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An Act to amend The Assessment Act.

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

1. Section 164 of *The Consolidated Assessment Act, 1892*, 55 V. c. 48, s. 164 is amended by adding thereto the following sub-sections:— amended.

(2) At least three weeks before publishing a list of the lands to be sold for taxes the treasurer of any county, city or town shall ascertain from the Registrar of Deeds for the district in which the said lands are situate the name and address of the last registered owner or owners of each parcel of land as well as the names and addresses of all persons or corporations holding undischarged mortgages on the same, and the said treasurer shall within one month after the first publication of such list notify by registered letter the owner or owners, mortgagee or mortgagees of each parcel of land so appearing on said list (giving such full description of each parcel of land as will enable said owners or mortgagees to identify the same) that the said parcel of land is liable to be sold for taxes on a date and at a place mentioned in such notification.

(3) For giving the notices required by this section with respect to each parcel of land mentioned in the said list the said treasurer shall be entitled to receive the sum of ten cents and the actual sum disbursed for postage. For all searches by the said treasurer with respect to each parcel of land mentioned in the said list, the registrar of deeds shall be entitled to receive the sum of ten cents. The said costs which shall in the first instance be paid by the county, city or town shall become a charge upon the said lands so to be sold and shall be repaid to the said county, city or town so paying the same upon the said lands being sold or redeemed.

Notice of tax sales to be given to owners and mortgagees.

Fees of clerk and registrar.

No. 64.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Assessment Act.

First Reading, 21st February, 1896.

Mr. STRATTON.

TORONTO:

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

An Act respecting City and Town Councils.

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

1. This Act may be cited as *The City and Town Councils Act, 1896*, and shall be read with and form part of *The Consolidated Municipal Act, 1892*. Short title. 55 V. c. 42.

2. The provisions contained in Part II. of this Act shall apply and be in force in every city and town in which they shall be adopted by by-law passed in the manner hereinafter directed, from and after the date of the next ensuing general municipal election. Part II. to come into force when adopted by by-law.

3.—(1) The council of any city or town shall, upon a petition being presented to the council, signed by one-tenth of the persons appearing from the voters' list of the municipality to be entitled to vote at municipal elections, submit to the vote of the municipal electors of the city or town, in the manner provided by *The Consolidated Municipal Act, 1892*, with respect to voting on by-laws, a by-law declaring that Part II. of this Act shall apply and be in force in the municipality, and if the by-law shall receive the assent of a majority of the electors voting thereon, the council shall forthwith finally pass the by-law. Submission of by-law to vote of electors.

(2) No such by-law shall be submitted to the electors after the first day of September in any year, and if the by-law when submitted shall not receive the assent of a majority of the electors voting thereon, it shall not be again submitted to the electors for a period of two years thereafter. When by-law to be submitted.

(3) The persons entitled to vote on such by-law shall be the persons entitled to vote at municipal elections for the city or town, and save where otherwise provided by this Act, all the provisions relating to voting on by-laws requiring the assent of the electors, contained in *The Consolidated Municipal Act, 1892*, shall apply to the submission of a by-law under this Act. Who may vote on by-law. 55 V. c. 42.

PART II.

- Councils of cities, how composed. **4.** The council of every city shall consist of a mayor, who shall be the head thereof, and of aldermen who shall be elected by general vote of the municipal electors of the city. 5
- Councils of separated towns, how composed. **5.** The council of every town separated from a county for municipal purposes shall consist of a mayor, who shall be the head thereof, and of councillors elected by general vote of the municipal electors of the town. 5
- Councils of non-separated towns, how composed. **6.** The council of every town not separated from a county for municipal purposes shall consist of a mayor, who shall be the head thereof, and of a reeve and deputy reeves to be elected in the manner prescribed by *The Consolidated Municipal Act, 1892*, and of councillors to be elected by general vote of the municipal electors of the town. 10
- Number of aldermen or councillors to be elected. **7.** The number of aldermen or councillors to be elected in every city or town shall be as follows : 15
 In every city having a population of 100,000 or over sixteen aldermen shall be elected.
 In every city having a population less than 100,000 and not less than 60,000 fourteen aldermen shall be elected. 20
 In every city having a population of less than 60,000 and not less than 20,000 twelve aldermen shall be elected.
 In every city and town having a population of less than 20,000 and not less than 10,000 ten aldermen or councillors as the case may be, shall be elected. 25
 In every city and town having a population of less than 10,000 eight aldermen or councillors as the case may be, shall be elected.
- Abolition of wards. **8.** For the purposes of municipal elections only, the division of every city and town into wards is abolished. 30
- Nominations. **9.** Nominations for aldermen or councillors in cities and towns shall take place at the same time and place as the nomination for mayor or for mayor, reeve and deputy reeves as the case may be.
- Ballot papers. **10.** In cities and towns one set of ballot papers shall be prepared containing the names of the candidates for mayor or for mayor, reeve and deputy reeves as the case may be, and another kind or set shall be prepared containing the names of candidates for aldermen or councillors as the case may be. 35

11. Every municipal elector shall be entitled to vote for any number of candidates not exceeding the number of aldermen or councillors to be elected in the city or town, but no elector shall be entitled to vote more than once for any candidate and no person shall vote at more than one polling place in the city or town for which the election is held.

Number of
votes to be
given by each
elector.

12. In the event of a vacancy occurring in a city or town council from any of the causes mentioned in *The Consolidated Municipal Act, 1892*, the council shall fill the same at the next meeting after the vacancy takes place by the election by a majority of the members present at such meeting of a person possessing the qualifications prescribed by *The Consolidated Municipal Act, 1892*, in the case of members of city or town councils.

Vacancies in
councils, how
filled.

55 V. c. 42.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting City and Town Councils.

First Reading, 21st February, 1896.

Mr. STRATTON.

TORONTO :

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

No. 66.]

BILL.

[1896.

An Act to amend The Ontario Election Act, 1892.

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

1. Paragraph (3) of the note appended to Form 16 of ^{55 V. c. 3,} Schedule A to *The Ontario Election Act, 1892*, is hereby ^{Sched. A,} amended by adding after the word "lumberman" in the fourth ^{amended.} line thereof, the words "cheesemaker or school teacher."

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Ontario Election
Act, 1892.

First Reading, 21st February, 1896.

Mr. BEATTY,
(Leeds.)

TORONTO:

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

No. 67.]

BILL.

[1896.

An Act to amend The Manhood Suffrage Act.

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

1. Section 4 of *The Manhood Suffrage Act* is hereby amend- 51 V. c. 4, s. 4
5 ed by inserting after the word "lumberman" in the fourth amended.
line thereof the words "cheesemaker, school teacher."

2. Form A appended to the said Act and mentioned in sec- 51 V. c. 4,
tion 9 thereof is amended by adding after the word "lumber- sched.
man" in the twelfth line thereof the words, "cheesemaker, amended.
10 school teacher."

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Manhood Suffrage
Act.

First Reading, 21st February, 1896.

Mr. BEATTY,
(Leeds).

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act Consolidating and Revising the Public Schools Acts.

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

1. This Act may be cited as "*The Public Schools Act, 1896.*" Short title.
- 5 2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears. Interpretation.
1. "Teacher" shall mean any person holding a legal certificate of qualification; "Teacher."
- 10 2. "County" shall include a union of counties; "County."
3. "Township" shall include unions of townships made for municipal purposes; "Township."
4. "School site" shall mean such area of land as may be necessary for the school house, teacher's residence, caretaker's residence, offices and playgrounds connected therewith; "School site."
- 15 5. "School section" shall mean the municipality or any portion thereof, or any portion of two or more municipalities under one public school corporation; "School section."
6. "Owner" shall include a mortgagee, lessee or tenant, or other person entitled to a limited interest, and whose claims may be dealt with by arbitration as herein provided; "Owner."
- 20 7. "Ratepayer" shall mean any person entered on the last revised assessment roll of the school section for public school rates; "Ratepayer."
- 25 8. "Board of trustees" shall include a board of education in all cases of a union between public and high school trustees. "Board of trustees."
54 V. c. 55, s. 2 (1-8).
9. "Urban municipality" shall mean a city, town or incorporated village. (*New.*)
- 30 3. All regulations made under the *Act respecting the Education Department* shall apply to any matter or thing in this Application of regulations.

Act contained, so far as the same may be consistent with this Act, though not specially referred to in any section thereof. 54 V. c. 55, s. 3.

No rate on supporters of Roman Catholic separate schools. 4. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools. 54 V. c. 55, s. 4. 5

Existing school arrangements continued. 5. All unions of public and high school trustees, all boards of education, and all public school sections or other public school divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills heretofore duly made in relation to public schools, and existing when this Act comes into force, shall be subject to this Act. 54 V. c. 55, s. 5. 10

Trustees, term of office of. 6. The term for which each school trustee holds office at the time this Act takes effect, shall continue as if such term had been created by virtue of an election under this Act. 54 V. c. 55, s. 6. 15

PUBLIC SCHOOLS TO BE FREE.

Public schools to be free. 7. All public schools shall be free schools, and every person between the age of five and twenty-one years shall have the right to attend some school. Pupils may attend kindergarten schools from four to seven years of age. 20

RELIGIOUS INSTRUCTION.

Religious exercises. 8.—(1) No person shall require any pupil in any public school to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his or her parents or guardians. 25

(2) Pupils shall be allowed to receive such religious instructions as their guardians or parents desire, according to any regulations provided for the organization, government and discipline of public schools. 54 V. c. 55, ss. 10, 11. 30

SCHOOL CORPORATION.

Trustees to be a corporation. 9.—(1) The trustees of every school section shall be a corporation under the name of "The Board of Public School Trustees for School Section of the Township of in the County of ." 54 V. c. 55, s. 7. 35

- (2) No school corporation shall cease to exist by reason of the want of trustees, but in case of such want any two ratepayers of the section, or the inspector, may, by giving six days' notice, to be posted in at least three of the most public places of the section, call a meeting of the ratepayers, who shall proceed to elect three trustees, in the manner prescribed in section 13 and the following sections of this Act; and the trustees thus elected shall hold office in the manner prescribed by this Act ;
- 10 (3) When the ratepayers of any school section, for two years neglect or refuse to elect trustees, the municipal council of the township may appoint trustees for the said school section, who shall hold office for the same term as if elected by the ratepayers; or the municipal council may by by-law declare such section dissolved, and shall (in case of dissolution) attach the same, in such proportions as they may deem expedient, to adjoining sections. The assets of every section so dissolved shall be disposed of as may be determined by the municipal council. 54 V. c. 55, s. 28 (1-2).

Corporation not to cease by want of trustees.

Tenure of office.

Council may appoint trustees when no election.

Dissolution of school section on non-election of trustees.

BOARDS OF EDUCATION.

- 10.—(1) The trustees of any public and high school may unite for the joint management of the public and high schools of any municipality as one corporation, under the name "The Board of Education for the city, town, incorporated village or township of" (*as the case may be*). Boards of education shall have the power of both public and high school trustees. A majority of the members shall form a quorum.
- (2) If at any meeting of a board of education called for that purpose, a majority of all the members thereof vote in favor of the dissolution of the union of a board of education, such board shall be dissolved on and after the close of the current calendar year ;
- (3) In case any board of education is dissolved, all members of such board of education who were elected on behalf of the public school shall be the board of trustees for the public school to hold office for the full term of their election, or until their term expires, according to this Act ;
- (4) In the case of dissolution as aforesaid all school property held by the corporation for public school purposes shall be vested in the public school board of trustees, subject to any trust for high school purposes attached thereto, and any other property held or possessed jointly by the corporation before dissolution, shall be divided as may be agreed upon by the trustees of the high school and public school respectively at a meeting called for that purpose. If no division is made within six months after dissolution, then the division shall be made forthwith by the council of the municipality. 54 V. c. 55, s. 8 (1-4).

Unions of public and high school boards.

Dissolution of boards of education.

Trustees representing public school to continue in office.

Disposition of property on dissolution.

RURAL PUBLIC SCHOOLS.

School sections in townships.

11.—(1) The municipal council of every township (except where township boards have been established), shall subdivide the township into school sections, so that every part of the township may be included in some section, and shall distinguish each section by a number; provided that no section formed hereafter shall include any territory distant more than three miles in a direct line from the school-house;

Assessors to value lands situated in each section.

(2) Where the land or property of any individual or company is situated within the limits of two or more school sections, the parts of such land or property so situated shall be assessed and returned upon the assessment roll separately, according to the divisions of the school sections within the limits of which such land or property is situated;

Area of new school sections.

(3) No section shall be formed which contains less than fifty children, between the ages of five and twenty-one years, whose parents or guardians are residents of the section, unless such section is more than four square miles in area, except in cases where such area cannot be obtained because of lakes or other natural obstacles.

Township clerk to prepare maps of school sections.

(4) It shall be the duty of every township clerk to prepare in duplicate, a school map of the township, showing the divisions of the township into school sections and parts of union school sections; to furnish one copy of such map to the county clerk, for the use of the county council, and retain the other in the township clerk's office, for the use of the township corporation. 54 V. c. 55, s. 12-13.

Proceedings on formation of new school section.

(5) Where a new school section is formed in any township the clerk of the township shall cause notice of the first annual meeting to be posted in three of the most public places in the new section, at least six days before the last Wednesday in December, in the year in which such new section was formed; and the first meeting in every new school section shall be held at the same time and conducted in the same manner as the annual meeting in organized school sections. 54 V. c. 55, s. 29.

Term of office of trustees.

(6) At the first meeting in every new section the first trustee elected shall hold office for three years, the second for two years and the third for one year. In case of a poll being taken the trustees shall rank in seniority according to the number of votes polled. The casting vote of the chairman shall be counted as a vote in case of a tie. 54 V. c. 55, s. 30.

TRUSTEES OF RURAL SCHOOLS.

Trustees, term of office of.

12.—(1) For every rural school section there shall be three trustees, each of whom, in rotation, shall hold office for three years, and until his successor has been elected. The persons

qualified to be elected trustees shall be such persons as are British subjects and resident ratepayers of the full age of twenty-one years, not disqualified under this Act ;

Trustees,
qualification
of.

(2) Every ratepayer of the full age of twenty-one years, who is a British subject and a public school supporter of the section for which he is such ratepayer, shall be entitled to vote at any election for school trustee, or on any school question whatsoever. 54 V.c. 55, ss. 14-16 (*amended*).

Electors,
qualification
of.

ANNUAL MEETING OF RATEPAYERS.

10 13.—(1) A meeting of the ratepayers of every section shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or 15 trustees.

Annual meet-
ing, when
held.

(2) In case, from the want of proper notice or other cause, any first or annual school meeting was not held at the proper time, the inspector, or any two ratepayers in the section may call a school meeting, by giving six days' notice, to be posted in at 20 least three of the most public places in the school section ; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Meetings to be
called in de-
fault of first
or annual
meeting.

(3) The ratepayers of a school section present at any 25 school meeting shall elect one of their own number as chairman to preside over its proceedings, and shall also appoint a secretary, who shall record the minutes of the meeting, and perform such other duties as may be required of him by this Act ;

Order of busi-
ness.

20 (4) The chairman shall submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order, subject to an appeal to the meeting.

Chairman,
duties of.

25 (5) The business of every school meeting may be conducted in the following order :—(a) receiving the annual report of the trustees, and disposing of the same ; (b) receiving the annual report of the auditor or auditors, and disposing of the same ; 30 (c) electing an auditor for the ensuing year ; (d) miscellaneous business ; (e) electing a trustee or trustees to fill any vacancy or vacancies ; (f) instructing the trustees by resolution, if deemed expedient, to insure the school buildings and furniture ; (g) fixing the remuneration if any to be paid the secretary-treasurer for attending to repairs and other duties assigned 35 him by the board of trustees. 54 V. c. 55, s. 17, 18, 19.

Order of busi-
ness.

ELECTION OF RURAL SCHOOL TRUSTEES.

- Poll to be granted on application of two rate-payers. 14.—(1) A poll may be demanded by any two ratepayers at any meeting for the election of trustees, or for the settlement of any school question, and such poll shall be granted by the chairman forthwith, if demanded, within ten minutes after the vote of the meeting has been declared from the chair; 5
- Proceedings in case of a poll. (2) When a poll is granted for the election of a trustee the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at the election within the time prescribed by this Act, and shall, in the column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter; 10 15
- Entries in poll-book. (3) When a poll is granted upon any public school question the name of each voter shall be similarly placed in separate columns, marked "for" or "against."
- When voter is objected to. (4) In case objection is made to the right of any person to vote at any school meeting, the chairman of the meeting, or other presiding officer, shall require such person to make the following declaration or affirmation: 20
- Declaration. (1) I, *A. B.*, do declare and affirm that I am an assessed ratepayer in school section No. 25
 (2) That I am a British subject by birth or naturalization. 25
 (3) That I am of the full age of 21 years ;
 (4) That I am a supporter of the public school in said school section No.
 (5) That I have the right to vote at this election.
- Whereupon the person making such declaration shall be entitled to vote. 54 V. c. 55, s. 20-22. 30
- When poll shall close. (5) The poll at every election of a rural school trustee or on any school question, shall not close before eleven o'clock in the forenoon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced ; and when poll is closed the chairman and secretary shall count the votes polled for the respective candidates or for the school question submitted, as the case may be, and shall declare the candidate elected, or the school question adopted, for which the highest number of votes was polled, or in case of a tie the chairman shall give the casting vote. 54 V. c. 55, s. 23. 35 40
- Copy of minutes to be sent to inspector. (6) A correct copy of the minutes of the first and of every annual and of every special school meeting, and a copy of the poll-book where a poll has been taken (all of which shall be 45

signed by the chairman and secretary), shall be forthwith transmitted by the chairman of the meeting to the county inspector. 54 V. c. 55, s. 31.

(7) The secretary of every school meeting at which any person or persons were elected as school trustees shall forthwith notify in writing each of such persons of his election, and every person so notified shall be considered as having accepted such office unless a notice to the contrary effect has been delivered by him to the secretary within twenty days after the date of the election 54 V. c. 55, s. 24.

Acceptance
of office by
trustees.

(8) When complaint is made to the inspector by any rate-payer that the election of a trustee, or that the proceedings or any part thereof of any school meeting, have not been in conformity with this Act, the inspector shall investigate the same, and confirm or set the election or proceedings aside, and appoint the time and place for a new election, or for the reconsideration of the school question at issue, but no complaint in regard to any election or proceeding at a school meeting shall be entertained by any inspector unless made to him in writing within twenty days after the holding of the election or meeting. 54 V. c. 55, s. 32.

Complaints as
to elections.

15. A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. A trustee of a rural school section may resign with the consent, expressed in writing, of his colleagues in office. A retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. 54 V. c. 55, ss. 25-27.

Term of
vacancies.

Trustees may
resign.

Re-election of
any trustee
lawful.

ORGANIZATION OF THE BOARD.

16.--(1) Every board of rural school trustees shall hold its first meeting at the school house of the section over which it has jurisdiction, on the Wednesday following the annual meeting, at the hour of 3 o'clock in the afternoon and shall be organized by the election of a chairman and a secretary-treasurer. A majority of the board shall form a quorum. (*Amended.*)

Organization
of board.

(2) It shall be the duty of the board of trustees at its first meeting to examine the school house, outbuildings and school furniture, maps and apparatus, with a view to ascertain what repairs or improvements may be necessary, and to make suitable provision for lighting fires and keeping the school house and premises in a cleanly and sanitary condition by appointing some person for that purpose. Subsequent meetings of the board shall be held at the school house (unless otherwise ordered by the board) at the hour of three o'clock on the first Wednesday of April, July and October, and at such other times as the board may deem expedient. (*New.*)

Inspection of
school prop-
erty at first
meeting of
board.

- Security to be given by secretary-treasurer. **17.**—(1) The secretary-treasurer, who may be a member of the board, shall give such security as may be required by a majority of the trustees—such security to be deposited with the clerk of the municipality ;
- (2) Where the majority of a board of trustees refuse or neglect to take security from the secretary-treasurer on the demand of any trustee (such demand being duly entered on the minutes) such trustee shall be relieved from all personal liability in case of the default of such secretary-treasurer (*new*).
- Compensation of secretary-treasurer. (3) The secretary-treasurer may be allowed such compensation for his services as secretary or for attending to the repairs of the schoolhouse or premises as shall be agreed upon by resolution of the annual meeting duly entered on the minutes. 54 V. c. 55, s. 33 (1-3). 10
- Duties of secretary-treasurer. Minutes of meetings. **18.** It shall be the duty of the secretary-treasurer :— 15
- (1) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee ;
- Receiving and accounting for moneys. (2) To receive all school moneys collected from the ratepayers of the section or other persons, and to account for the same, and to disburse all moneys in the manner directed by a majority of the trustees ; 20
- Production of papers and money. (3) To produce, when called for by the trustees, auditors or other competent authority, all papers and moneys belonging to the corporation ; 25
- Calling special meetings. (4) To call, at the request in writing of two trustees, or on the petition of ten ratepayers, a special meeting of the board of trustees. 54 V. c. 55, s. 34 (1-5).
- Names and addresses of trustees and teachers to be given to township clerk. (5) To give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the township, of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and to give reasonable notice in writing from time to time of any changes therein. 30 35
- Filling vacancies in board. (6) To give the notice required by this Act of each annual school meeting of the ratepayers of the section ; or to call a special meeting of the ratepayers when deemed expedient by the trustees, or on the petition of ten ratepayers, for filling any vacancy in the board of trustees occasioned by death, removal, or other cause ; or for the selection of a new school site ; or the appointment of a school auditor ; or any other lawful school purpose ; and to cause notices of the time and place, and of the objects of such meeting, to be posted in three or more public places of the section, at least six days before the time of holding such meeting. 40 45
- Notice.

(7) To cause to be prepared for the annual meeting of the ratepayers, a report for the year then ending, containing, among other things, a summary of the proceedings of the trustees during the year, together with a detailed account of all school moneys received and expended on behalf of the section, for any purpose whatsoever, during such year. Such report shall be signed by the trustees and by either or both of the school auditors of the section.

Report at annual meeting.

(8) To transmit to the inspector the semi-annual returns on or before the 15th day of July and 31st day of December respectively, and the annual return on or before the first day of January in each year according to the forms prescribed by the Education Department. 54 V. c. 55, s. 34, 40 (10)(13).

Annual and semi-annual returns.

19. No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding on any person affected thereby, unless notice of such meeting had been given to the trustees by the secretary-treasurer, or by one of the trustees to the others, either personally or in writing, and unless a minute of such act or proceeding is made in writing and signed by two of the trustees. 54 V. c. 55, s. 35, 36.

Corporate acts must be adopted at lawful trustee meetings.

20. The ratepayers of any rural school section may by resolution at the annual or any special meeting, authorize the trustees to provide for the admission of the pupils of such section to the schools of any adjoining city or town, subject to the approval of the Minister of Education and such arrangement so approved shall be taken in lieu of the accommodation which trustees are required by this Act to make for the pupils of the section. In such cases it shall be lawful for the trustees to levy and collect upon the taxable property of the section such sums as may be necessary to pay the fees of pupils attending the schools of the city or town, and also such other sums as they may deem expedient, or as may be required by this Act. The average attendance of the pupils belonging to such section at such schools shall be taken by the inspector as the basis on which to divide any grants authorized by the legislature to be paid rural school sections. (*New.*)

Providing for admission of pupils from rural school section to urban schools.

AUDITORS.

21.—(1) Every board of rural school trustees shall, on or before the first day of December, appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the inspector shall at the request in writing of any two ratepayers make the appointment;

Appointment of auditors.

Trustees and secretary-treasurer to lay accounts, etc., before auditors.

(2) The trustees, or their secretary-treasurer shall lay all their accounts before the school auditors of the section, or either of them, together with the agreements, vouchers, contracts and books in their possession, and the trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditure of school moneys ;

Time of audit.

(3) The auditors appointed, or one of them, shall, on or immediately after the first day of December in each year, appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. 54 V. c. 55, s. 37 (1-3).

Duties of auditors.

22. It shall be the duty of the auditors of every school section :—

1. To examine into and decide upon the accuracy of the accounts of the section, and whether the trustees have duly accounted for and expended for school purposes the moneys received by them, and to submit the said accounts, with a full report thereon at the next annual school meeting ;

2. In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the county inspector ;

3. If both of the auditors object to the lawfulness of any expenditure made by the trustees, they shall submit the matters in difference to the annual meeting, which may either determine the same, or submit the matter to the Minister of Education, whose decision shall be final. 54 V. c. 55, s. 38 (1-3).

Powers of auditors.

23. It shall be competent for the auditors or one of them :—

(1) To require the attendance of all or any of the persons interested in the accounts, and of their witnesses, with all such books, papers, and writings as the auditor or auditors may direct them, or either of them, to produce ; and to administer oaths to such persons and witnesses ;

(2) To issue their or his warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid ; and the person named in the warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs by seizure and sale of the property of the party or corporation against whom the same has been issued, as any bailiff of a Division Court has in enforcing a judgment and execution issued out of such Court ;

(3) The auditors shall remain in office until their audit is completed. 54 V. c. 55, s. 39 (1-4).

SECTIONS IN UNORGANIZED TOWNSHIPS.

24.—(1) In unorganized townships in any county or district, the public school inspector of the county or district may form a portion of a township, or of two or more adjoining townships, into a school section; (*Amended.*)

Formation of school sections.

(2) No section shall, in length or breadth, exceed five miles in a straight line, and, subject to this restriction, the boundaries may be altered by the inspector from time to time, and the alteration shall go into operation on the 25th day of December thereafter; provided no school section shall be formed except on the petition of five heads of families resident therein.

Limits of section.

(3) Any person whose place of residence is at a distance of more than three miles in a direct line from the site of the schoolhouse of the section shall be exempt from all rates for school purposes, unless a child of such ratepayer shall attend such school; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within the distance of three miles.

Exemption from rates on account of distance.

(4) After the formation of a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section.

Election of school trustees.

(5) The trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have the powers and be subject to all the obligations of public school trustees generally. 54 V. c. 55, s. 41-44.

Trustees' powers and obligations.

REVISION OF ASSESSMENT ROLLS.

25.—(1) The Secretary-Treasurers of all boards of public school trustees in unorganized townships shall be, *ex officio*, members of a Court of Revision, and three of whom, acting together, shall be a legally constituted Court for the revision and correction of school section assessment rolls, and for the hearing and settlement of any appeals against the same. The members of such Court shall be paid reasonable travelling expenses by their respective boards of trustees for attendance as a Court of Revision;

Court of Revision.

(2) The inspector of schools for the district shall divide the school sections into groups of three sections in every group, and shall notify the secretary-treasurers of the sections concerned of the group to which they respectively belong. Such grouping may be changed from year to year as the inspector may direct. (*Amended.*)

Sections to be divided into groups.

When inspector to act as Court of Revision.

(3) In every case where from the sparseness of settlements, it would be inconvenient for a Court of Revision as herein constituted to meet for the revision and equalization of the assessment roll, it shall be lawful for the inspector, on the request of any board of trustees, to assume the functions of such Court of Revision for the section on behalf of which such request is made, and all the proceedings of the inspector in the matter of the revision or correction of the assessment roll, shall be subject to the provisions of this Act, and shall have the same effect as if made in a Court of Revision. 54 V. c. 55, 10 s. 44 (2-4). 5

Annual assessment roll.

26.—(1) The trustees of all school sections in unorganized townships shall, annually, appoint a duly qualified person to make out an assessment roll for the section, the secretary-treasurer of which shall submit a certified copy of the same to the proper Court of Revision for the correction of errors or improper entries that may be found therein. 15

Assessor to make oath.

(2) The person appointed for preparing such assessment roll shall be subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable property in such school section, and shall, before returning his assessment roll to the secretary of the school section, attach thereto a certificate signed by him and verified upon oath or affirmation according to the form prescribed in *The Assessment Act*. 20

Appeal against assessment.

(3) A copy of the roll as corrected shall be open to inspection by all persons interested, at some convenient place in the section, notice whereof, signed by the secretary-treasurer of the section, shall be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Court will hear appeals against said assessment roll, and such notice shall be posted as aforesaid by the trustees for at least three weeks prior to the time appointed for hearing the appeals; 25 30

Manner of appeal.

(4) All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Court of Revision, as constituted according to section 29, shall have the same powers as ordinary municipal Courts of Revision; 35

Confirmed roll binding.

(5) The annual roll, as finally passed and signed by the chairman of the Court of Revision, shall be binding upon the trustees and ratepayers of the section, until the annual roll for the succeeding year is passed and signed as aforesaid; 40

Appeals in unorganized township.

(6) Where any township under the jurisdiction of a township board is unorganized, appeals against its certified assessment roll, shall be made to the Stipendiary Magistrate or Judge of the district or county, who has jurisdiction in other matters therein. 45

(7) In forming union school sections between and out of an organized township municipality and an unorganized township or locality within any territorial or judicial district, it shall be lawful for such union school section to be formed or altered according to the provisions of this Act, except that the Inspector shall act for the unorganized township or locality, and the Reeve of the organized township for his township. 54 V. c. 55, s. 45-50. Union school sections.

27.—(1) In any portion of the Province not surveyed into townships, the inhabitants thereof who are twenty-one years of age, may at a public meeting called for that purpose, elect three of their number to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of *The Public Schools Act*. Schools in unorganized townships.

(2) On receipt of notice by the Education Department signed by the trustees so elected, that a public school has been established and suitable accommodation provided for public school purposes, the Minister of Education may pay over to the trustees out of the appropriation made by the Legislature for public schools such sum of money for their maintenance as may be approved by the Lieutenant-Governor in Council. (*New*). Notice to the Minister of Education.

COLLECTOR OF SCHOOL RATES.

28.—(1) The trustees may appoint some fit and proper person, or one of themselves, to collect the rates imposed by them upon the ratepayers of their school section, or the sums which the inhabitants or others may have subscribed, or a rate-bill imposed on any person; and may pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every collector shall give such security as shall be satisfactory to the trustees, which security shall be lodged for safe keeping with the inspector by the trustees. Appointment and duties of school collector.

(2) Every collector shall have the same powers in collecting the school rate, rate-bill, or subscriptions, and shall be under the same liabilities and obligations, and proceed in the same manner in the school section or township, as a township collector does in his municipality, in collecting rates in a township or county, as provided in the municipal and assessment Acts from time to time in force. Powers and liabilities of school collector.

TOWNSHIP BOARDS.

29. In municipalities composed of more than one township, but without county organization, it shall be optional with the municipal councils thereof to form portions of the townships comprising the municipality into school sections, or to establish a board of public school trustees, two members being Boards in municipalities without county organization.

elected for each ward, and if not divided into wards, two for each township thereof, and such board shall possess all the powers and duties of township boards, and shall also, upon the petition of at least five heads of families, provide school accommodation and a teacher for their children and others. 5
54 V. c. 55, s. 51-53.

Petition for repeal of by-law and for reforming sections.

30.—(1) In case twenty ratepayers in more than one-half of the school wards of the township petition the township council to submit a by-law to the vote of the ratepayers of the township for the repeal of any by-law under which a township school board was established a by-law shall be submitted to such vote accordingly, and the proceedings shall be in conformity with *The Municipal Act*, except that the vote shall not be by ballot; and in case in the majority of such wards the majority of the votes are for such repeal, the township council shall pass a by-law to disestablish such township school board and form school sections instead thereof; but no repeal shall take effect until the twenty-fifth day of the month of December next following the voting upon the by-law for that purpose; 20

Adjusting claims.

(2) The council shall, in the same or by another by-law, appoint the inspector jointly with two other competent persons, not residents of the township, and they or any two of them shall, in a report to the council, value the schoolhouses, school sites, and other school property which may thereupon become the property of each school section, and shall also adjust and settle the respective rights and claims consequent on such repeal between the respective school sections, or between any school section, and the township, and all payments to be made by or to any of them. 54 V. c. 55, s. 63 30

RURAL SCHOOL SITES.

New sites.

31.—(1) The trustees of every rural school section shall have power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the ratepayers of the section to consider the site selected by them; and no site shall be adopted, or change of school site made, except in the manner hereinafter provided, without the consent of the majority of such special meeting; 35

When trustees and ratepayers disagree.

(2) In case a majority of the ratepayers present at such special meeting differ as to the suitability of the site selected by the trustees, each party shall then and there choose an arbitrator, and the county inspector, or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them; 45

Award.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least five years from the date thereof. 54 V. c. 55, ss. 64-66.

Reconsideration of award.

32.—(1) If the owner of the land selected for a new school site, or required for the enlargement of school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of any section, then such owner and the trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the inspector, or in case of his inability to act, any person appointed by him on his behalf as third arbitrator, or any two of them, shall appraise the damages for such land ;

When owner refuses to sell.

(2) If the majority of the school trustees, or the majority of a public school meeting, neglects or refuses, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in this Act, or if the owner of land selected as a school site, neglects or refuses to appoint an arbitrator, it shall be competent for the inspector with the arbitrator appointed, to meet and determine the matter ; and the inspector in case of such refusal or neglect, shall have a second or casting vote if he and the arbitrator appointed do not agree ;

Appointment of arbitrators —their powers

(3) If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of the adjournment ;

Proceedings where an arbitrator is absent.

(4) The arbitrators aforesaid, or any two of them, shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner, in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights ;

Additional powers of arbitrators.

(5) Upon the tender of payment of the amount of such damage to the owner or other person entitled thereto, or of any part of such amount, by the school trustees, the land shall be taken and used for the purpose aforesaid. 54 V. c 55, ss 67-70.

Taking land.

33.—(1) Any award for a school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in

Award to constitute title.

it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on the affidavit of the secretary-treasurer of the board of trustees verifying the same;

Cost of arbitration.

(2) The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision, or of the arbitrators. 54 V. c. 55, ss. 71, 72, 5

Selection of school site.

34.—(1) A school site shall not be selected in a township within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner of the site without his consent. 54 V. c. 55, s. 73. 10

Fence.

(2) Any wall or fence deemed necessary for the enclosure of the school premises shall be erected and maintained by the board of trustees at the expense of the school section. (*New.*)

Enlargement of school site.

35. Where the area of a school site is less than is required by the regulations of the Education Department the trustees may, without reference to a special meeting of the ratepayers, enlarge the same, but no such enlargement shall be made in the direction of, or including an orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged. 54 V. c. 55, s. 74. 15 20

Who may convey school sites.

36.—(1) All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femes-coverts, or other person, seised, possessed of or interested in any land, may contract for, sell or convey all or part thereof to school trustees for a school site or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act; 25 30 35

Remedy in case of absence of owner.

(2) If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county and that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such time as 40 45

he sees fit in some newspaper published in the county; and he may in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit;

5 (3) The notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted; shall name the time within which
10 the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the County Judge may direct;

What notice shall contain.
Arbitrators.

(4) If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property.
15 54 V. c. 55, ss. 75-78.

Judge may appoint arbitrator.

20 **37.**—(1) Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land, any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be
25 converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party. 54 V. c. 55, s. 79.

Responsibility of trustees as to compensation.

30 (2) If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees
35 deem it advisable, or they may pay the arbitration and other expenses, and deposit the amount of the compensation with the High Court, or in such other manner as the Inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the
40 agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper
45 registry office on an affidavit of the secretary-treasurer of the board of trustees verifying the same. 54 V. c. 55, s. 80.

In case of incumbrance.
Deposit of compensation money.
Award to be registered.

ALTERATION OF SCHOOL BOUNDARIES.

Powers of
Township
Councils.

38. Every township council shall have power :—

Union of ex-
isting sections.

1. To pass by-laws to unite two or more sections in the same township into one, in case at a public meeting in each section called by the trustees or inspector for that purpose, a majority of the ratepayers present at each of such meetings request to be united ; 5

Alteration,
etc., of school
sections.

2. To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union respectively, have been duly notified, in such manner as the council may deem expedient, of the proposed proceeding for this purpose, or of any application made to the council to do so ; 10 15

By-law for
altering school
sections.

3. Any such by-law shall not be passed later than the first day of May in any year, and shall not take effect before the 25th day of December next thereafter, and shall remain in force, unless set aside as hereinafter provided, for a period of five years. The township clerk shall transmit forthwith a copy of such by-law and minutes relating thereto to the trustees of every school section affected thereby, and to the public school inspector. 54 V. c. 55, s. 81 (1-3) 20

When part of
section is
added to city
or town.

4. When part of any school section has been added to a city or town by order of the Lieutenant-Governor in Council, the municipal council in which such section is situated may pass a by-law for the readjustment of the boundaries of the remaining portion of such section, notwithstanding the passing of a by-law within five years affecting the limits of such section or adjoining sections. 58 V. c. 57, s. 4. 30

APPEALS TO COUNTY COUNCIL.

Appeal to
County
Council.

39.—(1) A majority of the trustees, or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk appeal to the county council of the county in which such section or sections are situated, against any by-law of the township council for the formation, division, union or alteration of their school section or school sections ; or against the neglect or refusal of the township council, on application being made to it by the trustees or any five ratepayers concerned, to alter the boundaries of a school section or school sections within the township ; 35 40

(2) The time herein mentioned for appeal shall run from the date of the by-law complained of, or from the date of the meeting at which the council refused to pass such by-law,

or from the first meeting after which notice was received from the clerk of the application of the trustees or ratepayers asking for such by-law to be passed, as the case may be;

5 (3) The county council may appoint as arbitrators not ^{Appointment of Arbitrators.} more than five, or less than three competent persons, two of whom shall be the County Judge, or some person named by him, and the county inspector, and a majority of whom shall form a quorum to hear such appeal and to revise, determine or alter the boundaries of the school section or school
10 sections, so far as to settle the matters complained of; but the alterations or determination of the said matters shall not take effect before the 25th day of December in the year in which the arbitrators so decide, and shall thence continue in full force for the period of five years at least, and until lawfully changed
15 by the township council;

(4) No person shall be competent to act as arbitrator, who is ^{Who may act as Arbitrators.} a member of the township council, or who was a member at the time at which the council passed, or refused or neglected to pass the by-law or resolution;

20 (5) Due notice of the alterations or the determination of ^{Notice.} the said matters made by the arbitrators shall be given by the inspector to the clerk of the township, and to the trustees of the school sections concerned. 54 V. c. 55, s. 82 (1-5)

25 **40.** On the formation, dissolution, division or alteration of ^{Adjustment of claims between unions in same township.} any school section in the same township, in case the trustees of the sections interested are unable to agree, the county inspector and two other persons appointed by the township council as arbitrators, shall value and adjust in an equitable manner all rights and claims consequent upon such formation,
30 division, dissolution or alteration between the respective portions of the township affected, and determine in what manner and by what portion or by whom the same shall be settled; and the determination of the said arbitrators or any two of them shall be final and conclusive. 54 V. c. 55, s. 83.

35 **41.** In case a school site or school-house or other school property is no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of, in such a manner as a majority of the ratepayers in the altered or united school sections may decide at a public
40 meeting called for that purpose; and the ratepayers transferred from one school section to another shall be entitled, for the public school purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school-house or other public school property as the assessed value of
45 their property bears to that of the other ratepayers of the school section from which they have been separated; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other public

school purposes of such old section. In the case of united sections, the proceeds of the sale shall be applied to the like public school purposes of such united sections. 54 V. c. 55, s. 84.

UNION SCHOOL SECTIONS.

Unions existing 2nd March, 1877.

42. All school sections existing on the 1st day of January, 1896, and all union school sections which on that day existed in fact, and whether formed in accordance with the provisions of the law in that behalf or not, are to be deemed to have been legally formed, and shall continue to exist, subject, however, to the provisions of this Act so far as applicable as if they had been formed thereunder; and in cases where any union has before said date been adjudged by any court or judge to have been illegally formed, or where any proceedings were pending at said date on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the court or judge may award 54 V. c. 55, s. 85.

What unions may be formed.

43. A union school section may be established between (a) parts of two or more adjoining townships, or (b) parts of one or more townships and an adjoining city, town or incorporated village and union school sections may be formed, altered or dissolved as follows:—

Procedure for formation, alteration or dissolution of union.

(1) On the joint petition of five ratepayers from each of the municipalities concerned, to their respective municipal councils, asking for the formation, alteration or dissolution of a union school section, each municipal council so petitioned may appoint an arbitrator (who must not be a member of the council), notice of which shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall be *ex officio* arbitrators;

Where even number of arbitrators appointed county judge to act.

(2) In cases where the person so appointed arbitrators would be an even number, the senior County Court Judge, or some person by him appointed to act in his behalf, shall be added, or in the case of an arbitration affecting two or more counties then the senior County Court Judge of the county having the largest population according to the last Dominion census, or some person by him appointed to act in his behalf shall be added;

First meeting of arbitrators.

(3) The first meeting of the arbitrators shall be called by the inspector representing the greatest number of schools, who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned;

Award what to contain.

(4) In case the arbitrators shall determine upon the formation of a new union section, or upon the alteration of the boundaries of an existing union school, they shall in their award set forth the specific parcels of land to be included in such new union school section, or in such altered section as the case may be. In the event of the transfer of any parcel

or parcels of land from an existing union section to some other section or sections the arbitrators shall in their award set forth to what other section or sections such transfer shall be made, and any such transfer shall be binding and operative for all school purposes till altered as provided by this Act ;

(5) In case the arbitrators shall determine upon the dissolution of an existing union they shall set forth in their award the section or sections to which the parcels of land comprising such union shall be attached for school purposes, and any such transfer of the parcels of land comprising a union school section to an adjoining section or sections shall be binding and operative till the boundaries of such section or sections are altered as provided by this Act ;

(6) Where the arbitrators find that it would be in the interest of the parties concerned, and where in their opinion it is practicable so to do, they may at their discretion form part of the territory of any union section into a non-union section, or form a new union, and in such cases they shall indicate the parcels of land of which such union or non-union section shall be composed. The remainder of the union section shall be disposed of as hereinbefore provided ;

(7) When a new union school section is formed or an existing union school section altered the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection and maintenance of the school and other requisite expenses, and such determination shall be binding for a period of three years ;

(8) In any award made under this section the arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of union sections between the respective municipalities and school sections concerned, and shall also determine in what manner and by what municipality or municipalities, or what portions thereof the same shall be paid and the sum or sums of money to be paid by one portion of the municipalities or school sections concerned to the union schools so formed or altered, and the disposition of the property of the union and any payment by one portion to the other, and such valuation, adjustment and determination shall form and be considered an integral portion of their award, and shall be binding on the municipalities and school sections concerned, subject to the provisions of this Act ;

(9) When a new union school section is formed by arbitration, as herein provided, the inspector authorized under subsection 3 to call the first meeting of the arbitrators, shall call the first meeting for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act ;

(10) Such union, alteration or dissolution shall not take effect until the 25th day of the month of December, after the award of the arbitrators or a certified copy thereof is filed with the clerks of the municipalities concerned ;

(11) No union school section shall be altered or dissolved for a period of five years after the award of the arbitrators has gone into operation, whether such award did or did not change the boundaries of existing sections, but nothing herein contained shall be construed as restraining any municipal council from enlarging the boundaries of any union school section from time to time as may be deemed expedient. 54 V. c. 55, ss. 86, 87 (1-11). (*Amended.*)

Appeal relating to union school within a county.

44. When the territory which it is proposed to form into a union school or when the union school section which it is proposed to alter or dissolve, lies wholly within a county the trustees or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council against any award made by the arbitrators either for the formation, alteration or dissolution of such section, or against the neglect or refusal of the township council or councils concerned to appoint arbitrators, as provided in section 87 of this Act, and on receipt of such appeal the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 87, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the county clerk. 54 V. c. 55, s. 88.

Appeal relating to union school within two or more counties.

45. When the territory which it is proposed to form into a union school or when the union school section which it is proposed to alter or dissolve, lies partly within two or more counties, the trustees or any five ratepayers in the territory or union school section concerned, or the inspector or inspectors, may within one month after the making thereof appeal against any award made by arbitrators for the formation, alteration or dissolution of such section, or against the refusal or neglect of the township council or councils concerned to appoint arbitrators, to the Minister of Education, who shall have power to alter, determine or confirm such award, or where no award was made, then at his discretion to appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 51 of this Act, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the Minister of Education. 54 V. c. 55, s. 89.

46. The school rates of every union section shall be collected by the collectors of the municipality in which each part of the union section is respectively situate, and the amount collected from the several ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and such treasurer shall pay over the same without any charge or deduction to the trustees entitled thereto. 54 V. c. 55, s. 90.

Payment of rates in union school sections.

10 47. When any township municipality is divided by Act of the Legislative Assembly for municipal purposes, all school sections which may, by such division, be situated partly in each of the newly formed municipalities, shall be deemed union sections until otherwise altered under the provisions of this 15 Act. 54 V. c. 55, s. 91.

School sections when municipality divided.

48. Every union school section shall, for the election of trustees, be deemed one school section, and shall be considered in respect to inspection as within the municipality in which the school-house is situated, or if there be two or more school- 20 houses then in the municipality having the largest amount of assessed property. 54 V. c. 55, s. 92.

Election of trustees, and inspection of union school sections.

UNIONS WITH URBAN MUNICIPALITIES.

49.—(1) In case a portion of the territory composing one or more school sections becomes incorporated as a village, town or 25 city, the boundaries of such school section or sections shall continue in force and shall be deemed a union school section, and the provisions of this Act respecting the election of public school trustees in towns or villages shall apply thereto until such union is altered or dissolved as provided by this Act. (*Amended.*)

Continuation of boundaries of rural sections.

30 (2) In the case of a city, town or incorporated village divided into wards to which a part of an adjoining township or townships is attached for school purposes, the board of trustees of such union school section shall by resolution determine in which 35 ward or wards the ratepayers of the township shall vote for the election of school trustees and at elections on other school questions, and in case of no such resolution, then such portion of the township shall be considered for all election purposes as attached to the ward or wards adjacent. 54 V. c. 55, r. 92 (1-2).

Where rate-payers to vote when municipality divided into wards.

30 50.—(1) When any portion of a township municipality is annexed to a city or town by proclamation, the portion so annexed shall for all school purposes be deemed to be part of such city or town, provided always that when the portion annexed does not include the whole of any contiguous school section, the respective 35 municipalities shall, unless determined by mutual agreement between themselves after such annexation, each appoint an arbi-

Where part of a township is annexed to a city.

trator who, with the senior County Judge of the county, shall value and adjudge in an equitable manner the rights and claims of all parties affected by such annexation, and shall determine by what municipality or portion thereof, the same shall be adjusted, paid or settled. 5

(2) The award of the arbitrators shall be final and conclusive, and the money found due, either by mutual agreement or under the award, shall be deemed money for school purposes and the provisions of section 70 of this Act shall not apply to the money so required to be paid 10 under the award or mutual agreement, and a debenture or debentures may issue to be payable out of the taxable property of that part of the school section remaining in the indebted municipality, upon a requisition of the trustees of said school section, without calling a special meeting of the electors, and 15 upon the terms and conditions set forth in a by-law of the said municipality, anything in this Act to the contrary notwithstanding. 54 V. c. 55, s. 94.

Adjustment of assets and liabilities upon union of municipalities.

(3) In all cases in which two municipal corporations are united by proclamation or by any Act of the Legislative 20 Assembly, all the assets and liabilities of the school corporations of the minor municipality shall be assumed by the school corporation of the united municipality. 55 V. c. 60, s. 5.

EQUALIZATION OF UNION SCHOOL ASSESSMENTS.

Assessors to determine proportion.

51.—(1) Once in every three years the assessors of the 25 municipalities in which a union school section is situated, shall, after they have completed their respective assessments and before the first day of July meet and determine what proportion of the annual requisition made by the trustees for school purposes shall be levied upon and collected from the taxable 30 property of the respective municipalities out of which the union school section is formed. Notice of such determination shall be given forthwith to the secretary-treasurer of the union school section concerned ;

Arbitration where assessors disagree.

(2) In the event of the assessors disagreeing as to such pro- 35 portion, as aforesaid, the inspector in whose district the union school section is situated shall name an arbitrator who, with the assessors aforesaid shall determine the said matter and report the same to the clerks of the respective municipalities, and the decision of a majority shall be final and conclusive for 40 the period of three years ;

When school section lies in two counties.

(3) When the union school section is composed of portions of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the schoolhouse of the union section is situated shall name an arbitrator, and 45 the decision of a majority shall be final and conclusive for the period of three years ;

(4) The meeting of the assessors, for the purposes herein set forth, shall be called by the assessor of the municipality in which the schoolhouse of the union section is situated ;

Meeting of assessors to determine proportion.

(5) The assessors or the assessors and arbitrator appointed as herein required may, at the request of the inspector or five ratepayers, within one month after the filing thereof with the clerk reconsider their award, and alter or amend the same so far as to correct any omission or error in the terms in which such award is expressed. 54 V. c. 55, s. 95 (1-5).

Reconsideration of award.

52.—(1) Any by-law of a municipality for forming, altering or dissolving a school section or sections, and any award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding for a period of at least five years notwithstanding any defect in substance or form, or in the manner or time of passing or making the same, unless notice to quash such by-law or to set aside such award is filed in the office of the township clerk within one month of the publication of such by-law or award ;

By-law altering sections to be valid unless notice to quash given.

(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary or secretary-treasurer of each board of trustees affected thereby. 54 V. c. 55, s. 96 (1-3).

What deemed publication of by-law.

URBAN SCHOOL BOARDS.

53.—(1) Every board of public school trustees in cities, towns and incorporated villages, elected as provided by this Act shall be a corporation by the name of "The Public School Board" (prefixing to words "Public School Board" the name of the city, town or incorporated village for which such trustees are elected), and shall have and possess all the powers usually possessed by corporations, so far as the same are necessary for carrying out the purposes of this Act.

Board to be a corporation.

(2) Any ratepayer who is a British subject and resident in the municipality of the full age of twenty-one years who is not a member of the municipal council shall be eligible to be elected a public school trustee, and every trustee shall continue in office until his successor has been elected and the new board organized. This sub-section shall not apply to any person now serving as public school trustee or as a municipal councillor till his present term of office as trustee has expired. 54 V. c. 55, secs. 97-98.

Who may be elected trustees.

54.—(1) In case any unincorporated village becomes incorporated, or in case a village or town changes its corporate status, the trustees having jurisdiction over the school property situated within such village, or town, prior to its incorporation or prior to the change of its corporate status shall exercise all

First election of trustees.

the powers conferred by this Act upon the trustees of incorporated villages, towns or cities, until a new election of trustees is held, and such trustees shall call a meeting of the ratepayers of such incorporated village, town or city within one month after the date of such incorporation for the election of a new public school board ; 5

(2) In calling the meeting of the ratepayers of such newly incorporated village, town or city, the provisions of section 102 of this Act shall be complied with so far as the same are applicable, Where the trustees of the municipality whose corporate status was changed were elected by ballot, the provisions of section 103 of this Act shall apply to the election of trustees in such newly incorporated town or city. 54 V. c. 55, s. 99 (1-2). 10

Trustees in city, etc., divided into wards.

55.—(1) For every ward into which any city, town or incorporated village is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected and the new board organized ; 15

(2) One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school meeting, and the other shall continue in office one year longer and then retire, after which one trustee shall be elected annually for each ward ; 20 25

(3) When any town or incorporated village is annexed to a city, the town or incorporated village so annexed, shall for all the purposes of this Act, be deemed to be part of the city. 54 V. c. 55, s. 100 (1-3). 30

Trustees in villages not divided into wards.

56.—(1) In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected and the new board organized ;

(2) Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire ; after which three trustees shall be elected annually. 54 V. c. 55, s. 101 (1-2). 35 40

ANNUAL ELECTION OF TRUSTEES.

Provisions for elections of trustees.

57. The annual and other elections of public school trustees, unless otherwise ordered, as provided by section 58 of this Act, shall be subject to the following provisions :— 45

(1) A meeting of the ratepayers for the nomination of candidates for the office of public school trustee, shall take place at noon on the last Wednesday in the month of December, annually, or if a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the public school board, and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit. Nominations.

(2) The public school board shall by resolution before the second Wednesday in December each year name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and also for holding the election in case of a poll, and in case of the absence of such officer the chairman chosen by the meeting shall preside, and the public school board shall give at least six days' notice of such meeting. Returning Officer.

(3) If at such meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall so notify the secretary of the public school board; but if two or more candidates are proposed for any one office and a poll in respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, or if a holiday, then to the day following, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined by resolution of the trustees; Proceedings at nominations.

(4) The polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled; Hours of polling.

(5) In cities, towns, incorporated villages, and in townships where public school boards exist, the clerk of the municipality shall furnish to the public school board, within three days after request in writing, 'The Voters' List,' of such municipality, together with a supplementary list either printed or in writing of the names of persons being supporters of separate schools, and also a list of the names, alphabetically arranged, of all ratepayers not being already upon 'The Voters' List.' In cities and towns divided into wards, clerk of municipality to furnish Voters' List to Public School Boards

(6) The public school board shall provide each polling place with the list aforesaid, and also a poll book; and at every election at which a poll is demanded, the returning officer or person presiding, or the poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at Certified copy of list and a poll book to be provided for each polling place. Entries in Roll Book.

Duty of returning officer after close of election.

the election, and shall, in each column on which is entered the name of a candidate voted for by a voter set the figure '1' opposite the voters name, with the residence of the voter ;

Duty of secretary.

(7) The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary or secretary-treasurer of the public school board, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer ;

Casting vote.

(8) The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them respectively in said election.

(9) In case two or more candidates have an equal number of votes, the member of the board present at the first meeting thereof after such election and before the organization of the board, who is assessed highest as a ratepayer on the last revised assessment roll, shall give a vote for one or more such candidates, so as to decide the election. 54 V. c. 55 s. 102 (1-9.)

ELECTION BY BALLOT.

Elections of trustees on same day as municipal elections.

58.—(1) The board of public school trustees of any city town, incorporated village or township may, by resolution of which notice shall be given to the clerk of the municipality on or before the first day of October in any year, require the election of school trustees for such city, town, incorporated village, or township, to be held by ballot on the same day as municipal councillors, or aldermen are elected, as the case may be. In like manner any board of trustees may discontinue the use of the ballot in trustee elections on giving notice to the clerk of the municipality to that effect at the time hereinbefore mentioned, and thereafter elections for the purposes of this Act shall be conducted as provided in section 57 of this Act.

Trustees may discontinue use of ballot at elections.

Ballot not to be discontinued or resumed for three years after the change.

(2) Where any board of trustees requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time, then the provisions of section 57 shall apply for a period of three years at least after such discontinuance ;

Mode of conducting elections by ballot.

(3) In every case in which notice is given as aforesaid requiring the election of public school trustees to be held by ballot, such election shall thereafter be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nomin-

ations and elections of aldermen or councillors are conducted ; and the provisions of *The Municipal Act* respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies, and declarations of office, shall *mutatis mutandis* apply to the election of public school trustees ;

Rev. Stat.
184.

(4) A separate set of ballot papers shall be prepared by the clerk of the municipality for all the wards or polling subdivisions, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors or aldermen, except the substitution of the words "school trustee" for councillors or aldermen, as the case may be ; and no ballot shall be delivered to any person who is entered on the list of voters as a supporter of separate schools.

Form of
ballot papers.

(5) In case any objection is made to the right of any person to vote at any election of school trustees the deputy returning officer shall require the person whose right of voting is objected to, to make the following oath or affirmation :—

Oath to be administered when voter objected to.

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list (or supplementary list) of voters now shewn to you (*showing the list to voter*) ;

Form of oath.

That you are a ratepayer ;

That you are a British subject by birth or naturalization ;

That you are of the full age of twenty-one years ;

That you are a public school supporter ;

That you have not voted before at this election, either at this or any other polling place in this Ward or in this Municipality (*where the municipality is not divided into wards*) for School Trustee ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election : So help you God ; 54 V. c. 55, s. 103 (1-6).

59. In case the office of trustee becomes vacant from any cause, the remaining trustees shall forthwith hold a new election in the manner provided by this Act for the annual election of trustees to fill such vacancy, and the person thereupon elected shall hold his seat for the remainder of the term for which his predecessor was elected. 54 V. c. 55, s. 104.

Vacancy in
office of
trustee.

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CONTESTED ELECTIONS.

60.—(1) Any complaint respecting the validity or mode of conducting the election of school trustees in any urban municipality shall be made to the Judge of the County Court within

Judge of
County Court
to receive an
investigate
complaints.

twenty days after such election, who shall, within a reasonable time, in a summary manner, hear and determine the same; and may cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such persons to appear before him as he may deem expedient. 5

(2) The Judge may confirm the election or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted; and, in case the Judge determines that no person was duly elected, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the public school board; 54 V. c. 55, s. 105. 10 15

First meeting
of Board.

61.—(1) Every urban board of school trustees shall hold its first meeting in each year on the third Wednesday in January, or if a board of education, then on the first Wednesday in February, at the hour of seven o'clock in the afternoon, or at such other hour and place on the same day as may have been fixed by resolution of the former board. 20

President at
first meeting.

(2) At such meeting the secretary of the board shall preside at the election of chairman, or, if there be no secretary, the members present shall appoint one of themselves to preside at such election, and the member so appointed to preside may vote as a member; 25

Casting vote.

(3) In case of an equality of votes at the election of chairman the member who is assessed as a ratepayer for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member; 30

Quorum of
school
boards, etc.

(4) A majority of the members of the board present at a first or any meeting, shall be necessary to form a quorum, and the vote of the majority of such quorum shall be necessary to bind the corporation. 54 V. c. 55, s. 106 (1-5). 35

DUTIES OF TRUSTEES.

Duties of
Board.

62. It shall be the duty of the trustees of all public schools and they shall have power:—

Appointment
of secretary
and collector.

1. To appoint a secretary and treasurer or secretary-treasurer, and such committees, officers and servants as they may deem expedient; 40

To fix meet-
ings of the
board.

2. To fix the time and place of meetings of the board, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings;

3. To provide adequate accommodation for all the children of the supporters of public schools between the ages of five and sixteen years, resident in the municipality (in the case of rural schools for two-thirds of such children resident in the section) as ascertained by the census taken by the municipal council for the next preceding year ; To provide adequate accommodation.
4. To purchase or rent school sites or premises, and to build repair, furnish, and keep in order the schoolhouses, furniture, fences and all other school property ; to keep the well, closets and premises, generally in a proper sanitary condition ; to procure registers maps, globes, apparatus, and prize books, and, if they deem it expedient, to establish and maintain school libraries ; To provide school premises, apparatus, prize books and library.
5. To determine the number, grade, territorial boundaries and description of schools to be opened and maintained ; the teachers to be employed ; the terms on which they are to be employed, and their remuneration ; and, as they may deem expedient, to establish kindergartens and classes for industrial training and instruction in needle work and domestic economy ; To determine number of schools, etc.
6. To dismiss from the school any pupil who shall be adjudged so refractory by the trustees and the teacher that his presence in school is deemed injurious to the other pupils, and, where practicable, to remove such pupil to an industrial school ; Dismissal of refractory pupils.
7. To collect, at their discretion, from the parents or guardians of the pupils attending school a sum not exceeding twenty cents per month, per pupil, to defray the cost of text-books, and other school supplies ; or to purchase for the use of pupils text-books and other school supplies at the expense of the corporation ; Trustees may collect a fee from parents, for books, etc.
8. To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons (notice of such exemption to be given by the trustees to the clerk of the municipality, on or before the first day of August) and when deemed necessary to provide for the children of such persons text-books and other school supplies at the expense of the corporation ; Exemption of indigent persons from school rates.
9. To submit to the municipal council, on or before the first day of August, or at such time as may be required by the municipal council, an estimate of the expenses of the schools under their charge for the twelve months next following the date of application ; To lay before council estimate for moneys.
10. To provide (in the case of rural schools) for the payment of teachers' salaries quarterly and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected ; Payment of teachers' salaries.

To publish
auditors'
report.

11. To prepare for the use of the annual meeting of the ratepayers, or to publish at the end of every year, in one or more of the public newspapers, or otherwise, the annual report of the auditors, and to transmit before the 15th of January, the annual report of the school to the Education Department in the case of cities and towns, and to the inspector in the case of all other schools ;

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Custody and
disposal of
school pro-
perty.

12. To take possession of all property which has been acquired or given for public school purposes, and to hold the same according to the terms on which it was acquired or received ; and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site, or other cause ; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act. 54 V. c. 55, s. 107 (1-13.)

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Trustees act-
ing under by-
laws not
liable.

63.—(1) Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a municipal council before it has been quashed ;

(2) In case a by-law, order or resolution of a municipal council is illegal, in whole or in part, and in case anything has been done under it, which by reason of the illegality gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the corporation ;

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(3) Every such action shall be brought against the municipal corporation alone, and not against any person acting under the by-law, order or resolution. 54 V. c. 55, s. 130 (1-3).

School sites.

64. Every urban school board shall have power to take and acquire land for a school site or for enlarging school premises already held. In the event of any dispute between the owner of the land selected and the trustees, with regard to the price of such land, sections 31 to 37 of this Act shall apply. 54 V. c. 55, s. 108.

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COUNTY AND TOWNSHIP ASSESSMENTS.

County rates.

65.—(1) The municipal council of every county shall levy and collect by a uniform county rate upon the taxable property of public school supporters in all the townships of the county on the basis of the equalized assessment of the county for the current year, the sum of \$50 at least for every public school section in which a school has been kept open the whole year, and a proportionate sum where the school has been kept open for six months or over. An additional sum of \$25 shall be levied and collected in a similar manner for every assistant teacher engaged for the whole year, and a proportionate amount if such assistant was engaged for six months or over.

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(2) In the case of union school sections between parts of adjoining counties the amount to be levied and collected shall be one-half of the amount raised by the municipal council of the townships concerned, as provided in the next following section of this Act. This section shall apply only to union sections formed between townships. (*New.*)

66.—(1) The municipal council of every township shall levy and collect by assessment, upon the taxable property of the public school supporters of the whole township, in the manner provided by this Act, and by the municipal and assessment Acts, the sum of \$100 at least for every public school section in which a public school has been kept open the whole year exclusive of vacations. Where the public school has been kept open for six months or over, a proportionate amount of the said sum of \$100 at least shall be levied and collected by assessment upon the taxable property of the whole township. An additional sum of \$50 at least shall be levied and collected in a similar manner for every assistant teacher engaged for the whole year, and a proportionate amount if such assistant teacher was engaged for six months or over ;

Township council to levy sums required for school purposes.

(2) In the case of union school sections the municipal council of each municipality of which the union school section is composed shall levy and collect upon the taxable property of the respective municipalities the said sum in the proportion fixed by the equalization provided under section 95 of this Act. This section shall apply only to union sections formed between townships. 54 V. c. 109, s. 109 (1-3.)

67.—(1) The council of every municipality shall levy and collect upon the taxable property of the municipality (or of the sections in the case of rural schools), in the manner provided in this Act, and in the municipal and assessment Acts, such sums as may be required by the public school trustees for school purposes ; and shall pay the same to the treasurer of the Public School board from time to time as may be required by the board for teachers' salaries and other expenses. In the case of rural schools, all moneys collected shall be paid to the secretary-treasurer of the section on or before the 15th of December ;

City, town or village council to levy sums required for school purposes.

(2) The council of every municipality may, in addition to any requisition of the public school trustees, raise by assessment such other sums as it may deem expedient for the establishment and maintenance of a school library, or for aiding new or weak schools within such municipality, or for the support of model schools, or for supplementing teachers' salaries or retiring allowances ; 54 V. c. 55, ss. 110, 112 ; 58 V. c. 57, s. 8.

Establishment of libraries.

(3) Every municipal council shall have power, and it shall be their duty to correct any errors or omissions that may have been made within the three years next preceding such correction of errors in collection of rates in previous years.

rection in the collection of any school rate duly imposed or intended so to be, to the end that no property shall escape from its proper proportion of the rate and that no property shall be compelled to pay more than its proper proportion of such rate. 58 V. c. 57, s. 7 (4.)

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Return shewing rating of separate school supporters.

68. It shall be the duty of the clerk of every township :—

Separate school amounts to be deducted.

(1) To transmit not later than the first day of December in each year to the county school inspector a list of the supporters of separate schools against whom any county rate for public school purposes has been placed upon the collector's roll shewing the amount so rated against each and the total amount so rated. The county inspector shall, before issuing his order for the payment of the county grant to the public school sections, deduct therefrom the amount so certified to him by the clerk of such municipality, and shall give the trustees of the separate school section an order on the township treasurer for the amount thereof, and it shall be the duty of such treasurer to pay over the same ;

Clerk to give copy of assessment to inspector.

Statement to be furnished to board by clerk.

(2) To give to the public school inspector when requested by him, a statement of the assessed value of each school section as shewn by the revised assessment roll for the year, and at the request of any board of trustees to furnish the board with a statement shewing the several parcels or lots of land composing the school section for which they are trustees, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel of such lands. The cost of preparing the latter statement shall be paid by the board of trustees applying for the same. 54 V. c. 55, sec. 111 (1-2) 113.

Township school debentures.

69. It shall be the duty of the clerk of every county to make a return to the Minister of Education showing the population of each minor municipality within the county, and of the clerk of every city and of every town separated from a county to make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous year, said returns to be made on or before the first day of April in each year. 54 V. c. 55, s. 129.

DEBENTURES IN RURAL SECTIONS.

Clerks to make returns of population.

70.—(1) On the application of any board of rural school trustees for the issue of debentures for the purchase of a school site for the erection of a schoolhouse, or any addition thereto, or for the purchase or erection of a teacher's residence, the municipal council of the township shall pass a by-law for the said purpose, and shall forthwith issue debentures to be repayable out of the taxable property of the school section concerned in such annual amount as they may deem expedient, provided always the proposal for such loan has

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been submitted by the trustees to and sanctioned at a special meeting of the ratepayers of the section, called for the purpose ;

(2) All applications for a loan, for the purposes herein mentioned, shall be made by the trustees of a union school section to the council of the municipality within which the school house or site of such union section is situated, and all debentures for the payment of such loan shall be issued by such municipality. Any other municipality or municipalities forming part of the union school section shall pay, on the requisition of the clerk of the municipality by which the debentures were issued, as they come due, its or their share of the loan, including interest, according to its or their liability for school purposes, as determined by section 95 of this Act ;

Applications for loans to be made to, and debentures issued by council.

(3) Notwithstanding any alteration which may be made in the boundaries of any school section, the taxable property situated in the school section at the time when such loan was effected, shall continue to be liable for the rate which may be levied by the township council for the repayment of the loan.

Liability for loan.

54 V. c. 55, s. 115 (1-4).

(4) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the school section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such school section. 55 V. c. 60, s. 3 ;

Expenses of publishing by-laws.

71.—(1) The trustees of any rural school may, without a vote of the ratepayers of the section, require the municipal council to issue debentures for the erection of an additional schoolhouse in the section, where in their opinion more schoolhouses than one are required, or they may require the council to raise, by one yearly rate, such sums as may be necessary for the purchase of a schoolhouse or site, or the erection of a schoolhouse or teacher's residence. (Amended.)

Application to council for schoolmoneys.

(2) No municipal council shall levy or collect during any one year more than one school rate except for the purchase of a school site, or for the erection of a schoolhouse. 54 V. c. 55 ss. 119-120.

Council not to levy more than one rate except in certain cases.

DEBENTURES IN CITIES OR TOWNS.

72.—(1) The municipal council of any urban municipality may, on the application of the board of public school trustees, pass a by-law for any of the purposes mentioned in the preceding section. Where the municipal council refuses to raise or borrow the sum required, then the question shall be submitted by the municipal council, if requested by the board of trustees, to the vote of the electors of the municipality who are supporters of public schools, in the manner provided

Submission of question to vote of electors.

by *The Municipal Act* for the creating of debts, and on the assent of such electors being obtained the council shall raise or borrow such sum ;

Form and term of debenture.

(2) Debentures issued for school purposes may be in the form given by this Act, and for such term of years and for such amount as the council shall see fit, not exceeding thirty years, or the municipal council may, in its discretion make the principal and interest of such debt repayable by annual or other instalments, in the manner provided in *The Municipal Act*. 54 V. c. 55, s. 116, 117. 5 10

(3) Application for the issue of debentures for school purposes by the trustees of urban municipalities to which part of an adjoining township is attached shall be subject to the provisions of this section.

Exemption by by-law not to affect liability for school rates.

73. No by-law passed by any municipality after the 14th day of April, 1892, for exempting any portion of the ratable property of a municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind whatsoever. 55 V. c. 60, s. 4. 15

School corporations may borrow surplus moneys.

74. Any school corporation may, with the consent of the ratepayers first had and obtained at a special meeting duly called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario municipalities fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution, for the purpose of purchasing a school site, or erecting a schoolhouse ; and any sum so borrowed shall be applied to that purpose, and to that only. 54 V. c. 55, s. 121 20 25

TREASURERS OF SCHOOL MONEYS.

Sub-treasurers of school moneys.

75.—(1) For all school purposes township treasurers shall be considered sub-treasurers of the county treasurer, provided always that the county council may by by-law constitute the county treasurer, the sub-treasurer for such municipalities within the county as may be deemed expedient. 30

Treasurer and sureties responsible to municipality.

(2) The treasurer and sub-treasurer and their sureties shall be accountable for school moneys to the county or town (*as the case may be*), and any bond or security given by them for duly accounting for and paying over moneys coming into their hands, belonging to the county or town, shall apply to all school moneys, and may be enforced against the treasurer or his sureties, in case of default on his or their part ; 35 40

Bonds to apply to school moneys, etc.

(3) The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province, and, in case of any default, Her Majesty may enforce the responsibility of the county, city or town, either by stopping a like 45

amount out of any public moneys payable to the county, city, or town, or to the treasurer thereof, or by action against the corporation ;

(4) Any person aggrieved by the default of the municipal treasurer may recover from the corporation of any city, county or town, the amount due or payable to such person as money had and received to his use. 54 V. c 55, ss. 118, 124, 125, 126, 127. City, etc., responsible for default of treasurer, etc.

DUTIES OF TEACHERS.

10 **76.**—(1) It shall be the duty of every teacher of a public school, to teach diligently and faithfully all the subjects in the public school course of study ; to maintain proper order and discipline in his school ; to encourage his pupils in the pursuit of learning ; to inculcate by precept and example, respect for religion and the principles of Christian morality, and the highest regard for truth, justice, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues. (*Amended.*) To teach according to law, preserve discipline, etc.

20 (2) To use the English language in the instruction of his school and in all communications with his pupils in regard to discipline and the management of the school, except where impracticable by reason of the pupil not understanding English. Recitations requiring the use of a text-book may be conducted in the language of the text-book ; Use of English language.

25 (3) To see that the schoolhouse is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon, to call the roll every day according to the register prescribed by the Education Department ; to enter in the visitors' book visits made to his school ; to give the inspector, trustees and visitors access, at all times, to the register and visitors' book ; and to deliver the register, the schoolhouse key and other school property in his possession to the corporation employing him on demand, or when his agreement with such corporation has expired ; Duties in and about the school-house, registers, etc.

35 (4) To classify his pupils strictly according to the course of study prescribed by the Education Department ; to conduct his school according to a time-table accessible to pupils and visitors ; to prevent the use by pupils of unauthorized text-books ; to attend regularly the teachers' institutes in his inspectoral division ; to notify the trustees and inspector of his absence from school, through illness or other unavoidable cause ; and to make at the end of each school term, and subject to revision by the inspector such promotions from one class, or form to another as he may deem expedient ; Classification of scholars and conduct of classes.

45 (5) To hold during each half year a public examination of his school, and to give due notice thereof to the trustees, to any school visitors who reside in the school section, and Examinations.

through the pupils, to their parents or guardians, and to hold such other examinations as may be required by the inspector for the promotion of pupils, or for any other purpose as the inspector may direct ;

Information for department. (6) To furnish the Minister of Education, or the school inspector with any information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils or any other matter affecting the interests of the school, and to prepare such reports of the corporation employing him as are required by the Education Department ;

Care of health of scholars, preservation of school property. (7) To give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the school-rooms, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement of the playgrounds, and to report promptly to the trustees the appearance of any infectious or contagious disease in the school, or the unsanitary condition of outhouses and surroundings. (*Amended.*)

Infectious diseases among pupils. (8) To refuse admission to the school of any pupil affected with, or exposed to smallpox, scarlatina, diphtheria, whooping cough, measles, mumps, or other contagious disease until furnished with a certificate of a physician or of a health officer to the effect that all danger from exposure to any of them has passed away.

Disciplinary powers. (9) To suspend any pupil guilty of persistent truancy, violent opposition to authority, habitual neglect of duty, the use of profane or improper language or conduct injurious to the moral tone of the school, and to notify the parent or guardian of such pupil, and the trustees, of such suspension. The parent or guardian of any pupils suspended may appeal against the action of the teacher to the trustees, who shall have power to consider such appeal and remove or confirm such suspension.

AGREEMENTS.

Valid agreements with teachers. 77.—(1) All agreements between trustees and teachers shall be in writing, signed by the parties thereto, and shall be sealed with the seal of the corporation ;

Suspension of certificate for breach of agreement. (2) Any teacher who wilfully neglects or refuses to carry out his agreement, shall, on the complaint of the trustees, be liable to the suspension of his certificate by the inspector under whose jurisdiction he may be for the time being ;

Qualified teacher defined. (3) No person engaged to teach a public school shall be deemed a qualified teacher who does not at the time of entering into an agreement with the trustees, and during the whole period of such agreement, hold a legal certificate of qualification ;

- (4) Any teacher who enters into an agreement with a board of trustees for one year, and who serves under such agreement for three months or over, shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year ; Proportion of salary to which teacher entitled.
- (5) Every teacher shall be entitled to his salary during sickness, certified by a physician, for a period not exceeding four weeks for the entire year ; this period may be increased at the pleasure of the trustees. Case of sickness.
- (6) If at the expiration of a teacher's agreement with a board of trustees his salary has not been paid in full, such salary shall continue to run at the rate mentioned in such agreement until paid, provided always that an action shall be commenced within three months after the salary is due and payable by the trustees. 54 V. c. 55, ss. 132-137. Protection of teachers in regard to salary.
- (7) All matters of difference between trustees and teachers, in regard to salary or other remuneration under a valid agreement, shall be brought before the Division Court of the district where the cause of action arose, subject to appeal, as provided by this Act ; Provision in case of difference between teacher and trustees.
- (8) In pursuance of the judgment of a County Judge under this Act, and not appealed from, execution may issue from time to time to recover the amount awarded by such judgment together with all fees and expenses. 54 V. c. 55, ss. 132-139. Issue of execution.

TEACHERS' CERTIFICATES.

- 78.—(1) Any person a subject of Her Majesty, who is not less than eighteen years of age, of good moral character and who passes the examinations prescribed by the Education Department, may be awarded a first, second or third-class certificate according to the standards required by such examination ; Three classes of certificates.
- (2) Subject to any regulations of the Education Department with regard to experience in actual teaching, certificates of the first and second class shall be valid during good conduct ; certificates of the third class shall be valid for a period of three years. Every third-class certificate shall have the signature of at least one public school inspector. First, second and third-class certificates.
- (3) The inspectors of the territorial districts, or any county board of examiners, may issue certificates valid only within the district of such inspector, or the jurisdiction of the county board, for a term not exceeding one year, subject to the regulations of the Education Department. (*New.*) District certificates.
- (4) Certificates granted before the fifteenth day of February, in the year 1871, shall remain in force on the terms of the Act under which they were granted ; Former certificates continued.

- First-class valid. (5) First-class certificates issued under any Act of this Province before the fifteenth day of February, 1871, and valid on the 24th day of March, 1874, shall be valid in the Province during the good conduct of the holder thereof;
- Second-class valid. (6) Second-class certificates issued and valid as aforesaid, shall, when the holders, thereof, have taught for ten years in Ontario, be valid during good conduct within the territory in which granted. 5
- Suspension of certificate for misconduct, etc. (7) The inspector may suspend the certificate of any teacher under his jurisdiction for inefficiency, misconduct, or a violation of this Act or of the regulations of the Education Department. In every case of suspension, he shall notify in writing the trustees concerned, and the teacher, of the reasons for such suspension; 10
- Meeting of county board, consideration of suspension. (8) The inspector shall forthwith call a meeting of the county board of his inspectoral division for the consideration of such suspension, of which due notice shall be given to the teacher so suspended, and the decision of the board shall be final. 54 V. c. 55, s. 140-144 (1-3). (*Amended*). 15

COUNTY BOARDS OF EXAMINERS.

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- To examine teachers and give certificates. **79.**—(1) The municipal council of each county shall appoint annually a board of examiners, consisting of the inspector or inspectors having jurisdiction within the county or any part thereof, and not more than two other persons holding first-class certificates of qualification, for the purpose of examining candidates for teachers' third class certificates and for such other purposes as may be prescribed by this Act. The members so appointed shall continue in office till their successors are appointed, and shall hold at least one examination each year. A majority of the board shall form a quorum; 25 30
- Additional examiners. (2) Where deemed necessary from the general use of the French or German language, the county council may appoint additional examiners, not exceeding two, for the purpose of conducting the examination of candidates for a teachers' certificate in either of the languages aforesaid; 35
- Expenses of examination. (3) The treasurer of the county shall, on the requisition of the chairman of the board, pay all the incidental expenses of the examination of third-class teachers. He shall also, on a like requisition, pay each member of the board the sum of \$4 per diem and travelling expenses while engaged as examiner; 40
- Fees of examiner in investigating standing of teacher. (4) Every member of a county board of examiners while engaged in conducting an investigation affecting the standing of any teacher within the jurisdiction of the board shall be paid the sum of \$4 per diem and travelling expenses by the treasurer of the county; 45

(5) After the passing of this Act no person shall be appointed a member of a county board of examiners who is not actually engaged in teaching and who has not had at least three years' experience as a teacher in a public or separate school. 54 V. c. 55, s. 145 (1-5). None but teachers to be examiners.

COUNTY MODEL SCHOOLS.

80.—(1) The board of examiners of every county shall, subject to the regulations of the Education Department, set apart at least one public school in each county as a county model school for the training of teachers for third-class certificates; One school in each county to be set apart as county model school.

(2) Where more model schools than one have been established in any county and where the whole number of teachers in training for the two preceding years at such schools has not exceeded twenty-five, the county board of examiners may, with the approval of the Education Department, discontinue one or more of such schools, but not so as to reduce the number below that required by this Act; When model schools may be discontinued.

(3) The municipal council of every county shall pay to the treasurer of each public school within the county to which a model school is attached an amount at least equal to the sum voted by the Legislative Assembly for each county model school, but the amount to be provided by the county council shall not be less than the sum of \$150 annually, and the council may, if it sees fit, provide a larger amount of aid. 54 V. c. 55, s. 146 (1-3). Aid to county model schools.

(4) The board of trustees of any city may set apart one or more of such city schools for the training of third-class teachers, subject to the regulations of the Education Department. (New). Setting apart school for training third class.

TEACHERS' INSTITUTES.

81.—(1) The teachers of one or more inspectoral districts may organize themselves into a Teachers' Institute for the purpose of receiving instruction in methods of teaching and for discussing educational matters, subject to the regulations of the Education Department; Organization of teachers' institutes.

(2) The Minister of Education may apportion out of any moneys voted by the Legislative Assembly for that purpose the sum of \$25 to each teachers' institute organized and conducted according to the regulations of the Education Department, and the municipal council of each county or city shall pay annually to the order of the president of each teachers' institute within the county or city a sum at least equal to the amount so apportioned by the Minister of Education. 54 V. c. 55, s. 147 (1-2).

INSPECTORS.

- Qualification for appointment as inspector. 82.—(1) No person shall be appointed inspector of public schools in any county, city, or town who does not hold an inspector's certificate of qualification, as prescribed by the regulations of the Education Department, and no inspector shall, during his tenure of office, engage in, or hold any other employment, or calling, which interferes with the full discharge of his duties as inspector. 5
- When more than one inspector to be appointed. (2) The board of trustees of every city and town separated from the county shall appoint an inspector of public schools for such city or town. When the teachers engaged by the trustees of any city exceed three hundred in number the board shall appoint two inspectors, and likewise an additional inspector for every three hundred teachers on the staff above six hundred ; 10 15
- Number of inspectors. (3) The municipal council of every county shall appoint an inspector for such county, providing always that any inspector appointed hereafter for a county or part of a county, shall be the inspector of the schools of any town not separated from the county in the district to which he has been appointed ; 20
- Jurisdiction of inspectors. (4) One inspector shall not have charge of more than one hundred and twenty schools or less than fifty, but it shall not be necessary to appoint more than one inspector in each electoral division of a county ;
- French or German. (5) In counties containing any municipality wherein the French or German language is the common or prevailing language, an inspector may have charge of any number of schools not less than forty ; 25
- Counties may appoint additional inspectors and change inspectors. (6) In counties where there are more than fifty public schools, the county council may appoint two or more inspectors, and prescribe and number the territorial divisions of each, and change or remove the inspectors from one division of the county to another ; 30
- Warden may supply vacancies in the office of inspector (7) In the event of a vacancy occurring in the office of county inspector, the warden of the county may appoint any person legally qualified to fill such vacancy until the next ensuing meeting of the county council. Notice of such appointment or of any appointments by the county council shall be given to the Minister of Education forthwith. 35 40
- Remuneration of county inspector. (8) The county council shall pay quarterly to every county inspector at the rate of \$5 per school and, in addition, reasonable travelling expenses, such expenses to be determined by the county council. 40
- Payment of inspector's salary in towns not separated. (9) When the public school board of any town not separated from the county has before the passing of this Act appointed an inspector, other than the county inspector within whose district such town is situated, the county 45

treasurer, on demand, shall pay to the order of such board a sum of money equal to the amount collected within such town for the payment of the salary of the county inspector ;

(10) The Lieutenant-Governor in Council may direct the payment of the sum of \$5 per school for every school within his jurisdiction towards the payment of the county inspector's salary and the sum of \$5 for every teacher occupying a separate room with a separate register, to the school board of any city or town separated from the county, towards the payment of the salary of the inspector of a city or town.

(11) In cases where any inspector requires the testimony of witnesses to the truth of any fact alleged in any complaint or appeal made to him or to the Minister of Education or the Education department, it shall be lawful for such inspector to administer an oath to such witnesses, or to require their solemn affirmation before receiving their testimony.

(12) Any public school inspector shall, in case of misconduct or inefficiency, be subject to dismissal by the Lieutenant-Governor in Council, or by a majority of the members of the council or board of trustees appointing him, or without cause by a vote of two-thirds of such council or board, and no such inspector shall be re-appointed without the concurrence of the party who dismissed him. 54 V. c. 55, s. s. 149-152, 158-160, 189.

83. It shall be the duty of every public school inspector :—

1. To visit every public school within his jurisdiction once in each term, unless otherwise directed by the county council or board of trustees by which he was appointed, to deliver from time to time, public lectures in his district on some subject connected with public school education; and to see that every school is conducted according to this Act and the regulations of the Department;

2. To examine into the condition of the school, as respects the progress of the pupils in learning; the order and discipline observed; the system of instruction pursued; the mode of keeping the school registers; the average attendance of pupils; the character and sanitary condition of the buildings and premises; and to give such advice to the teachers, pupils and officers of the school as he may consider proper;

3. To withhold his order for the amount apportioned from the legislative or municipal grant; (a) When any school was kept open for less than six months in the year; or (b) When the trustees fail to transmit the annual or semi-annual school returns properly filled up; or (c) When the trustees fail to comply with the school Act or the regulations of the Education Department; or (d) When the teacher uses, or per-

Grants in aid of inspector's salary.

Inspector to swear witnesses in certain cases.

Conditions of dismissal of inspector.

Duties of inspectors. To visit each school once a term.

Examine the state of the school.

To withhold order for grant in certain cases.

permits to be used, as a text-book any book not authorized by the Education Department; and in every case, to report to the trustees and to the Education Department his reasons for so doing;

Report of health officer.

4. To report to the trustees and to the medical health officer of the municipality in which the school house is situated, in every case in which the school premises or buildings are found to be in an unsanitary condition and to withhold the school grant in all such cases until he receives a certificate from such health officer or board of health that the provisions of *The Public Health's Act* have been duly complied with. (*New.*)

To give information and report to Minister.

5. To give when desired any information in his power to the Minister of Education, respecting any public school matter within his jurisdiction, and to prepare and transmit to the Minister of Education, on or before the first day of March, an annual report in the form prescribed by the Education Department;

May give temporary certificates to teachers.

6. To give, at his discretion, any candidate, on due examination, a certificate of qualification to teach a school within his district until the next ensuing professional examination of teachers; and to discharge such other duties as may be required by the Minister of Education, the county council or the board of trustees by which he was appointed;

Deliver up papers on retiring from office.

7. To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the county council or public school board appointing him. 54 V. c. 55, s. 155 (1-10.)

ALLOWANCE TO ARBITRATORS AND INSPECTORS.

Allowance arbitrators.

84.—(1) Any person engaged as arbitrator on any matter arising under this Act shall be paid the sum of four dollars per diem and travelling expenses. In making their award the arbitrators shall, among other things, determine the liabilities of the parties concerned for the costs of the arbitration, and such determination shall be final and conclusive;

Allowance to inspectors in certain cases.

(2) When any complaint is made to an inspector regard to any matter affecting the validity of the election of a public school trustee, or the procedure of a school meeting requiring the taking of evidence where the cause of complaint arose, the trustees of the school section concerned shall pay the inspector while conducting such investigation the sum of \$4 per diem and travelling expenses. 54 V. c. 55, s. 161 (1-2.)

SUPERANNUATION.

Superannuation fund.

85.—Every teacher or inspector whose name is entered as having paid into the fund for superannuated teachers, may continue to contribute to such fund in such manner as may

be prescribed by the Education Department, the sum of at least \$4 annually, but no payment of arrears to the fund shall be allowed after the 30th day of March, 1885. 54 v. c. 55 s. 162.

86.—(1) On the decease of any teacher or inspector, his wife, her husband, or legal representative, shall be entitled to receive back the amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent. per annum;

Repayment to wife, etc., of deceased teacher.

(2) No teacher or inspector who has reached the age of sixty years shall be held to be disqualified from superannuation by reason of his having retired from active service before reaching the age of sixty, provided that such teacher or inspector has served for a period of thirty-five years, and that no payment shall be made to such teacher or inspector until he has reached the age of sixty. 54 V. c. 55, s. 163 (1-2).

87.—(1) Every teacher or inspector who, while engaged in his profession, contributes to the superannuated teachers' fund as provided by this Act, shall on reaching the age of sixty years, if he retires from the profession receive an allowance at the rate of \$6 per annum, for every year of service in Ontario, upon furnishing evidence of good moral character, age, and length of service;

Right of teacher to retire on reaching sixty years of age.

(2) Every teacher or inspector, under sixty years of age who has contributed as aforesaid, and who is disabled from practising his profession, shall be entitled to a like allowance upon furnishing evidence as to length of service, moral character, and disability;

Teachers under sixty.

(3) Every superannuated teacher who holds a first or second class provincial certificate, or a first-class county board certificate, and every principal of a high school or collegiate institute shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as principal of a high school or collegiate institute.;

\$1 per annum extra to certain teachers.

(4) The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the teacher's moral character be unsatisfactory to the Education Department;

Proviso in regard to good moral character.

(5) If any superannuated teacher or inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, his allowance shall be suspended during the time of his being so engaged. In case such teacher or inspector is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act, and the regulations of the Education Department;

Teacher resuming profession.

Again retiring.

- Forfeiture of claims. (6) Any teacher or inspector who, having resumed his profession, draws or continues to draw upon the superannuation fund for any part of his allowance as a superannuated teacher, shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers; 5
- Teachers not availing themselves of Act. (7) In the case of those teachers or inspectors who may not avail themselves of the provisions of sections 162 or 171 of this Act, the provisions of sections 163 to 171 inclusive shall apply so far as relates to all sums of money already paid into the fund for superannuated teachers; 10
- Repayment to contributors. (8) Any teacher who retires from the profession, or any teacher or inspector who desires to remove his name from the list of contributors to the superannuated teachers' fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid by him or her to the fund, through the public school inspector, or otherwise. 54 V. c. 55, ss. 164 (1-3) 165-171. 15

NON-RESIDENT PUPILS.

- Admission of non-resident pupils. 88.—(1) The trustees of every public school shall admit to their school any non-resident pupils who reside nearer such school than the school in their own section, providing always the inspector reports the accommodation of the school room sufficient for the admission of such pupils. In case of dispute as to the distance from the school, the decision of the inspector shall be final; 20 25
- Fees of non-resident pupils. (2) The parents or guardians of such non-resident children shall pay to the trustees of the school to which their children have been admitted such fees monthly as may be mutually agreed upon, provided such fees, together with the taxes paid to such school (if any), do not exceed the average cost of the instruction of the pupils of such school. 54 V. c. 55, s. 172 (1-2) 30
- A resident of one section sending his children to another section. (3) Any person residing in one school section, and sending his children to a neighboring school, shall be liable for the payment of all rates assessed on his taxable property for the school purposes of the section in which he resides, but it shall be lawful for any board of trustees to remit the fees paid to the trustees of the neighboring section. 58 V. c. 57, s. 9; 35
- Attendance of children of non-residents. (4) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of the section on the same terms and conditions as the children of residents. 54 V. c. 55, s. 9 (1-2). 40
- Remission of school tax where certain fees paid. (5) When the children attending a neighboring section are three miles or more distant in a direct line from the school-house in the section to which they belong, the trustees of the section in which such children are resident shall remit as much of the taxes chargeable upon the parents or guardians of such 45

children, for school purposes, as would be at least equal to the fees paid to such neighboring section. 58 V. c. 57, s. 10;

(6) In case a county council establishes a house of refuge in any county any person of school age maintained in such house of refuge shall for the purposes of this Act be deemed a non-resident, and the county council shall pay to the trustees of the school attended by such person or persons such monthly fees as may be mutually agreed upon, provided such fees do not exceed the average cost of the instruction of the pupils of such school. 54 V. c. 55, s. 172 (3).

Pupils in house of refuge.

HOLIDAYS.

89.—(1) The public school teaching year shall consist of two terms: in townships the first term shall begin on the third Monday of August, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June;

Terms.

(2) In cities, towns and incorporated villages the first term shall begin on the first day of September, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June;

(3) Every Saturday, every public holiday the week following Easter Sunday, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged, shall be a holiday in public schools. 54 V. c. 55, s. 173 (1-3).

(4) In the territorial districts the trustees of any rural school may allot the time herein allowed for holidays at Easter and midsummer to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed and in periods of the same duration as herein set forth. *New.*

AUTHORIZED BOOKS.

90.—(1) Any authorized text-book in actual use in any public or model school may be changed by the teacher of such school for any other authorized text-book in the same subject on the written approval of the trustees and the inspector, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given;

Change of text-book.

(2) In case any teacher shall negligently or wilfully permit any unauthorized text-book to be used by the pupils of his school, he shall for each such offence, on conviction thereof before a Police Magistrate or Justice of the Peace, be liable to a penalty not exceeding \$10 payable to the municipality for public school purposes, together with costs, as the Police Magistrate or Justice may think fit. 54 V. c. 55, ss. 174-176.

Substitution of unauthorized text-books.

APPEALS FROM DIVISION COURT DECISIONS.

- Appeals from Division Courts. Rev. Stat. c. 226. **91.**—(1) The Judge of any Division Court wherein any action between teachers, inspectors, trustees, or others acting under this Act, or *The High Schools Act*, is tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister of Education to appeal the case; 5
- Minister may appeal to High Court. (2) The Minister may, within one month after the rendering of judgment in any such case, appeal from the decision of the Division Court Judge to the High Court at Toronto, by serving 10 notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal shall be entitled "The Minister of Education for Ontario, Appellant, in the matter between (A. B. and C. D.)" But nothing herein contained shall be held to interfere with the right of any of the parties 15 to the action exercising the ordinary right of appeal;
- Judges to send papers to High Court. (3) The Judge whose decision is thus appealed from, shall thereupon certify under his hand, to the Registrar of the Division of the High Court appealed to, the summons and statement of claim and other proceedings in the case, together 20 with the evidence and his own judgment thereon, and all objections made thereto. After notice of appeal has been served as hereinafter provided no further proceedings shall be had in such case until the matter of appeal has been decided 25 by the High Court;
- Judge to certify proceedings to the Minister. (4) On the Judge receiving a notice of appeal from his decision (under the authority of this Act), he shall thereupon certify under his hand, to the Minister of Education, the statement of claim and other proceedings in the case, together 30 with the evidence and his own judgment thereon, and all objections thereto. The High Court shall give such order or decision to the Court below, touching the judgment to be given in the matter, as the circumstances of the case require. Upon receipt of such order, direction and certificate, the Judge of the Division Court shall forthwith proceed in accordance 35 therewith;
- Order of Court. Proceedings in Division Court when appeal decided. (5) The Court may also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the Court below. All costs awarded against an appellant, and all costs incurred by him, may be 40 paid by the Minister, and charged as contingent expenses of his office. 54 V. c. 55, ss. 179-183.
- Costs.

SCHOOL VISITORS.

- Public school visitors defined. **92.**—(1) Judges, members of the Legislature, members of county councils, and aldermen shall be school visitors in the 45 municipalities where they respectively reside. All clergymen shall be school visitors in the municipalities where they have pastoral charge.

(2) School visitors may visit public schools as in this Act provided. They may also attend the examination of schools, and at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as they deem expedient. 54 V. c. 55, ss. 184-185.

Authority to visit public schools.

PENALTIES AND PROHIBITIONS.

93. If any township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act, he shall be liable to a penalty not exceeding \$10, to be recovered before a Justice of the Peace, for the school purposes of his municipality, at the instance of any ratepayer thereof. 54 V. c. 55, s. 186.

Information to county Clerk.

94. Any person who wilfully makes a false declaration of his right to vote at any school meeting or election of school trustees shall be liable to a penalty of not less than \$5 or more than \$10 to be sued for and recovered with costs before a Justice of the Peace, by the public school trustees of the city, town, village, or school section, for its use. 54 V. c. 55, s. 187.

Penalty for making a false declaration.

95. Any public school trustee who refuses to serve after being duly elected shall be liable to a penalty of \$5, and any person elected as a school trustee who attends any meetings of the school board as such, after being disqualified under this Act, shall be liable to a penalty of \$20 for every meeting so attended. 54 V. c. 55, s. 188.

Fine on disqualified persons acting as trustees.

96. No public school trustee shall be eligible to appointment as public school inspector, or teacher, within the section of which he is a trustee; nor shall the teacher of any public, high, or separate school hold the office of public school trustee, nor shall an inspector be a teacher or trustee of any public, high or separate school while he holds the office of inspector. 54 V. c. 55, s. 189.

Trustees not to hold certain offices.

97. Any trustee who is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be an actual resident within the school section for which he is a trustee, shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election. 54 V. c. 55, s. 190.

Seat vacated by conviction for crime, etc.

98. Any trustee who has any pecuniary interest, profit or promise or expected benefit in, or from any contract, agreement or engagement, either in his own name, or in the name of another, with the corporation of which he is a member, or who

Seat vacated by interest in contract with corporation

receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and on the complaint of the remaining trustee or trustees, the county judge may declare the seat vacant, and forthwith order a new election, provided always that it shall be lawful for the trustees of any rural school section to allow the secretary or secretary-treasurer such compensation for his services, for the purposes specified in this Act, as may be approved at the annual meeting of the ratepayers and duly entered in the minutes. 54 V. c. 55, s. 191. 5 10

Penalty for not calling school meetings.

99. In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit the sum of \$5 to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the rural school section, for the use thereof. 54 V. c. 55, s. 192. 15

Penalty for disturbing a school or school meeting.

100. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or anyone who wilfully interrupts or disquiets any public school established and conducted under its authority, or other school, by rude or indecent behavior, or by making a noise either within the place or where such school is kept or held, or so near thereto as to disturb the order of exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for public school purposes to the school section, city, town, or village within which the offence was committed, a sum not exceeding \$20 together with the costs of the conviction, as the said Justice may think fit. 54 V. c. 55, s. 193. 20 25 30

Penalty for refusing to perform duties.

101. Every person elected as trustee who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of \$20 to be sued for and recovered before a Justice of the Peace, by the trustees, or any person whatsoever for the purposes of such trustees. 54 V. c. 55, s. 195. 35

Penalty for refusing to exercise corporate powers.

102. Any trustee or public school corporation who wilfully neglects or refuses to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, shall be held to be personally responsible for the fulfilment of such contract or agreement. 54 V. c. 55, s. 196. 40

Penalty on chairman for neglect.

103. Any chairman who neglects to transmit to the county inspector a minute of the proceedings of any annual or other 45

rural school section meeting over which he has presided, within ten days after the holding of such meeting shall be liable, on the complaint of any ratepayer, to a fine of not more than \$5 to be recovered as provided by this Act. 54 V. c. 55.

5 s. 197.

104. Any school corporation who refuses or neglects to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, shall be held personally responsible for the moneys. 54 V. c. 55, s. 198.

Liability for neglect to take security.

105. If any part of the public school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the person entitled to receive the same, by action in any Court having jurisdiction to the amount, or by information at the suit of the Crown. 54 V. c. 55, s. 199.

Responsibility in case of lost school moneys.

106. No secretary-treasurer appointed by the school trustees of any school section, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect or refuse to deliver up, or account for, and pay over the same or any part thereof to the person, and in the manner directed by the school corporation then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act. 54 V. c. 55, s. 200.

Penalty on secretary-treasurer, or trustee for refusing to account.

107.—(1) Upon application to the Judge of the County Court, by a majority of the trustees, any two ratepayers interested supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the Judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him at a time and place to be appointed in the order;

Mode of proceeding.

(2) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained against, or leave the same with a grown-up person at his residence;

(3) At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the

Judge to issue order.

complaint is well founded, the Judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax ;

Effects of non-compliance with judge's order.

(4) In the event of non-compliance with the terms specified in such order, or any or either of them, the Judge shall order the said person to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common jail of his county, there to remain without bail until the Judge be satisfied that the person has delivered up, accounted for, or paid over the books papers, chattels or moneys in question, in the manner directed by the majority of the trustees, or other competent authority as aforesaid ; upon proof of his having so done, the judge shall make an order for his discharge, and he shall be discharged accordingly ;

Other remedy not affected.

(5) No such proceedings shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. 54 V, c. 55 ss 201, (1-2), 202, 203, 204.

Penalty on trustees refusing information, etc, to auditor.

108. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of school corporation, or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any ratepayer, shall be punished by fine or imprisonment, as provided by this Act. 54 V. c. 55, s. 205.

Penalty for neglect to send half-yearly returns.

109. In case the trustees of any rural school section neglect to transmit to the county inspector, or on before the 30th day of June, and the 31st day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceeding, then the school section shall not be entitled to the apportionment from the school fund for the said six months, and the trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. 54 V. c. 55, s. 206.

Penalty for delaying yearly report.

110. In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their county inspector by the 15th day of January in every year, each of them shall, for every week after such 15th day of January, and until such report has been prepared and presented, for-

feit the sum of \$5 to be sued for by the county inspector, and collected and applied in the manner provided for by this Act. 54 V. c. 55, s. 207.

111.—(1) If any trustee of a public school knowingly signs a false report, or if any teacher of a public school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the public school fund of the municipality the sum of \$20 for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor ;

Penalty for false school reports and registers.

(2) If upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the Justice, be levied with costs by distress and sale of the goods and chattels of the offender, and shall be paid by the Justice to public school board. 54 V. c. 55, s. 208, (1-2).

Recovery by distress.

112.—(1) The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited by or lost to the school section in consequence of the neglect of duty of the trustees during their continuance in office. The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. 54 V. c. 55, s. 209 (1-2).

Trustees personally responsible for moneys lost.

GENERAL PROHIBITIONS.

113.—(1) No teacher, trustee, inspector, or other person officially connected with the Education Department, the normal, model, public, or high schools or collegiate institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever ;

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

(2) Any teacher who refuses to give up possession of any visitor's book, school register, schoolhouse key or any other school property in his possession shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees. 54 V. c. 55, s. 210 (1-2).

Refusal to give up key, etc.

HOW FINES AND PENALTIES MAY BE RECOVERED.

114.—(1) Unless it is in this act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced with costs,

How penalties under this Act shall be recoverable.

by and before any Police Magistrate or Justice of the Peace having jurisdiction within the municipality in which such fine or penalty has been incurred ;

(2) If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected with costs, by distress and sale of the goods and chattels of the offender, and shall be by the Police Magistrate or Justice paid over to the school treasurer of the school section, city, town, or village, or other party entitled thereto ;

(3) In default of such distress, the Police Magistrate or Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavoring to collect the same, are sooner paid. 54 V. c. 55, s. 211 (1-3).

CONFIRMING AND SAVING CLAUSES.

School lands granted before 1850 vested in trustees for school purposes.

115. All lands which previous to the 24th day of July 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by said trustees and their successors upon the like trusts and subject to the same conditions and estates upon or subject to which the said lands are now respectively held. 54 V. c. 55, s. 212.

Law as to Roman Catholic Separate Schools not affected.

116. Chapter 57 of the Statutes passed in the 58th year of Her Majesty's reign, are hereby repealed, but such repeal shall not in any manner or for any purpose be deemed or taken to alter, vary, affect or repeal any provision of law relating to Roman Catholic Separate Schools or the supporters thereof. Chapter 57 of an Act passed in the twenty-first year of Her Majesty's reign is also repealed.

FORM A.

(Section 117.)

FORM OF SCHOOL DEBENTURE.

PROVINCE OF ONTARIO.

§
Debenture of the *of* *County of* *No.*
School Loan.

The corporation of the of hereby promises to pay to Bearer at the Bank of , at the sum of dollars, lawful in money of Canada year from the date hereof; and to pay interest at the rate of per cent. per annum, half-yearly, to the Bearer of the annexed coupons respectively, upon the presentation thereof at the said Bank.

Issued at , this day of 18 , by virtue and under the authority of *The Public Schools Act, 1891*, of Ontario, and pursuant to By-law No. of said of , passed on the day of A.D. 18 , intituled "A By-law to raise by way of loan the sum of dollars for the purpose therein mentioned" (*or as the case may be*).

A. B., Reeve or Mayor.

C. D., Treasurer.

COUPON No.

The Corporation of the of will pay the Bearer at the Bank of , at , on the day of , the sum of dollars, interest due on that day on Debenture No. *C. D., Treasurer.*

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act Consolidating and Revising the
Public Schools Acts.

First Reading: 24th February, 1896.

Mr. ROSS.

TORONTO:

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

An Act Consolidating and Revising the Public Schools Acts.

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

1. This Act may be cited as "*The Public Schools Act, 1896.*" Short title.
 2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears.
 1. "Teacher" shall mean any person holding a legal certificate of qualification; "Teacher."
 2. "County" shall include a union of counties; "County."
 3. "Township" shall include unions of townships made for municipal purposes; "Township."
 4. "School site" shall mean such area of land as may be necessary for the school house, teacher's residence, caretaker's residence, offices and playgrounds connected therewith; "School site."
 5. "School section" shall mean the municipality or any portion thereof, or any portion of two or more municipalities under one public school corporation; "School section."
 6. "Owner" shall include a mortgagee, lessee or tenant, or other person entitled to a limited interest, and whose claims may be dealt with by arbitration as herein provided; "Owner."
 7. "Ratepayer" shall mean any person entered on the last revised assessment roll of the school section for public school rates; "Ratepayer."
 8. "Board of trustees" shall include a board of education in all cases of a union between public and high school trustees. "Board of trustees."
- 54 V. c. 55, s. 2 (1-8).

9. "Urban municipality" shall mean a city, town or incorporated village. (*New.*)

Application of regulations under 54 V. c. 54. **3.** All regulations made under the *The Education Department Act, 1891*, shall apply to any matter or thing in this Act contained, so far as the same may be consistent with this Act, though not specially referred to in any section thereof. 54 V. c. 55, s. 3.

No rate on supporters of Roman Catholic separate schools. **4.** Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools. 54 V. c. 55, s. 4.

Existing school arrangements continued. **5.** All boards of education, and all public school sections or other public school divisions, together with all elections of *trustees* and appointments to office, all agreements, contracts, assessments, and rate-bills heretofore duly made in relation to public schools, and existing when this Act comes into force, shall *continue* subject to this Act. 54 V. c. 55, s. 5.

PUBLIC SCHOOLS TO BE FREE.

Public schools to be free. **6.** All ~~the~~ schools established under this Act shall be called public schools and ~~be~~ shall be free schools, and every person between the age of five and twenty-one years shall have the right to attend some school. Pupils may attend kindergarten schools from four to seven years of age, ~~and~~ subject to such fees as to the trustees may seem expedient. ~~and~~

RELIGIOUS INSTRUCTION.

Religious exercises. **7.**—(1) No person shall require any pupil in any public school to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his or her parents or guardians.

(2) Pupils shall be allowed to receive such religious instructions as their guardians or parents desire, according to any regulations provided for the organization, government and discipline of public schools. 54 V. c. 55, ss. 10, 11.

CONTINUATION CLASSES.

Continuation classes in public schools where there is no high school. **8.**—(1) Subject to the regulations of the education department the school corporation of any municipality or section in which there is no high school shall have power to establish a continuation class for pupils who have completed the course of study prescribed for public schools and who have passed the public school leaving examination, and also to provide for such class suitable accommodation, and to impose such fees for tuition, upon the pupils in attendance who have passed the said

leaving examinations, whether residents or non-residents of the municipality, as they may deem expedient.

(2) The school corporation may admit to such continuation class pupils who have passed the entrance examination to a high school, but all such pupils who are residents of the municipality or section shall be exempted from tuition fees. Where non-residents are admitted such fees may be charged as the trustees may deem expedient.

Who may be admitted to continuation class.

(3) The course of study for continuation classes shall be the course prescribed for the primary examination of the education department. Teachers of continuation classes shall possess at least the qualifications of an assistant in a high school.

Course of study in continuation class.
Teachers.

(4) The Minister of Education may apportion to any school conducting continuation classes, out of any money appropriated by the Legislature for that purpose, a sum equal to the average amount per pupil paid by the Legislature towards the maintenance of high school pupils. The municipal council of any county may pay for the maintenance of such classes a sum equal to the legislative grant appropriated by the Minister of Education for such class or such further sums as may seem expedient.

Grant to school having continuation class.

SCHOOL CORPORATIONS.

9.—(1) The trustees of every school section shall be a corporation under the name of "The Board of Public School Trustees for School Section of the Township of in the County of " 54 V. c. 55, s. 7.

Trustees to be a corporation.

(2) For every rural school section there shall be three trustees, each of whom, in rotation, shall hold office for three years, and until his successor has been elected. The persons qualified to be elected trustees shall be such persons as are British subjects and resident ratepayers or farmers' sons, within the meaning of *The Municipal Act* of the full age of twenty-one years, not disqualified under this Act;

Trustees, term of office of.
Trustees, qualification of.

(3) No school corporation shall cease to exist by reason of the want of trustees, but in case of such want any two ratepayers of the section, or the inspector, may, by giving six days' notice, to be posted in at least three of the most public places of the section, call a meeting of the ratepayers, who shall proceed to elect three trustees, in the manner prescribed in section 13 and the following sections of this Act; and the trustees thus elected shall hold office in the manner prescribed by this Act;

Corporation not to cease by want of trustees.
Tenure of office.

(4) When the ratepayers of any school section, for two years neglect or refuse to elect trustees, the municipal council of the township may appoint trustees for the said school section, who shall hold office for the same term as if elected by the ratepayers; or the municipal council

Council may appoint trustees when no election.

Dissolution of school section on non-election of trustees.

may by by-law declare such section dissolved, and shall (in case of dissolution) attach the same, in such proportions as they may deem expedient, to adjoining sections. The assets of every section so dissolved shall be disposed of as may be determined by the municipal council. 54 V. c. 55, s. 28 (1-2).

BOARDS OF EDUCATION.

Unions of public and high school boards.

10.— The trustees of any public and high school may unite, ^{as} as provided in *The High Schools Act* for the management of the public and high schools of any municipality as one corporation, under the name "The Board of Education for the city, town, incorporated village or township of" (*as the case may be*). Boards of education shall have the power of both public and high school trustees.

RURAL PUBLIC SCHOOLS.

School sections in townships.

11.—(1) The municipal council of every township (except where township boards have been established), shall subdivide the township into school sections, so that every part of the township may be included in some section, and shall distinguish each section by a number; provided that no section formed hereafter shall include any territory distant more than three miles in a direct line from the school-house;

Assessors to value lands situated in each section.

(2) Where the land or property of any individual or company is situated within the limits of two or more school sections, the parts of such land or property so situated shall be assessed and returned upon the assessment roll separately, according to the divisions of the school sections within the limits of which such land or property is situate;

Area of new school sections.

(3) No section shall be formed which contains less than fifty children, between the ages of five and twenty-one years, whose parents or guardians are residents of the section, unless such section is more than four square miles in area, except in cases where such area cannot be obtained because of lakes or other natural obstacles.

Township clerk to prepare maps of school sections.

(4) It shall be the duty of every township clerk to prepare in duplicate, a school map of the township, showing the divisions of the township into school sections and parts of union school sections; to furnish one copy of such map to the county clerk, for the use of the county council, and retain the other in the township clerk's office, for the use of the township corporation. 54 V. c. 55, s. 12-13.

Proceedings on formation of new school section.

(5) Where a new school section is formed in any township the clerk of the township shall cause notice of the first annual meeting to be posted in three of the most public places in the new section, at least six days before the last Wednesday in December, in the year in which such new section was formed; and the first meeting in every new school

section shall be held at the same time and conducted in the same manner as the annual meeting in organized school sections. 54 V. c. 55, s. 29.

(6) At the first meeting in every new section the first trustee elected shall hold office for three years, the second for two years and the third for one year. In case of a poll being taken the trustees shall rank in seniority according to the number of votes polled. The casting vote of the chairman shall be counted as a vote in case of a tie. 54 V. c. 55, s. 30.

Term of office of trustees, first election.

12. Every ratepayer, of the full age of twenty-one years, who is a public school supporter of the section for which such person is a ratepayer and every person qualified to vote as a farmers' son under *The Municipal Act* shall be entitled to vote at any election for school trustee, or on any school question whatsoever.

Who may vote on school questions.

ANNUAL MEETING OF RATEPAYERS.

13.—(1) A meeting of the ratepayers of every section shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees.

Annual meeting, when held.

(2) In case, from the want of proper notice or other cause, any first or annual school meeting was not held at the proper time, the inspector, or any two ratepayers in the section may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school section; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Meetings to be called in default of first or annual meeting.

(3) The ratepayers of a school section present at any school meeting shall elect one of their own number as chairman to preside over its proceedings, and shall also appoint a secretary, who shall record the minutes of the meeting, and perform such other duties as may be required of him by this Act;

Order of business.

(4) The chairman shall submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order, subject to an appeal to the meeting.

Chairman, duties of.

(5) The business of every school meeting may be conducted in the following order:—(a) receiving the annual report of the trustees, and disposing of the same; (b) receiving the annual report of the auditor or auditors, and disposing of the same; (c) electing an auditor for the ensuing year; (d) miscellaneous business; (e) instructing the trustees by resolution, if deemed

Order of business.

expedient, to insure the school buildings and furniture; (f) fixing the remuneration if any to be paid the secretary-treasurer for attending to repairs and other duties assigned him by the board of trustees; (g) electing a trustee or trustees to fill any vacancy or vacancies. 54 V. c. 55, s. 17, 18, 19.

ELECTION OF RURAL SCHOOL TRUSTEES.

14.—(1) A poll may be demanded by any two ratepayers at any meeting for the election of trustees, or for the settlement of any school question, and such poll shall be granted by the chairman forthwith, if demanded, within ten minutes after the vote of the meeting has been declared from the chair;

Poll to be granted on application of two rate-payers.

Proceedings in case of a poll.

(2) When a poll is granted for the election of a trustee the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at the election within the time prescribed by this Act, and shall, in the column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter;

Entries in poll-book.

(3) When a poll is granted upon any public school question the name of each voter shall be similarly placed in separate columns, marked "for" or "against."

When voter is objected to.

(4) In case objection is made to the right of any person to vote at any school meeting, the chairman of the meeting, or other presiding officer, shall require such person to make the following declaration or affirmation:

Declaration.

(1) I, *A. B.*, do declare and affirm that I am an assessed ratepayer or farmer's son entitled to vote under *The Municipal Act* in school section No. .

(2) That I am of the full age of 21 years;

(3) That I am a supporter of the public school in said school section No.

(4) That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote. 54 V. c. 55, s. 20-22.

When poll shall close.

(5) The poll at every election of a rural school trustee or on any school question, shall not close before *twelve* o'clock noon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced; and when poll is closed the chairman and secretary shall count the votes polled for the respective candidates or for the school question submitted, as the case may be, and shall declare the candidate elected, or the school question adopted, for which

the highest number of votes was polled, or in case of a tie the chairman shall give the casting vote. 54 V. c. 55, s. 23.

(6) A correct copy of the minutes of the first and of every annual and of every special school meeting, and a copy of the poll-book where a poll has been taken (all of which shall be signed by the chairman and secretary), shall be forthwith transmitted by the chairman of the meeting to the county inspector. 54 V. c. 55, s. 31.

Copy of minutes to be sent to inspector.

(7) The secretary of every school meeting at which any person or persons were elected as school trustees shall forthwith notify in writing each of such persons of his election, and every person so notified shall be considered as having accepted such office unless a notice to the contrary effect has been delivered by him to the *chairman of the meeting* within twenty days after the date of the election. 54 V. c. 55, s. 24.

Acceptance of office by trustees.

(8) When complaint is made to the inspector by any rate-payer that the election of a trustee, or that the proceedings or any part thereof of any school meeting, have not been in conformity with this Act, the inspector shall investigate the same, and confirm or set the election or proceedings aside, and appoint the time and place for a new election, or for the reconsideration of the school question at issue, but no complaint in regard to any election or proceeding at a school meeting shall be entertained by any inspector unless made to him in writing within twenty days after the holding of the election or meeting. 54 V. c. 55, s. 32.

Complaints as to elections.

15. A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. A trustee of a rural school section may resign with the consent, expressed in writing, of his colleagues in office. A retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. 54 V. c. 55, ss. 25-27.

Term of vacancies.

Trustees may resign.

Re-election of any trustee lawful.

ORGANIZATION OF THE BOARD.

16. -(1) Every board of rural school trustees shall hold its first meeting at the school house of the section over which it has jurisdiction, on the Wednesday following the annual meeting, at the hour of 4 o'clock in the afternoon and shall be organized by the election of a chairman, a secretary and a treasurer or a *secretary-treasurer*. A majority of the board shall form a quorum. (*Amended.*)

Organization of board.

(2) It shall be the duty of the board of trustees at its first meeting to examine the school house, outbuildings and school furniture, maps and apparatus, with a view to ascertain what repairs or improvements may be necessary, and to make suitable provision for lighting fires and keeping the school house and premises in a cleanly and sanitary condition by appointing

Inspection of school property at first meeting of board.

some person for that purpose. Subsequent meetings *shall be held* as the board may deem expedient. (*New.*)

Security to be given by secretary-treasurer.

17.—(1) The *treasurer* or secretary-treasurer, who may be a member of the board, shall give such security as may be required by a majority of the trustees—such security to be deposited with the clerk of the municipality;

~~2~~(2) The treasurer or *secretary-treasurer* shall receive all school moneys collected from the ratepayers or other persons and shall account for the same and shall disburse all moneys as directed by the trustees. He shall produce when called for by the trustees, auditors or other competent authority, all papers and money belonging to the corporation.~~2~~

(3) Where the majority of a board of trustees refuse or neglect to take security from the *treasurer* or secretary-treasurer on the demand of any trustee (such demand being duly entered on the minutes) such trustee shall be relieved from all personal liability in case of the default of such *officer*. (*New.*)

Compensation of secretary-treasurer.

(4) The *secretary* or secretary-treasurer may be allowed such compensation for his services or for attending to the repairs of the schoolhouse or premises as shall be agreed upon by resolution of the annual meeting duly entered on the minutes. 54 V. c. 55, s. 33 (1-3).

Duties of secretary-treasurer.

18. It shall be the duty of the *secretary* or secretary-treasurer:—

Minutes of meetings.

(1) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee;

Calling special meetings.

(2) To call, at the request in writing of two trustees, or on the petition of ten ratepayers, a special meeting of the board of trustees. 54 V. c. 55, s. 34 (1-5).

Names and addresses of trustees and teachers to be given to township clerk.

(3) To give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the township, of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and to give reasonable notice in writing from time to time of any changes therein.

Filling vacancies in board.

(4) To give the notice required by this Act of each annual school meeting of the ratepayers of the section; to call a special meeting of the ratepayers when *directed* by the trustees, or on the petition of ten ratepayers, for filling any vacancy in the board of trustees occasioned by death, removal, or other cause; or for the selection of a new school site; or the appointment of a school auditor; or any other lawful school purpose; and to cause notices of the time and place, and of the objects of such meeting, to be posted in three or more public places of the section, at least six days before the time of holding such meeting.

Notice.

(5) To cause to be prepared for the annual meeting of the ratepayers, a report for the year then ending, containing, among other things, a summary of the proceedings of the trustees during the year, together with a detailed account of all school moneys received and expended on behalf of the section, for any purpose whatsoever, during such year. Such report shall be signed by the trustees and by either or both of the school auditors of the section. Report at annual meeting.

(6) To transmit to the inspector the semi-annual returns on or before the 30th day of June and 31st day of December respectively, and the annual return on or before the fifteenth day of January in each year according to the forms prescribed by the Education Department. 54 V. c. 55, s. 34, 40 (10)(13). Annual and semi-annual returns.

19. No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding on any person affected thereby, unless notice of such meeting has been given to the trustees by the secretary, or by one of the trustees to the others either personally or in writing, and unless a minute of such act or proceeding is made in writing and signed by two of the trustees. 54 V. c. 55, s. 35, 36. Corporate acts must be adopted at lawful trustee meetings.

20. The ratepayers of any rural school section may by resolution at the annual or any special meeting, authorize the trustees to provide for the admission of the pupils of such section to the schools of any adjoining city or town, subject to the approval of the Minister of Education and the trustees of such city or town, and such arrangement so approved shall be taken in lieu of the accommodation which trustees are required by this Act to make for the pupils of the section. In such cases it shall be lawful for the trustees to levy and collect upon the taxable property of the section such sums as may be necessary to pay the fees of pupils attending the schools of the city or town, and also such other sums as they may deem expedient, or as may be required by this Act. The average attendance of the pupils belonging to such section at such schools shall be taken by the inspector as the basis on which to divide any grants authorized by the Legislature to be paid to the township to which such section belongs. (New.) Providing for admission of pupils from rural school section to urban schools.

AUDITORS.

21.—(1) Every board of rural school trustees shall, on or before the first day of December, appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the inspector shall at the request in writing of any two ratepayers make the appointment; Appointment of auditors.

Trustees and secretary-treasurer to lay accounts, etc., before auditors.

(2) The trustees, or their secretary-treasurer shall lay all their accounts before the school auditors of the section, or either of them, together with the agreements, vouchers, contracts and books in their possession, and the trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditure of school moneys ;

Time of audit.

(3) The auditors appointed, or one of them, shall, on or immediately after the first day of December in each year, appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. 54 V. c. 55, s. 37 (1-3).

Duties of auditors.

22. It shall be the duty of the auditors of every school section :—

1. To examine into and decide upon the accuracy of the accounts of the section, and whether the trustees have duly accounted for and expended for school purposes the moneys received by them, and to submit the said accounts, with a full report thereon at the next annual school meeting ;

2. In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the county inspector ;

3. If both of the auditors object to the lawfulness of any expenditure made by the trustees, they shall submit the matters in difference to the annual meeting, which may either determine the same, or submit the matter to the Minister of Education, whose decision shall be final. 54 V. c. 55, s. 38 (1-3).

Powers of auditors.

23. It shall be competent for the auditors or one of them :—

(1) To require the attendance of all or any of the persons interested in the accounts, and of their witnesses, with all such books, papers, and writings as the auditor or auditors may direct them, or either of them, to produce ; and to administer oaths to such persons and witnesses ;

(2) To issue their or his warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid ; and the person named in the warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs by seizure and sale of the property of the party or corporation against whom the same has been issued, as any bailiff of a Division Court has in enforcing a judgment and execution issued out of such Court ;

(3) The auditors shall remain in office until their audit is completed. 54 V. c. 55, s. 39 (1-4).

SECTIONS IN UNORGANIZED TOWNSHIPS.

24.—(1) In unorganized townships in any county or district, the public school inspector of the county or district may form a portion of a township, or of two or more adjoining townships, into a school section ; (*Amended.*) Formation of school sections.

(2) No section shall, in length or breadth, exceed five miles in a straight line, and, subject to this restriction, the boundaries may be altered by the inspector from time to time, and the alteration shall go into operation on the 25th day of December thereafter ; provided no school section shall be formed except on the petition of five heads of families resident therein. Limits of section.

(3) Any person whose place of residence is at a distance of more than three miles in a direct line from the site of the schoolhouse of the section shall be exempt from all rates for school purposes, unless a child of such ratepayer shall attend such school ; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within the distance of three miles. Exemption from rates on account of distance.

(4) After the formation of a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section. Election of school trustees.

(5) The trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have the powers and be subject to all the obligations of public school trustees generally. 54 V. c. 55, s. 41-44. Trustees' powers and obligations.

REVISION OF ASSESSMENT ROLLS.

25.—(1) The Secretary-Treasurers of all boards of public school trustees in unorganized townships shall be, *ex officio*, members of a Court of Revision, and three of whom, acting together, shall be a legally constituted Court for the revision and correction of school section assessment rolls, and for the hearing and settlement of any appeals against the same. The members of such Court shall be paid reasonable travelling expenses by their respective boards of trustees for attendance as a Court of Revision ; Court of Revision.

(2) The inspector of schools for the district shall divide the school sections into groups of three sections in every group, and shall notify the secretary-treasurers of the sections concerned of the group to which they respectively belong. Such grouping may be changed from year to year as the inspector may direct. (*Amended.*) Sections to be divided into groups.

When inspector to act as Court of Revision.

(3) In every case where from the sparseness of settlements, it would be inconvenient for a Court of Revision as herein constituted to meet for the revision and equalization of the assessment roll, it shall be lawful for the inspector, on the request of any board of trustees, to assume the functions of such Court of Revision for the section on behalf of which such request is made, and all the proceedings of the inspector in the matter of the revision or correction of the assessment roll, shall be subject to the provisions of this Act, and shall have the same effect as if made in a Court of Revision. 54 V. c. 55, s. 44 (2-4).

Annual assessment roll.

26.—(1) The trustees of all school sections in unorganized townships shall, annually, appoint a duly qualified person to make out an assessment roll for the section, the secretary-treasurer of which shall submit a certified copy of the same to the proper Court of Revision for the correction of errors or improper entries that may be found therein.

Assessor to make oath.

(2) The person appointed for preparing such assessment roll shall be subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable property in such school section, and shall, before returning his assessment roll to the secretary of the school section, attach thereto a certificate signed by him and verified upon oath or affirmation according to the form prescribed in *The Assessment Act*.

Appeal against assessment.

(3) A copy of the roll as corrected shall be open to inspection by all persons interested, at some convenient place in the section, notice whereof, signed by the secretary-treasurer of the section, shall be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Court will hear appeals against said assessment roll, and such notice shall be posted as aforesaid by the trustees for at least three weeks prior to the time appointed for hearing the appeals ;

Manner of appeal.

(4) All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Court of Revision, as constituted according to section 25, shall have the same powers as ordinary municipal Courts of Revision ;

Confirmed roll binding.

(5) The annual roll, as finally passed and signed by the chairman of the Court of Revision, shall be binding upon the trustees and ratepayers of the section, until the annual roll for the succeeding year is passed and signed as aforesaid ;

Appeals in unorganized township.

(6) Where any township under the jurisdiction of a township board is unorganized, appeals against its certified assessment roll, shall be made to the Stipendiary Magistrate or Judge of the district or county, who has jurisdiction in other matters therein.

(7) In forming union school sections between and out of an organized township municipality and an unorganized township or locality within any territorial or judicial district, it shall be lawful for such union school section to be formed or altered according to the provisions of this Act, except that the Inspector shall act for the unorganized township or locality, and the Reeve of the organized township for his township. 54 V. c. 55, s. 45-50. Union school sections.

27.—(1) In any portion of the Province not surveyed into townships, the inhabitants thereof who are twenty-one years of age, may at a public meeting called for that purpose, elect three of their number to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of *this Act*. Schools in unorganized townships.

(2) On receipt of notice by the Education Department signed by the trustees so elected, that a public school has been established and suitable accommodation provided for public school purposes, the Minister of Education may pay over to the trustees out of the appropriation made by the Legislature for public schools such sum of money for their maintenance as may be approved by the Lieutenant-Governor in Council. (*New*). Notice to the Minister of Education.

28.—(1) The trustees may appoint some fit and proper person, or one of themselves, to collect the rates imposed by them upon the ratepayers of their school section, or the sums which the inhabitants or others may have subscribed, or a rate-bill imposed on any person; and may pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every collector shall give such security as shall be satisfactory to the trustees, which security shall be lodged for safe keeping with the inspector by the trustees. Appointment and duties of school collector.

(2) Every collector shall have the same powers in collecting the school rate, rate-bill, or subscriptions, and shall be under the same liabilities and obligations, and proceed in the same manner in the school section or township, as a township collector does in his municipality, in collecting rates in a township or county, as provided in the municipal and assessment Acts from time to time in force. Powers and liabilities of school collector.

TOWNSHIP BOARDS.

29. In municipalities composed of more than one township, but without county organization, it shall be optional with the municipal councils thereof to form portions of the townships comprising the municipality into school sections, or to establish a board of public school trustees, two members being Boards in municipalities without county organization.

elected for each ward, and if not divided into wards, two for each township thereof, and such board shall possess all the powers and duties of township boards, and shall also, upon the petition of at least five heads of families, provide school accommodation and a teacher for their children and others. 54 V. c. 55, s. 51-53.

Petition for repeal of by-law and for reforming sections.

55 V., c. 42.

30.—(1) In case twenty ratepayers in more than one-half of the school wards of the township petition the township council to submit a by-law to the vote of the ratepayers of the township for the repeal of any by-law under which a township school board was established a by-law shall be submitted to such vote accordingly, and the proceedings shall be in conformity with *The Municipal Act*, except that the vote shall not be by ballot; and in case in the majority of such wards the majority of the votes are for such repeal, the township council shall pass a by-law to disestablish such township school board and form school sections instead thereof; but no repeal shall take effect until the twenty-fifth day of the month of December next following the voting upon the by-law for that purpose;

Adjusting claims.

(2) The council shall, in the same or by another by-law, appoint the inspector jointly with two other competent persons, not residents of the township, and they or any two of them shall, in a report to the council, value the schoolhouses, school sites, and other school property which may thereupon become the property of each school section, and shall also adjust and settle the respective rights and claims consequent on such repeal between the respective school sections, or between any school section, and the township, and all payments to be made by or to any of them. 54 V. c. 55, s. 63

RURAL SCHOOL SITES.

New sites.

31.—(1) The trustees of every rural school section shall have power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the ratepayers of the section to consider the site selected by them; and no site shall be adopted, or change of school site made, except in the manner hereinafter provided, without the consent of the majority of such special meeting;

When trustees and ratepayers disagree.

(2) In case a majority of the ratepayers present at such special meeting differ as to the suitability of the site selected by the trustees, each party shall then and there choose an arbitrator, and the county inspector, or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them;

Award.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least five years from the date thereof. 54 V. c. 55, ss. 64-66.

Recons deration of award.

32.—(1) If the owner of the land selected for a new school site, or required for the enlargement of school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of any section, then such owner and the trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the inspector, or in case of his inability to act, any person appointed by him on his behalf as third arbitrator, or any two of them, shall appraise the damages for such land ;

When owner refuses to sell

(2) If the majority of the school trustees, or the majority of a public school meeting, neglects or refuses, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in this Act, or if the owner of land selected as a school site, neglects or refuses to appoint an arbitrator, it shall be competent for the inspector with the arbitrator appointed, to meet and determine the matter ; and the inspector in case of such refusal or neglect, shall have a second or casting vote if he and the arbitrator appointed do not agree ;

Appointment of arbitrators —their powers

(3) If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of the adjournment ;

Proceedings where an arbitrator is absent.

(4) The arbitrators aforesaid, or any two of them, shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner, in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights ;

Additional powers of arbitrator.

(5) Upon the tender of payment of the amount of such damage to the owner or other person entitled thereto, or of any part of such amount, by the school trustees, the land shall be taken and used for the purpose aforesaid. 54 V. c. 55, ss 67-70.

Taking land

33.—(1) Any award for a school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in

Award to constitute title.

it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on the affidavit of the secretary-treasurer of the board of trustees verifying the same;

Cost of arbitration.

(2) The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision, or of the arbitrators. 54 V. c. 55, ss. 71, 72,

Selection of school site.

34.—(1) A school site shall not be selected in a township within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner of the site without his consent. 54 V. c. 55, s. 73.

Fence.

(2) Any wall or fence deemed necessary for the enclosure of the school premises shall be erected and maintained by the board of trustees at the expense of the school section. (*New.*)

Enlargement of school site.

35. Where the area of a school site is less than is required by the regulations of the Education Department the trustees may, without reference to a special meeting of the ratepayers, enlarge the same, but no such enlargement shall be made in the direction of, or including an orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged. 54 V. c. 55, s. 74.

Who may convey school sites.

36.—(1) All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femes-coverts, or other person, seised, possessed of or interested in any land, may contract for, sell or convey all or part thereof to school trustees for a school site or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act;

Remedy in case of absence of owner.

(2) If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county and that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such time as

he sees fit in some newspaper published in the county; and he may in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit;

(3) The notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the County Judge may direct;

What notice shall contain.
Arbitrators.

(4) If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property. 54 V. c. 55, ss. 75-78.

Judge may appoint arbitrator.

37.—(1) Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land, any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party. 54 V. c. 55, s. 79.

Responsibility of trustees as to compensation.

(2) If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the High Court, or in such other manner as the Inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on an affidavit of the secretary-treasurer of the board of trustees verifying the same. 54 V. c. 55, s. 80.

In case of incumbrance.
Deposit of compensation money.
Award to be registered.

ALTERATION OF SCHOOL BOUNDARIES.

Powers of
Township
Councils.

Union of ex-
isting sections.

Alteration,
etc., of school
sections.

By-law for
altering school
sections.

When part of
section is
added to city
or town.

38. Every township council shall have power:—

1. To pass by-laws to unite two or more sections in the same township into one, in case at a public meeting in each section called by the trustees or inspector for that purpose, a majority of the ratepayers present at each of such meetings request to be united;

2. To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union respectively, have been duly notified, in such manner as the council may deem expedient, of the proposed proceeding for this purpose, or of any application made to the council to do so;

3. Any such by-law shall not be passed later than the first day of *June* in any year, and shall not take effect before the 25th day of December next thereafter, and shall remain in force, unless set aside as hereinafter provided, for a period of five years. The township clerk shall transmit forthwith a copy of such by-law and minutes relating thereto to the trustees of every school section affected thereby, and to the public school inspector. 54 V. c. 55, s. 81 (1-3)

4. When part of any school section has been added to a city or town by order of the Lieutenant-Governor in Council, the municipal council in which such section is situated may pass a by-law for the readjustment of the boundaries of the remaining portion of such section, notwithstanding the passing of a by-law within five years affecting the limits of such section or adjoining sections. 58 V. c. 57, s. 4.

APPEALS TO COUNTY COUNCIL.

Appeal to
County
Council.

39.—(1) A majority of the trustees, or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk appeal to the county council of the county in which such section or sections are situated, against any by-law of the township council for the formation, division, union or alteration of their school section or school sections; or against the neglect or refusal of the township council, on application being made to it by the trustees or any five ratepayers concerned, to alter the boundaries of a school section or school sections within the township;

(2) The time herein mentioned for appeal shall run from the date of the by-law complained of, or from the date of the meeting at which the council refused to pass such by-law,

or from the first meeting after which notice was received from the clerk of the application of the trustees or ratepayers asking for such by-law to be passed, as the case may be ;

(3) The county council may appoint as arbitrators not more than five, or less than three competent persons, two of whom shall be the County Judge, or some person named by him, and the county inspector, and a majority of whom shall form a quorum to hear such appeal and to revise, determine or alter the boundaries of the school section or school sections, so far as to settle the matters complained of ; but the alterations or determination of the said matters shall not take effect before the 25th day of December in the year in which the arbitrators so decide, and shall thence continue in full force for the period of five years at least, and until lawfully changed by the township council ;

Appointment of Arbitrators.

(4) No person shall be competent to act as arbitrator, who is a member of the township council, or who was a member at the time at which the council passed, or refused or neglected to pass the by-law or resolution ;

Who may act as Arbitrators.

(5) Due notice of the alterations or the determination of the said matters made by the arbitrators shall be given by the inspector to the clerk of the township, and to the trustees of the school sections concerned. 54 V. c. 55, s. 82 (1-5)

Notice.

40. On the formation, dissolution, division or alteration of any school section in the same township, in case the trustees of the sections interested are unable to agree, the county inspector and two other persons appointed by the township council as arbitrators, shall value and adjust in an equitable manner all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the township affected, and determine in what manner and by what portion or by whom the same shall be settled ; and the determination of the said arbitrators or any two of them shall be final and conclusive. 54 V. c. 55, s. 83.

Adjustment of claims between unions in same township.

41. In case a school site or school-house or other school property is no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of, in such a manner as a majority of the ratepayers in the altered or united school sections may decide at a public meeting called for that purpose ; and the ratepayers transferred from one school section to another shall be entitled, for the public school purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school-house or other public school property as the assessed value of their property bears to that of the other ratepayers of the school section from which they have been separated ; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other public

Disposal of school property when not wanted.

school purposes of such old section. In the case of united sections, the proceeds of the sale shall be applied to the like public school purposes of such united sections. 54 V. c. 55, s. 84.

UNION SCHOOL SECTIONS.

Unions existing 2nd March, 1877.

42. All school sections existing on the 1st day of January, 1896, and all union school sections which on that day existed in fact, and whether formed in accordance with the provisions of the law in that behalf or not, are to be deemed to have been legally formed, and shall continue to exist, subject, however, to the provisions of this Act so far as applicable as if they had been formed thereunder; and in cases where any union has before said date been adjudged by any court or judge to have been illegally formed, or where any proceedings were pending at said date on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the court or judge may award. 54 V. c. 55, s. 85.

What unions may be formed.

43. A union school section may be established between (a) parts of two or more adjoining townships, or (b) parts of one or more townships and an adjoining *urban municipality* and union school sections may be formed, altered or dissolved as follows:—

Procedure for formation, alteration or dissolution of union.

(1) On the petition of five ratepayers from each of the municipalities concerned, to their respective municipal councils, asking for the formation, alteration or dissolution of a union school section, each municipal council so petitioned may appoint an arbitrator (who must not be a member of the council), notice of which shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall be *ex officio* arbitrators;

Where even number of arbitrators appointed county judge to act.

(2) In cases where the person so appointed arbitrators would be an even number, the senior County Court Judge, or some person by him appointed to act in his behalf, shall be added, or in the case of an arbitration affecting two or more counties then the senior County Court Judge of the county having the largest population according to the last Dominion census, or some person by him appointed to act in his behalf shall be added;

First meeting of arbitrators.

(3) The first meeting of the arbitrators shall be called by the inspector representing the greatest number of schools, who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned;

Award what to contain.

(4) In case the arbitrators shall determine upon the formation of a new union section, or upon the alteration of the boundaries of an existing union school, they shall in their award set forth the specific parcels of land to be included in such new union school section, or in such altered section as the case may be. In the event of the transfer of any parcel

or parcels of land from an existing union section to some other section or sections the arbitrators shall in their award set forth to what other section or sections such transfer shall be made, and any such transfer shall be binding and operative for all school purposes till altered as provided by this Act ;

(5) In case the arbitrators shall determine upon the dissolution of an existing union they shall set forth in their award the section or sections to which the parcels of land comprising such union shall be attached for school purposes, and any such transfer of the parcels of land comprising a union school section to an adjoining section or sections shall be binding and operative till the boundaries of such section or sections are altered as provided by this Act ;

(6) Where the arbitrators find that it would be in the interest of the parties concerned, and where in their opinion it is practicable so to do, they may at their discretion form part of the territory of any union section into a non-union section, or form a new union, and in such cases they shall indicate the parcels of land of which such union or non-union section shall be composed. The remainder of the union section shall be disposed of as hereinbefore provided ;

(7) When a new union school section is formed or an existing union school section altered the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection and maintenance of the school and other requisite expenses, and such determination shall be binding for a period of three years ;

(8) In any award made under this section the arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of union sections between the respective municipalities, school sections and *ratepayers* concerned, and shall also determine in what manner and by what municipality or municipalities, or what portions thereof the same shall be paid and the sum of money to be paid by one portion of the municipalities or school sections concerned to the union schools so formed or altered, and the disposition of the property of the union and any payment by one portion to the other^{and} and the right of any ratepayer affected by the award,^{and} and such valuation, adjustment and determination shall form and be considered an integral portion of their award, and shall be binding on the municipalities and school sections concerned, subject to this Act ;

(9) When a new union school section is formed by arbitration, as herein provided, the inspector authorized under subsection 3 to call the first meeting of the arbitrators, shall call the first meeting for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act ;

(10) Such union, alteration or dissolution shall not take effect until the 25th day of the month of December, after the award of the arbitrators or a certified copy thereof is filed with the clerks of the municipalities concerned ;

(11) No union school section shall be altered or dissolved for a period of five years after the award of the arbitrators has gone into operation, whether such award did or did not change the boundaries of existing sections, but nothing herein contained shall be construed as restraining any municipal council from enlarging the boundaries of any union school section from time to time as may be deemed expedient. 54 V. c. 55, ss. 86, 87 (1-11). (*Amended.*)

Appeal relating to union school within a county.

44. When the territory which it is proposed to form into a union school or when the union school section which it is proposed to alter or dissolve, lies wholly within a county the trustees or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council against any award made by the arbitrators either for *or against* the formation, alteration or dissolution of such section, or against the neglect or refusal of the township council or councils concerned to appoint arbitrators, as provided in section 43 of this Act, and on receipt of such appeal the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 43, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the county clerk. 54 V. c. 55, s. 88.

Appeal relating to union school within two or more counties.

45. When the territory which it is proposed to form into a union school or when the union school section which it is proposed to alter or dissolve, lies partly within two or more counties, the trustees or any five ratepayers in the territory or union school section concerned, or the inspector or inspectors, may within one month after the making thereof appeal against any award made by arbitrators for *or against* the formation, alteration or dissolution of such section, or against the refusal or neglect of the township council or councils concerned to appoint arbitrators, to the Minister of Education, who shall have power to alter, determine or confirm such award, or where no award was made, then at his discretion to appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 43 of this Act, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the Minister of Education. 54 V. c. 55, s. 89.

46. The school rates of every union section shall be collected by the collectors of the municipality in which each part of the union section is respectively situate, and the amount collected from the several ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and such treasurer shall pay over the same without any charge or deduction to the trustees entitled thereto. 54 V. c. 55, s. 90.

47. When any township municipality is divided by Act of the Legislative Assembly for municipal purposes, all school sections which may, by such division, be situated partly in each of the newly formed municipalities, shall be deemed union sections until otherwise altered under the provisions of this Act. 54 V. c. 55, s. 91.

48. Every union school section shall, for the election of trustees, be deemed one school section, and shall be considered in respect to inspection as within the municipality in which the school-house is situated, or if there be two or more school-houses then in the municipality having the largest amount of assessed property. 54 V. c. 55, s. 92.

UNIONS WITH URBAN MUNICIPALITIES.

49.—(1) In case a portion of the territory composing one or more school sections becomes incorporated as an *urban municipality*, the boundaries of such school section or sections shall continue in force and shall be deemed a union school section, and the provisions of this Act respecting the election of public school trustees in *urban municipalities* shall apply thereto until such union is altered or dissolved as provided by this Act. (*Amended.*)

(2) In the case of an *urban municipality* divided into wards to which a part of an adjoining township or townships is attached for school purposes, the board of trustees of such union school section shall by resolution determine in which ward or wards the ratepayer of the township shall vote for the election of school trustees and at elections on other school questions and in case of no such resolution, then such portion of the township shall be considered for all election purposes as attached to the ward or wards adjacent. 54 V. c. 55, s. 92 (1-2).

50.—(1) When any portion of a township municipality is annexed to an *urban municipality* by proclamation, the portion so annexed shall for all school purposes be deemed to be part of such city or town, provided always that when the portion annexed does not include the whole of any contiguous school section, the respective municipalities shall, unless determined by mutual agreement

between themselves after such annexation, each appoint an arbitrator who, with the senior County Judge of the county, shall value and adjudge in an equitable manner the rights and claims of all parties affected by such annexation, and shall determine by what municipality or portion thereof, the same shall be adjusted, paid or settled.

(2) The award of the arbitrators shall be final and conclusive, and the money found due, either by mutual agreement or under the award, shall be deemed money for school purposes and the provisions of section 70 of this Act shall not apply to the money so required to be paid under the award or mutual agreement, and a debenture or debentures may issue to be payable out of the taxable property of that part of the school section remaining in the indebted municipality, upon a requisition of the trustees of said school section, without calling a special meeting of the electors, and upon the terms and conditions set forth in a by-law of the said municipality, anything in this Act to the contrary notwithstanding. 54 V. c. 55, s. 94.

Adjustment of assets and liabilities upon union of municipalities.

(3) In all cases in which two municipal corporations are united by proclamation or by any Act of the Legislative Assembly, all the assets and liabilities of *each* school corporation *respectively* shall be assumed by the school corporation of the united municipality. 55 V. c. 60, s 5.

EQUALIZATION OF UNION SCHOOL ASSESSMENTS.

Assessors to determine proportion.

51.—(1) Once in every three years the assessors of the municipalities in which a union school section is situated, shall, after they have completed their respective assessments and before the first day of July meet and determine what proportion of the annual requisition made by the trustees for school purposes shall be levied upon and collected from the taxable property of the respective municipalities out of which the union school section is formed. Notice of such determination shall be given forthwith to the secretary-treasurer of the union school section concerned ;

Arbitration where assessors disagree.

(2) In the event of the assessors disagreeing as to such proportion, as aforesaid, the inspector in whose district the union school section is situated shall name an arbitrator who, with the assessors aforesaid shall determine the said matter and report the same to the clerks of the respective municipalities, and the decision of a majority shall be final and conclusive for the period of three years ;

When school section lies in two counties.

(3) When the union school section is composed of portions of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the schoolhouse of the union section is situated shall name an arbitrator, and the decision of a majority shall be final and conclusive for the period of three years ;

(4) The meeting of the assessors, for the purposes herein set forth, shall be called by the assessor of the municipality in which the schoolhouse of the union section is situated; Meeting of assessors to determine proportion.

(5) The assessors or the assessors and arbitrator appointed as herein required may, at the request of the inspector or five ratepayers, within one month after the filing thereof with the clerk reconsider their award, and alter or amend the same so far as to correct any omission or error in the terms in which such award is expressed. 54 V. c. 55, s. 95 (1-5). Reconsideration of award.

52.—(1) Any by-law of a municipality for forming, altering or dissolving a school section or sections, and any award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding for a period of at least five years notwithstanding any defect in substance or form, or in the manner or time of passing or making the same, unless notice to quash such by-law or to set aside such award is filed in the office of the township clerk within one month of the publication of such by-law or award; By law altering sections to be valid unless notice to quash given.

(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary or secretary-treasurer of each board of trustees affected thereby. 54 V. c. 55, s. 96 (1-3). What deemed publication of by-law.

URBAN SCHOOL BOARDS.

53.—(1) Every board of public school trustees in *urban municipalities*, elected as provided by this Act shall be a corporation by the name of "The Public School Board" (prefixing to the words "Public School Board" the name of the city, town or incorporated village for which such trustees are elected), and shall have and possess all the powers usually possessed by corporations, so far as the same are necessary for carrying out the purposes of this Act. Board to be a corporation.

(2) Any ratepayer who is a British subject and resident in the municipality of the full age of twenty-one years who is not a member of the municipal council shall be eligible to be elected a public school trustee, and every trustee shall continue in office until his successor has been elected and the new board organized. This sub-section shall not apply to any person now serving as public school trustee or as a municipal councillor till his present term of office as trustee has expired. 54 V. c. 55, secs. 97-98. Who may be elected trustees.

54.—(1) In case any unincorporated village becomes incorporated, or in case a village or town changes its corporate status, the trustees having jurisdiction over the school property situated within such village, or town, prior to its incorporation or prior to the change of its corporate status shall exercise all the powers conferred by this Act upon the trustees of *urban municipalities*, until a new election of trustees is held, First election of trustees.

and such trustees shall call a meeting of the ratepayers of such *urban municipality* within one month after the date of such incorporation for the election of a new public school board ;

(2) In calling the meeting of the ratepayers of such newly incorporated *urban municipality*, the provisions of section 57 of this Act shall be complied with so far as the same are applicable, Where the trustees of the municipality whose corporate status was changed were elected by ballot, the provisions of section 58 of this Act shall apply to the election of trustees in such newly incorporated *urban municipality*. 54 V. c. 55, s. 99 (1-2)

Trustees in city, etc., divided into wards.

55.—(1) For every ward into which any *urban municipality* is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected and the new board organized ;

(2) One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school meeting, and the other shall continue in office one year longer and then retire, after which one trustee shall be elected annually for each ward ;

(3) When any town or incorporated village is annexed to a city, the town or incorporated village so annexed, shall for all the purposes of this Act, be deemed to be part of the city. 54 V. c. 55, s. 100 (1-3).

(4) The provisions of this section shall not be held to invalidate or make void section 10 of the Act passed in the 54th year of Her Majesty's reign, chaptered 82, relating to the city of Toronto, but the said section 10 and the sub-sections thereof shall be read and construed as if incorporated in this Act.

Trustees in villages not divided into wards.

56.—(1) In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected and the new board organized;

(2) Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire ; after which three trustees shall be elected annually. 54 V. c. 55, s. 101 (1-2).

ANNUAL ELECTION OF TRUSTEES.

Provisions for elections of trustees.

57. The annual and other elections of public school trustees, unless otherwise ordered, as provided by section 58 of this Act, shall be subject to the following provisions :—

(1) A meeting of the ratepayers for the nomination of candidates for the office of public school trustee, shall take place at noon on the last Wednesday in the month of December, annually, or if a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the public school board, and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit. Nominations.

(2) The public school board shall by resolution before the second Wednesday in December each year name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and also for holding the election in case of a poll, and in case of the absence of such officer the chairman chosen by the meeting shall preside, and the public school board shall give at least six days' notice of such meeting. Returning Officer.

(3) If at such meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall so notify the secretary of the public school board; but if two or more candidates are proposed for any one office and a poll in respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, or if a holiday, then to the day following, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined by resolution of the trustees; Proceedings at nominations.

(4) The polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled; Hours of polling.

(5) In *urban municipalities*, and in townships where public school boards exist, the clerk of the municipality shall furnish to the public school board, within three days after request in writing, 'The Voters' List,' of such municipality, together with a supplementary list either printed or in writing of the names of persons being supporters of separate schools, and also a list of the names, alphabetically arranged, of all ratepayers not being already upon 'The Voters' List.' In cities and towns divided into wards, clerk of municipality to furnish Voters' List to Public School Boards

(6) The public school board shall provide each polling place with the list aforesaid, and also a poll book; and at every election at which a poll is demanded, the returning officer or person presiding, or the poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at Certified copy of list and a poll book to be provided for each polling place. Entries in Roll Book.

the election, and shall, in each column on which is entered the name of a candidate voted for by a voter set the figure '1' opposite the voters name, with the residence of the voter ;

Duty of re-
turning officer
after close of
election. (7) The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary or secretary-treasurer of the public school board, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer ;

Duty of sec-
retary. (8) The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them respectively in said election.

Casting vote. (9) In case two or more candidates have an equal number of votes, the member of the board present at the first meeting thereof after such election and before the organization of the board, who is assessed highest as a ratepayer on the last revised assessment roll, shall give a vote for one or more such candidates, so as to decide the election. 54 V. c. 55 s. 102 (1-9.)

ELECTION BY BALLOT.

Elections of
trustees on
same day as
municipal
elections. **58.**—(1) The board of public school trustees of any *urban municipality* or township, may, by resolution of which notice shall be given to the clerk of the municipality on or before the first day of October in any year, require the election of school trustees for such *urban municipality*, or township, to be held by ballot on the same day as municipal councillors, or aldermen are elected, as the case may be. In like manner any board of trustees may discontinue the use of the ballot in trustee elections on giving notice to the clerk of the municipality to that effect at the time hereinbefore mentioned, and thereafter elections for the purposes of this Act shall be conducted as provided in section 57 of this Act.

Trustees may
discontinue
use of ballot
at elections. (2) Where any board of trustees requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time, then the provisions of section 57 shall apply for a period of three years at least after such discontinuance ;

Ballot not to be
discontinued
or resumed for
three years
after the
change. (3) In every case in which notice is given as aforesaid requiring the election of public school trustees to be held by ballot, such election shall thereafter be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nomin-

Mode of con-
ducting elec-
tions by ballot.

ations and elections of aldermen or councillors are conducted ; and the provisions of *The Municipal Act* respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies, and declarations of office, shall *mutatis mutandis* apply to the election of public school trustees ;

(4) A separate set of ballot papers shall be prepared by the clerk of the municipality for all the wards or polling subdivisions, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors or aldermen, except the substitution of the words "school trustee" for councillors or aldermen, as the case may be ; and no ballot shall be delivered to any person who is entered on the list of voters as a supporter of separate schools.

(5) In case any objection is made to the right of any person to vote at any election of school trustees the deputy returning officer shall require the person whose right of voting is objected to, to make the following oath or affirmation :—

You swear (or solemnly affirm) that you are the person named or purporting to be named, in the list (or supplementary list) of voters now shewn to you (*showing the list to voter*) ;

That you are a ratepayer ;

That you are of the full age of twenty-one years ;

That you are a public school supporter ;

That you have not voted before at this election, either at this or any other polling place in this Ward or in this Municipality (*where the municipality is not divided into wards*) for School Trustee ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election : So help you God ; 54 V. c. 55, s. 103 (1-6).

59. In case the office of trustee becomes vacant from any cause, the remaining trustees shall, ^{and} except as provided in next sub-section, ^{and} forthwith hold a new election in the manner provided by this Act for the annual election of trustees to fill such vacancy, and the person thereupon elected shall hold his seat for the remainder of the term for which his predecessor was elected. 54 V. c. 55, s. 104.

(1) In the case of an urban municipality should such vacancy occur within three months of the expiry of the term of office, the remaining trustees may allow the office to remain vacant until the next ensuing election.

CONTESTED ELECTIONS.

Judge of
County Court
to receive and
investigate
complaints.

60.—(1) Any complaint respecting the validity or mode of conducting the election of school trustees in any urban municipality shall be made to the Judge of the County Court within twenty days after such election, who shall, within a reasonable time, in a summary manner, hear and determine the same; and may cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such persons to appear before him as he may deem expedient.

(2) The Judge may confirm the election or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted; and, in case the Judge determines that no person was duly elected, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the public school board; 54 V. c. 55, s. 105.

First meeting
of Board.

61.—(1) Every urban board of school trustees shall hold its first meeting in each year on the third Wednesday in January, or if a board of education, then on the first Wednesday in February, at the hour of seven o'clock in the afternoon, or at such other hour and place on the same day as may have been fixed by resolution of the former board.

President at
first meeting.

(2) At such meeting the secretary of the board shall preside at the election of chairman, or, if there be no secretary, the members present shall appoint one of themselves to preside at such election, and the member so appointed to preside may vote as a member;

Casting vote.

(3) In case of an equality of votes at the election of chairman the member who is assessed as a ratepayer for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member;

Quorum of
school
boards, etc.

(4) A majority of the members of the board *when* present at a first or any meeting, shall be necessary to form a quorum, and the vote of the majority of such quorum shall be necessary to bind the corporation. 54 V. c. 55, s. 106 (1-5).

DUTIES OF TRUSTEES.

Duties of
Board.

62. It shall be the duty of the trustees of all public schools and they shall have power:—

Appointment
of secretary
and collector.

1. To appoint a secretary and treasurer or secretary-treasurer, and such committees, officers and servants as they may deem expedient;

2. To fix the time and place of meetings of the board, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings, and to transmit to the Minister of Education all returns and reports required by the Education Department;

To fix meetings of the board.

3. To provide adequate accommodation for all the children of the supporters of public schools between the ages of five and sixteen years, resident in the municipality (in the case of rural schools for two-thirds of such children resident in the section) as ascertained by the census taken by the municipal council for the next preceding year;

To provide adequate accommodation.

4. To purchase or rent school sites or premises, and to build repair, furnish, and keep in order the schoolhouses, furniture, fences and all other school property; to keep the well, closets and premises, generally in a proper sanitary condition; to procure registers maps, globes, apparatus, and, if they deem it expedient, procure prize books and establish and maintain school libraries;

To provide school premises, apparatus, prize books and library.

5. To determine the number, grade, territorial boundaries and description of schools to be opened and maintained; the teachers to be employed; the terms on which they are to be employed, and their remuneration and rank, whether principals or assistants; and, as they may deem expedient, to establish kindergartens and classes for industrial training and instruction in needle work and domestic economy;

To determine number of schools, etc.

6. To dismiss from the school any pupil who shall be adjudged so refractory by the trustees and the teacher that his presence in school is deemed injurious to the other pupils, and, where practicable, to remove such pupil to an industrial school;

Dismissal of refractory pupils.

7. To collect, at their discretion, from the parents or guardians of the pupils attending school a sum not exceeding twenty cents per month, per pupil, to defray the cost of text-books, and other school supplies; or to purchase for the use of pupils text-books and other school supplies at the expense of the corporation;

Trustees may collect a fee from parents, for books, etc.

8. To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons (notice of such exemption to be given by the trustees to the clerk of the municipality, on or before the first day of August) and when deemed necessary to provide for the children of such persons text-books and other school supplies at the expense of the corporation;

Exemption of indigent persons from school rates.

9. To submit to the municipal council, on or before the first day of August, or at such time as may be required by the municipal council, an estimate of the expenses of the schools under their charge for the twelve months next following the date of application;

To lay before council estimate for moneys.

Payment of
teachers'
salaries.

10. To provide (in the case of rural schools) for the payment of teachers' salaries quarterly and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected;

To publish
auditors'
report.

~~11~~ 11. To submit in the case of urban municipalities all accounts, books and vouchers to be audited by the municipal auditors, whose duty it shall be to audit the same and ~~to~~ to publish at the end of every year, in one or more of the public newspapers, or otherwise, *an abstract of* the annual report of the auditors, ~~with~~ with such findings and recommendations as the auditors may deem expedient; ~~and~~

Custody and
disposal of
school pro-
perty.

12. To take possession of all property which has been acquired or given for public school purposes, and to hold the same according to the terms on which it was acquired or received; and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act. 54 V. c. 55, s. 107 (1-13.)

~~13~~ 13. To supplement out of school funds, at their pleasure, any allowance payable under this Act to superannuated teachers. ~~and~~

Trustees act-
ing under by-
laws not
liable.

63.—Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a municipal council before it has been quashed. In case a by-law, order or resolution of a municipal council is illegal, in whole or in part, and in case anything has been done under it, which by reason of the illegality gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the corporation. Every such action shall be brought against the municipal corporation alone, and not against any person acting under the by-law, order or resolution. 54 V. c. 55, s. 130 (1-3).

~~64~~ 64. The trustees of cities when so requested by any charitable organization having in charge children of school age shall have power to employ teachers for such children, and to furnish for their use all school supplies if they deem it expedient, and such children shall be considered public school pupils and shall be subject to this Act. ~~and~~

School sites.

65. Every urban school board shall have power to take and acquire land for a school site or for enlarging school premises already held. In the event of any dispute between the

owner of the land selected and the trustees, with regard to the price of such land, sections 31 to 37 of this Act shall apply. 54 V. c. 55, s. 108.

TOWNSHIP ASSESSMENTS.

66.—(1) The municipal council of every township shall levy and collect by assessment, upon the taxable property of the public school supporters of the whole township, in the manner provided by this Act, and by the municipal and assessment Acts, the sum of \$150 at least for every public school which has been kept open the whole year exclusive of vacations. Where the school has been kept open for six months or over, a proportionate amount of the said sum of \$150 at least shall be levied and collected by assessment upon the taxable property of the whole township. An additional sum of \$100 at least shall be levied and collected in a similar manner for every assistant teacher engaged for the whole year, and a proportionate amount if such assistant teacher was engaged for six months or over ;

Township council to levy sums required for school purposes.

(2) In the case of union school sections the municipal council of each municipality of which the union school section is composed shall levy and collect upon the taxable property of the respective municipalities the said sum in the proportion fixed by the equalization provided under section 51 of this Act. This section shall apply only to union sections formed between townships. 54 V. c. 109, s. 109 (1-3.)

67.—(1) The council of every municipality shall levy and collect upon the taxable property of the municipality (or of the sections in the case of rural schools), in the manner provided in this Act, and in the municipal and assessment Acts, such sums as may be required by the trustees for school purposes ; and shall pay the same to the treasurer of the Public School board from time to time as may be required by the board for teachers' salaries and other expenses. In the case of rural schools, all moneys collected shall be paid to the secretary-treasurer of the section on or before the 15th of December ;

City, town or village council to levy sums required for school purposes.

(2) The council of every municipality may, in addition to any requisition of the public school trustees, raise by assessment such other sums as it may deem expedient for the establishment and maintenance of a school library, or for aiding new or weak schools or continuation classes within such municipality, or for the support of model schools, or for supplementing teachers' salaries or retiring allowances ; 54 V. c. 55, ss. 110, 112 ; 58 V. c. 57, s. 8.

Establishment of libraries.

(3) Every municipal council shall have power, and it shall be their duty to correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or in-

Correction of errors in collection of rates in previous years.

tended so to be, to the end that no property shall escape from its proper proportion of the rate and that no property shall be compelled to pay more than its proper proportion of such rate. 58 V. c. 57, s. 7 (4.)

Return shewing rating of separate school supporters.

68. It shall be the duty of the clerk of every township :—

Separate school amounts to be deducted.

(1) To transmit not later than the first day of December in each year to the county school inspector a list of the supporters of separate schools against whom any county rate for public school purposes has been placed upon the collector's roll shewing the amount so rated against each and the total amount so rated. The county inspector shall, before issuing his order for the payment of the county grant to the public school sections, deduct therefrom the amount so certified to him by the clerk of such municipality, and shall give the trustees of the separate school section an order on the township treasurer for the amount thereof, and it shall be the duty of such treasurer to pay over the same ;

Clerk to give copy of assessment to inspector.

Statement to be furnished to board by clerk.

(2) To give to the public school inspector when requested by him, a statement of the assessed value of each school section as shewn by the revised assessment roll for the year, and at the request of any board of trustees to furnish the board with a statement shewing the several parcels or lots of land composing the school section for which they are trustees, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel of such lands, and the population of each school section between the ages of five and sixteen years. The cost of preparing the latter statement shall be paid by the board of trustees applying for the same. 54 V. c. 55, sec. 111 (1-2) 113.

Clerks to make returns of population.

69. It shall be the duty of the clerk of every county to make a return to the Minister of Education showing the population of each minor municipality within the county, and of the clerk of every city and of every town separated from a county to make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous year, said returns to be made on or before the first day of April in each year. 54 V. c. 55, s. 129.

DEBENTURES IN RURAL SECTIONS.

Township school debentures.

70.—(1) On the application of any board of rural school trustees for the issue of debentures for the purchase of a school site for the erection of a schoolhouse, or any addition thereto, or for the purchase or erection of a teacher's residence, the municipal council of the township shall pass a by-law for the said purpose, and shall forthwith issue debentures to be repayable out of the taxable property of the school section concerned in such annual amount as they may deem expedient, provided always the proposal for such loan has

been submitted by the trustees to and sanctioned at a special meeting of the ratepayers of the section, called for the purpose ;

(2) All applications for a loan, for the purposes herein mentioned, shall be made by the trustees of a union school section to the council of the municipality within which the school house or site of such union section is situated, and all debentures for the payment of such loan shall be issued by such municipality. Any other municipality or municipalities forming part of the union school section shall pay, on the requisition of the clerk of the municipality by which the debentures were issued, as they come due, its or their share of the loan, including interest, according to its or their liability for school purposes, as determined by section 51 of this Act ;

Applications for loans to be made to, and debentures issued by council.

(3) Notwithstanding any alteration which may be made in the boundaries of any school section, the taxable property situated in the school section at the time when such loan was effected, shall continue to be liable for the rate which may be levied by the township council for the repayment of the loan. 54 V. c. 55, s. 115 (1-4).

Liability for loan.

(4) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the school section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such school section. 55 V. c. 60, s. 3 ;

Expenses of publishing by-laws.

71.—(1) The trustees of any rural school may require the council to raise, by one yearly rate, such sums as may be necessary for the purchase of a schoolhouse or site, or the erection of a schoolhouse or teacher's residence.

Application to council for schoolmoneys

(2) No municipal council shall levy or collect during any one year more than one school rate except for the purchase of a school site, or for the erection of a schoolhouse. 54 V. c. 55 ss. 119-120.

Council not to levy more than one rate except in certain cases.

DEBENTURES IN ~~THE~~ URBAN MUNICIPALITIES. ~~ET~~

72.—(1) The municipal council of any urban municipality may, on the application of the board of public school trustees, pass a by-law for any of the purposes mentioned in the preceding section. Where the municipal council refuses to raise or borrow the sum required, then the question shall be submitted by the municipal council, if requested by the board of trustees, to the vote of the electors ~~as~~ qualified to vote under *The Municipal Act* for the creating of debts, ~~as~~ who are supporters of public schools, in the manner *therein* provided, and on the assent of such electors being obtained the council shall raise or borrow such sum ;

Submission of question to vote of electors.

55 V. c. 42.

Form and term of debenture.

(2) Debentures issued for school purposes may be in the form given by this Act, and for such term of years and for such amount as the council shall see fit, not exceeding thirty years, or the municipal council may, in its discretion make the principal and interest of such debt repayable by annual or other instalments, in the manner provided in *The Municipal Act*. 54 V. c. 55, s. 116, 117.

(3) Application for the issue of debentures for school purposes by the trustees of urban municipalities to which part of an adjoining township is attached shall be subject to the provisions of this section.

Exemption by by-law not to affect liability for school rates.

73. No by-law passed by any municipality after the 14th day of April, 1892, for exempting any portion of the ratable property of a municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind whatsoever. 55 V. c. 60, s. 4.

School corporations may borrow surplus moneys.

74. Any school corporation may, with the consent of the ratepayers first had and obtained at a special meeting duly called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario municipalities fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution, for the purpose of purchasing a school site, or erecting a schoolhouse; and any sum so borrowed shall be applied to that purpose, and to that only. 54 V. c. 55, s. 121.

TREASURERS OF SCHOOL MONEYS.

Sub-treasurers of school moneys.

75.—(1) For all school purposes township treasurers shall be considered sub-treasurers of the county treasurer, provided always that the county council may by by-law constitute the county treasurer, the sub-treasurer for municipalities ~~not~~ separated from ~~the~~ the county. ~~The~~ The treasurer or secretary-treasurer of each city or town separated from the county shall receive the government grants apportioned to the city or town and shall hold the same for school purposes subject to the order of the board of trustees. ~~and~~

Treasurer and sureties responsible to municipality.

(2) The treasurer and sub-treasurer and their sureties shall be accountable for school moneys to the county *city* or town (*as the case may be*), and any bond or security given by them for duly accounting for and paying over moneys coming into their hands, belonging to the county or town, shall apply to all school moneys, and may be enforced against the treasurer or his sureties, in case of default on his or their part;

Bonds to apply to school moneys, etc.

(3) The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province, and, in case of any default, Her Majesty may enforce the responsibility of the county, city or town, either by stopping a like

amount out of any public moneys payable to the county, city, or town, or to the treasurer thereof, or by action against the corporation ;

(4) Any person aggrieved by the default of the municipal treasurer may recover from the corporation of any city, county or town, the amount due or payable to such person as money had and received to his use. 54 V. c. 55, ss. 118, 124, 125, 126, 127. City, etc ,
responsible for
default of
treasurer, etc.

DUTIES OF TEACHERS.

76.—(1) It shall be the duty of every teacher of a public school, to teach diligently and faithfully all the subjects in the public school course of study ; to maintain proper order and discipline in *the* school ; to encourage *the* pupils in the pursuit of learning ; to inculcate by precept and example, respect for religion and the principles of Christian morality, and the highest regard for truth, justice, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues. (*Amended.*) To teach ac-
cording to
law, preserve
discipline, etc.

(2) To use the English language in the instruction of *the* school and in all communications with *the* pupils in regard to discipline and the management of the school except where impracticable by reason of the pupil not understanding English. Recitations requiring the use of a text-book may be conducted in the language of the text-book ; Use of
English
language.

(3) To see that the schoolhouse is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon, to call the roll every day according to the register prescribed by the Education Department ; to enter in the visitors' book visits made to *the* school ; to give the inspector, trustees and visitors access, at all times, to the register and visitors' book ; and to deliver the register, the schoolhouse key and other school property in his possession to the corporation employing him on demand, or when his agreement with such corporation has expired ; Duties in and
about the
school-house,
registers, etc.

(4) To classify *the* pupils strictly according to the course of study prescribed by the Education Department ; to conduct *the* school according to a time-table accessible to pupils and visitors ; to prevent the use by pupils of unauthorized text-books ; to attend regularly the teachers' institutes in *the* inspectoral division ; to notify the trustees and inspector of absence from school, through illness or other unavoidable cause ; and to make at the end of each school term, and subject to revision by the inspector such promotions from one class or form to another as he may deem expedient ; Classification
of scholars
and conduct
of classes.

(5) To hold during each half year a public examination of *the* school, and to give due notice thereof to the trustees, to any school visitors who reside in the school section, and Examina-
tions.

through the pupils, to their parents or guardians, and to hold such other examinations as may be required by the inspector for the promotion of pupils, or for any other purpose as the inspector may direct ;

Information for department.

(6) To furnish the Minister of Education, or the school inspector with any information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils or any other matter affecting the interests of the school, and to prepare such reports of the corporation employing him as are required by the Education Department ;

Care of health of scholars, preservation of school property.

(7) To give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the school-rooms, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement of the playgrounds, and to report promptly to the trustees^{and} and municipal health officer^{the} the appearance of any infectious or contagious disease in the school, or the unsanitary condition of outhouses and surroundings. (*Amended.*)

Infectious diseases among pupils.

(8) To refuse admission to the school of any pupil affected with, or exposed to smallpox, scarlatina, diphtheria, whooping cough, measles, mumps, or other contagious disease until furnished with a certificate of a physician or of a health officer to the effect that all danger from exposure to any of them has passed away.

Disciplinary powers.

(9) To suspend any pupil guilty of persistent truancy, violent opposition to authority, habitual neglect of duty, the use of profane or improper language or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil, and the trustees, of such suspension. The parent or guardian of any pupil suspended may appeal against the action of the teacher to the trustees, who shall have power to consider such appeal and remove or confirm such suspension

AGREEMENTS.

Valid agreements with teachers.

77.—(1) All agreements between trustees and teachers shall be in writing, signed by the parties thereto, and shall be sealed with the seal of the corporation ;

Suspension of certificate for breach of agreement.

(2) Any teacher who wilfully neglects or refuses to carry out his agreement, shall, on the complaint of the trustees, be liable to the suspension of his certificate by the inspector under whose jurisdiction he may be for the time being ;

Qualified teacher defined.

(3) No person engaged to teach a public school shall be deemed a qualified teacher who does not at the time of entering into an agreement with the trustees, and during the whole period of such agreement, hold a legal certificate of qualification ;

(4) Any teacher who enters into an agreement with a board of trustees for one year, and who serves under such agreement for three months or over, shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year ; Proportion of salary to which teacher entitled.

(5) Every teacher shall be entitled to his salary during sickness, certified by a physician, for a period not exceeding four weeks for the entire year ; this period may be increased at the pleasure of the trustees. Case of sickness.

(6) If at the expiration of a teacher's agreement with a board of trustees his salary has not been paid in full, such salary shall continue to run at the rate mentioned in such agreement until paid, provided always that an action shall be commenced within three months after the salary is due and payable by the trustees. 54 V. c. 55, ss. 132-137. Protection of teachers in regard to salary.

(7) All matters of difference between trustees and teachers, in regard to salary or other remuneration under a valid agreement, shall be brought before the Division Court of the district where the cause of action arose, subject to appeal, as provided by this Act ; Provision in case of difference between teacher and trustees.

(8) In pursuance of the judgment or decision of a County Judge given in a Division Court under this Act, and not appealed from, execution may issue from time to time to recover the amount awarded by such judgment together with all fees and expenses. 54 V. c. 55, ss. 132-139. Issue of execution.

TEACHERS' CERTIFICATES.

78.—(1) Any person a subject of Her Majesty, who is not less than eighteen years of age, of good moral character and who passes the examinations prescribed by the Education Department, may be awarded a first, second or third-class certificate according to the standards required by such examination ; Three classes of certificates.

(2) Subject to any regulations of the Education Department with regard to experience in actual teaching, certificates of the first and second class shall be valid during good conduct ; certificates of the third class shall be valid for a period of three years. Every third-class certificate shall have the signature of at least one public school inspector. First, second and third-class certificates.

(3) The inspectors of the territorial districts, or any county board of examiners, may issue certificates valid only within the district of such inspector, or the jurisdiction of the county board, for a term not exceeding one year, subject to the regulations of the Education Department. (*New.*) District certificates.

(4) Certificates granted before the fifteenth day of February, in the year 1871, shall remain in force on the terms of the Act under which they were granted ; Former certificates continued.

First-class
valid.

(5) First-class certificates issued under any Act of this Province before the fifteenth day of February, 1871, and valid on the 24th day of March, 1874, shall be valid in the Province during the good conduct of the holder thereof;



Second-class
valid.

(6) Second-class certificates issued and valid as aforesaid, shall, when the holders, thereof, have taught for ten years in Ontario, be valid during good conduct within the territory in which granted.

Suspension of
certificate for
misconduct,
etc.

(7) The inspector may suspend the certificate of any teacher under his jurisdiction for inefficiency, misconduct, or a violation of this Act or of the regulations of the Education Department. In every case of suspension, he shall notify in writing the trustees concerned, and the teacher, of the reasons for such suspension;

Meeting of
county board,
consideration
of suspension.

(8) The inspector shall forthwith call a meeting of the county board of  examiners  for the consideration of such suspension, of which due notice shall be given to the teacher so suspended, and the decision of the board shall be final. 54 V. c. 55, s. 140-144 (1-3). (*Amended.*)

COUNTY BOARDS OF EXAMINERS.

To examine
teachers and
give certi-
cates.

79.—(1) The municipal council of each county shall appoint annually a board of examiners, consisting of the inspector or inspectors having jurisdiction within the county or any part thereof, and not more than two other persons holding first-class certificates of qualification, for the purpose of examining candidates for teachers' third class certificates and for such other purposes as may be prescribed by this Act. The members so appointed shall continue in office till their successors are appointed, and shall hold at least one examination each year. A majority of the board shall form a quorum;

Additional
examiners.

(2) Where deemed necessary from the general use of the French or German language, the county council may appoint additional examiners, not exceeding two, for the purpose of conducting the examination of candidates for a teachers' certificate in either of the languages aforesaid;

Expenses of
examination.

(3) The treasurer of the county shall, on the requisition of the chairman of the board, pay all the incidental expenses of the examination of third-class teachers. He shall also, on a like requisition, pay each member of the board the sum of \$4 per diem and travelling expenses while engaged as examiner;

Fees of exami-
ner in investi-
gating stand-
ing of teacher.

(4) Every member of a county board of examiners while engaged in conducting an investigation affecting the standing of any teacher within the jurisdiction of the board shall be paid the sum of \$4 per diem and travelling expenses by the treasurer of the county;

(5) After the passing of this Act no person shall be appointed a member of a county board of examiners who is not actually engaged in teaching and who has not had at least three years' experience as a teacher in a public or separate school. 54 V. c. 55, s. 145 (1-5). None but teachers to be examiners.

COUNTY MODEL SCHOOLS.

80.—(1) The board of examiners of every county shall, subject to the regulations of the Education Department, set apart at least one public school in each county as a county model school for the training of teachers for third-class certificates; One school in each county to be set apart as county model school.

(2) Where more model schools than one have been established in any county and where the whole number of teachers in training for the two preceding years at such schools has not exceeded twenty-five, the county board of examiners may, with the approval of the Education Department, discontinue one or more of such schools, but not so as to reduce the number below that required by this Act; When model schools may be discontinued.

(3) The municipal council of every county shall pay to the treasurer of each public school within the county to which a model school is attached an amount at least equal to the sum voted by the Legislative Assembly for each county model school, but the amount to be provided by the county council shall not be less than the sum of \$150 annually, and the council may, if it sees fit, provide a larger amount of aid. 54 V. c. 55, s. 146 (1-3). Aid to county model schools.

(4) The board of trustees of any city may set apart one or more of such city schools for the training of third-class teachers, subject to the regulations of the Education Department. (New). Setting apart school for training third class.

TEACHERS' INSTITUTES.

81.—(1) The teachers of one or more inspectoral districts may organize themselves into a Teachers' Institute for the purpose of receiving instruction in methods of teaching and for discussing educational matters, subject to the regulations of the Education Department; Organization of teachers' institutes.

(2) The Minister of Education may apportion out of any moneys voted by the Legislative Assembly for that purpose the sum of \$25 to each teachers' institute organized and conducted according to the regulations of the Education Department, and the municipal council of each county or city shall pay annually to the order of the president of each teachers' institute within the county or city a sum at least equal to the amount so apportioned by the Minister of Education. 54 V. c. 55, s. 147 (1-2). Aid to teachers' institutes.

INSPECTORS.

- Qualification for appointment as inspector. **82.**—(1) No person shall be appointed inspector of public schools in any county, city, or town who does not hold an inspector's certificate of qualification, as prescribed by the regulations of the Education Department, and no inspector shall, during his tenure of office, engage in, or hold any other employment, or calling, which interferes with the full discharge of his duties as inspector.
- When more than one inspector to be appointed. (2) The board of trustees of every city and town separated from the county shall appoint an inspector of public schools for such city or town. When the teachers engaged by the trustees of any city exceed three hundred in number the board shall appoint two inspectors, and likewise an additional inspector for every three hundred teachers on the staff above six hundred ;
- Number of inspectors. (3) The municipal council of every county shall appoint an inspector for such county, providing always that any inspector appointed hereafter for a county or part of a county, shall be the inspector of the schools of any town not separated from the county in the district to which he has been appointed ;
- Jurisdiction of inspectors. (4) *No inspector hereafter appointed* shall have charge of more than one hundred and twenty schools or less than fifty, but it shall not be necessary to appoint more than one inspector in each electoral division of a county ;
- French or German. (5) In counties containing any municipality wherein the French or German language is the common or prevailing language, an inspector may have charge of any number of schools not less than forty ;
- Counties may appoint additional inspectors and change inspectors. (6) In counties where there are more than fifty public schools, the county council may appoint two or more inspectors, and prescribe and number the territorial divisions of each, and change or remove the inspectors from one division of the county to another ;
- Warden may supply vacancies in the office of inspector. (7) In the event of a vacancy occurring in the office of county inspector, the warden of the county may appoint any person legally qualified to fill such vacancy until the next ensuing meeting of the county council. Notice of such appointment or of any appointments by the county council shall be given to the Minister of Education forthwith.
- Remuneration of county inspector. (8) The county council shall pay quarterly to every county inspector at the rate *annually* of \$5⁰⁰ for every teacher occupying a separate room with a separate register, ^{and}, and, in addition, reasonable travelling expenses, such expenses to be determined by the county council.
- Payment of inspector's salary in towns not separated. (9) When the public school board of any town not separated from the county has before the passing of this Act appointed an inspector, other than the county inspector within whose district such town is situated, the county

treasurer, on demand, shall pay to the order of such board a sum of money equal to the amount collected within such town for the payment of the salary of the county inspector ;

(10) The sum of \$5 for every teacher occupying a separate room with a separate register, ~~and~~ shall be paid out of any sum of money appropriated by the Legislature for that purpose as the Lieutenant-Governor-in-Council may direct towards the salary of the county inspector and a similar sum ~~to~~ to the school board of any city or town separated from the county, towards the payment of the salary of the inspector of *the* city or town.

Grants in aid of inspector's salary.

(11) In cases where any inspector requires the testimony of witnesses to the truth of any fact alleged in any complaint or appeal made to him or to the Minister of Education or the Education Department, it shall be lawful for such inspector to administer an oath to such witnesses, or to require their solemn affirmation before receiving their testimony.

Inspector to swear witnesses in certain cases.

(12) Any public school inspector shall, in case of misconduct or inefficiency, be subject to dismissal by the Lieutenant-Governor in Council, or by a majority of the members of the council or board of trustees appointing him, or without cause by a vote of two-thirds of such council or board, and no such inspector shall be re-appointed without the concurrence of the party who dismissed him. 54 V. c. 55, s. s. 149-152, 158-160, 189.

Conditions of dismissal of inspector.

83. It shall be the duty of every public school inspector :—

Duties of inspectors.

1. To visit every public school within his jurisdiction once in each term, unless otherwise directed by the county council or board of trustees by which he was appointed, to deliver from time to time, public lectures in his district on some subject connected with public school education ; ~~and~~ to call a special meeting of the section when deemed expedient and ~~to~~ to see that every school is conducted according to this Act and the regulations of the Department ;

To visit each school once a term

2. To examine into the condition of the school, as respects the progress of the pupils in learning ; the order and discipline observed ; the system of instruction pursued ; the mode of keeping the school registers ; the average attendance of pupils ; the character and sanitary condition of the buildings and premises ; and to give such advice to the teachers, pupils and officers of the school as he may consider proper ;

Examine the state of the school.

3. To withhold his order for the amount apportioned from the legislative or municipal grant ; (a) When any school was kept open for less than six months in the year ; or (b) When the trustees fail to transmit the annual or semi-annual school returns properly filled up ; or (c) When the trustees fail to comply with the school Act or the regulations of the Education Department ; or (d) When the teacher uses, or per-

To withhold order for grant in certain cases.

permits to be used, as a text-book any book not authorized by the Education Department; and in every case to report to the trustees and to the Education Department his reasons for so doing;

- Report of health officer. 4. To report to the trustees and to the medical health officer of the municipality in which the school house is situated, in every case in which the school premises or buildings are found to be in an unsanitary condition and to withhold the school grants in all such cases until he receives a certificate from such health officer or board of health that the provisions of *The Public Health Act* have been duly complied with. (*New.*)
- Rev. stat., c. 205. 5. To give when desired any information in his power to the Minister of Education, respecting any public school matter within his jurisdiction, and to prepare and transmit to the Minister of Education, on or before the first day of March, an annual report in the form prescribed by the Education Department;
- May give temporary certificates to teachers. 6. To give, at his discretion, any candidate, on due examination, a certificate of qualification to teach a school within his district until the next ensuing professional examination of teachers; and to discharge such other duties as may be required by the Minister of Education, the county council or the board of trustees by which he was appointed;
- Deliver up papers on retiring from office. 7. To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the county council or public school board appointing him. 54 V. c. 55, s. 155 (1-10.)

ALLOWANCE TO ARBITRATORS AND INSPECTORS.

- Allowance arbitrators. 84.—(1) Any person engaged as arbitrator on any matter arising under this Act shall be paid the sum of four dollars per diem and travelling expenses. In making their award the arbitrators shall, among other things, determine the liabilities of the parties concerned for the costs of the arbitration, and such determination shall be final and conclusive;
- Allowance to inspectors in certain cases. (2) When any complaint is made to an inspector with regard to any matter affecting the validity of the election of a public school trustee, or the procedure of a school meeting requiring the taking of evidence where the cause of complaint arose, the trustees of the school section concerned shall pay the inspector while conducting such investigation the sum of \$4 per diem and travelling expenses. 54 V. c. 55, s. 161 (1-2.)

SUPERANNUATION.

- Superannuation fund. 85.—Every teacher or inspector whose name is entered as having paid into the fund for superannuated teachers, may continue to contribute to such fund in such manner as may

be prescribed by the Education Department, the sum of at least \$4 annually, but no payment of arrears to the fund shall be allowed after the 30th day of March, 1885. 54 v. c. 55 s. 162.

86.—(1) On the decease of any teacher or inspector, his wife, her husband, or legal representative, shall be entitled to receive back the amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent. per annum ;

Repayment to wife, etc., of deceased teacher.

(2) No teacher or inspector who has reached the age of sixty years shall be held to be disqualified from superannuation by reason of his having retired from active service before reaching the age of sixty, provided that such teacher or inspector has served for a period of thirty-five years, and that no payment shall be made to such teacher or inspector until he has reached the age of sixty. 54 V. c. 55, s. 163 (1-2.)

87.—(1) Every teacher or inspector who, while engaged in his profession, contributes to the superannuated teachers' fund as provided by this Act, shall on reaching the age of sixty years, if he retires from the profession receive an allowance at the rate of \$6 per annum, for every year of service in Ontario, upon furnishing evidence of good moral character, age, and length of service :

Right of teacher to retire on reaching sixty years of age.

(2) Every teacher or inspector, under sixty years of age who has contributed as aforesaid, and who is disabled from practising his profession, shall be entitled to a like allowance upon furnishing evidence as to length of service, moral character, and disability ;

Teachers under sixty.

(3) Every superannuated teacher who holds a first or second class provincial certificate, or a first-class county board certificate, and every principal of a high school or collegiate institute shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as principal of a high school or collegiate institute. ;

\$1 per annum extra to certain teachers.

(4) The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the teacher's moral character be unsatisfactory to the Education Department ;

Proviso in regard to good moral character.

(5) If any superannuated teacher or inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, his allowance shall be suspended during the time of his being so engaged. In case such teacher or inspector is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act, and the regulations of the Education Department ;

Teacher resuming profession.

Again retiring.

- Forfeiture of claims. (6) Any teacher or inspector who, having resumed his profession, draws or continues to draw upon the superannuation fund for any part of his allowance as a superannuated teacher, shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers ;
- Teachers not availing themselves of Act. (7) In the case of those teachers or inspectors who may not avail themselves of the provisions of section 85 or sub-section 8 of this section of this Act, the provisions of sections 85 to 87 inclusive shall apply so far as relates to all sums of money already paid into the fund for superannuated teachers ;
- Repayment to contributors. (8) Any teacher who retires from the profession, or any teacher or inspector who desires to remove his name from the list of contributors to the superannuated teachers' fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid by him or her to the fund, through the public school inspector, or otherwise. 54 V. c. 55, ss. 164 (1-3) 165-171.

NON-RESIDENT PUPILS.

- Admission of non-resident pupils. **88.**—(1) The trustees of every public school shall admit to their school any non-resident pupils who reside nearer such school than the school in their own section, providing always the inspector reports the accommodation of the school room sufficient for the admission of such pupils. In case of dispute as to the distance from the school, the decision of the inspector shall be final ;
- Fees of non-resident pupils. (2) The parents or guardians of such non-resident children shall pay to the trustees of the school to which their children have been admitted such fees monthly as may be mutually agreed upon, provided such fees, together with the taxes paid to such school (if any), do not exceed the average cost of the instruction of the pupils of such school. 54 V. c. 55, s. 172 (1-2).
- A resident of one section sending his children to another section. (3) Any person residing in one school section, and sending his children to a neighboring school, shall be liable for the payment of all rates assessed on his taxable property for the school purposes of the section in which he resides, but it shall be lawful for any board of trustees to remit the fees paid to the trustees of the neighboring section. 58 V. c. 57, s. 9 ;
- Attendance of children of non-residents. (4) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of the section on the same terms and conditions as the children of residents. 54 V. c. 55, s. 9 (1-2).
- Remission of school tax where certain fees paid. (5) When the children attending a neighboring section are three miles or more distant in a direct line from the school-house in the section to which they belong, the trustees of the section in which such children are resident shall remit as much of the taxes chargeable upon the parents or guardians of such

children, for school purposes, as would be at least equal to the fees paid to such neighboring section. 58 V. c. 57, s. 10 ;

(6) In case a county council establishes a house of refuge in any county any person of school age maintained in such house of refuge shall for the purposes of this Act be deemed a non-resident, and the county council shall pay to the trustees of the school attended by such person or persons such monthly fees as may be mutually agreed upon, provided such fees do not exceed the average cost of the instruction of the pupils of such school. 54 V. c. 55, s. 172 (3). Pupils in house of refuge.

HOLIDAYS.

89.—(1) The public school teaching year shall consist of ^{Terms.} two terms : in *rural schools* the first term shall begin on the Monday of August, and end on the 22nd day of December ; the second term shall begin on the 3rd day of January, and end on the 30th day of June ;

(2) In *urban municipalities* the first term shall begin on the first day of September, and end on the 22nd day of December ; the second term shall begin on the 3rd day of January, and end on the 30th day of June ;

(3) Every Saturday, every public holiday, the week following Easter Sunday, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged, shall be a holiday in public schools. 54 V. c. 55, s. 173 (1-3).

(4) In the territorial districts the trustees of any rural school may allot the time herein allowed for holidays at Easter and midsummer to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed and in periods of the same duration as herein set forth. *New.*)

AUTHORIZED BOOKS.

90.—(1) Any authorized text-book in actual use in any public or model school may be changed by the teacher of such school for any other authorized text-book in the same subject on the written approval of the trustees and the inspector, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given ; Change of text-book.

(2) In case any teacher shall negligently or wilfully permit any unauthorized text-book to be used by the pupils of his school, he shall for each such offence, on conviction thereof before a Police Magistrate or Justice of the Peace, be liable to a penalty not exceeding \$10 payable to the municipality for public school purposes, together with costs, as the Police Magistrate or Justice may think fit. 54 V. c. 55, ss. 174-176. Substitution of unauthorized text-books.

APPEALS FROM DIVISION COURT DECISIONS.

Appeals from
Division
Courts.

91.—(1) The Judge of any Division Court wherein any action between teachers, inspectors, trustees, or others acting under this Act, or *The High Schools Act*, is tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister of Education to appeal the case;

Minister may
appeal to
High Court.

(2) The Minister may, within one month after the rendering of judgment in any such case, appeal from the decision of the Division Court Judge to the High Court at Toronto, by serving notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal shall be entitled "The Minister of Education for Ontario, Appellant, in the matter between (A. B. and C. D.);" But nothing herein contained shall be held to interfere with the right of any of the parties to the action exercising the ordinary right of appeal;

Judges send
papers to
High Court.

(3) The Judge whose decision is thus appealed from, shall thereupon certify under his hand, to the Registrar of the Division of the High Court appealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto. After notice of appeal has been served as hereinafter provided no further proceedings shall be had in such case until the matter of appeal has been decided by the High Court;

No further
proceedings
to be taken
after notice
of appeal.

Judge to
certify pro-
ceedings to
the Minister.

(4) On the Judge receiving a notice of appeal from his decision (under the authority of this Act), he shall thereupon certify under his hand, to the Minister of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections thereto. The High Court shall give such order or decision to the Court below, touching the judgment to be given in the matter, as the circumstances of the case require. Upon receipt of such order, direction and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith;

Order of
Court.

Proceedings
in Division
Court when
appeal
decided.

Costs.

(5) The Court may also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the Court below. All costs awarded against an appellant, and all costs incurred by him, may be paid by the Minister, and charged as contingent expenses of his office. 54 V. c. 55, ss. 179-183.

SCHOOL VISITORS.

Public school
visitors
defined.

92.—(1) Judges, members of the Legislature, members of county councils, and aldermen shall be school visitors in the municipalities where they respectively reside. All clergymen shall be school visitors in the municipalities where they have pastoral charge.

(2) School visitors may visit public schools as in this Act provided. They may also attend the examination of schools, and at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as they deem expedient. 54 V. c. 55, ss. 184-185.

Authority to visit public schools.

PENALTIES AND PROHIBITIONS.

93. If any township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act, he shall be liable to a penalty not exceeding \$10, to be recovered before a Justice of the Peace, for the school purposes of his municipality, at the instance of any ratepayer thereof. 54 V. c. 55, s. 186.

Information to county Clerk.

94. Any person who wilfully makes a false declaration of his right to vote at any school meeting or election of school trustees shall be liable to a penalty of not less than \$5 or more than \$10 to be sued for and recovered with costs before a Justice of the Peace, by the public school trustees of the city, town, village, or school section, for its use. 54 V. c. 55, s. 187.

Penalty for making a false declaration.

95. Any public school trustee who refuses to serve after being duly elected shall be liable to a penalty of \$5, and any person elected as a school trustee who attends any meetings of the school board as such, after being disqualified under this Act, shall be liable to a penalty of \$20 for every meeting so attended. 54 V. c. 55, s. 188.

Fine on disqualified persons acting as trustees.

96. No public school trustee shall be eligible to appointment as public school inspector, or teacher, within the section of which he is a trustee; nor shall the teacher of any public, high, or separate school hold the office of public school trustee, nor shall an inspector be a teacher or trustee of any public, high or separate school while he holds the office of inspector. 54 V. c. 55, s. 189.

Trustees not to hold certain offices.

97. Any trustee who is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be an actual resident within the school section for which he is a trustee, shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election. 54 V. c. 55, s. 190.

Seat vacated by conviction for crime, etc.

98. Any trustee who has any pecuniary interest, profit or promise or expected benefit in, or from any contract, agreement or engagement, either in his own name, or in the name of another, with the corporation of which he is a member, or who

Seat vacat d by interest in contract with corporation

receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and on the complaint of ~~at~~ two ratepayers of the section or of ~~at~~ the remaining trustee or trustees, the county judge may declare the seat vacant, and forthwith order a new election, provided always that it shall be lawful for the trustees of any rural school section to allow the secretary or secretary-treasurer such compensation for his services, for the purposes specified in this Act, as may be approved at the annual meeting of the ratepayers and duly entered in the minutes. 54 V. c. 55, s. 191.

Penalty for not calling school meetings.

99. In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit the sum of \$5 to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the rural school section, for the use thereof. 54 V. c. 55, s. 192.

Penalty for disturbing a school or school meeting.

100. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or anyone who wilfully interrupts or disquiets any public school established and conducted under its authority, or other school, by rude or indecent behavior, or by making a noise either within the place or where such school is kept or held, or so near thereto as to disturb the order of exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for public school purposes to the school section, city, town, or village within which the offence was committed, a sum not exceeding \$20 together with the costs of the conviction, as the said Justice may think fit. 54 V. c. 55, s. 193.

Penalty for refusing to perform duties.

101. Every person elected as trustee who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of \$20 to be sued for and recovered before a Justice of the Peace, by the trustees, or any person whatsoever for the purposes of such trustees. 54 V. c. 55, s. 195.

Penalty for refusing to exercise corporate powers.

102. Any trustee or public school corporation who wilfully neglects or refuses to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, shall be held to be personally responsible for the fulfilment of such contract or agreement. 54 V. c. 55, s. 196.

Penalty on chairman for neglect.

103. Any chairman who neglects to transmit to the county inspector a minute of the proceedings of any annual or other

rural school section meeting over which he has presided, within ten days after the holding of such meeting shall be liable, on the complaint of any ratepayer, to a fine of not more than \$5 to be recovered as provided by this Act. 54 V. c. 55, s. 197.

104. Any school corporation *that* refuses or neglects to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, shall be held personally responsible for the moneys. 54 V. c. 55, s. 198.

Liability for neglect to take security.

105. If any part of the public school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the person entitled to receive the same, by action in any Court having jurisdiction to the amount, or by information at the suit of the Crown. 54 V. c. 55, s. 199.

Responsibility in case of lost school moneys

106. No secretary-treasurer appointed by the school trustees of any school section, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect or refuse to deliver up, or account for, and pay over the same or any part thereof to the person, and in the manner directed by the school corporation then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act. 54 V. c. 55, s. 200.

Penalty on secretary-treasurer, or trustee for refusing to account.

107.—(1) Upon application to the Judge of the County Court, by a majority of the trustees, any two ratepayers interested supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the Judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him at a time and place to be appointed in the order;

Mode of proceeding.

(2) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained against, or leave the same with a grown-up person at his residence;

Service of order.

(3) At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the

Judge to issue order.

receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and on the complaint of ~~at~~ two ratepayers of the section or of ~~at~~ the remaining trustee or trustees, the county judge may declare the seat vacant, and forthwith order a new election, provided always that it shall be lawful for the trustees of any rural school section to allow the secretary or secretary-treasurer such compensation for his services, for the purposes specified in this Act, as may be approved at the annual meeting of the ratepayers and duly entered in the minutes. 54 V. c. 55, s. 191.

Penalty for not calling school meetings.

99. In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit the sum of \$5 to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the rural school section, for the use thereof. 54 V. c. 55, s. 192.

Penalty for disturbing a school or school meeting.

100. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or anyone who wilfully interrupts or disquiets any public school established and conducted under its authority, or other school, by rude or indecent behavior, or by making a noise either within the place or where such school is kept or held, or so near thereto as to disturb the order of exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for public school purposes to the school section, city, town, or village within which the offence was committed, a sum not exceeding \$20 together with the costs of the conviction, as the said Justice may think fit. 54 V. c. 55, s. 193.

Penalty for refusing to perform duties.

101. Every person elected as trustee who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of \$20 to be sued for and recovered before a Justice of the Peace, by the trustees, or any person whatsoever for the purposes of such trustees. 54 V. c. 55, s. 195.

Penalty for refusing to exercise corporate powers.

102. Any trustee or public school corporation who wilfully neglects or refuses to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, shall be held to be personally responsible for the fulfilment of such contract or agreement. 54 V. c. 55, s. 196.

Penalty on chairman for neglect.

103. Any chairman who neglects to transmit to the county inspector a minute of the proceedings of any annual or other

rural school section meeting over which he has presided, within ten days after the holding of such meeting shall be liable, on the complaint of any ratepayer, to a fine of not more than \$5 to be recovered as provided by this Act. 54 V. c. 55, s. 197.

104. Any school corporation *that* refuses or neglects to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, shall be held personally responsible for the moneys. 54 V. c. 55, s. 198.

Liability for neglect to take security.

105. If any part of the public school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the person entitled to receive the same, by action in any Court having jurisdiction to the amount, or by information at the suit of the Crown. 54 V. c. 55, s. 199.

Responsibility in case of lost school moneys

106. No secretary-treasurer appointed by the school trustees of any school section, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect or refuse to deliver up, or account for, and pay over the same or any part thereof to the person, and in the manner directed by the school corporation then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act. 54 V. c. 55, s. 200.

Penalty on secretary-treasurer, or trustee for refusing to account.

107.—(1) Upon application to the Judge of the County Court, by a majority of the trustees, any two ratepayers interested supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the Judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him at a time and place to be appointed in the order;

Mode of proceeding.

(2) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained against, or leave the same with a grown-up person at his residence;

Service of order.

(3) At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the

Judge to issue order.

complaint is well founded, the Judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax;

Effects of non-compliance with judge's order.

(4) In the event of non-compliance with the terms specified in such order, or any or either of them, the Judge shall order the said person to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common jail of his county, there to remain without bail until the Judge be satisfied that the person has delivered up, accounted for, or paid over the books papers, chattels or moneys in question, in the manner directed by the majority of the trustees, or other competent authority as aforesaid; upon proof of his having so done, the judge shall make an order for his discharge, and he shall be discharged accordingly;

Other remedy not affected.

(5) No such proceedings shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. 54 V. c. 55 ss. 201, (1-2), 202, 203, 204.

Penalty on trustees refusing information, etc., to auditor.

108. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of the school corporation, or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any ratepayer, shall be punished by fine or imprisonment, as provided by this Act. 54 V. c. 55, s. 205.

Penalty for neglect to send half-yearly returns.

109. In case the trustees of any rural school section neglect to transmit to the county inspector, or on before the 30th day of June, and the 31st day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months, and the trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. 54 V. c. 55, s. 206.

Penalty for delaying early report.

110. In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their county inspector by the 15th day of January in every year, each of them shall, for every week after such 15th day of January, and until such report has been prepared and presented, for-

feit the sum of \$5 to be sued for by the county inspector, and collected and applied in the manner provided for by this Act. 54 V. c. 55, s. 207.

111.—(1) If any trustee of a public school knowingly signs a false report, or if any teacher of a public school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, ^{Penalty for false school reports and registers.} or for any other improper purpose, the trustee or teacher shall, for every offence, forfeit to the public school fund of the municipality the sum of \$20 for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor ;

(2) If upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the Justice, be levied with costs by distress and sale of the goods and chattels of the offender, and shall be paid by the Justice to public school board. 54 V. c. 55, s. 208, (1-2). ^{Recovery by distress.}

112. The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited by or lost to the school section in consequence of the neglect of duty of the trustees during their continuance in office. The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. 54 V. c. 55, s. 209 (1-2). ^{Trustees personally responsible for moneys lost.}

GENERAL PROHIBITIONS.

113.—(1) No teacher, trustee, inspector, or other person officially connected with the Education Department, the normal, model, public, or high schools or collegiate institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever ; ^{No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.}

(2) Any teacher who refuses to give up possession of any visitor's book, school register, schoolhouse key or any other school property in his possession shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees. 54 V. c. 55, s. 210 (1-2). ^{Refusal to give up key, etc.}

HOW FINES AND PENALTIES MAY BE RECOVERED.

114.—(1) Unless it is in this act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced with costs, ^{How penalties under this Act shall be recoverable.}


by and before any Police Magistrate or Justice of the Peace having jurisdiction within the municipality in which such fine or penalty has been incurred ;

(2) If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected with costs, by distress and sale of the goods and chattels of the offender, and shall be by the Police Magistrate or Justice paid over to the school treasurer of the school section, city, town, or village, or other party entitled thereto ;

(3) In default of such distress, the Police Magistrate or Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavoring to collect the same, are sooner paid. 54 V. c. 55, s. 211 (1-3).

CONFIRMING AND SAVING CLAUSES.

115. All lands which previous to the 24th day of July 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by *the* said trustees and their successors upon the like trusts and subject to the same conditions and estates upon or subject to which the said lands are now respectively held. 54 V. c. 55, s. 212.

116. The following Acts and parts of Acts are hereby repealed: The Act passed by the Legislature of the late Province of Canada in the 22nd year of Her Majesty's reign, chaptered 51 ; the Act passed in the 54th year of Her Majesty's reign, chaptered 54 ; the Act passed in the 55th year of Her Majesty's reign, chaptered 60 (excepting section 1) ; the Act passed in the 56th year of Her Majesty's reign, chaptered 52 ; the Act passed in the 57th year of Her Majesty's reign, chaptered 58 ; the Act passed in the 58th year of Her Majesty's reign, chaptered 57. 

School lands granted before 1850 vested in trustees for school purposes.

Acts repealed.

FORM A.

(Section 72.)

FORM OF SCHOOL DEBENTURE.

PROVINCE OF ONTARIO.

§
 Debenture of the _____ of _____ County of _____, No.
 School Loan. _____, for

The corporation of the _____ of _____ hereby promises to pay to Bearer at the Bank of _____, at _____ the sum of _____ dollars, lawful in money of Canada _____ year from the date hereof; and to pay interest at the rate of _____ per cent. per annum, half-yearly, to the Bearer of the annexed coupons respectively, upon the presentation thereof at the said Bank.

Issued at _____, this _____ day of _____ 18 _____, by virtue and under the authority of *The Public Schools Act, 1891*, of Ontario, and pursuant to By-law No. _____ of said _____ of _____, passed on the _____ day of _____ A.D. 18 _____, intituled "A By-law to raise by way of loan the sum of _____ dollars for the purpose therein mentioned" (or as the case may be).

A. B., Reeve or Mayor.

C. D., Treasurer.

COUPON No.

The Corporation of the _____ of _____ will pay the Bearer at the Bank of _____, at _____, on the _____ day of _____, the sum of _____ dollars, interest due on that day on Debenture No. _____ C. D., Treasurer.

BILL.

An Act Consolidating and Revising the
Public Schools Acts.

First Reading, 24th February, 1896.
Second Reading, 12th March, 1896.

*(Reprinted as amended in Committee of
the Whole House.)*

Mr. ROSS.

TORONTO:

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

An Act Consolidating and Revising the Public Schools Acts.

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

1. This Act may be cited as "*The Public Schools Act, 1896.*" Short title.
2. Where the words following occur in this Act, they shall Interpretation. be construed in the manner hereinafter mentioned, unless a contrary intention appears.
 1. "Teacher" shall mean any person holding a legal certificate of qualification; "Teacher."
 2. "County" shall include a union of counties; "County."
 3. "Township" shall include unions of townships made for municipal purposes; "Township."
 4. "School site" shall mean such area of land as may be necessary for the school house, teacher's residence, caretaker's residence, offices and playgrounds connected therewith; "School site."
 5. "School section" shall mean the municipality or any portion thereof, or any portion of two or more municipalities under one public school corporation; "School section."
 6. "Owner" shall include a mortgagee, lessee or tenant, or other person entitled to a limited interest, and whose claims may be dealt with by arbitration as herein provided; "Owner."
 7. "Ratepayer" shall mean any person entered on the last revised assessment roll of the school section for public school rates; "Ratepayer."
 8. "Board of trustees" shall include a board of education in all cases of a union between public and high school trustees. "Board of trustees."

9. "Urban municipality" shall mean a city, town or incorporated village. (*New.*)

~~10.~~ "The Municipal Act" shall mean *The Consolidated Municipal Act, 1892*, or in case such Act shall be amended or repealed, and amended provisions or new provisions substituted, dealing with the matter to which the sections of this Act mentioning "The Municipal Act" refer, then the said expression shall refer to the said Act as amended or the Act containing such new provisions. ~~10.~~

Application of regulations under 54 V. c. 54.

3. All regulations made under the *The Education Department Act, 1891*, shall apply to any matter or thing in this Act contained, so far as the same may be consistent with this Act, though not specially referred to in any section thereof. 54 V. c. 55, s. 3.

No rate on supporters of Roman Catholic separate schools.

4. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools. 54 V. c. 55, s. 4.

Existing school arrangements continued.

5. All boards of education, and all public school sections or other public school divisions, together with all elections of trustees and appointments to office, all agreements, contracts, assessments, and rate-bills heretofore duly made in relation to public schools, and existing when this Act comes into force, shall *continue* subject to this Act. 54 V. c. 55, s. 5.

PUBLIC SCHOOLS TO BE FREE.

Public schools to be free.

6. All ~~10.~~ schools established under this Act shall be called public schools and ~~10.~~ shall be free schools, and every person between the age of five and twenty-one years shall have the right to attend some school. Pupils may attend kindergarten schools from four to seven years of age, ~~10.~~ subject to such fees as to the trustees may seem expedient. ~~10.~~

RELIGIOUS INSTRUCTION.

Religious exercises.

7.—(1) No person shall require any pupil in any public school to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his or her parents or guardians.

(2) Pupils shall be allowed to receive such religious instructions as their guardians or parents desire, according to any regulations provided for the organization, government and discipline of public schools. 54 V. c. 55, ss. 10, 11.

CONTINUATION CLASSES.

Continuation classes in public schools where there is no high school.

~~10.~~ 8.—(1) Subject to the regulations of the education department the school corporation of any municipality or section in which there is no high school shall have power to establish a continuation class for pupils who have completed the course of study prescribed for public schools and who have passed the public school leaving examination, and also to provide for such class suitable accommodation, and to impose such fees for tuition, upon the pupils in attendance who have passed the said

leaving examinations, whether residents or non-residents of the municipality, as they may deem expedient.

(2) The school corporation may admit to such continuation class pupils who have passed the entrance examination to a high school, but all such pupils who are residents of the municipality or section shall be exempted from tuition fees. Where non-residents are admitted such fees may be charged as the trustees may deem expedient.

Who may be admitted to continuation class.

(3) The course of study for continuation classes shall be the course prescribed for the primary examination of the education department, subject to the regulations of the Education Department in that behalf. Teachers of continuation classes shall possess at least the qualifications of an assistant in a high school.

Course of study in continuation class.
Teachers.

(4) The Minister of Education may apportion to any school conducting continuation classes, out of any money appropriated by the Legislature for that purpose, a sum equal to the average amount per pupil paid by the Legislature towards the maintenance of high school pupils. The municipal council of any county may pay for the maintenance of such classes a sum equal to the legislative grant appropriated by the Minister of Education for such class or such further sums as may seem expedient.

Grant to school having continuation class.

SCHOOL CORPORATIONS.

9.—(1) The trustees of every school section shall be a corporation under the name of "The Board of Public School Trustees for School Section of the Township of in the County of ." 54 V. c. 55, s. 7.

Trustees to be a corporation.

(2) For every rural school section there shall be three trustees, each of whom, in rotation, shall hold office for three years, and until his successor has been elected. The persons qualified to be elected trustees shall be such persons as are British subjects and resident ratepayers or farmers' sons, within the meaning of *The Municipal Act* of the full age of twenty-one years, not disqualified under this Act;

Trustees, term of office of.
Trustees, qualification of.

(3) No school corporation shall cease to exist by reason of the want of trustees, but in case of such want any two ratepayers of the section, or the inspector, may, by giving six days' notice, to be posted in at least three of the most public places of the section, call a meeting of the ratepayers, who shall proceed to elect three trustees, in the manner prescribed in section 13 and the following sections of this Act; and the trustees thus elected shall hold office in the manner prescribed by this Act;

Corporation not to cease by want of trustees.
Tenure of office.

(4) When the ratepayers of any school section, for two years neglect or refuse to elect trustees, the municipal council of the township may appoint trustees for the said school section, who shall hold office for the same term as if elected by the ratepayers; or the municipal council

Council may appoint trustees when no election.

Dissolution of school section on non-election of trustees.

may by by-law declare such section dissolved, and shall (in case of dissolution) attach the same, in such proportions as they may deem expedient, to adjoining sections. The assets of every section so dissolved shall be disposed of as may be determined by the municipal council. 54 V. c. 55, s. 28 (1-2).

BOARDS OF EDUCATION.

Unions of public and high school boards.

10.— The trustees of any public and high school may unite, ~~as~~ as provided in *The High Schools Act* for the management of the public and high schools of any municipality as one corporation, under the name "The Board of Education for the city, town, incorporated village or township of" (*as the case may be*). Boards of education shall have the power of both public and high school trustees.

RURAL PUBLIC SCHOOLS.

School sections in townships.

11.—(1) The municipal council of every township (except where township boards have been established), shall subdivide the township into school sections, so that every part of the township may be included in some section, and shall distinguish each section by a number; provided that no section formed hereafter shall include any territory distant more than three miles in a direct line from the school-house;

Assessors to value lands situated in each section.

(2) Where the land or property of any individual or company is situated within the limits of two or more school sections, the parts of such land or property so situated shall be assessed and returned upon the assessment roll separately, according to the divisions of the school sections within the limits of which such land or property is situate;

Area of new school sections.

(3) No section shall be formed which contains less than fifty children, between the ages of five and twenty-one years, whose parents or guardians are residents of the section, unless such section is more than four square miles in area, except in cases where such area cannot be obtained because of lakes or other natural obstacles.

Township clerk to prepare maps of school sections.]

(4) It shall be the duty of every township clerk to prepare in duplicate, a school map of the township, showing the divisions of the township into school sections and parts of union school sections; to furnish one copy of such map to the county clerk, for the use of the county council, and retain the other in the township clerk's office, for the use of the township corporation. 54 V. c. 55, s. 12-13.

Proceedings on formation of new school section.

(5) Where a new school section is formed in any township the clerk of the township shall cause notice of the first annual meeting to be posted in three of the most public places in the new section, at least six days before the last Wednesday in December, in the year in which such new section was formed; and the first meeting in every new school

section shall be held at the same time and conducted in the same manner as the annual meeting in organized school sections. 54 V. c. 55, s. 29.

(6) At the first meeting in every new section the first trustee elected shall hold office for three years, the second for two years and the third for one year. In case of a poll being taken the trustees shall rank in seniority according to the number of votes polled. The casting vote of the chairman shall be counted as a vote in case of a tie. 54 V. c. 55, s. 30.

Term of office of trustees, first election.

12. Every ratepayer, of the full age of twenty-one years, who is a public school supporter of the section for which such person is a ratepayer and every person qualified to vote as a farmers' son under *The Municipal Act* shall be entitled to vote at any election for school trustee, or on any school question whatsoever.

Who may vote on school questions.

ANNUAL MEETING OF RATEPAYERS.

13.—(1) A meeting of the ratepayers of every section shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees.

Annual meeting, when held.

(2) In case, from the want of proper notice or other cause, any first or annual school meeting was not held at the proper time, the inspector, or any two ratepayers in the section may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school section; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Meetings to be called in default of first or annual meeting.

(3) The ratepayers of a school section present at any school meeting shall elect one of their own number as chairman to preside over its proceedings, and shall also appoint a secretary, who shall record the minutes of the meeting, and perform such other duties as may be required of him by this Act;

Order of business.

(4) The chairman shall submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order, subject to an appeal to the meeting.

Chairman, duties of.

(5) The business of every school meeting may be conducted in the following order:—(a) receiving the annual report of the trustees, and disposing of the same; (b) receiving the annual report of the auditor or auditors, and disposing of the same; (c) electing an auditor for the ensuing year; (d) miscellaneous business; (e) instructing the trustees by resolution, if deemed

Order of business.

expedient, to insure the school buildings and furniture ; (f) fixing the remuneration if any to be paid the secretary-treasurer for attending to repairs and other duties assigned him by the board of trustees ; (g) electing a trustee or trustees to fill any vacancy or vacancies. 54 V. c. 55, s. 17, 18, 19.

ELECTION OF RURAL SCHOOL TRUSTEES.

Poll to be granted on application of two rate-payers. 14.—(1) A poll may be demanded by any two ratepayers at any meeting for the election of trustees, or for the settlement of any school question, and such poll shall be granted by the chairman forthwith, if demanded, within ten minutes after the vote of the meeting has been declared from the chair ;

Proceedings in case of a poll. (2) When a poll is granted for the election of a trustee the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at the election within the time prescribed by this Act, and shall, in the column on which is entered the name of a candidate voted for by a voter, set the figure ' 1 ' opposite the voter's name, with the residence of the voter ;

Entries in poll-book. (3) When a poll is granted upon any public school question the name of each voter shall be similarly placed in separate columns, marked "for" or "against."

When voter is objected to. (4) In case objection is made to the right of any person to vote at any school meeting, the chairman of the meeting, or other presiding officer, shall require such person to make the following declaration or affirmation :

Declaration. (1) I, *A. B.*, do declare and affirm that I am an assessed ratepayer or farmer's son ~~entitled~~ entitled to vote under *The Municipal Act 1862* in school section No. .

(2) That I am of the full age of 21 years ;

(3) That I am a supporter of the public school in said school section No.

(4) That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote. 54 V. c. 55, s. 20-22.

When poll shall close. (5) The poll at every election of a rural school trustee or on any school question, shall not close before *twelve* o'clock noon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced ; and when poll is closed the chairman and secretary shall count the votes polled for the respective candidates or for the school question submitted, as the case may be, and shall declare the candidate elected, or the school question adopted, for which

the highest number of votes was polled, or in case of a tie the chairman shall give the casting vote. 54 V. c. 55, s. 23.

(6) A correct copy of the minutes of the first and of every annual and of every special school meeting, and a copy of the poll-book where a poll has been taken (all of which shall be signed by the chairman and secretary), shall be forthwith transmitted by the chairman of the meeting to the county inspector. 54 V. c. 55, s. 31.

Copy of minutes to be sent to inspector.

(7) The secretary of every school meeting at which any person or persons were elected as school trustees shall forthwith notify in writing each of such persons of his election, and every person so notified shall be considered as having accepted such office unless a notice to the contrary effect has been delivered by him to the *chairman of the meeting* within twenty days after the date of the election. 54 V. c. 55, s. 24.

Acceptance of office by trustees.

(8) When complaint is made to the inspector by any rate-payer that the election of a trustee, or that the proceedings or any part thereof of any school meeting, have not been in conformity with this Act, the inspector shall investigate the same, and confirm or set the election or proceedings aside, and appoint the time and place for a new election, or for the reconsideration of the school question at issue, but no complaint in regard to any election or proceeding at a school meeting shall be entertained by any inspector unless made to him in writing within twenty days after the holding of the election or meeting. 54 V. c. 55, s. 32.

Complaints as to elections.

15. A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. A trustee of a rural school section may resign with the consent, expressed in writing, of his colleagues in office. A retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. 54 V. c. 55, ss. 25-27.

Term of vacancies.

Trustees may resign.

Re-election of any trustee lawful.

ORGANIZATION OF THE BOARD.

16. -(1) Every board of rural school trustees shall hold its first meeting at the school house of the section over which it has jurisdiction, on the Wednesday following the annual meeting, at the hour of 4 o'clock in the afternoon and shall be organized by the election of a chairman, a secretary *and a treasurer or a secretary-treasurer*. A majority of the board shall form a quorum. (*Amended.*)

Organization of board.

(2) It shall be the duty of the board of trustees at its first meeting to examine the school house, outbuildings and school furniture, maps and apparatus, with a view to ascertain what repairs or improvements may be necessary, and to make suitable provision for lighting fires and keeping the school house and premises in a cleanly and sanitary condition by appointing

Inspection of school property at first meeting of board.

some person for that purpose. Subsequent meetings *shall be held* as the board may deem expedient. (*New.*)

Security to be given by secretary-treasurer.

17.—(1) The *treasurer or secretary-treasurer*, who may be a member of the board, shall give such security as may be required by a majority of the trustees—such security to be deposited with the clerk of the municipality;

~~2~~(2) The *treasurer or secretary-treasurer* shall receive all school moneys collected from the ratepayers or other persons and shall account for the same and shall disburse all moneys as directed by the trustees. He shall produce when called for by the trustees, auditors or other competent authority, all papers and money belonging to the corporation.~~2~~

(3) Where the majority of a board of trustees refuse or neglect to take security from the *treasurer or secretary-treasurer* on the demand of any trustee (such demand being duly entered on the minutes) such trustee shall be relieved from all personal liability in case of the default of such *officer*. (*New.*)

Compensation of secretary-treasurer.

(4) The *secretary or secretary-treasurer* may be allowed such compensation for his services or for attending to the repairs of the schoolhouse or premises as shall be agreed upon by resolution of the annual meeting duly entered on the minutes. 54 V. c. 55, s. 33 (1-3).

Duties of secretary-treasurer.

18. It shall be the duty of the *secretary or secretary-treasurer* :—

Minutes of meetings.

(1) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee;

Calling special meetings.

(2) To call, at the request in writing of two trustees, or on the petition of ten ratepayers, a special meeting of the board of trustees. 54 V. c. 55, s. 34 (1-5).

Names and addresses of trustees and teachers to be given to township clerk.

(3) To give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the township, of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and to give reasonable notice in writing from time to time of any changes therein.

Filling vacancies in board.

(4) To give the notice required by this Act of each annual school meeting of the ratepayers of the section; to call a special meeting of the ratepayers when *directed* by the trustees, or on the petition of ten ratepayers, for filling any vacancy in the board of trustees occasioned by death, removal, or other cause; or for the selection of a new school site; or the appointment of a school auditor; or any other lawful school purpose; and to cause notices of the time and place, and of the objects of such meeting, to be posted in three or more public places in the section, at least six days before the time of holding such meeting.

Notice.

(5) To cause to be prepared for the annual meeting of the ratepayers, a report for the year then ending, containing, among other things, a summary of the proceedings of the trustees during the year, together with a detailed account of all school moneys received and expended on behalf of the section, for any purpose whatsoever, during such year. Such report shall be signed by the trustees and by either or both of the school auditors of the section. Report at annual meeting.

(6) To transmit to the inspector the semi-annual returns on or before the 30th day of June and 31st day of December respectively, and the annual return on or before the fifteenth day of January in each year according to the forms prescribed by the Education Department. 54 V. c. 55, s. 34, 40 (10)(13). Annual and semi-annual returns.

19. No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding on any person affected thereby, unless notice of such meeting *has* been given to the trustees by the secretary, or by one of the trustees to the others, either personally or in writing, and a minute of such act or proceeding is made in writing and signed by two of the trustees. 54 V. c. 55, s. 35, 36. Corporate acts must be adopted at lawful trustee meetings.

20. The ratepayers of any rural school section may by resolution at the annual or any special meeting, authorize the trustees to provide for the admission of the pupils of such section to the schools of any adjoining city or town, subject to the approval of the Minister of Education *and the trustees of of such city or town*, and such arrangement so approved shall be taken in lieu of the accommodation which trustees are required by this Act to make for the pupils of the section, and as a public school within the meaning of section 66 of this Act. In such cases it shall be lawful for the trustees to levy and collect upon the taxable property of the section such sums as may be necessary to pay the fees of pupils attending the schools of the city or town, and also such other sums as they may deem expedient, or as may be required by this Act. The average attendance of the pupils belonging to such section at such schools shall be taken by the inspector as the basis on which to divide any grants authorized by the Legislature to be paid to the township to which such section belongs. (New.) Providing for admission of pupils from rural school section to urban schools.

AUDITORS.

21.—(1) Every board of rural school trustees shall, on or before the first day of December, appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the inspector shall at the request in writing of any two ratepayers make the appointment; Appointment of auditors.

Trustees and secretary-treasurer to lay accounts, etc., before auditors.

(2) The trustees, or their secretary-treasurer shall lay all their accounts before the school auditors of the section, or either of them, together with the agreements, vouchers, contracts and books in their possession, and the trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditure of school moneys ;

Time of audit.

(3) The auditors appointed, or one of them, shall, on or immediately after the first day of December in each year, appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. 54 V. c. 55, s. 37 (1-3).

Duties of auditors.

22. It shall be the duty of the auditors of every school section :—

1. To examine into and decide upon the accuracy of the accounts of the section, and whether the trustees have duly accounted for and expended for school purposes the moneys received by them, and to submit the said accounts, with a full report thereon at the next annual school meeting ;

2. In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the county inspector ;

3. If both of the auditors object to the lawfulness of any expenditure made by the trustees, they shall submit the matters in difference to the annual meeting, which may either determine the same, or submit the matter to the Minister of Education, whose decision shall be final. 54 V. c. 55, s. 38 (1-3).

Powers of auditors.

23. It shall be competent for the auditors or one of them :—

(1) To require the attendance of all or any of the persons interested in the accounts, and of their witnesses, with all such books, papers, and writings as the auditor or auditors may direct them, or either of them, to produce ; and to administer oaths to such persons and witnesses ;

(2) To issue their or his warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid ; and the person named in the warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs by seizure and sale of the property of the party or corporation against whom the same has been issued, as any bailiff of a Division Court has in enforcing a judgment and execution issued out of such Court ;

(3) The auditors shall remain in office until their audit is completed. 54 V. c. 55, s. 39 (1-4).

SECTIONS IN UNORGANIZED TOWNSHIPS.

24.—(1) In unorganized townships in any county or district, the public school inspector of the county or district may form a portion of a township, or of two or more adjoining townships, into a school section ; (*Amended.*) Formation of school sections.

(2) No section shall, in length or breadth, exceed five miles in a straight line, and, subject to this restriction, the boundaries may be altered by the inspector from time to time, and the alteration shall go into operation on the 25th day of December thereafter ; provided no school section shall be formed except on the petition of five heads of families resident therein. Limits of section.

(3) Any person whose place of residence is at a distance of more than three miles in a direct line from the site of the schoolhouse of the section shall be exempt from all rates for school purposes, unless a child of such ratepayer shall attend such school ; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within the distance of three miles. Exemption from rates on account of distance.

(4) After the formation of a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section. Election of school trustees.

(5) The trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have the powers and be subject to all the obligations of public school trustees generally. 54 V. c. 55, s. 41-44. Trustees' powers and obligations.

REVISION OF ASSESSMENT ROLLS.

25.—(1) The Secretary-Treasurers of all boards of public school trustees in unorganized townships shall be, *ex officio*, members of a Court of Revision, and three of whom, acting together, shall be a legally constituted Court for the revision and correction of school section assessment rolls, and for the hearing and settlement of any appeals against the same. The members of such Court shall be paid reasonable travelling expenses by their respective boards of trustees for attendance as a Court of Revision ; Court of Revision.

(2) The inspector of schools for the district shall divide the school sections into groups of three sections in every group, or as near thereto as practicable, and shall notify the secretary-treasurers of the sections concerned of the group to which they respectively belong. Such grouping may be changed from year to year as the inspector may direct. (*Amended.*) Sections to be divided into groups.

When inspector to act as Court of Revision.

(3) In every case where from the sparseness of settlements, it would be inconvenient for a Court of Revision as herein constituted to meet for the revision and equalization of the assessment roll, it shall be lawful for the inspector, on the request of any board of trustees, to assume the functions of such Court of Revision for the section on behalf of which such request is made, ^{and} whereupon he shall be the Court of Revision for such section ^{and} and all the proceedings of the inspector in the matter of the revision or correction of the assessment roll, shall be subject to the provisions of this Act, and shall have the same effect as if made in a Court of Revision ^{as} constituted under the preceding subsection. ¹⁹⁵⁴ V. c. 55, s. 44 (2-4).

Annual assessment roll.

26.—(1) The trustees of all school sections in unorganized townships shall, annually, appoint a duly qualified person to make out an assessment roll for the section, the secretary-treasurer of which shall submit a certified copy of the same to the proper Court of Revision for the correction of errors or improper entries that may be found therein.

Assessor to make oath.

(2) The person appointed for preparing such assessment roll shall be subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable property in such school section, and shall, before returning his assessment roll to the secretary of the school section, attach thereto a certificate signed by him and verified upon oath or affirmation according to the form prescribed in *The Assessment Act*.

Appeal against assessment.

(3) A copy of the roll as corrected shall be open to inspection by all persons interested, at some convenient place in the section, notice whereof, signed by the secretary-treasurer of the section, shall be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Court will hear appeals against *the* said assessment roll, and such notice shall be posted as aforesaid by the trustees for at least three weeks prior to the time appointed for hearing the appeals ;

Manner of appeal.

(4) All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Court of Revision, as constituted according to section 25, shall have the same powers as ordinary municipal Courts of Revision ;

Confirmed roll binding.

(5) The annual roll, as finally passed and signed by the chairman of the Court of Revision, shall be binding upon the trustees and ratepayers of the section, until the annual roll for the succeeding year is passed and signed as aforesaid ;

Appeals in unorganized township.

(6) Where any township under the jurisdiction of a township board is unorganized, appeals against its certified assessment roll, shall be made to the Stipendiary Magistrate or Judge of the district or county.

(7) In forming union school sections between and out of an organized township municipality and an unorganized township or locality within any territorial or judicial district, it shall be lawful for such union school section to be formed or altered according to the provisions of this Act, except that the Inspector shall act for the unorganized township or locality, and the Reeve of the organized township for his township. 54 V. c. 55, s. 45-50. Union school sections.

27.—(1) In any portion of the Province not surveyed into townships, the inhabitants thereof who are twenty-one years of age, may at a public meeting called for that purpose, elect three of their number to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of *this Act*. Schools in unorganized townships.

(2) On receipt of notice by the Education Department signed by the trustees so elected, that a public school has been established and suitable accommodation provided for public school purposes, the Minister of Education may pay over to the trustees out of the appropriation made by the Legislature for public schools such sum of money for their maintenance as may be approved by the Lieutenant Governor in Council. (*New*). Notice to the Minister of Education.

28.—(1) The trustees may appoint some fit and proper person, or one of themselves, to collect the rates imposed by them upon the ratepayers of their school section, or the sums which the inhabitants or others may have subscribed, or a rate-bill imposed on any person; and may pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every collector shall give such security as shall be satisfactory to the trustees, which security shall be lodged for safe keeping with the inspector by the trustees. Appointment and duties of school collector.

(2) Every collector shall have the same powers in collecting the school rate, rate-bill, or subscriptions, and shall be under the same liabilities and obligations, and proceed in the same manner in the school section or township, as a township collector in collecting rates in his township, as provided in the municipal and assessment Acts from time to time in force. Powers and liabilities of school collector.

TOWNSHIP BOARDS.

29. In municipalities composed of more than one township, but without county organization, it shall be optional with the municipal councils thereof to form portions of the townships comprising the municipality into school sections, or to establish a board of public school trustees, two members being Boards in municipalities without county organization.

elected for each ward, and if not divided into wards, two for each township thereof, and such board shall possess all the powers and duties of township boards, and shall also, upon the petition of at least five heads of families, provide school accommodation and a teacher for their children and others. 54 V. c. 55, s. 51-53.

Petition for repeal of by-law and for reforming sections.

55 V., c. 42.

30.—(1) In case twenty ratepayers in more than one-half of the school wards of the township petition the township council to submit a by-law to the vote of the ratepayers of the township for the repeal of any by-law under which a township school board was established a by-law shall be submitted to such vote accordingly, and the proceedings shall be in conformity with *The Municipal Act*, except that the vote shall not be by ballot; and in case in the majority of such wards the majority of the votes are for such repeal, the township council shall pass a by-law to disestablish such township school board and form school sections instead thereof; but no repeal shall take effect until the twenty-fifth day of the month of December next following the voting upon the by-law for that purpose;

Adjusting claims.

(2) The council shall, in the same or by another by-law, appoint the inspector jointly with two other competent persons, not residents of the township, and they or any two of them shall, in a report to the council, value the schoolhouses, school sites, and other school property which may thereupon become the property of each school section, and shall also adjust and settle the respective rights and claims consequent on such repeal between the respective school sections, or between any school section, and the township, and all payments to be made by or to any of them. 54 V. c. 55, s. 63

RURAL SCHOOL SITES.

New sites.

31.—(1) The trustees of every rural school section shall have power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the ratepayers of the section to consider the site selected by them; and no site shall be adopted, or change of school site made, except in the manner herein-after provided, without the consent of the majority of such special meeting;

When trustees and ratepayers disagree.

(2) In case a majority of the ratepayers present at such special meeting differ as to the suitability of the site selected by the trustees, each party shall then and there choose an arbitrator, and the county inspector, or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them;

Award.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least five years from the date thereof. 54 V. c. 55, ss. 64-66. Recons deration
of award.

32.—(1) If the owner of the land selected for a new school site, or required for the enlargement of school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of any section, then such owner and the trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the inspector, or in case of his inability to act, any person appointed by him on his behalf as third arbitrator, or any two of them, shall appraise the damages for such land ; When owner
refuses to sell

(2) If the majority of the school trustees, or the majority of a public school meeting, neglects or refuses, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in this Act, or if the owner of land selected as a school site, neglects or refuses to appoint an arbitrator, it shall be competent for the inspector with the arbitrator appointed, to meet and determine the matter ; and the inspector in case of such refusal or neglect, shall have a second or casting vote if he and the arbitrator appointed do not agree ; Appointment
of arbitrators
—their powers

(3) If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and *they shall give* the absent arbitrator notice of the adjournment ; Proceedings
where an ar-
bitrator is ab-
sent.

(4) The arbitrators aforesaid, or any two of them, shall have the power to *hear and determine* all claims or rights of incumbancers, lessees, tenants, or other persons, as well as those of the owner in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant *or person*. Additional
powers of
arbitrator.

(5) Upon the tender of payment of the amount of such damages to the owners or other persons entitled thereto, by the school trustees, ^{or} its payment into the High Court under the authority hereinafter conferred, ^{the} land *may* be taken and used for the purpose aforesaid. 54 V. c. 55, ss 67-70. Taking land.

33.—(1) Any award for a school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in Award to con-
stitute title.

it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on the affidavit of the secretary-treasurer of the board of trustees verifying the same;

Cost of arbitration.

(2) The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators. 54 V. c. 55, ss. 71, 72,

Selection of school site.

34.—(1) A school site shall not be selected in a township within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner of the site without his consent. 54 V. c. 55, s. 73.

Fence.

(2) Any wall or fence deemed necessary for the enclosure of the school premises shall be erected and maintained by the board of trustees at the expense of the school section. (*New.*)

Enlargement of school site.

35. Where the area of a school site is less than is required by the regulations of the Education Department the trustees may, without reference to a special meeting of the ratepayers, enlarge the same, but no such enlargement shall be made in the direction of, or including an orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged. 54 V. c. 55, s. 74.

Who may convey school sites.

36.—(1) All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femes-coverts, or other person, seised, possessed of or interested in any land, may contract for, sell or convey all or part thereof to school trustees for a school site or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act;

Remedy in case of absence of owner.

(2) If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county and that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such time as

he sees fit in some newspaper published in the county; and he may in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit;

(3) The notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the County Judge may direct;

What notice shall contain. Arbitrators.

(4) If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property.

Judge may appoint arbitrator.

54 V. c. 55, ss. 75-78.

37. —(1) Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land, any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party. 54 V. c. 55, s. 79.

Responsibility of trustees as to compensation.

(2) If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and pay the amount of the compensation into the High Court, or in such other manner as the Inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on an affidavit of the secretary-treasurer of the board of trustees verifying the same. 54 V. c. 55, s. 80.

In case of incumbrance. Payment of compensation money into High Court. Award to be registered.

ALTERATION OF SCHOOL BOUNDARIES.

Powers of
Township
Councils.

38. Every township council shall have power:—

Union of ex-
isting sections.

1. To pass by-laws to unite two or more sections in the same township into one, in case at a public meeting in each section called by the trustees or inspector for that purpose, a majority of the ratepayers present at each of such meetings request to be united;

Alteration,
etc., of school
sections.

2. To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union respectively, have been duly notified, in such manner as the council may deem expedient, of the proposed proceeding for this purpose, or of any application made to the council to do so;

By-law for
altering school
sections.

3. Any such by-law shall not be passed later than the first day of *June* in any year, and shall not take effect before the 25th day of December next thereafter, and shall remain in force, unless set aside as hereinafter provided, for a period of five years. The township clerk shall transmit forthwith a copy of such by-law and minutes relating thereto to the trustees of every school section affected thereby, and to the public school inspector. 54 V. c. 55, s. 81 (1-3)

When part of
section is
added to city
or town.

4. When part of any school section has been added to a city or town by order of the Lieutenant-Governor in Council, the municipal council in which such section is situated may pass a by-law for the readjustment of the boundaries of the remaining portion of such section, notwithstanding the passing of a by-law within five years affecting the limits of such section or adjoining sections. 58 V. c. 57, s. 4.

APPEALS TO COUNTY COUNCIL.

Appeal to
County
Council.

39.—(1) A majority of the trustees, or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk appeal to the county council of the county in which such section or sections are situated, against any by-law of the township council for the formation, division, union or alteration of their school section or school sections; or against the neglect or refusal of the township council, on application being made to it by the trustees or any five ratepayers concerned, to alter the boundaries of a school section or school sections within the township;

(2) The time herein mentioned for appeal shall run from the date of the by-law complained of, or from the date of the meeting at which the council refused to pass such by-law,

or from the first meeting after which notice was received from the clerk of the application of the trustees or ratepayers asking for such by-law to be passed, as the case may be ;

(3) The county council may appoint as arbitrators not more than five, or less than three competent persons, two of whom shall be the County Judge, or some person named by him, and the county inspector, and a majority of whom shall form a quorum to hear such appeal and to revise, determine or alter the boundaries of the school section or school sections, so far as to settle the matters complained of ; but the alterations or determination of the said matters shall not take effect before the 25th day of December in the year in which the arbitrators so decide, and shall thence continue in full force for the period of five years at least, and until lawfully changed by the township council ;

Appointment
of Arbitrators.

(4) No person shall be competent to act as arbitrator, who is a member of the township council, or who was a member at the time at which the council passed, or refused or neglected to pass the by-law or resolution ;

Who may act
as Arbitrators.

(5) Due notice of the alterations or the determination of the said matters made by the arbitrators shall be given by the inspector to the clerk of the township, and to the trustees of the school sections concerned. 54 V. c. 55, s. 82 (1-5)

Notice.

40. On the formation, dissolution, division or alteration of any school section in the same township, in case the trustees of the sections interested are unable to agree, the county inspector and two other persons appointed by the township council as arbitrators, shall value and adjust in an equitable manner all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the township affected, and determine in what manner and by what portion or by whom the same shall be settled ; and the determination of the said arbitrators or any two of them shall be final and conclusive. 54 V. c. 55, s. 83.

Adjustment of
claims
between
unions in same
township.

41. In case a school site or school-house or other school property is no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of, in such a manner as a majority of the ratepayers in the altered or united school sections may decide at a public meeting called for that purpose ; and the ratepayers transferred from one school section to another shall be entitled, for the public school purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school-house or other public school property as the assessed value of their property bears to that of the other ratepayers of the school section from which they have been separated ; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other public

Disposal of
school pro-
perty when not
wanted.

school purposes of such old section. In the case of united sections, the proceeds of the sale shall be applied to the like public school purposes of such united sections. 54 V. c. 55, s. 84.

UNION SCHOOL SECTIONS.

Unions exist-
ing 2nd
March, 1877.

42. All school sections existing on the 1st day of *April*, 1896, and all union school sections which on that day existed in fact, and whether formed in accordance with the provisions of the law in that behalf or not, are to be deemed to have been legally formed, and shall continue to exist, subject, however, to the provisions of this Act so far as applicable as if they had been formed thereunder; and in cases where any union has before said date been adjudged by any court or judge to have been illegally formed, or where any proceedings were pending at said date on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the court or judge may award. 54 V. c. 55, s. 85.

What unions
may be
formed.

43. A union school section may be established between (a) parts of two or more adjoining townships, or (b) parts of one or more townships and an adjoining *urban municipality* and union school sections may be formed, altered or dissolved as follows:—

Procedure for
formation, al-
teration or
dissolution of
union.

(1) On the petition of five ratepayers from each of the municipalities concerned, to their respective municipal councils, asking for the formation, alteration or dissolution of a union school section, each municipal council so petitioned may appoint an arbitrator (who must not be a member of the council), notice of which shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall be *ex officio* arbitrators; and a council may act upon a petition addressed to the councils concerned or to any two or more of them jointly, if such petition is signed by five ratepayers of the municipality acting thereon;

Where even
number of
arbitrators
appointed
county judge
to act.

(2) In cases where the person so appointed arbitrators would be an even number, the senior County Court Judge, or some person by him appointed to act in his behalf, shall be added, or in the case of an arbitration affecting two or more counties, then the senior County Court Judge of the county having the largest population according to the last Dominion census, or some person by him appointed to act in his behalf shall be added;

First meeting
of arbitrators.

(3) The first meeting of the arbitrators shall be called by the inspector representing the greatest number of schools, who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned;

Award what
to contain.

(4) In case the arbitrators shall determine upon the formation of a new union section, or upon the alteration of the boundaries of an existing union school, they shall in their award set forth the specific parcels of land to be included in such new union school section, or in such altered section as the case may be. In the event of the transfer of any parcel

or parcels of land from an existing union section to some other section or sections the arbitrators shall in their award set forth to what other section or sections such transfer shall be made, and any such transfer shall be binding and operative for all school purposes till altered as provided by this Act ;

(5) In case the arbitrators shall determine upon the dissolution of an existing union they shall set forth in their award the section or sections to which the parcels of land comprising such union shall be attached for school purposes, and any such transfer of the parcels of land comprising a union school section to an adjoining section or sections shall be binding and operative till the boundaries of such section or sections are altered as provided by this Act ;

(6) Where the arbitrators find that it would be in the interest of the parties concerned, and where in their opinion it is practicable so to do, they may at their discretion form part of the territory of any union section into a non-union section, or form a new union, and in such cases they shall indicate the parcels of land of which such union or non-union section shall be composed. The remainder of the union section shall be disposed of as hereinbefore provided ;

(7) When a new union school section is formed or an existing union school section altered the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection and maintenance of the school and other requisite expenses, and such determination shall be binding for a period of three years ;

(8) In any award made under this section the arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of union sections between the respective municipalities, school sections *and ratepayers* concerned, and shall also determine in what manner and by what municipality or municipalities, or what portions thereof the same shall be paid and the sum of money to be paid by one portion of the municipalities or school sections concerned to the union schools so formed or altered, and the disposition of the property of the union and any payment by one portion to the other^{res} and the right of any ratepayer affected by the award,^{res} and such valuation, adjustment and determination shall form and be considered an integral portion of their award, and shall be binding on the municipalities and school sections concerned, subject to this Act ;

(9) When a new union school section is formed by arbitration, as herein provided, the inspector authorized under subsection 3 to call the first meeting of the arbitrators, shall call the first meeting for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act ;

(10) Such union, alteration or dissolution shall not take effect until the 25th day of the month of December, after the award of the arbitrators or a certified copy thereof is filed with the clerks of the municipalities concerned ;

(11) No union school section shall be altered or dissolved for a period of five years after the award of the arbitrators has gone into operation, whether such award did or did not change the boundaries of existing sections, but nothing herein contained shall be construed as restraining any municipal council from enlarging the boundaries of any union school section from time to time as may be deemed expedient. 54 V. c. 55, ss. 86, 87 (1-11). (*Amended.*)

Appeal relating to union school within a county.

44. When the territory which it is proposed to form into a union school *section* or when the union school section which it is proposed to alter or dissolve, lies wholly within a county the trustees or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council against any award made by the arbitrators either for *or against* the formation, alteration or dissolution of such section, or against the neglect or refusal of the township council or councils concerned to appoint arbitrators, as provided in section 43 of this Act, and on receipt of such appeal the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 43, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the county clerk. 54 V. c. 55, s. 88.

Appeal relating to union school within two or more counties.

45. When the territory which it is proposed to form into a union school or when the union school section which it is proposed to alter or dissolve, lies partly within two or more counties, the trustees or any five ratepayers in the territory or union school section concerned, or the inspector or inspectors, may within one month after the making thereof appeal against any award made by arbitrators for *or against* the formation, alteration or dissolution of such section, or against the refusal or neglect of the township council or councils concerned to appoint arbitrators, to the Minister of Education, who shall have power to alter, determine or confirm such award, or where no award was made, then at his discretion to appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 43 of this Act, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the Minister of Education. 54 V. c. 55, s. 89.

46. The collectors of each municipality in which a part of a union section is situate shall collect the school rates for that part, and the amount collected from the several ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and such treasurer shall pay over the same without any charge or deduction to the trustees entitled thereto. 54 V. c. 55, s. 90.

Collection of rates in union school sections.

47. When any township municipality is divided by Act of the Legislative Assembly for municipal purposes, all school sections which may, by such division, be situated partly in each of the newly formed municipalities, shall be deemed union sections until otherwise altered under the provisions of this Act. 54 V. c. 55, s. 91.

School sections when municipality divided.

48. Every union school section shall, for the election of trustees, be deemed one school section, and shall be considered in respect to inspection as within the municipality in which the school-house is situated, or if there be two or more school-houses then in the municipality having the largest amount of assessed property. 54 V. c. 55, s. 92.

Election of trustees, and inspection of union school sections.

UNIONS WITH URBAN MUNICIPALITIES.

49.—(1) In case a portion of the territory composing one or more school sections becomes incorporated as an *urban municipality*, the boundaries of such school section or sections shall continue in force and shall be deemed a union school section, and the provisions of this Act respecting the election of public school trustees in *urban municipalities* shall apply thereto until such union is altered or dissolved as provided by this Act. (*Amended.*)

Continuation of boundaries of rural sections.

(2) In the case of an *urban municipality* divided into wards to which a part of an adjoining township or townships is attached for school purposes, the board of trustees of such union school section shall by resolution determine in which ward or wards the ratepayer of the township shall vote for the election of school trustees and at elections on other school questions and in case of no such resolution, then such portion of the township shall be considered for all election purposes as attached to the ward or wards adjacent, and if two or more wards are adjacent any such ratepayer may vote in either of such wards. 54 V. c. 55, r. 92 (1-2).

Where ratepayers to vote when municipality divided into wards.

50.—(1) When any portion of a township municipality is annexed to an *urban municipality* by proclamation, the portion so annexed shall for all school purposes be deemed to be part of such city or town, provided always that when the portion annexed does not include the whole of any contiguous school section, the respective municipalities shall, unless determined by mutual agreement

Where part of a township is annexed to a city.

between themselves after such annexation, each appoint an arbitrator who, with the senior County Judge of the county, shall value and adjudge in an equitable manner the rights and claims of all parties affected by such annexation, and shall determine by what municipality or portion thereof, the same shall be adjusted, paid or settled.

(2) The award of the arbitrators shall be final and conclusive, and the money found due, either by mutual agreement or under the award, shall be deemed money for school purposes and the provisions of section 70 of this Act shall not apply to the money so required to be paid under the award or mutual agreement, and a debenture or debentures may issue to be payable out of the taxable property of that part of the school section remaining in the indebted municipality, upon a requisition of the trustees of said school section, without calling a special meeting of the electors, and upon the terms and conditions set forth in a by-law of the said municipality, anything in this Act to the contrary notwithstanding. 4 V. c. 55, s. 94.

Adjustment of assets and liabilities upon union of municipalities.

(3) In all cases in which two municipal corporations are united by proclamation or by any Act of the Legislative Assembly, all the assets and liabilities of *each* school corporation shall be assumed by the school corporation of the united municipality. 55 V. c. 60, s. 5.

EQUALIZATION OF UNION SCHOOL ASSESSMENTS.

Assessors to determine proportion.

51.—(1) Once in every three years the assessors of the municipalities in which a union school section is situated, shall, after they have completed their respective assessments and before the first day of July meet and determine what proportion of the annual requisition made by the trustees for school purposes shall be levied upon and collected from the taxable property of the respective municipalities out of which the union school section is formed. Notice of such determination shall be given forthwith to the secretary-treasurer of the union school section concerned;

Arbitration where assessors disagree.

(2) In the event of the assessors disagreeing as to such proportion, as aforesaid, the inspector in whose district the union school section is situated shall name an arbitrator who, with the assessors aforesaid shall determine the said matter and report the same to the clerks of the respective municipalities, and the decision of a majority shall be final and conclusive for the period of three years;

When school section lies in two counties.

(3) When the union school section is composed of portions of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the schoolhouse of the union section is situated shall name an arbitrator, and the decision of a majority shall be final and conclusive for the period of three years;

(4) The meeting of the assessors, for the purposes herein set forth, shall be called by the assessor of the municipality in which the schoolhouse of the union section is situated;

Meeting of assessors to determine proportion.

(5) The assessors or the assessors and arbitrator appointed as herein required may, at the request of the inspector or five ratepayers, within one month after the filing thereof with the clerk reconsider their award, and alter or amend the same so far as to correct any omission or error in the terms in which such award is expressed. 54 V. c. 55, s. 95 (1-5).

Reconsideration of award.

52.—(1) Any by-law of a municipality for forming, altering or dissolving a school section or sections, and any award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding for a period of at least five years notwithstanding any defect in substance or form, or in the manner or time of passing or making the same, unless notice to quash such by-law or to set aside such award is filed in the office of the township clerk within one month of the publication of such by-law or award; and the same is subsequently quashed or set aside.

By-law altering sections to be valid unless notice to quash given.

(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary or secretary-treasurer of each board of trustees affected thereby. 54 V. c. 55, s. 96 (1-3).

What deemed publication of by-law.

URBAN SCHOOL BOARDS.

53.—(1) Every board of public school trustees in *urban municipalities*, elected as provided by this Act shall be a corporation by the name of "The Public School Board" (prefixing to the words "Public School Board" the name of the city, town or incorporated village for which such trustees are elected), and shall have and possess all the powers usually possessed by corporations, so far as the same are necessary for carrying out the purposes of this Act.

Board to be a corporation.

(2) Any ratepayer who is a British subject and resident in the municipality of the full age of twenty-one years may be elected a public school trustee, and every trustee shall continue in office until his successor has been elected and the new board organized. 54 V. c. 55, secs. 97-98.

Who may be elected trustees.

54.—(1) In case any unincorporated village becomes incorporated, or in case a village or town changes its corporate status, the trustees having jurisdiction over the school property situated within such village, or town, prior to its incorporation or prior to the change of its corporate status shall exercise all the powers conferred by this Act upon the trustees of *urban municipalities*, until a new election of trustees is held,

First election of trustees.

and such trustees shall call a meeting of the ratepayers of such *urban municipality* within one month after the date of such incorporation for the election of a new public school board ;

(2) In calling the meeting of the ratepayers of such newly incorporated *urban municipality*, the provisions of section 57 of this Act shall be complied with so far as the same are applicable, Where the trustees of the municipality whose corporate status was changed were elected by ballot, the provisions of section 58 of this Act shall apply to the election of trustees in such newly incorporated *urban municipality*. 54 V. c. 55, s. 99 (1-2)

Trustees in city, etc., divided into wards.

55.—(1) For every ward into which any *urban municipality* is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected and the new board organized ;

(2) One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school meeting, and the other shall continue in office one year longer and then retire, after which one trustee shall be elected annually for each ward ;

(3) When any town or incorporated village is annexed to a city, the town or incorporated village so annexed, shall for all the purposes of this Act, be deemed to be part of the city. 54 V. c. 55, s. 100 (1-3).

(4) The provisions of this section shall not be held to invalidate or make void section 10 of the Act passed in the 54th year of Her Majesty's reign, chaptered 82, relating to the city of Toronto, but the said section 10 and the sub-sections thereof shall be read and construed as if incorporated in this Act.

Trustees in villages not divided into wards.

56.—(1) In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected and the new board organized;

(2) Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire ; after which three trustees shall be elected annually. 54 V. c. 55, s. 101 (1-2).

ANNUAL ELECTION OF TRUSTEES.

Provisions for elections of trustees.

57. The annual and other elections of public school trustees, unless otherwise ordered, as provided by section 58 of this Act, shall be subject to the following provisions :—

(1) A meeting of the ratepayers for the nomination of candidates for the office of public school trustee, shall take place at noon on the last Wednesday in the month of December, annually, or if a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the public school board, and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit. Nominations.

(2) The public school board shall by resolution before the second Wednesday in December each year name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and also for holding the election in case of a poll, and in case of the absence of such officer the chairman chosen by the meeting shall preside, and the public school board shall give at least six days' notice of such meeting. Returning Officer.

(3) If at such meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall so notify the secretary of the public school board; but if two or more candidates are proposed for any one office and a poll in respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, or if a holiday, then to the day following, when a poll or polls shall be opened at such place or places, and in each ward, where^{as} the municipality is divided into wards, ^{as} as shall be determined by resolution of the trustees; Proceedings at nominations

(4) The polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled; Hours of polling.

(5) In *urban municipalities*, and in townships where public school boards exist, the clerk of the municipality shall furnish to the public school board, within three days after request in writing, 'The Voters' List,' of such municipality, together with a supplementary list either printed or in writing of the names of persons being supporters of separate schools, and also a list of the names, alphabetically arranged, of all ratepayers not being already upon 'The Voters' List.' In cities and towns divided into wards, clerk of municipality to furnish Voters' List to Public School Boards

(6) The public school board shall provide each polling place with the lists aforesaid, and also a poll book; and at every election at which a poll is demanded, the returning officer or person presiding, or the poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at Certified copy of list and a poll book to be provided for each polling place. Entries in Roll Book.

the election, and shall, in each column on which is entered the name of a candidate voted for by a voter set the figure '1' opposite the voters name, with the residence of the voter ;

Duty of returning officer after close of election. (7) The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary or secretary-treasurer of the public school board, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer ;

Duty of secretary. (8) The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them respectively in said election.

Casting vote. (9) In case two or more candidates have an equal number of votes, the member of the board present at the first meeting thereof after such election and before the organization of the board, who is assessed highest as a ratepayer on the last revised assessment roll, shall give a vote for one or more such candidates, so as to decide the election. 54 V. c. 55 s. 102 (1-9.)

ELECTION BY BALLOT.

Elections of trustees on same day as municipal elections. Trustees may discontinue use of ballot at elections. **58.**—(1) The board of public school trustees of any *urban municipality* or township may, by resolution of which notice shall be given to the clerk of the municipality on or before the first day of October in any year, require the election of school trustees for such *urban municipality*, or township, to be held by ballot on the same day as municipal councillors, or aldermen are elected, as the case may be. In like manner any board of trustees may discontinue the use of the ballot in trustee elections on giving notice to the clerk of the municipality to that effect at the time hereinbefore mentioned, and thereafter elections for the purposes of this Act shall be conducted as provided in section 57 of this Act.

Ballot not to be discontinued or resumed for three years after the change. (2) Where any board of trustees requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time, then the provisions of section 57 shall apply for a period of three years at least after such discontinuance ;

Mode of conducting elections by ballot. (3) In every case in which notice is given as aforesaid requiring the election of public school trustees to be held by ballot, such election shall thereafter be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nomin-

ations and elections of aldermen or councillors are conducted ; and the provisions of *The Municipal Act* respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies, and declarations of office, shall *mutatis mutandis* apply to the election of public school trustees ; 55 V. c. 42.

(4) A separate set of ballot papers shall be prepared by the clerk of the municipality for all the wards or polling subdivisions, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors or aldermen, except the substitution of the words "school trustee" for councillors or aldermen, as the case may be ; and no ballot shall be delivered to any person who is entered on the list of voters as a supporter of separate schools Form of ballot papers.

(5) In case any objection is made to the right of any person to vote at any election of school trustees the deputy returning officer shall require the person whose right of voting is objected to, to make the following oath or affirmation :— Oath to be administered when voter objected to.

You swear (or solemnly affirm) that you are the person named or purporting to be named, in the list (or supplementary list) of voters now shewn to you (*shewing the list to voter*) ; Form of oath.

That you are a ratepayer ;

That you are of the full age of twenty-one years ;

That you are a public school supporter ;

That you have not voted before at this election, either at this or any other polling place in this Ward or (in this Municipality, where the municipality is not divided into wards) for School Trustee ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election : So help you God ; 54 V. c. 55, s. 103 (1-6).

59.—(1) In case the office of trustee becomes vacant from any cause, the remaining trustees shall, ~~and~~ except as provided in next sub-section, ~~and~~ forthwith hold a new election in the manner provided by this Act for the annual election of trustees to fill such vacancy, and the person thereupon elected shall hold his seat for the remainder of the term for which his predecessor was elected. 54 V. c. 55, s. 104. Vacancy in office of trustee.

(2) In the case of an urban municipality should such vacancy occur within three months of the expiry of the term of office, the remaining trustees may allow the office to remain vacant until the next ensuing election.

CONTESTED ELECTIONS.

Judge of
County Court
to receive and
investigate
complaints.

60.—(1) Any complaint respecting the validity or mode of conducting the election of school trustees in any urban municipality shall be made to the Judge of the County Court within twenty days after such election, who shall, within a reasonable time, in a summary manner, hear and determine the same; and may cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such persons to appear before him as he may deem expedient.

(2) The Judge may confirm the election or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted; and, in case the Judge determines that no person was duly elected, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the public school board; 54 V. c. 55, s. 105.

First meeting
of Board.

61.—(1) Every urban board of school trustees shall hold its first meeting in each year on the third Wednesday in January, ⁴²⁷(this is provided for in *High School Act*) ⁶²¹at the hour of seven o'clock in the afternoon, or at such other hour and place on the same day as may have been fixed by resolution of the former board.

President at
first meeting.

(2) At such meeting the secretary of the board shall preside at the election of chairman, or, if there be no secretary, the members present shall appoint one of themselves to preside at such election, and the member so appointed to preside may vote as a member;

Casting vote.

(3) In case of an equality of votes at the election of chairman the member who is assessed as a ratepayer for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member;

Quorum of
school
boards, etc.

(4) A majority of the members of the board shall be necessary to form a quorum, ⁴²⁷at any meeting ⁶²¹and the vote of the majority of such quorum shall be necessary to bind the corporation. 54 V. c. 55, s. 106 (1-5).

DUTIES OF TRUSTEES.

Duties of
Board.

62. It shall be the duty of the trustees of all public schools and they shall have power:—

Appointment
of secretary
and collector.

1. To appoint a secretary and treasurer or secretary-treasurer, and such committees, officers and servants as they may deem expedient;

2. To fix the time and place of meetings of the board, the mode of calling and conducting them, and of keeping a true and correct account of the proceedings of such meetings, and to transmit to the Minister of Education all returns and reports required by the Education Department ;
3. To provide adequate accomodation for all the children of the supporters of public schools between the ages of five and sixteen years, resident in the municipality (in the case of rural schools for two-thirds of such children resident in the section) as ascertained by the census taken by the municipal council for the next preceding year ;
4. To purchase or rent school sites or premises, and to build repair, furnish, and keep in order the schoolhouses, furniture, fences and all other school property : to keep the well, closets and premises, generally in a proper sanitary condition ; to procure registers maps, globes, apparatus, and, if they deem it expedient, procure prize books and establish and maintain school libraries ;
5. To determine the number, grade, territorial boundaries and description of schools to be opened and maintained ; the teachers to be employed ; the terms on which they are to be employed, and their remuneration and rank, whether principals or assistants ; and, as they may deem expedient, to establish kinderga tens and classes for industrial training and instruction in needle work and domestic economy ;
6. To dismiss from the school any pupil who shall be adjudged so refractory by the trustees and the teacher that his presence in school is deemed injurious to the other pupils, and, where practicable, to remove such pupil to an industrial school ;
7. To collect, at their discretion, from the parents or guardians of the pupils attending school a sum not exceeding twenty cents per month, per pupil, to defray the cost of text books, and other school supplies ; or to purchase for the use of pupils text-books and other school supplies at the expense of the corporation ;
8. To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons (notice of such exemption to be given by the trustees to the clerk of the municipality, on or before the first day of August) and when deemed necessary to provide for the children of such persons text-books and other school supplies at the expense of the corporation ;
9. To submit to the municipal council, on or before the first day of August, or at such time as may be required by the municipal council, an estimate of the expenses of the schools under their charge for the twelve months next following the date of application ;

To fix meetings of the board.

To provide adequate accomodation.

To provide school premises, apparatus, prize books and library.

To determine number of schools, etc.

Dismissal of refractory pupils.

Trustees may collect a fee from parents, for books, etc.

Exemption of indigent persons from school rates.

To lay before council estimate for moneys.

Payment of
teachers'
salaries.

10. To provide (in the case of rural schools) for the payment of teachers' salaries quarterly and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected;

To publish
auditors'
report.

11. To submit in the case of urban municipalities all accounts, books and vouchers to be audited by the municipal auditors, whose duty it shall be to audit the same and to publish at the end of every year, in one or more of the public newspapers, or otherwise, *an abstract of* the annual report of the auditors, with such findings and recommendations as the auditors deem expedient;

Custody and
disposal of
school pro-
perty.

12. To take possession of all property which has been acquired or given for public school purposes, and to hold the same according to the terms on which it was acquired or received; and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes or as directed by this Act. 54 V. c. 55, s. 107 (1-13.)

13. To supplement out of school funds, at their pleasure, any allowance payable under this Act to superannuated teachers.

Trustees act-
ing under
laws not
liable.

63.—Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a municipal council before it has been quashed. In case a by-law, order or resolution of a municipal council is illegal, in whole or in part, and in case anything has been done under it, which by reason of the illegality gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the corporation. Every such action shall be brought against the municipal corporation alone, and not against any person acting under the by-law, order or resolution. 54 V. c. 55, s. 130 (1-3).

64. The trustees of cities when so requested by any charitable organization having in charge children of school age shall have power to employ teachers for such children, and to furnish for their use all school supplies if they deem it expedient, and such children shall be considered public school pupils and shall be subject to this Act.

School sites.

65. Every urban school board shall have power to take and acquire land for a school site or for enlarging school premises already held. In the event of any dispute between the

owner of the land selected and the trustees, with regard to the price of such land, sections 31 to 37 of this Act shall apply. 54 V. c. 55, s. 108.

TOWNSHIP ASSESSMENTS.

66.—(1) The municipal council of every township shall levy and collect by assessment, upon the taxable property of the public school supporters of the whole township, in the manner provided by this Act, and by the municipal and assessment Acts, the sum of \$150 at least for every public school which has been kept open the whole year exclusive of vacations. Where the school has been kept open for six months or over, a proportionate amount of the said sum of \$150 at least shall be levied and collected by assessment upon the taxable property of the whole township. An additional sum of \$100 at least shall be levied and collected in a similar manner for every assistant teacher engaged for the whole year, and a proportionate amount if such assistant teacher was engaged for six months or over;

Township council to levy sums required for school purposes.

(2) In the case of union school sections the municipal council of each municipality of which the union school section is composed shall levy and collect upon the taxable property of the respective municipalities the said sum in the proportion fixed by the equalization provided under section 51 of this Act. This section shall apply only to union sections formed between townships. 54 V. c. 109, s. 109 (1-3.)

67.—(1) The council of every municipality shall levy and collect upon the taxable property of the municipality (or of the sections in the case of rural schools), in the manner provided in this Act, and in the municipal and assessment Acts, such sums as may be required by the trustees for school purposes; and shall pay the same to the treasurer of the Public School board from time to time as may be required by the board for teachers' salaries and other expenses. In the case of rural schools, all moneys collected shall be paid to the secretary-treasurer of the section on or before the 15th of December;

City, town or village council to levy sums required for school purposes.

(2) The council of every municipality may, in addition to any requisition of the public school trustees, raise by assessment such other sums as it may deem expedient for the establishment and maintenance of a school library, or for aiding new or weak schools or continuation classes within such municipality, or for the support of model schools, or for supplementing teachers' salaries or retiring allowances; 54 V. c. 55, ss. 110, 112; 58 V. c. 57, s. 8.

Establishment of libraries.

(3) Every municipal council shall have power, and it shall be their duty to correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or in-

Correction of errors in collection of rates in previous years.

tended so to be, to the end that no property shall escape from its proper proportion of the rate and that no property shall be compelled to pay more than its proper proportion of such rate. 58 V. c. 57, s. 7 (4.)

Return shewing rating of separate school supporters.

68. It shall be the duty of the clerk of every township:—

Separate school amounts to be deducted.

(1) To transmit not later than the first day of December in each year to the county school inspector a list of the supporters of separate schools against whom any county rate for public school purposes has been placed upon the collector's roll shewing the amount so rated against each and the total amount so rated. The county inspector shall, before issuing his order for the payment of the county grant to the public school sections, deduct therefrom the amount so certified to him by the clerk of such municipality, and shall give the trustees of the separate school section an order on the township treasurer for the amount thereof, and it shall be the duty of such treasurer to pay over the same;

Clerk to give copy of assessment to inspector.

Statement to be furnished to board by clerk.

(2) To give to the public school inspector when requested by him, a statement of the assessed value of each school section as shewn by the revised assessment roll for the year, and at the request of any board of trustees to furnish the board with a statement shewing the several parcels or lots of land composing the school section for which they are trustees, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel of such lands, and the population of each school section between the ages of five and sixteen years. The cost of preparing the latter statement shall be paid by the board of trustees applying for the same. 54 V. c. 55, sec. 111 (1-2) 113.

Clerk to make returns of population.

69. It shall be the duty of the clerk of every county to make a return to the Minister of Education showing the population of each minor municipality within the county, and of the clerk of every city and of every town separated from a county to make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous year, said returns to be made on or before the first day of April in each year. 54 V. c. 55, s. 129.

DEBENTURES IN RURAL SECTIONS.

Township school debentures.

70.—(1) On the application of any board of rural school trustees for the issue of debentures for the purchase of a school site for the erection of a schoolhouse, or any addition thereto, or for the purchase or erection of a teacher's residence, the municipal council of the township shall pass a by-law for the said purpose, and shall forthwith issue debentures to be repayable out of the taxable property of the school section concerned in such annual amount as they may deem expedient, provided always the proposal for such loan has

been submitted by the trustees to and sanctioned at a special meeting of the ratepayers of the section, called for the purpose ;

(2) All applications for a loan, for the purposes herein mentioned, shall be made by the trustees of a union school section to the council of the municipality within which the school house or site of such union section is situated, and all debentures for the payment of such loan shall be issued by such municipality. Any other municipality or municipalities forming part of the union school section shall pay, on the requisition of the clerk of the municipality by which the debentures were issued, as they come due, its or their share of the loan, including interest, according to its or their liability for school purposes, as determined by section 51 of this Act ;

Applications for loans to be made to, and debentures issued by council.

(3) Notwithstanding any alteration which may be made in the boundaries of any school section, the taxable property situated in the school section at the time when such loan was effected, shall continue to be liable for the rate which may be levied by the township council for the repayment of the loan. 54 V. c. 55, s. 115 (1.4).

Liability for loan.

(4) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the school section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such school section. 55 V. c. 60, s. 3 ;

Expenses of publishing by-laws.

71.—(1) The trustees of any rural school may require the council to raise, by one yearly rate, such sums as may be necessary for the purchase of a schoolhouse or site, or the erection of a schoolhouse or teacher's residence.

Application to council for school moneys

(2) No municipal council shall levy or collect during any one year more than one school rate except for the purchase of a school site, or for the erection of a schoolhouse. 54 V. c. 55 ss. 119-120.

Council not to levy more than one rate except in certain cases.

DEBENTURES IN ~~THE~~ URBAN MUNICIPALITIES ~~AND~~

72.—(1) The municipal council of any urban municipality may, on the application of the board of public school trustees, pass a by-law for any of the purposes mentioned in the preceding section. Where the municipal council refuses to raise or borrow the sum required, then the question shall be submitted by the municipal council, if requested by the board of trustees, to the vote of the electors qualified to vote under *The Municipal Act* for the creating of debts, ~~and~~ who are supporters of public schools, in the manner *therein* provided, and on the assent of such electors being obtained the council shall raise or borrow such sum ;

Submission of question to vote of electors.

55 V. c. 42.

Form and term of debenture.

(2) Debentures issued for school purposes may be in the form given by this Act, and for such term of years and for such amount as the council shall see fit, not exceeding thirty years, or the municipal council may, in its discretion make the principal and interest of such debt repayable by annual or other instalments, in the manner provided in *The Municipal Act*. 54 V. c. 55, s. 116, 117.

(3) Application for the issue of debentures for school purposes by the trustees of urban municipalities to which part of an adjoining township is attached shall be subject to the provisions of this section.

Exemption by by-law not to affect liability for school rates.

73. No by-law passed by any municipality after the 14th day of April, 1892, for exempting any portion of the ratable property of a municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind whatsoever. 55 V. c. 60, s. 4.

School corporations may borrow surplus moneys.

74. Any school corporation may, with the consent of the ratepayers first had and obtained at a special meeting duly called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario municipalities fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution, for the purpose of purchasing a school site, or erecting a schoolhouse; and any sum so borrowed shall be applied to that purpose, and to that only. 54 V. c. 55, s. 121.

TREASURERS OF SCHOOL MONEYS.

Sub-treasurers of school moneys.

75.—(1) For all school purposes township treasurers shall be considered sub-treasurers of the county treasurer, provided always that the county council may by by-law constitute the county treasurer, the sub-treasurer for municipalities ~~not~~ separated from ~~the~~ county. ~~The~~ treasurer or secretary-treasurer of each city or town separated from the county shall receive the government grants apportioned to the city or town and shall hold the same for school purposes subject to the order of the board of trustees. ~~and~~

Treasurer and sureties, responsible to municipality.

(2) The treasurer and sub-treasurer and their sureties shall be accountable for school moneys to the county *city* or town (*as the case may be*), and any bond or security given by them for duly accounting for and paying over moneys coming into their hands, belonging to the county, *city* or town, shall apply to all school moneys, and may be enforced against the treasurer or his sureties, in case of default on his or their part;

Bonds to apply to school moneys, etc.

(3) The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province, and, in case of any default, Her Majesty may enforce the responsibility of the county, city or town, either by stopping a like

amount out of any public moneys payable to the county, city, or town, or to the treasurer thereof or by action against the corporation ;

(4) Any person aggrieved by the default of the municipal treasurer may recover from the corporation of any city, county or town, the amount due or payable to such person as money had and received to his use. 54 V. c. 55, ss. 118, 124, 125, 126, 127. City, etc., responsible for default of treasurer, etc.

DUTIES OF TEACHERS.

76.—(1) It shall be the duty of every teacher of a public school, to teach diligently and faithfully all the subjects in the public school course of study ; to maintain proper order and discipline in *the* school ; to encourage *the* pupils in the pursuit of learning ; to inculcate by precept and example, respect for religion and the principles of Christian morality, and the highest regard for truth, justice, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues. (*Amended.*) To teach according to law, preserve discipline, etc.

(2) To use the English language in the instruction of *the* school and in all communications with *the* pupils in regard to discipline and the management of the school, except where impracticable by reason of the pupil not understanding English. Recitations requiring the use of a text-book may be conducted in the language of the text-book ; Use of English language.

(3) To see that the schoolhouse is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon, to call the roll every day according to the register prescribed by the Education Department ; to enter in the visitors' book visits made to *the* school ; to give the inspector, trustees and visitors access, at all times, to the register and visitors' book ; and to deliver the register, the schoolhouse key and other school property in his possession to the corporation employing him on demand, or when his agreement with such corporation has expired ; Duties in and about the school-house, registers, etc.

(4) To classify *the* pupils strictly according to the course of study prescribed by the Education Department ; to conduct *the* school according to a time-table accessible to pupils and visitors ; to prevent the use by pupils of unauthorized text-books ; to attend regularly the teachers' institutes in *the* inspectoral division ; to notify the trustees and inspector of absence from school, through illness or other unavoidable cause ; and to make at the end of each school term, and subject to revision by the inspector such promotions from one class or form to another as he may deem expedient ; Classification of scholars and conduct of classes.

(5) To hold during each half year a public examination of *the* school, and to give due notice thereof to the trustees, to any school visitors who reside in the school section, and Examinations.

through the pupils, to their parents or guardians, and to hold such other examinations as may be required by the inspector for the promotion of pupils, or for any other purpose as the inspector may direct ;

Information for department.

(6) To furnish the Minister of Education, or the school inspector with any information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils or any other matter affecting the interests of the school, and to prepare such reports of the corporation employing him as are required by the Education Department ;

Care of health of scholars, preservation of school property.

(7) To give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the school-rooms, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement of the playgrounds, and to report promptly to the trustees and municipal health officer the appearance of any infectious or contagious disease in the school, or the unsanitary condition of outhouses and surroundings. (*Amended.*)

Infectious diseases among pupils.

(8) To refuse admission to the school of any pupil affected with, or exposed to smallpox, scarlatina, diphtheria, whooping cough, measles, mumps, or other contagious disease until furnished with a certificate of a physician or of a health officer to the effect that all danger from exposure to *contact with such pupil* has passed away.

Disciplinary powers.

(9) To suspend any pupil guilty of persistent truancy, violent opposition to authority, habitual neglect of duty, the use of profane or improper language or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil, and the trustees, of such suspension. The parent or guardian of any pupil suspended may appeal against the action of the teacher to the trustees, who shall have power to consider such appeal and remove or confirm such suspension

AGREEMENTS.

Valid agreements with teachers.

77.—(1) All agreements between trustees and teachers shall be in writing, signed by the parties thereto, and shall be sealed with the seal of the corporation ;

Suspension of certificate for breach of agreement.

(2) Any teacher who wilfully neglects or refuses to carry out his agreement, shall, on the complaint of the trustees, be liable to the suspension of his certificate by the inspector under whose jurisdiction he may be for the time being ;

Qualified teacher defined.

(3) No person engaged to teach a public school shall be deemed a qualified teacher who does not at the time of entering into an agreement with the trustees, and during the whole period of such agreement, hold a legal certificate of qualification ;

(4) Any teacher who enters into an agreement with a board of trustees for one year, and who serves under such agreement for three months or over, shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year ; Proportion of salary to which teacher entitled.

(5) Every teacher shall be entitled to his salary during sickness, certified by a physician, for a period not exceeding four weeks for the entire year ; this period may be increased at the pleasure of the trustees. Case of sickness.

(6) If at the expiration of a teacher's agreement with a board of trustees his salary has not been paid in full, such salary shall continue to run at the rate mentioned in such agreement until paid, provided always that an action shall be commenced within three months after the salary is due and payable by the trustees. 54 V. c. 55, ss. 132-137. Protection of teachers in regard to salary.

(7) All matters of difference between trustees and teachers, in regard to salary or other remuneration under a valid agreement, shall, *whatever may be the amount in question*, be brought in the Division Court of the *division* where the cause of action arose, subject to appeal, as provided by this Act ; Provision in case of difference between teacher and trustees.

TEACHERS' CERTIFICATES.

78.—(1) Any person a subject of Her Majesty, who is not less than eighteen years of age, of good moral character and who passes the examinations prescribed by the Education Department, may be awarded a first, second or third-class certificate according to the standards required by such examination ; Three classes of certificates.

(2) Subject to any regulations of the Education Department with regard to experience in actual teaching, certificates of the first and second class shall be valid during good conduct ; certificates of the third class shall be valid for a period of three years. Every third-class certificate shall have the signature of at least one public school inspector. First, second and third-class certificates.

(3) The inspectors of the territorial districts, or any county board of examiners, may issue certificates valid only within the district of such inspector, or the jurisdiction of the county board, for a term not exceeding one year, subject to the regulations of the Education Department. (*New.*) District certificates.

(4) Certificates granted before the fifteenth day of February, in the year 1871, shall remain in force on the terms of the Act under which they were granted ; Former certificates continued.

First-class
valid.

(5) First-class certificates issued under any Act of this Province before the fifteenth day of February, 1871, and valid on the 24th day of March, 1874, shall be valid in the Province during the good conduct of the holder thereof;

Second-class
valid.

(6) Second-class certificates issued and valid as aforesaid, shall, when the holders, thereof, have taught for ten years in Ontario be valid during good conduct within the territory in which *they were* granted.

Suspension of
certificate for
misconduct,
etc.

(7) The inspector may suspend the certificate of any teacher under his jurisdiction for inefficiency, misconduct, or a violation of this Act or of the regulations of the Education Department. In every case of suspension, he shall notify in writing the trustees concerned, and the teacher, of the reasons for such suspension;

Meeting of
county board,
consideration
of suspension.

(8) The inspector shall forthwith call a meeting of the county board of ~~the~~ examiners ~~for~~ for the consideration of such suspension, of which due notice shall be given to the teacher so suspended, and the decision of the board shall be final. 54 V. c. 55, s. 140-144 (1-3). (*Amended.*)

COUNTY BOARDS OF EXAMINERS.

To examine
teachers and
give certi-
cates.

79.—(1) The municipal council of each county shall appoint annually a board of examiners, consisting of the inspector or inspectors having jurisdiction within the county or any part thereof, and not more than two other persons holding first class certificates of qualification, for the purpose of examining candidates for teachers' third class certificates and for such other purposes as *are* prescribed by this Act. The members so appointed shall continue in office till their successors are appointed, and shall hold at least one examination each year. A majority of the board shall form a quorum;

Additional
examiners.

(2) Where deemed necessary from the general use of the French or German language, the county council may appoint additional examiners, not exceeding two, for the purpose of conducting the examination of candidates for a teachers' certificate in either of the languages aforesaid;

Expenses of
examination.

(3) The treasurer of the county shall, on the requisition of the chairman of the board, pay all the incidental expenses of the examination of third-class teachers. He shall also, on a like requisition, pay each member of the board the sum of \$4 per diem and travelling expenses while engaged as examiner;

Fees of exami-
ner in investi-
gating stand-
ing of teacher.

(4) Every member of a county board of examiners while engaged in conducting an investigation affecting the standing of any teacher within the jurisdiction of the board shall be paid the sum of \$4 per diem and travelling expenses by the treasurer of the county;

(5) After the passing of this Act no person shall be appointed a member of a county board of examiners who is not actually engaged in teaching and who has not had at least three years' experience as a teacher in a public or separate school. 54 V. c. 55, s. 145 (1-5). None but teachers to be examiners.

COUNTY MODEL SCHOOLS.

80.—(1) The board of examiners of every county shall, subject to the regulations of the Education Department, set apart at least one public school in each county as a county model school for the training of teachers for third-class certificates; One school in each county to be set apart as county model school.

(2) Where more model schools than one have been established in any county and where the whole number of teachers in training for the two preceding years at such schools has not exceeded twenty-five, the county board of examiners may, with the approval of the Education Department, discontinue one or more of such schools, but not so as to reduce the number below that required by this Act; When model schools may be discontinued.

(3) The municipal council of every county shall pay to the treasurer of each public school within the county to which a model school is attached an amount at least equal to the sum voted by the Legislative Assembly for each county model school, but the amount to be provided by the county council shall not be less than the sum of \$150 annually, and the council may, if it sees fit, provide a larger amount of aid. 54 V. c. 55, s. 146 (1-3). Aid to county model schools.

(4) The board of trustees of any city may set apart one or more of such city schools for the training of third-class teachers, subject to the regulations of the Education Department. (New). Setting apart school for training third class.

TEACHERS' INSTITUTES.

81.—(1) The teachers of one or more inspectoral districts may organize themselves into a Teachers' Institute for the purpose of receiving instruction in methods of teaching and for discussing educational matters, subject to the regulations of the Education Department; Organization of teachers' institutes.

(2) The Minister of Education may apportion out of any moneys voted by the Legislative Assembly for that purpose the sum of \$25 to each teachers' institute organized and conducted according to the regulations of the Education Department, and the municipal council of each county or city shall pay annually to the order of the president of each teachers' institute within the county or city a sum at least equal to the amount so apportioned by the Minister of Education. 54 V. c. 55, s. 147 (1-2). Aid to teachers' institutes.

INSPECTORS.

Qualification for appointment as inspector.

82.—(1) No person shall be appointed inspector of public schools in any county, city, or town who does not hold an inspector's certificate of qualification, as prescribed by the regulations of the Education Department, and no inspector shall, during his tenure of office, engage in, or hold any other employment, or calling, which interferes with the full discharge of his duties as inspector.

When more than one inspector to be appointed.

(2) The board of trustees of every city and town separated from the county shall appoint an inspector of public schools for such city or town. When the teachers engaged by the trustees of any city exceed three hundred in number the board shall appoint two inspectors, and likewise an additional inspector for every three hundred teachers on the staff above six hundred ;

Number of inspectors.

(3) The municipal council of every county shall appoint an inspector for such county, *provided* always that any inspector appointed hereafter for a county or part of a county, shall be the inspector of the schools of any town not separated from the county in the district to which he has been appointed ;

Jurisdiction of inspectors.

(4) *No county inspector hereafter appointed* shall have charge of more than one hundred and twenty schools or less than fifty, but it shall not be necessary to appoint more than one inspector in each electoral division of a county ;

French or German.

(5) In counties containing any municipality wherein the French or German language is the common or prevailing language, an inspector may have charge of any number of schools not less than forty ;

Counties may appoint additional inspectors and change inspectors.

(6) In counties where there are more than fifty public schools, the county council may appoint two or more inspectors, and prescribe and number the territorial divisions of each, and change or remove the inspectors from one division of the county to another ;

Warden may supply vacancies in the office of inspector

(7) In the event of a vacancy occurring in the office of county inspector, the warden of the county may appoint any person legally qualified to fill such vacancy until the next ensuing meeting of the county council. Notice of such appointment or of any appointments by the county council shall be given to the Minister of Education forthwith.

Remuneration of county inspector.

(8) The county council shall pay quarterly to every county inspector at the rate *annually* of \$5⁰⁰ for every teacher occupying a separate room with a separate register, and, in addition, reasonable travelling expenses, such expenses to be determined by the county council.

Payment of inspector's salary in towns not separated.

(9) When the public school board of any town not separated from the county has before the passing of this Act appointed an inspector, other than the county inspector within whose district such town is situated, the county

treasurer, on demand, shall pay to the order of such board a sum of money equal to the amount collected within such town for the payment of the salary of the county inspector ;

(10) The sum of \$5 for every teacher occupying a separate room with a separate register, ~~and~~ shall be paid out of any sum of money appropriated by the Legislature for that purpose as the Lieutenant-Governor-in-Council may direct towards the salary of the county inspector and a similar sum ~~and~~ to the school board of any city or town separated from the county, towards the payment of the salary of the inspector of *the* city or town. Grants in aid of inspector's salary.

(11) In cases where any inspector requires the testimony of witnesses to the truth of any fact alleged in any complaint or appeal made to him or to the Minister of Education or the Education Department, it shall be lawful for such inspector to administer an oath to such witnesses, or to require their solemn affirmation before receiving their testimony. Inspector to swear witnesses in certain cases.

(12) Any public school inspector shall, in case of misconduct or inefficiency, be subject to dismissal by the Lieutenant-Governor in Council, or by a majority of the members of the council or board of trustees appointing him, or without cause by a vote of two-thirds of such council or board, and no such inspector shall be re-appointed without the concurrence of the party who dismissed him. 54 V. c. 55, s. s. 149-152, 153-160, 189. Conditions of dismissal of inspector.

83. It shall be the duty of every public school inspector :— Duties of inspectors.

1. To visit every public school within his jurisdiction once in each term, unless otherwise directed by the county council or board of trustees by which he was appointed, to deliver from time to time, public lectures in his district on some subject connected with public school education ; ~~and~~ to call a special meeting of the section when deemed expedient and ~~and~~ to see that every school is conducted according to this Act and the regulations of the Department ; To visit each school once a term

2. To examine into the condition of the school, as respects the progress of the pupils in learning ; the order and discipline observed ; the system of instruction pursued ; the mode of keeping the school registers ; the average attendance of pupils ; the character and sanitary condition of the buildings and premises ; and to give such advice to the teachers, pupils and officers of the school as he may consider proper ; Examine the state of the school.

3. To withhold his order for the amount apportioned from the legislative or municipal grant ; (a) When any school was kept open for less than six months in the year ; or (b) When the trustees fail to transmit the annual or semi-annual school returns properly filled up ; or (c) When the trustees fail to comply with the school Act or the regulations of the Education Department ; or (d) When the teacher uses, or per- To withhold order for grant in certain cases.

permits to be used, as a text-book any book not authorized by the Education Department; and in every case to report to the trustees and to the Education Department his reasons for so doing;

Report of health officer. 4. To report to the trustees and to the medical health officer of the municipality in which the school house is situated, in every case in which the school premises or buildings are found to be in an unsanitary condition and to withhold the school grants in all such cases until he receives a certificate from such health officer or board of health that the provisions of *The Public Health Act* have been duly complied with. (*New.*)

Rev. stat., c. 205.

To give information and report to Minister. 5. To give when desired any information in his power to the Minister of Education, respecting any matter in connection with a public school within his jurisdiction, and to prepare and transmit to the Minister of Education, on or before the first day of March, an annual report in the form prescribed by the Education Department;

May give temporary certificates to teachers.

6. To give, at his discretion, any candidate, on due examination, a certificate of qualification to teach a school within his district until the next ensuing professional examination of teachers; and to discharge such other duties as may be required by the Minister of Education, the county council or the board of trustees by which he was appointed;

Deliver up papers on retiring from office.

7. To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the county council or public school board appointing him. 54 V. c. 55, s. 155 (1-10.)

ALLOWANCE TO ARBITRATORS AND INSPECTORS.

Allowance arbitrators.

84.—(1) Any person engaged as arbitrator on any matter arising under this Act shall be paid the sum of four dollars per diem and travelling expenses. In making their award the arbitrators shall, among other things, determine the liabilities of the parties concerned for the costs of the arbitration, and such determination shall be final and conclusive;

Allowance to inspectors in certain cases.

(2) When any complaint is made to an inspector with regard to any matter affecting the validity of the election of a public school trustee, or the procedure of a school meeting requiring the taking of evidence where the cause of complaint arose, the trustees of the school section concerned shall pay the inspector while conducting such investigation the sum of \$4 per diem and travelling expenses. 54 V. c. 55, s. 161 (1-2.)

SUPERANNUATION.

Superannuation fund.

85.—Every teacher or inspector whose name is entered as having paid into the fund for superannuated teachers, may continue to contribute to such fund in such manner as may

be prescribed by the Education Department, the sum of at least \$4 annually, but no payment of arrears to the fund shall be allowed after the 30th day of March, 1885. 54 v. c. 55 s. 162.

86.—(1) On the decease of any teacher or inspector, his wife, her husband, or legal representative, shall be entitled to receive back the amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent. per annum ;

Repayment to wife, etc., of deceased teacher.

(2) No teacher or inspector who has reached the age of sixty years shall be held to be disqualified from superannuation by reason of his having retired from active service before reaching the age of sixty, provided that such teacher or inspector has served for a period of thirty-five years, and that no payment shall be made to such teacher or inspector until he has reached the age of sixty. 54 V. c. 55, s. 163 (1-2)

87.—(1) Every teacher or inspector who, while engaged in his profession, contributes to the superannuated teachers' fund as provided by this Act, shall on reaching the age of sixty years, if he retires from the profession receive an *annual* allowance at the rate of \$6 per annum, for every year of service in Ontario, upon furnishing evidence of good moral character, age, and length of service :

Right of teacher to retire on reaching sixty years of age.

(2) Every teacher or inspector, under sixty years of age who has contributed as aforesaid, and who is disabled from practising his profession, shall be entitled to a like *annual* allowance upon furnishing evidence as to length of service, moral character, and disability ;

Teachers under sixty.

(3) Every superannuated teacher who holds a first or second class provincial certificate, or a first-class county board certificate, and every principal of a high school or collegiate institute shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as principal of a high school or collegiate institute. ;

\$1 per annum extra to certain teachers.

(4) The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the teacher's moral character be unsatisfactory to the Education Department ;

Proviso in regard to good moral character.

(5) If any superannuated teacher or inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, his allowance shall be suspended during the time of his being so engaged. In case such teacher or inspector is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act, and the regulations of the Education Department ;

Teacher resuming profession.

Again retiring.

- Forfeiture of claims.** (6) Any teacher or inspector who, having resumed his profession, draws or continues to draw upon the superannuation fund for any part of his allowance as a superannuated teacher, shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers ;
- Teachers not availing themselves of Act.** (7) In the case of those teachers or inspectors who may not avail themselves of the provisions of section 85 or sub-section 8 of this section of this Act, the provisions of sections 85 to 87 inclusive shall apply so far as relates to all sums of money already paid into the fund for superannuated teachers ;
- Repayment to contributors.** (8) Any teacher who retires from the profession, or any teacher or inspector who desires to remove his name from the list of contributors to the superannuated teachers' fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid by him or her to the fund, through the public school inspector, or otherwise. 54 V. c. 55, ss. 164 (1-3) 165-171.

NON-RESIDENT PUPILS.

- Admission of non-resident pupils.** 88.—(1) The trustees of every public school shall admit to their school any non-resident pupils who reside nearer such school than the school in their own section, providing always the inspector reports the accommodation of the school room sufficient for the admission of such pupils. In case of dispute as to the distance from the school, the decision of the inspector shall be final ;
- Fees of non-resident pupils.** (2) The parents or guardians of such non-resident children shall pay to the trustees of the school to which their children have been admitted such fees monthly as may be mutually agreed upon, provided such fees, together with the taxes paid to such school (if any), do not exceed the average cost of the instruction of the pupils of such school. 54 V. c. 55, s. 172 (1-2)
- A resident of one section sending his children to another section.** (3) Any person residing in one school section, and sending his children to a neighboring school, shall be liable for the payment of all rates assessed on his taxable property for the school purposes of the section in which he resides, but it shall be lawful for any board of trustees to remit the fees paid to the trustees of the neighboring section. 58 V. c. 57, s. 9 ;
- Attendance of children of non-residents.** (4) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of the section on the same terms and conditions as the children of residents. 54 V. c. 55, s. 9 (1-2).
- Remission of school tax where certain fees paid.** (5) When the children attending a neighboring section are three miles or more distant in a direct line from the school-house in the section to which they belong, the trustees of the section in which such children are resident shall remit as much of the taxes chargeable upon the parents or guardians of such

children, for school purposes, as would be at least equal to the fees paid to such neighboring section. 58 V. c. 57, s. 10;

(6) In case a county council establishes a house of refuge in any county any person of school age maintained in such house of refuge shall for the purposes of this Act be deemed a non-resident, and the county council shall pay to the trustees of the school attended by such person or persons such monthly fees as may be mutually agreed upon, provided such fees do not exceed the average cost of the instruction of the pupils of such school. 54 V. c. 55, s. 172 (3)

Pupils in house of refuge.

HOLIDAYS.

89.—(1) *The public school teaching year shall consist of ^{Terms.} two terms: in *rural schools* the first term shall begin on the *third* Monday of August, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June;

(2) In *urban municipalities* the first term shall begin on the first day of September, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June;

(3) Every Saturday, every public holiday, the week following Easter Sunday, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged. shall be a holiday in public schools. 54 V. c. 55, s. 173 (1-3).

(4) In the territorial districts the trustees of any rural school may allot the time herein allowed for holidays at Easter and midsummer to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed and in periods of the same duration as herein set forth. *New.*)

AUTHORIZED BOOKS.

90.—(1) Any authorized text-book in actual use in any public or model school may be changed by the teacher of such school for any other authorized text-book in the same subject on the written approval of the trustees and the inspector, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given; ^{Change of text-book.}

(2) In case any teacher shall negligently or wilfully permit any unauthorized text-book to be used by the pupils of his school, he shall for each such offence, on conviction thereof before a Police Magistrate or Justice of the Peace, be liable to a penalty payable to the municipality for public school purposes, not exceeding \$10, together with costs, as the Police Magistrate or Justice may think fit. 54 V. c. 55, ss. 174-176. ^{Substitution of unauthorized text-books.}

APPEALS FROM DIVISION COURT DECISIONS.

Appeals from
Division
Courts.

91.—(1) The Judge of any Division Court wherein any action between teachers, inspectors, trustees, or others acting under this Act, or *The High Schools Act*, is tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister of Education to appeal the case ;

Minister may
appeal to
High Court.

(2) The Minister may, within one month after the rendering of judgment in any such case, appeal from the decision of the Division Court Judge to the High Court at Toronto, by serving notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal shall be entitled "The Minister of Education for Ontario, Appellant, in the matter between (A. B. and C. D.)" But nothing herein contained shall be held to interfere with the right of any of the parties to the action exercising the ordinary right of appeal ;

Judges send
papers to
High Court.

(3) The Judge whose decision is thus appealed from, shall thereupon certify under his hand, to the Registrar of the Division of the High Court appealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto. After notice of appeal has been served as hereinafter provided no further proceedings shall be had in such case until the matter of appeal has been decided by the High Court ;

No further
proceedings
to be taken
after notice
of appeal.

Judge to
certify pro-
ceedings to
the Minister.

(4) On the Judge receiving a notice of appeal from his decision (under the authority of this Act), he shall thereupon certify under his hand, to the Minister of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections thereto. The High Court shall give such order or decision to the Court below, touching the judgment to be given in the matter, as the circumstances of the case require. Upon receipt of such order, direction and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith ;

Order of
Court.

Proceedings
in Division
Court when
appeal
decided.

Costs.

(5) The Court may also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the Court below. All costs awarded against an appellant, and all costs incurred by him, may be paid by the Minister, and charged as contingent expenses of his office. 54 V. c. 55, ss. 179-183.

SCHOOL VISITORS.

Public school
visitors
defined.

92.—(1) Judges, members of the Legislature, members of county councils, and aldermen shall be school visitors in the municipalities where they respectively reside. All clergymen shall be school visitors in the municipalities where they have pastoral charge.

(2) School visitors may visit public schools as in this Act provided. They may also attend the examination of schools, and at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as they deem expedient. 54 V. c. 55, ss. 184-185.

Authority to visit public schools.

PENALTIES AND PROHIBITIONS.

93. If any township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act, he shall be liable to a penalty not exceeding \$10, to be recovered before a Justice of the Peace, for the school purposes of his municipality, at the instance of any ratepayer thereof. 54 V. c. 55, s. 186.

Information to county Clerk.

94. Any person who wilfully makes a false declaration of his right to vote at any school meeting or election of school trustees shall be liable to a penalty of not less than \$5 nor more than \$10 to be sued for and recovered with costs before a Justice of the Peace, by the public school trustees of the city, town, village, or school section, for its use. 54 V. c. 55, s. 187.

Penalty for making a false declaration.

95. Any public school trustee who refuses to serve after being duly elected shall be liable to a penalty of \$5, and any person elected as a school trustee who attends any meetings of the school board as such, after being disqualified under this Act, shall be liable to a penalty of \$20 for every meeting so attended. 54 V. c. 55, s. 188.

Fine on disqualified persons acting as trustees.

96. No public school trustee shall be eligible to appointment as public school inspector, or teacher, within the section of which he is a trustee; nor shall the teacher of any public, high, or separate school hold the office of public school trustee, nor shall an inspector be a teacher or trustee of any public, high or separate school while he holds the office of inspector. 54 V. c. 55, s. 189.

Trustees not to hold certain offices.

97. Any trustee who is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be an actual resident within the school section for which he is a trustee, shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election. 54 V. c. 55, s. 190.

Seat vacated by conviction for crime, etc.

98. Any trustee who has any pecuniary interest, profit or promise or expected benefit in, or from any contract, agreement or engagement, either in his own name, or in the name of another, with the corporation of which he is a member, or who

Seat vacated by interest in contract with corporation

receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and on the complaint of two ratepayers of the section or of the remaining trustee or trustees, the county judge may declare the seat vacant, and forthwith order a new election, provided always that it shall be lawful for the trustees of any rural school section to allow the secretary or secretary-treasurer such compensation for his services, for the purposes specified in this Act, as may be approved at the annual meeting of the ratepayers and duly entered in the minutes. 54 V. c. 55, s. 191.

Penalty for not calling school meetings.

99. In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit the sum of \$5 to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the rural school section, for the use thereof. 54 V. c. 55, s. 192.

Penalty for disturbing a school or school meeting.

100. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or anyone who wilfully interrupts or disquiets any public school established and conducted under its authority, or other school, by rude or indecent behavior, or by making a noise either within the place or where such school is kept or held, or so near thereto as to disturb the order of exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for public school purposes to the school section, city, town, or village within which the offence was committed, a sum not exceeding \$20 together with the costs of the conviction, as the said Justice may think fit. 54 V. c. 55, s. 193.

Penalty for refusing to perform duties.

101. Every person elected as trustee who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of \$20 to be sued for and recovered before a Justice of the Peace, by the trustees, or any person whatsoever for the purposes of such trustees. 54 V. c. 55, s. 195.

Penalty for refusing to exercise corporate powers.

102. Any trustee or public school corporation who wilfully neglects or refuses to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, shall be held to be personally responsible for the fulfilment of such contract or agreement. 54 V. c. 55, s. 196.

Penalty on chairman for neglect.

103. Any chairman who neglects to transmit to the county inspector a minute of the proceedings of any annual or other

rural school section meeting over which he has presided, within ten days after the holding of such meeting shall be liable, on the complaint of any ratepayer, to a fine of not more than \$5 to be recovered as provided by this Act. 54 V. c. 55, s. 197.

104. If any trustees refuse or neglect to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, they shall be held personally responsible for the moneys. 54 V. c. 55, s. 198.

Liability for neglect to take security.

105. If any part of the public school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the person entitled to receive the same, by action in any Court having jurisdiction to the amount, or by information at the suit of the Crown. 54 V. c. 55, s. 199.

Responsibility in case of lost school moneys.

106. No secretary-treasurer appointed by the school trustees of any school section, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect or refuse to deliver up, or account for, and pay over the same or any part thereof to the person, and in the manner directed by the school corporation then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act. 54 V. c. 55, s. 200.

Penalty on secretary-treasurer, or trustee for refusing to account.

107.—(1) Upon application to the Judge of the County Court, by a majority of the trustees, or by any two ratepayers of the section supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the Judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him at a time and place to be appointed in the order;

Mode of proceeding.

(2) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained against, or leave the same with a grown-up person at his residence;

Service of order.

(3) At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the

Judge to issue order.

complaint is well founded, the Judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax;

Effects of non-compliance with judge's order.

(4) In the event of non-compliance with the terms specified in such order, or any of them, the Judge shall order the said person to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common jail of his county, there to remain without bail until the Judge is satisfied that the person has delivered up, accounted for, or paid over the books papers, chattels or moneys in question, in the manner directed by the majority of the trustees, or other competent authority as aforesaid; upon proof of his having so done, the judge shall make an order for his discharge, and he shall be discharged accordingly;

Other remedy not affected.

(5) No such proceedings shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. 54 V. c. 55 ss 201, (1-2), 202, 203, 204.

Penalty on trustees refusing information, etc., to auditor.

108. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of the school corporation, or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any ratepayer, shall be liable to a penalty of \$20. 54 V. c. 55, s. 205.

Penalty for neglect to send half-yearly returns.

109. In case the trustees of any rural school section neglect to transmit to the county inspector, or on before the 30th day of June, and the 31st day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceeding, then the school section shall not be entitled to the apportionment from the school fund for the said six months, and the trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. 54 V. c. 55, s. 206.

Penalty for delaying yearly report.

110. In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their county inspector by the 15th day of January in every year, each of them shall, for every week after such 15th day of January, and until such report has been prepared and presented, for-

feit the sum of \$5 to be sued for by the county inspector, and collected and applied in the manner provided for by this Act. 54 V. c. 55, s. 207.

* 111.—(1) If any trustee of a public school knowingly signs a false report, or if any teacher of a public school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, or for any other improper purpose, the trustee or teacher shall, for every offence, forfeit to the public school fund of the municipality the sum of \$20 for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor ;

Penalty for false school reports and registers.

(2) If upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the Justice, be levied with costs by distress and sale of the goods and chattels of the offender, and shall be paid by the Justice to public school board. 54 V. c. 55, s. 208, (1-2).

Recovery by distress.

112. The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited by or lost to the school section in consequence of the neglect of duty of the trustees during their continuance in office. The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. 54 V. c. 55, s. 209 (1-2).

Trustees personally responsible for moneys lost.

GENERAL PROHIBITIONS.

113.—(1) No teacher, trustee, inspector, or other person officially connected with the Education Department, the normal, model, public, or high schools or collegiate institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or shall receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever ;

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

(2) Any teacher who refuses to give up possession of any visitor's book, school register, schoolhouse key or any other school property in his possession shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees. 54 V. c. 55, s. 210 (1-2).

Refusal to give up key, etc.

HOW FINES AND PENALTIES MAY BE RECOVERED.

114.—(1) Unless it is in this act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced with costs,

How penalties under this Act shall be recoverable.

by and before any Police Magistrate or Justice of the Peace having jurisdiction within the municipality in which such fine or penalty has been incurred ;

(2) If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected with costs, by distress and sale of the goods and chattels of the offender, and shall be by the Police Magistrate or Justice paid over to the school treasurer of the school section, city, town, or village, or other party entitled thereto ;


(3) In default of such distress, the Police Magistrate or Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavoring to collect the same, are sooner paid. 54 V. c. 55, s. 211 (1-3).

CONFIRMING AND SAVING CLAUSES.

School lands granted before 1850 vested in trustees for school purposes.

115. All lands which previous to the 24th day of July 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by *the* said trustees and their successors upon the like trusts and subject to the same conditions and estates upon or subject to which the said lands are now respectively held. 54 V. c. 55, s. 212.

Acts repealed.

116. The following Acts and parts of Acts are hereby repealed: The Act passed in the 54th year of Her Majesty's reign, chaptered 54; *sections 2, 3 and 4* of the Act passed in the 55th year of Her Majesty's reign, chaptered 60; *sections 4 to 10* of the Act passed in the 58th year of Her Majesty's reign, chaptered 57. 

FORM A.

(Section 72.)

FORM OF SCHOOL DEBENTURE.

PROVINCE OF ONTARIO.

§
Debenture of the *of* *County of* *No.*
School Loan.

The corporation of the of hereby promises to pay to Bearer at the Bank of , at the sum of dollars, lawful in money of Canada year from the date hereof; and to pay interest at the rate of per cent. per annum, half-yearly, to the Bearer of the annexed coupons respectively, upon the presentation thereof at the said Bank.

Issued at , this day of 18 , by virtue and under the authority of *The Public Schools Act, 1891*, of Ontario, and pursuant to By-law No. of said of , passed on the day of A.D. 18 , intituled "A By-law to raise by way of loan the sum of dollars for the purpose therein mentioned" (*or as the case may be*).

A. B., Reeve or Mayor.

C. D., Treasurer.

COUPON No.

The Corporation of the of will pay the Bearer at the Bank of , at , on the day of , the sum of dollars, interest due on that day on Debenture No. *C. D., Treasurer.*

BILL.

An Act Consolidating and Revising the
Public Schools Acts.

First Reading, 24th February, 1896.
Second Reading, 12th March, 1896.

(Reprinted as again amended in Committee of the Whole House.)

Mr. ROSS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act as to certain Proceedings under the Act respecting Assignments and Preferences by Insolvent Persons.

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

1. The following is added to section 19 of *The Act respecting Assignments and Preferences by Insolvent Persons*, and shall be read as a sub-section of the said section 19: Rev. Stat. c. 124, s. 19, amended.

(b) In case a person claiming to be entitled to rank on the estate assigned holds security for his claim or any part thereof, of such a nature that he is required by this Act to value the same, and he fails to value such security, the judge of the county court of the county wherein the debtor at the time of making the assignment resided or carried on business, may, upon summary application by the assignee or by any other person interested in the debtor's estate, of which application three days' notice shall be given to such claimant, order that unless a specified value shall be placed on such security and notified in writing to the assignee within a time to be limited by the order such claimant shall, in respect of the claim, or the part thereof for which the security is held in case the security is held for part only of the claim, be wholly barred of any right to share in the proceeds of such estate, and if a specified value is not placed on such security and notified in writing to the assignee according to the exigency of the said order, or within such further time as the said judge may by subsequent order allow, the said claim or the said part, as the case may be, shall be wholly barred as against such estate but without prejudice to the liability of the debtor therefor. When creditor holding security fails to value same.

2. The following is added to section 20 of the said Act and shall be read as a sub-section of said section 20: Rev. Stat. c. 124, s. 20, amended.

Procedure
where
assignee is
satisfied with
proof of claim
and debtor
desires to
dispute same.

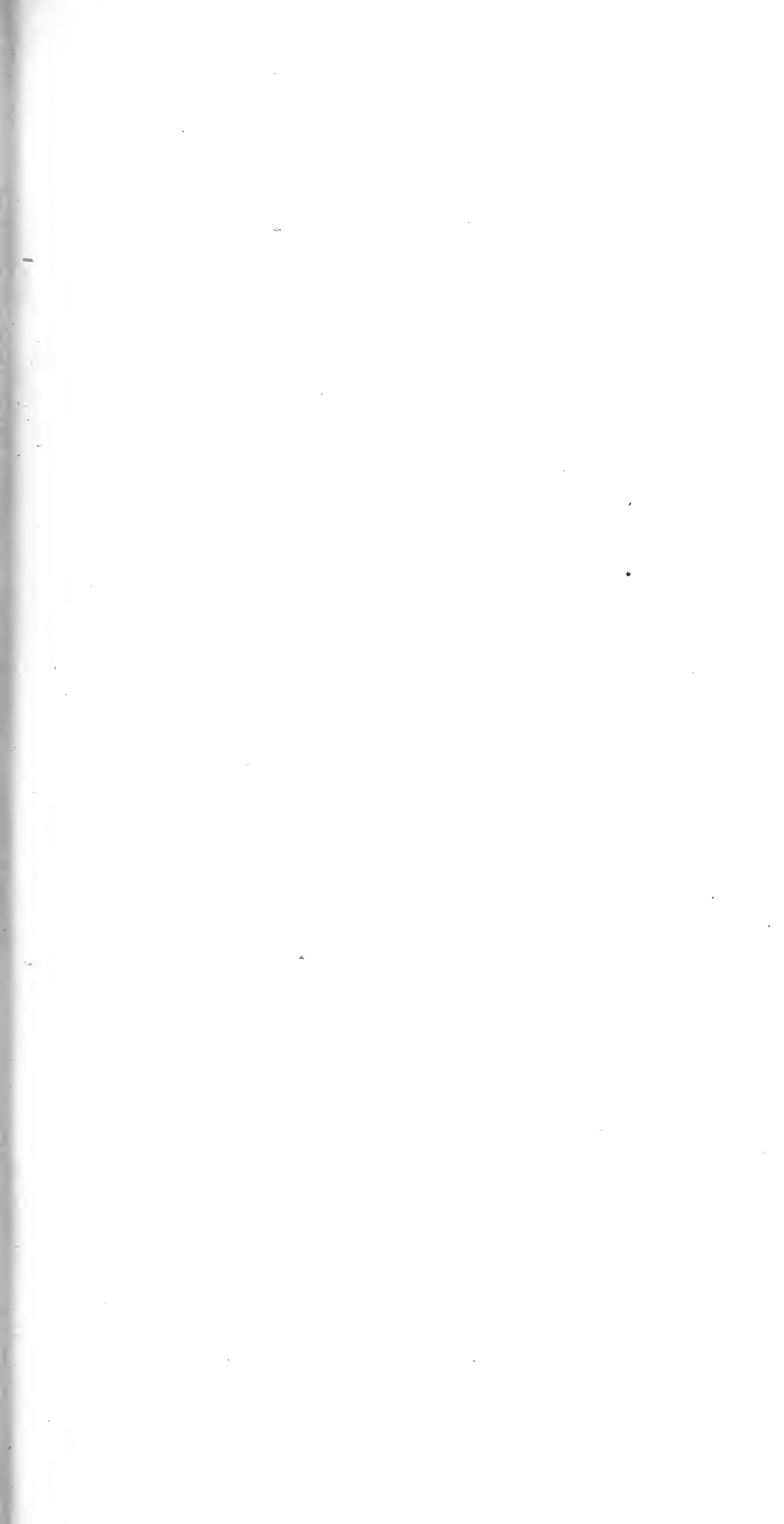
(b) In case the assignee is satisfied with the proof adduced in support of any claim, but the debtor disputes the same, such debtor shall do so by notice in writing to the assignee, stating the grounds upon which he disputes the claim, such notice shall be given within ten days of such debtor's being notified in writing by the assignee that he is satisfied with the proof adduced as aforesaid, and not afterwards unless by special leave of the said judge. If upon receiving such notice of dispute the assignee does not deem it proper to require the claimant to bring an action to establish his claim, he shall notify the debtor in writing of this fact, and the debtor may thereupon, and within ten days' of his receiving such notice, apply to the said judge for an order requiring the assignee to serve a notice of contestation. The judge shall only make such order if after notice to the assignee he is of opinion there are good grounds for contesting the claim. In case the debtor does not make such application, the decision of the assignee shall as against him be final and conclusive. If upon such application the claimant consents thereto in writing, the judge may, in a summary manner, decide the question of the validity of the claim. If an action is brought the debtor may intervene at the trial, either personally or by counsel, for the purpose of calling and examining or cross-examining witnesses.

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2nd Session, 8th Legislature, 59 Vic., 1896.

BILL.

An Act as to certain Proceedings under the
Act respecting Assignments and Pre-
ferences by Insolvent Persons.

First Reading, 24th February, 1896.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 70.]

BILL.

[1896.

An Act to amend The Municipal Act.

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

1. Sub-section 1 of section 487 of *The Consolidated Muni-*^{53 V., c. 42,}
5 cipal Act, 1892, is amended by inserting the words " or town " ^{s. 487, sub.-s1}
after the word " city " where it occurs in the fifth and eleventh
lines of the said sub-section. ^{amended.}

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 25th February, 1896.

Mr. CLELAND.

TORONTO:

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

No. 71.

BILL.

[1896.]

An Act to amend the Act respecting Mills and
Mill-Dams.

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

1. Section 3 of *The Act respecting Mills and Mill-*
5 *Dams* is amended by striking out the word "eighteen" in the
seventh line and inserting instead thereof the word "eight,"
and by striking out the words "twenty-four feet eight inches"
in the seventh and eight lines and inserting in place thereof
the words "twelve feet." Rev. stat.
c. 118, sec. 3
amended.
Construction
of aprons in
dams on
certain
streams.
- 10 2. Section 13 of the said Act is hereby repealed. Rev. stat.
c. 188, sec. 13
repealed.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend the Act respecting Mills
and Mill-Dams.

First Reading, 26th February, 1896.

MR. STRATTON.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 71.

BILL.

[1896.]

An Act to amend the Act respecting Mills and
Mill-Dams.

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

1. Section 3 of the *Act respecting Mills and Mill-Dams* is amended by adding thereto the following words " provided, however, that the Lieutenant-Governor in Council may by Order in Council reduce the width of the apron and the specifications of the inclined plane by this section and other sections of this Act required." Rev. Stat. c. 118, s. 3, amended.

2. This Act shall be read with and as part of the said Act. Act incorporated with Rev. Stat. 118.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend the Act respecting Mills
and Mill-Dams.

First Reading, 26th February, 1896.
Second Reading, 13th March, 1896.

*(Reprinted as amended by Municipal Com-
mittee.)*

Mr. STRATTON.

TORONTO:

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

An Act to amend The Consolidated Assessment Act.

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

1. Section 49 of *The Consolidated Assessment Act, 1892*, 55 V. c. 48, is hereby amended by striking out the paragraph numbered 1 of the affidavit or solemn declaration therein contained, and substituting the following in lieu thereof:—

s. 49,
amended.

That I have according to the best of my information and belief set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (as the case may be); and I have justly and truly assessed each of the parcels of real property so set down at its actual cash value as it would be appraised in payment of a just debt from a solvent debtor and as prescribed by law.

Oath of
assessor on
completion of
roll.

(And in the case of properties assessed under section 28 of the said Act add.)

Except ground bona fine enclosed and used as a paddock, park, lawn, garden or pleasure ground, which I have assessed at a valuation which at six per centum would yield a sum equal to its annual rental for the purposes for which it is used.

(And in the case of vacant ground in cities, towns and villages, assessed under section 27 of the said Act add.)

Except vacant ground and ground used as a farm, garden or nursery, and not in immediate demand for building purposes, which I have assessed according to the value prescribed by law.

2. Section 28 of the said Act is hereby amended by striking out all the words after the word "advantages" in the eighth line thereof.

55 V. c. 48,
s. 28,
amended.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Consolidated Assessment Act.

First Reading, 26th February, 1896.

Mr. GIBSON,
(Huron.)

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Ontario Architects' Act.

WHEREAS The Ontario Association of Architects was duly Preamble.
 incorporated by the Act passed by the Legislature of
 the Province of Ontario, in the fifty-third year of Her
 Majesty's reign, chapter forty-one; and whereas the said asso-
 5 ciation have, by their petition, represented that the said Act
 is ineffectual for the purposes intended, and that there is good
 reason to believe that if the title "Architect" were restricted
 to those who qualify for practice under the provisions thereof,
 the said Act would become fully operative and fulfil its
 10 intended purposes; and whereas it is expedient to grant the
 prayer of the said petition;

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

15 **1.** Sections 22, 23, 24 and 25 of the Act passed in the 53rd 53 V. c. 41,
 year of Her Majesty's reign, chaptered 41, are hereby repealed ss. 22, 23, 24,
 and the following sections substituted therefor:— 25, repealed.

2.—(1) Any person now practising the profession of archi- Persons prac-
 tecture within this province may become a member of the tising at time
 20 association by causing his name to be registered with the of passing of
 registrar of the association within three months from the com- the Act.
 ing into force of this Act, and by paying to the registrar such
 fee as may be made payable in that behalf, subject to the pro-
 viso hereinafter contained.

25 **(2)** In case any such person as aforesaid omits to be regis-
 tered within said period of three months, through absence,
 illness or inadvertence, such person may, at the discretion of
 the council, be admitted to enrolment as an architect.

3. Any person who applies for admission to registration as Qualifications
 30 an architect after the coming into force of this Act, shall be for registra-
 not less than twenty-one years of age, and shall have served tion.

as a student not less than five years with a principal or principals entitled to register under this Act, or with any other principal or principals, whether resident and practising in Canada or elsewhere, approved by the council and shall have passed such qualifying examinations as may be prescribed by this Act. 5

Entering students on register.

4.—(1) All students desirous of entering the profession of architecture shall be presented by a member of the council, and shall cause their full names to be entered with the registrar, and shall pay such fees and submit to such examinations as shall be prescribed by the council; provided, that any person who, before the passing of this Act, was entered as a student for a shorter term than five years, but not less than three years, with a principal or principals qualified to be registered under this Act, or with any other principal or principals approved by the council shall, on serving the full term of his indenture and passing the examinations prescribed by the council, be entitled to register under this Act. 10 15

(2) Notice and evidence of existing studentship shall be given to the registrar within six months after the passing of this Act, and shall be accompanied with such fee as the council shall, by regulation, direct, and with properly executed articles of indenture for the said term. 20

(3) Any person who has graduated from the Ontario School of Practical Science shall be required to serve only three years as a student, one of which three years may be served during the vacations of such school. 25

(4) Upon and after the passing of this Act, students shall serve such term as is required to be served by the provisions of this Act, under articles of apprenticeship, to a registered architect, which articles and any assignment thereof, with affidavit and execution thereto attached, shall be filed with the registrar upon payment of such fee as the council may by regulation direct, but no principal shall demand of, or receive from, any student, any premium or money consideration whatever as a condition of accepting such student as an apprentice 30 35

Using word "Architect" as title.

5. From and after the first day of July, 1896, no person shall be entitled to take or use the name or title of "architect," either alone or in combination with any other word or words, or any name, title or description implying that he is registered under this Act, unless he be so registered. Any person who, after the above date, not being registered under this Act, takes or uses any such name, title or description as aforesaid, shall be liable on summary conviction, to a fine not exceeding \$25 for the first offence, and not exceeding \$100 for each subsequent offence. 40 45

6. The fees which the council shall be empowered by this ^{Fees.} Act to impose shall be fixed by the Lieutenant-Governor in Council, and shall be for the following purposes only.

- (a) For registration as a student.
- 5 (b) For each assignment of articles.
- (c) For each examination.
- (d) For registration as an architect.
- (e) For the annual fee of members.

10 **7.** This act shall be read as part of *The Ontario Architects' Act* incorporated with 53 V. c. 41.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Ontario Architects
Act.

First Reading 26th February, 1896.

MR. GARROW.

TORONTO:

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

An Act to amend The Municipal Act.

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

1. *The Municipal Act* is amended by inserting therein the following as section 22a. 55 V., c. 42,
amended.

- 22a.—(1) In case two-thirds of the members of the council of any city with a population of 30,000 or over, and not exceeding 80,000, do in council before the first day of May in any year, pass a resolution affirming the expediency of a new division into wards being made of the city reducing the number of wards by at least one-third, the Lieutenant-Governor may by proclamation so divide the city into wards, and at the next municipal elections four aldermen shall be elected for each ward. Re-division
into wards of
cities of 30,000
to 80,000 of
population.
- 15 (2) Two of the aldermen in each ward (to be determined by lot at the first meeting of the council after the next municipal elections, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next municipal elections, and the other two shall continue in office one year longer and then retire, and after the first year two aldermen shall be elected annually for each ward, to hold office for two years. Aldermen to
hold office for
two years.
- 25 (3) In any case where the resident freeholders of any city with a population of 30,000 or over, and not exceeding 80,000, petition the council alleging the expediency of and praying that a new division into wards may be made of the city, reducing the number of wards, it shall be the duty of the council, and the council shall at the time of the holding of the next municipal elections submit the question of a new division, as prayed for by the petition, to the vote of the persons entitled to vote at the municipal elections and in the event of a majority of the electors voting thereon, voting in favor of the petition, it shall be the duty of the council to, and the council shall, within a reasonable time after the taking of the vote, subdivide the city into wards, so as to Council to act
on petition of
300 free-
holders.
- 30
- 35

give effect to the prayer of the petition and vote of the electors; and such new division shall, so far as possible, be based upon the assessed values of property, population and territorial extent, and shall be given effect to in accordance with the provisions of this section; and in all cases where such new division shall reduce the number of wards by one-third or more, then and in such case four aldermen shall be elected for each ward as provided in sub-sections 1 and 2 of this section. 5

Application of provisions of 55 V., c. 42, s. 22, as to issue of commission.

(4) Sub-sections 3, 4, 5, 6, and 7, of section 22 of *The Consolidated Municipal Act* shall apply to and form part of this section. 10



2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend the Municipal Act.

First Reading, 26th February, 1896.

MR. HOBBS.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act to authorize Cities to hold Polls for Municipal Elections on New Year's Day.

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

5 1. The council of any city may by by-law to be passed not later than the 15th day of September in any year enact that the meetings of electors for nomination of candidates for the office of mayor and alderman shall be held on the 24th day of December, or on the 23rd day of December when the 24th day of December happens to be on a Sunday, and that the polls shall be opened on the 1st day of January next thereafter, except when the 1st day of January falls on a Sunday, in which case the polls shall be opened on the 2nd day of January.

By-law providing for holding nominations on 24th December and polling on 1st January.

15 2. All the other provisions of law relating to municipal elections shall apply to elections in such cities.

Application of other provisions relating to elections.

3. It shall not be necessary to re-enact such by-law in each year, but the same shall remain in force until repealed by by-law, to be passed not later than the 15th day of September in any year.

By-law to remain in force until repealed by by-law.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

**An Act to authorize Cities to hold Polls for
Municipal Elections on New Year's Day.**

First Reading, 26th February, 1895.

MR. HOBBS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 76.]

BILL.

[1896.

An Act to amend the Municipal Act.

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

1. Sub-section 1 of section 73 of *The Consolidated Municipal Act, 1892*, is amended by striking out the words "or within two miles thereof," in the third and fourth lines thereof, and inserting in lieu thereof the words "or in an adjoining municipality in the same county."

55 V. c. 44,
s. 73, sub-s. 1
amended.
Place of resi-
dence of can-
didates for
municipal
office.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend the Municipal Act.

First Reading, 26th February, 1896.

Mr. CHAPPLE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 77.]

BILL.

[1896.

An Act to amend the Public Libraries Act of 1895.

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

1. The following is added to sub-section 1 of section 2 of
5 *The Public Libraries Act, 1895*: "Provided that if at the time of the presentation of such petition a public library board has already been appointed in such municipality under *The Act respecting Mechanics' Institutes and Art Schools*, being chapter 73 of the Revised Statutes of Ontario 1887, or
10 under this Act, then on the presentation of such petition aforesaid, the municipal council shall by by-law appoint such public library board to be the board of management of the public library or Mechanics' Institute presenting such petition."

58 V., c. 45,
s. 11, sub s. 1
amended.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend the Public Library Act,
1895.

First Reading, 26th February, 1896.

Mr. HOBBS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Municipal Act.

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

1. Sub-section 2 of section 495 of *The Consolidated Municipal Act, 1892*, section 19 of *The Municipal Amendment Act, 1893*, and section 8 of *The Municipal Amendment Act, 1894*, are repealed and the following substituted therefor: 55 V. c. 42, s. 495, ss. 2; 56 V. c. 35, s. 19; 57 V. c. 50, s. 8, repealed.

2. For fixing the sum to be paid for every license to sell real or personal property by public auction in the municipality and for prohibiting the granting of such license to any applicant who is not of good character or whose premises are not suitable for the business, or upon residential or other streets in which, in the opinion of the council, it is not desirable that the business of auctioneer should be carried on, such qualifications to be determined by such means as the by-law provides, but nothing in this subsection contained shall apply to or affect any sheriff, deputy-sheriff or bailiff offering lands or goods for sale under legal process, or to bailiffs offering for sale goods or chattels seized as distress for rent, and no such sheriff, deputy-sheriff or bailiff shall require any license to sell such lands or goods by public auction. Auctioneers' licenses.

(a) Save as aforesaid, no person shall sell lands or goods by public auction in any county, city or separated town without having obtained a license therefor from the municipal corporation. Persons not to sell by auction without license.

(b) The council of every county, city and town separated from the county shall provide the treasurer of the municipality with auctioneers' licenses for sale to persons applying for the same, under such regulations as may be prescribed in such by-law. Treasurer to be supplied with licenses.

(c) Every such license shall be and continue in force for the period of one year from the date of its issue. Term of license.

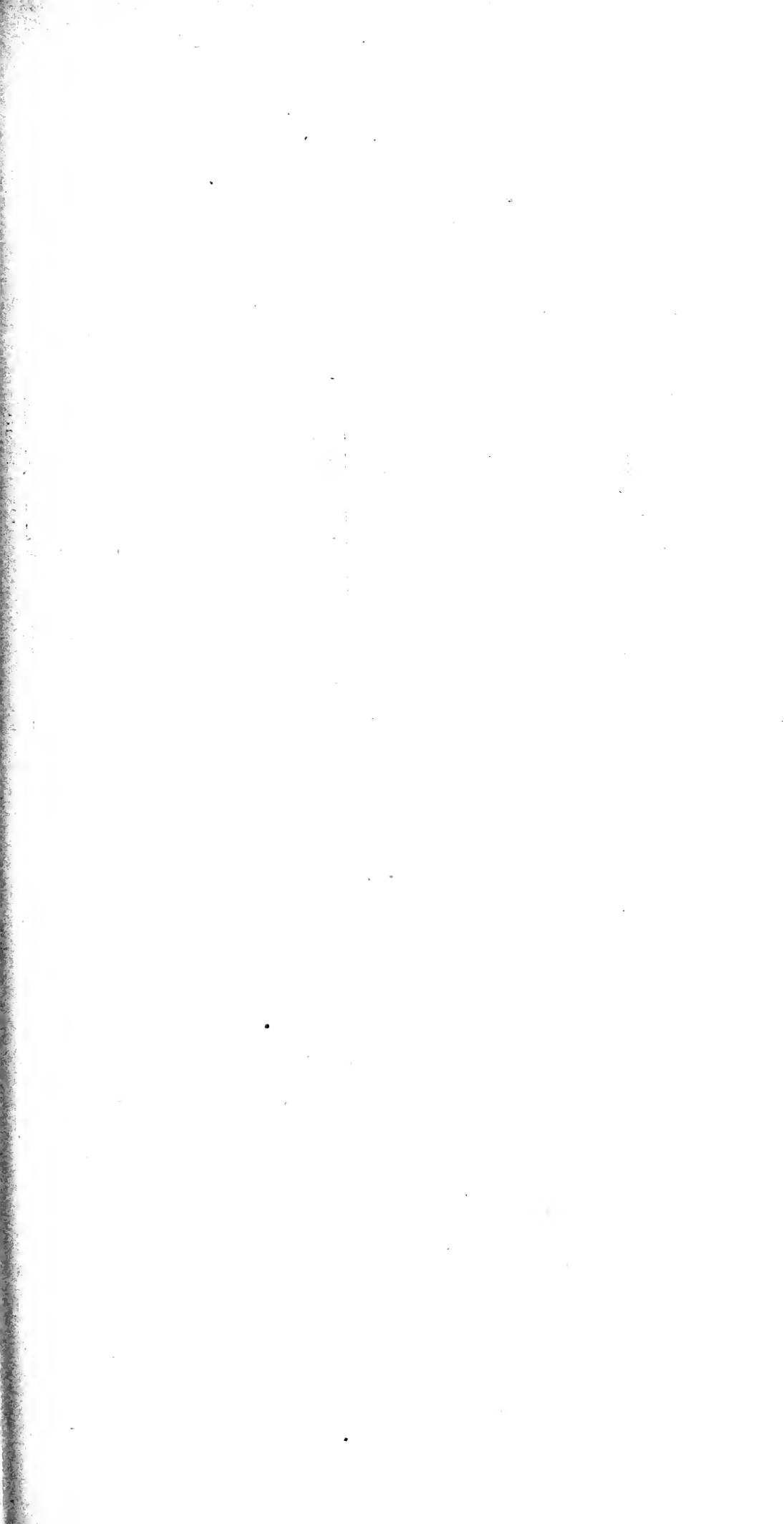
Treasurer not
to be a
licensee.

(d) No treasurer of any county, city or town shall issue any auctioneers' license to himself nor shall any such treasurer be entitled to receive any license to sell goods or lands by public auction in the municipality for which he is treasurer.

5

Bill posters.

2a. For licensing, regulating and governing bill posters and for fixing the sum to be paid for every such license and the time it shall be in force.



2nd Session, 8th Legislature, 59 Vict. 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 27th February, 1896.

Mr. PATON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Municipal Act.

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

1. Section 533 of *The Consolidated Municipal Act, 1892*, is hereby amended by adding thereto the following sub-section. 55 V. c. 42, s. 533, amended.

(a) Any county council may, at the expense of the county, make, maintain or improve any township, town or village road or highway which communicated with or runs into or towards any county road, and may grant such sum or sums from time to time for the said purpose, as they may deem expedient. Maintenance, etc., of roads in local municipalities by county councils.

2. Section 554 of the said Act is hereby amended by adding thereto the following sub-section. 55 V., c. 42, s. 554, amended.

(b) The council of any county municipality, may pass by-laws for granting aid to any town, township or village municipality in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication passing from or through any township, town or village municipality into or towards a county road. Aid to local municipalities for construction or maintenance of road.

3. Section 566 of the said Act is hereby amended by adding thereto the following sub-section. 55 V., c. 42, s. 566, amended.

(8) For granting to any town, township or incorporated village in the county, aid towards improving any road, street, bridge or other public communication running into or towards any county road of the county within which such local municipality is situate. Aid towards road improvements in local municipalities.

BILL.

An Act to amend The Municipal Act.

First Reading, 27th February, 1896

MR. MUTTIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Floating Debt of the Village of
East Toronto.

WHEREAS, the corporation of the village of East Toronto, Preamble.
have by their petition represented that they have incurred
debts and liabilities to the amount of \$10,000 exclusive of the
existing debenture indebtedness of the said village and that it
5 is desirable for the said village to pay the said debt by issuing
debentures for a sum sufficient to pay the same in twenty
equal yearly payments, commencing in the year 1898, and
ending in the year 1917; and whereas it is expedient to grant
the prayer of the said petition;

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

1. It shall be lawful for the said corporation of the village
of East Toronto, to pass a by-law or by-laws providing for the
15 issue of debentures under its corporate seal, signed by the
reeve and countersigned by the treasurer for the time being
for such sums of not less than \$100 each and not exceeding in
the whole the sum of \$10,000 as the said council of the said
corporation may from time to time direct and the principal
20 sum secured by the said debentures, and the interest accruing
thereon, made be made payable either in this province or in
Great Britain or elsewhere.

2. The said debentures shall be made payable at such period
25 not exceeding twenty years from the date thereof as the said
council may direct, and the interest thereon at such rate not
exceeding five per centum per annum as the said council shall
direct, shall be payable half-yearly, according to the coupons
to be attached to such debentures.

Power to issue
debentures for
\$10,000.

Term of
debentures :
interest.

Assent of electors not required.

3. It shall not be necessary to obtain the assent of the electors of the said village to the issue of the said debentures, or to the passage of any by-law directing the same or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

5

Informalities not to invalidate debentures.

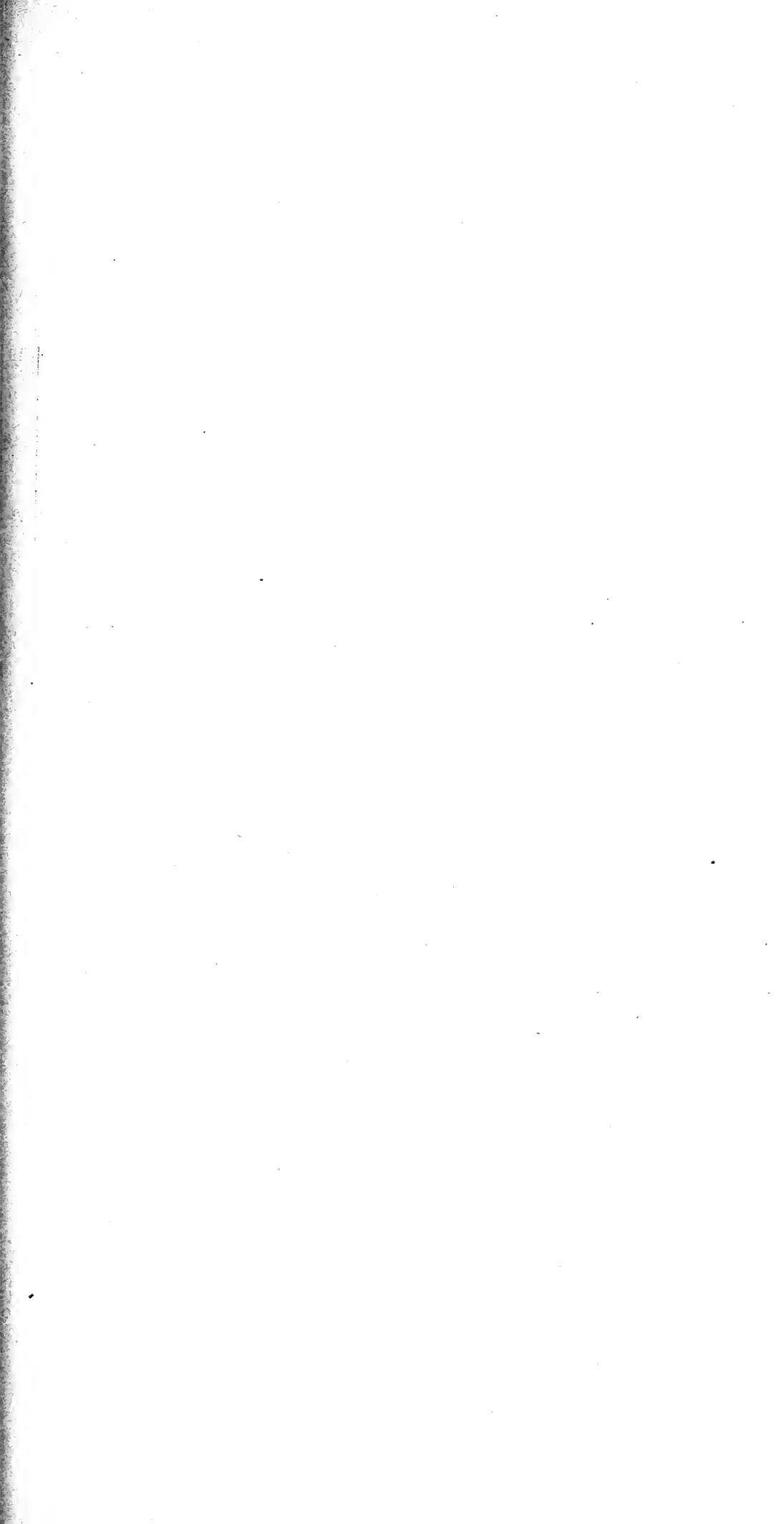
4. No irregularity in the form either of the said debentures or of any by-law authorizing the issuing thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of 10 them or any part thereof.

Special rate.

5. For payment of the principal money of the said debentures and the interest thereon the council shall impose a special rate per annum over and above and in addition to all other rates to be levied in each year during the currency of 15 the said debentures, which shall be sufficient to raise such an amount as will pay the interest to be paid on the said debentures, and also for a sinking fund sufficient for the payment of the principal money of the said debentures at their maturity.

Raising money on debentures.

6. The said council may for the purpose aforesaid raise 20 money by the sale or hypothecation of the said debentures from time to time as they may deem expedient, and all moneys to be derived from such sale or hypothecation shall be applied towards the payment of the said floating debt, and for no other purpose whatever; and no by-law or resolution of the 25 said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.



BILL.

An Act respecting the Floating Debt of the
Village of East Toronto.

First Reading, 1896.

(Private Bill.)

Mr. RICHARDSON.

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

An Act respecting the Floating Debt of the Village of
East Toronto.

WHEREAS, the corporation of the village of East Toronto, Preamble.
have by their petition represented that ^{that} by reason of an
insufficient amount of taxes for several years having been
raised by the said corporation, and by reason of unexpected
demands on the financial resources of the said corporation, a
floating liability to the amount of \$10,000 has accumulated, ~~the~~
exclusive of the existing debenture indebtedness of the said
village and that it is desirable for the said village to pay the
said debt by issuing debentures for a sum sufficient to pay
the same in twenty equal yearly payments, commencing in
the year 1897, and ending in the year 1916; and whereas it
is expedient to grant the prayer of the said petition;

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

1. It shall be lawful for the said corporation of the village Power to issue
debentures for
\$10,000.
of East Toronto, to pass a by-law or by-laws providing for the
issue of debentures under its corporate seal, signed by the
reeve and countersigned by the treasurer for the time being
for such sums of not less than \$100 each and not exceeding in
the whole the sum of \$10,000 as the said council of the said
corporation may from time to time direct and the principal
sum secured by the said debentures, and the interest accruing
thereon, made be made payable either in this province or in
Great Britain or elsewhere.

2. The said debentures shall be made payable at such period Term of
debentures :
interest.
not exceeding twenty years from the date thereof as the said
council may direct, and the interest thereon at such rate not
exceeding five per centum per annum as the said council shall
direct, shall be payable half-yearly, according to the coupons
to be attached to such debentures.

Assent of electors not required.

3. -It shall not be necessary to obtain the assent of the electors of the said village to the issue of the said debentures, or to the passage of any by-law directing the same or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Informalities not to invalidate debentures.

4. No irregularity in the form either of the said debentures or of any by-law authorizing the issuing thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

Payment of debentures and interest.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

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

Raising money on debentures.

7. The said council may for the purpose aforesaid raise money by the sale or hypothecation of the said debentures from time to time as they may deem expedient, and all moneys to be derived from such sale or hypothecation shall be applied towards the payment of the said floating debt, and for no other purpose whatever; and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.



BILL.

An Act respecting the Floating Debt of the
Village of East Toronto.

First Reading, 4th March, 1896.

*(Re-printed as amended in Private Bills
Committee.)*

Mr. RICHARDSON.

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

An Act to confirm By-Law No. 46 of the Town of
Sudbury.

WHEREAS, the corporation of the town of Sudbury have by Preamble.
their petition represented that they duly passed a by-law
for the construction of a system of water-works in the said town
at the estimated cost of \$30,000 and for borrowing the said
5 sum of \$30,000 to pay for the same; but that the said sum
has been found insufficient to pay for the same; and the
said corporation have further represented that they duly passed
a certain other by-law for the purpose of constructing a sys-
tem of sewerage and electric light in the said town at the es-
10 timated cost of \$10,000 and for borrowing the said sum of
\$10,000 to pay for the same; but that the said sum of \$10,000
has been found insufficient to pay for the same; and that it will
require a further sum of \$10,000 to pay the cost of completing
the said system of water-works and the said system of sewerage
15 and electric light; and whereas the said corporation have by their
said petition further represented that on the seventeenth day of
September, 1895, the council of the said corporation submitted
to the ratepayers a certain by-law No. 46, which is set forth as a
schedule to this Act, authorizing the borrowing of the sum of
20 \$10,000 for the purpose of paying the liabilities incurred in the
construction of the said systems which said by-law was duly car-
ried and was subsequently passed by the said council; but by
inadvertence the said by-law is so drawn as to permit a por-
tion of the said moneys to be expended in other necessary
25 works of public improvement in the said town; and whereas
the said corporation have by their said petition prayed that
an Act may be passed to confirm and legalize the said by-law;
and whereas it is expedient to grant the prayer of the said
petition;

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

By-law No. 46
for completing
water-works,
sewerage and
electric light
systems con-
firmed.

1. By-law No. 46 of the municipal corporation of the town of Sudbury, set forth in schedule A to this Act, is hereby declared legal, valid and binding upon the said municipal corporation in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, notwithstanding any want of jurisdiction in the said municipality to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same. 5

Application
of proceeds of
debentures.

2. That the debentures to be issued under the said by-law and all moneys arising therefrom shall be applied by the said corporation in payment of the liabilities incurred in the construction of the said systems of water-works, sewerage and electric light, and in the completion of the said systems respectively, and in no other manner and for no other purpose whatsoever. 15

SCHEDULE A.

(Section 1.)

BY-LAW No. 46.

A by-law to raise the sum of ten thousand dollars (\$10,000) for the purpose of meeting expenses incurred in the construction of the water-works, sewerage and electric light system in the town of Sudbury, completing the sewerage and electric light systems, and for other purposes.

Whereas by-law No. 32 of the town of Sudbury was passed for the purpose of raising thirty thousand dollars (\$30,000) for the purpose of constructing a system of water-works in the town of Sudbury;

And whereas by-law No. 33 of the town of Sudbury was passed for the purpose of raising the sum of ten thousand dollars (\$10,000) for the purpose of constructing a system of sewerage and electric light in the said town of Sudbury;

And whereas it was provided in and by the said by-laws that they should respectively come into effect on the 30th day of December, 1894;

And whereas in the construction of the said sewerage and electric light systems the amount raised in the manner provided for in the said by-laws was found insufficient, and for the purposes of paying the liabilities incurred in the construction of the said systems, and to the more perfect the same, it is necessary to raise about the sum of ten thousand dollars (\$10,000) by the issue of debentures of the municipality as hereinafter mentioned;

And whereas it is expedient that the full sum of ten thousand dollars be so raised, and that any balance which may not be required or expended for the purposes above specified should be expended in necessary works of public improvement in said town, such as laying sidewalks, opening streets, or otherwise as may be thought expedient;

And whereas it is expedient that the said sum of ten thousand dollars be repaid by annual instalments during and within the period of twenty years from the date upon which this by-law takes effect, said instalments to be of such amounts that the aggregate amount payable for principal and interest in any year during said period shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period, and that the debentures of the municipal corporation of the town of Sudbury be issued for the repayment of said sum and interest in such manner as to carry out the said intent ;

And whereas the annual sum to be raised in each year during the said period of twenty years, in order to discharge in manner aforesaid the several payments of principal and interest accruing due on said debt, as the said instalments and interest become respectively payable is the sum of \$802.47 ;

And whereas the amount of the whole rateable property of this municipality, according to the last revised assessment roll, is the sum of \$329,102.00 ;

And whereas the amount of the existing debenture debt of this municipality is the sum of \$40,000, of which no part of the principal or interest is in arrear ;

Be it therefore, and it is hereby enacted by the municipal corporation of the town of Sudbury, as follows :—

1. It shall be lawful for the mayor of the town of Sudbury to borrow from any person or persons, body or bodies corporate, the said sum of ten thousand dollars (\$10,000) for the purposes aforesaid, and to issue debentures of the said municipality to secure repayment of the said sum, for the amounts and payable at the times respectively following :—

No. of debentures.	When payable.	Amount.
1.....	29th of Dec., 1896	\$303 43
2.....	“ 1897	317 56
3.....	“ 1898	333 43
4.....	“ 1899	350 11
5.....	“ 1900	367 61
6.....	“ 1901	385 99
7.....	“ 1902	405 29
8.....	“ 1903	425 55
9.....	“ 1904	446 83
10.....	“ 1905	469 17
11.....	“ 1906	492 61
12.....	“ 1907	517 25
13.....	“ 1908	543 10
14.....	“ 1909	570 26
15.....	“ 1910	598 77
16.....	“ 1911	628 71
17.....	“ 1912	660 15
18.....	“ 1913	693 16
19.....	“ 1914	727 81
20.....	“ 1915	764 21

2. The said debentures, both as to principal and interest, shall be payable at the agency of the Ontario Bank in Sudbury, and shall be dated the 30th day of December, 1895, and shall have attached to them coupons for the payment of interest, which interest shall be computed at the rate of 5 per cent. per annum from the said date, and shall be payable on the 29th day of December in each and every year during the currency of each debenture.

3. It shall be lawful for the mayor of the said municipality, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized to attach the seal of the municipality to the said debentures.

4. For the purpose of paying the said debentures as they respectively become due, and interest on the same during the currency thereof, the sum of \$802.47 shall be annually raised and levied (in the same manner and at the same time as other taxes are levied) by a special rate over and above all other rates upon the whole rateable property in the said town of Sudbury, in each year hereafter for the period of twenty years.

5. This by-law shall take effect on the 30th day of December, 1895.

6. The votes of the electors of the said municipality shall be taken on this by-law on the 17th day of September, 1895, between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon, at the following polling places in the said town of Sudbury:—

Fournier ward, at the Fire Hall;

McCormick ward, Smith & Wolter's office;

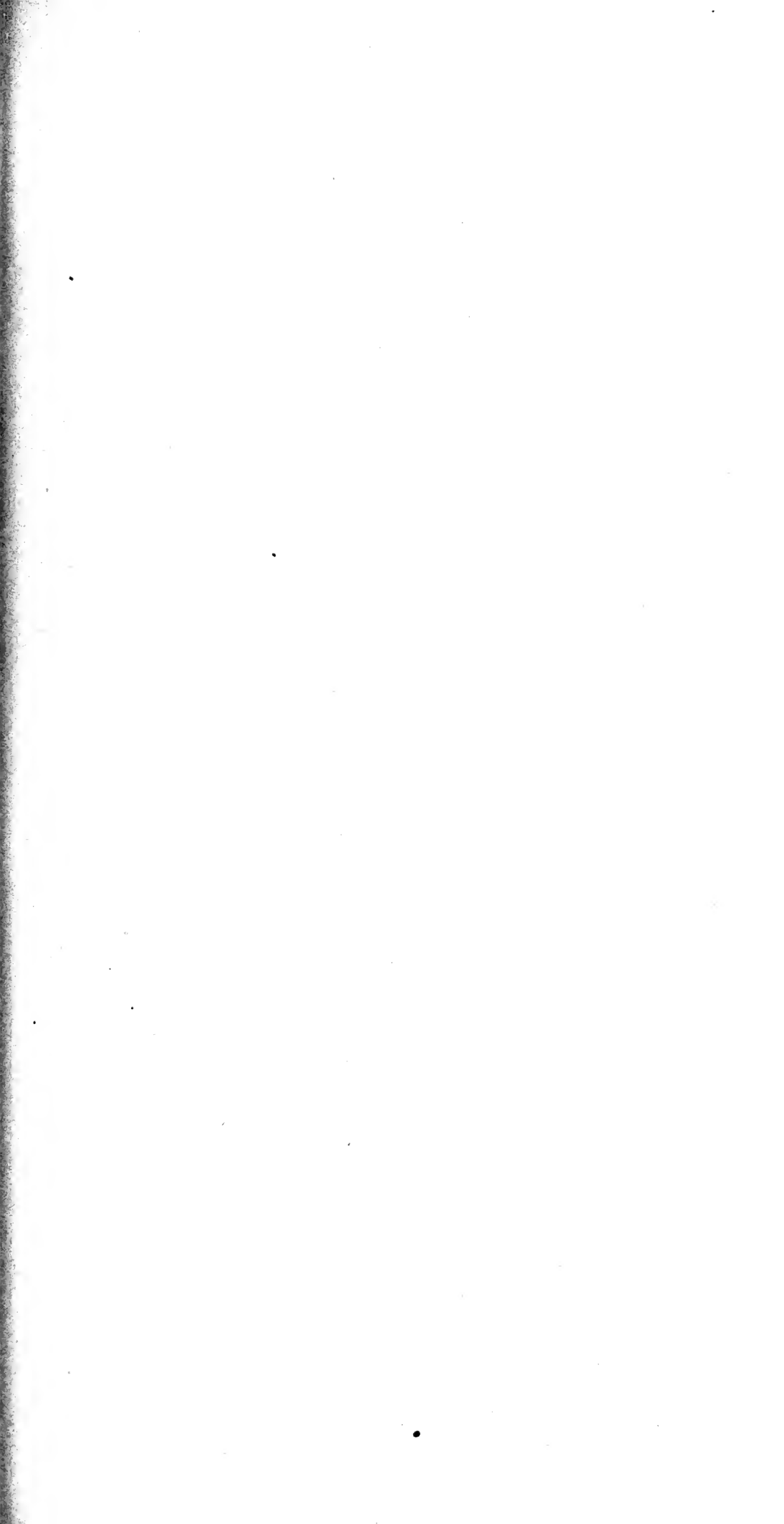
Ryan ward, the Court House;

and M. J. Powell, A. W. Wolter, and H. de M. Harvey shall be and they are hereby appointed deputy returning officers to take the said votes at the said polling places respectively.

7. Monday, the 16th day of September, 1895, at the hour of ten o'clock in the forenoon, at the fire hall, in the said town of Sudbury, shall be the time and place when and where persons shall be appointed by the mayor to attend at the respective polling places, and at the final summing up of the votes by the clerk of the said municipality, on behalf of the persons interested in and promoting or opposing the passage of the by-law respectively.

8. The clerk of the said municipality shall on the 18th day of September, 1895, at the hour of ten o'clock in the forenoon, at the fire hall in the said town of Sudbury, sum up the number of votes given for and against this by-law, and this by-law will be finally considered in council on the 19th day of September, 1895.

ARTHUR FERRIS,
Clerk.



BILL.

An Act to confirm By-law No. 46 of the
Town of Sudbury.

First Reading,	1896.
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(Private Bill.)

Mr. LOUGHRIN.

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

An Act to confirm By-Law No. 46 of the Town of
Sudbury.

WHEREAS, the corporation of the town of Sudbury have by ^{Preamble.} their petition represented that they duly passed a by-law for the construction of a system of water-works in the said town at the estimated cost of \$30,000 and for borrowing the said sum of \$30,000 to pay for the same; but that the said sum has been found insufficient to pay for the same; and the said corporation have further represented that they duly passed a certain other by-law for the purpose of constructing a system of sewerage and electric light in the said town at the estimated cost of \$10,000 and for borrowing the said sum of \$10,000 to pay for the same; but that the said sum of \$10,000 has been found insufficient to pay for the same; and that it will require a further sum of \$10,000 to pay the cost of completing the said system of water-works and the said system of sewerage and electric light; and whereas the said corporation have by their said petition further represented that on the seventeenth day of September, 1895, the council of the said corporation submitted to the ratepayers a certain by-law No. 46, which is set forth as a schedule to this Act, authorizing the borrowing of the sum of \$10,000 for the purpose of paying the liabilities incurred in the construction of the said systems which said by-law was duly carried and was subsequently passed by the said council; *and whereas*, the said by-law is so drawn as to permit *any balance* of the said moneys *after paying the said liabilities* to be expended in other necessary works of public improvement in the said town; and whereas, doubts have been expressed as to the power of the said council to so deal with any such balance of the said moneys; and whereas the said corporation have by their said petition prayed that an Act may be passed to confirm and legalize the said by-law; and whereas it is expedient to grant the prayer of the said petition;

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

By-law No. 46
for completing
water-works,
sewerage and
electric light
systems con-
firmed.

1. By-law No. 46 of the municipal corporation of the town of Sudbury, set forth in schedule A to this Act, is hereby declared legal, valid and binding upon the said municipal corporation in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, notwithstanding any want of jurisdiction in the said municipality to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same.

SCHEDULE A.

(Section 1.)

BY-LAW No. 46.

A by-law to raise the sum of ten thousand dollars (\$10,000) for the purpose of meeting expenses incurred in the construction of the water-works, sewerage and electric light system in the town of Sudbury, completing the sewerage and electric light systems, and for other purposes.

Whereas by-law No. 32 of the town of Sudbury was passed for the purpose of raising thirty thousand dollars (\$30,000) for the purpose of constructing a system of water-works in the town of Sudbury;

And whereas by-law No. 33 of the town of Sudbury was passed for the purpose of raising the sum of ten thousand dollars (\$10,000) for the purpose of constructing a system of sewerage and electric light in the said town of Sudbury;

And whereas it was provided in and by the said by-laws that they should respectively come into effect on the 30th day of December, 1894;

And whereas in the construction of the said sewerage and electric light systems the amount raised in the manner provided for in the said by-laws was found insufficient, and for the purposes of paying the liabilities incurred in the construction of the said systems, and to the more perfect the same, it is necessary to raise about the sum of ten thousand dollars (\$10,000) by the issue of debentures of the municipality as hereinafter mentioned;

And whereas it is expedient that the full sum of ten thousand dollars be so raised, and that any balance which may not be required or expended for the purposes above specified should be expended in necessary works of public improvement in said town, such as laying sidewalks, opening streets, or otherwise as may be thought expedient;

And whereas it is expedient that the said sum of ten thousand dollars be repaid by annual instalments during and within the period of twenty years from the date upon which this by-law takes effect, said instalments to be of such amounts that the aggregate amount payable for principal and interest in any year during said period shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period, and that the debentures of the municipal corporation of the town of Sudbury be issued for the repayment of said sum and interest in such manner as to carry out the said intent ;

And whereas the annual sum to be raised in each year during the said period of twenty years, in order to discharge in manner aforesaid the several payments of principal and interest accruing due on said debt, as the said instalments and interest become respectively payable is the sum of \$802.47 ;

And whereas the amount of the whole rateable property of this municipality, according to the last revised assessment roll, is the sum of \$329,102.00 ;

And whereas the amount of the existing debenture debt of this municipality is the sum of \$40,000, of which no part of the principal or interest is in arrear ;

Be it therefore, and it is hereby enacted by the municipal corporation of the town of Sudbury, as follows :—

1. It shall be lawful for the mayor of the town of Sudbury to borrow from any person or persons, body or bodies corporate, the said sum of ten thousand dollars (\$10,000) for the purposes aforesaid, and to issue debentures of the said municipality to secure repayment of the said sum, for the amounts and payable at the times respectively following :—

No. of debentures.	When payable.	Amount.
1.....	29th of Dec., 1896	\$303 43
2.....	" 1897	317 56
3.....	" 1898	333 43
4.....	" 1899	350 11
5.....	" 1900	367 61
6.....	" 1901	385 99
7.....	" 1902	405 29
8.....	" 1903	425 55
9.....	" 1904	446 83
10.....	" 1905	469 17
11.....	" 1906	492 61
12.....	" 1907	517 25
13.....	" 1908	543 10
14.....	" 1909	570 26
15.....	" 1910	598 77
16.....	" 1911	628 71
17.....	" 1912	660 15
18.....	" 1913	693 16
19.....	" 1914	727 81
20.....	" 1915	764 21

2. The said debentures, both as to principal and interest, shall be payable at the agency of the Ontario Bank in Sudbury, and shall be dated the 30th day of December, 1895, and shall have attached to them coupons for the payment of interest, which interest shall be computed at the rate of 5 per cent. per annum from the said date, and shall be payable on the 29th day of December in each and every year during the currency of each debenture.

3. It shall be lawful for the mayor of the said municipality, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized to attach the seal of the municipality to the said debentures.

4. For the purpose of paying the said debentures as they respectively become due, and interest on the same during the currency thereof, the sum of \$802.47 shall be annually raised and levied (in the same manner and at the same time as other taxes are levied) by a special rate over and above all other rates upon the whole rateable property in the said town of Sudbury, in each year hereafter for the period of twenty years.

5. This by-law shall take effect on the 30th day of December, 1895.

6. The votes of the electors of the said municipality shall be taken on this by-law on the 17th day of September, 1895, between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon, at the following polling places in the said town of Sudbury:—

Fournier ward, at the Fire Hall;

McCormick ward, Smith & Wolter's office;

Ryan ward, the Court House;

and M. J. Powell, A. W. Wolter, and H. de M. Harvey shall be and they are hereby appointed deputy returning officers to take the said votes at the said polling places respectively.

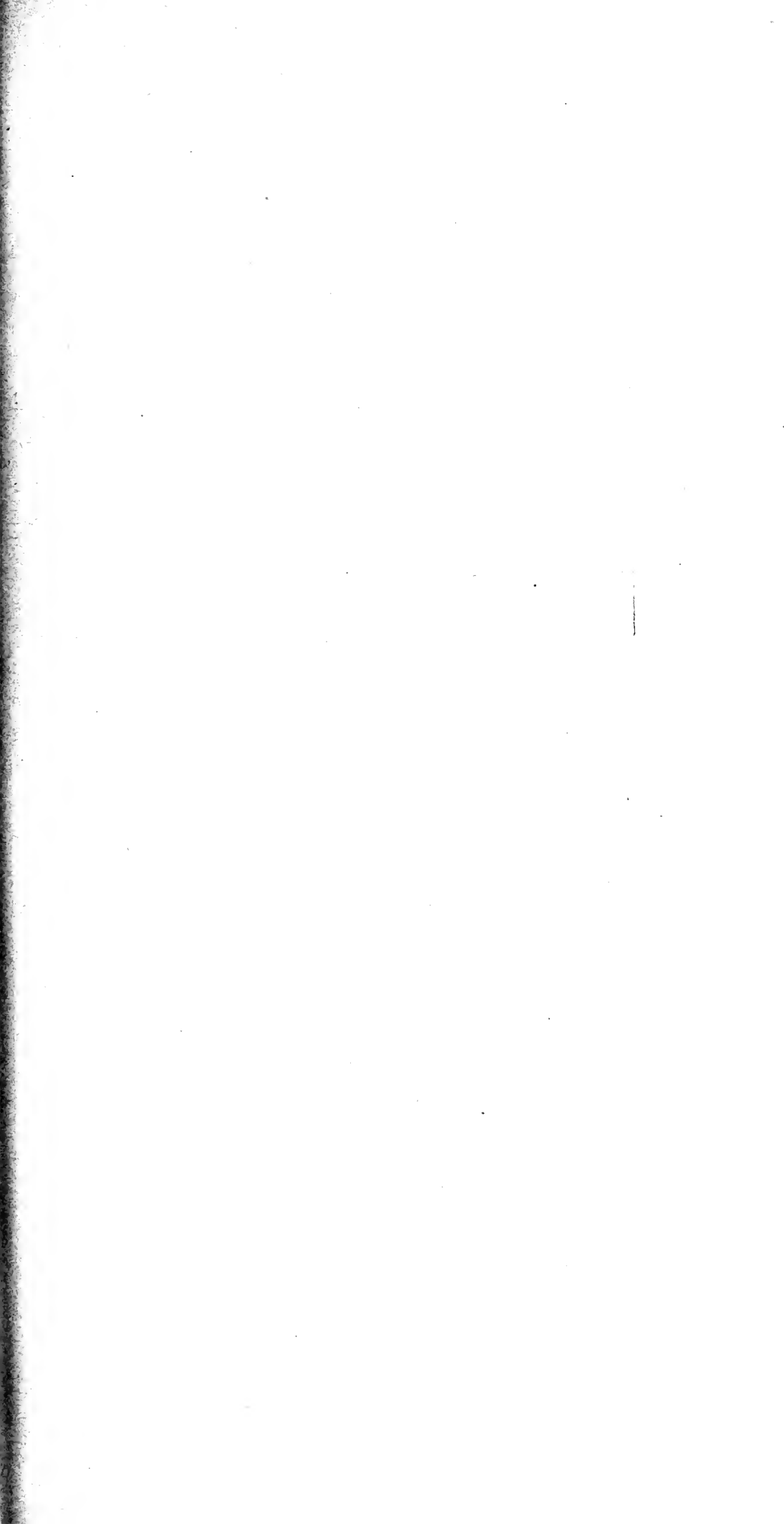
7. Monday, the 16th day of September, 1895, at the hour of ten o'clock in the forenoon, at the fire hall, in the said town of Sudbury, shall be the time and place when and where persons shall be appointed by the mayor to attend at the respective polling places, and at the final summing up of the votes by the clerk of the said municipality, on behalf of the persons interested in and promoting or opposing the passage of the by-law respectively.

8. The clerk of the said municipality shall on the 18th day of September, 1895, at the hour of ten o'clock in the forenoon, at the fire hall in the said town of Sudbury, sum up the number of votes given for and against this by-law, and this by-law will be finally considered in council on the 19th day of September, 1895.

Passed this 19th day of September, 1895.

W. C. BIGGER,
Mayor.
ARTHUR FERRIS,
Clerk.





BILL.

An Act to confirm By-law No. 46 of the
Town of Sudbury.

First Reading, 10th March, 1896.

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

Mr. LOUGHRIN.

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

An Act to incorporate The South Essex Electric
Railway Company.

WHEREAS, John Allen Auld, Joseph David Burk, William Preamble.
Henry McEvoy, Emanuel Berube, Augustus E. Rondot, Joseph
J. Breault, David M. Kemp, John W. Stokes, Charles
F. Wilcox of the town of Amherstburg in the county of Essex
5 and Delos Rogest Davis of the township of Anderdon, Napo-
leon Alexandre Coste and Daniel F. Reaume of the township of
Malden, Charles Bell and Arthur R. Ferris of the township of
Colchester South in the said county of Essex have by their
petition prayed for an Act of incorporation under the name
10 of The South Essex Electric Railway Company for the pur-
pose of constructing and operating electric railways from the
town of Amherstburg, to the village of Harrow in the town-
ship of Colchester south through the streets of the town of
Amherstburg, through the township of Malden, through the
15 township of Colchester south and through the streets of the
said village of Harrow; and whereas it is expedient to grant
the prayer of the said petition;

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

1. The said John Allen Auld, Joseph David Burk, William Incorporation.
Henry McEvoy, Emanuel Berube, Augustus E. Rondot, Joseph
J. Breault, David M. Kemp, John W. Stokes, Charles F. Wilcox
all of the town of Amherstburg in the county of Essex and Delos
25 Rogest Davis of the township of Anderdon, Napoleon Alex-
andre Coste and Daniel F. Reaume of the township of Malden,
Charles Bell and Arthur R. Ferris of the township of Colches-
ter south all in the county of Essex and such other persons
and corporations as shall hereafter become shareholders of the
said company are hereby constituted a body corporate and
30 politic under the name of the South Essex Electric Railway
Company hereinafter called the "company."

- 58 V. c. 38. **2.** The company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair iron or steel railways to be operated by electricity with single or double iron or steel tracks from some point in the town of Amherstburg to be selected by the said company to some point in the village of Harrow in the township of Colchester south in the county of Essex passing from and through the town of Amherstburg, county of Essex through the township of Malden and the township of Colchester south to the said village of Harrow and the railways or any of them or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in *The Electric Railway Act, 1895*, contained and under and subject to any agreement between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.
- Provisional directors. **3.** The said John Allen Auld, Joseph David Burk, William Henry McEvoy, Emanuel Berube, Augustus E. Rondot, Joseph J. Breault, David M. Kemp, John W. Stokes, Charles F. Wilcox, Delos Rogest Davis, Napoleon Alexandre Coste, Daniel F. Reaume, Charles Bell and Arthur R. Ferris, shall be, and are, hereby constituted a board of provisional directors of the company, and shall hold office as such until other directors shall be appointed, under the provisions of *The Electric Railway Act, 1895*, by the shareholders.
- 58 V. c. 38. **4.** All meetings of the provisional board of directors shall be held at the town of Amherstburg, in the county of Essex, or at such other place as shall best suit the interest of the company.
- Meetings of provisional directors. **5.** The capital stock of the company shall be \$25,000, to be divided into 1,000 shares of \$25 each.
- Capital stock. **6.** The head office shall be at the town of Amherstburg, in the county of Essex.
- Head office. **7.** The board of directors shall consist of nine persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.
- Directors. 58 V. c. 38.

8. Subject to the provisions of *The Electric Railway Act*, the company shall have power to enter into any agreement with the Windsor, Amherstburg and Lake Erie Railway Company or any other existing railway company, or any person or persons lawfully authorized to enter into such an agreement for the leasing, hiring or use by the company of the lands, tracks or structures or otherwise of the Windsor, Amherstburg and Lake Erie Railway Company, or any portion thereof, or any other existing lines between Amherstburg and the city of Windsor, in the county of Essex, or any portion thereof on such terms as to compensation and otherwise as may be agreed upon, provided that electric power only shall be used in operating any portion of the company's line, to purchase or lease the Windsor, Amherstburg and Lake Erie Railway Company, and operate the same as an electric railway instead of a steam railway.

Agreement with Windsor, Amherstburg and Lake Erie Ry. Co., or other existing companies.

9. The company is hereby authorized and empowered to take and make the survey and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act, 1895*, and to deposit the same as required by the sections of the said *Electric Railway Act* and the amendments thereto, with respect to plans and surveys by sections or portions less than the length of the whole railway authorized of such length as the company may from time to time see fit, and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways all and every of the clauses of the said *Electric Railway Act, 1895*, and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof and of their whole course and directions and the lands intended to be passed over and taken and the statement of the whole of the said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof, with respect to plans and surveys.

Construction of lines by sections.

58 V. c. 38.

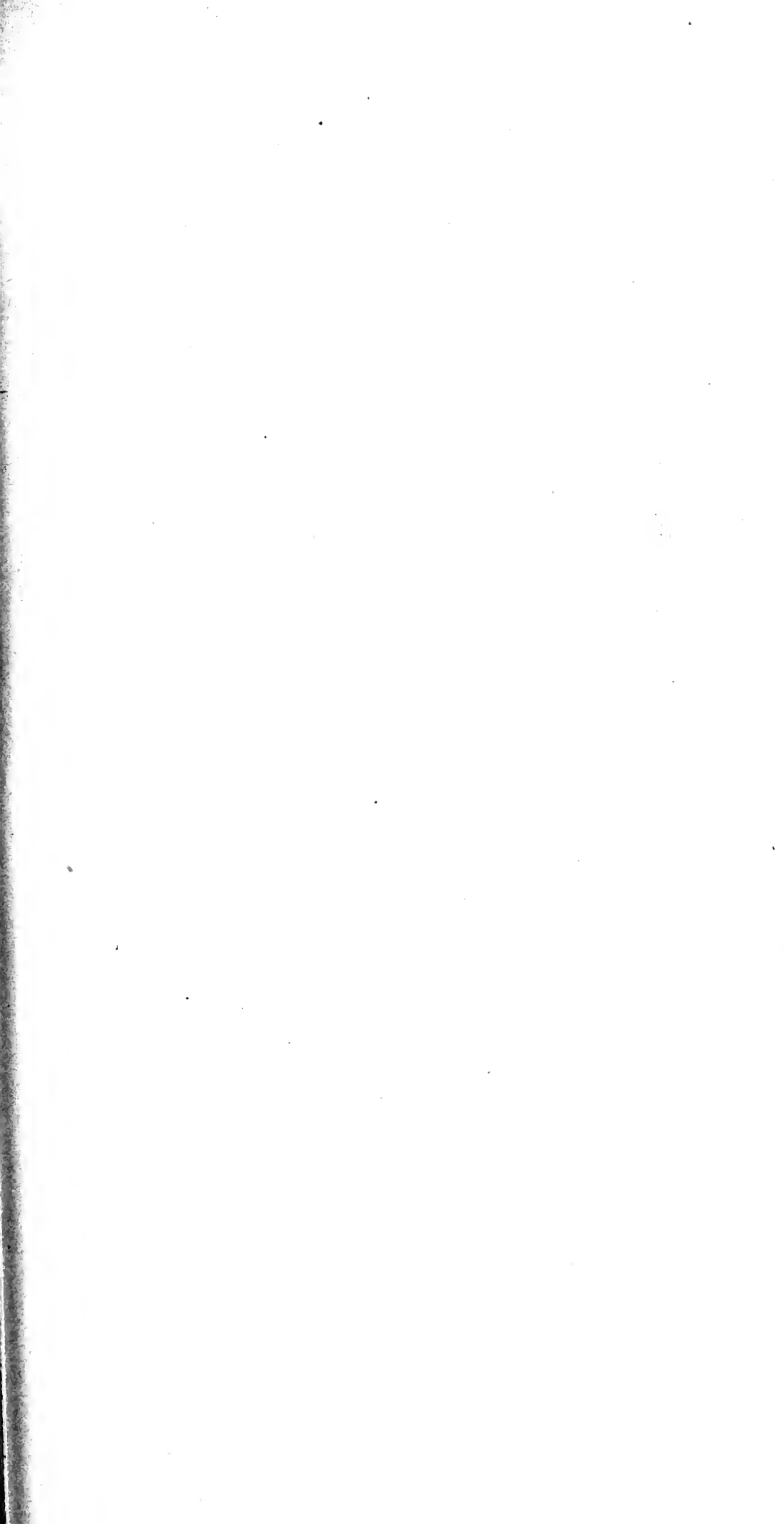
10. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them,

Incorporation of provisions of Electric Ry. Act.

except only so far as they may be inconsistent with the express enactments thereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said *Electric Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Commence-
ment and
completion of
line.

11. The railways shall be commenced within three years and completed within six years after the passing of this Act.



BILL.

An Act to incorporate The South Essex
Electric Railway Company.

First Reading,	1896.
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(Private Bill)

MR. MCKEE.

TORONTO:

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

An Act to incorporate The South Essex Electric Railway Company.

WHEREAS, John Allen Auld, Joseph David Burk, William Henry McEvoy, Emanuel Berube, Augustus E. Rondot, Joseph J. Breault, David M. Kemp, John W. Stokes, Charles F. Wilcox *all* of the town of Amherstburg, Delos Rogest Davis of the township of Anderdon, Napoleon Alexandre Coste and Daniel F. Reaume of the township of Malden, Charles Bell and Arthur R. Ferris of the township of Colchester South *all* in the county of Essex, have by their petition prayed for an Act of incorporation under the name of The South Essex Electric Railway Company for the purpose of constructing and operating electric railways from the town of Amherstburg, to the village of Harrow in the township of Colchester South, through the streets of the *said* town of Amherstburg, through the townships of Malden *and* Colchester South and through the streets of the *said* village of Harrow ⁱⁿ in the *said* county of Essex ^{and}; and whereas it is expedient to grant the prayer of the *said* petition;

Preamble.

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

1. John Allen Auld, Joseph David Burk, William Henry McEvoy, Emanuel Berube, Augustus E. Rondot, Joseph J. Breault, David M. Kemp, John W. Stokes, Charles F. Wilcox ^{and} J. G. Mullen, William D. Balfour and Colin Wigle ^{and} *all* of the *said* town of Amherstburg, Delos Rogest Davis of the township of Anderdon, Napoleon Alexandre Coste and Daniel F. Reaume of the township of Malden, Charles Bell and Arthur R. Ferris of the township of Colchester South *all* in the county of Essex and such other persons and corporations as shall hereafter become shareholders of the *said* company are hereby constituted a body corporate and politic under the name of "The South Essex Electric Railway Company" hereinafter called the "company."

Incorporation.

- 58 V. c. 38. **2.** The company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair iron or steel railways to be operated by electricity with single or double iron or steel tracks from some point in the town of Amherstburg to be selected by the company to some point in the village of Harrow in the township of Colchester South in the county of Essex passing from and through the *said* town of Amherstburg, *in the said* county of Essex and through the townships of Malden and Colchester South to the said village of Harrow and the railways or any of them or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in *The Electric Railway Act, 1895*, contained and under and subject to any agreement^{to} hereafter to be made^{between} the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.
- 58 V. c. 38.
55 V. c. 42. **3.** The said John Allen Auld, Joseph David Burk, William Henry McEvoy, Emanuel Berube, Augustus E. Rondot, Joseph J. Breault, David M. Kemp, John W. Stokes, Charles F. Wilcox,^{and} J. G. Mullen, William D. Balfour, Colin Wigle,^{and} Delos Rogest Davis, Napoleon Alexandre Coste, Daniel F. Reaume, Charles Bell and Arthur R. Ferris,^{and} with power to add to their numbers,^{and} shall be, and are, hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed, under the provisions of *The Electric Railway Act, 1895*, by the shareholders.
- 58 V. c. 38. **4.** All meetings of the provisional board of directors shall be held at the town of Amherstburg, in the county of Essex, or at such other place as shall best suit the interest of the company.
- Capital stock. **5.** The capital stock of the company shall be \$50,000, to be divided into 2,000 shares of \$25 each.
- Head office. **6.** The head office shall be at the town of Amherstburg, in the county of Essex.
- Directors. **7.** The board of directors shall consist of nine persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.
- 58 V. c. 38.

8. Subject to the provisions of *The Electric Railway Act, 1895*, the company shall have power to enter into any agreement with the Windsor, Amherstburg and Lake Erie Railway Company *if* lawfully authorized to enter into such an agreement for the leasing, hiring or use by the company of the lands, tracks or structures or otherwise of the Windsor, Amherstburg and Lake Erie Railway Company, or any portion thereof, on such terms as to compensation and otherwise as may be agreed upon, provided that electric power only shall be used in operating any portion of the company's line, and the company shall also have power to purchase or lease the Windsor, Amherstburg and Lake Erie Railway, and operate the same as an electric railway instead of a steam railway; ^{Agreement with Windsor, Amherstburg and Lake Erie Ry. Co.} Provided further that the said line or any portion thereof over which the company may acquire running powers under this section or which may be so purchased or leased, shall be operated by the company in accordance with the provisions of the said *Electric Railway Act, 1895*.

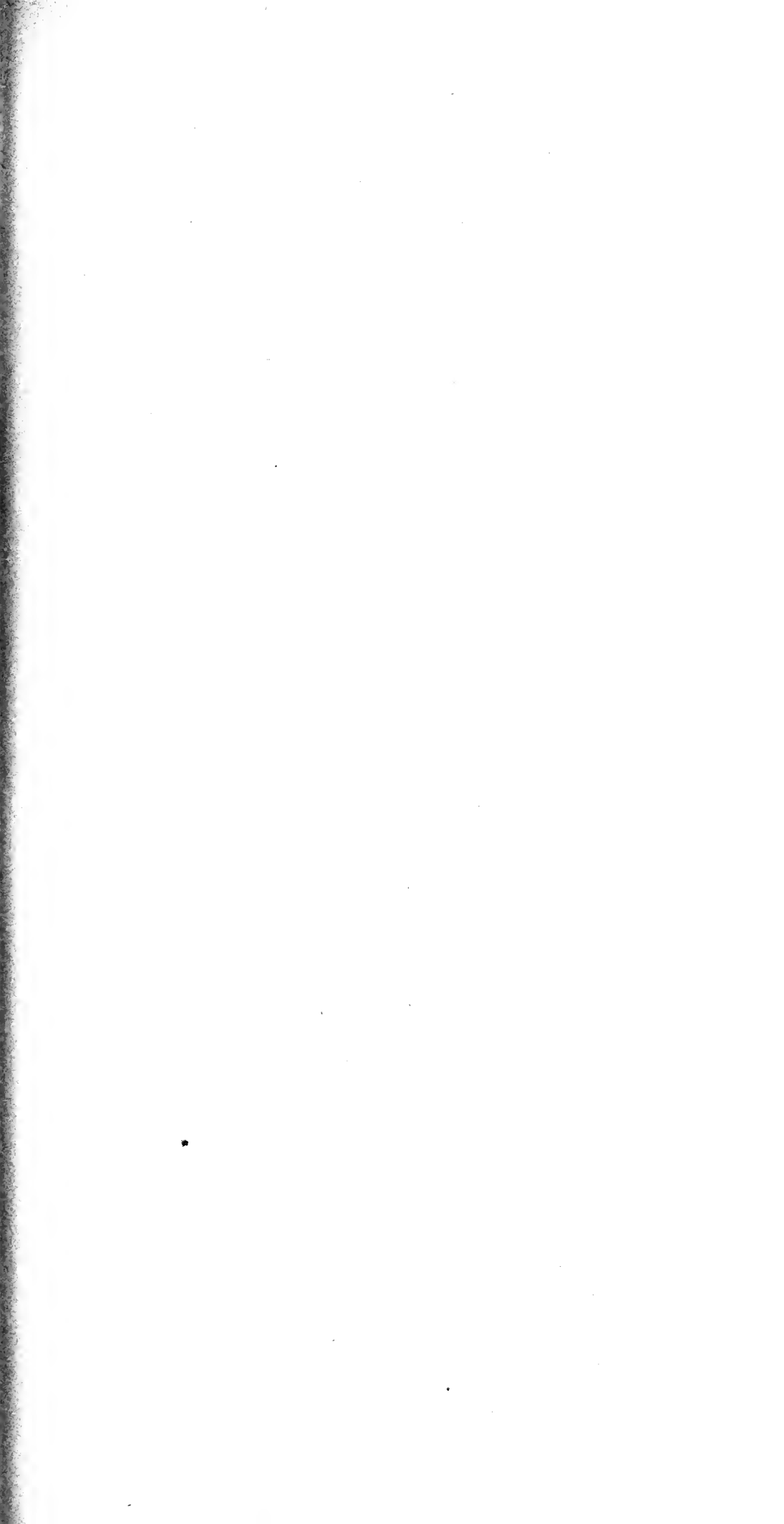
9. The company is hereby authorized and empowered to take and make the survey and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act, 1895*, and to deposit the same as required by the clauses of the said *Electric Railway Act, 1895*, and the amendments thereto, with respect to plans and surveys by sections or portions less than the length of the whole railway authorized of such length as the company may from time to time see fit, and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways all and every of the clauses of the said *Electric Railway Act, 1895*, and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof and of their whole course and directions and of the lands intended to be passed over and taken and the statement of the whole of the said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act, 1895*, and the amendments thereof, with respect to plans and surveys. ^{Construction of lines by sections.} 58 V. c. 38.

10. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, ^{Incorporation of provisions of Electric Ry. Act.}

except only so far as they may be inconsistent with the express enactments thereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said *Electric Railway Act, 1895*, and of every Act in amendment thereof so incorporated with this Act.

Commence-
ment and
completion of
line.

11. The railways shall be commenced within three years and completed within six years after the passing of this Act.



BILL.

An Act to incorporate The South Essex
Electric Railway Company.

First Reading, 10th March, 1896.

*(Reprinted as amended by Railway
Committee.)*

(Private Bill.)

Mr. MCKEE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act relating to the Sault Ste. Marie and Hudson's Bay Railway Company.

WHEREAS The Sault Ste. Marie and Hudson's Bay Railway Company has petitioned for an Act to extend the time for the commencement and completion of its railway; to authorize the use of electricity as a motive power; to empower the company to change the place of its head office, and to allow its line of railway to be constructed to a point on The Canadian Pacific Railway between Grasset station and Ridout station; and whereas by an Act of the Legislature of Ontario, passed in the fifty-sixth year of Her Majesty's reign, chaptered 98, the time for the commencement of the construction of the said line of railway was extended for the period of three years from the seventh day of April, A.D. 1893, and the time for the completion thereof for ten years from that date; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

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

1. The times for the commencement and completion of the said railway are hereby extended for three years beyond the respective periods mentioned therefor in the said Act, passed in the fifty-sixth year of Her Majesty's reign, chaptered 98.
2. The company may operate its railway, in whole or in part, with electricity or water as the motive power in lieu of or in conjunction with steam or other form of power authorized by *The Railway Act*.
3. The company may, by by-law, change the place of its head office to any city or town in the Province of Ontario.
4. The company may locate the point of the crossing by its line of the main line of the Canadian Pacific Railway between Grasset and Ridout stations, on the last named railway.

Time for commencement and completion of line extended.

Operating place of line by electricity.

By-law changing place of head office.

Location of crossing of Canadian Pacific Railway.

BILL.

An Act relating to The Sault Ste. Marie
and Hudson's Bay Railway Company.

First Reading,	1896.
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(Private Bill.)

MR. FARWELL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.


An Act relating to the Sault Ste. Marie and Hudson's Bay Railway Company.

WHEREAS The Sault Ste. Marie and Hudson's Bay Rail- Preamble.
way Company has petitioned for an Act to extend the time for the commencement and completion of its railway; to authorize the use of electricity as a motive power; to empower the company to change the place of its head office, and to allow its line of railway to be constructed to a point on The Canadian Pacific Railway between Grassett station and Ridout station; and whereas by an Act of the Legislature of Ontario, passed in the fifty-sixth year of Her Majesty's reign, chaptered 98, the time for the commencement of the construction of the said line of railway was extended for the period of three years from the seventh day of April, A.D. 1893, and the time for the completion thereof for ten years from that date; ~~and~~ and whereas the company's proposed line of railway will for the most part run through an unsettled part of the Province and electricity may therefore be allowed as a motive power; and whereas all the provisions of *The Electric Railway Act, 1895*, are therefore not applicable to the company; ~~and~~ and whereas it is expedient to grant the prayer of the said petition;

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

1. The times for the commencement and completion of the said railway are hereby extended for three years beyond the respective periods mentioned therefor in the said Act, passed in the fifty-sixth year of Her Majesty's reign, chaptered 98. Time for commencement and completion of line extended.

2. The company may operate its railway, in whole or in part, with electricity or water as the motive power in lieu of or in conjunction with steam or other form of power authorized by *The Railway Act*; ~~and~~ provided that electricity shall Operating line by electricity.

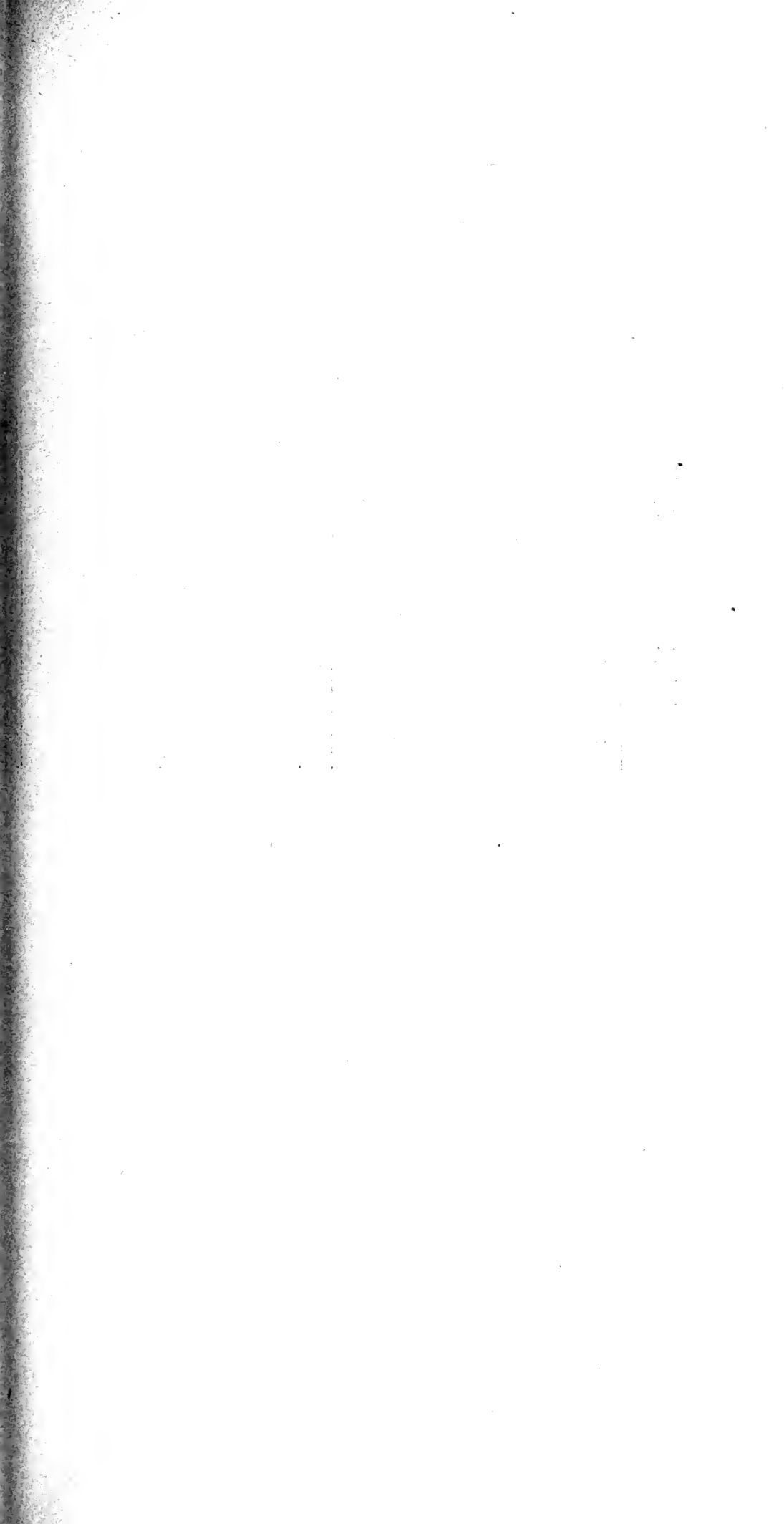
not be used as a motive power without the consent of the Lieutenant-Governor-in-Council being first had and obtained. 

By-law changing place of head office.

3. The company may, by by-law, change the place of its head office to any city or town in the Province of Ontario.

Location of crossing of Canadian Pacific Railway.

4. The company may locate the point of the crossing by its line of the main line of the Canadian Pacific Railway between Grasset and Ridout stations, on the last named railway.



BILL.

An Act relating to The Sault Ste. Marie
and Hudson's Bay Railway Company.

First Reading, 10th March 1896.

*(Reprinted as amended in Railway
Committee.)*

(Private Bill.)

MR. FARWELL.

TORONTO:

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

An Act to incorporate The Chatham City and Suburban Railway Company.

WHEREAS, the municipal council of the City of Chatham ^{Preamble.} and the Board of Trade of the City of Chatham have petitioned for *An Act to incorporate the Chatham City and Suburban Railway Company*, with power to construct and operate an electric railway in, through and from the city of Chatham to a point at or near the Raleigh and Harwich township line and with all other powers conferred upon such companies by *The Electric Railway Act of 1895* and *The Street Railway Act*; and whereas John Mercer and others of the City of Chatham have prayed for an Act of incorporation under the name and title of "The Chatham City and Suburban Railway Company"; and whereas it is expedient to grant the prayer of such petitioners;

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

1. John Mercer, Manson Campbell, George P. Scholfield, John A. Walker, Fred. Stone, John L. Bray and William Douglas, all of the city of Chatham, and E. Jones Park and George C. Rankin, of the City of London, Ontario, and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Chatham City and Suburban Railway Company." ^{Incorporation.}

2. The said company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair a railway with iron or steel rails, to be operated by electricity with double or single iron or steel tracks from the ^{Location of line.}

- city of Chatham to Lake Erie, along or near the Harwich and Raleigh town line to a point near Cedar Springs. And the said railway or any part thereof may be carried along and upon such public highways, as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein, and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations, and the said company and the councils of any of the said corporations may enter into any agreements as to the terms of occupancy of any street or highway, subject to the terms of the said *Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act amending the same, and *The Street Railway Act*. 5 10 15
- 58 V. c. 38.
- 55 V. c. 42.
Rev. Stat. c. 171.
- Provisional directors and their powers.
- 3.** The said John Mercer, Manson Campbell, George P. Scholfield, John A. Walker, Fred. Stone, John L. Bray, William Douglas, E. Jones Park and George C. Rankin, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders. 20
- Place of meeting.
- 4.** All meetings of the provisional board of directors shall be held at the city of Chatham, in the county of Kent. 25
- Capital.
- 5.** The capital stock of the said company shall be \$100,000, to be divided into 1,000 shares of \$100 each.
- First election of directors.
- 6.** When and so soon as 25 per centum of the capital stock has been subscribed and ten per centum of the same has been paid in cash into some chartered bank in Canada the provisional directors shall call a meeting of the company at the city of Chatham for the purposes of organization, giving due public notice of the same as prescribed by *The Electric Railway Act, 1895*. 30
- 58 V. c. 38.
- Head office.
- 7.** The head office of the said company shall be at the city of Chatham. 35
- Issue of bonds.
- 8.** The directors of the said company shall have power to issue bonds for the purpose of raising money for prosecuting the said undertaking in the manner and to the limit per mile set forth in *The Electric Railway Act, 1895*. 40
- 58 V. c. 38.
- Provisions of 58 V. c. 38 to apply.
- 9.** The several clauses of *The Electric Railway Act, 1895*, and every Act in amendment thereof, shall be, and are, hereby incorporated with and deemed to be a part of this Act, and shall apply to the company and to the railway to be con-

structed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Electric Railway Act* and of every Act 5 in amendment thereof so incorporated with this Act.

10. Notwithstanding any proviso to the contrary in any other Act, the said railway may cross any other railway upon a level therewith with the consent of said railway. Crossing other railways.

11. The railway shall be commenced within eighteen months of the passage of this Act and finished within three years. Commencement and completion of railway.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to incorporate The Chatham City
and Suburban Railway Company.

First Reading,	1896.
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(Private Bill.)

Mr. PARDO.

TORONTO:

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

An Act to incorporate The Chatham City and
Suburban Railway Company.

WHEREAS, the municipal council of the City of Chatham ^{Preamble.} and the Board of Trade of the City of Chatham have petitioned for *An Act to incorporate the Chatham City and Suburban Railway Company*, with power to construct and operate an electric railway in, through and from the city of Chatham, ⁱⁿ the county of Kent, along or near the township line between the townships of Raleigh and Harwich to the unincorporated village of Cedar Springs and from thence to some point on Lake Erie, in the county of Kent, ^{and} and with all other powers conferred upon such companies by *The Electric Railway Act, 1895* and *The Street Railway Act*; and whereas John Mercer, ^{and} Manson Campbell and George P. Scholfield, all of the said city ^{of} Chatham have prayed for an Act of incorporation under the name and title of "The Chatham City and Suburban Railway Company"; and whereas it is expedient to grant the prayer of such petitioners;

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

1. John Mercer, Manson Campbell, George P. Scholfield, ^{Incorporation} John A. Walker, Fred. Stone, John L. Bray and William Douglas, all of the *said* city of Chatham, and E. Jones Parke and George C. Rankin, of the City of London, *in the county of Middlesex*, and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Chatham City and Suburban Railway Company."

2. The said company is hereby authorized and empowered ^{Location of} to survey, lay out, construct, make, complete, alter and keep in ^{line.} repair a railway with iron or steel rails, to be operated by electricity with double or single iron or steel tracks *in, through*

and from the *said* city of Chatham, along or near the ^{4th} township line between the township of Raleigh and Harwich to the unincorporated village of Cedar Springs and from thence to some point on Lake Erie, in the county of Kent. ⁵ And the said railway or any part thereof may be carried along and upon such public highways, as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein, and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations, ⁶ and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in ⁷ the said *Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same, and *The Street Railway Act*.

58 V. c. 38.

55 V. c. 42.

Rev. Stat. c. 171.

Provisional directors and their powers.

3. The said John Mercer, Manson Campbell, George P. Scholfield, John A. Walker, Fred. Stone, John L. Bray, William Douglas, E. Jones Parke and George C. Rankin, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Place of meeting.

4. All meetings of the provisional board of directors shall be held at the *said* city of Chatham, in the county of Kent.

Capital.

5. The capital stock of the said company shall be \$50,000 to be divided into 500 shares of \$100 each.

First election of directors.

6. When and so soon as 25 per centum of the capital stock has been subscribed and ten per centum of the *authorized capital stock* has been paid in cash into some chartered bank in Canada the provisional directors shall call a meeting of the company at the *said* city of Chatham for the purposes of organization, giving due public notice of the same as prescribed by *The Electric Railway Act, 1895*.

58 V. c. 38.

⁸**7.** The board of directors of the company shall consist of not less than five nor more than seven persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.

Head office.

8. The head office of the said company shall be at the *said* city of Chatham.

9. The several clauses of *The Electric Railway Act, 1895*, and every Act in amendment thereof, shall be, and are, hereby incorporated with and deemed to be a part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Electric Railway Act, 1895*, and of every Act in amendment thereof so incorporated with this Act.

10. The railway shall be commenced within eighteen months of the passage of this Act and finished within three years. Commencement and completion of railway.

BILL.

An Act to incorporate The Chatham City
and Suburban Railway Company.

First Reading, 10th March, 1896.

*(Reprinted as amended by the Railway
Committee.)*

Mr. PARDO.

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

An Act to incorporate The Chatham City and
Suburban Railway Company.

WHEREAS, the municipal council of the City of Chatham Preamble.
and the Board of Trade of the City of Chatham have petitioned for *An Act to incorporate the Chatham City and Suburban Railway Company*, with power to construct and operate an electric railway in, through and from the city of Chatham, ^{and} in the county of Kent, along or near the township line between the townships of Raleigh and Harwich to the unincorporated village of Cedar Springs and from thence to some point on Lake Erie, in the county of Kent, ^{and} and with all other powers conferred upon such companies by *The Electric Railway Act, 1895* and *The Street Railway Act*; and whereas John Mercer, ^{and} Manson Campbell and George P. Scholfield, all of the said city ^{of} Chatham have prayed for an Act of incorporation under the name and title of "The Chatham City and Suburban Railway Company"; and whereas it is expedient to grant the prayer of such petitioners;

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

1. John Mercer, Manson Campbell, George P. Scholfield, Incorporation
John A. Walker, Fred. Stone, John L. Bray and William Douglas, all of the *said* city of Chatham, and E. Jones Parke and George C. Rankin, of the City of London, *in the county of Middlesex*, and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Chatham City and Suburban Railway Company."

2. The said company is hereby authorized and empowered Location of line.
to survey, lay out, construct, make, complete, alter and keep in repair a railway with iron or steel rails, to be operated by electricity with double or single iron or steel tracks *in, through*

and from the said city of Chatham, along or near the ⁴²⁷township line between the townships of Raleigh and Harwich to the unincorporated village of Cedar Springs and from thence to some point on Lake Erie, in the county of Kent. ⁶³And the said railway or any part thereof may be carried along and upon such public highways, as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein, and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations, ⁴²⁷and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in ⁴²⁷the said *Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same, and *The Street Railway Act*.

53 V. c. 38.

55 V. c. 42.
Rev. Stat. c. 171.

Provisional directors and their powers.

3. The said John Mercer, Manson Campbell, George P. Scholfield, John A. Walker, Fred. Stone, John L. Bray, William Douglas, E. Jones Parke and George C. Rankin, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Place of meeting.

4. All meetings of the provisional board of directors shall be held at the said city of Chatham, in the county of Kent.

Capital.

5. The capital stock of the said company shall be \$50,000 to be divided into 500 shares of \$100 each.

First election of directors.

6. When and so soon as 25 per centum of the capital stock has been subscribed and ten per centum of the *authorized capital stock* has been paid in cash into some chartered bank in Canada the provisional directors shall call a meeting of the company at the said city of Chatham for the purposes of organization, giving due public notice of the same as prescribed by *The Electric Railway Act, 1895*.

58 V. c. 38.

7. The board of directors of the company shall consist of not less than five nor more than seven persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.

Head office.

8. The head office of the said company shall be at the said city of Chatham.

9. The several clauses of *The Electric Railway Act, 1895*, and every Act in amendment thereof, shall be, and are, hereby incorporated with and deemed to be a part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Electric Railway Act, 1895*, and of every Act in amendment thereof so incorporated with this Act.

10. The railway shall be commenced within eighteen months of the passage of this Act and finished within three years.

Commence-
ment and
completion of
railway.

~~11~~ 11. Notwithstanding any proviso to the contrary in any other Act, the said railway may cross any other railway upon a level therewith with the consent of said railway.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to incorporate The Chatham City
and Suburban Railway Company.

First Reading, 10th March, 1896.

Second Reading, 20th March, 1896.

*(Reprinted as amended by Committee
of the Whole House.)*

Mr. PARDO.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act respecting the Port Arthur Water, Light and Power Company.

WHEREAS, the Port Arthur Water, Light and Power Com- Preamble.
 5 pany have by their petition represented that it is desirable to confirm a certain by-law No. 262 heretofore passed by the council of the town of Port Arthur and intituled, "A
 10 By-law respecting Waterworks, Electric Lighting and Power and other Services for Municipal Purposes;" and inasmuch as doubts exist as to whether the corporation is empowered to enter into all of the covenants and conditions of the contract referred to in said by-law and set forth as schedule A to
 15 this Act, and as to whether the said company has power under its charter to fully carry out the stipulations and agreements in said contract contained; and whereas it is expedient to grant the prayer of the said petition;

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

1. The by-law heretofore passed by the council of the cor- By-law No.
 20 poration of the town of Port Arthur, No. 262, intituled "A 262 and con-
 By-law respecting Waterworks, Electric Lighting and Power 262 and con-
 25 and other Services for Municipal Purposes," and the contract 262 and con-
 annexed thereto being schedule A hereto, are hereby con- 262 and con-
 25 firmed and are declared to be valid and binding upon the said contract con-
 corporation of the town of Port Arthur and the said the Port firm-
 Arthur Water, Light and Power Company and upon all other
 25 persons interested therein.

SCHEDULE A.

TOWN OF PORT ARTHUR.

(No. 262.)

A by-law respecting waterworks, electric lighting and power and other services for municipal purposes.

The council of the corporation of the Town of Port Arthur enacts as follows:—

1. The mayor is empowered on behalf of this corporation to execute the contract between the corporation of the town of Port Arthur and the Port Arthur Water, Light and Power Company, a draft of which is hereto attached, marked as schedule A to this by-law, and which schedule is made a part of this by-law to be read therewith, after the same shall have received the assent of the electors and ratepayers as required by law.

2. This council declares, in pursuance of the statute in that behalf, that it is necessary in the public interest of this municipality that the compulsory powers proposed to be exercised by the said company under clause 21 of the said contract shall be exercised by the said company.

2a. Subject to the terms, conditions and stipulations contained in the said contract, the corporation of the town of Port Arthur consents that the said company shall be entitled so far as the jurisdiction of the corporation of the town of Port Arthur extends within the territorial limits of the said corporation to exercise all the powers held and enjoyed by companies incorporated under *The Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water*, R. S. O., chapter 164, and under *The Act respecting Companies for Steam and Heating or for Supplying Electricity for Light, Heat or Power*. R. S. O. chapter 165.

3. The votes of the electors, being the qualified ratepayers of the town of Port Arthur entitled to vote upon this by-law will be taken on this by-law by the clerk of the corporation of the town of Port Arthur, the returning officer in that behalf, by and through the several deputy returning officers hereinafter named on Thursday, the nineteenth day of March, 1896, commencing at nine o'clock in the morning when the poll shall be opened, and continuing open until five o'clock in the afternoon of that day and no longer at the several undermentioned places in the town of Port Arthur namely:—

IN THE FIRST WARD

at the council chamber on Park street in the said town by Mr. Neil McDougall, of Port Arthur. Divisional court clerk, as deputy returning officer for that ward.

IN THE SECOND WARD

at the office on lot 5, W. Cumberland street in the said town by Mr. Herbert A. McKibbin, banker, of Port Arthur, as deputy returning officer for that ward, and

IN THE THIRD WARD

at the red house on Tupper street in the said town by Mr. G. M. Francis of Port Arthur, gentleman, as deputy returning officer for that ward.

On Monday the sixteenth day of March 1896 at his office in the council chamber on Park street in Port Arthur at eleven o'clock in the forenoon the mayor shall in writing, signed by him, appoint two persons to attend at the final summing up of the votes by the clerk of this corporation and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

The said clerk shall attend at the council chamber on Park street at Port Arthur at noon on Friday the twentieth day of March, 1896 to sum up the number of votes given for and against this by-law, and at the same time and place in the presence of the persons authorised to attend or such of them as may be present and then and there declare the result and forthwith certify to the council of this municipality under his hand whether the majority of the electors, being the duly qualified ratepayers in that behalf voting upon this by-law have approved or disapproved thereof.

Council Chamber, Port Arthur.

Mayor.

Clerk.

This contract, made in duplicate this day
1896, between the corporation of the town of Port Arthur' hereinafter called "the corporation" of the one part, and The Port Arthur Water Light and Power Company, hereinafter called "the company" of the other part.

Whereas under an Act of the Legislature of the Province of Ontario, being 56 Victoria, chapter 78, assented to on the 27th of May, 1893, and by section 4 thereof, the council of the corporation is empowered to enter into a contract or contracts with any company or corporations for the construction of waterworks and the supply and consumption of water for municipal and domestic purposes extending over any term or period of not more than 30 years notwithstanding anything in *The Consolidated Municipal Act, 1892*, to the contrary,

and by section 5 of the said Act it is provided that the powers conferred by the said section 4 shall not be exercised until after the council of the town of Port Arthur shall have first obtained the assent of the electors entitled to vote on money by-laws and until an agreement shall have been entered into between the corporation and the company providing for the acquirement by the corporation of the electric system and plant of the company upon terms mutually agreed upon nor until the contract between the corporation and the company as regards the supply of water shall have been put an end to by agreement, and which last mentioned contract has been so put an end to by agreement.

And whereas under negotiations between the council of the corporation and the company the stipulations in this contract hereinafter contained have been agreed to between the corporation and the company, subject to the assent being first obtained of the electors entitled to vote on money by-laws or other electors or ratepayers whose assent may by law be required.

Now therefore, it is witnessed that the company and the corporation mutually stipulate and agree with each other as follows:—

(1) The company to develop the Current river water power by diverting the Current river into McVicar's creek and erecting a dam or dams and constructing such flumes, pipes or conduits at some suitable point or points, with a capacity sufficient to develop during the existence of the ordinary volume or flow of the water 2,000 horse power at least and during the minimum volume or flow of the water 800 horse power at least, such power to be developed within two years within the territorial limits of the corporation.

(2) The company to put in such a system of lighting within the territorial limits of the corporation suitable for domestic, commercial and street purposes, as may be approved by the council of the corporation or found by arbitration to be sufficient and in compliance with the terms of this contract.

(3) The company to furnish electrical power on the corporation's feed wires sufficient to operate the street railway, to light and heat cars, to light car-barn and waiting rooms within the present territorial limits of the corporation and of the corporation of the town of Fort William and to give light sufficient at the Port Arthur, Duluth and Western Railway crossing on the Fort William road and also to furnish the power required for operating all machinery for repairing and maintaining the electric railway plant at the car-barn in Port Arthur at all times during the period this contract shall be in force, and for which the company is to be paid by the corporation \$3,300 per annum for the first two years and \$5,000 per annum thereafter, all in monthly payments, such power to be available for a period not less than 140 hours per week and at such hours as required by the corporation, and the corporation is not to be limited in the number of cars it may see fit to

operate. The corporation to keep its line, cars, etc., in reasonable repair so that there may be no unnecessary waste of power. Feed wire to be taken by the corporation to dynamo within the territorial limits of the corporation. The company to have, so far as the consent of the corporation can legally be given, permission to use, but not exclusively, the corporation's poles within the corporation's territorial limits and within the territorial limits of the town of Fort William.

(4) The company to put in a system of waterworks covering three miles of mains at least, to be laid on such streets and places as the council of the corporation may approve of, with twenty hydrants to be placed by the company as the corporation may direct, with drip attachment, of the most approved pattern, with two hose nozzles and steamer nozzle each, for fire purposes, having a pressure of seventy pounds to the square inch at the corner of Cumberland and Arthur streets and with a proportionate pressure over the whole system, and the mains to be of sufficient size to furnish six hose streams through 100 feet of hose through a one-inch nozzle with the above pressure at any one time. The company to keep such system in a good and workable condition and the hydrants ready for use at all times for fire purposes. After one month's application, in writing, shall have been made to the company by any intending consumer of water that such consumer requires water to be delivered at the outside edge of the side of the street adjoining the dwelling house, store, building or lot specified in the application to be supplied with water, the company shall construct the requisite pipes so as to supply to such consumer in respect of such dwelling-house, store, building or lot the said water so required to be supplied during the times applied for at a price not exceeding the rates specified in this contract.

(5) The company to furnish any surplus power to consumers after furnishing power for the street railway, for light and waterworks or other works of the company, at a rate not to exceed \$26 per horse power per annum (24 hours a day), such consumers to furnish their own wheels and machinery. Electrical power to be furnished at a proportionate rate.

(6) The company to purchase from the corporation the engines, dynamos, boiler and other plant and equipment of the corporation at the corporation's power house (not including the power house) at a price to be mutually agreed upon between the company and the corporation, or by arbitration, (such purchase price to be deducted from the amount which shall become due from the corporation to the company for services) and such purchase price to be payable in thirty-six equal semi-annual instalments of principal with interest at four per cent per annum, but such interest shall only commence to run two years from the execution and delivery of this contract, and the first payment of such principal and interest shall be made six months after the expiration of the said two years. In case the company shall fail to meet its payments on the said engines, dynamos, boiler and other plant and equipment, the same may,

at the corporation's option, revert to and become the property of the corporation. The said plant shall at all times be kept insured by the company in favor of the corporation as its interest may appear from time to time. The company to keep the said plant and machinery in a good and efficient condition and up to at least its present value, subject to the ordinary depreciation for wear and tear. The company shall have the right on giving the corporation three months' notice in writing to pay the corporation all sums due and accruing due under this or the next following clauses of this contract or either of them. The company to have the use of the power house, free of charge, for two years, if required; it to keep the same in ordinary repair and insured for \$1,500 in favor of the corporation.

(7) The \$7,000 to be paid by the corporation for the plant, franchises, etc., taken over in 1895 from the Port Arthur Water, Light and Power Company, to be repaid by the company to the corporation as follows:—

\$2,500 when the company shall be entitled to the first \$2,500 of a return of their deposit of \$10,000; \$2,500 when entitled to the second \$2,500; and \$2,000 when entitled to the further payment of \$2,000 as specified in clause 19 of this contract. The property in the plant, until \$7,000 shall have been paid by the company to the corporation, to remain in the corporation, the possession thereof merely being until then in the company. The corporation shall have the right to retire the \$7,000 of the said outstanding notes by taking that amount out of the deposit of \$10,000, and no interest to be allowed or paid by the corporation or the company to the other under this clause.

(8) The price to be paid by the corporation to the company for hydrants per annum is to be for twenty hydrants \$1,700, for thirty hydrants \$2,250, for forty hydrants \$2,600, for fifty hydrants \$3,000, and for each hydrant over fifty, \$50 payable monthly.

(9) The company may proceed with the waterworks system contracted for at any time after the execution and delivery of this contract, but the corporation need not, unless it so desires, take any hydrants for two years thereafter, but the company shall be bound, on demand in writing from the corporation to it, to complete the said system within six months next after the first of May in any year and supply the said hydrants and water service contracted for, thirty days' written notice to that effect having been first given by the corporation to the company before the first of May in any year, and the company shall pay to the corporation five (\$5) dollars per day as ascertained and liquidated damages for every day that the said waterworks system is not completed after the expiration of the said six months.

(10) The company's rates for the supply of water for the services mentioned in the schedule A attached to this contract shall not exceed the rates therein specified.

(11) The company, for thirty-two candle-power lights for street purposes shall be paid per annum for sixty thereof \$1,000 for the first two years and \$1,300 per annum thereafter, extra lights up to 100 at \$20 each, and extra lights up to 200 \$18 each, and for extra lights over 200 \$15 each, payable monthly, lamps to be lighted from sunset to sunrise. The company to furnish all lamps renewals and to put them in.

(12) Domestic rates for lights shall not exceed the rates shown in the following schedule, regulated according to the number of lights and the candle power of the light.

No. of lights.	C. P. 10.	C. P. 16.	C. P. 20.	C. P. 32.	C. P. 45.	C. P. 60.	C. P. 100.
1....	.40	.60	.75	1.20	1.70	2.25	3.75
2....	.80,	1.20	1.50	2.40	3.40	4.50	7.50
3....	1.20	1.80	2.25	3.60	5.10	6.75	11.25
4....	1.60	2.40	3.00	4.80	6.80	9.00	15.00
5....	1.90	2.90	3.60	5.80	8.20	10.90	18.15
6....	2.20	3.40	4.20	6.80	9.60	12.80	21.30
7....	2.50	3.90	4.80	7.80	11.00	14.70	24.45
8....	2.80	4.40	5.40	8.80	12.40	16.60	27.60

Each additional lamp, 16 c. p. 45c., 20 c. p. 55c., 32 c. p. 90c., 45 c. p. \$1.30, 60 c. p. \$1.70.

Domestic lights to be operated all night.

(13) The company is to supply consumers with lamps and fittings at a rate not to exceed 20 per cent. advance on wholesale prices. When the population of Port Arthur shall have reached 5,000 and so long as that population shall continue to be at least 5,000 the rate for lights is to be reduced proportionately from the above schedule rates, assuming a basis for a sixteen candle power to be 50 cents and not 60 cents. Meter rates are to be on a proportionate rate, having regard to the difference between meter rates and fixed rates based as at a price of 60 cents for sixteen candle power to be reduced to 50 cent basis when 5,000 population. Meters, at the election of consumers, shall be supplied by the company to the consumer on rental or on purchase, not to exceed 20 per cent. advance on cost or at a reasonable rent. Meter rates in proportion to schedule as above.

(14) The water to be supplied by the company shall be of good quality in every way suitable for domestic purposes.

(15) The waterworks are to be extended by the company from time to time, as sufficient business shall arise to earn at least 10 per cent. gross on each extension.

(16) The corporation shall have the right to expropriate or take over by mutual agreement, or by arbitration, after twenty years after this contract goes into operation, by giving to the company twelve months' previous notice in writing to that effect, all electric light plant and power sufficient to operate the lighting of the town of Port Arthur and the town's electric railway, and to expropriate or take over by mutual agreement or by arbitration the said waterworks and as much

water and power as the company shall at that time find necessary or be actually using to effectually operate the said waterworks and supply the said water and power. Should the said plants not be taken over at the end of the said twenty years, the corporation to have the right to take them over at the end of each and every five years thereafter by giving one year's notice in writing thereof to the company.

(17) The company shall establish, maintain and continue in operation a pulp manufacturing industry within the town of Port Arthur seven months in the year on an average, which industry shall employ at least seventy-five hands, twenty-five of whom shall be employed within the corporation's territorial limits at all times throughout the said seven months of each year, and it shall be completed and in full operation within two years from the execution of this contract, and on failure to complete the said industry within the time in this clause mentioned the company shall be liable to pay to the corporation as liquidated and ascertained damages \$10 for every day until the said industry is completed and in operation within the meaning of this contract.

(18) The company to furnish free to the corporation all water required for flushing sewers, sprinkling streets, and for the general purposes of the civic offices and the fire hall and for one fountain, and all lights required for the council chamber and civic building, in lieu of all taxes on the company's realty and plant and stock in trade of wood and pulp, but the company shall not be exempt from the payment of school taxes or local improvement taxes or taxes on its personal property other than the said plant and stock in trade of wood and pulp.

(19) The company shall deposit, on the execution and delivery of this contract, as security for the due performance on its part with the corporation, \$10,000, which the corporation will repay to the company as to \$2,500 thereof when the dam on the Current river shall have been built, \$2,500 when the said Current river shall have been diverted into McVicar's creek, \$2,000 when the said railway and lighting are operated by water power, and \$3,000 when the said industry shall have been established, all in compliance with the stipulations on the part of the company in this contract, which sum shall be forfeited on failure to carry out this contract.

(20) All works (excepting waterworks) embraced in the terms of this contract shall be by the company *bona fide* commenced within six months from the execution and delivery of this contract and thereafter prosecuted to completion with due expedition.

(21) This contract shall be in force for twenty years from the time when it shall have been finally executed and delivered and the corporation in so far as it is thereby empowered by law shall, having reference to and to further the objects of clause 18 of this contract, exempt during the continuance of this contract the company's realty and plant and stock in trade

of wood and pulp from all municipal taxation except for school taxes and local improvement taxes, as specified in the said clause 18, but all other personalty of the company shall not be exempt from but be liable to taxation; and such powers as the corporation has with respect to water, lighting, heat and power, were works of that description being carried on by the corporation itself, the corporation will aid the company to obtain to the extent of the authority of the corporation, including the compulsory powers referred to in section 68 of *The Gas and Water Company's Act*, R. S. O. chapter 164, and in sections 4, 10, 11 and 13 of *The Municipal Waterworks Act*, chapter 192, R. S. O. so far as the power or powers to be exercised and the property or properties in respect to which it or they is or are to be exercised are specifically set out in a report and delineated and colored blue on a plan dated the 5th December, 1888, made by Messrs. Malhiot and Murdoch, civil engineers, filed in the office of the clerk of the corporation, and all such further powers with respect to the expropriation of property which may be requisite from time to time by the company during the existence of this contract so far as the powers of the corporation extend, but anything stipulated for in this clause shall be at the sole cost, charges and expenses of the company and not of the corporation.

(22) The company shall do, execute and complete the works and services and perform the stipulations on its part contained in this contract with due expedition and in strict accordance with this contract, finding over and above all other things specifically mentioned in the contract to be supplied by the company all other material, tools, plant, machinery, labor and workmanship and all other things necessary for the due and proper execution of the said works and services (except where and as otherwise specifically mentioned in this contract) and shall maintain and keep in perfect order and in complete repair the said works and services during the continuance of this contract and shall observe and keep all the terms and conditions thereof on its part, and the company shall indemnify and keep indemnified the corporation and each of its officers, servants and agents from all and all manner of loss, damage, injury, actions, suits, liens and demands on account of the said works and services or which may be incurred by reason or in consequence of the execution or non-execution or imperfect execution thereof or the supply or non-supply of plant or material therefor, and the company shall pay to the corporation and to such officer, servant or agent thereof on demand any expense, loss, costs, or damages which may be sustained by them or any of them in consequence of any such action, suit, claim, lien or demand and any moneys paid by them or any of them in settlement or discharge or on account thereof, and any moneys so paid may be deducted by the corporation from any moneys payable by the corporation to the company under any

of the clauses of this contract or may be recovered by the corporation from the company as moneys paid at the company's request.

(23) Failure by the company to carry out any of the stipulations on the part of the company contained in this contract will work an absolute forfeiture at the election of the corporation of the rights of the company under this contract.

(24) Subject to any express provision in this contract to the contrary, all disputes and differences between the corporation and the company of every nature or kind arising out of this contract or connected therewith or incidental thereto shall be submitted and be settled and finally determined by arbitration and by arbitration only (subject to the jurisdiction of the High Court) in accordance with the principles, practice and procedure relating to the appointment of arbitrators, governing the conduct and course of arbitrations and the making of awards provided for in *The Consolidated Municipal Act, 1892*, sections 385 to 404 inclusive. In witness whereof, the seal of the corporation under the hands of its mayor and clerk respectively and the seal of the company under the hands of its president and secretary respectively are severally hereto affixed.

Signed, sealed and delivered
in the presence of



Schedule of rates referred to in clause 10 on page 6 of the annexed contract dated on the _____ day of _____ made between the corporation of the town of Port Arthur, thereto of the one part, and the Port Arthur Water, Light and Power Company thereto of the other part.

PRIVATE HOUSES.

	Ordinary rate without extras.	Consolidated. rate.
1 Room	\$ 3 75	.....
2 "	4 50	.....
3 "	6 00	.....
4 "	7 50	.....
5 "	9 00	\$15 00
6 "	12 00	18 75
7 "	15 00	22 50
8 "	18 00	26 25
9 "	20 25	29 25
10 "	22 50	32 25

The consolidated rate includes one water-closet, one bath and one wash basin with tap and sink.

Extras if consolidated rate is not paid :

Baths, each	\$	5	00
Water-closets, each		6	00
Wash basins, each		4	00
Alcohol, each barrel manufactured		20	
Ale cellar	\$15 00 to	50	00
Bakery, each barrel of flour used daily		10	00
Bar-room	\$15 00 to	50	00
Barber shop, first chair		6	00
Barber shop, each additional chair		3	00
Bath, private, each tub		5	00
Bath, hotel or boarding house		10	00
Bath, public, each tub		12	00
Brewery, each barrel brewed, meter or		08	
Beer house	\$15 00 to	50	00
Billiard saloon, each table		4	00
Boarding houses, up to 10 rooms.....private rate			
Boarding houses, over 10 rooms, per room..		1	50
Bookbindery, per hand \$2, minimum.....		15	00
Brick work, per M kiln count.....		15	
Brick yard, each table or gang for season..		25	00
Church.....	\$5 to	10	00
Candle factory.....		meter	
Candy factory.....		meter	
Cigar manufactory, per hand, minimum \$20		2	00
Coffee saloon.....	\$15 to	50	00
Confectionery.....	\$15 to	100	00
Concrete, per cubic yard.....		20	
Cow		2	50
Dying and scouring.....		meter	
Fire protection stand pipes to be used only in case of fire, 4-inch attachment per annum		100	00
3 " " " "		75	00
2 " " " "		50	00
1 " " " "		20	00
Forge		5	00
Fountains, special contract, 6 hours daily, 7 months, 1/16-inch jet.....		25	00
Hall.....	special or meter rates		
Hose, private stables.....	\$5 to	20	00
Livery " meter or		50	00
Hose for sprinkling street or lawns, washing fronts and sidewalks, 20 cents per lineal foot up to 50 feet, 15 cents per foot addi- tional.			
(Hose not allowed for any purpose except where whole premises are rated.)			
Hotel up to 10 rooms.....	private rates		
over 10 rooms.....	special or meter rates		
or per room.....		1	50

Ice cream saloon.....	\$15 00 to	75 00
Laundry.....		by meter
Locomotive.....		by meter
Machine shops, special or meter, or per horse power.....		6 00
Office or bank.....	\$6 00 to	25 00
Packing house.....		special or meter
Photographing.....	\$15 00 to	30 00
Plastering, per square yard.....		01
Printing office, per hand.....		2 00
	minimum.....	10 00
Railroads.....		special or meter
Restaurant.....	\$25 00 to	100 00
Saloon.....	\$25 00 to	50 00
Schools, each scholar.....		05
Slaughter house.....		meter
Soap factory.....		meter
Soda factory.....		meter
Steam boiler, meter or per horse power....		6 00
Steam heating, per each house.....		8 00
	large buildings....	\$15 00 to
		30 00
Stock yards.....		meter
Stone work, per perch.....		06
Stores and shops.....	\$10 00 to	25 00
Urinal basin, private.....		6 00
" " public.....		10 00
Vehicles (no hose attachment).....		2 00
Water-closets, stores and offices.....		6 00
" " hotels and public.....		10 00

GENERAL METER RATES.

		Per 1,000 gal.
30,000 gals. or less	per month.....	.40
30,000 " to 60,000 gals.	".....	.35
60,000 " " 100,000 "	".....	.33
100,000 " " 150,000 "	".....	.30
150,000 " " 300,000 "	".....	.28
300,000 " " 500,000 "	".....	.25
500,000 " " 700,000 "	".....	.23
700,000 " " 1,000,000 "	".....	.20

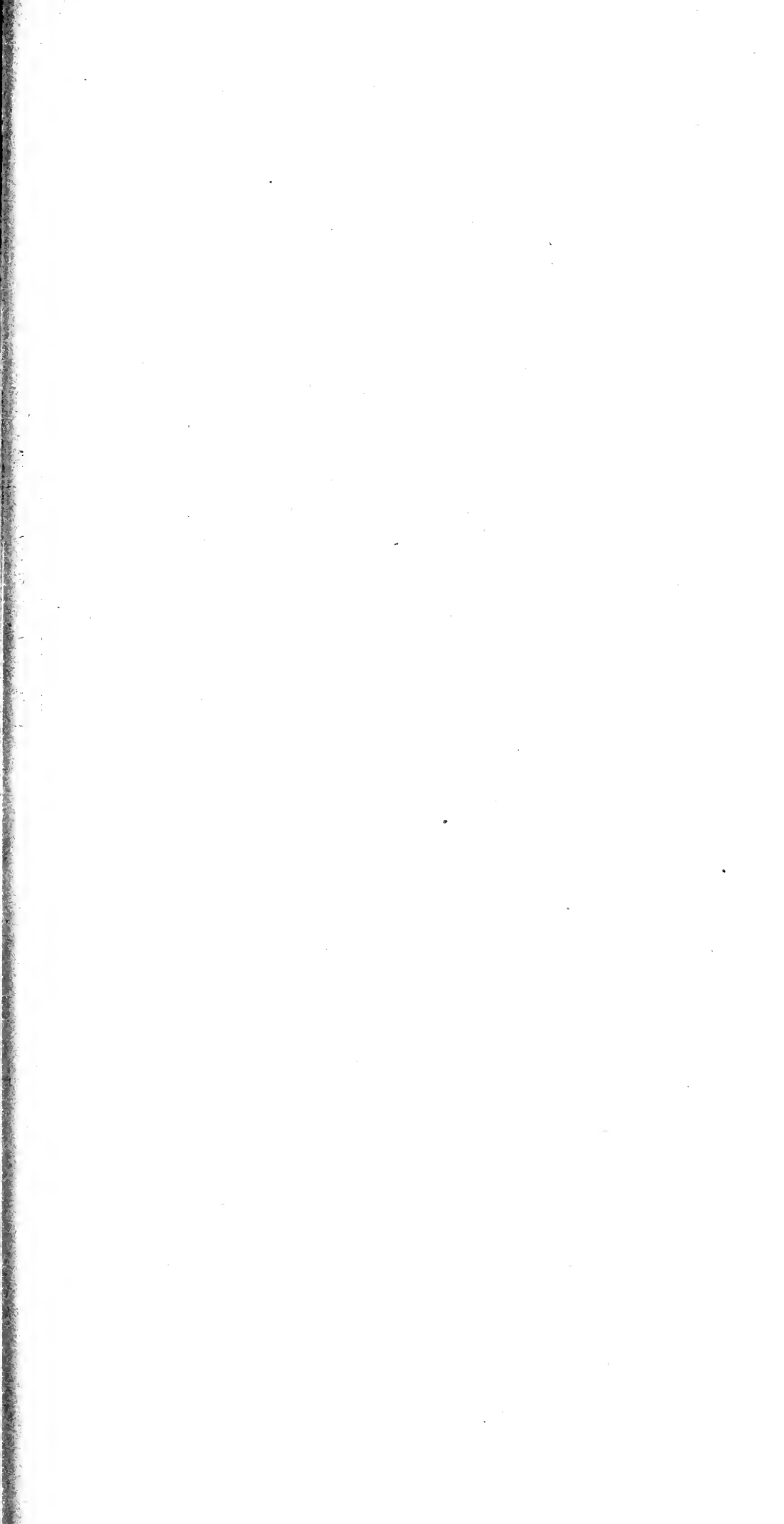
NOTICE.

The above is a true and correct copy of a proposed by-law, which has been taken into consideration and which will be finally passed by the council of the corporation of the town of Port Arthur, in the event of the assent of the ratepayers

(electors) being obtained thereto, after one month from the 4th day of March, 1896, being the date of the first publication thereof, and that at the hour, day and places therein fixed for taking the votes of the electors (ratepayers) the polls will be held.

Council Chamber, Port Arthur, March 4th, 1896.

W. H. LANGWORTHY,
Town Clerk.



BILL.

An Act respecting The Port Arthur Water,
Light and Power Company.

First Reading, 10th March, 1896.

(Private Bill.)

Mr. CONNIE.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Port Arthur Water, Light and Power Company.

WHEREAS, the Port Arthur Water, Light and Power Company have by their petition represented that it is desirable to confirm a certain by-law No. 262 passed by the council of the town of Port Arthur and intituled, "A By-law respecting Waterworks, Electric Lighting and Power and other Services for Municipal Purposes;" and inasmuch as doubts exist as to whether the corporation is empowered to enter into all of the covenants and conditions of the contract referred to in said by-law and set forth as schedule A to this Act, and as to whether the said company has power under its charter to fully carry out the stipulations and agreements in said contract contained; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

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

1. The by-law passed by the council of the corporation of the town of Port Arthur, No. 262, intituled "A By-law respecting Waterworks, Electric Lighting and Power and other Services for Municipal Purposes," and the contract annexed thereto being schedule A hereto, are hereby confirmed and are declared to be valid and binding upon the said corporation of the town of Port Arthur and the said the Port Arthur Water, Light and Power Company and upon all other persons interested therein.

By-law No. 262 and contract confirmed.

2. The powers of the said the Port Arthur Water, Light and Power Company shall not extend to nor shall they be exercised in the municipality of Neebing or in the municipality of the town of Fort William, nor shall the said powers be so exercised as to control or appropriate the waters of the stream known as the Neebing river.

Powers by conferred list not to extend to Neebing or Fort William.

3. Nothing in this Act shall prejudice or affect the question of costs in any action or proceeding now pending.

Costs of pending proceedings not affected.

SCHEDULE A.

TOWN OF PORT ARTHUR.

(No. 262.)

A by-law respecting waterworks, electric lighting and power and other services for municipal purposes.

The council of the corporation of the Town of Port Arthur enacts as follows:—

1. The mayor is empowered on behalf of this corporation to execute the contract between the corporation of the town of Port Arthur and the Port Arthur Water, Light and Power Company, a draft of which is hereto attached, marked as schedule A to this by-law, and which schedule is made a part of this by-law to be read therewith, after the same shall have received the assent of the electors and ratepayers as required by law.

2. This council declares, in pursuance of the statute in that behalf, that it is necessary in the public interest of this municipality that the compulsory powers proposed to be exercised by the said company under clause 21 of the said contract shall be exercised by the said company.

2a. Subject to the terms, conditions and stipulations contained in the said contract, the corporation of the town of Port Arthur consents that the said company shall be entitled so far as the jurisdiction of the corporation of the town of Port Arthur extends within the territorial limits of the said corporation to exercise all the powers held and enjoyed by companies incorporated under *The Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water*, R. S. O., chapter 164, and under *The Act respecting Companies for Steam and Heating or for Supplying Electricity for Light, Heat or Power*. R. S. O. chapter 165.

3. The votes of the electors, being the qualified ratepayers of the town of Port Arthur entitled to vote upon this by-law will be taken on this by-law by the clerk of the corporation of the town of Port Arthur, the returning officer in that behalf, by and through the several deputy returning officers hereinafter named on Thursday, the nineteenth day of March, 1896, commencing at nine o'clock in the morning when the poll shall be opened, and continuing open until five o'clock in the afternoon of that day and no longer at the several undermentioned places in the town of Port Arthur namely:—

IN THE FIRST WARD

at the council chamber on Park street in the said town by Mr. Neil McDougall, of Port Arthur. Divisional court clerk, as deputy returning officer for that ward.

IN THE SECOND WARD

at the office on lot 5, W. Cumberland street in the said town by Mr. Herbert A. McKibbin, banker, of Port Arthur, as deputy returning officer for that ward, and

IN THE THIRD WARD

at the red house on Tupper street in the said town by Mr. G. M. Francis of Port Arthur, gentleman, as deputy returning officer for that ward.

On Monday the sixteenth day of March 1896 at his office in the council chamber on Park street in Port Arthur at eleven o'clock in the forenoon the mayor shall in writing, signed by him, appoint two persons to attend at the final summing up of the votes by the clerk of this corporation and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

The said clerk shall attend at the council chamber on Park street at Port Arthur at noon on Friday the twentieth day of March, 1896 to sum up the number of votes given for and against this by-law, and at the same time and place in the presence of the persons authorised to attend or such of them as may be present and then and there declare the result and forthwith certify to the council of this municipality under his hand whether the majority of the electors, being the duly qualified ratepayers in that behalf voting upon this by-law have approved or disapproved thereof.

Council Chamber, Port Arthur.

Mayor.

Clerk.

This contract, made in duplicate this day , 1896, between the corporation of the town of Port Arthur hereinafter called "the corporation" of the one part, and The Port Arthur Water Light and Power Company, hereinafter called "the company" of the other part.

Whereas under an Act of the Legislature of the Province of Ontario, being 56 Victoria, chapter 78, assented to on the 27th of May, 1893, and by section 4 thereof, the council of the corporation is empowered to enter into a contract or contracts with any company or corporations for the construction of waterworks and the supply and consumption of water for municipal and domestic purposes extending over any term or period of not more than 30 years notwithstanding anything in *The Consolidated Municipal Act, 1892*, to the contrary,

and by section 5 of the said Act it is provided that the powers conferred by the said section 4 shall not be exercised until after the council of the town of Port Arthur shall have first obtained the assent of the electors entitled to vote on money by-laws and until an agreement shall have been entered into between the corporation and the company providing for the acquirement by the corporation of the electric system and plant of the company upon terms mutually agreed upon nor until the contract between the corporation and the company as regards the supply of water shall have been put an end to by agreement, and which last mentioned contract has been so put an end to by agreement.

And whereas under negotiations between the council of the corporation and the company the stipulations in this contract hereinafter contained have been agreed to between the corporation and the company, subject to the assent being first obtained of the electors entitled to vote on money by-laws or other electors or ratepayers whose assent may by law be required.

Now therefore, it is witnessed that the company and the corporation mutually stipulate and agree with each other as follows:—

(1) The company to develop the Current river water power by diverting the Current river into McVicar's creek and erecting a dam or dams and constructing such flumes, pipes or conduits at some suitable point or points, with a capacity sufficient to develop during the existence of the ordinary volume or flow of the water 2,000 horse power at least and during the minimum volume or flow of the water 800 horse power at least, such power to be developed within two years within the territorial limits of the corporation.

(2) The company to put in such a system of lighting within the territorial limits of the corporation suitable for domestic, commercial and street purposes, as may be approved by the council of the corporation or found by arbitration to be sufficient and in compliance with the terms of this contract.

(3) The company to furnish electrical power on the corporation's feed wires sufficient to operate the street railway, to light and heat cars, to light car-barn and waiting rooms within the present territorial limits of the corporation and of the corporation of the town of Fort William and to give light sufficient at the Port Arthur, Duluth and Western Railway crossing on the Fort William road and also to furnish the power required for operating all machinery for repairing and maintaining the electric railway plant at the car-barn in Port Arthur at all times during the period this contract shall be in force, and for which the company is to be paid by the corporation \$3,300 per annum for the first two years and \$5,000 per annum thereafter, all in monthly payments, such power to be available for a period not less than 140 hours per week and at such hours as required by the corporation, and the corporation is not to be limited in the number of cars it may see fit to

operate. The corporation to keep its line, cars, etc., in reasonable repair so that there may be no unnecessary waste of power. Feed wire to be taken by the corporation to dynamo within the territorial limits of the corporation. The company to have, so far as the consent of the corporation can legally be given, permission to use but not exclusively, the corporation's poles within the corporation's territorial limits and within the territorial limits of the town of Fort William.

(4) The company to put in a system of waterworks covering three miles of mains at least, to be laid on such streets and places as the council of the corporation may approve of, with twenty hydrants to be placed by the company as the corporation may direct, with drip attachment, of the most approved pattern, with two hose nozzles and steamer nozzle each, for fire purposes, having a pressure of seventy pounds to the square inch at the corner of Cumberland and Arthur streets and with a proportionate pressure over the whole system, and the mains to be of sufficient size to furnish six hose streams through 100 feet of hose through a one-inch nozzle with the above pressure at any one time. The company to keep such system in a good and workable condition and the hydrants ready for use at all times for fire purposes. After one month's application, in writing, shall have been made to the company by any intending consumer of water that such consumer requires water to be delivered at the outside edge of the side of the street adjoining the dwelling house, store, building or lot specified in the application to be supplied with water, the company shall *lay by* the requisite pipes so as to supply to such consumer in respect of such dwelling-house, store, building or lot the said water so required to be supplied during the times applied for at a price not exceeding the rates specified in this contract.

(5) The company to furnish any surplus power to consumers after furnishing power for the street railway, for light and waterworks or other works of the company, at a rate not to exceed \$26 per horse power per annum (24 hours a day), such consumers to furnish their own wheels and machinery. Electrical power to be furnished at a proportionate rate.

(6) The company to purchase from the corporation the engines, dynamos, boiler and other plant and equipment of the corporation at the corporation's power house (not including the power house) at a price to be mutually agreed upon between the company and the corporation, or by arbitration, (such purchase price to be deducted from the amount which shall become due from the corporation to the company for services) and such purchase price to be payable in thirty-six equal semi-annual instalments of principal with interest at four per cent. per annum, but such interest shall only commence to run two years from the execution and delivery of this contract, and the first payment of such principal and interest shall be made six months after the expiration of the said two years. In case the company shall fail to meet its payments on the said engines, dynamos, boiler and other plant and equipment, the same may,

at the corporation's option, revert to and become the property of the corporation. The said plant shall at all times be kept insured by the company in favor of the corporation as its interest may appear from time to time. The company to keep the said plant and machinery in a good and efficient condition and up to at least its present value, subject to the ordinary depreciation for wear and tear. The company shall have the right on giving the corporation three months' notice in writing to pay the corporation all sums due and accruing due under this or the next following clauses of this contract or either of them. The company to have the use of the power house, free of charge, for two years, if required; it to keep the same in ordinary repair and insured for \$1,500 in favor of the corporation.

(7) The \$7,000 to be paid by the corporation for the plant, franchises, etc., taken over in 1895 from the Port Arthur Water, Light and Power Company, to be repaid by the company to the corporation as follows:—

\$2,500 when the company shall be entitled to the first \$2,500 of a return of their deposit of \$10,000; \$2,500 when entitled to the second \$2,500; and \$2,000 when entitled to the further payment of \$2,000 as specified in clause 19 of this contract. The property in the plant, until \$7,000 shall have been paid by the company to the corporation, to remain in the corporation, the possession thereof merely being until then in the company. The corporation shall have the right to retire the \$7,000 of the said outstanding notes by taking that amount out of the deposit of \$10,000, and no interest to be allowed or paid by the corporation or the company to the other under this clause.

(8) The price to be paid by the corporation to the company for hydrants per annum is to be for twenty hydrants \$1,700, for thirty hydrants \$2,250, for forty hydrants \$2,600, for fifty hydrants \$3,000, and for each hydrant over fifty, \$50 payable monthly.

(9) The company may proceed with the waterworks system contracted for at any time after the execution and delivery of this contract, but the corporation need not, unless it so desires, take any hydrants for two years thereafter, but the company shall be bound, on demand in writing from the corporation to it, to complete the said system within six months next after the first of May in any year and supply the said hydrants and water service contracted for, thirty days' written notice to that effect having been first given by the corporation to the company before the first of May in any year, and the company shall pay to the corporation five (\$5) dollars per day as ascertained and liquidated damages for every day that the said waterworks system is not completed after the expiration of the said six months.

(10) The company's rates for the supply of water for the services mentioned in the schedule A attached to this contract shall not exceed the rates therein specified

(11) The company, for thirty-two candle-power lights for street purposes shall be paid per annum for sixty thereof \$1,000 for the first two years and \$1,300 per annum thereafter, extra lights up to 100 at \$20 each, and extra lights up to 200 \$18 each, and for extra lights over 200 \$15 each, payable monthly, lamps to be lighted from sunset to sunrise. The company to furnish all lamps renewals and to put them in.

(12) Domestic rates *per month* for lights shall not exceed the rates shown in the following schedule, regulated according to the number of lights and the candle power of the light.

No. of lights.	C. P. 10.	C. P. 16.	C. P. 20.	C. P. 32.	C. P. 45.	C. P. 60.	C. P. 100.
1 . . . .	.40	.60	.75	1.20	1.70	2.25	3.75
2 . . . .	.80	1.20	1.50	2.40	3.40	4.50	7.50
3	1.20	1.80	2.25	3.60	5.10	6.75	11.25
4	1.60	2.40	3.00	4.80	6.80	9.00	15.00
5	1.90	2.90	3.60	5.80	8.20	10.90	18.15
6	2.20	3.40	4.20	6.80	9.60	12.80	21.30
7	2.50	3.90	4.80	7.80	11.00	14.70	24.45
8	2.80	4.40	5.40	8.80	12.40	16.60	27.60

Each additional lamp, 16 c. p. 45c., 20 c. p. 55c., 32 c. p. 90c., 45 c. p. \$1.30, 60 c. p. \$1.70.

Domestic lights to be operated all night.

(13) The company is to supply consumers with lamps and fittings at a rate not to exceed 20 per cent. advance on wholesale prices. When the population of Port Arthur shall have reached 5,000 and so long as that population shall continue to be at least 5,000 the rate for lights is to be reduced proportionately from the above schedule rates, assuming a basis for a sixteen candle power to be 50 cents *per month* and not 60 cents. Meter rates are to be on a proportionate rate, having regard to the difference between meter rates and fixed rates based as at a price of 60 cents for sixteen candle power to be reduced to 50 cent basis when 5,000 population. Meters, at the election of consumers, shall be supplied by the company to the consumer on rental or on purchase, not to exceed 20 per cent. advance on cost or at a reasonable rent. Meter rates in proportion to schedule as above.

(14) The water to be supplied by the company shall be of good quality in every way suitable for domestic purposes.

(15) The waterworks are to be extended by the company from time to time, as sufficient business shall arise to earn at least 10 per cent. gross on each extension.

(16) The corporation shall have the right to expropriate or take over by mutual agreement, or by arbitration, after twenty years after this contract goes into operation, by giving to the company twelve months' previous notice in writing to that effect, all electric light plant and power sufficient to operate the lighting of the town of Port Arthur and the town's electric railway, and to expropriate or take over by mutual agreement or by arbitration the said waterworks and as much

water and power as the company shall at that time find necessary or be actually using to effectually operate the said waterworks and supply the said water and power. Should the said plants not be taken over at the end of the said twenty years, the corporation to have the right to take them over at the end of each and every five years thereafter by giving one year's notice in writing thereof to the company.

(17) The company shall establish, maintain and continue in operation, *or cause to be established, maintained and continued in operation*, a pulp manufacturing industry within the town of Port Arthur seven months in the year on an average, which industry shall employ at least seventy-five hands, twenty-five of whom shall be employed within the corporation's territorial limits at all times throughout the said seven months of each year, and it shall be completed and in full operation within two years from the execution of this contract, and on failure to complete the said industry within the time in this clause mentioned the company shall be liable to pay to the corporation as liquidated and ascertained damages \$10 for every day until the said industry is completed and in operation within the meaning of this contract.

(18) The company to furnish free to the corporation all water required for flushing sewers, sprinkling streets, and for the general purposes of the civic offices and the fire hall and for one fountain, and all lights required for the council chamber and civic building, in lieu of all taxes on the company's realty and plant and stock in trade of wood and pulp, but the company shall not be exempt from the payment of school taxes or local improvement taxes or taxes on its personal property other than the said plant and stock in trade of wood and pulp.

(19) The company shall deposit, on the execution and delivery of this contract, as security for the due performance on its part with the corporation, \$10,000, which the corporation will repay to the company as to \$2,500 thereof when the dam on the Current river shall have been built, \$2,500 when the said Current river shall have been diverted into McVicar's creek, \$2,000 when the said railway and lighting are operated by water power, and \$3,000 when the said industry shall have been established, all in compliance with the stipulations on the part of the company in this contract, which sum shall be forfeited on failure to carry out this contract.

(20) All works (excepting waterworks) embraced in the terms of this contract shall be by the company *bona fide* commenced within six months from the execution and delivery of this contract and thereafter prosecuted to completion with due expedition.

(21) This contract shall be in force for twenty years from the time when it shall have been finally executed and delivered and the corporation in so far as it is thereby empowered by law shall, having reference to and to further the objects of clause 18 of this contract, exempt during the continuance of this contract the company's realty and plant and stock in trade

of wood and pulp from all municipal taxation except for school taxes and local improvement taxes, as specified in the said clause 18, but all other personalty of the company shall not be exempt from but be liable to taxation ; and such powers as the corporation has with respect to water, lighting, heat and power, were works of that description being carried on by the corporation itself, the corporation will aid the company to obtain to the extent of the authority of the corporation, including the compulsory powers referred to in section 58 of *The Gas and Water Company's Act*, R. S. O. chapter 164, and in sections 4, 10, 11 and 13 of *The Municipal Waterworks Act*, chapter 192, R. S. O. so far as the power or powers to be exercised and the property or properties in respect to which it or they is or are to be exercised are specifically set out in a report and delineated and colored blue on a plan dated the 5th December, 1888, made by Messrs. Malhiot and Murdoch, civil engineers, filed in the office of the clerk of the corporation, and all such further powers with respect to the expropriation of property which may be requisite from time to time by the company during the existence of this contract so far as the powers of the corporation extend, but anything stipulated for in this clause shall be at the sole cost, charges and expenses of the company and not of the corporation.

(22) The company shall do, execute and complete the works and services and perform the stipulations on its part contained in this contract with due expedition and in strict accordance with this contract, finding over and above all other things specifically mentioned in the contract to be supplied by the company all other material, tools, plant, machinery, labor and workmanship and all other things necessary for the due and proper execution of the said works and services (except where and as otherwise specifically mentioned in this contract) and shall maintain and keep in perfect order and in complete repair the said works and services during the continuance of this contract and shall observe and keep all the terms and conditions thereof on its part, and the company shall indemnify and keep indemnified the corporation and each of its officers, servants and agents from all and all manner of loss, damage, injury, actions, suits, liens and demands on account of the said works and services or which may be incurred by reason or in consequence of the execution or non-execution or imperfect execution thereof or the supply or non-supply of plant or material therefor, and the company shall pay to the corporation and to such officer, servant or agent thereof on demand any expense, loss, costs, or damages which may be sustained by them or any of them in consequence of any such action, suit, claim, lien or demand and any moneys paid by them or any of them in settlement or discharge or on account thereof, and any moneys so paid may be deducted by the corporation from any moneys payable by the corporation to the company under any

of the clauses of this contract or may be recovered by the corporation from the company as moneys paid at the company's request.

(23) Failure by the company to carry out any of the stipulations on the part of the company contained in this contract will work an absolute forfeiture at the election of the corporation of the rights of the company under this contract.

(24) Subject to any express provision in this contract to the contrary, all disputes and differences between the corporation and the company of every nature or kind arising out of this contract or connected therewith or incidental thereto shall be submitted and be settled and finally determined by arbitration and by arbitration only (subject to the jurisdiction of the High Court) in accordance with the principles, practice and procedure relating to the appointment of arbitrators, governing the conduct and course of arbitrations and the making of awards provided for in *The Consolidated Municipal Act, 1892*, sections 385 to 404 inclusive. In witness whereof, the seal of the corporation under the hands of its mayor and clerk respectively and the seal of the company under the hands of its president and secretary respectively are severally hereto affixed.

Signed, sealed and delivered
in the presence of

Schedule of rates referred to in clause 10 on page 6 of the annexed contract dated on the _____ day of _____ made between the corporation of the town of Port Arthur, thereto of the one part, and the Port Arthur Water, Light and Power Company thereto of the other part.

PRIVATE HOUSES.

	Ordinary rate without extras.	Consolidated. rate.
1 Room	\$ 3 75	.....
2 "	4 50	.....
3 "	6 00	.....
4 "	7 50	.....
5 "	9 00.....	\$15 00
6 "	12 00.....	18 75
7 "	15 00.....	22 50
8 "	18 00.....	26 25
9 "	20 25.....	29 25
10 "	22 50.....	32 25

The consolidated rate includes one water-closet, one bath and one wash basin with tap and sink.

Extras if consolidated rate is not paid:

Baths, each	\$	5	00
Water-closets, each.....		6	00
Wash basins, each		4	00
Alcohol, each barrel manufactured		20	
Ale cellar	\$15 00 to	50	00
Bakery, each barrel of flour used daily		10	00
Bar-room.....	\$15 00 to	50	00
Barber shop, first chair		6	00
Barber shop, each additional chair		3	00
Bath, private, each tub		5	00
Bath, hotel or boarding house.....		10	00
Bath, public, each tub.....		12	00
Brewery, each barrel brewed, meter or		08	
Beer house.....	\$15 00 to	50	00
Billiard saloon, each table		4	00
Boarding houses, up to 10 rooms.....	private rate		
Boarding houses, over 10 rooms, per room..		1	50
Bookbindery, per hand \$2, minimum.....		15	00
Brick work, per M kiln count.....		15	
Brick yard, each table or gang for season..		25	00
Church.....	\$5 to	10	00
Candle factory.....			meter
Candy factory.....			meter
Cigar manufactory, per hand, minimum \$20		2	00
Coffee saloon.....	\$15 to	50	00
Confectionery.....	\$15 to	100	00
Concrete, per cubic yard.....		20	
Cow		2	50
Dying and scouring.....			meter
Fire protection stand pipes to be used only in case of fire, 4-inch attachment per annum		100	00
3 " " " "		75	00
2 " " " "		50	00
1 " " " "		20	00
Forge		5	00
Fountains, special contract, 6 hours daily, 7 months, 1/16-inch jet.....		25	00
Hall.....	special or meter rates		
Hose, private stables.....	\$5 to	20	00
Livery " meter or		50	00
Hose for sprinkling street or lawns, washing fronts and sidewalks, 20 cents per lineal foot up to 50 feet, 15 cents per foot addi- tional.			
(Hose not allowed for any purpose except where whole premises are rated.)			
Hotel up to 10 rooms.....	private rates		
over 10 rooms.....	special or meter rates		
or per room.....		1	50

Ice cream saloon.....	\$15 00 to	75 00
Laundry.....		by meter
Locomotive.....		by meter
Machine shops, special or meter, or per horse power		6 00
Office or bank	\$6 00 to	25 00
Packing house		special or meter
Photographing	\$15 00 to	30 00
Plastering, per square yard.		01
Printing office, per hand.....		2 00
minimum		10 00
Railroads.....		special or meter
Restaurant	\$25 00 to	100 00
Saloon.....	\$25 00 to	50 00
Schools, each scholar.....		05
Slaughter house		meter
Soap factory		meter
Soda factory		meter
Steam boiler, meter or per horse power		6 00
Steam heating, per each house.....		8 00
large buildings....	\$15 00 to	30 00
Stock yards.....		meter
Stone work, per perch		06
Stores and shops.....	\$10 00 to	25 00
Urinal basin, private		6 00
" " public		10 00
Vehicles (no hose attachment).....		2 00
Water-closets, stores and offices.....		6 00
" " hotels and public		10 00

GENERAL METER RATES.

		Per 1,000 gal.
30,000 gals. or less	per month.....	.40
30,000 " to 60,000 gals.	" .....	.35
60,000 " " 100,000 "	" .....	.33
100,000 " " 150,000 "	" .....	.30
150,000 " " 300,000 "	" .....	.28
300,000 " " 500,000 "	" .....	.25
500,000 " " 700,000 "	" .....	.23
700,000 " " 1,000,000 "	" .....	.20

NOTICE.

The above is a true and correct copy of a proposed by-law, which has been taken into consideration and which will be finally passed by the council of the corporation of the town of Port Arthur, in the event of the assent of the ratepayers

(electors) being obtained thereto, after one month from the 4th day of March, 1896, being the date of the first publication thereof, and that at the hour, day and places therein fixed for taking the votes of the electors (ratepayers) the polls will be held.

Council Chamber, Port Arthur, March 4th, 1896.

W. H. LANGWORTHY,
Town Clerk.



BILL.

An Act respecting The Port Arthur Water,
Light and Power Company.

First Reading, 10th March, 1896.

*(Reprinted as amended in Private Bills
Committee.)*

Mr. CONNIE.

TORONTO:

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

An Act respecting the Port Arthur Water, Light and Power Company.

WHEREAS, the Port Arthur Water, Light and Power Com- Preamble.
pany have by their petition represented that it is desirable to confirm a certain by-law of the Corporation of the Town of Port Arthur intituled, "A By-law respecting Waterworks, Electric Lighting and Power and other Services for Municipal Purposes," and numbered No. 461, which has been read a first and second time by the council of the said corporation, which by-law and the contract therein referred to are hereinafter set forth as schedule A to this Act; and whereas the said by-law and the said contract have received the assent of the majority of the ratepayers of the town of Port Arthur, who voted thereon on the 19th day of March, 1896; and whereas as doubts exist as to whether the corporation is empowered to pass the said by-law and to enter into all the covenants and conditions of the contract therein referred to and set forth, and as to whether the said company has power under its charter to fully carry out the stipulations and agreements in said contract contained; and whereas it is expedient to grant the prayer of the said petition; ¹²³

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

1. The said by-law of the corporation of the town of Port Arthur, intituled "A By-law respecting Waterworks, Electric Lighting and Power and other Services for Municipal Purposes," and being by-law No. 461, as set forth in Schedule A hereto, shall upon being read a third time and passed by the council of the corporation of the town of Port Arthur, be forthwith confirmed; and the said council is hereby declared upon passing the said by-law, to have full power and authority to enter into the contract in the said by-law referred to, and contained in Schedule A hereto; and the said contract when executed shall be valid and binding upon the said Corporation of the Town of Port Arthur and the said the Port Arthur Water, Light and Power Company, and upon all other persons interested therein, notwithstanding anything to the contrary in the Municipal Acts contained; provided that the said contract shall be executed and delivered by the said corporation and company, respectively, not later than the 1st day of June, 1896, and the sum of \$10,000 referred to in clause 19 of the said contract, shall be paid by the said company to the said corporation on the execution and delivery of the said contract, otherwise the said contract shall be wholly void. ¹²³

By-law No. 262 and contract confirmed.

Powers by conferred list not to extend to Neebing or Fort William.

2. The powers of the said the Port Arthur Water, Light and Power Company shall not extend to nor shall they be exercised in the municipality of Neebing or in the municipality of the town of Fort William, nor shall the said powers be so exercised as to control or appropriate the waters of the stream known as the Neebing river.

Costs of pending proceedings not affected.

3. Nothing in this Act shall prejudice or affect the question of costs in any action or proceeding now pending.

SCHEDULE A.

TOWN OF PORT ARTHUR.

(No. 461.)

A by-law respecting waterworks, electric lighting and power and other services for municipal purposes.

The council of the corporation of the Town of Port Arthur enacts as follows:—

1. The mayor is empowered on behalf of this corporation to execute the contract between the corporation of the town of Port Arthur and the Port Arthur Water, Light and Power Company, a draft of which is hereto attached, marked as schedule A to this by-law, and which schedule is made a part of this by-law to be read therewith, after the same shall have received the assent of the electors and ratepayers as required by law.

2. This council declares, in pursuance of the statute in that behalf, that it is necessary in the public interest of this municipality that the compulsory powers proposed to be exercised by the said company under clause 21 of the said contract shall be exercised by the said company.

2a. Subject to the terms, conditions and stipulations contained in the said contract, the corporation of the town of Port Arthur consents that the said company shall be entitled so far as the jurisdiction of the corporation of the town of Port Arthur extends within the territorial limits of the said corporation to exercise all the powers held and enjoyed by companies incorporated under *The Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water*, R. S. O., chapter 164, and under *The Act respecting Companies for Steam and Heating or for Supplying Electricity for Light, Heat or Power*. R. S. O. chapter 165.

3. The votes of the electors, being the qualified ratepayer of the town of Port Arthur entitled to vote upon this by-law will be taken on this by-law by the clerk of the corporation of the town of Port Arthur, the returning officer in that behalf and through the several deputy returning officers herein after named on Thursday, the nineteenth day of March, 1896 commencing at nine o'clock in the morning when the poll shall be opened, and continuing open until five o'clock in the afternoon of that day and no longer at the several undermentioned places in the town of Port Arthur namely:—

IN THE FIRST WARD

at the council chamber on Park street in the said town by M. Neil McDougall, of Port Arthur. Divisional court clerk, & deputy returning officer for that ward.

IN THE SECOND WARD

at the office on lot 5, W. Cumberland street in the said town by Mr. Herbert A. McKibbin, banker, of Port Arthur, as deputy returning officer for that ward, and

IN THE THIRD WARD

at the red house on Tupper street in the said town by Mr. G. M. Francis of Port Arthur, gentleman, as deputy returning officer for that ward.

On Monday the sixteenth day of March 1896 at his office in the council chamber on Park street in Port Arthur at eleven o'clock in the forenoon the mayor shall in writing, signed by him, appoint two persons to attend at the final summing up of the votes by the clerk of this corporation and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

The said clerk shall attend at the council chamber on Park street at Port Arthur at noon on Friday the twentieth day of March, 1896 to sum up the number of votes given for and against this by-law, and at the same time and place in the presence of the persons authorised to attend or such of them as may be present and then and there declare the result and forthwith certify to the council of this municipality under his hand whether the majority of the electors, being the duly qualified ratepayers in that behalf voting upon this by-law have approved or disapproved thereof.

Council Chamber, Port Arthur.

Mayor.

Clerk.

This contract, made in duplicate this day , 1896, between the corporation of the town of Port Arthur hereinafter called "the corporation" of the one part, and The Port Arthur Water Light and Power Company, hereinafter called "the company" of the other part.

Whereas under an Act of the Legislature of the Province of Ontario, being 56 Victoria, chapter 78, assented to on the 27th of May, 1893, and by section 4 thereof, the council of the corporation is empowered to enter into a contract or contracts with any company or corporations for the construction of waterworks and the supply and consumption of water for municipal and domestic purposes extending over any term or period of not more than 30 years notwithstanding anything in *The Consolidated Municipal Act, 1892*, to the contrary,

and by section 5 of the said Act it is provided that the powers conferred by the said section 4 shall not be exercised until after the council of the town of Port Arthur shall have first obtained the assent of the electors entitled to vote on money by-laws and until an agreement shall have been entered into between the corporation and the company providing for the acquirement by the corporation of the electric system and plant of the company upon terms mutually agreed upon nor until the contract between the corporation and the company as regards the supply of water shall have been put an end to by agreement, and which last mentioned contract has been so put an end to by agreement

And whereas under negotiations between the council of the corporation and the company the stipulations in this contract hereinafter contained have been agreed to between the corporation and the company, subject to the assent being first obtained of the electors entitled to vote on money by-laws or other electors or ratepayers whose assent may by law be required.

Now therefore, it is witnessed that the company and the corporation mutually stipulate and agree with each other as follows:—

(1) The company to develop the Current river water power by diverting the Current river into McVicar's creek and erecting a dam or dams and constructing such flumes, pipes or conduits at some suitable point or points, with a capacity sufficient to develop during the existence of the ordinary volume or flow of the water 2,000 horse power at least and during the minimum volume or flow of the water 800 horse power at least, such power to be developed within two years within the territorial limits of the corporation.

(2) The company to put in such a system of lighting within the territorial limits of the corporation suitable for domestic, commercial and street purposes, as may be approved by the council of the corporation or found by arbitration to be sufficient and in compliance with the terms of this contract.

(3) The company to furnish electrical power on the corporation's feed wires sufficient to operate the street railway, to light and heat cars, to light car-barn and waiting rooms within the present territorial limits of the corporation and of the corporation of the town of Fort William and to give light sufficient at the Port Arthur, Duluth and Western Railway crossing on the Fort William road and also to furnish the power required for operating all machinery for repairing and maintaining the electric railway plant at the car-barn in Port Arthur at all times during the period this contract shall be in force, and for which the company is to be paid by the corporation \$3,300 per annum for the first two years and \$5,000 per annum thereafter, all in monthly payments, such power to be available for a period not less than 140 hours per week and at such hours as required by the corporation, and the corporation is not to be limited in the number of cars it may see fit to

operate. The corporation to keep its line, cars, etc., in reasonable repair so that there may be no unnecessary waste of power. Feed wire to be taken by the corporation to dynamo within the territorial limits of the corporation. The company to have, so far as the consent of the corporation can legally be given, permission to use, but not exclusively, the corporation's poles within the corporation's territorial limits and within the territorial limits of the town of Fort William.

(4) The company to put in a system of waterworks covering three miles of mains at least, to be laid on such streets and places as the council of the corporation may approve of, with twenty hydrants to be placed by the company as the corporation may direct, with drip attachment, of the most approved pattern, with two hose nozzles and steamer nozzle each, for fire purposes, having a pressure of seventy pounds to the square inch at the corner of Cumberland and Arthur streets and with a proportionate pressure over the whole system, and the mains to be of sufficient size to furnish six hose streams through 100 feet of hose through a one inch nozzle with the above pressure at any one time. The company to keep such system in a good and workable condition and the hydrants ready for use at all times for fire purposes. After one month's application, in writing, shall have been made to the company by any intending consumer of water that such consumer requires water to be delivered at the outside edge of the side of the street adjoining the dwelling house, store, building or lot specified in the application to be supplied with water, the company shall *lay* the requisite pipes so as to supply to such consumer in respect of such dwelling-house, store, building or lot the said water so required to be supplied during the times applied for at a price not exceeding the rates specified in this contract.

(5) The company to furnish any surplus power to consumers after furnishing power for the street railway, for light and waterworks or other works of the company, at a rate not to exceed \$26 per horse power per annum (24 hours a day), such consumers to furnish their own wheels and machinery. Electrical power to be furnished at a proportionate rate.

(6) The company to purchase from the corporation the engines, dynamos, boiler and other plant and equipment of the corporation at the corporation's power house (not including the power house) at a price to be mutually agreed upon between the company and the corporation, or by arbitration, (such purchase price to be deducted from the amount which shall become due from the corporation to the company for services) and such purchase price to be payable in thirty-six equal semi-annual instalments of principal with interest at four per cent per annum, but such interest shall only commence to run two years from the execution and delivery of this contract, and the first payment of such principal and interest shall be made six months after the expiration of the said two years. In case the company shall fail to meet its payments on the said engines, dynamos, boiler and other plant and equipment, the same may,

at the corporation's option, revert to and become the property of the corporation. The said plant shall at all times be kept insured by the company in favor of the corporation as its interest may appear from time to time. The company to keep the said plant and machinery in a good and efficient condition and up to at least its present value, subject to the ordinary depreciation for wear and tear. The company shall have the right on giving the corporation three months' notice in writing to pay the corporation all sums due and accruing due under this or the next following clauses of this contract or either of them. The company to have the use of the power house, free of charge, for two years, if required; it to keep the same in ordinary repair and insured for \$1,500 in favor of the corporation.

(7) The \$7,000 to be paid by the corporation for the plant, franchises, etc., taken over in 1895 from the Port Arthur Water, Light and Power Company, to be repaid by the company to the corporation as follows:—

\$2,500 when the company shall be entitled to the first \$2,500 of a return of their deposit of \$10,000; \$2,500 when entitled to the second \$2,500; and \$2,000 when entitled to the further payment of \$2,000 as specified in clause 19 of this contract. The property in the plant, until \$7,000 shall have been paid by the company to the corporation, to remain in the corporation, the possession thereof merely being until then in the company. The corporation shall have the right to retire the \$7,000 of the said outstanding notes by taking that amount out of the deposit of \$10,000, and no interest to be allowed or paid by the corporation or the company to the other under this clause.

(8) The price to be paid by the corporation to the company for hydrants per annum is to be for twenty hydrants \$1,700, for thirty hydrants \$2,250, for forty hydrants \$2,600, for fifty hydrants \$3,000, and for each hydrant over fifty, \$50 payable monthly.

(9) The company may proceed with the waterworks system contracted for at any time after the execution and delivery of this contract, but the corporation need not, unless it so desires, take any hydrants for two years thereafter, but the company shall be bound, on demand in writing from the corporation to it, to complete the said system within six months next after the first of May in any year and supply the said hydrants and water service contracted for, thirty days' written notice to that effect having been first given by the corporation to the company before the first of May in any year, and the company shall pay to the corporation five (\$5) dollars per day as ascertained and liquidated damages for every day that the said waterworks system is not completed after the expiration of the said six months.

(10) The company's rates for the supply of water for the services mentioned in the schedule A attached to this contract shall not exceed the rates therein specified

(11) The company, for thirty-two candle-power lights for street purposes shall be paid per annum for sixty thereof \$1,000 for the first two years and \$1,300 per annum thereafter, extra lights up to 100 at \$20 each, and extra lights up to 200 \$18 each, and for extra lights over 200 \$15 each, payable monthly, lamps to be lighted from sunset to sunrise. The company to furnish all lamps renewals and to put them in.

(12) Domestic rates *per month* for lights shall not exceed the rates shown in the following schedule, regulated according to the number of lights and the candle power of the light.

No. of lights.	C. P. 10.	C. P. 16.	C. P. 20.	C. P. 32.	C. P. 45.	C. P. 60.	C. P. 100.
1....	.40	.60	.75	1.20	1.70	2.25	3.75
2....	.80	1.20	1.50	2.40	3.40	4.50	7.50
3....	1.20	1.80	2.25	3.60	5.10	6.75	11.25
4....	1.60	2.40	3.00	4.80	6.80	9.00	15.00
5....	1.90	2.90	3.60	5.80	8.20	10.90	18.15
6....	2.20	3.40	4.20	6.80	9.60	12.80	21.30
7....	2.50	3.90	4.80	7.80	11.00	14.70	24.45
8....	2.80	4.40	5.40	8.80	12.40	16.60	27.60

Each additional lamp, 16 c. p. 45c., 20 c. p. 55c., 32 c. p. 90c., 45 c. p. \$1.30, 60 c. p. \$1.70.

Domestic lights to be operated all night.

(13) The company is to supply consumers with lamps and fittings at a rate not to exceed 20 per cent. advance on wholesale prices. When the population of Port Arthur shall have reached 5,000 and so long as that population shall continue to be at least 5,000 the rate for lights is to be reduced proportionately from the above schedule rates, assuming a basis for a sixteen candle power to be 50 cents *per month* and not 60 cents. Meter rates are to be on a proportionate rate, having regard to the difference between meter rates and fixed rates based as at a price of 60 cents for sixteen candle power to be reduced to 50 cent basis when 5,000 population. Meters, at the election of consumers, shall be supplied by the company to the consumer on rental or on purchase, not to exceed 20 per cent. advance on cost or at a reasonable rent. Meter rates in proportion to schedule as above.

(14) The water to be supplied by the company shall be of good quality in every way suitable for domestic purposes.

(15) The waterworks are to be extended by the company from time to time, as sufficient business shall arise to earn at least 10 per cent. gross on each extension.

(16) The corporation shall have the right to expropriate or take over by mutual agreement, or by arbitration, after twenty years after this contract goes into operation, by giving to the company twelve months' previous notice in writing to that effect, all electric light plant and power sufficient to operate the lighting of the town of Port Arthur and the town's electric railway, and to expropriate or take over by mutual agreement or by arbitration the said waterworks and as much

water and power as the company shall at that time find necessary or be actually using to effectually operate the said waterworks and supply the said water and power. Should the said plants not be taken over at the end of the said twenty years, the corporation to have the right to take them over at the end of each and every five years thereafter by giving one year's notice in writing thereof to the company.

(17) The company shall establish, maintain and continue in operation, or cause to be established, maintained and continued in operation, a pulp manufacturing industry within the town of Port Arthur seven months in the year on an average, which industry shall employ at least seventy-five hands, twenty-five of whom shall be employed within the corporation's territorial limits at all times throughout the said seven months of each year, and it shall be completed and in full operation within two years from the execution of this contract, and on failure to complete or cause to be completed the said industry within the time in this clause mentioned the company shall be liable to pay to the corporation as liquidated and ascertained damages \$10 for every day until the said industry is completed and in operation within the meaning of this contract.

(18) The company to furnish free to the corporation all water required for flushing sewers, sprinkling streets, and for the general purposes of the civic offices and the fire hall and for one fountain, and all lights required for the council chamber and civic building, in lieu of all taxes on the company's realty and plant and stock in trade of wood and pulp, but the company shall not be exempt from the payment of school taxes or local improvement taxes or taxes on its personal property other than the said plant and stock in trade of wood and pulp.

(19) The company shall deposit, on the execution and delivery of this contract, as security for the due performance on its part with the corporation, \$10,000, which the corporation will repay to the company as to \$2,500 thereof when the dam on the Current river shall have been built, \$2,500 when the said Current river shall have been diverted into McVicar's creek, \$2,000 when the said railway and lighting are operated by water power, and \$3,000 when the said industry shall have been established, all in compliance with the stipulations on the part of the company in this contract, which sum shall be forfeited on failure to carry out this contract.

(19a) Upon the deposit with the corporation by the company of the sum of \$10,000 under the preceding clause hereof, the stock of the said company now held in trust by the corporation or its nominees shall be reassigned to the company or to whomsoever it shall appoint.

(20) All works (excepting waterworks) embraced in the terms of this contract shall be by the company *bona fide* commenced within six months from the execution and delivery of this contract and thereafter prosecuted to completion with due expedition.

(21) This contract shall be in force for twenty years from the time when it shall have been finally executed and delivered and the corporation in so far as it is thereby empowered by law shall, having reference to and to further the objects of clause 18 of this contract, exempt during the continuance of this contract the company's realty and plant and stock in trade

of wood and pulp from all municipal taxation except for school taxes and local improvement taxes, as specified in the said clause 18, but all other personalty of the company shall not be exempt from but be liable to taxation ; and such powers as the corporation has with respect to water, lighting, heat and power, were works of that description being carried on by the corporation itself, the corporation will aid the company to obtain to the extent of the authority of the corporation, including the compulsory powers referred to in section 58 of *The Gas and Water Company's Act*, R. S. O. chapter 164, and in sections 4, 10, 11 and 13 of *The Municipal Waterworks Act*, chapter 192, R. S. O. so far as the power or powers to be exercised and the property or properties in respect to which it or they is or are to be exercised are specifically set out in a report and delineated and colored blue on a plan dated the 5th December, 1888, made by Messrs. Malhiot and Murdoch, civil engineers, filed in the office of the clerk of the corporation, and all such further powers with respect to the expropriation of property which may be requisite from time to time by the company during the existence of this contract so far as the powers of the corporation extend, but anything stipulated for in this clause shall be at the sole cost, charges and expenses of the company and not of the corporation.

(22) The company shall do, execute and complete the works and services and perform the stipulations on its part contained in this contract with due expedition and in strict accordance with this contract, finding over and above all other things specifically mentioned in the contract to be supplied by the company all other material, tools, plant, machinery, labor and workmanship and all other things necessary for the due and proper execution of the said works and services (except where and as otherwise specifically mentioned in this contract) and shall maintain and keep in perfect order and in complete repair the said works and services during the continuance of this contract and shall observe and keep all the terms and conditions thereof on its part, and the company shall indemnify and keep indemnified the corporation and each of its officers, servants and agents from all and all manner of loss, damage, injury, actions, suits, liens and demands on account of the said works and services or which may be incurred by reason or in consequence of the execution or non-execution or imperfect execution thereof or the supply or non-supply of plant or material therefor, and the company shall pay to the corporation and to such officer, servant or agent thereof on demand any expense, loss, costs, or damages which may be sustained by them or any of them in consequence of any such action, suit, claim, lien or demand and any moneys paid by them or any of them in settlement or discharge or on account thereof ; ~~and~~ provided always that nothing in this clause contained shall entitle the corporation to the payment of any money not consented to by the company, except to the extent of an award or other judgment of which the company has had due notice, and any

sum so found to be due by the company may be deducted by the corporation from any moneys payable by the corporation to the company under any of the clauses of this contract or may be recovered by the corporation from the company as moneys paid at the company's request.

(23) Failure by the company to carry out any of the stipulations on the part of the company contained in this contract will work an absolute forfeiture at the election of the corporation of the rights of the company under this contract.

(24) Subject to any express provision in this contract to the contrary, all disputes and differences between the corporation and the company of every nature or kind arising out of this contract or connected therewith or incidental thereto shall be submitted and be settled and finally determined by arbitration and by arbitration only (subject to the jurisdiction of the High Court) in accordance with the principles, practice and procedure relating to the appointment of arbitrators, governing the conduct and course of arbitrations and the making of awards provided for in *The Consolidated Municipal Act, 1892*, sections 385 to 404 inclusive. In witness whereof, the seal of the corporation under the hands of its mayor and clerk respectively and the seal of the company under the hands of its president and secretary respectively are severally hereto affixed.

Signed, sealed and delivered
in the presence of

Schedule of rates referred to in clause 10 on page 6 of the annexed contract dated on the _____ day of _____ made between the corporation of the town of Port Arthur, thereto of the one part, and the Port Arthur Water, Light and Power Company thereto of the other part.

PRIVATE HOUSES.

	Ordinary rate without extras.	Consolidated. rate.
1 Room	\$ 3 75	.....
2 "	4 50	.....
3 "	6 00	.....
4 "	7 50	.....
5 "	9 00	\$15 00
6 "	12 00	18 75
7 "	15 00	22 50
8 "	18 00	26 25
9 "	20 25	29 25
10 "	22 50	32 25

The consolidated rate includes one water-closet, one bath and one wash basin with tap and sink.

Extras if consolidated rate is not paid :

Baths, each	\$	5	00
Water-closets, each		6	00
Wash basins, each		4	00
Alcohol, each barrel manufactured		20	
Ale cellar	\$15 00 to	50	00
Bakery, each barrel of flour used daily		10	00
Bar-room.....	\$15 00 to	50	00
Barber shop, first chair		6	00
Barber shop, each additional chair		3	00
Bath, private, each tub		5	00
Bath, hotel or boarding house.....		10	00
Bath, public, each tub.....		12	00
Brewery, each barrel brewed, meter or		08	
Beer house.....	\$15 00 to	50	00
Billiard saloon, each table		4	00
Boarding houses, up to 10 rooms.....	private rate		
Boarding houses, over 10 rooms, per room..		1	50
Bookbindery, per hand \$2, minimum.....		15	00
Brick work, per M kiln count.....		15	
Brick yard, each table or gang for season..		25	00
Church.....	\$5 to	10	00
Candle factory.....		meter	
Candy factory.....		meter	
Cigar manufactory, per hand, minimum \$20		2	00
Coffee saloon.....	\$15 to	50	00
Confectionery.....	\$15 to	100	00
Concrete, per cubic yard.....		20	
Cow		2	50
Dying and scouring.....		meter	
Fire protection stand pipes to be used only in case of fire, 4-inch attachment per annum		100	00
3 " " " " "		75	00
2 " " " " "		50	00
1 " " " " "		20	00
Forge ..		5	00
Fountains, special contract, 6 hours daily, 7 months, 1/16-inch jet.....		25	00
Hall.....	special or meter rates		
Hose, private stables.....	\$5 to	20	00
Livery " meter or		50	00
Hose for sprinkling street or lawns, washing fronts and sidewalks, 20 cents per lineal foot up to 50 feet, 15 cents per foot addi- tional.			
(Hose not allowed for any purpose except where whole premises are rated.)			
Hotel up to 10 rooms.....	private rates		
over 10 rooms.....	special or meter rates		
or per room.....		1	50

Ice cream saloon.....	\$15 00 to	75 00
Laundry.....	by meter	
Locomotive.....	by meter	
Machine shops, special or meter, or per horse power		6 00
Office or bank	\$6 00 to	25 00
Packing house	special or meter	
Photographing	\$15 00 to	30 00
Plastering, per square yard.		01
Printing office, per hand.....		2 00
minimum		10 00
Railroads.....	special or meter	
Restaurant	\$25 00 to	100 00
Saloon.....	\$25 00 to	50 00
Schools, each scholar.....		05
Slaughter house		meter
Soap factory		meter
Soda factory		meter
Steam boiler, meter or per horse power		6 00
Steam heating, per each house.....		8 00
large buildings....	\$15 00 to	30 00
Stock yards.....		meter
Stone work, per perch		06
Stores and shops.....	\$10 00 to	25 00
Urinal basin, private		6 00
" " public		10 00
Vehicles (no hose attachment).....		2 00
Water-closets, stores and offices.....		6 00
" " hotels and public		10 00

GENERAL METER RATES.

		Per 1,000 gal.
30,000 gals. or less	per month.....	.40
30,000 " to 60,000 gals.	" .....	.35
60,000 " " 100,000 "	" .....	.33
100,000 " " 150,000 "	" .....	.30
150,000 " " 300,000 "	" .....	.28
300,000 " " 500,000 "	" .....	.25
500,000 " " 700,000 "	" .....	.23
700,000 " " 1,000,000 "	" .....	.20

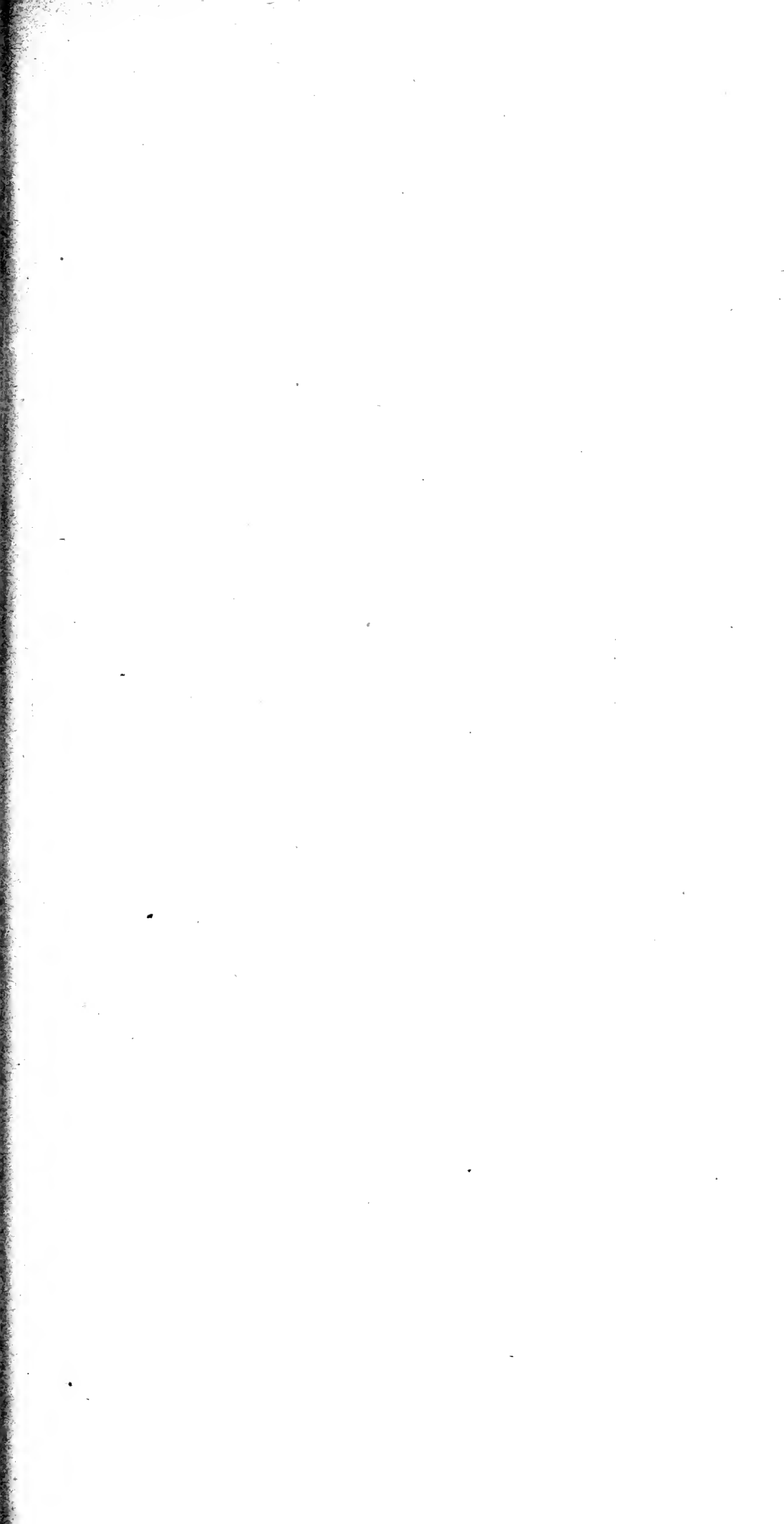
NOTICE.

The above is a true and correct copy of a proposed by-law, which has been taken into consideration and which will be finally passed by the council of the corporation of the town of Port Arthur, in the event of the assent of the ratepayers

(electors) being obtained thereto, after one month from the 4th day of March, 1896, being the date of the first publication thereof, and that at the hour, day and places therein fixed for taking the votes of the electors (ratepayers) the polls will be held.

Council Chamber, Port Arthur, March 4th, 1896.

W. H. LANGWORTHY,
Town Clerk.



BILL.

An Act respecting The Port Arthur Water,
Light and Power Company.

First Reading, 10th March, 1896.

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

Mr. CONNOR.

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

No. 86.]

BILL.

[1896.

An Act to amend The Line Fences Act.

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

1. Section 9 of *The Line Fences Act* is amended by insert-
5 ing after the word “immediately” in the seventh line thereof
the words “take proceedings to,” and by inserting immedi-
ately after the word “locality” in the eighth line thereof the
following words: “or he may apply to the council of the
municipality in which the lands are situate to place the
10 amount claimed upon the collector’s roll as a charge against
the lands liable for the payment thereof, and the same shall,
upon the said municipal council being satisfied that the
amount claimed is correct, or such portion as they deem cor-
rect, be thereafter placed upon the collector’s roll, and may be
15 collected as ordinary taxes.”

Rev. Stat.
c. 219, s. 9,
amended.

Enforcing
award of
fence
viewers.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend the Line Fences Act.

First Reading, 27th February, 1896.

MR. CHAPPEL.


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

No. 86.]

BILL.

[1896.

An Act to amend The Line Fences Act.

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

1. Section 9 of *The Line Fences Act* is amended by inserting after the word “immediately” in the seventh line thereof the words “take proceedings to,” and by adding to the said section the following proviso:—

Rev. Stat. c.
219, s. 9,
amended.

Provided, nevertheless, that instead of requiring execution to be issued upon such judgment the party entitled to enforce the judgment may obtain a certificate from the clerk of the division court of the amount due for debt and costs in respect of such judgment, and shall be entitled upon lodging the same with the clerk of the municipality to have the amount so certified placed upon the collector's roll, and the same may be collected in the same manner as taxes are collected and shall, until so collected or otherwise paid, be a charge upon the lands liable for the payment thereof, and in such case executions shall not thereafter issue on such judgment.

Collection of
debt and costs
as taxes.

2nd Session, 8th Legislature, 59 Vic., 1896.

BILL.

An Act to amend The Line Fences Act.

First Reading, 27th February, 1896.
Second Reading, 11th March, 1896.

*(Reprinted as amended by Municipal Com-
mittee.)*

MR. CHAPPLE.

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

No. 87.]

BILL.

[1896.

An Act to amend The Act to Facilitate the Conveyance of Real Estate by Married Women.

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

1 Every conveyance before 29th March, 1873, executed by
5 a married woman, of or affecting her real estate shall, notwithstanding her husband did not join therein, be taken and adjudged to be, and to have been valid and effectual to have passed the estate which such conveyance professed to pass, of such married woman in the said real estate. Vide R.S.O.,
10 1887, c. 134, s. 4.

Deeds made by married women without their husband before 29th March, 1873.

2. Nothing in this Act contained shall render valid any conveyance of land of which the married woman or those claiming under her have heretofore taken actual possession, for the purpose of asserting the invalidity of such conveyance,
15 nor shall this Act effect any litigation now pending.

Conveyances not validated by Act.

BILL.

An Act to amend The Act to Facilitate the
Conveyance of Real Estate of Married
Women.

First Reading, 27th February, 1896.

MR. HOWLAND.

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

No. 87.]

BILL.

[1896.

An Act to amend the Act to Facilitate the Conveyance of Real Estate by Married Women.

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

1 Every conveyance before 29th March, 1873, executed by a married woman, of or affecting her real estate shall, notwithstanding her husband did not join therein, be taken and adjudged to be, and to have been valid and effectual to have passed the estate which such conveyance professed to pass, of such married woman in the said real estate. Deeds made by married women without their husband before 29th March 1873. Vide R.S.O., 1887, c. 134, s. 4.

2. Nothing in the preceding section contained shall render valid any such conveyance as aforesaid to the prejudice of any title subsequently to the execution of such conveyance and before the passing of this Act, acquired from the married women by deed, duly executed and certified as by law required, unless the actual possession or enjoyment of the real estate conveyed or intended to be conveyed by the prior conveyance shall have been had at any time subsequent thereto by the grantee therein, or those claiming by, from, or under him, and he or they shall have been in such actual possession or enjoyment continuously for the period of three years before the passing of this Act, and he or they is or are at the time of the passing of this Act in the actual possession or or enjoyment thereof; and nothing in this Act contained shall render valid any conveyance from the married women which was not executed in good faith, or any conveyance of land of which the married woman or those claiming under her, is or are in the actual possession or enjoyment contrary to the terms of such conveyance, nor shall the Act affect any litigation now pending. (*Vide* 36 V., c. 19, s. 13, now R. S. O. c. 134, s. 5).

2nd Session, 8th Legislature, 59 Vic., 1896.

BILL.

An Act to amend the Act to Facilitate the
Conveyance of Real Estate of Married
Women.

First Reading, 27th February, 1896.

Second Reading, 18th March, 1896.

(Reported as amended by Legal Committee.)

Mr. HOWLAND.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act to amend The Drainage Act, 1894.

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

1. Section 16 of *The Drainage Act, 1894*, is amended by striking out the words “within the area described in the petition” in the second line thereof. 57 V. c. 56, s. 16, amended.
2. Section 17 of the said Act is amended by inserting after the word “and,” in the fourth line, the words “if there be a petition.” 57 V. c. 56, s. 17, amended.
3. Section 56 of the said Act is amended by striking out the words “notwithstanding the by-law be afterwards quashed or declared illegal in any proceeding” in the last three lines thereof, and inserting in lieu thereof the words “or be made unsuccessfully in whole or in part, and after the issue and sale of such debentures the by-law for the construction or repair of such drainage work shall not be quashed or set aside on any ground whatever.” 57 V. c. 56, s. 56, amended.
4. Section 58 of the said Act is amended by striking out after the word Council in the third line the letter “o” and inserting in lieu thereof the words “of either.” 57 V. c. 56, s. 58, amended.
5. The following sub-sections are added to section 61 of the said Act:—
 - (2) After the council of the initiating municipality has finally passed its by-law for the construction of the drainage work and the ten days limited for giving notice of intention to make application to quash the same has expired, and no such notice has been given, or, if the notice has been given and the application be not made, or be made unsuccessfully, the council of the initiating municipality shall serve the head of the municipality, upon whom the said report, plans, specifi-

Service of by-law of initiating municipality.

On facts of contributing.

Consideration of report by council served.

cations, assessments, and estimates have been served with a copy of the by-law of the initiating municipality, together with a certificate of the clerk of the initiating municipality that no notice of intention to move to quash the said by-law had been served within ten days after the final passing thereof, or, if served, that no application was made or was made unsuccessfully, as the case may be. 5

(3) The head of the municipality so served shall forthwith cause a meeting of the council of his municipality to be called to hear the report read and considered, and the clerk of the municipality shall notify all parties assessed within the municipality by mailing to the owner of every parcel of land within the municipality assessed therein for the drainage work, a circular or post card, upon which shall be stated that a report and assessment has been served on the head of the municipality, assessing the lands of the owner to whom such circular or post card has been sent and the date of the council meeting at which the report will be read and considered, which shall not be less than seven days after the mailing of the last of such circulars or post cards. 10 15 20

57 V. c. 56, s. 62, amended.

6. Section 62 of the said Act is amended by striking out the word "four" in the seventh line and inserting in lieu thereof the word "two" and inserting in the eighth line after the word "service" the words "of such copy of by-law and certificate." 25

57 V. c. 56, s. 101, amended.

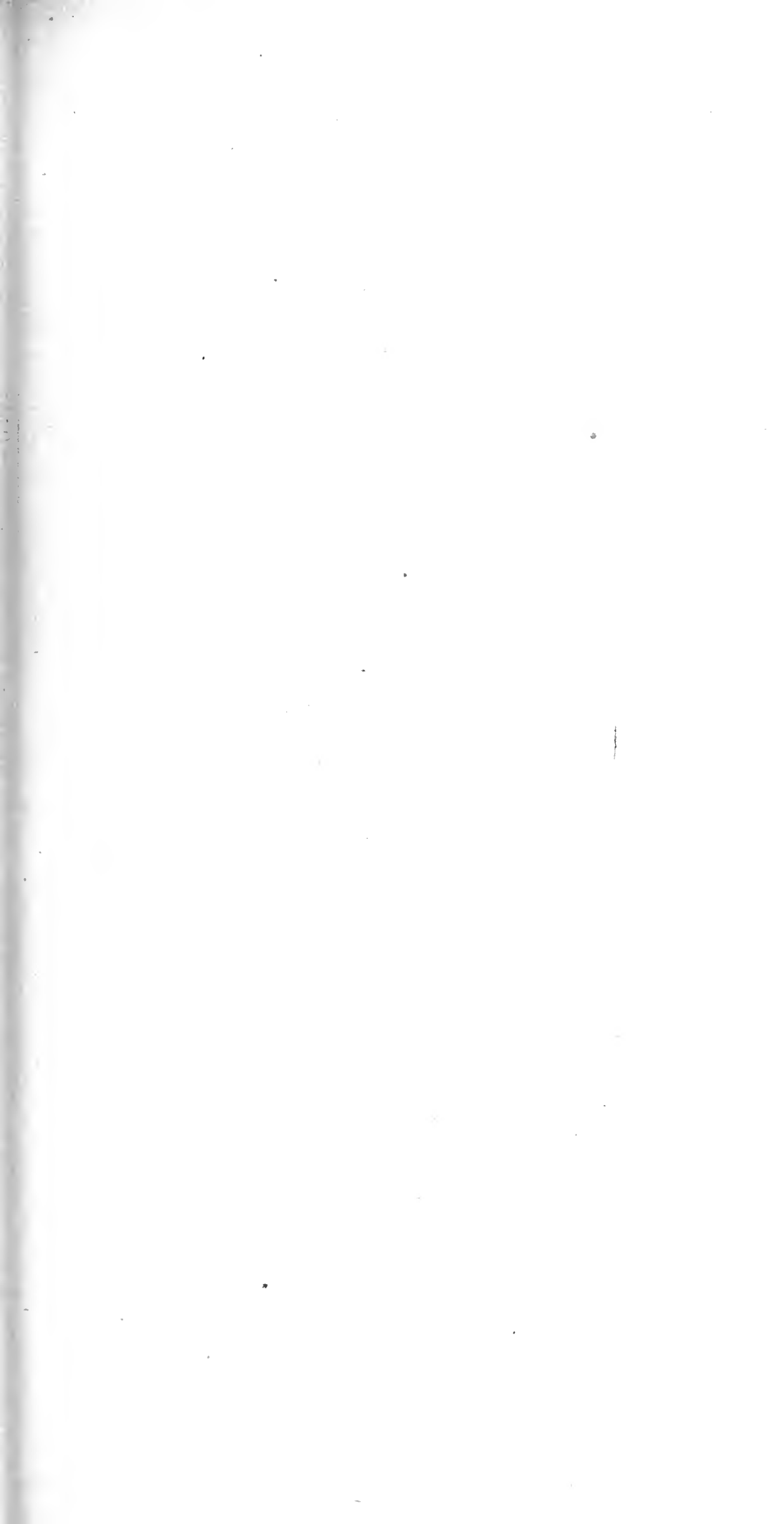
7. The following sub-sections are added to section 101 of the said Act:—

Appeals to lie to court of appeal.

(2) There shall be no appeal to a divisional court from any judgment, decision or verdict rendered in any court in any action for damages or compensation, or for an injunction, or for any cause of action arising by reason of anything done or to be done or omitted to be done in respect of drainage works under this Act, but such appeal shall be to the Court of Appeal for Ontario, and no appeal shall be allowed from the Court of Appeal. 30 35

Printed appeal books not to be used.

(3) In case of appeal, no printed copy or copies of appeal books shall be necessary or allowed, but type-written copies of the appeal case, as in appeals from a county court to the Court of Appeal shall be used instead of printed appeal books.



BILL.

An Act to amend The Drainage Act, 1894.

First Reading, 27th February, 1896.

Mr. MAGWOOD.


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

No. 88.]

BILL.

[1896.

An Act to amend The Drainage Act, 1894.

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

1. Section 9 of *The Drainage Act, 1894*, is amended by adding thereto the following sub-section:—

57 V. c. 56, s. amended.

(7) Forthwith upon the filing of the engineer's report with the clerk of the municipality, the clerk shall by letter or postal card, notify the parties assessed of such assessment, and of the amount thereof.

Notice of assessment.

2. Section 81 of *The Drainage Act, 1894*, is amended by adding the following sub-section thereto:—

57 V. c. 56, s. 81, amended.

Upon the petition of two-thirds of the resident owners in the drainage territory, the council of the municipality may pass by-laws empowering the *commissioner or* commissioners appointed under this section to use all buildings, machinery and equipments belonging to and in connection with any drainage pumping works, and to operate the same for such purposes and upon such terms as may be set forth in such by-laws upon the condition that the profits or benefits of such user shall accrue to the owners.

Commissioners of pumping works.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Drainage Act, 1894.

First Reading, 27th February, 1896.
Second Reading, 11th March, 1896.

*(Reprinted as amended by Municipal
Committee.)*

Mr. MAGWOOD.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Act respecting Mortgages of
Real Estate.

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

1. Section 30 of *An Act respecting Mortgages of Real* Rev. Stat.,
c. 102, s. 30,
amended.
5 *Estate* is amended by adding thereto the following sub-section :

(5) Any solicitor to or in whom, either alone or jointly with
any other person, whether his partner or not, any mortgage or
charge on property for securing money is taken, made or
10 vested by transfer or transmission, or the firm of which such
solicitor or solicitors is or are members shall notwithstanding
be entitled to charge for, receive and recover from the person
on whose behalf the same is done, or to charge against the
security for all business transacted and acts done by such
15 solicitor, solicitors, or his or their firm subsequent and in
relation to such mortgage or to the security thereby created or
any collateral mortgage taken in respect thereof or the prop-
erty in such mortgage or security comprised, in addition to
all necessary disbursements, all such usual professional charges
20 and remuneration including costs of exercising the power of
sale or any other power contained in said mortgage, charge or
security, or the costs of proceeding to enforce any covenant in
same by action, as he or they would have been entitled to
receive if such mortgage had been made to and had remained
25 vested in a person or persons not a solicitor or solicitors, and
such person had retained and employed such solicitor or
solicitors or his or their firm to transact such business and do
such acts, and accordingly no such mortgage shall be redeemed
except upon payment of such charges and remuneration,
30 subject, however, at all times to such costs being moderated or
taxed as is provided by this Act.

Fees of solicitor or his partner when he is also mortgagee.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Act respecting Mortgages of Real Estate.

First Reading, 27th February, 1896.

MR. BIGGAR.

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

An Act respecting the Canadian Historical Exhibition.

WHEREAS, the twenty-fourth day of June, 1897, will be the Preamble.
four hundredth anniversary of the discovery of Canada by
the landing of John and Sebastian Cabot upon the shore of Cape
Breton ; and whereas it is desirable that the event should be
5 celebrated in a manner worthy of its importance, and of the
benefits which have followed to this country and to civiliza-
tion generally, from their discovery of North America ; and
whereas it is desirable and greatly in the public interest that
on the occasion of, and as part of such anniversary celebration,
10 a Canadian Historical Exhibition should be held to illustrate
to Canadians generally, to our fellow subjects throughout the
Empire, and to the world, the course of the discoveries in
North America resulting from those of the Cabots in 1497,
and also displaying the natural history of Canada, and the
15 social, political, scientific, literary, artistic, industrial and com-
mercial progress in which the Dominion has participated from
the discovery to the present time ; and whereas such exhibi-
tion with its attendant congresses and proceedings will in-
tensify the interest of Canadians of all origins and localities
20 in the history and future of their common country, will tend
to consolidate national unity, and will also demonstrate the
status to which Canada is entitled among the nations of the
world ; and whereas the Parliament buildings, belonging to
the Province of Ontario, and the University buildings in their
25 immediate neighbourhood, offer facilities for the holding of
such an exhibition during the period in the summer in which
they are not occupied for legislative or university purposes ;
and whereas His Honour, the Lieutenant-Governor, and the
Honourable, the Council of the Province of Ontario, have
30 agreed to such use being made of a portion of the Parliament
buildings of that province during the summer of the year 1897 ;
and whereas the senate and councils of the University of To-
ronto and Victoria university, McMaster university and Wye-
liffe college, have agreed to the similar use of their buildings

for the same period ; and whereas there are reasonable grounds for expecting that there may be surplus receipts from entrance fees to such exhibition, and other sources of profit to provide for the establishment of memorial statutes and monuments, and also of buildings as a place of meeting of learned societies, and a permanent museum for the custody and care of such exhibits as it may be desirable to retain as public property, and for other like public purposes ; whereas it is in the public interest that a permanent public museum of Canadian history, art, science and natural history should be established in this province ; and whereas it is in the interest of the public of Canada, and of this province, that such exhibition should be held and conducted in a manner worthy of its importance ; and whereas a committee or association has been formed under the honorary presidency of His Excellency, the Right Honourable, the Earl of Aberdeen, Governor-General of Canada, with the concurrence of members of many universities and learned societies of the province and of the Dominion, for the purpose of undertaking such exhibition ; and whereas it is desirable and expedient that an incorporated commission should be instituted to act in concurrence with such committee, and clothed with the necessary financial and executive powers for carrying on the said exhibition, and founding and maintaining such museum ;

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

- Short title. **1.** This Act may be cited as *The Canadian Historical Exhibition Act*.
- Incorporation of board of commissioners of the Canadian Historical Exhibition. **2.** The Lieutenant-Governor-in-Council is authorized and empowered to constitute by letters patent, under the Great Seal of the province, a board of commissioners, under the name of "The Commissioners of the Canadian Historical Exhibition," and such commissioners shall be a body politic and corporate with all the powers of a corporation created by Act of the Parliament. If such corporation shall have been created by letters patent under the seal of Canada this Act shall apply to such corporation.
- Constitution of board. **3.** The said commissioners shall be twelve in number, of whom two shall be nominated and appointed by the Governor-General of Canada, upon the advice of the Honorable the Privy Council of Canada, two upon the nomination of the Lieutenant-Governor of Ontario in Council, two upon the nomination of the mayor and council of the city of Toronto, and the remaining six upon the nomination of the Canadian Historical Association, herein represented by its committee, consisting of the following and such others as they may from time to time add to their numbers from members of the association:—

O. A. Howland, David Boyle, Eustace Smith, Miss Mary Agnes Fitzgibbon, J. Castell Hopkins, Toronto; De Lèry Macdonald, Esq., Montreal; Sandford Fleming, C.M.G., LL.D., C.E.; Very Rev. Principal Grant, D.D.; President Loudon, M.A.; Rev. 5 President Burwash, S.T.D.; Rev. Prof. Clarke, D.C.L.; Rev. Prof. Geo. Bryce, D.D.; G. M. Dawson, C.M.G., D.C.L.; S. E. Dawson, LL.D.; Lieut-Col. F. Denison, M.P.; Douglas Brymner, Esq.; Prof. A. B. MacCallum, Ph. D.; Prof. J. Ramsay Wright, M.A.; Arthur Harvey, M.A.; James Bain, LL.D.; Alan Mac- 10 dougal, C.E.; J. C. Hamilton, M.A.; Rev. Chancellor Wallace, M.A.; Rev. Provost Welch, M.A.; J. Herbert Mason; C. E. Goad, C.E.; R. E. Gosnell, Vic., B.C.

4. The said commissioners shall hold office during the pleasure of the respective appointing authorities, each in res- 15 spect of the commissioners so appointed by them, and vacancies shall be filled in the same manner as above provided in respect of the original appointments. Tenure of office.

5. The commissioners shall receive no compensation, except their actual disbursements in performing their duties out of 20 the proceeds of the exhibition or otherwise, unless otherwise enacted after the close of the said exhibition. Board not to receive compensation, except for disbursements.

6. The commissioners may appoint a president and vice- 25 president, and may appoint and employ a chief secretary and such assistant secretaries as they may find necessary, at such remuneration as they shall fix by resolution, out of the funds of the commission. Officers of board.

7. The persons holding the office of Lieutenant-Governors of 30 the Provinces of Canada shall be honorary vice-presidents of the exhibition, and the commissioners shall have power, with the assent of the Canadian Historical Exhibition Association to nominate from time to time any person or persons in the Dominion of Canada or other parts of the British Empire to be president and honorary vice-presidents. Honorary vice-presidents of exhibition.

8. The said commissioners shall have all necessary powers 35 and privileges to hold a Canadian Historical exhibition in such portions of the Parliament buildings of the Province of Ontario and of the universities and other buildings and grounds which have been or may be placed at their disposal by the proper 40 authorities or by any person or corporation during such period or periods as may be permitted by the Lieutenant-Governor in Council and the respective senates and councils of the said universities and colleges respectively and other proprietors or authorities having control of such buildings and grounds as 45 may be placed at their disposal, and to use, ornament, regulate and control such buildings and grounds, including any portion of Queen's park, the College avenue and other park grounds or open spaces under the municipal control of the said city of Board empowered to hold exhibition.

Toronto, provided that the assent of the ratepayers of the city of Toronto is given to such disposition in such manner as may be provided by the proper legislature in that behalf.

Administra-
tion and
application of
funds.

9. The commissioners shall have power, by and with the advice and assistance in their discretion of such committees of the said Canadian Historical Exhibition Association as may be formed for that purpose by the said executive committee thereof, of administering the funds placed in the hands of the corporation, and may apply them as in their judgment may seem best, to the purposes of preparing, acquiring, collecting, managing, conducting and holding an exhibition generally illustrating natural history, and political, social, scientific, literary, artistic, industrial, military and commercial history and development, particularly of Canada and of countries by which Canada or any of its provinces has been in any manner influenced. No obligation or appropriation shall be made, except by, or as authorized by, the commissioners by resolutions, and all accounts and expenditures shall be similarly authorized by or under the authority of the commissioners.

Entertain-
ment of
distinguished
guests.

10. The commissioners shall have power to invite and provide out of their funds aforesaid for the expense of attendance and entertainment of royal, official and representative guests and of delegates from any province of the Dominion or any part of the British Empire or any foreign country at any congresses or conferences which, in their opinion, it may be found suitable and desirable to assemble during the period of the exhibition, and may also provide for the expense of musical and other entertainments, ceremonies, pageants, ethnological camps, zoological and botanical gardens, military and naval reviews, regattas, sports and pastimes, and to offer prizes for and acquire and publish literary, musical and artistic designs and compositions.

Entertain-
ments, etc.

Control of
buildings and
grounds at
disposal of
board.

11. The commissioners may undertake the charge, improvement, decoration, care and control of any buildings, grounds, avenues, parks or places which may, pursuant to law or under authority of this Act, be placed at their disposal for that purpose by any person, corporation or body.

Protection of
property and
preservation
of the peace.

12. The commissioners may make regulations for the purpose of protecting buildings, places and contents, and keeping order, and shall have the power of magistrates and may appoint constables for the purpose of enforcing such rules and regulations in the buildings and grounds placed in their charge for the purposes of the exhibition.

Inviting co-
operation of
governments
and other
bodies.

13. The commissioners are hereby empowered to invite the Government of Canada and the governments of each of the provinces of Canada, Her Majesty's Government and the government of all colonies, provinces and dominions within the

Empire, and also the government of any foreign country and any university, corporation, society or person within the Empire of Great Britain or any foreign country to co-operate in the Canadian Historical Exhibition by placing at its disposal by loan or gift any objects, documents or archives which may be thought suitable for the purposes of such exhibition, upon such terms for the acquiring, transport, security and return thereof as may be agreed upon by the commissioners and such donor or lender.

10 **14.** The commission is further authorized to arrange for the holding at any place in Canada of conferences and congresses of persons and representatives of governments, universities, corporations, societies and persons resident in any part of the Dominion of Canada, the British Empire or any foreign country, and may invite persons and representatives and provide for their reception and their travelling and other expenses (including their attendance at such congresses and conferences.

Holding conferences and congresses, etc.

15 **15.** The commissioners are specially empowered to provide under the foregoing clause for the assembling and holding of a congress of representatives of governments, universities, law societies and persons resident or subject to any government within the British Empire, to be called an Imperial Constitutional Congress, for the purpose of considering the history and nature of the principles of government as applied to the constitution and government of the British Empire and the relations and interests of the various kingdoms, colonies, provinces and dominions composing the British Empire, and for the purpose of considering how such government relations and interests may be defined, confirmed and improved; but no action or resolution of such conference or congress shall be binding upon the Government of Canada or any other government which may be represented at such congress or conference except as may hereafter be lawfully enacted.

Constitutional congress.

30 **16.** The Government of Canada shall not, by reason of anything herein contained, be considered as liable for or as guaranteeing any obligation or expense attendant upon such arrangements as may be made under the foregoing clauses, except to such extent as may be hereafter specifically agreed in any case by the Governor-General-in-Council.

Liability of Government of Canada.

40 **17.** The commissioners and the members of the Canadian Historical Exhibition Association or committee shall not incur any personal liability by virtue of anything done by them in pursuance of their office, and in furtherance of the foregoing purposes and objects, but the sole fund upon which any liabilities, whatever, by them created or incurred shall be chargeable, or out of which they shall be payable, shall be the funds resulting from the receipts during the holding of the said exhibition.

All liabilities to be chargeable on receipts of exhibition.

Aid from
municipal-
ities.

18. The commissioners may receive from any municipality which may have authority by law to make the same, grants of lands, buildings, or personal property by and with such assent of the ratepayers as may be provided by the proper legislation in that behalf, and to receive from any municipal corporation a guarantee of debentures of the corporation to an extent in any case not exceeding twenty-five thousand dollars, and also loans or grants of moneys to the same extent. 5

Gifts, grants,
etc., to board.

19. The commissioners shall be empowered to receive, for the purposes of the exhibition gifts, grants, loans or guarantees of funds from any person, corporation, municipality or government in aid of the purposes of the exhibition. 10

Charging fees
for admission
to exhibition.

20. For the purpose of forming a fund for the purpose of carrying this Act into effect, the commissioners shall be empowered to charge fees and issue tickets for entrance to all or different parts of the buildings within which the exhibition is being held during the summer of 1897, and to any grounds which may be placed at their disposal upon the terms permitting such privilege; and may receive subscriptions from individuals and corporations in advance, and may, in return, grant to them personal or transferable privileges of entrance to all or any parts of the exhibition while it is open in the summer of 1897, and may also, as a further consideration, undertake to supply copies of any publications issued under the authority of the commissioners. 15 20 25

Authority to
issue debentures to
\$250,000.

21. The commissioners shall have power to issue debentures to the amount of not exceeding \$250,000, bearing not exceeding three per cent. per annum interest, and chargeable upon the net funds and receipts of the exhibition corporation, but such debentures shall not be chargeable upon any buildings, grounds or property of the exhibition or in its possession, nor be deemed to be guaranteed by any government or municipality, society, corporation, or person being a member of or represented upon the commission or the association, except to the extent to which any such government, municipality or other corporation, society or person may agree according to law to guarantee or undertake the payment of such debentures or liabilities positively or contingently. 30 35

Selling and
leasing catering
privileges.

22. The commissioners may grant, sell, lease or license to persons or corporations privileges of providing for the accommodation of visitors, food, refreshments, conveyance, entertainments and sale of articles of any kind within the limits of any grounds which may be placed in their charge under the provisions of this Act and such receipts shall form part of the revenues and funds of the corporation for the purposes of the exhibition. 40 45

23. In case any person or persons, corporation or corporations, shall contribute funds for the purpose of enabling the commission to erect any building or buildings, ornament, object or article or improvements of a permanent character, the commission may accept and use such funds for such purposes exclusively and may undertake the charge and maintenance of such building, ornament, object, article or improvement.

Application of contributions.

24. In case any government, corporation, society or person shall grant, subscribe or guarantee funds or debentures of the association upon condition that a proportionate part of the net receipts of the corporation from the exhibition to be held in the year 1897 shall be returned to such Government, corporation, society or person or trustees appointed thereby, for the purpose of acquiring or maintaining museums, pictures, documents, objects or historic sites in any part of the Province of Ontario or any part of the Dominion stipulated as a condition of such gift, grant or guarantee the corporation may so apply a proportion of the net funds resulting from the holding of such exhibition in proportion to the whole of the gifts, grants and guarantees received by it from all sources for the purpose of the exhibition.

Conditional gifts to exhibition.

25. The commissioners may apply the proceeds of such privileges when received and may appropriate the current receipts of the exhibition during the pendency thereof to the extent of not exceeding \$50,000 to the current expenses of maintaining the exhibition—*de die in diem*—and the balance of such receipts shall be primarily chargeable with debentures to be issued by the corporation to the amount of \$100,000; secondarily with any debentures guaranteed by the Governments of Canada or of any provinces thereof or of any municipality therein not exceeding \$100,000; lastly with any additional debentures that the commissioners may issue.

Application of current receipts from exhibition.

26. The commissioners shall have the exclusive right of publication and of obtaining copyright respecting catalogues, photographs, illustrated or descriptive reports and volumes relating to the contents of the exhibition, except as may be stipulated with individual exhibitors, and may by contract under seal grant assignments and licenses in respect thereof

Copyrights in programmes, etc.

27. In case the Government of Canada or any provincial or municipal government be duly authorized by law to grant any sum in aid of the exhibition, the commissioners may with the assent of such government, accept in lieu of cash payment of such sum a guarantee of payment of the principal of a like sum of debentures of the corporation with interest at three per cent per annum. Such debentures shall be made payable within ten years, with the option to the commissioners of paying the same at an earlier date out of the surplus receipts of the exhibition.

Guaranteeing debentures in lieu of money grants.

Governor in
Council auth-
orized to guar-
antee debent-
ures in lieu
of money
grant.

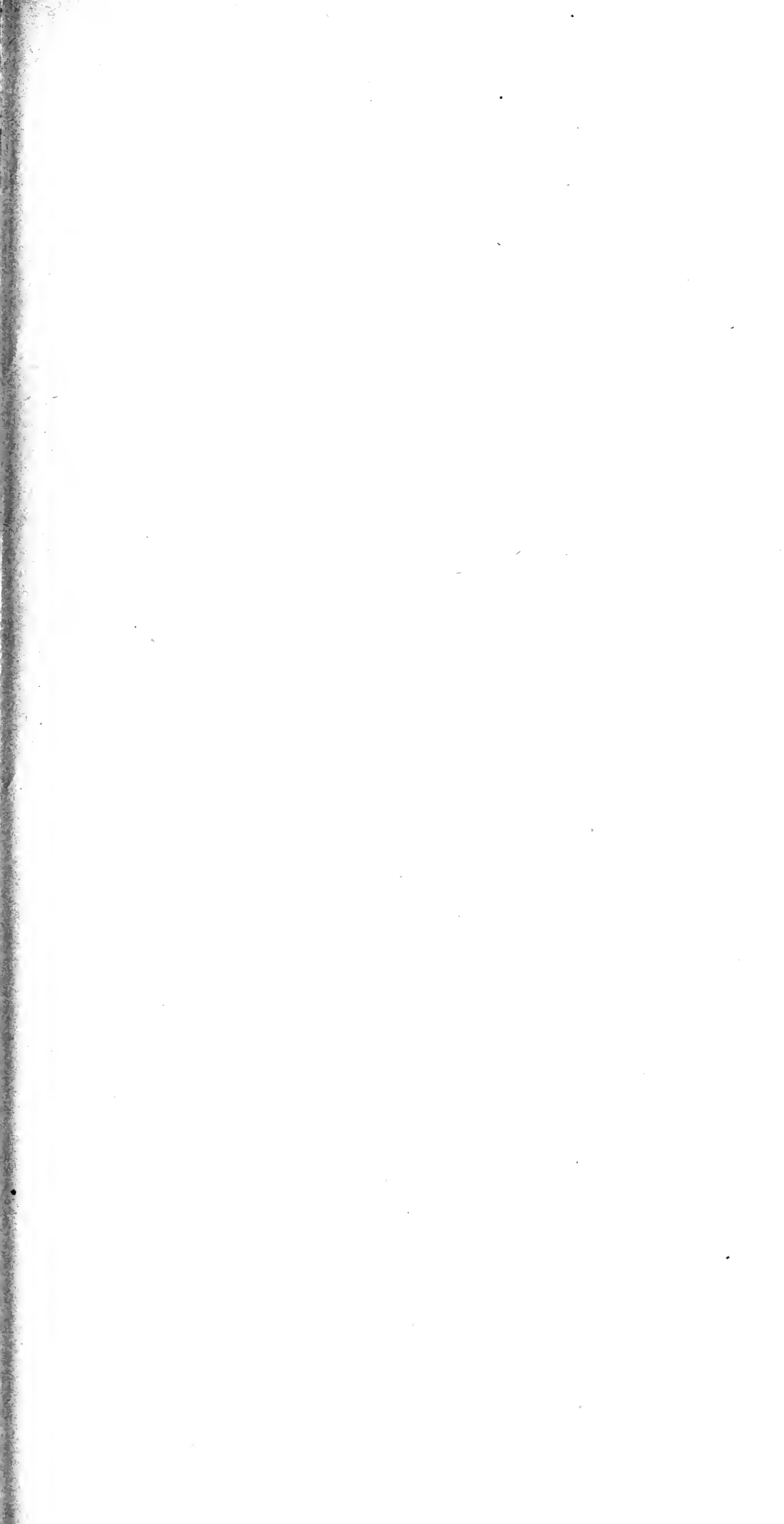
28. The Lieutenant-Governor-in-Council in respect of any grant in aid of the exhibition, which may be authorized by the Legislature of the province, may substitute a guarantee of an equal amount of debentures pursuant to the foregoing paragraph.

5

Application of
surplus re-
ceipts of de-
bentures.

29. In case a surplus of funds shall result from the holding of such exhibition in the year 1897 the same shall be applied primarily to the erection and maintenance of zoological and botanical gardens, and a memorial building at the city of Toronto, as a museum of the natural history of Canada and grounds attached thereto for collections of art, science, literature, industry, inventions, commerce, and also of documents, archives and objects illustrative of the history, social life and progress of Canada, and as a place of meeting of learned societies under the control and management of the commis- sioners, and the commissioners shall have power out of such surplus or otherwise to acquire permanently or temporarily by gift, purchase, lease or license any lands or buildings of the nature of historic sites for the purpose of exhibition or preservation.

20



2nd Session, 8th Legislature, 59 Vict. 1896.

BILL.

An Act respecting the Canadian Historical
Exhibition.

First Reading, 27th February, 1896.

Mr. HOWLAND.

TORONTO :

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

An Act respecting the Canadian Historical Exhibition.

WHEREAS, the twenty-fourth day of June, 1897, will be the Preamble.
four hundredth anniversary of the landing of John and Sebastian Cabot upon the shore of Cape Breton; and whereas it is desirable that the event should be celebrated in a manner worthy of its importance, and of the benefits which have followed to this country and to civilization generally, from their discoveries; and whereas it is desirable and greatly in the public interest that on the occasion of, and as part of such anniversary celebration, a Canadian Historical Exhibition should be held to illustrate to Canadians generally, to our fellow subjects throughout the Empire, and to the world, the course of the discoveries in North America *since the landing* of the Cabots in 1497, and also displaying the natural history of Canada, and the social, political, scientific, literary, artistic, industrial and commercial progress in which the Dominion has participated from the discovery to the present time; and whereas such exhibition with its attendant congresses and proceedings will intensify the interest of Canadians of all origins and localities in the history and future of their common country, will tend to consolidate national unity, and will also demonstrate the status to which Canada is entitled among the nations of the world; and whereas the Parliament buildings, belonging to the Province of Ontario, and the University buildings in their immediate neighbourhood, offer facilities for the holding of such an exhibition during the period in the summer in which they are not occupied for legislative or university purposes; and whereas His Honour, the Lieutenant-Governor, and the Honourable, the Council of the Province of Ontario, have ~~are~~ consented to pass an Order in Council granting the use ~~of~~ of a portion of the Parliament buildings of that province during the summer of the year 1897 *for such purpose*; and whereas the *authorities* of the University of Toronto and Victoria university, McMaster university and Wycliffe college *are expected to grant* the similar use of their buildings for the same period

subject to such conditions as the said Lieutenant-Governor in Council and said university authorities may impose; and whereas there are reasonable grounds for expecting that there may be surplus receipts from entrance fees to such exhibition, and other sources of profit to provide for the establishment of memorial statues and monuments, and also of buildings as a place of meeting of learned societies, and a permanent museum for the custody and care of such exhibits as it may be desirable to retain as public property, and for other like public purposes; whereas it is in the public interest that a permanent public museum of Canadian history, art, science and natural history should be established in this province; and whereas it is in the interest of the public of Canada, and of this province, that such exhibition should be held and conducted in a manner worthy of its importance; and whereas a committee or association has been formed under the honorary presidency of His Excellency, the Right Honourable, the Earl of Aberdeen, Governor-General of Canada, with the concurrence of members of many universities and learned societies of the province and of the Dominion, for the purpose of undertaking such exhibition; and whereas it is desirable and expedient that a commission should be *incorporated* to act in concurrence with such committee for carrying on the said exhibition, and founding and maintaining such museum;

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

Short title. 1. This Act may be cited as *The Canadian Historical Exhibition Act*.

Incorporation of board of commissioners of the Canadian Historical Exhibition. 2. The Lieutenant-Governor-in-Council is authorized and empowered to constitute by letters patent, under the Great Seal of the province, a board of commissioners, under the name of "The Commissioners of the Canadian Historical Exhibition," and such commissioners shall be a body politic and corporate with all the powers of a corporation created by Act of *this Legislature*. If such corporation shall have been created by letters patent under the seal of Canada this Act shall apply to such corporation.

Constitution of board. 3. The said commissioners shall be twelve in number, of whom two shall be nominated and appointed by the Governor-General of Canada, upon the advice of the Honorable the Privy Council of Canada, two upon the nomination of the Lieutenant-Governor of Ontario in Council, two upon the nomination of the *municipal corporation* of the city of Toronto, and the remaining six upon the nomination of the Canadian Historical Association, herein represented by its committee, consisting of the following and such others as they may from time

to time add to their numbers from members of the association:—

O. A. Howland, M.P.P.; David Boyle, Ph.D.; Eustace Smith, Esq.; Miss Mary Agnes Fitzgibbon, J. Castell Hopkins, Toronto; De Léry Macdonald, Esq., Montreal; Sandford Fleming, C.M.G., LL.D., C.E., Chancellor Queen's University, Kingston; Rev. George M. Grant, D.D., President of University of Queen's College, Kingston; James Loudon, M.A., President University of Toronto; Rev. Nathaniel Burwash, S.T.D., President of Victoria College; Rev. W. Clarke, M.A., D.C.L., F.R.S.C., Professor Trinity University, Toronto; Rev. Geo. Bryce, D.D., Professor University of Manitoba; G. M. Dawson, C.M.G., D.C.L.; S. E. Dawson, LL.D.; Lieut-Col. F. Denison, M.P.; Douglas Brymner, Esq., LL.D.; A. B. MacCallum, Ph. D., Professor Toronto University; J. Ramsay Wright, M.A., Professor Toronto University; Arthur Harvey, M.A.; James Bain, LL.D.; Alan Macdougall, C.E.; J. C. Hamilton, M.A.; Rev. O. C. S. Wallace, M. A., Chancellor McMaster University; Rev. E. A. Welch, M.A., Provost Trinity University, Toronto; J. Herbert Mason, Esq.; C. E. Goad, C.E.; R. E. Gosnell, Esq., Victoria, B.C.

4. The said commissioners shall hold office for a period of three years, or until their successors are appointed. Vacancies shall be filled in the same manner as provided in respect of the original appointments.

5. The commissioners shall receive no compensation, except their actual disbursements in performing their duties out of the proceeds of the exhibition or otherwise, unless otherwise enacted after the close of the said exhibition.

Board not to receive compensation, except for disbursements.

6. The commissioners shall appoint a president and vice-president, and may appoint and employ a chief secretary and such assistant secretaries as they may find necessary, at such remuneration as they shall fix by resolution, out of the funds of the commission.

Officers of board.

7. The persons holding the office of Lieutenant-Governors of the Provinces of Canada shall be honorary vice-presidents of the exhibition, and the commissioners shall have power, with the assent of the Canadian Historical Exhibition Association to nominate from time to time any person or persons in the Dominion of Canada or other parts of the British Empire to be president and honorary vice-presidents.

Honorary vice-presidents of exhibition.

8. The said commissioners shall have all necessary powers and privileges to hold a Canadian Historical exhibition in such portions of the Parliament buildings of the Province of Ontario and of the universities and other buildings and grounds as may be placed at their disposal by the proper authorities or by any person or corporation during such period or periods as may be permitted by the Lieutenant-Governor in Council and the respective authorities of the said uni-

Board empowered to hold exhibition.

versities and colleges respectively and other proprietors or authorities having control of such buildings and grounds ~~is~~ subject to such conditions as may be imposed by the authorities granting the same ~~in~~ that behalf.

Administra-
tion and
application of
funds.

9. The commissioners shall have power *to* administer the funds placed in the hands of the corporation, and *to* apply them as in their judgment may seem best, to the purposes of preparing, acquiring, collecting, managing, conducting and holding an exhibition generally illustrating natural history, and political, social, scientific, literary, artistic, industrial, military and commercial history and development of Canada and of countries by which Canada or any of its provinces has been in any manner influenced.

Entertain-
ment of
distinguished
guests.

10. The commissioners shall have power to invite and provide out of their funds aforesaid for the attendance and entertainment of Royal, official and representative guests and of delegates from any province of the Dominion or any part of the British Empire or any foreign country at any congresses or conferences which, in their opinion, it may be found suitable and desirable to assemble during the exhibition, and may also provide for the musical and other entertainments, ceremonies, pageants, ethnological camps, zoological and botanical gardens, military and naval reviews, regattas, sports and pastimes, and to offer prizes for, and acquire and publish literary, musical and artistic designs and compositions.

Entertain-
ments, etc.

Control of
buildings and
grounds at
disposal of
board.

11. The commissioners may undertake the improvement, decoration, care and control of any buildings, grounds, avenues, parks or places which may be placed at their disposal for that purpose by any person, corporation or body, ~~is~~ subject to such conditions as may be imposed by the authorities granting the same. ~~is~~

Protection of
property and
preservation
of the peace.

12. The commissioners may make regulations for the purpose of protecting buildings, places and contents, *and for* keeping order in the buildings and grounds in their charge for the purposes of the exhibition.

Inviting co-
operation of
governments
and other
bodies.

13. The commissioners are hereby empowered *to receive from* the Government of Canada and the governments of each of the provinces of Canada, Her Majesty's Government and the government of all colonies, provinces and dominions within the Empire, and also *from* the government of any foreign country and *from* any university, corporation, society or person within the Empire of Great Britain or any foreign country *any* loan or gift *of* any objects, documents or archives which may be thought suitable for the purposes of such exhibition, upon such terms for the acquiring, transport, security and return thereof as may be agreed upon by the commissioners and such donor or lender.

14. The commissioners are empowered to provide for the assembling and holding of a congress of representatives of governments, universities, law societies and persons resident or subject to any government within the British Empire, for the purpose of considering the history and nature of the principles of government as applied to the constitution and government of the British Empire and the relations and interests of the various kingdoms, colonies, provinces and dominions composing the British Empire, and for the purpose of considering how such relations and interests may be defined, confirmed and improved. Constitutional congress.

15. The *Legislature of Ontario* shall not, by reason of anything herein contained, be considered as liable for or as guaranteeing any obligation or expense attendant upon such arrangements as may be made under *this Act*. Legislature not be deemed to guarantee debts incurred.

16. The commissioners shall not incur any personal liability by virtue of anything done by them in pursuance of their office, and in furtherance of the foregoing purposes and objects, but the sole fund upon which any liabilities, whatever, by them created or incurred shall be chargeable, or out of which they shall be payable, shall be the funds resulting from the receipts during the holding of the said exhibition. All liabilities to be chargeable on receipts of exhibition.

17. The commissioners may receive from any municipality which may have authority by law to make the same, grants of lands, buildings, or personal property by and with such assent of the ratepayers as may be provided by the proper legislation in that behalf, and to receive from any municipal corporation a guarantee of debentures of the corporation to an extent in any case not exceeding twenty-five thousand dollars, and loans or grants of money to the same extent. Aid from municipalities.

18. The commissioners shall be empowered to receive, for the purposes of the exhibition gifts, grants, loans or guarantees of funds from any person, corporation, municipality or government in aid of the purposes of the exhibition. Gifts, grants, etc., to board.

19. For the purpose of forming a fund for carrying this Act into effect, the commissioners shall be empowered to charge fees and issue tickets for entrance to all or different parts of the buildings within which the exhibition is being held during the summer of 1897, and to any grounds which may be placed at their disposal upon the terms permitting such privilege; and may receive subscriptions from individuals and corporations in advance, and may, in return, grant such privileges as the commissioners may deem expedient. Charging fees for admission to exhibition.

Authority to
issue debentures to
\$250,000.

20. The commissioners shall have power to issue debentures to an amount not exceeding \$250,000, bearing *interest* not exceeding *four* per cent. per annum, and chargeable upon the funds and receipts of the corporation, but such debentures shall not be chargeable upon any buildings, grounds or property of the exhibition or in its possession, nor be deemed to be guaranteed by any government or municipality, society, corporation, or person being a member of or represented upon the commission or the association, except to the extent to which any such government, municipality or other corporation, society or person may agree to guarantee or undertake the payment of such debentures.

Selling and
leasing catering
privileges.

21. The commissioners may grant, ~~and~~ subject to *The Liquor License Act, 1887*, sell, lease or license to persons or corporations privileges of providing for the accommodation of visitors, food, refreshments, conveyance, entertainments and sale of articles of any kind within the limits of any grounds which may be placed in their charge under the provisions of this Act and such receipts shall form part of the revenues and funds of the corporation for the purposes of the exhibition.

Application of
contributions.

22. In case any person or corporation shall contribute funds for any building, ornament, object or article or improvement of a permanent character, the commission may accept and use such funds for such purpose exclusively and may undertake the charge of such building, ornament, object, article or improvement.

Conditional
gifts to
exhibition.

23. In case any government, corporation, society or person shall grant, subscribe or guarantee funds or debentures of the association upon condition that a proportionate part of the net receipts of the corporation from the exhibition to be held in the year 1897 shall be returned to such Government, corporation, society or person or trustees appointed thereby, for the purpose of acquiring or maintaining museums, pictures, documents, objects or historic sites in any part of the Province of Ontario or any part of the Dominion stipulated as a condition of such gift, grant or guarantee the corporation may so apply a proportion of the net funds resulting from the holding of such exhibition in proportion to the whole of the gifts, grants and guarantees received by it from all sources for the purpose of the exhibition.

Application of
current receipts from
exhibition.

24. The commissioners may apply the receipts of the exhibition to an amount not exceeding \$50,000 to the current expenses of the exhibition—*de die in diem*—and the balance of such receipts shall be primarily chargeable with debentures to be issued by the corporation to the amount of \$100,000; secondarily with any debentures guaranteed by the Govern-

ments of Canada or of any provinces thereof or of any municipality therein not exceeding \$100,000; lastly with any additional debentures that the commissioners may issue.

25. The commissioners shall have the exclusive right of *publishing* catalogues, photographs, illustrative or descriptive reports relating to the exhibition, except as may be stipulated with individual exhibitors, and may grant assignments and licenses in respect thereof. Copyrights in programmes, etc.

26. In case the Government of Canada or of any province or municipality grant any sum in aid of the exhibition, the commissioners may with the assent of such government or municipality accept in lieu of such sum a guarantee of payment of the principal of a like sum of *the* debentures of the corporation with interest at *four* per cent. per annum. Such debentures shall be made payable within ten years, with the option to the commissioners of paying the same at an earlier date out of the surplus receipts of the exhibition. Guaranteeing debentures in lieu of money grants.

27. In case a surplus of funds shall result from the holding of such exhibition in the year 1897 the same shall be applied primarily to the *establishment* and maintenance of zoological and botanical gardens, and a memorial *museum* at the city of Toronto. Application of surplus receipts of debentures.

BILL.

An Act respecting the Canadian Historical
Exhibition.

First Reading, 27th February, 1896.
Second Reading, 11th March, 1896.

*(Reprinted as amended by Special Com-
mittee.)*

Mr. HOWLAND.

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

An Act to amend The Election Act.

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

1. Sub-section 1 of section 7 of *The Ontario Elections Act*, 55 V. c. 3, s. 7 1892, is amended, by adding at the end thereof the following paragraph: s.s. 1 amended.

And provided that any person whose name is entered on the voters' list as aforesaid, but who has removed from the municipality for which such voters' list was prepared to some other locality in this Province shall, at any election held within six calendar months after his removal from such municipality, if not entered on the voters' list for any other municipality in this Province, be entitled to vote in the electoral district and at the polling sub-division in which his name appears on the voters' list. Qualification of persons who have moved out of electoral district before election.

2. The said Act is further amended by inserting in the schedule of forms thereto, before form 16 in the said schedule, the following: 55 V. c. 3, schedule amended.

Note.—In the case of any person whose name appears on the voters' list for any municipality, but who has removed from the municipality and is still a resident of this Province voting at an election held within six calendar months after such removal, then in lieu of paragraph 3 in form 16, insert the following:

(3) That you were at the date aforesaid, in good faith, a resident of and domiciled in the municipality in the list of which you are entered, and that you have resided in this Province continuously from the said date, and that you are now actually residing and domiciled therein, and that you are not entered on the voters' list for any other electoral district in this Province.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Election Act.

First Reading, 28th February, 1896.

Mr. McLEAN.

TORONTO :

PRINTED BY L. K. CARRON,

Printer to the Queen's Most Excellent Majesty.

No. 92.]

BILL.

1896.]

An Act respecting the Granting of Passes or other Special Privileges to Members of the Legislative Assembly.

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

1. Every person entitled to travel free of charge or at a reduced rate or enjoying any other special privilege by virtue of any pass or other document issued or granted to him for the whole or part of his term of office as a member of the Legislative Assembly by any railway company carrying on business in this province, shall, by the acceptance or use of such pass or other document, become disqualified to be a member of the Legislative Assembly, and shall not sit or vote therein during the period for which such pass or other document or privilege shall be so issued or granted, under the penalties prescribed by section 14 of *The Act respecting the Legislative Assembly*.

Passes or special railway privileges to disqualify recipient.

BILL.

An Act respecting the Granting of Passes
or other Special Privileges to Members of
the Legislative Assembly.

First Reading, 28th February, 1896.

Mr. HAYCOCK.

TORONTO:

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

An Act to Extend the Woodman's Lien for Wages Act.

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

- 5 1. Section 1 of *The Woodman's Lien for Wages Act*, as the same is amended by section 1 of the Act passed in the 57th year of Her Majesty's reign, chaptered 38, by adding at the end of sub-section 2 of the said section the words, "and the provisional county of Haliburton," 54 V. c. 22, s. 1; 57 V. c. 36, s. 1, amended. Act extended to Haliburton.
- 10 2. Section 3 of *The Woodman's Lien for Wages Act*, as the same is amended by section 2 of the said Act passed in the 57th year of Her Majesty's reign, chaptered 38, is further amended by adding after the words "Parry Sound" in the said section the words, "and the provisional county of Haliburton." 54 V. c. 22, s. 3, amended. Lien for labor on logs and timber.
- 15 3. Section 4 of *The Woodman's Lien for Wages Act* is amended by adding thereto the following sub-section:— 54 V. c. 22, s. 4, amended.
- 20 (4) Where the right to take proceedings under this Act to enforce any lien arises in the provisional county of Haliburton, the statement of claim may be filed in the office of the clerk of the county court of the county of Victoria, and the expression "clerk of the court," "clerk of the district court," or "clerk," in this Act, shall be deemed to include the clerk of the county court of the county of Victoria. Filing claim, etc., when right to enforce lien arises in Muskoka

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to Extend the Woodman's Lien for
Wages Act.

First Reading, 28th February, 1896.

MR. CARNEGIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to extend The Woodman's Lien for Wages Act.

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

1. Section 1 of *The Woodman's Lien for Wages Act*, as the same is amended by section 1 of the Act passed in the 57th year of Her Majesty's reign, chaptered 38, by adding at the end of sub-section 2 of the said section the words, "and the provisional county of Haliburton,"

54 V. c. 22, s. 1; 57 V. c. 38, s. 1, amended.
Act extended to Haliburton.

2. Section 3 of *The Woodman's Lien for Wages Act*, as the same is amended by section 2 of the said Act passed in the 57th year of Her Majesty's reign, chaptered 38, is further amended by *inserting* after the words "Parry Sound" in the said section the words, "and the provisional county of Haliburton."

54 V. c. 22, s. 3, amended.
Lien for labor on logs and timber.

3. Section 4 of *The Woodman's Lien for Wages Act* is amended by adding thereto the following sub-section:—

54 V. c. 22, s. 4, amended.

(4) Where the right to take proceedings under this Act to enforce any lien arises in the provisional county of Haliburton, the statement of claim may be filed in the office of the clerk of the county court of the county of Victoria, and the expression "clerk of the court," "clerk of the district court," or "clerk," in this Act, shall be deemed to include the clerk of the county court of the county of Victoria.

Filing claim, etc., when right to enforce lien arises in Muskoka

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to extend The Woodman's Lien for
Wages Act.

First Reading, 28th February, 1896.
Second Reading, 11th March, 1896.

*(Reprinted as amended by Legal Com-
mittee.)*

Mr. CARNEGIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Ditches and Water Courses Act, 1894.

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

1. Section 3 of *The Ditches and Water Courses Act, 1894*, 57 V. c. 55, s. 3, amended.
 5 is amended by striking out the 8th to the 14th lines thereof inclusive and inserting in lieu thereof the following words:

“Owner” shall mean and include the owner as appears by the last revised assessment roll, any person authorized in writing by such owner to sell, convey, manage or lease the lands and by such owner to sell, convey, manage or lease the lands and
 10 a municipal corporation as regards any highways under its jurisdiction but if the owner appearing as such by said roll be dead or has ceased to be owner then in case the actual owner file with the clerk of the municipality a statutory declaration that he owns the lands, or in case the executor or executors
 15 or administrator of such deceased owner file with the clerk of the municipality a statutory declaration of such death then “owner” shall in such case mean the actual owner or executor, executors or administrator making such declaration instead of the owner as appears by the roll.

20 2. Section 5 of the said Act is amended by inserting after the word “ditch” in the sixth line thereof the words “or
 after at least three clear days written notice has been given to the owners of all the lands to be affected by the ditch of intention to apply to the council for such authorization.” 57 V. c. 55, s. 5, amended.

25 3. Sub-section 1 of section 6, of the said Act is amended by inserting after the word “ditch” in the fourth line thereof the words “or such greater distance as the council on application
 of the engineer after notice to all concerned shall sanction.” 57 V. c. 55, s. 6, sub-s. 1, amended.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Ditches and Water
Courses Act, 1894.

First Reading, 2nd March, 1896.

Mr. McNEIL.

TORONTO:

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

An Act to amend The Municipal Act.

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

1. Sub-section 2 of section 497 of *The Consolidated Municipal Act, 1892*, is amended by striking out the words "butter, eggs or poultry" in the second line thereof and inserting in their stead the words "articles or vehicles containing the same." 55 V. c. 42, s. 497, sub.-s. 2 amended.
2. Sub-section 9 of the said section is repealed. 55 V. c. 42, s. 497, sub.-s. 9 repealed.
- 10 3. Sections 498, 499, 500 and 501 of the said Act are repealed. 55 V. c. 42, ss. 499, 500 and 501 repealed.
4. Section 502 of the said Act is amended by striking out the words "the last preceding five sections" in the first and second lines thereof and inserting in their stead the words "section 497." 55 V. c. 42, s. 502 amended.
- 15 5. Section 503 of the said Act is amended by striking out the words "the last preceding six sections" in the third line thereof and inserting in their stead the words "sections 497 and 502" and also by striking out sub-section 10 thereof. 55 V. c. 42, s. 503 amended.
- 20 6. In any municipality which has under section 502 of the said Act leased, assigned or sold its market fees, the preceding five sections shall come into force and operation only on the termination of the period for which such fees have been so leased, assigned or sold; in other municipalities, the said sections shall come into force and operation forthwith. Commence-
ment of Act.
- 25

No. 95.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 3rd March, 1896.

Mr. FLATT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to provide for the Appointment of Sinking
Fund Commissioners

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

1. The council of any city having a population of not less
5 than 40,000 may, by by-law passed with the approval of the
Lieutenant-Governor in Council, establish a board of Sinking
Fund Commissioners. By-law for
establishing
commis-
sion.

2. The board of sinking fund commissioners shall be com-
posed of Constitution
of board.

- 10 (1) The mayor,
(2) The chairman of the finance committee of the council,
(3) And a third member who shall be
(a) A judge of the High Court of Judicature of Ontario,
or
15 (b) A judge of the County Court of the county, or
(c) A duly qualified ratepayer of the municipality.

2.-(1) The third member of the board shall be appointed by
the council by by-law at its first meeting, and notice of such
appointment shall be sent forthwith to the Lieutenant-Gov-
20 ernor in Council. Appointment
of third mem-
ber of board.

(2) The Lieutenant-Governor in Council may appoint such
third member of the board from among the persons qualified
in case no notice of appointment by the council of the munici-
pality shall have been received on or before the 1st day of
25 February in any year.

(3) The third member of the board shall hold office for one
year, or until his successor is appointed. He shall be eligible

for re-appointment, and shall not be subject to removal save for cause shown and with the approval of the Lieutenant-Governor in Council.

Secretary of board.

3. The council of the municipality shall, by by-law, appoint the treasurer of the municipality, or some other competent person, to act as secretary of the board, and the secretary shall give security for the due performance of his duties as such secretary, in addition to any security given by him for the due performance of any other office in the corporation. He shall keep a detailed record of all purchases and sales of bonds and debentures and of the names and residences of all persons from or to whom such bonds and debentures have been purchased or sold and the date of every such purchase and sale. He shall be subject to the direction of the board and shall keep such further books and records as the board may by resolution require.

Payment of third member and secretary.

4. The council may, out of the funds of the municipality, pay the member of the board who is not of the council and the secretary for their services, such a sum as to the council may seem proper.

First meeting election of chairman.

5. The said board shall hold its first meeting not later than the last week in January in every year, and at such meeting a chairman shall be elected by the members of the board from among themselves, and the board shall also at such meeting, by resolution appoint dates for subsequent regular meetings during the year.

Special meeting of board.

6. The chairman of the board may call a special meeting at any time, and it shall be his duty to call a special meeting whenever required so to do on two days' notice in writing by two members of the board. Two days' notice, in writing, of any special meeting shall be given to each member of the board, and such notice shall be deemed to have been sufficiently given if mailed, postage prepaid, or delivered, at the residence of the member.

Oath of office.
55 V. c. 42.

7. Every member of the board, before entering on his duties, shall take the oath of office prescribed by *The Consolidated Municipal Act, 1892*.

Sinking fund to vest in board.

8. Upon the constitution of a board of sinking fund commissioners for any city, as herein provided, all moneys or securities for money at the credit of, or belonging to, the sinking funds of the municipality shall vest in the board of sinking fund commissioners, and thereafter all moneys collected in the municipality from time to time for sinking fund purposes shall be paid over to said board, which shall have power to invest the same or any part thereof in the manner and upon the securities authorized by *The Consolidated Municipal Act, 1892*, and amending Acts.

55 V. c. 42.

9. All moneys from time to time in the hands of any board of sinking fund commissioners shall be by them deposited in some chartered bank of the Dominion of Canada, and shall not be withdrawn therefrom except for the purpose of making investments or paying accrued liabilities, and the board shall, once in every month, make a return to the council of the municipality showing the amount so on deposit and the bank in which it is deposited, and the rate of interest received, and the amount then invested in other securities and the rate and amount of interest thereon.

How moneys received by board to be dealt with.

10. No money shall be paid out except upon the cheque of the chairman, or acting chairman of the board and one other member thereof, countersigned by the secretary, and in every instance such cheque shall be drawn payable to the order of a chartered bank and shall upon its face state the object for which the moneys to be drawn thereon is to be used.

Cheques, payment to be made by.

11.—(1) The board shall annually, during the month of February, report to the council of the municipality the condition of every sinking fund on the 31st day of December next preceding, and the investments, receipts and payments during the year ending on the 31st day of December.

Annual report to council.

(2) If, by any such report, it shall appear that the payments into any sinking fund have not been made in accordance with the by-laws of the municipality, the board shall in the report particularly mention such sinking fund and state the amount of the deficiency therein, and the board shall also make a requisition in writing, signed by the chairman, to the council to make good the deficiency.

Where payments into sinking funds not made.

(3) Upon receiving such requisition it shall be the duty of the council to make provision for collecting the amount so required for sinking fund purposes with the taxes next to be levied and collected in the municipality. In the event of the council neglecting or refusing to make good the amount required within ten months after the receipt of the requisition of the board, the board of sinking fund commissioners shall forthwith report all the facts to the Lieutenant-Governor in Council.

Making good deficiency.

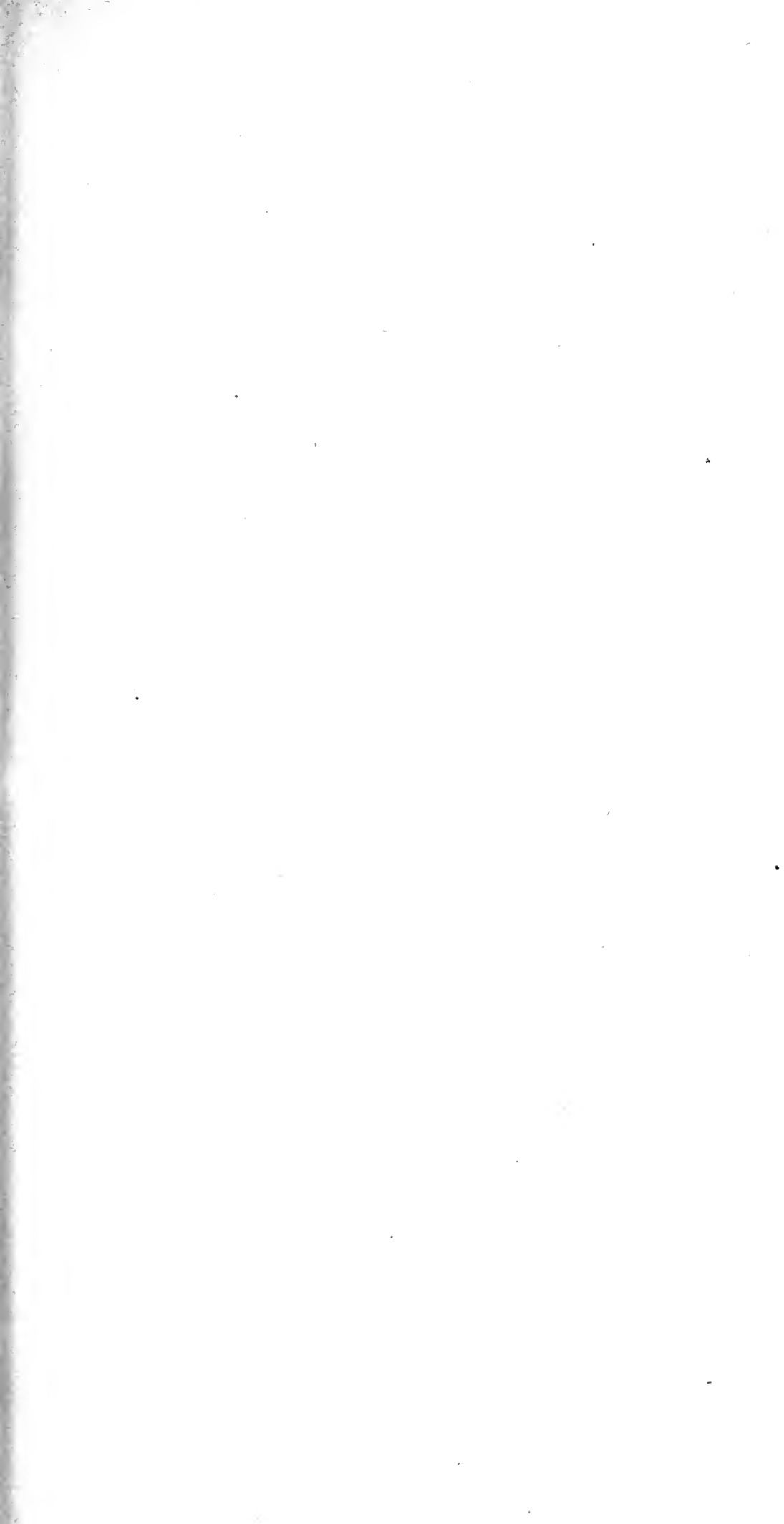
12. In any municipality in which a board of sinking fund commissioners has been constituted and in which the annual taxes are not made payable before the 31st day of July, the board of sinking fund commissioners may, upon the requisition of the council, make an advance to the corporation out of the moneys in their hands of a sum equal to not more than one-third of the taxes levied during the previous year, provided that the advance so made, and every part thereof, shall be the first charge upon the general taxes levied in the municipality from the day upon which the advance is made, and the acceptance of such advance shall constitute an assignment of the

Advances to corporation pending collection of taxes.

taxes of the municipality until the money advanced, together with interest thereon at the rate of four per cent. per annum, shall have been repaid to the board of sinking fund commissioners.

Endorsement
on bonds or
debentures.

13 Immediately on the purchase of any bond or debenture the board shall cause to be endorsed thereon the date of such purchase and a statement that the said bond or debenture is the property of the board. 5



2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to provide for the Appointment of
Sinking Fund Commissioners.

First Reading, 3rd March, 1896.

Mr. GERMAN.

TORONTO:

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

An Act to make further Provision respecting Street
Railways.

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

1. Every street railway hereafter incorporated by letters Application
of Act.
5 patent under the authority of *The Street Railway Act* shall be
subject to the provisions of this Act, as well as of *The Ontario
Joint Stock Companies' Letters Patent Act*, so far as the pro-
visions of the latter are not inconsistent with those of this
Act.

10 2. The expression "working expenses," where it occurs in "Working ex-
penses,"
meaning of.
this Act, shall mean and comprise all expenses of maintenance
of the railway, and of the buildings, works and conveniences
belonging thereto, and of the rolling and other stock and
15 movable plant used in the working thereof, and all reasonable
and necessary renewals of the same, and also all reasonable
rents for property, also all usual expenses of or incidental to
the working of the railway and the traffic thereon, including
stores and consumable articles; also rates, taxes, insurance and
20 compensation for accident or losses, also all proper salaries and
wages and office and management expenses, directors' fees and
legal and other like expenses; also all moneys owing by the
company for any of the above items of expenses; also interest
on mortgages or debenture indebtedness, also a sum not exceed-
25 ing five per cent. per annum of the total mortgage or debenture
indebtedness of the company to be placed to the credit of
a special account as a sinking fund for the purpose of extin-
guishing such indebtedness.

3. The directors of the company shall have power:

(1) To construct, maintain and operate works for the pro- Powers as to
production
and use of
electricity.
30 duction of electricity for the motive power of the said railways,

and for the lighting and heating the rolling stock and other property of the company.

Agreements with other companies for leasing or hiring rolling stock.

(2) To enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the electric motors, carriages, cars, rolling stock and other moveable property of the other or others of them, for the running of the cars or carriages of the company over the track of any other railway company with the consent of such company, on such terms as to compensation and otherwise as may be agreed upon. 57 V. c. 88, s. 23.

Agreement with electric light companies.

(3) To enter into an agreement or agreements with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company or companies organized for the purpose of supplying or furnishing electric power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose which it may be required by the said company to construct, carry on and operate the railway. 57 V. c. 88, s. 24.

Confirmation of agreement by shareholders.

(4) The prices to be paid by the company under and by virtue of any such agreement as in the last two sub-sections mentioned shall be reasonable in amount, but such agreement shall not be valid unless confirmed and approved by a resolution passed by the votes of shareholders in person or by proxy representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding at a general meeting of shareholders specially called for the purpose of considering such agreement.

Power to acquire lands for parks, etc.

(5) To purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and to improve and lay out such lands as parks or places of public resort, and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds;

Proviso.

Provided that none of the foregoing provisions of this subsection shall be in force or have effect unless or until said municipal council or councils of the municipality or municipi-

palities wherein the lands proposed to be acquired by the company are situate, shall by by-law have declared its or their assent to the company acquiring lands under and for the purpose mentioned in this sub-section ;

5 Provided that such park or pleasure grounds shall not be open to the public on the Lord's day ;

Provided that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres ;

10 Provided that the company shall not under this clause have power to acquire any lands after the lapse of four years from the passing of the special Act ;

Provided that nothing in this sub-section contained shall be deemed to enable the company to carry on the general business of a land company.

15 (6) The company when operating any portion of its line across or along a highway by means of electricity conveyed by wires above ground shall cause to be strung and maintained guard wires sufficient to prevent telegraph, telephone or other wires now or hereafter strung across or along the highway, from coming into contact with or falling upon the said wires conveying such electricity.

(7) The company when operating any portion of its line by means of electricity, shall use such means and appliances as may as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things now or hereafter placed underground from being damaged in consequence of the escape or discharge of electricity into the ground. Proper bonding of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires shall be taken to be a compliance with the conditions of this sub-section. This sub-section shall apply to all existing street railways.

(8) Any person suffering damage by reason of the non-compliance by the company with the provisions of the two preceding sub-sections, shall have a right of action against the company therefor.

4. The company may enter into a reasonable contract or reasonable contracts with any individual or association of individuals for the construction or equipment of the railway or any part thereof, provided that no such contract shall be of any force or validity till sanctioned by a resolution passed by the votes of shareholders (in person or by proxy) representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding at a general meeting of shareholders specially called for the purpose of considering the agreement or agreements.

5. No person holding any office, place or employment in or being concerned or interested in any contracts under or with

Officers of company not to be directors.

the company, shall be capable of being chosen a director, or of holding or continuing in the office of director, nor shall any person being a director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company; and in the event of any such contract being made by or on behalf of any director or promoter, an action shall lie in any court of competent jurisdiction against such director or promoter at the suit of any shareholder of the company or of any municipality through which any part of the railway passes, for the benefit of the funds of the company for the whole amount of profit accruing to such director or promoter from the contract so made or fulfilled. 5 10 15

Remuneration of directors.

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

"First issue of stock."

7.—(1) The "first issue of stock" shall mean all stock subscribed for and allotted or issued at any time prior to the expiration of one calendar month from the issue of the letters patent, and upon which at least ten per cent. has been paid in within said period. 25

Disposing of unissued or forfeited shares.

(2) After the first issue of stock as hereinbefore defined, any unissued or forfeited shares in the capital stock of the company shall be issued and sold only after a day and time fixed for receiving tenders of price for same, of which public notice shall be given by at least four insertions in any newspaper published in or nearest to the municipality in which the head office of the company is situate, and in or nearest to each and every municipality through or in any part of which it is proposed to construct the railway. The shares shall be sold for cash to the highest tenderer at or above par. Provided that the directors, if authorized so to do by a vote of the shareholders representing two-thirds in value of the capital stock voting in person or by proxy, passed at a general meeting specially called for the purpose, may in their discretion exclude any one or more of such tenderers if in their judgment such exclusion would best promote the interests of the undertaking. 30 35 40

Shares to be subject to be paid in cash.

8. Every share in the company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash.

Payment of calls how to be made.

9. Every shareholder shall be liable to pay the amount of any call made in respect of the shares held by him in cash. 45

10. Each shareholder shall be individually liable to the Shareholders individually liable till shares paid up. creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up in cash; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder.

10 11. The capital stock of the company shall be divided into Capital stock. shares of \$100 each, and the money raised therefrom and all other moneys and property of the company shall be applied in the first place, to the payment of such reasonable fees, expenses and disbursements for procuring the letters patent as the 15 shareholders at the first general meeting of the company shall by resolution sanction and approve of, and for making the plans and estimates of the works authorized; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the said railway, and 20 other purposes of the undertaking.

12. The funds of the company shall not be employed in the purchase of any stock in their own or in any other company. Company not to take stock in other companies.

13. Any of the bonds, debentures or other securities of the company sold by the directors shall be sold at the best price 25 and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking, but they may pledge the said bonds, debentures or other securities for the purpose of procuring the rails, fish plates and electric plant necessary for the 30 undertaking.

14. The tolls and fares to be levied by the company shall be as nearly as possible so fixed and regulated, that after paying Limit as to application of receipts of company. "working expenses," the balance of the annual receipts shall not exceed eight per cent. (or \$8 on every \$100) on the total capital 35 stock of the company actually paid up in cash and then issued and outstanding; and if in any year the gross receipts from tolls and from fares and from all other sources arising from the working, operating or carrying on of the railway and works and business authorized by the letters patent to be worked, 40 operated or carried on by the company shall be such, that after deducting therefrom the "working expenses" there shall remain an amount exceeding eight per cent. of the total amount theretofore actually paid up in cash on the capital stock of the company then outstanding, then all such excess shall be placed 45 to the credit of a special account to be called "the surplus tolls account;" provided that in no case shall the fares exceed the maximum rates prescribed by *The Street Railway Act*.

Application of "surplus tolls account." **15.** The moneys at the credit of the "surplus tolls account" may be used from time to time in making good any deficiency if such there be, caused by the gross receipts of the company, in any subsequent year being insufficient to pay the "working expenses" and a dividend of eight per cent. (or \$8 on every \$100) on the total capital stock of the company actually paid up in cash and then issued and outstanding; provided that, whenever, and so often as the same shall happen, the total amount, to the credit of "the surplus tolls account," including any interest accruals thereon, shall equal one-fifth of the average annual gross receipts of the company computed from the actual receipts for the then preceding five years, the company shall by by-law make a sufficient proportionate reduction in the tolls and fares so that the probable net earnings thereafter shall be such as to make it necessary to resort to the moneys at the credit of "the surplus tolls account," in order to meet any such deficiency in whole or in part, but as soon as the amount at the credit of "the surplus tolls account" is exhausted the rates and tolls may be again raised.

Charging unearned dividends upon surplus tolls account. **16.** Provided that if during the ten years immediately succeeding the incorporation of the company, the gross receipts as aforesaid shall in any year be insufficient after paying the "working expenses" of the railway, to pay a dividend of five per cent. on the total amount actually paid up in cash on the stock of the company, the company may charge against "the surplus tolls account" an amount sufficient, after deducting any dividends earned during such year, to equal a dividend of five per cent. per annum on the total amounts so actually paid up as aforesaid on the stock of the company, and the company shall not be bound to reduce the tolls as hereinbefore provided until the amount at the credit of the "surplus tolls account" shall equal an amount sufficient, less any dividends earned during the year, to pay the said dividend of five per cent. in every such year during the said period of ten years in addition to one-fifth of the average annual gross receipts of the company computed as aforesaid.

DIVIDENDS.

Declaration of dividend. **17.**—(1) At the annual general meeting of the shareholders of the undertaking, from time to time holden, a dividend shall be made, out of the clear profits of the undertaking, unless such meetings declare otherwise.

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

Dividends, how payable. (3) Dividends shall be payable only in cash, and no division of profits in any one year, either by way of dividends or bonus, or both combined, or in any other way, exceeding eight per cent. (or \$8 on every \$100) actually paid up in cash on the capital

stock of the company, from time to time issued and outstanding, shall ever be made, declared or paid by the company.

(4) No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call has been paid.

Dividends not to impair the capital.

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

Application of annual revenue.

15 18. The directors shall cause to be kept, and annually, on the 31st day of December, shall cause to be made up and balanced, a true, exact, detailed and particular account of all moneys and revenues collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the making, equipping, completing, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or of the directors, and shall file a certified copy of the same with the Provincial Secretary, together with a statement showing the amount of the capital stock issued, and the amount actually received in cash for same, and the amount, if any, still unpaid thereon and the amount of dividends paid or declared during such year, and the amount on the last day of such year and of the preceding year at the credit of the surplus tolls account. This account shall be filed on or before the last day of January in each year. And if the same as filed is, in the opinion of the Provincial Secretary, not sufficiently full, detailed or explicit, the directors shall furnish and file such other accounts and information as to the company's gross receipts, working expenses and other expenses, and any other matters and things generally relating to the receipts, expenditures and capital of the company as may from time to time be demanded by the Provincial Secretary, and within a reasonable time after any such demand; and if any default shall be made in the filing of said annual account or said further account, the company shall, besides being compellable to file the same, be liable to a penalty of one hundred dollars, to be enforced in the High Court of Justice at the suit of any municipality through which the railway passes, one-half of which said penalty shall belong to Her Majesty, and the other half to the said municipality.

Directors to cause annual accounts to be kept.

19. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the

Rights of aliens.

said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Rev. Stat., c.
171, s. 23,
repealed.

20. Section 23 of *The Street Railway Act* is hereby 5
repealed.

Powers of
High Court as
to controlling
companies
relieving
against agree-
ment.

21. If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this Act, in the observance or enforcement of which any shareholder or the residents of the municipality are interested, then, in addition 10
to all other remedies by law enforceable against the company, the council of any municipality through which any part of the railway passes may, in the name of the municipal corporation, bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keep- 15
ing, observing, performing of, and complying with such provisions; and the court shall have full power and jurisdiction in the premises, and to set aside or otherwise relieve against unreasonable agreements made in violation of all or any of the provisions of this Act, and to enforce, by injunction or 20
otherwise, the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this Act, in the observance or enforcement of which any shareholder or the residents of the municipality are interested, and in particular those relating to tolls and fares, to 25
capital, to directors, to dividends, to returns, and to the agreements mentioned in sections 13, 14 and 15 of this Act.



2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to make further provision respecting Street Railways.

First Reading, 3rd March, 1896.

Mr. BRONSON.

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

No. 97.]

BILL.

[1896.

An Act to make further Provision respecting Street Railways.

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

1. Every street railway hereafter incorporated by letters patent under the authority of *The Street Railway Act* shall be subject to the provisions of this Act, as well as of *The Ontario Joint Stock Companies' Letters Patent Act*, so far as the provisions of the latter are not inconsistent with those of this Act. Application of Act.

2. The expression "working expenses," where it occurs in this Act, shall mean and comprise all expenses of maintenance of the railway, and of the buildings, works and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working thereof, and all reasonable and necessary renewals of the same, and also all reasonable rents for property, also all usual expenses of or incidental to the working of the railway and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accident or losses, also all proper salaries and wages and office and management expenses, directors' fees and legal and other like expenses; also all moneys owing by the company for any of the above items of expenses; also interest on mortgages or debenture indebtedness, also a sum not exceeding five per cent. per annum of the total mortgage or debenture indebtedness of the company to be placed to the credit of a special account as a sinking fund for the purpose of extinguishing such indebtedness. "Working expenses," meaning of.

3. The directors of the company shall have power:

(1) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, Powers as to production and use of electricity.

and for the lighting and heating the rolling stock and other property of the company.

Agreements with other companies for leasing or hiring rolling stock.

(2) To enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the electric motors, carriages, cars, rolling stock and other moveable property of the other or others of them, for the running of the cars or carriages of the company over the track of any other railway company with the consent of such company, on such terms as to compensation and otherwise as may be agreed upon. 57 V. c. 88, s. 23.

Agreement with electric light companies.

(3) To enter into an agreement or agreements with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company or companies organized for the purpose of supplying or furnishing electric power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to construct, carry on and operate the railway. 57 V. c. 88, s. 24.

Confirmation of agreement by shareholders.

(4) The prices to be paid by the company under and by virtue of any such agreement as in the last two sub-sections mentioned shall be reasonable in amount, but such agreement shall not be valid unless confirmed and approved by a resolution passed by the votes of shareholders in person or by proxy representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding at a general meeting of shareholders specially called for the purpose of considering such agreement.

Power to acquire lands for parks, etc.

(5) To purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and to improve and lay out such lands as parks or places of public resort, and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds;

Proviso.

Provided that none of the foregoing provisions of this sub-section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipi-

palities wherein the lands proposed to be acquired by the company are situate, shall by by-law have declared its or their assent to the company acquiring lands under and for the purpose mentioned in this sub-section ;

Provided that such park or pleasure grounds shall not be open to the public on the Lord's day ; Proviso.

Provided that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres ; Proviso.

Provided that the company shall not under this clause have power to acquire any lands after the lapse of four years from the passing of the special Act ; Proviso.

Provided that nothing in this sub-section contained shall be deemed to enable the company to carry on the general business of a land company. Proviso.

(6) The company when operating any portion of its line across or along a highway by means of electricity conveyed by wires above ground shall cause to be strung and maintained guard wires sufficient to prevent telegraph, telephone or other wires now or hereafter strung across or along the highway, from coming into contact with or falling upon the said wires conveying such electricity. Guard wires.

(7) The company when operating any portion of its line by means of electricity, shall use such means and appliances as may as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things now or hereafter placed underground from being damaged in consequence of the escape or discharge of electricity into the ground. Proper bonding of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires shall be taken to be a compliance with the conditions of this sub-section. This sub-section shall apply to all existing street railways. Protecting water pipes, etc., from injury by electricity.

(8) Any person suffering damage by reason of the non-compliance by the company with the provisions of the two preceding sub-sections, shall have a right of action against the company therefor. Right of action.

4. The company may enter into a reasonable contract or reasonable contracts with any individual or association of individuals for the construction or equipment of the railway or any part thereof, provided that no such contract shall be of any force or validity till sanctioned by a resolution passed by the votes of shareholders (in person or by proxy) representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding at a general meeting of shareholders specially called for the purpose of considering the agreement or agreements. Contracts for construction and equipment.

5. No person holding any office, place or employment in or being concerned or interested in any contracts under or with Officers of company not to be directors.

the company, shall be capable of being chosen a director, or of holding or continuing in the office of director, nor shall any person being a director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company; and in the event of any such contract being made by or on behalf of any director or promoter, an action shall lie in any court of competent jurisdiction against such director or promoter at the suit of any shareholder of the company or of any municipality through which any part of the railway passes, for the benefit of the funds of the company for the whole amount of profit accruing to such director or promoter from the contract so made or fulfilled.

Provided that the directors may with the consent of the shareholders, employ one of their number as managing director.

Remuneration
of directors.

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

"First issue
of stock."

7.—(1) The "first issue of stock" shall mean all stock subscribed for prior to the first meeting of the directors for the transaction of any business relating to the company, and upon which at least ten per cent. has been paid in within said period.

Disposing of
unissued or
forfeited
shares.

(2) After the first issue of stock as hereinbefore defined, any unissued or forfeited shares in the capital stock of the company shall be issued and sold only after a day and time fixed for receiving tenders of price for same, of which public notice shall be given by at least four insertions in any newspaper published in or nearest to the municipality in which the head office of the company is situate, and in or nearest to each and every municipality through or in any part of which it is proposed to construct the railway. The shares shall be sold *by the company* for cash to the highest tenderer at or above the minimum price fixed for the purposes of such sale by a vote of the shareholders representing two-thirds in value of the capital stock, voting in person or by proxy, passed at a general meeting specially called for the purpose. Provided that the directors, if authorized so to do by a vote of the shareholders representing two-thirds in value of the capital stock voting in person or by proxy, passed at a general meeting specially called for the purpose, may in their discretion exclude any one or more of such tenderers if in their judgment such exclusion would best promote the interests of the undertaking.

(3) Every share in the company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash. Shares to be subject to be paid in cash.

(4) Every shareholder shall be liable to pay the amount of any call made in respect of the shares held by him in cash. Payment of calls how to be made.

(5) Provided that notwithstanding anything in *The Joint Stock Companies' Letters Patent Act* or in any other Act of this Legislature, the shares in the company shall be sold and disposed of in the manner and upon the terms prescribed in this section.

8. Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up in cash; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder. Shareholders individually liable till shares paid up.

9. The capital stock of the company shall be divided into shares of \$100 each, and the money raised therefrom and all other moneys and property of the company shall be applied in the first place, to the payment of such reasonable fees, expenses and disbursements for procuring the letters patent as the shareholders at the first general meeting of the company shall by resolution sanction and approve of, and for making the plans and estimates of the works authorized; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of the undertaking. Capital stock.

10. The funds of the company shall not be employed in the purchase of any stock in their own or in any other company. Company not to take stock in other companies.

11. Any of the bonds, debentures or other securities of the company sold by the directors shall be sold at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking, but they may pledge the said bonds, debentures or other securities for the purpose of procuring the rails, fish plates and electric plant necessary for the undertaking. Sale of bonds.

12. The tolls and fares to be levied by the company shall be as nearly as possible so fixed and regulated, that after paying "working expenses," the balance of the annual receipts shall not exceed eight per cent. (or \$8 on every \$100) on the total amount actually paid up in cash on the capital stock of the company then issued and outstanding; and if in any year the gross Limit as to application of receipts of company.

receipts from tolls and from fares and from all other sources arising from the working, operating or carrying on of the railway and works and business authorized by the letters patent to be worked, operated or carried on by the company shall be such, that after deducting therefrom the "working expenses" there shall remain an amount exceeding eight per cent. of the total amount theretofore actually paid up in cash on the capital stock of the company then outstanding, then all such excess shall be placed to the credit of a special account to be called "the surplus tolls account;" provided that in no case shall the fares exceed the maximum rates prescribed by *The Street Railway Act*.

Rev. Stat.,
c. 171.

Application of
"surplus tolls
account."

13. The moneys at the credit of the "surplus tolls account" may be used from time to time in making good any deficiency if such there be, caused by the gross receipts of the company, in any subsequent year being insufficient to pay the "working expenses" and a dividend of eight per cent. (or \$8 on every \$100) on the total amount actually paid up in cash on the capital stock of the company then issued and outstanding; provided that, whenever, and so often as the same shall happen, the total amount, to the credit of "the surplus tolls account," including any interest accruals thereon, shall equal one-fifth of the average annual gross receipts of the company computed from the actual receipts for the then preceding five years, the company shall by by-law make a sufficient proportionate reduction in the tolls and fares so that the probable net earnings thereafter shall be such as to make it necessary to resort to the moneys at the credit of "the surplus tolls account," in order to meet any such deficiency in whole or in part, but as soon as the amount at the credit of "the surplus tolls account" is exhausted the rates and tolls may be again raised.

Charging
unearned
dividends
upon surplus
tolls account.

14. Provided that if during the ten years immediately succeeding the incorporation of the company, the gross receipts as aforesaid shall in any year be insufficient after paying the "working expenses" of the railway, to pay a dividend of five per cent. on the total amount actually paid up in cash on the capital stock of the company, the company then issued and outstanding may charge against "the surplus tolls account" an amount sufficient, after deducting any dividends earned during such year, to equal a dividend of five per cent. per annum on the total amounts so actually paid up as aforesaid on the stock of the company, and the company shall not be bound to reduce the tolls as hereinbefore provided until the amount at the credit of the "surplus tolls account" shall equal an amount sufficient, less any dividends earned during the year, to pay the said dividend of five per cent. in every such year during the said period of ten years in addition to one-fifth of the average annual gross receipts of the company computed as aforesaid.

DIVIDENDS.

15.—(1) At the annual general meeting of the shareholders of the undertaking, from time to time holden, a dividend shall be made, out of the clear profits of the undertaking, unless such meetings declare otherwise. Declaration of dividend.

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

(3) Dividends shall be payable only in cash, and no division of profits in any one year, either by way of dividends or bonus, or both combined, or in any other way, exceeding eight per cent. (or \$8 on every \$100) actually paid up in cash on the capital stock of the company, from time to time issued and outstanding, shall ever be made, declared or paid by the company. Dividends, how payable.

(4) No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call has been paid. Dividends not to impair the capital.

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

16. The directors shall cause to be kept, and annually, on the 31st day of December, shall cause to be made up and balanced, a true, exact, detailed and particular account of all moneys and revenues collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the making, equipping, completing, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or of the directors, and shall file a certified copy of the same with the Provincial Secretary, together with a statement showing the amount of the capital stock issued, and the amount actually received in cash for same, and the amount, if any, still unpaid thereon and the amount of dividends paid or declared during such year, and the amount on the last day of such year and of the preceding year at the credit of the surplus tolls account. This account shall be filed on or before the last day of January in each year. And if the same as filed is, in the opinion of the Provincial Secretary, not sufficiently full, detailed or explicit, the directors shall furnish and file such other accounts and information as to the company's gross receipts, working Directors to cause annual accounts to be kept.

expenses and other expenses, and any other matters and things generally relating to the receipts, expenditures and capital of the company as may from time to time be demanded by the Provincial Secretary, and within a reasonable time after any such demand; and if any default shall be made in the filing of said annual account or said further account, the company shall, besides being compellable to file the same, be liable to a penalty of one hundred dollars, to be enforced in the High Court of Justice at the suit of any municipality through which the railway passes, one-half of which said penalty shall belong to Her Majesty, and the other half to the said municipality.

Rights of
aliens.

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

Rev. Stat., c.
171, s. 23,
repealed.

18. Section 23 of *The Street Railway Act* is hereby repealed.

Lien for wages

19. Every mechanic, laborer, or other person who performs labor for wages upon the construction or maintenance of the railway or the works connected therewith, shall have upon the said railway and other property of the company a lien for such wages not exceeding the wages of thirty days or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by *The Mechanics' Lien Act* and the Acts amending the same.

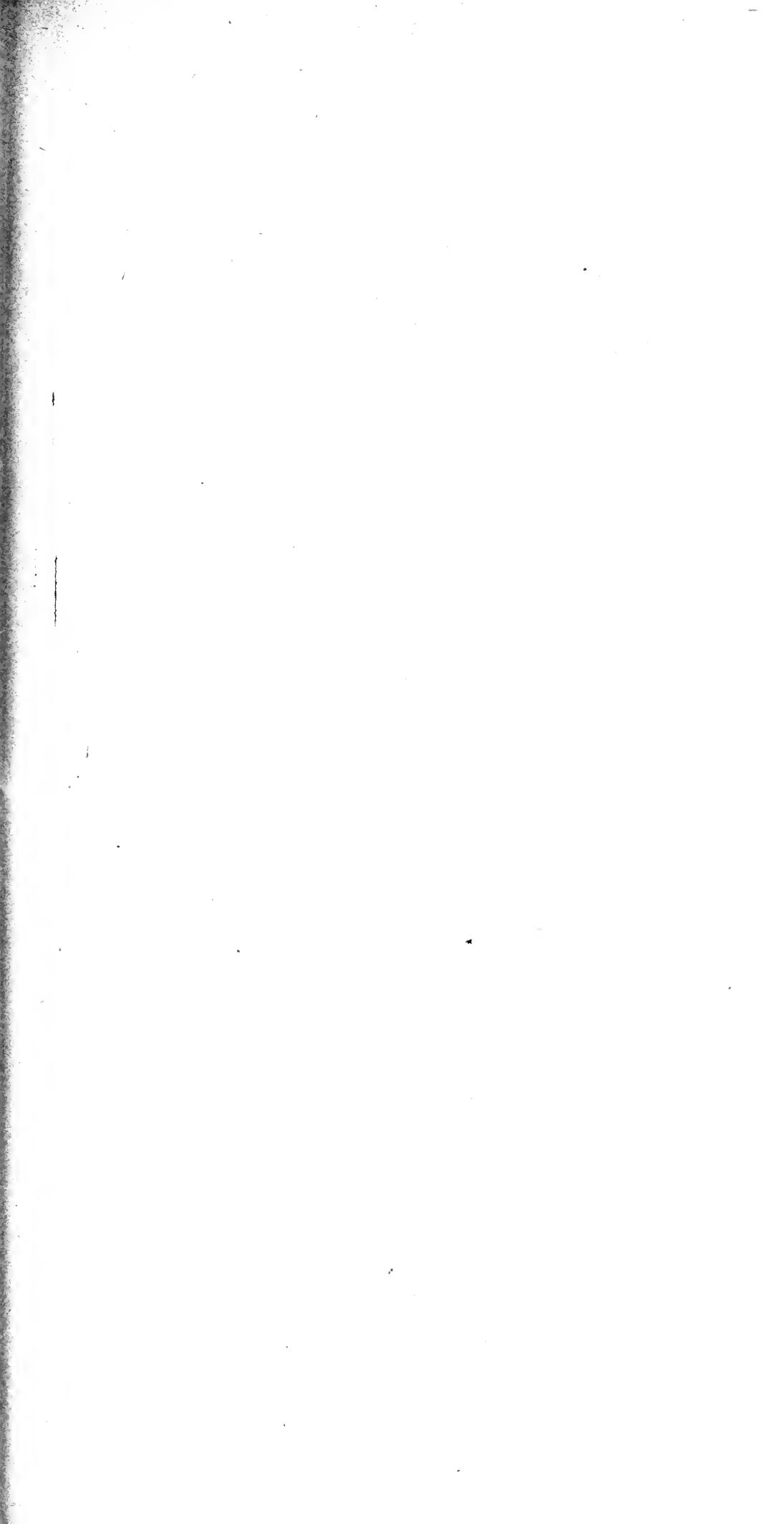
Powers of
High Court as
to controlling
companies
relieving
against agree-
ment.

20. If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this Act, in the observance or enforcement of which any shareholder or the residents of the municipality are interested, then, in addition to all other remedies by law enforceable against the company, the council of any municipality through which any part of the railway passes may, in the name of the municipal corporation, bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of, and complying with such provisions; and the court shall have full power and jurisdiction in the premises, and to set aside or otherwise relieve against unreasonable agreements made in violation of all or any of the provisions of this Act, and to enforce, by injunction or otherwise, the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this Act, in the observance or enforcement of which any shareholder or the residents of the municipality are inter-

ested, and in particular those relating to tolls and fares, to capital, to directors, to dividends, to returns, and to the agreements mentioned in sections 13, 14 and 15 of this Act.

21. Any of the provisions of *The Joint Stock Companies' Letters Patent Act* or of any Act amending the same inconsistent with the provisions of this Act, shall not apply to any company incorporated hereunder. ~~27~~

Rev. Stat., c. 157, not to apply where inconsistent with this Act.



No. 97.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to make further provision respecting Street Railways.

First Reading, 3rd March, 1896.

Second Reading, 17th March, 1896.

(Re-printed as amended in Committee of the Whole.)

Mr. BRONSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Annual Revision of Voters' Lists.

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

1. Notwithstanding anything in *The Ontario Voters' List Act, 1889*, or the Acts amending the same, contained, it shall not hereafter be necessary to annually prepare and print the voters' list of any municipality, but subject to revision by the county judge upon complaint made by any person in the manner provided by the said Acts as to the omission or insertion of any name on the said lists or any other error therein, the voters' list of the previous year shall be the voters' list for the municipality within the meaning of the said Acts.

New voters' lists not to be prepared annually.

2. The clerk shall annually post up the list certified by the judge as the voters' list for the previous year in his office in the manner provided in the said Acts, and in case no complaint is received by the clerk within thirty days after the posting of the list in his office, he shall forthwith apply in the form provided by the said *Voters' List Act*, either in person or by letter, to the judge, to certify three copies of the list as being the revised list of voters for the municipality, and the judge shall certify the same accordingly in the form provided by the said Act, and shall retain one of the certified copies of the list and deliver or transmit by post, registered, one of the certified copies to the clerk of the peace for the county or union of counties within which the municipality lies and one of the certified copies to the clerk of the municipality, to be by kept him among the records of his office.

If no complaints as to lists of previous year received.

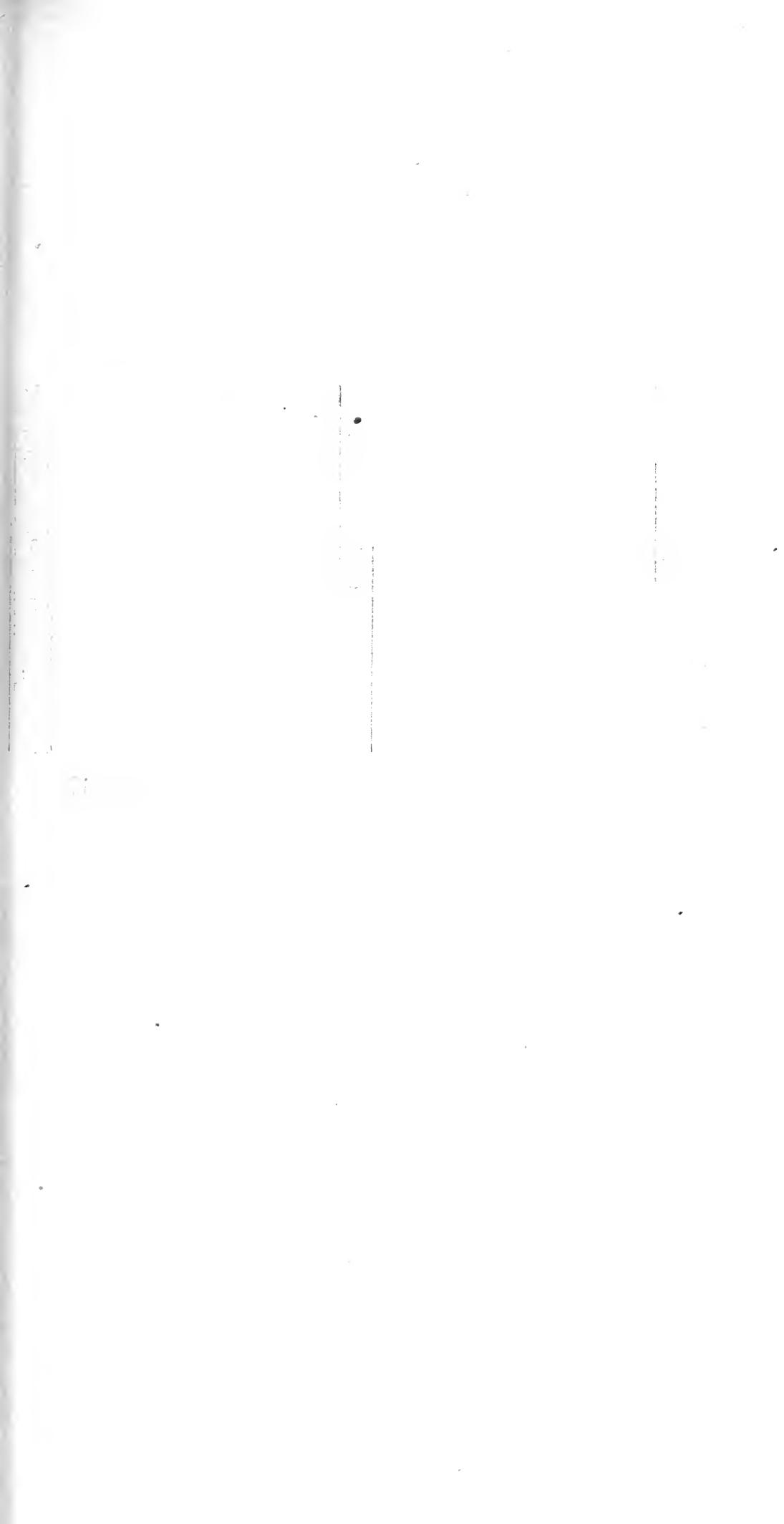
3. In case complaints are made, as aforesaid, immediately after the list has been finally revised and corrected by the judge, the judge shall make or cause to be made, and shall sign a statement in the form provided by the said Acts, in triplicate,

Hearing of complaints. Correction of list.

setting forth the changes, if any, which he has made in the list; and shall certify in triplicate in the manner provided in the said Acts, a corrected copy of the list, and the statement in triplicate, and the corrected copies of the list shall, if the judge so order and under his direction and supervision, be prepared by the clerk of the municipality, and for that purpose the judge shall forthwith, after the list has been so finally revised and corrected, transmit or deliver to the clerk all necessary papers and directions, which papers and directions together with the statement in triplicate and the corrected copies shall within, at latest, the week next after the list has been so finally revised and corrected as aforesaid, be re-transmitted and delivered by the clerk to the judge, who thereupon shall immediately sign the statement and certify the corrected copies as aforesaid; but should the statement and corrected copies not be re-transmitted and delivered by the clerk to the judge within the time above mentioned, the judge shall immediately thereafter make and sign the statement and certify the corrected copies of the list.

Judge to certify proof-sheets of corrected list.

4. The clerk shall, forthwith after receiving such statements and instructions, or after receiving the corrected copy of the list certified by the judge as aforesaid, cause the list so corrected and certified by the judge to be set up in type, and shall transmit the three copies of the correct proof-sheets of the said list to be transmitted to the judge, who shall forthwith examine the same, comparing them with the certified statement of changes made in the list by him or with his certified copy of the list, and initialling any alterations made in the said proof-sheets, and after such examination and correction, he shall certify the said proof-sheets in triplicate in the same manner as provided by the last preceding section, and he shall retain one copy thereof, and deliver or transmit by post, registered, two copies of the certified list to the clerk of the municipality, who shall cause at least two hundred copies to be printed from the said proof-sheets, and shall deliver two copies of the list as so printed to the clerk of the peace, and shall transmit to each of the persons named in sections 5 and 6 of *The Ontario Voters' List Act, 1889*, the number of copies mentioned in the said sections, and the said list as so printed, shall be the revised voters' list of the municipality.



2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting the Annual Revision of
Voters' Lists.

*First Reading, 3rd March, 1896.

Mr. MEACHAM.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to reduce the number of County Councillors.

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

1. This Act shall apply only to counties where the number Application. of the members of the county council exceeds twenty in the year 1896, and may be cited as *The County Councils Act, 1896.*

2. In every county the council whereof is, in the year 1896, Where more than 20 members. composed of more than 20 members, the county council shall, from and after the expiration of the term for which the council of that year was elected, be composed as follows :—

(a) If the population of the county is 40,000 or under, of 12 members.

(b) If the population is over 40,000 and not more than 60,000, of 14 members.

15 (c) If the population is over 60,000 of 16 members.

3. For the purposes of this Act each county shall be divided County Council districts. into districts, which may be known as "county council districts," as follows :—

20 (a) If the population of the county is 40,000 or under, into six districts.

(b) If the population is over 40,000 and not more than 60,000, into seven districts.

(c) If the population is over 60,000, into eight districts.

25 4. Each such district shall be designated and distinguished Two members for each district. by its number (as for example the "First County Council District,") and shall be represented in the county council by two members who shall hold office for the term of two years.

Election in
alternate
years.

5. The election of members of the county council shall be held in alternate years and at the same time as and at the annual municipal elections for members of the councils of the local municipalities.

Nominations.

6. Every candidate for election to the county council shall on or before the first day of December preceding the election, file with the clerk of the county at his office, a nomination paper signed by at least twenty-five electors of the county council district for which he is a candidate, signed in presence of a witness or witnesses who shall subscribe as such, and attached to or accompanying such nomination paper shall be a written consent to such nomination, signed by the candidate and witnessed, and a certificate or certificates signed by one or more of the clerks of the municipalities in such county council district certifying that at least twenty-five of the persons so signing such nomination are entitled to vote at the municipal elections within the county council district. And no person not so nominated before the hour of one o'clock p.m., on the 1st day of December next preceding the annual election, shall be deemed to be a candidate at such annual election.

Election by
acclamation.

7. If at the day and hour named in the preceding paragraph there are not more candidates nominated for any county council district than are required to be elected for such district, the county clerk shall thereupon declare such candidate or candidates as are duly nominated, elected. But if a greater number of candidates are nominated than are required to be elected in any county council district the county clerk shall thereupon issue a notice of the election under his hand, and shall, in addition to other matters, state the name and address of each person so nominated in each county council district.

Notice of
election;
when vote to
be taken.

Distribution
of notice.

8. The county clerk shall send 100 printed copies of such notice to and divide them among the several clerks of the municipalities within each county council district, and each clerk shall, immediately upon receipt thereof, post up such notice in his office, and cause a printed copy thereof to be posted in each post office, town hall and schoolhouse in his municipality.

Ballot,
papers, etc.

9. It shall be the duty of the clerk of the county council to cause a ballot to be printed for the election of a member or members of the council, and he shall at least two weeks before polling day forward a sufficient number of ballots and other necessary election papers to the clerk of each of the local municipalities within each county council district where elections for county councillors are to be held, and such clerk of the municipality shall cause them to be supplied to the persons appointed to act as deputy returning officers at the said election. If all the members of the council of any local municipality shall be elected by acclamation, then the clerk of such municipality

When no elec-
tion to be held
for local
municipality.

shall take all proceedings necessary for the election of a member or members of the county council in the same manner (*mutatis mutandis*) as is provided by *The Consolidated Municipal Act, 1892*, for the election of members of the council of the municipality. 55 V. c. 42.

5 **10.** In preparing the ballots or any notices or other papers which may be necessary, the forms appended to or otherwise provided for by *The Consolidated Municipal Act 1892*, shall be used as far as applicable, and where not wholly applicable, shall be adapted by the clerk of the county council or the 10 clerks of the local municipalities as the case may be to the election of county councillors, and the words "county councillor" shall be printed on every such ballot. Forms. 55 V. c. 42.

15 **11.** The council of any local municipality in which the election of any member or members of the county council is to be held, and the clerk of such municipality and any other officer thereof shall, in case of the election of all the members of the council of the local municipality by acclamation, nevertheless, do all things and take all proceedings which would have been necessary, that is to say, provide polling places, furnish the 20 necessary and proper voters' lists and poll books, and appoint deputy-returning officers and any other necessary officers heretofore appointed or provided, and do any and all other matters and things necessary and proper, and which should have been done had the members of the council of such local municipality 25 not been elected by acclamation, so as to enable the election for county councillors to be held, and the returning officer and deputy returning officer shall have all the powers, rights and authorities respecting the election of county councillors, which they now have at the election for the members of the local 30 municipal councils, and shall perform all the like or similar duties which they are now required to perform, under *The Consolidated Municipal Act, 1892*, where an election is being held for the members of the council of a local municipality. Holding election of County Councillors where all members of local council elected by acclamation. 55 V. c. 42.

35 **12.** At the election of a member or members of a county council, the ballots shall be placed in the same ballot box as the ballots for the members of the council of a local municipality where an election in such municipality is being held, and shall be counted in the same manner as such last named 40 ballots and they shall be placed in a separate envelope or package and otherwise dealt with in the same manner as ballots for the election of members of the council of a local municipality and where an election for such local municipality is not being held the proceedings thereat and thereafter (except where the same are varied hereby) shall be as nearly the same as in 45 the case of an election for a local municipality as may be. Ballot boxes—counting ballots.

13. The persons qualified to vote for county councillors shall be the persons qualified to vote at the election of members of Qualification of voters.

the council of the local municipality in which he is entitled to vote, and no others ; and each person so qualified shall be entitled to as many votes as there are members of the county council to be elected in his county council district, and he may, at his option, when there are two county councillors to be elected, give both of his votes to one candidate, in which case he shall place two crosses within the division of the ballot wherein is the name of such candidate. But where any person is on the voters' list for two or more municipalities within any county council district, he shall vote for county councillors in that municipality only in which he resides.

Qualification
of county
councillors.

14. Every member of a county council shall possess the same property qualification as the reeve of a town is required to have, and every member of a county council before entering on his duties shall make and subscribe the declaration of office and qualification (*mutatis mutandis*) set out in section 270 of *The Consolidated Municipal Act, 1892*.

55 V. c. 42.

Certifying
result of elec-
tion in each
municipality.)

15. The clerk of each municipality shall, before twelve o'clock noon of the day following the election, prepare and mail to the county clerk by registered letter with the postage prepaid, a certificate under his hand of the results of the voting in his municipality for the candidates for the county council, and such certificate shall be according to the form given in the schedule hereto.

County clerk
to cast up
votes and
declare
result.

16. On receipt of the certificates from the clerks of the municipalities comprising a county council district the county clerk shall cast up the number of votes for each candidate from such certificates and shall, at the hour of one o'clock in the afternoon of the second Monday in the month of January, in the county council chamber, publicly declare elected the two candidates having the highest number of votes in each county council district, and shall also post up in his office for public inspection a statement under his hand showing the number of votes polled for each candidate.

When two
candidates
receive same
number of
votes.

17. Where an equal number of votes has been cast for two or more candidates in any county council district and it is necessary to determine which one or two of such candidates shall be declared to be elected, the reeve of that one of the municipalities forming part of the county council district which has the greatest total assessed value, according to the last revised assessment thereof, shall, upon request of the county clerk, declare in writing for which of such candidates he votes, and in such case the candidate or candidates for whom he votes shall be elected.

Powers of
county
councillors
elected under
Act.

18. The county councillors so elected shall be the county council for the county in lieu of the council as heretofore

constituted, and such county council shall have all the rights, powers and authority heretofore vested in county councils by *The Consolidated Municipal Act, 1892*, and may do and perform all acts, matters and things which county councils might 5 or could do under said Act, and all parts of *The Consolidated Municipal Act, 1892*, repugnant to or inconsistent herewith affecting or applicable to county councils are and shall, for the purposes of this Act, be superseded hereby, and all other parts of the said municipal Act applicable to county councils shall apply to the county councils elected hereunder.

10 **19.** The warden of a county council in any county to which this Act applies shall vote in the proceedings in such council only in case of a tie vote. Warden to have casting vote.

15 **20.** The same proceedings may be had for a recount of ballots, or for the vacating of any seat, as may now be had in the case of members of the council of any local municipality. And in case of a recount or proceedings for the unseating of a county councillor, the judge of the county or other persons before whom such proceedings are being held 20 may require the clerk or clerks of the local municipality or municipalities to forward, for the purposes of production before him, to the clerk of the county under seal, all ballots and other papers in his hands connected with the election. In such case the said clerk shall so forward the ballots and other papers as 25 directed, with a statutory declaration that they are the ballots and other papers (if any) deposited with him in connection with such election and no others, and that he has kept them safely and has not permitted or given opportunity to any person or persons to examine, inspect or see them since they were returned to him, and that he has kept them under seal 30 securely since such return to him. Recount.

21. In case of a vacancy occurring in the county council by death of a member or from other cause, the said council may, in their discretion, by by-law or resolution, order a new election 35 to fill such vacancy before the annual municipal election, or they may direct that such vacancy shall be filled at the annual election, and in such by-law or resolution they shall fix the date up to which nominations may be received and the date of the election and give such further directions as 40 may be necessary under the circumstances to hold and complete such election, and the clerk of the county council and the councils and clerks of the local municipalities comprising the county council district in which such vacancy has occurred, shall take all necessary proceedings, as provided by this Act, 45 to hold the election. But when an election to fill any such vacancy is held at the annual election, or at any other time during the year, the proceedings shall be the same as nearly as may be as in the case of the biennial election under this Act. Filling vacancies in council.

Expenses of elections, payment of.

22. The expenses incurred in and about the election of county councillors shall be borne by the county, but where a poll is held for the election of a member or members of the council of a local municipality at the same time as the election for the county council is held, the costs of the polling booth and the fees of the deputy returning officer, poll clerk and constable and any other expenses which would be necessary for such election for the local municipality shall be borne by the local municipality as heretofore. In case of any dispute between the local municipality and the county as to the apportionment or payment of any such expenses, the difference between them shall be summarily and finally settled by the county judge upon the application of either party, upon four days' notice to the other party, and he shall make such order in the matter as to him shall appear just. Where an election is held under this Act when no poll is required by the local municipality or municipalities, then the costs of such election shall be borne wholly by the county.

Penalty for neglecting to carry out Act.

23. Any clerk of a county or clerk or officer of a local municipality who shall refuse or neglect to perform the duties prescribed by this Act, shall be liable, on conviction thereof, to a fine of \$200 and costs, and the provisions of section 420 of *The Consolidated Municipal Act, 1892*, respecting the recovery and enforcement of penalties shall apply to the penalties imposed by this section.

55 V. c. 42.

Marking ballots on cumulative voting.

24. Where at any election two county councillors are to be elected, there shall be added to Schedule B of *The Consolidated Municipal Act, 1892*, the following paragraph, specially applicable to the election of county councillors:

Where county councillors are to be elected, and the voter desires to give two votes for one candidate, he shall place two crosses, thus x x, on the righthand side opposite the name of the candidate for whom he votes, or at any other place in the division which contains the name of such candidate.

Poll book, columns to be inserted at county council elections.

25. Where an election for a member or members of the county council is being held at the same time as the election for a member or members of the council of the local municipality, the clerk of the local municipality in preparing the poll book shall insert therein a column to be headed "County councillors" between the columns headed "Refused to swear or affirm" and the column headed "Mayor or reeve," and in case no election is being held for a member or members of the council of the local municipality, the clerk shall prepare poll books expressly for the election of county councillors.

Application of provisions of 55 V. c. 42.

25a All the sections of *The Consolidated Municipal Act, 1892*, relating to the conduct of municipal elections not inconsistent herewith and unless where other provisions is herein

made and the imposition of penalties in connection therewith, shall apply to elections under this Act.

26. The division of the counties to be made for the purposes of this Act west of the counties of York and Simcoe, shall be so made by a commission composed of the following named commissioners :— (*Insert names.*)

Division of counties by commission.

And the division of the counties of York and Simcoe and all counties east thereof, to be divided for the purposes of this Act, shall be so divided by a commission composed of the following named commissioners :— (*Insert names.*)

27. In case of the inability to act of any of the said commissioners from illness, absence, or any other cause, their places shall be filled by the Lieutenant-Governor-in-Council.

When commission named cannot act.

28. Each of the said commissions may appoint a secretary, who shall also be a stenographer, and who shall be paid for his services such sum as the Lieutenant-Governor-in-Council may direct.

Secretary to commissioner.

29.—(1) Two of the said commissioners shall form a quorum and they may summon witnesses, administer oaths, take evidence upon oath and generally have all the powers of a judge of the High Court sitting in court.

Powers of commissioners.

(2) The commissioners shall be entitled to the use of the court house, or any other county or municipal building, in which to hold their sittings, and may require the attendance of the sheriff or any other county or municipal officer at such sittings.

Using county buildings.

(3) The county clerk or treasurer or the clerk of any local municipality shall, upon the request of the commission, prepare any statement, in schedule form or otherwise, as may be required, of the population, acreage, assessed value, annual receipts and expenditure and of the liabilities of the county or of any local municipality or any other statement in relation to the affairs of the county or of any local municipality which the commissioners shall require, and shall furnish the same to the commissioners with promptitude and as they may be directed by the commissioners.

Information to be furnished by county officers.

(4) The commission shall hold its sittings for each county in the court house or council chamber at the county town thereof, and notice of such sittings shall be given by the secretary of the commission to the clerk of the county, and by the said clerk published weekly for three successive weeks in two newspapers published within the county.

Sittings of commission.

Notice of sittings.

(5) The clerk of the county, upon receipt of the notice of the sitting of the commission, shall forthwith send by mail to the clerk of each municipality a copy of such notice.

Taking evidence.

(6) The commission may take evidence and hear all parties interested either personally or by counsel or agent, and may receive any or such written statement as they may think proper, and generally may take all such proceedings as will enable them fairly to divide the county and group the municipalities thereof into county council districts, for the purpose of this Act. 5
10

Matters to be considered by commissioners

30. In forming the county council districts the commission shall, as far as may be practicable, have regard to population, assessed value and extent of territory, and shall not in making such division divide local municipalities, unless where in the opinion of the commission it is plainly necessary so to do in order to arrive at a fair and reasonable division, or where public convenience will be clearly served by such divisions. 15

Report to Government.

31. The commission shall, upon the conclusion of the hearing and taking of evidence in respect of any county, make a report thereon to the Lieutenant-Governor in Council, setting out the manner in which the county has been divided by them, and one duplicate thereof shall be sent by the secretary of the commission to the Provincial Secretary, and the other duplicate thereof to the clerk of the county, who shall cause the same to be published weekly for three successive weeks in two newspapers published within the county. 20
25

Effect of report.

32. Such report, when signed by the commissioners and filed with the Provincial Secretary and county clerk shall constitute the division of such county into county districts, as provided by and for the purposes of this Act. 30

When sittings to begin.

33. Each of the said commissions shall begin its sittings not later than the day of , 1896, and shall conclude and make its final report on or before the day of , 1896. 35

Payment of expenses.

34. The said commissioners and the secretaries of such commissions shall be paid for their services, and disbursements for travelling expenses and otherwise, out of any sum which may be appropriated by the Legislature for that purpose, and all other expenses of what kind so ever, shall be paid by the treasurer of the county for the work done or expenses incurred in respect of each particular county. 40

Ascertaining population.

35. The population of any county shall, for the purposes of this Act, be ascertained by reference to the last decennial census of the Dominion of Canada. 45

36. This Act shall be read with and as part of *The Consolidated Municipal Act, 1892.* Act to be read with 55 V. c. 42.

37. The words "county," "counties," "municipality" and "municipalities" where used in this Act shall not be deemed Interpretation.
 5 to include or refer to cities or towns separated from counties.

—
 SCHEDULE.

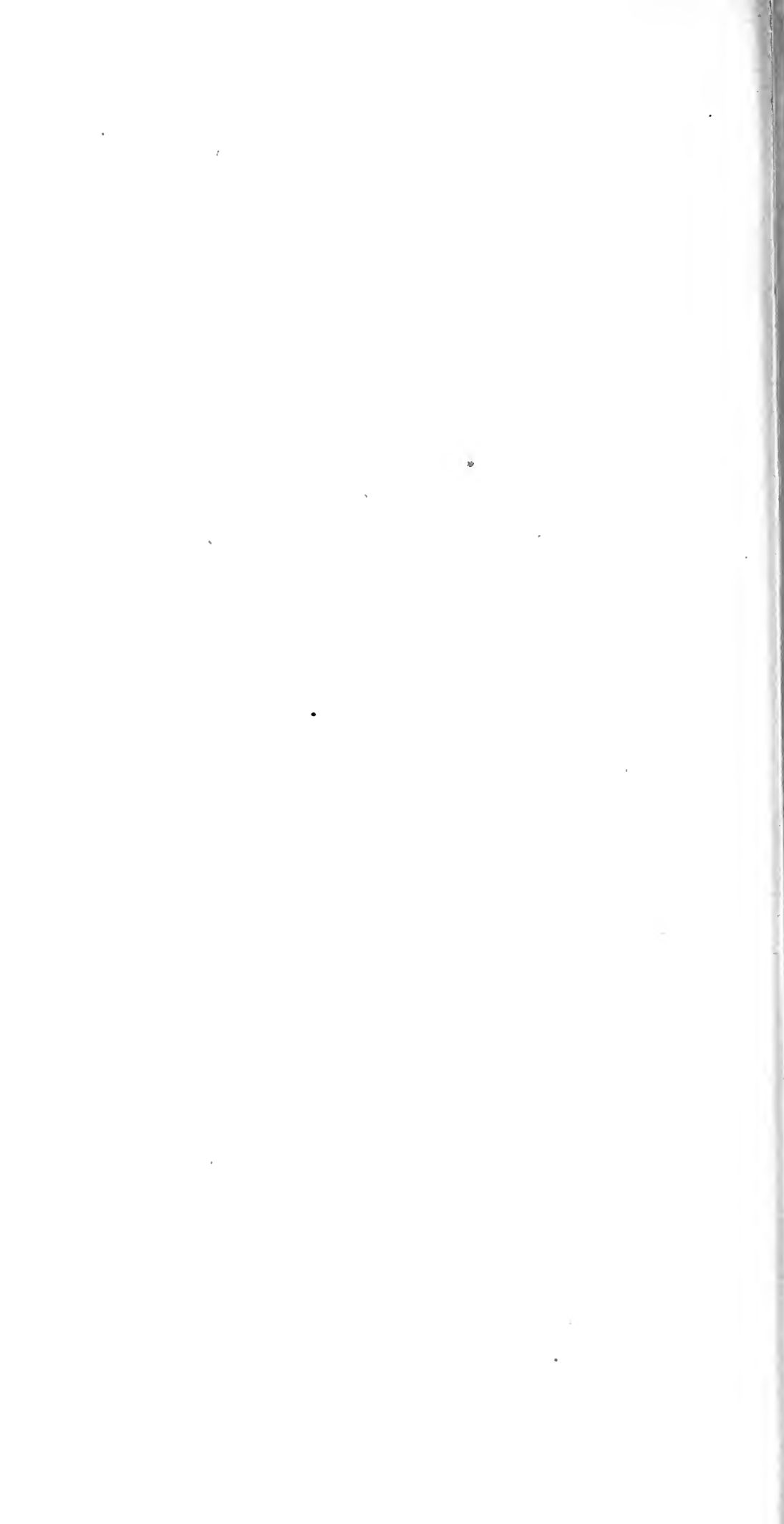
FORM OF CERTIFICATE OF RESULT OF POLLS TO "COUNTY COUNCILS ACT, 1896."

I, _____, Clerk of the municipal corporation of the _____ of _____, hereby certify that at the election of members of the county council for the county council district of _____, each candidate received the number of votes placed after his name in the list hereunder written.

Name.	Occupation.	Number of votes.

Dated at _____ this _____ day of _____, A.D.

A. B.
 Clerk of the Municipality of _____





2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to reduce the number of County
Councillors.

First Reading, 3rd March, 1896.

(Substituted for Bill No. 51.)

Mr. HARDY.

TORONTO:

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

An Act to reduce the number of County Councillors.

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

1. This Act may be cited as *The County Councils Act, 1896.* Title.

2. Notwithstanding anything in *The Consolidated Municipal Act, 1892*, or any other Act, contained, and subject to the provisions of this Act, county councils shall, from and after the expiration of the terms of office of the county councillors holding office at the time of the passing hereof, be composed as follows:—

Composition
of county
councils.

(a) If the population of the county is 25,000 or less, of not less than 8 members nor more than 10 members.

(b) If the population is more than 25,000 but less than 40,000, of not less than 10 members nor more than 12 members.

(c) If the population is 40,000 or more but less than 60,000, of not less than 12 members nor more than 14 members.

(d) If the population is 60,000 or more, of not less than 16 members nor more than 18 members.

3. For the purposes of this Act, each county shall be divided into districts or divisions, which shall be known as "county council divisions," as follows:—

County coun-
cil divisions.

(a) If the population of the county is 25,000 or less, into not less than 4 and not more than 5 divisions.

(b) If the population is more than 25,000 but less than 40,000, into not less than 5 and not more than 6 divisions.

§(c) If the population is 40,000 or more, but less than 60,000, into not less than 6 nor more than 7 divisions. ¹⁸⁹²

§(d) And if the population is 60,000 or more, into not less than 8 nor more than 9 divisions. ¹⁸⁹²

§4. Cities and towns separated from the county shall not be included in the computation of the population, nor shall the population of Indian reserves, which are not organized as municipalities under *The Consolidated Municipal Act, 1892*. ¹⁸⁹²

Election in
alternate
years.

§5. County councillors elected under this Act shall hold office for two years, and the election ¹⁸⁹² shall be held in alternate years and at the time *fixed by law* for the annual municipal elections for members of the councils of the local municipalities, ¹⁸⁹² and the first election held under this Act shall be so held at the next annual municipal elections which shall be held after this Act comes into force. No member of the council of a local municipality nor any officer thereof shall be eligible for nomination or election as a county councillor. ¹⁸⁹²

Nominations.

§6.—(1) The warden of every county shall, on or before the 15th day of November, 1896, and in every succeeding year when an election for county councillors is to be held, appoint for each county council division a nominating officer. Such person may be called the "nominating officer," and his duties shall be, in every year when an election of county councillors is to be held, to fix a place within the division for holding such nomination, between the hours of one and two o'clock in the afternoon, or at such other hour as the county council may by by-law appoint, and to give notice of such nomination under his hand, and of the election by advertisement in two weekly newspapers in the county, to be published for at least two successive weeks prior to such nomination day, or by giving sufficient public notice thereof by printed posters. ¹⁸⁹²

§(2) To attend at the day and place appointed for such nomination and subject to the provisions and for the purposes of this Act, to perform the duties as far as made applicable by this Act, which by law, the clerk of a local municipality is required to perform as returning officer at the nomination for an election in a local municipality. In case at the time appointed for holding the nomination, the nominating officer has died, or does not attend to hold such nomination, the electors present for the purpose of holding a nomination may choose from amongst themselves a nominating officer who shall have all the powers and perform all the duties of such nominating officer. ¹⁸⁹²

§(3) In the event of the warden failing to make such appointments within twenty-four hours after the time specified, the clerk of the council shall make such appointments. ¹⁸⁹²

§(4) Such nomination day shall be that Friday in the week which precedes the week before polling day. ¹⁸⁹²

7. If at the day and hour named in the preceding paragraph there are not more candidates nominated for any county council *division* than are required to be elected for such *division*, the *nominating officer* shall thereupon declare such candidate or candidates as are duly nominated, elected, ^{and} and shall thereupon prepare and mail to the county clerk, by registered letter with postage prepaid, upon the same day a certificate under his hand of such election by acclamation. ^{But} But if a greater number of candidates are nominated than are required to be elected in any county council *division* the *nominating officer* shall thereupon, ^{and} immediately after the lapse of the time in which candidates nominated under *The Consolidated Municipal Act, 1892*, may withdraw, certify the same, with the names and addresses of those remaining in nomination, to the county clerk. ^{and}

Election by
acclamation

8. It shall be the duty of the clerk of the county council to cause a ballot to be printed for the election of a member or members of the council, and he shall at least two weeks before polling day forward a sufficient number of ballots and other necessary election papers to the clerk of each of the local municipalities within each county council *division* where elections for county councillors are to be held, and such clerk of the municipality shall cause them to be supplied to the persons appointed to act as deputy returning officers at the said election. If all the members of the council of any local municipality shall be elected by acclamation, then the clerk of such municipality shall take all proceedings necessary for the election of a member or members of the county council in the same manner (*mutatis mutandis*) as is provided by *The Consolidated Municipal Act, 1892*, for the election of members of the council of the municipality.

Ballot,
papers, etc.

When no elec-
tion to be held
for local
municipality.

9. In preparing the ballots or any notices or other papers which may be necessary, the forms appended to or otherwise provided for by *The Consolidated Municipal Act, 1892*, shall be used as far as applicable, and where not wholly applicable, shall be adapted by the clerk of the county council or the clerks of the local municipalities, or other officer, as the case may be, to the election of county councillors, and the words "county councillor" shall be printed on every such ballot.

55 V. c. 42.

Forms.

55 V. c. 42.

10. The council of any local municipality in which the election of any member or members of the county council is to be held, and the clerk of such municipality and any other officer thereof shall, in case of the election of all the members of the council of the local municipality by acclamation, nevertheless, do all things and take all proceedings which would have been necessary and as by law is provided, that is to say, provide polling places, furnish the necessary and proper voters' lists and poll books, and appoint deputy-returning officers and any other necessary officers heretofore appointed

Holding elec-
tion of County
Councillors
where all mem-
bers of local
council elected
by acclama-
tion.

or provided, and do any and all other matters and things necessary and proper, and which should have been done had the members of the council of such local municipality not been elected by acclamation, so as to enable the election for county councillors to be held, and the returning officer and deputy returning officer shall have all the powers, rights and authorities respecting the election of county councillors, which they now have at the election for the members of the local municipal councils, and shall perform all the like or similar duties which they are now required to perform, under *The Consolidated Municipal Act, 1892*, where an election is being held for the members of the council of a local municipality.

55 V. c. 42.

Ballot boxes—
counting
ballots.

11. At the election of a member or members of a county council, the ballots shall be placed in the same ballot box as the ballots for the members of the council of a local municipality where an election in such municipality is being held, and shall be counted in the same manner as such last named ballots and they shall be placed in a separate envelope or package and otherwise dealt with in the same manner as ballots for the election of members of the council of a local municipality and where an election for such local municipality is not being held the proceedings thereat and thereafter (except where the same are varied hereby) shall be as nearly as possible the same as in the case of an election for a local municipality.

Qualification
of voters.

12. The persons qualified to vote for county councillors shall be the persons qualified to vote at the election of members of the council of the local municipality, and no others; and each person so qualified shall be entitled to as many votes as there are members of the county council to be elected in his county council *division*, not exceeding two, and he may, at his option, when there are two county councillors to be elected, give both of his votes to one candidate, in which case he shall place two crosses within the division of the ballot wherein is the name of such candidate. But where any person being a resident voter is on the voters' list for two or more municipalities within any county council *division*, he shall vote for county councillors in that municipality only in which he resides, and at the polling place of the polling sub-division in which he resides only, if he is entitled to vote at such polling place.

Qualification
of county
councillors.

55 V. c. 42.

13. Every member of a county council shall possess the same property qualification as the reeve of a town is required to have, and every member of a county council before entering on his duties shall make and subscribe the declaration of office and qualification (*mutatis mutandis*) set out in section 270 of *The Consolidated Municipal Act, 1892*.

Certifying
result of elec-
tion in each
municipality.

14. The clerk of each municipality shall, before twelve o'clock noon of the day following the election, prepare and mail to the county clerk by registered letter with the postage

prepaid, a certificate under his hand of the results of the voting in his municipality for the candidates for the county council, and such certificate shall be according to the form given in the schedule hereto.

15. The county clerk shall, for the purposes of this Act, be returning officer and as such shall perform the limited duties required of him by this Act, and ~~on~~ on receipt of the certificates from the clerks of the municipalities comprising a county council *division* the *said* county clerk shall cast up the number of votes for each candidate from such certificates and shall, at the hour of one o'clock in the afternoon of the second Monday in the month of January, in the county council chamber, publicly declare elected the two candidates having the highest number of votes in each county council *division*, and shall also post up in his office for public inspection a statement under his hand showing the number of votes polled for each candidate.

County clerk to cast up votes and declare result.

16. Where an equal number of votes has been cast for two or more candidates in any county council *division* and it is necessary to determine which one or two of such candidates shall be declared to be elected, the reeve of that one of the municipalities forming part of the county council *division* which has the greatest total assessed value, according to the last revised assessment thereof, shall, upon request of the county clerk, declare in writing for which of such candidates he votes, and in such case the candidate or candidates for whom he votes shall be elected.

When two candidates receive same number of votes.

17. The county councillors so elected shall *form and* be the county council for the county in lieu of the council as heretofore constituted, and such county council shall have all the rights, powers and authority heretofore vested in county councils by *The Consolidated Municipal Act, 1892*, and may do and perform all acts, matters and things which county councils might or could do under said Act, and all parts of *The Consolidated Municipal Act, 1892*, repugnant to or inconsistent herewith affecting or applicable to county councils are and shall, for the purposes of this Act, be superseded hereby, and all other parts of the said municipal Act applicable to county councils shall apply to the county councils elected hereunder.

Powers of county councillors elected under Act.
55 V. c. 42.

18. Where an even number of votes are cast for warden and no election can be had during the first day of meeting, if no choice is made after two ballots on the second day, the senior member representing the division having the largest equalized assessment shall have two votes. Where two councillors from such division have an equal number of votes, or where they have been elected by acclamation the clerk shall in open council draw lots to ascertain which one of such two shall give the casting vote. The words "senior member"

Tie vote for warden.

shall mean that member for such division who received at the last preceding election the higher number of votes in his division.

Recount.

19. The same proceedings may be had for a recount of ballots, or for the vacating of any seat, as may now be had in the case of members of the council of any local municipality. And in case of a recount or proceedings for the unseating of a county councillor, the judge of the county or other persons before whom such proceedings are being held may require the clerk or clerks of the local municipality or municipalities to forward, for the purposes of production before him, to the clerk of the county under seal, all ballots, books, voters' or other lists, and other papers in his hands connected with the election. In such case the said clerk shall so forward the ballots, books, voters' or other lists, and other papers as directed, with a statutory declaration that they are the ballots, books, voters' or other lists, and other papers (if any) deposited with him in connection with such election and no others, and that he has kept them safely and has not permitted or given opportunity to any person or persons to examine, inspect or see them since they were returned to him, and that he has kept them under seal securely since such return to him.

Filling vacancies in council.

20. In case of a vacancy occurring in the county council by death of a member or from other cause, the said council may, in their discretion, by by-law or resolution, order a new election to fill such vacancy before the annual municipal election, or they may direct that such vacancy shall be filled at the annual election, and in such by-law or resolution they shall appoint a nominating officer and fix the date of nomination and of the election and give such further directions as may be necessary under the circumstances to hold and complete such election, and the clerk of the county council and the councils and clerks of the local municipalities comprising the county council division in which such vacancy has occurred, shall take all necessary proceedings, as provided by this Act, to hold the election. But when an election to fill any such vacancy is held at the annual election, or at any other time during the year, the proceedings shall be the same as nearly as may be as in the case of the biennial election under this Act, but where at such bye election one councillor only is to be elected, each elector shall be entitled to but one vote.

Expenses of elections, payment of.

21. The expenses incurred in and about the election of county councillors shall be borne by the county, but where a poll is held for the election of a member or members of the council of a local municipality at the same time as the election for the county council is held, the costs of the polling booth and the fees of the deputy returning officer, poll clerk and constable and any other expenses which would be necessary

for such election for the local municipality shall be borne by the local municipality as heretofore. In case of any dispute between the local municipality and the county as to the apportionment or payment of any such expenses, the difference between them shall be summarily and finally settled by the county judge upon the application of either party, upon four days' notice to the other party, and he shall make such order in the matter as to him shall appear just. Where an election is held under this Act when no poll is required by the local municipality or municipalities, then the costs of such election shall be borne wholly by the county.

22.—(a) Any clerk of a county or clerk or officer of a local municipality who shall refuse or neglect to perform the duties prescribed by this Act, shall be liable, on conviction thereof, to a fine of \$200 and costs, and the provisions of section 420 of *The Consolidated Municipal Act, 1892*, respecting the recovery and enforcement of penalties shall apply to the penalties imposed by this section. Penalty for neglecting to carry out Act. 55 V. c. 42.

22.—(b) In addition to any other penalties imposed by *The Consolidated Municipal Act, 1892*, any clerk of a local municipality who knowingly makes a false or incorrect return under section 14 of this Act, and any county clerk who knowingly makes a false or incorrect declaration of election under section 15 of this Act, and any nominating officer who knowingly makes a false or incorrect declaration of election or knowingly gives a false or incorrect certificate under section 7 of this Act, or commits any act of falsification, concealment or fraud, with intent to affect the election of a candidate or candidates, shall, upon conviction thereof, be liable to a fine of \$500 and costs, and shall be disqualified for a period of four years thereafter from holding any office or position in the gift or control of any municipal council in the Province of Ontario, and shall not be eligible during the said period for election as member of any such council. Penalties for false returns.

23. Where at any election two county councillors are to be elected, there shall be added to Schedule B of *The Consolidated Municipal Act, 1892*, the following paragraph, specially applicable to the election of county councillors: Marking ballots on cumulative voting.

Where county councillors are to be elected, and the voter desires to give two votes for one candidate, he shall place two crosses, thus × ×, on the righthand side opposite the name of the candidate for whom he votes, or at any other place in the division which contains the name of such candidate.

24.—(a) Where an election for a member or members of the county council is being held at the same time as the election for a member or members of the council of the local municipality, the clerk of the local municipality in preparing the Poll book, columns to be inserted at county council elections.

poll book shall insert therein a column to be headed "County councillors" between the columns headed "Refused to swear or affirm" and the column headed "Mayor or reeve," and in case no election is being held for a member or members of the council of the local municipality, the clerk shall prepare poll books expressly for the election of county councillors.

Application of provisions of 55 V. c. 42.

24.—(b) All the sections of *The Consolidated Municipal Act, 1892*, relating to the conduct of municipal elections not inconsistent herewith and unless where other provisions are herein made and the imposition of penalties in connection therewith, shall apply to elections under this Act.

Division of counties by commission.

25. The division of the counties to be made for the purposes of this Act²⁷ shall be so made by commissioners to be appointed by the Lieutenant-Governor in council.²⁸

Secretary to commissioner.

26. Any commission may appoint a secretary, who shall also be a stenographer, and who shall be paid for his services such sum as the Lieutenant-Governor-in-Council may direct.

Powers of commissioners.

27.—(1) *The* commissioners shall have power to summon witnesses, administer oaths, take evidence upon oath and generally have all the powers of a judge of the High Court sitting in court.

Using county buildings.

(2) The commissioners shall be entitled to the use of the court house, or any other county or municipal building, in which to hold their sittings, and may require the attendance of the sheriff or any other county or municipal officer at such sittings.

Information to be furnished by county officers.

(3) The county clerk or treasurer or the clerk of any local municipality shall, upon the request of *any commissioner*, prepare any statement, in schedule form or otherwise, as may be required, of the population, acreage, assessed value, annual receipts and expenditure and of the liabilities of the county or of any local municipality or any other statement in relation to the affairs of the county or of any local municipality which the commissioners shall require, and shall furnish the same to the commissioners with promptitude and as they may be directed by the commissioners.

Sittings of commission.

(4) The commission shall hold its sittings for each county in the court house or council chamber at the county town thereof, and notice of such sittings shall be given by the secretary of the commission to the clerk of the county, and by the said clerk published weekly for *two* successive weeks in two newspapers published within the county.

Notice of sittings.

(5) The clerk of the county, upon receipt of the notice of the sitting of the commission, shall forthwith send by mail to the clerk of each municipality a copy of such notice.

(6) The commission may take evidence and hear⁴²⁷ county or other municipal councils or representatives or committees thereof and other⁴²⁸ parties interested either personally or by counsel or agent, and may receive any or such written statement as they may think proper, and generally may take all such proceedings as will enable them fairly to divide the county and, *where necessary*, group the municipalities thereof into county council *divisions*, for the purposes of this Act. Taking evidence.

28. In forming the county council *divisions* the commission shall, as far as may be practicable, have regard *especially* to assessed value, *as well as to population*, and extent of territory, and shall not in making such division divide local municipalities, unless where in the opinion of the commission it is plainly necessary so to do in order to arrive at a fair and reasonable division,⁴²⁹ but in no case shall polling subdivisions be divided.⁴³⁰ Matters to be considered by commissioners

29. Every commission shall, *immediately after* the conclusion of *its sittings* in any county, make a report *in respect of* such county to the Lieutenant-Governor in Council, setting out the manner in which the county has been divided by them, and one duplicate thereof shall be sent by the secretary of the commission to the Provincial Secretary, and the other duplicate thereof to the clerk of the county, who shall cause the same to be published weekly for three successive weeks in two newspapers published within the county. Report to Government.

30. Such report, when signed by the commissioners and filed with the Provincial Secretary and county clerk shall constitute the division of such county into county *divisions*, as provided by and for the purposes of this Act. Effect of report.

31. Each of the said commissions shall begin its sittings not later than the *fifteenth* day of *May*, 1896, and shall conclude and make its final report on or before the *fifteenth* day of *October*, 1896. When sittings to begin.

32. The said commissioners and the secretaries of such commissions shall be paid for their services, and disbursements for travelling expenses and otherwise, out of any sum which may be appropriated by the Legislature for that purpose, and all other expenses of what kind so ever, shall be paid by the treasurer of the county for the work done or expenses incurred in respect of each particular county. Payment of expenses.

⁴³¹ **33.** The judge of the County Court of the county, the warden thereof and the clerk of the peace shall constitute a board whose duty it shall be when a new village is erected or a town separates from the county or is erected into a city, and the arrangement into county council divisions is thereby disturbed, by their order to attach such village to some conven- Board to rearrange divisions.

ient county council division or to rearrange the county council divisions affected, and, if necessary, the adjoining division or divisions, but in so doing the board shall make only such changes as the altered circumstances require.

Ascertaining population.

34. The population of any county shall, for the purposes of this Act, be ascertained by reference to the population of the local municipalities as shown by the last decennial census of the Dominion of Canada.

Act to be read with 55 V. c. 42.

35. This Act shall be read with and as part of *The Consolidated Municipal Act, 1892.*

SCHEDULE.

FORM OF CERTIFICATE OF RESULT OF POLLS TO "COUNTY COUNCILS ACT, 1896."

I, _____, Clerk of the municipal corporation of the _____ of _____, hereby certify that at the election of members of the county council for _____ the county council *division* of each candidate received the number of votes placed after his name in the list hereunder written.

Name.	Occupation.	Number of votes.

Dated at _____ this _____ day of _____, A.D.

A. B.
Clerk of the Municipality of _____



BILL.

An Act to reduce the number of County
Councillors.

First Reading, 3rd March, 1896.

*(Reprinted for Committee of the Whole with
suggested amendments.)*

Mr. HARDY.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to reduce the number of County Councillors.

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

1. This Act may be cited as *The County Councils Act, 1896*. Title.

2. Notwithstanding anything in *The Consolidated Municipal Act, 1892*, or any other Act, contained, and subject to the provisions of this Act, county councils shall, from and after the expiration of the terms of office of the county councillors holding office at the time of the passing hereof, be composed as follows:—

Composition
of county
councils.

(a) If the population of the county is 25,000 or less, of not less than 8 members nor more than 10 members.

(b) If the population is more than 25,000 but less than 40,000, of not less than 10 members nor more than 12 members.

(c) If the population is 40,000 or more but less than 60,000, of not less than 12 members nor more than 14 members.

(d) If the population is 60,000 or more, of not less than 16 members nor more than 18 members.

3. For the purposes of this Act, each county shall be divided into districts or divisions, which shall be known as "county council divisions," as follows:—

County coun-
cil divisions.

(a) If the population of the county is 25,000 or less, into not less than 4 and not more than 5 divisions.

(b) If the population is more than 25,000 but less than 40,000, into not less than 5 and not more than 6 divisions.

(c) If the population is 40,000 or more, but less than 60,000, into not less than 6 nor more than 7 divisions.

⁴²⁷(d) And if the population is 60,000 or more, into not less than 8 nor more than 9 divisions. ⁴²⁸

⁴²⁷4. Cities, towns and other municipalities separated from the county shall not be included in the computation of the population, nor shall the population of Indian reserves, which are not organized as municipalities under *The Consolidated Municipal Act, 1892*. ⁴²⁸

Two members
for each
district.

⁴²⁷5. Each such division shall be designated and distinguished by its number (as for example the "First County Council Division,") and shall be represented in the county council by two members who shall hold office for the term of two years, and who shall be residents of the Division for which they are councillors. ⁴²⁸

Election in
alternate
years.

⁴²⁷6. The election of county councillors ⁴²⁸ shall be held in alternate years and at the time fixed by law for the annual municipal elections for members of the councils of the local municipalities, ⁴²⁷ and the first election held under this Act shall be so held at the next annual municipal elections which shall be held after this Act comes into force. No member of the council of a local municipality nor any ⁴²⁸ clerk, treasurer, assessor or collector thereof shall be eligible for nomination or election as a county councillor. ⁴²⁸

Nominations.

⁴²⁷7.—(1) The warden of every county shall, on or before the 15th day of November, 1896, and, in every succeeding year before an election for county councillors is to be held, *the county council shall* appoint for each county council division a nominating officer, ⁴²⁷ who shall act as such until his successor is appointed. ⁴²⁸ Such person may be called the "nominating officer," and his duties shall be, in every year before an election of county councillors is to be held, ⁴²⁷ or before a vacancy is to be filled ⁴²⁸ to fix a place within the division for holding such nomination, between the hours of one and two o'clock in the afternoon, and to give notice of such nomination under his hand, and of the election by advertisement in two weekly newspapers in the county, to be published for at least two successive weeks prior to such nomination day, or by giving sufficient public notice thereof by printed posters. ⁴²⁸

⁴²⁷(2) To attend at the day and place appointed for such nomination and subject to the provisions and for the purposes of this Act, to perform the duties as far as made applicable by this Act, which, by law, the clerk of a local municipality is required to perform as returning officer at the nomination for an election in a local municipality. In case at the time appointed for holding the nomination, the nominating officer has died, or does not attend to hold such nomination, the electors present for the purpose of holding a nomination may choose from amongst themselves a nominating officer who shall have all the powers and perform all the duties of such nominating officer. ⁴²⁸

~~427~~(3) In the event of the warden failing to make such appointments within twenty-four hours after the time specified, the clerk of the council shall make such appointments. ~~428~~

~~427~~(4) Such nomination day shall be that *Monday* in the week which precedes the week before polling day. ~~428~~

8. If at the day and hour named in the preceding paragraph there are not more candidates nominated for any county council *division* than are required to be elected for such *division*, the *nominating officer* shall thereupon declare such candidate or candidates as are duly nominated, elected, ~~427~~ and shall thereupon prepare and mail to the county clerk, by registered letter with postage prepaid, upon the same day a certificate under his hand of such election by acclamation. ~~428~~ But if a greater number of candidates are nominated than are required to be elected in any county council *division* the *nominating officer* shall thereupon, ~~427~~ immediately after the lapse of the time in which candidates nominated under *The Consolidated Municipal Act, 1892*, may withdraw, certify the same, with the names and addresses of those remaining in nomination, to the county clerk. ~~428~~ Election by acclamation.

9. It shall be the duty of the clerk of the county council to cause a ballot to be printed for the election of a member or members of the council, and he shall ~~427~~ immediately after the receipt of the certificates from the nominating officer and ~~428~~ before polling day forward a sufficient number of ballots and other necessary election papers to the clerk of each of the local municipalities within each county council *division* where elections for county councillors are to be held, and such clerk of the municipality shall cause them to be supplied to the persons appointed to act as deputy returning officers at the said election. If all the members of the council of any local municipality shall be elected by acclamation, then the clerk of such municipality shall take all proceedings necessary for the election of a member or members of the county council in the same manner (*mutatis mutandis*) as is provided by *The Consolidated Municipal Act, 1892*, for the election of members of the council of the municipality. Ballot, papers, etc. When no election to be held for local municipality.

10. In preparing the ballots or any notices or other papers which may be necessary, the forms appended to or otherwise provided for by *The Consolidated Municipal Act, 1892*, shall be used as far as applicable, and where not wholly applicable, shall be adapted by the clerk of the county council or the clerks of the local municipalities, or other officer, as the case may be, to the election of county councillors, and the words "county councillor" shall be printed on every such ballot. 55 V. c. 42. Forms.

11. The council of any local municipality in which the election of any member or members of the county council is to be held, and the clerk of such municipality and any other Holding election of County Councillors where all mem-

bers of local
council elected
by acclama-
tion.

officer thereof shall, in case of the election of all the members of the council of the local municipality by acclamation, nevertheless, do all things and take all proceedings which would have been necessary *and as by law is provided*, that is to say, provide polling places, furnish the necessary and proper voters' lists and poll books, and appoint deputy-returning officers and any other necessary officers heretofore appointed or provided, and do any and all other matters and things necessary and proper, and which should have been done had the members of the council of such local municipality not been elected by acclamation, so as to enable the election for county councillors to be held, and the returning officer and deputy returning officer shall have all the powers, rights and authorities respecting the election of county councillors, which they now have at the election for the members of the local municipal councils, and shall perform all the like or similar duties which they are now required to perform, under *The Consolidated Municipal Act, 1892*, where an election is being held for the members of the council of a local municipality.

55 V. c. 42.

Ballot boxes—
counting
ballots.

12. At the election of a member or members of a county council, the ballots shall be placed in the same ballot box as the ballots for the members of the council of a local municipality where an election in such municipality is being held, and shall be counted in the same manner as such last named ballots and they shall be placed in a separate envelope or package and otherwise dealt with in the same manner as ballots for the election of members of the council of a local municipality and where an election for such local municipality is not being held the proceedings thereat and thereafter (except where the same are varied hereby) shall be as nearly as *possible* the same as in the case of an election for a local municipality.

Qualification
of voters.

13. The persons qualified to vote for county councillors shall be the persons qualified to vote at the election of members of the council of the local municipality ⁴²⁷and all local municipal clerks, ⁴²⁸and no others; and each person so qualified shall be entitled to as many votes as there are members of the county council to be elected in his county council *division*, *not exceeding two*, and he may, at his option, when there are two county councillors to be elected, give both of his votes to one candidate, in which case he shall place two crosses within the division of the ballot wherein is the name of such candidate. But where any person ⁴²⁷being a resident voter ⁴²⁸is on the voters' list for two or more municipalities within any county council *division*, he shall vote for county councillors in that municipality only in which he resides, ⁴²⁹and at the polling place of the polling sub-division in which he resides only, if he is entitled to vote at such polling place. In case a voter is not resident within the division, he shall vote only once within any division, whether his name is on the voters' lists of said division in more than one polling sub-division or not. ⁴³⁰

14. Every member of a county council shall possess the same property qualification as the reeve of a town is required to have, and every member of a county council before entering on his duties shall make and subscribe the declaration of office and qualification (*mutatis mutandis*) set out in section 270 of *The Consolidated Municipal Act, 1892*. Qualification of county councillors. 55 V. c. 42.

15. The clerk of each municipality shall, on the day following the return to him of the ballot papers and statements, prepare and mail to the county clerk by registered letter with the postage prepaid, a certificate under his hand of the results of the voting in his municipality for the candidates for the county council, and such certificate shall be according to the form given in schedule B hereto. Certifying result of election in each municipality.

16. The county clerk shall, for the purposes of this Act, be returning officer and as such shall perform the limited duties required of him by this Act, and on receipt of the certificates from the clerks of the municipalities comprising a county council *division* the said county clerk shall cast up the number of votes for each candidate from such certificates and shall, at the hour of one o'clock in the afternoon of the second Monday in the month of January, in the county council chamber, publicly declare elected the two candidates having the highest number of votes in each county council *division*, and shall also post up in his office for public inspection a statement under his hand showing the number of votes polled for each candidate. County clerk to cast up votes and declare result.

17. Where an equal number of votes has been cast for two or more candidates in any county council *division* and it is necessary to determine which one or two of such candidates shall be declared to be elected, the nominating officer for the *division* shall, upon request of the county clerk, declare in writing for which of such candidates he votes, and in such case the candidate or candidates for whom he votes shall be elected. When two candidates receive same number of votes.

18. The county councillors so elected shall *form and* be the county council for the county in lieu of the council as heretofore constituted, and such county council shall have all the rights, powers and authority heretofore vested in county councils by *The Consolidated Municipal Act, 1892*, and may do and perform all acts, matters and things which county councils might or could do under said Act, and all parts of *The Consolidated Municipal Act, 1892*, repugnant to or inconsistent herewith affecting or applicable to county councils are and shall, for the purposes of this Act, be superseded hereby, and all other parts of the said municipal Act applicable to county councils shall apply to the county councils elected hereunder. Powers of county councillors elected under Act. 55 V. c. 42.

19. Where an even number of votes are cast for warden and no election can be had during the first day of meeting, if Tie vote for warden.

no choice is made after two ballots on the second day, the senior member representing the division having the largest equalized assessment shall have two votes. Where two councillors from such division have an equal number of votes, or where they have been elected by acclamation the clerk shall in open council draw lots to ascertain which one of such two shall give the casting vote. The words "senior member" shall mean that member for such division who received at the last preceding election the higher number of votes in his division.

Recount.

20. The same proceedings may be had for a recount of ballots, or for the vacating of any seat, as may now be had in the case of members of the council of any local municipality. And in case of a recount or proceedings for the unseating of a county councillor, the judge of the county or other persons before whom such proceedings are being held may require the clerk or clerks of the local municipality or municipalities to forward, for the purposes of production before him, to the clerk of the county under seal, all ballots, books, voters' or other lists, and other papers in his hands connected with the election. In such case the said clerk shall so forward the ballots, books, voters' or other lists, and other papers as directed, with a statutory declaration that they are the ballots, books, voters' or other lists, and other papers (if any) deposited with him in connection with such election and no others, and that he has kept them safely and has not permitted or given opportunity to any person or persons to examine, inspect or see them since they were returned to him, and that he has kept them under seal securely since such return to him.

Filling vacancies in council.

21. In case of a vacancy occurring in the county council by death of a member or from other cause before the June meeting of the county council, the warden (or in case of a vacancy in that office, the county clerk,) shall issue his warrant for a new election to fill such vacancy to the nominating officer of the division in which the vacancy exists, in time to fill the same before the regular meeting of said council in June is held; and where there is not time to fill the same before the said meeting such vacancy shall be filled at the annual election, and the clerk of the county council and the councils and clerks of the local municipalities comprising the county council *division* in which such vacancy has occurred, shall take all necessary proceedings, as provided by this Act, to hold the election. But when an election to fill any such vacancy is held at the annual election, or at any other time during the year, the proceedings shall be the same as nearly as may be as in the case of the biennial election under this Act, but where at such bye election one councillor only is to be elected, each elector shall be entitled to but one vote

~~21~~ The councillor so elected to fill any vacancy shall hold office during the unexpired portion of the term for which his predecessor was elected. ~~22~~

22. The expenses incurred in and about the election of county councillors shall be borne by the county, but where a poll is held for the election of a member or members of the council of a local municipality at the same time as the election for the county council is held, the costs of the polling booth and the fees of the deputy returning officer, poll clerk and constable and any other expenses which would be necessary for such election for the local municipality shall be borne by the local municipality as heretofore. In case of any dispute between the local municipality and the county as to the apportionment or payment of any such expenses, the difference between them shall be summarily and finally settled by the county judge upon the application of either party, upon four days' notice to the other party, and he shall make such order in the matter as to him shall appear just. Where an election is held under this Act when no poll is required by the local municipality or municipalities, then the costs of such election shall be borne wholly by the county.

Expenses of elections, payment of.

23. Any clerk of a county or clerk or officer of a local municipality who shall refuse or neglect to perform the duties prescribed by this Act, shall be liable, on conviction thereof, to a fine of \$200 and costs, and the provisions of section 420 of *The Consolidated Municipal Act, 1892*, respecting the recovery and enforcement of penalties shall apply to the penalties imposed by this section

Penalty for neglecting to carry out Act.

55 V. c. 42.

~~23~~ **24.** In addition to any other penalties imposed by *The Consolidated Municipal Act, 1892*, any clerk of a local municipality who knowingly makes a false or incorrect return under section 14 of this Act, and any county clerk who knowingly makes a false or incorrect declaration of election under section 15 of this Act, and any nominating officer who knowingly makes a false or incorrect declaration of election or knowingly gives a false or incorrect certificate under section 7 of this Act, or commits any act of falsification, concealment or fraud, with intent to affect the election of a candidate or candidates, shall, upon conviction thereof, be liable to a fine of \$500 and costs, and shall be disqualified for a period of four years thereafter from holding any office or position in the gift or control of any municipal council in the Province of Ontario, and shall not be eligible during the said period for election as member of any such council. ~~24~~

Penalties for false returns.

25. Where at any election two county councillors are to be elected, there shall be added to Schedule B of *The Con-*

Marking ballots on cumulative voting.

solidated Municipal Act, 1892, the following paragraph, specially applicable to the election of county councillors:

Where county councillors are to be elected, and the voter desires to give two votes for one candidate, he shall place two crosses, thus x x, on the righthand side opposite the name of the candidate for whom he votes, or at any other place in the division which contains the name of such candidate.

Poll book, columns to be inserted at county council elections.

26. Where an election for a member or members of the county council is being held at the same time as the election for a member or members of the council of the local municipality, the clerk of the local municipality in preparing the poll book shall insert therein a column to be headed "County councillors" between the columns headed "Refused to swear or affirm" and the column headed "Mayor or reeve," and in case no election is being held for a member or members of the council of the local municipality, the clerk shall prepare poll books expressly for the election of county councillors.

Application of provisions of 55 V. c. 42.

27. All the sections of *The Consolidated Municipal Act 1892*, relating to the conduct of municipal elections not inconsistent herewith and unless where other provisions are herein made and the imposition of penalties in connection therewith, shall apply to elections under this Act.

Division of counties by commission.

28. The division of the counties to be made for the purposes of this Act shall be so made by commissioners to be appointed by the Lieutenant-Governor in council.

Secretary to commissioner.

29. Any commission may appoint a secretary, who shall also be a stenographer, and who shall be paid for his services such sum as the Lieutenant-Governor-in-Council may direct.

Powers of commissioners.

30.—(1) The commissioners shall have power to summon witnesses, administer oaths, take evidence upon oath and generally have all the powers of a judge of the High Court sitting in court.

Using county buildings.

(2) The commissioners shall be entitled to the use of the court house, or any other county or municipal building, in which to hold their sittings, and may require the attendance of the sheriff or any other county or municipal officer at such sittings.

Information to be furnished by county officers.

(3) The county clerk or treasurer or the clerk of any local municipality shall, upon the request of any commissioner, prepare any statement, in schedule form or otherwise, as may be required, of the population, acreage, assessed value, annual receipts and expenditure and of the liabilities of the county or of any local municipality or any other statement in relation to the affairs of the county or of any local municipality

which the commissioners shall require, and shall furnish the same to the commissioners with promptitude and as they may be directed by the commissioners.

(4) The commission shall hold its sittings for each county ^{Sittings of commission.} in the court house or council chamber at the county town thereof; and notice of such sittings shall be given by the secretary of the commission to the clerk of the county, and by the said clerk published weekly for *two* successive weeks in two newspapers published within the county.

(5) The clerk of the county, upon receipt of the notice of the sitting of the commission, shall forthwith send by mail to the clerk of each municipality a copy of such notice. ^{Notice of sittings.}

(6) The commission may take evidence and hear ^{Taking evidence.} county or other municipal councils or representatives or committees thereof and other ^{parties} interested either personally or by counsel or agent, and may receive any or such written statement as they may think proper, and generally may take all such proceedings as will enable them fairly to divide the county and, *where necessary*, group the municipalities thereof into county council *divisions*, for the purposes of this Act.

⁽⁷⁾ In making such division of counties the commissioners shall treat the counties united for municipal purposes as though they were separate counties and shall make the divisions upon the basis of population for each of the united counties separately. [§]

31. In forming the county council *divisions* the commission shall, as far as may be practicable, have regard ^{Matters to be considered by commissioners} especially to assessed value, *as well as to population*, and extent of territory, and shall not in making such division divide local municipalities, unless where in the opinion of the commission it is plainly necessary so to do in order to arrive at a fair and reasonable division, [§] but in no case shall polling subdivisions be divided. [§]

32. *Every* commission shall, *immediately after* the conclusion of *its sittings* in any county, make a report *in respect of such county* to the Lieutenant-Governor in Council, setting out the manner in which the county has been divided by them, and one duplicate thereof shall be sent by the secretary of the commission to the Provincial Secretary, and the other duplicate thereof to the clerk of the county, who shall cause the same to be published weekly for three successive weeks in two newspapers published within the county. ^{Report to Government.}

33. Such report, when signed by the commissioners and filed with the Provincial Secretary and county clerk shall constitute the division of such county into county *divisions*, as provided by and for the purposes of this Act. ^{Effect of report.}

- When sittings
to begin **34.** Each of the said commissions shall begin its sittings not later than the *fifteenth* day of *May*, 1896, and shall conclude and make its final report on or before the *fifteenth* day of *October*, 1896.
- Payment of
expenses. **35.** The said commissioners and the secretaries of such commissions shall be paid for their services, and disbursements for travelling expenses and otherwise, out of any sum which may be appropriated by the Legislature for that purpose, and all other expenses of what kind so ever, shall be paid by the treasurer of the county for the work done or expenses incurred in respect of each particular county, ⁴²⁷ after they have been certified by the warden of such county. ⁴²⁷
- Board to re-
arrange divi-
sions. ⁴²⁷ **36.** The judge of the County Court of the county, the warden thereof and the clerk of the peace shall constitute a board whose duty it shall be when a new village is erected or a town separates from the county or is erected into a city, and the arrangement into county council divisions is thereby disturbed, by their order to attach such village to some convenient county council division or to rearrange the county council divisions affected, and, if necessary, the adjoining division or divisions, but in so doing the board shall make only such changes as the altered circumstances require. ⁴²⁷
- Ascertaining
population. **37.** The population of any county shall, for the purposes of this Act, be ascertained by reference to the ⁴²⁷ population of the local municipalities as shown by the ⁴²⁷ last decennial census of the Dominion of Canada.
- Act to be
read with
55 V. c. 42. **38.** This Act shall be read with and as part of *The Consolidated Municipal Act, 1892*.

SCHEDULE.

(Section 15.)

FORM OF CERTIFICATE OF RESULT OF POLLS TO "COUNTY COUNCILS ACT, 1896."

I, _____, Clerk of the municipal corporation of the _____ of _____, hereby certify that at the election of members of the county council for _____ the county council *division* of each candidate received the number of votes placed after his name in the list hereunder written.

Name.	Occupation.	Number of votes.

Dated at _____ this _____ day of _____, A.D.

A. B.
Clerk of the Municipality of _____

No. 99.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to reduce the number of County
Councillors.

First Reading, 3rd March, 1896.
Second Reading, 19th March, 1896.

*(Reprinted as amended by Committee of
the Whole House.)*

Mr. HARDY.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to reduce the number of County Councillors.

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

1. This Act may be cited as *The County Councils Act, 1896*. Title.

2. Notwithstanding anything in *The Consolidated Municipal Act, 1892*, or any other Act, contained, and subject to the provisions of this Act, county councils shall, from and after the expiration of the terms of office of the county councillors holding office at the time of the passing hereof, be composed as follows:—

Composition
of county
councils.

(a) If the population of the county is 25,000 or less, of not less than 8 members nor more than 10 members.

(b) If the population is more than 25,000 but less than 40,000, of not less than 10 members nor more than 12 members.

(c) If the population is 40,000 or more but less than 60,000, of not less than 12 members nor more than 14 members.

(d) If the population is 60,000 or more, of not less than 16 members nor more than 18 members.

3. For the purposes of this Act, each county shall be divided into districts or divisions, which shall be known as "county council divisions," as follows:—

County coun-
cil divisions.

(a) If the population of the county is 25,000 or less, into not less than 4 and not more than 5 divisions.

(b) If the population is more than 25,000 but less than 40,000, into not less than 5 and not more than 6 divisions.

(c) If the population is 40,000 or more, but less than 60,000, into not less than 6 nor more than 7 divisions.

(d) And if the population is 60,000 or more, into not less than 8 nor more than 9 divisions.

§ 4. Cities, towns and other municipalities separated from the county shall not be included in the computation of the population, nor shall the population of Indian reserves, which are not organized as municipalities under *The Consolidated Municipal Act, 1892*.

Two members
for each
district.

§ 5. Each such division shall be designated and distinguished by its number (as for example the "First County Council Division,") and shall be represented in the county council by two members who shall hold office for the term of two years, and who shall be residents of the Division for which they are councillors.

Election in
alternate
years.

§ 6. The election of county councillors shall be held in alternate years and at the time fixed by law for the annual municipal elections for members of the councils of the local municipalities, and the first election held under this Act shall be so held at the next annual municipal elections which shall be held after this Act comes into force. No member of the council of a local municipality nor any clerk, treasurer, assessor or collector thereof shall be eligible for nomination or election as a county councillor. But a member of any municipal council for the year 1896 shall not be ineligible for nomination or election by reason only of his being a member of such council for the year 1896.

Nominations.

§ 7.—(1) The warden of every county shall, on or before the 15th day of November, 1896, and, in every succeeding year before an election for county councillors is to be held, the county council shall appoint for each county council division a nominating officer, who shall act as such until his successor is appointed. Such person may be called the "nominating officer," and his duties shall be, in every year before an election of county councillors is to be held, or before a vacancy is to be filled to fix a place within the division for holding such nomination, between the hours of one and two o'clock in the afternoon, and to give notice of such nomination under his hand, and of the election by advertisement in two weekly newspapers in the county, to be published for at least two successive weeks prior to such nomination day, or by giving sufficient public notice thereof by printed posters.

(2) To attend at the day and place appointed for such nomination and subject to the provisions and for the purposes of this Act, to perform the duties as far as made applicable by this Act, which, by law, the clerk of a local municipality is required to perform as returning officer at the nomination for an election in a local municipality. In case at the time appointed for holding the nomination, the nominating officer has died, or does not attend to hold such nomination, the electors present for the purpose of holding a nomination may choose from amongst themselves a nominating officer who shall have all the powers and perform all the duties of such nominating officer.

(3) In the event of the warden failing to make such appointments within twenty-four hours after the time specified, the clerk of the council shall make such appointments.

(4) Such nomination day shall be that *Monday* in the week which precedes the week before polling day.

8. If at the day and hour named in the preceding paragraph there are not more candidates nominated for any county council *division* than are required to be elected for such *division*, the *nominating officer* shall thereupon declare such candidate or candidates as are duly nominated, elected, and shall thereupon prepare and mail to the county clerk, by registered letter with postage prepaid, upon the same day a certificate under his hand of such election by acclamation. But if a greater number of candidates are nominated than are required to be elected in any county council *division* the *nominating officer* shall thereupon, immediately after the lapse of the time in which candidates nominated under *The Consolidated Municipal Act, 1892*, may withdraw, certify the same, with the names and addresses of those remaining in nomination, to the county clerk.

9. It shall be the duty of the clerk of the county council to cause a ballot to be printed for the election of a member or members of the council, and he shall immediately after the receipt of the certificates from the *nominating officer* and before polling day forward a sufficient number of ballots and other necessary election papers to the clerk of each of the local municipalities within each county council *division* where elections for county councillors are to be held, and such clerk of the municipality shall cause them to be supplied to the persons appointed to act as deputy returning officers at the said election. If all the members of the council of any local municipality shall be elected by acclamation, then the clerk of such municipality shall take all proceedings necessary for the election of a member or members of the county council in the same manner (*mutatis mutandis*) as is provided by *The Consolidated Municipal Act, 1892*, for the election of members of the council of the municipality.

10. In preparing the ballots or any notices or other papers which may be necessary, the forms appended to or otherwise provided for by *The Consolidated Municipal Act, 1892*, shall be used as far as applicable, and where not wholly applicable, shall be adapted by the clerk of the county council or the clerks of the local municipalities, or other officer, as the case may be, to the election of county councillors, and the words "county councillor" shall be printed on every such ballot.

11. The council of any local municipality in which the election of any member or members of the county council is to be held, and the clerk of such municipality and any other

Election by
acclamation.

Ballot,
papers, etc.

When no elec-
tion to be held
for local
municipality.

Forms.

55 V. c. 42.

Holding elec-
tion of County
Councillors
where all mem-

bers of local
council elected
by acclama-
tion.

officer thereof shall, in case of the election of all the members of the council of the local municipality by acclamation, nevertheless, do all things and take all proceedings which would have been necessary *and as by law is provided*, that is to say, provide polling places, furnish the necessary and proper voters' lists and poll books, and appoint deputy-returning officers and any other necessary officers heretofore appointed or provided, and do any and all other matters and things necessary and proper, and which should have been done had the members of the council of such local municipality not been elected by acclamation, so as to enable the election for county councillors to be held, and the returning officer and deputy returning officer shall have all the powers, rights and authorities respecting the election of county councillors, which they now have at the election for the members of the local municipal councils, and shall perform all the like or similar duties which they are now required to perform, under *The Consolidated Municipal Act, 1892*, where an election is being held for the members of the council of a local municipality.

55 V. c. 42.

Ballot boxes—
counting
ballots.

12. At the election of a member or members of a county council, the ballots shall be placed in the same ballot box as the ballots for the members of the council of a local municipality where an election in such municipality is being held, and shall be counted in the same manner as such last named ballots and they shall be placed in a separate envelope or package and otherwise dealt with in the same manner as ballots for the election of members of the council of a local municipality and where an election for such local municipality is not being held the proceedings thereat and thereafter (except where the same are varied hereby) shall be as nearly as *possible* the same as in the case of an election for a local municipality.

Qualification
of voters.

13. The persons qualified to vote for county councillors shall be the persons qualified to vote at the election of members of the council of the local municipality ^{and} and all local municipal clerks, ^{and} and no others; and each person so qualified shall be entitled to as many votes as there are members of the county council to be elected in his county council *division*, *not exceeding two*, and he may, at his option, when there are two county councillors to be elected, give both of his votes to one candidate, in which case he shall place two crosses within the division of the ballot wherein is the name of such candidate. But where any person ^{is} being a resident voter ^{is} is on the voters' list for two or more municipalities within any county council *division*, he shall vote for county councillors in that municipality only in which he resides, ^{and} and at the polling place of the polling sub-division in which he resides only, if he is entitled to vote at such polling place. In case a voter is not resident within the division, he shall vote only once within any division, whether his name is on the voters' lists of said division in more than one polling sub-division or not. ^{and}

14. Every member of a county council shall possess the same property qualification as the reeve of a town is required to have, and every member of a county council before entering on his duties shall make and subscribe the declaration of office and qualification (*mutatis mutandis*) set out in section 270 of *The Consolidated Municipal Act, 1892*.

Qualification of county councillors.

55 V. c. 42.

15. The clerk of each municipality shall, on the day following the⁴² return to him of the ballot papers and statements, ⁵⁵ prepare and mail to the county clerk by registered letter with the postage prepaid, a certificate under his hand of the results of the voting in his municipality for the candidates for the county council, and such certificate shall be according to the form given in schedule B hereto.

Certifying result of election in each municipality.

⁴² 16. The county clerk shall, for the purposes of this Act, be returning officer and as such shall perform the limited duties required of him by this Act, and ⁵⁵ on receipt of the certificates from the clerks of the municipalities comprising a county council *division* the *said* county clerk shall cast up the number of votes for each candidate from such certificates and shall, at the hour of one o'clock in the afternoon of the second Monday in the month of January, in the county council chamber, publicly declare elected the two candidates having the highest number of votes in each county council *division*, and shall also post up in his office for public inspection a statement under his hand showing the number of votes polled for each candidate.

County clerk to cast up votes and declare result.

17. Where an equal number of votes has been cast for two or more candidates in any county council *division* and it is necessary to determine which one or two of such candidates shall be declared to be elected, the ⁴² nominating officer for the *division* ⁵⁵ shall, upon request of the county clerk, declare in writing for which of such candidates he votes, and in such case the candidate or candidates for whom he votes shall be elected.

When two candidates receive same number of votes.

18. The county councillors so elected shall *form and* be the county council for the county in lieu of the council as heretofore constituted, and such county council shall have all the rights, powers and authority heretofore vested in county councils by *The Consolidated Municipal Act, 1892*, and may do and perform all acts, matters and things which county councils might or could do under said Act, and all parts of *The Consolidated Municipal Act, 1892*, repugnant to or inconsistent herewith affecting or applicable to county councils are and shall, for the purposes of this Act, be superseded hereby, and all other parts of the said municipal Act applicable to county councils shall apply to the county councils elected hereunder.

Powers of county councillors elected under Act.

55 V. c. 42.

⁴² 19. Where an even number of votes are cast for warden and no election can be had during the first day of meeting, if

Tie vote for warden.

no choice is made after two ballots on the second day, the senior member representing the division having the largest equalized assessment shall have two votes. Where two councillors from such division have an equal number of votes, or where they have been elected by acclamation the clerk shall in open council draw lots to ascertain which one of such two shall give the casting vote. The words "senior member" shall mean that member for such division who received at the last preceding election the higher number of votes in his division.

Recount.

20. The same proceedings may be had for a recount of ballots, or for the vacating of any seat, as may now be had in the case of members of the council of any local municipality. And in case of a recount or proceedings for the unseating of a county councillor, the judge of the county or other persons before whom such proceedings are being held may require the clerk or clerks of the local municipality or municipalities to forward, for the purposes of production before him, to the clerk of the county under seal, all ballots, ~~and~~ books, voters' or other lists, ~~and~~ and other papers in his hands connected with the election. In such case the said clerk shall so forward the ballots, ~~and~~ books, voters' or other lists, ~~and~~ and other papers as directed, with a statutory declaration that they are the ballots, ~~and~~ books, voters' or other lists, ~~and~~ and other papers (if any) deposited with him in connection with such election and no others, and that he has kept them safely and has not permitted or given opportunity to any person or persons to examine, inspect or see them since they were returned to him, and that he has kept them under seal securely since such return to him.

Filling vacancies in council.

21. In case of a vacancy occurring in the county council by death of a member or from other cause ~~and~~ before the June meeting of the county council, the warden (or in case of a vacancy in that office, the county clerk,) shall issue his warrant for a new election to fill such vacancy to the nominating officer of the division in which the vacancy exists, in time to fill the same before the regular meeting of said council in June is held; and where there is not time to fill the same before the said meeting such vacancy shall be filled at the annual election, ~~and~~ and the clerk of the county council and the councils and clerks of the local municipalities comprising the county council *division* in which such vacancy has occurred, shall take all necessary proceedings, as provided by this Act, to hold the election. But when an election to fill any such vacancy is held at the annual election, or at any other time during the year, the proceedings shall be the same as nearly as may be as in the case of the biennial election under this Act, ~~and~~ but where at such bye election one councillor only is to be elected, each elector shall be entitled to but one vote

~~427~~ The councillor so elected to fill any vacancy shall hold office during the unexpired portion of the term for which his predecessor was elected. ~~428~~

22. The expenses incurred in and about the election of county councillors shall be borne by the county, but where a poll is held for the election of a member or members of the council of a local municipality at the same time as the election for the county council is held, the costs of the polling booth and the fees of the deputy returning officer, poll clerk and constable and any other expenses which would be necessary for such election for the local municipality shall be borne by the local municipality as heretofore. In case of any dispute between the local municipality and the county as to the apportionment or payment of any such expenses, the difference between them shall be summarily and finally settled by the county judge upon the application of either party, upon four days' notice to the other party, and he shall make such order in the matter as to him shall appear just. Where an election is held under this Act when no poll is required by the local municipality or municipalities, then the costs of such election shall be borne wholly by the county.

Expenses of elections, payment of.

23. Any clerk of a county or clerk or officer of a local municipality who shall refuse or neglect to perform the duties prescribed by this Act, shall be liable, on conviction thereof, to a fine of \$200 and costs, and the provisions of section 420 of *The Consolidated Municipal Act, 1892*, respecting the recovery and enforcement of penalties shall apply to the penalties imposed by this section

Penalty for neglecting to carry out Act.

55 V. c. 42.

~~427~~ **24.** In addition to any other penalties imposed by *The Consolidated Municipal Act, 1892*, any clerk of a local municipality who knowingly makes a false or incorrect return under section 14 of this Act, and any county clerk who knowingly makes a false or incorrect declaration of election under section 15 of this Act, and any nominating officer who knowingly makes a false or incorrect declaration of election or knowingly gives a false or incorrect certificate under section 7 of this Act, or commits any act of falsification, concealment or fraud, with intent to affect the election of a candidate or candidates, shall, upon conviction thereof, be liable to a fine of \$500 and costs, and shall be disqualified for a period of four years thereafter from holding any office or position in the gift or control of any municipal council in the Province of Ontario, and shall not be eligible during the said period for election as member of any such council. ~~428~~

Penalties for false returns.

25. Where at any election two county councillors are to be elected, there shall be added to Schedule B of *The Con*

Marking ballots on cumulative voting.

solidated Municipal Act, 1892, the following paragraph, specially applicable to the election of county councillors :

Where county councillors are to be elected, and the voter desires to give two votes for one candidate, he shall place two crosses, thus × ×, on the righthand side opposite the name of the candidate for whom he votes, or at any other place in the division which contains the name of such candidate.

Poll book, columns to be inserted at county council elections.

26. Where an election for a member or members of the county council is being held at the same time as the election for a member or members of the council of the local municipality, the clerk of the local municipality in preparing the poll book shall insert therein a column to be headed "County councillors" between the columns headed "Refused to swear or affirm" and the column headed "Mayor or reeve," and in case no election is being held for a member or members of the council of the local municipality, the clerk shall prepare poll books expressly for the election of county councillors.

Application of provisions of 55 V. c. 42.

27. All the sections of *The Consolidated Municipal Act 1892*, relating to the conduct of municipal elections not inconsistent herewith and unless where other provisions are herein made and the imposition of penalties in connection therewith, shall apply to elections under this Act.

Division of counties by commission.

28. The division of the counties to be made for the purposes of this Act⁴² shall be so made by commissioners to be appointed by the Lieutenant-Governor in council.

Secretary to commissioner.

29. Any commission may appoint a secretary, who shall also be a stenographer, and who shall be paid for his services such sum as the Lieutenant-Governor-in-Council may direct.

Powers of commissioners.

30.—(1) *The* commissioners shall *have power to* summon witnesses, administer oaths, take evidence upon oath and generally have all the powers of a judge of the High Court sitting in court.

Using county buildings.

(2) The commissioners shall be entitled to the use of the court house, or any other county or municipal building, in which to hold their sittings, and may require the attendance of the sheriff or any other county or municipal officer at such sittings.

Information to be furnished by county officers.

(3) The county clerk or treasurer or the clerk of any local municipality shall, upon the request of *any commissioner*, prepare any statement, in schedule form or otherwise, as may be required, of the population, acreage, assessed value, annual receipts and expenditure and of the liabilities of the county or of any local municipality or any other statement in relation to the affairs of the county or of any local municipality

which the commissioners shall require, and shall furnish the same to the commissioners with promptitude and as they may be directed by the commissioners.

(4) The commission shall hold its sittings for each county in the court house or council chamber at the county town thereof, and notice of such sittings shall be given by the secretary of the commission to the clerk of the county, and by the said clerk published weekly for *two* successive weeks in two newspapers published within the county. Sittings of commission.

(5) The clerk of the county, upon receipt of the notice of the sitting of the commission, shall forthwith send by mail to the clerk of each municipality a copy of such notice. Notice of sittings.

(6) The commission may take evidence and hear ~~the~~ county or other municipal councils or representatives or committees thereof and other ~~the~~ parties interested either personally or by counsel or agent, and may receive any or such written statement as they may think proper, and generally may take all such proceedings as will enable them fairly to divide the county and, *where necessary*, group the municipalities thereof into county council *divisions*, for the purposes of this Act. Taking evidence.

~~(7)~~ In making such division of counties the commissioners shall treat the counties united for municipal purposes as though they were separate counties and shall make the divisions upon the basis of population for each of the united counties separately. ~~(7)~~

31. In forming the county council *divisions* the commission shall, as far as may be practicable, have regard *especially* to assessed value, *as well as to population*, and extent of territory, and shall not in making such division divide local municipalities, unless where in the opinion of the commission it is plainly necessary so to do in order to arrive at a fair and reasonable division, ~~(7)~~ but in no case shall polling subdivisions be divided. ~~(7)~~ Matters to be considered by commissioners

32. *Every* commission shall, *immediately after* the conclusion of *its sittings* in any county, make a report *in respect of such county* to the Lieutenant-Governor in Council, setting out the manner in which the county has been divided by them, and one duplicate thereof shall be sent by the secretary of the commission to the Provincial Secretary, and the other duplicate thereof to the clerk of the county, who shall cause the same to be published weekly for three successive weeks in two newspapers published within the county. Report to Government.

33. Such report, when signed by the commissioners and filed with the Provincial Secretary and county clerk shall constitute the division of such county into county *divisions*, as provided by and for the purposes of this Act. Effect of report.

When sittings to begin. **34.** Each of the said commissions shall begin its sittings not later than the *fifteenth* day of *May*, 1896, and shall conclude and make its final report on or before the *fifteenth* day of *October*, 1896.

Payment of expenses. **35.** The said commissioners and the secretaries of such commissions shall be paid for their services, and disbursements for travelling expenses and otherwise, out of any sum which may be appropriated by the Legislature for that purpose, and all other expenses of what kind so ever, shall be paid by the treasurer of the county for the work done or expenses incurred in respect of each particular county, ~~and~~ after they have been certified by the warden of such county. ~~and~~

Board to rearrange division. ~~and~~ **36.** The judge of the County Court of the county, the warden thereof and the clerk of the peace shall constitute a board whose duty it shall be when a new village is erected or a town separates from the county or is erected into a city, and the arrangement into county council divisions is thereby disturbed, by their order to attach such village to some convenient county council division or to rearrange the county council divisions affected, and, if necessary, the adjoining division or divisions, but in so doing the board shall make only such changes as the altered circumstances require. ~~and~~

By-laws for raising more than \$20,000 in any year to be submitted to electors. ~~and~~ **37.** A county council elected under this Act shall not, during any one term in which it is elected, raise by by-law for contracting debts or loans more than \$20,000 over and above the sums required for its ordinary expenditure without submitting such by-law or by-laws for the assent of the electors. ~~and~~

Ascertaining population. **38.** The population of any county shall, for the purposes of this Act, be ascertained by reference to the ~~the~~ population of the local municipalities as shown by the ~~the~~ last decennial census of the Dominion of Canada.

Act not to apply to Haliburton. ~~and~~ **39.** This Act shall not apply to the Provisional County of Haliburton. ~~and~~

Act to be read with 55 V. c. 42. **40.** This Act shall be read with and as part of *The Consolidated Municipal Act, 1892*.

SCHEDULE.

(Section 15.)

FORM OF CERTIFICATE OF RESULT OF POLLS TO "COUNTY COUNCILS ACT, 1896."

I, _____, Clerk of the municipal corporation of the _____ of _____, hereby certify that at the election of members of the county council for _____ the county council *division* of each candidate received the number of votes placed after his name in the list hereunder written.

Name.	Occupation.	Number of votes.

Dated at _____ this _____ day of _____, A.D.

A. B.
Clerk of the Municipality of _____

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to reduce the number of County
Councillors.

First Reading, 3rd March, 1896.
Second Reading, 19th March, 1896.

*(Reprinted as again amended by Committee
of the Whole House.)*

Mr. HARDY.

TORONTO:

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

An Act to reduce the number of County Councillors

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

1. This Act may be cited as *The County Councils Act, 1896*. Title.

2. Notwithstanding anything in *The Consolidated Municipal Act, 1892*, or any other Act, contained, and subject to the provisions of this Act, county councils shall, from and after the expiration of the terms of office of the county councillors holding office at the time of the passing hereof, be composed as follows:—

Composition
of county
councils.

(a) If the population of the county is 25,000 or less, of not less than 8 members nor more than 10 members.

(b) If the population is more than 25,000 but less than 40,000, of not less than 10 members nor more than 12 members.

(c) If the population is 40,000 or more but less than 60,000, of not less than 12 members nor more than 14 members.

(d) If the population is 60,000 or more, of not less than 16 members nor more than 18 members.

3. For the purposes of this Act, each county shall be divided into districts or divisions, which shall be known as "county council divisions," as follows:—

County coun-
cil divisions.

(a) If the population of the county is 25,000 or less, into not less than 4 and not more than 5 divisions.

(b) If the population is more than 25,000 but less than 40,000, into not less than 5 and not more than 6 divisions.

(c) If the population is 40,000 or more, but less than 60,000, into not less than 6 nor more than 7 divisions.

(d) And if the population is 60,000 or more, into not less than 8 nor more than 9 divisions.

Separate municipalities not to be included in computing population.

4. Cities, towns and other municipalities separated from the county shall not be included in the computation of the population, nor shall the population of Indian reserves, which are not organized as municipalities under *The Consolidated Municipal Act, 1892.*

Two members for each district.

5. Each such division shall be designated and distinguished by its number (as for example the "First County Council Division,") and shall be represented in the county council by two members who shall hold office for the term of two years, and who shall be residents of the Division for which they are councillors.

Election in alternate years.

6. The election of county councillors shall be held in alternate years and at the time fixed by law for the annual municipal elections for members of the councils of the local municipalities, and the first election held under this Act shall be so held at the next annual municipal elections which shall be held after this Act comes into force. No member of the council of a local municipality nor any clerk, treasurer, assessor or collector thereof shall be eligible for nomination or election as a county councillor. But a member of any municipal council for the year 1896 shall not be ineligible for nomination or election by reason only of his being a member of such council for the year 1896.

Nominations.

7.—(1) *The warden of every county shall on or before the 15th day of November, 1896, and, in every succeeding year before an election for county councillors is to be held, the county council shall appoint for each county council division a nominating officer, who shall act as such until his successor is appointed. Such person may be called the "nominating officer," and his duties shall be;*

(a) In every year before an election of county councillors is to be held, or before a vacancy is to be filled to fix a place within the division for holding such nomination, between the hours of one and two o'clock in the afternoon, and to give notice of such nomination under his hand, and of the election, by advertisement in two weekly newspapers in the county, to be published for at least two successive weeks prior to such nomination day, or by giving sufficient public notice thereof by printed posters;

(b) To attend at the day and place appointed for such nomination and subject to the provisions and for the purposes of this Act, to perform the duties as far as made applicable by this Act, which, by law, the clerk of a local municipality is required to perform as returning officer at the nomination for an election in a local municipality. In case at the time appointed for holding the nomination, the nominating officer has died, or does not attend to hold such nomination, the electors present for the purpose of holding a nomination may choose from amongst themselves a nominating officer who shall have all the powers and perform all the duties of such nominating officer.

⁴²⁷(2) In the event of the warden failing to make such appointments within twenty-four hours after the time specified, ⁴²⁸the duty of making such appointments shall devolve upon the clerk of the council. ⁴²⁹

⁴²⁷(3) Such nomination day shall be that *Monday* in the week which precedes the week before polling day. ⁴²⁹

⁴²⁸8—(1) If at the day and hour named in the preceding paragraph there are not more candidates nominated for any county council *division* than are required to be elected for such *division*, the *nominating officer* shall thereupon declare such candidate or candidates as are duly nominated, elected, ⁴²⁸and shall thereupon prepare and mail to the county clerk, by registered letter with postage prepaid, upon the same day a certificate under his hand of such election by acclamation. ⁴²⁹ Election by acclamation.
But if a greater number of candidates are nominated than are required to be elected in any county council *division* the *nominating officer* shall ⁴²⁸immediately after the lapse of the time in which candidates, under *The Consolidated Municipal Act, 1892*, may withdraw from nomination, certify the facts, with the names and addresses of those remaining in nomination, to the county clerk. ⁴²⁹ 55 V. c. 42.

⁴²⁷(2) Any person nominated may resign either at the nomination meeting or during the following day. If such resignation is after the meeting, it shall be signed and witnessed in the manner prescribed for resignations under *The Consolidated Municipal Act* and delivered to the nominating officer. ⁴²⁹ 55 V. c. 42.

⁴²⁷(3) If by reason of any such resignation or resignations the number of candidates remaining does not exceed that of the offices to be filled, the nominating officer shall certify such candidates as duly elected. ⁴²⁹

9. It shall be the duty of the clerk of the county council to cause a ballot to be printed for the election of a member or members of the council, and he shall ⁴²⁸immediately after the receipt of the certificates from the nominating officer and ⁴²⁹before polling day forward a sufficient number of ballots and other necessary election papers to the clerk of each of the local municipalities within each county council *division* where elections for county councillors are to be held, and such clerk of the municipality shall cause them to be supplied to the persons appointed to act as deputy returning officers at the said election. If all the members of the council of any local municipality shall be elected by acclamation, then the clerk of such municipality shall take all proceedings necessary for the election of a member or members of the county council in the same manner (*mutatis mutandis*) as is provided by *The Consolidated Municipal Act, 1892*, for the election of members of the council of the municipality. Ballot, papers, etc.
When no election to be held for local municipality.

Forms.

55 V. c. 42.

10. In preparing the ballots or any notices or other papers which may be necessary, the forms appended to or otherwise provided for by *The Consolidated Municipal Act, 1892*, shall be used as far as applicable, and where not wholly applicable, shall be adapted by the clerk of the county council or the clerks of the local municipalities, or *other officer*, as the case may be, to the election of county councillors, and the words "County Councillor" shall be printed on every such ballot.

55 V. c. 42.

Holding election of County Councillors where all members of local council elected by acclamation.

55 V. c. 42.

11. The council of any local municipality in which the election of any member or members of the county council is to be held, and the clerk of such municipality and any other officer thereof shall, in case of the election of all the members of the council of the local municipality by acclamation, nevertheless, do so as to enable the election for county councillors to be held, and do all things and take all proceedings which would have been necessary and as by law is provided, that is to say, provide polling places, furnish the necessary and proper voters' lists and poll books, and appoint deputy-returning officers and other necessary officers, and do any and all other matters and things which would have been necessary and proper to be done had the members of the council of such local municipality not been elected by acclamation, and the returning officer and deputy returning officer shall have all the powers, rights and authorities respecting the election of county councillors, which they now have respecting the election for the members of the local municipal councils, and shall perform all the like or similar duties which they are now required to perform, under *The Consolidated Municipal Act, 1892*, where an election is being held for the members of the council of a local municipality.

Ballot boxes—counting ballots.

12. At the election of a member or members of a county council, the ballots shall be placed in the same ballot box as the ballots for the members of the council of a local municipality where an election in such municipality is being held, and shall be counted in the same manner as such last named ballots and they shall *thereafter* be placed in a separate envelope or package and otherwise dealt with in the same manner as ballots for the election of members of the council of a local municipality and where an election for such local municipality is not being held the proceedings thereat and thereafter (except where the same are varied hereby) shall be as nearly as possible the same as in the case of an election for a local municipality.

Qualification of voters.

13. The persons qualified to vote for county councillors shall be the persons qualified to vote at the election of members of the council of the local municipality and all local municipal clerks, and no others; and each person so qualified shall be entitled to as many votes as there are members of the county

council to be elected in his county council *division*, and he may, at his option, when there are two county councillors to be elected, give both of his votes to one candidate, in which case he shall place two crosses within the division of the ballot wherein is the name of such candidate. But where any person being a resident voter is on the voters' list for two or more municipalities within any county council *division*, he shall vote for county councillors in that municipality only in which he resides, and only at the polling place of the polling sub-division in which he resides, if he is entitled to vote at such polling place. In case a voter is not resident within the division, he shall vote only once within any division, whether his name is on the voters' lists of said division in more than one polling sub-division or not.

14. Every member of a county council shall possess the same property qualification as the reeve of a town is required to have, and every member of a county council before entering on his duties shall make and subscribe the declaration of office and qualification (*mutatis mutandis*) set out in section 270 of *The Consolidated Municipal Act, 1892*. 55 V. c. 42.

Qualification of county councillors.

15. The clerk of each municipality shall, on the day following the return to him of the ballot papers and statements, prepare and mail to the county clerk by registered letter with the postage prepaid, a certificate under his hand of the result of the voting in his municipality for the candidates for the county council, and such certificate shall be according to the form given in the schedule hereto.

Certifying result of election in each municipality.

16. The county clerk shall, for the purposes of this Act, be returning officer, and as such shall perform the duties required of him by this Act, and on receipt of the certificates from the clerks of the municipalities comprising a county council *division* the said county clerk shall cast up the number of votes for each candidate from such certificates and shall, at the hour of one o'clock in the afternoon of the second Monday in the month of January, in the county council chamber, publicly declare elected the two candidates having the highest number of votes in each county council *division*, and shall also post up in his office for public inspection a statement under his hand showing the number of votes polled for each candidate.

County clerk to cast up votes and declare result.

17. Where an equal number of votes has been cast for two or more candidates in any county council *division* and it is necessary to determine which one or two of such candidates shall be declared to be elected, the nominating officer for the division shall, upon request of the county clerk, declare in writing for which of such candidates he votes, and in such case the candidate or candidates for whom he votes shall be elected.

When two candidates receive same number of votes.

Powers of
county
councillors
elected under
Act.

55 V. c. 42.

18. The county councillors so elected shall *form and* be the county council for the county in lieu of the council as heretofore constituted, and such county council shall have all the rights, powers and authority heretofore vested in county councils by *The Consolidated Municipal Act, 1892*, and may do and perform all acts, matters and things which county councils might or could do under said Act, and all parts of *The Consolidated Municipal Act, 1892*, repugnant to or inconsistent herewith affecting or applicable to county councils are and shall, for the purposes of this Act, be superseded hereby, and all other parts of the said municipal Act applicable to county councils shall apply to the county councils elected hereunder.

Tie vote for
warden.

19. Where an even number of votes are cast for warden and no election can be had during the first day of meeting, if no choice is made after two ballots on the second day, the senior member representing the division having the largest equalized assessment shall have two votes. Where two councillors from such division have an equal number of votes, or where they have been elected by acclamation the clerk shall in open council draw lots to ascertain which one of such two shall give the casting vote. The words "senior member" shall mean that member for such division who received at the last preceding election the higher number of votes in his division.

Recount.

20. The same proceedings may be had for a recount of ballots, or for the vacating of any seat, as may now be had in the case of members of the council of any local municipality. And in case of a recount or proceedings for the unseating of a county councillor, the judge of the county or other persons before whom such proceedings are being held may require the clerk or clerks of the local municipality or municipalities to forward, for the purposes of production before him, to the clerk of the county under seal, all ballots, books, voters' or other lists, and other papers in his hands connected with the election. In such case the said clerk shall so forward the ballots, books, voters' or other lists, and other papers as directed, with a statutory declaration that they are the ballots, books, voters' or other lists, and other papers (if any) deposited with him in connection with such election and no others, and that he has kept them safely and has not permitted or given opportunity to any person or persons to examine, inspect or see them since they were returned to him, and that he has kept them under seal securely since such return to him.

Filling vacan-
cies in council.

21—(1) In case of a vacancy occurring in the county council by death of a member or from other cause before the June meeting of the county council, the warden (or in case of a vacancy in that office, the county clerk,) shall issue his warrant for a new election to fill such vacancy to the nominating

officer of the division in which the vacancy exists, in time to fill the same before the regular meeting of said council in June is held, *if practicable*; and where there is not time to fill the same before the said meeting such vacancy shall be filled at the *next* annual *municipal* election,⁴²⁷ and the clerk of the county council and the councils and clerks of the local municipalities comprising the county council *division* in which such vacancy has occurred, shall take all necessary proceedings, as provided by this Act, to hold the election. But when an election to fill any such vacancy is held at the annual election, or at any other time during the year, the proceedings shall be the same as nearly as may be as in the case of the biennial election under this Act,⁴²⁸ but where at such bye election one councillor only is to be elected, each elector shall be entitled to but one vote.

(2)⁴²⁹ The councillor so elected to fill a vacancy shall hold office during the unexpired portion of the term for which his predecessor was elected.⁴³⁰

22. The expenses incurred in and about the election of county councillors shall be borne by the county, but where a poll is held for the election of a member or members of the council of a local municipality at the same time as the election for the county council is held, the costs of the polling booth and the fees of the deputy returning officer, poll clerk and constable and any other expenses which would be necessary for such election for the local municipality shall be borne by the local municipality as heretofore. In case of any dispute between the local municipality and the county as to the apportionment or payment of any such expenses, the difference between them shall be summarily and finally settled by the county judge upon the application of either party, upon four days' notice to the other party, and he shall make such order in the matter as to him shall appear just. Where an election is held under this Act when no poll is required by the local municipality or municipalities, then the costs of such election shall be borne wholly by the county.

Expenses of elections, payment of.

23. Any clerk of a county or clerk or officer of a local municipality who shall refuse or neglect to perform the duties prescribed by this Act, shall be liable, on conviction thereof, to a fine of \$200 and costs, and the provisions of section 420 of *The Consolidated Municipal Act, 1892*, respecting the recovery and enforcement of penalties shall apply to the penalties imposed by this section

Penalty for neglecting to carry out Act.

55 V. c. 42.

⁴³¹**24.** In addition to any other penalties imposed by *The Consolidated Municipal Act, 1892*, any clerk of a local municipality who knowingly makes a false or incorrect return under section 14 of this Act, and any county clerk who knowingly makes a false or incorrect declaration of election under section

Penalties for false returns.

15 of this Act, and any nominating officer who knowingly makes a false or incorrect declaration of election or knowingly gives a false or incorrect certificate under section 7 of this Act, or commits any *other* act of falsification, concealment or fraud, with intent to affect the election of a candidate or candidates, shall, upon conviction thereof, be liable to a fine of \$500 and costs, and shall be disqualified for a period of four years thereafter from holding any office or position in the gift or control of any municipal council in the Province of Ontario, and shall not be eligible during the said period for election as member of any such council.

Information to be furnished by county officers.

25. Where at any election two county councillors are to be elected, there shall be added to the directions contained in Schedule B of *The Consolidated Municipal Act, 1892*, the following paragraph specially applicable to the election of county councillors :

Where county councillors are to be elected, and the voter desires to give two votes for one candidate, he shall place two crosses, thus × ×, on the righthand side opposite the name of the candidate for whom he votes, or at any other place in the division which contains the name of such candidate ; but no person is allowed to give two votes for one candidate except two county councillors are to be elected.

Poll book, columns to be inserted at county council elections.

26. Where an election for a member or members of the county council is being held at the same time as the election of a member or members of the council of the local municipality, the clerk of the local municipality in preparing the poll book shall insert therein a column to be headed "County councillors" between the columns headed "Refused to swear or affirm" and the column headed "Mayor or reeve," and in case no election is being held for a member or members of the council of the local municipality, the like books shall be used unless the clerk prepares poll books expressly for the election of county councillors.

Application of provisions of 55 V. c. 42.

27. All the sections of *The Consolidated Municipal Act 1892*, relating to the conduct of municipal elections not inconsistent herewith and unless where other provisions are herein made and the imposition of penalties in connection with such elections shall apply to elections under this Act.

Division of counties by commission.

28. The division of the counties to be made for the purposes of this Act shall be so made by commissioners to be appointed by the Lieutenant-Governor in council.

Secretary to commissioner.

29. Any commission may appoint a secretary, who shall also be a stenographer, and who shall be paid for his services such sum as the Lieutenant-Governor-in-Council may direct.

30.—(1) *The commissioners shall have power to summon witnesses, administer oaths, take evidence upon oath and generally have all the powers of a judge of the High Court sitting in court.* Powers of commissioners.

(2) The commissioners shall be entitled to the use of the court house, or any other county or municipal building, in which to hold their sittings, and may require the attendance of the sheriff or any other county or municipal officer at such sittings. Using county buildings.

(3) The county clerk or treasurer or the clerk of any local municipality shall, upon the request of *any commissioner*, prepare any statement, in schedule form or otherwise, that may be required, of the population, acreage, assessed value, annual receipts and expenditure and of the liabilities of the county or of any local municipality or any other statement in relation to the affairs of the county or of any local municipality which the commissioners *may* require, and shall furnish the same to the commissioners with promptitude and as they may be directed by the commissioners. Marking ballots on cumulative voting.

(4) The commission shall *when practicable* hold its sittings for each county in the court house or council chamber at the county town thereof, and notice of such sittings shall be given by the secretary of the commission to the clerk of the county, and by the said clerk published weekly for *two* successive weeks in two newspapers published within the county. Sittings of commission.

(5) The clerk of the county, upon receipt of the notice of the sitting of the commission, shall forthwith send by mail to the clerk of each municipality a copy of such notice. Notice of sittings.

(6) The commission may take evidence and hear ^{at} county or other municipal councils or representatives or committees thereof and other ^{at} parties interested either personally or by counsel or agent, and may receive any such written statement as they may think proper, and generally may take all such proceedings as will enable them fairly to divide the county and, *where necessary*, group the municipalities thereof into county council *divisions*, for the purposes of this Act. Taking evidence.

^{at}(7) In making such division of counties the commissioners shall treat the counties united for municipal purposes as though they were separate counties and shall make the divisions upon the basis of population for each of the united counties separately. ^{at} United counties.

31. In forming the county council *divisions* the commission shall have regard *especially* to assessed value, and *population* and extent of territory, and shall not in making such division divide local municipalities, unless where in the Matters to be considered by commissioners

opinion of the commission it is plainly necessary so to do in order to arrive at a fair and reasonable division,⁴²⁷ but in no case shall polling sub-divisions be divided.⁴²⁸

Report to Government.

32. Every commission shall, immediately after the conclusion of its sittings in any county, make a report in respect of such county to the Lieutenant-Governor in Council, setting out the manner in which the county has been divided by them, and one duplicate thereof shall be sent by the secretary of the commission to the Provincial Secretary, and the other duplicate thereof to the clerk of the county, who shall cause the same to be published weekly for three successive weeks in two newspapers published within the county.

Effect of report.

33. Such report, when signed by the commissioners and filed with the Provincial Secretary and county clerk shall constitute the division of such county into county divisions, as provided by and for the purposes of this Act.

When sittings to begin.

34. Each of the said commissions shall begin its sittings not later than the *fifteenth* day of *May*, 1896, and shall conclude and make its final report on or before the *fifteenth* day of *October*, 1896.

Payment of expenses.

35. The said commissioners and the secretaries of such commissions shall be paid for their services, and disbursements for travelling expenses and otherwise⁴²⁹ by the Provincial Treasurer,⁴³⁰ and all other expenses of what kind so ever, shall be paid by the treasurer of the county for the work done or expenses incurred in respect of each particular county,⁴³¹ after they have been certified by the warden of such county.⁴³²

Board to rearrange division.

⁴³³ **36.** The judge of the county court of the county, the warden thereof and the clerk of the peace shall constitute a board whose duty it shall be when a new village is erected or a town is separated from the county or is erected into a city, and the arrangement into county council divisions is thereby disturbed, by their order to attach such village to some convenient county council division or to rearrange the county council divisions affected, and, if necessary, the adjoining division or divisions, but in so doing the board shall make only such changes as the altered circumstances require.⁴³⁴

By-laws for raising more than \$20,000 in any year to be submitted to electors.

⁴³⁵ **37.** A county council elected under this Act shall not, during any one term in which it is elected, raise by by-law for contracting debts or loans more than \$20,000 over and above the sums required for its ordinary expenditure without submitting such by-law or by-laws for the assent of the electors.⁴³⁶

38. The population of any county shall, for the purposes of this Act, be ascertained by reference to the population of the local municipalities as shown by the last decennial census of the Dominion of Canada. Ascertaining population.

39. This Act shall not apply to the Provisional County of Haliburton. Act not to apply to Haliburton.

40. This Act shall be read with and as part of *The Consolidated Municipal Act, 1892.* Act to be read with 55 V. c. 42.

—

SCHEDULE.

(Section 15.)

FORM OF CERTIFICATE OF RESULT OF POLLS UNDER "COUNTY COUNCILS ACT, 1896."

I, _____, Clerk of the municipal corporation of the _____ of _____, hereby certify that at the election of members of the county council for _____ the county council *division* of each candidate received the number of votes placed after his name in the list hereunder written.

Name.	Occupation.	Number of votes.

Dated at _____ this _____ day of _____, A.D.

A. B.
Clerk of the Municipality of _____

BILL.

An Act to reduce the number of County
Councillors.

First Reading, 3rd March, 1896.
Second Reading, 19th March, 1896.

*(Reprinted as again (2nd time) amended
by Committee of the Whole House.)*

Mr. HARDY.

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

No. 100.]

BILL.

[1896.

An Act to amend The Jurors Act.

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

1. Section 95 of *The Jurors Act* is hereby amended by in-
serting after the word “summons” in the eighth line the
words following: Rev. Stat. c.
52, s. 95
amended.

“Or by sending such note by mail, registered, addressed to
him at his post office address as given by the voters’ list of the
municipality, in which case the said note shall be mailed at
least twelve days before the day on which the juror is to
attend.” Service of
summons on
jurors.

2nd Session, 8th Legislature, 59 Vict. 1896.

BILL.

An Act to amend The Jurors Act.

First Reading, 4th March, 1896

MR. DYNES.

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

No. 101.]

BILL.

[1896.

An Act to amend The Municipal Act.

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

Sub-section 6 of section 503 of *The Consolidated Municipal Act, 1892*, is repealed.

55 V. c. 42, s
503 ss. 6, re
pealed.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 4th March, 1896.

Mr. HAYCOCK.

TORONTO:

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

An Act to amend The Registry Act.

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

1. When any registered mortgage has been fully paid and satisfied, the mortgagee or other person receiving the mortgage money shall prepare and execute, or caused to be prepared and executed, a certificate of discharge of such mortgage in the manner and form provided by *The Registry Act, 1893*, and shall cause such certificate of discharge to be registered in the proper registry office, and such mortgagee or other person shall not be entitled to receive or demand from the mortgagor or other person paying off the mortgage any sum of money whatever for the preparation, execution or registration of such certificate of discharge.
2. If, in any case, a certificate of discharge of mortgagee is not registered as required by the preceding section, then the person whose duty it was to prepare and execute and register such discharge shall be liable for all costs and expense incurred by the mortgagor or anyone claiming under him thereafter, in proving the payment of the mortgage, and the same shall be a debt due by the person so in default and shall be recoverable by the person paying the same in any court of competent jurisdiction.
3. This Act shall not apply in the case of any mortgage paid off and satisfied prior to the passing hereof.

Mortgagee to prepare and register discharge when mortgage paid off.

Liability of mortgagee for neglect.

Application of Act.

No. 102.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Registry Act.

First Reading, 4th March, 1896.

Mr. McDONALD.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act revising and consolidating the Acts respecting the Registration of Births, Marriages and Deaths

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

1. The term "occupier," used in section 18 and 24 of this Act, shall be construed to include the master, governor, keeper, warden or superintendent of a gaol, prison, penitentiary, lunatic asylum, poor asylum, hospital, industrial home, house of refuge, or other public or private charitable institution. R. S. O., 1887, c. 40, s. 1. "Occupier, meaning of.

10 OFFICE AND DUTIES OF THE REGISTRAR-GENERAL.

2. For the purposes of this Act the Registrar-General of the Province shall be that member of the Executive Council whose department for the time being is charged with the administration of the Act. R. S. O., 1887, c. 40, s. 2. Registrar-General.

15 3. The Lieutenant-Governor in Council may appoint an inspector, whose duty shall be to inspect the different registration offices throughout the Province, and carefully examine the different schedules, to see that the entries and registrations are made and completed in a proper manner and in legible Inspector, appointment and duties of.
20 handwriting. He shall institute prosecutions for violations of this Act, whenever so instructed by the registrar-general. R. S. O., 1887, c. 40, s. 26. (*Partly new.*)

4. The Registrar-General shall cause copies, certified by the division registrar, of the original returns of the births, Keeping and arranging returns.
25 marriages and deaths in each division, together with all the particulars communicated to him by the division registrars, to be arranged, indexed, bound and kept in the office of the registrar-general. R. S. O., 1887, c. 40, s. 22. (*Amended.*)

5. The Registrar-General shall annually collate, publish and Annual report of Registrar-General.
30 distribute for the use of the Legislature, a full report of the

births, marriages and deaths of each year, giving such details, statistics and information as the Lieutenant-Governor in Council may think necessary. R. S. O., 1887, c. 40, s. 24. (*Amended*.)

Lieutenant-Governor to make regulations.

6. The Lieutenant-Governor in Council may from time to time make such rules, orders and regulations as may be required for the purpose of effectually obtaining the information required by this Act. R. S. O., 1887, c. 40, s. 24.

Searching records.

7.—(1) Any person shall be entitled at all reasonable hours on payment of a fee of twenty-five cents, and on signing the form of application prescribed by the registrar-general, to examine the records of births, marriages and deaths kept in the office of the registrar-general. R. S. O., 1887, c. 40, s. 23. (*New*.)

Certifying as to entries in registers.

(2) The registrar-general shall when requested, issue a certificate containing the details of any entry found in the records of the office, on payment by the applicant of a fee of fifty cents. Any such certificate shall be *prima facie* evidence in any court in the province of the facts stated therein. R. S. O. 1887, c. 40, s. 23.

Forms.

8. The Registrar-General shall cause such schedules or forms from time to time to be prepared as may be approved by the Lieutenant-Governor in Council in order to the procurement of correct statistical information; and he shall distribute the same to the several division registrars, and the costs and expenses of such forms, and the expenses attendant upon the distribution thereof shall be paid out of the consolidated revenue fund of the province. R. S. O., 1887, c. 40, s. 5. (*Amended*.)

REGISTRATION DISTRICTS.

Registration divisions.

9. All territory within the limits of the Province of Ontario, shall, for the purpose of this Act, be a part of some registration division; every city, town, incorporated village, township or union of townships, shall be a registration division; and any territory not by this Act already included in some registration division may by the Lieutenant-Governor in Council be attached to some existing registration division, or set apart as a new registration division. (*See R. S. O., 1887, c. 40, ss. 3 and 4.*) (*Recast.*)

Registrars in unorganized territory.

10. Where any such registration division is not within any organized municipality, the Lieutenant-Governor in Council may appoint a division registrar for the same, and may make such rules and regulations as may be necessary to secure a correct record of the births, marriages and deaths occurring therein until the territory comprising the registration division, or some part thereof, either with or without other territory, becomes a municipality. (*See R. S. O., 1887, c. 40, s. 4.*)

OFFICE AND DUTIES OF DIVISION REGISTRARS.

- 11.—(1) The clerk of every municipality, other than coun-
ties, shall be the division registrar of the same. (*See R. S. O.,*
1887, c. 40, s. 3.) Division regis-
trars.
- 5 (2) Every division registrar shall receive the forms sent by
the registrar-general, and keep the same in a place of safety;
he shall use all available means to obtain the necessary infor-
10 mation as hereinafter required in this Act, and shall make entry
thereof on said forms, and he shall on or before the 15th days
of January and July in each and every year make his returns
to the registrar-general. The forms received and prepared by
the division registrar, containing the information required by
15 the Act, shall be preserved by him for at least one year, and
the information therein contained shall be transferred to
schedules or forms certified under his hand for transmission to
the registrar-general. *R. S. O., 1887, c. 40, s. 6. (Amended.)*
Duties of
division regis-
trars.
- (3) The original returns shall be entered and indexed in a
book kept by the division registrar for the purpose, said book
to be supplied at the cost of the municipality and to be pre-
20 pared according to the form prepared by the Registrar-Gen-
eral. (*New.*) Returns to be
entered and
indexed.
- (4) Every division registrar shall further be required to make
a monthly return on post-cards supplied by the registrar-gen-
eral and prepared for the purpose, of all the deaths from con-
25 tagious disease occurring within the municipality during the
preceding month. *R. S. O., 1887, c. 40, s. 6. (New.)*
Monthly re-
turns.
12. Every division registrar shall, immediately upon regis-
tering any death, deliver without fee or reward, to any persons
requiring the same for the purpose of burial, a certificate
30 according to the form prepared by the Registrar-General, that
the particulars of such death have been duly registered.
R. S. O., 1887, c. 40, s. 15. Certificate of
death.
13. In case any division registrar has reason to know or to
believe that any birth, marriage or death has taken place
35 within his registration division, and which the legal informant
has neglected to register, it shall be his duty to make diligent
enquiry into the facts, and if thereupon he shall have reason to
know or suspect that such birth, marriage or death has taken
place he shall notify the proper party of his duty to register
40 the same. Upon failure of the latter to do so the division
registrar shall forthwith supply the inspector of vital statistics
for the province with such information as he possesses in regard
to the matter. (*New.*) Inquiry by
registrar when
proper regis-
tration not
made.
14. If within one year from the registration of any birth,
45 marriage or death with the division registrar, any of the par-
ticulars of such birth, marriage or death are found to be incor-
Correcting
errors in regis-
tration.

rect then upon the same being reported to the proper division registrar within the time aforesaid it shall be his duty to enquire into the same and if satisfied that the entry is incorrect to correct the error according to the truth of the case, entering the correction in the margin, without any alteration of the original entry. If the schedule containing a copy of the original entry of such birth, marriage or death has been returned to the registrar-general the division registrar shall report the error to the registrar general, whose duty it shall be to correct the error in the margin of the schedule, as well as in the indexed record thereof, without altering the original entry. R. S. O. 1887, c. 40, s. 20. (*Recast.*)

REGISTRATION OF BIRTHS.

Notice of birth to be given.

15. The father of any child born in this Province, or in case of his death or absence, the mother, or in case of the death or inability of both parents, any person standing in the place of the parents, or if there is no such person, then the occupier of the house or tenement in which to his knowledge the child was born, or the nurse present at the birth, shall within thirty days from the date of the birth, give notice thereof to the registrar of the division in which the child was born giving as far as possible the particulars required in schedule A, with such additional information as may from time to time be required by the registrar-general. R. S. O., 1887, c. 40, s. 8. (*Recast.*)

Medical practitioner attending birth to register same.

16. It shall be the duty of every qualified medical practitioner attending at the birth of any child born within this province to give notice thereof to the registrar of the division in which the child was born giving as far as possible the particulars required by the form provided by the Registrar-General, with such additional information as may from time to time be required by the Registrar-General, on forms to be supplied by the division registrar. (*New.*)

Registering illegitimate births.

17. In registering the birth of an illegitimate child, it shall not be lawful for the name of any person to be entered as the father unless at the joint request of the mother and of the person acknowledging himself to be the father; and in all cases of the registration of the birth of illegitimate children the division registrar shall write the word "Illegitimate" in the column set apart for the name of the child, and immediately under the name, if any. R. S. O., 1887, c. 40, s. 9.

Registration of birth after expiration of appointed time.

18. Although neglect to register any birth within thirty days has occurred, a division registrar may still register the same within one year after the birth has occurred; but if the neglect has continued for a longer period, the birth shall not be registered except with the written authority of the registrar-general, and the fact of such authority having been

given shall be entered in the column set aside for remarks in the form specially supplied for this purpose. The authority of the registrar-general shall not, however, extend to the registration of any birth if over ten years shall have elapsed since such birth took place. R. S. O., 1887, c. 40, ss. 10 and 11. (*Recast*).

19. When the birth of any child has been registered, and the name, if any, by which it was registered, has been altered, or if it was registered without a name, when a name is given to it the parent or guardian of the child or other person procuring the name to be altered or given, may within ten years next after the registration of the birth, deliver to the registrar-general a certificate signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or if the child is not baptized, signed by the father, mother or guardian of the child, or other person procuring the name of the child to be given or altered, and the registrar-general shall upon the receipt of the certificate make the necessary alteration in the margin of the schedule containing the original entry, without making any alteration in the entry, as well as make the same changes in the index recording such birth. R. S. O., 1887, s. 12. (*Partly new*).

Altering name after registration.

REGISTRATION OF MARRIAGES.

20. Every clergyman, minister or other person authorized by law to celebrate marriages, shall report every marriage he celebrates to the registrar of the division within which the marriage is celebrated, within thirty days from the date of the marriage, with the particulars required by schedule B, appended to this Act, and in order to better enable the clergyman, minister or other person to make the report as aforesaid, he shall be furnished by the division registrar of the division in which he resides with blank forms containing the particulars required by schedule B. R. S. O. 1887, c. 40, s. 13.

Particulars as to marriages to be furnished to registrars.

REGISTRATION OF DEATHS.

21. The occupier of a house or tenement in which a death takes place, or, if the occupier be the person who has died, then some one of the persons residing in the house in which the death took place, or if the death has not taken place within a house, then any person present at the death or having any knowledge of the circumstances attending the same, or the coroner who attended any inquest held on such person, shall before the interment of the body, supply to the division registrar of the division in which the death took place, according to his or her knowledge or belief, all the particulars required to be registered touching such death, by the form provided by this Act. R. S. O. 1887, c. 40, s. 14.

Particulars as to deaths to be furnished to registrars.

Medical practitioners to certify as to deaths.

22. Every duly qualified medical practitioner, who was last in attendance during the last illness of any person, shall on notice of the death of such person, send to the medical health officer of the municipality, or in case there is none, to the division registrar of the division in which the death took place, a certificate under his signature of the cause of death, according to the form prepared by the Registrar-General, to be provided by the division registrar, who shall be furnished with such forms, and who shall supply them to the physicians resident within his municipality. R. S. O., 1887, c. 40, s. 17. 5
(Partly new). 10

Bodies not to be removed until after registration.

23. No removal for burial of the dead body of any person shall take place, and no undertaker, clergyman, sexton, householder or other person shall engage in the burial of the dead body of any person unless a certificate of registration has been previously obtained and shown to the person so removing or engaging in the burial of the dead body. Provided that when death from a contagious disease has occurred in any township, a certificate of registration from the nearest division registrar after revision by the medical health officer, of the township and his certification thereof endorsed thereon, shall be sufficient; but such division registrar shall forward the certificate to the registrar of the division in which the death occurred; (*R. S. O., 1887, c. 40, ss. 17, 7, 16.*) 15 20

Proviso.

Provided also that where a death has occurred in any of the unorganized portions of Muskoka and Parry Sound, Haliburton, Nipissing, Algoma, or other territorial district, a certificate issued by a stipendiary magistrate or police magistrate or justice of the peace shall be sufficient for burial, and it shall be the duty of such magistrate to register the death as informant with the division registrar of the district. (*New.*) (*See R. S. O., 1887, c. 40, s. 19.*) 25 30

Duties of persons in charge of cemeteries.

24. The caretaker of any cemetery or burial ground, whether public or private, or any clergyman having charge of a church to which a burial ground is attached shall not permit the interment of the dead body of any person in the burial grounds over which he has charge unless he has received a certificate under the hand of the division registrar of the division in which the death took place, that the particulars of the death have been duly registered. He shall further be required before the last day of June and of December in each year to supply to the registrar of the division in which the burial ground is situate, a list of the number of burials therein during the previous half year, giving the names of the persons whose bodies are therein buried and the dates on which the interments took place. (*See R. S. O., 1887, c. 40, s. 19.*) 35 40 45

When deaths not to be registered.

25. After the expiration of two years next after any death, or after the finding of any dead body elsewhere than in a house, that death shall not be registered except with the

written authority of the Registrar-General, and the fact of such authority being given shall be entered in the schedule provided for the registry of deaths. (*New*).

PENALTIES.

5 **26.** In case any division registrar neglects or refuses to make returns as required by this Act, he shall be notified by registered
 10 letter of such neglect by the registrar-general. If after notification, he shall fail within one month to make such return, it shall be competent for the registrar-general to refuse
 15 to issue the certificate for the payment of the fees due him by the municipality for which the return is made, even though the return should be made at a later date, and shall upon conviction before any magistrate or justice of the peace, forfeit the sum of \$50 to Her Majesty. Such prosecutions shall be
 20 instituted by the County Crown Attorney when instructed by the registrar-general, and the costs of the suit shall be borne by the municipality, in default in the matter of returns. R. S. O. 1887, c. 40, sec. 1.

Penalty for registrar's refusal or neglect to make returns.

20 **27.** Any person who knowingly or wilfully makes, or causes to be made, a false statement touching any of the particulars required to be reported and entered under this Act, shall, upon conviction thereof before any police magistrate or justice of the peace, forfeit the sum of \$50; and any physician making a false statement as to the cause of death of any person
 25 shall be subject to discipline by the Ontario Medical Council. R. S. O. 1887, c. 40, sec. 27. (*Amended*).

Penalty for making false statements.

28. If any person required by this Act to report births, marriages, deaths or burials to the division registrar refuses or neglects to do so within the time named, such person
 30 shall, for each and every offence, forfeit and pay a sum not less than \$1 nor more than \$20 and costs, in the discretion of the presiding justice before whom the case is heard; and it shall be the duty of the inspector of vital statistics for the province on notice by any division registrar to make investigation, and where necessary to institute proceedings against
 35 such persons so neglecting or refusing to make the required reports; but, if the return required by this Act to be made by more than one person is made by any one of such persons the other of such persons shall not be liable to any penalty in respect of his default; and such prosecution shall be commenced within two years after the time allowed for reporting the birth, marriage, death or burial. R. S. O. 1887, c. 40, sec. 28. (*Amended*.)

Neglecting to report births, marriages or deaths.

45 **29.** Any stipendiary or police magistrate or any justice of the peace having jurisdiction within the locality where any offence against this Act has been committed may hear and determine the complaint, and shall have power,

Enforcing penalties.

in case the penalty and costs awarded by him are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender by warrant under his hand and seal; and in default of payment of sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty days, at the discretion of the justice, unless the penalty, costs and charges of commitment are sooner paid. R. S. O. 1887, c. 40, sec. 29. 5 10

FEEES.

Fees, how credited.

30. All fees received by the Registrar-General shall be placed to the credit of the Registrar-General's department in the books of the Treasurer of Ontario. R. S. O. 1887, c. 40, sec. 23.

Fees of division registrars.

31.—(1) Every municipality in the Province of Ontario shall pay annually to the division registrar appointed therefor under this Act a fee of _____ cents for each registration of a birth or of a death complete, according to schedules A and C of this Act, and _____ cents for the registration of each marriage returned, according to the terms of schedule B of this Act; but a city or town containing more than _____ may limit the aggregate compensation allowed to the division-registrar. 15 20

No certificate for the payment of these fees shall be issued by the Registrar-General until he is satisfied that every return has been made as complete as under the circumstances may be possible. R. S. O. 1887, c. 40, sec. 30. 25

Penalties, distribution of.

(2) The penalties mentioned in this Act shall be payable, one moiety to the informant, and one moiety to the municipality. The County Crown Attorney shall attend upon all prosecutions committed to him by the inspector, and he shall be entitled to a fee of _____ for attending each case and carrying it to a final determination. 30

Expenses of prosecutions.

(3) All expenses incurred in prosecutions under this Act, in all cases, whether or not a conviction is obtained, shall be payable out of the funds of the municipality to which a moiety of the fines are payable. 35

Fees of registrars in unorganized territory.

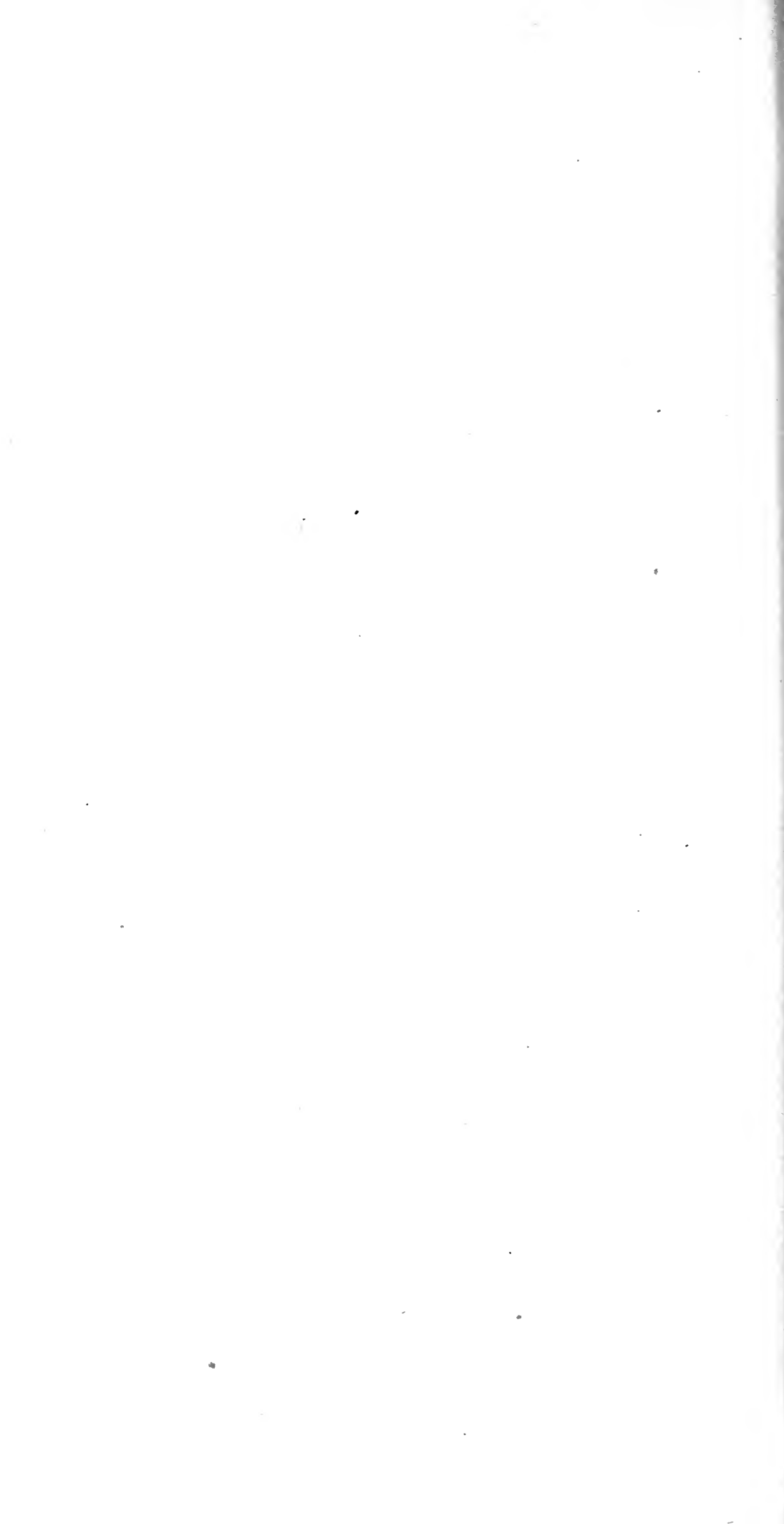
32. Fees shall be paid at the rates set forth in section 32 of the Act to every division registrar appointed by the Lieutenant-Governor in Council for any registration district, and not included within any municipality, out of moneys placed annually in the estimates of the Registrar-General's department for this purpose. (*New.*) 40

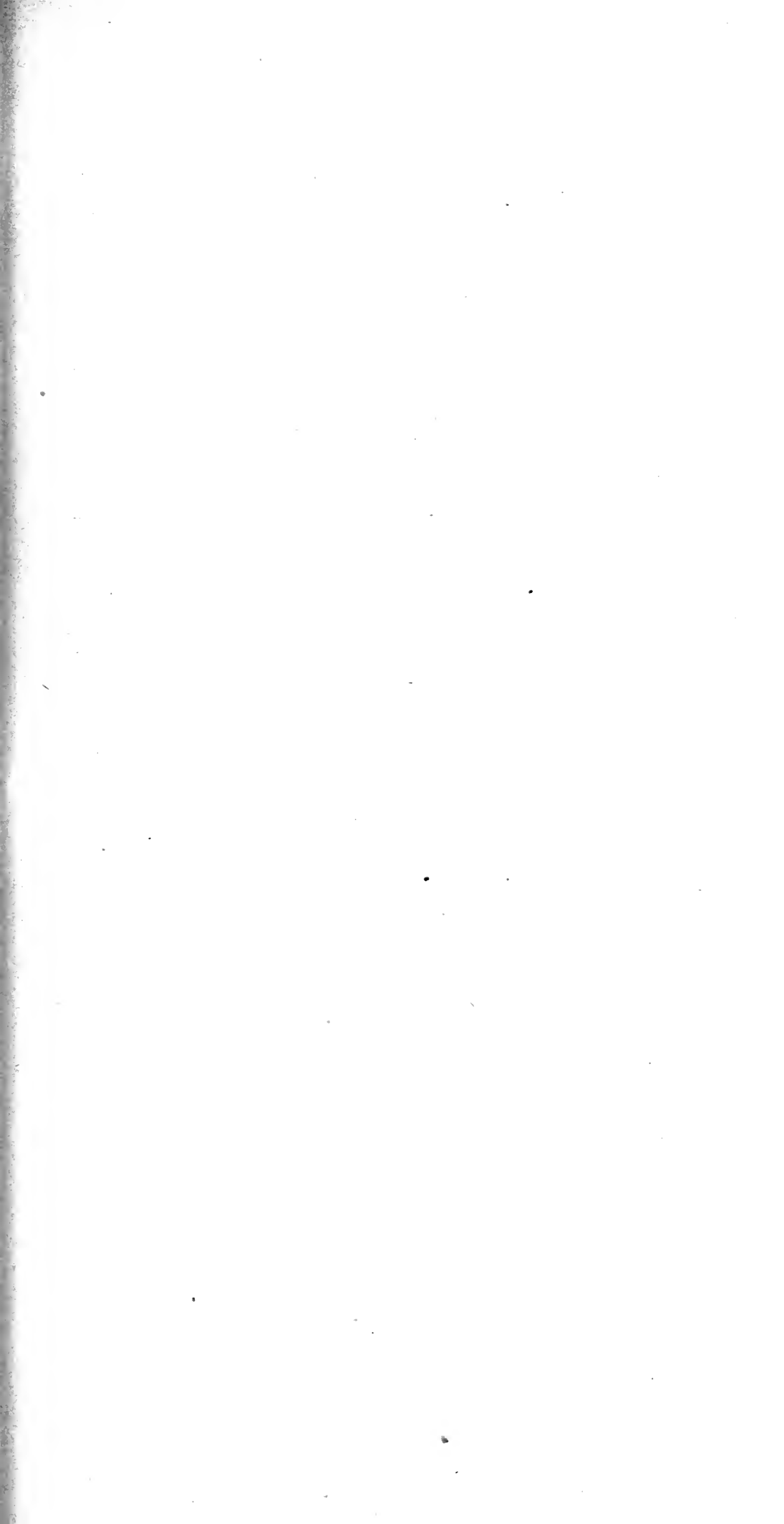
County records of marriages prepared under C. S. U. C., c. 72.

33. The county records of marriages prepared under chapter 72, of the Consolidated Statutes of Upper Canada (Canada), 1859, by the clerks of the peace and now preserved in the county 45

registry offices, shall on request be delivered to the registrar-general, and shall be kept for preservation and reference among the records in the office of the Registrar-General.

34. The *Act respecting the Registration of Births, Marriages and Deaths*, being chapter 40 of the Revised Statutes of Ontario and all Acts or parts of Acts amending the same are repealed. Rev. Stat. c. 40, repealed.





BILL.

An Act revising and consolidating the Acts
respecting the Registration of Births,
Marriages and Deaths.

First Reading, 4th March, 1896.

Mr. HARCOURT.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act revising and consolidating the Acts respecting the Registration of Births, Marriages and Deaths.

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

1. The term "occupier," used in this Act, shall be construed to include the master, governor, keeper, warden or superintendent of a gaol, prison, penitentiary, lunatic asylum, poor asylum, hospital, industrial home, house of refuge, or other public or private charitable institution. R. S. O., 1887, c. 40, s. 1. "Occupier,"
meaning of.

OFFICE AND DUTIES OF THE REGISTRAR-GENERAL.

2. For the purposes of this Act the Registrar-General of the Province shall be that member of the Executive Council whose department for the time being is charged with the administration of the Act. R. S. O., 1887, c. 40, s. 2. Registrar-
General.

3. The Lieutenant-Governor in Council may appoint an inspector, whose duty shall be to inspect the different registration offices throughout the Province, and carefully examine the different schedules, to see that the entries and registrations are made and completed in a proper manner and in legible handwriting. He shall institute prosecutions for violations of this Act, whenever so instructed by the registrar-general. R. S. O., 1887, c. 40, s. 26. (*Partly new.*) Inspector,
appointment
and duties of.

4. The Registrar-General shall cause copies, certified by the division registrar, of the original returns of the births, marriages and deaths in each division, together with all the particulars communicated to him by the division registrars, to be arranged, indexed, bound and kept in the office of the registrar-general. R. S. O., 1887, c. 40, s. 22. (*Amended.*) Keeping and
arranging
returns.

5. The Registrar-General shall annually collate, publish and distribute for the use of the Legislature, a full report of the Annual report
of Registrar-
General.

births, marriages and deaths of each *preceding* year, giving such details, statistics and information as the Lieutenant-Governor in Council may think necessary. R. S. O., 1887, c. 40, s. 24. (*Amended.*)

Lieutenant-Governor to make regulations.

6. The Lieutenant-Governor in Council may from time to time make such rules, orders and regulations as may be required for the purpose of effectually obtaining the information required by this Act. R. S. O., 1887, c. 40, s. 24.

Searching records.

7.—(1) Any person shall be entitled at all reasonable hours on payment of a fee of twenty-five cents, and on signing the form of application prescribed by the registrar-general, to examine the records of births, marriages and deaths kept in the office of the registrar-general. R. S. O., 1887, c. 40, s. 23. (*New.*)

Certifying as to entries in registers.

(2) The registrar-general shall when requested, issue a certificate containing the details of any entry found in the records of the office, on payment by the applicant of a fee of fifty cents. Any such certificate shall be *prima facie* evidence in any court in the province of the facts stated therein. R. S. O. 1887, c. 40, s. 23.

Forms.

8. The Registrar-General shall cause such schedules or forms to be prepared *from time to time* as may be approved by the Lieutenant-Governor in Council in order to the procurement of correct statistical information; and he shall distribute the same to the several division registrars, and the costs and expenses of such forms, and the expenses attendant upon the distribution thereof shall be paid out of the consolidated revenue fund of the province. R. S. O., 1887, c. 40, s. 5. (*Amended.*)

REGISTRATION DISTRICTS.

Registration divisions.

9. All territory within the limits of the Province of Ontario, shall, for the purpose of this Act, be a part of some registration division; every city, town, incorporated village, township or union of townships, shall be a registration division; and any territory not by this Act already included in some registration division may by the Lieutenant-Governor in Council be attached to some existing registration division, or be set apart as a new registration division. (*See R. S. O., 1887, c. 40, ss. 3 and 4.*) (*Recast.*)

Registrars in unorganized territory.

10. Where any such registration division is not within any organized municipality, the Lieutenant-Governor in Council may appoint a division registrar for the same, and may make such rules and regulations as may be necessary to secure a correct record of the births, marriages and deaths occurring therein until the territory comprising the registration division, or some part thereof, either with or without other territory, becomes a municipality. (*See R. S. O., 1887, c. 40, s. 4.*)

OFFICE AND DUTIES OF DIVISION REGISTRARS.

11.—(1) The clerk of every municipality, other than counties, shall be the division registrar of the same. (See *R. S. O.*, 1887, c. 40, s. 3). Division registrars.

(2) Every division registrar shall receive the forms sent by the registrar-general, and keep the same in a place of safety; he shall use all available means to obtain the necessary information as hereinafter required in this Act, and shall make entry thereof on said forms, and he shall on or before the 15th days of January and July in each and every year make his returns for the preceding half year to the registrar-general. The forms received and prepared by the division registrar, containing the information required by the Act, shall be preserved by him for at least one year, and the information therein contained shall be transferred to schedules or forms certified under his hand for transmission to the registrar-general. *R. S. O.*, 1887, c. 40, s. 6. (*Amended.*) Duties of division registrars.

(3) The original returns shall be entered and indexed in a book kept by the division registrar for the purpose, said book to be supplied at the cost of the municipality and to be prepared according to the form prepared by the Registrar-General. (*New.*) Returns to be entered and indexed.

(4) Every division registrar shall further be required to make a return on or before the fifth day of every month, on post-cards supplied by the registrar-general and prepared for the purpose, of all the deaths from contagious disease occurring within the municipality during the preceding month. *R. S. O.*, 1887, c. 40, s. 6. (*New.*) Monthly returns of contagious diseases.

12. Every division registrar shall, immediately upon registering any death, deliver without fee or reward, to any persons requiring the same for the purpose of burial, a certificate according to the form prepared by the Registrar-General, that the particulars of such death have been duly registered. *R. S. O.*, 1887, c. 40, s. 15. Certificate of death.

13. In case any division registrar has reason to know or to believe that any birth, marriage or death has taken place within his registration division, and which the legal informant has neglected to register, it shall be his duty to make diligent enquiry into the facts, and if thereupon he shall have reason to know or suspect that such birth, marriage or death has taken place he shall notify the proper party of his duty to register the same. Upon failure of the latter to do so the division registrar shall forthwith supply the inspector of vital statistics for the province with such information as he possesses in regard to the matter. (*New.*) Inquiry by registrar when proper registration not made.

14. If within one year from the registration of any birth, marriage or death with the division registrar, any of the particulars of such birth, marriage or death are found to be incor- Correcting errors in registration.

rect then upon the same being reported to the proper division registrar within the time aforesaid it shall be his duty to enquire into the same and if satisfied that the entry is incorrect to correct the error according to the truth of the case, entering the correction in the margin, without any alteration of the original entry. If the schedule containing a copy of the original entry of such birth, marriage or death has been returned to the registrar-general the division registrar shall report the error to the registrar general, whose duty it shall be to correct the error in the margin of the schedule, as well as in the indexed record thereof, without altering the original entry. R. S. O. 1887, c. 40, s. 20. (*Recast.*)

REGISTRATION OF BIRTHS.

Notice of birth to be given.

15. The father of any child born in this Province, or in case of his death or absence, the mother, or in case of the death or inability of both parents, any person standing in the place of the parents, or if there is no such person, then the occupier of the house or tenement in which to his knowledge the child was born, or the nurse present at the birth, shall within thirty days from the date of the birth, give notice thereof to the registrar of the division in which the child was born giving as far as possible the particulars required in the form provided under this Act, with such additional information as may from time to time be required by the registrar-general. R. S. O., 1887, c. 40, s. 8. (*Recast.*)

Medical practitioner attending birth to register same.

16. It shall be the duty of every qualified medical practitioner attending at the birth of any child born within this province to give notice *forthwith* thereof to the registrar of the division in which the child was born giving as far as possible the particulars required by the form provided by the Registrar-General, with such additional information as may from time to time be required by the Registrar-General, on forms to be supplied *through* the division registrar. (*New.*)

Registering illegitimate births.

17. In registering the birth of an illegitimate child, it shall not be lawful for the name of any person to be entered as the father unless at the joint request of the mother and of the person acknowledging himself to be the father; and in all cases of the registration of the birth of illegitimate children the division registrar shall write the word "Illegitimate" in the column set apart for the name of the child, and immediately under the name, if any. R. S. O., 1887, c. 40, s. 9.

Registration of birth after expiration of appointed time.

18. Although neglect to register any birth within thirty days has occurred, a division registrar may still register the same within one year after the birth has occurred; but if the neglect has continued for a longer period, the birth shall not be registered except with the written authority of the registrar-general, and the fact of such authority having been

given shall be entered in the column set aside for remarks in the form specially supplied for this purpose. The authority of the registrar-general shall not, however, extend to the registration of any birth if over ten years shall have elapsed since such birth took place. R. S. O., 1887, c. 40, ss. 10 and 11. (*Recast*).

19. *Where* the birth of any child has been registered, and the name, if any, by which it was registered, has been altered, or if it was registered without a name, when a name is given to it the parent or guardian of the child or other person procuring the name to be altered or given, may within ten years next after the registration of the birth, deliver to the registrar-general a certificate signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or if the child is not baptized, signed by the father, mother or guardian of the child, or other person procuring the name of the child to be given or altered, and the registrar-general shall upon the receipt of the certificate make the necessary alteration in the margin of the schedule containing the original entry, without making any alteration in the entry, as well as make the same changes in the index recording such birth. R. S. O., 1887, s. 12. (*Partly new*).

Altering name after registration.

REGISTRATION OF MARRIAGES.

20. Every clergyman, minister or other person authorized by law to celebrate marriages, shall report every marriage he celebrates to the registrar of the division within which the marriage is celebrated, within thirty days from the date of the marriage, with the particulars required *in the form provided under this Act*, and in order to better enable the clergyman, minister or other person to make the report as aforesaid, he shall be furnished by the division registrar of the division in which he resides with blank forms containing the particulars required *under this Act*. R. S. O. 1887, c. 40, s. 13.

Particulars as to marriages to be furnished to registrars.

REGISTRATION OF DEATHS.

21. The occupier of a house or tenement in which a death takes place, or, if the occupier be the person who has died, then some one of the persons residing in the house in which the death took place, or if the death has not taken place within a house, then any person present at the death or having any knowledge of the circumstances attending the same, or the coroner who attended any inquest held on such person, shall before the interment of the body, supply to the division registrar of the division in which the death took place, according to his or her knowledge or belief, all the particulars required to be registered touching such death, by the form provided *under this Act*. R. S. O. 1887, c. 40, s. 14.

Particulars as to deaths to be furnished to registrars.

Medical practitioners to certify as to deaths.

22. Every duly qualified medical practitioner, who was last in attendance during the last illness of any person, shall *forthwith* on notice of the death of such person, send to the medical health officer of the municipality, ⁱⁿ in the cities, towns and villages for inspection and subsequent transmission to the division registrar, ^{or} or in case there is none, to the division registrar of the division in which the death took place, a certificate under his signature of the cause of death, according to the form prepared by the Registrar-General, to be provided by the division registrar, who shall be furnished with such forms, and who shall supply them to the physicians resident within his municipality. R. S. O., 1887, c. 40, s. 17. (*Partly new*).

Bodies not to be removed until after registration.

23. No removal for burial of the dead body of any person shall take place, and no undertaker, clergyman, sexton, householder or other person shall engage in the burial of the dead body of any person unless a certificate of registration has been previously obtained and shown to the person so removing or engaging in the burial of the dead body. Provided that when death from a contagious disease has occurred in any township, a certificate of registration from the nearest division registrar after revision by the medical health officer, of the township and his certification thereof endorsed thereon, shall be sufficient; but such division registrar shall forward the certificate to the registrar of the division in which the death occurred; (*R. S. O., 1887, c. 40, ss. 17, 7, 16.*)

Duties of persons in charge of cemeteries.

24. The caretaker *or* owner of any cemetery or burial ground, whether public or private, or any clergyman having charge of a church to which a burial ground is attached shall not permit the interment of the dead body of any person in the burial grounds over which he has charge unless he has received a certificate under the hand of the division registrar of the division in which the death took place, that the particulars of the death have been duly registered. He shall further be required before the last day of June and of December in each year to supply to the registrar of the division in which the burial ground is situate, a list of the number of burials therein during the previous half year, giving the names of the persons whose bodies are therein buried and the dates on which the interments took place. (*See R. S. O., 1887, c. 40, s. 19.*)

When deaths not to be registered.

25. After the expiration of two years next after any death, ⁱⁿ in all cases and in cases where the dead body of any person is found elsewhere than in a house, ^{that} that death shall not be registered except with the written authority of the Registrar-General, and the fact of such authority being given shall be entered in the schedule provided for the ^{registration} registration of deaths. (*New*).

PENALTIES.

26. In case any division registrar neglects or refuses to make returns as required by this Act, he shall be notified by registered letter of such neglect by the registrar-general. If after notification, he shall fail within one month to make such return, it shall be competent for the registrar-general to refuse to issue the certificate for the payment of the fees due him by the municipality for which the return is made, even though the return should be made at a later date, and he shall upon conviction before any magistrate or justice of the peace, forfeit the sum of \$50 to Her Majesty. Such *suit* shall be conducted by the county crown attorney when instructed by the registrar-general, and the costs of the *prosecution* shall be borne by the municipality, in default in the matter of returns. R. S. O. 1887, c. 40, sec. 1.

Penalty for registrar's refusal or neglect to make returns.

27. Any person who knowingly or wilfully makes, or causes to be made, a false statement touching any of the particulars required to be reported and entered under this Act, shall, upon conviction thereof before any *stipendiary* or police magistrate or justice of the peace, forfeit the sum of \$50; and any physician making a false statement as to the cause of death of any person shall be subject to discipline by the Ontario Medical Council. R. S. O. 1887, c. 40, sec. 27. (*Amended*).

Penalty for making false statements.

28. If any person required by this Act to report births, marriages, deaths or burials to the division registrar refuses or neglects to do so within the time named, such person shall, for each and every offence, forfeit and pay a sum not less than \$1 nor more than \$10 and costs, in the discretion of the presiding *magistrate* or justice before whom the case is heard; and it shall be the duty of the inspector of vital statistics for the province on notice by any division registrar to make investigation, and where necessary to institute proceedings against such persons so neglecting or refusing to make the required reports; but, if the return required by this Act to be made by more than one person is made by any one of such persons the other of such persons shall not be liable to any penalty in respect of his default; and such prosecution shall be commenced within two years after the time allowed for reporting the birth, marriage, death or burial. R. S. O. 1887, c. 40, sec. 28. (*Amended*).

Neglecting to report births, marriages or deaths.

29. Any stipendiary or police magistrate or any justice of the peace having jurisdiction within the locality where any offence against this Act has been committed may hear and determine the complaint, and shall have power, in case the penalty and costs awarded by him are not forthwith paid upon conviction, to levy the same by distress and

Enforcing penalties.

sale of the goods and chattels of the offender by warrant under his hand and seal; and in default of payment of sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty days, at the discretion of the justice, unless the penalty, costs and charges of commitment are sooner paid. R. S. O. 1887, c. 40, sec. 29.

FEEs.

Fees, how credited.

30. All fees received by the Registrar-General shall be placed to the credit of the Registrar-General's department in the books of the Treasurer of Ontario. R. S. O. 1887, c. 40, sec. 23.

Fees of division registrars.

31.—(1) Every municipality in the Province of Ontario shall pay annually to the division registrar appointed therefor under this Act a fee of twenty cents for each complete registration of a birth, marriage or death returned according to the schedules provided under this Act, on the presentation of the certificate of the registrar-general to the treasurer of the municipality; but a city or town containing more than ten thousand inhabitants may limit the aggregate compensation allowed to the division-registrar.

No certificate for the payment of these fees shall be issued by the Registrar-General until he is satisfied that every return has been made as complete as under the circumstances may be possible. R. S. O. 1887, c. 40, sec. 30.

Penalties, distribution of.

(2) The penalties mentioned in this Act shall be payable, one moiety to the informant, and one moiety to the municipality. The County Crown Attorney shall attend upon all prosecutions committed to him by the inspector, and he shall be entitled to a fee of _____ for attending each case and carrying it to a final determination.

Expenses of prosecutions.

(3) All expenses incurred in prosecutions under this Act, in all cases, whether or not a conviction is obtained, shall be payable out of the funds of the municipality to which a moiety of the fines are payable.

Fees of registrars in unorganized territory.

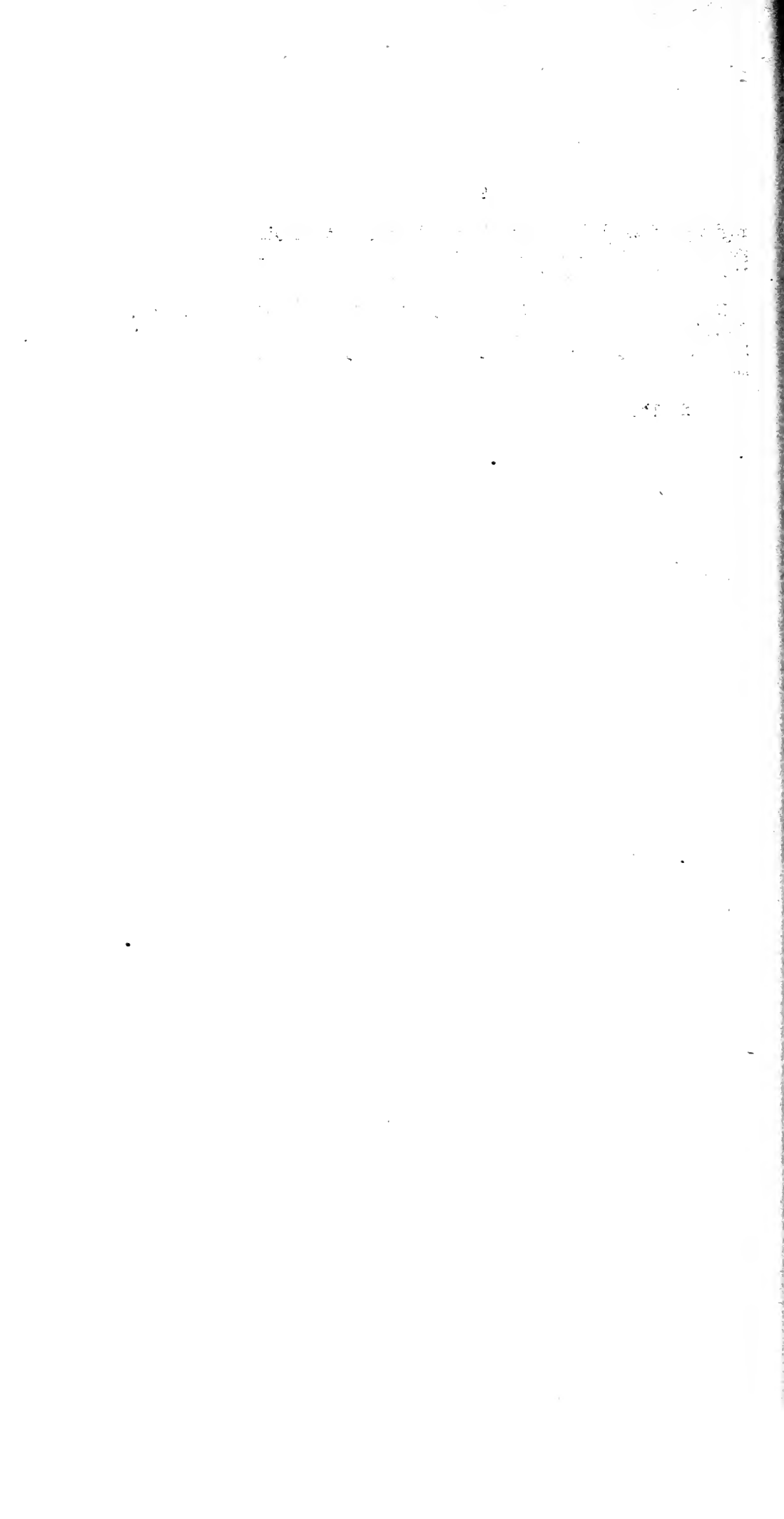
32. Fees shall be paid at the rates set forth in section 32 of the Act to every division registrar appointed by the Lieutenant-Governor in Council for any registration *division*, and not included within any municipality, out of moneys ~~not~~ voted by the Legislature for this purpose. *(New.)*

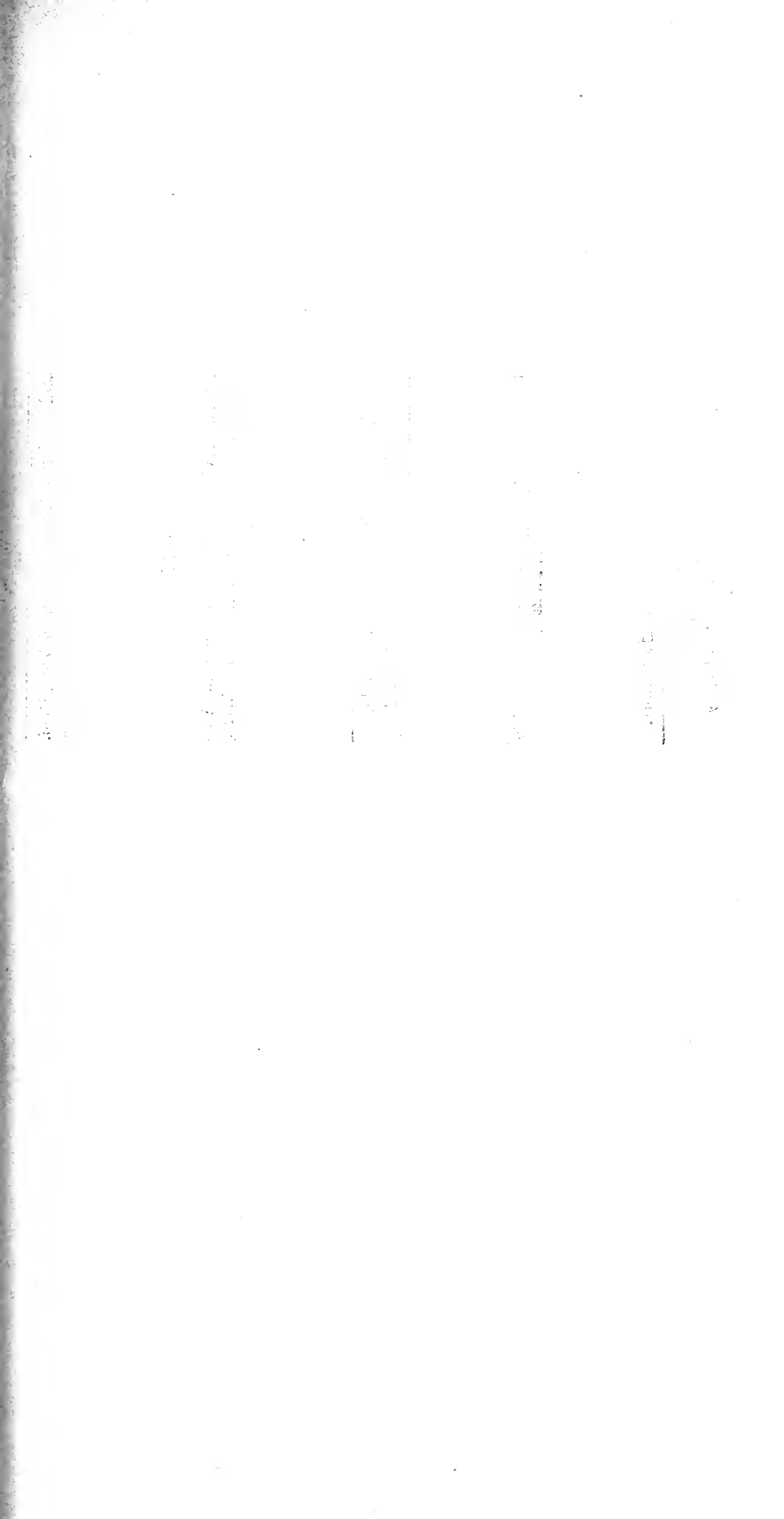
County records of marriages prepared under O. S. U. C., c. 72.

33. The county records of marriages prepared under chapter 72, of the Consolidated Statutes of Upper Canada, 1859, by the clerks of the peace and now preserved in the county

registry offices, shall on request be delivered to the registrar-general, and shall be kept for preservation and reference among the records in the office of the Registrar-General.

34. The *Act respecting the Registration of Births, Marriages and Deaths*, being chapter 40 of the Revised Statutes of Ontario and all Acts or parts of Acts amending the same are repealed. Rev. Stat. c. 40, repealed.





2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act revising and consolidating the Acts
respecting the Registration of Births,
Marriages and Deaths.

First Reading, 4th March, 1896.

Second Reading, 10th March, 1896.

*(Reprinted as amended in Committee of
the Whole House.)*

Mr. HARCOURT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 104.]

BILL.

[1896

An Act respecting Road Companies.

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

Section 9 of the Act passed in the 58th year of Her Majesty's 58 V., c. 31,
5 reign, chaptered 31, intituled, *An Act to amend the General s. 9, amended.*
Road Companies' Act is amended by striking out the words,
“and shall remain in force for one year therefrom only” at Act continued
the end of the said section. in force.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting Road Companies.

First Reading, 5th March, 1896.

Mr. FLATT.

TORONTO :

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

No. 104.]

BILL.

[1896

An Act respecting Road Companies.

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

1. Section 9 of the Act passed in the 58th year of Her Majesty's reign, chaptered 31, intituled, *An Act to amend the General Road Companies' Act* is amended by striking out the words, "and shall remain in force for one year therefrom only" at the end of the said section.

58 V., c. 31,
s. 9, amended.
Act continued
in force.

2. Section 129 of *The General Road Companies' Act* is amended by adding the following sub-section :—

Rev. Stat.
c. 159 s. 129
amended.

The penalty for any offence against this section shall be payable to the complainant if the complainant is the person from whom excessive toll has been taken, and where the complainant is not the person from whom excessive toll has been taken, one-half of the penalty shall be payable to the complainant and one-half to such person.

Application of
penalty.

2nd Session, 8th Legislature, 59 Vic., 1896.

BILL.

An Act respecting Road Companies.

First Reading, 5th March, 1896.
Second Reading, 16th March, 1896.

*(Reprinted as amended by the Municipal
Committee.)*

MR. FLATT.

TORONTO :

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

No. 105.]

BILL.

[1896.

An Act to amend The Medical Act.

HER 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 *The Ontario* Maximum
5 *Medical Act* or any amendment thereto, the Council of the Col- fees to be
lege of Physicians and Surgeons for Ontario shall not have charged by
power to impose any greater fees or charge upon any person Medical
being a candidate for admission to practise medicine, surgery Council
and midwifery in the Province of Ontario, and for registration Rev. Stat.
10 under the said Act, than will amount in the whole to the sum c. 148.
of \$50, which shall include fees for registration certificate, and
all examinations required to be passed by such person for
admission and registration.

No. 105.

2nd Session, 8th Legislature, 58 Vict., 1895.

BILL.

An Act to amend The Medical Act.

First Reading, 5th March, 1896.

Mr. HAYCOCK.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 106.]

BILL.

[1896.]

An Act to amend The Ditches and Watercourses
Act, 1894.

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

Section 5 of *The Ditches and Watercourses Act, 1894*, is ^{57 V. c. 55, s.}
5 amended by striking out the words: "Upon the petition of ^{5, amended.}
two-thirds of the owners of all the lands to be affected by the
ditch" where they occur in the 5th and 6th lines of said
section.

BILL.

An Act to amend The Ditches and Water-
courses Act, 1894.

First Reading, 5th March, 1894.

Mr. KIDD.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act revising and consolidating the Acts to
Encourage the Planting and Growing of Trees.

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

1. This Act may be cited as *The Ontario Tree Planting* Short title.
5 *Act, 1896.* R. S. O., 1887, c. 201, s. 1.

2.—(1) A person owning land adjacent to any highway, Planting trees
on highways,
etc. public street, lane, alley, place or square in this Province may
plant trees on the portion thereof contiguous to his land, but
no tree shall be so planted that the same is or may become a
10 nuisance in the highway or other public thoroughfare, or
obstruct the fair and reasonable use of the same.

(2) Any owner of a farm or lot may, with the consent of Trees on
boundary
lines. the owner or owners of adjoining lands, plant trees on the
boundaries of the adjoining lot.

15 (3) Every tree so planted on such highway, street, lane, Property in
trees planted
by owners. alley, place or square shall be deemed to be the property of the
owner of the lands adjacent to such highway, street, lane, alley,
place or square, and nearest to such tree and every such tree
so planted on a boundary line aforesaid shall be deemed to be
20 the common property of the owners of the adjoining farms or
lots.

(4) Every growing tree, shrub or sapling whatsoever, plant- Property in
shade and or-
namental
trees. ed or left standing on either side of a highway for the purposes
of shade or ornament, shall be deemed to be the property of the
25 owner of the land adjacent to the highway and nearest to such
tree, shrub or sapling. R. S. O., 1887, c. 201, s. 3. (*Section 2 of
R. S. O., 1887, c. 201, is omitted. This section provided that
section 2 of this Act should not apply to any city, town or vill-
age unless the Council should first pass a by-law making the
30 same apply thereto.*)

Municipal by-laws for granting tree bonuses.

3.—(1) The council of any municipality may pass a by-law for paying out of municipal funds a bonus or premium not exceeding twenty-five cents for each and every ash, basswood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, sassafras, spruce, walnut or whitewood tree, which shall, under the provisions of this Act, be planted within such municipality on any highway, or on any boundary line of farms as aforesaid, or within six feet of such boundary. 5

Inspector of trees.

(2) Such by-law shall further provide for the appointment of an inspector of trees so planted; for their due protection against injury and against removal by any person or persons, including the owner, excepting as authority may be given therefor by special resolution of the council; for the conditions on which bonuses may be paid, and generally for such regulations as are authorized by sub-sections 20 and 20a of section 479 of *The Consolidated Municipal Act, 1892.* 15

55 V. c. 42.

Posting up copies of by-law, etc.

(3) Printed copies of the said by-law, together with sections 2, 3, and 4 of this Act, shall be posted throughout the municipality, and all claims made to the council under the provisions of the by-law shall be referred to the inspector to obtain proof of the same and report thereon. R. S. O., 1887, c. 201, s. 4. 20

Report of inspector on state of trees.

4. The inspector shall make to the council one report for each year, if required so to do, giving the names of all persons entitled to any bonus or premium under the by-law, the number of trees of each species planted, and the amount of bonus or premium to which each person is entitled, and certifying that the trees have been planted for a period of three years, and that they are alive, healthy and of good form; and upon the adoption of such report the bonuses or premiums shall be paid; provided that in no case shall the council be liable to pay a larger sum in respect of trees planted under this Act than would be payable if the same had been planted at a distance of thirty feet apart, and in no case shall a bonus be granted where the trees are less than fifteen feet apart. R. S. O., c. 201, s. 5; 53 V. c. 60, s. 1. 25 30 35

Right of refund from Province for bonuses paid under former Acts.

5. Where a municipality has prior to the passing of this Act passed a by-law under the authority of section 4 of *The Ontario Tree Planting Act* for granting bonuses for tree planting and has paid or has become liable under the said by-law for the payment of any premium or bonus with respect to trees planted prior to the passing of this Act, the Treasurer of the Province, out of any sum which may be voted by the Legislature for that purpose, upon receiving a copy of the inspector's report, certified by the reeve and clerk, may recoup to the treasurer of the municipality one-half of the sum paid by the municipality under the said by-law, the said report to be forwarded to the treasurer on or before the 1st day of November in each year. *See R. S. O. c. 201, s. 6.* 40 45

[Sections 6 and 7, R. S. O. c. 201, are omitted. These are the sections providing for the setting apart of the Tree Planting Fund and the recouping of municipalities one-half of the sums paid under the authority of the Act as bonuses for tree planting.]

6.—(1) Any person who ties or fastens any animal to or injures or destroys a tree planted and growing upon any road or highway, or upon any public street, lane, alley, place or square in this province (or upon any boundary line of farms, if any such bonus or premium as aforesaid has been paid therefor), or suffers or permits any animal in his charge to injure or destroy or who cuts down or removes any such tree without having first obtained permission so to do by special resolution of the council of the municipality, shall, upon conviction thereof before a justice of the peace, forfeit and pay such sum of money, not exceeding \$25 besides costs, as such justice may award, and in default of payment the same may be levied on the goods and chattels of the person offending, or such person may be imprisoned in the common gaol of the county within which the municipality is situate for a period not exceeding thirty days.

Penalties for
injuring trees
on highways.

(2) One-half of such fine shall go to the person laying the information, and the other half to the municipality within which such tree was growing. R. S. O. 1887, c. 210, s. 8.

7. Any person who ties or fastens any animal to, or injures or destroys any tree growing for the purposes of shade or ornament upon any boundary line between farms or lots, or who suffers or permits any animal in his charge to injure or destroy or who cuts down or removes any such tree, without the consent of the owner or owners of such tree, shall be subject to the like penalties and liable to be proceeded against and dealt with as provided in the preceding section. R. S. O. 1887, c. 201, s. 9.

Injuring trees
on boundary
lines.

8. The council of every municipality may pass by-laws:

Municipal
by-laws.

(1) To regulate the planting of trees upon the public highway;

(2) To prohibit the planting upon the public highways of any species of trees which they may deem unsuited for that purpose;

(3) To provide for the removal of trees which may be planted on the public highway contrary to the provisions of any such by-law. R. S. O. c. 201, s. 10.

9. *The Ontario Tree Planting Act* and the Act passed in the 53rd year of Her Majesty's reign, chaptered 60, are repealed.

Rev. Stat. c.
201, and 53 V.
c. 60 repealed.

BILL.

An Act revising and consolidating the
Acts to Encourage the Planting and
Growing of Trees.

First Reading, 5th March, 1896.

Mr. DRYDEN.

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

An Act respecting Bake Shops.

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

1. This Act may be cited as *The Bake Shops' Act 1896*. Short title.

5 **2.** In the construction of this Act the following words shall have the meanings hereinafter expressed, unless a contrary intention appears:— Interpre-
tation.

(1) The word "bake shop" shall mean any building, premises, workshop, structure, room, or place wherein is carried on the manufacture, for sale, of confectionery, or of bread, biscuits, cakes or any other food product made from flour or from meal, or from both, in whole or in part, and the said bake shop shall include also any room or rooms used for storing the flour or meal, and also any room or rooms used for storing the bread, cakes, biscuits, confectionery, and other food products. "Bake shop."

(2) The word "inspector" shall mean any inspector appointed by order of the Lieutenant-Governor in Council under the provisions of *The Ontario Factories Act*, or any inspector appointed by order of the Lieutenant-Governor in Council for the enforcement of this Act. "Inspector."

(3) The word "employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer, or agent for any person, firm, company or corporation has charge of any bake shop, and employs any person or persons therein. "Employer."

(4) The word "week" shall mean the period between mid-night on Sunday night and midnight on the succeeding Saturday night. "Week."

3. All bake shops, to which this Act applies, shall be constructed as to lighting, heating, ventilating and draining in such a manner as not to be detrimental or injurious to the Construction
of bake shops.

health of any person working therein, and shall also be kept, at all times, in a clean and sanitary condition, so as to secure the production and preservation of all the food products thereof in a good, wholesome condition.

- Conveniences for employees. 4. Every bake shop shall be provided with a proper wash-room, closet, and other conveniences necessary for the health and comfort of the persons employed therein, the wash-room, closet and other conveniences to be entirely separate from, and not in direct communication with the bake shop; and such wash-room, closet and other conveniences shall be kept clean and in a sanitary condition. 5 10
- Sleeping place not to be in bake shop. 5. The sleeping place or places of the employees of every bake shop shall be entirely separate from the bake shop, and no person shall be allowed to sleep in such bake shop. 15
- Fire escape. 6. Every bake shop shall be provided with proper means and facilities of escape in case of fire, such means or facilities to be to the satisfaction of the inspector empowered by this Act to inspect such bake shops. 15
- Hours of labour. 7. No employer shall require, permit or suffer any employee in any bake shop to work more than sixty hours in any one week, except by permission of the inspector, given in writing to the employer. 20
- Inspector. 8. The inspectors appointed under *The Ontario Factories Act* are hereby appointed inspectors under this Act, for the purpose of enforcing it, and the Lieutenant-Governor in Council may, in addition, appoint one or more persons as inspectors under this Act, for the purpose of enforcing it, and these inspectors shall have full powers, at all times, to enter and inspect all bake shops, and to institute proceedings at law for the enforcement of this Act. 25 30
- Penalty. 9. Any employer who violates any section of this Act, who refuses the inspector admittance to his bake shop, or who neglects or refuses to comply with any requirement of the inspector in connection with the enforcement of this Act, shall, for the first offence, on conviction thereof, forfeit and pay a penalty of not less than twenty dollars, besides costs, and not more than forty dollars, besides costs; and for the second offence, on conviction thereof, such person shall forfeit and pay a penalty of not less than fifty dollars, besides costs, and not more than one hundred dollars, besides costs, and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence is committed, for a period not exceeding thirty days, and to be kept at hard labor at the discretion of the convicting magistrate; and for the third or subsequent offence, on conviction thereof, such person shall be 35 40 45

imprisoned in such gaol for a period not exceeding six months, to be kept at hard labor, in the discretion of the convicting magistrate.

10. All prosecutions under this Act may be brought and ^{Recovery} heard before any two of Her Majesty's justices of the peace in ^{of penalties.} and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns in which there is a police magistrate, before such police magistrate, and save where otherwise provided by this Act the procedure shall be governed by *The Act respecting Summary* ^{Rev. Stat.} *Convictions before Justices of the Peace and Appeals to Gen- c. 74.* *eral Sessions.*

BILL.

An Act respecting Bake Shops.

First Reading, 5th March, 1896.

Mr. DRYDEN.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act respecting Bake Shops.

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(2) The word "inspector" shall mean any inspector appointed by order of the Lieutenant-Governor in Council under the provisions of *The Ontario Factories Act*, or any inspector appointed by order of the Lieutenant-Governor in Council for the enforcement of this Act. "Inspector."

(3) The word "employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer, or agent for any person, firm, company or corporation has charge of any bake shop, or employs any person or persons therein. "Employer."

(4) The word "week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night. "Week."

3. All bake shops, to which this Act applies, shall be constructed as to lighting, heating, ventilating and draining in such a manner as not to be detrimental or injurious to the Construction
of bake shops.

health of any person working therein, and shall also be kept, at all times, in a clean and sanitary condition, so as to secure the production and preservation of all the food products thereof in a good, wholesome condition.

Conveniences for employees. 4. Every bake shop shall be provided with a proper wash-room, closet, and other conveniences necessary for the health and comfort of the persons employed therein, the wash-room, closet and other conveniences to be separate from the bake shop; and such wash-room, closet and other conveniences shall be kept clean and in a sanitary condition.

Sleeping place not to be in bake shop. 5. The sleeping place or places of the employees of every bake shop shall be entirely separate from the bake shop, and no person shall be allowed to sleep in such bake shop.

Fire escap 6. Every bake shop shall be provided with proper means and facilities of escape in case of fire, such means or facilities to be to the satisfaction of the inspector empowered by this Act to inspect such bake shops.

Hours of labour. 7. No employer shall require, permit or suffer any employee in any bake shop to work more than sixty hours in any one week, except by permission of the inspector, given in writing to the employer.

Persons affected with certain diseases not to work in bake shops. 8. No employer shall knowingly require, permit or suffer any person to work in his bake shop who is affected with consumption of the lungs, or with scrofula, or with any venereal disease, or with any communicable skin disease, and every employer is hereby required to maintain himself and his employees in a clean and healthy condition while engaged in the manufacture, handling or sale of such food products.

Inspector. 9. The inspectors appointed under *The Ontario Factories Act* are hereby appointed inspectors under this Act, for the purpose of enforcing it, and the Lieutenant-Governor in Council may, in addition, appoint one or more persons as inspectors under this Act, for the purpose of enforcing it, and these inspectors shall have full powers, at all times, to enter and inspect all bake shops, and to institute proceedings at law for the enforcement of this Act.

Penalty. 10. Any employer who violates any section of this Act, who refuses the inspector admittance to his bake shop, or who neglects or refuses to comply with any requirement of the inspector in connection with the enforcement of this Act, shall, for the first offence, on conviction thereof, forfeit and pay a penalty of not less than twenty dollars, besides costs, and not more than forty dollars, besides costs; and for the second offence, on conviction thereof, such person shall forfeit and pay a penalty of not less than fifty dollars, besides costs, and not

more than one hundred dollars, besides costs, and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence is committed, for a period not exceeding thirty days, and to be kept at hard labor at the discretion of the convicting magistrate; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for a period not exceeding six months, to be kept at hard labor, in the discretion of the convicting magistrate.

11. All prosecutions under this Act shall be brought ^{Recovery} by the inspectors or any one of them ^{of penalties.} and shall be heard before any two of Her Majesty's justices of the peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns in which there is a police magistrate, before such police magistrate, and save where otherwise provided by this Act the procedure shall be governed by *The Act respecting Summary* ^{Rev. Stat.} *Convictions before Justices of the Peace and Appeals to Gen- c. 74.* *eral Sessions.*

12. Nothing in this Act shall in any way conflict or interfere with the powers and the duties of local boards of health ^{Act not to in-} or the officers appointed under *The Public Health Act.* ^{terfere with} ^{local boards} ^{of health.}

No. 108.

2nd Session, 8th Legislature, 59 Viet, 1896.

BILL.

An Act respecting Bake Shops.

First Reading, 5th March, 1896.

Second Reading, 19th March, 1896.

*(Reprinted as amended in Committee of
the Whole House.)*

Mr. DRYDEN.

TORONTO:

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

No. 109.]

BILL.

[1896.

An Act to amend The Registry Act, 1893.

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

1. Sub-section 2 of section 26 of *The Registry Act, 1893*, is 56 V. c. 7, s. 26, subs. 2, repealed and the following substituted therefor :— repealed.

(2) Provided that when the office of any registrar is situate in a city having a population of 30,000 or over, such registrar or his deputy shall attend at his office for the transaction of business on every Saturday from the hours of ten o'clock in the forenoon until one o'clock in the afternoon, and no longer, and no instrument shall be received by him for registration on such days except within the hours above named.

Office hours on Saturdays Registry offices in cities having a population of 30,000 or over.

No. 109.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL

An Act to amend The Registry Act, 1863.

First Reading, 6th March, 1896.

Mr. O'KEEFE.

TORONTO:

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

An Act to amend The Municipal Act.

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

Section 612 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto as sub-section 1a, the following to sub-section 1:—

1a. For providing the means of ascertaining and determining what real property fronts or abuts upon, or extends to, within six feet of the street or place whereon or wherein such improvement or work is proposed to be done or made, and the lineal frontage of such properties.

Ascertaining property liable for local improvement.

Section 613 of the said *The Consolidated Municipal Act, 1892*, is amended by inserting after the word "thereof" in the second line, the words "as ascertained and determined in the manner by by-law provided."

55 V. c. 42, s. 613 amended.

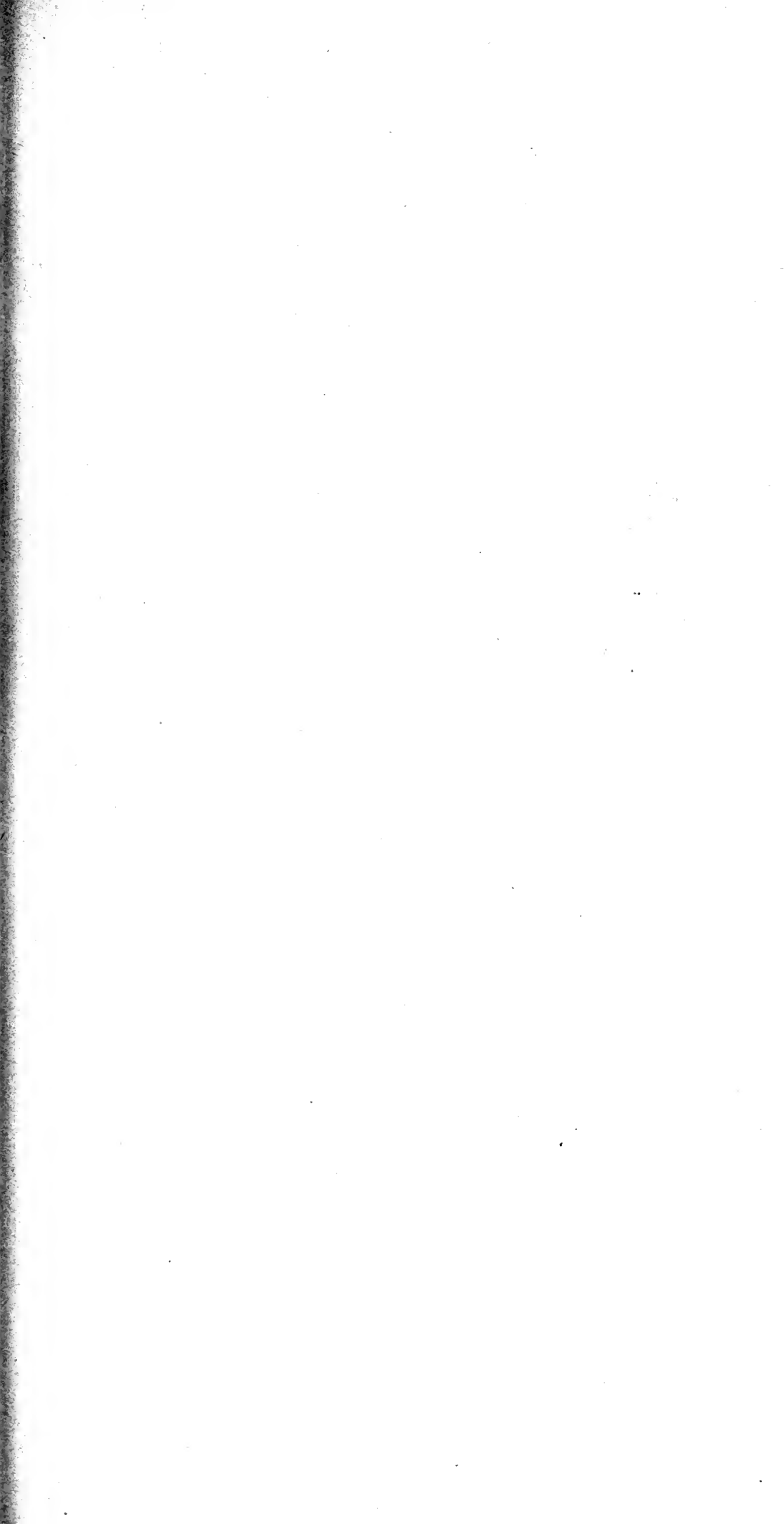
Sub-section 5 of section 618 of the said *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following words:—

55 V. c. 42, s. 618, s-s. 5, amended.

20 Provided always that the said county judge shall not have the power, in case the assessment is duly made in accordance with a by-law for ascertaining and determining what real property fronts or abuts upon, or extends to, within six feet of the street or place whereon or wherein said improvement is proposed to be done or made, and the lineal frontage of such properties, or in so far as the said assessment is based upon any such lineal frontage, shall not interfere therewith or alter the same unless and only so far as upon evidence he finds them untruly measured, or by reason of other lands benefitted being brought into the scheme or assessed therefor or the proportion of assessment of corner lots, triangular or other irregu-

County judge on appeals to him to be restricted by by-law fixing method of ascertaining property liable.

lar pieces of land situate at the inter-sections or junctions of streets, on appeal to him has to be modified or the share to be borne by the municipality in his judgment should be changed, and then in each such case shall only interfere with or alter the assessment of the said lineal frontage so far as necessary to carry into effect any of the changes his judgment makes in that regard. 5



An Act to amend The Municipal Act.

First Reading, 6th March, 1896.

MR. GARROW.

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

An Act respecting the Assessment of the Real
Property of Incorporated Companies.

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

1. An incorporated company owning real property liable to
5 assessment in any municipality, or in case of municipalities
divided into wards, in any ward of a municipality, may at
least ten days before the date fixed for the assessor to begin
to make up his roll, transmit to the clerk of the municipality
a list containing the names of the shareholders in the company
10 and showing the number of shares held by each such share-
holder, and may thereafter at any time before the said date,
in writing, request the assessor of the municipality or ward in
which such real property is situate, to enter on the assessment
roll the name or names of a shareholder or shareholders of the
15 company in the manner hereinafter provided.

Company may
furnish clerk
with list of
shareholders
and request
to have
shareholders
entered on
roll.

2. The said list shall be signed by the manager and secre-
tary of the company, and the corporate seal shall be affixed
thereto.

List to be
signed and
sealed.

3. Upon receiving such request the assessor shall examine
20 the list of shareholders transmitted to the clerk, and shall
enter on the assessment roll of the municipality or that part
of such roll relating to the ward in which real property of the
company is situate, immediately below the name of the com-
pany the name of a shareholder or shareholders in the com-
25 pany, as if he or they were joint owners with the company of
the real property so assessed.

Assessor to
enter the
names of
shareholders
on the roll as
joint owners
with
company.

4. The first name to be so entered shall be that of the
shareholder holding the largest number of shares in the com-
pany, and the next name shall be that of the next largest

Order in
which names
to be entered.

shareholder, and so on until the assessor has entered the number of names which may be so entered according to section 5 of this Act.

Proviso.

Provided, that if in entering the names of shareholders as aforesaid, the said assessor shall find two shareholders holding an equal number of shares in the company, and the amount of the assessment of the real property of the company is not sufficient to qualify both of them to be entered on the roll as provided in said section 5, neither of such shareholders shall be so entered.

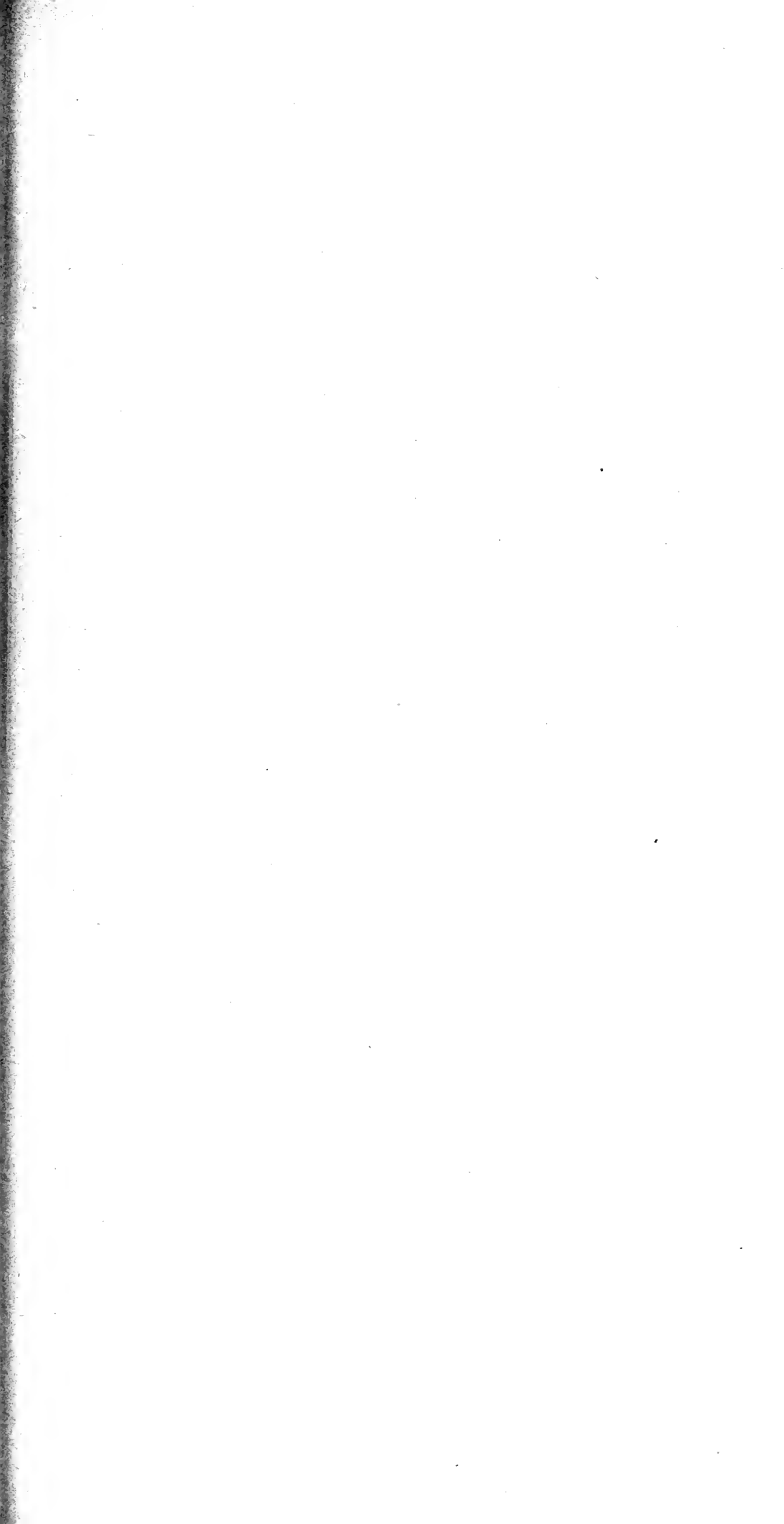
Number of shareholders to be entered on roll.

5. The number of shareholders to be entered on the assessment roll as aforesaid shall be regulated according to the value of the real property of the company liable to be rated and actually rated on the assessment roll as follows :—

One shareholder shall be so entered if such real property shall be rated on such roll at not less than \$400 in value, and the name of one additional shareholder shall be added for every additional \$400 in the rating of such real property.

Effect of entry of shareholder on roll.

6. Every shareholder of a company placed on the assessment roll of a municipality by virtue of this Act shall be deemed to be a freeholder and a ratepayer in the municipality or ward in which his name is so entered, rated on the roll to the actual value of \$400 and upwards, in respect of the real property specified, and shall be entitled to be entered on the list of voters for the municipality or ward as a voter at municipal elections and upon by-laws requiring the assent of the electors, and shall be entitled to vote at such municipal elections, and upon such by-laws and to exercise and do all other rights, powers and things which an owner or freeholder rated on the assessment roll in respect of real property of the value of \$400 and upwards is from time to time empowered by law to exercise and do, but nothing in this Act contained shall be deemed to impair or diminish the liability of the company for the payment of the rates or taxes upon the property of the company so assessed jointly to the company and such shareholders, or to render any shareholder personally liable for the same.



BILL.

An Act respecting the Assessment of the
Real Property of Incorporated Com-
panies.

First Reading, 6th March, 1895.

W. G. GIBSON.

TORONTO:

PRINTED BY L. K. CAMPBELL,
Printer to the Queen's Most Excellent Majesty.

No. 112.]

BILL.

[1896.

An Act to further amend the Act respecting the Office of Sheriff.

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

1. Section 35 of *The Act respecting the Office of Sheriff* is
5 amended by adding thereto the following sub-section: Rev. Stat. c.
16, s. 35,
amended.

(3) Provided that when the office of any Sheriff is situate
in a city, the hours in which such office shall be kept open for
the transaction of business, shall on every lawful day during
the months of July and August be from the hour of ten o'clock
10 in the forenoon until one o'clock in the afternoon. Sheriffs' of-
fices in cities
to be closed at
one o'clock in
July and
August.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL

An Act to amend the Act respecting the
Office of Sheriff.

First Reading, 6th March, 1896.

Mr. BIGGAR.

TORONTO:

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

An Act to amend The Election Act.

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

1. No sheriff, county crown attorney, clerk of the peace, registrar of deeds, clerk of the Surrogate court, clerk of the Division court, bailiff of the Division court, license inspector, registrar, clerk or other officer attached to the Superior courts, no permanent official employed in any of the departments of the Government of Ontario, or any prison, hospital, asylum, or institution of the Government of Ontario, shall actively engage in any contested election to the Legislative Assembly, by canvassing, speaking at public meetings, or acting as agent or otherwise on behalf of any candidate at such election, or by collecting funds for the conduct of such election or in any other manner.

Certain public officers not to take part in election contests.

2. Any person violating the provisions of this Act shall be liable to a penalty not exceeding \$200 for each offence, such penalty to be recoverable in any court of competent jurisdiction by any person who may sue therefor, and shall in addition, at the discretion of the judge presiding at the trial of such action, be liable to forfeiture of his office.

Penalty.

BILL.

An Act to amend The Election Act.

First Reading, 6th March, 1896.

Mr. GAMEY.

TORONTO:

PRINTED BY I. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act as to certain Proceedings under the Act
respecting Assignments and Preferences by In-
solvent Persons.

R. S. O. c. 124, s. 19 ; 52 Vict. c. 21 ; 53 Vict. c. 34 ; 54 Vict.
c. 20.

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

1. Sub-section 3 of section 12 of the said *Act respecting*
5 *Assignments and Preferences by Insolvent Persons* is hereby
repealed and the following substituted therefor :

Rev. Stat. c.
124, s. 12,
sub.-s. 3
repealed.

(3) In the Districts of Muskoka, Parry Sound, Nipissing,
Algoma, Manitoulin, Thunder Bay and Rainy River, and in
any other district which may be hereafter formed, the coun-
10 terpart or copy of the assignment shall be filed in the same
office and within the same time respectively as by the law at
the time of the assignment in force mortgages and bills of
sale of personal property are required to be filed in such dis-
tricts, and the clerk in whose office the same is filed shall
15 perform the like duties and be entitled to be paid the like fees
as clerks acting under the preceding sub-section.

Where assign-
ment to be
filed in certain
districts.

2. The following is added to section 19 of *The Act respect-*
ing Assignments and Preferences by Insolvent Persons, and
shall be read as a sub-section of the said section 19 :

Rev. Stat.
c. 124, s. 19,
amended.

20 (b) In case a person claiming to be entitled to rank on the
estate assigned holds security for his claim or any part there-
of, of such a nature that he is required by this Act to value
the same, and he fails to value such security, the judge of the
county court of the county wherein the debtor at the time of
25 making the assignment resided or carried on business, may,
upon summary application by the assignee or by any other
person interested in the debtor's estate, of which application
three days' notice shall be given to such claimant, order that

When creditor
holding
security fails
to value same.

unless a specified value shall be placed on such security and notified in writing to the assignee within a time to be limited by the order such claimant shall, in respect of the claim, or the part thereof for which the security is held in case the security is held for part only of the claim, be wholly barred of any right to share in the proceeds of such estate, and if a specified value is not placed on such security and notified in writing to the assignee according to the exigency of the said order, or within such further time as the said judge may by subsequent order allow, the said claim or the said part, as the case may be, shall be wholly barred as against such estate but without prejudice to the liability of the debtor therefor. 5 10

Rev. Stat. c. 124, s. 20, amended.

3. The following is added to section 20 of the said Act and shall be read as a sub-section of said section 20 :

Procedure where assignee is satisfied with proof of claim and debtor desires to dispute same.

(b) In case the assignee is satisfied with the proof adduced in support of any claim, but the debtor disputes the same, such debtor shall do so by notice in writing to the assignee, stating the grounds upon which he disputes the claim, and such notice shall be given within ten days of such debtor's being notified in writing by the assignee that he is satisfied with the proof adduced as aforesaid, and not afterwards unless by special leave of the said judge. If upon receiving such notice of dispute the assignee does not deem it proper to require the claimant to bring an action to establish his claim, he shall notify the debtor in writing of this fact, and the debtor may thereupon, and within ten days' of his receiving such notice, apply to the said judge for an order requiring the assignee to serve a notice of contestation. The judge shall only make such order if after notice to the assignee he is of opinion there are good grounds for contesting the claim. In case the debtor does not make such application, the decision of the assignee shall as against him be final and conclusive. If upon such application the claimant consents thereto in writing, the judge may, in a summary manner, decide the question of the validity of the claim. If an action is brought the debtor may intervene at the trial, either personally or by counsel, for the purpose of calling and examining or cross-examining witnesses. 15 20 25 30 35 40

Dividends when to be paid.

4. As large a dividend as can with safety be paid, shall be paid by every assignee under the said Act within twelve months from the date of any assignment made under the said Act, and earlier if required by the inspectors, and thereafter a further dividend shall be paid every six months and more frequently if required by the inspector, until the estate is wound up and disposed of. 40 45

Distributing moneys and determining claims as provided by Rev. Stat. c. 65, s. 32.

5.—(1) The assignee may, if he deems it advisable so to do, take the proceedings authorized by section 32 of *The Creditors' Relief Act* to be taken by a sheriff, and in that case sections 32 and 33 of the said Act shall apply to proceedings for the distribution of moneys and determination of claims arising under an 45

assignment made under the said *Act respecting Assignments and Preferences by Insolvent Persons*, with the substitution of "assignee" for "sheriff" where it occurs in said section 32, and the substitution of "according to law" for "as directed by this Act," where these words occur in said section 32, but this section shall not be construed to relieve the assignee from mailing to each creditor the abstract and other information required by section 22 to be sent to creditors, so far as the same is not contained in the list sent by him under section 32 aforesaid.

10 (2) The judge of the county court of the county wherein the debtor at the time of the assignment resided or carried on business shall be the judge to whom applications under this section shall be made.

6. No assignee shall make any payment or allowance to an inspector beyond his actual and necessary travelling expenses in and about his duties as inspector, except under the authority of a resolution of the creditors passed at a meeting regularly called, fixing the amount thereof, and in the notice calling the meeting, the fixing of the remuneration of the inspectors, shall be specially mentioned as one of the subjects to be brought before the meeting. No inspector shall be allowed more than four dollars a day besides actual travelling expenses, but may be allowed less.

7. Section 6 of *The Act to make further provisions respecting Assignments for the Benefit of Creditors*, passed in the 58th year of Her Majesty's reign, is amended by inserting after "assignor" in the seventh line thereof the following:—
"Or any person who is or has been an agent, clerk, servant, officer or employee of any kind of the assignor," and by substituting "the estate and effects of the assignor" for "his estate and effects" where these words occur in the thirteenth and fourteenth lines of the said section.

8.—(1) In case any person has or is believed to have in his possession or control any statement or statements of the affairs of the insolvent, either general or partial, furnished by the insolvent on his behalf within three years prior to the date of the assignment or at any time subsequent to such date, such person may, upon resolution passed by a majority vote of the creditors present or represented at a regularly called meeting of the creditors of the assignor exclusive of such person (if he is a creditor) or upon the written request or resolution of the majority of the inspectors of the estate, be required by the assignee to produce such statement or statements for the information of such assignee.

45 (2) In case such person fails to produce the said statement or statements within four days of his being served with a copy of the said resolution and a request of the assignee in that behalf, or in case the assignee or the majority of the inspectors

Rev. Stat.
c. 124.

Remuneration
of inspectors.

58 V. c. 23, s.
6 amended.

Examination
of clerks, etc.,
of assignor.

Requiring
persons hav-
ing statements
of affairs of
assignor to
produce same.

is or are not satisfied that full production has been made, the assignee may without an order examine the said person before any of the officers mentioned in section 6 of the said last mentioned Act touching any statement or statements which he is supposed to have received.

5

(3) Any such person may be compelled to attend and testify, and to produce upon his examination any statements which under this section he is liable to produce in the same manner and subject to the same rules of examination and the same consequences of neglecting to attend or refusing to disclose the 10 matters in respect of which he may be examined as in the case of a witness in an action in the High Court of Justice.



BILL.

An Act as to certain Proceedings under the
Act respecting Assignments and Pre-
ferences by Insolvent Persons.

First Reading, 6th March, 1896.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act as to certain Proceedings under the Act respecting Assignments and Preferences by Insolvent Persons.

R. S. O. c. 124, s. 19 ; 52 Vict. c. 21 ; 53 Vict. c. 34 ; 54 Vict. c. 20.

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

1. Sub section 3 of section 12 of the said Act is hereby repealed and the following substituted therefor :

Rev. Stat. c. 124, s. 12, sub-s. 3 repealed.

(3) In the Districts of Muskoka, Parry Sound, Nipissing, Algoma, Manitoulin, Thunder Bay and Rainy River, and in any other district which may be hereafter formed, and in the Provisional County of Haliburton the counterpart or copy of the assignment shall be filed in the same office and within the same time respectively as by the law at the time of the assignment in force mortgages and bills of sale of personal property are required to be filed in such districts, and *provisional county respectively*, and the clerk in whose office the same is filed shall perform the like duties and be entitled to be paid the like fees as clerks acting under the preceding sub-section.

Where assignment to be filed in certain districts.

2. Section 9 of *The Act respecting Assignments and Preferences by Insolvent Persons* is amended by inserting in the second line thereof, after the words "precedence of" the words "all attachments." (See *Wood v. Joselin*, 18 App. Rep. 59).

Rev. Stat. c. 124, s. 9, amended.

3. The following is added to section 19 of *The Act respecting Assignments and Preferences by Insolvent Persons*, and shall be read as a sub-section of the said section 19 :

Rev. Stat. c. 124, s. 19, amended.

(b) In case a person claiming to be entitled to rank on the estate assigned holds security for his claim or any part thereof, of such a nature that he is required by this Act to value

When creditor holding security fails to value same

the same, and he fails to value such security, the judge of the county court of the county wherein the debtor at the time of making the assignment resided or carried on business, may, upon summary application by the assignee or by any other person interested in the debtor's estate, of which application three days' notice shall be given to such claimant, order that unless a specified value shall be placed on such security and notified in writing to the assignee within a time to be limited by the order such claimant shall, in respect of the claim, or the part thereof for which the security is held in case the security is held for part only of the claim, be wholly barred of any right to share in the proceeds of such estate, and if a specified value is not placed on such security and notified in writing to the assignee according to the exigency of the said order, or within such further time as the said judge may by subsequent order allow, the said claim or the said part, as the case may be, shall be wholly barred as against such estate but without prejudice to the liability of the debtor therefor.

Rev. Stat.
c. 124, s. 20,
amended.

4. The following is added to section 20 of the said Act and shall be read as a sub-section of said section 20 :

Procedure
where
assignee is
satisfied with
proof of claim
and debtor
desires to
dispute same.

(b) In case the assignee is satisfied with the proof adduced in support of any claim, but the debtor disputes the same, such debtor shall do so by notice in writing to the assignee, stating the grounds upon which he disputes the claim, and such notice shall be given within ten days of such debtor's being notified in writing by the assignee that he is satisfied with the proof adduced as aforesaid, and not afterwards unless by special leave of the said judge. If upon receiving such notice of dispute the assignee does not deem it proper to require the claimant to bring an action to establish his claim, he shall notify the debtor in writing of this fact, and the debtor may thereupon, and within ten days' of his receiving such notice, apply to the said judge for an order requiring the assignee to serve a notice of contestation. The judge shall only make such order if after notice to the assignee he, *the judge*, is of opinion there are good grounds for contesting the claim. In case the debtor does not make such application, the decision of the assignee shall as against him be final and conclusive. If upon such application the claimant consents in writing, the judge may, in a summary manner, decide the question of the validity of the claim. If an action is brought^{at} by the claimant against the assignee^{the} the debtor may intervene at the trial, either personally or by counsel, for the purpose of calling and examining or cross-examining witnesses.

Dividends
when to be
paid.

5. As large a dividend as can with safety be paid, shall be paid by every assignee under the said Act within twelve months from the date of any assignment made under the said Act, and earlier if required by the inspectors, and thereafter a further dividend shall be paid every six months and more

frequently if required by the inspector, until the estate is wound up and disposed of.

6.—(1) The assignee may, if he deems it advisable so to do, take the proceedings authorized by section 32 of *The Creditors' Relief Act* to be taken by a sheriff, and in that case sections 32 and 33 of the said Act shall apply to proceedings for the distribution of moneys and determination of claims arising under an assignment made under the said Act *respecting Assignments and Preferences by Insolvent Persons*, with the substitution of "assignee" for "sheriff" where it occurs in said section 32, and the substitution of "according to law" for "as directed by this Act," where these words occur in said section 32, but this section shall not be construed to relieve the assignee from mailing to each creditor the abstract and other information required by section 22⁴²⁷ of *The Act respecting Assignments and Preferences by Insolvent Persons* to be sent to creditors, so far as the same is not contained in the list sent by him under section 32 aforesaid.

Distributing moneys and determining claims as provided by Rev. Stat. c. 65, s. 32.

Rev. Stat. c. 124.

Rev. Stat. c. 124.

(2) The judge of the county court of the county wherein the debtor at the time of the assignment resided or carried on business shall be the judge to whom applications under this section shall be made.

7. No assignee shall make any payment or allowance to an inspector beyond his actual and necessary travelling expenses in and about his duties as inspector, except under the authority of a resolution of the creditors passed at a meeting regularly called, fixing the amount thereof, and in the notice calling the meeting, the fixing of the remuneration of the inspectors, shall be specially mentioned as one of the subjects to be brought before the meeting. No inspector shall be allowed more than four dollars a day besides actual travelling expenses, but may be allowed less.

Remuneration of inspectors.

~~8.~~ Sub-section 2 of section 11 of the said Act is hereby repealed, and the following substituted therefor:—

Rev. Stat. c. 124, s. 11, sub-s. 2, repealed.

(2) In case the remuneration of the assignee has not been fixed under the preceding sub-section before the final dividend, the assignee may insert in the final dividend sheet, and retain as his remuneration, a sum not exceeding five per cent. of the cash receipts, subject to review by the court or judge as hereinbefore provided; but no application by the assignee to review the said allowance shall be entertained, unless the question of his remuneration, previous to the preparation of the final dividend, has been brought before a meeting of creditors competent to decide the same. (*Vide Insolvent Act, 32 & 33 V. c. 16 s. 52.*)

9. Section 6 of *The Act to make further provisions respecting Assignments for the Benefit of Creditors*, passed in the

58 V. c. 23 s. 6 amended.

Examination
of clerks, etc.,
of assignor.

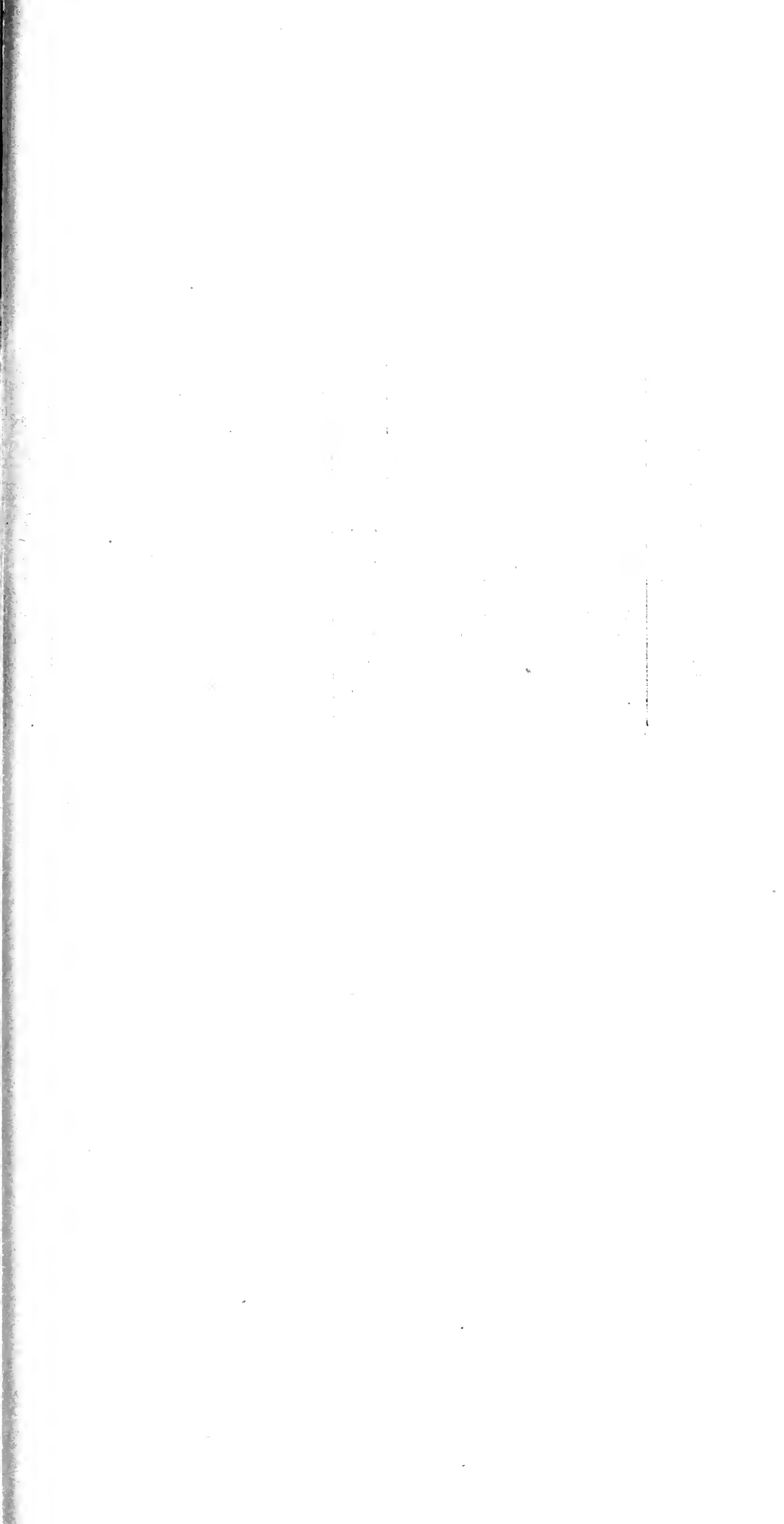
58th year of Her Majesty's reign, is amended by inserting after "assignor" in the seventh line thereof the following:—
"Or any person who is or has been an agent, clerk, servant, officer or employee of any kind of the assignor," and by substituting "the estate and effects of the assignor" for "his estate and effects" where these words occur in the thirteenth and fourteenth lines of the said section.

Calling upon
persons hav-
ing informa-
tion as to
assignor's
affairs to give
evidence and
produce docu-
ments, etc.

~~27~~ **10.**—(1) In case any person has or is believed or suspected to have in his possession or power any book, document, or paper of any kind relating in whole or in part to the debtor, his dealings or property, such person may, upon resolution ~~28~~ passed by a majority vote of the creditors present or represented at a regularly called meeting of the creditors of the assignor exclusive of such person (if he is a creditor) or upon the written request or resolution of the majority of the inspectors of the estate, be required by the assignee to produce such statement or statements for the information of such assignee.

(2) In case such person fails to produce the said *book, document or other paper* within four days of his being served with a copy of the said resolution and a request of the assignee in that behalf, or in case the assignee or the majority of the inspectors is or are not satisfied that full production has been made, the assignee may without an order examine the said person before any of the officers mentioned in section 6 of the said last mentioned Act touching any *book, document or other paper* which he is supposed to have received.

(3) Any such person may be compelled to attend and testify, and to produce upon his examination any *book, document or other paper* which under this section he is liable to produce in the same manner and subject to the same rules of examination and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined as in the case of a witness in an action in the High Court of Justice. ~~29~~ (See *English Bankruptcy Act, 1883*, s. 27). ~~30~~



2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act as to certain Proceedings under the Act respecting Assignments and Preferences by Insolvent Persons.

First Reading, 6th March, 1896.

Second Reading, 23rd March, 1896.

*(Reprinted as amended in Committee of
the Whole House.)*

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY I. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to secure payment of Wages for Labor performed in the construction of Public Works.

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

1. In case a contractor for the construction of a public work
 5 let under contract with Her Majesty, or a member of the Ex-
 ecutive Council of Ontario acting for and on behalf of Her
 Majesty, or any sub-contractor in the construction of any such
 public work, makes default in the payment of the wages of
 any foreman, workman or laborer employed on the work, or
 10 in payment of any sum due by the contractor or sub-contractor
 for labor done by such foreman, workman or laborer, or by
 any team employed on the work, if the claim for such wages
 or sum be filed in the office of the member of the Executive
 Council entering into the contract for and on behalf of Her
 15 Majesty not later than two months after the sum becomes
 due, and satisfactory proof thereof is furnished to him, he
 may cause such claim to be paid to the extent of any moneys
 or securities at the time of the filing of the said claim in
 the hands of the Crown for securing the performance of the
 20 contract.

Payment of wages of employees of contractors or sub-contractors out of securities held by province.

2. The said member of the Executive Council may, in
 writing, require every or any contractor or sub-contractor for
 the construction of any public work, to file in the office of the
 said member of the Executive Council of Ontario, not later
 25 than the fifteenth day of each month, a list showing the
 names, rate of wages, amounts paid and amounts due and
 unpaid for wages or labor done by any foreman, workman,
 laborer or team employed by the contractor or sub-contractor
 during the previous month, and such list shall be attested
 30 upon oath or statutory declaration of the contractor or sub-
 contractor or his authorized agent.

List of employees, etc., to be furnished when required.

Failure to furnish list.

3. Every contractor or sub-contractor aforesaid, who, having received such demand, makes default in forwarding such list in accordance with the provisions of the next preceding section, shall incur a penalty not exceeding one hundred dollars and not less than ten dollars for every day during which default continues, and the amount of such penalty, within the above limits, shall be determined by the Minister under whom the work is being executed, and may be deducted out of the moneys in the hands of the Crown deposited by or owing to such contractor and shall be vested in Her Majesty. 10 5

When sub-contractor fails to furnish list.

4. When default is made by a sub-contractor in furnishing such list, the penalty for such default, hereinbefore provided, may be recovered, with costs, at the suit of the Crown in any court of competent jurisdiction.

Retaining portion of legislative grant and paying wages, etc., thereout.

5. Where any subsidy, advance, loan or bonus of money is authorized by the Legislature to be granted to any company or person towards the construction of any railway or other work it shall, in the absence of special provision by the Legislature to the contrary, be deemed a condition of the grant that so much of the money may be retained as the Lieutenant-Governor-in-Council may think proper to secure the payment of claims for wages of persons employed on such railway or other work whether by such company or by any contractor or sub-contractor, or for sums due or to become due for labor of persons or teams so employed, and in the event of any such claim for such wages or for any such sum remaining unpaid for thirty days after notice thereof has been served upon such member of the Executive Council as may be charged with the duty of seeing that the conditions upon which such aid is granted and the provisions of the Act of the Legislature respecting the same are duly carried out, the Lieutenant-Governor-in-Council may, on being satisfied that such claim is due and unpaid, direct that it be paid together with all proper costs and charges in connection therewith out of any moneys so retained. 20 25 30 35

Companies hereafter incorporated to be liable for wages due by contractors, etc.

6. Every company hereafter incorporated under any general or special Act of the Legislature shall, upon such incorporation become and be liable for the payment of the wages of all foremen, workmen, laborers or teams employed in the construction of any work in the Province done by or for the company, whether directly under the company or through the intervention of any contractor or sub-contractor, provided that nothing herein contained shall be construed in any way to prejudice or effect the right of any such workman against any such contractor or sub-contractor under any other Act or law in force in the Province. 40 45

Notice of claim to be served on company.

7. In case default is made by any contractor or sub-contractor in payment of the wages of any such foremen, workmen or laborers, a notice stating the name of the claimant and the

amount of wages claimed, shall be served upon the company by or on behalf of the claimant not later than two months after such wages are payable, and in default of such notice, the liability imposed by section 5 of this Act shall cease. The
5 said notice and any summons, notice, order or other process required to be served upon the company in the prosecution of such action under section 6 of this Act may be served upon the president, vice-president, secretary, managing director, superintendent or engineer, or any recognized officer repre-
10 senting the company or by leaving the same with any adult person at the office or domicile of any of them.

BILL.

An Act to secure Payment of Wages for
Labor performed in the construction of
Public Works.

First Reading, 6th March, 1896.

The ATTORNEY-GENERAL.

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

No. 116.]

BILL.

[1896.

An Act to amend The Assessment Act.

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

Sub-section 9 of section 7 of *The Consolidated Assessment* 58 V. c. 48, s.
5 *Act, 1892*, is amended by adding at the end thereof the fol- 7, sub-s. 9
lowing words :—“And for the removal of doubts it is hereby amended.
declared that the words ‘lunatic asylum’ in the preceding
part of this sub-section were not intended to include and do
not include any private lunatic asylum, or any place used as a
10 place for the treatment or reception of persons suffering from
the morphine or alcoholic habit, and the like.”

Private
hospitals etc.,
not exempt
from taxation.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Assessment Act.

First Reading, 6th March, 1896.

Mr. MUTRIE.

TORONTO:

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

No. 117.]

BILL.

[1896.

An Act to amend The Municipal Act.

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

1. Section 204 of *The Consolidated Municipal Act, 1892*, is hereby amended by striking out all the words after the word
5 “resignation” in the fourth line thereof and the following substituted therefor:—“and a new election shall be held.”

55 V. c. 42 s.
204 amended.
New election
to be held
when candi-
date elected,
disclaims.

2nd Session, 8th Legislature, 58 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 4th March, 1896.

Mr. MEACHAM.

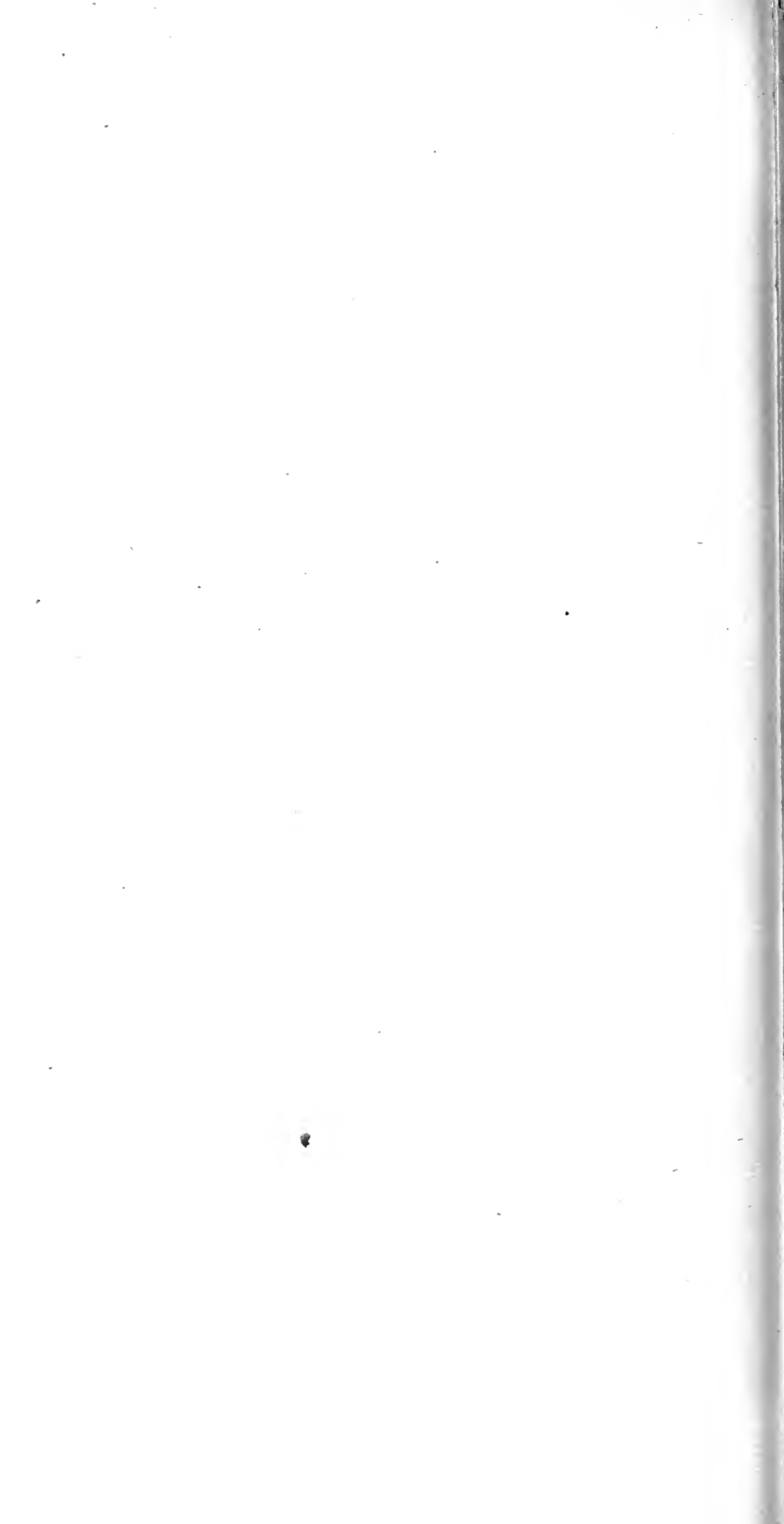
TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

Bill No. 118.

NOT PRINTED.



No. 119.]

BILL

[1896.

An Act to amend The Drainage Act, 1894.

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

1. Section 81 of *The Drainage Act, 1894*, is hereby amended 57 V., c. 56, s. 81 amended. by adding the following sub-section thereto.

5 Upon the petition of two-thirds of the resident owners in the drainage territory, the council of the municipality may pass by-laws empowering the commissioners appointed under this section to use all buildings, machinery and equipments belonging to, and in connection with any drainage pumping works, Commissioners of pumping works.
10 and to operate the same for such purposes as may be set forth in such by-laws.

BILL.

An Act to amend The Drainage Act, 1894.

First Reading, 9th March, 1896.

Mr. MARTER.

TORONTO:

PRINTED BY L. K. CAMERON,
Printed to the Queen's Most Excellent Majesty.

An Act to amend The Municipal Act.

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

1. Sub-section 1 of section 531 of *The Consolidated Municipal Act, 1892*, as amended by *The Municipal Amendment Act, 1894*, is further amended by striking out the words, “and provided also, that no action shall be brought to enforce a claim for damages under this sub-section unless notice in writing of the accident and the cause thereof, has been served upon or mailed through the post office to the mayor, reeve or other head of the corporation or to the clerk of the municipality within thirty days of the happening of the accident, and provided also that in case of the death of the person by whom the damages have been sustained, want of notice shall be no bar to the maintenance of the action, nor in any other case shall the want or insufficiency of notice be a bar to the action if the court or Judge before whom the action is to be tried is of opinion that there was reasonable excuse for the want or insufficiency of such notice, and that the defendants have not thereby been prejudiced in defence.”

55 V. c. 42 s.
531, sub-s. 1,
amended.

Notice of action not to be required in actions for negligence.

2nd Session, 8th Legislature, 59 Vict, 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 9th March 1896.

MR. TAYLOR.

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

An Act respecting Certain Proceedings under The
Separate Schools Act.

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

1. Sub-section 5 of section 58 of *The Separate Schools Act* is amended by substituting the word "thirty" for the word "twenty" in the fourth line thereof. Rev. Stat. c. 227, s. 58, sub.-s. 5 amended.

2. Section 79 of the said Act is repealed and the following substituted:— Rev. Stat. c. 227, s. 79 repealed.

79.—(1) The teaching year shall consist of two terms: in Terms.
10 townships the first term shall begin on the third Monday of August, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June;

(2) In cities, towns and incorporated villages the first term
15 shall begin on the first day of September, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June;

(3) Every Saturday, every public holiday, the week follow-
ing Easter Sunday, and every day proclaimed a holiday by the
20 authorities of the municipality in which the teacher is engaged shall be a holiday in separate schools.

(4) In the territorial districts the trustees of any rural
school may allot the time herein allowed for holidays at Easter
and midsummer to suit the convenience of pupils and teachers,
25 provided always that the same number of holidays be allowed and in periods of the same duration as herein set forth.

3. Any supporter of a separate school whose residence is within three miles of two or more separate schools, shall, after the first day of January, 1897, be *ipso facto* a supporter of

the separate school nearest to his place of residence, provided that nothing herein contained shall affect the liabilities or obligations of any separate school supporter for debts incurred by the school section of which he was a supporter before the passage of this Act.



BILL.

An Act respecting Certain Proceedings
under The Separate Schools Act.

First Reading, 10th March, 1896.

Mr. ROSS.

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

An Act to amend The General Road Companies Act.

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

1. Section 129 of *The General Road Companies' Act* is amended by adding the following sub-section:—

Rev. Stat. c.
159 s. 129
amended.

(a) The penalty for any offence under this section shall be paid to the person from whom the excessive toll was taken.

Application of
penalty.

2. Section 1 of the Act passed in the 57th year of Her Majesty's reign, chaptered 46 is amended by inserting in the ninth line thereof after the word "settled" the words "or a limited amount of toll at each time of passing such gate or gates."

57 V. c. 46 s.
1 amended.

3. Section 5 of the last mentioned Act is amended by adding thereto the following as sub-section 3 thereof:—

57 V. c. 46 s.
5 amended.

(3) The order for commutation may either fix a gross amount to be paid by the applicant for one year for the tolls at any such gate or gates, or may limit to a sum or sums named in the order the amount of tolls to be charged to him for each time of passing the gate or gates referred to in the order.

Form of com-
mutation.

No. 122.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL

An Act to amend The General Road Companies Act.

First Reading, 10th March, 1896.

MR. MIDDLETON.

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

An Act respecting Liens of Mechanics, Wage-Earners
and Others.

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

1. This Act may be cited as *The Mechanics and Wage-Earners' Lien Act, 1896.* Short title.
R. S. O. 1887, c. 126, s. 1.

2. Where the following words occur in this Act, or in the Interpretation
schedules hereto, they shall be construed in the manner here-
inafter mentioned, unless a contrary intention appears:—

(1) "Contractor" shall mean a person contracting with or "Contractor."
employed directly by the owner or his agent for the doing of
work or placing or furnishing materials for any of the pur-
poses mentioned in this Act. (*Partly new*).

(2) "Sub-contractor" shall mean a person not contracting "Sub-con-
with or employed directly by the owner or his agent for the tractor."
purposes aforesaid, but contracting with or employed by the
Contractor, or under him by another Sub-contractor.

(3) "Owner" shall extend to and include any person, firm, Owner."
association, body corporate or politic, including municipal
corporation and railway company having any estate or
interest in the lands upon or in respect of which the work or
service is done, or materials are placed or furnished, at whose
request and upon whose credit or on whose behalf or with
whose privity or consent or for whose direct benefit any such
work or service is performed or materials are placed or fur-
nished, and all persons claiming under him or them whose
rights are acquired after the work or service in respect of
which the lien is claimed is commenced or the materials fur-
nished have been commenced to be furnished. R. S. O. 1887,
c. 126, s. 2. (*New in part*).

“ Person.” (4) “ Person ” shall extend to and include a body corporate or politic, a firm, partnership or association. (*New*).

“ Material.” (5) “ Material ” shall include every kind of moveable property. (*New*).

Work done or materials furnished on lands of married woman. **3.** Where work or service is done or materials are furnished upon or in respect of the lands of any married woman with the privity and consent of her husband he shall be conclusively presumed to be acting as well for himself and so as to bind his own interest, and also as the agent of such married woman for the purposes of this Act, unless the person doing such work or service or furnishing such materials shall have had actual notice to the contrary before doing such work or furnishing such materials. (*New: see R. S. O. c. 126, s. 6, ss. 2*).

Contracts not to deprive third party of lien. **4.** No agreement shall be held to deprive anyone otherwise entitled to a lien under this Act, and not a party to the agreement, of the benefit of the lien, but the lien shall attach, notwithstanding such agreement. R. S. O. c. 126, s. 3.

Nature of lien. **5.** Unless he signs an express agreement to the contrary any person who performs any work or service upon or in respect of, or places or furnishes any materials to be used in making, constructing, erecting, fitting, altering, improving or repairing any erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, or fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees, or the appurtenances to any of them, for any owner, contractor or sub-contractor, shall by virtue thereof have a lien for the price of such work, service or materials upon the erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees, or appurtenances thereto, and the lands occupied thereby or enjoyed therewith, or upon which the said work or service is performed, or upon which such materials are placed, or furnished to be used, and limited in amount to the sum justly due to the person entitled to the lien and to the sum justly owing (excepting as herein provided) by the owner.

See R. S. O. c. 126, s. 4, and the New York Act, King v. Alford, 9 O. R. 643, Kobb v. Woodstock School Board, cited in Holmsted, p. 20. Snider on Mechanics' Lien Acts.

Property upon which lien shall attach. **6.** The lien shall attach upon the estate or interest of the owner as defined by this Act in the erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees and the appurtenances thereto, upon or in respect of which the work or service is performed, or the materials

placed or furnished to be used, and the lands occupied thereby or enjoyed therewith. See R. S. O., c. 126, S. 5 and N. Y. Act.

(2) In cases where the estate or interest charged by the lien is leasehold the fee simple may also, with the consent of the owner thereof, be subject to said lien, provided such consent is testified by the signature of such owner upon the claim of lien at the time of the registering thereof, and duly verified. R. S. O. 1877, c. 126, s. 5, s.s. 2.

Where estate charged is leasehold.

(3) In case the land upon or in respect of which any work or service is performed, or upon or in respect of which materials are placed or furnished to be used, is encumbered by a prior mortgage or other charge, and the selling value of the land is increased by the work or service, or by the furnishing or placing of the materials, the lien under this Act shall be entitled to rank upon the increased value in priority to the mortgage or other charge. R. S. O. 1877, c. 126, s. 5, s.s. 3 in part.

Mortgaged land.

7. Where any of the property upon which a lien is given by this Act is wholly or partly destroyed by fire, any money received by reason of any insurance thereon by an owner or prior mortgagee or chargee shall take the place of the property so destroyed, and shall be subject to the claims of all persons for liens to the same extent as if such moneys were realized by a sale of such property in an action to enforce a lien. (*New*).

Application of insurance when lien attaches.

8. Save as herein provided the lien shall not attach so as to make the owner liable for a greater sum than the sum payable by the owner to the contractor. R. S. O. c. 126, s. 10.

Limit of amount of lien.

9. Save as herein provided where the lien is claimed by any other person than the contractor, the amount which may be claimed in respect thereof shall be limited to the amount owing to the contractor or sub-contractor or other person for whom the work or service has been done or the materials have been placed or furnished. R. S. O. 126, s. 8.

Limit of lien when claimed by some other than contractor.

10.—(1) In all cases the owner shall as the contract progresses deduct from any payments to be made, and retain for a period of thirty days after the completion or abandonment of the contract twenty per cent. of the value of the work, service and materials actually done, placed or furnished as defined by section 6 of this Act, and such values shall be calculated on the basis of the price to be paid for the whole contract; provided that where a contract exceeds \$15,000 the amount to be retained shall be fifteen per cent. instead of twenty per cent., and the liens created by this Act shall be a charge upon the amounts directed to be retained by this section.

Percentage to be deducted and retained by owner for thirty days.

(2) All payments up to eighty per cent. (or eighty-five per cent. where the contract price exceeds \$15,000) of such value

Payments made in good faith without notice of lien.

made in good faith by an owner to a contractor, or by a contractor to a sub-contractor, or by one sub-contractor to another sub-contractor before notice in writing of such lien given by the person claiming the lien to the owner, contractor or the sub-contractor, as the case may be, shall operate as a discharge *pro tanto* of the lien created by this Act. 5

Payments made direct by owner to persons entitled to lien.

11. In case an owner or contractor chooses to make payments to any persons referred to in the fifth section of this Act for or on account of any debts justly due to them for work or service done or for materials placed or furnished to be used as therein mentioned, and shall within three days afterwards give, by letter or otherwise, written notice of such payment to the contractor or his agent, or to the sub-contractor or his agent, as the case may be, such payments shall, as between the owner and the contractor or as between the contractor and the sub-contractor, as the case may be, be deemed to be payments to the contractor or sub-contractor, as the case may be, on his contract generally, but not so as to affect the percentage to be retained by the owner, as provided by section 10 of this Act. 10 15 20

Priority of lien.

12.—(1) The lien created by this Act shall have priority to all judgments, executions, assignments, attachments, garnishments and receiving orders recovered, issued or made after such lien arises, and to all payments or advances made on account of any conveyance or mortgage after notice in writing of such lien to the person making such payments or after registration of such lien as hereinafter provided. (*See* 56 Vic., c. 24, s. 4 and R. S. O. c. 126, s. 31.) 25

Agreements for purchase part of purchase money unpaid.

(2) In case of an agreement for the purchase of land, and the purchase money or part thereof being unpaid, and no conveyance made to the purchaser, the purchaser shall, for the purposes of this Act and within the meaning thereof, be deemed a mortgagor and the seller a mortgagee. (Sec. 8 of cap. 24 of 56 Vict.) 30

Priority among lien-holders.

(3) Excepting where it is otherwise declared by this Act, no person entitled to a lien on any property or to a charge on any moneys under this Act shall be entitled to any priority or preference over another person entitled to a lien or charge on such property or moneys under this Act. 35

Priority of lien for wages.

13.—(1) Every mechanic or laborer whose lien is for work done for wages shall, to the extent of thirty days' wages, have priority over all other liens to the extent of and on the twenty per cent. or fifteen per cent., as the case may be, of the contract price directed to be retained by the owner by section 10 of this Act, and all such mechanics and laborers shall rank *pari passu* on said twenty per cent. (*See* R. S. O. c. 126, s. 9, ss. 3.) 40 45

- (2) In case of the contract not having been completely fulfilled when the lien is claimed by wage earners, the percentage aforesaid shall be calculated on the work done or materials furnished by the contractor. 56 Vict. c. 24, s. 5, ss. 1. Calculating percentage when contract not fulfilled.
- 5 (3) Every wage earner shall be entitled to enforce a lien in respect of the contract not completely fulfilled. (See 56 Vict. c. 24, s. 5, ss. 2.) Enforcing lien in such cases.
- (4) Where the contractor or sub-contractor makes default in completing the same the percentage aforesaid shall not, as against a wage earner claiming a lien under this Act, be applied to the completion of the contract or for any other purpose by the owner or contractor, nor to the payment of damages for the noncompletion of the contract by the contractor or sub-contractor, nor in payment or satisfaction of any claim of any kind against the contractor or sub-contractor. (See 56 Vict. c. 24, s. 5, ss. 3.) Percentage not to be otherwise applied.
- 15 (5) Every device by any owner, contractor or sub-contractor, adopted to defeat the priority given to wage earners for their wages by this Act shall, as respects such wage earners, be null and void. 56 Vict. cap. 24, sec. 1. Devices to defeat priority of wage earners.
- 20 14. Nothing in this Act contained shall apply to make legal any payment made for the purpose of defeating or impairing a claim for a lien arising or existing under this Act and all such payments shall be taken to be null and void. (See R. S. O. c. 126, s. 9.) Payments made for purpose of defeating claim for lien.
- 25 15.—(1) During the continuance of a lien no portion of the materials affected thereby shall be removed to the prejudice of the lien and any attempt at such removal may be restrained on application to the High Court, or to a judge or officer having power to try an action to realize a lien under this Act. R. S. O. c. 126, s. 15. Attempting to remove material affected by lien.
- 30 (2) The court, judge or officer to whom any such application is made, may make such order as to the costs thereof as he deems best. Costs.
- 35 (3) When any material is actually brought upon any land to be used in connection with such land for any of the purposes enumerated in section 6 of this Act, the same shall not be subject to execution or other process to enforce any debt (other than for the purchase thereof) due by the person furnishing the same. (See R. S. O. c. 126, s. 31.) Goods upon which lien attaches not to be subject to execution.
- 40 16. A claim for lien applicable to the case may be registered in the registry office of the registry division or in the Land Titles office in which the land is situated and shall state: Registration of claim for lien.
- 45 (a) The name and residence of the (person claiming the lien) and of the owner of the property to be charged; or of the person whom the person claiming the lien, or his agent, believes to

be the owner of the property to be charged) of the person for whom and upon whose credit the work (or service) is done, or materials furnished or placed, and the time or period within which the same was, or was to be, done or furnished or placed.

(b) A short description of the work (or service) done or materials furnished or placed or to be furnished or placed.

(c) The sum claimed as due or to become due.

(d) The description of the land to be charged sufficient for the purpose of registration.

(e) The date of expiry of the period of credit (if any) agreed by the lienholder for payment for his work (or service) or materials where credit has been given.

Form of claim.

(2) The claim may be in one of the forms given in the schedule to this Act and shall be verified by the affidavit of the person claiming the lien or of his agent or assignee having a personal knowledge of the matters required to be verified and the affidavit of the agent or assignee shall state that he has such knowledge. R. S. O. c. 126, s. 16. See *Beckerton v. Dakin*, 26 O. R. 192.)

What may be included in claim.

17. A claim for lien may include claims against any number of properties, or any number of persons claiming liens upon the same property, who may choose to unite therein, but where more than one lien is included in one claim each lien shall be verified by affidavit as provided in section 16 of this Act. (R. S. O. c 126, s. 19.)

Claims not to be invalidated for informality.

18—(1) A substantial compliance with sections 16 and 17 of this Act shall only be required, and no lien shall be invalidated by reason of failure to comply with any of the requisites of sections 16 and 17 of this Act unless in the opinion of the court or judge or officer who has power to try an action under this Act, the owner, contractor or sub-contractor, mortgagee or other person, as the case may be, is prejudiced thereby, and then only to the extent to which he is thereby prejudiced. (*New.*)

(2) Nothing in this section contained shall be construed as dispensing with registration of the lien required by this Act. (*New.*)

Lien to be registered as an encumbrance.

19.—The registrar, upon payment of his fee, shall register the claim, so that the same may appear as an encumbrance against the land therein described. R. S. O. 1887, c. 126, s. 18, 40 s.s. 1.

Fee for registration.

(2) The fee for registration shall be twenty-five cents. If several persons join in one claim, the registrar shall have a further fee of (ten) cents for every person after the first.

(3) The registrar shall not be bound to copy in any registry book any claim or affidavit, but he shall number each claim, and shall insert in the alphabetical and abstract indexes the like particulars as in other cases; he may describe the nature of the instrument as "Mechanics' Lien" 45 Vic. c. 15, s. 11. Manner of registration.

20.—Where a claim is so registered, the person entitled to the lien shall be deemed a purchaser pro tanto, and within the provisions of *The Registry Act, 1893*, but except as herein otherwise provided, *The Registry Act, 1893*, shall not apply to any lien arising under this Act. R. S. O. 1887, c. 126, s. 19. Application of 56 V. c. 21.

21.—(1) A claim for lien by a contractor or sub-contractor may be registered before or during the performance of the contract or within thirty days after the completion thereof. Claims for liens when to be registered.

(2) A claim for lien for materials may be registered before or during the furnishing or placing thereof or within thirty days after the furnishing or placing of the last material so furnished or placed.

(3) A claim for lien for services may be registered at any time during the performance of the service or within thirty days after the completion of the service.

(4) A claim for lien for work may be registered at any time during the work or within thirty days after the last day's work for which the lien is claimed. R. S. O. 126, s. 20 and sec. 31 in part.

22. Every lien which is not duly registered under the provisions of this Act shall absolutely cease to exist on the expiration of the time hereinbefore limited for the registration thereof unless in the mean time an action is commenced to realize the claim, or in which the claim may be realized under the provisions of this Act, and a certificate thereof issued in the manner required by section 52 of *The Registry Act, 1893*, is duly registered in the Registry Office of the Registry Division or in the Land Titles Office wherein the lands in respect of which the lien is claimed are situate. R. S. O. 1887, c. 126, s. 22. Liens to cease if not limited within time fixed by Act. 56 V. c. 21.

23. Every lien which has been duly registered under the provisions of this Act shall absolutely cease to exist after the expiration of ninety days after the work or service has been completed or materials have been furnished or placed, or the expiry of the period of credit, where such period is mentioned, in the claim or lien filed, unless in the mean time an action is commenced or instituted to realize the claim under the provisions of this Act or an action is commenced in which the claim may be realized, under the provisions of this Act, and a certificate thereof issued in the manner required by section 52 of *The Registry Act, 1893*, is duly registered in the Registry Office of When lien to cease if registered and not proceeded upon. 56 V. c. 21.

the Registry Division or in the land titles office wherein the lands in respect of which the lien is claimed are situate. R.S.O. 1887, c. 126, s. 23.

When lien to cease if there is no period of credit.

24. If there is no period of credit, or if the date of the expiry of the period of credit is not stated in the claim so registered, the lien shall cease to exist upon the expiration of ninety days after the work or service has been completed or materials furnished or placed unless in the mean time an action shall have been commenced pursuant to section 23 of this Act. (R. S. O., c 126, s. 24.)

Death of lienholder.

25. In the event of the death of a lien-holder his right of lien shall pass to his personal representatives and the right of a lien-holder may be assigned by any instrument in writing. R. S. O., 1887, c. 126, s. 25.

Discharge of lien.

26.—(1) A lien may be discharged by a receipt signed by the claimant, or his agent duly authorized in writing, acknowledging payment, and verified by affidavit and registered ; such receipt shall be numbered and entered by the Registrar like other instruments but need not be copied in any book, but the Registrar shall enter against the entry of the lien to which the discharge relates the word "discharged," and state the registration number of such discharge ; the fees shall be the same as for registering a claim of lien. R. S. O. c. 126, s. 26.

Security or payment into court and vacating lien thereon.

(2) Upon application the court or judge or other officer having power to try an action to realize a lien, may receive security or payment into court in lieu of the amount of the claim and may thereupon vacate the registration of the lien. R. S. O. c. 126, s. 30, ss. (7).

Vacating registration on other grounds.

(3) The court or such judge or other officer may vacate the said registration upon any other ground. R.S.O., 1887, c. 126, s. 30, ss. 7 and 8.

When notice of application to vacate not requisite.

(4) Where the certificate required by section 22 or section 23 of this Act has not been registered within the time limited, and an application is made to vacate the registration of a lien after the time for registration of the certificate required by section 22 or 23 of this Act, the applicant shall not be required to give notice of the application to the person claiming the lien, and the order vacating the lien may be made as of course upon production of the certificate of the proper Registrar's certifying the facts entitling the applicant to such order. (*New.*)

Certain acts not to prejudice right to enforce lien.

(5) The taking of any security for, or the acceptance of any promissory note for, or the taking of any other acknowledgment of the claim, or the giving of time for the payment of the claim, or the taking of any proceedings for the recovery of the claim or the recovery of any personal judgment for the claim, shall not merge, waive, pay, satisfy, prejudice or destroy

any lien created by this Act, unless the lien-holder agrees in writing that it shall have that effect. (*New. See Edmonds v. Tierman* 21, Supreme Court Reports.)

27. Any lien-holder may at any time demand of the owner, or his agent, the terms of the contract or agreement with the contractor for and in respect of which the work, services or materials is or are performed or furnished or placed, and if such owner or his said agent shall at the time of such demand neglect or refuse to inform the person making such demand, of the terms of such contract or agreement, and the amount due and unpaid upon such contract or agreement, or shall intentionally or knowingly, falsely state the terms of said contract or agreement, or the amount due or unpaid thereon, and if the person claiming the lien shall sustain loss by reason of such refusal or neglect or false statement, said owner shall be liable to him in an action therefor to the amount of such loss. (*New. See New York statute.*)

Lien-holders to be entitled to information from owner as to terms of contract.

28. The court or judge, or other officer having power to try an action to realize a lien, may on a summary application at any time before or after any action is commenced for the enforcement of such lien, make an order for the owner or his agent to produce and allow any lien-holder to inspect any such contract, and may make such an order as to the costs of such application and order as may be just. (*New.*)

Order for inspection of contract by lienholder.

29.—(1) The liens created by this Act may be realized by actions in the High Court according to the ordinary procedure of that court, excepting where the same is varied by this Act.

Mode of realizing liens.

(2) Without issuing a writ of summons, an action under this Act shall be commenced by filing in the proper office a statement of claim, verified by affidavit.

30. Any number of lien-holders, claiming liens on the same property, may join in an action, and any action brought by a lien-holder shall be taken to be brought on behalf of all other lien-holders on the property in question. See R.S.O., c. 126, s. 30, and 53 Vic. c. 37, s. 39.

Lien-holders joining in action.

31. An action to enforce a lien may be tried by the Master in Ordinary, a local master of the High Court, or a judge of the County Court, in any county or judicial district in which the lands are situate; or by a judge of the High Court of Justice at any sittings of that court for the trial of actions. (*New.*)

Who may try action to enforce lien.

32. The Master in Ordinary, the Local Masters, and the County Judges, shall have, in addition to their ordinary powers, all the jurisdiction, powers and authority, of a Judge of the High Court and of the Master in Ordinary, to try, and

Powers of certain officers.

otherwise completely dispose of, an action to realize a lien, and all questions arising in such action, including the giving or refusing of the costs hereinafter provided. *New.*

Appointing day for trial.

33. (1) After the delivery of the statement of defence where the plaintiff's claim is disputed, or after the time for delivery of defence in all other cases where it is desired to try the action other than at the ordinary sittings of the High Court, either party may apply to a judge or other officer who has the power to try the action, to fix a day for the trial thereof, and the said judge, or other officer, shall give an appointment fixing the day and place of trial, and on the day fixed, or at such other day to which the trial may be adjourned, shall proceed to try the action, and all questions which arise in, or which are necessary to be tried, to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him or upon whom the notice of trial has been served and, at the trial, shall take all accounts, make all inquiries, and give all directions, and do all things necessary to try, and otherwise finally dispose of the action and of all matters, questions and accounts arising in said action, and to give all necessary relief to all parties, and shall embody all the results in the judgment. 5 10 15 20

Direction as to time for sale.

(2) When, by the judgment, a sale is directed of the estate or interest charged with the lien, the judge or officer who tries the action may direct the sale to take place at any time after judgment, allowing, however, a reasonable time for advertising such sale. 25

* Directing sale of materials.

(3) The judge or officer may also direct the sale of any materials and authorize the removal thereof. *See R.S.O. 126, s. 30, s.s. 3 and 4.* 30

Letting in lien-holders who have not proved their claims at trial.

(4) Any lien-holder, who has not proved his claim at the trial of any action to enforce a lien, on application to the judge, or officer who tried the action on such terms as to costs and otherwise as may be just, be let in to prove his claim at any time before the amount realized in the action for the satisfaction of liens has been distributed, and where such a claim is proved and allowed the judge or officer shall amend the judgment so as to include such claim therein. 35

Report where sale is had.

(5) When a sale is had the Judge or officer with whose approbation the lands are sold shall make a report on sale and therein direct to whom the moneys in court shall be paid, and may add to the claim of the person conducting the sale his actual disbursements incurred in connection therewith, and where sufficient to satisfy the judgment and costs is not realized from the sale, he shall certify the amount of the deficiency and the names of the persons, with their amounts, who are entitled to recover the same, and the persons by the 40 45

judgment adjudged to pay the same, and such persons shall be entitled to enforce the same by execution or otherwise as a judgment of the court.

34. The party obtaining such appointment, shall, at least Notice of trial, service of.
 5 eight clear days before the day fixed for the trial, serve a notice of trial which may be in the form in the schedule to this Act, upon the solicitors for the defendants who appear by solicitors, and on all lien-holders known to him, who have registered their liens as required by this Act, and on all other
 10 persons having any charge or incumbrance, or claim on the said lands, who are not parties, or who, being parties, appear personally in the said action, and such service shall be personal unless otherwise directed by the judge or officer who is to try the case, who may, in lieu of personal service, direct in what
 15 manner the notice of trial may be served.

35. Where more than one action is brought to realize liens Consolidation of actions.
 in respect of the same property, a judge or other officer having power to try such actions, may, on the application of any party to any one of such actions, or on the application of any
 20 other person interested, consolidate all such actions into one action, and may give the conduct of the consolidated action to any plaintiff to whom in his discretion he sees fit. (*See* 56 Vic. c. 24, s. 12.)

36. Any lien-holder entitled to the benefit of the action Transferring carriage of proceedings.
 25 may apply for the carriage of the proceeding, and the judge, or any other officer having power to try the action, may thereupon make such an order, giving such lien-holder the carriage of the proceedings, and such lien-holder shall for all purposes thereafter be the plaintiff in the case. (*See* R.S.O. c. 126, s. 30,
 30 ss. 2, and 53 Vic. c. 37, s. 26.)

37. No fees in stamps or money shall be payable to any Limit of fees in money or stamps.
 judge or other officer in any action brought to realize a lien under this Act, nor on any filing, order, record or judgment, or other proceeding in such action, excepting that every per-
 35 son other than a wage earner shall, on filing his statement of claim where he is a plaintiff, or in proving his claim where he is not a party plaintiff, pay in stamps one dollar on every one hundred dollars, or fraction of one hundred dollars, of the amount of his claim up to one thousand dollars. (*See* 56 Vict.,
 40 c. 24, s. 18.)

38. In all actions where the amount to be recovered by the When judgment of court of first instance to be final.
 judgment is \$100 or less, the said judgment shall be final, binding, and without appeal, except that upon application
 45 within fourteen days after judgment is pronounced, to the judge or officer who tried the same, he may grant a new trial.

When appeal lies in Divisional Court.

39. In all actions where the amount recovered by the judgment is more than \$100 but not more than \$200, any party affected thereby may appeal therefrom to a Divisional Court, whose judgment shall be final, binding, and no appeal shall lie therefrom.

Rights of appeal.

40. In all other cases the same right to appeal shall exist as is given in actions tried without a jury in the High Court.

Limit of costs to plaintiff.

41. The costs of the action awarded in any action under this Act, by the judge or officer trying the action, to the plaintiffs and successful lien-holders shall not exceed in the aggregate an amount equal to twenty-five per cent. of the amount of the judgment besides actual disbursements, and shall be in addition to the amount of the judgment, and shall be apportioned and borne in such proportion as the judge or officer directs.

Limit of costs to be awarded against plaintiff.

42. Where the costs are awarded against the plaintiff or other persons claiming the lien, such costs shall not exceed an amount in the aggregate equal to twenty-five per cent. of the claim of the plaintiff and other claimants, besides actual disbursements, and shall be apportioned and borne as the judge or officer directs.

Costs where least expensive course not taken by solicitor.

43. In case the least expensive course is not taken by a plaintiff under this Act the costs allowed to the solicitor shall in no case exceed what would have been incurred if the least expensive course had been taken. 56 Vic., c. 24, s. 15.

Costs of drawing and registering and vacating registration of lien.

44. Where a lien is discharged or vacated under section 26 of this Act or when in an action judgment is given in favor of a lien in addition to the costs of action, the judge or officer may allow a reasonable amount for costs of drawing and registering a lien and or for vacating the registration of the lien. R. S. O., 126, s. 30, s.s. 5 and 9.

Payments out of court.

45. Excepting in actions tried by a judge of the High Court the judge or other officer who tries the action shall where money has been paid into court when the time for payment out arrives, forward a requisition for cheques with a certified copy of his judgment, or when one is made of the report on sale, to the accountant of the Supreme Court of Judicature who shall upon receiving said requisition and copy of the judgment or report make out and return to the said judge or officer cheques for the amounts payable to the persons specified in the requisition and the said judge or officer on receipt of said cheques shall distribute them to the persons entitled. (*New.*)

Fees and stamps not to be payable on payments out of court.

46. No fees or stamps shall be payable on any cheques or proceedings to obtain money out of court. (*New.*)

47. All judgments in favor of lien-holders shall adjudge that the party or parties personally liable for the amount of the judgment, shall pay any deficiency which may remain after sale of the property adjudged to be sold and whenever on a sale of any property to realize a lien under this Act sufficient to satisfy the judgment and costs is not realized therefrom, the deficiency may be recovered by execution against such party or parties. See 53 Vic., c. 37, s. 30, 31, 32, 33 and 34.

Form of judgment in favor of lien-holders.

48. Whenever in an action brought under the provisions of this Act any claimant shall fail for any reason to establish a valid lien he may nevertheless recover therein a personal judgment against the party or parties to the action for such sum or sums as may appear to be due to him from him or them and which he might recover in an action in contract against such party or parties.

Personal judgment when claim for lien fails.

49. The forms in the schedule hereto, or forms similar thereto or to the like effect, may be adopted in all proceedings under this Act.

Forms.

50. This Act shall not apply to liens arising before the coming into force of this Act excepting that where no action has been commenced or proceeding instituted to realize a lien arising before the coming into force of this Act the procedure herein directed shall be adopted to realize the same.

Liens arising before Act comes into force.

51.—(1) Every mechanic or other person who has bestowed money or skill and materials upon any chattel or thing in the alteration and improvement in its properties or for the purpose of imparting an additional value to it so as thereby to be entitled to a lien upon such chattel or thing for the amount or value of the money or skill and materials bestowed, shall, while such lien exists, but not afterwards, in case the amount to which he is entitled remains unpaid for three months after the same ought to have been paid, have the right in addition to all other remedies provided by law, to sell the chattel or thing in respect of which the lien exists, on giving one week's notice by advertisement in a newspaper published in the municipality in which the work was done, or in case there is no newspaper published in such municipality, then in a newspaper published nearest thereto, stating the name of the person indebted, the amount of the debt, a description of the chattel or thing to be sold, the time and place of sale, and the name of the auctioneer, and leaving a like notice in writing at the last or known place of residence (if any) of the owner, if he be a resident of such municipality.

Mechanics entitled to lien on a chattel may sell the chattel if (after three months) payment is not made.

(2) Such mechanic or other person shall apply the proceeds of the sale in payment of the amount due to him and the costs of advertising and sale, and shall upon application pay over any surplus to the person entitled thereto. 41 V., c. 17, s. 3.

Application of proceeds of sale.

land in respect of _____ days' work performed thereon while in the employment of (*here state the name and residence of the person upon whose credit the work was done*) on or before the _____ day of _____

The amount claimed as due is the sum of \$ _____

The following is the description of land to be charged, (*here set out a concise description of the land to be charged sufficient for the purpose of registration*).

Dated at _____ this _____ day of _____
(*Signature of claimant.*)

FORM 3.

Claim of Lien for Wages by Several Claimants.

The following persons under the Mechanics' Lien Act claim a lien upon the estate of (*here state the name and residence of the owner of land upon which the lien is claimed*) in the undermentioned land in respect of wages for labor performed thereon while in the employment of (*here state name and residence or names and residences of employers of the several persons claiming the lien*).

A. B. of (<i>residence</i>)	\$ _____	for	_____	days' wages.
C. D. "	\$ _____	for	_____	days' wages.
E. F. "	\$ _____	for	_____	days' wages.

The following is the description of the land to be charged (*here set out a concise description of the land to be charged sufficient for the purpose of registration*).

Dated at _____ this _____ day of _____
(*Signatures of the several claimants.*)

FORM 4.

Affidavit Verifying Claim.

I, A. B., named in the above (*or annexed*) claim, do make oath that the said claim is true (*or that the said claim, so far as it relates to me, is true*).

Or, We, A. B. and C. D., named in the above (*or annexed*) claim, do make oath, and each for himself saith that the said claim, so far as relates to him, is true.

[*Where affidavit made by agent or assignee a clause must be added to the following effect:—I have full knowledge of the facts set forth in the above (or annexed) claim.*]

Sworn before me at _____, in }
the county of _____ this _____ day }
of _____, A. D. 18 _____ }

Or, The said A. B. and C. D. were }
severally sworn before me at _____ }
in the county of _____ this _____ }
day of _____ A. D. 18 _____ }

Or, the said E. D. was sworn be- }
fore me at _____ in the county of _____ }
this _____ day of _____ A. D. 18 _____ }

FORM 5.

Affidavit verifying claim in commencing an Action.

(Style of Court and Cause.)

I, _____, make oath and say, that I have read, or heard read, the foregoing statement of claim, and I say that the facts therein set forth are, to the best of my knowledge and belief, true, and the amount claimed to be due to me in respect of my lien is the just and true amount due and owing to me after giving credit for all the sums of money or goods or merchandise to which the (*naming the debtor*) is entitled to credit as against me.

FORM 6.

Defence.

(Style of Court and Cause.)

A. B., _____ disputes that the plaintiff is now entitled to a mechanic's lien on the following grounds: (*Setting forth the grounds shortly.*)

(a) The lien has not been prosecuted in due time as required by statute.

(b) That there is nothing due to the plaintiff.

(c) That the plaintiff's lien has been vacated and discharged.

(d) That there is nothing due by _____ (*the owner*)

for the satisfaction of the plaintiff's claim.

Delivered on the _____ day of _____ by A. B. in person, whose address for service is (*stating address within two miles of the Court House*), or

Delivered on the _____ day of _____ by Y. Z., solicitors for the said A.B.

NOTE.—If the owner does not dispute the lien entirely and only wishes to have the accounts taken he may use the following form :

FORM 7.

Defence where there are no matters disputed or where the matters in dispute are matters of account.

(Style of Court and Cause.)

A. B. _____ admits that the plaintiff is entitled to a lien and claims that the following is a just and true statement of the account in question :—

Amount of contract price for work contracted to be performed by E. F. as plumber on the lands in question herein \$500 00

Amounts paid on account.

June 1st, 1889, paid <i>E. F.</i>	\$200 00	
July 1st, 1889, paid <i>G. H.</i> and <i>I. K.</i> , sub- contractors of <i>E. F.</i>	100 00	
		————— \$300 00
Balance admitted to be due.....	\$200 00	

For satisfaction of lien of plaintiff and other lien holders (*as the case may be*) or *A. B.*, before action tendered to the plaintiff \$ _____ in payment of his claim and now brings into court \$ _____ and submits that that amount is sufficient to pay the plaintiff's claim, and asks that this action be dismissed as against him with costs.

Delivered, etc.,

FORM 8.

Affidavit of Owner Verifying Account.

(Style of Court and Cause.)

I, *A. B.*, of _____ being the owner of the lands in question in this action, make oath and say: That the account set forth in the foregoing defence is a just and true account of the amount of the contract price agreed to be paid by me to *E. F.* for the work contracted to be done by him on the lands in question.

The said account also justly and truly sets forth the payments made by me on account thereof, and the persons or person to whom the same were made; and the balance of \$200 appearing by such account to be still due and payable is the just and true sum now due and owing by me in respect of my contract with the said *E. F.*

Sworn, etc.

FORM 9.

Notice of Trial.

(Style of Court and Cause.)

Take notice that this action will be tried at the court house, in the town of _____ in the county of _____ on the _____ day of _____ by _____ and at such time and place the said _____ will proceed to try the action and all questions which arise in or which are necessary to be tried to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him, or upon whom this notice of trial has been served, and at such trial he will take all accounts, make all inquiries and give all directions

and do all things necessary to try and otherwise finally dispose of this action, and of all matters, questions, and accounts arising in said action and will give all necessary relief to all parties.

And further take notice that if you do not appear at the trial and prove your claim, if any, or prove your defence, if any, to the action the proceedings will be taken in your absence and you may be deprived of all benefit of the proceedings and your rights disposed of in your absence.

This is a mechanics' lien action brought by the above named plaintiff against the above named defendants to enforce a mechanics' lien against the following lands :—

FORM 10.

Statement of Account by Lien-holders.

(Style of Court and Cause.)

E. F. Dr. to *G. H.*,

1889.

Jan. 1, To 12 doz. brackets.....	\$12 00
Feb. 3, " 50 lbs. of nails	5 00
Oct. 3, " 40 sheets of glass	40 00
	<hr/>
	\$57 00

Cr.

1889.

Feb 4, By cash	\$ 4 00
June 5, " goods	20 00
	<hr/>
	\$24 00
	<hr/>
	\$33 00

FORM 11.

Affidavit of Lien-holder Verifying Claim.

(Style of Court and Cause.)

I, *G. H.*, of (*address and occupation*), make oath and say :—
 I have in the foregoing account (*or in the account now shown to me marked A*) set forth a just and true account of the amount due and owing to me by *E. H.* (*the owner*), or by *E. F.*, who is a contractor with the defendant, *L. G.* (*the owner*), of the lands in question, and I have in the said account given credit for all sums in cash or merchandise or otherwise to which the said *E. F.* is justly entitled to credit in respect of the said account and the sum of \$33 appearing by such account to be due to me as the amount (*or balance*) of such account is now justly due and owing to me.

Sworn, etc.

FORM 12.

Judgment.

(Style of Court and Cause.)

Before _____ at _____ Monday, 10 July,
1896.

This action coming on for trial before _____ in _____ at _____ upon opening of the matter it appearing that the following persons have been duly served with notice of trial herein, and all such persons appearing at the trial (*or, the following persons not having appeared, as the case may be*) and upon hearing the evidence adduced and what was alleged by counsel for all parties appearing.

(1) This court doth declare that on the 2nd day of April, 1896, and at the commencement of this action, the defendant

was the owner in fee of the following lands, namely :

(2) And this court doth declare that on the 2nd day of April, 1896, the plaintiff made a contract in writing to build for the defendant a dwelling house on said lands and to furnish all the material therefor, and the defendant,

_____, agreed to pay the plaintiff \$1,000 therefor at the times and in the manner following, namely : Eighty per cent. of the value of the work done and materials furnished as the work progressed, and the balance in thirty days after the contract was fully completed, and the plaintiff duly performed his contract, and had completed the same on the _____ day of _____ 18 _____, and became entitled to receive the balance payable to him on his said contract on the _____ day of _____ 18 _____, and the defendant, before action, paid to the plaintiff \$500 on account and no more, and this court doth order and adjudge that the plaintiff do recover from the defendant \$500 and interest from the day of _____, 18 _____ (*when same became due.*)

(3) This court doth declare that the plaintiff, within the time limited by section 21 of *The Mechanics' and Wage Earners' Liens Act of 1896*, duly registered a claim of lien for and in respect of his said contract, and commenced this action within the time limited by section 23 of the said Act, and then had and now has a good and valid mechanics' lien on all the estate and interest of the defendant in and to the lands hereinbefore described and the erections thereon, and doth order and adjudge accordingly.

(4) And this court doth declare that John Smith, of Hamilton, lumber dealer, between the 3rd and 26th days of May, 1896, furnished material to the plaintiff to be used in the construction of said dwelling house to the value of \$100, for

which he has not been paid, and duly registered a claim for lien in respect thereof within the time limited by section 11 of the said Act, against the said lands, and was and is entitled to recover the said amount from the plaintiff, and has a good and valid mechanics' lien on all the estate and interest of the defendant in the lands hereinbefore described and the erections thereon, and doth order and adjudge accordingly.

(5) And this court doth declare that John Jones, a wage earner, did work in respect of the plaintiff's said contract for the plaintiff between the 1st and 30th days of June, 18 , to the value of \$25.00, for which he has not been paid, and duly registered a claim for his said lien within the time limited by section 11 of said Act against the said lands, and was, and is, entitled to recover the said amount from the plaintiff and has a good and valid lien on all the estate and interest of the defendant in the lands hereinbefore described and the erections thereon, and doth order and adjudge accordingly.

The said William Smith, though duly served with the notice of trial herein, failed to appear thereat, and it is hereby ordered and adjudged that the said William Smith be and is hereby barred of all claims on or against the said lands.

(6) And this court doth order and adjudge that the plaintiff do recover against the defendant \$75 costs of this action, and \$10 actual disbursements, and that the same be added to the plaintiff's claim.

(7) And this court doth order and adjudge that the said John Smith do recover \$10 for his costs and \$2 for his actual disbursements, and the said John Jones do recover \$5 for his costs against the defendant and that the same be added to their respective claims.

(8) This court doth order and adjudge that unless the full amount of this judgment and costs and disbursements be paid into court to the credit of this cause before the 10th day of August, 1896, that all the estate and interest of the defendant in the lands hereinbefore described be forthwith thereafter sold with the approbation of (the judge or officer trying the case).

(9) That the purchase money be paid into court to the credit of this action.

(10) That all proper parties do join in the conveyances to the purchasers as the said (judge or officer) may direct.

(11) That the moneys paid into court by defendant or as proceeds of such sale shall be paid out as the said by his report shall direct.

FORM 13.

Certificate Vacating Lien.

(Style of Court and Cause.)

Date

I certify that the defendant *A. B.* (the owner) has paid into court to the credit of this cause all money due and payable by him for the satisfaction of the liens of the plaintiff and *E. F.*, *G. H.*, *I. J.* and *K. L.* and their liens are hereby vacated and discharged so far as the same affect the following lands (describe lands).

(Signature of Master or Referee.)

FORM 14.

Certificate Vacating Lien.

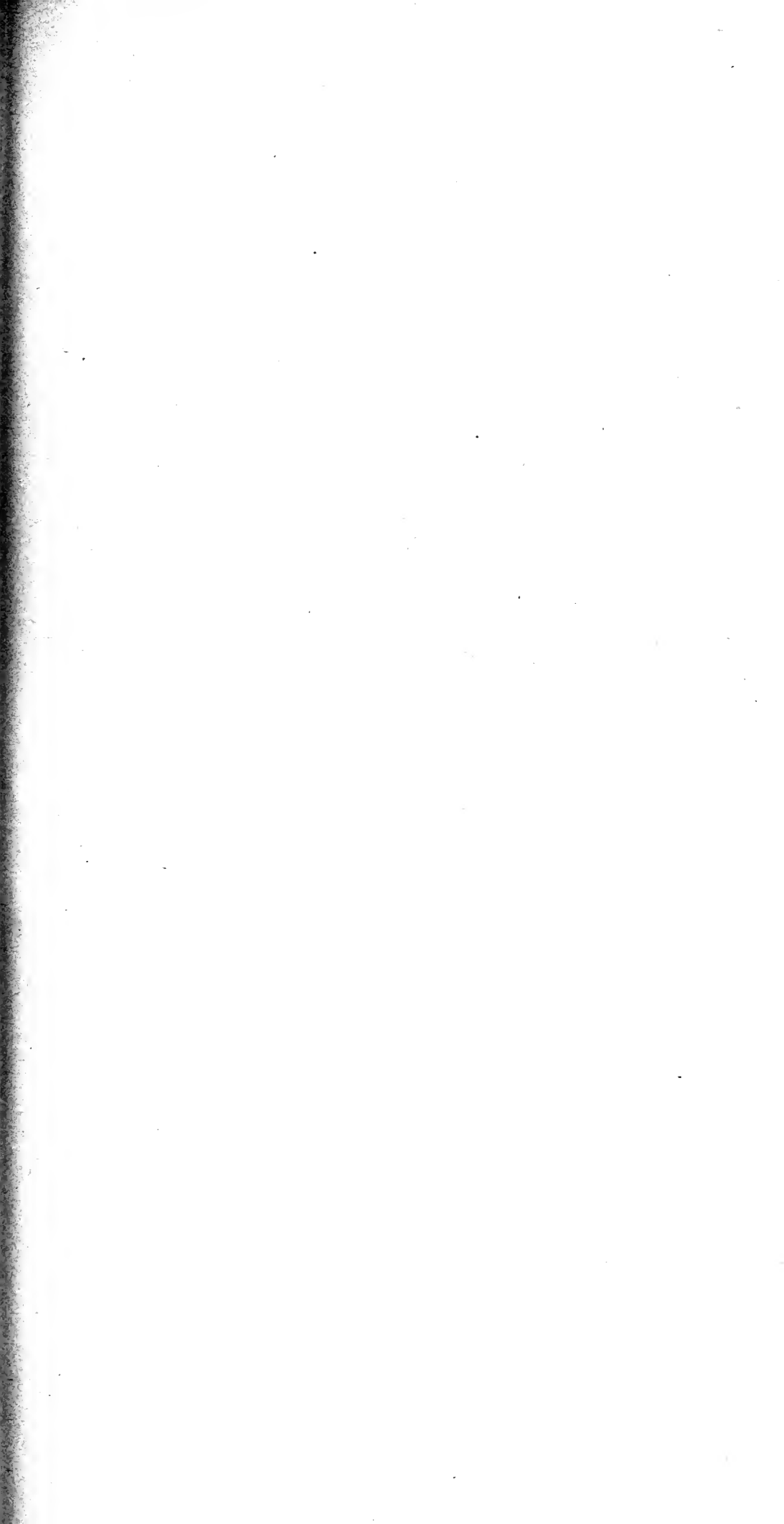
(Style of Court and Cause.)

Date

I certify that I have inquired and find that the plaintiff is not entitled to any mechanics lien upon the lands of the defendant *A. B.* (the owner) and that his claim of lien is hereby vacated and discharged so far as the same affects the following lands (describe lands).

(Signature of Master or Referee.)





No. 123.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting Liens of Mechanics,
Wage-Earners and Others.

First Reading, 10th March, 1896.

Mr. GIBSON,
(Hamilton).

TORONTO:

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

An Act respecting Liens of Mechanics, Wage-Earners
and Others

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

1. This Act may be cited as *The Mechanics and Wage-Earners' Lien Act, 1896*. R. S. O. 1887, c. 126, s. 1. Short title.

2. Where the following words occur in this Act, or in the Interpretation
schedules hereto, they shall be construed in the manner here-
inafter mentioned, unless a contrary intention appears:—

(1) "Contractor" shall mean a person contracting with or "Contractor,"
employed directly by the owner or his agent for the doing of
work or placing or furnishing materials for any of the pur-
poses mentioned in this Act. (*Partly new*).

(2) "Sub-contractor" shall mean a person not contracting "Sub-con-
with or employed directly by the owner or his agent for the tractor."
purposes aforesaid, but contracting with or employed by a
Contractor, or under him by another Sub-contractor.

(3) "Owner" shall extend to and include any person, firm, "Owner."
association, body corporate or politic, including municipal
corporation and railway company having any estate or
interest in the lands upon or in respect of which the work or
service is done, or materials are placed or furnished, at whose
request and upon whose credit or on whose behalf or with
whose privity or consent or for whose direct benefit any such
work or service is performed or materials are placed or fur-
nished, and all persons claiming under him or them whose
rights are acquired after the work or service in respect of
which the lien is claimed is commenced or the materials fur-
nished have been commenced to be furnished. R. S. O. 1887,
c. 126, s. 2. (*New in part*).

- "Person." (4) "Person" shall extend to and include a body corporate or politic, a firm, partnership or association. (*New*).
- "Material." (5) "Material" shall include every kind of moveable property. (*New*).
- "Registry Office." (6) "Registry Office" shall include Land Titles Office.

Work done or materials furnished on lands of married woman. **3.** Where work or service is done or materials are furnished upon or in respect of the lands of any married woman with the privity and consent of her husband he shall be conclusively presumed to be acting as well for himself and so as to bind his own interest, and also as the agent of such married woman for the purposes of this Act, unless the person doing such work or service or furnishing such materials shall have had actual notice to the contrary before doing such work or furnishing such materials (*New: see R. S. O. c. 126, s. 6, ss. 2*).

Contracts not to deprive third party of lien. **4.** No agreement shall be held to deprive anyone otherwise entitled to a lien under this Act, and not a party to the agreement, of the benefit of the lien, but the lien shall attach, notwithstanding such agreement. *R. S. O. c. 126, s. 3.*

Nature of lien. **5.** Unless he signs an express agreement to the contrary, any person who performs any work or service upon or in respect of, or places or furnishes any materials to be used in making, constructing, erecting, fitting, altering, improving or repairing any erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, or fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees, or the appurtenances to any of them, for any owner, contractor or sub-contractor, shall by virtue thereof have a lien for the price of such work, service or materials upon the erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees, or appurtenances thereto, and the lands occupied thereby or enjoyed therewith, or upon which the said work or service is performed, or upon which such materials are placed, or furnished to be used, and limited in amount to the sum justly due to the person entitled to the lien and to the sum justly owing (excepting as herein provided) by the owner.

See R. S. O. c. 126, s. 4, and the New York Act, King v. Alford, 9 O. R. 643, Robb v. Woodstock School Board, cited in Holmsted, p. 20. Snider on Mechanics' Lien Acts.

Property upon which lien shall attach. **6.** The lien shall attach upon the estate or interest of the owner as defined by this Act in the erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees and the appurtenances thereto, upon or in respect

of which the work or service is performed, or the materials placed or furnished to be used, and the lands occupied thereby or enjoyed therewith. See R. S. O., c. 126, S. 5 and N. Y. Act.

(2) In cases where the estate or interest charged by the lien is leasehold the fee simple may also, with the consent of the owner thereof, be subject to said lien, provided such consent is testified by the signature of such owner upon the claim of lien at the time of the registering thereof, and duly verified. R. S. O. 1877, c. 126, s. 5, s.s. 2. Where estate charged is leasehold.

(3) In case the land upon or in respect of which any work or service is performed, or upon or in respect of which materials are placed or furnished to be used, is encumbered by a prior mortgage or other charge, and the selling value of the land is increased by the work or service, or by the furnishing or placing of the materials, the lien under this Act shall be entitled to rank upon *such* increased value in priority to the mortgage or other charge. R. S. O. 1877, c. 126, s. 5, s.s. 3 in part. Mortgaged land.

~~4~~(4) The provisions of this or any other section of this Act affecting railways under the control of the Dominion of Canada are only intended to apply so far as the Legislative Assembly of this Province has authority or jurisdiction in regard thereto. ³³

7. Where any of the property upon which a lien is given by this Act is wholly or partly destroyed by fire, any money received by reason of any insurance thereon by an owner or prior mortgagee or chargee shall take the place of the property so destroyed, and shall be subject to the claims of all persons for liens to the same extent as if such moneys were realized by a sale of such property in an action to enforce a lien. (*New*). Application of insurance when lien attaches.

8. Save as herein provided the lien shall not attach so as to make the owner liable for a greater sum than the sum payable by the owner to the contractor. R. S. O. c. 126, s. 10. Limit of amount of lien.

9. Save as herein provided where the lien is claimed by any other person than the contractor, the amount which may be claimed in respect thereof shall be limited to the amount owing to the contractor or sub-contractor or other person for whom the work or service has been done or the materials have been placed or furnished. R. S. O. 126, s. 8. Limit of lien when claimed by some other than contractor.

10.—(1) In all cases an owner shall as *any* contract progresses deduct from any payments to be made, and retain for a period of thirty days after the completion or abandonment of the contract twenty per cent. of the value of the work, service and materials actually done, placed or furnished as defined by section 5 of this Act, and such values shall be calculated on the Percentage to be deducted and retained by owner for thirty days.

basis of the price to be paid for the whole contract; provided that where a contract exceeds \$15,000 the amount to be retained shall be fifteen per cent. instead of twenty per cent., and the liens created by this Act shall be a charge upon the amounts directed to be retained by this section.

Payments made direct by owner to persons entitled to lien.

(2) All payments up to eighty per cent. (or eighty-five per cent. where the contract price exceeds \$15,000) of such value made in good faith by an owner to a contractor, or by a contractor to a sub-contractor, or by one sub-contractor to another sub-contractor before notice in writing of such lien given by the person claiming the lien to the owner, contractor or the sub-contractor, as the case may be, shall operate as a discharge *pro tanto* of the lien created by this Act.

Payments made in good faith without notice of lien

11. In case an owner or contractor chooses to make payments to any persons referred to in the fifth section of this Act for or on account of any debts justly due to them for work or service done or for materials placed or furnished to be used as therein mentioned, and shall within three days afterwards give, by letter or otherwise, written notice of such payment to the contractor or his agent, or to the sub-contractor or his agent, as the case may be, such payments shall, as between the owner and the contractor or as between the contractor and the sub-contractor, as the case may be, be deemed to be payments to the contractor or sub-contractor, as the case may be, on his contract generally, but not so as to affect the percentage to be retained by the owner, as provided by section 10 of this Act.

Priority of lien.

12.—(1) The lien created by this Act shall have priority to all judgments, executions, assignments, attachments, garnishments and receiving orders recovered, issued or made after such lien arises, and to all payments or advances made on account of any conveyance or mortgage after notice in writing of such lien to the person making such payments or after registration of such lien as hereinafter provided. (See 56 Vic., c. 24, s. 4 and R. S. O. c. 126, s. 31.)

Agreements for purchase part of purchase money unpaid.

(2) In case of an agreement for the purchase of land, and the purchase money or part thereof being unpaid, and no conveyance made to the purchaser, the purchaser shall, for the purposes of this Act and within the meaning thereof, be deemed a mortgagor and the seller a mortgagee. (Sec. 8 of cap. 24 of 56 Vict.)

Priority among lien-holders.

(3) Excepting where it is otherwise declared by this Act, no person entitled to a lien on any property or to a charge on any moneys under this Act shall be entitled to any priority or preference over another person of the same class entitled to a lien or charge on such property or moneys under this Act, and each class of lien holders, except where it is otherwise declared by this Act, shall rank *pari passu* for their several

amounts, and the proceeds of any sale shall, subject as aforesaid, be distributed among them *pro rata* according to their several classes and rights.

13.—(1) Every mechanic or laborer whose lien is for work done for wages shall, to the extent of thirty days' wages, have priority over all other liens derived through the same contractor or sub-contractor to the extent of and on the twenty per cent. or fifteen per cent., as the case may be, of the contract price directed to be retained by the owner, contractor or sub-contractor by section 10 of this Act, to which the contractor or sub-contractor through whom such lien is derived is entitled, and all such mechanics and laborers shall rank *pari passu* on said twenty per cent. (See R. S. O. c. 126, s. 9, ss. 3.) Priority of lien for wages

(2) In case of the contract not having been completely fulfilled when the lien is claimed by wage earners, the percentage aforesaid shall be calculated on the work done or materials furnished by the contractor or sub-contractor by whom such wage-earners are employed. 56 Vict. c. 24, s. 5, ss. 1. Calculating percentage when contract not fulfilled.

(3) Every wage earner shall be entitled to enforce a lien in respect of the contract not completely fulfilled. (See 56 Vict. c. 24, s. 5, ss. 2.) Enforcing lien in such cases.

(4) Where the contractor or sub-contractor makes default in completing *his contract* the percentage aforesaid shall not, as against a wage earner claiming a lien under this Act, be applied to the completion of the contract or for any other purpose by the owner or contractor, nor to the payment of damages for the noncompletion of the contract by the contractor or sub-contractor, nor in payment or satisfaction of any claim of any kind against the contractor or sub-contractor. (See 56 Vict. c. 24, s. 5, ss. 3.) Percentage not to be otherwise applied.

(5) Every device by any owner, contractor or sub-contractor, adopted to defeat the priority given to wage earners for their wages by this Act shall, as respects such wage earners, be null and void. 56 Vict. cap. 24, sec. 1. Devices to defeat priority of wage earners.

14. Nothing in this Act contained shall apply to make legal any payment made for the purpose of defeating or impairing a claim for a lien arising or existing under this Act and all such payments shall be taken to be null and void. (See R. S. O. c. 126, s. 9.) Payments made for purpose of defeating claim for lien.

15.—(1) During the continuance of a lien no portion of the materials affected thereby shall be removed to the prejudice of the lien and any attempt at such removal may be restrained on application to the High Court, or to a judge or officer having power to try an action to realize a lien under this Act. R. S. O. c. 126, s. 15. Attempting to remove material affected by lien.

Costs.

(2) The court, judge or officer to whom any such application is made, may make such order as to the costs⁴²⁷ of and incidental to the application and order⁴²⁸ as he deems *just*.

Goods upon which lien attaches not to be subject to execution.

(3) When any material is actually brought upon any land to be used in connection with such land for any of the purposes enumerated in section 5 of this Act, the same shall not be subject to execution or other process to enforce any debt (other than for the purchase thereof) due by the person furnishing the same. (*See* R. S. O. c. 126, s. 31.)

Registration of claim for lien.

16. A claim for lien applicable to the case may be registered in the registry office of the registry division or in the Land Titles office in which the land is situated and shall state :

(a) The name and residence of the (person claiming the lien) and of the owner of the property to be charged ; or of the person whom the person claiming the lien, or his agent, believes to be the owner of the property to be charged) of the person for whom and upon whose credit the work (or service) is done, or materials furnished or placed, and the time or period within which the same was, or was to be, done or furnished or placed.

(b) A short description of the work (or service) done or materials furnished or placed or to be furnished or placed.

(c) The sum claimed as due or to become due.

(d) The description of the land to be charged sufficient for the purpose of registration.

(e) The date of expiry of the period of credit (if any) agreed by the lienholder for payment for his work (or service) or materials where credit has been given.

Form of claim.

(2) The claim may be in one of the forms given in the schedule to this Act and shall be verified by the affidavit of the person claiming the lien or of his agent or assignee having a personal knowledge of the matters required to be verified and the affidavit of the agent or assignee shall state that he has such knowledge. R. S. O. c. 126, s. 16. *See* Beckerton v. Dakin, 26 O. R. 192.)

⁴²⁷(3) Where a lien is registered against the lands of a railway company it shall be sufficient description of the said lands to describe the same as the lands of such railway company in the county where the claim arose as described and shown on the plan of the said railway registered under *The Railway Act*.⁴²⁸

What may be included in claim.

17. A claim for lien may include claims against any number of properties, *and* any number of persons claiming liens upon the same property may unite therein, but where more than one lien is included in one claim each lien shall be verified by affidavit as provided in section 16 of this Act. (R.S.O. c. 126, s. 19.)

18—(1) A substantial compliance with sections 16 and 17 of this Act shall only be required, and no lien shall be invalidated by reason of failure to comply with any of the requisites of sections 16 and 17 of this Act unless in the opinion of the court or judge or officer who has power to try an action under this Act, the owner, contractor or sub-contractor, mortgagee or other person, as the case may be, is prejudiced thereby, and then only to the extent to which he is thereby prejudiced. (*New.*)

Claims not to be invalidated for informality.

(2) Nothing in this section contained shall be construed as dispensing with registration of the lien required by this Act. (*New.*)

19.—The registrar, upon payment of his fee, shall register the claim, so that the same may appear as an incumbrance against the land therein described. R. S. O. 1887, c. 126, s. 18, s.s. 1.

Lien to be registered as an encumbrance.

(2) The fee for registration shall be twenty-five cents. If several persons join in one claim, the registrar shall have a further fee of (ten) cents for every person after the first. 45 Vic. c. 15, s. 11.

Fee for registration.

(3) The registrar shall not be bound to copy in any registry book any claim or affidavit, but he shall number each claim, and shall insert in the alphabetical and abstract indexes the like particulars as in other cases; he may describe the nature of the instrument as "Mechanics' Lien" 45 Vic. c. 15, s. 11.

Manner of registration.

20.—Where a claim is so registered, the person entitled to the lien shall be deemed a purchaser pro tanto, and within the provisions of *The Registry Act, 1893*, but except as herein otherwise provided, *The Registry Act, 1893*, shall not apply to any lien arising under this Act. R. S. O. 1887, c. 126, s. 19.

Application of 56 V. c. 21.

21.—(1) A claim for lien by a contractor or sub-contractor may be registered before or during the performance of the contract or within thirty days after the completion thereof.

Claims for liens when to be registered.

(2) A claim for lien for materials may be registered before or during the furnishing or placing thereof or within thirty days after the furnishing or placing of the last material so furnished or placed.

(3) A claim for lien for services may be registered at any time during the performance of the service or within thirty days after the completion of the service.

(4) A claim for lien for work may be registered at any time during the work or within thirty days after the last day's work for which the lien is claimed. R. S. O. 126, s. 20 and sec. 31 in part.

Liens to cease if not limited within time fixed by Act.

56 V. c. 21.

22. Every lien which is not duly registered under the provisions of this Act shall absolutely cease to exist on the expiration of the time hereinbefore limited for the registration thereof unless in the mean time an action is commenced to realize the claim, or in which the claim may be realized under the provisions of this Act, and a certificate thereof issued in the manner required by section 52 of *The Registry Act, 1893*, is duly registered in the Registry Office of the Registry Division wherein the lands in respect of which the lien is claimed are situate. R. S. O. 1887, c. 126, s. 22.

When lien to cease if registered and not proceeded upon.

56 V. c. 21.

23. Every lien which has been duly registered under the provisions of this Act shall absolutely cease to exist after the expiration of ninety days after the work or service has been completed or materials have been furnished or placed, or the expiry of the period of credit, where such period is mentioned, in the claim of *lien registered* unless in the mean time an action is commenced to realize the claim under the provisions of this Act or an action is commenced in which the claim may be realized under the provisions of this Act, and a certificate thereof issued in the manner required by section 52 of *The Registry Act, 1893*, is duly registered in the Registry Office of the Registry Division or in the land titles office wherein the lands in respect of which the lien is claimed are situate. R.S.O. 1887, c. 126, s. 23.

When lien to cease if there is no period of credit.

24. If there is no period of credit, or if the date of the expiry of the period of credit is not stated in the claim so registered, the lien shall cease to exist upon the expiration of ninety days after the work or service has been completed or materials furnished or placed unless in the mean time an action shall have been commenced⁴⁷ and a certificate registered as required by²⁴ section 23 of this Act. (R. S. O., c 126, s. 24.)

Death of lienholder.

25. In the event of the death of a lien-holder his right of lien shall pass to his personal representatives; and the right of a lien-holder may be assigned by any instrument in writing. R. S. O., 1887, c. 126, s. 25.

Discharge of lien.

26.—(1) A lien may be discharged by a receipt signed by the claimant, or his agent duly authorized in writing, acknowledging payment, and verified by affidavit and registered; such receipt shall be numbered and entered by the Registrar like other instruments but need not be copied in any book, but the Registrar shall enter against the entry of the lien to which the discharge relates the word "discharged," and state the registration number of such discharge; the fees shall be the same as for registering a claim of lien. R. S. O. c. 126, s. 26.

Security or payment into court and vacating lien thereon.

(2) Upon application the court or judge or other officer having power to try an action to realize a lien, may receive security or payment into court in lieu of the amount of the

claim and may thereupon vacate the registration of the lien. R. S. O. c. 126, s. 30, ss. (7).

(3) The court or such judge or other officer may vacate the said registration upon any other ground. R.S.O., 1887, c. 126, s. 30, ss. 7 and 8. Vacating registration on other grounds.

(4) Where the certificate required by section 22 or section 23 of this Act has not been registered within the time limited, and an application is made to vacate the registration of a lien after the time for registration of the certificate required by section 22 or 23 of this Act, the applicant shall not be required to give notice of the application to the person claiming the lien, and the order vacating the lien may be made *ex parte* upon production of the certificate of the proper Registrar's certifying the facts entitling the applicant to such order. (*New.*) When notice of application to vacate not requisite.

(5) The taking of any security for, or the acceptance of any promissory note for, or the taking of any other acknowledgment of the claim, or the giving of time for the payment of the claim, or the taking of any proceedings for the recovery of the claim or the recovery of any personal judgment for the claim, shall not merge, waive, pay, satisfy, prejudice or destroy any lien created by this Act, unless the lien-holder agrees in writing that it shall have that effect; ⁴² provided, however, that where any lien holder has extended the time for the payment of his claim in manner in this sub-section mentioned, the lien shall not cease to exist until such extension of time shall have expired, but no action shall be commenced in the meantime to enforce such lien. ⁴³ (*New. See Edmonds v. Tierman 21, Supreme Court Reports.*) Certain acts not to prejudice right to enforce lien.

27. Any lien-holder may at any time demand of the owner, or his agent, the terms of the contract or agreement with the contractor for and in respect of which the work, services or materials is or are performed or furnished or placed, and if such owner or his said agent shall at the time of such demand neglect or refuse to inform the person making such demand, of the terms of such contract or agreement, and the amount due and unpaid upon such contract or agreement, or shall intentionally or knowingly, falsely state the terms of said contract or agreement, or the amount due or unpaid thereon, and if the person claiming the lien shall sustain loss by reason of such refusal or neglect or false statement, said owner shall be liable to him in an action therefor to the amount of such loss. (*New. See New York statute.*) Lien-holders to be entitled to information from owner as to terms of contract.

28. The court or judge, or other officer having power to try an action to realize a lien, may on a summary application at any time before or after any action is commenced for the enforcement of such lien, make an order for the owner or his agent to produce and allow any lien-holder to inspect any such Order for inspection of contract by lienholder.

contract, and may make such an order as to the costs of such application and order as may be just. (*New.*)

Mode of realizing liens:

29.—(1) The liens created by this Act may be realized by actions in the High Court according to the ordinary procedure of that court, excepting where the same is varied by this Act.

(2) Without issuing a writ of summons, an action under this Act shall be commenced by filing in the proper office a statement of claim, verified by affidavit.

~~30~~(3) The statement of claim shall be served within one month after it is filed, but a judge or other officer having power to try the action may extend the time for service thereof, and the time for delivering a statement of defence shall be the same as for entering an appearance in an action in the High Court.

~~31~~(4) It shall not be necessary to make any lien holders parties defendant to the action, but all lien holders served with the notice of trial shall for all purposes be considered parties to the action.

Lien-holders joining in action.

30. Any number of lien-holders, claiming liens on the same property, may join in an action, and any action brought by a lien-holder shall be taken to be brought on behalf of all other lien-holders on the property in question. See R.S.O., c. 126, s. 30, and 53 Vic. c. 37, s. 39.

Who may try action to enforce lien.

31. An action to enforce a lien may be tried by the Master in Ordinary, a local master of the High Court, an *Official Referee*, or a judge of the County Court, in any county or judicial district in which the lands are situate; or by a judge of the High Court of Justice at any sittings of that court for the trial of actions. (*New.*)

Powers of certain officers.

32. The Master in Ordinary, the Local Masters, *Official Referees*, and the County Judges, shall have, in addition to their ordinary powers, all the jurisdiction, powers and authority, of a Judge of the High Court and of the Master in Ordinary, to try, and otherwise completely dispose of, an action to realize a lien, and all questions arising in such action, including the giving or refusing of the costs hereinafter provided. *New.*

Appointing day for trial.

33. (1) After the delivery of the statement of defence where the plaintiff's claim is disputed, or after the time for delivery of defence in all other cases where it is desired to try the action other than at the ordinary sittings of the High Court, either party may apply to a judge or other officer who has the power to try the action, to fix a day for the trial thereof, and the said judge, or other officer, shall give an appointment fixing the day and place of trial, and on the day fixed, or at

such other day to which the trial may be adjourned, shall proceed to try the action, and all questions which arise in, or which are necessary to be tried, to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him or upon whom the notice of trial has been served and, at the trial, shall take all accounts, make all inquiries, and give all directions, and do all things necessary to try, and otherwise finally dispose of the action and of all matters, questions and accounts arising in the action or at the trial, and to adjust the rights and liabilities of and give all necessary relief to all parties, to the action or who have been served with the notice of trial, and shall embody all the results in the judgment.

(2) The judge or officer who tries the action may order that the estate or interest charged with the lien may be sold, and when, by the judgment, a sale is directed of the estate or interest charged with the lien, the judge or officer who tries the action may direct the sale to take place at any time after judgment, allowing, however, a reasonable time for advertising such sale.

Direction as to time for sale.

(3) The judge or officer may also direct the sale of any materials and authorize the removal thereof. See R.S.O. 126, s 30, s.s. 3 and 4.

Directing sale of materials.

(4) Any lien-holder, who has not proved his claim at the trial of any action to enforce a lien, on application to the judge, or officer who tried the action on such terms as to costs and otherwise as may be just, may be let in to prove his claim at any time before the amount realized in the action for the satisfaction of liens has been distributed, and where such a claim is proved and allowed the judge or officer shall amend the judgment so as to include such claim therein.

Letting in lien holders who have not proved their claims at trial.

(5) When a sale is had the Judge or officer with whose approbation the lands are sold shall make a report on sale and therein direct to whom the moneys in court shall be paid, and may add to the claim of the person conducting the sale his actual disbursements incurred in connection therewith, and where sufficient to satisfy the judgment and costs is not realized from the sale, he shall certify the amount of the deficiency and the names of the persons, with their amounts, who are entitled to recover the same, and the persons by the judgment adjudged to pay the same, and such persons shall be entitled to enforce the same by execution or otherwise as a judgment of the court.

Report where sale is had.

34. The party obtaining such appointment, shall, at least eight clear days before the day fixed for the trial, serve a notice of trial which may be in the form in the schedule to this Act, upon the solicitors for the defendants who appear by solicitors, and on all lien-holders known to him, who have registered their liens as required by this Act, and on all other

Notice of trial, service of.

persons having any charge or incumbrance, or claim on the said lands, who are not parties, or who, being parties, appear personally in the said action, and such service shall be personal unless otherwise directed by the judge or officer who is to try the case, who may, in lieu of personal service, direct in what manner the notice of trial may be served.

Consolidation
of actions.

35. Where more than one action is brought to realize liens in respect of the same property, a judge or other officer having power to try such actions, may, on the application of any party to any one of such actions, or on the application of any other person interested, consolidate all such actions into one action, and may give the conduct of the consolidated action to any plaintiff to whom in his discretion he sees fit. (*See* 56 Vic. c. 24, s. 12.)

Transferring
carriage of
proceedings.

36. Any lien-holder entitled to the benefit of the action may apply for the carriage of the *proceedings*, and the judge, or any other officer having power to try the action, may thereupon make such an order, giving such lien-holder the carriage of the proceedings, and such lien-holder shall for all purposes thereafter be the plaintiff in the *action*. (*See* R.S.O. c. 126, s. 30, ss. 2, and 53 Vic. c. 37, s. 26.)

Limit of fees
in money or
stamps.

37. No fees in stamps or money shall be payable to any judge or other officer in any action brought to realize a lien under this Act, nor on any filing, order, record or judgment, or other proceeding in such action, excepting that every person other than a wage earner shall, on filing his statement of claim where he is a plaintiff, or in proving his claim where he is not a party plaintiff, pay in stamps one dollar on every one hundred dollars, or fraction of one hundred dollars, of the amount of his claim up to one thousand dollars. (*See* 56 Vict., c. 24, s. 18.)

When judg-
ment of court
of first
instance
to be final.

38. In all actions where the amount recovered by the judgment is \$100 or less, the said judgment shall be final, binding, and without appeal, except that upon application within fourteen days after judgment is pronounced, to the judge or officer who tried the same, he may grant a new trial.

When appeal
lies in Divis-
ional Court.

39. In all actions where the amount recovered by the judgment is more than \$100 but not more than \$200, any party affected thereby may appeal therefrom to a Divisional Court, whose judgment shall be final, binding, and no appeal shall lie therefrom.

Rights of
appeal.

40. In all other cases the same right to appeal shall exist as is given in actions tried without a jury in the High Court.

Limit of costs
to plaintiff.

41. The costs of the action awarded in any action under this Act, by the judge or officer trying the action, to the plaintiffs and

successful lien-holders shall not exceed in the aggregate an amount equal to twenty-five per cent. of the amount of the judgment besides actual disbursements, and shall be in addition to the amount of the judgment, and shall be apportioned and borne in such proportion as the judge or officer directs.

42. Where the costs are awarded against the plaintiff or other persons claiming the lien, such costs shall not exceed an amount in the aggregate equal to twenty-five per cent. of the claim of the plaintiff and other claimants, besides actual disbursements, and shall be apportioned and borne as the judge or officer directs. Limit of costs to be awarded against plaintiff.

43. In case the least expensive course is not taken by a plaintiff under this Act the costs allowed to the solicitor shall in no case exceed what would have been incurred if the least expensive course had been taken. 56 Vic., c. 24, s. 15. Costs where least expensive course not taken by solicitor.

44. Where a lien is discharged or vacated under section 26 of this Act or when in an action judgment is given in favor of a lien in addition to the costs of action, the judge or officer may allow a reasonable amount for costs of drawing and registering a lien and or for vacating the registration of the lien. R. S. O., 126, s. 30, s. s. 5 and 9. Costs of drawing and registering and vacating registration of lien.

45. Excepting in actions tried by a judge of the High Court the judge or other officer who tries the action shall where money has been paid into court when the time for payment out arrives, forward a requisition for cheques with a certified copy of his judgment, or when one is made of the report on sale, to the accountant of the Supreme Court of Judicature who shall upon receiving said requisition and copy of the judgment or report make out and return to the said judge or officer cheques for the amounts payable to the persons specified in the requisition and the said judge or officer on receipt of said cheques shall distribute them to the persons entitled. (*New*) Payments out of court.

46. No fees or stamps shall be payable on any cheques or proceedings to ~~pay~~ pay money into court or ~~to~~ obtain money out of court, ~~but~~ sufficient postage stamps to prepay a return letter shall be enclosed with every requisition for cheques. (*New*). Fees and stamps not to be payable on payments out of court.

47. All judgments in favor of lien-holders shall adjudge that the party or parties personally liable for the amount of the judgment, shall pay any deficiency which may remain after sale of the property adjudged to be sold and whenever on a sale of any property to realize a lien under this Act sufficient to satisfy the judgment and costs is not realized therefrom, the deficiency may be recovered by execution against such party or parties. See 53 Vic., c. 37, s. 30, 31, 32, 33 and 34. Form of judgment in favor of lien-holders.

Personal judgment when claim for lien fails. **48.** Whenever in an action brought under the provisions of this Act any claimant shall fail for any reason to establish a valid lien he may nevertheless recover therein a personal judgment against the party or parties to the action for such sum or sums as may appear to be due to him from him or them and which he might recover in an action in contract against such party or parties.

Forms. **49.** The forms in the schedule hereto, or forms similar thereto or to the like effect, may be adopted in all proceedings under this Act.

Liens arising before Act comes into force. **50.** This Act shall not apply to liens arising before the coming into force of this Act excepting that where no action has been commenced or proceeding instituted to realize a lien arising before the coming into force of this Act the procedure herein directed shall be adopted to realize the same.

Mechanics entitled to lien on a chattel may sell the chattel if (after three months) payment is not made. **51.—(1)** Every mechanic or other person who has bestowed money or skill and materials upon any chattel or thing in the alteration and improvement in its properties or for the purpose of imparting an additional value to it so as thereby to be entitled to a lien upon such chattel or thing for the amount or value of the money or skill and materials bestowed, shall, while such lien exists, but not afterwards, in case the amount to which he is entitled remains unpaid for three months after the same ought to have been paid, have the right in addition to all other remedies provided by law, to sell the chattel or thing in respect of which the lien exists, on giving one week's notice by advertisement in a newspaper published in the municipality in which the work was done, or in case there is no newspaper published in such municipality, then in a newspaper published nearest thereto, stating the name of the person indebted, the amount of the debt, a description of the chattel or thing to be sold, the time and place of sale, and the name of the auctioneer, and leaving a like notice in writing at the last or known place of residence (if any) of the owner, if he be a resident of such municipality.

Application of proceeds of sale. **(2)** Such mechanic or other person shall apply the proceeds of the sale in payment of the amount due to him and the costs of advertising and sale, and shall upon application pay over any surplus to the person entitled thereto, 41 V., c. 17, s. 3.

Acts repealed. **52.** Excepting in so far as is necessary to preserve the liens and rights, causes of action and defences thereto arising or existing thereunder before the coming into force of this Act, the following Acts and parts of Acts shall not apply after the coming into force of this Act, and are hereby repealed:—

Chapter 126 of the Revised Statutes of Ontario, 1887, and all amendments thereto.

The act passed in the 53rd year of Her Majesty's reign, chaptered 36 and all amendments thereto.

The Act passed in the 56th year of Her Majesty's reign, chaptered 24 and all amendments thereto.

SCHEDULE.

FORM 1.

Claim of Lien.

A. B. (name of claimant) of (here state residence of claimant,) (if so, as assignee of, stating name and residence of assignor) under the Mechanic's Lien and Wage-Earners' Act claims a lien upon the estate of (here state the name and residence of owner of the land upon which the lien is claimed,) in the undermentioned land in respect of the following work (service) [or materials] that is to say (here give a short description of the nature of the work done or materials furnished and for which the lien is claimed,) which work or service was [or is to be] done [or materials were furnished] for (here state the name and residence of the person upon whose credit the work is done or materials furnished), on or before the day of

The amount claimed as due [or to become due] is the sum of \$

The following is the description of the land to be charged (here set out a concise description of the land to be charged sufficient for the purpose of registration).

When credit has been given, insert: The said work was done [or materials were furnished] on credit, and the period of credit agreed to expired [or will expire] on the

day of 18
Dated at this day of , A. D. 18
(Signature of claimant).

FORM 2.

Claim of Lien for Wages.

A. B. (name of claimant) of (here state residence of claimant,) (if so, as assignee of, stating name and residence of assignor) under the Mechanics' and Wage-Earners' Lien Act claims a lien upon the estate of (here state the name and residence of the owner of land upon which the lien is claimed) in the undermentioned land in respect of days' work performed thereon while in the employment of

(here state the name and residence of the person upon whose credit the work was done) on or before the day of

The amount claimed as due is the sum of \$

The following is the description of land to be charged, (here set out a concise description of the land to be charged sufficient for the purpose of registration).

Dated at this day of (Signature of claimant.)

FORM 3.

Claim of Lien for Wages by Several Claimants.

The following persons under the Mechanics' and Wage-Earners' Lien Act claim a lien upon the estate of (here state the name and residence of the owner of land upon which the lien is claimed) in the undermentioned land in respect of wages for labor performed thereon while in the employment of (here state name and residence or names and residences of employers of the several persons claiming the lien).

A. B. of (residence) \$ for days' wages.
 C. D. " \$ for days' wages.
 E. F. " \$ for days' wages.

The following is the description of the land to be charged (here set out a concise description of the land to be charged sufficient for the purpose of registration).

Dated at this day of (Signatures of the several claimants.)

FORM 4.

Affidavit Verifying Claim.

I, A. B., named in the above (or annexed) claim, do make oath that the said claim is true (or that the said claim, so far as it relates to me, is true).

Or, We, A. B. and C. D., named in the above (or annexed) claim, do make oath, and each for himself saith that the said claim, so far as relates to him, is true.

[Where affidavit made by agent or assignee a clause must be added to the following effect:—I have full knowledge of the facts set forth in the above (or annexed) claim.]

Sworn before me at , in }
 the county of this day }
 of , A. D. 18 . }

Or, The said A. B. and C. D. were }
 severally sworn before me at }
 in the county of this }
 day of A. D. 18 }

Or, the said E. D. was sworn be- }
 fore me at in the county of }
 this day of A. D. 18 }

FORM 5.

Affidavit verifying claim in commencing an Action.

(Style of Court and Cause.)

I, _____, make oath and say, that I have read, or heard read, the foregoing statement of claim, and I say that the facts therein set forth are, to the best of my knowledge and belief, true, and the amount claimed to be due to me in respect of my lien is the just and true amount due and owing to me after giving credit for all the sums of money or goods or merchandise to which the (*naming the debtor*) is entitled to credit as against me.

FORM 6.

Defence.

(Style of Court and Cause.)

A. B., _____ disputes that the plaintiff is now entitled to a mechanic's lien on the following grounds: (*Setting forth the grounds shortly.*)

(a) The lien has not been prosecuted in due time as required by statute.

(b) That there is nothing due to the plaintiff.

(c) That the plaintiff's lien has been vacated and discharged.

(d) That there is nothing due by _____ (*the owner*) for the satisfaction of the plaintiff's claim.

Delivered on the _____ day of _____ by A. B. in person, whose address for service is (*stating address within two miles of the Court House*), or

Delivered on the _____ day of _____ by Y. Z., solicitors for the said A.B.

NOTE.—If the owner does not dispute the lien entirely and only wishes to have the accounts taken he may use the following form:

FORM 7.

Defence where there are no matters disputed or where the matters in dispute are matters of account.

(Style of Court and Cause.)

A. B. _____ admits that the plaintiff is entitled to a lien and claims that the following is a just and true statement of the account in question:—

Amount of contract price for work contracted to be performed by E. F. as plumber on the lands in question herein \$500 00

Amounts paid on account.

June 1st, 1889, paid <i>E. F.</i>	\$200 00	
July 1st, 1889, paid <i>G. H.</i> and <i>I. K.</i> , sub- contractors of <i>E. F.</i>	100 00	
		\$300 00
Balance admitted to be due.....	\$200 00	

For satisfaction of lien of plaintiff and other lien holders (*as the case may be*) or *A. B.*, before action tendered to the plaintiff \$ in payment of his claim and now brings into court \$ and submits that that amount is sufficient to pay the plaintiff's claim, and asks that this action be dismissed as against him with costs.
Delivered, etc.,

FORM 8.

Affidavit of Owner Verifying Account.

(Style of Court and Cause.)

I, *A B.*, of being the owner of the lands in question in this action, make oath and say : That the account set forth in the foregoing defence is a just and true account of the amount of the contract price agreed to be paid by me to *E. F.* for the work contracted to be done by him on the lands in question. The said account also justly and truly sets forth the payments made by me on account thereof, and the persons or person to whom the same were made ; and the balance of \$200 appearing by such account to be still due and payable is the just and true sum now due and owing by me in respect of my contract with the said *E. F.*
Sworn, etc.

FORM 9.

Notice of Trial.

(Style of Court and Cause.)

Take notice that this action will be tried at the court house, in the town of in the county of on the day of by and at such time and place the said will proceed to try the action and all questions which arise in or which are necessary to be tried to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him, or upon whom this notice of trial has been served, and at such trial he will take all accounts, make all inquiries and give all directions

and do all things necessary to try and otherwise finally dispose of this action, and of all matters, questions, and accounts arising in said action and will give all necessary relief to all parties.

And further take notice that if you do not appear at the trial and prove your claim, if any, or prove your defence, if any, to the action the proceedings will be taken in your absence and you may be deprived of all benefit of the proceedings and your rights disposed of in your absence.

This is a mechanics' lien action brought by the above named plaintiff against the above named defendants to enforce a mechanics' lien against the following lands:—(*set out description of lands*).

This notice is served by, etc.

FORM 10.

Statement of Account by Lien-holders, not parties to the action.

(Style of Court and Cause.)

E. F. *Dr. to G. H.,*

1889.
 Jan. 1, To 12 doz. brackets\$12 00
 Feb. 3, " 50 lbs. of nails 5 00
 Oct. 3, " 40 sheets of glass 40 00
—————
\$57 00

Cr.

1889.
 Feb 4, By cash \$ 4 00
 June 5, " goods 20 00
—————
\$24 00
—————
\$33 00

FORM 11.

Affidavit of Lien-holder Verifying Claim.

(Style of Court and Cause.)

I, *G. H.*, of (*address and occupation*), make oath and say:—
 I have in the foregoing account (*or in the account now shown to me marked A*) set forth a just and true account of the amount due and owing to me by *E. H.* (*the owner*), or by *E. F.*, who is a contractor with the defendant, *L. G.* (*the owner*), of the lands in question, and I have in the said account given credit for all sums in cash or merchandise or otherwise to which

the said *E. F.* is justly entitled to credit in respect of the said account and the sum of \$33 appearing by such account to be due to me as the amount (*or balance*) of such account is now justly due and owing to me.

Sworn, etc.

FORM 12.

Judgment.

In the High Court of Justice.

William Spencer,
Plaintiff,

v.

Thomas Burns,
Defendant.

Before at Monday, 10 July,
1896.

This action coming on for trial before in at upon opening of the matter it appearing that the following persons have been duly served with notice of trial herein, (*set out names of all persons served with notice of trial*) and all such persons appearing at the trial (*or, the following persons not having appeared, as the case may be*) and upon hearing the evidence adduced and what was alleged by counsel for all parties appearing.

(1) This court doth declare that on the 2nd day of April, 1896, and at the commencement of this action, the defendant

was the owner in fee of the following lands, namely :

(2) And this court doth declare that on the 2nd day of April, 1896, the plaintiff made a contract in writing to build for the defendant a dwelling house on said lands and to furnish all the material therefor, and the defendant,

, agreed to pay the plaintiff \$1,000 therefor at the times and in the manner following, namely : Eighty per cent. of the value of the work done and materials furnished as the work progressed, and the balance in thirty days after the contract was fully completed, and the plaintiff duly performed his contract, and had completed the same on the day of 18, and became entitled to receive the balance payable to him on his said contract on the day of 18, and the defendant, before action, paid to the plaintiff \$500 on account and no more, and this court doth order and adjudge that the plaintiff do recover from the defendant \$500 and interest from the day of , 18 (*when same became due.*)

(3) This court doth declare that the plaintiff, within the time limited by section 21 of *The Mechanics' and Wage Earners' Liens Act of 1896*, duly registered a claim of lien for and in respect of his said contract, and commenced this action within the time limited by section 23 of the said Act, and then had and now has a good and valid mechanics' lien on all the estate and interest of the defendant in and to the lands hereinbefore described and the erections thereon, and doth order and adjudge accordingly.

(4) And this court doth declare that John Smith, of Hamilton, lumber dealer, between the 3rd and 26th days of May, 1896, furnished material to the plaintiff to be used in the construction of said dwelling house to the value of \$100, for which he has not been paid, and duly registered a claim for lien in respect thereof within the time limited by section 11 of the said Act, against the said lands, and was and is entitled to recover the said amount from the plaintiff, and has a good and valid mechanics' lien on all the estate and interest of the defendant in the lands hereinbefore described and the erections thereon, and doth order and adjudge accordingly.

(5) And this court doth declare that John Jones, a wage earner, did work in respect of the plaintiff's said contract for the plaintiff between the 1st and 30th days of June, 1896, to the value of \$25.00, for which he has not been paid, and duly registered a claim for his said lien within the time limited by section 11 of said Act against the said lands, and was, and is, entitled to recover the said amount from the plaintiff and has a good and valid lien on all the estate and interest of the defendant in the lands hereinbefore described and the erections thereon, and doth order and adjudge accordingly.

(6) The said William Smith, who had on the 10th day of April, 1896, registered a claim for lien against the lands hereinbefore described, although duly served with the notice of trial herein, failed to appear thereat, and it is hereby ordered and adjudged that the said William Smith be and is hereby barred of all claims on or against the said lands.

(7) And this court doth order and adjudge that the plaintiff do recover against the defendant \$75 costs of this action, and \$10 actual disbursements, and that the same be added to the plaintiff's claim.

(8) And this court doth order and adjudge that the said John Smith do recover \$10 for his costs and \$2 for his actual disbursements, and the said John Jones do recover \$5 for his costs against the defendant and that the same be added to their respective claims.

(9) This court doth order and adjudge that unless the full amount of this judgment and costs and disbursements be paid into court to the credit of this cause before the 10th day of August, 1896, that all the estate and interest of the defendant in the lands hereinbefore described be forthwith thereafter sold with the approbation of (the judge or officer trying the case).

(10) That the purchase money be paid into court to the credit of this action.

(11) That all proper parties do join in the conveyances to the purchasers as the said (judge or officer) may direct.

(12) That the moneys paid into court by defendant or as proceeds of such sale shall be paid out as the said by his report shall direct.

FORM 13.

Certificate Vacating Lien.

(Style of Court and Cause.)

Date

I certify that the defendant *A. B.* (the owner) has paid into court to the credit of this cause all money due and payable by him for the satisfaction of the liens of the plaintiff and *E. F.*, *G. H.*, *I. J.* and *K. L.* and their liens are hereby vacated and discharged so far as the same affect the following lands (describe lands).

(Signature of Master or Referee.)

FORM 14.

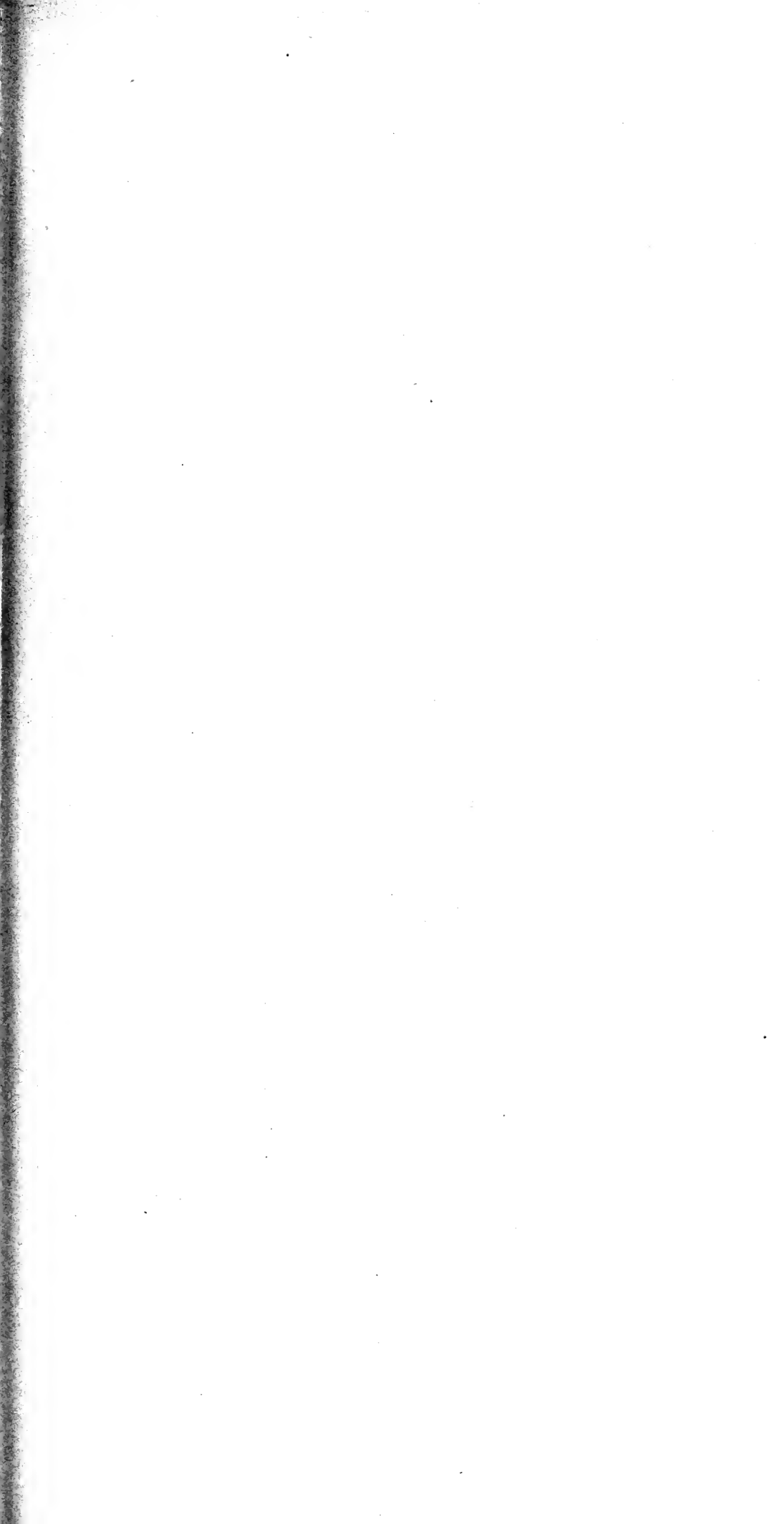
Certificate Vacating Lien

(Style of Court and Cause.)

Date

I certify that I have inquired and find that the plaintiff is not entitled to any mechanics lien upon the lands of the defendant *A. B.* (the owner) and that his claim of lien is hereby vacated and discharged so far as the same affects the following lands (describe lands).

(Signature of Master or Referee.)



BILL.

An Act respecting Liens of Mechanics,
Wage-Earners and Others.

First Reading, 10th March, 1896.
Second Reading, 24th March, 1896.

*(Reprinted as amended by Committee of
the Whole House.)*

Mr. GIBSON,
(Hamilton).

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

An Act respecting Liens of Mechanics, Wage-Earners
and Others.

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

1. This Act may be cited as *The Mechanics and Wage-Earners' Lien Act, 1896*. R. S. O. 1887, c. 126, s. 1. Short title.

2. Where the following words occur in this Act, or in the Interpretation
schedules hereto, they shall be construed in the manner here-
inafter mentioned, unless a contrary intention appears:—

(1) "Contractor" shall mean a person contracting with or "Contractor."
employed directly by the owner or his agent for the doing of
work or placing or furnishing materials for any of the pur-
poses mentioned in this Act. (*Partly new*).

(2) "Sub-contractor" shall mean a person not contracting "Sub-con-
with or employed directly by the owner or his agent for the tractor."
purposes aforesaid, but contracting with or employed by a
Contractor, or under him by another Sub-contractor.

(3) "Owner" shall extend to and include any person, firm, "Owner."
association, body corporate or politic, including municipal
corporation and railway company having any estate or
interest in the lands upon or in respect of which the work or
service is done, or materials are placed or furnished, at whose
request and upon whose credit or on whose behalf or with
whose privity or consent or for whose direct benefit any such
work or service is performed or materials are placed or fur-
nished, and all persons claiming under him or them whose
rights are acquired after the work or service in respect of
which the lien is claimed is commenced or the materials fur-
nished have been commenced to be furnished. R. S. O. 1887,
c. 126, s. 2. (*New in part*).

- “ Person.” (4) “ Person ” shall extend to and include a body corporate or politic, a firm, partnership or association. (*New*).
- “ Material.” (5) “ Material ” shall include every kind of moveable property. (*New*).
- “ Registry Office.” (6) “ Registry Office ” shall include Land Titles Office.

Work done or materials furnished on lands of married woman.

3. Where work or service is done or materials are furnished upon or in respect of the lands of any married woman with the privity and consent of her husband he shall be conclusively presumed to be acting as well for himself and so as to bind his own interest, and also as the agent of such married woman for the purposes of this Act, unless the person doing such work or service or furnishing such materials shall have had actual notice to the contrary before doing such work or furnishing such materials. (*New*: see R. S. O. c. 126, s. 6, ss. 2).

Contracts not to deprive third party of lien.

4. No agreement shall be held to deprive anyone otherwise entitled to a lien under this Act, and not a party to the agreement, of the benefit of the lien, but the lien shall attach, notwithstanding such agreement. R. S. O. c. 126, s. 3.

Nature of lien.

5. Unless he signs an express agreement to the contrary, any person who performs any work or service upon or in respect of, or places or furnishes any materials to be used in making, constructing, erecting, fitting, altering, improving or repairing any erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, or fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees, or the appurtenances to any of them, for any owner, contractor or sub-contractor, shall by virtue thereof have a lien for the price of such work, service or materials upon the erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees, or appurtenances thereto, and the lands occupied thereby or enjoyed therewith, or upon which the said work or service is performed, or upon which such materials are placed, or furnished to be used, and limited in amount to the sum justly due to the person entitled to the lien and to the sum justly owing (excepting as herein provided) by the owner.

See R. S. O. c. 126, s. 4, and the New York Act, *King v. Alford*, 9 O. R. 643, *Lobb v. Woodstock School Board*, cited in *Holmested*, p. 20. Snider on *Mechanics' Lien Acts*.

Property upon which lien shall attach.

6. The lien shall attach upon the estate or interest of the owner as defined by this Act in the erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees and the appurtenances thereto, upon or in respect

of which the work or service is performed, or the materials placed or furnished to be used, and the lands occupied thereby or enjoyed therewith. See R. S. O., c. 126, S. 5 and N. Y. Act.

(2) In cases where the estate or interest charged by the lien is leasehold the fee simple may also, with the consent of the owner thereof, be subject to said lien, provided such consent is testified by the signature of such owner upon the claim of lien at the time of the registering thereof, and duly verified. R. S. O. 1877, c. 126, s. 5, s.s. 2. Where estate charged is leasehold.

(3) In case the land upon or in respect of which any work or service is performed, or upon or in respect of which materials are placed or furnished to be used, is encumbered by a prior mortgage or other charge, and the selling value of the land is increased by the work or service, or by the furnishing or placing of the materials, the lien under this Act shall be entitled to rank upon *such* increased value in priority to the mortgage or other charge. R. S. O. 1877, c. 126, s. 5, s.s. 3 in part. Mortgaged land.

~~4~~(4) The provisions of this or any other section of this Act affecting railways under the control of the Dominion of Canada are only intended to apply so far as the Legislative Assembly of this Province has authority or jurisdiction in regard thereto.

7. Where any of the property upon which a lien is given by this Act is wholly or partly destroyed by fire, any money received by reason of any insurance thereon by an owner or prior mortgagee or chargee shall take the place of the property so destroyed, and shall be subject to the claims of all persons for liens to the same extent as if such moneys were realized by a sale of such property in an action to enforce a lien. (*New*). Application of insurance when lien attaches.

8. Save as herein provided the lien shall not attach so as to make the owner liable for a greater sum than the sum payable by the owner to the contractor. R. S. O. c. 126, s. 10. Limit of amount of lien.

9. Save as herein provided where the lien is claimed by any other person than the contractor, the amount which may be claimed in respect thereof shall be limited to the amount owing to the contractor or sub-contractor or other person for whom the work or service has been done or the materials have been placed or furnished. R. S. O. 126, s. 8. Limit of lien when claimed by some other than contractor.

10.—(1) In all cases an owner shall as *any* contract progresses deduct from any payments to be made, and retain for a period of thirty days after the completion or abandonment of the contract twenty per cent. of the value of the work, service and materials actually done, placed or furnished as defined by section 5 of this Act, and such values shall be calculated on the Percentage to be deducted and retained by owner for thirty days.

basis of the price to be paid for the whole contract; provided that where a contract exceeds \$15,000 the amount to be retained shall be fifteen per cent. instead of twenty per cent., and the liens created by this Act shall be a charge upon the amounts directed to be retained by this section.

Payments made direct by owner to persons entitled to lien.

(2) All payments up to eighty per cent (or eighty-five per cent. where the contract price exceeds \$15,000) of such value made in good faith by an owner to a contractor, or by a contractor to a sub-contractor, or by one sub-contractor to another sub-contractor before notice in writing of such lien given by the person claiming the lien to the owner, contractor or the sub-contractor, as the case may be, shall operate as a discharge *pro tanto* of the lien created by this Act.

Payments made in good faith without notice of lien.

11. In case an owner or contractor chooses to make payments to any persons referred to in the fifth section of this Act for or on account of any debts justly due to them for work or service done or for materials placed or furnished to be used as therein mentioned, and shall within three days afterwards give, by letter or otherwise, written notice of such payment to the contractor or his agent, or to the sub-contractor or his agent, as the case may be, such payments shall, as between the owner and the contractor or as between the contractor and the sub-contractor, as the case may be, be deemed to be payments to the contractor or sub-contractor, as the case may be, on his contract generally, but not so as to affect the percentage to be retained by the owner, as provided by section 10 of this Act.

Priority of lien.

12.—(1) The lien created by this Act shall have priority to all judgments, executions, assignments, attachments, garnishments and receiving orders recovered, issued or made after such lien arises, and to all payments or advances made on account of any conveyance or mortgage after notice in writing of such lien to the person making such payments or after registration of such lien as hereinafter provided. (See 56 Vic., c. 24, s. 4 and R. S. O. c. 126, s. 31.)

Agreements for purchase part of purchase money unpaid.

(2) In case of an agreement for the purchase of land, and the purchase money or part thereof being unpaid, and no conveyance made to the purchaser, the purchaser shall, for the purposes of this Act and within the meaning thereof, be deemed a mortgagor and the seller a mortgagee. (Sec. 8 of cap. 24 of 56 Vict.)

Priority among lien-holders.

(3) Excepting where it is otherwise declared by this Act, no person entitled to a lien on any property or to a charge on any moneys under this Act shall be entitled to any priority or preference over another person of the same class entitled to a lien or charge on such property or moneys under this Act, and each class of lien holders, except where it is otherwise declared by this Act, shall rank *parri passu* for their several

amounts, and the proceeds of any sale shall, subject as aforesaid, be distributed among them *pro rata* according to their several classes and rights. ⁶³

13.—(1) Every mechanic or laborer whose lien is for work done for wages shall, to the extent of thirty days' wages, have priority over all other liens ⁶⁴ derived through the same contractor or sub-contractor ⁶⁵ to the extent of and on the twenty per cent. or fifteen per cent., as the case may be, of the contract price directed to be retained by the owner, *contractor or sub-contractor* by section 10 of this Act, ⁶⁶ to which the contractor or sub-contractor through whom such lien is derived is entitled, ⁶⁷ and all such mechanics and laborers shall rank *pari passu* on said twenty per cent. (See R. S. O. c. 126, s. 9, ss. 3.) Priority of lien for wages.

(2) Every wage earner shall be entitled to enforce a lien in respect of the contract not completely fulfilled. (See 56 Vict. c. 24, s. 5, ss. 2.) Enforcing lien in such cases.

(3) In case of the contract not having been completely fulfilled when the lien is claimed by wage earners, the percentage aforesaid shall be calculated on the work done or materials furnished by the contractor ⁶⁸ or sub-contractor by whom such wage-earners are employed. ⁶⁹ 56 Vict. c. 24, s. 5, ss. 1. Calculating percentage when contract not fulfilled.

(4) Where the contractor or sub-contractor makes default in completing *his contract* the percentage aforesaid shall not, as against a wage earner claiming a lien under this Act, be applied to the completion of the contract or for any other purpose by the owner or contractor, nor to the payment of damages for the noncompletion of the contract by the contractor or sub-contractor, nor in payment or satisfaction of any claim of any kind against the contractor or sub-contractor. (See 56 Vict. c. 24, s. 5, ss. 3.) Percentage not to be otherwise applied.

(5) Every device by any owner, contractor or sub-contractor, adopted to defeat the priority given to wage earners for their wages by this Act shall, as respects such wage earners, be null and void. 56 Vict. cap. 24, sec. 1. Devices to defeat priority of wage earners.

⁷⁰(6) "Wages" shall mean money earned by a mechanic or laborer for work done, whether by the day or as piece work. ⁷¹

14. Nothing in this Act contained shall apply to make legal any payment made for the purpose of defeating or impairing a claim for a lien arising or existing under this Act and all such payments shall be taken to be null and void. (See R. S. O. c. 126, s. 9.) Payments made for purpose of defeating claim for lien.

15.—(1) During the continuance of a lien no portion of the materials affected thereby shall be removed to the prejudice of the lien and any attempt at such removal may be restrained on application to the High Court, or to a judge or officer having power to try an action to realize a lien under this Act. R. S. O. c. 126, s. 15. Attempting to remove material affected by lien.

Costs.

(2) The court, judge or officer to whom any such application is made, may make such order as to the costs⁴²⁷ of and incidental to the application and order⁴²⁸ as he deems *just*.

Goods upon which lien attaches not to be subject to execution.

(3) When any material is actually brought upon any land to be used in connection with such land for any of the purposes enumerated in section 5 of this Act, the same shall not be subject to execution or other process to enforce any debt (other than for the purchase thereof) due by the person furnishing the same. (*See* R. S. O. c. 126, s. 31.)

Registration of claim for lien.

16. A claim for lien applicable to the case may be registered in the registry office of the registry division or in the Land Titles office in which the land is situated and shall state:

(a) The name and residence of the (person claiming the lien) and of the owner of the property to be charged; or of the person whom the person claiming the lien, or his agent, believes to be the owner of the property to be charged) of the person for whom and upon whose credit the work (or service) is done, or materials furnished or placed, and the time or period within which the same was, or was to be, done or furnished or placed.

(b) A short description of the work (or service) done or materials furnished or placed or to be furnished or placed.

(c) The sum claimed as due or to become due.

(d) The description of the land to be charged sufficient for the purpose of registration.

(e) The date of expiry of the period of credit (if any) agreed by the lienholder for payment for his work (or service) or materials where credit has been given.

Form of claim.

(2) The claim may be in one of the forms given in the schedule to this Act and shall be verified by the affidavit of the person claiming the lien or of his agent or assignee having a personal knowledge of the matters required to be verified and the affidavit of the agent or assignee shall state that he has such knowledge. R. S. O. c. 126, s. 16. *See* *Beckerton v. Dakin*, 26 O. R. 192.)

⁴²⁷(3) Where a lien is registered against the lands of a railway company it shall be sufficient description of the said lands to refer to the same as the lands of such railway company in the county where the claim arose as described and shown on the plan of the said railway registered under *The Railway Act*.⁴²⁸

What may be included in claim.

17. A claim for lien may include claims against any number of properties, and any number of persons claiming liens upon the same property may unite therein, but where more than one lien is included in one claim each lien shall be verified by affidavit as provided in section 16 of this Act. (R.S.O. c. 126, s. 19.)

18—(1) A substantial compliance with sections 16 and 17 of this Act shall only be required, and no lien shall be invalidated by reason of failure to comply with any of the requisites of sections 16 and 17 of this Act unless in the opinion of the court or judge or officer who has power to try an action under this Act, the owner, contractor or sub-contractor, mortgagee or other person, as the case may be, is prejudiced thereby, and then only to the extent to which he is thereby prejudiced. (*New.*)

Claims not to be invalidated for informal.

(2) Nothing in this section contained shall be construed as dispensing with registration of the lien required by this Act. (*New.*)

19.—The registrar, upon payment of his fee, shall register the claim, so that the same may appear as an incumbrance against the land therein described. R. S. O. 1887, c. 126, s. 18, s.s. 1.

Lien to be registered as an encumbrance.

(2) The fee for registration shall be twenty-five cents. If several persons join in one claim, the registrar shall have a further fee of (ten) cents for every person after the first. 45 Vic. c. 15, s. 11.

Fee for registration.

(3) The registrar shall not be bound to copy in any registry book any claim or affidavit, but he shall number each claim, and shall insert in the alphabetical and abstract indexes the like particulars as in other cases; he may describe the nature of the instrument as "Mechanics' Lien" 45 Vic. c. 15, s. 11.

Manner of registration.

20.—Where a claim is so registered, the person entitled to the lien shall be deemed a purchaser pro tanto, and within the provisions of *The Registry Act, 1893*, but except as herein otherwise provided, *The Registry Act, 1893*, shall not apply to any lien arising under this Act. R. S. O. 1887, c. 126, s. 19.

Application of 56 V. c. 21

21.—(1) A claim for lien by a contractor or sub-contractor may be registered before or during the performance of the contract or within thirty days after the completion thereof.

Claims for liens when to be registered.

(2) A claim for lien for materials may be registered before or during the furnishing or placing thereof or within thirty days after the furnishing or placing of the last material so furnished or placed.

(3) A claim for lien for services may be registered at any time during the performance of the service or within thirty days after the completion of the service.

(4) A claim for lien for work may be registered at any time during the work or within thirty days after the last day's work for which the lien is claimed. R. S. O. 126, s. 20 and sec. 31 in part.

Liens to cease if not limited within time fixed by Act.

56 V. c. 21.

22. Every lien which is not duly registered under the provisions of this Act shall absolutely cease to exist on the expiration of the time hereinbefore limited for the registration thereof unless in the mean time an action is commenced to realize the claim, or in which the claim may be realized under the provisions of this Act, and a certificate thereof issued in the manner required by section 52 of *The Registry Act, 1893*, is duly registered in the Registry Office of the Registry Division wherein the lands in respect of which the lien is claimed are situate. R. S. O. 1887, c. 126, s. 22.

When lien to cease if registered and not proceeded upon.

56 V. c. 21.

23. Every lien which has been duly registered under the provisions of this Act shall absolutely cease to exist after the expiration of ninety days after the work or service has been completed or materials have been furnished or placed, or the expiry of the period of credit, where such period is mentioned, in the claim of *lien registered* unless in the mean time an action is commenced to realize the claim under the provisions of this Act or an action is commenced in which the claim may be realized under the provisions of this Act, and a certificate thereof issued in the manner required by section 52 of *The Registry Act, 1893*, is duly registered in the Registry Office of the Registry Division or in the land titles office wherein the lands in respect of which the lien is claimed are situate; R.S.O. 1887, c. 126, s. 23.

When lien to cease if there is no period of credit.

24. If there is no period of credit, or if the date of the expiry of the period of credit is not stated in the claim so registered, the lien shall cease to exist upon the expiration of ninety days after the work or service has been completed or materials furnished or placed unless in the mean time an action shall have been commenced and a certificate registered as required by section 23 of this Act. (R. S. O., c 126, s. 24.)

Death of lienholder.

25. In the event of the death of a lien-holder his right of lien shall pass to his personal representatives; and the right of a lien-holder may be assigned by any instrument in writing. R. S. O., 1887, c. 126, s. 25.

Discharge of lien.

26.—(1) A lien may be discharged by a receipt signed by the claimant, or his agent duly authorized in writing, acknowledging payment, and verified by affidavit and registered; such receipt shall be numbered and entered by the Registrar like other instruments but need not be copied in any book, but the Registrar shall enter against the entry of the lien to which the discharge relates the word "discharged," and state the registration number of such discharge; the fees shall be the same as for registering a claim of lien. R. S. O. c. 126, s. 26.

Security or payment into court and vacating lien thereon.

(2) Upon application the court or judge or other officer having power to try an action to realize a lien, may receive security or payment into court in lieu of the amount of the

claim and may thereupon vacate the registration of the lien.
R. S. O. c. 126, s. 30, ss. (7).

(3) The court or such judge or other officer may vacate the said registration upon any other ground. R.S.O., 1887, c. 126, s. 30, ss. 7 and 8. Vacating registration on other grounds.

(4) Where the certificate required by section 22 or section 23 of this Act has not been registered within the time limited, and an application is made to vacate the registration of a lien after the time for registration of the certificate required by section 22 or 23 of this Act, the applicant shall not be required to give notice of the application to the person claiming the lien, and the order vacating the lien may be made *ex parte* upon production of the certificate of the proper Registrar's certifying the facts entitling the applicant to such order. (*New.*) When notice of application to vacate not requisite.

(5) The taking of any security for, or the acceptance of any promissory note for, or the taking of any other acknowledgment of the claim, or the giving of time for the payment of the claim, or the taking of any proceedings for the recovery of the claim or the recovery of any personal judgment for the claim, shall not merge, waive, pay, satisfy, prejudice or destroy any lien created by this Act, unless the lien-holder agrees in writing that it shall have that effect; ^{and} provided, however, that a person who has extended the time for payment of any claim for which he has a lien under this Act to obtain the benefit of this sub-section shall commence an action to enforce such lien within the time limited by this Act, and register a certificate as required by sections 22 or 23 of this Act, but no further proceedings shall be taken in the action until the expiration of such extension of time; provided further, that notwithstanding such extension of time, such person may, where an action is commenced by any other person to enforce a lien against the same property, prove and obtain payment of his claim in such action, as if no such extension had been given. Certain acts not to prejudice right to enforce lien.

27. Any lien-holder may at any time demand of the owner, or his agent, the terms of the contract or agreement with the contractor for and in respect of which the work, services or materials is or are performed or furnished or placed, and if such owner or his said agent shall at the time of such demand neglect or refuse to inform the person making such demand, of the terms of such contract or agreement, and the amount due and unpaid upon such contract or agreement, or shall intentionally or knowingly, falsely state the terms of said contract or agreement, or the amount due or unpaid thereon, and if the person claiming the lien shall sustain loss by reason of such refusal or neglect or false statement, said owner shall be liable to him in an action therefor to the amount of such loss. (*New. See New York statute.*) Lien-holders to be entitled to information from owner as to terms of contract.

Order for inspection of contract by lienholder.

28. The court or judge, or other officer having power to try an action to realize a lien, may on a summary application at any time before or after any action is commenced for the enforcement of such lien, make an order for the owner or his agent to produce and allow any lien-holder to inspect any such contract, and may make such an order as to the costs of such application and order as may be just. (*New.*)

Mode of realizing liens:

29.—(1) The liens created by this Act may be realized by actions in the High Court according to the ordinary procedure of that court, excepting where the same is varied by this Act.

(2) Without issuing a writ of summons, an action under this Act shall be commenced by filing in the proper office a statement of claim, verified by affidavit.

~~29~~(3) The statement of claim shall be served within one month after it is filed, but a judge or other officer having power to try the action may extend the time for service thereof, and the time for delivering a statement of defence shall be the same as for entering an appearance in an action in the High Court. ~~29~~

~~29~~(4) It shall not be necessary to make any lien holders parties defendant to the action, but all lien holders served with the notice of trial shall for all purposes be *treated as if they were parties to the action.* ~~29~~

Lien-holders joining in action.

30. Any number of lien-holders, claiming liens on the same property, may join in an action, and any action brought by a lien-holder shall be taken to be brought on behalf of all other lien-holders on the property in question. See R.S.O., c. 126, s. 30, and 53 Vic. c. 37, s. 39.

Who may try action to enforce lien.

31. An action to enforce a lien may be tried by the Master in Ordinary, a local master of the High Court, an *official referee*, or a judge of the county court, in any county or judicial district in which the lands are situate; or by a judge of the High Court of Justice at any sittings of that court for the trial of actions. (*New.*)

Powers of certain officers.

32. The Master in Ordinary, the local masters, *official referees*, and the County Judges, shall have, in addition to their ordinary powers, all the jurisdiction, powers and authority, of a Judge of the High Court and of the Master in Ordinary, to try, and otherwise completely dispose of, an action to realize a lien, and all questions arising in such action, including the giving or refusing of the costs hereinafter provided. *New.*

Appointing day for trial.

33. (1) After the delivery of the statement of defence where the plaintiff's claim is disputed, or after the time for delivery of defence in all other cases where it is desired to try the

action other than at the ordinary sittings of the High Court, either party may apply to a judge or other officer who has the power to try the action, to fix a day for the trial thereof, and the said judge, or other officer, shall give an appointment fixing the day and place of trial, and on the day fixed, or at such other day to which the trial may be adjourned, shall proceed to try the action, and all questions which arise in, or which are necessary to be tried, to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him or upon whom the notice of trial has been served and, at the trial, shall take all accounts, make all inquiries, and give all directions, and do all things necessary to try, and otherwise finally dispose of the action and of all matters, questions and accounts arising in^{the} the action or at the trial,^{and to} adjust the rights and liabilities of and^{and} give all necessary relief to all parties,^{to} the action or who have been served with the notice of trial,^{and} shall embody all the results in the judgment.

(2) The judge or officer who tries the action may order that the estate or interest charged with the lien may be sold, and^{and} when, by the judgment, a sale is directed of the estate or interest charged with the lien, the judge or officer who tries the action may direct the sale to take place at any time after judgment, allowing, however, a reasonable time for advertising such sale.

Direction as to time for sale.

(3) The judge or officer *who tries the action* may also direct the sale of any materials and authorize the removal thereof.

Directing sale of materials.

See R.S.O. 126, s. 30, s.s. 3 and 4.

(4) Any lien-holder, who has not proved his claim at the trial of any action to enforce a lien, on application to the judge, or officer who tried the action on such terms as to costs and otherwise as may be just, *may* be let in to prove his claim at any time before the amount realized in the action for the satisfaction of liens has been distributed, and where such a claim is proved and allowed the judge or officer shall amend the judgment so as to include such claim therein.

Letting in lien-holders who have not proved their claims at trial.

(5) When a sale is had the Judge or officer with whose approbation the lands are sold shall make a report on sale and therein direct to whom the moneys in court shall be paid, and may add to the claim of the person conducting the sale his actual disbursements incurred in connection therewith, and where sufficient to satisfy the judgment and costs is not realized from the sale, he shall certify the amount of the deficiency and the names of the persons, with their amounts, who are entitled to recover the same, and the persons by the judgment adjudged to pay the same, and such persons shall be entitled to enforce the same by execution or otherwise as a judgment of the court.

Report where sale is had.

32(6) Any lien-holder for an amount not exceeding \$100, or any lien-holder not a party to the action, may attend in person at the trial of an action to enforce a lieu, and on any proceedings in such action, or may be represented thereat or thereon by a solicitor or by an agent.

Notice of trial, service of.

34. The party obtaining an appointment fixing the day and place of trial shall, at least eight clear days before the day fixed for the trial, serve a notice of trial which may be in the form in the schedule to this Act, upon the solicitors for the defendants who appear by solicitors, and on all lien-holders known to him, who have registered their liens as required by this Act, and on all other persons having any charge or incumbrance, or claim on the said lands, who are not parties, or who, being parties, appear personally in the said action, and such service shall be personal unless otherwise directed by the judge or officer who is to try the case, who may, in lieu of personal service, direct in what manner the notice of trial may be served.

Consolidation of actions.

35. Where more than one action is brought to realize liens in respect of the same property, a judge or other officer having power to try such actions, may, on the application of any party to any one of such actions, or on the application of any other person interested, consolidate all such actions into one action, and may give the conduct of the consolidated action to any plaintiff to whom in his discretion he sees fit. (See 56 Vic. c. 24, s. 12.)

Transferring carriage of proceedings.

36. Any lien-holder entitled to the benefit of the action may apply for the carriage of the proceedings, and the judge, or any other officer having power to try the action, may thereupon make such an order, giving such lien-holder the carriage of the proceedings, and such lien-holder shall for all purposes thereafter be the plaintiff in the action. (See R.S.O. c. 126, s. 30, ss. 2, and 53 Vic. c. 37, s. 26.)

Limit of fees in money or stamps.

37. No fees in stamps or money shall be payable to any judge or other officer in any action brought to realize a lien under this Act, nor on any filing, order, record or judgment, or other proceeding in such action, excepting that every person other than a wage earner shall, on filing his statement of claim where he is a plaintiff, or in proving his claim where he is not a party plaintiff, pay in stamps one dollar on every one hundred dollars, or fraction of one hundred dollars, of the amount of his claim up to one thousand dollars. (See 56 Vict. c. 24, s. 18.)

When judgment of court of first instance to be final.

38. In all actions where the amount recovered by the judgment is \$100 or less, the said judgment shall be final, binding, and without appeal, except that upon application

within fourteen days after judgment is pronounced, to the judge or officer who tried the same, he may grant a new trial.

39. In all actions where the amount recovered by the judgment is more than \$100 but not more than \$200, any party affected thereby may appeal therefrom to a Divisional Court, whose judgment shall be final, binding, and no appeal shall lie therefrom. When appeal lies in Divisional Court.

40. In all other cases the same right to appeal shall exist as is given in actions tried without a jury in the High Court. Rights of appeal.

41. The costs of the action awarded in any action under this Act, by the judge or officer trying the action, to the plaintiffs and successful lien-holders shall not exceed in the aggregate an amount equal to twenty-five per cent. of the amount of the judgment besides actual disbursements, and shall be in addition to the amount of the judgment, and shall be apportioned and borne in such proportion as the judge or ^{or} other officer who tries the action may direct. Limit of costs to plaintiff.

42. Where the costs are awarded against the plaintiff or other persons claiming the lien, such costs shall not exceed an amount in the aggregate equal to twenty-five per cent. of the claim of the plaintiff and other claimants, besides actual disbursements, and shall be apportioned and borne as the judge or *said other officer may direct.* Limit of costs to be awarded against plaintiff.

43. In case the least expensive course is not taken by a plaintiff under this Act the costs allowed to the solicitor shall in no case exceed what would have been incurred if the least expensive course had been taken. 56 Vic., c. 24, s. 15. Costs where least expensive course not taken by solicitor.

44. Where a lien is discharged or vacated under section 26 of this Act or when in an action judgment is given in favor of a lien in addition to the costs of action, the judge or *said other officer* may allow a reasonable amount for costs of drawing and registering *the* lien or for vacating the registration of the lien. R. S. O., 126, s. 30, s.s. 5 and 9. Costs of drawing and registering and vacating registration of lien.

45. Excepting in actions tried by a judge of the High Court the judge or other officer who tries the action shall, where money has been paid into court *and* the time for payment out arrives, forward a requisition for cheques with a certified copy of his judgment, or when one is made of the report on sale, to the accountant of the Supreme Court of Judicature who shall upon receiving said requisition and copy of the judgment or report make out and return to the said judge or officer cheques for the amounts payable to the persons specified in the requisition, and the said judge or officer on receipt of said cheques shall distribute them to the persons entitled. (*New.*) Payments out of court.

Fees and stamps not to be payable on payments out of court.

46. No fees or stamps shall be payable on any cheques or proceedings to ⁴²⁷pay money into court or ⁴²⁸obtain money out of court, ⁴²⁹but sufficient postage stamps to prepay a return letter shall be enclosed with every requisition for cheques. ⁴³⁰(New.)

Form of judgment in favor of lien-holders.

47. All judgments in favor of lien-holders shall adjudge that the party or parties personally liable for the amount of the judgment, shall pay any deficiency which may remain after sale of the property adjudged to be sold and whenever on a sale of any property to realize a lien under this Act sufficient to satisfy the judgment and costs is not realized therefrom, the deficiency may be recovered by execution against *the property of such party or parties.* See 53 Vic., c. 37, s. 30, 31, 32, 33 and 34.

Personal judgment when claim for lien fails.

48. Whenever in an action brought under the provisions of this Act any claimant shall fail for any reason to establish a valid lien he may nevertheless recover therein a personal judgment against the party or parties to the action for such sum or sums as may appear to be due to him from him or them and which he might recover in an action in contract against such party or parties.

Forms.

49. The forms in the schedule hereto, or forms similar thereto or to the like effect, may be adopted in all proceedings under this Act.

Liens arising before Act comes into force.

50. This Act shall not apply to liens arising before the coming into force of this Act excepting that where no action has been commenced or proceeding instituted to realize a lien arising before the coming into force of this Act the procedure herein directed shall be adopted to realize the same.

Mechanics entitled to lien on a chattel may sell the chattel if (after three months) payment is not made.

51.—(1) Every mechanic or other person who has bestowed money or skill and materials upon any chattel or thing in the alteration and improvement in its properties or for the purpose of imparting an additional value to it so as thereby to be entitled to a lien upon such chattel or thing for the amount or value of the money or skill and materials bestowed, shall, while such lien exists, but not afterwards, in case the amount to which he is entitled remains unpaid for three months after the same ought to have been paid, have the right in addition to all other remedies provided by law, to sell the chattel or thing in respect of which the lien exists, on giving one week's notice by advertisement in a newspaper published in the municipality in which the work was done, or in case there is no newspaper published in such municipality, then in a newspaper published nearest thereto, stating the name of the person indebted, the amount of the debt, a description of the chattel or thing to be sold, the time and place of sale, and the name of the auctioneer, and leaving a like notice in writing at the last or known

place of residence (if any) of the owner, if he be a resident of such municipality.

(2) Such mechanic or other person shall apply the proceeds of the sale in payment of the amount due to him and the costs of advertising and sale, and shall upon application pay over any surplus to the person entitled thereto, 41 V., c. 17, s. 3. ^{Application of proceeds of sale.}

52. Excepting in so far as is necessary to preserve the liens and rights, causes of action and defences thereto arising or existing thereunder before the coming into force of this Act, the following Acts and parts of Acts shall not apply after the coming into force of this Act, and are hereby repealed:—

Chapter 126 of the Revised Statutes of Ontario, 1887, and all amendments thereto.

The act passed in the 53rd year of Her Majesty's reign, chaptered 56 and all amendments thereto.

The Act passed in the 56th year of Her Majesty's reign, chaptered 24 and all amendments thereto.

SCHEDULE.

FORM 1.

Claim of Lien.

A. B. (name of claimant) of (here state residence of claimant,) (if so, as assignee of, stating name and residence of assignor) under the Mechanics' Lien and Wage-Earners' Act claims a lien upon the estate of (here state the name and residence of owner of the land upon which the lien is claimed,) in the undermentioned land in respect of the following work (service) [or materials] that is to say (here give a short description of the nature of the work done or materials furnished and for which the lien is claimed,) which work or service was [or is to be] done [or materials were furnished] for (here state the name and residence of the person upon whose credit the work is done or materials furnished), on or before the _____ day of _____

The amount claimed as due [or to become due] is the sum of \$ _____

The following is the description of the land to be charged (here set out a concise description of the land to be charged sufficient for the purpose of registration).

When credit has been given, insert: The said work was done [or materials were furnished] on credit, and the period of credit agreed to expired [or will expire] on the _____ day of _____ 18 _____

Dated at _____ this _____ day of _____, A. D. 18 _____
(Signature of claimant)

FORM 2.

Claim of Lien for Wages.

A. B. (name of claimant) of (here state residence of claimant,) (if so, as assignee of, stating name and residence of assignor) under the Mechanics' and Wage-Earners' Lien Act claims a lien upon the estate of (here state the name and residence of the owner of land upon which the lien is claimed) in the undermentioned land in respect of _____ days' work performed thereon while in the employment of (here state the name and residence of the person upon whose credit the work was done) on or before the _____ day of _____

The amount claimed as due is the sum of \$ _____

The following is the description of land to be charged, (here set out a concise description of the land to be charged sufficient for the purpose of registration).

Dated at _____ this _____ day of _____
(Signature of claimant.)

FORM 3.

Claim of Lien for Wages by Several Claimants.

The following persons under the Mechanics' and Wage-Earners' Lien Act claim a lien upon the estate of (*here state the name and residence of the owner of land upon which the lien is claimed*) in the undermentioned land in respect of wages for labor performed thereon while in the employment of (*here state name and residence or names and residences of employers of the several persons claiming the lien*).

A. B. of (*residence*) \$ for days' wages.
 C. D. " \$ for days' wages.
 E. F. " \$ for days' wages.

The following is the description of the land to be charged (*here set out a concise description of the land to be charged sufficient for the purpose of registration*).

Dated at this day of
 (*Signatures of the several claimants.*)

FORM 4.

Affidavit Verifying Claim.

I, A. B., named in the above (*or annexed*) claim, do make oath that the said claim is true (*or that the said claim, so far as it relates to me, is true*).

Or, We, A. B. and C. D., named in the above (*or annexed*) claim, do make oath, and each for himself saith that the said claim, so far as relates to him, is true.

[*Where affidavit made by agent or assignee a clause must be added to the following effect:—I have full knowledge of the facts set forth in the above (or annexed) claim.*]

Sworn before me at , in }
 the county of this day }
 of , A. D. 18 }

Or, The said A. B. and C. D. were }
 severally sworn before me at }
 in the county of this }
 day of A. D. 18 }

Or, the said E. D. was sworn be- }
 fore me at in the county of }
 this day of A. D. 18 }

45 V. c. 15, Sched. Form C.

FORM 5.

Affidavit verifying claim in commencing an Action.

(Style of Court and Cause.)

I, _____, make oath and say, that I have read, or heard read, the foregoing statement of claim, and I say that the facts therein set forth are, to the best of my knowledge and belief, true, and the amount claimed to be due to me in respect of my lien is the just and true amount due and owing to me after giving credit for all the sums of money or goods or merchandise to which the (*naming the debtor*) is entitled to credit as against me.

FORM 6.

Defence.

(Style of Court and Cause.)

A. B., _____ disputes that the plaintiff is now entitled to a mechanic's lien on the following grounds: (*Setting forth the grounds shortly.*)

(a) The lien has not been prosecuted in due time as required by statute.

(b) That there is nothing due to the plaintiff.

(c) That the plaintiff's lien has been vacated and discharged.

(d) That there is nothing due by _____ (*the owner*) for the satisfaction of the plaintiff's claim.

Delivered on the _____ day of _____ by A. B. in person, whose address for service is (*stating address within two miles of the Court House*), or

Delivered on the _____ day of _____ by Y. Z., solicitors for the said A.B.

NOTE.—If the owner does not dispute the lien entirely and only wishes to have the accounts taken he may use the following form :

FORM 7.

Defence where there are no matters disputed or where the matters in dispute are matters of account.

(Style of Court and Cause.)

A. B. _____ admits that the plaintiff is entitled to a lien and claims that the following is a just and true statement of the account in question :—

Amount of contract price for work contracted to be performed by E. F. as plumber on the lands in question herein \$500 00

Amounts paid on account.

June 1st, 1889, paid <i>E. F.</i>	\$200 00	
July 1st, 1889, paid <i>G. H.</i> and <i>I. K.</i> , sub- contractors of <i>E. F.</i>	100 00	—————
		\$300 00

Balance admitted to be due..... \$200 00

For satisfaction of lien of plaintiff and other lien holders (*as the case may be*) or *A. B.*, before action tendered to the plaintiff \$ _____ in payment of his claim and now brings into court \$ _____ and submits that that amount is sufficient to pay the plaintiff's claim, and asks that this action be dismissed as against him with costs.

Delivered, etc.,

FORM 8.

Affidavit of Owner Verifying Account.

(Style of Court and Cause.)

I, *A B.*, of _____ being the owner of the lands in question in this action, make oath and say: That the account set forth in the foregoing defence is a just and true account of the amount of the contract price agreed to be paid by me to *E. F.* for the work contracted to be done by him on the lands in question.

The said account also justly and truly sets forth the payments made by me on account thereof, and the persons or person to whom the same were made, and the balance of \$200 appearing by such account to be still due and payable is the just and true sum now due and owing by me in respect of my contract with the said *E. F.*

Sworn, etc.

FORM 9.

Notice of Trial.

(Style of Court and Cause.)

Take notice that this action will be tried at the court house, in the town of _____ in the county of _____ on the _____ day of _____ by _____ and at such time and place the said _____ will proceed to try the action and all questions which arise in or which are necessary to be tried to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him, or upon whom this notice of trial has been served, and at such trial he will take all accounts, make all inquiries and give all directions

and do all things necessary to try and otherwise finally dispose of this action, and of all matters, questions, and accounts arising in said action and will give all necessary relief to all parties.

And further take notice that if you do not appear at the trial and prove your claim, if any, or prove your defence, if any, to the action the proceedings will be taken in your absence and you may be deprived of all benefit of the proceedings and your rights disposed of in your absence.

This is a mechanics' lien action brought by the above named plaintiff against the above named defendants to enforce a mechanics' lien against the following lands:—(*set out description of lands*).

This notice is served by, etc.

FORM 10.

Statement of Account by Lien-holders, not parties to the action.

(Style of Court and Cause.)

E. F. Dr. to *G. H.*,

1889.
 Jan. 1, To 12 doz. brackets.....\$12 00
 Feb. 3, " 50 lbs. of nails 5 00
 Oct. 3, " 40 sheets of glass 40 00
\$57 00

Cr.

1889.
 Feb 4, By cash\$ 4 00
 June 5, " goods 20 00
\$24 00
\$33 00

FORM 11.

Affidavit of Lien-holder Verifying Claim.

(Style of Court and Cause.)

I, *G. H.*, of (*address and occupation*), make oath and say:—
 I have in the foregoing account (*or in the account now shown to me marked A*) set forth a just and true account of the amount due and owing to me by *E. H.* (*the owner*), or by *E. F.*, who is a contractor with the defendant, *L. G.* (*the owner*), of the lands in question, and I have in the said account given credit for all sums in cash or merchandise or otherwise to which

the said *E. F.* is justly entitled to credit in respect of the said account and the sum of \$33 appearing by such account to be due to me as the amount (*or balance*) of such account is now justly due and owing to me.

Sworn, etc.

FORM 12.

Judgment.

In the High Court of Justice.

William Spencer,
Plaintiff,

v.

Thomas Burns,
Defendant.

Before at Monday, 10 July,
1896.

This action coming on for trial before in at upon opening of the matter it appearing that the following persons have been duly served with notice of trial herein, (*set out names of all persons served with notice of trial*) and all such persons appearing at the trial (*or, the following persons not having appeared, as the case may be*) and upon hearing the evidence adduced and what was alleged by counsel for all parties appearing.

(1) This court doth declare that on the 2nd day of April, 1896, and at the commencement of this action, the defendant

was the owner in fee of the following lands, namely :

(2) And this court doth declare that on the 2nd day of April, 1896, the plaintiff made a contract in writing to build for the defendant a dwelling house on said lands and to furnish all the material therefor, and the defendant,

, agreed to pay the plaintiff \$1,000 therefor at the times and in the manner following, namely : Eighty per cent. of the value of the work done and materials furnished as the work progressed, and the balance in thirty days after the contract was fully completed, and the plaintiff duly performed his contract, and had completed the same on the day of 18 , and became entitled to receive the balance payable to him on his said contract on the day of 18 , and the defendant, before action, paid to the plaintiff \$500 on account and no more, and this court doth order and adjudge that the plaintiff do recover from the defendant \$500 and interest from the day of , 18 (*when same became due.*)

(3) This court doth declare that the plaintiff, within the time limited by section 21 of *The Mechanics' and Wage Earners' Liens Act of 1896*, duly registered a claim of lien for and in respect of his said contract, and commenced this action within the time limited by section 23 of the said Act, and then had and now has a good and valid mechanics' lien on all the estate and interest of the defendant in and to the lands hereinbefore described and the erections thereon, and doth order and adjudge accordingly.

(4) And this court doth declare that John Smith, of Hamilton, lumber dealer, between the 3rd and 26th days of May, 1896, furnished material to the plaintiff to be used in the construction of said dwelling house to the value of \$100, for which he has not been paid, and duly registered a claim for lien in respect thereof within the time limited by section 11 of the said Act, against the said lands, and was and is entitled to recover the said amount from the plaintiff, and has a good and valid mechanics' lien on all the estate and interest of the defendant in the lands hereinbefore described and the erections thereon, and doth order and adjudge accordingly.

(5) And this court doth declare that John Jones, a wage earner, did work in respect of the plaintiff's said contract for the plaintiff between the 1st and 30th days of June, 1896, to the value of \$25.00, for which he has not been paid, and duly registered a claim for his said lien within the time limited by section 11 of said Act against the said lands, and was, and is, entitled to recover the said amount from the plaintiff and has a good and valid lien on all the estate and interest of the defendant in the lands hereinbefore described and the erections thereon, and doth order and adjudge accordingly.

(6) The said William Smith, who had on the 10th day of April, 1896, registered a claim for lien against the lands hereinbefore described, though duly served with the notice of trial herein, failed to appear thereat, and it is hereby ordered and adjudged that the said William Smith be and is hereby barred of all claims on or against the said lands.

(7) And this court doth order and adjudge that the plaintiff do recover against the defendant \$75 costs of this action, and \$10 actual disbursements, and that the same be added to the plaintiff's claim.

(8) And this court doth order and adjudge that the said John Smith do recover \$10 for his costs and \$2 for his actual disbursements, and the said John Jones do recover \$5 for his costs against the defendant and that the same be added to their respective claims.

(9) This court doth order and adjudge that unless the full amount of this judgment and costs and disbursements be paid into court to the credit of this cause before the 10th day of August, 1896, that all the estate and interest of the defendant in the lands hereinbefore described be forthwith thereafter sold with the approbation of (the judge or officer trying the case).

(10) That the purchase money be paid into court to the credit of this action.

(11) That all proper parties do join in the conveyances to the purchasers as the said (judge or officer) may direct.

(12) That the moneys paid into court by defendant or as proceeds of such sale shall be paid out as the said by his report shall direct.

FORM 13.

Certificate Vacating Lien.

(Style of Court and Cause.)

Date

I certify that the defendant *A. B.* (the owner) has paid into court to the credit of this cause all money due and payable by him for the satisfaction of the liens of the plaintiff and *E. F.*, *G. H.*, *I. J.* and *K. L.* and their liens are hereby vacated and discharged so far as the same affect the following lands (describe lands).

(Signature of Master or Referee.)

FORM 14.

Certificate Vacating Lien.

(Style of Court and Cause.)

Date

I certify that I have inquired and find that the plaintiff is not entitled to any mechanics lien upon the lands of the defendant *A. B.* (the owner) and that his claim of lien is hereby vacated and discharged so far as the same affects the following lands (describe lands).

(Signature of Master or Referee.)

BILL.

An Act respecting Liens of Mechanics,
Wage-Earners and Others.

First Reading, 19th March, 1896.
Second Reading, 24th March, 1896.

*(Reprinted as again amended by Com-
mittee of the Whole House.)*

Mr. GIBSON,
(Hamilton).

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

No. 124.]

BILL.

[1896.

An Act to amend the Act respecting the Territorial
Division of Ontario.

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

1. Sub-section 21 of section 1 of the *Act respecting the Ter-* Rev. Stat. c.
5 s. 1 sub-s. 21
ritorial Division of Ontario for Municipal and Judicial amended.
5 *Purposes* is amended by striking out the words “ and Adding-
ton” from the first line thereof.

BILL.

An Act to amend The Act respecting the
Territorial Divisions of Ontario.

First Reading, 10th March, 1896.

Mr. MEACHAM.

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

An Act respecting The Quieting of Titles.

Vide R. S. O. c. 113.

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

1. This Act may be cited as *The Quieting Titles Act, 1896.* Short title.

2. Section 14 of *The Quieting Titles Act* is to be read as if the following words were prefixed thereto, "except as herein-after provided," and the following is to be added to the said section as a sub-section thereof :

(2) Where the value of the land in question is proved by the oath of some competent person or persons to be no more than \$3,000, the judge may dispense with the publication of the advertisements aforesaid, or any of them, and in lieu thereof may direct a printed or type-written notice of the application, or order or decision of the judge thereon, to be posted in a conspicuous place or conspicuous places on the premises in question, and in such other place or places (if any), and for such period or periods as he may think fit; and in such cases the certificate or conveyance shall not be signed or executed until such period or periods shall have expired.

3. Section 42 of *The Quieting Titles Act* is amended by striking out all the words after the words "Divisional Court," and substituting therefor the words "of the High Court or to the Court of Appeal in the same manner and subject to the same restrictions as in the case of an appeal from a judgment in an action."

Rev. Stat. c.
113, s. 14
amended.

Advertisements where
land is valued
at \$3,000 or
less.

Rev. Stat. c.
113, s. 42
amended.

Appeals.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting The Quieting of Titles.

First Reading, 10th March, 1896.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Assessment Act.

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

1. The council of any county or union of counties may by By-laws for taking township assessment every three years.
 5 by-law provide that the assessment in townships within any such county or union of counties shall be made once in every three years.

2. In any case where such by-law has been passed, the Correcting and revising roll every year.
 10 council of every township within such county or union of counties shall, in the first year of such period of three years, hold the court of revision in the usual way as if this Act had not been passed and also shall hold a court of revision during the second and third years of such period, for the purpose of entering the names of persons who may have acquired the
 15 ownership of property, or who may have a right to be entered on the assessment roll as tenants or farmers' sons, or residents of the municipality, and also for the purpose of expunging from the roll the names of those who may have parted with their property and left the municipality.

20 3. The assessment roll as finally revised by the court of revision in the first year of such period, shall be the roll to be used for equalization purposes by the council of the county or union of counties, as the case may be, and also shall be the Roll as corrected to be the assessment roll of the township.
 roll upon which the rates for the townships shall be struck
 25 and levied, subject to the change of names of the owners, tenants or farmers' sons, as the case may be, as provided by section 2 of this Act.

4. Nothing in this Act shall interfere with the provisions 52 v. c. 3, not affected.
 of *The Voters' Lists Act*, or with the duties of the clerk of the
 30 municipality in relation to said Act.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Assessment Act.

First Reading, 11th March, 1896.

Mr. ROBILLARD.

TORONTO

PRINTED BY L. K. CAMERON.

Printer to the Queen Most Excellent Majesty.

No. 127.]

BILL.

[1896.

An Act to amend The Act to Prevent the Profanation
of the Lord's Day.

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

1. Section 1 of *The Act to Prevent the Profanation of the*
5 *Lord's Day* is amended by inserting the word "farmer" im- Rev. Stat. c.
203 s. 1,
mediately after the word "tradesman" in the first line of the amended.
said section.

No. 127.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Act to Prevent the
Profanation of the Lord's Day.

First Reading, 11th March, 1896.

Mr. FERGUSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act relating to Dower in certain cases.

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

1. This Act may be cited as *The Dower Act, 1896.*

Short title.

5 2. Where the wife of an owner of land has been living apart from her husband for five years or more, and the husband sells and conveys, or has sold and conveyed the land, or mortgages or has mortgaged the same, the wife not joining in the conveyance or mortgage, and the purchaser or mortgagee having
10 no notice that the grantor or mortgagor had a wife living at the time, such purchaser or mortgagor, may apply to a judge of the High Court and have the same relief, or to the same effect, and subject to the same conditions, and by the same proceedings, as provided for a husband of a lunatic wife under
15 the *Act respecting Dower.*

Where wife of vendor or mortgagor has been living apart from husband for five years.

Rev. Stat. c. 133.

3. Any person claiming under the grantee or mortgagee shall be entitled to apply in like manner and obtain like relief on the foundation of the right of the said grantee or mortgagee in that behalf, or of the applicant's own interest having been
20 acquired by purchase for value in good faith without notice by him of the owner aforesaid having had a wife at the time of the conveyance or mortgage, such owner may apply in like manner and have like relief. (R. S. O., c. 133, s. 10.)

Relief of persons claiming under grantee or mortgagee.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act relating to Dower in certain cases.

First Reading, 11th March, 1896.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act relating to Dower in certain Cases.

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

1. This Act may be cited as *The Dower Act, 1896.* Short title.

2. Where the wife of an owner of land has been living apart from her husband for five years or more, and the husband sells and conveys, or has sold and conveyed the land, or mortgages or has mortgaged the same, the wife not joining in the conveyance or mortgage, and the purchaser or mortgagee having no notice that the grantor or mortgagor had a wife living at the time, such purchaser or mortgagor, may apply to a judge of the High Court and have the same relief, or to the same effect, and subject to the same conditions, and by the same proceedings, as provided for a husband of a lunatic wife under *The Act respecting Dower.* Where wife of vendor or mortgagor has been living apart from husband for five years. Rev. Stat. c. 133.

3. The rule and practice shall be the same where the husband is living with or recognizing another woman as his wife, the purchaser or mortgagee having no notice of her not being his wife and no notice that the grantor or mortgagor had a rightful wife with whom he was not living.

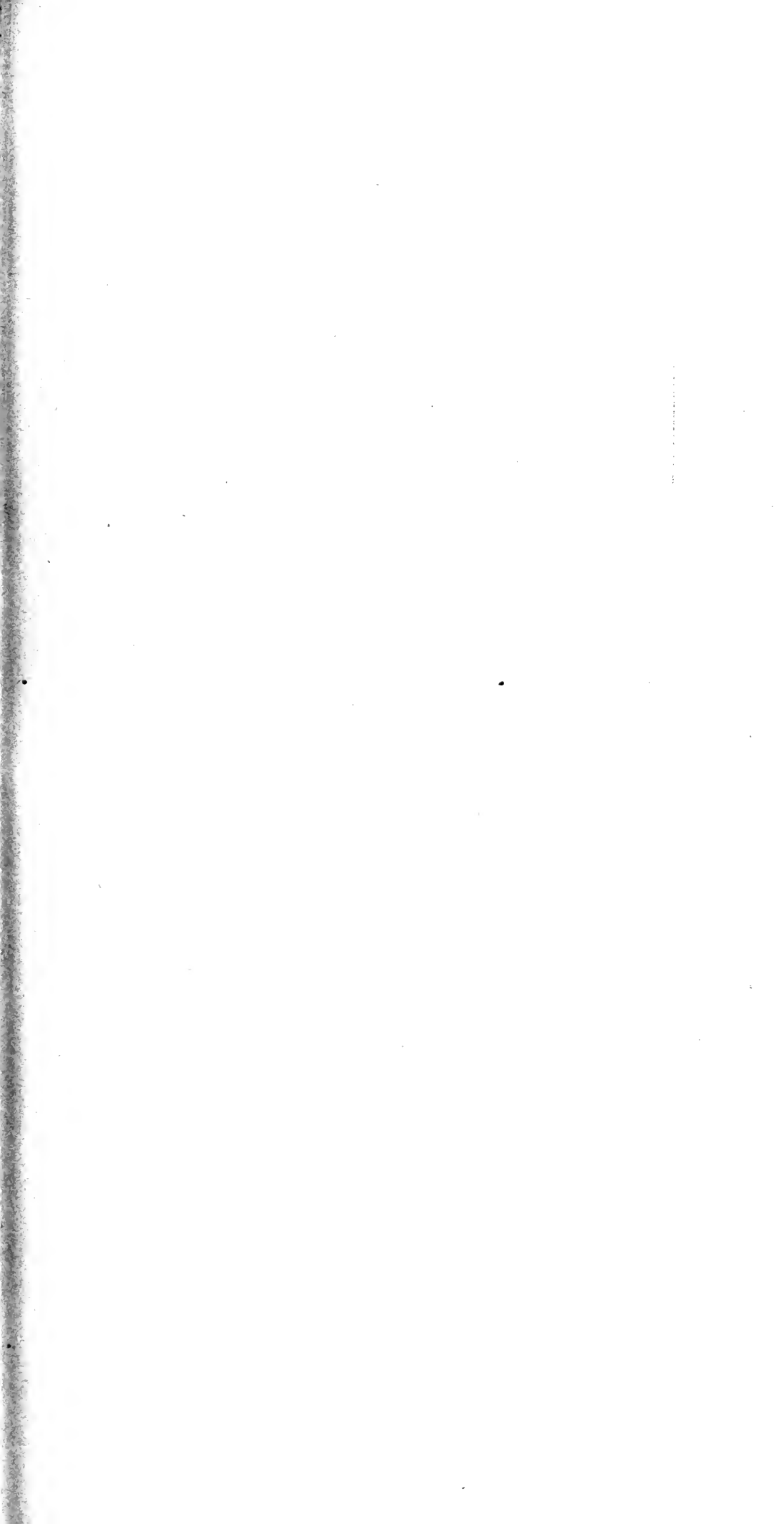
4. Any person claiming under the grantee or mortgagee shall be entitled to apply in like manner and obtain like relief on the foundation of the right of the said grantee or mortgagee in that behalf, or of the applicant's own interest having been acquired by purchase for value in good faith without notice by him of the owner aforesaid having had a wife at the time of the conveyance or mortgage, such owner may apply in like manner and have like relief. (R. S. O., c. 133, s. 10.) Relief of persons claiming under grantee or mortgagee.

5. Where a person, whose wife is a lunatic and confined as such in a public lunatic asylum in this Province, has heretofore Where wife is a lunatic confined in an asylum.

while his wife was so confined, become the owner of land or hereafter while she is so confined becomes the owner of land, such person may sell and convey or mortgage such land, freed and discharged of any claim of his said wife for dower therein but no such conveyance or mortgage shall be made after the discharge of the said wife from the said asylum. ⁷⁶¹

Wife purport-
ing to bar
dower when
under age.

6. Where a wife is under age at the time of executing a conveyance to a purchaser for value purporting or intended to bar her dower in any land, and the purchaser had at or before the execution of the conveyance and payment of the purchase money no notice that she was so under age, the conveyance will be effectual to bar her dower, unless she brings an action of dower within four years after the conveyance, or unless she within that time gives to the owner written notice of her claim to dower by reason of her minority aforesaid. This section shall apply to any conveyances heretofore executed, as well as to conveyances executed hereafter. ⁷⁶¹



2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act relating to Dower in certain cases.

First Reading, 11th March, 1896.

Second Reading, 23rd March, 1896.

*(Reprinted as amended in Committee of
the Whole House.)*

The ATTORNEY-GENERAL.

TORONTO :

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

An Act affecting Timber Slide Companies.

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

1. Section 20 of *The Timber Slide Companies' Act* is hereby amended by adding thereto the following subsection :—

(10) A detailed description of any repairs or renewals that may require to be made after the 31st day of December in the year to which said report relates and before the time of settling the tolls, together with an estimate of the cost thereof, and in case such repairs or renewals are actually made before the settling of the tolls, the cost thereof may be taken into consideration in fixing such tolls and such estimated cost of such repairs or renewals shall be advertised along with the schedule of tolls as provided in section 8a of this Act.

2. Section 39 of the said Act is hereby amended by adding thereto after the words "order-in-council," the words "or unless in any preceding year no dividend has been paid or there has been a deficiency in the receipts from tolls to defray all the current expenses or to make up such dividend, in which case any such remainder may first be applied on such year or years, or to make up such deficiency, and the final remainder, if any, shall be carried over as aforesaid. Provided always that in case the tolls should have been insufficient to meet the cost and expenditure as aforesaid during the year next preceding, then the amount of such deficiency or any part thereof may be carried forward and may be calculated in fixing the tolls for the following year, if in the opinion of the officer whose duty it is to fix the tolls, it shall appear just and proper."

3. The following shall be added as subsection 2 to said section 39 :—

(2) The Commissioner of Crown Lands shall have power by instrument under his hand to refer the taking of the accounts to an expert.

Rev. Stat. c. 160, s. 20 amended.

Annual report to Commissioner of Crown Lands.

Rev. Stat. c. 160, s. 39 amended.

Calculating tolls to be chargeable

Rev. Stat. c. 160, s. 39 amended.

Commissioner may refer accounts, etc., to an expert.

or the consideration of any matter or thing that he may deem necessary in order to the proper adjustment of the tolls to an accountant or expert or any other person of skill, and in such case, said accountant, expert or person of skill, shall have all the powers conferred or intended to be conferred upon a person appointed to examine the books under authority of section 22 of this Act. 5

Rev. Stat. c. 160, s. 42 amended.

When false estimate is given as to quantity liable to toll.

4. Section 42 of the said Act is amended by adding thereto the following words:—" And in case any owner or person in charge shall, knowingly or wilfully, falsely return a larger quantity than it is his intention or the intention of such proprietor or person in charge to pass over any of said sections, the company shall be entitled in addition to any other remedies it may have, to collect tolls on the difference between the quantity so falsely estimated and the quantity actually passing over the works." 10 15

Rev. Stat. c. 160, s. 46 amended.

Fixing tolls for use of water in holding dam

5. Section 46 of said Act is hereby amended by adding thereto the following:—" But in the case of a holding dam where it is made to appear that the use of the water held therein is necessary to enable parties to drive their logs or timber through or over other parts of the works, and that such logs or timber could not be driven through or over such other parts of the works or some of them without the construction of such holding dam and the use of the water stored therein, then and in that case the Commissioner of Crown Lands may fix such tolls for the use of the waters of the holding dam as shall appear adequate and reasonable." 20 25

Commissioner may take evidence on oath.

6. The Commissioner of Crown Lands may administer oaths and take evidence upon oaths as to all such matters and things as come before him under this Act, and may by writing authorize any person to whom any matter or thing under this Act shall be referred to administer oaths and take evidence upon oath for the purposes of this Act. 30

Rev. Stat. c. 160, s. 54 repealed.

7. Section 54 of *The Timber Slide Companies' Act* as amended by section 5 of the Act passed in the 53 year of Her Majesty's reign, chaptered 43, intituled "*An Act to amend the Timber Slide Companies' Act*" is hereby repealed and the following substituted therefor:— 35

Time for completion of works.

(54) Every such company shall within two years from the day of their becoming incorporated complete each and every work undertaken by them and mentioned in the report required prior to the incorporation of the company, and for the completion whereof they may be incorporated, in default whereof they shall forfeit the right to all the corporate and other powers and authority which they have in the meantime acquired, and the Attorney-General may cause proceedings to be taken in the name of the Crown to set aside the said charter 40 45

by serving notice upon every such company, and the Lieutenant-Governor in Council may, after an opportunity to be heard has been given to such company, declare that their corporate powers shall cease, and determine at a date to be named
 5 in and by such order-in-council, and from and after such date all the corporate powers of such company shall cease, and determine unless prior to the taking of proceedings by the Attorney-General as aforesaid, further time is granted by a
 10 by-law of the county or counties, in or adjoining which the work is situate or by order of the Commissioner of Crown Lands, or unless on any work or part or parts of such work appearing to be unnecessary, the same is dispensed with by such by-law or by the Commissioner of Crown Lands; and
 15 if any company formed under this Act for the space of one year abandons any works completed by them so that the same are not in sufficient repair and cannot be used for the purpose proposed in the instrument of incorporation of the company then the corporate powers of the company shall cease and
 20 determine unless on the maintenance of the work or any part or parts so abandoned becoming unnecessary owing to the clearance or removal of the timber from the immediate neighborhood thereof, or otherwise the abandonment of the same is permitted by such by-law or by the Commissioner of Crown Lands.

25 8. This Act shall be read with and as part of *The Timber Slide Companies' Act*. Act to be read with Rev. Stat. c. 160.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act affecting Timber Slide Companies.

First Reading, 11th March, 1896.

Mr. HARDY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act affecting Timber Slide Companies.

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

1. Section 20 of *The Timber Slide Companies' Act* is hereby amended by adding thereto the following subsection:—

Rev. Stat. c.
160, s. 20
amended.

(10) A detailed description of any repairs or renewals that may require to be made after the 31st day of December in the year to which said report relates and before the time of settling the tolls, together with an estimate of the cost thereof, and in case such repairs or renewals are actually made before the settling of the tolls, the cost thereof may be taken into consideration in fixing such tolls and such estimated cost of such repairs or renewals shall be advertised along with the schedule of tolls as provided in section 8a of this Act.

Annual report
to Commis-
sioner of
Crown Lands.

2. Section 39 of the said Act is amended by adding ^{at} at the end thereof the following: And unless the Commissioner of Crown Lands shall be of opinion that no injustice will be done to any of the parties interested, such surplus may, in case of a deficiency, be applied in whole or in part upon any deficiency which may be found to have existed in the year preceding the year in which the surplus accrued. ^{75a}

Rev. Stat. c.
160, s. 39
amended.

Calculating
tolls to be
chargeable.

3. The following shall be added as subsection 2 to said section 39:—

Rev. Stat. c.
160, s 39
amended.

(2) The Commissioner of Crown Lands shall have power by instrument under his hand to refer the taking of the accounts or the consideration of any matter or thing that he may deem necessary in order to the proper adjustment of the tolls to an accountant or expert or any other person of skill, and in such case, said accountant, expert or person of skill, shall have all the powers conferred or intended to be conferred upon a person appointed to examine the books under authority of section 22 of this Act.

Commissioner
may refer
accounts, etc.,
to an expert.

Rev. Stat. c.
160, s. 42
amended.
When false
estimate is
given as to
quantity
liable to toll.

4. Section 42 of the said Act is amended by adding thereto the following words:—" And in case any owner or person in charge shall, knowingly or wilfully, falsely return a larger quantity than it is his intention or the intention of such proprietor or person in charge to pass over any of said sections, the company shall be entitled in addition to any other remedies it may have, to collect tolls on the difference between the quantity so falsely estimated and the quantity actually passing over the works."

Commissioner
may take
evidence on
oath.

5. The Commissioner of Crown Lands may administer oaths and take evidence upon oaths as to all such matters and things as come before him under this Act, and may by writing authorize any person to whom any matter or thing under this Act shall be referred to administer oaths and take evidence upon oath for the purposes of this Act.

Rev. Stat. c.
160, s. 54
repealed.

6. Section 54 of *The Timber Slide Companies' Act* as amended by section 5 of the Act passed in the 53 year of Her Majesty's reign, chaptered 43, intituled "*An Act to amend the Timber Slide Companies' Act*" is hereby repealed and the following substituted therefor:—

Time for com-
pletion of
works.

(54) Every such company shall within two years from the day of their becoming incorporated complete each and every work undertaken by them and mentioned in the report required prior to the incorporation of the company, and for the completion whereof they may be incorporated, in default whereof they shall *be liable to* forfeit the right to all the corporate and other powers and authority which they have in the meantime acquired, and the Attorney-General may cause proceedings to be taken in the name of the Crown to set aside the said charter by serving notice upon every such company, and the Lieutenant-Governor in Council may, after an opportunity to be heard has been given to such company, declare that their corporate powers shall cease, and determine at a date to be named in and by such order-in-council, and from and after such date all the corporate powers of such company shall cease, and determine unless prior to the taking of proceedings by the Attorney-General as aforesaid, further time is granted by a by-law of the county or counties, in or adjoining which the work is situate or by order of the Commissioner of Crown Lands, or unless on any work or part or parts of such work appearing to be unnecessary, the same is dispensed with by such by-law or by the Commissioner of Crown Lands; and if any company formed under this Act for the space of one year abandons any works completed by them so that the same are not in sufficient repair and cannot be used for the purpose proposed in the instrument of incorporation of the company then the corporate powers of the company shall cease and determine unless on the maintenance of the work or any part

Default in
completing
works.

or parts so abandoned becoming unnecessary owing to the clearance or removal of the timber from the immediate neighborhood thereof, or otherwise the abandonment of the same is permitted by such by-law or by the Commissioner of Crown Lands.

7. This Act shall be read with and as part of *The Timber Slide Companies' Act*. Act to be read with Rev. Stat. c. 160.

BILL.

An Act affecting Timber Slide Companies.

First Reading, 11th March, 1896.

Second Reading, 19th March, 1896.

*(Reprinted as amended by Committee of
the Whole House.)*

Mr. HARDY.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Estates of Insolvent Deceased
Persons.

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

1.—(1) On the administration of the estate of a deceased
5 person, in case of a deficiency of assets, every creditor in prov-
ing his claim shall state whether he holds any security for his
claim or any part thereof, and if such security is on the estate
of the deceased debtor, or on the estate of a third party for
whom the estate of the deceased debtor, is only secondarily
10 liable, the creditor so proving his claim shall put a specified
value on such security and the executor or administrator, under
the authority of the other creditors of the estate of the deceased,
may either consent to the creditor's ranking for the claim after
deducting such valuation, or he may require from the creditor
15 an assignment of the security at an advance of ten per cent.
upon the specified value to be paid out of the estate as soon
as the executor or administrator has realized such security, in
which he shall be bound to the exercise of ordinary diligence;
and in either of such cases the difference between the value
20 at which the security is retained and the amount of the
gross claim of the creditor shall be the amount or which he
shall rank upon the estate of the deceased debtor.

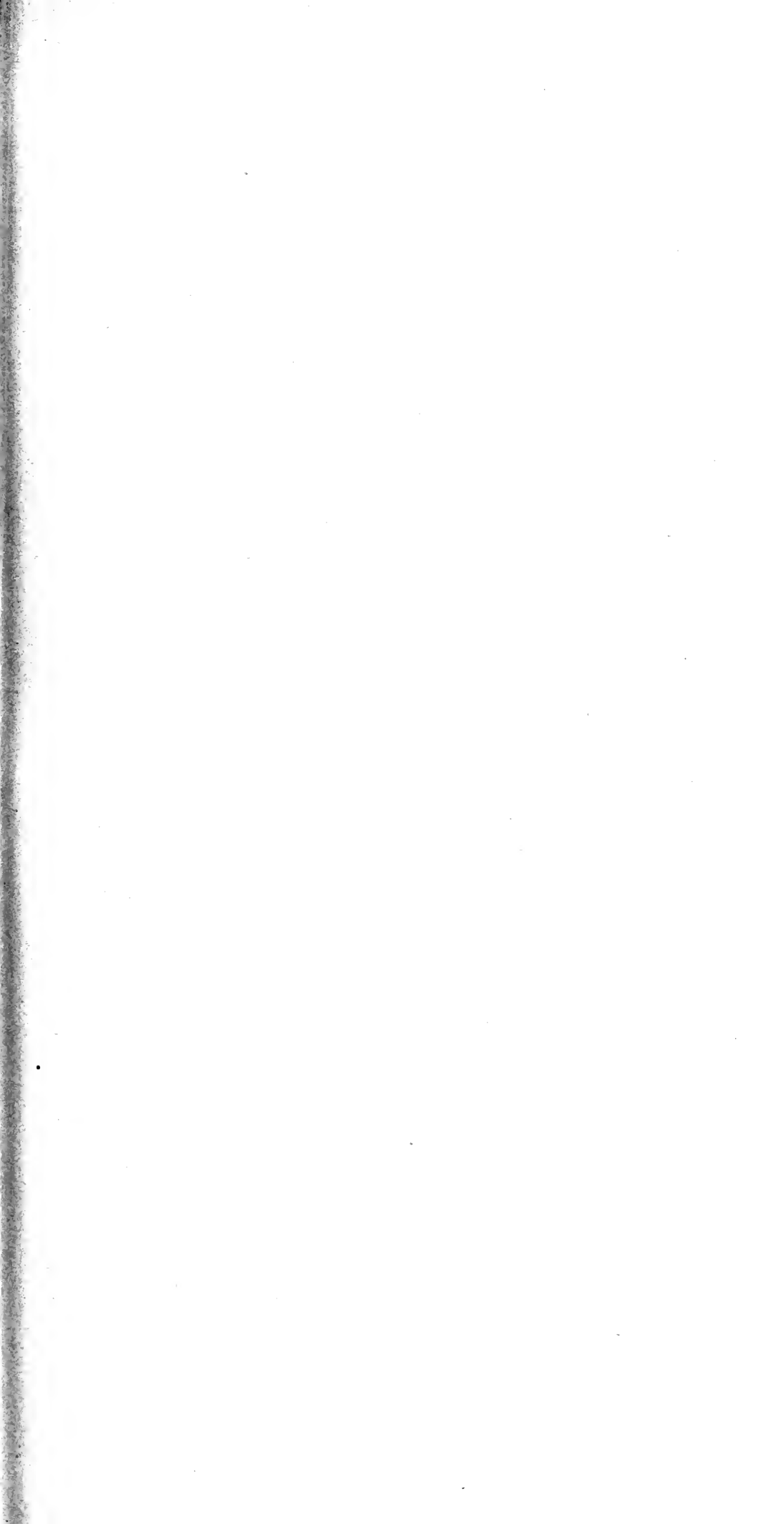
Creditor hold-
ing security
to value the
same.

(2) If the claim of the creditor is based upon negotiable
instruments upon which the estate of the deceased debtor is
25 only indirectly or secondarily liable, and which are not mature
or exigible, the creditor shall be considered to hold security
within the meaning of this section, and shall put a value on
the liability of the party primarily liable thereon as being his
security for the payment thereof, but after the maturity of
30 such liability and its non-payment, he shall be entitled to
amend and re-value his claim. (See *Assignments and Pre-
ferences Act*, R. S. O., c. 124, s. 19, (4), (5).

When claim
is based on
negotiable in-
struments.

Creditor holding security may assign same and rank as unsecured creditor.

2. A creditor holding any security as aforesaid on the estate of a deceased debtor, or on the estate of a third party for whom the estate of such debtor is only secondarily liable, may release or deliver up such security to the executor or administrator, or he may by statutory declaration delivered to the executor 5 or administrator set a value upon such security; and from the time he shall have so released or delivered up such security or valued the same, the debt to which such security applied shall be considered as an unsecured debt of the estate, or as being secured only to the extent of the value set upon such security; 10 and the creditor may rank as and exercise all the rights of an ordinary creditor, for the amount of his claim, or to the extent only of any balance thereof above and beyond the value set upon such security as the case may be. (*See Dominion Insolvent Act, 38 V. c. 16, s. 106*).



BILL.

An Act respecting the Estates of Insolvent
Deceased Persons.

First Reading, 11th March, 1896.

MR. HARDY.

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

An Act respecting the Estates of Insolvent Deceased
Persons.

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

1.—(1) On the administration of the estate of a deceased person, in case of a deficiency of assets, every creditor in proving his claim shall state whether he holds any security for his claim or any part thereof, and shall give full particulars of the same, and if such security is on the estate of the deceased debtor, or on the estate of a third party for whom the estate of the deceased debtor, is only *indirectly or secondarily* liable, the creditor so proving his claim shall put a specified value on such security and the executor or administrator, under the authority of the other creditors of the estate of the deceased, or of the court if the estate is being then administered under the direction of or by a court, may either consent to the creditor's ranking for the claim after deducting such valuation, or he may require from the creditor an assignment of the security at an advance of ten per cent. upon the specified value to be paid out of the estate as soon as the executor or administrator has realized such security, in which he shall be bound to the exercise of ordinary diligence; and in either of such cases the difference between the value at which the security is retained and the amount of the gross claim of the creditor shall be the amount or which he shall rank upon the estate of the deceased debtor.

Creditor holding security to value the same.

(2) If the claim of the creditor is based upon negotiable instruments upon which the estate of the deceased debtor is only indirectly or secondarily liable, and which are not mature or exigible, the creditor shall be considered to hold security within the meaning of this section, and shall put a value on the liability of the party primarily liable thereon as being his security for the payment thereof, but after the maturity of such liability and its non-payment, he shall be entitled to

When claim is based on negotiable instruments.

amend and re-value his claim. (See *Assignments and Preferences Act*, R. S. O., c. 124, s. 19, (4), (5).)

Creditor holding security may assign same and rank as unsecured creditor.

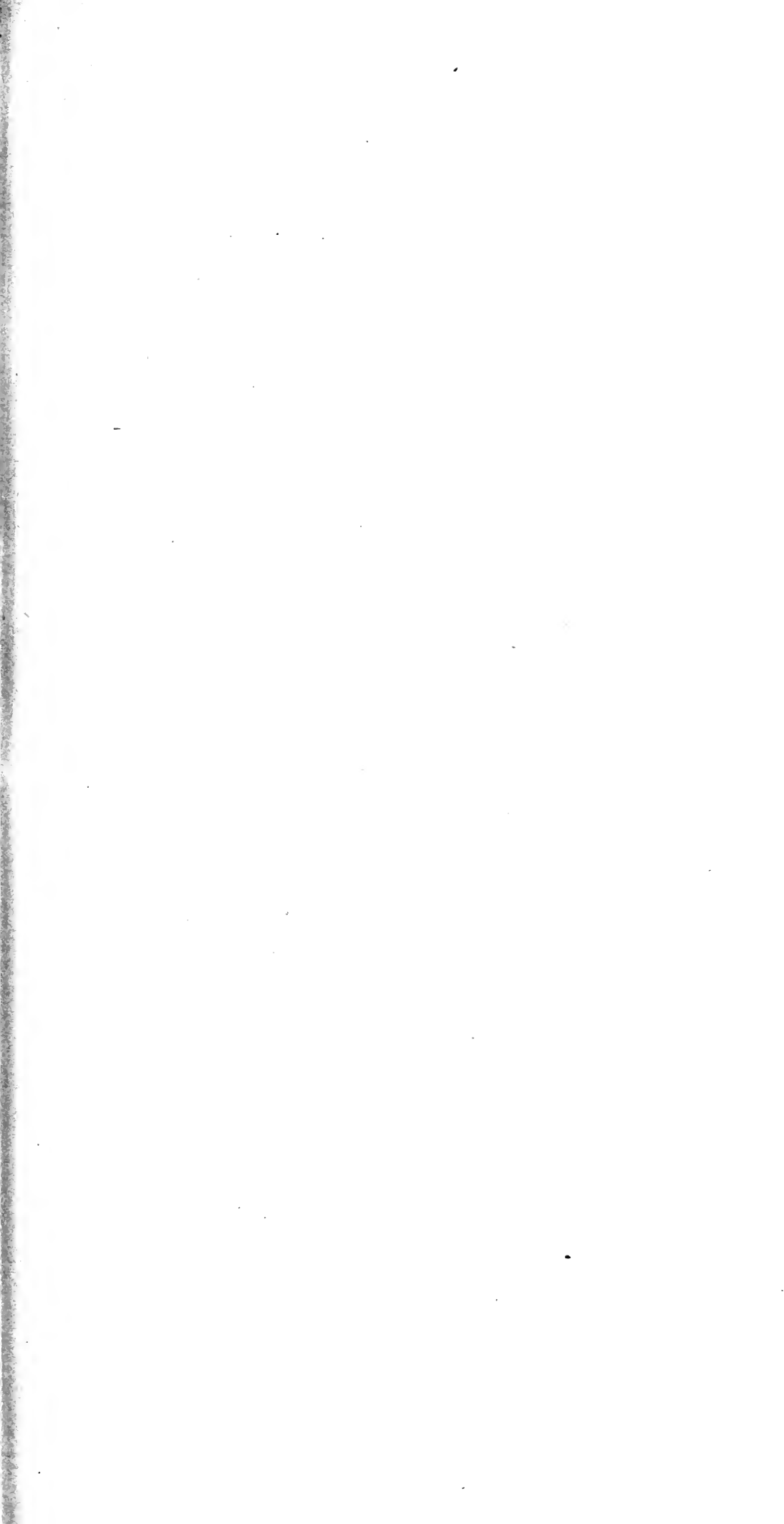
2. A creditor holding any security as aforesaid on the estate of a deceased debtor, or on the estate of a third party for whom the estate of such debtor is only secondarily liable, may release or deliver up such security to the executor or administrator, or he may by statutory declaration delivered to the executor or administrator set a value upon such security; and from the time he shall have so released or delivered up such security or valued the same, the debt to which such security applied shall be considered as an unsecured debt of the estate, or as being secured only to the extent of the value set upon such security; and the creditor may rank as and exercise all the rights of an ordinary creditor, for the amount of his claim, or to the extent only of any balance thereof above and beyond the value set upon such security as the case may be. (See *Dominion Insolvent Act*, 38 V. c. 16, s. 106).

When creditor holding security fails to value same.

3. In case a person claiming to be entitled to rank on the estate assigned holds security for his claim or any part thereof, of such a nature that he is required by this Act to value the same, and he fails to value such security, the judge of the Surrogate Court, who granted the probate or letters of administration, may, upon summary application by the executor or administrator, of which application three days' notice shall be given to such claimant, order that unless a specified value shall be placed on such security and notified in writing to the executor or administrator within a time to be limited by the order such claimant shall, in respect of the claim, or the part thereof for which the security is held in case the security is held for part only of the claim, be wholly barred of any right to share in the proceeds of such estate, and if a specified value is not placed on such security and notified in writing to the executor or administrator according to the exigency of the said order, or within such further time as the said judge may by subsequent order allow, the said claim or the said part, as the case may be, shall be wholly barred as against such estate but without prejudice to the liability of the debtor therefor.

Administration under the direction of a court.

4. When the estate is being administered by or under the direction of a court, such court shall exercise the jurisdiction conferred by the preceding section upon the judge of the Surrogate Court.



2nd Session, 8th Legislation, 59 Vict., 1896.

BILL.

An Act respecting the Estates of Insolvent
Deceased Persons.

First Reading, 11th March, 1896.
Second Reading, 19th March, 1896.

*(Reprinted as amended in Committee of the
Whole House.)*

Mr. HARDY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Municipal Act.

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

1. Section 65 of *The Consolidated Municipal Act, 1892*, is 55 V. c. 42, s. 5 amended by striking out the figures "500" where they occur 65, amended, in the twelfth and sixteenth lines and inserting in lieu thereof the figures "800."
2. Section 67 of the said Act is amended by striking out 55 V. c. 42, s. 67, amended, the figures "500" where they occur in paragraphs two and 10 three of the form of certificate given in the said section and inserting in lieu thereof the figures "800,"
3. Sub-section 1 of section 69 of *The Consolidated Muni-* 55 V. c. 42, s. 69, sub-s. 1, amended. *cipal Act, 1892*, is amended by striking out the figures "500" where they occur in the seventh and tenth lines, and inserting 15 in lieu thereof the figures "800."
4. Section 70 of the said Act is amended by striking out 55 V. c. 42, s. 70, amended, the figures "500" where they occur in the third and sixth lines, and inserting in lieu thereof the figures "800."
5. Section 71 of the said Act is amended by striking out 55 V. c. 42, s. 71, amended, the figures "500" where they occur in the fifth and eighth lines 20 and inserting in lieu thereof the figures "800."

No. 131.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 12th March, 1896.

Mr. MAGWOOD.

TORONTO:

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

No. 132.]

BILL.

[1896.

An Act to amend the Act respecting the Veterinary College.

HER 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 section 2 of the *Act respecting Veterinary Surgeons*, the person who was by the said section declared to be president of the Agriculture and Arts Association for the purpose of signing the diplomas of pupils of the Veterinary College, is hereby declared to be and to have been from the date of the passing of the said Act, and shall continue to be until the first day of April, 1897, president of the said association for the purpose mentioned in the said section.

Who is to sign diplomas etc.

58 V. c. 30, s 2, extended.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend the Act respecting the
Veterinary College.

First Reading, 12th March, 1896.

Mr. HOWLAND.

TORONTO.

PRINTED BY I. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 133.]

BILL.

[1896.

An Act better to secure the Independence of the
Legislative Assembly.

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

1. Except as provided in the *Act respecting the Legislative Assembly*, no person shall be eligible to be appointed to any office, commission or employment, permanent or temporary, in the service of the Government of Ontario, at the nomination of the Crown, or at the nomination of any of the members or officers of the Government of Ontario, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached, while he is a member of the Legislative Assembly, or during the term for which he was elected, or until at least one year has elapsed since the dissolution of the Legislature of which he was a member.

No member to
accept office
under Crown
while such or
within a year
after dissolu-
tion.

2nd Session, 8th Legislature, 59 Viet., 1896.

BILL.

An Act better to secure the Independence
of the Legislative Assembly.

First Reading, 12th March, 1896.

Mr. CURRIE.

TORONTO.

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

An Act to amend certain Matters of Municipal Law.

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

1.—(1) In case of distress for the non-payment of taxes, the goods and chattels on the premises not belonging to the person liable for the taxes shall not be subject to seizure; and possession by the tenant of said goods and chattels shall be sufficient *prima facie* evidence that they belong to him. Goods liable to distress for taxes.

(2) Sub-section 1 of section 124 of *The Consolidated Assessment Act, 1892*, is amended by striking out the words “or any goods or chattels found on the premises, the property of or in the possession of any other occupant of the premises.” 55 V. c. 48, s. 124, sub-s. 1 amended. 57 Vict. c. 43, s. 1.

2. The council of every city and town shall establish a police office, and shall from time to time provide all necessary and proper accommodation, fuel, light and furniture for all officers connected therewith. Cities and towns to provide police offices.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend certain Matters of Municipal Law.

First Reading, 13th March, 1896.

Mr. GARROW.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Assessment Act.

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

1. Sub-section 1 of section 27 of *The Consolidated Assessment Act*, as amended by section 2 of *The Assessment Amendment Act, 1895*, is repealed and the following substituted therefor:—

27.—(1) In assessing vacant ground, or ground used as a farm, garden, or race, or training track lands, or athletic grounds, in cities, towns or villages, whether incorporated or not, the value of such vacant or other ground shall be that at which sales of it for building purposes during the current year can be freely made, and where no sales for such building purposes can be reasonably expected during the current year, the assessment, shall in cities, and, where the extent of ground measures ten acres or more, in towns and incorporated villages, value such land as though it was held for farming or gardening purposes with such percentage added thereto, not exceeding fifty per cent., as the situation of the land reasonably calls for; and such vacant land, though surveyed into building lots and whether intersected by streets or lanes, if unsold, as such may be entered on the assessment roll as so many acres of the original block or lot, describing the same by the description of the block or by the number of the lot and concession of the township in which the same is situated, as the case may be.

Assessment of vacant ground in cities, towns and villages.

2nd Session, 8th Legislature, 59 Vict. 1896.

BILL.

An Act to amend The Assessment Act.

First Reading, 13th March, 1896.

Mr. GERMAN.

TORONTO:

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

No. 136.]

BILL.

[1896.]

An Act to amend The Ontario Medical Act.

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

1. Sub-section 1 of section 23 of *The Ontario Medical Act* is hereby repealed and the following sub-section substituted therefor.

Rev. Stat. c. 148, s. 23, sub-s. 1, repealed.

(1) Notwithstanding anything in this Act contained any person holding a medical or surgical degree or diploma of any university or college of physicians or surgeons of England, Scotland or Ireland entitling such person to register in Great Britain or Ireland, shall be entitled to present himself for the final examination prescribed by the council for Ontario candidates for registration, and upon passing the said examination, and paying the same fees as are payable by such last mentioned candidates, he shall be entitled to registration.

Admission to registration of persons holding British diplomas.

BILL.

An Act to amend The Ontario Medical Act.

First Reading, 13th March, 1896.

Mr. GERMAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act relating to the Law of Life Insurance.

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

1. Section 5 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 39, as amended by sub-section 2 of section 8 of the Act passed in the 56th year of Her Majesty's reign, chaptered 32, is hereby amended by adding thereto sub-section 2 as follows :—

53 Vict., c. 39,
s. 5,
amended.

(2) This section applies as well to any policy issued before the 7th April, 1890, as thereafter, and also to declarations made on, or relating to, any such policy before or after the said date.

Application of
53 V. c. 39,
s. 5.

[*This was always the intention of the law; the amendment is merely declaratory.*]

2. Section 6 of chapter 136 of the Revised Statutes, 1887, as amended by section 3 of an Act passed in the 51st year of Her Majesty's reign, chaptered 22, and by section 6 of an Act passed in the 53rd year of Her Majesty's reign, chaptered 39, and by section 8 of an Act passed in the 56th year of Her Majesty's reign, chaptered 32, and by section 12 of an Act passed in the 58th year of Her Majesty's reign, chaptered 34, is hereby repealed and the following section is substituted therefor :—

Rev. Stat., c.
136, s. 6 and
amending
provisions
repealed.

“6.—(1) The assured may, by an instrument in writing attached to or indorsed on, or identifying the policy by its number or otherwise, vary a policy or a declaration or an apportionment previously made so as to restrict or extend, transfer or limit, the benefits of the policy to the wife alone or the children, or to one or more of them, or to the mother of the assured, as a beneficiary or sole beneficiary, although the policy is expressed or declared to be for the benefit of the wife

Varying
declaration
as to bene-
ficiaries on life
policy.

Apportionment of insurance moneys by declaration.

and children, or of the wife alone, or for the child or children alone, or for the benefit of the wife for life, and of the children after her death, or for the benefit of the wife, and in case of her death during the life of the assured, then for the child or children, or any of them, or for the benefit of any one or more of the above mentioned persons for life, and, after his or their decease, for the benefit of any one or more of the survivors; or, although a prior declaration was so restricted; and he may also apportion the insurance money among the persons intended to be benefited; and may, from time to time, by instrument in writing attached to or indorsed on the policy, or referring to the same, alter the apportionment as he deems proper; he may also, by his will, make or alter the apportionment of the insurance money; and an apportionment made by his will shall prevail over any other made before the date of the will, except so far as such other apportionment has been acted on before notice of the apportionment by will; and whatever the assured may, under this section, do by an instrument in writing attached to or indorsed on or identifying the policy, or a particular policy or policies, by number or otherwise, he may also do by a will identifying the policy, or a particular policy or policies, by number or otherwise.

“Apportionment,” “apportionment,” meaning of.

“(2) ‘Apportion’ or ‘apportionment’ in this section includes and authorizes any division, sub-division, re-apportionment, or disposition of insurance moneys or benefits among any of the class of persons who under this or any amending Act are entitled to be preferred to creditors of the assured; and also includes and authorizes any disposition of the said moneys or benefits such as partly or wholly to divest the right, or to enlarge or diminish the interest of a beneficiary or beneficiaries acquired under any prior disposition of the said moneys or benefits, or such as to substitute one beneficiary of the said class for another, or others, or all others, or conversely.

Proviso.

“Provided that the assured shall not by virtue of this section be authorized to divert the said moneys or benefits from all of the said class to a person not of the said class, or to the assured himself, or to his estate; or to divert the said insurance moneys or benefits, or any part thereof, from the original beneficiary when the policy expressly states that that beneficiary was a beneficiary for valuable consideration.”

Application of section.

“(3) This section applies not only to any future policy and to any declaration made on or relating to any such policy, but also to any policy heretofore issued and declaration heretofore made.”

56 V., c. 32, s. 8 (2), amended.

3. Sub-section 2 of section 8 of an Act passed in the 56th year of Her Majesty's reign and chaptered 32 is amended by

inserting after the words "the said Act" in the first line of the said sub-section, these words; "Passed in the 53rd year of Her Majesty's reign and chaptered 39."

4.—(1) Section 8 of chapter 136 of the Revised Statutes, 5 1887, is amended by striking out all the words of the said section after the words "person so dying" in the eleventh line of the said section and substituting the following words in lieu thereof: "Shall be for the benefit of the survivor or of the survivors of such person in equal shares."

Rev. Stat. c. 136, s. 8, amended.

10 (2) Sub-section 2 of section 12 of the said Act, as added by section 7 of an Act passed in the 56th year of Her Majesty's reign and chaptered 32, is hereby amended by striking out the word "the" in the first line of the said sub-section and substituting therefor the word "any;" also, by inserting after the 15 word "document" in the second line these words "relating to persons under incapacity;" also, by striking out in the fifth line the words "deceased at his death" and substituting therefor these words "the assured, at the maturity of the policy;" also, by inserting after the word "infants" in the twelfth 20 line thereof the words "or other beneficiaries under incapacity."

Rev. Stat., c. 136, sec. 12 (2), amended.

5. Section 21 of chapter 136 of the Revised Statutes, 1887, is hereby repealed and the following section substituted therefor:—

Rev. Stat., c. 136, s. 21, repealed.

"21. Until the insurer has received the original or a copy 25 of any declaration, apportionment, will or other instrument or disposition in writing affecting the insurance moneys or any portion thereof, or of any appointment or revocation of a trustee, the insurer may deal with and obtain a valid discharge from the assured, or (as in the respective case may be) with or 30 from his beneficiaries (such beneficiaries not being infants or under other incapacity), or with or from his executors, administrators or assigns in the same manner and with the like effect as if such declaration, apportionment, disposition, appointment or revocation had not been made."

Protection of insurer in paying insurance before notice of declaration.

35 6.—(1) Sub-section 1 of section 38 of an Act passed in the 55th year of Her Majesty's reign and chaptered 39 is hereby amended by striking out all the words of the said sub-section up to and including the word "only" in the first line thereof and substituting therefor the following words:—"This section 40 shall not apply to corporations standing registered on the friendly society register, but shall apply."

55 V., c. 39, s. 38 (1), amended.

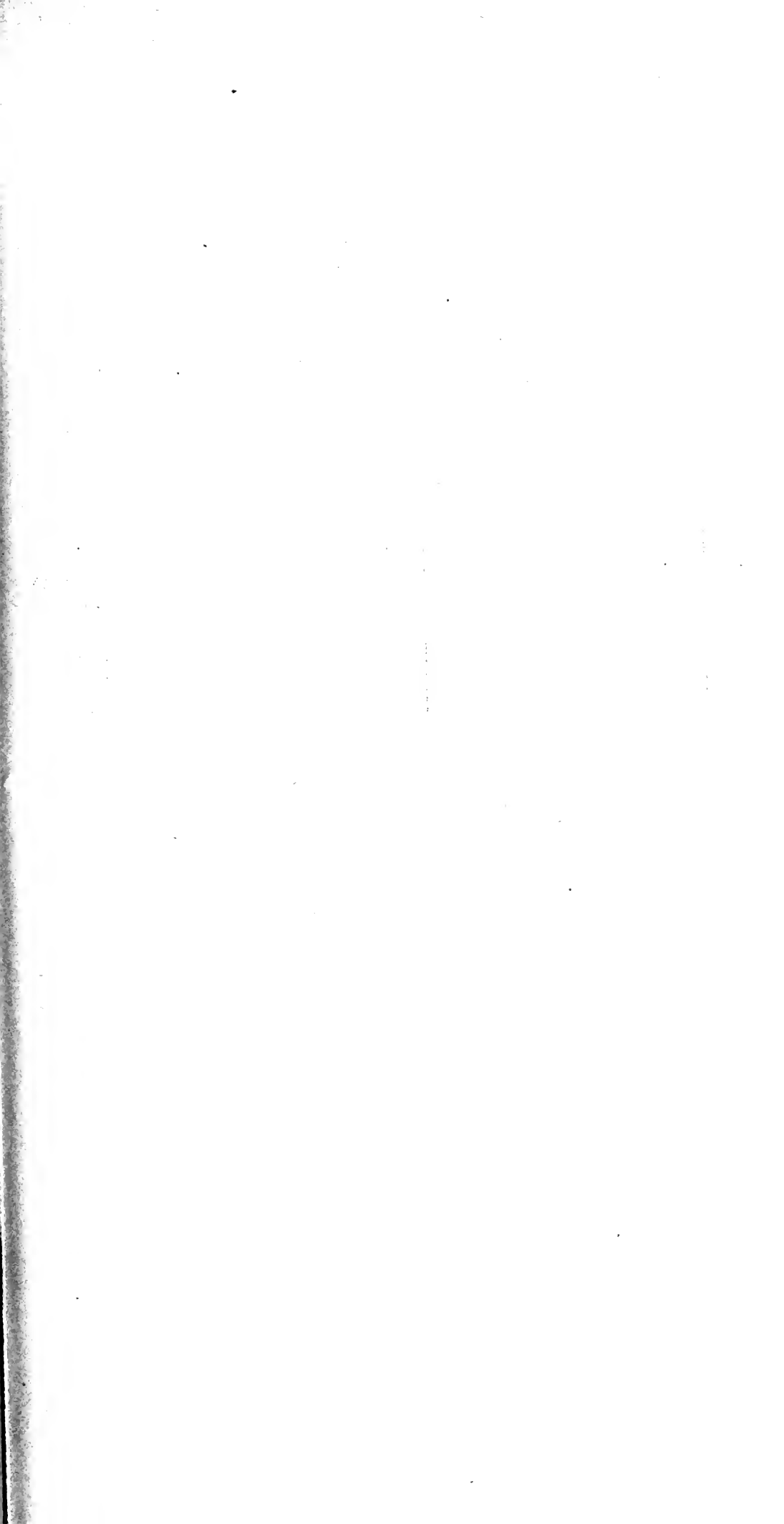
Application of section.

(2) Sub-section 8 of the said section 38, as amended by section 10 of an Act passed in the 56th year of Her Majesty's reign and chaptered 32, is further amended by adding at the 45 end of the said sub-section the following further proviso:—

55 V., c. 39, s. 38 (2), amended.

Commutation
of fees for
registration of
agents of in-
surance cor-
porations in
certain cases.

“ Provided also that where it is shown to the satisfaction of the Inspector of Insurance that an insurance corporation standing registered on the insurance license register, but undertaking contracts of insurance with its own members only, cannot (owing to its organization on the lodge plan or to other special circumstances) register its agents individually, then upon payment to the Provincial Treasurer of such commuted fee as the Inspector of Insurance shall in writing under his hand certify to be in his opinion just and reasonable, and upon an agent’s certificate of registry being issued to the said corporation, the officers and the members of the said corporation and of its lodges, branches or divisions, if any (by whatever name known), shall be deemed to be severally registered as insurance agents of the said corporation within the meaning of this Act for the term mentioned in the said certificate.”



No. 137.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act relating to the Law of Life Insurance.

First Reading, 13th March, 1896.

Mr. GIBSON,
(Hamilton).

TORONTO:

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

An Act relating to the Law of Insurance.

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

1. Section 5 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 39, as amended by sub-section 2 of section 8 of the Act passed in the 56th year of Her Majesty's reign, chaptered 32, is hereby amended by adding thereto sub-section 2 as follows :—

(2) This section applies as well to any policy issued before the 7th April, 1890, as thereafter, and also to declarations made on, or relating to, any such policy before or after the said date.

2. Section 6 of chapter 136 of the Revised Statutes, 1887, as amended by section 3 of an Act passed in the 51st year of Her Majesty's reign, chaptered 22, and by section 6 of an Act passed in the 53rd year of Her Majesty's reign, chaptered 39, and by section 8 of an Act passed in the 56th year of Her Majesty's reign, chaptered 32, and by section 12 of an Act passed in the 58th year of Her Majesty's reign, chaptered 34, is hereby repealed and the following section is substituted therefor :—

"6.—(1) The assured may, by an instrument in writing attached to or indorsed on, or identifying the policy by its number or otherwise, vary a policy or a declaration or an apportionment previously made so as to restrict or extend, transfer or limit, the benefits of the policy to the wife alone or the children, or to one or more of them, or to the mother of the assured, as a beneficiary or sole beneficiary, although the policy is expressed or declared to be for the benefit of the wife

53 Vict., c. 39,
s. 5,
amended.

Application of
53 V. c. 39,
s. 5.

Rev. Stat., c.
136, s. 6 and
amending
provisions
repealed.

Varying
declaration
as to bene-
ficiaries on life
policy.

Apportionment of insurance moneys by declaration.

and children, or of the wife alone, or of the child or children alone, or of the mother, or for the benefit of the wife for life, and of the children after her death, or for the benefit of the wife, and in case of her death during the life of the assured, then for the child or children, or any of them, or for the benefit of any one or more of the above mentioned persons for life, and, after his or their decease, for the benefit of any one or more of the survivors; or, although a prior declaration was so restricted; and he may also apportion the insurance money among the persons intended to be benefited; and may, from time to time, by instrument in writing attached to or indorsed on the policy, or referring to the same, alter the apportionment as he deems proper; he may also, by his will, make or alter the apportionment of the insurance money; and an apportionment made or altered by his will shall prevail over any other made before the date of the will, except so far as such other apportionment has been acted on before notice of the apportionment by will; and whatever the assured may, under this section, do by an instrument in writing attached to or indorsed on or identifying the policy, or a particular policy or policies, by number or otherwise, he may also do by a will identifying the policy, or a particular policy or policies, by number or otherwise.

"Apportion," "apportionment," meaning of.

"(2) 'Apportion' or 'apportionment' in this section includes and authorizes any division, sub-division, re-apportionment, or disposition of insurance moneys or benefits among any of the class of persons who under this or any amending Act are entitled to be preferred to creditors of the assured; and also includes and authorizes any disposition of the said moneys or benefits such as partly or wholly to divest the right, or to enlarge or diminish the interest of a beneficiary or beneficiaries acquired under any prior disposition of the said moneys or benefits, or such as to substitute one beneficiary of the said class for another, or others, or all others, or conversely.

Proviso

"Provided that the assured shall not by virtue of this section be authorized to divert the said moneys or benefits from all of the said class to a person not of the said class, or to the assured himself, or to his estate; or to divert the said insurance moneys or benefits, or any part thereof, from the original beneficiary when the policy expressly states that that beneficiary was a beneficiary for valuable consideration."

Application of section.

"(3) This section applies not only to any future policy and to any declaration made on or relating to any such policy, but also to any policy heretofore issued and declaration heretofore made."

56 V., c. 32, s. 8 (2), amended.

3. Sub-section 2 of section 8 of an Act passed in the 56th year of Her Majesty's reign and chaptered 32 is amended by

inserting after the words "the said Act" in the first line of the said sub-section, these words; "Passed in the 53rd year of Her Majesty's reign and chaptered 39."

4.—(1) Section 8 of chapter 136 of the Revised Statutes, 1887, is amended~~d~~ by striking out in the ninth and tenth lines, these words "the wife and children of the insured or one or more of them" and substituting in lieu thereof, these words "any one or more of the class of persons who, under this or any amending Act are entitled to be preferred to creditors of the assured;" and the said section is further amended~~d~~ by striking out all the words of the said section after the words "person so dying" in the eleventh line of the said section and substituting the following words in lieu thereof: "Shall be for the benefit of the survivor or of the survivors of such person in equal shares."

Rev. Stat. c. 136, s. 8, amended.

(2) Sub-section 2 of section 12 of the said Act, as added by section 7 of an Act passed in the 56th year of Her Majesty's reign and chaptered 32, is hereby amended by striking out the word "the" in the first line of the said sub-section and substituting therefor the word "any;" also, by inserting after the word "document" in the second line these words "relating to persons under incapacity;" also, by striking out in the fifth line the words "deceased at his death" and substituting therefor these words "the assured, at the maturity of the policy;" also, by inserting after the word "infants" in the twelfth line thereof the words "or other beneficiaries under incapacity."

Rev. Stat., c. 136, sec. 12 (2), amended.

5. Section 21 of chapter 136 of the Revised Statutes, 1887, is hereby repealed and the following section substituted therefor:—

Rev. Stat., c. 136, s. 21, repealed.

"21. Until the insurer has received the original or a copy of any declaration, apportionment, will or other instrument or disposition in writing affecting the insurance moneys or any portion thereof, or of any appointment or revocation of a trustee, the insurer may deal with and obtain a valid discharge from the assured, or (as in the respective case may be) with *and* from his beneficiaries (such beneficiaries not being infants or under other incapacity), or with *and* from his trustees, executors, administrators or assigns in the same manner and with the like effect as if such declaration, apportionment, disposition, appointment or revocation had not been made."

Protection of insurer in paying insurance before notice of declaration.

6.—(1) Sub-section 1 of section 38 of an Act passed in the 55th year of Her Majesty's reign and chaptered 39 is hereby amended by striking out all the words of the said sub-section up to and including the word "only" in the first line thereof and substituting therefor the following words:—"This section shall not apply to corporations standing registered on the friendly society register, but shall apply."

55 V., c. 39, s. 38 (1), amended.

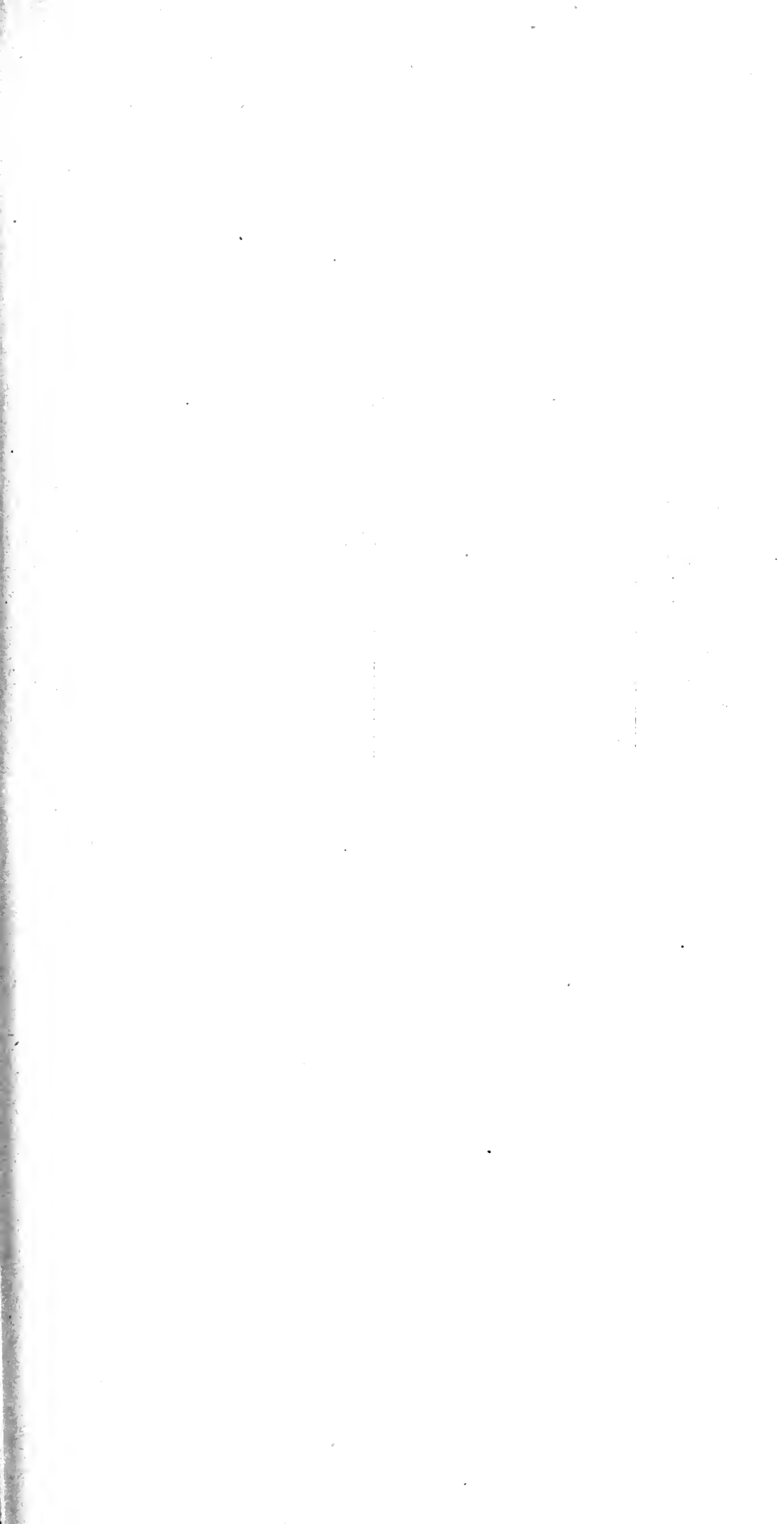
Application of section.

55 V., c. 39,
s. 38 (8),
amended.

(2) Sub-section 8 of the said section 38, as amended by section 10 of an Act passed in the 56th year of Her Majesty's reign and chaptered 32, is further amended by adding at the end of the said sub-section the following further proviso:—

Commutation
of fees for
registration of
agents of in-
surance cor-
porations in
certain cases.

“ Provided also that where it is shown to the satisfaction of the Inspector of Insurance that an insurance corporation standing registered on the insurance license register, but undertaking contracts of insurance with its own members only, cannot (owing to its organization on the lodge plan or to other special circumstances) register its agents individually, then upon payment to the Provincial Treasurer of such commuted fee as the Inspector of Insurance shall in writing under his hand certify to be in his opinion just and reasonable, and as shall be approved of by the Provincial Secretary, and upon an agent's certificate of registry being issued to the said corporation, the officers and the members of the said corporation and of its lodges, branches or divisions, if any (by whatever name known), shall be deemed to be severally registered as insurance agents of the said corporation within the meaning of this Act for the term mentioned in the said certificate.”



BILL.

An Act relating to the Law of Insurance.

First Reading, 13th March, 1896.
Second Reading, 24th March, 1896.

*(Reprinted as amended in Committee of
Whole House.)*

Mr. GIBSON,
(Hamilton).

TORONTO :

[PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 138.]

BILL.

[1896.

An Act to make further Provision respecting Industrial Schools,

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

1. Section 17 of the Act respecting Industrial Schools is hereby repealed, and the following substituted therefor :—

Rev. Stat. c. 134 s., 17, repealed.

17. (1) The Provincial Secretary or other Minister, to whose department the superintendent of neglected children is attached, may at any time order any child to be transferred from one certified industrial school to another, or may order a child to be discharged from any such certified industrial school either absolutely or on such conditions as he may think fit, and the child shall be transferred or discharged accordingly.

Transfer of child from one school to another.

(2) This section shall be deemed to have been in force from and after the 2nd day of March, 1896.

No. 138.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to make further Provisions respecting Industrial Schools.

First Reading, 13th March, 1896.

Mr. GIBSON,
(Hamilton.)

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 138.]

BILL.

[1896.

An Act to make further Provision respecting Industrial Schools,

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

1. Section 17 of the Act respecting Industrial Schools is hereby repealed, and the following substituted therefor :—

Rev. Stat. c. 134 s., 17, repealed.

17.—(1) The Provincial Secretary or other Minister, to whose department the superintendent of neglected children is attached, may at any time order any child to be transferred from one certified industrial school to another, or may order a child to be discharged from any such certified industrial school either absolutely or on such conditions as he may think fit, and the child shall be transferred or discharged accordingly.

Transfer of child from one school to another.

(2) This section shall be deemed to have been in force from and after the 2nd day of March, 1896.

2. Wherever in the said Act any authority is conferred or duty imposed upon the Minister of Education or upon the Education Department with respect to any matter or thing in the said Act mentioned, such authority shall be exercised and such duties shall be discharged by the Provincial Secretary or other Minister in charge of the said schools. All reports required to be made to or by the Minister of Education under the said Act shall be made to or by the Provincial Secretary or the Minister in charge of industrial schools.

Provincial Secretary or Minister in charge substituted for Minister of Education.

No. 138.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to make further Provision respecting Industrial Schools.

First Reading, 13th March, 1896.
Second Reading, 19th March, 1896.

(Reprinted as amended in Committee of the Whole House.)

Mr. GIBSON,
Hamilton.)

TORONTO :

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

No. 139.]

BILL

[1896.

An Act to amend The Ditches and Watercourses Act.

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

1. Section 34 of *The Ditches and Watercourses Act, 1894*, 57 V. c. 55, s. 5 is amended by inserting immediately after the word “the” in 34, amended. the first line thereof the words “protection and.”
2. Section 35 of said Act is amended by inserting immedi- 57 V. c. 55, s. ately after the word “to” in the first line thereof the words 35, amended. “protect and,” and by inserting immediately after the word 0 “to” in the second line thereof the words “protect and.”

No. 139.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Ditches and Water-
courses Act.

First Reading, 13th March, 1896.

Mr. CHAPPLE.

TORONTO:
PRINTED By L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act relating to Crown Timber.

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

1. The following sub-section is hereby substituted for sub-section 1 of section 11 of the *Act respecting Timber on Public Lands*:—

Rev. Stat., c. 28, s. 11, sub.-s. 1, repealed.

(1) All timber cut under licenses shall be liable for the payment of the Crown dues thereon, interest thereon and expenses, so long as and wheresoever the timber, or any part of it, may be found in Ontario, whether in the original logs or manufactured into deals, boards or other stuff; and when any license holder is in default for, or has evaded the payment of dues to the Crown on any part of his timber or saw logs, such dues, interest and expenses may be levied on any other timber or saw logs, or their manufactured product, belonging to such defaulter, cut under license, together with the dues thereon, and interest and expenses incurred; and all officers or agents entrusted with the collection of such dues, may follow all timber, and seize and detain the same wherever it is found until the dues, interest and expenses are paid or secured.

Following timber cut under license until dues are paid.

2. The following sub-section is hereby substituted for sub-section 2 of section 14 of the said Act.

Rev. Stat., c. 28, s. 14, sub.-s. 2, repealed.

(2) When the timber or saw logs made has or have been removed by any person out of the reach of the officers of the Crown Lands Department, or it is otherwise found impossible to seize the same, such person shall, in addition to the loss of his labour and disbursements, forfeit a sum of \$3 for each tree other than pine and \$10 for each pine tree which he is proved to have cut or caused to be cut and carried away, and in addition the full value of the timber or logs so cut or caused to be cut and carried away.

When timber illegally cut cannot be seized, penalty.

Rev. Stat.,
c. 28, s. 20,
repealed.

3. Section 20 of the said Act is repealed and the following substituted therefor :

Order for
delivery of
timber to
claimant on
security being
given.

20.—(1) The alleged owner or claimant of the timber seized may, upon at least four days' notice to the Commissioner of Crown Lands, apply to the judge of the county court, or in the Rainy River District to the stipendiary magistrate, for an order for the delivery of the timber to the alleged owner or claimant, and the judge or stipendiary may, on receiving security by bond of the alleged owner or claimant, with two good and sufficient sureties, to be approved by the Commissioner of Crown Lands, or by the agent, in such sum as shall also be approved by the Commissioner or agent to pay double the value of the timber in case of condemnation, direct the delivery of such timber to such alleged owner or claimant. 5 10

Delivery of
bond.

(2) The bond shall be taken in the name of the Commissioner of Crown Lands to Her Majesty's use, and shall be delivered to and be kept by the Commissioner. 15

Trying right
of seizure.

(3) The judge or stipendiary magistrate may, upon the application of either party, at a time and place to be fixed by him, of which the other party shall have at least seven days' notice, try and determine such seizure, and whether the same was justifiable or otherwise, and shall either condemn the timber or order it to be released. 20

When seizure
upheld.

(4) If the seized timber is condemned as having been cut in trespass or without authority, the same shall be again delivered up to the Commissioner or to the officer or agent of the Department of Crown Lands, and the Commissioner may again take possession thereof and sell and dispose of the same and apply the proceeds thereof to the use of the Crown, or may allow the claimant or alleged owner to have and take the same, upon the payment of such sum, for the use of the Crown as the Commissioner shall fix and determine. And if the seized timber is condemned for non-payment of Crown dues, then upon payment to the Commissioner of Crown Lands by the claimant or alleged owner of the unpaid dues and the costs and expenses incurred by the Commissioner, the timber may be surrendered to the claimant or alleged owner, and the bond may be cancelled. Otherwise the penalty of the bond shall be enforced and recovered. 25 30 35

Rev. Stat.,
c. 78, amend-
ed.

4. The following is hereby added as section 22 of the said Act:— 40

Agreements
for supplying
wood or tim-
ber from
Crown lands
for manufac-
ture of pulp
and paper.

22. Any agreement which may be or which has heretofore been entered into, by her Majesty or by the Commissioner of Crown Lands with any person for the supply of wood or timber, to be used in the manufacture of pulp or similar material, to be taken from the lands of the Crown, shall not prevent Her Majesty or the Commissioner of Crown Lands from selling, leasing, granting or otherwise disposing of any of 45

the wood or timber of the Crown not specifically sold to or allotted to such person, or from issuing licenses or permits to other persons to cut and take any wood or timber not specifically sold or allotted as aforesaid, or from selling, leasing, granting or otherwise disposing of any of the lands of the Crown, whether such lands are included in such allotments or agreements or licenses issued in pursuance of them or not; and other agreements may be made with any other persons to cut and take wood or timber from the lands of the Crown for making pulp or for similar or other purposes, without rendering Her Majesty or the said Commissioner of Crown Lands liable in damages in case of the exhaustion of the supply of such wood or timber, or of the inability of any such person to obtain a sufficient supply thereof during the whole period for which the agreement is to run, or during which the supply of wood or timber is contemplated by any such agreement, unless in respect of any quantity specifically sold to or actually allotted, or the wood and timber upon specified lands actually allotted, or agreed to be allotted to or for such person and no claim or demand against Her Majesty or said Commissioner shall be made or maintained through or by reason of such sale or other disposition as aforesaid. No such agreement as aforesaid shall extend or run beyond the period of twenty-one years from its date.

25 5. The Lieutenant-Governor may by special commission appoint any duly appointed Crown timber agent or wood or fire ranger, a justice of the peace for a temporary or limited period, for the purpose of taking cognizance of offences under the Act for the preservation of the forests from destruction by fire; and such person so appointed by commission shall, during the time named therein, have all the powers, rights and privileges for the purpose of enforcing the said Act, or of inflicting fines, penalties or imprisonment thereunder and otherwise of a justice of the peace, and such person so appointed as aforesaid may, by writing, under his hand, appoint any person a constable for a temporary or limited period, for the purpose of said Act, and he shall have all the powers, rights and privileges for the purposes aforesaid of a constable under the Act respecting constables.

Temporary
appointment
of justices of
the peace for
the enforce-
ment of Act.

BILL.

An Act relating to Crown Timber.

First Reading, 13th March, 1896.

Mr. HARDY.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Law of Landlord and Tenant.

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

1. This Act may be cited as *The Landlord and Tenant Act, 1896*. Short title.

2. Section 4 of *The Landlord and Tenant Act, 1895*, is repealed, and the following substituted therefor: The relation of landlord and tenant is not hereafter to depend on tenure, and a reversion or remainder in the lessor shall not be necessary in order to create the relation of landlord and tenant; or to make applicable the incidents by law belonging to that relation; and it is hereby declared that the said section was intended to express this meaning and no other. (*Harpelle v. Carroll*, per Ch. J. Meredith, 1896.) 58 V. c. 26, s. 4, repealed. Reversion or remainder not necessary to create relation of landlord and tenant.

3. Section 2 of the *Act respecting Overholding Tenants* is amended by striking out that part thereof which follows after the word "is" in the twelfth line, and by inserting the following instead thereof: "And such judge shall appoint a time and place at which he will enquire and determine whether the person complained of was tenant to the complainant for a term or period which has expired or has been determined by a notice to quit or for default in payment of rent or otherwise, and whether the tenant holds the possession against the right of the landlord, and whether the tenant does wrongfully refuse to go out of possession, having no right to continue in possession, or how otherwise." Rev. Stat. c. 144, s. 2 amended. Judge to appoint time and place for determining matter.

(2) Section 3 of the said Act is repealed. Rev. Stat. c. 144, s. 3 repealed.

(3) Section 4 of the said Act is amended by adding, after the word "inquiry" in the second line thereof, the following words: "and stating briefly the principal facts alleged by the landlord to entitle him to possession." Rev. Stat. c. 144, s. 4 amended.

No. 141.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting the Law of Landlord
and Tenant.

First Reading, 13th March, 1896.

The ATTORNEY-GENERAL.

TORONTO :

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

An Act respecting the Law of Landlord and Tenant.

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

1. This Act may be cited as *The Landlord and Tenant Act, 1896.* Short title.

2. Sub-section 5, of section 30, of the revised Act respecting the Law of Landlord and Tenant is hereby amended in the second paragraph and tenth line thereof by inserting between the word "premises" and the word "after" the following words: "than three days." R. S. O., 1887, chap. 144.

3. Section 4 of *The Landlord and Tenant Act, 1895*, is repealed, and the following substituted therefor: The relation of landlord and tenant is not hereafter to depend on tenure, and a reversion or remainder in the lessor shall not be necessary in order to create the relation of landlord and tenant; or to make applicable the incidents by law belonging to that relation, nor shall any agreement between the parties be necessary to give to a landlord the right of distress; and it is hereby declared that the said section was intended to express the same meaning as this section, and no other. (*Harpelle v. Carroll*, per Ch. J. Meredith, 1896.) 58 V. c. 26, s. 4, repealed.

4. Section 2 of the *Act respecting Overholding Tenants* is amended by striking out that part thereof which follows after the word "is" in the twelfth line, and by inserting the following instead thereof: "And such judge shall appoint a time and place at which he will enquire and determine whether the person complained of was tenant to the complainant for a term or period which has expired or has been determined by a notice to quit or for default in payment of rent or otherwise, and whether" Rev. Stat. c. 144, s. 2 amended.

Judge to appoint time and place for determining matter.

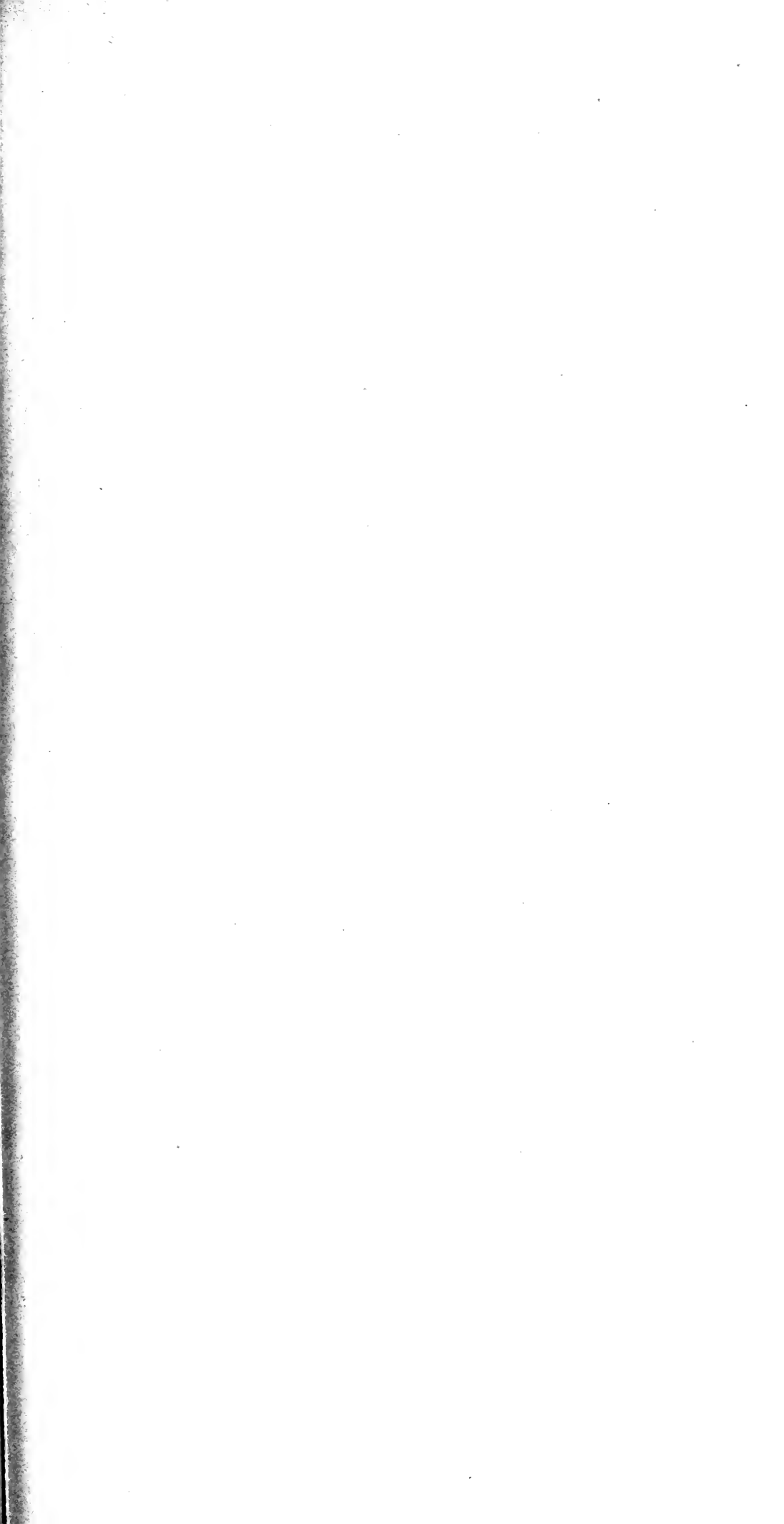
the tenant holds the possession against the right of the landlord, and whether the tenant does wrongfully refuse to go out of possession, having no right to continue in possession, or how otherwise."

Rev. Stat. c.
144, s. 3
repealed.

(2) Section 3 of the said Act is repealed.

Rev. Stat. c.
144, s. 4
amended.

(3) Section 4 of the said Act is amended by adding, after the word "inquiry" in the second line thereof, the following words: "and stating briefly the principal facts alleged by the landlord to entitle him to possession."



BILL.

An Act respecting the Law of Landlord
and Tenant.

First Reading, 13th March, 1896.
Second Reading, 28th March, 1896.

*(Reprinted as amended in Committee of
the Whole House.)*

The ATTORNEY-GENERAL.

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

An Act respecting Houses of Refuge.

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

1. Section 5 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 78, being *An Act respecting the Establishment of Houses of Refuge*, is amended by adding thereto the following: "Provided that in the event of such sum being less than \$4,000 or any further acquisition of land or the erection of further buildings by such municipality in extending or improving such house of refuge, such further sum (within the restrictions aforesaid) as the Lieutenant-Governor in Council may by order in council direct, not exceeding when added to the amount already paid, the aggregate sum of \$4,000, may be paid to the treasurer of such municipality."
- 53 V., c. 78,
s. 5, amended.
- Proviso.
- When grant of less than \$4,000 may be supplemented.

2nd Session, 8th Legislature, 59 Vict, 1896.

BILL.

An Act respecting Houses of Refuge.

First Reading, 16th March, 1896.

Mr. GIBSON,
(Hamilton.)

TORONTO:

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

An Act respecting Travelling Shows, Circuses and
other Exhibitions.

WHEREAS it has been found necessary, in the interests of Preamble.
the due administration of justice, and for the protection
of the public attending places where travelling shows and ex-
hibitions of various kinds are held, owing to the numerous
5 class of professional criminals who resort thither, that detect-
ive officers should be detailed by the Crown to visit such
places, and great expense is thereby incurred ; and whereas it
is reasonable and proper that the expense, or a portion thereof,
should be borne by the persons who profit directly by such
10 travelling shows ;

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

1. No travelling menagerie, circus, wild west show, or
15 other travelling show of a similar nature, shall be exhibited
at any place in this Province unless the owner, proprietor,
manager, agent, or person in charge of the show, shall first
obtain a license for that purpose from the Provincial
Treasurer. Circuses not
to be exhibit-
ed without a
license.

2. Every applicant for a license under the preceding section
shall make and file in the office of the Provincial Treasurer a
statutory declaration setting forth the number of days upon
which the show is to be exhibited in this province, and the
localities in which the performances or exhibitions are to be
25 held, and shall for such license pay to the Provincial Treasurer
for the use of the Province, the sum of \$50 for every day upon
which the show is licensed to be so exhibited, in addition to
any fee payable under municipal by-laws. License fee.

3. Upon receiving such statutory declaration, and upon
30 payment of the said license fee, the provincial treasurer may, Power to issue
and revoke
license.

in his discretion, issue a license to the applicant, and after the issue of any such license the Provincial Treasurer may at any time revoke the same upon being satisfied that the exhibitions given are made the occasion for violations of the law on the part of the licensee, or on the part of persons connected with or taking part in such exhibitions; provided, that in case of any revocation of a license, the amount paid for the same shall be returned to the licensee by the Provincial Treasurer, less the sum of \$50 per day for every day during which exhibitions have been previously given under such license. 5 10

Inspectors of criminal investigation to be present at exhibitions.

4. It shall be the duty of any inspector of criminal investigation who may be detailed for that purpose, to be present at every place at which the show is to be so exhibited, and it shall further be his duty to institute prosecutions in case of any violation of the law attending such exhibitions, and in every way to protect the public attending the same from fraud and imposture, and he shall report thereon from time to time as the Attorney-General may direct. 15 30

Penalty for unlicensed exhibitions.

5. Any person being the owner, proprietor, manager, or any other person in charge of any such show, who shall exhibit the same or any part thereof, without having first obtained a license so to do as required by this Act, shall be guilty of an offence against this Act, and shall, on conviction thereof, forfeit and pay a penalty of not less than \$100, besides costs, and not more than \$200, besides costs, for every day upon which such show or any part thereof shall have been exhibited at any place in this Province, and in default of payment thereof, he shall be imprisoned in the county gaol of the county in which the offence is committed, for a period of not exceeding thirty days. 20 25 30

Provincial and Dominion detectives and constables to have full access to all shows.

6. The inspectors of criminal investigation of the Dominion of Canada and of the Province of Ontario and every Dominion and Provincial constable shall have access free of charge to every menagerie, circus, or other like show usually exhibited by showmen; and to every horse race, agricultural, horticultural or industrial exhibition, and to the grounds, tents and buildings in which such shows, races or exhibitions are held, and every part thereof during the hours in which the public are admitted to such grounds and buildings, and any person obstructing, hindering or neglecting to give free access to any such inspector or constable in the exercise of the rights conferred by this section, after such inspector or constable has demanded admission and displayed his badge of office, shall be liable, on summary conviction thereof, to a fine not exceeding \$50 and not less than \$20, and to imprisonment for any term not exceeding six months. 35 40 45

7. All prosecutions under this Act may be brought and ^{Prosecutions.} heard before any two of Her Majesty's justices of the peace in and for the county where the offence was committed, and in cities and towns where there is a police magistrate, before
5 such police magistrate, and, save where otherwise provided by this Act, proceedings shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to the General Sessions*. All penalties recovered under this Act, and all fees paid for licenses under the pro-
10 visions of this Act, shall be paid over to the Treasurer of the Province of Ontario, and shall form a fund for defraying the expenses incurred in carrying out the provisions of this Act.

BILL.

An Act respecting Travelling Shows, Circuses and other Exhibitions.

First Reading 16th March, 1896.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act respecting Travelling Shows, Circuses and other Exhibitions.

WHEREAS it has been found necessary, in the interests of Preamble. the due administration of justice, and for the protection of the public attending places where travelling shows and exhibitions of various kinds are held, owing to the numerous class of professional criminals who resort thither, that detective officers should be detailed by the Crown to visit such places, and great expense is thereby incurred ; and whereas it is reasonable and proper that the expense, or a portion thereof, should be borne by the persons who profit directly by such travelling shows ;

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

1. No travelling menagerie, circus, wild west show, or other travelling show of a similar nature, except where the same shall be shown as part of any industrial exhibition, shall be exhibited at any place in this Province unless the owner, proprietor, manager, agent, or person in charge of the show, shall first obtain a license for that purpose from the Provincial Treasurer. Circuses not to be exhibited without a license.

2. In the case of a small show the Lieutenant-Governor may at his discretion authorize the issue of a license for a smaller license fee, or may exempt the same from more than a nominal fee. Small shows.

3. Every applicant for a license under section 1 of this Act shall make and file in the office of the Provincial Treasurer a statutory declaration setting forth the number of days upon which the show is to be exhibited in this province, and the localities in which the performances or exhibitions are to be License fee.

held, and shall for such license pay to the Provincial Treasurer for the use of the Province, the sum of \$50 for every day upon which the show is licensed to be so exhibited, in addition to any fee payable under municipal by-laws.

Power to issue and revoke license.

4. Upon receiving such statutory declaration, and upon payment of the said license fee, the provincial treasurer may, in his discretion, issue a license to the applicant, and after the issue of any such license the Provincial Treasurer may at any time revoke the same upon being satisfied that the shows given are made the occasion for violations of the law on the part of the licensee, or on the part of persons connected with or taking part in such shows; provided, that in case of any revocation of a license, the amount paid for the same shall be returned to the licensee by the Provincial Treasurer, less the sum of \$50 per day for every day during which exhibitions have been previously given under such license.

Penalty for unlicensed exhibitions.

5. Any person being the owner, proprietor, manager, or any other person in charge of any such show, as described in the first section, who shall exhibit the same or any part thereof, without having first obtained a license so to do as required by this Act, shall be guilty of an offence against this Act, and shall, on conviction thereof, forfeit and pay a penalty of not less than \$100, besides costs, and not more than \$200, besides costs, for every day upon which such show or any part thereof shall have been exhibited at any place in this Province, and in default of payment thereof, he shall be imprisoned in the county gaol of the county in which the offence is committed, for a period of not exceeding thirty days.

Inspectors of criminal investigation to be present at exhibitions.

6. It shall be the duty of any inspector of criminal investigation who may be detailed for that purpose, to be present at every place at which any show, horse race, or exhibition to which any of the provisions of this Act apply is to be so exhibited, and it shall further be his duty to institute prosecutions in case of any violation of the law at such exhibitions, and in every way to protect the public attending the same from fraud and imposture, and he shall report thereon from time to time as the Attorney-General may direct.

Provincial and Dominion detectives and constables to have full access to all shows.

7—(1) The inspectors of criminal investigation of the Dominion of Canada and of the Province of Ontario and every Dominion and Provincial constable receiving a salary from the Government shall have access free of charge to every menagerie, circus, or other like show usually exhibited by showmen; and to every horse race, agricultural, horticultural or industrial exhibition, and to the grounds, tents and buildings in which such shows, races or exhibitions are held, and every part thereof during the hours in which the public are admitted to such grounds and buildings, and any person obstructing, hindering or neglecting to give free access to any

such inspector or constable in the exercise of the rights conferred by this section, after such inspector or constable has demanded admission and displayed his badge of office, shall be liable, on summary conviction thereof, to a fine not exceeding \$50 and not less than \$20, and to imprisonment for any term not exceeding six months.

(2) Upon application made by the Department of Justice for the Dominion of Canada or of the Attorney-General of Ontario, free passes, admitting to the said shows, races and exhibitions, and every part thereof, shall be furnished by the manager or secretary for the use of constables other than those of the classes above mentioned.

(3) This section shall apply to the shows, races and exhibitions which require a license, as well as to those which do not require a license.

8. All prosecutions under this Act may be brought and heard before any two of Her Majesty's justices of the peace in and for the county where the offence was committed, and in cities and towns where there is a police magistrate, before such police magistrate, and, save where otherwise provided by this Act, proceedings shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to the General Sessions*. All penalties recovered under this Act, and all fees paid for licenses under the provisions of this Act, shall be paid over to the Treasurer of the Province of Ontario, and shall form a fund for defraying the expenses incurred in carrying out the provisions of this Act.

Prosecutions.

Rev. Stat.
c. 74.

No. 143.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting Travelling Shows, Circuses and other Exhibitions.

First Reading, 16th March, 1896.

Second Reading, 23rd March, 1896.

(Reprinted as amended in Committee of the Whole House.)

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act to amend The Judicature Act, 1895, and the Law relating to the Superior Courts.

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

1. This Act may be cited as *The Law Courts Act, 1896.* Short title.

5 2. The Acts and parts of Acts mentioned in the schedule to this Act are hereby amended in the manner mentioned in the last column of said schedule. Acts amended.

10 3. The clause numbered 1 in section 53 of *The Judicature Act, 1895*, and the clause numbered 1 in section 53 of chapter 44 of the *Revised Statutes of Ontario, 1887*, are hereby repealed, and such repeal shall be deemed to have taken effect from the passing of *The Trustee Act, 1891*. Rev. Stat., c. 44, s. 53, sub s. 1; 58 V., c. 12, s 53, sub-s. 1 repealed. 54 V., c. 19.

15 4.—(1) The High Court may remove an executor or administrator upon the same grounds as such Court may remove any other trustee, and may appoint some other proper person or persons to act in the place of the executor or administrator so removed. Powers of High Court as to removal of executor or administrator.

20 (2) The order may be made upon the application of any executor or administrator desiring to be relieved from the duties of the office, or of any executor or administrator complaining of the conduct of a co-executor or co-administrator, or of any person interested in the estate of the deceased.

25 (3) Subject to any rules to be made under *The Judicature Act, 1895*, the practice in force for the removal of any other trustee shall be applicable to proceedings to be taken in the High Court under this Act. 58 V., c. 12.

Certain actions against municipalities to be tried without a jury. 5. All actions against municipal corporations for damages in respect of injuries sustained through non-repair of streets, roads or sidewalks, shall hereafter be tried by a judge without a jury. (*Vide* R.S.O., c. 44, ss. 76, *et seq.*)

Security for costs in actions to which Rev. Stat., c. 73, applies. 6. Every officer or person against whom an action or other legal proceeding is brought or shall hereafter be brought, in respect of any cause of action to which the provisions of the *Act to protect Justices of the Peace and others from Vexatious Actions* are applicable, shall have the same right to security for costs as a police magistrate has; and the proceedings shall be the same, as nearly as may be, as where security is applied for by a police magistrate or other justice of the peace under *The Act to provide for Security for Costs in certain Actions against Justices of the Peace*. This section shall apply to any action or legal proceeding now pending or hereafter brought. (*Vide* R.S.O., c. 73; 53 Vict., c. 23.)

Revenue from sale of law stamps. 7. The fees payable to the Crown in stamps or otherwise in respect of proceedings in any of the Courts of this Province, are hereby set apart towards paying the expenses of the due administration of justice in the said courts, and shall not be applicable to any other purpose whatever. (*Vide* Attorney-General of Quebec *v.* Reed, 10 App. 141; 3 Cartw. 190.)

Seal of High Court. 8. The seal heretofore, from time to time, in use in and for the High Court, shall be deemed to have been the proper seal of the High Court, and shall so continue until another seal is authorized by the Lieutenant-Governor in Council; and any seal so authorized by the Lieutenant-Governor in Council may be afterwards changed by the Lieutenant-Governor in Council; and so from time to time the seal authorized by the Lieutenant-Governor in Council for the time being shall be the seal of the High Court. (*Vide*, 44 Vict. c. 5, sub-s. 8, 126 R.S.O., p. 737.)

Constitution of Divisional Court under 58 V., c. 13. 9. Notwithstanding anything in the 15th section of *The Law Courts Act, 1895*, if from illness or other unavoidable cause a third judge cannot be obtained, a Divisional Court of the High Court may be composed of two members, provided that in case of divided opinion upon any matter argued the same shall at the election of either party be re-argued before a court of three members.

Appeals from County Courts, 58 V., c. 13, s. 44. 10. Notwithstanding section 44 of *The Law Courts Act, 1895*, an appeal shall lie from any order of a County Court made after the 1st January, 1896, on any application made before said date under clause 2 of section 41 of *The County Courts Act*, but such appeal shall be to a Divisional Court of the High Court, instead of as provided in section 41; provided that an appeal in any such case shall be commenced not later

than three weeks from the date of the passing of this Act, and shall be prosecuted in the same manner as other appeals in County Court cases to a Divisional Court.

11. The Revised and Consolidated Rules of Practice which may be prepared by the commissioners who have been appointed for that purpose under the 42nd section of *The Law Courts Act, 1895*, commission bearing date the twenty-third day of May, 1895, and which may be approved under the said section by the judges of the Supreme Court, or by the Lieutenant-Governor in Council, shall be, and are hereby declared to be, as valid as if contained in an Act of Parliament; and nothing in the said rules shall be open to any question as to the jurisdiction to adopt, approve and authorize the same under the said section or otherwise, but the same shall be subject to be varied or repealed from time to time by the same authority and in the same manner as other Rules of Court. (58 Vict., c. 13, s. 42; 58 Vict., c. 12, s. 132, *et seq.*)

Consolidated Rules of Practice prepared under 58 V., c. 13, confirmed.

SCHEDULE.

(See Section 2).

Act amended.	Section.	Manner in which amended.
(1) "The Judicature Act, 1895."	2, sub-clause 13	By striking out clause (b) and substituting the following : (b) Where any new duty is, under the rules aforesaid, to be discharged, the proper officer to discharge the same shall be such officer as may from time to time be directed to discharge the same by the President of the High Court.
(2) Same Act	14	By striking out the word "for," in the sixth line thereof, and substituting the word "from."
(3) Same Act . . . .	.....	By inserting after section 16 the following sections : 16a. No Judge against whose judgment an appeal is brought, or who took part in the trial of the cause or matter, or in the hearing in the Court below, shall sit or take part in the hearing of or adjudication upon the proceedings in the Court of Appeal. R. S. O., 1887, c. 44, s. 13.

SCHEDULE.—*Continued.*

Act amended.	Section.	Manner in which amended.
		<p>16b. Where a Judge has heard a case in the Court of Appeal and is not present at the time of the judgment of the Court being delivered, his written judgment may be read by one of the other judges of the Court, and shall have the same effect as if he were present; and in such case if the judgment delivered is on an appeal from a Divisional Court of the High Court it shall be sufficient if three Judges are present, and if the judgment is on an appeal from a single Judge, it shall be sufficient if two Judges are present; and it shall not be necessary that the Judges shall be unanimous. R. S. O., 1887, c. 44, s. 14.</p> <p>16c. In case, after a cause or matter in the Court of Appeal has been heard and stands for judgment, one of the Judges by whom the appeal was heard is transferred to the Supreme Court of Canada or resigns his office, or is absent from illness or other cause or dies, the remaining Judges, if unanimous in their decision, may give judgment as if such Judge were still a Judge of the Court of Appeal, and were present and taking part in the said judgment. R. S. O., 1887, c. 44, s. 15.</p>
(4) Same Act....	63	By striking out the words “(except for the purposes of the Criminal Code, 1892)” in the third and fourth lines.
(5) Same Act....	72	By inserting after the word “Court,” in the third line, the words “or a judge thereof,” and by inserting after the word “Court,” in the fifth line, the words “or chambers.”
(6) Same Act....	73	By inserting after the word “Court,” in the second line of clause (2) the words “from a judgment or order of the High Court.” By inserting after the word “Court,” where it lastly occurs in the third line of clause (3) the words “from a judgment or order of the High Court or a Judge thereof.”
(7) Same Act....	76	By striking out the words “under any General Orders of the Court of Chancery still remaining in force,” in the second and third lines thereof.
8) Same Act....	80	By striking out the words “Supreme Court of Judicature,” in sub-section (2), and substituting the words “High Court of Justice,”

SCHEDULE.—*Continued.*

Act amended.	Section.	Manner in which amended.
(9) Same Act . . .	81	By striking out the words " Supreme Court of Judicature in sub-section (2), and substituting therefor the words " High Court of Justice."
(10) Same Act ..	81	By inserting the word "not" after the word "is" in the third line of sub-section (3).
(11) Same Act ..	81	By striking out the words " Supreme Court " in sub-section (5) and substituting the words " High Court."
(12) Same Act ..	82	By striking out the words "Supreme Court " and substituting therefor the words " High Court."
(13) Same Act ..	97	By striking out the words " Registrar of the Chancery Division " and substituting therefor the words " Senior Registrar."
(14) Same Act ..	99	By striking out all the words after the word "Act" and substituting therefor the following, viz. :—"perform the like duties as are performed in similar matters in the office of the Registrars and by the Clerk of the Weekly Court or Clerk in Chambers at Osgoode Hall."
(15) Same Act ..	107	By striking out all the words after the word "trial" in the sixth line.
(16) Same Act ..	115	By inserting at the beginning of the section the words " Subject to any special statutory provisions in force at the time when this Act comes into force," and the said section shall be read and construed as if the same had originally read as so amended.
(18) Same Act ..	131	By inserting after the word "case" in the fourth line thereof the words " in the High Court of Justice."
(17) Same Act ..	127	By striking out the word "unless" in the eighth line and substituting the words "in case;" and by inserting the word "not" after the word "was" in the tenth and eleventh lines.
(19) Same Act ..	141	By striking out the words "one Registrar for each of the Divisions of the High Court and" in the second and third lines and substituting therefor the words "one Clerk of the Crown and Pleas, two Registrars of the High Court;" and by striking out the words "to be attached to the Chancery Division" in the fourth and fifth lines; and by inserting the words "Order in Council or" before the word "Rules" in the ninth line; and by striking out all the words after the word "provided" in the tenth line.

SCHEDULE.—Continued.

Act amended.	Section.	Manner in which amended.
(20) Same Act . . .	146	By striking out the words "the Registrars of the Queen's Bench and Common Pleas Divisions" and substituting therefor the words "the Clerk of the Crown and Pleas, the Registrars and Local Registrars of the High Court."
(21) Same Act . . .	147	By striking out the words "Registrar or Deputy Clerk" in the first line and substituting therefor the word "officers."
(22) Same Act . . .	148	By striking out the words "each Registrar" in the second line and substituting therefor the words "Clerk of the Process, Clerk of the Crown and Pleas and Registrars"; and by inserting at the beginning of the fifth line the words "Local Registrar or"; and by inserting before the words "Deputy Clerk" in the seventh line, the words "Local Registrar or."
(23) Same Act . . .	152	By striking out the words "the Registrars of the several Divisions" and substituting therefor the words "the Clerk of the Crown and Pleas the Registrars"; and by striking out the words "Presidents of the said Divisions so certify" in sub-section (2) and substituting therefor the words "President of the High Court so certifies."
(24) Same Act . . .	156	By inserting after the word "Crown" in the second line the word "Deputy."
(30) Same Act . . .	159	By striking out the words "a Divisional Court or Judge" in sub-section (2) and substituting therefor the words "the President of the High Court."
(31) Same Act . . .	180	By inserting after the word "Ordinary" in the second line the words "the Clerk of the Crown and Pleas, the Master in Chambers."
(33) Same Act . . .	189	By striking out the words "the Registrars and Deputy Registrars" in the ninth line and substituting therefor the words "the Clerk of the Crown and Pleas, Registrars, Deputy Clerks of the Crown, Deputy and Local Registrars."
(32) Same Act . . .	182	By striking out the words "by the Clerk of the Process" and substituting therefor the words "out of the Central Office at Toronto."
(34) Same Act . . .	191	By striking out all the words after the word "elections" in the third line.

SCHEDULE.—*Concluded.*

Act amended.	Section.	Manner in which amended.
(35) The Definition of Time Act, 1895 (58 V c. 2).	1	By inserting before the word "by-law" in the third line the words "Rule of Court."
(37) The Jurors Act (R. S. O. c. 52.)	69	By striking out the words "the Registrar of the Common Pleas Division of the High Court" and substituting therefor the following: "the proper officer in the Central Office at Osgoode Hall, Toronto."
(36) The Dower Procedure Act (R. S. O. 1887, 56c..)	5	By striking out the words "a writ under this Act" and substituting therefor the words "a writ of summons in an action for the recovery of dower."
The Creditors' Relief Act, (R. S. O. 1887, s. 65.)	35	By striking out the words "the Court of Appeal" and substituting therefor the words "a Divisional Court on an appeal."
Same Act	38	By striking out all the words after the word "therefrom" in the fifth line and substituting the following:—"to a Divisional Court of the High Court, subject to the like practice, as near as may be, from time to time in force in respect of appeals from a County Court or Judge, unless and until Rules establishing a different practice shall be made under the provisions of sections 132 or 134 of <i>The Judicature Act, 1895</i> , which shall apply to this Act."
Same Act.	39	By striking out section 39.
The Quieting Titles Act, (R. S. O. 1887, c. 113.)	42	By striking out the section and substituting the following:— 42. An appeal shall lie from any order or decision of a Judge under this Act to a Divisional Court or to the Court of Appeal and from the order or decision of the Divisional Court to the Court of Appeal in the same manner and subject to the same restrictions as in the case of appeals from a judgment or order of the High Court in an action.

BILL.

An Act to amend The Judicature Act, 1895,
and the Law relating to the Superior
Courts.

First Reading, 16th March, 1896.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY L. K. GARIBON,
Printer to the Queen's Most Excellent Majesty.

An Act respecting Surrogate Courts.

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

- 1.—(1) The surrogate court by which the grant of probate or letters of administration was made shall where the entire estate left by the testator or intestate does not exceed \$1,000 have the like authority for the removal of an executor or administrator as is by any Act of this session conferred upon the High Court, and nothing in this Act contained shall affect the jurisdiction of a Surrogate Court to revoke a grant of probate or of letters of administration in any case where it now possesses such authority. Power to remove executors or administrators in certain cases.
- (2) Where the executor or administrator removed is not a sole executor or administrator the court need not, unless it sees fit, appoint any person to act in the room of the person, removed, and if no such appointment is made the rights and estate of the executor or administrator removed shall pass to the remaining executor or administrator as if the person so removed had died.
2. Subject to rules to be made under *The Surrogate Courts Act* the practice in the Surrogate Courts under this Act shall be the same as nearly as may be as the practice in force in respect of proceedings for the revocation of grants of probate. Practice. Rev. Stat. c. 50.
3. The executor of any person appointed an executor under this Act shall not by virtue of such executorship be an executor of the estate of which his testator was appointed executor under this Act, whether such person acted alone or was the last survivor of several executors. Executor of an executor.
4. A certified copy of the order of removal shall be filed with the surrogate clerk and another copy with the registrar of the Surrogate Court by which probate or administration was granted, and such officers shall at or upon the entry of the Order for removal.

grant in the registers in their respective offices make in red ink a short note giving the date and effect of the order and shall also make a reference thereto in the index of the register at the place where such grant is indexed.

Approval of accounts by surrogate judge to be binding in high court.

5. Where an executor or administrator has filed in the proper Surrogate Court an account of his dealings with the estate of which he his executor or administrator, and the judge has approved thereof, in whole or in part, if the executor or administrator is subsequently required to pass his accounts in the High Court, such approval except so far as mistake or fraud is shown shall be binding upon any person who was notified of the proceedings taken before the surrogate judge, or who was present or represented thereat, and upon every one claiming under any such person. 5 10

Rev. Stat. c. 50, s. 6 repealed.

6. Section 6 of *The Surrogate Courts Act* is hereby repealed, but the said repeal shall not affect any judge heretofore appointed. 15

Rev. Stat. c. 50, Schedule B.

7. Schedule B to the said Act is hereby amended by striking out the words and figures following: "On evidence if taken before judge (per folio) 20" being the last item of the said schedule. 20



BILL.

An Act respecting Surrogate Courts.

First Reading, 16th March, 1896.

The ATTORNEY-GENERAL.

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

No. 146.]

BILL.

[1896.

An Act respecting Fraud by Debt Collectors.

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

1. Every person, whether principal or agent, who prints or
5 publishes any notice or form which is an imitation, or a col-
ourable imitation of any of the forms appended to *The Divis-*
ion Courts Act, or which is calculated to deceive the public by
inducing the belief that such notice or form is a notice or
form from the said court, or is part of the process of a di-
10 vision court, or who issues or makes use of any such notice or
form in connection with any collection agency or otherwise,
shall be liable to a fine not exceeding \$20, for every day on
which any such offence is committed, the said fine to be re-
covered before a justice of the peace of the city or county with
15 costs.

Penalty to is-
suing imita-
tions of di-
vision court
notices.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting Fraud by Debt Collectors.

First Reading, 16th March, 1896.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 147.]

BILL.

[1896.

An Act to correct a Clerical Error in The Debentures
Registration Act.

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

1. Section 4 of *The Debentures Registration Act* is amend-
ed by inserting therein immediately after the word "holders"
in the third line thereof, the words "of such debentures."
Rev. Stat. c.
186, s. 4,
amended.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to correct a Clerical Error in The
Debentures Registration Act.

First Reading, 16th March, 1896.

THE ATTORNEY-GENERAL.

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

An Act respecting Bills of Sale and Chattel Mortgages in Unorganized Districts.

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

1. The following sections are substituted for sections 25, 26 57 V., c. 37,
5 and 27 of *The Bills of Sale and Chattel Mortgage Act, 1894.* ss. 25, 26, 27,
repealed.

25. When the goods and chattels mortgaged or sold are Registration
situate within the Districts of Algoma, Thunder Bay or Nipissing, in Algoma,
the instruments mentioned in the eleventh section of this Thunder Bay,
Act shall be filed within ten days from the execution thereof Nipissing.

10 in the office of the District Court Clerk in the District in which
the goods are situate.

26. When the goods or chattels mortgaged or sold are situate Registration
within the Districts of Parry Sound, Muskoka or Rainy River, in Parry
the instruments mentioned in said section 11 shall be filed Sound, Mus-
15 within ten days from the execution thereof in the office of the koka and
Clerk of the First Division Court of the District in which the Rainy River.

the goods are situate.

27. When the goods and chattels mortgaged or sold are Registration
situate within the Provisional County of Haliburton, the in- in Haliburton.

20 struments mentioned in said section 11 shall be filed within
seven days from the execution thereof in the office of the Clerk
of the First Division Court of the said Provisional County.

2. Sections 25, 26 and 27 of the said Act are repealed.

57 V., c. 37,
ss. 25, 26, 27,
repealed.

2nd Session, 8th Legislature, 59 Vict., 1896

BILL.

An Act respecting Bills of Sale and Chattel
Mortgages in Unorganized Districts.

First Reading, 16th March, 1896.

The ATTORNEY-GENERAL.

TORONTO.

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

No. 149.]

BILL.

[1896.

An Act to amend The Registry Act.

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

1. Sub-section 6 of section 96 of *The Registry Act, 1893*, is ^{56, V. c. 21 s.} amended by striking out the words “less than 66 feet wide” ^{96, subs. 6,} in the fourth line thereof, and also by striking out the words ^{amended.} “where such assent is by law necessary” in the 5th and 6th lines thereof.

No. 149.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Registry Act.

First Reading, 16th March, 1896.

Mr. MARTER.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Municipal Act.

HER 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 *The Public* Mayor and
 5 *Schools Act*, *The High Schools Act* or *The Public Libraries Act*,
1895, the mayor of any city of over 100,000 inhabitants, and
 the chairman of the executive or finance committee of the
 council thereof, shall be entitled to sit with the public school
 board, the high school board and the public library board of
 10 management of such city, as members thereof, when and so
 often as each of the said boards is considering and framing
 the estimates or sums necessary to be raised by way of tax-
 ation and paid for public school, high school, or public library
 purposes, respectively, for each year.
2. In cities of over 100,000 inhabitants the council thereof
 may provide and maintain lavatories, urinals and water closets
 and like conveniences in situations where they deem such ac-
 15 commodation to be required, either upon the public streets or
 elsewhere, and may supply the same with water, and defray
 20 the expense thereof and of keeping the same in repair and
 good order.
3. Section 481 of *The Consolidated Municipal Act, 1892*, is
 amended by adding thereto the following sub-section:—
- (1) The council of any municipality may offer and pay a
 25 reward or rewards for the discovery, apprehension or convic-
 tion of any person or persons guilty of personation, as defined
 in the said Act, or of any person or persons suspected to be
 guilty of such offence.

Chairman of
 finance com-
 mittee in cities
 of over 100,000
 may sit with
 school boards.

Maintaining
 public conven-
 iences in cities
 of over 100,000

55 V. c. 42 s.
 481, amended.

Rewards for
 detection of
 personators.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 16th March, 1896.

Mr. MARTER.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to make further Provision for the Payment of
Succession Duties in Certain Cases.

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

1. Section 4 of *The Succession Duty Act, 1892*, as amended by 55 V. c. 6, s. 4,
5 chapter 7 of the Act passed in the 58th year of Her Majesty's and 58 V. c 7,
reign is repealed and the following substituted therefor : s., repealed.

4.—(1) Save as aforesaid, the following property shall be subject to a succession duty as hereinafter provided, to be paid for the use of the province over and above the fees provided
10 by *The Surrogate Courts Act*. Property li-
able to succes-
sion duty.

(a) All property situate within this province, and any interest therein or income therefrom, whether the deceased person own-
ing or entitled thereto was domiciled in Ontario at the time of his
15 death or was domiciled elsewhere, passing either by will or
intestacy. Property sit-
uate in prov-
ince.

(b) All property situate as aforesaid or any interest therein or income therefrom, which shall be voluntarily transferred by
deed, grant, bargain, sale or gift made in contemplation of the
20 death of the grantor, bargainer, vendor or donor, or made or
intended to take effect, in possession or enjoyment after such
death, to any person in trust or otherwise, or by reason where-
of any person shall become beneficially entitled in possession
or expectancy to any property, or the income thereof. Property
transferred in
contemplation
of death.

(c) Any property taken as a *donatio mortis causa* made by
25 any person dying after the commencement of this Act, or
taken under a disposition made by any person so dying, pur-
porting to operate as an immediate gift *inter vivos*, whether
by way of transfer, delivery, declaration of trust, or otherwise
which shall not have been *bona fide* made twelve months be-
30 fore the death of the deceased, including property taken under
any gift, whenever made of which property *bona fide* posses- Donationes
mortis causa.

sion and enjoyment shall not have been assumed by the donee immediately upon the gift and thenceforward retained to the entire exclusion of the donor, or of any benefit to him by contract or otherwise.

Property vested in trustees. (d) Any property which a person dying on or after such day, having been absolutely entitled thereto, has caused, or may cause to be transferred to, or vested in himself, and any other person jointly, whether by disposition or otherwise, so that the beneficial interest therein, or in some part thereof, passes or accrues by survivorship on his death to such other person, including also any purchase or investment effected by the person who was absolutely entitled to the property either by himself alone, or in concert, or by arrangement with any other person. 5 10

Property passing under past or future settlement. (e) Any property passing under any past or future settlement, including any trust, whether expressed in writing or otherwise, and if contained in a deed or other instrument effecting the settlement, whether such deed or other instrument was made for valuable consideration or not as between the settlor and any other person, made by any person dying on or after such day, by deed or other instrument not taking effect as a will, whereby an interest in such property or the proceeds of sale thereof for life, or any other period, determinable by reference to death, is reserved either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right by the exercise of any power to restore to himself, or to reclaim the absolute interest in such property or the proceeds of sale thereof, or to otherwise resettle the same or any part thereof. The charge under this section shall extend to money received under a policy of assurance affected by any person dying as aforesaid, on his life, where the policy is wholly kept up by him for the benefit of a donee, whether nominee or assignee, or a part of such money in proportion to the premiums paid by him, where the policy is partially kept up by him for such benefit. 15 20 25 30 35

Imperial Act 44 Vic. c. 12, s. 38, and 52 Vic. c. 7, s. 11.

Annuities, etc. (f) Any annuity or other interest purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased. 40

Imperial Act 57 and 58 Vic. c. 30, s. 2.

(g) The descriptions of properties in paragraphs (c), (d), (e) and (f), shall not be construed to restrict the generality of the descriptions contained in sub-sections (a) and (b), and subject to the provisions of sub-section 7 of this section, the expressions "all property" and "any property" in this section shall be restricted to property situate within this province. 45

Amount of
duty.

(2) Where the aggregate value of the property of the deceased exceeds \$100,000, and passes in manner aforesaid, either in whole or in part, to or for the benefit of the father, mother, husband, wife, child, grandchild, or other lineal descendant, daughter-in-law or son-in-law of the deceased, the same or so much thereof as so passes (as the case may be) shall be subject to a duty of \$2.50 for every \$100 of the value ; or,

(3) Where the aggregate value of the property exceeds \$200,000, the whole property which passes as aforesaid shall be subject to a duty of \$5 for every \$100 of the value ; and

(4) Where the value of the property of the deceased exceeds \$10,000 so much thereof as passes to or for the benefit of the grandfather or grandmother or any other lineal ancestor of the deceased, except the father and mother, or to any brother or sister of the deceased, or to any descendants of such brother or sister, or to a brother or sister of the father or mother of the deceased, or of any descendant of such last mentioned brother or sister, shall be subject to a duty of \$5 of every \$100 of the value.

(5) Where the value of the property of the deceased exceeds \$10,000 and any part thereof passes to or for the benefit of any person in any other degree of collateral consanguinity to the deceased than is above described, or to or for the benefit of any stranger in blood to the deceased save as hereinbefore provided for, the same shall be subject to a duty of ten per cent. on the value.

Proviso.

(6) Provided that where the whole value of any property devised, bequeathed or passing to any one person under a will or intestacy does not exceed \$200, the same shall be exempt from payment of the duty imposed by this section.

Proviso.
Property brought into province for administration.

(7) Provided that any portion of the estate of any deceased person, whether at the time of his death such person was domiciled in the Province of Ontario, or was domiciled elsewhere, which is brought into the province by the executors or administrators of the estate to be administered or distributed in this province, shall be liable to the duty hereinbefore imposed ; but if any succession or legacy duty or tax has been paid upon such property elsewhere than in Ontario, and such duty or tax is equal to or greater than the duty payable on property in this province, no duty shall be payable thereon in this province; and if the duty or tax so paid elsewhere is less than the duty payable on property in this province, then the property upon which such duty or tax has been paid elsewhere shall be subject to the payment of such portion only of the succession duty provided for in the preceding sub-sections of this section as will equal the difference between the duties payable under this Act with respect to property in the Province of Ontario and the duty or tax so paid elsewhere,

Personal liability of executors.

(8) In case an executor or administrator shall in order to escape payment of succession duty, imposed by this Act, distribute any part of the estate without bringing the same into this province, such executor or administrator shall be liable personally to pay to Her Majesty the amount of the duty which would have been payable had the assets so distributed been brought within this province. Provided that this subsection shall not apply to payments made to persons domiciled without the province out of assets situate without the province. 5

(9) Nothing herein contained shall render liable for duty any property *bona fide* transferred for a consideration that is of a value substantially equivalent to the property transferred. 10

55 V. c. 6, s. 5, amended.

2. Section 5 of *The Succession Duty Act, 1892*, is amended by adding thereto the following sub-section as sub-section (3).

When no executor or administrator can be made accountable for duty.

(5) Where property passes on the death of the deceased and no executor or administrator can be made accountable for succession duty in respect of such property, every person to whom any property so passes for any beneficial interest in possession, and also, to the extent of the property actually received or disposed of by him, every trustee, guardian, committee, or other person in whom any interest in the property so passing or the management thereof is at any time vested, and every person in whom the same is vested in possession by alienation or other derivative title shall be accountable for the succession duty on the property, and shall, within two months after the death of the deceased, or such later time as the treasurer of the province for the time being shall allow, deliver to the surrogate registrar of the county in which the said property is situate, and verify an account to the best of his knowledge and belief of the property. 15 20 25 30

Imperial Act 57 and 58 Vic. c. 2, s. 8.

55 V. c. 6, ss. 6, 7, repealed.

3. Sections 6 and 7 of the said Act are hereby repealed and the following sections substituted therefor respectively ;

When appraisalment by sheriff may be directed.

6. In case the treasurer of the province is not satisfied with the value so sworn to, or with the correctness of the said inventory, the surrogate registrar of the county in which any property subject to the payment of the said duty is situate shall, at the instance of the provincial treasurer, his solicitor or agent, direct in writing that the sheriff of the county shall make a valuation and appraise the said property, and also appraise any property alleged to have been improperly omitted from the said inventory. (*Amended.*) 35 40

Valuation of property by sheriff.

7. In such case the sheriff shall forthwith give due and sufficient written notice to the executors and administrators and to such other persons as the surrogate registrar may order direct of the time and place at which he will appraise such property, included in such inventory, or any property 45

- which in the opinion of the provincial treasurer, his solicitor or agent should be included therein, and shall appraise the same accordingly at its fair market value and make a report thereof in writing to the surrogate registrar, together with
- 5 such other facts in relation thereto, as the surrogate registrar may by order require, and such report shall be filed in the office of the surrogate registrar, and for the purposes of the said enquiry and appraisalment the said sheriff shall have all the powers which may be conferred upon commissioners under
- 10 "*The Act respecting Inquiries concerning Public Matters.*" Rev. Stat. c. 17.
The sheriff shall be entitled to receive the sum of \$5 per diem for services performed under this Act, and his actual and necessary travelling expenses, and the same shall be paid to him by the treasurer of the province. (*Amended.*)
- 15 4. Section 8 of the said Act is amended by inserting after the word "interest" in the eleventh line thereof, the words "in respect of which the duty is payable at the death of the deceased either by the terms of this Act or by arrangement made under sub-section 3 of section 11." 55 V. c. 6, s. 8, amended.
- 20 5. Section 9 of the said Act is amended by striking out the words, "whose decision shall be final," at the end of the said section, and inserting in lieu thereof the words, "and from such judge of the High Court to the Court of Appeal, whose decision shall be final" 55 V. c. 6, s. 9 amended.
- 25 6. Section 11 of the said Act is amended by adding thereto the following sub-sections as sub-sections (2), (3) and (4). 55 V. c. 6, s. 11 amended.
- (2) Provided that where no person is entitled to present enjoyment of such property or the income thereof, or there is part of such property to the present enjoyment of which, or of
- 30 the income thereof, no person is entitled, the duty on such part shall be payable as in section 12 is provided. When no person is entitled to present enjoyment of property liable to duty.
- (3) Notwithstanding the duty may under this section not be payable until the time when the right of possession or actual enjoyment accrues any executor, administrator, guardian,
- 35 trustee, or person owning a prior interest, when such executor, administrator, guardian, trustee, or person has the custody or control of the property, may agree upon or commute for a present payment out of the property in discharge of the said duty; and the treasurer of the province may upon the appli-
- 40 cation of any such person commute the succession duty which would or might, but for the commutation, become payable in respect of such interest for a certain sum to be presently paid, and for determining that sum shall cause a present value to be set upon such duty regard being had to the contingencies
- 45 affecting the liability to and rate and amount of such duty, and interest being reckoned at _____ per cent.; and on the
- Commuted duties on future estates or interests.

receipt of such sum shall give a certificate of discharge accordingly.

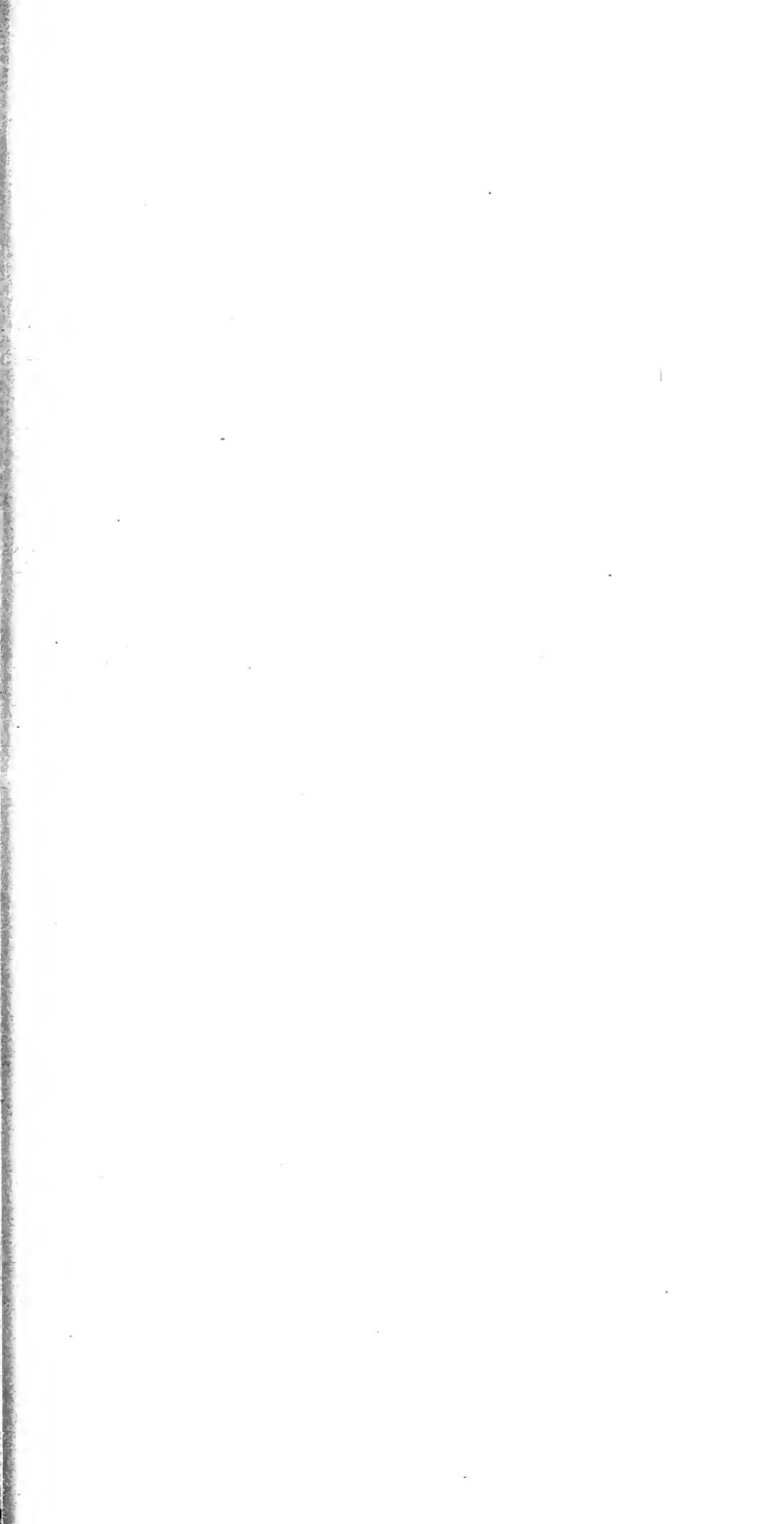
Imp. Act 57 and 58, Vic. c. 30, s. 12.

Payment of
duties on
annuities.

(4) Provided that the duty chargeable upon any legacy given by way of annuity, whether for life or otherwise, shall be paid by four equal payments, the first of which payments of duty shall be made before or on completing payment of the first year's annuity, and the three others of such payments of duty shall be made in like manner successively, before or on completing the respective payments of the three succeeding years' annuity respectively. In case the annuitant dies before the expiration of the said four years only payment of instalments which fall due before his or her death shall be required. *New.*)

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10



2nd Session, 8th Legislature, 59 Vict. 1896.

BILL.

An Act to make further Provision for the
Payment of Succession Duties in Certain
Cases.

First Reading, 17th March, 1896.

Mr. HARCOURT.

TORONTO :

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

An Act to make further Provision for the Payment of
Succession Duties in Certain Cases.

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

1. Section 4 of *The Succession Duty Act, 1892*, as amended by chapter 7 of the Act passed in the 58th year of Her Majesty's reign is repealed and the following substituted therefor: 55 V. c. 6, s. 4, and 58 V. c. 7, s., repealed.

4.—(1) Save as aforesaid, the following property shall be subject to a succession duty as hereinafter provided, to be paid for the use of the province over and above the fees provided by *The Surrogate Courts Act*. Property liable to succession duty.

(a) All property situate within this province, and any interest therein or income therefrom, whether the deceased person owning or entitled thereto was domiciled in Ontario at the time of his death or was domiciled elsewhere, passing either by will or intestacy. Property situate in province.

(b) All property situate as aforesaid or any interest therein or income therefrom, which shall be voluntarily transferred by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, bargainor, vendor or donor, or made or intended to take effect, in possession or enjoyment after such death, to any person in trust or otherwise, or by reason whereof any person shall become beneficially entitled in possession or expectancy to any property, or the income thereof. Property transferred in contemplation of death.

(c) Any property taken as a *donatio mortis causa* made by any person dying after the commencement of this Act, or taken under a disposition made by any person so dying, purporting to operate as an immediate gift *inter vivos*, whether by way of transfer, delivery, declaration of trust, or otherwise which shall not have been *bona fide* made twelve months before the death of the deceased, including property taken under any gift, whenever made of which property *bona fide* posses- Donationes mortis causa.

sion and enjoyment shall not have been assumed by the donee immediately upon the gift and thenceforward retained to the entire exclusion of the donor, or of any benefit to him by contract or otherwise.

Property vested in trustees. (d) Any property which a person dying on or after such day, having been absolutely entitled thereto, has caused, or may cause to be transferred to, or vested in himself, and any other person jointly, whether by disposition or otherwise, so that the beneficial interest therein, or in some part thereof, passes or accrues by survivorship on his death to such other person, including also any purchase or investment effected by the person who was absolutely entitled to the property either by himself alone, or in concert, or by arrangement with any other person.

Property passing under past or future settlement. (e) Any property passing under any past or future settlement, including any trust, whether expressed in writing or otherwise, and if contained in a deed or other instrument effecting the settlement, whether such deed or other instrument was made for valuable consideration or not as between the settlor and any other person, made by any person dying on or after such day, by deed or other instrument not taking effect as a will, whereby an interest in such property or the proceeds of sale thereof for life, or any other period, determinable by reference to death, is reserved either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right by the exercise of any power to restore to himself, or to reclaim the absolute interest in such property or the proceeds of sale thereof, or to otherwise resettle the same or any part thereof.

Imperial Act 44 Vic. c. 12, s. 38, and 52 Vic. c. 7, s. 11.

Annuities. (f) Any annuity or other interest purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased.

Imperial Act 57 and 58 Vic. c. 30, s. 2.

Particular description of property liable not to affect general words. (g) The descriptions of properties in paragraphs (c), (d), (e) and (f), shall not be construed to restrict the generality of the descriptions contained in sub-sections (a) and (b), and subject to the provisions of sub-section 7 of this section, the expressions "all property" and "any property" in this section shall be restricted to property situate within this province.

Amount of duty. (2) Where the aggregate value of the property of the deceased exceeds \$100,000, and passes in manner aforesaid, either in whole or in part, to or for the benefit of the father, mother, husband, wife, child, grandchild, or other lineal descendant, daughter-in-law or son-in-law of the deceased, the same or so much thereof as so passes (as the case may be) shall be subject to a duty of \$2.50 for every \$100 of the value; or,

(3) Where the aggregate value of the property exceeds \$200,000, the whole property which passes as aforesaid shall be subject to a duty of \$5 for every \$100 of the value ; and

(4) Where the value of the property of the deceased exceeds \$10,000 so much thereof as passes to or for the benefit of the grandfather or grandmother or any other lineal ancestor of the deceased, except the father and mother, or to any brother or sister of the deceased, or to any descendants of such brother or sister, or to a brother or sister of the father or mother of the deceased, or of any descendant of such last mentioned brother or sister, shall be subject to a duty of \$5 of every \$100 of the value.

(5) Where the value of the property of the deceased exceeds \$10,000 and any part thereof passes to or for the benefit of any person in any other degree of collateral consanguinity to the deceased than is above described, or to or for the benefit of any stranger in blood to the deceased save as hereinbefore provided for, the same shall be subject to a duty of ten per cent. on the value.

(6) Provided that where the whole value of any property devised, bequeathed or passing to any one person under a will or intestacy does not exceed \$200, the same shall be exempt from payment of the duty imposed by this section. Proviso.

(7) Provided that any portion of the estate of any deceased person, whether at the time of his death such person was domiciled in the Province of Ontario, or was domiciled elsewhere, which is brought into the province by the executors or administrators of the estate to be administered or distributed in this province, shall be liable to the duty hereinbefore imposed ; but if any succession or legacy duty or tax has been paid upon such property elsewhere than in Ontario, and such duty or tax is equal to or greater than the duty payable on property in this province, no duty shall be payable thereon in this province; and if the duty or tax so paid elsewhere is less than the duty payable on property in this province, then the property upon which such duty or tax has been paid elsewhere shall be subject to the payment of such portion only of the succession duty provided for in the preceding sub-sections of this section as will equal the difference between the duties payable under this Act with respect to property in the Province of Ontario and the duty or tax so paid elsewhere. Proviso.
Property brought into province for administration.

(8) In case an executor or administrator shall in order to escape payment of succession duty, imposed by this Act, distribute any part of the estate without bringing the same into this province, such executor or administrator shall be liable personally to pay to Her Majesty the amount of the duty which would have been payable had the assets so distributed been brought within this province. Provided that this subsection shall not apply to payments made to persons domiciled without the province out of assets situate without the province. Personal liability of executors.

(9) Nothing herein contained shall render liable for duty any property *bona fide* transferred for a consideration that is of a value substantially equivalent to the property transferred.

55 V. c. 6,
s. 5, amended.

2. Section 5 of *The Succession Duty Act, 1892*, is amended by adding thereto the following sub-section as sub-section (3).

When no
executor or
administrator
can be made
accountable
for duty.

(5) Where property passes on the death of the deceased and no executor or administrator can be made accountable for succession duty in respect of such property, every person to whom any property so passes for any beneficial interest in possession, and also, to the extent of the property actually received or disposed of by him, every trustee, guardian, committee, or other person in whom any interest in the property so passing or the management thereof is at any time vested, and every person in whom the same is vested in possession by alienation or other derivative title shall be accountable for the succession duty on the property, and shall, within two months after the death of the deceased, or such later time as the treasurer of the province for the time being shall allow, deliver to the surrogate registrar of the county in which the said property is situate, and verify an account to the best of his knowledge and belief of the property.

Imperial Act 57 and 58 Vic. c. 2, s. 8.

55 V. c. 6,
ss. 6, 7, re-
pealed.

3. Sections 6 and 7 of the said Act are hereby repealed and the following sections substituted therefor respectively;

When ap-
praisement by
sheriff may be
directed.

6. In case the treasurer of the province is not satisfied with the value so sworn to, or with the correctness of the said inventory, the surrogate registrar of the county in which any property subject to the payment of the said duty is situate shall, at the instance of the provincial treasurer, his solicitor or agent, direct in writing that the sheriff of the county shall make a valuation and appraise the said property, and also appraise any property alleged to have been improperly omitted from the said inventory. (*Amended.*)

Valuation of
property by
sheriff.

7. In such case the sheriff shall forthwith give due and sufficient written notice to the executors and administrators and to such other persons as the surrogate registrar may by order direct of the time and place at which he will appraise such property, included in such inventory, or any property which in the opinion of the provincial treasurer, his solicitor or agent should be included therein, and shall appraise the same accordingly at its fair market value and make a report thereof in writing to the surrogate registrar, together with such other facts in relation thereto, as the surrogate registrar may by order require, and such report shall be filed in the office of the surrogate registrar, and for the purposes of the said enquiry and appraisement the said sheriff shall have all the powers which may be conferred upon commissioners under

"*The Act respecting Inquiries concerning Public Matters.*" Rev. Stat. c. 17.
 The sheriff shall be entitled to receive the sum of \$5 per diem for services performed under this Act, and his actual and necessary travelling expenses, and the same shall be paid to him by the treasurer of the province. (*Amended.*)

4. Section 8 of the said Act is amended by inserting after the word "interest" in the eleventh line thereof, the words "in respect of which the duty is payable at the death of the deceased either by the terms of this Act or by arrangement made under sub-section 3 of section 11." 55 V. c. 6, s. 8, amended.

5. Section 9 of the said Act is amended by striking out the words, "whose decision shall be final," at the end of the said section, and inserting in lieu thereof the words, "and from such judge of the High Court to the Court of Appeal, whose decision shall be final" 55 V. c. 6, s. 9 amended.

6. Section 11 of the said Act is amended by adding thereto the following sub-sections as sub-sections (2), (3) and (4). 55 V. c. 6, s. 11 amended.

(2) Provided that where no person is entitled to present enjoyment of such property or the income thereof, or there is part of such property to the present enjoyment of which, or of the income thereof, no person is entitled, the duty on such part shall be payable as in section 12 is provided. When no person is entitled to present enjoyment of property liable to duty.

(3) Notwithstanding the duty may under this section not be payable until the time when the right of possession or actual enjoyment accrues any executor, administrator, guardian, or trustee, or person owning a prior interest, when such executor, administrator, guardian, or trustee, or person has the custody or control of the property, may agree upon or commute for a present payment out of the property in discharge of the said duty; and the treasurer of the province may upon the application of any such person commute the succession duty which would or might, but for the commutation, become payable in respect of such interest for a certain sum to be presently paid, and for determining that sum shall cause a present value to be set upon such duty regard being had to the contingencies affecting the liability to and rate and amount of such duty, and interest; and on the receipt of such sum shall give a certificate of discharge accordingly. Commuting duties on future estates or interests.

Imp. Act 57 and 58, Vic. c. 30, s 12.

(4) Provided that the duty chargeable upon any legacy given by way of annuity, whether for life or otherwise, shall be paid by four equal payments, the first of which payments of duty shall be made before or on completing payment of the first year's annuity, and the three others of such payments of duty shall be made in like manner successively, before or on completing the respective payments of the three succeeding years' annuity respectively. In case the annuitant dies before Payment of duties on annuities.

the expiration of the said four years only payment of instalments which fall due before his or her death shall be required *New*); ~~the~~ the duty is to be paid on the cash value of all estates, interests, annuities and life estates, or terms of years mentioned in the 8th section of the Act, in the same manner as on the other assets of the estate; but the judge may grant further time for payment, or of a part thereof, where it appears to the judge that having reference to the condition of the estate the available means of making such payment, and the interest of others, that payment within the time prescribed by the Act would be unreasonable or unjust; in such cases as between executors or administrators of the estate and the person who is to become entitled to the possession or enjoyment at a future period only, the duty payable and paid by the executors or administrators in respect of such future estate or interest shall be a charge on such future estate or interest, and shall be paid to them by the person aforesaid with interest at the time the estate or interest comes into actual possession; but the executors or administrators shall be entitled to receive the amount, or any part thereof, at an earlier date if the person to pay desires to pay the same at an earlier date. ¹⁰³

Limitation of actions.

¹⁰⁴ "7. Any action, matter or proceeding by or against the Province in respect of duties or claims arising upon or out of any succession, shall be commenced within six years from the date of the succession." ¹⁰⁵

¹⁰⁶ Sub-section 1 of section 5 is amended by inserting after the word "liable" in the 14th line thereof, the words "or which may become liable." ¹⁰⁷

¹⁰⁸ Section 12 of the said Act is amended by adding thereto the following sub-sections:— ¹⁰⁹

¹¹⁰ (2) The treasurer of the province on being satisfied that the full amount of succession duty has been or will be paid in respect of an estate or any part thereof, shall, if required by the person accounting for the duty, give a certificate to that effect, which shall discharge from any further claim for succession duty the property shown by the certificate to form the estate, or part thereof, as the case may be. ¹¹¹

¹¹² (3) That such certificate shall not discharge any person or property from succession duty in case of fraud or failure to disclose material facts, and shall not affect the rate of duty payable in respect of any property afterwards shown to have passed on the death, and the duty in respect of such property shall be at such rate as would be payable if the value thereof were added to the value of the property, in respect of which duty has been already accounted for. ¹¹³

¹²⁷(4) Provided, nevertheless, that a certificate purporting to be a discharge of the whole succession duty payable in respect of any property included in the certificate shall exonerate a *bona fide* purchaser for valuable consideration without notice from the duty, notwithstanding any such fraud or failure. ¹²⁸

¹²⁹Imperial Act, 57 and 58 Vic. c. 30, s. 11. ¹³⁰

2nd Session, 8th Legislature, 59 Vict. 1896.

BILL.

An Act to make further Provision for the
Payment of Succession Duties in Certain
Cases.

First Reading, 17th March, 1896.

Second Reading, 24th March, 1896.

*(Reprinted as amended by Committee
of Whole House.)*

Mr. HARCOURT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Assessment Act.

HER 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 *The Consoli-* Percentage to
 5 *dated Assessment Act, 1892*, in municipalities where, by by- be added to
 law, taxes are payable by instalment and five per cent is to be arrears of
 added thereto upon default of payment of any instalment, no taxes.
 further percentage shall be added to such taxes by reason of
 such default being continued until the expiration of ten
 10 months from the time when such instalment became payable,
 and thereafter one half of one per cent. shall be added to the
 amount of such taxes for every month or portion of a month
 during which such default continues, and in other municipali-
 ties one half of one per cent. shall be added to the amount of
 15 the taxes for every month or portion of a month during which
 the arrears of taxes remain unpaid,

BILL.

An Act to amend The Assessment Act.

First Reading, 17th March, 1896.

Mr. ST. JOHN.

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

No. 153.]

BILL.

[1896.

An Act to amend The Municipal Act.

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

1. Section 495 *a* of *The Consolidated Municipal Act, 1892*,^{56 V. c. 35 s.}
5 enacted by section 20 of *The Municipal Amendment Act, 1893*,^{20,} amended.
1893, is amended by inserting after the word “town,” in the first line of the said section, the words “incorporated village or.”

No. 153.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 17th March, 1896.

Mr. ST. JOHN.

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

No. 154.]

BILL.

[1896.

An Act to amend The Registry Act.

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

1. The following sub-sections are added to section 103 of *The Registry Act, 1893*:—

56 V. c. 21,
s. 103,
amended.

(6) An assessor of any municipality may, for the purpose of assisting such assessor in making his assessment at any time, inspect, without charge, any plan which may be on file in the registry office, of the registry division, in which the municipality, of which he is assessor, is situate.

Assessors may
inspect plans
free of charge.

(7) Any person registering a plan in any registry office shall forthwith notify in writing the clerk of the local municipality, within which the land, included in such plan, is situate, that such plan has been filed.

Person regis-
tering plan to
notify clerk
of local
municipality,

No. 154.

2nd Session, 8th Legislature, 59 Vict., 1896.

Bill.

An Act to amend The Registry Act.

First Reading, 17th March, 1896.

Mr. ST. JOHN.

TORONTO:

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

An Act to amend The Assessment Act.

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

1. *The Consolidated Assessment Act, 1892*, is amended by adding thereto the following section after section 42:—

55 V. c. 48,
amended.

42a. "Every person carrying on a mercantile business in a municipality, shall, if required by the assessor or assessment commissioner, furnish such assessor or assessment commissioner with a sworn statement of the value of his personal property situate within the municipality and liable to assessment under this Act. Such statement shall show the gross value of such personal property, and the gross amount of all indebtedness owing by him in respect thereof. Such statement shall be furnished within seven days after a written demand is made therefor by the assessor or assessment commissioner."

Merchants may be required to furnish assessor with sworn statement of personalty.

2. Subsection 1 of section 45 of said Act is amended by substituting the word "four" for the word "three" in the second line thereof.

55 V. c. 48,
s. 45, subs. 1,
amended.

3. Subsection 2 of section 45 of said Act is amended by inserting the figures "42a" after the figures "42" in the first line thereof.

55 V. c. 48,
s. 45, subs. 2,
amended.

4. Section 157 of the said Act is repealed, and the following substituted therefor:—

55 V. c. 48,
s. 157,
repealed.

"157. If at the balance to be made on the first day of May in every year, it appears that there are any arrears due upon any parcel of land, the treasurer shall add to the whole amount then due the legal rate of interest, but in every municipality where by by-law taxes are payable by instalments, and a percentage has been added to such taxes by reason of default in the payment of any such instalment, or instalments, the treasurer shall add to any balance remaining unpaid upon the first day of May in each year, the legal rate of interest less whatever has been already added by reason of such default."

Percentage to be added to arrears of taxes.

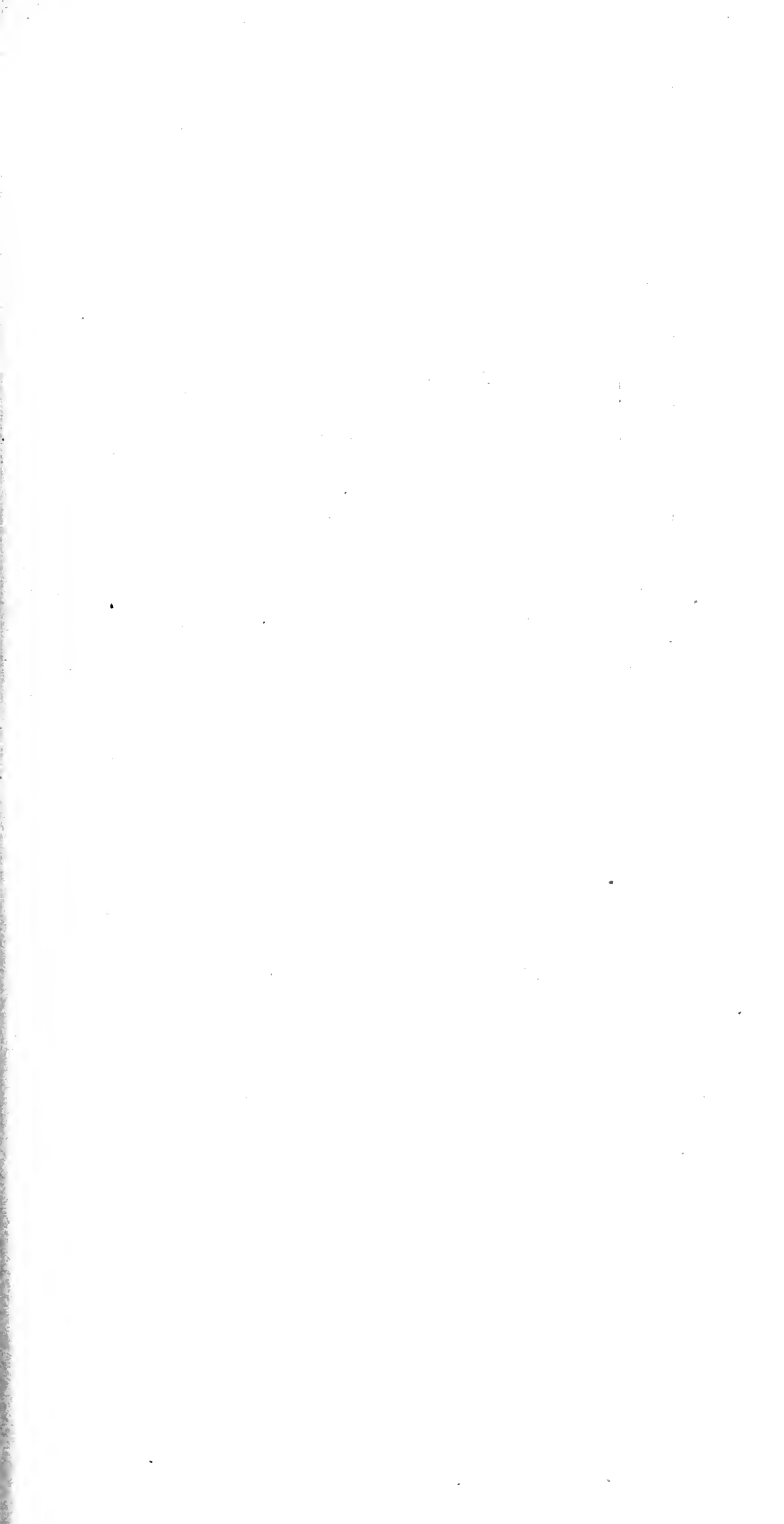
55 V. c. 48, s. 52, amended. **5.** Section 52 of *The Consolidated Assessment Act, 1892*, is amended by adding thereto the following subsection:—

By-laws for fixing time for taking assessments in cities of 100,000. “(4) Provided however, that in cities of over 100,000 inhabitants the council, instead of proceeding as in the first and second subsections thereof and being bound thereby, may pass by-laws regulating the periods for taking the assessments and for holding the Court of Revision, and appeals therefrom to the county judge as follows:—For taking the assessments, at any time prior to the thirtieth day of September, but may fix prior dates for the return of the rolls for each ward or any subdivision thereof, the rolls being returnable at the said dates, and any persons dissatisfied with their assessments may, within five days after the return day of each such roll, appeal therefrom to the Court of Revision, and the Court of Revision shall, from time to time, sit for the purpose of revising the roll of each ward or subdivision thereof, so as to complete the revision of all the rolls of the city by the first day of October, and the county judge may likewise sit from time to time throughout the year on any appeals which may be taken to him on notices thereof lodged with the clerk or assessment commissioner within three days after the action or decision of the Court of Revision, and the said judge shall arrange to hear such appeals from the Court of Revision from time to time throughout the year, and within fourteen days from the action of the Court of Revision, and shall complete his revision of all the rolls for the city by the first day of November in each year, and the assessment so made and concluded may be adopted by the council of the following year as the assessment on which the rate of taxation for such following year shall be levied, and the taxation of such following year shall be made upon said assessment; provided however, that when for any cause the final revision of the said roll or rolls is not completed by the first day of November, the council may adopt the assessment when finally revised as the assessment on which the rate of taxation for the following year shall be levied. And provided, that in proceeding under a by-law passed under this subsection, the provisions of sections 64 and 68 as to time for appealing and notices thereof shall not apply, but instead thereof, in case of appeal to the Court of Revision, the clerk shall give notice to all parties appealing or appealed against at least five days before the sitting of the Court of Revision, such notice to be served upon the said party, or left at his residence or place of business, or upon the premises concerning which such appeal arises, or addressed to such person through the post office, but no advertisement of such court shall be necessary, and in case of appeals to the county judge, five days’ notice of the day fixed by the county judge to hear such appeals shall in like manner be served as is provided for appeals to the Court of Revision, and no advertisement of the sitting of the county judge shall be necessary. The remaining provisions of sections 64 and 68 not inconsistent with these provisios shall apply to such appeals.”

Court of Revision.

Appeals to county judge.

Proviso.



BILL.

An Act to amend The Assessment Act.

First Reading, 17th March, 1896.

Mr. RYERSON.

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

An Act to improve the Laws respecting Public
Libraries.

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

1. The following is added to sub-section 1 of section 11 of ^{58 V., c. 45,} *The Public Libraries Act, 1895*: “ Provided that if at the ^{s. 11, sub-s. 1,} time of the presentation of such petition a public library board ^{amended.} has already been appointed in such municipality under *The Free Libraries Act*, being chapter 189 of the Revised Statutes of Ontario, 1887, or under this Act, then on the presentation
10 of such petition aforesaid, the municipal council shall by
by-law appoint such public library board to be the board of
management of the public library or Mechanics’ Institute pre-
sented such petition.

2. Section 19 of *The Public Libraries Act, 1895*, is repealed ^{58 Vict. c. 45,}
15 and the following substituted therefor: ^{s. 19 repealed.}

19.—(1) Every public library shall be entitled to receive ^{Legislative}
pro rata out of any money voted by the Legislature for such ^{grant to pub-}
purpose, the sum of \$50 or over, but not exceeding \$200, pro- ^{lic libraries.}
vided it is shewn to the satisfaction of the education depart-
20 ment that an equal sum has been provided by municipal or
school corporations, or from the fees and contributions of
members and paid over to the treasurer of the board of
management.

2. The sum of one dollar shall be allowed each public
25 library for every dollar expended on newspapers or magazines
for the purpose of a reading room, but so as not to exceed \$50
for each reading room.

3. The sum of three dollars shall be allowed for every pupil
attending evening classes established under this Act, providing
30 the class is composed of twenty-five pupils or under, with an

additional allowance of one dollar per pupil over the number of twenty-five, but so as not to exceed the sum of \$100 for evening classes.

Contributions
from municipi-
palities.

3. It shall be lawful for any municipal or school corporation to contribute to the maintenance of a public library as such corporation may deem expedient, and to exercise its corporate powers for the collection of any sum so contributed from the taxable property of the ratepayers under its jurisdiction. 5

Mechanics'
Institutes
power to mort-
gage or sell
real estate.

4. Notwithstanding the repeal of the *Act respecting Mechanics' Institutes and Art Schools*, being chapter 173 of the Revised Statutes of Ontario, it is hereby declared that any Mechanics' Institute incorporated under the said Act, or under any other Act, always had and has power to sell or to convey absolutely or by way of mortgage any real estate belonging to such corporation in case a resolution authorizing or recommending such sale or mortgage was or is passed by two-thirds of the directors, and at any time within six months thereafter, was or is approved by a majority of the members of the corporation entitled to vote under its by-laws present at an annual meeting or at any general meeting duly called in accordance with the by-laws respecting the calling of general meetings. 10 15 25

When office
of library
trustees to be-
come vacant.

5. If a trustee of any public library board is convicted of any offence against the criminal laws of the Dominion of Canada, or becomes insane, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the county or municipality for which he is trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacated forthwith and notify the appointing council or board having authority to appoint such trustee accordingly. 25 30

58 Vict. c. 45,
s. 12 repealed.

6. Section 12 of *The Public Libraries Act, 1895*, is hereby repealed. 35



2nd Session, 8th Legislature, 59 Vic., 1896.

BILL.

An Act to improve the Laws respecting
Public Libraries.

First Reading, 17th March, 1896.

Mr. ROSS.

TORONTO:

PRINTED BY L. K. CANERON,

Printer to the Queen's Most Excellent Majesty.

No. 156.]

BILL.

[1896.

An Act to improve the Laws respecting Public Libraries.

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

1. The following is added to sub-section 1 of section 11 of *The Public Libraries Act, 1895*: “ Provided that if at the time of the presentation of such petition a public library board has already been appointed in such municipality under *The Free Libraries Act*, being chapter 189 of the Revised Statutes of Ontario, 1887, or under this Act, then on the presentation of such petition aforesaid, the municipal council shall by by-law appoint such public library board to be the board of management of the public library or Mechanics’ Institute presenting such petition. 58 V., c. 45, s. 11, sub-s. 1, amended.”

2. Section 19 of *The Public Libraries Act, 1895*, is repealed and the following substituted therefor: 58 Vict. c. 45, s. 19 repealed.

19.—(1) Subject to any regulations approved by the Lieutenant-Governor in Council in that behalf, there shall be paid to every public library established under the said Act, out of any money appropriated by the Legislature for that purpose, one dollar for every dollar expended by the board of management on the purchase on books, but so as not to exceed the sum of \$200, provided it is shown to the satisfaction of the Education Department that at least the equivalent of the sum so expended has been contributed by municipal or school corporations, or from the fees of members and other sources. Legislative grant to public libraries.

(2) The sum of one dollar shall be allowed each public library for every dollar expended on newspapers or magazines for the purpose of a reading room, but so as not to exceed \$50 for each reading room.

3. The sum of three dollars shall be allowed for every pupil attending evening classes established under this Act, providing the class is composed of twenty-five pupils or under, with an additional allowance of one dollar per pupil over the number of twenty-five, but so as not to exceed the sum of \$100 for evening classes.

Contributions from municipalities.

3. It shall be lawful for any municipal or school corporation to contribute to the maintenance of a public library as such corporation may deem expedient, and to exercise its corporate powers for the collection of any sum so contributed from the taxable property of the ratepayers under its jurisdiction.

Mechanics' Institutes power to mortgage or sell real estate.

4. Notwithstanding the repeal of the *Act respecting Mechanics' Institutes and Art Schools*, being chapter 173 of the Revised Statutes of Ontario, it is hereby declared that any Mechanics' Institute incorporated under the said Act, or under any other Act, always had and has power to sell or to convey absolutely or by way of mortgage any real estate belonging to such corporation in case a resolution authorizing or recommending such sale or mortgage was or is passed by two-thirds of the directors, and at any time within six months thereafter, was or is approved by a majority of the members of the corporation entitled to vote under its by-laws present at an annual meeting or at any general meeting duly called in accordance with the by-laws respecting the calling of general meetings.

When office of library trustees to become vacant.

5. If a trustee of any public library board is convicted of any offence against the criminal laws of the Dominion of Canada, or becomes insane, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the county or municipality for which he is trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacated forthwith and notify the appointing council or board having authority to appoint such trustee accordingly.

58 V., c. 45, ss. 10 and 11 amended.

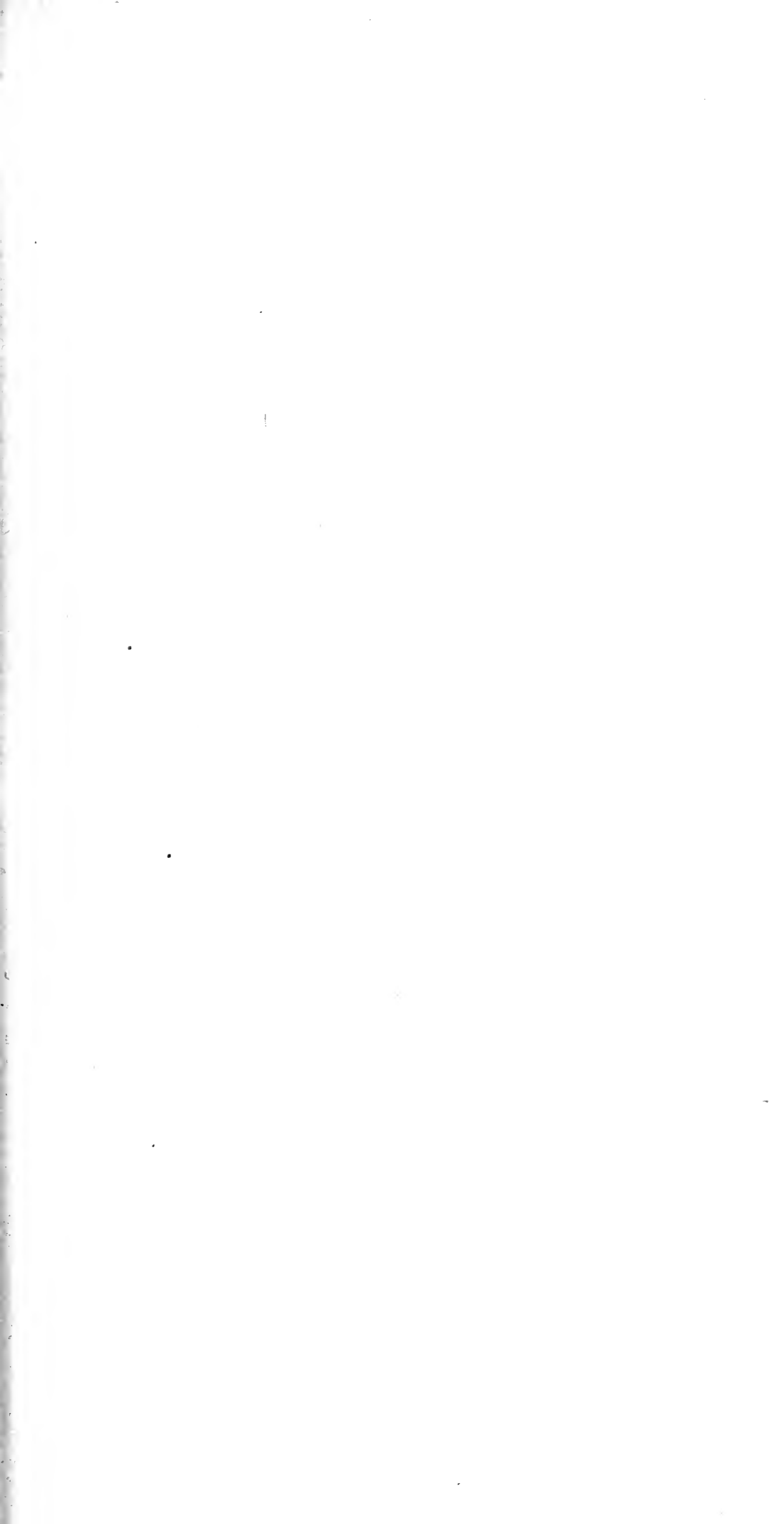
6. *The Public Libraries Act, 1895*, is amended by inserting after the word "villages," in the first line of section 10, the words "and townships," and after the word "village," in the second line of section 11, the words "or townships."

Appointment of treasurer of board of management.

7. The board of management of any public library organized under Part II. of the said *Public Libraries Act, 1895*, may appoint its own treasurer for receiving and disbursing the funds of the board, anything in the said Act to the contrary notwithstanding.

58 Vict. c. 45, s. 12 repealed.

8. Section 12 of *The Public Libraries Act* is hereby repealed.



BILL.
An Act to improve the Laws respecting
Public Libraries.

First Reading, 17th March, 1896.
Second Reading, 24th March, 1896.

*(Reprinted as amended by Committee of
the Whole House.)*

Mr. ROSS.

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

An Act to amend The Jurors' Act.

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

1. Section 140 of *The Jurors' Act* is amended by adding
5 thereto the following sub-section:—

Rev. Stat.
c. 140, s. 140,
amended.

(a) Every juryman actually attending a coroners' inquest shall be entitled to receive the sum of *fifty cents* where said inquest does not last more than four hours, and where the time occupied by said inquest exceeds four hours, then each of said
10 jurors shall receive \$1 per day for every day he attends such inquest, and the sum of ten cents per mile for every mile he necessarily travels from his place of residence to the said inquest.

Fees of jurors
coroners'
inquests.

(b) Such payments of coroners' jurors shall be made by the
15 county treasurer on the certificate of the coroner, and the fund for the payment of the same shall be provided under the provisions of sections 151 and 154 of the said Act.

BILL.

An Act to amend The Jurors' Act.

First Reading, 17th March, 1896.

Mr. REED,
(*Durham*).

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 157.]

BILL.

[1896.

An Act respecting Fees of Jurors on Coroners' Inquests.

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

1. Every juryman actually *sitting* at a coroner's inquest shall be entitled to receive the sum of *fifty cents* where *such* inquest does not last more than four hours, and where the time occupied by *such* inquest exceeds four hours, \$1 per day for *each* day he attends such inquest, and *every such juryman shall be paid* the sum of ten cents per mile for *each* mile he necessarily travels from his place of residence to *the place where* the said inquest *is held*. Fees of jurors coroners' inquests.

2. The amounts to be paid to coroners' jurors under the provisions of this Act shall be certified by the coroner who shall make his order for payment thereof on the treasurer of the county, where the inquest is held in the county, and on the treasurer of the city or town separated from the county where death occurs, and the inquest is held in such city or separated town, and the treasurer on whom such order may be made under the provisions hereof shall pay the sum or sums mentioned in the order to the persons entitled thereto out of any funds he may have on hand. Payment of jurors' fees.

3. This Act shall be read with, and form a part of, chapter 80 of the Revised Statutes of Ontario, 1887, intituled *An Act Respecting Coroners*, but shall not apply to inquests held under the provisions of section 3 of the said Act. Act incorporated with Rev. Stat. c. 80.

BILL.

An Act respecting the Fees of Jurors on
Coroners' Inquests.

First Reading, 17th March, 1896.
Second Reading, 20th March, 1896.

*(Reprinted as amended by Legal Com-
mittee.)*

Mr. REED,
(Durham).

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

No. 158.]

BILL

[1896.

An Act to amend The Municipal Act.

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

1. Where the council of a town or city is required by *The* ^{Furnishings,}
^{lighting, etc.,}
5 *Consolidated Municipal Act, 1892*, to establish a police office, ^{of police}
the council shall from time to time provide all necessary and ^{offices.}
proper accommodation, fuel, light and furniture for the same
55 V. c. 42, s. 432.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 17th March, 1896.

Mr. RICHARDSON.

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

An Act respecting High and County Constables.

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

1. The municipal council of every county or union of counties shall, where a high constable has not been appointed, or where the office is vacant, appoint a fit and proper person to be high constable for the county or united counties, and may fix his remuneration by salary or otherwise, and may allow him such sums for expenses, and may supply such arms, accoutrements, clothing and other necessaries as may be deemed proper. R. S. O., c. 82, s. 1; Municipal Act, 1892, s. 441.

County council to appoint a high constable.

Pay him by salary or otherwise.

Allow arms to.

2. In case the council does not within after the passing of this Act make an appointment to the said office or fill such vacancy, the appointment may be made by the county judge, the warden, the sheriff and the county crown attorney, or any three of them, and the person so appointed shall hold the office of high constable until his appointment is confirmed or a new appointment made by the council under the authority of this Act.

Time for making appointment.

If not made in time county judge, warden, sheriff and county attorney or any three of them may appoint at next meeting of council.

3. In counties where there is, at the time of the passing of this Act, a high county constable duly appointed, he shall continue to be high constable under the same tenure of office, and shall have the same powers and privileges, and be subject to the same liability, and to the performance of the same duties, and shall be subject also to suspension by the Inspector of Legal Offices, in the same manner as if he had been appointed under this Act.

Present high constable continued under this Act.

4. Every person appointed under this Act to be a high constable shall, before entering on the duties of his office, take and subscribe the following oath, which any justice of the peace may administer:—

Oath of high constable.

I, _____, do swear that I will well and truly serve Form of.

Vide 55 V. c. 42, s. 441.

Our Sovereign Lady the Queen in the office of high constable for the county (or united counties) of _____ without favor or affection, malice or ill-will; and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge discharge all the duties thereof faithfully according to law: So help me God.

Oath and appointment to be deposited with clerk of peace.

The oath, together with a copy of the by-law, resolution or other writing by which he was appointed, shall be by him deposited in the office of the clerk of the peace, who shall immediately notify the Inspector of Legal Offices of the appointment. Municipal Act, 1892, sec. 441.

High constable to hold office during pleasure of council.

5. All persons appointed to be high constables shall hold office during the pleasure of the council of the county or united counties for which they are appointed. Municipal Act, s. 441.

To have supervision of other constables.

Special duties. *Vide* 55 V. c. 42, s. 443.

6. Every high constable so appointed or continued in office under this Act shall have the supervision of all the constables therein, and he shall be charged with the special duties of preserving the peace, preventing robberies and other crimes, and apprehending offenders; and shall have generally all the powers and privileges and be liable to all the duties and responsibilities, which belong to constables duly appointed. Municipal Act, s. 443.

May be appointed provincial constable.

7. The high constable of any county may upon the recommendation of the sheriff and county crown attorney, be, by the Lieutenant-Governor in Council, appointed to be or authorized to exercise, the powers of a provincial constable.

To be entitled to fees unless otherwise provided.

8. Every high constable shall be entitled to the fees allowed by law for services rendered by him, unless the council otherwise provides for payment therefor.

Inspector of legal offices may inspect and hold enquiries in respect of high and county constables.

Inspector may examine on oath and compel attendance of witnesses. *Vide* 58 V. c. 12, s. 171.

9. The inspector of legal offices shall have authority to inspect the offices of high constables and county constables and to hold inquiries into the conduct of any of the said officers in connection with their official duties.

10. When the said inspector has occasion to institute an inquiry into the conduct of any of the said officers in relation to their official duties or acts, it shall be lawful for him to require such officer or any other person or persons to give evidence on oath; and for this purpose, the said inspector shall have the same power to summon such officers and other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books and documents and to give evidence, as any court has in civil cases; and the said officers

shall from time to time make such returns respecting their duties and acts as the said inspector may require. Judicature Act, 1895, s. 171.

11. The inspector of legal offices may suspend any high constable for any period which shall not extend beyond one week after the next meeting of the county council. The suspension shall be by notice in writing, and in case the inspector considers the suspended officer deserving of dismissal, the inspector shall immediately after suspending him report the case fully to the county clerk for submission to the county council at its next meeting; and the council may dismiss the officer, or direct him to be restored to his office after the period of his suspension has expired, or after such further period of suspension as the council may order. R. S. O. c. 82, s. 9.

Inspector may suspend high constable.

12. The words "a county high constable, and" are struck out of the third line of section 1 of *The Act respecting Constables*, being chapter 82 of the Revised Statutes of Ontario, and the following words are added to the said section:—"Every constable appointed by any authority under this Act shall, while he holds office, be a county constable."

Rev. Stat. c. 82, s. 1, amended.

13. On the presentation of his account for services and disbursements duly verified, with the certificate of the magistrate, in the form in schedule in chapter 85 of the Revised Statutes of Ontario, and a recommendation of the county judge, naming the amount, a high or county constable shall be entitled to be paid seventy-five per cent. of such account without waiting for a meeting of the board of audit to pass the same. If the board of audit afterwards finds that he has been overpaid for such services and disbursements, the constable shall refund the balance so overpaid, and if not so refunded it may be deducted from his next account. R. S. O. c. 83, ss. 12, 13.

Constable to be paid 75 per cent. of his certified account on recommendation of county judge without waiting for audit.

If overpaid balance to be refunded.

14. In proper cases the board of audit may, upon the recommendation, in writing, of the magistrate and high constable, allow a reasonable amount to a county constable for his services, in addition to the fees provided by the tariff.

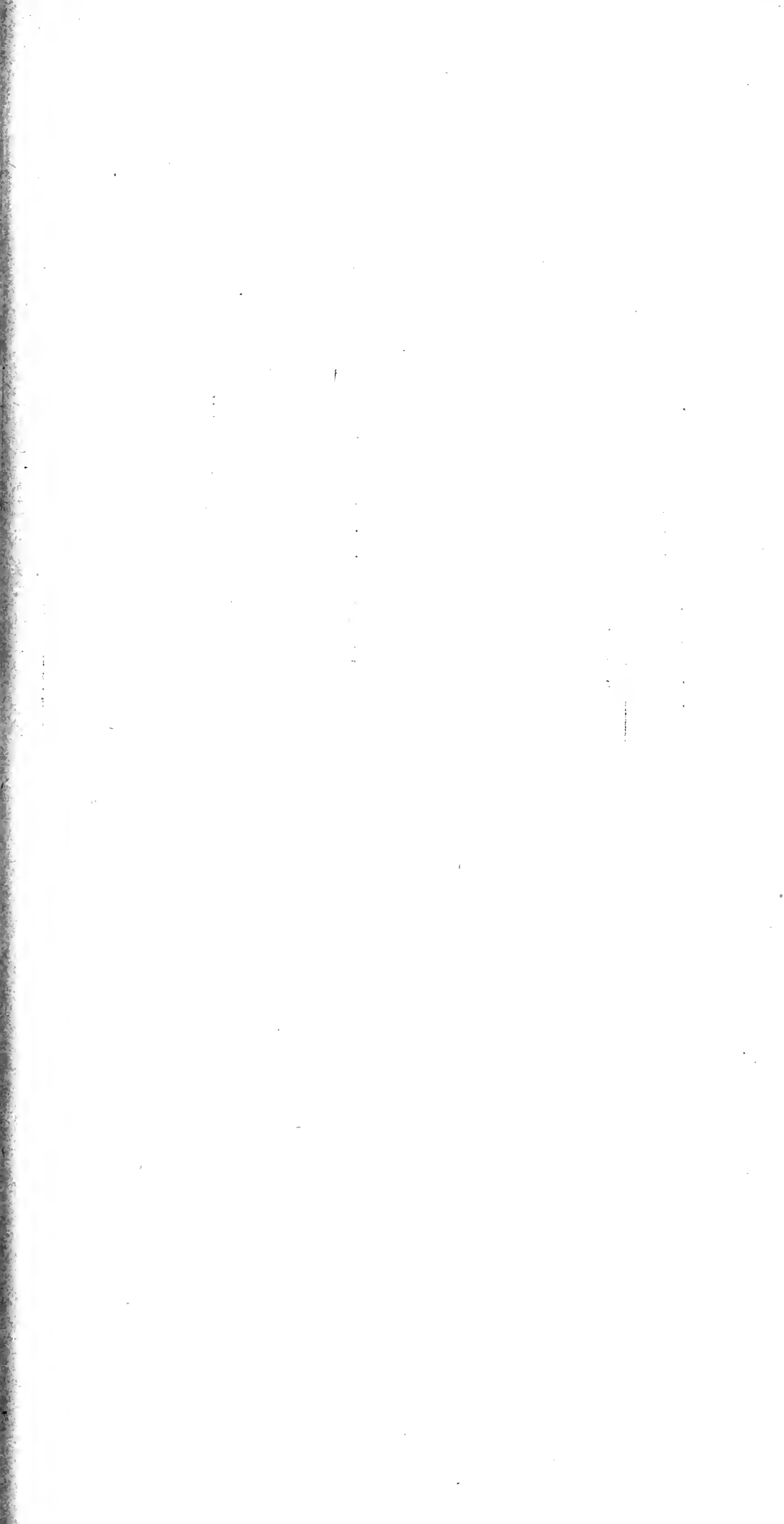
Board of audit may allow sum in addition to tariff.

15. In case of emergency and absence of the warden, or inability to communicate with him in time, the reeve of the municipality in which the offence was committed, or is supposed to have been committed, shall, jointly with the county crown attorney, have authority to direct the payment in advance by the county treasurer to any high or county constable of a sum not exceeding ten dollars, in respect of any special services by them to be necessary for the detection of crime or the capture of persons who are believed to have committed crimes of a serious character; and shall certify on the account to be rendered by the constable what they may

In case of emergency reeve and county attorney may order advance to constable.

Vide. R. S. O. c. 83, s. 12, sub-s. 3.

deem to be a reasonable allowance for the services, and the treasurer shall, on the written order of the warden or reeve and county crown attorney, pay the sum so directed to be advanced, as in other cases in the administration of justice.
R. S. O. c. 88, s. 12. sub-s. (3.)



BILL.

An Act respecting High and County
Constables.

First Reading, 17th March, 1896.

The ATTORNEY-GENERAL.

TORONTO:

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

An Act respecting High and County Constables.

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

1. The municipal council of every county or union of counties shall, where a high constable has not been appointed, or where the office is vacant, appoint a fit and proper person to be high constable for the county or united counties, and may fix his remuneration by salary or otherwise, and may allow him such sums for expenses, and may supply such arms, accoutrements, clothing and other necessaries as may be deemed proper. R. S. O., c. 82, s. 1; Municipal Act, 1892, s. 441.

County council to appoint a high constable.
Pay him by salary or otherwise.
Allow arms to.

2. In case the council does not within _____ after the passing of this Act make an appointment to the said office or fill such vacancy, the appointment may be made by the county judge, the warden, the sheriff and the county crown attorney, or any three of them, and the person so appointed shall hold the office of high constable until his appointment is confirmed or a new appointment made by the council under the authority of this Act.

Time for making appointment.
If not made in time county judge, warden, sheriff and county attorney or any three of them may appoint at next meeting of council.

3. In counties where there is, at the time of the passing of this Act, a high county constable duly appointed, he shall continue to be high constable under the same tenure of office, and shall have the same powers and privileges, and be subject to the same liability, and to the performance of the same duties, and shall be subject also to suspension by the Inspector of Legal Offices, in the same manner as if he had been appointed under this Act.

Present high constable continued under this Act.

4. Every person ⁴²⁷ who may hereafter be ²⁷ appointed under this Act to be a constable shall, before entering on the duties of his office, take and subscribe the following oath, which any justice of the peace may administer :—

Oath of high constable.

I, _____, do swear that I will well and truly serve Form of.

Vide 55 V. c. 42, s. 441.

Our Sovereign Lady the Queen in the office of high constable for the county (or united counties) of _____ without favor or affection, malice or ill-will; and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge discharge all the duties thereof faithfully according to law: So help me God.

Oath and appointment to be deposited with clerk of peace.

The oath, together with a copy of the by-law, resolution or other writing by which he was appointed, shall be by him deposited in the office of the clerk of the peace, who shall immediately notify the Inspector of Legal Offices of the appointment. Municipal Act, 1892, sec. 441.

High constable to hold office during pleasure of council.

5. All persons appointed to be high constables shall hold office during the pleasure of the council of the county or united counties for which they are appointed. Municipal Act, s. 441.

To have supervision of other constables.
Special duties.
Vide 55 V. c. 42, s. 443.

6. Every high constable so appointed or continued in office under this Act shall have the supervision of all the constables in his county, and he shall be charged with the special duties of preserving the peace, preventing robberies and other crimes, and apprehending offenders; and shall have generally all the powers and privileges and be liable to all the duties and responsibilities, which belong to constables duly appointed. Municipal Act, s. 443.

May be appointed provincial constable.

7. The high constable of any county may upon the recommendation of the sheriff and county crown attorney, be, by the Lieutenant-Governor in Council, appointed to be or authorized to exercise, the powers of a provincial constable.

To be entitled to fees unless otherwise provided.

8. Every high constable shall be entitled to the fees allowed by law for services rendered by him, unless the council otherwise provides for payment therefor.

Inspector of legal offices may inspect and hold enquiries in respect of high and county constables.

9. The inspector of legal offices shall have authority to inspect the offices of high constables and county constables, and to hold inquiries into the conduct of any of the said officers in connection with their official duties.

Inspector may examine on oath and compel attendance of witnesses.
Vide 58 V. c. 12, s. 171.

10. When the said inspector has occasion to institute an inquiry into the conduct of any of the said officers in relation to their official duties or acts, it shall be lawful for him to require such officer or any other person or persons to give evidence on oath; and for this purpose, the said inspector shall have the same power to summon such officers and other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books and documents and to give evidence, as any court has in civil cases; and the said officers

shall from time to time make such returns respecting their duties and acts as the said inspector may require. Judicature Act, 1895, s. 171.

11. The inspector of legal offices may suspend any constable for any period which shall not extend beyond one week after the next meeting of the county council. The suspension shall be by notice in writing, and in case the inspector considers the suspended officer deserving of dismissal, the inspector shall immediately after suspending him report the case fully to the county clerk for submission to the county council at its next meeting; and the council may dismiss the officer, or direct him to be restored to his office after the period of his suspension has expired, or after such further period of suspension as the council may order. R. S. O. c. 82, s. 9.

Inspector may suspend high constable.

12. The words "a county high constable, and" are struck out of the third line of section 1 of *The Act respecting Constables*, being chapter 82 of the Revised Statutes of Ontario, and the following words are added to the said section:—"Every constable appointed by any authority under this Act shall, while he holds office, be a county constable."

Rev. Stat. c. 82, s. 1, amended.

13. On the presentation of his account for services and disbursements duly verified, with the certificate of the magistrate, in the form in schedule in chapter 85 of the Revised Statutes of Ontario, and a recommendation of the county judge, naming the amount, a high or county constable shall be entitled to be paid seventy-five per cent. of such account without waiting for a meeting of the board of audit to pass the same. If the board of audit afterwards finds that he has been overpaid for such services and disbursements, the constable shall refund the balance so overpaid, and if not so refunded it may be deducted from his next account. R. S. O. c. 83, ss. 12, 13.

Constable to be paid 75 per cent. of his certified account on recommendation of county judge without waiting for audit.
If overpaid balance to be refunded.

14. In proper cases the board of audit may, upon the recommendation, in writing, of the magistrate and high constable, allow a reasonable amount to a county constable for his services, in addition to the fees provided by the tariff.

Board of audit may allow sum in addition to tariff.

15. In case of emergency and absence of the warden, or inability to communicate with him in time, the reeve of the municipality in which the offence was committed, or is supposed to have been committed, shall, jointly with the county crown attorney, have authority to direct the payment in advance by the county treasurer to any high or county constable of a sum not exceeding ten dollars, in respect of any special services by them to be necessary for the detection of crime or the capture of persons who are believed to have committed crimes of a serious character; and shall certify on the account to be rendered by the constable what they may

In case of emergency reeve and county attorney may order advance to constable.
Vide. R. S. O. c. 83, s. 12, sub-s. 3.

deem to be a reasonable allowance for the services, and the treasurer shall, on the written order of the warden or reeve and county crown attorney, pay the sum so directed to be advanced, as in other cases in the administration of justice. R. S. O. c. 83, s. 12. sub-s. (3.)

Table of fees
to constables

16. The table of fees in the schedule appended to this Act shall be and constitute the fees to be taken by constables for the services therein mentioned, and so much of the schedule appended to chapter 83 of the Revised Statutes of Ontario, 1887, as relates to constables is hereby repealed.

Rev. Stat. c.
86, schedule,
amended.

17. That part of the schedule appended to chapter 86 of the Revised Statutes of Ontario, 1887, which relates to constables is amended by adding thereto the following items:—

5a. Mileage travelling to attend assizes, sessions, or before justices. (*Tariff Item 9.*)

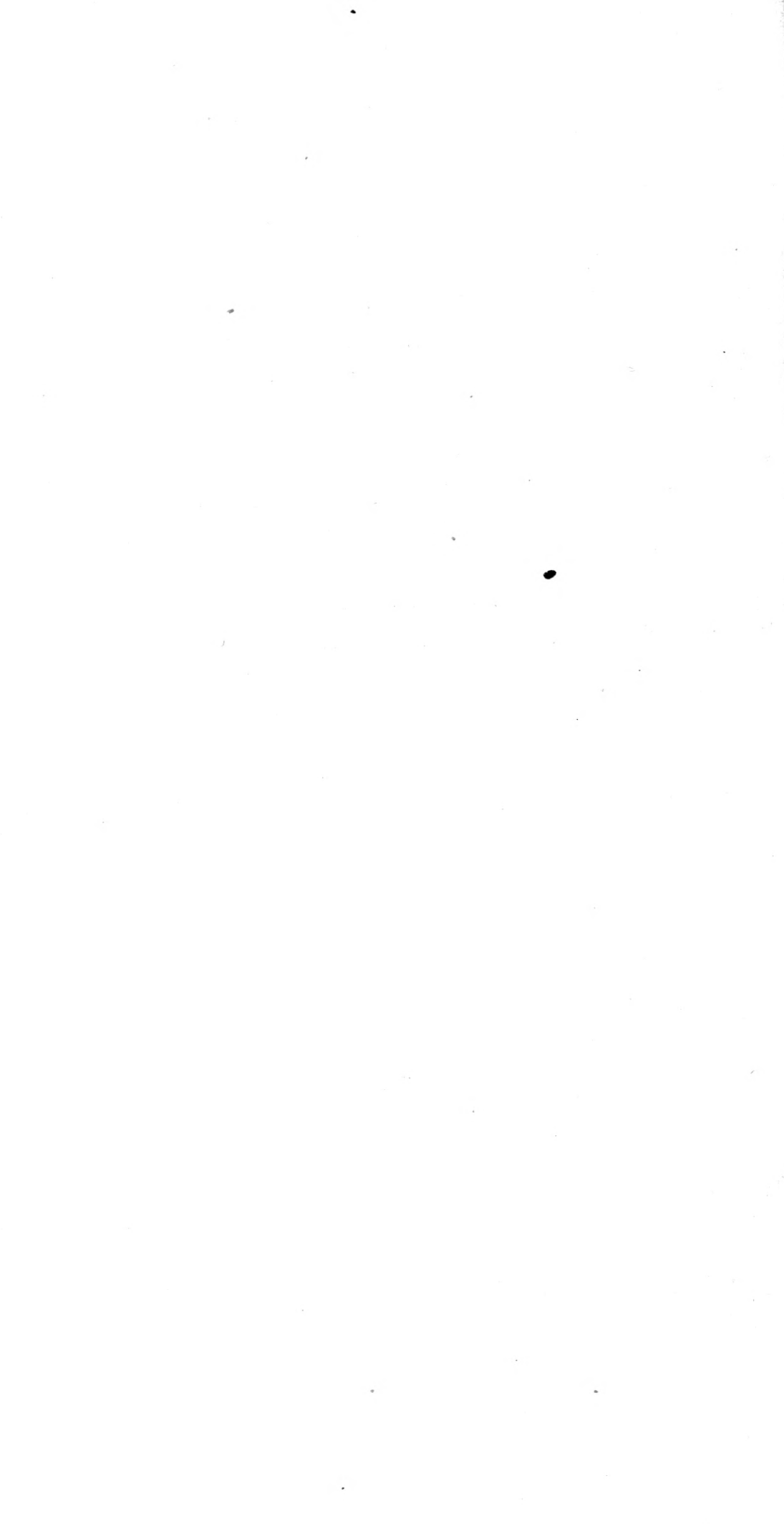
7a. Returning with prisoner after arrest, conveyance or railway fare for prisoner. Only reasonable disbursements to be allowed and public conveyance to be used when practicable. (*Tariff Item 5a.*)

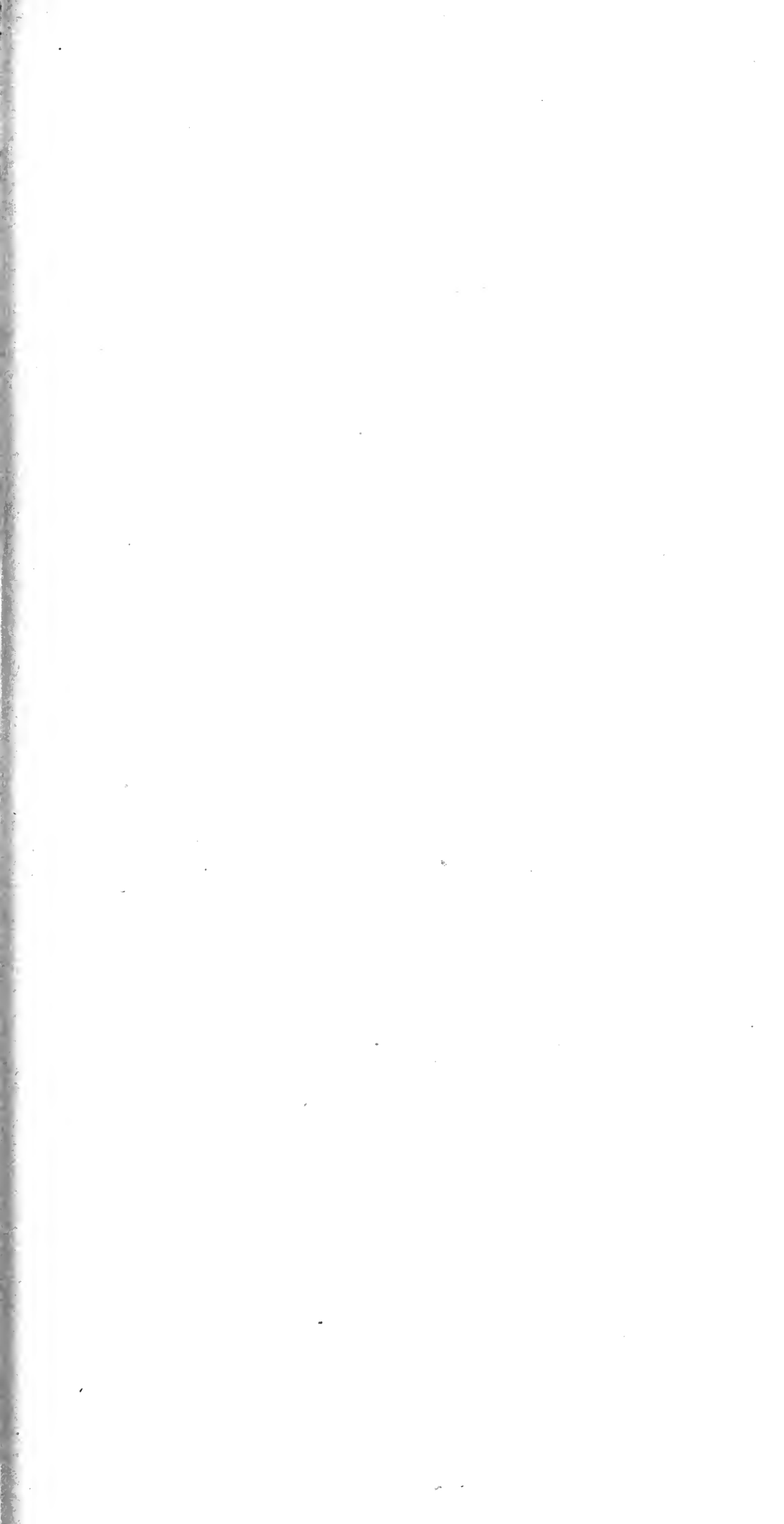
SCHEDULE.

1. Arrest of each individual upon a warrant	\$ 1 50
2. Serving summons or subpoena	0 25
3. Mileage to serve summons, subpoena or warrant . .	0 13
4. do when service cannot be effected upon proof of due diligence.	0 13
5. Mileage taking prisoner to gaol, exclusive of dis- bursements necessarily expended in their con- veyance	0 10
5a. Returning with prisoner after arrest, conveyance or railway fare for prisoner. Only reasonable disbursements to be allowed, and public conveyance to be used when practicable.	
6. Attending justices on summary trials, or on examination of prisoners charged with crime, for each day necessarily employed in one or more cases	\$1 50
8. Attending assizes or sessions each day	1 50
9. Mileage travelling to attend assizes, sessions, or before justices (when public conveyance can be taken, only reasonable disbursements to be allowed)	0 10

10. Summoning jury for coroners' inquest, including attending at inquest, and all services in respect thereof, if held on same day as jury summoned.	\$3 00
11. Attending each adjournment thereof	1 50
13. Serving summons or subpoena to attend before coroner (subject to No. 10)	0 25
14. Mileage serving same	0 13
15. Exhuming body under coroners' warrant	4 00
16. Reburying same	2 00
17. Serving distress warrant and returning same	1 50
18. Advertising under distress warrant	1 00
19. Travelling to make distress or to search for goods to make distress, when no goods are found	0 13
20. Appraisements, whether by one appraiser or more, two cents in the dollar on the value of the goods.	
21. Catalogue sale and commission, and delivery of goods, five cents in the dollar on the net produce of the goods.	
22. Executing search warrant	1 50
23. Serving notices on constables, when personally served	0 50







BILL.

An Act respecting High and County
Constables.

First Reading, 17th March, 1896.
Second Reading, 26th March, 1896.

*(Reprinted as amended by Committee of
the Whole House.)*

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Registry Act, 1893.

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

1. Section 29 of *The Registry Act, 1893*, is amended by 56 V. c. 21 inserting after the word “conveyance” in the twentieth line s. 29, amended. of the said section, the words “release, acknowledgment.”

2. Section 76 of the said Act is amended by striking out all 56 V. c. 21 the words therein from the word “and,” in the fourteenth line, s. 76, amended. to the word “name,” in the twenty-first line, of the said section, inclusive.

3. Section 96 of the said Act is amended by adding thereto 56 V. c. 21 the following sub-section: s. 96, amended.

(8) The Registrar shall not receive or file any plan or map of a sub-division of any land, unless the person or the corporation by whom or on whose behalf the same is filed appears on the registry books to be the owner of the land sub-divided by the plan, nor unless the consent in writing of all persons and corporations who appear to be mortgagees of the land is endorsed on the plan and signed by such person or the chief officer of such corporation and such signatures are duly verified by affidavit. Registrar not to file plans for any one but owner.

4. Section 4 of the Act passed in the 58th year of Her Majesty's reign, intituled *An Act to Amend The Registry Act*, 58 V. c. 22 s. 4, amended. is hereby amended by adding thereto the following sub-section:

(2) Where any Probate of Will or Letters of Administration, Registering probate or letters of administration. with the Will annexed, is required to be registered under the preceding section, and the Will is over seven folios in length, including Probate or Letters, it shall not be necessary to regis-

ter the Will at full length; but for the purposes of the said section it shall be sufficient to register so much of the Probate or Letters of Administration, with the Will annexed, as show the grant of Probate or such Letters and the appointment of executors or administrators, as the case may be, and by the deposit in the registry office of a copy of so much of the Probate or Letters as show the grant thereof and the appointment of executors or administrators, with an affidavit verifying such copy, and an affidavit by the executor or administrator, or of one of them if there be more than one, to the effect that there is nothing in the Will limiting the right of the executor or the administrator to receive the mortgage money and discharge the mortgage.

56 V. c. 21
s. 23 subs. 2,
amended.

5. Sub-section 2 of section 23 of *The Registry Act of 1893* is amended by striking out all the words from the word "practice," in the seventh line of said sub-section, to the word "home," in the eighth line thereof inclusive.

56 V. c. 21
s. 111 subs. 3,
amended.

6. Sub-section 3 of section 111, of the said Registry Act is amended by inserting at the end of the said sub-section the further words: "and for searching, if specially required, the general registry book for the whole county, referred to in section 29, as to each name in the said book the sum of twenty-five cents."

56 V. c. 21
s. 111 subs. 6,
amended.

7. Sub-section 6 of the said section 111 is amended by adding thereto the following words: "and for searches as to the names of registered owners and as to mortgagees under sub-section 8 of section 96 of this Act, in connection with the registration of any plan, the sum of \$1.00."

56 V. c. 21
s. 111 subs. 7,
amended.

8. Sub-section 7 of the said section 111 is hereby amended by inserting after the word "plans," in the tenth line of the said sub-section, the following words: "or for new plans and surveys or for new abstract indexes."

56 V. c. 21
s. 131,
amended.

9. Section 131 of the said Registry Act is amended by striking out the words "which shall include all," in the first and second lines thereof, and inserting in lieu thereof the words "exclusive of."

56 V. c. 21
s. 119,
amended.

10. Section 119 of the said Registry Act is hereby amended by inserting after the word "Registrar," in the first line thereof, the words "other than the Registrars for East and West Toronto."

56 V. c. 21
s. 119,
amended.

11. The said section 119 is further amended by adding at the end thereof the following sub-section:

Percentage payable out of net income of Toronto Registrars.

(7) The Registrars of East and West Toronto shall pay to the Treasurer of the City of Toronto of their net income in

each year respectively over the sum of \$1,500, the following percentages :

- (a) On the excess over \$1,500, not exceeding \$2,000, ten per cent. thereof ;
- (b) On the excess over \$2,000, not exceeding \$2,500, twenty per cent. thereof ;
- (c) On the excess over \$2,500, not exceeding \$3,000, thirty per cent. thereof ;
- (d) On the excess over \$3,000, not exceeding \$6,000, fifty per cent. thereof.
- (e) On the excess over \$6,000, ninety per cent. thereof.

The expenses connected with the work of or in conducting the business of the offices of the Registrars of East and West Toronto, shall not be increased beyond those paid in the year 1895, without the consent of the Inspector in writing first had and obtained.

12. Section 121 of the said Act is hereby repealed and the following substituted therefor :—

56 V. c. 21
s. 121
repealed.

Of the net income of each year, every registrar, other than the Registrars of East and West Toronto, shall, subject to the proportions and conditions set forth in sections 119 and 120 of this Act, further pay to the said treasurer, for the uses of the municipality, the following percentages on the net income over \$1,500, namely :—

Percentage of
net income
payable to
municipality.

- (a) On the excess over \$1,500, not exceeding \$2,000, ten per cent. thereof ;
- (b) On the excess over \$2,000, not exceeding \$2,500, twenty per cent. thereof ;
- (c) On the excess over \$2,500, not exceeding \$3,000, thirty per cent. thereof ;
- (d) On the excess over \$3,000, fifty per cent thereof.

13. Whereas doubts have arisen as to the intention and effect of sub-section 7 of section 1 of the Act, 57th Victoria, chaptered 9, intituled *An Act to amend the Act respecting the Fees of Certain Public Officers*, it is hereby declared that all percentages payable under the said sub-section 7 were intended to be payable and are hereby declared to have been payable to the treasurers of the municipalities according to the provisions of section 12 of this Act up to the 31st day of December, 1895, and from and after the 1st day of January, 1896, the said sub-section 7 shall be deemed to be superseded by section 12 of this Act.

Meaning of
57 V. c. 9 s. 1
subs. 7,
declared.

14. Sections 11 and 12 of this Act shall take effect as from the first day of January, 1896.

Commence-
ment of sec-
tions 11 and 12
of Act.

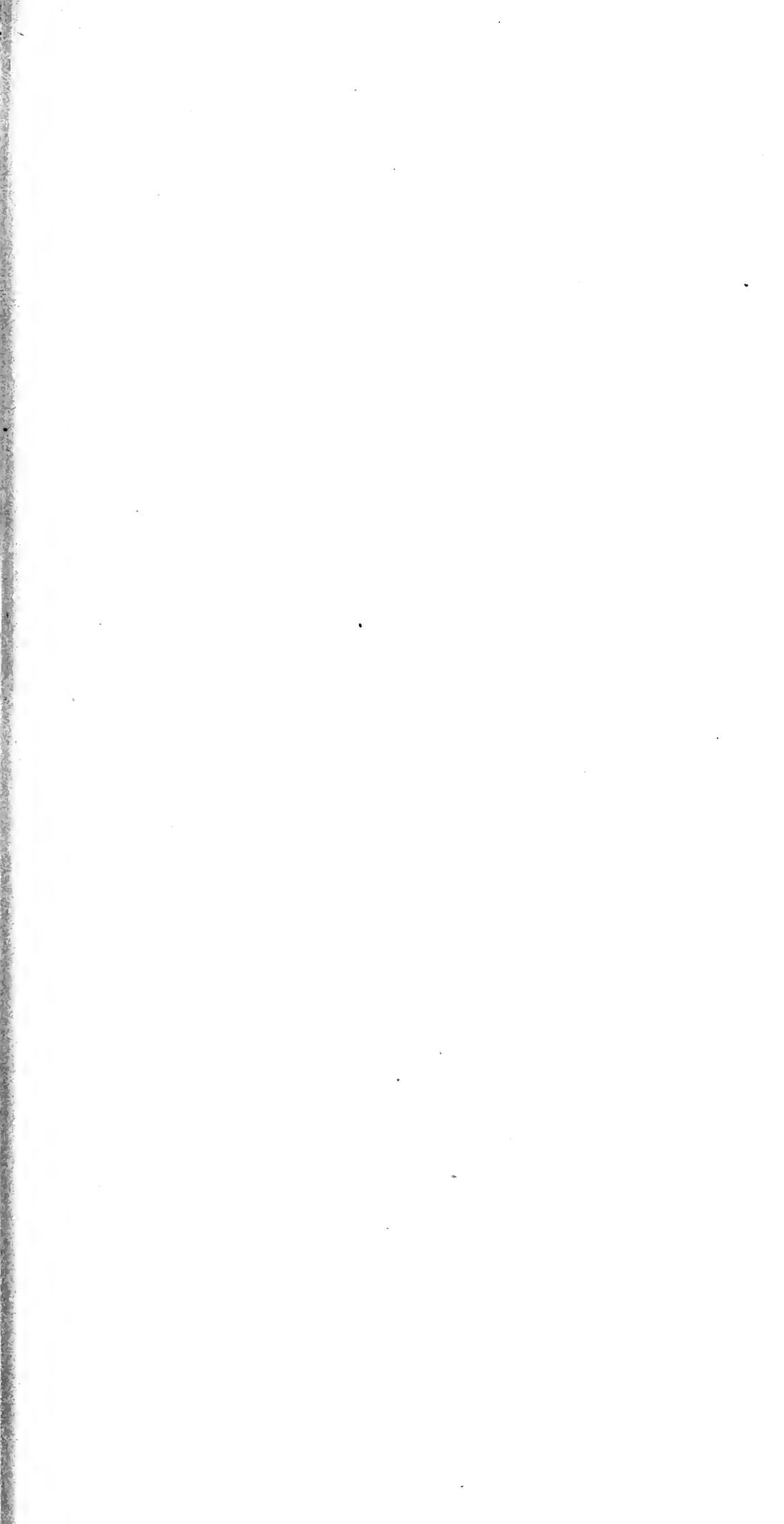
56 V. c. 21,
s. 123.

15.—(1) Section 123 of the said Registry Act is hereby repealed and the following is substituted therefor:—

Adjustment
of percentage
to municipal-
ity where
registrar fills
the office for
part of year
only.

123—(1) Every Registrar, or deputy Registrar acting as Registrar, who fills the office of Registrar and receives the fees and emoluments thereof for part only of a year shall, or in case of his death his executors or administrators shall, in respect of the fees and emoluments received by him during such part of a year pay a proportion thereof to the municipal treasurer for the uses of the municipality under sections 119, 120 and 151 hereof, such proportion of fees to correspond to the portion of the year he so filled the office and such proportion to be computed for such part of the year at the same rate as such Registrar or deputy Registrar would have had to pay had he filled the office for the whole year and had he during that year received the same average amount of fees and emoluments and made the same average disbursements incident to the business of his office for the whole of such year as he received and made for the part of the year during which he filled the office.

(2) Every Registrar or deputy Registrar or the executors or administrators of every Registrar or deputy Registrar in this section referred to shall, within fifteen days after the expiry of the part of the year for which he so filled the office, make, up to and including the days of such expiry, a return under oath to the Lieutenant-Governor, and such return, in addition to any other information which may be required in connection therewith, shall show for the said part of the year all the particulars required by sub-section 2 of section 117 of this Act, and shall also, within the said period of fifteen days transmit to the treasurer of the county or city for which, or for part of which, he so filled the office of Registrar or deputy Registrar a duplicate of such return, and shall also pay to such treasurer for the uses of the municipality such proportion of the fees and emoluments received by him during the part of the year herein referred to as he is hereunder liable to pay to such municipality, and sub-section 2 of section 120 of this Act shall apply to the proportion of fees in this section mentioned.



2nd Session, 8th Legislature, 59 Vict, 1896.

BILL.

An Act to amend The Registry Act, 1893.

First Reading, 17th March, 1896.

Mr. GIBSON,
(Hamilton).

TORONTO:

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

An Act to amend The Registry Act, 1893.

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

1. Section 29 of *The Registry Act, 1893*, is amended by 56 V. c. 21 s. 23, amended. inserting after the word "conveyance" in the twentieth line of the said section, the words "release, acknowledgment."

2. Section 76 of the said Act is amended by striking out all the words therein from the word "and," in the fourteenth line, to the word "name," in the twenty-first line, of the said section, inclusive. 56 V. c. 21 s. 76, amended.

3. Section 96 of the said Act is amended by adding thereto the following sub-section: 56 V. c. 21 s. 96, amended.

(8) The Registrar shall not receive or file any plan or map of a sub-division of any land, unless the person or the corporation by whom or on whose behalf the same is filed appears on the registry books to be the owner of the land sub-divided by the plan, nor unless the consent in writing of all persons and corporations who appear to be mortgagees of the land is endorsed on the plan and signed by such person or the chief officer of such corporation and such signatures are duly verified by affidavit. Registrar not to file plans for any one but owner.

4. Section 4 of the Act passed in the 58th year of Her Majesty's reign, intituled *An Act to Amend The Registry Act*, is hereby amended by adding thereto the following sub-section: 56 V. c. 22 s. 4, amended.

(2) Where any Probate of Will or Letters of Administration, with the Will annexed, is required to be registered under the preceding section, and the Will is over seven folios in length, including Probate or Letters, it shall not be necessary to register Registering probate or letters of administration.

ter the Will at full length; but for the purposes of the said section it shall be sufficient to register so much of the Probate or Letters of Administration, with the Will annexed, as show the grant of Probate or such Letters and the appointment of executors or administrators, as the case may be, and by the deposit in the registry office of a copy of so much of the Probate or Letters as show the grant thereof and the appointment of executors or administrators, with an affidavit verifying such copy, and an affidavit by the executor or administrator, or of one of them if there be more than one, to the effect that there is nothing in the Will limiting the right of the executor or the administrator to receive the mortgage money and discharge the mortgage.

56 V. c. 21
s. 23 subs. 2,
amended.

5. Sub-section 2 of section 23 of *The Registry Act of 1893* is amended by striking out all the words from the word "practice," in the seventh line of said sub-section, to the word "home," in the eighth line thereof inclusive.

56 V. c. 21, s.
6, amended.

~~427~~ 6. Section 26 of the said *Registry Act* is amended by adding thereto the following as sub-section 3 thereof:—

Office hours
on Saturdays
during long
vacation.

~~427~~ Provided that all registrars other than the registrars of the east and west divisions of the city of Toronto and for the county of York shall not, after one o'clock in the afternoon on Saturdays during long vacation, from the first day of July to the 31st day of August, both days inclusive, register any instrument, nor shall any instrument be received for registration by them, nor shall it be obligatory to attend at their offices for the transaction of business after the said hour of one o'clock on Saturdays during the said period of the long vacation. ⁶³

56 V. c. 21
s. 111 subs. 3,
amended.

7. Sub-section 3 of section 111, of the said *Registry Act* is amended by inserting at the end of the said sub-section the further words: "and for searching, if specially required, the general registry book for the whole county, referred to in section 29, as to each name in the said book the sum of twenty-five cents."

56 V. c. 21
s. 111 subs. 6,
amended.

8. Sub-section 6 of the said section 111 is amended by adding thereto the following words: "and for searches as to the names of registered owners and as to mortgagees under sub-section 8 of section 96 of this Act, in connection with the registration of any plan, the sum of \$1.00."

56 V. c. 21
s. 111 subs. 7,
amended.

9. Sub-section 7 of the said section 111 is hereby amended by inserting after the word "plans," in the tenth line of the said sub-section, the following words: "or for new plans and surveys or for new abstract indexes."

10. Section 131 of the said Registry Act is amended by 56 V. c. 21 s. 131, amended. striking out the words "which shall include all," in the first and second lines thereof, and inserting in lieu thereof the words "exclusive of."

11. Section 119 of the said Registry Act is hereby amended 56 V. c. 21 s. 119, amended. by inserting after the word "Registrar," in the first line thereof, the words "other than the Registrars for East and West Toronto."

12. The said section 119 is further amended by adding at 56 V. c. 21 s. 119, amended. the end thereof the following sub-section :

(7) The Registrars of East and West Toronto shall pay to Percentage payable out of net income of Registrars. Register the Treasurer of the City of Toronto of their net income in each year respectively over the sum of \$1,500, the following percentages :

- (a) On the excess over \$1,500, not exceeding \$2,000, ten per cent. thereof ;
- (b) On the excess over \$2,000, not exceeding \$2,500, twenty per cent. thereof ;
- (c) On the excess over \$2,500, not exceeding \$3,000, thirty per cent. thereof ;
- (d) On the excess over \$3,000, not exceeding \$6,000, fifty per cent. thereof.
- (e) On the excess over \$6,000, ninety per cent. thereof.

The expenses connected with the work of or in conducting the business of the offices of the Registrars of East and West Toronto, shall not be increased beyond those paid in the year 1895, without the consent of the Inspector in writing first had and obtained.

13. Section 121 of the said Act is hereby repealed and the 56 V. c. 21 s. 121 repealed. following substituted therefor :—

Of the net income of each year, every registrar, other Percentage of net income payable to municipality. than the Registrars of East and West Toronto, shall, subject to the proportions and conditions set forth in sections 119 and 120 of this Act, further pay to the said treasurer, for the uses of the municipality, the following percentages on the net income over \$1,500, namely :—

- (a) On the excess over \$1,500, not exceeding \$2,000, ten per cent. thereof ;
- (b) On the excess over \$2,000, not exceeding \$2,500, twenty per cent. thereof ;
- (c) On the excess over \$2,500, not exceeding \$3,000, thirty per cent. thereof ;
- (d) On the excess over \$3,000, fifty per cent thereof.

Meaning of
57 V. c. 9 s. 1
subs. 7,
declared.

14. Whereas doubts have arisen as to the intention and effect of sub-section 7 of section 1 of the Act, 57th Victoria, chaptered 9, intituled *An Act to amend the Act respecting the Fees of Certain Public Officers*, it is hereby declared that all percentages payable under the said sub-section 7 were intended to be payable and are hereby declared to have been payable to the treasurers of the municipalities according to the provisions of section 12 of this Act up to the 31st day of December, 1895, and from and after the 1st day of January, 1896, the said sub-section 7 shall be deemed to be superseded by section 12 of this Act.

Commence-
ment of sec-
tions 11 and 12
of Act.

15. Sections 12 and 13 of this Act shall take effect as from the first day of January, 1896.

56 V. c. 21, s.
99, sub-s. 2,
amended.

16. Sub-section 2 of section 99 of the said *Registry Act* is amended by adding at the end thereof the words "or otherwise, as the Inspector of Registry Offices shall approve of and direct."

56 V. c. 21,
s. 123.

17.—(1) Section 123 of the said *Registry Act* is hereby repealed and the following is substituted therefor:—

Adjustment
of percentage
to municipal-
ity where
registrar fills
the office for
part of year
only.

123—(1) Every Registrar, or deputy Registrar acting as Registrar, who fills the office of Registrar and receives the fees and emoluments thereof for part only of a year shall, or in case of his death his executors or administrators shall, in respect of the fees and emoluments received by him during such part of a year pay a proportion thereof to the municipal treasurer for the uses of the municipality under sections 119, 120 and 151 hereof, such proportion of fees to correspond to the portion of the year he so filled the office and such proportion to be computed for such part of the year at the same rate as such Registrar or deputy Registrar would have had to pay had he filled the office for the whole year and had he during that year received the same average amount of fees and emoluments and made the same average disbursements incident to the business of his office for the whole of such year as he received and made for the part of the year during which he filled the office.

(2) Every Registrar or deputy Registrar or the executors or administrators of every Registrar or deputy Registrar in this section referred to shall, within fifteen days after the expiry of the part of the year for which he so filled the office, make, up to and including the days of such expiry, a return under oath to the Lieutenant-Governor, and such return, in addition to any other information which may be required in connection therewith, shall show for the said part of the year all the particulars required by sub-section 2 of section 117 of this Act,

and shall also, within the said period of fifteen days transmit to the treasurer of the county or city for which, or for part of which, he so filled the office of Registrar or deputy Registrar a duplicate of such return, and shall also pay to such treasurer for the uses of the municipality such proportion of the fees and emoluments received by him during the part of the year herein referred to as he is hereunder liable to pay to such municipality, and sub-section 2 of section 120 of this Act shall apply to the proportion of fees in this section mentioned.



BILL.

An Act to amend The Registry Act, 1893.

First Reading, 17th March, 1896.
Second Reading, 26th March, 1896.

*(Reprinted as amended in Committee of
the Whole House.)*

MR. GIBSON,
(Hamilton).

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PRINTED BY L. K. CAMERON,
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An Act to amend The Registry Act, 1893.

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

1. Section 29 of *The Registry Act, 1893*, is amended by 56 V. c. 21 s. 29, amended inserting after the word “conveyance” in the twentieth line of the said section, the words “release, acknowledgment.”
2. Section 76 of the said Act is amended by striking out all 56 V. c. 21 s. 76, amended the words therein from the word “and,” in the fourteenth line, to the word “name,” in the twenty-first line, of the said section, inclusive.
3. Section 96 of the said Act is amended by adding thereto 56 V. c. 21 s. 96, amended the following sub-section:

(8) The Registrar shall not receive or file any plan or map of a sub-division of any land, unless the person or the corporation by whom or on whose behalf the same is filed appears on the registry books to be the owner of the land sub-divided by the plan, nor unless the consent in writing of all persons and corporations who appear *by the said books* to be mortgagees of the land is endorsed on the plan and signed by such person or the chief officer of such corporation and such signatures are duly verified by affidavit. Registrar not to file plans for any one but owner.
4. Section 4 of the Act passed in the 58th year of Her Majesty’s reign, intituled *An Act to Amend The Registry Act*, is hereby amended by adding thereto the following sub-section: 58 V. c. 22 s. 4, amended.

(2) Where any Probate of Will or Letters of Administration, with the Will annexed, is required to be registered under the preceding *sub-section*, and the Will is over seven folios in length, including Probate or Letters,⁴²⁷ and the Will does not affect lands in the Registry Division, except in so far as the testator Registering probate or letters of administration.

was a mortgagee or assignee of a mortgage, it shall not be necessary to register the Will at full length; but for the purposes of the said *sub-section* it shall be sufficient to register so much of the Probate or Letters of Administration, with the Will annexed, as show the grant of Probate or such Letters and the appointment of executors or administrators, as the case may be, and by the deposit in the registry office of a copy of so much of the Probate or Letters as show the grant thereof and the appointment of executors or administrators, with an affidavit verifying such copy, and an affidavit by the executor or administrator, or by one of them if there be more than one, *or by his or their solicitor*, to the effect that there is nothing in the Will limiting the right of the executor or the administrator to receive the mortgage money and discharge the mortgage, and that the Will does not affect lands in the Registry Division in which the Probate or Letters is to be registered, except in so far as the testator was the holder of a mortgage or mortgages comprising land in such Registry Division.

56 V. c. 21
s. 23 subs. 2,
amended.

Recording
wills.

5. Section 29 of the said *Registry Act* is amended by adding thereto the following sub-section:—

(2) Where heretofore, Wills have been recorded in the separate books of a Registry Division, but have not been recorded in the General Registry Book thereof when the same ought to have been recorded therein, the Inspector shall have the power, by order in writing, to direct that an alphabetical index of the names of all parties mentioned by name in such Wills and designating the book or books and the pages thereof in which such Wills are recorded shall be prepared and kept, and the County or City Treasurer shall pay such sum as the Inspector may order, in writing, for such index and the preparation thereof.

56 V. c. 21, s.
6, amended.

Office hours
on Saturdays
during long
vacation.

6. Section 26 of the said *Registry Act* is amended by adding thereto the following as sub-section 3 thereof:—

Provided that all registrars other than the registrars of the east and west divisions of the city of Toronto and for the county of York shall not, after one o'clock in the afternoon on Saturdays during long vacation, from the first day of July to the 31st day of August, both days inclusive, register any instrument, nor shall any instrument be received for registration by them, nor shall it be obligatory to attend at their offices for the transaction of business after the said hour of one o'clock on Saturdays during the said period of the long vacation.

56 V. c. 21
s. 111 subs. 3,
amended.

7. Sub-section 3 of section 111, of the said *Registry Act* is amended by inserting at the end of the said sub-section the further words: "and for searching, if specially required, the

general registry book for the whole county, referred to in section 29, as to each name in the said book the sum of twenty-five cents."

8. Sub-section 6 of the said section 111 is amended by adding thereto the following words: "and for searches as to the names of registered owners and as to mortgagees under sub-section 8 of section 96 of this Act, in connection with the registration of any plan, the sum of \$1.00." 56 V. c. 21
s. 111 subs. 6,
amended.

9. Sub-section 7 of the said section 111 is hereby amended by inserting after the word "plans," in the tenth line of the said sub-section, the following words: "or for new plans and surveys or for new abstract indexes." 56 V. c. 21
s. 111 subs. 7,
amended.

10. Section 131 of the said Registry Act is amended by striking out the words "which shall include all," in the first and second lines thereof, and inserting in lieu thereof the words "exclusive of." 56 V. c. 21
s. 131,
amended.

11. Section 119 of the said Registry Act is hereby amended by inserting after the word "Registrar," in the first line thereof, the words "other than the Registrars for East and West Toronto." 56 V. c. 21
s. 119,
amended.

12. The said section 119 is further amended by adding at the end thereof the following sub-section: 56 V. c. 21
s. 119,
amended.

(7) The Registrars of East and West Toronto, ^{and} subject to the provisions of section 134 of *The Land Titles' Act*, ^{and} shall pay to the Treasurer of the City of Toronto of their net income in each year respectively over the sum of \$1,500, the following percentages: Percentage payable out of net income of Registrars.

- (a) On the excess over \$1,500, not exceeding \$2,000, ten per cent. thereof;
- (b) On the excess over \$2,000, not exceeding \$2,500, twenty per cent. thereof;
- (c) On the excess over \$2,500, not exceeding \$3,000, thirty per cent. thereof;
- (d) On the excess over \$3,000, not exceeding \$6,000, fifty per cent. thereof.
- (e) On the excess over \$6,000, ninety per cent. thereof.

The expenses connected with the work of or in conducting the business of the offices of the Registrars of East and West Toronto, shall not be increased beyond those paid in the year 1895, without the consent of the Inspector in writing first had and obtained.

13. Section 121 of the said Act is hereby repealed and the following substituted therefor:— 56 V. c. 21
s. 121
repealed.

Percentage of net income payable to municipality.

Of the net income of each year, every registrar, other than the Registrars of East and West Toronto, shall, subject to the proportions and conditions set forth in sections 119 and 120 of this Act, further pay to the said treasurer, for the uses of the municipality, the following percentages on the net income over \$1,500, namely:—

(a) On the excess over \$1,500, not exceeding \$2,000, ten per cent. thereof;

(b) On the excess over \$2,000, not exceeding \$2,500, twenty per cent. thereof;

(c) On the excess over \$2,500, not exceeding \$3,000, thirty per cent. thereof;

(d) On the excess over \$3,000, fifty per cent thereof.

Meaning of 57 V. c. 9 s. 1 subs. 7, declared.

14. Whereas doubts have arisen as to the intention and effect of sub-section 7 of section 1 of the Act, 57th Victoria, chaptered 9, intituled *An Act to amend the Act respecting the Fees of Certain Public Officers*, it is hereby declared that all percentages payable under the said sub-section 7 were intended to be payable and are hereby declared to have been payable to the treasurers of the municipalities according to the provisions of section 13 of this Act up to the 31st day of December, 1895, and from and after the 1st day of January, 1896, the said sub-section 7 shall be deemed to be superseded by section 13 of this Act.

Commencement of sections 11 and 12 of Act.

15. Sections 11, 12 and 13 of this Act shall take effect as from the first day of January, 1896.

56 V. c. 21, s. 99, sub-s. 2, amended.

16. Sub-section 2 of section 99 of the said *Registry Act* is amended by adding at the end thereof the words "or otherwise, as the Inspector of Registry Offices shall approve of and direct."

56 V. c. 21, s. 123.

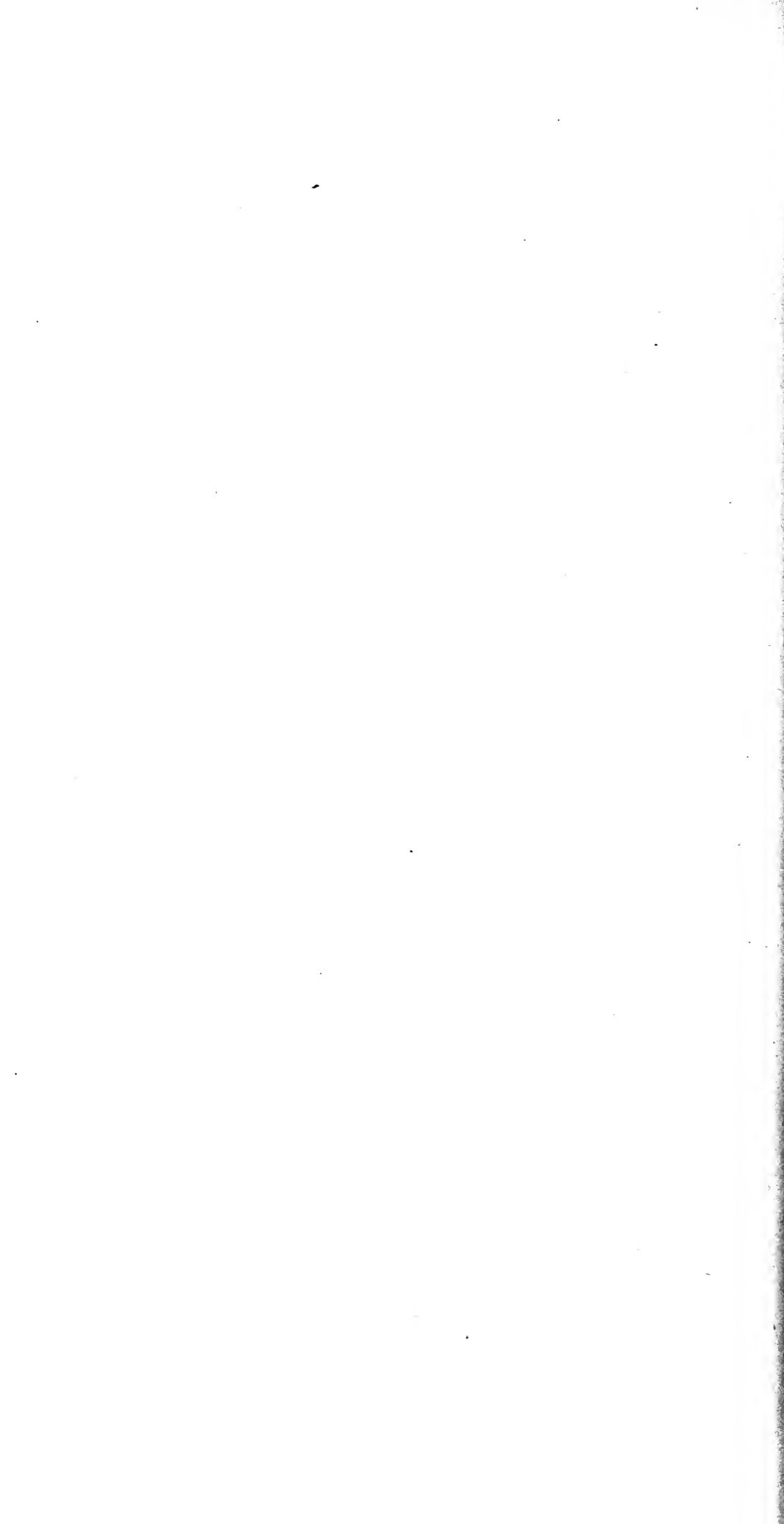
17.—(1) Section 123 of the said *Registry Act* is hereby repealed and the following is substituted therefor:—

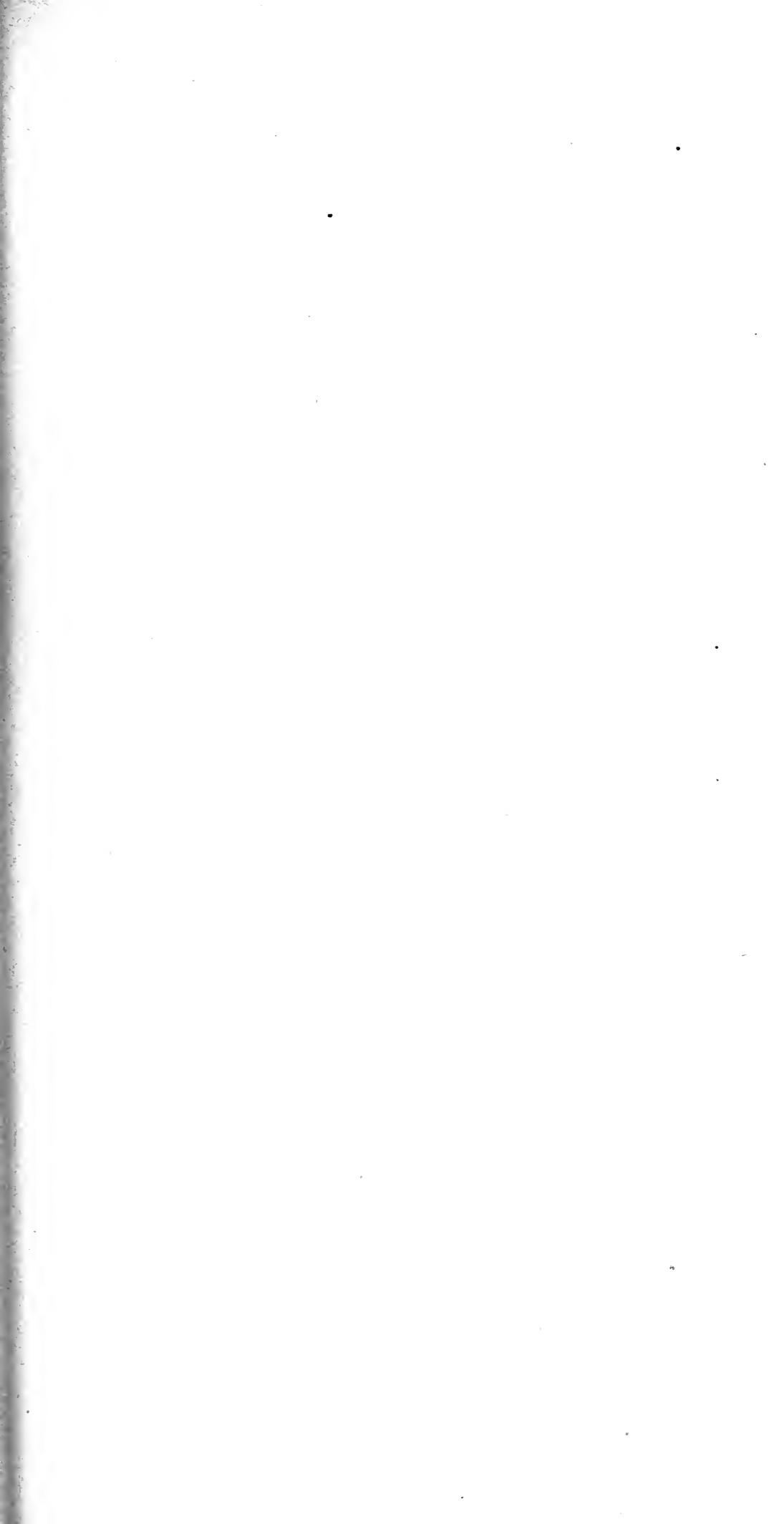
Adjustment of percentage to municipality where registrar fills the office for part of year only.

123—(1) Every Registrar, or deputy Registrar acting as Registrar, who fills the office of Registrar and receives the fees and emoluments thereof for part only of a year shall, or in case of his death his executors or administrators shall, in respect of the fees and emoluments received by him during such part of a year pay a proportion thereof to the municipal treasurer for the uses of the municipality under sections 119, 120 and 121 hereof, such proportion of fees to correspond to the portion of the year he so filled the office and such proportion to be computed for such part of the year at the same rate as such Registrar or Deputy Registrar would have had to pay had he filled the office for the whole year and had he during

that year received the same average amount of fees and emoluments and made the same average disbursements incident to the business of his office for the whole of such year as he received and made for the part of the year during which he filled the office.

(2) Every Registrar or Deputy Registrar in this section referred to shall, within fifteen days after the expiry of the part of the year for which he so filled the office,⁴²⁷ and the executors or administrators of every deceased Registrar who so filled the office for a part of a year only and died in office, shall, within 30 days after the death of such Registrar or Deputy Registrar,⁴²⁸ make, up to and including the days of such expiry, a return under oath to the Lieutenant-Governor, and such return, in addition to any other information which may be required in connection therewith, shall show for the said part of the year all the particulars required by sub-section 2 of section 117 of this Act, and shall also, within the said period of fifteen days⁴²⁷ and of thirty days, as the case may be,⁴²⁸ transmit to the treasurer of the county or city for which, or for part of which, he so filled the office of Registrar or Deputy Registrar a duplicate of such return, and shall also pay to such treasurer for the uses of the municipality such proportion of the fees and emoluments received by him⁴²⁷ or by the deceased Registrar or Deputy Registrar, as the case may be,⁴²⁸ during the part of the year herein referred to as he is hereunder liable to pay to such municipality, and sub-section 2 of section 120 of this Act shall apply to the proportion of fees in this section mentioned.





BILL.

An Act to amend The Registry Act, 1893.

First Reading, 17th March, 1896.

Second Reading, 26th March, 1896.

(Reprinted as again amended in Committee of the Whole House.)

MR. GIBSON,
(Hamilton).

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 161.]

BILL.

[1896.

An Act to amend The Act to Prevent the Spread of
Noxious Weeds and of Diseases Affecting Fruit
Trees.

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

1. Section 3 of chapter 202 of the Revised Statutes of ^{Rev. Stat. c.}
5 Ontario is hereby amended by inserting the word "county" ^{202 s. 3,}
before the word "city" in the first line of said section. ^{amended.}

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Act to Prevent the
Spread of Noxious Weeds and Diseases
Affecting Fruit Trees.

First Reading, 18th March, 1896.

MR. CHARLTON.

TORONTO :

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

No. 161.]

BILL

[1896.

An Act to amend⁵²⁷ The Yellows and Black Knot
Act, 1893:⁶⁵¹

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

1. Section 4 of *The Yellows and Black Knot Act, 1893*, is 56 V. c. 42,
amended by inserting the word "county" before the word s. 4, amended.
"city" in the first line of the said section.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend ~~the~~ The Yellows and Black
Knot Act, 1893, ~~the~~

First Reading, 18th March, 1896.
Second Reading, 25th March, 1896.

*(Reprinted as amended by Municipal
Committee.)*

Mr. CHARLTON.

TORONTO :

PRINTED BY J. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 162.]

BILL.

[1896.

An Act respecting Contractors and Workmen on Public Works.

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

1. Eight hours shall be the length of the working day for
5 all workmen and labourers employed, either permanently or
temporarily by the Government of Ontario, or by contractors
or sub-contractors under or for it. Hours of la-
bour of Gov-
ernment work-
men.
2. All government printing whether done by contractors or
sub-contractors shall bear the label of the union label league. Government
printing to
bear union
label
- 10 3. Every employee of the Government and every contractor
or sub-contractor who has under him or who employs work-
men or labourers on a public work or printing contract and
who wilfully violates the provisions of this Act is guilty of
an indictable offence and liable to a penalty not exceeding one
15 thousand dollars or to imprisonment for a term not exceeding
six months or to both penalty and imprisonment in the des-
cretion of the court. Penalty for
violation of
Act.
- 20 4. This Act shall not apply to contractors or sub-contractors
now having contracts with or for the Government of Ontario,
for the execution of a public work, nor shall it apply in cases
of pressing emergency or of absolute necessity. Exceptions.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting Contractors and Workmen on Public Works.

First Reading, 18th March, 1896.

Mr. RYERSON.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Municipal Act.

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

1. Sub-section 2 of section 77 of the said Act is amended by striking out the words "twenty-one years or upwards of" in the fifth and sixth lines thereof. 55 V., c. 42 s. 77 subs. 2, amended. Leaseholders from corporations disqualified from election.
- 2.—(1) All proceedings, regulations and penalties provided by the said Act, and amendments thereto, for the conduct of municipal elections, and for voting upon municipal by-laws, so far as the same are applicable, and except in so far as is herein otherwise provided, shall apply *mutatis mutandis* to the taking of every vote which municipal councils may lawfully, from time to time, submit to the duly qualified electors entitled to vote for members of such councils, and to all officers and other persons engaged in taking such vote. Application of provisions of 55 V. c. 42 as to elections to the submission of questions to electors.
3. Section 80 of the said Act is amended by striking out the figures "400" in the eighth line thereof and substituting the figures "200" therefor. 55 V. c. 42 s. 80, amended. Qualification of electors in cities.
4. Sub-section (e) of sub-section 1 of section 167 of the said Act is amended by adding thereto, after the word "name" in the sixth line thereof, the following words, "or advise or abet, counsel or procure any other person so to do." 55 V. c. 42 s. 167 subs. e, amended. Personation.
5. Sub-section 2 of section 210 of the said Act is hereby repealed. 55 V. c. 42 s. 210 subs. 2, repealed.
6. Section 359 of the said Act is amended by adding thereto the following proviso: Personation. 55 V. c. 42 s. 359, amended.
- "Provided however, that such council may, prior to the completion of the estimates for such year, raise an interim rate of taxes, not exceeding five mills on the dollar, to pay the law- Raising taxes pending passing of estimates.

ful expenses of such municipality up to the time when the final estimates are passed, and the taxes for the year can be lawfully collected."

- 55 V. c. 489 subs. 1, amended. Polling places. 55 V. c. 489 subs. 1, amended. Uniting polling sub-divisions. **7.** Sub-section 1 of section 489 of the said Act is amended by adding after the word "therein," in the fourth line thereof the following words, "or at public schoolhouses in a near or adjoining sub-division" 5
- 55 V., c. 42 s. 489 subs. 38, amended. Arrests for drunkenness. **8.** Paragraph (a) of sub-section 1 of said section 489 is amended by inserting the words "or more" after the word "two in the tenth line thereof." 10
- 55 V. c. 42 s. 495 subs. 3, amended. License fee for hawkers and pedlars. **10** Sub-section 3 of section 495 of the said Act is amended by inserting the word "pedlars" after the word "hawkers" in the first line thereof, and by adding after the word "force" in the ninth line thereof the following words, "which license fee for a city of over 100,000 inhabitants shall not be less than \$40 for a two-horse wagon, \$30 for a one-horse wagon, \$15 for a push-cart and \$1 for one carrying a basket." 20
- 55 V. c. 42 s. 618 subs. 6, amended. Local improvements. **11.** Sub-section 6 of section 618 of said Act is amended by adding thereto the following words. "And it shall not be necessary to submit to another Court of Revision the by-law for the actual cost of the work or improvement where the proposed assessment has been regularly brought before a Court of Revision and the county judge, in case there has been appeal to such county judge, and the municipality has in force therein a by-law passed under the provisions of section 615 of this Act." 25
- Liability for flooding of cellars. **12.** In cities, towns and incorporated villages where any sewers are constructed, the municipalities shall not be liable for the flooding of cellars, where such flooding is occasioned by the sewers not being sufficiently large to carry off the water, and the fall of water is larger than at the rate of one inch per hour. 35
- Seizure of cattle, etc., unfit for human food. **13.** In cities of over 100,000 inhabitants the council may pass by-laws for seizing unslaughtered cattle, sheep, calves and hogs that have died on any railway car, or on any market, or within the municipality, in order to prevent such animals from being used as food, and for disposing of the carcasses of such animals in such a way as not to produce any harm to 40

the public health, and to secure to the owner such value as remains over and above the expenses incurred in disposing of such carcasses.

14. In cities of over 100,000 inhabitants, the councils may
 5 pass by-laws conferring upon the police commissioners of such
 cities the powers which are now possessed by the municipal
 council so far as they relate to licensing, regulating and gov-
 10 erning persons keeping intelligence offices, transient traders,
 hawkers, pedlars or petty chapmen, auctioneers, owners of ex-
 hibitions of wax works, menageries, circus riding and other
 such like shows usually exhibited by showmen, roller skating
 rinks and other places of like amusement, exhibitions held or
 kept for hire or profit, bowling alleys and other places of
 15 amusement, persons who for hire or gain keep billiard or baga-
 telle tables, victualling houses and all other places for lodging,
 reception, refreshment or entertainment of the public, owners
 and keepers of stores and shops where tobacco, cigars or cigar-
 ettes are sold, milk venders, bill posters, the running at large
 20 of dogs and the killing of dogs running at large; and there-
 after the police commissioners shall have full power to license,
 regulate and govern each person engaged in any of the busi-
 nesses or employments hereinbefore set out, whether the full
 power to license, regulate and govern was heretofore possessed
 by such municipality or not, but the council shall continue to
 25 have the power to fix the fees to be paid for such licenses, and
 any moneys derived from such licenses are to be handed over
 by the police commissioners to the treasurers of such cities to
 form part of the revenue thereof.

Transferring
 licensing
 powers from
 council to
 police com-
 missioners.

(1) The said police commissioners shall thereafter have
 30 power in respect of each of the said businesses, as is now
 possessed by the municipal councils in reference to auctioneers
 under section 8 of *The Municipal Amendment Act, 1894*.

Auctioneers'
 licenses.

57 V. c. 50.

15. In cities of over 100,000 inhabitants, the council there-
 of may by by-law set apart a street or streets on which horses
 35 may be driven or ridden more rapidly than is permitted upon
 the other streets of the city.

Setting apart
 streets for
 fast driving.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 18th March, 1896.

Mr. HOWLAND.

TORONTO:

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

The County Courts Act, 1896.

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

1. Section 18 of chapter 47 of the Revised Statutes of Ontario is hereby repealed, and the following substituted therefor :—

Rev. Stat.,
c. 47, s. 18,
replaced.

18. Except in the cases of actions in which by section 20 of this Act or by any other Act jurisdiction is conferred upon County Courts or a judge thereof, the said courts shall not have cognizance of any action :—

Matters not
to be within
jurisdiction of
county courts.

(1) In which the title to land of a greater value than \$200 is brought in question.

(2) In which the validity of any devise, bequest or limitation exceeding \$200 under any will or settlement is disputed nor where the assets of the estate or fund out of which the amount in question is payable exceeds \$1,000.

(3) For libel and slander.

(4) For criminal conversation or seduction.

(5) Against a justice of the peace for anything done by him in the execution of his office if he objects thereto prior to the issue of the writ by notice in writing served upon the plaintiff, or in or with his appearance to the writ of summons.

2. Section 19 of chapter 47 of the Revised Statutes of Ontario is hereby amended by adding thereto the following sub-sections :—

Rev. Stat.,
c. 47, s. 19,
amended.

(7) In any cause or action relating to debt, covenant and contract where the amount is liquidated or ascertained by the act of the parties or by the signature of the defendant, when the plaintiff and defendant, before the issue of the writ, agree

Jurisdiction
of courts.
Where parties
consent in
actions for
liquidated
damages.

by memorandum in writing signed by them and filed upon the application for the writ, that the court shall have power to try the action.

Other cases of liquidated demands. (8) In all other causes and actions relating to debt, covenant and contract where the amount exceeds \$400 but does not exceed \$600, where the amount is liquidated or ascertained by the act of the parties or by the signature of the defendant, subject to the provisions of sub-section (a) following. 5

Proviso. Transfer of actions to High Court. (a) But if the defendant or one of the defendants in an action coming within the provisions of sub-section 8 in or 10 by his appearance to the writ of summons or by notice in writing to the other parties at any time before the last day for the service of notice of trial, or at any other time by leave of the court or judge, states that he objects to the action being tried in a county court, all proceedings shall without 15 the necessity of any formal order and upon the direction of any of the parties be forwarded by the clerk of such county court to the local registrar of the High Court of the county in which the action was commenced, or in the county of York to the Central Office of the High Court, and all papers 20 and proceedings thereafter in the suit shall be entitled in the High Court, and the action shall proceed thereafter as if originally brought in the High Court. Provided nevertheless that a plaintiff may, notwithstanding anything in this sub-section contained, at his option bring any such action in the 25 High Court. The costs in any such action shall be taxed upon the county court scale as to any proceedings in the County Court and on the High Court scale as to any proceedings in the High Court.

Recovery of land. (9) In actions for the recovery of land where the value 30 of the land does not exceed \$200.

Partnership accounts. (10) In actions by persons entitled to and seeking an account of the dealings and transactions of a partnership, the joint stock or capital not having been over \$1,000, whether such account is sought by claim or counter claim. 16 Vict., 35 cap. 119, sec. 2., sub-sec. 1.

Legacies. (11) In actions by a legatee under the will of any deceased person, such legatee seeking payment or delivery of his legacy not exceeding \$200 in amount or value out of such deceased person's estate not exceeding \$1,000. 16 Vict., cap. 119, 40 sub-sec. 3.

Actions on mortgages. (12) In actions by a legal or equitable mortgagee whose mortgage has been created by some instrument in writing, or a judgment creditor, or a person entitled to a lien or security for a debt, seeking foreclosure or sale, or otherwise, to enforce 45 his security, where the sum claimed as due does not exceed \$200. (16 Vict., cap. 119, sub-sec. 6.)

(13) In actions by a person entitled to redeem any legal or equitable mortgage or any charge or lien, and seeking to redeem the same, where the sum actually remaining due does not exceed \$200. (16 Vict., cap. 119, sub-sec. 7.) Actions for redemption.

(14) In actions by any person seeking equitable relief in respect of any matter whatsoever, where the subject matter involved does not exceed \$200. 16 Vict., cap. 119, sub-sec. 8. Equitable relief.

(15) Every action or contestation to establish the right of a creditor to rank upon an insolvent estate where the amount of such claim does not exceed \$400. Creditors ranking on estate.

3. The following sections shall be inserted after section 19 of the said Act : Rev: Stat., c. 47, amended.

19a. If during the progress of any action or matter under sub-sections 10 and 11 of the last preceding section, it shall be made to appear to the judge that the subject-matter exceeds the limit in point of amount to which the jurisdiction of the court is therein limited, it shall not affect the validity of any proceedings already had or order already made, but it shall be the duty of the judge by his order to transfer the action or matter to the High Court ; and the whole of the procedure in the said action or matter when so transferred shall be regulated by the rules of the Supreme Court. Transfer of actions found not to be within the jurisdiction.

19b. Provided always, that any party, or person interested may upon notice to the other parties apply to a judge of the High Court for an order authorizing and directing the action or matter to be carried on, continued and completed in the county court, if such suit or action is beyond the jurisdiction of the county court only by reason that the amount of the "joint stock or capital," or "deceased person's personal estate," mentioned and limited in the said sub-sections 10 and 11 exceeds the sum of \$1,000 by an amount not exceeding \$200 if in the opinion of the judge such excess would not prejudicially interfere with a proper trial or completion of said cause in said county court. The judge, after hearing the parties or such of them as shall appear, may order that all subsequent proceedings in such cause or matter shall be had and taken to completion (including the issue of execution and all proceedings thereon or thereafter) in the county court as fully as though such court had had jurisdiction *ab initio*, or that only certain of such proceedings to be mentioned in the order shall be so had in the county court, and that thereafter the other proceedings shall be had in the High Court as to said judge appears meet and proper, and he may make such order as to the costs of the proceedings had before him as he deems just. Proviso. When action may be continued in county court notwithstanding excess of jurisdiction.

4. Where it appears at any time before or during the trial that the claim of the plaintiff is in excess of the jurisdiction of the court, the plaintiff in his discretion may before or Abandonment of claim for amount in excess of jurisdiction.

during the trial by writing signed by him and filed, upon such terms as the judge deems proper as to costs and otherwise, abandon so much of his claim as is in excess of the jurisdiction of the court. In such case the plaintiff shall forfeit such excess and shall not be entitled to recover it in any other action. 5

Rev. Stat.,
c. 47, s. 21,
repealed.

5. Section 21 of *The County Courts Act* is hereby repealed and the following substituted therefor:

Relief which
may be
granted
County courts.

21. Every county court shall, as regards all causes of action within its jurisdiction for the time being, have power to grant, and shall grant, in any action or proceeding in such court such relief, redress or remedy, or combination of remedies, either absolute or conditional, including the power to relieve against penalties, forfeitures and agreements for liquidated damages, and shall in every such action or proceeding give such and the like effect to every ground of defence or counter-claim, equitable or legal (subject to the provision next hereinafter contained) by and upon the same mode of procedure, and in as full and ample a manner as might and ought to be done in the like case by the High Court. 10 15

Costs of
reference
under Rev.
Stat. c. 47.

6. Upon every reference under section 34 of *The County Courts Act* the fees to be paid and the costs to be allowed, whether as between party and party, or solicitor and client, shall be in accordance with the lower scale tariff of the High Court, and the words "local master," where used in said section 34, shall include the judge of the county court before whom the case is pending, when he is a local master. 20 25

Rev. Stat.,
c. 47, s. 23,
repealed.

7. Subsection 1 of section 23 of the County Courts Act is hereby repealed and the following substituted therefor:

When title to
land beyond
the value of
\$200 is called
in question.

23.—(1) Where it appears in an action otherwise of the proper competency of the county court that such court has not cognizance thereof from the title to land beyond the value of \$200 being brought in question, or from the validity of a devise, bequest or limitation under a will or settlement being disputed, and the devise, bequest or limitation exceeding in value \$200, or from the assets of the estate or fund out of which the amount in question is payable exceeding \$1,000, a judge of the High Court or a judge of the county court before whom the cause is pending, may (subject to section 19b of section 3 of this Act) order a writ of *certiorari* to issue out of the High Court, to remove the cause into the High Court; and the cause when removed into the High Court shall be proceeded with in the said court in the manner pointed out in section 25 of this Act. 30 35 40

Venue for cer-
tain actions.

8. Actions under sub-section 9 of section 2 of this Act shall be brought and tried in the county where the land is, and actions under sub-section 10 of the said section 2 shall be brought and tried in the county where the partnership had or has its princi- 45

pal place of business, and actions under sub-section 11 of the said section 2 shall be brought and tried in the county where letters probate or of administration have issued, or where the deceased resided at the time of his death, unless by consent of the parties or unless the venue shall be changed by the county judge or a judge of the High Court.

9. Section 27 of *The County Courts Act* is hereby repealed and the following substituted therefor :

Rev. Stat.,
c. 47, s. 27,
repealed.

27. When it is intended by a pleading to bring into question the title to land, or to any annual or other rent, duty, or other custom or thing, relating to or issuing out of lands or tenements of greater value than \$200, or to dispute the validity of any devise, bequest or limitation exceeding \$200 under any will or settlement or when it is intended by any pleading to exclude the jurisdiction of the court upon the foregoing or upon any other ground it shall be so expressly stated in the pleading, and the matter relied on for that purpose shall also be set out in the pleading.

Pleading want
of jurisdiction.

10. Issue may be taken on any such pleading or a summary application may be made to the judge to determine whether the jurisdiction of the court is by such pleading *bona fide* brought in question. If the judge is of opinion that the jurisdiction of the court is not so brought in question he may direct the pleading to be amended or to be struck out. Where the judge is of opinion that the jurisdiction of the court is properly and *bona fide* brought in question by any pleading he may order that the cause be transferred to the High Court or that a writ of *certiorari* issue to remove the cause into the High Court as the case may require.

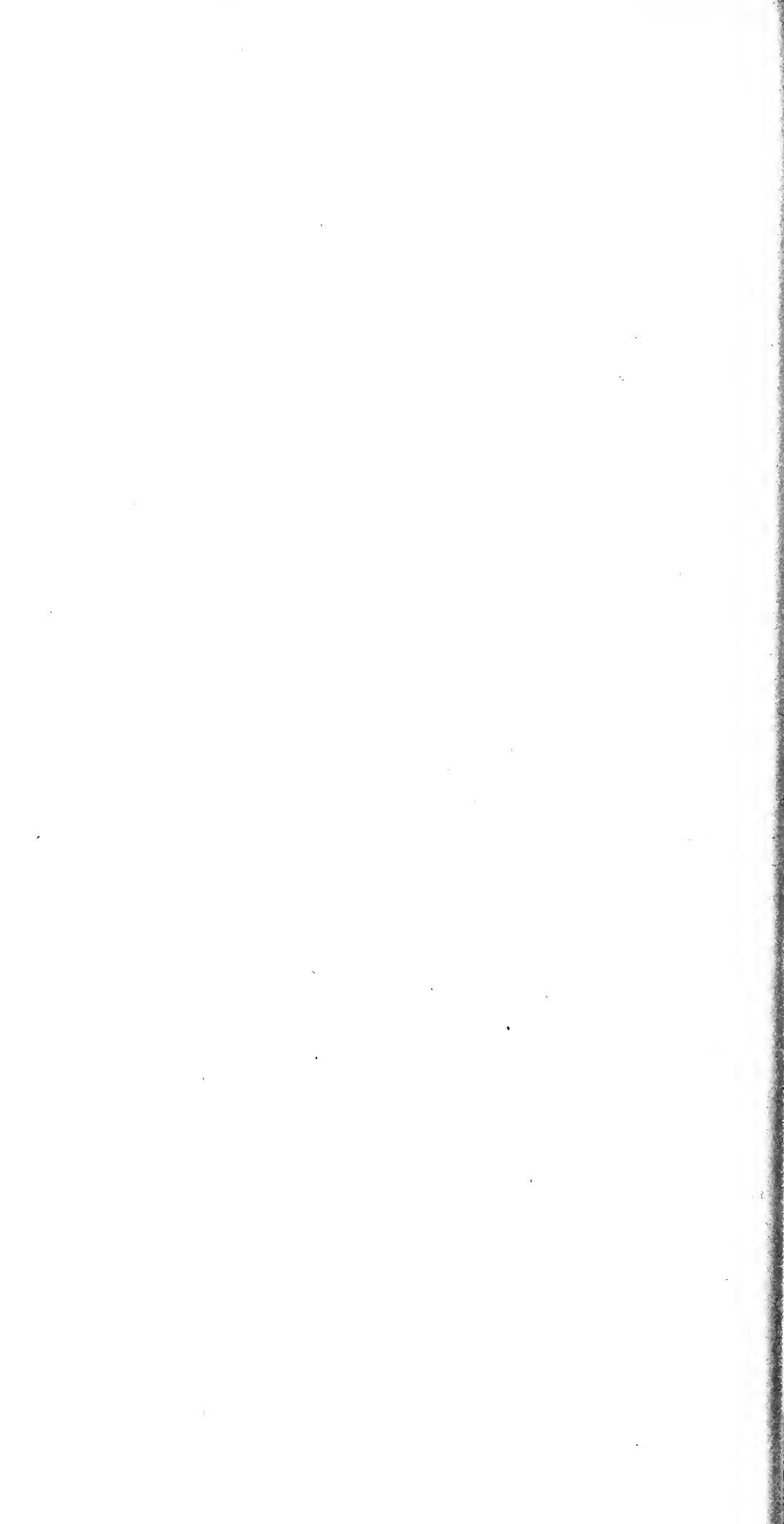
Taking issue
on pleading
want of jurisdiction.

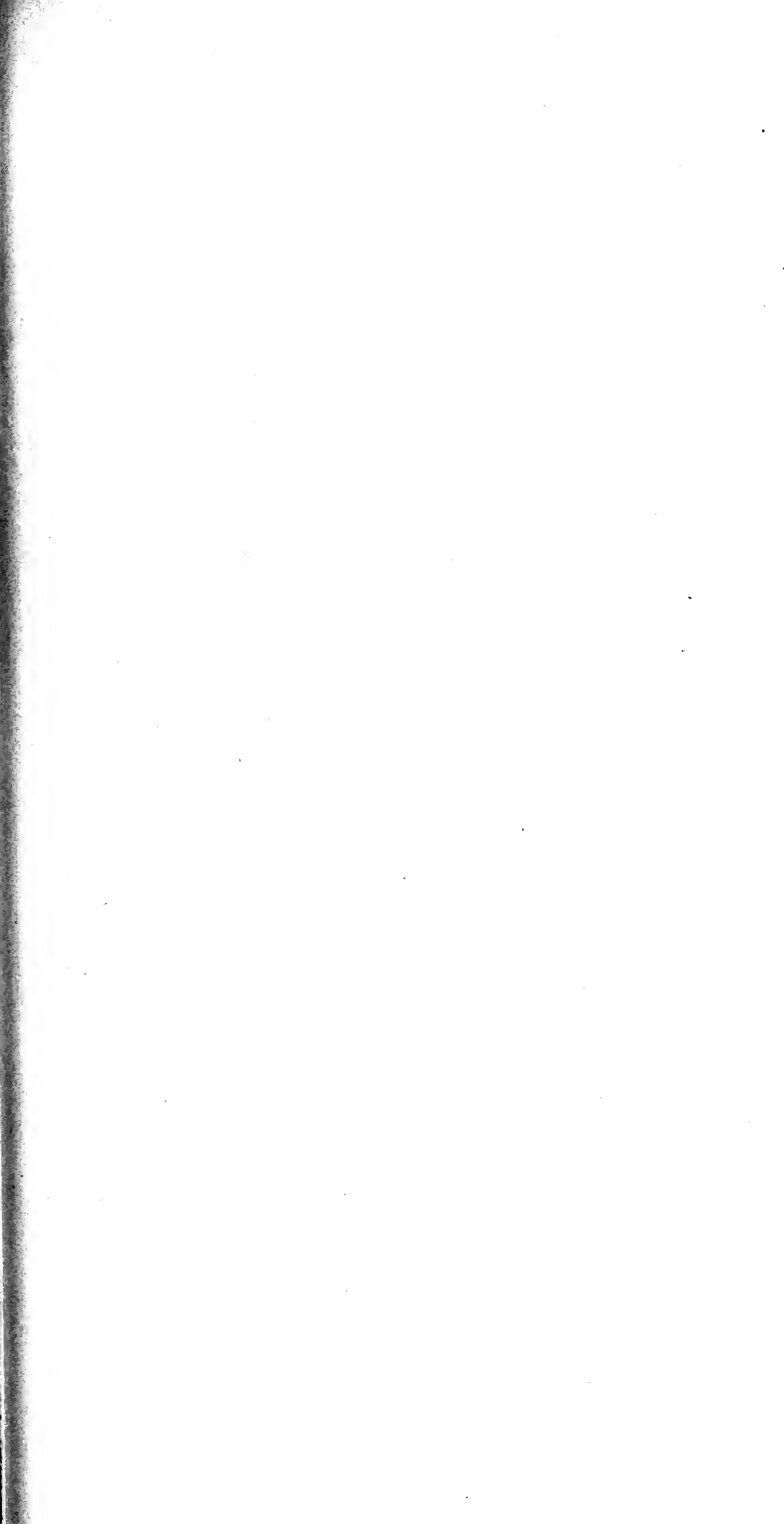
11. The rules, orders and forms applicable to similar cases and under similar conditions in the High Court shall apply to all actions, suits or proceedings had, instituted or pending under the additional jurisdiction given by this Act to County Courts unless and until additional or other rules applicable to such cases are made by the judges empowered by the County Courts Act to make rules of court with respect to County Courts.

Rules, orders
and forms.

12. This Act shall be read with and as part of *The County Courts Act*, R. S. O., cap. 47.

Act incor-
porated with
Rev. Stat.,
c. 47.





BILL.

The County Courts Act, 1896.

First Reading, 18th March, 1896.

Mr. HARDY.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

The County Courts Act, 1896.

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

1. Section 18 of chapter 47 of the Revised Statutes of Ontario is hereby repealed, and the following substituted therefor :—

Rev. Stat., c. 47, s. 18, replaced.

18. Except in the cases of actions in which by section 20 of this Act or by any other Act jurisdiction is conferred upon County Courts or a judge thereof, the said courts shall not have cognizance of any action :—

Matters not to be within jurisdiction of county courts.

(1) In which the title to land of a greater value than \$200 is brought in question.

(2) In which the validity of any devise, bequest or limitation exceeding \$200 under any will or settlement is disputed nor where the assets of the estate or fund out of which the amount in question is payable exceeds \$1,000.

(3) For libel and slander.

(4) For criminal conversation or seduction.

(5) Against a justice of the peace for anything done by him in the execution of his office if he objects thereto.

2. Sub-section 4 of section 19 of the said Act is amended by substituting the figures \$600 for \$400 where the latter appears in such sub-section

3. Section 19 of chapter 47 of the Revised Statutes of Ontario is hereby amended by adding thereto the following sub-sections :—

Rev. Stat., c. 47, s. 19, amended.

(7) In any cause or action relating to debt, covenant and contract where the amount is liquidated or ascertained by the act of the parties or by the signature of the defendant, when

Jurisdiction of courts. Where parties consent in actions for liquidated damages.

the plaintiff and defendant, before the issue of the writ, agree by memorandum in writing signed by them and filed upon the application for the writ, that the court shall have power to try the action.

- Recovery of land. (8) In actions for the recovery of *or for trespass or injury to* land where the value of the land does not exceed \$200.
- Partnership accounts. (9) In actions by persons entitled to and seeking an account of the dealings and transactions of a partnership, the joint stock or capital not having been over \$1,000, whether such account is sought by claim or counter claim. 16 Vict., cap. 119, sec. 2., sub-sec. 1.
- Legacies. (10) In actions by a legatee under the will of any deceased person, such legatee seeking payment or delivery of his legacy not exceeding \$200 in amount or value out of such deceased person's estate not exceeding \$1,000. 16 Vict., cap. 119, sub-sec. 3.
- Actions on mortgages. (11) In actions by a legal or equitable mortgagee whose mortgage has been created by some instrument in writing, or a judgment creditor, or a person entitled to a lien or security for a debt, seeking foreclosure or sale, or otherwise, to enforce his security, where the sum claimed as due does not exceed \$200. (16 Vict., cap. 119, sub-sec. 6.)
- Actions for redemption. (12) In actions by a person entitled to redeem any legal or equitable mortgage or any charge or lien, and seeking to redeem the same, where the sum actually remaining due does not exceed \$200. (16 Vict., cap. 119, sub-sec. 7.)
- Equitable relief. (13) In actions by any person seeking equitable relief in respect of any matter whatsoever, where the subject matter involved does not exceed \$200. 16 Vict., cap. 119, sub-sec. 8.
- Creditors ranking on estate. (14) Every action or contestation to establish the right of a creditor to rank upon an insolvent estate where the amount of such claim does not exceed \$400.
- Rev: Stat., c. 47, amended. 4. The following sections shall be inserted after section 19 of the said Act :

Transfer of actions found not to be within the jurisdiction. 19a. If during the progress of any action or matter under sub-sections 10 and 11 of the last preceding section, it shall be made to appear to the judge that the subject-matter exceeds the limit in point of amount to which the jurisdiction of the court is therein limited, it shall not affect the validity of any proceedings already had or order already made, but it shall be the duty of the judge by his order to transfer the action or matter to the High Court ; and the whole of the procedure in the said action or matter when so transferred shall be regulated by the rules of the Supreme Court.

19b. Provided always, that any party, or person interested may upon notice to the other parties apply to a judge of the High Court for an order authorizing and directing the action or matter to be carried on, continued and completed in the county court, if such suit or action is beyond the jurisdiction of the county court by reason only that the amount of the "joint stock or capital," or "deceased person's personal estate," mentioned and limited in the said sub-sections 10 and 11 exceeds the sum of \$1,000 by an amount not exceeding \$500 if in the opinion of the judge such excess would not prejudicially interfere with a proper trial or completion of said cause in said county court. The judge, after hearing the parties or such of them as shall appear, may order that all subsequent proceedings in such cause or matter shall be had and taken to completion (including the issue of execution and all proceedings thereon or thereafter) in the county court as fully as though such court had had jurisdiction *ab initio*, or that only certain of such proceedings to be mentioned in the order shall be so had in the county court, and that thereafter the other proceedings shall be had in the High Court as to said judge appears meet and proper, and he may make such order as to the costs of the proceedings had before him as he deems just.

Proviso.

When action may be continued in county court notwithstanding excess of jurisdiction.

5. Where it appears at any time before or during the trial that the claim of the plaintiff is in excess of the jurisdiction of the court, the plaintiff in his discretion may before or during the trial by writing signed by him and filed, upon such terms as the judge deems proper as to costs and otherwise, abandon so much of his claim as is in excess of the jurisdiction of the court. In such case the plaintiff shall forfeit such excess and shall not be entitled to recover it in any other action.

Abandonment of claim for amount in excess of jurisdiction.

6. Section 21 of *The County Courts Act* is hereby repealed and the following substituted therefor:

Rev. Stat., c. 47, s. 21, repealed.

7. Section 34 of the said Act, amended by adding at the end thereof the words "or to the clerk of the court," and the word master where it appears in sections 35 and 36 of the said Act shall for the purposes of this amendment include the clerk of the County Court.

21. Every county court shall ~~and~~ have legal and equitable jurisdiction and shall, ~~as~~ regards all causes of action within its jurisdiction for the time being, have power to grant, and shall grant, in any action or proceeding in such court such relief, redress or remedy, or combination of remedies, either absolute or conditional, including the power to relieve against penalties, forfeitures and agreements for liquidated damages, and shall in every such action or proceeding give such and the like effect to every ground of defence or counter-claim, equitable or legal (subject to the provision next herein-

Relief which may be granted County courts.

after contained) by and upon the same mode of procedure, and in as full and ample a manner as might and ought to be done in the like case by the High Court.

Costs of reference under Rev. Stat. c. 47.

8. Upon every reference under section 34 of *The County Courts Act* the fees to be paid and the costs to be allowed, whether as between party and party, or solicitor and client, shall be in accordance with the lower scale tariff of the High Court, and the words "local master," where used in said section 34, shall include the judge of the county court before whom the case is pending, when he is a local master.

Rev. Stat., c. 47, s. 23, repealed.

9. Subsection 1 of section 23 of the County Courts Act is hereby repealed and the following substituted therefor:

When title to land beyond the value of \$200 is called in question.

23.—(1) Where it appears in an action otherwise of the proper competency of the county court that such court has not cognizance thereof from the title to land beyond the value of \$200 being brought in question, or from the validity of a devise, bequest or limitation under a will or settlement being disputed, and the devise, bequest or limitation exceeding in value \$200, or from the assets of the estate or fund out of which the amount in question is payable exceeding \$1,000, a judge of the High Court or a judge of the county court before whom the cause is pending, may (subject to section 19b of section 3 of this Act) order a writ of *certiorari* to issue out of the High Court, to remove the cause into the High Court; and the cause when removed into the High Court shall be proceeded with in the said court in the manner pointed out in section 25 of this Act.

Venue for certain actions.

10. Actions under sub-section 9 of section 2 of this Act shall be brought and tried in the county where the land is, and actions under sub-section 10 of the said section 2 shall be brought and tried in the county where the partnership had or has its principal place of business, and actions under sub-section 11 of the said section 2 shall be brought and tried in the county where letters probate or of administration have issued, or where the deceased resided at the time of his death, unless by consent of the parties or unless the venue shall be changed by the county judge or a judge of the High Court.

Rev. Stat., c. 47, s. 27, repealed.

11. Section 27 of *The County Courts Act* is hereby repealed and the following substituted therefor:

Pleading want of jurisdiction.

27. When it is intended by a pleading to bring into question the title to land, or to any annual or other rent, duty, or other custom or thing, relating to or issuing out of lands or tenements of greater value than \$200, or to dispute the validity of any devise, bequest or limitation exceeding \$200 under any will or settlement or when it is intended by any pleading to exclude the jurisdiction of the court upon the foregoing

or upon any other ground it shall be so expressly stated in the pleading, and the matter relied on for that purpose shall also be set out in the pleading.

12. Issue may be taken on any such pleading or a summary application may be made to the judge to determine whether the jurisdiction of the court is by such pleading *bona fide* brought in question. If the judge is of opinion that the jurisdiction of the court is not so brought in question he may direct the pleading to be amended or to be struck out. Where the judge is of opinion that the jurisdiction of the court is properly and *bona fide* brought in question by any pleading he may order that the cause be transferred to the High Court or that a writ of *certiorari* issue to remove the cause into the High Court as the case may require.

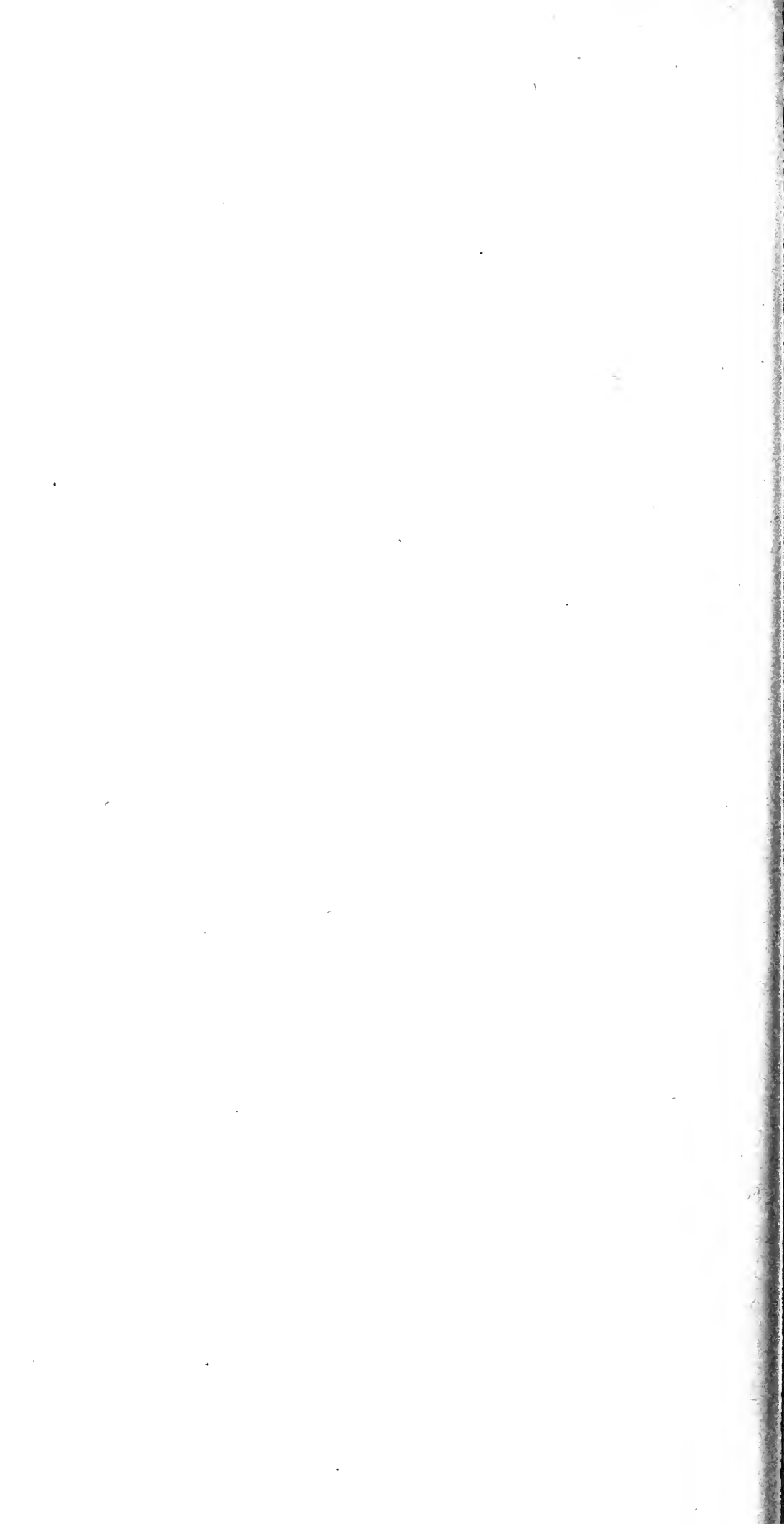
Taking issue on pleading, want of jurisdiction.

13. The rules, orders and forms applicable to similar cases and under similar conditions in the High Court shall apply to all actions, suits or proceedings had, instituted or pending under the additional jurisdiction given by this Act to County Courts unless and until additional or other rules applicable to such cases are made by the judges empowered by the County Courts Act to make rules of court with respect to County Courts.

Rules, orders and forms.

14. This Act shall be read with and as part of *The County Courts Act*, R. S. O., cap. 47.

Act incorporated with Rev. Stat., c. 47.



BILL.

The County Courts Act, 1896.

First Reading, 18th March, 1896.
Second reading, 26th March, 1896.

*(Reprinted as amended in Committee of
the Whole House.)*

MR. HARDY.

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

The County Courts Act, 1896.

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

1. Section 18 of chapter 47 of the Revised Statutes of Ontario is hereby repealed, and the following substituted therefor :—

18. Except in the cases of actions in which by section 20 of this Act or by any other Act jurisdiction is conferred upon County Courts or a judge thereof, the said courts shall not have cognizance of any action :—

(1) In which the title to land of a greater value than \$200 is brought in question.

(2) In which the validity of any devise, bequest or limitation exceeding \$200 under any will or settlement is disputed nor where the assets of the estate or fund out of which the amount in question is payable exceeds \$1,000.

(3) For libel and slander.

(4) For criminal conversation or seduction.

(5) Against a justice of the peace for anything done by him in the execution of his office if he objects thereto.

2. Sub-section 2 of section 19 of the said Act is amended by substituting the figures \$600 for \$400 where the latter appears in such sub-section

Rev. Stat. c. 47, s. 18, amended.

3. Section 19 of chapter 47 of the Revised Statutes of Ontario is hereby amended by adding thereto the following sub-sections :—

Rev. Stat., c. 47, s. 19, amended.

Jurisdiction of courts.

Where parties consent in actions for liquidated damages.

(7) In any cause or action relating to debt, covenant and contract where the amount is liquidated or ascertained by the act of the parties or by the signature of the defendant, when

the plaintiff and defendant, before the issue of the writ, agree by memorandum in writing signed by them and filed upon the application for the writ, that the court shall have power to try the action.

Recovery of land. (8) In actions for the recovery of *or for trespass or injury to land* where the value of the land does not exceed \$200.

Partnership accounts. (9) In actions by persons entitled to and seeking an account of the dealings and transactions of a partnership, the joint stock or capital not having been over \$1,000, whether such account is sought by claim or counter claim. 16 Vict., cap. 119, sec. 2., sub-sec. 1.

Legacies. (10) In actions by a legatee under the will of any deceased person, such legatee seeking payment or delivery of his legacy not exceeding \$200 in amount or value out of such deceased person's estate not exceeding \$1,000. 16 Vict., cap. 119, sub-sec. 3.

Actions on mortgages. (11) In actions by a legal or equitable mortgagee whose mortgage has been created by some instrument in writing, or a judgment creditor, or a person entitled to a lien or security for a debt, seeking foreclosure or sale, or otherwise, to enforce his security, where the sum claimed as due does not exceed \$200. (16 Vict., cap. 119, sub-sec. 6.)

Actions for redemption. (12) In actions by a person entitled to redeem any legal or equitable mortgage or any charge or lien, and seeking to redeem the same, where the sum actually remaining due does not exceed \$200. (16 Vict., cap. 119, sub-sec. 7.)

Equitable relief. (13) In actions by any person seeking equitable relief in respect of any matter whatsoever, where the subject matter involved does not exceed \$200. 16 Vict., cap. 119, sub-sec. 8

Creditors ranking on estate. (14) Every action or contestation to establish the right of a creditor to rank upon an insolvent estate where the amount of such claim does not exceed \$400.

Rev. Stat., c. 47, amended. 4. The following sections shall be inserted after section 19 of the said Act :

Transfer of actions found not to be within the jurisdiction. 19*a*. If during the progress of any action or matter under sub-sections 10 and 11 of the last preceding section, it shall be made to appear to the judge that the subject-matter exceeds the limit in point of amount to which the jurisdiction of the court is therein limited, it shall not affect the validity of any proceedings already had or order already made, but it shall be the duty of the judge by his order to transfer the action or matter to the High Court ; and the whole of the procedure in the said action or matter when so transferred shall be regulated by the rules of the Supreme Court.

19b. Provided always, that any party, or person interested may upon notice to the other parties apply to a judge of the High Court for an order authorizing and directing the action or matter to be carried on, continued and completed in the county court, if such suit or action is beyond the jurisdiction of the county court by reason only that the amount of the "joint stock or capital," or "deceased person's personal estate," mentioned and limited in the said sub-sections 10 and 11 exceeds the sum of \$1,000 by an amount not exceeding \$500 if in the opinion of the judge such excess would not prejudicially interfere with a proper trial or completion of said cause in said county court. The judge, after hearing the parties or such of them as shall appear, may order that all subsequent proceedings in such cause or matter shall be had and taken to completion (including the issue of execution and all proceedings thereon or thereafter) in the county court as fully as though such court had had jurisdiction *ab initio*, or that only certain of such proceedings to be mentioned in the order shall be so had in the county court, and that thereafter the other proceedings shall be had in the High Court as to said judge appears meet and proper, and he may make such order as to the costs of the proceedings had before him as he deems just.

Proviso.
When action may be continued in county court notwithstanding excess of jurisdiction.

5. Where it appears at any time before or during the trial that the claim of the plaintiff is in excess of the jurisdiction of the court, the plaintiff in his discretion may before or during the trial by writing signed by him and filed, upon such terms as the judge deems proper as to costs and otherwise, abandon so much of his claim as is in excess of the jurisdiction of the court. In such case the plaintiff shall forfeit such excess and shall not be entitled to recover it in any other action.

Abandonment of claim for amount in excess of jurisdiction.

6. Section 21 of *The County Courts Act* is hereby repealed and the following substituted therefor:

Rev. Stat. c. 47, s. 21, repealed.

21. Every county court shall ~~as~~ have legal and equitable jurisdiction and shall, ~~as~~as regards all causes of action within its jurisdiction for the time being, have power to grant, and shall grant, in any action or proceeding in such court such relief, redress or remedy, or combination of remedies, either absolute or conditional, including the power to relieve against penalties, forfeitures and agreements for liquidated damages, and shall in every such action or proceeding give such and the like effect to every ground of defence or counter-claim, equitable or legal (subject to the provision next hereinafter contained) by and upon the same mode of procedure, and in as full and ample a manner as might and ought to be done in the like case by the High Court.

Relief which may be granted County courts.

7. Section 34 of the said Act, amended by adding at the end thereof the words "or by the clerk of the court" and the

Rev. Stat. c. 47, s. 34, amended.

“Master”
meaning of.

word “master” where it appears in sections 35 and 36 of the said Act shall for the purposes of this amendment include the clerk of the county court.

Costs of
reference
under Rev.
Stat. c. 47.

8. Upon every reference under section 34 of *The County Courts Act* the fees to be paid and the costs to be allowed, whether as between party and party, or solicitor and client, shall be in accordance with the lower scale tariff of the High Court, and the words “local master,” where used in said section 34, shall include the judge of the county court before whom the case is pending, when he is a local master.

Rev. Stat.,
c. 47, s. 23,
repealed.

9. Subsection 1 of section 23 of the County Courts Act is hereby repealed and the following substituted therefor :

When title to
land beyond
the value of
\$200 is called
in question.

23.—(1) Where it appears in an action otherwise of the proper competency of the county court that such court has not cognizance thereof from the title to land beyond the value of \$200 being brought in question, or from the validity of a devise, bequest or limitation under a will or settlement being disputed, and the devise, bequest or limitation exceeding in value \$200, or from the assets of the estate or fund out of which the amount in question is payable exceeding \$1,000, a judge of the High Court or a judge of the county court before whom the cause is pending, may (subject to section 19b of section 3 of this Act) order a writ of *certiorari* to issue out of the High Court, to remove the cause into the High Court ; and the cause when removed into the High Court shall be proceeded with in the said court in the manner pointed out in section 25 of this Act.

Venue for cer-
tain actions.

10. Actions under sub-section 9 of section 2 of this Act shall be brought and tried in the county where the land is, and actions under sub-section 10 of the said section 2 shall be brought and tried in the county where the partnership had or has its principal place of business, and actions under sub-section 11 of the said section 2 shall be brought and tried in the county where letters probate or of administration have issued, or where the deceased resided at the time of his death, unless by consent of the parties or unless the venue shall be changed by the county judge or a judge of the High Court.

Rev. Stat.,
c. 47, s. 27,
repealed.

11. Section 27 of *The County Courts Act* is hereby repealed and the following substituted therefor :

Pleading want
of jurisdic-
tion.

27. When it is intended by a pleading to bring into question the title to land, or to any annual or other rent, duty, or other custom or thing, relating to or issuing out of lands or tenements of greater value than \$200, or to dispute the validity of any devise, bequest or limitation exceeding \$200 under any will or settlement or when it is intended by any pleading to exclude the jurisdiction of the court upon the foregoing

or upon any other ground it shall be so expressly stated in the pleading, and the matter relied on for that purpose shall also be set out in the pleading.

12. Issue may be taken on any such pleading or *reply may be made* or a summary application may be made to the judge to determine whether the jurisdiction of the court is by such pleading *bona fide* brought in question. If the judge is of opinion that the jurisdiction of the court is not so brought in question he may direct the pleading to be amended or to be struck out. Where the judge is of opinion that the jurisdiction of the court is properly and *bona fide* brought in question by any pleading he may order that the cause be transferred to the High Court or that a writ of *certiorari* issue to remove the cause into the High Court as the case may require.

Taking issue on pleading, want of jurisdiction.

13. The rules, orders and forms applicable to similar cases and under similar conditions in the High Court shall apply to all actions, suits or proceedings had, instituted or pending under the additional jurisdiction given by this Act to County Courts unless and until additional or other rules applicable to such cases are made by the judges empowered by the County Courts Act to make rules of court with respect to County Courts.

Rules, orders and forms.

14. Section 42 of *The County Courts Act* is amended by inserting after the words "relating to" in the seventh line thereof the words "interpleader proceedings."

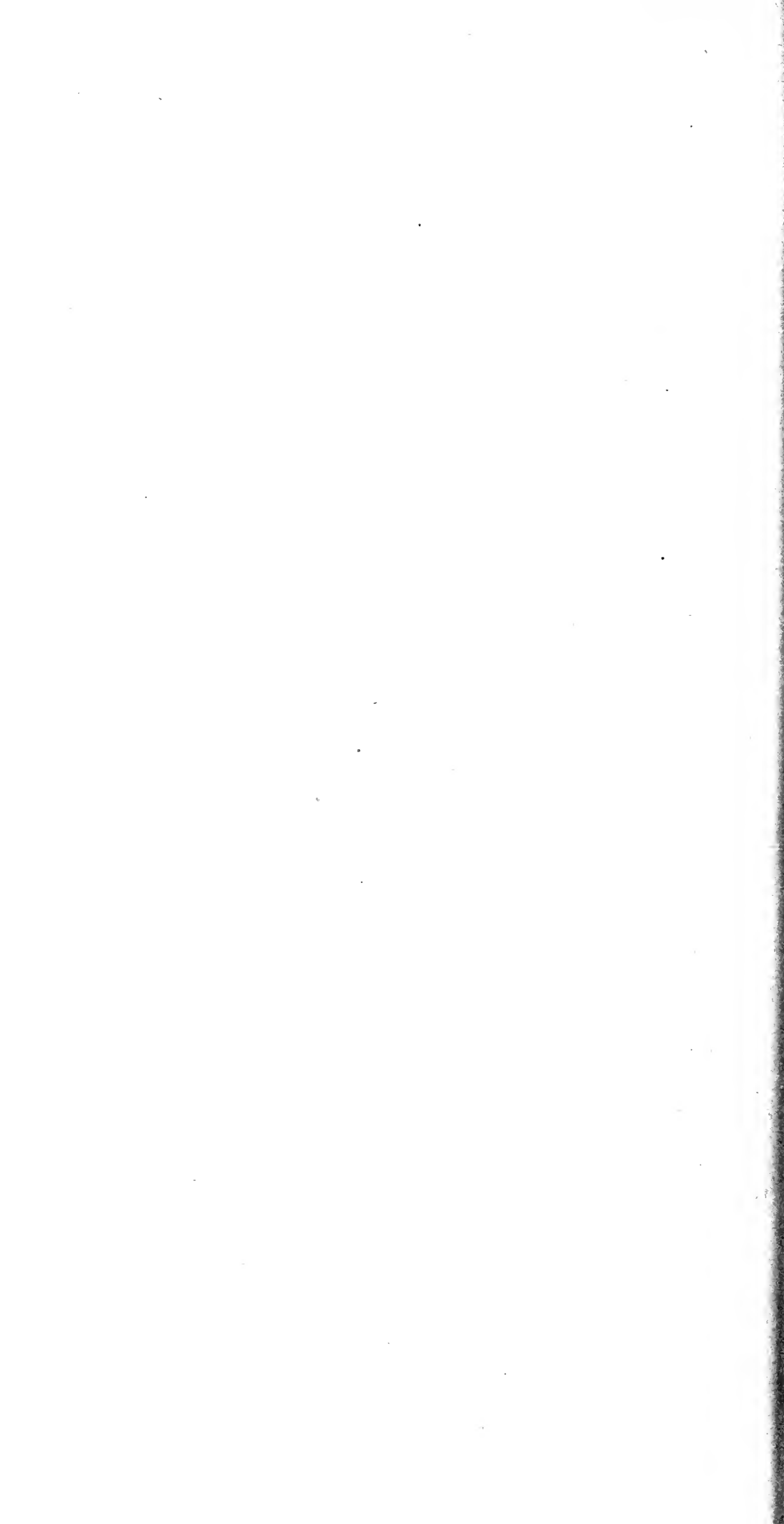
Rev. Stat. c. 47, s. 42, amended.

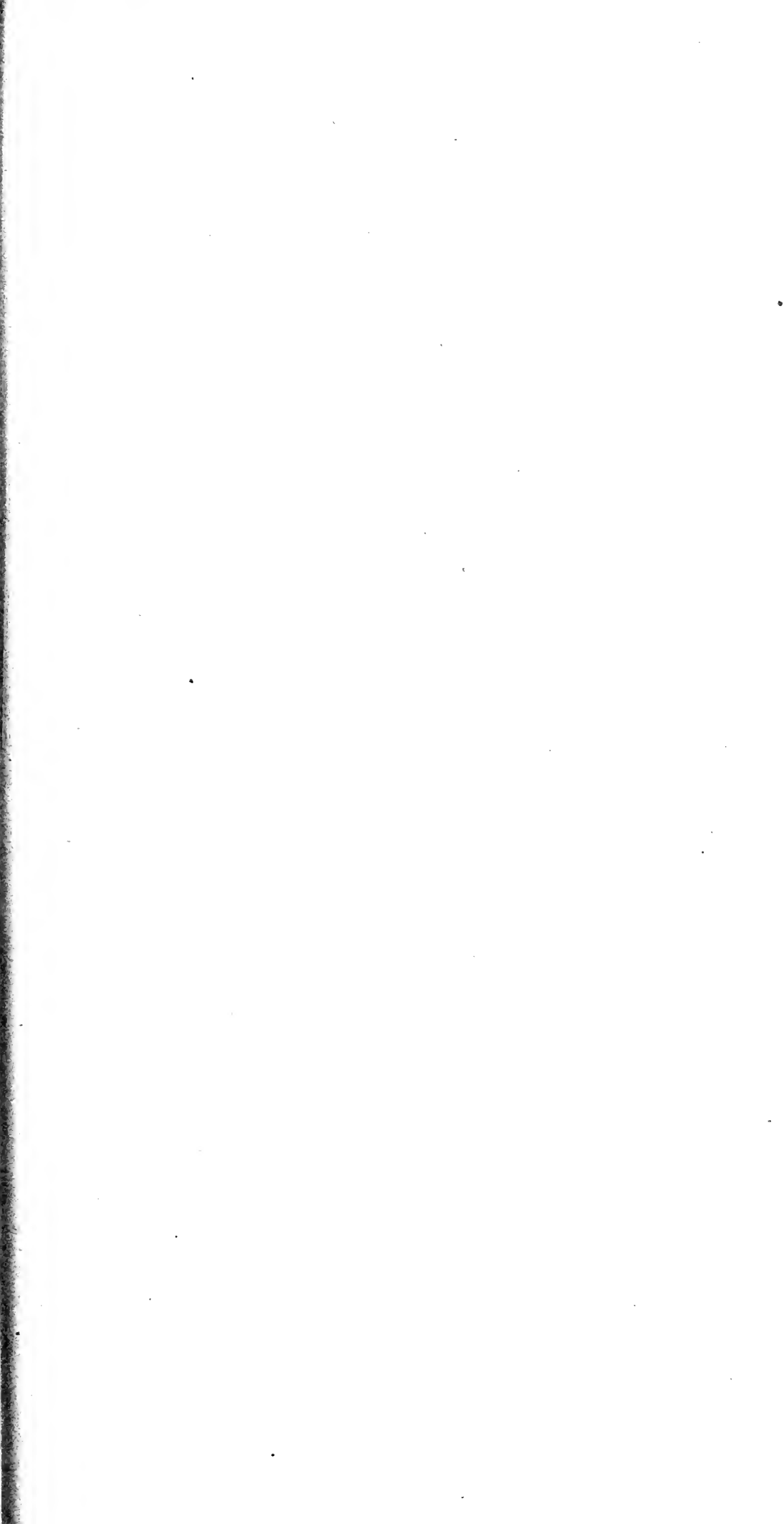
15. In the case of any county or union of counties having a population not exceeding 80,000, for which there are at the time of the passing of this Act two judges, and hereafter one of them dies, resigns his office or is removed therefrom, there shall thereafter be but one judge of the said county or union of counties, and there shall be no appointment of another judge in the place of the judge so dying.

Only one judge to be appointed where population of county does not exceed 80,000.

16. This Act shall be read with and as part of *The County Courts Act*, R. S. O., c. 47.

Act incorporated with Rev. Stat., c. 47.





2nd Session, 8th Legislature, 59 Vict., 1896

BILL.

The County Courts Act, 1896.

First Reading, 18th March, 1896.
Second Reading, 26th March, 1896.

(Reprinted as again amended in Committee of the Whole House.)

Mr. HARDY.

TORONTO :

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

An Act to authorize the transfer of certain Provincial
Land occupied by the Canadian Pacific Railway.

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

1. The Lieutenant-Governor in Council may in his dis-
5 cretion transfer to the Dominion of Canada any lands hereto-
fore taken and occupied by the Canadian Pacific Railway for
the roadbed, stations, station grounds, and other purposes of
the said railway, and included in the plans of the railway
deposited by the company in the office of the Minister of Rail-
10 ways and Canals, the same being so transferred to enable the
Government of Canada to fulfil its obligations to the said com-
pany in that behalf with respect to the railway.— The lands
so transferable shall be the lands lying between the terminus
of the Canada Central Railway near Nipissing known as
15 Calander Station and the western boundary of the Province
of Ontario, near Rat Portage, and between the junction at
Sudbury on the main line of the Canadian Pacific Railway for
the Algoma branch and the river Saint Mary.
2. Such transfer shall be deemed to be subject to any agree-
20 ment, lease or conveyance affecting the same made by the
Government of Ontario before the passing of this Act, as well
as to the limitations and conditions, if any, in the Order-in-
Council making the transfer, and the Order-in-Council shall
not be deemed to have conveyed or to convey the gold or silver
25 mines in the lands transferred, or to affect or prejudice the rights
of the public with respect to common and public highways
existing at the date hereof, within the limits of the lands
hereby intended to be conveyed.
3. Such transfer by Order-in-Council shall be as binding on
30 the Province of Ontario as if the same were specified and set
forth in the Act of this Legislature. *Vide* B.C., 1880, No. 11,
s. 2; Dom. 44 Vict., c. 1, ss. 18; R.S.C., c. 54, s. 48; Dom. 54
and 55 Vict., c. 7, 58 and 59 Vict., c. 4, ss. 1, last part.

Lieutenant-
Governor may
transfer lands
now occupied
by railway.

Transfer sub-
ject to grants,
etc., hereto-
fore made.

Effect of
transfer.

No. 165.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to authorise the transfer of certain
Provincial Lands occupied by the
Canadian Pacific Railway.

First Reading, 18th March, 1896.

Mr. HARDY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend the Ontario Game Protection Act, 1893.

HER 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 *The Ontario Game Protection Act, 1893*, no deer, elk, moose, reindeer or caribou shall be hunted, taken or killed by or with any hound or other dog. Deer, etc., not to be hunted with dogs.

2. No deer, elk, moose, reindeer or caribou shall be shot at or killed while the same is crossing or within any lake, pond, river, creek or other body of water. Deer, etc., not to be shot at or killed in the water.

3. No person shall by himself, his servant, clerk or agent expose or keep venison for sale to the general public in any market place or store. Venison not to be sold in the market.

4. Any person violating the provisions of this Act shall be liable to the penalties of section 21 of *The Ontario Game Protection Act, 1893*, for offences against section 2 of the said Act. Penalty.

5. This Act shall be read and form part of *The Ontario Game Protection Act, 1893*, and the Acts amending the same. Act incorporated with 56 V; c. 49.

No. 166.

2nd Session, 8th Legislature, 59 Vic, 1896.

BILL.

An Act to amend The Ontario Game Protection Act, 1893.

First Reading, 18th March, 1896.

MR. CURRIE.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act for the Better Protection of Certain Classes
of Workmen.

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

1. This Act may be cited as *The Master and Servant Act*, Short title.
5 1896.
2. Complaint against any person under the *Act respecting* Where com-
Master and Servant may be prosecuted and determined in plaints under
any county in which the person complained against is found, Rev. Stat., c.
or in which he carries on business. R. S. O., c. 139, s. 11. 139, to be
prosecuted.
- 10 3. Every agreement or bargain, verbal or written, express Contracts
or implied, which has heretofore been made or entered into, waiving ap-
or which may hereafter be made or entered into, on the part plication of
of any workman, servant, laborer, mechanic, or other person Rev. Stat., c.
employed in any kind of manual labor intended to be dealt 139; Rev.
15 with in *The Act respecting Master and Servant*, *The Me- Stat. c. 126 ;*
chanics' Lien Act, *The Woodman's Lien for Wages Act*, or 54 V. c. 22 to
or any other Act heretofore passed providing remedies for the be void.
recovery of wages or otherwise by such employees, by which
it is agreed that the said Acts, or any of them, shall not apply,
20 or that the remedies provided by any of the said Acts shall
not be available for the benefit of any person entering into
such agreement, is hereby declared to be null and void and of
no effect as against any such workman, servant, laborer,
mechanic, or other person.
- 30 4. Every summons issued under *The Act respecting Master* Service of
and Servant against an individual, firm or corporation not summons, etc.,
having his or their chief place of business within the Pro- under Rev.
vince, and all subsequent papers and proceedings in the action Stat., c. 139.
or proceeding in which the summons has been issued may be
35 served (except as hereinafter mentioned) upon the person or

persons to whom it is directed either by delivering it to him or them personally, or if such person or persons cannot conveniently be met with, by leaving the same for him or them at any place where such individual, firm or corporation carries on business within the county or district in which the Justice of the Peace issuing the same has jurisdiction, or other adult person employed in the office or place of business of such person or persons. 51 Vict. c. 51, s. 101; 52 Vict. c. 12, s. 11; Crim. Code, s. 562. 5

Service on certain public companies.

5. In cases against railroad, telegraph, telephone and express companies such summons and other papers may be served on any agent of such companies whose office or place of business as such agent is within such county or district; and for the purposes of this section the word "agent" shall be held to include:— 10 15

(a) In the case of a railway company, a station master having charge of a station belonging to the railway company;

(b) In the case of a telegraph company, a person having charge of a telegraph office belonging to the telegraph company; 20

(c) In the case of a telephone company, a person having charge of a telephone office belonging to the telephone company; and

(d) In the case of an express company, a person having charge of an express office belonging to the express company. 25

Effect of service under Act.

6. Service performed as authorized by this Act shall be deemed equal to and have the same effect as personal service within the meaning of section 12 of the said Revised Act respecting Master and Servant.

Appeals from orders made under Rev. Stat. c. 139.

7. Appeals from or against any conviction or order for the payment of wages or any order of dismissal from service or employment or against any decision of any justice or justices under the said last mentioned Revised Acts may be made to the Division Court holden in a division in which the cause of action arose, or in which at the time of the making of the complaint the party complained against or one of them resided or carried on business. R. S. O., c. 139, s. 14. 30 35

Time and place for hearing appeals.

8—(1) Upon the application of either party to an appeal the Judge, subject to the right of either party to have the same tried by a jury as provided by section 16 of said Revised Act, may try the appeal at such time and place as he may appoint, and upon such notice as to him may seem reasonable. 40

Waiver of right to jury.

(2) If at the time of filing a notice requiring a jury, the proper jury fees are not deposited with the Clerk by the party filing such notice, he shall be deemed to have waived the right to have the appeal tried by a jury. 45

9. It shall not be necessary for the appellant to enter into or join in an appeal bond to the opposite party, but a bond shall be sufficient if executed by two sufficient sureties only, and approved of by the Clerk of the Court, in the penal sum of one hundred dollars, conditioned to the effect by the fifteenth section of the said Revised Act provided.

Bond on appeal.

10. In the case of wages due to any mechanic, laborer or other person in respect of work referred to in the fourth section of the *Mechanics' Lien Act*, the jurisdiction of a police magistrate in a city under *The Act respecting Master and Servant* shall extend to wages for thirty days, or for a balance equal to the wages for thirty days, though the same or the balance thereof exceed the sum of \$40 in the said section mentioned. 56 Vic., c. 24, s. 21.

Jurisdiction of police magistrate in cities under Rev. Stat., c. 139.

15 (2) Where no specific rate of wages has been expressly agreed to between the parties, the city police magistrate aforesaid may order payment of the wages, reckoning the amount thereof according to the current rate of wages in the city in like cases, or according to what may appear to be a just and reasonable allowance. 56 Vic., c. 24, s. 21.

Where no specific rate of wages agreed on.

(3) In case of the master or employer claiming a set-off, the police magistrate shall investigate the set-off and give judgment for the balance, if any, due to the claimant of wages, after deducting such set-off. The police magistrate shall not have jurisdiction to adjudicate upon a claim of set-off exceeding the claim for wages, except to the extent of the wages. 56 Vic., c. 24, s. 22, ss. (2).

When master claims set off.

11.—(1) Any order of a city police magistrate for the payment of such wages as aforesaid shall be payable forthwith, and a warrant of distress shall be issued accordingly, unless the master makes oath, and the police magistrate believes, that the master is unable to make the payment forthwith, and expects to be able to pay and intends to pay the same within the time given, and unless also the police magistrate considers the proposed delay to be under all the circumstances reasonable. The magistrate if he sees fit may order security to be given as a condition of delay. 56 Vic., c. 24, s. 23.

Order for payment of wages, enforcing.

(2) In case of an adjournment at the instance of the master, the adjournment shall be on payment then and there for the claimant's time in attending the court (the amount to be fixed by the police magistrate), unless the magistrate sees reason for dispensing with such immediate payment. 56 Vic., c. 24, s. 23, ss. (2).

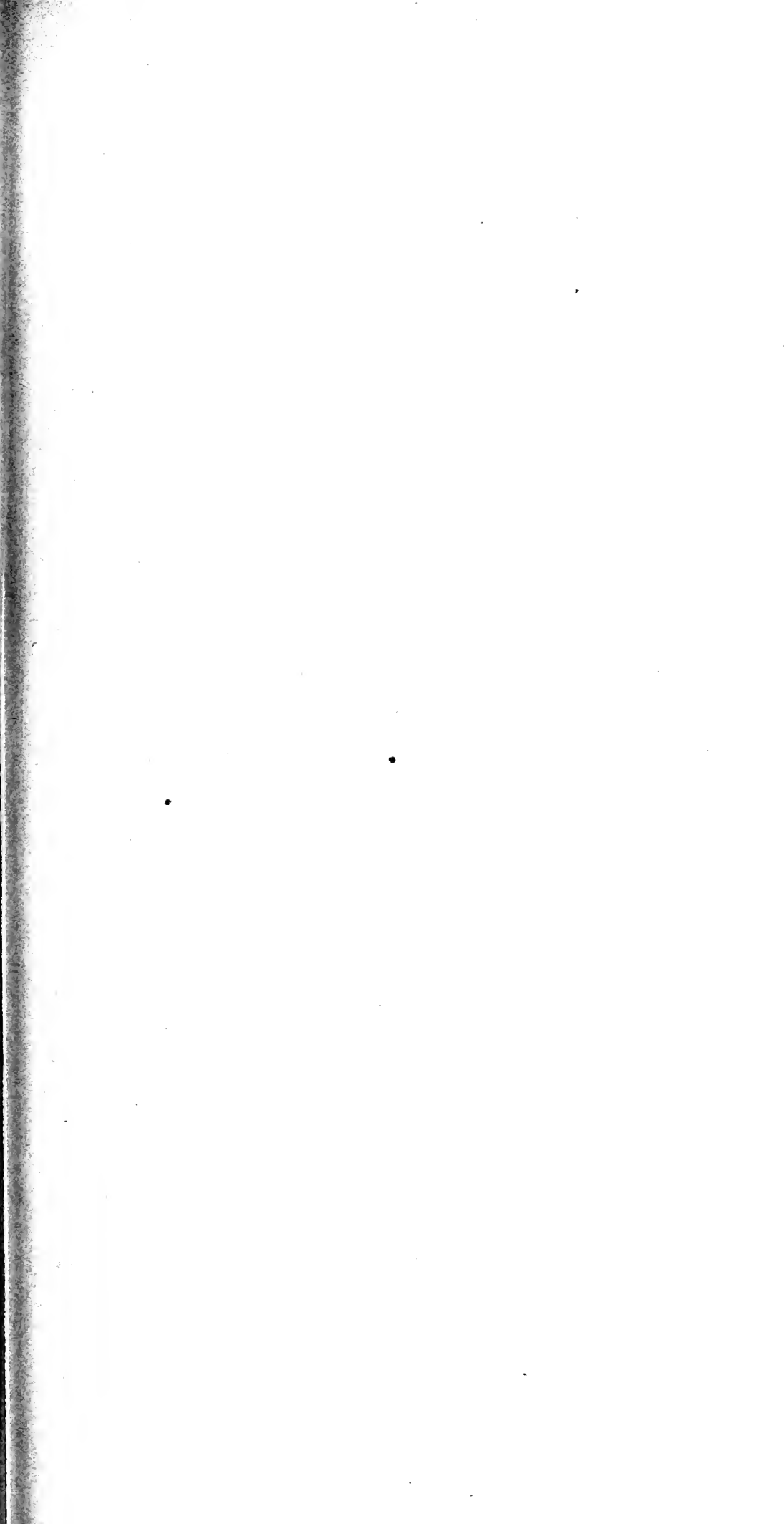
Adjournment at instance of master.

(3) In cases under *The Act respecting Master and Servant* for the recovery of any such wages as in this Act mentioned, the orders of a police magistrate shall be subject to appeal as the orders of a Division Court judge would be in like cases. 56 Vic., c. 24, s. 24.

Appeals from orders made under Rev. Stat., c. 139.

Filing order. (4) The order of the police magistrate for payment may be filed in that Division Court which would be the proper court for bringing an action for the wages, and on such filing the order shall thereby become a judgment of the said Division Court, and may be treated in all respects and enforced as a judgment of the said court. 56 Vic., c, 24, s. 25. 5

Act not to apply to certain persons. 12. This Act does not apply to any foreman, manager, officer or other person whose wages are more than three dollars a day.



BILL.

An Act for the Better Protection of Certain
Classes of Workmen.

First Reading, 18th March, 1896.

The ATTORNEY-GENERAL.

TORONTO

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting Antecedent Unregistered Agreements for Bills of Sale and Chattel Mortgages.

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

1. Every covenant, promise or agreement entered into after the passing of this Act to make, execute or give a mortgage or conveyance intended to operate as a mortgage of goods and chattels in whatever words the same may be expressed shall be deemed to be a mortgage or conveyance within the meaning of *The Bills of Sale and Chattel Mortgage Act, 1894*, and unless accompanied by an immediate delivery and an actual and continued change of possession of the goods and chattels mortgaged, the same or a true copy thereof together with affidavits of execution and *bona fides* shall be registered within the time and in the manner prescribed by the said Act, in respect of bills of sale and mortgages and otherwise such covenant, promise or agreement shall be absolutely null and void as against creditors of the mortgagor and against subsequent purchasers or mortgagees in good faith for valuable consideration

Contract to give a mortgage or bill of sale to be deemed a mortgage or bill of sale.

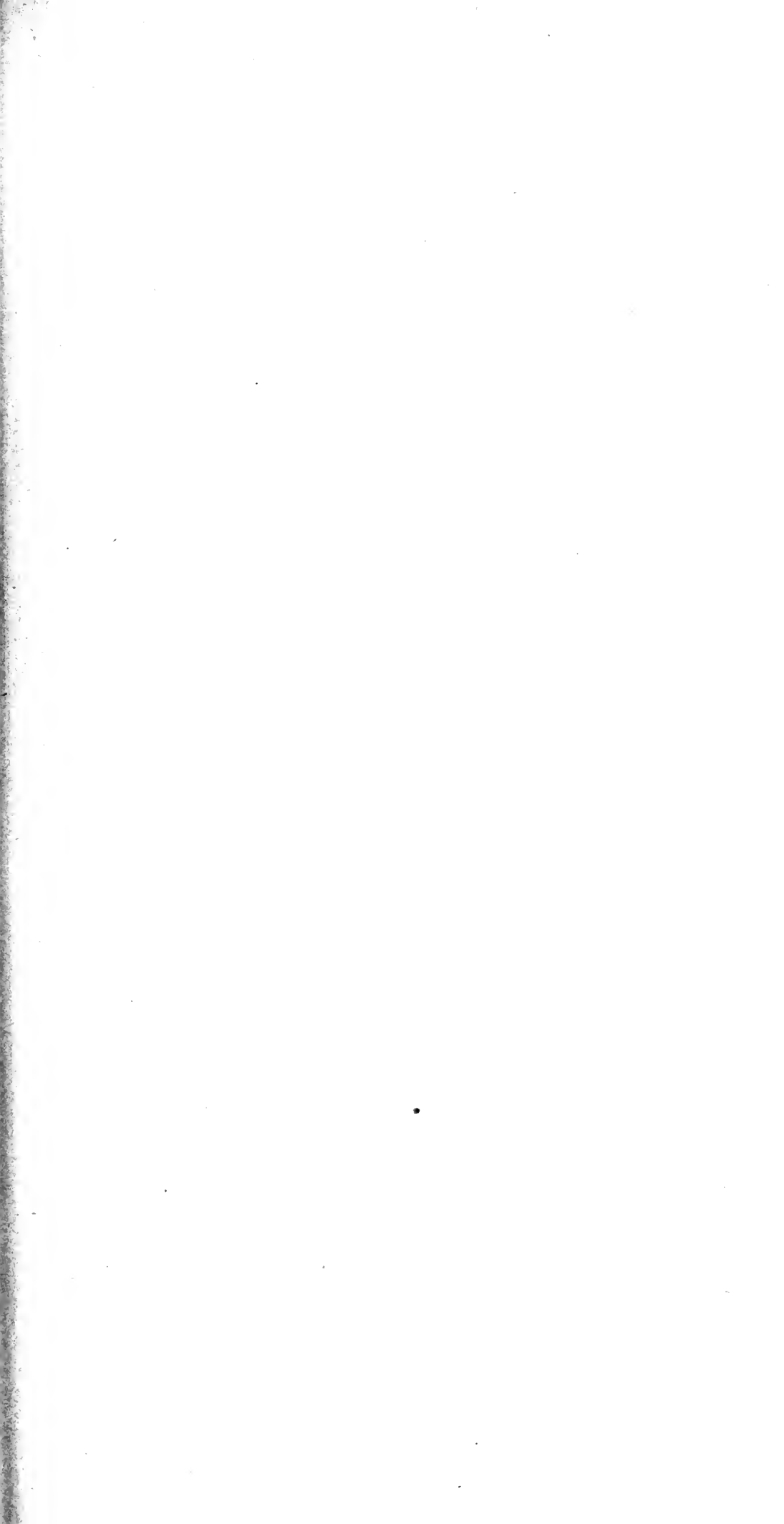
57 V. c. 37.

2. Every covenant, promise or agreement to make a sale of goods and chattels, in whatever words the same may be expressed, shall be deemed to be a sale of goods and chattels within the meaning of the said Act, and unless accompanied by an immediate delivery, and followed by an actual and continued change of possession of the said goods and chattels shall be in writing as required by the said Act, and the same accompanied by affidavits of execution and *bona fides* shall be registered within the time and in the manner prescribed as respects bills of sale by the said Act, and otherwise the said covenant, promise or agreement shall be absolutely void as against the creditors of the bargainor and as against subsequent purchasers or mortgagees in good faith.

When contracts to give chattel mortgages or bills of sale to be valid as against creditors, etc.

Contracts
made before
the passing of
the Act.

3. In case of covenants, promises or agreements made before the passing of this Act, the provisions of this Act with regard to registration may be deemed to be complied with if affected within three calendar months after the passing of this Act, and subject thereto this Act shall extend and apply to every such covenant, promise and agreement made before as well as after the passing of this Act. 5



BILL.

An Act respecting Antecedent Unregistered
Agreements for Bills of Sale and Chattel
Mortgages.

First Reading, 18th March, 1896.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Assessment Act.

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

1. Section 140, of *The Consolidated Assessment Act, 1892*, 55 V. c. 48, s. 5 is amended by adding after the word "town," in the second line thereof, the words "and townships, of which the nearest boundary to any city is situate from said city less than two miles," and by adding after the word "town," in the third line thereof, the words "and township, of which the nearest boundary to any city is situate from said city less than two miles." 140, amended.
2. Sub-section 2 of section 143, of the said Act, is amended by adding after the word "town," in the fourth line of said section, the words "and township, of which the nearest boundary to any city is situate from said city less than two miles," and by adding after the word "treasurer," in the fifth line of said sub-section, the words following :—"And treasurer of any township, of which the nearest boundary to any city is situate from said said city less than two miles," and by adding after the word "town," in the fifth line of said sub-section, "or township, of which the nearest boundary to any city is situate from said city less than two miles." 55 V. c. 48, s. 143, sub-s. 2, amended.
3. Sub-section 1 of section 145 of said Act is amended by adding after the word "township," in the first line thereof, the words "except in cases of townships, of which the nearest boundary to any city is situate from said city less than two miles." 55 V. c. 48, s. 145, sub-s. 1, amended.
4. Section 152 of the said Act is amended by adding after the word "township," in the second line thereof, the words "except townships, of which the nearest boundary to any city is situate from said city less than two miles." 55 V. c. 48, s. 152, amended.

- 55 V. c. 48, s. 158, amended. **5.** Section 158 of the said Act is amended by adding after the word "township," in the third line thereof, "except in townships, of which the nearest boundary to any city is situate from said city less than two miles."
- 55 V. c. 48, s. 161, amended. **6.** Section 161 of the said Act is amended by adding after the word "town," in the first line thereof, the words "or township of which the nearest boundary to any city is situate from said city less than two miles." 5
- 55 V. c. 48, s. 170, amended. **7.** Section 170 of the said Act is amended by adding thereto the following sub-section:— 10
- Where lot to be sold for taxes does not exceed 50 feet in frontage. **(3)** The treasurer shall not sell a portion of any vacant lot, laid out according to any registered plan, the frontage of which does not exceed fifty feet, but shall, in all such cases, sell the whole of such lot for such price as may be offered by the bidders at the said sale, and any money obtained by the treasurer, as the price of any such lot, shall be applied first in paying the arrears of taxes and interest, and lawful expenses due in respect of such lot, and the balance, if any, shall be paid by such treasurer to the owner of such lot, or other person allowed by law to receive the same. 15 20
- 55 V. c. 48, s. 171a, amended. **8.** Section 171a of the said Act is amended by adding after the word "town," in the first line thereof, the following words "or township, of which the nearest boundary to any city is situate from said city less than two miles," and by adding after the word "mayor," in the ninth line thereof, the words 25 "or reeve of any township of which the nearest boundary to any city is situate from said city less than two miles."
- 55 V. c. 48, s. 173, amended. **9.** Section 173 of the said Act is amended by adding after the word "warden," in the tenth line thereof, the words "or in the case of a town municipality by the treasurer and mayor, 30 or in case of a township of which the nearest boundary to any city is situate from said city less than two miles, by the treasurer and reeve of such township."
- 55 V. c. 48, s. 181, amended. **10.** Section 181 of the said Act is amended by adding after the word "warden," in the sixth line thereof, the words "or in 35 the case of a town with the mayor, or in case of a township of which the nearest boundary to any city is situate from said city less than two miles, with the reeve of such township."
- 55 V. c. 48, s. 182, amended. **11.** Section 182 of the said Act is amended by adding after the word "warden," in the first line thereof, the words "and 40 mayor and reeve."
- 55 V. c. 48, Sched. K, amended. **12.** Schedule K to the said Act is amended by adding after the word "mayor," wherever it occurs in the said schedule, the words "or reeve," and by adding after the word "town," wherever it occurs in the said schedule, the words "or township." 45

13. Section 204 of the said Act is amended by adding after the word "town," in the first line thereof, the words "and townships, of which the nearest boundary to any city is situate from said city less than two miles," and by adding after the word "town," in the fourth line thereof, the words "and townships of which the nearest boundary to any city is situate from said city less than two miles," and by adding after the word "town," in the sixth line thereof, the words "or reeve of every township, of which the nearest boundary to any city is situate from said city less than two miles."

14. Section 205 of the said Act is amended by adding after the word "town," in the first line thereof, "and townships, of which the nearest boundary to any city is situate from said city less than two miles," and by adding after the word "clerk," in the fifth line thereof, the words "or clerk of such township," and by adding after the word "clerk," in the eighth line thereof, the words "or clerk of such township."

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Assessment Act.

First Reading, 19th March, 1896.

Mr. DAVIS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to authorize Police Constables to take Bail.

5 **H**ER MAJESTY, by and with the advice and consent of the
 Legislative Assembly of the Province of Ontario, enacts
 as follows :—

1. Where a person charged with an offence against any
 10 statute of the Province of Ontario, or against any by-law
 passed under any said statute, is brought without the warrant
 of a justice into the custody of a constable in a city or town,
 during his attendance at a police station in the city or town at
 any time by day or night at which a justice is not actually
 sitting for the public administration of justice at a police court,
 15 town hall or other place used for that purpose in the city or
 town, the constable or officer in charge of the station may, if
 he thinks fit, take bail without fee from that person, by recog-
 nizance conditioned for his appearance for examination within
 two days before the police magistrate or other justice in the
 20 city or town at some time and place therein specified.

When con-
 stables or per-
 sons in charge
 of police
 stations may
 take bail.

2. A recognizance so taken shall be of equal obligation on
 the parties entering into the same, and liable to the same pro-
 ceedings for the estreating thereof as if taken before a justice.

Effect of
 recognizance
 so taken.

3. The said constable shall enter in a book kept for that
 25 purpose in every police station, the name, residence and occu-
 pation of the person entering into the recognizance, and of his
 surety or sureties, if any, with the condition of the recogniz-
 ance, and the sums acknowledged.

Entry of
 recognizance
 by person
 taking same.

4. The said constable shall lay the book before the police
 30 magistrate or other justice present at the time when and place
 where the recognizer is required to appear.

Book to be
 laid before
 magistrate on
 day for ap-
 pearance of
 recognizer.

5. If the recognizer does not appear at the time and place
 required, or during the time such police magistrate or other
 justice is sitting, the police magistrate or justice shall within

Record of
 recognizance
 when accused
 fails to appear.

forty-eight hours after such failure to appear cause a record of the recognizance to be drawn up and signed by the said constable, and shall return the same to the next court of quarter sessions for the county in which the city or town is situated, with a certificate at the back thereof signed by the police magistrate or justice, that the recognizor has not complied with the obligation therein contained. b

Proceedings
on estreat of
recognizance.

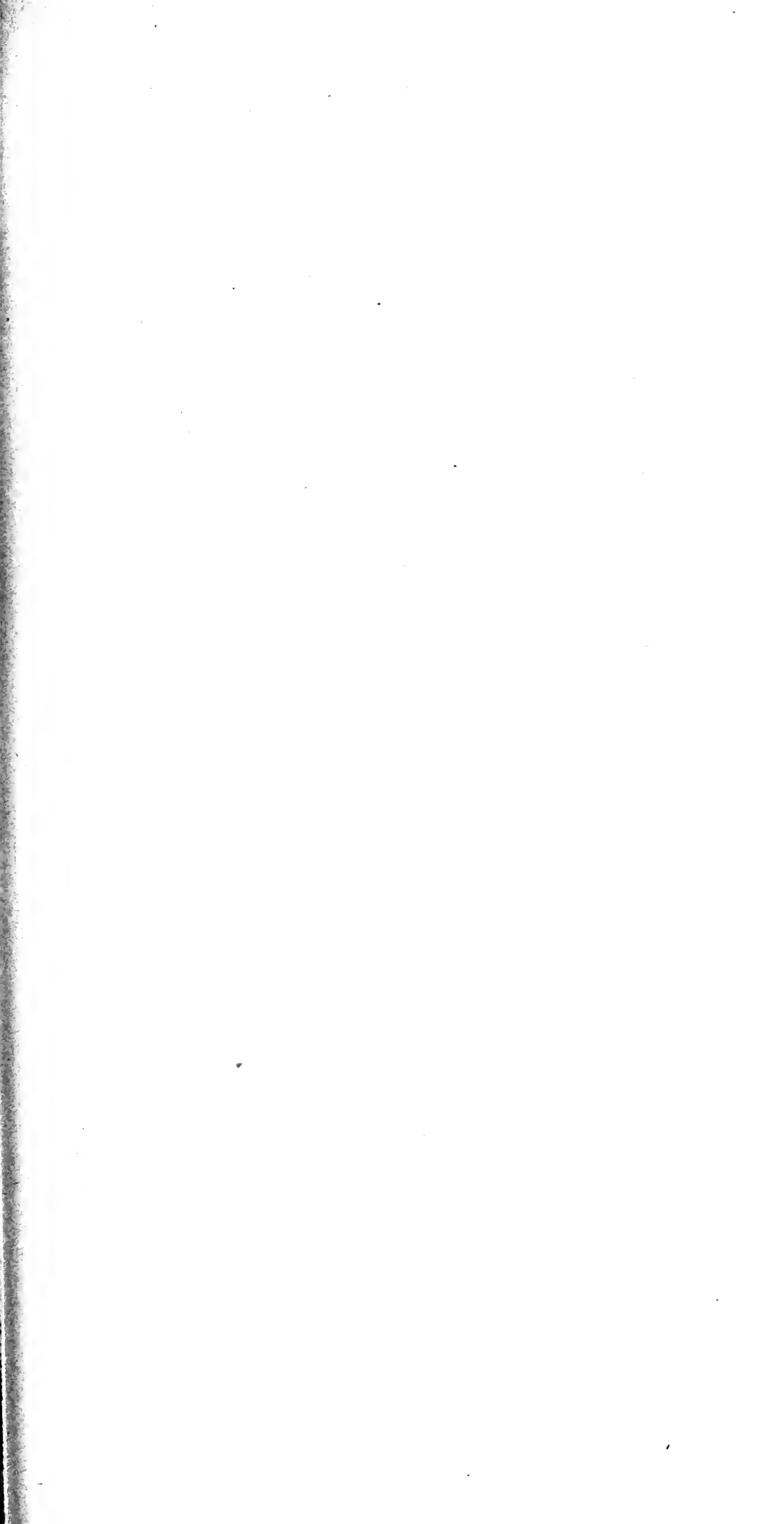
6. The clerk of the peace shall make the like estreats and schedules of every such recognizance as of recognizances forfeited in quarter sessions. 10

Enlarging
recognizance.

7. If the recognizor applies by any person on his behalf to postpone the hearing of the charge against him, and the justice thinks fit to consent thereto, the justice may from time to time enlarge the recognizance to such further time or times as he appoints and unless the sureties appear and object they shall continue bound until the final determination of the charge before such police magistrate or justice. 15

Recognizance
to be dis-
charged with-
out fee.

8. When the matter is heard and determined, either by the dismissal of the charge, or by binding over the recognizor to answer the matter of the complaint at quarter sessions or otherwise, the recognizance for his appearance before a justice shall be discharged without fee. 20



BILL.

An Act to authorize Police Constables to
take Bail.

First Reading, 19th March, 1896.

Mr. ST. JOHN.

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

An Act to amend the Act to Protect Justices of the Peace and Others from Vexatious Actions.

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

- 1.** Sub-section 1 of section 1 of chapter 73 of the Revised Statutes of Ontario (1887) is amended by striking out all the words therein down to and including the word "duty," in the seventh line thereof, and substituting therefor the following words, "in case an action is brought against any justice of the peace, officer or person fulfilling any public duty, for anything done by him in the reasonable belief that he was acting in the due execution of his duty as such justice, officer or person."

Rev. Stat. c. 73, s. 1, subs. 1, amended.
- 2.** Sub-section 2 of section 1 of the said Act is amended by striking out all the words therein after the word "sub-section" in the third line thereof.

Application of Act.

Rev. Stat. c. 73 s. 1, subs. 2, amended.

BILL.

An Act to amend the Act to Protect Justices
of the Peace and Others from Vexatious
Actions.

First Reading, 19th March, 1896.

Mr. ST. JOHN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to regulate the Over-Crowding of Street Railway Cars.

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

1. Every passenger on a street railway car shall be *prima* Passengers to be entitled to seats.
 5 *facie* entitled to a seat.
2. Should the cars be so over-crowded as to prevent each When cars are so crowded as to necessitate a passenger standing up.
 passenger having a seat, then the passenger not receiving his proper seat shall be entitled, if a ticket-holder, to tear his ticket into two parts and use one part for that trip, and the
 10 other part of the ticket shall be good for a standing trip at any future time when the cars shall be so over-crowded that he shall be unable to receive his proper seat, such half ticket being good only during the same hours as the whole ticket would have been good.
- 15 3. Any passenger standing may demand a ticket to represent a full fare and conductors shall be furnished with such ticket. Tickets to be given to passengers standing in cars.
4. Tickets shall be torn crosswise at the line indicated for Tickets to be torn crosswise.
 the purpose (if such line there be) if not, as near the centre as
 20 possible.
5. This Act shall only apply to railways in cities whose Application of Act.
 population at the last official census was over 75,000 inhabitants.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to regulate the Over-Crowding of
Street Railway Cars.

First Reading, 19th March, 1896.

Mr. ST. JOHN.

TORONTO:

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

No. 173.]

BILL.

[1896.

An Act to amend The Municipal Act.

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

1. Sub-sections 1 and 2 of section 157, of *The Consolidated Municipal Act, 1892*, are repealed, and the following substituted therefor :

55 V. c. 42 s. 157 of sub-s. 1 and 2 repealed.

(1) In case it appears, upon the casting up of the vote as aforesaid, that two or more candidates have an equal number of votes, the clerk of the municipality, or other person appointed by by-law to discharge the duties of such clerk in his absence or incapacity through illness, and whether otherwise qualified or not, shall, at the time appointed for declaring the result of the poll, openly give a vote for one or more of such candidates, so as to decide the election, according to the following order of preference :

When two or more candidates have an equal number of votes at an election.

(a) The candidate who holds the seat at the time of election or who last held the seat.

(b) The candidate who is a member of the council of the municipality for the current year.

(c) The candidate assessed highest as freeholder in his own right, or in the right of his wife, on the last revised assessment roll of the municipality.

(d) The candidate whose name appears first on the nomination paper for the office.

In the event of an equality of votes between candidates of class (a) or class (b), or between candidates who are not members of the council for the current year, the casting vote in each case shall be given under clause (c), and in the event of an equality of assessment, the deciding vote shall be given under clause (d).

2. Except in such cases, no municipal clerk, or other person appointed by by-law to discharge the duties of such clerk during his absence or incapacity through illness, shall vote at any municipal election held in the municipality of which he is clerk or acting clerk.

Clerk or acting clerk not to vote otherwise.

2nd Session, 5th Legislature, 59 Vol., 1896.

No. 173.

2nd Session, 8th Legislature, 59 Vict., 1896.

An Act to amend The Municipal Act.

First Reading, 19th March, 1896.

Mr. RICHARDSON.

TORONTO.

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

An Act to amend The Electric Railway Act, 1895.

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

1. Section 51 of *The Electric Railway Act, 1895*, is amended
5 by striking out the words, “the shares shall be sold for cash
to the highest tenderer at or above par,” in the ninth and
tenth lines in the said section, and inserting in lieu thereof
the words, “the shares shall be sold by the company for cash
to the highest tenderer at or above the minimum price fixed
10 for the purpose of such sale, by a vote of the shareholders rep-
resenting two-thirds, in value, of the capital stock, voting in
person or by proxy, passed at a general meeting or special
meeting called for the purpose.”

2. Sub-section 9 of section 43 of the said Act is amended by
15 striking out the words, “capital stock of the company actually
paid up in cash,” in the fourth and fifth lines of the said sub-
section, and inserting in lieu thereof the words, “amount actu-
ally paid up in cash on the capital stock of the company.”

3. Sub-section 10 of the said section 43 is amended by
20 striking out the words, “capital stock of the company actually
paid up in cash and,” in the sixth and seventh lines of the said
subsection, and inserting in lieu thereof the words, “amount
actually paid up in cash on the capital stock of the company.”

4. Sub-section 11 of the said section 43 is amended by strik-
25 ing out the words, “stock of the company,” in the sixth line
of the said subsection, and inserting in lieu thereof the words,
“capital stock of the company then issued and outstanding.”

2nd Session, 8th Legislature, 59 Vict., 1896

BILL.

An Act to amend The Electric Railway Act,
1895.

First Reading, 19th March, 1896.

Mr. BRONSON.

TORONTO.

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

No. 175.]

BILL.

[1896.

An Act respecting the Expropriation of Lands of the Province by Railway Companies.

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

1. Notwithstanding anything in any public or private Act to the contrary, no railway company shall have power to take or expropriate any lands of Her Majesty in the right of the Province of Ontario, without the consent of the Lieutenant-Governor-in-Council in that behalf.

Crown lands not to be expropriated without consent of Lieut.-Governor-in-Council.

2. This Act shall be read with and form part of *The Railway Act of Ontario*.

Act incorporated with Rev. Stat. c 170.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting the Expropriation of
Lands of the Province by Railway Com-
panies.

First Reading, 19th March, 1896.

Mr. BRONSON.

TORONTO.

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

An Act respecting the Office Hours of Sheriffs.

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

Section 35 of the Act respecting the office of sheriff, and the amendment thereto contained in chapter 5 of the Act passed in the 55th year of Her Majesty's reign are repealed and the following substituted therefor; Rev. Stat. c. 16, s. 35, 55 V c. 5, repealed

35.—(1) Every sheriff shall excepting during vacations and holidays, keep his office open every day from 10 o'clock in the forenoon to 3 o'clock in the afternoon, and during all that time he or his deputy or some clerk competent to do business for him, shall be present to transact the business of said office. Office hours of sheriffs.

(2) During the long vacation and the Christmas vacation every sheriff or his deputy or clerk shall be required to be present in his office on every day, holidays excepted, from 10 o'clock in the forenoon until 12 o'clock noon and no longer.

(3) Provided that the sheriffs of the city of Toronto and of the county of York, or their respective deputies or clerks, shall be required to be present in their offices, for the transaction of business on Saturdays (except during vacation and holidays) from 10 o'clock in the forenoon until one o'clock in the afternoon and no longer. Proviso as to Toronto.

No. 176.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting the Office Hours of
Sheriffs.

First Reading, 20th March, 1896.

Mr. TRUAX.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 176.]

BILL.

[1896.

An Act respecting the Office Hours of Sheriffs.

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

Section 35 of the Act respecting the office of sheriff, and the amendment thereto contained in chapter 5 of the Act passed in the 55th year of Her Majesty's reign are repealed and the following substituted therefor; Rev. Stat. c. 16, s. 35, 55 V c. 5, repealed

35.—(1) Every sheriff shall excepting during vacations and holidays, keep his office open every day from 10 o'clock in the forenoon to 4 o'clock in the afternoon, and during all that time he or his deputy or some clerk competent to do business for him, shall be present to transact the business of said office. Office hours of sheriffs.

(2) During the long vacation and the Christmas vacation every sheriff or his deputy or clerk shall be required to be present in his office on every day, holidays excepted, from 10 o'clock in the forenoon until ~~4~~ 1 o'clock in the afternoon ~~and~~ and no longer.

(3) Provided that the sheriffs of the city of Toronto and of the county of York, or their respective deputies or clerks, shall be required to be present in their offices, for the transaction of business on ~~the~~ every Saturday in the year, not being a holiday, ~~the~~ from 10 o'clock in the forenoon until one o'clock in the afternoon and no longer. Proviso, as to Toronto.

~~the~~ (4) Provided that when the office of a sheriff may be closed under this section at one o'clock in the afternoon the sheriff or his deputy shall nevertheless upon application made to him, transact all necessary and urgent business of his office in the same manner and to the same extent as on days upon which his office must be kept open until 4 o'clock. ~~the~~

BILL.

An Act respecting the Office Hours of
Sheriffs.

First Reading, 20th March, 1896.

*(Reprinted as amended by The Legal Com-
mittee.)*

MR. TRUAX.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Cost of Seizure of Goods under Chattel Mortgages.

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

1. Upon making the seizure and sale of goods for default in payment of the principal money or interest secured by any chattel mortgage or bill of sale, no greater or other fees or costs shall be chargeable with respect to such seizure and sale than those hereinafter mentioned, namely:—

Tariff of fees and costs on seizing goods under chattel mortgage.

10	For making seizure where amount of debt does not exceed \$100	\$1 00
	For making seizure where amount of debt exceeds \$100.....	2 00
	One man keeping possession, per diem ..	1 00
15	If any printed advertisement, the same not to exceed in all	1 50
	For catalogues, sale and commission and delivery of goods, five cents in the dollar on the net proceeds of the sale..	
20	Where debt is paid before sale, the amount actually disbursed in cartage not to exceed.....	2 00
	And commission of two cents in the dollar	02

(2) No person shall make any charge for anything hereinbefore mentioned unless such thing has been really done.

2. This Act shall be read with and shall form part of *The Act respecting the Costs of Distress* and the provisions of the said Act relating to distress for rent or for a penalty shall, save where inconsistent with this Act, apply to the seizure and sale of goods under a chattel mortgage or bill of sale. (See Rev. Stat. c. 63.)

Act incorporated with Rev. Stat. c. 63.

No. 177.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting the Cost of Seizure of
Goods under Chattel Mortgages.

First Reading, 20th March, 1896.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Cost of Seizure of Goods under Chattel Mortgages.

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

1. Upon making the seizure and sale of goods for default in payment of the principal money or interest secured by any chattel mortgage or bill of sale, no greater or other fees or costs shall be chargeable with respect to such seizure and sale than those hereinafter mentioned, namely:—

Tariff of fees and costs on seizing goods under chattel mortgage.

For making seizure where amount of debt does not exceed \$100	\$1 00
For making seizure where amount of debt exceeds \$100	1 50
One man keeping possession, per diem ..	1 00
If any printed advertisement, the same not to exceed in all	1 50
For catalogues, sale and commission and delivery of goods, five cents in the dollar on the net proceeds of the sale, but where the proceeds of the sale exceed \$100 then two and one-half per cent. on the excess over \$100	
Where debt is paid before sale, the amount actually disbursed in cartage not to exceed.....	2 00
And commission of two cents in the dollar	

(2) No person shall make any charge for anything hereinbefore mentioned unless such thing has been really done.

2. This Act shall be read with and shall form part of *The Act respecting the Costs of Distress* and the provisions of the said Act relating to distress for rent or for a penalty shall, save where inconsistent with this Act, apply to the seizure and sale of goods under a chattel mortgage or bill of sale. (See Rev. Stat. c. 63.)

Act incorporated with Rev. Stat. c. 63.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting the Cost of Seizure of
Goods under Chattel Mortgages.

First Reading, 20th March, 1896.
Second Reading, 28th March, 1896.

*(Reprinted as amended in Committee of
the Whole House.)*

The ATTORNEY-GENERAL.

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

An Act to amend The Municipal Act

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

1. Sub-section 15 of section 479 of *The Consolidated Municipal Act* is amended by striking out all that portion thereof after the word "land" in the seventh line and substituting therefor the following words :—"in or adjacent to the municipality for the purpose of providing an outlet for any sewer or of establishing a sewerage farm or works or basin for the interception or purification of sewage and for making all necessary connections therewith."

55 V., c. 42,
s. 479 sub-
sec. 15,
amended.

II. The paragraph commencing with the word "Firstly" in section 505 of *The Consolidated Municipal Act, 1892*, is amended by striking out the words "three months" in the seventh line thereof, and substituting therefor the words "one month."

55 V., c. 42, s.
505, amended.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 23rd March, 1896.

Mr. MIDDLETON.

TORONTO :

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

An Act respecting Voters' Lists in certain Cities

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

1. This Act shall apply and be in force in every city having
 5 a population of over one hundred thousand, in which a by-law shall hereafter be passed for taking the assessment at any time prior to the 30th day of September, and fixing prior and separate dates for the return and final revision of the assessment rolls for each ward or sub-division of a ward as
 10 determined by the said by-law. Application of Act.
2. Within fifteen days after the final revision of the assess-
 ment roll for any ward or subdivision of a ward, the clerk shall make up and print and distribute the alphabetical list of voters for such ward or sub-division in the manner prescribed
 15 by *The Voters' List Act, 1889*, and the Acts in amendment thereof, and forthwith after the clerk has posted up the said list in his office as provided by the said Act, he shall give notice in the manner prescribed by section 9 of the said Act and the notice shall state the boundaries of the ward or sub-
 20 division of a ward for which such list is made up. Making up, posting, etc., of lists; notice to be given.
3. The time for making complaints as to errors or omissions
 in such list shall be within seven days after the publication
 of such notice. Time for making complaints.
4. In case no complaint respecting the list is received by
 25 the clerk of the municipality within seven days after he has posted up the list in his office the clerk shall forthwith apply, in person or by letter, to the judge to certify three copies of the list as being the last revised list of voters for the ward or sub-division, and the judge shall retain one of the certified
 30 copies and deliver, or transmit by post, registered, one certified copy to the clerk of the peace for the county or union of Procedure when no complaint is received.

counties within which the city lies, and one of the certified copies to the clerk of the municipality to be kept by him among the records of his office.

When list to be finally revised.

5. It shall be the duty of the county judge so to arrange and proceed and so to fix the sittings of the court for hearing complaints against or in respect of the voters' list for each ward or sub-division that the complaints shall be heard and determined and the list finally revised, corrected and certified as provided by *The Voters' List Act*, within ten days after the last day for making complaints. 5 10

All lists to be revised by 1st December.

6. The procedure hereinbefore prescribed shall be adopted with respect to the list for each ward or sub-division of a ward, but so that the last of such lists shall have been made up and completed and finally revised on or before the first day of December in the year in which the assessment rolls upon which the assessment rolls have been made up as aforesaid. 15

Final revision of list for the whole city.

7. Forthwith after preparing, printing and posting up the last of such lists, the clerk shall cause the same, with the copy of each list previously revised and certified to by the judge, to be bound up together; and he shall also immediately after posting up the last list, as aforesaid, cause a notice to be inserted in each daily newspaper published in the city, calling upon persons who are aware of errors in the said lists, or of changes which have been rendered necessary by reason of the death or removal of any person named therein, or by reason of any person having acquired the necessary property qualification as a voter as hereinafter mentioned to give notice of such errors, deaths and removals, or of any person having so become qualified; and naming a time and place at which the judge will hold a court for finally revising the lists for the whole city, as well as the last of such lists. 20 25 30

Revision of list at last sittings.

8.—(1) At such last sittings the judge, upon complaint made as aforesaid, shall make the necessary changes in the said last list, and he shall also, upon the like complaint, correct any error in the name, address or qualification of any person whose name appears upon the lists previously revised by him, and strike out of such lists the names of persons who have died or removed from any ward or sub-division since the revision of the list therefor as aforesaid: 35

Provided that upon complaint made by any person who has so removed into another ward, or sub division of a ward, of the city, the judge, after striking out the name of such person, may add the name of such person, if otherwise duly qualified, to the list of voters for the ward or sub-division into which he shall have so removed. 40 45

(2) The judge shall also at such sittings upon complaint made as aforesaid, insert in the proper list the name of any

person who has acquired the necessary property qualification by himself or his wife becoming a freeholder or householder in any ward or sub-division of a ward since the revision of the list for such ward or sub-division; Provided that no person shall be entitled to have his name inserted in the list under this sub-section, unless the property in respect of which he qualifies was acquired at least three months before the last day upon which he could make complaint as aforesaid, and provided that wherever a name is inserted in the voters' list under this sub-section, the judge shall require the clerk to produce the assessment roll before him and shall make and initial the alterations therein corresponding with the changes made in the voters' list.

9. The judge shall make the corrections required by the last preceding section in his certified copy of the voters' list for each ward or sub-division, and shall initial the alterations so made, and the clerk shall likewise make the same alterations in his certified copies, and when so made the alterations shall be initialled by the judge, and the clerk shall forthwith prepare a list of all changes made in the lists at the said last sitting, which shall be certified by the judge, and delivered to the clerk of the peace with the last list revised, and the clerk of the peace shall bind up the same with the copies previously certified by the judge, and delivered to him.

Making corrections in list at last sittings.

10. The said list, as so finally revised, corrected and certified, shall together form, from time to time, the last revised voters' list for the city, within the meaning of *The Voters' Lists Act, 1889*, *The Ontario Election Act, 1892*, and *The Consolidated Municipal Act, 1892*, and the amendments thereto, and the date fixed as the last day for making complaints to the county judge under section S of this Act shall be deemed to be the last day for making complaints to the county judge, within the meaning of any oath prescribed by any of the said Acts.

Last revised voters' list within 52 V. c. 3, 55 V. c. 3, 55 V. c. 42.

11. After the voters' lists for the city have been finally revised, corrected and certified by the judge as aforesaid, and before the nomination day at any election, but not after the nomination day, the judge shall have power to strike from the lists the names of persons who have died since the lists were revised, corrected and certified; and for the purpose of striking off the same, the certificate of the Registrar-General, or of the division registrar as to the deaths, shall be sufficient *prima facie* evidence of a death, with any evidence of identity which may be reasonably necessary in case the identity of the person said to be dead, with the person of the same name on the voters' list, is disputed or open to reasonable doubt.

Removal of names of dead persons before nomination.

Proceedings upon application for removal of names of dead persons.

12.—(1) In case of an application to the judge for the purpose of the preceding section, and its appearing to him that there is ground for some alteration in the list, he shall appoint a time and place for the purpose of considering and making such alterations in the voters list by striking out the names of persons who have died as may at the said time and place be shown to him to be proper, whether the same had or had not been previously brought to his notice by the said or any application, and for this purpose the proceedings shall be the same, or as nearly as may be the same, as proceedings taken for the revision of voters' lists under the said *Ontario Voters' Lists Act, 1889*, as varied by this Act, and the judge and the officers named in the said Act shall have the same jurisdiction, and shall act in respect of the proceedings under this section (as nearly as may be), as if the proceedings to revise, alter and correct had been taken under this Act. 5 10 15

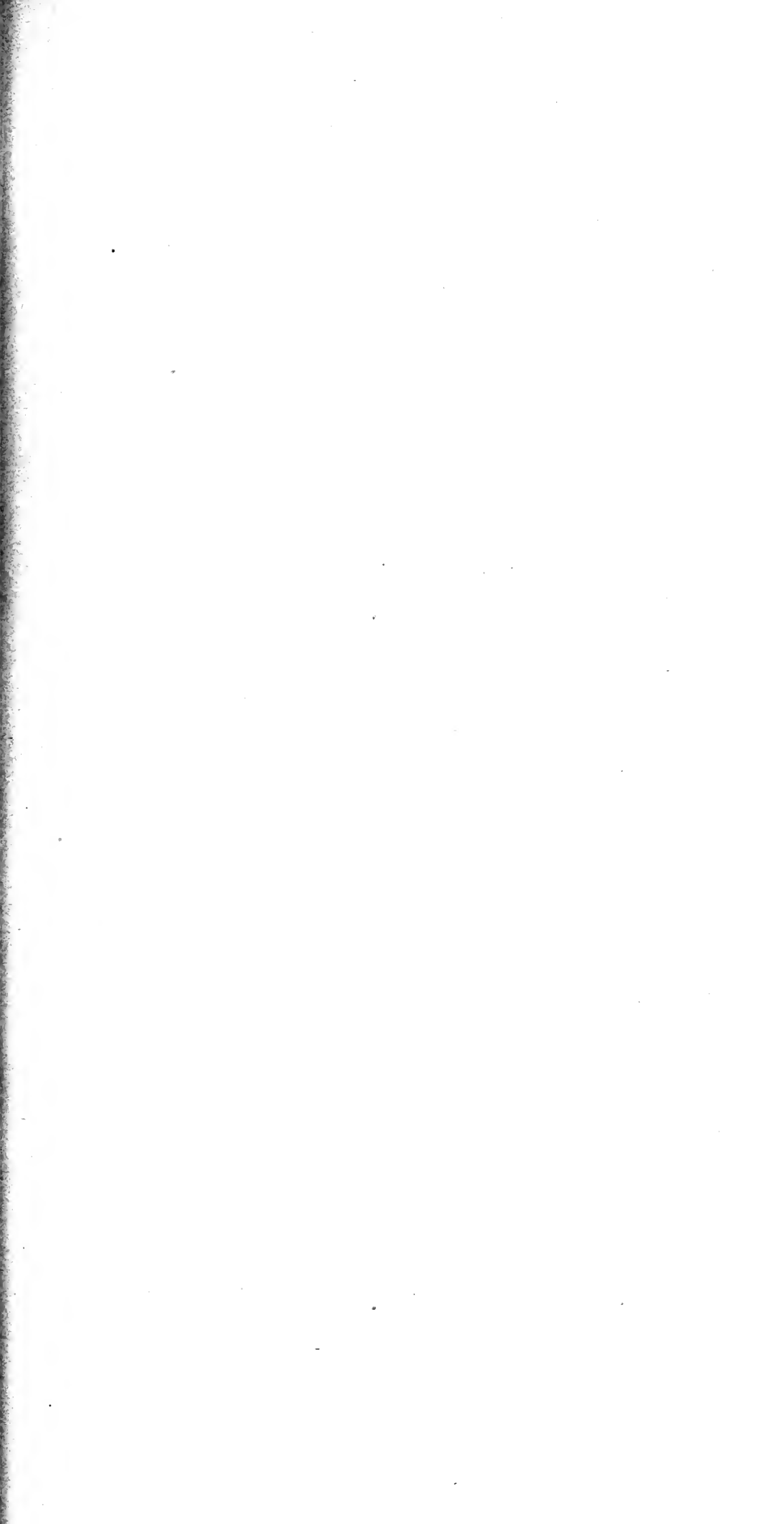
(2) For the purpose mentioned in sub-section 1 of this section it shall be the duty of the clerk to prepare an alphabetical list of the persons who have died in the municipality prior to date fixed for hearing complaints under this section, and shall certify such list to be a correct list of such persons as registered in the register of deaths kept by him under the Act respecting the registration of births, marriages and deaths. 20

56 V. c. 3, 57 V. c. 3 not to apply.

13. *The Supplementary Voters' Lists Act, 1893*, and *The Supplementary Ontario Voters' Lists Act, 1894*, shall not apply to any city in which this Act may from time to time be in force. 25

Act incorporated with 52 V. c. 3.

14. This Act shall be read with and shall form part of *The Ontario Voters' Lists Act, 1889*, and the said Act and the Acts in amendment thereof, save the said Acts in the preceding section mentioned shall apply and be in force, as varied by this Act, in every city to which this Act may from time to time apply. 30



2nd Session, 8th Legislature, 59 Viet., 1896.

BILL.

An Act respecting Voters Lists in certain
Cities.

First Reading, 23rd March, 1896.

Mr. RYERSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting Voters' Lists in certain Cities.

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

1. This Act shall apply and be in force in every city having a population of over one hundred thousand, in which a by-law shall hereafter be passed for taking the assessment at any time prior to the 30th day of September, and fixing prior and separate dates for the return and final revision of the assessment rolls for each ward or sub-division of a ward as determined by the said by-law.

Application of Act.

2. Within fifteen days after the final revision of the assessment roll for any ward or subdivision of a ward, the clerk shall make up and print and distribute the alphabetical list of voters for such ward or sub-division in the manner prescribed by *The Ontario Voters' Lists Act, 1889*, and the Acts in amendment thereof, and forthwith after the clerk has posted up the said list in his office as provided by the said Act, he shall give notice in the manner prescribed by section 9 of the said Act and the notice shall state the boundaries of the ward or sub-division of a ward for which such list is made up.

Making up, posting, etc., of lists; notice to be given.

55 V. c. 3.

3. The time for making complaints as to errors or omissions in such list shall be within seven days after the publication of such notice.

Time for making complaints.

4. In case no complaint respecting the list is received by the clerk of the municipality within seven days after he has posted up the list in his office the clerk shall forthwith apply, in person or by letter, to the judge to certify three copies of the list as being the last revised list of voters for the ward or sub-division, and the judge shall retain one of the certified copies and deliver, or transmit by post, registered, one certified copy to the clerk of the peace for the county or union of

Procedure when no complaint is received.

counties within which the city lies, and one of the certified copies to the clerk of the municipality to be kept by him among the records of his office.

When list to be finally revised.

5. It shall be the duty of the county judge so to arrange and proceed and so to fix the sittings of the court for hearing complaints against or in respect of the voters' list for each ward or sub-division that the complaints shall be heard and determined and the list finally revised, corrected and certified as provided by *The Ontario Voters' Lists Act, 1889*, within ten days after the last day for making complaints.

All lists to be revised by 1st December.

6. The procedure hereinbefore prescribed shall be adopted with respect to the list for each ward or sub-division of a ward, but so that the last of such lists shall have been made up and completed and finally revised on or before the first day of December in the year in which the assessment rolls were revised as aforesaid.

Final revision of list for the whole city.

7.—(1) Forthwith after preparing, printing and posting up the last of such lists, the clerk shall cause the same, with the copy of each list previously revised and certified to by the judge, to be bound up together; and he shall also immediately after posting up the last list, as aforesaid, cause a notice to be inserted in each daily newspaper published in the city, calling upon persons who are aware of errors in the said lists, or of changes which have been rendered necessary by reason of the death or removal of any person named therein, or by reason of any person having acquired the necessary property qualification as a voter as hereinafter mentioned to give notice of such errors, deaths and removals, or of any person having so become qualified; and naming a time and place at which the judge will hold a court for finally revising the lists for the whole city, as well as the last of such lists.

(2) The time for making complaints under this section shall be fourteen days after the publication of such notice.

Revision of list at last sittings.

8.—(1) At such last sittings the judge, upon complaint made as aforesaid, shall make the necessary changes in the said last list, and he shall also, upon the like complaint, correct any error in the name, address or qualification of any person whose name appears upon the lists previously revised by him, and strike out of such lists the names of persons who have died or removed from any ward or sub-division since the revision of the list therefor as aforesaid:

Provided that upon complaint made by any person who has so removed into another ward, or sub-division of a ward, of the city, the judge, after striking out the name of such person, may add the name of such person, if otherwise duly qualified, to the list of voters for the ward or sub-division into which he shall have so removed.

(2) The judge shall also at such sittings upon complaint made as aforesaid, insert in the proper list the name of any person who has acquired the necessary property qualification by himself or his wife becoming a freeholder or householder in any ward or sub-division of a ward since the revision of the list for such ward or sub-division; Provided that no person shall be entitled to have his name inserted in the list under this sub-section, unless the property in respect of which he qualifies was acquired at least *one* month before the last day upon which he could make complaint as aforesaid, and provided that wherever a name is inserted in the voters' list under this sub-section, the judge shall require the clerk to produce the assessment roll before him and shall make and initial the alterations therein corresponding with the changes made in the voters' list.

9. The judge shall make the corrections required by the last preceding section in his certified copy of the voters' list for each ward or sub-division, and shall initial the alterations so made, and the clerk shall likewise make the same alterations in his certified copies, and when so made the alterations shall be initialled by the judge, and the clerk shall forthwith prepare a list of all changes made in the lists at the said last sitting, which shall be certified by the judge, and delivered to the clerk of the peace with the last list *as* revised, and the clerk of the peace shall bind up the same with the copies previously certified by the judge, and delivered to him.

Making corrections in list at last sittings.

10. The said lists, as so finally revised, corrected and certified, shall together form, from time to time, the last revised voters' list for the city, within the meaning of *The Voters' Lists Act, 1889, The Ontario Election Act, 1892, and The Consolidated Municipal Act, 1892,* and the amendments thereto, and the date fixed as the last day for making complaints to the county judge under section 8 of this Act shall be deemed to be the last day for making complaints to the county judge, within the meaning of any oath prescribed by any of the said Acts, and such date shall be inserted in any such oath when the voting is upon a voters' list prepared under this Act.

Last revised voters' list within 52 V. c. 3, 55 V. c. 3, 55 V. c. 42.

11. *The Supplementary Voters' Lists Act, 1893, and The Supplementary Ontario Voters' Lists Act, 1894,* shall not apply to any city in which this Act may from time to time be in force.

56 V. c. 3, 57 V. c. 3 not to apply.

12. This Act shall be read with and shall form part of *The Ontario Voters' Lists Act, 1889,* and the said Act and the Acts in amendment thereof, *other than* the Acts in the preceding section mentioned, as varied by this Act, shall apply to and be in force, in every city to which this Act may from time to time apply.

Act incorporated with 52 V. c. 3.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting Voters Lists in certain
Cities.

First Reading, 23rd March, 1896.
Second Reading, 27th March, 1896.

*(Reprinted as amended by Legal Com-
mittee.)*

Mr. RYERSON.

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

An Act to make Further Provision respecting the Solemnization of Marriage.

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

1. Section 1 of "The Revised Statute respecting the Solemnization of Marriages" is amended by striking out the words, "and according to the rites and usages of such churches or denominations respectively" where these words occur in the 5th and 6th lines of the said section; and section 2 of the said statute is amended by inserting after "abode" in the 14th line the words "and where both parties do not live in the same local municipality, parish, circuit or pastoral charge the delivery to him of a certificate (Schedule A) showing that a similar proclamation has been made in the local municipality, parish, circuit or pastoral charge (being within Canada) where the other of the contracting parties has for the space of fifteen days immediately preceding had his or her usual place of abode." Rev. Stat. c. 131, s. 1, amended.
2. Section 2 of the said Revised Statute is further amended by adding the following as sub-sections 2 to 7 thereof. Rev. Stat. c. 131, s. 2, amended.
- (2) The said certificate of proclamation of intention shall be signed by the clergyman, minister, clerk, secretary or other person who actually proclaimed the same, and shall show the official position of the person who signs it. Certificate of proclamation of intention.
- (3) No marriage shall be solemnized under the authority of any proclamation of intention to intermarry, unless such proclamation has been made at least one week previously, nor unless the marriage takes place within three months after the Sunday upon which the proclamation was made; nor shall a marriage be solemnized under the authority of any license or certificate unless within three months after the date thereof. Banns or license to lapse unless marriage takes place within three months.

Hours during which marriages not to take place.

(4) No clergyman, minister or other person shall solemnize a marriage between the hours of 10 p.m. and 6 a.m. unless he is satisfied from evidence adduced to him that the proposed marriage is legal and that exceptional circumstances exist which render its solemnization between the said hours advisable. 5

Witnesses required.

(5) No clergyman, minister or other person shall solemnize a marriage without the presence of at least two adult witnesses; and two or more of such witnesses shall affix their names as witnesses to the record in the register prescribed by section 17. 10

Clergyman who is an issuer of marriage licenses.

(6) No clergyman, minister or other person who is an issuer of marriage licenses shall solemnize the ceremony of marriage in any case in which he has issued the license or certificate authorizing such marriage. This sub-section shall not apply to the districts of Parry Sound, Nipissing, Algoma, Manitoulin, Thunder Bay, and Rainy River. 15

Certificate to be delivered to person solemnizing marriage.

(7) The certificate or license to marry or the certificate of publication of intention, when such certificate is required, shall be delivered to the clergyman, minister or other person who solemnizes the marriage. 20

Rev. Stat. c. 131, s. 11, amended.

3.—(1) Section 11 of the said Revised Statute is amended by substituting “each” for “one” in the second line, and by adding to sub section 4 thereof the following words, “or before a commissioner for taking affidavits in the high court or a justice of the peace or notary public, or in case the same is made outside of Ontario, it may be made before a notary public or any other person authorized to administer oaths under *The Registry Act, 1893*, but no issuer or deputy issuer shall issue a license or certificate unless one of the parties makes the affidavit before him; and the said section is further amended by adding the following as sub-sections 5 and 6 thereof. 25 30

56 V. c. 21.

Prohibited degrees to be set forth in form of affidavit.

(5) Upon the back, or at the foot of the printed forms of affidavits to be made by the parties, shall be printed a memorandum showing the degree of affinity and consanguinity between parties, which bar or hinder the solemnization of marriage between them; and no affidavit shall be acted upon by the issuer which does not have the said memorandum printed thereon; and upon the back or at the foot of the certificates or licenses issued, shall be printed such extracts from the Statutes as are necessary to show what persons are authorized to solemnize marriages in Ontario, or an epitome of the provisions of such Statutes. 35 40

Duty of issuer of licenses.

(6) The issuer or deputy issuer before administering the oath to the applicant, shall see that the applicant is aware what degrees of affinity or consanguinity are a bar to the solemnization of marriage. 45

4. Section 12 of the said Revised Statute is amended by adding the following sub-section :

Rev. Stat. c. 131, s. 12, amended.

(2) No license or certificate shall be issued between the hours of 11 p.m. and 6 a.m. by any issuer or deputy issuer unless he is satisfied from evidence adduced to him that the proposed marriage is legal and that exceptional circumstances exist which render the issue of the license or certificate advisable.

Hours during which licenses may not be issued.

5. The following is substituted for section 17 of the said Revised Statute :—

Rev. Stat. c. 131, s. 17, amended.

17. Every clergyman, minister, or other person authorized to solemnize marriages, shall, immediately after he has solemnized a marriage, enter in a Marriage Registry Book, to be kept by him for the purpose (unless where a similar register is kept in the church at which he officiates, in which case the entries shall be made in that book), the particulars required in schedule B to this Act, and shall authenticate the same by his signature. *Vide*. R. S. O, 1887, c. 13, s. 17.

Marriages to be registered by person solemnizing.

6. The following is substituted for section 18 :—

Rev. Stat. c. 131, s. 18, amended.

18.—(1) The Clerk of the Peace for every county or district shall, on demand, furnish all persons authorized by this Act to solemnize marriages with the registry books required to be kept under the next preceding section, the said books to be made of good writing paper, to be printed on every page according to the form given in schedule B, and strongly bound. The books shall be of two different convenient sizes so that where the applicant is in charge of a congregation which keeps the registry book in the church building a larger size may be supplied than is required where the applicant proposes to keep the book in his own custody.

Registers to be furnished to persons authorized to solemnize marriages.

(2) The cost of books furnished to persons residing in any city or separated town shall be defrayed by the city or separated town, and the cost of those furnished to persons residing in other parts of any county shall be defrayed by the county. In places outside of county organization the expense shall be borne by the Province.

Cost of furnishing registers.

(3) The Clerk of the Peace shall enter on the inside of the cover of each marriage registry book furnished by him a statement showing the date upon which the same is furnished, the name of the person to whom it is supplied and the denomination to which he belongs, as well as the particular congregation (if any) of which he is then in charge, and shall enter the same particulars in a book to be kept by him for that purpose.

Entries to be made in register before delivery by clerk of the peace.

Where person
to whom
register is
delivered dies
or register is
filled up.

(4) Whenever a register is completely filled, or the person to whom it was delivered dies, it shall, unless it is the property of a congregation whose practice is to keep such books in the church, be delivered by such person, or his personal representatives, to the Clerk of the Peace from whom it was obtained, who shall note the fact of such return with the date thereof, in the book secondly mentioned in the next preceding sub-section, and at the place where he entered the particulars required to be stated by him as mentioned in the said sub-section; and he shall keep the register so returned amongst the records of his office. He shall also state in such note whether the register was returned on account of the death of the holder or on account of its being filled. 5 10

Second regis-
ter not to be
furnished
until first one
returned.

(5) No clergyman, minister or other person shall be furnished with a second or subsequent register, until he has returned the register which he had previously obtained, or has properly accounted in writing for its non-return, and when the register is not returned the explanation shall be shortly noted in the said book required to be kept by the Clerk of the Peace under sub-section 3, at the place where the particulars of the delivery of the unreturned register appear. 15 20

Fees of clerk
of the peace.

(6) The Clerk of the Peace shall be entitled to be paid for services performed under sub-section 3 the sum of fifty cents for each register furnished, and for services performed under sub-sections 4 and 5 the sum of twenty-five cents for each register returned or accounted for to him. 25

Rev. Stat. c.
131, s. 19
amended.

7. The following is substituted for section 19 of the said Revised Statute.

Property in
registers.

19. The registry book, by whomsoever furnished, shall be the property of the denomination to which the clergyman, minister or other person to whom it is delivered, belongs at the time of the delivery thereof to him, and in case he is in charge of a particular congregation of such denomination, it shall belong to the trustees or other body in which the property of the church or meeting house used by such congregation for its ordinary services is vested. R. S. O. 1887, c. 131, s. 19. 30 35

Rev. Stat. c.
131, s. 21
amended.

8. Section 21 of the said Revised Statute is amended by inserting after the word "marriages," in the fourth and fifth lines, the words "who is a man and resident in Canada." 40

Rev. Stat. c.
131, sched A
amended.

9. Schedule A to the said Act is amended by substituting "18 years" for "twenty-one years" wherever these words occur in the said schedule, and by adding thereto after "complied with" the words "and such marriage may be solemnized in the County of _____," (*naming the county or district within which it is intended that the marriage shall be solemnized.*) 45

10. Printed copies of the said Revised Statute as amended by subsequent Acts shall be furnished in pamphlet form by the clerks of the peace to any person applying therefor upon payment of _____ cents for each copy, and the said clerks of the peace shall obtain from the Queen's Printer so many copies as they may require at the rate of _____ cents per dozen.

Printed copies of marriage laws to be furnished.

11. Any marriages which, before the passing of this Act, have been solemnized in this Province by clergymen or ministers duly ordained or appointed as such according to the rites and ceremonies of the churches to which they belong, or by commissioners or staff officers of the Salvation Army, between persons not under any legal disqualification for entering into the contract of matrimony are hereby declared to have been and to be lawful and valid marriages, so far as respects the civil rights in this province of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature, notwithstanding that the person who solemnized any such marriage was not at the time a resident of this province ;

Marriages heretofore solemnized by persons not resident in Ontario validated.

12. Provided that the parties thereafter lived together and cohabited as man and wife, and that the validity of the marriage has not hitherto been questioned in any suit or action ; and

Proviso.

13. Provided further that nothing in this section shall make valid any such marriage in case either of the parties thereto has since contracted matrimony according to law ; and in such a case the validity of the marriage by a non-resident shall be determined as if this Act had not been passed. (See 51 V. c. 20, s. 2.)

Proviso.

14. Every marriage heretofore or hereafter solemnized between persons not under a legal disqualification to contract such marriage, shall after three years from the time of the solemnization thereof, or upon the death of either of the parties before the expiry of such time, be deemed a valid marriage so far as respects the civil rights in this province of the parties or their issue, and in respect of all matters within the jurisdiction of the Ontario Legislature notwithstanding the clergyman, minister or other person who solemnized the marriage was not duly authorized to solemnize marriages, and notwithstanding any irregularity or insufficiency in the proclamation of intention to intermarry or in the issue of the license or certificate, or notwithstanding the entire absence of either ;

Certain marriages to be deemed valid after three years on death of one of the parties.

15. Provided that the parties after such solemnization lived together and cohabited as man and wife and that the validity of the marriage has not before such death or prior to the expiry of the said time been questioned in any suit or action ; and

Proviso.

16. Provided further that nothing in this section shall make valid any such marriage in case either of the parties thereto had previous to the death of the other and previous to the

Proviso.

expiration of the said three years contracted matrimony according to law, and in such a case the validity of such marriage shall be determined as if this section had not been passed.

Commence-
ment of Act.

13. This Act shall not take effect until 1st of January, 1897, except sections 11 and 12 which shall go into force forth-
with.

SCHEDULE A.

CERTIFICATE OF PUBLICATION OF BANNS.

I hereby certify that on Sunday, the _____ day of _____, A. D. 18____, the intention of A. B., of _____ (state residence) and C. D., of _____ (state residence) to intermarry was duly proclaimed by me in _____ Church, being a church in the _____ (state name of township or other local municipality or parish, circuit or pastoral charge). I further certify that I verily believe the said A. B. (or C. D.) had his (or her) usual place of abode in the said _____ (township or other local municipality or parish, circuit or pastoral charge) for the space of fifteen days immediately preceding the said Sunday.

Dated this _____ day of _____, A. D. 18____.

Minister of _____ Church.

SCHEDULE B.

REGISTER OF MARRIAGES.

BRIDEGROOM.	
His Name.	_____
Age.	_____
Residence when Married.	_____
Place of Birth.	_____
Bachelor or Widower (B. or W.)	_____
Occupation.	_____
Religions Denomination of Bridegroom.	_____
Names of Parents.	_____

BRIDE.

Her Name.	
Age.	
Residence when Married.	
Place of Birth.	
Spinster or Widow (s. or w.)	
Religious Denomination of Bride.	
Names of Parents.	
Whether Married by License or Banns (L. or B.)	
Signatures	
of Bridegroom	
of Bride	
of Witnesses.	
	Residence
	Residence

I certify the above named parties were married by me at *St. Mark's Church, Toronto*, in the County of *York*, this day of
A.D. 18 .

Rector of St. Mark's Church Toronto.

BILL

An Act to make Further Provision respecting the Solemnization of Marriage.

First Reading, 23rd March, 1896.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting Justices of the Peace in the Districts of Thunder Bay and Rainy River.

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

1. All justices of the peace now residing in that portion of
 5 the provisional judicial district of Thunder Bay which forms
 the territorial district of Rainy River, shall cease to have any
 authority in the remainder of the district of Thunder Bay and
 shall be justices of the peace for the said territorial district of
 Rainy River by the same tenure of office, without new com-
 10 missions and without again taking any oath, (see 51 Vic.,
 c. 14, s. 2.) and all justices of the peace now residing in the
 district of Rainy River shall cease to have any jurisdiction in
 the district of Thunder Bay. (See 51 Vict., c. 14 s. 2.)
2. Clause (b) of section 10 of *The Unorganized Territory*
 15 *Act* is hereby repealed, and all returns of convictions required
 by law to be made by any justice or justices of the peace for
 the district of Rainy River shall be made to the district a-
 torney of the said district.

Justices resid-
 ent in Rainy
 River not to
 have jurisdic-
 tion in the re-
 mainder of
 Thunder Bay.

Rev. Stat. c.
 91, s. 10 clause
 (b) repealed.

No. 181.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting Justices of the Peace in
the Districts of Thunder Bay and Rainy
River.

First Reading, 23rd March, 1896.

The ATTORNEY-GENERAL.

TORONTO.

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty

No. 182.]

BILL.

[1896.]

An Act respecting Tax Sales in the Unorganized Districts.

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

1. The provision contained in section 34 of chapter 185 of the Revised Statutes, as to advertising sales of land for taxes in a newspaper published in the city of Toronto, shall only apply hereafter to non-resident lands. Tax sales in Algoma etc., notice of.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting Tax Sales in the Un-
organized Districts.

First Reading, 23rd March, 1896.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting Provincial Municipal Auditors.

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

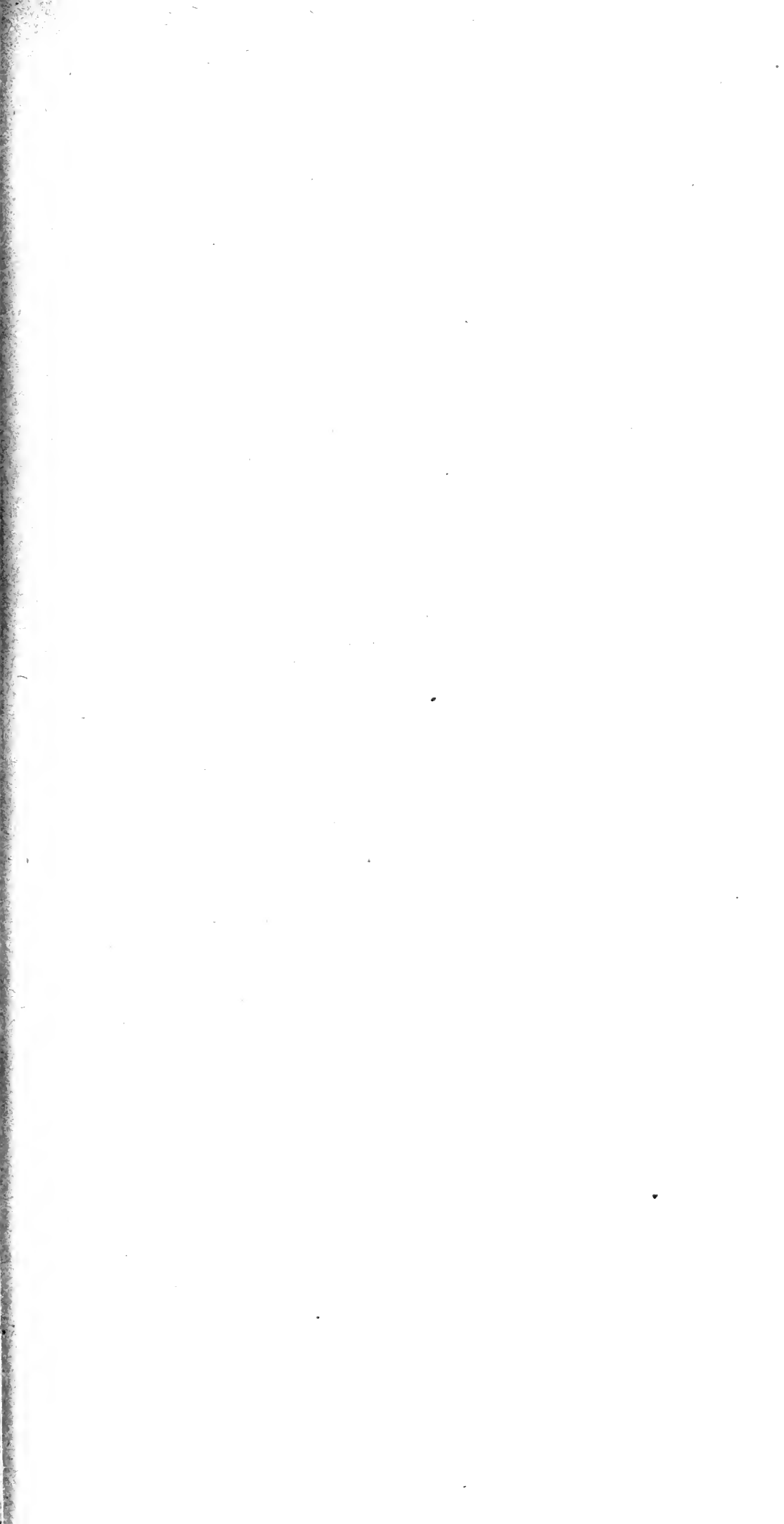
- 5 **1.** The Lieutenant-Governor may from time to time constitute a board of municipal auditors, and the persons appointed shall be provincial municipal auditors, and shall enquire into the financial affairs of municipal corporations and matters connected therewith. Lieutenant-Governor may appoint board of auditors.
- 10 **2.** The board shall consist of three members, or such further number as may be deemed necessary, and the persons appointed shall be chartered accountants or otherwise competent for the investigation and audit of municipal accounts, and shall hold office during pleasure and without salary. Constitution of boards.
- 15 **3.** Unless an agreement to the contrary is made, every member of the board while actually employed shall be entitled to \$10 a day and his expenses, and the same may be determined and certified and shall be payable as provided in section 384 of *The Consolidated Municipal Act, 1892*. Remuneration of members. 55 V. c. 42.
- 20 **4.** Where a commission of enquiry is applied for under section 383 of *The Consolidated Municipal Act, 1892*, the Lieutenant-Governor in Council, instead of issuing a commission, may direct a member of the board to hold an investigation. Directing audit instead of commission of enquiry.
- 25 **5.** The members of the board shall when holding any enquiry have the same powers as to summoning witnesses and enforcing their attendance, and compelling them to produce documents and give evidence, as any court has in civil cases. Powers of auditors when holding investigation.

Form of oath
of auditors.

6. Every member of the board shall on his appointment take the oath following, and the same may be taken before a justice of the peace or before a commissioner for taking affidavits, and shall be filed in the office of the Provincial Secretary, that is to say:—

5

I, *A. B.*, of the of in the county of
do swear that I will well and truly serve our Sovereign Lady
Queen Victoria as a provincial municipal auditor, and I will
do right to all manner of people after the laws and usages of
this Province without fear or favor, affection or ill-will. So 10
help me God.



2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting Provincial Municipal
Auditors.

First Reading, 23rd March 1896.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 184.]

BILL.

[1896.

An Act respecting Salaries of Police Magistrates.

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

1. In lieu of the salaries which the revised Act respecting
5 police magistrates, provided for police magistrates for towns, Salaries of
police magis-
trates in
towns.
the salary of a Police Magistrate in a town shall be \$100 per
annum for every 1,000 of the population, according to the last
census of the population, whether the last is a Dominion or
municipal census. Where the population is over 2,000, the
10 police magistrate shall be entitled to \$100 for the fraction by
which the population exceeds the thousands of population,
provided that fraction is not less than 500. R. S. O. c. 72. s. 2.

BILL.

An Act respecting Salaries of Police
Magistrates.

First Reading, 23rd March, 1896.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Public Lands Act,

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

1. Section 45 of *The Public Lands Act* is amended by adding thereto the following words :

Rev. Stat. c. 24, s. 45, amended.

“ And copies of licenses or other instruments or documents which are issued under the hand of the commissioner or assistant commissioner, or other officer or agent of the Department, by authority of this Act, or *The Act respecting Timber on Public Lands*, which copies are attested under the signature of the commissioner or assistant commissioner, and the official seal of the Department, shall be received in any court as *prima facie* evidence of the license, instrument or document, and of the contents thereof.”

Copies of documents as evidence.

10

Rev. Stat. c. 28.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Public Lands Act.

First Reading, 23rd March, 1896.

Mr. HARDY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Algonquin National Park Act.

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

1. Clause (h), section 3 of *The Algonquin National Park Act*, is amended by adding the words "pedlars, travelling salesmen and other" after the word "of" in the first line thereof. 56 V. c. 8, s 3, clause (h), amended.

2. The superintendent of the said park shall be *ex officio* a health officer for the said park and for the territory surrounding the same for the distance of one mile therefrom or from any part thereof, and shall have all the powers and perform all the duties by *The Public Health Act* or any amendment thereto or any other Act conferred or imposed upon medical health officers or local boards of health in the province; and all park rangers, whether employed temporarily or otherwise, shall be *ex officio* sanitary inspectors under the said *Public Health Act* and shall possess all the powers conferred upon sanitary inspectors under the said Act or any amendment thereto. Superintendent to be *ex officio* a health officer. Rev. Stat. c. 205.

No. 186.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Algonquin National
Park Act.

First Reading, 23rd March, 1896.

Mr. HARDY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to make further Provision respecting Mines
and Mining.

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

1. Sub-section 2, of section 2, of *The Mines Act, 1892*, is 55 V. c. 6, s. 2, sub-s. 2, amended.
5 amended by inserting therein after the word “metals” in the
seventh line thereof, the words “mineral or minerals.”

2. Section 7 of the Act, passed in the 57th year of Her 55 V. c. 6, s. 53; 57 V. c. 16, s. 7, repealed.
Majesty’s reign, chaptered 16, and section 53 of *The Mines*
Act, 1892, are repealed, and the following is substituted for
10 the said section 53 :—

(53) This Part shall apply to all mines, quarries, pits, oil, Application of Part IV. of 55 V. c. 6.
gas, and salt wells, and other openings from which ores or
minerals of any kind or class are raised or taken, and to all
furnaces or works for smelting or otherwise treating ores,
15 rocks, clays, sands, oils, brines or other minerals for any
economic object; and all owners or agents of such mines,
quarries, pits, wells, furnaces and works shall observe and
keep the provisions of this part, and in case of non-observance
thereof shall incur the penalties provided therefor by section
20 69 of *The Mines Act, 1892*.

3.—(1) Sub-section 1, of section 60, of *The Mines Act, 1892*, is amended by inserting therein after the word “mine” 55 V. c. 6, s. 60 sub-s. 1 amended.
in the first line thereof the words “quarry or other works.”

(2) Sub-section 3 of the said section is amended by insert- 55 V. c. 6, s. 60 sub-s. 3 amended.
25 ing after the word “mine” in the first line thereof the words
“quarry or other works.”

55 V. c. 6, s.
62, amended.

4. Section 62 of *The Mines Act, 1892*, is amended by striking out the words "provided that this section shall apply only to any working or mine in which more than twelve persons are ordinarily employed below ground," at the end of the said section.

5

55 V. c. 6, s.
69, amended.

5. Section 69 of *The Mines Act, 1892*, is amended by inserting therein after the words "and if" in the seventh line thereof the words "the director of the Bureau of Mines or."

Setting apart
lands rich in
mines and
minerals.

6. Where any locality or territory is shown to be rich in mines and minerals the Lieutenant-Governor-in-Council may, by regulation, set apart the whole or part of such locality, or territory, and may fix the price or rental per acre at any greater sum than is provided in the said Act, passed in the 57th year of Her Majesty's reign, chaptered 16, or may temporarily withdraw the same from sale or lease. 54. V. c. 15 8, s. 1.

57 V. c. 16, s.
12 amended.

7. Section 12 of the said Act, passed in the 57th year of Her Majesty's reign, chaptered 16, is amended by striking out the words "July, 1894," in the sixth and seventh lines thereof, and substituting therefor the words "January, 1896," and also by striking out the words "pig metal" in the seventh line thereof, and substituting therefor the words "matallic iron"; nevertheless, payment may be made out of the Iron Mining Fund of any moneys which may have been earned by miners or producers of ore since the first day of July, 1894, as provided in the said Act.

25



BILL.

An Act to make further Provision respecting Mines and Mining.

First Reading, 23rd March, 1896.

Mr. HARDY.

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

An Act to amend The Municipal Act.

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

1. Sub-section 1 of section 22 of *The Consolidated Municipal Act, 1892*, is amended by inserting after the word "taxation" in the sixteenth line thereof the words "assessment, improvements," and by adding at the end of said sub-section 1 the following words: "And the Lieutenant-Governor in Council may also by such proclamation provide that the territory so added or to be added to the city or town shall, for a period of time to be mentioned in the proclamation, continue to form part of the electoral division for the purposes of elections to the Legislative Assembly of which it had theretofore formed a part." 55 V. c. 42, s. 22, sub-s. 1, amended.
2. Sub-section 2 of section 210 of the said Act is repealed. 55 V. c. 42, s. 210, sub-s. 2, repealed.
3. Paragraph (e) of sub section 1 of section 167 of the said Act is amended by inserting therein after the word "name" in the sixth line of the said paragraph, the words; "or shall advise or abet, counsel or procure any other person to do any of such things." 55 V. c. 42, s. 210, repealed. Personation.
3. Section 223 of the said Act is hereby amended by inserting at the end of the first line thereof the words "city, town, and," and by adding at the end of the said section the following words: "And the members of the council of every city and town shall hold their first meeting at eleven o'clock in the forenoon on the Wednesday next following the day on which they are elected, or on some day thereafter." 55 V. c. 42, s. 223, amended.
4. Section 284 of the said Act is hereby amended by adding at the end thereof the following words: "But no council of any city or town shall, after the 31st day of December in the year for which the members were elected, pass any by-law or" 55 V. c. 42, s. 284, amended.

Certain acts
not to be done
by councils
after 31st
December.

resolution for the payment out of money or involving directly or indirectly the payment of money, nor shall they award any contract or enter into any obligation on the part of the municipality, nor shall they appoint to or dismiss from office any officer under the control of the council, nor shall they do any other corporate act after said day except in case of extreme urgency. 5

55 V. c. 42,
s. 405,
amended.

5. Section 405 of the said Act is hereby amended by inserting after the word "same" in the sixth line thereof the words: "and by the clerk of the municipality," and by adding thereto the following sub-section:— 10

Execution of
debenture
coupons.

405 (a) The coupons attached to every such debenture shall each be signed by the clerk and treasurer of the corporation.

55 V. c. 42, s.
436, sub-s. 2,
amended.

6. Section 436 of the said Act is amended by adding the following to sub-section 2 thereof:— 15

Regulating
hours of labor
in livery
stables, etc.

2 (b) And may pass by-laws for regulating the hours of labor of persons employed in livery or boarding stables, and by the owners of horses, cabs, carriages, carts, trucks, sleighs, omnibusses and other vehicles kept for hire within the said city, and for licensing drivers of cabs within said city. 20

55 V. c. 4, s.
505, amended.

7. The following shall be added to section 505 of the said Act as Article Fourthly:—

Debentures
for extension
and improve-
ment of water-
works.

Fourthly: Provided further that any such city may, upon the recommendation of the water commissioners, under a by-law or by-laws to be passed by a vote in favor thereof of three-fourths of all the members of the council, and without the consent and approval of the Lieutenant-Governor in Council thereof, raise by the issue of debentures of the municipality in any year or years, to be applied exclusively for the extension and improvement of such waterworks as mentioned in article 3 of this section, the sums following, that is to say:— 25 30

Any city with a population of 30,000 or less, a sum not exceeding \$6,000 per annum.

Any city with a population of more than 30,000, a sum not exceeding \$10,000 per annum. 35

55 V. c. 42, s.
531, amended.

8. The following shall be added to section 531 of the said Act as sub-section 8 thereof:—

Actions for
negligence in
non-repair of
highways, etc.

(8) In any case where an action may be brought against a municipal corporation by any person who has suffered damage by reason of the default by the municipality in keeping any public road, street, bridge or highway in repair as provided by sub-section 2 of this section, no action shall be brought in respect of, or to recover such damage, or any part thereof, against any member of the council, officer, or employee of the muni- 40 45

5 cipality personally, but the remedy shall be, lie and be had
wholly against the municipality; but nothing in this sub-
section contained shall prevent any action from being brought
or maintained by any municipality against any officer or
5 employee for negligence or misconduct, or for any act of
omission or commission in breach of his duty as such officer
or employee, and the foregoing shall not affect pending litigation.
Where any such action has heretofore been brought against
any such officer, member or employee, the municipality may
10 assume the same or the defence thereof, and may pay any
damages or costs for which such officer, member or employee
may be or become liable in respect thereof, but this sub-section
shall not extend to or include a mere contractor with the
corporation, nor any such member of council, officer or
15 employee who is such contractor, by reason of whose act
or neglect the damage was caused.

No. 188.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 23rd March, 1896.

Mr. HARDY.

TORONTO:

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

No. 189.

BILL.

[1896.]

An Act to amend The Municipal Act.

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

1. Paragraph (a) of sub-section 3 of section 495 of *The Consolidated Municipal Act, 1892*, is hereby amended by inserting after the words "silverware," where they occur in the fourth line of said paragraph, the words "furniture, carpets, upholstery, millinery and other merchandise."

55 V. c. 42, s. 495, sub-s. 3 amended.
Extension of definition of hawkers and pedlars.

No. 189.

2nd Session, 8th Legislature, 56 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 24th March, 1896.

Mr. O'KEEFE.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Assessment Act.

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

The Consolidated Assessment Act, 1892, is amended by inserting therein the following sections :

31b. Every person liable to be assessed for personal property in any municipality shall, if required by the assessment department or assessment commissioner, furnish a sworn statement of the value of his personal property situate within the municipality and liable to assessment under this Act. Such statement shall show the gross value of such personal property, and the gross amount of all indebtedness owing by him in respect thereof. Such statement shall be furnished within thirty days after a written demand is made therefor by the assessment department or assessment commissioner, and if default is made in furnishing such statement the person so neglecting or refusing to comply with the said demand shall be liable to a penalty of \$20 a day for every day during which said default continues, and such penalty may be added by the municipality to the taxes ultimately assessed against the person so in default, and collected at the same time and in the same manner as other taxes. The county judge upon appeal to him may remit the whole or any part of the said penalty if he shall be satisfied that such default arose through circumstances which afford a reasonable and satisfactory excuse for such default, and may make such order as to the costs of such appeal as he may deem proper in the circumstance.

Persons liable to assessment for personalty to furnish sworn statement if required.

31c. The county judge may appoint in each municipality two or more competent persons who shall be known as "assessment accountants," every such person so appointed shall, before entering upon any of the duties hereinafter set out, take an oath of office to keep secret and not disclose any information acquired by him in performing the duties pertaining to his said office.

Appointment of assessment accountants

When assessor is not satisfied with sworn statements.

31*d*. Whenever the assessment department or assessment commissioner of any municipality is not satisfied with the sworn statement furnished by any person pursuant to section 31*b*, such assessment department or assessment commissioner may, after serving notice upon the person furnishing the statement apply to the county judge for an order to direct one of the assessment accountants to make an examination of the books, accounts and vouchers of the person who had furnished the said statement with the object of ascertaining the correctness or otherwise of such statement, and thereupon the said judge may, after hearing the parties order the said examination to be made and shall name in the said order the assessment accountant who shall make such examination. 5 10

Examination and report by assessment accountants.

31*e*. The assessment accountant shall, upon receiving the order of the judge, proceed to make such examination in person, and shall duly report in writing to the judge the result of such examination, and upon the reading of such report the judge may direct the assessment of the person whose statement has been reported upon to be assessed for any amount shown by such report, or otherwise as he shall deem just. 15 20

Penalty for refusing to permit examination of books, etc.

31*f*. Any person refusing to allow his books to be examined by an assessment accountant, pursuant to the order of the judge, shall be liable to be assessed for any sum in excess of the amount shown by his filed statement that the judge shall deem proper, and for the purpose of estimating such amount the judge may direct such person to produce before him his books, vouchers and accounts, and upon hearing the evidence of the person so ordered to appear (if he shall appear) and any evidence offered on behalf of the municipality, determine the amount at which the assessment shall be entered upon the assessment roll. Section 74 of this Act shall apply to any decision of the judge made under the provisions of these sections. 25 30

Costs of investigation.

31*g*. If the judge shall find that the statement furnished by any person pursuant to section 31*b* is substantially correct and shall not increase the assessable amount set out in such statement by more than ten per cent., the municipality shall pay the assessment accountant's fees and charges for such examination; but if the judge shall find that such statement was incorrect and untrue to the extent of more than ten per cent., the person whose statement has been reported upon shall pay the fees and charges of the said assessment accountant. 35 40

Fees of assessment accountant.

31*h*. The assessment accountant shall be entitled to charge a fee of \$12 per diem of six hours for every day necessarily occupied by him in making such examination and shall further be entitled to a fee of five dollars for the making of his report. 45

Penalty for assessment accountant disclosing information.

32*i*. Any assessment accountant who shall disclose or make public any information obtained by him while making any examination under the provisions of the foregoing sections shall be liable to a penalty of \$200 to be recovered in an action by any one suing therefor. 50



An Act to amend The Assessment Act.

First Reading, 24th March, 1896.

MR. ST. JOHN.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 191.]

BILL.

[1896.

An Act to amend The Municipal Act.

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

1. *The Consolidated Municipal Act, 1892*, is amended by inserting therein the following as section 198 *a*.

198 *a*—(1) In any case where an election has been held invalid owing to the returning officer or deputy returning officer having refused to receive ballots tendered by duly qualified electors, or having refused ballot papers to duly qualified electors, where it appears upon the evidence taken *viva voce* or by affidavits filed upon the application that such refusal has affected the result of the election the judge shall have power to declare such election invalid and to award the seat to the person on whose behalf such ballots would, according to the evidence, have been cast and may order the costs of the proceedings to unseat the person declared elected to be paid by the respondent or by such returning officer or deputy returning officer.

Where election has been declared invalid owing to refusal to permit qualified persons to vote.

(2) This section shall not affect the costs of proceedings pending at the time of the passing hereof.

No. 191.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 24th March, 1896.

Mr. TAYLOR.

TORONTO:

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

An Act to provide for the Inspection of Meat
and Milk Supplies of Cities and Towns.

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

1. The municipal council of every city or town may by
5 by-law provide for the establishment of a public slaughter
house, or abattoir within the limits of the municipality, or in
such adjoining municipality as shall by by-law sanction its
erection therein, and for the construction of cattle-yards and
pens for the proper keeping therein of animals intended for
10 slaughter, and for charging fees to defray the costs incurred
by the local board of health in carrying out the provisions
of this Act.

By-laws for
establishing
slaughter-
houses, cattle-
yards or pens.

(2) Every such slaughter house, or abattoir and cattle-yard
and pen, shall be constructed, equipped and regulated in con-
15 formity with any regulations in that behalf, from time to time
adopted by the Provincial Board of Health, and approved by
the Lieutenant-Governor in Council.

Regulation of
slaughter-
houses, etc.

2. The local board of health of every city or town in
20 which such slaughter house or abattoir, cattle-yards or pens
may be established shall have the control and supervision of
the same, and shall be responsible for the due carrying out of
the regulations of the Provincial Board of Health made in
connection therewith; and the costs of the supervision and
25 inspection carried out under this Act, and of any regulations
made under it with regard to slaughter-houses or abattoirs, or
cattle-yards or pens, or in carrying out any other provisions
of this Act, shall be paid from time to time by the treasurer
of the city or town out of the fees charged for such slaughter
or inspection, on the order of the local board of health.

Local board
of health to
have control.

30 (2) The powers conferred upon local Boards of Health and
their officers by section 99 of *The Public Health Act* shall
apply in the supervision and inspection carried out under this
Act.

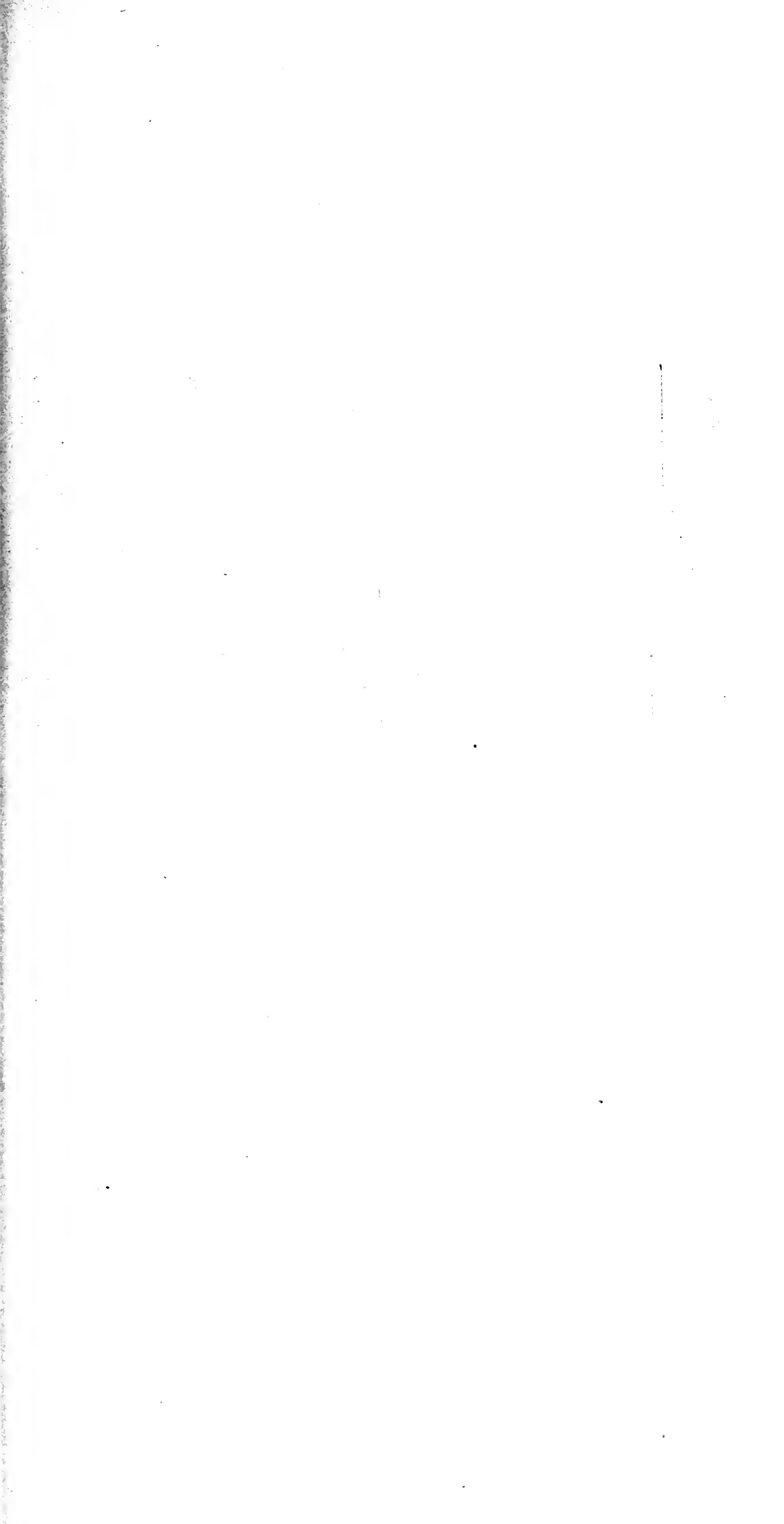
Rev. Stat. c.
205.

Veterinary surgeons to be employed for inspecting animals and meat. **3.** The local board of health of every city and town where such cattle-yards and pens are established, shall employ one or more veterinary surgeons, registered in Ontario, to inspect at such slaughter house or abattoir, or at such cattle-yards or pens, all animals, carcasses and meat brought into the municipality and intended for human food. 5

Inspection of milch cows. **4.**—(1) The local Board of Health of every city and town may, in addition to periodical examinations as to purity of public milk supplies, and as to the sanitary condition of the byres, or places where cows for public milk supplies are kept may inspect every milch cow kept therein, as to its general health. In addition to such general inspection the local board of health may provide for the testing with tuberculin by a registered veterinary surgeon of every cow kept in such byres or places for the diagnosis of tuberculosis. 10 15

Testing cows. (2) Every cow may be tested, and thereafter dealt with according to the methods set forth in the regulations adopted by the Provincial Board of Health, and approved of by the Lieutenant-Governor in Council.

Inspection of meat-packing establishments. **5.** Any meat-packing establishment heretofore or hereafter erected within the limits of any municipality in Ontario shall be subject to inspection in a manner similar to that of the municipal slaughter house or abattoir. 20



BILL.

An Act to provide for the Inspection of
Meat and Milk Supplies of Cities and
Towns.

First Reading, 24th March, 1896.

Mr. HARCOURT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to make further provisions for the Protection
of Game.

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

1. No person shall at any time kill or capture any deer in
5 the waters of any stream, pond, river or lake within the limits
of the Province of Ontario. Deer not to
be hunted or
killed in the
water.
- 2.—(1) No person who is a resident of and domiciled in the
Provinces of Ontario or Quebec shall hunt, take, kill, wound
10 or destroy any deer without first having obtained a license
in that behalf under the provisions hereinafter set forth. Deer not to
be killed
without a
license.
- (2) Every such license shall be signed by the chief fish and
game warden and countersigned by the Provincial Secretary
or his deputy, and shall be in force for one season only. Signing and
countersign-
ing license.
- (3) The fee to be paid therefor shall be, in the case of a
15 license to hunt with dogs or hounds the sum of \$5, and in the
case of a license to hunt without dogs or hounds the sum of \$2. Fee for
license.
- (4) There shall be attached to each license two shipping
coupons, one of which shall be signed and detached by the
20 person to whom the license is issued in the presence of the
shipping agent at the point of shipment and attached to each
deer or part of a deer about to be shipped. Shipping
coupons to be
attached to
license.
- (5) Sub-section 5 of section 2 of *The Ontario Game Protec-*
tion Act, 1893, is hereby repealed and the following substituted
therefor : 56 V. c. 49
s. 2, sub. s. 5,
repealed.
- 25 “ (5) No common carrier or other person shall transport or
“ have in possession for that purpose in this province after the
“ same has been killed any wild deer, or the raw skin thereof,
“ or any venison, save only from the first day of November to
“ the twenty-second day of November in each year, unless
30 “ accompanied by an affidavit that the same was hunted and

Transporta-
tion of deer.

“ taken during the open season, and unless there be attached thereto one of the shipping coupons belonging to the license authorizing the shipper to hunt or kill deer as provided by this Act.”

Form of license and coupons.

(6) The said license to hunt deer and the shipping coupons thereto attached may be in the form set forth in the schedule to this Act, and shall be printed upon strong manilla paper, and shall be issued by the chief game warden and the wardens upon application therefor. 5

License to be produced when required.

(7) Every person engaged in the hunting or killing of deer shall on request by any person whomsoever, at all reasonable times and as often as reasonably requested, produce and show such license to the person making the request; and if he shall fail or refuse to do so he shall forfeit any such license he may possess, and shall if found hunting, taking, pursuing, killing, wounding or destroying any deer animal, and on proof of such request and failure or refusal, be deemed to have violated the provisions of this section. 10 15

Penalty.

(8) Any person offending against any of the provisions of this Act shall be liable for each offence to a fine not exceeding \$50 and not less than \$20, together with the costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county where such conviction shall take place for a period not exceeding three months. 20 25

Application of section to Indians and settlers. 56 V. c. 49.

(9) The provisions of this section shall, as to Indians and settlers in any unorganized township or territory not divided into townships, be subject to the provisions of section 27 of *The Ontario Game Protection Act, 1893*.

Setting apart counties in which deer shall not be killed.

3. Notwithstanding anything to the contrary in *The Ontario Game Protection Act, 1893*, or any Acts amending same, the Lieutenant Governor in Council may, by Order in Council in that behalf, designate certain counties or portions of counties in the province in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any deer animal at any time of the year, subject to such reservations in favor of the residents or settlers in such counties as may be deemed reasonable. 30 35

Regulation of the killing of birds near Rondeau Park.

4. The Lieutenant-Governor in Council may, by order in Council in that behalf, make special provisions for regulating the shooting, hunting, taking or killing of any bird or fowl protected by the provisions of the said Act within two miles of Rondeau Park or within Rondeau Harbor, and such regulations shall be read with and be as binding as if they formed part of section 8 of chapter 56, passed in the fifty-eighth year of Her Majesty's reign; and any person violating any of the provisions of the said regulations shall be liable for each offence to the fine and costs of prosecution in the said section 8 provided. 40 45

SCHEDULE.

LICENSE TO HUNT DEER.

Open season from the first day of November to the fifteenth day of November, both inclusive.

Province of Ontario,
License No.

I, _____, Chief Game Warden of the Province of Ontario, do hereby certify that _____, who has satisfied me that he is a resident of the _____ of _____ in the county of _____ and domiciled in the Province of Ontario; and I do further certify that he has paid me the sum of \$ _____ provided by law for a license for residents of Ontario, and is entitled to hunt deer with dogs or hounds (or without dogs or hounds, as the case may be) in the Province of Ontario, for the open season in the year 189 _____. He states his age to be _____ years, has hair, _____ eyes, and _____

Chief Game Warden.

Countersigned,

Provincial Secretary.

SHIPPING COUPONS.

Open season from the first day of November to the fifteenth day of November, both inclusive.

Coupon No. 1, to License No. _____ issued by the chief game warden for the Province of Ontario, for permit to kill and ship deer.

This coupon will allow holder to ship one deer to any point in Ontario, and said coupon must accompany it.

..... Licensee. Chief game warden.

Witness to signature
of Licensee :
.....

On the 10th of
the first of

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to make further provisions for the
Protection of Game.

First Reading, 24th March, 1896.

Mr. GIBSON,
(Hamilton.)

TORONTO:

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

An Act to make further provisions for the Protection
of Game.

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

1. No person shall at any time *hunt, pursue, kill, wound* or capture any deer in the waters of any river or lake within the limits of the Province of Ontario, ⁴²⁷or immediately after leaving such waters, and any person carrying a rifle, carbine or shot gun, and stationed in a canoe, skiff, punt or boat of any kind, at or near any place where hunted deer are likely to enter the water during the open season, shall *prima facie* be deemed to be engaged in hunting or pursuing deer within the meaning of this section. ⁴²⁸

Deer not to be hunted or killed in the water.

2.—(1) No person who is a resident of and domiciled in the Provinces of Ontario or Quebec shall hunt, take, kill, wound or destroy any deer without first having obtained a license in that behalf under the provisions hereinafter set forth.

Deer not to be killed without a license.

(2) Every such license shall be signed by the chief fish and game warden and countersigned by the Provincial Secretary or his deputy, and shall be in force for one season only, ⁴²⁷and the fee for such license shall be two dollars for each person shooting or hunting deer run by dogs or hounds, including owner, and all persons on runways. ⁴²⁸

Signing and countersigning license.
Fee for license.

(3) There shall be attached to each license two shipping coupons, one of which shall be signed and detached by the person to whom the license is issued in the presence of the shipping agent at the point of shipment and attached to each deer or part of a deer about to be shipped, ⁴²⁷and shall be cancelled by the carrier on arrival at the point of destination by writing across the face thereof "cancelled." ⁴²⁸

Shipping coupons to be attached to license.

(4) Sub-section 5 of section 2 of *The Ontario Game Protection Act, 1893*, is hereby repealed and the following substituted therefor :

56 V. c. 49
s. 2, sub. s. 5,
repealed.

Transportation of deer.

"(5) No common carrier or other person shall transport or have in possession for that purpose in this province after the same has been killed any wild deer, or the raw skin thereof, or any venison, save only from the first day of November to the twenty-second day of November in each year, unless accompanied by an affidavit that the same was hunted and taken during the open season, and unless there be attached thereto one of the shipping coupons belonging to the license authorizing the shipper to hunt or kill deer as provided by this Act."

Form of license and coupons.

(5) The said license to hunt deer and the shipping coupons thereto attached may be in the form set forth in the schedule to this Act, and shall be printed upon strong manilla paper, and shall be issued by the chief game warden and the wardens upon application therefor.

License to be produced when required.

(6) Every person engaged in the hunting or killing of deer shall on request by any person whomsoever, at all reasonable times and as often as reasonably requested, produce and show such license to the person making the request; and if he shall fail or refuse to do so he shall forfeit any such license he may possess, and shall if found hunting, taking, pursuing, killing, wounding or destroying any deer animal, and on proof of such request and failure or refusal, be deemed to have violated the provisions of this section.

Penalty.

(7) Any person offending against any of the provisions of this Act shall be liable for each offence to a fine not exceeding \$50 and not less than \$20, together with the costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county where such conviction shall take place for a period not exceeding three months.

Application of section to Indians and settlers.
56 V. c. 49.

(8) The provisions of this section shall, as to Indians and settlers in any unorganized township or territory not divided into townships, ~~and~~ or territory where deer are found, ~~be~~ be subject to the provisions of section 27 of *The Ontario Game Protection Act, 1893*.

Setting apart counties in which deer shall not be killed.

3. Notwithstanding anything to the contrary in *The Ontario Game Protection Act, 1893*, or any Acts amending same, the Lieutenant-Governor in Council may, by Order in Council in that behalf, designate certain counties or portions of counties in the province in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any deer animal at any time of the year, subject to such reservations in favor of the residents or settlers in such counties as may be deemed reasonable.

Regulation of the killing of birds near Rondeau Park.

4. The Lieutenant-Governor in Council may, by order in Council in that behalf, make special provisions for regulating the shooting, hunting, taking or killing of any bird or fowl protected by the provisions of the said Act within two

miles of Rondeau Park or within Rondeau Harbor, and such regulations shall be read with and be as binding as if they formed part of section 8 of chapter 56, passed in the fifty-eighth year of Her Majesty's reign; and any person violating any of the provisions of the said regulations shall be liable for each offence to the fine and costs of prosecution in the said section 8 provided.

5. Section 22 of the said Act is amended by inserting after the words "confiscated and" in the second line thereof the words "forwarded to the Chief Game Warden to be." 50 V. c. 49, s. 22, amended.

6. Sub-section 1 of section 14 of the said Act is amended by striking out the words "or Quebec" in the second line thereof. 56 V. c. 49, s. 14, sub. s. 1 amended.

7. This Act shall be read with and as forming a part of *The Ontario Game Protection Act, 1893.* Act to be read with 56 V. c. 49.

SCHEDULE.

LICENSE TO HUNT DEER.

Province of Ontario,
License No.

I, _____, Chief Game Warden of the Province of Ontario, do hereby certify that _____, who has satisfied me that he is a resident of the _____ of _____ in the county of _____ and domiciled in the Province of Ontario; and I do further certify that he has paid me the sum of \$ _____ provided by law for a license for residents of Ontario, and is entitled to hunt deer in the Province of Ontario, for the open season in the year 189 _____. He states his age to be _____ years, has _____ hair, _____ eyes, and _____

Chief Game Warden.

Countersigned,

Provincial Secretary.

Open season from the first day of November to the fifteenth day of November, both inclusive.

SHIPPING COUPONS.

Open season from the first day of November to the fifteenth day of November, both inclusive.

Coupon No. 1, to License No. issued by the chief game warden for the Province of Ontario, for permit to kill and ship deer.

This coupon will allow holder to ship one deer to any point in Ontario, and said coupon must accompany it.

..... Licensee. Chief game warden

Witness to signature of Licensee :



Open season from the first day of November to the fifteenth day of November, both inclusive.

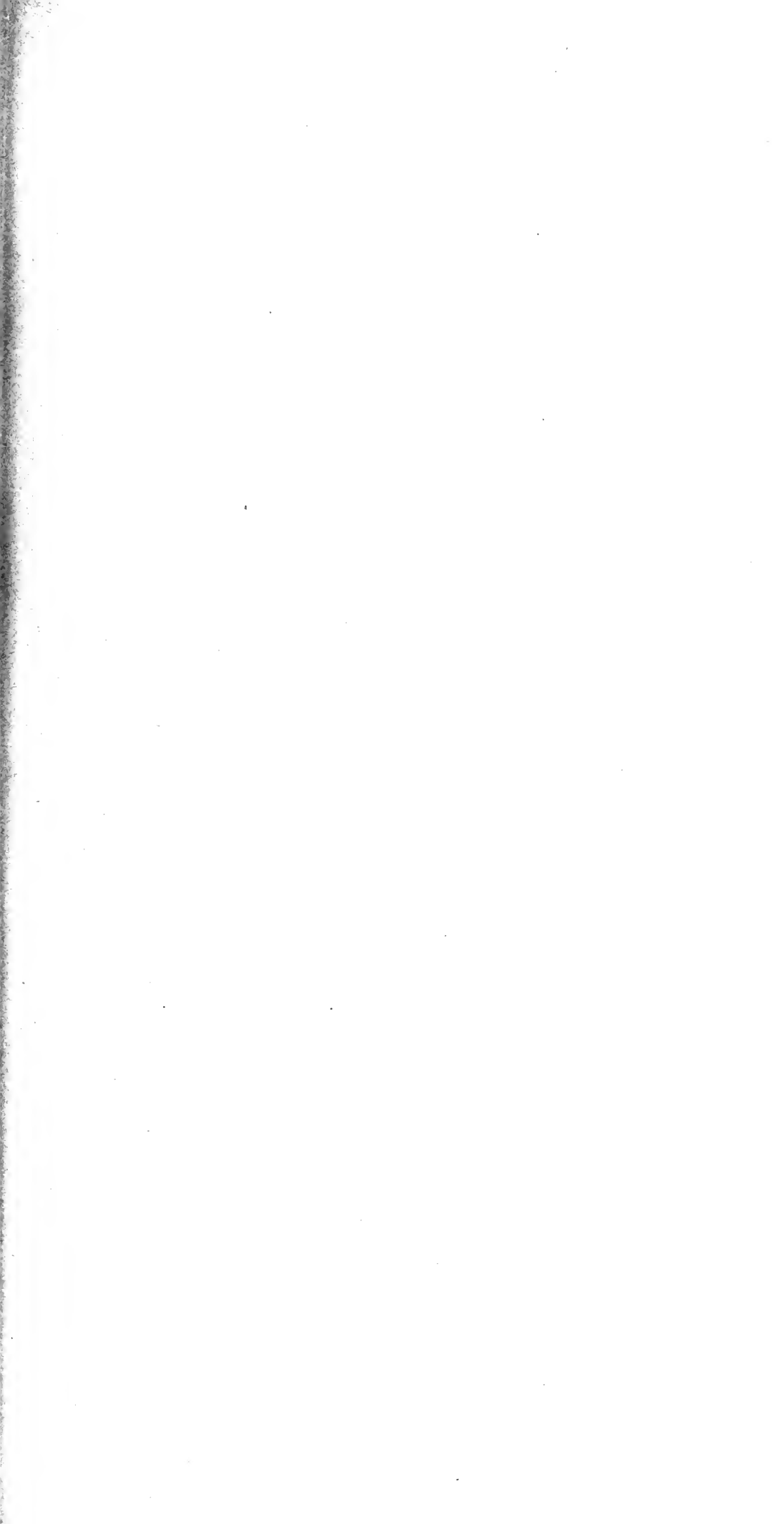
Coupon No. 2, to License No. issued by the chief game warden for the Province of Ontario, for permit to kill and ship deer.

This coupon will allow holder to ship one deer to any point in Ontario, and said coupon must accompany it.

..... Licensee. Chief game warden.

Witness to signature of Licensee :





BILL.

An Act to make further provisions for the
Protection of Game.

First Reading, 24th March, 1896.
Second Reading, 28th March, 1896.

*(Reprinted as amended in Committee of
the Whole House)*

Mr. GIBSON,
(Hamilton.)

TORONTO :

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

No. 194.]

BILL.

[1896.

An Act to amend The Act respecting Voters' Lists in Unorganized Territories.

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

1. Chapter 2 of the Act passed in the fifty-fifth year of
5 Her Majesty's reign, intituled: *An Act respecting Voters' Lists* ^{55 V. c. 2,}
in Unorganized Territories is hereby suspended for one year ^{suspended for}
from the passing of this Act. ^{one year.}

2. Until a new voters' list has been prepared under any
Act of the Legislature of this province, the voters' lists pre-
10 pared and certified under the said Act, in the year 1895, shall ^{Present}
be the lawful voters' lists in any election to the Legislative ^{voters' list to}
Assembly for the polling sub-divisions to which such voters' ^{continue until}
lists are applicable. ^{other pro-}
^{vision made.}

No. 194.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Act respecting Voters' Lists in Unorganized Territories.

First Reading, 24th March, 1896.

Mr. ROSS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting Matriculation in Medicine.

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

- 1.—(1) Notwithstanding any by-laws or regulations which
 5 may have been passed by the Medical Council under *The Ontario Medical Act*, any person who presents to the registrar of the medical council a certificate that he has passed the examination conducted by the Education Department on the course prescribed for matriculation in Arts and approved by the
 10 Lieutenant-Governor in Council, shall be entitled, on payment of the lawful fees in that behalf, to registration as a medical student within the meaning of section 11 of *The Ontario Medical Act*, being chapter 148 of the Revised Statutes of Ontario, 1887.

Persons passing departmental examination to be entitled to registry as students.
- 15 (2) Any person who before the passing of this Act has not passed the examination in all the subjects prescribed for matriculation as aforesaid, shall be entitled to registration as a medical student on submitting to the Registrar of the Medical Council a certificate that he has completed such examination
 20 by passing in the remaining subjects of such matriculation, including Chemistry and Physics.

Persons who have not heretofore passed in all the subjects prescribed.
- (3) Any student in medicine who submits to the Registrar of the Medical Council certified tickets that he has attended not less than two courses of lectures at any chartered Medical School or
 25 College in Canada, shall be entitled on payment of the lawful fees in that behalf, to take the primary examination or the examination of said Council taken by students at the end of the second year, provided that the standing obtained at such examination may not be allowed until such student pre-
 30 sents to the Registrar of the Council the matriculation certificate prescribed by this Act.

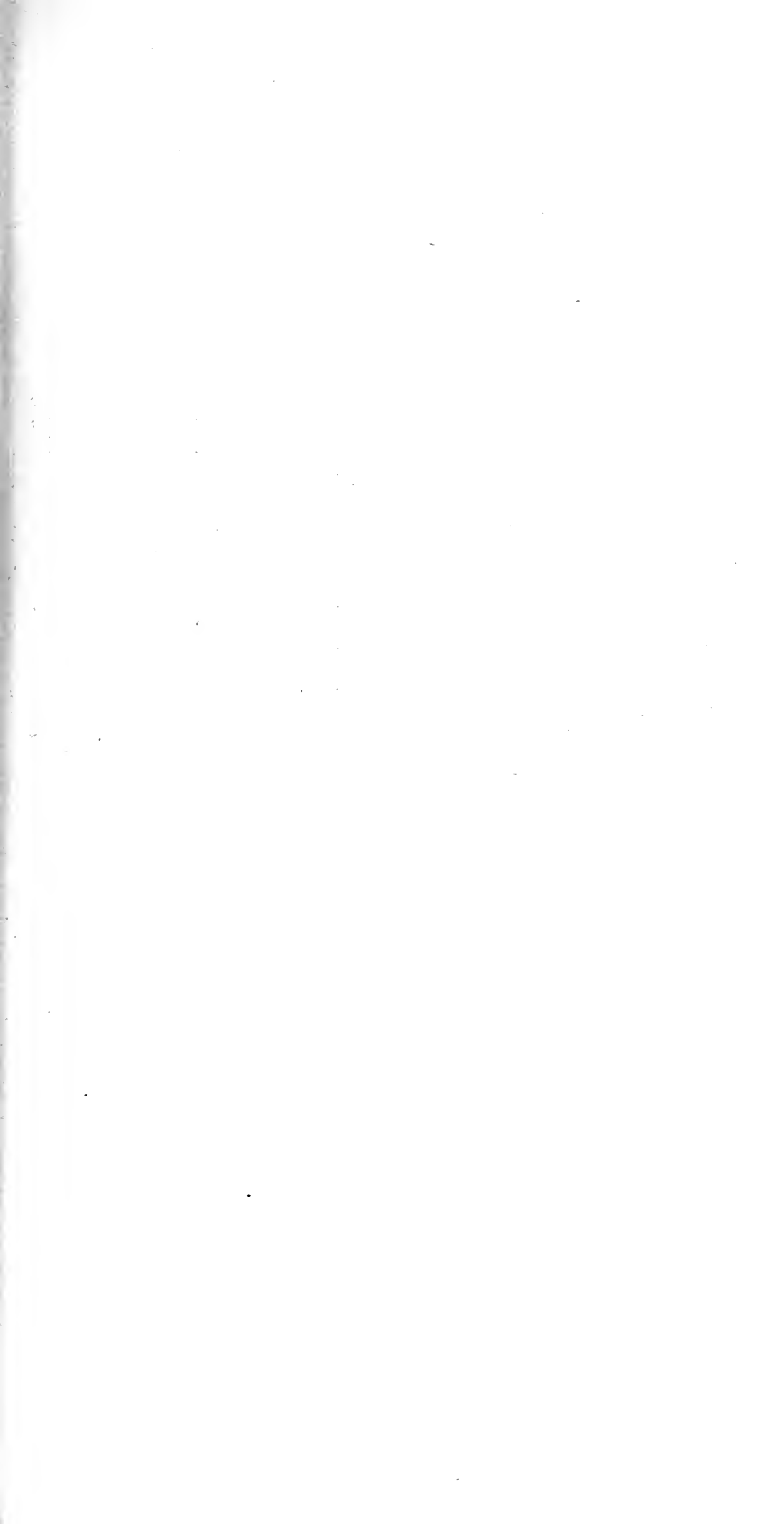
Students entitled to take "primary" examination.

Students who have passed first year's examination at a university.

(4) A certificate from the Registrar of any University in Canada that the holder thereof has passed the examination in Arts prescribed for students at the end of the first year shall entitle such students to registration as medical students under *The Ontario Medical Act*.

By-laws of Medical Council varying present examinations to be approved by Lieutenant-Governor.

2. Any by-laws or regulations of the medical council for determining the admission or enrolment of students varying the examinations for registration hereinbefore mentioned shall not be valid or binding unless and until approved by the Lieutenant-Governor in Council. 5



2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting Matriculation in
Medicine.

First Reading, 24th March, 1896.

Mr. ROSS.

TORONTO:

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

An Act to amend The Municipal Arbitrations Act.

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

1. *The Municipal Arbitrations Act* is hereby amended as follows: 58 V. c. 43, amended.

(1) By striking out the word “the” where it last occurs in the first line of section 5 of the said Act, and substituting therefor the words, “his notes of,” and by adding at the end of the said section the words, “and upon the request of any one of the parties interested in the enquiry, the notes of the shorthand writer shall be extended by him, and upon payment of his proper fees therefor shall be filed with the said clerk.” Extending notes of evidence.

2. By adding thereto the following section:— 58 V. c. 43, amended.

15 “12a. This Act may be extended and made to apply to the counties of York and Peel, or to any municipality therein, upon the request of the council of either of the said counties, or of any of the municipalities therein, to the Lieutenant-Governor in Council by petition, and upon proclamation of the Lieutenant-Governor declaring the same to be in force in such county or municipality, and in such case this Act shall be read as though it had been expressly made to apply throughout to such county or municipality from the time specified in such proclamation.” Extension of Act to counties of York and Peel, or any municipality therein.

20

No. 196.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Arbitra-
tions' Act.

First Reading, 24th March, 1896.

Mr. HARDY.

TORONTO:

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

No. 196.]

BILL.

[1896.

An Act to amend The Municipal Arbitrations Act.

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

1. *The Municipal Arbitrations Act* is hereby amended as follows: 58 V. c. 43,
amended.

(1) By striking out the word "the" where it last occurs in the first line of section 5 of the said Act, and substituting therefor the words, "his notes of," and by adding at the end of the said section the words, "and upon the request of any one of the parties interested in the enquiry, the notes of the shorthand writer shall be extended by him, and upon payment of his proper fees therefor shall be filed with the said clerk." 58 V. c. 43 s. 5,
amended.
Extending
notes of
evidence.

2. By adding thereto the following section:— 58 V. c. 43,
amended.

12a. This Act shall extend and apply to the county of York and shall also extend and apply to any municipality which shall by by-law declare that it is the desire of such municipality to be brought within the provisions of the Act and in such case this Act shall be read as though it had been expressly made to apply to such municipality by the terms thereof. The official arbitrator appointed under the said Act shall in such case be the official arbitrator for such municipality.

3. This Act shall be read with and as part of *The Municipal Arbitrations Act*.

No. 196.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Arbitra-
tions Act.

First Reading, 24th March, 1896.
Second Reading, 26th March, 1896.

*(Reprinted as amended in Committee of
the Whole House.)*

Mr. HARDY.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 197.]

BILL.

[1896.

An Act to amend the Act respecting Building Societies.

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

1. Sub-section 3 of section 2 of the Act intituled *An Act respecting Building Societies*, as amended by section 1 of the Act passed in the 56th year of Her Majesty's reign, chaptered 31 is hereby further amended by adding to the said sub-section 3, the following words, "but a district or provisional county united with another county for judicial purposes shall be considered for the purposes of this Act a part of the county with which it is so united. And this sub-section shall not apply to any permanent building society having paid up on account of permanent capital (not liable to be withdrawn therefrom) at least, one hundred thousand dollars."

No. 197.

2nd Session, 8th Legislature, 59 Viet., 1896.

BILL.

An Act to amend the Act respecting Building Societies.

First Reading, 25th March, 1896.

Mr. CARNEGIE.

TORONTO :

PRINTED By I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act respecting the Assignment and Attachment
of the Salaries of Public Employees.

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

1. Hereafter the salary or any part thereof of any person Salaries of
civil servants
may be
attached.
employed in the public service shall not be exempt from garnishment or attachment for debt, and that subject to the provisions hereinafter contained shall be liable in the same way and under the same legal procedure as an employee of any private individual or corporation for the payment of
any claim, debt, or money demand.

2. Any person employed in any branch of the public service may make a written assignment to any other person of part of his future salary in the proportion hereinafter prescribed; and the deputy-head or chief officer under whom such person is employed shall, upon being notified by him in writing of such assignment, direct the accountant by whom such public employee's salary is paid to pay it in accordance with such assignment. Salaries of
civil servants
may be
assigned.

3. Any judgment creditor of any such public employee may attach part of his future salary in the proportion hereinafter prescribed by serving on the accountant by whom such public employee's salary is paid, an order to that effect made by a judge of the court in which judgment was recovered; and the accountant shall pay such employee's salary in accordance with such order. Attachment of
future
salaries.

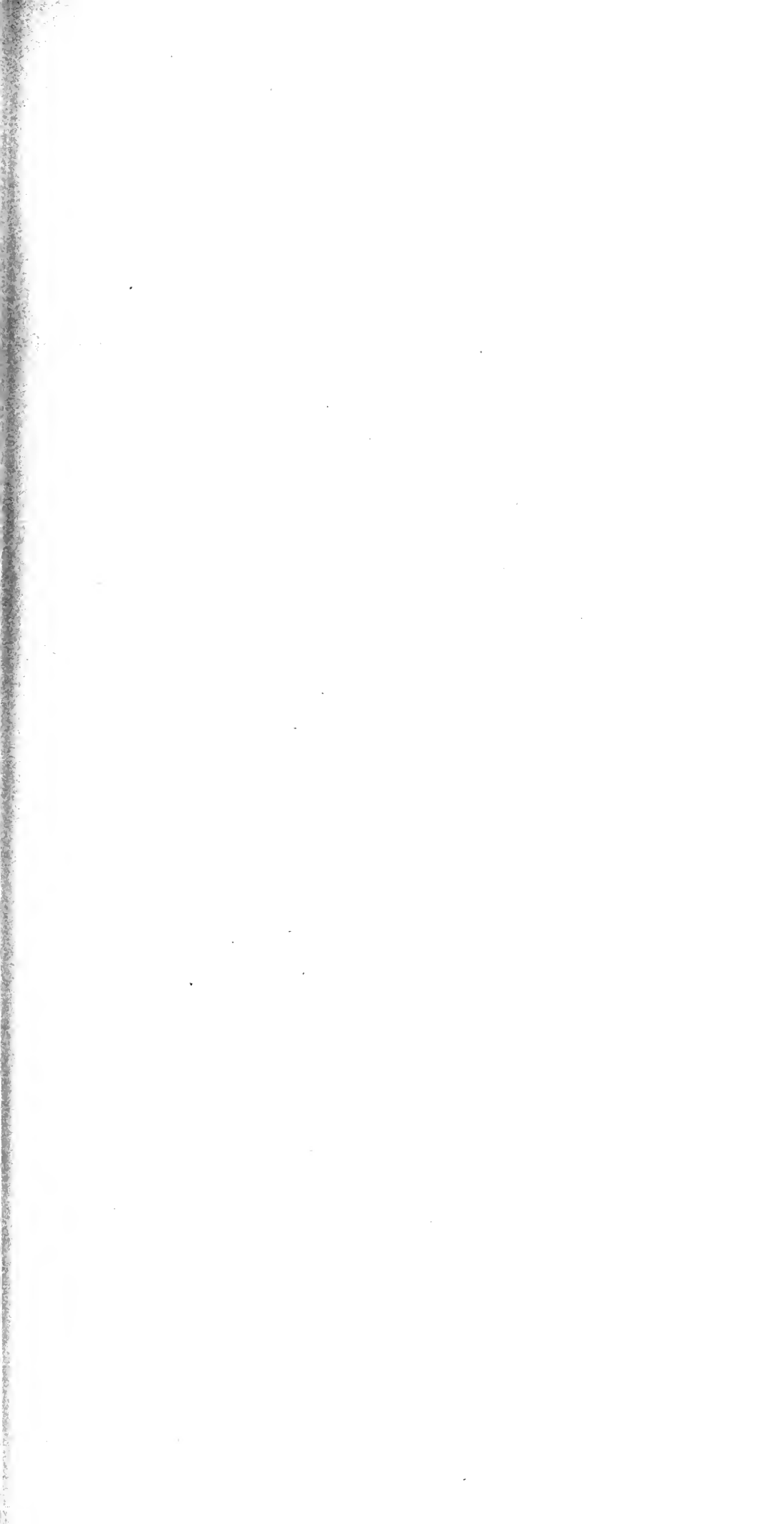
4. The proportion in which a public employee's salary may be assigned or attached, as hereinbefore provided, shall be as follows:— Proportion
which may be
assigned or
attached.

(a) Not more than one-fifth of each month's pay if his salary is \$600 a year or less;

(b) Not more than one-fourth of each month's pay if his salary exceeds \$600, but does not exceed \$1,000 a year;

(c) Not more than one-third of each month's pay if his salary exceeds \$1,000 a year.

When proportion named not sufficient. **5.** *If such part of a public employee's salary is insufficient to satisfy all the claims made upon it under this Act, the attachment under section 3 shall rank first.*



No. 198.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting the Assignment and
Attachment of the Salaries of Public
Employees.

First Reading, 25th March, 1896.

Mr. MEACHAM.

TORONTO :

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act respecting the Incorporation and Regulation
of Joint Stock Companies by Letters Patent.

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

1. This Act may be cited as *The Ontario Companies' Act.* Short title.
5 R. S. O. 1877, c. 150, s. 1; R. S. O. 1887, c. 157, s. 1. *Partly*
New.

2. Where the words following occur in this Act and in all Interpretation.
letters patent and supplementary letters patent issued under
the same, they shall be construed in the manner hereinafter
10 mentioned, unless a contrary intention appear:—

(a) [*"The Gazette"* shall mean *The Ontario Gazette.*] *New.* "*The Gazette.*"

(b) "Letters patent" shall mean the letters patent in- "Letters
corporating [or re-incorporating] a company, [as the case may patent;"]
be,] for any purpose contemplated by this Act; *Altered.*

15 (c) "Supplementary letters patent" shall mean any letters "Supplemen-
patent granted to a company subsequent to the letters patent tary letters
incorporating [or re-incorporating] the company; *Altered.* patent;"]

(d) "Company" shall mean any company so incorporated "Company;"
[or re-incorporated] by letters patent; *Altered.*

20 (e) "The undertaking" shall mean the whole of the busi- "The under-
ness [operations and works] of every kind which the company taking;"]
is authorized to carry on; *Altered.*

(f) "Real estate" or "land" shall include all [messauges; "Real estate,"
lands, tenements and hereditaments of any tenure and all] "Land;"]
immovable real property of every kind; *Altered.*

25 (g) "Shareholder" shall mean every subscriber to, or holder "Sharehold-
of stock in the company, and extend to, and include the per- er."
sonal representatives of the shareholder. R. S. O. 1877, c. 150
s. 2; R. S. O. 1887, c. 157, s. 2.

“ Court.” (h) [“ Court ” shall mean any Court of competent jurisdiction.] *New.*

FORMATION OF COMPANIES.

Companies formed for certain purposes may be incorporated by letters patent.

3. The Lieutenant-Governor-in-Council may, by letters patent under the Great Seal, grant a charter to any number of persons, not less than five, who shall petition therefor, constituting such persons and others who may become shareholders in the company thereby created, a body corporate and politic, for any purpose or object to which the legislative authority of the Legislature of Ontario extends, except the construction and working of railways, and the business of insurance other than as provided by section 4 of *The Ontario Insurance Act*. R. S. O. 1877, c. 150, s. 3; R. S. O. 1887, c. 157, s. 4. *Sixth line altered.*

Rev. Stat. c. 167, s. 4.

Provision respecting local name of companies.

4. The name of the Province of Ontario, or of some locality therein, shall constitute part of the name of every company incorporated under this Act, except in cases where the Lieutenant-Governor-in-Council otherwise directs. 44 Vict. c. 18, s. 2; 48 V. c. 32, s. 1; R. S. O. 1887, c. 157, s. 5.

Notice to be given in *The Gazette*, and what it shall contain.

5. The applicants for the letters patent [who] must [be of the full age of twenty-one years, shall] for at least four consecutive weeks, give notice in *The Gazette* of their intention to apply for the same; [the notice may be similar to, but shall, in its essential features, comply with Schedule “ A ” to this Act, and shall state]:—*Partly new.*

Name to be free from objection.

(a) The proposed corporate name of the company, which [shall not on any public ground be objectionable and which] shall not be that of any known company, incorporated or unincorporated, [or of any firm, or partnership, or so nearly resembling the same as to be calculated to deceive, except in a case where a subsisting company, or partnership, desirous of retaining its name, is being dissolved, or otherwise determined with a view to its incorporation under this Act, and testifies, in writing, its consent to the use of its said name, in whole or in part, by the new company.—*Companies’ Act, 1862, (English), s. 20, in part.*] *Nearly new.*

Object of company to be limited to one principal class of business.

(b) The object [for which the company is to be established, which shall be such as to confine the business of the company to one principal class of business, and to such other branch, or branches incidental, or subsidiary thereto as shall be necessary to enable the company profitably to carry on its said principal business, and to make use of the property of the company acquired by it for the purpose of its said principal business, but shall not be such as to enable the company to carry on several separate and distinct classes of business.—*Dominion Draft Act, s. 5, ss. 3.*] *Practically new.*

(c) The place or places within the Province of Ontario, where [or, from which, the undertaking of the company is] to be carried on. *Partly new.* Place of operations.

(d) [The place within the Province of Ontario, where the head-office of the company shall be situated, and where its principal books of account and its corporation records shall be kept and to which all communications and notices may be addressed; and service of any notice, or writ, or other proceeding, or process, whatsoever, in any action, suit or proceeding at such head-office shall be deemed to be service upon the company.—*English Act, in part.*] *Practically new.* Head-office and place of service.

(e) The amount of capital stock [of the company]; Capital.

(f) The number of shares and [the] amount of each share; Shares.

(g) The name in full, the calling [and the post-office address] of each of the applicants, with special mention of the names of not less than three of their number who are to be the [provisional] directors of the company. R. S. O. 1877, c. 15C, s. 4; R. S. O. 1887, c. 157, s. 6. *Altered.* Names of applicants.

6. At any time, not more than one month after the last publication of the notice, the applicants may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of the letters patent. Application for letters patent.

(a) The petition [may be similar to, but in its essential features shall comply with Schedule "C" to this Act, and must be accompanied by a memorandum of agreement,—which may be similar to, but which shall in its essential features comply with Schedule "B" to this Act;—such memorandum and such petition shall be duly executed, and shall show, respectively,] the amount of stock taken by each applicant, and also the amount, if any, paid in upon the stock of each applicant. *Practically new.* Petition. Memo. of agreement.

(b) The petition must also state [the manner in which] the amount is paid, [or is to be paid, as the case may be, whether] in cash, or by transfer of property, or how otherwise, [and, if paid, the manner in which, and the person or persons or bank or other corporate body by whom the cash, the property transferred or other payment, is held in trust for the company, with a view to its incorporation.] *Practically new.* Payments on stock.

[(c) Each petitioner shall be the *bona fide* holder in his own right of the share, or shares for which he has subscribed in the memorandum of agreement.] *New.* Bona fides.

(d) The petition may ask for the embodying in the letters patent of any provision which, otherwise under this Act, might be embodied in any by-law of the company when incorporated. R. S. O. 1877, c. 150, s. 5; R. S. O. 1887, c. 157, s. 7.

Notices for incorporation by the Legislature may in certain cases be accepted as notice for letters patent

7. Where a notice has been published according to the rules of the Legislative Assembly for an Act incorporating any company, the incorporation whereof is sought for [an] object for which incorporation is authorized by this Act, and a Bill has been introduced into the Assembly in accordance with such notice, and is subsequently thrown out or withdrawn, then in case a petition to the Lieutenant-Governor for the incorporation under this Act of the company [with a certificate by the Clerk of the Legislative Assembly as to the material facts] is filed with the Provincial Secretary within one month from the day of the termination of the Session of the Assembly for which the notice was given, the notice may be accepted in lieu of the notice required by section 6. R. S. O. 1877, c. 150, s. 6; R. S. O. 1887, c. 157, s. 8. *Partly new.*

Preliminary conditions to be established.

8. Before the letters patent are issued, the applicants must establish to the satisfaction of the Provincial Secretary, or such other officer as may be charged by order of the Lieutenant-Governor-in Council to report thereon, the sufficiency of their notice, [memorandum of agreement] and petition, and [show] that the proposed name is not [open to objection under the fifth section of this Act]. R. S. O. 1877, c. 150, s. 8 (1); R. S. O. 1887, c. 157, s. 10, *in part.* *Partly new.*

Proof of matters under this Act.

9. The Provincial Secretary, the Assistant Provincial Secretary, or such other officer may for the purposes aforesaid or for any other purpose under this Act, take and keep of record any requisite evidence in writing under oath, or affirmation. R. S. O. 1877, c. 150, ss. 8 (2), 18 (3); R. S. O. 1887, c. 157, s. 11.

(a) Proof of any matter which may be necessary to be made under this Act, may be made by [statutory declaration, or by] affidavit, or [by] deposition before the Provincial Secretary, or Assistant Provincial Secretary, or before any Justice of the Peace, or Commissioner for taking Affidavits, or Notary Public, who are hereby authorized and empowered to administer oaths [or to take affirmations] for that purpose. R. S. O. 1877, c. 150, s. 67; R. S. O. 1887, c. 157, s. 11, ss. 2. *Partly new.*

Name and incidental powers of company may be varied.

10. The letters patent shall recite such of the material averments of the notice, [memorandum of agreement] and petition, so established, as the Lieutenant-Governor may find convenient to insert therein, and the Lieutenant-Governor may, if he thinks fit, give to the company a corporate name different from the name proposed by the applicants in the published notice; and the [incidental or subsidiary powers] of the company as stated in the letters patent may vary from the [incidental or subsidiary powers] stated in the said notice, provided the [said powers] of the company as stated in the letters patent, [are] of a character similar to [those] contained in the notice published as aforesaid. R. S. O. 1877, c. 150, s. 9; R. S. O. 1887, c. 157, s. 12. *Partly new.*

11. Notice of the granting of the [said] letters patent shall be given forthwith by the Provincial Secretary in *The Gazette*, in the form of Schedule "D" to this Act; and from the date of the letters patent [the petitioners, as well as the persons, if these, or any of them, differ, who signed the memorandum of agreement] and their successors [respectively] shall be a body corporate and politic by the name mentioned therein, [with perpetual succession and a common seal and capable forthwith of exercising all the functions of an incorporated company, as if incorporated by a special Act of the Legislature of Ontario, and by its corporate name of suing and being sued, pleading and being impleaded in all Courts whether of Law or Equity and with all the powers in this Act, or in the letters patent set forth]. R. S. O. 1877, c. 150, s. 10; R. S. O. 1877, c. 157, s. 13. *Companies Act, 1862, s. 18, in part. Partly new.*

Notice of issuing letters patent.

Completion of incorporation.

12. A company incorporated by letters patent under the provisions of this Act for the manufacture of cheese, may without obtaining supplementary letters patent carry on the business of manufacturing and selling butter, provided the shareholders shall by a vote of not less than two-thirds in value of those present in person or by proxy at a general meeting of the company duly called for considering the subject, determine to extend its business so as to include the manufacture and sale of butter. 55 V. c. 35, s. 1.

Companies for manufacturing cheese authorized to manufacture and sell butter.

13. In case a corporation, now or hereafter incorporated under the laws of the Imperial Parliament of Great Britain and Ireland, or of the Dominion of Canada or any Province thereof, desires to carry on any of its business within the Province of Ontario, the Lieutenant-Governor-in-Council may by letters patent under the Great Seal of the Province, grant [a license] to such company, and such company may thenceforth use, exercise, and enjoy any powers, privileges and rights set forth in the [license] for carrying on the business of the company, and which it is within the authority of the Lieutenant-Governor-in-Council to grant to a company under this Act. R. S. O. 1887, c. 157, s. 3. *Altered.*

Certain powers, etc., may be granted by [license] to companies incorporated under Imperial [Dominion and Provincial Statutes.]

(a) No such [license] shall be issued until such corporation has deposited in the office of the Provincial Secretary a true copy of the Act of Parliament, charter or other instrument incorporating the said company, verified in the manner which may be satisfactory to the Lieutenant-Governor-in-Council [and showing that the company by its charter has authority to extend its business to the Province of Ontario]. *Altered.*

Copy of Act or other instrument of incorporation to be deposited with Provincial Secretary.

(b) The license, or any exemplification thereof under the Great Seal, shall be sufficient evidence in any proceeding in any Court in this Province, of the due licensing of the company as aforesaid

Evidence of incorporation.

Subsisting
companies
may apply
under this
Act.

14. [In case a resolution, authorizing an application to the Lieutenant-Governor, therefor, is passed by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the subject of such resolution,] any company 5 incorporated, whether under a special or a general Act, for [a] purpose or object within the scope of this Act, or within the scope of this Act as it may be hereafter amended, and being at the time of its application a subsisting and valid corporation, may [petition the Lieutenant-Governor, through the 10 Provincial Secretary, for the issue of] letters patent [of incorporation] under this Act; and the Lieutenant-Governor-in-Council, upon proof that [a] notice of the application has been inserted for four [consecutive] weeks in *The Gazette*, may direct the issue of letters patent [re-] incorporating the 15 shareholders of the said company as a company under this Act, and, thereupon, all the rights or obligations of the former company shall be transferred to the new company, and all proceedings may be continued and commenced by, or against the new company that might have been continued, or com- 20 menced by or against the old company, and it shall not be necessary in such letters patent to set out the names of the shareholders; and after the issue of the letters patent, the company shall be governed in all respects by the provisions of this Act, [and of the letters patent] except that the liability 25 of the shareholders to creditors of the old company shall remain as at the time of the issue of the letters patent. R. S. O. 1877, c. 150, s. 65; 45 V. c. 17, s. 3; R. S. O. 1887, c. 157, s. 72. *Altered.*

Increase of
capital.

(a) Where a company is re-incorporated under this section, the Lieutenant-Governor may by the letters patent, increase 30 the capital stock of the company to any amount which the shareholders of the company applying for re-incorporation may, by [their said] resolution [and petition] have declared to be requisite for the due carrying out of the [undertaking] of 35 the company. *Partly new.*

Allotment of
stock.

(b) The [said] resolution may prescribe the manner in which the new stock is to be allotted; and in default of its so doing, the control of the allotment shall vest absolutely in the directors of the new company. 47 V. c. 27, s. 5; R. S. O. 1887, c. 40 157, s. 72, ss. 2 and 3.

Existing
companies
may apply for
extended
powers.

(c) Where an existing company applies for the issue of letters patent under the provisions of this section, the Lieutenant-Governor may by the letters patent extend the powers of the company to such other [object or] objects [incidental or subsidiary to its principal business and necessary to enable 45 the company to profitably carry on its said principal business, set forth in the said resolution and petition which is or are] within the scope of this Act as the applicants desire, and as the Lieutenant-Governor thinks fit to include in the letters patent, and may by the said letters patent name the first 50

directors of the new company, and the letters patent may be to the new company by the name of the old company, or by any other name. R. S. O. 1877, c. 150, s. 66; V. c. 17, s. 3; R. S. O. 1887, c. 157, s. 73. *Partly new.*

5 INCIDENTAL POWERS OF COMPANIES.

[15. In addition to any other powers conferred by this Act, the company shall, subject to the limitations and conditions in this Act, or in the letters patent of the company set forth,] have the following powers:—

Powers of company.

10 (a) To alter, or change its common seal at pleasure; *New.* Seal.

(b) To take over, acquire, hold, sell and convey such personal property and movables, trade-marks, patents, licenses and franchises or rights thereunder as may be deemed necessary, or expedient for the purposes for which the company is consti-

Personal property.

15 tuted. *New.*

(c) To erect such buildings, houses, dwellings and erections and to make such improvements on its property as may be convenient or necessary for the carrying on of its undertaking; *New.*

Building.

20 (d) To construct and maintain, or aid in the construction and maintenance of such works and improvements as may be deemed necessary, or advantageous to the carrying on of its undertaking; *New.*

Construction and maintenance of useful works.

25 (e) To exercise and enjoy all the powers, privileges and immunities and to do all acts requisite, or incidental to the due carrying on of its undertaking; *New.*

General powers.

(f) To acquire by purchase, lease, or other legal title, and to hold, sell, alienate and convey any real estate necessary for the carrying on of its undertaking; and the company shall upon its incorporation become and be invested with all property and rights, real and personal, theretofore held by, or for it under any trust created with a view to its incorporation.—*Dominion Draft Act, s. 127 in part. Ss. (e) and (f) are somewhat similar to sec. 15 of R. S. O., cap. 157.*

Real estate.

35 Provided, that no parcel of lands, or interest therein at any time acquired by the company and not required for its actual use and occupation, or not held by way of security, or not situate within the limits, or within one mile of the limits of any city or town in this Province, shall be held by the company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the company shall no longer retain any interest therein unless by way of security; and further provided, that any such parcel of land, or any interest therein not within the exceptions hereinbefore mentioned, which shall be held by the company for a longer period than seven years,

Restrictions as to holding real estate.

without being disposed of, shall be forfeited to Her Majesty for the use of this Province; and further provided, that no such forfeiture shall take effect, or be enforced until the expiration of at least six calendar months after notice in writing to the company of the intention of Her Majesty to claim such forfeiture; and it shall be the duty of the company to give the Lieutenant-Governor-in-Council, when required, a full and correct statement of all lands at the date of such statement held by the company, or in trust for the company, and subject to these provisos.—*Extract from the Letters Patent since 1880. New.*

Forfeiture. 5

Borrowing powers. 15

16. In case a by-law, authorizing the same, is sanctioned by a vote of not less than two-thirds in value, of the said shareholders, then present in person or by proxy, at a general meeting duly called for considering the by-law, the directors may—

(a) Borrow money upon the credit of the company;

(b) [Limit or increase the amount which the company may borrow upon debentures or otherwise;] *New.*

(c) [Provide for the formation of a reserve fund;] *New.*

Power to issue bonds or debentures, and

(d) Issue the bonds, debentures, or other securities of the company, and may sell the said bonds, debentures, or other securities at such prices as may be deemed expedient or be necessary; but no such debentures shall be for a less sum than \$100, and

to grant mortgages. 25

(e) Hypothecate, mortgage or pledge the real or personal property of the company, to secure any sum or sums borrowed for the purposes thereof. R. S. O. 1877, c. 150, s. 30; R. S. O. 1887, c. 157, s. 38.

EXTENSION OF INCIDENTAL POWERS.

Additional incidental powers which may be granted by Supplementary Letters Patent. 30

17. In case a resolution, authorizing an application [by petition] to the Lieutenant-Governor therefor, is passed by a vote of not less than two-thirds in value of the shareholders present in person, or by proxy at a general meeting of the company, duly called for considering the subject of such resolution, the Lieutenant-Governor-in-Council [upon proof that a notice of the application has been inserted for four consecutive weeks in *The Gazette*] may, from time to time, direct the issue of supplementary letters patent to the company embracing any or all of the following matters: *Altered.*

(a) Extending the powers of the company to any objects within the scope of this Act, which the company may desire [and which are incidental or subsidiary to its principal business and necessary to enable the company to profitably carry on its said principal business]; R. S. O. 1887, c. 157, s. 26, ss. 1 *in part.* *Altered.* 45

- (b) Limiting or increasing the amount which the company may borrow upon debentures, or otherwise ;
- (c) Providing for the formation of a reserve fund ;
- 5 (d) Varying any provision contained in the letters patent, so long as the alteration desired is not contrary to the provisions of this Act ;
- (e) Making provision for any other matter, or thing in respect of which provision might have been made by the original letters patent. 44 V. c. 18, s. 4 ; R. S. O. 1887, c. 157, s. 26.

10 But no power to execute the office of executor, administra- Proviso.
tor, trustee, receiver, assignee, guardian of [the estate of] a
minor, or committee of [the estate of] a lunatic, shall be con-
ferred under this section upon any company which has authority
15 to issue debentures ; and no company incorporated under this
Act, with power to execute such office, shall issue debentures.
45 V., c 17, s. 4 (1, 2); R.S.O. 1887, c. 157, s. 78, ss. 2. *New,
and inserted because a similar restriction follows sec. 78,
which is a like provision. Altered.*

20 **18.** Where any company has been incorporated by a special Letters Pat-
Act before the 10th day of March, 1882, for purposes or objects ent for certain
within the scope of this Act, then, in case a resolution author- purposes may
izing an application [by petition] to the Lieutenant-Governor be granted to
therefor is passed by a vote of not less than two-thirds in companies in-
25 value of the shareholders present in person, or by proxy, at corporated
a general meeting of the company, duly called for considering under special
the subject of such resolution, the Lieutenant-Governor-in- Acts
Council [upon proof that a notice of the application has been
inserted for four consecutive weeks in *The Gazette*] may, from
30 time to time, direct the issue of letters patent to the company,
embracing any or all of the following matters:— *Altered.*

(a) Extending the powers of the company to any objects
within the scope of this Act, which the company may
35 desire [and which are incidental or subsidiary to its
principal business and necessary to enable the com-
pany to profitably carry on its said principal
business]; R. S. O. 1887, c. 157, s. 78, ss. 1, *in part.*
Altered.

40 (b) Limiting or increasing the amount which the com-
pany may borrow upon debentures, or otherwise ;

(c) Providing for the formation of a reserve fund ;

(d) Varying any provision contained in the special Act,
so long as the alteration is not contrary to the pro-
visions of this Act ;

45 (e) Making provision for any other matter, or thing in
respect of which provision might have been made had
the company been incorporated under this Act.

Proviso. But no power to execute the office of executor, administrator, trustee, receiver, assignee, guardian of [the estate of] a minor, or committee of [the estate of] a lunatic, shall be conferred under this section upon any company which has authority to issue debentures; and no company with power to execute such office, [which has its powers extended under this section] shall issue debentures. 45 V. c. 17, s. 4 (1-2); R. S. O. 1887, c. 157, s. 78. *Altered.*

GENERAL PROVISIONS.

Fees on letters patent, etc., to be fixed by Order-in-Council. **19.** The Lieutenant-Governor-in-Council may, from time to time, establish, alter and regulate the tariff of the fees to be paid on applications under this Act; may designate the department or departments through which the issue of letters patent, or supplementary letters shall be made; and may prescribe the forms of proceeding and record in respect thereof, and all other matters requisite for carrying out the objects of this Act. R. S. O. 1877, c. 150, s. 64 (1); 47 V. c. 27, s. 6; R. S. O. 1887, c. 157, s. 71.

May be varied. (a) Such fees may be made to vary in amount, under any rule or rules—as to nature of company, amount of capital and otherwise—that may be deemed expedient.

Restriction. (b) No step shall be taken in any Department towards the issue of any letters patent or supplementary letters patent under this Act, until after all fees therefor have been duly paid. R. S. O. 1877, c. 150, s. 64 (2, 3); R. S. O. 1887, c. 157, s. 71, ss. 3.

Certain informalities not to invalidate letters patent. **20.** The provisions of this Act relating to matter preliminary to the issue of the letters patent shall be deemed [to be] directory only; and no letters patent, or supplementary letters patent issued under this Act shall be held [to be] void or voidable on account of any irregularity in any notice prescribed by this Act, or on account of the insufficiency, or absence of such notice, or on account of any irregularity in respect of any other matter preliminary to the issue of the letters patent, or supplementary letters patent, [or of any alterations in the petition or papers submitted therewith made necessary in order to comply with this Act, or with the departmental practice thereunder.] R. S. O. 1877, c. 150, s. 13; R. S. O. 1887, c. 157, s. 15, *in part. Partly new.*

Powers by the letters patent to be subject, to this Act. **21.** All powers given to the company by the letters patent, or supplementary letters patent shall be exercised subject to the provisions and restrictions contained in this Act [and in such letters patent or supplementary letters patent]. R. S. O. 1877, c. 150, s. 20; R. S. O. 1887, c. 157, s. 28, *in part. Partly new.*

Not to purchase stock in other corporations. **22.** No company shall use any of its funds in the purchase of stock in any other corporation, unless [and until the

directors have been] expressly authorized by by-law confirmed at a general meeting [of the company duly called for considering the subject of such by-law.] R. S. O. 1877, c. 150, s. 52; R. S. O. 1887, c. 157, s. 60. *Partly new.*

- 5 **23.** In case it is made to appear [to the satisfaction of the Lieutenant-Governor-in-Council] that any company [incorporated, or re-incorporated under this Act] is incorporated under a name the same as, or [so] similar to that of an existing company [as to be calculated to deceive], it shall be lawful for the Lieutenant-Governor [by an Order-in-Council to change] the name of the company to some other name to be set forth in the [order]; and no such alteration of name shall affect the rights or obligations of the company; and all proceedings may be continued and commenced by, or against the company by its new name, that might have been continued or commenced by or against the company by its former name; R. S. O. 1887, c. 157, s. 14, *modified to conform to R. S. O. 178. Partly new.*
- Change of name and supplementary letters patent.

NOTICES, SUMMONS, ACTIONS, ETC.

- 20 **24.** In an action or other proceeding, it shall not be required to set forth the mode of incorporation of the company, otherwise than by mention of it under its corporate name, as incorporated by virtue of letters patent, or of letters patent and supplementary letters patent, as the case may be, under this Act; and the letters patent, or supplementary letters patent themselves, or any exemplification, or copy thereof under the Great Seal, shall be conclusive proof of every matter and thing therein set forth. R. S. O. 1877, c. 150, s. 62; R. S. O. 1887, c. 157, s. 69.
- Mode of incorporation, etc., how to be set forth in legal proceedings.

- 30 **25.** A copy of any by-law of the company, under its seal and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of the by-law in all Courts in Ontario. R. S. O. 1877, c. 150, s. 32; R. S. O. 1887, c. 157, s. 40.
- Evidence of by-laws.

- 35 **[26.** Any summons, notice, order or other process or document requiring to be served upon the company may be served by leaving the same at the head-office of the company with any adult person in the employ of the company, or on the president, or secretary of the company, or by leaving the same at the domicile of either of them, or with any adult person of his family or in his employ, or if the company has no head-office and has no known president, or secretary, the court may order such publication as it deems requisite to be made in the premises, and such publication shall be held to be due service upon the company.—*Dominion Draft Act, s. 81.* *New*
- Service of summons, etc.

- Authenticati-
tion of sum-
mons and
notices. [27. Any summons, notice, order or proceeding requiring authentication by the company may be signed by any director, manager or other authorized officer of the company, and need not be under the seal of the company.—*Dominion Draft Act*, s. 82]. *New*. 5
- Service of notices. [28. A notice to be served by the company upon a shareholder may be served either personally or by sending it through the post, in a registered letter, addressed to the shareholder at his place of abode as it last appeared on the books of the company.—*Dominion Draft Act*, s. 83, modified; see also *The Companies' Act, 1862 (English)*, s. 62, 63 and 64]. *New*. 10
- Time of service. [29. A notice or other document served by post by the company on a shareholder shall be held to be served at the time when the registered letter containing it would be delivered in the ordinary course of post; and to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed and registered, and was put into the post-office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post—*Dominion Draft Act*, s. 84]. *New*. 15
- Proof of service. 20
- Actions between company and shareholders. [30. Any description of action may be prosecuted and maintained between the company and any shareholder thereof, and no shareholder shall, by reason of being a shareholder, be incompetent as a witness therein.—*Dominion Draft Act*, s. 86]. *New*. 25

FORFEITURE OR SURRENDER OF A CHARTER, ETC.

- Forfeiture of charter for non-user. 31. The charter of the company shall be forfeited by non-user during three consecutive years at one time, or if the company does not go into actual operation within three years after it is granted; and no declaration of forfeiture [by an order of the Lieutenant-Governor-in-Council for such non-user, or failure to go into operation,] shall be deemed [to be] an infringement of such charter. R. S. O. 1877, c. 150, s. 63; R. S. O. 1887, c. 157, s. 70. *Modified*. 35
- Revocation of charter. [(a) The charter of a company incorporated or re-incorporated under this Act may, at any time, be declared to be forfeited, and may be revoked and made void by an order of the Lieutenant-Governor-in-Council on sufficient cause being shown to the Lieutenant-Governor-in-Council in that behalf, and such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as to the Lieutenant-Governor may seem proper.—*Extract from form of Letters Patent*.] *New*. 40
- Individual liability for whole of the (b) If a company incorporated or re-incorporated under this Act carries on business when the number of its shareholders is 45

less than five for a period of six months after the number has been so reduced, every person who is a shareholder in the company during the time that it so carries on business after such period of six months and is cognizant of the fact that it is so carrying on business with fewer than five shareholders shall be severally liable for the payment of the whole of the debts of the company contracted during such time, and may be sued for the same without the joinder in the action or suit of the company or of any other shareholder.—*Companies' Act, 1862* (English), s 48, adapted. *New.*

company's debts if business is carried on with less than five members.

32. The charter of a company incorporated [or re-incorporated] under this Act may be surrendered to the Lieutenant-Governor-in-Council if the company proves to the satisfaction of the Lieutenant-Governor-in-Council

Charter may be surrendered.

15 (a) That it has no debts existing, or other rights in question, or

(b) That it has parted with its property, divided its assets ratably amongst its shareholders, and has no debts, or liabilities,

20 and that it has given, for four consecutive weeks, in *The Gazette* and in, at least, one local paper, notice of its intention to apply to the Lieutenant-Governor-in-Council to accept the surrender of its charter, and the Lieutenant-Governor-in-Council, upon a due compliance with the provisions of this section, may accept and direct the cancellation of the charter and may, by his order, fix a date upon and from which the company shall be deemed to be dissolved, (*New*).

33. Any company incorporated or re-incorporated under this Act shall be subject to the provisions of any Act of the Legislature for the winding up of joint stock companies. R. S. O. 1877, c. 150, s. 68; R. S. O. 1887, c. 157, s. 79. *Modified.*

Winding up Acts to apply.

CAPITAL, SHARES, ETC.

34. The directors of the company at any time after nine-tenths of the capital stock of the company has been taken up, and ten per centum thereon paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount which they consider requisite for the due carrying out of the [undertaking] of the company. *Last line altered.*

By-laws to increase capital.

40 (a) The by-law shall declare the number and value of the shares of the new stock, and may prescribe the manner in which the same are to be allotted; otherwise the control of such allotment shall [vest] absolutely in the directors. 44 V. c. 18, s. 1; R. S. O. 1887, c. 157, s. 18. *Modified.*

45 **35.** With regard to the increase of the capital stock of any company incorporated under the Act authorizing the granting of charters of incorporation to manufacturing, mining and

Discretion as to signing notice for increase of

- capital of joint stock companies. 27-28 V. c. 23. other companies, passed in the 27th and 28th years of the reign of Her Majesty, chaptered 23, the incorporation of which is subject to the control of the Legislature of Ontario, the Provincial Secretary, or such other officer as may be named for the purpose, is not bound to sign the notice mentioned in sub-section 18 of section 5 of the said Act, and is to exercise his discretion in respect of the same, in view of all the facts, and subject to the direction of the Lieutenant-Governor-in-Council. This section is to be construed as declaratory of the intent, meaning and effect of the said sub-section. 49 V. c. 16, s. 32. 10
Part. R. S. O. 1887, c. 157, s. 29.
- Reduction of capital. **36.** The directors of the company if they see fit at any time, may make a by-law for decreasing the capital stock of the company to any amount which they may consider sufficient for the due carrying out of the undertaking of the company, 15 and advisable.
- By-law for that purpose. (a) The by-law shall declare the number and value of the shares of the stock as so decreased; and the allotment thereof or the rule or rules by which the same is to be made.
- Liability of shareholders on decrease. (b) The liability of shareholders to persons who were at the 20 time of the reduction of the capital, creditors of the company, shall remain as though the capital had not been decreased. R. S. O. 1877, c. 150, s. 17 (1-3); R. S. O. 1887, c. 157, s. 20.
- Sub-division of shares. **37.** The directors of the company, may at any time make, a by-law sub-dividing the existing shares into shares of smaller 25 amount. R. S. O. 1877, c. 150, s. 15; R. S. O. 1887, c. 157, s. 17.
- Such by-laws must be approved by shareholders and confirmed by supplementary letters patent. **38.** No by-law for increasing or decreasing the capital stock of the company, or sub-dividing the shares, shall have any force or effect [unless and] until it has been sanctioned by 30 a vote of not less than two-thirds in value of the shareholders at a general meeting of the company duly called for considering the same, and [has been] confirmed by supplementary letters patent. R. S. O. 1877, c. 150, s. 17 (4); R. S. O. 1887, c. 157, s. 21. *Modified.* 35
- Petition for supplementary letters patent. **39.** At any time not more than six months after the sanction of such by-law, the [company] may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of supplementary letters patent to confirm the same. 40
Altered.
- By-law, etc., to be produced with petition. (a) With the petition [the company] shall produce the by-law, and establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by order of the Lieutenant-Governor-in-Council to report thereon, the due passage and sanction of the by-law and if the petition is in respect of 45 increase, or decrease of capital, the *bona fide* character of the increase, or decrease of capital thereby provided for, and, ex-

cept as herein otherwise provided, that notice of the application for supplementary letters patent has been inserted for four consecutive weeks in *The Gazette*. R. S. O. 1877, c. 150, s. 18 (1-2). *Altered.*

- 5 **40.** Upon due proof so made, the Lieutenant-Governor-in-Council may grant such supplementary letters patent under the Great Seal; and notice thereof shall be given forthwith by the Provincial Secretary in *The Gazette*, in the form of the Schedule "E" to this Act; and thereupon, from the date
 10 of the supplementary letters patent, the shares shall be subdivided, or the capital stock of the company shall be and remain increased or decreased, as the case may be, to the amount,
 15 in the manner, and subject to the conditions set forth by such by-law; and the whole of the stock, as so increased or decrease^d, shall become subject to the provisions of this Act, in like manner (so far as may be) as though every part thereof had formed part of the stock of the company originally subscribed. R. S. O. 1877, c. 150, s. 19; R. S. O. 1887, c. 157, s. 23. *Altered.*

Granting of supplementary letters patent.

Notice thereof.

Effect of such letters patent.

- 20 **41.** The directors of any company incorporated [or re-incorporated] under this Act may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared
 25 by the by-law. *Altered.*

Joint Stock Companies may issue preferential stock.

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

Powers to preference shareholders.

- (b) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy at a general meeting of the company duly called for considering the same,
 35 or unanimously sanctioned in writing by the shareholders of the company.

Sanction required to be preference shares.

- (c) Holders of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that
 40 in respect of dividends and otherwise, they shall as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

Rights and liabilities of holders of preference stock.

- (d) Nothing in this section shall affect or impair the rights of creditors of any company. 41 V. c. 8, s. 16; R. S. O. 1887, c. 157, s. 24.

Rights of creditors continued.

- Shares not to represent increased value of property. [42. No shares shall be issued to represent the increased value of any property of the company ; any such issued shall be null and void.] *Dominion Draft Act, s. 30. New.*
- “ Watering stock ” prohibited. [43. The practice commonly known as watering of stock is prohibited, and all shares of stock so issued shall be null and void.] *Dominion Draft Act, s. 31. New.* 5
- Capitalization of surplus earnings prohibited. [44. The capitalization of surplus earnings and the issue of shares to represent such capitalized surplus are also prohibited, and all shares so issued shall be null and void.] *Dominion Draft Act, s. 32. New.* 10
- Shares not represented by cash capital prohibited. [45. The issuing of shares not represented by an amount in cash paid into the treasury of the company for the promotion of the undertaking of the company, except as otherwise provided in this Act, is prohibited, and all such shares shall be null and void.] *Dominion Draft Act, s. 33. New.* 15
- Shares to be paid for in cash. [46. Every share in the company shall be deemed to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless the same has been otherwise agreed upon, or determined by a contract duly made in writing.] *Dominion Draft Act, s. 34. New.* 20
- Exception. Consideration for issue of paid up shares to be specified. [(a) Where the contract referred to in this section provides for the issue of shares of the company as paid up or partly paid up in consideration of the transfer to the company of goods, wares, merchandise or assets of any kind, such contract shall contain such sufficient and full description of the goods, wares, merchandise or other assets so to be transferred that the same may be thereby readily and easily known and distinguished, and when entered into by the applicants before the application for and with a view to such incorporation or when contemplated before or at the time of such application although the same may not have been drawn up and executed until after such incorporation has been granted, then such contract shall be accompanied by satisfactory evidence of the value of such goods, wares, merchandise or other assets. *The Dominion Draft Act, s. 35] New.* 25 30 35
- Evidence of value of consideration to be given.

STOCK, CALLS, ETC.

- Stock, personal estate. 47. The stock of the company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the letters patent or by-laws of the company, may be prescribed. R. S. O. 1877, c. 150, s. 33 ; R. S. O. 1887, c. 157, s. 41. 40
- Record books to be kept and what to contain. 48. The company shall cause the secretary, or some other officer especially charged with that duty, to keep [at the head office of the company] a book or books wherein shall be kept recorded—. *Altered.* 45

- (a) A copy of the letters patent incorporating the company and of any supplementary letters patent issued to the company, and of all by-laws thereof ;
- (b) The names, alphabetically arranged, of all persons who
5 are or have been shareholders [in the company ;]
- (c) The [post office] address and calling of every such person while such shareholder ;
- (d) The number of shares of stock held by each shareholder ;
- 10 (e) The amounts paid in, and remaining unpaid, respectively ; on the stock of each shareholder ;
- (f) All transfers of stock, in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof ; and
- 15 (g) The names, [post-office] addresses and calling of all persons who are or have been directors of the company ; with the several dates at which each person became or ceased to be such director. R. S. O. 1877, c. 150, s. 42 ; R. S. O, 1887, c. 157, s. 50, *modified*.
- 20 [(h) Minutes of all the proceedings and votes of the company, or of the board of directors, respectively, and the by-laws of the company, duly authenticated, and such minutes shall be verified by the signature of the president, or other presiding officer of the company.] *New*. Minutes of proceedings.
- 25 **49.** The directors may refuse to allow the entry, into any such book, of any transfer of stock whereon any call has been made which has not been paid in. R. S. O. 1877, c. 156, s. 43 ; R. S. O. 1887, c. 157, s. 51. Refusal to enter transfer if calls not paid
- 50.** No transfer of stock, unless made by sale under execution, or under the order or judgment of some competent Court in that behalf, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable, *ad interim* jointly and severally with the transferor, to the company and
30 its creditors, until entry thereof has been duly made in the books of the company. 48 V. c. 33, s. 4 ; R. S. O. 1887, c. 157, s. 52. Transfer valid only after entry.
- 51.** Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the
40 inspection of shareholders and creditors of the company, and their (personal) representatives [or agents] at the [head] office ; and every such shareholder, creditor [agent] or representative, may make extracts therefrom. R. S. O. 1877, c. 150, s. 45 ; R. S. O. 1887, c. 157, s. 53. *Altered*. Books to be open for inspection.

Liability for refusal to allow inspection of books.

(a) Any director or officer who refuses to permit any person entitled thereto to inspect such book or books, or make extracts therefrom, shall forfeit and pay to the party aggrieved the sum of \$100; and in case the amount is not paid within seven days after the recovery of judgment, the court in which the judgment is recovered, or a judge thereof, may direct the imprisonment of the offender for any period not exceeding three months unless the amount with costs is sooner paid. R. S. O. 1877, c. 150, s. 48; R. S. O. 1887, c. 157, s. 56.

Books to be *prima facie* evidence.

52. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any action or proceeding against the company or against any shareholder. R. S. O. 1877, c. 150, s. 46; R. S. O. 1887, c. 157, s. 54.

Penalty for false entries.

53. No director, officer or servant of the company, shall knowingly make or assist to make any untrue entry in any such book, or shall re use or neglect to make an proper entry therein; and any person violating the provisions of this section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby. R. S. O. 1877 c. 150, s. 47; R. S. O. 1887, c. 157, s. 55.

Powers of court as to entries in, omissions from, and rectification of books.

[54. If the name of any person is, without sufficient cause, entered in or omitted from such book or books of the company, or if default is made or unnecessary delay takes place in entering in said books, the fact of any person having ceased to be a shareholder of the company, the person or shareholder aggrieved, or any shareholder of the company, or the company itself may by motion in any court of competent jurisdiction, or by application to a judge sitting in chambers apply for an order that the book or books may be rectified, and the court may either refuse such application with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the said book or books, and may direct the company to pay all the costs of such motion or application and any damages the party aggrieved may have sustained. The court or judge may in any proceeding under this section, decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in or omitted from the said books of the company, whether such question arises between two or more shareholders, or alleged shareholders, or between any shareholders or alleged shareholders, and the company, and generally the court or judge may in any such proceeding decide any question that it may be necessary or expedient to decide for the rectification of the said books; Provided that the court or judge may direct an issue to be tried in which any question of law may be raised and an appeal shall lie, as in ordinary cases, before such court or judge.—*The Companies' Act, 1862, (English), s. 35. New.*

Costs.

Decision as to title.

Appeal.

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- 55.** If the letters patent make no other definite provision, the stock of the company, so far as it is not allotted thereby, shall be allotted when and as the directors by by-law or otherwise ordain. R. S. O. 1877, c. 150, s. 34; R. S. O. 1887, c. 157, s. 42. Allotment of stock.
- 56.** No by-law for the payment of the president or any director, shall be valid or acted upon until the same has been confirmed at a general meeting. R. S. O. 1877, c. 150, s. 35; R. S. O. 1887, c. 157, s. 43. Payment to president of directors.
- 57.** The directors of the company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places and in such payments or instalments as the letters patent, or this Act, or the by-laws of the company require or allow; and interest shall accrue and fall due, at the legal rate for the time being, upon the amount of any unpaid call, from the day appointed for payment of such call. R.S.O. 1877, c. 150, s. 36; R. S. O. 1887, c. 157, s. 44. Calling in instalments.
- 58.** Not less than ten per centum upon the allotted stock of the company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the company; the residue, when and as the by-laws of the company direct. R. S. O. 1877, c. 150, s. 37; R. S. O. 1887, c. 157, s. 45. Calls. Ten per cent. within first year.
- 59.** The company may enforce payment of all calls and interest thereon by action in any court of competent jurisdiction; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action has accrued to the company under this Act; and a certificate under the seal and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made and that so much is due by him and unpaid thereon, shall be received in all Courts as *prima facie* evidence to that effect. R. S. O. 1877, c. 150, s. 38; R. S. O. 1887, c. 157, s. 46. Enforcement of payment of calls, by action.
- 60.** If after such demand or notice as by the letters patent or by-laws of the company is prescribed, any call made upon any share or shares is not paid within such time as by such letters patent or by-laws may be limited on that behalf, the directors in their discretion, by vote to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the company and Forfeiture of shares.

may be disposed of as, by by-law or otherwise, the company may ordain. R. S. O. 1893, c. 150, s. 39; R. S. O. 1887, c. 157, s. 47.

Restriction as to transfers. **61.** No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon. R. S. O. 1877, c. 150, s. 40; R. S. O. 1887, c. 157, s. 48. 5

Certificate prima facie evidence of title to share. [(a) A certificate under the corporate seal of the company specifying any share or shares held by any member of the company shall be *prima facie* evidence of the title of the member to the share or shares therein specified.—*Dominion Draft Act, s. 43.* *New.* 10

Shareholders in arrear not to vote. **62.** No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company R. S. O. 1877, c. 150, s. 41; R. S. O. 1887, c. 157, s. 49. 15

Trustee, etc., may vote. **63.** Every executor, administrator, guardian or trustee, shall represent the stock in his hands, at all meetings of the company, and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder. R. S. O. 1877, c. 150, s. 56. *See Cap. 156, s. 41; R. S. O. 1887, c. 157, s. 65.* 20

Company not to be liable in respect of trusts, etc. **64.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same stands on the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, whether or not notice of the trust has been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt. R. S. O. 1877, c. 150, s. 50; R. S. O. 1887, c. 157, s. 58. 25 30

DIRECTORS AND THEIR POWERS, ETC.

Board of directors. **65.** The affairs of every company [incorporated or re-incorporated under this Act] shall be managed by a board of not less than three directors who shall be elected by the shareholders in general meeting of the company assembled at some place within this Province. R. S. O. 1877, c. 150, s. 24. R. S. O. 1877, c. 150, s. 21; R. S. O. 1887, c. 157, s. 29 and 32 combined and modified. 40

Provisional directors. **66.** The persons named as [provisional] directors in the letters patent shall be the directors of the company, until replaced by others duly [elected] in their stead. R. S. O. 1877, c. 150, s. 22; R. S. O. 1887, c. 157, s. 30. *Modified.*

67. No person shall [hold office] as a director there-
after, unless he is a shareholder owning stock absolutely
in his own right, and not in arrear in respect of any call
thereon. R. S. O. 1877, c. 150, s. 23 ; R. S. O. 1887, c. 157, s. 31.
5 *Modified.*

Qualification
of directors.

68. If at any time an election of directors is not made, or
does not take effect at the proper time, the company shall not
be held to be thereby dissolved ; but such election may take
place at any general meeting of the company duly called for
10 that purpose [and held within three months of the date of
the expiry of their term] ; and the retiring directors shall con-
tinue in office until their successors are elected. R. S. O. 1877,
c. 150, s. 26 ; R. S. O. 1887, c. 157, s. 34. *Altered.*

Failure to
elect direc-
tors, how
remedied.

69.—(1) A company incorporated under this Act may by
15 by-law increase or decrease the number of its directors, or may
change the company's [head-office] in Ontario. *Altered.*

Change of
number of
directors or of
head office.

(a) No by-law for either of the said purposes shall be valid
or acted upon unless it is sanctioned by a vote of not less than
two-thirds in value of the shareholders present, in person or by
20 proxy, at a general meeting duly called for considering the
by-law, nor until a copy of the by-law certified un-
der the seal of the company [has been transmitted] to the
Provincial Secretary, and also has been published [once] in
The Gazette. R. S. O. 1877, c. 150, s. 27 ; R. S. O. 1887, c. 157,
25 s. 35, *modified.*

70. The directors of the company shall have full power in
all things to administer the affairs of the company ; and may
make, or cause to be made for the company, any description
of contract which the company may by law enter into. R. S. O.
30 1877, c. 150, s. 28 ; R. S. O. 1887, c. 157, s. 36.

Powers and
duties of
directors.

71. The directors may, from time to time, make by-laws not
contrary to law, or to the letters patent of the company, or to
this Act, to regulate—

By-laws.

(a) The allotment of stock ; the making of calls thereon ;
35 the payment thereof ; the issue and registration of certificates
of stock ; the forfeiture of stock for non-payment ; the disposal
of forfeited stock and of the proceeds thereof ; the transfer of
stock ;

Dividends.

(b) The declaration and payment of dividends ;
40 (c) The term of service [and] the amount of the stock
qualification [of the directors]. *Altered.*

Directors.

(d) The appointment, functions, duties and removal of all
officers, agents and servants of the company ; the security to
be given by them to the company ; and their remuneration ;

Officers.

45 (e) The time at which, and place where the [general] meetings
of the company shall be held ; the calling of meetings, regular

Meetings.

and special, of the board of directors, and of the company ; the quorum ; the requirements as to proxies ; and the procedure in all things at such meetings ;

- Fines.** (f) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law ; and 5
- Conduct of affairs generally.** (g) The conduct in all other particulars of the affairs of the company ;
- Confirmation of by-laws.** And may from time to time repeal, amend, or re-enact the same ; but every such by-law, and every repeal, amendment, or re-enactment thereof, unless in the meantime confirmed at a 10 general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company ; and in default of confirmation thereat, shall, at and from that time only, cease to have force ; and in that case no new by-law to the same or like effect shall have any force 15 until confirmed at a general meeting of the company. R. S. O. 1877, c. 150, s. 29 ; R. S. O. 1887, c. 157, s. 37.
- Mode of election.** 72. In default only of other express provisions in such behalf, by the letters patent or by-laws of the company ;
- Notice.** (a) Notice of the time and place for holding [the] general 20 [including the annual] meetings of the company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the [head] office and the chief place of business of the company [if these differ] ; and also, in the case of companies having a capi- 25 tal exceeding \$3,000, either by publishing the same in *The Gazette* or by mailing the same as a registered letter, duly addressed to each shareholder [at his last known post-office address] at least ten days previous to such meeting ; R. S. O. 1877, c. 150, s. 25 (2) ; 48 V. c. 32, s. 3 ; R. S. O. 1887, c. 30 157, s. 33. *Altered.*
- Votes.** (b) At all general meetings of the company, every shareholder shall be entitled to as many votes as he owns shares in the company, and may vote by proxy ;
- Yearly.** (c) [The election of directors] shall take place [at the 35 annual meeting], all the members of the board retiring, and (if otherwise qualified) being eligible for re-election ; R. S. O. 1877, c. 150, s. 25 (1). *Partly new.*
- Ballot.** (d) Elections of directors shall be by ballot ;
- Vacancies.** (e) Vacancies occurring in the board of directors may, unless 40 the by-laws otherwise direct, be filled for the unexpired remainder of the term, by the board, from among the qualified shareholders of the company ;
- President and Officers.** (d) The directors shall, from time to time, elect from among themselves a president of the company ; and shall also name, 45 and may remove at pleasure, all other officers thereof. R. S. O. 1877, c. 150, s. 25 (3-6) ; R. S. O. 1887, c. 157, s. 33 (3-6).

73. The directors shall cause [proper books of account to be kept containing :— Books of account

(a) Full and true statements of the company's financial and trading transactions ;]. *New.*

5 (b) Of the stock-in-trade of the company ; *New.*

(c) Of the sums of money received and expended by the company, and the matter in respect of which such receipt [or] expenditure takes place, and,

(d) Of the credits and liabilities of the company ; *New.*

10 The books of accounts shall be kept at the head-office of the company, and, subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the company in general meeting, shall be open to the inspection of the shareholders during the hours of business. which shall be kept at the head-office of the company.

15 —*The Companies' Act, 1862. Sched. A, s. (78), modified. (New.)*

ANNUAL, GENERAL AND SPECIAL MEETINGS.

74. The provisional directors of every company incorporated or re-incorporated under this Act shall [by a registered letter addressed to each shareholder,] call a general meeting of the company to be held within two months of the date of the letters patent, for the purpose of organizing the company for the commencement of business. This first general meeting shall be known as the statutory meeting, and shall be held at such convenient place as the directors may determine.—*The Companies' Act, 1862. Sched. A, s. (29). New.* Statutory meeting of company.

(a) If the statutory meeting is not held within the time required by this section, the company shall be liable to a penalty not exceeding twenty dollars a day for every day from the date at which it ought to be held until the date at which it is held, and every director of and every shareholder of the company who knowingly authorizes or permits such default shall be liable to the same penalty.—*Proposed amendatory legislation now before the Imperial Parliament. New.* Penalty.

75. If no other time and place are prescribed by by-law sanctioned by the company, a general meeting, to be known as the annual meeting of the company, shall be held on the third Monday in January in every year, at such place as may be determined by the directors. *Sched. A, s. (30), modified. New.* Annual meeting.

76. The directors may, whenever they think fit and they shall upon a requisition made in writing by [the holders of not less than one-tenth of the issued capital of the company] convene a special general meeting of the company. *Sched. A, s. (32), modified. Partly new.* Special meetings.

- Object.** **77.** Any requisition made by the shareholders shall express the object of the special general meeting proposed to be called, and shall be left at the head-office of the company. *Sched. A, s. (33). New.*
- Duty of directors.** **78.** Upon the receipt of such requisition the directors shall forthwith proceed to convene a special general meeting. If they do not proceed to cause the same to be held within twenty-one days from the date [upon which] the requisition [was left at the head-office of the company], the requisitionists, or any other shareholders amounting to the required number, may themselves convene such special general meeting. *Sched. A, s. (34), modified. New.* 5 10
- Notice for special meetings** **79.** Ten days' notice at the least, specifying the place, the day, and the hour of meeting, and in the case of special business the general nature of such business, shall be given to the shareholders by the directors, or by the requisitionists, as the case may be, in manner mentioned in section seventy-three of this Act, or in such other manner, if any, as may [have been] prescribed by the company in general meeting, but the non-receipt of such notice by any shareholder shall not invalidate the proceedings at any special general meeting. *Sched. A, s. (35), modified. New.* 15 20
- Business when special.** **80.** All business shall be deemed special that is transacted at a special meeting, and all that is transacted at an ordinary meeting, with the exception of the consideration of the accounts, balance-sheets, and the ordinary report of the directors. *Sched. A, s. (36). New.* 25
- Quorum** **81.** No business shall be transacted at any general meeting unless a quorum of shareholders is present at the time when the meeting proceeds to business; and such quorum shall be ascertained as follows; that is to say, if the persons who have taken shares in the company at the time of the meeting do not exceed ten in number, the quorum shall be five, if they exceed ten there shall be added to the above quorum one for every four additional shareholders up to fifty and one for every ten additional shareholders after fifty, with this limitation, that no quorum in any case shall exceed twenty. *Sched. A, s. (37). New.* 30 35
- Adjournment of meeting.** **82.** If within one hour from the time appointed for a meeting a quorum is not present, the meeting, if convened upon the requisition of shareholders, shall be dissolved; in any other case, it shall stand adjourned to the same day in the next week, at the same time and place, and if at such adjourned meeting a quorum is not present it shall be adjourned *sine die*. *Sched. A, s. (38). New.* 40 45
- Presiding officer.** **83.** The president of the company shall preside as chairman at every general meeting of the company. *Sched. A, s. (39). New.*

84. If there is no such president, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the shareholders present shall choose some one of their number to be chairman. *Sched. A, s. (40).*
 5 *New.* Chairman to be elected when necessary.

85. The chairman may, with the consent of the meeting, adjourn any meeting from time to time, and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. *Sched. A, s. (41).*
 10 *New.* Adjournment by consent.

86. At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been carried and an entry to that effect in the book of proceedings of the company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against such resolution. *Sched. A, s. (42).* *New.*
 15 Procedure as to resolutions.

87. If a poll is demanded it shall be taken in such manner as the chairman directs, and the result of such poll shall be deemed to be the resolution of the company in general meeting. In the case of an equality of votes, at any general meeting, the chairman shall be entitled to a second or casting vote. *Sched. A, s. (43).* *New.*
 20 When poll is demanded.

ANNUAL STATEMENT, BALANCE SHEET, ETC.

88. At each annual meeting, or, at least, once in every year, and at intervals of not more than fifteen months, the directors shall, at a general meeting duly called, lay before the company a statement of the income and expenditure of the company for the past year, made up to a date not more than three months before such annual or general meeting. *English Act, Sched. A, s. (79), modified.* *New.*
 25 Annual statement of income and expenditure.
 30

(a) The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expenses of the undertaking, salaries and other like matters, every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year. *Sched. A, s. (80).*
 35 What the statement shall show.
 40
 45 *New.*

Shareholders' balance-sheet. **89.** At the annual meeting of the company, or, at least, once in every year and at intervals of not more than fifteen months, a balance-sheet for the information of the shareholders shall be made out and be laid before the company, and such balance-sheet shall contain a summary of the property and liabilities of the company arranged under the heads appearing in form "F" to this Act, or as near thereto as circumstances admit. *Sched. A, s. (87), modified. New.* 5

Balance-sheet to be served on share holders. **90.** A printed or written copy of such balance-sheet shall, seven days previously to the meeting aforesaid at which it is to be presented, be served on every shareholder in the manner in which notices are by this Act directed to be served. *Sched. A, s. (B). New.* 10

Balance-sheet to be certified. (a) Each copy of the balance-sheet, served as aforesaid, shall be accompanied by a certificate, signed by one or more of the directors on behalf of the board, stating that, in his or their opinion, the balance-sheet contains the particulars required by this Act, and is drawn up so as to exhibit a correct view of the state of the company's affairs, and shall also be accompanied by a report of the auditors in accordance with the provisions of this Act.—*Amendatory legislation suggested by the Special English Committee, 1895. New.* 15 20

AUDITORS AND THEIR DUTIES.

Accounts shall be audited. **91.** Once at least in every year, the accounts of the company shall be examined, and the correctness of the balance-sheet ascertained, by one or more auditor or auditors. *Sched. A, s. (83) English Act. New.* 25

Appointment of first auditors. **92.** The first auditor, or auditors, shall be appointed by the directors [at or before the statutory meeting of the company, and, if so appointed, shall hold office until the first annual general meeting of the company unless previously removed by a resolution of the shareholders in general meeting]; subsequent auditors shall be appointed by the company in general meeting. *Sched. A, s. (84). New.* 30

Application of provisions. **93.** If one auditor only is appointed, all the provisions herein contained relating to auditors shall apply to him. *Sched. A, s. (85). New.* 35

Auditors may be shareholders. **94.** The auditors may be shareholders of the company but no person is eligible as an auditor who is interested, otherwise than as a shareholder, in any transaction of the company; and no director or other officer of the company is eligible during his continuance in office. *Sched. A, s. (86). New.* 40

Election of auditors. **95.** The election of auditors shall be made by the company at its annual meeting in each year. *Sched. A, s. (87). New.* 40

96. The remuneration of the first auditors shall be fixed by the directors; that of subsequent auditors shall be fixed by the company in general meeting. *Sched. A, s. 88. New.* Remuneration of auditors.

97. Any auditor shall be re-eligible on his quitting office *Sched. A, s. 89. New.* Auditors re-eligible.

98. If any casual vacancy occurs in the office of any auditor appointed by the company, the directors shall forthwith call a special or general meeting for the purpose of supplying the same. *Sched. A, s. 90. New.* When a vacancy occurs

99. If no election of auditors is made in manner aforesaid the Lieutenant-Governor-in-Council may, on the application of not less than three members of the company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the company for his services. *Sched. A, s. (91), modified. New.* Lieutenant-Governor may appoint.

100 Every auditor shall be supplied with a copy of the balance-sheet, and it shall be his duty to examine the same, with the accounts and vouchers relating thereto. *Sched. A, s. (92). New.* Auditors shall examine accounts, etc.

101. Every auditor shall have a list delivered to him of all books kept by the company, and shall at all reasonable times have access to the books and accounts of the company; he may, at the expense of the company, employ accountants or other persons to assist him in investigating such accounts, and may in relation to such accounts examine the directors or any other officer of the company. Provided that if a company has branch establishments it shall be sufficient that the auditor is allowed access to such reports and copies of and extracts from the books and accounts of any such branch as may have been transmitted to the head office of the company. *Sched. A, s. (93), modified. New.* Access of auditors to books, etc.

102. The auditors of the company may require, and the directors of the company, on demand, shall supply to the auditors a private balance-sheet, giving the details on which the shareholders' balance-sheet is founded. Auditors may demand a private balance-sheet.

(a) The private balance-sheet must be signed by at least two of the directors, and by the manager of the company. Authentication thereof.

(b) The auditors may require the directors, or officers of the company, to supply any further details or information affecting the balance-sheet, or any particular asset comprised therein. May require special information.

(c) The private balance-sheet shall not be issued to the shareholders of the company, but shall be kept by the directors as part of the records of the company.—*Amendatory legislation suggested by the Special English Committee, 1895. New.* Private sheet not to be issued.

Auditors shall make reports to shareholders. **103.** The auditors shall make a report to the shareholders upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by this Act, and properly drawn up so as to exhibit a true and correct view of the state of the company's affairs, and, in case they have called for explanations, or information from the directors, or officers of the company, whether such explanation, or information has been given by the directors, and whether it has been satisfactory; and such report shall be read, together with the report of the directors, at the annual meeting. *Sched. A, s. (94). New.*

INSPECTORS MAY BE APPOINTED.

High Court may appoint an inspector. **104.** The High Court, if it deems necessary, may from time to time appoint [an inspector] to investigate the affairs and management of the company, who shall report thereon to the Court, and regarding the security afforded to those by or for whom its engagements are held, and the expense of such investigations shall be defrayed by the company: or the Court may, if it deems necessary, examine the officers or directors of the company under oath as to the security aforesaid. *Altered.*

Lieutenant-Governor may appoint an inspector. (a) The Lieutenant-Governor may also from time to time when he deems it expedient, appoint an inspector to examine the affairs of the company, and report to him on the security afforded to those by and for whom its engagements are held as aforesaid; and the expense of the investigation shall be borne by the company. 44 V. c. 17, s. 2 (5, 6); R. S. O. 1887, c. 157, s. 76.

Examination by company. [(b) The company may by special resolution appoint an inspector for the purpose of examining into the affairs of the company. The inspector so appointed shall have the same powers and perform the same duties as an inspector appointed by the High Court, or by the Lieutenant-Governor, with this exception, that instead of making his report to the High Court, or to the Lieutenant-Governor, respectively, he shall make the same in such manner and to such persons as the company by said special resolution directs; and the officers and agents of the company shall incur the same penalties in case of any refusal to produce any book or document hereby required to be produced to such inspector or to answer any question they would have incurred if such inspector had been appointed by the High Court or by the Lieutenant-Governor. *The Companies' Act, 1862, (English), s. 60, modified. New.*

Production of books and documents. [(c) It shall be the duty of all officers and agents of the company to produce for the examination of [any such] inspector all books and documents in their custody or power. Any such inspector may examine upon oath the officers and agents of the company in relation to its business, and may administer

Examination on oath.

such oath accordingly. If any officer or agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the company, he shall incur a penalty not exceeding twenty dollars, in respect of each offence.] *The Companies' Act, 1862, s. 58. New.*

Penalty for non-production.

[(d) A copy of the report of any such inspector appointed under this Act authenticated by the seal of the company into whose affairs he has made inspection shall be admissible in any legal proceedings as evidence of the opinion of the inspector in relation to any matter contained in such report. *The Companies' Act, 1862, s. 61.] New.*

Copy of report, its effect as evidence.

CONTRACTS, DIVIDENDS, ETC.

105. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the sum was made drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the company, be thereby subjected individually to any liability whatsoever to any third party therefor.

Contracts, etc., when to be binding on company.

(a) Nothing in this Act shall be construed to authorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, (or to engage in the business of banking). R. S. O. 1777, c. 150, s. 51; R. S. O. 1887, c. 157, s. 59. *Altered.*

Proviso as to notes and banking.

106. The directors of the company shall not declare or pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital stock thereof, but if any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof and able so to do, enters on the minutes of the board of directors his protest against the same, and within eight days thereafter causes such protest to be published in at least one newspaper published at or as near as may be possible to, the head-office (or chief place of business) of the company, such director may thereby, and not otherwise, exonerate himself from liability. R. S. O. 1877, c. 150, s. 57; R. S. O. 1887, c. 157, s. 66.

Liability of directors declaring a dividend when company is insolvent, etc.

How a director may avoid such liability.

No loan by company to shareholder.

Except in certain cases.

107. No loan shall be made by the company to any shareholder, and if such loan is made, all directors and other officers of the company making the same, and in anywise assenting thereto shall be jointly and severally liable to the company for the amount thereof and also to third parties to the extent 5
of such loan with legal interest, for all debts of the company contracted from the time of the making of the loan to that of the repayment thereof; but this section shall not apply to a building society, or to a company incorporated for the lending of money. R. S. O. 1877, c. 150, s. 58; R. S. O. 1887, c. 157, 10
s. 67.

Liability of directors for wages.

108. The directors of the company shall be jointly and severally liable to the labourers, servants and apprentices thereof, for all debts not exceeding one year's wages due for services performed for the company while they are such directors 15
respectively; but no director shall be liable to an action therefor, unless the company has been sued therefor within one year after the debt became due, nor yet unless such director is sued therefor within one year from the time when he ceased to be such director, nor yet before an execution against the company 20
has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors. R. S. O. 1877, c. 150, s. 59; R. S. O. 1887, c. 157, s. 68.

Appointment of companies to act as trustees, etc.

109. Where a company incorporated under (a special Act 25
or under) this Act is authorized to execute the office of executor, administrator, trustee, receiver, assignee, guardian [of the estate] of a minor, or committee [of the estate of] a lunatic, then in case the Lieutenant-Governor-in-Council shall approve of such company being accepted by 30
the High Court as a Trusts Company for the purposes of such Court, the said Court, or any Judge thereof, and every other Court or Judge having authority to appoint such an officer, may, with the consent of the company, appoint such company to exercise any of the said offices in respect of any 35
estate, or person, under the authority of such Court or Judge, or may grant to such company probate of any will in which such company is named an executor; but no company which has issued, or has authority to issue, debentures, shall be approved as aforesaid. *Altered.*

(a) Notwithstanding any rule of practice, or any provision of any Act requiring security, it shall not be necessary for the said company to give any security for the due performance of its duty as such executor, administrator, trustee, receiver, assignee, guardian or committee, unless otherwise ordered. 40

(b) The Lieutenant-Governor-in-Council may revoke the approval given under this section, and no Court or Judge, after notice of such revocation, shall appoint any such company to be an administrator, trustee, receiver, assignee, guardian, or com- 45

mittee, unless such company gives the like security for the due performance of its duty as would be required from a private person. 45 V. c. 17, s. 2 (1-3); R. S. O. 1887, c. 157, s. 74.

110. The liability of the company to persons interested in an estate held by the said company as executor, administrator, trustee, receiver, assignee, guardian, or committee as aforesaid, shall be the same as if the estate had been held by any private person in such capacities respectively, and its powers shall be the same. 45 V. c. 17, s. 2 (4); R. S. O. 1887, c. 157, s. 75.

Liability of company acting as trustee.

111. Every Court into which money is paid by parties or is brought by order or judgment, may by order direct the same to be deposited with any such company that may agree to accept the same, and the company may pay any lawful rate of interest on such moneys as may be agreed upon, and when no special arrangement is made, interest shall be allowed by the company at the rate of not less than three per centum annually.

Deposit with company of money paid into Court.

(a) Every such company may invest any trust moneys in its hands in any securities in which private trustees may by law invest trust moneys, and may also invest such moneys; (a) in the public stock funds or Government securities of any of the Provinces of the Dominion, or in any securities guaranteed by the United Kingdom of Great Britain and Ireland, or by the Dominion, or by any of the said Provinces; (b) or in the bonds of debentures of any municipal corporation in any of the said Provinces;

Mode of investment.

Provided that such company shall not in any case invest the moneys of any trust in securities prohibited by the trust, and shall not invest moneys intrusted to it by any Court in a class of securities disapproved of by the Court. 45 V. c. 17, s. 2 (7-8); R. S. O. 1887, c. 157, s. 77.

Proviso.

LIMITED LIABILITY, ETC.

112. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid of his said stock, shall be the amount recoverable with costs, against such shareholder.

Liability of shareholders.

(a) Any shareholder may plead by way of defence, in whole or in part, any set-off which he could set up against the company except a claim for unpaid dividends, or a salary or allowance as a president or a director of the company. 48 V. c. 33, ss. 2, 3; R. S. O. 1887, c. 157, s. 61.

Set-off.

Shareholders
not liable be-
yond amount
of stock.

(b) The shareholders of the company shall not as such be held responsible for any act, default, or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the unpaid amount of their respective shares in the capital stock thereof. 48 V. c. 33, s. 8; R. S. O. 1887, c. 157, s. 62. 5

Trustees, etc.,
not personally
liable.

113. No person holding stock in the company as executor, administrator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable in like manner and to the same extent, as the testator or intestate or the minor, ward, or person interested in the trust fund, would be, if living and competent to act and holding such stock in his own name. 48 V. c. 33, s. 5; R. S. O. 1887, c. 157, s. 63. 10 15

Mortgagees.

114. No person holding stock as collateral security, shall be personally subject to liability as a shareholder; but the person pledging such stock as such collateral security shall be considered as holding the same, and shall be liable as a shareholder in respect thereof. 48 V. c. 33, s. 6; R. S. O. 1887, c. 157, s. 64. 20

Unabbreviated
word "lim-
ited" to be in-
serted on all
notices, etc.

115. Every company incorporated under this Act subsequently to the 23rd day of March, 1889, shall keep painted, or affixed its name with the [unabbreviated] word "Limited" after the name, on the outside of every office, or place in which the business of the company is carried on, in a conspicuous position, in letters easily legible; and shall have its name, with the said [unabbreviated] word after it, engraven in legible characters on its seal, and shall have its name with the said [unabbreviated] word after it, mentioned in legible characters in all notices, advertisements and other official publications of the company, and in all bills of exchange, promissory notes, indorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such company, and in all bills of parcels, invoices and receipts of the company. 52 V., c. 26, s. 3. *Altered.* 25 30 35

Directors
liable on writ-
ten contracts,
which do not
show limited
liability.

(a) The directors of every such company shall be jointly and severally liable upon every written contract or undertaking of the company on the face whereof the [unabbreviated] word "Limited" or the words "Limited Liability" [in full] are not distinctly written or printed after the name of the company where it first occurs in such contract or undertaking. 52 V., c. 26, s. 2. 40

Penalty for
violation of
preceding sec-
tion.

(b) Every such company which does not keep painted or affixed its name, with the [unabbreviated] word "Limited" after it, in manner directed by this Act, shall incur a penalty of \$20 for every day during which such name is not so kept painted or affixed. 52 V., c. 26, s. 4. 45

Penalty for
permitting
violation.

(c) Every director and manager of the company who knowingly and wilfully authorizes or permits such default, shall be liable to the like penalty. 52 V., c. 26, s. 5. 50

(d) Every director, manager or officer of the company, and every person on its behalf, who uses or authorizes the use of any seal purporting to be a seal of the company whereon its name, with the said [unabbreviated] word "Limited" after it, is not so engraved as aforesaid, or who issues or authorizes the issue of any notice, advertisement or other official publication of such company, or who signs or authorizes to be signed on behalf of such company any bill of exchange, promissory note, indorsement, cheque, order for money or goods, or who issues or authorizes to be issued any bill of parcels, invoice or receipt of the company, wherein its name, with the said word after it, is not mentioned in manner aforesaid, shall incur a penalty of \$200 and shall also be personally liable to the holder of any such bill of exchange, promissory note, cheque or order for money or goods for the amount thereof, unless the same is duly paid by the the company. 52 V., c. 26, s. 6.

Provided that this section shall not apply to any company not incorporated for commercial, mercantile, manufacturing, trading or business purposes, or objects where such company by its charter of incorporation is declared to be exempt from the provisions thereof, (50 V. c. 32, s. 2, *partly*), [or to any company not incorporated for any of the said purposes, which, on proof thereof being shown to the Lieutenant-Governor-in-Council, is, on, from and after a date to be set forth in the order of the Lieutenant-Governor-in-Council in that behalf, declared to be exempt as aforesaid. *Partly new.*]

LIABILITY FOR FALSE STATEMENTS.

116. If any person in any return, report, certificate, balance sheet, or other document required by or for the purposes of this Act, wilfully makes a statement false in any material particular, he shall be liable on conviction on indictment to imprisonment for a term not exceeding six months, with or without hard labor, and on summary conviction to imprisonment not exceeding three months, with or without hard labor, and in either case to a fine of one hundred dollars in lieu of or in addition to such imprisonment as aforesaid; provided that a person charged with an offence under this section, may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness. *Proposed new English legislation. Modified. New.*

117. Where, after the 4th day of May, 1891, a prospectus or notice invites persons to subscribe or apply for shares, debenture stock, annuities on lives, or other securities of a company, [incorporated under this Act] every person who is a director of the company at the time of the issue of the prospectus or notice, and every person who, having authorized such naming of him, is named in the prospectus or notice as a director of

the company or as having agreed to become a director of the company either immediately, or after an interval of time, and every promoter of the company, and every person who has authorized the issue of the prospectus or notice, shall be liable to pay to all persons so subscribing or applying on the faith of such prospectus or notice compensation for the loss or damage they may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved—

- (i.) With respect to every such untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe, and up to the time of the allotment or issue of the shares, debenture stock, annuities on lives, or other securities, as the case may be, did believe that the statement was true; and
- (ii.) With respect to every such untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an engineer, valuer, accountant, or other expert, that it fairly represented the statement made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of or extract from the report or valuation. Provided always that notwithstanding that such untrue statement fairly represented the statement made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of or extract from the report or valuation, such director, person named, promoter, or other person, who authorized the issue of the prospectus or notice as aforesaid, shall be liable to pay compensation as aforesaid if it be proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it; and
- (iii.) With respect to every such untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of such statement or copy of or extract from such document,

or unless it is proved that, having consented to become a director of the company, he withdrew his consent before the issue of the prospectus or notice, and that the prospectus or notice was issued without his authority or consent; or that the prospectus or notice was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reason—

able public notice that it was so issued without his knowledge or consent; or that after the issue of such prospectus or notice and before allotment or issue of the shares, debenture stock, annuities on lives or other securities thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and caused reasonable public notice of such withdrawal and of the reason therefor, to be given. 52 V. c. 34, s. 4.

(a) Where any company [incorporated or re-incorporated under this Act and] existing on the said 4th day of May, 1891, shall be desirous of obtaining further capital by subscriptions for shares, bonds, debentures, debenture stock or other securities, and for that purpose shall issue a prospectus or notice, no director of such company shall be liable in respect of any statement therein, unless he shall have authorized the issue of such prospectus or notice, or have adopted or ratified the same. 52 V. c. 34, s. 4, s.s. (2).

Statements in prospectus for raising further capital.

(b) Where any such prospectus or notice as aforesaid contains the name of a person as a director of a company, or as having agreed to become a director thereof, and such person has not consented to become a director, or has withdrawn his consent before the issue of such prospectus or notice, and has not authorized or consented to the issue thereof, the directors of the company, except any without whose knowledge or consent the prospectus or notice was issued, and any other person who authorized the issue of such prospectus or notice shall be liable to indemnify the person named as a director of the company, or as having agreed to become a director thereof as aforesaid, against all damages, costs, charges, and expenses to which he may be made liable by reason of his name having been inserted in the prospectus or notice, or in defending himself against any action or legal proceedings brought against him in respect thereof. 52 V. c. 34, s. 5.

Indemnity where name of person has been improperly inserted.

(c) Every person who by reason of his being a director, or named as a director or as having agreed to become a director, or of his having authorized the issue of the prospectus or notice, has become liable to make any payment under the provisions of this section, shall be entitled to recover contribution, as in cases of contract, from any other person who, if sued separately, would have been liable to make the same payment. 52 V. c. 34, s. 6.

Contribution from co-directors, etc.

(d) For the purposes of this section, unless the context otherwise requires:—

Interpretation.

(1) "Untrue statement" includes a concealment of intentional non-disclosure of a material fact known to the director or promoter which might reasonably influence a person in determining whether to apply or not to apply for shares, debenture stock, annuities on lives, or other securities of the company for which application is invited.

"Untrue statement."

- “Securities.” (2) “Securities” includes bonds, debentures, investment bonds; also policies, certificate, or other instruments of insurance, suretyship, or guarantee, or instruments evidencing contracts in the nature thereof.
- “Directors.” (3) “Directors” includes the officers, by whatever name known, appointed to manage the affairs of the corporation. 5
- “Promoter.” (4) “Promoter” means a promoter who was a party to the preparation of the prospectus or notice, or of the portion thereof containing such untrue statement, but shall not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company. 10
- “Expert.” (5) “Expert” includes any person whose profession gives authority to a statement made by him. 52 V. c. 34, s. 2.
- Application. (f) This section shall apply to all companies incorporated [or re-incorporated under this Act]. 52 V. c. 34, s. 3. 15

Penalty for false statements as to capital of companies.

118. Where any advertisement, letter-head, postal-card, account or document issued, published or circulated subsequently to the 1st day of January, 1894, by any corporation, association or company [incorporated under this Act], or any officer, agent or employee of any such corporation, association or company, purports to state the subscribed capital of the company, then the capital actually and in good faith subscribed, and no more, shall be so stated, and any such corporation, association, company, officer, agent or employee who causes to be inserted an advertisement in any newspaper or who publishes, issues or circulates, or causes to be published, issued or circulated any advertisement, letter-head, postal-card, account or document which states, as the capital of such company, any larger sum than the amount of such subscribed capital so actually and in good faith subscribed as aforesaid, or which contains any untrue or false statement as to the incorporation, control, supervision, management or financial standing of such corporation, association or company, and which statement is intended or calculated or likely to mislead or deceive any person dealing or having any business or transaction with said corporation, association or company, or with any officer, agent or employee of the association, corporation or company, shall, upon summary conviction thereof, be liable to a penalty not exceeding two hundred dollars and costs and not less than fifty dollars and costs, and in default of payment the offender, being any officer, agent or employee as aforesaid, shall be imprisoned with or without hard labour for a term not exceeding six months and not less than one month; 20
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and on a second or any subsequent conviction he may be imprisoned with hard labour for a term not exceeding twelve months and not less than three months. *Altered.* 56 V. c. 33, s. 1.

- 5 (a) Any one may be prosecutor or complainant under this section and one-half of any fine imposed by virtue of this section shall when received belong to Her Majesty for the use of the Province, and the other half shall belong to the prosecutor or complainant. 56 V. c. 33, c. 2.

10 ANNUAL STATEMENT OF AFFAIRS.

119. Every company incorporated under this Act shall, on or before the first day of February in every year, make out a summary in duplicate, verified as hereinafter required, of the state of the affairs of the company on the thirty-first day of December preceding. R. S. O. 1877, c. 150, s. 49, (1); 45 V. c. 17, s. 4 (3. *Part*); R. S. O. 1887, c. 157, s. 57. *Altered.*

(a) The summary shall contain the following particulars: [correctly stated].

- 20 1. [The corporate name of the company]. *New.*
2. [The place where the head-office of the company is situated, including, if possible, name of street and number on the street.] *New.*
- 25 3. [The place, or places where, or from which the undertaking of the company is carried on.] *New.*
4. [The name, residence and post-office of the president and of the secretary, and of the treasurer of the company]. *New.*
5. The name, residence and post-office address of each of the directors of the company ;
- 30 6. [The date upon which the last annual meeting of the company was held.] *New.*
7. [Whether the provisions of this Act respecting the preparation and the distribution to the shareholders of a balance sheet were duly observed.] *New.*
- 35 8. The amount of the capital of the company and the number of shares into which it is divided ;
9. The number of shares taken from the commencement of the company up to the thirty-first day of December preceding the date of the summary ;
- 40 10. The amount of stock (if any) issued free from call ; if none is so issued, this fact to be stated ;
11. The amount issued subject to call ;
12. The amount of calls made on each share ;

Annual summary of the affairs of the company.

Contents of statement.

13. The total amount of calls received ;
 14. [The total amount of calls paid in cash.] *New.*
 15. The total amount of calls unpaid ;
 16. The total amount of shares forfeited ;
 17. The total amount of shares which have never been 5
 allotted or taken up ;
 18. The total amount for which shareholders of the com-
 pany are liable in respect of unpaid stock held by them ;
 19. [The amount of dividends, if any, remaining unpaid.] *New.* 10

List of share-
holders.

20 A list of all persons who on the thirty-first day of December previously, were shareholders of the company ; and such list shall state the names alphabetically arranged, and the address and occupation of each such person ; the amount of stock held by each ; [the amount of cash paid in by each,] and 15 the amount [if any] unpaid and still due [by each such person]. *Altered.*

Persons who
have ceased
to be share-
holders.

21. [The name, address and occupation of each of the persons, if any, who has ceased to be a shareholder in the company since the last summary was made, and the number of shares 20 held by such person. *The Companies' Act, 1862, (English), s. 26, ss. (7.) New.*

(b) The said summary may also, after giving the information hereinbefore required, give in a concise form, such further information respecting the affairs of the company, as the 25 directors may consider expedient. R. S. O. 1877, c. 150, s. 49 (2).

Return as to
crude petrol-
eum.

(c) Every company [incorporated under this Act] so long as it carries on the business of warehousing crude petroleum shall add the following additional particulars in the summary :—

(i.) The total quantity of crude petroleum actually held 30 by the company for the purpose of answering transportation and warehouse receipts, accepted orders, and certificates of crude petroleum.

(ii.) The total quantity of crude petroleum in respect of which the company as warehousemen or carriers 35 are liable to make delivery to other persons. 48 V. c. 25, s. 2 (1-2). *See Cap. 122, s. 21.*

Mode of
writing the
same.

(d) The summary, and every duplicate thereof required by this Act, shall be written, or printed on only one side of the sheet or sheets of paper containing the same. 40

Verification
thereof.

(e) The summary shall be verified by the affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are or is, at the proper time out of this Province, or otherwise unable to make the same, by the affidavit of the president or secretary and one of the directors, 45 or two of the directors, as the case may require ; and if the president or secretary does not make or join in the affidavit, the reason thereof shall be stated in the substituted affidavit. R. S. O. 1877, c. 150, s. 49 (3, 4).

(f) One of the duplicate summaries, with the affidavit of verification, shall be posted [up in a conspicuous position in] the head-office of the company in Ontario, on or before the second day of February; and the company shall keep the same so posted, until another summary is posted under the provisions of this Act; and the other duplicate summary, verified as aforesaid, shall on or before the eighth day of February next after the time hereinbefore fixed for making the summary [be transmitted by registered letter to the Provincial Secretary and be addressed to him at the Parliament Buildings, Toronto]. R. S. O. 1877, c. 150, s. 49 (5); 45 V. c. 17, s. 4 (3 part).

Posting thereof.

Deposit with Provincial Secretary.

(g) If a company makes default in complying with the provisions of this section, the company shall incur a penalty of \$20 for every day during which the default continues, and every director, manager or secretary of the company, who knowingly and wilfully authorizes or permits such default, shall incur the like penalty. R. S. O. 1877, c. 150, s. 49 (6).

Penalty for default.

Provided that this section shall not apply to any company until the first day of February next after the first thirty-first day of December, after the company has been organized, or has gone into actual operation, whichever shall first happen, and shall not be held to apply to any company which has ceased to carry on business; and upon its being proved that any company to which this Act applies did not transact any business (other than the payment of taxes or the making of a return, or the furnishing of any list, statement, or other information to the Government of Ontario, or to any officer or department thereof) during the year for which it is alleged a return in accordance with the requirements of law has not been made such company shall be deemed to have ceased to carry on business within the meaning of this sub-section. 44 V. c. 21, ss. 3, 4.

When section not to apply.

And further provided that this section shall not apply to any company not incorporated for commercial, mercantile, manufacturing, trading, or business purposes, or objects where such company by its charter of incorporation is declared to be exempt from the provisions thereof, 54 V. c. 32, s. 1, [or to any company not incorporated for any of the said purposes which, on proof thereof being shown to Lieutenant-Governor-in-Council, is, on, from and after a date to be set forth in the order of the Lieutenant-Governor-in-Council in that behalf, declared to be exempt as aforesaid.] *Partly new.*

Further proviso.

RECOVERY OF PENALTIES.

120. All offences under this Act punishable by any pecuniary penalty may be prosecuted summarily before any two justices of the peace, or any magistrate having the power of two justices of the peace.

Prosecution of offences.

(a) One-half of any such penalty when recovered shall belong to Her Majesty, and the other half thereof to the former. *Dominion Draft Act. New.*

Disposal of penalties.

SCHEDULE A. *New.*

PUBLIC NOTICE is hereby given that within one month after the fourth consecutive insertion of this notice in *The Ontario Gazette*, an application will be made by the persons hereinafter named, by petition, addressed to His Honour the Lieutenant-Governor of Ontario-in-Council, for the grant of a Charter of Incorporation by Letters Patent under the provisions of An Act respecting the Incorporation and Regulation of Joint Stock Companies by Letters Patent, incorporating the applicants and such other persons as may be or may become shareholders in the company, a body corporate and politic under the name and for the due carrying out of the principal undertaking hereinafter mentioned, that is to say :—

1. The name of the company will be THE (*material part of name*) COMPANY (LIMITED.)

2. The undertaking of the company will be to (*state simply the principal purpose for which incorporation will be sought*).

3. The undertaking of the company will be carried on at (or from) _____, which is (or are) in the Province of Ontario.

4. The head-office of the company will be at (*giving street and number on street when possible*).

5. The capital stock of the company will be _____ dollars, divided into _____ shares of _____ dollars each.

6. The names in full, the post-office address and calling of each of the applicants are as follows: (*The following is given as a sufficient guide:*) Charles Ephraim Boyd, of the Village of Norwich, in the County of Oxford, and Province of Ontario, Merchant; William Edgett Tisdale, of the Town of Simcoe, in the County of Norfolk, and Province aforesaid, Esquire; Alexander Grisdale, of the Village of Port Colborne, in the County of Welland, and Province aforesaid, Tug Captain; William David Boyd, of the said Town of Simcoe, Gentleman; Jay Hursley, of the City of Sault Ste. Marie, in Chippawa County, in the State of Michigan, one of the United States of America, Tug Owner; and Charles Ford Hursley, of the same place, Tug Captain.

7. That the said Charles Ephraim Boyd, Alexander Grisdale, Jay Hursley and Charles Ford Hursley are to be the provisional directors of the said company.

Solicitors for the Applicants.

First inserted in No. _____ of The Gazette.

SCHEDULE B. (New.)

THE.....COMPANY OF.....(LIMITED).

MEMORANDUM OF AGREEMENT.

We the undersigned do hereby severally covenant and agree each with the other to become incorporated as a company under the provisions of *An Act respecting the Incorporation and Regulation of Joint Stock Companies by Letters Patent* for the purpose of (*Here state object as set out in the notice in The Gazette.*) under the name of The.....Company of.....(Limited), with a capital of.....dollars, divided into.....shares of.....dollars each.

And we do hereby severally, and not one for the other, subscribe for and agree to take the respective amounts of the capital stock of the said company set opposite our respective names as hereunder and hereafter written; and we do hereby covenant and agree each with the other to pay the amount so subscribed as the same may be called in by the directors of the company; and we do further covenant and agree to abide by and to observe the provisions of the Letters Patent and of the by-laws, rules and regulations of the said company, to be made in pursuance of the said Act, the said covenants and agreements to take effect on and from the date of the Letters Patent of the company, as witness our hands and seals on the dates and at the places hereinafter set forth:—

Name of Subscriber.	Seal.	Date and Place of Subscription.		Name of Witness.	Residence of Subscriber.	Amount of Subscription.	Payments (if any).	How and to whom Paid in Trust.
		Date.	Place.					
						\$	\$	

SCHEDULE "C." (New.)

TO HIS HONOUR THE HONOURABLE

Etc., Etc. Etc.

Lieutenant-Governor of the Province of Ontario in-Council.:

The petition of
.....
.....
.....
.....

..... Humbly sheweth :—

1. That Your Petitioners are desirous of obtaining by letters patent, under the Great Seal, a charter, under the provisions of the Revised Statutes of Ontario, chapter 157, entitled: *An Act respecting the Incorporation and Regulation of Joint Stock Companies by Letters Patent* constituting Your Petitioners and such others as may become shareholders in the company thereby created, a body corporate and politic under the name of The (Limited).

2. That Your Petitioners, in accordance with the provision of section 6 of the said Revised Statute, have given at least four consecutive weeks' notice in *The Ontario Gazette* of Your Petitioners' intention to apply for letters patent as aforesaid.

3. That the principal undertaking for which incorporation as aforesaid is sought by Your Petitioners is to .

4. That the said undertaking of the company will be carried on at (or from) , which is (or are) within the Province of Ontario.

5. That the head-office of the said company will be at .

6. That the amount of the capital stock of the said company will be dollars.

7. That the said stock will be divided into shares of dollars each.

8. That the said will be the provisional directors of the said company.

SCHEDULE "D." (*Altered.*)((*Section 13.*)

NOTICE OF GRANTING LETTERS PATENT.

PUBLIC NOTICE is hereby given that, under *An Act respecting the Incorporation and Regulation of Joint Stock Companies by Letters Patent*, Letters Patent have [this day] been issued under the Great Seal of the Province of Ontario, bearing date the day of incorporating [here state the name, address and calling of each incorporator named in the Letters Patent] [and all persons who now are or who shall hereafter be associated under the said Letters Patent and their successors a body corporate and politic, and capable forthwith of exercising all the functions of an incorporated company] for the purpose [of carrying out the principal undertaking following, that is to say: Under the name of [here state the name of the company, to be followed by the undertaking of the company as set forth in the Letters Patent], with a total capital stock of dollars, divided into shares of dollars each.

DATED at the office of the Provincial Secretary of Ontario, this day of

A. B.

Provincial Secretary.

R. S. O. 1877, c. 150 *Sched. A.*

SCHEDULE E.

(Section 23.)

NOTICE OF GRANTING SUPPLEMENTARY LETTERS PATENT.

Public notice is hereby given, that under *An Act respecting the Incorporation and Regulation of Joint Stock Companies by Letters Patent*, Supplementary Letters Patent have this day been issued under the Great Seal of the Province of Ontario, bearing date the _____ day

whereby the total capital stock of [*here state the name of the company*] is increased [*or decreased as the case may be*] from \$ _____ to \$ _____ [*or whereby the capital stock of the company of _____ shares of \$ _____ each is sub-divided into _____ shares of \$ _____ each*].

Dated at the office of the Provincial Secretary of Ontario, this _____ day of _____

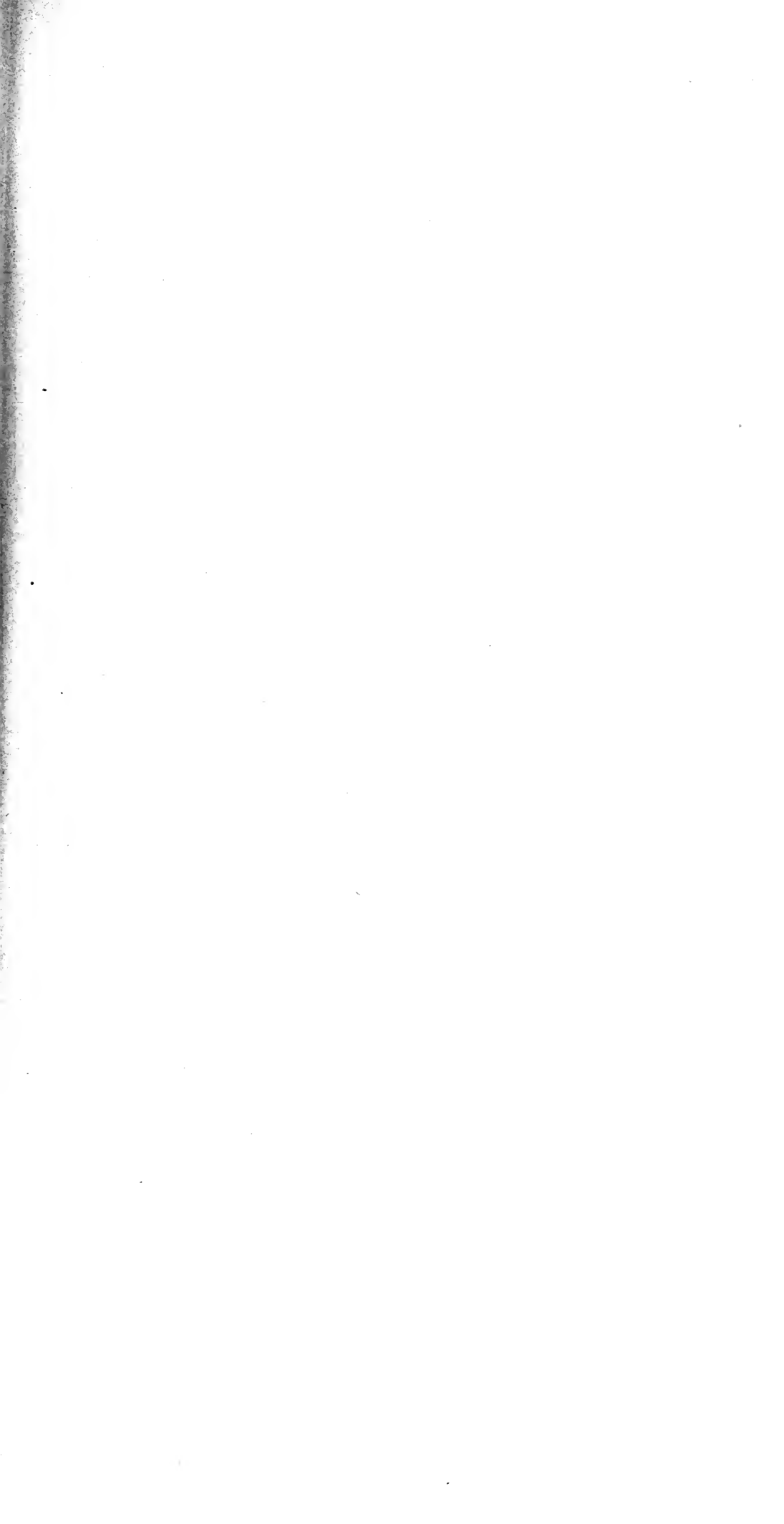
A. B.

Provincial Secretary.

R. S. O. 1877, c. 150, *Sched. B*

DR. **SCHEDULE F. (New.)** BALANCE SHEET of the.....Co. made up to.....18.... CR.

	Capital and Liabilities.	Property and Assets.
	\$ c. \$ c.	\$ c. \$ c.
I. Capital..... Statements showing: 1. The number of shares issued..... 2. The amount called up per share..... 3. If any arrears of calls, the nature of the arrear, and the names of the defaulters..... 4. The particulars of any forfeited shares..... II. Debts and Liabilities of the Company. Statements showing: 5. The amount of loans on mortgages or debenture bonds..... 6. The amount of debts owing by the Company, distinguishing— (a) Debts for which acceptances have been given..... (b) Debts to tradesmen for supplies of stock in trade or other articles..... (c) Debts for law expenses..... (d) Debts for interest on debentures or other loans..... (e) Unclaimed dividends..... (f) Debts not enumerated above..... III. Reserve Fund Statement showing: The amount set aside from profits to meet contingencies..... IV. Profit and Loss. Statement showing: The disposable balance for payment of dividends, etc..... Contingent Liabilities. Claims against the Company not acknowledged as debts..... Moneys for which the Company is contingently liable.....	I. Property held by the Company. Statements showing: 7. Immovable property, distinguishing— (a) Freehold land..... (b) " " buildings..... (c) Leasehold "..... 8. Movable property, distinguishing— (d) Stock-in-trade..... (c) Plant..... The cost to be stated with deductions for deterioration in value as charged to the Reserve Fund or Profit and Loss. II. Debts owing to the Company. Statements showing: 9. Debts considered good for which the Company hold bills or other securities..... 10. Debts considered good for which the Company hold no security..... 11. Debts considered doubtful and bad..... Any debt due from a director or other officer of the Company to be separately stated. III. Cash and Investments. Statements showing: 12. The nature of investment and rate of interest..... 13. The amount of cash, where lodged, and if bearing interest.....	\$ c. \$ c. \$ c. \$ c.



2nd Session, 8th Legislature, 59 Viet., 1896.

BILL.

An Act respecting the Incorporation and
Regulation of Joint Stock Companies
by Letters Patent.

First Reading, March 25, 1896.

Mr. GIBSON,
(Hamilton),

TORONTO :

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

No. 200.]

BILL.

[1896.

An Act to amend The Municipal Act.

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

1. The Canadian Wheelmen's Association of the Dominion of Canada may, at the expense of said Association, erect and maintain for the benefit of bicyclists and other travellers upon the public roads and highways, sign-posts at road intersections and wherever necessary to guide travellers, and mile posts to show distances, and danger signs at hills which may be deemed by the said Association dangerous or unsafe for travellers on bicycles. Provided that every such sign-post, mile-post and danger sign shall be so placed as not to be an obstruction to the highway or to endanger the safety of any person travelling thereon.
- Canadian Wheelmen's Association authorized to place sign-posts on highways.
- Proviso.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 26th March 1896.

Mr. MCKAY,
(Oxford).

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 201.]

BILL.

[1896.

An Act to amend The Separate Schools Act.

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

Section 44 of *The Separate Schools Act* is amended by striking out the words "in a direct line," in the third line thereof, and inserting therein the words "by the nearest public road." Rev. Stat. c. 227, s. 44, amended.

No. 201.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Separate Schools Act.

First Reading, 27th March, 1896.

Mr. REID,
(Addington.)

TORONTO:

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

No. 202.]

BILL.

[1896.

An Act to amend The Assessment Act.

HER 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 section 75 of *The Consolidated Assessment Act, 1892*, it shall not be necessary for the clerk of any local municipality to transmit a copy of the assessment roll annually to the clerk of the county in which such local municipality is situate, but it shall be deemed to be sufficient compliance with the provisions of the said section if the clerk of the local municipality transmit a summarized statement of the contents of the roll showing the population of the municipality and the total assessment of each of the various classes of property liable to assessment therein, but the clerk of such local municipality, shall in every third year transmit a full copy of the roll to the clerk of the county and whenever required so to do by the county council or the county judge for the purpose of the equalization of the assessment, he shall transmit a full copy of the assessment roll. Copy of assessment roll, when to be forwarded to county clerk. Provided Proviso. that in default of the duty in this section imposed the clerk of the local municipality shall incur the penalties provided by the said section 75,

No. 202.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Assessment Act.

First Reading, 27th March, 1896.

Mr. TUCKER.

TORONTO :

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

An Act to consolidate the Act respecting the
Solemnization of Marriage.

R. S. O. 1887, c. 131 ; 51 V. c. 20 ; 54 V. c. 23 ; 57 V. c. 40.
Where bill 180 is referred to, the section noted includes the
amendments made by that bill.

5 **H**ER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. This Act may be cited as *The Marriage Act, 1896.* Short title.

2. The following persons, being men and resident in Canada, Who may solemnize marriage in Ontario.
may solemnize the ceremony of marriage between any two
10 persons not under a legal disqualification to contract such
marriage:

15 1. The ministers and clergymen of every church and
religious denomination duly ordained or appointed
according to the rites and ceremonies of the
churches or denominations to which they respec-
tively belong.

20 2. Any elder, evangelist or missionary for the time being
of any church or congregation of the religious
people commonly called or known congregationally
as "Congregations of God" or "of Christ," and
individually as "Disciples of Christ," who from
time to time is chosen by any such congregation
for the purpose of solemnization of marriage.

25 3. Any duly appointed commissioner or staff officer of the
religious society called the Salvation Army, chosen
or commissioned by the said society to solemnize
marriages.

R. S. O. 1887, c. 131, s-s. 1 and 21, 51 V. c. 20, s. 1, 54 V. c.
23, s. 4, Bill 180.

Marriages solemnized by Quakers.

3. Every marriage duly solemnized according to the rites, usages and customs of the religious Society of Friends, commonly called Quakers, shall be valid; and all the duties imposed by this Act, or by the *Act respecting the Registration of Births, Marriages and Deaths*, upon a minister or clergyman, shall, with regard to such marriage, be performed by the clerk or secretary of the society or of the meeting at which the marriage is solemnized. Provided always that nothing herein contained shall be construed as requiring the marriage to be celebrated or solemnized by such clerk or secretary. 54 10
V., c. 23, s. 2.

Marriages not to be solemnized unless duly authorized.

4. (1) No minister, clergyman or other person shall celebrate the ceremony of marriage between any two persons, unless duly authorized so to do by license under the hand and seal of the Lieutenant-Governor or his deputy, duly authorized in that behalf, or by a certificate under this Act, nor unless the intention of the two persons to intermarry has been proclaimed once openly, and in an audible voice, either in the church, chapel or meeting house in which one of the parties has been in the habit of attending worship, or in some church, chapel, meeting-house or place of public worship of the congregation or religious community with which the minister or clergyman who performs the ceremony is connected, in the local municipality, parish, circuit or pastoral charge, where one of the parties has, for the space of fifteen days immediately preceding, had his or her usual place of abode; nor, where both parties do not live in the same local municipality, parish, circuit or pastoral charge, unless there is delivered to the person proposing to celebrate the marriage a certificate (Schedule A) showing that a similar proclamation has been made in the local municipality, parish, circuit or pastoral charge (being within Canada) where the other of the contracting parties has for the space of fifteen days immediately preceding had his or her usual place of abode. 15
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Proclamation of intention.

(2) Every such proclamation shall be made on a Sunday immediately before the service begins or immediately after it ends, or at some intermediate part of the service. 35

Certificate of proclamation of intention.

(3) The said certificate of proclamation of intention shall be signed by the clergyman, minister, clerk, secretary or other person who actually proclaimed the same, and shall show the official position of the person who signs it. R. S. O. 1887, c. 131, s. 2. Bill 180. 40

Banns or license to lapse unless marriage takes place within three months.

5. (1)—No marriage shall be solemnized under the authority of any proclamation of intention to intermarry, unless such proclamation has been made at least one week previously, nor unless the marriage takes place within three months after the Sunday upon which the proclamation was made; nor shall a marriage be solemnized under the authority of any license or certificate unless within three months after the date thereof. 45

(2) No clergyman, minister or other person shall solemnize a marriage between the hours of 10 p.m. and 6 a.m. unless he is satisfied from evidence adduced to him that the proposed marriage is legal and that exceptional circumstances exist which render its solemnization between the said hours advisable.

Hours during which marriages not to take place.

(3) No clergyman, minister or other person shall solemnize a marriage without the presence of at least two adult witnesses; and two or more of such witnesses shall affix their names as witnesses to the record in the register prescribed by section 17.

Witnesses required.

(4) No clergyman, minister or other person who is an issuer of marriage licenses shall solemnize the ceremony of marriage in any case in which he has issued the license or certificate authorizing such marriage. This sub-section shall not apply to the districts of Parry Sound, Nipissing, Algoma, Manitoulin, Thunder Bay, and Rainy River.

Clergyman who is an issuer of marriage licenses.

(5) The certificate or license to marry or the certificate of publication of intention, when such certificate is required, shall be left with the clergyman, minister or other person who solemnizes the marriage. R. S. O. 1887, c. 131, s. 2. Bill 180.

Certificate to be delivered to person solemnizing marriage.

6. No minister who solemnizes a marriage ceremony after bans have been published or a license or certificate has been issued under this Act in respect thereto, shall be subject to any action or liability for damages or otherwise by reason of there having been any legal impediment to the marriage, unless at the time when he performed the ceremony he was aware of the impediment. R. S. O. 1887, c. 13, s. 22.

Protection of clergymen, etc., solemnizing marriages in good faith.

7. A certificate in the form given in Schedule B or Schedule C to this Act (according to the circumstances of the case) may, at the option of the applicant, be substituted for a marriage license; and such certificate shall have the same legal effect as a license. R. S. O. 1887, c. 131, s. 3.

Certificate in lieu of marriage license.

8. Such licenses or certificates shall be issued from the office of the Provincial Secretary, and shall be furnished to persons requiring the same by such persons as the Lieutenant-Governor in Council may name for that purpose. R. S. O. 1887, c. 131, s. 4.

Licenses and certificates. How issued.

9. Every license executed under the hand and seal of the Lieutenant-Governor, or his deputy duly authorized in that behalf, and every certificate signed by the Provincial Secretary, or Assistant Provincial Secretary, for the purpose of solemnizing a marriage, shall be and remain valid, notwithstanding that the Lieutenant-Governor or his deputy, or the Provincial Secretary, or the Assistant Provincial Secretary has ceased to

Validity of licenses and certificates.

hold office before the time of the issue of the license or certificate. R. S. O. 1887, c. 131, s. 5.

Unauthorized issue of licenses or certificates. **10.** If any person issues any license or certificate for the solemnization of marriage without being authorized by the Lieutenant-Governor in Council in that behalf, unless under the authority in the next section contained, he shall forfeit to Her Majesty the sum of one hundred dollars for every license or certificate so issued. R. S. O. c. 131, s. 6. 5

Deputy issuers of marriage licenses. **13.—(1)** Any issuer of marriage licenses or certificates may, with the approval, in writing, of the mayor or reeve of the city, town, township, or incorporated village wherein he resides, from time to time, when prevented from acting by illness or unavoidable accident, or where his temporary absence is contemplated, appoint by writing under his hand, a deputy to act for him. 10 15

Powers of deputy issuers. **(2)** The said deputy shall, while so acting at the residence, or office, or place of business of the said issuer for whom the deputy acts, possess the powers and privileges (as to administering necessary oaths and otherwise) of the issuer appointing him. 20

Notice of appointment of deputy. **(3)** The issuer shall, upon appointing a deputy, forthwith transmit to the Provincial Secretary a notice of the appointment, and of the cause thereof, and of the name and official position of the person by whom the appointment has been approved, and the Lieutenant-Governor may at any time annul the appointment. 25

Appointment deputy in cases of emergency. **(4)** In case it is necessary on account of illness, unavoidable accident, or contemplated temporary absence of an issuer of marriage licenses, to appoint a deputy, and there is no mayor or reeve to give the consent required by the provisions of subsection 1 of this section, such issuer of marriage licenses may, in the manner in other respects required by the said sub-section, but without such consent, appoint such deputy, and the licenses or certificates issued by such deputy shall be deemed to authorize the solemnization of marriages at the same places as licenses or certificates issued by the principal for whom such deputy acts, and no irregularity in the appointment of a deputy issuer shall affect the validity of a license or certificate by him issued. R. S. O. 1887, c. 131, s. 7. 30 35

Licenses signed by deputy. **14.— 1)** Every deputy so appointed shall sign each license and certificate issued by him with the name of his principal as well as his own name in the following manner:—"A. B.—*Issuer of Marriage Licenses, per C. D., Deputy-Issuer,*" or to the like effect, but no irregularity in the issue of a license or certificate issued by an issuer or deputy-issuer to any person or persons obtaining the same, or acting thereon in good faith, shall invalidate a marriage solemnized in pursuance thereof. 40 45

(2) Every issuer of licenses or certificates aforesaid, or any other person having unissued licenses or certificates in his possession, power, custody, or control, shall, whenever required so to do, transmit to the Provincial Secretary every such license or certificate, and the property in all unissued licenses and certificates shall be and remain in Her Majesty.

Unissued licenses to be returned to Provincial Secretary.

(3) All expenses incident to providing licenses and certificates shall be paid by the issuer of the licenses and certificates.

Expenses incident to procuring licenses.

R. S. O. 1887, c. 131, ss. 8-10.

10 **15.**—(1) Where, in case of an intended marriage, either of the parties thereto (not being a widower or widow) is under the age of eighteen years, the consent of the father of such party, if the father be living, or if the father be dead the consent of the mother, if living, or of a guardian, if any has been 15 duly appointed, shall be required before the license is issued.

Consent required to marriage where one of the parties is under eighteen

(2) When such consent is necessary under the preceding sub-section, no license or certificate shall be issued without the production of the consent, and the issuer or deputy-issuer shall satisfy himself of the genuineness of such consent by 20 satisfactory proof in addition to the affidavit required of the party.

Consent to be produced before license issues.

(3) In the case of a party under the age of eighteen years (not being a widower or widow), if both the father and mother of such person are dead and there is no guardian of such party 25 duly appointed, the issuer or deputy-issuer, on being satisfied as to the facts, may grant the license or certificate.

When parents are dead and there is no guardian.

(4) In case the father or mother, though living, is not a resident of this province, and is not in this province at the time of the application for a license, and the party under the age 30 of eighteen years is himself or herself a resident and has been such resident for the preceding twelve months, the issuer or deputy-issuer, on being satisfied by evidence of these facts, may grant the license or certificate. 57 V., c. 40, S. 2, sub-s. 1-4.

Evidence of absence of parents from the province.

35 **16.**—(1) No license or certificate shall be issued in the case of any party under the age of fourteen years, and no person shall celebrate the marriage ceremony in any case in which either of the contracting parties is under the age of fourteen years, to the knowledge or information of the person to celebrate such 40 ceremony. 57 V., c. 40, s. 2, sub-s. 5.

No license or marriage where either party under fourteen.

(2) If any minister, clergyman or other person shall celebrate the ceremony of marriage between two persons knowing or believing either of them to be an idiot or insane, the person so offending shall incur a penalty of \$500. 57 V., c. 40, s. 45 2, sub-s. 5, Bill 180.

Affidavit to be made by each of the parties before license granted.

17.—(1) Before any license or certificate is granted by any issuer or deputy-issuer, each of the parties to the intended marriage shall personally make an affidavit which shall state :

- (a) In what county or district it is intended that the marriage shall be solemnized, and in what town, village or place in the county or district, and 5
- (b) That he or she believes there is no affinity, consanguinity, prior marriage, or other lawful cause or legal impediment to bar or hinder the solemnization of the marriage. 10
- (c) That one of the parties has for the space of fifteen days immediately preceding the issue of the license or certificate, had his or her usual place of abode within the county or judicial district in which (for either municipal or judicial purposes) the local municipality in which the marriage is to be solemnized lies ; 15

Or (if the county or district in which it is intended that the marriage shall be solemnized is not that in which either of the parties has for the space of fifteen days immediately preceding the issue of the license or certificate, had his or her usual place of abode) that the reason of procuring the marriage to be solemnized in such place is not in order to evade due publicity or for any other improper purpose. 25

(d) The age of the deponent and that the other contracting party is of the full age of eighteen years, or the age of such other contracting party, if under the age of eighteen years, as the case may be. 30

(e) The condition in life of the parties, whether bachelor, widower, spinster or widow, according to the fact.

Evidence of consent of parents.

(2) The affidavit shall further state the facts necessary to enable the issuer or deputy issuer to judge whether or not the required consent has been duly given in the case of any party under the age of eighteen years, or whether or not such consent is necessary. 35

Form of affidavit.

(3) The affidavit may be in the form set forth in Schedule D to this Act, and may be made before the issuer of licenses or his deputy, or before a commissioner for taking affidavits in the high court or a justice of the peace or notary public, or in case the same is made outside of Ontario, it may be made before a notary public or any other person authorized to administer oaths under *The Registry Act, 1893*, but no issuer or deputy issuer shall issue a license or certificate unless one of the parties makes the affidavit before him. R. S. O. 1887, c. 131, s. 11 ; 54 V., c. 23, s. 5 ; 57 V., c. 40, s. 1. Bill 180. 45

18. Where a party (not being a widower or widow) is under the age of eighteen years, the written consent of the person whose consent to the marriage is required, shall be produced and annexed to the affidavit of the party in respect of whom such consent is required, and shall be verified by such affidavit. 57 V, c. 40, s. 1, subs. (c). Written consent to be produced and annexed to affidavit.

19.—(1) Upon the back, or at the foot of the printed forms of affidavits to be made by the parties, shall be printed a memorandum showing the degree of affinity and consanguinity between the parties, which bar or hinder the solemnization of marriage between them; and no affidavit shall be acted upon by the issuer which does not have the said memorandum printed thereon; and upon the back or at the foot of the certificates or licenses issued, shall be printed such extracts from the Statutes as are necessary to show what persons are authorized to solemnize marriages in Ontario, or an epitome of the provisions of such Statutes. Prohibited degrees to be set forth in form of affidavit.

(2) The issuer or deputy issuer before administering the oath to the applicant, shall see that the applicant is aware what degrees of affinity or consanguinity are a bar to the solemnization of marriage. Bill 180. Duty of issuer of licenses.

20.—(1) In case the person having authority to issue the license or certificate has personal knowledge that the facts are not as section 15 of this Act requires, he shall not issue the license or certificate; and if he has any reason to believe or suspect that the facts are not as aforesaid, he shall, before issuing the license or certificate, require further evidence to his satisfaction in addition to the said affidavit. When licensee has personal knowledge of.

(2) The issuer or deputy issuer shall keep on record the affidavits or depositions satisfying him of the facts of which he is to be satisfied before issuing a license. Record to be kept of evidence on which license issue.

(3) No license or certificate shall be issued between the hours of 11 p.m. and 6 a.m. by any issuer or deputy issuer unless he is satisfied from evidence adduced to him that the proposed marriage is legal and that exceptional circumstances exist which render the issue of the license or certificate advisable. R. S. O. 1887, c. 131, s. 12; 57 V., c. 40, s. 3. Bill 180. Hours during which licenses may not be issued.

21. No fee shall be payable for any license or certificate except the sum of two dollars, which the issuer of the license or certificate shall be entitled to retain for his own use; but the Lieutenant-Governor in Council may from time to time reduce the sum so payable. R. S. O. 1887, c. 131, s. 14. Fees for licenses or certificates.

22. It shall not be a valid objection to the legality of a marriage that the same was not solemnized in a consecrated church or chapel, or within any particular hours. R. S. O. 1887, c. 131, s. 15. Objections on grounds of place or hour of marriage.

Certificate to be given by person solemnizing marriage when required.

23. Every clergyman, minister or other person who solemnizes a marriage, and the clerk or secretary of a Society of Quakers, or of the meeting at which the marriage is solemnized, shall, at the time of the marriage, if required, by either of the parties thereto, give a certificate of the marriage under his hand, specifying the names of the persons married, the time of the marriage, and the names of two or more persons who witnessed it, and specifying also whether the marriage was solemnized pursuant to license or certificate under this Act, or after publication of banns; and the clergyman, minister, clerk or secretary aforesaid, may demand twenty-five cents for the certificate given by him from the person requiring it. R. S. O. 1887, c. 131, ss. 16 and 21; 54 V., c. 23, s. 2.

Marriages to be registered by person solemnizing.

24. Every clergyman, minister, or other person authorized to solemnize marriages, shall, immediately after he has solemnized a marriage, enter in a Marriage Registry Book, to be kept by him for the purpose (unless where a similar register is kept in the church at which he officiates, in which case the entries shall be made in that book), the particulars required in schedule E to this Act, and shall authenticate the same by his signature. R. S. O. 1887, c. 131, s. 17. Bill 180.

Registers to be furnished to persons authorized to solemnize marriages.

25 —(1) The Clerk of the Peace for every county or district shall, on demand, furnish all persons authorized by this Act to solemnize marriages with the registry books required to be kept under the next preceding section, the said books to be made of good writing paper, to be printed on every page according to the form given in Schedule E, and strongly bound. The books shall be of two different convenient sizes so that where the applicant is in charge of a congregation which keeps the registry book in the church building a larger size may be supplied than is required where the applicant proposes to keep the book in his own custody. The said books shall be lettered plainly on the outside, both on the back and at the side, marriage register.

Cost of furnishing registers.

(2) The cost of books furnished to persons residing in any city or separated town shall be defrayed by the city or separated town, and the cost of those furnished to persons residing in other parts of any county shall be defrayed by the county. In places outside of county organization *the expense shall be borne by the Province* out of such moneys as may be provided by the Legislature for that purpose.

Entries to be made in register before delivery by clerk of the peace.

(3) The Clerk of the Peace shall enter on the inside of the cover of each marriage registry book furnished by him a statement showing the date upon which the same is furnished, the name of the person to whom it is supplied and the denomination to which he belongs, as well as the particular congregation (if any) of which he is then in charge, and shall enter the same particulars in a book to be kept by him for that purpose.

(4) Whenever a register is completely filled, or the person to whom it was delivered dies, it shall, unless it is the property of a congregation whose practice it is to keep such books in the church, be delivered by such person, or his personal representatives, to the Clerk of the Peace from whom it was obtained, who shall note the fact of such return; with the date thereof, in the book secondly mentioned in the next preceding sub-section, and at the place where he entered the particulars required to be stated by him as mentioned in the said sub-section; and he shall keep the register so returned amongst the records of his office. He shall also state in such note whether the register was returned on account of the death of the holder or on account of its being filled.

Where person to whom register is delivered dies or register is filled up.

(5) No clergyman, minister or other person shall be furnished with a second or subsequent register, until he has returned the register which he had previously obtained, or has properly accounted in writing for its non-return; and when the register is not returned the explanation shall be shortly noted in the said book required to be kept by the Clerk of the Peace under sub-section 3, at the place where the particulars of the delivery of the unreturned register appear.

Second register not to be furnished until first one returned.

(6) The Clerk of the Peace shall be entitled to be paid for services performed under sub-section 3 the sum of fifty cents for each register furnished, and for services performed under sub-sections 4 and 5 the sum of twenty-five cents for each register returned or accounted for to him. R. S. O. 1887. c. 131, s. 18. Bill 180

Fees of clerk of the peace.

26. The registry book, by whomsoever furnished, shall be the property of the denomination to which the clergyman, minister or other person to whom it is delivered, belongs at the time of the delivery thereof to him, and in case he is in charge of a particular congregation of such denomination, it shall belong to the trustees or other body in which the property of the church or meeting house used by such congregation for its ordinary services is vested. R. S. O. 1887, c. 131, s. 19. Bill 180.

Property in registers.

27. Printed copies of this Act shall be furnished in pamphlet form by the clerks of the peace, by mail if desired, post paid, to any person applying therefor upon payment of ten cents for each copy, and the said clerks of the peace shall obtain from the Queen's Printer so many copies as they may require at the rate of fifty cents per dozen. Bill 180.

Printed copies of marriage laws to be furnished.

28. Any marriages which, before the passing of this Act, have been solemnized in this Province by clergymen or ministers duly ordained or appointed as such according to the rites and ceremonies of the churches to which they belong, or by commissioners or staff officers of the Salvation Army, be-

Marriages heretofore solemnized by persons not resident in Ontario validated.

tween persons not under any legal disqualification for entering into the contract of matrimony are hereby declared to have been and to be lawful and valid marriages, so far as respects the civil rights in this province of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature, notwithstanding that the person who solemnized any such marriage was not at the time a resident of this province;

Proviso. Provided that the parties thereafter lived together and cohabited as man and wife, and that the validity of the marriage has not hitherto been questioned in any suit or action; and

Proviso. Provided further that nothing in this section shall make valid any such marriage in case either of the parties thereto has since contracted matrimony according to law; and in such a case the validity of the marriage by a non-resident shall be determined as if this Act had not been passed. (See 51 V. c. 20, s. 2. and Bill 180.

Certain marriages to be deemed valid after three years on death of one of the parties. **29.** Every marriage heretofore or hereafter solemnized between persons not under a legal disqualification to contract such marriage, shall after three years from the time of the solemnization thereof, or upon the death of either of the parties before the expiry of such time, be deemed a valid marriage so far as respects the civil rights in this Province of the parties or their issue, and in respect of all matters within the jurisdiction of the Ontario Legislature notwithstanding the clergyman, minister or other person who solemnized the marriage was not duly authorized to solemnize marriages, and notwithstanding any irregularity or insufficiency in the proclamation of intention to intermarry or in the issue of the license or certificate, or notwithstanding the entire absence of either;

Proviso. Provided that the parties after such solemnization lived together and cohabited as man and wife and that the validity of the marriage has not before such death or prior to the expiry of the said time been questioned in any suit or action; and

Proviso. Provided further that nothing in this section shall make valid any such marriage in case either of the parties thereto had or has previous to the death of the other and previous to the expiration of the said three years contracted matrimony according to law, and in such a case the validity of such marriage shall be determined as if this section had not been passed. Bill 180.

Certain marriages solemnized in Society of Friends before 4th May, 1891. **30.** Any marriages which before the 4th day of May, 1891 had been solemnized in this Province according to the rites usages and customs of the religious society called Friends, commonly called Quakers, between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have been and to be lawful and valid marriages so far as respects the civil rights in this Province, of

the parties, or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature.

Provided that the parties thereafter lived together and cohabited as man and wife and that the validity of the marriage had not been questioned in any suit or action before the tenth day of February, 1891, and

Provided further that nothing in this section shall make valid any such marriage in case either of the parties thereto had or has since such marriage and prior to the 4th day of May, 1891, contracted matrimony according to law; and in such case the validity of the marriage shall be determined as if this Act had not been passed. 54 V. c. 23, s. 3.

31. The following Acts are repealed:—

Chapter 131 of the Revised Statutes of Ontario, 1887, section 1 of the Act passed in the 51st year of Her Majesty's reign, chaptered 20; the Act passed in the 54th year of Her Majesty's reign, chaptered 23; and the Act passed in the 57th year of Her Majesty's reign, chaptered 40.

32. This Act shall not take effect until the 1st day of August, 1896, except sections 28 and 29, which shall go into force forthwith.

SCHEDULE A.

Section 4.

CERTIFICATE OF PUBLICATION OF BANNES.

I hereby certify that on Sunday, the _____ day of _____, A. D. 18____, the intention of *A. B.*, of _____ (*state residence*) and *C. D.*, of _____ (*state residence*) to intermarry was duly proclaimed by me in _____ Church, being a church in the _____ (*state name of township or other local municipality or parish, circuit or pastoral charge*). I further certify that I verily believe the said *A. B.* (*or C. D.*) had his (*or her*) usual place of abode in the said _____ (*township or other local municipality or parish, circuit or pastoral charge*) for the space of fifteen days immediately preceding the said Sunday.

Dated this _____ day of _____, A. D. 18____.

Minister of

Church

Bill 180.

SCHEDULE B.

(Section 7.)

FORM OF CERTIFICATE BEFORE MARRIAGE WITHOUT BANNS, WHERE ONE OF THE PARTIES HAS RESIDED FOR FIFTEEN DAYS NEXT PRECEDING THE ISSUE OF THE CERTIFICATE IN THE COUNTY.

These are to certify that *A.B.* of _____ and *C.D.* of _____ being minded, as it is said, to enter into the contract of marriage, and being desirous of having the same duly solemnized, the said *A.B.* (or *C.D.*) has made oath, as required by law, that he (or she) believes that there is no affinity, consanguinity, precontract, or any other lawful cause or legal impediment, to bar or hinder the solemnization of the said marriage, and that said *A.B.* or *C.D.* (or both, as the case may be), has, (or have) had his (or her, or their) usual place of abode, for the space of fifteen days last past, within the city, (county or district) of _____ namely, in the township (town or village) of _____ in the said county (or district of _____) and that the said *A.B.* and *C.D.* are of the full age of eighteen years.

[Or that *A.B.* or *C.D.* is a widower or widow ; or is under the age of eighteen years, and that the consent of *E.D.* whose consent to said marriage is required by law, has been obtained ; or that the father of the (*party under age*) is dead, no guardian of the person of the said (*party*) has been appointed, and the mother of the said (*party*) is dead and there is no person having authority to give consent to said marriage (*as the case may be*).]

These are therefore to certify that the requirements of *The Act respecting Solemnization of Marriages* has been complied with and such marriage may be solemnized in the county of _____ (*naming the county or district within which it is intended that the marriage shall be solemnized*).

Given under my hand and seal at _____ this _____ day of _____ in the year of Our Lord 18____, and in the _____ year of Her Majesty's _____

G.H.

Issuer (or Deputy issuer) of Licenses.

Issued from the Office of the Provincial Secretary for the Province of Ontario this _____ day of _____ 18____.

K.L.,

Provincial Secretary.

R.S.O. 1887, c. 231, Sched. A.

R.S.O. 1887, c. 131, Sched. A., and Bill 180.

SCHEDULE C.

(Section 7.)

FORM OF CERTIFICATE FOR MARRIAGE WITHOUT BANNS, WHERE NEITHER OF THE PARTIES HAS RESIDED FOR FIFTEEN DAYS NEXT PRECEDING IN THE COUNTY.

There are to certify that *A.B.* of _____ and *C.D.* of _____ being minded, as it is said, to enter into the contract of marriage, and being desirous of having the same duly solemnized, the said *A.B.* (or *C.D.*) has made oath that he (or she) believes that there is no affinity, consanguinity precontract, or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage, and having also otherwise made oath as required by law.

These are therefore to certify that the requirements of *The Act respecting the Solemnization of Marriages* have been complied with.

Given under my hand and seal at, etc., (*as in preceeding form.*)

G.H.

Issuer (or Deputy issuer) of Licenses.

Issued, etc.

K.L.

Provincial Secretary.

R S.O. 1887, c. 131, Sched. B.

SCHEDULE D.

(Section 17).

FORM OF AFFIDAVIT.

I *A. B.* of the _____, in the County of _____ (*Addition*) make oath and say as follows :—

1. I and *C. D.* of _____, in the County of _____ (*Addition*) are desirous of entering into the contract of marriage, and of having our marriage duly solemnized at the town (*or village, etc.*) of _____ in the County (*or district*) of _____

2. According to the best of my knowledge and belief, there is no affinity, consanguinity, prior marriage or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage.

3. I (*or the said C. D. or both, as the case may be*) have (*or has*) had since the _____ day of _____ my (*or his or her or our*) usual place of abode within the municipality of _____ in the said County (*or district*). *Or if neither of the parties has, for the space of fifteen days immediately preceding the issue of the certificate or license, had his or her usual place of abode in the county or district in which it is intended that the marriage shall be solemnized, add as follows :—*The reason of procuring the marriage to be solemnized in _____ is not in order to evade due publicity or for any other improper purpose.

4. I am of the age of _____ years, and the said *C. D.* is of the full age of 18 years (*or the said C. D. is of the age of _____ years or over*).

5. I am a bachelor (*or widower*), and the said *C. D.* is a spinster (*or widow*).

6. (*If either party be under 18 and not a widower or widow, add*): *E. D.* of _____, in the county of _____ is the person whose consent to the said marriage is required by law, and the said *E. D.* consents to the said marriage. The paper writing hereto annexed marked "A" is the consent of the said *E. D.* to the said marriage, and the signature thereto is of the proper handwriting of the said *E. D.*

7. The said *E. D.* is the father of the said *C. D.* [*or the said E. D. is the mother [or guardian duly appointed] of the said C. D., and the father of the said C. D. is dead (or the father and mother of the said C. D. are both dead and no guardian of the said C. D. has been appointed)*].

A. B.
Sworn before me, etc.,
G. H.

Issuer of Licenses.

[NOTE: The form will be varied as the circumstances of the case may require].

SCHEDULE E.
(Sections 24 and 25).
REGISTER OF MARRIAGES.

	BRIDEGROOM.
His Name.	
Age.	
Residence when Married.	
Place of Birth.	
Bachelor or Widower (B. or W.)	
Occupation.	
Religious Denomination of Bridegroom.	
Names of Parents.	
	BRIDE.
Her Name.	
Age.	
Residence when Married.	
Place of Birth.	
Spinster or Widow (S. or W.)	
Religious Denomination of Bride.	
Names of Parents.	
Whether Married by License or Banns (L. or B.)	
SIGNATURES	
of Bridegroom	.....
of Bride	.....
of Witnesses.	.....
	Residence

	Residence

I certify the above named parties were married by me at *St. Mark's Church, Toronto*, in the County of *York*, this _____ day of _____ A.D. 18 .

Rector of St. Mark's Church, Toronto.
Bill 180.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to consolidate The Acts respecting
the Solemnization of Marriage.

First Reading, 27th March, 1896.

The ATTORNEY-GENERAL.

TORONTO:

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

An Act to amend The Municipal Act.

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

1.—(1) All proceedings, regulations and penalties provided
 5 by *The Consolidated Municipal Act, 1892*, and amendments thereto, for the conduct of municipal elections and for voting upon municipal by-laws, so far as the same are applicable and except in so far as is herein otherwise provided, shall apply
mutatis mutandis to the taking of every vote which municipal
 10 councils may lawfully from time to time submit to the duly qualified electors entitled to vote for members of such councils, and to all officers and other persons engaged in taking such vote; and municipal councils are authorized from time to time to submit to the duly qualified ratepayers any question
 15 or questions as may from time to time be brought before the councils and on which they may deem it wise to have the opinion of the electors.

Provisions applicable on submitting questions to municipal electors.

(2) The persons qualified to vote upon the questions from
 time to time submitted shall be the persons entitled to vote at
 20 municipal elections in the municipality.

Qualification of voters.

(3) No person shall vote more than once upon any question
 submitted.

None to vote more than once.

(4) The submission of any question from time to time shall
 be in pursuance of a by-law of the municipal council of such
 25 municipality, which by-law shall set out the nature of the question to be submitted, the time for taking the vote upon the said question, and a time and place at which the clerk of the municipality shall sum up the number of votes given in favour of deciding the question in the affirmative and the
 30 negative respectively, and the time and place for the appointing of agents who may attend at the various polling places

Mode of submitting questions.

and at the final summing up of the votes by the clerk of the municipality on behalf of the persons desiring to procure an answer in the affirmative and negative respectively to the said question; and the said by-law shall also fix the polling places where the votes may be recorded upon such question. 5

Oaths of voters.

(5) The oath or affirmation which is to be administered to persons claiming the right to vote upon the said question shall be in the form set forth in schedule A hereto, and every deputy returning officer who shall preside at any polling place during the taking of any such vote is hereby authorized and 10 required, upon the request of any person entitled to be present at such polling place, to administer the said oath or affirmation to every person claiming such right, and if any such person shall refuse to take such oath or affirmation, his vote shall not be received. If the deputy returning officer receives such vote 15 or causes the same to be received, he shall incur a penalty of \$200 for every such offence.

Counting votes.

(6) Immediately after the close of the poll in every polling place the deputy returning officer shall, in the presence of the persons authorized to be present, count the votes given "Yes" 20 and "No" on the said question, and shall make up into separate packets sealed with his own seal and the seals of such of the persons authorized to be present as desire to affix their seals, and mark upon the outside with a short statement of the contents of each such packet, the date, the name of the deputy 25 returning officer and the ward and polling subdivision;

(a) A statement showing:

(1) The votes given "Yes" on the said question.

(2) The votes given "No" thereon.

(b) The used ballot papers which have not been objected to 30 and have been counted.

(c) The ballot papers which have been objected to but which have been counted.

(d) The rejected ballot papers.

(e) The spoiled ballot papers. 35

(f) The unused ballot papers.

(g) A statement of the number of voters whose votes are marked by the deputy returning officer under the heads "Physical inability" and "Unable to write," with the declarations of inability. 40

(h) The voters' list, with the oath of the deputy returning officer, in accordance with schedule G to *The Municipal Act* and the notes taken of objections made to ballot papers found in the ballot box.

(7) No spirituous or fermented liquors or strong drink shall be sold or given at any hotel, tavern, shop or other place within the limits of a polling sub-division during the polling day, under a penalty of \$100 for every offence, and the offender shall be subject to imprisonment, not exceeding six months, at the discretion of the court or judge, in default of payment of such fine.

Intoxicating liquors not to be sold on day of voting.

2. Section 79 of the said Act is amended by adding the following proviso thereto :

55 V. c. 42, s. 79, amended.

10 " Provided, however, that in cities of over 100,000 inhabitants, the right of voting at municipal elections shall belong to all persons of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, whose names are upon the revised assessment roll of the municipality upon which
15 the voters' list used at the election is based (except those rated for statute labor under section 88 of *The Assessment Act*) and having received no reward, and having no expectation of reward for voting."

Qualification of voters at elections.

3. Section 255 of the said Act is amended by adding thereto the following proviso :

55 V. c. 42, s. 255, amended.

" Provided however, that in cities of over 100,000 inhabitants the council, instead of appointing an assessment commissioner, as herein provided, may appoint three or more assessment commissioners, as may be necessary to make the
25 assessment for such cities, and such commissioners shall constitute a board of assessors, and shall possess all the powers and perform the duties of assessors and assessment commissioner appointed under the last two preceding sections."

Appointment of assessment commissioners in cities of over 100,000.

SCHEDULE A,

Section 1.

(1) You swear, or solemnly affirm, that you are the person named, or intended to be named, by the name of _____, in the list of voters now shown to you.

(2) That you are a natural born, or naturalized, subject of Her Majesty, and of the full age of twenty-one years.

(3) That you have not voted before during the taking of this vote, either at this or at any other polling place.

(4) That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you now tender.

(5) That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce

you to vote upon the taking of this vote, or for loss of time, travelling expenses, hire of team, or any other service connected with the taking of this vote.

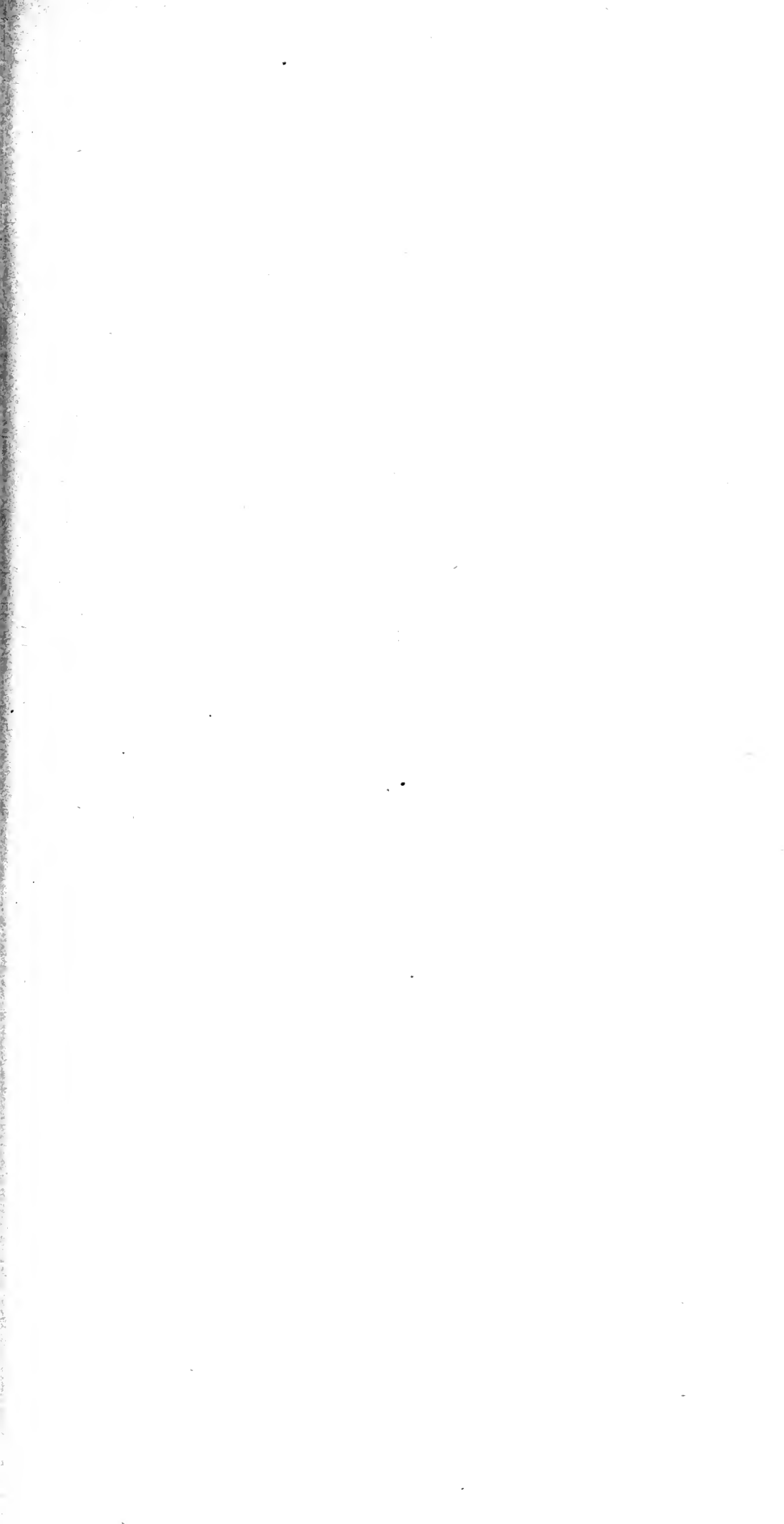
(6) And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote, or to refrain from voting, upon the taking of this vote.

(7) (In case of an unmarried woman or widow claiming to vote.) That you are unmarried (or a widow, as the case may be).

(8) (In the case of a voter claiming the right to vote as a freeholder.) That you are in your own right (or your wife is) a freeholder within this municipality.

(9) (In the case of a person claiming the right to vote as a householder or tenant.) That on the day of 18 (the day certified by the clerk of the municipality as the date of the return, or of the final revision and correction of the assessment roll upon which the voter's list used for the purpose of taking the vote is based) you are actually, truly and in good faith possessed to your own use and benefit as tenant or occupant of the real estate in respect of which your name is entered on the said list; that you are (or your wife is) a householder or tenant within this municipality, and that you have been resident within the municipality for one month next before the present date.

(10) (In the case of a person claiming the right to vote in respect of income.) That on the day of 18 (the day certified by the clerk of the municipality as the date of the final revision and correction of the assessment roll upon which the voter's list used for the purpose of taking the vote is based), you were, and thenceforward have been continuously, and still are, a resident of this city, and that at the said date, and for twelve months previously, you were in possession of an income from your trade, office, calling or profession, as the case may be, of a sum not less than four hundred dollars.



No. 204.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Municipal Act.

First Reading, 27th March, 1896.

Mr. RICHARDSON.

TORONTO :

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

An Act to confirm an Agreement relating to Osgoode Street, Toronto.

WHEREAS, an agreement has been entered into by the Law Preamble.
Society of Upper Canada, the Corporation of the City
of Toronto, Her Majesty the Queen, represented by the Hon-
ourable the Minister of Militia and Defence, and Her Majesty
5 the Queen, represented by the Honourable the Minister of
Public Works for Ontario, with respect to the closing of
Osgoode street in the said city, and it is expedient that the
same should be confirmed ;

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

The said agreement, a copy of which is set forth in the Agreement
schedule to this Act, is hereby confirmed and declared to be confirmed.
valid and binding, and the several parties thereto are hereby
15 authorized as required to carry out the same according to the
true intent and meaning thereof.

SCHEDULE.

This indenture, made the 26th day of March, A.D., 1896,
between The Law Society of Upper Canada, hereinafter called
the Law Society, of the first part ; the corporation of the
city of Toronto, hereinafter called the city, of the second
part ; Her Majesty the Queen, herein represented by the
Honourable the Minister of Militia and Defence, hereinafter
called the Dominion Government, of the third part ; and Her
Majesty the Queen, herein represented by the Honourable the
Commissioner of Public Works of Ontario, hereinafter called
the Ontario Government, of the fourth part.

Whereas the Dominion Government procured a site for the erection of a drill hall immediately north of Osgoode street, in the city of Toronto, between Chestnut street and University Street, and have thereon erected a drill hall.

And whereas for the more convenient drilling of troops and other purposes connected with such drill hall, the Dominion Government have requested that Osgoode street be closed as a public street, and enclosed within the drill hall grounds, in order that such grounds may be enlarged thereby.

And whereas the Law Society, the city and the Ontario Government are willing that the request of the Dominion Government should be complied with, upon the terms and conditions hereinafter contained.

Now, this indenture witnesseth that the Law Society and the Ontario Government hereby give consent that the city of Toronto may pass a by-law closing Osgoode street as a public street, and allowing the Dominion Government to enclose the same by extending the fences erected, or to be erected, around the said drill hall grounds, so that the same may cross said street on the line of the west side of Chestnut street, and the line at the east side of University street, subject, however, to the following conditions, agreements and reservations.

(a) That the said street shall at any time, upon the written request of any of the parties hereto, be re-opened as a public street, and the said fences, or any other fences or enclosures thereof, removed; and the city shall, upon such request, pass all necessary by-laws and do all necessary things in that behalf.

(b) That the fences or other enclosures which may from time to time enclose said street shall be of design to be approved of by the Law Society and the Ontario Government, and the Dominion Government shall make and maintain proper gates with proper roadways and footpaths to allow the Law Society and the Ontario Government, their tenants and servants, and all other persons authorized in that behalf, by the said Law Society and the Ontario Government, or either of them, at the will and pleasure of the Law Society and the Ontario Government for all purposes connected with or incidental to the Law Society and its affairs, and the courts and business carried on in Osgoode Hall, and other matters connected with or incidental to the occupation or use of Osgoode Hall and its grounds from time to time, to pass and re-pass, with or without horses, carts, waggons, carriages, and other vehicles and things, to and from the grounds of Osgoode Hall, but so far as horses and carriages are concerned only upon the space now defined as Osgoode street.

(c) That, under joint regulations to be established by the Minister of Militia and Defence and the Law Society, members of the Law Society and law students shall from time to time, when the space south of the drill hall, in-

cluding Osgoode street, is not required for the purposes of the drilling of troops, or other purposes connected with the Drill Hall be allowed to use the said space for recreation purposes, such use to be at all times subject to the prior requirements connected with said drill hall.

(d) No fence or other erection to be placed upon Osgoode street other than the fences enclosing the same above referred to.

This agreement shall not take effect unless and until the same has been confirmed by an Act of the Legislature of Ontario.

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

In presence of

BILL.

An Act to confirm an Agreement relating
to Osgoode Street, Toronto.

First Reading, 27th March, 1896.

Mr. HARTY.

TORONTO:

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

An Act respecting the Estate of the late James
Staveley of Clinton.

WHEREAS, one James Staveley of the town of Clinton, Preamble.
departed this life on the 7th November, in the year of
our Lord 1892, being at the time of his death possessed of a large
amount of property; and whereas an action was instituted in
5 the High Court of Justice for administration of the said estate;
and whereas it was determined and adjudged in the said action
that the said property had escheated to Her Majesty for the
use of the province; and whereas it appears that Francis E.
Thompson, Mary E. Campbell and Carrie A. Sibley have a
10 claim to be considered in the disposition of the said estate;
and whereas it is expedient that a portion of the said estate
should be granted to the said persons above named, and that
a portion should also be applied for the purpose of erecting
and maintaining a hall or other public building in the said
15 town of Clinton, in which the said James Staveley had lived
for the last years of his life.

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

- 20 **1.**—(1) Out of the moneys derived from the estate of the
said James Staveley, the Lieutenant-Governor in Council may
grant to the said Francis E. Thompson, Mary E. Campbell and
Carrie A. Sibley, the sum of \$6,000 each.
- Lieutenant-Governor may make grant to certain persons out of estate of James Staveley.
- 25 **2.** A further grant not exceeding \$10,000 may be made out
of the said moneys to the town of Clinton, to be used (subject
to such terms and conditions as the Lieutenant-Governor in
Council may prescribe), for the purpose of erecting and main-
taining in or near the said town a building or buildings for
the use of the public, such building or buildings being of such
30 public character and for such public purposes as the Lieuten-
ant-Governor in Council may approve.
- Power to make grant to town of Clinton for public buildings.

No. 206.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting the Estate of the late
James Staveley of Clinton.

First Reading, 27th March, 1896.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. GARROD,
Printer to the Queen's Most Excellent Majesty.

No. 207.]

BILL.

[1896.

An Act respecting Building Societies.

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

5 **1.** It shall not be lawful for any permanent society, incor-
porated under the provisions of the Revised Statute respect-
ing Building Societies, to make loans or advances to the share-
holders of such societies on the security of any shares of fixed
or capitalized stock of such society.

Permanent
building
societies not
to loan money
on their own
shares.

No. 207.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting Building Societies.

First Reading, 30th March, 1896.

Mr. GIBSON,
(*Hamilton.*)

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 208.]

BILL.

[1896.

An Act respecting the Industrial Refuge for Girls.

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

1. The Lieutenant-Governor, in his discretion, may at any
5 time, and from time to time, order any girl confined in the Industrial Refuge for girls, and committed thereto under any Act
of the Legislature of this Province, to be transferred to any industrial school duly certified under the provisions of *The Industrial Schools Act*, to be maintained and cared for under
10 the provisions of the said Act; and such transfer shall be on such terms as to payment for maintenance as may be agreed upon; and the Lieutenant-Governor may also order such girl to be re-committed to the said Refuge, and thereupon she shall be detained therein under her original sentence, as if such
15 transfer to an Industrial School had not taken place.

Lieutenant-Governor may transfer girls from Refuge to an industrial school.

Rev. Stat. c. 234.

No. 208.

2nd Session, 8th Legislature, 59 Vict., 1896

BILL.

An Act respecting the Industrial Refuge for
Girls.

First Reading, 30th March, 1896.

MR. GIBSON,
(Hamilton).

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

The Municipal Amendment Act, 1896.

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

1. Sub-section 1 of section 22 of *The Consolidated Municipal Act, 1892*, is amended by inserting after the word “taxation” in the sixteenth line thereof the words “assessment, improvements,” and by adding at the end of said sub-section 1 the following words: “And the Lieutenant-Governor in Council may also by such proclamation provide that the territory so added or to be added to the city or town shall, for a period of time to be mentioned in the proclamation, continue to form part of the electoral division for the purposes of elections to the Legislative Assembly of which it had theretofore formed a part.” 55 V. c. 42, s. 22, sub-s. 1, amended.
2. Sub-section 2 of section 77 of the said Act is amended by striking out the words “twenty-one years or upwards of” in the fifth and sixth lines thereof. 55 V., c. 42 s. 77 subs. 2, amended.
3. The said Act is hereby amended by adding thereto the following as section 107*a* thereof :—
- 107*a*.—(1) The council of any city may by by-law to be passed not later than the 15th day of September in any year enact that the meetings of electors for nomination of candidates for the office of mayor and alderman shall be held on the 20th day of December, or on the 21st day of December when the 20th day of December happens to be on a Sunday, and that in case a poll is duly required the polls shall be opened in the manner provided in this Act, on the 1st day of January next thereafter, except when the 1st day of January falls on a Sunday, in which case the polls shall be opened on the 2nd day of January. By-law providing for holding nominations on 24th December and polling on 1st January.

Application of other provisions relating to elections. (2) All the other provisions of law relating to municipal elections not inconsistent herewith shall apply to elections in such cities.

By-law to remain in force until repealed by by-law. (3) Such by-law shall remain in force until repealed by law, to be passed not later than the 15th day of September in any year. 5

55 V. c. 42, amended. 4. The said Act is amended by inserting therein the following as section 110a.

Hour for holding nominations of councillors in townships. 110a. Notwithstanding anything in sections 109 and 110 of this Act contained, the council of any township not divided into 10 wards, may by by-law provide that the nomination for reeve, deputy reeve and councillors, may be held at one o'clock in the afternoon, and the council of any township divided into wards, may by by-law provide that the nominations for councillors may be held at one o'clock in the afternoon instead of 15 at the hours and times in the said sections mentioned.

55 V., c. 42, s. 155, amended. 5. Section 155 of the said Act, is hereby amended by adding after sub-section (3) thereof the following as sub-section (3a):—

Duties of deputy returning officers as to returning ballots, etc., to clerk. (3a) In cities and towns each deputy returning officer shall, 20 as soon as the duties enumerated in sub-sections (1) and (2) of this section shall have been performed, or in case of his illness or inability as aforesaid, the person chosen by him shall forthwith proceed directly from the polling booth to the office of the clerk of the municipality with the ballot box and the said packets, and 25 there deliver the same, personally, and forthwith on the same day, and as soon as is possible after leaving the booth, to the clerk of the municipality; and no deputy returning officer in a city or town shall under any circumstances take the ballot box or packets, or allow the same to be taken to his home, or house, 30 or office, or place of business, or to any house or place whatsoever other than the office of the clerk of the municipality. And for any breach of the provisions of this sub-section a deputy returning officer shall incur the penalties provided in sections 167 and 168 of this Act. The returning officer 35 shall remain at his office on the evening of polling day until the said boxes have been so returned to him. Nothing in this subsection shall prevent any deputy returning officer from doing what shall be necessary to make the declaration heretofore provided for in sub-section 2 of said section. 40

55 V. c. 42 s. 167 subs. c, amended. Personation. 6.—(1) Sub-section (c) of sub-section 1 of section 167 of the said Act is amended by adding thereto, after the word "name" in the sixth line thereof, the following words, "or advise or abet, counsel or procure any other person so to do."

55 V. c. 42 s. 210 subs. 2, repealed. (2) Sub-section 2 of section 210 of the said Act is hereby re- 45 pealed.

7. *The Consolidated Municipal Act, 1892*, is amended by inserting therein the following as section 198a.

198a.—(1) In any case where an election has been held invalid owing to the improper refusal of the returning officer or deputy returning officer to receive ballots tendered by duly qualified electors, or to give ballot papers to duly qualified electors, the judge may, in his discretion, order the costs of the proceedings to unseat the person declared elected, or any part thereof or any other costs, to be paid by the respondent or by such returning officer or deputy returning officer.

Where election has been declared in valid owing to refusal to permit qualified persons to vote.

(2) Nothing in this section contained shall affect any right of action against such returning officer or deputy returning officer nor be deemed to relieve such returning officer or deputy returning officer from any penalty to which he may be liable under the provisions of the said Act.

8. Section 223 of the said Act is hereby amended by striking out the word "third" in the third line thereof and substituting therefor the word "second."

55 V. c. 42, s. 223, amended.

9. Section 284 of the said Act is hereby amended by adding at the end thereof the following words: "But no council of any local municipality shall, after the 31st day of December in the year for which the members were elected, pass any by-law or resolution for the payment out of money or which involves directly or indirectly the payment of money, nor shall they enter into any contract or obligation on the part of the municipality, nor appoint to or dismiss from office any officer under the control of the council, or do any other corporate act after said day except in case of extreme urgency. But the council may do any necessary business before the 31st day of December, which may, having regard to the circumstances be done at such time, and which by the said Act they are now authorized to do at their last meeting."

Certain acts not to be done by councils after 31st December.

10. Section 405 of the said Act is hereby amended by inserting after the word "same" where it first appears in the sixth line thereof the words: "and by the clerk of the municipality," and by adding thereto the following sub-section:—

55 V. c. 42, s. 405, amended.

405 (a) The coupons attached to every such debenture issued by any municipal corporation other than a city shall each be signed by the head of the municipality and the treasurer of the corporation.

Execution of debenture coupons.

11. Section 436 of the said Act is amended by adding the following to sub-section 2 thereof:—

55 V. c. 42, s. 436, sub-s. 2, amended.

2 (b) And may pass by-laws for regulating the hours of labor of persons employed in livery or boarding stables, and by the owners of horses, cabs, carriages, carts, trucks, sleighs, omnibusses and other vehicles kept for hire within the said city, and for licensing drivers of cabs within said city.

Regulating hours of labor in livery stables, etc.

55 V., c. 42,
s. 444,
amended.

12. The following shall be added to section 444 of the said Act, as sub-section 1:—

Indemnify-
ing police
officers.

(1) The council may in its discretion appropriate any sum necessary and pay for the protection, defence or indemnification of members of the police force in proper cases, where suits or prosecutions are brought against such members of the force, and costs are necessarily incurred and damages recovered, and where the Board of Commissioners of Police certify to the council that the case is a proper one for such payment or indemnity. 5 10

55 V., c. 42,
s. 479 sub-
sec. 15,
amended.

13. Sub-section 15 of section 479 of the said Act is amended by striking out all that portion thereof after the word "land" in the seventh line and substituting therefor the following words:—"in or adjacent to the municipality for the purpose of providing an outlet for any sewer or of establishing works or basins for the interception or purification of sewage and for making all necessary connections therewith, but subject always to the payment of compensation to persons who may suffer injury therefrom and to any restrictions and liabilities imposed by this Act in that respect or otherwise." 15 20

55 V. c. 42 s.
481, amended.

14. Section 481 of the said Act is amended by adding thereto the following sub-section:—

Rewards for
detection of
personaters.

(1) The council of any municipality may offer and pay a reward or rewards for the discovery, apprehension and conviction of any person or persons guilty of personation, as defined in the said Act. 25

53 V., c. 42,
s. 487, sub-s. 1
amended.

15. Sub-section 1 of section 487 of the said Act is amended by inserting the words "or town" after the word "city" where it occurs in the fifth and eleventh lines of the said sub-section. 30

55 V. c. 489
subs. 1,
amended.

16. Sub-section 1 of section 489 of the said Act is amended by adding thereto the following as paragraph (d):

Polling places.
55 V. c. 489
subs. 1,
amended.
Uniting
polling sub-
divisions.

(d) The council of any city having a population of over 100,000 may, by by-law, amalgamate, for voting at municipal and school trustee elections and upon questions submitted to the electors by the council, two polling sub-divisions into one division, with one polling place therefor, and may by such by-law provide that three or less of such polling places shall be in a public school house or public building belonging to or controlled by the municipality in, or conveniently near to, such polling sub-divisions; and where any school house shall be so used the council shall forthwith pay to the public school board a sufficient sum to cover any damage to the same and any expense for cleaning or otherwise caused by such use. But no such school house shall be so used or taken without the consent first had and obtained of the board of school trustees. 35 40 45

The board of police commissioners or the chief of police for such city shall cause a police constable to attend at each such polling place in a school house or public building where an election is being held, to perform the duties required by this Act of a constable appointed for that purpose by the returning officer.

17. Sub-section 38 of said section 489, as amended by the 23rd section of *The Municipal Amendment Act, 1895*, is hereby further amended by striking out the words "in any case where it is so far as known to said officer or other member of the police force a first or second arrest for such offence," in the seventh and eighth lines thereof.

55 V. c. 42 s.
489 subs. 38,
amended.
Arrests for
drunkenness.

18 Sub-section 3 of section 495 of the said Act is amended by inserting the word "pedlars" after the word "hawkers" in the first line thereof; by inserting after the words "silver-ware," where they occur in the fourth line of said paragraph, the words "furniture, carpets, upholstery and millinery," and by adding after the word "force" in the ninth line thereof the following words, "which license fee for a city of over 100,000 inhabitants shall not be more than \$50 for a two-horse wagon, \$30 for a one-horse wagon, \$15 for a push-cart and \$1 for one carrying a basket."

55 V. c. 42 s.
495 subs. 3,
amended.
License fee
for hawkers
and pedlars.

19. Sub-section 6 of section 503 of the said Act is hereby amended by adding thereto the following words:—Provided always, that farmers and other producers may sell such produce and articles, except meat, at stores and shops in the municipality at any hour of the day.

55 V. c. 42, s.
503 ss. 6, re-
pealed.

20. The paragraph commencing with the word "Firstly" in section 505 of the said Act is amended by striking out the words "three months" in the seventh line thereof, and substituting therefor the words "one month."

55 V., c. 42, s.
505, amended.

21. The following shall be added to section 505 of the said Act as Article Fourthly:—

55 V. c. 4, s.
505, amended.

Fourthly: Provided further that any such city may, upon the recommendation of the water commissioners, under a by-law or by-laws to be passed by a vote in favor thereof of three-fourths of all the members of the council, and without the consent and approval of the Lieutenant-Governor in Council thereof, raise by the issue of debentures of the municipality in any year or years, to be applied exclusively for the extension and improvement of such waterworks as mentioned in article 3 of this section, the sums following, that is to say:—

Debentures
for extension
and improve-
ment of water-
works.

Any city with a population of 30,000 or less, a sum not exceeding \$6,000 per annum.

Any city with a population of more than 30,000, a sum not exceeding \$10,000 per annum.

55 V., c. 42, s. 525, amended.
Freehold of certain road allowances vested in Crown.

22. Section 525 of the said Act is hereby amended by inserting therein immediately after the word "law" in the third line thereof the words: "And every road allowance reserved under original survey along the bank of any stream or the shore of any lake or other water." 5

55 V. c. 42 s. 531, sub-s. 1, amended.

23.—(1) Sub-section 1 of section 531 of the said Act, as amended by section 13 of *The Municipal Amendment Act, 1894*, is further amended by adding therein immediately after the word "accident" in the 12th line of said section 13 the words "when the action is against a township, and within seven days when the action is against a city, town or incorporated village," and by striking out of said section 13 all the words thereof after the words "maintenance of the action" where they appear in the 14th line thereof. 10 15

(2) The amendments provided for by sub-section 1 of this section shall apply to and affect causes of action only which shall arise or accrue after the passing of this Act, and shall not apply when the accident has occurred, or the injury has been received, or the damages have been sustained prior to the coming into force of this Act, nor shall it apply to or affect pending litigation. 20

V. c. 42, s. 531, amended.

24. The following shall be added to section 531 of the said Act as sub-section 8 thereof:— 25

Actions for negligence in non-repair of highways, etc.

(8) In any case where an action may be brought against a municipal corporation by any person who has suffered damage by reason of the default by the municipality in keeping any public road, street, bridge or highway in repair as provided by sub-section 2 of this section, no action shall be brought in respect of, or to recover such damage, or any part thereof, against any member of the council, officer, or employee of the municipality personally, but the remedy shall be, lie and be had wholly against the municipality; but nothing in this sub-section contained shall apply to or affect pending litigation or prevent any action from being brought or maintained by any municipality against any officer or employee for negligence or misconduct, or for any act of omission or commission in breach of his duty as such officer or employee. Where any such action has heretofore been brought against any such officer, member or employee, the municipality may assume the same or the defence thereof, and may pay any damages or costs for which such officer, member or employee may be or has become liable in respect thereof; this sub-section shall not extend to or include a mere contractor with the corporation, nor any such member of council, officer or employee who is such contractor, and by reason of whose act or neglect the damage was caused. 30 35 40 45

25.—(1) Nothing contained in section 531 of the said Act shall cast upon a municipal corporation any obligation or liability in respect of acts done or omitted to be done by persons, companies or corporations, other than such municipal corporation, acting in the exercise of powers or authorities conferred upon them by law, and over which such municipal corporation has not control, when the municipal corporation is not a party to such acts or omissions and when the authority under which such persons, companies or corporations have acted or shall act is not by by-law, resolution or license of the municipality.

Corporation not responsible for acts of others in non-repair of highways.

(2) No municipal corporation shall be liable for damages for injuries sustained through the unsafe condition of any sidewalk, highway or street during construction or repair unless negligence or the use or employment of improper methods on the part of the corporation in and about such work be established.

26. Section 533 of the said Act, is hereby amended by adding thereto the following sub-section.

55 V. c. 42, s. 533, amended.

20 (a) Any county council may, at the expense of the county, make, maintain or improve any township, town or village road or highway which runs into any county road, and may grant such sum or sums from time to time for the said purpose, as they may deem expedient.

Maintenance, etc., of roads in local municipalities by county councils.

27. Section 546 of the said Act is hereby amended by adding thereto the following sub-section:—

55 V. c. 42, s. 546 amended.

30 3.—(a) In the case of road allowances reserved under original surveys along the bank of any river or stream or the shore of any lake or other water any such by-law shall not have force or effect until after the approval thereof by the Lieutenant-Governor in Council.

Approval by Lieutenant-Governor of by-laws affecting certain highways.

28. Section 550 of the said Act is hereby amended by adding to sub-section 9 thereof the following:—

55 V. c. 42, s. 550 amended.

35 “ But, in the case of road allowances reserved under original surveys along the bank of any river or stream or the shore of any lake or other water, such by-law shall be of no effect unless and until the same shall have received the sanction of the Lieutenant-Governor in Council.

29. Section 554 of the said Act is hereby amended by adding thereto the following sub-section.

55 V., c. 42, s. 554, amended.

45 (b) The council of any county municipality, may pass by-laws for granting aid to any town, township or village municipality in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication passing from or through any township, town or village municipality into a county road.

Aid to local municipalities for construction or maintenance of road.

55 V., c. 42,
s. 566,
amended.

30. Section 566 of the said Act is hereby amended by adding thereto the following sub-section.

Aid towards
road improve-
ments in local
municipalities.

(8) For granting to any town, township or incorporated village in the county, aid towards improving any road, street, bridge or other public communication running into any county road of the county within which such local municipality is situate. 5

55 V. c. 42,
s. 613
amended.

31.—(1) Section 613 of the said Act is amended by striking out all the words after the word "property" in the third line of the first sub-section thereof and inserting in lieu thereof the words "immediately benefitted by such work or improvement." 10

55 V. c. 42,
s. 618, s-s. 5
amended.

(2) Sub-section 5 of section 618 of the said Act is amended by adding thereto the following words:

County judge
on appeals to
him to be
festricted
by by-law
fixing method
or ascertaining
property
liable.

Provided always that the said county judge shall not have the power, in case the assessment is duly made in accordance with a by-law for ascertaining and determining what real property is immediately benefitted by such work or improvement, to interfere therewith or alter the same unless and only so far as upon the evidence he finds them untruly measured, or by reason of other lands benefitted being brought into the scheme or assessed therefor or the proportion of assessment of corner lots, triangular or other irregular pieces of land situate at the inter-sections or junctions of streets, on appeal to him has to be modified or the share to be borne by the municipality in his judgment should be changed, or unless he shall find that the property in respect of which an appeal is brought cannot be benefitted by such work or improvement, and then in each such case shall only interfere with or alter the assessment of the said lineal frontage so far as necessary to carry into effect any of the changes his judgment makes in that regard. 15 20 25 30

55 V. c. 42 s.
618 subs. 6,
amended.

32. Sub-section 6 of section 618 of said Act is amended by adding thereto the following words, "And it shall not be necessary to submit to another Court of Revision the by-law for the actual cost of the work or improvement when such actual cost does not exceed the estimated cost as submitted to the Court of Revision by more than ten per cent. and where the proposed assessment has been regularly brought before a Court of Revision and the county judge, in case there has been appeal to such county judge, and the municipality has in force therein a by-law passed under the provisions of section 615 of this Act." 35 40

Local im-
provements.

Seizure of cat-
tle, etc., unfit
for human
food.

33. In cities of over 100,000 inhabitants the council may pass by-laws for authorizing the seizure of unslaughtered cattle, sheep, calves and hogs that have died on any railway car, or on any market, or within the municipality, in order to pre- 45

vent such animals from being used as food, and for disposing of the carcasses of such animals in such a way as not to produce any harm to the public health, and to secure to the owner such value as remains over and above the expenses incurred in disposing of such carcasses.

34.—(1) In cities of over 100,000 inhabitants, the police commissioners of such cities shall have the powers which are now possessed by the municipal council so far as they relate to licensing, regulating and governing persons keeping intelligence offices, transient traders, hawkers, pedlars or petty chapmen, auctioneers, owners of exhibitions of wax works, menageries, circus riding and other such like shows usually exhibited by showmen, roller skating rinks and other places of like amusement, exhibitions held or kept for hire or profit, bowling alleys and other places of amusement, persons who for hire or gain keep billiard or bagatelle tables, victualling houses and all other places for lodging, reception, refreshment or entertainment of the public, owners and keepers of stores and shops where tobacco, cigars or cigarettes are sold, milk venders, bill posters, and to pass by-laws to prevent the running at large of dogs and to provide for the killing of dogs running at large; and such police commissioners shall have full power to license, regulate and govern each person engaged in any of the businesses or employments hereinbefore set out, whether the full power to license, regulate and govern was heretofore possessed by such municipality or not, but the council shall continue to have the power to fix the fees to be paid for such licenses, and any moneys derived from such licenses are to be handed over by the police commissioners to the treasurers of such cities to form part of the revenue thereof.

Transferring
licensing
powers from
council to
police com-
missioners.

(2) The said police commissioners shall have the like powers in respect of any such business, as is now possessed by the municipal councils in reference to auctioneers under section 8 of *The Municipal Amendment Act, 1894*.

Auctioneers'
licenses.

57 V. c. 50.

35. In cities of over 100,000 inhabitants, the council thereof may by by-law set apart a street or streets on which horses may be driven or ridden more rapidly than is permitted upon the other streets of the city, and may from time to time pass by-laws for regulating and governing the use of such street for the aforesaid purposes. But if a majority of the property owners on any such street petition against such by-law, it shall be repealed.

Setting apart
streets for
fast driving.

36.—(1) In cities having a population of 100,000 or over there shall be a Board of Control to consist of the mayor and three aldermen, three of whom shall form a quorum. Such three aldermen shall, for the present year, be elected by the council at the second meeting after the passing of this Act, or in case of failure to elect at such meeting then within one

Constitution
of board of
control in
cities of
100,000.

week thereafter, and in subsequent years at the first meeting of the council for the year, or in case of failure to elect at such meeting then within one week thereafter.

Voting upon election of board. (2) Upon the election of the said three members of the Board of Control the names of all the candidates shall be submitted to the council and be balloted for at the same ballot, and each member of the council shall for the purpose of such election be entitled to as many votes as there are candidates to be elected, but he shall not give to one candidate more than one vote. 5 10

Who to preside at meetings of board. (3) The mayor when present shall preside at the meetings of the board, and in the absence of the mayor the board shall select one of their number to preside. In the event of a tie at the board the mayor shall have a second and casting vote. 10

Salaries of board. (4) The council may fix by by-law the salaries to be paid to the members of the Board of Control, but the same shall not exceed for each member the sum of \$700 per annum. 15

Term of office (5) The elective members of the Board of Control shall hold office for the remainder of the municipal year in which they are elected unless removed, but they shall, if members of the council, be eligible for re-election. In case any member of the board shall die, resign or become incapable of acting, the council may, at a meeting called for that purpose, elect a successor to hold office for the unexpired portion of the term of such member, or in case of the temporary absence, for more than one month, or inability to act of any such member, his place may be temporarily filled by the council. 20 25

Chairman of committee may be elected. (6) The election or appointment of any alderman as a member of the Board of Control shall not render him ineligible for election as chairman of any committee. 30

Removal of members of board. (7) The council at any time, after three days' notice in writing to each member of the council, may by an affirmative vote of two-thirds of the council present and voting, remove any member of the Board of Control other than the mayor, and may after such removal proceed to fill the vacancy thus created. But such removal and the filling of any vacancy shall take place only at a meeting specially called for such purpose. 35

Duties of board. **37.** It shall be the duty of the Board of Control:—

Preparing estimates. (1) To prepare an estimate of the proposed expenditure of the year and certify the same to the council for its consideration. The council shall not appropriate or expend nor shall any officer thereof expend or direct the expenditure of any sum or sums not included in or provided for by such estimates or in or by any special or supplementary estimates duly certified by the board to the council without the affirmative vote of two-thirds of the council present and voting authorizing such additional appropriation or expenditure. But this prohibition 40 45

shall not extend to the payment of any debenture or other debt or liability lawfully contracted and payable, nor to the interest thereon.

- (2) To prepare specifications for and award all contracts and Awarding contracts.
 5 for that purpose to call for all tenders for works, material and supplies, implements or machinery or any other goods or property required and which may lawfully be purchased for the use of the corporation, and to report their action to the council at its next meeting. The chairman or board shall require
 10 the presence of the head of department or sub-department with which the subject matter of such tender is connected upon the opening of any tenders, and of the city solicitor when required. Such head of department may take part in any discussion at the board relating to such tenders, but shall not be
 15 entitled to vote. The council shall not, unless upon an affirmative vote of at least two-thirds of the members of the council present and voting, reverse or vary the action of the Board of Control in respect of such tender and decision of
 20 the board thereon, when the effect of such vote would be to increase the cost of the work or to award the contract to a tenderer other than that one to whom the Board of Control has awarded it.
- (3) To inspect and report to the council monthly or oftener Inspecting municipal works.
 25 upon all municipal works being carried on or in progress within the city.
- (4) To nominate to the council all heads of departments and Nominating officers of corporation.
 sub-departments in case of any vacancy and, after a favorable report by the head of the department, any other officer of the corporation requiring to be appointed by by-law or resolution
 30 of the council, and any other permanent officers, clerks or assistants, and to recommend the salaries of all officers and clerks, and no head of department or sub-department or other permanent officer, clerk or assistant as aforesaid shall
 35 be appointed or selected by the council in the absence of such nomination without an affirmative vote of at least two-thirds of the members of the council present and voting, but the council may, by a majority vote, refer such nomination back to the Board of Control for reconsideration.
- (5) To dismiss or suspend any head of department and Suspension or dismissal of officers.
 40 forthwith to report such dismissal or suspension to the council. Where any head of department has been dismissed by the board he shall not be reappointed or reinstated by the council unless upon an affirmative vote equal to a majority of the whole council.
- (6) In the absence of any by-law of the council prescribing Controlling appointment and duties of subordinate officers.
 45 the mode of appointment of all or any other subordinate officers, clerks, assistants, employees, servants and workmen not included in the next two preceding sub-sections and required by any department or sub-department for the due and proper

discharge and performance of the duties and work thereof, the Board may by regulation or resolution direct by whom and in what manner such subordinate officers, assistants, employees, servants or workmen shall be appointed, engaged or employed.

5

Other duties. (7) To discharge all other duties heretofore assigned to or discharged by the existing Board of Administration under any by-law of the municipality.

Submission of by-laws, etc. (8) The board may, from time to time, submit proposed by-laws to the council, and where, in the opinion of the board it is desirable, may amalgamate departments or sub-departments. 10

Secretary of board. (9) The Board may appoint a secretary or clerk whose duty it shall be to keep minutes of all proceedings of the board and prepare all reports and other proceedings of the board and he shall perform such other duties and services as may be assigned to him from time to time by the board, the mayor or the council. 15

Council may impose other duties on board. (10) The council may by by-law or resolution impose upon or assign to the Board of Control such other duties as to the council shall seem meet. And the Board shall, when so required by resolution of the council, and upon one week's notice thereof, return copies of the minutes of its meetings to the council, and any other information in their possession which the council may require. 20

Referring back matters for reconsideration by board. (11) Nothing in this section contained shall prevent the council by a vote of the majority of the council present and voting, from referring back to the Board of Control any report, question, matter or thing for reconsideration. 25

Recording votes on action of board. (12) In all cases where it is sought in council to reverse, set aside or vary the action of the Board of Control or where a two-thirds vote of the members of the council present and voting is required for any purpose, the vote by yeas and nays shall be recorded in the minutes of the council. 30

School boards, etc., to send in estimates before 1st March. (13) The boards of the public, separate and high schools, of police commissioners, and the free library shall furnish to the said Board of Control their several and respective annual estimates on or before the first day of March in each year after the present year. 35

Certain officers not to be nominated by board. (14) Sub-section four of this section shall not apply to any member of the fire department, except the head thereof, nor to any assessor except the assessment commissioner, nor to the representatives of the council at or upon the harbor trust, or the board of any corporation to which the council is now or may hereafter become entitled to elect a representative, nor to the members of the court of revision. And nothing in this section contained shall deprive any head of department of the power to dismiss any subordinate officer, 40 45

clerk or employee, which he shall possess at the time of the passing of this Act under any by-law or otherwise.

(15) Notwithstanding anything in *The Consolidated Municipal Act, 1892*, contained, the duties herein assigned to the Board of Control shall be discharged exclusively by such Board, except in the cases provided for in sub-section eight of this section. Exclusive rights of board.

38. Where the council of a town or city is required by *The Consolidated Municipal Act, 1892*, to establish a police office, the council shall from time to time provide all necessary and proper accommodation, fuel, light and furniture for the same, and for all officers connected therewith. Furnishings, lighting, etc., of police offices. 55 V. c. 42, s. 432.

39. Nothing contained in the Act passed during the present session of this Legislature intituled, "*An Act revising and consolidating the Acts to Encourage the Planting and Growing of Trees*," shall render the municipal corporation of any city, town or village, liable to compensate the owner of property adjoining any public highway in the city, town or village for the cutting or trimming or removal of any tree upon such highway, further than as provided by sub-section 20 of section 479 of *The Consolidated Municipal Act, 1892*, provided that such cutting, trimming or removal is done under the provisions of a by-law duly passed in accordance with the powers conferred by the last mentioned Act.

40. Notwithstanding anything contained in *The Public Schools Act, The High Schools Act or The Public Libraries Act, 1895*, in cities of over 100,000 inhabitants, the chairman of the executive or finance committee of the council thereof, shall be entitled to sit with the public school board, the high school board and the public library board of management of such city, as a member thereof, when and so often as each of the said boards is considering and framing the estimates or sums necessary to be raised by way of taxation and paid for public school, high school, or public library purposes, respectively, for each year, and shall be entitled to take part in the discussion, but not to vote thereon. Mayor and chairman of finance committees in cities of over 100,000 may sit with school boards.

41. In cities or towns the council thereof may provide and maintain lavatories, urinals and water closets and like conveniences in situations where they deem such accommodation to be required, either upon the public streets or elsewhere, and may supply the same with water, and defray the expense thereof and of keeping the same in repair and good order. Maintaining public conveniences in cities of over 100,000.

42. This Act shall be read with and as a part of *The Consolidated Municipal Act, 1892*. Act incorporated with 55 V. c. 42.



2nd Session, 8th Legislature, 59 Vict, 1896.

BILL.

The Municipal Amendment Act, 1896.

First Reading, 31st March, 1896.

Mr. HARDY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

The Assessment Amendment Act, 1896.

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

1. Sub-section 1 of section 27, of *The Consolidated Assessment Act, 1892*, as the same is amended by section 2 of *The Assessment Amendment Act, 1895*, is further amended by striking out the word "cities" after the words "ten acres in" in the eighth line of the said sub-section. 55 V. c. 48, s. 27, sub-s. 1, 58 V. c. 47, amended.

2. The said *Consolidated Assessment Act, 1892*, is amended by adding thereto the following as section 52a:— 55 V. c. 48, amended.

(1) The council of any city having a population of over 100,000 inhabitants, instead of proceeding in the manner set forth in section 52 of this Act, may by by-law, or by-laws from time to time, provide for taking the assessment at any time prior to the 30th day of September, and may fix prior and separate dates for the return of the roll of each ward, or each sub-division of a ward, as defined in the said by-law or by-laws. Taking assessment by wards or sub-divisions in cities of 100,000 or over.

(2) The said by-law or by-laws shall also provide for holding a court of revision for hearing appeals from the assessments in each ward or sub-division, in the manner provided by this Act, upon the return of the assessment roll for such ward or sub-division. By-law to fix time for hearing appeals to court of revision.

(3) The county judge may sit from time to time throughout the year, for the purpose of hearing appeals from the Court of Revision upon the determination of appeals made to the court with respect to each roll, and the time for appeal to the Court of Revision shall be within five days after the return of the roll for each ward or sub-division of a ward, and the time for appealing from the Court of Revision to the county judge shall be within three days after the decision of the Court of Revision is given. Appeals to county judge.

- When revision by judge to take place and be completed. (4) The judge shall arrange to hear all such appeals from time to time throughout the year, within ten days after the sitting of the Court of Revision for each ward or sub-division of a ward, and shall complete his revision of the last of such rolls for the city by the 20th day of October, in each year. 5
- Adoption of assessment for following year. (5) The assessment so made and concluded may be adopted by the council of the following year as the assessment on which the rate of taxation for such following year shall be levied, and the taxes for such following year shall be levied upon the said assessment. 10
- When rolls not completed by 20th October. (6) Provided that when from any cause the final revision of the rolls for all the wards or sub-divisions in the city has not been completed by the 20th day of October, the council may adopt the assessment, when finally revised, as the assessment upon which the taxes for the following year shall be levied. 15
- Time for giving notice, etc. (7) In any city in which a by-law or by-laws have been passed under this section, the provisions of sections 64 and 68 of this Act, so far as the same relate to the time of appeal and notice thereof, shall not apply, but the clerk shall give notice to all parties appealing, or whose assessment or non-assessment is appealed against, at least five days before the sitting of the Court of Revision, such notice to be served upon the said party or left at his residence or place of business, or upon the premises concerning which such appeal arises, or addressed to such person through the post-office, but no advertisement of the court shall be necessary, and in case of appeals to the county judge, five days' notice of the day fixed for the county judge to hear such appeals shall in like manner be served as provided in the case of appeals to the Court of Revision. 25
- Application of 55 V. c. 48, ss. 64 and 68. (8) Provided that the provisions of the said sections 64 and 68, so far as the same are not inconsistent with the provisions of this section, shall apply to appeals made hereunder 30
- 55 V. c. 48, s. 56a, repealed. 4.—(1) Section 56a. of the said Act is repealed, but any Court of Revision heretofore appointed under the said section shall continue to hold office until after the organization of the city council for the year 1897, when a Court of Revision shall be appointed under the provision hereinafter contained. 35
- Constitution of court of revision in cities of 30,000 and over. Appointment of court of revision. (2) The following is substituted for the said section 56a :— 40
- 58 V. c. 43. 56a.—(1) The two next preceding sections shall not apply to any city having a population of 30,000 or more, but in every such city the Court of Revision shall consist of three members, one of whom shall be appointed by the city council, and one by the mayor, and the third member shall be the official arbitrator appointed for the city under *The Municipal Arbitrations Act*, except in cities where there is no such official arbitrator, and in those cities the sheriff shall be the third member. 45

(2) No member of said Court of Revision shall be a member of the city council or be an officer or employee of the city corporation. Who may not be members of court.

(3) In cities having a population of 100,000 or more each member of such Court of Revision shall be paid at the rate of not more than \$500 per annum for his services, and in cities of less than 100,000 the amount paid to each member shall not be more than \$300 per annum, and their remuneration shall be fixed by by-laws of the municipality in each case. Remuneration of members of court.

(4) The members of such court of revision shall be appointed as soon as practicable after the passing of this Act, and shall hold office for the current year and thereafter until their successors are appointed, but the mayor or council may each or either of them, after the organization of a new council and before the first day of March in each year, appoint a member of such court of revision in place of any member appointed by the mayor or council in a preceding year. When court to be appointed.

(5) Two members of any court of revision under this section shall form a quorum, and upon the death or resignation of any member of such court, a successor shall immediately thereafter be appointed by the authority which appointed the member so dying or resigning. In case of a vacancy in the office of sheriff the council shall temporarily appoint such third member, who shall hold office until the vacancy in the office of sheriff shall be filled. Quorum, filling vacancies.

5. The said Act is hereby amended by adding thereto the following section as section 119a :— 55 V. c. 48, s. 119, repealed.

119a.—(1) But, nevertheless, the council of any city or town may by by-law provide that the clerk shall make a collector' roll or rolls, as may be necessary, containing all the information required by this Act, to be entered by the collector therein; and in such roll or rolls he shall set down the name in full of every person assessed and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessments, and he shall calculate, and opposite the said assessed value as therein described of each respective person, he shall set down in a column the amount for which the person is chargeable, for all sums ordered to be levied by the council of the said municipality for the purposes thereof. Form and contents of collector's rolls.

(2) Appended to each and every such roll or rolls there shall also be a table setting forth the following information, viz :— Information to be given in rolls.
 (a) the total amount of taxes levied and collected under and by virtue of such roll or rolls; (b) the name and amount of each rate levied by the municipality which is required by law or by the by-law imposing it, to be kept distinct and accounted for separately, specifying the aggregate proceeds of each such rate so levied and collected.

55 V. c. 48, s. 123, amended. (3) Sub-section 1 of section 123 of the said Act is amended by adding at the end thereof the following :—

Particulars to be given on tax papers.

(a) The written or printed notice above mentioned shall have written or printed thereon, for the information of the ratepayer, a schedule specifying the different rates and the amount on the dollar to be levied for each rate, making up the aggregate of the taxes referred to in such notice. 5

Goods liable to distress for taxes.

6.—(1) In case of distress for the non-payment of taxes, where the owner or person assessed is not in possession, the goods and chattels on the premises not belonging to the person liable for the taxes shall not be subject to seizure; and possession by the tenant of said goods and chattels shall be sufficient *prima facie* evidence that they belong to him. 10

55 V. c. 48, s. 124, sub-s. 1, amended.

Distress for taxes.

7.—(1) Sub-section 1 of section 124 of the said Act is hereby amended by striking out the words “or of any goods or chattels found on the premises, the property of or in possession of any other occupant of the premises,” in the 12th, 13th and 14th lines of the said sub-section. But the goods and chattels of the owner of the premises found thereon shall be liable to distress for such taxes whether such owner is assessed in respect of such premises or not. 15 20

55 V. c. 48, s. 126, amended.

(2) Section 126 of the said Act is amended by striking out all the words of the said section after the word “land” in the sixth line thereof and substituting therefor the following words “in the same manner and subject to the same limitations as provided in section 124,” as amended by this section. 25

Paying rent to collector until taxes paid.

(3) Where taxes are due upon any premises occupied by a tenant who is not liable to pay the same, the collector may give such tenant notice in writing requiring him to pay the rent of such premises as it becomes due from time to time to such collector to the amount of the taxes due and unpaid and costs, and he shall have the same authority to collect such rent by distress or otherwise for the amount of such unpaid taxes and costs as the landlord of the premises would have; but nothing in this sub-section contained shall prevent the recovery of any portion of such taxes which may remain unpaid after applying any payment or payments that are made in the manner provided by law for the collection of taxes. 30 35

55 V. c. 48, s. 157, amended.

Percentage to be added to arrears of taxes.

8. Section 157 of the said Act is amended by adding thereto the following sub-section :— 40

“157a. In cities having a population of 100,000 and upwards, if, at the balance to be made on the first day of May in every year, it appears that there are any arrears due upon any parcel of land, the treasurer shall add to the whole amount then due the legal rate of interest, but in every municipality where by by-law taxes are payable by instalments, and a per-

centage has been added to such taxes by reason of default in the payment of such instalment, or instalments, the treasurer shall add to any balance remaining unpaid upon the first day of May in each year, the legal rate of interest less whatever 5 has been already added by reason of default."

9. (1) All powers conferred upon towns and cities by sections 121, 140, 143, 145, 152, 158, 161, 171*a*, 173, 181, 182, 204 and 205 of the said Act, and all duties imposed by said sections upon the officers of such cities and towns, and the mayors 10 thereof, shall hereafter be vested in and apply to the townships of York, Scarborough and Etobicoke, in the County of York, and to the reeves of said townships, and for the purposes of the collection of arrears of taxes on lands therein and the sale of such lands for taxes, the said townships shall be 15 considered as towns, and wherever the word "town" occurs in any of the said sections it shall be held to apply to and include the said townships, and wherever the word "mayor" occurs in the said sections it shall be held to apply to the reeve of each of the said townships for the time being.

20 (2) Section 170 of the said Act is amended by adding thereto the following sub-section :—

Sale of lands for taxes in certain townships.

55 V. c. 48, s. 170, amended.

4) the treasurers of the townships of York, Scarborough and Etobicoke shall not sell for taxes a portion of any vacant lot laid out according to any registered plan, the frontage of 25 which does not exceed fifty feet, but shall, in all such cases, sell the whole of such lot for the best price that may be offered by the bidders at such sale, and any money obtained by the treasurer as the price of any such lot shall be applied firstly in paying the arrears of taxes and interest and lawful expenses due 30 in respect of such lot, and the balance, if any, shall be paid by such treasurer to the owner of such lot, or such other person as may be authorized by law to receive the same.

Size of lot which may be sold for taxes.

(3) Schedule K to the said Act is amended by adding after the word "mayor," wherever it occurs in the same schedule, 35 the word "reeve," and by adding after the word "town," wherever it occurs in the said schedule, the words "or township."

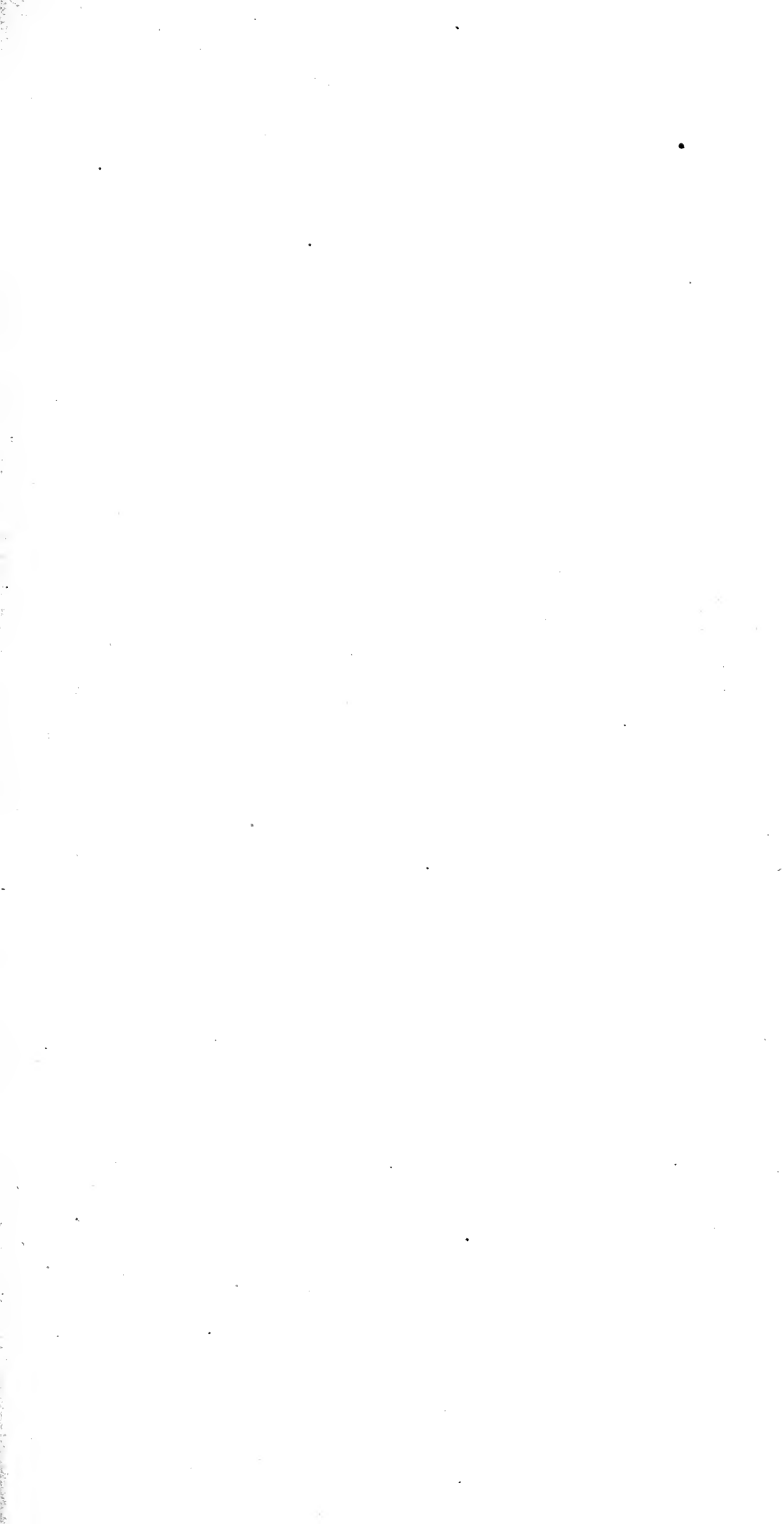
55 V. c. 48, sched. K, amended.

(4) The sale of all lands in respect of which returns have already been made by the treasurers of the townships of York, 40 Scarborough and Etobicoke to the treasurer of the County of York shall be carried on and completed by the said treasurer of the County of York.

Sale of land where returns have been already made.

(5) This Act shall not in any way alter or affect the Act 45 *Act respecting the Township of York*, or the by-laws confirmed by the said Act.

58 V. c. 94, not affected.



2nd Session, 8th Legislature, 59 Viet., 1896.

BILL.

The Assessment Amendment Act, 1896.

First Reading, 31st March 1896.

Mr. HARDY,

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 211.]

BILL.

[1896.

An Act to amend The Trustee Act, 1891.

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

1. Sub-section (b) of section 4 of *The Trustee Act, 1891*, is
5 amended by adding thereto the following :—

54 V. c. 19 s. 4
sub-section (b)
amended.

Provided further, that any society or company incorporated
under the provisions of *The Ontario Joint Stock Companies
Act* which has heretofore obtained, or shall hereafter obtain,
supplementary letters patent restricting its loaning powers
10 to loans on real estate and municipal debentures only, and
becoming subject to all the conditions and restrictions con-
tained in chapter 169 of the Revised Statutes of Ontario, 1887,
so far as the same are applicable, shall be deemed to be and
taken as a society or company for the purposes of this sub-
15 section.

No. 211.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act to amend The Trustee Act, 1891.

First Reading, 31st March, 1896.

Mr. GIBSON,
(Hamilton).

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting Aid to Certain Railways.

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

1. There shall be granted out of the Consolidated Revenue Grants to certain companies.
- 5 Fund for the construction of the portions of railways herein-after mentioned, the sums following, that is to say:
- (1) To the Irondale, Bancroft and Ottawa Railway, from a Irondale, Bancroft and Ottawa. point forty miles from Irondale, at the end of the portion of the railway to which aid was granted in 1894, and thence 10 easterly for a distance of five miles, a cash subsidy of \$3,000 per mile.
- (2) To the Ontario, Belmont and Northern Railway, from a Ontario, Belmont and Northern. point near the junction of the Central Ontario and Canadian Pacific Railways, situated three miles south of the village of 15 Marmora, in the township of Marmora in the county of Hastings, through the said township of Marmora to lot 19 in the first concession of the township of Belmont, in the county of Peterboro', a distance not exceeding ten miles, a cash subsidy of \$2,000 per mile.
- 20 (3) To the Pembroke Southern Railway, from a point on the Ottawa, Arnprior and Parry Sound Railway, at or near Pembroke, Southern. Golden Lake, thence north-easterly through the townships of Algona, Wilberforce and Alice in the county of Renfrew, a distance not exceeding fifteen miles, a cash subsidy of \$3,000 25 per mile.
- (4) That the portion of the unearned subsidy for one and 30 three-quarters of a mile in length of railway, and amounting to \$5,250, which was granted to the Parry Sound Colonization Railway in 1892, be transferred to the Ottawa, Arnprior and Parry Sound Railway, to assist in the construction of that line from the present end of the track at the easterly side of that portion of the inner channel of the Georgian Bay known

as "Rose Point Narrows," across Parry Island, to the proposed terminus at Depot Bay, the aforesaid end of the track being situated forty-seven and three-quarter miles westward from Scotia on the line of the Northern Pacific Junction Railway; also that there be granted to the Ottawa, Arnprior and Parry Sound Railway, from the end of the section one and three-quarters of a mile in length, above referred to, to Depot Bay, a distance not exceeding two and one-quarter miles, a cash subsidy of \$3,000 per mile, and not exceeding in the whole the sum of \$6,750. 5 10

Application of 52 V. c. 35, s. 2. 2. All the provisions of section 2 of chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign, respecting the option of substituting half-yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3 of the said Act shall apply to the grants hereby made. 15

Conditions of grants. 3. The subsidies hereby granted shall be subject to the following conditions:

Information to be given to Commissioner of Public Works. (1) Each of the said companies shall furnish such information as to the location and plans of passenger and freight stations on the line of its railway as may from time to time be required by the Commissioner of Public Works, and in every case payment of the said subsidies shall be subject to compliance with such directions as may be given by the Commissioner of Public Works from time to time for the erection of stations and the number of, and intervals at which stoppages shall be made, at such stations for the accommodation of the public. 20 25

Fire regulations. (2) Every company to which aid is granted by this Act shall comply with such regulations as may from time to time be made by the Lieutenant-Governor in Council for the protection from fire of the woods and forests adjoining the line of the railway. 30

Subsidies to lapse if not earned in five years. 4. So much of the subsidies granted to each of the said railways as is not earned within five years from the time of the passing of this Act, shall lapse and revert to the Consolidated Revenue Fund of the Province. 35

Land subsidy fund. 5. For the purpose of forming a subsidy fund there is hereby set apart so much of the lands of this Province belonging to the Crown as lie within the distance of ten miles on each side of those portions of the Irondale, Bancroft, and Ottawa Railway, and the Pembroke Southern Railway, to which aid is hereby granted, which land shall be sold and dealt with in the same manner as provided in sections 4 to 10 inclusive, of the said chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign. 40 4

6. Whereas by the Act respecting Aid to certain Railways, ^{Preamble} passed in the 55th year of Her Majesty's reign, and chaptered 41, there was granted out of the Consolidated Revenue Fund to the Vaudreuil & Ottawa Railway Company a cash subsidy of \$2,000 per mile, and not exceeding in the whole the sum of \$100,000, to aid in the construction of fifty miles of the said railway, then constructed to the boundary line between the township of East Hawkesbury in this Province and the Province of Quebec, and being a continuation thereof westward from the said boundary line through the said township of East Hawkesbury and the townships of West Hawkesbury, Caledonia, Alfred, Plantagenet and Clarence, to the western limit of the township of Clarence, and to pass through or near the villages of Vankleek Hill, Alfred and Plantagenet, in the county of Prescott;

And whereas by another Act respecting certain Aid to Railways, passed in the 56th year of Her Majesty's reign, and chaptered 34, there was granted out of the said Consolidated Revenue Fund as follows: (4) to the Central Counties Railway Company (in lieu of the subsidy of \$100,000, granted to the Vaudreuil & Ottawa Railway Company, as aforesaid), from Hawkesbury on the Ottawa river southerly through or near Vankleek Hill, and thence westerly and southwesterly through or near Caledonia Springs, Alfred and Clarence Creek to South Indian, a village on the line of the Canadian Atlantic Railway, a distance not exceeding forty-six miles, a cash subsidy of \$2,000 per mile; and (5) the said grant to the Vaudreuil & Ottawa Railway Company of the said subsidy of \$100,000 was repealed; Provided that the said two sub-sections (4) and (5) were not to take effect for one month after the passing of the now-reciting Act, nor if the Canadian Pacific Railway Company should within that time, or within such further time as the Lieutenant-Governor in Council might allow, enter into a contract with such persons or bodies as the Lieutenant-Governor in Council might name for the purpose, and should make arrangements for the prompt building of the said Vaudreuil & Ottawa Railway, at and by the route contemplated in the former of the two Acts mentioned, with any modifications and conditions which the Lieutenant-Governor in Council might approve;

And whereas the Lieutenant-Governor in Council did extend the time allowed as aforesaid, but the said Canadian Pacific Railway Company did not comply with the conditions of the grant to that company;

And whereas the Central Counties Railway Company built the road between Vankleek Hill and Hawkesbury, about seven miles, and between Clarence Creek and South Indian, about ten miles, before the end of the extended time allowed to the Canadian Pacific Railway Company by the Lieutenant-Governor in Council;

And whereas the said Central Counties Railway Company has not built any part of the road from Vankleek Hill to Clarence Creek, and does not possess, and has not provided, the means for building the same or any part thereof ;

And whereas it is stated that in the course of building 5
the road between Clarence Creek and South Indian, and also
between Vankleek Hill and Hawkesbury, many persons earned
wages, and others furnished supplies, in and for the building of
the said railway, and the debts thereby incurred have not been
paid, and cannot be recovered from the company, their con- 10
tractors or sub-contractors owing the same, they having no
means to pay, and it is just to appropriate to the payments of
the said debts the subsidy payable in respect of said railway,
without prejudice to any question between any parties as to
the right to the said money, or to the said subsidy or any 15
part thereof.

Application of
grant formerly
made to Cen-
tral Counties
Railway.

(1) The Lieutenant-Governor or any person appointed
by him in this behalf, is therefore empowered to decide finally
what persons are to receive payment, and what sums are to be
paid to the creditors in respect of the matters aforesaid, and 20
the same may be paid accordingly.

Right to re-
ceive grant
not admitted.

(2) Nothing in this Act shall be construed as admitting the
legal right of the said company to the money so to be paid,
or to the subsidy or any part thereof ; and so much of the said
Act secondly hereinbefore mentioned as grants a subsidy to 25
the Central Counties Railway Company to the road westerly
and south-westerly to South Indian is hereby repealed.

2nd Session, 8th Legislature, 59 Vict., 1896.

BILL.

An Act respecting Aid to Certain Railways

First Reading. 1st April, 1896.

Mr. HARTY.

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

No. 213.]

BILL.

[1896.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-six, and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour, the Preamble.
Honourable George Airey Kirkpatrick, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and ninety-six; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million six hundred and thirty-eight thousand, eight hundred and sixty-one dollars and seventeen cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thou- \$3,638,861.17 granted out of the Consolidated Revenue Fund for certain purposes.

sand eight hundred and ninety-six as set forth in schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand eight hundred and ninety-seven as set forth in schedule B to this Act.

Accounts to be laid before the Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at its next sitting.

Unexpended moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and ninety-six, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure to be accounted for to Her Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-six and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto

Government House	\$ 1,950 00
Lieutenant-Governor's Office	3,980 00
Executive Council and Attorney-General's Office	20,000 00
Education Department	20,100 00
Crown Lands Department	61,830 00
Department of Public Works	22,200 00
Treasury Department	43,150 00
Provincial Board of Health	7,750 00

CIVIL GOVERNMENT.—*Continued.*

Secretary and Registrar's Department.....	\$19,800 00	
Inspection of Public Institutions	15,500 00	
Insurance Branch	6,750 00	
Department of Agriculture	17,800 00	
Immigration Branch	1,800 00	
Miscellaneous	10,000 00	
	<hr/>	\$252,610 00

LEGISLATION.

To defray expenses of Legislation	129,400 00
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ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature	\$66,393 00	
Surrogate Judges and Local Masters	22,557 00	
Miscellaneous Criminal and Civil Justice	351,873 04	
	<hr/>	\$440,823 04

EDUCATION.

To defray expenses of Public and Separate School Education:—

Aid from Municipalities Fund	\$ 1,459 92
Public and Separate Schools.....	240,000 00
350 Schools in Districts at \$100 each	35,000 00
Schools in weak sections.....	10,000 00
Kindergarten Schools	3,000 00
Night Schools	1,000 00
Public School Leaving Examination	8,000 00
62 Model Schools (61 last year) (including reference books)	11,450 00
French-English Training Schools (1 last year)	1,600 00
Teachers' Institutes and District Training Schools.....	3,800 00
Inspection of Public Schools.....	39,450 00
Two Inspectors of Separate Schools	3,400 00
Two Inspectors in Districts	3,000 00
One Inspector of Model Schools	1,850 00
One Director of Teachers' Institutes	1,850 00
Travelling expenses six inspectors	2,400 00
Stationery, postage and incidentals.....	1,400 00
Examiners for Departmental Examinations ..	20,000 00
Paper, postage and supplies for Examinations and assistant	2,000 00
Salary of Printer	950 00
Salary of Clerk	800 00
Secretary Joint Board of Examiners	300 00
Normal and Model School, Toronto	24,580 00
“ “ “ “ Ottawa.....	21,710 00
	<hr/>

Total Public and Separate School Education \$438,999 92

EDUCATION.—*Continued.*

High Schools and Collegiate Institutes	\$114,604 00	
Library and Museum	5,300 00	
School of Practical Science	21,370 00	
Public Libraries, Art Schools, Literary and Scientific	57,613 00	
Miscellaneous	4,650 00	
Superannuated Public and High School Teachers	61,300 00	
	<hr/>	\$703,836 92

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto	\$97,073 00	
Asylum for the Insane, London	131,119 00	
Asylum for the Insane, Kingston	76,798 00	
Asylum for the Insane, Hamilton	114,149 00	
Asylum for the Insane, Mimico	71,598 00	
Asylum for Insane, Brockville	42,185 00	
Asylum for Idiots, Orillia	62,418 00	
Central Prison, Toronto	59,700 00	
Provincial Reformatory, Penetanguishene	32,680 00	
Institution for the Deaf and Dumb, Belleville.	44,936 00	
Institution for the Blind, Brantford	34,001 00	
Mercer Reformatory for Females	23,905 00	
	<hr/>	\$790,562 00

IMMIGRATION.

To defray expenses of a grant in aid of Immigration	8,525 00
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AGRICULTURE.

To defray expenses of a grant in aid of Agriculture	200,754 00
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HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	194,841 02
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MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

Government House	\$7,500 00
Old Parliament Buildings	800 00
New Parliament and Departmental Buildings.	26,880 00
Attorney-General's Department	400 00
Crown Lands Department	800 00
Treasury Department	1,150 00
Provincial Secretary's Department	1,000 00
Department of Agriculture	700 00

MAINTENANCE AND REPAIRS.—*Continued.*

Department of Public Works	\$ 450 00	
New Parliament Buildings, exclusive of Departments.	2,000 00	
Education Department (Normal School Building)	9,200 00	
Miscellaneous	3,430 00	
Normal School, Ottawa	4,966 00	
School of Practical Science	4,025 00	
Agricultural College.....	7,093 00	
Western Dairy School	600 00	
Osgoode Hall	8,840 00	
	<hr/>	\$79,834 00

PUBLIC BUILDINGS.

Asylum for the Insane, Toronto	\$ 9,680 00	
Mimico Cottages	15,450 00	
Asylum for the Insane, London	9,390 00	
Asylum for the Insane, Hamilton.....	30,450 00	
Asylum for the Insane, Kingston	13,625 00	
Asylum for the Insane, Brockville	29,000 00	
Asylum for Idiots, Orillia.....	7,200 00	
Central Prison, Toronto.....	21,750 00	
Reformatory, Penetanguishene.....	4,000 00	
Reformatory for Females, Toronto	4,300 00	
Deaf and Dumb Institute, Belleville.....	2,105 00	
Blind Institute, Brantford.....	3,505 00	
Agricultural College, Guelph	21,200 00	
Normal School and Education Depart't, Toronto	25,000 00	
Normal School, Ottawa.....	2,500 00	
School of Practical Science, Toronto	9,140 00	
Osgoode Hall, Toronto	4,070 00	
New Parliament Buildings	12,438 00	
District of Algoma.....	2,100 00	
Thunder Bay District	1,000 00	
Muskoka District	200 00	
Parry Sound District.....	700 00	
Nipissing District	4,400 00	
Rainy River District.....	550 00	
Miscellaneous	3,100 00	
	<hr/>	\$236,853 00

PUBLIC WORKS.

To defray expenses of Public Works	53,859 00
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COLONIZATION ROADS.

To defray expenses of Construction and Repairs	106,840 00
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CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands \$120,609 00

REFUNDS.

Education	\$1,000 00	
Crown Lands	18,500 00	
Municipalities Fund	1,216 60	
Land Improvement Fund	2,806 52	
		\$23,523 12

STATUTE CONSOLIDATION.

To defray expenses of Statute Consolidation 30,000 00

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure 135,991 07

UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses 50,000 00

Total estimates for expenditure of 1896..... \$3,558,861 17

SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-seven, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1897..... \$80,000 00

Total..... \$3,638,861 17



BILL.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-six, and for other purposes therein mentioned.

First Reading, 2nd April, 1896.
Second Reading, 2nd April, 1896.
Third Reading, 2nd April, 1896.

Mr. HARCOURT.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

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