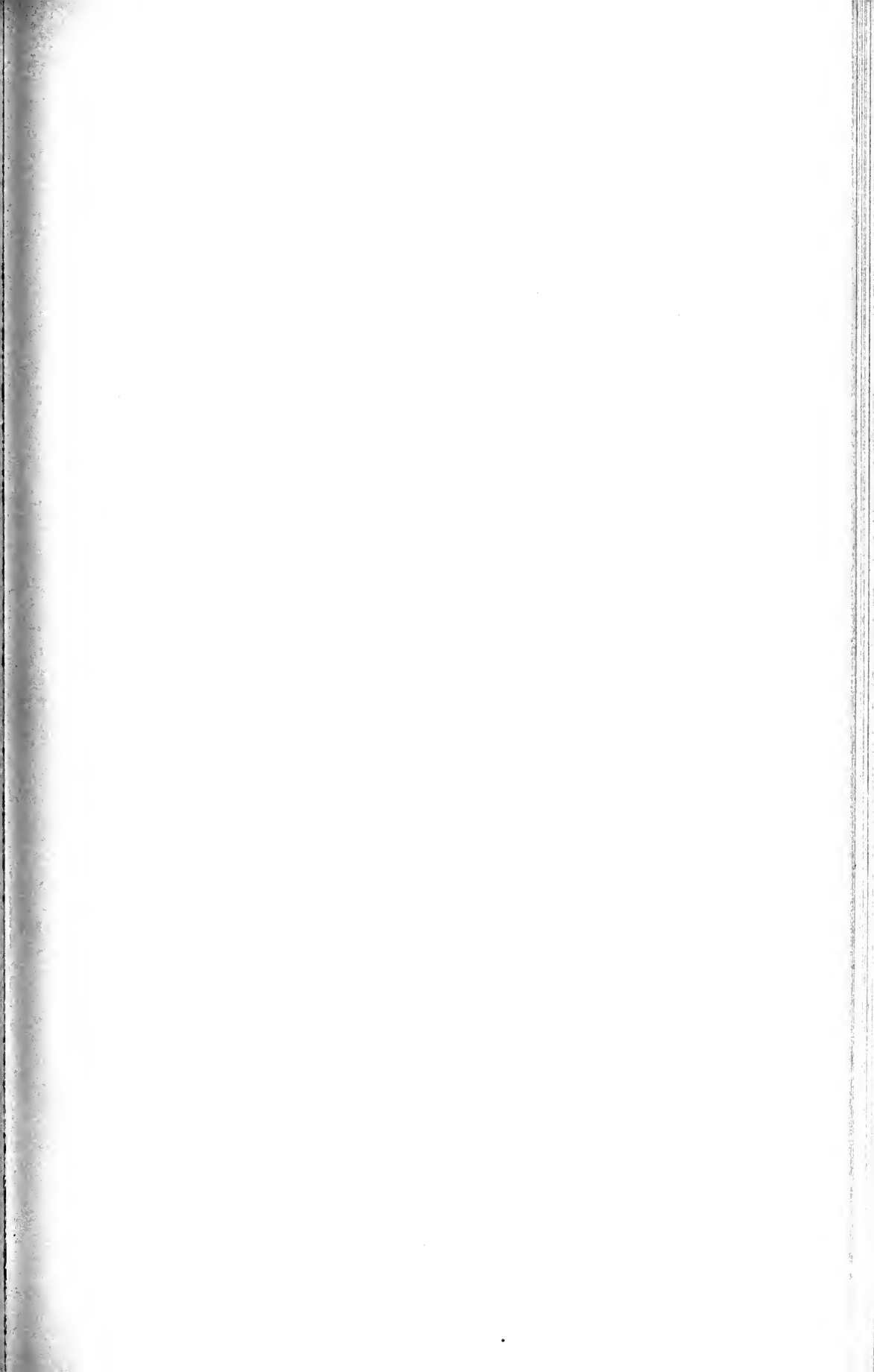
WHEREAS application is being made to the Parliament of Canada at the present session thereof for an Act intituled, *An Act respecting The United Church of Canada* to provide that The Presbyterian Church in Canada, as defined in section 1 of this Act, may use the name "The Presbyterian Church in Canada" but that such use shall be without prejudice to the rights or powers of The United Church of Canada as set forth in the said Act; and whereas application is also being made to the Parliament of Canada at the present session thereof for an Act intituled, *An Act to incorporate The Trustee Board of The Presbyterian Church in Canada* to provide that the said Board may acquire, take, hold and deal with real and personal property for and on behalf of The Presbyterian Church in Canada, as defined in section 1 of this Act; and whereas The Presbyterian Church in Canada as defined in section 1 of this Act has prayed that an Act may be passed respecting its property, rights and powers; 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:

Definition of
The Presby-
terian
Church in
Canada.

1925, c. 125.

1. The words "The Presbyterian Church in Canada" occurring in this Act subsequent to this section mean and include only the congregations, members and adherents of The Presbyterian Church in Canada who did not on the 10th day of June, 1925, become part of The United Church of Canada and those persons who have since that date joined or may hereafter join with them as members or adherents, and notwithstanding anything contained in *The United Church of Canada Act*, being Chapter 125 of the Statutes of Ontario, 1925, the said congregations, members, adherents and persons may use the name "The Presbyterian Church in Canada," but this shall not in any way prejudice or affect the rights or powers of The United Church of Canada or of any



constituent part thereof or of any corporation, board, committee or other body created by or under the government or control of or in connection with The United Church of Canada or of any congregation thereof.

Power to
acquire
property.

2. The Trustee Board of The Presbyterian Church in Canada hereinafter called "the Board," incorporated by the Parliament of Canada, shall at all times be entitled to purchase, lease, acquire, have, take, hold, receive and enjoy all or any property, real and personal, whatsoever in Ontario.

Property
vested in
Board.

3. Save as otherwise provided in this Act, all gifts, devises, deeds, conveyances, transfers or leases of any real property or of any interest therein and all gifts, bequests, assignments or transfers of any personal property or of any interest therein which have been or shall hereafter be made to or intended for, The Presbyterian Church in Canada or any of the trusts in connection with the said church, or any of the institutions, organizations, schemes or funds of the said church shall vest in the Board as fully and effectually as if any such gift, devise, deed, conveyance, transfer, lease, bequest or assignment had been made to the Board and shall be held and administered by the Board for the general benefit of the said church, unless intended for the specific benefit of any trust, institution, organization, scheme, or fund of the said church when the same shall be held and administered by the Board for such specific benefit, but nothing in this Act contained shall vest in the Board any real or personal property or any interest therein which the Board shall decide not to accept.

Property
vested in
Board
subject to
trusts.

4. All property real and personal, which shall be vested in or held by the Board for any general or special purposes or trusts of or in any way connected with The Presbyterian Church in Canada shall be held for the purposes and trusts, and with, under and subject to the same powers and provisions, as are in force or declared under any deed, instrument or statute affecting such property respectively.

Property
held by
trustees to
be trans-
ferred to
Board.

5. Save as otherwise provided in this Act, every person in whom any property, real or personal, or any interest therein, shall have become vested heretofore, or shall become vested from time to time hereafter, by statute, or by order of a commission, or by gift, devise, deed, conveyance, transfer, lease, bequest, or assignment, or in any other manner, upon trust for The Presbyterian Church in Canada, or any of the trusts in connection with the said church, or any of the institutions, organizations, schemes or funds of the said church shall upon the request of the Board and at the Board's expense forthwith assign, convey or otherwise transfer such property or interest therein to the Board, and shall sign and

execute all such deeds and instruments, and do all such acts, as may be necessary for that purpose.

Release of former trustees.

6. When any property, real or personal, or any interest therein, shall have been assigned, conveyed or otherwise transferred to the Board as aforesaid all rights, powers, and liabilities of the person or persons in whom the same was theretofore vested shall cease and determine and he or they shall thenceforth be wholly released and discharged from the performance of the trusts and the exercise of the rights, powers or duties, previously imposed upon or exercisable by him or them: Provided that nothing herein shall be deemed to prevent any such person from being called on to account for any moneys received or expended, or for the doing or non-performance of any act, matter, or thing in relation to the trust, prior to the assignment, conveyance or transfer of such property as aforesaid.

Board to have power to enforce existing contracts.

7. All contracts of every kind in existence at the date of the incorporation of the Board, and which could be enforced by or against the trustees of any property affected by the operation of this Act, or any committee or other persons or body in whom any such property may have been vested at the date aforesaid, and all rights, remedies, and powers in existence or which may afterwards exist or arise upon or in respect of any such contract or in relation thereto, shall be exercised and enforced only by or against the Board.

Income from funds held by Board.

8. The Board shall at all times on the request of the General Assembly of The Presbyterian Church in Canada, or on the request of the Board of Administration of The Presbyterian Church in Canada, or other board or committee which may from time to time be charged with the management of the trusts, institutions, organizations, schemes and funds, respectively, of The Presbyterian Church in Canada, pay the rents, income or produce of any real property or interests therein, and of any personal property, or interests therein, to the treasurer of The Presbyterian Church in Canada for the benefit of the said trusts, institutions, organizations, schemes, and funds respectively, and shall also at the like request sell and convert into money the real property, or interests therein, and the personal property, or interests therein, subject to the trusts on which the same may be held, and shall pay the proceeds of the said sales to the said treasurer for the benefit of the said trusts, institutions, organizations, schemes, and funds respectively: Provided, and it is hereby expressly declared, that no purchaser from the Board shall be bound to see that the said request shall have been made, or to inquire as to the application of the said purchase money, or the regularity of the appointment or proceedings of the



Board; and the execution of any grant, deed, conveyance, transfer, lease, assignment, release, discharge, or other instrument, shall be deemed sufficient and conclusive when executed as hereinafter set forth.

Property conveyed to Board for congregations to be formed.

9. All purchases, gifts, devises, deeds, conveyances, transfers or leases of lands which may be made for or to The Presbyterian Church in Canada as a site for a church, manse, school, or cemetery, for the use of a congregation not then organized, shall vest in the Board in trust to convey the same to the trustees of such congregation when it shall have been organized under the sanction of the presbytery within the bounds of which it is situate, or in default of such organization in trust to sell the same and pay the proceeds of such sale to the treasurer of The Presbyterian Church in Canada, for such trusts, institutions, organizations, schemes or funds thereof as may be determined from time to time by the General Assembly of the said Church.

Property of congregations ceasing to exist.

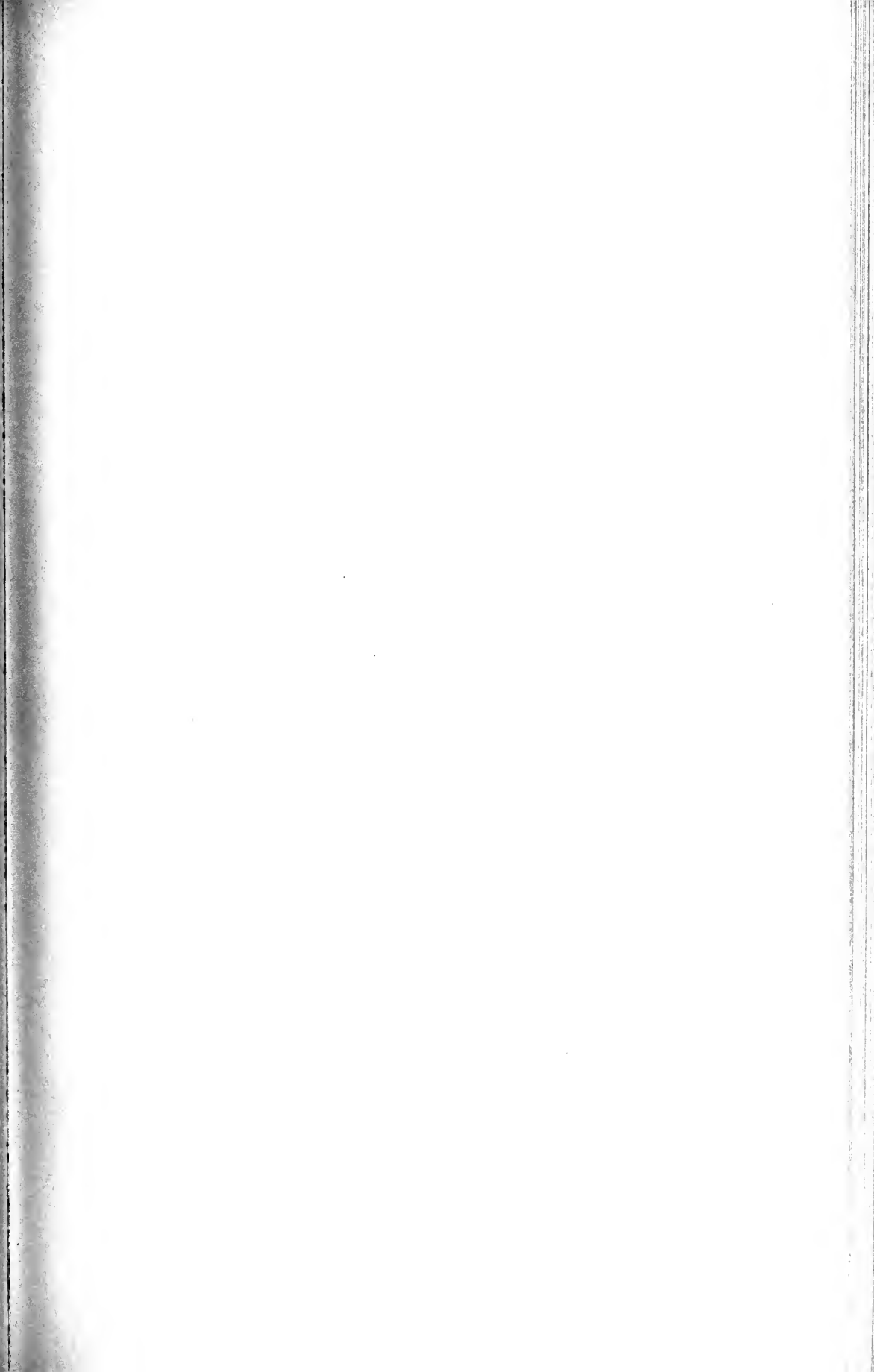
10. All lands and premises and personal property and assets which have been, or shall hereafter at any time, be held by any trustee or trustees for any congregation of The Presbyterian Church in Canada which shall have ceased to exist shall vest in the Board upon trust to sell, get in and realize the same and to pay the proceeds to the treasurer of The Presbyterian Church in Canada for such trusts, institutions, organizations, schemes or funds thereof as may be determined from time to time by the General Assembly of the said church.

Act not to apply to certain trusts.

11. Except as provided by sections 9 and 10 nothing in this Act contained shall affect or apply to the trustees of, or the trust property under, or the administration of, any trusts upon which any property, real or personal, or any interest therein, is now held for the benefit of, or in connection with, any congregation of The Presbyterian Church in Canada under any statute, instrument, will, trust deed or otherwise, or held by such trustees upon any congregational trusts whatsoever, and nothing in this Act contained shall affect or apply to any gift, devise, deed, conveyance, transfer or lease of any real property or any interest therein or any gift, bequest, assignment or transfer of personal property or any interest therein which shall hereafter be made to or intended for the benefit of any congregation of The Presbyterian Church in Canada.

Incidental powers of Board.

12. In addition to and without in any way limiting the powers exercisable by the Board under this Act or under any other law or statute applicable to it, it is hereby declared that the Board shall possess and may exercise from time to time the following incidental and ancillary powers:—



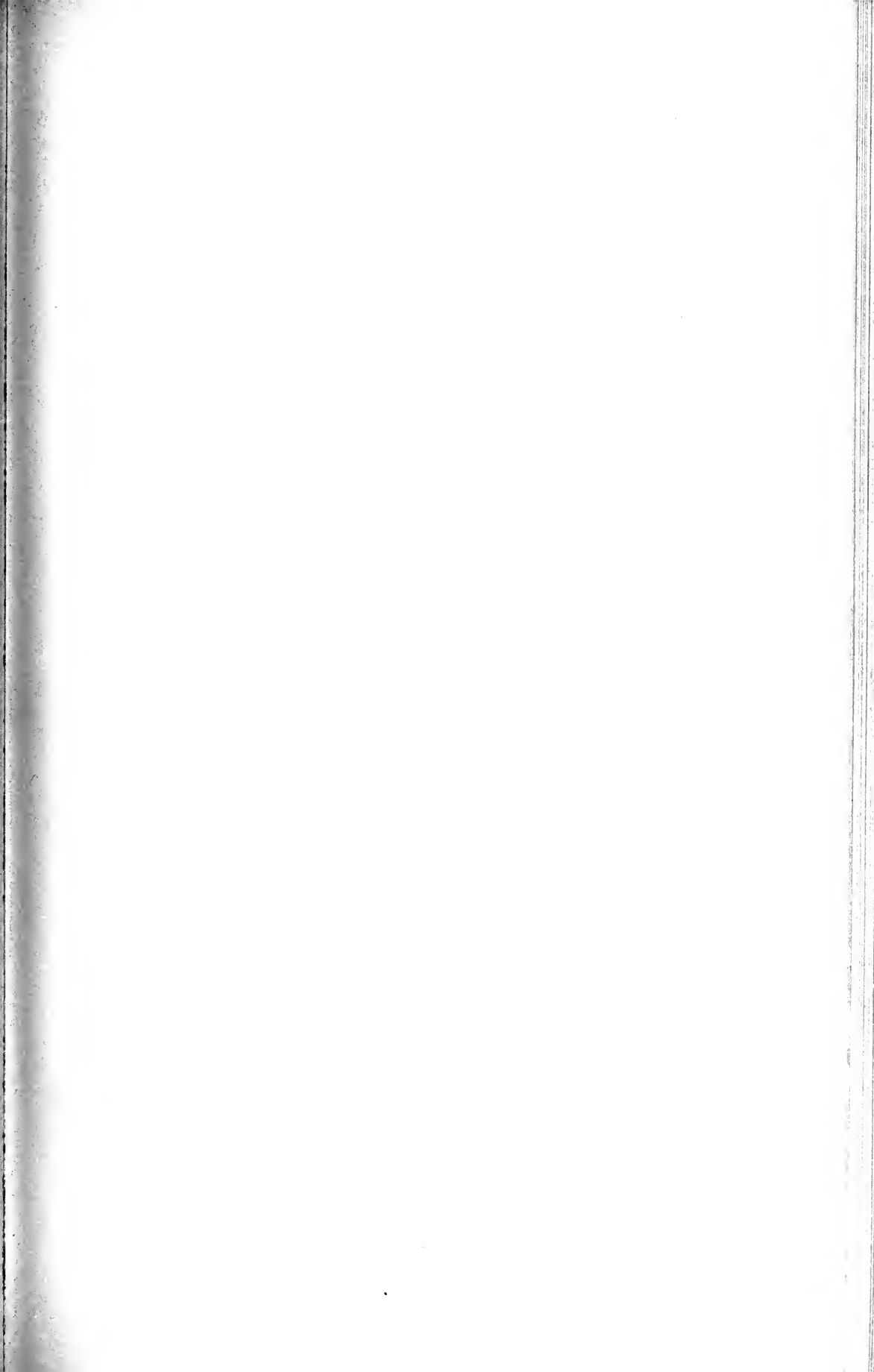
- Investments. (a) Power to invest and reinvest or lend moneys in or upon any securities real or personal in which a life insurance company carrying on business in Canada may from time to time invest or lend moneys, and the Board shall have all such rights and remedies for the collection and enforcement or repayment of an investment or loan as any individual would have;
- Borrowing. (b) Power to borrow money for its purposes upon its credit and to mortgage, hypothecate or pledge any property, real or personal, vested in or held by it as security for any loan;
- Negotiable instruments. (c) Power to make, accept, draw, endorse, and execute, bills of exchange, promissory notes, orders for the payment of money, and other negotiable instruments;
- Annuities. (d) Power to receive and hold for the benefit of The Presbyterian Church in Canada, or any of the trusts in connection with the said church, or any of the institutions, or organizations, schemes, or funds, of the said church, sums of money in consideration of the payment, during the life of the donor or during any other period, of interest thereon at such rate as may from time to time be agreed upon, or in consideration of the payment of an annuity or annuities to any person or persons in respect thereof. But this power shall not authorize the Board to engage in the business of insurance.

No personal liability on members of Board. **13.** No personal liability shall attach to any of the members of the Board for the failure of any investment or security which may be made or taken by the Board as authorized by this Act.

Execution of documents under seal. **14.** All grants, conveyances, deeds, transfers, leases, assignments, releases, discharges, and other instruments, shall be made and executed by the Board under its corporate seal, attested by the signatures of any two members of the Board, and when so made and executed shall be sufficient and conclusive.

Vacancies on Board. **15.—(1)** If any member of the Board shall die, or resign his office, or refuse or neglect to act, or shall cease to reside in Canada for more than twelve months in succession, or shall become mentally incompetent, he shall be deemed to have vacated his office as a member of the Board.

Filling vacancies on Board. (2) In the case of a vacancy or vacancies occurring in the membership of the Board at any time the Board of Administration of The Presbyterian Church in Canada or the Executive



Committee thereof may fill any or all of such vacancies and the person or persons so appointed shall hold office until the next meeting of the General Assembly of The Presbyterian Church in Canada and until their successors are appointed. At its next meeting the General Assembly of the said church shall appoint members to fill such vacancies and the members temporarily appointed by the Board of Administration or the Executive Committee thereof shall be eligible for appointment by the said General Assembly.

Power of
General
Assembly
to remove
members of
Board.

16. The General Assembly of The Presbyterian Church in Canada may also at any time, by resolution passed by such Assembly, remove any member of the Board from office, without having or alleging any cause for such removal, and may appoint some person as a member of the Board in his place and stead.

Reports to
General
Assembly.

17. The Board shall present to the General Assembly of The Presbyterian Church in Canada at each meeting thereof a report in which shall be set forth fully the various moneys, securities, and property, real and personal, which shall have come into its hands since its last preceding report, and the moneys, securities, and property still held by it, and in which shall also be set forth fully the disposition made by the Board since its last preceding report of any moneys, securities, and property, and the income thereof.

Power of
General
Assembly,
etc., to make
regulations,
etc.

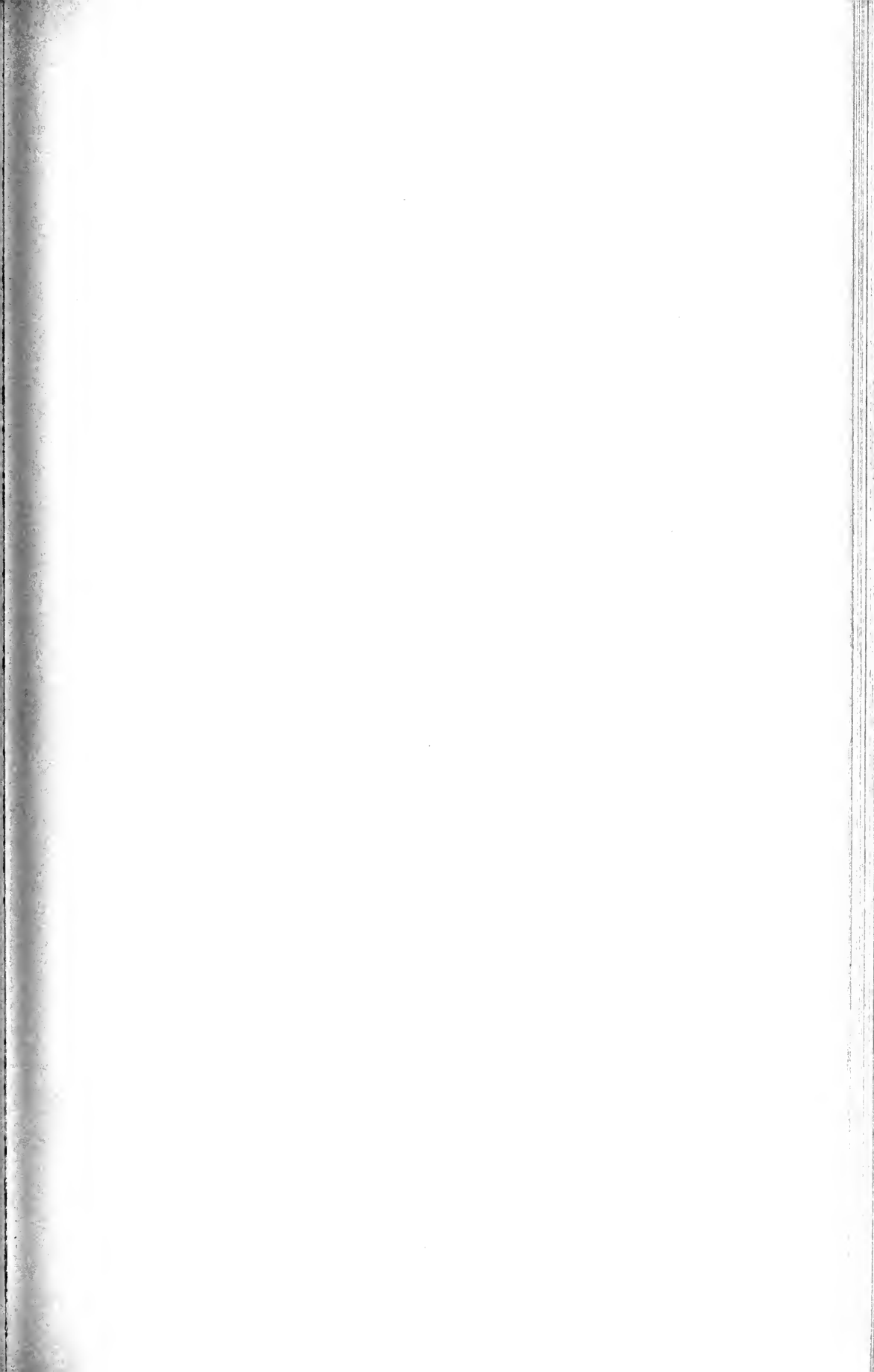
18. The General Assembly of The Presbyterian Church in Canada may from time to time make, amend and repeal by-laws, resolutions, rules and regulations for the government and control of the Board, and may from time to time delegate to the Board of Administration of The Presbyterian Church in Canada, or to the Executive Committee thereof, or to any specially appointed committee thereof, all or any part of its powers as to, and jurisdiction over, the Board. Until the said General Assembly makes by-laws, resolutions, rules or regulations for the government and control of the Board, the Board shall be subject to the government and control of the said Board of Administration.

Copies of
documents
to be
evidence.

19. All copies of any by-laws, resolutions, rules or regulations, or any amendments or alterations thereto purporting to be made under the provisions of this Act, purporting to be under the seal of the Board, and to be signed by any two members of the Board, shall be *prima facie* evidence in all courts of the contents thereof without proof of the authenticity of such seal or signatures.

Statutes of
Mortmain
not to apply.

20. The powers conferred on the Board by this Act to purchase, lease, acquire, have, take, hold, receive and enjoy all or any property, real and personal, whatsoever in Ontario



shall not be limited or affected by the provisions of any statute respecting Mortmain in force in Ontario.

Commen-
cement of Act.

21. This Act shall come into force on the day upon which the Act referred to in the preamble hereof, namely, *An Act respecting the United Church of Canada*, is proclaimed in force, or on the day upon which the Act referred to in the preamble hereof, namely, *An Act to incorporate the Trustee Board of the Presbyterian Church in Canada*, is proclaimed in force, whichever shall be later.

BILL

An Act respecting the Trustee Board of
The Presbyterian Church in Canada.

1st Reading

2nd Reading

3rd Reading

MR. STRACHAN

(Private Bill)

No. 14

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Trustee Board of The Presbyterian Church in
Canada.

MR. STRACHAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Trustee Board of The Presbyterian Church in Canada.

Preamble.

WHEREAS application is being made to the Parliament of Canada at the present session thereof for an Act intituled, *An Act respecting The United Church of Canada* to provide that The Presbyterian Church in Canada, as defined in section 1 of this Act, may use the name "The Presbyterian Church in Canada" but that such use shall be without prejudice to the rights or powers of The United Church of Canada as set forth in the said Act; and whereas application is also being made to the Parliament of Canada at the present session thereof for an Act intituled, *An Act to incorporate The Trustee Board of The Prebyterian Church in Canada* to provide that the said Board may acquire, take, hold and deal with real and personal property for and on behalf of The Presbyterian Church in Canada, as defined in section 1 of this Act; and whereas The Presbyterian Church in Canada as defined in section 1 of this Act has prayed that an Act may be passed respecting its property, rights and powers; 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:

Definition of
The Presby-
terian
Church in
Canada.

1925, c. 125.

1. The words "The Presbyterian Church in Canada" occurring in this Act subsequent to this section mean and include only the congregations, members and adherents of The Presbyterian Church in Canada who did not on the 10th day of June, 1925, become part of The United Church of Canada and those persons who have since that date joined or may hereafter join with them as members or adherents, and notwithstanding anything contained in *The United Church of Canada Act*, being Chapter 125 of the Statutes of Ontario, 1925, the said congregations, members, adherents and persons may use the name "The Presbyterian Church in Canada," but this shall not in any way prejudice or affect the rights or powers of The United Church of Canada or of any

constituent part thereof or of any corporation, board, committee or other body created by or under the government or control of or in connection with The United Church of Canada or of any congregation thereof.

2. The Trustee Board of The Presbyterian Church in Canada hereinafter called "the Board," incorporated by the Parliament of Canada, shall at all times be entitled to purchase, lease, acquire, have, take, hold, receive and enjoy all or any property, real and personal, whatsoever in Ontario.

Power to
acquire
property.

3. Save as otherwise provided in this Act, all gifts, devises, deeds, conveyances, transfers or leases of any real property or of any interest therein and all gifts, bequests, assignments or transfers of any personal property or of any interest therein which have been or shall hereafter be made to or intended for, The Presbyterian Church in Canada or any of the trusts in connection with the said church, or any of the institutions, organizations, schemes or funds of the said church shall vest in the Board as fully and effectually as if any such gift, devise, deed, conveyance, transfer, lease, bequest or assignment had been made to the Board and shall be held and administered by the Board for the general benefit of the said church, unless intended for the specific benefit of any trust, institution, organization, scheme, or fund of the said church when the same shall be held and administered by the Board for such specific benefit, but nothing in this Act contained shall vest in the Board any real or personal property or any interest therein which the Board shall decide not to accept.

Property
vested in
Board.

4. All property real and personal, which shall be vested in or held by the Board for any general or special purposes or trusts of or in any way connected with The Presbyterian Church in Canada shall be held for the purposes and trusts, and with, under and subject to the same powers and provisions, as are in force or declared under any deed, instrument or statute affecting such property respectively.

Property
vested in
Board
subject to
trusts.

5. Save as otherwise provided in this Act, every person whom any property, real or personal, or any interest therein, shall have become vested heretofore, or shall become vested from time to time hereafter, by statute, or by order of a commission, or by gift, devise, deed, conveyance, transfer, lease, bequest, or assignment, or in any other manner, upon trust for The Presbyterian Church in Canada, or any of the trusts in connection with the said church, or any of the institutions, organizations, schemes or funds of the said church shall upon the request of the Board and at the Board's expense forthwith assign, convey or otherwise transfer such property or interest therein to the Board, and shall sign and

Property
held by
trustees to
be trans-
ferred to
Board.

execute all such deeds and instruments, and do all such acts, as may be necessary for that purpose.

Release of former trustees.

6. When any property, real or personal, or any interest therein, shall have been assigned, conveyed or otherwise transferred to the Board as aforesaid all rights, powers, and liabilities of the person or persons in whom the same was theretofore vested shall cease and determine and he or they shall thenceforth be wholly released and discharged from the performance of the trusts and the exercise of the rights, powers or duties, previously imposed upon or exercisable by him or them: Provided that nothing herein shall be deemed to prevent any such person from being called on to account for any moneys received or expended, or for the doing or non-performance of any act, matter, or thing in relation to the trust, prior to the assignment, conveyance or transfer of such property as aforesaid.

Board to have power to enforce existing contracts.

7. All contracts of every kind in existence at the date of the incorporation of the Board, and which could be enforced by or against the trustees of any property affected by the operation of this Act, or any committee or other persons or body in whom any such property may have been vested at the date aforesaid, and all rights, remedies, and powers in existence or which may afterwards exist or arise upon or in respect of any such contract or in relation thereto, shall be exercised and enforced only by or against the Board.

Income from funds held by Board.

8. The Board shall at all times on the request of the General Assembly of The Presbyterian Church in Canada, or on the request of the Board of Administration of The Presbyterian Church in Canada, or other board or committee which may from time to time be charged with the management of the trusts, institutions, organizations, schemes and funds, respectively, of The Presbyterian Church in Canada, pay the rents, income or produce of any real property or interests therein, and of any personal property, or interests therein, to the treasurer of The Presbyterian Church in Canada for the benefit of the said trusts, institutions, organizations, schemes, and funds respectively, and shall also at the like request sell and convert into money the real property, or interests therein, and the personal property, or interests therein, subject to the trusts on which the same may be held, and shall pay the proceeds of the said sales to the said treasurer for the benefit of the said trusts, institutions, organizations, schemes, and funds respectively: Provided, and it is hereby expressly declared, that no purchaser from the Board shall be bound to see that the said request shall have been made, or to inquire as to the application of the said purchase money, or the regularity of the appointment or proceedings of the

Board; and the execution of any grant, deed, conveyance, transfer, lease, assignment, release, discharge, or other instrument, shall be deemed sufficient and conclusive when executed as hereinafter set forth.

9. All purchases, gifts, devises, deeds, conveyances, transfers or leases of lands which may be made for or to The Presbyterian Church in Canada as a site for a church, manse, school, or cemetery, for the use of a congregation not then organized, shall vest in the Board in trust to convey the same to the trustees of such congregation when it shall have been organized under the sanction of the presbytery within the bounds of which it is situate, or in default of such organization in trust to sell the same and pay the proceeds of such sale to the treasurer of The Presbyterian Church in Canada, for such trusts, institutions, organizations, schemes or funds thereof as may be determined from time to time by the General Assembly of the said Church.

Property conveyed to Board for congregations to be formed.

10. All lands and premises and personal property and assets which have been, or shall hereafter at any time, be held by any trustee or trustees for any congregation of The Presbyterian Church in Canada which shall have ceased to exist shall vest in the Board upon trust to sell, get in and realize the same and to pay the proceeds to the treasurer of The Presbyterian Church in Canada for such trusts, institutions, organizations, schemes or funds thereof as may be determined from time to time by the General Assembly of the said church.

Property of congregations ceasing to exist.

11. Except as provided by sections 9 and 10 nothing in this Act contained shall affect or apply to the trustees of, or the trust property under, or the administration of, any trusts upon which any property, real or personal, or any interest therein, is now held for the benefit of, or in connection with, any congregation of The Presbyterian Church in Canada under any statute, instrument, will, trust deed or otherwise, or held by such trustees upon any congregational trusts whatsoever, and nothing in this Act contained shall affect or apply to any gift, devise, deed, conveyance, transfer or lease of any real property or any interest therein or any gift, bequest, assignment or transfer of personal property or any interest therein which shall hereafter be made to or intended for the benefit of any congregation of The Presbyterian Church in Canada.

Act not to apply to certain trusts.

12. In addition to and without in any way limiting the powers exercisable by the Board under this Act or under any other law or statute applicable to it, it is hereby declared that the Board shall possess and may exercise from time to time the following incidental and ancillary powers:—

Incidental powers of Board.

- Investments. (a) Power to invest and reinvest or lend moneys in or upon any securities real or personal in which a life insurance company carrying on business in Canada may from time to time invest or lend moneys, and the Board shall have all such rights and remedies for the collection and enforcement or repayment of an investment or loan as any individual would have;
- Borrowing. (b) Power to borrow money for its purposes upon its credit and to mortgage, hypothecate or pledge any property, real or personal, vested in or held by it as security for any loan;
- Negotiable instruments. (c) Power to make, accept, draw, endorse, and execute, bills of exchange, promissory notes, orders for the payment of money, and other negotiable instruments;
- Annuities. (d) Power to receive and hold for the benefit of The Presbyterian Church in Canada, or any of the trusts in connection with the said church, or any of the institutions, or organizations, schemes, or funds, of the said church, sums of money in consideration of the payment, during the life of the donor or during any other period, of interest thereon at such rate as may from time to time be agreed upon, or in consideration of the payment of an annuity or annuities to any person or persons in respect thereof. But this power shall not authorize the Board to engage in the business of insurance.

No personal liability on members of Board.

13. No personal liability shall attach to any of the members of the Board for the failure of any investment or security which may be made or taken by the Board as authorized by this Act.

Execution of documents under seal.

14. All grants, conveyances, deeds, transfers, leases, assignments, releases, discharges, and other instruments, shall be made and executed by the Board under its corporate seal, attested by the signatures of any two members of the Board, and when so made and executed shall be sufficient and conclusive.

Vacancies on Board.

15.—(1) If any member of the Board shall die, or resign his office, or refuse or neglect to act, or shall cease to reside in Canada for more than twelve months in succession, or shall become mentally incompetent, he shall be deemed to have vacated his office as a member of the Board.

Filling vacancies on Board.

(2) In the case of a vacancy or vacancies occurring in the membership of the Board at any time the Board of Administration of The Presbyterian Church in Canada or the Executive

Committee thereof may fill any or all of such vacancies and the person or persons so appointed shall hold office until the next meeting of the General Assembly of The Presbyterian Church in Canada and until their successors are appointed. At its next meeting the General Assembly of the said church shall appoint members to fill such vacancies and the members temporarily appointed by the Board of Administration or the Executive Committee thereof shall be eligible for appointment by the said General Assembly.

16. The General Assembly of The Presbyterian Church in Canada may also at any time, by resolution passed by such Assembly, remove any member of the Board from office, without having or alleging any cause for such removal, and may appoint some person as a member of the Board in his place and stead.

Power of General Assembly to remove members of Board.

17. The Board shall present to the General Assembly of The Presbyterian Church in Canada at each meeting thereof a report in which shall be set forth fully the various moneys, securities, and property, real and personal, which shall have come into its hands since its last preceding report, and the moneys, securities, and property still held by it, and in which shall also be set forth fully the disposition made by the Board since its last preceding report of any moneys, securities, and property, and the income thereof.

Reports to General Assembly.

18. The General Assembly of The Presbyterian Church in Canada may from time to time make, amend and repeal by-laws, resolutions, rules and regulations for the government and control of the Board, and may from time to time delegate to the Board of Administration of The Presbyterian Church in Canada, or to the Executive Committee thereof, or to any specially appointed committee thereof, all or any part of its powers as to, and jurisdiction over, the Board. Until the said General Assembly makes by-laws, resolutions, rules or regulations for the government and control of the Board, the Board shall be subject to the government and control of the said Board of Administration.

Power of General Assembly, etc., to make regulations, etc.

19. All copies of any by-laws, resolutions, rules or regulations, or any amendments or alterations thereto purporting to be made under the provisions of this Act, purporting to be under the seal of the Board, and to be signed by any two members of the Board, shall be *prima facie* evidence in all courts of the contents thereof without proof of the authenticity of such seal or signatures.

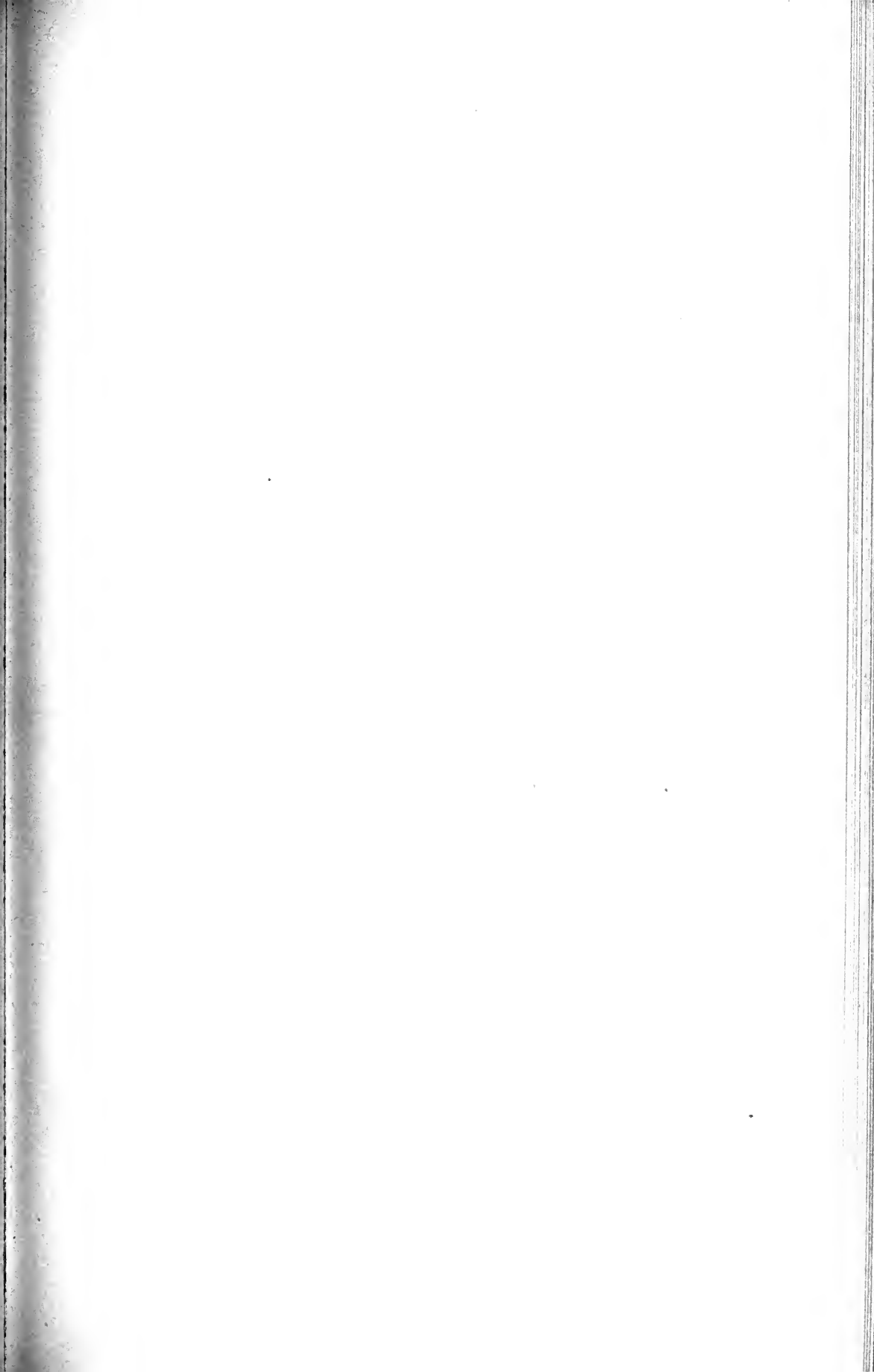
Copies of documents to be evidence.

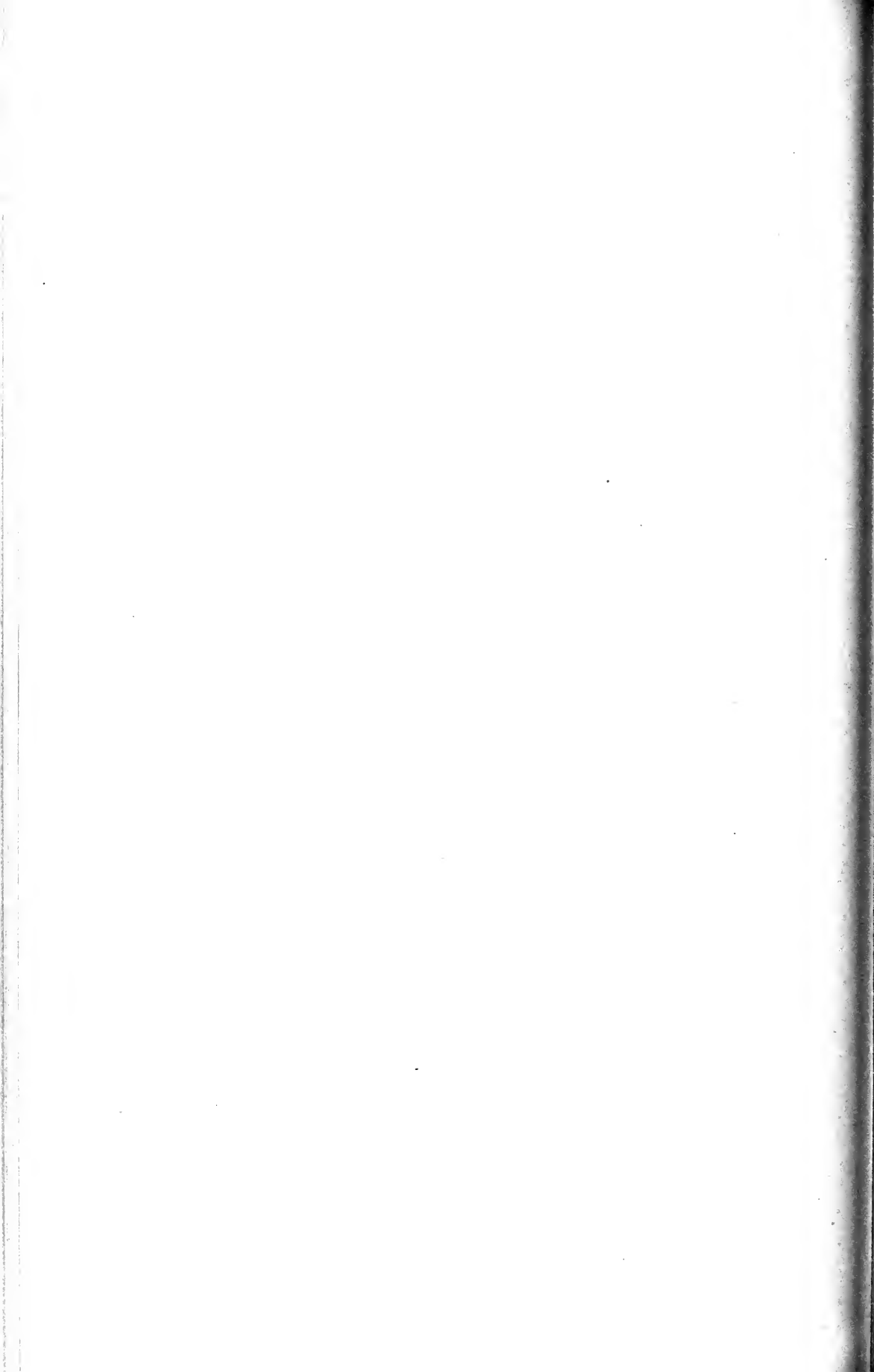
20. The powers conferred on the Board by this Act to purchase, lease, acquire, have, take, hold, receive and enjoy all or any property, real and personal, whatsoever in Ontario

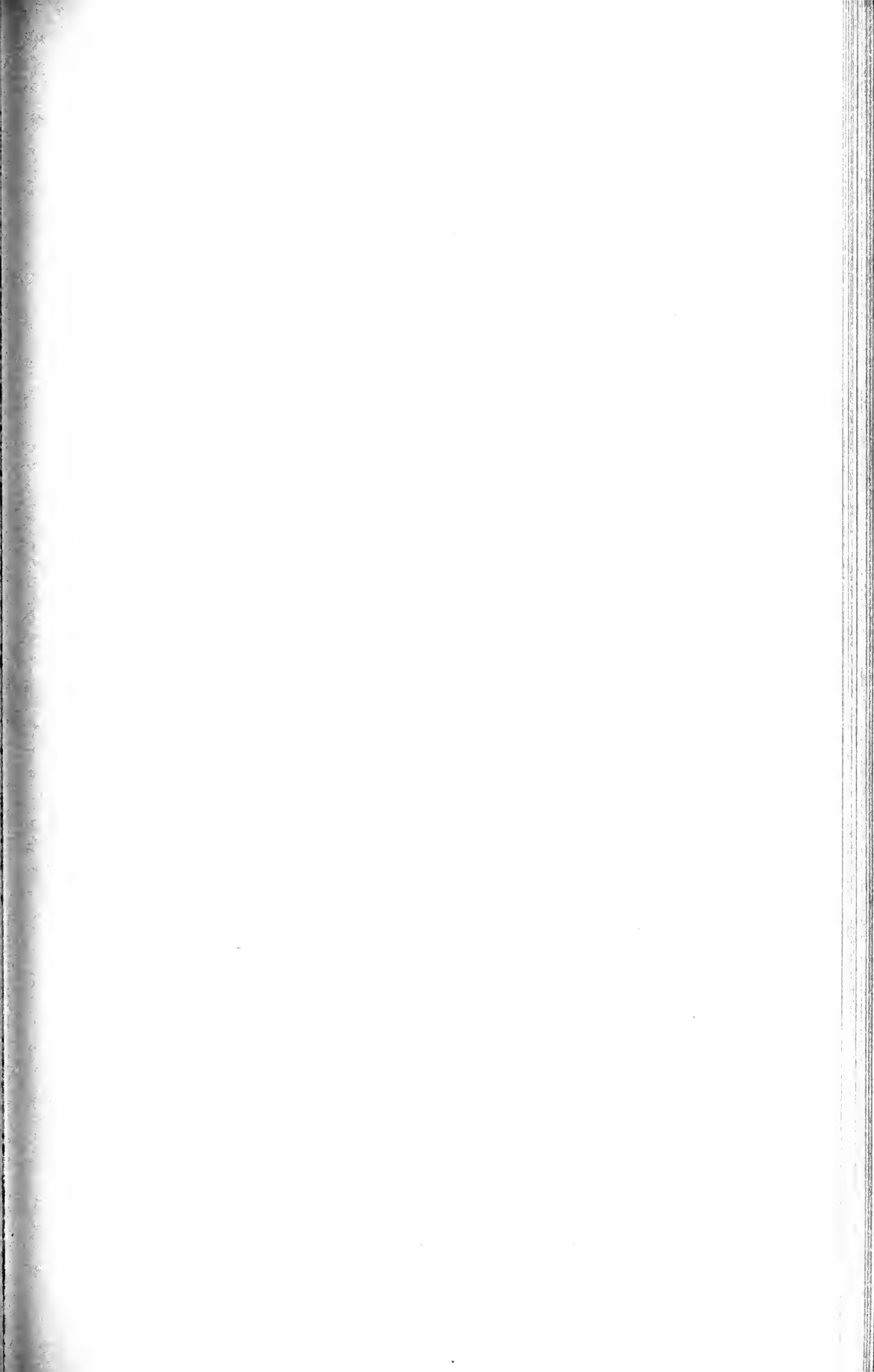
Statutes of Mortmain not to apply.

shall not be limited or affected by the provisions of any statute respecting Mortmain in force in Ontario.

Commence-
ment of Act. **21.** This Act shall come into force on the day upon which it receives the Royal Assent.







An Act respecting the Trustee Board of
The Presbyterian Church in Canada.

1st Reading

March 28th, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 25th, 1939

MR. STRACHAN

No. 15

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Town of Trout Creek.

MR. ARMSTRONG

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Town of Trout Creek.

Preamble.

WHEREAS the corporation of the town of Trout Creek has by its petition prayed for special legislation to enable it to obtain electric power from The Hydro-Electric Power Commission of Ontario under Part IV of *The Power Commission Act* providing for the distribution of power in rural power districts; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat.,
c. 62.

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

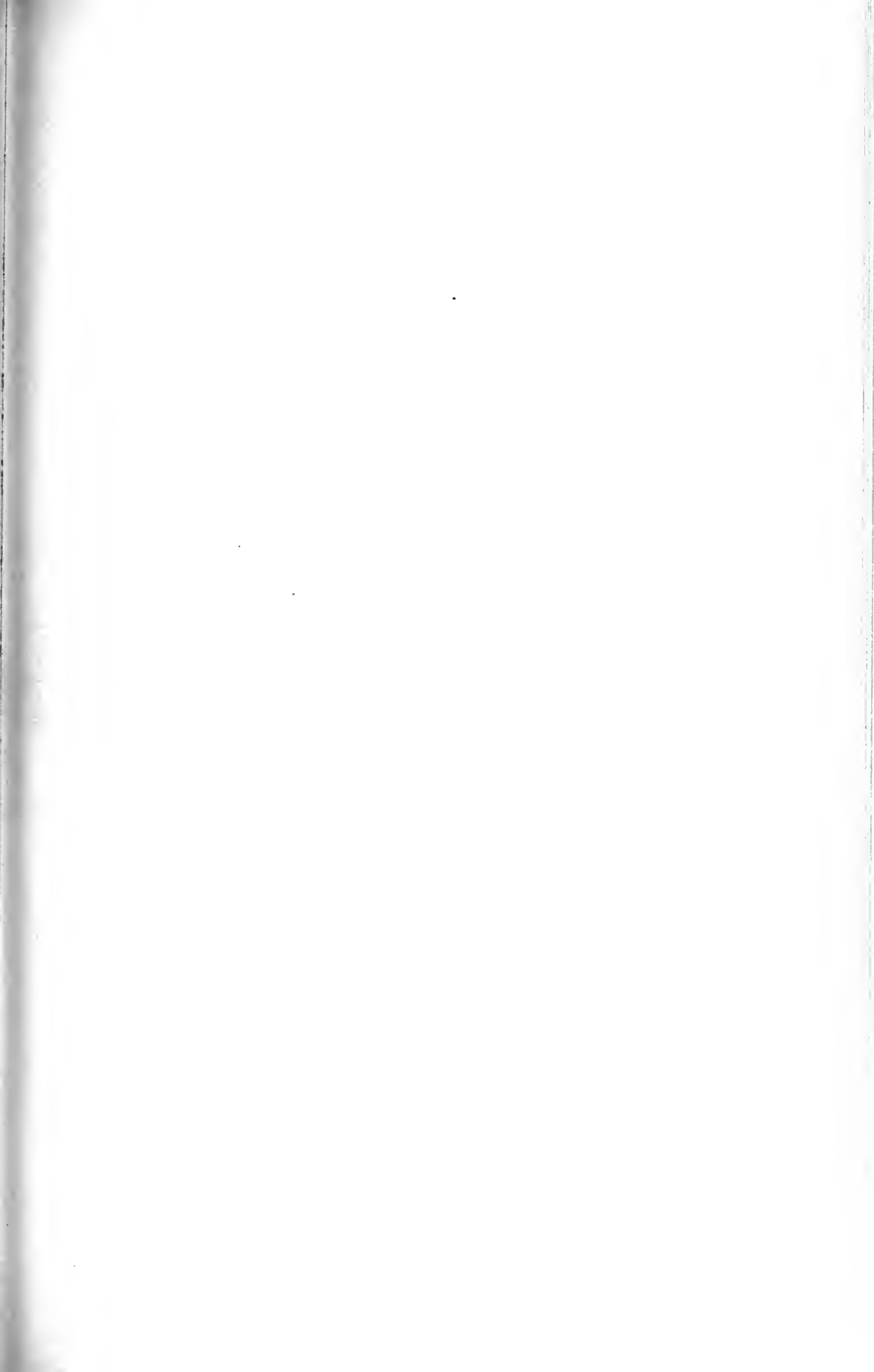
Trout Creek
town deemed
township for
rural power.

Rev. Stat.,
c. 62.

1. For the purposes of *The Power Commission Act* the municipality of the town of Trout Creek shall be deemed a township and Part IV of *The Power Commission Act* shall apply accordingly.

Short title.

2. This Act may be cited as *The Town of Trout Creek Act, 1939*.



An Act respecting the Town of
Trout Creek

1st Reading

2nd Reading

3rd Reading

MR. ARMSTRONG

(Private Bill)

No. 15

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Town of Trout Creek.

MR. ARMSTRONG

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Town of Trout Creek.

Preamble.

WHEREAS the corporation of the town of Trout Creek has by its petition prayed for special legislation to enable it to obtain electric power from The Hydro-Electric Power Commission of Ontario under Part IV of *The Power Commission Act* providing for the distribution of power in rural power districts; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat.,
c. 62.

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

Trout Creek
town deemed
township for
rural power.

Rev. Stat.,
c. 62.

1. For the purposes of *The Power Commission Act* the municipality of the town of Trout Creek shall be deemed a township and Part IV of *The Power Commission Act* shall apply accordingly.

Short title.

2. This Act may be cited as *The Town of Trout Creek Act, 1939*.



BILL
An Act respecting the Town of
Trout Creek

1st Reading

March 22nd, 1939

2nd Reading

April 3rd, 1939

3rd Reading

April 6th, 1939

MR. ARMSTRONG

No. 16

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Township of Sandwich West.

MR. TROTTIER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Sandwich West.

Preamble.

WHEREAS the corporation of the township of Sandwich West has prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

By-law
Number
1095
confirmed.

1.—(1) By-law number 1095 passed by the council of the said corporation on the 12th day of April, 1937, regulating the use of land and the erection, alteration, removal or use of buildings within defined areas of the said township, is hereby ratified and confirmed and declared to be legal, valid and binding.

(2) Notwithstanding such confirmation, the council of the said corporation by a vote of two-thirds of all the members thereof may, with the approval of the Ontario Municipal Board, repeal, amend or vary the said by-law number 1095.

Application
of Rev.
Stat., c. 266,
ss. 407, 414.

2. For the purposes of sections 407 and 414 of *The Municipal Act*, the said corporation shall be deemed a city.

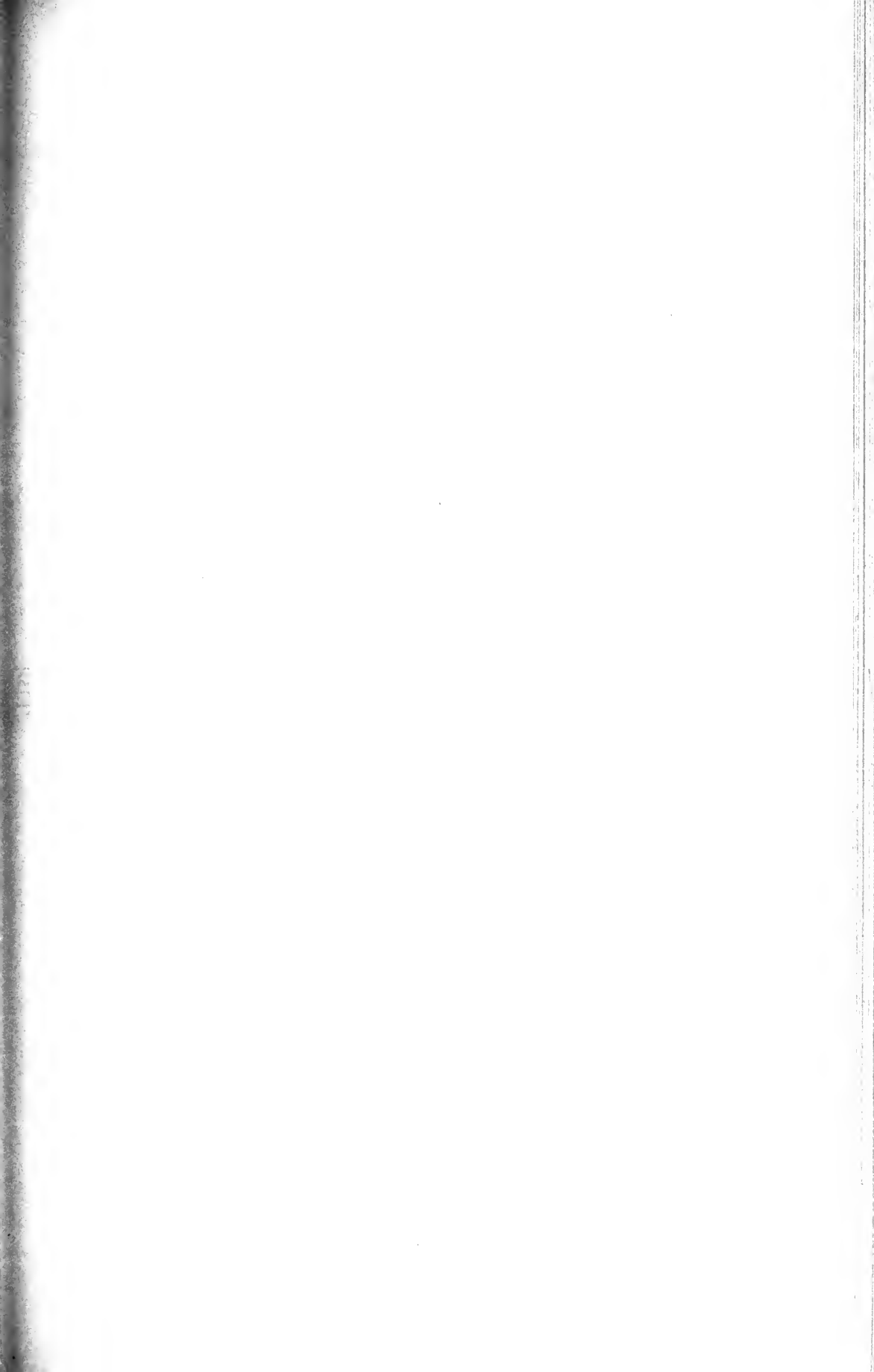
Power to
levy
minimum
tax.
Rev. Stat.,
c. 272.

3.—(1) Notwithstanding the provisions of *The Assessment Act*, the council of the said corporation may by by-law provide for the rating and levying of a minimum tax on any or all vacant and unimproved lands within the said township.

(2) No such by-law shall come into force, be repealed or amended without the approval of the Ontario Municipal Board.

Short title.

4. This Act may be cited as *The Township of Sandwich West Act, 1939*.



BILL

An Act respecting the Township of
Sandwich West.

1st Reading

2nd Reading

3rd Reading

MR. TROTIER

(*Private Bill*)

No. 16

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Township of Sandwich West.

MR. TROTTIER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Sandwich West.

Preamble.

WHEREAS the corporation of the township of Sandwich West has prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Variation of requirements of Rev. Stat., c. 266, s. 406, par. 2, cl. c.

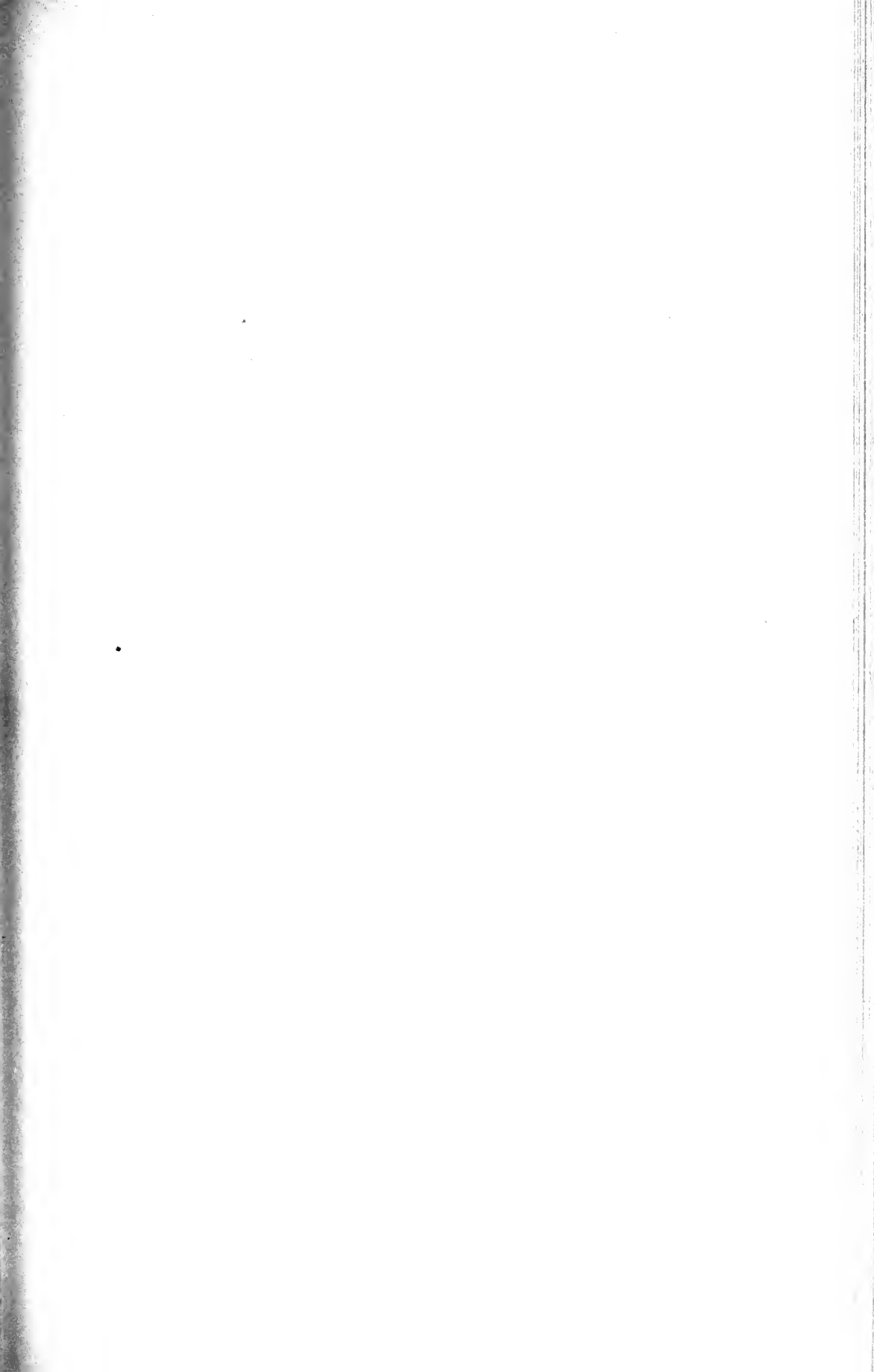
1. The council of the said corporation shall in lieu of the requirements of clause *c* of paragraph 2 of section 406 of *The Municipal Act* notify all owners whose property is affected in any by-law passed under the said section of its intended application to the Ontario Municipal Board for its approval of the said by-law by advertising to such effect in a local newspaper and in the *Ontario Gazette* at least once a week for four weeks before the day fixed by the said Board for hearing the application, and such notification shall be sufficient for the purposes of the said section.

Power to levy minimum tax.

2. The council of the said corporation may, where the amount of municipal taxes on any vacant land within the said township is less than \$1.50, by by-law levy an additional amount sufficient to increase the amount of such taxes to \$1.50.

Short title.

3. This Act may be cited as *The Township of Sandwich West Act, 1939*.



BILL

An Act respecting the Township of
Sandwich West.

1st Reading

March 28th, 1939.

2nd Reading

3rd Reading

MR. TROTIER

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

No. 16

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Township of Sandwich West.

MR. TROTTIER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 16

1939

BILL

An Act respecting the Township of Sandwich West.

Preamble.

WHEREAS the corporation of the township of Sandwich West has prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Variation of
requirements
of Rev.
Stat., c. 266,
s. 406, par. 2,
cl. c.

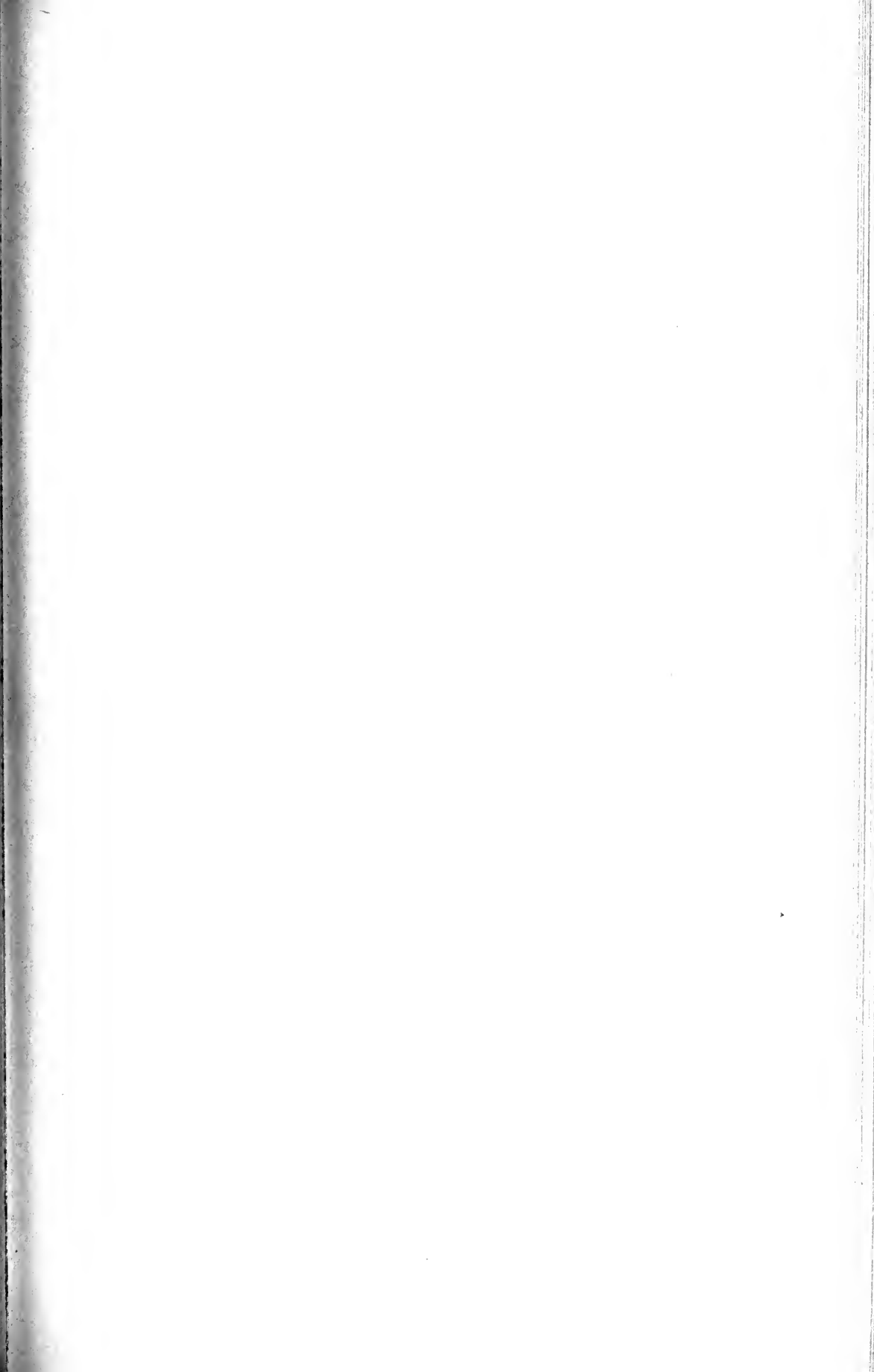
1. The council of the said corporation shall in lieu of the requirements of clause *c* of paragraph 2 of section 406 of *The Municipal Act* notify all owners whose property is affected in any by-law passed under the said section of its intended application to the Ontario Municipal Board for its approval of the said by-law by advertising to such effect in a local newspaper and in the *Ontario Gazette* at least once a week for four weeks before the day fixed by the said Board for hearing the application, and such notification shall be sufficient for the purposes of the said section.

Power to
levy mini-
mum tax.

2. The council of the said corporation may, where the amount of municipal taxes on any vacant land within the said township is less than \$1.50, by by-law levy an additional amount sufficient to increase the amount of such taxes to \$1.50.

Short title.

3. This Act may be cited as *The Township of Sandwich West Act, 1939*.



BILL

An Act respecting the Township of
Sandwich West.

1st Reading

March 28th, 1939.

2nd Reading

April 12th, 1939

3rd Reading

April 18th, 1939

Mr. PROTIER

No. 17

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

**An Act to authorize the Law Society of Upper Canada to Admit
Aurélien Bélanger as a Barrister and Solicitor.**

MR. BÉLANGER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to authorize the Law Society of Upper Canada to Admit Aurélien Bélanger as a Barrister and Solicitor.

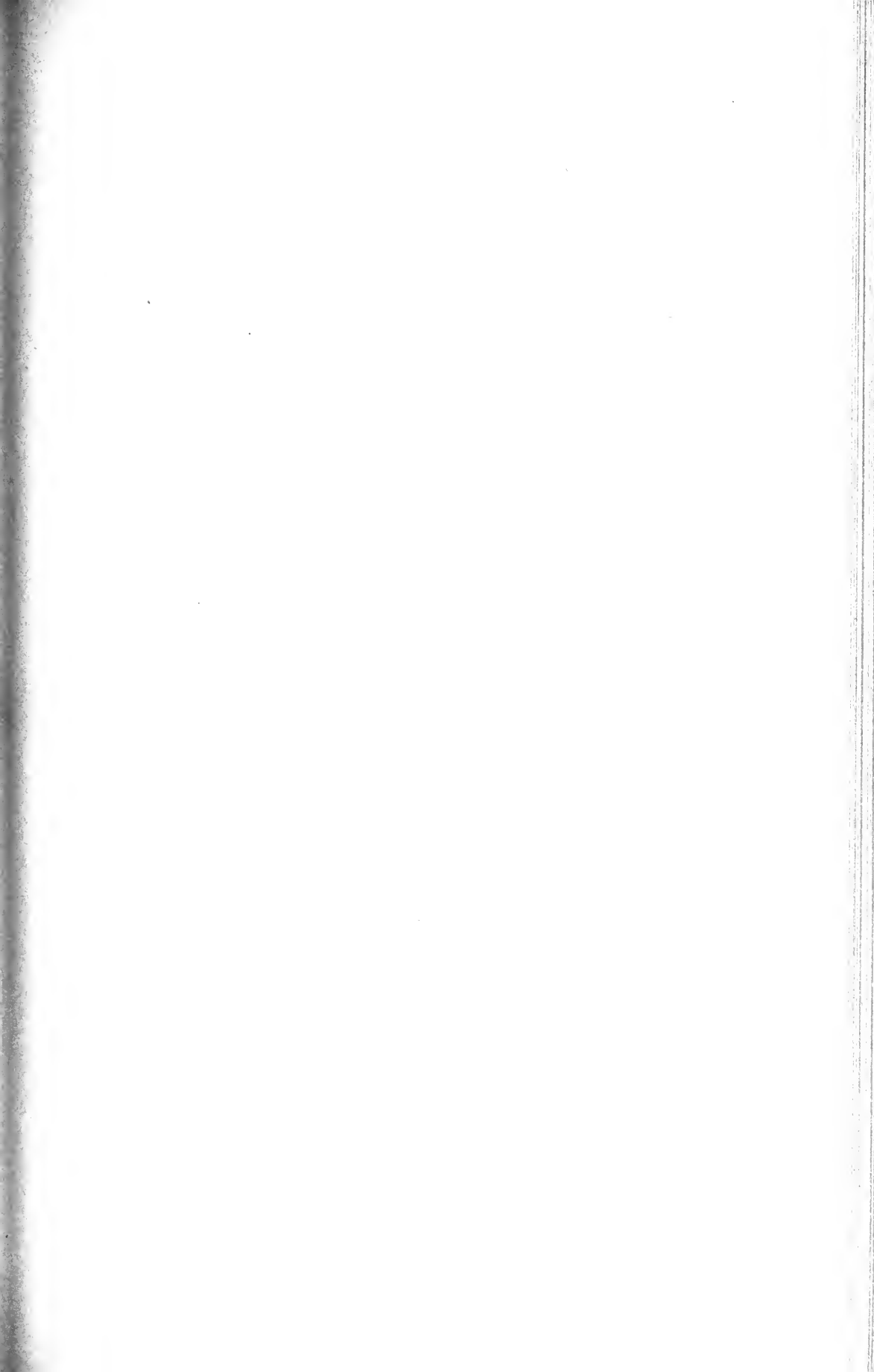
Preamble.

WHEREAS Aurélien Bélanger of the town of Eastview in the county of Carleton, a member of the Legislative Assembly of Ontario, has by his petition represented that he was duly admitted by the Law Society of Upper Canada as a student-at-law under articles with the late Senator N. A. Belcourt, then a practising barrister and solicitor; that he served as articled clerk of the said N. A. Belcourt for the full period of time then required by the said Society; that he duly attended the full course of three years of lectures at the Osgoode Hall Law School; that he passed all the examinations of the said School up to and including two in the second term of the final year; that he was prevented from writing the remaining examinations of the second term of the final year by reason of a sudden illness; that he was subsequently employed for several years in the office of a practising barrister and solicitor, namely, Bernard Boutet of Ottawa; that insuperable difficulties have prevented him from complying with the requirements imposed upon him by the said Society; and whereas the said Aurélien Bélanger has prayed that an Act may be passed to authorize the said Society to admit him to practise as a barrister and solicitor in His Majesty's Courts in Ontario; and whereas it is expedient to grant the prayer of the said petition;

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

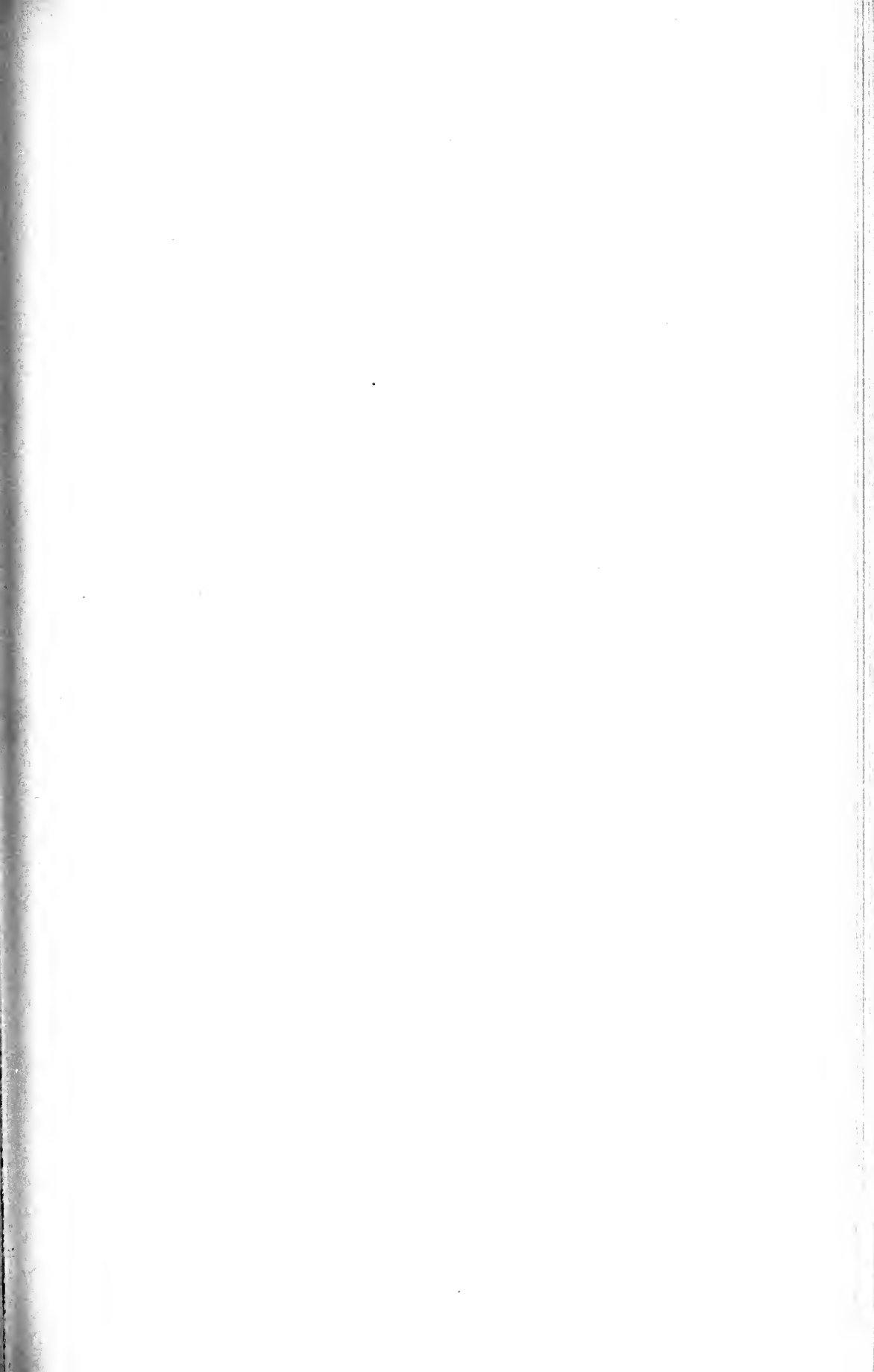
Authority
to admit
Aurélien
Bélanger to
practise.

1. It shall be lawful for the Law Society of Upper Canada to admit and the said Society shall admit the said Aurélien Bélanger to practise at the Bar of His Majesty's Courts in Ontario as a barrister and solicitor, provided that the said Aurélien Bélanger shall, before being admitted to practise as aforesaid and without complying with any other requirements of the law or any other rules or regulations of the said

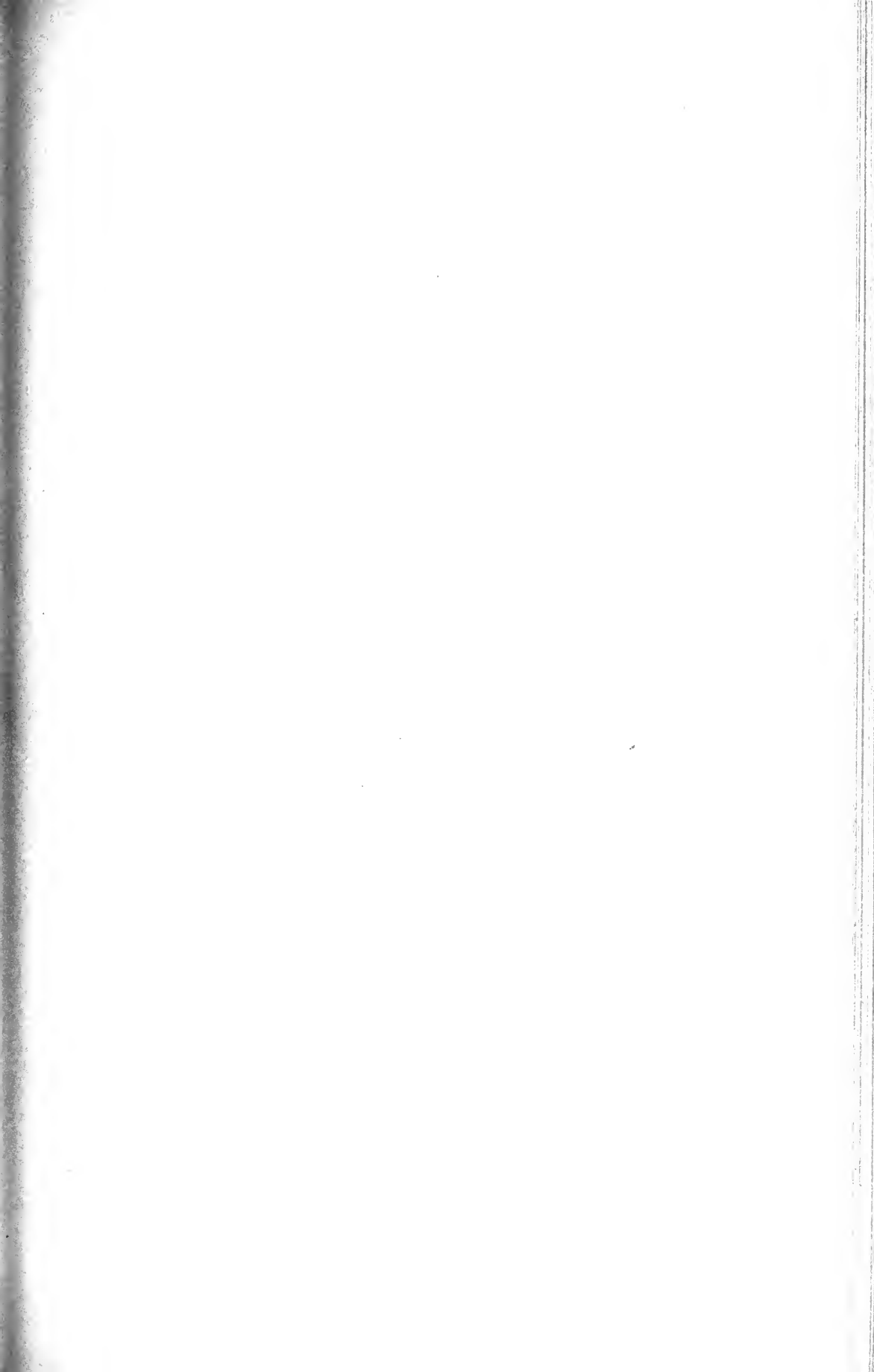


Society, pay such fees only as are payable by a student-at-law in ordinary cases.

Commence-
ment of Act. **2.** This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act to authorize the Law Society of
Upper Canada to Admit Aurélien
Bélanger as a Barrister and
Solicitor.

1st Reading

2nd Reading

3rd Reading

MR. BÉLANGER

(Private Bill)

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to authorize the Law Society of Upper Canada to Admit
Aurélien Bélanger as a Barrister and Solicitor.

MR. BÉLANGER

BILL

An Act to authorize the Law Society of Upper Canada to Admit Aurélien Bélanger as a Barrister and Solicitor.

Preamble.

WHEREAS Aurélien Bélanger of the town of Eastview in the county of Carleton, a member of the Legislative Assembly of Ontario, has by his petition represented that he was duly admitted by the Law Society of Upper Canada as a student-at-law under articles with the late Senator N. A. Belcourt, then a practising barrister and solicitor; that he served as articled clerk of the said N. A. Belcourt for the full period of time then required by the said Society; that he duly attended the full course of three years of lectures at the Osgoode Hall Law School; that he passed all the examinations of the said School up to and including two in the second term of the final year; that he was prevented from writing the remaining examinations of the second term of the final year by reason of a sudden illness; that he was subsequently employed for several years in the office of a practising barrister and solicitor, namely, Bernard Boutet of Ottawa; that insuperable difficulties have prevented him from complying with the requirements imposed upon him by the said Society; and whereas the said Aurélien Bélanger has prayed that an Act may be passed to authorize the said Society to admit him to practise as a barrister and solicitor in His Majesty's Courts in Ontario; and whereas it is expedient to grant the prayer of the said petition;

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

Authority
to admit
Aurélien
Bélanger to
practise.

1. It shall be lawful for the Law Society of Upper Canada to admit and the said Society shall admit the said Aurélien Bélanger to practise at the Bar of His Majesty's Courts in Ontario as a barrister and solicitor, provided that the said Aurélien Bélanger shall, before being admitted to practise as aforesaid and without complying with any other requirements of the law or any other rules or regulations of the said

Society, pay such fees only as are payable by a student-at-law in ordinary cases.

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

BILL

An Act to authorize the Law Society of
Upper Canada to Admit Aurélien
Bélanger as a Barrister and
Solicitor.

1st Reading

March 28th, 1939

2nd Reading

April 17th, 1939

3rd Reading

April 24th, 1939

MR. BÉLANGER

No. 18

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the City of London.

MR. DUNCAN

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of London.

Preamble.

WHEREAS the corporation of the city of London has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Constitution of council.

1. Notwithstanding the provisions of any special or other Act, the council of the said corporation shall, at the next annual municipal election and thereafter, be composed of a mayor and eight aldermen (two aldermen to be elected for each ward of the said city) who shall hold office for one year and until their successors are elected and a new council organized.

Powers of Housing Commission may devolve upon council.

1928, c. 69,
1931, c. 107.

2. In the event of the council of the said corporation abolishing the Housing Commission of the City of London all the powers conferred upon the said Commission by *The City of London Act, 1928*, and *The City of London Act, 1931*, shall upon the said Commission being abolished devolve upon and be exercisable by the council of the said corporation.

Power to close part of Bond Street.

3. The council of the said corporation may by by-law stop up and close that portion of Bond Street otherwise known as Princess Avenue between Wellington Street and Clarence Street in the said city and may vest the same in the said corporation, its successors and assigns, to be used as a part of Victoria Park, and it shall not be necessary for the said corporation to observe in respect thereof the provisions of *The Municipal Act* relating to the stopping up of highways.

Rev. Stat., c. 266.

Lease to C. O. Smith.

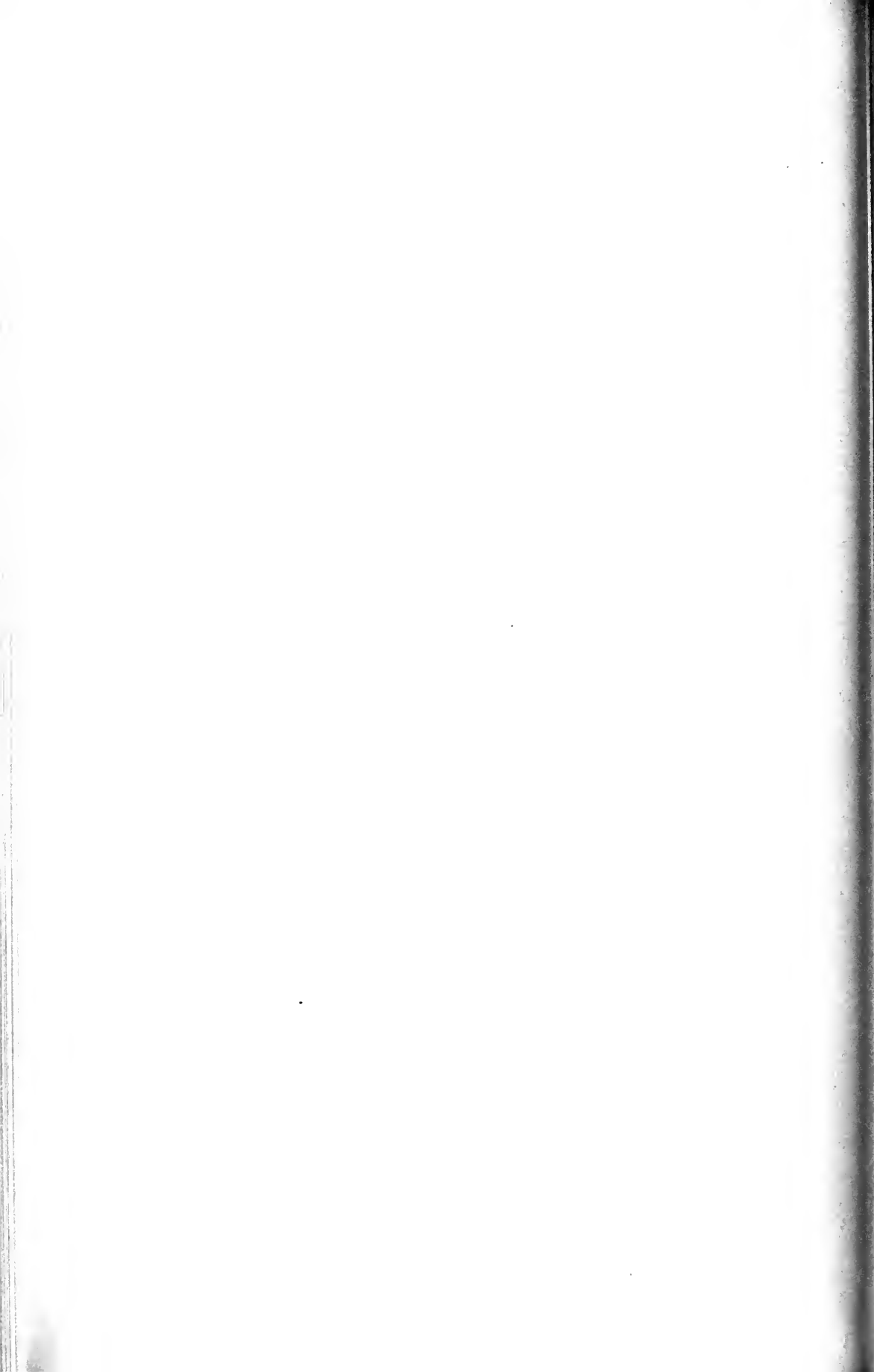
4. The council of the said corporation is hereby authorized to lease a portion of the Market Square to Chancey O. Smith, of the said city, fruit merchant, for a term of years at the rental of \$1,200 per year, and upon such other terms and conditions as to the council of the said corporation may seem meet, with permission to the said Chancey O. Smith to erect

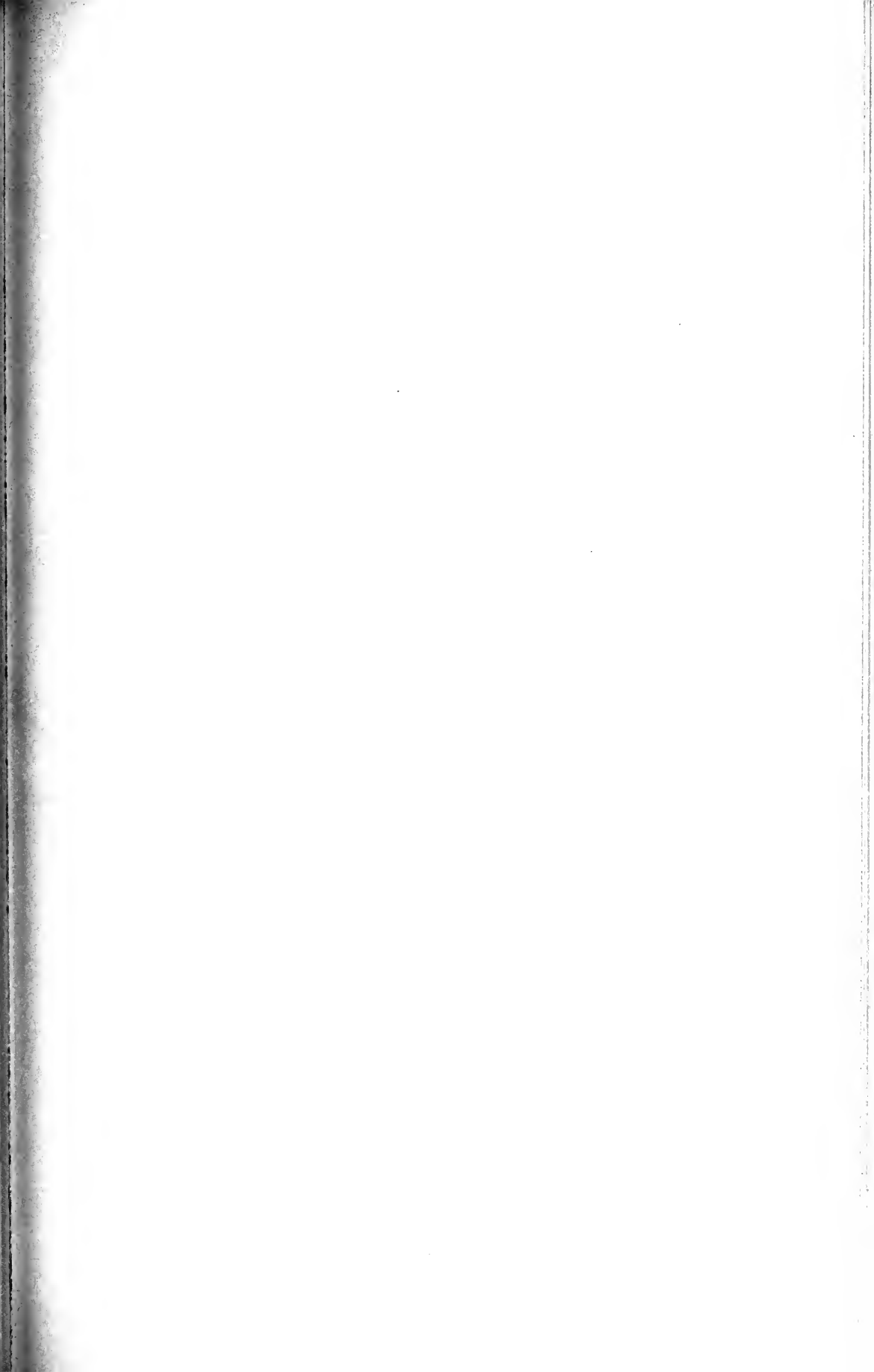


upon the premises leased a building of steel construction, to be first approved by the council of the said corporation.

Short title. **5.** This Act may be cited as *The City of London Act, 1939*.







BILL

An Act respecting the City of London.

1st Reading

2nd Reading

3rd Reading

MR. DUNCAN

(*Private Bill*)

No. 18

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the City of London.

MR. DUNCAN

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of London.

Preamble.

WHEREAS the corporation of the city of London has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Constitution of council.

1. Notwithstanding the provisions of any special or other Act, the council of the said corporation may by by-law passed not later in the year than the first day of November, provide that the council of the said corporation shall be composed of a mayor and eight aldermen (two aldermen to be elected for each ward) who shall hold office for one year and until their successors are elected and a new council organized, and such by-law shall take effect at and for the purposes of the election next after the passing of such by-law and every succeeding election.

Powers of Housing Commission may devolve upon council.

1928, c. 69,
1931, c. 107.

2. In the event of the council of the said corporation abolishing the Housing Commission of the City of London all the powers conferred upon the said Commission by *The City of London Act, 1928*, and *The City of London Act, 1931*, shall upon the said Commission being abolished devolve upon and be exercisable by the council of the said corporation.

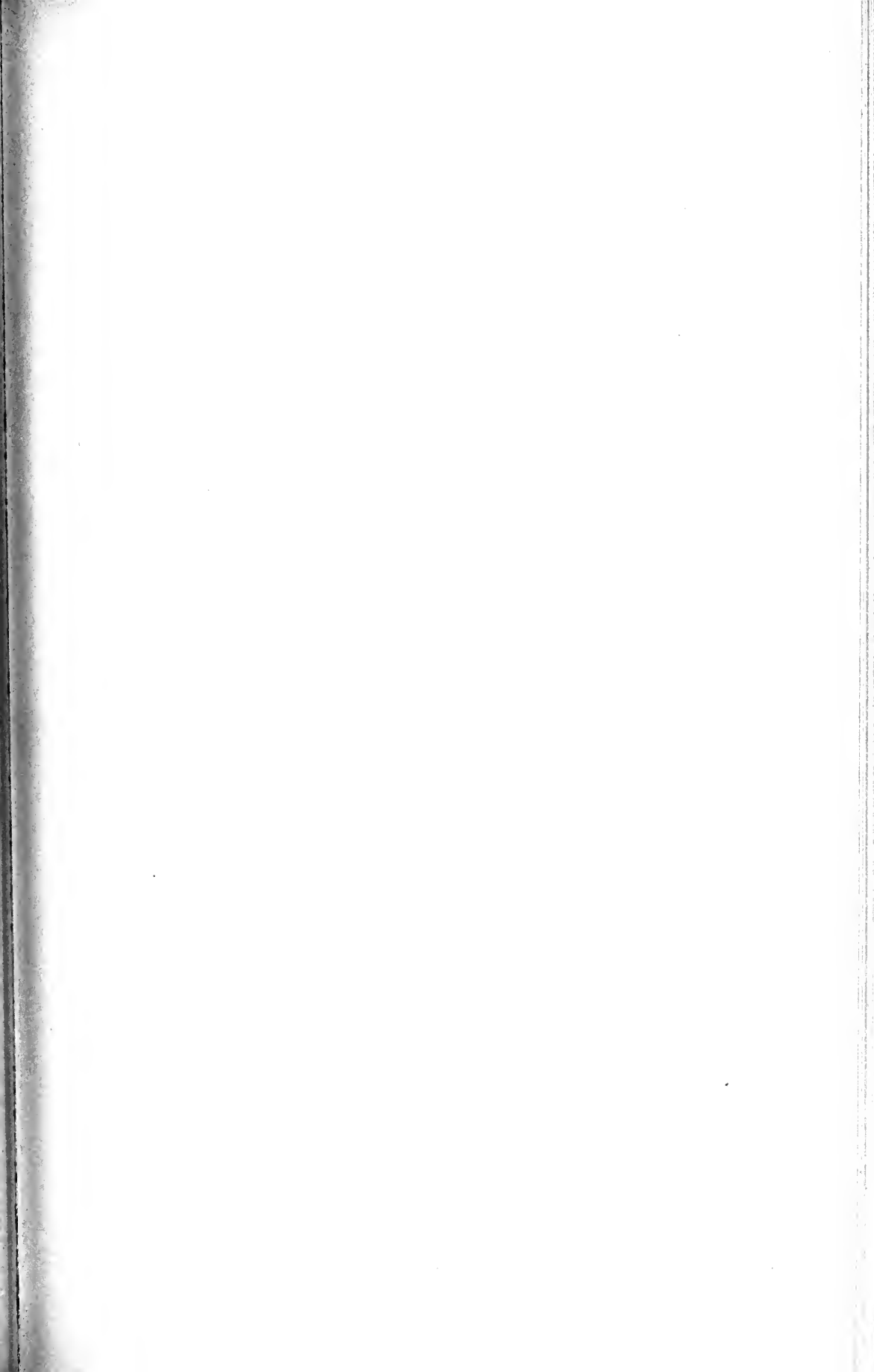
Power to close part of Bond Street.

Rev. Stat.,
c. 266.

Power to lease part of Market Square

3. The council of the said corporation may by by-law stop up and close that portion of Bond Street otherwise known as Princess Avenue between Wellington Street and Clarence Street in the said city and may vest the same in the said corporation, its successors and assigns, to be used as a part of Victoria Park, and it shall not be necessary for the said corporation to observe in respect thereof the provisions of *The Municipal Act* relating to the stopping up of highways.

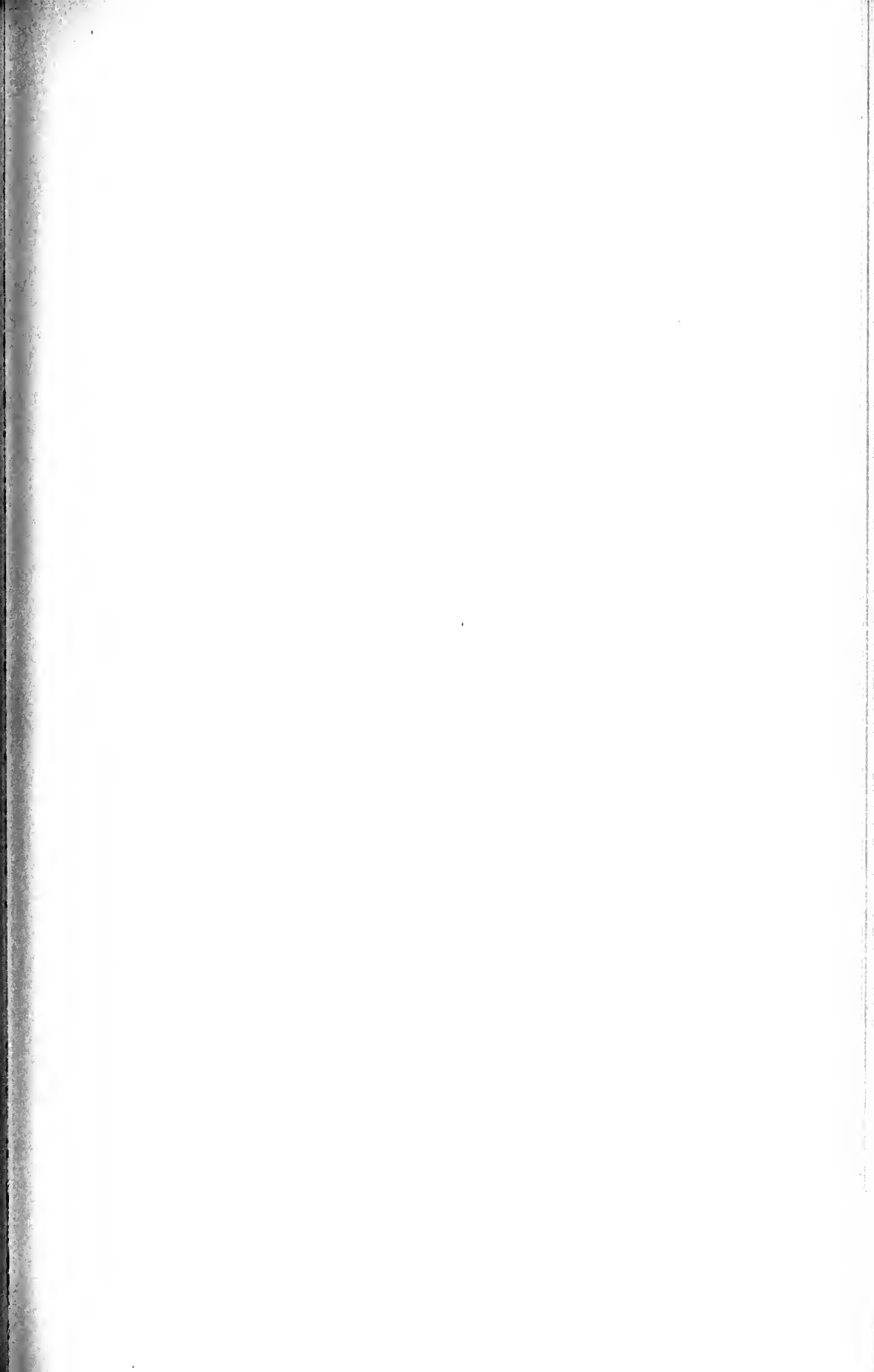
4. The council of the said corporation is hereby authorized to lease from time to time a portion of the Market Square of the said city for any term not exceeding ten years, and



upon such other terms and conditions as to the council of the said corporation may seem meet, and to permit the erection thereon of a building of steel construction, to be first approved by the council of the said corporation.

Commence-
ment of Act. **5.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **6.** This Act may be cited as *The City of London Act, 1939*.







An Act respecting the City of London.

1st Reading

March 28th, 1939

2nd Reading

3rd Reading

MR. DUNCAN

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

No. 18

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the City of London.

MR. DUNCAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of London.

Preamble.

WHEREAS the corporation of the city of London has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Constitution of council.

1. Notwithstanding the provisions of any special or other Act, the council of the said corporation may by by-law passed not later in the year than the first day of November, provide that the council of the said corporation shall be composed of a mayor and eight aldermen (two aldermen to be elected for each ward) who shall hold office for one year and until their successors are elected and a new council organized, and such by-law shall take effect at and for the purposes of the election next after the passing of such by-law and every succeeding election.

Powers of Housing Commission may devolve upon council.

1928, c. 69,
1931, c. 107.

2. In the event of the council of the said corporation abolishing the Housing Commission of the City of London all the powers conferred upon the said Commission by *The City of London Act, 1928*, and *The City of London Act, 1931*, shall upon the said Commission being abolished devolve upon and be exercisable by the council of the said corporation.

Power to close part of Bond Street.

Rev. Stat., c. 266.

3. The council of the said corporation may by by-law stop up and close that portion of Bond Street otherwise known as Princess Avenue between Wellington Street and Clarence Street in the said city and may vest the same in the said corporation, its successors and assigns, to be used as a part of Victoria Park, and it shall not be necessary for the said corporation to observe in respect thereof the provisions of *The Municipal Act* relating to the stopping up of highways.

Power to lease part of Market Square

4. The council of the said corporation is hereby authorized to lease from time to time a portion of the Market Square of the said city for any term not exceeding ten years, and

upon such other terms and conditions as to the council of the said corporation may seem meet, and to permit the erection thereon of a building of steel construction, to be first approved by the council of the said corporation.

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

6. This Act may be cited as *The City of London Act, 1939*. Short title.

An Act respecting the City of London.

1st Reading

March 28th, 1939

2nd Reading

April 5th, 1939

3rd Reading

April 13th, 1939

MR. DUNCAN

No. 19

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting The Women's Christian Association of Belleville.

MR. ARNOTT

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting The Women's Christian Association of Belleville.

Preamble.

WHEREAS The Women's Christian Association of Belleville, a corporation, has by its petition represented that pursuant to its powers it has maintained a general hospital in the city of Belleville and that additional powers are desired in order to improve and extend the said hospital; and whereas it is expedient to grant the prayer of the said petition;

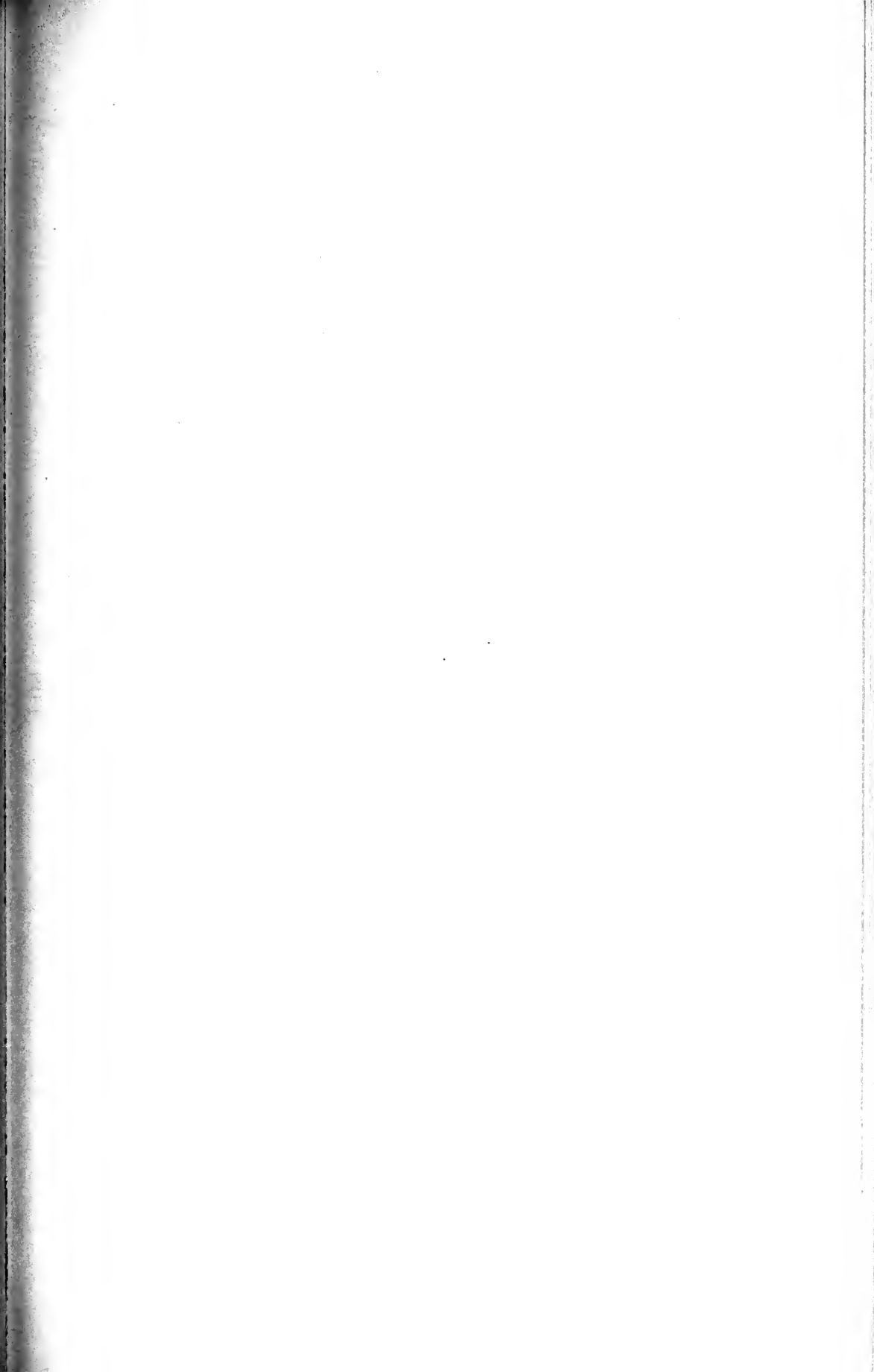
Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Borrowing powers.

1. The Women's Christian Association of Belleville may borrow money on the credit of the said Association for the purposes of the said Association in such amounts and on such terms and from any person, firm or corporation, including a chartered bank, as the said Association may by by-law determine, and the said Association may mortgage, hypothecate or pledge any of its property, real or personal, as security for any loan.

Short title.

2. This Act may be cited as *The Women's Christian Association of Belleville Act, 1939*.



BILL

An Act respecting The Women's Christian
Association of Belleville.

1st Reading

2nd Reading

3rd Reading

MR. ARNOTT

(*Private Bill.*)

No. 19

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting The Women's Christian Association of Belleville.

MR. ARNOTT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting The Women's Christian Association of Belleville.

Preamble.

WHEREAS The Women's Christian Association of Belleville, a corporation, has by its petition represented that pursuant to its powers it has maintained a general hospital in the city of Belleville and that additional powers are desired in order to improve and extend the said hospital; 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:

Borrowing powers.

1. The Women's Christian Association of Belleville may borrow money on the credit of the said Association for the purposes of the said Association in such amounts and on such terms and from any person, firm or corporation, including a chartered bank, as the said Association may by by-law determine, and the said Association may mortgage, hypothecate or pledge any of its property, real or personal, as security for any loan.

Short title.

2. This Act may be cited as *The Women's Christian Association of Belleville Act, 1939*.



BILL

An Act respecting The Women's Christian Association of Belleville.

1st Reading

March 28th, 1939

2nd Reading

April 5th, 1939

3rd Reading

April 13th, 1939

MR. ARNOTT

No. 20

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Township of Etobicoke.

MR. GARDHOUSE

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Etobicoke.

Preamble.

WHEREAS the corporation of the township of Etobicoke has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Rev. Stat.,
c. 272, ss. 12,
36, 120, 141
and 142,
applicable
to
Etobicoke.

1. For the purposes of sections 12, 36, 120, 141 and 142 of *The Assessment Act* the township of Etobicoke shall be deemed a city and the said sections shall be applicable to the said township accordingly.

Rev. Stat.,
c. 272, s. 109,
subs. 2,
Mailing
notices of
assessment.

2. The provisions of subsection 2 of section 109 of *The Assessment Act* shall apply to the township of Etobicoke as well with respect to notices of assessment as to notices of taxes.

Rev. Stat.,
c. 266,
Certain
sections
applicable to
Etobicoke.

3. For the purposes of section 83, paragraph 42 of section 407, paragraphs 3 and 7 of section 414, paragraph 1 of section 420 and sections 428, 429 and 432 of *The Municipal Act* the township of Etobicoke shall be deemed a city, and the said sections and paragraphs, respectively, shall be applicable to the said township accordingly.

Rev. Stat.,
c. 266,
Part XXII,
Police
villages.

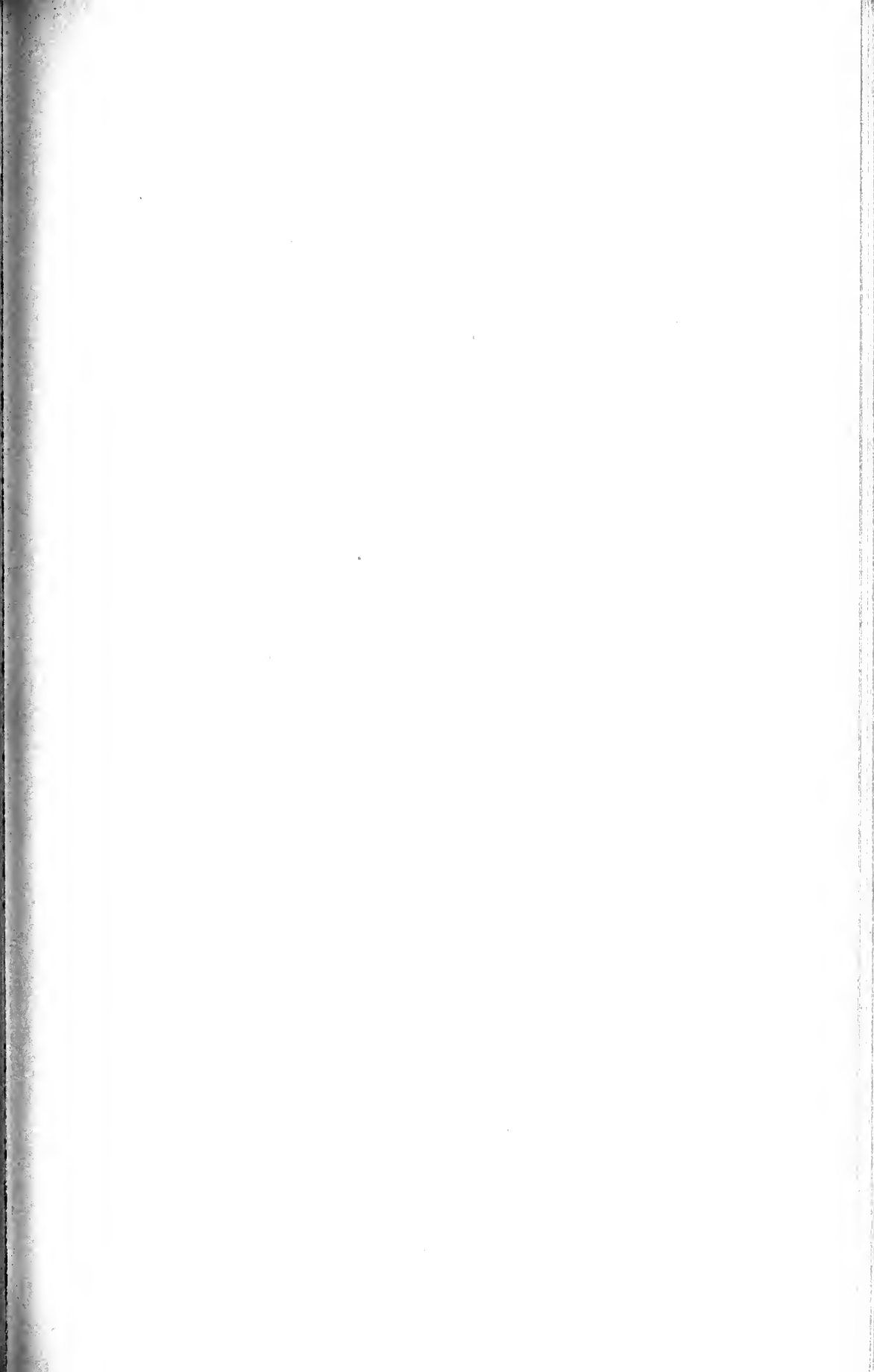
4. Notwithstanding the provisions of Part XXII of *The Municipal Act* no locality in the said township may be erected into a police village without the previous consent of the council of the said corporation expressed by by-law.

Allowances
for members
of council

5.—(1) By-laws may be passed by the council of the said corporation for paying an annual allowance to members of the council in lieu of a per diem rate for attendance at meetings, and every such by-law shall provide for the deduction from such allowance of a reasonable sum to be fixed by the council for each day's absence from meetings.

Approval of
Municipal
Board
requisite.

(2) No by-law shall be finally passed under the provisions of subsection 1 until such by-law has first been approved by the Ontario Municipal Board.



Licensing of
tourist and
trailer
camps.

6. By-laws may be passed by the council of the said corporation for licensing, regulating and governing tourist camps and trailer camps and for fixing the fee to be charged for the license and for revoking any such license.

"Tourist
camp."

(a) For the purposes of this section a "tourist camp" shall mean any house, building, structure or vehicle, or portion thereof, in which persons are harboured or received or lodged for hire for a single night or for less than a week at one time or any part of which is let for any person to sleep in for any time less than a week, but shall not include a "standard hotel" within the meaning of *The Liquor Control Act*;

Rev. Stat.,
c. 294.

"Trailer
camp."

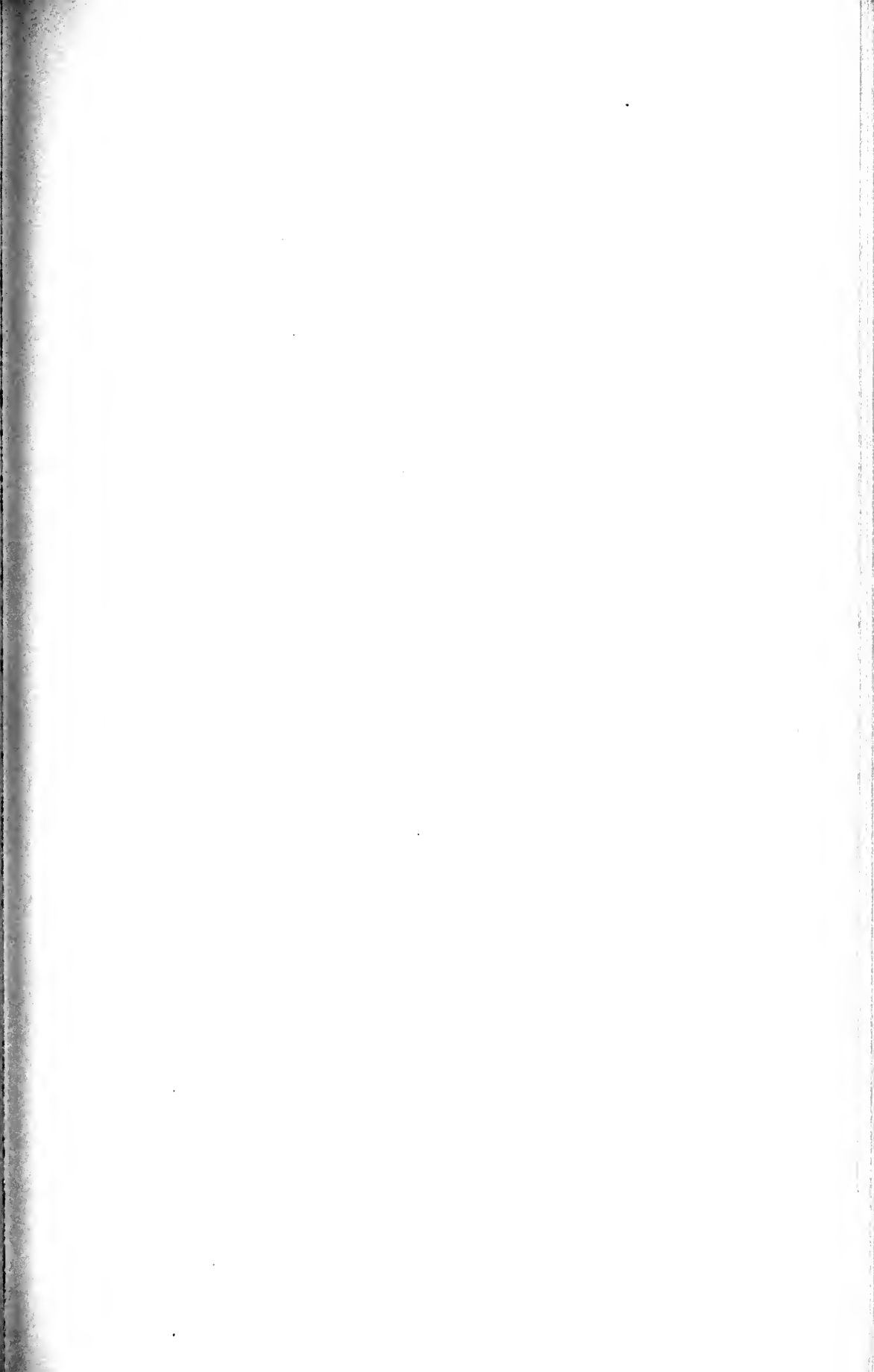
(b) For the purposes of this section a "trailer camp" shall mean any land in or upon which for hire, gain, rental, fee, license or other reward or remuneration, any vehicle, conveyance or structure, whether the same is upon wheels or self-propellable or a fixture, or not, may be stood, placed, kept or maintained and which vehicle, conveyance or structure is used by any person as a place in which to eat, sleep or reside, temporarily or otherwise.

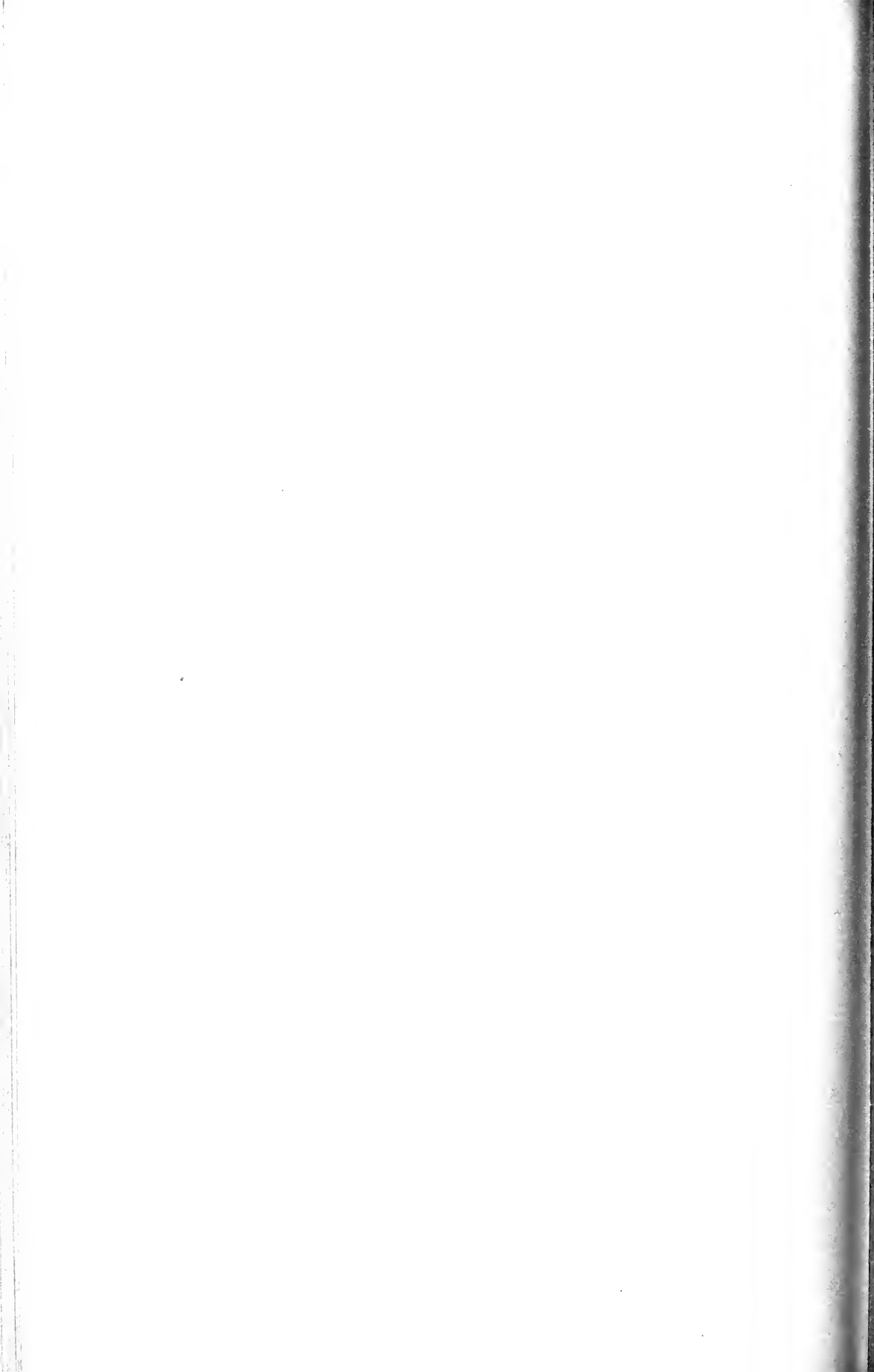
Commence-
ment of
Act.

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

Short title.

8. This Act may be cited as *The Township of Etobicoke Act, 1939*.







BILL

An Act respecting the Township of
Etobicoke.

1st Reading

2nd Reading

3rd Reading

MR. GARDHOUSE

(Private Bill)

No. 20

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Township of Etobicoke.

MR. GARDHOUSE

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Etobicoke.

Preamble.

WHEREAS the corporation of the township of Etobicoke has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Rev. Stat.,
c. 272, ss. 12,
36, 120, 141
and 142,
applicable
to
Etobicoke.

1. For the purposes of sections 12, 36, 120, 141 and 142 of *The Assessment Act* the township of Etobicoke shall be deemed a city and the said sections shall be applicable to the said township accordingly, provided that telephone companies shall after the 1st day of January, 1939, be assessed under the said section 12 for forty-five per centum of their gross receipts instead of sixty per centum thereof.

Rev. Stat.,
c. 266,
Certain
sections
applicable to
Etobicoke.

2. For the purposes of section 83, paragraph 42 of section 407, paragraphs 3 and 7 of section 414, paragraph 1 of section 420 and sections 428, 429 and 432 of *The Municipal Act* the township of Etobicoke shall be deemed a city, and the said sections and paragraphs, respectively, shall be applicable to the said township accordingly.

Rev. Stat.,
c. 266,
Part XXII,
Police
villages.

3. Notwithstanding the provisions of Part XXII of *The Municipal Act* no locality in the said township may be erected into a police village without the previous consent of the council of the said corporation expressed by by-law.

Allowances
for members
of council

4.—(1) By-laws may be passed by the council of the said corporation for paying an annual allowance to members of the council in lieu of a per diem rate for attendance at meetings, and every such by-law shall provide for the deduction from such allowance of a reasonable sum to be fixed by the council for each day's absence from meetings.

Approval of
Municipal
Board
requisite.

(2) No by-law shall be finally passed under the provisions of subsection 1 until such by-law has first been approved by the Ontario Municipal Board.



Licensing of
tourist and
trailer
camps.

5. By-laws may be passed by the council of the said corporation for licensing, regulating and governing tourist camps and trailer camps and for fixing the fee to be charged for the license and for revoking any such license.

"Tourist
camp."

(a) For the purposes of this section a "tourist camp" shall mean any house, building, structure or vehicle, or portion thereof, in which persons are harboured or received or lodged for hire for a single night or for less than a week at one time or any part of which is let for any person to sleep in for any time less than a week, but shall not include a "standard hotel" within the meaning of *The Liquor Control Act*;

Rev. Stat.,
c. 294.

"Trailer
camp."

(b) For the purposes of this section a "trailer camp" shall mean any land in or upon which for hire, gain, rental, fee, license or other reward or remuneration, any vehicle, conveyance or structure, whether the same is upon wheels or self-propellable or a fixture, or not, may be stood, placed, kept or maintained and which vehicle, conveyance or structure is used by any person as a place in which to eat, sleep or reside, temporarily or otherwise.

Commence-
ment of
Act.

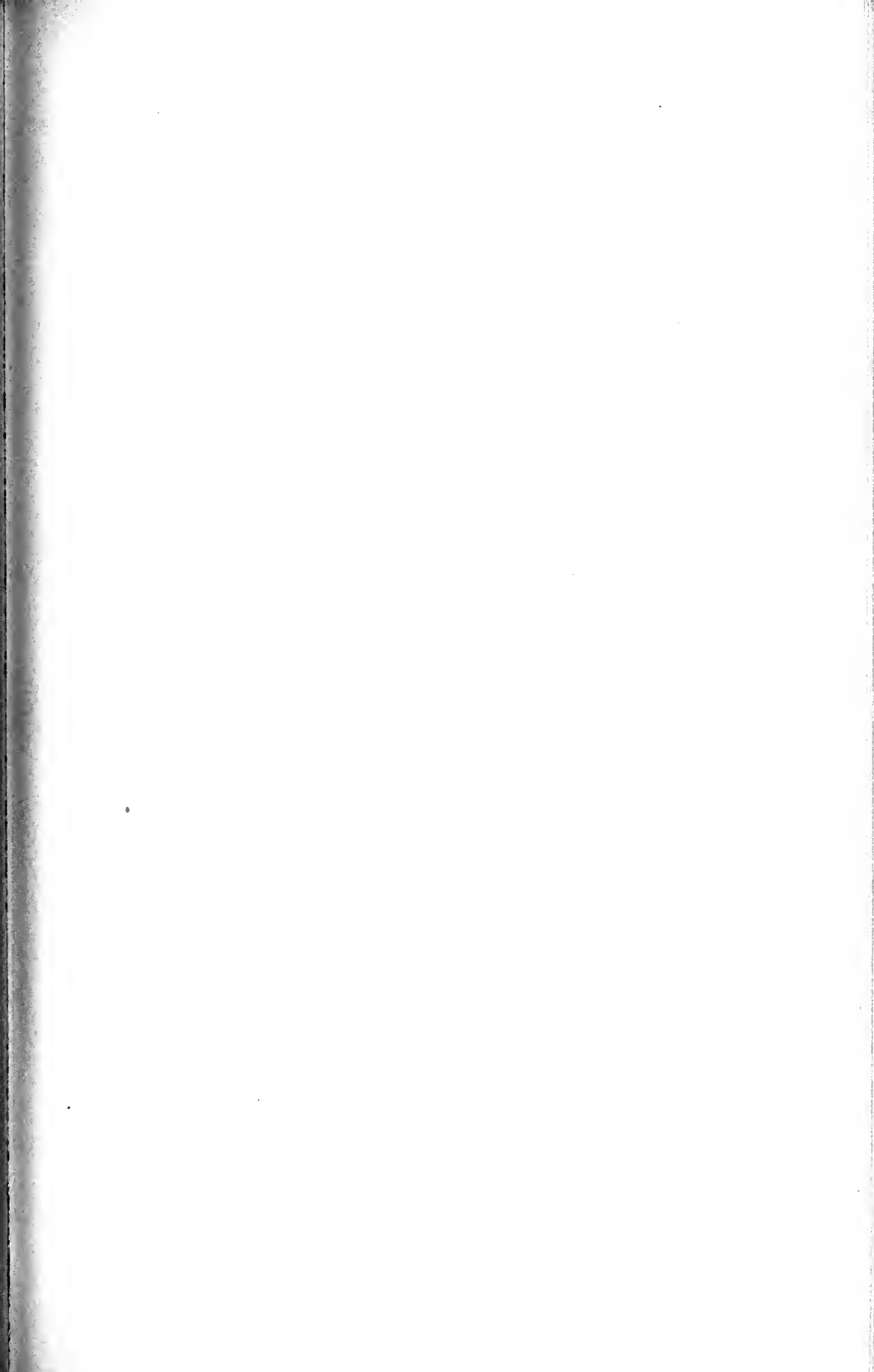
6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Township of Etobicoke Act, 1939*.







BILL

An Act respecting the Township of
Etobicoke.

1st Reading

March 28th, 1939

2nd Reading

3rd Reading

MR. GARDHOUSE

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

No. 20

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Township of Etobicoke.

MR. GARDHOUSE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Etobicoke.

Preamble.

WHEREAS the corporation of the township of Etobicoke has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

Rev. Stat.,
c. 272, ss. 12,
36, 120, 141
and 142,
applicable
to
Etobicoke.

1. For the purposes of sections 12, 36, 120, 141 and 142 of *The Assessment Act* the township of Etobicoke shall be deemed a city and the said sections shall be applicable to the said township accordingly, provided that telephone companies shall after the 1st day of January, 1939, be assessed under the said section 12 for forty-five per centum of their gross receipts instead of sixty per centum thereof.

Rev. Stat.,
c. 266,
Certain
sections
applicable to
Etobicoke.

2. For the purposes of section 83, paragraph 42 of section 407, paragraphs 3 and 7 of section 414, paragraph 1 of section 420 and sections 428, 429 and 432 of *The Municipal Act* the township of Etobicoke shall be deemed a city, and the said sections and paragraphs, respectively, shall be applicable to the said township accordingly.

Rev. Stat.,
c. 266,
Part XXII,
Police
villages.

3. Notwithstanding the provisions of Part XXII of *The Municipal Act* no locality in the said township may be erected into a police village without the previous consent of the council of the said corporation expressed by by-law.

Allowances
for members
of council

4.—(1) By-laws may be passed by the council of the said corporation for paying an annual allowance to members of the council in lieu of a per diem rate for attendance at meetings, and every such by-law shall provide for the deduction from such allowance of a reasonable sum to be fixed by the council for each day's absence from meetings.

Approval of
Municipal
Board
requisite.

(2) No by-law shall be finally passed under the provisions of subsection 1 until such by-law has first been approved by the Ontario Municipal Board.

5. By-laws may be passed by the council of the said corporation for licensing, regulating and governing tourist camps and trailer camps and for fixing the fee to be charged for the license and for revoking any such license.

Licensing of
tourist and
trailer
camps.

(a) For the purposes of this section a "tourist camp" shall mean any house, building, structure or vehicle, or portion thereof, in which persons are harboured or received or lodged for hire for a single night or for less than a week at one time or any part of which is let for any person to sleep in for any time less than a week, but shall not include a "standard hotel" within the meaning of *The Liquor Control Act*;

"Tourist
camp."

Rev. Stat.,
c. 294.

(b) For the purposes of this section a "trailer camp" shall mean any land in or upon which for hire, gain, rental, fee, license or other reward or remuneration, any vehicle, conveyance or structure, whether the same is upon wheels or self-propellable or a fixture, or not, may be stood, placed, kept or maintained and which vehicle, conveyance or structure is used by any person as a place in which to eat, sleep or reside, temporarily or otherwise.

"Trailer
camp."

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

Commence-
ment of
Act.

7. This Act may be cited as *The Township of Etobicoke Act, 1939*.

Short title.

BILL

An Act respecting the Township of
Etobicoke.

1st Reading

March 28th, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 25th, 1939

MR. GARDHOUSE

No. 21

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting The Crescent School.

MR. HUNTER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting The Crescent School.

WHEREAS The Crescent School has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

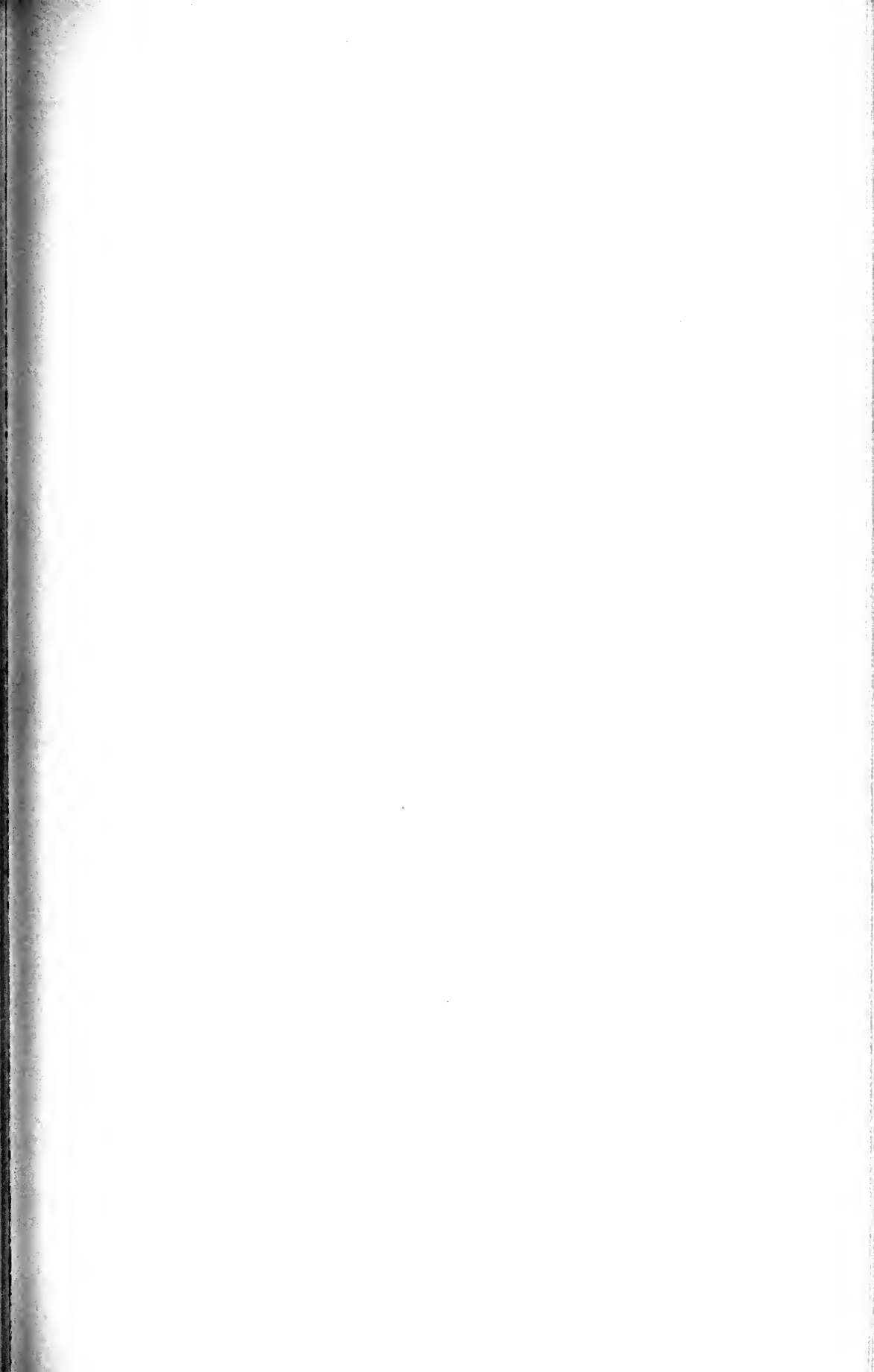
Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1937, c. 88,
s. 3 and
Sched. "A"
repealed.

1. Section 3 and Schedule "A" of *The Township of East York Act, 1937*, are hereby repealed.

Short title.

2. This Act may be cited as *The Crescent School Act, 1939*.



BILL

An Act respecting The Crescent School.

1st Reading

2nd Reading

3rd Reading

MR. HUNTER

(*Private Bill*)

No. 21

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL
An Act respecting The Crescent School.

MR. HUNTER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting The Crescent School.

WHEREAS The Crescent School has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

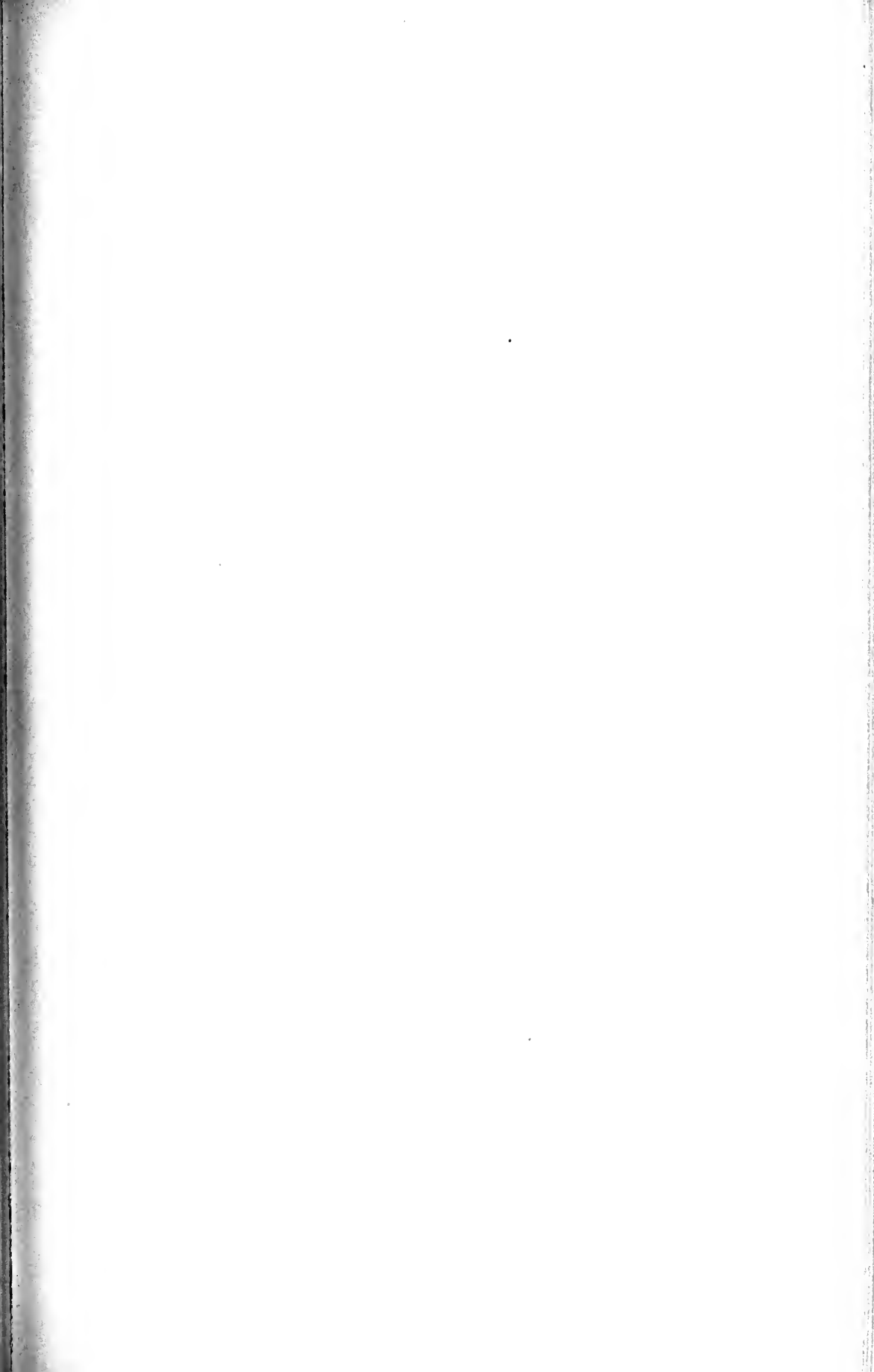
Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1937, c. 88,
s. 3 and
Sched. "A"
repealed.

1. Section 3 and Schedule "A" of *The Township of East York Act, 1937*, are repealed.

Short title.

2. This Act may be cited as *The Crescent School Act, 1939*.



BILL

An Act respecting The Crescent School.

1st Reading

March 22nd, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 25th, 1939

MR. HUNTER

No. 22

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Cities of Port Arthur and Fort William.

MR. COX

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 22

1939

BILL

An Act respecting the Cities of Port Arthur and Fort William.

Preamble.

WHEREAS the corporation of the city of Port Arthur and the corporation of the city of Fort William have by their petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

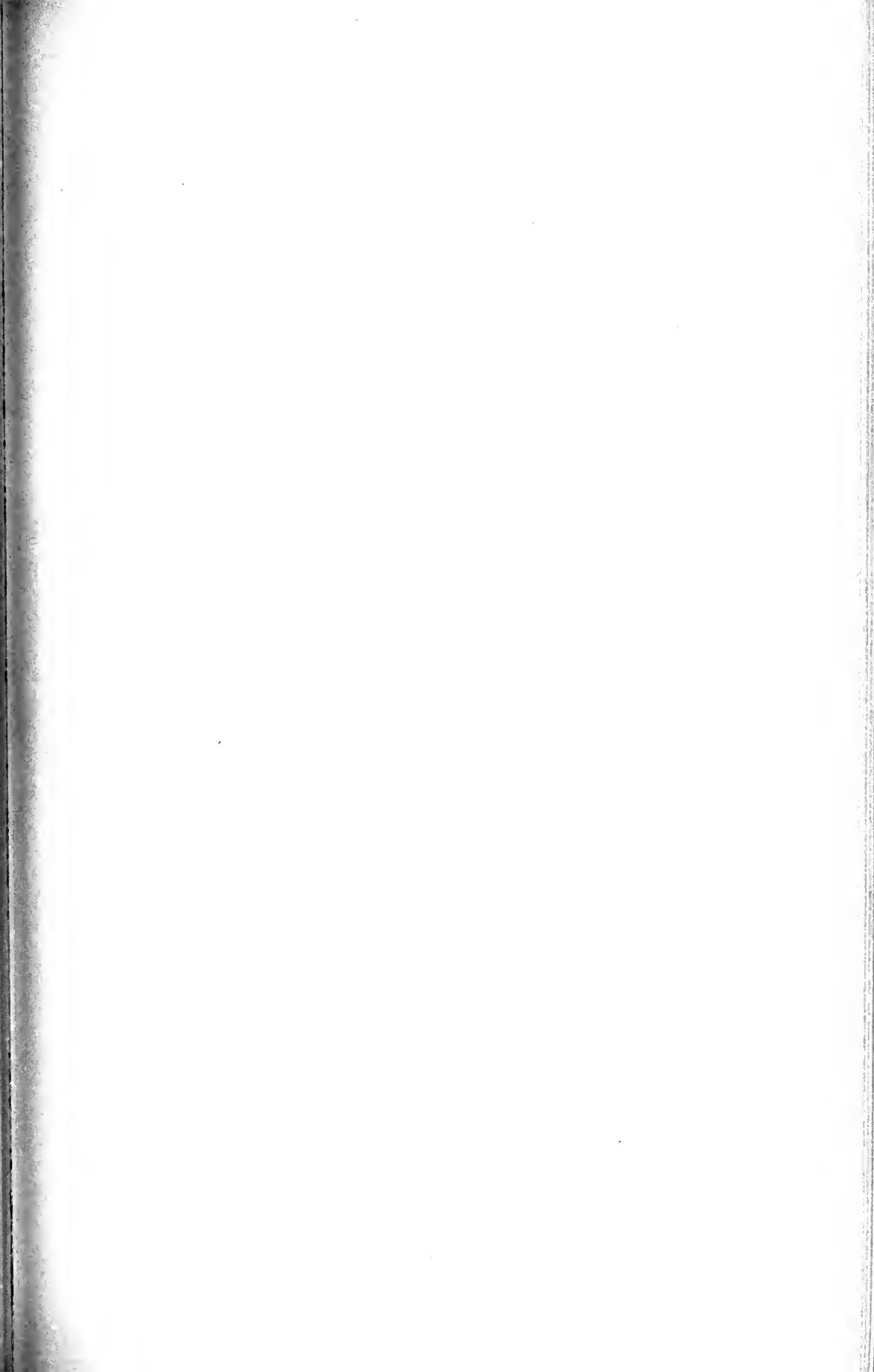
Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
grant or
loan money
to Canadian
Lakehead
Exhibition.

1. The council of the corporation of the city of Port Arthur and the council of the corporation of the city of Fort William may grant or loan the sum of \$5,000 each to the Canadian Lakehead Exhibition upon such terms as may be agreed upon by the said councils and the said exhibition.

Short title.

2. This Act may be cited as *The Cities of Port Arthur and Fort William Act, 1939.*



BILL

An Act respecting the Cities of
Port Arthur and Fort William.

1st Reading

2nd Reading

3rd Reading

MR. COX

(Private Bill)

No. 22

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Cities of Port Arthur and Fort William.

MR. COX

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Cities of Port Arthur and Fort William.

Preamble.

WHEREAS the corporation of the city of Port Arthur and the corporation of the city of Fort William have by their petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

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

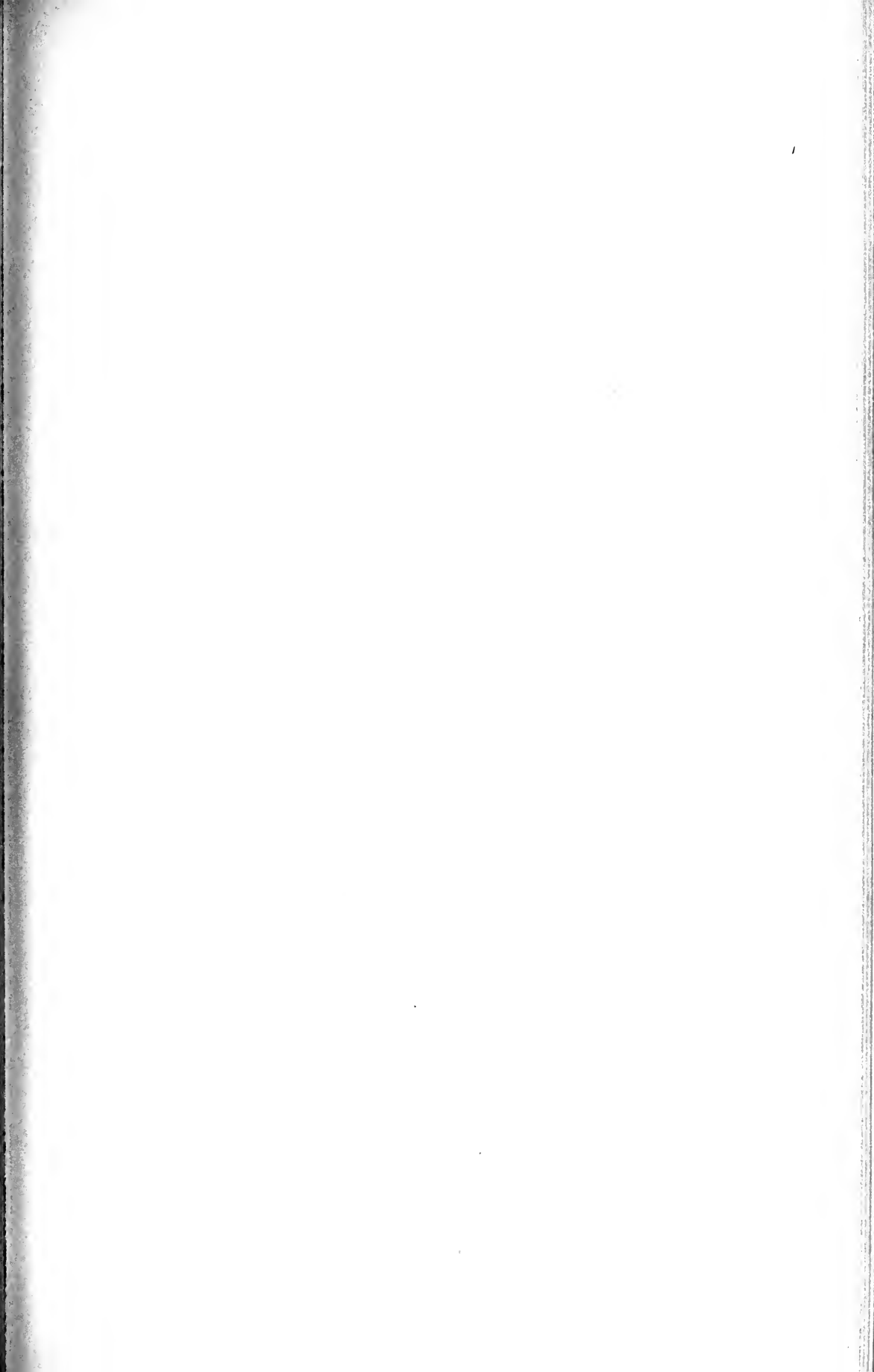
Power to
grant or
loan money
to Canadian
Lakehead
Exhibition.

Reg. Stat.,
c. 81.

1. The council of the corporation of the city of Port Arthur and the council of the corporation of the city of Fort William may, in addition to any grant or loan made under *The Agricultural Societies Act*, grant or loan the sum of \$5,000 each to the Canadian Lakehead Exhibition upon such terms as may be agreed upon by the said councils and the said exhibition.

Short title.

2. This Act may be cited as *The Cities of Port Arthur and Fort William Act, 1939*.



An Act respecting the Cities of
Port Arthur and Fort William.

1st Reading

March 28th, 1939

2nd Reading

3rd Reading

MR. COX

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

No. 22

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Cities of Port Arthur and Fort William.

MR. COX

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Cities of Port Arthur and Fort William.

Preamble.

WHEREAS the corporation of the city of Port Arthur and the corporation of the city of Fort William have by their petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

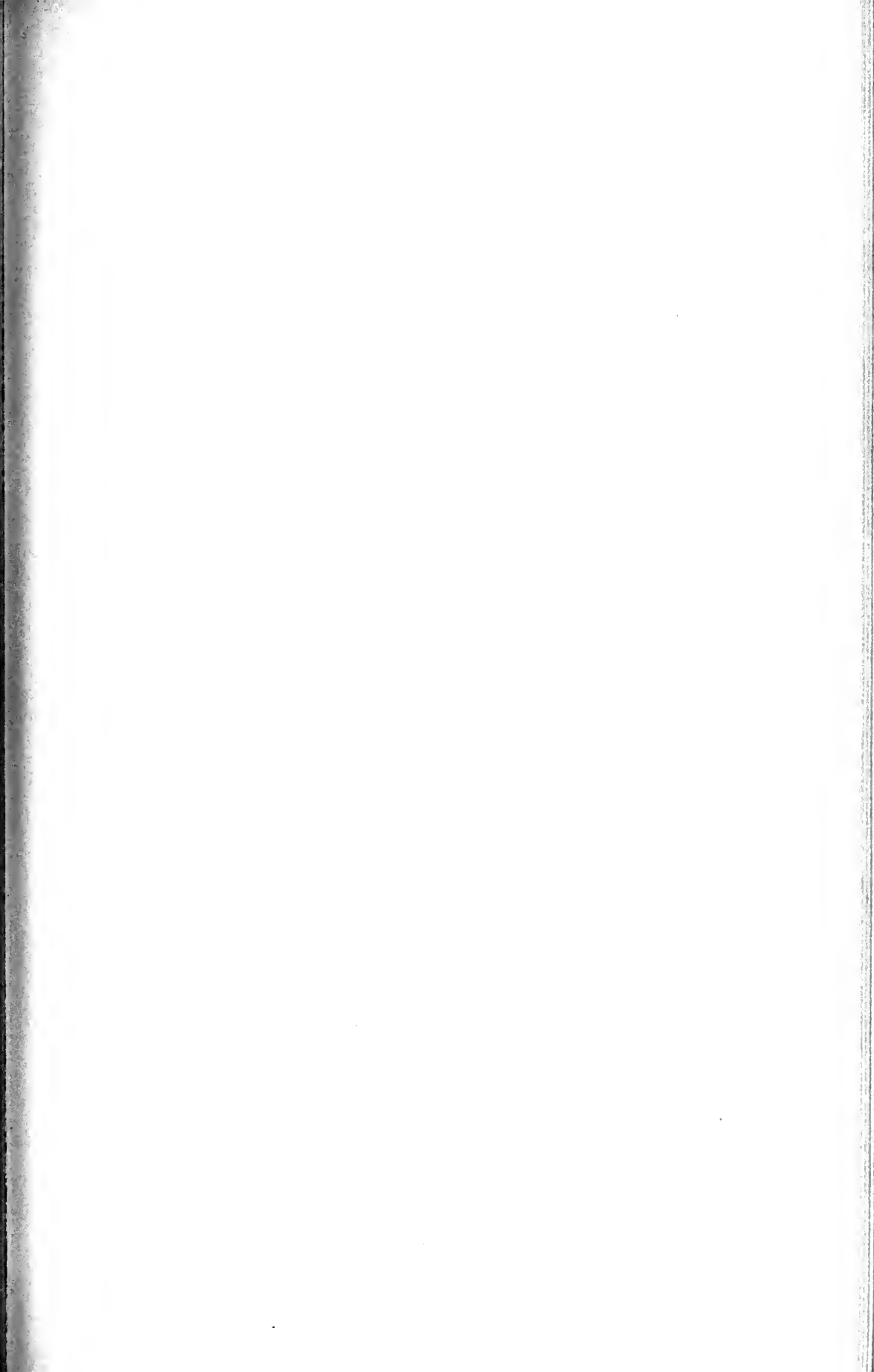
Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
grant or
loan money
to Canadian
Lakehead
Exhibition.
Rev. Stat.,
c. 81.

1. The council of the corporation of the city of Port Arthur and the council of the corporation of the city of Fort William may, in addition to any grant or loan made under *The Agricultural Societies Act*, grant or loan the sum of \$5,000 each to the Canadian Lakehead Exhibition upon such terms as may be agreed upon by the said councils and the said exhibition.

Short title.

2. This Act may be cited as *The Cities of Port Arthur and Fort William Act, 1939*.



An Act respecting the Cities of
Port Arthur and Fort William.

1st Reading

March 28th, 1939

2nd Reading

April 5th, 1939

3rd Reading

April 13th, 1939

MR. COX

No. 23

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Rideau Club.

MR. DUNBAR

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Rideau Club.

Preamble.

WHEREAS the Rideau Club has by petition represented that it is desirous of borrowing the sum of \$170,000 for the purpose of redeeming all the outstanding debentures issued under the authority of an Act passed in the ninth year of the reign of His late Majesty King Edward the Seventh, chaptered 163; and whereas the Rideau Club has by its petition prayed that an Act may be passed for the purpose aforesaid; and whereas it is expedient to grant the prayer of the said petition;

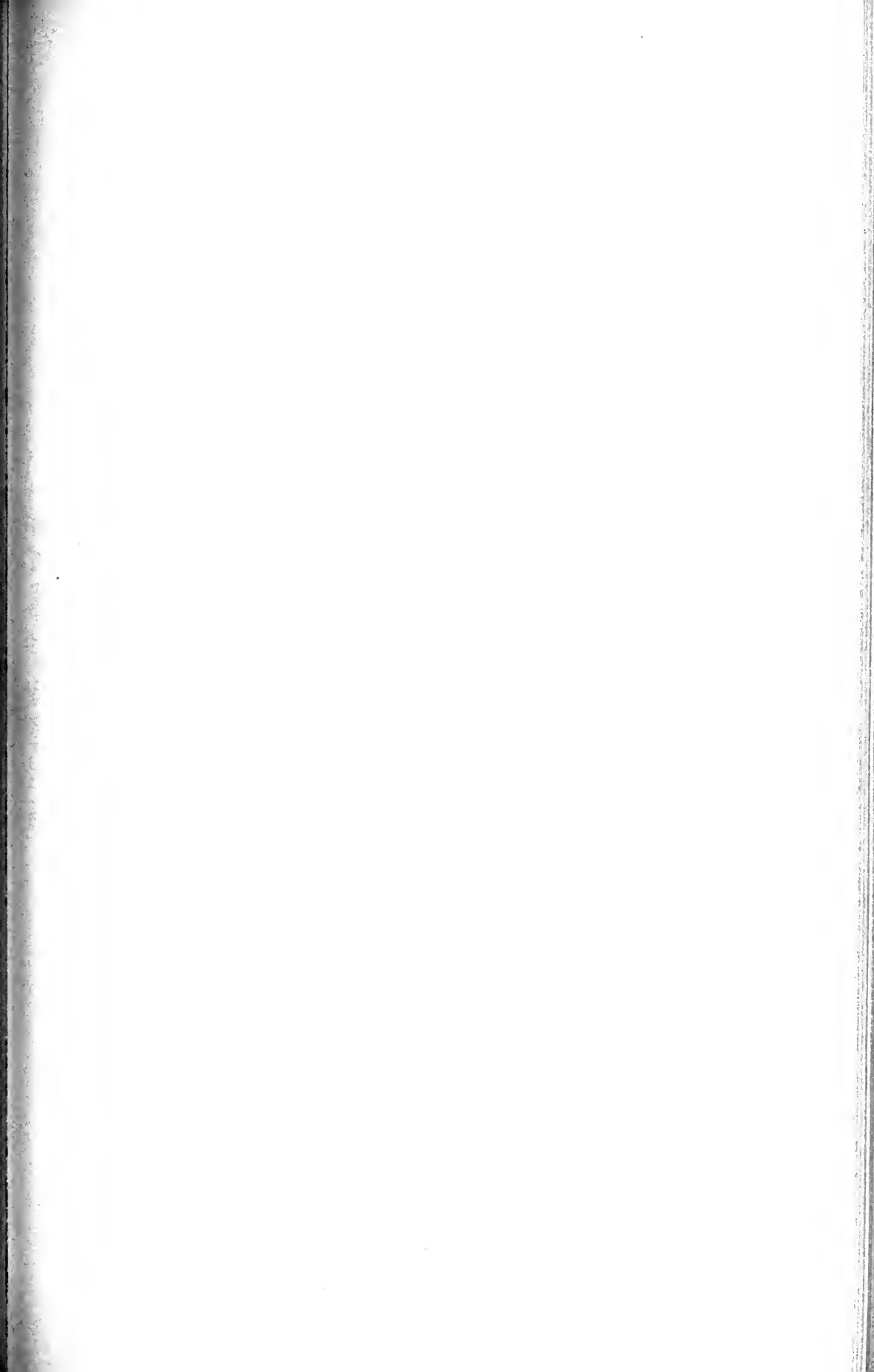
Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to borrow \$170,000 and give security therefor.

1. The Rideau Club, through its executive committee, may for the purpose aforesaid, borrow upon the credit of the said Club the sum of \$170,000 at such rate of interest and on such terms as the said executive committee may determine, and may, from time to time, give security for such indebtedness, or any part thereof, by a mortgage or pledge of the lands and premises of the said Club, executed by such officers of the said Club as may be duly authorized therefor.

Short title.

2. This Act may be cited as *The Rideau Club Act, 1939*.



An Act respecting the Rideau Club.

1st Reading

2nd Reading

3rd Reading

MR. DONBAR

(Private Bill)

No. 23

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Rideau Club.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Rideau Club.

Preamble.

WHEREAS the Rideau Club has by petition represented that it is desirous of borrowing the sum of \$170,000 for the purpose of redeeming all the outstanding debentures issued under the authority of an Act passed in the ninth year of the reign of His late Majesty King Edward the Seventh, chaptered 163; and whereas the Rideau Club has by its petition prayed that an Act may be passed for the purpose aforesaid; and whereas it is expedient to grant the prayer of the said petition;

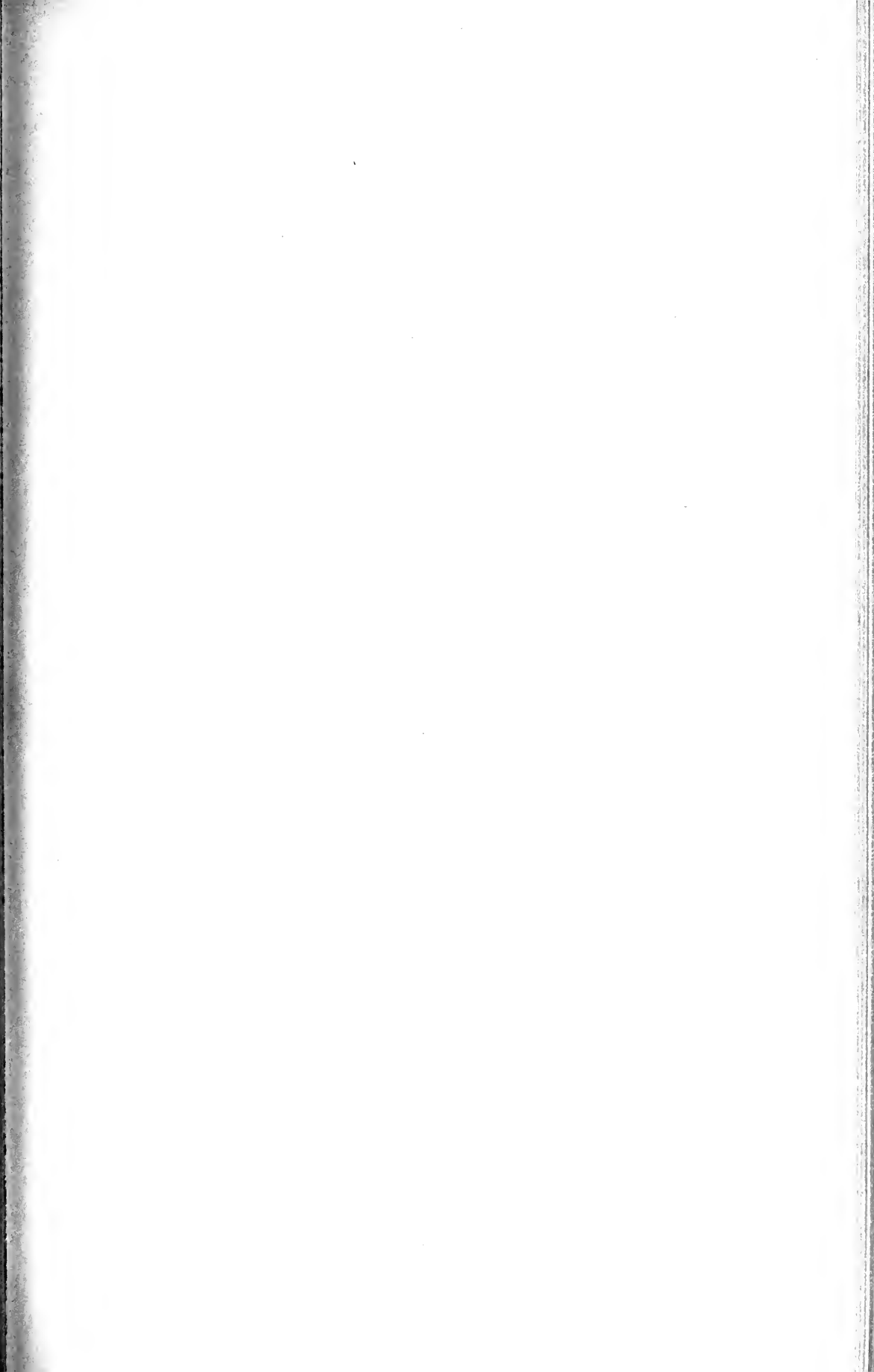
Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to borrow \$170,000 and give security therefor.

1. The Rideau Club, through its executive committee, may for the purpose aforesaid, borrow upon the credit of the said Club the sum of \$170,000 at such rate of interest and on such terms as the said executive committee may determine, and may, from time to time, give security for such indebtedness, or any part thereof, by a mortgage or pledge of the lands and premises of the said Club, executed by such officers of the said Club as may be duly authorized therefor.

Short title.

2. This Act may be cited as *The Rideau Club Act, 1939*.



An Act respecting the Rideau Club.

1st Reading

March 28th, 1939

2nd Reading

April 17th, 1939

3rd Reading

April 24th, 1939

MR. DUNBAR

No. 24

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to incorporate the City of Ottawa Superannuation Fund.

MR. DUNBAR

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

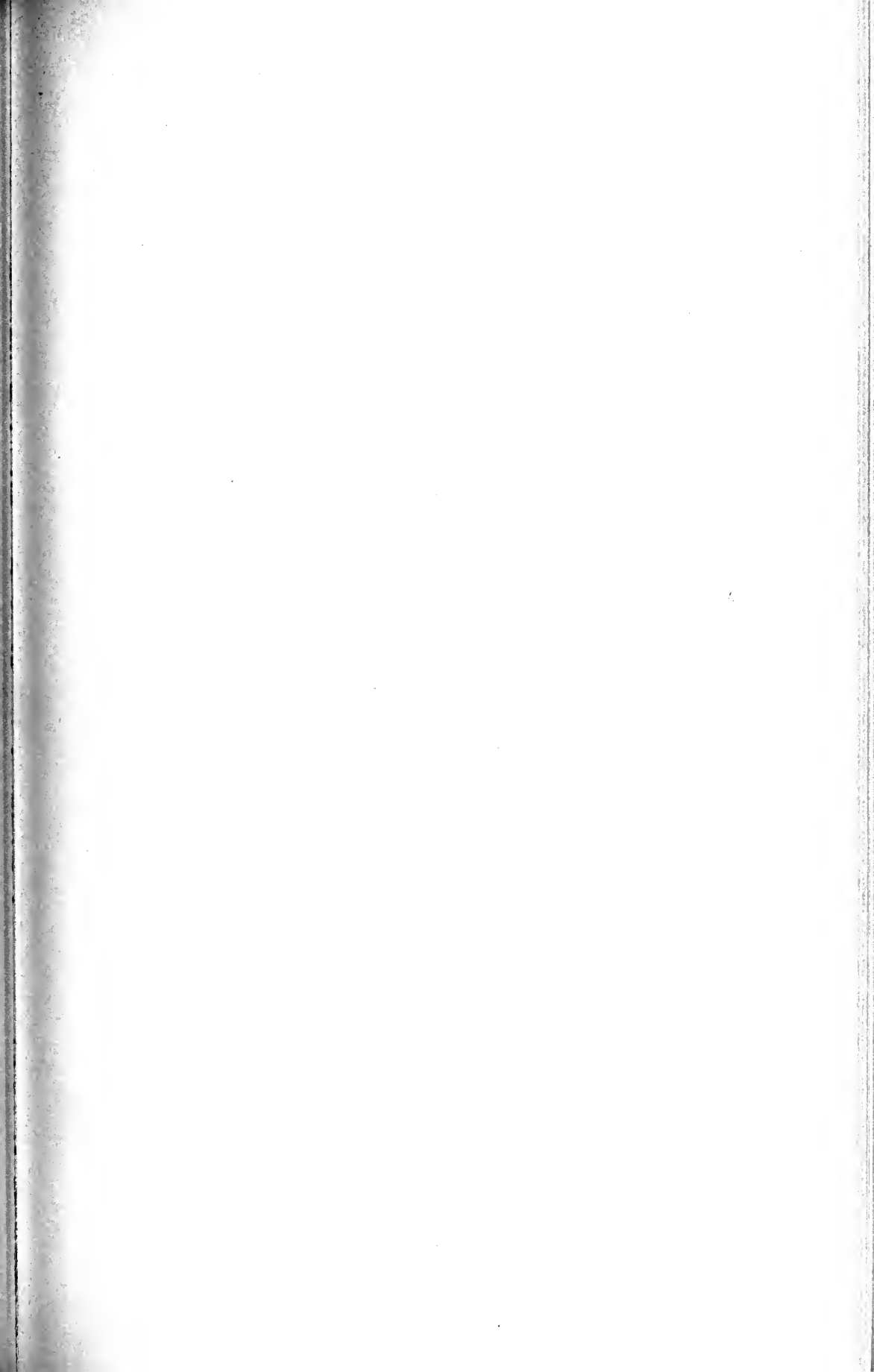
An Act to incorporate the City of Ottawa Superannuation Fund.

Preamble.

R.S.O. 1927,
c. 233.

Rev. Stat.,
c. 236.

WHEREAS J. E. Stanley Lewis, Electrical Contractor; E. A. Borque, Merchant; Aristide Belanger, Civil Servant; W. Elwood MacDonald, Water Works Engineer, and G. Percy Gordon, Commissioner of Finance, have by their petition represented that the City of Ottawa Superannuation Fund was established under the assumed authority of paragraph 10 of section 406 of *The Municipal Act*, being chapter 233 of the Revised Statutes of Ontario, 1927, on the 8th day of September, 1931, by by-law number 7200 passed by the council of the corporation of the city of Ottawa, set out as Schedule A hereto; and whereas the said by-law provided that the said fund should be administered by a board to be appointed as provided in section 4 of the said by-law; and whereas the said petitioners are the present members of such board; and whereas doubts have arisen as to the authority of the said fund to effect contracts of insurance with its members and to grant superannuation allowances and other benefits as provided in the said by-law; and whereas it is desirable in order to remove such doubts that the said fund be incorporated under the name of "The City of Ottawa Superannuation Fund" and that the said fund be authorized to undertake any contract of insurance for which fraternal societies may be licensed under the provisions of Part X of *The Insurance Act* so far as the same are applicable to fraternal societies, the membership of which is limited by its constitution or by-laws to municipal employees, and to make such readjustments in the rates and benefits as may be necessary from time to time to enable it to meet its contracts as they mature and that all contracts of insurance heretofore taken or effected by the fund and all mortuary and other benefits heretofore granted by the said fund be confirmed and declared to be legal, valid and binding; 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:

City of Ottawa Superannuation Fund incorporated.

Rev. Stat., c. 256.

1. The City of Ottawa Superannuation Fund, established under the provisions of the said by-law set out as Schedule A hereto, is hereby incorporated as a fraternal society within the meaning of *The Insurance Act* under the name of "The City of Ottawa Superannuation Fund."

Constitution of fund.

Rev. Stat., c. 256.

2. The said Fund shall be deemed to have been duly constituted as of the date of and as provided in the said by-law and shall have and 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 to be entitled to be licensed as a fraternal society under the said Act and all contracts of insurance heretofore undertaken or effected and all mortuary or other benefits heretofore granted by the said Fund are hereby confirmed.

Further powers of Board.

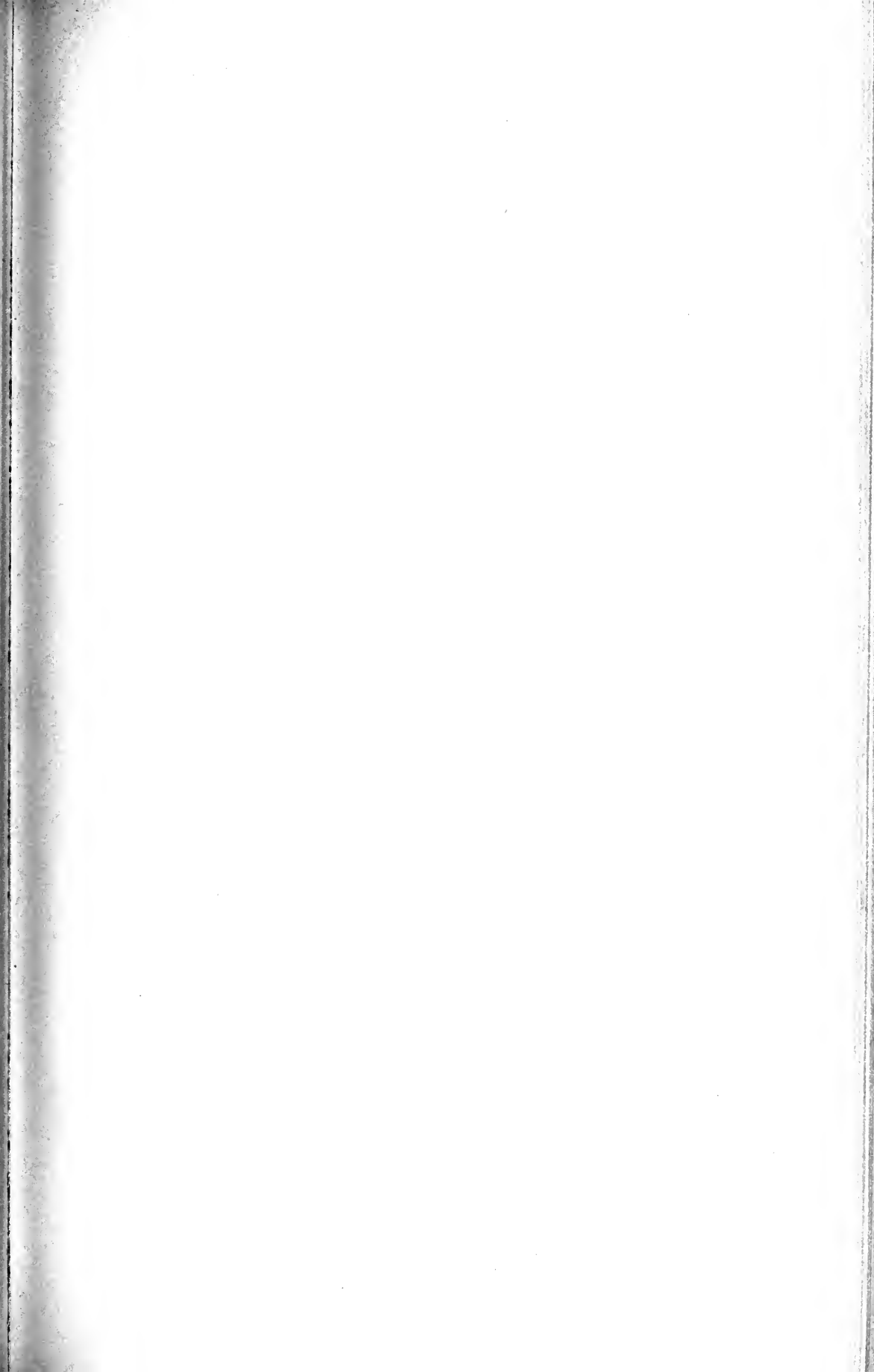
3. The Board constituted as provided under section 4 of the said by-law may make such amendments to the constitution and pass such by-laws and make such rules and regulations as may be expedient for the proper administration of the said Fund, and with the approval of the Superintendent of Insurance may 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 said Fund at maturity, and such amendments shall be binding upon the members of the said Fund and upon their 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 said Fund before such amendments, or in any contract, policy or certificate of insurance heretofore or hereafter issued by the said Fund.

Application of provisions of Rev. Stat., cc. 256, 251.

4. 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 said Fund.

Short title.

5. This Act may be cited as *The City of Ottawa Superannuation Fund Act, 1939*.



SCHEDULE A

BY-LAW NUMBER 7200.

Respecting Superannuation of the Civic Service of Ottawa, Canada.

Short Title. This By-law may be cited as The Corporation of Ottawa Superannuation By-law Number 7200.

1. INTERPRETATION:

In this By-law

- (a) "Retirement age" shall mean,
 - 1. In the case of male employes, the age of 65 completed years and
 - 2. In the case of female employes, 60 completed years.
- (b) "Salary" shall mean the remuneration which the employe is entitled to receive from the Corporation for his services and shall include the value of any perquisite in respect of regular salary payments, but shall not include overtime payments or any other extra allowances or gratuities.
- (c) "Dependent" shall mean and include the wife of a deceased contributor, and also his father, mother, brother, sister and child, if they are either wholly or in part dependent upon his earnings for support at the time of his death.
- (d) "Child" shall mean a person who is in such relationship to a contributor and is not over 18 years of age. This designation shall include a step-child and legally adopted child.
- (e) "Board" shall unless otherwise specified, mean the Board appointed to administer this By-law.

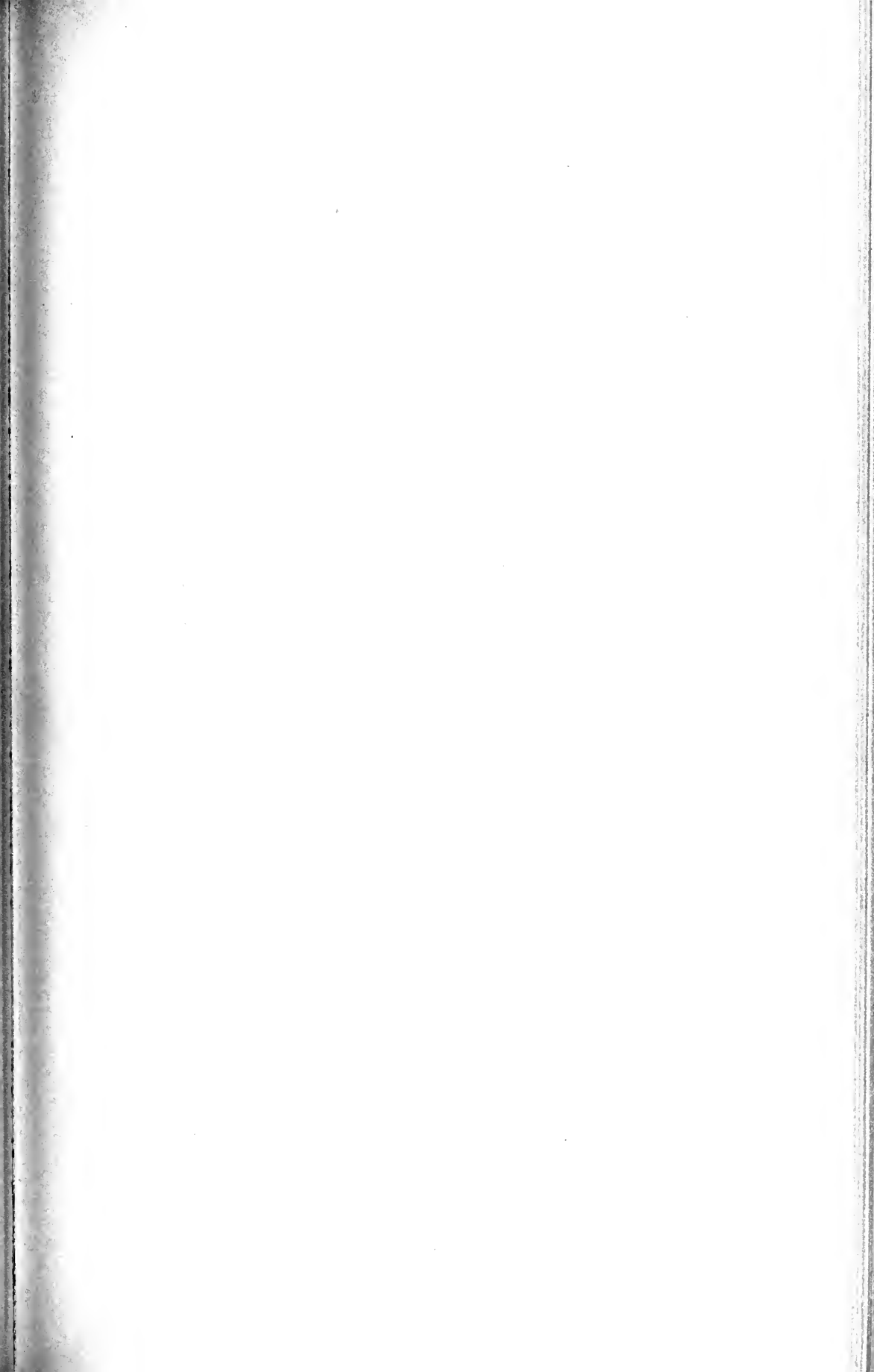
2. WHO SHALL COME UNDER THIS BY-LAW.

- (1) This By-law shall apply to all employes of the Corporation, with the exception of those who come under the superannuation schemes of the Police and Fire Departments.
 - (a) who are appointed by by-law, or (b) who are employed continuously throughout the year at a salary or wage of not less than \$600 per annum; and (c) who may elect, as hereinafter provided, to come within its provisions, and (d) who at the date upon which claim is made upon the fund by such employe or his dependents shall be in good standing and have fully paid up all contributions due by him.
- (2) On the coming into force of this by-law, it shall apply to all permanent employes who elect to come under it, and to every permanent employe on appointment, subsequent to its becoming effective.

Employes eligible to come under this by-law at the time of its coming into force must elect to do so within 6 months of its being passed, and deductions of contributions will commence from the first salary payment subsequent to the date of the by-law becoming effective.

3. CONTRIBUTIONS.

- (1) There shall be deducted from the salary of every person who becomes a contributor under this by-law, an amount equal to



five per cent of his or her earnings, but no deductions shall be made from a contributor after a period of 35 completed years, during which time he or she has paid into the fund.

- (2) The Corporation of the City will contribute annually, in equal monthly payments, during each year, such amounts as are necessary to take care of the accrued liability at the time of this by-law coming into force, and such further amounts as are necessary, along with the contributions made by the employes, to place and keep the fund on a sound actuarial basis. The amount of such contributions shall be determined in the first instance by the certificate in writing of the Commissioner of Finance.
- (3) All contributions, whether from the Corporation, or from the employes contributing under this by-law, shall be credited to the fund in connection herewith, which shall be designated "The Ottawa Civic Employes Superannuation Fund" and all payments competent in connection with this by-law shall be charged against this fund.
- (4) The Commissioner of Finance shall be the Treasurer of the fund.

4. BOARD TO ADMINISTER BY-LAW.

- (1) For the purpose of administering this by-law a Board shall be appointed to consist of:
 - (a) The Mayor.
 - (b) One member of the Board of Control appointed by it.
 - (c) One Alderman appointed by the City Council.
 - (d) One representative of the contributing employes appointed by them.
 - (e) The Commissioner of Finance.

At any meeting of the Board, three members shall constitute a quorum.

- (2) Such Board shall be appointed annually on or before the 31st day of January each year and shall hold office from the 1st day of February of such year to the 31st day of January of the ensuing year, and until its successors are appointed.
- (3) At the first meeting of the Board in each year, it shall appoint:
 - (a) One of its members who shall act as Chairman during the ensuing year.
 - (b) A Secretary who may, or may not be, a member of the Board.

5. AUDITORS.

The City Auditors shall audit the books and records which shall be kept in connection with this by-law.

6. REPORT TO COUNCIL.

There shall be submitted annually, by the Board, through the Board of Control, to Council, at its second meeting in January each year, a report with reference to the activities during the preceding year under this by-law.

Incorporated in this report will be the following statements, audited by the City Auditors:

- (a) Statement of Income and Disbursements.

(b) Detailed statement of all superannuation and other allowances paid during the year, showing (1) with reference to each person retired, the name, age at retirement, rank, cause of superannuation, length of service, date of commencement of superannuation and total amount paid during the year.

(2) With reference to widows, children and other dependents of contributors under the by-law, in each case, the name, age, sex and other relationship to contributor, date of commencement of allowance, rate of allowance, and total amount paid during the year, along with the name, age at death, and length of service of the contributor to whose such dependent or dependents such allowance or allowances had been made.

(c) Detailed statement of the Investment Fund.

(d) Balance sheet as at 31st December.

7. BANKING ARRANGEMENTS.

The banking account in connection with the fund shall be placed with the bank with which the City does its chief business, but it shall be kept entirely separate from the City's other accounts.

8. INVESTMENT OF FUNDS.

Such amounts at the credit of the fund as are not required for current needs, shall be retained in the bank on deposit, or shall be invested from time to time, in approved securities, by the Board. Such securities invested in shall be limited to bonds issued by the Federal Government of Canada, the Governments of any one of the Provinces of the Dominion of Canada, or bonds guaranteed by any of these Governments, or the highest grade of bonds of the Municipalities of the Dominion of Canada.

9. ACTUARIAL EXAMINATION OF THE FUND.

At the end of five years after this by-law comes into force, and the scheme has been in operation, the fund shall be reported on actuarially by a competent firm of actuaries, and every five years thereafter.

10. CHARGES AGAINST THE FUND.

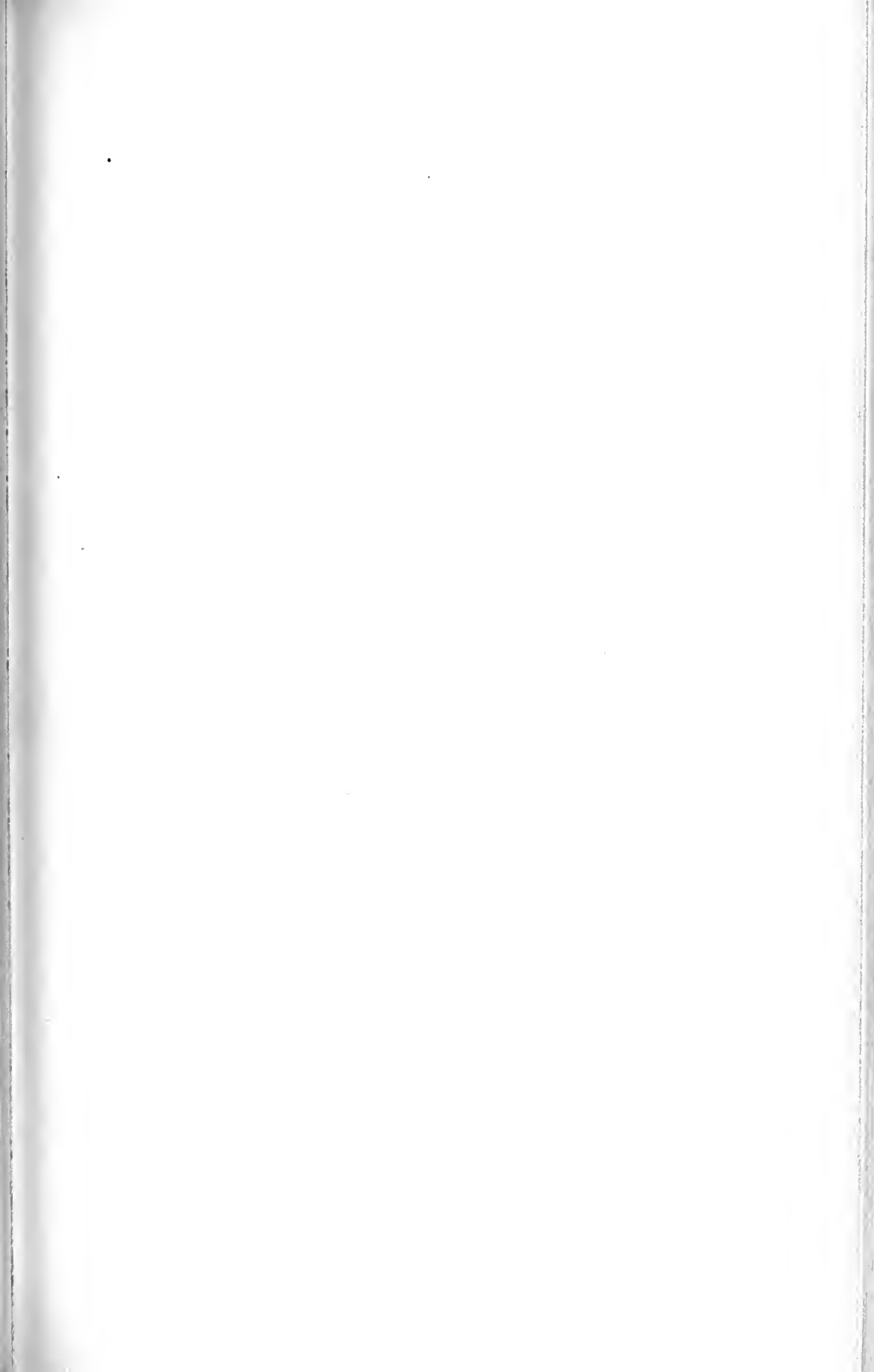
The only charges against the fund shall be such superannuation benefits and other allowances which may accrue from time to time under this by-law. All other charges competent to and in connection with the operation of the by-law shall be borne by the Corporation of the City.

11. OLD AGE SUPERANNUATION.

- (1) A superannuation allowance, determined as herein provided, shall be granted to every employe who attains the retirement age.
- (2) Any contributing employe who is in the Civic Service on the date this by-law becomes effective and whose age is more than 35 years, may continue in the service for a period not longer than 5 years beyond the normal retirement age, but such continuance in the service shall be subject to the consent and approval of the Council on the recommendation of the Board of Control from year to year.
- (3) Any contributing employe who on attaining the retirement age, is engaged in work of a special nature may, with the consent and approval of the Council on the recommendation of the Board of Control, be continued in the service for a period not exceeding one year, or, until the earlier completion of the work.

12. DISABILITY SUPERANNUATION.

- (1) Any contributing employe who is deemed to have become totally and permanently disabled shall, during the continuation of such

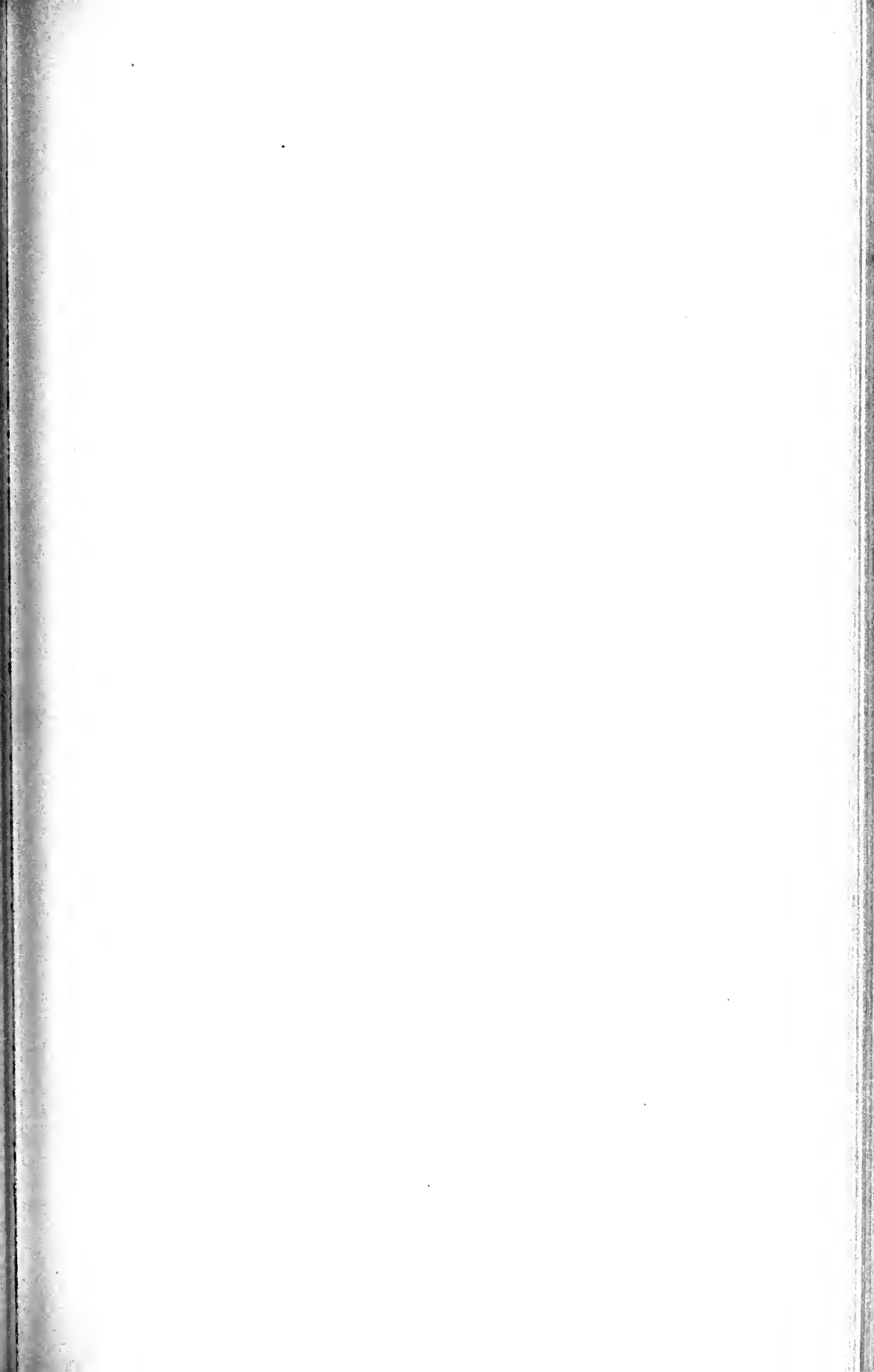


state of total and permanent disability, be entitled to a superannuation allowance determined in accordance with section 13 hereof, but, in no case, less than \$10.00 per month in the event of disability occurring in the first year of service, and not less than \$13.00 per month in the event of disability occurring in the second year of service, and not less than \$16.00 per month in the event of disability occurring in the third year of service, and so on, the minimum limitation increasing by \$3.00 per month for each additional completed year of service, up to \$40.00 per month, so that the benefit payable in the event of disability occurring in the eleventh or any subsequent year shall not be less than \$40.00 per month; provided, however, that the benefit paid during any such period of total and permanent disability shall not in any case exceed the benefit to which the employe would be entitled were he to continue in the service until the retirement age at the salary in effect at the date of his retirement on account of disability.

- (2) If any employe who has been superannuated under the provisions of this section shall, before attaining the retirement age, so far recover as to be able to engage in any gainful occupation, then all payment of superannuation allowance shall cease; provided that, if he at any time return to the service of the Corporation and become subject to the provisions of this by-law, then, on subsequently becoming superannuated, his superannuation shall be determined without regard for any benefits paid to him during any prior period of total and permanent disability. In establishing the length of service in such case for the purpose of computing superannuation allowance, only such period shall be included during which the employe was actually employed by the Corporation and a contributor to the fund; except, however, in the case of a contributor who served with His Majesty's Forces or any of the Allied Forces during the Great War and who, at the time of enlisting was an employe of the Corporation of the City, and who, on being discharged from His Majesty's Service or the Service of any of the Allied Forces, immediately resumed his duties with the Corporation. In such case the period of service with His Majesty's Forces or any of the Allied Forces shall be included in establishing superannuation allowance.
- (3) No employe shall be deemed to have become totally and permanently disabled until after examination by a physician appointed by the Board and a certificate establishing the fact has been received from such physician, and, during the period of his remaining totally and permanently disabled, he must submit, every six months, a certificate from the Board's physician substantiating the fact.
- (4) In any case where a contributor is entitled to superannuation under this section, and is in receipt, also, of an award under the Workmen's Compensation Act, the superannuation allowance paid to him, based on the terms of this section, shall be reduced by the amount paid under the Workmen's Compensation Act award.

13. SUPERANNUATION ALLOWANCE.

- (1) The annual superannuation allowance of each employe shall be determined as follows, namely:
 - (a) In respect of service prior to the date this by-law becomes effective, one per centum of the annual rate of salary of the employe as of the said date multiplied by the number of years of permanent service prior to the said date taken to the nearest completed year, and
 - (b) 2% of the total average yearly salary payments made after the said date.



In no case, however, shall an employe be entitled to an amount greater than 70% of salary payments during the period covered in (a) and (b).

- (2) Unless otherwise provided all annual payments under this by-law shall be made in equal monthly instalments during the lifetime of the recipient, and commence on the first day of the month next following the date of superannuation.
- (3) No superannuation allowance or other benefit shall be paid to a contributor or dependent of a contributor under this by-law until the Commissioner of Finance has reported to the Board in writing that such payment comes within the scope of this by-law, and it has been authorized at a regular meeting of the Board.

14. DEATH BENEFITS.

On the death of any contributing employe or superannuated employe there shall be paid:

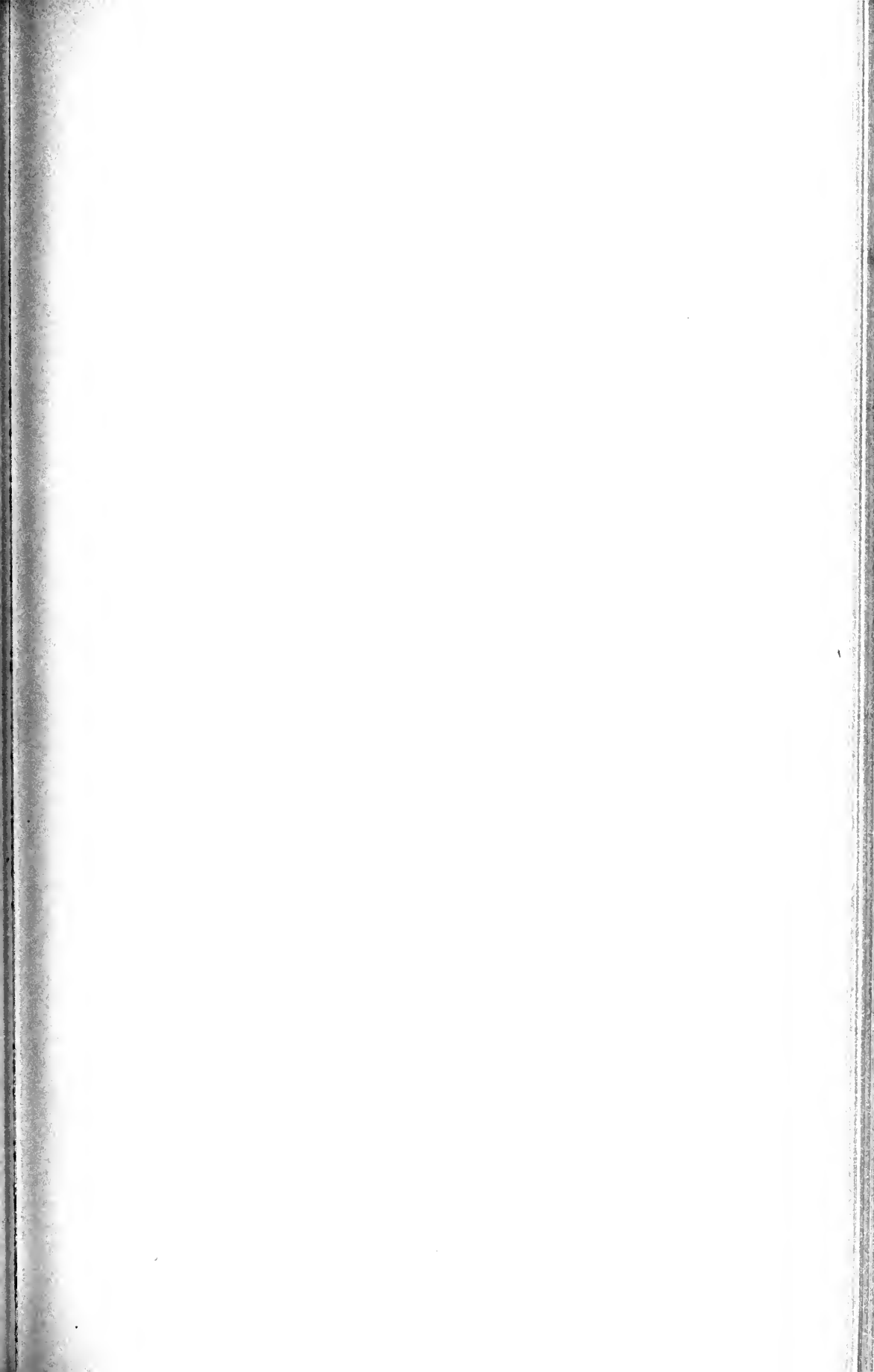
- (1) To his widow, until re-marriage, an annual amount equal to one-half the allowance which the said employe was receiving as superannuation, or would have been entitled to if superannuated.
- (2) To each child until 18 years of age, 10% of the allowance which said employe was receiving as superannuation, or would have been entitled to if superannuated, but in no case shall allowance to the children exceed the allowance to the widow, or the allowance to the widow and children combined be more than three-fourths the amount which the deceased employe was receiving as superannuation, or would have been entitled to if superannuated.
- (3) No allowance shall be granted to a widow or child of a contributor:
 - (a) If the contributor married after superannuation or retirement.
 - (b) If a contributor was over 60 years of age at time of marriage, and such marriage was contracted after the coming into force of this by-law.
 - (c) If a contributor dies within one year of marriage, unless the Board be satisfied that he was, at time of marriage, in sound health, physically and mentally, and that there are no other objections to the granting of an allowance.

Any breach of a contributor as to the above conditions of marriage shall not affect a child by an earlier marriage.

- (4) If a contributor marries, after the coming into force of this by-law, and his age exceeds that of his wife by twenty years or upwards, the allowance to such wife, under the by-law, shall be reduced as the Board may see fit.
- (5) On the death of a contributor without wife or child, while in the employ of the Corporation, who has other dependent or dependents, the Board may grant, at its discretion, to such dependent or dependents, a lump sum or sums not exceeding, in total, the amounts paid into the fund by the contributor, but without interest.

15. RETIREMENT OTHERWISE THAN ON ACCOUNT OF OLD AGE OR DISABILITY.

Any employe who retires voluntarily or who is retired for any other reason than old age, or total and permanent disability, shall be entitled to a refund, in lump sum, of the amount contributed by him under this by-law, without interest, less the amount, if any, paid to him by way of



superannuation allowance during any period of total or permanent disability, provided, however, he has not been retired on account of dishonesty or other misconduct, under which circumstances such refund as may be granted, in part or otherwise, of the amounts contributed by him, under this by-law, shall be at the discretion of the Board.

16. AGE LIMITATION.

- (1) The provisions of this by-law shall not apply to any person who, after the date on which this by-law becomes effective, shall enter the employ of the Corporation and whose age exceeds 50 completed years.
- (2) The age limitation in this section shall not apply to any person who re-enters the service of the Corporation, and becomes subject to the terms of this by-law, if, under the terms of this by-law, his prior period of service will count in determining his allowance at the time of his subsequent superannuation.

17. ADMINISTRATION OF AND KEEPING OF RECORDS IN CONNECTION WITH BY-LAW.

The work in connection with the administration of this by-law, subject to the authority of the Board, and the keeping of all records in connection herewith, shall be under the direction of the Commissioner of Finance.

18. AMENDMENTS TO BY-LAW.

Amendments to this by-law may be made from time to time by City Council on recommendation of the Board of Control, but no amendment, which would mean an increased cost to the fund shall be made, until it has been established by actuarial survey what increased cost to the fund would result from such amendment.

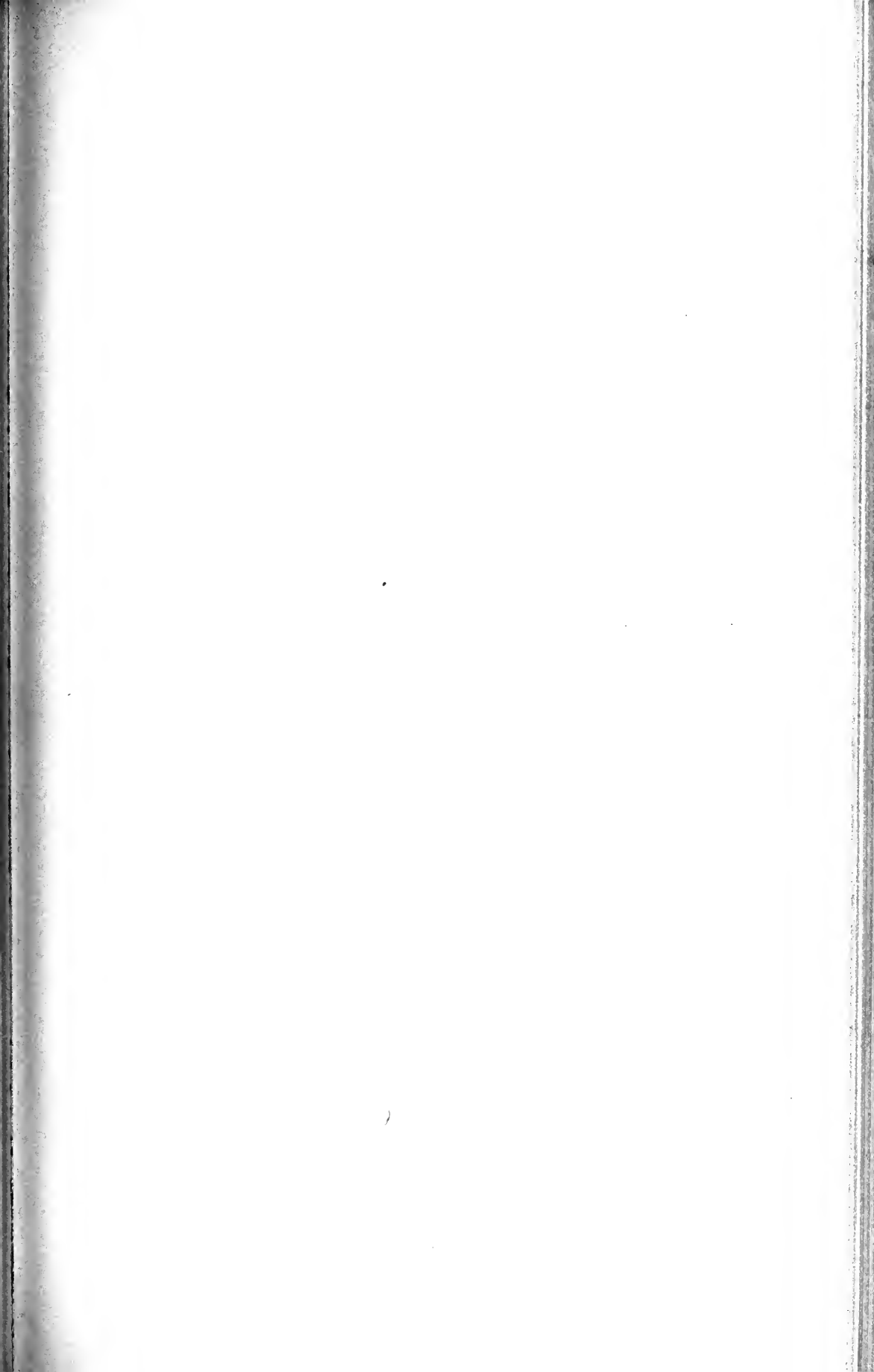
19. WHEN BY-LAW SHALL BECOME EFFECTIVE.

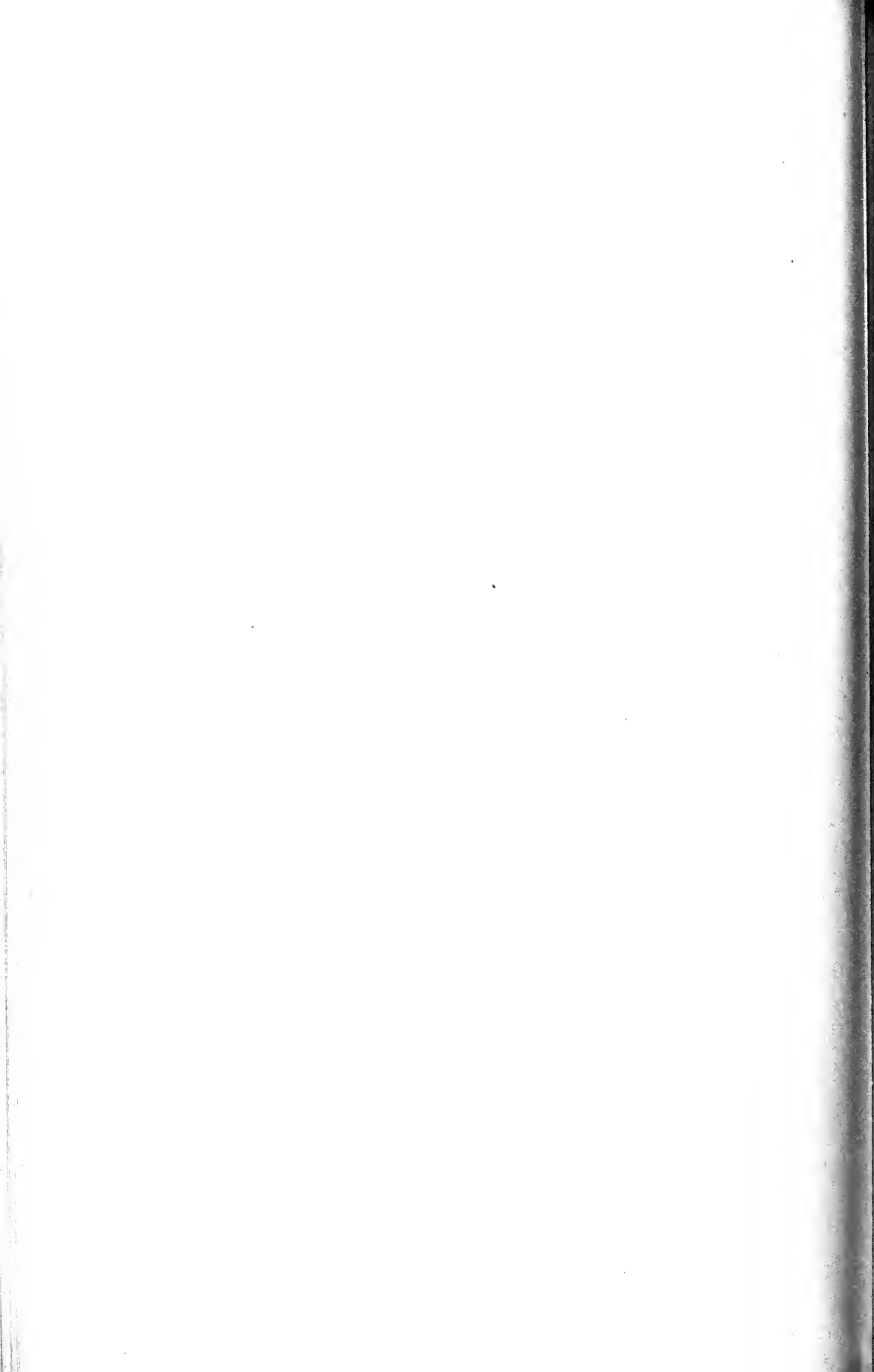
- (1) This by-law shall become effective on the date on which it is passed by City Council, and deductions shall commence to be made from contributors as from the next salary payment.
- (2) On and after the coming into effect of this by-law, no gratuity, retiring allowance or annuity shall be paid to any officer of the Corporation who was entitled to contribute to the fund established by this by-law but who has elected not to become a contributor thereto.

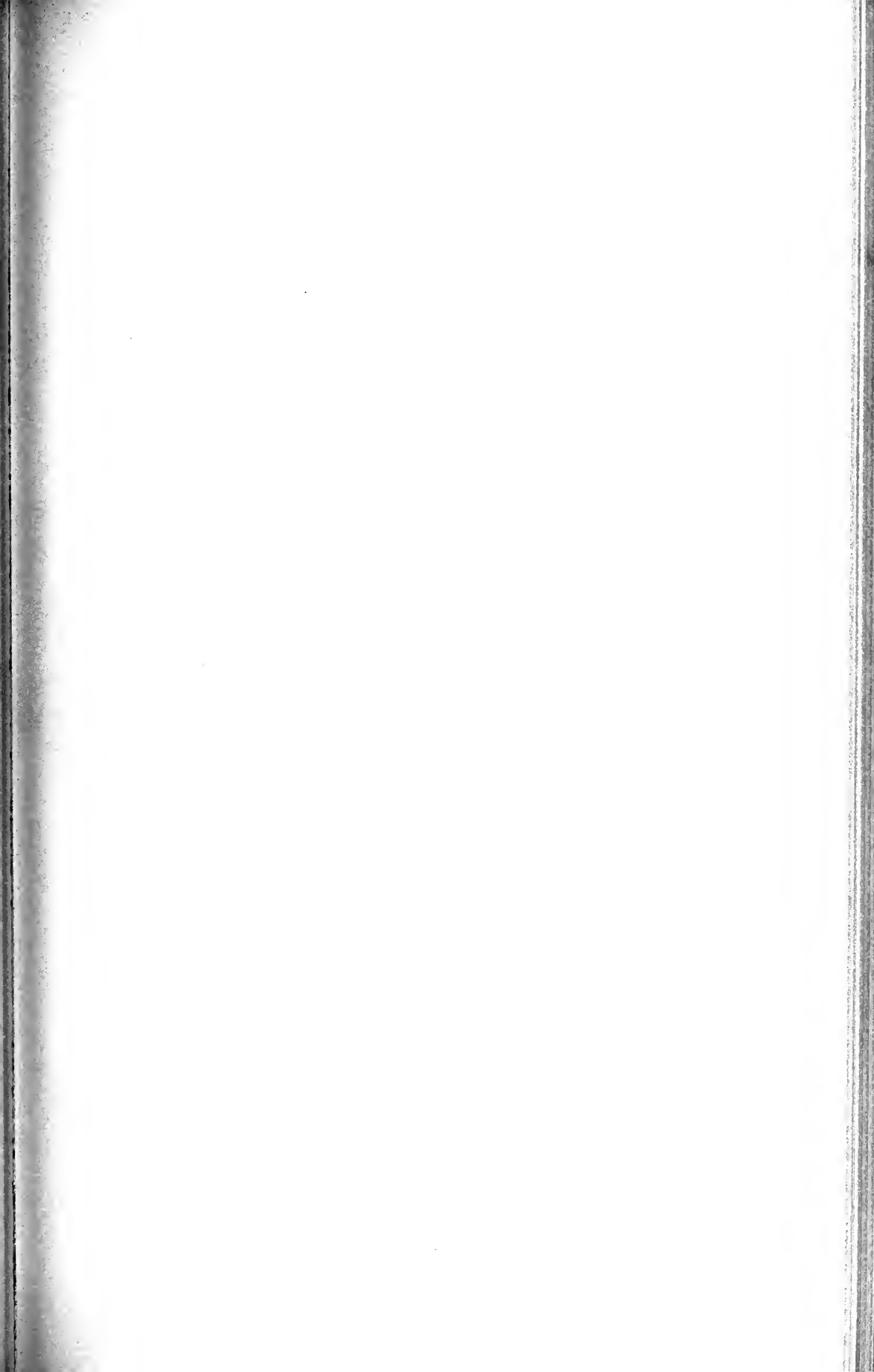
GIVEN under the Corporate Seal of the City of Ottawa, this 8th day of September, A.D., 1931.

(Sgd.) NORMAN H. H. LETT,
City Clerk.

(Sgd.) J. J. ALLEN,
Mayor.







An Act to incorporate the City of Ottawa
Superannuation Fund.

1st Reading

2nd Reading

3rd Reading

MR. DUNBAR

(Private Bill)

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to incorporate the City of Ottawa Superannuation Fund.

MR. DUNBAR

(PRIVATE BILL)

BILL

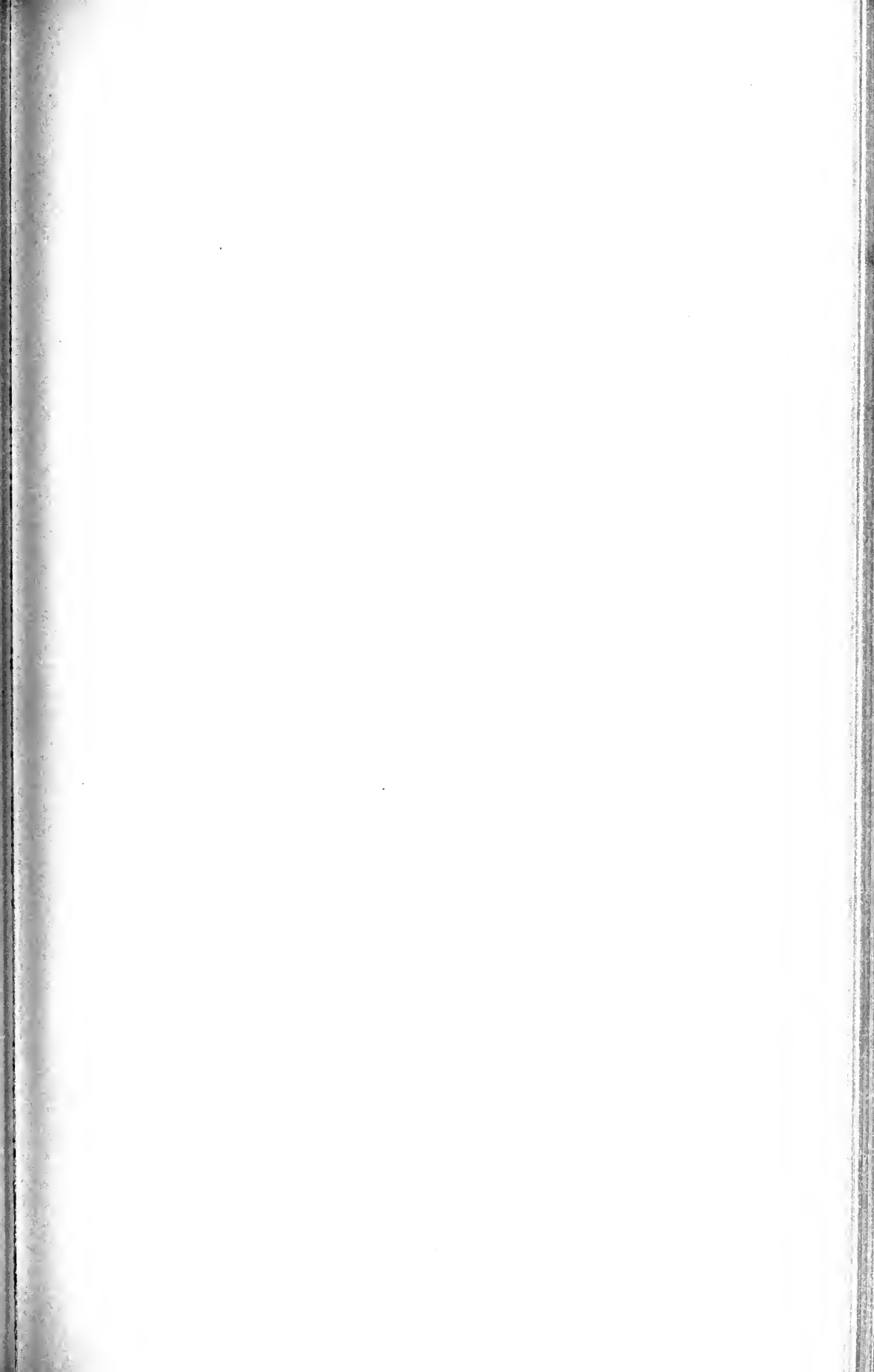
An Act to incorporate the City of Ottawa Superannuation Fund.

Preamble.

R.S.O. 1927,
c. 233.

Rev. Stat.,
c. 256.

WHEREAS J. E. Stanley Lewis, Electrical Contractor; E. A. Borque, Merchant; Aristide Belanger, Civil Servant; W. Elwood MacDonald, Water Works Engineer, and G. Percy Gordon, Commissioner of Finance, have by their petition represented that the City of Ottawa Superannuation Fund was established under the assumed authority of paragraph 10 of section 406 of *The Municipal Act*, being chapter 233 of the Revised Statutes of Ontario, 1927, on the 8th day of September, 1931, by by-law number 7200 passed by the council of the corporation of the city of Ottawa, set out as Schedule A hereto; and whereas the said by-law provided that the said fund should be administered by a board to be appointed as provided in section 4 of the said by-law; and whereas the said petitioners are the present members of such board; and whereas doubts have arisen as to the authority of the said fund to effect contracts of insurance with its members and to grant superannuation allowances and other benefits as provided in the said by-law; and whereas it is desirable in order to remove such doubts that the said fund be incorporated under the name of "The City of Ottawa Superannuation Fund" and that the said fund be authorized to undertake any contract of insurance for which fraternal societies may be licensed under the provisions of Part X of *The Insurance Act* so far as the same are applicable to fraternal societies, the membership of which is limited by its constitution or by-laws to municipal employees, and to make such readjustments in the rates and benefits as may be necessary from time to time to enable it to meet its contracts as they mature and that all contracts of insurance heretofore taken or effected by the fund and all mortuary and other benefits heretofore granted by the said fund be confirmed and declared to be legal, valid and binding; 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:

City of
Ottawa
Super-
annuation
Fund incor-
porated.

Rev. Stat.,
c. 256.

1. The City of Ottawa Superannuation Fund, established under the provisions of the said by-law set out as Schedule A hereto, is hereby incorporated as a fraternal society within the meaning of *The Insurance Act* under the name of "The City of Ottawa Superannuation Fund."

By-law
No. 7200
Ottawa
confirmed.

2. Subject to the provisions of this Act, the said by-law set out in schedule A hereto is hereby confirmed and declared to be legal, valid and binding.

Constitution
of fund.

3. The said Fund shall be deemed to have been duly constituted as of the date of and as provided in the said by-law and shall have and 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 to be entitled to be licensed as a fraternal society under the said Act and all contracts of insurance heretofore undertaken or effected and all mortuary or other benefits heretofore granted by the said Fund are hereby confirmed.

Rev. Stat.,
c. 256.

Further
powers of
Board.

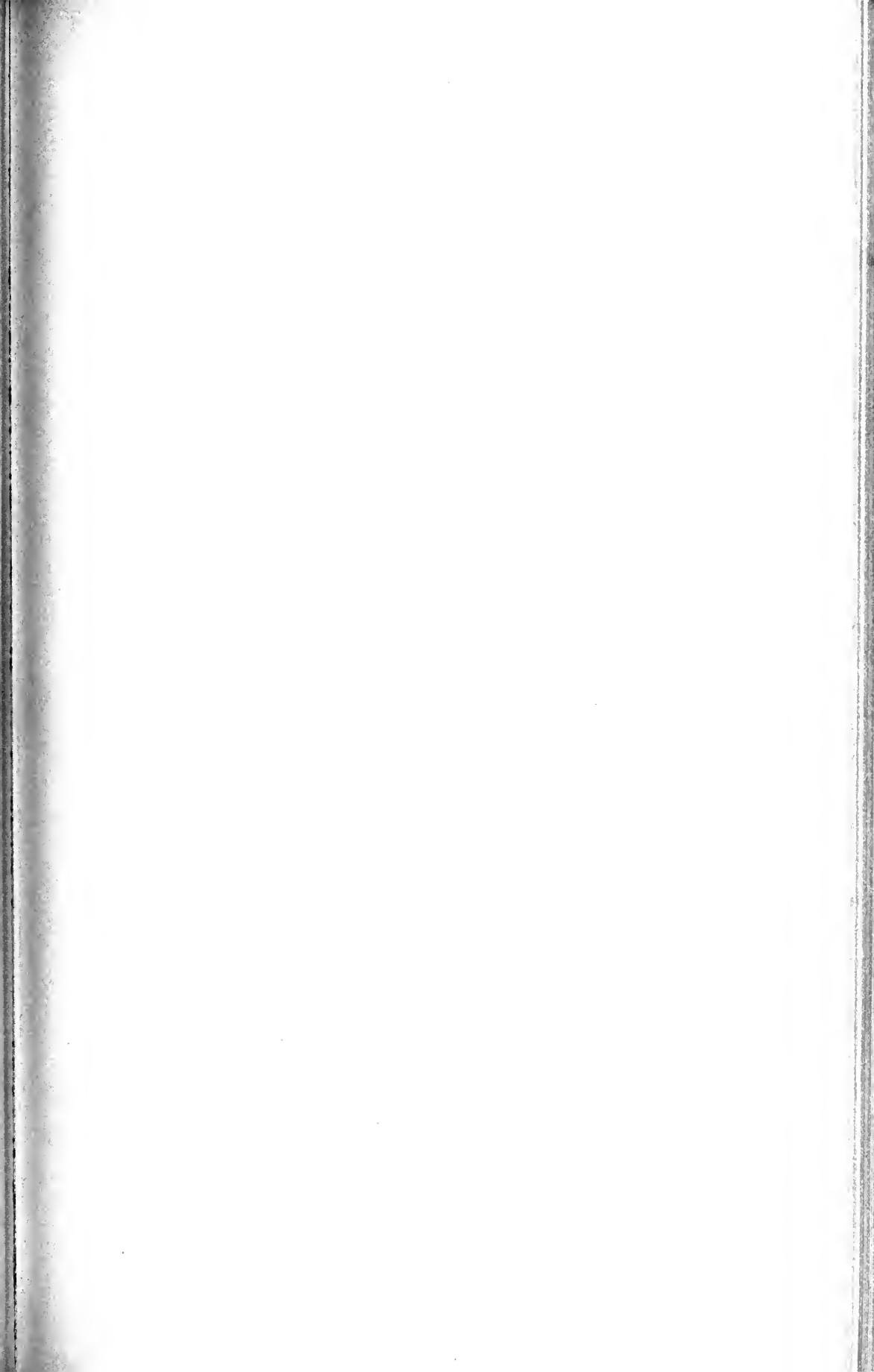
4. The Board constituted as provided under section 4 of the said by-law may make such amendments to the constitution and pass such by-laws and make such rules and regulations as may be expedient for the proper administration of the said Fund, and with the approval of the Superintendent of Insurance may 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 said Fund at maturity, and such amendments shall be binding upon the members of the said Fund and upon their 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 said Fund before such amendments, or in any contract, policy or certificate of insurance heretofore or hereafter issued by the said Fund.

Application
of provisions
of Rev. Stat.,
cc. 256, 251.

5. 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 said Fund.

Short title.

6. This Act may be cited as *The City of Ottawa Superannuation Fund Act, 1939*.



SCHEDULE A

BY-LAW NUMBER 7200.

Respecting Superannuation of the Civic Service of Ottawa, Canada.

Short Title. This By-law may be cited as The Corporation of Ottawa Superannuation By-law Number 7200.

1. INTERPRETATION:

In this By-law

- (a) "Retirement age" shall mean,
 - 1. In the case of male employes, the age of 65 completed years and
 - 2. In the case of female employes, 60 completed years.
- (b) "Salary" shall mean the remuneration which the employe is entitled to receive from the Corporation for his services and shall include the value of any perquisite in respect of regular salary payments, but shall not include overtime payments or any other extra allowances or gratuities.
- (c) "Dependent" shall mean and include the wife of a deceased contributor, and also his father, mother, brother, sister and child, if they are either wholly or in part dependent upon his earnings for support at the time of his death.
- (d) "Child" shall mean a person who is in such relationship to a contributor and is not over 18 years of age. This designation shall include a step-child and legally adopted child.
- (e) "Board" shall unless otherwise specified, mean the Board appointed to administer this By-law.

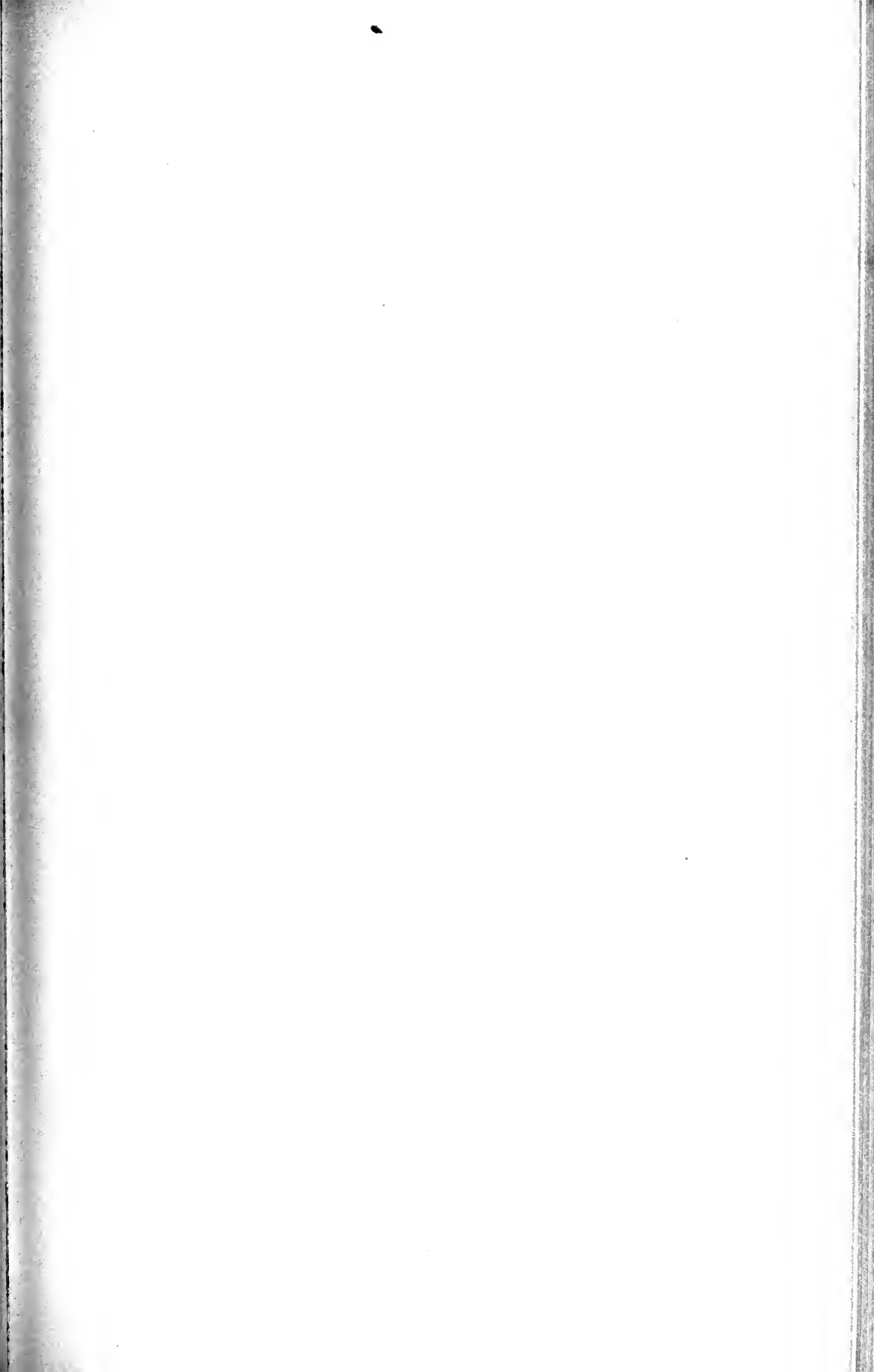
2. WHO SHALL COME UNDER THIS BY-LAW.

- (1) This By-law shall apply to all employes of the Corporation, with the exception of those who come under the superannuation schemes of the Police and Fire Departments.
 - (a) who are appointed by by-law, or (b) who are employed continuously throughout the year at a salary or wage of not less than \$600 per annum; and (c) who may elect, as hereinafter provided, to come within its provisions, and (d) who at the date upon which claim is made upon the fund by such employe or his dependents shall be in good standing and have fully paid up all contributions due by him.
- (2) On the coming into force of this by-law, it shall apply to all permanent employes who elect to come under it, and to every permanent employe on appointment, subsequent to its becoming effective.

Employes eligible to come under this by-law at the time of its coming into force must elect to do so within 6 months of its being passed, and deductions of contributions will commence from the first salary payment subsequent to the date of the by-law becoming effective.

3. CONTRIBUTIONS.

- (1) There shall be deducted from the salary of every person who becomes a contributor under this by-law, an amount equal to



five per cent of his or her earnings, but no deductions shall be made from a contributor after a period of 35 completed years, during which time he or she has paid into the fund.

- (2) The Corporation of the City will contribute annually, in equal monthly payments, during each year, such amounts as are necessary to take care of the accrued liability at the time of this by-law coming into force, and such further amounts as are necessary, along with the contributions made by the employes, to place and keep the fund on a sound actuarial basis. The amount of such contributions shall be determined in the first instance by the certificate in writing of the Commissioner of Finance.
- (3) All contributions, whether from the Corporation, or from the employes contributing under this by-law, shall be credited to the fund in connection herewith, which shall be designated "The Ottawa Civic Employes Superannuation Fund" and all payments competent in connection with this by-law shall be charged against this fund.
- (4) The Commissioner of Finance shall be the Treasurer of the fund.

4. BOARD TO ADMINISTER BY-LAW.

- (1) For the purpose of administering this by-law a Board shall be appointed to consist of:
 - (a) The Mayor.
 - (b) One member of the Board of Control appointed by it.
 - (c) One Alderman appointed by the City Council.
 - (d) One representative of the contributing employes appointed by them.
 - (e) The Commissioner of Finance.

At any meeting of the Board, three members shall constitute a quorum.

- (2) Such Board shall be appointed annually on or before the 31st day of January each year and shall hold office from the 1st day of February of such year to the 31st day of January of the ensuing year, and until its successors are appointed.
- (3) At the first meeting of the Board in each year, it shall appoint:
 - (a) One of its members who shall act as Chairman during the ensuing year.
 - (b) A Secretary who may, or may not be, a member of the Board.

5. AUDITORS.

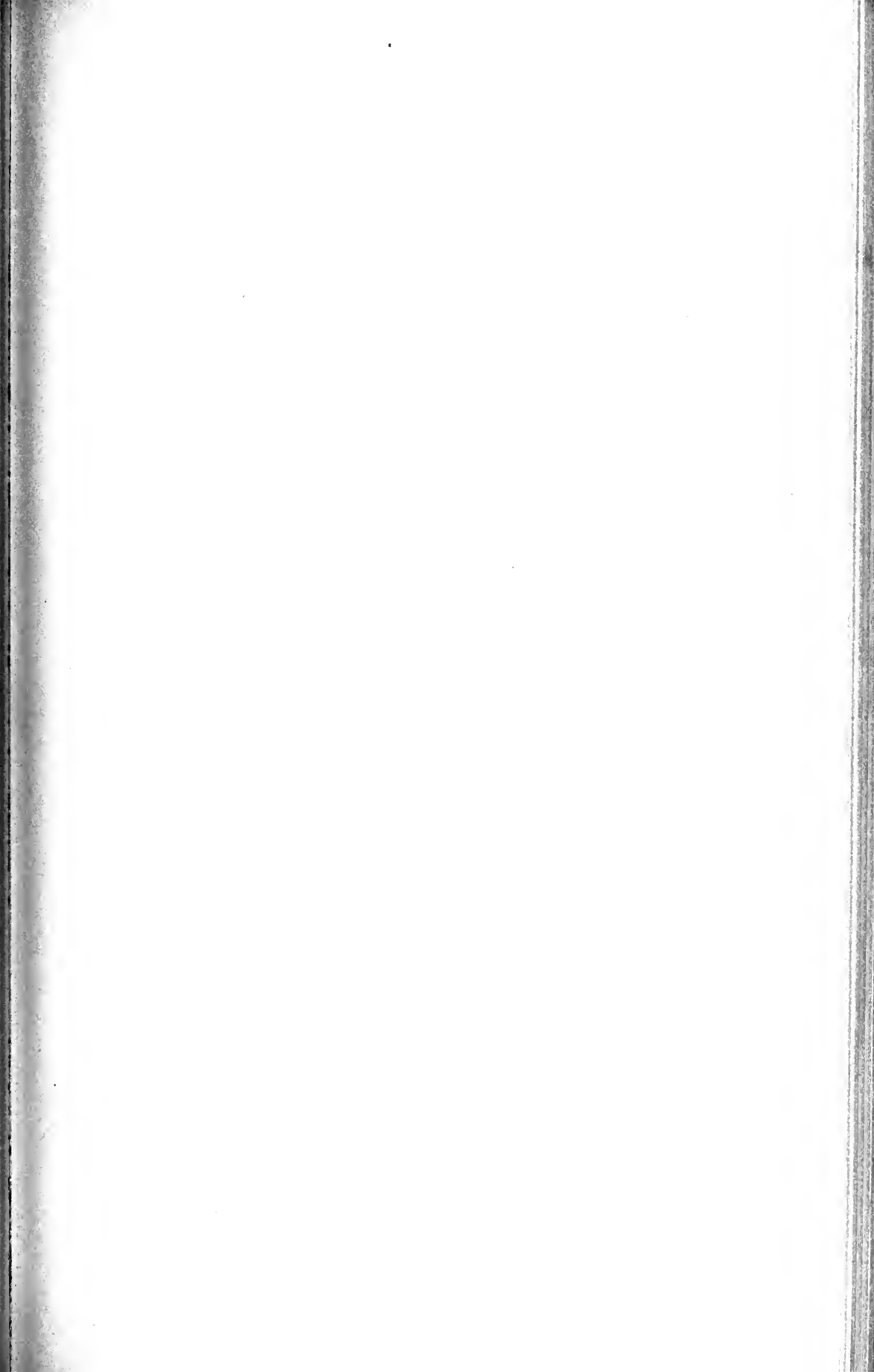
The City Auditors shall audit the books and records which shall be kept in connection with this by-law.

6. REPORT TO COUNCIL.

There shall be submitted annually, by the Board, through the Board of Control, to Council, at its second meeting in January each year, a report with reference to the activities during the preceding year under this by-law.

Incorporated in this report will be the following statements, audited by the City Auditors:

- (a) Statement of Income and Disbursements.



(b) Detailed statement of all superannuation and other allowances paid during the year, showing (1) with reference to each person retired, the name, age at retirement, rank, cause of superannuation, length of service, date of commencement of superannuation and total amount paid during the year.

(2) With reference to widows, children and other dependents of contributors under the by-law, in each case, the name, age, sex and other relationship to contributor, date of commencement of allowance, rate of allowance, and total amount paid during the year, along with the name, age at death, and length of service of the contributor to whose such dependent or dependents such allowance or allowances had been made.

(c) Detailed statement of the Investment Fund.

(d) Balance sheet as at 31st December.

7. BANKING ARRANGEMENTS.

The banking account in connection with the fund shall be placed with the bank with which the City does its chief business, but it shall be kept entirely separate from the City's other accounts.

8. INVESTMENT OF FUNDS.

Such amounts at the credit of the fund as are not required for current needs, shall be retained in the bank on deposit, or shall be invested from time to time, in approved securities, by the Board. Such securities invested in shall be limited to bonds issued by the Federal Government of Canada, the Governments of any one of the Provinces of the Dominion of Canada, or bonds guaranteed by any of these Governments, or the highest grade of bonds of the Municipalities of the Dominion of Canada.

9. ACTUARIAL EXAMINATION OF THE FUND.

At the end of five years after this by-law comes into force, and the scheme has been in operation, the fund shall be reported on actuarially by a competent firm of actuaries, and every five years thereafter.

10. CHARGES AGAINST THE FUND.

The only charges against the fund shall be such superannuation benefits and other allowances which may accrue from time to time under this by-law. All other charges competent to and in connection with the operation of the by-law shall be borne by the Corporation of the City.

11. OLD AGE SUPERANNUATION.

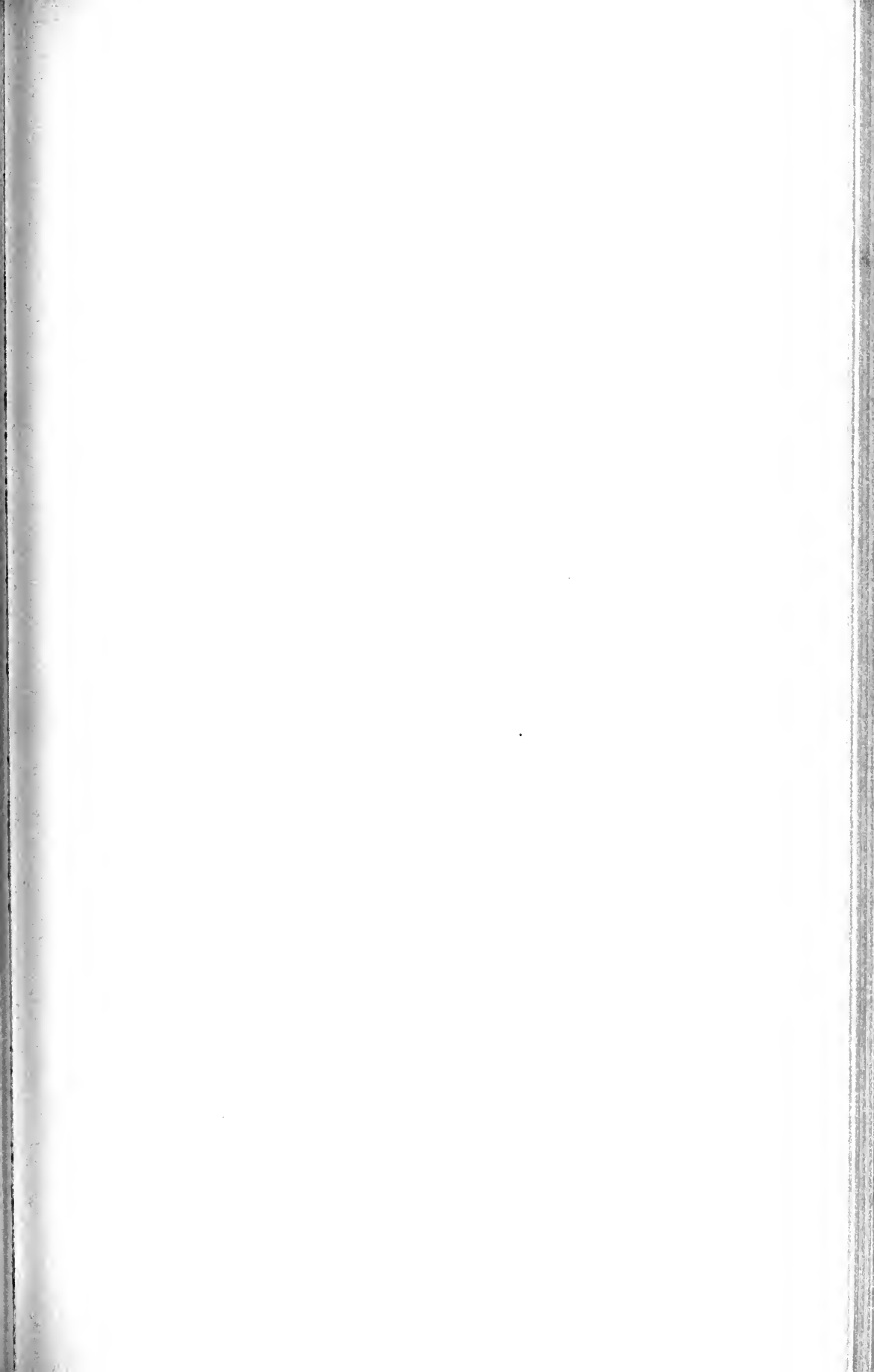
(1) A superannuation allowance, determined as herein provided, shall be granted to every employe who attains the retirement age.

(2) Any contributing employe who is in the Civic Service on the date this by-law becomes effective and whose age is more than 35 years, may continue in the service for a period not longer than 5 years beyond the normal retirement age, but such continuance in the service shall be subject to the consent and approval of the Council on the recommendation of the Board of Control from year to year.

(3) Any contributing employe who on attaining the retirement age, is engaged in work of a special nature may, with the consent and approval of the Council on the recommendation of the Board of Control, be continued in the service for a period not exceeding one year, or, until the earlier completion of the work.

12. DISABILITY SUPERANNUATION.

(1) Any contributing employe who is deemed to have become totally and permanently disabled shall, during the continuation of such



state of total and permanent disability, be entitled to a superannuation allowance determined in accordance with section 13 hereof, but, in no case, less than \$10.00 per month in the event of disability occurring in the first year of service, and not less than \$13.00 per month in the event of disability occurring in the second year of service, and not less than \$16.00 per month in the event of disability occurring in the third year of service, and so on, the minimum limitation increasing by \$3.00 per month for each additional completed year of service, up to \$40.00 per month, so that the benefit payable in the event of disability occurring in the eleventh or any subsequent year shall not be less than \$40.00 per month; provided, however, that the benefit paid during any such period of total and permanent disability shall not in any case exceed the benefit to which the employe would be entitled were he to continue in the service until the retirement age at the salary in effect at the date of his retirement on account of disability.

- (2) If any employe who has been superannuated under the provisions of this section shall, before attaining the retirement age, so far recover as to be able to engage in any gainful occupation, then all payment of superannuation allowance shall cease; provided that, if he at any time return to the service of the Corporation and become subject to the provisions of this by-law, then, on subsequently becoming superannuated, his superannuation shall be determined without regard for any benefits paid to him during any prior period of total and permanent disability. In establishing the length of service in such case for the purpose of computing superannuation allowance, only such period shall be included during which the employe was actually employed by the Corporation and a contributor to the fund; except, however, in the case of a contributor who served with His Majesty's Forces or any of the Allied Forces during the Great War and who, at the time of enlisting was an employe of the Corporation of the City, and who, on being discharged from His Majesty's Service or the Service of any of the Allied Forces, immediately resumed his duties with the Corporation. In such case the period of service with His Majesty's Forces or any of the Allied Forces shall be included in establishing superannuation allowance.
- (3) No employe shall be deemed to have become totally and permanently disabled until after examination by a physician appointed by the Board and a certificate establishing the fact has been received from such physician, and, during the period of his remaining totally and permanently disabled, he must submit, every six months, a certificate from the Board's physician substantiating the fact.
- (4) In any case where a contributor is entitled to superannuation under this section, and is in receipt, also, of an award under the Workmen's Compensation Act, the superannuation allowance paid to him, based on the terms of this section, shall be reduced by the amount paid under the Workmen's Compensation Act award.

13. SUPERANNUATION ALLOWANCE.

- (1) The annual superannuation allowance of each employe shall be determined as follows, namely:
 - (a) In respect of service prior to the date this by-law becomes effective, one per centum of the annual rate of salary of the employe as of the said date multiplied by the number of years of permanent service prior to the said date taken to the nearest completed year, and
 - (b) 2% of the total average yearly salary payments made after the said date.

In no case, however, shall an employe be entitled to an amount greater than 70% of salary payments during the period covered in (a) and (b).

- (2) Unless otherwise provided all annual payments under this by-law shall be made in equal monthly instalments during the lifetime of the recipient, and commence on the first day of the month next following the date of superannuation.
- (3) No superannuation allowance or other benefit shall be paid to a contributor or dependent of a contributor under this by-law until the Commissioner of Finance has reported to the Board in writing that such payment comes within the scope of this by-law, and it has been authorized at a regular meeting of the Board.

14. DEATH BENEFITS.

On the death of any contributing employe or superannuated employe there shall be paid:

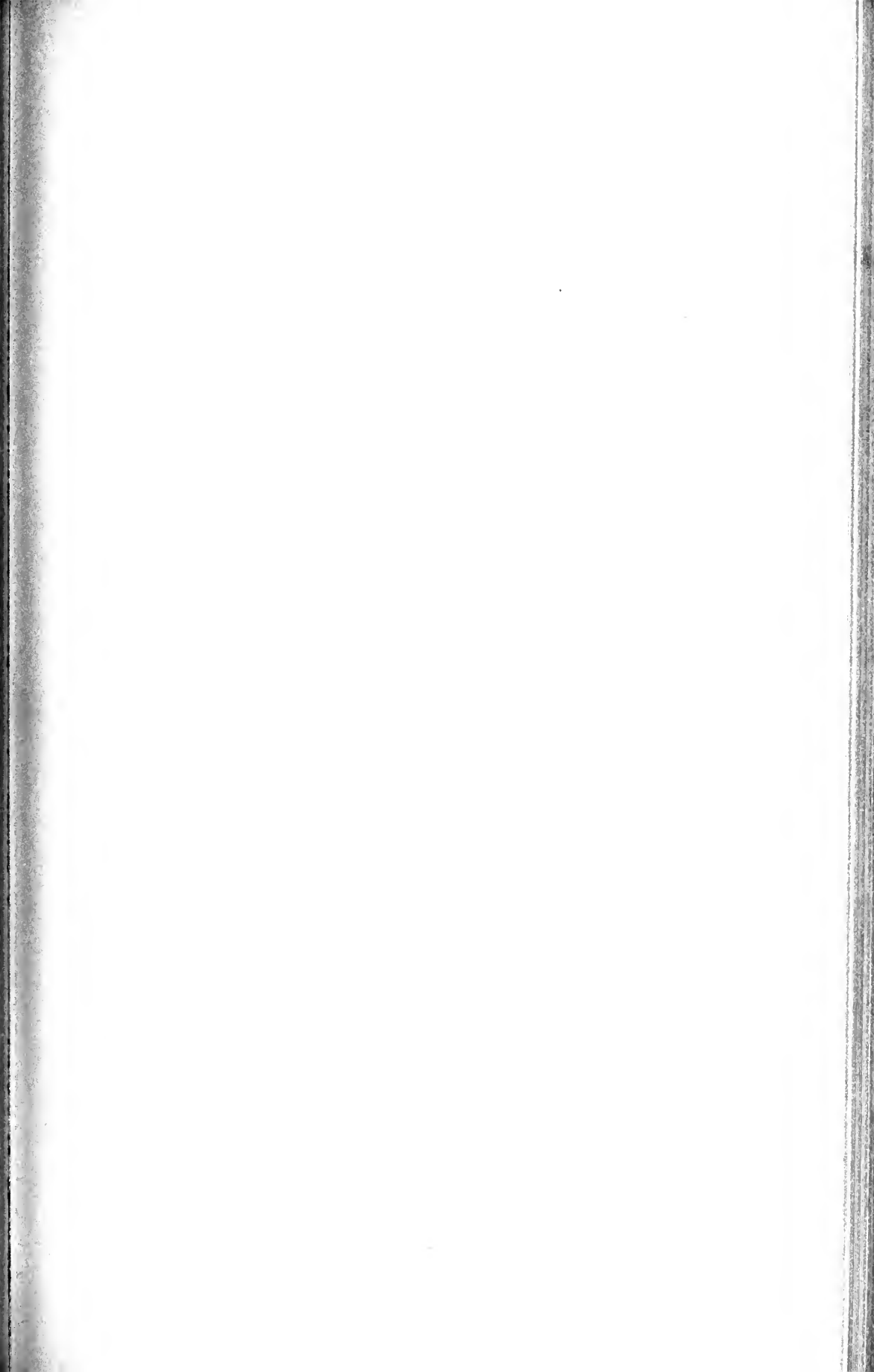
- (1) To his widow, until re-marriage, an annual amount equal to one-half the allowance which the said employe was receiving as superannuation, or would have been entitled to if superannuated.
- (2) To each child until 18 years of age, 10% of the allowance which said employe was receiving as superannuation, or would have been entitled to if superannuated, but in no case shall allowance to the children exceed the allowance to the widow, or the allowance to the widow and children combined be more than three-fourths the amount which the deceased employe was receiving as superannuation, or would have been entitled to if superannuated.
- (3) No allowance shall be granted to a widow or child of a contributor:
 - (a) If the contributor married after superannuation or retirement.
 - (b) If a contributor was over 60 years of age at time of marriage, and such marriage was contracted after the coming into force of this by-law.
 - (c) If a contributor dies within one year of marriage, unless the Board be satisfied that he was, at time of marriage, in sound health, physically and mentally, and that there are no other objections to the granting of an allowance.

Any breach of a contributor as to the above conditions of marriage shall not affect a child by an earlier marriage.

- (4) If a contributor marries, after the coming into force of this by-law, and his age exceeds that of his wife by twenty years or upwards, the allowance to such wife, under the by-law, shall be reduced as the Board may see fit.
- (5) On the death of a contributor without wife or child, while in the employ of the Corporation, who has other dependent or dependents, the Board may grant, at its discretion, to such dependent or dependents, a lump sum or sums not exceeding, in total, the amounts paid into the fund by the contributor, but without interest.

15. RETIREMENT OTHERWISE THAN ON ACCOUNT OF OLD AGE OR DISABILITY.

Any employe who retires voluntarily or who is retired for any other reason than old age, or total and permanent disability, shall be entitled to a refund, in lump sum, of the amount contributed by him under this by-law, without interest, less the amount, if any, paid to him by way of



superannuation allowance during any period of total or permanent disability, provided, however, he has not been retired on account of dishonesty or other misconduct, under which circumstances such refund as may be granted, in part or otherwise, of the amounts contributed by him, under this by-law, shall be at the discretion of the Board.

16. AGE LIMITATION.

- (1) The provisions of this by-law shall not apply to any person who, after the date on which this by-law becomes effective, shall enter the employ of the Corporation and whose age exceeds 50 completed years.
- (2) The age limitation in this section shall not apply to any person who re-enters the service of the Corporation, and becomes subject to the terms of this by-law, if, under the terms of this by-law, his prior period of service will count in determining his allowance at the time of his subsequent superannuation.

17. ADMINISTRATION OF AND KEEPING OF RECORDS IN CONNECTION WITH BY-LAW.

The work in connection with the administration of this by-law, subject to the authority of the Board, and the keeping of all records in connection herewith, shall be under the direction of the Commissioner of Finance.

18. AMENDMENTS TO BY-LAW.

Amendments to this by-law may be made from time to time by City Council on recommendation of the Board of Control, but no amendment, which would mean an increased cost to the fund shall be made, until it has been established by actuarial survey what increased cost to the fund would result from such amendment.

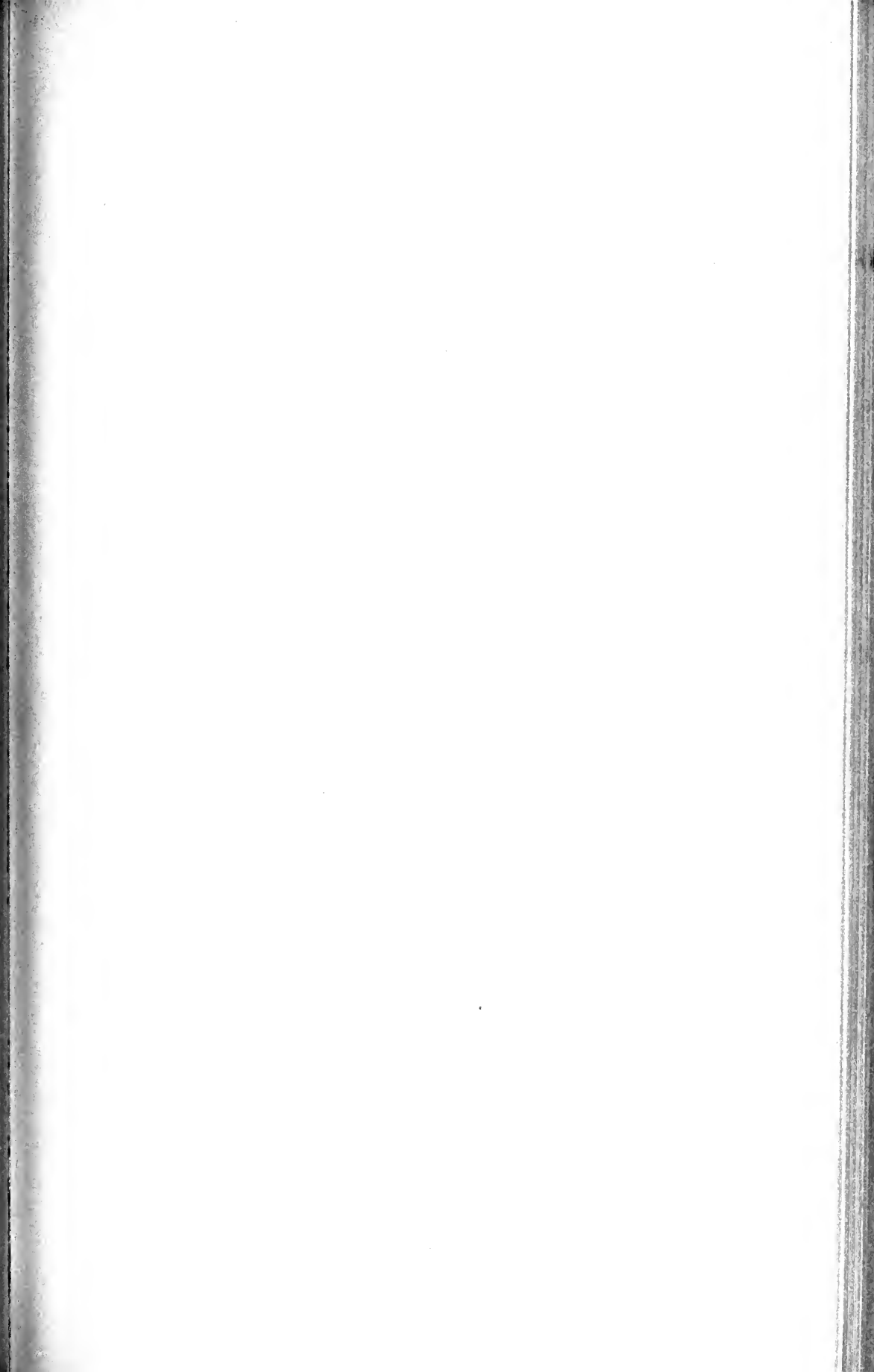
19. WHEN BY-LAW SHALL BECOME EFFECTIVE.

- (1) This by-law shall become effective on the date on which it is passed by City Council, and deductions shall commence to be made from contributors as from the next salary payment.
- (2) On and after the coming into effect of this by-law, no gratuity, retiring allowance or annuity shall be paid to any officer of the Corporation who was entitled to contribute to the fund established by this by-law but who has elected not to become a contributor thereto.

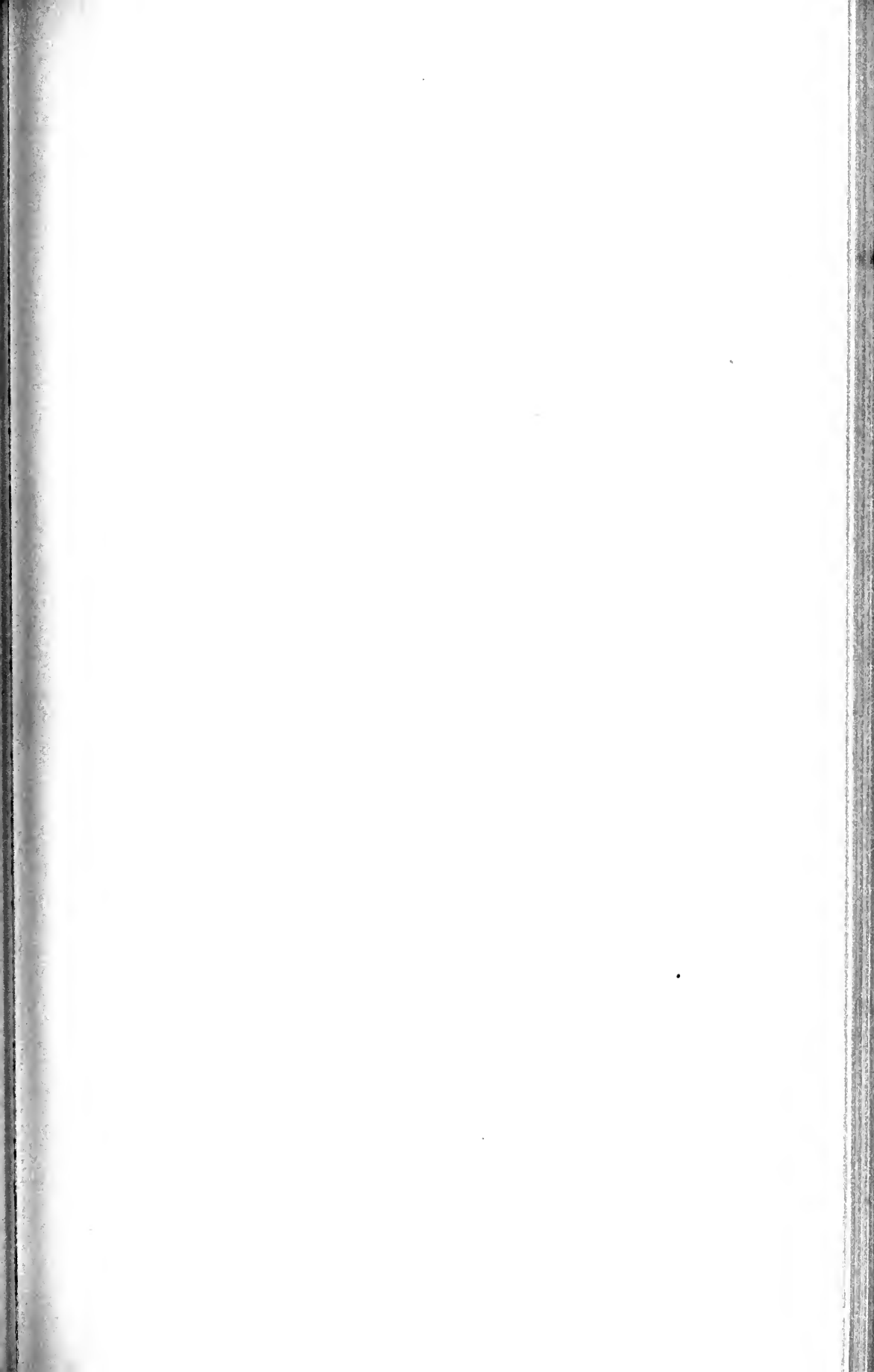
GIVEN under the Corporate Seal of the City of Ottawa, this 8th day of September, A.D., 1931.

(Sgd.) NORMAN H. H. LETT,
City Clerk.

(Sgd.) J. J. ALLEN,
Mayor.







An Act to incorporate the City of Ottawa
Superannuation Fund.

1st Reading

March 28th, 1939

2nd Reading

3rd Reading

MR. DUNBAR

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

No. 24

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to incorporate the City of Ottawa Superannuation Fund.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to incorporate the City of Ottawa Superannuation Fund.

Preamble. **W**HEREAS J. E. Stanley Lewis, Electrical Contractor; E. A. Borque, Merchant; Aristide Belanger, Civil Servant; W. Elwood MacDonald, Water Works Engineer, and G. Percy Gordon, Commissioner of Finance, have by their petition represented that the City of Ottawa Superannuation Fund was established under the assumed authority of paragraph 10 of section 406 of *The Municipal Act*, being chapter 233 of the Revised Statutes of Ontario, 1927, on the 8th day of September, 1931, by by-law number 7200 passed by the council of the corporation of the city of Ottawa, set out as Schedule A hereto; and whereas the said by-law provided that the said fund should be administered by a board to be appointed as provided in section 4 of the said by-law; and whereas the said petitioners are the present members of such board; and whereas doubts have arisen as to the authority of the said fund to effect contracts of insurance with its members and to grant superannuation allowances and other benefits as provided in the said by-law; and whereas it is desirable in order to remove such doubts that the said fund be incorporated under the name of "The City of Ottawa Superannuation Fund" and that the said fund be authorized to undertake any contract of insurance for which fraternal societies may be licensed under the provisions of Part X of *The Insurance Act* so far as the same are applicable to fraternal societies, the membership of which is limited by its constitution or by-laws to municipal employees, and to make such readjustments in the rates and benefits as may be necessary from time to time to enable it to meet its contracts as they mature and that all contracts of insurance heretofore taken or effected by the fund and all mortuary and other benefits heretofore granted by the said fund be confirmed and declared to be legal, valid and binding; 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;

R.S.O. 1927,
c. 233.

Rev. Stat.,
c. 256.

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

1. The City of Ottawa Superannuation Fund, established under the provisions of the said by-law set out as Schedule A hereto, is hereby incorporated as a fraternal society within the meaning of *The Insurance Act* under the name of "The City of Ottawa Superannuation Fund." City of Ottawa Superannuation Fund incorporated. Rev. Stat., c. 256.
2. Subject to the provisions of this Act, the said by-law set out in schedule A hereto is hereby confirmed and declared to be legal, valid and binding. By-law No. 7200 Ottawa confirmed.
3. The said Fund shall be deemed to have been duly constituted as of the date of and as provided in the said by-law and shall have and 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 to be entitled to be licensed as a fraternal society under the said Act and all contracts of insurance heretofore undertaken or effected and all mortuary or other benefits heretofore granted by the said Fund are hereby confirmed. Constitution of fund. Rev. Stat., c. 256.
4. The Board constituted as provided under section 4 of the said by-law may make such amendments to the constitution and pass such by-laws and make such rules and regulations as may be expedient for the proper administration of the said Fund, and with the approval of the Superintendent of Insurance may 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 said Fund at maturity, and such amendments shall be binding upon the members of the said Fund and upon their 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 said Fund before such amendments, or in any contract, policy or certificate of insurance heretofore or hereafter issued by the said Fund. Further powers of Board.
5. 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 said Fund. Application of provisions of Rev. Stat., cc. 256, 251.
6. This Act may be cited as *The City of Ottawa Superannuation Fund Act, 1939*. Short title.

SCHEDULE A

BY-LAW NUMBER 7200.

Respecting Superannuation of the Civic Service of Ottawa, Canada.

Short Title. This By-law may be cited as The Corporation of Ottawa Superannuation By-law Number 7200.

1. INTERPRETATION:

In this By-law

- (a) "Retirement age" shall mean,
 - 1. In the case of male employes, the age of 65 completed years and
 - 2. In the case of female employes, 60 completed years.
- (b) "Salary" shall mean the remuneration which the employe is entitled to receive from the Corporation for his services and shall include the value of any perquisite in respect of regular salary payments, but shall not include overtime payments or any other extra allowances or gratuities.
- (c) "Dependent" shall mean and include the wife of a deceased contributor, and also his father, mother, brother, sister and child, if they are either wholly or in part dependent upon his earnings for support at the time of his death.
- (d) "Child" shall mean a person who is in such relationship to a contributor and is not over 18 years of age. This designation shall include a step-child and legally adopted child.
- (e) "Board" shall unless otherwise specified, mean the Board appointed to administer this By-law.

2. WHO SHALL COME UNDER THIS BY-LAW.

- (1) This By-law shall apply to all employes of the Corporation, with the exception of those who come under the superannuation schemes of the Police and Fire Departments.
 - (a) who are appointed by by-law, or (b) who are employed continuously throughout the year at a salary or wage of not less than \$600 per annum; and (c) who may elect, as hereinafter provided, to come within its provisions, and (d) who at the date upon which claim is made upon the fund by such employe or his dependents shall be in good standing and have fully paid up all contributions due by him.
- (2) On the coming into force of this by-law, it shall apply to all permanent employes who elect to come under it, and to every permanent employe on appointment, subsequent to its becoming effective.

Employes eligible to come under this by-law at the time of its coming into force must elect to do so within 6 months of its being passed, and deductions of contributions will commence from the first salary payment subsequent to the date of the by-law becoming effective.

3. CONTRIBUTIONS.

- (1) There shall be deducted from the salary of every person who becomes a contributor under this by-law, an amount equal to

five per cent of his or her earnings, but no deductions shall be made from a contributor after a period of 35 completed years, during which time he or she has paid into the fund.

- (2) The Corporation of the City will contribute annually, in equal monthly payments, during each year, such amounts as are necessary to take care of the accrued liability at the time of this by-law coming into force, and such further amounts as are necessary, along with the contributions made by the employes, to place and keep the fund on a sound actuarial basis. The amount of such contributions shall be determined in the first instance by the certificate in writing of the Commissioner of Finance.
- (3) All contributions, whether from the Corporation, or from the employes contributing under this by-law, shall be credited to the fund in connection herewith, which shall be designated "The Ottawa Civic Employes Superannuation Fund" and all payments competent in connection with this by-law shall be charged against this fund.
- (4) The Commissioner of Finance shall be the Treasurer of the fund.

4. BOARD TO ADMINISTER BY-LAW.

- (1) For the purpose of administering this by-law a Board shall be appointed to consist of:
 - (a) The Mayor.
 - (b) One member of the Board of Control appointed by it.
 - (c) One Alderman appointed by the City Council.
 - (d) One representative of the contributing employes appointed by them.
 - (e) The Commissioner of Finance.

At any meeting of the Board, three members shall constitute a quorum.

- (2) Such Board shall be appointed annually on or before the 31st day of January each year and shall hold office from the 1st day of February of such year to the 31st day of January of the ensuing year, and until its successors are appointed.
- (3) At the first meeting of the Board in each year, it shall appoint:
 - (a) One of its members who shall act as Chairman during the ensuing year.
 - (b) A Secretary who may, or may not be, a member of the Board.

5. AUDITORS.

The City Auditors shall audit the books and records which shall be kept in connection with this by-law.

6. REPORT TO COUNCIL.

There shall be submitted annually, by the Board, through the Board of Control, to Council, at its second meeting in January each year, a report with reference to the activities during the preceding year under this by-law.

Incorporated in this report will be the following statements, audited by the City Auditors:

- (a) Statement of Income and Disbursements.

(b) Detailed statement of all superannuation and other allowances paid during the year, showing (1) with reference to each person retired, the name, age at retirement, rank, cause of superannuation, length of service, date of commencement of superannuation and total amount paid during the year.

(2) With reference to widows, children and other dependents of contributors under the by-law, in each case, the name, age, sex and other relationship to contributor, date of commencement of allowance, rate of allowance, and total amount paid during the year, along with the name, age at death, and length of service of the contributor to whose such dependent or dependents such allowance or allowances had been made.

(c) Detailed statement of the Investment Fund.

(d) Balance sheet as at 31st December.

7. BANKING ARRANGEMENTS.

The banking account in connection with the fund shall be placed with the bank with which the City does its chief business, but it shall be kept entirely separate from the City's other accounts.

8. INVESTMENT OF FUNDS.

Such amounts at the credit of the fund as are not required for current needs, shall be retained in the bank on deposit, or shall be invested from time to time, in approved securities, by the Board. Such securities invested in shall be limited to bonds issued by the Federal Government of Canada, the Governments of any one of the Provinces of the Dominion of Canada, or bonds guaranteed by any of these Governments, or the highest grade of bonds of the Municipalities of the Dominion of Canada.

9. ACTUARIAL EXAMINATION OF THE FUND.

At the end of five years after this by-law comes into force, and the scheme has been in operation, the fund shall be reported on actuarially by a competent firm of actuaries, and every five years thereafter.

10. CHARGES AGAINST THE FUND.

The only charges against the fund shall be such superannuation benefits and other allowances which may accrue from time to time under this by-law. All other charges competent to and in connection with the operation of the by-law shall be borne by the Corporation of the City.

11. OLD AGE SUPERANNUATION.

(1) A superannuation allowance, determined as herein provided, shall be granted to every employe who attains the retirement age.

(2) Any contributing employe who is in the Civic Service on the date this by-law becomes effective and whose age is more than 35 years, may continue in the service for a period not longer than 5 years beyond the normal retirement age, but such continuance in the service shall be subject to the consent and approval of the Council on the recommendation of the Board of Control from year to year.

(3) Any contributing employe who on attaining the retirement age, is engaged in work of a special nature may, with the consent and approval of the Council on the recommendation of the Board of Control, be continued in the service for a period not exceeding one year, or, until the earlier completion of the work.

12. DISABILITY SUPERANNUATION.

(1) Any contributing employe who is deemed to have become totally and permanently disabled shall, during the continuation of such

state of total and permanent disability, be entitled to a superannuation allowance determined in accordance with section 13 hereof, but, in no case, less than \$10.00 per month in the event of disability occurring in the first year of service, and not less than \$13.00 per month in the event of disability occurring in the second year of service, and not less than \$16.00 per month in the event of disability occurring in the third year of service, and so on, the minimum limitation increasing by \$3.00 per month for each additional completed year of service, up to \$40.00 per month, so that the benefit payable in the event of disability occurring in the eleventh or any subsequent year shall not be less than \$40.00 per month; provided, however, that the benefit paid during any such period of total and permanent disability shall not in any case exceed the benefit to which the employe would be entitled were he to continue in the service until the retirement age at the salary in effect at the date of his retirement on account of disability.

- (2) If any employe who has been superannuated under the provisions of this section shall, before attaining the retirement age, so far recover as to be able to engage in any gainful occupation, then all payment of superannuation allowance shall cease; provided that, if he at any time return to the service of the Corporation and become subject to the provisions of this by-law, then, on subsequently becoming superannuated, his superannuation shall be determined without regard for any benefits paid to him during any prior period of total and permanent disability. In establishing the length of service in such case for the purpose of computing superannuation allowance, only such period shall be included during which the employe was actually employed by the Corporation and a contributor to the fund; except, however, in the case of a contributor who served with His Majesty's Forces or any of the Allied Forces during the Great War and who, at the time of enlisting was an employe of the Corporation of the City, and who, on being discharged from His Majesty's Service or the Service of any of the Allied Forces, immediately resumed his duties with the Corporation. In such case the period of service with His Majesty's Forces or any of the Allied Forces shall be included in establishing superannuation allowance.
- (3) No employe shall be deemed to have become totally and permanently disabled until after examination by a physician appointed by the Board and a certificate establishing the fact has been received from such physician, and, during the period of his remaining totally and permanently disabled, he must submit, every six months, a certificate from the Board's physician substantiating the fact.
- (4) In any case where a contributor is entitled to superannuation under this section, and is in receipt, also, of an award under the Workmen's Compensation Act, the superannuation allowance paid to him, based on the terms of this section, shall be reduced by the amount paid under the Workmen's Compensation Act award.

13. SUPERANNUATION ALLOWANCE.

- (1) The annual superannuation allowance of each employe shall be determined as follows, namely:
 - (a) In respect of service prior to the date this by-law becomes effective, one per centum of the annual rate of salary of the employe as of the said date multiplied by the number of years of permanent service prior to the said date taken to the nearest completed year, and
 - (b) 2% of the total average yearly salary payments made after the said date.

In no case, however, shall an employe be entitled to an amount greater than 70% of salary payments during the period covered in (a) and (b).

- (2) Unless otherwise provided all annual payments under this by-law shall be made in equal monthly instalments during the lifetime of the recipient, and commence on the first day of the month next following the date of superannuation.
- (3) No superannuation allowance or other benefit shall be paid to a contributor or dependent of a contributor under this by-law until the Commissioner of Finance has reported to the Board in writing that such payment comes within the scope of this by-law, and it has been authorized at a regular meeting of the Board.

14. DEATH BENEFITS.

On the death of any contributing employe or superannuated employe there shall be paid:

- (1) To his widow, until re-marriage, an annual amount equal to one-half the allowance which the said employe was receiving as superannuation, or would have been entitled to if superannuated.
- (2) To each child until 18 years of age, 10% of the allowance which said employe was receiving as superannuation, or would have been entitled to if superannuated, but in no case shall allowance to the children exceed the allowance to the widow, or the allowance to the widow and children combined be more than three-fourths the amount which the deceased employe was receiving as superannuation, or would have been entitled to if superannuated.
- (3) No allowance shall be granted to a widow or child of a contributor:
 - (a) If the contributor married after superannuation or retirement.
 - (b) If a contributor was over 60 years of age at time of marriage, and such marriage was contracted after the coming into force of this by-law.
 - (c) If a contributor dies within one year of marriage, unless the Board be satisfied that he was, at time of marriage, in sound health, physically and mentally, and that there are no other objections to the granting of an allowance.

Any breach of a contributor as to the above conditions of marriage shall not affect a child by an earlier marriage.

- (4) If a contributor marries, after the coming into force of this by-law, and his age exceeds that of his wife by twenty years or upwards, the allowance to such wife, under the by-law, shall be reduced as the Board may see fit.
- (5) On the death of a contributor without wife or child, while in the employ of the Corporation, who has other dependent or dependents, the Board may grant, at its discretion, to such dependent or dependents, a lump sum or sums not exceeding, in total, the amounts paid into the fund by the contributor, but without interest.

15. RETIREMENT OTHERWISE THAN ON ACCOUNT OF OLD AGE OR DISABILITY.

Any employe who retires voluntarily or who is retired for any other reason than old age, or total and permanent disability, shall be entitled to a refund, in lump sum, of the amount contributed by him under this by-law, without interest, less the amount, if any, paid to him by way of

superannuation allowance during any period of total or permanent disability, provided, however, he has not been retired on account of dishonesty or other misconduct, under which circumstances such refund as may be granted, in part or otherwise, of the amounts contributed by him, under this by-law, shall be at the discretion of the Board.

16. AGE LIMITATION.

- (1) The provisions of this by-law shall not apply to any person who, after the date on which this by-law becomes effective, shall enter the employ of the Corporation and whose age exceeds 50 completed years.
- (2) The age limitation in this section shall not apply to any person who re-enters the service of the Corporation, and becomes subject to the terms of this by-law, if, under the terms of this by-law, his prior period of service will count in determining his allowance at the time of his subsequent superannuation.

17. ADMINISTRATION OF AND KEEPING OF RECORDS IN CONNECTION WITH BY-LAW.

The work in connection with the administration of this by-law, subject to the authority of the Board, and the keeping of all records in connection herewith, shall be under the direction of the Commissioner of Finance.

18. AMENDMENTS TO BY-LAW.

Amendments to this by-law may be made from time to time by City Council on recommendation of the Board of Control, but no amendment, which would mean an increased cost to the fund shall be made, until it has been established by actuarial survey what increased cost to the fund would result from such amendment.

19. WHEN BY-LAW SHALL BECOME EFFECTIVE.

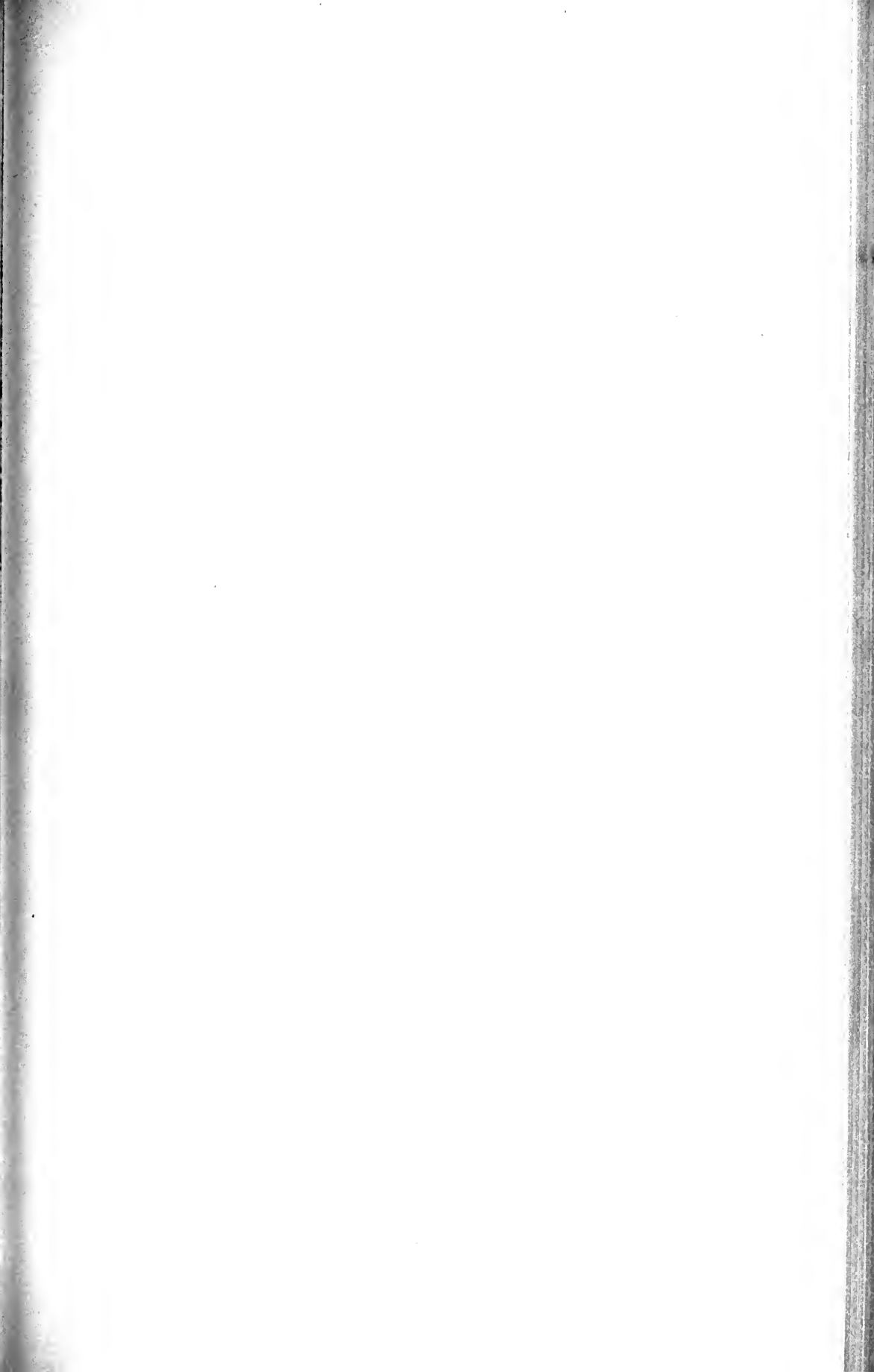
- (1) This by-law shall become effective on the date on which it is passed by City Council, and deductions shall commence to be made from contributors as from the next salary payment.
- (2) On and after the coming into effect of this by-law, no gratuity, retiring allowance or annuity shall be paid to any officer of the Corporation who was entitled to contribute to the fund established by this by-law but who has elected not to become a contributor thereto.

GIVEN under the Corporate Seal of the City of Ottawa, this 8th day of September, A.D., 1931.

(Sgd.) NORMAN H. H. LETT,
City Clerk.

(Sgd.) J. J. ALLEN,
Mayor.





BILL

An Act to incorporate the City of Ottawa
Superannuation Fund.

1st Reading

March 28th, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 25th, 1939

MR. DUNBAR

No. 25

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Estate of Margaret Emma Bingham, deceased,
and the Toronto General Hospital.

MR. LAMPORT

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Estate of Margaret Emma Bingham, deceased, and the Toronto General Hospital.

Preamble.

WHEREAS the Trustees of the Toronto General Hospital have by their petition represented that Margaret Emma Bingham, of the city of Toronto, in the county of York, widow, died on or about the 20th day of September, 1934, having first made and published her last will and testament bearing date the 27th day of June, 1934, and codicil thereto bearing date the 31st day of July, 1934, of which probate was granted on the 29th day of September, 1934, to Walter Dymond Gregory, of the township of Trafalgar, in the county of Halton, Barrister-at-Law, one of the executors named in the said will and codicil; that the said Margaret E. Bingham, after making provision for the payment of certain legacies and bequests, did by clause 10 of paragraph III of her said will direct that the residue of her estate, after paying all expenses in connection with the administration thereof, be paid to the Trustees of the Toronto General Hospital to be used by the said Trustees in the purchase of such site as they in their absolute discretion may think best and in the erection and maintenance of a home connected with the Toronto General Hospital for the use of patients while convalescing from illness, such home to be a memorial to her late husband, George A. Bingham, M.D., C.M.; that the said residue is insufficient to provide for such site and home and the maintenance thereof; that the said George A. Bingham did during his lifetime express the wish and hope that the surgical arrangements of the Toronto General Hospital might be centralized on one floor of the said Hospital and that such wish and hope was concurred in by his widow, the said Margaret E. Bingham; and whereas the Trustees of the Toronto General Hospital have by their petition prayed that an Act may be passed empowering them to use the said residue for the purpose of establishing and maintaining a centralized operating room service in the main building of the said Hospital as a memorial to the said George A. Bingham; 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:

Power to establish centralized operating room service.

1. Notwithstanding anything contained in clause 10 of paragraph III of the last will and testament of Margaret E. Bingham, deceased, bearing date the 31st day of July, 1934, the Trustees of the Toronto General Hospital are hereby empowered and authorized to use the residue mentioned in the said clause of the said will for the purpose of establishing and maintaining a centralized operating room service in the main building of the Toronto General Hospital as a memorial to the said George A. Bingham, to be known as "The Doctor George A. Bingham Memorial Surgery," or by such other name as may be deemed proper and suitable by the said Trustees.

Residue to be paid over and receipt given.

2. Upon the coming into force of this Act the executor and trustee of the estate of the said Margaret E. Bingham shall pay and account for the residue mentioned in section 1 to the Trustees mentioned in section 1, including the furniture and personal chattels referred to in the clause of said will mentioned in section 1, and the receipt therefor of the Trustees mentioned in section 1 shall be a complete discharge to the executor and trustee of the estate of the said Margaret E. Bingham in respect thereof.

Short title.

3. This Act may be cited as *The Toronto General Hospital Act, 1939*.







BILL

An Act respecting the Estate of Margaret
Emma Bingham, deceased, and the
Toronto General Hospital.

1st Reading

2nd Reading

3rd Reading

MR. LAMPORT

(*Private Bill*)

No. 25

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Estate of Margaret Emma Bingham, deceased,
and the Toronto General Hospital.

MR. LAMPORT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Estate of Margaret Emma Bingham, deceased, and the Toronto General Hospital.

Preamble.

WHEREAS the Trustees of the Toronto General Hospital have by their petition represented that Margaret Emma Bingham, of the city of Toronto, in the county of York, widow, died on or about the 20th day of September, 1934, having first made and published her last will and testament bearing date the 27th day of June, 1934, and codicil thereto bearing date the 31st day of July, 1934, of which probate was granted on the 29th day of September, 1934, to Walter Dymond Gregory, of the township of Trafalgar, in the county of Halton, Barrister-at-Law, one of the executors named in the said will and codicil; that the said Margaret E. Bingham, after making provision for the payment of certain legacies and bequests, did by clause 10 of paragraph III of her said will direct that the residue of her estate, after paying all expenses in connection with the administration thereof, be paid to the Trustees of the Toronto General Hospital to be used by the said Trustees in the purchase of such site as they in their absolute discretion may think best and in the erection and maintenance of a home connected with the Toronto General Hospital for the use of patients while convalescing from illness, such home to be a memorial to her late husband, George A. Bingham, M.D., C.M.; that the said residue is insufficient to provide for such site and home and the maintenance thereof; that the said George A. Bingham did during his lifetime express the wish and hope that the surgical arrangements of the Toronto General Hospital might be centralized on one floor of the said Hospital and that such wish and hope was concurred in by his widow, the said Margaret E. Bingham; and whereas the Trustees of the Toronto General Hospital have by their petition prayed that an Act may be passed empowering them to use the said residue for the purpose of establishing and maintaining a centralized operating room service in the main building of the said Hospital as a memorial to the said George A. Bingham; 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. Notwithstanding anything contained in clause 10 of paragraph III of the last will and testament of Margaret E. Bingham, deceased, bearing date the 31st day of July, 1934, the Trustees of the Toronto General Hospital are hereby empowered and authorized to use the residue mentioned in the said clause of the said will for the purpose of establishing and maintaining a centralized operating room service in the main building of the Toronto General Hospital as a memorial to the said George A. Bingham, to be known as "The Doctor George A. Bingham Memorial Surgery," or by such other name as may be deemed proper and suitable by the said Trustees.

Power to establish centralized operating room service.

2. Upon the coming into force of this Act the executor and trustee of the estate of the said Margaret E. Bingham shall pay and account for the residue mentioned in section 1 to the Trustees mentioned in section 1, including the furniture and personal chattels referred to in the clause of said will mentioned in section 1, and the receipt therefor of the Trustees mentioned in section 1 shall be a complete discharge to the executor and trustee of the estate of the said Margaret E. Bingham in respect thereof.

Residue to be paid over and receipt given.

3. This Act may be cited as *The Toronto General Hospital Act, 1939*.

Short title.

An Act respecting the Estate of Margaret
Emma Bingham, deceased, and the
Toronto General Hospital.

1st Reading

March 28th, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 25th, 1939

MR. LAMPORT

No. 26

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Mining Act.

MR. LEDUC

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mining Act.

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

Rev. Stat.,
c. 47, s. 29,
amended. **1.** Section 29 of *The Mining Act* is amended by adding thereto the following subsections:

Extension of
time for
renewal of
license.

(5) Upon the recommendation of the Minister, the Lieutenant-Governor in Council may, before the 31st day of March in any year, extend the time for renewing licenses for any period not exceeding ten days.

Renewal of
license by
Minister.

(6) The Minister may renew the license of any person who has held a miner's license continuously for twenty-five years or more without the payment of the prescribed fee providing application therefor is made to him prior to the expiration of the last renewal.

Rev. Stat.,
c. 47, s. 39,
cl. 4,
amended.

2. Clause *d* of section 39 of *The Mining Act* is amended by inserting after the word "Forests" in the first line the words "or the Minister of Highways" and by inserting after the word "power" in the third line the words "or for a highway," so that the first two lines and clause *d* of the said section shall now read as follows:

Lands upon
which min-
ing claim
may be
staked out.

39. No mining claim shall be staked out or recorded on any land—

(d) where the Minister of Lands and Forests or the Minister of Highways certifies that land is required for the development of water power or for a highway or for some other purpose in the public interest and the Minister of Mines is satisfied that a discovery of mineral in place has not been made thereon.

Rev. Stat.,
c. 47, s. 47,
amended.

3. Section 47 of *The Mining Act* is amended by adding thereto the following subsections:

EXPLANATORY NOTES

SECTION 1. The added subsection (5) renders the Act consistent with what has been the practice of the Department for many years.

The added subsection (6) is a new provision which provides for granting a renewal of a miner's license without payment of the usual fee to a person who has held a miner's license continuously for 25 years or more.

SECTION 2. The amendment provides for the withdrawal from prospecting of mining lands which will be required for highway purposes.

SECTION 3. The amendment facilitates the cancelling of leases where rentals have been unpaid for a period of not less than two years.

Where pay-
ment for
rental in
arrears.

- (3) Where payment of the amounts payable for rental under the provisions of any lease issued under this section is in arrears for a period of not less than two years, the Minister may, by an instrument in writing signed by him and in such form as he may prescribe, terminate such lease and upon the execution by the Minister of such an instrument, such lease and all rights and powers therein contained as well as all rights and claims of the lessee, his successors or assigns in or to the lands covered by the lease shall cease and such lands shall be vested in the Crown.

Notice of
termination.

- (4) Delivery of an instrument terminating a lease shall not be required but notice of such termination shall forthwith be sent to the mining recorder for the mining division in which the lands covered by the lease are situate and to the local master of titles at the land titles office in which instruments affecting the lands covered by the lease may be registered and such officials shall make a record of such notice upon the records of their offices relating to the title to such lands.

Where lease
terminated.

- (5) Where any lease is terminated under subsection 3 the lands covered by such lease shall not be open for prospecting, staking out or leasing until reopened by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 47, s. 53,
re-enacted.

4. Section 53 of *The Mining Act* is repealed and the following substituted therefor:

Number of
claims per
licensee.

- 53.—(1) A licensee shall not in any one license year in any one mining division or in territory not included in a mining division, stake out or apply for more than nine mining claims.

In whose
name
staked.

- (2) All nine of such mining claims may be staked on his own license but not more than three of such claims shall be staked on behalf of any other licensee, nor shall a total of more than six of such claims be staked on behalf of other licensees.

Rev. Stat.,
c. 47, s. 55,
subs. 1,
amended.

5. Subsection 1 of section 55 of *The Mining Act* is amended by striking out the words "and pays to the recorder a fee of \$20" in the fourteenth and fifteenth lines, so that the said subsection shall now read as follows:

Forfeiture
of right to
further
staking.

- (1) A licensee or other person who for any purpose does any staking out or plants, erects or places any stake, post, or marking upon any land open to prospecting except as authorized by this Act, or causes or procures the same to be done, or who stakes out or

SECTION 4. Section 53 is re-enacted so as to permit the prospector to stake nine claims on his own license instead of three claims on his own license and six claims on behalf of other licensees.

SECTION 5. At present where a licensee abandons a claim already staked he is required to give notice to the recorder of such abandonment and pay a fee of \$20. It has been found that the \$20 fee discourages the giving of notice and accordingly the fee is eliminated.

partially stakes out any such lands, or causes or procures the same to be done, and fails to record the staking out with the recorder within the prescribed time, shall not thereafter be entitled to again stake out such lands or any part thereof, or to record a mining claim thereon, unless he notifies the recorder in writing of such staking out, partial staking out or planting, placing or marking and of his abandonment thereof and satisfies the recorder by affidavit that he acted in good faith and for no improper purpose and procures from him a certificate stating that the recorder is satisfied that he so acted.

Rev. Stat.,
c. 47, s. 57,
subs. 3,
amended.

6.—(1) Subsection 3 of section 57 of *The Mining Act* is amended by adding at the end thereof the words “and if any misstatement is made in the affidavit respecting buildings, clearing or improvements the Minister, upon the recommendation of the Judge, may disallow the application and direct the recording of the claim to be cancelled,” so that the said subsection shall now read as follows:

Affidavit
to accom-
pany map.

(3) The application and sketch or plan shall be accompanied by an affidavit, in the prescribed form, made by the licensee who staked out the claim, showing the date of the staking out and stating that the distances given in the application and sketch or plan are as accurate as they could reasonably be ascertained and that all the other statements and particulars set forth and shown in the application and sketch or plan are true and correct, that at the time of staking out there was nothing upon the lands to indicate that they were not opened to be staked out as a mining claim, that the deponent verily believes they were so open and that the staking out is valid and should be recorded, and that there are upon the lands or the lot or part lot or section of which they form a part, no buildings, clearing or improvements for farming or other purposes except as set forth in the affidavit, and an applicant for a free grant shall also file an affidavit in the prescribed form showing his right thereto, and if any misstatement is made in the affidavit respecting buildings, clearing or improvements the Minister, on the recommendation of the Judge, may disallow the application and direct the recording of the claim to be cancelled.

Rev. Stat.,
c. 47, s. 57,
amended.

(2) The said section 57 is further amended by adding thereto the following subsection:

Investiga-
tion of
complaint.

(3a) Where a complaint is made to the Minister by any person that any misstatement is made respecting

SECTION 6.—(1) The amendment provides that where a misstatement is made respecting buildings, clearings, or improvements in the affidavit accompanying the application to record a claim, the Minister may, upon the recommendation of the Judge, cancel such recording.

SECTION 6.—(2) This provision is complementary to that contained in subsection (1) and provides for an investigation by the Judge regarding the accuracy of statements contained in the affidavit above referred to.

buildings, clearing or improvements in the affidavit furnished to the recorder under subsection 3, the Minister may request the Judge to investigate such complaint and report to him and upon any such investigation the Judge shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Rev. Stat.,
c. 47, s. 68,
subs. 1,
amended.

7. Subsection 1 of section 68 of *The Mining Act* is amended by inserting after the word "machinery" where it occurs in the fourth and eighth lines respectively, the word "and," by striking out the words "and any ore or mineral he may have extracted therefrom" in the fourth and fifth lines, and by striking out the words "or ore" in the eighth line, so that the said subsection shall now read as follows:

Where
claim
abandoned,
cancelled or
forfeited.

(1) Where the recorded holder of a mining claim abandons the same, or where the claim is cancelled or forfeited under this Act, he may take from the same any buildings, structures, machinery and chattels or personal property within six months after such abandonment, cancellation or forfeiture, or within such further time as may be fixed by the Judge, and any such buildings, structures, machinery and property remaining on the claim after the expiry of such time shall belong to His Majesty for the use of Ontario.

Rev. Stat.,
c. 47,
amended.

8.—(1) *The Mining Act* is amended by adding thereto the following section:

Disposal of
sand, gravel
and stone.

68a. The staking or recording of a mining claim shall not confer upon the licensee the right to sell or otherwise dispose of any sand, gravel or stone located thereon and all such sand, gravel and stone shall be reserved to the Crown together with the right of access thereto until title to the claim is obtained by patent or lease and until the issue of a patent or lease the Minister may in the public interest and for public purposes use or dispose of any such sand, gravel or stone in such manner and upon such terms and conditions as he may deem proper.

Commence-
ment of
subs. 1.

(2) The provisions of this section shall apply only to mining claims staked after the date of the coming into force of this section.

Rev. Stat.,
c. 47, s. 78,
subs. 1,
amended.

9.—(1) Subsection 1 of section 78 of *The Mining Act* is amended by striking out all the words after the word "follows" in the eighth line and inserting in lieu thereof the words:

(a) First period of at least thirty days not later than four months immediately following the recording of the

SECTION 7. Where a recorded claim is abandoned the Act permits buildings, structures, machinery, chattels and ore to be removed therefrom. As the removal of ore from an unpatented claim is a contravention of other provisions of the Act the permission to remove ore in this section is repealed.

SECTION 8. The removal of sand, gravel or stone from an unpatented claim is prohibited and the right to use or dispose of such sand, gravel or stone is reserved to the Crown. This provision is limited to mining claims staked after the date of its coming into force.

SECTION 9.—(1) The section which prescribes the periods within which work must be performed on an unpatented mining claim is clarified and the time for the first period of work is extended from three months to four months.

claim which shall constitute the work required for the first year after date of recording;

- (b) Second period of at least forty days not later than two years after date of recording;
- (c) Third period of at least forty days not later than three years after date of recording;
- (d) Fourth period of at least forty days not later than four years after date of recording;
- (e) Fifth period of at least fifty days not later than five years after date of recording,

so that the said subsection shall now read as follows:

Working conditions on mining claim.

- (1) The recorded holder of a mining claim heretofore or hereafter recorded shall, within five years immediately following the recording thereof, perform or cause to be performed thereon work which shall consist of stripping or opening up mines, sinking shafts or other actual mining operations to the extent of two hundred days work of not less than eight hours per day, which work shall be performed as follows:
 - (a) First period of at least thirty days not later than four months immediately following the recording of the claim which shall constitute the work required for the first year after date of recording;
 - (b) Second period of at least forty days not later than two years after date of recording;
 - (c) Third period of at least forty days not later than three years after date of recording;
 - (d) Fourth period of at least forty days not later than four years after date of recording;
 - (e) Fifth period of at least fifty days not later than five years after date of recording.

Rev. Stat., c. 47, s. 78, subs. 7, amended.

(2) Subsection 7 of the said section 78 is amended by adding at the end thereof the words "provided that not more than twelve hundred days' work may be performed on any one claim for application on such claim and claims included in groups of contiguous claims," so that the said subsection shall now read as follows:

Work to be performed on claims.

- (7) A license holder may perform all the work required

SECTION 9.—(2) The section clarifies the conditions under which work performed upon a claim may be credited to another claim or other claims in the same group.

to be performed by him in respect of not more than six contiguous mining claims held by him on one or more of such claims and the report and affidavit to be filed by him in respect of such work shall certify the claim or claims on which the work was performed and the claims upon which it is to be applied; provided that not more than twelve hundred days' work may be performed on any one claim for application on such claim and claims included in groups of contiguous claims.

Rev. Stat.,
c. 47, s. 78,
amended.

(3) The said section 78 is further amended by adding thereto the following subsection:

Work done
before
recording.

(12) Work performed on a mining claim located in those parts of the Territorial District of Kenora (Patricia portion) not included in the Red Lake or Kenora Mining Division, between the date of staking the claim and the date of recording the claim may be reported in the same manner as if it had been performed after the recording.

Rev. Stat.,
c. 47, s. 80,
re-enacted.

10. Subsection 1 of section 80 of *The Mining Act* is repealed and the following substituted therefor:

Extension of
time for
work.

(1) If by reason of pending proceedings or incapacity from illness of the holder of a mining claim, the work is not performed within the prescribed time, the recorder may extend the time for the performance of such work for periods not exceeding three months.

Where exten-
sion because
of illness.

(1a) Where such work has not been performed because of the incapacity from illness of the holder of such claim, the recorder may extend the time only upon the production and filing with him of a certificate of a duly qualified medical practitioner indicating that such holder has by reason of illness been rendered incapable of performing such work.

Rev. Stat.,
c. 47, s. 86,
amended.

11. Section 86 of *The Mining Act* is amended by adding thereto the following subsection:

Extension of
time for
performance
of work—
notice.

(3a) Where the Judge or Minister under subsection 1, or the Judge under subsection 3, extends the time for performing the work, the report of the performance thereof shall be made within such extended time.

Rev. Stat.,
c. 47, s. 89,
amended.

12. Section 89 of *The Mining Act* is amended by inserting after the word "holder" in the tenth line the words "and extending the time for performing the work," so that the said section shall now read as follows:

SECTION 9.—(3) This permits the recording of work done between the date of staking and the date of recording in our more inaccessible mining areas.

SECTION 10. The rewording renders the Act consistent with what the practice has been.

SECTION 11. To remove doubts it is provided that where the time for performing work is extended, the report of the performance of the work must be filed within such extended time.

SECTION 12. This amendment renders the Act consistent with actual practice.

Death of licensee before recording claim, or of holder before patent.

89. Where a licensee in whose name a mining claim has been staked out, dies before the claim is recorded, or where the holder of a claim dies before issue of the patent or lease for the claim, no other person shall, without leave of the Judge, be entitled to stake out or record a mining claim upon any part of the same lands or to acquire any right, privilege or interest in respect thereof within twelve months after the death of such licensee or holder, and the Judge may at any time make such order as may seem just for vesting the claim in the representative of such holder and extending the time for performing the work, notwithstanding any lapse, abandonment, cancellation, forfeiture or loss of rights under any provision of this Act.

Rev. Stat., c. 47, s. 95, subs. 1, amended.

13. Subsection 1 of section 95 of *The Mining Act* is amended by striking out the words "regulation made by" in the third line and inserting in lieu thereof the words and figures "section 47 or by regulation of," so that the said subsection shall now read as follows:

Right to patent of claim.

(1) Upon compliance with the requirements of this Act and upon payment of the purchase price as provided in section 96, or rental fixed by section 47 or by regulation of the Lieutenant-Governor in Council, the holder of a mining claim shall be entitled to a patent or lease, as the case may be, for the claim.

Rev. Stat., c. 47, s. 96, subs. 2, amended.

14. Subsection 2 of section 96 of *The Mining Act* is amended by adding at the end thereof the words "provided that where there is a group of contiguous claims held by the same licensee, the average area of which does not exceed forty-five acres, the Minister may direct that the provisions of this subsection shall not apply," so that the said subsection shall now read as follows:

Price to be paid where area exceeds prescribed area.

(2) Where the area of the mining claim exceeds by more than five acres the prescribed area as defined in sections 50 and 51 and such claim is not reduced in size under the provisions of section 105, the price per acre of such area in excess of the area so prescribed, shall be twice the price provided for in subsection 1, and there shall be performed at least five days' work per acre for such excess area within such time as may be prescribed by the Minister, provided that where there is a group of contiguous claims held by the same licensee, the average area of which does not exceed forty-five acres, the Minister may direct that the provisions of this subsection shall not apply.

Rev. Stat., c. 47, s. 98, amended.

15. Section 98 of *The Mining Act* is amended by inserting

SECTION 13. The amendment renders the Section consistent with other provisions of the Act and regulations.

SECTION 14. This provision also brings the Act into line with the present practice of the Department by providing that where the average area of a group of claims does not exceed 45 acres, the claims shall be treated for the purposes of Section 96 as though each claim did not exceed 45 acres.

SECTION 15. The provision which provides for a five per cent. reservation for roads in all patents issued is extended to districts not now included, so that the Section will now include all portions of Northern Ontario in which mining lands are now being staked and patented.

after the word "Algoma" in the second line the word "Cochrane" and after the word "Kenora" in the second line the words "Kenora (Patricia Portion)," so that the said section shall now read as follows:

Reservation
for roads in
patents.

98. In all patents for mining claims within the Districts of Algoma, Cochrane, Kenora, Kenora (Patricia Portion), Thunder Bay, Rainy River, Manitoulin, Sudbury and Timiskaming, and that part of the District of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawan, excepting where road allowances have already been provided in a survey made or authorized by the Crown, there shall be a reservation for roads of five per centum of the quantity of land granted and the Crown or its officers may lay out roads on such mining claims where deemed proper.

Rev. Stat.,
c. 47, s. 105,
subs. 2, re-
enacted.

16. Subsection 2 of section 105 of *The Mining Act* is repealed and the following substituted therefor:

Fractions of
land under
water.

- (2) Where two or more mining claims in unsurveyed territory are contiguous and constitute a group held at the date of survey in the name or names of the same licensee or licensees, and it was the manifest intention of the applicant or applicants as shown by the sketch or sketches accompanying the application or applications to record the claims, to include as part of such claims all lands under water within the limits of the group, and upon delimiting the boundaries thereof in accordance with the call distances indicated on the posts, applications and sketches, it is found that one or more fractions, each of which is of less than forty acres in area, exist, such fraction or fractions shall nevertheless be deemed to be part or parcel of the claim or claims in which it was the manifest intention that they should be included.

Fractions
not included
in subs. 2.

- (3) Where any fraction or gore comprising land or land under water, or both, which is of less than forty acres in area and to which subsection 2 does not apply, was heretofore or is hereafter created by survey, such fraction or gore shall not be open for staking until the Minister so directs, and the Minister on the report of the Surveyor-General may award such fraction or gore or part thereof to the recorded holder or holders of any one or more of the claims contiguous to such fraction or gore, or may sell, lease or otherwise dispose thereof as he may see fit without requiring the fraction or gore to be staked out as a mining claim.

SECTION 16. Under subsections 2 and 3 of Section 105 there is still the possibility of "nuisance fractions" of land occurring. The amendment eliminates this difficulty.

Rev. Stat.,
c. 47, s. 119,
amended.

17. Section 119 of *The Mining Act* is amended by striking out the words "the Minister or Judge" in the second line and inserting in lieu thereof the words "the Lieutenant-Governor in Council," so that the said section shall now read as follows:

Illness or
absence of
Judge.

119. In case of the illness or absence of the Judge of the Mining Court the Lieutenant-Governor in Council may appoint some other person, being a barrister of at least ten years' standing at the Bar of Ontario, to act in place of the Judge and the person so appointed shall in that case have and exercise all the powers of the Judge except those which he derives exclusively from his appointment under any commission issued to him by the Governor-General of Canada.

Rev. Stat.,
c. 47,
ss. 154, 155,
re-enacted.

18. Sections 154 and 155 of *The Mining Act* are repealed and the following substituted therefor:

Age limit,
hoistmen.

154.—(1) No person under the age of twenty-one years and no person who has not had adequate experience on a reversing hoisting engine shall be allowed to have charge of any hoisting engine at a shaft or winze in which men are handled at any mine.

(2) No person under the age of eighteen years shall be allowed to have charge of any hoisting engine of any kind at a mine.

Hoistman to
be holder of
medical
certificate.

(3) No person shall operate or be permitted to operate any hoisting engine at a shaft or winze in which men are handled at any mine, or for any other purpose designated by the inspector, unless such person is the holder of a subsisting certificate from a duly qualified medical practitioner to the effect that such person has been examined and that he is not subject to any infirmity, mental or bodily, and that his sight and hearing are not defective to such a degree as to interfere with the efficient discharge of his duties.

(a) Such certificate shall lapse and be deemed to have expired at the end of one year from the date thereof.

Record of
subsisting
certificates.

(4) A record of all such subsisting certificates shall be kept on file by the person in charge of the mining operation and shall be open at all times to examination by the Inspector.

Interpreta-
tion.

155. For the purposes of sections 155a to 155j,—

"Applicant."

(a) "Applicant" shall mean a person who is not the holder of a certificate in good standing,

SECTION 17. The power to appoint an Acting Judge in the absence or illness of the Judge of the Mining Court is taken from the Minister and the Judge, neither of whom may now make the appointment, and vested in the Lieutenant-Governor in Council.

SECTION 18.—154.—(1) The minimum age of hoistmen is increased from twenty years to 21 years.

(2) The Section has been amended to prevent its application to hoisting apparatuses other than hoisting engines.

(4) To facilitate inspection the person in charge of any mining operation is required to keep medical certificates of hoistmen on file.

155. The provisions relating to silicosis are amended so as to require miners engaged in a dust exposure occupation to be examined annually. Those examinations which are made during the first two years during which a miner is engaged in such work extend to the general physical condition of a miner, as well as to his freedom from tuberculosis of the respiratory organs.

issued under the authority of sections 155c to 155j, who is seeking employment in a dust exposure occupation;

"Certificate."

(b) "Certificate" shall mean initial certificate, extended certificate, endorsed certificate, miner's certificate and renewed certificate;

"Dust exposure occupation."

(c) "Dust exposure occupation" shall mean employment underground in a mine or employment at the surface of a mine in ore or rock crushing operations where the ore or rock is not crushed in water or in a chemical solution which constantly keeps it in a moistened or wet condition;

"Endorsed certificate."

(d) "Endorsed certificate" shall mean an initial certificate or extended certificate which has been endorsed under clause b of subsection 2 of section 155c;

"Extended certificate."

(e) "Extended certificate" shall mean an initial certificate which has been extended under clause a of subsection 2 of section 155c;

"Initial certificate."

(f) "Initial certificate" shall mean a certificate issued to an applicant under subsection 1 of section 155c;

"Medical officer."

(g) "Medical officer" shall mean a medical officer appointed under *The Workmen's Compensation Act* to carry out the provisions of this Act with regard to the examination of employees or applicants for employment;

Rev. Stat.,
c. 204.

"Miner's certificate."

(h) "Miner's certificate" shall mean a certificate issued under subsection 1 of section 155d;

"Renewed certificate."

(i) "Renewed certificate" shall mean a miner's certificate which has been renewed under subsection 2 of section 155d.

Dust exposure occupation,—
employment in.

155a. No person shall be employed in a dust exposure occupation unless he is the holder of a certificate in good standing.

Term of certificate.

155b.—(1) Subject to the provisions of subsection 2 every certificate shall remain in force for not more than twelve months, provided that a medical officer may, at any time, recall the holder of any certificate for examination within the scope of the existing certificate and may extend, endorse, renew or cancel such

certificate in accordance with his finding upon such examination.

Examination
by travelling
medical
officer.

- (2) In those portions of the province where the examinations under sections 155*c* and 155*d* are conducted by a travelling medical officer no certificate shall be deemed to have expired because of the failure of the medical officer to conduct any examination prior to the date of expiration of any certificate, and the holder of any certificate which would otherwise have expired shall present himself before a medical officer for re-examination at the first opportunity available after the date upon which his certificate would have so expired.

Expiration
of
certificate.

- (3) Where any certificate of a person employed in the mining industry has expired because of the failure of the holder thereof to present himself to a medical officer for examination, a medical officer may extend, endorse or renew such certificate or issue a miner's certificate, as the circumstances of the case may require, if he is satisfied that such failure was caused by the inability of such holder to so present himself because of illness or other circumstances beyond his control.

Examination
before em-
ployment.

- 155*c*.—(1) Every applicant shall be examined by a medical officer before commencing employment and if the medical officer finds upon examination that the applicant is free from diseases of the respiratory organs and otherwise fit for employment in a dust exposure occupation he shall issue to the applicant an initial certificate.

Initial
certificate
holder, —
re-examina-
tion.

- (2) The holder of an initial certificate shall, prior to the expiration thereof, present himself to a medical officer for re-examination and if the medical officer finds upon examination that such holder is free from diseases of the respiratory organs and otherwise fit for employment in a dust exposure occupation he shall,—

- (a) in the case of a holder who since the issuance of his initial certificate has completed less than eleven months employment in a dust exposure occupation, extend such certificate for such period as he may deem necessary to permit the certificate holder to complete twelve months employment in a dust exposure occupation, and he may from time to time extend such certificate for the same purpose; and

(b) in the case of a holder of an initial certificate or an extended certificate who since the issuance of his initial certificate has completed eleven months or more employment in a dust exposure occupation, the medical officer shall endorse such certificate.

Issue of
miner's
certificate.

155*d*.—(1) The holder of an endorsed certificate shall, prior to the expiration thereof, present himself to a medical officer for examination and if the medical officer finds upon examination that such holder is free from tuberculosis of the respiratory organs he shall issue to such holder a miner's certificate.

Miner's
certificate
holder, —re-
examination.

(2) The holder of a miner's certificate shall, prior to the expiration thereof, present himself to a medical officer for re-examination and if the medical officer finds upon examination that such holder is free from tuberculosis of the respiratory organs, he shall renew such certificate which may be further renewed from year to year upon the passing of a similar examination.

Unemployed
holder of
certificate. —

155*e*. The holder of any certificate who, for any reason, is out of employment in a dust exposure occupation may apply to a medical officer for the extension, endorsement or renewal of his certificate or for the issuance of a miner's certificate, as the case may be, and upon presentation of the holder's certificate the medical officer shall conduct the required examination and effect such extension, endorsement, issuance or renewal as may be warranted by his findings upon such examination.

Initial or
extended;

155*f*.—(1) Where the holder of an initial or extended certificate has been out of employment in the mining industry for a period exceeding one year and during such period has failed through neglect on his part, to have his certificate extended or endorsed, such certificate shall be void and the holder thereof shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Endorsed or
miner's.

(2) Where the holder of an endorsed certificate or a miner's certificate has been out of employment in the mining industry for a period exceeding two years and during such period has failed through neglect on his part, to obtain a miner's certificate or to have a miner's certificate renewed, his certificate shall be void and the holder thereof shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Where un-employment exceeds three years.

- (3) Where the holder of any certificate has been out of employment in the mining industry for a period exceeding three years, he shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Custody of certificate.

- 155g. The manager or superintendent of the mine at which the holder of a certificate is employed may require such certificate to be delivered to and left in the custody of such manager or superintendent during the period of the holder's employment at the mine but such certificate shall be returned to the holder upon the termination of his employment at such mine.

Exemptions.

- 155h.—(1) The Chief Inspector may exempt from the provisions of sections 155a to 155g any mine or any person employed thereat where, in his opinion the mine does not contain silica in quantity likely to produce silicosis or where for any other reason he is of the opinion that such provisions should not apply.
- (2) The provisions of sections 155a to 155g shall not apply to any person usually employed in a dust exposure occupation for less than fifty hours in each calendar month.

Regulations.

- 155i. The Lieutenant-Governor in Council may make regulations,—
- (a) prescribing the nature of the examination to be made by a medical officer under sections 155c to 155f;
 - (b) prescribing the forms of certificates and extension, endorsement and renewals thereof; and
 - (c) generally for the better carrying out of the requirements of sections 155a to 155h.

Certificate holder under Rev. Stat., c. 47, s. 155.

- 155j. Every person who at the date of the coming into force of this section is the holder of a certificate issued under section 155 of *The Mining Act* prior to the enactment of the present Act, shall be entitled to receive a miner's certificate which shall expire upon the expiration date of the first mentioned certificate.

Rev. Stat., c. 47, s. 157, subs. 3, amended.

19. Subsection 3 of section 157 of *The Mining Act* is amended by inserting after the word "work" in the sixth line the words "of which notice in such form as the Minister may prescribe may be registered in the proper registry or land titles office," so that the said subsection shall now read as follows:

SECTION 19. Provision is made for the registering in the proper Registry or Land Titles Office of notice of the lien or charge which arises when the Department is obliged to fence abandoned mining shafts or other dangerous locations on an abandoned mining property.

When Inspector may erect fence.

- (3) Where the Inspector finds that any such fencing is required in order to avoid danger to health or property he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs, with interest thereon, shall be a lien and charge upon the mine or mining work of which notice in such form as the Minister may prescribe may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid.

Rev. Stat., c. 47, s. 158, subs. 1, re-enacted.

20. Subsection 1 of section 158 of *The Mining Act* is repealed and the following substituted therefor:

Coroner to hold inquest in case of fatality in mine.

- (1) It shall be the duty of the chief coroner for every county, provisional judicial district or provisional county in which a fatal accident occurs in or in connection with a mine to hold or cause an inquest to be held.

Duty of manager.

- (1a) The manager or other person in charge of a mine wherein or in connection wherewith a fatal accident occurs shall forthwith notify a coroner having jurisdiction in the place where the accident occurs.

Coroner employed by mine ineligible.

- (1b) A coroner who is in any way in the employment of the owner or lessee of a mine wherein or in connection wherewith a fatal accident occurs shall be ineligible to act as coroner in connection with such fatal accident.

Chief coroner may direct who to hold inquest.

- (1c) Where a fatal accident occurs in or in connection with a mine at a place which is more readily accessible to a coroner not having jurisdiction in such place than to any eligible coroner having jurisdiction thereat, the chief coroner for the county, provisional judicial district or provisional county in which such place is located may direct such coroner to issue his warrant and conduct an inquest and such direction shall be such coroner's authority therefor.

Rev. Stat., c. 47, s. 159, subs. 1, amended.

21. Subsection 1 of section 159 of *The Mining Act* is amended by striking out the words "the Inspector" in the fourth line and inserting in lieu thereof the words "The Chief Inspector upon the recommendation of an Inspector," so that the said subsection shall now read as follows:

Suspension of rule.

- (1) Where the owner, agent or manager of a mine by his application in writing stating his reasons therefor, requests the Inspector to suspend the requirements of any rule under section 160 as to such mine, the Chief Inspector upon the recommendation of an Inspector, may in writing direct that the require-

SECTION 20. The provisions relating to the holding of a coroner's inquest where a fatal accident occurs in or in connection with a mine are rendered consistent with the provisions of The Coroners' Act and provision is made for the holding of an inquest by the coroner most conveniently located to the scene of the fatal accident.

SECTION 21. The rules under Section 160 may now be suspended by an Inspector. The amendment would permit suspension only by the Chief Inspector upon the recommendation of an Inspector.

ments of such rule shall not apply to such mine, or may in writing direct that such rule shall not apply so long as such limitations and conditions as he may see fit to impose, are observed or complied with.

Rev. Stat.,
c. 47, s. 160,
re-enacted.

22. Section 160 of *The Mining Act* is repealed and the following substituted therefor:

Duty as to
knowledge of
rules.

160. Subject to the provisions of section 159, the following rules shall be observed and carried out at every mine and the decision of the inspector as to whether or not any situation complies with any requirement of the rules in which "suitable," "adequate," "approved" or any expression of like import is used and as to the meaning and application of any such expression shall be final and conclusive and a certificate of any such decision signed by the Inspector may be used as evidence in any court:

Duty as to
knowledge of
rules.

(1) It shall be the duty of every manager, superintendent, mine foreman, shift boss, hoistman, deckman, cagetender or skiptender and every person in charge of workmen or who handles explosives, or who operates, installs or has to do with the maintenance of any machinery or electrical apparatus in or about a mine, to know such of these rules as apply to the work in which he is engaged.

Underground
foreman,
knowledge
of English
language.

(2) Every person employed as an underground foreman, meaning thereby one who is exclusively engaged in supervising the work of other men, shall be able to give and to receive and understand orders in the English language.

Other work-
men, knowl-
edge of
English
language.

(3) Every person in charge as a deckman, cagetender or skiptender shall have an adequate knowledge of the English language to enable him to carry out his duties in a thoroughly safe manner.

Suspension
for
unfamiliarity
with
rules.

(4) The Inspector shall have the right to suspend any foreman or mine captain, shift boss or department head who is unfamiliar with or does not understand the rules governing the operation of mines as contained in this Act.

Fire Protection.

Removal of
inflammable
material
from under-
ground
workings.

(5) (a) No inflammable refuse shall be allowed to accumulate underground, but shall be removed from the workings at least once a week and be brought to the surface and there disposed of in a suitable manner.

Removal of
inflammable
material
from surface
buildings.

(b) Inflammable refuse shall not be allowed to accumulate in or about any headframe, shafthouse, portalhouse or any other building the loss of which by fire may endanger the mine entrance.

SECTION 22. Section 160, dealing with rules for the protection of workmen in mines, metallurgical works, quarries, sand, clay, and gravel pits, has been extensively altered and added to. Approximately fifty new rules have been added and many changes have been made in existing rules.

In the nine years which have elapsed since the rules were last revised there has been considerable change in the field of operations in the mining industry. Operating mines have extended their workings to greater depths; new mining methods have been developed to meet changed conditions; extensions have been made in the electrification and mechanization of operations; and experience has shown the need for new regulations dealing with situations which arise in operations on this new basis. To this end the entire code of rules has been submitted to close scrutiny by the officers of the Department of Mines, a committee of mine operators, and by persons engaged in the industry, and, as the result of recommendations received and conferences held, the code of rules contained herein has been drafted.

Certificate as to inflammable refuse. (6) Every shift boss and mine captain shall certify in writing to the mine manager at least once a week that there is no accumulation of inflammable refuse underground in the area under his supervision except as reported by him.

Storage of oil and grease. (7) Oil, grease or other inflammable material shall not be stored in any shafthouse or portalhouse, but it may be permissible, if adequate precautions be taken, to have in the shafthouse or portalhouse, for distribution only, an amount not exceeding the requirements for one day's operation.

Volatile inflammable liquids. (8) Volatile, inflammable liquids shall not be stored in any shafthouse or portalhouse and such material shall not be transported underground except where carried in approved types of metal containers.

Oil and grease underground. (9) Oil and grease kept underground shall be contained in suitable metal receptacles and the amount so kept shall not exceed the requirements for seven days.

Unused timber. (10) All timber not in use in a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein.

Open flame lights, precautions. (11) Where open flame lights are used at any mine not equipped with a fireproof headframe and shafthouse or portalhouse, the interior of such shafthouse or portalhouse shall be tightly sheeted with metal or a suitable fireproofing material to a height of eight feet.

Fireproofing underground structures. (12) All underground buildings or enclosures necessary for the housing and maintenance of machinery and equipment shall be so constructed as to reduce the fire hazard to a minimum.

Storage of carbide. (13) (a) Calcium carbide shall be stored on the surface only, in a suitable dry place other than the shafthouse or portalhouse or changehouse and in its original unopened container.

(b) For the purpose of distributing calcium carbide adequate provisions for the handling of quantities not in excess of one day's supply or 100 pounds, whichever is the greater, shall be made at every mine. Such distribution shall not take place in any shafthouse, portalhouse or changehouse unless such structure is thoroughly fireproof but shall be provided for by the installation of a suitable distribution centre not closer than fifty feet to the nearest point of any part of the headframe, shafthouse or portalhouse.

(c) Adequate precautions shall always be taken to ensure that calcium carbide is handled in a safe manner and no

carbide shall be taken underground except in suitable containers.

Fire-fighting equipment.

(14) (a) Suitable fire-fighting equipment shall be provided and maintained in or about every headframe, shafthouse, portalhouse or any other building the loss of which by fire may endanger the mine entrance.

(b) Suitable fire-fighting equipment shall be provided and maintained at all underground crushers, shaft and winze stations, pump stations, tipples and underground electrical installations except where in the opinion of the Inspector no fire hazard exists.

Fire protection where torches used.

(15) Where operations involving the use of acetylene, kerosene, gasoline or other torches are conducted in any headframe, shafthouse, portalhouse, or any other building the loss of which by fire may endanger the mine entrance, or in the underground workings of any mine, suitable measures for protection against fire shall be adopted and rigidly adhered to.

Underground transportation of compressed gases.

(16) Where cylinders of compressed gas, such as acetylene and oxygen, are transported underground for any cutting or welding operation, all fittings, such as regulators or manifolds, shall be disconnected from the cylinders and the valves of the cylinders shall be protected in a suitable manner. Any such protective device shall be removed only at the point of use and shall be replaced at any time a cylinder is left unattended or before a cylinder is moved to a new location.

Operation of welding and cutting torches.

(17) (a) In all cases where cylinders of compressed gas are operated from within any cage, skip or other shaft conveyance, or where the cylinders are set up in a location not readily accessible to the workman operating the nozzle equipment a second competent operator shall be employed at all times to attend to the operation of the cylinder control devices.

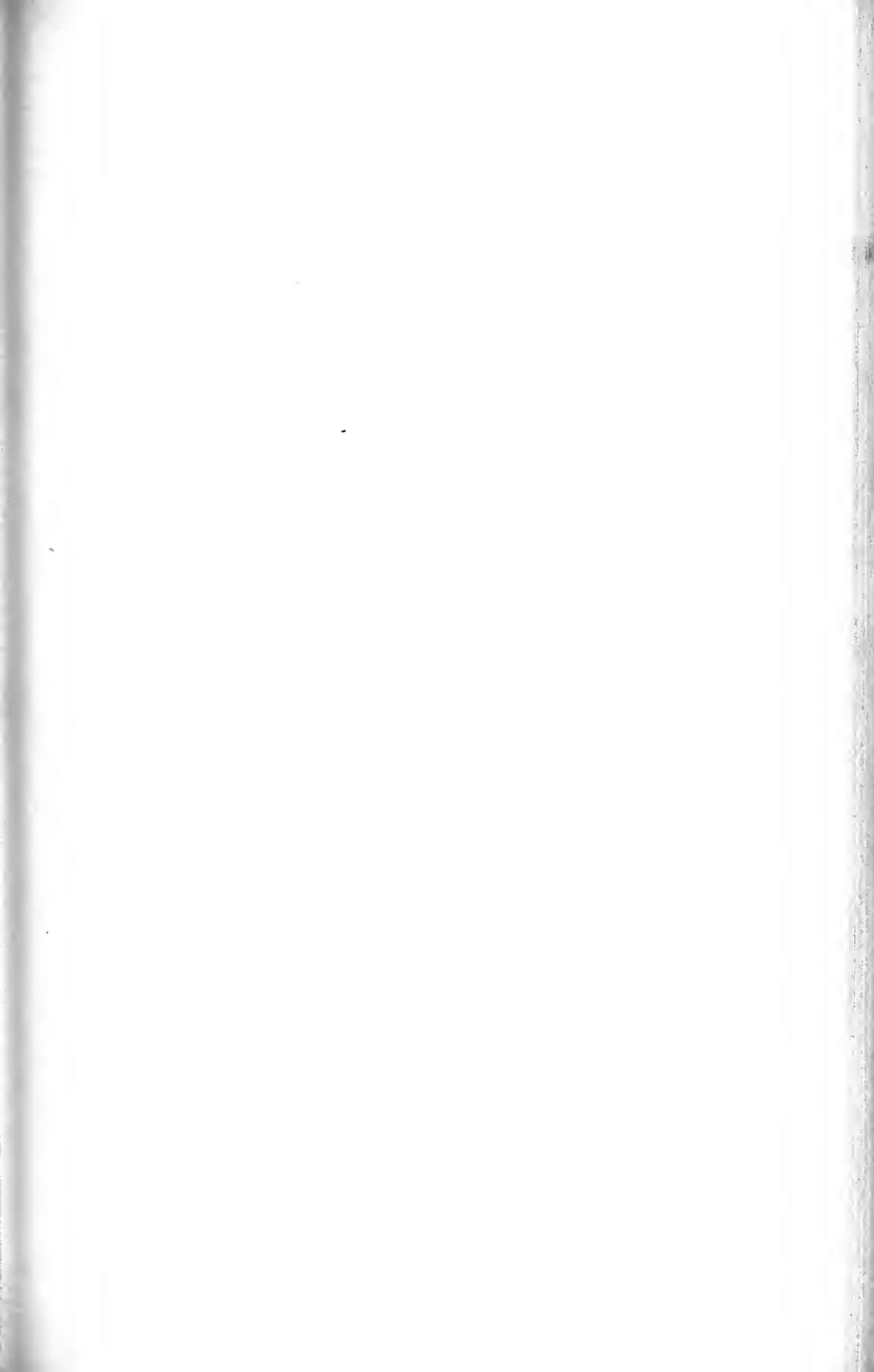
(b) In all cases where cylinders of compressed gas are used underground for the purpose of supplying cutting or welding equipment special precautions shall be observed to avert the possibility of damage to or failure of the regulators, manifolds and hoses used in conjunction with the equipment.

Generation of gas underground forbidden.

(18) No device for the generation of gas, such as acetylene for supplying, cutting or welding equipment, shall be used in the underground workings of any mine.

Escapement shaft.

(19) In every mine where a vertical or inclined shaft has been sunk or an adit driven and stoping has commenced there shall be provided and maintained, in addition to the hoisting shaft or the opening through which men are let into or out of the mine and the ore extracted, a separate escapement shaft



or opening. Such auxiliary exit shall not be less than fifty feet from the main entrance to the mine and any structure covering such auxiliary exit shall be of such material and so constructed as to reduce the fire hazard to a minimum. If such an escapement shaft or opening is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced and shall be diligently prosecuted until the same is completed and means of escapement other than the main outlet of the mine provided to and connected with the lowest level on which stoping operations are being carried on. The escapement shaft or opening shall be of sufficient size to afford an easy passageway, and, where necessary, shall be provided with good and substantial ladders from the deepest workings to the surface.

Buildings in proximity to mine entrance.

(20) Unless there is first provided a second means of exit from the mine workings, no building shall be erected within fifty feet of any closed-in portion of a headframe or portal-house except that the building housing the hoist and power plant equipment may be erected within this distance provided that such distance be not less than thirty-five feet.

Installation of boilers and diesel engines.

(21) No steam boiler or diesel engine shall be installed in such a manner that any portion thereof is within seventy-five feet of the centre line of the collar of any shaft or other entrance to a mine.

Installation of internal combustion engine.

(22) No gasoline or other internal combustion engine using highly volatile liquids or inflammable gases shall be installed within fifty feet of the building housing the hoist nor within one hundred feet of the centre line of the collar of any shaft or other entrance to a mine.

Exhaust of internal combustion engine.

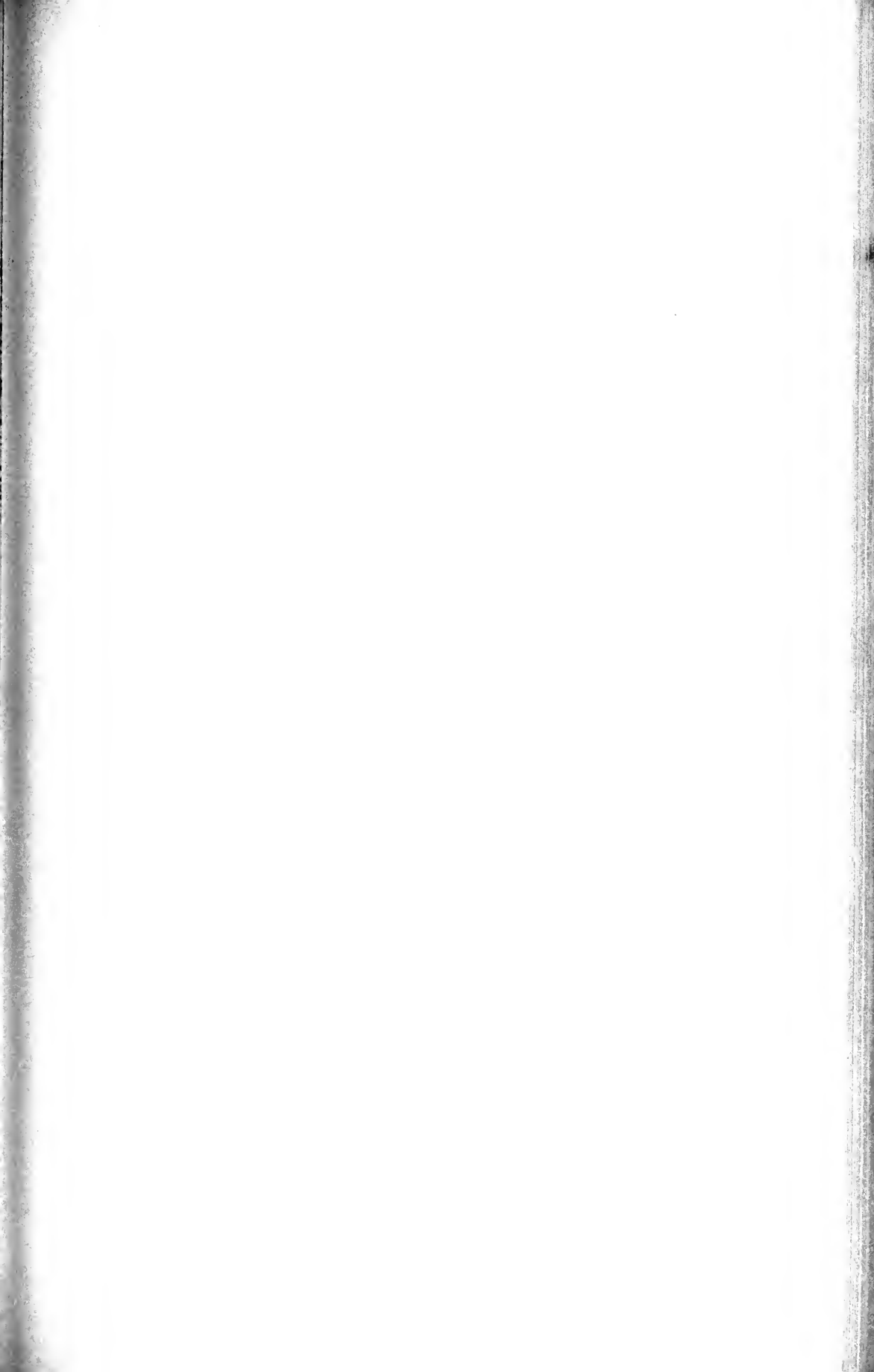
(23) Where an internal combustion engine is installed at any mine provisions shall be made for safely conducting the exhaust of such engine to a point well outside the building. The exhaust shall be so arranged as to avert the possibility of fumes re-entering the building or entering the intake of any air compressor or contaminating the atmosphere of any adjacent buildings or the mine workings.

Storage of liquid fuels.

(24) (a) Except for the actual fuel tanks of operating equipment no storage of gasoline or liquid fuel, unless in underground tanks, shall be permitted within one hundred feet of the collar of any shaft or other entrance to a mine. The natural drainage from such location shall be such that the flow is in a direction opposite to the location of any such shaft or mine entrance.

Transfer of liquid fuel.

(b) The fuel tanks of any internal combustion engine installed within a building shall be so arranged that the actual transfer of fuel to the fuel tank takes place at a point



outside the building and the fuel is conducted to the tank in a tightly jointed pipe or conduit. Similar provisions for the escape of displaced air from the fuel tank shall be made whereby the displaced air shall be conducted to a safe point outside the building before being discharged to the atmosphere.

Transfer of liquid fuel by compressed air.

(25) The transfer of liquid fuels from one container to another by the direct application of air under pressure shall not be permitted except where properly designed and tested equipment is used for this purpose.

Legible signs showing exits.

(26) Legible signs showing the way to emergency exits shall be posted in prominent places underground and all workmen shall be instructed as to the location of auxiliary exits.

Stench warning.

(27) (a) Every mine producing over one hundred tons of ore per day and such other mines as may be designated by the Inspector shall be equipped with an approved apparatus for the introduction into the mine workings of ethyl mercaptan or other warning gas or material approved by the Chief Inspector. Such apparatus shall at all times be made available and kept ready for instant use for the purpose of warning workmen underground of any emergency necessitating a speedy evacuation of the workings.

(b) A test of the effectiveness of the warning and a report as to the functioning of the system shall be made at least once in each year and a report of such test and functioning made available to the Inspector.

Fire doors.

(28) (a) Where practicable, there shall be a sufficient number of fire doors installed underground in every mine to cut off the shaft from the other workings of the mine.

(b) Where fire doors are installed they shall be maintained in proper order and kept clear of all obstructions so as to be readily usable at all times.

Refuge stations within mines.

(29) Where the Chief Inspector deems it necessary or advisable for the protection of workmen employed underground, he may order refuge stations to be provided and maintained at such places within the mine as he may direct and every such refuge station shall have water, air and telephone connections to the surface and be separated from the adjoining workings by closeable openings so arranged and equipped that gases can be prevented from entering the refuge station.

Connection between mines.

(30) (a) Where the Chief Inspector deems it necessary or advisable for the protection of workmen employed underground he may recommend in writing, to the Minister, that a connection between mines be established at such place as he deems advisable and he may further recommend that such

connection be so made and equipped as to constitute a refuge station or refuge stations. Upon the approval by the Minister of any such recommendation a copy thereof, accompanied by a copy of this rule shall be served personally upon or mailed by registered post to the owner or the agent and the manager of each of the mines affected.

(b) Upon the approval of any such recommendation of the Chief Inspector the Minister may in writing signed by him appoint a committee of three persons who shall determine,—

- (i) the design, specifications and locations of the connecting passages, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected;
- (ii) the work to be done by each of the mines affected and the proportion in which the cost of such work and of establishing and maintaining the connection shall be borne by the owners of the mines affected;
- (iii) the time at which such work in compliance herewith shall be commenced and completed;
- (iv) the proportion in which the costs and expenses of the committee shall be borne by the owners of the mines affected;
- (v) such other provisions or requirements as in the premises they may deem necessary or advisable.

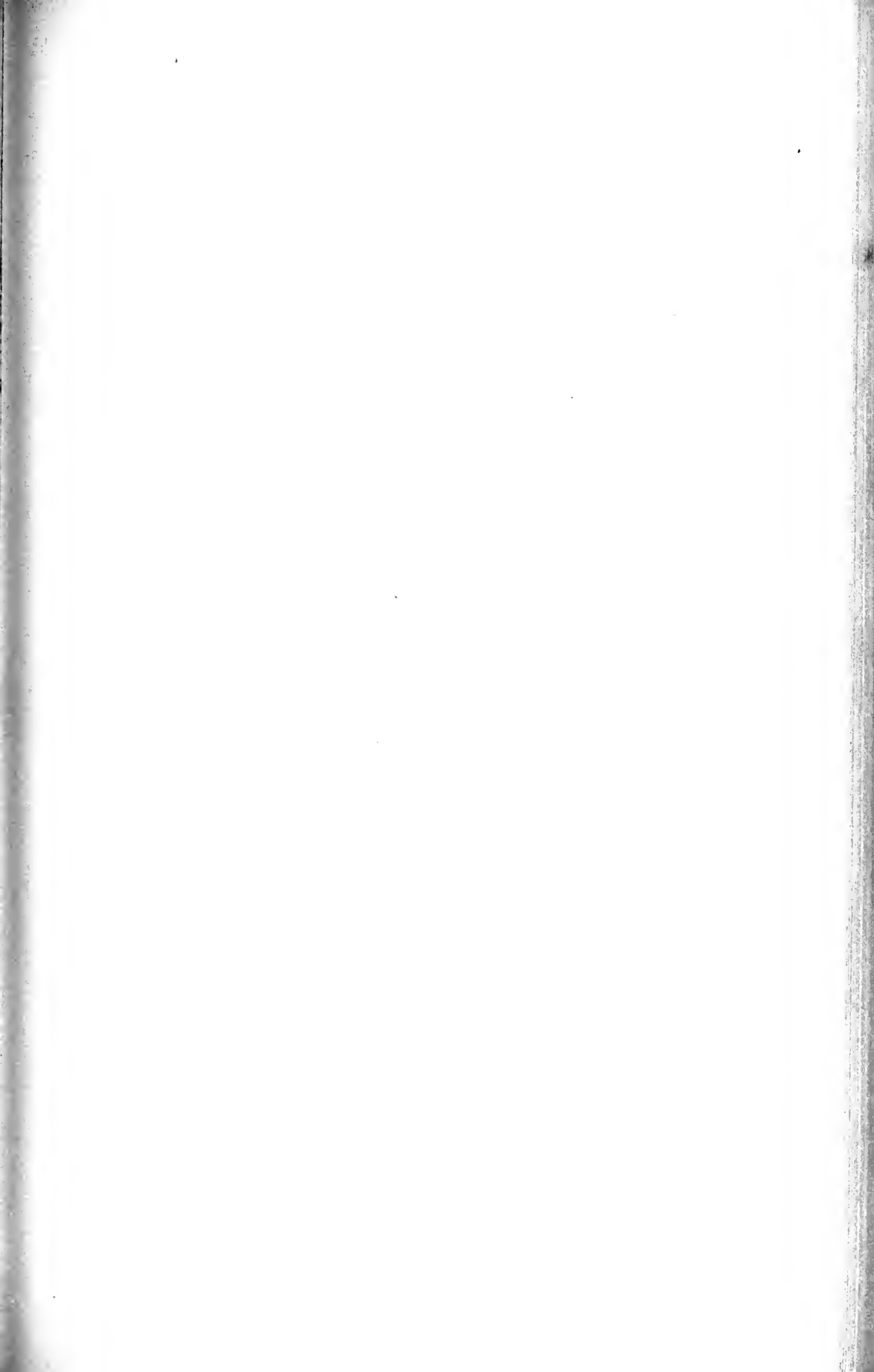
(c) The committee shall submit a report in writing to the Minister and a report of the majority of the committee shall be deemed to be the finding of the committee.

(d) Upon the approval by the Minister of the report of the committee the Chief Inspector may issue his order for the establishment and maintenance of such connection and refuge station or stations (if any recommended) in accordance with the terms of such report. A copy of the report shall be attached to the order and form a part thereof. No such order shall be subject to appeal upon any ground whatsoever but shall be enforceable in the same manner as any order of the Chief Inspector.

Aid to Injured.

Stretchers
for convey-
ance of
injured
persons.

(31) At every mine there shall be maintained a sufficient number of properly constructed stretchers for the proper handling and transporting of persons who may be injured in the discharge of their duties about the mine.



Supplies for first aid.

(32) There shall be provided and maintained at every mine for the treatment of anyone injured such first aid supplies as are required by the regulations of *The Workmen's Compensation Act*.

Handling Water.

Removal of water from mine workings.

(33) Every working mine shall be provided with suitable and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might endanger the lives of workmen in such mine or in any adjoining mine.

Precautions against flow of water.

(34) Where there is or may be an accumulation of water, any working approaching the same shall have bore holes kept in advance, and such additional precautionary measures shall be taken as may be deemed necessary to obviate the danger of a sudden breaking through of the water.

Dams and bulkheads.

(35) For the purposes of this subsection—

“Dam” shall mean any structure built for the purpose of impounding water in any drift, crosscut or other mine opening and constructed in such a manner as to permit an unobstructed overflow of the water.

“Bulkhead” shall mean any structure built for the purpose of impounding water or confining air under pressure in any drift, crosscut or any other mine opening and constructed in such a manner as to completely close off such drift, crosscut or other mine opening.

(a) The location of every underground dam and bulkhead, within the meaning of this subsection, shall be clearly shown on the mine plans.

(b) No dam behind which more than twenty-five tons of water may be impounded shall be constructed underground without the written permission of the Chief Inspector and then only when constructed in accordance with plans and specifications which have been approved by him.

(c) No bulkhead shall be constructed underground without the written permission of the Chief Inspector and then only when constructed in accordance with plans and specifications which have been approved by him.

Ventilation.

Ventilation.

(36) (a) The ventilation in every mine shall be such that the air in all of its workings that are in use or are to be used

by workmen or others shall be free from dangerous amounts of noxious impurities and shall contain sufficient oxygen to obviate danger to the health of anyone employed in any such mine. In any mine workings where such conditions cannot be obtained by natural ventilation approved means for mechanical ventilation shall be provided and kept in operation until such workings have been abandoned or until satisfactory natural ventilation shall have been brought about therein.

(b) All fans and all structures containing the same shall be of fireproof construction.

Internal
combustion
engine,
under-
ground.

(37) No internal combustion engine shall be installed or operated underground in any mine unless the permission in writing of the Chief Inspector be first obtained.

Sanitation.

Sanitary
conven-
iences.

(38) The manager of a mine shall provide or cause to be provided on the surface and in the underground workings sufficient and suitable sanitary conveniences in accordance with the following rules:

(a) Where the number of persons employed on any shift does not exceed one hundred there shall be one sanitary convenience for every twenty-five persons or portion thereof;

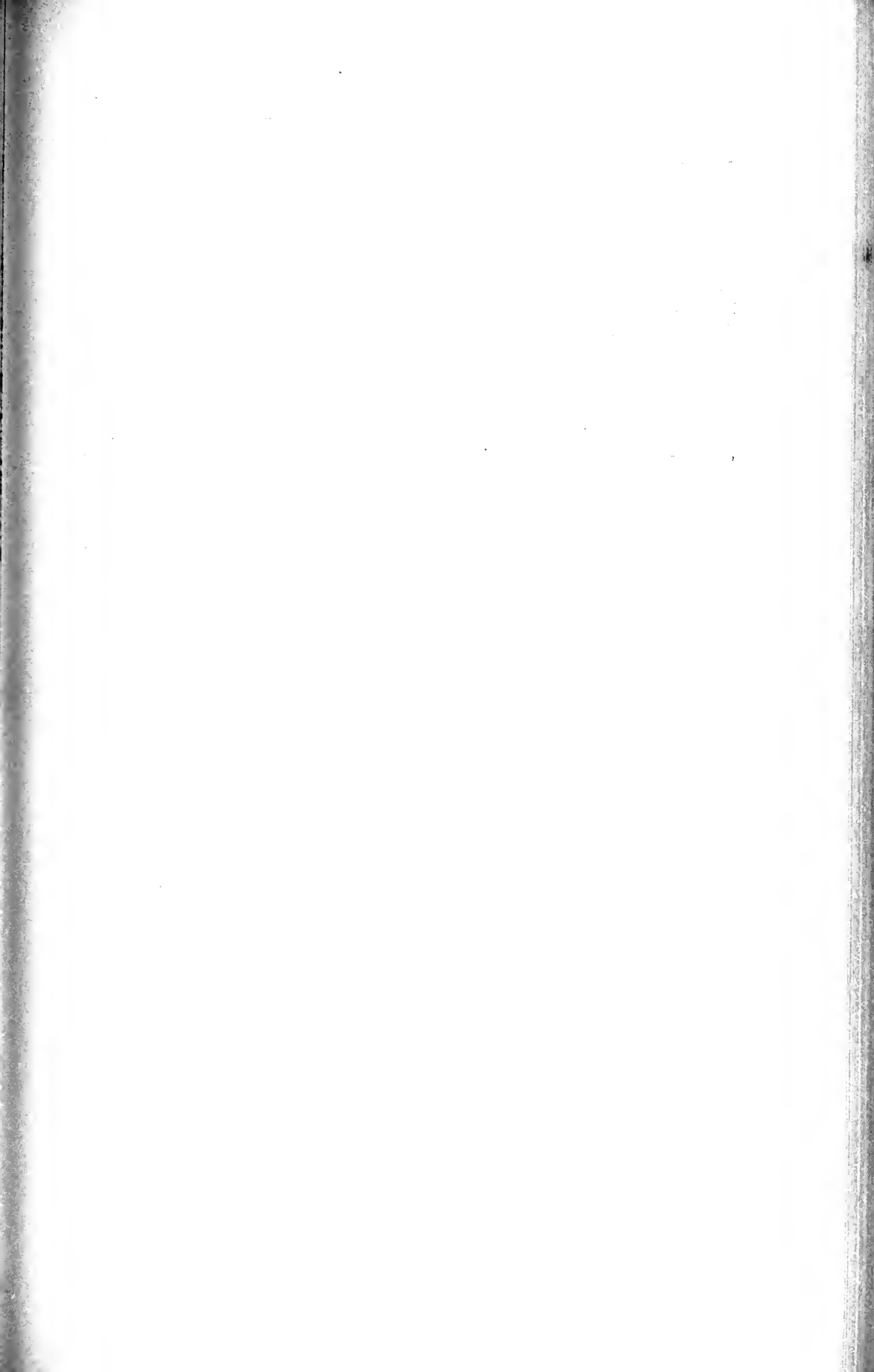
(b) Where the number of persons so employed exceeds one hundred there shall be one additional sanitary convenience for every fifty persons or portion thereof over the first hundred.

(39) These sanitary conveniences shall be kept in a cleanly manner; shall be adequately supplied with chloride of lime, sawdust, fine ash or other suitable absorbent; shall be removed and cleaned regularly; shall be conveniently placed with reference to the number of men employed on the different levels; and shall be placed in a well-ventilated part of the mine.

(40) Any person depositing faeces in any place underground other than in the sanitary conveniences provided shall be guilty of an offence against this Act.

Dressing
room.

(41) If more than ten persons to each shift are ordinarily employed in the mine below ground, sufficient accommodation, including supplies of clean cold and warm water for washing, shall be provided above ground near the principal entrance of the mine, and not in the engine room, boiler room, or nearer than fifty feet to the shafthouse or portalhouse, for enabling the persons employed in the mine to conveniently dry and change their clothes.



Care and Use of Explosives.

Marking
explosive
packages.

(42) No explosive shall be used at any mine, unless there is plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer, and the strength of the explosive and the date of its manufacture.

Defective
explosives
to be
reported.

(43) Every case of supposedly defective fuse, detonator or blasting cap, or explosive shall be reported to the Inspector with the name and address of the manufacturer and accompanied, if available, by the packing slip from the original container of such fuse, blasting cap or detonator, or explosive, along with all other pertinent information available.

Storage of
explosives.

(44) Except as otherwise provided herein all explosives and all detonators or blasting caps shall be stored in special suitable buildings, such as magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses.

- (a) No such building shall be erected or maintained at any mine except with the written permission of an Inspector, nor until the site of the building and the style of structure has been approved by him.
- (b) Where possible, every such building shall be located in accordance with the British Table of Distances in respect of its distance from the mine or works or any other buildings or any public highway or public railway. Where conditions are such that it is impossible to locate such buildings in accordance with the British Table of Distances, the mine manager and the Inspector shall jointly choose the most suitable location.
- (c) Every such building shall be constructed of such materials as to ensure as far as possible against accident from any cause.
- (d) The rules in reference to the care and use of explosives shall be kept posted up inside every such building.
- (e) Every such building shall be kept securely locked at all such times as the attendant is not present and it shall be clearly indicated by some easily visible sign posted outside the building that explosives are stored therein.

Magazines,
thaw houses,
etc.

(45) Magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses and explosives storage boxes shall at all times be kept clean and dry and free from grit.

Floors and shelves. (46) Floors and shelves of magazines and thaw houses shall be treated with a suitable neutralizing agent whenever necessary to remove any traces of explosive substances.

What explosives to be used first. (47) When supplies of explosives are removed from a magazine those that have been longest in the magazine shall be used first provided they are not defective. In all cases where explosives have become defective they shall be suitably and safely disposed of.

Opening cases. (48) Only implements of wood, brass or copper shall be used in opening cases containing explosives.

Storage of explosives, underground. (49) (a) Explosives shall not be stored underground in excess of the necessary supply for forty-eight hours. In no case shall an amount exceeding three hundred pounds be stored in any one place underground without the written permission of the Inspector.

(b) With the written permission of the Chief Inspector and subject to such conditions as he may prescribe, underground explosives magazines may be established, but in no case shall more than twenty-five hundred pounds be stored in any one such magazine.

(c) Wherever explosives are stored underground in any mine heading into which a haulage track extends suitable barricades shall be maintained or other adequate measures adopted to avert the possibility of any train or car colliding with the explosives container or containers.

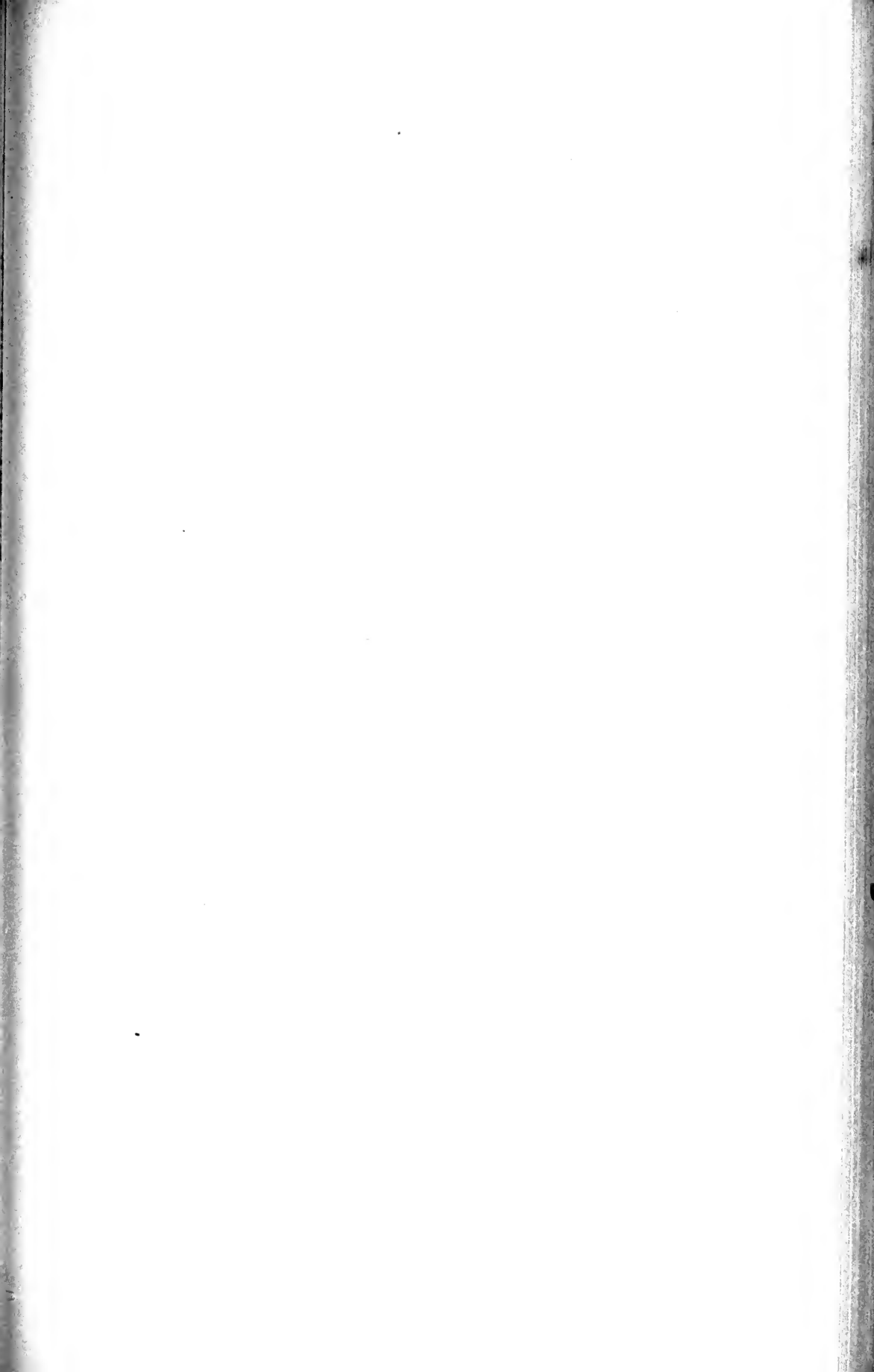
Location of underground storage place. (50) No explosive shall be stored within two hundred feet of any shaft station or transformer station underground in any mine.

Storage of detonators. (51) (a) Detonators or blasting caps shall not be stored in the same receptacle or storage building as other explosives.

(b) Detonators or blasting caps or capped fuse, while stored in underground workings, shall be kept in separate, suitable, closed containers or magazines. Such containers or magazines shall not be located within twenty-five feet of any other explosives.

Open flame lamps, smoking, explosives storages. (52) (a) No flame-type light shall be taken within twenty-five feet of any building or place on surface in which explosives are stored.

(b) No flame-type light shall be taken within ten feet of any place underground where explosives are stored unless a suitable, safe arrangement for the placing of such light is provided.



(c) No person shall smoke in any place or building where explosives are stored or while handling explosives.

Inspection
of storage
places.

(53) (a) A properly authorized person or persons shall make a thorough weekly inspection of all explosives, explosives magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses, and all storage boxes or places in or about the mine used for the purpose of storing explosives or detonators or blasting caps and shall make a report, in writing, to the manager stating that such examination has been made and certifying as to the conditions found.

(b) The manager shall take immediate steps to correct any unsuitable conditions found and to properly dispose of any deteriorated explosives existing and shall make a prompt investigation when an act of careless placing or handling of explosives is discovered by or reported to him.

(c) Any employee who commits a careless act with an explosive or where explosives are stored, or who, having discovered such an act to have been committed, omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Act and the officer in charge of the mine shall immediately report such offence to the Inspector or to the Crown Attorney of the county or district in which the mine is situate.

Disposal of
explosives at
shut-down
mine.

(54) When any mine is closed down all explosives, fuse and detonators or blasting caps shall be disposed of and no explosive may be stored at any such closed-down mine without the written permission of the Chief Inspector.

Written
permission.

(55) No person shall take away from any mine any explosive, fuse or detonator or blasting cap without the written permission of the manager or of such person as may be authorized by the manager to give such permission.

Thawing
houses.

(56) No building for thawing explosives shall be maintained in connection with any mine except with the written permission of an Inspector. The building shall be above ground, unless exemption obtained under the provisions of subsections 1 and 2 of section 159 direct otherwise, and the site of the building and the style of structure and equipment shall be subject to the approval of the Inspector. The building shall be under the direction of the manager or some person authorized by him. The quantity of explosives brought into any thawing house at any one time shall not exceed the requirements of the mine for a period of twenty-four hours, plus the amount that it may be necessary to have thawing to maintain that supply.

Thermom-
eter
necessary.

(57) A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof

kept, but where the amount of explosives in such thawing room does not exceed two hundred pounds at any one time, the Inspector may give permission, in writing, to use a maximum and minimum registering thermometer on condition that a daily record of high and low temperature be made and kept on file.

Thawing near open fire or steam boilers forbidden.

(58) In no case shall powder be thawed near an open fire or steam boiler or by direct contact with steam or hot water.

Wiring in storage places.

(59) All electric wiring in explosives magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses shall be installed in metal armour or rigid conduit with screwed, waterproof joints and all metal armour or rigid conduit shall be permanently grounded.

Switches, fuses.

(60) (a) The switches and fuses for lighting, heating or telephone circuits for explosives magazines, thaw houses, detonator or blasting cap storage buildings and cap and fuse houses shall be installed in a locked, fireproof cabinet located outside the compartment in which explosives, fuse or detonators or blasting caps are stored.

(b) The fuses or circuit breakers for heating circuits shall be such that they will interrupt the current at twenty-five per centum over the normal load.

(c) The fuses for lighting circuits shall not exceed ten-ampere capacity.

Electric heating.

(61) (a) Where water is the medium used for the distribution of electrically generated heat for thaw houses the radiation pipes shall be permanently grounded.

(b) No electrical device for generating heat shall be allowed in the same compartment with explosives or detonators or blasting caps.

(c) Wire or grid-type heaters shall not be installed in conjunction with any building in which explosives or detonators or blasting caps are stored or handled.

Transportation of explosives in shaft.

(62) (a) When the day's supply of explosives is being transported in any shaft conveyance the person in charge of such operation shall give or cause to be given notice of the same to the deckman and hoistman.

(b) Every possible precaution shall be taken in the handling and transportation of explosives.

Supervision over transportation of explosives in shaft.

(63) (a) No person shall place in or take out of the shaft conveyance any explosives except under the immediate super-

vision of a person authorized by the manager, superintendent, foreman or shift boss for the purpose.

(b) No other material shall be transported with explosives in any shaft conveyance.

Transfer of explosives from storage places.

(64) (a) The transfer of explosives from the magazine or other surface storage place shall be so arranged that no undue delay shall occur between the time the explosives leave such surface storage place and the time they are properly stored in designated storage places in the mine or distributed to points of use in the mine.

(b) Explosives shall not be left at any level station or near the shaft collar or other entrance to the mine but shall be transferred from any designated storage place to other designated storage places or points of use without undue delay.

Transportation of detonators.

(65) (a) Primers shall be made up as near to their point of use as is practical in the interests of safety and only in sufficient numbers for the immediate work in hand.

(b) Detonators or blasting caps, capped fuse, made-up primers or other explosives shall not be transported in any conveyance either on the surface or underground unless placed in separate, suitable, closed containers.

(c) It shall be permissible for a workman to carry capped fuses with other explosives from the nearest storage places to a point of use without placing them in a container provided they are kept separate from the other explosives but in no case shall made-up primers be transported or carried unless placed in separate, suitable, closed containers.

Transportation of explosives, underground.

In any car.

(66) Where explosives are transported in mine workings by means of a car or cars,—

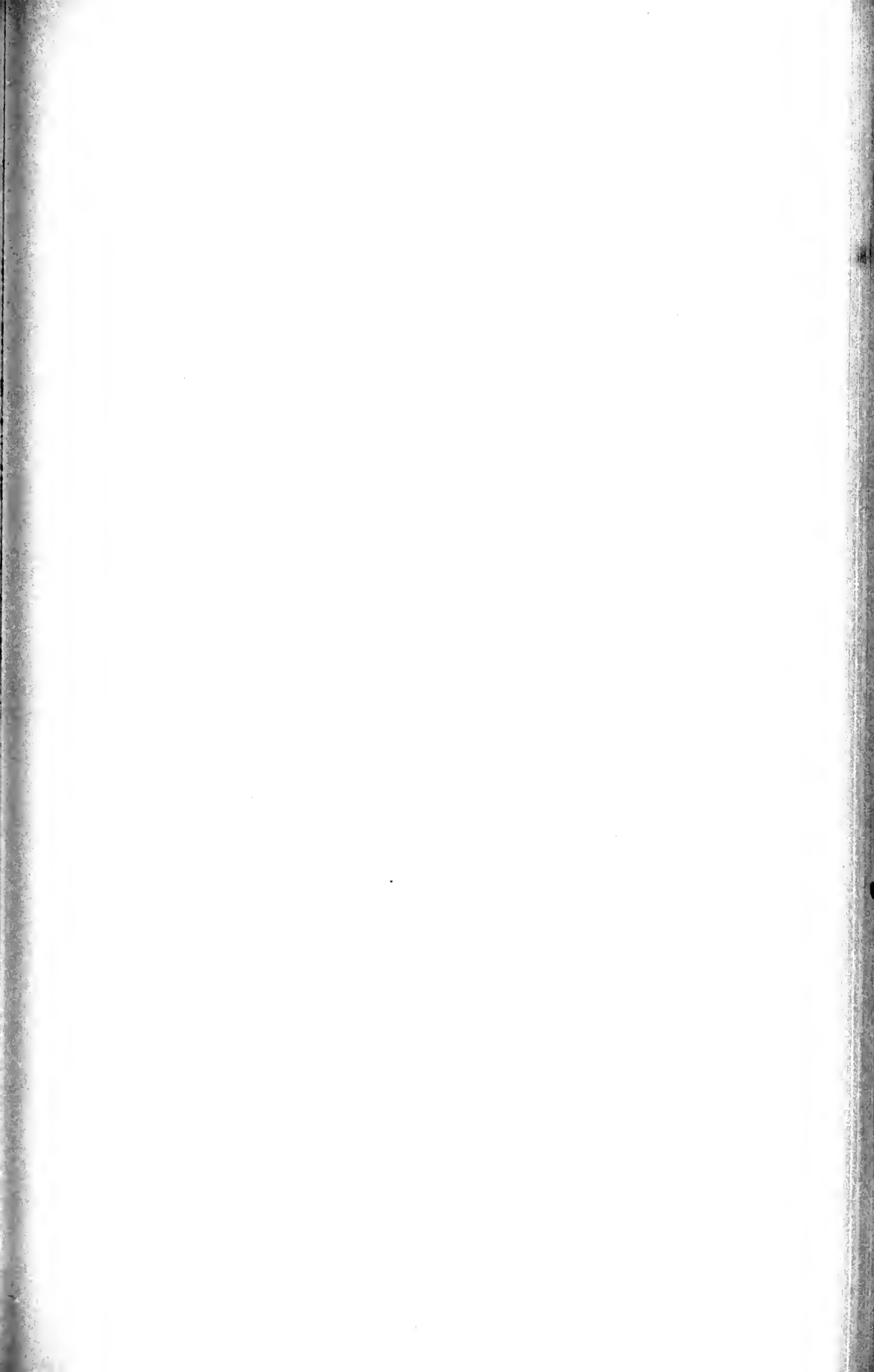
(a) The speed of any car or cars shall not at any time exceed four miles per hour and definite arrangements for the right-of-way of such car or cars carrying explosives shall be made before the car or cars are moved;

By motor haulage.

(b) Where mechanical haulage is used the haulage motor shall be maintained on the forward end of any train carrying explosives unless some person walk in advance of the train to effectively guard the same.

Trolley locomotives.

(67) Where a trolley locomotive is used for the transportation of explosives in any mine the car or cars carrying explosives shall be protected from trolley-wire contact and other existing hazards.



Blasting on contiguous claims. (68) Where parties working contiguous or adjacent claims or mines disagree as to the time of setting off blasts, either party may appeal to the Inspector, who shall decide upon the time at which blasting operations thereon may be performed, and the decision of the Inspector shall be final and conclusive and shall be observed by them in future blasting operations.

Explosives not to be removed from original container. (69) No explosive shall be removed from its original paper container or cartridge.

Blasting of roast heaps. (70) No explosive shall be used to blast or break up ore, salamander or other material where by reason of its heated condition there is any danger or risk of premature explosion of the charge.

Size of drill holes. (71) All drill holes, whether sunk by hand or machine drills, shall be of sufficient size to admit of the free insertion to the bottom of the hole of a stick or cartridge of powder, dynamite or other explosive, without ramming, pounding or pressure.

No iron or steel tool. (72) In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel tool shall be used in any hole containing explosives.

Bootleg holes. (73) (a) No drilling shall be done within six inches of any hole that has been charged and blasted or any remnant of such hole. (So-called bootleg.)

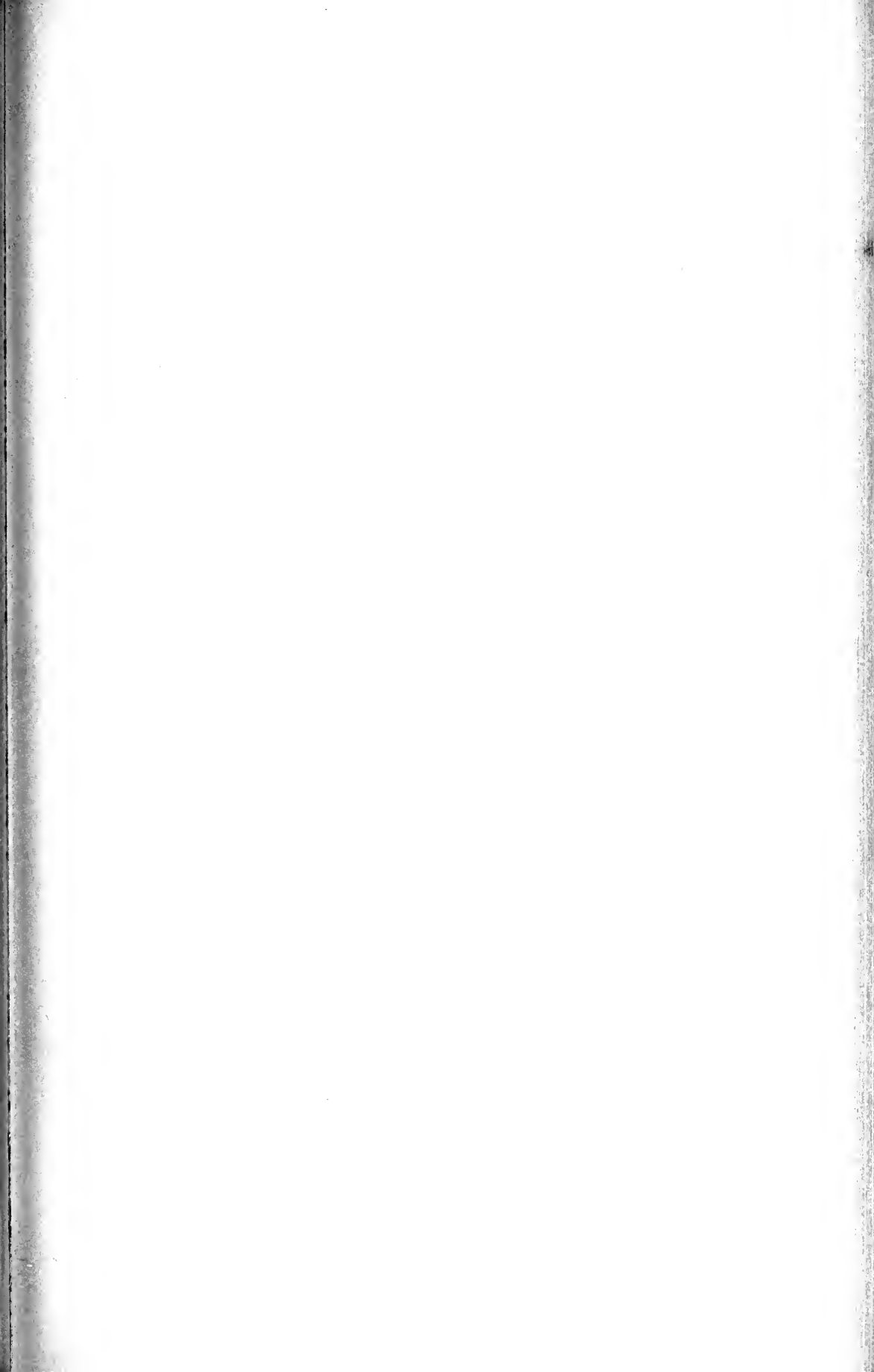
(b) No drilling shall be done within five feet of any hole containing explosives.

Due warning required. (74) Every workman shall, before blasting, give or cause to be given due warning in every direction by shouting "Fire," and shall satisfy himself that all persons have left the working place except those required to assist him in blasting.

Guarding entrances to places where blasting is to be done. (75) (a) Every workman shall, before blasting, cause all entrances to the place or places where such blasting is to be done or where the safety of persons may be endangered by such blasting, to be effectively guarded, so as to prevent inadvertent access to such place or places while such charges are being blasted.

(b) Posting of signs shall not be deemed adequate protection to warn of blasting operations.

Length of fuse. (76) Except where fired electrically no fuse shorter than three feet shall be used in any blasting operation nor shall any fuse be lighted at a point closer than three feet from the capped end.



Interval
before return
to scene of
blast.

(77) (a) Except where the firing has been done by means of electric current no person shall return to the scene of any blast within the number of minutes which are equal to twice the number of feet in the longest fuse used in the blasting operation.

(b) Where the firing has been done by means of electric delay action detonators and two or more shots are fired no person shall return to the scene of any blast within ten minutes of the time at which the blasting circuit was closed.

(c) In the case of a supposedly missed hole in any blasting operation no person shall return to the scene of any blast within thirty minutes of the time of lighting the fuse or fuses or closing the blasting circuit.

Detonator
required.

(78) (a) No hole shall be charged with explosives unless a properly prepared detonating agent be placed in such charge and shall be fired in its proper sequence in the firing of the round.

Firing
required.

(b) All holes which are charged with explosives in one loading operation shall be fired in one blasting operation.

Safety fuse.

(79) Where safety fuse is used in any blasting operation,—

(a) Suitably capped fuses shall be supplied to the workmen in uniform, standard, safe lengths for the operation at hand.

(b) The uncapped ends of all fuses for use in a mine shall be suitably stained.

Lighting
fuses.

(80) In every case the fuse connected to a charge of explosives shall be lighted by other means than the device used as a source of illumination.

Number of
men, lights.

(81) Where more than one shot is fired no workman shall be permitted to conduct any blasting operation unless he is accompanied by one or more other workmen each of whom shall carry a light.

Ventilation
of working
place after
blasting.

(82) Before returning to the scene of any blasting operation every workman shall assure himself that sufficient air has been introduced into the working place to drive out or dilute to a safe degree the gases produced in the blasting operation.

Protection
of entrance
to working
place.

(83) Where blasting is being done in any raise or stope proper precautions shall be taken to prevent closing of the means of entrance to the working place or interference with the effective circulation of air following the blast, by the broken material produced by the blast. In the case of a single

compartment raise or boxhole where material from the blast may block the means of entrance proper precautions shall be taken to assure the adequate ventilation of the working place before workmen enter the same.

Reporting
of missed
holes.

(84) When a workman fires a round of holes he shall, where possible, count the number of shots exploding. If there is any report missing, he shall report the same to the mine captain or shift boss. If a missed hole has not been fired at the end of a shift, that fact, together with the location of the hole, shall be reported by the mine captain or shift boss to the mine captain or shift boss in charge of the next relay of workmen going into that working place before work is commenced by them.

Missed hole
to be
blasted.

(85) Any charge which has missed fire shall not be withdrawn but shall be blasted at a proper time and without undue delay.

Examina-
tion for
missed or
cut-off hole.

(86) No development heading shall be abandoned or work therein discontinued until the material broken at the firing of the last round shall have been cleared from the face and the whole face of the heading examined for explosives in missed or cut-off holes.

Where
electric
blasting
required.

(87) (a) After the first ten feet advance has been made in any shaft or winze and until such time as the permanent timbers and ladders have reached the level upon which blasting is being done all blasting in the shaft, winze, station or other workings being driven from the same shall be done by means of an electric current.

(b) After twenty-five feet advance has been made in any raise inclined at over fifty degrees from the horizontal or a "chute" or other permanent obstruction has been placed in the raise, all blasting shall be done by means of an electric current.

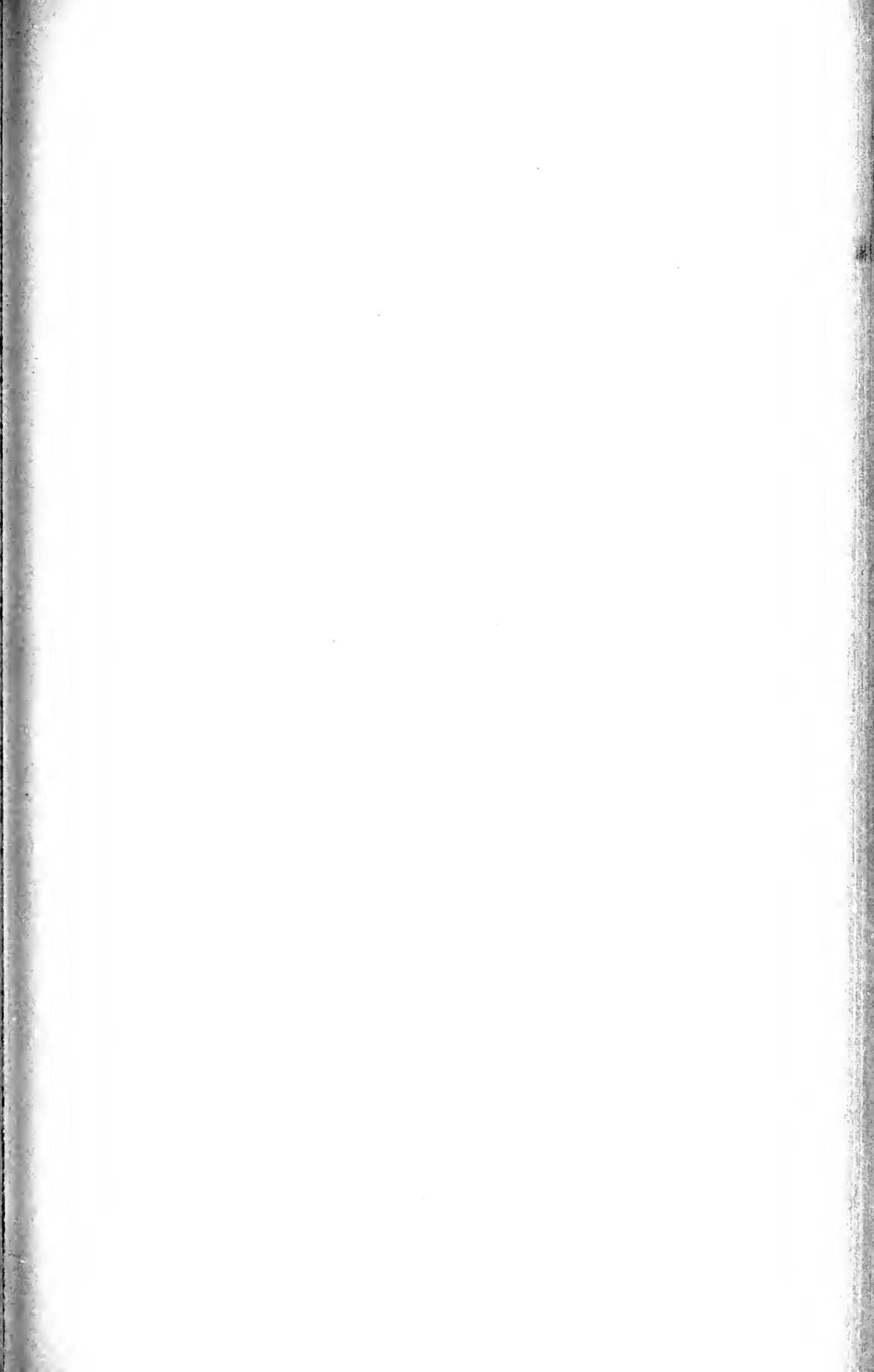
Electric cur-
rent to be
disconnected
after
blasting.

(88) A workman shall not, where blasting takes place by electricity, enter or allow other persons to enter the place or places where the charges have been fired until he has disconnected the cables from the blasting battery or other source of current.

Approved
firing device.

(89) (a) Electricity from lighting or power cables shall not be used for firing shots except when a firing device of a design which has been approved by the Chief Inspector and which automatically opens the circuit by gravity is provided. The live side of such device shall be installed in a fixed, locked box and shall be accessible only to the authorized shot firer.

(b) One such device shall be maintained for each individual



working place in which firing is done by means of electricity from lighting or power cables.

Blasting by direct current or blasting battery.

(90) Where the source of current is a direct current battery or a blasting machine of the so-called "battery" type, the firing cables or wires shall not be connected to the source of current until immediately before they are required for the firing of shots, and shall be disconnected immediately after the shots are fired.

Lead wires short-circuited.

(91) The firing cables leading to the face shall be short-circuited while the leads from the blasting caps are being connected to each other and to the firing cables. This short circuit shall not be removed until the men have retreated from the face and it shall be so located that a premature explosion would be harmless to the men opening the short circuit.

Firing cables

(92) The firing cables or wires used for firing shots at one working place shall not be used for firing shots in another working place until all proper precautions have been taken to insure that such firing cables or wires have not any electrical connection with the leads from the first working place.

Precautions in using shot-firing cables.

(93) When shot-firing cables or wires are used in the vicinity of power or lighting cables, proper precautions shall be taken to prevent the shot-firing cables or wires coming in contact with the lighting or power cables.

*Protection in Working Places, Shafts, Winzes,
Raises, Etc.*

Protection from overhead operations.

(94) Neither on surface nor underground shall workmen be employed in a location where men are working overhead unless such measures for protection be taken as the nature of the work permits.

Protective hat.

(95) Every person employed underground in any mine shall be required to wear a protective hat manufactured for such service.

Fencing of shafts and other openings.

(96) The top of every shaft shall be securely fenced or protected by a gate or guard rail, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected.

Gate at shaft entrances.

(97) (a) At all shaft and winze openings on the surface and on every level, unless securely closed off, the hoisting compartments shall be protected by a substantial gate which shall be kept closed except when the hoisting conveyance is being loaded or unloaded at such level. The clearance beneath any such gate shall be kept to a minimum.

(b) Where haulage tracks lead up to any hoisting compartment on surface or underground the gate on such compartment shall be reinforced in such a manner that it shall be sufficiently strong to withstand any impact imparted thereto by collision therewith of any motor, train or car operated on such tracks.

Shaft and winze timbering.

(98) Every shaft and winze shall be properly timbered and during sinking operations the timbering shall be maintained within a safe distance of the bottom. In no case shall this distance exceed fifty feet.

Protection of workmen in drifts.

(99) Where a drift extends from a shaft in any direction on a level, a safe passageway and standing room for workmen shall be made on one or both sides of the shaft to afford protection against falling material.

Protection of men in sinking operations.

(100) (a) During shaft sinking operations no work shall be done in any place in a shaft or winze while men are working in another part of the shaft or winze below such place unless the men working in the lower position be protected from the danger of falling material by a securely constructed covering extending over a sufficient portion of the shaft to afford complete protection.

(b) During shaft sinking operations a set of doors shall be maintained at the collar or other point of service of every shaft or winze. Such doors shall be closed at all times that material is being loaded into or unloaded from a shaft conveyance.

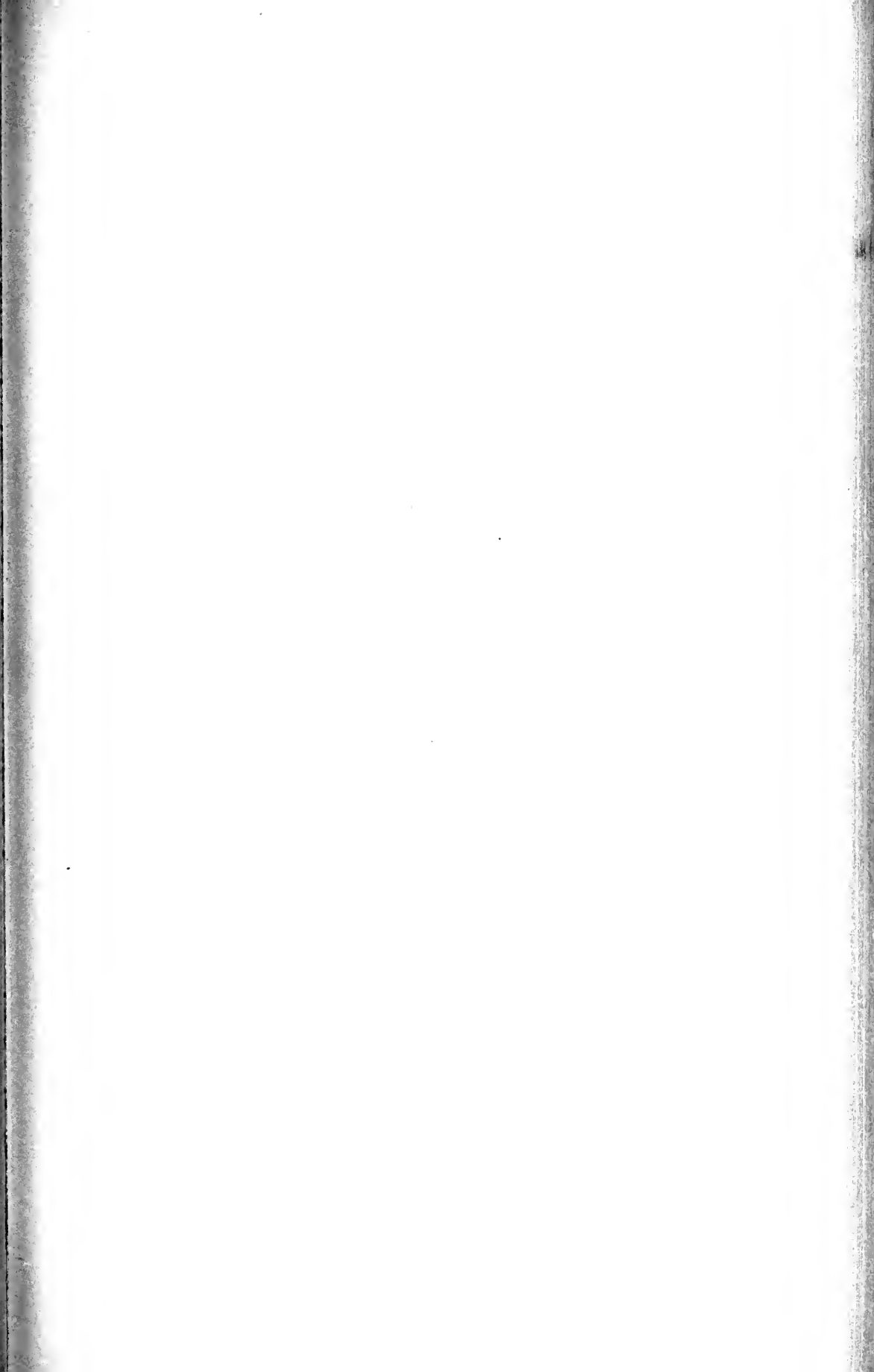
Lining compartments at levels.

(101) Except during sinking operations, if material be handled in any shaft or winze compartment there shall be maintained around that compartment except on the side on which the material is to be loaded or unloaded a substantial partition at the collar and at all levels. Such partition shall extend above the collar and all levels a distance not less than the height of the hoisting conveyance plus six feet and it shall extend below the collar and all levels at least six feet.

Protection on shaft inspection.

(102) (a) No person shall do any work or conduct any examination in any compartment of a shaft or winze or in that part of a headframe used in conjunction therewith while hoisting operations are being conducted in such compartment except where the hoisting conveyance is necessary for the purpose of doing such work or conducting such examination.

(b) No person shall do any work or conduct any examination in a shaft or winze or in that part of a headframe used in conjunction therewith unless he be adequately protected from accidental contact with any moving hoisting conveyance or the danger of falling particles dislodged by or falling from such conveyance.



Timbering mine workings. (103) Where the enclosing rocks are not safe every adit, tunnel, stope or other working in which work is being carried on or through which persons pass shall be securely cased, lined or timbered, or otherwise made secure.

Use of shaft buckets. (104) Where a bucket is used in any shaft or winze for other than sinking purposes,—

(a) A set of doors as required by Rule 138 (c) shall be maintained at the collar of the shaft or winze, which doors shall be kept closed at all times that tools or supplies are being loaded into or taken out of the bucket;

(b) A suitable landing device shall be used at every working level when the bucket is being loaded or unloaded at that level;

(c) Simultaneous operations shall not be carried on at more than one level until the style of structure and method of operation of any such device installed at intermediate levels has been submitted to and has received the approval of the Inspector.

Steeply in-
clined raises. (105) All raises inclined at over fifty degrees from the horizontal which are to be driven more than sixty feet slope distance shall be divided into at least two compartments one of which shall be maintained as a ladderway and shall be equipped with suitable ladders. The timbering shall be maintained within a safe distance of the face and in no event shall the distance between the face and the top of the timbering exceed twenty-five feet.

Precautions as to broken material. (106) Whenever, at any time, chutes are pulled where persons may, either at the time of pulling or some future time, be required to go out on the broken material above, proper precaution shall be taken to ascertain that the broken material is settling freely and where there is any indication of a hang-up the location shall be adequately protected by suitable signs or barricades and any persons working in the vicinity notified of the danger.

Access to stopes. (107) Unless the entrance to a stope is capable of being used as such at all times a second means of entrance shall be provided and maintained.

Guarding mill holes, manways, etc. (108) The top of every millhole, manway or other opening shall be kept covered or otherwise adequately protected.

Guarding open workings. (109) Wherever men are working, below a level, in any place the top of which is open to the level in close proximity to any haulage way or travelway some person shall effectively

guard the opening unless the same is securely covered over or otherwise closed off from the haulageway or travelway.

Guarding
tops of
raises.

(110) The tops of all raises or other openings to a level shall be kept securely covered, fenced off, or protected by suitable barricades to prevent inadvertent access thereto.

Procedure
before
drilling.

(111) Before drilling is commenced in any working place the exposed face shall be washed with water and carefully examined for misfires and cut-off holes, giving special attention to old bottoms.

Breaking
through to
mine
workings.

(112) Where possible, no connection between mine workings shall be made until a thorough examination of the working towards which the active heading is advancing has been made and has shown that the work can be proceeded with in a safe manner and such point of connection shall be guarded as an entry when blasting within fifteen feet of breaking through.

Unused
workings to
be tested for
gas.

(113) Underground workings, especially shafts, sumps and winzes, which have been in disuse for some time shall be examined before being again used, in order to ascertain whether foul air or other dangerous gases have accumulated there, and only such workmen as may be necessary to make such examination shall be allowed to proceed to such places until such places are in fit state to work or travel in.

Examination
of mine
workings.

(114) The owner, manager, or some authorized person or persons shall examine daily all parts of the mine where drilling and blasting is being carried on; shall examine at least once a week the other portions of a mine in which operations are being carried on, such as shafts, winzes, levels, stopes, drifts, crosscuts and raises, in order to ascertain that they are in a safe working condition; shall inspect and scale or cause to be inspected and scaled the roofs and walls of all stopes or other working places as often as the nature of the ground and of the work performed necessitates.

Scaling bars
and gads.

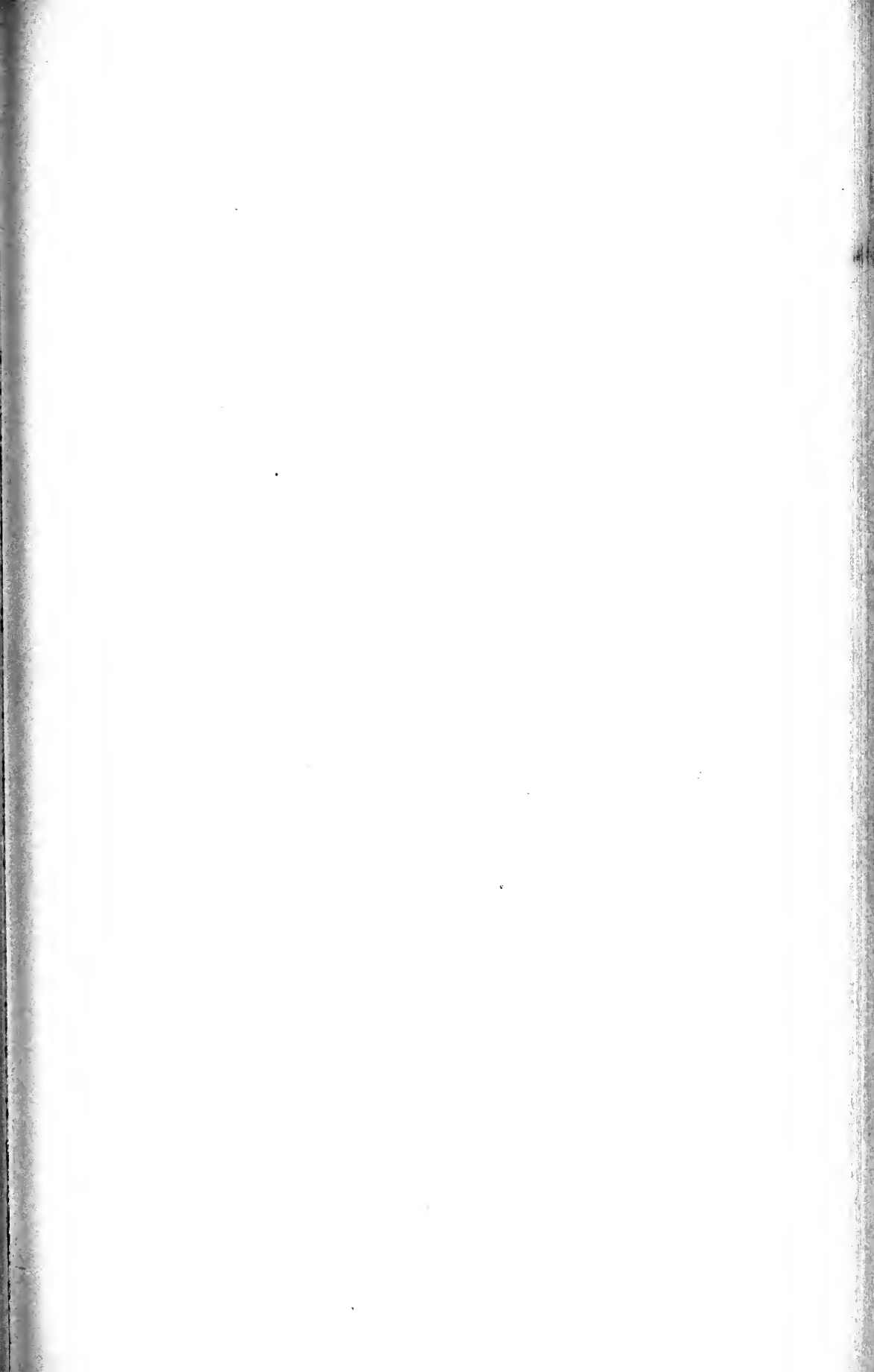
(115) The owner or manager shall provide and maintain an adequate supply of properly dressed scaling bars and gads and other equipment necessary for scaling.

Life lines to
be used.

(116) The owner or manager shall, when necessary, provide life lines for the workmen and it shall be the duty of the workmen to continually wear such life lines at all times, when by so doing the interests of safety will be advanced.

Keeping
water supply
to lay dust.

(117) Every dusty place where work is being carried on in a mine shall be adequately supplied at all times with clean water under pressure or other approved appliances for laying the dust caused by drilling or blasting operations.



Time for
blasting.

(118) The times for blasting shall be so fixed that the workmen shall be exposed as little as practicable to dust and smoke.

Written
record.

(119) Where there is non-continuous shift operation in mine areas the on-coming shift shall be warned of any abnormal condition affecting the safety of operations. Such warning shall consist of a written record over the signature of a responsible person on the off-going shift and shall be read and countersigned by the corresponding responsible person on the on-coming shift before workmen are permitted to resume operations in the areas indicated in such record.

Repair work,
manways.

(120) Where repair work is in progress in any manway or conditions arise that may endanger travel through such manway the manway shall be closed off or adequate signs designating the unfitness of such manway for travel purposes shall be posted at all entrances to such manway.

Precautions
when inter-
secting drill
holes.

(121) (a) Diamond-drill holes shall be plotted on all working plans of levels.

(b) When any active mine heading is advancing toward any diamond-drill hole the collar or the nearest points of intersection of such hole or both shall be securely closed off or guarded at all times that blasting is being done within fifteen feet of any possible intersection of such hole.

(c) The collar and any points of intersection of every diamond-drill hole, underground, shall be plainly marked at the time that drilling is discontinued or an intersection made. Such marking shall consist of a single capital letter "H" in yellow paint measuring twelve inches by twelve inches which shall be placed within four feet of such collar or intersection.

Ladderways
in shafts and
winzes.

(122) (a) A suitable footway or ladderway shall be provided in every shaft and winze.

(b) In shafts and winzes no ladder, except an auxiliary ladder used in sinking operations, shall be installed in a vertical position.

(c) During sinking operations, if the ladder be not maintained to the bottom, an auxiliary ladder which will reach from the permanent ladders to the bottom shall be provided in such convenient position that it may be promptly lowered to any point at which men are working.

(d) Wherever, about shafts and winzes and headframes used in conjunction therewith, it is necessary for persons to examine or inspect appliances installed therein suitable ladder-

ways or stairways and platforms shall be maintained to permit such work being carried out in a safe manner.

Partition between manway and hoisting compartments. (123) The footway or ladderway in a shaft or winze shall be separated from the compartment or division of the shaft or winze in which material is hoisted by a suitable and tightly closed partition.

Ladderway in shaft over 70 degrees. (124) In a shaft or winze inclined at over seventy degrees from the horizontal substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway, and the same shall be covered except for an opening large enough to permit the passage of a man's body, and the ladders shall be so placed as to cover this opening in the platform.

Ladderway in shaft under 70 degrees. (125) In a shaft or winze inclined at less than seventy degrees from the horizontal the ladders may be continuous, but substantial platforms shall be built at intervals not exceeding twenty-one feet, in the ladderway, and the same shall be covered except for an opening large enough to permit the passage of a man's body.

When stairway permissible. (126) (a) Stairways may be used in a shaft or winze inclined at less than fifty degrees from the horizontal.

(b) All stairways in shafts or winzes shall be equipped with a suitably placed handrail.

Ladderways, other mine workings. (127) (a) All ladderways in raises, stopes and other manways of a mine shall be installed and maintained in a workmanlike manner to reduce to a minimum the hazard of a man falling therefrom.

(b) A landing platform shall be installed at all points where ladders are offset.

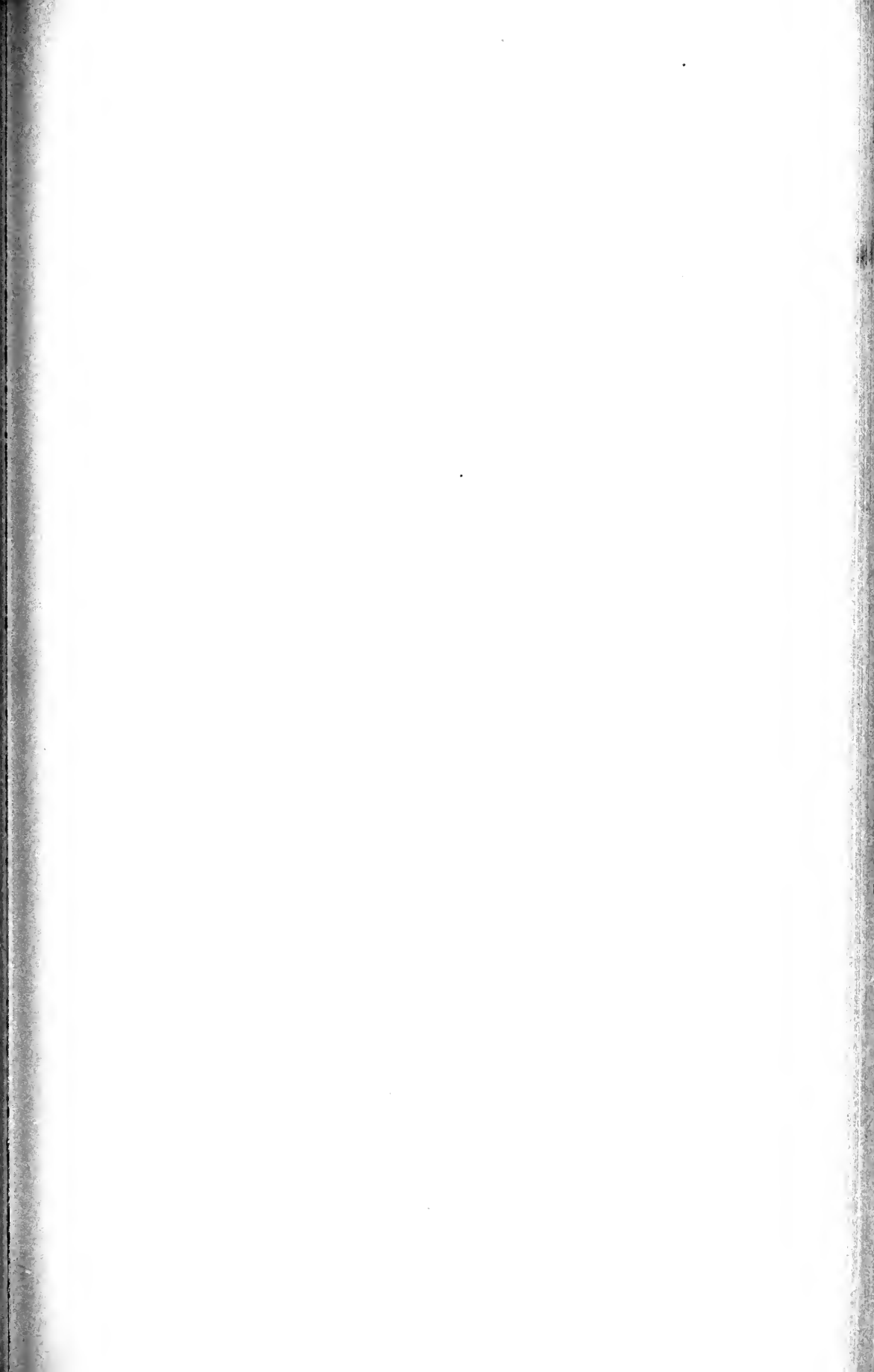
Wire rope ladders. (128) Wire rope or strands of wire rope shall not be used or be allowed to be used for climbing purposes in any mine if they are frayed or have projecting broken wires.

Hand rails for ladders. (129) Every ladder shall project at least three feet above its platform, except where strong hand rails are provided.

Ladders.

Ladders. (130) (a) Every ladder used shall be of strong construction, shall be securely placed in any shaft, winze, raise, or stope, and shall be maintained in good repair.

(b) The distance between centres of rungs of ladders shall not be greater than twelve inches or less than ten inches, and



the spacing of rungs shall not vary more than one-half inch in any particular ladderway.

(c) In order to give a proper foothold the rungs shall in no case be closer than four inches from the wall of a shaft, winze, or raise, or any timber underneath the ladder.

Shaft Equipment.

Raising and lowering material.

(131) Where steel, timber or other material is being raised or lowered in any shaft or winze it shall be securely fastened to the shaft conveyance or hoisting rope.

When cross-head required.

(132) (a) After a depth of three hundred feet has been attained in the sinking of any vertical shaft or winze, a suitable crosshead shall be used.

(b) When a crosshead is not used the bucket shall be barrel-shaped and shall be suspended from the upper rim.

(c) When a crosshead is not used in any vertical shaft or winze the compartment in which the bucket works shall be closely lined with sized lumber.

Safety appliance on crosshead.

(133) (a) All sinking crossheads shall be provided with a safety appliance of approved design, so constructed that the crosshead cannot stick in the hoisting compartment without also stopping the bucket.

(b) All crossheads shall be of a design approved by the Inspector.

Level of load in sinking bucket or skip.

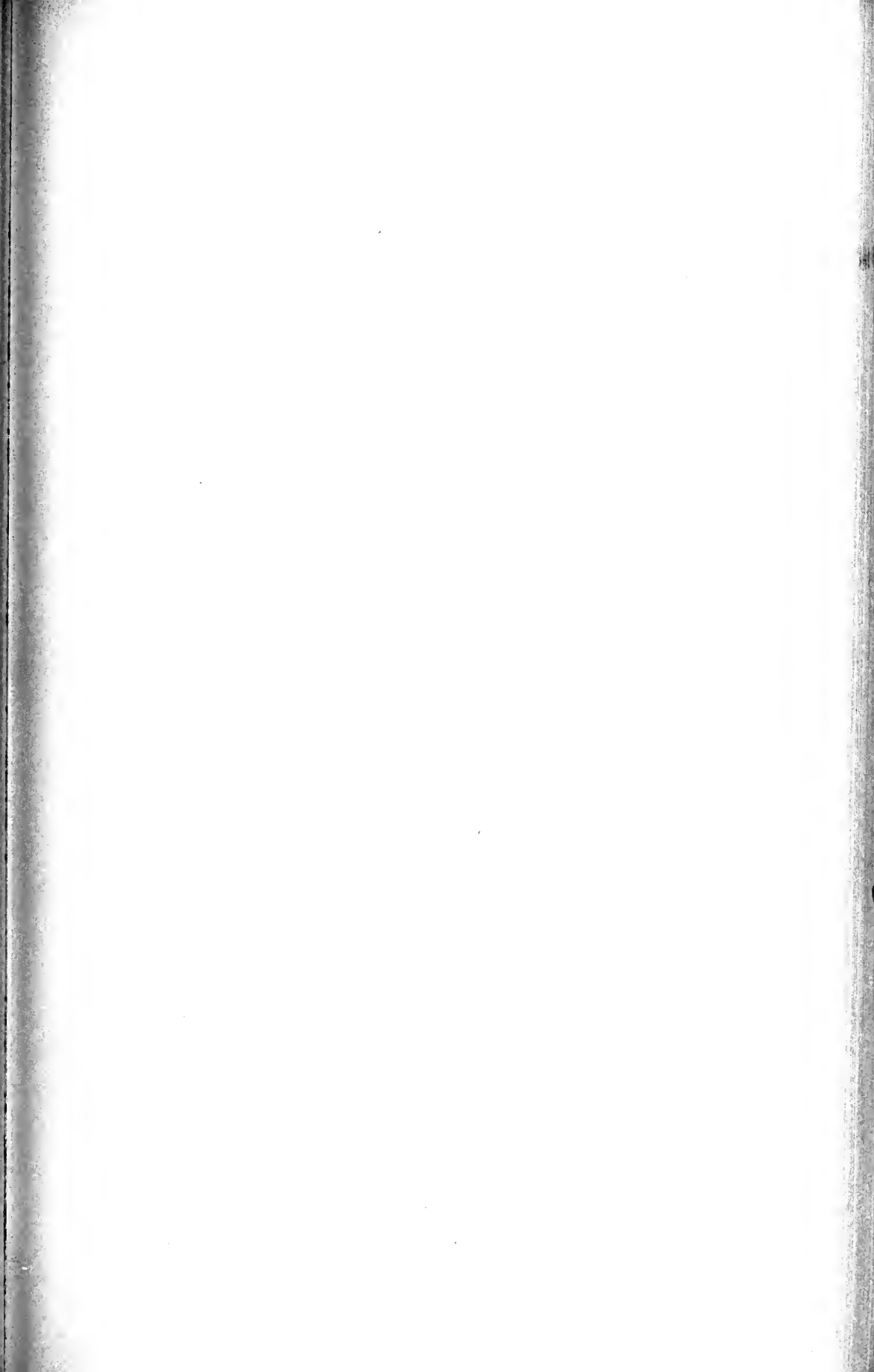
(134) In a shaft or winze, in the course of sinking, the bucket or skip shall be filled only in such a manner that no piece of loose rock shall project above the level of the brim.

Lowering men after blast.

(135) (a) During sinking operations in any shaft or winze the bucket or skip used for returning men to the working place following any blasting operation shall not be lowered on the initial trip beyond the point where, owing to the blast, it may be unsafe to go without a careful examination and in no case shall the point be less than fifty feet above the blasting set or bulkhead.

(b) The bucket or skip shall be lowered from such point only on signal from the men accompanying the same and at such speed as to be fully under control, by signal, of such men.

(c) Only sufficient men shall be carried on such trip as are required to properly conduct a careful examination of the shaft or winze.



Bucket or skip not to be lowered directly to face.

(136) In a shaft or winze in the course of sinking, the bucket or skip shall not be lowered directly to the bottom but shall be held at least fifteen feet above and shall remain there until a separate signal to lower the same has been given by a properly authorized person.

Bucket to be steadied.

(137) No bucket shall be allowed to leave the top or bottom of any shaft or winze until the workman in charge thereof has steadied it or caused it to be steadied.

Protection from dumping.

(138) (a) In a shaft or winze, in the course of sinking, adequate provision shall be made to assure the impossibility of the bucket or skip being dumped while the dumping doors are open or other means applied to prevent spillage falling into the shaft or winze.

(b) The design of any device for this purpose shall be submitted for the approval of the Inspector.

(c) A door or doors shall be maintained at the collar of every shaft or winze while sinking is in progress. Such door or doors shall be kept closed at all times that tools or material are being loaded into or unloaded from the bucket except when the bucket is emptied by dumping, when an arrangement as provided for in clauses (a) and (b) of this Rule shall be used.

Cage or skip for handling men.

(139) Except during sinking operations, whenever a mine shaft or winze exceeds three hundred feet in vertical depth a suitable cage or skip, equipped as required by Rule 141 of this section, shall be provided for lowering or raising men in the shaft or winze.

Protection from contact with timbering, etc.

(140) No cage or skip shall be used for the raising or lowering of persons unless it is so constructed as to prevent any portions of the body of any person riding therein from accidentally coming into contact with the timbering or sides of the shaft or winze. Doors shall be so fitted that they cannot be accidentally opened and shall be closed when lowering or hoisting men.

Construction of cages and skips.

(141) All cages or skips for lowering or raising men shall be constructed as follows:

Hood.

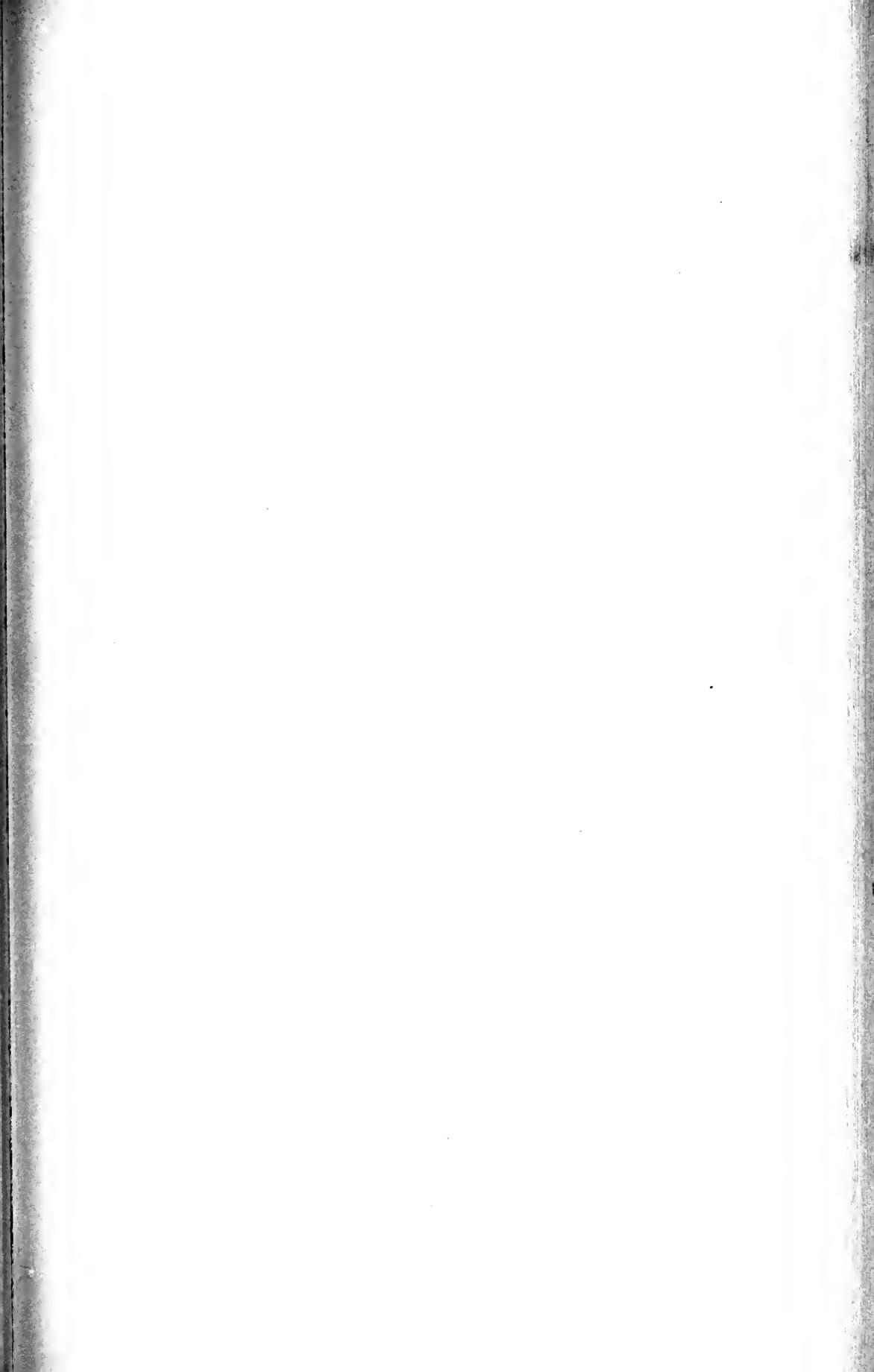
(a) The hood shall be made of steel plate not less than three-sixteenths of an inch in thickness or of a material of equivalent strength;

Casing.

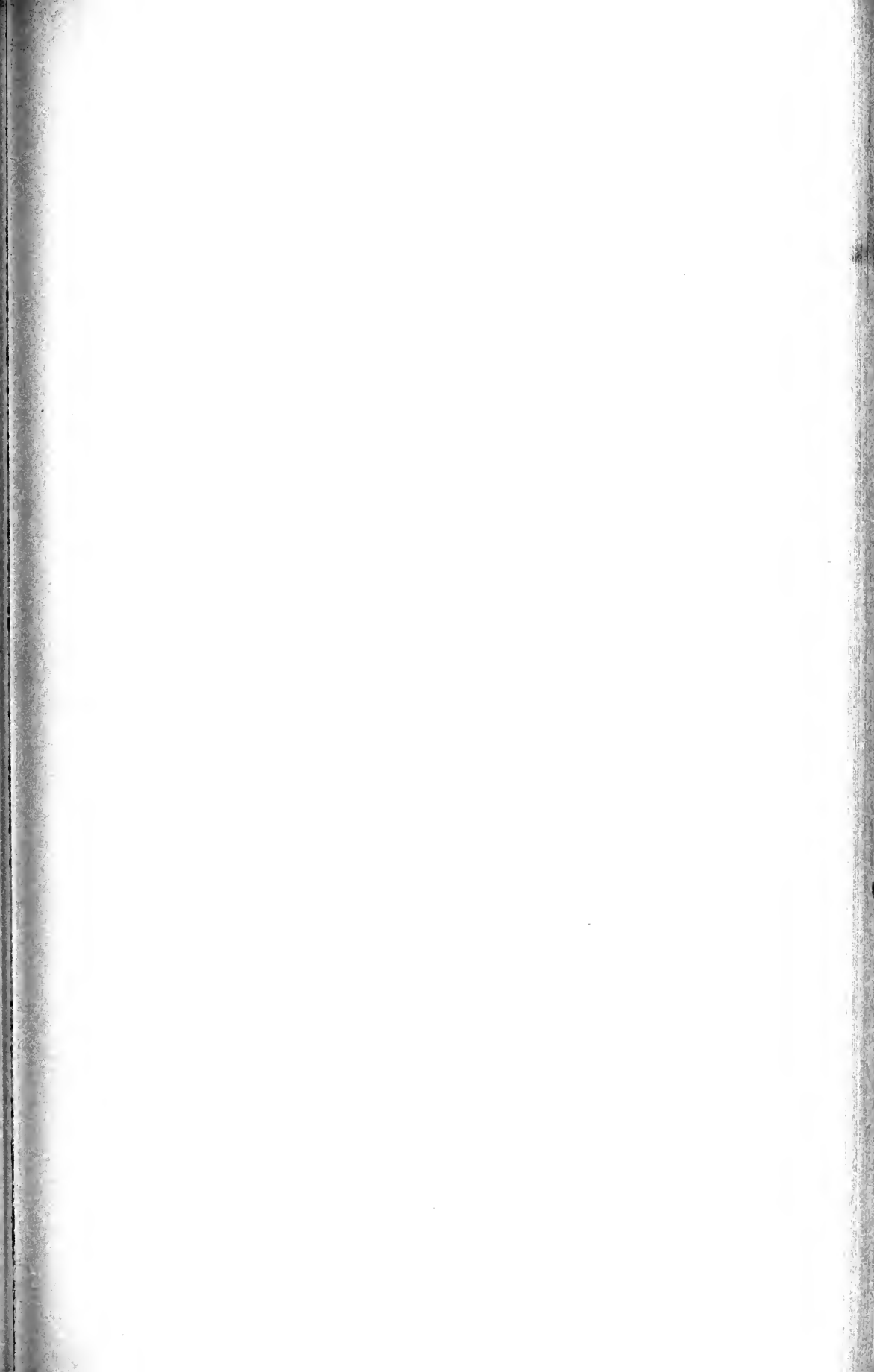
(b) The cage shall be provided with sheet iron or steel side casing not less than one-eighth of an inch in thickness or of a material of equivalent strength and such casing shall extend to a height not less than five feet above the floor of the cage;

- Doors. (c) The cage shall be equipped with doors made of suitable material which shall extend to a height not less than five feet above the floor and so arranged that it will be impossible for the doors to open outward from the cage;
- Safety appliances. (d) The safety appliance shall be of sufficient strength to hold the cage or skip with its maximum load at any point in the shaft, as provided in clause (b) of Rule 166 of this section; but the Chief Inspector may give permission, in writing, for hoisting without safety appliances if he is satisfied that the equipment is such that a maximum safety is provided.
- Operating chairs by lever. (e) The cage shall not have chairs attached thereto which are operated by a lever or a chain through or from the floor of the cage.
- Cage doors to be kept closed. (142) (a) No person shall travel or be permitted to travel in a cage at any time except during shaft inspection unless the doors of the same are securely closed.
- (b) The cage doors shall not be opened until a full stop has been made at the point or station signalled for, except during tips of inspection, provided that in the case of an inadvertent stop at any point in the shaft or winze, other than a station, the cage doors may be opened and the men may leave the same on instructions to do so by a properly authorized person.
- Automatic operation of chairs. (143) When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze they shall be so arranged that they automatically fall clear of the hoisting compartment when the cage or other conveyance is lifted off.
- Bales, safety latches, etc. (144) The bucket and any device such as the bale, safety latch or other attachment to the bucket shall be of a design approved by the Chief Inspector.
- Hoisting men and material simultaneously. (145) No person shall travel or be permitted to travel in a bucket, cage or skip operated by an engine which is being simultaneously used for the hoisting of mineral or material, except as provided for in clause (c) of Rule 146.
- When persons not to be hoisted. (146) No person shall be lowered or hoisted, or allow himself to be lowered or hoisted in a shaft, winze or other underground opening of a mine:
- In buckets or skips. (a) In a bucket or skip, except that men employed in shaft sinking will be allowed to ascend and descend to and from the sinking deck or other place of safety by means of the bucket or skip used for hoisting material;

- When safety appliances not used. (b) In a cage or skip, except as provided in clause (a) of this Rule and clause (d) of Rule 141, which is not provided with a hood, dogs or other safety appliance approved by the Inspector;
- When loaded. (c) In a cage, skip or bucket that is loaded with powder, steel or timber except for the purpose of handling the same;
- Unless material secured. (d) In a cage, skip or bucket in which any material is carried, unless the same be adequately secured;
- Conveyance in charge of authorized person. (e) Except during sinking operations no person shall be hoisted or lowered in any shaft conveyance unless such conveyance is in charge of a person properly authorized to act as cagetender or skiptender.
- Hoisting after stoppage for repairs. (147) After every stoppage of hoisting for repairs and after any stoppage for any other purpose which shall exceed two hours' duration no person shall be raised or lowered until the cage or skip has made one complete trip up and down the working portion of the shaft.
- Brakes required. (148) Any device used for hoisting from mine workings shall be equipped with a brake or brakes which may be applied directly to each drum so as to readily stop and hold the drum when it is carrying its maximum load.
- Type of brake. (149) Such brakes shall be so arranged that, whether the engine is at work or at rest, they can be easily and safely manipulated by the hoistman when standing at the levers controlling the engine. No hoist used for the raising or lowering of persons, or used in shaft sinking, shall be equipped with a brake or brakes operated by means of the hoistman's foot unless such brake is an auxiliary electrical device. The adjustments of the brake or brakes shall be maintained in such condition that when the normal power of the brake or brakes is applied the brake lever will still have a clearance between itself and the end of the quadrant in which it works.
- Locking gear. (150) The operating gear of the clutch of the drum shall be provided with locking gear to prevent the inadvertent withdrawal or insertion of the clutch.
- Interlocking brake and clutch. (151) The brake and clutch operating gear shall be so installed that it shall not be possible to unclutch any drum unless the brake or brakes on such drum are applied nor shall it be possible to release the brake or brakes until the clutch of the drum is engaged.
- (152) Such bolts and other fittings of the drums, brakes and clutches as might be a source of danger in the event of their becoming loosened shall be rendered secure by means of suitable locking devices.



- Electric hoists. (153) All electric hoists shall be so installed that:
- Automatic brake. (a) One or more brakes shall be applied automatically to bring the hoist to rest in event of power failure;
- Overwind device. (b) A suitable overwind device will cause the circuit breaker to cut off the source of power and apply automatically one or more brakes to bring the hoist to rest before the cable attachment may reach the sheave;
- Circuit breaker. (c) A circuit breaker will cut off the source of power and result in the automatic application of one or more brakes to bring the hoist to rest in event of a pre-determined overload;
- Back-out switch. (d) A back-out switch shall be provided which, when closed, will permit backing out of an overwind position only and will prevent the operation of the hoist in an improper direction for this purpose;
- Emergency Switch. (e) An emergency switch, located near the operator, may be opened and cause the circuit breaker to cut off the source of power and apply automatically one or more brakes to bring the hoist to rest;
- Meter. (f) A meter showing the load on the hoist motor at all times shall be in plain view of the operator.
- Auxiliary overwind. (154) (a) On all electric skip hoists used for hoisting men an auxiliary overwind device, which will prevent the skip being hoisted to the dumping position, shall be installed and placed in operation at all times that men are handled.
- (b) Except in sinking operations such auxiliary overwind device shall be so installed that a distinctive signal shall be automatically given to the men about to enter the skip when the device is put into operation.
- Testing overwind devices. (155) All overwind devices shall be tested daily and a record of such test shall be posted in the Hoistman's Log Book.
- Brakes to be tested. (156) The operator of a hoisting engine shall not, after going on shift, unclutch a drum of his engine until he has assured himself immediately beforehand, by testing the brake of the drum against the normal starting power of the engine, or in case of an electric hoist against the normal starting current, that the brake is in proper condition to hold the load suspended from said drum.
- Friction clutches. (157) When a hoisting engine is fitted with a friction clutch, the operator, after going on shift, shall, when clutching



in, test the holding power of the clutch before releasing the brake of the corresponding drum, the brake of the other drum being kept off. In case of a steam or air hoist, the test shall be made against the normal starting power of the engine, and in case of an electric hoist against the normal starting current.

Use of brake when drum unclutched. (158) When the drum of a hoist is unclutched, the brake of such drum shall be used only for the purpose of maintaining such drum in a stationary position and no lowering shall be done from an unclutched drum.

Auxiliary brake required. (159) In case of non-reversible steam or air hoists and single-drum electric hoists not used in balanced hoisting an adequate auxiliary brake shall be installed before the same shall be used for hoisting or lowering men, but non-reversible steam or air hoists with throttle-controlled exhaust shall not require such auxiliary brake.

Indicator required. (160) Every hoisting engine shall, in addition to any marks on the rope, be provided with a reliable depth indicator, which will clearly and accurately show to the operator at all times:

(a) the position of the bucket, cage or skip;

(b) at what positions in the shaft a change of gradient necessitates a reduction in speed.

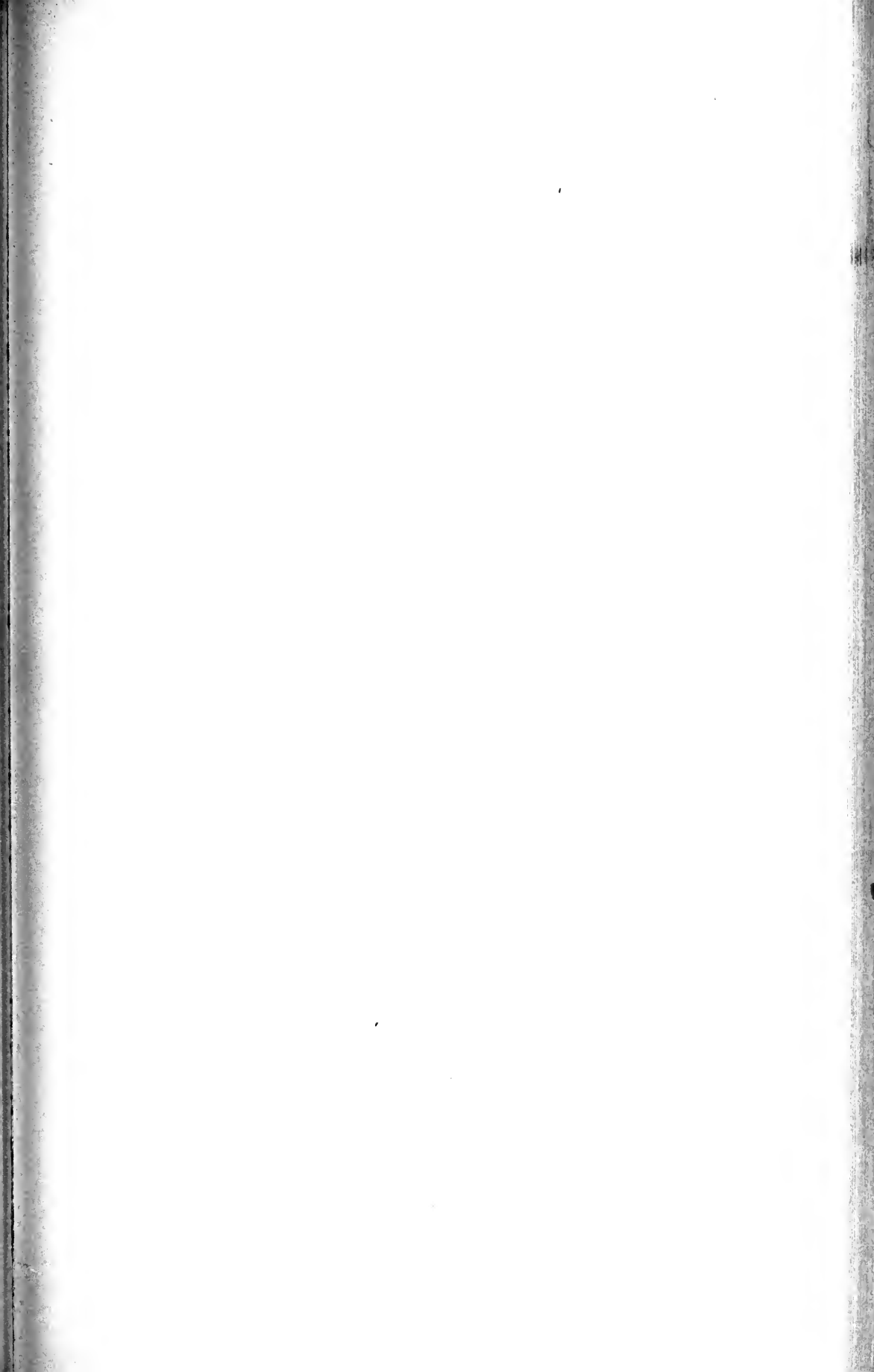
Operation of indicator. (161) An indicator shall not be operated by a chain and sprocket arrangement but shall be driven by a suitable train of gears from its corresponding drum of the hoist.

Warning signal. (162) At every shaft exceeding three hundred feet in depth adequate provision shall be made whereby the hoistman is warned, audibly, of the arrival of the bucket, cage or skip at points in the shaft the distances of which from the top or bottom landing places are not less than the equivalent of three revolutions of the drum of the hoisting engine.

Slipping of rope on drums. (163) On the drum of every hoist used for lowering or raising persons there shall be such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope or cable from slipping off.

Rope connection. (164) (a) The connection between the hoisting rope and the bucket, cage, skip, counterbalance or other device shall be of such nature that the risk of accidental disconnection is reduced to a minimum. No open hook device shall be used or such purpose.

(b) On all new installations or proposed changes to existing installations the method of making such connection shall be of a design approved by the Chief Inspector.



Examination
of hoisting
equipment
required.

(165) The owner or manager of a mine, where a hoisting engine is in use, shall depute some competent person or persons whose duty it shall be to examine at least once in each week the sheave wheels, the hoisting ropes and the attachments thereof to the drums and to the counterweights, buckets, cages or skips, the brakes and depth indicators and the buckets, counterweights, cages, and skips, and any safety catches attached thereto; the guides and hoisting compartments generally and the signalling arrangements; and the external parts of the hoisting engine.

Examination
of cables.

(166) Such owner or manager shall also depute a competent person or persons who shall examine,—

(a) at least once in each month the structure of the hoisting ropes with a view to ascertaining the deterioration thereof and for the purpose of this examination the rope shall be thoroughly cleaned at points to be selected by said person or persons, who shall note any reduction in the circumference of, and the proportion of wear in, the rope;

Safety
appliances
to be tested
monthly.

(b) at least once a month the safety appliances of the cages or other shaft conveyances, so equipped, by testing same under load conditions; such test to consist of releasing the cage suddenly, in some suitable manner, so that the safety catches shall have opportunity to grip the guides; and in case the safety catches do not act satisfactorily, the cage or other shaft conveyance shall not be used further for hoisting men until the safety catches have been repaired and been proved to act satisfactorily.

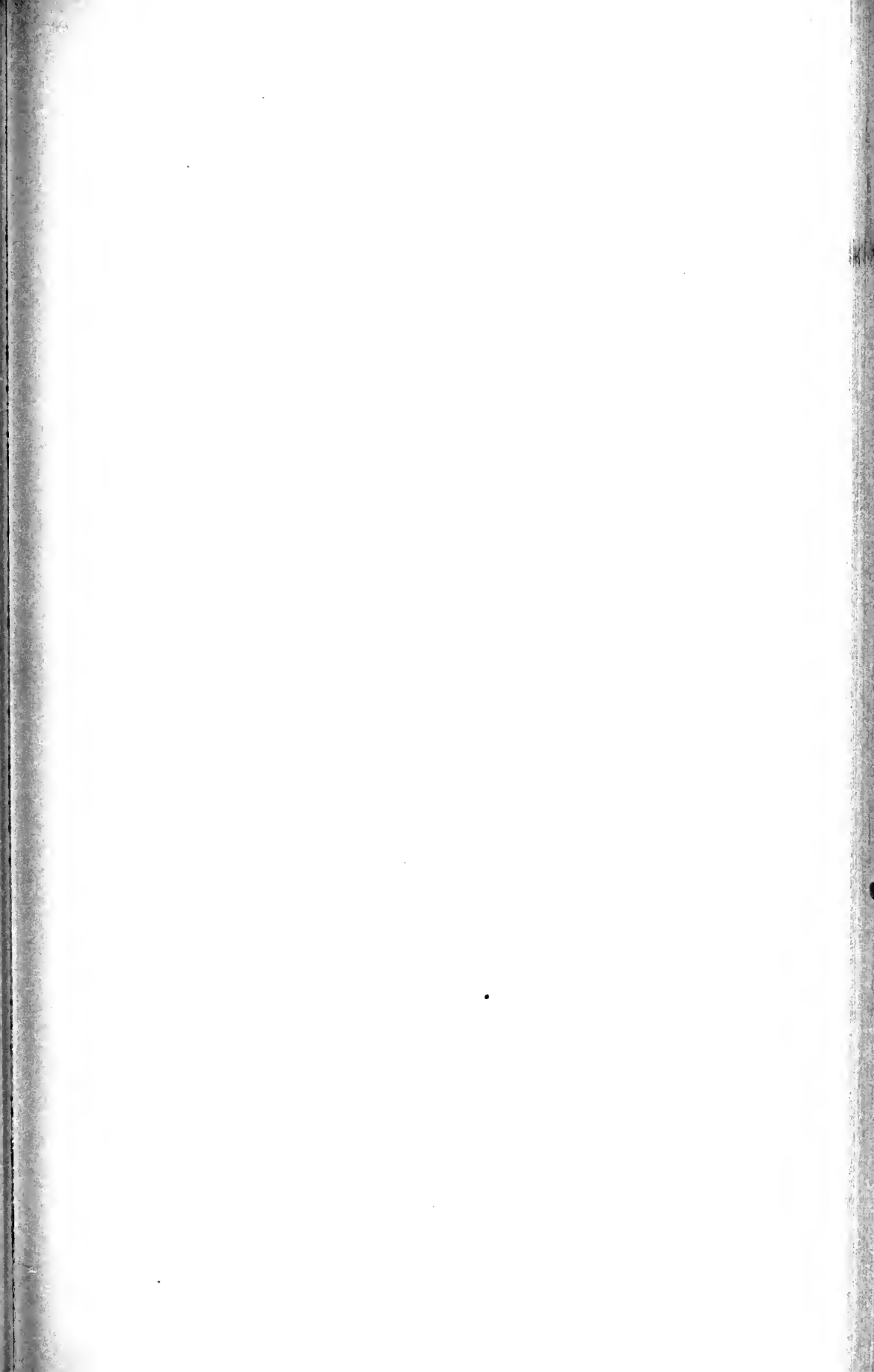
Defects to be
remedied
at once.

(167) If, on any examination, as is hereinbefore required there is discovered any weakness or defect whereby the safety of persons may be endangered, any such weakness or defect shall be immediately reported to the owner or manager or person in charge, and until such weakness or defect is remedied the hoisting plant shall not be used.

Machinery
Record Book.

(168) (a) Such owner or manager shall keep or cause to be kept at the mine a book termed the "Machinery Record Book," in which shall be recorded a report of every such examination as is hereinbefore referred to, signed by the person making the examination.

(b) A notation shall be made in the Machinery Record Book of any failure of or accident to the hoist, the hoisting rope, the shaft conveyance, or any other part of the hoisting equipment, over the signature of the responsible person in charge of such equipment or accessories thereto



History of rope necessary.

(169) No hoisting rope which has previously been in use in any place beyond the control of the owner or manager shall be put on anew except with the permission of the Inspector.

Hoisting rope not to be spliced.

(170) In no case shall a rope which has been spliced be used for hoisting purposes.

Length of ropes required on drum when skip is at the bottom.

(171) In case of hoisting engines there shall be not less than three rounds of rope upon the drum when the bucket, cage or skip is at the lowest point in the shaft or winze from which hoisting is effected. The end of the rope shall be fastened around the shaft or to the spider of the drum in a suitable manner.

Hoisting both men and materials.

(172) In case a hoisting rope is used both for the raising and lowering of men and materials, the weight attached to the rope in the former case, when the bucket, cage or skip is bearing its authorized load shall not exceed eighty-five per centum of the maximum allowable weight when the rope is in use for other purposes.

Rope certificate necessary.

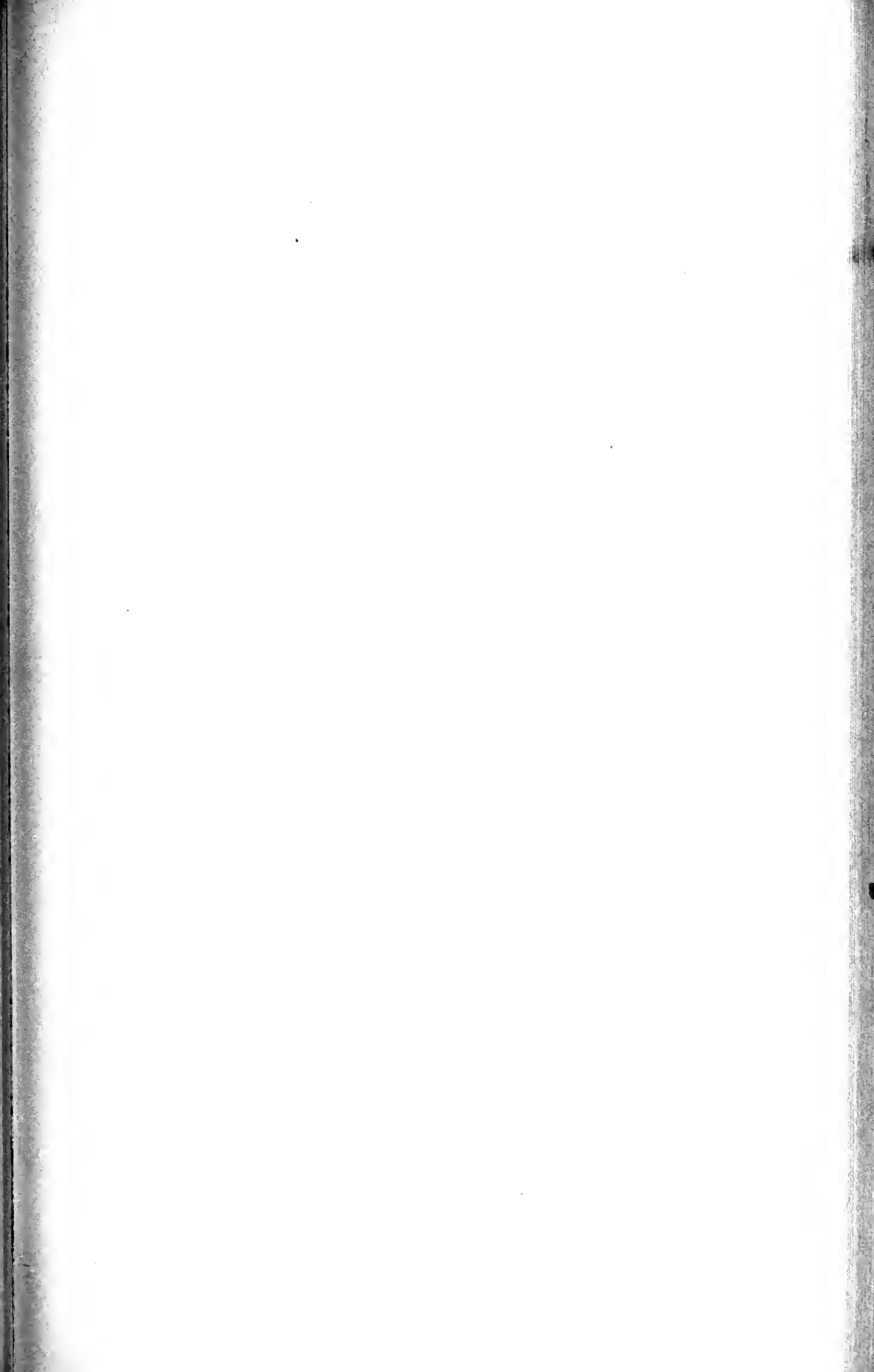
(173) (a) No hoisting rope shall be used which is not accompanied by a certificate from the manufacturer giving the following information: name and address of manufacturer, coil or reel number, date of manufacture, diameter and circumference of the rope in inches, weight per foot in pounds, number of strands, class of core, number of wires in strand, diameter of wires in decimals of an inch, breaking stress of steel of which the wire is made, in tons per square inch, estimated or actual breaking load of rope, length of rope.

(b) The foregoing data along with the additional following information shall be entered in a book known as the "Rope Record Book," and duplicate copies forwarded to the Chief Inspector when a hoisting rope is newly put on: date of purchase, date on which put on, identification number (where used) of the rope, name of shaft or winze and compartment in which the rope is used, weight of shaft conveyance, weight of material carried, weight of maximum length of rope in service, static factor of safety.

(c) There shall be kept in the Rope Record Book a history of the hoisting rope, outlining the date on which the rope was put on, certification of trial trips and examinations required by Rule 174, date of shortening, dates and summaries of breaking tests, date taken off.

(d) The Rope Record Book shall always be open for inspection by the Inspector.

(e) When a hoisting rope is taken out of service, notice



to that effect shall be forwarded to the Chief Inspector, giving the date and reasons for discarding along with such other information as he may require.

Examination
of attach-
ments.

(174) A hoisting rope when newly put on, and after any subsequent cutting thereof, shall have the connecting attachments between the bucket, cage, skip, or counterweight and the rope carefully examined by some competent and reliable person or persons authorized by the owner, manager, or department head, and shall not be used for ordinary transport of persons in any shaft or winze until two complete trips up and down the working portions of such shaft or winze have been made, the bucket, cage, skip or counterweight bearing its authorized load. The result of such examination shall be recorded in the Rope Record Book.

Factor of
safety of
hoisting rope.

(175) The factor of safety of all hoisting ropes when newly installed in shafts less than two thousand feet in depth shall in no case be less than six, and in shafts over two thousand feet in depth and less than three thousand feet in depth shall not be less than five. The factor of safety shall be calculated by dividing the breaking strength of the rope as given in the manufacturer's certificate by the sum of the maximum load to be hoisted plus the total weight of the rope in the shaft when fully let out:

- (a) No hoisting rope shall be used for the raising or lowering of men when its factor of safety based on its existing strength and dead load shall have fallen below 4.5.
- (b) No hoisting rope shall be used for the raising or lowering of men when the number of broken wires in one lay of said rope exceeds six, or when marked corrosion appears.

Rope
dressing.

(176) Every hoisting rope shall be treated with a suitable rope compound as often as necessary and at least once in every month.

Testing of
hoisting
rope.

(177) At least once in every six months the hoisting rope shall have a portion not less than six feet in length cut off the lower end, from a position above the clamps or other attachment. The length so cut off shall have the ends adequately fastened with binding wire before the cut is made, to prevent the disturbance of the strands and shall be sent to the Department of Mines Wire Rope Testing Laboratory for a breaking test. The certificate of such test shall be kept on file and a summary thereof recorded in the Rope Record Book.

Cleaning and
examination
of rope
connection.

(178) At the periodical cutting of the rope the connection between the rope and the bucket, cage or skip shall be thoroughly cleaned and carefully examined.

Head sheaves.

(179) Head sheaves shall be of such diameter as shall be suited to the rope in use.

Counter-weights.

(180) Wherever a counterweight is used in a shaft it shall operate in a separate and safely enclosed compartment. The cable from the counterweight shall be attached to the drum of the hoist and not to the cage or skip.

Signals.

Signalling.

(181) Every working shaft shall be provided with some suitable means of communicating by distinct and definite signals to the hoist room from the bottom of the shaft, from every working level, from the collar and from every landing deck.

Separate signal system for each compartment.

(182) A separate signal system shall be installed for each hoisting compartment in all shafts and winzes in which a hoisting conveyance operates and there shall be sufficient difference in the sounds of the signals for each compartment that they are easily distinguishable.

Electric signal system.

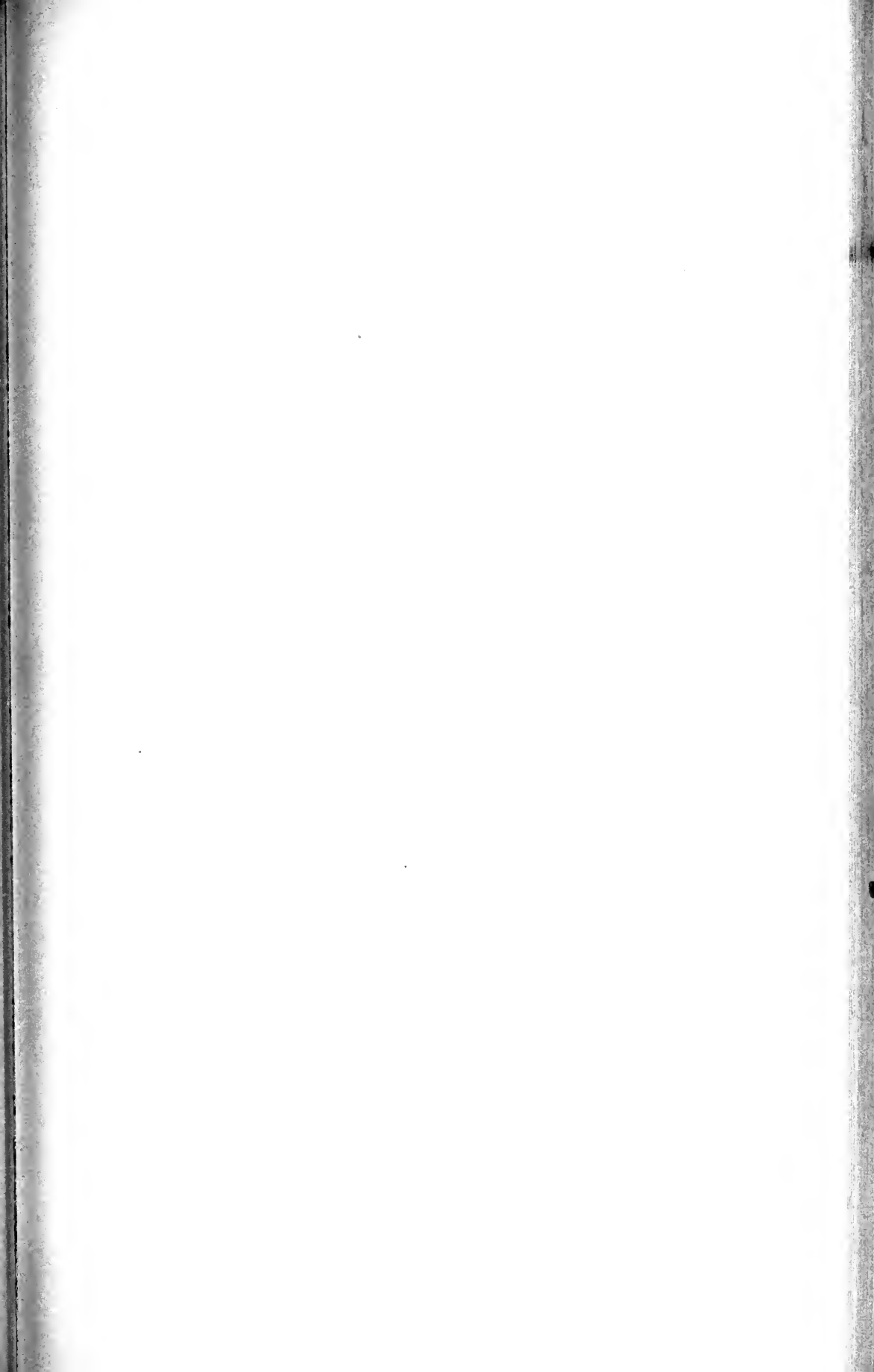
(183) (a) Where an electrical signal system is installed the system shall be so arranged that the hoistman may return the signal to the person giving the signal.

(b) When men are about to be hoisted or lowered the hoistman shall so return the signal.

Hoistman's log book.

(184) (a) At every shaft or winze hoist there shall be kept a "Hoistman's Log Book" in which shall be recorded:

- (i) A report of the working condition of the hoist including the brakes, clutches, interlocking devices between the brake and clutch, depth indicators and all other devices and fittings pertaining to the safe operation of the hoist;
- (ii) A report of the working condition of the signalling apparatus and a notation of any signals received by the hoistman, the accuracy of which he has questioned;
- (iii) Any special instructions received involving the safety of persons. Such entry shall be signed by the hoistman and by the person issuing the instructions;
- (iv) A report of the working condition of and a record of any tests performed upon the operation of all overwind devices installed in conjunction with the hoist. Where the required daily tests of such overwind devices are conducted by a hoistman operating



on another shift the hoistman assuming duty shall note over his signature that he has examined the entry in the Log Book of the hoistman who performed the tests;

(v) A report of all abnormal circumstances in connection with the operation of the hoisting engine or attachments thereto and such abnormal conditions as have come to his knowledge in connection with the hoisting operations in the shaft or winze.

(b) A notification to the hoistman on a succeeding period of duty of any special circumstances or matter affecting the continued operation of the hoist or the safety of persons in the shaft or winze shall be made in the Hoistman's Log Book. All such entries shall be countersigned by the hoistman assuming duty for such succeeding period.

(c) Such entries as are required by the preceding clauses (a) and (b) of this Rule shall be made and signed by every hoistman for his period of duty on every shaft or winze hoist, the time and duration of which period of duty shall also be noted and such entries as have been made during the preceding twenty-four hours shall be read and initialled each day by the master mechanic or other authorized person.

Open lights,
discipline.

(185) (a) When persons are being hoisted or lowered in any cage or skip no person other than the cagetender or skip-tender shall have a burning open flame lamp of any kind except that for shaft inspection or similar purposes a sufficient number of lighted lamps shall be permitted.

(b) At all times that men are being hoisted or lowered in any cage or skip there shall be maintained a proper discipline of persons riding on such cage or skip.

Code of
signals.

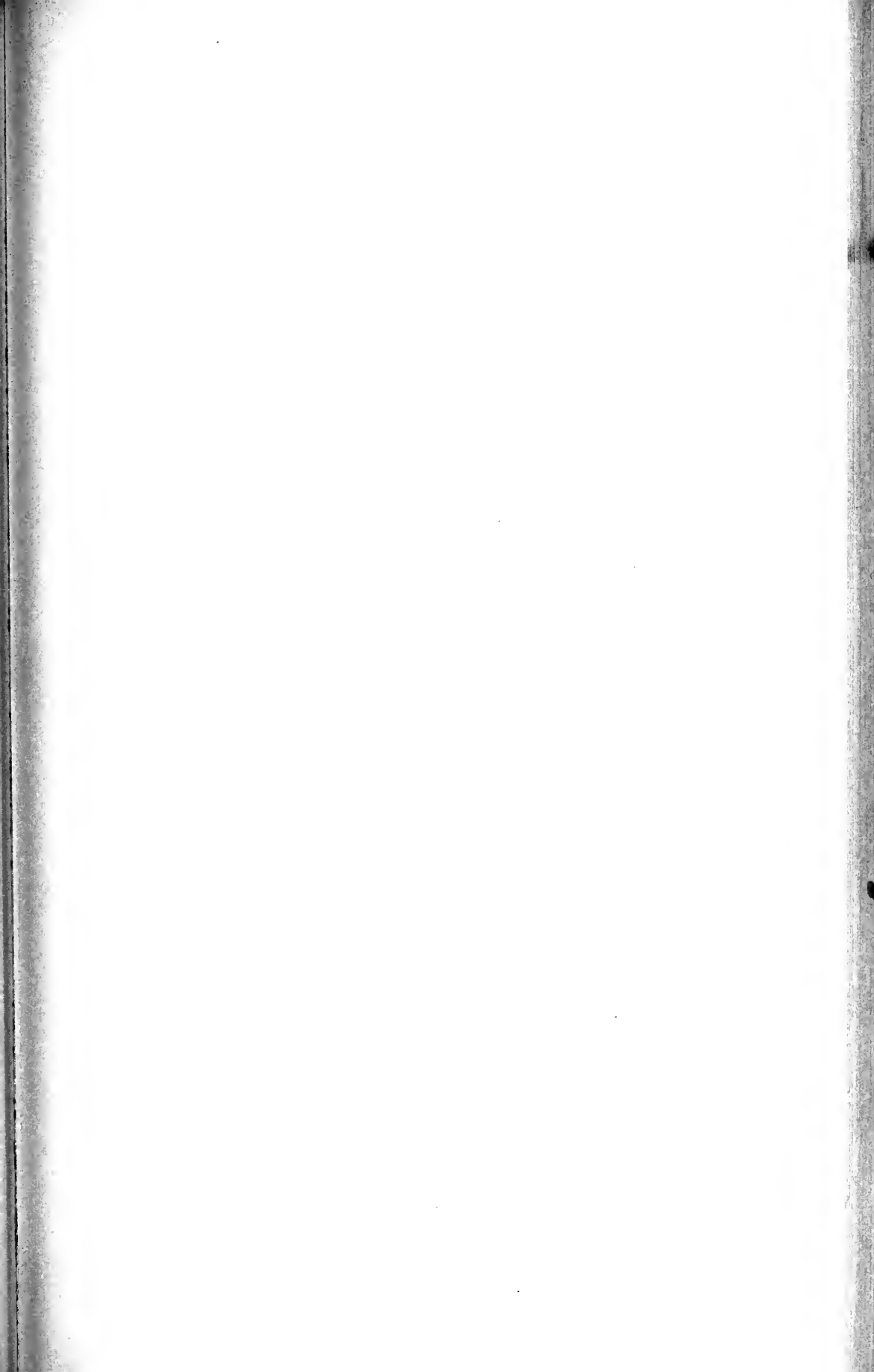
(186) (a) The following code of signals shall be used at every mine and a copy of such code shall be printed and posted up in every hoist room and every level or other landing in the shaft or winze:

1 bell Stop immediately—if in motion.

1 bell Hoist.

2 bells Lower.

3 bells Men about to ascend or descend. This signal shall be given before men are permitted to enter the hoisting conveyance. Where a return-bell signal system is installed, the hoistman shall return the 3-bell signal before



men are permitted to enter the hoisting conveyance. After a hoistman has received a 3-bell signal he shall remain at the hoist controls until he has received the signal designating the movement required and has completed that movement.

The hoistman shall not move the hoisting conveyance within a period of ten seconds after receiving a signal designating a movement at any time that men are being carried.

4 bells Blasting signal. Hoistman shall answer by raising the bucket, cage or skip a few feet and letting it back slowly. Following a 4-bell signal only a 1-bell signal shall be required to signal for hoisting men away from a blast and the hoistman shall remain at the controls until the act of hoisting has been completed.

5 bells Release signal. Hoistman may move the hoisting conveyance to another point in the shaft, not a recognized stopping point, and stop it there on his own discretion, but the person giving the release signal shall remain to guard the conveyance until it is so moved.

9 bells Danger signal. To be given only in case of fire or other danger. The signal for the level at which the danger exists should be given following the giving of a danger signal.

(b) In case the hoistman is unable to act within one minute of the time he has received a complete signal he shall not move the hoisting conveyance until he has again received a complete signal.

Special
signals.

(187) (a) Special signals, in addition to the above, shall be used at every mine for the purpose of designating hoisting movements. Such signals shall be easily distinguishable from the foregoing code and shall not interfere with it in any way and shall be approved by the Chief Inspector.

(b) The special code of signals used at every mine and an adequate description of their application to the movements required shall be posted at every hoist, at the top of the shaft or winze and at every working level of such shaft or winze.

Signal
required.

(188) Under no circumstances shall the hoisting conveyance be moved by the hoistman until he has received a proper signal, except that in event of an inadvertent stop at some point in the shaft or winze other than a station from which signals may be given, the hoistman may move the hoisting

conveyance on the instruction of a properly authorized person to do so.

Signal to be given only by authorized person.

(189) No person, unless duly authorized, shall give any signal for moving or stopping the bucket, cage or skip. No signal shall be given unless the bucket, cage or skip is at the level from which the signal is to be given. No unauthorized person shall give any signal, other than the danger signal, or in any way whatsoever interfere with the signalling arrangements.

Notices to be posted showing number of men permitted to ride.

(190) (a) A notice showing clearly the number of persons allowed to ride on, and the weight of materials allowed to be loaded on the cage or skip shall be posted at the collar of the shaft or winze.

(b) The person authorized to give signals will be held responsible for observance of such notice.

(c) No person shall offer obstruction to the enforcement of such notice.

Haulage.

Warning equipment.

(191) (a) Every locomotive, engine, trolley or motor car used for hauling material, either above or below ground, shall be equipped with a headlight or headlights, and a whistle, bell, gong, or horn, which shall be sounded when starting and at such other times as warning of danger may be required.

(b) In mechanical haulage underground all made-up trains shall be equipped with a suitable tail-light.

Riding on cars, etc.

(192) No person shall ride upon or against any car in any level, drift or tunnel in or about a mine. In mechanical haulage this shall not apply to train crews or to persons being transported on passenger cars especially provided for that purpose.

Clearance.

(193) On every level on which mechanical haulage is employed, a clearance of at least eighteen inches shall be maintained between the sides of the level and the cars, or there shall be a clearance of twenty-four inches on one side, or safety stations shall be cut every one hundred feet. Such safety stations shall be plainly marked.

Control levers.

(194) Control levers of storage battery and trolley locomotives shall be so arranged that the lever cannot accidentally be removed when power is on.

Unattended locomotive.

(195) No electric haulage locomotive shall be left standing unattended unless the brakes have been set and the control

lever placed in the neutral position. In the case of a storage battery haulage locomotive the main switch shall also be placed in a non-operating position.

Protection from Machinery.

- Fly-wheel, geared-wheel, etc. (196) Every fly-wheel, geared-wheel, bull-wheel, pulley or belt, and every opening through which any wheel or belt operates, shall be enclosed with a substantial railing or casing, unless situated in such a manner or location as to prevent any person coming into accidental contact therewith.
- Uneven projections to be covered. (197) Every key, bolt, set-screw, and every part of any wheel or other revolving machinery which projects unevenly from the surface shall be covered, unless situated in such a manner or location as to prevent any person coming into accidental contact therewith.
- Grinding wheels to be guarded. (198) Every power-driven grinding wheel shall be provided with a hooded guard of sufficient strength to withstand the shock of a bursting wheel. This guard shall be adjusted close to the wheel and extend forward, over the top of the wheel, to a point at least thirty degrees beyond a vertical line drawn through the centre of the wheel.
- Wearing loose clothing. (199) Persons engaged in dangerous proximity to moving machinery shall not wear or be allowed to wear loose outer clothing.
- Runway to have hand-railing. (200) Every runway or staging more than five feet from the floor and used for oiling or other purposes shall be provided with a hand-railing.
- Protection of entrances. (201) Every entrance to any elevator, hatchway, or well-hole shall be provided with a suitable trap-door, guard-rail, or automatically closing gate.
- Counter-weights. (202) Every counterweight shall be so situated or guarded that injury to any person would not be probable should it become detached from its fastenings.
- Frogs on tracks. (203) Every frog in a track, either above or below ground, on which cars are moved by mechanical power shall have a guard block of wood or iron.
- Belts, conveyors. (204) Under no circumstances shall any person ride on any conveyor or belt.

Steam, Compressed Air.

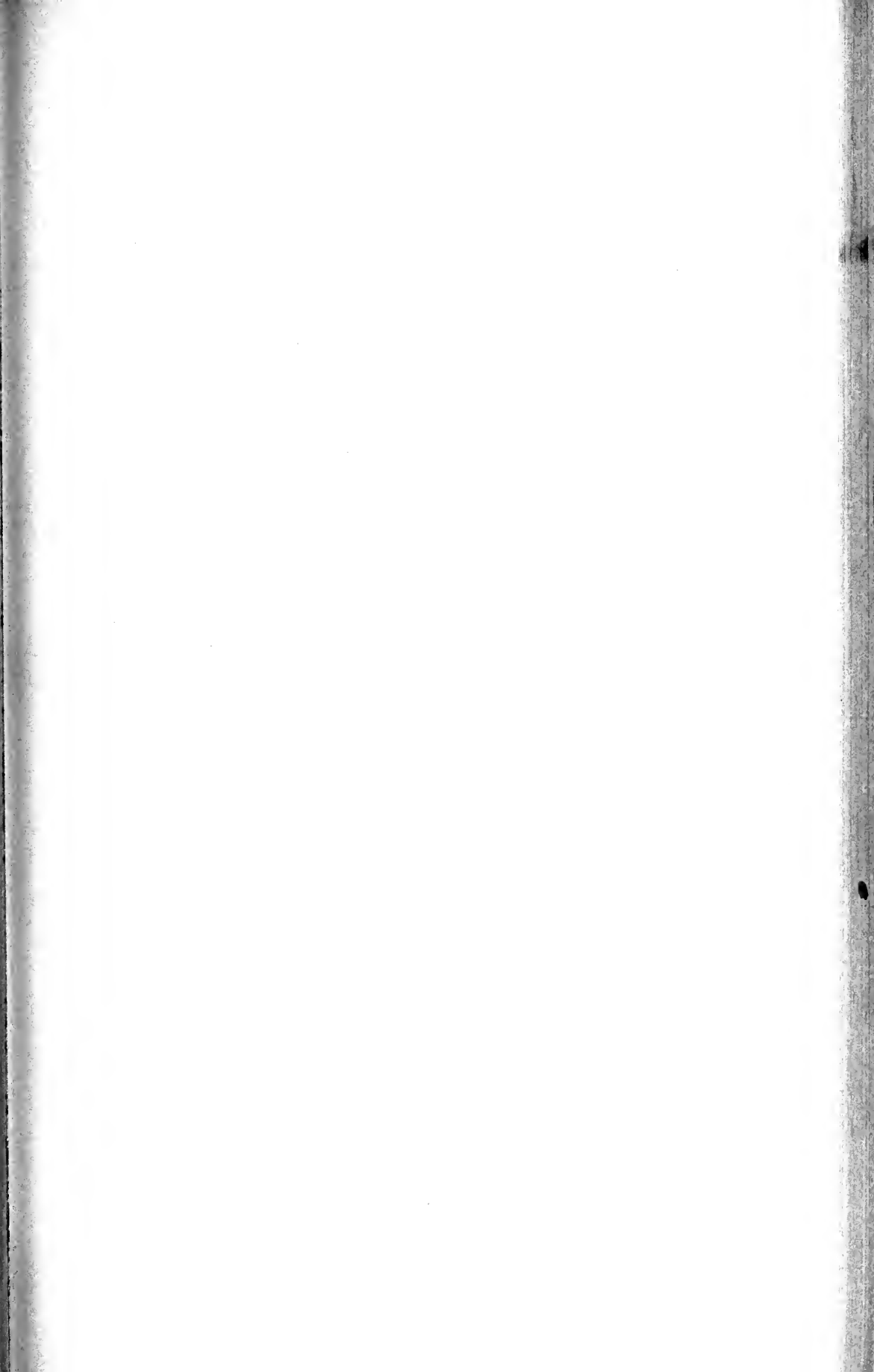
- Steam boilers. (205) Every steam boiler used for generating steam in or about a mine shall, whether separate or one of a range,—
- Safety valves. (a) have attached to it a proper safety-valve, and also a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in each boiler;
- (b) be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months; and a certified copy of the report of the inspection shall be forwarded to the Chief Inspector within seven days.
- Maintenance (206) Every such boiler, safety-valve, steam-gauge and water-gauge shall be maintained in proper working condition.
- Air receivers. (207) Every air receiver installed at the surface of a mine shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the Chief Inspector within seven days.

Sand and Gravel Pits.

- Undermining forbidden. (208) In open-pit workings of sand and gravel the method of removing material by undermining shall not be allowed. No vertical working place shall have a height of more than ten feet. Where the thickness of material to be excavated exceeds ten feet in depth, the work shall be done in terraces, or at an angle of safety. This rule shall not apply to pits where the material is excavated solely by mechanical means.

Metallurgical Works.

- Antidotes and washes. (209) At every mine or works where poisonous or dangerous compounds, solutions or gases are used or produced there shall be kept in a conspicuous place as near the same as practicable, a sufficient supply of satisfactory antidotes and washes for treating injuries received from such compounds, solutions or gases. Such antidotes and washes shall be properly labelled, and explicit directions for their use affixed to the boxes containing them.
- Removal of dust. (210) In every mill or plant where, by reason of dry crushing or otherwise, there is in the air of the building dust in quantity to be injurious to health, suitable apparatus shall be installed for its removal.



- Poisonous vapours. (211) In every mill or plant where poisonous vapours or gases exist or may be formed suitable means shall be adopted to provide such ventilation as will prevent the formation of dangerous concentrations of the same.
- Storage of acids, poisons. (212) Due provisions shall be made at all plants where acids or poisonous compounds are used to reduce to a minimum the hazards of storing and handling such materials.
- Transfer of liquids by compressed air. (213) The transfer of liquids from one location or container to another location or container by the application of air under pressure shall not be permitted except where properly designed and tested equipment is used for this purpose.
- Work in bins. (214) No person shall enter any storage bin while material is stored therein unless a second person is in constant attendance and precautions are taken against the danger of caving material.
- Guard rails at track approaches. (215) Guard rails shall be placed at the approach to railway tracks, where the view of such tracks is obstructed in one or both directions.
- Ventilation. (216) At all furnaces of the hand-filled type the room at the furnace top where workmen are engaged shall be adequately ventilated, and there shall be provided and maintained in good order a stairway equipped with hand-rail, from the top of the furnace to the ground level below, affording a safe means of exit in case of danger from any cause.
- Protecting workmen. (217) Whenever it is necessary for a workman to go up on the bustle pipe for any purpose, he shall first notify the furnace keeper or some other responsible person, whose duty it shall be to remain on watch during the period the workman is engaged on the bustle pipe.
- Protection from bustle pipes. (218) All bustle pipes shall be provided with safe working platforms, equipped with hand-rails, at least three feet six inches in height, and wherever practicable the platform shall not rest directly on the bustle pipe, but shall be supported on angle bars, so that the floor plate will not become sufficiently hot to cause burns to a workman falling on it. Access to the platform shall be by stairway provided with hand-rails.
- Guarding workmen on top of furnace. (219) Whenever it becomes necessary for a workman to go on top of the furnace for oiling, cleaning, or other duty, he shall notify the foreman or other responsible person, who shall see that not less than two men go on top for any purpose. It shall be the duty of one workman to act as watcher and to give the alarm to the stock house, cast house, or bell operator, and render every possible assistance in case of danger from gassing or other causes.

- Life lines. (220) Life lines and belts in good order shall be provided and kept in some secure and readily accessible place for immediate use in case it becomes necessary to rescue a workman from the top rigging, and also for use by any workman whose duties require him to work in an atmosphere which is liable to become dangerous by reason of the presence of noxious gases.
- Shields for protection against burning. (221) Workmen employed at metallurgical works shall be supplied with suitable shields and appliances to protect them as far as possible from being burned with molten material.
- Line of communication. (222) A suitable line of communication by telephone, gong or other mechanical means shall be maintained between the furnace top and all other dangerous places, and the cast house, skip operator's room, or other place where workmen are continuously on duty.
- Stairways protected. (223) All stairways shall be inclined at an angle not greater than fifty degrees from the horizontal, and be provided with landings or turnouts, at intervals of twenty-five feet, so that it will not be possible for a workman to fall from the top to the foundation landing below.
- Supervision of hazardous work. (224) Every foreman shall personally supervise or appoint a competent assistant to supervise any work around the furnace involving unusual accident hazard. such as work in gas mains or cleaners, tearing out linings, work in the cast house, about the stoves when blowing in or blowing out, and any work about the bells or stock line. He shall also, when the furnace is known to be hanging and liable to slip, see that no workman is allowed on top for any purpose.
- Inspection of stock piles. (225) Stock piles of ore, limestone, coke or other material shall be inspected daily by some authorized person whose duty it shall be to see that they are in a safe working condition.
- Protection around bell. (226) Whenever ore becomes frozen in the hopper and workmen are required to bar the same into the furnace, a suitable guard-rail shall be provided to prevent workmen slipping on to the bell, and all workmen so engaged shall be equipped with belt and life line.
- Rescue apparatus. (227) There shall be maintained at all blast furnaces in a readily accessible place breathing apparatus and portable resuscitating apparatus of approved type, with an adequate supply of oxygen and absorbent material. There shall always be on duty in each working shift a workman or workmen appointed by the superintendent and trained in the use of breathing and resuscitating apparatus.
- Age, elevator and crane operators. (228) No person under the age of eighteen years shall be allowed to operate any elevator or power-driven crane.

- Riding prohibited. (229) No person other than the operator shall be permitted to ride on any crane or part thereof or on any material carried by such crane except for inspection, supervision, maintenance and repair, or instruction of a new operator.
- Warning devices. (230) Every crane operated from a cab mounted on the crane shall be equipped with a whistle, bell, gong or horn which shall be sounded at such times as it may be necessary to give warning of the approach of the crane to places where men are working or are liable to pass.
- Over-winding devices. (231) Every crane shall be equipped with suitable devices to prevent overwinding.
- Daily examination of cranes. (232) The owner or manager shall depute some qualified person or persons to examine daily such parts of the crane or apparatus pertaining thereto upon the proper working of which the safety of persons depends. A record of such examinations shall be kept.
- Folding gates. (233) Every entrance to a hoistway shall be provided with a substantial door or doors or gate or gates at least six feet in height. All folding gates over three feet wide shall have top, bottom and centre braces.
- Lighting. (234) Every hoistway landing and place where machinery is erected shall be well lighted.
- Guarding hoistway. (235) When a hoistway is not enclosed in walls, access to the hoistway by means of an adjacent stairway shall be prevented by means of a partition to a height of at least six feet.
- Guide rails. (236) All guide rails for cars and counterweights shall be of substantial construction, and shall be securely fastened to the sides of the hoistway, and the bottom ends shall rest on a secure foundation, and be firmly fixed in that position.
- Clearance for car. (237) On every elevator hereafter installed a clear space of not less than three feet shall be provided between the bottom of the hoistway and the lowest point of the car when the car is at its lowest landing, and between the top of the car and the sheave when the car is at its top landing, and also between the top of the counterweight and the sheave when the car is at its lowest landing.
- Automatic safety devices. (238) Every elevator shall be provided with automatic devices at the top and bottom of the travel of a car in the hoistway, so arranged that the car will be stopped before it has travelled two feet above the top landing, or two feet below the bottom landing, and all drum hoists shall, in addition, be fitted with automatic stop motions to prevent overwinding.

Protecting counterweights. (239) All counterweights shall have their sections strongly bolted together and shall be so situated that they cannot fall on any part of the elevator or machinery, and shall be suspended in guides in such a manner that they will run freely without danger of being detached.

Protection on elevator. (240) Every elevator on which any person travels shall be provided with side casing, and shall have a door or doors extending at least five feet above the bottom of the elevator, and the top shall be covered with suitable protective roofing.

Safety catches. (241) Every elevator on which any person travels shall be provided with efficient safety catches capable of holding the elevator and twice the maximum load in any position in the hoistway. When the safety catches are operated through shafts, all the levers and safety catches shall be keyed to the shafts.

Rules Governing Use of Electricity.

(242) In these Rules,—

“Cut-out.” (a) “Cut-out” shall mean any device, such as a fuse or circuit-breaker, by which the electrical continuity of a conductor may be automatically broken by changes in current or voltage;

“Disconnector.” (b) “Disconnector” shall mean a switch which is intended to open a circuit only after the load has been thrown off by some other means;

“Electrical Supply Station.” (c) “Electrical Supply Station” shall mean any building, room or separate space within which is located electrical supply equipment and which is accessible, as a rule, only to properly qualified persons, and shall include generating stations and substations and generator, storage battery and transformer rooms;

“Grounded.” (d) “Grounded” shall mean connected to earth or to some extended conducting body which serves instead of earth, and this ground connection may be at one or more points;

“Panelboard.” (e) “Panelboard” shall mean a single panel containing busses, fuses and switches to control lights, and devices of small individual as well as aggregate capacity, placed in or against a wall or partition and accessible only from the front;

“Reconstruction.” (f) “Reconstruction” shall mean replacement of any portion of an existing installation by new equipment or construction, but does not include ordinary maintenance replacements;

- "Switch." (g) "Switch" shall mean a device for opening or closing or changing the connections of a circuit manually, and in these Rules a "switch" is always to be understood as operated manually, unless otherwise stated;
- "Switch-board." (h) "Switchboard" shall mean a large single panel or assembly of panels on which are mounted switches, fuses, busses and usually instruments, and accessible both in front and in rear. Circuits and machinery of relatively large capacity are controlled from such boards;
- "Utilization Equipment." (i) "Utilization Equipment" shall mean equipment, devices and connected wiring, which utilize electrical energy for mechanical, chemical, lighting, testing or similar purposes and are not a part of supply equipment;
- "Voltage," "Volts," "Voltage to Ground." (j) "Voltage" or "Volts" shall mean the highest effective voltage between the conductors of the circuit concerned, except that in grounded multi-wire circuits, not exceeding 750 volts between outer conductors, it means the highest effective voltage between any wire of the circuit and the ground, and in ungrounded, low-voltage circuits "voltage to ground" shall mean the voltage of the circuit;
- "Wire gauge." (k) "Wire Gauge" shall mean the standard known as Brown and Sharpe (B. & S.).

General Rules.

Competent person in charge. (243) Where electrical apparatus or machinery is used at any mine it shall be in charge of an authorized person, who shall be qualified by experience to handle such apparatus or machinery. Every person operating or having charge of electrical apparatus shall have been instructed in his duty and shall be competent for the work that he is set to do. Repairs, extensions and changes shall be made to existing electrical equipment and conductors only by authorized persons.

Supply stations to be inaccessible to unauthorized persons. (244) No person, other than the person authorized by the owner, manager, or superintendent, shall enter an electrical supply station or interfere with the workings of any machine, transformer, motor, or apparatus connected therewith, and when the authorized person is not present the door of such room shall be kept securely locked.

General requirements. (245) All electrical equipment shall be of such construction and so installed and maintained as to reduce the life and fire hazard as far as practicable.

Inspections and repairs. (246) Electrical equipment shall comply with these Rules when placed in service, and shall thereafter be periodically inspected and, when necessary, cleaned. Defective equipment shall be put in good order or permanently disconnected. Defective wiring shall be repaired or removed.

Exceptions. (247) Electrical utilization equipment as well as generating equipment, if enclosed in a separate room which is inaccessible to unauthorized persons, and when in service is under the control of a qualified electrical operator whose attention is not distracted by other processes, shall be considered as electrical supply station equipment, and such exceptions as are made to the general Rules for supply stations shall apply to these installations.

Identification of equipment. (248) All electrical equipment shall be suitably identified where necessary for safety. The voltage and intended use shall be shown, where important.

General Grounding Rules.

Circuits to be grounded. (249) All circuits not over 150 volts shall be grounded if exposed to leakage from higher voltage circuits either through overhead construction or through transformers having primary voltage exceeding 750 volts. Three-wire single-phase circuits and three-wire direct-current circuits not exceeding 300 volts between outer conductors shall have the neutral grounded.

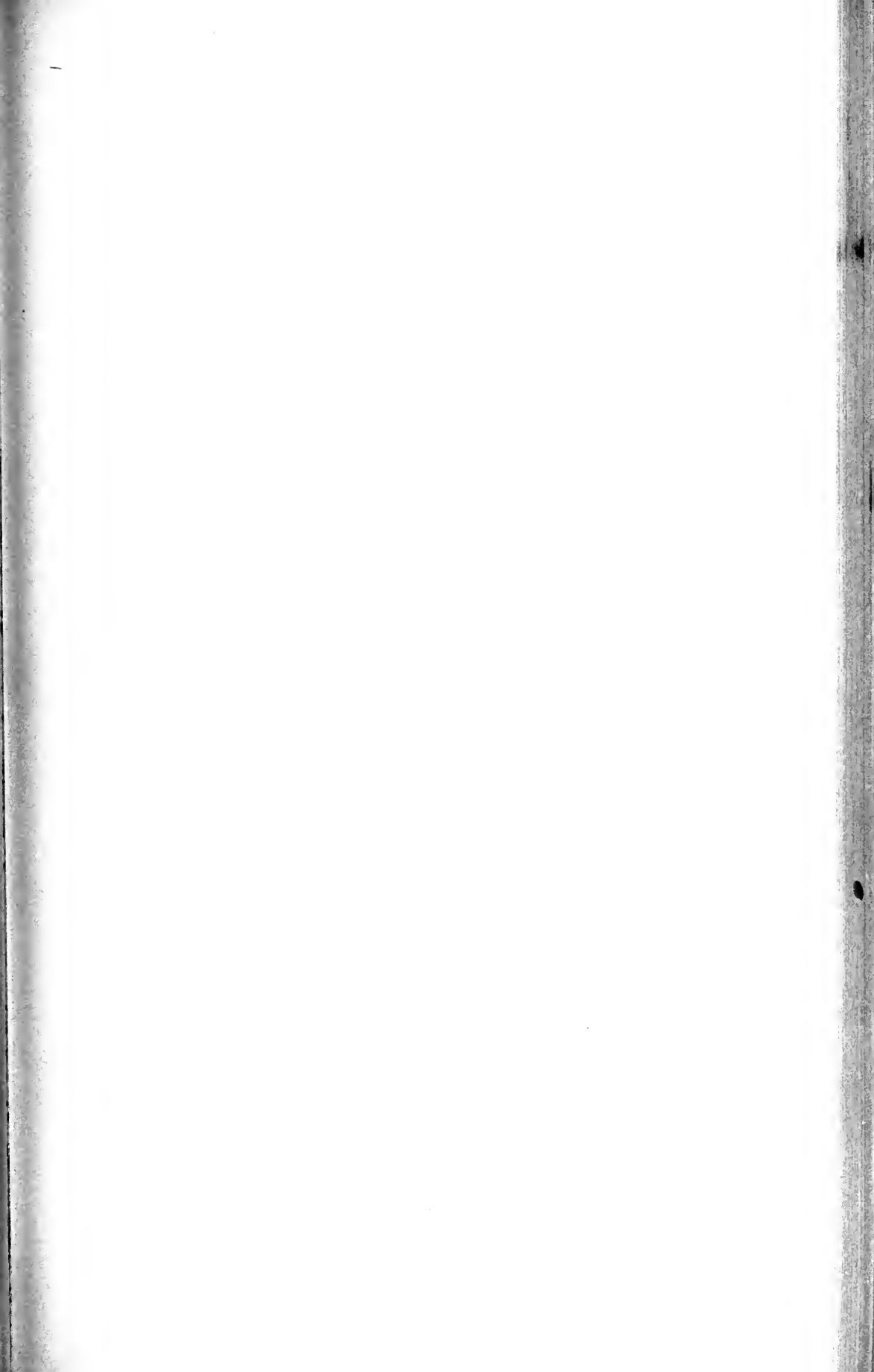
Equipment to be grounded. (250) Electrical equipment shall, when practicable, have the exposed non-current-carrying parts, such as frames of motors, generators, switchboards, cases of transformers, oil switches and instruments and casings or wiring and conductors, permanently grounded:

(a) For all equipment over 150 volts;

(b) For all equipment where metal parts are within reach of exposed grounded surfaces, such as metal frames of other machines, plumbing fixtures, conducting floors or walls (such as damp wood, concrete or rock underground). Grounded surfaces within five feet horizontally of the parts considered, or within eight feet vertically of the floor, shall be considered within reach.

Equipment and wire runways. (251) The point at which the ground conductor is attached to the equipment or wire runways, shall be readily accessible.

Material and continuity of ground conductor. (252) The ground conductor shall be of copper or other metal which will not corrode excessively under the existing conditions and, if practicable, shall be continuous. Ground connections from circuits shall not be made to jointed piping



within buildings, except that water or air piping beyond any point which is liable to disconnection may be used.

Size of ground conductor.

(253) For grounding circuits the ground conductors shall have a carrying capacity equal to that of the circuit and shall never be less than No. 6, B. and S.

(254) For electrical equipment the current-carrying capacity of a ground conductor shall not be less than that provided by a copper wire of the size indicated in the following table. When there is no cut-out protecting the equipment, the size of the ground wire shall be determined by the design and the operating conditions of the circuit:

Capacity of nearest automatic cut-out	Required size ground conductor B. & S. gauge
0 to 200 amperes.....	6
201 to 500 amperes.....	4
Over 500 amperes.....	2

(255) In portable cord to portable equipment protected by fuses not greater than ten ampere capacity, No. 16 ground wire may be used.

Protecting ground wire.

(256) Ground conductors shall have mechanical protection and insulating guards extending for a distance of not less than eight feet above any ground, platform or floor. If attached to buildings ground conductors shall be supported on insulators and shall be protected by porcelain bushings through floors, partitions or walls.

Character of ground.

(257) Main water or air lines may be used for grounds, provided that connection is made at a point where the pipe is not liable to disconnection for alteration or repairs. Main water or air lines may be substantially bound together for this purpose, but shall, unless connected to a buried piping system of considerable extent, be connected to an artificial ground.

Method of connection.

(258) The ground connection to metallic piping systems shall be made by sweating a ground wire into a lug attached to a suitable clamp and firmly bolting the clamp to the pipe, after all rust and scale have been removed, or by any other equivalent method.

Artificial grounds.

(259) Artificial grounds shall be located, where practicable, below the permanent moisture level, or, failing this, at least six feet deep. Each ground shall present not less than four square feet of surface to the exterior soil. Areas where the ground-water level is close to the surface shall be used where available.

Where separate ground conductors required.

(260) Ground conductors shall be run separately to the ground (or to a sufficiently heavy grounding bus or system ground cable which is connected to ground at more than one place) from equipment and circuits of each of the following classes: (1) lightning arresters; (2) secondaries connected to low-voltage lighting or power circuits; (3) secondaries of current and potential transformers and cases of instruments on these secondaries; (4) equipment operating in excess of 750 volts; (5) frames of utilization equipment or wire runways other than covered by item (4).

Lightning arrester grounds.

(261) Lightning arrester ground connections shall not be made to the same artificial ground (driven pipe or buried plate) as circuits or equipment, but shall be well spaced, and, where practicable, at least twenty feet from other artificial grounds.

Working Space about Electrical Equipment.

Utilization equipment.

(262) Suitable working space shall be provided and maintained about all electrical equipment. Where adjacent to exposed live parts such working spaces shall be so arranged that they will not be used as passageways. The working space shall, where practicable, have minimum horizontal dimensions, where adjacent to exposed parts within eight feet of the floor, as follows: (1) parts above 150 volts to ground, if on one side, 2.5 feet; if on two sides, 4 feet; (2) parts below 150 volts to ground, if on one side, 1.5 feet; if on two sides, 2.5 feet.

Supply station equipment.

(263) In supply station equipment the following clearances only need be maintained: (1) parts from 300 up to 750 volts, if on one side, not less than 2.5 feet; if on two sides, not less than 3 feet; (2) parts above 750 volts, if on one side, not less than 3 feet; if on two sides, not less than 5 feet.

Guarding or Isolating Live Parts.

Guarding current-carrying parts.

(264) In supply station equipment, current-carrying parts shall be guarded unless they are maintained at the following distances above the floors which may be occupied by persons:

Voltage of conductors	Elevation in feet
300 to 750.....	7
750 to 2,500.....	7.5
2,500 to 7,500.....	8
7,500 to 30,000.....	9
30,000 to 70,000.....	10
70,000 to 100,000.....	12

(265) All exposed current-carrying parts of electrical equipment such as bus bars, conductors and terminals operating at over 150 volts and not isolated by an elevation of at least eight feet, shall be provided with suitable permanent enclosures

or other guards arranged so as to prevent persons or conducting objects from inadvertently coming (or being brought) in contact with the parts in question.

(266) Where the current-carrying parts at over 150 volts, or in supply stations at over 300 volts to ground, must necessarily be exposed (unguarded) within eight feet, or in supply stations within the limits called for in Rule 264, from the floor line, all surrounding conducting floors shall be covered with suitable insulating platforms, mats or other insulating devices.

(267) Where the current-carrying parts operate at over 7,500 volts, enclosing or barrier guards shall always be provided, even when insulating mats are also provided.

Storage Batteries.

Protection
of storage
batteries.

(268) Storage batteries in rooms used also for other purposes shall be adequately guarded or enclosed. Means shall be provided, if necessary, to prevent dangerous accumulations of inflammable gas. Batteries whose operating voltage exceeds 50 volts shall be installed in conformity with the general rules covering equipment.

Transformer Rules.

Protecting
instrument
transformers.

(269) Secondary circuits of current transformers shall be provided with means for short-circuiting them which can be readily connected while the primary is energized, and which are so arranged as to permit the removal of any instrument or other device from such circuits without opening the circuits.

(270) When primaries are above 7,500 volts secondary circuits of current and potential transformers, unless otherwise adequately protected from injury or contact of persons, shall be in permanently grounded conduit.

(271) The low-voltage circuit of all instrument transformers shall be permanently grounded unless the circuits are installed and guarded as required for the high-voltage circuits of the transformers.

Oil immersed
transformers.

(272) Oil immersed transformers shall not be mounted on or above combustible roofs or attached to any building not of fireproof construction other than a transformer house and if within a building other than a transformer house shall be in a fireproof compartment, suitably drained and ventilated to outdoors, the door openings to be provided with not less than six-inch non-combustible sills.

Transformer stations to be fireproof. (273) Transformer stations, if not entirely of fireproof construction, shall be located at least fifty feet distant from other buildings.

Lightning Arrester Rules.

Inaccessible to unauthorized persons. (274) If the operating voltage of the circuit exceeds 750, the lightning arresters shall be made inaccessible to unauthorized persons.

Location. (275) Lightning arresters, when installed inside of buildings, shall be located as far as practicable from all other equipment and from combustible parts of the building.

Provisions for disconnecting. (276) Lightning arresters on circuits over 7,500 volts and all lightning arresters which may require work to be done upon them from time to time, shall be so arranged, isolated, and equipped that they may be readily disconnected by air-break manual disconnectors.

Ground wires. (277) Ground wires shall be run as directly as possible and be of low resistance and ample capacity. In no case shall ground wires be less than No. 6 copper wire. Ground conductors for lightning arresters shall not pass through iron or steel conduits unless electrically connected to both ends of such conduits.

Grounding non-current-carrying parts. (278) All non-current-carrying parts of the arresters shall be grounded, unless effectively isolated by elevation, or guarded as required for live parts of the voltage of the circuit to which the arrester is connected, and suitably identified as to that voltage.

Guarding live parts. (279) All current-carrying parts of arresters on circuits above 750 volts, unless effectively isolated by elevation, shall be adequately guarded to protect persons from inadvertent contact with them, or from injury by arcing. Guarding shall comply with Rules 265 and 283.

Conductors.

Electrical protection of conductors. (280) Conductors shall be suitable for the location, use and voltage and each conductor (except neutral conductors, ground wires, and conductors of circuits, the opening of which may cause special hazard by interruption of service or removal of protection), shall be protected against excessive current by suitable automatic cut-out or by the design of the system.

Cut-outs omitted. (281) All conductors normally grounded for the protection of persons shall be arranged without automatic cut-outs interrupting their continuity between the sources of electrical supply and the point at which the ground wire is attached,

unless the cut-out opens all the conductors of the system with one operation.

Insulating
conductors.

(282) All conductors where not protected by conduit or armouring shall have approved insulation and shall be mounted on cleats, porcelain knobs or insulators and shall be separated from contact with floors, walls or partitions by tubes of incombustible insulating material.

Isolating
conductors.

(283) All fixed conductors operating at over 150 volts or in supply stations at over 750 volts unless isolated by an elevation of at least eight feet shall be enclosed in grounded metal conduit, grounded metal sheathing or shall be guarded by permanent screens or enclosures.

Use of bare
conductors.

(284) Bare conductors shall be used only for switchboard, panelboard, storage-battery connections or for open wiring at voltages exceeding 2,400 volts in supply stations or for electrolytic low-voltage furnaces and similar connections, or for trolley wires and other contact conductors. Except at points where permanent ground connections are made such conductors within buildings shall be kept insulated from the ground.

Temporary
wiring.

(285) Temporary wiring and equipment, which is not in compliance with these rules, may be used, but only when under competent supervision, or protected by suitable barriers or warning signs while it or neighbouring wiring is alive and accessible to unauthorized persons.

Fuses, Cut-outs, Switches and Controllers.

General
requirement
of switches.

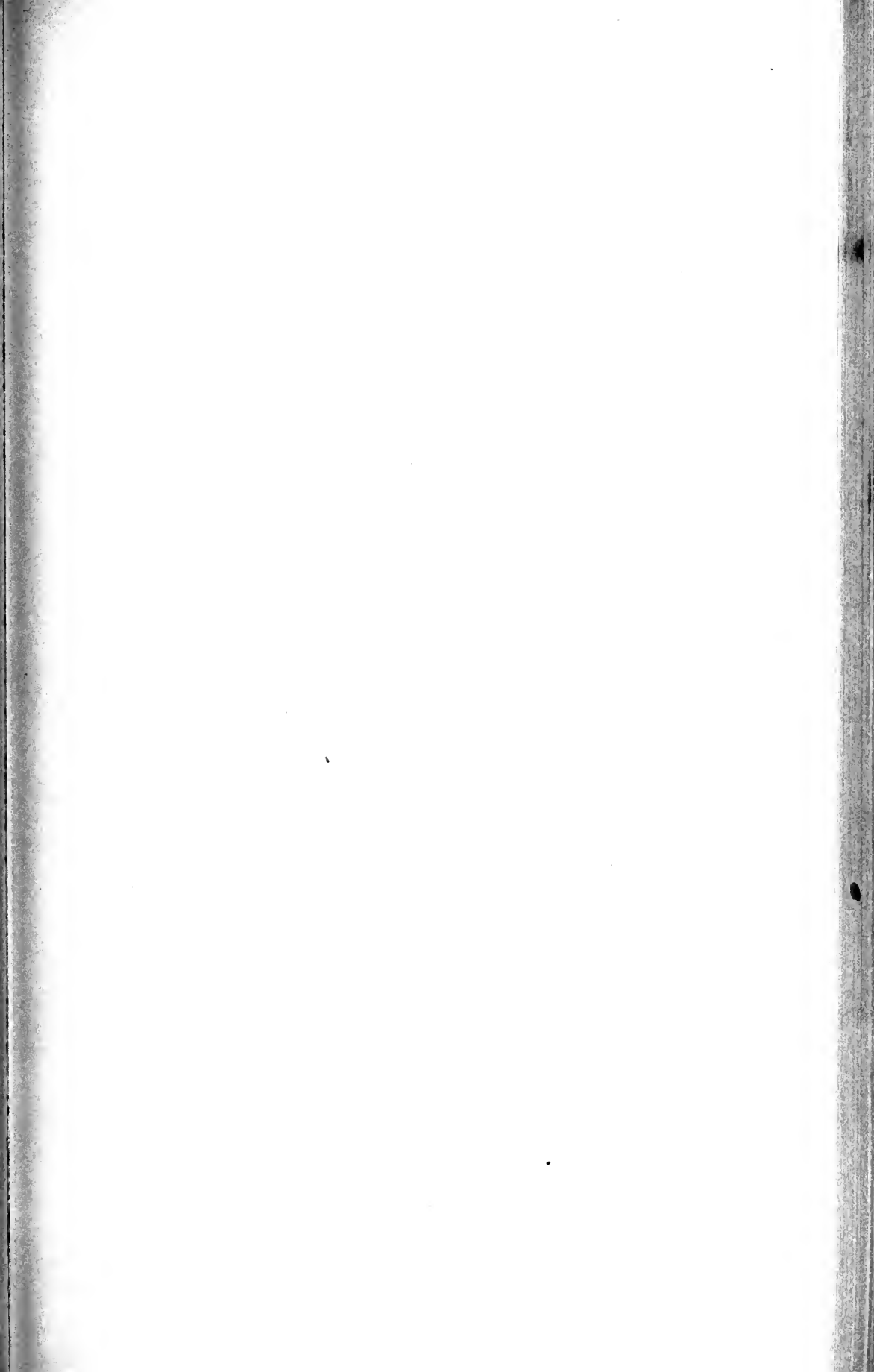
(286) All switches, automatic cut-outs, controllers, starting rheostats, auto starters and other control devices shall be readily and safely accessible to authorized persons; they shall be so located, labelled or marked as to afford means of identifying circuits or equipment supplied through them, and to indicate whether they are open or closed. They shall be so installed, where practicable, that they cannot be closed by gravity and such switches as close by gravity shall be provided with a proper stop block or latch to prevent accidental closing.

Switches
required for
equipment.

(287) Suitable switches shall be inserted in all circuit leads to generators, motors, transformers, storage batteries, electric furnaces and similar equipment except between parts or pieces of apparatus intended to operate as a unit.

Switches
required in
feeders.

(288) Suitable switches shall be inserted in all feeder conductors connecting utilization installations to service connections from either overhead or underground lines. These switches shall be readily accessible, and as close as practicable



to the point of connection with the overhead or underground lines.

Switches for temporary wiring.

(289) Switches or plug connectors shall be placed in all circuit leads at the point where temporary wiring or portable conductors are connected to the permanent wiring.

Capacity of switches.

(290) Switches used otherwise than as disconnectors shall have a rated capacity such as to insure safe interruption, at the working voltage, of the greatest current which they may be required to carry continuously, and shall be marked with the current they can safely interrupt.

Switches have sufficient rupturing capacity.

(291) All cut-outs, switches, circuit breakers and other apparatus used for opening or closing an electric circuit shall be of such design as to operate safely on the system from which the circuit is energized.

Disconnectors.

(292) Disconnectors shall be of suitable voltage and ampere rating for the circuit in which they are installed and shall be accessible only to qualified persons. They shall also be protected by signs warning against opening the switch while carrying current in excess of the safe opening limit.

Locking or tagging switches.

(293) All switches controlling apparatus shall be locked or plainly tagged in the open position to prevent the inadvertent closing thereof while work is being done on the apparatus.

Good contact required on switches.

(294) Switches, controllers and rheostats shall be so constructed as to make and maintain good contact. Knife switches shall maintain such alignment under service conditions that they may be closed with a single, unhesitating motion.

When air-break switches needed.

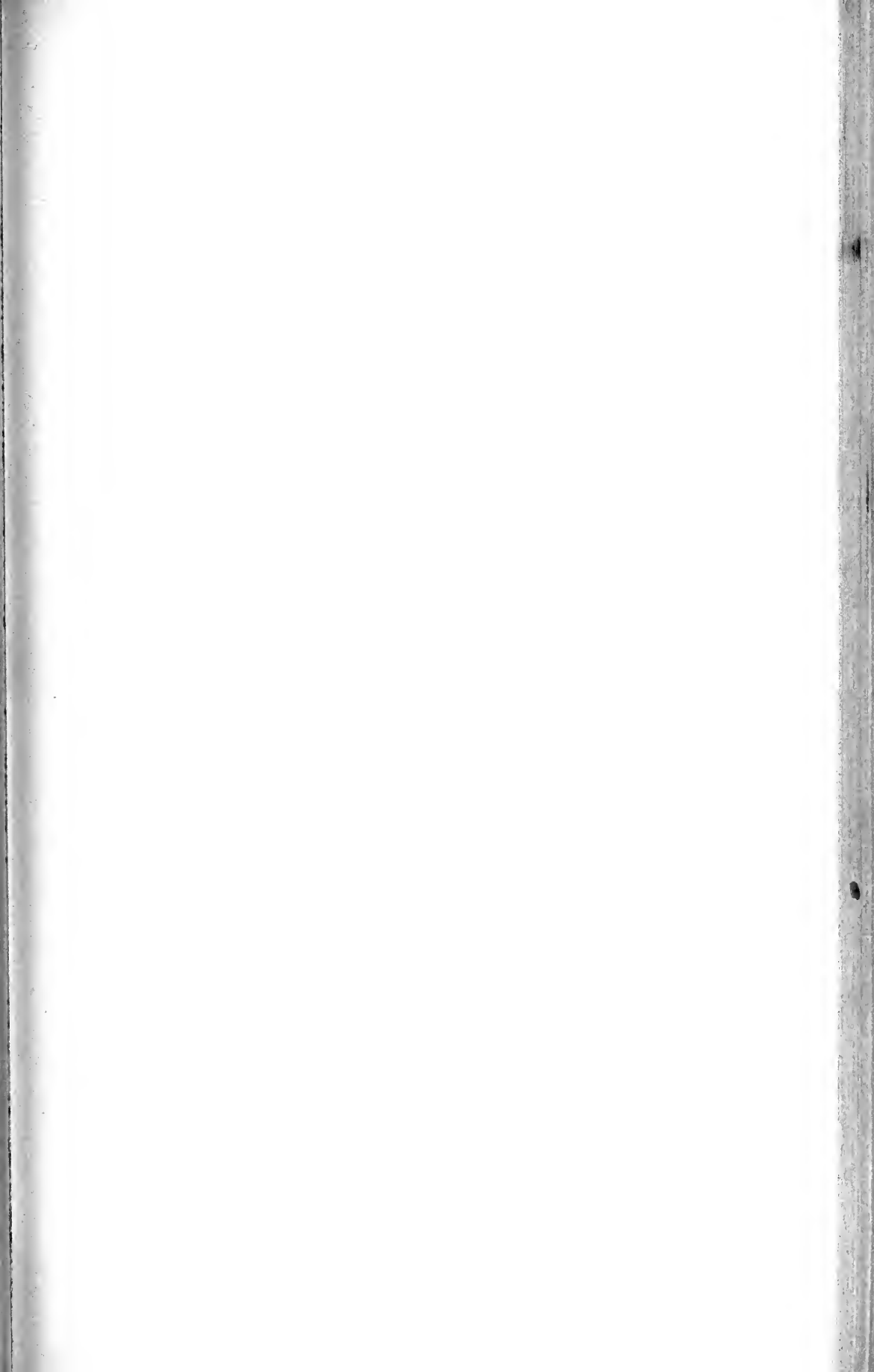
(295) Unless a switch operating on a circuit above 300 volts makes an air-break there shall, if equipment controlled by such switch requires adjustment or repairs while the conductors leading to such switch are still alive, be installed between it and the source of energy supply a suitable air-break disconnecter.

Enclosing live parts of switches.

(296) All manual switches over 150 volts to ground or in supply stations over 300 volts to ground shall have suitable casings or guards protecting the operator from the danger of contact with current-carrying parts or being burned by arcing at the switch.

Guarding switches above 300 volts.

(297) All switches interrupting circuits over 300 volts shall be operated by means of remote control mechanism or be provided with suitable casings protecting the operator from danger of contact with current-carrying parts, except as provided in Rule 300.



(298) The control device for switches shall indicate whether the switches are open or closed.

Connections to switches. (299) Switches shall, if practicable, be so connected that switch blades will not be alive when in the open position.

Working spaces about ordinarily guarded switches above 750 volts. (300) Where switches, disconnectors, and fuses above 750 volts are ordinarily guarded by covers or enclosed in separate rooms, but must occasionally be operated without such protection, either by removal of the covers or by entrance into the rooms, adequate working space shall be provided about the live parts so that the operator will not be required to bring any part of his body within the following horizontal distances:

Voltage of parts	Distance in feet
750 to 7,500.....	1
7,500 to 30,000.....	2
30,000 to 50,000.....	3
50,000 to 70,000.....	4
70,000 to 100,000.....	5

Switches to be placed before fusible cut-outs. (301) On circuits up to 300 volts to ground, where fusible cut-outs are not so arranged that they are necessarily disconnected from all sources of electrical energy before the ungrounded current-carrying parts can be touched, switches shall always be so placed or arranged that opening them will disconnect the fuses from all sources of electrical energy.

Protecting fusible cut-outs above 300 volts. (302) Fusible cut-outs above 300 volts to ground shall be in a cabinet or otherwise made inaccessible to all but authorized persons, and switches shall be so placed and arranged that opening them will disconnect the fuses from all sources of electrical energy.

Fuses in fireproof cabinets. (303) All fusible cut-outs shall be installed in approved fireproof cabinets.

Capacity of fuses. (304) The rated capacity of the fuses shall not exceed the allowable current-carrying capacity of the conductor.

Switchboards.

Switchboards to be readily accessible. (305) Switchboards and panel boards shall have all switches arranged so that the means of control are readily accessible to the operator.

Switchboards to be convenient for operation. (306) Instruments, relays or other devices requiring reading or adjustment shall be so placed that the work can be readily performed from the working space provided.

Location and lighting of switchboards. (307) Switchboards shall be so placed that the person operating them will not be endangered by machinery or

equipment located near the board. Means for adequate illumination shall be provided.

Protecting against short circuiting on switchboards. (308) Exposed bare parts of different potentials on any switchboard or panelboard shall be as few as practicable and these shall be effectively separated.

Guarding current-carrying parts of switchboards. (309) All switchboards and panelboards having exposed current-carrying parts operating at over 150 volts to ground shall, when practicable, be suitably encased in locked cabinets, screens, or rooms, or other enclosures to make them inaccessible to other than authorized operators. Conducting floors about such boards and in supply stations about boards having equipment operating at over 300 volts to ground shall be provided with suitable insulating platforms or mats so placed that no person can inadvertently touch live parts unless standing on an insulating platform or mat.

Switchboards below 150 volts accessible to unauthorized persons. (310) Where switchboards or panelboards at voltages below 150 volts to ground are accessible to other than authorized operators they shall, where practicable, be enclosed in cabinets or screens as an effective precaution against accidental short circuit at times when no operation of the board necessitates the opening of the cabinet or screen.

Motor Control Devices.

Motor control devices. (311) Manually controlled starters for all D.C. motors and for all A.C. motors over five horsepower shall be so designed and the circuits so arranged that they return automatically to the "off" position upon the failure of the energy supply, except where the motors and their starting devices are, during operation, under the supervision of qualified persons and equivalent protection is otherwise provided.

Protecting motors against overload. (312) Each motor shall be protected against excessive overload current by cut-out or automatic circuit breaker. Any such overload device shall interrupt the circuit at fifty per centum over normal motor-current rating. An auto starter which disconnects all wires of the circuit automatically under overload when in the running position may be used as a circuit breaker.

Illuminating Supply Stations.

Lighting for supply stations. (313) Rooms and spaces shall have good artificial illumination. Arrangement of permanent fixtures and plug receptacles shall be such that the portable cords need not be brought into dangerous proximity to live electrical apparatus. All lamps shall be arranged to be controlled, replaced, or trimmed from readily accessible places.

Emergency lighting for supply stations.

(314) A separate emergency source of illumination, from an independent generator, storage battery, lanterns or other suitable source, shall be provided in every station where an attendant is located.

Fire-Fighting Appliances.

Fire-fighting appliances.

(315) Each room or space where an operator is in attendance shall be provided with an adequate approved fire extinguishing appliance conveniently located and conspicuously marked. No chemical appliance which has not been approved for use on live parts shall be placed in any room containing electric apparatus or exposed lines.

Lighting Fixtures.

Guarding current-carrying parts of lighting fixtures.

(316) Electric fixtures, such as lamp sockets and lamp bases, plugs, receptacles, etc., shall be so installed that no current-carrying parts shall normally be exposed externally when these parts are within reach of grounded surfaces (see Rules 265, 266, and 267). The high-temperature current-carrying parts of radiant heaters are exempted.

Portable lamps.

(317) Portable lamps shall not be connected to circuits operating at over 300 volts to ground.

Portable conductors exposed to injury.

(318) In locations where exposed to dampness or mechanical injury, portable conductors shall be of reinforced weather-proof cord, and, when necessary, armoured.

Style of portable lamps permitted.

(319) In locations where exposed to dampness or mechanical injury, portable lamps shall have their sockets enclosed in wood or composition handles, through which the conductor shall be carried, and shall have a substantial wire cage which encloses the lamp. A hook for hanging the lamp shall be attached either to the cage or to the handle.

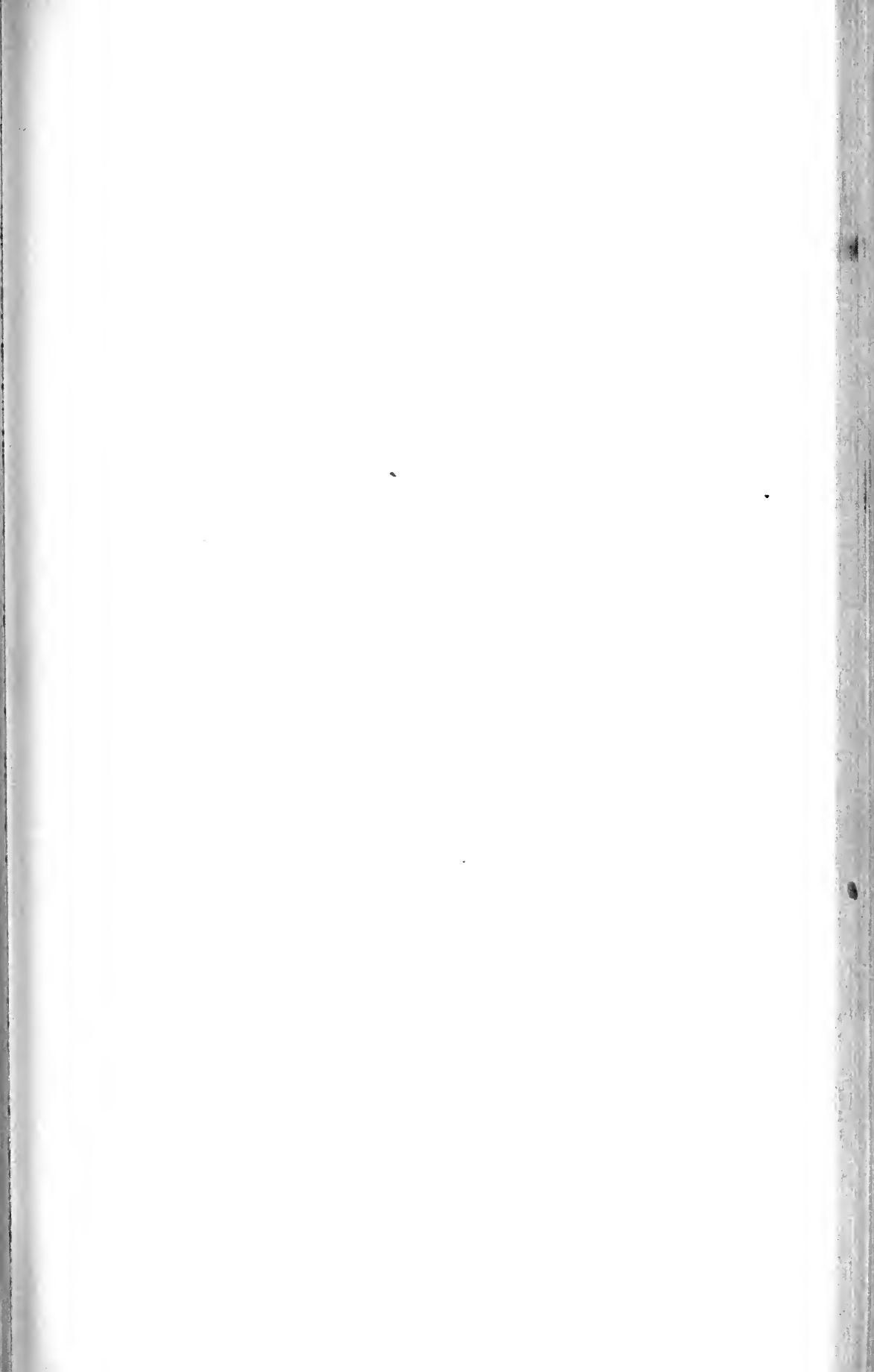
Trolleys and Portable Apparatus.

Guarding trolley or crane collector wires.

(320) Trolley or crane collector wires, whether indoors or out, shall, where practicable, be elevated at least eight feet above the rail level and be provided with suitable guards so arranged that persons cannot inadvertently touch the current-carrying parts while in contact with the ground or with conducting material connected to the ground.

Operating voltage in tunnels, etc.

(321) In tunnels or under bins or in similar locations where trolley wires are necessarily less than eight feet above the rail level, the operating voltage shall not exceed 300 and the wires shall be efficiently guarded to prevent accidental contact of person.



Portable and pendant conductors. (322) Portable and pendant conductors shall not be installed or used on circuits operating at over 150 volts to ground, unless they are accessible only to persons authorized to approach them. In such cases they shall be of a type suitable to the voltage and conditions.

Cranes and Elevators.

Disconnections for cars and cranes. (323) Readily accessible means shall be provided whereby all conductors and equipment located in or on cars or cranes may be disconnected entirely from the source of energy at a point as near as possible to the trolley or other current collector.

Switch required on cars and cranes. (324) A circuit breaker or switch, capable of interrupting the circuit under heavy loads, shall be used unless the current collector can be safely removed, under heavy loads, from the trolley wire.

Telephone Exposed By Supply Lines.

Protecting telephone equipment exposed by high voltage. (325) Telephone or other signal apparatus which must be handled by persons and which is connected to overhead signal circuits exposed by supply lines over 400 volts to ground shall be protected as follows:

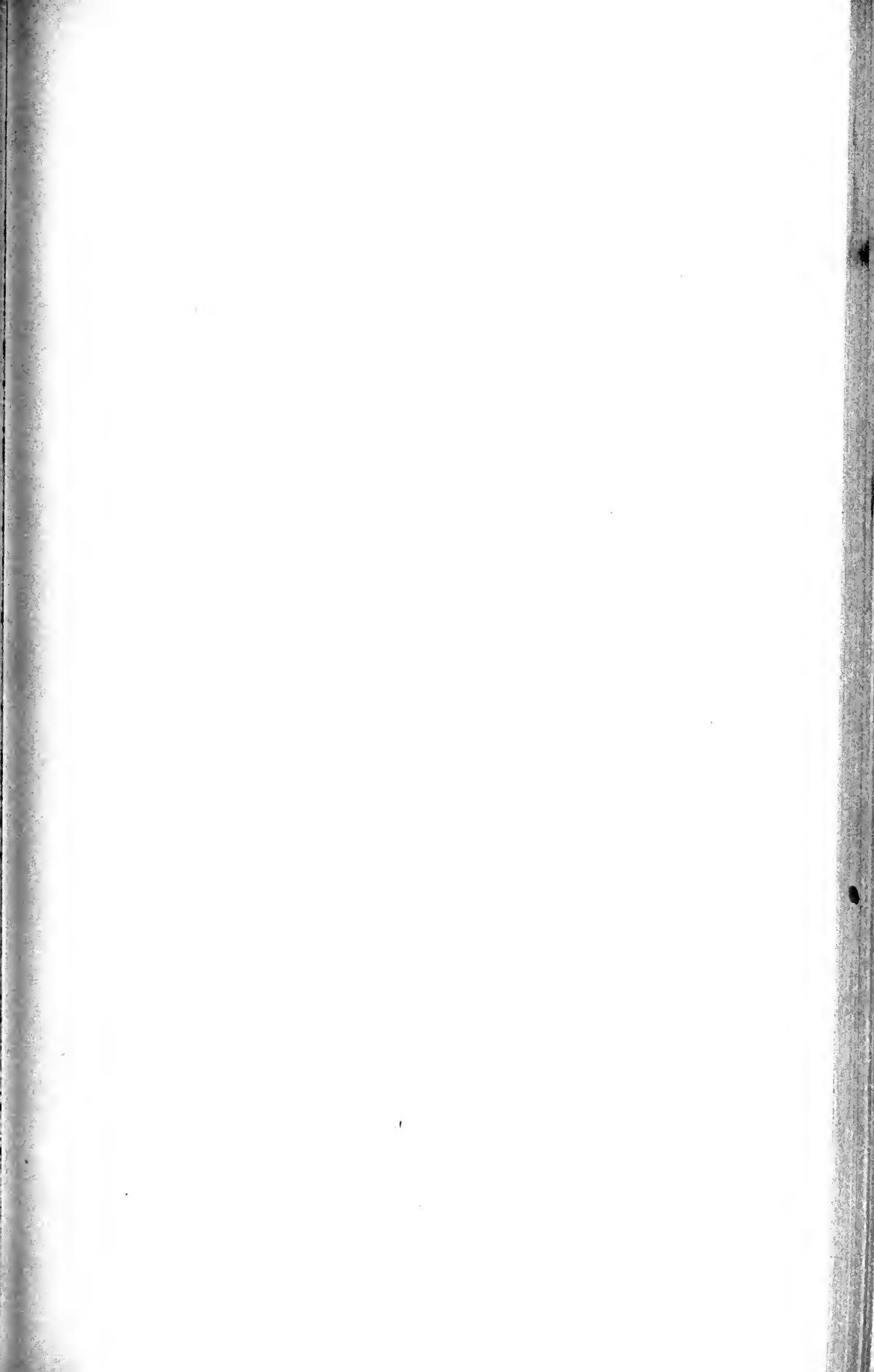
- (a) By fuses and arresters;
- (b) All exposed non-current-carrying metal parts shall be permanently grounded; or, the apparatus shall be installed in such a way that a person using it will be obliged to stand on an insulated platform, in an insulated booth, or on other insulating surfaces.

Protecting telephone signal equipment exposed to induced voltage. (326) Telephone or signal apparatus which is connected to a line which parallels a supply circuit of high voltage in such a manner as to be exposed to induced voltage shall be protected by transformers and shall comply with the requirements of Rule 325.

Transmission Lines.

Design and construction of supply lines. (327) All electrical supply lines and equipment shall be of suitable design and construction for the service and the conditions under which they are to be operated, and all lines shall be so installed and maintained as to reduce the life hazard as far as practicable.

Guarding supply lines. (328) Conductors and other current-carrying parts of supply lines shall be so arranged as to provide adequate clearance from the ground or other space generally accessible, or shall be provided with guards so as to effectively isolate them from accidental contact of person.



Entrance to buildings. (329) Where supply lines over 300 volts to ground are attached to any buildings, for entrance, they shall be permanently guarded if accessible.

Clearance required by supply lines over railways. (330) Supply lines carried over railways operated by steam, electric or other motive power and on which standard equipment, such as freight cars, is used shall have the style of construction and clearances overhead as called for in the regulations of the Board of Transport Commissioners for Canada. Supply lines crossing over railways on which standard equipment is not used and lines crossing over roadways shall have ample clearance for the operating conditions and shall be substantially supported.

Room or junction box underground. (331) At all underground stations where any cable transmitting power at a potential exceeding 300 volts leaves the shaft, a room or junction box shall be provided into which such cable shall be run.

Junction or splice boxes. (332) Junction boxes on any cable transmitting power at a potential exceeding 300 volts shall not be located in any shaft or winze or attached to any timbers at a shaft or winze station or in a headframe. Splice boxes for cable extension in a shaft or winze shall be of a type approved by the Inspector.

Rating of cables and circuit breakers underground. (333) (a) All cables transmitting power underground at a potential exceeding 750 volts shall have a voltage rating of 50 per centum higher than the normal operating voltage.

(b) All circuit-breakers, cut-outs and disconnecting switches on circuits exceeding 750 volts shall have a voltage rating of fifty per centum higher than the normal operating voltage and shall be located in a room which may be kept locked.

Transformers, type and location. (c) The type and location of transformers installed underground shall be subject to the approval of the Inspector.

Switches on underground cables. (334) Where electrical energy is taken underground provision shall be made so that the current can be cut off on the surface close to the point where it is led underground. The cut-off switch or switches shall be situated in a locked building or compartment and shall be accessible only to an authorized person or persons.

Fire prevention about electrical installations. (335) The bases of electric motors, transformers, starting equipment and other electrical apparatus and the compartments in which such are installed shall be of such material and constructed in such manner as to reduce the fire hazard to a minimum. No inflammable material shall be stored or placed in the same compartment with any such equipment or apparatus.

Conduits required. (336) All cables over 150 volts transmitting power underground shall be armoured or enclosed in standard conduit and substantially supported.

Conduits or insulators for lighting circuits. (337) Wires carrying not over 150 volts to ground for lighting and signal circuits shall either be installed in standard conduits or casings, or suspended from and securely tied to porcelain or glass insulators, so that they do not touch any timbering or metal. On no account shall staples be used.

Grounding of casings. (338) The armouring or casing of cables, mentioned in rules 336 and 337, shall be bonded together so as to be electrically continuous, and shall be connected at some point or points to a satisfactory ground.

Method of grounding. (339) All rules governing grounding of electrical apparatus in general work shall apply equally to underground work.

Precautions to protect signal and telephone wires. (340) Adequate precautions shall be taken to prevent electrical signal or telephone wires, whether insulated or not, coming into contact with other electrical conductors.

Rules Governing Electric Hoists.

Testing for overloading. (341) When the Inspector has cause to believe that the shaft conveyance operated by any electric hoist is being overloaded he shall have the power to order a test to be made.

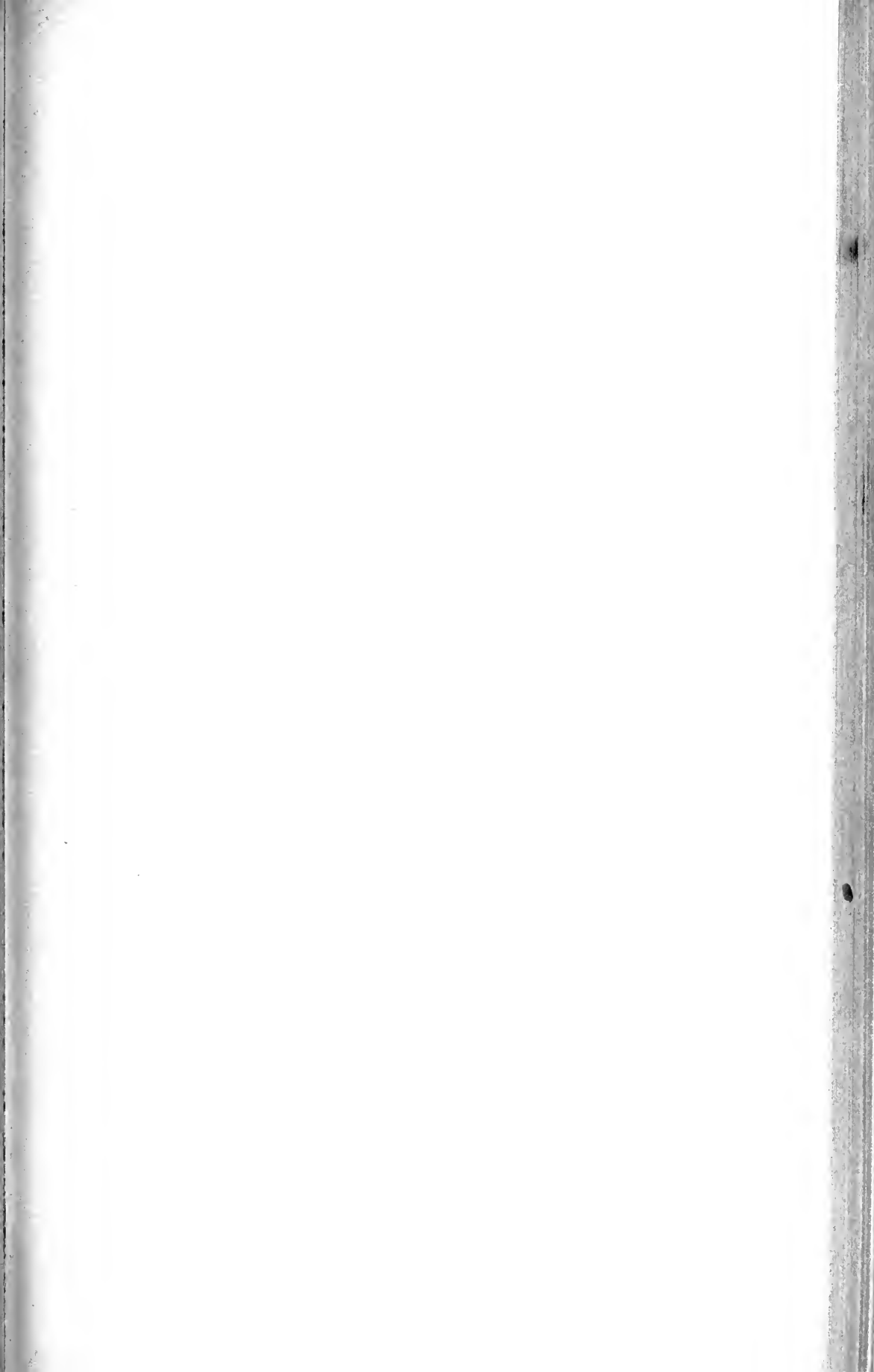
Damage to Property.

Wilful damage. (342) No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, electrical equipment or other appliance or thing provided in any mine in compliance with this Act.

General.

Persons under the influence of or carrying liquor. (343) No person under the influence of or carrying intoxicating liquor shall enter any mine or be in the proximity of any working place on the surface or near any machinery in motion.

Abstract of rules to be posted. (344) Abstracts of the rules contained in this Act, authorized by the Chief Inspector, shall be posted up in suitable places at the mine or works where the same can be conveniently read and the owner or agent of the mine shall maintain such abstracts, duly posted, and the removal or destruction of the same shall be an offence against this Act.



Rev. Stat.,
c. 47, ss. 164,
165, re-
enacted.

23. Sections 164 and 165 of *The Mining Act* are repealed and the following substituted therefor:

Notice of Accidents.

Fatal
accidents.

164.—(1) Where, in or about any mine, metallurgical works, quarry, sand, clay or gravel pit, any accident occurs which causes loss of life to any person employed thereat, the owner, agent, manager or superintendent thereof shall immediately notify the inspector resident in that part of Ontario in which the accident occurred and the Chief Inspector by telephone or telegraph.

Scene to be
undis-
turbed.

(2) Subject to subsection 3, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with the accident until an inspector has completed an investigation of the circumstances surrounding such accident.

Permission
to alter
scene.

(3) Where it is impossible for an inspector to make an immediate investigation of an accident the Chief Inspector or any inspector may permit such wreckage, articles and things at the scene of or connected with the accident to be moved to such extent as may be necessary to permit the work of the mine, metallurgical works, quarry, sand, clay or gravel pit to be proceeded with, provided photographs or drawings showing details of the scene of the accident have been made prior to such moving.

Rev. Stat.,
c. 138, s. 13
not to
apply.

(4) Section 13 of *The Coroners Act* shall not apply in the case of any fatal accident to which this section applies.

Notice of
accident to
be sent to
inspector.

164a. Where, in or about any mine, metallurgical works, quarry, sand, clay or gravel pit, any accident occurs which causes fracture or dislocation of any bones of the body, or any other injury which in the opinion of the attending physician may result in the injured person being incapacitated for work for at least seven days, to any person employed therein, the owner, agent, manager or superintendent shall within three days of the accident send notice in writing to the inspector resident in that part of Ontario in which the mine or works are situate on the form prescribed for such purpose.

SECTION 23.—164.—(1) The provisions requiring notice of a fatal accident occurring in or about a mine to be given to the Deputy Minister are altered so as to require notice to be given to the local Inspector and the Chief Inspector by telephone or telegraph.

164.—(2) (3) (4) Provision is made that the scene of the accident shall not be disturbed until an investigation has been made by an Inspector, provided that where no investigation can be made promptly the Chief Inspector or Inspector may permit wreckage to be moved after photographs or drawings of the scene have been made, and Section 13 of The Coroners' Act is rendered consistent with this provision.

164*a*. This is similar to a provision now in the Act, but indicates within the Section all the classes of places to which the Section applies pursuant to the definition of mine contained in the Act.

Idem.

164*b*. Where in or about any mine,—

- (*a*) any accident involving the hoist, sheaves, hoisting rope, shaft or winze conveyances, or shaft or winze timbering;
- (*b*) any inrush of water from old workings or otherwise;
- (*c*) any failure of an underground dam or bulk-head, as defined by rule 35 of the rules contained in section 160;
- (*d*) any outbreak of fire below ground or any outbreak of fire above ground if it endangers any structure at the mine entrance;
- (*e*) any premature or unexpected explosion or ignition of explosives;
- (*f*) any asphyxiation effecting a partial or total loss of physical control;
- (*g*) any inflammable gas in the mine workings; or
- (*h*) any unexpected and non-controlled extensive subsidence or caving of mine workings;

occurs, whether or not loss of life or personal injury is caused thereby, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after such occurrence, send notice in writing to the inspector resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereof as the inspector may require.

Rockburst.

164*c*.—(1) Where a rockburst occurs whether or not loss of life or personal injury is caused thereby and the location of such rockburst is determined as being within the workings of any mine, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the location of such burst has been determined, send notice in writing to the inspector resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereto as the inspector may require.

164*b*, 164*c*.—(1) The provisions requiring certain classes of accidents to be reported are extended to cover several other types of accidents occurring in or about a mine.

Record of
rockbursts.

- (2) A record of the occurrence of all rockbursts at a mine shall be kept showing, as far as possible the time, location, extent of the burst, any injury to persons and any other information pertaining to the burst and such record shall be available at all times to the inspector.

Other Notices and Information.

Notice to
Chief
Inspector.

- 165.—(1) The owner, manager or superintendent of a mine shall give written notice to the Chief Inspector,—

- (a) of the intended installation of a power plant or hoist or intended erection of any buildings to house a power plant or hoist at least fourteen days prior to the commencement of such installation or erection;
- (b) of the commencement or resumption after an interruption of one month or more, of mining operations within fourteen days after such commencement or resumption; and
- (c) of the closing down of the mine and that the requirements of subsection 1 of section 157 as to the fencing of the top of the shaft, entrances from the surface, pits and openings; the requirements of rule 54 of the rules under section 160 as to the disposal of explosives and the requirements of subsection 4 of section 167 as to the filing of plans and sections have been complied with within fourteen days of such closing down.

Information
for
inspector.

- (2) The owner, manager or superintendent of a mine shall furnish to the inspector resident in that part of Ontario where the mine is situate, all information which the inspector may require for the purposes of the annual return of such inspector.

Rev. Stat.,
c. 47, s. 167,
subs. 5 re-
enacted;
subs. 7 re-
pealed.

24. Subsections 5 and 7 of section 167 of *The Mining Act* are repealed and the following substituted therefor:

Responsibil-
ity of
owner.

- (5) The owner of every mine, quarry or other works to which this section applies shall be responsible for compliance with the provisions thereof and every owner or other person who fails to comply with any

(2) A record of the occurrences of all rock bursts, showing all details, is required to be kept.

165.—(1) The owner, manager, or superintendent of a mine is required to notify the Chief Inspector of any intended installation of a power plant or hoist or erection of buildings therefor; of the commencement or resumption of mining operations; and of the closing down of the mine, in which case he must indicate that certain provisions of the Act have been complied with.

(2) The owner, manager, or superintendent of a mine is required to furnish the local Inspector with information required by him.

SECTION 24. Two subsections which had a similar effect are recast and combined.

of the provisions of this section, or who produces to the inspector or other authorized person, or files or causes to be produced or filed a plan which to his knowledge is false in any particular, shall be guilty of an offence against this Act.

Rev. Stat.,
c. 47,
amended. **25.** *The Mining Act* is amended by adding thereto the following Part:

PART VIIIA.

REFINERY PROVISIONS.

Interpreta-
tion.

170a. In this Part,—

“Refinery.”

(a) “Refinery” shall mean any apparatus or equipment which may be used for the refining, retorting, smelting, assaying or treating by any other method, of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein.

Refinery
license.

170b. No person shall own, operate, use or have any refinery in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant unless a refinery license has been granted in respect of such refinery, provided that no refinery license shall be required in respect of a refinery for which a certificate of exemption has been issued.

Powers of
Minister as
to refinery
licenses.

170c.—(1) The Minister may,—

- (a) issue and renew refinery licenses and certificates of exemption;
- (b) refuse to issue or renew a refinery license or certificate of exemption, or suspend, cancel or revoke any refinery license or certificate of exemption for any reason which he deems sufficient in the public interest;
- (c) prescribe the forms of refinery licenses, certificates of exemption, applications therefor and renewals thereof; and

SECTION 25. Persons owning, operating, using, or otherwise having a refinery are required to obtain a refinery license unless they have been granted a certificate of exemption which may be granted where the refinery is not used as such or is used only for educational purposes. The Minister is authorized to appoint a person to enquire into matters pertaining to the provisions which relate to refineries.

(d) prescribe the fee payable upon the issue and renewal of refinery licenses and certificates of exemption.

Term of license and certificate of exemption.

(2) Every refinery license and certificate of exemption shall expire on the 31st day of March next following the issue thereof and every renewal of a refinery license or certificate of exemption shall expire on the 31st day of March next following the expiration of the refinery license or certificate of exemption or the last renewal thereof.

Certificate of exemption.

170d.—(1) A certificate of exemption may be issued in respect of a refinery where the Minister is satisfied that such refinery is not maintained or used for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein or is used only for educational purposes.

(2) No person who owns or has in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant a refinery in respect of which a certificate of exemption has been issued shall permit such refinery to be operated or used nor shall he or any other person operate or use such refinery for the refining, retorting, smelting or assaying of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein.

Penalty.

170e. Every person who violates any of the provisions of this Part shall be liable to a penalty of not less than \$10 and not exceeding \$500 or to imprisonment for a period not exceeding one year, or to both fine and imprisonment.

Application of Part VIII A.

Rev. Stat., c. 52.

170f. The provisions of this Part shall apply notwithstanding that the owner or operator of a refinery is the holder of a license issued under the provisions of *The Unwrought Metal Sales Act* or of any other Act.

Commission of inquiry.

170g. The Minister may appoint any person to conduct an inquiry into any charge or complaint that any person has violated or failed to observe any of the provisions of this Part, or into any matter or thing connected with or arising out of the operation of this Part, and such person shall have the same power to enforce the attendance of witnesses and to compel

them to give evidence and produce documents and things as is vested in any court in civil cases.

Rev. Stat.,
c. 47, s. 171,
cl. g,
amended.

26. Clause *g* of section 171 of *The Mining Act* is amended by inserting after the Roman numerals "VIII" in the second line the words and numerals "or Part VIIIA" so that the first part of the section and clause *g* shall now read as follows:

Description
of offences.

171. Every person who,—

(g) wilfully acts in contravention of the provisions of this Act other than Part VIII or Part VIIIA in any particular not hereinbefore set forth; or

Rev. Stat.,
c. 47, s. 175,
subs. 1,
amended.

27.—(1) Subsection 1 of section 175 of *The Mining Act* is amended by inserting after the Roman numerals "VIII" in the second line the words and numerals "or Part VIIIA," so that the first three lines of the said subsection shall now read as follows:

Instituting
prosecutions
for offence
against
Parts VIII
and VIIIA.

(1) No prosecution shall be instituted for an offence against Part VIII or Part VIIIA or any regulation made in pursuance thereof except,—

Rev. Stat.,
c. 47, s. 175,
subs. 2,
amended.

(2) Subsection 2 of the said section 175 is amended by adding at the end thereof the words and numerals "or Part VIIIA" so that the said subsection shall now read as follows:

When person
not actual
offender not
liable.

(2) No person not being the actual offender shall be liable in respect of such offence, if he proves that he did not participate in the contravention of the rule or provision for a breach of which he is charged and that he was not to blame for such breach and that according to his position and authority he took all reasonable means in his power to prevent such breach and to secure compliance with the rules and provisions of Part VIII or Part VIIIA.

Rev. Stat.,
c. 47, s. 175,
subs. 3, re-
enacted.

(3) Subsection 3 of the said section 175 is repealed and the following substituted therefor:

Onus of
proof.

(3) The burden of proving that any rule contained in section 160 has been suspended shall be upon the person charged with a violation thereof and any such suspension may be proved by the evidence or certificate of an inspector.

Rev. Stat.,
c. 47, s. 176,
subs. 1,
amended.

28. Subsection 1 of section 176 of *The Mining Act* is amended by striking out the words "a justice" in the fourth line and inserting in lieu thereof the words "two justices," and by striking out the words "or a recorder" in the sixth line, so that the said subsection shall now read as follows:

SECTION 26. This Section renders Section 171 of the Act consistent with the new Part VIIIA.

SECTION 27.—(1) (2) The amendments have the same effect as Section 26.

(3) Section 175 is rendered consistent with the present provision that the rules under Section 160 apply unless suspended by the Chief Inspector.

SECTION 28. The provision permitting a Justice of the Peace to try an offence is rendered consistent with the other Provincial acts by requiring two Justices of the Peace to act. The authority for a Recorder to act is repealed.

Procedure
on prosecu-
tions.

- (1) Except as to offences against section 14, every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Act shall take place before a magistrate or two justices of the peace having jurisdiction in the county or district in which the offence is committed, or before the Mining Court, and save as herein otherwise provided, the provisions of *The Summary Convictions Act* shall apply to every such prosecution.

Rev. Stat.,
c. 136.

Rev. Stat.,
c. 47, s. 182,
subss. 1, 2,
re-enacted.

29. Subsections 1 and 2 of section 182 of *The Mining Act* are repealed and the following substituted therefor:

Lieutenant-
Governor in
Council may
make regula-
tions.

- (1) The Lieutenant-Governor in Council may make such regulations as he may deem necessary providing for,—
- (a) the opening, construction, maintenance and use of roads to, through or over mining claims, mining locations or lands heretofore or hereafter sold or granted as mining lands or recorded as mining claims or locations, and for the opening, construction, maintenance and use of ditches, aqueducts or raceways through, over or upon such claims, locations or land for the conveying and passage of water for mining purposes;
 - (b) to meet cases which may arise for which no provision is made in the Act, or when he deems the provision made to be ambiguous or doubtful;
 - (c) the imposition of penalties not exceeding \$200 or not exceeding three months imprisonment for the violation of any such regulations; and
 - (d) generally for the better carrying out of the provisions of this Act.

Lieutenant-
Governor in
Council may
issue lease or
patent.

- (2) The Lieutenant-Governor in Council may, where special circumstances warrant such action issue a lease or patent of any mining lands on such terms and conditions as he may deem proper and for the purposes of any such lease or patent may suspend or vary any requirement of the Act in so far as it relates thereto.

Rev. Stat.,
c. 47, s. 186,
amended.

30. Section 186 of *The Mining Act* is amended by adding thereto the following subsection:

Minister
may extend
time.

- (3) Notwithstanding anything contained in *The Mines*

SECTION 29. The power of the Lieutenant-Governor to make regulations is set out in a slightly different form and he is also empowered to issue leases or patents on special terms where special circumstances warrant such action.

SECTION 30. Certain mining leases issued under the Mines Act of 1897 required the expenditure of \$6 per acre on development work and could be merged into patents on evidence of this expenditure being submitted. In order to facilitate the submission of this proof authority is vested in the Minister, extending the time therefor and to provide for cancellation if proof is not filed within such extended time.

Act, being chapter 36 of the Revised Statutes of Ontario, 1897, or any other Act, or the expiration of any period of time therein stipulated or the failure to comply with any requirements of any such Act, the Minister may extend the time for the performance of any work upon a mining location leased under the authority of *The Mines Act*, being chapter 36 of the Revised Statutes of Ontario, 1897, and the filing of any proof thereof required under the provisions of *The Mines Act*, provided that upon failure to perform such work or file such proof within the extended time the lease may be cancelled as provided by subsection 2.

Rev. Stat.,
c. 47, s. 187,
subs. 4, re-
enacted.

31. Subsection 4 of section 187 of *The Mining Act* is repealed and the following substituted therefor:

Co-owners;
co-lessees.

(4) For the purpose of this section an incorporated company and a shareholder therein shall be deemed to be co-owners or co-lessees of the lands of such company.

Order
against in-
corporated
company.

(5) An order made against an incorporated company under this section shall be directed to such company only.

Rev. Stat.,
c. 47,
Sched. A,
par. 6, re-
enacted.

32. Paragraph 6 of Schedule A to *The Mining Act* is repealed and the following substituted therefor:

6. The fee for a miner's license or renewal thereof for a duly incorporated company, or a company licensed under *The Extra Provincial Corporations Act* to carry on business in Ontario, shall be based on the authorized capital, according to the following scale, namely,—

(a) Where the authorized capital does not exceed \$50,000 or 50,000 shares of no par value.....\$ 25.00

(b) Where the authorized capital is over \$50,000 or 50,000 shares of no par value but does not exceed \$500,000 or 500,000 shares of no par value..... 50.00

(c) Where the authorized capital exceeds \$500,000 or 500,000 shares of no par value but does not exceed \$1,000,000 or 1,000,000 shares of no par value... 100.00

(d) Where the authorized capital exceeds \$1,000,000 or 1,000,000 shares of no

SECTION 31. This provision is complementary to an amendment to *The Mining Tax Act*.

SECTION 32. The schedule of fees for a miner's license for an incorporated company or a company licensed under the *The Extra Provincial Corporations Act* is repealed and a new schedule of fees based on the authorized capital is arranged on a graduated scale from \$25.00 up to a maximum of \$150.00.

par value, but does not exceed
\$3,000,000 or 3,000,000 shares of no
par value 125.00

(e) Where the authorized capital exceeds
\$3,000,000 or 3,000,000 shares of no
par value 150.00

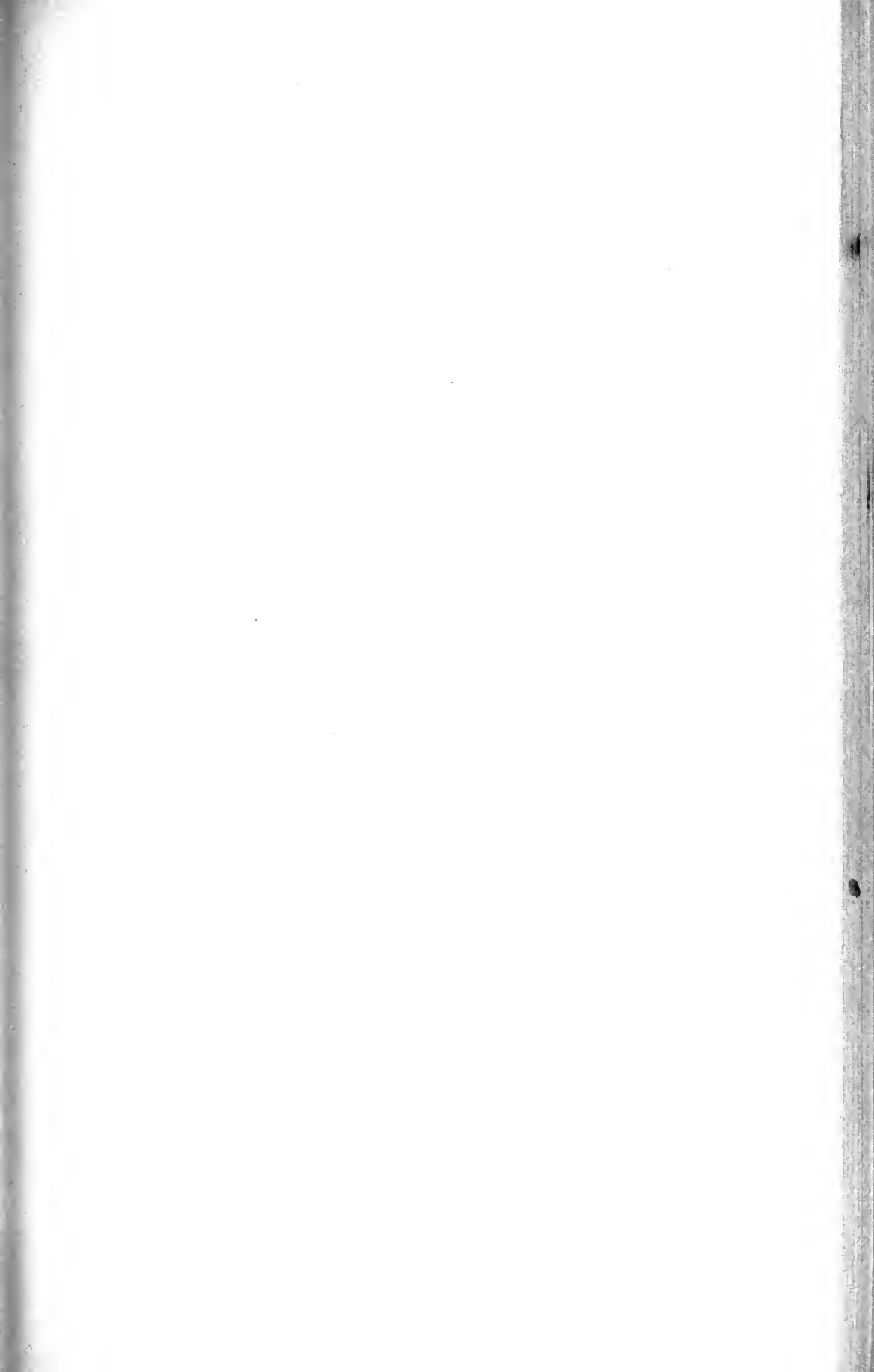
Provided that where the authorized capital of a company exceeds \$1,000,000 or 1,000,000 shares of no par value, and it is by affidavit of the president or secretary thereof proved to the satisfaction of the Minister that any part of such capital is actually being used in some other business enterprise, and not in mining business within Ontario, such part may be deducted in fixing the fee payable as above set forth, but in no such case shall the fee be less than \$50.00.

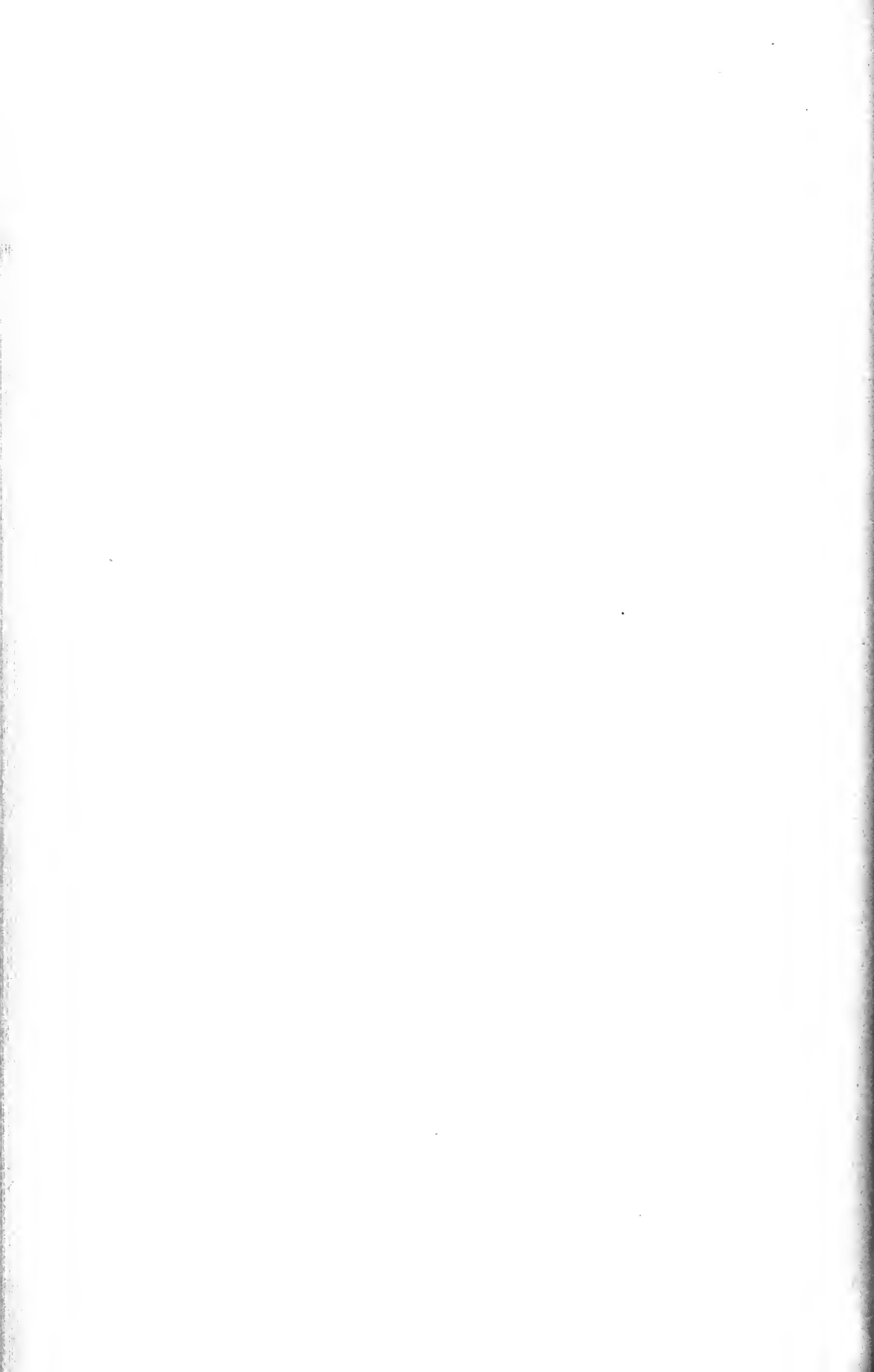
Commence-
ment of
s. 25.

33. Part VIIIA of *The Mining Act*, as enacted by section 25 of this Act, shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

34. This Act may be cited as *The Mining Amendment Act, 1939*.





BILL

An Act to amend The Mining Act.

1st Reading

March 8th, 1939

2nd Reading

3rd Reading

MR. LEDUC

No. 26

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Mining Act.

MR. LEDUC

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mining Act.

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

Rev. Stat.,
c. 47, s. 29,
amended.

1. Section 29 of *The Mining Act* is amended by adding thereto the following subsections:

Extension of
time for
renewal of
license.

(5) Upon the recommendation of the Minister, the Lieutenant-Governor in Council may, before the 31st day of March in any year, extend the time for renewing licenses for any period not exceeding ten days.

Renewal of
license by
Minister.

(6) The Minister may renew the license of any person who has held a miner's license continuously for twenty-five years or more without the payment of the prescribed fee providing application therefor is made to him prior to the expiration of the last renewal.

Rev. Stat.,
c. 47, s. 39,
cl. d,
amended.

2. Clause *d* of section 39 of *The Mining Act* is amended by inserting after the word "Forests" in the first line the words "or the Minister of Highways" and by inserting after the word "power" in the third line the words "or for a highway," so that the first two lines and clause *d* of the said section shall now read as follows:

Lands upon
which min-
ing claim
may be
staked out.

39. No mining claim shall be staked out or recorded on any land—

(d) where the Minister of Lands and Forests or the Minister of Highways certifies that land is required for the development of water power or for a highway or for some other purpose in the public interest and the Minister of Mines is satisfied that a discovery of mineral in place has not been made thereon.

Rev. Stat.,
c. 47, s. 47,
amended.

3. Section 47 of *The Mining Act* is amended by adding thereto the following subsections:

EXPLANATORY NOTES

SECTION 1. The added subsection (5) renders the Act consistent with what has been the practice of the Department for many years.

The added subsection (6) is a new provision which provides for granting a renewal of a miner's license without payment of the usual fee to a person who has held a miner's license continuously for 25 years or more.

SECTION 2. The amendment provides for the withdrawal from prospecting of mining lands which will be required for highway purposes.

SECTION 3. The amendment facilitates the cancelling of leases where rentals have been unpaid for a period of not less than two years.

Where pay-
ment for
rental in
arrears.

- (3) Where payment of the amounts payable for rental under the provisions of any lease issued under this section is in arrears for a period of not less than two years, the Minister may, by an instrument in writing signed by him and in such form as he may prescribe, terminate such lease and upon the execution by the Minister of such an instrument, such lease and all rights and powers therein contained as well as all rights and claims of the lessee, his successors or assigns in or to the lands covered by the lease shall cease and such lands shall be vested in the Crown.

Notice of
termination.

- (4) Delivery of an instrument terminating a lease shall not be required but notice of such termination shall forthwith be sent to the mining recorder for the mining division in which the lands covered by the lease are situate and to the local master of titles at the land titles office in which instruments affecting the lands covered by the lease may be registered and such officials shall make a record of such notice upon the records of their offices relating to the title to such lands.

Where lease
terminated.

- (5) Where any lease is terminated under subsection 3 the lands covered by such lease shall not be open for prospecting, staking out or leasing until reopened by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 47, s. 53,
re-enacted.

4. Section 53 of *The Mining Act* is repealed and the following substituted therefor:

Number of
claims per
licensee.

- 53.—(1) A licensee shall not in any one license year in any one mining division or in territory not included in a mining division, stake out or apply for more than nine mining claims.

In whose
name
staked.

- (2) All nine of such mining claims may be staked on his own license but not more than three of such claims shall be staked on behalf of any other licensee, nor shall a total of more than six of such claims be staked on behalf of other licensees.

Rev. Stat.,
c. 47, s. 55,
subs. 1,
amended.

5. Subsection 1 of section 55 of *The Mining Act* is amended by striking out the words "and pays to the recorder a fee of \$20" in the fourteenth and fifteenth lines, so that the said subsection shall now read as follows:

Forfeiture
of right to
further
staking.

- (1) A licensee or other person who for any purpose does any staking out or plants, erects or places any stake, post, or marking upon any land open to prospecting except as authorized by this Act, or causes or procures the same to be done, or who stakes out or

SECTION 4. Section 53 is re-enacted so as to permit the prospector to stake nine claims on his own license instead of three claims on his own license and six claims on behalf of other licensees.

SECTION 5. At present where a licensee abandons a claim already staked he is required to give notice to the recorder of such abandonment and pay a fee of \$20. It has been found that the \$20 fee discourages the giving of notice and accordingly the fee is eliminated.

partially stakes out any such lands, or causes or procures the same to be done, and fails to record the staking out with the recorder within the prescribed time, shall not thereafter be entitled to again stake out such lands or any part thereof, or to record a mining claim thereon, unless he notifies the recorder in writing of such staking out, partial staking out or planting, placing or marking and of his abandonment thereof and satisfies the recorder by affidavit that he acted in good faith and for no improper purpose and procures from him a certificate stating that the recorder is satisfied that he so acted.

Rev. Stat.,
c. 47, s. 57,
subs. 3,
amended.

6.—(1) Subsection 3 of section 57 of *The Mining Act* is amended by adding at the end thereof the words “and if any misstatement is made in the affidavit respecting buildings, clearing or improvements the Minister, upon the recommendation of the Judge, may disallow the application and direct the recording of the claim to be cancelled,” so that the said subsection shall now read as follows:

Affidavit
to accom-
pany map.

(3) The application and sketch or plan shall be accompanied by an affidavit, in the prescribed form, made by the licensee who staked out the claim, showing the date of the staking out and stating that the distances given in the application and sketch or plan are as accurate as they could reasonably be ascertained and that all the other statements and particulars set forth and shown in the application and sketch or plan are true and correct, that at the time of staking out there was nothing upon the lands to indicate that they were not opened to be staked out as a mining claim, that the deponent verily believes they were so open and that the staking out is valid and should be recorded, and that there are upon the lands or the lot or part lot or section of which they form a part, no buildings, clearing or improvements for farming or other purposes except as set forth in the affidavit, and an applicant for a free grant shall also file an affidavit in the prescribed form showing his right thereto, and if any misstatement is made in the affidavit respecting buildings, clearing or improvements the Minister, on the recommendation of the Judge, may disallow the application and direct the recording of the claim to be cancelled.

Rev. Stat.,
c. 47, s. 57,
amended.

(2) The said section 57 is further amended by adding thereto the following subsection:

Investiga-
tion of
complaint.

(3a) Where a complaint is made to the Minister by any person that any misstatement is made respecting

SECTION 6.—(1) The amendment provides that where a misstatement is made respecting buildings, clearings, or improvements in the affidavit accompanying the application to record a claim, the Minister may, upon the recommendation of the Judge, cancel such recording.

SECTION 6.—(2) This provision is complementary to that contained in subsection (1) and provides for an investigation by the Judge regarding the accuracy of statements contained in the affidavit above referred to.

buildings, clearing or improvements in the affidavit furnished to the recorder under subsection 3, the Minister may request the Judge to investigate such complaint and report to him and upon any such investigation the Judge shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Rev. Stat.,
c. 47, s. 68,
subs. 1,
amended.

7. Subsection 1 of section 68 of *The Mining Act* is amended by inserting after the word "machinery" where it occurs in the fourth and eighth lines respectively, the word "and," by striking out the words "and any ore or mineral he may have extracted therefrom" in the fourth and fifth lines, and by striking out the words "or ore" in the eighth line, so that the said subsection shall now read as follows:

Where
claim
abandoned,
cancelled or
forfeited.

- (1) Where the recorded holder of a mining claim abandons the same, or where the claim is cancelled or forfeited under this Act, he may take from the same any buildings, structures, machinery and chattels or personal property within six months after such abandonment, cancellation or forfeiture, or within such further time as may be fixed by the Judge, and any such buildings, structures, machinery and property remaining on the claim after the expiry of such time shall belong to His Majesty for the use of Ontario.

Rev. Stat.,
c. 47,
amended.

8.—(1) *The Mining Act* is amended by adding thereto the following section:

Disposal of
sand, gravel
and stone.

- 68a. The staking or recording of a mining claim shall not confer upon the licensee the right to sell or otherwise dispose of any sand, gravel or stone located thereon and all such sand, gravel and stone shall be reserved to the Crown together with the right of access thereto until title to the claim is obtained by patent or lease and until the issue of a patent or lease the Minister may in the public interest and for public purposes use or dispose of any such sand, gravel or stone in such manner and upon such terms and conditions as he may deem proper.

Commence-
ment of
subs. 1.

(2) The provisions of this section shall apply only to mining claims staked after the date of the coming into force of this section.

Rev. Stat.,
c. 47, s. 78,
subs. 1,
amended.

9.—(1) Subsection 1 of section 78 of *The Mining Act* is amended by striking out all the words after the word "follows" in the eighth line and inserting in lieu thereof the words:

- (a) First period of at least thirty days not later than four months immediately following the recording of the

SECTION 7. Where a recorded claim is abandoned the Act permits buildings, structures, machinery, chattels and ore to be removed therefrom. As the removal of ore from an unpatented claim is a contravention of other provisions of the Act the permission to remove ore in this section is repealed.

SECTION 8. The removal of sand, gravel or stone from an unpatented claim is prohibited and the right to use or dispose of such sand, gravel or stone is reserved to the Crown. This provision is limited to mining claims staked after the date of its coming into force.

SECTION 9.—(1) The section which prescribes the periods within which work must be performed on an unpatented mining claim is clarified and the time for the first period of work is extended from three months to four months.

claim which shall constitute the work required for the first year after date of recording;

- (b) Second period of at least forty days not later than two years after date of recording;
- (c) Third period of at least forty days not later than three years after date of recording;
- (d) Fourth period of at least forty days not later than four years after date of recording;
- (e) Fifth period of at least fifty days not later than five years after date of recording,

so that the said subsection shall now read as follows:

Working conditions on mining claim.

- (1) The recorded holder of a mining claim heretofore or hereafter recorded shall, within five years immediately following the recording thereof, perform or cause to be performed thereon work which shall consist of stripping or opening up mines, sinking shafts or other actual mining operations to the extent of two hundred days work of not less than eight hours per day, which work shall be performed as follows:
 - (a) First period of at least thirty days not later than four months immediately following the recording of the claim which shall constitute the work required for the first year after date of recording;
 - (b) Second period of at least forty days not later than two years after date of recording;
 - (c) Third period of at least forty days not later than three years after date of recording;
 - (d) Fourth period of at least forty days not later than four years after date of recording;
 - (e) Fifth period of at least fifty days not later than five years after date of recording.

Rev. Stat., c. 47, s. 78, subs. 7, amended.

(2) Subsection 7 of the said section 78 is amended by adding at the end thereof the words "provided that not more than twelve hundred days' work may be performed on any one claim for application on such claim and claims included in groups of contiguous claims," so that the said subsection shall now read as follows:

Work to be performed on claims.

- (7) A license holder may perform all the work required

SECTION 9.--(2) The section clarifies the conditions under which work performed upon a claim may be credited to another claim or other claims in the same group.

to be performed by him in respect of not more than six contiguous mining claims held by him on one or more of such claims and the report and affidavit to be filed by him in respect of such work shall certify the claim or claims on which the work was performed and the claims upon which it is to be applied; provided that not more than twelve hundred days' work may be performed on any one claim for application on such claim and claims included in groups of contiguous claims.

Rev. Stat.,
c. 47, s. 78,
amended. (3) The said section 78 is further amended by adding thereto the following subsection:

Work done
before
recording.

- (12) Work performed on a mining claim located in those parts of the Territorial District of Kenora (Patricia portion) not included in the Red Lake or Kenora Mining Division, between the date of staking the claim and the date of recording the claim may be reported in the same manner as if it had been performed after the recording.

Rev. Stat.,
c. 47, s. 80,
re-enacted.

10. Subsection 1 of section 80 of *The Mining Act* is repealed and the following substituted therefor:

Extension of
time for
work.

- (1) If by reason of pending proceedings or incapacity from illness of the holder of a mining claim, the work is not performed within the prescribed time, the recorder may extend the time for the performance of such work for periods not exceeding three months.

Where extension
because
of illness.

- (1a) Where such work has not been performed because of the incapacity from illness of the holder of such claim, the recorder may extend the time only upon the production and filing with him of a certificate of a duly qualified medical practitioner indicating that such holder has by reason of illness been rendered incapable of performing such work.

Rev. Stat.,
c. 47, s. 86,
amended.

11. Section 86 of *The Mining Act* is amended by adding thereto the following subsection:

Extension of
time for
performance
of work—
notice.

- (3a) Where the Judge or Minister under subsection 1, or the Judge under subsection 3, extends the time for performing the work, the report of the performance thereof shall be made within such extended time.

Rev. Stat.,
c. 47, s. 89,
amended.

12. Section 89 of *The Mining Act* is amended by inserting after the word "holder" in the tenth line the words "and extending the time for performing the work," so that the said section shall now read as follows:

SECTION 9.—(3) This permits the recording of work done between the date of staking and the date of recording in our more inaccessible mining areas.

SECTION 10. The rewording renders the Act consistent with what the practice has been.

SECTION 11. To remove doubts it is provided that where the time for performing work is extended, the report of the performance of the work must be filed within such extended time.

SECTION 12. This amendment renders the Act consistent with actual practice.

Death of licensee before recording claim, or of holder before patent.

89. Where a licensee in whose name a mining claim has been staked out, dies before the claim is recorded, or where the holder of a claim dies before issue of the patent or lease for the claim, no other person shall, without leave of the Judge, be entitled to stake out or record a mining claim upon any part of the same lands or to acquire any right, privilege or interest in respect thereof within twelve months after the death of such licensee or holder, and the Judge may at any time make such order as may seem just for vesting the claim in the representative of such holder and extending the time for performing the work, notwithstanding any lapse, abandonment, cancellation, forfeiture or loss of rights under any provision of this Act.

Rev. Stat., c. 47, s. 95, subs. 1, amended.

- 13.** Subsection 1 of section 95 of *The Mining Act* is amended by striking out the words "regulation made by" in the third line and inserting in lieu thereof the words and figures "section 47 or by regulation of," so that the said subsection shall now read as follows:

Right to patent of claim.

- (1) Upon compliance with the requirements of this Act and upon payment of the purchase price as provided in section 96, or rental fixed by section 47 or by regulation of the Lieutenant-Governor in Council, the holder of a mining claim shall be entitled to a patent or lease, as the case may be, for the claim.

Rev. Stat., c. 47, s. 96, subs. 2, amended.

- 14.** Subsection 2 of section 96 of *The Mining Act* is amended by adding at the end thereof the words "provided that where there is a group of contiguous claims held by the same licensee, the average area of which does not exceed forty-five acres, the Minister may direct that the provisions of this subsection shall not apply," so that the said subsection shall now read as follows:

Price to be paid where area exceeds prescribed area.

- (2) Where the area of the mining claim exceeds by more than five acres the prescribed area as defined in sections 50 and 51 and such claim is not reduced in size under the provisions of section 105, the price per acre of such area in excess of the area so prescribed, shall be twice the price provided for in subsection 1, and there shall be performed at least five days' work per acre for such excess area within such time as may be prescribed by the Minister, provided that where there is a group of contiguous claims held by the same licensee, the average area of which does not exceed forty-five acres, the Minister may direct that the provisions of this subsection shall not apply.

Rev. Stat., c. 47, s. 98, amended.

- 15.** Section 98 of *The Mining Act* is amended by inserting

SECTION 13. The amendment renders the Section consistent with other provisions of the Act and regulations.

SECTION 14. This provision also brings the Act into line with the present practice of the Department by providing that where the average area of a group of claims does not exceed 45 acres, the claims shall be treated for the purposes of Section 96 as though each claim did not exceed 45 acres.

SECTION 15. The provision which provides for a five per cent. reservation for roads in all patents issued is extended to districts not now included, so that the Section will now include all portions of Northern Ontario in which mining lands are now being staked and patented.

after the word "Algoma" in the second line the word "Cochrane" and after the word "Kenora" in the second line the words "Kenora (Patricia Portion)," so that the said section shall now read as follows:

Reservation
for roads in
patents.

98. In all patents for mining claims within the Districts of Algoma, Cochrane, Kenora, Kenora (Patricia Portion), Thunder Bay, Rainy River, Manitoulin, Sudbury and Timiskaming, and that part of the District of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawan, excepting where road allowances have already been provided in a survey made or authorized by the Crown, there shall be a reservation for roads of five per centum of the quantity of land granted and the Crown or its officers may lay out roads on such mining claims where deemed proper.

Rev. Stat.,
c. 47, s. 119,
amended.

16. Section 119 of *The Mining Act* is amended by striking out the words "the Minister or Judge" in the second line and inserting in lieu thereof the words "the Lieutenant-Governor in Council," so that the said section shall now read as follows:

Illness or
absence of
Judge.

119. In case of the illness or absence of the Judge of the Mining Court the Lieutenant-Governor in Council may appoint some other person, being a barrister of at least ten years' standing at the Bar of Ontario, to act in place of the Judge and the person so appointed shall in that case have and exercise all the powers of the Judge except those which he derives exclusively from his appointment under any commission issued to him by the Governor-General of Canada.

Rev. Stat.,
c. 47,
ss. 154, 155,
re-enacted.

17. Sections 154 and 155 of *The Mining Act* are repealed and the following substituted therefor:

Age limit,
hoistmen.

154.—(1) No person under the age of twenty-one years and no person who has not had adequate experience on a reversing hoisting engine shall be allowed to have charge of any hoisting engine at a shaft or winze in which men are handled at any mine.

(2) No person under the age of eighteen years shall be allowed to have charge of any hoisting engine of any kind at a mine.

Hoistman to
be holder of
medical
certificate.

(3) No person shall operate or be permitted to operate any hoisting engine at a shaft or winze in which men are handled at any mine, or for any other purpose designated by the inspector, unless such person is the holder of a subsisting certificate from a duly qualified medical practitioner to the effect that such person has been examined and that he is not subject to any infirmity, mental or bodily; and that his sight and hearing are not defective to such a degree as to interfere with the efficient discharge of his duties.

SECTION 16. The power to appoint an Acting Judge in the absence or illness of the Judge of the Mining Court is taken from the Minister and the Judge, neither of whom may now make the appointment, and vested in the Lieutenant-Governor in Council.

SECTION 17.—154.—(1) The minimum age of hoistmen is increased from twenty years to 21 years.

(2) The Section has been amended to prevent its application to hoisting apparatuses other than hoisting engines.

- (a) Such certificate shall lapse and be deemed to have expired at the end of one year from the date thereof.
- (4) A record of all such subsisting certificates shall be kept on file by the person in charge of the mining operation and shall be open at all times to examination by the Inspector.
155. For the purposes of sections 155a to 155j,—
- (a) “Applicant” shall mean a person who is not the holder of a certificate in good standing, issued under the authority of sections 155c to 155j, who is seeking employment in a dust exposure occupation;
- (b) “Certificate” shall mean initial certificate, extended certificate, endorsed certificate, miner’s certificate and renewed certificate;
- (c) “Dust exposure occupation” shall mean employment underground in a mine or employment at the surface of a mine in ore or rock crushing operations where the ore or rock is not crushed in water or in a chemical solution which constantly keeps it in a moistened or wet condition;
- (d) “Endorsed certificate” shall mean an initial certificate or extended certificate which has been endorsed under clause b of subsection 2 of section 155c;
- (e) “Extended certificate” shall mean an initial certificate which has been extended under clause a of subsection 2 of section 155c;
- (f) “Initial certificate” shall mean a certificate issued to an applicant under subsection 1 of section 155c;
- (g) “Medical officer” shall mean a medical officer appointed under *The Workmen’s Compensation Act* to carry out the provisions of this Act with regard to the examination of employees or applicants for employment;
- (h) “Miner’s certificate” shall mean a certificate issued under subsection 1 of section 155d;
- (i) “Renewed certificate” shall mean a miner’s certificate which has been renewed under subsection 2 of section 155d.
- 155a. No person shall be employed in a dust exposure occupation unless he is the holder of a certificate in good standing.

Record of
subsisting
certificates.

Interpreta-
tion.

“Applicant.”

“Certifi-
cate.”

“Dust
exposure
occupation.”

“Endorsed
certificate.”

“Extended
certificate.”

“Initial
certificate.”

“Medical
officer.”

Rev. Stat.,
c. 204.

“Miner’s
certificate.”

“Renewed
certificate.”

Dust
exposure
occupation,—
employment
in.

(4) To facilitate inspection the person in charge of any mining operation is required to keep medical certificates of hoistmen on file.

155. The provisions relating to silicosis are amended so as to require miners engaged in a dust exposure occupation to be examined annually. Those examinations which are made during the first two years during which a miner is engaged in such work extend to the general physical condition of a miner, as well as to his freedom from tuberculosis of the respiratory organs.

Term of
certificate.

155*b*.—(1) Subject to the provisions of subsection 2 every certificate shall remain in force for not more than twelve months, provided that a medical officer may, at any time, recall the holder of any certificate for examination within the scope of the existing certificate and may extend, endorse, renew or cancel such certificate in accordance with his finding upon such examination.

Examination
by travelling
medical
officer.

(2) In those portions of the province where the examinations under sections 155*c* and 155*d* are conducted by a travelling medical officer no certificate shall be deemed to have expired because of the failure of the medical officer to conduct any examination prior to the date of expiration of any certificate, and the holder of any certificate which would otherwise have expired shall present himself before a medical officer for re-examination at the first opportunity available after the date upon which his certificate would have so expired.

Expiration
of
certificate.

(3) Where any certificate of a person employed in the mining industry has expired because of the failure of the holder thereof to present himself to a medical officer for examination, a medical officer may extend, endorse or renew such certificate or issue a miner's certificate, as the circumstances of the case may require, if he is satisfied that such failure was caused by the inability of such holder to so present himself because of illness or other circumstances beyond his control.

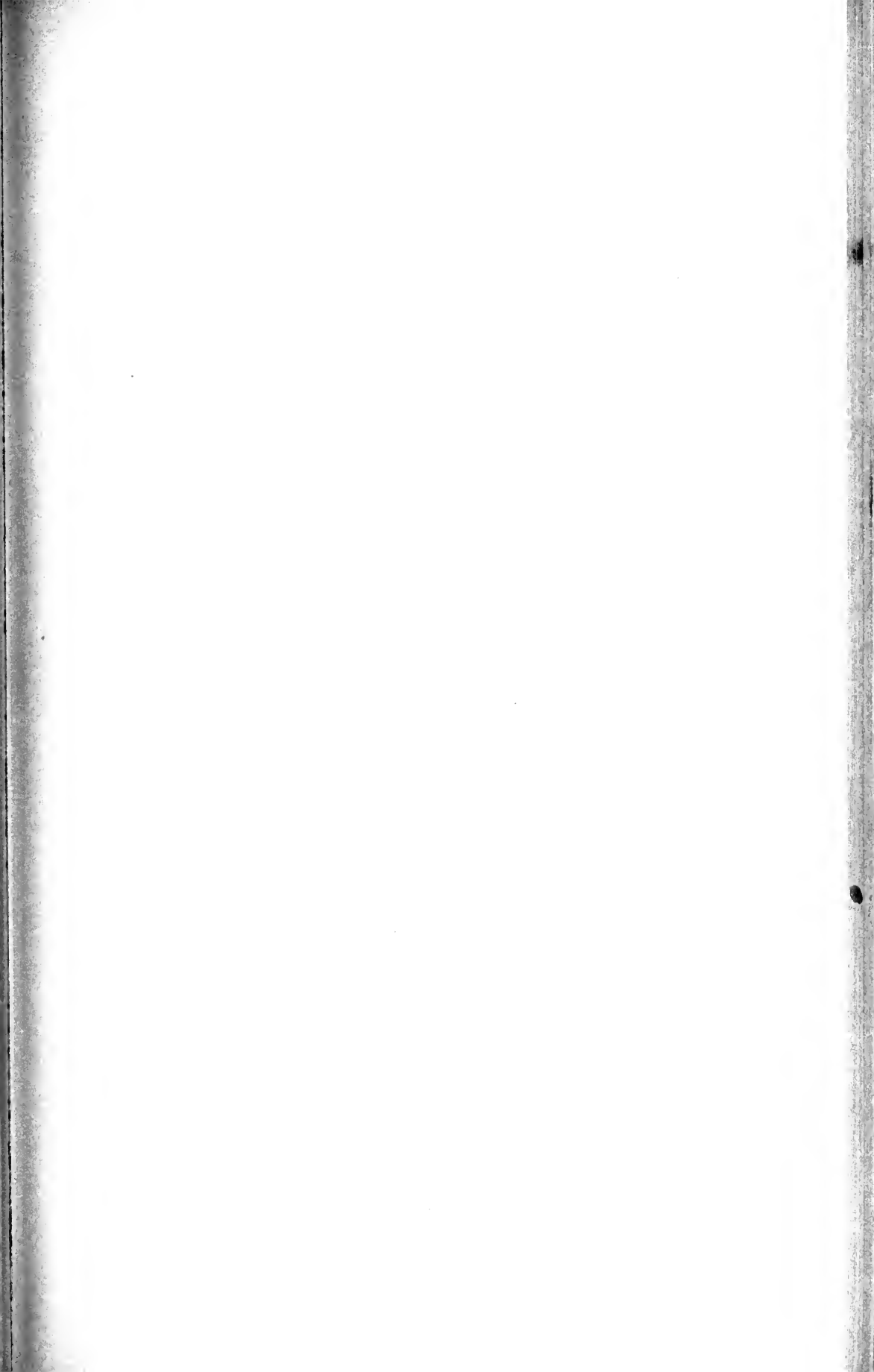
Examination
before em-
ployment.

155*c*.—(1) Every applicant shall be examined by a medical officer before commencing employment and if the medical officer finds upon examination that the applicant is free from diseases of the respiratory organs and otherwise fit for employment in a dust exposure occupation he shall issue to the applicant an initial certificate.

Initial
certificate
holder, —
re-examina-
tion.

(2) The holder of an initial certificate shall, prior to the expiration thereof, present himself to a medical officer for re-examination and if the medical officer finds upon examination that such holder is free from diseases of the respiratory organs and otherwise fit for employment in a dust exposure occupation he shall,—

(a) in the case of a holder who since the issuance of his initial certificate has completed less than eleven months employment in a dust exposure occupation, extend such certificate for such period as he may deem necessary to permit the certificate holder to complete twelve months employment in a dust exposure occu-



pation, and he may from time to time extend such certificate for the same purpose; and

- (b) in the case of a holder of an initial certificate or an extended certificate who since the issuance of his initial certificate has completed eleven months or more employment in a dust exposure occupation, the medical officer shall endorse such certificate.

Issue of
miner's
certificate.

155d.—(1) The holder of an endorsed certificate shall, prior to the expiration thereof, present himself to a medical officer for examination and if the medical officer finds upon examination that such holder is free from tuberculosis of the respiratory organs he shall issue to such holder a miner's certificate.

Miner's
certificate
holder, —re-
examination.

(2) The holder of a miner's certificate shall, prior to the expiration thereof, present himself to a medical officer for re-examination and if the medical officer finds upon examination that such holder is free from tuberculosis of the respiratory organs, he shall renew such certificate which may be further renewed from year to year upon the passing of a similar examination.

Unemployed
holder of
certificate, —

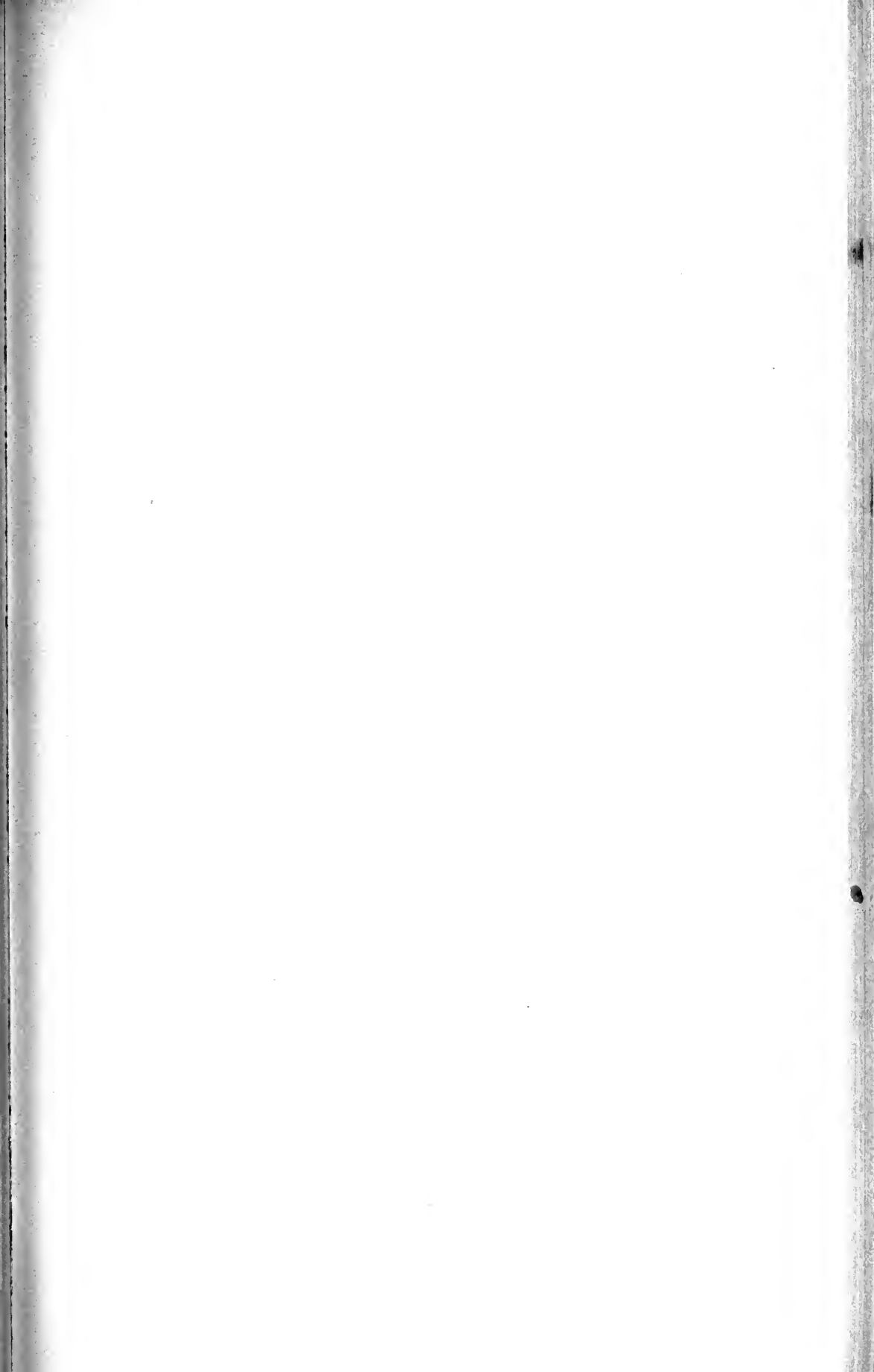
155e. The holder of any certificate who, for any reason, is out of employment in a dust exposure occupation may apply to a medical officer for the extension, endorsement or renewal of his certificate or for the issuance of a miner's certificate, as the case may be, and upon presentation of the holder's certificate the medical officer shall conduct the required examination and effect such extension, endorsement, issuance or renewal as may be warranted by his findings upon such examination.

Initial or
extended;

155f.—(1) Where the holder of an initial or extended certificate has been out of employment in the mining industry for a period exceeding one year and during such period has failed through neglect on his part, to have his certificate extended or endorsed, such certificate shall be void and the holder thereof shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Endorsed or
miner's.

(2) Where the holder of an endorsed certificate or a miner's certificate has been out of employment in the mining industry for a period exceeding two years and during such period has failed through neglect on his part, to obtain a miner's certificate or to have a miner's certificate renewed, his certificate shall be void and the holder thereof shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.



Where un-employment exceeds three years.

- (3) Where the holder of any certificate has been out of employment in the mining industry for a period exceeding three years, he shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Custody of certificate.

- 155g. The manager or superintendent of the mine at which the holder of a certificate is employed may require such certificate to be delivered to and left in the custody of such manager or superintendent during the period of the holder's employment at the mine but such certificate shall be returned to the holder upon the termination of his employment at such mine.

Exemptions.

- 155h.—(1) The Chief Inspector may exempt from the provisions of sections 155a to 155g any mine or any person employed thereat where, in his opinion the mine does not contain silica in quantity likely to produce silicosis or where for any other reason he is of the opinion that such provisions should not apply.
- (2) The provisions of sections 155a to 155g shall not apply to any person usually employed in a dust exposure occupation for less than fifty hours in each calendar month.

Regulations.

- 155i. The Lieutenant-Governor in Council may make regulations,—
- (a) prescribing the nature of the examination to be made by a medical officer under sections 155c to 155f;
 - (b) prescribing the forms of certificates and extension, endorsement and renewals thereof; and
 - (c) generally for the better carrying out of the requirements of sections 155a to 155h.

Certificate holder under Rev. Stat., c. 47, s. 155.

- 155j. Every person who at the date of the coming into force of this section is the holder of a certificate issued under section 155 of *The Mining Act* prior to the enactment of the present Act, shall be entitled to receive a miner's certificate which shall expire upon the expiration date of the first mentioned certificate.

Rev. Stat., c. 47, s. 157, subs. 3, amended.

- 18.** Subsection 3 of section 157 of *The Mining Act* is amended by inserting after the word "work" in the sixth line the words "of which notice in such form as the Minister may prescribe may be registered in the proper registry or land titles office," so that the said subsection shall now read as follows:

SECTION 18. Provision is made for the registering in the proper Registry or Land Titles Office of notice of the lien or charge which arises when the Department is obliged to fence abandoned mining shafts or other dangerous locations on an abandoned mining property.

When
Inspector
may erect
fence.

- (3) Where the Inspector finds that any such fencing is required in order to avoid danger to health or property he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs, with interest thereon, shall be a lien and charge upon the mine or mining work of which notice in such form as the Minister may prescribe may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid.

Rev. Stat.,
c. 47, s. 158,
subs. 1, re-
enacted.

19. Subsection 1 of section 158 of *The Mining Act* is repealed and the following substituted therefor:

Coroner to
hold inquest
in case of
fatality in
mine.

- (1) It shall be the duty of the chief coroner for every county, provisional judicial district or provisional county in which a fatal accident occurs in or in connection with a mine to hold or cause an inquest to be held.

Duty of
manager.

- (1a) The manager or other person in charge of a mine wherein or in connection wherewith a fatal accident occurs shall forthwith notify a coroner having jurisdiction in the place where the accident occurs.

Coroner
employed by
mine
ineligible.

- (1b) A coroner who is in any way in the employment of the owner or lessee of a mine wherein or in connection wherewith a fatal accident occurs shall be ineligible to act as coroner in connection with such fatal accident.

Chief
coroner may
direct who
to hold
inquest.

- (1c) Where a fatal accident occurs in or in connection with a mine at a place which is more readily accessible to a coroner not having jurisdiction in such place than to any eligible coroner having jurisdiction thereat, the chief coroner for the county, provisional judicial district or provisional county in which such place is located may direct such coroner to issue his warrant and conduct an inquest and such direction shall be such coroner's authority therefor.

Rev. Stat.,
c. 47, s. 159,
subs. 1,
amended.

20. Subsection 1 of section 159 of *The Mining Act* is amended by striking out the words "the Inspector" in the fourth line and inserting in lieu thereof the words "The Chief Inspector upon the recommendation of an Inspector," so that the said subsection shall now read as follows:

Suspension
of rule.

- (1) Where the owner, agent or manager of a mine by his application in writing stating his reasons therefor, requests the Inspector to suspend the requirements of any rule under section 160 as to such mine, the Chief Inspector upon the recommendation of an Inspector, may in writing direct that the require-

SECTION 19. The provisions relating to the holding of a coroner's inquest where a fatal accident occurs in or in connection with a mine are rendered consistent with the provisions of The Coroners' Act and provision is made for the holding of an inquest by the coroner most conveniently located to the scene of the fatal accident.

SECTION 20. The rules under Section 160 may now be suspended by an Inspector. The amendment would permit suspension only by the Chief Inspector upon the recommendation of an Inspector.

ments of such rule shall not apply to such mine, or may in writing direct that such rule shall not apply so long as such limitations and conditions as he may see fit to impose, are observed or complied with.

Rev. Stat.,
c. 47, s. 160,
re-enacted.

21. Section 160 of *The Mining Act* is repealed and the following substituted therefor:

Duty as to
knowledge of
rules.

160. Subject to the provisions of section 159, the following rules shall be observed and carried out at every mine and the decision of the inspector as to whether or not any situation complies with any requirement of the rules in which "suitable," "adequate," "approved" or any expression of like import is used and as to the meaning and application of any such expression shall be final and conclusive and a certificate of any such decision signed by the Inspector may be used as evidence in any court:

Duty as to
knowledge of
rules.

(1) It shall be the duty of every manager, superintendent, mine foreman, shift boss, hoistman, deckman, cagetender or skiptender and every person in charge of workmen or who handles explosives, or who operates, installs or has to do with the maintenance of any machinery or electrical apparatus in or about a mine, to know such of these rules as apply to the work in which he is engaged.

Underground
foreman,
knowledge
of English
language.

(2) Every person employed as an underground foreman, meaning thereby one who is exclusively engaged in supervising the work of other men, shall be able to give and to receive and understand orders in the English language.

Other work-
men, knowl-
edge of
English
language.

(3) Every person in charge as a deckman, cagetender or skiptender shall have an adequate knowledge of the English language to enable him to carry out his duties in a thoroughly safe manner.

Suspension
for
unfamiliarity
with
rules.

(4) The Inspector shall have the right to suspend any foreman or mine captain, shift boss or department head who is unfamiliar with or does not understand the rules governing the operation of mines as contained in this Act.

Fire Protection.

Removal of
inflammable
material
from under-
ground
workings.

(5) (a) No inflammable refuse shall be allowed to accumulate underground, but shall be removed from the workings at least once a week and be brought to the surface and there disposed of in a suitable manner.

Removal of
inflammable
material
from surface
buildings.

(b) Inflammable refuse shall not be allowed to accumulate in or about any headframe, shafthouse, portalhouse or any other building the loss of which by fire may endanger the mine entrance.

SECTION 21. Section 160, dealing with rules for the protection of workmen in mines, metallurgical works, quarries, sand, clay, and gravel pits, has been extensively altered and added to. Approximately fifty new rules have been added and many changes have been made in existing rules.

In the nine years which have elapsed since the rules were last revised there has been considerable change in the field of operations in the mining industry. Operating mines have extended their workings to greater depths; new mining methods have been developed to meet changed conditions; extensions have been made in the electrification and mechanization of operations; and experience has shown the need for new regulations dealing with situations which arise in operations on this new basis. To this end the entire code of rules has been submitted to close scrutiny by the officers of the Department of Mines, a committee of mine operators, and by persons engaged in the industry, and, as the result of recommendations received and conferences held, the code of rules contained herein has been drafted.

Certificate as to inflammable refuse. (6) Every shift boss and mine captain shall certify in writing to the mine manager at least once a week that there is no accumulation of inflammable refuse underground in the area under his supervision except as reported by him.

Storage of oil and grease. (7) Oil, grease or other inflammable material shall not be stored in any shafthouse or portalhouse, but it may be permissible, if adequate precautions be taken, to have in the shafthouse or portalhouse, for distribution only, an amount not exceeding the requirements for one day's operation.

Volatile inflammable liquids. (8) Volatile, inflammable liquids shall not be stored in any shafthouse or portalhouse and such material shall not be transported underground except where carried in approved types of metal containers.

Oil and grease underground. (9) Oil and grease kept underground shall be contained in suitable metal receptacles and the amount so kept shall not exceed the requirements for seven days.

Unused timber. (10) All timber not in use in a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein.

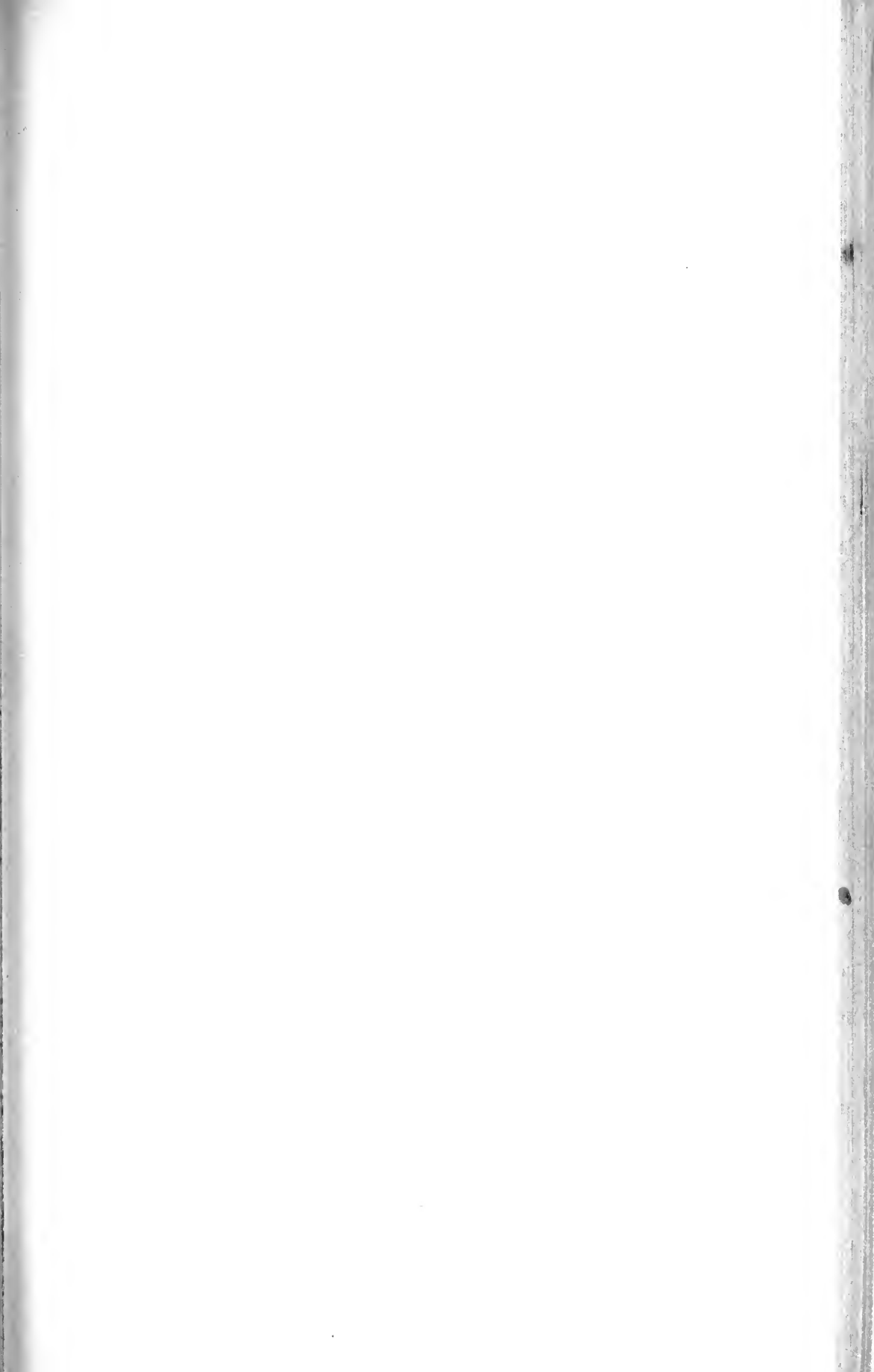
Open flame lights, precautions. (11) Where open flame lights are used at any mine not equipped with a fireproof headframe and shafthouse or portalhouse, the interior of such shafthouse or portalhouse shall be tightly sheeted with metal or a suitable fireproofing material to a height of eight feet.

Fireproofing underground structures. (12) All underground buildings or enclosures necessary for the housing and maintenance of machinery and equipment shall be so constructed as to reduce the fire hazard to a minimum.

Storage of carbide. (13) (a) Calcium carbide shall be stored on the surface only, in a suitable dry place other than the shafthouse or portalhouse or changehouse and in its original unopened container.

(b) For the purpose of distributing calcium carbide adequate provisions for the handling of quantities not in excess of one day's supply or 100 pounds, whichever is the greater, shall be made at every mine. Such distribution shall not take place in any shafthouse, portalhouse or changehouse unless such structure is thoroughly fireproof but shall be provided for by the installation of a suitable distribution centre not closer than fifty feet to the nearest point of any part of the headframe, shafthouse or portalhouse.

(c) Adequate precautions shall always be taken to ensure that calcium carbide is handled in a safe manner and no



carbide shall be taken underground except in suitable containers.

Fire-fighting equipment.

(14) (a) Suitable fire-fighting equipment shall be provided and maintained in or about every headframe, shafthouse, portalhouse or any other building the loss of which by fire may endanger the mine entrance.

(b) Suitable fire-fighting equipment shall be provided and maintained at all underground crushers, shaft and winze stations, pump stations, tipples and underground electrical installations except where in the opinion of the Inspector no fire hazard exists.

Fire protection where torches used.

(15) Where operations involving the use of acetylene, kerosene, gasoline or other torches are conducted in any headframe, shafthouse, portalhouse, or any other building the loss of which by fire may endanger the mine entrance, or in the underground workings of any mine, suitable measures for protection against fire shall be adopted and rigidly adhered to.

Underground transportation of compressed gases.

(16) Where cylinders of compressed gas, such as acetylene and oxygen, are transported underground for any cutting or welding operation, all fittings, such as regulators or manifolds, shall be disconnected from the cylinders and the valves of the cylinders shall be protected in a suitable manner. Any such protective device shall be removed only at the point of use and shall be replaced at any time a cylinder is left unattended or before a cylinder is moved to a new location.

Operation of welding and cutting torches.

(17) (a) In all cases where cylinders of compressed gas are operated from within any cage, skip or other shaft conveyance, or where the cylinders are set up in a location not readily accessible to the workman operating the nozzle equipment a second competent operator shall be employed at all times to attend to the operation of the cylinder control devices.

(b) In all cases where cylinders of compressed gas are used underground for the purpose of supplying cutting or welding equipment special precautions shall be observed to avert the possibility of damage to or failure of the regulators, manifolds and hoses used in conjunction with the equipment.

Generation of gas underground forbidden.

(18) No device for the generation of gas, such as acetylene for supplying, cutting or welding equipment, shall be used in the underground workings of any mine.

Escapement shaft.

(19) In every mine where a vertical or inclined shaft has been sunk or an adit driven and stoping has commenced there shall be provided and maintained, in addition to the hoisting shaft or the opening through which men are let into or out of the mine and the ore extracted, a separate escapement shaft

or opening. Such auxiliary exit shall not be less than fifty feet from the main entrance to the mine and any structure covering such auxiliary exit shall be of such material and so constructed as to reduce the fire hazard to a minimum. If such an escapement shaft or opening is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced and shall be diligently prosecuted until the same is completed and means of escapement other than the main outlet of the mine provided to and connected with the lowest level on which stoping operations are being carried on. The escapement shaft or opening shall be of sufficient size to afford an easy passageway, and, where necessary, shall be provided with good and substantial ladders from the deepest workings to the surface.

Buildings in proximity to mine entrance.

(20) Unless there is first provided a second means of exit from the mine workings, no building shall be erected within fifty feet of any closed-in portion of a headframe or portal-house except that the building housing the hoist and power plant equipment may be erected within this distance provided that such distance be not less than thirty-five feet.

Installation of boilers and diesel engines.

(21) No steam boiler or diesel engine shall be installed in such a manner that any portion thereof is within seventy-five feet of the centre line of the collar of any shaft or other entrance to a mine.

Installation of internal combustion engine.

(22) No gasoline or other internal combustion engine using highly volatile liquids or inflammable gases shall be installed within fifty feet of the building housing the hoist nor within one hundred feet of the centre line of the collar of any shaft or other entrance to a mine.

Exhaust of internal combustion engine.

(23) Where an internal combustion engine is installed at any mine provisions shall be made for safely conducting the exhaust of such engine to a point well outside the building. The exhaust shall be so arranged as to avert the possibility of fumes re-entering the building or entering the intake of any air compressor or contaminating the atmosphere of any adjacent buildings or the mine workings.

Storage of liquid fuels.

(24) (a) Except for the actual fuel tanks of operating equipment no storage of gasoline or liquid fuel, unless in underground tanks, shall be permitted within one hundred feet of the collar of any shaft or other entrance to a mine. The natural drainage from such location shall be such that the flow is in a direction opposite to the location of any such shaft or mine entrance.

Transfer of liquid fuel.

(b) The fuel tanks of any internal combustion engine installed within a building shall be so arranged that the actual transfer of fuel to the fuel tank takes place at a point

outside the building and the fuel is conducted to the tank in a tightly jointed pipe or conduit. Similar provisions for the escape of displaced air from the fuel tank shall be made where- by the displaced air shall be conducted to a safe point outside the building before being discharged to the atmosphere.

Transfer of liquid fuel by compressed air.

(25) The transfer of liquid fuels from one container to another by the direct application of air under pressure shall not be permitted except where properly designed and tested equipment is used for this purpose.

Legible signs showing exits.

(26) Legible signs showing the way to emergency exits shall be posted in prominent places underground and all workmen shall be instructed as to the location of auxiliary exits.

Stench warning.

(27) (a) Every mine producing over one hundred tons of ore per day and such other mines as may be designated by the Inspector shall be equipped with an approved apparatus for the introduction into the mine workings of ethyl mercaptan or other warning gas or material approved by the Chief Inspector. Such apparatus shall at all times be made available and kept ready for instant use for the purpose of warning workmen underground of any emergency necessitating a speedy evacuation of the workings.

(b) A test of the effectiveness of the warning and a report as to the functioning of the system shall be made at least once in each year and a report of such test and functioning made available to the Inspector.

Fire doors.

(28) (a) Where practicable, there shall be a sufficient number of fire doors installed underground in every mine to cut off the shaft from the other workings of the mine.

(b) Where fire doors are installed they shall be maintained in proper order and kept clear of all obstructions so as to be readily usable at all times.

Refuge stations within mines.

(29) Where the Chief Inspector deems it necessary or advisable for the protection of workmen employed underground, he may order refuge stations to be provided and maintained at such places within the mine as he may direct and every such refuge station shall have water, air and telephone connections to the surface and be separated from the adjoining workings by closeable openings so arranged and equipped that gases can be prevented from entering the refuge station.

Connection between mines.

(30) (a) Where the Chief Inspector deems it necessary or advisable for the protection of workmen employed underground he may recommend in writing, to the Minister, that a connection between mines be established at such place as he deems advisable and he may further recommend that such



connection be so made and equipped as to constitute a refuge station or refuge stations. Upon the approval by the Minister of any such recommendation a copy thereof, accompanied by a copy of this rule shall be served personally upon or mailed by registered post to the owner or the agent and the manager of each of the mines affected.

(b) Upon the approval of any such recommendation of the Chief Inspector the Minister may in writing signed by him appoint a committee of three persons who shall determine,—

- (i) the design, specifications and locations of the connecting passages, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected;
- (ii) the work to be done by each of the mines affected and the proportion in which the cost of such work and of establishing and maintaining the connection shall be borne by the owners of the mines affected;
- (iii) the time at which such work in compliance herewith shall be commenced and completed;
- (iv) the proportion in which the costs and expenses of the committee shall be borne by the owners of the mines affected;
- (v) such other provisions or requirements as in the premises they may deem necessary or advisable.

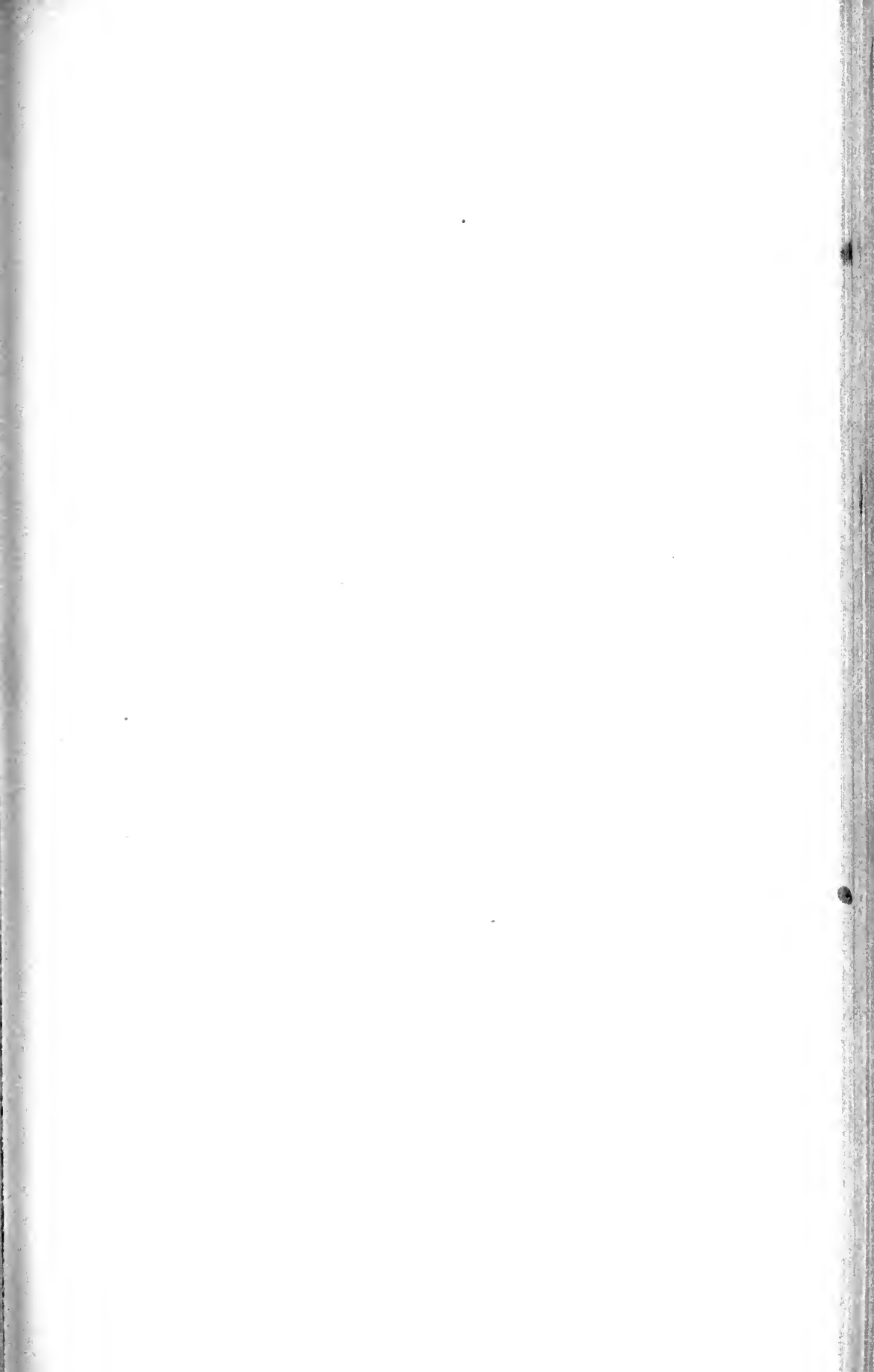
(c) The committee shall submit a report in writing to the Minister and a report of the majority of the committee shall be deemed to be the finding of the committee.

(d) Upon the approval by the Minister of the report of the committee the Chief Inspector may issue his order for the establishment and maintenance of such connection and refuge station or stations (if any recommended) in accordance with the terms of such report. A copy of the report shall be attached to the order and form a part thereof. No such order shall be subject to appeal upon any ground whatsoever but shall be enforceable in the same manner as any order of the Chief Inspector.

Aid to Injured.

Stretchers
for convey-
ance of
injured
persons.

(31) At every mine there shall be maintained a sufficient number of properly constructed stretchers for the proper handling and transporting of persons who may be injured in the discharge of their duties about the mine.



Supplies for first aid. (32) There shall be provided and maintained at every mine for the treatment of anyone injured such first aid supplies as are required by the regulations of *The Workmen's Compensation Act*.

Handling Water.

Removal of water from mine workings. (33) Every working mine shall be provided with suitable and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might endanger the lives of workmen in such mine or in any adjoining mine.

Precautions against flow of water. (34) Where there is or may be an accumulation of water, any working approaching the same shall have bore holes kept in advance, and such additional precautionary measures shall be taken as may be deemed necessary to obviate the danger of a sudden breaking through of the water.

Dams and bulkheads. (35) For the purposes of this subsection—

“Dam” shall mean any structure built for the purpose of impounding water in any drift, crosscut or other mine opening and constructed in such a manner as to permit an unobstructed overflow of the water.

“Bulkhead” shall mean any structure built for the purpose of impounding water or confining air under pressure in any drift, crosscut or any other mine opening and constructed in such a manner as to completely close off such drift, crosscut or other mine opening.

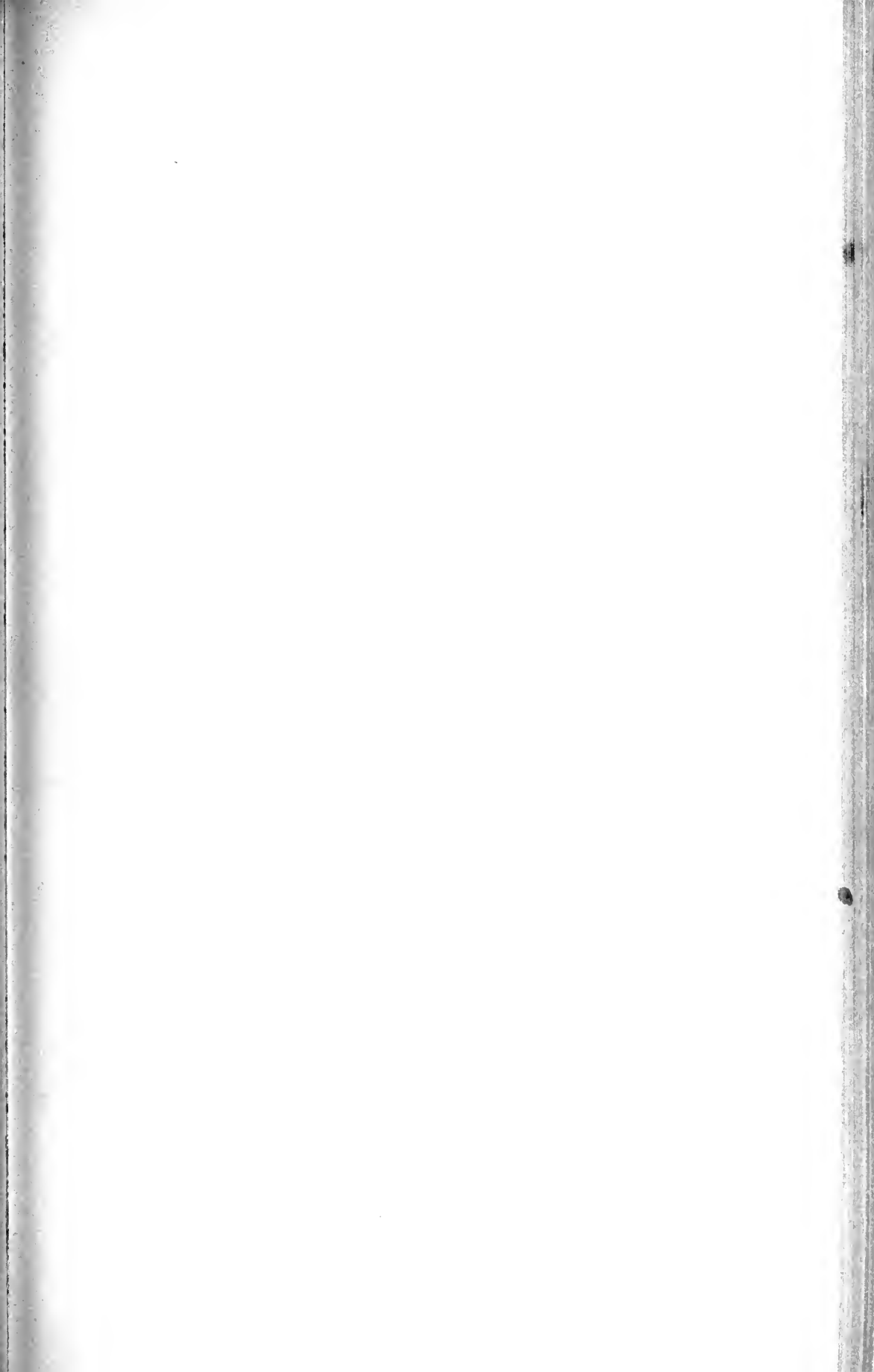
(a) The location of every underground dam and bulkhead, within the meaning of this subsection, shall be clearly shown on the mine plans.

(b) No dam behind which more than twenty-five tons of water may be impounded shall be constructed underground without the written permission of the Chief Inspector and then only when constructed in accordance with plans and specifications which have been approved by him.

(c) No bulkhead shall be constructed underground without the written permission of the Chief Inspector and then only when constructed in accordance with plans and specifications which have been approved by him.

Ventilation.

Ventilation. (36) (a) The ventilation in every mine shall be such that the air in all of its workings that are in use or are to be used



by workmen or others shall be free from dangerous amounts of noxious impurities and shall contain sufficient oxygen to obviate danger to the health of anyone employed in any such mine. In any mine workings where such conditions cannot be obtained by natural ventilation approved means for mechanical ventilation shall be provided and kept in operation until such workings have been abandoned or until satisfactory natural ventilation shall have been brought about therein.

(b) All fans and all structures containing the same shall be of fireproof construction.

Internal
combustion
engine,
under-
ground.

(37) No internal combustion engine shall be installed or operated underground in any mine unless the permission in writing of the Chief Inspector be first obtained.

Sanitation.

Sanitary
conven-
iences.

(38) The manager of a mine shall provide or cause to be provided on the surface and in the underground workings sufficient and suitable sanitary conveniences in accordance with the following rules:

- (a) Where the number of persons employed on any shift does not exceed one hundred there shall be one sanitary convenience for every twenty-five persons or portion thereof;
- (b) Where the number of persons so employed exceeds one hundred there shall be one additional sanitary convenience for every fifty persons or portion thereof over the first hundred.

(39) These sanitary conveniences shall be kept in a cleanly manner; shall be adequately supplied with chloride of lime, sawdust, fine ash or other suitable absorbent; shall be removed and cleaned regularly; shall be conveniently placed with reference to the number of men employed on the different levels; and shall be placed in a well-ventilated part of the mine.

(40) Any person depositing faeces in any place underground other than in the sanitary conveniences provided shall be guilty of an offence against this Act.

Dressing
room.

(41) If more than ten persons to each shift are ordinarily employed in the mine below ground, sufficient accommodation, including supplies of clean cold and warm water for washing, shall be provided above ground near the principal entrance of the mine, and not in the engine room, boiler room, or nearer than fifty feet to the shafthouse or portalhouse, for enabling the persons employed in the mine to conveniently dry and change their clothes.

Care and Use of Explosives.

Marking
explosive
packages.

(42) No explosive shall be used at any mine, unless there is plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer, and the strength of the explosive and the date of its manufacture.

Defective
explosives
to be
reported.

(43) Every case of supposedly defective fuse, detonator or blasting cap, or explosive shall be reported to the Inspector with the name and address of the manufacturer and accompanied, if available, by the packing slip from the original container of such fuse, blasting cap or detonator, or explosive, along with all other pertinent information available.

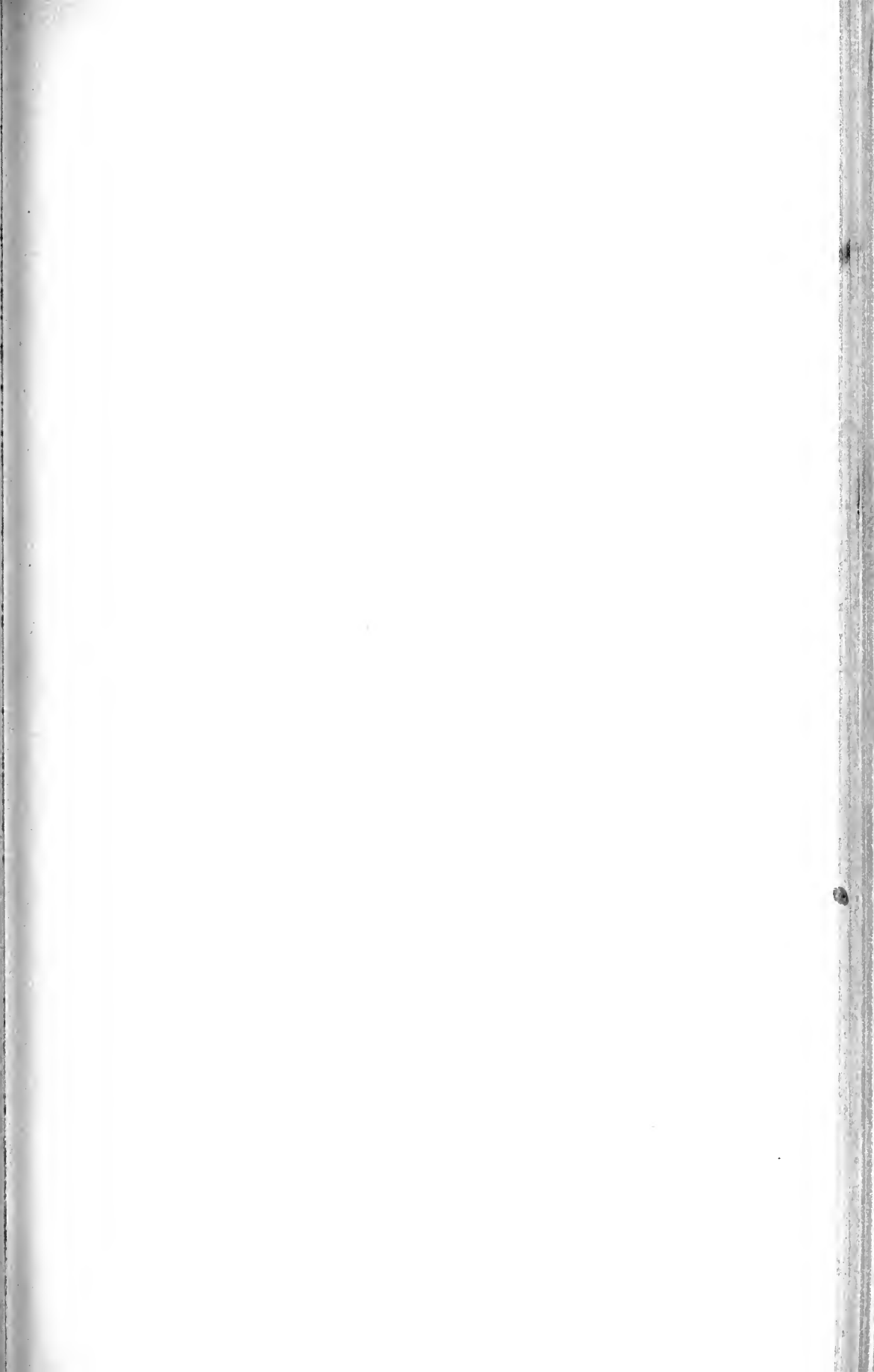
Storage of
explosives.

(44) Except as otherwise provided herein all explosives and all detonators or blasting caps shall be stored in special suitable buildings, such as magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses.

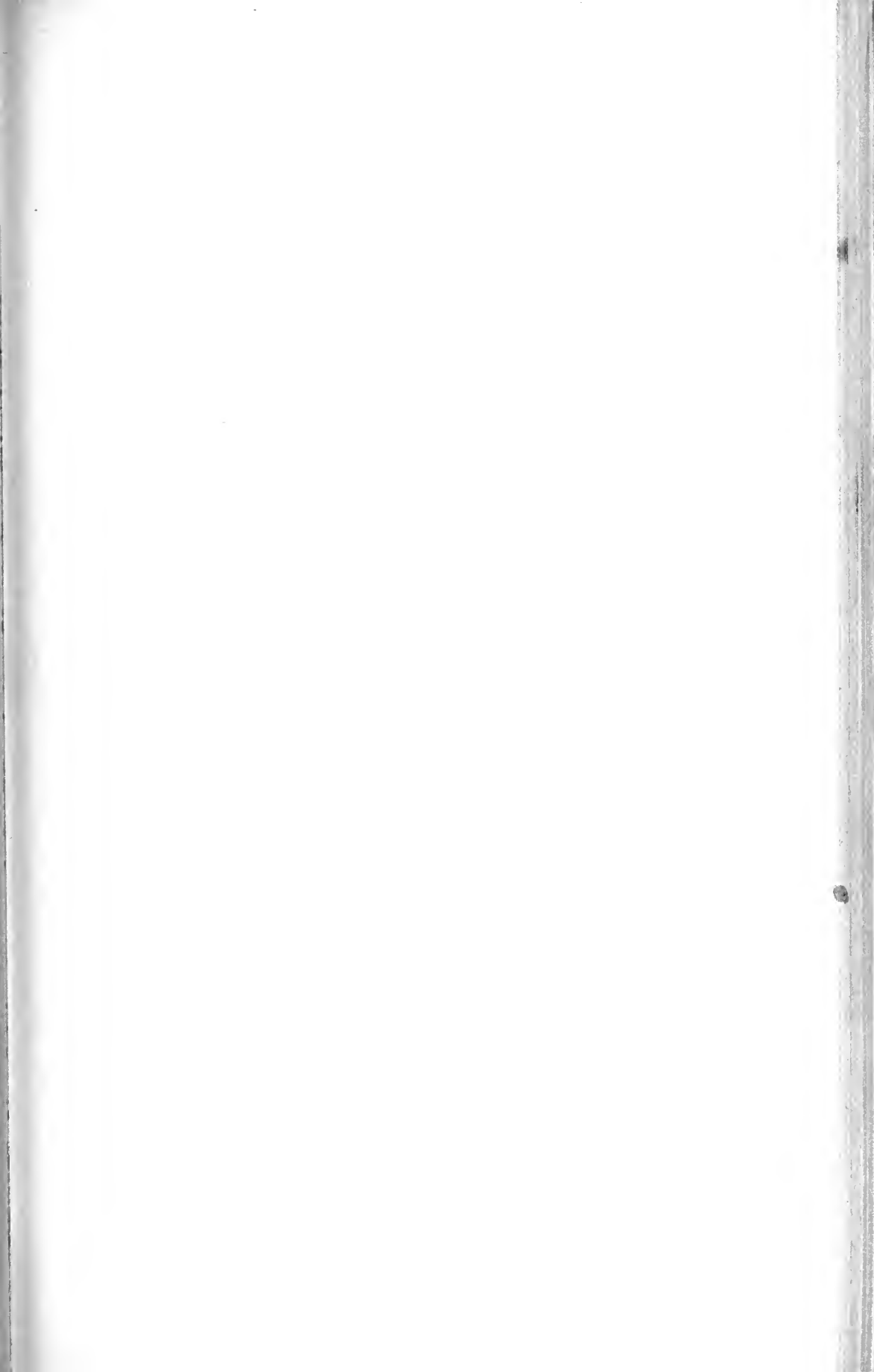
- (a) No such building shall be erected or maintained at any mine except with the written permission of an Inspector, nor until the site of the building and the style of structure has been approved by him.
- (b) Where possible, every such building shall be located in accordance with the British Table of Distances in respect of its distance from the mine or works or any other buildings or any public highway or public railway. Where conditions are such that it is impossible to locate such buildings in accordance with the British Table of Distances, the mine manager and the Inspector shall jointly choose the most suitable location.
- (c) Every such building shall be constructed of such materials as to ensure as far as possible against accident from any cause.
- (d) The rules in reference to the care and use of explosives shall be kept posted up inside every such building.
- (e) Every such building shall be kept securely locked at all such times as the attendant is not present and it shall be clearly indicated by some easily visible sign posted outside the building that explosives are stored therein.

Magazines,
thaw houses,
etc.

(45) Magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses and explosives storage boxes shall at all times be kept clean and dry and free from grit.



- Floors and shelves. (46) Floors and shelves of magazines and thaw houses shall be treated with a suitable neutralizing agent whenever necessary to remove any traces of explosive substances.
- What explosives to be used first. (47) When supplies of explosives are removed from a magazine those that have been longest in the magazine shall be used first provided they are not defective. In all cases where explosives have become defective they shall be suitably and safely disposed of.
- Opening cases. (48) Only implements of wood, brass or copper shall be used in opening cases containing explosives.
- Storage of explosives, underground. (49) (a) Explosives shall not be stored underground in excess of the necessary supply for forty-eight hours. In no case shall an amount exceeding three hundred pounds be stored in any one place underground without the written permission of the Inspector.
- (b) With the written permission of the Chief Inspector and subject to such conditions as he may prescribe, underground explosives magazines may be established, but in no case shall more than twenty-five hundred pounds be stored in any one such magazine.
- (c) Wherever explosives are stored underground in any mine heading into which a haulage track extends suitable barricades shall be maintained or other adequate measures adopted to avert the possibility of any train or car colliding with the explosives container or containers.
- Location of underground storage place. (50) No explosive shall be stored within two hundred feet of any shaft station or transformer station underground in any mine.
- Storage of detonators. (51) (a) Detonators or blasting caps shall not be stored in the same receptacle or storage building as other explosives.
- (b) Detonators or blasting caps or capped fuse, while stored in underground workings, shall be kept in separate, suitable, closed containers or magazines. Such containers or magazines shall not be located within twenty-five feet of any other explosives.
- Open flame lamps, smoking, explosives storages. (52) (a) No flame-type light shall be taken within twenty-five feet of any building or place on surface in which explosives are stored.
- (b) No flame-type light shall be taken within ten feet of any place underground where explosives are stored unless a suitable, safe arrangement for the placing of such light is provided.



(c) No person shall smoke in any place or building where explosives are stored or while handling explosives.

Inspection
of storage
places.

(53) (a) A properly authorized person or persons shall make a thorough weekly inspection of all explosives, explosives magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses, and all storage boxes or places in or about the mine used for the purpose of storing explosives or detonators or blasting caps and shall make a report, in writing, to the manager stating that such examination has been made and certifying as to the conditions found.

(b) The manager shall take immediate steps to correct any unsuitable conditions found and to properly dispose of any deteriorated explosives existing and shall make a prompt investigation when an act of careless placing or handling of explosives is discovered by or reported to him.

(c) Any employee who commits a careless act with an explosive or where explosives are stored, or who, having discovered such an act to have been committed, omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Act and the officer in charge of the mine shall immediately report such offence to the Inspector or to the Crown Attorney of the county or district in which the mine is situate.

Disposal of
explosives at
shut-down
mine.

(54) When any mine is closed down all explosives, fuse and detonators or blasting caps shall be disposed of and no explosive may be stored at any such closed-down mine without the written permission of the Chief Inspector.

Written
permission.

(55) No person shall take away from any mine any explosive, fuse or detonator or blasting cap without the written permission of the manager or of such person as may be authorized by the manager to give such permission.

Thawing
houses.

(56) No building for thawing explosives shall be maintained in connection with any mine except with the written permission of an Inspector. The building shall be above ground, unless exemption obtained under the provisions of subsections 1 and 2 of section 159 direct otherwise, and the site of the building and the style of structure and equipment shall be subject to the approval of the Inspector. The building shall be under the direction of the manager or some person authorized by him. The quantity of explosives brought into any thawing house at any one time shall not exceed the requirements of the mine for a period of twenty-four hours, plus the amount that it may be necessary to have thawing to maintain that supply.

Thermom-
eter
necessary.

(57) A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof

kept, but where the amount of explosives in such thawing room does not exceed two hundred pounds at any one time, the Inspector may give permission, in writing, to use a maximum and minimum registering thermometer on condition that a daily record of high and low temperature be made and kept on file.

Thawing near open fire or steam boilers forbidden.

(58) In no case shall powder be thawed near an open fire or steam boiler or by direct contact with steam or hot water.

Wiring in storage places.

(59) All electric wiring in explosives magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses shall be installed in metal armour or rigid conduit with screwed, waterproof joints and all metal armour or rigid conduit shall be permanently grounded.

Switches, fuses.

(60) (a) The switches and fuses for lighting, heating or telephone circuits for explosives magazines, thaw houses, detonator or blasting cap storage buildings and cap and fuse houses shall be installed in a locked, fireproof cabinet located outside the compartment in which explosives, fuse or detonators or blasting caps are stored.

(b) The fuses or circuit breakers for heating circuits shall be such that they will interrupt the current at twenty-five per centum over the normal load.

(c) The fuses for lighting circuits shall not exceed ten-ampere capacity.

Electric heating.

(61) (a) Where water is the medium used for the distribution of electrically generated heat for thaw houses the radiation pipes shall be permanently grounded.

(b) No electrical device for generating heat shall be allowed in the same compartment with explosives or detonators or blasting caps.

(c) Wire or grid-type heaters shall not be installed in conjunction with any building in which explosives or detonators or blasting caps are stored or handled.

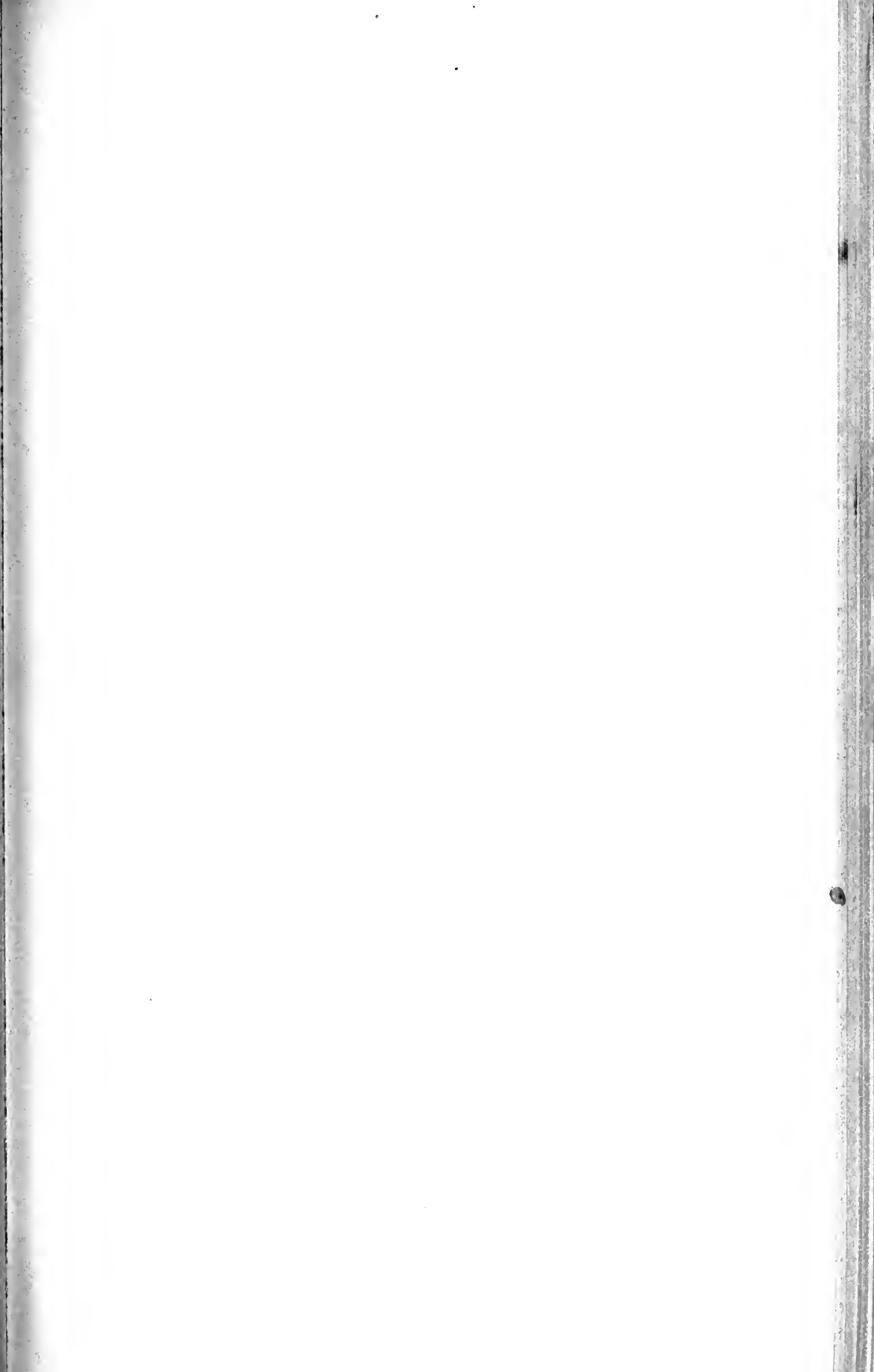
Transportation of explosives in shaft.

(62) (a) When the day's supply of explosives is being transported in any shaft conveyance the person in charge of such operation shall give or cause to be given notice of the same to the deckman and hoistman.

(b) Every possible precaution shall be taken in the handling and transportation of explosives.

Supervision over transportation of explosives in shaft.

(63) (a) No person shall place in or take out of the shaft conveyance any explosives except under the immediate super-



vision of a person authorized by the manager, superintendent, foreman or shift boss for the purpose.

(b) No other material shall be transported with explosives in any shaft conveyance.

Transfer of explosives from storage places.

(64) (a) The transfer of explosives from the magazine or other surface storage place shall be so arranged that no undue delay shall occur between the time the explosives leave such surface storage place and the time they are properly stored in designated storage places in the mine or distributed to points of use in the mine.

(b) Explosives shall not be left at any level station or near the shaft collar or other entrance to the mine but shall be transferred from any designated storage place to other designated storage places or points of use without undue delay.

Transportation of detonators.

(65) (a) Primers shall be made up as near to their point of use as is practical in the interests of safety and only in sufficient numbers for the immediate work in hand.

(b) Detonators or blasting caps, capped fuse, made-up primers or other explosives shall not be transported in any conveyance either on the surface or underground unless placed in separate, suitable, closed containers.

(c) It shall be permissible for a workman to carry capped fuses with other explosives from the nearest storage places to a point of use without placing them in a container provided they are kept separate from the other explosives but in no case shall made-up primers be transported or carried unless placed in separate, suitable, closed containers.

Transportation of explosives, underground.

In any car.

(66) Where explosives are transported in mine workings by means of a car or cars,—

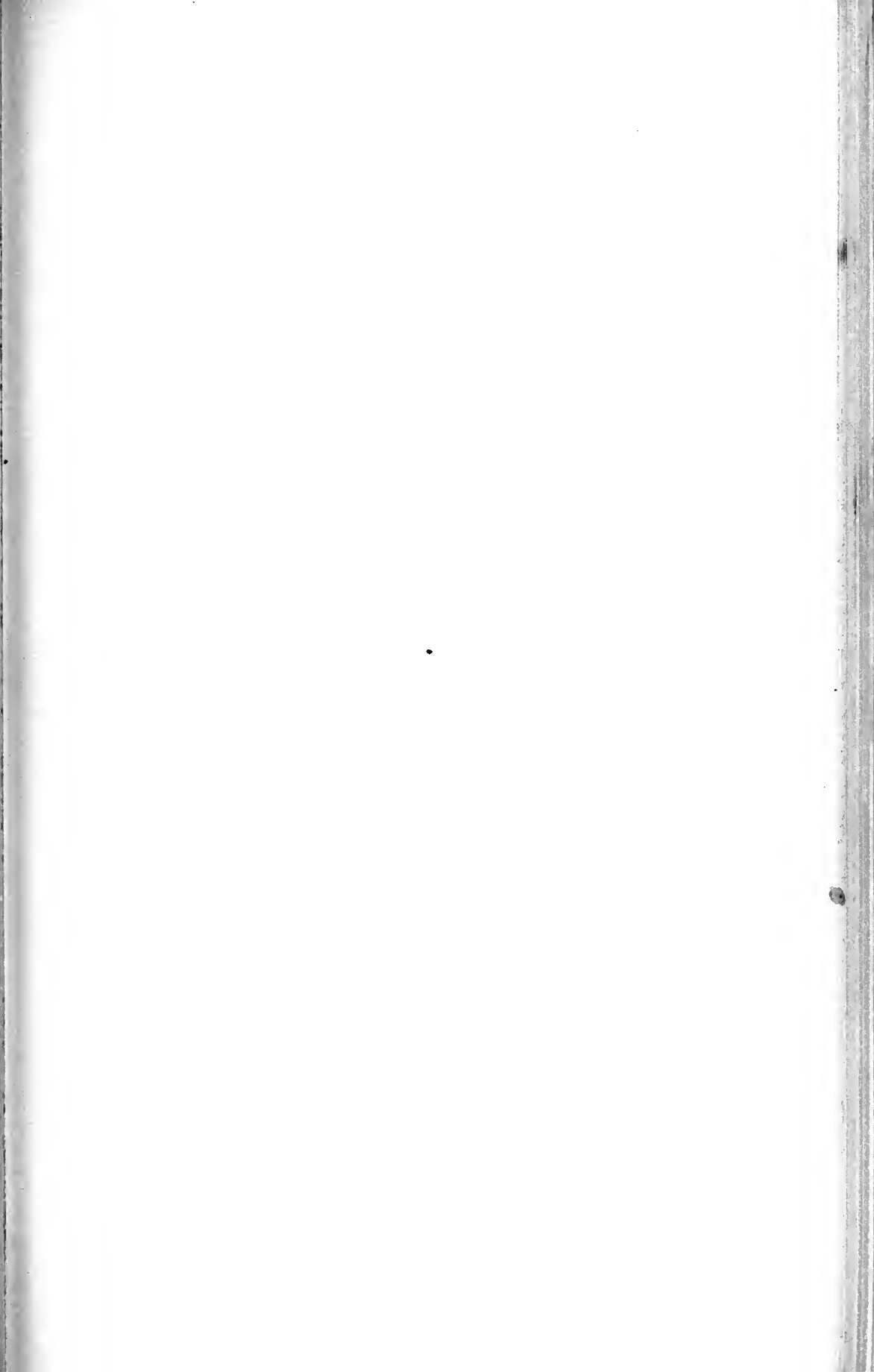
(a) The speed of any car or cars shall not at any time exceed four miles per hour and definite arrangements for the right-of-way of such car or cars carrying explosives shall be made before the car or cars are moved;

By motor haulage.

(b) Where mechanical haulage is used the haulage motor shall be maintained on the forward end of any train carrying explosives unless some person walk in advance of the train to effectively guard the same.

Trolley locomotives.

(67) Where a trolley locomotive is used for the transportation of explosives in any mine the car or cars carrying explosives shall be protected from trolley-wire contact and other existing hazards.



Blasting on
contiguous
claims.

(68) Where parties working contiguous or adjacent claims or mines disagree as to the time of setting off blasts, either party may appeal to the Inspector, who shall decide upon the time at which blasting operations thereon may be performed, and the decision of the Inspector shall be final and conclusive and shall be observed by them in future blasting operations.

Explosives
not to be
removed
from original
container.

(69) No explosive shall be removed from its original paper container or cartridge.

Blasting of
roast heaps.

(70) No explosive shall be used to blast or break up ore, salamander or other material where by reason of its heated condition there is any danger or risk of premature explosion of the charge.

Size of drill
holes.

(71) All drill holes, whether sunk by hand or machine drills, shall be of sufficient size to admit of the free insertion to the bottom of the hole of a stick or cartridge of powder, dynamite or other explosive, without ramming, pounding or pressure.

No iron or
steel tool.

(72) In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel tool shall be used in any hole containing explosives.

Bootleg
holes.

(73) (a) No drilling shall be done within six inches of any hole that has been charged and blasted or any remnant of such hole. (So-called bootleg.)

(b) No drilling shall be done within five feet of any hole containing explosives.

Due warning
required.

(74) Every workman shall, before blasting, give or cause to be given due warning in every direction by shouting "Fire," and shall satisfy himself that all persons have left the working place except those required to assist him in blasting.

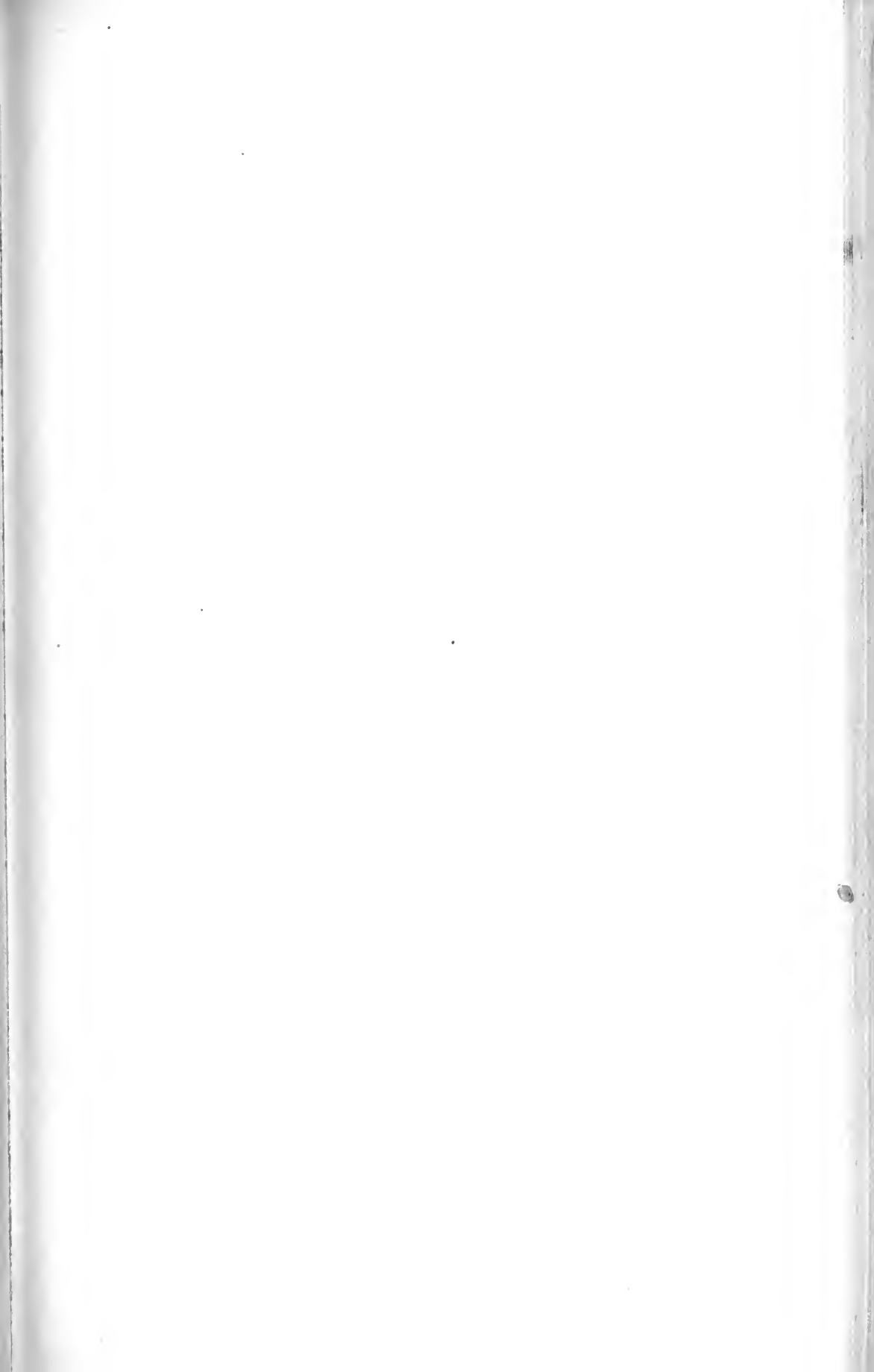
Guarding
entrances to
places where
blasting is
to be done.

(75) (a) Every workman shall, before blasting, cause all entrances to the place or places where such blasting is to be done or where the safety of persons may be endangered by such blasting, to be effectively guarded, so as to prevent inadvertent access to such place or places while such charges are being blasted.

(b) Posting of signs shall not be deemed adequate protection to warn of blasting operations.

Length of
fuse.

(76) Except where fired electrically no fuse shorter than three feet shall be used in any blasting operation nor shall any fuse be lighted at a point closer than three feet from the capped end.



Interval
before return
to scene of
blast.

(77) (a) Except where the firing has been done by means of electric current no person shall return to the scene of any blast within the number of minutes which are equal to twice the number of feet in the longest fuse used in the blasting operation.

(b) Where the firing has been done by means of electric delay action detonators and two or more shots are fired no person shall return to the scene of any blast within ten minutes of the time at which the blasting circuit was closed.

(c) In the case of a supposedly missed hole in any blasting operation no person shall return to the scene of any blast within thirty minutes of the time of lighting the fuse or fuses or closing the blasting circuit.

Detonator
required.

(78) (a) No hole shall be charged with explosives unless a properly prepared detonating agent be placed in such charge and shall be fired in its proper sequence in the firing of the round.

Firing
required.

(b) All holes which are charged with explosives in one loading operation shall be fired in one blasting operation.

Safety fuse.

(79) Where safety fuse is used in any blasting operation,—

(a) Suitably capped fuses shall be supplied to the workmen in uniform, standard, safe lengths for the operation at hand.

(b) The uncapped ends of all fuses for use in a mine shall be suitably stained.

Lighting
fuses.

(80) In every case the fuse connected to a charge of explosives shall be lighted by other means than the device used as a source of illumination.

Number of
men, lights.

(81) Where more than one shot is fired no workman shall be permitted to conduct any blasting operation unless he is accompanied by one or more other workmen each of whom shall carry a light.

Ventilation
of working
place after
blasting.

(82) Before returning to the scene of any blasting operation every workman shall assure himself that sufficient air has been introduced into the working place to drive out or dilute to a safe degree the gases produced in the blasting operation.

Protection
of entrance
to working
place.

(83) Where blasting is being done in any raise or stope proper precautions shall be taken to prevent closing of the means of entrance to the working place or interference with the effective circulation of air following the blast, by the broken material produced by the blast. In the case of a single

compartment raise or boxhole where material from the blast may block the means of entrance proper precautions shall be taken to assure the adequate ventilation of the working place before workmen enter the same.

Reporting of missed holes.

(84) When a workman fires a round of holes he shall, where possible, count the number of shots exploding. If there is any report missing, he shall report the same to the mine captain or shift boss. If a missed hole has not been fired at the end of a shift, that fact, together with the location of the hole, shall be reported by the mine captain or shift boss to the mine captain or shift boss in charge of the next relay of workmen going into that working place before work is commenced by them.

Missed hole to be blasted.

(85) Any charge which has missed fire shall not be withdrawn but shall be blasted at a proper time and without undue delay.

Examination for missed or cut-off hole.

(86) No development heading shall be abandoned or work therein discontinued until the material broken at the firing of the last round shall have been cleared from the face and the whole face of the heading examined for explosives in missed or cut-off holes.

Where electric blasting required.

(87) (a) After the first ten feet advance has been made in any shaft or winze and until such time as the permanent timbers and ladders have reached the level upon which blasting is being done all blasting in the shaft, winze, station or other workings being driven from the same shall be done by means of an electric current.

(b) After twenty-five feet advance has been made in any raise inclined at over fifty degrees from the horizontal or a "chute" or other permanent obstruction has been placed in the raise, all blasting shall be done by means of an electric current.

Electric current to be disconnected after blasting.

(88) A workman shall not, where blasting takes place by electricity, enter or allow other persons to enter the place or places where the charges have been fired until he has disconnected the cables from the blasting battery or other source of current.

Approved firing device.

(89) (a) Electricity from lighting or power cables shall not be used for firing shots except when a firing device of a design which has been approved by the Chief Inspector and which automatically opens the circuit by gravity is provided. The live side of such device shall be installed in a fixed, locked box and shall be accessible only to the authorized shot firer.

(b) One such device shall be maintained for each individual



working place in which firing is done by means of electricity from lighting or power cables.

Blasting by direct current or blasting battery.

(90) Where the source of current is a direct current battery or a blasting machine of the so-called "battery" type, the firing cables or wires shall not be connected to the source of current until immediately before they are required for the firing of shots, and shall be disconnected immediately after the shots are fired.

Lead wires short-circuited.

(91) The firing cables leading to the face shall be short-circuited while the leads from the blasting caps are being connected to each other and to the firing cables. This short circuit shall not be removed until the men have retreated from the face and it shall be so located that a premature explosion would be harmless to the men opening the short circuit.

Firing cables

(92) The firing cables or wires used for firing shots at one working place shall not be used for firing shots in another working place until all proper precautions have been taken to insure that such firing cables or wires have not any electrical connection with the leads from the first working place.

Precautions in using shot-firing cables.

(93) When shot-firing cables or wires are used in the vicinity of power or lighting cables, proper precautions shall be taken to prevent the shot-firing cables or wires coming in contact with the lighting or power cables.

*Protection in Working Places, Shafts, Winzes,
Raises, Etc.*

Protection from overhead operations.

(94) Neither on surface nor underground shall workmen be employed in a location where men are working overhead unless such measures for protection be taken as the nature of the work permits.

Protective hat.

(95) Every person employed underground in any mine shall be required to wear a protective hat manufactured for such service.

Fencing of shafts and other openings.

(96) The top of every shaft shall be securely fenced or protected by a gate or guard rail, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected.

Gate at shaft entrances.

(97) (a) At all shaft and winze openings on the surface and on every level, unless securely closed off, the hoisting compartments shall be protected by a substantial gate which shall be kept closed except when the hoisting conveyance is being loaded or unloaded at such level. The clearance beneath any such gate shall be kept to a minimum.

(b) Where haulage tracks lead up to any hoisting compartment on surface or underground the gate on such compartment shall be reinforced in such a manner that it shall be sufficiently strong to withstand any impact imparted thereto by collision therewith of any motor, train or car operated on such tracks.

Shaft and
winze tim-
bering.

(98) Every shaft and winze shall be properly timbered and during sinking operations the timbering shall be maintained within a safe distance of the bottom. In no case shall this distance exceed fifty feet.

Protection
of workmen
in drifts.

(99) Where a drift extends from a shaft in any direction on a level, a safe passageway and standing room for workmen shall be made on one or both sides of the shaft to afford protection against falling material.

Protection of
men in sink-
ing opera-
tions.

(100) (a) During shaft sinking operations no work shall be done in any place in a shaft or winze while men are working in another part of the shaft or winze below such place unless the men working in the lower position be protected from the danger of falling material by a securely constructed covering extending over a sufficient portion of the shaft to afford complete protection.

(b) During shaft sinking operations a set of doors shall be maintained at the collar or other point of service of every shaft or winze. Such doors shall be closed at all times that material is being loaded into or unloaded from a shaft conveyance.

Lining com-
partments
at levels.

(101) Except during sinking operations, if material be handled in any shaft or winze compartment there shall be maintained around that compartment except on the side on which the material is to be loaded or unloaded a substantial partition at the collar and at all levels. Such partition shall extend above the collar and all levels a distance not less than the height of the hoisting conveyance plus six feet and it shall extend below the collar and all levels at least six feet.

Protection
on shaft
inspection.

(102) (a) No person shall do any work or conduct any examination in any compartment of a shaft or winze or in that part of a headframe used in conjunction therewith while hoisting operations are being conducted in such compartment except where the hoisting conveyance is necessary for the purpose of doing such work or conducting such examination.

(b) No person shall do any work or conduct any examination in a shaft or winze or in that part of a headframe used in conjunction therewith unless he be adequately protected from accidental contact with any moving hoisting conveyance or the danger of falling particles dislodged by or falling from such conveyance.

Timbering mine workings. (103) Where the enclosing rocks are not safe every adit, tunnel, stope or other working in which work is being carried on or through which persons pass shall be securely cased, lined or timbered, or otherwise made secure.

Use of shaft buckets. (104) Where a bucket is used in any shaft or winze for other than sinking purposes,—

(a) A set of doors as required by Rule 138 (c) shall be maintained at the collar of the shaft or winze, which doors shall be kept closed at all times that tools or supplies are being loaded into or taken out of the bucket;

(b) A suitable landing device shall be used at every working level when the bucket is being loaded or unloaded at that level;

(c) Simultaneous operations shall not be carried on at more than one level until the style of structure and method of operation of any such device installed at intermediate levels has been submitted to and has received the approval of the Inspector.

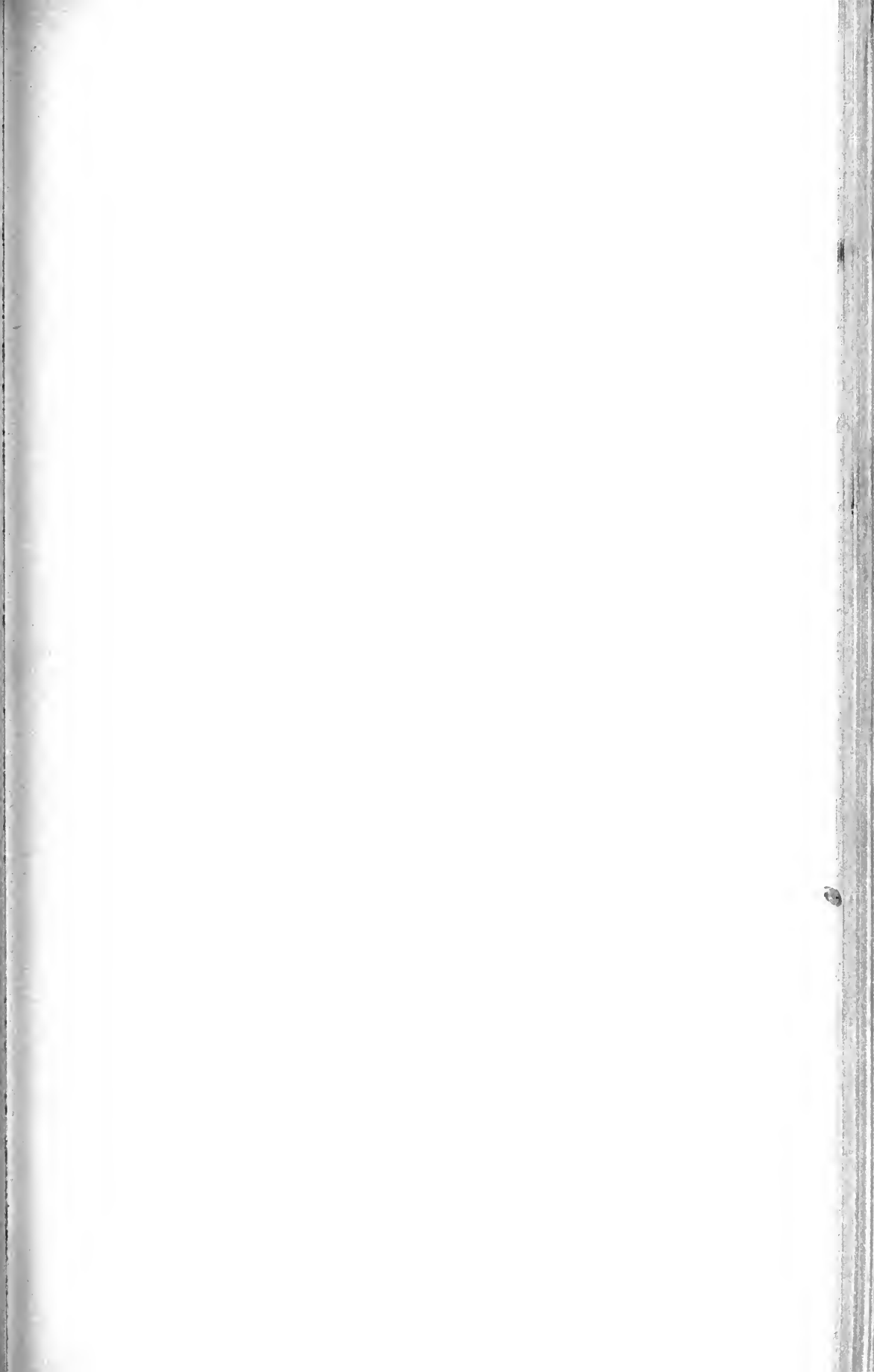
Steeply in-
clined raises. (105) All raises inclined at over fifty degrees from the horizontal which are to be driven more than sixty feet slope distance shall be divided into at least two compartments one of which shall be maintained as a ladderway and shall be equipped with suitable ladders. The timbering shall be maintained within a safe distance of the face and in no event shall the distance between the face and the top of the timbering exceed twenty-five feet.

Precautions as to broken material. (106) Whenever, at any time, chutes are pulled where persons may, either at the time of pulling or some future time, be required to go out on the broken material above, proper precaution shall be taken to ascertain that the broken material is settling freely and where there is any indication of a hang-up the location shall be adequately protected by suitable signs or barricades and any persons working in the vicinity notified of the danger.

Access to stopes. (107) Unless the entrance to a stope is capable of being used as such at all times a second means of entrance shall be provided and maintained.

Guarding mill holes, manways, etc. (108) The top of every millhole, manway or other opening shall be kept covered or otherwise adequately protected.

Guarding open workings. (109) Wherever men are working, below a level, in any place the top of which is open to the level in close proximity to any haulageway or travelway some person shall effectively



guard the opening unless the same is securely covered over or otherwise closed off from the haulage way or travelway.

Guarding
tops of
raises.

(110) The tops of all raises or other openings to a level shall be kept securely covered, fenced off, or protected by suitable barricades to prevent inadvertent access thereto.

Procedure
before
drilling.

(111) Before drilling is commenced in any working place the exposed face shall be washed with water and carefully examined for misfires and cut-off holes, giving special attention to old bottoms.

Breaking
through to
mine
workings.

(112) Where possible, no connection between mine workings shall be made until a thorough examination of the working towards which the active heading is advancing has been made and has shown that the work can be proceeded with in a safe manner and such point of connection shall be guarded as an entry when blasting within fifteen feet of breaking through.

Unused
workings to
be tested for
gas.

(113) Underground workings, especially shafts, sumps and winzes, which have been in disuse for some time shall be examined before being again used, in order to ascertain whether foul air or other dangerous gases have accumulated there, and only such workmen as may be necessary to make such examination shall be allowed to proceed to such places until such places are in fit state to work or travel in.

Examination
of mine
workings.

(114) The owner, manager, or some authorized person or persons shall examine daily all parts of the mine where drilling and blasting is being carried on; shall examine at least once a week the other portions of a mine in which operations are being carried on, such as shafts, winzes, levels, stopes, drifts, crosscuts and raises, in order to ascertain that they are in a safe working condition; shall inspect and scale or cause to be inspected and scaled the roofs and walls of all stopes or other working places as often as the nature of the ground and of the work performed necessitates.

Scaling bars
and gads.

(115) The owner or manager shall provide and maintain an adequate supply of properly dressed scaling bars and gads and other equipment necessary for scaling.

Life lines to
be used.

(116) The owner or manager shall, when necessary, provide life lines for the workmen and it shall be the duty of the workmen to continually wear such life lines at all times, when by so doing the interests of safety will be advanced.

Keeping
water supply
to lay dust.

(117) Every dusty place where work is being carried on in a mine shall be adequately supplied at all times with clean water under pressure or other approved appliances for laying the dust caused by drilling or blasting operations.

Time for
blasting.

(118) The times for blasting shall be so fixed that the workmen shall be exposed as little as practicable to dust and smoke.

Written
record.

(119) Where there is non-continuous shift operation in mine areas the on-coming shift shall be warned of any abnormal condition affecting the safety of operations. Such warning shall consist of a written record over the signature of a responsible person on the off-going shift and shall be read and countersigned by the corresponding responsible person on the on-coming shift before workmen are permitted to resume operations in the areas indicated in such record.

Repair work,
manways.

(120) Where repair work is in progress in any manway or conditions arise that may endanger travel through such manway the manway shall be closed off or adequate signs designating the unfitness of such manway for travel purposes shall be posted at all entrances to such manway.

Precautions
when inter-
secting drill
holes.

(121) (a) Diamond-drill holes shall be plotted on all working plans of levels.

(b) When any active mine heading is advancing toward any diamond-drill hole the collar or the nearest points of intersection of such hole or both shall be securely closed off or guarded at all times that blasting is being done within fifteen feet of any possible intersection of such hole.

(c) The collar and any points of intersection of every diamond-drill hole, underground, shall be plainly marked at the time that drilling is discontinued or an intersection made. Such marking shall consist of a single capital letter "H" in yellow paint measuring twelve inches by twelve inches which shall be placed within four feet of such collar or intersection.

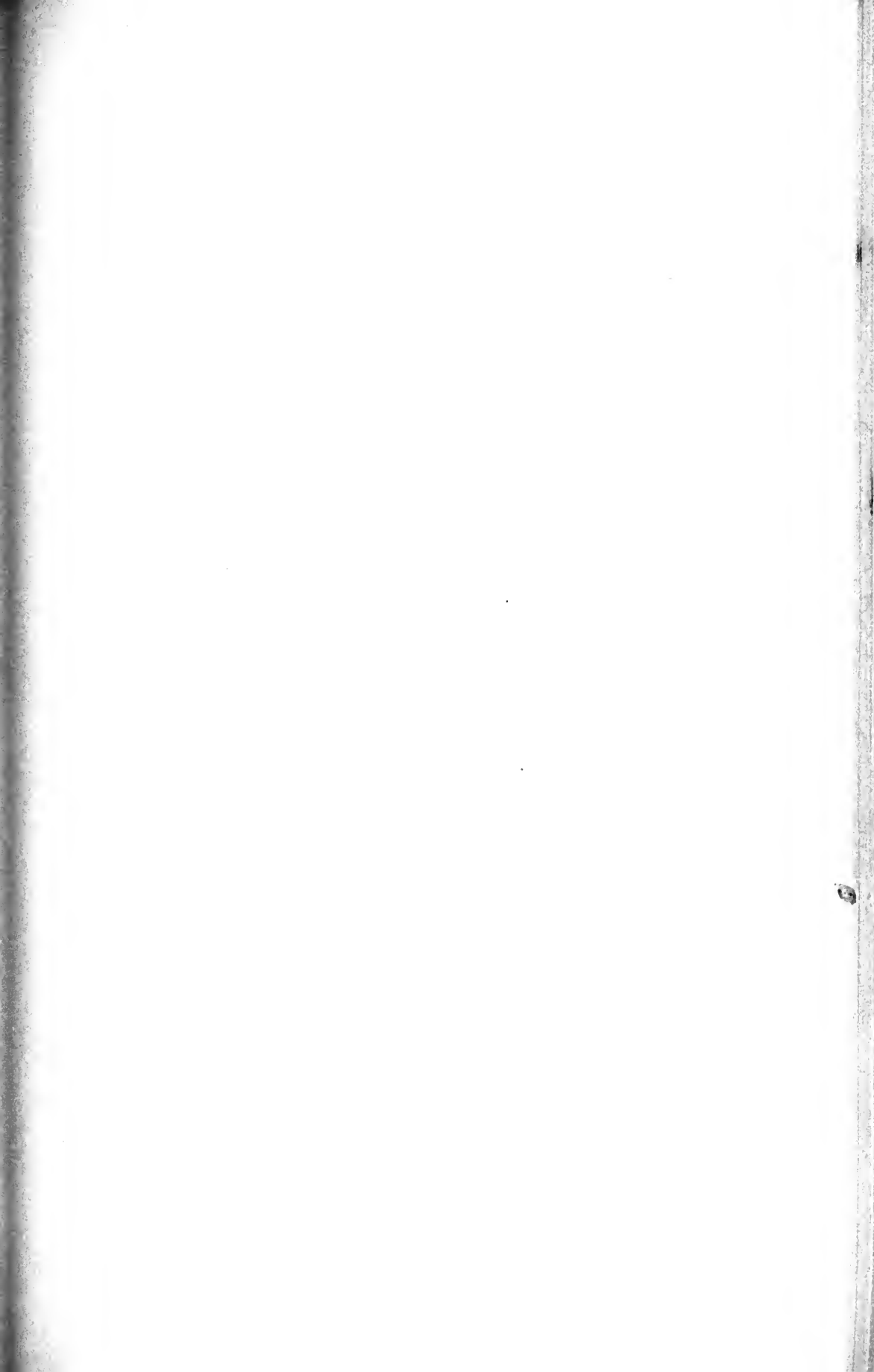
Ladderways
in shafts and
winzes.

(122) (a) A suitable footway or ladderway shall be provided in every shaft and winze.

(b) In shafts and winzes no ladder, except an auxiliary ladder used in sinking operations, shall be installed in a vertical position.

(c) During sinking operations, if the ladder be not maintained to the bottom, an auxiliary ladder which will reach from the permanent ladders to the bottom shall be provided in such convenient position that it may be promptly lowered to any point at which men are working.

(d) Wherever, about shafts and winzes and headframes used in conjunction therewith, it is necessary for persons to examine or inspect appliances installed therein suitable ladder-



ways or stairways and platforms shall be maintained to permit such work being carried out in a safe manner.

Partition between manway and hoisting compartments.

(123) The footway or ladderway in a shaft or winze shall be separated from the compartment or division of the shaft or winze in which material is hoisted by a suitable and tightly closed partition.

Ladderway in shaft over 70 degrees.

(124) In a shaft or winze inclined at over seventy degrees from the horizontal substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway, and the same shall be covered except for an opening large enough to permit the passage of a man's body, and the ladders shall be so placed as to cover this opening in the platform.

Ladderway in shaft under 70 degrees.

(125) In a shaft or winze inclined at less than seventy degrees from the horizontal the ladders may be continuous, but substantial platforms shall be built at intervals not exceeding twenty-one feet, in the ladderway, and the same shall be covered except for an opening large enough to permit the passage of a man's body.

When stairway permissible.

(126) (a) Stairways may be used in a shaft or winze inclined at less than fifty degrees from the horizontal.

(b) All stairways in shafts or winzes shall be equipped with a suitably placed handrail.

Ladderways, other mine workings.

(127) (a) All ladderways in raises, stopes and other manways of a mine shall be installed and maintained in a workmanlike manner to reduce to a minimum the hazard of a man falling therefrom.

(b) A landing platform shall be installed at all points where ladders are offset.

Wire rope ladders.

(128) Wire rope or strands of wire rope shall not be used or be allowed to be used for climbing purposes in any mine if they are frayed or have projecting broken wires.

Hand rails for ladders.

(129) Every ladder shall project at least three feet above its platform, except where strong hand rails are provided.

Ladders.

Ladders.

(130) (a) Every ladder used shall be of strong construction, shall be securely placed in any shaft, winze, raise, or stope, and shall be maintained in good repair.

(b) The distance between centres of rungs of ladders shall not be greater than twelve inches or less than ten inches, and

the spacing of rungs shall not vary more than one-half inch in any particular ladderway.

(c) In order to give a proper foothold the rungs shall in no case be closer than four inches from the wall of a shaft, winze, or raise, or any timber underneath the ladder.

Shaft Equipment.

Raising and lowering material.

(131) Where steel, timber or other material is being raised or lowered in any shaft or winze it shall be securely fastened to the shaft conveyance or hoisting rope.

When cross-head required.

(132) (a) After a depth of three hundred feet has been attained in the sinking of any vertical shaft or winze, a suitable crosshead shall be used.

(b) When a crosshead is not used the bucket shall be barrel-shaped and shall be suspended from the upper rim.

(c) When a crosshead is not used in any vertical shaft or winze the compartment in which the bucket works shall be closely lined with sized lumber.

Safety appliance on crosshead.

(133) (a) All sinking crossheads shall be provided with a safety appliance of approved design, so constructed that the crosshead cannot stick in the hoisting compartment without also stopping the bucket.

(b) All crossheads shall be of a design approved by the Inspector.

Level of load in sinking bucket or skip.

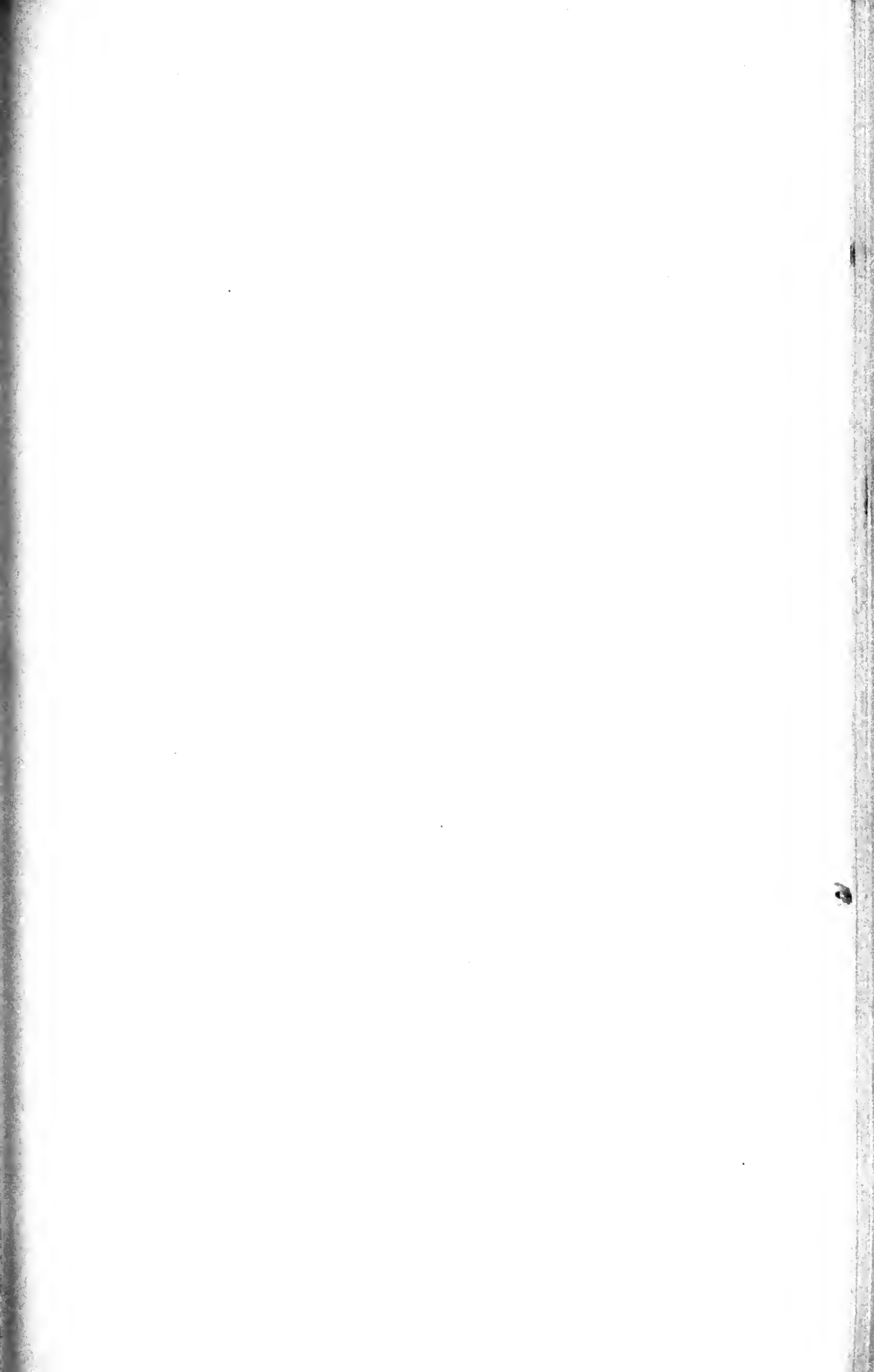
(134) In a shaft or winze, in the course of sinking, the bucket or skip shall be filled only in such a manner that no piece of loose rock shall project above the level of the brim.

Lowering men after blast.

(135) (a) During sinking operations in any shaft or winze the bucket or skip used for returning men to the working place following any blasting operation shall not be lowered on the initial trip beyond the point where, owing to the blast, it may be unsafe to go without a careful examination and in no case shall the point be less than fifty feet above the blasting set or bulkhead.

(b) The bucket or skip shall be lowered from such point only on signal from the men accompanying the same and at such speed as to be fully under control, by signal, of such men.

(c) Only sufficient men shall be carried on such trip as are required to properly conduct a careful examination of the shaft or winze.



Bucket or skip not to be lowered directly to face.

(136) In a shaft or winze in the course of sinking, the bucket or skip shall not be lowered directly to the bottom but shall be held at least fifteen feet above and shall remain there until a separate signal to lower the same has been given by a properly authorized person.

Bucket to be steadied.

(137) No bucket shall be allowed to leave the top or bottom of any shaft or winze until the workman in charge thereof has steadied it or caused it to be steadied.

Protection from dumping.

(138) (a) In a shaft or winze, in the course of sinking, adequate provision shall be made to assure the impossibility of the bucket or skip being dumped while the dumping doors are open or other means applied to prevent spillage falling into the shaft or winze.

(b) The design of any device for this purpose shall be submitted for the approval of the Inspector.

(c) A door or doors shall be maintained at the collar of every shaft or winze while sinking is in progress. Such door or doors shall be kept closed at all times that tools or material are being loaded into or unloaded from the bucket except when the bucket is emptied by dumping, when an arrangement as provided for in clauses (a) and (b) of this Rule shall be used.

Cage or skip for handling men.

(139) Except during sinking operations, whenever a mine shaft or winze exceeds three hundred feet in vertical depth a suitable cage or skip, equipped as required by Rule 141 of this section, shall be provided for lowering or raising men in the shaft or winze.

Protection from contact with timbering, etc.

(140) No cage or skip shall be used for the raising or lowering of persons unless it is so constructed as to prevent any portions of the body of any person riding therein from accidentally coming into contact with the timbering or sides of the shaft or winze. Doors shall be so fitted that they cannot be accidentally opened and shall be closed when lowering or hoisting men.

Construction of cages and skips.

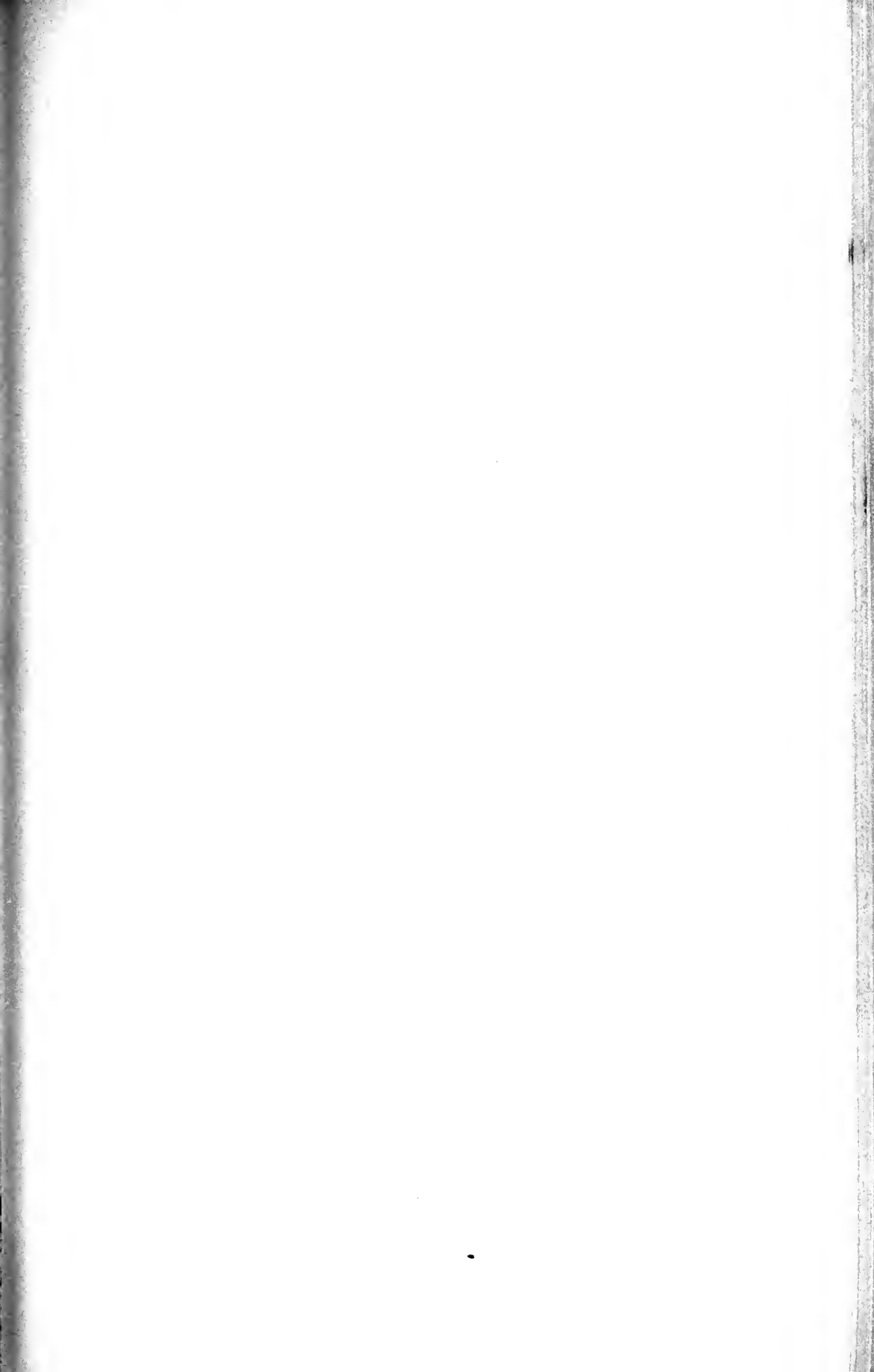
(141) All cages or skips for lowering or raising men shall be constructed as follows:

Hood.

(a) The hood shall be made of steel plate not less than three-sixteenths of an inch in thickness or of a material of equivalent strength;

Casing.

(b) The cage shall be provided with sheet iron or steel side casing not less than one-eighth of an inch in thickness or of a material of equivalent strength and such casing shall extend to a height not less than five feet above the floor of the cage;



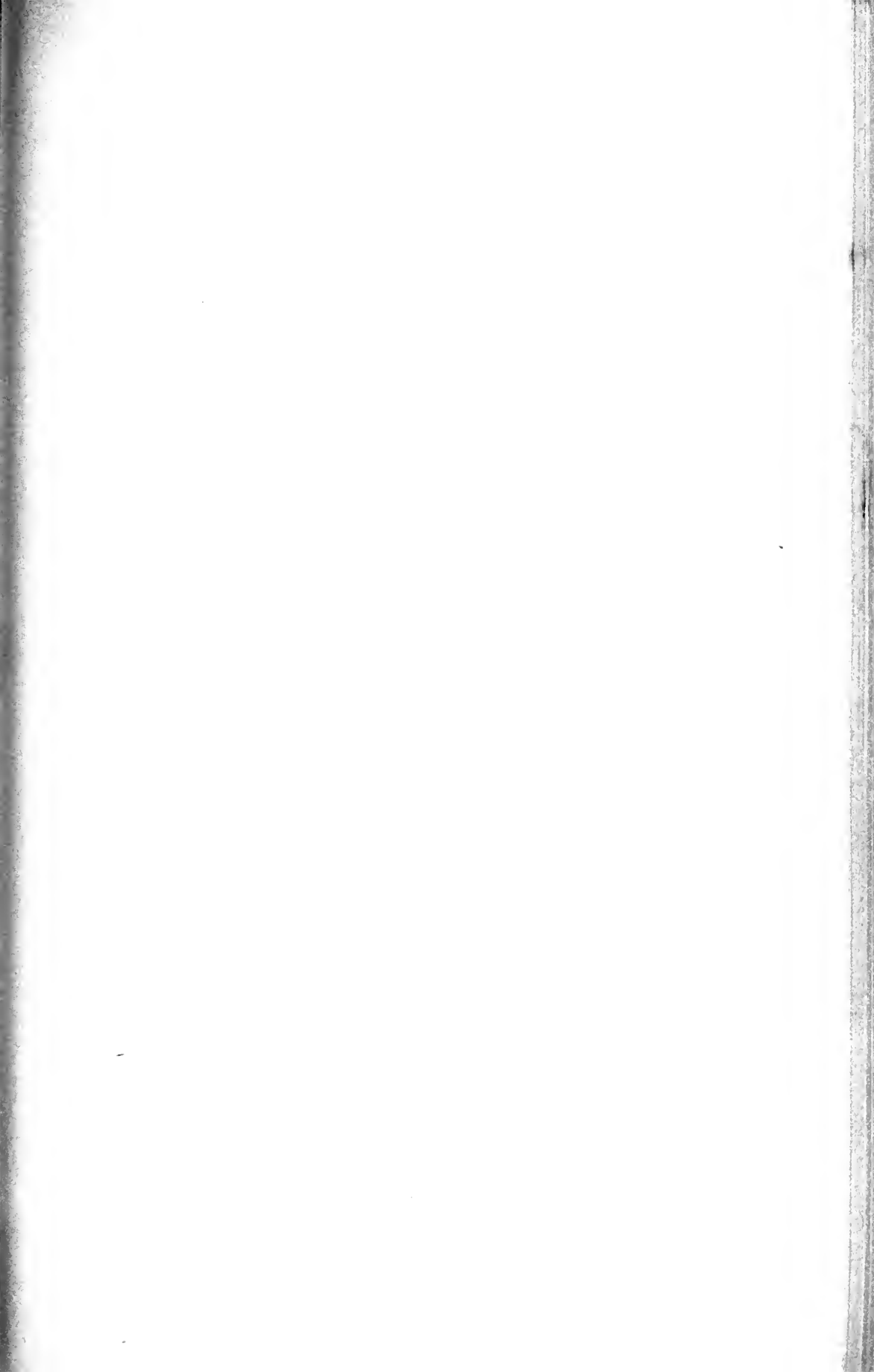
- Doors. (c) The cage shall be equipped with doors made of suitable material which shall extend to a height not less than five feet above the floor and so arranged that it will be impossible for the doors to open outward from the cage;
- Safety appliances. (d) The safety appliance shall be of sufficient strength to hold the cage or skip with its maximum load at any point in the shaft, as provided in clause (b) of Rule 166 of this section; but the Chief Inspector may give permission, in writing, for hoisting without safety appliances if he is satisfied that the equipment is such that a maximum safety is provided.
- Operating chairs by lever. (e) The cage shall not have chairs attached thereto which are operated by a lever or a chain through or from the floor of the cage.
- Cage doors to be kept closed. (142) (a) No person shall travel or be permitted to travel in a cage at any time except during shaft inspection unless the doors of the same are securely closed.
- (b) The cage doors shall not be opened until a full stop has been made at the point or station signalled for, except during tips of inspection, provided that in the case of an inadvertent stop at any point in the shaft or winze, other than a station, the cage doors may be opened and the men may leave the same on instructions to do so by a properly authorized person.
- Automatic operation of chairs. (143) When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze they shall be so arranged that they automatically fall clear of the hoisting compartment when the cage or other conveyance is lifted off.
- Bales, safety latches, etc. (144) The bucket and any device such as the bale, safety latch or other attachment to the bucket shall be of a design approved by the Chief Inspector.
- Hoisting men and material simultaneously. (145) No person shall travel or be permitted to travel in a bucket, cage or skip operated by an engine which is being simultaneously used for the hoisting of mineral or material, except as provided for in clause (c) of Rule 146.
- When persons not to be hoisted. (146) No person shall be lowered or hoisted, or allow himself to be lowered or hoisted in a shaft, winze or other underground opening of a mine:
- In buckets or skips. (a) In a bucket or skip, except that men employed in shaft sinking will be allowed to ascend and descend to and from the sinking deck or other place of safety by means of the bucket or skip used for hoisting material;

- When safety appliances not used. (b) In a cage or skip, except as provided in clause (a) of this Rule and clause (d) of Rule 141, which is not provided with a hood, dogs or other safety appliance approved by the Inspector;
- When loaded. (c) In a cage, skip or bucket that is loaded with powder, steel or timber except for the purpose of handling the same;
- Unless material secured. (d) In a cage, skip or bucket in which any material is carried, unless the same be adequately secured;
- Conveyance in charge of authorized person. (e) Except during sinking operations no person shall be hoisted or lowered in any shaft conveyance unless such conveyance is in charge of a person properly authorized to act as cagetender or skiptender.
- Hoisting after stoppage for repairs. (147) After every stoppage of hoisting for repairs and after any stoppage for any other purpose which shall exceed two hours' duration no person shall be raised or lowered until the cage or skip has made one complete trip up and down the working portion of the shaft.
- Brakes required. (148) Any device used for hoisting from mine workings shall be equipped with a brake or brakes which may be applied directly to each drum so as to readily stop and hold the drum when it is carrying its maximum load.
- Type of brake. (149) Such brakes shall be so arranged that, whether the engine is at work or at rest, they can be easily and safely manipulated by the hoistman when standing at the levers controlling the engine. No hoist used for the raising or lowering of persons, or used in shaft sinking, shall be equipped with a brake or brakes operated by means of the hoistman's foot unless such brake is an auxiliary electrical device. The adjustments of the brake or brakes shall be maintained in such condition that when the normal power of the brake or brakes is applied the brake lever will still have a clearance between itself and the end of the quadrant in which it works.
- Locking gear. (150) The operating gear of the clutch of the drum shall be provided with locking gear to prevent the inadvertent withdrawal or insertion of the clutch.
- Interlocking brake and clutch. (151) The brake and clutch operating gear shall be so installed that it shall not be possible to unclutch any drum unless the brake or brakes on such drum are applied nor shall it be possible to release the brake or brakes until the clutch of the drum is engaged.

(152) Such bolts and other fittings of the drums, brakes and clutches as might be a source of danger in the event of their becoming loosened shall be rendered secure by means of suitable locking devices.



- Electric hoists. (153) All electric hoists shall be so installed that:
- Automatic brake. (a) One or more brakes shall be applied automatically to bring the hoist to rest in event of power failure;
- Overwind device. (b) A suitable overwind device will cause the circuit breaker to cut off the source of power and apply automatically one or more brakes to bring the hoist to rest before the cable attachment may reach the sheave;
- Circuit breaker. (c) A circuit breaker will cut off the source of power and result in the automatic application of one or more brakes to bring the hoist to rest in event of a pre-determined overload;
- Back-out switch. (d) A back-out switch shall be provided which, when closed, will permit backing out of an overwind position only and will prevent the operation of the hoist in an improper direction for this purpose;
- Emergency Switch. (e) An emergency switch, located near the operator, may be opened and cause the circuit breaker to cut off the source of power and apply automatically one or more brakes to bring the hoist to rest;
- Meter. (f) A meter showing the load on the hoist motor at all times shall be in plain view of the operator.
- Auxiliary overwind. (154) (a) On all electric skip hoists used for hoisting men an auxiliary overwind device, which will prevent the skip being hoisted to the dumping position, shall be installed and placed in operation at all times that men are handled.
- (b) Except in sinking operations such auxiliary overwind device shall be so installed that a distinctive signal shall be automatically given to the men about to enter the skip when the device is put into operation.
- Testing overwind devices. (155) All overwind devices shall be tested daily and a record of such test shall be posted in the Hoistman's Log Book.
- Brakes to be tested. (156) The operator of a hoisting engine shall not, after going on shift, unclutch a drum of his engine until he has assured himself immediately beforehand, by testing the brake of the drum against the normal starting power of the engine, or in case of an electric hoist against the normal starting current, that the brake is in proper condition to hold the load suspended from said drum.
- Friction clutches. (157) When a hoisting engine is fitted with a friction clutch, the operator, after going on shift, shall, when clutching



in, test the holding power of the clutch before releasing the brake of the corresponding drum, the brake of the other drum being kept off. In case of a steam or air hoist, the test shall be made against the normal starting power of the engine, and in case of an electric hoist against the normal starting current.

Use of brake when drum unclutched. (158) When the drum of a hoist is unclutched, the brake of such drum shall be used only for the purpose of maintaining such drum in a stationary position and no lowering shall be done from an unclutched drum.

Auxiliary brake required. (159) In case of non-reversible steam or air hoists and single-drum electric hoists not used in balanced hoisting an adequate auxiliary brake shall be installed before the same shall be used for hoisting or lowering men, but non-reversible steam or air hoists with throttle-controlled exhaust shall not require such auxiliary brake.

Indicator required. (160) Every hoisting engine shall, in addition to any marks on the rope, be provided with a reliable depth indicator, which will clearly and accurately show to the operator at all times:

(a) the position of the bucket, cage or skip;

(b) at what positions in the shaft a change of gradient necessitates a reduction in speed.

Operation of indicator. (161) An indicator shall not be operated by a chain and sprocket arrangement but shall be driven by a suitable train of gears from its corresponding drum of the hoist.

Warning signal. (162) At every shaft exceeding three hundred feet in depth adequate provision shall be made whereby the hoistman is warned, audibly, of the arrival of the bucket, cage or skip at points in the shaft the distances of which from the top or bottom landing places are not less than the equivalent of three revolutions of the drum of the hoisting engine.

Slipping of rope on drums. (163) On the drum of every hoist used for lowering or raising persons there shall be such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope or cable from slipping off.

Rope connection. (164) (a) The connection between the hoisting rope and the bucket, cage, skip, counterbalance or other device shall be of such nature that the risk of accidental disconnection is reduced to a minimum. No open hook device shall be used or such purpose.

(b) On all new installations or proposed changes to existing installations the method of making such connection shall be of a design approved by the Chief Inspector.



Examination
of hoisting
equipment
required.

(165) The owner or manager of a mine, where a hoisting engine is in use, shall depute some competent person or persons whose duty it shall be to examine at least once in each week the sheave wheels, the hoisting ropes and the attachments thereof to the drums and to the counterweights, buckets, cages or skips, the brakes and depth indicators and the buckets, counterweights, cages, and skips, and any safety catches attached thereto; the guides and hoisting compartments generally and the signalling arrangements; and the external parts of the hoisting engine.

Examination
of cables.

(166) Such owner or manager shall also depute a competent person or persons who shall examine,—

(a) at least once in each month the structure of the hoisting ropes with a view to ascertaining the deterioration thereof and for the purpose of this examination the rope shall be thoroughly cleaned at points to be selected by said person or persons, who shall note any reduction in the circumference of, and the proportion of wear in, the rope;

Safety
appliances
to be tested
monthly.

(b) at least once a month the safety appliances of the cages or other shaft conveyances, so equipped, by testing same under load conditions; such test to consist of releasing the cage suddenly, in some suitable manner, so that the safety catches shall have opportunity to grip the guides; and in case the safety catches do not act satisfactorily, the cage or other shaft conveyance shall not be used further for hoisting men until the safety catches have been repaired and been proved to act satisfactorily.

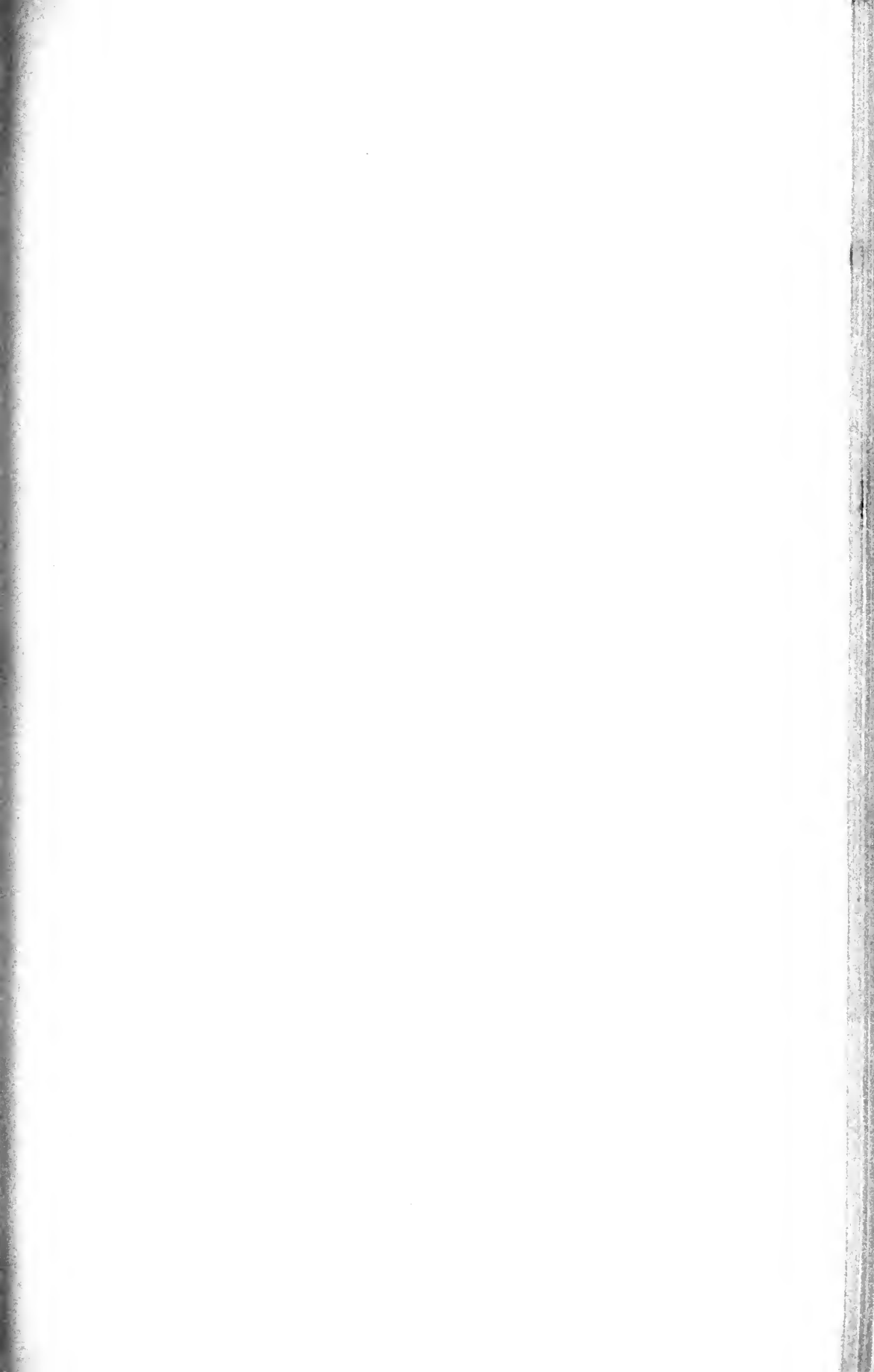
Defects to be
remedied
at once.

(167) If, on any examination, as is hereinbefore required there is discovered any weakness or defect whereby the safety of persons may be endangered, any such weakness or defect shall be immediately reported to the owner or manager or person in charge, and until such weakness or defect is remedied the hoisting plant shall not be used.

Machinery
Record Book.

(168) (a) Such owner or manager shall keep or cause to be kept at the mine a book termed the "Machinery Record Book," in which shall be recorded a report of every such examination as is hereinbefore referred to, signed by the person making the examination.

(b) A notation shall be made in the Machinery Record Book of any failure of or accident to the hoist, the hoisting rope, the shaft conveyance, or any other part of the hoisting equipment, over the signature of the responsible person in charge of such equipment or accessories thereto.



History of rope necessary.

(169) No hoisting rope which has previously been in use in any place beyond the control of the owner or manager shall be put on anew except with the permission of the Inspector.

Hoisting rope not to be spliced.

(170) In no case shall a rope which has been spliced be used for hoisting purposes.

Length of ropes required on drum when skip is at the bottom.

(171) In case of hoisting engines there shall be not less than three rounds of rope upon the drum when the bucket, cage or skip is at the lowest point in the shaft or winze from which hoisting is effected. The end of the rope shall be fastened around the shaft or to the spider of the drum in a suitable manner.

Hoisting both men and materials.

(172) In case a hoisting rope is used both for the raising and lowering of men and materials, the weight attached to the rope in the former case, when the bucket, cage or skip is bearing its authorized load shall not exceed eighty-five per centum of the maximum allowable weight when the rope is in use for other purposes.

Rope certificate necessary.

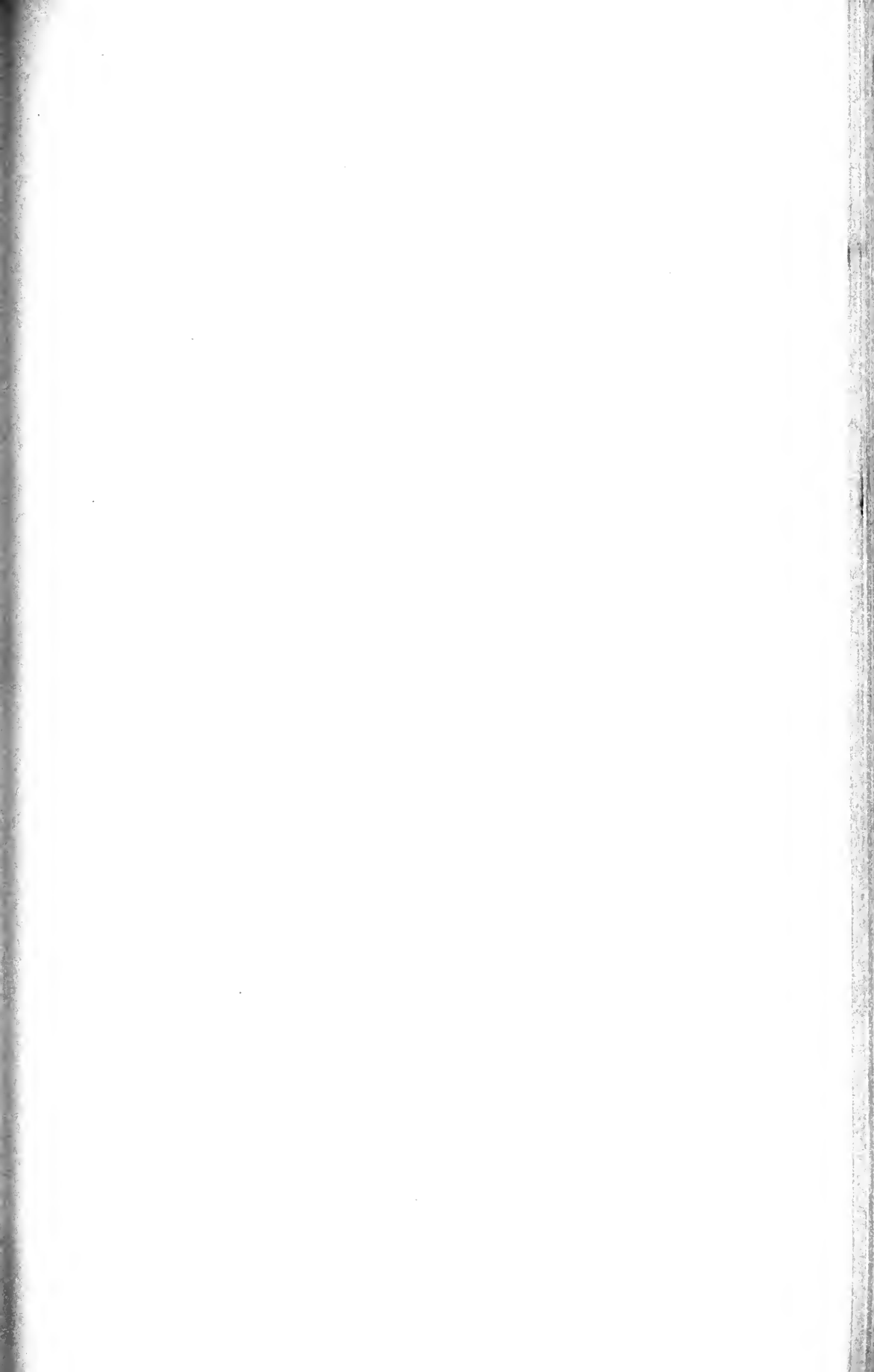
(173 (a) No hoisting rope shall be used which is not accompanied by a certificate from the manufacturer giving the following information: name and address of manufacturer, coil or reel number, date of manufacture, diameter and circumference of the rope in inches, weight per foot in pounds, number of strands, class of core, number of wires in strand, diameter of wires in decimals of an inch, breaking stress of steel of which the wire is made, in tons per square inch, estimated or actual breaking load of rope, length of rope.

(b) The foregoing data along with the additional following information shall be entered in a book known as the "Rope Record Book," and duplicate copies forwarded to the Chief Inspector when a hoisting rope is newly put on: date of purchase, date on which put on, identification number (where used) of the rope, name of shaft or winze and compartment in which the rope is used, weight of shaft conveyance, weight of material carried, weight of maximum length of rope in service, static factor of safety.

(c) There shall be kept in the Rope Record Book a history of the hoisting rope, outlining the date on which the rope was put on, certification of trial trips and examinations required by Rule 174, date of shortening, dates and summaries of breaking tests, date taken off.

(d) The Rope Record Book shall always be open for inspection by the Inspector.

(e) When a hoisting rope is taken out of service, notice



to that effect shall be forwarded to the Chief Inspector, giving the date and reasons for discarding along with such other information as he may require.

Examination
of attach-
ments.

(174) A hoisting rope when newly put on, and after any subsequent cutting thereof, shall have the connecting attachments between the bucket, cage, skip, or counterweight and the rope carefully examined by some competent and reliable person or persons authorized by the owner, manager, or department head, and shall not be used for ordinary transport of persons in any shaft or winze until two complete trips up and down the working portions of such shaft or winze have been made, the bucket, cage, skip or counterweight bearing its authorized load. The result of such examination shall be recorded in the Rope Record Book.

Factor of
safety of
hoisting rope.

(175) The factor of safety of all hoisting ropes when newly installed in shafts less than two thousand feet in depth shall in no case be less than six, and in shafts over two thousand feet in depth and less than three thousand feet in depth shall not be less than five. The factor of safety shall be calculated by dividing the breaking strength of the rope as given in the manufacturer's certificate by the sum of the maximum load to be hoisted plus the total weight of the rope in the shaft when fully let out:

- (a) No hoisting rope shall be used for the raising or lowering of men when its factor of safety based on its existing strength and dead load shall have fallen below 4.5.
- (b) No hoisting rope shall be used for the raising or lowering of men when the number of broken wires in one lay of said rope exceeds six, or when marked corrosion appears.

Rope
dressing.

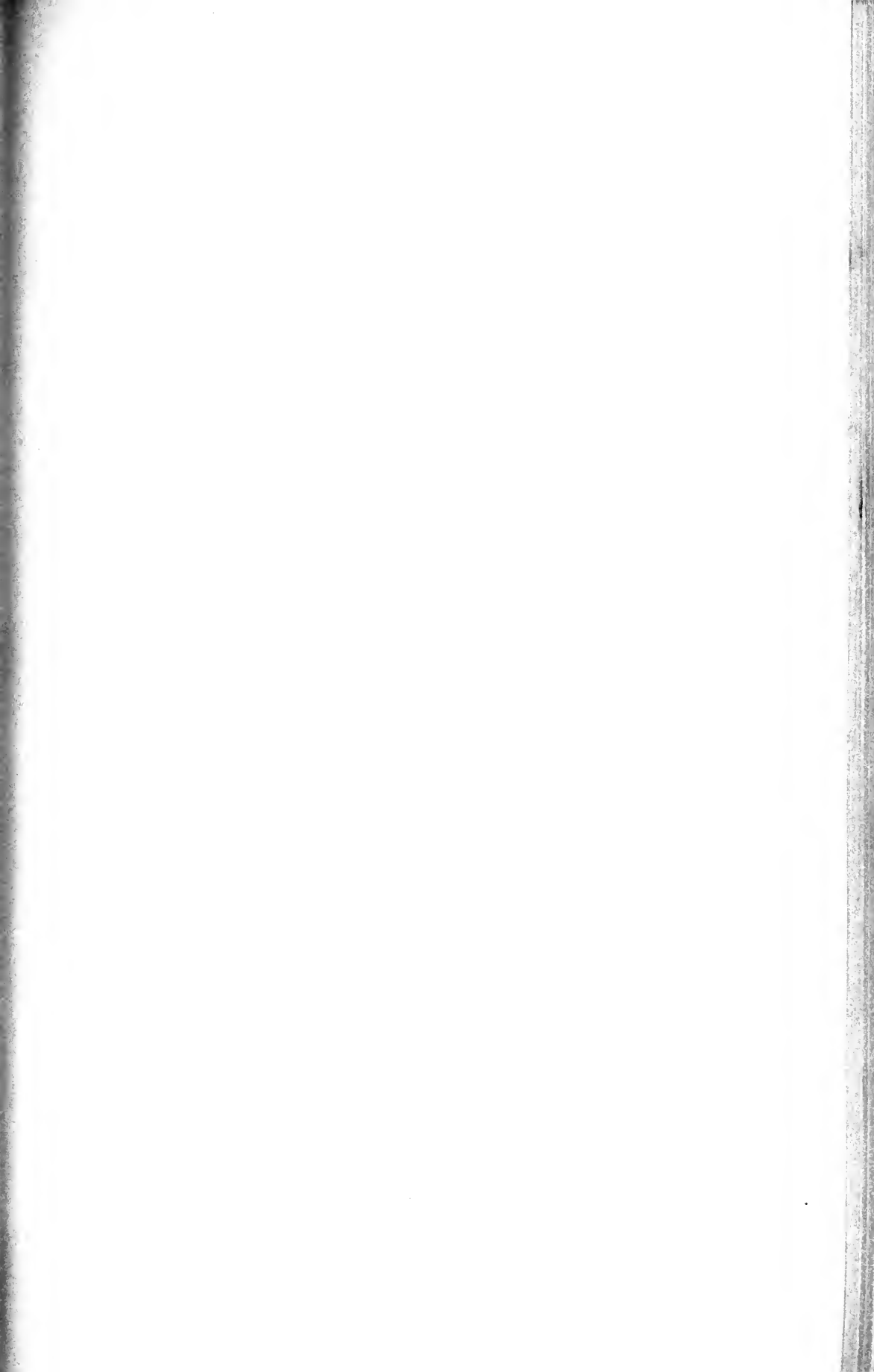
(176) Every hoisting rope shall be treated with a suitable rope compound as often as necessary and at least once in every month.

Testing of
hoisting
rope.

(177) At least once in every six months the hoisting rope shall have a portion not less than six feet in length cut off the lower end, from a position above the clamps or other attachment. The length so cut off shall have the ends adequately fastened with binding wire before the cut is made, to prevent the disturbance of the strands and shall be sent to the Department of Mines Wire Rope Testing Laboratory for a breaking test. The certificate of such test shall be kept on file and a summary thereof recorded in the Rope Record Book.

Cleaning and
examination
of rope
connection.

(178) At the periodical cutting of the rope the connection between the rope and the bucket, cage or skip shall be thoroughly cleaned and carefully examined.



Head sheaves. (179) Head sheaves shall be of such diameter as shall be suited to the rope in use.

Counterweights. (180) Wherever a counterweight is used in a shaft it shall operate in a separate and safely enclosed compartment. The cable from the counterweight shall be attached to the drum of the hoist and not to the cage or skip.

Signals.

Signalling. (181) Every working shaft shall be provided with some suitable means of communicating by distinct and definite signals to the hoist room from the bottom of the shaft, from every working level, from the collar and from every landing deck.

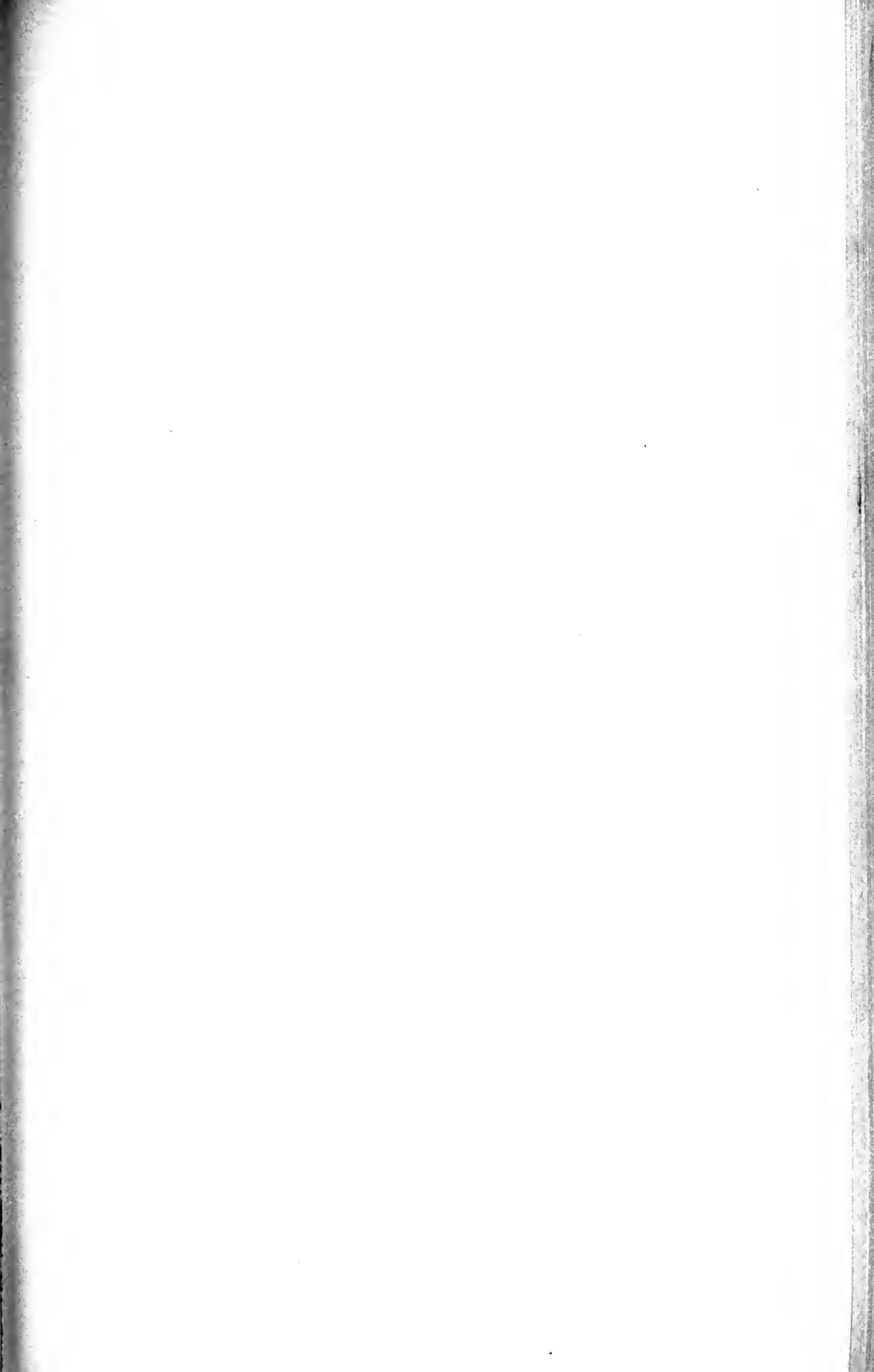
Separate signal system for each compartment. (182) A separate signal system shall be installed for each hoisting compartment in all shafts and winzes in which a hoisting conveyance operates and there shall be sufficient difference in the sounds of the signals for each compartment that they are easily distinguishable.

Electric signal system. (183) (a) Where an electrical signal system is installed the system shall be so arranged that the hoistman may return the signal to the person giving the signal.

(b) When men are about to be hoisted or lowered the hoistman shall so return the signal.

Hoistman's log book. (184) (a) At every shaft or winze hoist there shall be kept a "Hoistman's Log Book" in which shall be recorded:

- (i) A report of the working condition of the hoist including the brakes, clutches, interlocking devices between the brake and clutch, depth indicators and all other devices and fittings pertaining to the safe operation of the hoist;
- (ii) A report of the working condition of the signalling apparatus and a notation of any signals received by the hoistman, the accuracy of which he has questioned;
- (iii) Any special instructions received involving the safety of persons. Such entry shall be signed by the hoistman and by the person issuing the instructions;
- (iv) A report of the working condition of and a record of any tests performed upon the operation of all overwind devices installed in conjunction with the hoist. Where the required daily tests of such overwind devices are conducted by a hoistman operating



on another shift the hoistman assuming duty shall note over his signature that he has examined the entry in the Log Book of the hoistman who performed the tests;

- (v) A report of all abnormal circumstances in connection with the operation of the hoisting engine or attachments thereto and such abnormal conditions as have come to his knowledge in connection with the hoisting operations in the shaft or winze.

(b) A notification to the hoistman on a succeeding period of duty of any special circumstances or matter affecting the continued operation of the hoist or the safety of persons in the shaft or winze shall be made in the Hoistman's Log Book. All such entries shall be countersigned by the hoistman assuming duty for such succeeding period.

(c) Such entries as are required by the preceding clauses (a) and (b) of this Rule shall be made and signed by every hoistman for his period of duty on every shaft or winze hoist, the time and duration of which period of duty shall also be noted and such entries as have been made during the preceding twenty-four hours shall be read and initialled each day by the master mechanic or other authorized person.

Open lights,
discipline.

(185) (a) When persons are being hoisted or lowered in any cage or skip no person other than the cagetender or skip-tender shall have a burning open flame lamp of any kind except that for shaft inspection or similar purposes a sufficient number of lighted lamps shall be permitted.

(b) At all times that men are being hoisted or lowered in any cage or skip there shall be maintained a proper discipline of persons riding on such cage or skip.

Code of
signals.

(186) (a) The following code of signals shall be used at every mine and a copy of such code shall be printed and posted up in every hoist room and every level or other landing in the shaft or winze:

1 bell Stop immediately—if in motion.

1 bell Hoist.

2 bells Lower.

3 bells Men about to ascend or descend. This signal shall be given before men are permitted to enter the hoisting conveyance. Where a return-bell signal system is installed, the hoistman shall return the 3-bell signal before



men are permitted to enter the hoisting conveyance. After a hoistman has received a 3-bell signal he shall remain at the hoist controls until he has received the signal designating the movement required and has completed that movement.

The hoistman shall not move the hoisting conveyance within a period of ten seconds after receiving a signal designating a movement at any time that men are being carried.

4 bells Blasting signal. Hoistman shall answer by raising the bucket, cage or skip a few feet and letting it back slowly. Following a 4-bell signal only a 1-bell signal shall be required to signal for hoisting men away from a blast and the hoistman shall remain at the controls until the act of hoisting has been completed.

5 bells Release signal. Hoistman may move the hoisting conveyance to another point in the shaft, not a recognized stopping point, and stop it there on his own discretion, but the person giving the release signal shall remain to guard the conveyance until it is so moved.

9 bells Danger signal. To be given only in case of fire or other danger. The signal for the level at which the danger exists should be given following the giving of a danger signal.

(b) In case the hoistman is unable to act within one minute of the time he has received a complete signal he shall not move the hoisting conveyance until he has again received a complete signal.

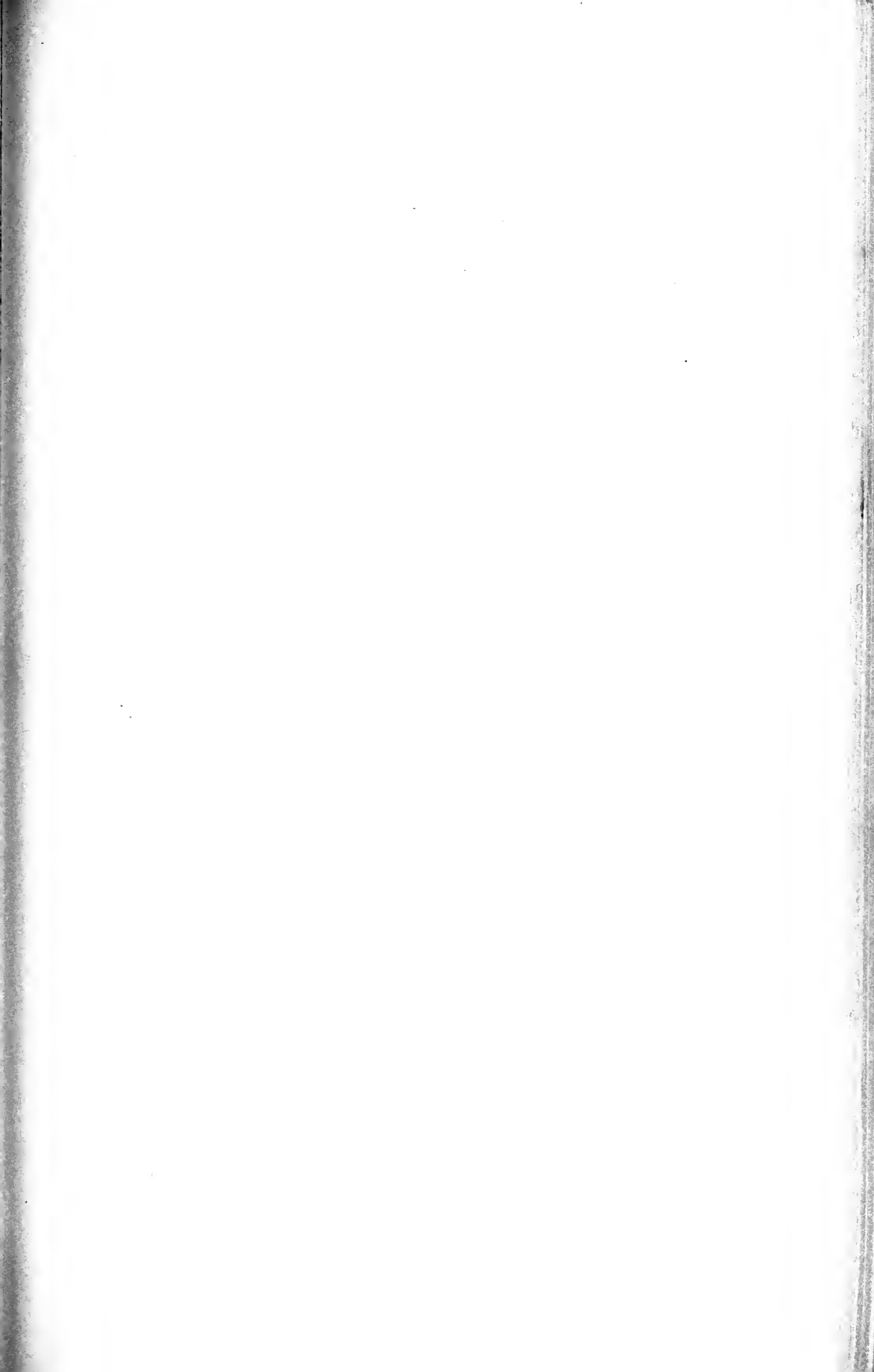
Special
signals.

(187) (a) Special signals, in addition to the above, shall be used at every mine for the purpose of designating hoisting movements. Such signals shall be easily distinguishable from the foregoing code and shall not interfere with it in any way and shall be approved by the Chief Inspector.

(b) The special code of signals used at every mine and an adequate description of their application to the movements required shall be posted at every hoist, at the top of the shaft or winze and at every working level of such shaft or winze.

Signal
required.

(188) Under no circumstances shall the hoisting conveyance be moved by the hoistman until he has received a proper signal, except that in event of an inadvertent stop at some point in the shaft or winze other than a station from which signals may be given, the hoistman may move the hoisting



conveyance on the instruction of a properly authorized person to do so.

Signal to be given only by authorized person.

(189) No person, unless duly authorized, shall give any signal for moving or stopping the bucket, cage or skip. No signal shall be given unless the bucket, cage or skip is at the level from which the signal is to be given. No unauthorized person shall give any signal, other than the danger signal, or in any way whatsoever interfere with the signalling arrangements.

Notices to be posted showing number of men permitted to ride.

(190) (a) A notice showing clearly the number of persons allowed to ride on, and the weight of materials allowed to be loaded on the cage or skip shall be posted at the collar of the shaft or winze.

(b) The person authorized to give signals will be held responsible for observance of such notice.

(c) No person shall offer obstruction to the enforcement of such notice.

Haulage.

Warning equipment.

(191) (a) Every locomotive, engine, trolley or motor car used for hauling material, either above or below ground, shall be equipped with a headlight or headlights, and a whistle, bell, gong, or horn, which shall be sounded when starting and at such other times as warning of danger may be required.

(b) In mechanical haulage underground all made-up trains shall be equipped with a suitable tail-light.

Riding on cars, etc.

(192) No person shall ride upon or against any car in any level, drift or tunnel in or about a mine. In mechanical haulage this shall not apply to train crews or to persons being transported on passenger cars especially provided for that purpose.

Clearance.

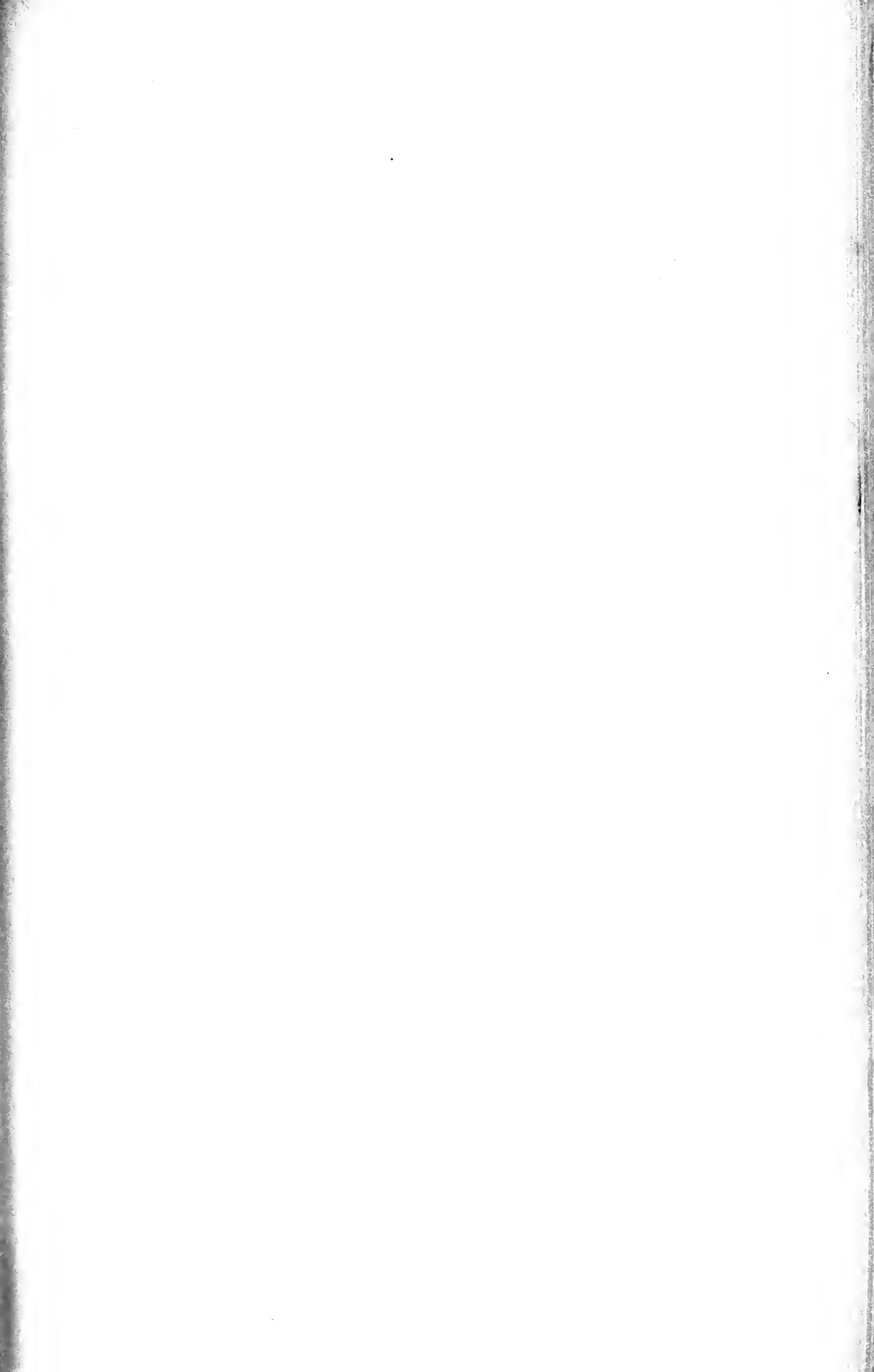
(193) On every level on which mechanical haulage is employed, a clearance of at least eighteen inches shall be maintained between the sides of the level and the cars, or there shall be a clearance of twenty-four inches on one side, or safety stations shall be cut every one hundred feet. Such safety stations shall be plainly marked.

Control levers.

(194) Control levers of storage battery and trolley locomotives shall be so arranged that the lever cannot accidentally be removed when power is on.

Unattended locomotive.

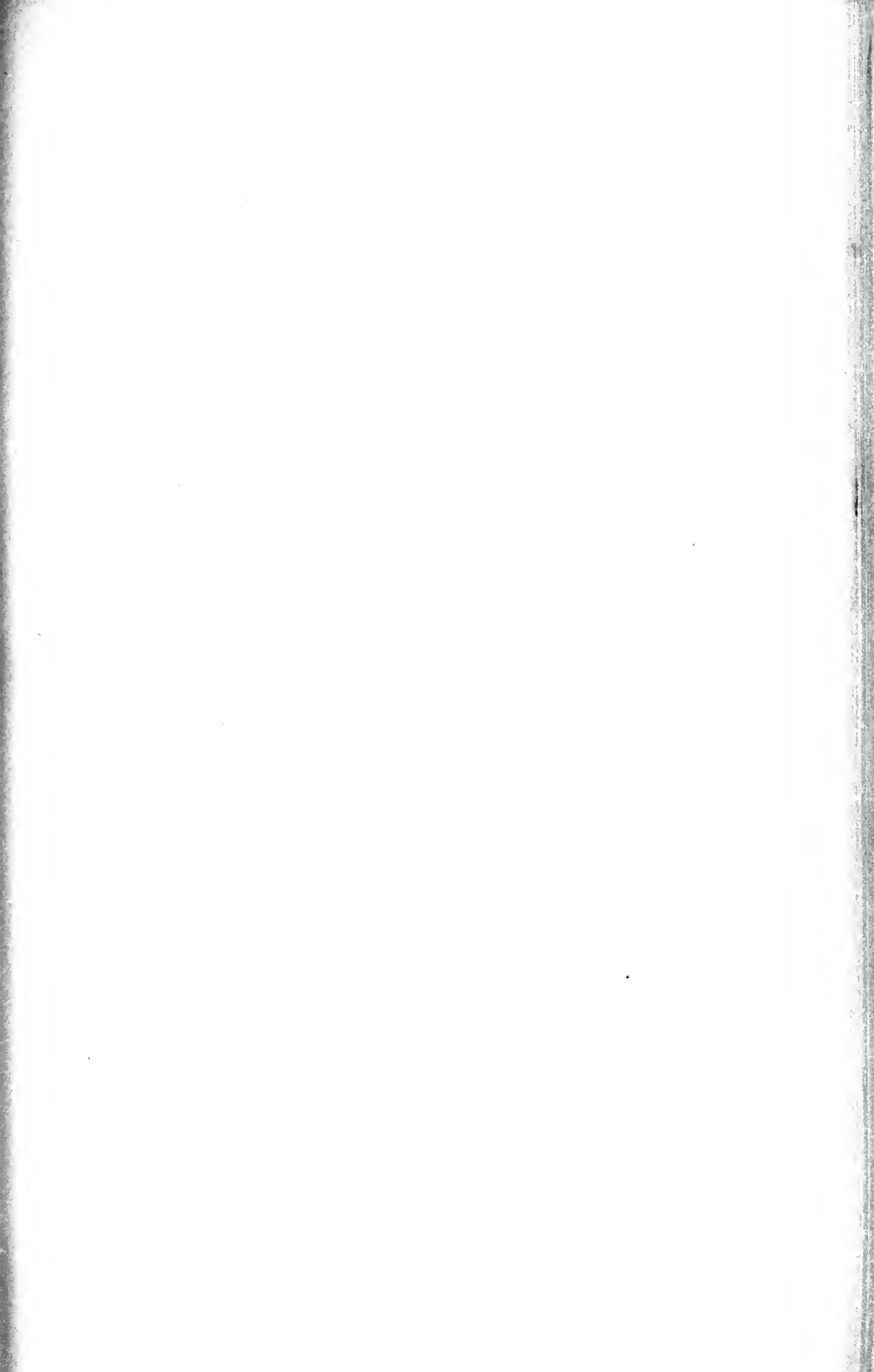
(195) No electric haulage locomotive shall be left standing unattended unless the brakes have been set and the control



lever placed in the neutral position. In the case of a storage battery haulage locomotive the main switch shall also be placed in a non-operating position.

Protection from Machinery.

- Fly-wheel, geared-wheel, etc. (196) Every fly-wheel, geared-wheel, bull-wheel, pulley or belt, and every opening through which any wheel or belt operates, shall be enclosed with a substantial railing or casing, unless situated in such a manner or location as to prevent any person coming into accidental contact therewith.
- Uneven projections to be covered. (197) Every key, bolt, set-screw, and every part of any wheel or other revolving machinery which projects unevenly from the surface shall be covered, unless situated in such a manner or location as to prevent any person coming into accidental contact therewith.
- Grinding wheels to be guarded. (198) Every power-driven grinding wheel shall be provided with a hooded guard of sufficient strength to withstand the shock of a bursting wheel. This guard shall be adjusted close to the wheel and extend forward, over the top of the wheel, to a point at least thirty degrees beyond a vertical line drawn through the centre of the wheel.
- Wearing loose clothing. (199) Persons engaged in dangerous proximity to moving machinery shall not wear or be allowed to wear loose outer clothing.
- Runway to have hand-railing. (200) Every runway or staging more than five feet from the floor and used for oiling or other purposes shall be provided with a hand-railing.
- Protection of entrances. (201) Every entrance to any elevator, hatchway, or well-hole shall be provided with a suitable trap-door, guard-rail, or automatically closing gate.
- Counter-weights. (202) Every counterweight shall be so situated or guarded that injury to any person would not be probable should it become detached from its fastenings.
- Frogs on tracks. (203) Every frog in a track, either above or below ground, on which cars are moved by mechanical power shall have a guard block of wood or iron.
- Belts, conveyors. (204) Under no circumstances shall any person ride on any conveyor or belt.



Steam, Compressed Air.

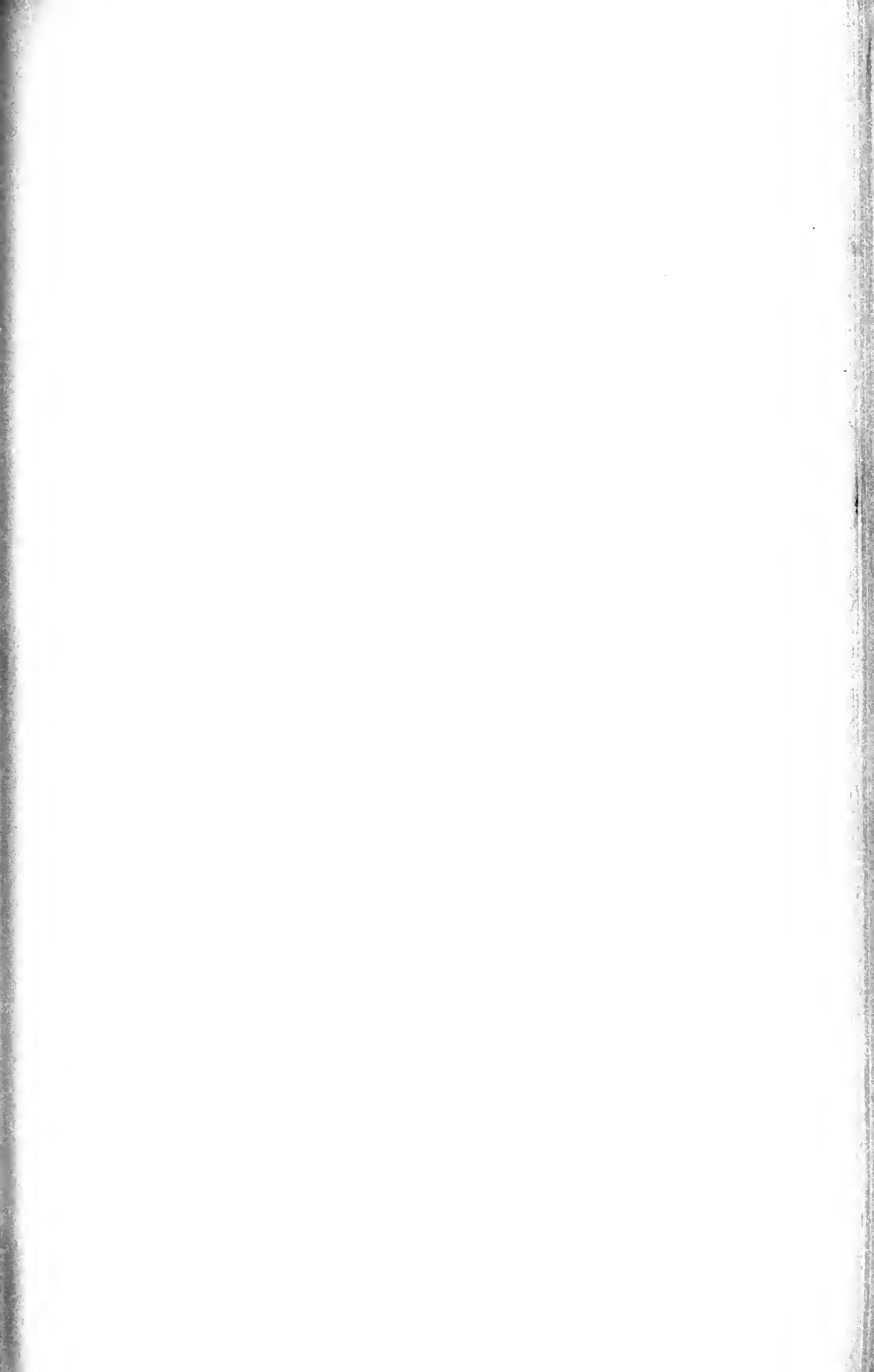
- Steam boilers. (205) Every steam boiler used for generating steam in or about a mine shall, whether separate or one of a range,—
- Safety valves. (a) have attached to it a proper safety-valve, and also a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in each boiler;
- (b) be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months; and a certified copy of the report of the inspection shall be forwarded to the Chief Inspector within seven days.
- Maintenance (206) Every such boiler, safety-valve, steam-gauge and water-gauge shall be maintained in proper working condition.
- Air receivers. (207) Every air receiver installed at the surface of a mine shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the Chief Inspector within seven days.

Sand and Gravel Pits.

- Under-mining forbidden. (208) In open-pit workings of sand and gravel the method of removing material by undermining shall not be allowed. No vertical working place shall have a height of more than ten feet. Where the thickness of material to be excavated exceeds ten feet in depth, the work shall be done in terraces, or at an angle of safety. This rule shall not apply to pits where the material is excavated solely by mechanical means.

Metallurgical Works.

- Antidotes and washes. (209) At every mine or works where poisonous or dangerous compounds, solutions or gases are used or produced there shall be kept in a conspicuous place as near the same as practicable, a sufficient supply of satisfactory antidotes and washes for treating injuries received from such compounds, solutions or gases. Such antidotes and washes shall be properly labelled, and explicit directions for their use affixed to the boxes containing them.
- Removal of dust. (210) In every mill or plant where, by reason of dry crushing or otherwise, there is in the air of the building dust in quantity to be injurious to health, suitable apparatus shall be installed for its removal.



Poisonous vapours.

(211) In every mill or plant where poisonous vapours or gases exist or may be formed suitable means shall be adopted to provide such ventilation as will prevent the formation of dangerous concentrations of the same.

Storage of acids, poisons.

(212) Due provisions shall be made at all plants where acids or poisonous compounds are used to reduce to a minimum the hazards of storing and handling such materials.

Transfer of liquids by compressed air.

(213) The transfer of liquids from one location or container to another location or container by the application of air under pressure shall not be permitted except where properly designed and tested equipment is used for this purpose.

Work in bins.

(214) No person shall enter any storage bin while material is stored therein unless a second person is in constant attendance and precautions are taken against the danger of caving material.

Guard rails at track approaches.

(215) Guard rails shall be placed at the approach to railway tracks, where the view of such tracks is obstructed in one or both directions.

Ventilation.

(216) At all furnaces of the hand-filled type the room at the furnace top where workmen are engaged shall be adequately ventilated, and there shall be provided and maintained in good order a stairway equipped with hand-rail, from the top of the furnace to the ground level below, affording a safe means of exit in case of danger from any cause.

Protecting workmen.

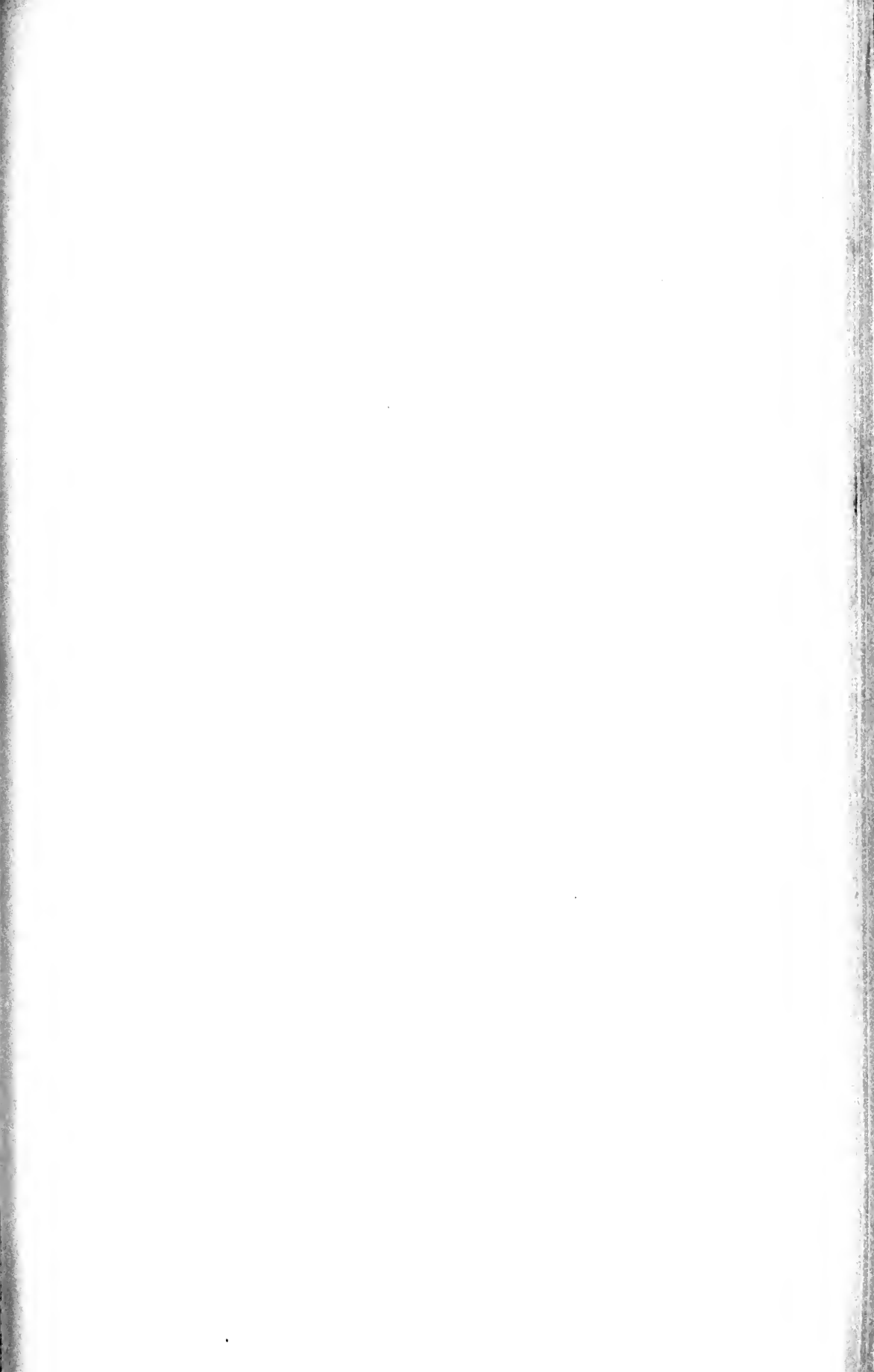
(217) Whenever it is necessary for a workman to go up on the bustle pipe for any purpose, he shall first notify the furnace keeper or some other responsible person, whose duty it shall be to remain on watch during the period the workman is engaged on the bustle pipe.

Protection from bustle pipes.

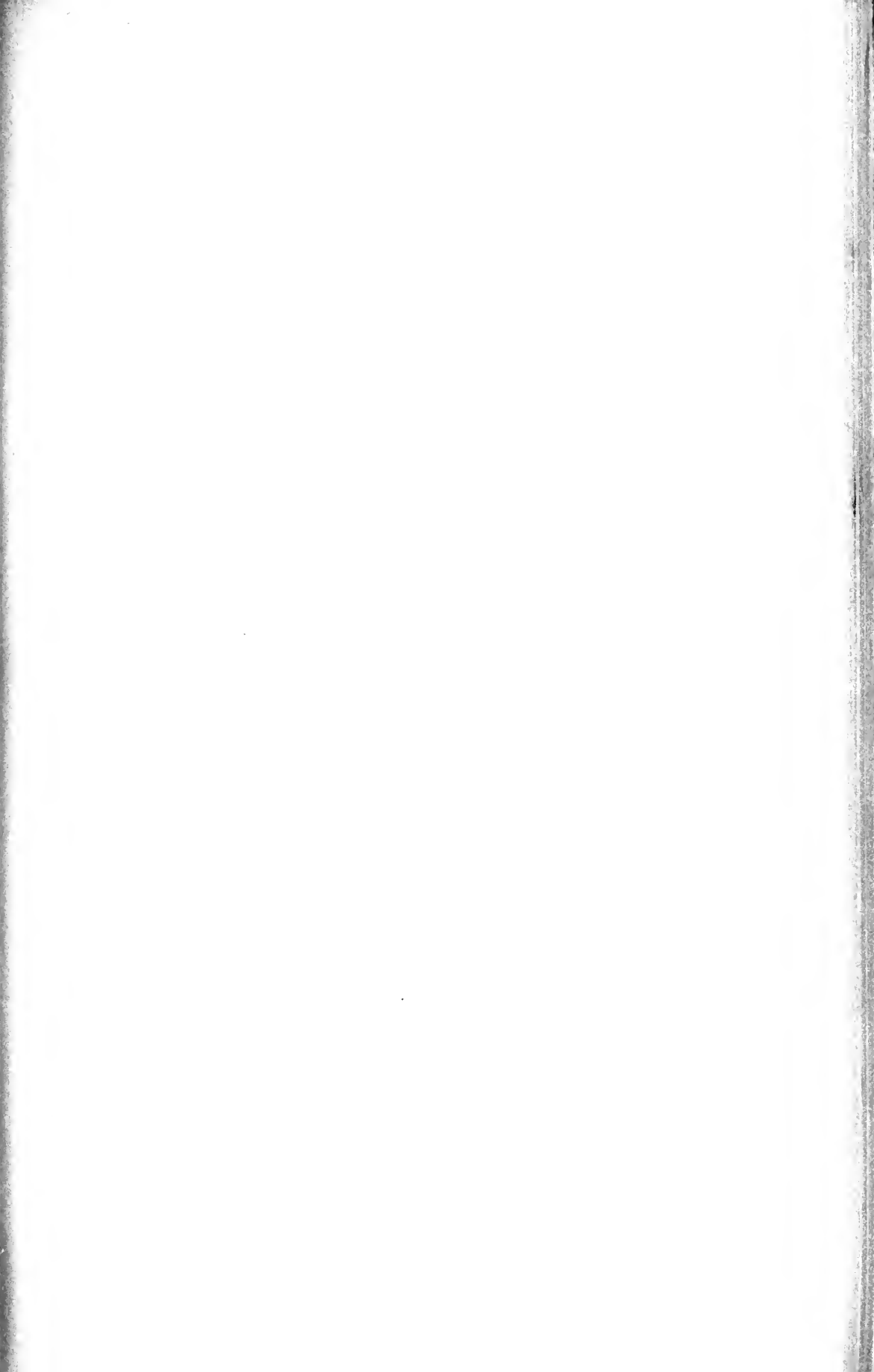
(218) All bustle pipes shall be provided with safe working platforms, equipped with hand-rails, at least three feet six inches in height, and wherever practicable the platform shall not rest directly on the bustle pipe, but shall be supported on angle bars, so that the floor plate will not become sufficiently hot to cause burns to a workman falling on it. Access to the platform shall be by stairway provided with hand-rails.

Guarding workmen on top of furnace.

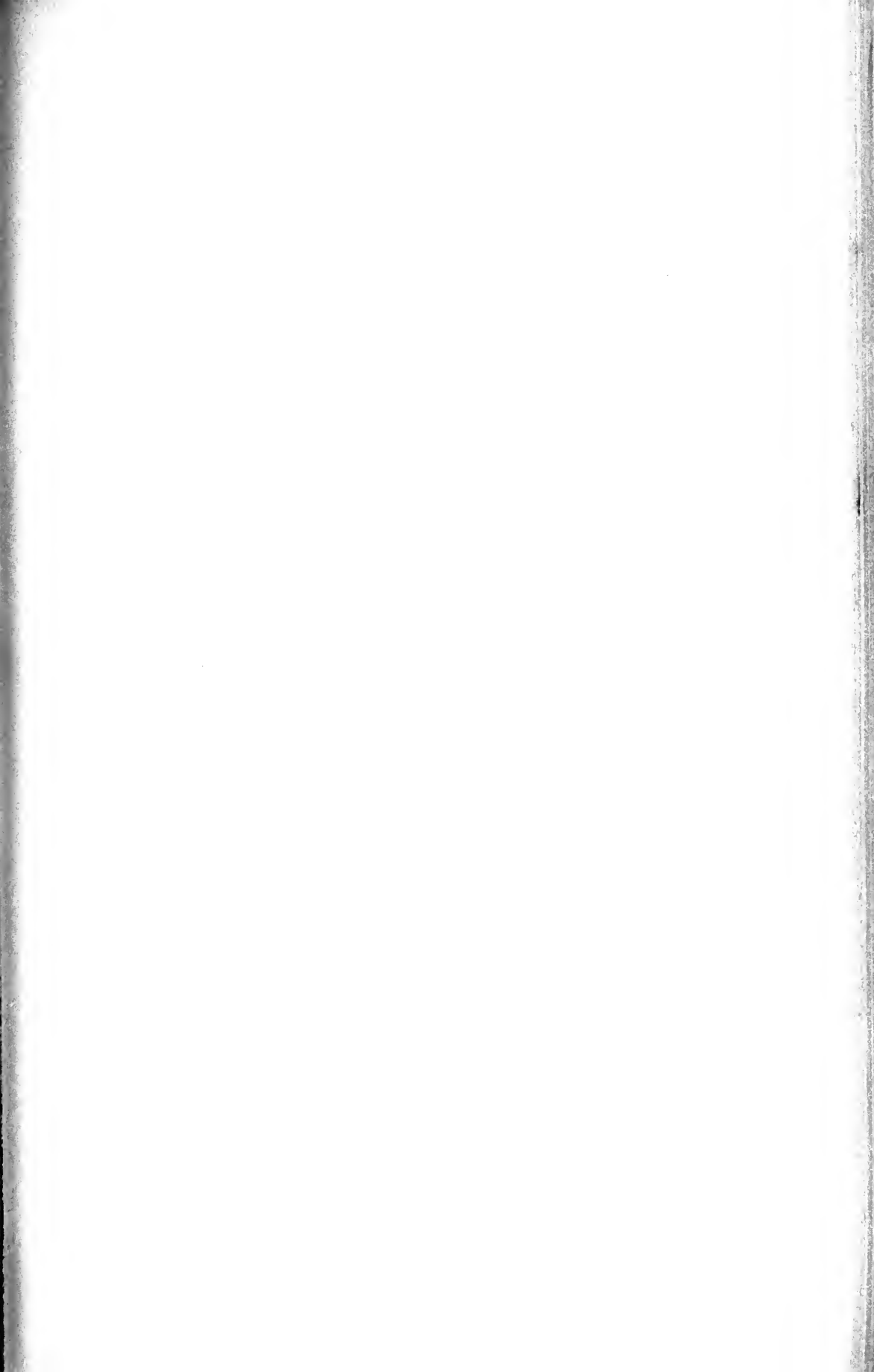
(219) Whenever it becomes necessary for a workman to go on top of the furnace for oiling, cleaning, or other duty, he shall notify the foreman or other responsible person, who shall see that not less than two men go on top for any purpose. It shall be the duty of one workman to act as watcher and to give the alarm to the stock house, cast house, or bell operator, and render every possible assistance in case of danger from gassing or other causes.



- Life lines. (220) Life lines and belts in good order shall be provided and kept in some secure and readily accessible place for immediate use in case it becomes necessary to rescue a workman from the top rigging, and also for use by any workman whose duties require him to work in an atmosphere which is liable to become dangerous by reason of the presence of noxious gases.
- Shields for protection against burning. (221) Workmen employed at metallurgical works shall be supplied with suitable shields and appliances to protect them as far as possible from being burned with molten material.
- Line of communication. (222) A suitable line of communication by telephone, gong or other mechanical means shall be maintained between the furnace top and all other dangerous places, and the cast house, skip operator's room, or other place where workmen are continuously on duty.
- Stairways protected. (223) All stairways shall be inclined at an angle not greater than fifty degrees from the horizontal, and be provided with landings or turnouts, at intervals of twenty-five feet, so that it will not be possible for a workman to fall from the top to the foundation landing below.
- Supervision of hazardous work. (224) Every foreman shall personally supervise or appoint a competent assistant to supervise any work around the furnace involving unusual accident hazard, such as work in gas mains or cleaners, tearing out linings, work in the cast house, about the stoves when blowing in or blowing out, and any work about the bells or stock line. He shall also, when the furnace is known to be hanging and liable to slip, see that no workman is allowed on top for any purpose.
- Inspection of stock piles. (225) Stock piles of ore, limestone, coke or other material shall be inspected daily by some authorized person whose duty it shall be to see that they are in a safe working condition.
- Protection around bell. (226) Whenever ore becomes frozen in the hopper and workmen are required to bar the same into the furnace, a suitable guard-rail shall be provided to prevent workmen slipping on to the bell, and all workmen so engaged shall be equipped with belt and life line.
- Rescue apparatus. (227) There shall be maintained at all blast furnaces in a readily accessible place breathing apparatus and portable resuscitating apparatus of approved type, with an adequate supply of oxygen and absorbent material. There shall always be on duty in each working shift a workman or workmen appointed by the superintendent and trained in the use of breathing and resuscitating apparatus.
- Age, elevator and crane operators. (228) No person under the age of eighteen years shall be allowed to operate any elevator or power-driven crane.



- Riding prohibited. (229) No person other than the operator shall be permitted to ride on any crane or part thereof or on any material carried by such crane except for inspection, supervision, maintenance and repair, or instruction of a new operator.
- Warning devices. (230) Every crane operated from a cab mounted on the crane shall be equipped with a whistle, bell, gong or horn which shall be sounded at such times as it may be necessary to give warning of the approach of the crane to places where men are working or are liable to pass.
- Over-winding devices. (231) Every crane shall be equipped with suitable devices to prevent overwinding.
- Daily examination of cranes. (232) The owner or manager shall depute some qualified person or persons to examine daily such parts of the crane or apparatus pertaining thereto upon the proper working of which the safety of persons depends. A record of such examinations shall be kept.
- Folding gates. (233) Every entrance to a hoistway shall be provided with a substantial door or doors or gate or gates at least six feet in height. All folding gates over three feet wide shall have top, bottom and centre braces.
- Lighting. (234) Every hoistway landing and place where machinery is erected shall be well lighted.
- Guarding hoistway. (235) When a hoistway is not enclosed in walls, access to the hoistway by means of an adjacent stairway shall be prevented by means of a partition to a height of at least six feet.
- Guide rails. (236) All guide rails for cars and counterweights shall be of substantial construction, and shall be securely fastened to the sides of the hoistway, and the bottom ends shall rest on a secure foundation, and be firmly fixed in that position.
- Clearance for car. (237) On every elevator hereafter installed a clear space of not less than three feet shall be provided between the bottom of the hoistway and the lowest point of the car when the car is at its lowest landing, and between the top of the car and the sheave when the car is at its top landing, and also between the top of the counterweight and the sheave when the car is at its lowest landing.
- Automatic safety devices. (238) Every elevator shall be provided with automatic devices at the top and bottom of the travel of a car in the hoistway, so arranged that the car will be stopped before it has travelled two feet above the top landing, or two feet below the bottom landing, and all drum hoists shall, in addition, be fitted with automatic stop motions to prevent overwinding.



Protecting counterweights.

(239) All counterweights shall have their sections strongly bolted together and shall be so situated that they cannot fall on any part of the elevator or machinery, and shall be suspended in guides in such a manner that they will run freely without danger of being detached.

Protection on elevator.

(240) Every elevator on which any person travels shall be provided with side casing, and shall have a door or doors extending at least five feet above the bottom of the elevator, and the top shall be covered with suitable protective roofing.

Safety catches.

(241) Every elevator on which any person travels shall be provided with efficient safety catches capable of holding the elevator and twice the maximum load in any position in the hoistway. When the safety catches are operated through shafts, all the levers and safety catches shall be keyed to the shafts.

Rules Governing Use of Electricity.

(242) In these Rules,—

“Cut-out.”

(a) “Cut-out” shall mean any device, such as a fuse or circuit-breaker, by which the electrical continuity of a conductor may be automatically broken by changes in current or voltage;

“Disconnecter.”

(b) “Disconnecter” shall mean a switch which is intended to open a circuit only after the load has been thrown off by some other means;

“Electrical Supply Station.”

(c) “Electrical Supply Station” shall mean any building, room or separate space within which is located electrical supply equipment and which is accessible, as a rule, only to properly qualified persons, and shall include generating stations and substations and generator, storage battery and transformer rooms;

“Grounded.”

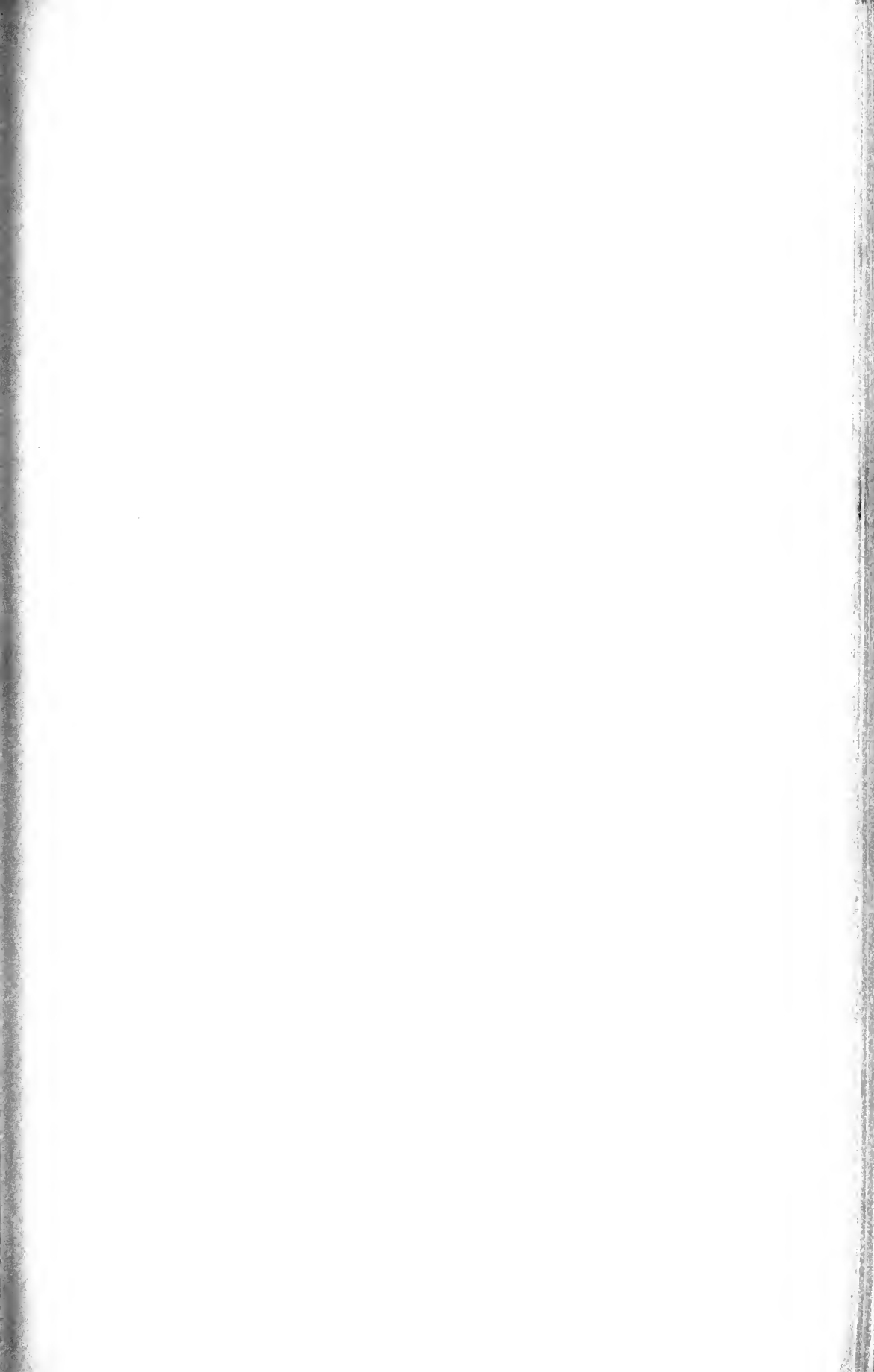
(d) “Grounded” shall mean connected to earth or to some extended conducting body which serves instead of earth, and this ground connection may be at one or more points;

“Panel-board.”

(e) “Panelboard” shall mean a single panel containing busses, fuses and switches to control lights, and devices of small individual as well as aggregate capacity, placed in or against a wall or partition and accessible only from the front;

“Reconstruction.”

(f) “Reconstruction” shall mean replacement of any portion of an existing installation by new equipment or construction, but does not include ordinary maintenance replacements;



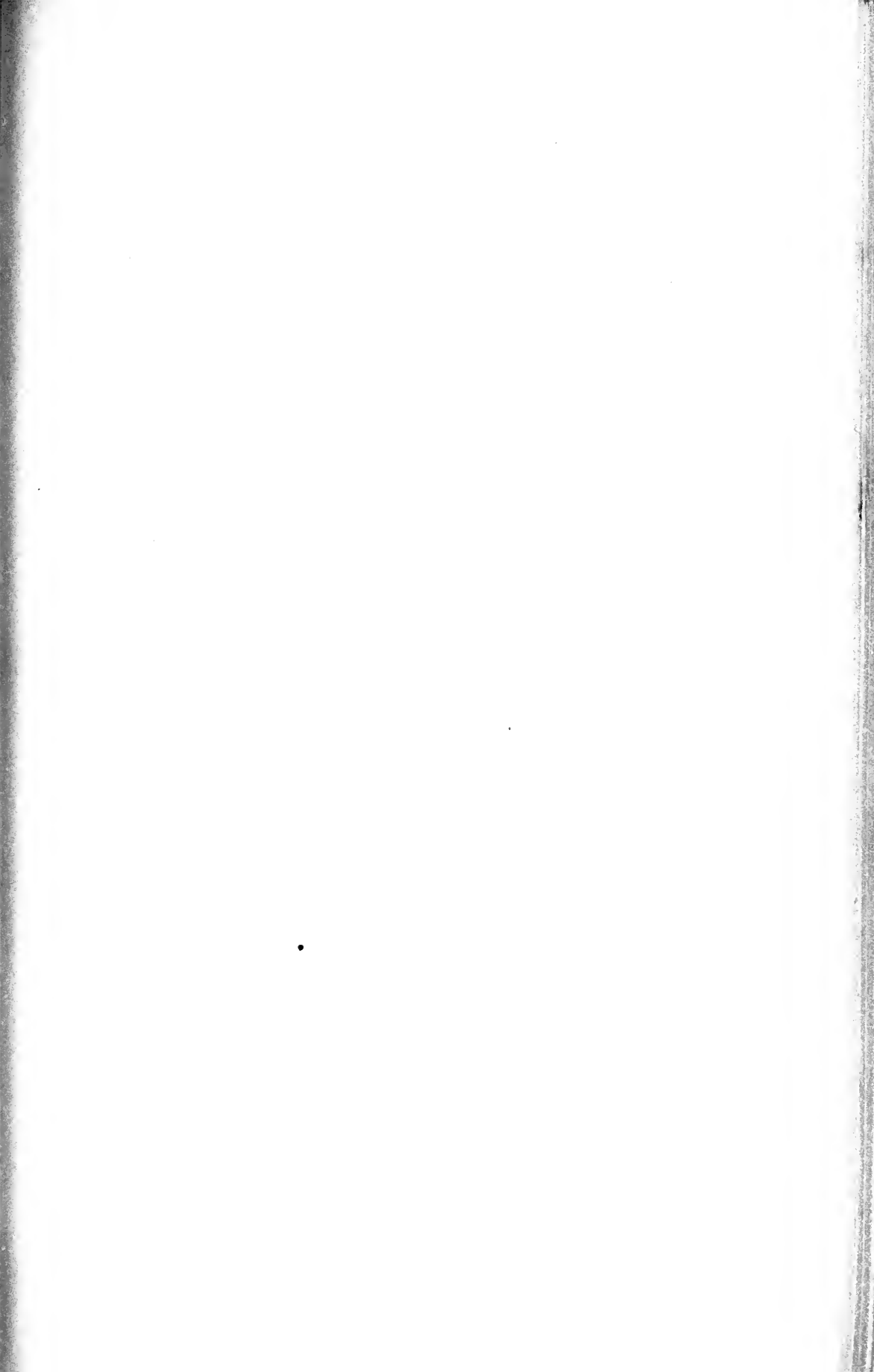
- "Switch." (g) "Switch" shall mean a device for opening or closing or changing the connections of a circuit manually, and in these Rules a "switch" is always to be understood as operated manually, unless otherwise stated;
- "Switch-board." (h) "Switchboard" shall mean a large single panel or assembly of panels on which are mounted switches, fuses, busses and usually instruments, and accessible both in front and in rear. Circuits and machinery of relatively large capacity are controlled from such boards;
- "Utilization Equipment." (i) "Utilization Equipment" shall mean equipment, devices and connected wiring, which utilize electrical energy for mechanical, chemical, lighting, testing or similar purposes and are not a part of supply equipment;
- "Voltage,"
"Volts,"
"Voltage to Ground." (j) "Voltage" or "Volts" shall mean the highest effective voltage between the conductors of the circuit concerned, except that in grounded multi-wire circuits, not exceeding 750 volts between outer conductors, it means the highest effective voltage between any wire of the circuit and the ground, and in ungrounded, low-voltage circuits "voltage to ground" shall mean the voltage of the circuit;
- "Wire gauge." (k) "Wire Gauge" shall mean the standard known as Brown and Sharpe (B. & S.).

General Rules.

Competent person in charge. (243) Where electrical apparatus or machinery is used at any mine it shall be in charge of an authorized person, who shall be qualified by experience to handle such apparatus or machinery. Every person operating or having charge of electrical apparatus shall have been instructed in his duty and shall be competent for the work that he is set to do. Repairs, extensions and changes shall be made to existing electrical equipment and conductors only by authorized persons.

Supply stations to be inaccessible to unauthorized persons. (244) No person, other than the person authorized by the owner, manager, or superintendent, shall enter an electrical supply station or interfere with the workings of any machine, transformer, motor, or apparatus connected therewith, and when the authorized person is not present the door of such room shall be kept securely locked.

General requirements. (245) All electrical equipment shall be of such construction and so installed and maintained as to reduce the life and fire hazard as far as practicable.



Inspections and repairs. (246) Electrical equipment shall comply with these Rules when placed in service, and shall thereafter be periodically inspected and, when necessary, cleaned. Defective equipment shall be put in good order or permanently disconnected. Defective wiring shall be repaired or removed.

Exceptions. (247) Electrical utilization equipment as well as generating equipment, if enclosed in a separate room which is inaccessible to unauthorized persons, and when in service is under the control of a qualified electrical operator whose attention is not distracted by other processes, shall be considered as electrical supply station equipment, and such exceptions as are made to the general Rules for supply stations shall apply to these installations.

Identification of equipment. (248) All electrical equipment shall be suitably identified where necessary for safety. The voltage and intended use shall be shown, where important.

General Grounding Rules.

Circuits to be grounded. (249) All circuits not over 150 volts shall be grounded if exposed to leakage from higher voltage circuits either through overhead construction or through transformers having primary voltage exceeding 750 volts. Three-wire single-phase circuits and three-wire direct-current circuits not exceeding 300 volts between outer conductors shall have the neutral grounded.

Equipment to be grounded. (250) Electrical equipment shall, when practicable, have the exposed non-current-carrying parts, such as frames of motors, generators, switchboards, cases of transformers, oil switches and instruments and casings or wiring and conductors, permanently grounded:

- (a) For all equipment over 150 volts;
- (b) For all equipment where metal parts are within reach of exposed grounded surfaces, such as metal frames of other machines, plumbing fixtures, conducting floors or walls (such as damp wood, concrete or rock underground). Grounded surfaces within five feet horizontally of the parts considered, or within eight feet vertically of the floor, shall be considered within reach.

Equipment and wire runways. (251) The point at which the ground conductor is attached to the equipment or wire runways, shall be readily accessible.

Material and continuity of ground conductor. (252) The ground conductor shall be of copper or other metal which will not corrode excessively under the existing conditions and, if practicable, shall be continuous. Ground connections from circuits shall not be made to jointed piping



within buildings, except that water or air piping beyond any point which is liable to disconnection may be used.

Size of ground conductor.

(253) For grounding circuits the ground conductors shall have a carrying capacity equal to that of the circuit and shall never be less than No. 6, B. and S.

(254) For electrical equipment the current-carrying capacity of a ground conductor shall not be less than that provided by a copper wire of the size indicated in the following table. When there is no cut-out protecting the equipment, the size of the ground wire shall be determined by the design and the operating conditions of the circuit:

Capacity of nearest automatic cut-out	Required size ground conductor B. & S. gauge
0 to 200 amperes.....	6
201 to 500 amperes.....	4
Over 500 amperes.....	2

(255) In portable cord to portable equipment protected by fuses not greater than ten ampere capacity, No. 16 ground wire may be used.

Protecting ground wire.

(256) Ground conductors shall have mechanical protection and insulating guards extending for a distance of not less than eight feet above any ground, platform or floor. If attached to buildings ground conductors shall be supported on insulators and shall be protected by porcelain bushings through floors, partitions or walls.

Character of ground.

(257) Main water or air lines may be used for grounds, provided that connection is made at a point where the pipe is not liable to disconnection for alteration or repairs. Main water or air lines may be substantially bound together for this purpose, but shall, unless connected to a buried piping system of considerable extent, be connected to an artificial ground.

Method of connection.

(258) The ground connection to metallic piping systems shall be made by sweating a ground wire into a lug attached to a suitable clamp and firmly bolting the clamp to the pipe, after all rust and scale have been removed, or by any other equivalent method.

Artificial grounds.

(259) Artificial grounds shall be located, where practicable, below the permanent moisture level, or, failing this, at least six feet deep. Each ground shall present not less than four square feet of surface to the exterior soil. Areas where the ground-water level is close to the surface shall be used where available.



Where separate ground conductors required.

(260) Ground conductors shall be run separately to the ground (or to a sufficiently heavy grounding bus or system ground cable which is connected to ground at more than one place) from equipment and circuits of each of the following classes: (1) lightning arresters; (2) secondaries connected to low-voltage lighting or power circuits; (3) secondaries of current and potential transformers and cases of intruments on these secondaries; (4) equipment operating in excess of 750 volts; (5) frames of utilization equipment or wire runways other than covered by item (4).

Lightning arrester grounds.

(261) Lightning arrester ground connections shall not be made to the same artificial ground (driven pipe or buried plate) as circuits or equipment, but shall be well spaced, and, where practicable, at least twenty feet from other artificial grounds.

Working Space about Electrical Equipment.

Utilization equipment.

(262) Suitable working space shall be provided and maintained about all electrical equipment. Where adjacent to exposed live parts such working spaces shall be so arranged that they will not be used as passageways. The working space shall, where practicable, have minimum horizontal dimensions, where adjacent to exposed parts within eight feet of the floor, as follows: (1) parts above 150 volts to ground, if on one side, 2.5 feet; if on two sides, 4 feet; (2) parts below 150 volts to ground, if on one side, 1.5 feet; if on two sides, 2.5 feet.

Supply station equipment.

(263) In supply station equipment the following clearances only need be maintained: (1) parts from 300 up to 750 volts, if on one side, not less than 2.5 feet; if on two sides, not less than 3 feet; (2) parts above 750 volts, if on one side, not less than 3 feet; if on two sides, not less than 5 feet.

Guarding or Isolating Live Parts.

Guarding current-carrying parts.

(264) In supply station equipment, current-carrying parts shall be guarded unless they are maintained at the following distances above the floors which may be occupied by persons:

Voltage of conductors	Elevation in feet
300 to 750.....	7
750 to 2,500.....	7.5
2,500 to 7,500.....	8
7,500 to 30,000.....	9
30,000 to 70,000.....	10
70,000 to 100,000.....	12

(265) All exposed current-carrying parts of electrical equipment such as bus bars, conductors and terminals operating at over 150 volts and not isolated by an elevation of at least eight feet, shall be provided with suitable permanent enclosures



or other guards arranged so as to prevent persons or conducting objects from inadvertently coming (or being brought) in contact with the parts in question.

(266) Where the current-carrying parts at over 150 volts, or in supply stations at over 300 volts to ground, must necessarily be exposed (unguarded) within eight feet, or in supply stations within the limits called for in Rule 264, from the floor line, all surrounding conducting floors shall be covered with suitable insulating platforms, mats or other insulating devices.

(267) Where the current-carrying parts operate at over 7,500 volts, enclosing or barrier guards shall always be provided, even when insulating mats are also provided.

Storage Batteries.

Protection
of storage
batteries.

(268) Storage batteries in rooms used also for other purposes shall be adequately guarded or enclosed. Means shall be provided, if necessary, to prevent dangerous accumulations of inflammable gas. Batteries whose operating voltage exceeds 50 volts shall be installed in conformity with the general rules covering equipment.

Transformer Rules.

Protecting
instrument
transformers.

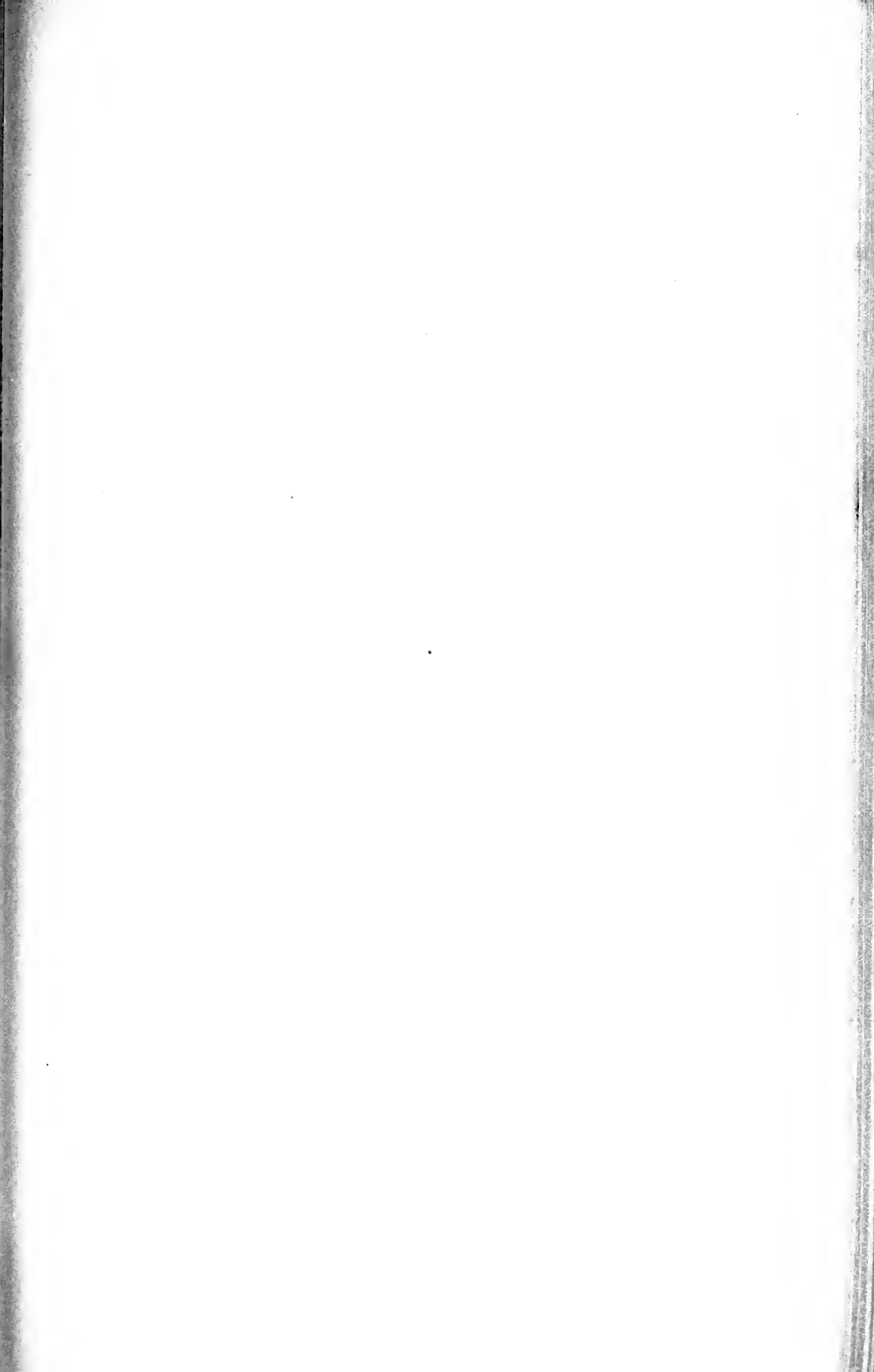
(269) Secondary circuits of current transformers shall be provided with means for short-circuiting them which can be readily connected while the primary is energized, and which are so arranged as to permit the removal of any instrument or other device from such circuits without opening the circuits.

(270) When primaries are above 7,500 volts secondary circuits of current and potential transformers, unless otherwise adequately protected from injury or contact of persons, shall be in permanently grounded conduit.

(271) The low-voltage circuit of all instrument transformers shall be permanently grounded unless the circuits are installed and guarded as required for the high-voltage circuits of the transformers.

Oil immersed
transformers.

(272) Oil immersed transformers shall not be mounted on or above combustible roofs or attached to any building not of fireproof construction other than a transformer house and if within a building other than a transformer house shall be in a fireproof compartment, suitably drained and ventilated to outdoors, the door openings to be provided with not less than six-inch non-combustible sills.



Transformer stations to be fireproof. (273) Transformer stations, if not entirely of fireproof construction, shall be located at least fifty feet distant from other buildings.

Lightning Arrester Rules.

Inaccessible to unauthorized persons. (274) If the operating voltage of the circuit exceeds 750, the lightning arresters shall be made inaccessible to unauthorized persons.

Location. (275) Lightning arresters, when installed inside of buildings, shall be located as far as practicable from all other equipment and from combustible parts of the building.

Provisions for disconnecting. (276) Lightning arresters on circuits over 7,500 volts and all lightning arresters which may require work to be done upon them from time to time, shall be so arranged, isolated, and equipped that they may be readily disconnected by air-break manual disconnectors.

Ground wires. (277) Ground wires shall be run as directly as possible and be of low resistance and ample capacity. In no case shall ground wires be less than No. 6 copper wire. Ground conductors for lightning arresters shall not pass through iron or steel conduits unless electrically connected to both ends of such conduits.

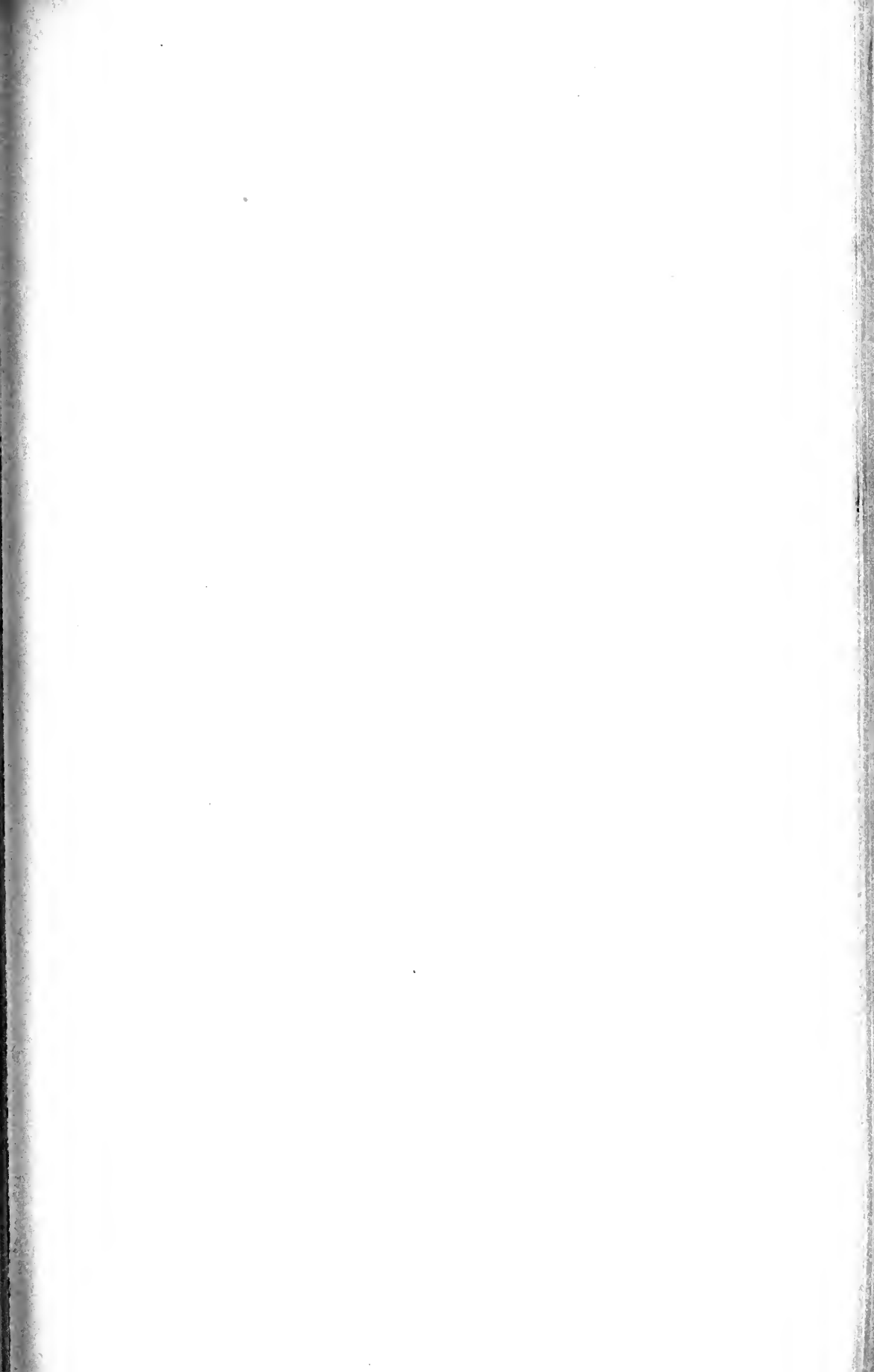
Grounding non-current-carrying parts. (278) All non-current-carrying parts of the arresters shall be grounded, unless effectively isolated by elevation, or guarded as required for live parts of the voltage of the circuit to which the arrester is connected, and suitably identified as to that voltage.

Guarding live parts. (279) All current-carrying parts of arresters on circuits above 750 volts, unless effectively isolated by elevation, shall be adequately guarded to protect persons from inadvertent contact with them, or from injury by arcing. Guarding shall comply with Rules 265 and 283.

Conductors.

Electrical protection of conductors. (280) Conductors shall be suitable for the location, use and voltage and each conductor (except neutral conductors, ground wires, and conductors of circuits, the opening of which may cause special hazard by interruption of service or removal of protection), shall be protected against excessive current by suitable automatic cut-out or by the design of the system.

Cut-outs omitted. (281) All conductors normally grounded for the protection of persons shall be arranged without automatic cut-outs interrupting their continuity between the sources of electrical supply and the point at which the ground wire is attached,



unless the cut-out opens all the conductors of the system with one operation.

Insulating conductors. (282) All conductors where not protected by conduit or armouring shall have approved insulation and shall be mounted on cleats, porcelain knobs or insulators and shall be separated from contact with floors, walls or partitions by tubes of incombustible insulating material.

Isolating conductors. (283) All fixed conductors operating at over 150 volts or in supply stations at over 750 volts unless isolated by an elevation of at least eight feet shall be enclosed in grounded metal conduit, grounded metal sheathing or shall be guarded by permanent screens or enclosures.

Use of bare conductors. (284) Bare conductors shall be used only for switchboard, panelboard, storage-battery connections or for open wiring at voltages exceeding 2,400 volts in supply stations or for electrolytic low-voltage furnaces and similar connections, or for trolley wires and other contact conductors. Except at points where permanent ground connections are made such conductors within buildings shall be kept insulated from the ground.

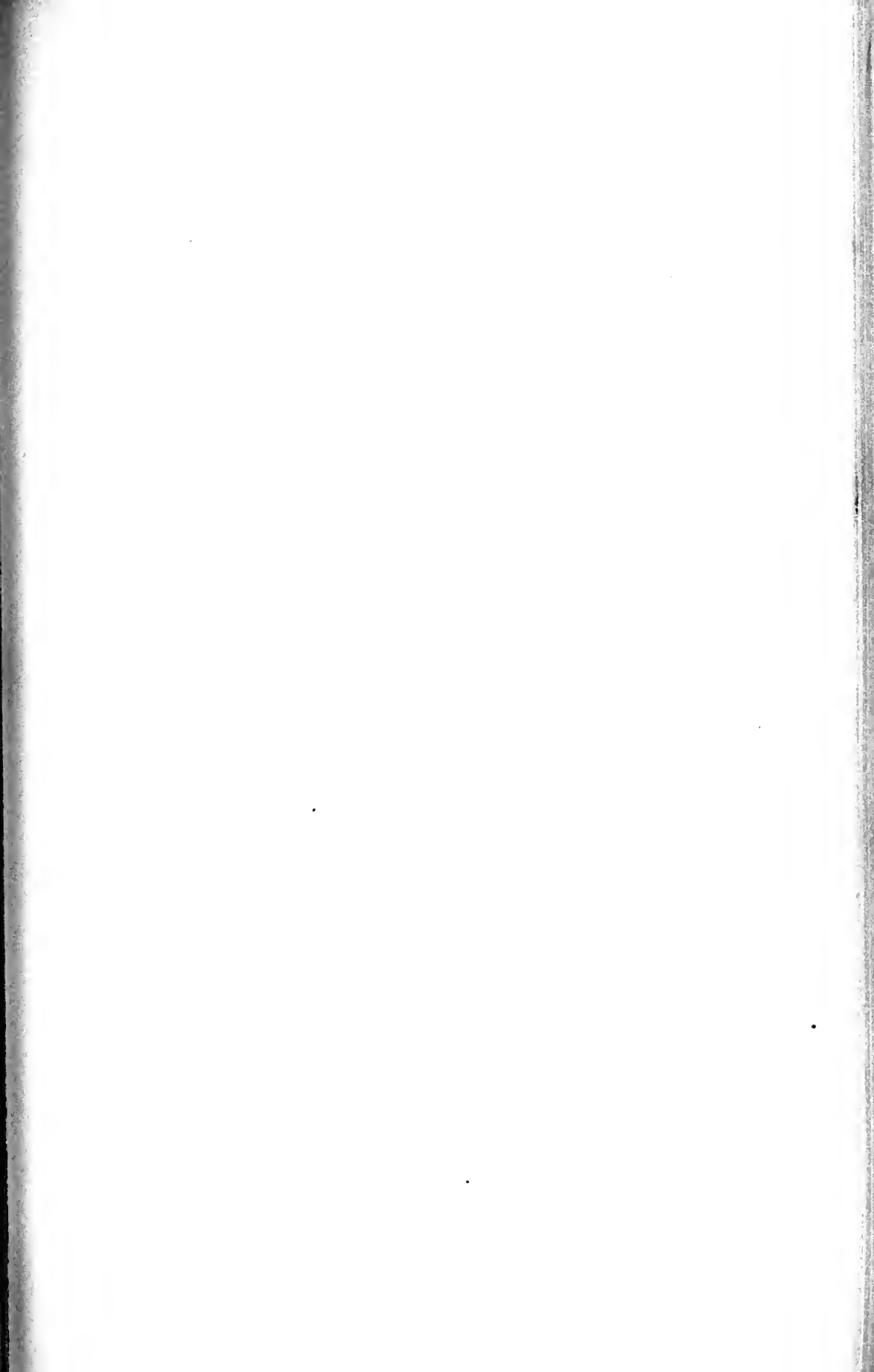
Temporary wiring. (285) Temporary wiring and equipment, which is not in compliance with these rules, may be used, but only when under competent supervision, or protected by suitable barriers or warning signs while it or neighbouring wiring is alive and accessible to unauthorized persons.

Fuses, Cut-outs, Switches and Controllers.

General requirement of switches. (286) All switches, automatic cut-outs, controllers, starting rheostats, auto starters and other control devices shall be readily and safely accessible to authorized persons; they shall be so located, labelled or marked as to afford means of identifying circuits or equipment supplied through them, and to indicate whether they are open or closed. They shall be so installed, where practicable, that they cannot be closed by gravity and such switches as close by gravity shall be provided with a proper stop block or latch to prevent accidental closing.

Switches required for equipment. (287) Suitable switches shall be inserted in all circuit leads to generators, motors, transformers, storage batteries, electric furnaces and similar equipment except between parts or pieces of apparatus intended to operate as a unit.

Switches required in feeders. (288) Suitable switches shall be inserted in all feeder conductors connecting utilization installations to service connections from either overhead or underground lines. These switches shall be readily accessible, and as close as practicable



to the point of connection with the overhead or underground lines.

Switches for temporary wiring.

(289) Switches or plug connectors shall be placed in all circuit leads at the point where temporary wiring or portable conductors are connected to the permanent wiring.

Capacity of switches.

(290) Switches used otherwise than as disconnectors shall have a rated capacity such as to insure safe interruption, at the working voltage, of the greatest current which they may be required to carry continuously, and shall be marked with the current they can safely interrupt.

Switches have sufficient rupturing capacity.

(291) All cut-outs, switches, circuit breakers and other apparatus used for opening or closing an electric circuit shall be of such design as to operate safely on the system from which the circuit is energized.

Disconnectors.

(292) Disconnectors shall be of suitable voltage and ampere rating for the circuit in which they are installed and shall be accessible only to qualified persons. They shall also be protected by signs warning against opening the switch while carrying current in excess of the safe opening limit.

Locking or tagging switches.

(293) All switches controlling apparatus shall be locked or plainly tagged in the open position to prevent the inadvertent closing thereof while work is being done on the apparatus.

Good contact required on switches.

(294) Switches, controllers and rheostats shall be so constructed as to make and maintain good contact. Knife switches shall maintain such alignment under service conditions that they may be closed with a single, unhesitating motion.

When air-break switches needed.

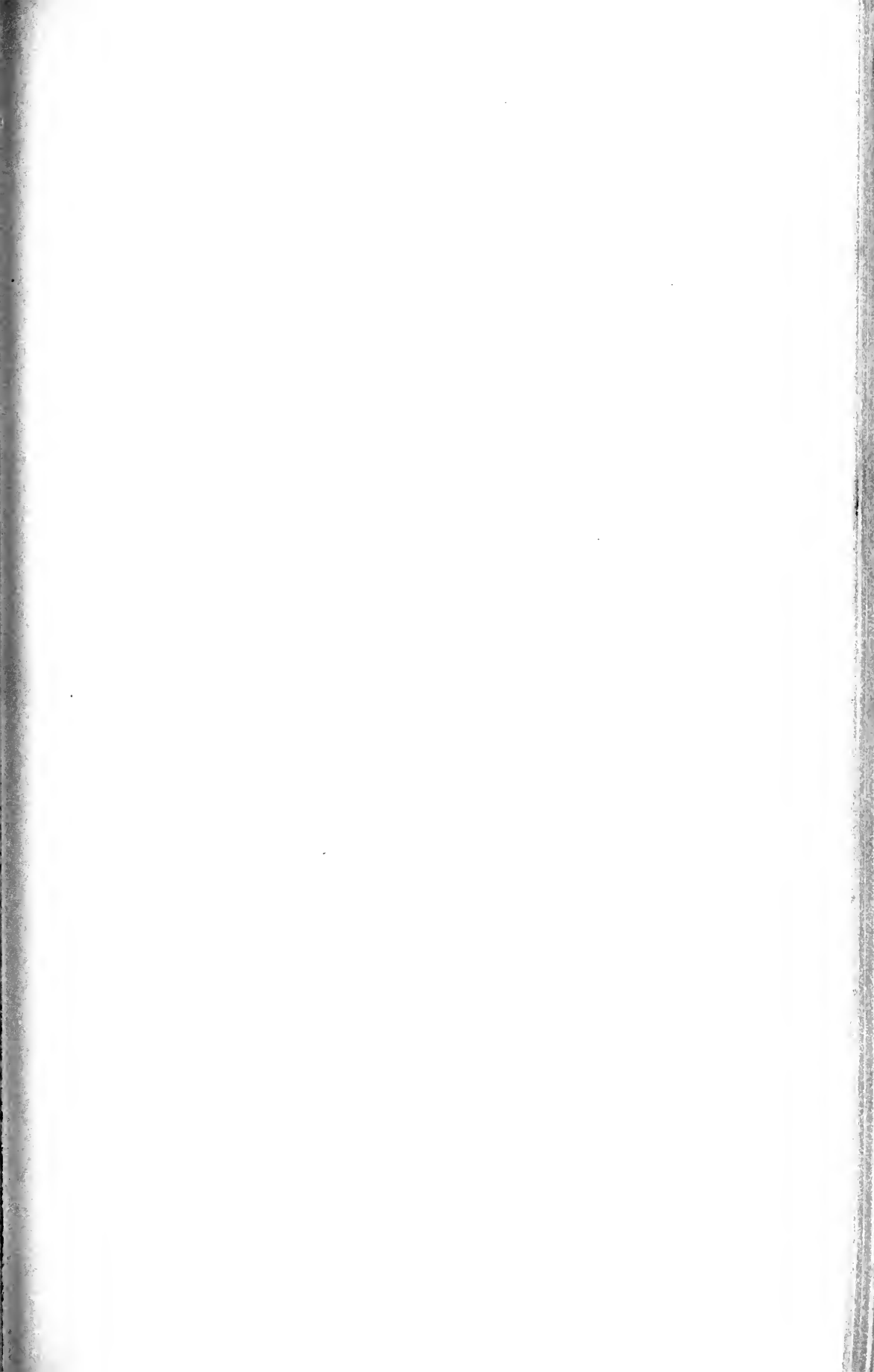
(295) Unless a switch operating on a circuit above 300 volts makes an air-break there shall, if equipment controlled by such switch requires adjustment or repairs while the conductors leading to such switch are still alive, be installed between it and the source of energy supply a suitable air-break disconnecter.

Enclosing live parts of switches.

(296) All manual switches over 150 volts to ground or in supply stations over 300 volts to ground shall have suitable casings or guards protecting the operator from the danger of contact with current-carrying parts or being burned by arcing at the switch.

Guarding switches above 300 volts.

(297) All switches interrupting circuits over 300 volts shall be operated by means of remote control mechanism or be provided with suitable casings protecting the operator from danger of contact with current-carrying parts, except as provided in Rule 300.



(298) The control device for switches shall indicate whether the switches are open or closed.

Connections to switches.

(299) Switches shall, if practicable, be so connected that switch blades will not be alive when in the open position.

Working spaces about ordinarily guarded switches above 750 volts.

(300) Where switches, disconnectors, and fuses above 750 volts are ordinarily guarded by covers or enclosed in separate rooms, but must occasionally be operated without such protection, either by removal of the covers or by entrance into the rooms, adequate working space shall be provided about the live parts so that the operator will not be required to bring any part of his body within the following horizontal distances:

Voltage of parts	Distance in feet
750 to 7,500.....	1
7,500 to 30,000.....	2
30,000 to 50,000.....	3
50,000 to 70,000.....	4
70,000 to 100,000.....	5

Switches to be placed before fusible cut-outs.

(301) On circuits up to 300 volts to ground, where fusible cut-outs are not so arranged that they are necessarily disconnected from all sources of electrical energy before the ungrounded current-carrying parts can be touched, switches shall always be so placed or arranged that opening them will disconnect the fuses from all sources of electrical energy.

Protecting fusible cut-outs above 300 volts.

(302) Fusible cut-outs above 300 volts to ground shall be in a cabinet or otherwise made inaccessible to all but authorized persons, and switches shall be so placed and arranged that opening them will disconnect the fuses from all sources of electrical energy.

Fuses in fireproof cabinets.

(303) All fusible cut-outs shall be installed in approved fireproof cabinets.

Capacity of fuses.

(304) The rated capacity of the fuses shall not exceed the allowable current-carrying capacity of the conductor.

Switchboards.

Switchboards to be readily accessible.

(305) Switchboards and panel boards shall have all switches arranged so that the means of control are readily accessible to the operator.

Switchboards to be convenient for operation.

(306) Instruments, relays or other devices requiring reading or adjustment shall be so placed that the work can be readily performed from the working space provided.

Location and lighting of switchboards.

(307) Switchboards shall be so placed that the person operating them will not be endangered by machinery or

equipment located near the board. Means for adequate illumination shall be provided.

Protecting
against short
circuiting on
switch-
boards.

(308) Exposed bare parts of different potentials on any switchboard or panelboard shall be as few as practicable and these shall be effectively separated.

Guarding
current-
carrying
parts of
switch-
boards.

(309) All switchboards and panelboards having exposed current-carrying parts operating at over 150 volts to ground shall, when practicable, be suitably encased in locked cabinets, screens, or rooms, or other enclosures to make them inaccessible to other than authorized operators. Conducting floors about such boards and in supply stations about boards having equipment operating at over 300 volts to ground shall be provided with suitable insulating platforms or mats so placed that no person can inadvertently touch live parts unless standing on an insulating platform or mat.

Switch-
boards below
150 volts
accessible to
unauthorized
persons.

(310) Where switchboards or panelboards at voltages below 150 to ground are accessible to other than authorized operators they shall, where practicable, be enclosed in cabinets or screens as an effective precaution against accidental short circuit at times when no operation of the board necessitates the opening of the cabinet or screen.

Motor Control Devices.

Motor
control
devices.

(311) Manually controlled starters for all D.C. motors and for all A.C. motors over five horsepower shall be so designed and the circuits so arranged that they return automatically to the "off" position upon the failure of the energy supply, except where the motors and their starting devices are, during operation, under the supervision of qualified persons and equivalent protection is otherwise provided.

Protecting
motors
against
overload.

(312) Each motor shall be protected against excessive overload current by cut-out or automatic circuit breaker. Any such overload device shall interrupt the circuit at fifty per centum over normal motor-current rating. An auto starter which disconnects all wires of the circuit automatically under overload when in the running position may be used as a circuit breaker.

Illuminating Supply Stations.

Lighting for
supply
stations.

(313) Rooms and spaces shall have good artificial illumination. Arrangement of permanent fixtures and plug receptacles shall be such that the portable cords need not be brought into dangerous proximity to live electrical apparatus. All lamps shall be arranged to be controlled, replaced, or trimmed from readily accessible places.



Emergency lighting for supply stations.

(314) A separate emergency source of illumination, from an independent generator, storage battery, lanterns or other suitable source, shall be provided in every station where an attendant is located.

Fire-Fighting Appliances.

Fire-fighting appliances.

(315) Each room or space where an operator is in attendance shall be provided with an adequate approved fire extinguishing appliance conveniently located and conspicuously marked. No chemical appliance which has not been approved for use on live parts shall be placed in any room containing electric apparatus or exposed lines.

Lighting Fixtures.

Guarding current-carrying parts of lighting fixtures.

(316) Electric fixtures, such as lamp sockets and lamp bases, plugs, receptacles, etc., shall be so installed that no current-carrying parts shall normally be exposed externally when these parts are within reach of grounded surfaces (see Rules 265, 266, and 267). The high-temperature current-carrying parts of radiant heaters are exempted.

Portable lamps.

(317) Portable lamps shall not be connected to circuits operating at over 300 volts to ground.

Portable conductors exposed to injury.

(318) In locations where exposed to dampness or mechanical injury, portable conductors shall be of reinforced weather-proof cord, and, when necessary, armoured.

Style of portable lamps permitted.

(319) In locations where exposed to dampness or mechanical injury, portable lamps shall have their sockets enclosed in wood or composition handles, through which the conductor shall be carried, and shall have a substantial wire cage which encloses the lamp. A hook for hanging the lamp shall be attached either to the cage or to the handle.

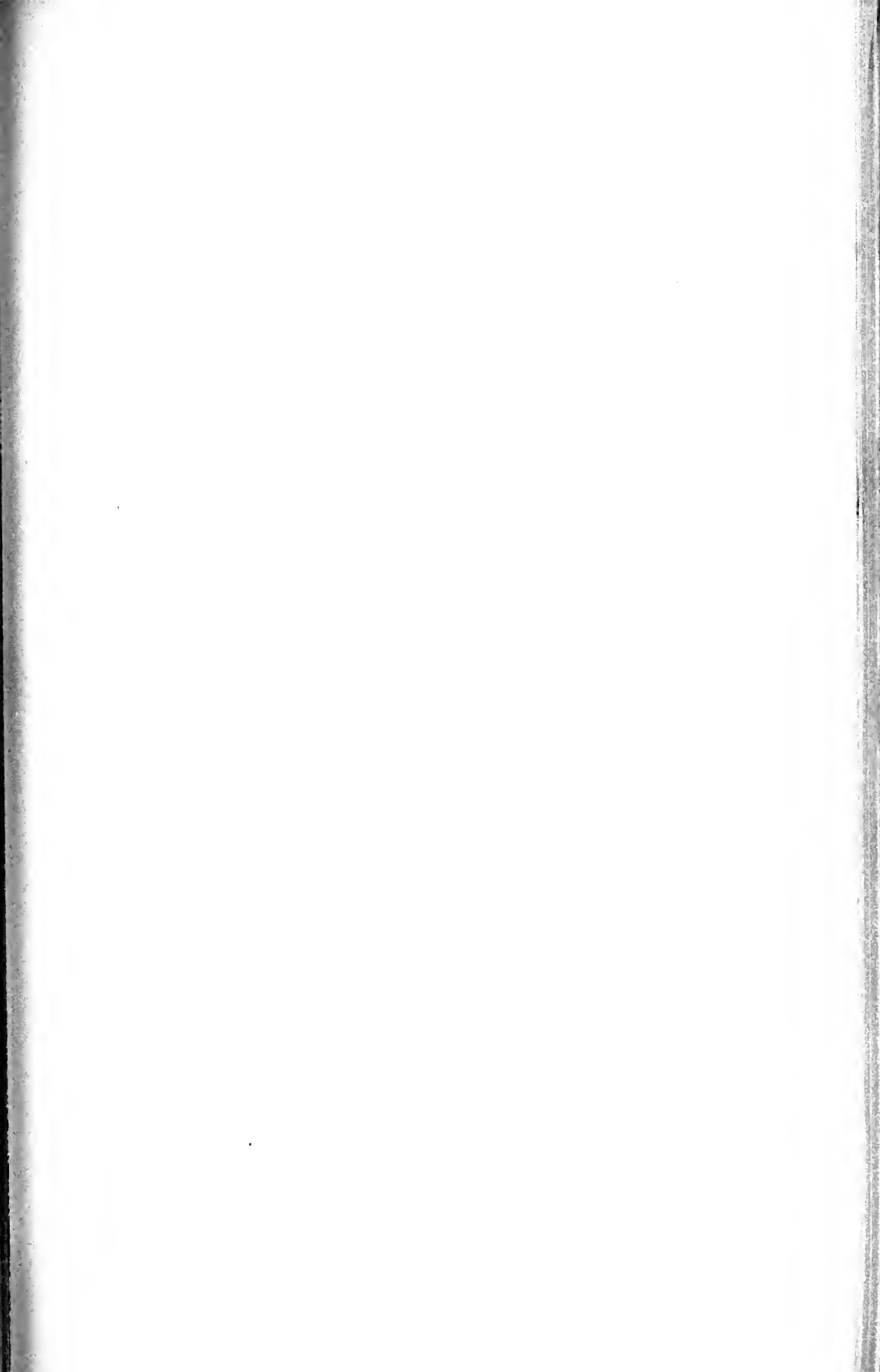
Trolleys and Portable Apparatus.

Guarding trolley or crane collector wires.

(320) Trolley or crane collector wires, whether indoors or out, shall, where practicable, be elevated at least eight feet above the rail level and be provided with suitable guards so arranged that persons cannot inadvertently touch the current-carrying parts while in contact with the ground or with conducting material connected to the ground.

Operating voltage in tunnels, etc.

(321) In tunnels or under bins or in similar locations where trolley wires are necessarily less than eight feet above the rail level, the operating voltage shall not exceed 300 and the wires shall be efficiently guarded to prevent accidental contact of person.



Portable and pendant conductors. (322) Portable and pendant conductors shall not be installed or used on circuits operating at over 150 volts to ground, unless they are accessible only to persons authorized to approach them. In such cases they shall be of a type suitable to the voltage and conditions.

Cranes and Elevators.

Disconnections for cars and cranes. (323) Readily accessible means shall be provided whereby all conductors and equipment located in or on cars or cranes may be disconnected entirely from the source of energy at a point as near as possible to the trolley or other current collector.

Switch required on cars and cranes. (324) A circuit breaker or switch, capable of interrupting the circuit under heavy loads, shall be used unless the current collector can be safely removed, under heavy loads, from the trolley wire.

Telephone Exposed By Supply Lines.

Protecting telephone equipment exposed by high voltage. (325) Telephone or other signal apparatus which must be handled by persons and which is connected to overhead signal circuits exposed by supply lines over 400 volts to ground shall be protected as follows:

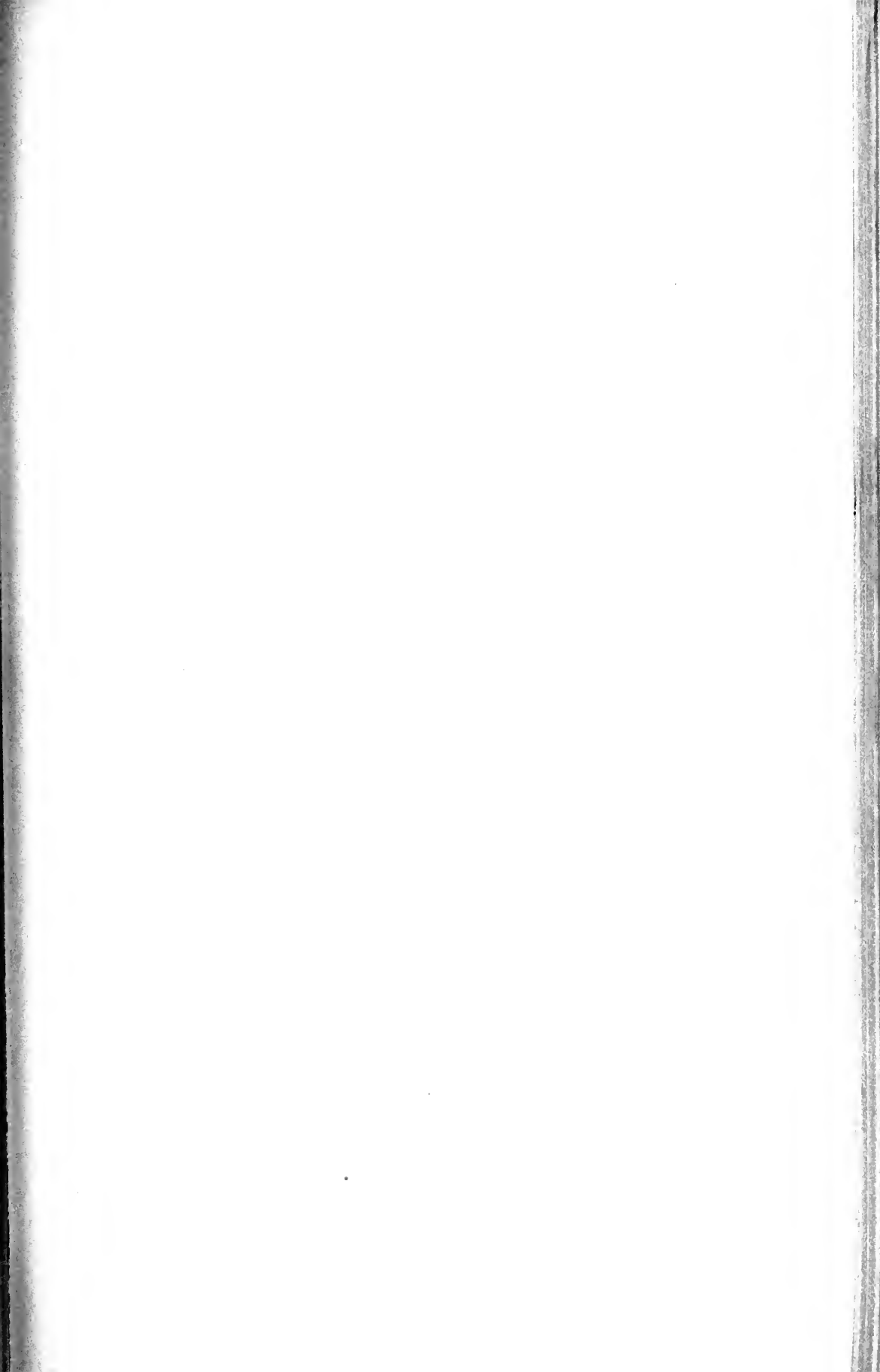
- (a) By fuses and arresters;
- (b) All exposed non-current-carrying metal parts shall be permanently grounded; or, the apparatus shall be installed in such a way that a person using it will be obliged to stand on an insulated platform, in an insulated booth, or on other insulating surfaces.

Protecting telephone signal equipment exposed to induced voltage. (326) Telephone or signal apparatus which is connected to a line which parallels a supply circuit of high voltage in such a manner as to be exposed to induced voltage shall be protected by transformers and shall comply with the requirements of Rule 325.

Transmission Lines.

Design and construction of supply lines. (327) All electrical supply lines and equipment shall be of suitable design and construction for the service and the conditions under which they are to be operated, and all lines shall be so installed and maintained as to reduce the life hazard as far as practicable.

Guarding supply lines. (328) Conductors and other current-carrying parts of supply lines shall be so arranged as to provide adequate clearance from the ground or other space generally accessible, or shall be provided with guards so as to effectively isolate them from accidental contact of person.



Entrance to buildings. (329) Where supply lines over 300 volts to ground are attached to any buildings, for entrance, they shall be permanently guarded if accessible.

Clearance required by supply lines over rail-ways. (330) Supply lines carried over railways operated by steam, electric or other motive power and on which standard equipment, such as freight cars, is used shall have the style of construction and clearances overhead as called for in the regulations of the Board of Transport Commissioners for Canada. Supply lines crossing over railways on which standard equipment is not used and lines crossing over roadways shall have ample clearance for the operating conditions and shall be substantially supported.

Room or junction box under-ground. (331) At all underground stations where any cable transmitting power at a potential exceeding 300 volts leaves the shaft, a room or junction box shall be provided into which such cable shall be run.

Junction or splice boxes. (332) Junction boxes on any cable transmitting power at a potential exceeding 300 volts shall not be located in any shaft or winze or attached to any timbers at a shaft or winze station or in a headframe. Splice boxes for cable extension in a shaft or winze shall be of a type approved by the Inspector.

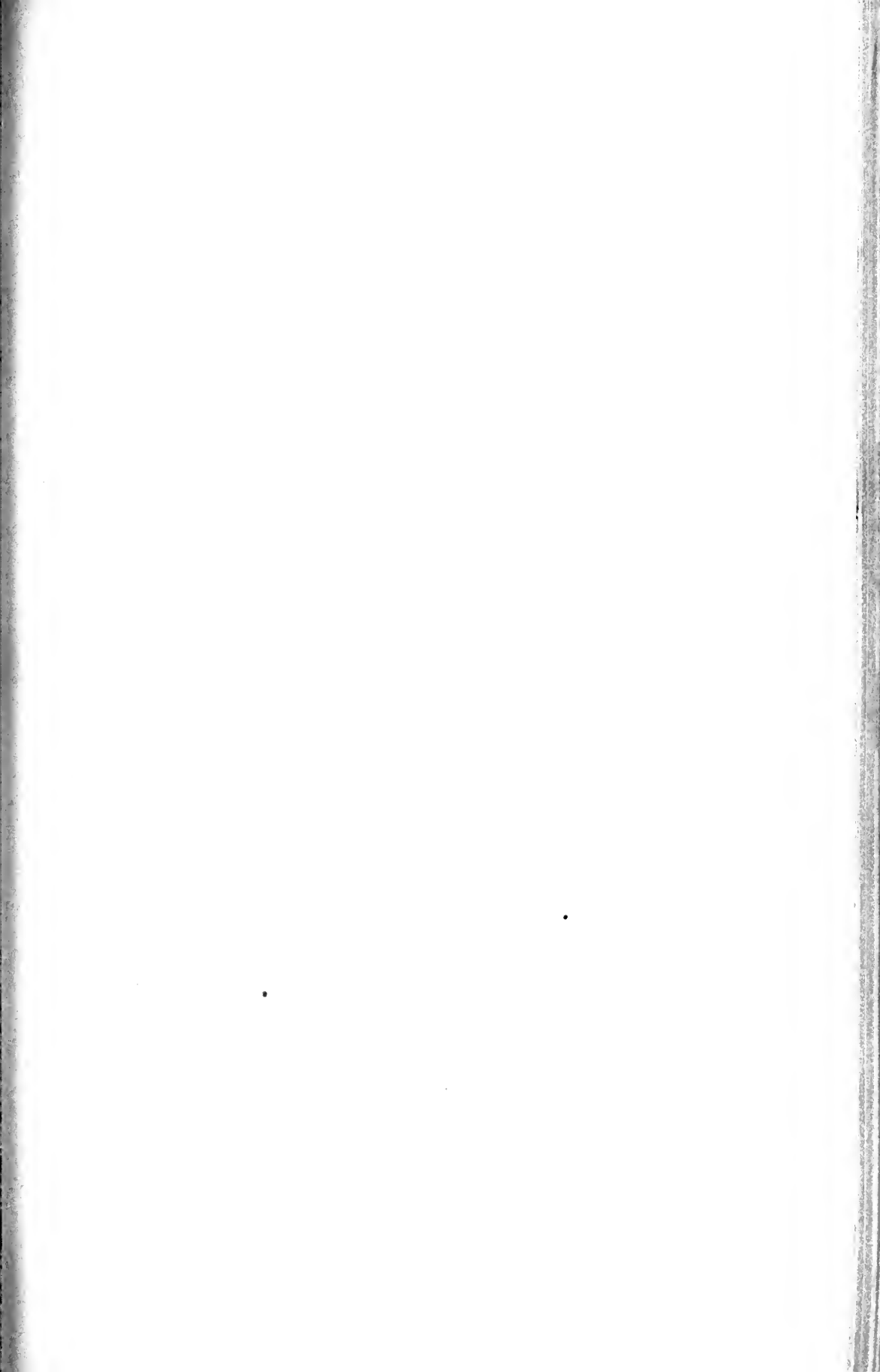
Rating of cables and circuit breakers under-ground. (333) (a) All cables transmitting power underground at a potential exceeding 750 volts shall have a voltage rating of 50 per centum higher than the normal operating voltage.

(b) All circuit-breakers, cut-outs and disconnecting switches on circuits exceeding 750 volts shall have a voltage rating of fifty per centum higher than the normal operating voltage and shall be located in a room which may be kept locked.

Transformers, type and location. (c) The type and location of transformers installed underground shall be subject to the approval of the Inspector.

Switches on under-ground cables. (334) Where electrical energy is taken underground provision shall be made so that the current can be cut off on the surface close to the point where it is led underground. The cut-off switch or switches shall be situated in a locked building or compartment and shall be accessible only to an authorized person or persons.

Fire prevention about electrical installations. (335) The bases of electric motors, transformers, starting equipment and other electrical apparatus and the compartments in which such are installed shall be of such material and constructed in such manner as to reduce the fire hazard to a minimum. No inflammable material shall be stored or placed in the same compartment with any such equipment or apparatus.



Conduits required. (336) All cables over 150 volts transmitting power underground shall be armoured or enclosed in standard conduit and substantially supported.

Conduits or insulators for lighting circuits. (337) Wires carrying not over 150 volts to ground for lighting and signal circuits shall either be installed in standard conduits or casings, or suspended from and securely tied to porcelain or glass insulators, so that they do not touch any timbering or metal. On no account shall staples be used.

Grounding of casings. (338) The armouring or casing of cables, mentioned in rules 336 and 337, shall be bonded together so as to be electrically continuous, and shall be connected at some point or points to a satisfactory ground.

Method of grounding. (339) All rules governing grounding of electrical apparatus in general work shall apply equally to underground work.

Precautions to protect signal and telephone wires. (340) Adequate precautions shall be taken to prevent electrical signal or telephone wires, whether insulated or not, coming into contact with other electrical conductors.

Rules Governing Electric Hoists.

Testing for overloading. (341) When the Inspector has cause to believe that the shaft conveyance operated by any electric hoist is being overloaded he shall have the power to order a test to be made.

Damage to Property.

Wilful damage. (342) No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, electrical equipment or other appliance or thing provided in any mine in compliance with this Act.

General.

Persons under the influence of or carrying liquor. (343) No person under the influence of or carrying intoxicating liquor shall enter any mine or be in the proximity of any working place on the surface or near any machinery in motion.

Abstract of rules to be posted. (344) Abstracts of the rules contained in this Act, authorized by the Chief Inspector, shall be posted up in suitable places at the mine or works where the same can be conveniently read and the owner or agent of the mine shall maintain such abstracts, duly posted, and the removal or destruction of the same shall be an offence against this Act.

Rev. Stat.,
c. 47, ss. 164,
165, re-
enacted.

22. Sections 164 and 165 of *The Mining Act* are repealed and the following substituted therefor:

Notice of Accidents.

Fatal
accidents.

164.—(1) Where, in or about any mine, metallurgical works, quarry, sand, clay or gravel pit, any accident occurs which causes loss of life to any person employed thereat, the owner, agent, manager or superintendent thereof shall immediately notify the inspector resident in that part of Ontario in which the accident occurred and the Chief Inspector by telephone or telegraph.

Scene to be
undis-
turbed.

(2) Subject to subsection 3, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with the accident until an inspector has completed an investigation of the circumstances surrounding such accident.

Permission
to alter
scene.

(3) Where it is impossible for an inspector to make an immediate investigation of an accident the Chief Inspector or any inspector may permit such wreckage, articles and things at the scene of or connected with the accident to be moved to such extent as may be necessary to permit the work of the mine, metallurgical works, quarry, sand, clay or gravel pit to be proceeded with, provided photographs or drawings showing details of the scene of the accident have been made prior to such moving.

Rev. Stat.,
c. 138, s. 13
not to
apply.

(4) Section 13 of *The Coroners Act* shall not apply in the case of any fatal accident to which this section applies.

Notice of
accident to
be sent to
inspector.

164a. Where, in or about any mine, metallurgical works, quarry, sand, clay or gravel pit, any accident occurs which causes fracture or dislocation of any bones of the body, or any other injury which in the opinion of the attending physician may result in the injured person being incapacitated for work for at least seven days, to any person employed therein, the owner, agent, manager or superintendent shall within three days of the accident send notice in writing to the inspector resident in that part of Ontario in which the mine or works are situate on the form prescribed for such purpose.

SECTION 22.—164.—(1) The provisions requiring notice of a fatal accident occurring in or about a mine to be given to the Deputy Minister are altered so as to require notice to be given to the local Inspector and the Chief Inspector by telephone or telegraph.

164.—(2) (3) (4) Provision is made that the scene of the accident shall not be disturbed until an investigation has been made by an Inspector, provided that where no investigation can be made promptly the Chief Inspector or Inspector may permit wreckage to be moved after photographs or drawings of the scene have been made, and Section 13 of The Coroners' Act is rendered consistent with this provision.

164a. This is similar to a provision now in the Act, but indicates within the Section all the classes of places to which the Section applies pursuant to the definition of mine contained in the Act.

Idem.

164b. Where in or about any mine,—

- (a) any accident involving the hoist, sheaves, hoisting rope, shaft or winze conveyances, or shaft or winze timbering;
- (b) any inrush of water from old workings or otherwise;
- (c) any failure of an underground dam or bulk-head, as defined by rule 35 of the rules contained in section 160;
- (d) any outbreak of fire below ground or any outbreak of fire above ground if it endangers any structure at the mine entrance;
- (e) any premature or unexpected explosion or ignition of explosives;
- (f) any asphyxiation effecting a partial or total loss of physical control;
- (g) any inflammable gas in the mine workings; or
- (h) any unexpected and non-controlled extensive subsidence or caving of mine workings;

occurs, whether or not loss of life or personal injury is caused thereby, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after such occurrence, send notice in writing to the inspector resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereof as the inspector may require.

Rockburst.

164c.—(1) Where a rockburst occurs whether or not loss of life or personal injury is caused thereby and the location of such rockburst is determined as being within the workings of any mine, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the location of such burst has been determined, send notice in writing to the inspector resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereto as the inspector may require.

164b, 164c.—(1) The provisions requiring certain classes of accidents to be reported are extended to cover several other types of accidents occurring in or about a mine.

Record of
rockbursts.

- (2) A record of the occurrence of all rockbursts at a mine shall be kept showing, as far as possible the time, location, extent of the burst, any injury to persons and any other information pertaining to the burst and such record shall be available at all times to the inspector.

Other Notices and Information.

Notice to
Chief
Inspector.

- 165.—(1) The owner, manager or superintendent of a mine shall give written notice to the Chief Inspector,—

- (a) of the intended installation of a power plant or hoist or intended erection of any buildings to house a power plant or hoist at least fourteen days prior to the commencement of such installation or erection;
- (b) of the commencement or resumption after an interruption of one month or more, of mining operations within fourteen days after such commencement or resumption; and
- (c) of the closing down of the mine and that the requirements of subsection 1 of section 157 as to the fencing of the top of the shaft, entrances from the surface, pits and openings; the requirements of rule 54 of the rules under section 160 as to the disposal of explosives and the requirements of subsection 4 of section 167 as to the filing of plans and sections have been complied with within fourteen days of such closing down.

Information
for
inspector.

- (2) The owner, manager or superintendent of a mine shall furnish to the inspector resident in that part of Ontario where the mine is situate, all information which the inspector may require for the purposes of the annual return of such inspector.

Rev. Stat.,
c. 47, s. 167,
subs. 5 re-
enacted;
subs. 7 re-
pealed.

23. Subsections 5 and 7 of section 167 of *The Mining Act* are repealed and the following substituted therefor:

Responsibil-
ity of
owner.

- (5) The owner of every mine, quarry or other works to which this section applies shall be responsible for compliance with the provisions thereof and every owner or other person who fails to comply with any

(2) A record of the occurrences of all rock bursts, showing all details, is required to be kept.

165.—(1) The owner, manager, or superintendent of a mine is required to notify the Chief Inspector of any intended installation of a power plant or hoist or erection of buildings therefor; of the commencement or resumption of mining operations; and of the closing down of the mine, in which case he must indicate that certain provisions of the Act have been complied with.

(2) The owner, manager, or superintendent of a mine is required to furnish the local Inspector with information required by him.

SECTION 23. Two subsections which had a similar effect are recast and combined.

of the provisions of this section, or who produces to the inspector or other authorized person, or files or causes to be produced or filed a plan which to his knowledge is false in any particular, shall be guilty of an offence against this Act.

Rev. Stat.,
c. 47,
amended. **24.** *The Mining Act* is amended by adding thereto the following Part:

PART VIIIA.

REFINERY PROVISIONS.

Interpreta-
tion.

170a. In this Part,—

“Refinery.”

(a) “Refinery” shall mean any apparatus or equipment which may be used for the refining, retorting, smelting, assaying or treating by any other method, of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein.

Refinery
license.

170b. No person shall own, operate, use or have any refinery in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant unless a refinery license has been granted in respect of such refinery, provided that no refinery license shall be required in respect of a refinery for which a certificate of exemption has been issued.

Powers of
Minister as
to refinery
licenses.

170c.—(1) The Minister may,—

- (a) issue and renew refinery licenses and certificates of exemption;
- (b) refuse to issue or renew a refinery license or certificate of exemption, or suspend, cancel or revoke any refinery license or certificate of exemption for any reason which he deems sufficient in the public interest;
- (c) prescribe the forms of refinery licenses, certificates of exemption, applications therefor and renewals thereof; and

SECTION 24. Persons owning, operating, using, or otherwise having a refinery are required to obtain a refinery license unless they have been granted a certificate of exemption which may be granted where the refinery is not used as such or is used only for educational purposes. The Minister is authorized to appoint a person to enquire into matters pertaining to the provisions which relate to refineries.

(d) prescribe the fee payable upon the issue and renewal of refinery licenses and certificates of exemption.

Term of license and certificate of exemption.

(2) Every refinery license and certificate of exemption shall expire on the 31st day of March next following the issue thereof and every renewal of a refinery license or certificate of exemption shall expire on the 31st day of March next following the expiration of the refinery license or certificate of exemption or the last renewal thereof.

Certificate of exemption.

170d.—(1) A certificate of exemption may be issued in respect of a refinery where the Minister is satisfied that such refinery is not maintained or used for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein or is used only for educational purposes.

(2) No person who owns or has in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant a refinery in respect of which a certificate of exemption has been issued shall permit such refinery to be operated or used nor shall he or any other person operate or use such refinery for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein.

Penalty.

170e. Every person who violates any of the provisions of this Part shall be liable to a penalty of not less than \$10 and not exceeding \$500 or to imprisonment for a period not exceeding one year, or to both fine and imprisonment.

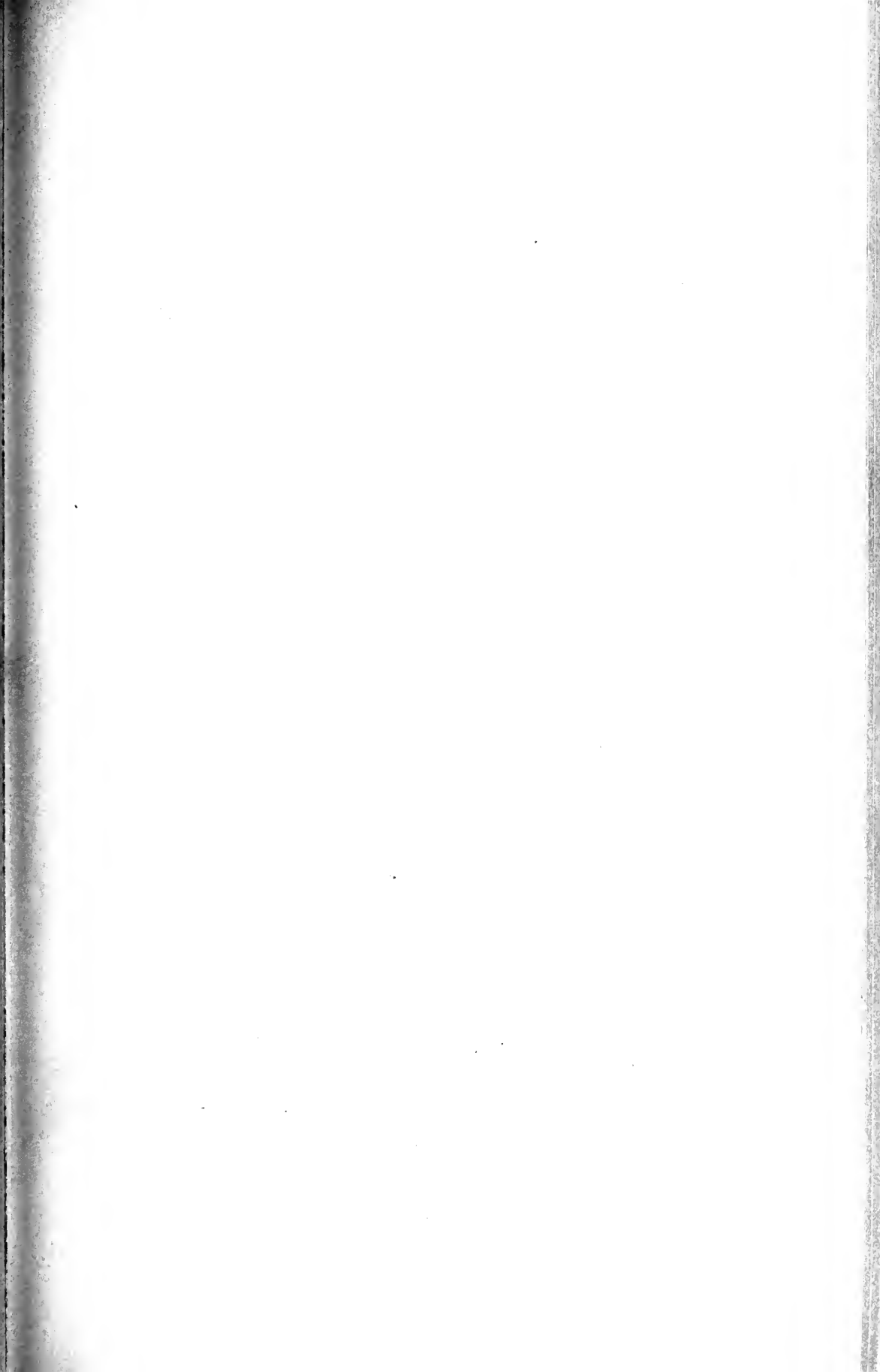
Application of Part VIII A.

Rev. Stat., c. 52.

170f. The provisions of this Part shall apply notwithstanding that the owner or operator of a refinery is the holder of a license issued under the provisions of *The Unwrought Metal Sales Act* or of any other Act.

Commission of inquiry.

170g. The Minister may appoint any person to conduct an inquiry into any charge or complaint that any person has violated or failed to observe any of the provisions of this Part, or into any matter or thing connected with or arising out of the operation of this Part, and such person shall have the same power to enforce the attendance of witnesses and to compel



them to give evidence and produce documents and things as is vested in any court in civil cases.

Rev. Stat.,
c. 47, s. 171,
cl. g,
amended.

25. Clause *g* of section 171 of *The Mining Act* is amended by inserting after the Roman numerals "VIII" in the second line the words and numerals "or Part VIIIA" so that the first part of the section and clause *g* shall now read as follows:

Description
of offences.

171. Every person who,—

(g) wilfully acts in contravention of the provisions of this Act other than Part VIII or Part VIIIA in any particular not hereinbefore set forth; or

Rev. Stat.,
c. 47, s. 175,
subs. 1,
amended.

26.—(1) Subsection 1 of section 175 of *The Mining Act* is amended by inserting after the Roman numerals "VIII" in the second line the words and numerals "or Part VIIIA," so that the first three lines of the said subsection shall now read as follows:

Instituting
prosecutions
for offence
against
Parts VIII
and VIIIA.

(1) No prosecution shall be instituted for an offence against Part VIII or Part VIIIA or any regulation made in pursuance thereof except,—

Rev. Stat.,
c. 47, s. 175,
subs. 2,
amended.

(2) Subsection 2 of the said section 175 is amended by adding at the end thereof the words and numerals "or Part VIIIA" so that the said subsection shall now read as follows:

When person
not actual
offender not
liable.

(2) No person not being the actual offender shall be liable in respect of such offence, if he proves that he did not participate in the contravention of the rule or provision for a breach of which he is charged and that he was not to blame for such breach and that according to his position and authority he took all reasonable means in his power to prevent such breach and to secure compliance with the rules and provisions of Part VIII or Part VIIIA.

Rev. Stat.,
c. 47, s. 175,
subs. 3, re-
enacted.

(3) Subsection 3 of the said section 175 is repealed and the following substituted therefor:

Onus of
proof.

(3) The burden of proving that any rule contained in section 160 has been suspended shall be upon the person charged with a violation thereof and any such suspension may be proved by the evidence or certificate of an inspector.

Rev. Stat.,
c. 47, s. 176,
subs. 1,
amended.

27. Subsection 1 of section 176 of *The Mining Act* is amended by striking out the words "a justice" in the fourth line and inserting in lieu thereof the words "two justices," and by striking out the words "or a recorder" in the sixth line, so that the said subsection shall now read as follows:

SECTION 25. This Section renders Section 171 of the Act consistent with the new Part VIII A.

SECTION 26.—(1) (2) The amendments have the same effect as Section 26.

(3) Section 175 is rendered consistent with the present provision that the rules under Section 160 apply unless suspended by the Chief Inspector.

SECTION 27. The provision permitting a Justice of the Peace to try an offence is rendered consistent with the other Provincial acts by requiring two Justices of the Peace to act. The authority for a Recorder to act is repealed.

Procedure
on prosecu-
tions.

- (1) Except as to offences against section 14, every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Act shall take place before a magistrate or two justices of the peace having jurisdiction in the county or district in which the offence is committed, or before the Mining Court, and save as herein otherwise provided, the provisions of *The Summary Convictions Act* shall apply to every such prosecution.

Rev. Stat.,
c. 136.

Rev. Stat.,
c. 47, s. 182,
subss. 1, 2,
re-enacted.

28. Subsections 1 and 2 of section 182 of *The Mining Act* are repealed and the following substituted therefor:

Lieutenant-
Governor in
Council may
make regula-
tions.

- (1) The Lieutenant-Governor in Council may make such regulations as he may deem necessary providing for,—
- (a) the opening, construction, maintenance and use of roads to, through or over mining claims, mining locations or lands heretofore or hereafter sold or granted as mining lands or recorded as mining claims or locations, and for the opening, construction, maintenance and use of ditches, aqueducts or raceways through, over or upon such claims, locations or land for the conveying and passage of water for mining purposes;
 - (b) to meet cases which may arise for which no provision is made in the Act, or when he deems the provision made to be ambiguous or doubtful;
 - (c) the imposition of penalties not exceeding \$200 or not exceeding three months imprisonment for the violation of any such regulations; and
 - (d) generally for the better carrying out of the provisions of this Act.

Lieutenant-
Governor in
Council may
issue lease or
patent.

- (2) The Lieutenant-Governor in Council may, where special circumstances warrant such action issue a lease or patent of any mining lands on such terms and conditions as he may deem proper and for the purposes of any such lease or patent may suspend or vary any requirement of the Act in so far as it relates thereto.

Rev. Stat.,
c. 47, s. 186,
amended.

29. Section 186 of *The Mining Act* is amended by adding thereto the following subsection:

Minister
may extend
time.

- (3) Notwithstanding anything contained in *The Mines*

SECTION 28. The power of the Lieutenant-Governor to make regulations is set out in a slightly different form and he is also empowered to issue leases or patents on special terms where special circumstances warrant such action.

SECTION 29. Certain mining leases issued under the Mines Act of 1897 required the expenditure of \$6 per acre on development work and could be merged into patents on evidence of this expenditure being submitted. In order to facilitate the submission of this proof authority is vested in the Minister, extending the time therefor and to provide for cancellation if proof is not filed within such extended time.

Act, being chapter 36 of the Revised Statutes of Ontario, 1897, or any other Act, or the expiration of any period of time therein stipulated or the failure to comply with any requirements of any such Act, the Minister may extend the time for the performance of any work upon a mining location leased under the authority of *The Mines Act*, being chapter 36 of the Revised Statutes of Ontario, 1897, and the filing of any proof thereof required under the provisions of *The Mines Act*, provided that upon failure to perform such work or file such proof within the extended time the lease may be cancelled as provided by subsection 2.

Rev. Stat.,
c. 47, s. 187,
subs. 4, re-
enacted.

30. Subsection 4 of section 187 of *The Mining Act* is repealed and the following substituted therefor:

Co-owners;
co-lessees.

(4) For the purpose of this section an incorporated company and a shareholder therein shall be deemed to be co-owners or co-lessees of the lands of such company.

Order
against in-
corporated
company.

(5) An order made against an incorporated company under this section shall be directed to such company only.

Rev. Stat.,
c. 47,
Sched. A,
par. 6, re-
enacted.

31. Paragraph 6 of Schedule A to *The Mining Act* is repealed and the following substituted therefor:

6. The fee for a miner's license or renewal thereof for a duly incorporated company, or a company licensed under *The Extra Provincial Corporations Act* to carry on business in Ontario, shall be based on the authorized capital, according to the following scale, namely,—

(a) Where the authorized capital does not exceed \$50,000 or 50,000 shares of no par value \$ 25.00

(b) Where the authorized capital is over \$50,000 or 50,000 shares of no par value but does not exceed \$500,000 or 500,000 shares of no par value 50.00

(c) Where the authorized capital exceeds \$500,000 or 500,000 shares of no par value but does not exceed \$1,000,000 or 1,000,000 shares of no par value . . . 100.00

(d) Where the authorized capital exceeds \$1,000,000 or 1,000,000 shares of no

SECTION 30. This provision is complementary to an amendment to *The Mining Tax Act*.

SECTION 31. The schedule of fees for a miner's license for an incorporated company or a company licensed under the *The Extra Provincial Corporations Act* is repealed and a new schedule of fees based on the authorized capital is arranged on a graduated scale from \$25.00 up to a maximum of \$150.00.

par value, but does not exceed
\$3,000,000 or 3,000,000 shares of no
par value..... 125.00

(e) Where the authorized capital exceeds
\$3,000,000 or 3,000,000 shares of no
par value..... 150.00

Provided that where the authorized capital of a company exceeds \$1,000,000 or 1,000,000 shares of no par value, and it is by affidavit of the president or secretary thereof proved to the satisfaction of the Minister that any part of such capital is actually being used in some other business enterprise, and not in mining business within Ontario, such part may be deducted in fixing the fee payable as above set forth, but in no such case shall the fee be less than \$50.00.

Commence-
ment of
s. 24.

32. Part VIIIA of *The Mining Act*, as enacted by section 24 of this Act, shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

33. This Act may be cited as *The Mining Amendment Act, 1939*.

BILL

An Act to amend The Mining Act.

1st Reading

March 8th, 1939

2nd Reading

March 20th, 1939

3rd Reading

MR. LEDUC

*(Reprinted as amended in Committee of the
Whole House.)*

No. 26

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Mining Act.

MR. LEDUC

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mining Act.

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

Rev. Stat.,
c. 47, s. 29,
amended.

1. Section 29 of *The Mining Act* is amended by adding thereto the following subsections:

Extension of
time for
renewal of
license.

(5) Upon the recommendation of the Minister, the Lieutenant-Governor in Council may, before the 31st day of March in any year, extend the time for renewing licenses for any period not exceeding ten days.

Renewal of
license by
Minister.

(6) The Minister may renew the license of any person who has held a miner's license continuously for twenty-five years or more without the payment of the prescribed fee providing application therefor is made to him prior to the expiration of the last renewal.

Rev. Stat.,
c. 47, s. 39,
cl. d,
amended.

2. Clause *d* of section 39 of *The Mining Act* is amended by inserting after the word "Forests" in the first line the words "or the Minister of Highways" and by inserting after the word "power" in the third line the words "or for a highway," so that the first two lines and clause *d* of the said section shall now read as follows:

Lands upon
which min-
ing claim
may be
staked out.

39. No mining claim shall be staked out or recorded on any land—

(d) where the Minister of Lands and Forests or the Minister of Highways certifies that land is required for the development of water power or for a highway or for some other purpose in the public interest and the Minister of Mines is satisfied that a discovery of mineral in place has not been made thereon.

Rev. Stat.,
c. 47, s. 47,
amended.

3. Section 47 of *The Mining Act* is amended by adding thereto the following subsections:

- (3) Where payment of the amounts payable for rental under the provisions of any lease issued under this section is in arrears for a period of not less than two years, the Minister may, by an instrument in writing signed by him and in such form as he may prescribe, terminate such lease and upon the execution by the Minister of such an instrument, such lease and all rights and powers therein contained as well as all rights and claims of the lessee, his successors or assigns in or to the lands covered by the lease shall cease and such lands shall be vested in the Crown. Where payment for rental in arrears.
- (4) Delivery of an instrument terminating a lease shall not be required but notice of such termination shall forthwith be sent to the mining recorder for the mining division in which the lands covered by the lease are situate and to the local master of titles at the land titles office in which instruments affecting the lands covered by the lease may be registered and such officials shall make a record of such notice upon the records of their offices relating to the title to such lands. Notice of termination.
- (5) Where any lease is terminated under subsection 3 the lands covered by such lease shall not be open for prospecting, staking out or leasing until reopened by the Lieutenant-Governor in Council. Where lease terminated.
4. Section 53 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat., c. 47, s. 53, re-enacted.
- 53.—(1) A licensee shall not in any one license year in any one mining division or in territory not included in a mining division, stake out or apply for more than nine mining claims. Number of claims per licensee.
- (2) All nine of such mining claims may be staked on his own license but not more than three of such claims shall be staked on behalf of any other licensee, nor shall a total of more than six of such claims be staked on behalf of other licensees. In whose name staked.
5. Subsection 1 of section 55 of *The Mining Act* is amended by striking out the words "and pays to the recorder a fee of \$20" in the fourteenth and fifteenth lines, so that the said subsection shall now read as follows: Rev. Stat., c. 47, s. 55, subs. 1, amended.
- (1) A licensee or other person who for any purpose does any staking out or plants, erects or places any stake, post, or marking upon any land open to prospecting except as authorized by this Act, or causes or procures the same to be done, or who stakes out or Forfeiture of right to further staking.

partially stakes out any such lands, or causes or procures the same to be done, and fails to record the staking out with the recorder within the prescribed time, shall not thereafter be entitled to again stake out such lands or any part thereof, or to record a mining claim thereon, unless he notifies the recorder in writing of such staking out, partial staking out or planting, placing or marking and of his abandonment thereof and satisfies the recorder by affidavit that he acted in good faith and for no improper purpose and procures from him a certificate stating that the recorder is satisfied that he so acted.

Rev. Stat.,
c. 47, s. 57,
subs. 3,
amended.

6.—(1) Subsection 3 of section 57 of *The Mining Act* is amended by adding at the end thereof the words "and if any misstatement is made in the affidavit respecting buildings, clearing or improvements the Minister, upon the recommendation of the Judge, may disallow the application and direct the recording of the claim to be cancelled," so that the said subsection shall now read as follows:

Affidavit
to accom-
pany map.

(3) The application and sketch or plan shall be accompanied by an affidavit, in the prescribed form, made by the licensee who staked out the claim, showing the date of the staking out and stating that the distances given in the application and sketch or plan are as accurate as they could reasonably be ascertained and that all the other statements and particulars set forth and shown in the application and sketch or plan are true and correct, that at the time of staking out there was nothing upon the lands to indicate that they were not open to be staked out as a mining claim, that the deponent verily believes they were so open and that the staking out is valid and should be recorded, and that there are upon the lands or the lot or part lot or section of which they form a part, no buildings, clearing or improvements for farming or other purposes except as set forth in the affidavit, and an applicant for a free grant shall also file an affidavit in the prescribed form showing his right thereto, and if any misstatement is made in the affidavit respecting buildings, clearing or improvements the Minister, upon the recommendation of the Judge, may disallow the application and direct the recording of the claim to be cancelled.

Rev. Stat.,
c. 47, s. 57,
amended.

(2) The said section 57 is further amended by adding thereto the following subsection:

Investiga-
tion of
complaint.

(3a) Where a complaint is made to the Minister by any person that any misstatement is made respecting

buildings, clearing or improvements in the affidavit furnished to the recorder under subsection 3, the Minister may request the Judge to investigate such complaint and report to him and upon any such investigation the Judge shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

7. Subsection 1 of section 68 of *The Mining Act* is amended by inserting after the word "machinery" where it occurs in the fourth and eighth lines respectively, the word "and," by striking out the words "and any ore or mineral he may have extracted therefrom" in the fourth and fifth lines, and by striking out the words "or ore" in the eighth line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 47, s. 68,
subs. 1,
amended.

- (1) Where the recorded holder of a mining claim abandons the same, or where the claim is cancelled or forfeited under this Act, he may take from the same any buildings, structures, machinery and chattels or personal property within six months after such abandonment, cancellation or forfeiture, or within such further time as may be fixed by the Judge, and any such buildings, structures, machinery and property remaining on the claim after the expiry of such time shall belong to His Majesty for the use of Ontario.

Where
claim
abandoned,
cancelled or
forfeited.

8.—(1) *The Mining Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 47,
amended.

- 68a. The staking or recording of a mining claim shall not confer upon the licensee the right to sell or otherwise dispose of any sand, gravel or stone located thereon and all such sand, gravel and stone shall be reserved to the Crown together with the right of access thereto until title to the claim is obtained by patent or lease and until the issue of a patent or lease the Minister may in the public interest and for public purposes use or dispose of any such sand, gravel or stone in such manner and upon such terms and conditions as he may deem proper.

Disposal of
sand, gravel
and stone.

(2) The provisions of this section shall apply only to mining claims staked after the date of the coming into force of this section.

Commence-
ment of
subs. 1.

9.—(1) Subsection 1 of section 78 of *The Mining Act* is amended by striking out all the words after the word "follows" in the eighth line and inserting in lieu thereof the words:

Rev. Stat.,
c. 47, s. 78,
subs. 1,
amended.

- (a) First period of at least thirty days not later than four months immediately following the recording of the

claim which shall constitute the work required for the first year after date of recording;

- (b) Second period of at least forty days not later than two years after date of recording;
- (c) Third period of at least forty days not later than three years after date of recording;
- (d) Fourth period of at least forty days not later than four years after date of recording;
- (e) Fifth period of at least fifty days not later than five years after date of recording,

so that the said subsection shall now read as follows:

Working
conditions
on mining
claim.

- (1) The recorded holder of a mining claim heretofore or hereafter recorded shall, within five years immediately following the recording thereof, perform or cause to be performed thereon work which shall consist of stripping or opening up mines, sinking shafts or other actual mining operations to the extent of two hundred days' work of not less than eight hours per day, which work shall be performed as follows:
 - (a) First period of at least thirty days not later than four months immediately following the recording of the claim which shall constitute the work required for the first year after date of recording;
 - (b) Second period of at least forty days not later than two years after date of recording;
 - (c) Third period of at least forty days not later than three years after date of recording;
 - (d) Fourth period of at least forty days not later than four years after date of recording;
 - (e) Fifth period of at least fifty days not later than five years after date of recording.

Rev. Stat.,
c. 47, s. 78,
subs. 7,
amended.

(2) Subsection 7 of the said section 78 is amended by adding at the end thereof the words "provided that not more than twelve hundred days' work may be performed on any one claim for application on such claim and claims included in groups of contiguous claims," so that the said subsection shall now read as follows:

Work to be
performed
on claims.

- (7) A license holder may perform all the work required

to be performed by him in respect of not more than six contiguous mining claims held by him on one or more of such claims and the report and affidavit to be filed by him in respect of such work shall certify the claim or claims on which the work was performed and the claims upon which it is to be applied; provided that not more than twelve hundred days' work may be performed on any one claim for application on such claim and claims included in groups of contiguous claims.

(3) The said section 78 is further amended by adding thereto the following subsection: Rev. Stat., c. 47, s. 78, amended.

(12) Work performed on a mining claim located in those parts of the Territorial District of Kenora (Patricia portion) not included in the Red Lake or Kenora Mining Division, between the date of staking the claim and the date of recording the claim may be reported in the same manner as if it had been performed after the recording. Work done before recording.

10. Subsection 1 of section 80 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat., c. 47, s. 80, re-enacted.

(1) If by reason of pending proceedings or incapacity from illness of the holder of a mining claim, the work is not performed within the prescribed time, the recorder may extend the time for the performance of such work for periods not exceeding three months. Extension of time for work.

(1a) Where such work has not been performed because of the incapacity from illness of the holder of such claim, the recorder may extend the time only upon the production and filing with him of a certificate of a duly qualified medical practitioner indicating that such holder has by reason of illness been rendered incapable of performing such work. Where extension because of illness.

11. Section 86 of *The Mining Act* is amended by adding thereto the following subsection: Rev. Stat., c. 47, s. 86, amended.

(3a) Where the Judge or Minister under subsection 1, or the Judge under subsection 3, extends the time for performing the work, the report of the performance thereof shall be made within such extended time. Extension of time for performance of work—notice.

12. Section 89 of *The Mining Act* is amended by inserting after the word "holder" in the tenth line the words "and extending the time for performing the work," so that the said section shall now read as follows: Rev. Stat., c. 47, s. 89, amended.

Death of licensee before recording claim, or of holder before patent.

89. Where a licensee in whose name a mining claim has been staked out, dies before the claim is recorded, or where the holder of a claim dies before issue of the patent or lease for the claim, no other person shall, without leave of the Judge, be entitled to stake out or record a mining claim upon any part of the same lands or to acquire any right, privilege or interest in respect thereof within twelve months after the death of such licensee or holder, and the Judge may at any time make such order as may seem just for vesting the claim in the representative of such holder and extending the time for performing the work, notwithstanding any lapse, abandonment, cancellation, forfeiture or loss of rights under any provision of this Act.

Rev. Stat., c. 47, s. 95, subs. 1, amended.

13. Subsection 1 of section 95 of *The Mining Act* is amended by striking out the words "regulation made by" in the third line and inserting in lieu thereof the words and figures "section 47 or by regulation of," so that the said subsection shall now read as follows:

Right to patent of claim.

- (1) Upon compliance with the requirements of this Act and upon payment of the purchase price as provided in section 96, or rental fixed by section 47 or by regulation of the Lieutenant-Governor in Council, the holder of a mining claim shall be entitled to a patent or lease, as the case may be, for the claim.

Rev. Stat., c. 47, s. 96, subs. 2, amended.

14. Subsection 2 of section 96 of *The Mining Act* is amended by adding at the end thereof the words "provided that where there is a group of contiguous claims held by the same licensee, the average area of which does not exceed forty-five acres, the Minister may direct that the provisions of this subsection shall not apply," so that the said subsection shall now read as follows:

Price to be paid where area exceeds prescribed area.

- (2) Where the area of the mining claim exceeds by more than five acres the prescribed area as defined in sections 50 and 51 and such claim is not reduced in size under the provisions of section 105, the price per acre of such area in excess of the area so prescribed, shall be twice the price provided for in subsection 1, and there shall be performed at least five days' work per acre for such excess area within such time as may be prescribed by the Minister, provided that where there is a group of contiguous claims held by the same licensee, the average area of which does not exceed forty-five acres, the Minister may direct that the provisions of this subsection shall not apply.

Rev. Stat., c. 47, s. 98, amended.

15. Section 98 of *The Mining Act* is amended by inserting after the word "Algoma" in the second line the word

“Cochrane” and after the word “Kenora” in the second line the words “Kenora (Patricia Portion),” so that the said section shall now read as follows:

98. In all patents for mining claims within the Districts of Algoma, Cochrane, Kenora, Kenora (Patricia Portion), Thunder Bay, Rainy River, Manitoulin, Sudbury and Timiskaming, and that part of the District of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawan, excepting where road allowances have already been provided in a survey made or authorized by the Crown, there shall be a reservation for roads of five per centum of the quantity of land granted and the Crown or its officers may lay out roads on such mining claims where deemed proper.

Reservation for roads in patents.

16. Section 119 of *The Mining Act* is amended by striking out the words “the Minister or Judge” in the second line and inserting in lieu thereof the words “the Lieutenant-Governor in Council,” so that the said section shall now read as follows:

Rev. Stat., c. 47, s. 119, amended.

119. In case of the illness or absence of the Judge of the Mining Court the Lieutenant-Governor in Council may appoint some other person, being a barrister of at least ten years' standing at the Bar of Ontario, to act in place of the Judge and the person so appointed shall in that case have and exercise all the powers of the Judge except those which he derives exclusively from his appointment under any commission issued to him by the Governor-General of Canada.

Illness or absence of Judge.

17. Sections 154 and 155 of *The Mining Act* are repealed and the following substituted therefor:

Rev. Stat., c. 47, ss. 154, 155, re-enacted.

154.—(1) No person under the age of twenty-one years and no person who has not had adequate experience on a reversing hoisting engine shall be allowed to have charge of any hoisting engine at a shaft or winze in which men are handled at any mine.

Age limit, hoistmen.

(2) No person under the age of eighteen years shall be allowed to have charge of any hoisting engine of any kind at a mine.

(3) No person shall operate or be permitted to operate any hoisting engine at a shaft or winze in which men are handled at any mine, or for any other purpose designated by the inspector, unless such person is the holder of a subsisting certificate from a duly qualified medical practitioner to the effect that such person has been examined and that he is not subject to any infirmity, mental or bodily, and that his sight and hearing are not defective to such a degree as to interfere with the efficient discharge of his duties.

Hoistman to be holder of medical certificate.

- (a) Such certificate shall lapse and be deemed to have expired at the end of one year from the date thereof.
- (4) A record of all such subsisting certificates shall be kept on file by the person in charge of the mining operation and shall be open at all times to examination by the Inspector.
155. For the purposes of sections 155*a* to 155*j*,—
- (a) "Applicant" shall mean a person who is not the holder of a certificate in good standing, issued under the authority of sections 155*c* to 155*j*, who is seeking employment in a dust exposure occupation;
- (b) "Certificate" shall mean initial certificate, extended certificate, endorsed certificate, miner's certificate and renewed certificate;
- (c) "Dust exposure occupation" shall mean employment underground in a mine or employment at the surface of a mine in ore or rock crushing operations where the ore or rock is not crushed in water or in a chemical solution which constantly keeps it in a moistened or wet condition;
- (d) "Endorsed certificate" shall mean an initial certificate or extended certificate which has been endorsed under clause *b* of subsection 2 of section 155*c*;
- (e) "Extended certificate" shall mean an initial certificate which has been extended under clause *a* of subsection 2 of section 155*c*;
- (f) "Initial certificate" shall mean a certificate issued to an applicant under subsection 1 of section 155*c*;
- (g) "Medical officer" shall mean a medical officer appointed under *The Workmen's Compensation Act* to carry out the provisions of this Act with regard to the examination of employees or applicants for employment;
- (h) "Miner's certificate" shall mean a certificate issued under subsection 1 of section 155*d*;
- (i) "Renewed certificate" shall mean a miner's certificate which has been renewed under subsection 2 of section 155*d*.
- 155*a*. No person shall be employed in a dust exposure occupation unless he is the holder of a certificate in good standing.

Record of
subsisting
certificates.

Interpreta-
tion.

"Applicant."

"Certifi-
cate."

"Dust
exposure
occupation."

"Endorsed
certificate."

"Extended
certificate."

"Initial
certificate."

"Medical
officer."

Rev. Stat.,
c. 204.

"Miner's
certificate."

"Renewed
certificate."

Dust
exposure
occupation,—
employment
in.

- 155*b*.—(1) Subject to the provisions of subsection 2 every certificate shall remain in force for not more than twelve months, provided that a medical officer may, at any time, recall the holder of any certificate for examination within the scope of the existing certificate and may extend, endorse, renew or cancel such certificate in accordance with his finding upon such examination. Term of certificate.
- (2) In those portions of the province where the examinations under sections 155*c* and 155*d* are conducted by a travelling medical officer no certificate shall be deemed to have expired because of the failure of the medical officer to conduct any examination prior to the date of expiration of any certificate, and the holder of any certificate which would otherwise have expired shall present himself before a medical officer for re-examination at the first opportunity available after the date upon which his certificate would have so expired. Examination by travelling medical officer.
- (3) Where any certificate of a person employed in the mining industry has expired because of the failure of the holder thereof to present himself to a medical officer for examination, a medical officer may extend, endorse or renew such certificate or issue a miner's certificate, as the circumstances of the case may require, if he is satisfied that such failure was caused by the inability of such holder to so present himself because of illness or other circumstances beyond his control. Expiration of certificate.
- 155*c*.—(1) Every applicant shall be examined by a medical officer before commencing employment and if the medical officer finds upon examination that the applicant is free from diseases of the respiratory organs and otherwise fit for employment in a dust exposure occupation he shall issue to the applicant an initial certificate. Examination before employment.
- (2) The holder of an initial certificate shall, prior to the expiration thereof, present himself to a medical officer for re-examination and if the medical officer finds upon examination that such holder is free from diseases of the respiratory organs and otherwise fit for employment in a dust exposure occupation he shall,— Initial certificate holder. — re-examination.
- (a) in the case of a holder who since the issuance of his initial certificate has completed less than eleven months employment in a dust exposure occupation, extend such certificate for such period as he may deem necessary to permit the certificate holder to complete twelve months employment in a dust exposure occu-

pation, and he may from time to time extend such certificate for the same purpose; and

- (b) in the case of a holder of an initial certificate or an extended certificate who since the issuance of his initial certificate has completed eleven months or more employment in a dust exposure occupation, the medical officer shall endorse such certificate.

Issue of
miner's
certificate.

155d.—(1) The holder of an endorsed certificate shall, prior to the expiration thereof, present himself to a medical officer for examination and if the medical officer finds upon examination that such holder is free from tuberculosis of the respiratory organs he shall issue to such holder a miner's certificate.

Miner's
certificate
holder, —re-
examination.

(2) The holder of a miner's certificate shall, prior to the expiration thereof, present himself to a medical officer for re-examination and if the medical officer finds upon examination that such holder is free from tuberculosis of the respiratory organs, he shall renew such certificate which may be further renewed from year to year upon the passing of a similar examination.

Unemployed
holder of
certificate, —

155e. The holder of any certificate who, for any reason, is out of employment in a dust exposure occupation may apply to a medical officer for the extension, endorsement or renewal of his certificate or for the issuance of a miner's certificate, as the case may be, and upon presentation of the holder's certificate the medical officer shall conduct the required examination and effect such extension, endorsement, issuance or renewal as may be warranted by his findings upon such examination.

Initial or
extended;

155f.—(1) Where the holder of an initial or extended certificate has been out of employment in the mining industry for a period exceeding one year and during such period has failed through neglect on his part, to have his certificate extended or endorsed, such certificate shall be void and the holder thereof shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Endorsed or
miner's.

(2) Where the holder of an endorsed certificate or a miner's certificate has been out of employment in the mining industry for a period exceeding two years and during such period has failed through neglect on his part, to obtain a miner's certificate or to have a miner's certificate renewed, his certificate shall be void and the holder thereof shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

- (3) Where the holder of any certificate has been out of employment in the mining industry for a period exceeding three years, he shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only. Where un-employment exceeds three years.

155g. The manager or superintendent of the mine at which the holder of a certificate is employed may require such certificate to be delivered to and left in the custody of such manager or superintendent during the period of the holder's employment at the mine but such certificate shall be returned to the holder upon the termination of his employment at such mine. Custody of certificate.

155h.—(1) The Chief Inspector may exempt from the provisions of sections 155a to 155g any mine or any person employed thereat where, in his opinion the mine does not contain silica in quantity likely to produce silicosis or where for any other reason he is of the opinion that such provisions should not apply. Exemptions.

- (2) The provisions of sections 155a to 155g shall not apply to any person usually employed in a dust exposure occupation for less than fifty hours in each calendar month.

155i. The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) prescribing the nature of the examination to be made by a medical officer under sections 155c to 155f;
- (b) prescribing the forms of certificates and extension, endorsement and renewals thereof; and
- (c) generally for the better carrying out of the requirements of sections 155a to 155h.

155j. Every person who at the date of the coming into force of this section is the holder of a certificate issued under section 155 of *The Mining Act* prior to the enactment of the present Act, shall be entitled to receive a miner's certificate which shall expire upon the expiration date of the first mentioned certificate. Certificate holder under Rev. Stat., c. 47, s. 155.

18. Subsection 3 of section 157 of *The Mining Act* is amended by inserting after the word "work" in the sixth line the words "of which notice in such form as the Minister may prescribe may be registered in the proper registry or land titles office," so that the said subsection shall now read as follows: Rev. Stat., c. 47, s. 157, subs. 3, amended.

When Inspector may erect fence.

- (3) Where the Inspector finds that any such fencing is required in order to avoid danger to health or property he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs, with interest thereon, shall be a lien and charge upon the mine or mining work of which notice in such form as the Minister may prescribe may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid.

Rev. Stat., c. 47, s. 158, subs. 1, re-enacted.

19. Subsection 1 of section 158 of *The Mining Act* is repealed and the following substituted therefor:

Coroner to hold inquest in case of fatality in mine.

- (1) It shall be the duty of the chief coroner for every county, provisional judicial district or provisional county in which a fatal accident occurs in or in connection with a mine to hold or cause an inquest to be held.

Duty of manager.

- (1a) The manager or other person in charge of a mine wherein or in connection wherewith a fatal accident occurs shall forthwith notify a coroner having jurisdiction in the place where the accident occurs.

Coroner employed by mine ineligible.

- (1b) A coroner who is in any way in the employment of the owner or lessee of a mine wherein or in connection wherewith a fatal accident occurs shall be ineligible to act as coroner in connection with such fatal accident.

Chief coroner may direct who to hold inquest.

- (1c) Where a fatal accident occurs in or in connection with a mine at a place which is more readily accessible to a coroner not having jurisdiction in such place than to any eligible coroner having jurisdiction thereat, the chief coroner for the county, provisional judicial district or provisional county in which such place is located may direct such coroner to issue his warrant and conduct an inquest and such direction shall be such coroner's authority therefor.

Rev. Stat., c. 47, s. 159, subs. 1, amended.

20. Subsection 1 of section 159 of *The Mining Act* is amended by striking out the words "the Inspector" in the fourth line and inserting in lieu thereof the words "the Chief Inspector upon the recommendation of an Inspector," so that the said subsection shall now read as follows:

Suspension of rule.

- (1) Where the owner, agent or manager of a mine by his application in writing stating his reasons therefor, requests the Inspector to suspend the requirements of any rule under section 160 as to such mine, the Chief Inspector upon the recommendation of an

Inspector, may in writing direct that the requirements of such rule shall not apply to such mine, or may in writing direct that such rule shall not apply so long as such limitations and conditions as he may see fit to impose, are observed or complied with.

21. Section 160 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat., c. 47, s. 160, re-enacted.

160. Subject to the provisions of section 159, the following rules shall be observed and carried out at every mine and the decision of the inspector as to whether or not any situation complies with any requirement of the rules in which "suitable," "adequate," "approved" or any expression of like import is used and as to the meaning and application of any such expression shall be final and conclusive and a certificate of any such decision signed by the Inspector may be used as evidence in any court: Duty as to knowledge of rules.

(1) It shall be the duty of every manager, superintendent, mine foreman, shift boss, hoistman, deckman, cagetender or skiptender and every person in charge of workmen or who handles explosives, or who operates, installs or has to do with the maintenance of any machinery or electrical apparatus in or about a mine, to know such of these rules as apply to the work in which he is engaged. Duty as to knowledge of rules.

(2) Every person employed as an underground foreman, meaning thereby one who is exclusively engaged in supervising the work of other men, shall be able to give and to receive and understand orders in the English language. Underground foreman, knowledge of English language.

(3) Every person in charge as a deckman, cagetender or skiptender shall have an adequate knowledge of the English language to enable him to carry out his duties in a thoroughly safe manner. Other workmen, knowledge of English language.

(4) The Inspector shall have the right to suspend any foreman or mine captain, shift boss or department head who is unfamiliar with or does not understand the rules governing the operation of mines as contained in this Act. Suspension for unfamiliarity with rules.

Fire Protection.

(5) (a) No inflammable refuse shall be allowed to accumulate underground, but shall be removed from the workings at least once a week and be brought to the surface and there disposed of in a suitable manner. Removal of inflammable material from underground workings.

(b) Inflammable refuse shall not be allowed to accumulate in or about any headframe, shafthouse, portalhouse or any other building the loss of which by fire may endanger the mine entrance. Removal of inflammable material from surface buildings.

Certificate as to inflammable refuse.

(6) Every shift boss and mine captain shall certify in writing to the mine manager at least once a week that there is no accumulation of inflammable refuse underground in the area under his supervision except as reported by him.

Storage of oil and grease.

(7) Oil, grease or other inflammable material shall not be stored in any shafthouse or portalhouse, but it may be permissible, if adequate precautions be taken, to have in the shafthouse or portalhouse, for distribution only, an amount not exceeding the requirements for one day's operation.

Volatile inflammable liquids.

(8) Volatile, inflammable liquids shall not be stored in any shafthouse or portalhouse and such material shall not be transported underground except where carried in approved types of metal containers.

Oil and grease underground.

(9) Oil and grease kept underground shall be contained in suitable metal receptacles and the amount so kept shall not exceed the requirements for seven days.

Unused timber.

(10) All timber not in use in a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein.

Open flame lights, precautions.

(11) Where open flame lights are used at any mine not equipped with a fireproof headframe and shafthouse or portalhouse, the interior of such shafthouse or portalhouse shall be tightly sheeted with metal or a suitable fireproofing material to a height of eight feet.

Fireproofing underground structures.

(12) All underground buildings or enclosures necessary for the housing and maintenance of machinery and equipment shall be so constructed as to reduce the fire hazard to a minimum.

Storage of carbide.

(13) (a) Calcium carbide shall be stored on the surface only, in a suitable dry place other than the shafthouse or portalhouse or changehouse and in its original unopened container.

(b) For the purpose of distributing calcium carbide adequate provisions for the handling of quantities not in excess of one day's supply or 100 pounds, whichever is the greater, shall be made at every mine. Such distribution shall not take place in any shafthouse, portalhouse or changehouse unless such structure is thoroughly fireproof but shall be provided for by the installation of a suitable distribution centre not closer than fifty feet to the nearest point of any part of the headframe, shafthouse or portalhouse.

(c) Adequate precautions shall always be taken to ensure that calcium carbide is handled in a safe manner and no

carbide shall be taken underground except in suitable containers.

(14) (a) Suitable fire-fighting equipment shall be provided and maintained in or about every headframe, shafthouse, portalhouse or any other building the loss of which by fire may endanger the mine entrance. Fire-fighting equipment.

(b) Suitable fire-fighting equipment shall be provided and maintained at all underground crushers, shaft and winze stations, pump stations, tipples and underground electrical installations except where in the opinion of the Inspector no fire hazard exists.

(15) Where operations involving the use of acetylene, kerosene, gasoline or other torches are conducted in any headframe, shafthouse, portalhouse, or any other building the loss of which by fire may endanger the mine entrance, or in the underground workings of any mine, suitable measures for protection against fire shall be adopted and rigidly adhered to. Fire protection where torches used.

(16) Where cylinders of compressed gas, such as acetylene and oxygen, are transported underground for any cutting or welding operation, all fittings, such as regulators or manifolds, shall be disconnected from the cylinders and the valves of the cylinders shall be protected in a suitable manner. Any such protective device shall be removed only at the point of use and shall be replaced at any time a cylinder is left unattended or before a cylinder is moved to a new location. Underground transportation of compressed gases.

(17) (a) In all cases where cylinders of compressed gas are operated from within any cage, skip or other shaft conveyance, or where the cylinders are set up in a location not readily accessible to the workman operating the nozzle equipment a second competent operator shall be employed at all times to attend to the operation of the cylinder control devices. Operation of welding and cutting torches.

(b) In all cases where cylinders of compressed gas are used underground for the purpose of supplying cutting or welding equipment special precautions shall be observed to avert the possibility of damage to or failure of the regulators, manifolds and hoses used in conjunction with the equipment.

(18) No device for the generation of gas, such as acetylene for supplying, cutting or welding equipment, shall be used in the underground workings of any mine. Generation of gas underground forbidden.

(19) In every mine where a vertical or inclined shaft has been sunk or an adit driven and stoping has commenced there shall be provided and maintained, in addition to the hoisting shaft or the opening through which men are let into or out of the mine and the ore extracted, a separate escapement shaft. Escapement shaft.

or opening. Such auxiliary exit shall not be less than fifty feet from the main entrance to the mine and any structure covering such auxiliary exit shall be of such material and so constructed as to reduce the fire hazard to a minimum. If such an escapement shaft or opening is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced and shall be diligently prosecuted until the same is completed and means of escapement other than the main outlet of the mine provided to and connected with the lowest level on which stoping operations are being carried on. The escapement shaft or opening shall be of sufficient size to afford an easy passageway, and, where necessary, shall be provided with good and substantial ladders from the deepest workings to the surface.

Buildings in proximity to mine entrance.

(20) Unless there is first provided a second means of exit from the mine workings, no building shall be erected within fifty feet of any closed-in portion of a headframe or portal-house except that the building housing the hoist and power plant equipment may be erected within this distance provided that such distance be not less than thirty-five feet.

Installation of boilers and diesel engines.

(21) No steam boiler or diesel engine shall be installed in such a manner that any portion thereof is within seventy-five feet of the centre line of the collar of any shaft or other entrance to a mine.

Installation of internal combustion engine.

(22) No gasoline or other internal combustion engine using highly volatile liquids or inflammable gases shall be installed within fifty feet of the building housing the hoist nor within one hundred feet of the centre line of the collar of any shaft or other entrance to a mine.

Exhaust of internal combustion engine.

(23) Where an internal combustion engine is installed at any mine provisions shall be made for safely conducting the exhaust of such engine to a point well outside the building. The exhaust shall be so arranged as to avert the possibility of fumes re-entering the building or entering the intake of any air compressor or contaminating the atmosphere of any adjacent buildings or the mine workings.

Storage of liquid fuels.

(24) (a) Except for the actual fuel tanks of operating equipment no storage of gasoline or liquid fuel, unless in underground tanks, shall be permitted within one hundred feet of the collar of any shaft or other entrance to a mine. The natural drainage from such location shall be such that the flow is in a direction opposite to the location of any such shaft or mine entrance.

Transfer of liquid fuel.

(b) The fuel tanks of any internal combustion engine installed within a building shall be so arranged that the actual transfer of fuel to the fuel tank takes place at a point

outside the building and the fuel is conducted to the tank in a tightly jointed pipe or conduit. Similar provisions for the escape of displaced air from the fuel tank shall be made whereby the displaced air shall be conducted to a safe point outside the building before being discharged to the atmosphere.

(25) The transfer of liquid fuels from one container to another by the direct application of air under pressure shall not be permitted except where properly designed and tested equipment is used for this purpose. Transfer of liquid fuel by compressed air.

(26) Legible signs showing the way to emergency exits shall be posted in prominent places underground and all workmen shall be instructed as to the location of auxiliary exits. Legible signs showing exits.

(27) (a) Every mine producing over one hundred tons of ore per day and such other mines as may be designated by the Inspector shall be equipped with an approved apparatus for the introduction into the mine workings of ethyl mercaptan or other warning gas or material approved by the Chief Inspector. Such apparatus shall at all times be made available and kept ready for instant use for the purpose of warning workmen underground of any emergency necessitating a speedy evacuation of the workings. Stench warning.

(b) A test of the effectiveness of the warning and a report as to the functioning of the system shall be made at least once in each year and a report of such test and functioning made available to the Inspector.

(28) (a) Where practicable, there shall be a sufficient number of fire doors installed underground in every mine to cut off the shaft from the other workings of the mine. Fire doors.

(b) Where fire doors are installed they shall be maintained in proper order and kept clear of all obstructions so as to be readily usable at all times.

(29) Where the Chief Inspector deems it necessary or advisable for the protection of workmen employed underground, he may order refuge stations to be provided and maintained at such places within the mine as he may direct and every such refuge station shall have water, air and telephone connections to the surface and be separated from the adjoining workings by closeable openings so arranged and equipped that gases can be prevented from entering the refuge station. Refuge stations within mines.

(30) (a) Where the Chief Inspector deems it necessary or advisable for the protection of workmen employed underground he may recommend in writing, to the Minister, that a connection between mines be established at such place as he deems advisable and he may further recommend that such Connection between mines.

connection be so made and equipped as to constitute a refuge station or refuge stations. Upon the approval by the Minister of any such recommendation a copy thereof, accompanied by a copy of this rule shall be served personally upon or mailed by registered post to the owner or the agent and the manager of each of the mines affected.

(b) Upon the approval of any such recommendation of the Chief Inspector the Minister may in writing signed by him appoint a committee of three persons who shall determine,—

- (i) the design, specifications and locations of the connecting passages, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected;
- (ii) the work to be done by each of the mines affected and the proportion in which the cost of such work and of establishing and maintaining the connection shall be borne by the owners of the mines affected;
- (iii) the time at which such work in compliance herewith shall be commenced and completed;
- (iv) the proportion in which the costs and expenses of the committee shall be borne by the owners of the mines affected;
- (v) such other provisions or requirements as in the premises they may deem necessary or advisable.

(c) The committee shall submit a report in writing to the Minister and a report of the majority of the committee shall be deemed to be the finding of the committee.

(d) Upon the approval by the Minister of the report of the committee the Chief Inspector may issue his order for the establishment and maintenance of such connection and refuge station or stations (if any recommended) in accordance with the terms of such report. A copy of the report shall be attached to the order and form a part thereof. No such order shall be subject to appeal upon any ground whatsoever but shall be enforceable in the same manner as any order of the Chief Inspector.

Aid to Injured.

Stretchers
for convey-
ance of
injured
persons.

(31) At every mine there shall be maintained a sufficient number of properly constructed stretchers for the proper handling and transporting of persons who may be injured in the discharge of their duties about the mine.

(32) There shall be provided and maintained at every mine ^{Supplies for first aid.} for the treatment of anyone injured such first aid supplies as are required by the regulations of *The Workmen's Compensation Act*.

Handling Water.

(33) Every working mine shall be provided with suitable ^{Removal of water from mine workings.} and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might endanger the lives of workmen in such mine or in any adjoining mine.

(34) Where there is or may be an accumulation of water, any ^{Precautions against flow of water.} working approaching the same shall have bore holes kept in advance, and such additional precautionary measures shall be taken as may be deemed necessary to obviate the danger of a sudden breaking through of the water.

(35) For the purposes of this subsection— Dams and bulkheads.

“Dam” shall mean any structure built for the purpose of impounding water in any drift, crosscut or other mine opening and constructed in such a manner as to permit an unobstructed overflow of the water.

“Bulkhead” shall mean any structure built for the purpose of impounding water or confining air under pressure in any drift, crosscut or any other mine opening and constructed in such a manner as to completely close off such drift, crosscut or other mine opening.

(a) The location of every underground dam and bulkhead, within the meaning of this subsection, shall be clearly shown on the mine plans.

(b) No dam behind which more than twenty-five tons of water may be impounded shall be constructed underground without the written permission of the Chief Inspector and then only when constructed in accordance with plans and specifications which have been approved by him.

(c) No bulkhead shall be constructed underground without the written permission of the Chief Inspector and then only when constructed in accordance with plans and specifications which have been approved by him.

Ventilation.

(36) (a) The ventilation in every mine shall be such that ^{Ventilation.} the air in all of its workings that are in use or are to be used

by workmen or others shall be free from dangerous amounts of noxious impurities and shall contain sufficient oxygen to obviate danger to the health of anyone employed in any such mine. In any mine workings where such conditions cannot be obtained by natural ventilation approved means for mechanical ventilation shall be provided and kept in operation until such workings have been abandoned or until satisfactory natural ventilation shall have been brought about therein.

(b) All fans and all structures containing the same shall be of fireproof construction.

Internal
combustion
engine,
under-
ground.

(37) No internal combustion engine shall be installed or operated underground in any mine unless the permission in writing of the Chief Inspector be first obtained.

Sanitation.

Sanitary
conven-
iences.

(38) The manager of a mine shall provide or cause to be provided on the surface and in the underground workings sufficient and suitable sanitary conveniences in accordance with the following rules:

- (a) Where the number of persons employed on any shift does not exceed one hundred there shall be one sanitary convenience for every twenty-five persons or portion thereof;
- (b) Where the number of persons so employed exceeds one hundred there shall be one additional sanitary convenience for every fifty persons or portion thereof over the first hundred.

(39) These sanitary conveniences shall be kept in a cleanly manner; shall be adequately supplied with chloride of lime, sawdust, fine ash or other suitable absorbent; shall be removed and cleaned regularly; shall be conveniently placed with reference to the number of men employed on the different levels; and shall be placed in a well-ventilated part of the mine.

(40) Any person depositing faeces in any place underground other than in the sanitary conveniences provided shall be guilty of an offence against this Act.

Dressing
room.

(41) If more than ten persons to each shift are ordinarily employed in the mine below ground, sufficient accommodation, including supplies of clean cold and warm water for washing, shall be provided above ground near the principal entrance of the mine, and not in the engine room, boiler room, or nearer than fifty feet to the shafthouse or portalhouse, for enabling the persons employed in the mine to conveniently dry and change their clothes.

Care and Use of Explosives.

(42) No explosive shall be used at any mine, unless there is plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer, and the strength of the explosive and the date of its manufacture. Marking explosive packages.

(43) Every case of supposedly defective fuse, detonator or blasting cap, or explosive shall be reported to the Inspector with the name and address of the manufacturer and accompanied, if available, by the packing slip from the original container of such fuse, blasting cap or detonator, or explosive, along with all other pertinent information available. Defective explosives to be reported.

(44) Except as otherwise provided herein all explosives and all detonators or blasting caps shall be stored in special suitable buildings, such as magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses. Storage of explosives.

- (a) No such building shall be erected or maintained at any mine except with the written permission of an Inspector, nor until the site of the building and the style of structure has been approved by him.
- (b) Where possible, every such building shall be located in accordance with the British Table of Distances in respect of its distance from the mine or works or any other buildings or any public highway or public railway. Where conditions are such that it is impossible to locate such buildings in accordance with the British Table of Distances, the mine manager and the Inspector shall jointly choose the most suitable location.
- (c) Every such building shall be constructed of such materials as to ensure as far as possible against accident from any cause.
- (d) The rules in reference to the care and use of explosives shall be kept posted up inside every such building.
- (e) Every such building shall be kept securely locked at all such times as the attendant is not present and it shall be clearly indicated by some easily visible sign posted outside the building that explosives are stored therein.

(45) Magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses and explosives storage boxes shall at all times be kept clean and dry and free from grit. Magazines, thaw houses, etc.

- Floors and shelves. (46) Floors and shelves of magazines and thaw houses shall be treated with a suitable neutralizing agent whenever necessary to remove any traces of explosive substances.
- What explosives to be used first. (47) When supplies of explosives are removed from a magazine those that have been longest in the magazine shall be used first provided they are not defective. In all cases where explosives have become defective they shall be suitably and safely disposed of.
- Opening cases. (48) Only implements of wood, brass or copper shall be used in opening cases containing explosives.
- Storage of explosives, underground. (49) (a) Explosives shall not be stored underground in excess of the necessary supply for forty-eight hours. In no case shall an amount exceeding three hundred pounds be stored in any one place underground without the written permission of the Inspector.
- (b) With the written permission of the Chief Inspector and subject to such conditions as he may prescribe, underground explosives magazines may be established, but in no case shall more than twenty-five hundred pounds be stored in any one such magazine.
- (c) Wherever explosives are stored underground in any mine heading into which a haulage track extends suitable barricades shall be maintained or other adequate measures adopted to avert the possibility of any train or car colliding with the explosives container or containers.
- Location of underground storage place. (50) No explosive shall be stored within two hundred feet of any shaft station or transformer station underground in any mine.
- Storage of detonators. (51) (a) Detonators or blasting caps shall not be stored in the same receptacle or storage building as other explosives.
- (b) Detonators or blasting caps or capped fuse, while stored in underground workings, shall be kept in separate, suitable, closed containers or magazines. Such containers or magazines shall not be located within twenty-five feet of any other explosives.
- Open flame lamps, smoking, explosives storages. (52) (a) No flame-type light shall be taken within twenty-five feet of any building or place on surface in which explosives are stored.
- (b) No flame-type light shall be taken within ten feet of any place underground where explosives are stored unless a suitable, safe arrangement for the placing of such light is provided.

(c) No person shall smoke in any place or building where explosives are stored or while handling explosives.

(53) (a) A properly authorized person or persons shall make a thorough weekly inspection of all explosives, explosives magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses, and all storage boxes or places in or about the mine used for the purpose of storing explosives or detonators or blasting caps and shall make a report, in writing, to the manager stating that such examination has been made and certifying as to the conditions found. Inspection of storage places.

(b) The manager shall take immediate steps to correct any unsuitable conditions found and to properly dispose of any deteriorated explosives existing and shall make a prompt investigation when an act of careless placing or handling of explosives is discovered by or reported to him.

(c) Any employee who commits a careless act with an explosive or where explosives are stored, or who, having discovered such an act to have been committed, omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Act and the officer in charge of the mine shall immediately report such offence to the Inspector or to the Crown Attorney of the county or district in which the mine is situate.

(54) When any mine is closed down all explosives, fuse and detonators or blasting caps shall be disposed of and no explosive may be stored at any such closed-down mine without the written permission of the Chief Inspector. Disposal of explosives at shut-down mine.

(55) No person shall take away from any mine any explosive, fuse or detonator or blasting cap without the written permission of the manager or of such person as may be authorized by the manager to give such permission. Written permission.

(56) No building for thawing explosives shall be maintained in connection with any mine except with the written permission of an Inspector. The building shall be above ground, unless exemption obtained under the provisions of subsections 1 and 2 of section 159 direct otherwise, and the site of the building and the style of structure and equipment shall be subject to the approval of the Inspector. The building shall be under the direction of the manager or some person authorized by him. The quantity of explosives brought into any thawing house at any one time shall not exceed the requirements of the mine for a period of twenty-four hours, plus the amount that it may be necessary to have thawing to maintain that supply. Thawing houses.

(57) A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof Thermometer necessary.

kept, but where the amount of explosives in such thawing room does not exceed two hundred pounds at any one time, the Inspector may give permission, in writing, to use a maximum and minimum registering thermometer on condition that a daily record of high and low temperature be made and kept on file.

Thawing near open fire or steam boilers forbidden.

(58) In no case shall powder be thawed near an open fire or steam boiler or by direct contact with steam or hot water.

Wiring in storage places.

(59) All electric wiring in explosives magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses shall be installed in metal armour or rigid conduit with screwed, waterproof joints and all metal armour or rigid conduit shall be permanently grounded.

Switches, fuses.

(60) (a) The switches and fuses for lighting, heating or telephone circuits for explosives magazines, thaw houses, detonator or blasting cap storage buildings and cap and fuse houses shall be installed in a locked, fireproof cabinet located outside the compartment in which explosives, fuse or detonators or blasting caps are stored.

(b) The fuses or circuit breakers for heating circuits shall be such that they will interrupt the current at twenty-five per centum over the normal load.

(c) The fuses for lighting circuits shall not exceed ten-ampere capacity.

Electric heating.

(61) (a) Where water is the medium used for the distribution of electrically generated heat for thaw houses the radiation pipes shall be permanently grounded.

(b) No electrical device for generating heat shall be allowed in the same compartment with explosives or detonators or blasting caps.

(c) Wire or grid-type heaters shall not be installed in conjunction with any building in which explosives or detonators or blasting caps are stored or handled.

Transportation of explosives in shaft.

(62) (a) When the day's supply of explosives is being transported in any shaft conveyance the person in charge of such operation shall give or cause to be given notice of the same to the deckman and hoistman.

(b) Every possible precaution shall be taken in the handling and transportation of explosives.

Supervision over transportation of explosives on shaft.

(63) (a) No person shall place in or take out of the shaft conveyance any explosives except under the immediate super-

vision of a person authorized by the manager, superintendent, foreman or shift boss for the purpose.

(b) No other material shall be transported with explosives in any shaft conveyance.

(64) (a) The transfer of explosives from the magazine or other surface storage place shall be so arranged that no undue delay shall occur between the time the explosives leave such surface storage place and the time they are properly stored in designated storage places in the mine or distributed to points of use in the mine.

Transfer of explosives from storage places.

(b) Explosives shall not be left at any level station or near the shaft collar or other entrance to the mine but shall be transferred from any designated storage place to other designated storage places or points of use without undue delay.

(65) (a) Primers shall be made up as near to their point of use as is practical in the interests of safety and only in sufficient numbers for the immediate work in hand.

Transportation of detonators.

(b) Detonators or blasting caps, capped fuse, made-up primers or other explosives shall not be transported in any conveyance either on the surface or underground unless placed in separate, suitable, closed containers.

(c) It shall be permissible for a workman to carry capped fuses with other explosives from the nearest storage places to a point of use without placing them in a container provided they are kept separate from the other explosives but in no case shall made-up primers be transported or carried unless placed in separate, suitable, closed containers.

(66) Where explosives are transported in mine workings by means of a car or cars,—

Transportation of explosives, underground.

(a) The speed of any car or cars shall not at any time exceed four miles per hour and definite arrangements for the right-of-way of such car or cars carrying explosives shall be made before the car or cars are moved;

In any car.

(b) Where mechanical haulage is used the haulage motor shall be maintained on the forward end of any train carrying explosives unless some person walk in advance of the train to effectively guard the same.

By motor haulage.

(67) Where a trolley locomotive is used for the transportation of explosives in any mine the car or cars carrying explosives shall be protected from trolley-wire contact and other existing hazards.

Trolley locomotives.

Blasting on
contiguous
claims.

(68) Where parties working contiguous or adjacent claims or mines disagree as to the time of setting off blasts, either party may appeal to the Inspector, who shall decide upon the time at which blasting operations thereon may be performed, and the decision of the Inspector shall be final and conclusive and shall be observed by them in future blasting operations.

Explosives
not to be
removed
from original
container.

(69) No explosive shall be removed from its original paper container or cartridge.

Blasting of
roast heaps.

(70) No explosive shall be used to blast or break up ore, salamander or other material where by reason of its heated condition there is any danger or risk of premature explosion of the charge.

Size of drill
holes.

(71) All drill holes, whether sunk by hand or machine drills, shall be of sufficient size to admit of the free insertion to the bottom of the hole of a stick or cartridge of powder, dynamite or other explosive, without ramming, pounding or pressure.

No iron or
steel tool.

(72) In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel tool shall be used in any hole containing explosives.

Bootleg
holes.

(73) (a) No drilling shall be done within six inches of any hole that has been charged and blasted or any remnant of such hole. (So-called bootleg.)

(b) No drilling shall be done within five feet of any hole containing explosives.

Due warning
required.

(74) Every workman shall, before blasting, give or cause to be given due warning in every direction by shouting "Fire," and shall satisfy himself that all persons have left the working place except those required to assist him in blasting.

Guarding
entrances to
places where
blasting is
to be done.

(75) (a) Every workman shall, before blasting, cause all entrances to the place or places where such blasting is to be done or where the safety of persons may be endangered by such blasting, to be effectively guarded, so as to prevent inadvertent access to such place or places while such charges are being blasted.

(b) Posting of signs shall not be deemed adequate protection to warn of blasting operations.

Length of
fuse.

(76) Except where fired electrically no fuse shorter than three feet shall be used in any blasting operation nor shall any fuse be lighted at a point closer than three feet from the capped end.

(77) (a) Except where the firing has been done by means of electric current no person shall return to the scene of any blast within the number of minutes which are equal to twice the number of feet in the longest fuse used in the blasting operation.

Interval
before return
to scene of
blast.

(b) Where the firing has been done by means of electric delay action detonators and two or more shots are fired no person shall return to the scene of any blast within ten minutes of the time at which the blasting circuit was closed.

(c) In the case of a supposedly missed hole in any blasting operation no person shall return to the scene of any blast within thirty minutes of the time of lighting the fuse or fuses or closing the blasting circuit.

(78) (a) No hole shall be charged with explosives unless a properly prepared detonating agent be placed in such charge and shall be fired in its proper sequence in the firing of the round.

Detonator
required.

(b) All holes which are charged with explosives in one loading operation shall be fired in one blasting operation.

Firing
required.

(79) Where safety fuse is used in any blasting operation,—

Safety fuse.

(a) Suitably capped fuses shall be supplied to the workmen in uniform, standard, safe lengths for the operation at hand.

(b) The uncapped ends of all fuses for use in a mine shall be suitably stained.

(80) In every case the fuse connected to a charge of explosives shall be lighted by other means than the device used as a source of illumination.

Lighting
fuses.

(81) Where more than one shot is fired no workman shall be permitted to conduct any blasting operation unless he is accompanied by one or more other workmen each of whom shall carry a light.

Number of
men, lights.

(82) Before returning to the scene of any blasting operation every workman shall assure himself that sufficient air has been introduced into the working place to drive out or dilute to a safe degree the gases produced in the blasting operation.

Ventilation
of working
place after
blasting.

(83) Where blasting is being done in any raise or stope proper precautions shall be taken to prevent closing of the means of entrance to the working place or interference with the effective circulation of air following the blast, by the broken material produced by the blast. In the case of a single

Protection
of entrance
to working
place.

compartment raise or boxhole where material from the blast may block the means of entrance proper precautions shall be taken to assure the adequate ventilation of the working place before workmen enter the same.

Reporting
of missed
holes.

(84) When a workman fires a round of holes he shall, where possible, count the number of shots exploding. If there is any report missing, he shall report the same to the mine captain or shift boss. If a missed hole has not been fired at the end of a shift, that fact, together with the location of the hole, shall be reported by the mine captain or shift boss to the mine captain or shift boss in charge of the next relay of workmen going into that working place before work is commenced by them.

Missed hole
to be
blasted.

(85) Any charge which has missed fire shall not be withdrawn but shall be blasted at a proper time and without undue delay.

Examina-
tion for
missed or
cut-off hole.

(86) No development heading shall be abandoned or work therein discontinued until the material broken at the firing of the last round shall have been cleared from the face and the whole face of the heading examined for explosives in missed or cut-off holes.

Where
electric
blasting
required.

(87) (a) After the first ten feet advance has been made in any shaft or winze and until such time as the permanent timbers and ladders have reached the level upon which blasting is being done all blasting in the shaft, winze, station or other workings being driven from the same shall be done by means of an electric current.

(b) After twenty-five feet advance has been made in any raise inclined at over fifty degrees from the horizontal or a "chute" or other permanent obstruction has been placed in the raise, all blasting shall be done by means of an electric current.

Electric cur-
rent to be
disconnected
after
blasting.

(88) A workman shall not, where blasting takes place by electricity, enter or allow other persons to enter the place or places where the charges have been fired until he has disconnected the cables from the blasting battery or other source of current.

Approved
firing device.

(89) (a) Electricity from lighting or power cables shall not be used for firing shots except when a firing device of a design which has been approved by the Chief Inspector and which automatically opens the circuit by gravity is provided. The live side of such device shall be installed in a fixed, locked box and shall be accessible only to the authorized shot firer.

(b) One such device shall be maintained for each individual

working place in which firing is done by means of electricity from lighting or power cables.

(90) Where the source of current is a direct current battery ^{Blasting by direct current or blasting battery.} or a blasting machine of the so-called "battery" type, the firing cables or wires shall not be connected to the source of current until immediately before they are required for the firing of shots, and shall be disconnected immediately after the shots are fired.

(91) The firing cables leading to the face shall be short-circuited while the leads from the blasting caps are being connected to each other and to the firing cables. This short circuit shall not be removed until the men have retreated from the face and it shall be so located that a premature explosion would be harmless to the men opening the short circuit. ^{Lead wires short-circuited.}

(92) The firing cables or wires used for firing shots at one ^{Firing cables} working place shall not be used for firing shots in another working place until all proper precautions have been taken to insure that such firing cables or wires have not any electrical connection with the leads from the first working place.

(93) When shot-firing cables or wires are used in the ^{Precautions in using shot-firing cables.} vicinity of power or lighting cables, proper precautions shall be taken to prevent the shot-firing cables or wires coming in contact with the lighting or power cables.

*Protection in Working Places, Shafts, Winzes,
Raises, Etc.*

(94) Neither on surface nor underground shall workmen be employed in a location where men are working overhead unless such measures for protection be taken as the nature of the ^{Protection from overhead operations.} work permits.

(95) Every person employed underground in any mine shall be required to wear a protective hat ^{Protective hat.} manufactured for such service.

(96) The top of every shaft shall be securely fenced or protected by a gate or guard rail, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected. ^{Fencing of shafts and other openings.}

(97) (a) At all shaft and winze openings on the surface and on every level, unless securely closed off, the hoisting compartments shall be protected by a substantial gate which shall be kept closed except when the hoisting conveyance is being loaded or unloaded at such level. The clearance beneath any such gate shall be kept to a minimum. ^{Gate at shaft entrances.}

(b) Where haulage tracks lead up to any hoisting compartment on surface or underground the gate on such compartment shall be reinforced in such a manner that it shall be sufficiently strong to withstand any impact imparted thereto by collision therewith of any motor, train or car operated on such tracks.

Shaft and winze timbering.

(98) Every shaft and winze shall be properly timbered and during sinking operations the timbering shall be maintained within a safe distance of the bottom. In no case shall this distance exceed fifty feet.

Protection of workmen in drifts.

(99) Where a drift extends from a shaft in any direction on a level, a safe passageway and standing room for workmen shall be made on one or both sides of the shaft to afford protection against falling material.

Protection of men in sinking operations.

(100) (a) During shaft sinking operations no work shall be done in any place in a shaft or winze while men are working in another part of the shaft or winze below such place unless the men working in the lower position be protected from the danger of falling material by a securely constructed covering extending over a sufficient portion of the shaft to afford complete protection.

(b) During shaft sinking operations a set of doors shall be maintained at the collar or other point of service of every shaft or winze. Such doors shall be closed at all times that material is being loaded into or unloaded from a shaft conveyance.

Lining compartments at levels.

(101) Except during sinking operations, if material be handled in any shaft or winze compartment there shall be maintained around that compartment except on the side on which the material is to be loaded or unloaded a substantial partition at the collar and at all levels. Such partition shall extend above the collar and all levels a distance not less than the height of the hoisting conveyance plus six feet and it shall extend below the collar and all levels at least six feet.

Protection on shaft inspection.

(102) (a) No person shall do any work or conduct any examination in any compartment of a shaft or winze or in that part of a headframe used in conjunction therewith while hoisting operations are being conducted in such compartment except where the hoisting conveyance is necessary for the purpose of doing such work or conducting such examination.

(b) No person shall do any work or conduct any examination in a shaft or winze or in that part of a headframe used in conjunction therewith unless he be adequately protected from accidental contact with any moving hoisting conveyance or the danger of falling particles dislodged by or falling from such conveyance.

(103) Where the enclosing rocks are not safe every adit, tunnel, stope or other working in which work is being carried on or through which persons pass shall be securely cased, lined or timbered, or otherwise made secure. Timbering mine workings.

(104) Where a bucket is used in any shaft or winze for other than sinking purposes,— Use of shaft buckets.

- (a) A set of doors as required by Rule 138 (c) shall be maintained at the collar of the shaft or winze, which doors shall be kept closed at all times that tools or supplies are being loaded into or taken out of the bucket;
- (b) A suitable landing device shall be used at every working level when the bucket is being loaded or unloaded at that level;
- (c) Simultaneous operations shall not be carried on at more than one level until the style of structure and method of operation of any such device installed at intermediate levels has been submitted to and has received the approval of the Inspector.

(105) All raises inclined at over fifty degrees from the horizontal which are to be driven more than sixty feet slope distance shall be divided into at least two compartments one of which shall be maintained as a ladderway and shall be equipped with suitable ladders. The timbering shall be maintained within a safe distance of the face and in no event shall the distance between the face and the top of the timbering exceed twenty-five feet. Steeply inclined raises.

(106) Whenever, at any time, chutes are pulled where persons may, either at the time of pulling or some future time, be required to go out on the broken material above, proper precaution shall be taken to ascertain that the broken material is settling freely and where there is any indication of a hang-up the location shall be adequately protected by suitable signs or barricades and any persons working in the vicinity notified of the danger. Precautions as to broken material.

(107) Unless the entrance to a stope is capable of being used as such at all times a second means of entrance shall be provided and maintained. Access to stopes.

(108) The top of every millhole, manway or other opening shall be kept covered or otherwise adequately protected. Guarding mill holes, manways, etc.

(109) Wherever men are working, below a level, in any place the top of which is open to the level in close proximity to any haulageway or travelway some person shall effectively Guarding open workings

guard the opening unless the same is securely covered over or otherwise closed off from the haulageway or travelway.

Guarding
tops of
raises.

(110) The tops of all raises or other openings to a level shall be kept securely covered, fenced off, or protected by suitable barricades to prevent inadvertent access thereto.

Procedure
before
drilling.

(111) Before drilling is commenced in any working place the exposed face shall be washed with water and carefully examined for misfires and cut-off holes, giving special attention to old bottoms.

Breaking
through to
mine
workings.

(112) Where possible, no connection between mine workings shall be made until a thorough examination of the working towards which the active heading is advancing has been made and has shown that the work can be proceeded with in a safe manner and such point of connection shall be guarded as an entry when blasting within fifteen feet of breaking through.

Unused
workings to
be tested for
gas.

(113) Underground workings, especially shafts, sumps and winzes, which have been in disuse for some time shall be examined before being again used, in order to ascertain whether foul air or other dangerous gases have accumulated there, and only such workmen as may be necessary to make such examination shall be allowed to proceed to such places until such places are in fit state to work or travel in.

Examination
of mine
workings.

(114) The owner, manager, or some authorized person or persons shall examine daily all parts of the mine where drilling and blasting is being carried on; shall examine at least once a week the other portions of a mine in which operations are being carried on, such as shafts, winzes, levels, stopes, drifts, crosscuts and raises, in order to ascertain that they are in a safe working condition; shall inspect and scale or cause to be inspected and scaled the roofs and walls of all stopes or other working places as often as the nature of the ground and of the work performed necessitates.

Scaling bars
and gads.

(115) The owner or manager shall provide and maintain an adequate supply of properly dressed scaling bars and gads and other equipment necessary for scaling.

Life lines to
be used.

(116) The owner or manager shall, when necessary, provide life lines for the workmen and it shall be the duty of the workmen to continually wear such life lines at all times, when by so doing the interests of safety will be advanced.

Keeping
water supply
to lay dust.

(117) Every dusty place where work is being carried on in a mine shall be adequately supplied at all times with clean water under pressure or other approved appliances for laying the dust caused by drilling or blasting operations.

(118) The times for blasting shall be so fixed that the workmen shall be exposed as little as practicable to dust and smoke. Time for blasting.

(119) Where there is non-continuous shift operation in mine areas the on-coming shift shall be warned of any abnormal condition affecting the safety of operations. Such warning shall consist of a written record over the signature of a responsible person on the off-going shift and shall be read and countersigned by the corresponding responsible person on the on-coming shift before workmen are permitted to resume operations in the areas indicated in such record. Written record.

(120) Where repair work is in progress in any manway or conditions arise that may endanger travel through such manway the manway shall be closed off or adequate signs designating the unfitness of such manway for travel purposes shall be posted at all entrances to such manway. Repair work. manways.

(121) (a) Diamond-drill holes shall be plotted on all working plans of levels. Precautions when intersecting drill holes.

(b) When any active mine heading is advancing toward any diamond-drill hole the collar or the nearest points of intersection of such hole or both shall be securely closed off or guarded at all times that blasting is being done within fifteen feet of any possible intersection of such hole.

(c) The collar and any points of intersection of every diamond-drill hole, underground, shall be plainly marked at the time that drilling is discontinued or an intersection made. Such marking shall consist of a single capital letter "H" in yellow paint measuring twelve inches by twelve inches which shall be placed within four feet of such collar or intersection.

(122) (a) A suitable footway or ladderway shall be provided in every shaft and winze. Ladderways in shafts and winzes.

(b) In shafts and winzes no ladder, except an auxiliary ladder used in sinking operations, shall be installed in a vertical position.

(c) During sinking operations, if the ladder be not maintained to the bottom, an auxiliary ladder which will reach from the permanent ladders to the bottom shall be provided in such convenient position that it may be promptly lowered to any point at which men are working.

(d) Wherever, about shafts and winzes and headframes used in conjunction therewith, it is necessary for persons to examine or inspect appliances installed therein suitable ladder-

ways or stairways and platforms shall be maintained to permit such work being carried out in a safe manner.

Partition between manway and hoisting compartments. (123) The footway or ladderway in a shaft or winze shall be separated from the compartment or division of the shaft or winze in which material is hoisted by a suitable and tightly closed partition.

Ladderway in shaft over 70 degrees. (124) In a shaft or winze inclined at over seventy degrees from the horizontal substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway, and the same shall be covered except for an opening large enough to permit the passage of a man's body, and the ladders shall be so placed as to cover this opening in the platform.

Ladderway in shaft under 70 degrees. (125) In a shaft or winze inclined at less than seventy degrees from the horizontal the ladders may be continuous, but substantial platforms shall be built at intervals not exceeding twenty-one feet, in the ladderway, and the same shall be covered except for an opening large enough to permit the passage of a man's body.

When stairway permissible. (126) (a) Stairways may be used in a shaft or winze inclined at less than fifty degrees from the horizontal.

(b) All stairways in shafts or winzes shall be equipped with a suitably placed handrail.

Ladderways, other mine workings. (127) (a) All ladderways in raises, stopes and other manways of a mine shall be installed and maintained in a workmanlike manner to reduce to a minimum the hazard of a man falling therefrom.

(b) A landing platform shall be installed at all points where ladders are offset.

Wire rope ladders. (128) Wire rope or strands of wire rope shall not be used or be allowed to be used for climbing purposes in any mine if they are frayed or have projecting broken wires.

Hand rails for ladders. (129) Every ladder shall project at least three feet above its platform, except where strong hand rails are provided.

Ladders.

Ladders. (130) (a) Every ladder used shall be of strong construction, shall be securely placed in any shaft, winze, raise, or stope, and shall be maintained in good repair.

(b) The distance between centres of rungs of ladders shall not be greater than twelve inches or less than ten inches, and

the spacing of rungs shall not vary more than one-half inch in any particular ladderway.

(c) In order to give a proper foothold the rungs shall in no case be closer than four inches from the wall of a shaft, winze, or raise, or any timber underneath the ladder.

Shaft Equipment.

(131) Where steel, timber or other material is being raised ^{Raising and lowering} or lowered in any shaft or winze it shall be securely fastened ^{material.} to the shaft conveyance or hoisting rope.

(132) (a) After a depth of three hundred feet has been attained in the sinking of any vertical shaft or winze, a suitable ^{When cross-head} crosshead shall be used. ^{required.}

(b) When a crosshead is not used the bucket shall be barrel-shaped and shall be suspended from the upper rim.

(c) When a crosshead is not used in any vertical shaft or winze the compartment in which the bucket works shall be closely lined with sized lumber.

(133) (a) All sinking crossheads shall be provided with a safety appliance of approved design, so constructed that ^{Safety appliance on crosshead.} the crosshead cannot stick in the hoisting compartment without also stopping the bucket.

(b) All crossheads shall be of a design approved by the Inspector.

(134) In a shaft or winze, in the course of sinking, the bucket ^{Level of load in sinking bucket or skip.} or skip shall be filled only in such a manner that no piece of loose rock shall project above the level of the brim.

(135) (a) During sinking operations in any shaft or winze ^{Lowering men after blast.} the bucket or skip used for returning men to the working place following any blasting operation shall not be lowered on the initial trip beyond the point where, owing to the blast, it may be unsafe to go without a careful examination and in no case shall the point be less than fifty feet above the blasting set or bulkhead.

(b) The bucket or skip shall be lowered from such point only on signal from the men accompanying the same and at such speed as to be fully under control, by signal, of such men.

(c) Only sufficient men shall be carried on such trip as are required to properly conduct a careful examination of the shaft or winze.

Bucket or skip not to be lowered directly to face.

(136) In a shaft or winze in the course of sinking, the bucket or skip shall not be lowered directly to the bottom but shall be held at least fifteen feet above and shall remain there until a separate signal to lower the same has been given by a properly authorized person.

Bucket to be steadied.

(137) No bucket shall be allowed to leave the top or bottom of any shaft or winze until the workman in charge thereof has steadied it or caused it to be steadied.

Protection from dumping.

(138) (a) In a shaft or winze, in the course of sinking, adequate provision shall be made to assure the impossibility of the bucket or skip being dumped while the dumping doors are open or other means applied to prevent spillage falling into the shaft or winze.

(b) The design of any device for this purpose shall be submitted for the approval of the Inspector.

(c) A door or doors shall be maintained at the collar of every shaft or winze while sinking is in progress. Such door or doors shall be kept closed at all times that tools or material are being loaded into or unloaded from the bucket except when the bucket is emptied by dumping, when an arrangement as provided for in clauses (a) and (b) of this Rule shall be used.

Cage or skip for handling men.

(139) Except during sinking operations, whenever a mine shaft or winze exceeds three hundred feet in vertical depth a suitable cage or skip, equipped as required by Rule 141 of this section, shall be provided for lowering or raising men in the shaft or winze.

Protection from contact with timbering, etc.

(140) No cage or skip shall be used for the raising or lowering of persons unless it is so constructed as to prevent any portions of the body of any person riding therein from accidentally coming into contact with the timbering or sides of the shaft or winze. Doors shall be so fitted that they cannot be accidentally opened and shall be closed when lowering or hoisting men.

Construction of cages and skips.

(141) All cages or skips for lowering or raising men shall be constructed as follows:

Hood.

(a) The hood shall be made of steel plate not less than three-sixteenths of an inch in thickness or of a material of equivalent strength;

Casing.

(b) The cage shall be provided with sheet iron or steel side casing not less than one-eighth of an inch in thickness or of a material of equivalent strength and such casing shall extend to a height not less than five feet above the floor of the cage;

- (c) The cage shall be equipped with doors made of suitable material which shall extend to a height not less than five feet above the floor and so arranged that it will be impossible for the doors to open outward from the cage; ^{Doors.}
- (d) The safety appliance shall be of sufficient strength to hold the cage or skip with its maximum load at any point in the shaft, as provided in clause (b) of Rule 166 of this section; but the Chief Inspector may give permission, in writing, for hoisting without safety appliances if he is satisfied that the equipment is such that a maximum safety is provided. ^{Safety appliances.}
- (e) The cage shall not have chairs attached thereto which are operated by a lever or a chain through or from the floor of the cage. ^{Operating chairs by lever.}

(142) (a) No person shall travel or be permitted to travel in a cage at any time except during shaft inspection unless the doors of the same are securely closed. ^{Cage doors to be kept closed.}

(b) The cage doors shall not be opened until a full stop has been made at the point or station signalled for, except during trips of inspection, provided that in the case of an inadvertent stop at any point in the shaft or winze, other than a station, the cage doors may be opened and the men may leave the same on instructions to do so by a properly authorized person.

(143) When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze they shall be so arranged that they automatically fall clear of the hoisting compartment when the cage or other conveyance is lifted off. ^{Automatic operation of chairs.}

(144) The bucket and any device such as the bale, safety latch or other attachment to the bucket shall be of a design approved by the Chief Inspector. ^{Bales, safety latches, etc.}

(145) No person shall travel or be permitted to travel in a bucket, cage or skip operated by an engine which is being simultaneously used for the hoisting of mineral or material, except as provided for in clause (c) of Rule 146. ^{Hoisting men and material simultaneously.}

(146) No person shall be lowered or hoisted, or allow himself to be lowered or hoisted in a shaft, winze or other underground opening of a mine: ^{When persons not to be hoisted.}

- (a) In a bucket or skip, except that men employed in shaft sinking will be allowed to ascend and descend to and from the sinking deck or other place of safety by means of the bucket or skip used for hoisting material; ^{In buckets or skips.}

- When safety appliances not used. (b) In a cage or skip, except as provided in clause (a) of this Rule and clause (d) of Rule 141, which is not provided with a hood, dogs or other safety appliance approved by the Inspector;
- When loaded. (c) In a cage, skip or bucket that is loaded with powder, steel or timber except for the purpose of handling the same;
- Unless material secured. (d) In a cage, skip or bucket in which any material is carried, unless the same be adequately secured;
- Conveyance in charge of authorized person. (e) Except during sinking operations no person shall be hoisted or lowered in any shaft conveyance unless such conveyance is in charge of a person properly authorized to act as cagetender or skiptender.
- Hoisting after stoppage for repairs. (147) After every stoppage of hoisting for repairs and after any stoppage for any other purpose which shall exceed two hours' duration no person shall be raised or lowered until the cage or skip has made one complete trip up and down the working portion of the shaft.
- Brakes required. (148) Any device used for hoisting from mine workings shall be equipped with a brake or brakes which may be applied directly to each drum so as to readily stop and hold the drum when it is carrying its maximum load.
- Type of brake. (149) Such brakes shall be so arranged that, whether the engine is at work or at rest, they can be easily and safely manipulated by the hoistman when standing at the levers controlling the engine. No hoist used for the raising or lowering of persons, or used in shaft sinking, shall be equipped with a brake or brakes operated by means of the hoistman's foot unless such brake is an auxiliary electrical device. The adjustments of the brake or brakes shall be maintained in such condition that when the normal power of the brake or brakes is applied the brake lever will still have a clearance between itself and the end of the quadrant in which it works.
- Locking gear. (150) The operating gear of the clutch of the drum shall be provided with locking gear to prevent the inadvertent withdrawal or insertion of the clutch.
- Interlocking brake and clutch. (151) The brake and clutch operating gear shall be so installed that it shall not be possible to unclutch any drum unless the brake or brakes on such drum are applied nor shall it be possible to release the brake or brakes until the clutch of the drum is engaged.
- (152) Such bolts and other fittings of the drums, brakes and clutches as might be a source of danger in the event of their becoming loosened shall be rendered secure by means of suitable locking devices.

- (153) All electric hoists shall be so installed that: Electric hoists.
- (a) One or more brakes shall be applied automatically to bring the hoist to rest in event of power failure; Automatic brake.
 - (b) A suitable overwind device will cause the circuit breaker to cut off the source of power and apply automatically one or more brakes to bring the hoist to rest before the cable attachment may reach the sheave; Overwind device.
 - (c) A circuit breaker will cut off the source of power and result in the automatic application of one or more brakes to bring the hoist to rest in event of a pre-determined overload; Circuit breaker.
 - (d) A back-out switch shall be provided which, when closed, will permit backing out of an overwind position only and will prevent the operation of the hoist in an improper direction for this purpose; Back-out switch.
 - (e) An emergency switch, located near the operator, may be opened and cause the circuit breaker to cut off the source of power and apply automatically one or more brakes to bring the hoist to rest; Emergency Switch.
 - (f) A meter showing the load on the hoist motor at all times shall be in plain view of the operator. Meter.

(154) (a) On all electric skip hoists used for hoisting men an auxiliary overwind device, which will prevent the skip being hoisted to the dumping position, shall be installed and placed in operation at all times that men are handled. Auxiliary overwind.

(b) Except in sinking operations such auxiliary overwind device shall be so installed that a distinctive signal shall be automatically given to the men about to enter the skip when the device is put into operation.

(155) All overwind devices shall be tested daily and a record of such test shall be posted in the Hoistman's Log Book. Testing overwind devices.

(156) The operator of a hoisting engine shall not, after going on shift, unclutch a drum of his engine until he has assured himself immediately beforehand, by testing the brake of the drum against the normal starting power of the engine, or in case of an electric hoist against the normal starting current, that the brake is in proper condition to hold the load suspended from said drum. Brakes to be tested.

(157) When a hoisting engine is fitted with a friction clutch, the operator, after going on shift, shall, when clutching Friction clutches.

in, test the holding power of the clutch before releasing the brake of the corresponding drum, the brake of the other drum being kept off. In case of a steam or air hoist, the test shall be made against the normal starting power of the engine, and in case of an electric hoist against the normal starting current.

Use of brake when drum unclutched. (158) When the drum of a hoist is unclutched, the brake of such drum shall be used only for the purpose of maintaining such drum in a stationary position and no lowering shall be done from an unclutched drum.

Auxiliary brake required. (159) In case of non-reversible steam or air hoists and single-drum electric hoists not used in balanced hoisting an adequate auxiliary brake shall be installed before the same shall be used for hoisting or lowering men, but non-reversible steam or air hoists with throttle-controlled exhaust shall not require such auxiliary brake.

Indicator required. (160) Every hoisting engine shall, in addition to any marks on the rope, be provided with a reliable depth indicator, which will clearly and accurately show to the operator at all times:

- (a) the position of the bucket, cage or skip;
- (b) at what positions in the shaft a change of gradient necessitates a reduction in speed.

Operation of indicator. (161) An indicator shall not be operated by a chain and sprocket arrangement but shall be driven by a suitable train of gears from its corresponding drum of the hoist.

Warning signal. (162) At every shaft exceeding three hundred feet in depth adequate provision shall be made whereby the hoistman is warned, audibly, of the arrival of the bucket, cage or skip at points in the shaft the distances of which from the top or bottom landing places are not less than the equivalent of three revolutions of the drum of the hoisting engine.

Slipping of rope on drums. (163) On the drum of every hoist used for lowering or raising persons there shall be such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope or cable from slipping off.

Rope connection. (164) (a) The connection between the hoisting rope and the bucket, cage, skip, counterbalance or other device shall be of such nature that the risk of accidental disconnection is reduced to a minimum. No open hook device shall be used or such purpose.

(b) On all new installations or proposed changes to existing installations the method of making such connection shall be of a design approved by the Chief Inspector.

(165) The owner or manager of a mine, where a hoisting engine is in use, shall depute some competent person or persons whose duty it shall be to examine at least once in each week the sheave wheels, the hoisting ropes and the attachments thereof to the drums and to the counterweights, buckets, cages or skips, the brakes and depth indicators and the buckets, counterweights, cages, and skips, and any safety catches attached thereto; the guides and hoisting compartments generally and the signalling arrangements; and the external parts of the hoisting engine.

Examination
of hoisting
equipment
required.

(166) Such owner or manager shall also depute a competent person or persons who shall examine,—

Examination
of cables.

(a) at least once in each month the structure of the hoisting ropes with a view to ascertaining the deterioration thereof and for the purpose of this examination the rope shall be thoroughly cleaned at points to be selected by said person or persons, who shall note any reduction in the circumference of, and the proportion of wear in, the rope;

(b) at least once a month the safety appliances of the cages or other shaft conveyances, so equipped, by testing same under load conditions; such test to consist of releasing the cage suddenly, in some suitable manner, so that the safety catches shall have opportunity to grip the guides; and in case the safety catches do not act satisfactorily, the cage or other shaft conveyance shall not be used further for hoisting men until the safety catches have been repaired and been proved to act satisfactorily.

Safety
appliances
to be tested
monthly.

(167) If, on any examination, as is hereinbefore required there is discovered any weakness or defect whereby the safety of persons may be endangered, any such weakness or defect shall be immediately reported to the owner or manager or person in charge, and until such weakness or defect is remedied the hoisting plant shall not be used.

Defects to be
remedied
at once.

(168) (a) Such owner or manager shall keep or cause to be kept at the mine a book termed the "Machinery Record Book," in which shall be recorded a report of every such examination as is hereinbefore referred to, signed by the person making the examination.

Machinery
Record Book.

(b) A notation shall be made in the Machinery Record Book of any failure of or accident to the hoist, the hoisting rope, the shaft conveyance, or any other part of the hoisting equipment, over the signature of the responsible person in charge of such equipment or accessories thereto.

History of rope necessary.

(169) No hoisting rope which has previously been in use in any place beyond the control of the owner or manager shall be put on anew except with the permission of the Inspector.

Hoisting rope not to be spliced.

(170) In no case shall a rope which has been spliced be used for hoisting purposes.

Length of ropes required on drum when skip is at the bottom.

(171) In case of hoisting engines there shall be not less than three rounds of rope upon the drum when the bucket, cage or skip is at the lowest point in the shaft or winze from which hoisting is effected. The end of the rope shall be fastened around the shaft or to the spider of the drum in a suitable manner.

Hoisting both men and materials.

(172) In case a hoisting rope is used both for the raising and lowering of men and materials, the weight attached to the rope in the former case, when the bucket, cage or skip is bearing its authorized load shall not exceed eighty-five per centum of the maximum allowable weight when the rope is in use for other purposes.

Rope certificate necessary.

(173) (a) No hoisting rope shall be used which is not accompanied by a certificate from the manufacturer giving the following information: name and address of manufacturer, coil or reel number, date of manufacture, diameter and circumference of the rope in inches, weight per foot in pounds, number of strands, class of core, number of wires in strand, diameter of wires in decimals of an inch, breaking stress of steel of which the wire is made, in tons per square inch, estimated or actual breaking load of rope, length of rope.

(b) The foregoing data along with the additional following information shall be entered in a book known as the "Rope Record Book," and duplicate copies forwarded to the Chief Inspector when a hoisting rope is newly put on: date of purchase, date on which put on, identification number (where used) of the rope, name of shaft or winze and compartment in which the rope is used, weight of shaft conveyance, weight of material carried, weight of maximum length of rope in service, static factor of safety.

(c) There shall be kept in the Rope Record Book a history of the hoisting rope, outlining the date on which the rope was put on, certification of trial trips and examinations required by Rule 174, date of shortening, dates and summaries of breaking tests, date taken off.

(d) The Rope Record Book shall always be open for inspection by the Inspector.

(e) When a hoisting rope is taken out of service, notice

to that effect shall be forwarded to the Chief Inspector, giving the date and reasons for discarding along with such other information as he may require.

(174) A hoisting rope when newly put on, and after any subsequent cutting thereof, shall have the connecting attachments between the bucket, cage, skip, or counterweight and the rope carefully examined by some competent and reliable person or persons authorized by the owner, manager, or department head, and shall not be used for ordinary transport of persons in any shaft or winze until two complete trips up and down the working portions of such shaft or winze have been made, the bucket, cage, skip or counterweight bearing its authorized load. The result of such examination shall be recorded in the Rope Record Book. Examination of attachments.

(175) The factor of safety of all hoisting ropes when newly installed in shafts less than two thousand feet in depth shall in no case be less than six, and in shafts over two thousand feet in depth and less than three thousand feet in depth shall not be less than five. The factor of safety shall be calculated by dividing the breaking strength of the rope as given in the manufacturer's certificate by the sum of the maximum load to be hoisted plus the total weight of the rope in the shaft when fully let out: Factor of safety of hoisting rope.

- (a) No hoisting rope shall be used for the raising or lowering of men when its factor of safety based on its existing strength and dead load shall have fallen below 4.5.
- (b) No hoisting rope shall be used for the raising or lowering of men when the number of broken wires in one lay of said rope exceeds six, or when marked corrosion appears.

(176) Every hoisting rope shall be treated with a suitable rope compound as often as necessary and at least once in every month. Rope dressing.

(177) At least once in every six months the hoisting rope shall have a portion not less than six feet in length cut off the lower end, from a position above the clamps or other attachment. The length so cut off shall have the ends adequately fastened with binding wire before the cut is made, to prevent the disturbance of the strands and shall be sent to the Department of Mines Wire Rope Testing Laboratory for a breaking test. The certificate of such test shall be kept on file and a summary thereof recorded in the Rope Record Book. Testing of hoisting rope.

(178) At the periodical cutting of the rope the connection between the rope and the bucket, cage or skip shall be thoroughly cleaned and carefully examined. Cleaning and examination of rope connection.

Head sheaves. (179) Head sheaves shall be of such diameter as shall be suited to the rope in use.

Counterweights. (180) Wherever a counterweight is used in a shaft it shall operate in a separate and safely enclosed compartment. The cable from the counterweight shall be attached to the drum of the hoist and not to the cage or skip.

Signals.

Signalling. (181) Every working shaft shall be provided with some suitable means of communicating by distinct and definite signals to the hoist room from the bottom of the shaft, from every working level, from the collar and from every landing deck.

Separate signal system for each compartment. (182) A separate signal system shall be installed for each hoisting compartment in all shafts and winzes in which a hoisting conveyance operates and there shall be sufficient difference in the sounds of the signals for each compartment that they are easily distinguishable.

Electric signal system. (183) (a) Where an electrical signal system is installed the system shall be so arranged that the hoistman may return the signal to the person giving the signal.

(b) When men are about to be hoisted or lowered the hoistman shall so return the signal.

Hoistman's log book. (184) (a) At every shaft or winze hoist there shall be kept a "Hoistman's Log Book" in which shall be recorded:

- (i) A report of the working condition of the hoist including the brakes, clutches, interlocking devices between the brake and clutch, depth indicators and all other devices and fittings pertaining to the safe operation of the hoist;
- (ii) A report of the working condition of the signalling apparatus and a notation of any signals received by the hoistman, the accuracy of which he has questioned;
- (iii) Any special instructions received involving the safety of persons. Such entry shall be signed by the hoistman and by the person issuing the instructions;
- (iv) A report of the working condition of and a record of any tests performed upon the operation of all overwind devices installed in conjunction with the hoist. Where the required daily tests of such overwind devices are conducted by a hoistman operating

on another shift the hoistman assuming duty shall note over his signature that he has examined the entry in the Log Book of the hoistman who performed the tests;

- (v) A report of all abnormal circumstances in connection with the operation of the hoisting engine or attachments thereto and such abnormal conditions as have come to his knowledge in connection with the hoisting operations in the shaft or winze.

(b) A notification to the hoistman on a succeeding period of duty of any special circumstances or matter affecting the continued operation of the hoist or the safety of persons in the shaft or winze shall be made in the Hoistman's Log Book. All such entries shall be countersigned by the hoistman assuming duty for such succeeding period.

(c) Such entries as are required by the preceding clauses (a) and (b) of this Rule shall be made and signed by every hoistman for his period of duty on every shaft or winze hoist, the time and duration of which period of duty shall also be noted and such entries as have been made during the preceding twenty-four hours shall be read and initialled each day by the master mechanic or other authorized person.

(185) (a) When persons are being hoisted or lowered in any cage or skip no person other than the cagetender or skip-tender shall have a burning open flame lamp of any kind except that for shaft inspection or similar purposes a sufficient number of lighted lamps shall be permitted. Open lights, discipline.

(b) At all times that men are being hoisted or lowered in any cage or skip there shall be maintained a proper discipline of persons riding on such cage or skip.

(186) (a) The following code of signals shall be used at every mine and a copy of such code shall be printed and posted up in every hoist room and every level or other landing in the shaft or winze: Code of signals.

- 1 bell Stop immediately—if in motion.
- 1 bell Hoist.
- 2 bells Lower.
- 3 bells Men about to ascend or descend. This signal shall be given before men are permitted to enter the hoisting conveyance. Where a return-bell signal system is installed, the hoistman shall return the 3-bell signal before

men are permitted to enter the hoisting conveyance. After a hoistman has received a 3-bell signal he shall remain at the hoist controls until he has received the signal designating the movement required and has completed that movement.

The hoistman shall not move the hoisting conveyance within a period of ten seconds after receiving a signal designating a movement at any time that men are being carried.

- 4 bells Blasting signal. Hoistman shall answer by raising the bucket, cage or skip a few feet and letting it back slowly. Following a 4-bell signal only a 1-bell signal shall be required to signal for hoisting men away from a blast and the hoistman shall remain at the controls until the act of hoisting has been completed.
- 5 bells Release signal. Hoistman may move the hoisting conveyance to another point in the shaft, not a recognized stopping point, and stop it there on his own discretion, but the person giving the release signal shall remain to guard the conveyance until it is so moved.
- 9 bells Danger signal. To be given only in case of fire or other danger. The signal for the level at which the danger exists should be given following the giving of a danger signal.

(b) In case the hoistman is unable to act within one minute of the time he has received a complete signal he shall not move the hoisting conveyance until he has again received a complete signal.

Special
signals.

(187) (a) Special signals, in addition to the above, shall be used at every mine for the purpose of designating hoisting movements. Such signals shall be easily distinguishable from the foregoing code and shall not interfere with it in any way and shall be approved by the Chief Inspector.

(b) The special code of signals used at every mine and an adequate description of their application to the movements required shall be posted at every hoist, at the top of the shaft or winze and at every working level of such shaft or winze.

Signal
required.

(188) Under no circumstances shall the hoisting conveyance be moved by the hoistman until he has received a proper signal, except that in event of an inadvertent stop at some point in the shaft or winze other than a station from which signals may be given, the hoistman may move the hoisting

conveyance on the instruction of a properly authorized person to do so.

(189) No person, unless duly authorized, shall give any signal for moving or stopping the bucket, cage or skip. No signal shall be given unless the bucket, cage or skip is at the level from which the signal is to be given. No unauthorized person shall give any signal, other than the danger signal, or in any way whatsoever interfere with the signalling arrangements.

Signal to be given only by authorized person.

(190) (a) A notice showing clearly the number of persons allowed to ride on, and the weight of materials allowed to be loaded on the cage or skip shall be posted at the collar of the shaft or winze.

Notices to be posted showing number of men permitted to ride.

(b) The person authorized to give signals will be held responsible for observance of such notice.

(c) No person shall offer obstruction to the enforcement of such notice.

Haulage.

(191) (a) Every locomotive, engine, trolley or motor car used for hauling material, either above or below ground, shall be equipped with a headlight or headlights, and a whistle, bell, gong, or horn, which shall be sounded when starting and at such other times as warning of danger may be required.

Warning equipment.

(b) In mechanical haulage underground all made-up trains shall be equipped with a suitable tail-light.

(192) No person shall ride upon or against any car in any level, drift or tunnel in or about a mine. In mechanical haulage this shall not apply to train crews or to persons being transported on passenger cars especially provided for that purpose.

Riding on cars, etc.

(193) On every level on which mechanical haulage is employed, a clearance of at least eighteen inches shall be maintained between the sides of the level and the cars, or there shall be a clearance of twenty-four inches on one side, or safety stations shall be cut every one hundred feet. Such safety stations shall be plainly marked.

Clearance.

(194) Control levers of storage battery and trolley locomotives shall be so arranged that the lever cannot accidentally be removed when power is on.

Control levers.

(195) No electric haulage locomotive shall be left standing unattended unless the brakes have been set and the control

Unattended locomotive.

lever placed in the neutral position. In the case of a storage battery haulage locomotive the main switch shall also be placed in a non-operating position.

Protection from Machinery.

Fly-wheel,
geared-
wheel, etc.

(196) Every fly-wheel, geared-wheel, bull-wheel, pulley or belt, and every opening through which any wheel or belt operates, shall be enclosed with a substantial railing or casing, unless situated in such a manner or location as to prevent any person coming into accidental contact therewith.

Uneven
projections
to be
covered.

(197) Every key, bolt, set-screw, and every part of any wheel or other revolving machinery which projects unevenly from the surface shall be covered, unless situated in such a manner or location as to prevent any person coming into accidental contact therewith.

Grinding
wheels to be
guarded.

(198) Every power-driven grinding wheel shall be provided with a hooded guard of sufficient strength to withstand the shock of a bursting wheel. This guard shall be adjusted close to the wheel and extend forward, over the top of the wheel, to a point at least thirty degrees beyond a vertical line drawn through the centre of the wheel.

Wearing
loose
clothing.

(199) Persons engaged in dangerous proximity to moving machinery shall not wear or be allowed to wear loose outer clothing.

Runway to
have hand-
railing.

(200) Every runway or staging more than five feet from the floor and used for oiling or other purposes shall be provided with a hand-railing.

Protection of
entrances.

(201) Every entrance to any elevator, hatchway, or well-hole shall be provided with a suitable trap-door, guard-rail, or automatically closing gate.

Counter-
weights.

(202) Every counterweight shall be so situated or guarded that injury to any person would not be probable should it become detached from its fastenings.

Frogs on
tracks.

(203) Every frog in a track, either above or below ground, on which cars are moved by mechanical power shall have a guard block of wood or iron.

Belts, con-
veyors.

(204) Under no circumstances shall any person ride on any conveyor or belt.

Steam, Compressed Air.

(205) Every steam boiler used for generating steam in ^{Steam} or about a mine shall, whether separate or one of a range,—^{boilers.}

(a) have attached to it a proper safety-valve, and also ^{Safety} a proper steam-gauge and water-gauge, to show ^{valves.} respectively the pressure of steam and the height of water in each boiler;

(b) be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months; and a certified copy of the report of the inspection shall be forwarded to the Chief Inspector within seven days.

(206) Every such boiler, safety-valve, steam-gauge and ^{Maintenance} water-gauge shall be maintained in proper working condition.

(207) Every air receiver installed at the surface of a ^{Air receivers.} mine shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the Chief Inspector within seven days.

Sand and Gravel Pits.

(208) In open-pit workings of sand and gravel the method ^{Under-} of removing material by undermining shall not be allowed. No ^{mining} vertical working place shall have a height of more than ten ^{forbidden.} feet. Where the thickness of material to be excavated exceeds ten feet in depth, the work shall be done in terraces, or at an angle of safety. This rule shall not apply to pits where the material is excavated solely by mechanical means.

Metallurgical Works.

(209) At every mine **or** works where poisonous or dangerous ^{Antidotes} compounds, solutions or gases are used or produced there ^{and washes.} shall be kept in a conspicuous place as near the same as practicable, a sufficient supply of satisfactory antidotes and washes for treating injuries received from such compounds, solutions or gases. Such antidotes and washes shall be properly labelled, and explicit directions for their use affixed to the boxes containing them.

(210) In every mill or plant where, by reason of dry crushing ^{Removal of} or otherwise, there is in the air of the building dust in quantity ^{dust.} to be injurious to health, suitable apparatus shall be installed for its removal.

- Poisonous vapours. (211) In every mill or plant where poisonous vapours or gases exist or may be formed suitable means shall be adopted to provide such ventilation as will prevent the formation of dangerous concentrations of the same.
- Storage of acids, poisons. (212) Due provisions shall be made at all plants where acids or poisonous compounds are used to reduce to a minimum the hazards of storing and handling such materials.
- Transfer of liquids by compressed air. (213) The transfer of liquids from one location or container to another location or container by the application of air under pressure shall not be permitted except where properly designed and tested equipment is used for this purpose.
- Work in bins. (214) No person shall enter any storage bin while material is stored therein unless a second person is in constant attendance and precautions are taken against the danger of caving material.
- Guard rails at track approaches. (215) Guard rails shall be placed at the approach to railway tracks, where the view of such tracks is obstructed in one or both directions.
- Ventilation. (216) At all furnaces of the hand-filled type the room at the furnace top where workmen are engaged shall be adequately ventilated, and there shall be provided and maintained in good order a stairway equipped with hand-rail, from the top of the furnace to the ground level below, affording a safe means of exit in case of danger from any cause.
- Protecting workmen. (217) Whenever it is necessary for a workman to go up on the bustle pipe for any purpose, he shall first notify the furnace keeper or some other responsible person, whose duty it shall be to remain on watch during the period the workman is engaged on the bustle pipe.
- Protection from bustle pipes. (218) All bustle pipes shall be provided with safe working platforms, equipped with hand-rails, at least three feet six inches in height, and wherever practicable the platform shall not rest directly on the bustle pipe, but shall be supported on angle bars, so that the floor plate will not become sufficiently hot to cause burns to a workman falling on it. Access to the platform shall be by stairway provided with hand-rails.
- Guarding workmen on top of furnace. (219) Whenever it becomes necessary for a workman to go on top of the furnace for oiling, cleaning, or other duty, he shall notify the foreman or other responsible person, who shall see that not less than two men go on top for any purpose. It shall be the duty of one workman to act as watcher and to give the alarm to the stock house, cast house, or bell operator, and render every possible assistance in case of danger from gassing or other causes.

(220) Life lines and belts in good order shall be provided and kept in some secure and readily accessible place for immediate use in case it becomes necessary to rescue a workman from the top rigging, and also for use by any workman whose duties require him to work in an atmosphere which is liable to become dangerous by reason of the presence of noxious gases. Life lines.

(221) Workmen employed at metallurgical works shall be supplied with suitable shields and appliances to protect them as far as possible from being burned with molten material. Shields for protection against burning.

(222) A suitable line of communication by telephone, gong or other mechanical means shall be maintained between the furnace top and all other dangerous places, and the cast house, skip operator's room, or other place where workmen are continuously on duty. Line of communication.

(223) All stairways shall be inclined at an angle not greater than fifty degrees from the horizontal, and be provided with landings or turnouts, at intervals of twenty-five feet, so that it will not be possible for a workman to fall from the top to the foundation landing below. Stairways protected.

(224) Every foreman shall personally supervise or appoint a competent assistant to supervise any work around the furnace involving unusual accident hazard such as work in gas mains or cleaners, tearing out linings, work in the cast house, about the stoves when blowing in or blowing out, and any work about the bells or stock line. He shall also, when the furnace is known to be hanging and liable to slip, see that no workman is allowed on top for any purpose. Supervision of hazardous work.

(225) Stock piles of ore, limestone, coke or other material shall be inspected daily by some authorized person whose duty it shall be to see that they are in a safe working condition. Inspection of stock piles.

(226) Whenever ore becomes frozen in the hopper and workmen are required to bar the same into the furnace, a suitable guard-rail shall be provided to prevent workmen slipping on to the bell, and all workmen so engaged shall be equipped with belt and life line. Protection around bell.

(227) There shall be maintained at all blast furnaces in a readily accessible place breathing apparatus and portable resuscitating apparatus of approved type, with an adequate supply of oxygen and absorbent material. There shall always be on duty in each working shift a workman or workmen appointed by the superintendent and trained in the use of breathing and resuscitating apparatus. Rescue apparatus.

(228) No person under the age of eighteen years shall be allowed to operate any elevator or power-driven crane. Age, elevator and crane operators.

- Riding prohibited. (229) No person other than the operator shall be permitted to ride on any crane or part thereof or on any material carried by such crane except for inspection, supervision, maintenance and repair, or instruction of a new operator.
- Warning devices. (230) Every crane operated from a cab mounted on the crane shall be equipped with a whistle, bell, gong or horn which shall be sounded at such times as it may be necessary to give warning of the approach of the crane to places where men are working or are liable to pass.
- Over-winding devices. (231) Every crane shall be equipped with suitable devices to prevent overwinding.
- Daily examination of cranes. (232) The owner or manager shall depute some qualified person or persons to examine daily such parts of the crane or apparatus pertaining thereto upon the proper working of which the safety of persons depends. A record of such examinations shall be kept.
- Folding gates. (233) Every entrance to a hoistway shall be provided with a substantial door or doors or gate or gates at least six feet in height. All folding gates over three feet wide shall have top, bottom and centre braces.
- Lighting. (234) Every hoistway landing and place where machinery is erected shall be well lighted.
- Guarding hoistway. (235) When a hoistway is not enclosed in walls, access to the hoistway by means of an adjacent stairway shall be prevented by means of a partition to a height of at least six feet.
- Guide rails. (236) All guide rails for cars and counterweights shall be of substantial construction, and shall be securely fastened to the sides of the hoistway, and the bottom ends shall rest on a secure foundation, and be firmly fixed in that position.
- Clearance for car. (237) On every elevator hereafter installed a clear space of not less than three feet shall be provided between the bottom of the hoistway and the lowest point of the car when the car is at its lowest landing, and between the top of the car and the sheave when the car is at its top landing, and also between the top of the counterweight and the sheave when the car is at its lowest landing.
- Automatic safety devices. (238) Every elevator shall be provided with automatic devices at the top and bottom of the travel of a car in the hoistway, so arranged that the car will be stopped before it has travelled two feet above the top landing, or two feet below the bottom landing, and all drum hoists shall, in addition, be fitted with automatic stop motions to prevent overwinding.

(239) All counterweights shall have their sections strongly bolted together and shall be so situated that they cannot fall on any part of the elevator or machinery, and shall be suspended in guides in such a manner that they will run freely without danger of being detached. ^{Protecting counterweights.}

(240) Every elevator on which any person travels shall be provided with side casing, and shall have a door or doors extending at least five feet above the bottom of the elevator, and the top shall be covered with suitable protective roofing. ^{Protection on elevator.}

(241) Every elevator on which any person travels shall be provided with efficient safety catches capable of holding the elevator and twice the maximum load in any position in the hoistway. When the safety catches are operated through shafts, all the levers and safety catches shall be keyed to the shafts. ^{Safety catches.}

Rules Governing Use of Electricity.

(242) In these Rules,—

- (a) "Cut-out" shall mean any device, such as a fuse or circuit-breaker, by which the electrical continuity of a conductor may be automatically broken by changes in current or voltage; "Cut-out."
- (b) "Disconnecter" shall mean a switch which is intended to open a circuit only after the load has been thrown off by some other means; ^{"Disconnecter."}
- (c) "Electrical Supply Station" shall mean any building, room or separate space within which is located electrical supply equipment and which is accessible, as a rule, only to properly qualified persons, and shall include generating stations and substations and generator, storage battery and transformer rooms; ^{"Electrical Supply Station."}
- (d) "Grounded" shall mean connected to earth or to some extended conducting body which serves instead of earth, and this ground connection may be at one or more points; ^{"Grounded."}
- (e) "Panelboard" shall mean a single panel containing busses, fuses and switches to control lights, and devices of small individual as well as aggregate capacity, placed in or against a wall or partition and accessible only from the front; ^{"Panel-board."}
- (f) "Reconstruction" shall mean replacement of any portion of an existing installation by new equipment or construction, but does not include ordinary maintenance replacements; ^{"Reconstruction."}

- "Switch." (g) "Switch" shall mean a device for opening or closing or changing the connections of a circuit manually, and in these Rules a "switch" is always to be understood as operated manually, unless otherwise stated;
- "Switch-board." (h) "Switchboard" shall mean a large single panel or assembly of panels on which are mounted switches, fuses, busses and usually instruments, and accessible both in front and in rear. Circuits and machinery of relatively large capacity are controlled from such boards;
- "Utilization Equipment." (i) "Utilization Equipment" shall mean equipment, devices and connected wiring, which utilize electrical energy for mechanical, chemical, lighting, testing or similar purposes and are not a part of supply equipment;
- "Voltage," "Volts," "Voltage to Ground." (j) "Voltage" or "Volts" shall mean the highest effective voltage between the conductors of the circuit concerned, except that in grounded multi-wire circuits, not exceeding 750 volts between outer conductors, it means the highest effective voltage between any wire of the circuit and the ground, and in ungrounded, low-voltage circuits "voltage to ground" shall mean the voltage of the circuit;
- "Wire gauge." (k) "Wire Gauge" shall mean the standard known as Brown and Sharpe (B. & S.).

General Rules.

Competent person in charge.

(243) Where electrical apparatus or machinery is used at any mine it shall be in charge of an authorized person, who shall be qualified by experience to handle such apparatus or machinery. Every person operating or having charge of electrical apparatus shall have been instructed in his duty and shall be competent for the work that he is set to do. Repairs, extensions and changes shall be made to existing electrical equipment and conductors only by authorized persons.

Supply stations to be inaccessible to unauthorized persons.

(244) No person, other than the person authorized by the owner, manager, or superintendent, shall enter an electrical supply station or interfere with the workings of any machine, transformer, motor, or apparatus connected therewith, and when the authorized person is not present the door of such room shall be kept securely locked.

General requirements.

(245) All electrical equipment shall be of such construction and so installed and maintained as to reduce the life and fire hazard as far as practicable.

(246) Electrical equipment shall comply with these Rules when placed in service, and shall thereafter be periodically inspected and, when necessary, cleaned. Defective equipment shall be put in good order or permanently disconnected. Defective wiring shall be repaired or removed. Inspections and repairs.

(247) Electrical utilization equipment as well as generating equipment, if enclosed in a separate room which is inaccessible to unauthorized persons, and when in service is under the control of a qualified electrical operator whose attention is not distracted by other processes, shall be considered as electrical supply station equipment, and such exceptions as are made to the general Rules for supply stations shall apply to these installations. Exceptions.

(248) All electrical equipment shall be suitably identified where necessary for safety. The voltage and intended use shall be shown, where important. Identification of equipment.

General Grounding Rules.

(249) All circuits not over 150 volts shall be grounded if exposed to leakage from higher voltage circuits either through overhead construction or through transformers having primary voltage exceeding 750 volts. Three-wire single-phase circuits and three-wire direct-current circuits not exceeding 300 volts between outer conductors shall have the neutral grounded. Circuits to be grounded.

(250) Electrical equipment shall, when practicable, have the exposed non-current-carrying parts, such as frames of motors, generators, switchboards, cases of transformers, oil switches and instruments and casings or wiring and conductors, permanently grounded: Equipment to be grounded.

- (a) For all equipment over 150 volts;
- (b) For all equipment where metal parts are within reach of exposed grounded surfaces, such as metal frames of other machines, plumbing fixtures, conducting floors or walls (such as damp wood, concrete or rock underground). Grounded surfaces within five feet horizontally of the parts considered, or within eight feet vertically of the floor, shall be considered within reach.

(251) The point at which the ground conductor is attached to the equipment or wire runways, shall be readily accessible. Equipment and wire runways.

(252) The ground conductor shall be of copper or other metal which will not corrode excessively under the existing conditions and, if practicable, shall be continuous. Ground connections from circuits shall not be made to jointed piping. Material and continuity of ground conductor.

within buildings, except that water or air piping beyond any point which is liable to disconnection may be used.

Size of
ground
conductor.

(253) For grounding circuits the ground conductors shall have a carrying capacity equal to that of the circuit and shall never be less than No. 6, B. and S.

(254) For electrical equipment the current-carrying capacity of a ground conductor shall not be less than that provided by a copper wire of the size indicated in the following table. When there is no cut-out protecting the equipment, the size of the ground wire shall be determined by the design and the operating conditions of the circuit:

Capacity of nearest automatic cut-out	Required size ground conductor B. & S. gauge
0 to 200 amperes.....	6
201 to 500 amperes.....	4
Over 500 amperes.....	2

(255) In portable cord to portable equipment protected by fuses not greater than ten ampere capacity, No. 16 ground wire may be used.

Protecting
ground wire.

(256) Ground conductors shall have mechanical protection and insulating guards extending for a distance of not less than eight feet above any ground, platform or floor. If attached to buildings ground conductors shall be supported on insulators and shall be protected by porcelain bushings through floors, partitions or walls.

Character of
ground.

(257) Main water or air lines may be used for grounds, provided that connection is made at a point where the pipe is not liable to disconnection for alteration or repairs. Main water or air lines may be substantially bound together for this purpose, but shall, unless connected to a buried piping system of considerable extent, be connected to an artificial ground.

Method of
connection.

(258) The ground connection to metallic piping systems shall be made by sweating a ground wire into a lug attached to a suitable clamp and firmly bolting the clamp to the pipe, after all rust and scale have been removed, or by any other equivalent method.

Artificial
grounds.

(259) Artificial grounds shall be located, where practicable, below the permanent moisture level, or, failing this, at least six feet deep. Each ground shall present not less than four square feet of surface to the exterior soil. Areas where the ground-water level is close to the surface shall be used where available.

(260) Ground conductors shall be run separately to the ground (or to a sufficiently heavy grounding bus or system ground cable which is connected to ground at more than one place) from equipment and circuits of each of the following classes: (1) lightning arresters; (2) secondaries connected to low-voltage lighting or power circuits; (3) secondaries of current and potential transformers and cases of instruments on these secondaries; (4) equipment operating in excess of 750 volts; (5) frames of utilization equipment or wire runways other than covered by item (4). Where separate ground conductors required.

(261) Lightning arrester ground connections shall not be made to the same artificial ground (driven pipe or buried plate) as circuits or equipment, but shall be well spaced, and, where practicable, at least twenty feet from other artificial grounds. Lightning arrester grounds.

Working Space about Electrical Equipment.

(262) Suitable working space shall be provided and maintained about all electrical equipment. Where adjacent to exposed live parts such working spaces shall be so arranged that they will not be used as passageways. The working space shall, where practicable, have minimum horizontal dimensions, where adjacent to exposed parts within eight feet of the floor, as follows: (1) parts above 150 volts to ground, if on one side, 2.5 feet; if on two sides, 4 feet; (2) parts below 150 volts to ground, if on one side, 1.5 feet; if on two sides, 2.5 feet. Utilization equipment.

(263) In supply station equipment the following clearances only need be maintained: (1) parts from 300 up to 750 volts, if on one side, not less than 2.5 feet; if on two sides, not less than 3 feet; (2) parts above 750 volts, if on one side, not less than 3 feet; if on two sides, not less than 5 feet. Supply station equipment.

Guarding or Isolating Live Parts.

(264) In supply station equipment, current-carrying parts shall be guarded unless they are maintained at the following distances above the floors which may be occupied by persons: Guarding current-carrying parts.

Voltage of conductors	Elevation in feet
300 to 750.....	7
750 to 2,500.....	7.5
2,500 to 7,500.....	8
7,500 to 30,000.....	9
30,000 to 70,000.....	10
70,000 to 100,000.....	12

(265) All exposed current-carrying parts of electrical equipment such as bus bars, conductors and terminals operating at over 150 volts and not isolated by an elevation of at least eight feet, shall be provided with suitable permanent enclosures

or other guards arranged so as to prevent persons or conducting objects from inadvertently coming (or being brought) in contact with the parts in question.

(266) Where the current-carrying parts at over 150 volts, or in supply stations at over 300 volts to ground, must necessarily be exposed (unguarded) within eight feet, or in supply stations within the limits called for in Rule 264, from the floor line, all surrounding conducting floors shall be covered with suitable insulating platforms, mats or other insulating devices.

(267) Where the current-carrying parts operate at over 7,500 volts, enclosing or barrier guards shall always be provided, even when insulating mats are also provided.

Storage Batteries.

Protection
of storage
batteries.

(268) Storage batteries in rooms used also for other purposes shall be adequately guarded or enclosed. Means shall be provided, if necessary, to prevent dangerous accumulations of inflammable gas. Batteries whose operating voltage exceeds 50 volts shall be installed in conformity with the general rules covering equipment.

Transformer Rules.

Protecting
instrument
transformers.

(269) Secondary circuits of current transformers shall be provided with means for short-circuiting them which can be readily connected while the primary is energized, and which are so arranged as to permit the removal of any instrument or other device from such circuits without opening the circuits.

(270) When primaries are above 7,500 volts secondary circuits of current and potential transformers, unless otherwise adequately protected from injury or contact of persons, shall be in permanently grounded conduit.

(271) The low-voltage circuit of all instrument transformers shall be permanently grounded unless the circuits are installed and guarded as required for the high-voltage circuits of the transformers.

Oil immersed
transformers.

(272) Oil immersed transformers shall not be mounted on or above combustible roofs or attached to any building not of fireproof construction other than a transformer house and if within a building other than a transformer house shall be in a fireproof compartment, suitably drained and ventilated to outdoors, the door openings to be provided with not less than six-inch non-combustible sills.

(273) Transformer stations, if not entirely of fireproof construction, shall be located at least fifty feet distant from other buildings. Transformer stations to be fireproof.

Lightning Arrester Rules.

(274) If the operating voltage of the circuit exceeds 750, the lightning arresters shall be made inaccessible to unauthorized persons. Inaccessible to unauthorized persons.

(275) Lightning arresters, when installed inside of buildings, shall be located as far as practicable from all other equipment and from combustible parts of the building. Location.

(276) Lightning arresters on circuits over 7,500 volts and all lightning arresters which may require work to be done upon them from time to time, shall be so arranged, isolated, and equipped that they may be readily disconnected by air-break manual disconnectors. Provisions for disconnecting.

(277) Ground wires shall be run as directly as possible and be of low resistance and ample capacity. In no case shall ground wires be less than No. 6 copper wire. Ground conductors for lightning arresters shall not pass through iron or steel conduits unless electrically connected to both ends of such conduits. Ground wires.

(278) All non-current-carrying parts of the arresters shall be grounded, unless effectively isolated by elevation, or guarded as required for live parts of the voltage of the circuit to which the arrester is connected, and suitably identified as to that voltage. Grounding non-current-carrying parts.

(279) All current-carrying parts of arresters on circuits above 750 volts, unless effectively isolated by elevation, shall be adequately guarded to protect persons from inadvertent contact with them, or from injury by arcing. Guarding shall comply with Rules 265 and 283. Guarding live parts.

Conductors.

(280) Conductors shall be suitable for the location, use and voltage and each conductor (except neutral conductors, ground wires, and conductors of circuits, the opening of which may cause special hazard by interruption of service or removal of protection), shall be protected against excessive current by suitable automatic cut-out or by the design of the system. Electrical protection of conductors.

(281) All conductors normally grounded for the protection of persons shall be arranged without automatic cut-outs interrupting their continuity between the sources of electrical supply and the point at which the ground wire is attached. Cut-outs omitted.

unless the cut-out opens all the conductors of the system with one operation.

Insulating
conductors.

(282) All conductors where not protected by conduit or armouring shall have approved insulation and shall be mounted on cleats, porcelain knobs or insulators and shall be separated from contact with floors, walls or partitions by tubes of incombustible insulating material.

Isolating
conductors.

(283) All fixed conductors operating at over 150 volts or in supply stations at over 750 volts unless isolated by an elevation of at least eight feet shall be enclosed in grounded metal conduit, grounded metal sheathing or shall be guarded by permanent screens or enclosures.

Use of bare
conductors.

(284) Bare conductors shall be used only for switchboard, panelboard, storage-battery connections or for open wiring at voltages exceeding 2,400 volts in supply stations or for electrolytic low-voltage furnaces and similar connections, or for trolley wires and other contact conductors. Except at points where permanent ground connections are made such conductors within buildings shall be kept insulated from the ground.

Temporary
wiring.

(285) Temporary wiring and equipment, which is not in compliance with these rules, may be used, but only when under competent supervision, or protected by suitable barriers or warning signs while it or neighbouring wiring is alive and accessible to unauthorized persons.

Fuses, Cut-outs, Switches and Controllers.

General
requirement
of switches.

(286) All switches, automatic cut-outs, controllers, starting rheostats, auto starters and other control devices shall be readily and safely accessible to authorized persons; they shall be so located, labelled or marked as to afford means of identifying circuits or equipment supplied through them, and to indicate whether they are open or closed. They shall be so installed, where practicable, that they cannot be closed by gravity and such switches as close by gravity shall be provided with a proper stop block or latch to prevent accidental closing.

Switches
required for
equipment.

(287) Suitable switches shall be inserted in all circuit leads to generators, motors, transformers, storage batteries, electric furnaces and similar equipment except between parts or pieces of apparatus intended to operate as a unit.

Switches
required in
feeders.

(288) Suitable switches shall be inserted in all feeder conductors connecting utilization installations to service connections from either overhead or underground lines. These switches shall be readily accessible, and as close as practicable

to the point of connection with the overhead or underground lines.

(289) Switches or plug connectors shall be placed in all circuit leads at the point where temporary wiring or portable conductors are connected to the permanent wiring. Switches for temporary wiring.

(290) Switches used otherwise than as disconnectors shall have a rated capacity such as to insure safe interruption, at the working voltage, of the greatest current which they may be required to carry continuously, and shall be marked with the current they can safely interrupt. Capacity of switches.

(291) All cut-outs, switches, circuit breakers and other apparatus used for opening or closing an electric circuit shall be of such design as to operate safely on the system from which the circuit is energized. Switches to have sufficient rupturing capacity.

(292) Disconnectors shall be of suitable voltage and amperage rating for the circuit in which they are installed and shall be accessible only to qualified persons. They shall also be protected by signs warning against opening the switch while carrying current in excess of the safe opening limit. Disconnectors.

(293) All switches controlling apparatus shall be locked or plainly tagged in the open position to prevent the inadvertent closing thereof while work is being done on the apparatus. Locking or tagging switches.

(294) Switches, controllers and rheostats shall be so constructed as to make and maintain good contact. Knife switches shall maintain such alignment under service conditions that they may be closed with a single, unhesitating motion. Good contact required on switches.

(295) Unless a switch operating on a circuit above 300 volts makes an air-break there shall, if equipment controlled by such switch requires adjustment or repairs while the conductors leading to such switch are still alive, be installed between it and the source of energy supply a suitable air-break disconnector. When air-break switches needed.

(296) All manual switches over 150 volts to ground or in supply stations over 300 volts to ground shall have suitable casings or guards protecting the operator from the danger of contact with current-carrying parts or being burned by arcing at the switch. Enclosing live parts of switches.

(297) All switches interrupting circuits over 300 volts shall be operated by means of remote control mechanism or be provided with suitable casings protecting the operator from danger of contact with current-carrying parts, except as provided in Rule 300. Guarding switches above 300 volts.

(298) The control device for switches shall indicate whether the switches are open or closed.

Connections to switches.

(299) Switches shall, if practicable, be so connected that switch blades will not be alive when in the open position.

Working spaces about ordinarily guarded switches above 750 volts.

(300) Where switches, disconnectors, and fuses above 750 volts are ordinarily guarded by covers or enclosed in separate rooms, but must occasionally be operated without such protection, either by removal of the covers or by entrance into the rooms, adequate working space shall be provided about the live parts so that the operator will not be required to bring any part of his body within the following horizontal distances:

Voltage of parts	Distance in feet
750 to 7,500.....	1
7,500 to 30,000.....	2
30,000 to 50,000.....	3
50,000 to 70,000.....	4
70,000 to 100,000.....	5

Switches to be placed before fusible cut-outs.

(301) On circuits up to 300 volts to ground, where fusible cut-outs are not so arranged that they are necessarily disconnected from all sources of electrical energy before the ungrounded current-carrying parts can be touched, switches shall always be so placed or arranged that opening them will disconnect the fuses from all sources of electrical energy.

Protecting fusible cut-outs above 300 volts.

(302) Fusible cut-outs above 300 volts to ground shall be in a cabinet or otherwise made inaccessible to all but authorized persons, and switches shall be so placed and arranged that opening them will disconnect the fuses from all sources of electrical energy.

Fuses in fireproof cabinets.

(303) All fusible cut-outs shall be installed in approved fireproof cabinets.

Capacity of fuses.

(304) The rated capacity of the fuses shall not exceed the allowable current-carrying capacity of the conductor.

Switchboards.

Switchboards to be readily accessible.

(305) Switchboards and panel boards shall have all switches arranged so that the means of control are readily accessible to the operator.

Switchboards to be convenient for operation.

(306) Instruments, relays or other devices requiring reading or adjustment shall be so placed that the work can be readily performed from the working space provided.

Location and lighting of switchboards.

(307) Switchboards shall be so placed that the person operating them will not be endangered by machinery or

equipment located near the board. Means for adequate illumination shall be provided.

(308) Exposed bare parts of different potentials on any switchboard or panelboard shall be as few as practicable and these shall be effectively separated. Protecting against short circuiting on switchboards.

(309) All switchboards and panelboards having exposed current-carrying parts operating at over 150 volts to ground shall, when practicable, be suitably encased in locked cabinets, screens, or rooms, or other enclosures to make them inaccessible to other than authorized operators. Conducting floors about such boards and in supply stations about boards having equipment operating at over 300 volts to ground shall be provided with suitable insulating platforms or mats so placed that no person can inadvertently touch live parts unless standing on an insulating platform or mat. Guarding current-carrying parts of switchboards.

(310) Where switchboards or panelboards at voltages below 150 to ground are accessible to other than authorized operators they shall, where practicable, be enclosed in cabinets or screens as an effective precaution against accidental short circuit at times when no operation of the board necessitates the opening of the cabinet or screen. Switchboards below 150 volts accessible to unauthorized persons.

Motor Control Devices.

(311) Manually controlled starters for all D.C. motors and for all A.C. motors over five horsepower shall be so designed and the circuits so arranged that they return automatically to the "off" position upon the failure of the energy supply, except where the motors and their starting devices are, during operation, under the supervision of qualified persons and equivalent protection is otherwise provided. Motor control devices.

(312) Each motor shall be protected against excessive overload current by cut-out or automatic circuit breaker. Any such overload device shall interrupt the circuit at fifty per centum over normal motor-current rating. An auto starter which disconnects all wires of the circuit automatically under overload when in the running position may be used as a circuit breaker. Protecting motors against overload.

Illuminating Supply Stations.

(313) Rooms and spaces shall have good artificial illumination. Arrangement of permanent fixtures and plug receptacles shall be such that the portable cords need not be brought into dangerous proximity to live electrical apparatus. All lamps shall be arranged to be controlled, replaced, or trimmed from readily accessible places. Lighting for supply stations.

Emergency
lighting for
supply
stations.

(314) A separate emergency source of illumination, from an independent generator, storage battery, lanterns or other suitable source, shall be provided in every station where an attendant is located.

Fire-Fighting Appliances.

Fire-fighting
appliances.

(315) Each room or space where an operator is in attendance shall be provided with an adequate approved fire extinguishing appliance conveniently located and conspicuously marked. No chemical appliance which has not been approved for use on live parts shall be placed in any room containing electric apparatus or exposed lines.

Lighting Fixtures.

Guarding
current-
carrying
parts of
lighting
fixtures.

(316) Electric fixtures, such as lamp sockets and lamp bases, plugs, receptacles, etc., shall be so installed that no current-carrying parts shall normally be exposed externally when these parts are within reach of grounded surfaces (see Rules 265, 266, and 267). The high-temperature current-carrying parts of radiant heaters are exempted.

Portable
lamps.

(317) Portable lamps shall not be connected to circuits operating at over 300 volts to ground.

Portable
conductors
exposed to
injury.

(318) In locations where exposed to dampness or mechanical injury, portable conductors shall be of reinforced weather-proof cord, and, when necessary, armoured.

Style of port-
able lamps
permitted.

(319) In locations where exposed to dampness or mechanical injury, portable lamps shall have their sockets enclosed in wood or composition handles, through which the conductor shall be carried, and shall have a substantial wire cage which encloses the lamp. A hook for hanging the lamp shall be attached either to the cage or to the handle.

Trolleys and Portable Apparatus.

Guarding
trolley or
crane collec-
tor wires.

(320) Trolley or crane collector wires, whether indoors or out, shall, where practicable, be elevated at least eight feet above the rail level and be provided with suitable guards so arranged that persons cannot inadvertently touch the current-carrying parts while in contact with the ground or with conducting material connected to the ground.

Operating
voltage in
tunnels, etc.

(321) In tunnels or under bins or in similar locations where trolley wires are necessarily less than eight feet above the rail level, the operating voltage shall not exceed 300 and the wires shall be efficiently guarded to prevent accidental contact of person.

(322) Portable and pendant conductors shall not be installed or used on circuits operating at over 150 volts to ground, unless they are accessible only to persons authorized to approach them. In such cases they shall be of a type suitable to the voltage and conditions.

Portable and pendant conductors.

Cranes and Elevators.

(323) Readily accessible means shall be provided whereby all conductors and equipment located in or on cars or cranes may be disconnected entirely from the source of energy at a point as near as possible to the trolley or other current collector.

Disconnections for cars and cranes.

(324) A circuit breaker or switch, capable of interrupting the circuit under heavy loads, shall be used unless the current collector can be safely removed, under heavy loads, from the trolley wire.

Switch required on cars and cranes.

Telephone Exposed By Supply Lines.

(325) Telephone or other signal apparatus which must be handled by persons and which is connected to overhead signal circuits exposed by supply lines over 400 volts to ground shall be protected as follows:

Protecting telephone equipment exposed by high voltage.

(a) By fuses and arresters;

(b) All exposed non-current-carrying metal parts shall be permanently grounded; or, the apparatus shall be installed in such a way that a person using it will be obliged to stand on an insulated platform, in an insulated booth, or on other insulating surfaces.

(326) Telephone or signal apparatus which is connected to a line which parallels a supply circuit of high voltage in such a manner as to be exposed to induced voltage shall be protected by transformers and shall comply with the requirements of Rule 325.

Protecting telephone signal equipment exposed to induced voltage.

Transmission Lines.

(327) All electrical supply lines and equipment shall be of suitable design and construction for the service and the conditions under which they are to be operated, and all lines shall be so installed and maintained as to reduce the life hazard as far as practicable.

Design and construction of supply lines.

(328) Conductors and other current-carrying parts of supply lines shall be so arranged as to provide adequate clearance from the ground or other space generally accessible, or shall be provided with guards so as to effectively isolate them from accidental contact of person.

Guarding supply lines.

Entrance to buildings. (329) Where supply lines over 300 volts to ground are attached to any buildings, for entrance, they shall be permanently guarded if accessible.

Clearance required by supply lines over rail-ways. (330) Supply lines carried over railways operated by steam, electric or other motive power and on which standard equipment, such as freight cars, is used shall have the style of construction and clearances overhead as called for in the regulations of the Board of Transport Commissioners for Canada. Supply lines crossing over railways on which standard equipment is not used and lines crossing over roadways shall have ample clearance for the operating conditions and shall be substantially supported.

Room or junction box under-ground. (331) At all underground stations where any cable transmitting power at a potential exceeding 300 volts leaves the shaft, a room or junction box shall be provided into which such cable shall be run.

Junction or splice boxes. (332) Junction boxes on any cable transmitting power at a potential exceeding 300 volts shall not be located in any shaft or winze or attached to any timbers at a shaft or winze station or in a headframe. Splice boxes for cable extension in a shaft or winze shall be of a type approved by the Inspector.

Rating of cables and circuit breakers under-ground. (333) (a) All cables transmitting power underground at a potential exceeding 750 volts shall have a voltage rating of 50 per centum higher than the normal operating voltage.

(b) All circuit-breakers, cut-outs and disconnecting switches on circuits exceeding 750 volts shall have a voltage rating of fifty per centum higher than the normal operating voltage and shall be located in a room which may be kept locked.

Transformers, type and location. (c) The type and location of transformers installed underground shall be subject to the approval of the Inspector.

Switches on under-ground cables. (334) Where electrical energy is taken underground provision shall be made so that the current can be cut off on the surface close to the point where it is led underground. The cut-off switch or switches shall be situated in a locked building or compartment and shall be accessible only to an authorized person or persons.

Fire prevention about electrical installations. (335) The bases of electric motors, transformers, starting equipment and other electrical apparatus and the compartments in which such are installed shall be of such material and constructed in such manner as to reduce the fire hazard to a minimum. No inflammable material shall be stored or placed in the same compartment with any such equipment or apparatus.

(336) All cables over 150 volts transmitting power under-ground shall be armoured or enclosed in standard conduit and substantially supported. Conduits required.

(337) Wires carrying not over 150 volts to ground for lighting and signal circuits shall either be installed in standard conduits or casings, or suspended from and securely tied to porcelain or glass insulators, so that they do not touch any timbering or metal. On no account shall staples be used. Conduits or insulators for lighting circuits.

(338) The armouring or casing of cables, mentioned in rules 336 and 337, shall be bonded together so as to be electrically continuous, and shall be connected at some point or points to a satisfactory ground. Grounding of casings.

(339) All rules governing grounding of electrical apparatus in general work shall apply equally to underground work. Method of grounding.

(340) Adequate precautions shall be taken to prevent electrical signal or telephone wires, whether insulated or not, coming into contact with other electrical conductors. Precautions to protect signal and telephone wires.

Rules Governing Electric Hoists.

(341) When the Inspector has cause to believe that the shaft conveyance operated by any electric hoist is being overloaded he shall have the power to order a test to be made. Testing for overloading.

Damage to Property.

(342) No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, electrical equipment or other appliance or thing provided in any mine in compliance with this Act. Wilful damage.

General.

(343) No person under the influence of or carrying intoxicating liquor shall enter any mine or be in the proximity of any working place on the surface or near any machinery in motion. Persons under the influence of or carrying liquor.

(344) Abstracts of the rules contained in this Act, authorized by the Chief Inspector, shall be posted up in suitable places at the mine or works where the same can be conveniently read and the owner or agent of the mine shall maintain such abstracts, duly posted, and the removal or destruction of the same shall be an offence against this Act. Abstract of rules to be posted.

Rev. Stat.,
c. 47, ss. 164,
165, re-
enacted.

22. Sections 164 and 165 of *The Mining Act* are repealed and the following substituted therefor:

Notice of Accidents.

Fatal
accidents.

164.—(1) Where, in or about any mine, metallurgical works, quarry, sand, clay or gravel pit, any accident occurs which causes loss of life to any person employed thereat, the owner, agent, manager or superintendent thereof shall immediately notify the inspector resident in that part of Ontario in which the accident occurred and the Chief Inspector by telephone or telegraph.

Scene to be
undis-
turbed.

(2) Subject to subsection 3, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with the accident until an inspector has completed an investigation of the circumstances surrounding such accident.

Permission
to alter
scene.

(3) Where it is impossible for an inspector to make an immediate investigation of an accident the Chief Inspector or any inspector may permit such wreckage, articles and things at the scene of or connected with the accident to be moved to such extent as may be necessary to permit the work of the mine, metallurgical works, quarry, sand, clay or gravel pit to be proceeded with, provided photographs or drawings showing details of the scene of the accident have been made prior to such moving.

Rev. Stat.,
c. 138, s. 13
not to
apply.

(4) Section 13 of *The Coroners Act* shall not apply in the case of any fatal accident to which this section applies.

Notice of
accident to
be sent to
inspector.

164a. Where, in or about any mine, metallurgical works, quarry, sand, clay or gravel pit, any accident occurs which causes fracture or dislocation of any bones of the body, or any other injury which in the opinion of the attending physician may result in the injured person being incapacitated for work for at least seven days, to any person employed therein, the owner, agent, manager or superintendent shall within three days of the accident send notice in writing to the inspector resident in that part of Ontario in which the mine or works are situate on the form prescribed for such purpose.

164*b*. Where in or about any mine,—

Idem.

- (*a*) any accident involving the hoist, sheaves, hoisting rope, shaft or winze conveyances, or shaft or winze timbering;
- (*b*) any inrush of water from old workings or otherwise;
- (*c*) any failure of an underground dam or bulk-head, as defined by rule 35 of the rules contained in section 160;
- (*d*) any outbreak of fire below ground or any outbreak of fire above ground if it endangers any structure at the mine entrance;
- (*e*) any premature or unexpected explosion or ignition of explosives;
- (*f*) any asphyxiation effecting a partial or total loss of physical control;
- (*g*) any inflammable gas in the mine workings; or
- (*h*) any unexpected and non-controlled extensive subsidence or caving of mine workings;

occurs, whether or not loss of life or personal injury is caused thereby, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after such occurrence, send notice in writing to the inspector resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereof as the inspector may require.

164*c*.—(1) Where a rockburst occurs whether or not loss Rockburst. of life or personal injury is caused thereby and the location of such rockburst is determined as being within the workings of any mine, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the location of such burst has been determined, send notice in writing to the inspector resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereto as the inspector may require.

Record of
rockbursts.

- (2) A record of the occurrence of all rockbursts at a mine shall be kept showing, as far as possible the time, location, extent of the burst, any injury to persons and any other information pertaining to the burst and such record shall be available at all times to the inspector.

Other Notices and Information.

Notice to
Chief
Inspector.

- 165.—(1) The owner, manager or superintendent of a mine shall give written notice to the Chief Inspector,—

- (a) of the intended installation of a power plant or hoist or intended erection of any buildings to house a power plant or hoist at least fourteen days prior to the commencement of such installation or erection;
- (b) of the commencement or resumption after an interruption of one month or more, of mining operations within fourteen days after such commencement or resumption; and
- (c) of the closing down of the mine and that the requirements of subsection 1 of section 157 as to the fencing of the top of the shaft, entrances from the surface, pits and openings; the requirements of rule 54 of the rules under section 160 as to the disposal of explosives and the requirements of subsection 4 of section 167 as to the filing of plans and sections have been complied with within fourteen days of such closing down.

Information
for
inspector.

- (2) The owner, manager or superintendent of a mine shall furnish to the inspector resident in that part of Ontario where the mine is situate, all information which the inspector may require for the purposes of the annual return of such inspector.

Rev. Stat.,
c. 47, s. 167,
subs. 5 re-
enacted;
subs. 7 re-
pealed.

23. Subsections 5 and 7 of section 167 of *The Mining Act* are repealed and the following substituted therefor:

Responsibil-
ity of
owner.

- (5) The owner of every mine, quarry or other works to which this section applies shall be responsible for compliance with the provisions thereof and every owner or other person who fails to comply with any

of the provisions of this section, or who produces to the inspector or other authorized person, or files or causes to be produced or filed a plan which to his knowledge is false in any particular, shall be guilty of an offence against this Act.

24. *The Mining Act* is amended by adding thereto the following Part: Rev. Stat.,
c. 47,
amended.

PART VIIIA.

REFINERY PROVISIONS.

170a. In this Part,—

Interpreta-
tion.

- (a) "Refinery" shall mean any apparatus or equipment which may be used for the refining, retorting, smelting, assaying or treating by any other method, of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein. "Refinery."

170b. No person shall own, operate, use or have any refinery in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant unless a refinery license has been granted in respect of such refinery, provided that no refinery license shall be required in respect of a refinery for which a certificate of exemption has been issued. Refinery
license.

170c.—(1) The Minister may,—

Powers of
Minister as
to refinery
licenses.

- (a) issue and renew refinery licenses and certificates of exemption;
- (b) refuse to issue or renew a refinery license or certificate of exemption, or suspend, cancel or revoke any refinery license or certificate of exemption for any reason which he deems sufficient in the public interest;
- (c) prescribe the forms of refinery licenses, certificates of exemption, applications therefor and renewals thereof; and

(d) prescribe the fee payable upon the issue and renewal of refinery licenses and certificates of exemption.

Term of license and certificate of exemption.

- (2) Every refinery license and certificate of exemption shall expire on the 31st day of March next following the issue thereof and every renewal of a refinery license or certificate of exemption shall expire on the 31st day of March next following the expiration of the refinery license or certificate of exemption or the last renewal thereof.

Certificate of exemption.

170d.—(1) A certificate of exemption may be issued in respect of a refinery where the Minister is satisfied that such refinery is not maintained or used for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein or is used only for educational purposes.

- (2) No person who owns or has in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant a refinery in respect of which a certificate of exemption has been issued shall permit such refinery to be operated or used nor shall he or any other person operate or use such refinery for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein.

Penalty.

170e. Every person who violates any of the provisions of this Part shall be liable to a penalty of not less than \$10 and not exceeding \$500 or to imprisonment for a period not exceeding one year, or to both fine and imprisonment.

Application of Part VIIIA.
Rev. Stat., c. 52.

170f. The provisions of this Part shall apply notwithstanding that the owner or operator of a refinery is the holder of a license issued under the provisions of *The Unwrought Metal Sales Act* or of any other Act.

Commission of inquiry.

170g. The Minister may appoint any person to conduct an inquiry into any charge or complaint that any person has violated or failed to observe any of the provisions of this Part, or into any matter or thing connected with or arising out of the operation of this Part, and such person shall have the same power to enforce the attendance of witnesses and to compel

them to give evidence and produce documents and things as is vested in any court in civil cases.

25. Clause *g* of section 171 of *The Mining Act* is amended by inserting after the Roman numerals "VIII" in the second line the words and numerals "or Part VIIIA" so that the first part of the section and clause *g* shall now read as follows: Rev. Stat.,
c. 47, s. 171,
cl. g,
amended.

171. Every person who,—

Description
of offences.

(*g*) wilfully acts in contravention of the provisions of this Act other than Part VIII or Part VIIIA in any particular not hereinbefore set forth; or

26.—(1) Subsection 1 of section 175 of *The Mining Act* is amended by inserting after the Roman numerals "VIII" in the second line the words and numerals "or Part VIIIA," so that the first three lines of the said subsection shall now read as follows: Rev. Stat.,
c. 47, s. 175,
subs. 1,
amended.

(1) No prosecution shall be instituted for an offence against Part VIII or Part VIIIA or any regulation made in pursuance thereof except,— Instituting
prosecutions
for offence
against
Parts VIII
and VIIIA.

(2) Subsection 2 of the said section 175 is amended by adding at the end thereof the words and numerals "or Part VIIIA" so that the said subsection shall now read as follows: Rev. Stat.,
c. 47, s. 175,
subs. 2,
amended.

(2) No person not being the actual offender shall be liable in respect of such offence, if he proves that he did not participate in the contravention of the rule or provision for a breach of which he is charged and that he was not to blame for such breach and that according to his position and authority he took all reasonable means in his power to prevent such breach and to secure compliance with the rules and provisions of Part VIII or Part VIIIA. When person
not actual
offender not
liable.

(3) Subsection 3 of the said section 175 is repealed and the following substituted therefor: Rev. Stat.,
c. 47, s. 175,
subs. 3, re-
enacted.

(3) The burden of proving that any rule contained in section 160 has been suspended shall be upon the person charged with a violation thereof and any such suspension may be proved by the evidence or certificate of an inspector. Onus of
proof.

27. Subsection 1 of section 176 of *The Mining Act* is amended by striking out the words "a justice" in the fourth line and inserting in lieu thereof the words "two justices," and by striking out the words "or a recorder" in the sixth line, so that the said subsection shall now read as follows: Rev. Stat.,
c. 47, s. 176,
subs. 1,
amended.

Procedure
on prosecu-
tions.

- (1) Except as to offences against section 14 every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Act shall take place before a magistrate or two justices of the peace having jurisdiction in the county or district in which the offence is committed, or before the Mining Court, and save as herein otherwise provided, the provisions of *The Summary Convictions Act* shall apply to every such prosecution.

Rev. Stat.,
c. 136.

Rev. Stat.,
c. 47, s. 182,
subss. 1, 2,
re-enacted.

28. Subsections 1 and 2 of section 182 of *The Mining Act* are repealed and the following substituted therefor:

Lieutenant-
Governor in
Council may
make regula-
tions.

- (1) The Lieutenant-Governor in Council may make such regulations as he may deem necessary providing for,—

- (a) the opening, construction, maintenance and use of roads to, through or over mining claims, mining locations or lands heretofore or hereafter sold or granted as mining lands or recorded as mining claims or locations, and for the opening, construction, maintenance and use of ditches, aqueducts or raceways through, over or upon such claims, locations or land for the conveying and passage of water for mining purposes;
- (b) to meet cases which may arise for which no provision is made in the Act, or when he deems the provision made to be ambiguous or doubtful;
- (c) the imposition of penalties not exceeding \$200 or not exceeding three months imprisonment for the violation of any such regulations; and
- (d) generally for the better carrying out of the provisions of this Act.

Lieutenant-
Governor in
Council may
issue lease or
patent.

- (2) The Lieutenant-Governor in Council may, where special circumstances warrant such action issue a lease or patent of any mining lands on such terms and conditions as he may deem proper and for the purposes of any such lease or patent may suspend or vary any requirement of the Act in so far as it relates thereto.

Rev. Stat.,
c. 47, s. 186,
amended.

29. Section 186 of *The Mining Act* is amended by adding thereto the following subsection:

Minister
may extend
time.

- (3) Notwithstanding anything contained in *The Mines*

Act, being chapter 36 of the Revised Statutes of Ontario, 1897, or any other Act, or the expiration of any period of time therein stipulated or the failure to comply with any requirements of any such Act, the Minister may extend the time for the performance of any work upon a mining location leased under the authority of *The Mines Act*, being chapter 36 of the Revised Statutes of Ontario, 1897, and the filing of any proof thereof required under the provisions of *The Mines Act*, provided that upon failure to perform such work or file such proof within the extended time the lease may be cancelled as provided by subsection 2.

30. Subsection 4 of section 187 of *The Mining Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 187,
subs. 4, re-
enacted.

(4) For the purpose of this section an incorporated company and a shareholder therein shall be deemed to be co-owners or co-lessees of the lands of such company.

Co-owners:
co-lessees.

(5) An order made against an incorporated company under this section shall be directed to such company only.

Order
against in-
corporated
company.

31. Paragraph 6 of Schedule A to *The Mining Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 47,
Sched. A,
par. 6, re-
enacted.

6. The fee for a miner's license or renewal thereof for a duly incorporated company, or a company licensed under *The Extra Provincial Corporations Act* to carry on business in Ontario, shall be based on the authorized capital, according to the following scale, namely,—

- (a) Where the authorized capital does not exceed \$50,000 or 50,000 shares of no par value \$ 25.00
- (b) Where the authorized capital is over \$50,000 or 50,000 shares of no par value but does not exceed \$500,000 or 500,000 shares of no par value 50.00
- (c) Where the authorized capital exceeds \$500,000 or 500,000 shares of no par value but does not exceed \$1,000,000 or 1,000,000 shares of no par value . . . 100.00
- (d) Where the authorized capital exceeds \$1,000,000 or 1,000,000 shares of no

par value, but does not exceed
 \$3,000,000 or 3,000,000 shares of no
 par value. 125.00

(e) Where the authorized capital exceeds
 \$3,000,000 or 3,000,000 shares of no
 par value. 150.00

Provided that where the authorized capital of a company exceeds \$1,000,000 or 1,000,000 shares of no par value, and it is by affidavit of the president or secretary thereof proved to the satisfaction of the Minister that any part of such capital is actually being used in some other business enterprise, and not in mining business within Ontario, such part may be deducted in fixing the fee payable as above set forth, but in no such case shall the fee be less than \$50.00.

Commence-
 ment of
 s. 24.

32. Part VIIIA of *The Mining Act*, as enacted by section 24 of this Act, shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

33. This Act may be cited as *The Mining Amendment Act, 1939*.

An Act to amend The Mining Act.

1st Reading

March 8th, 1939

2nd Reading

March 20th, 1939

3rd Reading

March 23rd, 1939

MR. LEDUC

No. 27

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Mortgagors' and Purchasers' Relief Act, 1939.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Mortgagors' and Purchasers' Relief Act, 1939.

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

1933, c. 35,
s. 28, re-
pealed.

1. Section 28 of *The Mortgagors' and Purchasers' Relief Act, 1933*, is repealed.

1933, c. 35,
amended.

2. *The Mortgagors' and Purchasers' Relief Act, 1933*, is amended by adding thereto the following section:

Where
application
to be made.

38a. An application made under this Act shall be made to the judge of the county or district in which the land is situate.

1933, c. 35,
continued
in force.

1934, c. 33;
1935, c. 41;
1936, c. 38;
1937, c. 45;
1938, c. 21.

3. Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, *The Mortgagors' and Purchasers' Relief Act, 1935*, section 3 of *The Mortgagors' and Purchasers' Relief Amendment Act, 1936*, *The Mortgagors' and Purchasers' Relief Act, 1937*, or *The Mortgagors' and Purchasers' Relief Act, 1938*, and subject only to the provisions of sections 1 and 2 of this Act, all the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall continue in force and have effect until the 30th day of June, 1940.

Short title.

4. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1939*.

EXPLANATORY NOTES

SECTIONS 1 AND 2. These provisions require any application made under the Act to be made in the county or district in which the land is situate.

SECTION 3. This section extends the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, until the 30th day of June, 1940.

THE MORTGAGORS AND FIDUCIARIES
Relief Act, 1939.

1st Reading

March 9th, 1939

2nd Reading

3rd Reading

MR. CONANT

No. 27

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Mortgagors' and Purchasers' Relief Act, 1939.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 27

1939

BILL

The Mortgagors' and Purchasers' Relief Act, 1939.

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

1933, c. 35,
s. 28, re-
pealed.

1. Section 28 of *The Mortgagors' and Purchasers' Relief Act, 1933*, is repealed.

1933, c. 35,
amended.

2. *The Mortgagors' and Purchasers' Relief Act, 1933*, is amended by adding thereto the following section:

Where
application
to be made.

38a. An application made under this Act shall be made to the judge of the county or district in which the land is situate.

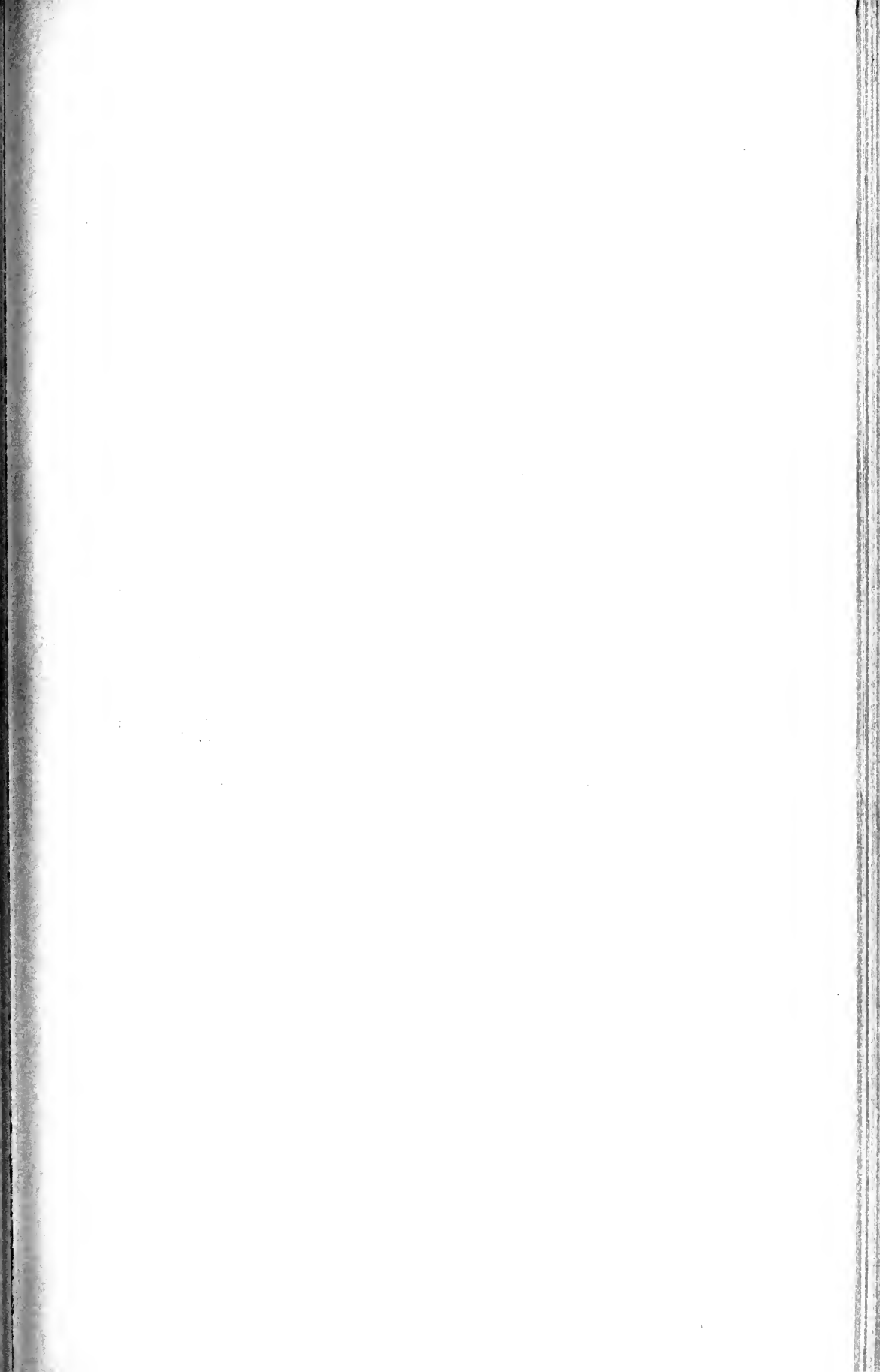
1933, c. 35,
continued
in force.

1934, c. 33;
1935, c. 41;
1936, c. 38;
1937, c. 45;
1938, c. 21.

3. Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, *The Mortgagors' and Purchasers' Relief Act, 1935*, section 3 of *The Mortgagors' and Purchasers' Relief Amendment Act, 1936*, *The Mortgagors' and Purchasers' Relief Act, 1937*, or *The Mortgagors' and Purchasers' Relief Act, 1938*, and subject only to the provisions of sections 1 and 2 of this Act, all the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall continue in force and have effect until the 30th day of June, 1940.

Short title.

4. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1939*.



The Mortgagees' and Purchasers'
Relief Act, 1939.

1st Reading

March 9th, 1939

2nd Reading

March 13th, 1939

3rd Reading

March 20th, 1939

MR. CONANT

No. 28

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Registry Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

I An Act to amend The Registry Act.

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

Rev. Stat.,
c. 170, s. 6,
subs. 4,
amended.

1. Subsection 4 of section 6 of *The Registry Act* is amended by adding at the end thereof the words "telephones, directories and such other articles as the Inspector may deem necessary for the purpose of such office," so that the said subsection shall now read as follows:

Municipality
to provide
typewriting
machines,
etc.

- (4) The corporation of any county or city charged with the duty of providing books for use in a registry office shall when so required by the Inspector provide typewriting machines for use in copying instruments in the registry books, telephones, directories and such other articles as the Inspector may deem necessary for the purposes of such office.

Rev. Stat.,
c. 170, s. 32,
subs. 7,
amended.

2. Subsection 7 of section 32 of *The Registry Act* is amended by inserting after the word "be" in the last line the words "tendered for registration or," so that the said subsection shall now read as follows:

What may
be
registered
before grant
from Crown.

- (7) Except mortgages, incumbrances or liens, made or given by the original nominee of the Crown, or by any person through whom a person, obtaining a grant of land from the Crown, derived title, no instrument affecting land that has not been granted by the Crown shall be tendered for registration or registered.

Rev. Stat.,
c. 170, s. 40,
amended.

3. Section 40 of *The Registry Act* is amended by striking out the words "of the secretary, manager, or attorney or presiding officer thereof" in the third and fourth lines and inserting in lieu thereof the words "purporting to be the signature of the presiding officer, vice-president, manager, director, secretary, treasurer, attorney or other authorized person," so that the said section shall now read as follows:

EXPLANATORY NOTES

SECTION 1. At present there is no provision in *The Registry Act* requiring telephones and directories to be furnished for use in a registry office. This amendment provides for the furnishing of telephones, directories and other articles deemed necessary by the Inspector of Legal Offices

SECTION 2. The section prohibits the registration of instruments in certain cases which, under the present wording, places the onus of non-registration on the registrar. The amendment, in addition, prohibits any person from tendering such an instrument for registration.

SECTION 3. The present section limits the signatures which must appear with the seal of a corporation to the signatures of persons there specifically named. The amendment renders the section consistent with present practices by permitting other authorized persons to sign, and in addition renders it sufficient if the signature purports to be that of the person signing which is in accordance with the practices followed by registrars of deeds.

Seal of court
or seal of
corporation
with signa-
ture of
officer to
suffice for
registration.

40. The seal of a court of record affixed to an instrument of itself, and the seal of a corporation affixed to an instrument with the signature purporting to be the signature of the presiding officer, vice-president, manager, director, secretary, treasurer, attorney or other authorized person shall be sufficient evidence for the purpose of registration, of the due execution of the instrument by the judge, or the officer of the court signing the same, or by the corporation.

Rev. Stat.,
c. 170, s. 48,
subs. 1,
amended.

4. Subsection 1 of section 48 of *The Registry Act* is amended by inserting after the word "office" in the fifth line the words "and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration," so that the said subsection shall now read as follows:

Registration
of power of
attorney
when instru-
ment
executed by
attorney.

- (1) No instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration, the original power of attorney, or a copy thereof certified for registration, is registered in the same registry office and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration, but when such power of attorney or a certified copy thereof cannot be produced, proof may be made before a judge of any county or district court of the execution of the instrument, and upon a certificate (Form 7) being endorsed on the instrument and signed by the judge that he is satisfied by the proof adduced of the due execution of the instrument the registrar shall register the instrument and certificate.

Rev. Stat.,
c. 170, s. 51,
amended.

- 5.—(1) Section 51 of *The Registry Act* is amended by adding thereto the following subsection:

Affidavit or
declaration
as to
marriage.

- (1a) Where an assurance, deed, conveyance, mortgage, release or quit claim is made by a man and someone joins therein as his wife to bar dower, it shall not be registered unless there be made on or securely attached to it an affidavit or statutory declaration by such man that he is married, that the person joining therein to bar dower is his lawful wife and that he is of the full age of twenty-one years.

Rev. Stat.,
c. 170, s. 51,
subs. 2,
amended.

- (2) Subsection 2 of the said section 51 is amended by inserting after the word and figure "subsection 1" in the third line the word, figure and letter "or 1a," so that the said subsection shall now read as follows:

SECTION 4. At present an instrument signed on behalf of a person by his attorney may only be registered if the power of attorney has been registered. The amendment requires every such instrument to contain the date of registration and registration number of the power of attorney.

SECTION 5.—(1) Where a wife signs an instrument to bar her dower, the amendment would require an affidavit or statutory declaration of the husband indicating that the person so signing is his wife, to accompany the instrument.

(2) Makes provision for the statutory declaration provided for by the proposed subsection 1*a*.

Dispensing
with
affidavit or
declaration.

- (2) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 1 or 1a cannot be obtained conveniently the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with such affidavit or declaration, and thereupon shall endorse upon the instrument or firmly attach thereto his order directing the registrar to register the instrument notwithstanding the absence of such affidavit or declaration, and the registrar shall thereupon register such instrument.

Rev. Stat.,
c. 170, s. 51,
subs. 4,
amended.

- (3) Subsection 4 of the said section 51 is amended by inserting after the word "them" in the ninth line the words "or to a conveyance or release of an equity of redemption by a mortgagor to his mortgagee or any assignee of such mortgagee," so that the said subsection shall now read as follows:

Application
of section.

- (4) This section shall not apply to a conveyance made in pursuance of power of sale contained in a mortgage, a conveyance or mortgage from a man wherein his wife is the grantee or mortgagee or one of them and is described as his wife therein, a conveyance or mortgage by persons who are the registered owners of the lands as trustees or as joint tenants or as holding the same as partnership property or under power of appointment, provided they are so described in the conveyance of the land to them or to a conveyance or release of an equity of redemption by a mortgagor to his mortgagee or any assignee of such mortgagee or to a mortgage of leasehold lands, or to a conveyance or mortgage made by an executor or administrator or a trustee under a will or by the Public Trustee or other person dealing with land in an official capacity.

Rev. Stat.,
c. 170, s. 56,
subs. 7,
amended.

6. Subsection 7 of section 56 of *The Registry Act* is amended by adding at the end thereof the words "provided the date of registration and registration number of such general certificate are indicated in the body or margin of the instrument tendered for registration," so that the said subsection shall now read as follows:

General
certificate.

- (7) The Treasurer of Ontario may issue a general certificate that all succession duty payable in respect to the estate or any lands forming part of the estate of a deceased person have been paid and satisfied or that security for such payment as required under the provisions of *The Succession Duty Act* has been given, and upon registration of the certificate it shall not be necessary that the provisions of sub-

Rev. Stat.,
c. 26.

(3) As no dower attaches to an equity of redemption, this amendment provides that the requirement to make an affidavit or statutory declaration as to celibacy of the grantor shall not be applicable to a conveyance or release of an equity of redemption as no dower right is present.

SECTION 6. Certain instruments affecting land in which a deceased person has an interest may only be registered if a consent in writing of the Treasurer of Ontario is attached or a general certificate of the Treasurer has been registered. The amendment requires any instrument which is dependent upon the registration of a general certificate to contain the date of registration and registration number of the general certificate.

section 6 be complied with in respect to any lands described in such certificate, provided the date of registration and registration number of such general certificate are indicated in the body or margin of the instrument tendered for registration.

Rev. Stat.,
c. 170, s. 59,
subs. 7,
amended.

7. Subsection 7 of section 59 of *The Registry Act* is amended by inserting after the word "in" in the third line the words "an unregistered mortgage or," and by inserting after the word "duly" in the sixth line the words "registered and," so that the said subsection shall now read as follows:

When mort-
gage to
be recorded
in full.

(7) From and after the 1st day of July, 1927, no final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage which has been registered "not in full" shall be registered until the said mortgage and any assignment thereof has been duly registered and copied in full in the proper registry book pursuant to subsection 5 of section 47.

Rev. Stat.,
c. 170, s. 66,
subs. 1,
amended.

8. Subsection 1 of section 66 of *The Registry Act* is amended by striking out the words "the registrar shall not register" in the seventh and eighth lines and by adding at the end of the said subsection the words "shall not be tendered for registration or registered," so that the said subsection shall now read as follows:

Registra-
tion of
discharge
given by
person
other than
mortgagee.

(1) Where the person entitled to receive the mortgage money and to discharge a registered mortgage is not the original mortgagee, he shall, at his own expense, cause to be registered before the registration of the certificate of discharge all the instruments or documents through which he claims interest in and title to the mortgage money, and until such instruments or documents are registered such certificate of discharge shall not be tendered for registration or registered.

Rev. Stat.,
c. 170, s. 82,
amended.

9. Section 82 of *The Registry Act* is amended by inserting after the word "registration" in the second line the words "and in respect of which the fees prescribed by this Act or demanded by the registrar have been paid," so that the said section shall now read as follows:

When
instruments
to be
deemed
registered.

82. An instrument capable of and properly proved for registration and in respect of which the fees prescribed by this Act or demanded by the registrar have been paid shall be deemed to be registered when and so soon as the same is delivered either personally or by

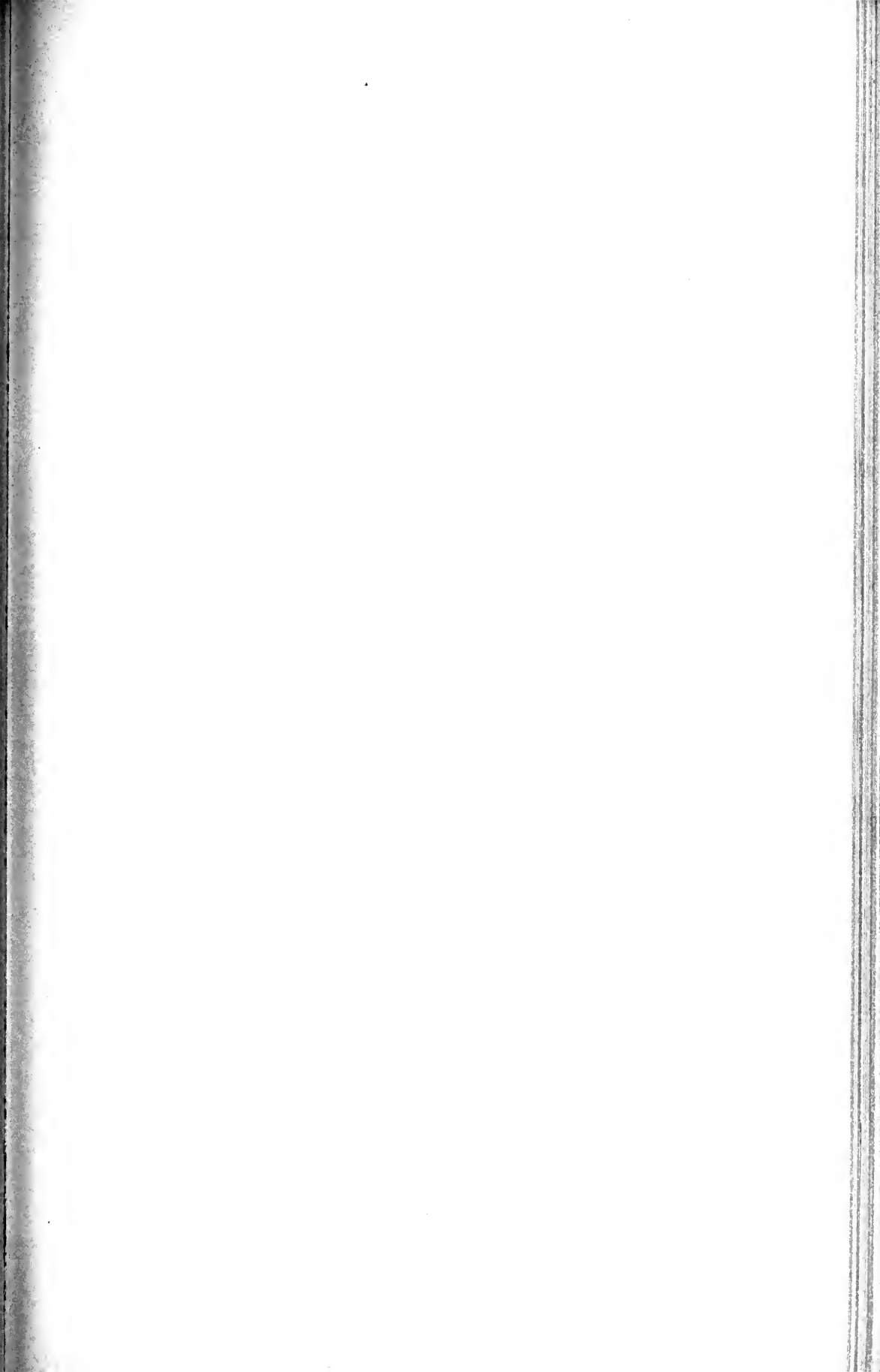
SECTION 7. At present a mortgage registered "not in full" must be registered "in full" before a final order of foreclosure or conveyance under power of sale may be registered. The same provision is by this amendment made applicable in the case of unregistered mortgages which renders the Statute consistent with actual practice.

SECTION 8. The Act at present prohibits the registration by the Registrar of a certificate of discharge of a mortgage until all instruments or documents through which the mortgagee claims interest in and title to the mortgage money have been registered. This amendment, which is of the same nature as the amendment to section 32, prohibits a certificate of discharge from being either tendered for registration or registered until the requirements of the section have been complied with.

SECTION 9. Section 82 is rendered consistent with subsection 2 of section 46 by providing that the registration fees shall be paid before registration is effected.

post to and received at his office during office hours by the registrar, or some officer or clerk in his office on his behalf, and thereafter no alteration shall be made by any person in such instrument.

Short title. **10.** This Act may be cited as *The Registry Amendment Act, 1939.*



An Act to amend The Registry Act.

1st Reading

March 9th, 1939

2nd Reading

3rd Reading

MR. CONANT

No. 28

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Registry Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Registry Act.

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

Rev. Stat.,
c. 170, s. 6,
subs. 4,
amended.

1. Subsection 4 of section 6 of *The Registry Act* is amended by adding at the end thereof the words "telephones, directories and such other articles as the Inspector may deem necessary for the purpose of such office," so that the said subsection shall now read as follows:

Municipality
to provide
typewriting
machines,
etc.

(4) The corporation of any county or city charged with the duty of providing books for use in a registry office shall when so required by the Inspector provide typewriting machines for use in copying instruments in the registry books, telephones, directories and such other articles as the Inspector may deem necessary for the purposes of such office.

Rev. Stat.,
c. 170, s. 32,
subs. 7,
amended.

2. Subsection 7 of section 32 of *The Registry Act* is amended by inserting after the word "be" in the last line the words "tendered for registration or," so that the said subsection shall now read as follows:

What may
be
be registered
before grant
from Crown.

(7) Except mortgages, incumbrances or liens, made or given by the original nominee of the Crown, or by any person through whom a person, obtaining a grant of land from the Crown, derived title, no instrument affecting land that has not been granted by the Crown shall be tendered for registration or registered.

Rev. Stat.,
c. 170, s. 40,
amended.

3. Section 40 of *The Registry Act* is amended by striking out the words "of the secretary, manager, or attorney or presiding officer thereof" in the third and fourth lines and inserting in lieu thereof the words "purporting to be the signature of the presiding officer, vice-president, manager, director, secretary, treasurer, attorney or other authorized person," so that the said section shall now read as follows:

EXPLANATORY NOTES

SECTION 1. At present there is no provision in *The Registry Act* requiring telephones and directories to be furnished for use in a registry office. This amendment provides for the furnishing of telephones, directories and other articles deemed necessary by the Inspector of Legal Offices

SECTION 2. The section prohibits the registration of instruments in certain cases which, under the present wording, places the onus of non-registration on the registrar. The amendment, in addition, prohibits any person from tendering such an instrument for registration.

SECTION 3. The present section limits the signatures which must appear with the seal of a corporation to the signatures of persons there specifically named. The amendment renders the section consistent with present practices by permitting other authorized persons to sign, and in addition renders it sufficient if the signature purports to be that of the person signing which is in accordance with the practices followed by registrars of deeds.

Seal of court
or seal of
corporation
with signa-
ture of
officer to
suffice for
registration.

40. The seal of a court of record affixed to an instrument of itself, and the seal of a corporation affixed to an instrument with the signature purporting to be the signature of the presiding officer, vice-president, manager, director, secretary, treasurer, attorney or other authorized person shall be sufficient evidence for the purpose of registration, of the due execution of the instrument by the judge, or the officer of the court signing the same, or by the corporation.

Rev. Stat.,
c. 170, s. 48,
subs. 1,
amended.

4. Subsection 1 of section 48 of *The Registry Act* is amended by inserting after the word "office" in the fifth line the words "and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration," so that the said subsection shall now read as follows:

Registration
of power of
attorney
when instru-
ment
executed by
attorney.

- (1) No instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration, the original power of attorney, or a copy thereof certified for registration, is registered in the same registry office and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration, but when such power of attorney or a certified copy thereof cannot be produced, proof may be made before a judge of any county or district court of the execution of the instrument, and upon a certificate (Form 7) being endorsed on the instrument and signed by the judge that he is satisfied by the proof adduced of the due execution of the instrument the registrar shall register the instrument and certificate.

Rev. Stat.,
c. 170, s. 51,
amended.

- 5.—(1) Section 51 of *The Registry Act* is amended by adding thereto the following subsection:

Affidavit or
declaration
as to
marriage.

- (1a) Where an assurance, deed, conveyance, mortgage, release or quit claim is made by a man and someone joins therein as his wife to bar dower, it shall not be registered unless there be made on or securely attached to it an affidavit or statutory declaration by such man that he is married, that the person joining therein to bar dower is his lawful wife and that he is of the full age of twenty-one years.

Rev. Stat.,
c. 170, s. 51,
subs. 2,
amended.

- (2) Subsection 2 of the said section 51 is amended by inserting after the word and figure "subsection 1" in the third line the word, figure and letter "or 1a," so that the said subsection shall now read as follows:

SECTION 4. At present an instrument signed on behalf of a person by his attorney may only be registered if the power of attorney has been registered. The amendment requires every such instrument to contain the date of registration and registration number of the power of attorney.

SECTION 5.—(1) Where a wife signs an instrument to bar her dower, the amendment would require an affidavit or statutory declaration of the husband indicating that the person so signing is his wife, to accompany the instrument.

(2) Makes provision for the statutory declaration provided for by the proposed subsection 1a.

Dispensing
with
affidavit or
declaration.

- (2) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 1 or 1a cannot be obtained conveniently the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with such affidavit or declaration, and thereupon shall endorse upon the instrument or firmly attach thereto his order directing the registrar to register the instrument notwithstanding the absence of such affidavit or declaration, and the registrar shall thereupon register such instrument.

Application
of section.

- (3) The provisions of this section shall not apply to any assurance, deed, conveyance, mortgage, release or quit claim executed prior to the date of the coming into force of this Act.

Rev. Stat.,
c. 170, s. 56,
subs. 7,
amended.

6. Subsection 7 of section 56 of *The Registry Act* is amended by adding at the end thereof the words "provided the date of registration and registration number of such general certificate are indicated in the body or margin of the instrument tendered for registration," so that the said subsection shall now read as follows:

General
certificate.

- (7) The Treasurer of Ontario may issue a general certificate that all succession duty payable in respect to the estate or any lands forming part of the estate of a deceased person have been paid and satisfied or that security for such payment as required under the provisions of *The Succession Duty Act* has been given, and upon registration of the certificate it shall not be necessary that the provisions of subsection 6 be complied with in respect to any lands described in such certificate, provided the date of registration and registration number of such general certificate are indicated in the body or margin of the instrument tendered for registration.

Rev. Stat.,
c. 26.

7. Subsection 7 of section 59 of *The Registry Act* is amended by inserting after the word "in" in the third line the words "an unregistered mortgage or," and by inserting after the word "duly" in the sixth line the words "registered and," so that the said subsection shall now read as follows:

When mort-
gage to
be recorded
in full.

- (7) From and after the 1st day of July, 1927, no final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage which has been registered "not in full" shall be registered until the said mortgage and any assignment thereof has been duly registered and copied in full in the proper registry book pursuant to subsection 5 of section 47.

(3) The subsection provides that the amendments effected by the two preceding subsections shall not affect instruments executed prior to the coming into force of this Act.

SECTION 6. Certain instruments affecting land in which a deceased person has an interest may only be registered if a consent in writing of the Treasurer of Ontario is attached or a general certificate of the Treasurer has been registered. The amendment requires any instrument which is dependent upon the registration of a general certificate to contain the date of registration and registration number of the general certificate.

SECTION 7. At present a mortgage registered "not in full" must be registered "in full" before a final order of foreclosure or conveyance under power of sale may be registered. The same provision is by this amendment made applicable in the case of unregistered mortgages which renders the Statute consistent with actual practice.

Rev. Stat.,
c. 170, s. 66,
subs. 1,
amended.

8.—(1) Subsection 1 of section 66 of *The Registry Act* is amended by striking out the words “the registrar shall not register” in the seventh and eighth lines and by adding at the end of the said subsection the words “shall not be tendered for registration or registered,” so that the said subsection shall now read as follows:

Registration of
discharge
given by
person
other than
mortgagee.

- (1) Where the person entitled to receive the mortgage money and to discharge a registered mortgage is not the original mortgagee, he shall, at his own expense, cause to be registered before the registration of the certificate of discharge all the instruments or documents through which he claims interest in and title to the mortgage money, and until such instruments or documents are registered such certificate of discharge shall not be tendered for registration or registered.

Rev. Stat.,
c. 170, s. 66,
amended.

(2) The said section 66 is further amended by adding thereto the following subsection:

Where
document
lost or
destroyed.

- (1a) Where it is made to appear to the judge of a county or district court that any instrument or document through which any person claims interest in and title to mortgage money has been destroyed or cannot be found, the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with the registration thereof and thereupon shall endorse upon the certificate of discharge or firmly attach thereto his order directing the registrar to register the certificate of discharge notwithstanding the failure to register such instrument or document, and the registrar shall thereupon register such certificate of discharge.

Rev. Stat.,
c. 170, s. 82,
amended.

9. Section 82 of *The Registry Act* is amended by inserting after the word “registration” in the second line the words “and in respect of which the fees prescribed by this Act or demanded by the registrar have been paid,” so that the said section shall now read as follows:

When
instruments
to be
deemed
registered.

82. An instrument capable of and properly proved for registration and in respect of which the fees prescribed by this Act or demanded by the registrar have been paid shall be deemed to be registered when and so soon as the same is delivered either personally or by post to and received at his office during office hours by the registrar, or some officer or clerk in his office on his behalf, and thereafter no alteration shall be made by any person in such instrument.

Short title.

10. This Act may be cited as *The Registry Amendment Act, 1939.*

SECTION 8.—(1) The Act at present prohibits the registration by the Registrar of a certificate of discharge of a mortgage until all instruments or documents through which the mortgagee claims interest in and title to the mortgage money have been registered. This amendment, which is of the same nature as the amendment to section 32, prohibits a certificate of discharge from being either tendered for registration or registered until the requirements of the section have been complied with.

(2) Provision is made for the registering of a certificate of discharge when some of the instruments necessary to complete the chain of title under which a person claims the right to mortgage money have been lost or destroyed.

SECTION 9. Section 82 is rendered consistent with subsection 2 of section 46 by providing that the registration fees shall be paid before registration is effected.



BILL

An Act to amend The Registry Act.

1st Reading

March 9th, 1939

2nd Reading

March 15th, 1939

3rd Reading

MR. CONANT

*(Reprinted as amended in Committee of the
Whole House).*

No. 28

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Registry Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Registry Act.

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

Rev. Stat.,
c. 170, s. 6,
subs. 4,
amended.

1. Subsection 4 of section 6 of *The Registry Act* is amended by adding at the end thereof the words "telephones, directories and such other articles as the Inspector may deem necessary for the purpose of such office," so that the said subsection shall now read as follows:

Municipality
to provide
typewriting
machines,
etc.

(4) The corporation of any county or city charged with the duty of providing books for use in a registry office shall when so required by the Inspector provide typewriting machines for use in copying instruments in the registry books, telephones, directories and such other articles as the Inspector may deem necessary for the purposes of such office.

Rev. Stat.,
c. 170, s. 32,
subs. 7,
amended.

2. Subsection 7 of section 32 of *The Registry Act* is amended by inserting after the word "be" in the last line the words "tendered for registration or," so that the said subsection shall now read as follows:

What may
be registered
before grant
from Crown.

(7) Except mortgages, incumbrances or liens, made or given by the original nominee of the Crown, or by any person through whom a person, obtaining a grant of land from the Crown, derived title, no instrument affecting land that has not been granted by the Crown shall be tendered for registration or registered.

Rev. Stat.,
c. 170, s. 40,
amended.

3. Section 40 of *The Registry Act* is amended by striking out the words "of the secretary, manager, or attorney or presiding officer thereof" in the third and fourth lines and inserting in lieu thereof the words "purporting to be the signature of the presiding officer, vice-president, manager, director, secretary, treasurer, attorney or other authorized person," so that the said section shall now read as follows:

40. The seal of a court of record affixed to an instrument of itself, and the seal of a corporation affixed to an instrument with the signature purporting to be the signature of the presiding officer, vice-president, manager, director, secretary, treasurer, attorney or other authorized person shall be sufficient evidence for the purpose of registration, of the due execution of the instrument by the judge, or the officer of the court signing the same, or by the corporation.
- Seal of court or seal of corporation with signature of officer to suffice for registration.

4. Subsection 1 of section 48 of *The Registry Act* is amended by inserting after the word "office" in the fifth line the words "and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration," so that the said subsection shall now read as follows:

Rev. Stat., c. 170, s. 48, subs. 1, amended.

- (1) No instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration, the original power of attorney, or a copy thereof certified for registration, is registered in the same registry office and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration, but when such power of attorney or a certified copy thereof cannot be produced proof may be made before a judge of any county or district court of the execution of the instrument, and upon a certificate (Form 7) being endorsed on the instrument and signed by the judge that he is satisfied by the proof adduced of the due execution of the instrument the registrar shall register the instrument and certificate.
- Registration of power of attorney when instrument executed by attorney.

5.—(1) Section 51 of *The Registry Act* is amended by adding thereto the following subsection:

Rev. Stat., c. 170, s. 51, amended.

- (1a) Where an assurance, deed, conveyance, mortgage, release or quit claim is made by a man and someone joins therein as his wife to bar dower, it shall not be registered unless there be made on or securely attached to it an affidavit or statutory declaration by such man that he is married, that the person joining therein to bar dower is his lawful wife and that he is of the full age of twenty-one years.
- Affidavit or declaration as to marriage.

(2) Subsection 2 of the said section 51 is amended by inserting after the word and figure "subsection 1" in the third line the word, figure and letter "or 1a," so that the said subsection shall now read as follows:

Rev. Stat., c. 170, s. 51, subs. 2, amended.

Dispensing
with
affidavit or
declaration.

- (2) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 1 or 1a cannot be obtained conveniently the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with such affidavit or declaration, and thereupon shall endorse upon the instrument or firmly attach thereto his order directing the registrar to register the instrument notwithstanding the absence of such affidavit or declaration, and the registrar shall thereupon register such instrument.

Application
of section.

- (3) The provisions of this section shall not apply to any assurance, deed, conveyance, mortgage, release or quit claim executed prior to the date of the coming into force of this Act.

Rev. Stat.,
c. 170, s. 56,
subs. 7,
amended.

6. Subsection 7 of section 56 of *The Registry Act* is amended by adding at the end thereof the words "provided the date of registration and registration number of such general certificate are indicated in the body or margin of the instrument tendered for registration," so that the said subsection shall now read as follows:

General
certificate.

- (7) The Treasurer of Ontario may issue a general certificate that all succession duty payable in respect to the estate or any lands forming part of the estate of a deceased person have been paid and satisfied or that security for such payment as required under the provisions of *The Succession Duty Act* has been given, and upon registration of the certificate it shall not be necessary that the provisions of subsection 6 be complied with in respect to any lands described in such certificate, provided the date of registration and registration number of such general certificate are indicated in the body or margin of the instrument tendered for registration.

Rev. Stat.,
c. 26.

7. Subsection 7 of section 59 of *The Registry Act* is amended by inserting after the word "in" in the third line the words "an unregistered mortgage or," and by inserting after the word "duly" in the sixth line the words "registered and," so that the said subsection shall now read as follows:

When mort-
gage to
be recorded
in full.

- (7) From and after the 1st day of July, 1927, no final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage which has been registered "not in full" shall be registered until the said mortgage and any assignment thereof has been duly registered and copied in full in the proper registry book pursuant to subsection 5 of section 47.

8.—(1) Subsection 1 of section 66 of *The Registry Act* is amended by striking out the words “the registrar shall not register” in the seventh and eighth lines and by adding at the end of the said subsection the words “shall not be tendered for registration or registered,” so that the said subsection shall now read as follows:

(1) Where the person entitled to receive the mortgage money and to discharge a registered mortgage is not the original mortgagee, he shall, at his own expense, cause to be registered before the registration of the certificate of discharge all the instruments or documents through which he claims interest in and title to the mortgage money, and until such instruments or documents are registered such certificate of discharge shall not be tendered for registration or registered.

Registration of discharge given by person other than mortgagee.

(2) The said section 66 is further amended by adding thereto the following subsection:

Rev. Stat., c. 170, s. 66, amended.

(1a) Where it is made to appear to the judge of a county or district court that any instrument or document through which any person claims interest in and title to mortgage money has been destroyed or cannot be found, the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with the registration thereof and thereupon shall endorse upon the certificate of discharge or firmly attach thereto his order directing the registrar to register the certificate of discharge notwithstanding the failure to register such instrument or document, and the registrar shall thereupon register such certificate of discharge.

Where document lost or destroyed.

9. Section 82 of *The Registry Act* is amended by inserting after the word “registration” in the second line the words “and in respect of which the fees prescribed by this Act or demanded by the registrar have been paid,” so that the said section shall now read as follows:

Rev. Stat., c. 170, s. 82, amended.

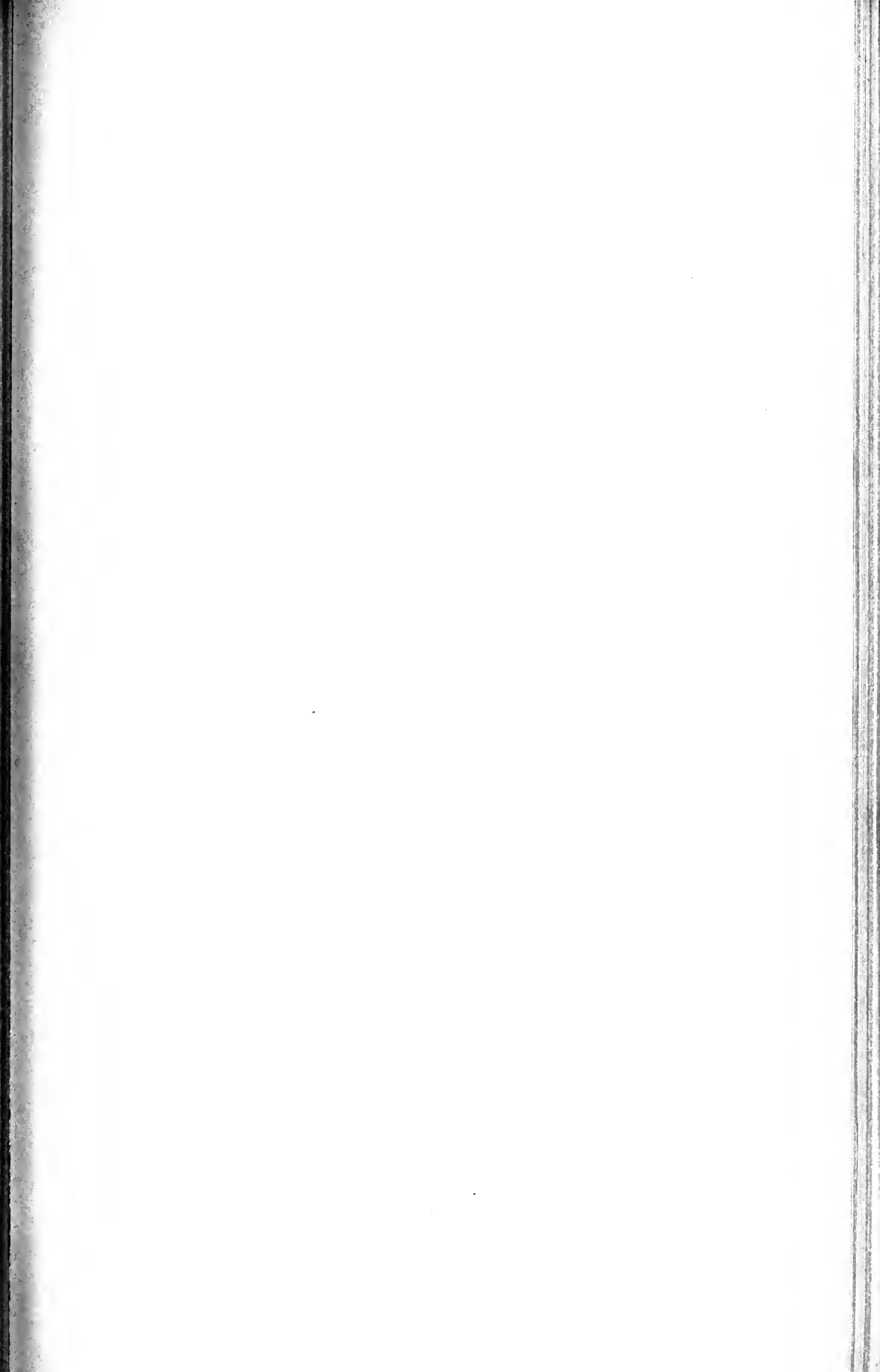
82. An instrument capable of and properly proved for registration and in respect of which the fees prescribed by this Act or demanded by the registrar have been paid shall be deemed to be registered when and so soon as the same is delivered either personally or by post to and received at his office during office hours by the registrar, or some officer or clerk in his office on his behalf, and thereafter no alteration shall be made by any person in such instrument.

When instruments to be deemed registered.

10. This Act may be cited as *The Registry Amendment Act, 1939*.

Short title.





1st Reading

March 9th, 1939

2nd Reading

March 15th, 1939

3rd Reading

March 20th, 1939

MR. CONANT

No. 29

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Industrial Standards Act.

MR. HIPEL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Industrial Standards Act.

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

Rev. Stat.,
c. 191, s. 15,
subs. 1,
amended.

1. Subsection 1 of section 15 of *The Industrial Standards Act* is amended by striking out the words "in every case, upon conviction" in the ninth line and inserting in lieu thereof the words "if convicted for failing to pay the minimum rate of wages prescribed by any schedule applicable to him," so that the said subsection shall now read as follows:

Violation of
schedule by
employer.

- (1) Any employer who contravenes the provisions of any schedule applicable to him shall be guilty of an offence and for a first offence shall be liable to a fine of not less than \$25 and not exceeding \$100, and in default of payment to imprisonment for a term not to exceed two months, and for a second and any subsequent offence shall be liable to a fine of not less than \$50 and not exceeding \$500, and in default of payment to imprisonment for a term not to exceed six months, and if convicted for failing to pay the minimum rate of wages prescribed by any schedule applicable to him shall be ordered to pay to the Board as an additional penalty the full amount of the wages then found to be unpaid to any employee under the provisions of the schedule.

Penalty.

Rev. Stat.,
c. 191, s. 18,
re-enacted.

2. Section 18 of *The Industrial Standards Act* as amended by section 9 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Where Act
not to apply.

18. Any schedule made pursuant to the provisions of this Act shall not be applicable to the mining industry nor to the agricultural industry nor to any other business, calling, trade, undertaking or work exempted by the regulations.

Short title.

3. This Act may be cited as *The Industrial Standards Amendment Act, 1939*.

EXPLANATORY NOTES

SECTION 1. By a recent judgment it was decided that the section as it reads at present provides for a penalty only in cases where an employer has failed to pay the prescribed minimum rate of wages. The amendment makes it clear that the section applies to all violations of the Act.

SECTION 2. The new section permits the Lieutenant-Governor in Council to exempt any business, calling, trade, undertaking or work from the provisions of the Act.

An Act to amend The Industrial
Standards Act

1st Reading

March 9th, 1939

2nd Reading

3rd Reading

MR. HPEL

No. 29

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Industrial Standards Act.

MR. HIPEL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Industrial Standards Act.

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

Rev. Stat.
c. 191, s. 15,
subs. 1,
amended.

1. Subsection 1 of section 15 of *The Industrial Standards Act* is amended by striking out the words "in every case, upon conviction" in the ninth line and inserting in lieu thereof the words "if convicted for failing to pay the minimum rate of wages prescribed by any schedule applicable to him," so that the said subsection shall now read as follows:

Violation of
schedule by
employer.

(1) Any employer who contravenes the provisions of any schedule applicable to him shall be guilty of an offence and for a first offence shall be liable to a fine of not less than \$25 and not exceeding \$100, and in default of payment to imprisonment for a term not to exceed two months, and for a second and any subsequent offence shall be liable to a fine of not less than \$50 and not exceeding \$500, and in default of payment to imprisonment for a term not to exceed six months, and if convicted for failing to pay the minimum rate of wages prescribed by any schedule applicable to him shall be ordered to pay to the Board as an additional penalty the full amount of the wages then found to be unpaid to any employee under the provisions of the schedule.

Penalty.

Rev. Stat.,
c. 191, s. 18,
re-enacted.

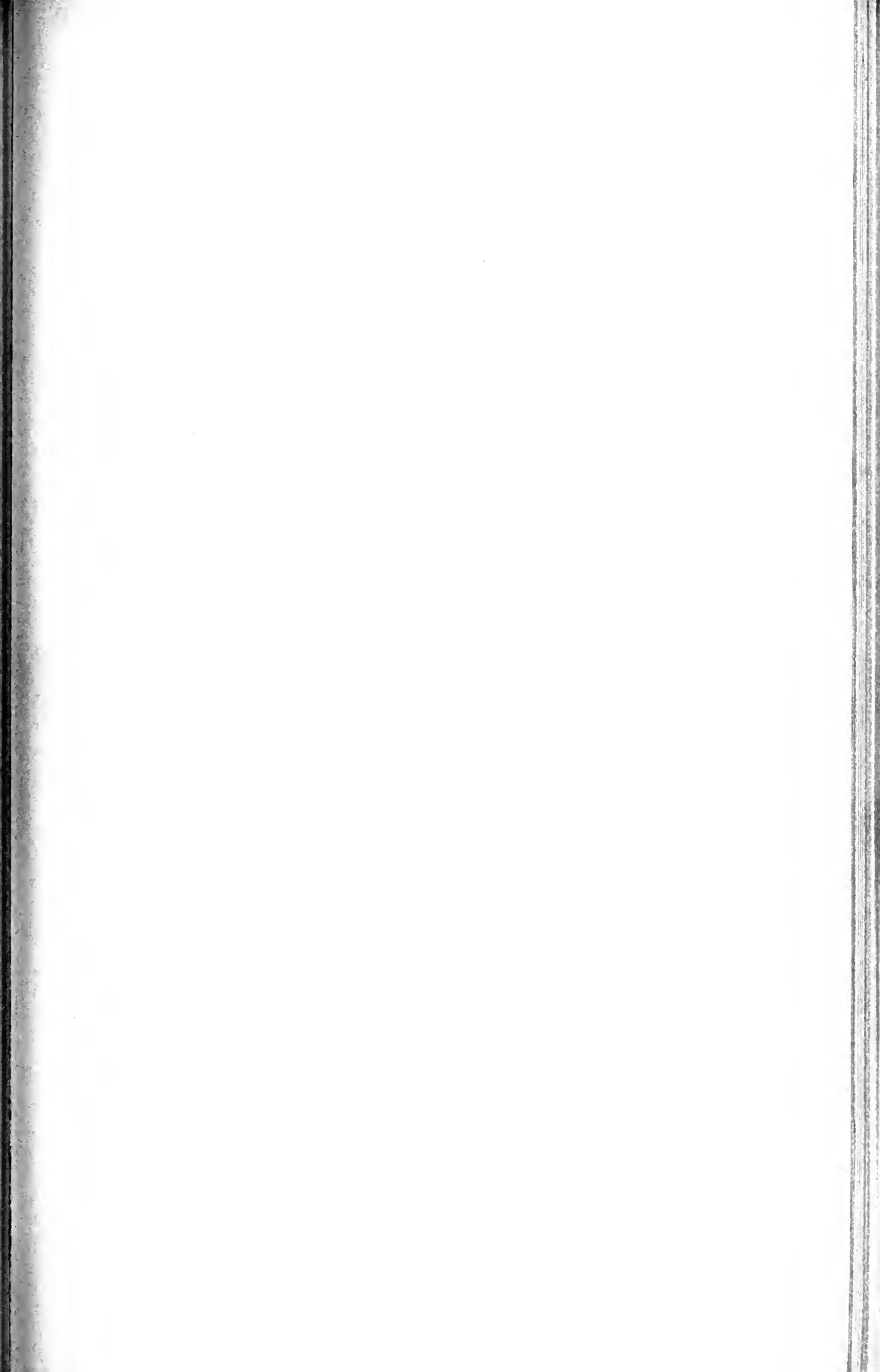
2. Section 18 of *The Industrial Standards Act* as amended by section 9 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Where Act
not to apply.

18. Any schedule made pursuant to the provisions of this Act shall not be applicable to the mining industry nor to the agricultural industry nor to any other business, calling, trade, undertaking or work exempted by the regulations.

Short title.

3. This Act may be cited as *The Industrial Standards Amendment Act, 1939*.



An Act to amend The Industrial
Standards Act

1st Reading

March 9th, 1939

2nd Reading

March 17th, 1939

3rd Reading

March 21st, 1939

MR. HIPPEL

No. 30

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Apprenticeship Act.

MR. HIPEL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Apprenticeship Act.

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

Rev. Stat.,
c. 192, s. 16,
amended.

1. Section 16 of *The Apprenticeship Act* is amended by adding thereto the following subsections:

Allowance
and travel-
ling
expenses.

(4) The Lieutenant-Governor in Council may direct payment out of such sums as may be appropriated by the Assembly for that purpose, of the travelling expenses of the members of a provincial advisory committee and a per diem allowance for the time spent by each of the members thereof in attending meetings of the said committee, and of any expenses properly incurred by such committee in carrying on its duties.

Examiners,
—appoint-
ment by
board.

(5) Subject to the approval of the Minister, the Board may appoint examiners to assist in the conduct of examinations prescribed for any designated trade, and such examiners, upon the direction of the Lieutenant-Governor in Council may be paid their travelling expenses and a per diem allowance for their services out of such sums as may be appropriated by the Assembly for that purpose.

Short title.

2. This Act may be cited as *The Apprenticeship Amendment Act, 1939*.

EXPLANATORY NOTE

The amendment provides for the payment of an allowance to and the expenses of the members of the provincial advisory committee and also for the appointment and payment of examiners to assist in the conducting of examinations held under the Act.

1st Reading

March 9th, 1939

2nd Reading

3rd Reading

MR. HIPPET

No. 30

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Apprenticeship Act.

MR. HIPEL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Apprenticeship Act.

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

Rev. Stat.,
c. 192, s. 16,
amended.

1. Section 16 of *The Apprenticeship Act* is amended by adding thereto the following subsections:

Allowance
and travel-
ling
expenses.

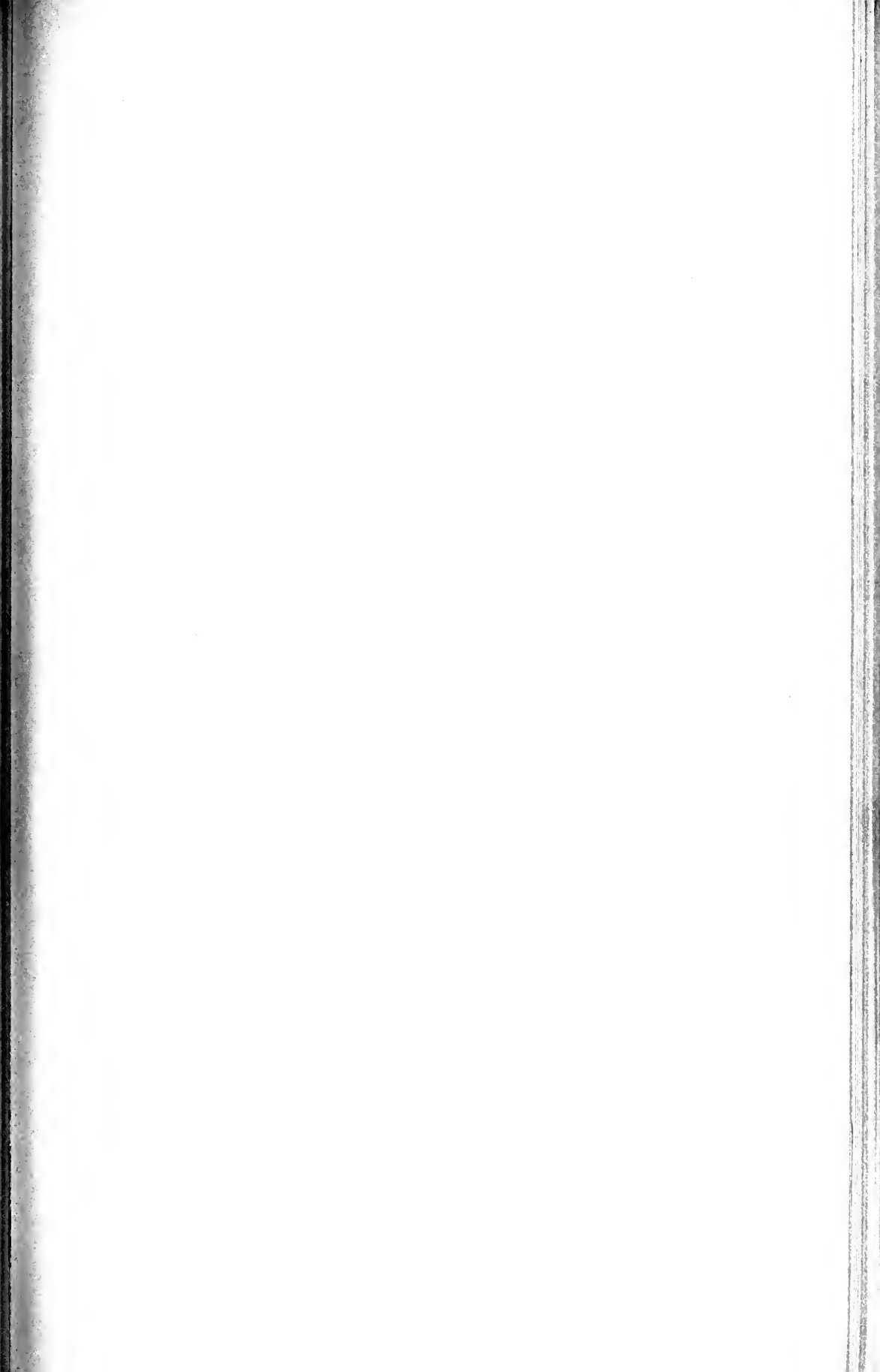
(4) The Lieutenant-Governor in Council may direct payment out of such sums as may be appropriated by the Assembly for that purpose, of the travelling expenses of the members of a provincial advisory committee and a per diem allowance for the time spent by each of the members thereof in attending meetings of the said committee, and of any expenses properly incurred by such committee in carrying on its duties.

Examiners,
appoint-
ment by
board.

(5) Subject to the approval of the Minister, the Board may appoint examiners to assist in the conduct of examinations prescribed for any designated trade, and such examiners, upon the direction of the Lieutenant-Governor in Council may be paid their travelling expenses and a per diem allowance for their services out of such sums as may be appropriated by the Assembly for that purpose.

Short title.

2. This Act may be cited as *The Apprenticeship Amendment Act, 1939*.



An Act to amend The Apprenticeship Act.

1st Reading

March 9th, 1939

2nd Reading

March 17th, 1939

3rd Reading

March 21st, 1939

MR. HIPPET

No. 31

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Pharmacy Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Pharmacy Act.

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

Rev. Stat.,
c. 228, s. 33,
subs. 1,
amended.

1. Subsection 1 of section 33 of *The Pharmacy Act* is amended by adding at the end thereof the following words "and no person or incorporated company shall give away any such article except to a legally qualified medical practitioner, dentist or veterinary surgeon," so that the said subsection shall now read as follows:

Sale of
articles in
Sched. D.

(1) No person or incorporated company shall sell by retail any article mentioned in Schedule D except on a prescription for every sale signed by a legally qualified medical practitioner, dentist or veterinary surgeon, and no person or incorporated company shall give away any such article except to a legally qualified medical practitioner, dentist or veterinary surgeon.

Rev. Stat.,
c. 228, s. 34,
subs. 1,
amended.

2.—(1) Subsection 1 of section 34 of *The Pharmacy Act* is amended by inserting after the word "has" in the fifth line the word "purchased," so that the said subsection shall now read as follows:

Reports
to the
Minister
of Health.

(1) The Minister of Health may require any medical practitioner, dentist, veterinary surgeon or pharmaceutical chemist, to report from time to time to the Minister or to the College the quantity of any article mentioned in Schedule D which he has purchased, sold or prescribed.

Rev. Stat.,
c. 228, s. 34,
amended.

(2) The said section 34 of *The Pharmacy Act* is further amended by adding thereto the following subsection:

Record to
be kept by
chemist.

(1a) Every pharmaceutical chemist shall keep a record of every article mentioned in Schedule D which he has purchased or sold, showing the date, the quantity, and the person from whom such article has been

EXPLANATORY NOTES

SECTION 1. Provides that no person or company shall give away certain drugs.

SECTION 2—(1). The Minister may require the persons named in the section to report the quantity of certain drugs which they have purchased.

SECTION 2—(2). Requires a pharmaceutical chemist to keep a record of the purchase or sale of certain drugs.

purchased or to whom it has been sold, and the name of the medical practitioner, dentist or veterinary surgeon upon whose prescription such article has been sold.

Rev. Stat.,
c. 228, s. 34,
subs. 4,
amended.

(3) Subsection 4 of the said section 34 is amended by adding thereto the following words "and subject to any such appeal, every such disciplinary body shall have the power to suspend or cancel the license to practise of any member of the profession whom it finds to have purchased, sold or prescribed an excessive, unreasonable or improper amount of any article mentioned in Schedule D" so that the said subsection shall now read as follows:

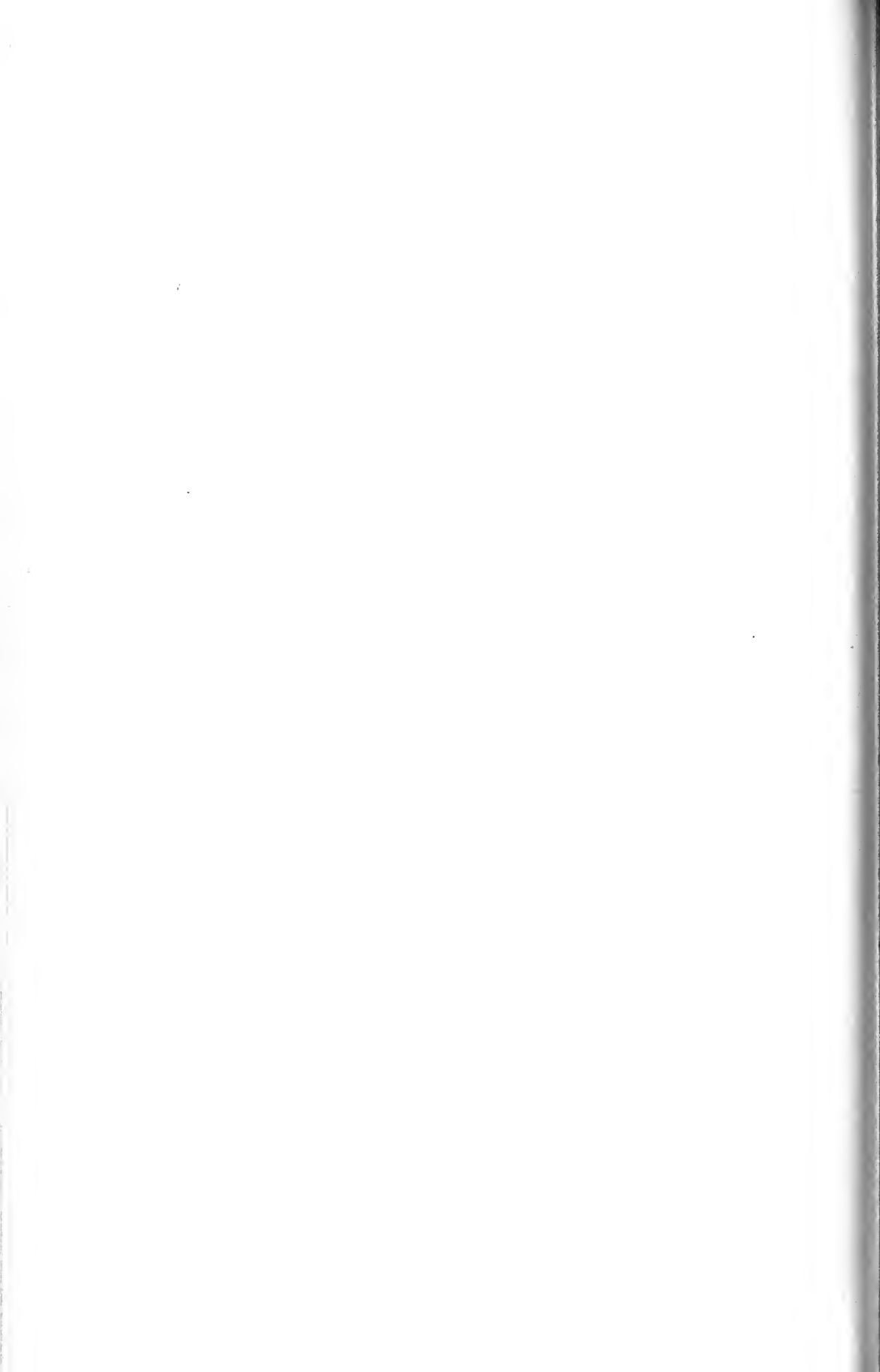
Powers of
disciplinary
body.

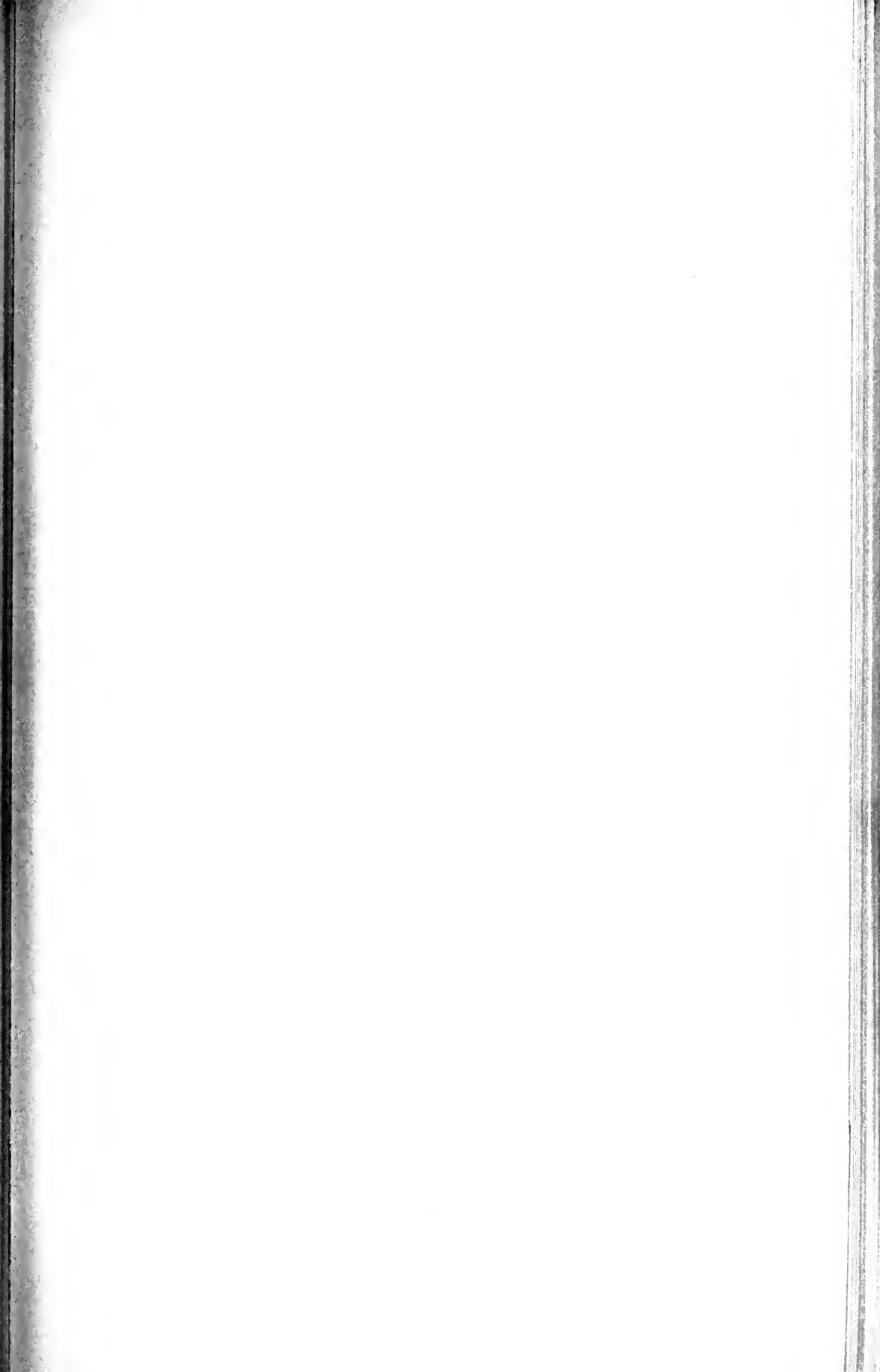
(4) Every such disciplinary body shall have the same power to inquire into the matter and to discipline any member of the profession whom it finds to have sold or prescribed an excessive, unreasonable or improper amount of any article mentioned in Schedule D, as the Act creating or governing such body confers upon it in cases where a member of the profession is charged with unprofessional conduct, and every finding, direction or order made under this section shall be subject to any appeal provided by the said Act, and subject to any such appeal, every such disciplinary body shall have the power to suspend or cancel the license to practise of any member of the profession whom it finds to have purchased, sold or prescribed an excessive, unreasonable or improper amount of any article mentioned in Schedule D.

Short title

3. This Act may be cited as *The Pharmacy Amendment Act, 1939*.

SECTION 2—(3). Provides for the suspension or cancellation of the license to practise of any pharmaceutical chemist, medical practitioner, dentist, or veterinary surgeon who is guilty of any improper handling of certain drugs.





An Act to amend The Pharmacy Act.

1st Reading

March 9th, 1939

2nd Reading

3rd Reading

MR. KIRBY

No. 31

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Pharmacy Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Pharmacy Act.

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

Rev. Stat.,
c. 228, s. 33,
subs. 1,
amended.

1. Subsection 1 of section 33 of *The Pharmacy Act* is amended by adding at the end thereof the following words "and no person or incorporated company shall give away any such article except to a legally qualified medical practitioner, dentist or veterinary surgeon," so that the said subsection shall now read as follows:

Sale of
articles in
Sched. D.

- (1) No person or incorporated company shall sell by retail any article mentioned in Schedule D except on a prescription for every sale signed by a legally qualified medical practitioner, dentist or veterinary surgeon, and no person or incorporated company shall give away any such article except to a legally qualified medical practitioner, dentist or veterinary surgeon.

Rev. Stat.,
c. 228, s. 34,
subs. 1,
amended.

2.—(1) Subsection 1 of section 34 of *The Pharmacy Act* is amended by inserting after the word "has" in the fifth line the word "purchased," so that the said subsection shall now read as follows:

Reports
to the
Minister
of Health.

- (1) The Minister of Health may require any medical practitioner, dentist, veterinary surgeon or pharmaceutical chemist, to report from time to time to the Minister or to the College the quantity of any article mentioned in Schedule D which he has purchased, sold or prescribed.

Rev. Stat.,
c. 228, s. 34,
amended.

(2) The said section 34 is further amended by adding thereto the following subsection:

Record to
be kept by
chemist.

- (1a) Every pharmaceutical chemist shall keep a record of every article mentioned in Schedule D which he has purchased or sold, showing the date, the quantity, and the person from whom such article has been

EXPLANATORY NOTES

SECTION 1. Provides that no person or company shall give away certain drugs.

SECTION 2--(1). The Minister may require the persons named in the section to report the quantity of certain drugs which they have purchased.

SECTION 2--(2). Requires a pharmaceutical chemist to keep a record of the purchase or sale of certain drugs.

purchased or to whom it has been sold, and the name of the medical practitioner, dentist or veterinary surgeon upon whose prescription such article has been sold.

Rev. Stat.,
c. 228, s. 34,
subs. 4,
re-enacted.

(3) Subsection 4 of the said section 34 is repealed and the following substituted therefor:

Power to
discipline.

(4) Every such disciplinary body shall have the power to inquire into the matter and to reprimand, or suspend or cancel the license to practise of any member of the profession whom it finds to have purchased, sold or prescribed an excessive, unreasonable or improper amount of any article mentioned in Schedule D.

Appeal.

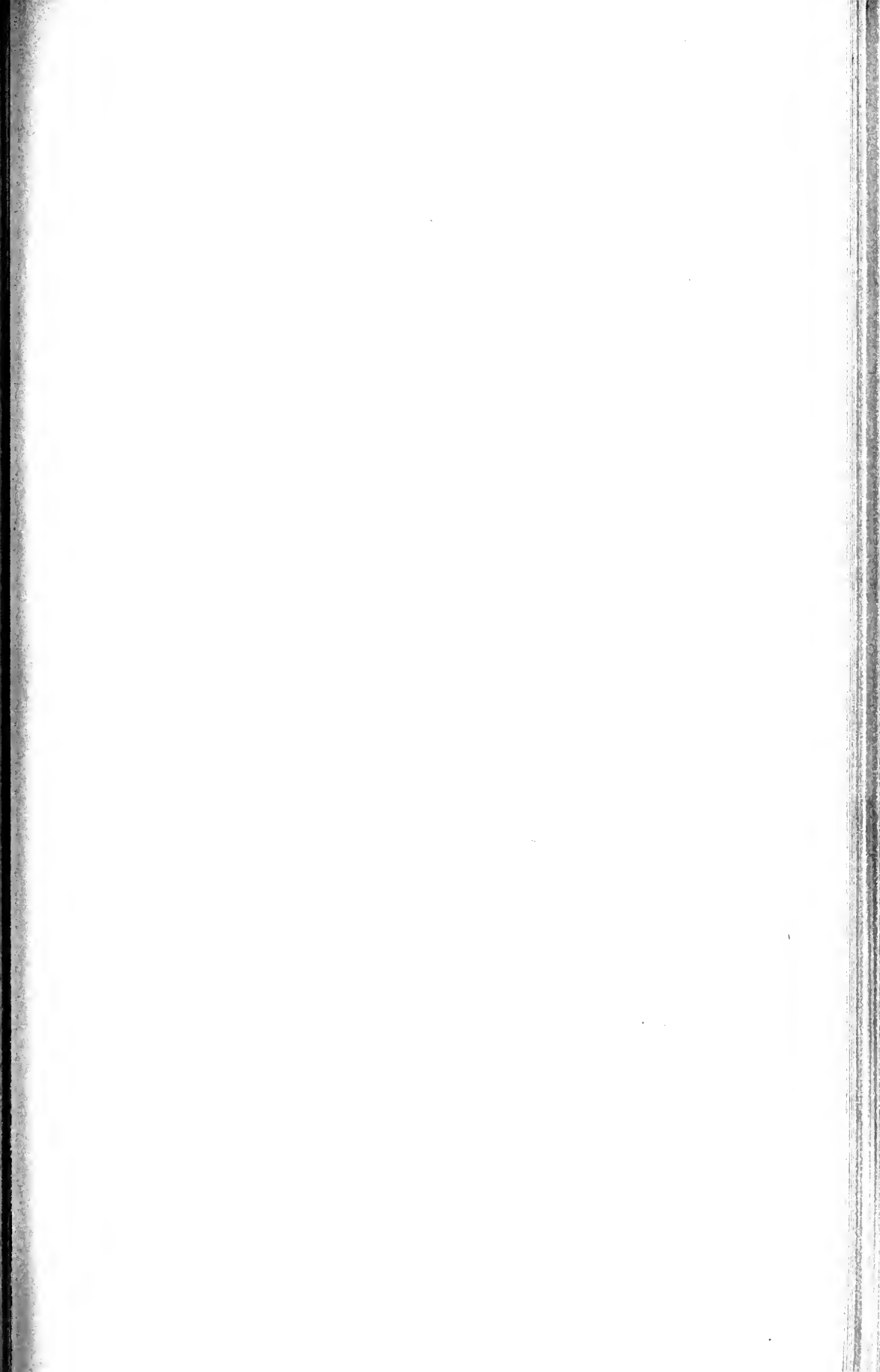
(5) No action shall be brought against any such disciplinary body or any member thereof for anything done *bona fide* under this section, notwithstanding any want of form in the proceedings, but any member of the profession who is reprimanded or whose license to practise is suspended or cancelled under this section may appeal from the decision of the disciplinary body to the Court of Appeal, at any time within six months from the date of any order made by the disciplinary body, and the Court may, upon the hearing of the appeal, make such order as to quashing or confirming the reprimand, or the suspension or cancellation of the license to practise, or for further inquiry by the disciplinary body into the facts of the case and as to costs as the Court may deem just.

Short title.

3. This Act may be cited as *The Pharmacy Amendment Act, 1939.*

SECTION 2—(3). Provides for the suspension or cancellation of the license to practise of any pharmaceutical chemist, medical practitioner, dentist, or veterinary surgeon who is guilty of any improper handling of certain drugs, and also provides for an appeal from the decision of the disciplinary body to the Court of Appeal.





An Act to amend The Pharmacy Act.

1st Reading

March 9th, 1939

2nd Reading

March 17th, 1939

3rd Reading

MR. KIRBY

*(Reprinted as amended in Committee of the
Whole House.)*

No. 31

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Pharmacy Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Pharmacy Act.

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

Rev. Stat.,
c. 228, s. 33,
subs. 1,
amended.

1. Subsection 1 of section 33 of *The Pharmacy Act* is amended by adding at the end thereof the following words "and no person or incorporated company shall give away any such article except to a legally qualified medical practitioner, dentist or veterinary surgeon," so that the said subsection shall now read as follows:

Sale of
articles in
Sched. D.

(1) No person or incorporated company shall sell by retail any article mentioned in Schedule D except on a prescription for every sale signed by a legally qualified medical practitioner, dentist or veterinary surgeon, and no person or incorporated company shall give away any such article except to a legally qualified medical practitioner, dentist or veterinary surgeon.

Rev. Stat.,
c. 228, s. 34,
subs. 1,
amended.

2.—(1) Subsection 1 of section 34 of *The Pharmacy Act* is amended by inserting after the word "has" in the fifth line the word "purchased," so that the said subsection shall now read as follows:

Reports
to the
Minister
of Health.

(1) The Minister of Health may require any medical practitioner, dentist, veterinary surgeon or pharmaceutical chemist, to report from time to time to the Minister or to the College the quantity of any article mentioned in Schedule D which he has purchased, sold or prescribed.

Rev. Stat.,
c. 228, s. 34,
amended.

(2) The said section 34 is further amended by adding thereto the following subsection:

Record to
be kept by
chemist.

(1a) Every pharmaceutical chemist shall keep a record of every article mentioned in Schedule D which he has purchased or sold, showing the date, the quantity, and the person from whom such article has been

purchased or to whom it has been sold, and the name of the medical practitioner, dentist or veterinary surgeon upon whose prescription such article has been sold.

(3) Subsection 4 of the said section 34 is repealed and the following substituted therefor: Rev. Stat.,
c. 228, s. 34
subs. 4,
re-enacted.

(4) Every such disciplinary body shall have the power to inquire into the matter and to reprimand, or suspend or cancel the license to practise of any member of the profession whom it finds to have purchased, sold or prescribed an excessive, unreasonable or improper amount of any article mentioned in Schedule D. Power to
discipline.

(5) No action shall be brought against any such disciplinary body or any member thereof for anything done *bona fide* under this section, notwithstanding any want of form in the proceedings, but any member of the profession who is reprimanded or whose license to practise is suspended or cancelled under this section may appeal from the decision of the disciplinary body to the Court of Appeal, at any time within six months from the date of any order made by the disciplinary body, and the Court may, upon the hearing of the appeal, make such order as to quashing or confirming the reprimand, or the suspension or cancellation of the license to practise, or for further inquiry by the disciplinary body into the facts of the case and as to costs as the Court may deem just. Appeal.

3. This Act may be cited as *The Pharmacy Amendment Act, 1939.* Short title.

An Act to amend The Pharmacy Act.

1st Reading

March 9th, 1939

2nd Reading

March 17th, 1939

3rd Reading

April 6th, 1939

MR. KIRBY

No. 32

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Venereal Diseases Prevention Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 32

1939

BILL

An Act to amend The Venereal Diseases Prevention Act.

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

Rev. Stat.,
c. 301, s. 13,
subs. 2,
repealed.

1. Subsection 2 of section 13 of *The Venereal Diseases Prevention Act* is repealed.

Short title.

2. This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1939*.

EXPLANATORY NOTE

The repealed subsection provides for the recovery of moneys expended by a municipality for the treatment of any person for a venereal disease. As another provision of the Act requires the names of such persons to be kept secret, the provision has always been inoperative and so is repealed.

An Act to amend The Venereal Diseases
Prevention Act.

1st Reading

March 9th, 1939

2nd Reading

3rd Reading

Mr. Kirby

No. 32

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Venereal Diseases Prevention Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Venereal Diseases Prevention Act.

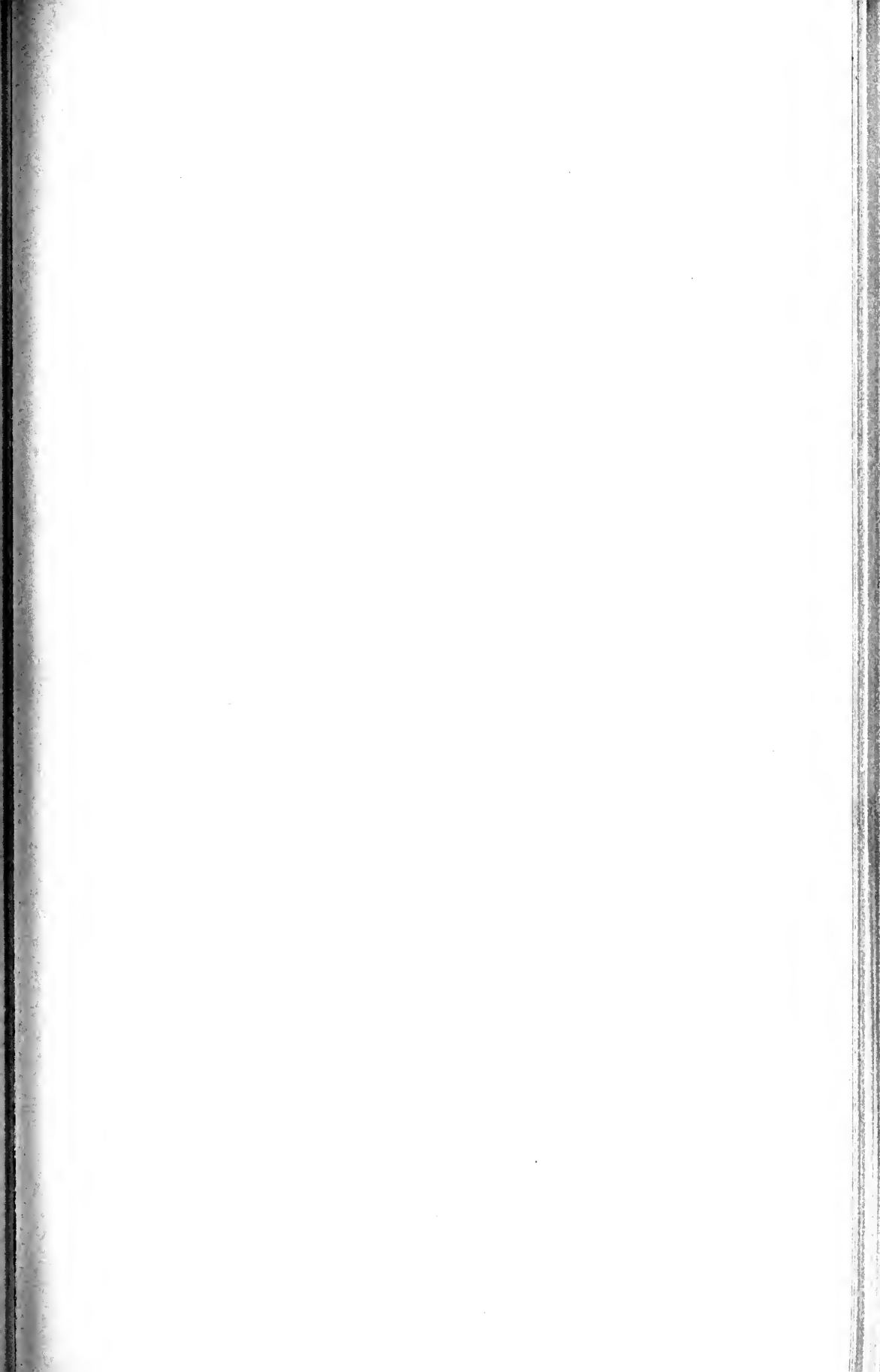
HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 301, s. 13,
subs. 2,
repealed.

1. Subsection 2 of section 13 of *The Venereal Diseases Prevention Act* is repealed.

Short title.

2. This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1939*.



An Act to amend The Venereal Diseases
Prevention Act.

1st Reading

March 9th, 1939

2nd Reading

March 17th, 1939

3rd Reading

April 6th, 1939

Mr. Kirby

No. 33

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Public Hospitals Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Hospitals Act.

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

Rev. Stat.,
c. 390, s. 7,
amended.

1. Section 7 of *The Public Hospitals Act* is amended by striking out the words "heretofore passed" in the fifth line, so that the said section shall now read as follows:

Hospital
powers
and their
exercise.

7. Every hospital shall have power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do, but where the provisions of any general or special Act conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations shall prevail.

Rev. Stat.,
c. 390, s. 39,
re-enacted.

2. Section 39 of *The Public Hospitals Act* is repealed and the following substituted therefor:

Limitation
of action.

39. Any action against a hospital or any nurse or person employed therein for damages for injury caused by negligence in the admission, care, treatment or discharge of any patient shall be brought within six months after such patient is discharged from or ceases to receive treatment at such hospital and not afterwards.

Short title.

3. This Act may be cited as *The Public Hospitals Amendment Act, 1939*.

EXPLANATORY NOTES

SECTION 1. Where the special Act establishing a hospital conflicts with The Public Hospitals Act or the Regulations, the latter shall prevail.

SECTION 2. Re-enacts the provision that any action against a hospital shall be brought within six months.

An Act to amend The Public
Hospitals Act.

1st Reading

March 9th, 1939

2nd Reading

3rd Reading

MR. KIRBY

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Public Hospitals Act.

MR. KIRBY

BILL

An Act to amend The Public Hospitals Act.

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

Rev. Stat.,
c. 390, s. 7,
amended.

1. Section 7 of *The Public Hospitals Act* is amended by striking out the words "heretofore passed" in the fifth line, so that the said section shall now read as follows:

Hospital
powers
and their
exercise.

7. Every hospital shall have power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do, but where the provisions of any general or special Act conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations shall prevail.

Rev. Stat.,
c. 390, s. 39,
re-enacted.

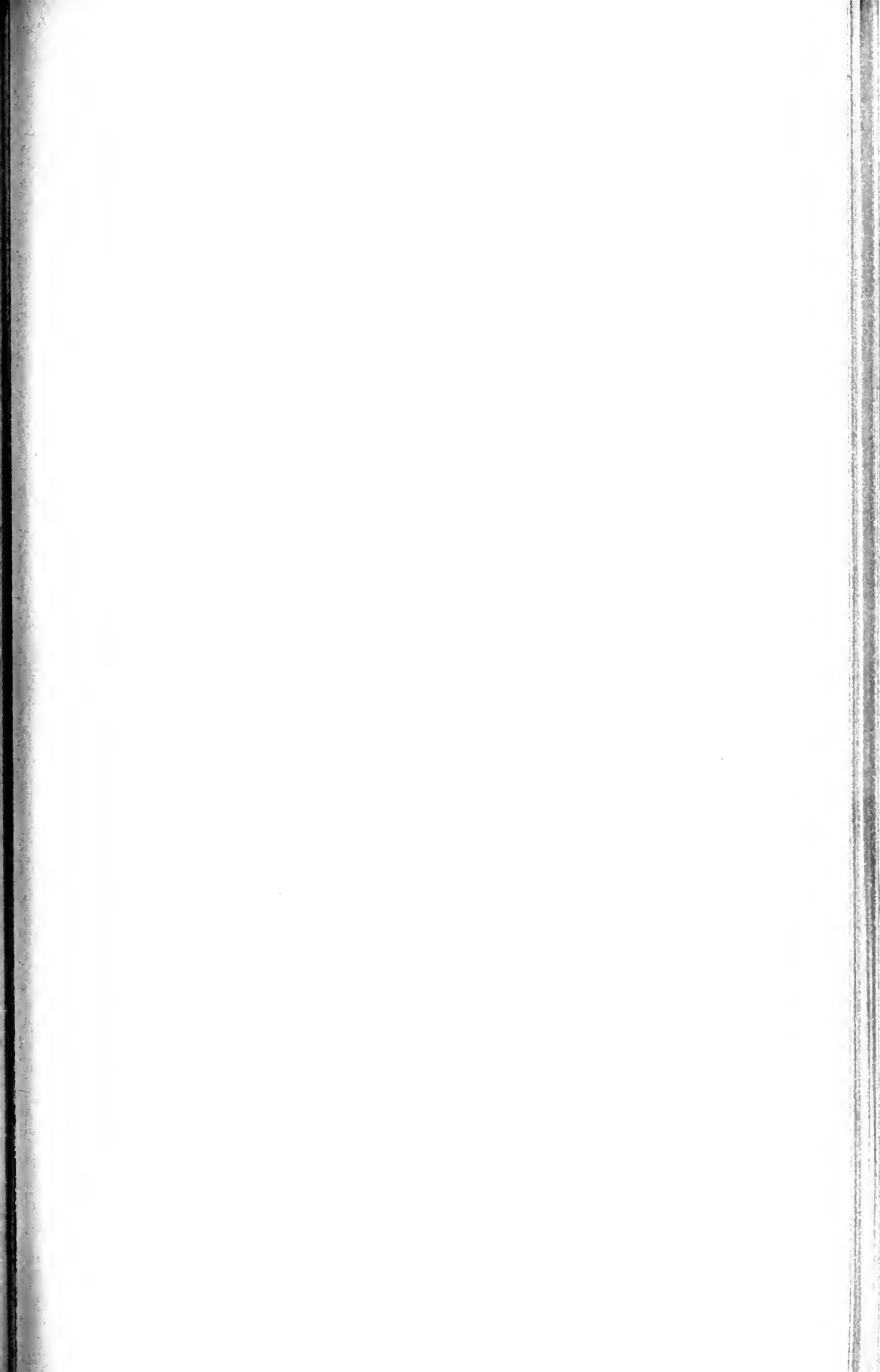
2. Section 39 of *The Public Hospitals Act* is repealed and the following substituted therefor:

Limitation
of action.

39. Any action against a hospital or any nurse or person employed therein for damages for injury caused by negligence in the admission, care, treatment or discharge of any patient shall be brought within six months after such patient is discharged from or ceases to receive treatment at such hospital and not afterwards.

Short title.

3. This Act may be cited as *The Public Hospitals Amendment Act, 1939*.



An Act to amend The Public
Hospitals Act.

1st Reading

March 9th, 1939

2nd Reading

March 17th, 1939

3rd Reading

March 21st, 1939

MR. KIRBY

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Cemetery Act.

MR. KIRBY

BILL

An Act to amend The Cemetery Act.

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

Rev. Stat.,
c. 351, s. 5,
subs. 1,
amended.

1.—(1) Subsection 1 of section 5 of *The Cemetery Act* is amended by striking out the words “chairman and secretary” in the second line, and inserting in lieu thereof the words “Minister or Deputy Minister,” so that the said subsection shall now read as follows:

Approval.

(1) The approval of the Department of Health shall be by order in writing signed by the Minister or Deputy Minister, and shall contain a sufficient description of the cemetery proposed to be established or of the land which is to be annexed to the existing cemetery.

Rev. Stat.,
c. 351, s. 5,
amended.

(2) Section 5 of *The Cemetery Act* is further amended by adding thereto the following subsection:

Revocation
of approval.

(3) The approval of the Department of Health may be revoked by an order in writing signed by the Minister or Deputy Minister, and thereafter the land mentioned in the order shall not be used for the interment of the dead until a further approval has been issued.

Short title.

2. This Act may be cited as *The Cemetery Amendment Act, 1939*.

SECTION 1. Provides that the approval of a cemetery shall be signed by the Minister or Deputy Minister of Health.

SECTION 2. Provides for the revocation of the approval of a cemetery.

BILL

An Act to amend The Cemetery Act.

1st Reading

March 9th, 1939

2nd Reading

3rd Reading

MR. KIRBY

No. 34

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Cemetery Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Cemetery Act.

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

Rev. Stat.,
c. 351, s. 5,
subs. 1,
amended.

1.—(1) Subsection 1 of section 5 of *The Cemetery Act* is amended by striking out the words “chairman and secretary” in the second line, and inserting in lieu thereof the words “Minister or Deputy Minister,” so that the said subsection shall now read as follows:

Approval.

(1) The approval of the Department of Health shall be by order in writing signed by the Minister or Deputy Minister, and shall contain a sufficient description of the cemetery proposed to be established or of the land which is to be annexed to the existing cemetery.

Rev. Stat.,
c. 351, s. 5,
amended.

(2) The said section 5 is further amended by adding thereto the following subsection:

Revocation
of approval.

(3) The approval of the Department of Health may be revoked by an order in writing signed by the Minister or Deputy Minister, and thereafter the land mentioned in the order shall not be used for the interment of the dead until a further approval has been issued.

Short title.

2. This Act may be cited as *The Cemetery Amendment Act, 1939*.



An Act to amend The Cemetery Act.

1st Reading

March 9th, 1939

2nd Reading

March 17th, 1939

3rd Reading

March 21st, 1939

MR. KIRBY

No. 35

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Coroners Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Coroners Act.

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

Rev. Stat.,
c. 138,
amended.

1. *The Coroners Act* is amended by adding thereto the following section:

Where death
occurs in
inaccessible
district.

7a.—(1) In the case of a death occurring in a provisional judicial district at a place which, having regard to the distances involved or to transportation facilities or other circumstances, is difficult or inconvenient for a coroner to reach, a coroner who has issued his warrant to take possession of the body may authorize and direct a duly qualified medical practitioner, magistrate or member of the Ontario Provincial Police Force to take possession of the body, view the body and make such further inquiry as may be required to determine whether or not an inquest is necessary and to report to him.

Coroner
to decide
if inquest
necessary.

(2) Upon receiving the report referred to in subsection 1 the coroner shall determine whether or not an inquest is necessary and shall proceed in accordance with the other provisions of this Act.

Rev. Stat.,
c. 138, s. 10,
subs. 1,
amended.

2. Subsection 1 of section 10 of *The Coroners Act* is amended by adding at the commencement thereof the words "Subject to the provisions of section 7a," so that the said subsection shall now read as follows:

Warrant
for burial
where
coroner
deems in-
quest un-
necessary.

(1) Subject to the provisions of section 7a, if, after viewing the body and making such inquiry, the coroner deems an inquest unnecessary he shall issue his warrant to bury the body, and shall forthwith transmit to the Crown attorney a statutory declaration, setting forth briefly the result of such inquiry and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*.

Rev. Stat.,
c. 88.

EXPLANATORY NOTES

SECTION 1. The proposed section 7a permits a coroner to delegate certain of his powers and duties where death occurs at a point difficult to reach in a provisional judicial district.

SECTION 2. This amendment renders subsection 1 of section 10 of *The Coroners Act* consistent with the new section 7a enacted by this Bill.

Rev. Stat.,
c. 138,
amended.

3. *The Coroners Act* is amended by adding thereto the following sections:

Where body
destroyed
or removed
from
Ontario.

10a. Where a coroner has reason to believe that a death has occurred either before or after the coming into force of this section, in or near the area within which he has jurisdiction in such circumstances that an inquest ought to be held, and that, owing to the destruction of the body by fire or otherwise, or to the fact that the body is lying in a place from which it cannot be recovered, or that the body has been removed from Ontario, an inquest cannot be held except by virtue of the provisions of this section, he may report the facts to the Attorney-General and the Attorney-General may, if he considers it desirable so to do, direct an inquest to be held touching the death, and an inquest shall be held accordingly by the coroner making the report or such other coroner as the Attorney-General may direct, and the law relating to coroners and coroners' inquests shall apply with such modifications as may be necessary in consequence of the inquest being held, otherwise than on or after view of a body lying within the coroner's jurisdiction.

Attorney-
General
may direct
coroner to
hold inquest.

10b. The Attorney-General may direct any coroner to conduct an inquest where he has reason to believe that a death has occurred in Ontario either before or after the coming into force of this section in such circumstances that an inquest ought to be held, and such coroner shall proceed to conduct an inquest into such death in accordance with the provisions of this Act whether or not his commission extends to the place where death occurred or where the body is located and whether or not he or any other coroner has viewed the body, made any inquiry, held any inquest into or done any other act in connection with such death.

Authority
to hold
inquest.

10c. No inquest shall be held unless the Attorney-General or Crown attorney has directed the holding thereof or has consented thereto, or unless the holding of such inquest is required by a provision of this or any other Act of this Legislature or any Act of the Parliament of Canada.

Rev. Stat.,
c. 138, s. 17,
amended.

4. Section 17 of *The Coroners Act* is amended by adding thereto the following words "provided that where an inquest is held into the death of any person which appears to have been caused by the construction or operation of a railway, any person in the employ of such railway who attends such

SECTION 3. The proposed section 10*a*, which follows a section of the English Act, permits an inquest to be held with the consent of the Attorney-General in certain circumstances where the body is not available.

The proposed section 10*b* permits the Attorney-General to order an inquest when he is of opinion that the circumstances surrounding the death of any person warrant it.

The proposed section 10*c* requires a direction or consent of the Attorney-General or Crown attorney before any inquest may be held.

SECTION 4. Where a fatal accident occurs in connection with a railway, the railway company is required to furnish transportation for any of the witnesses in its employ.

inquest to give evidence shall not be entitled to mileage," so that the said section shall now read as follows:

Witnesses
at inquest.

17. Every person who attends an inquest on summons, or on the request of the Crown attorney, to give evidence or who gives evidence, shall be entitled to \$1 for every day of such attendance, and mileage, at the rate of fifteen cents per mile for each mile necessarily travelled from his last place of residence to the place where the inquest is held, one way, and the amount payable to witnesses shall be certified by the coroner, who shall make his order for the payment thereof, provided that where an inquest is held into the death of any person which appears to have been caused by the construction or operation of a railway, any person in the employ of such railway who attends such inquest to give evidence shall not be entitled to mileage.

Rev. Stat.,
c. 138, s. 22,
subs. 1,
re-enacted.

5. Subsection 1 of section 22 of *The Coroners Act* is repealed and the following substituted therefor:

Coroner's
jury.

- (1) The number of jurymen to be summoned to serve on an inquest shall be five and where less than five of the jurymen so summoned appear at the time and place appointed for such inquest, the coroner may direct any constable to name and appoint so many persons then present or who can be found as will make up a jury of five.

Rev. Stat.,
c. 138, s. 24,
amended.

6. Section 24 of *The Coroners Act* is amended by adding at the end thereof the words "nor shall any person who has acted as a juror at an inquest act in a similar capacity within one year," so that the said section shall now read as follows:

Qualifica-
tion of
jurors.

24. A person shall not be qualified to serve as a juror unless he is named in the voters' list of the municipality and marked therein as qualified to serve as a juror, nor shall any person who has acted as a juror at an inquest act in a similar capacity within one year.

Rev. Stat.,
c. 138, s. 40,
amended.

7. Section 40 of *The Coroners Act* is amended by adding thereto the following subsection:

Transcrip-
tion of
evidence.

- (4) It shall not be necessary to transcribe the evidence taken by a stenographer unless the Attorney-General or Crown attorney orders that it shall be done.

Rev. Stat.,
c. 138, s. 45,
amended.

8. Section 45 of *The Coroners Act* is amended by inserting after the word "evidence" in the fourth line the words "where

SECTION 5. The amendment made by this section reduces the number of jurymen on a coroner's jury from "not less than seven nor more than twelve" to five and permits other jurors to be empanelled where any of the five persons summoned do not arrive.

SECTION 6. This amendment prevents persons from making a regular practice of serving upon coroner's juries.

SECTION 7. The proposed subsection 4 dispenses with the necessity of having the evidence taken at an inquest transcribed unless the Attorney-General or the Crown attorney so orders.

SECTION 8. This amendment is complementary to the one contained in section 7 of this Bill.

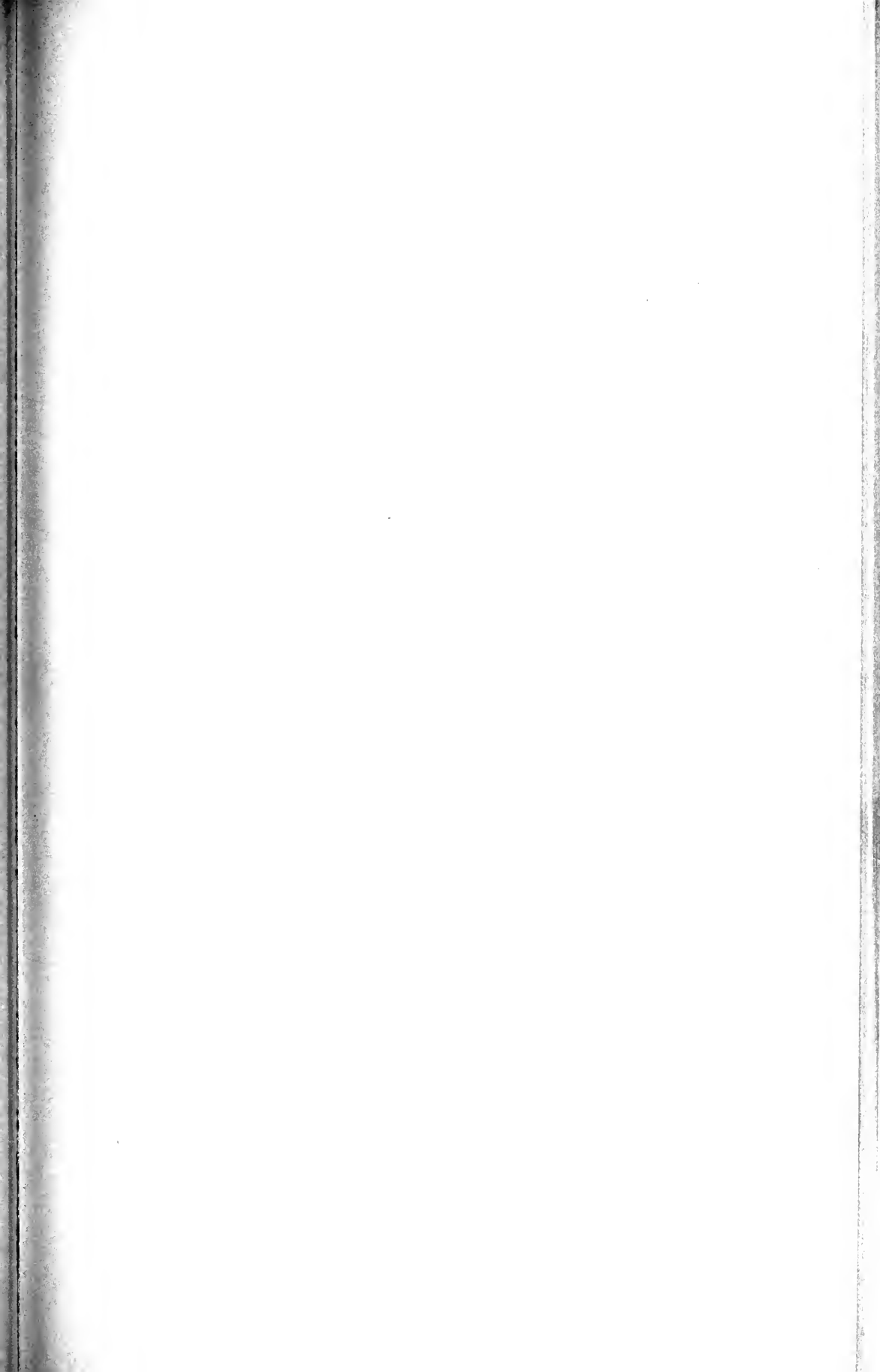
the Attorney-General or Crown attorney has ordered it to be transcribed," so that the said section shall now read as follows:

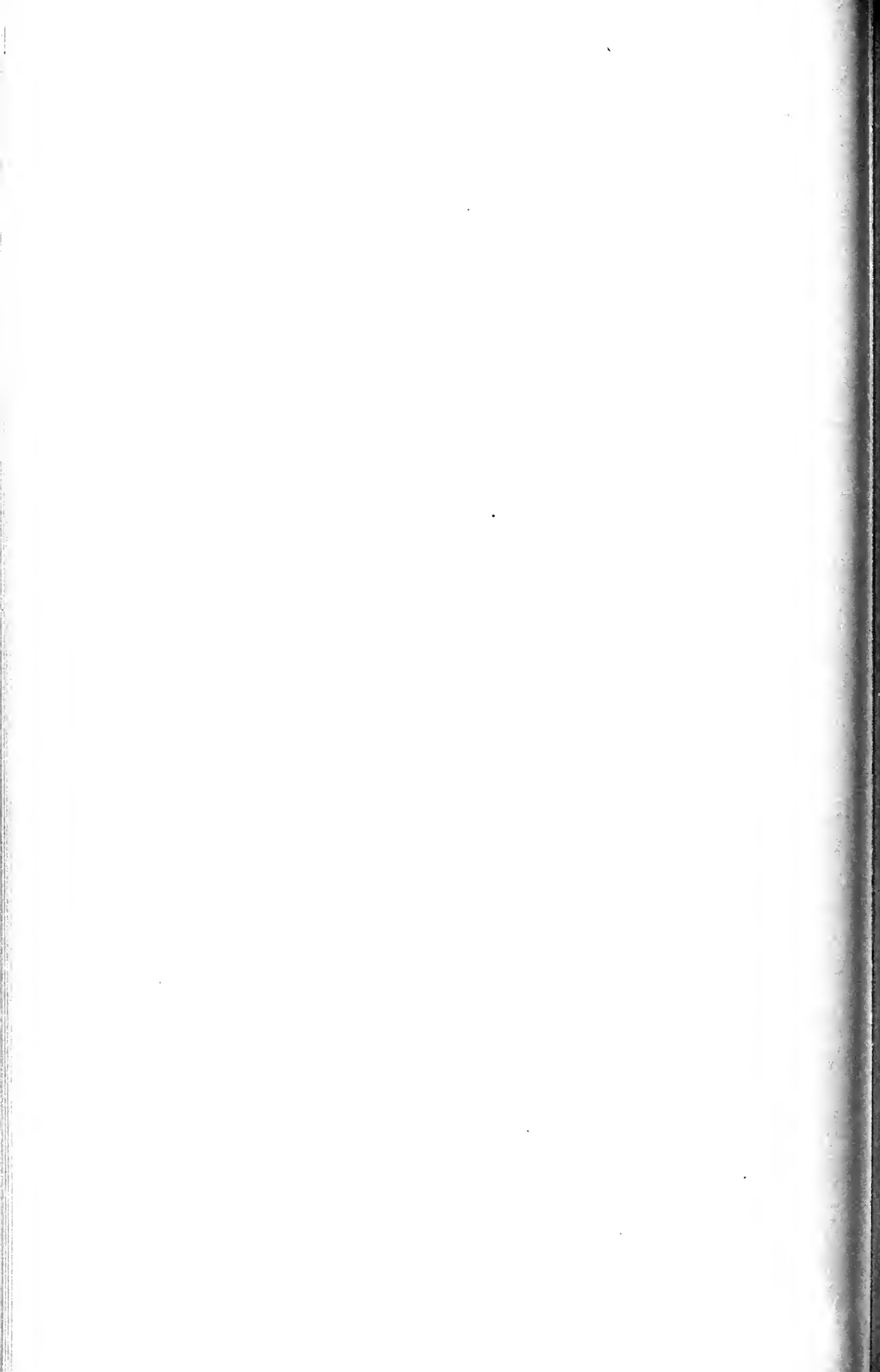
Return of
inquisition.

45. Every coroner shall forthwith, after an inquisition found by or before him, return the verdict or finding of the jury or of the coroner and every recognizance taken before him, with the evidence, where the Attorney-General or Crown attorney has ordered it to be transcribed, and exhibits, to the Crown attorney.

Short title.

9. This Act may be cited as *The Coroners Amendment Act, 1939*.





An Act to amend The Coroners Act.

1st Reading

March 10th, 1939

2nd Reading

3rd Reading

MR. CONANT

No. 35

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Coroners Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Coroners Act.

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

Rev. Stat.,
c. 138,
amended.

1. *The Coroners Act* is amended by adding thereto the following section:

Where death
occurs in
inaccessible
district.

7a.—(1) In the case of a death occurring in a provisional judicial district at a place which, having regard to the distances involved or to transportation facilities or other circumstances, is difficult or inconvenient for a coroner to reach, a coroner who has issued his warrant to take possession of the body may authorize and direct a duly qualified medical practitioner, magistrate or member of the Ontario Provincial Police Force to take possession of the body, view the body and make such further inquiry as may be required to determine whether or not an inquest is necessary and to report to him.

Coroner
to decide
if inquest
necessary.

(2) Upon receiving the report referred to in subsection 1 the coroner shall determine whether or not an inquest is necessary and shall proceed in accordance with the other provisions of this Act.

Rev. Stat.,
c. 138, s. 10,
subs. 1,
amended.

2. Subsection 1 of section 10 of *The Coroners Act* is amended by adding at the commencement thereof the words "Subject to the provisions of section 7a," so that the said subsection shall now read as follows:

Warrant
for burial
where
coroner
deems in-
quest un-
necessary.

(1) Subject to the provisions of section 7a, if, after viewing the body and making such inquiry, the coroner deems an inquest unnecessary he shall issue his warrant to bury the body, and shall forthwith transmit to the Crown attorney a statutory declaration, setting forth briefly the result of such inquiry and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*.

Rev. Stat.,
c. 88.

EXPLANATORY NOTES

SECTION 1. The proposed section 7a permits a coroner to delegate certain of his powers and duties where death occurs at a point difficult to reach in a provisional judicial district.

SECTION 2. This amendment renders subsection 1 of section 10 of *The Coroners Act* consistent with the new section 7a enacted by this Bill.

Rev. Stat.,
c. 138,
amended.

3. *The Coroners Act* is amended by adding thereto the following sections:

Where body
destroyed
or removed
from
Ontario.

10a. Where a coroner has reason to believe that a death has occurred either before or after the coming into force of this section, in or near the area within which he has jurisdiction in such circumstances that an inquest ought to be held, and that, owing to the destruction of the body by fire or otherwise, or to the fact that the body is lying in a place from which it cannot be recovered, or that the body has been removed from Ontario, an inquest cannot be held except by virtue of the provisions of this section, he may report the facts to the Attorney-General and the Attorney-General may, if he considers it desirable so to do, direct an inquest to be held touching the death, and an inquest shall be held accordingly by the coroner making the report or such other coroner as the Attorney-General may direct, and the law relating to coroners and coroners' inquests shall apply with such modifications as may be necessary in consequence of the inquest being held, otherwise than on or after view of a body lying within the coroner's jurisdiction.

Attorney-
General
may direct
coroner to
hold inquest.

10b. The Attorney-General may direct any coroner to conduct an inquest where he has reason to believe that a death has occurred in Ontario either before or after the coming into force of this section in such circumstances that an inquest ought to be held, and such coroner shall proceed to conduct an inquest into such death in accordance with the provisions of this Act whether or not his commission extends to the place where death occurred or where the body is located and whether or not he or any other coroner has viewed the body, made any inquiry, held any inquest into or done any other act in connection with such death.

Authority
to hold
inquest.

10c. No inquest shall be held unless the Attorney-General or Crown attorney has directed the holding thereof or has consented thereto, or unless the holding of such inquest is required by a provision of this or any other Act of this Legislature or any Act of the Parliament of Canada.

Inquest in
connection
with
criminal
offence.



10d.—(1) No inquest shall be held or continued touching a death in which any person has been charged with murder, manslaughter, infanticide or any criminal offence arising out of such death, except upon the direction of the Attorney-General.


SECTION 3. The proposed section 10*a*, which follows a section of the English Act, permits an inquest to be held with the consent of the Attorney-General in certain circumstances where the body is not available.

The proposed section 10*b* permits the Attorney-General to order an inquest when he is of opinion that the circumstances surrounding the death of any person warrant it.

The proposed section 10*c* requires a direction or consent of the Attorney-General or Crown attorney before any inquest may be held.

The proposed section 10*d* prohibits the holding or continuance of an inquest into a death where a serious criminal charge has been laid in connection with the death.

Procedure
where
person
charged.

- (2) If after an inquest has commenced any person is charged, as provided in subsection 1, the coroner shall discharge the jury and close the inquest, and shall then proceed in the same manner as if he deemed an inquest unnecessary under the provisions of section 10, provided that the Attorney-General may direct that the inquest be reopened. 


Rev. Stat.,
c. 138, s. 17,
amended.

4. Section 17 of The Coroners Act is amended by adding thereto the following words "provided that where an inquest is held into the death of any person which appears to have been caused by the construction or operation of a railway, any person in the employ of such railway who attends such inquest to give evidence shall not be entitled to mileage," so that the said section shall now read as follows:


Witnesses
at inquest.

17. Every person who attends an inquest on summons, or on the request of the Crown attorney, to give evidence or who gives evidence, shall be entitled to \$1 for every day of such attendance, and mileage, at the rate of fifteen cents per mile for each mile necessarily travelled from his last place of residence to the place where the inquest is held, one way, and the amount payable to witnesses shall be certified by the coroner, who shall make his order for the payment thereof, provided that where an inquest is held into the death of any person which appears to have been caused by the construction or operation of a railway, any person in the employ of such railway who attends such inquest to give evidence shall not be entitled to mileage.

Rev. Stat.,
c. 138,
amended.

 5. *The Coroners' Act* is amended by adding thereto the following section:

Answer not
receivable
against
witness.

- 21a. A witness shall be deemed to have objected to answer any question upon the ground that his answer may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown, or of any person, and the answer so given shall not be used or receivable in evidence against him in any trial or other proceeding against him thereafter taking place, other than a prosecution for perjury in giving such evidence. 

Rev. Stat.,
c. 138, s. 22,
subs. 1,
re-enacted.

6. Subsection 1 of section 22 of *The Coroners Act* is repealed and the following substituted therefor:

Coroner's
jury.

- (1) The number of jurymen to be summoned to serve on an inquest shall be five and where less than five of the jurymen so summoned appear at the time and

SECTION 4. Where a fatal accident occurs in connection with a railway, the railway company is required to furnish transportation for any of the witnesses in its employ.

SECTION 5. Every witness at an inquest is by this section protected in respect of answers given by him which might tend to criminate him.

SECTION 6. The amendment made by this section reduces the number of jurymen on a coroner's jury from "not less than seven nor more than twelve" to five and permits other jurors to be empanelled where any of the five persons summoned do not arrive.

place appointed for such inquest, the coroner may direct any constable to name and appoint so many persons then present or who can be found as will make up a jury of five.

Rev. Stat.,
c. 138, s. 24,
amended.

7. Section 24 of *The Coroners Act* is amended by adding at the end thereof the words "nor shall any person who has acted as a juror at an inquest act in a similar capacity within one year," so that the said section shall now read as follows:

Qualifica-
tion of
jurors.

24. A person shall not be qualified to serve as a juror unless he is named in the voters' list of the municipality and marked therein as qualified to serve as a juror, nor shall any person who has acted as a juror at an inquest act in a similar capacity within one year.

Rev. Stat.,
c. 138, s. 40,
amended.

8. Section 40 of *The Coroners Act* is amended by adding thereto the following subsection:

Transcrip-
tion of
evidence.

(4) It shall not be necessary to transcribe the evidence taken by a stenographer unless the Attorney-General or Crown attorney orders that it shall be done or unless any other person requests a copy of the transcript and pays to the stenographer the fees therefor.

Rev. Stat.,
c. 138, s. 45,
amended.

9. Section 45 of *The Coroners Act* is amended by inserting after the word "evidence" in the fourth line the words "where the Attorney-General or Crown attorney has ordered it to be transcribed," so that the said section shall now read as follows:

Return of
inquisition.

45. Every coroner shall forthwith, after an inquisition found by or before him, return the verdict or finding of the jury or of the coroner and every recognizance taken before him, with the evidence, where the Attorney-General or Crown attorney has ordered it to be transcribed, and exhibits, to the Crown attorney.

Commence-
ment of Act.

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

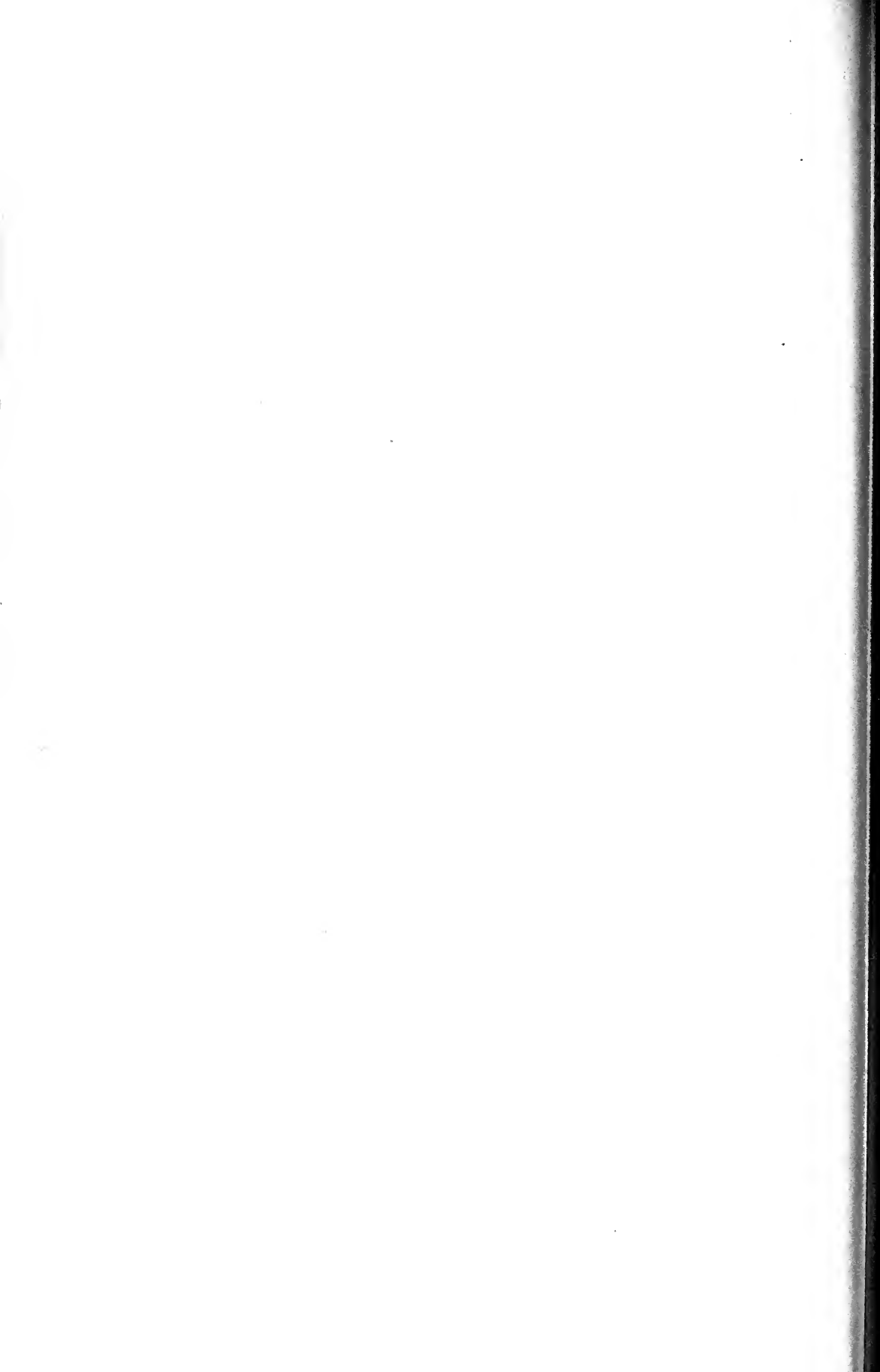
Short title.

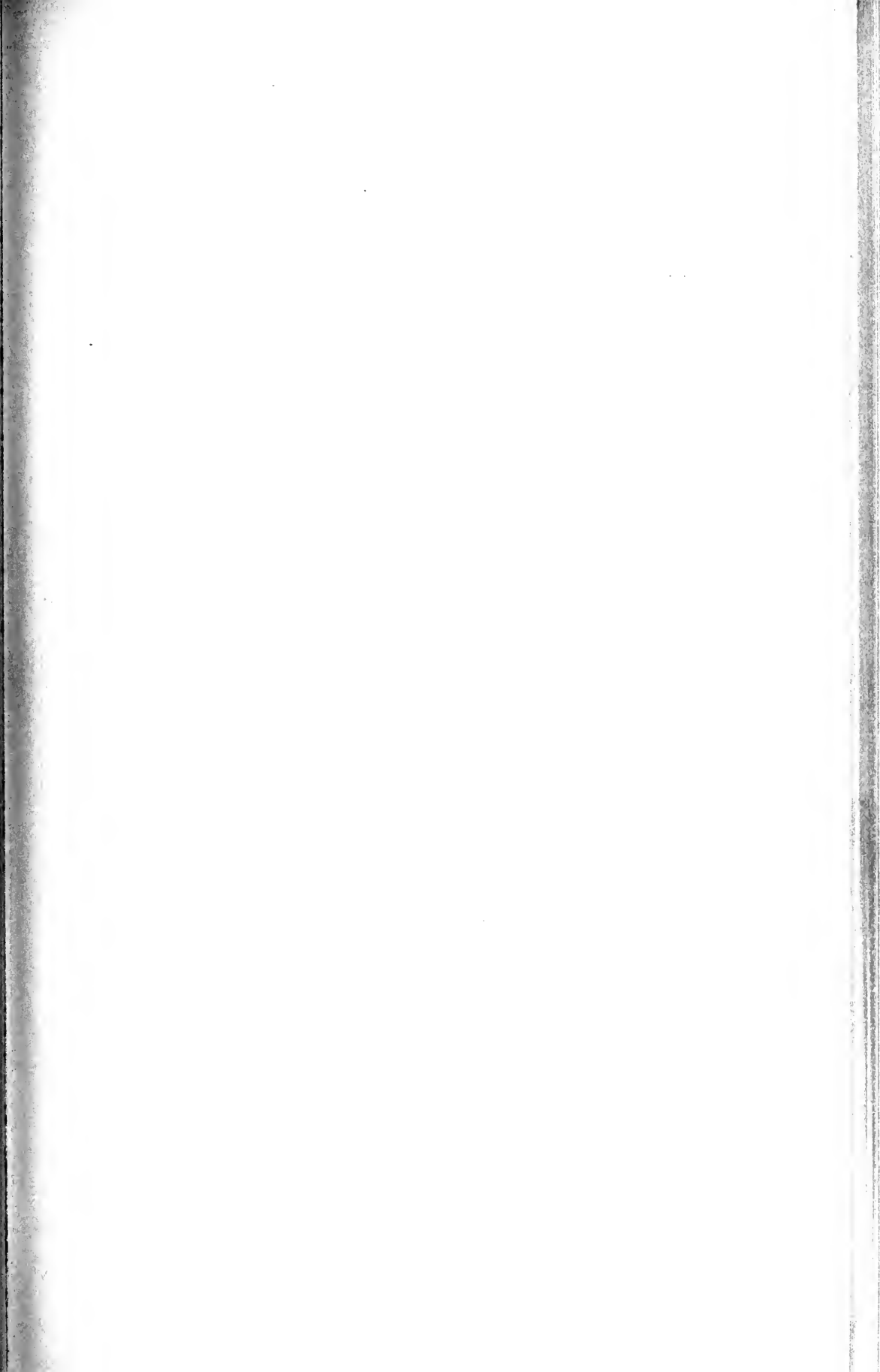
11. This Act may be cited as *The Coroners Amendment Act, 1939.*

SECTION 7. This amendment prevents persons from making a regular practice of serving upon coroner's juries.

SECTION 8. The proposed subsection 4 dispenses with the necessity of having the evidence taken at an inquest transcribed unless the Attorney-General or the Crown attorney so orders or unless any other person requests a copy and pays the stenographer's fees therefor.

SECTION 9. This amendment is complementary to the one contained in section 7 of this Bill.





An Act to amend 'The Coroners Act.

1st Reading

March 10th, 1939

2nd Reading

March 17th, 1939

3rd Reading

MR. CONANT

(Reprinted as amended in Committee of the
Whole House.)

No. 35

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Coroners Act. -

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Coroners Act.

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

Rev. Stat.,
c. 138 s. 2,
subs. 2
amended.

1. Subsection 2 of section 2 of *The Coroners Act* is amended by inserting after the word "coroner" in the second line the words "who shall be known and described as the supervising coroner" so that the said subsection shall now read as follows:

Supervising
coroner,—
appointment
of.

(2) The Lieutenant-Governor in Council may appoint a coroner, who shall be known and described as the supervising coroner, who shall have jurisdiction throughout the Province and shall act in an advisory capacity to coroners generally and shall have such powers and perform such duties with respect to the office of coroner throughout the Province as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.,
c. 138,
amended.

2. *The Coroners Act* is amended by adding thereto the following section:

Where death
occurs in
inaccessible
district.

7a.—(1) In the case of a death occurring in a provisional judicial district at a place which, having regard to the distances involved or to transportation facilities or other circumstances, is difficult or inconvenient for a coroner to reach, a coroner who has issued his warrant to take possession of the body may authorize and direct a duly qualified medical practitioner, magistrate or member of the Ontario Provincial Police Force to take possession of the body, view the body and make such further inquiry as may be required to determine whether or not an inquest is necessary and to report to him.

Coroner
to decide
if inquest
necessary.

(2) Upon receiving the report referred to in subsection 1 the coroner shall determine whether or not an inquest is necessary and shall proceed in accordance with the other provisions of this Act.

EXPLANATORY NOTES

SECTION 2. The proposed section 7a permits a coroner to delegate certain of his powers and duties where death occurs at a point difficult to reach in a provisional judicial district.

Rev. Stat.,
c. 138, s. 10,
subs. 1,
amended.

3. Subsection 1 of section 10 of *The Coroners Act* is amended by adding at the commencement thereof the words "Subject to the provisions of section 7a," so that the said subsection shall now read as follows:

Warrant
for burial
where
coroner
deems in-
quest un-
necessary.

- (1) Subject to the provisions of section 7a, if, after viewing the body and making such inquiry, the coroner deems an inquest unnecessary he shall issue his warrant to bury the body, and shall forthwith transmit to the Crown attorney a statutory declaration, setting forth briefly the result of such inquiry and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*.

Rev. Stat.,
c. 88.

Rev. Stat.,
c. 138,
amended.

4. *The Coroners Act* is amended by adding thereto the following sections:

Where body
destroyed
or removed
from
Ontario.

- 10a. Where a coroner has reason to believe that a death has occurred either before or after the coming into force of this section, in or near the area within which he has jurisdiction in such circumstances that an inquest ought to be held, and that, owing to the destruction of the body by fire or otherwise, or to the fact that the body is lying in a place from which it cannot be recovered, or that the body has been removed from Ontario, an inquest cannot be held except by virtue of the provisions of this section, he may report the facts to the Attorney-General and the Attorney-General may, if he considers it desirable so to do, direct an inquest to be held touching the death, and an inquest shall be held accordingly by the coroner making the report or such other coroner as the Attorney-General may direct, and the law relating to coroners and coroners' inquests shall apply with such modifications as may be necessary in consequence of the inquest being held, otherwise than on or after view of a body lying within the coroner's jurisdiction.

Attorney-
General
may direct
coroner to
hold inquest.

- 10b. The Attorney-General may direct any coroner to conduct an inquest where he has reason to believe that a death has occurred in Ontario either before or after the coming into force of this section in such circumstances that an inquest ought to be held, and such coroner shall proceed to conduct an inquest into such death in accordance with the provisions of this Act whether or not his commission extends to the place where death occurred or where the body is located and whether or not he or any other coroner

SECTION 3. This amendment renders subsection 1 of section 10 of *The Coroners Act* consistent with the new section 7a enacted by this Bill.

SECTION 4. The proposed section 10a, which follows a section of the English Act, permits an inquest to be held with the consent of the Attorney-General in certain circumstances where the body is not available.

The proposed section 10b permits the Attorney-General to order an inquest when he is of opinion that the circumstances surrounding the death of any person warrant it.

has viewed the body, made any inquiry, held any inquest into or done any other act in connection with such death.

Authority to hold inquest.

10c. No inquest shall be held unless the Attorney-General, the Crown attorney or the supervising coroner directs the holding thereof or consents thereto, or unless the holding of such inquest is required by a provision of this or any other Act of this Legislature or any Act of the Parliament of Canada.

Inquest in connection with criminal offence.

10d.—(1) No inquest shall be held or continued touching a death in which any person has been charged with murder, manslaughter, infanticide or any criminal offence arising out of such death, except upon the direction of the Attorney-General.

Procedure where person charged.

(2) If after an inquest has commenced any person is charged, as provided in subsection 1, the coroner shall discharge the jury and close the inquest, and shall then proceed in the same manner as if he deemed an inquest unnecessary under the provisions of section 10, provided that the Attorney-General may direct that the inquest be reopened.

Rev. Stat., c. 138, s. 17, amended.

5. Section 17 of *The Coroners Act* is amended by adding thereto the following words "provided that where an inquest is held into the death of any person which appears to have been caused by the construction or operation of a railway, any person in the employ of such railway who attends such inquest to give evidence shall not be entitled to mileage," so that the said section shall now read as follows:

Witnesses at inquest.

17. Every person who attends an inquest on summons, or on the request of the Crown attorney, to give evidence or who gives evidence, shall be entitled to \$1 for every day of such attendance, and mileage, at the rate of fifteen cents per mile for each mile necessarily travelled from his last place of residence to the place where the inquest is held, one way, and the amount payable to witnesses shall be certified by the coroner, who shall make his order for the payment thereof, provided that where an inquest is held into the death of any person which appears to have been caused by the construction or operation of a railway, any person in the employ of such railway who attends such inquest to give evidence shall not be entitled to mileage.

Rev. Stat., c. 138, amended.

6. *The Coroners' Act* is amended by adding thereto the following section:


The proposed section 10c requires a direction or consent of the Attorney-General, Supervising coroner or Crown attorney before any inquest may be held.

The proposed section 10d prohibits the holding or continuance of an inquest into a death where a serious criminal charge has been laid in connection with the death.

SECTION 5. Where a fatal accident occurs in connection with a railway, the railway company is required to furnish transportation for any of the witnesses in its employ.

SECTION 6. Every witness at an inquest is by this section protected in respect of answers given by him which might tend to criminate him.

Answer not
receivable
against
witness.

21a. A witness shall be deemed to have objected to answer any question upon the ground that his answer may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown, or of any person, and the answer so given shall not be used or receivable in evidence against him in any trial or other proceeding against him thereafter taking place, other than a prosecution for perjury in giving such evidence. 

Rev. Stat.,
c. 138, s. 22,
subs. 1,
re-enacted.

7. Subsection 1 of section 22 of *The Coroners Act* is repealed and the following substituted therefor:

Coroner's
jury.

(1) The number of jurymen to be summoned to serve on an inquest shall be five and where less than five of the jurymen so summoned appear at the time and place appointed for such inquest, the coroner may direct any constable to name and appoint so many persons then present or who can be found as will make up a jury of five.

Rev. Stat.,
c. 138, s. 24,
amended.

8. Section 24 of *The Coroners Act* is amended by adding at the end thereof the words "nor shall any person who has acted as a juror at an inquest act in a similar capacity within one year," so that the said section shall now read as follows:

Qualifica-
tion of
jurors.

24. A person shall not be qualified to serve as a juror unless he is named in the voters' list of the municipality and marked therein as qualified to serve as a juror, nor shall any person who has acted as a juror at an inquest act in a similar capacity within one year.

Rev. Stat.,
c. 138, s. 40,
amended.

9. Section 40 of *The Coroners Act* is amended by adding thereto the following subsection:

Transcrip-
tion of
evidence.

(4) It shall not be necessary to transcribe the evidence taken by a stenographer unless the Attorney-General or Crown attorney orders that it shall be done or unless any other person requests a copy of the transcript and pays to the stenographer the fees therefor.

Rev. Stat.,
c. 138, s. 45,
amended.

10. Section 45 of *The Coroners Act* is amended by inserting after the word "evidence" in the fourth line the words "where the Attorney-General or Crown attorney has ordered it to be transcribed," so that the said section shall now read as follows:

Return of
inquisition.

45. Every coroner shall forthwith, after an inquisition found by or before him, return the verdict or finding of the jury or of the coroner and every recognizance

SECTION 7. The amendment made by this section reduces the number of jurymen on a coroner's jury from "not less than seven nor more than twelve" to five and permits other jurors to be empanelled where any of the five persons summoned do not arrive.

SECTION 8. This amendment prevents persons from making a regular practice of serving upon coroner's juries.

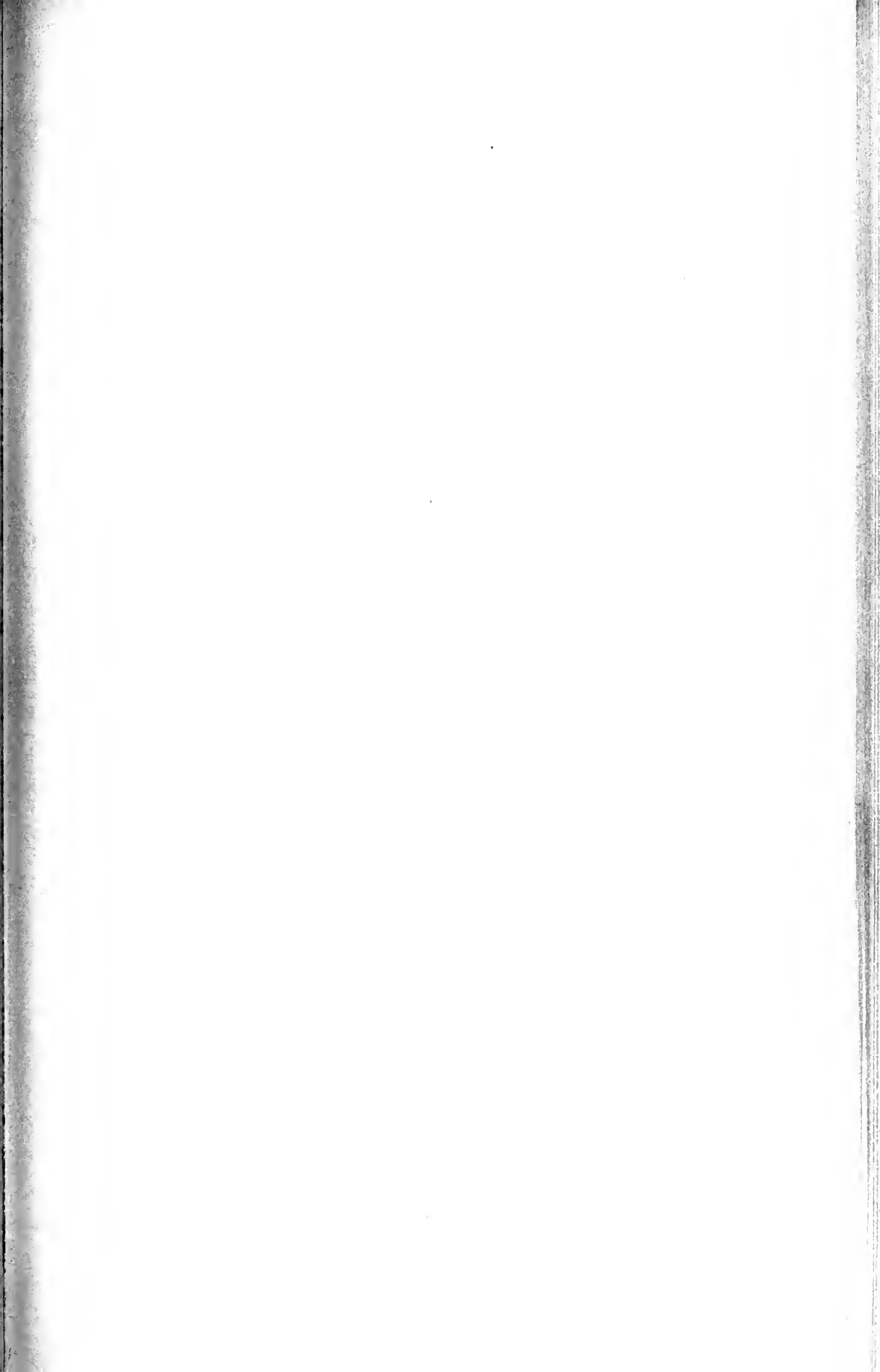
SECTION 9. The proposed subsection 4 dispenses with the necessity of having the evidence taken at an inquest transcribed unless the Attorney-General or the Crown attorney so orders or unless any other person requests a copy and pays the stenographer's fees therefor.

SECTION 10. This amendment is complementary to the one contained in section 7 of this Bill.

taken before him, with the evidence, where the Attorney-General or Crown attorney has ordered it to be transcribed, and exhibits, to the Crown attorney.

Commence-
ment of Act. **11.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **12.** This Act may be cited as *The Coroners Amendment Act, 1939.*



An Act to amend The Coroners Act.

1st Reading

March 10th, 1939

2nd Reading

March 17th, 1939

3rd Reading

MIR. CONANT

*(Reprinted as further amended in Committee
of the Whole House.)*

No. 35

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Coroners Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Coroners Act.

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

Rev. Stat.,
c. 138 s. 2,
subs. 2
amended.

1. Subsection 2 of section 2 of *The Coroners Act* is amended by inserting after the word "coroner" in the second line the words "who shall be known and described as the supervising coroner" so that the said subsection shall now read as follows:

Supervising
coroner,—
appointment
of.

(2) The Lieutenant-Governor in Council may appoint a coroner, who shall be known and described as the supervising coroner, who shall have jurisdiction throughout the Province and shall act in an advisory capacity to coroners generally and shall have such powers and perform such duties with respect to the office of coroner throughout the Province as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.,
c. 138,
amended.

2. *The Coroners Act* is amended by adding thereto the following section:

Where death
occurs in
inaccessible
district.

7a.—(1) In the case of a death occurring in a provisional judicial district at a place which, having regard to the distances involved or to transportation facilities or other circumstances, is difficult or inconvenient for a coroner to reach, a coroner who has issued his warrant to take possession of the body may authorize and direct a duly qualified medical practitioner, magistrate or member of the Ontario Provincial Police Force to take possession of the body, view the body and make such further inquiry as may be required to determine whether or not an inquest is necessary and to report to him.

Coroner
to decide
if inquest
necessary.

(2) Upon receiving the report referred to in subsection 1 the coroner shall determine whether or not an inquest is necessary and shall proceed in accordance with the other provisions of this Act.

3. Subsection 1 of section 10 of *The Coroners Act* is amended by adding at the commencement thereof the words "Subject to the provisions of section 7a," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 138, s. 10,
subs. 1,
amended.

- (1) Subject to the provisions of section 7a, if, after viewing the body and making such inquiry, the coroner deems an inquest unnecessary he shall issue his warrant to bury the body, and shall forthwith transmit to the Crown attorney a statutory declaration, setting forth briefly the result of such inquiry and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*.

Warrant
for burial
where
coroner
deems in-
quest un-
necessary.

Rev. Stat.,
c. 88.

4. *The Coroners Act* is amended by adding thereto the following sections:

Rev. Stat.,
c. 138,
amended.

- 10a. Where a coroner has reason to believe that a death has occurred either before or after the coming into force of this section, in or near the area within which he has jurisdiction in such circumstances that an inquest ought to be held, and that, owing to the destruction of the body by fire or otherwise, or to the fact that the body is lying in a place from which it cannot be recovered, or that the body has been removed from Ontario, an inquest cannot be held except by virtue of the provisions of this section, he may report the facts to the Attorney-General and the Attorney-General may, if he considers it desirable so to do, direct an inquest to be held touching the death, and an inquest shall be held accordingly by the coroner making the report or such other coroner as the Attorney-General may direct, and the law relating to coroners and coroners' inquests shall apply with such modifications as may be necessary in consequence of the inquest being held, otherwise than on or after view of a body lying within the coroner's jurisdiction.

Where body
destroyed
or removed
from
Ontario.

- 10b. The Attorney-General may direct any coroner to conduct an inquest where he has reason to believe that a death has occurred in Ontario either before or after the coming into force of this section in such circumstances that an inquest ought to be held, and such coroner shall proceed to conduct an inquest into such death in accordance with the provisions of this Act whether or not his commission extends to the place where death occurred or where the body is located and whether or not he or any other coroner

Attorney-
General
may direct
coroner to
hold inquest.

has viewed the body, made any inquiry, held any inquest into or done any other act in connection with such death.

Authority to hold inquest.

10c. No inquest shall be held unless the Attorney-General, the Crown attorney or the supervising coroner directs the holding thereof or consents thereto, or unless the holding of such inquest is required by a provision of this or any other Act of this Legislature or any Act of the Parliament of Canada.

Inquest in connection with criminal offence.

10d.—(1) No inquest shall be held or continued touching a death in which any person has been charged with murder, manslaughter, infanticide or any criminal offence arising out of such death, except upon the direction of the Attorney-General.

Procedure where person charged.

(2) If after an inquest has commenced any person is charged, as provided in subsection 1, the coroner shall discharge the jury and close the inquest, and shall then proceed in the same manner as if he deemed an inquest unnecessary under the provisions of section 10, provided that the Attorney-General may direct that the inquest be reopened.

Rev. Stat., c. 138, s. 17, amended.

5. Section 17 of *The Coroners Act* is amended by adding thereto the following words "provided that where an inquest is held into the death of any person which appears to have been caused by the construction or operation of a railway, any person in the employ of such railway who attends such inquest to give evidence shall not be entitled to mileage," so that the said section shall now read as follows:

Witnesses at inquest.

17. Every person who attends an inquest on summons, or on the request of the Crown attorney, to give evidence or who gives evidence, shall be entitled to \$1 for every day of such attendance, and mileage, at the rate of fifteen cents per mile for each mile necessarily travelled from his last place of residence to the place where the inquest is held, one way, and the amount payable to witnesses shall be certified by the coroner, who shall make his order for the payment thereof, provided that where an inquest is held into the death of any person which appears to have been caused by the construction or operation of a railway, any person in the employ of such railway who attends such inquest to give evidence shall not be entitled to mileage.

Rev. Stat., c. 138, amended.

6. *The Coroners' Act* is amended by adding thereto the following section:

21a. A witness shall be deemed to have objected to answer any question upon the ground that his answer may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown, or of any person, and the answer so given shall not be used or receivable in evidence against him in any trial or other proceeding against him thereafter taking place, other than a prosecution for perjury in giving such evidence.

Answer not
receivable
against
witness.

7. Subsection 1 of section 22 of *The Coroners Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 138, s. 22,
subs. 1,
re-enacted.

(1) The number of jurymen to be summoned to serve on an inquest shall be five and where less than five of the jurymen so summoned appear at the time and place appointed for such inquest, the coroner may direct any constable to name and appoint so many persons then present or who can be found as will make up a jury of five.

Coroner's
jury.

8. Section 24 of *The Coroners Act* is amended by adding at the end thereof the words "nor shall any person who has acted as a juror at an inquest act in a similar capacity within one year," so that the said section shall now read as follows:

Rev. Stat.,
c. 138, s. 24,
amended.

24. A person shall not be qualified to serve as a juror unless he is named in the voters' list of the municipality and marked therein as qualified to serve as a juror, nor shall any person who has acted as a juror at an inquest act in a similar capacity within one year.

Qualifica-
tion of
jurors.

9. Section 40 of *The Coroners Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 138, s. 40,
amended.

(4) It shall not be necessary to transcribe the evidence taken by a stenographer unless the Attorney-General or Crown attorney orders that it shall be done or unless any other person requests a copy of the transcript and pays to the stenographer the fees therefor.

Transcrip-
tion of
evidence.

10. Section 45 of *The Coroners Act* is amended by inserting after the word "evidence" in the fourth line the words "where the Attorney-General or Crown attorney has ordered it to be transcribed," so that the said section shall now read as follows:

Rev. Stat.,
c. 138, s. 45,
amended.

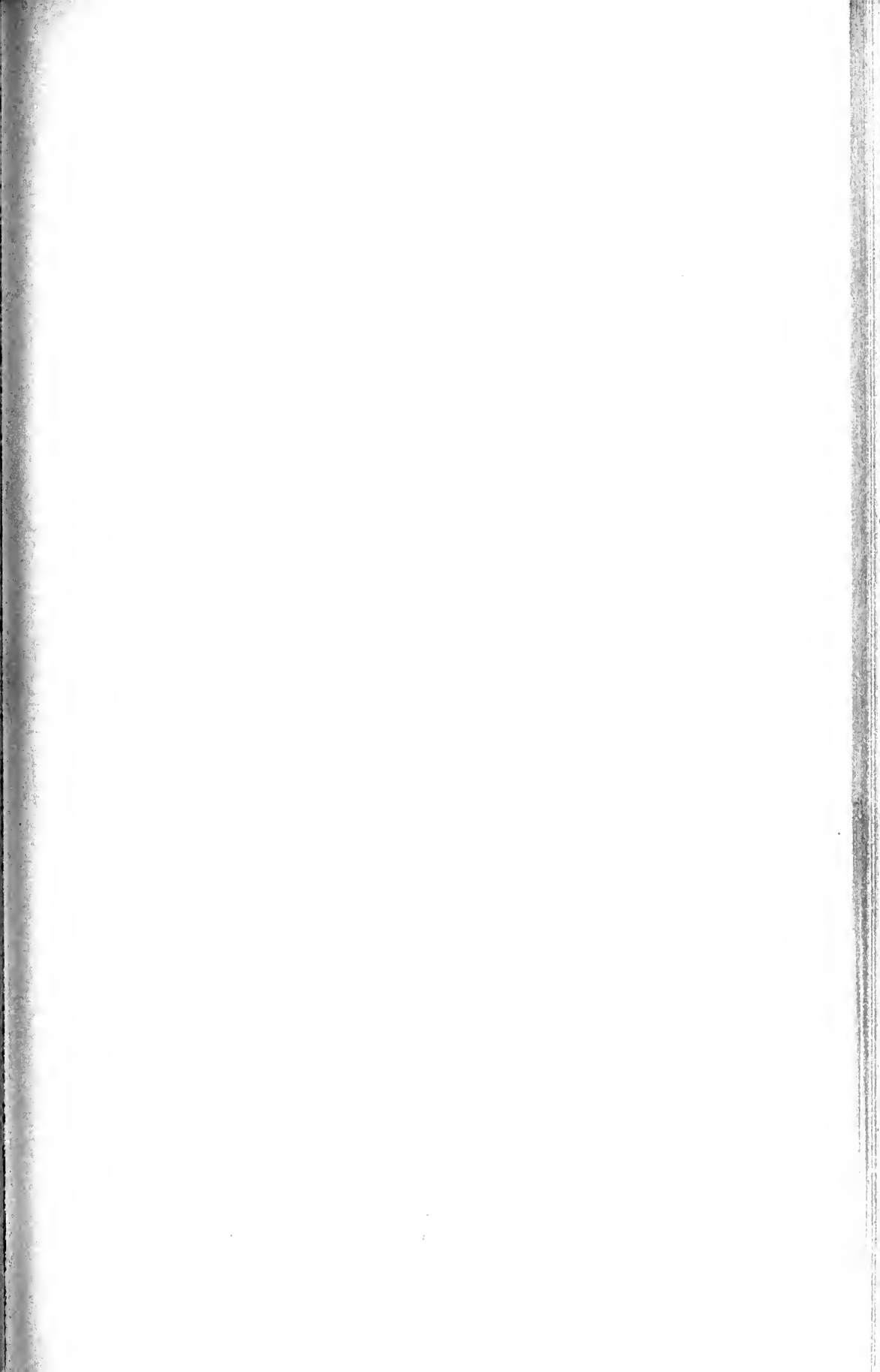
45. Every coroner shall forthwith, after an inquisition found by or before him, return the verdict or finding of the jury or of the coroner and every recognizance

Return of
inquisition.

taken before him, with the evidence, where the Attorney-General or Crown attorney has ordered it to be transcribed, and exhibits, to the Crown attorney.

Commence-
ment of Act. **11.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **12.** This Act may be cited as *The Coroners Amendment Act, 1939*.



An Act to amend The Coroners Act.

1st Reading

March 10th, 1939

2nd Reading

March 17th, 1939

3rd Reading

April 18th, 1939

MR. CONANT

No. 36

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting Agricultural Societies.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Agricultural Societies.

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

Interpretation.

1. In this Act,—

“Board.”

(a) “Board” shall mean the board of a society;

“Department.”

(b) “Department” shall mean Department of Agriculture;

“Headquarters.”

(c) “Headquarters” shall mean the place named as the headquarters in the declaration forming a new society or the place approved or named as the headquarters by the Minister or the place where a society held its last annual exhibition;

“Minister.”

(d) “Minister” shall mean Minister of Agriculture;

“Society.”

(e) “Society” shall mean agricultural society organized under this Act or under any former *Agricultural Societies Act* or *Agriculture and Arts Act*;

“Superintendent.”

(f) “Superintendent” shall mean Superintendent of Agricultural Societies.

Powers of Minister.

2. The Minister may decide all matters of doubt or dispute arising in the operation or construction of this Act and his decision shall be final, provided that an appeal from any decision of the Minister may be made to the Lieutenant-Governor in Council.

Organization.

3.—(1) Subject to the provisions of this section a society may be organized with headquarters at any place in Ontario.

Recommendations of existing society.

(2) When it is proposed to organize a society with headquarters within twenty-five miles of an existing society the officers of such existing society shall be afforded a reasonable opportunity to make recommendations to the Minister regarding the advisability of organizing the proposed society,

EXPIANATORY NOTES

GENERAL. This Bill deletes sections and parts of sections that are spent, makes additions to the Act and re-arranges the Act by grouping sections and parts of sections pertaining to the same subject matter.

SECTION 1. A definition of "Headquarters" is included in this section.

SECTION 2. This section provides that in matters of doubt or dispute the decision of the Minister shall be final.

SECTION 3. This section provides for the organization of new societies.

and the Lieutenant-Governor in Council may, upon the recommendation of the Minister, grant permission for the organization of any such proposed society.

- Mode of organization.
4. The mode of organization shall be as follows:
- Declaration.
- (a) A declaration in the form prescribed by the Minister shall be signed by the persons who desire to organize a society, provided that such persons shall be of the age of eighteen years or over and shall reside within ten miles of the place designated in the declaration as the headquarters of such society;
- Signatories to declaration.
- (b) The declaration shall be signed by at least sixty persons, provided that in provisional judicial districts and provisional counties the number required to sign the declaration shall be forty;
- Fees payable by signatories.
- (c) Every person who signs the declaration shall pay to the person having charge thereof, the sum of not less than \$1 at the time of signing such declaration and all such sums of money shall become the property of the society upon its organization, provided that where no society is organized such sums shall be repaid to the persons entitled thereto;
- Transmitting declaration.
- (d) Within one month after the required number of persons have signed the declaration, such declaration shall be forwarded to the Superintendent who may, with the approval of the Minister, authorize any person to call a meeting for the organization of the society;
- Calling first meeting.
- (e) Such organization meeting shall be held during the month of January, or at such other time during the months of February or March as the Superintendent may authorize, upon at least two weeks' notice published in a newspaper having a general circulation in the district surrounding the headquarters of the society and by mailing a notice by prepaid post to each person who has signed the declaration;
- Quorum.
- (f) At the organization meeting and at every annual and special meeting of a society, fifteen members shall form a quorum;
- Election of officers.
- (g) At the organization meeting there shall be elected a board of twelve directors who shall hold office until the next annual meeting or until their successors are elected, and such directors shall elect a president,

SECTION 4. This section provides the mode of organization.

CLAUSE (a) provides that the form of declaration to be used shall be prescribed by the Minister.

CLAUSE (b) prescribes the number of signatories necessary in a declaration.

CLAUSE (c) requires each person signing the declaration to pay a fee of at least \$1.

CLAUSE (d) requires the declaration to be transmitted to the Superintendent within one month after the required number of persons have signed the declaration.

CLAUSE (e) provides for the calling of the organization meeting.

CLAUSE (f) provides that the quorum for the organization meeting and any regular or special meeting shall be 15.

CLAUSE (g) provides for the election of the officers at the organization meeting.

a first vice-president and a second vice-president from among themselves;

- Board. (h) The board shall consist of the directors and the president, first vice-president and second vice-president;
- Auditors. (i) At the organization meeting there shall be elected two auditors who shall hold office until the next annual meeting; and
- Transmission of report of organization meeting. (j) A report of the organization meeting, certified by the president, the secretary and the organizer, containing a statement of the members and a list of the officers elected and appointed, shall be sent to the Superintendent within one week after the holding of the meeting.
- Declaration of society. **5.**—(1) Upon receipt of the report mentioned in clause *j* of section 4, the Superintendent, with the approval of the Minister, may declare such society to be a society within the meaning of this Act and such society shall bear the name designated in the declaration as the headquarters or such other name as may be determined by the members and approved by the Minister.
- Change of name. (2) In case of a dispute as to the name of any society, or in any case where in the opinion of the Minister the name of a society prejudicially affects the interest of another society he may change the name of the society.
- Persons entitled to membership. **6.**—(1) Every person of the age of eighteen years or over shall be entitled to become a member of a society.
- Firms and companies may be members. (2) Subject to the by-laws of a society, a firm or an incorporated company may become a member thereof by the payment of the regular fee, but the name of one person only shall in any one year be entered as the representative or agent of such firm or company, and that person only shall exercise the privileges of membership in the society.
- Membership fee. (3) In every society there shall be an annual membership fee of not less than \$1.
- Additional directors. **7.**—(1) Upon the recommendation of the Superintendent, the Minister may authorize any society to elect not more than six additional directors and not more than six junior directors not over thirty years of age.
- Honorary directors. (2) Any society may appoint not more than six honorary directors, provided that such honorary directors shall not be entitled to vote or take part in meetings of the board.

CLAUSE (*h*) provides for the composition of the board.

CLAUSE (*i*) provides for the appointment of auditors at the organization meeting.

CLAUSE (*j*) provides that the report of the organization meeting shall be sent to the Superintendent.

SECTION 5.—(1) This subsection makes provision for a newly organized society to be a society within the meaning of the Act.

(2) This subsection provides for changing the name of a society.

SECTION 6.—(1) It is now provided that every person eighteen years or over may join a society.

(2) Partnerships and incorporated companies may under the proposed Act become members of a society.

(3) It is provided that the annual membership fee shall be not less than \$1.

SECTION 7.—(1) This subsection provides for additional and junior directors.

(2) This subsection provides for honorary directors.

Objects of society.

8.—(1) The objects of a society shall be to encourage interest, promote improvements in and advance the standards of agriculture, domestic industry and rural life, by,—

- (a) surveying and studying the agricultural and living conditions and by doing such acts as may assist in solving the rural economic and social problems of the district surrounding the headquarters of the society;
- (b) organizing and holding agricultural exhibitions and awarding premiums thereat;
- (c) holding public meetings and demonstrations for the purpose of discussing agricultural problems;
- (d) owning pure bred live stock, and by distributing seeds and plants;
- (e) taking action to eradicate poisonous and noxious insects, weeds, animal parasites and diseases;
- (f) encouraging and promoting reforestation and rural beautification;
- (g) providing seed cleaning plants, grading machinery and storage facilities; and
- (h) encouraging young people to become interested in and adopt better agricultural and domestic practices and for such purposes to hold competitions.

When grant forfeited.

(2) Any society which expends any of its funds in any manner inconsistent with objects set out in subsection 1 shall forfeit all claims to participate in any legislative grant.

Annual meeting.

9.—(1) Every society shall hold an annual meeting during the month of January, or at such other time during the month of February or March as the Superintendent may approve, at such time and place as the board may determine.

Who may vote.

(2) At any such meeting only those members who were members of the society during the previous year and who have paid the membership fee for the current year shall be entitled to vote.

Notice of annual meeting.

(3) At least two weeks' notice of every annual meeting shall be given by publication of a notice of such meeting in at least one newspaper having a general circulation in the municipality in which the headquarters of the society is

SECTION 8.—(1) This subsection provides for objects of a society similar to the provisions of the present Act.

(2) This subsection provides that any society which expends its funds in a manner inconsistent with its objects shall forfeit its claim to any grant.

SECTION 9.—(1) This subsection provides for the holding of the annual meeting.

(2) This subsection now provides that only those persons who were members the previous year and have paid their fees for the current year may vote.

(3) This subsection provides for the necessary notice of an annual meeting.

situate and by mailing notices of such meeting to every member of the society at the address furnished to the secretary.

Minister may appoint time for meeting.

(4) When any society fails to hold its annual meeting at the time mentioned in subsection 1 the Minister may appoint a time and place for holding such annual meeting.

Procedure at annual meeting.

10. At every annual meeting,—

- (a) the board shall present a report of the activities and accomplishments of the society since the last annual meeting and a detailed statement of the receipts and expenditures since the last annual meeting and a statement of the assets and liabilities of the society, certified by the auditors, in the form prescribed by the Minister; and
- (b) the officers and other members of the board, including the auditors, shall be elected and appointed in the manner provided by section 4 and any additional, honorary and junior directors shall be elected and appointed.

Statement to be sent to Superintendent.

11.—(1) A statement of officers and members and a copy of the report and financial statement in the form prescribed by the Minister and certified by the president, secretary and treasurer, or secretary-treasurer and auditors to be true copies shall be forwarded to the Superintendent within one month after the holding of the annual meeting.

Annual returns.

(2) The officers of every society shall on or before the 1st of March in every year forward to the Superintendent a return in the form prescribed by the Minister verified by an affidavit of an officer of the society showing the amount expended during the previous year by such society for agricultural purposes.

Statement of expenses.

(3) Where a society holds a spring stallion show, a spring bull show, a combined spring stallion and bull show, or a field crop or other competition, the officers of the society shall within one month after the holding of such spring show or competition forward to the Superintendent on a form supplied by the Department and verified by affidavit, an itemized statement showing the receipts and expenditures including prizes awarded in connection therewith, together with the number of entries.

Penalty for false statement.

(4) Any officer of a society who wilfully makes a false statement in any report or statement required to be furnished under this Act, shall be liable to a penalty of not more than \$100 or to imprisonment for not more than thirty days;

(4) This subsection provides that the Minister may appoint a time for holding an annual meeting.

SECTION 10. The section provides for the procedure at the annual meeting.

CLAUSE (a) It is now provided that the reports and financial statement shall be made in the form prescribed by the Minister.

CLAUSE (b). This clause provides for the election of the officers and auditors of a society.

SECTION 11.—(1) This subsection provides that a statement of the members and the reports and financial statement shall be forwarded to the Superintendent.

(2) This subsection provides for the annual returns being sent to the Superintendent.

(3) This subsection provides for a financial statement being sent to the Superintendent by any society holding a special show or competition.

(4) This subsection provides a penalty to any officer making false returns in a report or statement required to be furnished under the Act.

provided that no prosecution under this subsection shall be commenced later than one year after the making of such report or statement.

Special meeting.

12. On the petition of thirty members of a society, the secretary, and in his absence, the president or first vice-president, shall call a special general meeting for the transaction of the business mentioned in the petition and the meeting shall be advertised in the manner prescribed by subsection 3 of section 9 and the advertisements shall state the nature of the business to be transacted.

Minister may require information.

13. The Minister may at any time require any society or any officer of a society to furnish such information regarding the society as he may deem necessary or desirable and such information to be accompanied by an affidavit of all or any of the officers of the society deposing to its accuracy.

Dissolution in certain instances.

14.—(1) In the event of failure to hold the annual meeting of a society in accordance with the provisions of this Act, or in the event of the number of members of a society on the 1st day of September in any year, being less than the number required for organization, such society shall not be entitled to receive any further Government grant and shall be deemed to be dissolved, subject always to the direction of the Minister, provided that the persons comprising the board during the last year of the existence of such society shall be trustees of the assets of the society and shall forthwith deliver to the Superintendent a statement of the assets and liabilities of the society.

Payment of debts on dissolution.

(2) Subject to the approval of the Minister, the Superintendent may direct the members of the board to pay the debts of the society out of the moneys and other assets remaining in their hands and to liquidate any of the assets for such purpose.

Disposition of assets after debts paid.

(3) Subject to the approval of the Minister, any moneys and other assets remaining after the payment of debts shall be disposed of by the board in such manner as they may determine.

Reorganization.

(4) When a society dissolves or ceases to exist it may be reorganized *mutatis mutandis* in the manner prescribed by section 4.

Meetings of board.

15. A meeting of the board shall be called by the secretary upon the direction of the president, or in his absence by the first vice-president, or in the absence of the president and the first vice-president, by the second vice-president, or by any three members of the board, by sending notice thereof to

SECTION 12. This section provides for the calling of a special meeting on the petition of thirty members.

SECTION 13. This section provides that the Minister may require a society at any time to furnish information.

SECTION 14.—(1) This subsection provides that in certain instances a society shall be deemed to be dissolved.

(2) This subsection provides for the payment of the debts of a dissolved society out of the remaining funds.

(3) This subsection provides for the disposition of the remaining assets after payment of debts.

(4) This subsection provides for the reorganization of a society that has been dissolved.

SECTION 15. The procedure in calling a meeting of the board is provided for.

all the members of the board at least seven days prior to the time fixed for such meeting, provided that a meeting of the board may be held immediately following any annual, regular or special meeting of the society without notice.

Powers of board.

16.—(1) Subject to the by-laws and regulations of the society, the board shall have power to act for and on behalf of the society in all matters.

Quorum.

(2) Seven of the members of the board shall constitute a quorum.

Filling vacancies.

(3) In the event of a vacancy occurring on the board by the death or resignation of any officer or director or otherwise, the remaining members of the board shall have power to appoint any member of the society to fill such vacancy, provided that when three or more vacancies occur at the same time the Superintendent may order the remaining members of such board to call a special general meeting of such society in the manner prescribed by section 9 and directors shall be elected and appointed at such meeting to fill the vacancies.

Executive committee.

(4) The board, from among themselves, may appoint an executive committee of not more than five members to exercise and perform such of its powers and duties as the board may prescribe.

Manager.

(5) The board may appoint a manager to perform such of its powers and duties as it may prescribe.

Secretary, Treasurer.

(6) The board, from among themselves or otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure, and the secretary or secretary-treasurer shall be a member of every committee which may be appointed by the board and may be appointed managing director acting under the control and with the approval of the board.

Salaries.

(7) No officer of a society except the secretary, treasurer, secretary-treasurer or manager shall receive any remuneration, provided that travelling and living expenses may be allowed to any officer while engaged in duties on behalf of such society and the board may fix such remuneration and travelling and living expenses which shall be payable out of the funds of the society.

Meetings.

17. Subject to the provisions of section 9, the board may determine what regular or special meetings of the society shall be held during each year.

Security by treasurer of society.

18.—(1) The treasurer or secretary-treasurer of every society, before entering upon the duties of his office, shall

SECTION 16.—(1) This subsection provides for the powers of a board.

(2) It is provided that a quorum of the board shall be 7, instead of 5.

(3) This subsection provides for filling any vacancies that may occur on the board.

(4) This subsection provides that the board may appoint an executive committee.

(5) It is now provided that the board may appoint a manager.

(6) This subsection provides for the appointment of a secretary and a treasurer or a secretary-treasurer.

(7) This subsection provides that no officer except a secretary, treasurer or manager may receive a salary.

SECTION 17. This section provides that a board may determine what meetings, except the annual meeting, shall be held by a society.

SECTION 18.—(1) This subsection provides for the security to be given by a treasurer.

give such security to the society, either by joint or several covenant with one or more sureties, in such form and for such amount as the board may deem necessary for the faithful performance of his duties, and especially for the due accounting for and paying over all moneys which may come into his hands.

Duty of board as to security.

(2) It shall be the duty of the board in each and every year to inquire into the sufficiency of the security given by such treasurer or secretary-treasurer and to report thereon to the society, and where the same treasurer or secretary-treasurer for any society is reappointed from year to year his reappointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any security given to the society for the faithful performance of his duties under such reappointment shall continue valid as against the parties thereto.

Personal responsibility of officers for loss.

(3) If the board neglects to procure and maintain proper and sufficient security each member thereof shall be personally responsible for all funds of the society that may have been received by the treasurer.

By-laws and regulations.

19.—(1) By-laws and regulations of a society may be made, adopted, amended or repealed at any organization, annual or regular meeting of the society or at a special meeting of which notice has been given in the manner provided by subsection 3 of section 9.

Preventing certain performances, huckstering, etc.

(2) The officers of a society may by their rules and regulations prohibit and prevent theatrical, circus or acrobatic performances, exhibitions or shows and may also regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandise on the exhibition grounds or within three hundred yards thereof on the day of an exhibition, and any person who, after notice of such rules and regulations, violates any provisions thereof shall be liable to be removed by an officer of the society or any constable and shall be liable to the penalties provided in the Act.

Incorporation and power to hold land.

20.—(1) Every society shall be a body corporate, with power to acquire and hold land as a site or as an enlargement of an existing site and the society shall have and may exercise the like powers as to lands required for the enlargement of an existing site as in the case of lands required for the original site, for fairs and exhibitions, and, subject to the approval of a meeting of the society called for that purpose may sell, mortgage, lease, or otherwise dispose thereof, or of any other property held by such society, provided that no lands of a society shall be mortgaged without the written approval of the Superintendent.

(2) This subsection provides that it shall be the duty of the board to see that the treasurer provides sufficient security.

(3) It is provided that the board shall be responsible if security of the treasurer is insufficient.

SECTION 19.—(1) This subsection provides that a society may pass by-laws and regulations.

(2) This subsection which was section 30 (1) in the former Act provides that the officers of a society may prohibit certain shows and huckstering.

SECTION 20. This section was formerly subsections (1) and (2) of section 16.

Notice of meetings to consider disposition of property.

(2) At least two weeks' previous notice of such meeting shall be given by advertisement in not less than one newspaper having a general circulation in the district surrounding the headquarters of the society, and at such meeting only those persons shall be entitled to vote who are members for the current year and who were members for the two previous years.

Acquiring site; arbitration to fix price.

21.—(1) Subject to the approval of the Lieutenant-Governor in Council, if the owner of the land selected as a site for fairs and exhibitions, approved of at a meeting of the society called for that purpose, refuses to sell such lands or demands therefor a price deemed unreasonable by the board, such owner and the board shall each forthwith appoint an arbitrator, and the arbitrators so chosen shall appoint a third arbitrator, and such arbitrators or a majority of them shall determine the value of such land.

Appointment of arbitrator by county judge.

(2) If the directors or the owner of such land neglect or refuse to appoint an arbitrator, the judge of the county or district court of the county or district in which the land is situate may, on the application of the party who has so appointed an arbitrator and on notice to the opposite party, appoint an arbitrator on behalf of the party so neglecting or refusing to appoint an arbitrator and if the arbitrators appointed as aforesaid fail to agree on, or either of them refuse to appoint a third arbitrator, the judge of the county or district court of the county or district in which the land is situate may, on the application of one or other of the said arbitrators and on notice to the other, appoint a third arbitrator.

Third arbitrator appointment by county judge.

Powers of arbitrators.

(3) The arbitrators so appointed shall have the power to hear and determine all claims or rights of encumbrancers, lessees, tenants or other persons as well as those of the owner of the land required for the purpose of such site upon notice in writing to every such claimant or person.

Payment of compensation.

(4) Upon payment by the board of the amount determined by a majority of the arbitrators, to the owner or other persons entitled thereto, the land may be taken and used for the purposes of the society.

Effect of award.

(5) Any award for a site for fairs and exhibitions made and published twice in a newspaper having a general circulation in the district surrounding the headquarters of the society, shall, if there be no conveyance, be deemed to vest the title of the site in the society, and the title of the society shall be good against all persons interested in the land in any manner whatever, and shall be registered in the proper registry office, or land titles office, with the affidavit of the secretary and

SECTION 21. This section was formerly subsections (3) and (4) of section 16.

treasurer or secretary-treasurer of such society verifying such award and the publication thereof.

Expenses of arbitration.

(6) The parties concerned in all such disputes shall pay all the expenses incurred in regard to them, according to the award or decision of the arbitrators or a majority of them.

Joint ownership of lands with municipality.

22. Any township society and town or village municipality that had, prior to the 4th day of March, 1868, jointly purchased and held any land or buildings for the purpose of agricultural fairs or exhibitions, may continue jointly to hold such land or buildings, or may sell, mortgage, lease or otherwise dispose thereof, subject to the approval of a meeting of the society as provided in section 20.

Grants out of provincial fund.

23. On the recommendation of the Minister, every society shall be entitled to receive a grant out of the moneys appropriated by the Legislature for such purpose on condition,—

- (a) that the number of paid-up members for the current year is not less than sixty, except in the case of societies organized in provisional judicial districts or unorganized counties, where the number of paid-up members shall not be less than forty;
- (b) that all reports and returns required by this Act have been made to the satisfaction of the Superintendent;
- (c) that the annual meeting has been held as required and the officers elected, in accordance with section 10;
- (d) that the objects of the society as prescribed by section 8 have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with such objects; and
- (e) that all other provisions of this Act have been complied with.

Division of provincial grant.

24.—(1) Such moneys as may be appropriated by the Legislature for the purposes of grants under this Act, except the moneys appropriated under section 25, shall be subject to division among the societies according to the following plan,—

- (a) a society that has owned and maintained pure bred stock, for the benefit of its members, for a period of at least nine months during the next preceding year, shall receive a grant of \$100 for every registered stallion, \$25 for every registered bull, \$10 for every

SECTION 22. This section which was section 17 of the old Act provides that a municipality and a society may continue to jointly hold land.

SECTION 23. This section provides for the conditions upon which a society may be entitled to a grant out of the moneys appropriated by the Legislature.

SECTION 24.—(1) This subsection provides for a division of the grants among the societies.

- registered boar and \$5 for every registered ram owned by such society, and in the event of a society devoting its funds solely for the maintenance of pure bred stock and field crop or other competitions, such society shall receive a special membership grant of \$1 for every member of the society in good standing, up to fifty;
- (b) a newly organized society, during the first three years of its existence, shall receive a grant each year equal to \$1 per member up to three hundred members;
- (c) a society which holds a spring stallion show, a spring bull show, a combined spring stallion and bull show, or field crop or other competitions shall receive a grant equal to one-half the sum expended in the holding of such show, provided that no society shall be entitled to receive a sum in excess of \$50 for any such show or competition; and
- (d) the balance of moneys remaining after the other grants in this section have been provided for shall be subject to division among the societies, other than new societies, in proportion to the amount such societies expended during the three preceding years for agricultural purposes as shown in the statements forwarded to the Superintendent provided that:
- (i) societies in provisional judicial districts and unorganized counties shall be entitled to receive their grants on the basis of double the amount of other societies; and
- (ii) no society shall in any year be entitled to receive a grant in excess of \$800.

Allowance
where gate
receipts
reduced by
weather.

(2) If the Superintendent, upon receiving proof on or before the 31st day of October in any year, by the joint affidavit of the president, secretary and treasurer or secretary-treasurer of an agricultural society that rain or snow has fallen at the place of holding an exhibition before three o'clock in the afternoon on any day during which such exhibition was held, or that during such exhibition or within thirty days prior thereto, one or more buildings on the exhibition grounds was destroyed by fire or storm, is satisfied that as a consequence of such weather or such destruction the gate receipts were less than the average gate receipts for exhibitions held by the society during three previous normal years, such society shall be entitled to receive a grant of not more than ninety per centum of the difference between the gate receipts of the current year and the average amount of the gate receipts

(2) This subsection provides for a special grant where the gate receipts are reduced by weather conditions or buildings have been destroyed.

of such three previous years, provided that no society shall in any year receive a grant in excess of \$500 for any such loss in gate receipts.

Grant where gate receipts reduced owing to wet weather.

(3) In the event of a society which has been organized for only two years suffering loss in gate receipts owing to wet weather, it shall be entitled to receive a grant equal to seventy-five per centum of the difference between the gate receipts of the current year and those of the previous year, and in case of loss of gate receipts from the above cause during the third year of a society's existence, the grant shall be seventy-five per centum of the difference between the gate receipts of that year and those of the average of the two previous years, provided that no society shall in any year receive a grant in excess of \$500 for any such loss in gate receipts.

Special aid to certain exhibitions.

25. Such amount of money as may be appropriated by the Legislature for the purpose of this section shall be subject to division among The Canadian National Exhibition Association of Toronto, The Central Canada Exhibition Association of Ottawa, and The Western Fair Association of London in proportion to the amount of money expended for agricultural purposes by such associations as mentioned in section 8, provided that not more than \$2,500 shall be paid to any such association and upon condition,—

- (a) that returns have been made to the Superintendent similar to those prescribed by section 11 in a manner satisfactory to the Superintendent;
- (b) that no other grants have been received under the provisions of this Act; and
- (c) that the Minister has given his approval to such grant;

provided that no such society shall in any year be entitled to receive a grant in excess of fifty per centum of the moneys appropriated by the Legislature for the purpose of this section for such year.

Grants from municipal councils.

26.—(1) The municipal council of any city, town, village, county or township in Ontario may grant or loan money or grant land in aid of any agricultural society formed within the limits of the municipality or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such society has made the returns required by this Act, provided that the total amount or value of the money or land heretofore or hereafter granted or loaned by any municipality to an agricultural society under this section

(3) This subsection provides for special grants where a society has been organized for two years when gate receipts have been reduced by weather conditions or buildings have been destroyed.

SECTION 25. This section provides for a grant to The Canadian National Exhibition Association, Central Canada Exhibition Association and The Western Fair Association.

SECTION 26. This section which was section 38 of the former Act provides for municipal grants or loans to a society.

shall not exceed, in the case of a city, \$5,000, in the case of a town, \$2,000, and in the case of a village, \$1,000.

Security
for loans
from muni-
cipalities.

(2) If such grant is a loan of money to enable the society to acquire land, such municipality may hold the land so acquired or may take a mortgage thereon, as security for the amount of such grant until the amount of such grant is repaid to the municipality, and any such grant heretofore made in accordance with the provisions of this Act shall be legal and valid.

Agreements
as to use of
buildings.

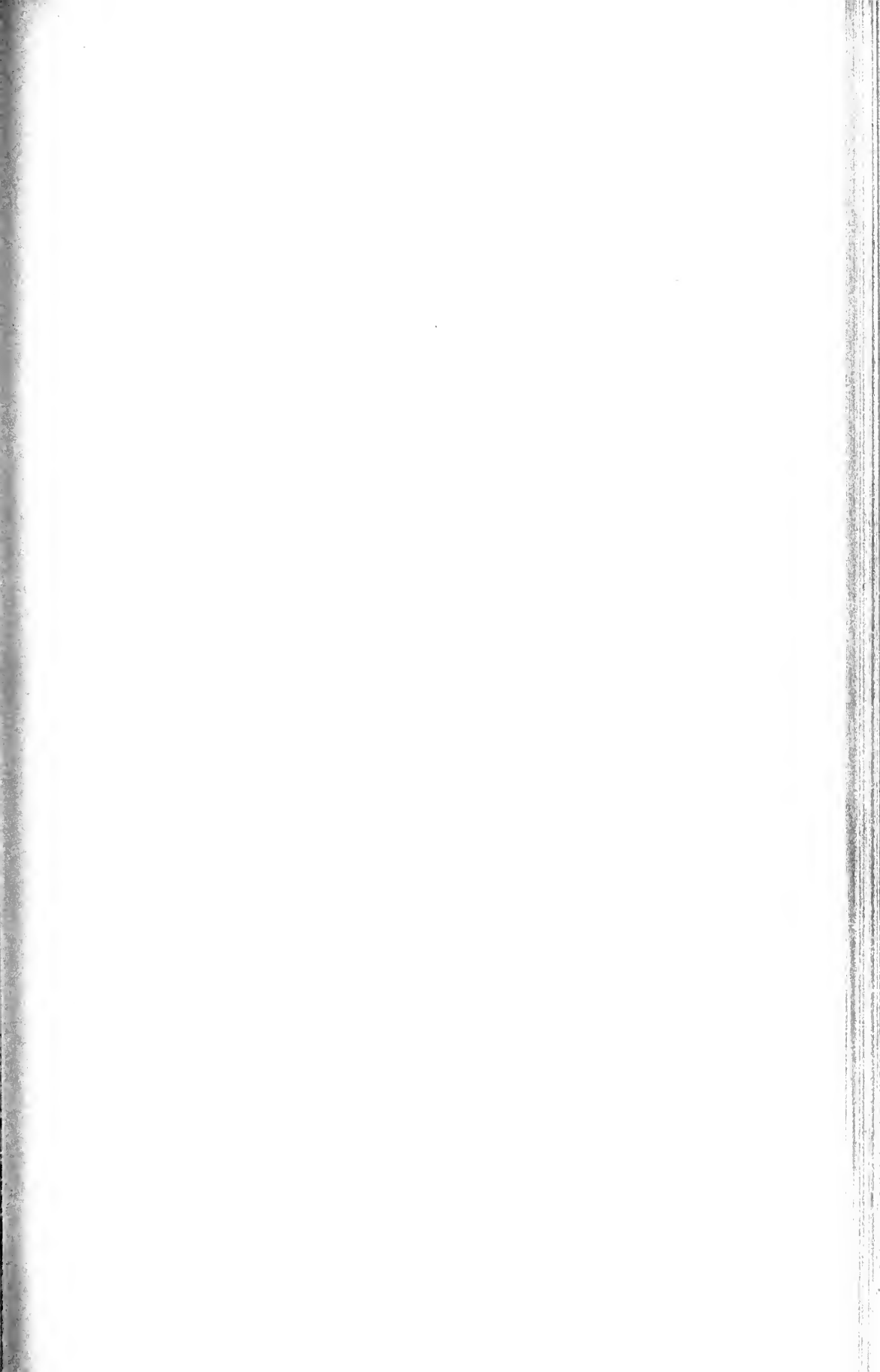
(3) Any such municipality owning land or buildings for public purposes shall have the power to make agreements on such terms and for such periods as they may deem expedient with any company formed under the provisions of chapter 196 of the Revised Statutes of Ontario, 1897, or under any enactment that may be substituted therefor, or with any agricultural society for the use of such land or buildings, or either of them or for the privilege of erecting upon such land, subject to such terms as may be agreed upon, such buildings as it may require for agricultural and industrial shows, and to give the company the power of renting such grounds and buildings when owned by the company, to any agricultural society formed under this Act for the purposes of the annual show of the society, and to grant to such company or society the power to collect during such show, or at other times, as may be agreed, from any person wishing to go into or upon any such grounds or buildings, or for any privilege thereon, or for any carriage, wagon or other vehicle, or for any horse or other animal that may be taken thereon, such entrance fee or other charge as the company or society may deem necessary or expedient.

By-laws for
common use
of buildings
on municipal
property.

(4) Any municipality may pass by-laws providing for the erection of buildings upon parks, fair grounds or other property belonging to any such municipality, for the joint purposes of the municipality and of any agricultural society, or other body, or trustees for any club or society, upon such agricultural society, other body, or trustees undertaking to contribute to the cost of such building, and in such case, the municipality shall have power to grant leases for a term not exceeding twenty-one years, to such agricultural society, other body, or trustees, for the use of such building at such time as to the council may seem proper, and upon such terms as may be arranged with the council, and the powers hereby granted may be exercised in respect of any building erected since the 1st day of January, 1919.

Exemption
from taxa-
tion.

27. The property of an agricultural society shall be exempt from taxation other than taxes for local improvements when



in actual occupation by the society, or by its tenants if the rent is applied solely for the purposes of the society.

Regulations. **28.** The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,—

- (a) providing the terms and conditions upon which any society may hold races or trials of speed for horses and the amount of money that any society may award as prizes therefor;
- (b) subject to the provisions of section 23, prescribing the terms and conditions upon which societies may be entitled to receive grants out of the moneys appropriated by the Legislature;
- (c) limiting the exhibitors of any society to persons residing within defined areas;
- (d) prescribing the powers and duties of the officers of a society; and
- (e) generally for the better carrying out of the provisions of this Act.

Appointment of constables. **29.**—(1) Any justice of the peace having jurisdiction in any city, town, village or township, wherein a fair or exhibition is held, shall, on the request of the president or executive committee of any society, appoint as many constables, as may be required.

Duty of constables. (2) Such constables shall be paid by the society and it shall be their duty to protect the property of the society within the exhibition grounds, and to eject all persons who may be improperly within the grounds, or behave in a disorderly manner, or violate any of the rules or regulations of such society.

Interfering with officers. (3) If any person wilfully hinders or obstructs the officers or servants of any society or any constable appointed under this section in the execution of their duties, or gains admission to the grounds contrary to the rules of the society, he shall incur a penalty of not less than \$1, nor more than \$20, to be paid to such society for its use and benefit.

Inspection. **30.** The Minister may appoint a person to inspect the books and accounts of any society receiving government grants under this Act, and may empower such person to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to the matters under inspection, and every officer of a society shall,

SECTION 27. This section is the same as section 39 of the former Act.

SECTION 28. This section provides for the making of regulations by the Lieutenant-Governor in Council upon the recommendation of the Minister.

SECTION 29. This section which is the same as section 28 of the former Act provides for the appointment and duties of constables.

when required, submit the books and accounts thereof to such inspection.

Fraud or misrepresentation by an exhibitor.

31. Where the board of a society has reason to believe that any member or other person exhibiting any farm product, animal, fowl or other goods at any exhibition of the society has committed a fraud or made any misrepresentation in respect of any such farm product, animal, fowl or other goods, the board may withhold payment or delivery of any premium or prize to such person until such person proves to the satisfaction of the board that no fraud or misrepresentation has in fact been committed or made.

Penalty.

32.—(1) Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided shall be liable to a penalty not exceeding \$50.

Application of Rev. Stat., c. 136.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Rev. Stat., c. 81, repealed.

33. *The Agricultural Societies Act*, being chapter 81 of The Revised Statutes of Ontario, 1937, is repealed.

Short title.

34. This Act may be cited as *The Agricultural Societies Act, 1939*.

SECTION 30. This section provides that the Minister may appoint a person to inspect the books of a society.

SECTION 31. This section provides for the withholding of prize money for fraud or misrepresentation.

SECTION 32. A penalty section is provided for with penalties recoverable under *The Summary Convictions Act*.

BILL

An Act respecting Agricultural Societies.

1st Reading

March 10th, 1939

2nd Reading

3rd Reading

MR. DEWAN

No. 36

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting Agricultural Societies.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Agricultural Societies.

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

Interpretation.

1. In this Act,—

“Board.”

(a) “Board” shall mean the board of a society;

“Department.”

(b) “Department” shall mean Department of Agriculture;

“Headquarters.”

(c) “Headquarters” shall mean the place named as the headquarters in the declaration forming a new society or the place approved or named as the headquarters by the Minister or the place where a society held its last annual exhibition;

“Minister.”

(d) “Minister” shall mean Minister of Agriculture;

“Society.”

(e) “Society” shall mean agricultural society organized under this Act or under any former *Agricultural Societies Act* or *Agriculture and Arts Act*;

“Superintendent.”

(f) “Superintendent” shall mean Superintendent of Agricultural Societies.

Powers of Minister.

2. The Minister may decide all matters of doubt or dispute arising in the operation or construction of this Act and his decision shall be final, provided that an appeal from any decision of the Minister may be made to the Lieutenant-Governor in Council.

Organization.

3.—(1) Subject to the provisions of this section a society may be organized with headquarters at any place in Ontario.

Recommendations of existing society.

(2) When it is proposed to organize a society with headquarters within twenty-five miles of an existing society the officers of such existing society shall be afforded a reasonable opportunity to make recommendations to the Minister regarding the advisability of organizing the proposed society,

EXPLANATORY NOTES

GENERAL. This Bill deletes sections and parts of sections that are spent, makes additions to the Act and re-arranges the Act by grouping sections and parts of sections pertaining to the same subject matter.

SECTION 1. A definition of "Headquarters" is included in this section.

SECTION 2. This section provides that in matters of doubt or dispute the decision of the Minister shall be final.

SECTION 3. This section provides for the organization of new societies.

and the Lieutenant-Governor in Council may, upon the recommendation of the Minister, grant permission for the organization of any such proposed society.

Mode of organization.

4. The mode of organization shall be as follows:

Declaration.

(a) A declaration in the form prescribed by the Minister shall be signed by the persons who desire to organize a society, provided that such persons shall be of the age of eighteen years or over and shall reside within ten miles of the place designated in the declaration as the headquarters of such society;

Signatories to declaration.

(b) The declaration shall be signed by at least sixty persons, provided that in provisional judicial districts and provisional counties the number required to sign the declaration shall be forty;

Fees payable by signatories.

(c) Every person who signs the declaration shall pay to the person having charge thereof, the sum of not less than \$1 at the time of signing such declaration and all such sums of money shall become the property of the society upon its organization, provided that where no society is organized such sums shall be repaid to the persons entitled thereto;

Transmitting declaration.

(d) Within one month after the required number of persons have signed the declaration, such declaration shall be forwarded to the Superintendent who may, with the approval of the Minister, authorize any person to call a meeting for the organization of the society;

Calling first meeting.

(e) Such organization meeting shall be held during the month of January, or at such other time as the Superintendent may authorize, upon at least two weeks' notice published in a newspaper having a general circulation in the district surrounding the headquarters of the society and by mailing a notice by prepaid post to each person who has signed the declaration;

Quorum.

(f) At the organization meeting and at every annual and special meeting of a society, fifteen members shall form a quorum;

Election of officers.

(g) At the organization meeting there shall be elected a board of twelve directors who shall hold office until the next annual meeting or until their successors are elected, and such directors shall elect a president,

SECTION 4. This section provides the mode of organization.

CLAUSE (a) provides that the form of declaration to be used shall be prescribed by the Minister.

CLAUSE (b) prescribes the number of signatories necessary in a declaration.

CLAUSE (c) requires each person signing the declaration to pay a fee of at least \$1.

CLAUSE (d) requires the declaration to be transmitted to the Superintendent within one month after the required number of persons have signed the declaration.

CLAUSE (e) provides for the calling of the organization meeting.

CLAUSE (f) provides that the quorum for the organization meeting and any regular or special meeting shall be 15.

CLAUSE (g) provides for the election of the officers at the organization meeting.

a first vice-president and a second vice-president from among themselves;

- Board. (h) The board shall consist of the directors and the president, first vice-president and second vice-president;
- Auditors. (i) At the organization meeting there shall be elected two auditors who shall hold office until the next annual meeting; and
- Transmission of report of organization meeting. (j) A report of the organization meeting, certified by the president, the secretary and the organizer, containing a statement of the members and a list of the officers elected and appointed, shall be sent to the Superintendent within one week after the holding of the meeting.

Declaration of society. **5.**—(1) Upon receipt of the report mentioned in clause *j* of section 4, the Superintendent, with the approval of the Minister, may declare such society to be a society within the meaning of this Act and such society shall bear the name designated in the declaration as the headquarters or such other name as may be determined by the members and approved by the Minister.

Change of name. (2) In case of a dispute as to the name of any society, or in any case where in the opinion of the Minister the name of a society prejudicially affects the interest of another society he may change the name of the society.

Persons entitled to membership. **6.**—(1) Every person of the age of eighteen years or over shall be entitled to become a member of a society.

Firms and companies may be members. (2) Subject to the by-laws of a society, a firm or an incorporated company may become a member thereof by the payment of the regular fee, but the name of one person only shall in any one year be entered as the representative or agent of such firm or company, and that person only shall exercise the privileges of membership in the society.

Membership fee. (3) In every society there shall be an annual membership fee of not less than \$1.

Additional directors. **7.**—(1) Upon the recommendation of the Superintendent, the Minister may authorize any society to elect not more than six additional directors and not more than six junior directors not over thirty years of age.

Honorary directors. (2) Any society may appoint not more than six honorary directors, provided that such honorary directors shall not be entitled to vote or take part in meetings of the board.

CLAUSE (h) provides for the composition of the board.

CLAUSE (i) provides for the appointment of auditors at the organization meeting.

CLAUSE (j) provides that the report of the organization meeting shall be sent to the Superintendent.

SECTION 5.—(1) This subsection makes provision for a newly organized society to be a society within the meaning of the Act.

(2) This subsection provides for changing the name of a society.

SECTION 6.—(1) It is now provided that every person eighteen years or over may join a society.

(2) Partnerships and incorporated companies may under the proposed Act become members of a society.

(3) It is provided that the annual membership fee shall be not less than \$1.

SECTION 7.—(1) This subsection provides for additional and junior directors.

(2) This subsection provides for honorary directors.

Objects of society.

8.—(1) The objects of a society shall be to encourage interest, promote improvements in and advance the standards of agriculture, domestic industry and rural life, by,—

- (a) surveying and studying the agricultural and living conditions and by doing such acts as may assist in solving the rural economic and social problems of the district surrounding the headquarters of the society;
- (b) organizing and holding agricultural exhibitions and awarding premiums thereat;
- (c) holding public meetings and demonstrations for the purpose of discussing agricultural problems;
- (d) owning pure bred live stock, and by distributing seeds and plants;
- (e) taking action to eradicate poisonous and noxious insects, weeds, animal parasites and diseases;
- (f) encouraging and promoting reforestation and rural beautification;
- (g) providing seed cleaning plants, grading machinery and storage facilities; and
- (h) encouraging young people to become interested in and adopt better agricultural and domestic practices and for such purposes to hold competitions.

When grant forfeited.

(2) Any society which expends any of its funds in any manner inconsistent with objects set out in subsection 1 shall forfeit all claims to participate in any legislative grant.

Annual meeting.

9.—(1) Every society shall hold an annual meeting during the month of January at such time and place as the board may determine or, subject to the approval of the Superintendent, at such other time and place as may be fixed by the by-laws of the society.

Who may vote.

(2) At any such meeting only those members who were members of the society during the previous year and who have paid the membership fee for the current year shall be entitled to vote.

Notice of annual meeting.

(3) At least two weeks' notice of every annual meeting shall be given by publication of a notice of such meeting in at least one newspaper having a general circulation in the municipality in which the headquarters of the society is

SECTION 8.—(1) This subsection provides for objects of a society similar to the provisions of the present Act.

(2) This subsection provides that any society which expends its funds in a manner inconsistent with its objects shall forfeit its claim to any grant.

SECTION 9.—(1) This subsection provides for the holding of the annual meeting.

(2) This subsection now provides that only those persons who were members the previous year and have paid their fees for the current year may vote.

(3) This subsection provides for the necessary notice of an annual meeting.

situate and by mailing notices of such meeting to every member of the society at the address furnished to the secretary.

Minister may appoint time for meeting.

(4) When any society fails to hold its annual meeting at the time mentioned in subsection 1 the Minister may appoint a time and place for holding such annual meeting.

Procedure at annual meeting.

10. At every annual meeting,—

- (a) the board shall present a report of the activities and accomplishments of the society since the last annual meeting and a detailed statement of the receipts and expenditures since the last annual meeting and a statement of the assets and liabilities of the society, certified by the auditors, in the form prescribed by the Minister; and
- (b) the officers and other members of the board, including the auditors, shall be elected and appointed in the manner provided by section 4 and any additional, honorary and junior directors shall be elected and appointed.

Statement to be sent to Superintendent.

11.—(1) A statement of officers and members and a copy of the report and financial statement in the form prescribed by the Minister and certified by the president, secretary and treasurer, or secretary-treasurer and auditors to be true copies shall be forwarded to the Superintendent within one month after the holding of the annual meeting.

Annual returns.

(2) The officers of every society shall on or before the 1st of March in every year forward to the Superintendent a return in the form prescribed by the Minister verified by an affidavit of an officer of the society showing the amount expended during the previous year by such society for agricultural purposes.

Statement of expenses.

(3) Where a society holds a spring stallion show, a spring bull show, a combined spring stallion and bull show, or a field crop or other competition, the officers of the society shall within one month after the holding of such spring show or competition forward to the Superintendent on a form supplied by the Department and verified by affidavit, an itemized statement showing the receipts and expenditures including prizes awarded in connection therewith, together with the number of entries.

Penalty for false statement.

(4) Any officer of a society who wilfully makes a false statement in any report or statement required to be furnished under this Act, shall be liable to a penalty of not more than \$100 or to imprisonment for not more than thirty days;

(4) This subsection provides that the Minister may appoint a time for holding an annual meeting.

SECTION 10. The section provides for the procedure at the annual meeting.

CLAUSE (a) It is now provided that the reports and financial statement shall be made in the form prescribed by the Minister.

CLAUSE (b). This clause provides for the election of the officers and auditors of a society.

SECTION 11.—(1) This subsection provides that a statement of the members and the reports and financial statement shall be forwarded to the Superintendent.

(2) This subsection provides for the annual returns being sent to the Superintendent.

(3) This subsection provides for a financial statement being sent to the Superintendent by any society holding a special show or competition.

(4) This subsection provides a penalty to any officer making false returns in a report or statement required to be furnished under the Act.

provided that no prosecution under this subsection shall be commenced later than one year after the making of such report or statement.

Special meeting.

12. On the petition of thirty members of a society, the secretary, and in his absence, the president or first vice-president, shall call a special general meeting for the transaction of the business mentioned in the petition and the meeting shall be advertised in the manner prescribed by subsection 3 of section 9 and the advertisements shall state the nature of the business to be transacted.

Minister may require information.

13. The Minister may at any time require any society or any officer of a society to furnish such information regarding the society as he may deem necessary or desirable and such information to be accompanied by an affidavit of all or any of the officers of the society deposing to its accuracy.

Dissolution in certain instances.

14.—(1) In the event of failure to hold the annual meeting of a society in accordance with the provisions of this Act, or in the event of the number of members of a society on the 1st day of September in any year, being less than the number required for organization, such society shall not be entitled to receive any further Government grant and shall be deemed to be dissolved, subject always to the direction of the Minister, provided that the persons comprising the board during the last year of the existence of such society shall be trustees of the assets of the society and shall forthwith deliver to the Superintendent a statement of the assets and liabilities of the society.

Payment of debts on dissolution.

(2) Subject to the approval of the Minister, the Superintendent may direct the members of the board to pay the debts of the society out of the moneys and other assets remaining in their hands and to liquidate any of the assets for such purpose.

Disposition of assets after debts paid.

(3) Subject to the approval of the Minister, any moneys and other assets remaining after the payment of debts shall be disposed of by the board in such manner as they may determine.

Reorganization.

(4) When a society dissolves or ceases to exist it may be reorganized *mutatis mutandis* in the manner prescribed by section 4.

Meetings of board.

15. A meeting of the board shall be called by the secretary upon the direction of the president, or in his absence by the first vice-president, or in the absence of the president and the first vice-president, by the second vice-president, or by any three members of the board, by sending notice thereof to

SECTION 12. This section provides for the calling of a special meeting on the petition of thirty members.

SECTION 13. This section provides that the Minister may require a society at any time to furnish information.

SECTION 14.—(1) This subsection provides that in certain instances a society shall be deemed to be dissolved.

(2) This subsection provides for the payment of the debts of a dissolved society out of the remaining funds.

(3) This subsection provides for the disposition of the remaining assets after payment of debts.

(4) This subsection provides for the reorganization of a society that has been dissolved.

SECTION 15. The procedure in calling a meeting of the board is provided for.

all the members of the board at least seven days prior to the time fixed for such meeting, provided that a meeting of the board may be held immediately following any annual, regular or special meeting of the society without notice.

Powers of board.

16.—(1) Subject to the by-laws and regulations of the society, the board shall have power to act for and on behalf of the society in all matters.

Quorum.

(2) Seven of the members of the board shall constitute a quorum.

Filling vacancies.

(3) In the event of a vacancy occurring on the board by the death or resignation of any officer or director or otherwise, the remaining members of the board shall have power to appoint any member of the society to fill such vacancy, provided that when three or more vacancies occur at the same time the Superintendent may order the remaining members of such board to call a special general meeting of such society in the manner prescribed by section 9 and directors shall be elected and appointed at such meeting to fill the vacancies.

Executive committee.

(4) The board, from among themselves, may appoint an executive committee of not more than five members to exercise and perform such of its powers and duties as the board may prescribe.

Manager.

(5) The board may appoint a manager to perform such of its powers and duties as it may prescribe.

Secretary, Treasurer.

(6) The board, from among themselves or otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure, and the secretary or secretary-treasurer shall be a member of every committee which may be appointed by the board and may be appointed managing director acting under the control and with the approval of the board.

Salaries.

(7) No officer of a society except the secretary, treasurer, secretary-treasurer or manager shall receive any remuneration, provided that travelling and living expenses may be allowed to any officer while engaged in duties on behalf of such society and the board may fix such remuneration and travelling and living expenses which shall be payable out of the funds of the society.

Meetings.

17. Subject to the provisions of section 9, the board may determine what regular or special meetings of the society shall be held during each year.

Security by treasurer of society.

18.—(1) The treasurer or secretary-treasurer of every society, before entering upon the duties of his office, shall

SECTION 16.—(1) This subsection provides for the powers of a board.

(2) It is provided that a quorum of the board shall be 7, instead of 5.

(3) This subsection provides for filling any vacancies that may occur on the board.

(4) This subsection provides that the board may appoint an executive committee.

(5) It is now provided that the board may appoint a manager.

(6) This subsection provides for the appointment of a secretary and a treasurer or a secretary-treasurer.

(7) This subsection provides that no officer except a secretary, treasurer or manager may receive a salary.

SECTION 17. This section provides that a board may determine what meetings, except the annual meeting, shall be held by a society.

SECTION 18.—(1) This subsection provides for the security to be given by a treasurer.

give such security to the society, either by joint or several covenant with one or more sureties, in such form and for such amount as the board may deem necessary for the faithful performance of his duties, and especially for the due accounting for and paying over all moneys which may come into his hands.

Duty of board as to security.

(2) It shall be the duty of the board in each and every year to inquire into the sufficiency of the security given by such treasurer or secretary-treasurer and to report thereon to the society, and where the same treasurer or secretary-treasurer for any society is reappointed from year to year his reappointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any security given to the society for the faithful performance of his duties under such reappointment shall continue valid as against the parties thereto.

Personal responsibility of officers for loss.

(3) If the board neglects to procure and maintain proper and sufficient security each member thereof shall be personally responsible for all funds of the society that may have been received by the treasurer.

By-laws and regulations.

19.—(1) By-laws and regulations of a society may be made, adopted, amended or repealed at any organization, annual or regular meeting of the society or at a special meeting of which notice has been given in the manner provided by subsection 3 of section 9.

Preventing certain performances, huckstering, etc.

(2) The officers of a society may by their rules and regulations prohibit and prevent theatrical, circus or acrobatic performances, exhibitions or shows and may also regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandise on the exhibition grounds or within three hundred yards thereof on the day of an exhibition, and any person who, after notice of such rules and regulations, violates any provisions thereof shall be liable to be removed by an officer of the society or any constable and shall be liable to the penalties provided in the Act.

Incorporation and power to hold land.

20.—(1) Every society shall be a body corporate, with power to acquire and hold land as a site or as an enlargement of an existing site and the society shall have and may exercise the like powers as to lands required for the enlargement of an existing site as in the case of lands required for the original site, for fairs and exhibitions, and, subject to the approval of a meeting of the society called for that purpose may sell, mortgage, lease, or otherwise dispose thereof, or of any other property held by such society; provided that no lands of a society shall be mortgaged without the written approval of the Superintendent.

(2) This subsection provides that it shall be the duty of the board to see that the treasurer provides sufficient security.

(3) It is provided that the board shall be responsible if security of the treasurer is insufficient.

SECTION 19.—(1) This subsection provides that a society may pass by-laws and regulations.

(2) This subsection which was section 30 (1) in the former Act provides that the officers of a society may prohibit certain shows and huckstering.

SECTION 20. This section was formerly subsections (1) and (2) of section 16.

Notice of meetings to consider disposition of property.

(2) At least two weeks' previous notice of such meeting shall be given by advertisement in not less than one newspaper having a general circulation in the district surrounding the headquarters of the society, and at such meeting only those persons shall be entitled to vote who are members for the current year and who were members for the two previous years.

Acquiring site; arbitration to fix price.

21.—(1) Subject to the approval of the Lieutenant-Governor in Council, if the owner of the land selected as a site for fairs and exhibitions, approved of at a meeting of the society called for that purpose, refuses to sell such lands or demands therefor a price deemed unreasonable by the board, such owner and the board shall each forthwith appoint an arbitrator, and the arbitrators so chosen shall appoint a third arbitrator, and such arbitrators or a majority of them shall determine the value of such land.

Appointment of arbitrator by county judge.

(2) If the directors or the owner of such land neglect or refuse to appoint an arbitrator, the judge of the county or district court of the county or district in which the land is situate may, on the application of the party who has so appointed an arbitrator and on notice to the opposite party, appoint an arbitrator on behalf of the party so neglecting or refusing to appoint an arbitrator and if the arbitrators appointed as aforesaid fail to agree on, or either of them refuse to appoint a third arbitrator, the judge of the county or district court of the county or district in which the land is situate may, on the application of one or other of the said arbitrators and on notice to the other, appoint a third arbitrator.

Third arbitrator appointment by county judge.

Powers of arbitrators.

(3) The arbitrators so appointed shall have the power to hear and determine all claims or rights of encumbrancers, lessees, tenants or other persons as well as those of the owner of the land required for the purpose of such site upon notice in writing to every such claimant or person.

Payment of compensation.

(4) Upon payment by the board of the amount determined by a majority of the arbitrators, to the owner or other persons entitled thereto, the land may be taken and used for the purposes of the society.

Effect of award.

(5) Any award for a site for fairs and exhibitions made and published twice in a newspaper having a general circulation in the district surrounding the headquarters of the society, shall, if there be no conveyance, be deemed to vest the title of the site in the society, and the title of the society shall be good against all persons interested in the land in any manner whatever, and shall be registered in the proper registry office, or land titles office, with the affidavit of the secretary and

SECTION 21. This section was formerly subsections (3) and (4) of section 16.

treasurer or secretary-treasurer of such society verifying such award and the publication thereof.

Expenses of arbitration.

(6) The parties concerned in all such disputes shall pay all the expenses incurred in regard to them, according to the award or decision of the arbitrators or a majority of them.

Joint ownership of lands with municipality.

22. Any township society and town or village municipality that had, prior to the 4th day of March, 1868, jointly purchased and held any land or buildings for the purpose of agricultural fairs or exhibitions, may continue jointly to hold such land or buildings, or may sell, mortgage, lease or otherwise dispose thereof, subject to the approval of a meeting of the society as provided in section 20.

Grants out of provincial fund.

23. On the recommendation of the Minister, every society shall be entitled to receive a grant out of the moneys appropriated by the Legislature for such purpose on condition,—

- (a) that the number of paid-up members for the current year is not less than sixty, except in the case of societies organized in provisional judicial districts or unorganized counties, where the number of paid-up members shall not be less than forty;
- (b) that all reports and returns required by this Act have been made to the satisfaction of the Superintendent;
- (c) that the annual meeting has been held as required and the officers elected, in accordance with section 10;
- (d) that the objects of the society as prescribed by section 8 have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with such objects; and
- (e) that all other provisions of this Act have been complied with.

Division of provincial grant.

24.—(1) Such moneys as may be appropriated by the Legislature for the purposes of grants under this Act, except the moneys appropriated under section 25, shall be subject to division among the societies according to the following plan,—

- (a) a society that has owned and maintained pure bred stock, for the benefit of its members, for a period of at least nine months during the next preceding year, shall receive a grant of \$100 for every registered stallion, \$25 for every registered bull, \$10 for every

SECTION 22. This section which was section 17 of the old Act provides that a municipality and a society may continue to jointly hold land.

SECTION 23. This section provides for the conditions upon which a society may be entitled to a grant out of the moneys appropriated by the Legislature.

SECTION 24.—(1) This subsection provides for a division of the grants among the societies.

registered boar and \$5 for every registered ram owned by such society, and in the event of a society devoting its funds solely for the maintenance of pure bred stock and field crop or other competitions, such society shall receive a special membership grant of \$1 for every member of the society in good standing, up to fifty;

- (b) a newly organized society, during the first three years of its existence, shall receive a grant each year equal to \$1 per member up to three hundred members;
- (c) a society which holds a spring stallion show, a spring bull show, a combined spring stallion and bull show, or field crop or other competitions shall receive a grant equal to one-half the sum expended in the holding of such show, provided that no society shall be entitled to receive a sum in excess of \$50 for any such show or competition; and
- (d) the balance of moneys remaining after the other grants in this section have been provided for shall be subject to division among the societies, other than new societies, in proportion to the amount such societies expended during the three preceding years for agricultural purposes as shown in the statements forwarded to the Superintendent provided that:
 - (i) societies in provisional judicial districts and unorganized counties shall be entitled to receive their grants on the basis of double the amount of other societies; and
 - (ii) no society shall in any year be entitled to receive a grant in excess of \$800.

Allowance
where gate
receipts
reduced by
weather.

(2) If the Superintendent, upon receiving proof on or before the 31st day of October in any year, by the joint affidavit of the president, secretary and treasurer or secretary-treasurer of an agricultural society that rain or snow has fallen at the place of holding an exhibition before three o'clock in the afternoon on any day during which such exhibition was held, or that during such exhibition or within thirty days prior thereto, one or more buildings on the exhibition grounds was destroyed by fire or storm, is satisfied that as a consequence of such weather or such destruction the gate receipts were less than the average gate receipts for exhibitions held by the society during three previous normal years, such society shall be entitled to receive a grant of not more than ninety per centum of the difference between the gate receipts of the current year and the average amount of the gate receipts

(2) This subsection provides for a special grant where the gate receipts are reduced by weather conditions or buildings have been destroyed.

of such three previous years, provided that no society shall in any year receive a grant in excess of \$500 for any such loss in gate receipts.

Grant where gate receipts reduced owing to wet weather.

(3) In the event of a society which has been organized for only two years suffering loss in gate receipts owing to wet weather, it shall be entitled to receive a grant equal to seventy-five per centum of the difference between the gate receipts of the current year and those of the previous year, and in case of loss of gate receipts from the above cause during the third year of a society's existence, the grant shall be seventy-five per centum of the difference between the gate receipts of that year and those of the average of the two previous years, provided that no society shall in any year receive a grant in excess of \$500 for any such loss in gate receipts.

Special aid to certain exhibitions.

25. Such amount of money as may be appropriated by the Legislature for the purpose of this section shall be subject to division among The Canadian National Exhibition Association of Toronto, The Central Canada Exhibition Association of Ottawa, and The Western Fair Association of London in proportion to the amount of money expended for agricultural purposes by such associations as mentioned in section 8, provided that not more than \$2,500 shall be paid to any such association and upon condition,—

- (a) that returns have been made to the Superintendent similar to those prescribed by section 11 in a manner satisfactory to the Superintendent;
- (b) that no other grants have been received under the provisions of this Act; and
- (c) that the Minister has given his approval to such grant;

provided that no such society shall in any year be entitled to receive a grant in excess of fifty per centum of the moneys appropriated by the Legislature for the purpose of this section for such year.

Grants from municipal councils.

26.—(1) The municipal council of any city, town, village, county or township in Ontario may grant or loan money or grant land in aid of any agricultural society formed within the limits of the municipality or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such society has made the returns required by this Act, provided that the total amount or value of the money or land heretofore or hereafter granted or loaned by any municipality to an agricultural society under this section

(3) This subsection provides for special grants where a society has been organized for two years when gate receipts have been reduced by weather conditions or buildings have been destroyed.

SECTION 25. This section provides for a grant to The Canadian National Exhibition Association, Central Canada Exhibition Association and The Western Fair Association.

SECTION 26. This section which was section 38 of the former Act provides for municipal grants or loans to a society.

shall not exceed, in the case of a city, \$5,000, in the case of a town, \$2,000, and in the case of a village, \$1,000.

Security
for loans
from muni-
cipalities.

(2) If such grant is a loan of money to enable the society to acquire land, such municipality may hold the land so acquired or may take a mortgage thereon, as security for the amount of such grant until the amount of such grant is repaid to the municipality, and any such grant heretofore made in accordance with the provisions of this Act shall be legal and valid.

Agreements
as to use of
buildings.

(3) Any such municipality owning land or buildings for public purposes shall have the power to make agreements on such terms and for such periods as they may deem expedient with any company formed under the provisions of chapter 196 of the Revised Statutes of Ontario, 1897, or under any enactment that may be substituted therefor, or with any agricultural society for the use of such land or buildings, or either of them or for the privilege of erecting upon such land, subject to such terms as may be agreed upon, such buildings as it may require for agricultural and industrial shows, and to give the company the power of renting such grounds and buildings when owned by the company, to any agricultural society formed under this Act for the purposes of the annual show of the society, and to grant to such company or society the power to collect during such show, or at other times, as may be agreed, from any person wishing to go into or upon any such grounds or buildings, or for any privilege thereon, or for any carriage, wagon or other vehicle, or for any horse or other animal that may be taken thereon, such entrance fee or other charge as the company or society may deem necessary or expedient.

By-laws for
common use
of buildings
on municipal
property.

(4) Any municipality may pass by-laws providing for the erection of buildings upon parks, fair grounds or other property belonging to any such municipality, for the joint purposes of the municipality and of any agricultural society, or other body, or trustees for any club or society, upon such agricultural society, other body, or trustees undertaking to contribute to the cost of such building, and in such case, the municipality shall have power to grant leases for a term not exceeding twenty-one years, to such agricultural society, other body, or trustees, for the use of such building at such time as to the council may seem proper, and upon such terms as may be arranged with the council, and the powers hereby granted may be exercised in respect of any building erected since the 1st day of January, 1919.

Exemption
from taxa-
tion.

27. The property of an agricultural society shall be exempt from taxation other than taxes for local improvements when

SECTION 27. This section is the same as section 39 of the former Act.

in actual occupation by the society, or by its tenants if the rent is applied solely for the purposes of the society.

Regulations. **28.** The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,—

- (a) providing the terms and conditions upon which any society may hold races or trials of speed for horses and the amount of money that any society may award as prizes therefor;
- (b) subject to the provisions of section 23, prescribing the terms and conditions upon which societies may be entitled to receive grants out of the moneys appropriated by the Legislature;
- (c) limiting the exhibitors of any society to persons residing within defined areas;
- (d) prescribing the powers and duties of the officers of a society; and
- (e) generally for the better carrying out of the provisions of this Act.

Appointment
of
constables.

29.—(1) Any justice of the peace having jurisdiction in any city, town, village or township, wherein a fair or exhibition is held, shall, on the request of the president or executive committee of any society, appoint as many constables, as may be required.

Duty of
constables.

(2) Such constables shall be paid by the society and it shall be their duty to protect the property of the society within the exhibition grounds, and to eject all persons who may be improperly within the grounds, or behave in a disorderly manner, or violate any of the rules or regulations of such society.

Interfering
with
officers.

(3) If any person wilfully hinders or obstructs the officers or servants of any society or any constable appointed under this section in the execution of their duties, or gains admission to the grounds contrary to the rules of the society, he shall incur a penalty of not less than \$1, nor more than \$20, to be paid to such society for its use and benefit.

Inspection.

30. The Minister may appoint a person to inspect the books and accounts of any society receiving government grants under this Act, and may empower such person to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to the matters under inspection, and every officer of a society shall,

SECTION 28. This section provides for the making of regulations by the Lieutenant-Governor in Council upon the recommendation of the Minister.

SECTION 29. This section which is the same as section 28 of the former Act provides for the appointment and duties of constables.

SECTION 30. This section provides that the Minister may appoint a person to inspect the books of a society.

when required, submit the books and accounts thereof to such inspection.

Fraud or misrepresentation by an exhibitor.

31. Where the board of a society has reason to believe that any member or other person exhibiting any farm product, animal, fowl or other goods at any exhibition of the society has committed a fraud or made any misrepresentation in respect of any such farm product, animal, fowl or other goods, the board may withhold payment or delivery of any premium or prize to such person until such person proves to the satisfaction of the board that no fraud or misrepresentation has in fact been committed or made.

Penalty.

32.—(1) Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided shall be liable to a penalty not exceeding \$50.

Application of Rev. Stat., c. 136.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Rev. Stat., c. 81, repealed.

33. *The Agricultural Societies Act*, being chapter 81 of The Revised Statutes of Ontario, 1937, is repealed.

Short title.

34. This Act may be cited as *The Agricultural Societies Act, 1939*.

SECTION 31. This section provides for the withholding of prize money for fraud or misrepresentation.

SECTION 32. A penalty section is provided for with penalties recoverable under *The Summary Convictions Act*.

BILL

An Act respecting Agricultural Societies.

1st Reading

March 10th, 1939

2nd Reading

March 17th, 1939

3rd Reading

MR. DEWAN

(Reprinted as amended in Committee of the Whole House).

No. 36

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting Agricultural Societies.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Agricultural Societies.

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

- Interpretation. **1.** In this Act,—
- “Board.” (a) “Board” shall mean the board of a society;
- “Department.” (b) “Department” shall mean Department of Agriculture;
- “Head-quarters.” (c) “Headquarters” shall mean the place named as the headquarters in the declaration forming a new society or the place approved or named as the headquarters by the Minister or the place where a society held its last annual exhibition;
- “Minister.” (d) “Minister” shall mean Minister of Agriculture;
- “Society.” (e) “Society” shall mean agricultural society organized under this Act or under any former *Agricultural Societies Act* or *Agriculture and Arts Act*;
- “Superintendent.” (f) “Superintendent” shall mean Superintendent of Agricultural Societies.
- Powers of Minister. **2.** The Minister may decide all matters of doubt or dispute arising in the operation or construction of this Act and his decision shall be final, provided that an appeal from any decision of the Minister may be made to the Lieutenant-Governor in Council.
- Organization. **3.**—(1) Subject to the provisions of this section a society may be organized with headquarters at any place in Ontario.
- Recommendations of existing society. (2) When it is proposed to organize a society with headquarters within twenty-five miles of an existing society the officers of such existing society shall be afforded a reasonable opportunity to make recommendations to the Minister regarding the advisability of organizing the proposed society,

and the Lieutenant-Governor in Council may, upon the recommendation of the Minister, grant permission for the organization of any such proposed society.

4. The mode of organization shall be as follows:

Mode of organization.

- (a) A declaration in the form prescribed by the Minister shall be signed by the persons who desire to organize a society, provided that such persons shall be of the age of eighteen years or over and shall reside within ten miles of the place designated in the declaration as the headquarters of such society; Declaration.
- (b) The declaration shall be signed by at least sixty persons, provided that in provisional judicial districts and provisional counties the number required to sign the declaration shall be forty; Signatories to declaration.
- (c) Every person who signs the declaration shall pay to the person having charge thereof, the sum of not less than \$1 at the time of signing such declaration and all such sums of money shall become the property of the society upon its organization, provided that where no society is organized such sums shall be repaid to the persons entitled thereto; Fees payable by signatories.
- (d) Within one month after the required number of persons have signed the declaration, such declaration shall be forwarded to the Superintendent who may, with the approval of the Minister, authorize any person to call a meeting for the organization of the society; Transmitting declaration.
- (e) Such organization meeting shall be held during the month of January, or at such other time as the Superintendent may authorize, upon at least two weeks' notice published in a newspaper having a general circulation in the district surrounding the headquarters of the society and by mailing a notice by prepaid post to each person who has signed the declaration; Calling first meeting.
- (f) At the organization meeting and at every annual and special meeting of a society, fifteen members shall form a quorum; Quorum.
- (g) At the organization meeting there shall be elected a board of twelve directors who shall hold office until the next annual meeting or until their successors are elected, and such directors shall elect a president, Election of officers.

a first vice-president and a second vice-president from among themselves;

Board.

(h) The board shall consist of the directors and the president, first vice-president and second vice-president;

Auditors.

(i) At the organization meeting there shall be elected two auditors who shall hold office until the next annual meeting; and

Transmission of report of organization meeting.

(j) A report of the organization meeting, certified by the president, the secretary and the organizer, containing a statement of the members and a list of the officers elected and appointed, shall be sent to the Superintendent within one week after the holding of the meeting.

Declaration of society.

5.—(1) Upon receipt of the report mentioned in clause *j* of section 4, the Superintendent, with the approval of the Minister, may declare such society to be a society within the meaning of this Act and such society shall bear the name designated in the declaration as the headquarters or such other name as may be determined by the members and approved by the Minister.

Change of name.

(2) In case of a dispute as to the name of any society, or in any case where in the opinion of the Minister the name of a society prejudicially affects the interest of another society he may change the name of the society.

Persons entitled to membership.

6.—(1) Every person of the age of eighteen years or over shall be entitled to become a member of a society.

Firms and companies may be members.

(2) Subject to the by-laws of a society, a firm or an incorporated company may become a member thereof by the payment of the regular fee, but the name of one person only shall in any one year be entered as the representative or agent of such firm or company, and that person only shall exercise the privileges of membership in the society.

Membership fee.

(3) In every society there shall be an annual membership fee of not less than \$1.

Additional directors.

7.—(1) Upon the recommendation of the Superintendent, the Minister may authorize any society to elect not more than six additional directors and not more than six junior directors not over thirty years of age.

Honorary directors.

(2) Any society may appoint not more than six honorary directors, provided that such honorary directors shall not be entitled to vote or take part in meetings of the board.

8.—(1) The objects of a society shall be to encourage ^{Objects of society.} interest, promote improvements in and advance the standards of agriculture, domestic industry and rural life, by,—

- (a) surveying and studying the agricultural and living conditions and by doing such acts as may assist in solving the rural economic and social problems of the district surrounding the headquarters of the society;
- (b) organizing and holding agricultural exhibitions and awarding premiums thereat;
- (c) holding public meetings and demonstrations for the purpose of discussing agricultural problems;
- (d) owning pure bred live stock, and by distributing seeds and plants;
- (e) taking action to eradicate poisonous and noxious insects, weeds, animal parasites and diseases;
- (f) encouraging and promoting reforestation and rural beautification;
- (g) providing seed cleaning plants, grading machinery and storage facilities; and
- (h) encouraging young people to become interested in and adopt better agricultural and domestic practices and for such purposes to hold competitions.

(2) Any society which expends any of its funds in any ^{When grant forfeited.} manner inconsistent with the objects set out in subsection 1 shall forfeit all claims to participate in any legislative grant.

9.—(1) Every society shall hold an annual meeting ^{Annual meeting.} during the month of January at such time and place as the board may determine or, subject to the approval of the Superintendent, at such other time and place as may be fixed by the by-laws of the society.

(2) At any such meeting only those members who were ^{Who may vote.} members of the society during the previous year and who have paid the membership fee for the current year shall be entitled to vote.

(3) At least two weeks' notice of every annual meeting ^{Notice of annual meeting.} shall be given by publication of a notice of such meeting in at least one newspaper having a general circulation in the municipality in which the headquarters of the society is

situate and by mailing notices of such meeting to every member of the society at the address furnished to the secretary.

Minister may appoint time for meeting.

(4) When any society fails to hold its annual meeting at the time mentioned in subsection 1, the Minister may appoint a time and place for holding such annual meeting.

Procedure at annual meeting.

10. At every annual meeting,—

- (a) the board shall present a report of the activities and accomplishments of the society since the last annual meeting and a detailed statement of the receipts and expenditures since the last annual meeting and a statement of the assets and liabilities of the society, certified by the auditors, in the form prescribed by the Minister; and
- (b) the officers and other members of the board, including the auditors, shall be elected and appointed in the manner provided by section 4 and any additional, honorary and junior directors shall be elected and appointed.

Statement to be sent to Superintendent.

11.—(1) A statement of officers and members and a copy of the report and financial statement in the form prescribed by the Minister and certified by the president, secretary and treasurer, or secretary-treasurer and auditors to be true copies shall be forwarded to the Superintendent within one month after the holding of the annual meeting.

Annual returns.

(2) The officers of every society shall on or before the 1st day of March in every year forward to the Superintendent a return in the form prescribed by the Minister verified by an affidavit of an officer of the society showing the amount expended during the previous year by such society for agricultural purposes.

Statement of expenses.

(3) Where a society holds a spring stallion show, a spring bull show, a combined spring stallion and bull show, or a field crop or other competition, the officers of the society shall within one month after the holding of such spring show or competition forward to the Superintendent on a form supplied by the Department and verified by affidavit, an itemized statement showing the receipts and expenditures including prizes awarded in connection therewith, together with the number of entries.

Penalty for false statement.

(4) Any officer of a society who wilfully makes a false statement in any report or statement required to be furnished under this Act, shall be liable to a penalty of not more than \$100 or to imprisonment for not more than thirty days;

provided that no prosecution under this subsection shall be commenced later than one year after the making of such report or statement.

12. On the petition of thirty members of a society, the secretary, and in his absence, the president or first vice-president, shall call a special general meeting for the transaction of the business mentioned in the petition and the meeting shall be advertised in the manner prescribed by subsection 3 of section 9 and the advertisements shall state the nature of the business to be transacted. Special meeting.

13. The Minister may at any time require any society or any officer of a society to furnish such information regarding the society as he may deem necessary or desirable and such information shall be accompanied by an affidavit of all or any of the officers of the society deposing to its accuracy. Minister may require information.

14.—(1) In the event of failure to hold the annual meeting of a society in accordance with the provisions of this Act, or in the event of the number of members of a society on the 1st day of September in any year, being less than the number required for organization, such society shall not be entitled to receive any further Government grant and shall be deemed to be dissolved, subject always to the direction of the Minister, provided that the persons comprising the board during the last year of the existence of such society shall be trustees of the assets of the society and shall forthwith deliver to the Superintendent a statement of the assets and liabilities of the society. Dissolution in certain instances.

(2) Subject to the approval of the Minister, the Superintendent may direct the members of the board to pay the debts of the society out of the moneys and other assets remaining in their hands and to liquidate any of the assets for such purpose. Payment of debts on dissolution.

(3) Subject to the approval of the Minister, any moneys and other assets remaining after the payment of debts shall be disposed of by the board in such manner as they may determine. Disposition of assets after debts paid.

(4) When a society dissolves or ceases to exist it may be reorganized *mutatis mutandis* in the manner prescribed by section 4. Reorganization.

15. A meeting of the board shall be called by the secretary upon the direction of the president, or in his absence by the first vice-president, or in the absence of the president and the first vice-president, by the second vice-president, or by any three members of the board, by sending notice thereof to Meetings of board.

all the members of the board at least seven days prior to the time fixed for such meeting, provided that a meeting of the board may be held immediately following any annual, regular or special meeting of the society without notice.

Powers of board.

16.—(1) Subject to the by-laws and regulations of the society, the board shall have power to act for and on behalf of the society in all matters.

Quorum.

(2) Seven of the members of the board shall constitute a quorum.

Filling vacancies.

(3) In the event of a vacancy occurring on the board by the death or resignation of any officer or director or otherwise, the remaining members of the board shall have power to appoint any member of the society to fill such vacancy, provided that when three or more vacancies occur at the same time the Superintendent may order the remaining members of such board to call a special general meeting of such society in the manner prescribed by section 9 and directors shall be elected and appointed at such meeting to fill the vacancies.

Executive committee.

(4) The board, from among themselves, may appoint an executive committee of not more than five members to exercise and perform such of its powers and duties as the board may prescribe.

Manager.

(5) The board may appoint a manager to perform such of its powers and duties as it may prescribe.

Secretary, Treasurer.

(6) The board, from among themselves or otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure, and the secretary or secretary-treasurer shall be a member of every committee which may be appointed by the board and may be appointed managing director acting under the control and with the approval of the board.

Salaries.

(7) No officer of a society except the secretary, treasurer, secretary-treasurer or manager shall receive any remuneration, provided that travelling and living expenses may be allowed to any officer while engaged in duties on behalf of such society and the board may fix such remuneration and travelling and living expenses which shall be payable out of the funds of the society.

Meetings.

17. Subject to the provisions of section 9, the board may determine what regular or special meetings of the society shall be held during each year.

Security by treasurer of society.

18.—(1) The treasurer or secretary-treasurer of every society, before entering upon the duties of his office, shall

give such security to the society, either by joint or several covenant with one or more sureties, in such form and for such amount as the board may deem necessary for the faithful performance of his duties, and especially for the due accounting for and paying over all moneys which may come into his hands.

(2) It shall be the duty of the board in each and every year to inquire into the sufficiency of the security given by such treasurer or secretary-treasurer and to report thereon to the society, and where the same treasurer or secretary-treasurer for any society is reappointed from year to year his reappointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any security given to the society for the faithful performance of his duties under such reappointment shall continue valid as against the parties thereto.

Duty of board as to security.

(3) If the board neglects to procure and maintain proper and sufficient security each member thereof shall be personally responsible for all funds of the society that may have been received by the treasurer.

Personal responsibility of officers for loss.

19.—(1) By-laws and regulations of a society may be made, adopted, amended or repealed at any organization, annual or regular meeting of the society or at a special meeting of which notice has been given in the manner provided by subsection 3 of section 9.

By-laws and regulations.

(2) The officers of a society may by their rules and regulations prohibit and prevent theatrical, circus or acrobatic performances, exhibitions or shows and may also regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandise on the exhibition grounds or within three hundred yards thereof on the day of an exhibition, and any person who, after notice of such rules and regulations, violates any provisions thereof shall be liable to be removed by an officer of the society or any constable and shall be liable to the penalties provided in the Act.

Preventing certain performances, huckstering, etc.

20.—(1) Every society shall be a body corporate, with power to acquire and hold land as a site or as an enlargement of an existing site and the society shall have and may exercise the like powers as to lands required for the enlargement of an existing site as in the case of lands required for the original site, for fairs and exhibitions, and, subject to the approval of a meeting of the society called for that purpose may sell, mortgage, lease, or otherwise dispose thereof, or of any other property held by such society, provided that no lands of a society shall be mortgaged without the written approval of the Superintendent.

Incorporation and power to hold land.

Notice of meetings to consider disposition of property.

(2) At least two weeks' previous notice of such meeting shall be given by advertisement in not less than one newspaper having a general circulation in the district surrounding the headquarters of the society, and at such meeting only those persons shall be entitled to vote who are members for the current year and who were members for the two previous years.

Acquiring site; arbitration to fix price.

21.—(1) Subject to the approval of the Lieutenant-Governor in Council, if the owner of the land selected as a site for fairs and exhibitions, approved of at a meeting of the society called for that purpose, refuses to sell such lands or demands therefor a price deemed unreasonable by the board, such owner and the board shall each forthwith appoint an arbitrator, and the arbitrators so chosen shall appoint a third arbitrator, and such arbitrators or a majority of them shall determine the value of such land.

Appointment of arbitrator by county judge.

(2) If the directors or the owner of such land neglect or refuse to appoint an arbitrator, the judge of the county or district court of the county or district in which the land is situate may, on the application of the party who has so appointed an arbitrator and on notice to the opposite party, appoint an arbitrator on behalf of the party so neglecting or refusing to appoint an arbitrator and if the arbitrators appointed as aforesaid fail to agree on, or either of them refuse to appoint a third arbitrator, the judge of the county or district court of the county or district in which the land is situate may, on the application of one or other of the said arbitrators and on notice to the other, appoint a third arbitrator.

Third arbitrator appointment by county judge.

Powers of arbitrators.

(3) The arbitrators so appointed shall have the power to hear and determine all claims or rights of encumbrancers, lessees, tenants or other persons as well as those of the owner of the land required for the purpose of such site upon notice in writing to every such claimant or person.

Payment of compensation.

(4) Upon payment by the board of the amount determined by a majority of the arbitrators, to the owner or other persons entitled thereto, the land may be taken and used for the purposes of the society.

Effect of award.

(5) Any award for a site for fairs and exhibitions made and published twice in a newspaper having a general circulation in the district surrounding the headquarters of the society, shall, if there be no conveyance, be deemed to vest the title of the site in the society, and the title of the society shall be good against all persons interested in the land in any manner whatever, and shall be registered in the proper registry office, or land titles office, with the affidavit of the secretary and

treasurer or secretary-treasurer of such society verifying such award and the publication thereof.

(6) The parties concerned in all such disputes shall pay ^{Expenses of arbitration.} all the expenses incurred in regard to them, according to the award or decision of the arbitrators or a majority of them.

22. Any township society and town or village municipality that had, prior to the 4th day of March, 1868, jointly purchased and held any land or buildings for the purpose of agricultural fairs or exhibitions, may continue jointly to hold such land or buildings, or may sell, mortgage, lease or otherwise dispose thereof, subject to the approval of a meeting of the society as provided in section 20. ^{Joint ownership of lands with municipality.}

23. On the recommendation of the Minister, every society shall be entitled to receive a grant out of the moneys appropriated by the Legislature for such purpose on condition,— ^{Grants out of provincial fund.}

- (a) that the number of paid-up members for the current year is not less than sixty, except in the case of societies organized in provisional judicial districts or unorganized counties, where the number of paid-up members shall not be less than forty;
- (b) that all reports and returns required by this Act have been made to the satisfaction of the Superintendent;
- (c) that the annual meeting has been held as required and the officers elected, in accordance with section 10;
- (d) that the objects of the society as prescribed by section 8 have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with such objects; and
- (e) that all other provisions of this Act have been complied with.

24.—(1) Such moneys as may be appropriated by the Legislature for the purposes of grants under this Act, except the moneys appropriated under section 25, shall be subject to division among the societies according to the following plan,— ^{Division of provincial grant.}

- (a) a society that has owned and maintained pure bred stock, for the benefit of its members, for a period of at least nine months during the next preceding year, shall receive a grant of \$100 for every registered stallion, \$25 for every registered bull, \$10 for every

registered boar and \$5 for every registered ram owned by such society, and in the event of a society devoting its funds solely for the maintenance of pure bred stock and field crop or other competitions, such society shall receive a special membership grant of \$1 for every member of the society in good standing, up to fifty;

- (b) a newly organized society, during the first three years of its existence, shall receive a grant each year equal to \$1 per member up to three hundred members;
- (c) a society which holds a spring stallion show, a spring bull show, a combined spring stallion and bull show, or field crop or other competitions shall receive a grant equal to one-half the sum expended in the holding of such show, provided that no society shall be entitled to receive a sum in excess of \$50 for any such show or competition; and
- (d) the balance of moneys remaining after the other grants in this section have been provided for shall be subject to division among the societies, other than new societies, in proportion to the amount such societies expended during the three preceding years for agricultural purposes as shown in the statements forwarded to the Superintendent provided that:
 - (i) societies in provisional judicial districts and unorganized counties shall be entitled to receive their grants on the basis of double the amount of other societies; and
 - (ii) no society shall in any year be entitled to receive a grant in excess of \$800.

Allowance where gate receipts reduced by weather.

(2) If the Superintendent, upon receiving proof on or before the 31st day of October in any year, by the joint affidavit of the president, secretary and treasurer or secretary-treasurer of an agricultural society that rain or snow has fallen at the place of holding an exhibition before three o'clock in the afternoon on any day during which such exhibition was held, or that during such exhibition or within thirty days prior thereto, one or more buildings on the exhibition grounds was destroyed by fire or storm, is satisfied that as a consequence of such weather or such destruction the gate receipts were less than the average gate receipts for exhibitions held by the society during three previous normal years, such society shall be entitled to receive a grant of not more than ninety per centum of the difference between the gate receipts of the current year and the average amount of the gate receipts

of such three previous years, provided that no society shall in any year receive a grant in excess of \$500 for any such loss in gate receipts.

(3) In the event of a society which has been organized for only two years suffering loss in gate receipts owing to wet weather, it shall be entitled to receive a grant equal to seventy-five per centum of the difference between the gate receipts of the current year and those of the previous year, and in case of loss of gate receipts from the above cause during the third year of a society's existence, the grant shall be seventy-five per centum of the difference between the gate receipts of that year and those of the average of the two previous years, provided that no society shall in any year receive a grant in excess of \$500 for any such loss in gate receipts.

Grant where gate receipts reduced owing to wet weather.

25. Such amount of money as may be appropriated by the Legislature for the purpose of this section shall be subject to division among The Canadian National Exhibition Association of Toronto, The Central Canada Exhibition Association of Ottawa, and The Western Fair Association of London in proportion to the amount of money expended for agricultural purposes by such associations as mentioned in section 8, provided that not more than \$2,500 shall be paid to any such association and upon condition,—

Special aid to certain exhibitions.

- (a) that returns have been made to the Superintendent similar to those prescribed by section 11 in a manner satisfactory to the Superintendent;
- (b) that no other grants have been received under the provisions of this Act; and
- (c) that the Minister has given his approval to such grant;

provided that no such society shall in any year be entitled to receive a grant in excess of fifty per centum of the moneys appropriated by the Legislature for the purpose of this section for such year.

26.—(1) The municipal council of any city, town, village, county or township in Ontario may grant or loan money or grant land in aid of any agricultural society formed within the limits of the municipality or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such society has made the returns required by this Act, provided that the total amount or value of the money or land heretofore or hereafter granted or loaned by any municipality to an agricultural society under this section

Grants from municipal councils.

shall not exceed, in the case of a city, \$5,000, in the case of a town, \$2,000, and in the case of a village, \$1,000.

Security
for loans
from muni-
cipalities.

(2) If such grant is a loan of money to enable the society to acquire land, such municipality may hold the land so acquired or may take a mortgage thereon, as security for the amount of such grant until the amount of such grant is repaid to the municipality, and any such grant heretofore made in accordance with the provisions of this Act shall be legal and valid.

Agreements
as to use of
buildings.

(3) Any such municipality owning land or buildings for public purposes shall have the power to make agreements on such terms and for such periods as they may deem expedient with any company formed under the provisions of chapter 196 of the Revised Statutes of Ontario, 1897, or under any enactment that may be substituted therefor, or with any agricultural society for the use of such land or buildings, or either of them or for the privilege of erecting upon such land, subject to such terms as may be agreed upon, such buildings as it may require for agricultural and industrial shows, and to give the company the power of renting such grounds and buildings when owned by the company, to any agricultural society formed under this Act for the purposes of the annual show of the society, and to grant to such company or society the power to collect during such show, or at other times, as may be agreed, from any person wishing to go into or upon any such grounds or buildings, or for any privilege thereon, or for any carriage, wagon or other vehicle, or for any horse or other animal that may be taken thereon, such entrance fee or other charge as the company or society may deem necessary or expedient.

By-laws for
common use
of buildings
on municipal
property.

(4) Any municipality may pass by-laws providing for the erection of buildings upon parks, fair grounds or other property belonging to any such municipality, for the joint purposes of the municipality and of any agricultural society, or other body, or trustees for any club or society, upon such agricultural society, other body, or trustees undertaking to contribute to the cost of such building, and in such case, the municipality shall have power to grant leases for a term not exceeding twenty-one years, to such agricultural society, other body, or trustees, for the use of such building at such time as to the council may seem proper, and upon such terms as may be arranged with the council, and the powers hereby granted may be exercised in respect of any building erected since the 1st day of January, 1919.

Exemption
from taxa-
tion.

27. The property of an agricultural society shall be exempt from taxation other than taxes for local improvements when

in actual occupation by the society, or by its tenants if the rent is applied solely for the purposes of the society.

28. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,—^{Regulations.}

- (a) providing the terms and conditions upon which any society may hold races or trials of speed for horses and the amount of money that any society may award as prizes therefor;
- (b) subject to the provisions of section 23, prescribing the terms and conditions upon which societies may be entitled to receive grants out of the moneys appropriated by the Legislature;
- (c) limiting the exhibitors of any society to persons residing within defined areas;
- (d) prescribing the powers and duties of the officers of a society; and
- (e) generally for the better carrying out of the provisions of this Act.

29.—(1) Any justice of the peace having jurisdiction in any city, town, village or township, wherein a fair or exhibition is held, shall, on the request of the president or executive committee of any society, appoint as many constables, as may be required.^{Appointment of constables.}

(2) Such constables shall be paid by the society and it shall be their duty to protect the property of the society within the exhibition grounds, and to eject all persons who may be improperly within the grounds, or behave in a disorderly manner, or violate any of the rules or regulations of such society.^{Duty of constables.}

(3) If any person wilfully hinders or obstructs the officers or servants of any society or any constable appointed under this section in the execution of their duties, or gains admission to the grounds contrary to the rules of the society, he shall incur a penalty of not less than \$1, nor more than \$20, to be paid to such society for its use and benefit.^{Interfering with officers.}

30. The Minister may appoint a person to inspect the books and accounts of any society receiving government grants under this Act, and may empower such person to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to the matters under inspection, and every officer of a society shall,^{Inspection.}

when required, submit the books and accounts thereof to such inspection.

Fraud or
misrepresentation by
an exhibitor.

31. Where the board of a society has reason to believe that any member or other person exhibiting any farm product, animal, fowl or other goods at any exhibition of the society has committed a fraud or made any misrepresentation in respect of any such farm product, animal, fowl or other goods, the board may withhold payment or delivery of any premium or prize to such person until such person proves to the satisfaction of the board that no fraud or misrepresentation has in fact been committed or made.

Penalty.

32.—(1) Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided shall be liable to a penalty not exceeding \$50.

Application
of Rev. Stat.,
c. 136.

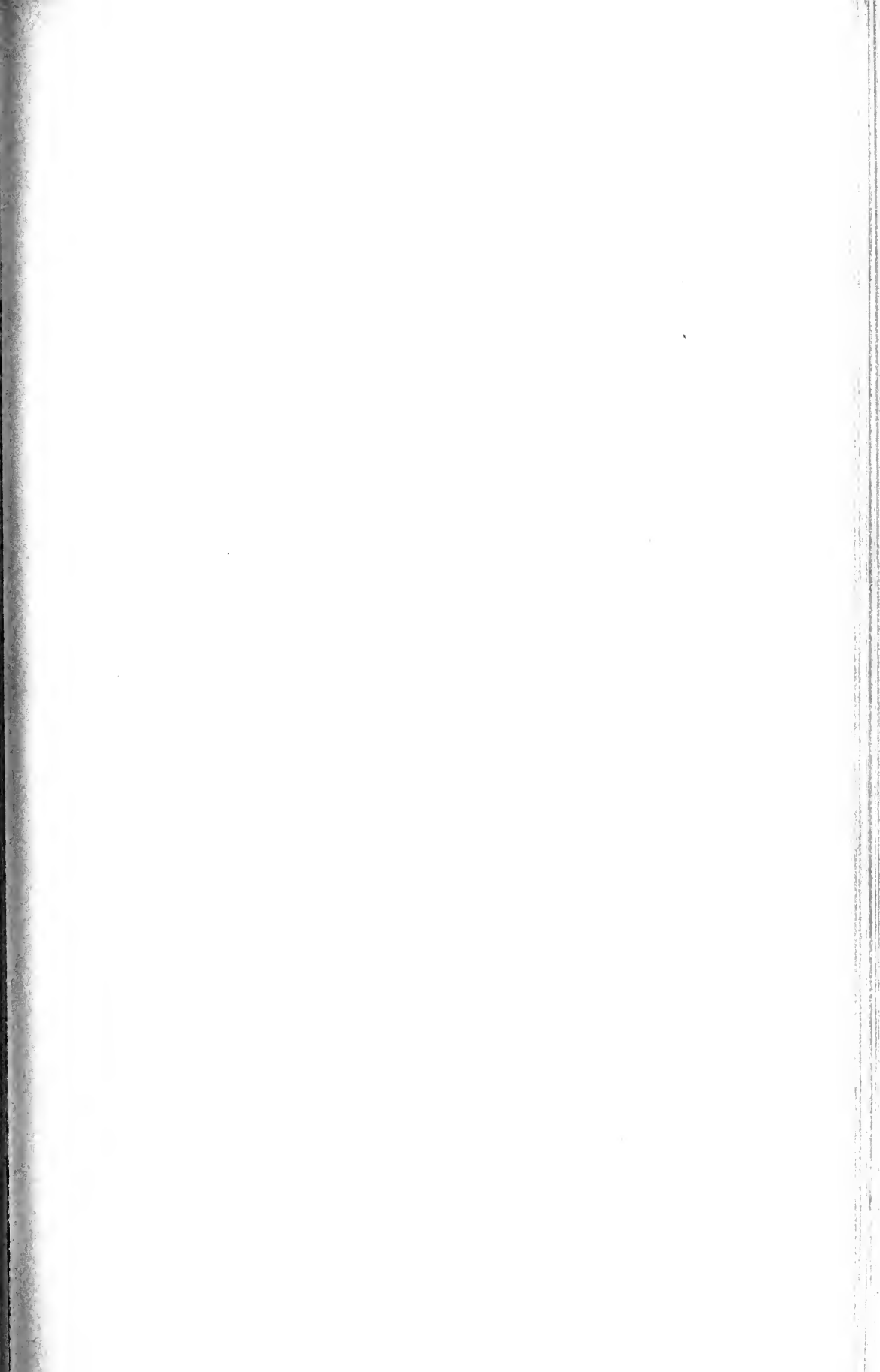
(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

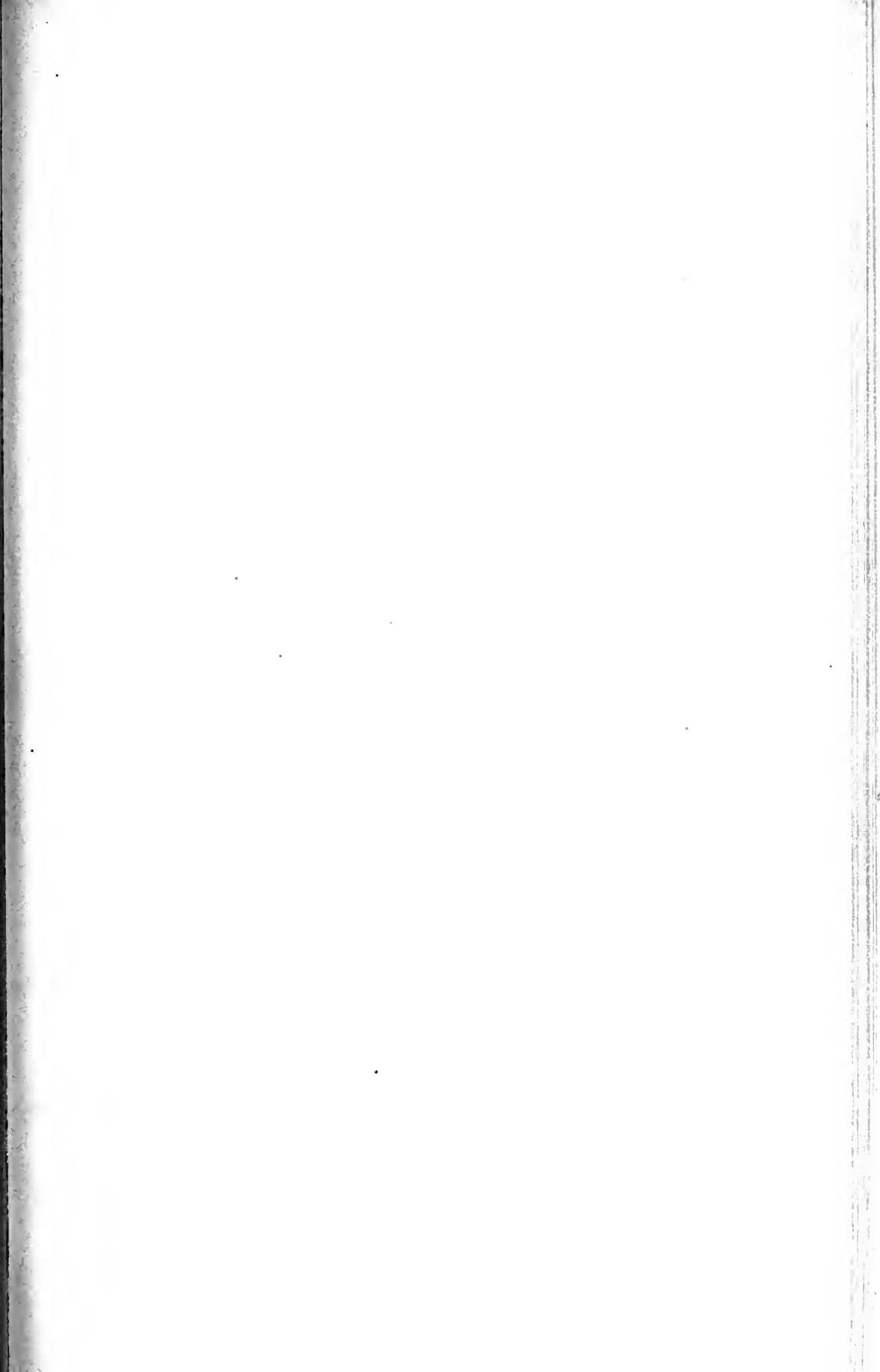
Rev. Stat.,
c. 81, re-
pealed.

33. *The Agricultural Societies Act*, being chapter 81 of The Revised Statutes of Ontario, 1937, is repealed.

Short title.

34. This Act may be cited as *The Agricultural Societies Act, 1939*.





Bill
An Act respecting Agricultural Societies.

1st Reading

March 10th, 1939

2nd Reading

March 17th, 1939

3rd Reading

March 22nd, 1939

MR. DEWAN

No. 37

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to confirm Tax Sales.

MR. CROSS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to confirm Tax Sales.

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

Tax sales
and con-
veyances
confirmed.

1. All sales of land situate within any municipality, or within any school section in an unorganized township, in Ontario, held prior to the 1st day of January, 1938, and purporting to have been made for arrears of taxes payable to the municipal corporation or to the school board of the school section in an unorganized township, in respect to the land so sold, are hereby confirmed and declared to be legal, valid and binding, and all conveyances of land so sold, executed or purporting to be executed as required by *The Assessment Act*, and purporting to convey such land to the purchaser thereof, or his heirs or assigns, or to the municipal corporation or school board, are also confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting such land in the purchaser, or his heirs or assigns, or their heirs or assigns, or in the municipal corporation or school board or its successors or assigns, as the case may be, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right, title and interest of the owners thereof at the time of such sale, or their assigns, and all charges and encumbrances thereon and dower therein, except taxes accruing after those for non-payment of which such land was so sold.

Rev. Stat.,
c. 272.

Registered
tax arrears
certificates
confirmed.

1932, c. 27,
1935, c. 16.

2.—(1) Every tax arrears certificate registered prior to the 1st day of January, 1938, and purporting to have been registered pursuant to *The Ontario Municipal Board Act, 1932*, or *The Department of Municipal Affairs Act, 1935*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting the land therein described in the corporation of the municipality in which the land is situate, its successors or assigns, in fee simple or otherwise according to the nature of the estate or interest of the owner thereof at the time of such registration, clear of and free from all right, title and interest of such owner or his assigns, and of all charges or encumbrances or dower therein.

EXPLANATORY NOTES

SECTION 1. All sales of land for taxes held prior to January 1st, 1938, and all conveyances of such land are confirmed and the lands vested in the purchasers.

SECTIONS 2, 3 AND 4. These sections, which apply in supervised municipalities only, confirm tax arrears certificates registered prior to January 1st, 1938, and redemption certificates and vacating certificates registered prior to the coming into force of the Act.

Right of redemption continued.

Rev. Stat., c. 59.

Registered redemption certificates confirmed.

1932, c. 27.
1935, c. 16.
Rev. Stat., c. 59.

Registered vacating certificates confirmed.

1935, c. 16.
Rev. Stat., c. 59.

Pending litigation not affected.

Saving as to rights of Crown.

Short title.

(2) Notwithstanding that under subsection 1, land in respect to which a tax arrears certificate has been registered has become vested in the municipality, and that the period for redemption thereof has expired, the treasurer thereof may, with the approval of the Department of Municipal Affairs, permit such land to be redeemed in the manner provided in section 44 of *The Department of Municipal Affairs Act*.

3. Every redemption certificate registered prior to the coming into force of this Act, and purporting to have been registered pursuant to *The Ontario Municipal Board Act, 1932*, *The Department of Municipal Affairs Act, 1935*, or *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate. his heirs or assigns, his original estate or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

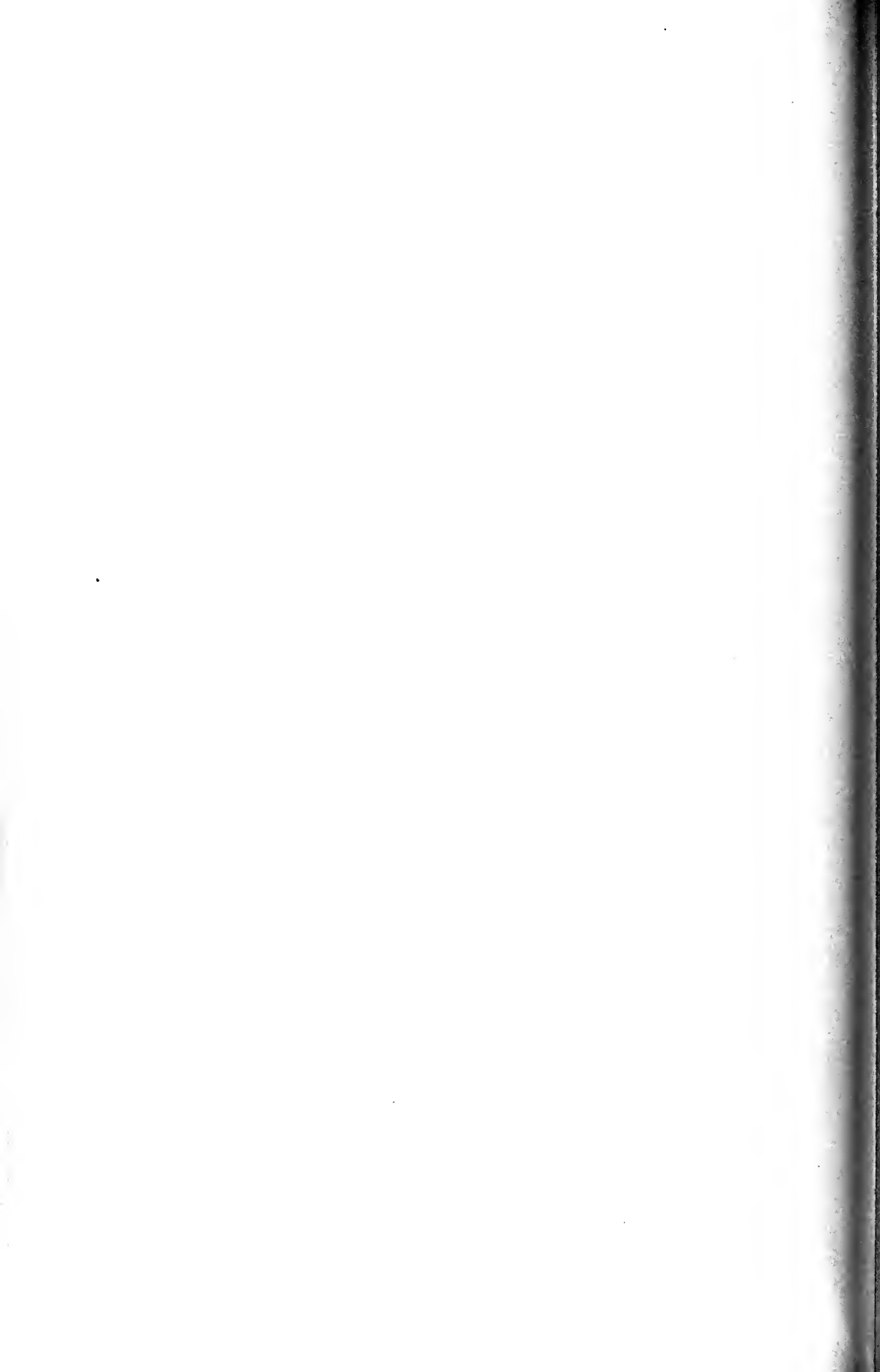
4. Every vacating certificate registered prior to the coming into force of this Act, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act, 1935*, or *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate or interest in the land described therein, notwithstanding that the Department of Municipal Affairs had not authorized the agreement, if any, for composition and payment of the arrears of taxes in respect to such land.

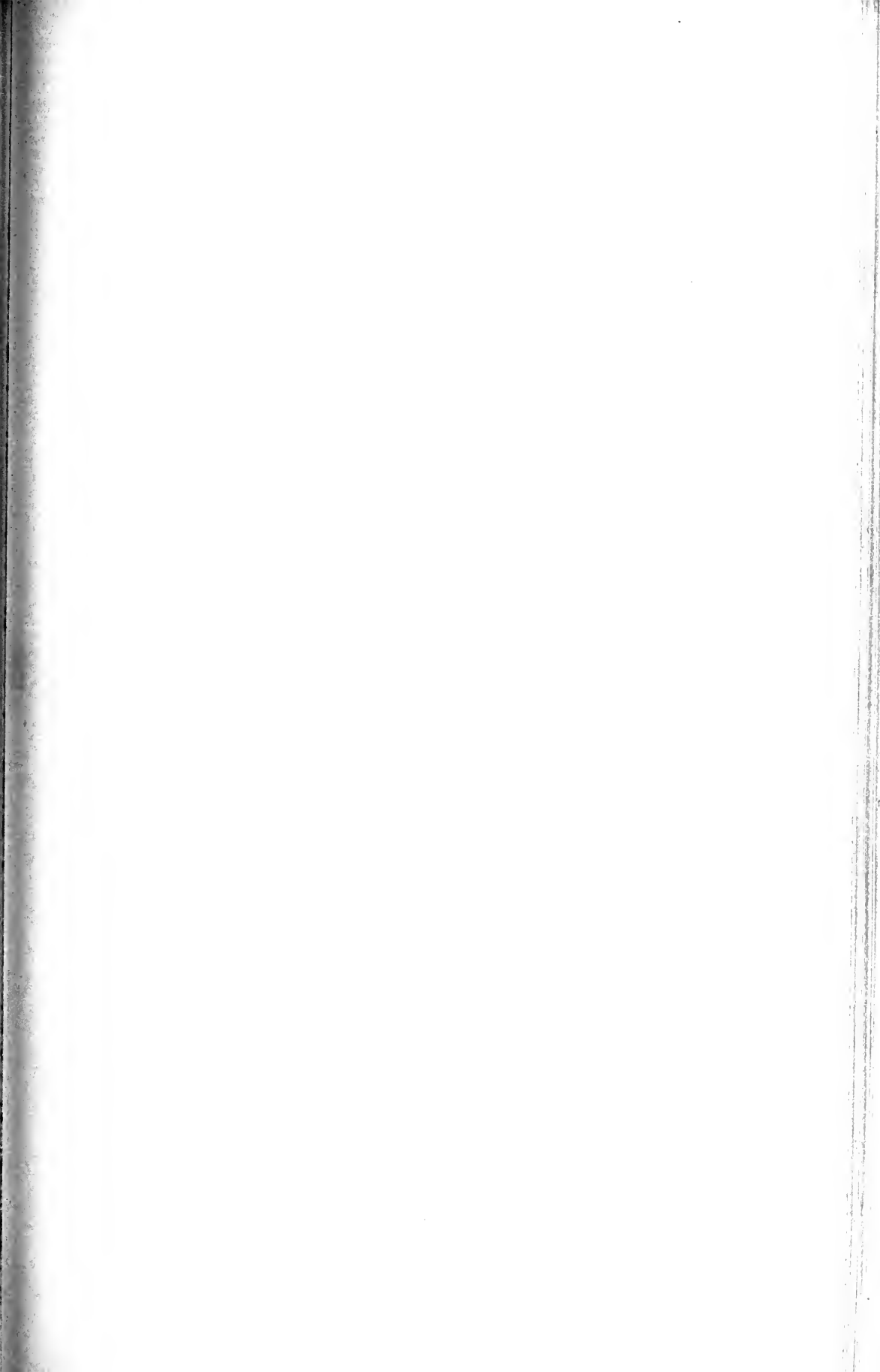
5. Nothing in this Act contained shall affect or prejudice any rights of any person under any action, litigation or other proceeding now pending, but such action, litigation or other proceeding may be continued and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

6. Nothing in this Act contained shall in any way affect or defeat the Crown in respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

7. This Act may be cited as *The Tax Sales Confirmation Act, 1939*.

SECTIONS 5 AND 6. Self-explanatory.





BILL

An Act to confirm Tax Sales.

1st Reading

March 10th, 1939

2nd Reading

3rd Reading

MR. CROSS

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to confirm Tax Sales.

MR. CROSS

BILL

An Act to confirm Tax Sales.

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

Tax sales
and con-
veyances
confirmed.

1. All sales of land situate within any municipality, or within any school section in an unorganized township, in Ontario, held prior to the 1st day of January, 1938, and purporting to have been made for arrears of taxes payable to the municipal corporation or to the school board of the school section in an unorganized township, in respect to the land so sold, are hereby confirmed and declared to be legal, valid and binding, and all conveyances of land so sold, executed or purporting to be executed as required by *The Assessment Act*, and purporting to convey such land to the purchaser thereof, or his heirs or assigns, or to the municipal corporation or school board, are also confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting such land in the purchaser, or his heirs or assigns, or their heirs or assigns, or in the municipal corporation or school board or its successors or assigns, as the case may be, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right, title and interest of the owners thereof at the time of such sale, or their assigns, and all charges and encumbrances thereon and dower therein, except taxes accruing after those for non-payment of which such land was so sold.

Rev. Stat.,
c. 272.

Registered
tax arrears
certificates
confirmed.

1932, c. 27,
1935, c. 16.

2.—(1) Every tax arrears certificate registered prior to the 1st day of January, 1938, and purporting to have been registered pursuant to *The Ontario Municipal Board Act, 1932*, or *The Department of Municipal Affairs Act, 1935*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting the land therein described in the corporation of the municipality in which the land is situate, its successors or assigns, in fee simple or otherwise according to the nature of the estate or interest of the owner thereof at the time of such registration, clear of and free from all right, title and interest of such owner or his assigns, and of all charges or encumbrances or dower therein.

(2) Notwithstanding that under subsection 1, land in respect to which a tax arrears certificate has been registered has become vested in the municipality, and that the period for redemption thereof has expired, the treasurer thereof may, with the approval of the Department of Municipal Affairs, permit such land to be redeemed in the manner provided in section 44 of *The Department of Municipal Affairs Act*.

Right of redemption continued.

Rev. Stat., c. 59.

3. Every redemption certificate registered prior to the coming into force of this Act, and purporting to have been registered pursuant to *The Ontario Municipal Board Act, 1932*, *The Department of Municipal Affairs Act, 1935*, or *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered redemption certificates confirmed.

1932, c. 27.
1935, c. 16.
Rev. Stat., c. 59.

4. Every vacating certificate registered prior to the coming into force of this Act, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act, 1935*, or *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate or interest in the land described therein, notwithstanding that the Department of Municipal Affairs had not authorized the agreement, if any, for composition and payment of the arrears of taxes in respect to such land.

Registered vacating certificates confirmed.

1935, c. 16.
Rev. Stat., c. 59.

5. Nothing in this Act contained shall affect or prejudice any rights of any person under any action, litigation or other proceeding now pending, but such action, litigation or other proceeding may be continued and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

Pending litigation not affected.

6. Nothing in this Act contained shall in any way affect or defeat the Crown in respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Saving as to rights of Crown.

7. This Act may be cited as *The Tax Sales Confirmation Act, 1939*.

Short title.

1st Reading

March 10th, 1939

2nd Reading

March 17th, 1939

3rd Reading

March 24th, 1939

Mr. Cross

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Tile Drainage Act.

MR. CAMPBELL (Sault Ste. Marie)

BILL

An Act to amend The Tile Drainage Act.

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

Rev. Stat.,
c. 72, s. 1,
subs. 1,
amended.

1.—(1) Subsection 1 of section 1 of *The Tile Drainage Act* is amended by adding at the commencement thereof the words “Subject to the provisions of sections 70 and 71 of *The Ontario Municipal Board Act*,” so that the said subsection shall now read as follows:

Borrowing
powers of
councils.

Rev. Stat.,
c. 60.

(1) Subject to the provisions of sections 70 and 71 of *The Ontario Municipal Board Act* the council of a town, village or township may pass by-laws (Form 1) for borrowing for the purposes hereinafter mentioned in sums of not less than \$2,000, and not exceeding \$200,000 in the whole, such amount as they may deem expedient, and for issuing therefor debentures of the municipality (Form 2) payable within ten or twenty years from the date of such debentures which shall bear date in the year in which the money is borrowed from the municipality as is hereinafter provided, and bearing interest at a rate of not less than four per centum per annum, and it shall not be necessary to obtain the assent of the electors to any such by-law before the passing thereof.

Rev. Stat.,
c. 72, s. 1,
subs. 2,
amended.

(2) Subsection 2 of the said section 1 is amended by striking out all the words after the figures “\$200,000” in the fourth line and inserting in lieu thereof the following words: “and no such by-law shall be passed except at a meeting of the council especially called for the purpose of considering it and of which notice has been published in accordance with the provisions of subsection 2a,” so that the said subsection shall now read as follows:

Proviso.

(2) The amount of the indebtedness of the municipality in respect of money so borrowed and remaining unpaid, including the amount provided for in any by-law being passed, shall not at any time exceed

EXPLANATORY NOTES

GENERAL. This Bill permits the Treasurer to sell to the Accountant of the Supreme Court and to the Workmen's Compensation Board municipal debentures issued under *The Tile Drainage Act* and effects other minor amendments to the Act. Complementary amendments are contained in Bills amending *The Judicature Act* and *The Workmen's Compensation Act*.

SECTION 1.—(1) The insertion of a reference to *The Ontario Municipal Board Act* effected by this amendment draws attention to the appropriate provisions of that Act which must be observed when it is proposed to issue debentures under *The Tile Drainage Act*.

(2), (3) The present provision does not clearly indicate the number of times the notice mentioned in subsection 2 should be published. Form 6 in the Schedule to the Act requires three insertions and the amendment renders the section consistent with the form.

\$200,000, and no such by-law shall be passed except at a meeting of the council especially called for the purpose of considering it and of which notice has been published in accordance with the provisions of subsection 2a.

Rev. Stat.,
c. 72, s. 1,
amended.

(3) The said section 1 is further amended by adding thereto the following subsection:

Notice of
meeting.

(2a) A notice (Form 3) of every such meeting shall be published at least once each week for three successive weeks in such newspaper as the council may by resolution direct, and the first publication of such notice shall be not less than four weeks prior to the holding of such meeting.

Rev. Stat.,
c. 72, s. 5,
subs. 1,
amended.

2. Subsection 1 of section 5 of *The Tile Drainage Act* is amended by striking out the word "may" in the second line and inserting in lieu thereof the word "shall," so that the said subsection shall now read as follows:

Application
for disposal
of debentures.

(1) The council, after the expiration of one month from the last publication under section 2, shall deposit with the Treasurer of Ontario a copy of the by-law, with affidavits of the head and clerk of the municipality (Forms 5 and 6), and may at any time thereafter apply for the purchase by the Province of the debentures authorized thereby.

Rev. Stat.,
c. 72,
amended.

3.—(1) *The Tile Drainage Act* is amended by adding thereto the following section:

Assign-
ment of
debentures.

11a. The Treasurer of Ontario may sell, transfer and assign any debentures issued under this Act to the Accountant of the Supreme Court of Ontario or the Workmen's Compensation Board.

Applica-
tion of
section.

(2) The provisions of this section shall apply only to debentures issued after the coming into force of this Act.

Rev. Stat.,
c. 72, s. 18,
re-enacted.

4. Section 18 of *The Tile Drainage Act* is repealed and the following substituted therefor:

Discharge
of indebted-
ness by
owner.

18. The owner of land in respect of which money has been borrowed, may at any time obtain the discharge of the indebtedness by paying to the treasurer of the municipality the amount borrowed, with interest thereon at the rate payable by the municipality to the Treasurer of Ontario or his assignee on the debentures of the municipality which the Treasurer or his assignee holds in respect of the said indebted-

SECTION 2. The amendment requires the municipal council to deposit a copy of its by-law with the Treasurer of Ontario, which is consistent with the present practice.

SECTION 3. This is the provision which permits the Treasurer to sell tile drainage debentures to the Accountant of the Supreme Court and to the Workmen's Compensation Board.

(2) The sale of debentures by the Treasurer is restricted to debentures issued after the coming into force of this Act.

SECTIONS 4, 5. These amendments render the sections of *The Tile Drainage Act* consistent with the provisions which permit the Treasurer of Ontario to sell debentures.

ness, less any sum already paid on account of principal and interest, and upon the same being paid to the Treasurer, he shall forthwith transmit it to the Treasurer of Ontario or his assignee who shall apply it towards payment of the debentures of the municipality.

Rev. Stat.,
c. 72, s. 20,
subss. 1
and 4,
amended.

5. Section 20 of *The Tile Drainage Act* is amended by inserting after the words "Treasurer of Ontario" where they occur in the third line of subsection 1 and in the sixth line of subsection 4 respectively, the words "or his assignee," so that the said subsections shall now read as follows:

Repayment
by municipal-
ity to
Province.

(1) The amount payable in each year for principal and interest shall be remitted by the Treasurer of the municipality to the Treasurer of Ontario or his assignee within one month after the same became payable, together with interest at the rate of seven per centum per annum during the time of any default in payment.

Duty of
municipal
treasurer
after
default.

(4) No treasurer or other officer shall, after such default, pay out of the funds of the municipality any sum except for the ordinary current disbursements, and salaries of clerks and other employees of the municipality or debts due to the Province until the amount so in arrear and the interest has been paid to the Treasurer of Ontario or his assignee.

Rev. Stat.,
c. 72,
Form 1,
par. 2,
amended.

6. The paragraph numbered 2 in Form 1 in the Schedule to *The Tile Drainage Act* is amended by inserting after the word "that" where it occurs the first time in the first line the words "subject to the provisions of section 10 of *The Tile Drainage Act*," so that the said paragraph shall now read as follows:

2. That, subject to the provisions of section 10 of *The Tile Drainage Act* when the Council shall be of opinion that the application of any person to borrow money for the purpose of constructing a tile, stone or timber drain should be granted in whole or in part, the Council may, by resolution, direct the Reeve (or Mayor) to issue debentures as aforesaid, and to borrow a sum not exceeding the amount applied for, and may lend the same to the applicant on the completion of the drainage works.

Commence-
ment of Act.

7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

8. This Act may be cited as *The Tile Drainage Amendment Act, 1939*.

SECTION 6. There is no provision in the present Form of By-law which indicates that the approval of the Treasurer must be obtained before the council advances money to a borrower although such approval is required by section 10 of the Act. The amendment renders the by-law consistent with the provisions of the present Act.

NO. 48
BILL

An Act to amend The Tile Drainage Act.

1st Reading

March 13th, 1939

2nd Reading

3rd Reading

MR. CAMPBELL
(Sault Ste. Marie)

No. 38

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Tile Drainage Act.

MR. CAMPBELL (Sault Ste. Marie)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Tile Drainage Act.

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

Rev. Stat.,
c. 72, s. 1,
subs. 1,
amended.

1.—(1) Subsection 1 of section 1 of *The Tile Drainage Act* is amended by adding at the commencement thereof the words “Subject to the provisions of sections 70 and 71 of *The Ontario Municipal Board Act*,” so that the said subsection shall now read as follows:

Borrowing
powers of
councils.

Rev. Stat.,
c. 60.

(1) Subject to the provisions of sections 70 and 71 of *The Ontario Municipal Board Act* the council of a town, village or township may pass by-laws (Form 1) for borrowing for the purposes hereinafter mentioned in sums of not less than \$2,000, and not exceeding \$200,000 in the whole, such amount as they may deem expedient, and for issuing therefor debentures of the municipality (Form 2) payable within ten or twenty years from the date of such debentures which shall bear date in the year in which the money is borrowed from the municipality as is hereinafter provided, and bearing interest at a rate of not less than four per centum per annum, and it shall not be necessary to obtain the assent of the electors to any such by-law before the passing thereof.

Rev. Stat.,
c. 72, s. 1,
subs. 2,
amended.

(2) Subsection 2 of the said section 1 is amended by striking out all the words after the figures “\$200,000” in the fourth line and inserting in lieu thereof the following words: “and no such by-law shall be passed except at a meeting of the council especially called for the purpose of considering it and of which notice has been published in accordance with the provisions of subsection 2a,” so that the said subsection shall now read as follows:

Proviso.

(2) The amount of the indebtedness of the municipality in respect of money so borrowed and remaining unpaid, including the amount provided for in any by-law being passed, shall not at any time exceed

\$200,000, and no such by-law shall be passed except at a meeting of the council especially called for the purpose of considering it and of which notice has been published in accordance with the provisions of subsection 2a.

(3) The said section 1 is further amended by adding thereto the following subsection: Rev. Stat., c. 72, s. 1, amended.

(2a) A notice (Form 3) of every such meeting shall be published at least once each week for three successive weeks in such newspaper as the council may by resolution direct, and the first publication of such notice shall be not less than four weeks prior to the holding of such meeting. Notice of meeting.

2. Subsection 1 of section 5 of *The Tile Drainage Act* is amended by striking out the word "may" in the second line and inserting in lieu thereof the word "shall," so that the said subsection shall now read as follows: Rev. Stat., c. 72, s. 5, subs. 1, amended.

(1) The council, after the expiration of one month from the last publication under section 2, shall deposit with the Treasurer of Ontario a copy of the by-law, with affidavits of the head and clerk of the municipality (Forms 5 and 6), and may at any time thereafter apply for the purchase by the Province of the debentures authorized thereby. Application for disposal of debentures.

3.—(1) *The Tile Drainage Act* is amended by adding thereto the following section: Rev. Stat., c. 72, amended.

11a. The Treasurer of Ontario may sell, transfer and assign any debentures issued under this Act to the Accountant of the Supreme Court of Ontario or the Workmen's Compensation Board. Assignment of debentures.

(2) The provisions of this section shall apply only to debentures issued after the coming into force of this Act. Application of section.

4. Section 18 of *The Tile Drainage Act* is repealed and the following substituted therefor: Rev. Stat., c. 72, s. 18, re-enacted.

18. The owner of land in respect of which money has been borrowed, may at any time obtain the discharge of the indebtedness by paying to the treasurer of the municipality the amount borrowed, with interest thereon at the rate payable by the municipality to the Treasurer of Ontario or his assignee on the debentures of the municipality which the Treasurer or his assignee holds in respect of the said indebted- Discharge of indebtedness by owner.

ness, less any sum already paid on account of principal and interest, and upon the same being paid to the Treasurer, he shall forthwith transmit it to the Treasurer of Ontario or his assignee who shall apply it towards payment of the debentures of the municipality.

Rev. Stat.,
c. 72, s. 20,
subss. 1
and 4,
amended.

5. Section 20 of *The Tile Drainage Act* is amended by inserting after the words "Treasurer of Ontario" where they occur in the third line of subsection 1 and in the sixth line of subsection 4 respectively, the words "or his assignee," so that the said subsections shall now read as follows:

Repayment
by municipi-
ality to
Province.

- (1) The amount payable in each year for principal and interest shall be remitted by the Treasurer of the municipality to the Treasurer of Ontario or his assignee within one month after the same became payable, together with interest at the rate of seven per centum per annum during the time of any default in payment.

Duty of
municipal
treasurer
after
default.

- (4) No treasurer or other officer shall, after such default, pay out of the funds of the municipality any sum except for the ordinary current disbursements, and salaries of clerks and other employees of the municipality or debts due to the Province until the amount so in arrear and the interest has been paid to the Treasurer of Ontario or his assignee.

Rev. Stat.,
c. 72,
Form 1,
par. 2,
amended.

6. The paragraph numbered 2 in Form 1 in the Schedule to *The Tile Drainage Act* is amended by inserting after the word "that" where it occurs the first time in the first line the words "subject to the provisions of section 10 of *The Tile Drainage Act*," so that the said paragraph shall now read as follows:

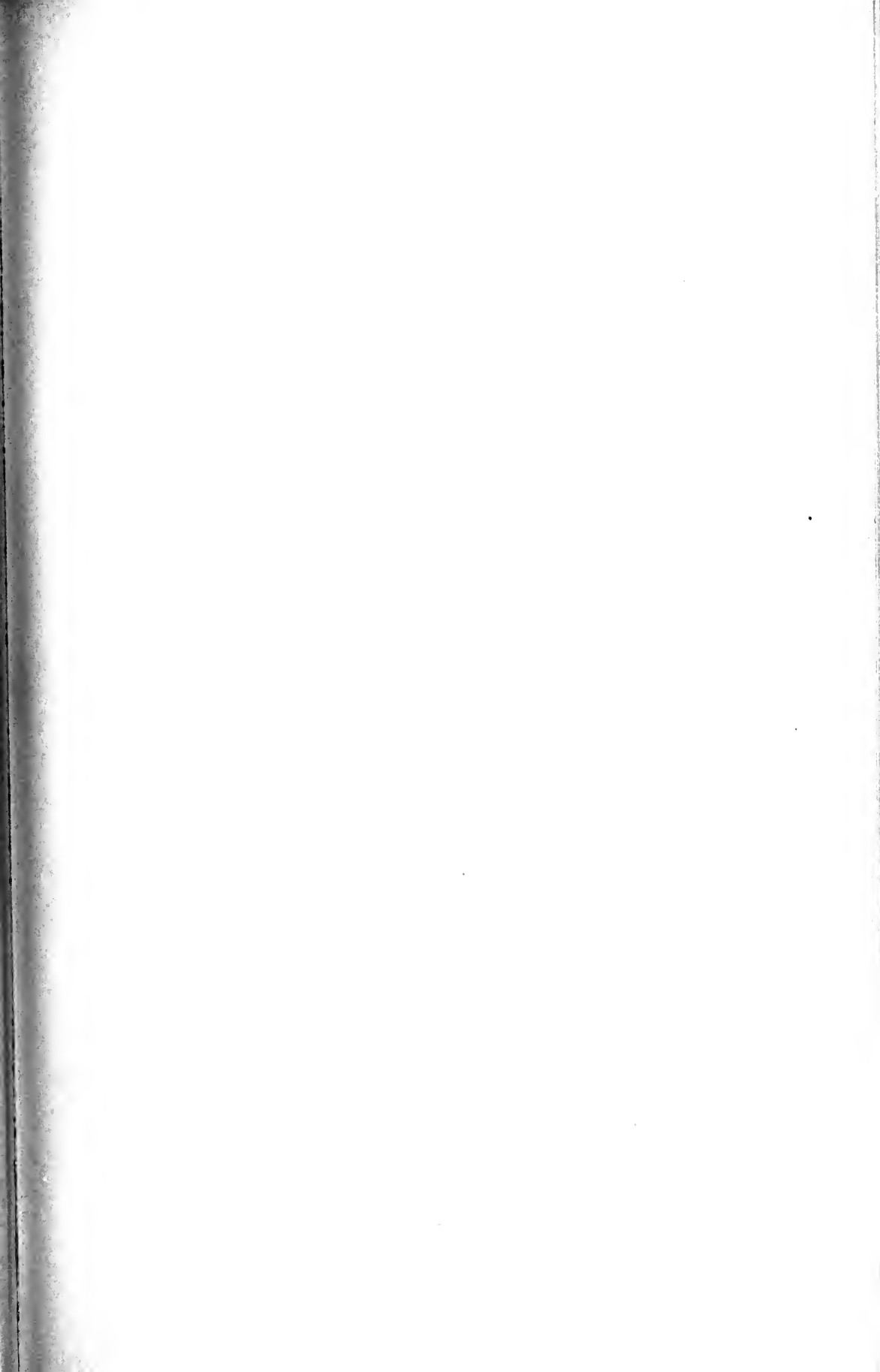
2. That, subject to the provisions of section 10 of *The Tile Drainage Act* when the Council shall be of opinion that the application of any person to borrow money for the purpose of constructing a tile, stone or timber drain should be granted in whole or in part, the Council may, by resolution, direct the Reeve (*or* Mayor) to issue debentures as aforesaid, and to borrow a sum not exceeding the amount applied for, and may lend the same to the applicant on the completion of the drainage works.

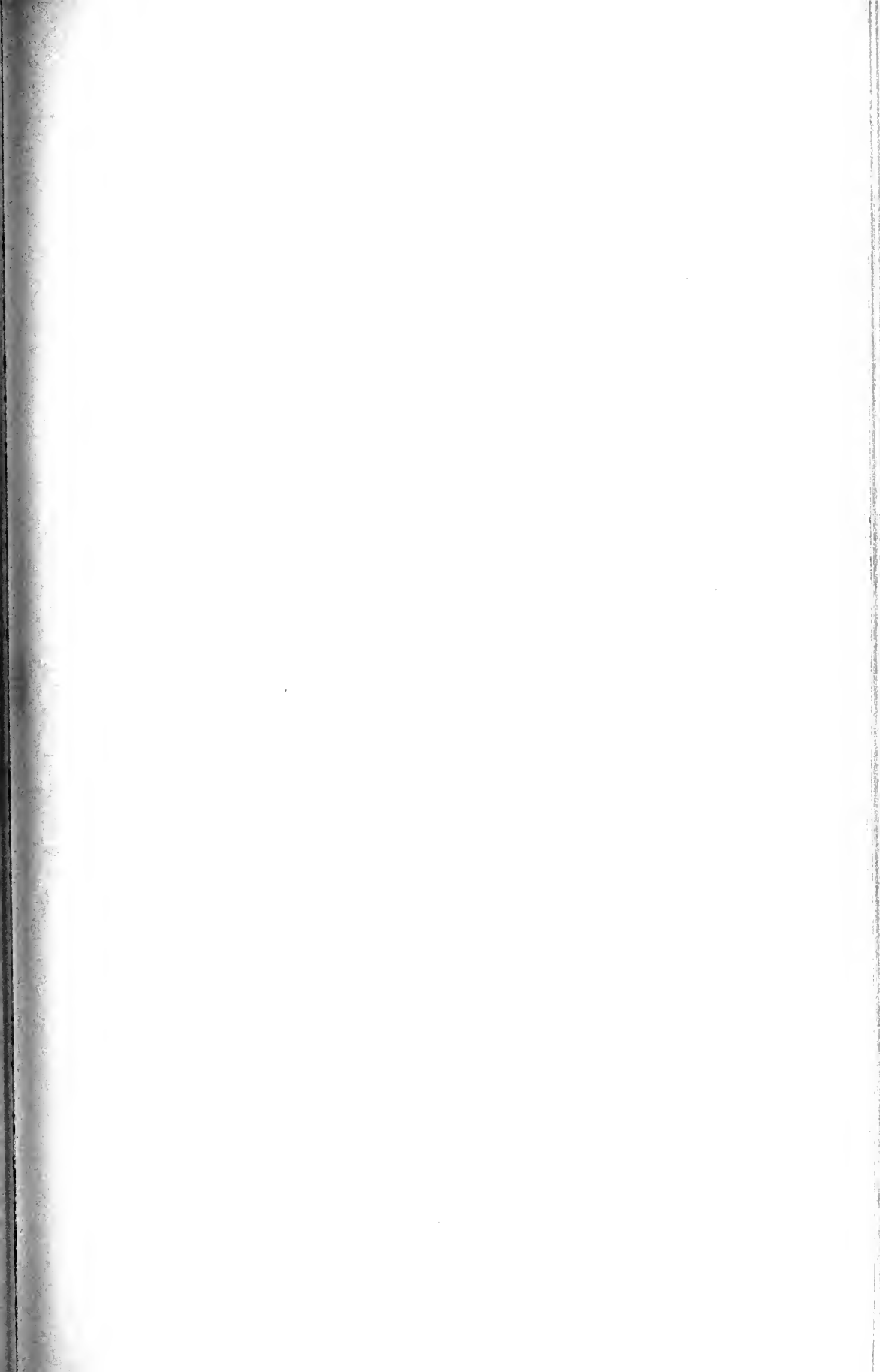
Commence-
ment of Act.

7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

8. This Act may be cited as *The Tile Drainage Amendment Act, 1939*.





BILL

An Act to amend The Judicature Act.

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

Rev. Stat.
c. 100, s. 102,
subs. 4,
amended.

1. Subsection 4 of section 102 of *The Judicature Act* as amended by subsection 4 of section 6 of *The Judicature Amendment Act, 1938*, is further amended by adding at the end thereof the words "or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Accountant shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*", so that the said subsection shall now read as follows:

Invest-
ments.

(4) Any money which is available for investment shall be invested in securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Accountant shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*.

Rev. Stat.,
c. 72.

Commence-
ment of Act.

2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

3. This Act may be cited as *The Judicature Amendment Act, 1939*.

EXPLANATORY NOTE

This amendment permits the Accountant of the Supreme Court to purchase municipal debentures issued under *The Tile Drainage Act* from the Treasurer of Ontario but limits the Accountant's holdings of debentures issued by any one municipality to \$50,000.

An Act to amend The Judicature Act.

1st Reading

March 13th, 1939

2nd Reading

3rd Reading

MR. CAMPBELL,
(Sault Ste. Marie)

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Judicature Act.

MR. CAMPBELL (Sault Ste. Marie)

BILL

An Act to amend The Judicature Act.

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

Rev. Stat.
c. 100, s. 102,
subs. 4,
amended.

1. Subsection 4 of section 102 of *The Judicature Act* as amended by subsection 4 of section 6 of *The Judicature Amendment Act, 1938*, is further amended by adding at the end thereof the words "or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Accountant shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*", so that the said subsection shall now read as follows:

Invest-
ments.

(4) Any money which is available for investment shall be invested in securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Accountant shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*.

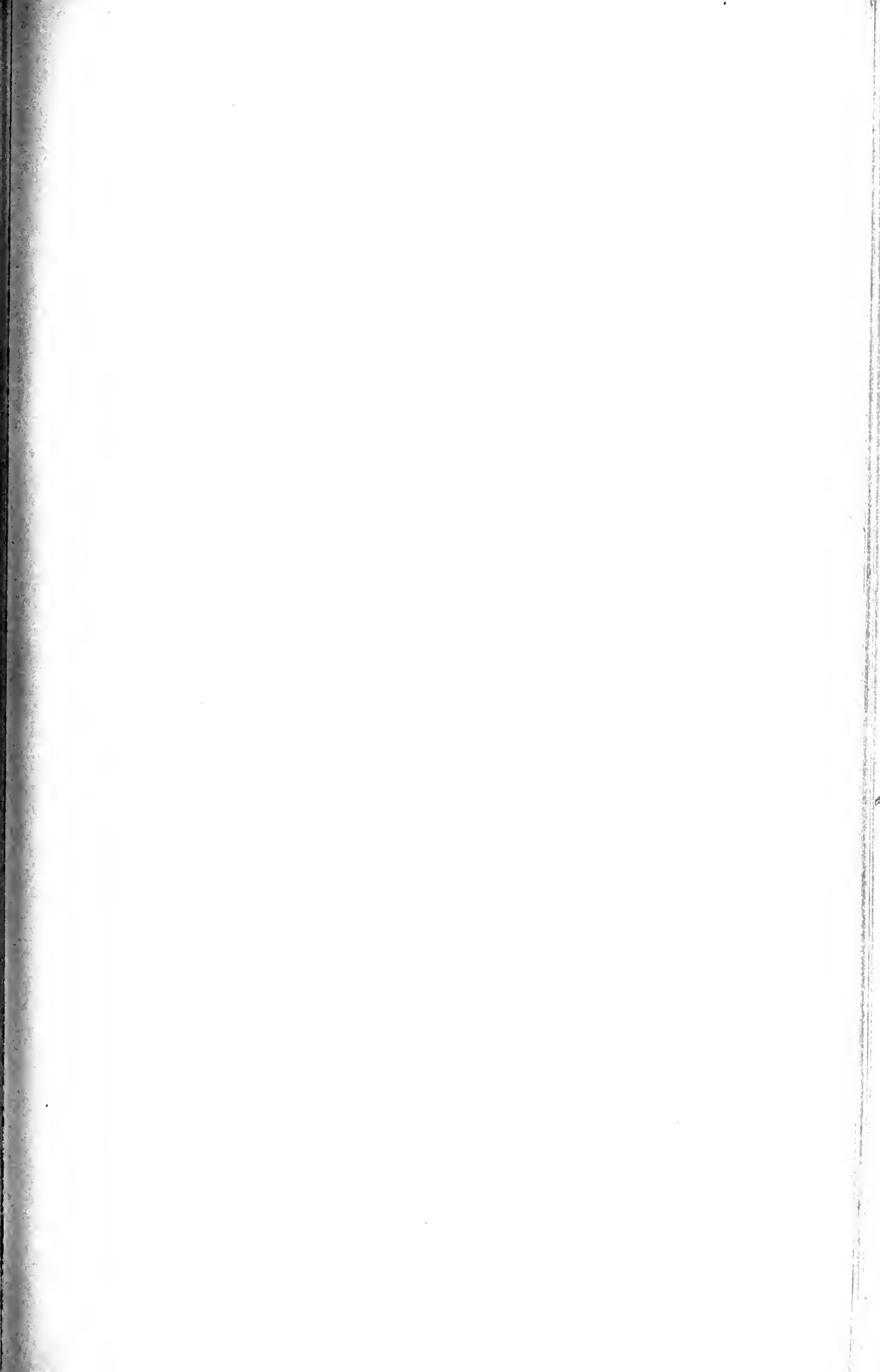
Rev. Stat.,
c. 72.

Commence-
ment of Act.

2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

3. This Act may be cited as *The Judicature Amendment Act, 1939*.



An Act to amend The Judicature Act.

1st Reading

March 13th, 1939

2nd Reading

March 17th, 1939

3rd Reading

March 21st, 1939

MR. CAMPBELL
(Sault Ste. Marie)

No. 40

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Workmen's Compensation Act.

MR. CAMPBELL (Sault Ste. Marie)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Workmen's Compensation Act.

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

Rev. Stat.,
c. 204, s. 105,
amended.

1. Section 105 of *The Workmen's Compensation Act* is amended by adding at the end thereof the words "or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Board shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*," so that the said section shall now read as follows:

Formation
of reserves.

105. In order to maintain the accident fund as provided by section 81 the Board may from time to time and as often as may be deemed necessary include in any sum to be assessed upon the employers and may collect from them such sums as may be deemed necessary for that purpose and the sums so collected shall form a reserve fund and shall be invested in securities in which a trustee may by law invest trust moneys or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Board shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*.

Rev. Stat.,
c. 72.

2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.

Short title.

3. This Act may be cited as *The Workmen's Compensation Amendment Act, 1939*.

EXPLANATORY NOTE

This amendment permits the Workmen's Compensation Board to purchase municipal debentures issued under *The Tile Drainage Act* from the Treasurer of Ontario but limits the Board's holdings of debentures issued by any one municipality to \$50,000.

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 13th, 1939

2nd Reading

3rd Reading

MR. CAMPBELL
(Sault Ste. Marie)

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Workmen's Compensation Act.

MR. CAMPBELL (Sault Ste. Marie)

BILL

An Act to amend The Workmen's Compensation Act.

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

Rev. Stat.,
c. 204, s. 105,
amended.

1. Section 105 of *The Workmen's Compensation Act* is amended by adding at the end thereof the words "or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Board shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*," so that the said section shall now read as follows:

Formation
of reserves.

105. In order to maintain the accident fund as provided by section 81 the Board may from time to time and as often as may be deemed necessary include in any sum to be assessed upon the employers and may collect from them such sums as may be deemed necessary for that purpose and the sums so collected shall form a reserve fund and shall be invested in securities in which a trustee may by law invest trust moneys or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Board shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*.

Rev. Stat.,
c. 72.

2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.

Short title.

3. This Act may be cited as *The Workmen's Compensation Amendment Act, 1939*.

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 13th, 1939

2nd Reading

March 17th, 1939

3rd Reading

March 21st, 1939

MR. CAMPBELL
(Sault Ste. Marie)

No. 41

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Public Health Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Health Act.

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

Rev. Stat.,
c. 299, s. 5,
cl. *zd*,
(1938, c. 30,
s. 3),
amended.

1. Clause *zd* of section 5 of *The Public Health Act* as enacted by section 3 of *The Public Health Amendment Act, 1938*, is amended by adding at the end thereof the words "and requiring any such articles to be stamped with stamps supplied by the Department and in such form as the Department may prescribe, and fixing the fees to be paid therefor," so that the said clause shall now read as follows:

Regulations
re uphol-
stered
articles.

(*zd*) regulating the construction, repairing, renewal, alteration, inspection, labelling and sale of upholstered or stuffed articles including mattresses, quilts, covers, pillows and other bedding, furniture and dolls, and the treating, processing, sterilizing and disinfecting of materials used therein, and requiring any such articles to be stamped with stamps supplied by the Department and in such form as the Department may prescribe, and fixing the fees to be paid therefor.

Rev. Stat.,
c. 299, s. 22,
subs. 2,
amended.

2. Subsection 2 of section 22 of *The Public Health Act* is amended by striking out the word "December" in the second line and inserting in lieu thereof the word "February," so that the said subsection shall now read as follows:

Annual
report.

(2) The secretary shall annually, on or before the 15th day of February, prepare a report of the work done by the board during the year, and of the sanitary condition of the municipality.

Rev. Stat.,
c. 299, s. 24,
subs. 2,
amended.

3. Subsection 2 of section 24 of *The Public Health Act* is amended by striking out the words "or in any town, village, police village or" in the first and second lines and inserting in lieu thereof the words "town, village, police village or in any", so that the said subsection shall now read as follows:

EXPLANATORY NOTES

SECTION 1. The amendment authorizes the Lieutenant-Governor in Council to make regulations requiring that the articles named in the section be stamped with stamps supplied by the Department of Health, and fixing the fees to be paid for such stamps.

SECTION 2. Changes the date of the annual report prepared by the secretary of the local board of health and transmitted to the Department of Health.

SECTION 3. Clarifies the wording of this subsection so that the powers conferred may be exercised by a city, town, village, police village, and also by any township bordering on or situate within ten miles of a city having a population of not less than 200,000.

When local board may install sanitary conveniences.

- (2) Where a local board in a city, town, village, police village or in any township bordering on or situate within ten miles of a city having a population of not less than 200,000, in which a sewerage system has been established, recommends that sanitary conveniences or suitable connections with a water service should be installed in any building, and is of the opinion that the owner of the premises is unable or unwilling to pay the expense of the same at once, the municipality may install suitable sanitary conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality, or may install a water service pipe with the necessary connections to give a proper supply of water to the premises, at the expense of the owner, and the Department may direct that the cost, including interest at a rate not exceeding six per centum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and that such annual payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

Rev. Stat., c. 299, s. 60, subs. 2, amended.

4. Subsection 2 of section 60 of *The Public Health Act* is amended by striking out all the words after the word "person" in the second line and inserting in lieu thereof the words "or from any person liable by law to supply such person with necessaries, an amount not exceeding \$1.50 for each day that such person is isolated," so that the said subsection shall now read as follows:

Recovery of expenses.

- (2) The corporation of the municipality shall be entitled to recover from such person or from any person liable by law to supply such person with necessaries, an amount not exceeding \$1.50 for each day that such person is isolated.

Rev. Stat., c. 299, s. 94, subs. 1, amended.

5. Subsection 1 of section 94 of *The Public Health Act* is amended by striking out the words "town or" in the first line and inserting in lieu thereof the words "or town or of any," so that the said subsection shall now read as follows:

Regulation of barber shops, etc.

- (1) The council of any city or town or of any township bordering on a city having a population of not less than 100,000 may pass by-laws for regulating the operation of barber shops and hairdressing establishments, and for licensing the owners of such shops and hairdressing establishments, and for revoking the license upon breach of any regulation imposed by the by-law.

SECTION 4. Relates to the amount which a municipality may recover from a person who has been isolated for communicable disease.

SECTION 5. Clarifies the wording of this subsection so that the powers conferred may be exercised by any city, or town, and also by any township bordering on a city having a population of not less than 100,000.

Rev. Stat.,
c. 299,
Sched. B,
par. 3,
amended.

6. Paragraph 3 of Schedule B to *The Public Health Act* is amended by striking out the figure and words "1st day of December" in the first and second lines and inserting in lieu thereof the figures and words "15th day of February," so that the said paragraph shall now read as follows:

Chairman
of board of
health to
report to
council.

3. The chairman of the local board of health shall, before the 15th day of February in each year, present to this council a report containing a detailed statement of the work of the board during the year, and the report of the sanitary condition of the municipality, as rendered to the board by the medical officer of health. A copy of each such report shall be transmitted by the secretary to the Department.

Short title.

7. This Act may be cited as *The Public Health Amendment Act, 1939*.

SECTION 6. Changes the date of the report made by the local board of health to the municipal council.

BILL

An Act to amend The Public Health Act.

1st Reading

March 13th, 1939

2nd Reading

3rd Reading

Mr. KIRBY

No. 41

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Public Health Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Health Act.

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

Rev. Stat.,
c. 299, s. 5,
cl. *zd*,
(1938, c. 30,
s. 3),
amended.

1. Clause *zd* of section 5 of *The Public Health Act* as enacted by section 3 of *The Public Health Amendment Act, 1938*, is amended by adding at the end thereof the words "and requiring any such articles to be stamped with stamps supplied by the Department and in such form as the Department may prescribe, and fixing the fees to be paid therefor," so that the said clause shall now read as follows:

Regulations
re uphol-
stered
articles.

(*zd*) regulating the construction, repairing, renewal, alteration, inspection, labelling and sale of upholstered or stuffed articles including mattresses, quilts, covers, pillows and other bedding, furniture and dolls, and the treating, processing, sterilizing and disinfecting of materials used therein, and requiring any such articles to be stamped with stamps supplied by the Department and in such form as the Department may prescribe, and fixing the fees to be paid therefor.

Rev. Stat.,
c. 299, s. 22,
subs. 2,
amended.

2. Subsection 2 of section 22 of *The Public Health Act* is amended by striking out the word "December" in the second line and inserting in lieu thereof the word "February," so that the said subsection shall now read as follows:

Annual
report.

(2) The secretary shall annually, on or before the 15th day of February, prepare a report of the work done by the board during the year, and of the sanitary condition of the municipality.

Rev. Stat.,
c. 299, s. 24,
subs. 2,
amended.

3. Subsection 2 of section 24 of *The Public Health Act* is amended by striking out the words "or in any town, village, police village or" in the first and second lines and inserting in lieu thereof the words "town, village, police village or in any", so that the said subsection shall now read as follows:

EXPLANATORY NOTES

SECTION 1. The amendment authorizes the Lieutenant-Governor in Council to make regulations requiring that the articles named in the section be stamped with stamps supplied by the Department of Health, and fixing the fees to be paid for such stamps.

SECTION 2. Changes the date of the annual report prepared by the secretary of the local board of health and transmitted to the Department of Health.

SECTION 3. Clarifies the wording of this subsection so that the powers conferred may be exercised by a city, town, village, police village, and also by any township bordering on or situate within ten miles of a city having a population of not less than 200,000.

When local board may install sanitary conveniences.

- (2) Where a local board in a city, town, village, police village or in any township bordering on or situate within ten miles of a city having a population of not less than 200,000, in which a sewerage system has been established, recommends that sanitary conveniences or suitable connections with a water service should be installed in any building, and is of the opinion that the owner of the premises is unable or unwilling to pay the expense of the same at once, the municipality may install suitable sanitary conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality, or may install a water service pipe with the necessary connections to give a proper supply of water to the premises, at the expense of the owner, and the Department may direct that the cost, including interest at a rate not exceeding six per centum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and that such annual payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

Rev. Stat., c. 299, s. 94, subs. 1, amended.

4. Subsection 1 of section 94 of *The Public Health Act* is amended by striking out the words "town or" in the first line and inserting in lieu thereof the words "or town or of any," so that the said subsection shall now read as follows:

Regulation of barber shops, etc.

- (1) The council of any city or town or of any township bordering on a city having a population of not less than 100,000 may pass by-laws for regulating the operation of barber shops and hairdressing establishments, and for licensing the owners of such shops and hairdressing establishments, and for revoking the license upon breach of any regulation imposed by the by-law.

Rev. Stat., c. 299, Sched. B, par. 3, amended.

5. Paragraph 3 of Schedule B to *The Public Health Act* is amended by striking out the figure and words "1st day of December" in the first and second lines and inserting in lieu thereof the figures and words "15th day of February," so that the said paragraph shall now read as follows:

Chairman of board of health to report to council.

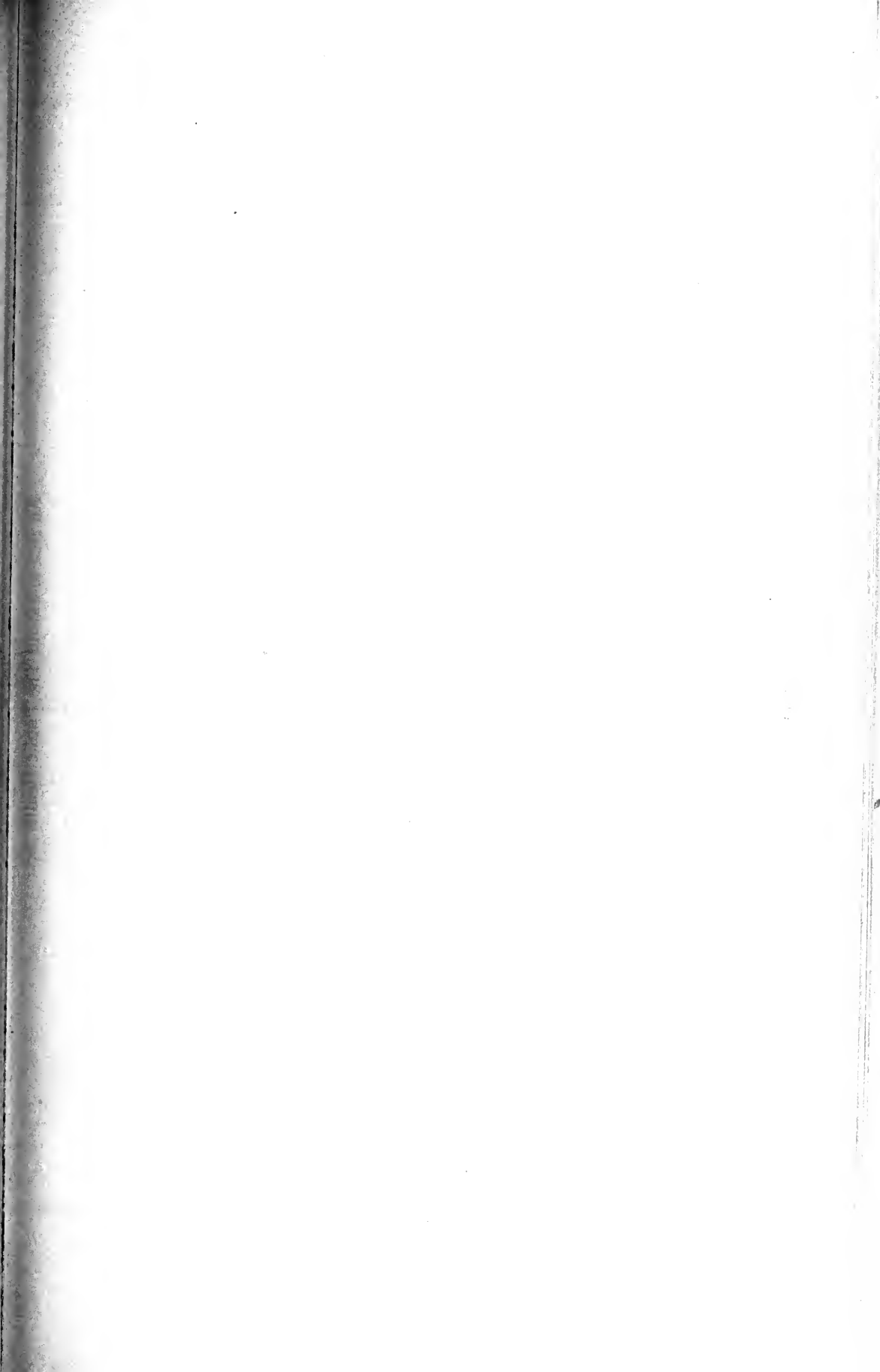
3. The chairman of the local board of health shall, before the 15th day of February in each year, present to this council a report containing a detailed statement of the work of the board during the year, and the report of the sanitary condition of the municipality, as rendered to the board by the medical

SECTION 4. Clarifies the wording of this subsection so that the powers conferred may be exercised by any city, or town, and also by any township bordering on a city having a population of not less than 100,000.

SECTION 5. Changes the date of the report made by the local board of health to the municipal council.

officer of health. A copy of each such report shall be transmitted by the secretary to the Department.

Short title. **6.** This Act may be cited as *The Public Health Amendment Act, 1939*.



An Act to amend The Public Health Act.

1st Reading

March 13th, 1939

2nd Reading

March 17th, 1939

3rd Reading

MR. KIRBY

*(Reprinted as amended in Committee of
the Whole House).*

No. 41

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Public Health Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Health Act.

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

Rev. Stat.,
c. 299, s. 5,
cl. *zd*,
(1938, c. 30,
s. 3),
amended.

1. Clause *zd* of section 5 of *The Public Health Act* as enacted by section 3 of *The Public Health Amendment Act, 1938*, is amended by adding at the end thereof the words "and requiring any such articles to be stamped with stamps supplied by the Department and in such form as the Department may prescribe, and fixing the fees to be paid therefor," so that the said clause shall now read as follows:

Regulations
re uphol-
stered
articles.

(*zd*) regulating the construction, repairing, renewal, alteration, inspection, labelling and sale of upholstered or stuffed articles including mattresses, quilts, covers, pillows and other bedding, furniture and dolls, and the treating, processing, sterilizing and disinfecting of materials used therein, and requiring any such articles to be stamped with stamps supplied by the Department and in such form as the Department may prescribe, and fixing the fees to be paid therefor.

Rev. Stat.,
c. 299, s. 22,
subs. 2,
amended.

2. Subsection 2 of section 22 of *The Public Health Act* is amended by striking out the word "December" in the second line and inserting in lieu thereof the word "February," so that the said subsection shall now read as follows:

Annual
report.

(2) The secretary shall annually, on or before the 15th day of February, prepare a report of the work done by the board during the year, and of the sanitary condition of the municipality.

Rev. Stat.,
c. 299, s. 24,
subs. 2,
amended.

3. Subsection 2 of section 24 of *The Public Health Act* is amended by striking out the words "or in any town, village, police village or" in the first and second lines and inserting in lieu thereof the words "town, village, police village or in any", so that the said subsection shall now read as follows:

- (2) Where a local board in a city, town, village, police village or in any township bordering on or situate within ten miles of a city having a population of not less than 200,000, in which a sewerage system has been established, recommends that sanitary conveniences or suitable connections with a water service should be installed in any building, and is of the opinion that the owner of the premises is unable or unwilling to pay the expense of the same at once, the municipality may install suitable sanitary conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality, or may install a water service pipe with the necessary connections to give a proper supply of water to the premises, at the expense of the owner, and the Department may direct that the cost, including interest at a rate not exceeding six per centum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and that such annual payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.
- When local board may install sanitary conveniences.

4. Subsection 1 of section 94 of *The Public Health Act* is amended by striking out the words "town or" in the first line and inserting in lieu thereof the words "or town or of any," so that the said subsection shall now read as follows:

Rev. Stat., c. 299, s. 94, subs. 1, amended.

- (1) The council of any city or town or of any township bordering on a city having a population of not less than 100,000 may pass by-laws for regulating the operation of barber shops and hairdressing establishments, and for licensing the owners of such shops and hairdressing establishments, and for revoking the license upon breach of any regulation imposed by the by-law.
- Regulation of barber shops, etc.

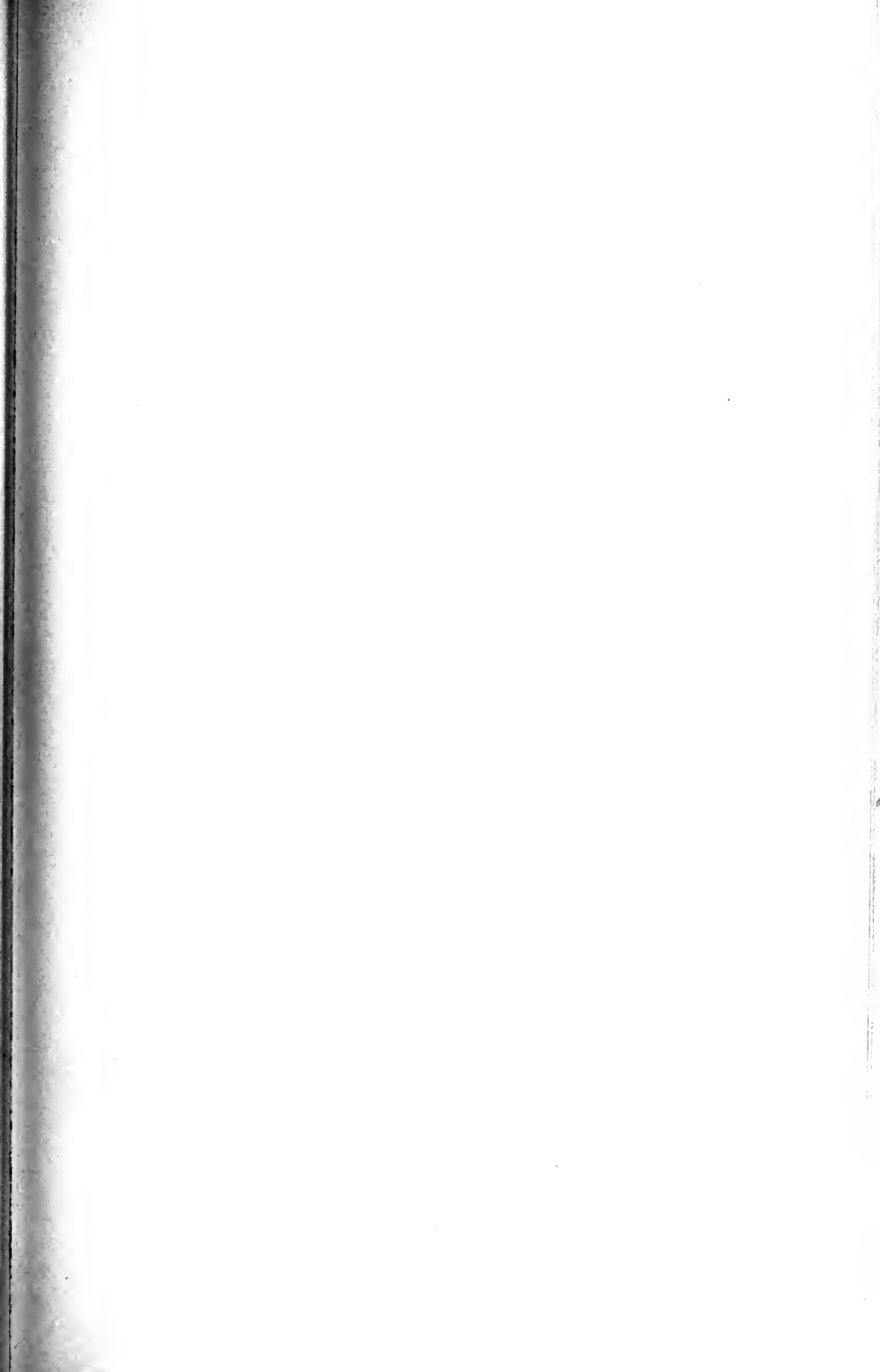
5. Paragraph 3 of Schedule B to *The Public Health Act* is amended by striking out the figure and words "1st day of December" in the first and second lines and inserting in lieu thereof the figures and words "15th day of February," so that the said paragraph shall now read as follows:

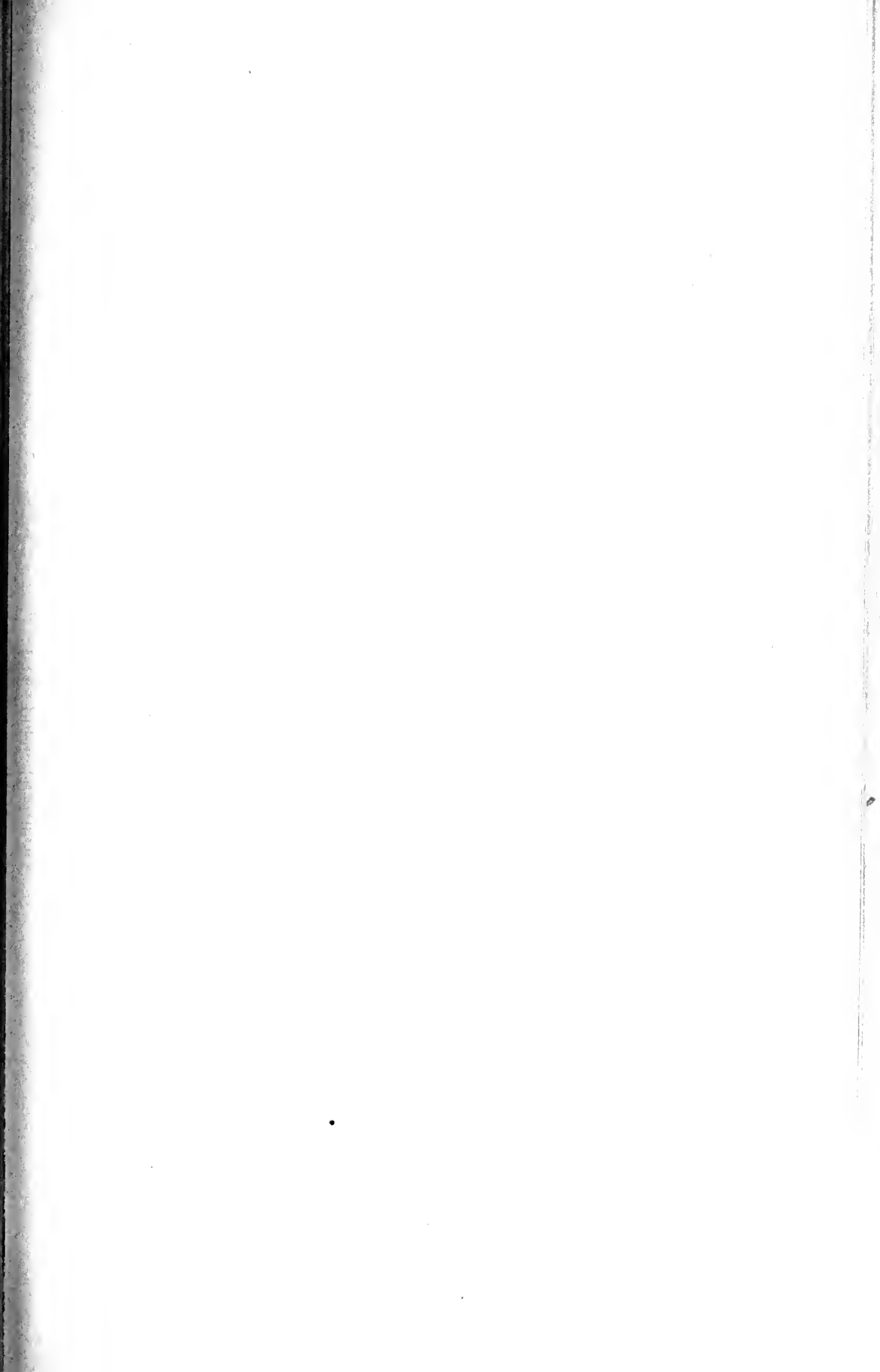
Rev. Stat., c. 299, Sched. B, par. 3, amended.

3. The chairman of the local board of health shall, before the 15th day of February in each year, present to this council a report containing a detailed statement of the work of the board during the year, and the report of the sanitary condition of the municipality, as rendered to the board by the medical
- Chairman of board of health to report to council.

officer of health. A copy of each such report shall be transmitted by the secretary to the Department.

Short title. **6.** This Act may be cited as *The Public Health Amendment Act, 1939*.





An Act to amend The Public Health Act.

1st Reading

March 13th, 1939

2nd Reading

March 17th, 1939

3rd Reading

March 22nd, 1939

MR. KIRBY

No. 42

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Farm Products Grades and Sales Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Farm Products Grades and Sales Act.

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

Rev. Stat.,
c. 307, s. 1,
amended.

1. Section 1 of *The Farm Products Grades and Sales Act* is amended by adding thereto the following clause:

“Package.”

(e) “Package” shall include any box, crate or other receptacle used for or suitable for use in the marketing, transporting or shipping of a farm product.

Rev. Stat.,
c. 307, s. 3,
amended.

2. Section 3 of *The Farm Products Grades and Sales Act* is amended by adding thereto the following subsection:

Minister
may de-
signate
inspection
places.

(2) The Minister may designate places where farm products may be inspected and such highway inspection points as are considered necessary.

Rev. Stat.,
c. 307,
amended.

3. *The Farm Products Grades and Sales Act* is amended by adding thereto the following section:

Detention
of package.

5a. For the purpose of making an inspection of a package an inspector may detain such package including any farm product that may be contained in such package at the risk of the owner thereof, and the provisions of this Act relating to the detaining and placing under detention of farm products shall apply *mutatis mutandis* to packages and any farm products contained therein.

Rev. Stat.,
c. 307, s. 7,
subs. 1, re-
enacted.

4. Subsection 1 of section 7 of *The Farm Products Grades and Sales Act* is repealed and the following substituted therefor:

Penalty.

(1) Any person who violates any of the provisions of this Act or the regulations shall be guilty of an offence and liable to a penalty of not less than \$10 and not exceeding \$50 for a first offence and to a

EXPLANATORY NOTES

SECTION 1. Package which is referred to a number of times in the Act is defined by this section of the Bill.

SECTION 2. This section of the Bill provides that the Minister (as well as the Lieutenant-Governor in Council) may designate places where farm products may be inspected.

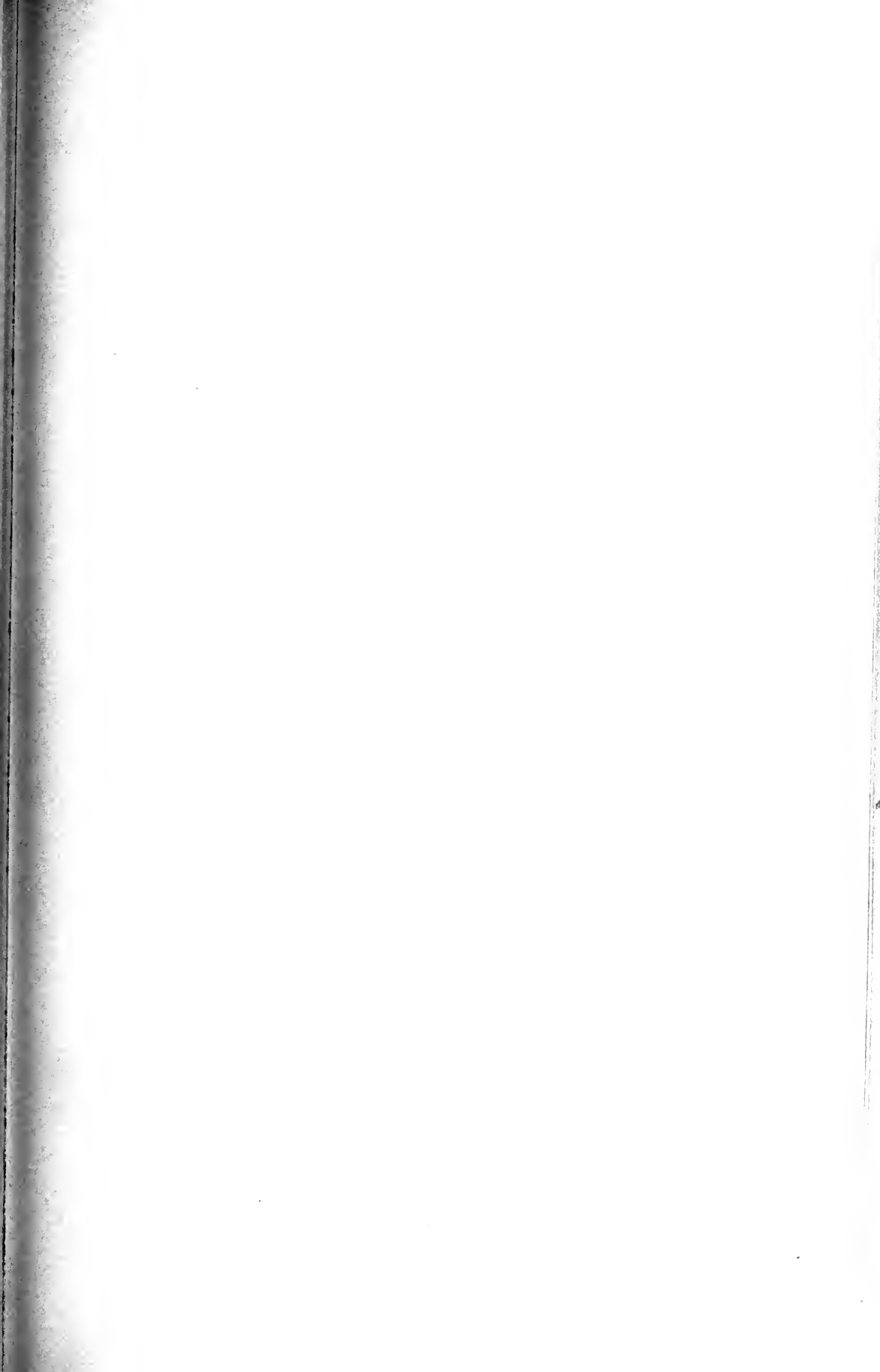
SECTION 3. This section authorizes an inspector to detain a package including any farm product contained therein.

SECTION 4. This section of the Bill enacts a general penalty section in place of a penalty section that lists certain specified offences.

penalty of not less than \$50 and not exceeding \$100 for a subsequent offence.

Short title.

5. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1939*.



BILL

An Act to amend The Farm Products
Grades and Sales Act.

1st Reading

March 15th, 1939

2nd Reading

3rd Reading

MR. DEWAN

No. 42

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Farm Products Grades and Sales Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Farm Products Grades and Sales Act.

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

Rev. Stat.,
c. 307, s. 1,
amended.

1. Section 1 of *The Farm Products Grades and Sales Act* is amended by adding thereto the following clause:

"Package."

(e) "Package" shall include any box, crate or other receptacle used for or suitable for use in the marketing, transporting or shipping of a farm product.

Rev. Stat.,
c. 307, s. 3,
amended.

2. Section 3 of *The Farm Products Grades and Sales Act* is amended by adding thereto the following subsection:

Minister
may de-
signate
inspection
places.

(2) The Minister may designate places where farm products may be inspected and such highway inspection points as are considered necessary.

Rev. Stat.,
c. 307,
amended.

3. *The Farm Products Grades and Sales Act* is amended by adding thereto the following section:

Detention
of package.

5a. For the purpose of making an inspection of a package an inspector may detain such package including any farm product that may be contained in such package at the risk of the owner thereof, and the provisions of this Act relating to the detaining and placing under detention of farm products shall apply *mutatis mutandis* to packages and any farm products contained therein.

Rev. Stat.,
c. 307, s. 7,
subs. 1, re-
enacted.

4. Subsection 1 of section 7 of *The Farm Products Grades and Sales Act* is repealed and the following substituted therefor:

Penalty.

(1) Any person who violates any of the provisions of this Act or the regulations shall be guilty of an offence and liable to a penalty of not less than \$10 and not exceeding \$50 for a first offence and to a

penalty of not less than \$50 and not exceeding \$100
for a subsequent offence.

5. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1939.* ^{Short title.}

BILL

An Act to amend The Farm Products
Grades and Sales Act.

1st Reading

March 15th, 1939

2nd Reading

March 20th, 1939

3rd Reading

March 23rd, 1939

MR. DEWAN

No. 43

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Farm Products Control Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Farm Products Control Act.

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

Rev. Stat.,
c. 75, s. 1,
cl. c,
amended.

1. Clause *c* of section 1 of *The Farm Products Control Act* is amended by inserting after the word "include" in the first line the word "advertising" and by inserting after the word "selling" in the first line the word "transporting" so that the said clause shall now read as follows:

"Market-
ing."

(c) "Marketing" shall include advertising, buying, selling, transporting, shipping for sale or storage and offering for sale.

Rev. Stat.,
c. 75, s. 3,
cl. e,
(1938, c. 11,
s. 4, subs. 1),
amended.

2. Clause *e* of subsection 1 of section 3 of *The Farm Products Control Act* as enacted by subsection 1 of section 4 of *The Farm Products Control Amendment Act, 1938*, is amended by adding at the end thereof the words "or any grade of a regulated product," so that the said clause shall now read as follows:

(e) establish price negotiating agencies in connection with any scheme and adopt or determine fair or minimum prices for any regulated product or any grade of a regulated product.

Rev. Stat.,
c. 75, s. 4,
subs. 1,
cl. b,
amended.

3. Clause *b* of subsection 1 of section 4 of *The Farm Products Control Act* is amended by adding at the end thereof the words "and fixing the license fees payable by such persons at different amounts and providing for the payment of such license fees in instalments," so that the said clause shall now read as follows:

(b) providing for the licensing of persons engaged in the marketing or processing of any farm product and fixing the license fees payable by such persons at different amounts and providing for the payment of such license fees in instalments.

EXPLANATORY NOTES

SECTION 1. This section of the Bill provides that marketing shall include advertising and transporting.

SECTION 2. This amendment provides that the Board may determine fair or minimum prices for any grade of a regulated product as well as for the regulated product.

SECTION 3. This amendment provides that the Lieutenant-Governor in Council may fix license fees at different amounts and payable in instalments.

Rev. Stat.,
c. 75, s. 8,
subs. 2, re-
pealed.

4. Subsection 2 of section 8 of *The Farm Products Control Act* is repealed.

Rev. Stat.,
c. 75,
amended.

5. *The Farm Products Control Act* is amended by adding thereto the following sections:

Failure
to pay
determined
price.

9.—(1) Any person who fails to pay the fair or minimum price adopted or determined by the Board for any regulated product shall, in addition to the penalty provided for in section 8, incur a penalty of an amount equal to the amount of such fair or minimum price less any amount paid by such person as payment in full or part payment for such regulated product.

Distribution
of penalty.

(2) The penalties imposed under this Act shall be paid to the Board and the Board may, subject to the approval of the Minister, distribute the amount so received *pro rata* among the persons who failed to receive such fair or minimum price.

Recovery of
penalties.
Rev. Stat.,
c. 136.

10. The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act*.

Short title.

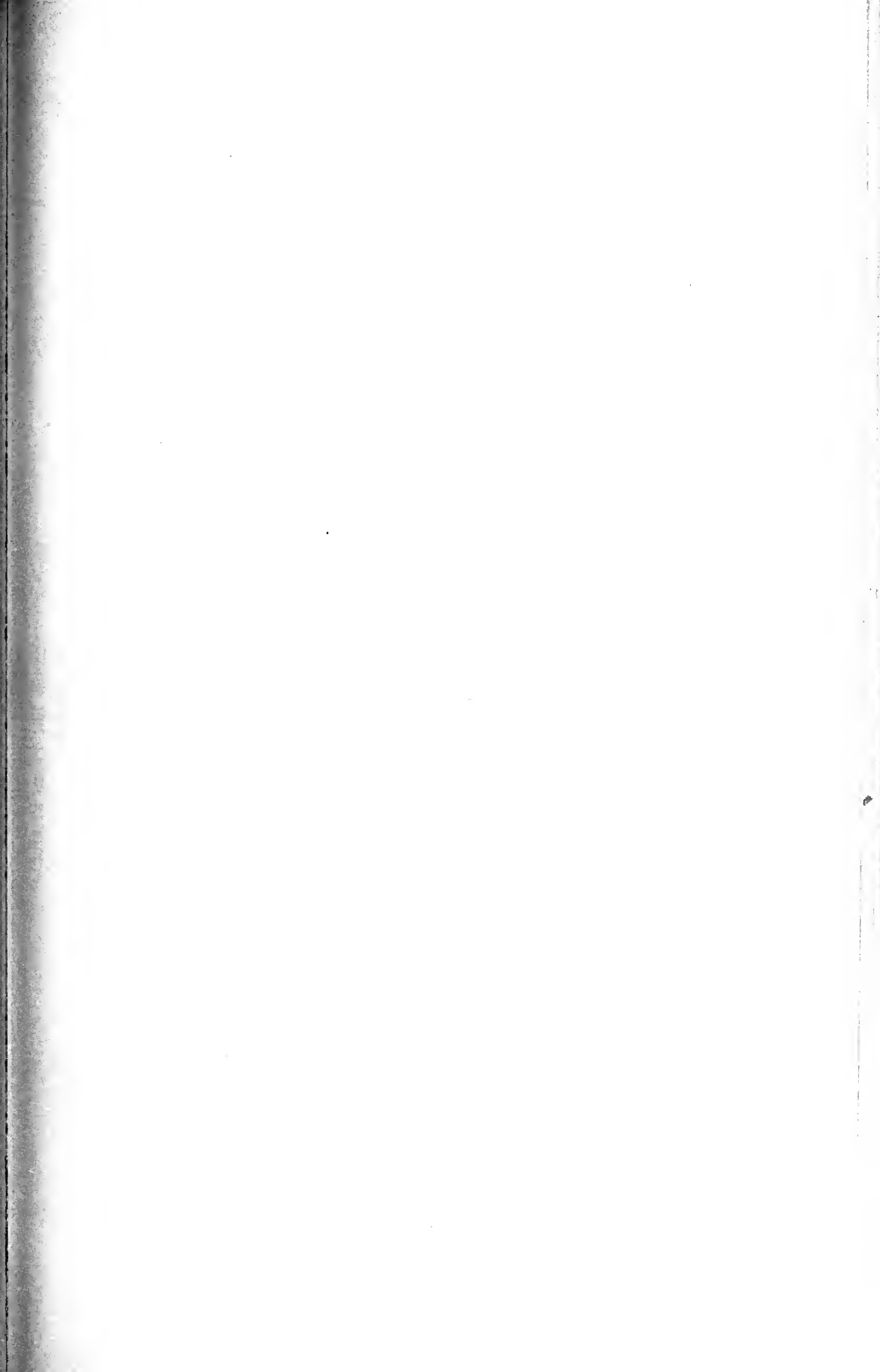
6. This Act may be cited as *The Farm Products Control Amendment Act, 1939*.

SECTION 4. Subsection 2 of section 8 of the Act has been re-enacted by this Bill as section 10 of the Act and accordingly subsection 2 of section 8 is repealed.

SECTION 5. *Section 9 of the Act* as enacted by this Bill provides a penalty in keeping with the amount of money involved for failure to pay the fair or minimum price determined by the Board for a regulated product, and provides that the penalties recovered under this Act shall be paid to the Board and may, subject to the approval of the Minister, be distributed to the persons who failed to receive the fair or minimum price determined by the Board.

Section 10 of the Act as enacted by this Bill provides that penalties shall be recoverable under *The Summary Convictions Act*.





BILL

An Act to amend The Farm Products
Control Act.

1st Reading

March 15th, 1939

2nd Reading

3rd Reading

MR. DEWAN

No. 43

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Farm Products Control Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Farm Products Control Act.

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

Rev. Stat.,
c. 75, s. 1,
cl. c,
amended.

1. Clause *c* of section 1 of *The Farm Products Control Act* is amended by inserting after the word "include" in the first line the word "advertising", by inserting after the word "selling" in the first line the word "transporting" and by adding at the end thereof the words "but shall not include buying and selling by retail" so that the said clause shall now read as follows:

"Market-
ing."

(c) "Marketing" shall include advertising, buying, selling, transporting, shipping for sale or storage and offering for sale, but shall not include buying and selling by retail.

Rev. Stat.,
c. 75, s. 3,
subs. 1, cl. e,
(1938, c. 11,
s. 4, subs. 1),
amended.

2. Clause *e* of subsection 1 of section 3 of *The Farm Products Control Act* as enacted by subsection 1 of section 4 of *The Farm Products Control Amendment Act, 1938*, is amended by adding at the end thereof the words "or any grade of a regulated product," so that the said clause shall now read as follows:

(e) establish price negotiating agencies in connection with any scheme and adopt or determine fair or minimum prices for any regulated product or any grade of a regulated product.

Rev. Stat.,
c. 75, s. 4,
subs. 1,
cl. b,
amended.

3. Clause *b* of subsection 1 of section 4 of *The Farm Products Control Act* is amended by adding at the end thereof the words "and fixing the license fees payable by such persons at different amounts and providing for the payment of such license fees in instalments," so that the said clause shall now read as follows:

(b) providing for the licensing of persons engaged in the marketing or processing of any farm product and fixing the license fees payable by such persons at different amounts and providing for the payment of such license fees in instalments.

EXPLANATORY NOTES

SECTION 1. This section of the Bill provides that marketing shall include advertising and transporting but not buying and selling by retail.

SECTION 2. This amendment provides that the Board may determine fair or minimum prices for any grade of a regulated product as well as for the regulated product.

SECTION 3. This amendment provides that the Lieutenant-Governor in Council may fix license fees at different amounts and payable in instalments.

Rev. Stat.,
c. 75, s. 8,
subs. 2, re-
pealed.

4. Subsection 2 of section 8 of *The Farm Products Control Act* is repealed.

Rev. Stat.,
c. 75,
amended.

5. *The Farm Products Control Act* is amended by adding thereto the following sections:

Failure
to pay
determined
price.

9.—(1) Any person who fails to pay the fair or minimum price adopted or determined by the Board for any regulated product shall, in addition to the penalty provided for in section 8, incur a penalty of an amount equal to the amount of such fair or minimum price less any amount paid by such person as payment in full or part payment for such regulated product.

Distribution
of penalty.

(2) The penalties imposed under this section shall be paid to the Board and the Board may, subject to the approval of the Minister, distribute the amount so received *pro rata* among the persons who failed to receive such fair or minimum price.

Recovery of
penalties.
Rev. Stat.,
c. 136.

10. The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act*.

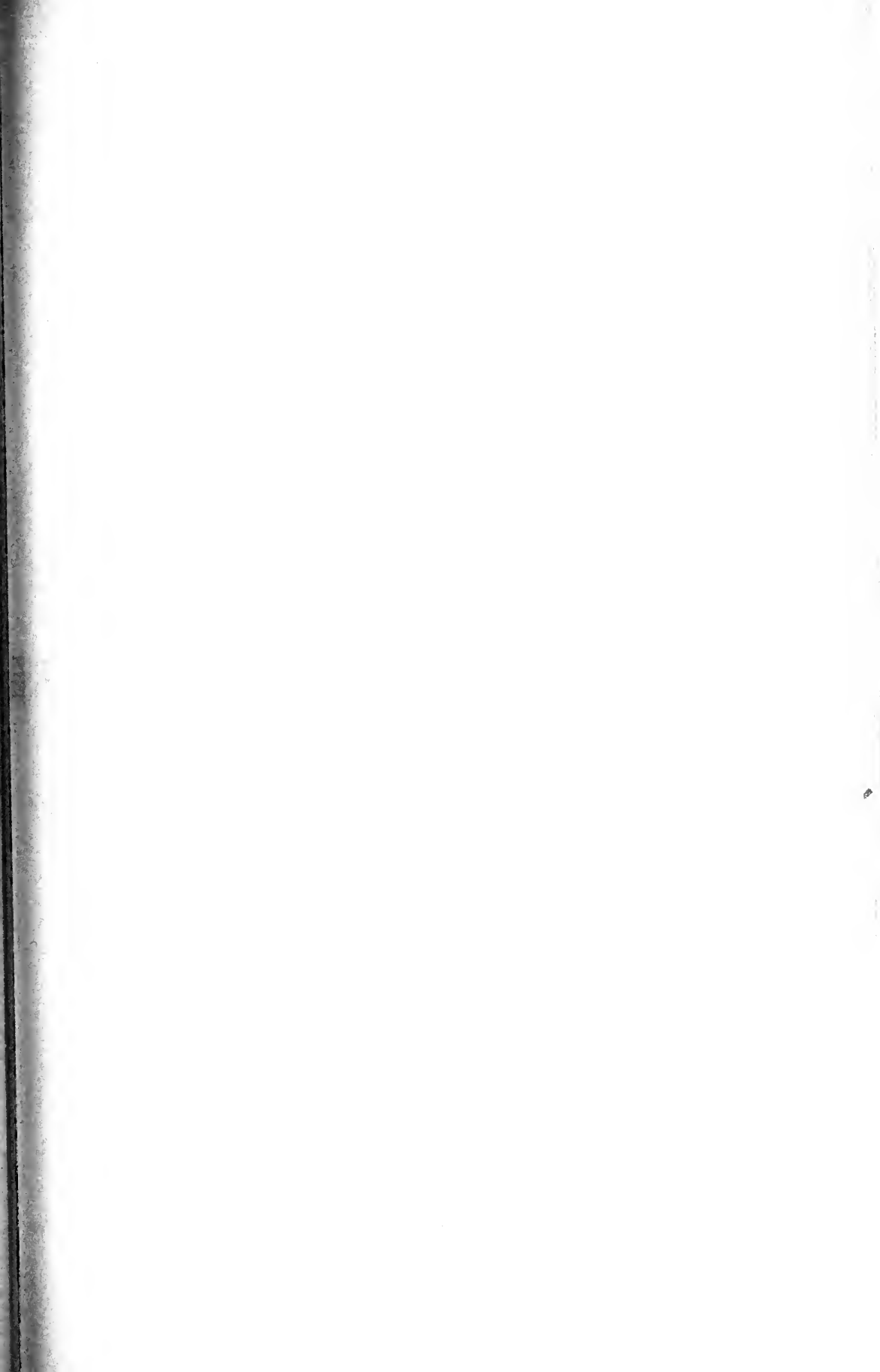
Short title.

6. This Act may be cited as *The Farm Products Control Amendment Act, 1939*.

SECTION 4. Subsection 2 of section 8 of the Act has been re-enacted by this Bill as section 10 of the Act and accordingly subsection 2 of section 8 is repealed.

SECTION 5. *Section 9 of the Act* as enacted by this Bill provides a penalty in keeping with the amount of money involved for failure to pay the fair or minimum price determined by the Board for a regulated product, and provides that the penalties recovered under this Section shall be paid to the Board and may, subject to the approval of the Minister, be distributed to the persons who failed to receive the fair or minimum price determined by the Board.

Section 10 of the Act as enacted by this Bill provides that penalties shall be recoverable under *The Summary Convictions Act*.



NO. 33
BILL

An Act to amend The Farm Products
Control Act.

1st Reading

March 15th, 1939

2nd Reading

March 20th, 1939

3rd Reading

MR. DEWAN

*(Reprinted as amended in Committee of the
Whole House.)*

No. 43

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Farm Products Control Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Farm Products Control Act.

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

Rev. Stat.,
c. 75, s. 1,
cl. c,
amended.

1. Clause *c* of section 1 of *The Farm Products Control Act* is amended by inserting after the word "include" in the first line the word "advertising", by inserting after the word "selling" in the first line the word "transporting" and by adding at the end thereof the words "but shall not include buying and selling by retail" so that the said clause shall now read as follows:

"Market-
ing."

(c) "Marketing" shall include advertising, buying, selling, transporting, shipping for sale or storage and offering for sale, but shall not include buying and selling by retail.

Rev. Stat.,
c. 75, s. 3,
subs. 1, cl. e,
(1938, c. 11,
s. 4, subs. 1),
amended.

2. Clause *e* of subsection 1 of section 3 of *The Farm Products Control Act* as enacted by subsection 1 of section 4 of *The Farm Products Control Amendment Act, 1938*, is amended by adding at the end thereof the words "or any grade of a regulated product," so that the said clause shall now read as follows:

(e) establish price negotiating agencies in connection with any scheme and adopt or determine fair or minimum prices for any regulated product or any grade of a regulated product.

Rev. Stat.,
c. 75, s. 4,
subs. 1,
cl. b,
amended.

3. Clause *b* of subsection 1 of section 4 of *The Farm Products Control Act* is amended by adding at the end thereof the words "and fixing the license fees payable by such persons at different amounts and providing for the payment of such license fees in instalments," so that the said clause shall now read as follows:

(b) providing for the licensing of persons engaged in the marketing or processing of any farm product and fixing the license fees payable by such persons at different amounts and providing for the payment of such license fees in instalments.

4. Subsection 2 of section 8 of *The Farm Products Control Act* is repealed. Rev. Stat., c. 75, s. 8, subs. 2, repealed.

5. *The Farm Products Control Act* is amended by adding thereto the following sections: Rev. Stat., c. 75, amended.

9.—(1) Any person who fails to pay the fair or minimum price adopted or determined by the Board for any regulated product shall, in addition to the penalty provided for in section 8, incur a penalty of an amount equal to the amount of such fair or minimum price less any amount paid by such person as payment in full or part payment for such regulated product. Failure to pay determined price.

(2) The penalties imposed under this section shall be paid to the Board and the Board may, subject to the approval of the Minister, distribute the amount so received *pro rata* among the persons who failed to receive such fair or minimum price. Distribution of penalty.

10. The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act*. Recovery of penalties. Rev. Stat., c. 136.

6. This Act may be cited as *The Farm Products Control Amendment Act, 1939*. Short title.

BILL

An Act to amend The Farm Products
Control Act.

1st Reading

March 15th, 1939

2nd Reading

March 20th, 1939

3rd Reading

March 23rd, 1939

MR. DEWAN

No. 44

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Psychiatric Hospitals Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Psychiatric Hospitals Act.

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

Rev. Stat.,
c. 393,
amended.

1. *The Psychiatric Hospitals Act* is amended by adding thereto the following section:

Patient
may be
transferred
to public
hospital for
treatment.

11a. The superintendent of a psychiatric hospital shall have authority to transfer any patient to a public hospital for treatment and to again receive such patient into the psychiatric hospital when he has received such treatment, and the charges for the treatment of any such patient in a public hospital shall be paid by the patient unless he is an indigent person, in which case, the charges shall be payable in the same manner as charges for an indigent patient are payable under *The Public Hospitals Act*.

Rev. Stat.,
c. 390.

Short title.

2. This Act may be cited as *The Psychiatric Hospitals Amendment Act, 1939*.

EXPLANATORY NOTE

The effect of the amendment is to authorize the superintendent of a psychiatric hospital to transfer a patient to a public (general) hospital where necessary for the purpose of receiving treatment for physical disorders which cannot be treated in the psychiatric hospital.

BILL

An Act to amend The Psychiatric
Hospitals Act.

1st Reading

March 15th, 1939

2nd Reading

3rd Reading

Mr. KIRBY

No. 44

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Psychiatric Hospitals Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Psychiatric Hospitals Act.

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

Rev. Stat.,
c. 393,
amended.

1. *The Psychiatric Hospitals Act* is amended by adding thereto the following section:

Patient
may be
transferred
to public
hospital for
treatment.

11a. The superintendent of a psychiatric hospital shall have authority to transfer any patient to a public hospital for treatment and to again receive such patient into the psychiatric hospital when he has received such treatment, and the charges for the treatment of any such patient in a public hospital shall be paid by the patient unless he is an indigent person, in which case, the charges shall be payable in the same manner as charges for an indigent patient are payable under *The Public Hospitals Act*.

Rev. Stat.,
c. 390.

Short title.

2. This Act may be cited as *The Psychiatric Hospitals Amendment Act, 1939*.



BILL

An Act to amend The Psychiatric
Hospitals Act.

1st Reading

March 15th, 1939

2nd Reading

March 17th, 1939

3rd Reading

March 21st, 1939

MR. KIRBY

No. 45

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Athletic Commission Act, 1939.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Athletic Commission Act, 1939.

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

Interpre-
tation.

1. In this Act,—

“Commis-
sion.”

(a) “Commission” shall mean the Ontario Athletic Commission;

“Person.”

(b) “Person” shall include corporation, association, club and any unincorporated organization;

“Profes-
sional
contest
or exhi-
bition.

(c) “Professional contest or exhibition” shall mean a professional contest or exhibition of baseball, bicycle riding, boxing, dancing, golf, hockey, jaijai, lacrosse, motor-cycle riding, physical prowess whether by contortion or otherwise, rowing, rugby, running, skating, whether speed skating or figure skating, soccer, swimming, tennis or wrestling and a professional contest or exhibition of any other sport or game designated by the Lieutenant-Governor in Council.

Establish-
ment of
commission.

2.—(1) There shall be established a commission to be composed of five persons appointed by the Lieutenant-Governor in Council who shall hold office during pleasure and the commission shall be a body corporate under the name of the “Ontario Athletic Commission.” R.S.O. 1937, c. 298, s. 2 (1), *amended*.

Appoint-
ment of
members of
Assembly.

(2) Any member of the Legislative Assembly may be appointed a member of the commission.

Adminis-
tration
of Act.

(3) The administration of this Act shall be under the direction and control of the Minister of Health. R.S.O. 1937, c. 298, s. 2 (2, 3).

Objects
of com-
mission.

3. The objects of the commission shall be to assist, promote and encourage amateur sport and recreation in schools, com-

EXPLANATORY NOTES

GENERAL. The Bill replaces the Athletic Commission Act which was first passed in 1920 and has been amended on several occasions since that time. The Bill brings amateur boxing and wrestling under the supervision of the Ontario Athletic Commission; clarifies the authority of the commission to make regulations and supervise sport in accordance with what has been the practice for many years; and effects other minor amendments which will improve the operation of the Act.

SECTION 1. "Commission" is defined as in the present Act; "Person" is defined so as to eliminate repetition of the words "association, club or corporation" which repetition occurs frequently in the present Act; and "Professional contest or exhibition" is defined so as to include all professional contests or exhibitions which are now included under the present Act and by Order-in-Council passed thereunder as well as jaijai.

SECTION 2. This section is substantially the same as section 2 of the present Act.

SECTION 3. The first part of this section is the same as section 3 of the present Act. The words "and to supervise professional contests and exhibitions" are added to render the provisions of the section consistent with the actual functions of the commission.

munity centres and through associations of amateur sportsmen and to supervise professional contests and exhibitions. R.S.O. 1937, c. 298, s. 3, *amended*.

Quorum. 4. The majority of the members of the commission shall form a quorum. R.S.O. 1937, c. 298, s. 4.

Tenure of office. 5. The members of the commission shall hold office during pleasure, and upon a vacancy occurring owing to death, resignation or removal from office of a member, the Lieutenant-Governor in Council may appoint someone to take his place. R.S.O. 1937, c. 298, s. 5.

Chairman, vice-chairman, — appointment. 6.—(1) The Lieutenant-Governor in Council may appoint one of the members of the commission to be chairman and one of the members to be vice-chairman of the commission.

Absence of chairman and vice-chairman. (2) In the absence of the chairman and vice-chairman, or in case of vacancies in the offices, the members of the commission may elect from amongst themselves an acting chairman, who shall hold office during such absence or vacancies, and while holding office shall have and possess the like powers and shall perform the like duties as the chairman. R.S.O. 1937, c. 298, s. 6, *amended*.

Commissioners to serve without pay. Allowance for disbursements. 7.—(1) Each of the commissioners shall serve without remuneration, but shall be entitled to receive his travelling expenses and actual disbursements in transacting the business of the commission, and the Lieutenant-Governor in Council may fix a per diem allowance as a living allowance to the commissioners who are absent from home in the transaction of the business of the commission.

Payment of member of Assembly acting on commission. Rev. Stat., c. 12. (2) Notwithstanding anything in *The Legislative Assembly Act* the appointment of the chairman, vice-chairman or of any other member of the commission if a member of the Assembly shall not be avoided by reason of the payment to him, or the acceptance by him of any allowance, expenses or disbursements under this Act, nor shall he thereby vacate or forfeit his seat or incur any other penalties imposed by the said Act for sitting and voting as a member of the Assembly. R.S.O. 1937, c. 298, s. 7, *amended*.

Secretary and staff. 8.—(1) The commission may appoint a secretary to the commission and such officers, clerks and servants as may be deemed requisite.

Payment of salaries, etc. (2) The salaries or other remuneration of the secretary and the other persons so appointed shall be fixed by the commission, subject to ratification by the Lieutenant-Governor in Council, and such salaries or other remuneration and the

SECTIONS 4, 5, 6, 7, 8. Same as sections 4, 5, 6, 7 and 8 of the present Act but section 6 also provides for the appointment of a vice-chairman by the Lieutenant-Governor in Council.

expenses of the commission shall be payable out of the funds collected by the commission as hereinafter provided. R.S.O. 1937, c. 298, s. 8.

Tax on gate receipts for funds of commission.

9.—(1) For the purpose of providing a fund for the payment of the expenses of the commission and the salaries and other expenses of its officers, clerks and servants, and the general expenses incurred in carrying out the provisions of this Act, every person conducting a professional contest or exhibition shall pay to the commission an amount,—

(a) not exceeding two per centum in the case of any such contest or exhibition not being a boxing or wrestling contest or exhibition;

(b) not less than one per centum and not exceeding five per centum in the case of a boxing or wrestling contest or exhibition;

of the gross receipts in respect of such contest or exhibition as shall be determined by the commission with the approval of the Lieutenant-Governor in Council. R.S.O. 1937, c. 298, s. 9 (1), *amended*.

Where lesser sum payable.

(2) Where a professional contest or exhibition is not the sole or main attraction offered at any presentation or exhibition for which admission is charged, the commission may accept such amount as in the circumstances it deems proper in lieu of the percentage of the gross receipts payable under subsection 1.

Payment of amount of gate receipt tax to commission.

(3) Every person conducting any professional contest or exhibition shall, within three days of the holding of such contest or exhibition, remit to the commission at its office at Toronto, by registered mail, the amount payable under the provisions of subsection 1. R.S.O. 1937, c. 298, s. 17, *amended*.

Penalty.

(4) Every person who conducts or participates in conducting or holding any professional contest or exhibition and who fails to comply with the provisions of this section shall, in addition to the payment of the amounts provided in subsection 1, incur a penalty of not less than an amount equal to such amounts, recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 298, s. 15, *amended*.

Rev. Stat., c. 136.

Regulations.

10.—(1) The commission may, subject to the approval of the Lieutenant-Governor in Council, make regulations—

(a) prescribing the equipment to be used for and the rules applicable to the conduct of amateur and professional boxing and wrestling contests and exhibi-

SECTION 9.—(1) The subsection is substantially the same as subsection 1 of section 9 of the present Act except that "wrestling" is removed from the classes of contests and exhibitions referred to in clause (a) and appears instead in clause (b).

(2) Provision is made for a reduction in the amount payable to the commission in special circumstances.

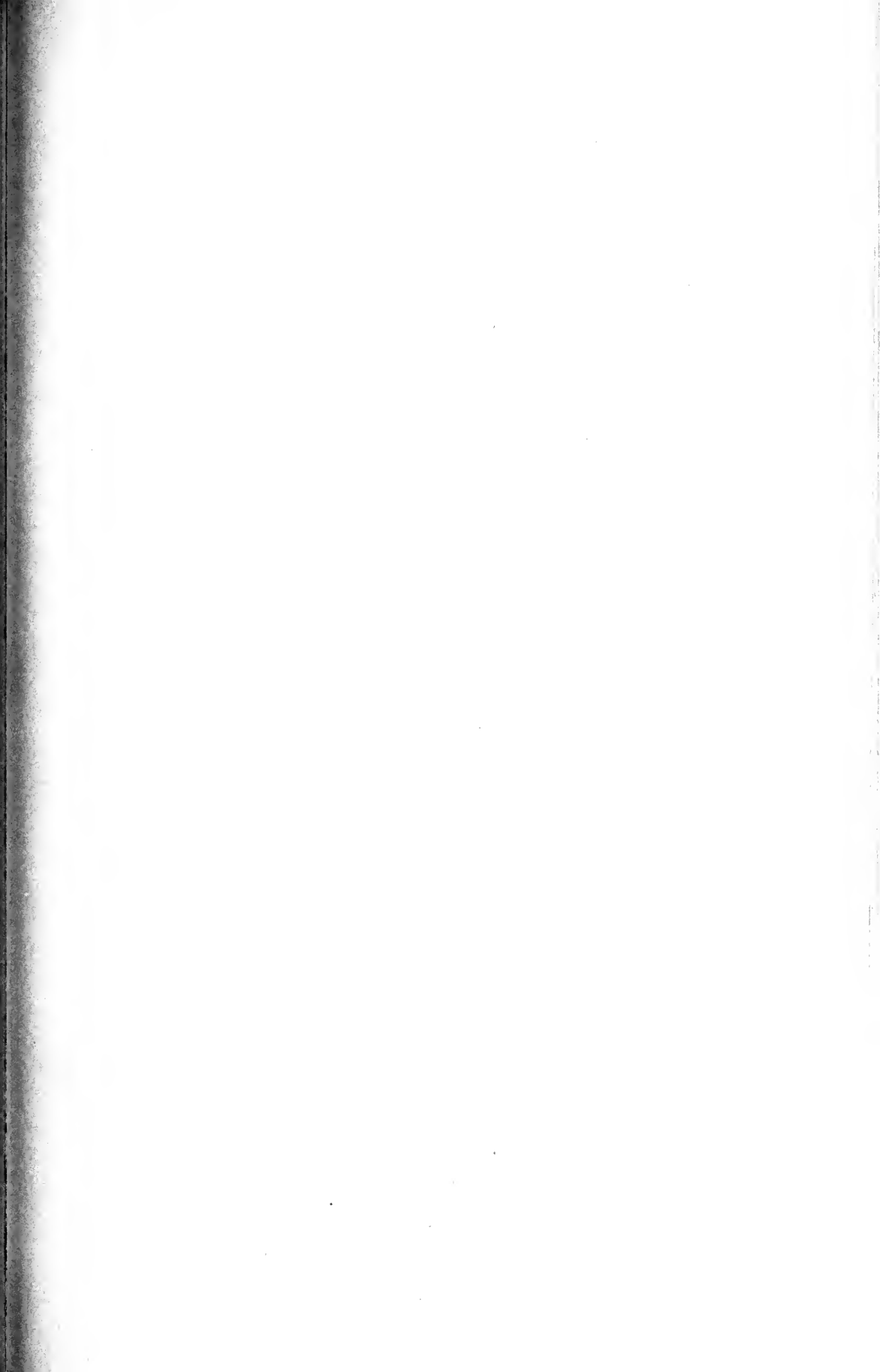
(3) This subsection is the same as section 17 of the present Act except that a more reasonable time is given for the remission of the amount payable to the commission.

(4) This is substantially the same as section 15 of the present Act but the amount of the penalty is made commensurate with the amount of money payable.

SECTION 10.—(1) Section 10 of the present Act provides for the issuing of a license or permit "to hold or participate or take part in holding a professional boxing or wrestling contest or exhibition." Section 11 of the present Act refers to "rules, regulations and conditions from time to time prescribed by the commission and approved by the Lieutenant-Governor in Council." Neither of these sections clearly indicates what regulations may be made or what licenses issued. The new section authorizes the making of regulations by the commission subject to the approval of the Lieutenant-Governor in Council, regarding the matters set out in the various clauses and except for clause (i) and the provisions relating to amateur boxing and wrestling, is consistent with the present practice. Clause (i) provides for the making of regulations regarding professional dancing, swimming, rowing and tennis.

tions including the appointment and duties of the officials of the contests and exhibitions, the definition of fouls and the manner of determining a winner;

- (b) providing for the issuing of licenses and permits for the holding of amateur and professional boxing and wrestling contests and exhibitions and for the suspension and cancellation of such licenses and the cancellation of such permits;
- (c) providing for the licensing of amateur and professional boxers and wrestlers, managers of professional boxers and wrestlers and referees, seconds and other officials officiating at amateur or professional boxing or wrestling contests or exhibitions and for the suspension and cancellation of such licenses;
- (d) providing for the payment of fees for licenses and permits and the manner of collecting such fees;
- (e) providing for payment to the commission of a fee or charge by way of a license fee or otherwise in respect of the holding of any amateur boxing or wrestling contest or exhibition and for the manner of collecting such fee or charge;
- (f) providing for the impounding of purses or other remuneration of professional boxers and wrestlers and for the levying of fines or other pecuniary penalties against persons who are the holders or who by these regulations are required to be the holders of other classes of licenses issued under this Act, for violations of the Act or regulations;
- (g) prescribing the forms of contracts to be used in connection with the services and management of professional boxers and wrestlers;
- (h) prescribing the duties and liabilities of persons holding contests and exhibitions of boxing and wrestling and the security to be furnished to ensure the performance of such duties and discharge of such liabilities;
- (i) regulating the holding and conduct of professional contests or exhibitions of dancing, swimming, rowing and tennis;
- (j) prescribing the rights, powers and duties which the commission and its officials shall have, exercise and



perform in connection with professional contests and exhibitions;

- (k) providing for the setting up of special committees of the commission and prescribing the powers and duties of such special committees;
- (l) defining "amateur" and "professional" for the purposes of this Act and the regulations; and
- (m) generally for the better carrying out of the provisions of this Act.

Penalty.

(2) Every person who conducts or participates in conducting or holding a boxing or wrestling contest or exhibition without having received any license required by the regulations, or who otherwise violates any provision of the regulations, shall incur a penalty of not less than \$20, nor more than \$1,000, recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 298, s. 12.

Rev. Stat.,
c. 136.

Inquiries re
professional
boxing and
wrestling.

11.—(1) Where it is charged that a boxing or wrestling contest or exhibition conducted under a license as hereinbefore provided or any agreement, contract or undertaking entered into with respect to such boxing or wrestling contest or exhibition is in violation of the regulations, or that any person connected with or participating in such boxing or wrestling contest or exhibition has been guilty of any such violation or of any unsportsmanlike or unbecoming conduct to the prejudice of the interest of legitimate boxing or wrestling, the commission may hold an investigation into such charges, and for the purposes of such investigation shall possess all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Impounding
and for-
feiture of
moneys by
commission.

(2) The commission may order that pending the disposition of the charges so made any moneys which under the terms of any contract or agreement may be payable to any employee of the person holding such boxing or wrestling contest or exhibition or to any boxer or wrestler shall be delivered to the commission and shall be impounded pending the result of the investigation, and if such charges are held by the commission to have been proven, the commission may declare the moneys impounded to be forfeited and such moneys shall thereupon become the property of the commission. R.S.O. 1937, c. 298, s. 13, *amended*.

Inquiries re
amateur
sports.

12.—(1) Where the Ontario Branch of the Amateur Athletic Union of Canada, or any other branch of the Amateur Athletic Union of Canada or any league or body connected with amateur sport operating in Ontario, requests the com-

(2) This is similar to section 12 of the present Act but extends also to all violations of the regulations.

SECTIONS 11 and 12. These are the same as sections 13 and 14 of the present Act with minor changes in wording. Also the provision exempting the Canadian Intercollegiate Athletic Union from investigations is omitted.

mission to cause investigation to be held into any matter which the branch, league or body considers should be investigated in the interest of amateur sport in the Province, the commission may hold such investigation or may refer the matter for investigation to a committee for investigation and report.

Who may be appointed to committee.

(2) The committee may consist of a member or members of the commission or such other persons as the commission may designate.

Appointments.

(3) The appointment of the committee shall be in writing signed by the chairman or vice-chairman of the commission.

Powers of commission or committee. Rev. Stat., c. 19.

(4) The committee or commission for the purposes of such investigation shall possess all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act*.

Fund for maintenance of commissioners.

13.—(1) The moneys received by the commission under sections 9 and 11 together with all moneys received from license and permit fees, fines and other pecuniary penalties and the impounding of purses or other remuneration, except the moneys mentioned in subsection 2, shall be set apart by the commission and shall constitute a fund for the payment of the salaries and expenses mentioned in subsection 1 of section 9, and any portion of such funds remaining unexpended and not required to meet such salaries and expenses may be used by the commission for the assistance, encouragement and promotion of sport and recreation in such manner as the commission may decide, provided that the commission may remit any fine or other pecuniary penalty or impounded purse or other remuneration or any part thereof where it deems it advisable to do so. R.S.O. 1937, c. 298, s. 9 (2), *amended*.

Fund for amateur boxing and wrestling.

(2) All moneys received as fees or charges, including license fees, in respect of the holding of amateur boxing and wrestling contests or exhibitions shall constitute a separate fund for the purposes of amateur boxing and wrestling and may be used for such purposes and in such manner as the commission may decide.

Quarterly statement of receipts and expenditures.

(3) The commission shall furnish to the Lieutenant-Governor in Council, quarterly on the last days of March, June, September and December, a statement showing the amounts received and expended by the commission in each quarter. R.S.O. 1937, c. 298, s. 9 (3).

Use of building for contest or exhibition prohibited.

14.—(1) Where moneys payable to the commission under this Act or the regulations in respect of any professional contest or exhibition or any contest or exhibition of amateur boxing or

SECTION 13.—(1) This is substantially the same as subsection 2 of section 9 of the present Act but requires fines and impounded purses to be paid into the fund for the payment of salaries and expenses and also permits the remission of a fine or impounded purse or any part thereof where the commission deems it advisable.

(2) Provides for the setting up of a separate fund from the amounts derived from amateur boxing and wrestling contests and requires that such fund be used for purposes of amateur boxing and wrestling.

(3) This is similar to subsection 3 of the present section 9.

SECTION 14. Furnishes machinery by which the commission may enforce payment of moneys payable to it in respect of any professional contest or exhibition or any amateur boxing contest or exhibition.

wrestling are not received by the commission within one week of the holding of such contest or exhibition, the commission may direct that the building or other place where such contest or exhibition was held shall not be used for the holding of any professional contest or exhibition or any contest or exhibition of amateur boxing or wrestling until such moneys have been paid to the commission.

Penalty.

(2) Where notice in writing of a direction made under subsection 1 is served upon or sent by prepaid registered mail to the owner, lessee or other person having control over the building or other place, such owner, lessee or other person shall incur a penalty of not less than \$20 nor more than \$100 recoverable under *The Summary Convictions Act*, in respect of every professional contest or exhibition or contest or exhibition of amateur boxing or wrestling held in such building or at such place during the continuance in force of such direction.

Rev. Stat.,
c. 136.

Audit.

15.—(1) The books and accounts of the commission shall be audited and checked from time to time by the Provincial Auditor or by such other auditor and at such times as the Lieutenant-Governor in Council may direct, and such auditor shall make an annual report and prepare and furnish such other statement to the Treasurer of Ontario as he shall direct or request.

Annual
statement
to Legis-
lature.

(2) There shall be laid before the Assembly at the opening of each session of the Legislature or so soon thereafter as it may be obtainable, a statement containing the report of the auditor for the preceding fiscal year and the receipts and expenditures of the commission and an account of the proceedings of the commission during such fiscal year and such further particulars as the Lieutenant-Governor in Council shall direct. R.S.O. 1937, c. 298, s. 16, *amended*.

Approval of
contracts
for manag-
ing pro-
fessionals.

16.—(1) A contract or agreement entered into for the management of any person taking part in professional boxing or wrestling contests or exhibitions, or for the taking part in any such contest or exhibition, shall not be valid or of any force or effect unless it is in writing signed by the parties thereto and approved of as being fair and reasonable by certificate of the commission under the hand of its chairman, vice-chairman and secretary. R.S.O. 1937, c. 298, s. 18 (1), *amended*.

Cancellat-
ion of
contract or
agreement.

(2) Any contract or agreement which has been approved by the commission may be cancelled by resolution of the commission where in the opinion of the commission one or more of the parties thereto has done any act which is not in the best interests of the sport or game to which the contract relates and upon such cancellation the contract or agreement shall for all purposes be deemed null and void and of no effect.

SECTION 15. This is the same as section 16 of the present Act.

SECTION 16. This is similar to section 18 of the present Act but restricts the contracts affected to those relating to professional boxing and wrestling and provides also for the cancellation of a contract.

Commission
to have full
jurisdiction.

(3) The decision of the commission as to granting or refusing a certificate of approval of a contract or agreement and as to cancelling a contract or agreement by resolution shall be final and conclusive and shall not be open to question in any action or other proceeding in a court of law or otherwise.

Commence-
ment of s. 9,
subs. 1.

17. Subsection 1 of section 9 shall have effect as from the 28th day of March, 1929.

Rev. Stat.,
c. 298,
repealed.

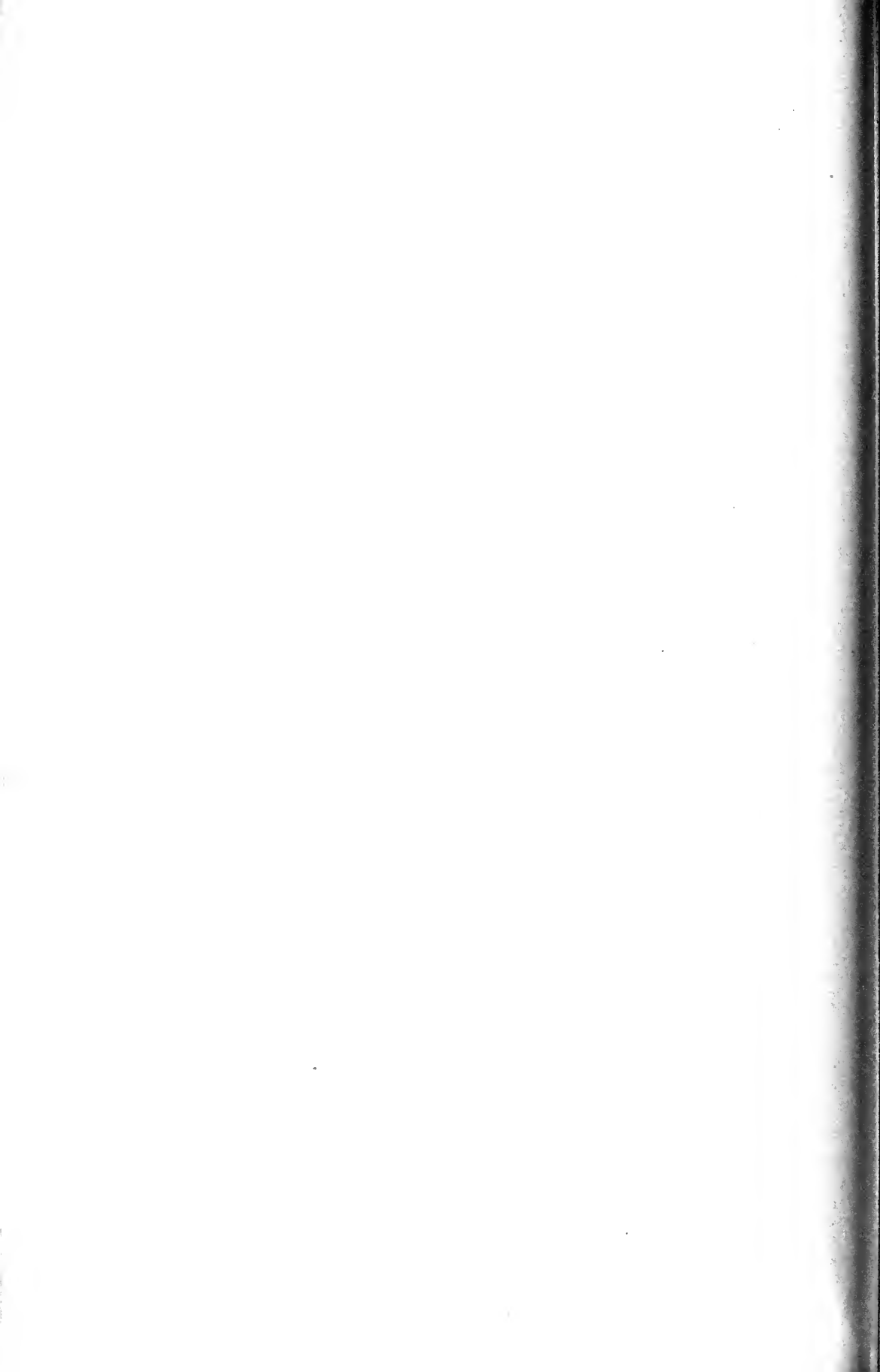
18. *The Athletic Commission Act* being chapter 298 of the Revised Statutes of Ontario, 1937, is repealed.

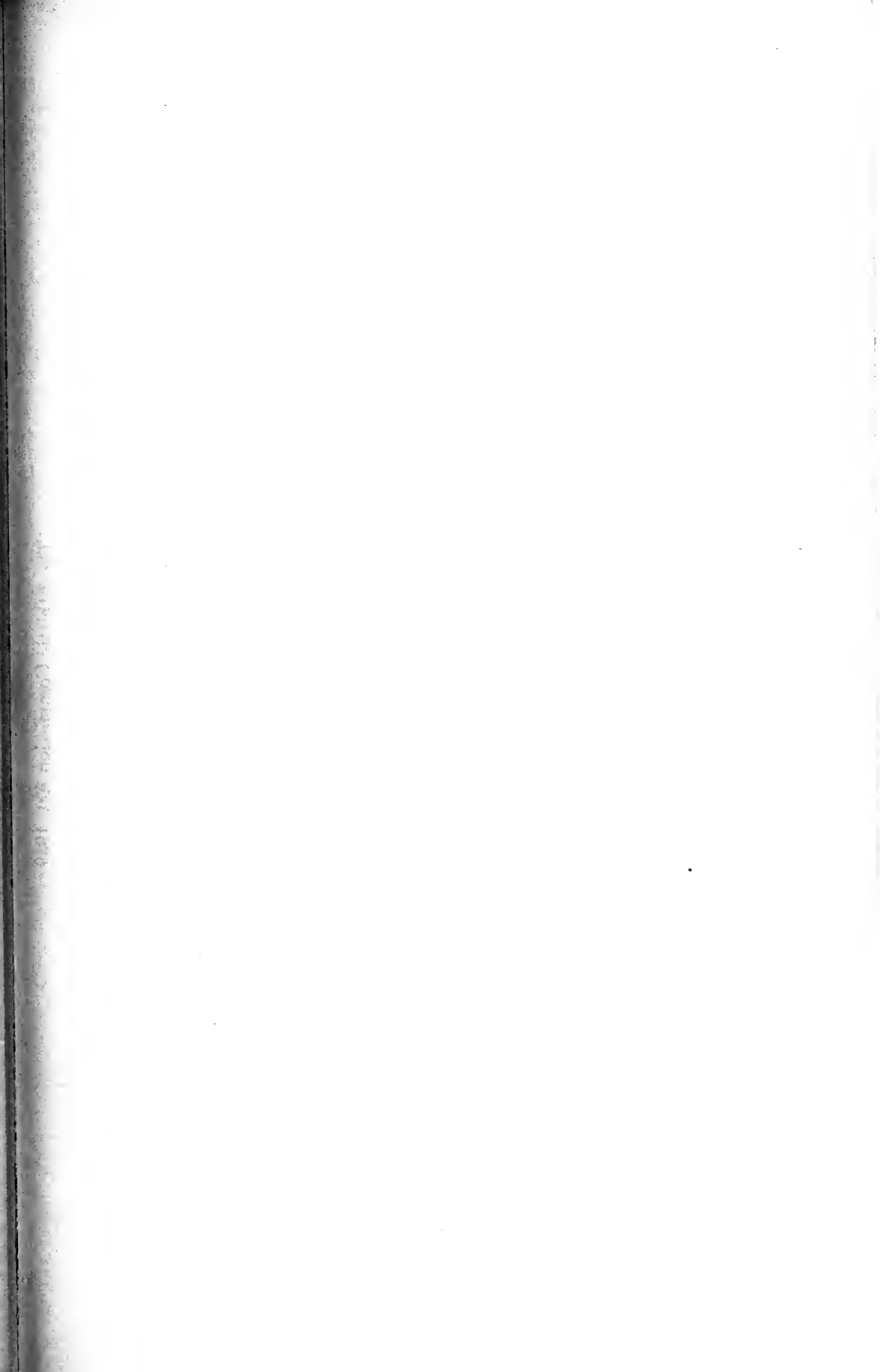
Short title.

19. This Act may be cited as *The Athletic Commission Act, 1939*.

SECTION 17. Provides for the commencement of subsection 1 of section 9.

SECTION 18. Repeals present Act.





BILL

The Athletic Commission Act, 1939

1st Reading

March 15th, 1939

2nd Reading

3rd Reading

MR. KIRBY

No. 45

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Athletic Commission Act, 1939.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Athletic Commission Act, 1939.

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

Interpre-
tation.

1. In this Act,—

“Commis-
sion.”

(a) “Commission” shall mean the Ontario Athletic Commission;

“Person.”

(b) “Person” shall include corporation, association, club and any unincorporated organization;

“Profes-
sional
contest
or exhibi-
tion.”

(c) “Professional contest or exhibition” shall mean a professional contest or exhibition of baseball, bicycle riding, boxing, dancing, golf, hockey, jaijai, lacrosse, motor-cycle riding, physical prowess whether by contortion or otherwise, rowing, rugby, running, skating, whether speed skating or figure skating, soccer, swimming, tennis or wrestling and a professional contest or exhibition of any other sport or game designated by the Lieutenant-Governor in Council.

Establish-
ment of
commission.

2.—(1) There shall be established a commission to be composed of five persons appointed by the Lieutenant-Governor in Council who shall hold office during pleasure and the commission shall be a body corporate under the name of the “Ontario Athletic Commission.” R.S.O. 1937, c. 298, s. 2 (1), *amended*.

Appoint-
ment of
members of
Assembly.

(2) Any member of the Legislative Assembly may be appointed a member of the commission.

Adminis-
tration
of Act.

(3) The administration of this Act shall be under the direction and control of the Minister of Health. R.S.O. 1937, c. 298, s. 2 (2, 3).

Objects
of com-
mission.

3. The objects of the commission shall be to assist, promote and encourage amateur sport and recreation in schools, com-

munity centres and through associations of amateur sportsmen and to supervise professional contests and exhibitions. R.S.O. 1937, c. 298, s. 3, *amended*.

4. The majority of the members of the commission shall form a quorum. R.S.O. 1937, c. 298, s. 4. Quorum.

5. The members of the commission shall hold office during pleasure, and upon a vacancy occurring owing to death, resignation or removal from office of a member, the Lieutenant-Governor in Council may appoint someone to take his place. R.S.O. 1937, c. 298, s. 5. Tenure of office.

6.—(1) The Lieutenant-Governor in Council may appoint one of the members of the commission to be chairman and one of the members to be vice-chairman of the commission. Chairman, vice-chairman, — appointment.

(2) In the absence of the chairman and vice-chairman, or in case of vacancies in the offices, the members of the commission may elect from amongst themselves an acting chairman, who shall hold office during such absence or vacancies, and while holding office shall have and possess the like powers and shall perform the like duties as the chairman. R.S.O. 1937, c. 298, s. 6, *amended*. Absence of chairman and vice-chairman.

7.—(1) Each of the commissioners shall serve without remuneration, but shall be entitled to receive his travelling expenses and actual disbursements in transacting the business of the commission, and the Lieutenant-Governor in Council may fix a per diem allowance as a living allowance to the commissioners who are absent from home in the transaction of the business of the commission. Commissioners to serve without pay. Allowance for disbursements.

(2) Notwithstanding anything in *The Legislative Assembly Act* the appointment of the chairman, vice-chairman or of any other member of the commission if a member of the Assembly shall not be avoided by reason of the payment to him, or the acceptance by him of any allowance, expenses or disbursements under this Act, nor shall he thereby vacate or forfeit his seat or incur any other penalties imposed by the said Act for sitting and voting as a member of the Assembly. R.S.O. 1937, c. 298, s. 7, *amended*. Payment of member of Assembly acting on commission. Rev. Stat., c. 12.

8.—(1) The commission may appoint a secretary to the commission and such officers, clerks and servants as may be deemed requisite. Secretary and staff

(2) The salaries or other remuneration of the secretary and the other persons so appointed shall be fixed by the commission, subject to ratification by the Lieutenant-Governor in Council, and such salaries or other remuneration and the Payment of salaries, etc.

expenses of the commission shall be payable out of the funds collected by the commission as hereinafter provided. R.S.O. 1937, c. 298, s. 8.

Tax on gate receipts for funds of commission.

9.—(1) For the purpose of providing a fund for the payment of the expenses of the commission and the salaries and other expenses of its officers, clerks and servants, and the general expenses incurred in carrying out the provisions of this Act, every person conducting a professional contest or exhibition shall pay to the commission an amount,—

- (a) not exceeding two per centum in the case of any such contest or exhibition not being a boxing or wrestling contest or exhibition;
- (b) not less than one per centum and not exceeding five per centum in the case of a boxing or wrestling contest or exhibition;

of the gross receipts in respect of such contest or exhibition as shall be determined by the commission with the approval of the Lieutenant-Governor in Council. R.S.O. 1937, c. 298, s. 9 (1), *amended*.

Where lesser sum payable.

(2) Where a professional contest or exhibition is not the sole or main attraction offered at any presentation or exhibition for which admission is charged, the commission may accept such amount as in the circumstances it deems proper in lieu of the percentage of the gross receipts payable under subsection 1.

Payment of amount of gate receipt tax to commission.

(3) Every person conducting any professional contest or exhibition shall, within three days of the holding of such contest or exhibition, remit to the commission at its office at Toronto, by registered mail, the amount payable under the provisions of subsection 1. R.S.O. 1937, c. 298, s. 17, *amended*.

Penalty.

(4) Every person who conducts or participates in conducting or holding any professional contest or exhibition and who fails to comply with the provisions of this section shall, in addition to the payment of the amounts provided in subsection 1, incur a penalty of not less than an amount equal to such amounts, recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 298, s. 15, *amended*.

Rev. Stat., c. 136.

Regulations.

10.—(1) The commission may, subject to the approval of the Lieutenant-Governor in Council, make regulations—

- (a) prescribing the equipment to be used for and the rules applicable to the conduct of amateur and professional boxing and wrestling contests and exhibi-

- tions including the appointment and duties of the officials of the contests and exhibitions, the definition of fouls and the manner of determining a winner;
- (b) providing for the issuing of licenses and permits for the holding of amateur and professional boxing and wrestling contests and exhibitions and for the suspension and cancellation of such licenses and the cancellation of such permits;
 - (c) providing for the licensing of amateur and professional boxers and wrestlers, managers of professional boxers and wrestlers and referees, seconds and other officials officiating at amateur or professional boxing or wrestling contests or exhibitions and for the suspension and cancellation of such licenses;
 - (d) providing for the payment of fees for licenses and permits and the manner of collecting such fees;
 - (e) providing for payment to the commission of a fee or charge by way of a license fee or otherwise in respect of the holding of any amateur boxing or wrestling contest or exhibition and for the manner of collecting such fee or charge;
 - (f) providing for the impounding of purses or other remuneration of professional boxers and wrestlers and for the levying of fines or other pecuniary penalties against persons who are the holders or who by these regulations are required to be the holders of other classes of licenses issued under this Act, for violations of the Act or regulations;
 - (g) prescribing the forms of contracts to be used in connection with the services and management of professional boxers and wrestlers;
 - (h) prescribing the duties and liabilities of persons holding contests and exhibitions of boxing and wrestling and the security to be furnished to ensure the performance of such duties and discharge of such liabilities;
 - (i) regulating the holding and conduct of professional contests or exhibitions of dancing, swimming, rowing and tennis;
 - (j) prescribing the rights, powers and duties which the commission and its officials shall have, exercise and

perform in connection with professional contests and exhibitions;

(k) providing for the setting up of special committees of the commission and prescribing the powers and duties of such special committees;

(l) defining "amateur" and "professional" for the purposes of this Act and the regulations; and

(m) generally for the better carrying out of the provisions of this Act.

Penalty.

(2) Every person who conducts or participates in conducting or holding a boxing or wrestling contest or exhibition without having received any license required by the regulations, or who otherwise violates any provision of the regulations, shall incur a penalty of not less than \$20, nor more than \$1,000, recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 298, s. 12.

Rev. Stat.,
c. 136.

Inquiries re
professional
boxing and
wrestling.

11.—(1) Where it is charged that a boxing or wrestling contest or exhibition conducted under a license as hereinbefore provided or any agreement, contract or undertaking entered into with respect to such boxing or wrestling contest or exhibition is in violation of the regulations, or that any person connected with or participating in such boxing or wrestling contest or exhibition has been guilty of any such violation or of any unsportsmanlike or unbecoming conduct to the prejudice of the interest of legitimate boxing or wrestling, the commission may hold an investigation into such charges, and for the purposes of such investigation shall possess all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Impounding
and for-
feiture of
moneys by
commission.

(2) The commission may order that pending the disposition of the charges so made any moneys which under the terms of any contract or agreement may be payable to any employee of the person holding such boxing or wrestling contest or exhibition or to any boxer or wrestler shall be delivered to the commission and shall be impounded pending the result of the investigation, and if such charges are held by the commission to have been proven, the commission may declare the moneys impounded to be forfeited and such moneys shall thereupon become the property of the commission. R.S.O. 1937, c. 298, s. 13, *amended*.

Inquiries re
amateur
sports.

12.—(1) Where the Ontario Branch of the Amateur Athletic Union of Canada, or any other branch of the Amateur Athletic Union of Canada or any league or body connected with amateur sport operating in Ontario, requests the com-

mission to cause investigation to be held into any matter which the branch, league or body considers should be investigated in the interest of amateur sport in the Province, the commission may hold such investigation or may refer the matter for investigation to a committee for investigation and report.

(2) The committee may consist of a member or members of the commission or such other persons as the commission may designate. Who may be appointed to committee.

(3) The appointment of the committee shall be in writing signed by the chairman or vice-chairman of the commission. Appointments.

(4) The committee or commission for the purposes of such investigation shall possess all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act*. Powers of commission or committee. Rev. Stat., c. 19.

13.—(1) The moneys received by the commission under sections 9 and 11 together with all moneys received from license and permit fees, fines and other pecuniary penalties and the impounding of purses or other remuneration, except the moneys mentioned in subsection 2, shall be set apart by the commission and shall constitute a fund for the payment of the salaries and expenses mentioned in subsection 1 of section 9, and any portion of such funds remaining unexpended and not required to meet such salaries and expenses may be used by the commission for the assistance, encouragement and promotion of sport and recreation in such manner as the commission may decide, provided that the commission may remit any fine or other pecuniary penalty or impounded purse or other remuneration or any part thereof where it deems it advisable to do so. R.S.O. 1937, c. 298, s. 9 (2), *amended*. Fund for maintenance of commissioners.

(2) All moneys received as fees or charges, including license fees, in respect of the holding of amateur boxing and wrestling contests or exhibitions shall constitute a separate fund for the purposes of amateur boxing and wrestling and may be used for such purposes and in such manner as the commission may decide. Fund for amateur boxing and wrestling.

(3) The commission shall furnish to the Lieutenant-Governor in Council, quarterly on the last days of March, June, September and December, a statement showing the amounts received and expended by the commission in each quarter. R.S.O. 1937, c. 298, s. 9 (3). Quarterly statement of receipts and expenditures.

14.—(1) Where moneys payable to the commission under this Act or the regulations in respect of any professional contest or exhibition or any contest or exhibition of amateur boxing or Use of building for contest or exhibition prohibited.

wrestling are not received by the commission within one week of the holding of such contest or exhibition, the commission may direct that the building or other place where such contest or exhibition was held shall not be used for the holding of any professional contest or exhibition or any contest or exhibition of amateur boxing or wrestling until such moneys have been paid to the commission.

Penalty.

(2) Where notice in writing of a direction made under subsection 1 is served upon or sent by prepaid registered mail to the owner, lessee or other person having control over the building or other place, such owner, lessee or other person shall incur a penalty of not less than \$20 nor more than \$100 recoverable under *The Summary Convictions Act*, in respect of every professional contest or exhibition or contest or exhibition of amateur boxing or wrestling held in such building or at such place during the continuance in force of such direction.

Rev. Stat.,
c. 136.

Audit.

15.—(1) The books and accounts of the commission shall be audited and checked from time to time by the Provincial Auditor or by such other auditor and at such times as the Lieutenant-Governor in Council may direct, and such auditor shall make an annual report and prepare and furnish such other statement to the Treasurer of Ontario as he shall direct or request.

Annual
statement
to Legis-
lature.

(2) There shall be laid before the Assembly at the opening of each session of the Legislature or so soon thereafter as it may be obtainable, a statement containing the report of the auditor for the preceding fiscal year and the receipts and expenditures of the commission and an account of the proceedings of the commission during such fiscal year and such further particulars as the Lieutenant-Governor in Council shall direct. R.S.O. 1937, c. 298, s. 16, *amended*.

Approval of
contracts
for manag-
ing pro-
fessionals.

16.—(1) A contract or agreement entered into for the management of any person taking part in professional boxing or wrestling contests or exhibitions, or for the taking part in any such contest or exhibition, shall not be valid or of any force or effect unless it is in writing signed by the parties thereto and approved of as being fair and reasonable by certificate of the commission under the hand of its chairman, vice-chairman and secretary. R.S.O. 1937, c. 298, s. 18 (1), *amended*.

Cancellat-
ion of
contract or
agreement.

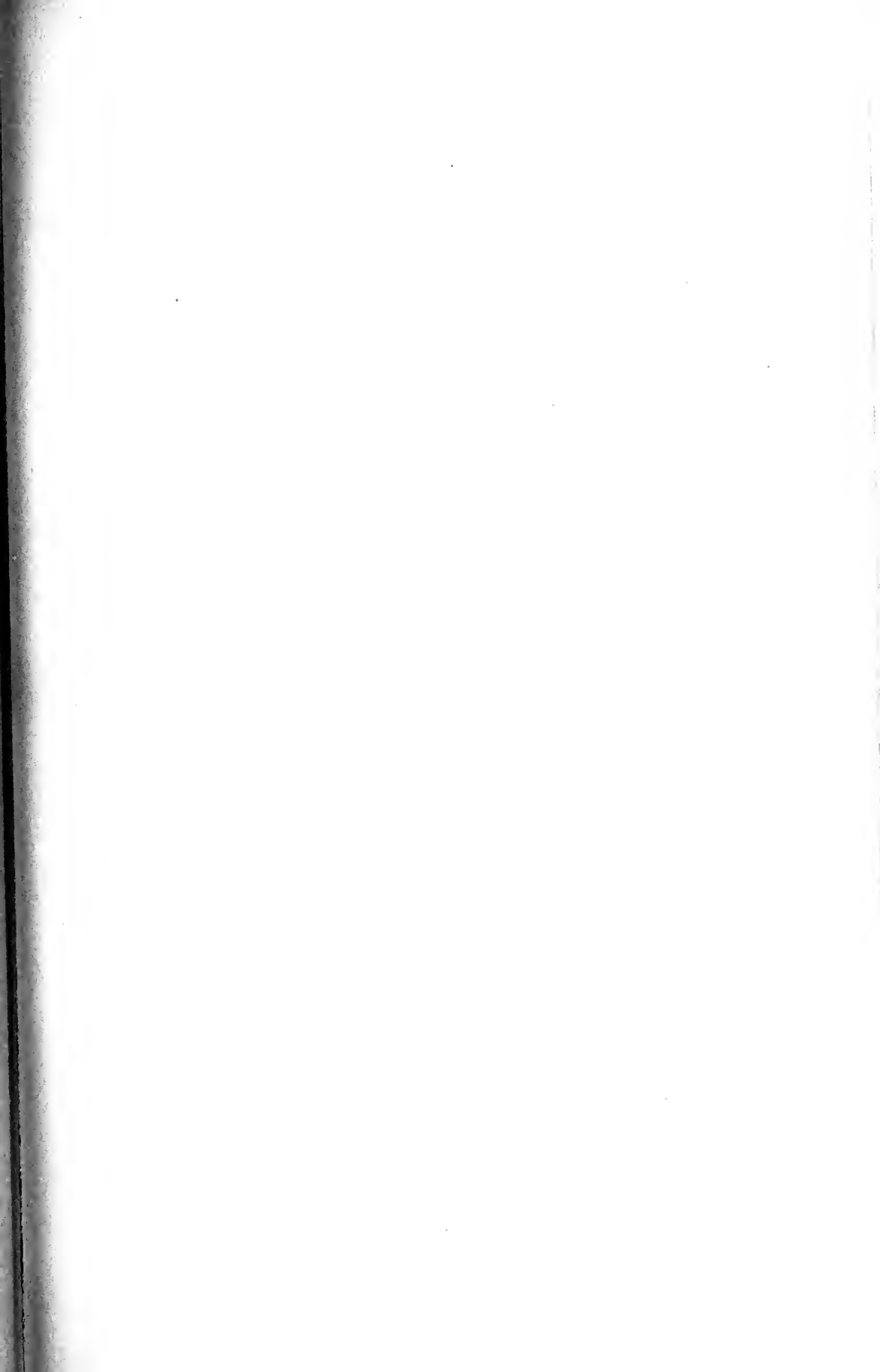
(2) Any contract or agreement which has been approved by the commission may be cancelled by resolution of the commission where in the opinion of the commission one or more of the parties thereto has done any act which is not in the best interests of the sport or game to which the contract relates and upon such cancellation the contract or agreement shall for all purposes be deemed null and void and of no effect.

(3) The decision of the commission as to granting or refusing a certificate of approval of a contract or agreement and as to cancelling a contract or agreement by resolution shall be final and conclusive and shall not be open to question in any action or other proceeding in a court of law or otherwise. Commission to have full jurisdiction.

17. Subsection 1 of section 9 shall have effect as from the 28th day of March, 1929. Commencement of s. 9, subs. 1.

18. *The Athletic Commission Act* being chapter 298 of the Revised Statutes of Ontario, 1937, is repealed. Rev. Stat., c. 298, repealed.

19. This Act may be cited as *The Athletic Commission Act, 1939*. Short title.



The Athletic Commission Act, 1939

1st Reading

March 15th, 1939

2nd Reading

March 17th, 1939

3rd Reading

March 21st, 1939

MR. KIRBY

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Co-ordination of Police Services.

MR. CONANT

BILL

An Act respecting the Co-ordination of Police Services.

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

Interpretation.

1. In this Act,—

“Constable.”

(a) “Constable” shall include a chief constable, police constable, county constable, high constable, special constable and all members of every rank of a municipal police force, and every constable appointed under the provisions of any Act of this Legislature;

“Commissioner.”

(b) “Commissioner” shall mean the Commissioner of Police for Ontario.

General control by Commissioner.

2.—(1) Whenever in the opinion of the Attorney-General a grave crime is committed or attempted, or is suspected of having been committed or attempted, or a dangerous criminal is at large, the Commissioner at the direction of the Attorney-General shall have the general control of all constables and of all police forces within the Province during such period as the Attorney-General may determine, and shall have power to direct and order every constable to perform such duties anywhere within the Province as the Commissioner may from time to time require.

Constables and equipment to be sent when directed.

(2) Upon receipt of a verbal or written direction from the Commissioner, the constable to whom it is directed shall forthwith send such constables and equipment as are under his control and as may be required by such direction, to the place where the direction requires them to be sent and shall perform such other services as the Commissioner may direct.

Delegation of powers.

3. The Commissioner may delegate to any constable the active control and direction of constables marshalled under the provisions of this Act.

EXPLANATORY NOTES

SECTION 2.—(1) This Section gives the Attorney-General authority to direct the Commissioner of Police for Ontario to take over the control of Police forces in the Province for the investigation of a grave crime or the apprehension of a dangerous criminal.

SECTION 2.—(2) This Subsection authorizes the Commissioner when so directed to call upon other police forces for assistance by sending police and equipment to the place where they are required.

SECTION 3. This Section is self-explanatory.

Expenses
of con-
stables;

4.—(1) The Commissioner may determine the amount to be paid by any municipality for the expenses and services of any constable rendered under the provisions of this Act, and if the services are performed in an unorganized portion of any provisional judicial district the Commissioner may determine the amount to be paid by the Province.

how
payable.

(2) The amount determined by the Commissioner under the provisions of subsection 1 shall be paid on and in accordance with the certificate of the Commissioner within thirty days after the date when the certificate is mailed by prepaid registered post to the municipality concerned, or in the case of an appeal, as hereinafter provided, within thirty days after the disposition of such appeal.

Where
expenses
exceed
\$100.

(3) Where the amount directed to be paid by the Commissioner under the provisions of subsection 2 exceeds the sum of \$100 any interested municipality may, within thirty days after the mailing of the certificate, appeal to the Ontario Municipal Board whose determination shall be final.

Amount
directed
to be paid
to con-
stitute
debt.

(4) The amount directed to be paid by the certificate of the Commissioner or by the Ontario Municipal Board on appeal shall constitute a debt due and owing in accordance with such certificate or order of the Ontario Municipal Board.

Expenses.—
how to be
paid.

(5) The Lieutenant-Governor in Council may require that the expenses, or any portion thereof, incurred under this Act, shall be paid out of the Consolidated Revenue Fund.

Investi-
gation and
report by
Commis-
sioner.

5.—(1) The Attorney-General may require the Commissioner or any other person, to investigate, inquire into and report to the Attorney-General upon the conduct of any constable, the administration of any police force, the system of policing any municipality and the police needs of any municipality,—

Cost.

(a) at the request of the council or the board of commissioners of police of any municipality, in which case the municipality shall pay the cost of such investigation; or

(b) without the request of the council or board of commissioners of police of a municipality, in which case the cost of such investigation shall be paid out of the Consolidated Revenue Fund.

Powers of
investigator.

(2) The person directed to hold such investigation shall have all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

SECTION 4. These provisions authorize the Commissioner of Police to fix the amount to be paid by any municipality where the services of outside police are required to the municipalities from whence the assistance is obtained.

It further provides an appeal to the Ontario Municipal Board from the amount fixed by the Commissioner where the amount is over \$100.

Or the Lieutenant-Governor in Council may pay the expenses out of the Consolidated Revenue Fund.

SECTION 5. A number of requests have been received from municipalities by the Attorney-General to investigate the conduct of officers in municipal police forces or to make a survey of their police services. This Section is meant to cover such cases and also to permit the Attorney-General to make such an investigation without a request—in the latter case the expenses of the investigation to be paid by the Province.

Report to
be sent to
police com-
missioners
and
council.

(3) The report of such investigation may be communicated by the Attorney-General to the board of commissioners of police and the council of the municipality.

Regulations.

6. The Lieutenant-Governor in Council may make such regulations as he may deem necessary for carrying out the provisions of this Act, and without limiting the generality of this provision may make regulations,—

- (a) prescribing the duties and powers of the Commissioner under this Act;
- (b) providing for the payment in advance of travelling and other expenses incurred by constables when acting under the direction of the Commissioner; and
- (c) generally for the better carrying out of the provisions of this Act.

Short title.

7. This Act may be cited as *The Police Act, 1939*.

SECTION 6. This Section is self-explanatory.

BILL

An Act respecting the Co-ordination
of Police Services.

1st Reading

March 17th, 1939

2nd Reading

3rd Reading

MR. CONANT

No. 47

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Crown Timber Act.

MR. HEENAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Crown Timber Act.

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

Rev. Stat.,
c. 36, s. 3,
subs. 6,
amended.

1. Subsection 6 of section 3 of *The Crown Timber Act* is amended by striking out the word "May" in the fourth line and inserting in lieu thereof the word "April," so that the said subsection shall now read as follows:

Commence-
ment of
term of
license.

(6) Subject to any rights which may have accrued to the Crown prior to the issue of the license, every renewed license shall be deemed to have taken effect from the 1st day of April of the season for which it was granted.

Rev. Stat.,
c. 36, s. 6,
amended.

2. Section 6 of *The Crown Timber Act* is amended by adding thereto the following subsection:

Suspension
of manufac-
turing con-
ditions.

(2) The Lieutenant-Governor in Council may suspend the operation of "the manufacturing conditions" referred to in Schedule C for such period as to him may seem proper, and as to any district or districts which he may define so as to permit the exportation of any or all of the kinds of hardwood timber mentioned in subsection 1 during such period, and from such district or districts.

Commence-
ment of Act.

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

Short title.

4. This Act may be cited as *The Crown Timber Amendment Act, 1939*.

EXPLANATORY NOTES

SECTION 1. The amendment to subsection 6 of section 3 of the Act is to bring the date into harmony with the beginning of the fiscal year.

SECTION 2. Subsection 2 added to section 6, grants power to the Lieutenant-Governor in Council to suspend "the manufacturing conditions" with respect to hardwood timber.

BILL

An Act to amend The Crown
Timber Act.

1st Reading

March 17th, 1939

2nd Reading

3rd Reading

MR. HENAN

No. 47

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Crown Timber Act.

MR. HEENAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Crown Timber Act.

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

Rev. Stat.,
c. 36, s. 3,
subs. 6,
amended.

1. Subsection 6 of section 3 of *The Crown Timber Act* is amended by striking out the word "May" in the fourth line and inserting in lieu thereof the word "April," so that the said subsection shall now read as follows:

Commence-
ment of
term of
license.

(6) Subject to any rights which may have accrued to the Crown prior to the issue of the license, every renewed license shall be deemed to have taken effect from the 1st day of April of the season for which it was granted.

Rev. Stat.,
c. 36, s. 6,
amended.

2. Section 6 of *The Crown Timber Act* is amended by adding thereto the following subsection:

Suspension
of manufac-
turing con-
ditions.

(2) The Lieutenant-Governor in Council may suspend the operation of "the manufacturing conditions" referred to in Schedule C for such period as to him may seem proper, and as to any district or districts which he may define so as to permit the exportation of any or all of the kinds of hardwood timber mentioned in subsection 1 during such period, and from such district or districts to any part of the British Empire.

Commence-
ment of Act.

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

Short title.

4. This Act may be cited as *The Crown Timber Amendment Act, 1939.*

EXPLANATORY NOTES

SECTION 1. The amendment to subsection 6 of section 3 of the Act is to bring the date into harmony with the beginning of the fiscal year.

SECTION 2. Subsection 2 added to section 6, grants power to the Lieutenant-Governor in Council to suspend "the manufacturing conditions" with respect to hardwood timber.

BILL

An Act to amend The Crown
Timber Act.

1st Reading

March 17th, 1939

2nd Reading

March 22nd, 1939

3rd Reading

MR. HENAN

*(Reprinted as amended in Committee of the
Whole House.)*

No. 47

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Crown Timber Act.

MR. HEENAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Crown Timber Act.

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

Rev. Stat.,
c. 36, s. 3,
subs. 6,
amended.

1. Subsection 6 of section 3 of *The Crown Timber Act* is amended by striking out the word "May" in the fourth line and inserting in lieu thereof the word "April," so that the said subsection shall now read as follows:

Commence-
ment of
term of
license.

(6) Subject to any rights which may have accrued to the Crown prior to the issue of the license, every renewed license shall be deemed to have taken effect from the 1st day of April of the season for which it was granted.

Rev. Stat.,
c. 36, s. 6,
amended.

2. Section 6 of *The Crown Timber Act* is amended by adding thereto the following subsection:

Suspension
of manufac-
turing con-
ditions.

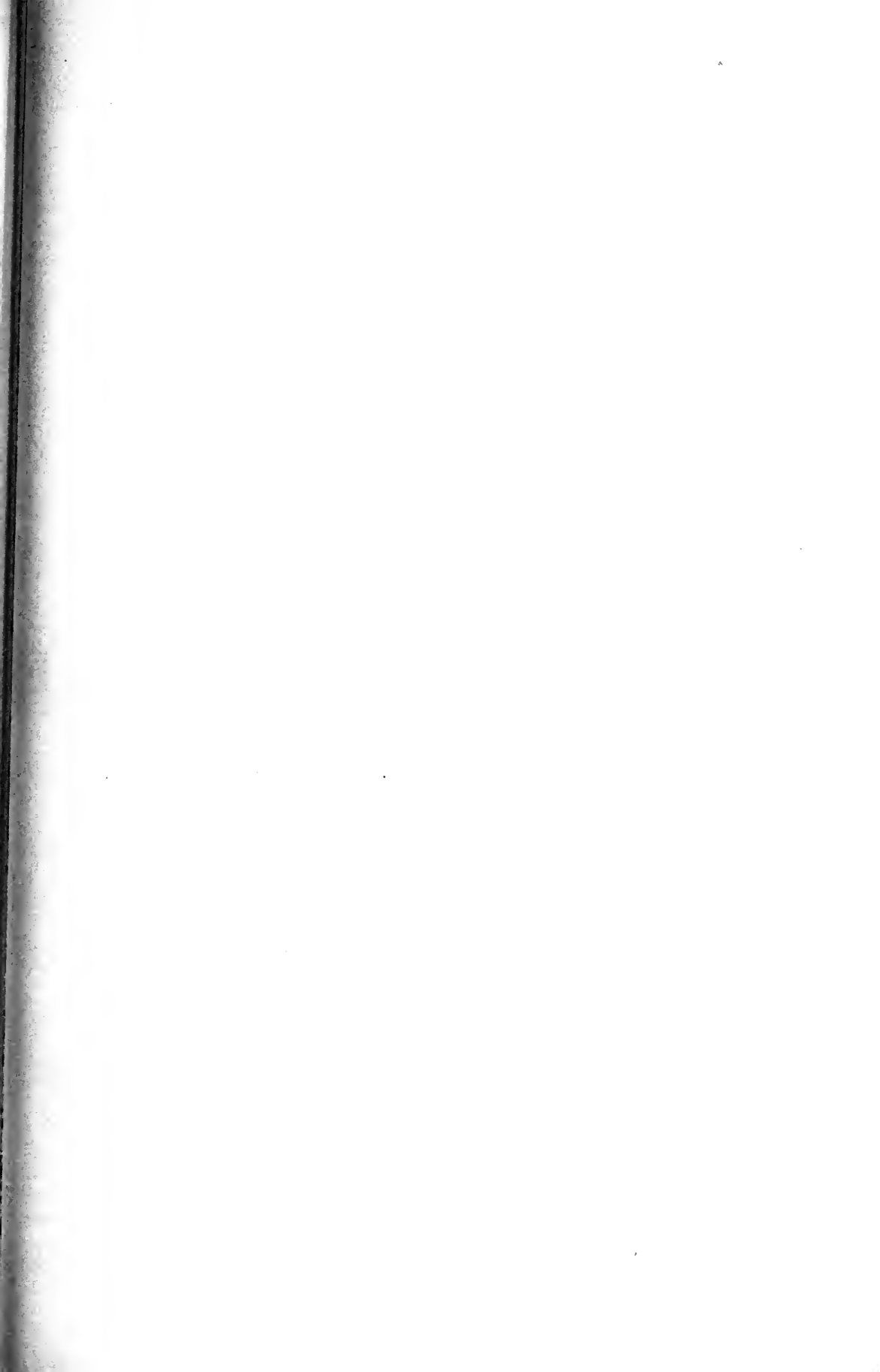
(2) The Lieutenant-Governor in Council may suspend the operation of "the manufacturing conditions" referred to in Schedule C for such period as to him may seem proper, and as to any district or districts which he may define so as to permit the exportation of any or all of the kinds of hardwood timber mentioned in subsection 1 during such period, and from such district or districts to any part of the British Empire.

Commence-
ment of Act.

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

Short title.

4. This Act may be cited as *The Crown Timber Amendment Act, 1939*.



BILL

An Act to amend The Crown
Timber Act.

1st Reading

March 17th, 1939

2nd Reading

March 22nd, 1939

3rd Reading

April 6th, 1939

MR. HEENAN

No. 48

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Law Society Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Law Society Act.

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

Rev. Stat.,
c. 221, s. 43,
amended.

1. Section 43 of *The Law Society Act* is amended by adding thereto the following clauses:

Accounts for
clients'
money.

(c) the opening and keeping by barristers and solicitors of accounts for clients' money at banks, Province of Ontario Savings Offices or other institutions authorized to receive deposits;

Particulars
as to money
received.

(d) the keeping by barristers and solicitors of accounts and records containing proper particulars and information as to moneys received, held, or paid by them for or on account of clients;

Inquiries;
investiga-
tions.

(e) inquiries or investigations by the benchers or a committee of their number or any other persons for the purpose of ascertaining whether the rules and regulations of the Society are being complied with;

Non-
observance
of rules.

(f) the effect of non-observance of any of the rules or regulations passed under clauses *c*, *d* and *e* and in what cases such non-observance by any barrister or solicitor shall amount to professional misconduct; and

Cost of
inspection
or audit.

(g) the payment to the Society by any barrister or solicitor of the cost of any inspection or audit of his books and accounts in the event that the rules and regulations of the Society in relation thereto, or in relation to the opening and keeping of accounts for clients' moneys at banks, Province of Ontario Savings Offices or other institutions authorized to receive deposits, have not been complied with.

Rev. Stat.,
c. 221, s. 44,
amended.

2. Section 44 of *The Law Society Act* is amended by adding thereto the following subsection:

EXPLANATORY NOTES

SECTION 1. Permits the Benchers of the Law Society to make rules requiring barristers and solicitors to keep proper books, records and bank accounts. The rules may also provide for investigations for the purpose of ascertaining whether a barrister or solicitor is complying with the rules and for the payment of the cost of any such investigation where the barrister or solicitor under investigation is found to have failed to comply with any of the rules. The rules may also prescribe the effect of their non-observance.

SECTION 2. The new subsection permits the Benchers to order a barrister or solicitor who is found guilty of professional misconduct or conduct unbecoming a barrister or solicitor, to pay the expense, or part of the expense, of any investigation into any charge or charges in respect of which he has been found guilty, and the amount which he is ordered to pay may be recovered by the Law Society by order of the Supreme Court made on summary application.

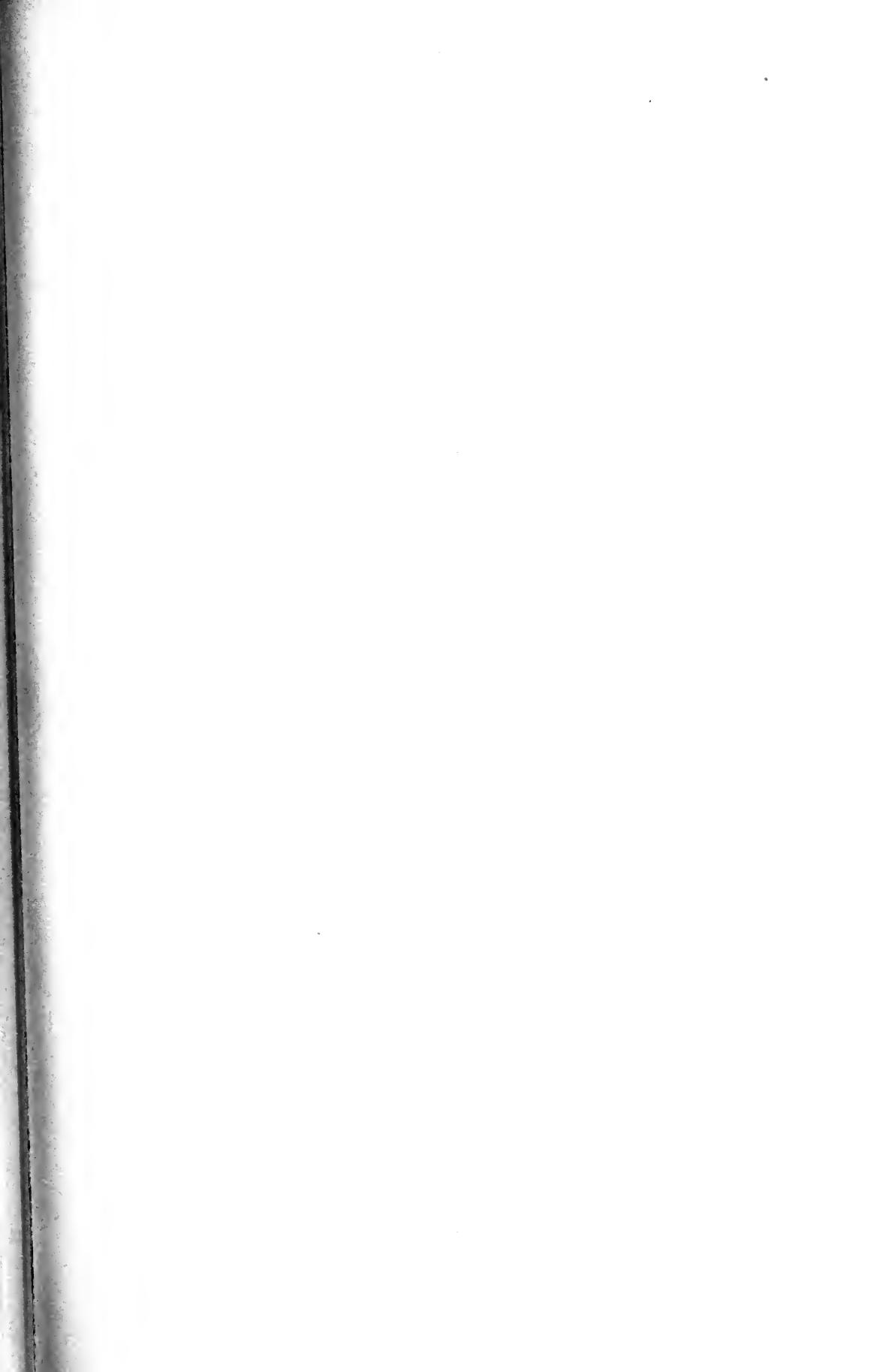
Barrister
may be
ordered to
pay expenses
of investi-
gations.

- (2) In addition to or as an alternative for any other penalty, a barrister or solicitor who is found guilty of professional misconduct or conduct unbecoming a barrister or solicitor under the provisions of this section may be ordered by the benchers to pay the expense, or part of the expense, incurred by the Society in the investigation of any charge or charges in respect of which he shall have been found guilty and any sum or sums so ordered to be paid may be recovered by the Society by order of the Supreme Court of Ontario, to be made on summary application.

Short title.

- 3.** This Act may be cited as *The Law Society Amendment Act, 1939*.





BILL

An Act to amend The Law Society Act.

1st Reading

March 20th, 1939

2nd Reading

3rd Reading

MR. CONANT

No. 48

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Law Society Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Law Society Act.

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

Rev. Stat.,
c. 221, s. 43,
amended.

1. Section 43 of *The Law Society Act* is amended by adding thereto the following clauses:

Accounts for
clients'
money.

(c) the opening and keeping by barristers and solicitors of accounts for clients' money at banks, Province of Ontario Savings Offices or other institutions authorized to receive deposits;

Particulars
as to money
received.

(d) the keeping by barristers and solicitors of accounts and records containing proper particulars and information as to moneys received, held, or paid by them for or on account of clients;

Inquiries;
investiga-
tions.

(e) inquiries or investigations by the benchers or a committee of their number or any other persons for the purpose of ascertaining whether the rules and regulations of the Society are being complied with;

Non-
observance
of rules.

(f) the effect of non-observance of any of the rules or regulations passed under clauses *c*, *d* and *e* and in what cases such non-observance by any barrister or solicitor shall amount to professional misconduct; and

Cost of
inspection
or audit.

(g) the payment to the Society by any barrister or solicitor of the cost of any inspection or audit of his books and accounts in the event that the rules and regulations of the Society in relation thereto, or in relation to the opening and keeping of accounts for clients' moneys at banks, Province of Ontario Savings Offices or other institutions authorized to receive deposits, have not been complied with.

Rev. Stat.,
c. 221, s. 44,
amended.

2. Section 44 of *The Law Society Act* is amended by adding thereto the following subsection:

- (2) In addition to or as an alternative for any other penalty, a barrister or solicitor who is found guilty of professional misconduct or conduct unbecoming a barrister or solicitor under the provisions of this section may be ordered by the benchers to pay the expense, or part of the expense, incurred by the Society in the investigation of any charge or charges in respect of which he shall have been found guilty and any sum or sums so ordered to be paid may be recovered by the Society by order of the Supreme Court of Ontario, to be made on summary application.

Barrister
may be
ordered to
pay expenses
of investi-
gations.

3. This Act may be cited as *The Law Society Amendment Act, 1939*. ^{Short title.}

An Act to amend The Law Society Act.

1st Reading

March 20th, 1939

2nd Reading

March 22nd, 1939

3rd Reading

April 6th, 1939

MR. CONANT



